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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Updates to Commission Proposal COM (2021) 491 final for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea, and amending Regulation (EU) 2021/92 as regards certain fishing opportunities in Union and non-Union waters - Commission non-paper

Delegations will find attached a note on the above-mentioned subject, as received from the European Commission services.

COMMISSION SERVICES NON PAPER

10 October 2021

This document serves as a basis for discussion in the Council. 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 COM (2021) 491 final for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea, and amending Regulation (EU) 2021/92 as regards certain fishing opportunities in Union and non-Union waters

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AMENDMENT TO COMMISSION PROPOSAL COM (2021) 491 FINAL

EXPLANATORY NOTE: UPDATE TO COUNCIL REGULATION (EU) 2021/92

Council Regulation (EU) 2021/92 sets, among other total allowable catches (TACs), fishing opportunities for Norway pout (*Trisopterus esmarkii)* in ICES division 3a, United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of ICES division 2a, to be fished until 31 October 2021. Since 1 January 2021 and the withdrawal of the United Kingdom from the European Union, Norway pout has become a shared resource. Therefore, consultations with the UK should take place in order to establish a TAC for the joint management of the stock.

For this specific TAC, the fishing year runs from 1 November to 31 October. In order to allow for the start of the fishery on 1 November 2021, the Commission proposes to set, on the basis of the corresponding ICES advice from 8 October, a preliminary TAC for Norway pout in ICES division 3a, United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of ICES division 2a for the period from 1 November 2021 to 31 December 2021. The United Kingdom was consulted on this approach and provided no objection.

Fishing opportunities for Norway Pout for the period from 1 January to 31 October 2022 (including attached interspecies flexibilities) will be consulted on with the United Kingdom in order to set a definitive TAC under the 2022 fishing opportunities Regulation.

In addition, the TAC for capelin (*Mallotus villosus*) in Greenland waters of ICES subareas 5 and 14, to be fished in a period from 20 June 2021 to 15 April 2022, appears as 'to be established' in Council Regulation (EU) 2021/92, pending receipt of an offer from Greenland in the framework of the EU-Greenland Fisheries Protocol. This TAC should now be set following receipt of the said offer. Footnote (2) should also be modified to reflect the change in fishing season dates decided by Greenland, Iceland and Norway, and should now refer to a period from 15 October 2021 to 15 April 2022.

AMENDMENTS TO COMMISSION PROPOSAL REGARDING NORWAY POUT AND CAPELIN:

1) Recital 18 is replaced by the following:

"The fishing year for Norway pout (*Trisopterus esmarkii*) in ICES division 3a and Union waters of ICES division 2a and ICES subarea 4 is from 1 November to 31 October. In order to allow for the start of the fishery on 1 November 2021 and based on new scientific advice and following consultations with the United Kingdom, it is necessary to set a preliminary TAC for Norway pout in ICES division 3a and Union waters of ICES division 2a and ICES subarea 4 for the period from 1 November 2021 to 31 December 2021. This preliminary TAC should be set in line with ICES advice published on 8 October 2021. Council Regulation (EU) 2021/92 should therefore be amended accordingly.

2) Recital 18d is replaced by the following:

"The Sustainable Fisheries Partnership Agreement between the European Union on the one hand, and the Government of Greenland and the Government of Denmark, on the other hand and the Protocol thereto, provide that the Union is to receive 7,7 % of the TAC for capelin (*Mallotus villosus*) to be fished in Greenland waters of ICES subareas 5 and 14. On 5 October 2021, the Union received information from the Greenland authorities that ICES has issued an advice for capelin for the 2021/2022 season at the level of 904 200 tonnes as TAC. Following scientific advice and based on the agreement reached between Greenland, Iceland and Norway on capelin, the Government of Greenland has fixed a quota of 135 630 tonnes. In accordance with the EU-Greenland Fisheries

Protocol, Greenland would like to offer the EU 69 623 tonnes, which equals to 7,7 % of the total TAC. This TAC should now be set on this basis. Furthermore, Greenland, Iceland and Norway agreed, as part of their framework agreement on the conservation and management of capelin, on new fishing season arrangements. Therefore, it is also necessary to reflect the change in the fishing season, which should now refer to a period from 15 October 2021 to 15 April 2022. Council Regulation (EU) 2021/92 should therefore be amended accordingly.

3) Article 12 is modified as follows:

The relevant fishing opportunities tables are replaced by the following:

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Species:	Norway pout and associated by-catches *Trisopterus esmarkii*				Zone:	3a; United Kingdom and European Union waters of 4; United Kingdom waters of 2a (NOP/2A3A4.)
Year	2021		2022			
Denmark	116 447	(1)(3)	**24 727**	(1) (6)		Analytical TAC
Germany	22	(1) (2)(3)	**5**	(1) (2) (6)		Article 3 of Regulation (EC) No 847/96 shall not apply
The Netherlands	86	(1)(2)(3)	**18**	(1) (2)(6)		Article 4 of Regulation (EC) No 847/96 shall not apply
Union	116 555	(1)(3)	**24 750**	(1) (6)		
United Kingdom	11 745	(2)(3)	**5 250**	(2)(6)		
Norway	0	(4)	**0**	(4)		
Faroe Islands	0	(5)	**0**	(5)		
TAC	Not relevant		Not relevant			
(1)	Up to 5 % of the quota may consist of by-catches of haddock and whiting (OT2/*2A3A4). By-catches of haddock and whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9% of the quota.					
(2)	Quota may be fished in United Kingdom and European Union waters of ICES zones 2a, 3a and 4 only.					
(3)	May only be fished from 1 November 2020 to 31 October 2021.					
(4)	A sorting grid shall be used.					
(5)	A sorting grid shall be used. Includes a maximum of 15 % of unavoidable by-catches (NOP/*2A3A4), to be counted against this quota.					
(6)	**May only be fished from 1 November 2021 to 31 December 2021.**					

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Species:	Capelin *Mallotus villosus*	Zone:	Greenland waters of 5 and 14 (CAP/514GRN)
Denmark	**51 088**	Analytical TAC	
Germany	**2 224**	Article 3 of Regulation (EC) No 847/96 shall not apply	
Sweden	**3 666**	Article 4 of Regulation (EC) No 847/96 shall not apply	

All Member States	**2 645**	(1)
Union	**59 623**	(2)
Norway	**10 000**	(2)

TAC	Not relevant
(1)	Denmark, Germany and Sweden may access the 'All Member States' quota only once they have exhausted their own quota. However, Member States with more than 10 % of the Union quota shall not access the 'All Member States' quota at all. Catches to be counted against this shared quota shall be reported separately (CAP/514GRN_AMS).
(2)	**For a fishing period from 15 October 2021 to 15 April 2022.**

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