

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]

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1. AMENDMENTS IN RELATION TO SANDEEL

EXPLANATORY NOTE

On 28 February 2023, ICES published its scientific advice¹ for sandeel (*Ammodytes spp.*) in ICES subarea 4 (North Sea) and division 3a (Skagerrak and Kattegat) - in sandeel management areas 1r, 2r, 3r, 4, 5r, 6, and 7r in those ICES zones - for 2023.

Following the publication of that advice, bilateral consultations between the EU and the UK on the level of the TAC for 2023 for that stock, listed in Annex 35 of the Trade and Cooperation Agreement² (TCA) were held pursuant to Articles 498(2), (4) and (6) of the TCA. Those consultations were conducted between 9 March and 13 March 2023, and on the basis of the general principles and the specific orientations for consultations with the UK in Council Decision (EU) 2021/1875³, and the approach outlined in the Commission services non-paper as endorsed by the Council on 2 March 2023. Those consultations were conducted, on the EU side, by the Commission in coordination with the Council. The European Parliament was informed as appropriate.

The outcome of those consultations was documented in a Written Record. The EU and the UK agreed to set the TAC in sandeel management areas 1r and 4 slightly below the level in the scientific advice, while in the other sandeel management areas, the EU and the UK agreed to set the TAC fully in line with the scientific advice. It is therefore proposed to set the TAC for sandeel and associated by-catches in UK and EU waters of ICES subarea 4, UK waters of ICES division 2a and EU waters of division 3a for 2023 at the level agreed with the UK.

AMENDMENTS TO THE RECITALS

Recital (3) is replaced by the following:

“(3) Between 9 and 13 March 2023, bilateral consultations between the Union and the United Kingdom on the level of the TAC for sandeel and associated by-catches (*Ammodytes spp.*) in United Kingdom and Union waters of ICES subarea 4, United Kingdom waters of ICES

¹ <https://doi.org/10.17895/ices.advice.21815148.v1>
<https://doi.org/10.17895/ices.advice.21815175.v1>
<https://doi.org/10.17895/ices.advice.21815184.v1>
<https://doi.org/10.17895/ices.advice.21815193.v1>
<https://doi.org/10.17895/ices.advice.21815199.v1>
<https://doi.org/10.17895/ices.advice.21815211.v1>
<https://doi.org/10.17895/ices.advice.21815220.v1>

² 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).

³ Council Decision (EU) 2021/1875 of 22 October 2021 concerning the position to be adopted on behalf of the Union in the annual consultations with the United Kingdom to agree on total allowable catches (OJ L 378, 26.10.2021, p. 6–11).

division 2a and Union waters of division 3a were conducted. Those consultations were conducted pursuant to Article 498(2), (4) and (6) of the Trade and Cooperation Agreement⁴ (TCA) and on the basis of the Union position endorsed by the Council on 2 March 2023. The outcome of those consultations was documented in a Written Record. The relevant TAC should therefore be set at the level agreed with the United Kingdom.”

AMENDMENTS TO THE ANNEXES

In point 2 of the Annex, the first table is replaced by the following:

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Species:	Sandeel and associated by-catches <i>Ammodytes</i> spp.	Zone:	United Kingdom and Union waters of 4; United Kingdom waters of 2a; Union waters of 3a
Denmark	181 637 ⁽¹⁾	Analytical TAC	
Germany	279 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply.	
Sweden	6 678 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply.	
Union	188 594		
United Kingdom	5 773		
TAC	194 367		

⁽¹⁾ Up to 2 % of the quota may consist of by-catches of whiting and mackerel (OT1/*2A3A4X). By-catches of whiting and mackerel counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

Special condition: within the limits of these quotas, no more than the quantities given below may be taken in the following sandeel management areas, as defined in Annex III:

	1r (SAN/234_1R) ⁽¹⁾	2r (SAN/234_2R) ⁽¹⁾	3r (SAN/234_3R) ⁽¹⁾	4 (SAN/234_4) ⁽¹⁾	5r (SAN/234_5R) ⁽¹⁾	6 (SAN/234_6) ⁽¹⁾	7r (SAN/234_7R) ⁽¹⁾
Denmark	109 166	38 311	2 285	31 744	0	131	0
Germany	167	59	4	49	0	0	0
Sweden	4 013	1 409	84	1 167	0	5	0
Union	113 346	39 779	2 373	32 960	0	136	0
United Kingdom	3 469	1 218	73	1 009	0	4	0
Total	116 815	40 997	2 446	33 969	0	140	0

⁽¹⁾ Up to 10 % of this quota can be banked and used in the following year only within this management area.

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⁴ 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).