Council of the European Union

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**NOTE**

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| From: | General Secretariat of the Council |
| To: | Delegations |
| 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<br>• Statements |

Delegations will find in the Annex statements by the Commission and Member States.

**ANNEX**

**Statement by Belgium, Denmark, France, Germany, Ireland, the Netherlands and Sweden on the application of Article 15(9) in the Basic Regulation for COD/03AS; COD/5BE6A; WHG/56-14; WHG/07A and PLE/7HJK in 2021**

Given that the biomass of the stocks of COD/03AS; COD/5BE6A; WHG/56-14; WHG/07A and PLE/7HJK is below Blim and that only by-catch and scientific fisheries will be permitted in 2022, in order to ensure the recovery of the stocks in accordance with Regulations (EU) 2018/973 and (EU) 2019/472, Belgium, Denmark, France, Germany, Ireland, the Netherlands and Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to these stocks in 2022. This undertaking is a response to the current exceptional circumstances for these stocks.

**Statement by the Commission on Norway lobster, 8c, FU25**

The Commission will submit a request to ICES to evaluate the sentinel fishery for 2022 for FU 25 with a view to increasing the sentinel TAC. Following the advice of ICES, the Commission may submit an appropriate amendment to the fishing opportunities for 2022.

**Statement by the Commission on Norway lobster, 9 and 10, FU26 and FU27**

The Commission will submit a request to ICES on the appropriateness of conducting a sentinel fishery in FU26 and FU27 and under what conditions. Following the advice of ICES, the Commission may submit an appropriate amendment to the fishing opportunities for 2022.

**Joint Statement by the Council and Commission on ICCAT stocks**

The Council and the Commission acknowledge that, under several ICCAT recommendations, the Union may, upon request, carry over a percentage of its unused quota of ICCAT stocks in the period of two years.

The Commission will do its utmost to take the necessary steps to implement the adjustments to the Northern albacore quotas of individual Member States to reflect any carry-overs and deductions by 30 June 2022 at the latest, on the basis and within the limits of the legal instruments available.

**Joint Statement by the Commission and France on the option of support of the temporary cessation of fishing activities by the European Maritime and Fisheries Fund (EMFF) or the European Maritime, Fisheries and Aquaculture Fund (EMFAF)**

Given the assessment of the International Council for the Exploration of the Sea (ICES) on common sole (*Solea solea*) in the Bay of Biscay (ICES divisions 8.a-b), France considers that the protection of common sole requires the temporary cessation of activity, in addition to the fishing opportunities for that stock established in Annex I to the 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.

The Commission and France agree that the temporary cessation of activity is eligible for funding from the EMFF or the EMFAF, provided that it is in accordance with the conditions set out in Article 33(1)(a) of Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and Article 21(2)(c) of Regulation (EU) 2021/1139 of the European Parliament and the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004.

**Statement by the Commission and the Council on mackerel**

The Commission and the Council reaffirm the need acknowledged during the October 2021 Council to assess all elements relevant for the methodology applied for allocation and distribution of the Union‘s fishing opportunities for mackerel in waters of 4a and Norwegian waters of 2a (MAC/2A4A-N).

Taking into account the information submitted to the Commission and the Council by the Member States concerned by 15 January 2022, the Commission will do its utmost to propose, by 31 March 2022 and by way of a non-paper, a methodology applicable to the allocation and distribution of the fishing opportunities in question that would uphold the principle of relative stability.

The Commission and the Council will in any event do their utmost to take the necessary steps to establish the fishing opportunities in question before 30 September 2022.

**Statement by the Commission on Southern Horse Mackerel Inter-area Flexibility**

In light of the new definition of Fpa for horse mackerel (Trachurus trachurus) in division 9a, the Commission commits to asking ICES to review the level of inter-area flexibilities between 9a and 8c that would remain precautionary.

Should ICES produce an updated advice in 2022, the Commission would consider proposing an amendment of the 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 to include suitable inter-area flexibilities.

**On shared stocks managed under provisional TACs (Commission)**

Provisional TACs are established to allow fishing activities of EU fleets to continue while not prejudging the outcome of ongoing international consultations. The Commission will monitor the situation of the stocks shared with the United Kingdom and subject to provisional TACs. On the basis of the uptake of quotas reported by Member States and taking into account the results of consultations, the Commission will take stock and will present relevant suggestions for the way forward and possible revisions of the provisional TAC levels, especially concerning the seasonality of fishing activities, in order to address Member States' needs, or to establish definitive TACs.

**On commitments regarding conservation measures for the seabass fishery in the Bay of Biscay (8a,b) by France and Spain**

France and Spain welcome the good state of the seabass stock in the Bay of Biscay (8a,b) and the responsible measures implemented at national level.

Considering that the MSY value is set by ICES at a level of 3156 tons, France commits to maintain its national management scheme in 2022, which consists in fishing licences and individual yearly and periodic ceilings per vessels.