

# 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 COD IN THE NORTHEAST ARCTIC

### EXPLANATORY NOTE

Council Regulation (EU) 2023/194<sup>1</sup> sets a provisional EU quota for cod (*Gadus morhua*) in Svalbard waters and international waters of International Council for the Exploration of the Sea (ICES) subarea 1 and division 2b (northeast Arctic) for the period from 1 January to 31 March 2023. In order to allow fishing to continue, it is proposed to set a definitive EU quota for that stock for 2023.

The Treaty of 9 February 1920 relating to Spitsbergen (Svalbard) ('the 1920 Treaty of Paris') grants equal and non-discriminatory access to resources around Svalbard for all Parties to that Treaty, including with respect to fishing. The Council should therefore set the EU quota for cod in Svalbard waters and international waters of ICES subarea 1 and division 2b based on the reference TAC for northeast Arctic cod and the EU historic fishing rights. It is therefore proposed to set the definitive EU quota for that stock for 2023 at the level of 15 629 tonnes, which corresponds to the percentage indicated in paragraph 3(a) of the EU-Norway political understanding in relation to the fisheries in ICES areas 1 and 2. The Commission services are currently awaiting for Norway to confirm that it will set a definitive EU quota for cod in Svalbard waters for 2023 at that level in its legislation.

### AMENDMENTS TO THE RECITALS

Recital (3) is replaced by the following:

“(3) Regulation (EU) 2023/194 sets a provisional Union quota for cod (*Gadus morhua*) in Svalbard waters and international waters of ICES subarea 1 and division 2b for the period from 1 January 31 March 2023. In order to allow fishing to continue, it is therefore necessary to replace that provisional Union quota by a definitive Union quota for that stock for 2023. The Council should therefore set the Union quota for cod in Svalbard waters and international waters of ICES subarea 1 and division 2b based on the reference TAC for northeast Arctic cod and the Union historic fishing rights. The definitive Union quota for cod in Svalbard waters and international waters of ICES subarea 1 and ICES division 2b for 2023 should be set at the level of 15 629 tonnes, which corresponds to the percentage indicated in paragraph 3(a) of the EU-Norway political understanding in relation to the fisheries in ICES areas 1 and 2. The Union quota for cod in Svalbard waters and international waters of ICES subarea 1 and division 2b should be allocated to the Member

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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).

States in accordance with Council Decision 87/277/EEC<sup>2</sup> subject to the adaptations necessary due to the withdrawal of the United Kingdom from the Union<sup>3</sup>.”

#### AMENDMENTS TO THE ANNEXES

In point 2(i) of the Annex, the table is replaced by the following:

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Species:	Cod <i>Gadus morhua</i>	Zone:	Svalbard waters; international waters of 1 and 2b (COD/1/2B.)
Germany	3 094 (1)(2)	Analytical TAC	
Spain	7 994 (1)(2)	Article 3 of Regulation (EC) No 847/96 shall not apply.	
France	1 320 (1)(2)	Article 4 of Regulation (EC) No 847/96 shall not apply.	
Poland	1 448 (1)(2)		
Portugal	1 688 (1)(2)		
Other Member States	85 (1)(2)(3)		
Union	15 629 (1)(2)		
TAC	Not relevant		
(1)	The allocation of the share of the cod stock available to the Union in the Spitzbergen and Bear Island zone and the associated by-catches of haddock are without prejudice to the rights and obligations deriving from the 1920 Treaty of Paris.		
(2)	By-catches of haddock may represent up to 14 % per haul. The by-catch quantities of haddock are in addition to the quota for cod.		
(3)	Except Germany, Spain, France, Poland and Portugal. Catches to be counted against this shared quota shall be reported separately (COD/1/2B_AMS).		

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<sup>2</sup> Council Decision 87/277/EEC of 18 May 1987 on the allocation of the catch possibilities for cod in the Spitsbergen and Bear Island area and in Division 3M as defined in the NAFO Convention (OJ L 135, 23.5.1987, p. 29).

<sup>3</sup> Annex 36(E) to 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 (OJ L 149, 30.4.2021, p. 10).