



Council of the
European Union

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PECHE 273
N 63

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION amending Regulation (EU) 2023/194 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

COUNCIL REGULATION (EU) 2023/...

of ...

**amending Regulation (EU) 2023/194 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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Regulation (EU) 2023/194¹ fixes for 2023 the fishing opportunities for certain fish stocks applicable in Union waters and, for Union fishing vessels, in certain non-Union waters. The total allowable catches (TACs) set by Regulation (EU) 2023/194 should be amended to take into account the publication of scientific advice as well as the outcomes of consultations with third countries.

¹ 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).

- (2) Regulation (EU) 2023/194 sets a provisional TAC for Northern prawn (*Pandalus borealis*) in Union and Norwegian waters of ICES division 3a for 2023. The Union and Norway held consultations on the level of the TAC for Northern prawn in ICES division 3a and 4a East for the period from 1 July 2023 to 30 June 2024. Those consultations were conducted on the basis of the Union position endorsed by the Council on 12 June 2023. On 29 June 2023, the Union and Norway agreed on a TAC in ICES division 3a and 4a East of 6 076 tonnes, of which 4 253 tonnes are to be allocated to ICES division 3a. That TAC level corresponds to what the level of the ICES advice for that stock for the period from 1 July 2023 to 30 June 2024 would have been had the advice been based on the assumption that fishing opportunities were not fully utilised in the first half of 2023 and that 900 tonnes remained unfished on 1 July 2023. According to the catch figures provided by the Union and Norway, that later assumption matches the fishing opportunities uptake level on 1 July 2023. In order to transition from the setting of a TAC for Northern prawn in ICES division 3a twice per year to once per year: (i) the provisional TAC for that stock for 2023 should be replaced by a definitive TAC for the period from 1 January to 30 June 2023 at the level agreed with Norway on 17 March 2023, and (ii) the TAC for that stock for the period from 1 July 2023 to 30 June 2024 should be set at the level agreed with Norway on 29 June 2023.

- (3) Regulation (EU) 2023/194 should therefore be amended accordingly.
- (4) In order to allow fishing to continue, this Regulation should enter into force without delay.
- (5) The provisions of this Regulation concerning fishing opportunities for Northern prawn should apply from 1 January 2023 and 1 July 2023 respectively. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the fishing opportunities concerned are either increased or have not yet been exhausted,

HAS ADOPTED THIS REGULATION:

Article 1
Amendment of Regulation (EU) 2023/194

Annex IA of Regulation (EU) 2023/194 is amended in accordance with the Annex to this Regulation.

Article 2
Entry into force and application

This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2023. However, point 2 of the Annex shall apply from 1 July 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

For the Council
The President

ANNEX

Part B of Annex IA is amended as follows:

- (1) the table for Northern prawn (*Pandalus borealis*) in ICES division 3a is replaced by the following:

Species: Northern prawn <i>Pandalus borealis</i>	Zone: 3a (PRA/03A.)	
Denmark	1 429	(1) Analytical TAC
Sweden	769	(1) Article 3 of Regulation (EC) No 847/96 shall
Union	2 198	(1) not apply.
TAC	4 117	Article 4 of Regulation (EC) No 847/96 shall
		(1) not apply.
(1) This quota may only be fished from 1 January to 30 June 2023.		

(2) the following table is inserted after the table for Northern prawn (*Pandalus borealis*) in ICES division 3a:

Species: Northern prawn <i>Pandalus borealis</i>		Zone: 3a (PRA/03A.2)
Denmark	1 476	(1) Analytical TAC
Sweden	795	(1) Article 3 of Regulation (EC) No 847/96 shall not apply.
Union	2 271	(1) Article 4 of Regulation (EC) No 847/96 shall not apply.
TAC	4 253	(1) not apply.

(1) This quota may only be fished from 1 July 2023 to 30 June 2024.