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NOTE

From: General Secretariat of the Council

To: Delegations

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Subject: Proposal for a COUNCIL REGULATION 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
- Comments from Denmark, Germany and Ireland

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (20.02.2023)

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

Comments from Denmark

Preliminary comments from the Danish delegation on the Commission non-paper of 5 December on provisional quotas

The Danish delegation thanks again for the opportunity to send written comments on the latest Commission non-paper of 5 December and 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 2023 TCA adjustments have been taken into account in its proposal for provisional quotas. We can support this approach.

Seasonality and other reasons for setting the fishing opportunities at more than 25 pct.

We thank the Commission for taking into account the seasonality of fisheries. We are still considering, whether other stocks should be taken into account due to seasonality.

On 6 December 2022, the Coastal States have agreed on a TAC for the mackerel fishery in 2023. In 2022, Coastal States have engaged in intensive consultations on a sharing arrangement for mackerel. Although these consultations have not yet been finalised, the EU position has been consistent. Thus, we could accept setting EU fishing opportunities according to the 2014 mackerel sharing arrangement as an initial_TAC pending the outcome of the consultations and possibly an understanding with the United Kingdom. Should the sharing arrangements require an adjustment of the share for the EU, we would expect it to be minor and could easily be added or deducted from the 2024 fishing opportunities.

Furthermore, 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. We use to swap in 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.

For haddock in Subarea 4, Division 6.a, and Subdivision 20 (North Sea, West of Scotland, Skagerrak) the advice is much higher than the TAC set for 2022. Therefore, we think that haddock in the North Sea and Skagerrak – like cod in the North Sea and Skagerrak - should also be set at a higher level than 25 pct. of 2022 TAC. For haddock in Skagerrak Denmark already in 2022 had to make full use of the 10 pct. borrowing mechanism in order not to choke other fisheries in Skagerrak. We therefore need to have at least the foreseen 30 pct. TAC increase for 2023 taken into account when setting the provisional quotas for 2023 for haddock in Skagerrak.

Other issues of relevance for the proposal

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

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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. It is not increased by this non-paper. We think there is a need for an increase, taking into account the seasonality of the fishery, with a fishing year running from November to October.

Comments from Germany

Concerning the European Commission proposal for a

Council regulation 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

(Document 11877/22 + ADD 1; 15466/22)

Germany thanks the European Commission for the submission of the proposal for provisional TACs in case of a non-conclusion of the annual bilateral and trilateral consultations with the United Kingdom and/or Norway.

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Furthermore, we point out that the TACs for ARU/1/2 and USK/1214EI does not correspond to the sum of individual MS quotas.

For JAX/2A-14, footnote 6 should apply to all individual MS quotas. In addition, we ask the Commission to examine the German share, which corresponded to 8,5 % in 2022. The proposed provisional quota for 2023 corresponds to 7,9 %.

With regards to the rest of the proposal, Germany maintains a scrutiny reserve and reserves its right to make further written comments.

COMMISSION SERVICES NON PAPER

5 DECEMBER 2022

Updates to Commission proposal for a Council Regulation 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 (COM(2022) 559)

Ireland retains a general scrutiny reservation and we reserve the right to add to or amend our comments below.

- **Mackerel**

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- **Blue Whiting**

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- **Rockall Cod** COD/5W6-14

The proposed provisional TAC of 4t is likely to be a significant choke in the haddock fishery which is seasonal. This should be set at 19t as was the case last year.

- **Boarfish**

This is a seasonal fishery and Irish vessels fish most of our Boarfish in the first three months of the year. Ireland requests that the provisional TAC be set at 50% to reflect this seasonality.

- **Porcupine Nephrops**

The *Nephrops* fishery is a seasonal fishery, taking place in the early part of the year. We request that the provisional TAC be set at 70% of the 2022 TAC level, in line with the approach taken last year, and taking into account the increase in the advice.

