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**NOTE**

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| From: | General Secretariat of the Council |
| To: | Delegations |
| 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<br>- Commission non-paper |

Delegations will find attached a Commission non-paper on the above-mentioned proposal.

# COMMISSION SERVICES NON-PAPER

## 16 March 2022

*This document serves as a basis for discussion at the Working Party on Internal and External Fisheries Policy.*
*It cannot in any circumstances be regarded as the official position of the Commission.*
*It is intended solely for those to whom it is addressed.*

**Updates to Commission Proposal COM (2021)54 for a Council Regulation amending Regulation (EU) 2022/109 as regards certain fishing opportunities for 2022 in Union and non-Union waters**

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## I. Amendments to Commission Proposal regarding fishing opportunities for sandeel

**Explanatory note**

The scientific advice for the sandeel (North Sea, all banks) was issued by the International Council on the Exploration of the Seas (ICES) on 25 February 2022. In accordance with the Trade and Cooperation Agreement (TCA) between the European Union (EU) and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland (UK), of the other part[1], the Commission has, on behalf of the Union, engaged in consultations with the UK on the setting of the fishing opportunities in the North Sea (ICES areas 2a, 3 and 4) for 2022.

[1] Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (OJ L 149, 30.4.2021, p. 10–2539).

The Commission sought an agreement with the UK based on the general principles and the specific orientations for consultations with the UK as detailed in Council Decision (EU) 2021/1875[2], and the detailed approach outlined in the Commission non-paper of 1st March 2022[3].

Both parties agreed to set an overall total allowable catch (TAC) for sandeel for 2022 of 167 558 tonnes fully in line with the EU position set out in the non-paper of 1 March 2022 (6631/22), with an EU share of 86 303 tonnes for 2022, in line with the corrected value set out in the non-paper of 2 March 2022 (6631/1/22 REV 1) following the ICES advice, with a breakdown as presented under the heading of the ICES advice (see TAC table below).

The agreement was enshrined in an addendum to the Written Record of fisheries consultations between the United Kingdom and the European Union for 2022. It is now necessary to implement the corresponding level of fishing opportunities in the Regulation (EU) 2022/109.

The proposal COM(2022)54 should therefore be updated accordingly.

**Amendment to the Commission Proposal**

In the Commission proposal COM(2022)54, the following recital is inserted:

"(10a) In Regulation (EU) 2022/109, the TAC for sandeel in ICES divisions 2a and 3a and in ICES subarea 4 was set at zero pending the publication of the relevant scientific advice, provided by ICES, which became available on 25 February 2022. In accordance with the procedure provided for in the Trade and Cooperation Agreement between the European Union and the United Kingdom, the Union has held bilateral consultations with the United Kingdom on the level of fishing opportunities for sandeel in ICES divisions 2a and 3a and in ICES subarea 4 for 2022. The Union and the United Kingdom have agreed on a total allowable catch of 167 558 tonnes, to be distributed across all seven sandeel management areas. The Union and the United Kingdom have also agreed to monitoring TACs in areas 1r and 4r, and to the continuation of footnotes with by-catch percentages for whiting and mackerel catches. In addition, the Union and the United Kingdom have agreed that the banking of unutilised quota between years should apply at the management area level. Finally, in the case of sandeel in the management area 4 (SAN/234_4), the Union and the United Kingdom further agreed that no more than 800 tonnes of unutilised quota allocated for 2021 can be fished in 2022."

[2] Council Decision (EU) 2021/1875 of 22 October 2021 concerning the position to be adopted on behalf of the Union in the annual consultations with the United Kingdom to agree on total allowable catches (OJ L 378, 26.10.2021, p. 6–11).

[3] Council document (st06631.en22) – Commission non-paper on EU-UK consultations on fishing opportunities for sandeel for 2022.

**Amendments to the annexes**

In Annex IA, part B, the fishing opportunities table for sandeel and associated by-catches in United Kingdom and Union waters of 4; United Kingdom waters of 2a and Union waters of 3a is replaced by the following:

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| Species: | Sandeel and associated by-catches *Ammodytes* spp. | | Zone: | United Kingdom and Union waters of 4; United Kingdom waters of 2a; Union waters of 3a[(1)] |
|---|---|---|---|---|
| Denmark | 83 123 | [(2)(3)] | Analytical TAC | |
| Germany | 127 | [(2)(3)] | Article 3 of Regulation (EC) No 847/96 shall not apply | |
| Sweden | 3 053 | [(2)(3)] | Article 4 of Regulation (EC) No 847/96 shall not apply | |
| Union | 86 303 | [(2)] | | |
| United Kingdom | 2 541 | [(2)] | | |
| TAC | 167 558 | [(2)] | | |

[(1)] Excluding waters within six nautical miles of the United Kingdom's baselines at Shetland, Fair Isle and Foula.

[(2)] In management areas 1r and 4, the TAC may only be fished as monitoring TAC with an associated sampling protocol for the fishery.

[(3)] Up to 2 % of the quota may consist of by-catches of whiting and mackerel (OT1/*2A3A4X). By-catches of whiting and mackerel counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

Special condition: within the limits of these quotas, no more than the quantities given below may be taken in the following sandeel management areas, as defined in Annex III:

Zone: United Kingdom and Union waters of sandeel management areas

| | 1r | 2r | 3r | 4 | 5r | 6 | 7r |
|---|---|---|---|---|---|---|---|
| | (SAN/234_1R)[(1)] | (SAN/234_2R)[(1)] | (SAN/234_3R)[(1)] | (SAN/234_4)[(1)(2)] | (SAN/234_5R)[(1)] | (SAN/234_6)[(1)] | (SAN/234_7R)[(1)] |
| Denmark | 4 678 | 67 232 | 6 404 | 4 678 | 0 | 131 | 0 |
| Germany | 7 | 103 | 10 | 7 | 0 | 0 | 0 |
| Sweden | 172 | 2 469 | 235 | 172 | 0 | 5 | 0 |
| Union | 4 857 | 69 804 | 6 649 | 4 857 | 0 | 136 | 0 |
| United Kingdom | 143 | 2 055 | 196 | 143 | 0 | 4 | 0 |
| Total | 5 000 | 71 859 | 85 559 | 5 000 | 0 | 140 | 0 |

[(1)] Up to 10 % of this quota can be banked and used in the following year only within this management area.

[(2)] In addition to this quota, up to a maximum of 800t of unutilised quota allocated for 2021 can be fished in 2022

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