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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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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 2024 and amending Regulation (EU) 2023/194 as regards certain fishing opportunities in other waters (COM (2023) 492)  
- Commission services non-paper

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Delegations will find attached the above-mentioned document, as received from the European Commission services.

# COMMISSION SERVICES NON PAPER

**20 October 2023**

*This document serves as a basis for discussion at the Working Party on 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 fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2024 and amending Regulation (EU) 2023/194 as regards certain fishing opportunities in other waters (COM (2023) 492)**

## 1. AMENDMENTS AS REGARDS COUNCIL REGULATION (EU) 2023/194

### EXPLANATORY NOTE

Council Regulation (EU) 2023/194<sup>1</sup> sets total allowable catches ('TACs') for Norway pout (*Trisopterus esmarkii*) in: (i) United Kingdom and Union waters of International Council for the Exploration of the Sea (ICES) division 3a ('the Skarregak-Kattegat'); and (ii) United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of ICES division 2a ('the North Sea'), to be fished from 1 November 2022 to 31 October 2023<sup>2</sup>.

Norway pout is a stock jointly managed with the United Kingdom, as it is listed in Annex 35 of the Trade and Cooperation Agreement ('TCA')<sup>3</sup>. For this TAC, the fishing season runs from 1 November to 31 October of the following year. The ICES advice for the upcoming fishing season was published on 9 October 2023<sup>4</sup> and, according to the advice, the catches from 1 November 2023 to 31 October 2024 should be no more than 10 292 tonnes.

On 16 October 2023, the Union and the United Kingdom held bilateral consultations on the level of the TAC for the period 1 November 2023 - 31 October 2024, pursuant to Article 498(2) of the TCA.

The Union and the United Kingdom agreed to set a TAC for Norway pout in the North Sea, Skagerrak and the Kattegat of 10 292 tonnes, on the basis of the ICES advice. Such outcome was documented in the Written Record of fisheries consultations, signed on 20 October 2023. This results in a Union quota of 8 234 tonnes, as per the shares for 2023 in Annex 35 of the TCA.

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<sup>1</sup> Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks.

<sup>2</sup> See Annex IA, Part B, footnote 3 of the TAC table for Norway pout in United Kingdom and Union waters of ICES division 3a, United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of ICES division 2a.

<sup>3</sup> Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (OJ L 149, 30.4.2021, p. 10).

<sup>4</sup> [https://ices-library.figshare.com/articles/report/Norway\\_pout\\_i\\_Trisopterus\\_esmarkii\\_i\\_in\\_Subarea\\_4\\_and\\_Division\\_3\\_a\\_North\\_Sea\\_Skagerrak\\_and\\_Kattegat\\_/21907857?backTo=/collections/ICES\\_Advice\\_2023/6398177](https://ices-library.figshare.com/articles/report/Norway_pout_i_Trisopterus_esmarkii_i_in_Subarea_4_and_Division_3_a_North_Sea_Skagerrak_and_Kattegat_/21907857?backTo=/collections/ICES_Advice_2023/6398177)

It is therefore proposed to implement the outcome of those consultations in Union law by amending the table for Norway pout in the Skarregak-Kattegat and the North Sea set in Annex IA to Regulation (EU) 2023/194.

In addition, Annex IB to Regulation (EU) 2023/194 sets at zero the TAC for capelin (*Mallotus villosus*) in Greenland waters of ICES subareas 5 and 14 for the period from 15 October 2023 to 15 April 2024, pending an offer by Greenland made pursuant to 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 implementing Protocol thereto<sup>5</sup>.

The intermediate scientific advice for capelin in Greenland waters of ICES subareas 5 and 14, as published by the Icelandic Marine and Freshwater Research Institute on 4 October 2023, recommends that catches during the “winter 2023/2024” should be zero tonnes<sup>6</sup>. On that basis, the Government of Greenland informed the Union on 5 October 2023 that it is currently unable to offer the EU capelin in the framework of 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 implementing Protocol thereto. The Icelandic Marine and Freshwater Research Institute should publish its final scientific advice for capelin in January 2024.

It is therefore proposed to replace the existing TAC table for CAP/514GRN in Council Regulation (EU) 2023/194 by removing the closure expressed with quotas of “zero” and replacing them with “To be established”. This will allow the participation in the fishery if Greenland were able to offer capelin to the EU following the publication of the final scientific advice of the Icelandic Marine and Freshwater Research Institute. Any fishing activities by flag Member States should currently be limited to the quota levels, which the European Commission will notify to them.

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<sup>5</sup> OJ L 175, 18.5.2021, p. 3. The Union approved the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part, and the implementing Protocol thereto, by means of Council Decision (EU) 2021/2043 of 18 November 2021 on the conclusion, on behalf of the Union, of the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part, and the implementing Protocol thereto (OJ L 418, 24.11.2021, p. 1).

<sup>6</sup> <https://www.hafogvatn.is/static/extras/images/31-capelin-autumn1408221.pdf>

The second non-paper on “Updates to Commission proposal for a Council Regulation fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2024 and amending Regulation (EU) 2023/194 as regards certain fishing opportunities in other waters (COM (2023) 492)” transmitted to the Council on 18 October 2023 proposed to introduce an inter-area flexibility of Member States’ quotas for haddock of up to 10% from the North Sea to Union waters of the Skagerrak-Kattegat. It is however necessary to complement the second non-paper by specifying that the proposed inter-area flexibility should apply as from 1 November 2023 until 31 December 2023, in order to guarantee the full use of fishing opportunities for 2023.

#### AMENDMENTS TO THE RECITALS

1) Recital (23) is replaced by the following:

“(23) Council Regulation (EU) 2023/194<sup>7</sup> fixes fishing opportunities for Norway pout from 1 November 2022 until 31 October 2023 in United Kingdom and Union waters of International Council for the Exploration of the Sea (ICES) division 3a (‘the Skarregak-Kattegat’), United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of ICES division 2a (‘the North Sea’). The fishing season for Norway pout is from 1 November to 31 October of the following year. The Union and the United Kingdom held bilateral consultations pursuant to Article 498(2) of the Trade and Cooperation Agreement on 16 October 2023 and agreed on a TAC on the basis of the ICES advice published on 9 October 2023<sup>8</sup>. The results of the consultation are documented in the Written Record, which was endorsed by the Council on 20 October 2023 and signed by the Commission representative on behalf of the Union and by the Head of Delegation of the United Kingdom, in accordance with Article 498(6) of the and Council Decision (EU) 2021/1875. The relevant fishing opportunities for Norway pout in ICES division 3a, United Kingdom and Union waters of subarea 4, and United Kingdom waters of ICES division 2a from 1

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<sup>7</sup> Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (OJ L 28, 31.1.2023, p. 1).

<sup>8</sup> [https://ices-library.figshare.com/articles/report/Norway\\_pout\\_i\\_Trisopterus\\_esmarkii\\_i\\_in\\_Subarea\\_4\\_and\\_Division\\_3\\_a\\_North\\_Sea\\_Skagerrak\\_and\\_Kattegat\\_/21907857?backTo=/collections/ICES\\_Advice\\_2023/6398177](https://ices-library.figshare.com/articles/report/Norway_pout_i_Trisopterus_esmarkii_i_in_Subarea_4_and_Division_3_a_North_Sea_Skagerrak_and_Kattegat_/21907857?backTo=/collections/ICES_Advice_2023/6398177)

November 2023 to 31 October 2024 should therefore be fixed at the level set out in that Written Record.”.

2) The following recital is inserted:

“(24a) 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 implementing Protocol thereto<sup>9</sup> provide that the EU is to receive from the Government of Greenland 7,7 % of the TAC for capelin (*Mallotus villosus*) to be fished in Greenland waters of ICES subareas 5 and 14. On 5 October 2023, the Government of Greenland informed the EU that, based on the intermediate scientific advice published by the Icelandic Marine and Freshwater Research Institute, according to which catches in “*winter 2023/2024*” should be no more than zero tonnes, the Government of Greenland is currently unable to offer capelin to the EU for the corresponding period. Pending the issuance of the final scientific advice, which could allow the Government of Greenland to offer capelin to the EU, fishing opportunities for that stock in Regulation (EU) 2023/194 should therefore be marked “To be established.”.

3) Recital 26 is replaced by the following:

“(26) To avoid the interruption of fishing activities, the provisions of this Regulation relating to the Baltic Sea should apply from 1 January 2024. However, this Regulation should apply to Norway pout in ICES division 3a, United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of ICES division 2a from 1 November 2023 until 31 October 2024 as that is the fishing season of Norway pout. This Regulation should apply to haddock in ICES subarea 4, division 6a and division 3a (North Sea, West of Scotland, Skagerrak) from 1 November 2023 until 31 December 2023, in order to guarantee the full use of fishing opportunities for 2023. For reasons of urgency, this Regulation should enter into force immediately after its publication,”

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<sup>9</sup> OJ L 175, 18.5.2021, p. 3. The Union approved the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part, and the implementing Protocol thereto, by means of Council Decision (EU) 2021/2043 of 18 November 2021 on the conclusion, on behalf of the Union, of the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part, and the implementing Protocol thereto (OJ L 418, 24.11.2021, p. 1).

## AMENDMENTS TO THE ARTICLES

In Article 12, point 1 is replaced by the following:

- (1) In Annex IA, Part B, the fishing opportunities table for Norway pout (*Trisopterus esmarkii*) in United Kingdom and Union waters of International Council for the Exploration of the Sea (ICES) division 3a ('the Skarregak-Kattegat'), United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of ICES division 2a ('the North Sea') is replaced by the following:

'Species:	Norway pout and associated by-catches <i>Trisopterus esmarkii</i>	Zone:	3a; United Kingdom and Union waters of 4; United Kingdom waters of 2a (NOP/2A3A4.)
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Year	2023	2024	
Denmark	49 478 (1)(3)	8 226 (1)(6)	Analytical TAC
Germany	9 (1)(2)(3)	2 (1)(2)(6)	Article 3(1) and 3(2) of Regulation (EC) No 847/96 shall not apply.
Netherlands	36 (1)(2)(3)	6 (1)(2)(6)	
Union	49 524 (1)(3)	8 234 (1)(6)	Article 4 of Regulation (EC) No 847/96 shall not apply.
United Kingdom	10 204 (2)(3)	2 058 (2)(6)	
Norway	0 (4)	0 (4)	
Faroe Islands	0 (5)	0 (5)	
TAC	59 728	10 292	

- (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 Union waters of 2a, 3a and 4 only.
- (3) May only be fished from 1 November 2022 to 31 October 2023.
- (4) A sorting grid shall be used.
- (5) A sorting grid shall be used. This amount 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 2023 to 31 October 2024.

In Article 12, the following point is added:

- (3) In Annex IB, the fishing opportunities table for capelin (*Mallotus villosus*) in Greenland waters of ICES subareas 5 and 14 is replaced by the following:

‘Species: Capelin <i>Mallotus villosus</i>		Zone: Greenland waters of 5 and 14 (CAP/514GRN)
Denmark	To be established	Analytical TAC Article 3(1) and 3(2) of Regulation (EC) No 847/96 shall not apply.
Germany	To be established	Article 4 of Regulation (EC) No 847/96 shall not apply.
Sweden	To be established	
All Member States	To be established <sup>(1)</sup>	
Union	To be established <sup>(2) (3)</sup>	
Norway	To be established <sup>(3)</sup>	
TAC	Not relevant	

<sup>(1)</sup> 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).

<sup>(2)</sup> Fishing may start when the Union accepts an offer for such quotas from the Greenland authorities in the framework of 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 implementing Protocol thereto. Member States shall ensure that their catches do not exceed the quantity received from the Greenland authorities, after deduction of quantities transferred to Norway.

<sup>(3)</sup> For a fishing period from 15 October 2023 to 15 April 2024.’

In Article 13, point (b) is replaced by the following:

- (b) Article 12, point (2) shall apply from 1 November 2023 until 31 December 2023.