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**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 - Swedish comments

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

**Swedish written comments on the proposal for the first amendment of the TAC-and quota regulation for 2022 - document ST 5779/22 + ADD 1 concerning herring and mackerel.**

Herring 4: (HER/4AB.)

Sweden has in conjunction with the AGRIFISH Council meeting on 12-13 December 2021 and in conjunction with the final adoption of the Council Regulation (EU) 2022/109 pointed out a calculation error to the Swedish quota for herring in the North Sea (HER/4AB) and provided the basis for the calculation for the Swedish share in line with previous years, including 2021. Although the difference is small in terms of tonnes (29 t) the matter is of principal importance as the basis for the Swedish internal EU-share (also after Brexit), stems for the Swedish Act of accession which states that Sweden has a stable share based on the total EU-TAC for North Sea herring but allocated to area 4 a-b. Sweden therefore anticipates that this calculation will be corrected in the first amendment of the TAC- and quota regulation and notes that this is not included in the proposal.

Mackerel North Sea (MAC/2A34):

Sweden has also in conjunction with the AGRIFISH Council meeting on 12-13 December 2021 pointed to that the existing inter-area flexibility from the North Sea to EU waters of area 6 was missing, as well as the corresponding time periods.

The reading of the relevant special condition linked to the TAC table in 2021/92 of 28 January 2021 was “6; international waters of 2a. During the periods from 1 January to 15 February and from 1 September to 31 December.”

The same flexibility has previously and up until the first half of 2021 also applied from area 6 to area 4a with the difference that EU no longer has EU waters in area 4a, as a result of Brexit. This oversight occurred in the amendment of the TQR Council Regulation (EU) 2021/1239 of 29 July 2021 through a copy paste from a similar foot note in the written record between EU and the UK. Interarea flexibility for mackerel was discussed with the UK, but this was due to a request from UK to expand inter area flexibility for mackerel in UK waters whereas the EU wanted to maintain existing special conditions and foot notes. During the consultations with the UK the changing of existing EU-internal inter-area flexibilities were not discussed. EU-internal inter area flexibilities have not been a part of the consultations with the UK no more than access conditions between EU and other third countries such as Norway or the Faroe Islands are part of these consultations.

Sweden therefore considers that this oversight should be corrected in the TAC and quota regulation and that UK should be informed, but not consulted, about this correction.

The footnote should be corrected as below:

- (1) Special condition: up to 60 % may be fished in, United Kingdom and international waters of 2a, 5b, 6, 7, 8d, 8e, 12 and 14 and in Union waters of 6 from 1 January to 15 February and from 1 September to 31 December.

Sweden would also like to point out that if relative stability or deterioration of EU-internal special conditions risks being changed as a result of consultations with the UK without internal consultation or coordination, there needs to be much more time for scrutinizing written records and the subsequent proposals for the TQR compared to what the case was in 2021. Sweden understands that errors and oversights may occur to the benefit of enabling swift decisions. However, Sweden considers that transparency, good faith, and intent are principles of rule of law that should be taken into account to enable corrections and that relative stability or internal conditions should not be changed without internal consultation.

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