



Council of the  
European Union

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**Interinstitutional File:  
2021/0135(NLE)**

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**PECHE 173**

**PROPOSAL**

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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	2 June 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2021) 280 final
Subject:	Proposal for a COUNCIL REGULATION amending Regulation (EU) 2021/92 as regards certain fishing opportunities for 2021 in Union and non-Union waters.

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Delegations will find attached document COM(2021) 280 final.

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Encl.: COM(2021) 280 final



Brussels, 2.6.2021  
COM(2021) 280 final

2021/0135 (NLE)

Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EU) 2021/92 as regards certain fishing opportunities for 2021 in  
Union and non-Union waters.**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

Council Regulation (EU) No 2021/92 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non-Union waters. These fishing opportunities are usually amended several times during the period in which they are in effect.

- **Consistency with existing policy provisions in the policy area**

The measures proposed are designed in accordance with the objectives and the rules of the Common Fisheries Policy and are consistent with the Union's policy on sustainable development.

- **Consistency with other Union policies**

The measures proposed are consistent with other Union policies, in particular with the policies in the field of environment.

### 2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis of this proposal is Article 43(3) of the Treaty on the Functioning of the European Union.

The Union's obligations for sustainable exploitation of living aquatic resources arise from obligations set out in Article 2 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy (CFP).

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the Union exclusive competence as referred to in Article 3(1)(d) of the Treaty. The subsidiarity principle therefore does not apply.

- **Proportionality**

The proposal complies with the proportionality principle because the CFP is a common policy. According to Article 43(3) of the Treaty it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities.

- **Choice of the instrument**

Proposed instrument: regulation.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable

- **Stakeholder consultations**

The proposal takes into account feedback from stakeholders, Advisory Councils, national administrations, fishermen organisations and non-governmental organisations.

- **Collection and use of expertise**

The proposal is based on the scientific advice of the International Council for the Exploration of the Sea (ICES).

- **Impact assessment**

The scope of the fishing opportunities regulation is circumscribed by Article 43(3) of the Treaty.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

Not applicable.

### **4. BUDGETARY IMPLICATIONS**

The proposal will have no budgetary implications.

### **5. OTHER ELEMENTS**

- **Detailed explanation of the specific provisions of the proposal**

The proposal seeks to modify Council Regulation (EU) 2021/92 as described below.

#### Sprat in the Kattegat/Skagerrak, Norwegian and North Sea

Sprat (*Sprattus sprattus*) is a short-lived species hence the fishing opportunities should be set quickly after the publication of the ICES advice so as to allow the fishery to start. Since April 2019, ICES issues a single piece of advice for sprat in ICES division 3a (Kattegat/Skagerrak) on the one hand, and for sprat in ICES division 2a (Norwegian Sea) and ICES subarea 4 (North Sea) on the other hand, as they are considered to be a single biological stock, although their management continues to be split into two management areas. ICES published its annual scientific advice for the stock on 13 April 2021, while the fishery will start on 1<sup>st</sup> July 2021. According to that advice, total catches of sprat should be no more than 106 715 tonnes for the period from 1 July 2021 to June 2022 in the areas concerned. Council Regulation 2021/92

sets the total allowable catch (TAC) limits in both management areas at zero for the period from 1 July 2021 to 30 June 2022. Therefore, catches of sprat in those management areas should be amended in line with the latest scientific advice from ICES, after the consultations with the United Kingdom and Norway.

#### Anchovy in subareas 9 and 10

The TAC for anchovy (*Engraulis encrasicolus*) in ICES subareas 9 and 10 and Union waters of the Fishery Committee for the Eastern Central Atlantic (CECAF) 34.1.1 for the period from 1 July 2021 to 30 June 2022 has been set at zero, pending the scientific advice for that period. ICES will issue its advice for this stock only at the end of June 2021. In order to ensure that fishing activity may continue until the TAC is set on the basis of the latest scientific advice, a provisional TAC of 5 744 tonnes, based on the catches in the third quarter of 2020, should be established. The TAC will then be amended, in line with the ICES scientific advice.

2021/0135 (NLE)

Proposal for a

## COUNCIL REGULATION

### **amending Regulation (EU) 2021/92 as regards certain fishing opportunities for 2021 in Union and non-Union waters.**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Regulation (EU) 2021/92<sup>1</sup> fixes for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non-Union waters.
- (2) Regulation (EU) 2021/92 set at zero the total allowable catch ('TAC') for sprat in ICES division 3a (Kattegat/Skagerrak), in ICES division 2a (Norwegian Sea) and ICES subarea 4 (North Sea), pending the publication of the relevant scientific advice provided by the International Council for the Exploration of the Sea ('ICES'). The latest maximum sustainable yield advice from ICES became available on 13 April 2021. According to that ICES advice, total catches of sprat should be no more than 106 715 tonnes for the period from 1 July 2021 to 30 June 2022 in the areas concerned. Sprat is a short lived species and the relevant fishery therefore starts on 1 July shortly after the publication of the scientific advice. The currently applicable catch limits for sprat in ICES division 3a, and in ICES division 2a and ICES subarea 4 should therefore be adapted in accordance with that advice from ICES, and after the pending consultations with Norway and the United Kingdom.
- (3) Regulation (EU) 2021/92 set at zero the TAC for anchovy (*Engraulis encrasicolus*) in ICES subareas 9 and 10 and Union waters of the Fishery Committee for the Eastern Central Atlantic 34.1.1 for the period from 1 July 2021 to 30 June 2022, pending the scientific advice for that period. ICES will issue its advice for that stock at the end of June 2021. In order to ensure that fishing activity may continue until the TAC is set on

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<sup>1</sup> Council Regulation (EU) 2021/92 of 28 January 2021 fixing for 2021 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 (OJ L 31 of 29.1.2021, p. 31).

the basis of the latest scientific advice, a provisional TAC of 5 744 tonnes, based on the catches in the third quarter of 2020, should be established.

- (4) This Regulation should enter into force the day after its publication in view of the urgency to start the fishing season for sprat and anchovy in time on 1 July 2021,

HAS ADOPTED THIS REGULATION:

*Article 1*  
**Amendment of Regulation (EU) 2021/92**

Regulation (EU) 2021/92 is amended in accordance with the Annex to this Regulation.

*Article 2*  
**Entry into force and application**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council*  
*The President*