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General Secretariat

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**PECHE
PROCED**

COMMUNICATION

WRITTEN PROCEDURE

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Subject: Council Regulation 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
- Adoption
= END OF WRITTEN PROCEDURE

Delegations are hereby informed that the written procedure, opened by CM 1353/22 of 25 January 2022, was successfully completed on 27 January 2022 at 16:30 and that all delegations voted in favour of the adoption of the above-mentioned Council Regulation set out in docs. 15015/21 + COR1, 15015/21 ADD1 REV1, and 15015/21 ADD2 PECHE 502.

The required qualified majority has been reached. Therefore, the abovementioned Council Regulation is adopted.

The statements as set out in doc. 15130/21 + ADD1 + ADD2 PECHE 510 are reproduced in the Annex to this CM. The above statements will be included in the summary of acts adopted by the written procedure as a statement to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

The Council Secretariat would like to thank delegations and the Commission for their cooperation.

Statement by Belgium, Denmark, France, Germany, Ireland, the Netherlands and Sweden on the application of Article 15(9) in the Basic Regulation for COD/03AS; COD/5BE6A; WHG/56-14; WHG/07A and PLE/7HJK in 2021

Given that the biomass of the stocks of COD/03AS; COD/5BE6A; WHG/56-14; WHG/07A and PLE/7HJK is below Blim and that only by-catch and scientific fisheries will be permitted in 2022, in order to ensure the recovery of the stocks in accordance with Regulations (EU) 2018/973 and (EU) 2019/472, Belgium, Denmark, France, Germany, Ireland, the Netherlands and Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to these stocks in 2022. This undertaking is a response to the current exceptional circumstances for these stocks.

Statement by the Commission on Norway lobster, 8c, FU25

The Commission will submit a request to ICES to evaluate the sentinel fishery for 2022 for FU 25 with a view to increasing the sentinel TAC. Following the advice of ICES, the Commission may submit an appropriate amendment to the fishing opportunities for 2022.

Statement by the Commission on Norway lobster, 9 and 10, FU26 and FU27

The Commission will submit a request to ICES on the appropriateness of conducting a sentinel fishery in FU26 and FU27 and under what conditions. Following the advice of ICES, the Commission may submit an appropriate amendment to the fishing opportunities for 2022.

Joint Statement by the Council and Commission on ICCAT stocks

The Council and the Commission acknowledge that, under several ICCAT recommendations, the Union may, upon request, carry over a percentage of its unused quota of ICCAT stocks in the period of two years.

The Commission will do its utmost to take the necessary steps to implement the adjustments to the Northern albacore quotas of individual Member States to reflect any carry-overs and deductions by 30 June 2022 at the latest, on the basis and within the limits of the legal instruments available.

Joint Statement by the Commission and France on the option of support of the temporary cessation of fishing activities by the European Maritime and Fisheries Fund (EMFF) or the European Maritime, Fisheries and Aquaculture Fund (EMFAF)

Given the assessment of the International Council for the Exploration of the Sea (ICES) on common sole (*Solea solea*) in the Bay of Biscay (ICES divisions 8.a-b), France considers that the protection of common sole requires the temporary cessation of activity, in addition to the fishing opportunities for that stock established in Annex I to the Regulation 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.

The Commission and France agree that the temporary cessation of activity is eligible for funding from the EMFF or the EMFAF, provided that it is in accordance with the conditions set out in Article 33(1)(a) of Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and Article 21(2)(c) of Regulation (EU) 2021/1139 of the European Parliament and the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004.

Statement by the Commission and the Council on mackerel

The Commission and the Council reaffirm the need acknowledged during the October 2021 Council to assess all elements relevant for the methodology applied for allocation and distribution of the Union's fishing opportunities for mackerel in waters of 4a and Norwegian waters of 2a (MAC/2A4A-N).

Taking into account the information submitted to the Commission and the Council by the Member States concerned by 15 January 2022, the Commission will do its utmost to propose, by 31 March 2022 and by way of a non-paper, a methodology applicable to the allocation and distribution of the fishing opportunities in question that would uphold the principle of relative stability.

The Commission and the Council will in any event do their utmost to take the necessary steps to establish the fishing opportunities in question before 30 September 2022.

Statement by the Commission on Southern Horse Mackerel Inter-area Flexibility

In light of the new definition of Fpa for horse mackerel (*Trachurus trachurus*) in division 9a, the Commission commits to asking ICES to review the level of inter-area flexibilities between 9a and 8c that would remain precautionary.

Should ICES produce an updated advice in 2022, the Commission would consider proposing an amendment of the Regulation 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 to include suitable inter-area flexibilities.

On shared stocks managed under provisional TACs (Commission)

Provisional TACs are established to allow fishing activities of EU fleets to continue while not prejudging the outcome of ongoing international consultations. The Commission will monitor the situation of the stocks shared with the United Kingdom and subject to provisional TACs. On the basis of the uptake of quotas reported by Member States and taking into account the results of consultations, the Commission will take stock and will present relevant suggestions for the way forward and possible revisions of the provisional TAC levels, especially concerning the seasonality of fishing activities, in order to address Member States' needs, or to establish definitive TACs.

On commitments regarding conservation measures for the seabass fishery in the Bay of Biscay (8a,b) by France and Spain

France and Spain welcome the good state of the seabass stock in the Bay of Biscay (8a,b) and the responsible measures implemented at national level.

Considering that the MSY value is set by ICES at a level of 3156 tons, France commits to maintain its national management scheme in 2022, which consists in fishing licences and individual yearly and periodic ceilings per vessels.

Statement by Denmark and Sweden on eel

The result of the political agreement on Fishing Opportunities for 2022 on eel will impact Danish and Swedish fishermen severely. Denmark and Sweden have a traditional artisanal small-scale eel fisheries with low-impact gears that takes place in marine waters. Given the critical state of the European eel stock, appropriate actions are needed for all stages of the eel life cycle and areas. The recovery of the European eel stock is a shared responsibility that requires coordinated action regionally as well as across the entire distribution area for European eel for these actions to have a positive effect. For Denmark and Sweden it is important that effective measures to protect and rebuild the European eel are pan-European and that all anthropogenic mortalities – not only fisheries are minimised.

Statement by Belgium, Denmark, France, The Netherlands and Germany on Hague

Preferences

Belgium, Denmark, Germany, The Netherlands and France are of the opinion that the scales for the allocation of quotas for Member States were agreed upon in 1983. These scales constitute the basis of relative stability, which is a principle established by the Basic Regulation governing the Common Fisheries Policy. It is our opinion that Hague preferences are contrary to the principle of relative stability.

Statement by Poland on Svalbard cod

Poland is aware that TCA provisions requires, inter alia, allocating 25% of the quota share of the Svalbard cod to the UK. Poland understands that the decisions taken at the Council are difficult for all concerned Member States and Poland recognizes that these are provisional solutions without prejudice to the future long term arrangements.

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 only 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.

Statement by Sweden on herring in the North Sea

Sweden has in conjunction with the AGRIFISH council meeting on 12-13 December 2021 pointed out a calculation error to the Swedish quota for herring in the North Sea (HER/4AB) and provided the basis for the calculation for the Swedish share in line with previous years, including 2021. Sweden therefore anticipated that this calculation would have been corrected in view of the final adoption of the regulation but notes that this is not the case. Sweden therefore assumes that this error along with any other similar errors will be corrected in next amendment of the regulation. Although the difference is small in terms of tonnes the matter is of principal importance as the basis for the Swedish internal EU-share stems from the Swedish Act of accession.
