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European Union

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NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
Subject:	Council Regulation fixing fishing opportunities for 2022 in Union and non-Union waters <ul style="list-style-type: none">• Political agreement

I. INTRODUCTION

1. The Commission submitted to the Council the above mentioned proposal, based on Article 43(3) TFEU, on 3 November 2021¹. The proposal is aimed at setting fishing opportunities for 2022 in the Atlantic and North sea. This proposal covers autonomous Union stocks; shared stocks that are to be jointly managed with the United Kingdom in the North Sea and the North-Western Waters, and with Norway in the North Sea and the Skagerrak, or that have been subject to North-East Atlantic Fisheries Commission (NEAFC) coastal states consultations; as well as fishing opportunities under agreements concluded in the framework of regional fisheries management organisations (RFMOs).
2. The Commission updated the proposal with eight non-papers, the last ones among them submitted on 8 December 2021². Among those non-papers is also the proposal for provisional TACs which can be adopted in the event of no timely agreement with the UK on the stocks in shared management.

¹ ST 13316/21 + ADD 1 + ADD 2

² ST 13481/21; 13793/21; 14403/21; 14707/21; 14749/21; 14766/21; 14768/21; 14819/21

3. The Working Party on Fisheries Policy examined the proposal and the non-papers at its meetings on 4 November, 18 November, 2 December, 9 December and also in an Attaches meeting on 7 December. Several delegations entered scrutiny reservations due to the late arrival of non-papers complementing the proposal.
4. Most delegations reiterated the impact of the fisheries consultations with third parties, namely with the UK, with Norway and the trilateral consultations EU-UK-Norway. Some comments referred to the need to ensure level playing field with third countries ensuring that everyone respects their obligations, for example for the monitoring of the application of the TAC deductions exemptions to the landing obligations between the EU and UK.
5. The proposal on European eel was very important to many delegations in light of the very alarming advice for zero catches. Many delegations expressed their satisfaction with the approach proposed in the non-paper while stressing that a broad and extensive consultation with all stakeholders should take place before any new measures are agreed.
6. Two delegations raised concerns over the Commission proposal on southern horse mackerel. The Commission, together with the relevant scientific bodies were able to reach a conclusion in response to the Delegations' concerns.
7. A very difficult discussion took place on herring with the delegations concerned raising issues of relative stability and quota distribution in different sea basins. A solution in the context of the Skagerrak agreement with Norway would involve a limited additional interarea flexibility.

II. OUTSTANDING ISSUES

8. The main outstanding issue is the conclusion of the consultations with third parties which would determine if there is a need to set provisional TACs for 2022. In such case, the provisional TACs themselves will be subject to discussion and political agreement in AGRIFISH and some delegations have indicated that their priorities may change.

9. One delegation maintains a parliamentary scrutiny reservation. Discussions are still open on some priority stocks for several delegations, in particular seabass, Southern hake, the four sole stocks, nephrops, Pollack stocks, cod in the Kattegat. The proposal on Northern Albacore is also under discussion. One delegation has indicated its intention to invoke the Hague preferences, while other delegations traditionally oppose the use of those preferences.
10. Two delegations have reservations on the Commission proposal for a way forward on mackerel, with one of them opposing the Commission proposal to include *pm* in the relevant table.
11. A discussion is expected on Bluefin tuna in ICCAT, as delegations have different views regarding the issue from which quota should be deducted the UK share (transferred to UK under the TCA).
12. Some delegations find very important to ensure a working mechanism for quota exchanges between Member States and with the UK, as well as the possibility to use inter-species and inter-area flexibility.
13. A number of delegations have reiterated the issue of choke species, particularly in mixed fisheries. In the context of the EU-UK fisheries consultations, the Celtic sea fisheries are among the EU priorities.

III. CONCLUSION

14. The Permanent Representatives Committee/Council is invited to address the outstanding issues outlined under point II above, with a view to reaching a political agreement at the AGRIFISH Council scheduled for 12-13 December 2021.