



Brussels, 17 March 2022
(OR. en)

6460/22

PECHE 54

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
Subject:	Working Party on Fisheries Policy of 3 March 2022

I.	UNION AND NON-UNION WATERS
II.	CONTROL REGULATION
III.	EU-UK SPECIAL STOCKS
IV.	EU-UK SANDEEL 2022
V.	NORWAY SVALBARD
VI.	NORWEGIAN WATERS
VII.	AOB

I. 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

– Presentation

1. The Commission representative presented the above-mentioned proposal as set out in docs. 5779/22 + ADD 1 highlighting that this proposal transposes the outcome of consultations with the United Kingdom for fishing opportunities and related measures and substitutes therewith the temporary TACs currently in force. The proposal also includes the TAC for Anchovy in the Bay of Biscay.
2. DK entered a parliamentary scrutiny reservation.

3. Delegations (DK, ES, SE) referred to their priorities as set out in their written comments¹ and asked about the timeline for adoption of this amendment. DE asked for an updated overview on the relative stability in relation to the UK. IE said that it could not accept a change in interarea flexibility for Mackerel from the North Sea to EU waters in the Western Waters and BE was not in favour of extending the quota exchange mechanism another month.
4. The Commission representative reminded delegations that an overview of the relative stability changes could be found in the Annex to the EU-UK Trade and Cooperation Agreement. He informed delegations that three more non-papers were to be expected to update the proposal. Concerning the ICCAT quota adjustments for ES, he said that the Commission is analysing how to address this matter through other EU instruments.
5. The Presidency reassured delegations that internal procedures should be finalised on time for adoption at the end of the month. The Presidency concluded that the Working Party has taken note of the information from the Commission and the exchange of views with delegations.

II. Proposal for a REGULATION of the EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) no 1224/2009, and amending Council Regulations (EC) no 768/2005, (EC) no 1967/2006, (EC) no 1005/2008, and Regulation (EU) no 2016/1139 of the European Parliament and of the Council as regards fisheries control

– *Presidency debrief on the results of the trilogue of 11.02.2022*

1. The Presidency debriefed on the first political trilogue on the revision of various regulations as regards fisheries control held under the French Presidency. He explained that the co-legislators agreed in principle on certain rules on fishing without a fishing vessel, the question on who may exempt vessels below 10 metres length from the obligation to have authorisations, end-of-use fishing gear and the separate stowage of demersal catches. He explained that, based on such agreement in principle, the technical level would further work on the exact drafting of specific provisions. He noted that on certain other topics the

¹ Docs. ST 6475/22 REV 1 + ADD 1 – 2.

positions of the co-legislators came closer, like on the risk-based approach for inspection targets and on Union inspectors. The Presidency stressed the importance of the provisions on transparency and the costs of control observers for the European Parliament.

2. The Commission representative reiterated that the Commission opposed the agreement in principle on the question of authorisations for vessels below 10 metres length and the Council's position relating to the risk-based approach for inspection targets.
3. In response to a question by one delegation, the Presidency explained that the other institutions welcomed the Presidency's proposal on Union inspectors, that was based on the suggestions by two delegations, and that it would soon submit a new table to delegations with proposed ways forward. The Presidency concluded that the Working Party had taken note of the information provided by the Presidency on the political trilogue held on 11 February 2022 as well as of the contributions by the Commission and one delegation.

III. EU-UK: guidelines on special stocks

– Presentation

1. The Commission representative presented the non-paper on the orientations for the EU position for Guidelines for the setting of provisional TACs by each party for special stocks to be adopted within the Specialised Committee on Fisheries (SCF). He explained which stocks fall into the category of special stocks (stocks for which the scientific advice is 0 catches, or are part of mixed fisheries or one of parties considers it as a special stock under certain conditions) and the 4 key principles to be followed to set the TACs. These principles, which are in line with the relevant EU legislation, are that the TAC should be set following the best available scientific advice; should contribute to avoid unwanted catches and discards; should ensure comparable level of conservation of the stock even in the absence of scientific advice and should set remedial measures where relevant.
2. The Commission representative also indicated that the Working Group set within the SCF will aim to meet once a month and the work done would be endorsed or finalised at political level in the SCF that would have 4 meetings per year.

3. Several delegations requested a technical meeting with the Commission to discuss the non-paper in detail, entered scrutiny reserves and referred to specific elements such as the need to give priority to the ICES scientific advice and to take into account seasonal fisheries and choke species.
4. The Council Legal Service representative indicated that the overview of the EU legal framework should be completed by provisions of Articles 28(3) and 33 of the CFP Regulation.
5. The Presidency asked delegations to submit their written comments by Tuesday 8 March cob. The Presidency concluded that the Working Party has taken note of the presentation and the comments made by delegations including the need to organise a technical meeting.

IV. EU-UK in-year consultations on sandeel for 2022 (week of 7 March)

– *Preparation*

1. The Commission representative presented the non-paper on sandeels setting the EU position for the consultation with the UK the following week. He highlighted the time pressure as the advice has only been received a few days before and the results of the consultations have to be included in the proposed amendment of the Fishing Opportunities Regulation.
2. Two delegations expressed interest in including the mackerel interarea flexibility in the non-paper while two other delegations highlighted that it has to be discussed in the wider EU-UK consultations, not in the context of this non-paper. One delegation requested participation in the sandeel monitoring programme.
3. The Commission representative took note of the divergent views on the mackerel interarea flexibility but due to the time pressure for the adoption of the amendment to the Fishing Opportunities Regulation considered it important that the WP endorses the non-paper on sandeel. He also took note of the request for participation in the sandeel monitoring TAC.
4. The Presidency noted the comments by Delegations and concluded that the Working Party has supported the Commission non-paper on sandeel and, on that basis, the Commission could start the consultations with UK.

V. State of play of discussions with Norway regarding Svalbard

– *Information by the Commission*

1. The Commission representative provided an update on the discussions underway regarding Svalbard, including at the highest level.
2. Several delegations intervened with questions and remarks, to which the Commission representative responded, and expressing support for the Commission's efforts. Some enquired about the prospects for an agreement and the Commission's intentions for the second quarter, given that the current provisional fishing quota will expire on 31 March. Others enquired whether discussions with Norway covered issues other than Svalbard, for instance mackerel and Norway's prohibition of certain types of fishing gear.
3. The Presidency emphasised the need for delegations to have sufficient time to assess the situation ahead of a possible amendment to the Council Regulation on fishing opportunities as regards the second quarter. Noting that discussions on relations with Norway and other coastal states were also underway in the Working Party on EFTA, he urged delegations to coordinate with the relevant colleagues. He concluded that the Working Party had taken note of the information provided by the Commission and of the views expressed by delegations, and emphasised the need for Member States to be kept informed.

VI. Notification concerning new technical measures in the Norwegian waters

– *Information by the Commission*

1. The Commission representative provided an update regarding the introduction by Norway of new technical measures that include a general prohibition on the use of beam trawls. He said the Commission had requested formal consultations on the matter, and these were expected to be held in the coming days, and that it was in contact with the Member States most concerned.
2. Several delegations intervened with remarks, to which the Commission representative responded.

3. The Presidency concluded that the Working Party had taken note of the information provided by the Commission and the points raised by delegations.

VII. AOB

- *Letters from citizens on eel fishing*
(Information)
 - 1. The Presidency informed the Working Party about two letters on eels fisheries received from two Swedish associations.
 - 2. The Council Legal Service representative indicated the suggested way forward to reply to the letters in a factual manner.
 - 3. Several delegations raised concerns of procedural nature.
 - 4. The Presidency concluded that the Working Party took note of the comments from delegations and will reflect on the way ahead.
-