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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 14985/21 + ADD1 +ADD2
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

- Comments from Denmark and the Netherlands on non-paper 15263/21

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

DENMARK

Preliminary comments from the Danish delegation on the Commission services non-paper of 21 December 2021, implementing the EU/UK agreement for 2022, doc. 15263/21

General comments

We welcome the swift presentation by the Commission of the non-paper to implement the EU/UK written record for 2022.

The Danish delegation maintains a parliamentary and a general scrutiny reserve.

As we are still in the process of understanding fully, how the annual agreements between the EU and the UK, should be implemented in the TAC/quota regulation in terms of changes to area descriptions etc., including legally, we have a general reserve on any errors that might arise in this process, and emphasise the need to cooperate in good faith and swiftly, when errors are noticed.

P. 6 on sandeels, it says that the provisional TAC is now being replaced by a definitive TAC. We would suggest to change the sentence to: “~~Since the provisional TAC is now being replaced with a definitive TAC~~ **Awaiting the publication of the scientific advice, due on 25 February 2022 for the 2022 fishing year**, the applicable closure period should **however already now be set to** also cover the period from 1 August to 31 December 2022, in addition to the period from 1 January to 31 March 2022.”

Specific comments

The TAC table for sandeel is missing in the non-paper. The TAC is normally included and set at 0 tons, until the TAC is set ahead of 1 April each year.

Tusk in the North Sea, (USK/04-C.), footnote 1 should also be included for DK. We understand that the COM is going to include this in its upcoming proposal and include it in the regulation to be adopted by end of January as well.

For northern prawn, (PRA/2AC4-C), the footnote 1 is now included, but not attached to anything. The reference to the footnote should thus either be included for all quotas, or the Union and UK quotas in the table.

We agree to include sprat in both 3a and the North Sea for the fishing year 1 July 2022 to 30 June 2023, either at 0 tons, or in pm awaiting the scientific advice is April.

THE NETHERLANDS

Comments from the Netherlands on the Commission EU-UK non-paper 15263/21

Article 9a

- In paragraph 3, point a and b, it is not correctly reflected that the catch limit applies for two months. This should be amended as follows:

(a) using demersal trawls¹, for unavoidable by-catches not exceeding 760 kilogrammes per **two months** and 5 % of the weight of the total catches of marine organisms on board caught by that vessel per fishing trip;

(b) using seines², for unavoidable by-catches not exceeding 760 kilogrammes per **two months** and 5 % of the weight of the total catches of marine organisms on board caught by that vessel per fishing trip;

- Since the catch limit in paragraph 3, point a and b, does no longer apply to 1 month, but to 2 months, the period mentioned in paragraph 4 should be adjusted accordingly. In the current formulation, catch limits that apply for a period of 2 months are transferable, which obviously cannot be the intention. Therefore the paragraph should be amended as follows:

The catch limits set out in paragraph 3(a) to (d) shall not be transferable between vessels and, where a **two** monthly limit applies, from one **two monthly period** to another.

- The two month periods for the catch limits in paragraph (a) and (b) are not defined. This means that it is not clear which two months the catch limit exactly applies to. In particular this appears pertinent in relation to the period of February and March in which fishing for seabass is prohibited. It can cause practical implications for the registration and the enforcement of the catch limit. Ambiguity can be avoided by including the different two month periods during the year in this Article.

¹ All types of demersal trawls (OTB, OTT, PTB, TBB, TBN, TBS and TB). ² All types of seines (SSC, SDN, SPR, SV, SB and SX).