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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2024) 213 final
Subject:	Proposal for a COUNCIL REGULATION amending and correcting Regulation (EU) 2024/257 fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters and Regulation (EU) 2023/194 fixing for 2023 such fishing opportunities

Delegations will find attached document COM(2024) 213 final.

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2024/0117 (NLE)

Proposal for a

COUNCIL REGULATION

amending and correcting Regulation (EU) 2024/257 fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters and Regulation (EU) 2023/194 fixing for 2023 such fishing opportunities

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Council Regulation (EU) 2024/257[1] fixes for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in EU waters and, for EU fishing vessels, in certain non-EU waters. The proposal amends those fishing opportunities to take account of the latest scientific advice and other developments. In addition, the proposal corrects certain errors in Council Regulations (EU) 2023/194[2] and 2024/257.

• Consistency with existing policy provisions in the policy area

The measures proposed are consistent with the objectives and rules of the common fisheries policy (CFP).

• Consistency with other Union policies

The measures proposed are consistent with other EU policies, in particular with the policies in the field of the environment.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The legal basis of the proposal is Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).

• Subsidiarity

The proposal falls under the exclusive EU competence as referred to in Article 3(1)(d) TFEU. Therefore, the subsidiarity principle does not apply.

• Proportionality

The proposal allocates fishing opportunities to Member States in accordance with the objectives of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy[3]. Pursuant to Articles 16 and 17 of Regulation (EU) No 1380/2013, Member States shall decide how the fishing opportunities available to them may be allocated to vessels flying their flag in accordance with certain criteria for the allocation of fishing opportunities. Therefore, Member States have the necessary margin of discretion when distributing the allocated total allowable catches (TACs), in line with the social/economic model of their choice to exploit the fishing opportunities available to them.

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1 Council Regulation (EU) 2024/257 of 10 January 2024 fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2023/194 (OJ L, 2024/257, 11.01.2024, ELI: http://data.europa.eu/eli/reg/2024/257/oj).

2 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).

3 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).

- **Choice of the instrument**

Given that the proposal amends an existing regulation, the most appropriate legal instrument is a regulation.

3. RESULTS OF *EX POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

The Commission has consulted stakeholders, in particular through the advisory councils, on the basis of its annual Communication "Sustainable fishing in the EU: state of play and orientations for 2024" (COM(2023) 303).

Stakeholders' responses to that annual communication set out their views on the Commission's evaluation of the state of the resources and on the appropriate management response. The Commission considered those responses when formulating the proposal.

- **Collection and use of expertise**

International Council for the Exploration of the Sea (ICES) scientific advice is based on a framework developed by its expert groups and decision-making bodies and issued in line with its framework partnership agreement with the Commission.

- **Impact assessment**

The scope of the proposal is circumscribed by Article 43(3) of the TFEU.

The proposal seeks to avoid short-term approaches in favour of long-term sustainability. It takes account of initiatives by stakeholders and advisory councils if they have been positively reviewed by ICES. The Commission's CFP reform proposal was based on an impact assessment (SEC(2011) 891) that considered that while achieving the MSY objective was a necessary condition for environmental, economic and social sustainability, those three objectives cannot be achieved in isolation.

As regards RFMO fishing opportunities and stocks that are jointly managed with non-EU countries, the proposal implements internationally agreed measures. Any aspects that are relevant to assessing possible impacts of the fishing opportunities are dealt with in the preparation and conduct of international negotiations in which the EU's fishing opportunities are agreed with non-EU countries.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The proposal respects fundamental rights and in particular those recognised by the Charter of Fundamental Rights of the European Union.

4. BUDGETARY IMPLICATIONS

The proposed measures will have no budgetary implications.

5. OTHER ELEMENTS

- **Detailed explanation of the specific provisions of the proposal**

The proposal seeks to amend Council Regulation (EU) 2024/257 as described below.

Anchovy in Iberian waters

Regulation (EU) 2024/257 provisionally set at zero the TAC for anchovy (*Engraulis encrasicolus*) in ICES subareas 9 and 10 (Iberian waters and waters around the Azores) and EU waters of Committee for Eastern Central Atlantic Fisheries (CECAF) division 34.1.1 (east of Madeira and of the Canary Islands) for the period from 1 July 2024 to 30 June 2025, pending the publication by ICES of its scientific advice for anchovy in ICES division 9a (Iberian waters) for that period.

ICES is expected to publish that advice on 14 June 2024. Pending the publication of that ICES advice, the TAC for anchovy in ICES subareas 9 and 10 and EU waters of CECAF division 34.1.1 for the period from 1 July 2024 to 30 June 2025 is marked 'pm' (*pro memoria*). As soon as that ICES advice is available, the Commission services will update the proposal by means of a non-paper proposing that TAC based on that advice.

Pollack in the Bay of Biscay

Regulation (EU) 2024/257 provisionally set the TAC for pollack (*Pollachius pollachius*) in ICES divisions 8a, 8b, 8d and 8e ('Bay of Biscay') for the period from 1 January to 30 June 2024 at the level of 500 tonnes. That provisional TAC was set because more time was needed to assess the socio-economic impact of setting the definitive TAC for 2024 at the level advised by ICES in its scientific advice[4] for pollack in ICES subarea 8 and division 9a (Bay of Biscay and Iberian waters)[5], i.e. 698 tonnes.

The Commission requested that the Scientific, Technical and Economic Committee for Fisheries (STECF) assess such an impact. The Commission also asked STECF to indicate what would be the level of the definitive TAC for pollack in the Bay of Biscay needed to avoid the phenomenon of 'choke species'[6] in the targeted fisheries of sole (*Solea solea*) and Norway lobster (*Nephrops norvegicus*). The Commission provided the STECF with an ad-hoc contract report providing an assessment of the socio-economic impact of setting the definitive TAC for pollack in the Bay of Biscay at the level advised by ICES compared to setting that TAC at other levels, as well as other documents submitted by France, including a study by the French research institute for exploration of the sea (Ifremer)[7].

On 28 March 2024, the STECF published its assessment[8] of the socio-economic impact of setting the definitive TAC for 2024 at the level advised by ICES in its scientific advice for pollack. In that assessment, STECF noted, *inter alia*, the following.

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4 https://doi.org/10.17895/ices.advice.21841014.v1

5 Taking into account the distribution of fishing opportunities between the three TACs covered by that advice: (i) TAC for pollack in ICES divisions 8a, 8b, 8d and 8e (80%); TAC for pollack in ICES division 8c (9%); and (iii) TAC for pollack ICES subareas 9 and 10 and EU waters of CECAF division 34.1.1 (11%).

6 As recital 8 of Regulation (EU) 2024/257 explains, 'choke species' are species with a lack of quota that can cause one or more fishing vessels to stop fishing even if they still have quota for other species.

7 https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf-plen-24-01-background-docs

8 https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf_plen_24-01

First, STECF concludes that "*the studies* [i.e. the ad-hoc contract report and the Ifremer study] *are globally consistent in identifying potential choke situation and socioeconomic effects if the 53% TAC reduction would be applied to the pollack TAC, assuming full implementation of the landing obligation and closing of the fishery after exhaustion of the TAC*".

Second, regarding the Ifremer study, STECF refers to the study's finding that *"stopping the fishery after the exhaustion of the ICES advised … [TAC for] pollack would result in taking 43% of the Nephrops … TAC … and 50% of the sole … TAC in 2024. The catches of smooth-hound … and seabass also appear impacted, with 41% and 51% of their respective TACs"*. STECF also considers that the study indicates that, if the definitive TAC for pollack in the Bay of Biscay were set at higher levels than that advised by ICES, this would still have a limiting effect on the fisheries for common sole (*Solea solea*) and Norway lobster (*Nephrops norvegicus*) and that "*the pollack TAC would potentially choke the fleets fishing on sole and Nephrops with any reduction in TAC*". This is consistent with the ICES mixed fisheries considerations[9], which identified pollack as being the most limiting species for demersal fisheries in the Bay of Biscay.

Third, regarding the ad-hoc contract report, STECF refers to the report's finding that, if the definitive TAC for pollack in the Bay of Biscay were set at the level advised by ICES, "*the choke effect, which is simulated in the scenarios using the Minimum effort deployment level, may be very important. The activity of these fleets has been more intense in the first two quarters of the year and therefore, choke is simulated to occur in Q2 (TAC=500t), Q3 (TAC=698t) or Q4 using the lower catchability observed in 2022 and assuming swaps from Spain to France.*" STECF also refers to the report's conclusion that "*the minimum annual TAC required to deploy the total effort simulated (…) ranges from 1209 tonnes ([assuming] no swaps and mean catchability) to 824 tonnes ([assuming] swaps and 2022 catchability).*"

In addition to STECF's assessment, the Commission notes that the ad-hoc contract report, as reviewed by the STECF, considers that if the definitive TAC for pollack in the Bay of Biscay were set at the level advised by ICES, this would lead to a reduction of total income of concerned French fleets of EUR 48 million (-37%) compared to the average income in the period from 2020 to 2022 (assuming the lowest catchability, 2022). The Commission further notes that the ad-hoc contract report indicates that, in order to maintain fisheries at current effort until the end of 2024, the definitive TAC for pollack in the Bay of Biscay would need to be set at the level of 985 tonnes and that such a level would lead to a small reduction of total income of 1,6%. Finally, the Commission notes that France would be disproportionately affected by any reduction of that TAC as it currently depends on swaps and year-to-year flexibility. The use of those flexibilities would therefore become more difficult.

Based on the outcome of the STECF's assessment, the additional elements summarised in the previous paragraph and the difficulty of fishing all stocks at MSY at the same time, especially in situations where that would lead to a premature closure of one or more fisheries, it is proposed, pursuant to Article 5(3) of Regulation (EU) 2019/472[10], to:

– set the definitive TAC for pollack in ICES divisions 8a, 8b, 8d and 8e for 2024 at the level of 959 tonnes. According to the ICES advice, that level corresponds to the

[9] http://doi.org/10.17895/ices.advice.24212037

[10] 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).

landings of that stock in 2022, i.e. the most recent year for which data is available. Setting the definitive TAC at 959 tonnes will ensure that the current fishing pressure on pollack in ICES subarea 8 and division 9a does not increase. Scientific advice by ICES[11] estimates the fishing mortality for that stock to be currently below the level that gives the maximum sustainable yield (MSY). In addition, setting the definitive TAC at the level of 959 tonnes will, according to the Ifremer study, allow the TACs for European seabass (*Dicentrarchus labrax*), Norway lobster and common sole to be fished at respectively 56%, 47% and 55%. Moreover, while that level will decrease the total income of fleets, in particular of French fleets, fishers will be able to continue fishing the TACs for European seabass, Norway lobster and common sole until the fourth quarter of 2024; and

– increase the minimum conservation reference size for pollack in ICES divisions 8a, 8b, 8d and 8e for 2024 from 30 cm to 42 cm. According to the 2023 ICES benchmark for that stock and the relevant ICES working group report[12], 42 cm corresponds to the length-at-maturity for that stock. Consequently, this measure will ensure that immature individuals are protected to a greater extent and thus contribute to the recovery of the biomass of that stock, which scientific advice by ICES estimates to be currently below the biomass index trigger value ($I_{trigger}$). Moreover, without this measure, the level of the definitive TAC for pollack in ICES divisions 8a, 8b, 8d and 8e for 2024 would have to be reduced further to allow pollack in ICES subarea 8 and division 9a to recover. This measure should apply only until the adoption of a delegated act adopted in accordance with Article 15(2) of Regulation (EU) 2019/1241 of the European Parliament and of the Council[13] and amending Annex VII, part A, of that Regulation by introducing a corresponding technical measure.

In addition, pursuant to Article 5(3) of Regulation (EU) 2019/472, it is proposed to prohibit the targeting of pollack in ICES divisions 8a, 8b, 8d and 8e by fishing vessels targeting European seabass, Norway lobster and common sole using demersal trawls[14], seines[15], and fixed gillnets[16].

Northern prawn in the Skagerrak-Kattegat

Regulation (EU) 2024/257 provisionally set at zero the TAC for Northern prawn (*Pandalus borealis*) in EU and Norwegian waters of ICES division 3a (Skagerrak-Kattegat) for the period from 1 July 2024 to 30 June 2025, pending publication by ICES of its scientific advice

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11 Taking into account the distribution of fishing opportunities between the three TACs covered by that advice: (i) TAC for pollack in ICES divisions 8a, 8b, 8d and 8e (80%); TAC for pollack in ICES division 8c (9%); and (iii) TAC for pollack ICES subareas 9 and 10 and EU waters of CECAF division 34.1.1 (11%).

12 https://doi.org/10.17895/ices.pub.23372990.v1
https://doi.org/10.17895/ices.pub.23541168.v1

13 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).

14 All types of demersal trawls (OTB, OTT, PTB, TBB, TBN, TBS and TB).

15 All types of seines (SSC, SDN, SPR, SV, SB and SX).

16 All fixed gillnets and traps (GTR, GNS, GNC, FYK, FPN and FIX).

for Northern prawn in ICES divisions 3a and 4a east (Skagerrak-Kattegat and northern North Sea in the Norwegian deep).

ICES is expected to publish that advice on 7 June 2024. Following the publication of that ICES advice, the EU will hold bilateral consultations with Norway on: (i) the level of the overall fishing opportunities for that stock for the period from 1 July 2024 to 30 June 2025; (ii) the level of the TAC for Northern prawn in ICES division 3a for that period; and (iii) additional exchanges from Norway to the EU of fishing opportunities for Northern prawn in Norwegian waters south of 62ºN for 2024, which, during bilateral consultations on the exchange of quotas and access arrangements for 2024, the EU and Norway agreed to consider. Pending the formal outcome of those bilateral consultations, the text of the relevant recital of Regulation (EU) 2023/194[17] is included in square brackets, with relevant adjustments, and the TAC for Northern prawn in EU and Norwegian waters of ICES division 3a for the period from 1 July 2024 to 30 June 2025 is marked 'pm' (*pro memoria*). As soon as the formal outcome of those bilateral consultations is known, the Commission services will update the proposal by means of a non-paper proposing that TAC for that period at the level agreed with Norway.

Sprat in the North Sea and in the Skagerrak-Kattegat

Regulation (EU) 2024/257 provisionally set at zero the TACs for sprat (*Sprattus sprattus*) and associated by-catches for the period from 1 July 2024 to 30 June 2025 in: (i) EU and UK waters of ICES subarea 4 and division 2a; and (ii) EU and Norwegian waters of ICES division 3a (Skagerrak-Kattegat), pending publication by ICES of its scientific advice for sprat in ICES subarea 4 and division 3a for the period from 1 July 2024 to 30 June 2025.

ICES is expected to publish that advice on 18 April 2024. Following the publication of that ICES advice, the EU will hold trilateral consultations with the UK and Norway on: (i) the level of the overall fishing opportunities for that stock for the period from 1 July 2024 to 30 June 2025; and (ii) the level of the TAC for sprat in ICES subarea 4 and division 2a and the TAC for sprat in ICES division 3a for that period. Pending the formal outcome of those trilateral consultations, the text of the relevant recital of Regulation (EU) 2023/194 is included in square brackets, with relevant adjustments, and the TACs for sprat and associated by-catches for the period from 1 July 2024 to 30 June 2025 in: (i) EU and UK waters of ICES subarea 4 and division 2a; and (ii) EU and Norwegian waters of ICES division 3a (Skagerrak and Kattegat), are marked 'pm' (*pro memoria*). As soon as the formal outcome of those trilateral consultations is known, the Commission services will update the proposal by means of a non-paper proposing those TACs for that period at the level agreed with the UK and Norway.

Sprat in the English Channel

Regulation (EU) 2024/257 provisionally set at zero the TAC for sprat and associated by-catches in EU and UK waters of ICES divisions 7d and 7e (English Channel) for the period from 1 July 2024 to 30 June 2025, pending publication by ICES of its scientific advice for sprat in that area for that period.

[17] 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).

ICES is expected to publish that advice on 18 April 2024. Following the publication of that ICES advice, the EU will hold bilateral consultations with the UK on the level of the TAC for the period from 1 July 2024 to 30 June 2025, pursuant to Articles 498(2), (4) and (6) of 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[18] ('Trade and Cooperation Agreement'). Pending the formal outcome of those bilateral consultations, the text of the relevant recital of Regulation (EU) 2023/194 is included in square brackets, with relevant adjustments and the TAC for sprat and associated by-catches in ICES divisions 7d and 7e for the period from 1 July 2024 to 30 June 2025 is marked 'pm' (*pro memoria*). As soon as the formal outcome of those bilateral consultations is known, the Commission services will update the proposal by means of a non-paper proposing that TAC for that period at the level agreed with the UK.

Redfish in the north-east Atlantic

Regulation (EU) 2024/257 marked the EU quota for redfish (*Sebastes* spp.) in international waters of ICES subareas 1 and 2 (north-east Atlantic) 'to be established'.

To allow fishing to start on 1 July 2024, it is proposed to set that EU quota for redfish in international waters of ICES subareas 1 and 2 for 2024. It is proposed to set that EU quota at the level of 6 000 tonnes, i.e. at the same level as for 2023, pending the availability of scientific advice and to allow to maintenance at historic level of the EU fishing activities for the stock in international waters.

ICCAT

On 13 March 2024, the European Parliament and the Council adopted Regulation (EU) 2024/897[19] implementing into EU law certain fisheries management, conservation and control measures in the International Commission for the Conversation of Atlantic Tunas (ICCAT) Convention area.

Regulation (EU) 2024/897 *inter alia* amends Article 33 of Regulation (EU) 2017/2107[20] by inserting a new provision in that latter regulation that prohibits EU vessels from harming shortfin mako sharks caught in the Atlantic Ocean north of 5°N, and that requires EU vessels to release promptly such shortfin mako sharks into the sea, while giving due consideration to the safety of crew members. In addition, Articles 32 and 34 to 36 of Regulation (EU) 2017/2107 already prohibit EU vessels from retaining on board, transhipping or landing any part or whole carcass of bigeye thresher sharks (*Alopias superciliosus*), oceanic whitetip sharks (*Carcharhinus longimanus*) hammerhead sharks of the *Sphyrnidae* family and silky sharks (*Carcharhinus falciformis*), caught in association with ICCAT fisheries, and to

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18 OJ L 149, 30.4.2021, p. 10.

19 Regulation (EU) 2024/897 of the European Parliament and of the Council of 13 March 2024 amending Regulation (EU) 2017/2107 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and Regulation (EU) 2023/2053 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean (OJ L, 2024/897, 19.3.2024 , ELI: http://data.europa.eu/eli/reg/2024/897/oj).

20 Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (OJ L 315, 30.11.2017, p. 1).

promptly release, unharmed specimens back into the sea. To avoid overlapping provisions on the same subject matter, it is therefore appropriate to delete Article 27(1) and (3) to (6) of Regulation (EU) 2024/257.

Regulation 2024/897 also *inter alia* amends Article 8 of Regulation (EU) 2023/2053 of the European Parliament and of the Council[21] by inserting a new provision in that latter regulation whereby Member States may request to transfer a maximum 5% of their annual quota of bluefin tuna (*Thunnus thynnus*) in the Atlantic Ocean, east of 45°W, and the Mediterranean from the preceding year to a given year. Where Member States make such a request, they are required to submit to the Commission a revised annual fishing plan and a revised annual fishing capacity management plan. Based on such revised annual fishing plans and revised annual fishing capacity management plans, the Commission will submit a revised EU annual plan to the ICCAT Secretariat for discussion and approval by ICCAT, pursuant to Article 11(5) of Regulation (EU) 2023/2053. Pending the possible submission and approval of such a revised EU annual plan by ICCAT, the TAC for bluefin tuna in the Atlantic Ocean, east of 45°W, and the Mediterranean for 2024 is marked 'pm' (*pro memoria*). As soon as such a possible revised EU annual plan is approved by ICCAT, the Commission services will update the proposal by means of a non-paper proposing to amend the TAC for bluefin tuna in the Atlantic Ocean, east of 45°W, and the Mediterranean for 2024.

Pursuant to Article 15(7) of Regulation (EU) 2023/2053, Member States may submit to the Commission revised farming management plans for bluefin tuna in the ICCAT Convention area by 15 May each year. Based on such revised farming management plans, the Commission will submit a revised EU annual plan to the ICCAT Secretariat for discussion and approval by ICCAT. Pending the possible submission and approval of such a revised EU annual plan by ICCAT, the text of the relevant recital of Regulation (EU) 2023/194 is included in square brackets, with relevant adjustments, and the EU maximum farming input and capacity for 2024 are marked 'pm' (*pro memoria*). As soon as such a possible revised EU annual plan is approved by ICCAT, the Commission services will update the proposal by means of a non-paper proposing to amend the relevant maximum farming input and capacity for 2024.

NPFC

At is 2024 annual meeting, the North Pacific Fisheries Commission (NPFC) amended measures for chub mackerel (*Scomber japonicus*) in the NPFC Convention area and for the first time established catch limits for that stock available to all NPFC Contracting Parties for respectively trawlers and purse seiners for the period from 1 June 2024 to 31 May 2025[22]. In addition, the NPFC established an additional amount of that stock for the EU for that same period. It also established associated effort limits. Moreover, the NPFC established measures functionally linked to those catch limits and that additional amount, without which: (i) those catch limits for all NPFC Contracting Parties could not have been established; and (ii) the fishing opportunities for chub mackerel in the NPFC Convention area would have to be reduced to protect the non-target species. It is proposed to implement those fishing opportunities and functionally linked measures in EU law. Regarding the catch limits and the

[21] Regulation (EU) 2023/2053 of the European Parliament and of the Council of 13 September 2023 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (OJ L 238, 27.9.2023, p. 1)

[22] CMM 2024-07.

additional amount for the EU, as Member States have not fished for that stock in the past, it is proposed to allocate those at EU level.

Correction of errors

In Annex IA, Part B, to Regulation (EU) 2024/257, as amended by Council Regulation (EU) 2024/1015[23], the following errors should be corrected:

- Table 103, footnote 1: the reporting code 'MAC/*3A4-BC' should be replaced by 'MAC/*3A4BC'.
- Table 123, footnote 2: In addition to the EU quota for industrial fish in Norwegian waters of ICES subarea 4, the amount of horse mackerel (*Trachurus* spp.) that may be caught under that EU quota should also be set in line with outcome of the fisheries consultations between Norway and the EU, on behalf of Sweden, for 2024[24]. That amount should therefore be set at the level of 400 tonnes.

In Annex IK to Regulation (EU) 2024/257, the following errors should be corrected:

- Table 1, footnote 1: for reasons of legal clarity, the reference to FAO subarea 51.7 should be deleted, as the area set out in that footnote also covers parts of FAO subarea 51.6.
- Table 2, footnote 1: in line with the approach followed in Table 1, the reference to FAO subarea 51.7 should be deleted.
- Table 3, footnote 1: in line with the approach followed in Table 1, the reference to FAO subarea 57.4 should be deleted. In addition, the coordinates of points 1 and 4 should be corrected.

In Regulations (EU) 2023/194 and (EU) 2024/257, the following errors regarding prohibited species should be corrected:

- Article 18(1), point (p), and Annex IA, Part D, to Regulation (EU) 2023/194: In line with NEAFC recommendations 08:2024 to 10:2024[25], EU fishing vessels shall not fish for, retain on board, tranship or land the deep-sea sharks, deep-sea rays (*Rajiformes*) and deep-sea *Chimaeras*, listed in those recommendations in: (i) all international waters of the North-East Atlantic Fisheries Commission (NEAFC) Convention area[26] (NEAFC 'Regulatory

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23 Council Regulation (EU) 2024/1015 of 26 March 2024 amending Regulation (EU) 2024/257 fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L, 2024/1015, 27.3.2024, ELI: http://data.europa.eu/eli/reg/2024/1015/oj).

24 https://oceans-and-fisheries.ec.europa.eu/document/download/006c234d-d1fb-4032-810c-20e897a00d6d_en?filename=2023-12-08-EU%28SE%29-NO-Agreed-Record-2024.pdf

25 https://www.neafc.org/system/files/Recommendation-08-2024_Deep-sea-chimaera.pdf
https://www.neafc.org/system/files/Recommendation-09-2024_Deep-sea-sharks.pdf
https://www.neafc.org/system/files/Recommendation-10-2024_Deep-sea-rays.pdf

26 'NEAFC Convention area' means the geographical area defined in the Convention on Future Multilateral Cooperation in the North-East Atlantic*.

Area'); and, as appropriate, (ii) EU waters of the NEAFC Convention area. Therefore, the prohibitions should also apply to EU fishing vessels in international waters of ICES subareas 1, 2 and 14. In addition, the prohibitions should also apply to: (i) the deep-sea shark blackmouth dogfish (*Galeus melastomus*); (ii) the *Rajiformes* species listed in NEAFC recommendation 10:2024; and (iii) the *Chimaeras* species listed in NEAFC recommendation 08:2024; and

– Article 18(1), point (p), and Annex IA, Part D, to Regulation (EU) 2023/194, Article 20(1), points (c) to (f), and Article 55(1), point (d), of Regulation (EU) 2024/257: To ensure legal clarity, the prohibitions should be deleted in Regulation (EU) 2024/257 and be included in Regulation (EU) 2023/194.

* OJ L 227, 12.8.1981, p. 22. The Union approved the NEAFC Convention by means of Council Decision 81/608/EEC of 13 July 1981 concerning the conclusion of the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries (OJ L 227, 12.8.1981, p. 21).

2024/0117 (NLE)

Proposal for a

COUNCIL REGULATION

amending and correcting Regulation (EU) 2024/257 fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters and Regulation (EU) 2023/194 fixing for 2023 such fishing opportunities

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) 2024/257[27] fixes for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters. Those fishing opportunities, including certain measures functionally linked to those fishing opportunities, should be amended to take into account the publication of scientific advice, as well as the outcomes of consultations with third countries and regional fisheries management organisations (RFMOs) meetings.

(2) [Following the publication by the International Council for the Exploration of the Sea (ICES) of its advice for anchovy (*Engraulis encrasicolus*) in ICES division 9a for the period from 1 July 2024 to 30 June 2025 on [X], the total allowable catches (TAC) for anchovy in ICES subareas 9 and 10 and Union waters of Committee for Eastern Central Atlantic Fisheries (CECAF) division 34.1.1 for that period should be set in line with that advice.] *[The recital and the relevant provisions will be updated after the publication of the ICES advice.]*

(3) On 28 March 2024, the Scientific, Technical and Economic Committee for Fisheries (STECF) published its opinion[28] on the socio-economic impact of setting the TAC for pollack (*Pollachius pollachius*) in ICES divisions 8a, 8b, 8d, and 8e for 2024 at the level advised by ICES[29] and indicating the level of that TAC required to avoid the phenomenon of 'choke species'[30]. Therefore, the definitive TAC for 2024 should be set, replacing the provisional TAC set by Regulation (EU) 2024/257 for the period from 1 January to 30 June 2024. Pursuant to Article 5(3) of Regulation (EU) 2019/472

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27 Council Regulation (EU) 2024/257 of 10 January 2024 fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2023/194 (OJ L, 2024/257, 11.01.2024, ELI: http://data.europa.eu/eli/reg/2024/257/oj).

28 https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf_plen_24-01

29 https://doi.org/10.17895/ices.advice.21841014.v1

30 'Choke species' is a species with a lack of quota that can cause one or more fishing vessels to stop fishing even if they still have quota for other species.

of the European Parliament and of the Council[31], that TAC should be set at a level of 959 tonnes, which, according to that opinion, will allow the fleets to continue operating until the fourth quarter of the year and therefore reduce: (i) the phenomenon of 'choke species' and a premature closure of the relevant fisheries; and (ii) associated socio-economic impacts on the fisheries sector.

(4) [From 13 to 29 June 2023, the Union and Norway held consultations on: (i) the level of the overall fishing opportunities for Northern prawn in ICES divisions 3a and 4a east for the period from 1 July 2023 to 30 June 2024; as well as (ii) the level of the TAC for Northern prawn in ICES division 3a. The outcome of those consultations was documented in an Agreed Record signed on 29 June 2023. The relevant TAC should therefore be set at the level agreed with Norway]. *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union and Norway.]*

(5) [On 12 May 2023, the Union, the United Kingdom and Norway held consultations on: (i) the level of the overall fishing opportunities for sprat (*Sprattus sprattus*) in Union and United Kingdom waters of ICES subarea 4 and division 2a for the period from 1 July 2024 to 30 June 2025; and Union and Norwegian waters of ICES division 3a for the same period as well as (ii) the level of the TAC for sprat in those areas. The outcome of those consultations was documented in an Agreed Record signed on 16 May 2023. The TACs for sprat and associated by-catches for the period from 1 July 2023 to 30 June 2024 in: (i) Union and United Kingdom waters of ICES subarea 4 and division 2a; and (ii) Union and Norwegian waters of ICES division 3a, should therefore be set at the levels agreed with the United Kingdom and Norway.] *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union, the United Kingdom and Norway.]*

(6) [On 4 May 2023, the Union and the United Kingdom held consultations. pursuant to Article 498(2), (4) and (6) of 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[32], on the level of the TAC for sprat in ICES divisions 7d and 7e for the period from 1 July 2023 to 30 June 2024. The outcome of those consultations was documented in a Written Record signed on 1 June 2023. The TAC for sprat and associated by-catches in ICES divisions 7d and 7e for that period should therefore be set at the level agreed with the United Kingdom.] *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union and the United Kingdom.]*

(7) To allow fishing to start on 1 July 2024, it is proposed to set the Union quota for redfish (*Sebastes* spp.) in international waters of ICES subareas 1 and 2 for 2024. That Union quota should be set at the level of 6 000 tonnes, i.e. at the same level as for 2023, pending the availability of scientific advice and to allow to maintenance at historic level of the Union fishing activities for the stock in international waters.

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31 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).

32 OJ L 149, 30.4.2021, p. 10.

(8) At is 2024 annual meeting, the North Pacific Fisheries Commission (NPFC) amended measures for chub mackerel (Scomber japonicus) in the NPFC Convention area and, for the first time, established catch limits for that stock available to all NPFC Contracting Parties for respectively trawlers and purse seiners for the period from 1 June 2024 to 31 May 2025, including the Union. In addition, the NPFC established an additional amount of that stock for the Union for that same period. It also established associated effort limits. Moreover, the NPFC established measures functionally linked to those catch limits and that additional amount, without which: (i) those catch limits for all NPFC Contracting Parties could not have been established; and (ii) the fishing opportunities for chub mackerel in the NPFC Convention area would have to be reduced to protect the non-target species. It is proposed to implement those fishing opportunities and functionally linked measures in Union law. Regarding the catch limits and the additional amount for the Union, as Member States have not fished for that stock in the past, it is proposed to allocate those at Union level.

(9) Regulation (EU) 2024/897 of the European Parliament and of the Council[33] *inter alia* amends Article 33 of Regulation (EU) 2017/2017[34] of the European Parliament and of the Council[35] by inserting a new provision in that latter regulation, which prohibits Union vessels from harming shortfin mako sharks caught in the Atlantic Ocean north of 5°N, and requires Union vessels to release promptly such shortfin mako sharks into the sea, while giving due consideration to the safety of crew members. To avoid overlapping provisions on the same subject matter, it is appropriate to delete Article 27(6) of Regulation (EU) 2024/257.

(10) Articles 32 and 34 to 36 of Regulation (EU) 2017/2017 already prohibit Union vessels from retaining on board, transhipping or landing any part or whole carcass of bigeye thresher sharks (*Alopias superciliosus*), oceanic whitetip sharks (*Carcharhinus longimanus*) hammerhead sharks of the Sphyrnidae family and silky sharks (*Carcharhinus falciformis*), caught in association with ICCAT fisheries, and to promptly release, unharmed specimens back into the sea. To avoid overlapping provisions on the same subject matter, it is also appropriate to delete Articles 27(1) and (3) to (5) of Regulation (EU) 2024/257.

(11) [Pursuant to Article 8 of Regulation (EU) 2023/2053 of the European Parliament and of the Council[36], certain Member States submitted to the Commission revised annual

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33 Regulation (EU) 2024/897 of the European Parliament and of the Council of 13 March 2024 amending Regulation (EU) 2017/2107 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and Regulation (EU) 2023/2053 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean (OJ L, 2024/897, 19.3.2024 , ELI: http://data.europa.eu/eli/reg/2024/897/oj).

34 Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (OJ L 315, 30.11.2017, p. 1).

35 Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (OJ L 315, 30.11.2017, p. 1).

36 Regulation (EU) Regulation (EU) 2023/2053 of the European Parliament and of the Council of 13 September 2023 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic

fishing plans and annual fishing capacity management plans with requests to transfer a percentage of their annual quota of bluefin tuna (*Thunnus thynnus*) in the Atlantic Ocean, east of 45°W, and the Mediterranean from 2023 to 2024. Based on those revised plans, the Commission submitted a revised Union annual plan for 2024 to the ICCAT Secretariat on [X] May 2024, pursuant to Article 11(5) of Regulation (EU) 2023/2053. The revised Union annual plan for 2024 was approved by ICCAT on [X]. The TAC for bluefin tuna in the Atlantic Ocean, east of 45°W, and the Mediterranean for 2024 should therefore be amended in line with that revised Union annual plan.] *[The recital and the relevant provisions will be updated after the approval by ICCAT of a possible revised Union annual plan.]*

(12) [Five Member States submitted modifications to their farming management plans for bluefin tuna to the Commission, pursuant to Article 15(7) of Regulation (EU) 2023/2053. Based on those revised plans, the Commission submitted a revised Union annual plan for 2023 to the ICCAT Secretariat on 9 May 2023. The revised Union annual plan for 2023 was approved by ICCAT on 11 May 2023. The Union's maximum farming input and capacity should therefore be amended in line with that revised Union annual plan.] *[The recital and the relevant provisions will be updated after the approval by ICCAT of a possible revised Union annual plan.]*

(13) Article 20(1) and certain TAC tables in Annexes IA, Part B, and IK to Regulation (EU) 2024/257, and Article 18(1) and Annex IA, Part D, to Council Regulation (EU) 2023/194[37] contain certain errors as regards fishing opportunities levels, species, application areas and reporting codes. It is therefore appropriate to correct those provisions accordingly.

(14) Regulations (EU) 2023/194 and (EU) 2024/257 should therefore be amended and corrected accordingly.

(15) Certain provisions of this Regulation correcting provisions of Regulation (EU) 2024/357 concerning certain fishing opportunities in the SIOFA area should apply from 1 December 2023, in line with the application period of the amended provisions. In addition the provisions of this Regulation amending or correcting provisions of Regulations (EU) 2023/194 and (EU) 2024/257 concerning: (i) pollack in ICES divisions 8a, 8b, 8d and 8e; (ii) bluefin tuna in the Atlantic Ocean, east of 45°W, and the Mediterranean; and (iii) the corrections of errors, should apply from 1 January 2024, in line with the application period of the provisions concerned. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the level or area of application of the fishing opportunities or farming limits are increased.

(16) Given the urgency of avoiding interruptions to fishing activities, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

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and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (OJ L 238, 27.9.2023, p. 1)

[37] 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).

HAS ADOPTED THIS REGULATION:

Article 1

Amendment and correction of Regulation (EU) 2024/257

Regulation (EU) 2024/257 is amended as follows:

(1) In Article 1(2), the following point (d) is inserted:

“

(d) fishing opportunities for the period from 1 June 2024 to 31 May 2025 in the NPFC Convention Area.

”

(2) In Article 4, the following point (ra) is inserted:

“

(ra) ‘NPFC (North Pacific Fisheries Commission) Convention area’ means the geographical area defined in the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean[38];

”

(3) The following Article 12a is inserted:

“

Article 12a

Measures on pollack in ICES divisions 8a, 8b, 8d and 8e

A minimum conservation reference size of 42 cm shall apply for the catches of pollack in ICES divisions 8a, 8b, 8d and 8e.

”

(4) In Article 20(1), points (c) to (f), are deleted.

(5) Article 27 is replaced by the following:

“

[38] OJ L 55, 28.2.2022, p. 14. The Union acceded to the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean by means of Council Decision (EU) 2022/314 of 15 February 2022 on the accession of the European Union to the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (OJ L 55, 28.2.2022, p. 12).

Article 27
Sharks

In addition to the prohibitions established in Articles 32 to 36 of Regulation 2017/2107, it shall also be prohibited to engage in directed fishery for species of thresher sharks of the *Alopias* genus.

”

(6) The following Section 11a is inserted:

“

SECTION 11A
NPFC CONVENTION AREA

Article 48a
Chub mackerel fishery

1. For Union fishing vessels fishing in the NPFC Convention area, flag Member States shall transmit the following aggregated data to the Commission by the following dates:

   (a) monthly catches under the catch limits for chub mackerel (*Scomber japonicus*) for all NPFC Contracting Parties for respectively trawlers and purse seiners as set out in Annex IM when utilisation of those catch limits is below 60%, by the seventh of the following month; and

   (b) weekly catches of chub mackerel under those catch limits when utilisation of those catch limits is above 60% and below 95%, by Tuesday of the following week.

   The Commission shall compile and promptly transmit that information to the NPFC Executive Secretary.

2. Within two days from the issue date of notifications of the NPFC Executive Secretary that the utilisation of that those catch limits has reached 95%, the Commission shall close the fisheries under those catch limits.

3. The Commission shall compile and transmit annual catches of chub mackerel in the NPFC Convention area to the NPFC Executive Secretary by end of February of the following year.

4. This Article shall apply in addition to the reporting obligations on fishing opportunities set out in Article 33 of Council Regulation (EC) No 1224/2009[39].

[39] OJ L 55, 28.2.2022, p. 14. The Union acceded to the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean by means of Council Decision (EU) 2022/314 of 15 February 2022 on the accession of the European Union to the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (OJ L 55, 28.2.2022, p. 12).

Article 48b
Protection of sharks in the NPFC Convention area

1. Union fishing vessels fishing in the NPFC Convention area shall not fish for, retain on board, tranship or land sharks in the NPFC Convention area.

2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.

Article 48c
Protection of anadromous fish in the NPFC Convention area

1. Union fishing vessels fishing in the NPFC Convention area shall not fish for, retain on board, tranship or land Chum salmon (*Oncorhynchus keta*), Coho salmon (*Oncorhynchus kisutch*), Pink salmon (*Oncorhynchus gorbuscha*), Sockeye salmon (*Oncorhynchus nerka*), Chinook salmon (*Oncorhynchus tshawytscha*), Cherry salmon (*Oncorhynchus masou*) and Steelhead trout (*Oncorhynchus mykiss*).

2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.

”

(7) In Article 55(1), point (d), is deleted.

(8) In Article 59, the following points (aa), (ga), (ia) and (ja) are inserted:

“

(aa) Article 12a shall apply from 1 July 2024 to 31 December 2024 or to the date on which a delegated act adopted in accordance with Article 15(2) of Regulation (EU) 2019/1241 and amending Annex VII, Part A, of that Regulation regarding the minimum conservation reference size for pollack in ICES divisions 8a, 8b, 8d and 8e becomes applicable, whichever is earlier.

”

“

(ga) Section 11a shall apply from 1 June 2024 to 31 May 2025 or to the date on which a Regulation of the European Parliament and of the Council laying down measures applicable in the area covered by the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean becomes applicable, whichever is earlier;

”

“

(ia) In Annex IA, Part A, Table 17, footnote 1 shall apply from 1 July 2024 to 31 December 2024;

”

“

(ja) Annex IM shall apply from 1 June 2024 to 31 May 2025;

”

(9) Annexes IA, IB, ID, IK and VI are amended in accordance with Annex I to this Regulation.

(10) Annex IM is inserted in accordance with Annex I, point (16) to this Regulation.

Article 2

Amendment and correction of Regulation (EU) 2023/194

Regulation (EU) 2023/194 is amended and corrected as follows:

(1) Article 18(1), point (p), is replaced by the following:

“

(p) deep-sea species listed in Annex I, Part D, in Union, United Kingdom and international waters of ICES zones: 1; 2, except UK waters of division 2a; 5 to 10; 12; and 14, and CECAF areas 34.1.1, 34.1.2, and 34.2. In addition, in Union and United Kingdom waters of ICES divison 2a and subarea 4, where specified in that Annex.

”

(2) Article 55(1), point (k), is replaced by the following:

“

(k) deep-sea sharks listed in Annex I, Part D, in Union waters of: ICES subareas 6 to 10; and CECAF areas 34.1.1, 34.1.2, and 34.2. In addition, in Union waters of ICES subarea 4, where specified in that Annex.

”

(3) Annex I, Part D, is amended and corrected in accordance with Annex II to this Regulation.

Article 3
Entry into force and application

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

It shall apply from 1 December 2023. However, Article 2 shall apply from 1 January 2024.

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

Done at Brussels,

For the Council
The President