



Brussels, 5 December 2022
(OR. en)

15391/22

LIMITE

PECHE 485

**Interinstitutional File:
2022/0343(NLE)**

NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee

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
- Political agreement

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (20.02.2023)

I. INTRODUCTION

1. The Commission submitted to the Council the above-mentioned proposal, based on Article 43(3) TFEU, on 28 October 2022¹. The proposal is aimed at setting fishing opportunities for 2023 in the Atlantic and North Sea, as well as fishing opportunities for 2023 and 2024 for deep-sea stocks, and covers:

- autonomous Union stocks;
- shared stocks that are jointly managed bilaterally or trilaterally with the United Kingdom and/or Norway, or that have been subject to North-East Atlantic Fisheries Commission coastal states consultations;
- fishing opportunities under agreements concluded in the framework of regional fisheries management organisations (RFMOs); as well as
- certain fishing opportunities in waters of non-EU countries.

¹ ST 14248/22 + ADD 1 + ADD 2

2. The Commission updated its proposal through four non-papers², and will submit a proposal for provisional TACs³, which can be agreed in the event that consultations with the UK on the stocks in shared management are not concluded before the December AGRIFISH Council.
3. The Working Party on Fisheries Policy examined the proposal and the non-papers at its meetings on 3 November, 17 November, 24 November and 1 December. Many delegations entered scrutiny reservations.
4. DK entered a parliamentary scrutiny reservation.
5. 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 a level playing field with third countries and that all parties respect their obligations. One delegation has indicated its intention to invoke the Hague preferences for certain stocks, while other delegations traditionally oppose the use of those preferences.
6. **DELETED**
7. In general, the Presidency believes that the following principles should guide the discussions and the final decision:
- a strong commitment to the objectives of the Common Fisheries Policy (CFP) as laid down in art. 39 of the TFEU and art. 2 of the CFP⁴, including the achievement of MSY;
 - compliance with the provisions of the multi-annual plans that are in force;
 - decisions based on the best available scientific advice.

² ST 14649/22, ST 14931/22, ST 15303/22, ST 15304/22

³ A non-paper containing a proposal for provisional TACs is planned to reach the Council on 6 December 2022 (to be doc. ST 15466/22).

⁴ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

8. The Presidency organised technical trilaterals on 2 December with the Commission and delegations in order to clarify the outstanding issues. These issues are presented in part II below. More details regarding delegations' positions on these issues can be found in their written comments⁵.

II. OUTSTANDING ISSUES

9. For the autonomous Union stocks, a series of outstanding issues remain:
- a) Many delegations highlight the difficulties faced in relation to **mixed fisheries**, in particular the issue of **choke species**, where, in the context of the landing obligation, low levels of (by-catch) quotas or zero TACs may cause a vessel to stop fishing even if there is still a quota for the targeted species (**cod in the Kattegat, roundnose grenadier**).
 - b) **DELETED**
 - c) Discussions are still open on some priority stocks for several delegations, in particular certain **Norway lobster stocks, pollack stocks, sole stocks, undulate rays and red seabream**.
 - d) The proposal of the extension of the closure period from three to six consecutive months in marine and adjacent brackish waters in the Atlantic, the Baltic Sea and the Mediterranean for **European eel** in light of the zero-catch advice is particularly contested by many delegations. Delegations note that:
 - fisheries is only one of the factors contributing to its fishing mortality and that a holistic approach addressing all anthropogenic factors is needed to ensure the recovery of this stock in its entire natural range;
 - since it is one single stock, cooperation with third countries to ensure a level playing field is important;

⁵ doc. ST 14679/22 + ADD 1-7

- the closure would have severe socio-economic impacts and would impede restocking that is essential for the recovery of the stock and for reaching the escapement objectives set in national management plans under the European Eel Regulation⁶.
10. For the **shared stocks that are jointly managed**, the main outstanding issue is the conclusion of the relevant consultations with third parties which would determine if there is a need to set provisional TACs for the first quarter of 2023. In such case, the provisional TACs themselves will be subject to discussion and political agreement in the AGRIFISH Council and some delegations have indicated that their priorities may change and anticipated the need to take into account the seasonality of certain fisheries.
 11. For the fishing opportunities under agreements concluded in the framework of RFMOs, following the ICCAT Annual meeting, some delegations have voiced their dissatisfaction with the quota allocated to the EU and other third countries concerning Mediterranean Albacore and one delegation requests to increase controls to fight illegal fishing and ensure a level-playing field with third countries. Concerning the fishing opportunities for bluefin tuna, one delegation requests a small quota for targeted fishery after observing a new abundance of this stock in its coastal waters. In addition, delegations question the removal of a special condition that reserved an additional special amount of bluefin tuna quota for artisanal vessels in certain geographical areas.

III. CONCLUSION

1. The Permanent Representatives Committee 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 11-12 December 2022.

⁶ Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).