Council of the European Union

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PECHE 359

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL REGULATION 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, and amending Regulation (EU) 2023/194 fixing for 2023 and 2024 such fishing opportunities

COUNCIL REGULATION (EU) 2024/…

of …

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,
and amending Regulation (EU) 2023/194
fixing for 2023 and 2024 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[1] 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 should be amended to take into account the publication of scientific advice.

(2) Regulation (EU) 2024/257, as amended by Council Regulation (EU) 2024/1856[2], set a provisional total allowable catch (TAC) for anchovy (*Engraulis encrasicolus*) in ICES subareas 9 and 10 and Union waters of Committee for Eastern Central Atlantic Fisheries (CECAF) division 34.1.1 for the period from 1 July 2024 to 30 September 2024 at the level of 4 997 tonnes, pending the publication by the International Council for the Exploration of the Sea (ICES) of its scientific advice for anchovy in ICES division 9a for that period, and allowed fishing to continue. Following the publication of that advice on 21 June 2024, the definitive TAC for anchovy in ICES subareas 9 and 10 and Union waters of CECAF division 34.1.1 for the period from 1 July 2024 to 30 June 2025 should be set at the level advised by ICES for the western and the southern populations occurring in that area. In addition, a special condition should be established under which catches in the southern part of the TAC area are not to exceed 969 tonnes, in accordance with the ICES advice for the population occurring in that area. Moreover, to take into account that catches may already have occurred under the provisional TAC, catches of anchovy in the southern part of the TAC area during the period from 1 July 2024 to 30 September 2024 in addition to the special condition of 969 tonnes should be allowed, provided that certain other conditions are met.

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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) 2024/1856 of 28 June 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, and Regulation (EU) 2023/194 fixing for 2023 such fishing opportunities (OJ L, 2024/1856, 1.7.2024, ELI: http://data.europa.eu/eli/reg/2024/1856/oj).

(3) On 29 July 2024, the Scientific, Technical and Economic Committee for Fisheries (STECF) published its advice on the socio-economic impact of maintaining the TACs for pollack (*Pollachius pollachius*) in ICES division 8c and in subareas 9 and 10 and Union waters of CECAF division 34.1.1 for 2024 at the level advised by ICES. That STECF advice indicates the level of those TACs required to avoid the phenomenon of 'choke species', i.e. 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. Therefore, the TACs for 2024 set by Regulation (EU) 2024/257 should be increased. Pursuant to Article 5(3) of Regulation (EU) 2019/472 of the European Parliament and of the Council[3], those TACs should be set at a level of 108 tonnes in ICES division 8c, and 132 tonnes in subareas 9 and 10 and Union waters of CECAF division 34.1.1 which, according to STECF advice, will allow the fleets to continue operating until 18 September 2024 and 8 December 2024 respectively, and therefore reduce the phenomenon of 'choke species' and the resulting premature closure of the relevant fisheries, as well as associated socio-economic impacts on the fisheries sector.

(4) For certain additional stocks, both the Union quotas and Member States quotas for 2024 should be amended to take into account the required deductions resulting from exemptions from the landing obligation.

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[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).

(5) On 13 March 2024, the European Parliament and the Council adopted Regulation (EU) 2024/897[4] implementing in Union law certain fisheries management, conservation and control measures in the International Commission for the Conservation of Atlantic Tunas (ICCAT) Convention area. That Regulation added new provisions in Articles 9 and 12 of Regulation (EU) 2017/2107 of the European Parliament and of the Council[5]. To avoid overlapping provisions on the same subject matter, Article 28 of Regulation (EU) 2024/257 should be amended accordingly.

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[4] 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).

[5] 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).

(6) Regulation (EU) 2023/194 set a TAC for red seabream (*Pagellus bogaraveo*) in ICES subarea 9 for 2024 at the level of 114 tonnes. ICES published its advice for that stock for 2025 and 2026 on 16 August 2024. For 2025 and 2026, ICES for the first time provided advice for two different populations of red seabream in that area. ICES explained that this is because, firstly, two populations of red seabream occur in ICES subarea 9: red seabream distributed in ICES subarea 9 except for the Atlantic part of the Strait of Gibraltar (i.e. Galician and Portuguese coast) on the one hand, and red seabream distributed in the Atlantic part of the Strait of Gibraltar and in the western Mediterranean on the other. Secondly, ICES explained that the advice of the General Fisheries Commission for the Mediterranean (GFCM) Scientific Advisory Committee on Fisheries (SAC) for red seabream in GFCM geographical subareas 1 and 3 (western Mediterranean) covers the red seabream population distributed in the western Mediterranean and in the Atlantic part of the Strait of Gibraltar. In addition, according to the latest draft advice of the SAC for that stock for 2025: (i) the biomass has been below B_{lim} (i.e. the spawning stock biomass reference point below which there may be reduced reproductive capacity) since 2011; (ii) the stock's biomass in 2024 is at 30 % of B_{lim}; (iii) the biomass will remain below B_{lim} even with no fishing in 2025; and (iv) the fishing mortality is currently at 204 % of the F_{MSY} proxy, where 'F_{MSY}' is estimated fishing mortality that with a given fishing pattern and under current average environmental conditions gives the long-term MSY. Moreover, ICES advised minimising catches of red seabream in the Atlantic part of the Strait of Gibraltar for 2025 and 2026.

(7) Consequently, fishing for red seabream in the Atlantic part of the Strait of Gibraltar in the remainder of 2024, under the TAC for red seabream in ICES subarea 9 for 2024, could pose a serious threat to that stock. That serious threat should be addressed urgently. Therefore, in accordance with Article 4(7) and Article 8(2) of Regulation (EU) 2019/472, the fishery for red seabream in the Atlantic part of the Strait of Gibraltar should be suspended.

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

(9) The provisions of this Regulation amending provisions of Regulation (EU) 2024/257 regarding ICCAT and regarding pollack in ICES division 8c and in subareas 9 and 10 and Union waters of CECAF division 34.1.1, except for the prohibition of directed fisheries, should apply from 1 January 2024, in line with the application period of the amended provisions. The TAC for anchovy in ICES subareas 9 and 10 and Union waters of CECAF division 34.1.1 should apply from 1 July 2024, again in line with the application period of the amended provision. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the levels of the fishing opportunities are maintained or increased.

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

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2024/257

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

(1) Article 12a is replaced by the following:

‘*Article 12a*

Measures on pollack in ICES divisions 8a to 8e, subareas 9 and 10 and Union waters of CECAF division 34.1.1

A minimum conservation reference size of 42 cm shall apply for:

(a) catches of pollack in ICES divisions 8a, 8b, 8d and 8e; and

(b) catches of pollack in ICES division 8c, subareas 9 and 10 and Union waters of CECAF division 34.1.1.’;

(2) Article 28 is replaced by the following:

‘Article 28

FADs for tropical tunas

1. It shall be prohibited to use FADs in the ICCAT Convention area from 1 January 2024 to 12 March 2024.

2. From 17 December 2023 to 31 December 2023, Member States shall ensure that their fishing vessels do not deploy FADs.';

(3) in Article 59, third subparagraph:

(a) point (aa) is replaced by the following:

'(aa) Article 12a, point (a), shall apply from 1 July 2024 to 31 December 2024 or until 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;';

(b) the following point is inserted after point (aa):

'(ab) Article 12a, point (b), shall apply from 1 October 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 division 8c, subareas 9 and 10 and Union waters of CECAF division 34.1.1 becomes applicable, whichever is earlier;';

(c) the following point is inserted after point (i):

‘(ia) In Annex IA, Part A, Tables 18 and 19, footnote 1 shall apply from 1 October 2024 to 31 December 2024;’;

(4) Annex IA is amended in accordance with Annex I to this Regulation.

Article 2

Amendments to Regulation (EU) 2023/194

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

(1) in Article 59, second subparagraph, the following points are inserted after point (h):

‘(ha) in Annex IA, Part E, table for red seabream (*Pagellus bogaraveo*) in Union and international waters of ICES subarea 9, footnote 1 shall apply from 1 January 2024 to 31 December 2024;

(hb) in Annex IA, Part E, table for red seabream (*Pagellus bogaraveo*) in Union and international waters of ICES subarea 9, footnote 2 shall apply from 1 October 2024 to 31 December 2024;’;

(2) Annex IA is amended in accordance with Annex II to this Regulation.

Article 3

Entry into force and application

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

It shall apply from 1 January 2024.

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

Done at …, …

For the Council

The President

ANNEX I

I. Annex IA, Part A, to Regulation (EU) 2024/257 is amended as follows:

(1) Table 2 is replaced by the following:

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Table 2

Species:	Anchovy *Engraulis encrasicolus*		Zone:	9 and 10; Union waters of CECAF 34.1.1 (ANE/9/3411)
Spain	4 519	(1)(3)	Analytical TAC	
Portugal	4 930	(1)(3)		
Union	9 449	(1)(2)(3)		
TAC	9 449	(1)(2)(3)		

(1) This quota may be fished only from 1 July 2024 to 30 June 2025.

(2) Special condition: of which up to 969 tonnes may be taken in the area bounded by the following coordinates and the coast (ANE/*09AW):

Point	Latitude	Longitude
1	36°00'00" N	5°36'00" W
2	36°00'00" N	11°00'00" W
3	37°01'20" N	8°59'47" W

(3) Special condition: of which the following quantities, in addition to the quantity referred to in footnote 2 and after full use of that quantity, may be taken in the area referred to in footnote 2 in the period from 1 July 2024 to 30 September 2024 (ANE/*09AW2).

Spain	1 926
Portugal	2 102
Union	4 028

’

(2) Tables 18 and 19 are replaced by the following:

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Table 18				
Species:	Pollack *Pollachius pollachius*		Zone:	8c (POL/08C.)
Spain	97	(1)	Analytical TAC	
France	11	(1)		
Union	108	(1)		
TAC	108	(1)		
(1)	As from 1 October 2024, exclusively for by-catches, and no directed fisheries are permitted under this quota (POL/*08C-BC).			

Table 19				
Species:	Pollack *Pollachius pollachius*		Zone:	9 and 10; Union waters of CECAF 34.1.1 (POL/9/3411)
Spain	128	(1)(2)	Analytical TAC	
Portugal	4	(1)(2)(3)		
Union	132	(1)(2)		
TAC	132	(1)(2)		
(1)	As from 1 October 2024, exclusively for by-catches, and no directed fisheries are permitted under this quota (POL/*9/3411-BC).			
(2)	Special condition: of which up to 100 % may be fished in 8c (POL/*08C.).			
(3)	In addition to this TAC, Portugal may fish quantities of pollack not exceeding 98 tonnes (POL/93411P). As from 1 October 2024, this additional quota applies exclusively for by-catches, and no directed fisheries are permitted under this quota (POL/*93411P-BC).			

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II. Annex IA, Part B, to Regulation (EU) 2024/257 is amended as follows:

(1) Table 33 is replaced by the following:

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Table 33			
Species:	Megrims *Lepidorhombus* spp.	Zone:	8a, 8b, 8d and 8e (LEZ/8ABDE.)
Spain	1 154	Analytical TAC	
France	931	Article 7(2) of this Regulation applies	
Union	2 085		
TAC	2 175		

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(2) Table 38 is replaced by the following:

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Table 38			
Species:	Anglerfishes *Lophiidae*	Zone:	8a, 8b, 8d and 8e (ANF/8ABDE.)
Spain	1 872	Analytical TAC	
France	10 419	Article 7(2) of this Regulation applies	
Union	12 291		
TAC	12 906		

’

(3) Table 56 is replaced by the following:

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Table 56				
Species:	Hake *Merluccius merluccius*		Zone:	8a, 8b, 8d and 8e (HKE/8ABDE.)
Belgium	12	(1)	Analytical TAC	
Spain	8 359		Article 7(2) of this Regulation applies	
France	18 771			
Netherlands	24	(1)		
Union	27 166			
TAC	27 532			
(1)	Transfers of this quota may be effected to United Kingdom and Union waters of 2a and 4. However, such transfers shall be notified in advance to the Commission and to the United Kingdom.			
Special condition: within the limits of these quotas, no more than the quantities given below may be taken in the following zones: 6 and 7; United Kingdom and international waters of 5b; international waters of 12 and 14 (HKE/*57-14)				
Belgium	2			
Spain	2 454			
France	4 418			
Netherlands	7			
Union	6 881			

’

(4) Table 121 is replaced by the following:

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Table 121				
Species:	Horse mackerel *Trachurus* spp.		Zone:	8c (JAX/08C.)
Spain	1 788	(1)(2)	Analytical TAC	
France	31	(1)	Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply	
Portugal	177	(1)(2)	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	1 996	(1)		
TAC	2 097			
(1)	Exclusively for by-catches. No directed fisheries for horse mackerel are permitted under this quota.			
(2)	Special condition: up to 10 % of this quota may be fished in 9 (JAX/*09.).			

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ANNEX II

In Annex IA, Part E, to Regulation (EU) 2023/194, the table for red seabream (*Pagellus bogaraveo*) in Union and international waters of ICES subarea 9 is replaced by the following:

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Species:	Red seabream *Pagellus bogaraveo*			Zone:	Union and international waters of 9 (SBR/09-)
Year	2023	2024		Precautionary TAC	
Spain	88	88	(2)	Article 3 of Regulation (EC) No 847/96 shall not apply(1)	
Portugal	24	24	(2)		
Union	112	112	(2)		
TAC	114	114	(2)		

(1) Shall apply only in 2024.

(2) As from 1 October 2024, catches of red seabream shall not be taken in the area bounded by the following coordinates and the coast:

Point	Latitude	Longitude
1	36°10'00" N	11°00'00" W
2	36°10'00" N	5°53'17" W
3	36°00'00" N	5°36'00" W
4	36°00'00" N	11°00'00" W

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