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ADD 1

LIMITE

PECHE 57

**NOTE**

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	ST 5779/22 + ADD 1 - COM(2022) 54 final
Subject:	Proposal for a Council Regulation amending Regulation (EU) 2022/109 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 - Danish comments

Delegations will find attached written comments by the Danish delegation on the above-mentioned document.

## **Preliminary comments from the Danish delegation on the COM proposal for a 1<sup>st</sup> amendment of the 2022 fishing opportunities, COM (2022) 54**

### **General comments**

The Danish delegation thanks the Presidency for the opportunity to send preliminary written comments on the COM proposal for a 1<sup>st</sup> amendment of the 2022 fishing opportunities, implementing the EU/UK written record for 2022. We also want to thank the Commission for the proposal, which in substance reflects the non-paper sent to delegations following the signing of the written record for 2022.

We maintain a parliamentary reserve and a general scrutiny reserve.

As we are still in the process of learning how the annual agreements between the EU and the UK, following from the Trade and Cooperation Agreement (TCA), are to be implemented in the TAC/quota regulation, as regards changes to area descriptions etc., including their legal implementation, we have a general reserve regarding any errors that may occur in this process, and we emphasize the need to cooperate in good faith, as well as correct such errors quickly when they are discovered. This applies to e.g. the re-inclusion of the Danish and Swedish access to fish mackerel in the EU waters of Western Waters. On this matter, we thus fully support the Swedish written comments, set out in doc. 6475/22. We understand that the Council Legal Service is of the opinion that all quota flexibilities related to shared stocks, under the TCA, should be agreed in EU/UK consultations. While we find, that the area flexibility in question is solely an EU internal matter, we will of course not object to the CLS opinion. As the EU is about to consult with the UK on the fishing opportunities for sandeel in 2022, we therefore urge that the matter of flexibility for the mackerel fishery into EU waters of the Western Waters is raised with the UK. To this effect, this matter should be included in the forthcoming non-paper to establish the EU position for the consultations with the UK on sandeel.

We have previously submitted written comments to the non-paper (doc. 5568/22). In addition to these, we have certain remarks and questions. As it is urgent to adopt these final EU/UK quotas, we would like to know the Presidency's expectations for when the proposal will be adopted.

## Comments on doc. 5779/22

**p. 8 – sandeel:** the ICES advice for sandeel for 2022 was published on 25 February 2022. Does the Commission foresee that these fishing opportunities should be included in this proposal? In any case, it is very important that the fishing opportunities for sandeel are adopted, so the fishery can start on 1 April. To achieve this, we are concerned, whether the COM provisional scheduling of the consultations with the UK (for week 11) is too late, to be able to ensure that the fishing opportunities are adopted by 1 April. Therefore, we would propose that the consultations with the UK are moved to an earlier date in March.

**p. 12:** Article 7 is deleted. Does this mean that the reference to Article 8, para 2 (the 9 % rule) in the Annex should be amended to Article 7, para 2, or will all current articles be retained unchanged in number even as Article 7 is deleted? In the Annex, the references are now to Article 8, 2. However, for herring in 7a, reference is still made to Article 7, 2.

## Comments on doc. 5779/22 ADD1

The TAC table for sandeel is not included in the current proposal. We understand that this will be included with figures, once agreement is found with the UK on the 2022 fishing opportunities. Concerning the substance of the fishing opportunities for sandeel, we are awaiting the COM non-paper on this, and thus reserving our position.

**p. 28:** for sprat in the Channel (SPR/7DE.) footnote 1 with the period for the TAC must be connected to the Member State quotas.