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PECHE 93

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
Subject:	Working Party on Fisheries Policy of 23 March 2022

I.	ACCESS TO WATERS
II.	CONTROL REGULATION
III.	EU-UK SCF
IV.	TACS 1ST AMENDMENT
V.	NPFC
VI.	AOB

I. Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 as regards restrictions on access to Union waters

– Examination of Presidency Compromise

1. The Presidency presented the details of the Presidency compromise which had been circulated (doc. 6848/22).
2. A number of Delegations intervened to express general support for the approach proposed by the Presidency and some Delegations entered scrutiny reservations. EL/IE reverted to their written comments and highlighted that they still request important further changes, respectively on inserting a reference to a bilateral agreement with a third country and on the principle element of the proposal regarding a change to the restrictions to the access to waters regime.

3. The Council Legal Service representative replied to a question on the implications of a request to insert a reference to a bilateral agreement with a third State in the text.
4. The Commission representative noted that while there are reservations with some of the proposed drafting, the Presidency compromise can be acceptable.
5. The Presidency concluded that the Working Party has taken note of the comments and the support indicated already at this stage. The file would come back to the Working Party on Fisheries and to COREPER for approval of the Council mandate before an agreement with the co-legislator can be explored.

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

– *Information from the Presidency*

1. The Presidency mentioned that document WK 4031/22 REV1 had been distributed to clarify the positions on various issues in view of the next political trilogue on the revision of the fisheries control system, scheduled on 25 March 2022. The Presidency explained the proposed way forward for several topics, including on sensitive species.
2. The Council Legal Service representative outlined legal concerns as regards the publication of a list of sensitive species via an implementing act, if the basic act also contained a definition of those species.
3. Numerous delegations intervened. A large number of delegations overall supported the proposed way forward, while also, as regards certain provisions, entering scrutiny reservations or expressing a preference for the positions set out in the General Approach.
4. The Commission representative outlined her approach as regards various topics, including sensitive species and lost gear.
5. The Presidency asked to send written comments, if any, very quickly in order to allow the Presidency to take them into account during the trilogue. The Presidency concluded that the Working Party had taken note of the information provided by the Presidency, the comments by delegations as well as the intervention by the Commission.

III. EU-UK: Position of the European Union within the Specialized Committee on Fisheries

– *Examination of non-paper*

1. The Presidency suggested to prioritise the topics included in this non-paper (doc. 7156/22) to ensure that the EU position on those s is agreed ahead of the first meeting of the SCF Working Group scheduled on 30 March. The priority topics would be non-quota species, transfer of fishing opportunities, technical notifications and ICES requests. A Presidency compromise on these topics will be presented to the Working Party Fisheries on 28/03 for endorsement and after it is also presented in the Working Party UK on 29/03, the Commission would be able to engage with the UK on that basis.
2. Delegations agreed on the suggested working method and had specific comments on the need to formalise the mechanism for transfers, extend the period to react to notifications and further discuss the issues related to mixed fisheries. One delegation entered scrutiny reserve.
3. The Commission representatives also agreed on the working method suggested by the Presidency, confirmed that establishing a permanent system for exchanges is a priority and indicated that additional scientific information might be needed to define the multi-year strategies in relation to non-quota species.
4. The Presidency concluded by inviting delegations to submit their drafting suggestions as soon as possible and reminding delegations that a Presidency compromise will be submitted for discussion and endorsement at the next Working Party Fisheries.

IV. Proposition 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

– *Information from the Commission*

1. The Commission representative presented a non-paper¹ extending to 30 April the duration of the 4500 tonne provisional EU quota for Svalbard cod established by regulation 2022/109 for the first quarter of 2022. He explained that the one-month extension, proposed by Norway, would allow ongoing discussions on equal and non-discriminatory access to Svalbard waters to conclude. And given the low uptake of the existing quota, this should not pose an immediate problem for the EU. The priority would be to avoid an interruption on 1 May.

¹ Doc. 7301/22

2. A number of delegations intervened. Given that a solution to the Svalbard issue had been pending for 14 months, delegations could accept that the existing provisional quota be extended for April but not any longer. This would provide enough time for an agreement with Norway to be reached. Two delegations raised the issue of Norway's prohibition of beam trawls, asking that the Norwegian authorities provide an official notification that they will postpone its entry into force until October 2022. A third delegation repeated its call for a rethink of the EU's overall relationship with Norway, with the aim of achieving greater stability. Regarding Svalbard, the Presidency called for member states to be more closely associated in the negotiations, to which the Commission representative consented, stating that delegations would be invited to a technical meeting and kept regularly informed.
3. The Presidency concluded that the Working Party supported the Commission's non-paper, the content of which would be integrated by the lawyer linguists into the draft regulation. The regulation would be submitted to Coreper on 30 March and for adoption by written procedure, enabling entry into force on 1 April.

V. 7th Annual Session of the NPFC (virtual, 28-30 March 2022)

– *Approval of the non-paper*

1. The Presidency recalled the issues left pending after the Working Party's discussion on 17 March in preparation for the NPFC annual session¹, especially the issue posed by the fact that the NPFC chair is a Russian national. He said that the Council had meanwhile approved principles regarding Russia and Belarus in multilateral fora (doc. 7261/22), which provides for the election of Russian candidates to officeholder positions to be actively opposed and the examination of possibilities for working through co-chairs/vice chairs in cases of existing Russian chairmanships.
2. One delegation intervened to confirm its support for the Commission's non-paper², thereby lifting a scrutiny reservation.
3. The Commission representative announced that NPFC heads of delegation had decided, in the circumstances, to postpone to a later date the NPFC annual session and all

² Doc. 6874/22

preparatory meetings. This would allow more time to address the issues. Delegations would be informed of further developments.

4. The Presidency concluded that the Working Party supported the non-paper, thereby completing preparations for the NPFC annual session, and that delegations would be informed when new dates had been agreed.

VI. AOB
