



Council of the
European Union

Brussels, 4 June 2020
(OR. en)

**Interinstitutional File:
2020/0087(NLE)**

**8313/20
ADD 6**

LIMITE

PECHE 129

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	ST 8078/20 PECHE 121 - COM(2020) 205 final
Subject:	Proposal for a COUNCIL REGULATION amending Regulation (EU) 2019/1838 as regards certain fishing opportunities for 2020 in the Baltic Sea, and amending Regulation (EU) 2020/123 as regards certain fishing opportunities in 2020 in Union and non-Union waters - UK formal response to the Commission consultation

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (13.03.2023)

Delegations will find in Annex the UK formal response to the Commission consultation on the above-mentioned proposal, as received from the Commission services.



**Department
for Environment
Food & Rural Affairs**

Mr Bernhard Friess,
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2 June 2020

Dear Mr Friess

Consultation on the second amendment to the 2020 fishing opportunities, pursuant to paragraphs 1 and 2 of Article 130 of the Withdrawal Agreement

Thank you for your letter of 25 May asking the UK to provide comments on the Commission's proposals for the second amendment to the TAC and Quota regulation for 2020 in accordance with paragraphs 1 and 2 of Article 130 of the Withdrawal Agreement. Our comments on each of the proposed amendments is set out below.

Baltic cod closure derogations for drifting lines

The UK notes the Commission's proposals.

Remedial measures for North Sea Cod

The UK regrets that we have not been given the opportunity to input into the development of the Commission's second proposal, and the limited time provided to form our response to this proposal. In addition, as the largest quota holder, the UK would like to have seen swifter progress made this year on measures to recover the North Sea cod stock and an update on any proposed measures in Norwegian waters.

Whilst the UK welcomes the additional detail provided in the proposal, our position on the types of remedial measures we wish to see in place remains the same, and we refer the Commission to our previous communications on 12 February 2020 and 27 March 2020. The UK feels a more effective package of measures could have been developed by reducing the opportunity for differential interpretation of the measures by different parties. In particular the UK has significant concerns that the proposed measures will not be applied on an equivalent basis, meaning that any measures introduced at a national level would be ineffective unless all other vessels fishing within the same area agree.

Northern prawn in ICES divisions 3a and 4a East

The UK notes the Commission's proposals.

Sprat in the North Sea and in 3a

As you are aware the UK responded on 21 May to the Commission's proposals for a method to redistribute fishing opportunities between the TACs for Sprat in 3a and Sprat in Union waters of 2a and 4 to allow for consultations with Norway to proceed. In relation to that consultation, and based on the information that has been provided, the Commission's proposed approach (which is based upon the ratio of agreed TACs) is not acceptable to the UK as it does not represent the biological distribution of the stock. The UK considers that the allocation of fishing opportunities based on a survey-based approach, as indicated in the ICES benchmark report, would be more appropriate and defensible because it reflects the biological distribution rather than the results of previous annual negotiations. We note that in the information provided the annex to the proposal still does not include proposed quota shares for the period between 1 July 2020 and 30 June 2021. Without that information we cannot determine whether we are content with the proposal. We request that this information be provided as soon as possible.

Anchovy

The UK notes the Commission's proposals.

Herring in the North Sea

The UK notes the Commission's proposals.

RFMOs

We note that the proposal makes amendments to EU legislation in line with internationally agreed measures at RFMOs. The transposition of these measures into EU legislation do not raise concerns for the UK. The UK was present at ICCAT, NAFO and IOTC in 2019 and therefore was present for EU consultations on these issues. The UK has no direct fishing interest in SPRFMO or SIOFA.

Guiana snapper licences

The UK notes the Commission's proposals.

For the avoidance of doubt, we confirm that nothing in this reply undermines the position that under the Withdrawal Agreement the UK will cease to be bound by the Common Fisheries Policy when the Transition Period ends. Nor does it in any way affect the UK's right as an independent coastal state to set or (re-)negotiate all TACs and quota shares in respect of any period after that date.

Yours sincerely,

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Director
Marine and Fisheries Directorate
DEFRA
