



Council of the
European Union

**Brussels, 20 June 2023
(OR. en)**

10902/23

**PECHE 251
DELECT 83
UK 136**

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	19 June 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2023) 3812 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 19.6.2023 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under 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, as regards piked dogfish

Delegations will find attached document C(2023) 3812 final.

Encl.: C(2023) 3812 final



Brussels, 19.6.2023
C(2023) 3812 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 19.6.2023

on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under 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, as regards piked dogfish

prohibited species and that the full amount of advised catches would inform the 2023 TACs, split into the three historical TACs pertaining to this stock (DGA/03-A, DGS/2AC4-C and DGS/15X14).

The Union and the UK agreed on an additional precautionary measure to deter directed fisheries targeting aggregations of mature females, in order to protect a component of the stock that is particularly vulnerable to fishing mortality. To this end, the Union and the UK agreed to introduce a maximum size of 100 cm. The overall level of discards of piked dogfish would in principle not be impacted, as it is possible to avoid the capture of specimen above the maximum size by avoiding to target aggregation of spawning females.

The measure was first introduced in Union law via Annex IA of Council Regulation (EU) 2023/194⁷ because it is a measure functionally linked to the TAC for the stock, as without such measure, the TAC level would not ensure sufficient protection of pupping females, which constitute a particularly vulnerable part of the population.

The current delegated act aims at a more stable application of the measures by clarifying the application of the landing obligation established in Article 15(1) of Regulation (EU) 1380/2013⁸ to the catches of piked dogfish of size above 100 cm, in line with the Union's international obligations agreed in the framework of consultations with the United Kingdom and with a view to ensure a level playing field for Union fishermen.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Experts from the Member States were consulted in a meeting in Brussels on 5 April 2023. As the delegated act is based on the empowerment provided in Article 15(2) of Regulation (EU) 1380/2013 and does not present a new policy initiative, there was no need to carry out an impact assessment.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 15(1) of Regulation (EU) 1380/2013 establishes a landing obligation, whereby all catches of species subject to catch limits and, in the Mediterranean, also catches of species subject to minimum sizes laid down in Annex III of the Regulation (EC) No 1967/2006, should be brought and retained on board, recorded, landed and counted against the fishing quotas.

Article 15(2) of the same Regulation states that the landing obligation is without prejudice to the Union's international obligations.

⁷ 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. <https://eur-lex.europa.eu/eli/reg/2023/194/oj>

⁸ 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 of 28.12.2013, p. 22).

The Commission is empowered to adopt delegated acts in order to ensure that the EU's international obligations are complied with, and thus create legal certainty.

This delegated act will clarify the application of the landing obligation in relation to an obligation agreed internationally between the EU and the UK, during annual fisheries consultations.

In particular, this delegated act will clarify that, for catches of piked dogfish above 100 cm discarding will continue to apply.

Legal basis

Article 15(2) of Regulation (EU) 1380/2013.

COMMISSION DELEGATED REGULATION (EU) .../...

of 19.6.2023

on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under 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, as regards piked dogfish

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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/EC⁹, and in particular Article 15(2) thereof,

Whereas:

- (1) On 29 April 2021, the Council adopted Decision (EU) 2021/689 on the conclusion 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 (hereinafter “Trade and Cooperation Agreement”)¹⁰. The Trade and Cooperation Agreement entered into force on 1 May 2021.
- (2) Article 498(2) of the Trade and Cooperation Agreement provides that the Parties shall hold consultations annually to agree, by 10 December of each year, the total allowable catches (TACs) for the following year for the stocks listed in Annex 35 of the Agreement. These consultations may also cover the additional matters referred to in Article 498(4) of the Agreement including list of stocks for which fishing is prohibited, the determination of the TAC for any stock which is not listed in Annex 35 or Annex 36 and the Parties' respective shares of those stocks, measures for fisheries management.
- (3) The Union conducts the annual consultations in line with the objectives and principles set out in Articles 2, 3, 28 and 33 of Regulation (EU) No 1380/2013, Articles 4 and 5

⁹ OJ L 354, 28.12.2013, p. 22.

¹⁰ OJ L 149, 30.4.2021, p. 10.

- (9) Pending the adoption of such a maximum catch size in Union law in accordance with Article 15(2) of Regulation (EU) No 1380/2013, the measure agreed with the United Kingdom was established in Annex IA of Council Regulation (EU) 2023/194. The measure was functionally linked to the TAC for piked dogfish, as, without such measure, the TAC level alone would not ensure sufficient protection of spawning females, which constitute a particularly vulnerable part of the population.
- (10) The current Regulation aims at excluding piked dogfish above 100 cm from the landing obligation, thereby ensuring that when caught accidentally, such specimen shall not be harmed and be promptly released back into the sea.
- (11) The Regulation provides a more stable legal framework, given the temporary nature of the measures adopted by the Council which, in accordance with Article 59(k) of Council Regulation (EU) 2023/194, will cease to apply on the date on which a delegated act introducing corresponding measures and regulating the treatment of catches of those stocks over 100 cm becomes applicable.
- (12) The current Regulation ensures compliance by the Union with its international obligations and create legal certainty and a level playing field for Union fishermen.
- (13) As the measures provided for in this Regulation have a direct impact on the conservation of the stock, this Regulation should enter into force immediately after its publication.
- (14) As the measures agreed in the Written Record between the Union and the United Kingdom expire on 31 December 2023, this Regulation should also cease to apply on that date.

HAS ADOPTED THIS REGULATION:

Article 1
Subject matter and scope

This Regulation establishes a derogation from the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013 for the purpose of implementing the Union's international obligations as regards shared stocks subject to the fisheries consultations held between the United Kingdom and the European Union under the Trade and Cooperation Agreement.

This Regulation applies to fishing activities in Union waters or by Union fishing vessels outside Union waters in waters not subject to third countries' sovereignty or jurisdiction.

Article 2
*Piked dogfish (*squalus acanthias*)*

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, it shall be prohibited to target, retain on board or tranship, land, transport, store, display or offer for sale, sell or market piked dogfish above 100 cm.

Any piked dogfish above that size when caught accidentally, shall not be harmed and specimens shall be promptly released back into the sea.

Article 3
Entry into force

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

This Regulation shall apply until 31 December 2023.

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

Done at Brussels, 19.6.2023

For the Commission
The President
Ursula VON DER LEYEN