



Council of the
European Union

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PECHE 310

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a COUNCIL REGULATION amending Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters as regards anchovy <ul style="list-style-type: none">• Commission non-paper

Delegations will find attached a Commission non-paper on the above-mentioned proposal.

COMMISSION SERVICES NON-PAPER

12 SEPTEMBER 2022

This document serves as a basis for discussion at the Working Party on Internal and External Fisheries Policy.

It cannot in any circumstances be regarded as the official position of the Commission.

It is intended solely for those to whom it is addressed.

Updates to Commission Proposal for a Council Regulation amending Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (COM(2022) 448)

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1. AMENDMENTS IN RELATION TO HORSE MACKEREL IN IBERIAN WATERS

EXPLANATORY NOTE

Council Regulation (EU) 2022/109¹ establishes a ‘*special condition*’ regarding the quotas of horse mackerel (*Trachurus spp.*) in ICES subarea 9 (Iberian waters). In accordance with that ‘*special condition*’, Spain and Portugal may fish a percentage of their quotas of horse mackerel in ICES division 8c (southern Bay of Biscay) instead of in ICES subarea 9. Regulation (EU) 2022/109 does not establish the percentage subject to that special condition, pending the availability of updated scientific advice from ICES regarding inter-area flexibilities (IAFs) between ICES subarea 9 and division 8c.

In 2018, ICES published a special request advice (‘2018 special request advice’) on IAFs between ICES subarea 9 and division 8c, setting out a method for establishing IAFs in line with the precautionary approach.² On 18 August 2022, ICES published a Technical Service on such IAFs (‘2022 Technical Service’).³ The 2022 Technical Service identifies amounts of possible IAFs between ICES subarea 9 and division 8c for 2022, based on the method set out in the 2018 ICES special request advice. In the 2022 Technical Service, ICES considers an IAF amount of 4 639 tonnes from ICES subarea 9 to division 8c as precautionary with regard to the entire biological western horse mackerel stock (horse mackerel in ICES subarea 8 and divisions 2a, 4a, 5b, 6a, 7a to 7c and 7e to 7k).

The Commission therefore proposes to establish the percentage subject to the special condition regarding the quotas of horse mackerel in ICES subarea 9 in line with the 2022 ICES Technical Service.

AMENDMENTS TO THE RECITALS

The following recital is inserted:

“

- (2a) Regulation (EU) 2022/109 establishes a special condition regarding the quotas of horse mackerel (*Trachurus spp.*) in ICES subarea 9. Regulation (EU) 2022/109 does not establish the percentage subject to that special condition, pending the availability of updated scientific advice from ICES regarding inter-area flexibilities between ICES subarea 9 and division 8c. On 18 August 2022, ICES published a Technical Service on inter-area flexibilities between ICES subarea 9 and division 8c. It is appropriate that the Union establish the percentage subject to that special condition in line with that ICES Technical Service.

¹ Council Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (OJ L 21, 31.1.2022, p. 1).

² <https://doi.org/10.17895/ices.pub.4672>

³ <https://doi.org/10.17895/ices.advice.20502945>

”

AMENDMENTS TO THE ARTICLES

Article 2 is replaced by the following:

“

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2022.

”

AMENDMENTS TO THE ANNEX

The following is inserted:

“

In Part A of Annex IA to Regulation (EU) 2022/109, the twenty-fourth table is replaced by the following:

‘Species: Horse mackerel <i>Trachurus spp.</i>		Zone: 9 (JAX/09.)
Spain	35 516 ⁽¹⁾	Analytical TAC
Portugal	101 761 ⁽¹⁾	Article 8(2) of this Regulation applies
Union	137 277	
TAC	143 505	
⁽¹⁾ Special condition: up to 3 % of this quota may be fished in 8c (JAX/*08C.).’		

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