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From: General Secretariat of the Council

To: Delegations

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Subject: Proposal for a Council Regulation 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

- Comments from Germany and Denmark

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Delegations will find in annex written comments from Germany and Denmark on the above-mentioned document.

**Comments by Germany on the proposal of the Commission for a contingency plan introducing preliminary TACS & Quotas in the Fishing Opportunities Regulation for 2022**

Germany thanks the Commission for the past and ongoing efforts to reach agreements on behalf of the EU in the bi- and trilateral consultations with the United Kingdom and Norway. As the consultations remain to be difficult, we also thank the Commission for presenting a contingency plan for setting preliminary TACs and quotas.

Germany supports the general approach for a three-month roll-over of the 2021 TACs and stock-specific measures. Despite the uncertainties created for the businesses by the pending agreements for 2022, this has proven to be a workable solution under similar circumstances in 2021.

Herring in area 3.a (Skagerrak and Kattegat)

We do, however, strongly demand to amend the tables for Herring in area 3.a (Skagerrak and Kattegat). As Germany has repeatedly stated, inter alia during the October Council in relation to setting the TACs and quotas for the Baltic Sea, it is a political priority to protect the WBSS herring stock. ICES has issued zero catch advices for WBSS herring since 2019. While the TAC for subareas 22-24 in the Baltic Sea has since been drastically decreased every year, there was a lesser reduction in area 3.a. As a result, the biomass of the stock is far below the reference points. The WBSS stock is intermixing with the NSAS herring stock in area 3.a and the Eastern part of the North Sea. **Continuing the 2021 fishing patterns in the first quarter of 2022 would result in a fishing pressure on the WBSS herring stock far above acceptable limits and would further deteriorate the stock and prevent commencing its recovery.**

We therefore call for the Commission and the Council to already implement the common position found among Member States during the EU-Norway consultations on Skagerrak and Kattegat for 2022. This would include

- to add a footnote to the tables for the two herring TACs in the Skagerrak/Kattegat, limiting the actual catches to the level corresponding to the TAC set for subareas 22-24, and
- allowing a 100% flexibility for the C-fleet TAC into areas 4.a. and 4.b.

Without a footnote now, it would later prove to be impossible to enact a catch limitation, when actual catches in the first quarter already exceed the discussed 969 t.

Choke Risks

In absence of the preliminary quota exchange mechanism with the United Kingdom for preliminary quotas, the 25 % approach creates serious risks of choke situations. The bycatch stocks have a very limited TAC, especially for anglerfish and skates & rays. We ask for a higher approach when setting a preliminary TAC, mitigating choke risks.

We reserve further comments on the proposal, including upcoming non-papers.

## **Preliminary additional comments from the Danish delegation on the Commission non-paper of 7 December and working paper of 10 December on provisional quotas**

The Danish delegation thanks again for the opportunity to send additional written comments on the latest Commission non-paper of 7 December and working paper of 10 December on provisional quotas. These are to be considered preliminary comments. Therefore, we might revert with additional comments, should this be considered relevant.

We maintain a general scrutiny reserve, and a parliamentary reserve.

### **TCA-adjustments**

We thank the Commission for the explanation that the 2022 TCA adjustments have been taken into account in its proposal for provisional quotas. We can support this approach.

For cod, anglerfish, haddock, hake, lemon sole and witch and saithe in the North Sea we understand that the discrepancy between our calculations, that indicated that the 25 pct. should be higher, and the figures presented by the Commission, is indeed due to the increased share given to UK in 2022. We consider this to be the case for sprat in the Channel as well.

### **Seasonality and other reasons for setting the fishing opportunities at more than**

We thank the Commission for taking into account the seasonality of fisheries. As mentioned during the technical meeting this morning, we are still considering, whether other stocks should be taken into account due to seasonality. We at this stage consider, that blue whiting should be set at a higher level due to the seasonality of this fishery.

Furthermore, as mentioned by certain delegations in the technical meeting, we find it relevant to set a higher share of the TACs for certain small quotas, mainly taken as bycatch. This concerns for example megrim, anglerfish and skates and rays in the North Sea. In 2021 we had a high uptake of especially megrim (due to the low level of our quota). Alternatively, there must be an understanding between Member states and the Commission, that fishing over the quota, should not stop the fisheries, in anticipation of increased quota levels and the possibility to swap, also with UK, once the quotas for the full year are set.

### **Other changes in the working paper**

We support that **sandeel** is set at zero, rather than 25 pct. of the 2021 quotas, since there is a sandeel closure for the full 1<sup>st</sup> quarter. Should we end in a situation with provisional TACs for longer than 1<sup>st</sup> quarter, we should follow the approach of 2021, where we set the fishing opportunities for 2021 ahead of 1 April, at 100 pct. of the EU TCA share, as this fishery is highly seasonal taking place mainly during 2<sup>nd</sup> quarter of the year.

We thank for the corrections of the figures for **North Sea herring**. HER/4CXB7D now seems to be correct. For HER/4AB. we get 38.128 tonnes, instead of 38.123 tonnes (25 pct. of 152.513 tonnes). For **whiting in the North Sea** we calculated 25 pct. to be 1.592 tons. The correction to 1.500 tons is considered due to deductions. The same goes for **turbot and brill**. The figure for **plaice in the North Sea** is now corrected in accordance with our calculations.

## **Other issues of relevance for the proposal**

With regard to **mackerel in Norwegian waters of 2a and 4a**, we want to reiterate that we cannot support the non-allocation of a share to this TAC in the Commission proposal, and certainly not when the Commission itself writes that the quota for the whole of 2022 can be set on the basis of the coastal state agreements. This is not an argument about when the fishing takes place during the year, instead the fishing opportunities should be proposed by the Commission on the basis of relative stability. The quantity set in Norwegian waters is part of the Danish relative stability, and it must therefore be allocated in this proposal. As access to Norwegian waters for mackerel fishing is not expected in 2022, this quantity must be allowed to be fished in EU and UK waters. We request the Commission confirmation, that this quantity is reserved, and not allocated.

On the setting of fishing opportunities for **herring in the North Sea and Skagerrak/Kattegat**, we support that these should provide sufficient protection of the western Baltic herring. Therefore, even if no agreements have been reached with third countries, it must be ensured internally in the EU that we introduce sufficient area flexibility so that most of the fishing opportunities in the Skagerrak and Kattegat can be fished in the North Sea, where no western Baltic herring is caught.

**Cod in Skagerrak** is missing from the proposal, and must be inserted. **Norway lobster in Skagerrak/Kattegat** is an EU autonomous quota and should be set for the full year, rather than as a provisional quota. We consider that TAC tables for **sprat in the North Sea and in Skagerrak/Kattegat** should be added in ‘pm’.

For **Norway pout in the North Sea and 3a**, we at the October Council set a preliminary TAC of 30.000 tonnes for the EU and the UK, which this proposal only increases very marginally to 32.075 tonnes. We cannot support this. Instead, fishing opportunities must be increased by a minimum of 75 pct. of the EU share of 55 pct. of the advice, to follow the EU position, as it is a seasonal fishery, with a fishing year running from November to October.