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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 on the above-mentioned proposal.

COMMISSION SERVICES NON-PAPER

7 JUNE 2022

This document serves as a basis for discussion at the Working Party on 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)275)

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1. **Update to Commission proposal regarding fishing opportunities for northern prawn in the Skagerrak**

Explanatory note

Regulation (EU) 2022/109[1] sets a provisional total allowable catch (TAC) for northern prawn (*Pandalus borealis*) in ICES division 3a (Kattegat/Skagerrak) for the period from 1 January to 31 December 2022, pending the publication of the advice by the International Council for the Exploration of the Sea (ICES).

The definitive fishing opportunities for northern prawn in ICES division 3a and 4a East were to be agreed by the Union and Norway after publication of the ICES advice. ICES published that advice on 9 May 2022.

In accordance with the Agreed Record of fisheries consultations between the Union and Norway for the Skagerrak for 2022, the Commission has, on behalf of the Union, engaged in consultations with Norway on the setting of the definitive fishing opportunities for northern prawn in ICES division 3a and 4a East.

The Commission sought an agreement with Norway based on the detailed approach outlined in the Union position of 17 May 2022[2].

The Union and Norway agreed to set a definitive TAC for northern prawn for 2022 of 7 712 tonnes in ICES division 3a and 4a East, following the ICES advice and in line with the Union position of 17 May 2022. The Parties agreed to allocate 5 398 tonnes of that TAC in ICES division 3a. This results in an EU quota of 2 883 tonnes for 2022.

The agreement was enshrined in an Agreed Record of fisheries consultations between the European Union and Norway. It is now necessary to implement the corresponding level of fishing opportunities in Regulation (EU) 2022/109. Regulation (EU) 2022/109 should therefore be updated accordingly.

[1] Council Regulation (EU) 2022/109 of 27 January 2022 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 (OJ L 21, 31.1.2022, p. 1).

[2] Council document (st8868/22) – EU-Norway-United Kingdom sprat consultations and EU-Norway Pandalus consultations - Presidency compromise on the EU position for the consultations.

Update to the Commission proposal

In the Commission proposal COM(2022)275, the following recital is added:

"(2a) Regulation (EU) 2022/109 sets a provisional TAC for northern prawn in ICES division 3a pending the publication of the relevant scientific advice provided by ICES, which it published on 9 May 2022. In accordance with the Agreed Record of fisheries consultations between the Union and Norway for the Skagerrak for 2022, the Union held bilateral consultations with Norway on the level of the definitive fishing opportunities for northern prawn in ICES division 3a and 4a East for 2022. The Union and Norway agreed on a total allowable catch of 7 712 tonnes in ICES division 3a and 4a East, of which 5 398 tonnes are to be allocated to ICES division 3a.

In the Annex to the Commission proposal, the fishing opportunities table for northern prawn in ICES division 3a (Kattegat/Skagerrak) is replaced by the following:

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Species:	Northern prawn *Pandalus borealis*		Zone: 3a (PRA/03A.)
Denmark		1 874	Analytical TAC
Sweden		1 009	Article 3 of Regulation (EC) No 847/96 shall not apply
Union		2 883	Article 4 of Regulation (EC) No 847/96 shall not apply
TAC		5 398	

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2. Updates to Commission proposal regarding fishing opportunities for sprat in the North Sea and Skagerrak

Explanatory note

Regulation (EU) 2022/109 sets at zero provisional TACs for sprat in ICES division 3a (Kattegat/Skagerrak), division 2a (Norwegian Sea) and subarea 4 (North Sea), for the period from 1 July 2022 to 30 June 2023, pending the publication of the advice by ICES.

The fishing opportunities for sprat in ICES division 3a and in ICES division 2a and ICES subarea 4 for the period from 1 July 2022 to 30 June 2023 were to be agreed by the Union, Norway and the United Kingdom after the publication of the ICES advice. ICES published the advice for those TACs on 9 May 2022.

In accordance with the Agreed Record of the fisheries consultations between the Union, Norway and the United Kingdom for 2022, the Commission has, on behalf of the Union, engaged in consultations with Norway and the United Kingdom on the setting of the definitive fishing opportunities for sprat in ICES division 3a, 2a and subarea 4 for the period from 1 July 2022 to 30 June 2023.

The Commission sought an agreement with Norway and the United Kingdom based on the detailed approach outlined in the Union position of 17 May 2022[3].

The Union, Norway and the United Kingdom agreed to set a definitive TAC for sprat in ICES division 3a (Kattegat/Skagerrak) of 12 570 tonnes and a definitive TAC for sprat in ICES divisions 2a and subarea 4 (Norwegian and North Seas) of 56 120 tonnes, following the ICES advice and in line with the Union position of 17 May 2022. This results in an EU quota of 11 627 tonnes in ICES division 3a and an EU quota of 53 976 tonnes in ICES divisions 2a and subarea 4.

The agreement was enshrined in an Agreed Record of fisheries consultations between the European Union, the United Kingdom and Norway. It is now necessary to implement the corresponding level of fishing opportunities in Regulation (EU) 2022/109. Regulation (EU) 2022/109 should therefore be updated accordingly.

Update to the Commission proposal

In the Commission proposal COM(2022)275, the following recital is added:

"(3a) Regulation (EU) 2022/109 sets at zero provisional TACs for sprat in ICES divisions 3a (Skagerrak/Kattegat), 2a (Norwegian Sea) and in ICES subarea 4 (North Sea) for the period from 1 July 2022 to 30 June 2023, pending the publication of the relevant scientific advice provided by the ICES, which it published on 9 May 2022. In accordance with the Agreed Record of fisheries consultations between the Union, Norway and the United Kingdom for 2022, the Union held trilateral consultations with Norway and the United Kingdom on the level of the definitive fishing opportunities for sprat in ICES divisions 3a, 2a and subarea 4 for the period from 1 July 2022 to 30 June 2023. The Union, Norway and the United Kingdom agreed on a total allowable catch of 12 570 tonnes for ICES division 3a, and of 56 120 tonnes for ICES division 2a and subarea 4."

In the Annex to the Commission proposal, the fishing opportunities tables for sprat in ICES division 3a (Kattegat/Skagerrak) and in ICES division 2a and subarea 4 (Norwegian and North Seas) are replaced by the following:

[3] Council document (st8868/22) – EU-Norway-United Kingdom sprat consultations and EU-Norway Pandalus consultations - Presidency compromise on the EU position for the consultations.

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Species:	Sprat and associated by-catches *Sprattus sprattus*		Zone:	3a (SPR/03A.)
Denmark	8 422	(1)(2)(3)	Analytical TAC	
Germany	18	(1)(2)(3)		
Sweden	3 187	(1)(2)(3)		
Union	11 627	(1)(2)(3)		
TAC	12 570	(2)		

(1)	Up to 5 % of the quota may consist of by-catches of whiting and haddock (OTH/*03A.). By-catches of whiting and haddock 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.
(2)	This quota may only be fished from 1 July 2022 to 30 June 2023.
(3)	Transfers of this quota may be effected to United Kingdom and Union waters of 2a and 4. However, such transfers shall be notified in advance to the Commission and to the United Kingdom.

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Species:	Sprat and associated by-catches *Sprattus sprattus*		Zone:	United Kingdom and Union waters of 4; United Kingdom waters of 2a (SPR/2AC4-C)
Belgium	633	(1)(2)	Analytical TAC	
Denmark	50 114	(1)(2)		
Germany	633	(1)(2)		
France	633	(1)(2)		
Netherlands	633	(1)(2)		
Sweden	1 330	(1)(2)(3)		
Union	53 976	(1)(2)		
Norway	0	(1)		
Faroe Islands	0	(1)(4)		
United Kingdom	2 144	(1)		
TAC	56 120	(1)		

(1)	The quota may only be fished from 1 July 2022 to 30 June 2023.
(2)	Up to 2 % of the quota may consist of by-catches of whiting (OTH/*2AC4C). By-catches of whiting 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.
(3)	Including sandeels.
(4)	May contain up to 4% of by-catch of herring.

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3. Update to Commission proposal regarding fishing opportunities for sprat in the English Channel

Explanatory note

Regulation (EU) 2022/109 sets a TAC for sprat in ICES divisions 7d and 7e (English Channel) for the period from 1 January to 30 June 2022, pending the publication of the advice by ICES for the period from 1 July 2022 to 30 June 2023.

The fishing opportunities for sprat in ICES divisions 7d and 7e for the period from 1 July 2022 to 30 June 2023 were to be agreed by the Union and the United Kingdom after the publication of the ICES advice, which it published on 9 May 2022.

In accordance with the Trade and Cooperation Agreement (TCA) 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[4], the Commission has, on behalf of the Union, engaged in consultations with the UK on the setting of the definitive fishing opportunities for sprat in the English Channel (ICES divisions 7.d and 7.e) from 1 July 2022 to 30 June 2023.

The Commission sought an agreement with the United Kingdom based on the general principles and the specific orientations for consultations with the United Kingdom as detailed in Council Decision (EU) 2021/1875[5] and in the Union position of 18 May 2022[6].

The Union and the United Kingdom agreed to set a definitive total allowable catch (TAC) for sprat from 1 July 2022 to 30 June 2023 of 9 200 tonnes, following the ICES advice and in line with the EU position set out in the non-paper of 18 May 2022 (st08949-co01.en22). This results in an EU quota of 2 341 tonnes, as per the TCA TAC share for 2022.

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

[4] 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).

[5] 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).

[6] Council document (st08949-co01.en22) – Commission non-paper on EU-UK consultations on fishing opportunities for sprat from 1 July 2022 to 30 June 2023.

Update to the Commission proposal

In the Commission proposal COM(2022)275, the following recital is inserted:

"(4a) Regulation (EU) 2022/109 sets a TAC of 550 tonnes for sprat in ICES division 7d and 7e from 1 January 2022 to 30 June 2022. For the period 1 July 2022 to 30 June 2023, ICES published its scientific advice on 9 May 2022. In accordance with the Written Record of fisheries consultations between the United Kingdom and the European Union for 2022, the Union held bilateral consultations with the United Kingdom on the level of the fishing opportunities for sprat in ICES divisions 7d and 7e from 1 July 2022 to 30 June 2023. The Union and the United Kingdom agreed on a total allowable catch of 9 200 tonnes for ICES divisions 7d and 7e."

In the Annex to the Commission proposal, point (2)(iv) is replaced by the following:

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(iv) the following fishing opportunities table for sprat in 7d and 7e for the period from 1 July 2022 to 30 June 2023 is added:

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Species:	Sprat *Sprattus sprattus*	Zone:	7d and 7e (SPR/7DE.2)

Belgium	25	(1)	Analytical TAC
Denmark	1 601	(1)	
Germany	25	(1)	
France	345	(1)	
Netherlands	345	(1)	
Union	2 341	(1)	
United Kingdom	6 859	(1)	
TAC	9 200	(1)	

(1) The quota may only be fished from 1 July 2022 to 30 June 2023.

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