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From:	General Secretariat of the Council
To:	Delegations
Subject:	Commission Services Non-paper on Union position to be taken in the Specialised Committee on Fisheries, established under Article 508 of the EU-UK Trade & Cooperation Agreement

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (12.09.2022)

Delegations will find attached the Commission Services non-paper on the Union position to be taken in the Specialised Committee on Fisheries, established under Article 508 of the EU-UK Trade and Cooperation Agreement.

COMMISSION SERVICES NON-PAPER ON UNION POSITION TO BE TAKEN IN THE SPECIALISED COMMITTEE ON FISHERIES, ESTABLISHED UNDER ARTICLE 508 OF THE EU-UK TRADE & COOPERATION AGREEMENT

This document serves as a basis for discussion at the Council Working Party. 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

Article 8(q) of the EU-UK Trade and Cooperation Agreement (TCA) establishes a Specialised Committee on Fisheries (SCF). Decision No 1/2022 of the SCF of 3 March 2022 establishes a Working Group on Fisheries, reporting to the SCF.

Article 508 of the TCA provides a list of possible tasks within the remit of the SCF. Some of these tasks have been further specified in the Written Records of the 2021 and 2022 annual fisheries consultations between the EU and UK (henceforth referred to as the 2021 Written Record and 2022 Written Record), together with additional tasks arising from these consultations.

This non-paper sets out the proposed Union position as regards those tasks which the Commission, on behalf of the Union, intends, as a matter of priority, to discuss in the SCF with the UK. Further non-papers will be presented at later dates regarding certain other tasks within the remit of the SCF.

The Commission seeks the views of the Council on the proposed position to each task of the SCF set out hereunder.

Main orientations - principles on the proposed position to be taken by the Union in the SCF

1. The Union should engage with the UK on the proposed position set out in this non-paper, in line with the relevant TCA provisions and the rules of the EU common fisheries policy (CFP). In particular, such a position must comply with the objectives and principles set out in Article 494 of the TCA:

“1. The Parties shall cooperate with a view to ensuring that fishing activities for shared stocks in their waters are environmentally sustainable in the long term and contribute to achieving economic and social benefits, while fully respecting the rights and obligations of independent coastal States as exercised by the Parties.

2. The Parties share the objective of exploiting shared stocks at rates intended to maintain and progressively restore populations of harvested species above biomass levels that can produce the maximum sustainable yield.

3. *The Parties shall have regard to the following principles:*

(a) applying the precautionary approach to fisheries management;

(b) promoting the long-term sustainability (environmental, social and economic) and optimum utilisation of shared stocks;

(c) basing conservation and management decisions for fisheries on the best available scientific advice, principally that provided by the International Council for the Exploration of the Sea (ICES);

(d) ensuring selectivity in fisheries to protect juvenile fish and spawning aggregations of fish, and to avoid and reduce unwanted bycatch;

(e) taking due account of and minimising harmful impacts of fishing on the marine ecosystem and taking due account of the need to preserve marine biological diversity;

(f) applying proportionate and non-discriminatory measures for the conservation of marine living resources and the management of fisheries resources, while preserving the regulatory autonomy of the Parties;

(g) ensuring the collection and timely sharing of complete and accurate data relevant for the conservation of shared stocks and for the management of fisheries;

(h) ensuring compliance with fisheries conservation and management measures, and combating illegal, unreported and unregulated fishing; and

(i) ensuring the timely implementation of any agreed measures into the Parties' regulatory frameworks."

2. Moreover, the Union's proposed position within the SCF should respect the principles set out in Annex I of Council Decision (EU) 2021/1765 of 5 October 2021 on the position to be adopted on behalf of the European Union, for the period 2021–2026, within the Specialised Committee on Fisheries established by the 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:

"a) the Union shall act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP) to ensure that fisheries are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, in particular through the aims related to the MSY as laid down in Article 2(2) of Regulation (EU) No 1380/2013 and the applicable multiannual plans, and in line with the precautionary approach, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as to provide, through the promotion of economically viable and competitive Union fisheries, for a fair standard of living for those who depend on fishing activities while taking account of the interests of consumers; and shall act in accordance with Articles 28 and 33 of that Regulation as regards the management of stocks of common interest;

b) the Union shall ensure the operationalisation of the Specialised Committee on Fisheries, including the preparation or amendment of its rules of procedure;

c) the Union shall aim to ensure that acts or measures having legal effects adopted by the Specialised Committee on Fisheries are consistent with international law, including the United Nations Convention on the Law of the Sea, the United Nations Agreement on

Straddling Fish Stocks and Highly Migratory Fish Stocks and the FAO Agreement on Port State Measures and with the Union's international commitments;

d) the Union shall ensure that acts or measures having legal effects adopted by the Specialised Committee on Fisheries are consistent with Article 494 of the Trade and Cooperation Agreement, including the promotion of the long-term sustainability and optimum use of shared stocks, the use of the best available scientific advice principally provided by the International Council for the Exploration of the Sea (ICES) as the basis for conservation and management decisions, and the application of proportionate and non-discriminatory measures for the conservation of marine living resources and the management of fisheries resources, while preserving the regulatory autonomy of the Parties, pursuing a level playing field between the EU and UK fleets and seeking a shared approach between the Parties' rules;

e) the Union shall promote positions consistent with best practices and with positions taken in other forums and multilateral and bilateral consultations in the north-east Atlantic, and promote coordination with other Parties and with the North East Atlantic Fisheries Commission (NEAFC);

f) the Union shall act in line with the Council conclusions of 19 March 2012 on the Commission communication on the external dimension of the common fisheries policy;

g) the Union shall aim to promote timely implementation by the Parties of measures adopted under the Trade and Cooperation Agreement into their respective legal frameworks, taking into account their respective internal procedures."

Detailed proposed Union position as regards those tasks which the Commission, on behalf of the Union, and the UK intend to discuss in the SCF

I. Non-quota stocks – approach to data monitoring and multi-year strategies

EU applicable legal framework

Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.07.2019, p. 105).

Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community

control system for ensuring compliance with the rules of the common fisheries policy (OJ L 112, 30.4.2011, p. 1).

Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95 (OJ L 289, 7.11.2003, p. 1).

Commission Delegated Regulation (EU) 2020/2013 of 21 August 2020 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards technical measures for certain demersal and pelagic fisheries in the North Sea and in the South Western Waters (OJ L 415, 10.12.2020, p. 3).

Commission Delegated Regulation (EU) 2017/118 of 5 September 2016 establishing fisheries conservation measures for the protection of the marine environment in the North Sea (OJ L 019, 25.1.2017, p. 10).

Background

3. Article 495(1)(e) of the TCA defines non-quota stocks as “*stocks which are not managed through TACs*” (Total Allowable Catches). Article 2(1)(b) of Annex 38 of the TCA provides for full access to the waters of the other Party to fish non-quota stocks during the adjustment period (lasting from 1 January 2021 until 30 June 2026) at a level that equates to the average tonnage fished by that Party in the waters of the other Party during the period 2012-2016. The 2022 Written Record noted an average tonnage level during the 2012-2016 reference period of 33,023 tonnes for EU vessels in UK waters and of 12,365 tonnes for UK vessels in EU waters.
4. In paragraph 13 of both the 2021 Written Record and the 2022 Written Record, the Parties agreed not to apply the tonnage levels limits referred to in Article 2(1)(b) of Annex 38 to the TCA, but to closely monitor non-quota stocks fished by each Party in the waters of the other Party.

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7. The Parties agreed a shared and non-exhaustive set of principles in paragraph 13(e) of the 2022 Written Record to underpin the development of the multi-year strategies for the conservation and management of shared non-quota species:

- *“Strategies should support long-term sustainability (environmental, social and economic) and take due account of and minimise the harmful impacts of fishing on the marine ecosystem;*
- *Strategies should be based on the best available scientific advice;*
- *Strategies should set out how often advice will be obtained and set out steps for improving advice on stock status and addressing evidence gaps;*
- *Strategies should be subject to review to take account of any developments that may affect the sustainable management of these stocks, including potential impacts of changes in fishing behaviours.”*

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Multi-year strategies

12. As a first step and before going into the development of specific multi-year strategies, it is important that the Union and the UK agree on a common vision, and approach for the joint sustainable management of the non-quota stocks. **DELETED**

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13. The overarching strategy developed by the EU and UK, based on the above-described elements, will be important for the discussions on conservation and multi-year strategies.

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II. Transfers of fishing opportunities between the Parties

EU applicable legal framework

Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22), in particular Articles 16(8) and 33(2).

Article 52 of 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, 31.12.2022, p. 1).

Background

16. Article 508(1)(m) of the TCA provides for a voluntary in-year transfer of fishing opportunities between the Parties and assigns responsibility to the SCF to decide on the details of this mechanism: “[*The Specialised Committee may in particular*] develop a mechanism for voluntary in-year transfers of fishing opportunities between the Parties, as referred to in Article 498(8).”
17. Article 498(8) of the TCA states: “*The Parties shall set up a mechanism for voluntary in-year transfers of fishing opportunities between the Parties, to take place each year. The Specialised Committee on Fisheries shall decide on the details of this mechanism. The Parties shall consider making transfers of fishing opportunities for stocks which are, or are projected to be, underfished available at market value through this mechanism.*”

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III. Notifications under Article 496(3) TCA

Background

28. Article 496(3) of the TCA establishes a requirement for each Party to notify the other Party of new measures that are likely to affect the vessels of the other Party before those measures are applied, allowing sufficient time for the other Party to provide comments or seek clarification. Article 508(1)(j) of the TCA states that the SCF may establish timelines for the notification of measures referred to in Article 496(3) of the TCA.

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IV. Adjustment of management areas for stocks marked with an asterisk in Annex 35 of the TCA (Article 504 TCA)

EU applicable legal framework

As concerns lemon sole, witch, turbot and brill:

- Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No

- 1342/2008 (OJ L 179, 16.07.2018, p. 1) (not listed as target species, but can be considered implied bycatch species).
- 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).
- Commission Delegated Regulation (EU) 2020/2014 of 21 August 2020 specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023 (OJ L 415, 10.12.2020, p. 10).
- Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.07.2019, p. 105), in particular Annex V on the North Sea.

As concerns plaice (7d and 7e) and whiting (Celtic Sea):

- Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 083, 25.3.2019, p. 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).
- Commission Delegated Regulation (EU) 2020/2015 of 21 August 2020 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023 (OJ L 415, 10.12.2020, p. 22).

Background

18. Article 504(1) of the TCA provides that the Parties should have requested advice from ICES on the alignment of the management areas and the assessment units used by ICES for the TACs marked with an asterisk in Annex 35 by 1 July 2021, namely:

- Lemon sole and witch, North Sea;
- Turbot and brill, North Sea;
- Plaice, 7d and 7e; and
- Whiting, Celtic Sea.

Lemon sole/witch and Turbot/brill

35. In paragraph 5(h) of the 2022 Written Record, the Parties agreed to address as a matter of priority in the SCF in 2022 the commitment in the TCA regarding lemon sole/witch and turbot/brill (L/W/2AC4-C and T/B/2AC4-C).

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49. In paragraph 5(m) of the 2022 Written Record, the Parties noted the commitment in Article 504 of the TCA to consider adjustments to management area of Celtic Sea whiting stocks 7b-c,e-k and 7d, and agreed to pursue this commitment ahead of TAC setting for 2023.

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59. In paragraph 5(i) of the 2022 Written Record, the Parties agreed:

“Anglerfish North Sea and West of Scotland: the Delegations noted that the ICES advice for this stock does not fully correspond to the TAC management areas (ANF/2AC4-C and ANF/56-14), notably catches in area 3a and by Norway in Division 4. The Delegations took note that under the trilateral Agreed Record of 10 December 2021 between the European Union, Norway and the United Kingdom this stock is considered as shared and should be jointly managed between the three Parties. The Delegations agreed to work together in the relevant forum, and with ICES, to move, over time, to a position where the TAC areas and biological stock area are aligned and jointly managed with scientific advice”.

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VI. Seabass

EU applicable legal framework

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).

Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 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 29, 31.1.2019, p. 1).

Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.07.2019, p. 105).

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64. Pursuant to paragraph 13(h) of the 2021 Written Record, the Parties agreed to work together in the SCF on the management of seabass and to prioritise the further improvement of the ICES assessment tool for northern seabass with a view to using the tool for calculations for individual catch forecasts, both in commercial and recreational fisheries, in support of the setting of the fishing opportunities and catch limits per vessel/angler.
65. Additionally, in paragraph 13(f)(ii) of the 2022 Written Record, the Parties committed to keeping the adjustments made to seabass management arrangements (fishing opportunities and catch limits) under review in 2022, including at the annual consultations for 2023. This review should include consideration of information on uptake available during the year and effects on stock mortality.

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VII. Landing obligation – TAC deduction to implement the survivability exemption

EU applicable legal framework

Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.07.2018, p. 1).

Commission Delegated Regulation (EU) 2020/2014 of 21 August 2020 specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023 (OJ L 415, 10.12.2020, p. 10).

Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 83, 25.3.2019, p. 1).

Commission Delegated Regulation (EU) 2020/2015 of 21 August 2020 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023 (OJ L 415, 10.12.2020, p. 22).

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VIII. Skates & rays management

EU applicable legal framework

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, 31.12.2022, p. 1).

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80. Under paragraph 5(e) of the 2021 Written Record, the Parties agreed that they “*would work through the SCF, and with ICES as appropriate, to seek to agree the most appropriate way to interpret the ICES advice for the setting of the skates and rays group TACs SRX/07D, SRX/2AC4-C and SRX/67AKXD, and to work jointly to adopt a possible in-year amendment to the TACs to reflect the agreed interpretation of the advice*”. The Parties confirmed this

commitment in paragraph 5(f) of the 2022 Written Record, with a view to applying it to existing and emerging ICES advice throughout 2022 for TAC setting for 2023.

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IX. Stocks with no advice

EU applicable legal framework

Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ([OJ L 354, 28.12.2013, p. 22](#)), Article 2(2) of the CFP.

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).

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X. Mixed fisheries science

EU applicable legal framework

Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.07.2018, p. 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).

Commission Delegated Regulation (EU) 2020/2014 of 21 August 2020 specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023 (OJ L 415, 10.12.2020, p. 10).

Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.07.2019, p. 105).

Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 83, 25.3.2019, p. 1).

Commission Delegated Regulation (EU) 2020/2015 of 21 August 2020 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023 (OJ L 415, 10.12.2020, p. 22).

Background

87. Under paragraph 5(f) of the 2021 Written Record, both Parties agreed the following regarding fishing opportunities in mixed fisheries, in particular in the Celtic Sea:

“i) that depleted stocks such as cod in the Celtic Sea are taken as incidental bycatches, and that the mortality of these stocks is influenced by the level at which other TACs for stocks which are also caught in the same fishery are set

ii) that the approach to TAC setting should, where relevant, look beyond single stock assessments in order to deliver management objectives

iii) that in annual consultations for fishing opportunities from 2022 onwards, the Delegations will take into account the multi-stock character of these fisheries when agreeing fishing opportunities

iv) that the assessment of the level of interaction between the TACs will be guided by the best available science, principally from ICES mixed fishery considerations. As part of this process the Delegations identify the need for ICES to explore the assumptions around species interaction, the stability of catch patterns, catch compositions, gear selectivity and fleet structures present in mixed fisheries approaches

v) to develop, through the SCF, terms of reference for a request to be submitted by 31 July 2021 to ICES to further develop mixed fisheries science focusing on the Celtic Sea, including ways to estimate uncertainty, in order to progress this work in a timely manner to inform future annual negotiations.”

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XI. Celtic Sea technical measures

EU applicable legal framework

Commission Delegated Regulation (EU) 2021/2324 of 23 August 2021 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards technical measures for certain demersal and pelagic fisheries in the Celtic Sea, the Irish Sea and the West of Scotland (OJ L 465, 29.12.2021, p. 1).

Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 083, 25.3.2019, p. 1).

Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations

(EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

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98. In paragraph 12(d) of the 2022 Written Record, the Parties committed to seek to agree by 31 March 2022 on the timetable referred to in paragraph 12(d) of the 2021 Written Record in order to enable the elements to be taken into account for the 2023 annual consultations.
99. In paragraph 12(e) of the 2022 Written Record, the Parties also committed to work through the SCF to identify and evaluate coordinated technical measures to reduce Celtic Sea cod catches with the aim of supporting the recovery of the stock, highlighting that while doing so, consideration should be given to new and effective baseline selective gear measures in areas with the highest cod catches and abundance in UK and EU waters of the Celtic Sea, to be identified by 1 June 2022 with a view for its implementation as soon as possible in 2023.

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XII. Roundnose grenadier

EU applicable legal framework

Council Regulation (EU) 2021/1069 of 28 June 2021 amending Regulation (EU) 2020/1579 as regards certain fishing opportunities in the Baltic Sea, and amending Regulation (EU) 2021/92 as regards certain fishing opportunities for 2021 in Union and non-Union waters (OJ L 230, 30.6.2021, p. 5).

Regulation (EU) 2016/2336 of the European Parliament and of the Council of 14 December 2016 establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic and repealing Council Regulation (EC) No 2347/2002 (OJ L 354, 23.12.2016, p. 1).

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