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NOTE

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 • Commission non-paper

Delegations will find attached a Commission non-paper with updates to the above-mentioned proposal.

COMMISSION SERVICES NON-PAPER

18 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 the Commission 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 (COM(2022) 54)

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EXPLANATORY NOTE

Council Regulation (EU) 2022/109 established for the first quarter of 2022 a provisional Union quota of 4 500 tonnes for Union fleets fishing for cod (*Gadus morhua*) in Svalbard waters. As the discussions with Norway on equal and non-discriminatory access to Svalbard waters for Union fleets fishing for cod in that area are ongoing, the Commission proposes that a provisional Union quota be fixed at pm tonnes, taking into account the seasonality of the fishery, and which should apply until 30 June 2022.

AMENDMENTS TO THE RECITALS

The following recital is inserted:

"(11a) Council Regulation (EU) 2022/109 established for the first quarter of 2022 a provisional Union quota of 4 500 tonnes for Union fleets fishing for cod (*Gadus morhua*) in Svalbard waters. As the discussions with Norway on equal and non-discriminatory access to Svalbard waters for Union fleets fishing for cod in that area are ongoing, it is appropriate that a provisional Union quota be fixed at pm tonnes, taking into account the seasonality of the fishery, and which should apply until to 30 June 2022. The quotas should be allocated to the Member States in accordance with Council Decision 87/277/EEC[1] subject to the adaptations necessary due to the withdrawal of the United Kingdom from the Union and due to the ratio of the level of the provisional Union quota to the Union share of the stock."

AMENDMENTS TO THE ARTICLES

In Article 1, the following paragraph is inserted:

"(5a) Annex IB is amended in accordance with Annex IIa to this Regulation."

AMENDMENTS TO THE ANNEXES

The following annex is inserted:

[1] Council Decision 87/277/EEC of 18 May 1987 on the allocation of the catch possibilities for cod in the Spitsbergen and Bear Island area and in Division 3M as defined in the NAFO Convention (OJ L 135, 23.5.1987, p. 29).

"**ANNEX IIa**

Amendments to Annex IB to Regulation (EU) 2022/109

In Annex IB, the fourth table is replaced by the following:

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Species:	Cod *Gadus morhua*			Zone:	1 and 2b (COD/1/2B.)
Germany		pm	(1)(2)	Analytical TAC	
Spain		pm	(1)(2)	Article 3 of Regulation (EC) No 847/96 shall not apply	
France		pm	(1)(2)	Article 4 of Regulation (EC) No 847/96 shall not apply	
Poland		pm	(1)(2)		
Portugal		pm	(1)(2)		
Other Member States		pm	(1)(2)(3)		
Union		pm	(1)(2)		
TAC	Not relevant				

(1)	Shall apply provisionally from 1 January to 30 June 2022. The allocation of the share of the cod stock available to the Union in the zone Spitzbergen and Bear Island and the associated by-catches of haddock are entirely without prejudice to the rights and obligations deriving from the 1920 Treaty of Paris.
(2)	By-catches of haddock may represent up to 14 % per haul. The by-catch quantities of haddock are in addition to the quota for cod.
(3)	Except Germany, Spain, France, Poland and Portugal. Catches to be counted against this shared quota shall be reported separately (COD/1/2B_AMS).

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