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NOTE

From:	Presidency
To:	Permanent Representatives Committee
Subject:	Proposal for a COUNCIL REGULATION fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2023 and amending Regulation (EU) 2022/109 as regards certain fishing opportunities in other waters - Political Agreement

I. INTRODUCTION

1. The Commission submitted the proposal to the Council on 23 August 2022¹. The document includes the proposed Total Allowable Catches (TAC) for all the Baltic stocks; only the Norway pout TAC is missing as the scientific advice is to be published by early October, and the Commission will accordingly submit a non-paper in the run up to the Council of 17-18 October.
2. Taking into account the status of the stocks, the Commission proposes decreases in the TAC for **herring in the Gulf of Bothnia** in subdivisions 30-31 (-28%), **herring in the Gulf of Riga** in subdivision 28.1 (-4%) and **sprat** in subdivisions 22-32 (-20%).
3. Furthermore, given the lack of improvement in the situation of cod stocks, the Commission proposes to continue setting TACs only for bycatches of **Eastern Baltic cod** in subdivisions 25-32 and of **Western Baltic cod** in subdivisions 22-24. Such is also the case for **Western Baltic herring** in subdivisions 22-24 and **main basin salmon** in subdivisions 22-31.

¹ ST 11877/22 + ADD 1.

4. The healthier status of the **Central Baltic herring** in subdivisions 25, 27, 28.2, 29 and **plaice** in subdivisions 22-32 allow for an increase of fishing opportunities by 14% and 25% respectively.
5. Opinions from European Parliament and the European Economic and Social Committee are not required under Article 43(3) of the TFEU.
6. The Working Party on Fisheries Policy examined the proposal at its meetings on 8 and 22 September 2022 and delegations submitted written comments which can be consulted in docs. 12479/22 + ADD 1-6.
7. During the discussions in the Working Party, several delegations highlighted the need to set the TACs according to the available scientific advice based on MSY, in line with the multiannual plan for the Baltic and taking into account the socio-economic impact in the fisheries sector.
8. Several delegations entered scrutiny reservations on specific parts of the proposal. DK signalled a parliamentary scrutiny reservation.
9. The Presidency believes that the discussions and the final decision should be guided by the following principles:
 - A strong commitment to the objectives of the Common Fisheries Policy (CFP), as laid down in Art. 39 of the TFEU and Art. 2 of the CFP regulation², including the achievement of MSY.
 - Compliance with the provisions of the multiannual plan for stocks of cod, herring and sprat in the Baltic Sea³.
 - Basing decisions on scientific advice.

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

³ Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1–15).

10. The Presidency also believes that sustained efforts through BALTFISH will be necessary to reach a consensual solution for the Baltic TACs.

II. STATE OF PLAY

11. In general delegations welcomed the Commission proposal but requested increases to the proposed fishing opportunities for **sprat** and **Central Baltic herring**, which would be in line with the scientific advice.
12. Delegations also requested further discussion regarding recreational fisheries for **salmon** (Article 9). It was agreed to hold a technical meeting with the Commission in order to propose a new drafting.
13. The Presidency organised technical trilaterals on 3 October with the Commission and delegations in order to clarify the outstanding issues. Delegations raised **other elements** such as a possible derogation for small scale fishermen for **Western Baltic cod**; the need to introduce a statement for **Western Baltic herring**, as it was done last year, or the need to take into account the **geopolitical situation** in relation to the war in Ukraine.

III. WAY FORWARD

14. The Presidency believes that an agreement on the different TACs and additional measures could be found. It is of the view that a final compromise can be reached with some flexibility shown by all parties concerned. The Presidency also understands that discussions at BALTFISH carry a considerable potential.
15. COREPER is asked to give its views in particular on the issues outlined under point II, with a view to preparing a political agreement at the level of the Council.