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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Updates to Commission 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 – Commission non-paper

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Delegations will find attached a Commission non-paper on the above-mentioned proposal, as received from the Commission services.

# COMMISSION SERVICES NON PAPER

**12 DECEMBER 2021**

*This document serves as a basis for discussion at the Working Party on Internal and External 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 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 (COM(2021) 661)**

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## 1. AMENDMENTS IN RELATION TO COD AND SNOW CRAB IN ICES SUBAREA 1 AND DIVISION 2B

### EXPLANATORY NOTE

- As the discussions with Norway on non-discriminatory access to Svalbard waters for EU fleets fishing for cod in that area are ongoing and should be concluded in the beginning of 2022, it is appropriate that the Union establishes a provisional TAC for the first quarter of 2022.
- The regime for fishing authorisations for snow crab in Svalbard waters, as established in the previous Council Regulations fixing fishing opportunities, should be maintained.

### AMENDMENTS TO THE RECITALS

Recital (38) is replaced by the following:

“(38) As regards the fishing opportunities for snow crab around the area of Svalbard, the Treaty of 9 February 1920 relating to Spitsbergen (Svalbard) (‘the 1920 Treaty of Paris’) grants equal and non-discriminatory access to resources around Svalbard for all parties to the Treaty, including with respect to fishing. The view of the Union concerning that access, as regards fishing for snow crab on the continental shelf around Svalbard, has been set out in several *notes verbales* to Norway, the latest of which dated 26 February 2021 and 28 June 2021. In order to ensure that the exploitation of snow crab around Svalbard is made consistent with such non-discriminatory management rules as may be set out by Norway, which enjoys sovereignty and jurisdiction in the area in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and the Treaty of Paris, it is appropriate to fix the number of vessels that are authorised to conduct such fishery. The allocation of such fishing opportunities among Member States is limited to 2022. It is recalled that, in the Union, primary responsibility for ensuring compliance with applicable law lies with the flag Member States.”

The following recital is inserted:

“(38a) As the discussions with Norway on equal and non-discriminatory access to Svalbard waters for EU fleets fishing for cod in that area are ongoing and should be concluded in the beginning of 2022, it is appropriate that the Union establishes for the first quarter of 2022 a provisional Union quota. The level of that provisional quota should be fixed at 4 500 tonnes, taking into account the seasonality of the fishery. The quotas should be allocated to the Member States taking into account the Council Decision 87/277/EEC<sup>1</sup> with the necessary adaptations due to the withdrawal of the UK from the Union and the ratio between the level of the provisional Union quota and that of the Union share of the stock.”

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<sup>1</sup> Council Decision 87/277/EEC of 18 May 1987 on the allocation of the catch possibilities for cod in the Spitsbergen and Bear Island area and in Division 3M as defined in the NAFO Convention (OJ L 135, 23.5.1987, p. 29).

## AMENDMENTS TO ANNEX IB

In Annex IB, the fourth fishing opportunities table is replaced by the following:

“

Species:	Cod	Zone:	1 and 2b
	<i>Gadus morhua</i>		(COD/1/2B.)
Germany	923	(1)(2)	Analytical TAC
Spain	2 220	(1)(2)	Article 3 of Regulation (EC) No 847/96 shall not apply
France	407	(1)(2)	Article 4 of Regulation (EC) No 847/96 shall not apply
Poland	419	(1)(2)	
Portugal	463	(1)(2)	
Other Member States	68	(1)(2)(3)	
Union	4 500	(1)(2)	
TAC	Not relevant		
(1)	Shall apply provisionally from 1 January to 31 March 2022. The allocation of the share of the cod stock available to the Union in the zone Spitzbergen and Bear Island and the associated by-catches of haddock are entirely without prejudice to the rights and obligations deriving from the 1920 Treaty of Paris.		
(2)	By-catches of haddock may represent up to 14 % per haul. The by-catch quantities of haddock are in addition to the quota for cod.		
(3)	Except Germany, Spain, France, Poland and Portugal.		

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**AMENDMENTS TO ANNEX V**

In Annex V, Part A the table entry for ‘fishery for snow crab with pots’ in areas ‘1, 2b’ is replaced by the following:

“

Area of fishing	Fishery	Number of fishing authorisations	Allocation of fishing authorisations amongst Member States		Maximum number of vessels present at any time
1, 2b <sup>(1)</sup>	Fishery for snow crab with pots	pm	EE	1	Not applicable
			ES	1	
			LV	11	
			LT	4	
			PL	3	
<sup>(1)</sup> The allocation of fishing opportunities available to the Union in the zone of Svalbard is without prejudice to the rights and obligations deriving from the 1920 Treaty of Paris.					

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