

# COMMISSION SERVICES NON PAPER

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*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 Commission proposal for a Council Regulation amending Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks [COM(2023) 114]**

## Contents

1. AMENDMENTS IN RELATION TO HADDOCK AND WHITING IN THE NORTH SEA .....	2
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## 1. AMENDMENTS IN RELATION TO HADDOCK AND WHITING IN THE NORTH SEA

### EXPLANATORY NOTE

Council Regulation (EU) 2023/194<sup>1</sup> sets the TACs for haddock (*Melanogrammus aeglefinus*) and whiting (*Merlangius merlangus*) in EU, UK and Norwegian waters of ICES subarea 4 and UK waters of ICES division 2a (North Sea) for 2023 at the level agreed with the UK and Norway on 9 December 2022.

The Swedish delegation informed the Commission that the resulting allocation of quotas to Member States for those stocks would conflict with the terms of the Act concerning the conditions of accession of Sweden to the EU<sup>2</sup> (“the Act”), as adjusted by Council Decision 95/1/EC, Euratom, ECSC<sup>3</sup>. The Commission services have examined that information. Further to that examination, it is proposed to amend the Member States’ quotas for those stocks with a view to resolving that alleged conflict.

In accordance with Article 121(1) of the Act, quotas for haddock and whiting in ICES subarea 4 and division 2a are to be allocated to Sweden based on fixed shares of the overall EU quotas for these stocks. Those fixed shares were 0,514% and 0,018% of the overall EU quotas for haddock and whiting respectively when the UK was part of the EU. Following the withdrawal of the UK from the EU and taking into account the EU and UK shares of stocks during the transition period established by the Trade and Cooperation Agreement (TCA)<sup>4</sup>, those quotas should be, for 2023, quantified as 2,999% and 0,0588% of the EU quotas for haddock and whiting respectively.

It is therefore proposed to increase the Swedish quotas for haddock and whiting in ICES subarea 4 and division 2a for 2023, fixed by Regulation (EU) 2023/194, by 8 and 1 tonnes respectively. In addition, it is proposed for the other Member States’ quotas for those stocks for 2023 to be decreased by equal value overall. This would bring the quotas for Sweden for 2023 in line with the historic allocation keys for Sweden, as guaranteed in the Act. It would also result in a minor internal reallocation of fishing opportunities.

The adjusted fishing opportunities should apply from 1 January 2023. Such retroactive application does not affect the principles of legal certainty and the protection of legitimate expectations as the fishing opportunities concerned are increased or have not yet been exhausted.

### AMENDMENTS TO THE RECITALS

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<sup>1</sup> Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (OJ L 28, 31.1.2023, p. 1).

<sup>2</sup> Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ C 241, 29.8.1994, p. 9).

<sup>3</sup> Decision 95/1/EC of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1, 1.1.1995, p. 1).

<sup>4</sup> 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).

The following recital is inserted:

“(3a) Regulation (EU) 2023/194 sets the TACs for haddock (*Melanogrammus aeglefinus*) and whiting (*Merlangius merlangus*) in Union, United Kingdom and Norwegian waters of ICES subarea 4 and United Kingdom waters of ICES division 2a for 2023 at the level agreed with the United Kingdom and Norway on 9 December 2022. The Member States’ quotas for those stocks should be adjusted to bring them into line with the historic allocation keys for Sweden as set out in Article 121(1) of the Act concerning the conditions of accession of Sweden to the Union<sup>5</sup>, as amended by Council Decision 95/1/EC, Euratom, ECSC<sup>6</sup>.”

Recital (9) is replaced by the following:

“(9) The fishing opportunities provided for in Regulation (EU) 2023/194 apply from 1 January 2023. The provisions introduced by this Regulation concerning fishing opportunities should therefore also apply from 1 January 2023, except for the fishing opportunities for capelin in Greenland waters of ICES subareas 5 and 14. The fishing opportunities for capelin in Greenland waters of ICES subareas 5 and 14, set by Regulation (EU) 2022/109 as last amended by Regulation (EU) 2023/194, should apply from 15 October 2022 to 15 April 2023. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the fishing opportunities concerned are increased or have not yet been exhausted. Given the urgency to avoid interruptions of fishing activities, this Regulation should enter into force on the day of its publication in the Official Journal of the European Union,”

#### AMENDMENTS TO THE ANNEX

In point 2 of the Annex, the relevant tables are replaced by the following:

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Species: Haddock <i>Melanogrammus aeglefinus</i>	Zone: 4; United Kingdom waters of 2a (HAD/2AC4.)
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<sup>5</sup> Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ C 241, 29.8.1994, p. 9).

<sup>6</sup> Decision 95/1/EC, Euratom, ECSC of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1, 1.1.1995, p. 1).

Belgium	363	<sup>(1)</sup>	Analytical TAC Article 8(2) of this Regulation applies
Denmark	2 492	<sup>(1)</sup>	
Germany	1 586	<sup>(1)</sup>	
France	2 765	<sup>(1)</sup>	
Netherlands	272	<sup>(1)</sup>	
Sweden	231	<sup>(1)</sup>	
Union	7 709	<sup>(1)</sup>	
Norway	13 432	<sup>(2)</sup>	
United Kingdom	37 261		
TAC	58 402		

<sup>(1)</sup> Special condition: of which up to 10 % may be fished in United Kingdom, Union and international waters of 6a north of 58° 30' N (HAD/\*6AN58).

<sup>(2)</sup> Of which 11 182 tonnes may be taken in Union waters. Catches taken within this quota are to be deducted from Norway's share of the TAC.

Special condition: within the limits of these quotas, no more than the quantity given below may be taken in the following zone:  
Norwegian waters of 4 (HAD/\*04N-)

Union	4 774
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Species:	Whiting <i>Merlangius merlangus</i>	Zone:	4; United Kingdom waters of 2a (WHG/2AC4.)
Belgium	600	Analytical TAC Article 8(2) of this Regulation applies	
Denmark	2 595		
Germany	675		
France	3 900		
Netherlands	1 500		
Sweden	5		
Union	9 275		
Norway	3 429		<sup>(1)</sup>
United Kingdom	21 410		
TAC	34 294		

<sup>(1)</sup> Of which 2 855 tonnes be taken in Union waters. Catches taken within this quota are to be deducted from Norway's share of the TAC.

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