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European Union

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#### 'I' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 1)

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Subject: Council Regulation amending Council 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

– Statements

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#### 1. JOINT STATEMENT BY IRELAND, FRANCE, PORTUGAL AND SPAIN ON EXCHANGE OF FISHING OPPORTUNITIES FOR CERTAIN STOCKS UNDER ICCAT

Under several ICCAT recommendations, the Union may, upon request, carry over a percentage of its unused quota of certain stocks under ICCAT: Northern albacore (*Thunnus alalunga*) (ALB/AN05N), for Southern albacore (ALB/AS05N), for Bigeye tuna (*Thunnus obesus*) in the Atlantic Ocean (BET/ATLANT), as well as for swordfish (*Xiphias gladius*) in the Atlantic Ocean, north of 5° N (SWO/AN05N) and for swordfish in the Atlantic Ocean, south of 5° N (SWO/AS05N). It is in the interest of the Union to ensure that the EU Member States can use, before respective fishing seasons start, the Union quotas for ICCAT stocks as provided for by ICCAT for year 2022, including any carry-over or deductions.

Ireland, France, Portugal and Spain acknowledge that their respective individual quotas for those stocks should take into account of whether the Member State concerned under-fished or overfished the particular stock in 2019 and 2020. To this end, they undertake to, after notifying the Commission pursuant to Article 16(8) of the Common Fisheries Policy Regulation, exchange part of the fishing opportunities allocated to them for those ICCAT stocks to ensure that fishing opportunities in 2022 correspond to what their individual quotas are upon taking into account their under-fishing or overfishing in 2019 and 2020. The exchanges will take place as follows:

<b>South Swordfish</b>	
<b>Member State</b>	<b>Swaps</b>
Spain	16,13
Portugal	-16,13

<b>Northern Albacore</b>	
<b>Member State</b>	<b>Swaps</b>
Ireland	-104,03
Spain	-518,07
France	643,27
Portugal	-21,17

<b>Bigeye tuna</b>	
<b>Member State</b>	<b>Swaps</b>
Spain	162,03
France	120,35
Portugal	-282,38

2. **JOINT STATEMENT BY DENMARK AND SWEDEN ON THE REINCLUSION OF ACCESS TO EU WATERS OF WESTERN WATERS (AREA 6) FOR MACKEREL**

Denmark and Sweden support an urgent adoption of the 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. However, the implementation of the annual agreements between the EU and the UK in the regulation on fishing opportunities, following from the Trade and Cooperation Agreement (TCA), is still a process of learning for Member States. This is the case as regards changes to area descriptions etc., including their legal implementation in the regulation. There is thus a need to cooperate in good faith, as well as to correct any errors quickly when they are discovered. A need for correction applies to the re-inclusion of the Danish and Swedish access to fish mackerel in the EU waters of Western Waters (area 6) under the same conditions as before Brexit and as included in the first regulation on fishing opportunities for 2021 as adopted in January 2021 (2021/92). Therefore, Denmark and Sweden urge the Commission and the Council to contribute to a correction of this error as soon as possible to ensure the provision to be applicable for 2022.

3. **STATEMENT BY SPAIN IN RELATION TO QUOTA POOLS**

The full implementation of the landing obligation and the risk of choke for the EU fisheries is a matter of challenge for all MS, for which the creation of the mechanism such as foreseen in article 9 of Regulation (EU) 2022/109 of the Council is essential, as it has been also in past years from 2019.

As the level of the TACs of stocks under this mechanism concerns the consultations with UK under the TCA, there is the need to adapt and extend the time for the implementation of this mechanism, initially 31st march each year, when the agreement with UK respect these TACs is not adopted internally in the EU in the first annual TAC and quotas Regulation.

4. **STATEMENT BY POLAND ON SVALBARD COD**

Poland would like to emphasise that the mechanism based on the Council Decision 87/277/EEC for calculation of the cod distribution among EU Member States should apply to the Member States explicitly mentioned in this decision only and not to Poland. The Polish share within the years 2004 – 2020 was never subject to the methodology elaborated by the Council Decision 87/277/EEC.

Before Brexit, Polish share was calculated on the fixed percentage which was 0.31% of the total TAC established by the Jointed Norwegian - Russian Fisheries Commission.

Therefore, the implementation of the TCA should be applied directly to Polish historical share of 0.31%. Poland is strongly opposing being part of the mechanism used by the Commission for 2022 and considers that the Polish share in TAC shall remain fixed at the level established for 2021 when the TCA was implemented for the first time.

5. **STATEMENT BY GERMANY, SPAIN, FRANCE, POLAND AND PORTUGAL ON SVALBARD COD**

Germany, Spain, France, Poland and Portugal regret that the quota for Arctic cod in ICES areas 1 and 2b can yet again only be set on a preliminary basis, in absence of a stable and long-term understanding with Norway on the EU quota. We recall the long-standing historic fishing rights of EU fleets in the area covered under the 1920 Treaty of Paris and reaffirm the full support for the Commission in the consultations with Norway. In order to safeguard these historical fishing rights and at the same time to provide certainty to the EU fleets, these consultations need to be concluded in April. Based on the outcome of the consultations, the Council, on the basis of a Commission proposal, should aim to establish a final TAC as of 1 May 2022.