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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2025) 457 final
Subject:	Proposal for a COUNCIL REGULATION amending Regulation (EU) 2025/202 fixing for 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters

Delegations will find attached document COM(2025) 457 final.

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2025/0252 (NLE)

Proposal for a

COUNCIL REGULATION

amending Regulation (EU) 2025/202 fixing for 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Council Regulation (EU) 2025/202[1] fixes for 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.

• Consistency with existing policy provisions in the policy area

The measures proposed are consistent with the objectives set out in Regulation (EU) No 1380/2013[2] of the European Parliament and of the Council on the Common Fisheries Policy (CFP) ('Basic Regulation'), which are *inter alia* to be applied when establishing fishing opportunities, i.e. catch and fishing effort limits, with the aim of ensuring that EU fisheries are ecologically, as well as economically and socially sustainable. Where relevant, the measures proposed are also consistent with Regulation (EU) 2019/472[3] of the European Parliament and of the Council establishing a multiannual plan for the Western Waters ('Western Waters MAP'), specifying for certain stocks how to reach those objectives when fixing fishing opportunities.

• Consistency with other Union policies

The proposed measures are consistent with other EU policies, in particular Directive 2008/56/EC of the European Parliament and of the Council[4] ('Marine Strategy Framework Directive') and aim to contribute to achieving Good Environmental Status (GES) for descriptor 3 in particular, which requires all commercially exploited fish and shellfish to be within safe biological limits.

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).

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1 Council Regulation (EU) 2025/202 of 30 January 2025 fixing for 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) 2024/257 as regards fishing opportunities for 2025 (OJ L, 2025/202, 31.1.2025, ELI: http://data.europa.eu/eli/reg/2025/202/oj).

2 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, ELI: http://data.europa.eu/eli/reg/2013/1380/oj).

3 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, ELI: http://data.europa.eu/eli/reg/2019/472/oj).

4 Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19, ELI: http://data.europa.eu/eli/dir/2008/56/oj).

- **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 set out in the Basic Regulation and the rules of the Western Waters MAP, as well as the outcome of multilateral consultations with non-EU countries, in the context of regional fisheries management organisations (RFMOs). Consequently, the fishing opportunities should be fixed by taking into account the best available scientific advice. In addition to biological considerations, the allocation of fishing opportunities should take into account socio-economic considerations, in particular the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield (MSY) at the same time.

Pursuant to Article 16(6) and (7) and Article 17 of the Basic Regulation, Member States are to decide how the fishing opportunities available to them may be allocated to vessels flying their flag in accordance with certain criteria set out in those Articles. Therefore, Member States have the necessary margin of discretion when distributing the allocated quotas, in line with their preferred social/economic model for using the fishing opportunities available to them.

- **Choice of 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 entitled '*Sustainable fishing in the EU: state of play and orientations for 2025'* (COM(2024) 235 final).

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

- **Collection and use of expertise**

Scientific advice issued by the International Council for the Exploration of the Sea (ICES) is based on a framework developed by its expert groups and decision-making bodies. That framework is based on the best available science and peer reviewed by independent experts. ICES scientific advice is issued on the basis of that framework and in line with the objectives and rules of the Basic Regulation and the Western Waters MAP, as requested by the Commission.

- **Impact assessment**

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

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

As regards fishing opportunities for RFMOs stocks, this proposal essentially 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**

This proposal complies with 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 Regulation (EU) 2025/202 as described below.

Anchovy in Atlantic Iberian waters west

Regulation (EU) 2025/202 sets a provisional total allowable catch (TAC) for anchovy (*Engraulis encrasicolus*) in the western part of the International Council for the Exploration of the Sea (ICES) subarea 9 and in subarea 10 (western part of Atlantic Iberian waters and Azores waters) for the period from 1 July to 30 September 2025 at the level of 7 182 tonnes, pending the publication by ICES of its scientific advice for anchovy in the western part of ICES division 9a (western part of Atlantic Iberian waters) for the period from 1 July 2025 to 30 June 2026.

Following the publication of that advice[5] on 20 June 2025, the definitive TAC for anchovy in the western part of ICES subarea 9 and in subarea 10 for the period from 1 July 2025 to 30 June 2026 should be set. ICES gives maximum sustainable yield advice for that stock. Therefore, in accordance with Articles 2(2) and 3(c) of Regulation (EU) No 1380/2013, it is proposed to set the definitive TAC for that period based on that ICES advice, i.e. at the level of 22 871 tonnes.

Moreover, in order to maintain the reporting period for that TAC, which applies from 1 July 2025, the definitive TAC should also apply from 1 July 2025.

Norway lobster in the Bay of Biscay

[5] https://doi.org/10.17895/ices.advice.28161032.v1

On 31 October 2024, ICES published its scientific advice for Norway lobster (*Nephrops norvegicus*) in ICES divisions 8a and 8b (Bay of Biscay) for 2025[6]. ICES had initially advised that catches of that stock in that period should be no more than 3 502 tonnes. On 6 May 2025, ICES published revised scientific advice for Norway lobster in ICES divisions 8a and 8b for 2025[7]. In that revised advice, which replaces the advice of 31 October 2024, ICES decreased its catch advice for that stock and that period to 2 601 tonnes, due to a correction in the calculation of the biomass survey index.

Regulation (EU) 2025/202 sets the TAC for Norway lobster in ICES divisions 8a, 8b, 8d and 8e for 2025 at the level of 3 502 tonnes based on the ICES advice of 31 October 2024. Therefore, in accordance with Article 4(3) of the Western Waters MAP, read in conjunction with Article 3(5) of that MAP, it is proposed to amend the level of that TAC for that period based on the revised ICES advice of 6 May 2025.

Moreover, in order to maintain the reporting period for the TAC for Norway lobster in ICES divisions 8a, 8b, 8d and 8e for 2025, which applies from 1 January 2025, the amended TAC should also apply from 1 January 2025. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the quotas under that TAC have not yet been exhausted.

The EU quota for Norway lobster in ICES divisions 8a, 8b, 8d and 8e should take into account discards for that species in that area based on the high survivability exemption from the landing obligation, as set out in Article 9 of Commission Delegated Regulation (EU) 2023/2623[8]. Those quantities may not be landed and counted against the quotas and are therefore to be deducted from the EU quota. That landing obligation exemption deduction applied to the EU quota for 2025 is - 14,85%.

As part of its proposal for an amendment to Regulation (EU) 2025/202 (COM(2025) 257 final), adopted on 26 May 2025 and updated by means of several Commission services non-papers[9], the Commission had already proposed to amend the level of that TAC for 2025. However, that element was not included in the amendment to Regulation (EU) 2025/202[10] adopted by the Council.

ICCAT bluefin tuna

On 3 May 2025, Commission Delegated Regulation (EU) 2025/837[11], amending Regulation (EU) 2023/2053[12] of the European Parliament and of the Council as regards the management

6 https://doi.org/10.17895/ices.advice.25019390.v1

7 https://doi.org/10.17895/ices.advice.28937048.v1

8 Commission Delegated Regulation (EU) 2023/2623 of 22 August 2023 supplementing Regulation (EU) 2019/472 of the European Parliament and of the Council by specifying details of the landing obligation for certain fisheries in Western Waters for the period 2024-2027 (OJ L, 2023/2623, 22.11.2023, ELI: http://data.europa.eu/eli/reg_del/2023/2623/oj).

9 https://oceans-and-fisheries.ec.europa.eu/fisheries/rules/fishing-quotas/tacs-and-quotas-2025_en

10 Council Regulation (EU) 2025/1350 of 8 July 2025 amending Regulation (EU) 2025/202 fixing for 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, 2025/1350, 10.7.2025, ELI: http://data.europa.eu/eli/reg/2025/1350/oj).

11 Commission Delegated Regulation (EU) 2025/837 of 7 February 2025 amending Regulation (EU) 2023/2053 of the European Parliament and of the Council as regards the management of bluefin tuna in the eastern Atlantic and in the Mediterranean (OJ L, 2025/837, 2.5.2025, ELI: http://data.europa.eu/eli/reg_del/2025/837/oj).

of bluefin tuna (*Thunnus thynnus*) in part of the International Commission for the Conservation of Atlantic Tunas (ICCAT) Convention area, in the Atlantic Ocean, east of 45°W, and the Mediterranean, entered into force.

Commission Delegated Regulation (EU) 2025/837 amends Annex I, points 1 and 2, to Regulation (EU) 2023/2053 by inserting derogations: (i) from the maximum number of Member States' coastal artisanal fleet authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm, allowing for an increase for the Gulf of Lion; and (ii) from the maximum allocation of Member States quotas for bluefin tuna for such vessels, again allowing for an increase for the Gulf of Lion.

Regulation (EU) 2025/202 sets the following for 2025: (i) the maximum number of French coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean; and (ii) an allocation of the French quota for bluefin tuna in the Atlantic Ocean, east of 45°W, and the Mediterranean for such vessels.

Therefore, it is proposed to increase that maximum number of vessels and that allocation to take into account the derogations for the artisanal fleet authorised to fish in the Gulf of Lion inserted by Delegated Regulation (EU) 2025/837.

Moreover, in order to maintain the reporting period for the TAC for bluefin tuna in the Atlantic Ocean, east of 45°W, and the Mediterranean, the amended TAC should also apply from 1 January 2025.

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[12] 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, ELI: http://data.europa.eu/eli/reg/2023/2053/oj).

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amending Regulation (EU) 2025/202 fixing for 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters

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) 2025/202[1] fixes for 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 thereto, should be amended to take into account the publication of scientific advice, as well as the outcomes of regional fisheries management organisations (RFMOs) meetings.

(2) Regulation (EU) 2025/202 sets a provisional total allowable catch (TAC) for anchovy (*Engraulis encrasicolus*) in the western part of the International Council for the Exploration of the Sea (ICES) subarea 9 and in subarea 10 for the period from 1 July 2025 to 30 September 2025 at the level of 7 182 tonnes, pending the publication by ICES of its scientific advice for anchovy in the western part of ICES division 9a for the period from 1 July 2025 to 30 June 2026. Following the publication of that advice on 20 June 2025, the definitive TAC for anchovy in the western part of ICES subarea 9 and in subarea 10 for the period from 1 July 2025 to 30 June 2026 should be set at the level advised by ICES.

(3) On 31 October 2024, ICES published its scientific advice for Norway lobster (*Nephrops norvegicus*) in ICES divisions 8a and 8b for 2025. ICES had initially advised that catches of that stock in that period should be no more than 3 502 tonnes. On 6 May 2025, ICES published revised scientific advice for Norway lobster in ICES divisions 8a and 8b for 2025. In that revised advice, which replaces the advice of 31 October 2024, ICES decreased its catch advice for that stock and that period to 2 601 tonnes. In accordance with Article 4(3) of Regulation (EU) 2019/472 of the European

[1] Council Regulation (EU) 2025/202 of 30 January 2025 fixing for 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) 2024/257 as regards fishing opportunities for 2025 (OJ L, 2025/202, 31.1.2025, ELI: http://data.europa.eu/eli/reg/2025/202/oj).

Parliament and of the Council[2], read in conjunction with Article 3(5) of that Regulation, the level of the TAC for Norway lobster in ICES divisions 8a, 8b, 8d and 8e set for 2025 should therefore be amended based on the revised advice from ICES.

(4) On 3 May 2025, Commission Delegated Regulation (EU) 2025/837[3] amending Regulation (EU) 2023/2053 of the European Parliament and of the Council[4] as regards the management of bluefin tuna (*Thunnus thynnus*) in part of the International Commission for the Conservation of Atlantic Tunas (ICCAT) Convention area, in the Atlantic Ocean, east of 45°W, and the Mediterranean, entered into force. It amended Annex I, points 1 and 2, to Regulation (EU) 2023/2053 by inserting derogations for the Gulf of Lion. In Regulation (EU) 2025/202, the following should therefore be amended to take those derogations into account: (i) the maximum number of French coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean; and (ii) the allocation of the French quota for bluefin tuna in the Atlantic Ocean, east of 45°W, and the Mediterranean for such vessels.

(5) Regulation (EU) 2025/202 should therefore be amended accordingly.

(6) In order to maintain the reporting periods for the TACs amended by this Regulation, which apply from 1 January or 1 July 2025, the amended TACs should apply retroactively from those dates. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the quotas under those TACs have not yet been exhausted or are increased.

(7) 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*,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EU) 2025/202

Annexes IA, Part A, ID and VI to Regulation (EU) 2025/202 are amended in accordance with the Annex to this Regulation.

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2 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, ELI: http://data.europa.eu/eli/reg/2019/472/oj).

3 Commission Delegated Regulation (EU) 2025/837 of 7 February 2025 amending Regulation (EU) 2023/2053 of the European Parliament and of the Council as regards the management of bluefin tuna in the eastern Atlantic and in the Mediterranean (OJ L, 2025/837, 2.5.2025, ELI: http://data.europa.eu/eli/reg_del/2025/837/oj).

4 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, ELI: http://data.europa.eu/eli/reg/2023/2053/oj).

Article 2

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 January 2025.

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

Done at Brussels,

For the Council
The President