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PROPOSAL

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
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Subject:	Proposal for a COUNCIL REGULATION 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

Delegations will find attached document COM(2022) 559 final.

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Proposal for a

COUNCIL REGULATION

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

All fishing opportunities regulations must limit the harvesting of fish stocks to levels that are consistent with the overall objectives of the common fisheries policy (CFP). Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy¹ ('the Basic Regulation') sets out objectives for annual and biennial proposals for catch and fishing effort limits to ensure that EU fisheries are ecologically, economically and socially sustainable.

The fishing opportunities are to be set annually for most stocks and biennially for certain deep-sea stocks, but that does not stand in the way of long-term management approaches. The European Parliament and the Council have adopted multiannual plans (MAPs) for the North Sea² and for the Western Waters³.

Some of the fishing opportunities proposed are established by the EU autonomously, while some are to be agreed following multilateral or bilateral consultations with non-EU countries. The total allowable catch (TAC) agreed in those consultations are shared between the Member States in accordance with the principle of relative stability.

This proposal covers:

- autonomous EU stocks;
- shared stocks that are to be jointly managed with the United Kingdom (UK) in the North Sea and the North-Western Waters, that are to be jointly managed with Norway and the UK in the North Sea and the Skagerrak, or that are subject to North-East Atlantic Fisheries Commission (NEAFC) coastal States consultations;
- fishing opportunities under agreements concluded in the framework of regional fisheries management organisations (RFMOs); and
- certain fishing opportunities in waters of non-EU countries.

A number of fishing opportunities are marked '*pm*' (*pro memoria*) in this proposal, because:

¹ 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).

² Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).

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).

- the scientific advice on some autonomous EU stocks was not yet available when the proposal was adopted; or
- certain catch limits and other recommendations from the relevant RFMOs are pending, because the annual meetings have not yet taken place; or
- figures are not yet available for some stocks in waters of non-EU countries, shared stocks or fishing opportunities exchanged with non-EU countries, pending the conclusion of consultations with those non-EU countries.

Approach for setting fishing opportunities

As usual, the Commission has produced an annual communication; *Towards more sustainable fishing in the EU: state of play and orientations for 2023* (COM(2022) 253). The annual communication provides an overview of the state of the stocks based on scientific advice, and explains the approach to establishing fishing opportunities.

Between 31 May and 30 June 2022, in response to the Commission's request, the International Council for the Exploration of the Sea (ICES) provided its annual or multiannual scientific advice on a number of autonomous EU fish stocks covered by this proposal⁴.

ICES scientific advice essentially depends on data: only stocks for which there are sufficient and reliable data can be fully assessed, with estimates of the sizes of the stocks and forecasts of how they will react to various exploitation scenarios ('catch scenarios tables'). Where sufficient data is available, ICES is able to estimate adjustments to the fishing opportunities that will bring the stock to produce its maximum sustainable yield (MSY). The advice is then referred to as 'MSY advice'. In other cases, ICES relies on the precautionary approach when recommending the level of fishing opportunities. ICES explains the methodology used in this regard in published material on the issuing of advice for data-limited stocks⁵. The advice is then referred to as 'precautionary advice'.

All the fishing opportunities that the Commission proposes here reflect the scientific advice it has received up to the moment of adoption of this proposal and in the manner outlined in the above annual communication.

Fishing opportunities for other autonomous EU stocks will be included in this proposal once the scientific advice for those stocks becomes available, and in accordance with the approach outlined in the annual communication.

Equally, fishing opportunities for other stocks will be included in this proposal in light of the outcome of consultations with non-EU countries or the annual meetings of RFMOs.

In relation to those consultations and annual meetings of RFMOs, the Commission proposes, and the Council adopts, EU positions, to be expressed on behalf of the Union, in accordance with the approach outlined in the annual communication. In the case of bilateral consultations

⁴ <https://www.ices.dk/advice/Pages/Latest-Advice.aspx>

⁵ See in particular the document *ICES approach to advice on fishing opportunities*; <https://doi.org/10.17895/ices.advice.19928060>

with the UK on shared stocks and in the case of annual meetings of RFMOs, the Commission proposes, and the Council adopts, specifications of the multiannual mandates⁶.

⁶ Council Decision (EU) 2021/1875 of 22 October 2021 concerning the position to be adopted on behalf of the Union in the annual consultations with the United Kingdom to agree on total allowable catches (OJ L 378, 26.10.2021, p. 6).
Council Decision (EU) 2019/865 of 14 May 2019 on the position to be taken on behalf of the European Union in the North-East Atlantic Fisheries Commission (NEAFC), and repealing the Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NEAFC (OJ L 140, 28.5.2019, p. 60).
Council Decision (EU) 2019/868 of 14 May 2019 on the position to be taken on behalf of the European Union in the International Commission for the Conservation of Atlantic Tunas (ICCAT), and repealing the Decision of 8 July 2014 on the position to be adopted, on behalf of the Union, in the ICCAT (OJ L 140, 28.5.2019, p. 78).
Council Decision (EU) 2019/867 of 14 May 2019 on the position to be taken on behalf of the European Union in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), and repealing the Decision of 24 June 2014 on the position to be adopted, on behalf of the Union, in the CCAMLR (OJ L 140, 28.5.2019, p. 72).
Council Decision (EU) 2019/860 of 14 May 2019 on the position to be taken on behalf of the European Union in the Indian Ocean Tuna Commission (IOTC), and repealing the Decision of 19 May 2014 on the position to be adopted, on behalf of the Union, in the IOTC (OJ L 140, 28.5.2019, p. 33).
Council Decision (EU) 2019/859 of 14 May 2019 on the position to be taken on behalf of the European Union in the South Pacific Regional Fisheries Management Organisation (SPRFMO), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the SPRFMO (OJ L 140, 28.5.2019, p. 27).
Council Decision (EU) 2019/812 of 14 May 2019 on the position to be taken on behalf of the European Union in the Inter-American Tropical Tuna Commission (IATTC) and the Meeting of the Parties to the Agreement on the International Dolphin Conservation Programme, and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the IATTC (OJ L 133, 21.5.2019, p. 13).
Council Decision (EU) 2019/861 of 14 May 2019 on the position to be taken on behalf of the European Union in the South East Atlantic Fisheries Organisation (SEAFO), and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the SEAFO (OJ L 140, 28.5.2019, p. 38).
Council Decision (EU) 2019/862 of 14 May 2019 on the position to be taken on behalf of the European Union in the Western and Central Pacific Fisheries Commission (WCPFC), and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, for the Conservation and Management of Highly Migratory Fish Stocks in the WCPFC (OJ L 140, 28.5.2019, p. 44).
Council Decision (EU) 2019/866 of 14 May 2019 on the position to be taken on behalf of the European Union in the annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in that annual Conference (OJ L 140, 28.5.2019, p. 66).
Council Decision (EU) 2019/858 of 14 May 2019 on the position to be taken on behalf of the European Union in the Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the Meeting of the Parties of the SIOFA (OJ L 140, 28.5.2019, p. 21).
Council Decision (EU) 2019/863 of 14 May 2019 on the position to be taken on behalf of the European Union in the Northwest Atlantic Fisheries Organisation (NAFO), and repealing the Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NAFO (OJ L 140, 28.5.2019, p. 49).
Council Decision (EU) 2019/824 of 14 May 2019 on the position to be taken on behalf of the European Union in the Extended Commission of the Convention for the Conservation of Southern Bluefin Tuna (CCSBT), and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the CCSBT (OJ L 134, 22.5.2019, p. 19).
Council Decision (EU) 2019/859 of 14 May 2019 on the position to be taken on behalf of the European Union in the South Pacific Regional Fisheries Management Organisation (SPRFMO), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the SPRFMO (OJ L 140, 28.5.2019, p. 27).

While the consultations are ongoing and the annual meetings of RFMOs are pending or scientific advice is not yet available, the relevant recitals and provisions set out the corresponding text of Council Regulation (EU) 2022/109⁷ in square brackets and fishing opportunities are marked *pm*.

Once the consultations are concluded and the annual meeting of RFMOs have taken place or the most recent available scientific advice becomes available, the relevant Commission proposals will be published as Commission services non-papers that will become an integral part of this proposal.

Landing obligation

Under Article 15 of the Basic Regulation, all stocks for which there are catch limits have been subject to the landing obligation since 1 January 2019. However, the Basic Regulation provides for certain exemptions from the landing obligation. Based on joint recommendations by the Member States, the Commission has adopted delegated regulations specifying details of the implementation of the landing obligation for certain fisheries ('discard plans'), allowing for limited quantities of discards on the basis of *de minimis* or high survivability exemptions.

Since the introduction of the landing obligation, and in accordance with Article 16(2) of the Basic Regulation, the proposed fishing opportunities have to reflect the change from amount landed to amount caught, given that discards are no longer allowed. This is done on the basis of the scientific advice for the stocks in fisheries referred to in Article 15(1) of the Basic Regulation. The proposed fishing opportunities are also fixed in accordance with other relevant provisions, i.e. Article 16(1) on the principle of relative stability and Article 16(4) referring to the CFP objectives and the relevant MAPs rules.

Taking into account the full application of the landing obligation, the Commission is proposing TACs on the basis of the catch advice rather than the landings advice (as used previously). The proposed EU quotas take account of limited discards based on established exemptions; these quantities will not be landed and counted against the quotas, and are therefore deducted from the EU quotas.

Year-to-year flexibility

Account must also be taken of the links between the Basic Regulation and Council Regulation (EC) No 847/96⁸. Articles 3 and 4 of the latter regulation establish additional conditions for the year-to-year management of TACs, including flexibility for precautionary and analytical stocks respectively (here understood as stocks with ICES precautionary advice and with ICES MSY advice respectively). Under Article 2 of Regulation (EC) No 847/96, when fixing the TACs, the Council is to decide which stocks will not be subject to Articles 3 and 4 of that Regulation, in particular on the basis of the biological status of stocks. Article 15(9) of the Basic Regulation provides for another mechanism of year-to-year flexibility.

⁷ Council Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (OJ L 21, 31.1.2022, p. 1).

⁸ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

To avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources and the achievement of the CFP objectives, the measures under Articles 3 and 4 of Regulation (EC) No 847/96 and under Article 15(9) of the Basic Regulation cannot apply cumulatively.

Year-to-year flexibility under Article 15(9) of the Basic Regulation should be excluded where it would undermine the achievement of the CFP objectives, in particular for stocks with a biomass below B_{lim} . B_{lim} is the biomass below which there may be reduced reproductive capacity.

Proposed fishing opportunities and explanation

The EU quotas represent the quantities that could be caught and landed and that will be counted against the Member States' quotas. The comparison between the fishing opportunities proposed for 2023 and those set for the current year (2022) is therefore based on the EU quotas.

Autonomous EU stocks

TAC	TAC code	Proposed EU quota for 2023 (tonnes)	Proposed EU quota change from 2022	Explanation
Megrim in 8c, 9 and 10; Union waters of CECAF 34.1.1	LEZ/8C3411	3 120	+33%	ICES provides MSY advice for two different species of megrim in this area, for <i>Lepidorhombus whiffiagonis</i> and for <i>Lepidorhombus Boscii</i> . The Commission proposes to set the TAC in line with the MSY advice and F_{MSY} point value for both species. F_{MSY} point value is the fishing mortality value that gives the long-term MSY. A landing obligation exemptions deduction has been applied to the EU quota.
Anglerfishes in 8c, 9 and 10; Union waters of CECAF 34.1.1	ANF/8C3411	4 156	+12%	ICES provides MSY advice for two different species of anglerfish in this area, for black-bellied (<i>Lophius budegassa</i>) and for white anglerfish (<i>Lophius piscatorius</i>). The Commission proposes to set the TAC in line with the MSY advice and F_{MSY} point value for both species. A landing obligation exemptions deduction has been applied to the EU quota.
Whiting in 8	WHG/08.	2 276	+5%	ICES cannot provide information on stock size or fishing pressure, and provides precautionary advice for this stock. The Commission proposes to set the TAC in line with the precautionary advice.

TAC	TAC code	Proposed EU quota for 2023 (tonnes)	Proposed EU quota change from 2022	Explanation
Hake in 8c, 9 and 10; Union waters of CECAF 34.1.1	HKE/8C3411	15 554	+103%	After an ICES benchmark, ICES again provides MSY advice for this stock, after only having provided precautionary advice in the last 2 years. According to the new model used for the MSY advice, the biomass is considered to have increased in recent years. The Commission proposes to set the TAC in line with the MSY advice and the highest value within the range of F_{MSY} ('$F_{MSY upper}$'), as hake is expected to be the most limiting species in the mixed fisheries. A landing obligation exemptions deduction has been applied to the EU quota.
Norway lobster in 8c, functional unit 31	NEP/8CU31	9	-36%	ICES provides MSY advice for this stock. The Commission proposes to set the TAC in line with the MSY advice. A landing obligation exemptions deduction has been applied to the EU quota.
Plaice in the Kattegat	PLE/03AS	1 059	+91%	ICES provides MSY advice for this stock. This TAC represents a proportion (27%) of the ICES advice for plaice in the Kattegat, Belt Seas and the Sound. That figure is based on the catch distribution in 2021 set out in the ICES advice. The Commission proposes to set the TAC in line with the MSY advice and the lowest value within the range of F_{MSY} ('$F_{MSY lower}$'). It proposes to set the TAC in line with $F_{MSY lower}$ as cod, for which there is a 0 t advice, is a by-catch in this fishery. A landing obligation exemptions deduction has been applied to the EU quota.
Plaice in 7b and 7c	PLE/7BC	19	rollover	ICES cannot provide information on stock size or fishing pressure, and provides precautionary advice for this stock. The Commission proposes to set the TAC in line with the precautionary advice.
Plaice in 8, 9 and 10; Union waters of CECAF 34.1.1	PLE/8/3411	155	rollover	ICES cannot provide information on stock size or fishing pressure, and provides precautionary advice for this stock. The Commission proposes to set the TAC in line with the precautionary advice.

TAC	TAC code	Proposed EU quota for 2023 (tonnes)	Proposed EU quota change from 2022	Explanation
Pollack in 8a, 8b, 8d and 8e	POL/8ABDE	1 334	-10%	The ICES advice covers three TACs, this and the next two TACs. ICES cannot provide information on stock size or fishing pressure, and provides precautionary advice for this stock. The Commission proposes to reduce the TACs in the direction of the precautionary advice.
Pollack in 8c	POL/08C.	149	-10%	As above.
Pollack in 9 and 10; Union waters of CECAF 34.1.1	POL/9/3411	182	-10%	As above.
Common sole in 3a; Union waters of subdivisions 22-24	SOL/3ABC24	498	-30%	ICES provides MSY advice for this stock. The Commission proposes to set the TAC in line with the MSY advice and the F_{MSY} point value. A landing obligation exemptions deduction has been applied to the EU quota.
Common sole in 7b and 7c	SOL/7BC	19	-44%	ICES cannot provide information on stock size or fishing pressure, and provides precautionary advice for this stock. The Commission proposes to set the TAC in line with the precautionary advice.
Common sole in 8a and 8b	SOL/8AB	2 620	+20%	ICES provides MSY advice for this stock. The Commission proposes to set the TAC in line with the MSY advice and the F_{MSY} point value. A landing obligation exemptions deduction has been applied to the EU quota.

TAC	TAC code	Proposed EU quota for 2023 (tonnes)	Proposed EU quota change from 2022	Explanation
Sole in 8c, 8d, 8e, 9 and 10; Union waters of CECAF 34.1.1	SOO/8CDE34	582	-11%	The TAC covers three species of sole in this area, common sole (<i>Solea solea</i>) and two other sole species. ICES only provides MSY advice for common sole in this area. The Commission proposes to set a sub-TAC for common sole in line with the MSY advice. It also proposes to set the TAC in line with the advice for common sole and taking into account the species-specific catches (55% common sole and 45% other sole species). That figure is based on the catch shares in 2018-2020 set out in the ICES advice.
Horse mackerel in 9	JAX/09	158 005	+15%	ICES provides MSY advice for this stock. The Commission proposes to set the TAC in line with the MSY advice. A landing obligation exemptions deduction has been applied to the EU quota.
Seabass in 8a and 8b	Not applicable (managed by France and Spain)	Not applicable	Not applicable	ICES provides MSY advice for this stock. The Commission proposes to maintain the 2 fish/day bag limit. The Commission also proposes that France and Spain set catch limits for commercial fisheries in line with the MSY advice and the F_{MSY} point value, taking into account commercial catches, including discards, and recreational catches.

Autonomous EU deep-sea stocks

TAC	TAC code	Proposed EU quota for 2023 and 2024 (tonnes)	Proposed EU quota change from 2021 and 2022	Explanation
Red seabream in Union and international waters of 9	SBR/09-	114	-4%	ICES can only provide information on stock trends based on a biomass index, and provides precautionary advice for this stock. The Commission proposes to set the TAC in line with the precautionary advice. A landing obligation exemptions deduction has been applied to the EU quota.

Eel

ICES provides advice for the entire natural range of European eel (*Anguilla anguilla*), which includes the north-east Atlantic and the Mediterranean. Given the critical state of the European eel, ICES has advised for the past two decades to keep the anthropogenic mortality of European eel as close to zero as possible throughout its natural range. In particular, on 4 November 2021, ICES⁹ advised that for 2022, when the precautionary approach is applied, there should be zero catches of eel in all habitats and at all life stages, throughout its natural range. This concerned both recreational and commercial catches and included catches of glass eels for restocking and farming. Furthermore, on 30 May 2022, ICES¹⁰ advised that, despite Member States' efforts, no overall progress has been made in achieving the 40% silver eel biomass escapement objective across the entire EU, as required by Article 2(4) of Council Regulation (EC) No 1100/2007¹¹. It also advised that conservation efforts should be focused on those measures that, by definition, have a high probability of reducing mortality and increasing escapement. ICES advice for 2023 will be published on 3 November 2022.

A closure for eel fishing of three consecutive months has been established in the annual fishing opportunities regulations for the EU waters of the ICES area since 2018, and for the Mediterranean since 2019. Following the publication of the ICES advice of 4 November 2021, the Commission consulted over several months the Advisory Councils and the regional Member States groups on how to best implement this ICES advice. Moreover, in December 2021, an eel fishing closure for a consecutive three-month period was established for 2022 by Council Regulation (EU) 2022/109¹² for the north-east Atlantic and by Council Regulation (EU) 2022/110¹³ for the Mediterranean.

Based on the stakeholder consultation and the ICES advice of 4 November 2021, the Commission proposes for 2023 to extend the closure for any eel fishing activity from three to six consecutive months in marine and adjacent brackish waters in the north-east Atlantic (which includes the Baltic Sea) and in the Mediterranean (but excluding the Black Sea). A six-month closure, if set during the appropriate period, would cover the vast majority of migrating glass and silver eels and therefore provide a higher level of protection of the eel stock in the waters covered by the closure. A six-month closure would also contribute to achieving the silver eel biomass escapement objective of at least 40% of Regulation (EC) No 1100/2007. The six-month fishing closure should therefore cover the main migration period of respectively both glass eel and silver eel. Moreover, the closure should cover the respective peak migration period. As that period may vary from one year to another due to environmental factors, the closure should also include a period of at least two months both before and after the month of the peak migration. Moreover, the eel migration period is influenced by a broad range of environmental and biological factors and can therefore vary depending on the life stage of eel, and depending on the habitat and geographic location, notably straits. The closure should therefore be based on all of these factors with a view to maximising the protection and recovery of the eel stock. This could result in determining different closure periods for different areas and for different eel life stages within a given

⁹ <https://doi.org/10.17895/ices.advice.7752>

¹⁰ <https://doi.org/10.17895/ices.advice.19902958>

¹¹ Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

¹² Council Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (OJ L 21, 31.1.2022, p. 1).

¹³ Council Regulation (EU) 2022/110 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 21, 31.1.2022, p. 165).

Member State, and that a given closure might end in 2024. Finally, the closures in straits and in transboundary areas should be consistent with the nearby areas, and should therefore be agreed in the appropriate consultation fora. This proposal may be updated after the publication of the scientific advice by ICES for 2023.

- **Consistency with existing policy provisions in the policy area**

The measures proposed are consistent with the objectives and rules of the CFP.

- **Consistency with other EU policies**

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

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis of this proposal is Article 43(3) of the TFEU.

- **Subsidiarity (for non-exclusive competence)**

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

- **Proportionality**

The proposal allocates fishing opportunities to Member States in accordance with the objectives of the Basic Regulation, the applicable multiannual plans and the outcome of consultations with non-EU countries and of the annual meetings of RFMOs. Pursuant to Articles 16 and 17 of the Basic Regulation, Member States are to decide how the fishing opportunities allocated to them may be allocated to fishing vessels flying their flag in accordance with certain criteria for the allocation of fishing opportunities. Therefore, Member States have the necessary margin of discretion to exercise while distributing the allocated TACs, in line with the social/economic model of their choice to exploit the fishing opportunities covered by the proposal.

- **Choice of instrument**

Regulation.

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

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

The fishing opportunities regulation is revised several times a year to reflect the most recent scientific advice and other developments.

- **Stakeholder consultations**

(a) Consultation methods, main sectors targeted and general profile of respondents

The Commission has consulted stakeholders, in particular through the Advisory Councils, and Member States on its approach to the various fishing opportunities proposals on the basis of its annual Communication *Towards more sustainable fishing in the EU: state of play and orientations for 2023* (COM(2022) 253 final).

The Commission has also followed the approach outlined in its Communication *Improving consultation on Community fisheries management* (COM(2006) 246 final). This approach consists of an earlier consultation with stakeholders, allowing for a more strategic debate.

(b) Summary of responses and how they were taken into account

Stakeholders' responses to the above 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 the responses when formulating this proposal.

• **Collection and use of expertise**

The Commission consulted ICES on the methodology to be used. ICES scientific advice is based on an advice framework developed by its expert groups and decision-making bodies and issued in line with its framework partnership agreement with the Commission.

The ultimate objective of the CFP is to restore the stocks to levels that can deliver MSY and to maintain them at those levels. This objective is incorporated expressly in the Basic Regulation, Article 2(2) of which provides that this 'shall be achieved [...] by 2020 for all stocks'. This reflects the EU's commitment regarding the conclusions of the 2002 World Summit on Sustainable Development in Johannesburg and the associated plan of implementation. As noted above, MSY advice is available for some stocks, including some that are important in terms of catch volumes and commercial value (e.g. hake, cod, anglerfish, sole, megrims, haddock and Norway lobster).

Fishing opportunities for target stocks in the North Sea and Western Waters and for which there is MSY advice are to be set on the basis of the relevant MAPs, which define a range of fishing mortality values resulting in MSY ('range of F_{MSY} ') and therefore offer a degree of flexibility under specific conditions. The Commission has asked ICES to provide scientific advice that can be used to assess the need for this flexibility and to implement the flexibility. The upper range of F_{MSY} values may be used to propose TACs, provided that the biomass of the stock in question is above $B_{trigger}$, and only if, based on scientific advice, that is necessary to:

- achieve the objectives set out in the relevant MAP in the case of mixed fisheries; or
- avoid serious harm to a stock caused by intra- or inter-species stock dynamics; or
- limit high year-to-year fluctuations.

$B_{trigger}$ is the biomass below which management action is to be taken to allow a stock to rebuild above levels capable of producing MSY in the long term. Where the stock's biomass is below $B_{trigger}$, the fishing opportunities should be fixed at a level corresponding to the fishing mortality that is reduced proportionally to take into account the decrease in the biomass.

In certain cases, achieving MSY may involve reducing fishing mortality rates and/or catches.

Accordingly, this proposal makes use of the MSY advice, where available. In line with the CFP objectives, where TACs are proposed on the basis of MSY advice, they correspond to the level that, according to that advice, would ensure delivery of MSY. This approach is in line with the principles set out in the annual Communication *Towards more sustainable fishing in the EU: state of play and orientations for 2023*.

For data-limited target stocks, ICES scientific advice provides quantitative guidance on catches and this has been used to establish the level of the proposed TACs.

Fishing opportunities for by-catch stocks in the North Sea and Western Waters must also be set on the basis of the relevant MAPs. For such stocks, the Commission has asked ICES, where possible, to provide MSY advice. TACs for by-catch stocks are proposed, depending on the conditions set out in the relevant MAP, on the basis of the MSY advice or the precautionary advice.

For data-limited by-catch stocks, TACs are proposed on the basis of the quantitative guidance on catches provided in the ICES scientific advice.

- **Impact assessment**

The scope of the fishing opportunities regulation is circumscribed by Article 43(3) of the TFEU.

This proposal seeks to avoid short-term approaches in favour of long-term sustainability. It therefore takes account of initiatives by stakeholders and Advisory Councils if they have been positively reviewed by ICES and/or the Scientific, Technical and Economic Committee for Fisheries (STECF). The Commission's CFP reform proposal was based on an impact assessment (SEC(2011) 891) that considered that achieving the MSY objective was a necessary condition for environmental, economic and social sustainability.

As regards RFMO fishing opportunities and stocks that are jointly managed with non-EU countries, this proposal essentially implements internationally agreed measures. Any elements 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**

The proposal provides for simplification of administrative procedures for EU or national public authorities, in particular as regards requirements applying to effort management.

- **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

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The provisions of the regulation will be implemented, and compliance will be monitored, in accordance with the CFP.

Proposal for a

COUNCIL REGULATION

fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council¹⁴ requires the adoption of conservation measures taking account of available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) and other advisory bodies, and any advice received from advisory councils.
- (2) It is incumbent on the Council to adopt measures on the fixing and allocation of fishing opportunities, including conditions functionally linked thereto, as appropriate. Under Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities are to be fixed in accordance with the objectives of the common fisheries policy (CFP) as set out in Article 2(2) of that Regulation. In addition, for stocks subject to specific multiannual plans (MAPs), total allowable catches (TACs) should be established in accordance with the targets and measures laid down in those plans. Under Article 16(1) of Regulation (EU) No 1380/2013, fishing opportunities are to be allocated among the Member States so as to ensure the relative stability of fishing activities of each Member State for each fish stock or fishery.
- (3) The TACs should be established, in accordance with Regulation (EU) No 1380/2013, on the basis of available scientific advice, taking into account biological and socio-economic aspects while ensuring fair treatment between fishing sectors, and in the light of opinions expressed during the consultation of stakeholders, in particular in meetings of the advisory councils. The TACs should also be established in accordance with the relevant MAPs.

¹⁴ 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).

- (4) Pursuant to Article 15 of Regulation (EU) No 1380/2013, all stocks for which there are catch limits are subject to the landing obligation since 1 January 2019, although certain exemptions may apply. On the basis of joint recommendations by the Member States and in accordance with Article 15 of Regulation (EU) No 1380/2013, the Commission has adopted a number of delegated regulations laying down details for the implementation of the landing obligation in the form of discard plans for specific fisheries.
- (5) Fishing opportunities for stocks covered by the landing obligation should take account of the fact that discarding is in principle no longer allowed. Therefore, they should be based on the advice figure for total catches (rather than that for landings or rather wanted catches) as provided by the International Council for the Exploration of the Sea (ICES). The quantities that, by way of exemption from the landing obligation, may continue to be discarded should be deducted from the Union quotas.
- (6) There are certain stocks for which ICES advises zero catches. However, if TACs for those stocks were established at the advised level, the obligation to land all catches, including bycatches from those stocks in mixed fisheries, would give rise to the phenomenon of ‘choke species’. In order to strike a balance between maintaining fisheries, in view of the potentially severe socioeconomic implications of failing to do so, and the need to achieve a good biological status for those stocks, taking account of the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield (MSY), it is appropriate to establish specific TACs for bycatches for those stocks. Those TACs should be set at levels that ensure that the mortality for those stocks is decreased and that provide incentives to improve selectivity and to avoid such bycatches. In order to reduce catches of the stocks for which bycatch TACs are set, fishing opportunities for the fisheries in which fish from those stocks are caught should be set at levels that help the biomass of vulnerable stocks to recover to sustainable levels. Technical and control measures that are intrinsically linked to fishing opportunities should also be established to prevent illegal discarding.
- (7) In order to guarantee, to the extent possible, the use of fishing opportunities in mixed fisheries in accordance with Article 16(2) of Regulation (EU) No 1380/2013, it is appropriate to establish a pool for quota exchanges for Member States that have no quota to cover their unavoidable bycatches.
- (8) The North Sea MAP was established by Regulation (EU) 2018/973 of the European Parliament and of the Council¹⁵ and entered into force in 2018. The Western Waters MAP was established by Regulation (EU) 2019/472 of the European Parliament and of the Council¹⁶ and entered into force in 2019. Fishing opportunities for stocks listed in Article 1(1) of those Regulations should be fixed in accordance with the range of fishing mortality values resulting in MSY (‘range of

¹⁵ Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).

¹⁶ 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).

F_{MSY} ') and the safeguards provided for in those Regulations. The ranges of F_{MSY} have been set out in the relevant ICES advice. Where no adequate scientific information is available, fishing opportunities for by-catch stocks should be fixed in accordance with the precautionary approach, as set out in those Regulations.

- (9) In accordance with Article 7 of Regulation (EU) 2018/973 and Article 8 of Regulation (EU) 2019/472, where scientific advice indicates that the spawning stock biomass of any of the stocks referred to in Article 1(1) of that Regulation is below B_{lim} , further remedial measures are to be taken to ensure the rapid return of the stock to levels above those capable of producing MSY. B_{lim} is the biomass below which there may be reduced reproductive capacity. In particular, those remedial measures can include suspending the targeted fishery for the stock in question and the adequate reduction of fishing opportunities for those or other stocks in the fisheries.
- (10) The TACs for bluefin tuna (*Thunnus thynnus*) in the eastern Atlantic and the Mediterranean should be established in accordance with the rules laid down in Regulation (EU) 2016/1627 of the European Parliament and of the Council¹⁷.
- (11) For stocks for which there is a lack of sufficient or reliable data on which to base stock size estimates, management measures and TAC levels should follow the precautionary approach to fisheries management, as defined in Article 4(1), point (8), of Regulation (EU) No 1380/2013, while taking account of stock-specific factors, in particular available information on stock trends and mixed fisheries considerations.
- (12) In accordance with the Western Waters MAP established by Regulation (EU) 2019/472, the target fishing mortality for the stocks listed in Article 1(1) of that Regulation is to be maintained within the ranges of F_{MSY} defined in Article 2, point (2), of that Regulation, in accordance with Article 4 thereof. The overall fishing mortality for European seabass (*Dicentrarchus labrax*) in ICES divisions 8a and 8b should therefore be set in accordance with ICES MSY advice and with the F_{MSY} point value, taking into account commercial catches, including discards (pm tonnes), and recreational catches (pm tonnes) (totalling 3 398 tonnes according to the ICES advice). F_{MSY} point value is the fishing mortality value that gives the long-term MSY. The relevant Member States (France and Spain) should take appropriate measures to ensure that the fishing mortality from their fleets and recreational fishers does not exceed the F_{MSY} point value, as required by Article 4(3) of Regulation (EU) 2019/472.
- (13) Measures for recreational fisheries for European seabass in ICES divisions 8a and 8b should be maintained, in view of their significant impact on that stock. The bag limit should be maintained in line with the scientific advice. Fixed nets should be excluded, as they are insufficiently selective and likely to catch a number of specimens exceeding the established limits. In view of the environmental, social and economic circumstances, especially the dependency of commercial fishers in coastal communities on the stocks in question, the measures for European seabass strike an appropriate balance between the interests of commercial and recreational fishers. In particular, the measures allow recreational fishers to fish by taking account of their impact on the stocks.

¹⁷ Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009 (OJ L 252, 16.9.2016, p. 1).

- (14) On 4 November 2021, ICES¹⁸ advised that, for 2022, when the precautionary approach is applied, there should be zero catches of European eel (*Anguilla anguilla*) in all habitats and at all life stages, throughout its natural range. This concerns both recreational and commercial catches and includes catches of glass eels for restocking and aquaculture. ICES also acknowledged that catches for the sole purpose of subsequent release may be part of conservation measures if such measures improve the overall survival probability. The Commission consulted the Advisory Councils and the regional Member States groups on how to best implement this ICES advice. Furthermore, on 30 May 2022, ICES¹⁹ noted that despite Member States' efforts, no overall progress had been made in achieving the 40% silver eel biomass escapement objective across the entire Union, as required by Article 2(4) of Council Regulation (EC) No 1100/2007, and that no clear patterns for mortality were observed. ICES also advised that the efforts should be focused on conservation measures that, by definition, have a high probability of reducing mortality and increasing escapement.
- (15) [On 3 November 2022, ICES reiterated for 2023 its zero catch advice for eel in all habitats. Based on that advice and taking into account the feedback received during the stakeholder consultation, it is appropriate to extend to six consecutive months the closure for any eel fishing activity in marine and adjacent brackish waters in the north-east Atlantic and in the Mediterranean. A six-month closure would better protect and contribute to the recovery of the eel stock and thereby further the achievement of the escapement objective of at least 40% of adult eels set out in Regulation (EC) No 1100/2007. A six-month closure would also cover the vast majority of migrating glass and silver eels if set during the appropriate period or periods. The closure should therefore cover the relevant consecutive weeks and months of the main migration period of respectively the glass eel and silver eel life stage. In addition, the closure period should cover the peak migration period of the respective life stage and therefore also include a period of at least two months both before and after the month of the peak migration. Furthermore, eel migration period is influenced by a broad range of environmental and biological factors and can therefore vary depending on the life stage of eel, and depending on the habitat and geographic area, notably straits. Based on those criteria, the Member States concerned should determine the relevant period or periods per life stage and/or per relevant geographic area. To do so and as the migration period may vary from one year to another, Member States should use the best available scientific information on eel migration covering the last 10 years. The determined periods could lead Member States to set differing closure periods, which might end in 2024, in their waters when this is scientifically justified and necessary for the effective protection of the eel stock. Finally, the closures of neighbouring Member States, in transboundary areas or in the case of straits, should be consistent with nearby areas. To that effect the Member States or regions concerned should agree on consistent closure periods in the appropriate consultation fora. The Member States should notify to the Commission by 31 January 2023 the closure period or periods that they have determined with supporting information justifying the chosen period or periods and the relevant national measures.] *[The recital and the relevant provisions will be updated after the publication of the scientific advice by ICES for 2023.]*

¹⁸ <https://doi.org/10.17895/ices.advice.7752>

¹⁹ <https://doi.org/10.17895/ices.advice.19902958>

- (16) [At its 42nd annual meeting in 2018, the GFCM adopted Recommendation GFCM/42/2018/1 establishing management measures for European eel in the Mediterranean Sea (GFCM geographical subareas 1 to 27). Those measures include catch or fishing effort limits and an annual closure period of three consecutive months to be defined by each Member State in accordance with the conservation objectives of Council Regulation (EC) No 1100/2007, the national management plan or plans for eel and the temporal migration patterns of eel in the Member State. Where national management plans resulting in effort or catch reductions of at least 30 % have been in place before the entry into force of that Recommendation, the catch or fishing effort limits already established and implemented should not be exceeded. The closure should apply to all marine waters of the Mediterranean Sea and to brackish waters such as estuaries, coastal lagoons and transitional waters, in accordance with that Recommendation. The closure period is functionally linked to the fishing opportunities, as, without it, the level of catches or fishing effort should be reduced to ensure the recovery of the stock. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the GFCM annual meeting.]*
- (17) Scientific advice for stocks of elasmobranchs (skates, sharks, rays) is zero catches, due to their poor conservation status. In addition, high survival rates mean that discarding, rather than landing catches, would support the conservation of those stocks, as discarding is not considered to raise significantly their fishing mortality. Fishing of such species should therefore be prohibited. Under Article 15(4), point (a), of Regulation (EU) No 1380/2013, the landing obligation does not apply to species for which fishing is prohibited.
- (18) For certain species, such as certain species of sharks, even limited fishing activity could give rise to a serious conservation risk. Fishing opportunities for such species should therefore be fully restricted through a general prohibition on fishing them.
- (19) At the 12th Conference of the Parties of the Convention on the Conservation of Migratory Species of Wild Animals (Manila, 23-28 October 2017), a number of species were added to the lists of protected species in Appendices I and II to that Convention. Therefore, it is appropriate to provide for the protection of those species with respect to Union fishing vessels operating in all waters and third-country fishing vessels operating in Union waters.
- (20) In order to maximise the use of fishing opportunities, it is appropriate to allow for the implementation of a flexible arrangement between certain TAC areas where the same biological stock is concerned.
- (21) Council Regulation (EC) No 847/96²⁰ provides for additional conditions for the year-to-year management of TACs including flexibility provisions for precautionary and analytical TACs (Articles 3 and 4). Under Article 2 of that Regulation, when establishing TACs, the Council is to decide which stocks will not be subject to Articles 3 and 4 of that Regulation, in particular on the basis of the biological status of stocks. Article 15(9) of Regulation (EU) No 1380/2013 introduced a year-to-year flexibility mechanism for all stocks that are subject to the landing obligation. In order

²⁰ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of marine biological resources, the achievement of the objectives of the CFP and the biological status of the stocks, Articles 3 and 4 of Regulation (EC) No 847/96 should apply to analytical TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.

- (22) Where a TAC is allocated to one Member State only, it is appropriate to empower that Member State, in accordance with Article 2(1) of the Treaty on the Functioning of the European Union (TFEU), to determine that TAC. It should be ensured that, when determining the TAC level, the Member State acts in a manner that is fully consistent with the principles and rules of the CFP.
- (23) It is necessary to establish the fishing effort ceilings for 2023 in accordance with Articles 5, 6, 7 and 9 of, and Annex I to Regulation (EU) 2016/1627.
- (24) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009²¹, and in particular to Articles 33 and 34 of that Regulation, concerning the recording of catches and fishing effort, and the notification of data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes to be used by Member States when sending the Commission data on landings of stocks subject to this Regulation.
- (25) [At its annual meeting in 2021, the North-East Atlantic Fisheries Commission (NEAFC) adopted a conservation measure for the two redfish (*Sebastes marinus* and *Sebastes mentella*) stocks in the Irminger Sea and adjacent waters, prohibiting directed fisheries of those stocks. In addition, in order to minimise bycatches, the NEAFC prohibited fishing activities in the area where redfish aggregates. Those measures, based on the ICES advice for zero catches, should be implemented in Union law. The NEAFC was unable to adopt a recommendation for redfish in ICES subareas 1 and 2. For that stock, the relevant TAC should be established in line with the Union position expressed in NEAFC.] *[The recital and the relevant provisions will be updated after the NEAFC annual meeting.]*
- (26) [At its 2021 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) decided to maintain in 2022 the current TACs for bluefin tuna, swordfish (*Xiphias gladius*), blue marlin (*Makaira nigricans*), white marlin (*Tetrapturus albidus*), yellowfin tuna (*Thunnus albacares*) and blue shark (*Prionace glauca*). ICCAT also established a TAC for bigeye tuna (*Thunnus obesus*) of 62 000 tonnes for 2022. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*
- (27) [In order to reduce the fishing mortality of juvenile bigeye and yellowfin tuna, ICCAT also established a maximum limit of 300 fish aggregating devices (FADs) per fishing

²¹ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

vessel in 2022 and a closure period for the use of FADs. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*

- (28) [ICCAT also adopted a 15-year rebuilding plan for Mediterranean albacore (*Thunnus alalunga*) from 2022 to 2036. For 2022, ICCAT set the TAC for Mediterranean albacore at 2 500 tonnes. In addition, ICCAT adopted a TAC for North Atlantic albacore of 37 801 tonnes for the period from 2022 to 2023, based on the harvest control rule with a view to adopting a longterm management procedure for this stock. Those measures should be implemented in Union law. *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*
- (29) [At its 2021 annual meeting, ICCAT also adopted a recovery plan for North Atlantic shortfin mako (*Isurus oxyrinchus*) caught in association with other ICCAT fisheries to end overfishing and gradually achieve biomass levels sufficient to support MSY by 2070. The recovery plan includes a two-year retention ban starting in 2022. The total fishing mortality was set at a maximum of 250 tonnes until new scientific advice is provided. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*
- (30) Under several ICCAT recommendations, the Union is allowed, upon request, to carry over a set percentage of its unused quota of fishing opportunities from 2021 to 2023. Pending the implementation of those ICCAT recommendations in Union law, the quotas for individual Member States for certain stocks should be established on the basis of a total Union quota for 2023 as determined by ICCAT before any carryover of unused quotas or deductions for quantities overfished made by ICCAT. The adjustments to the quotas of individual Member States for 2023 reflecting any carryovers and deductions should be carried out at a later stage on the basis of Union rules on carryover and deductions, namely Regulation (EC) No 847/96, Article 15(9) of Regulation (EU) No 1380/2013 or Article 105 of Regulation (EC) No 1224/2009.
- (31) [At its 2021 annual meeting, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopted catch limits for target and bycatch species for the period from 1 December 2021 to 30 November 2022. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the CCAMLR annual meeting.]*
- (32) At its 2022 annual meeting, the Indian Ocean Tuna Commission (IOTC), maintained the previously adopted measures applicable in the IOTC Area of Competence. Those measures should continue to be implemented in Union law.
- (33) The annual meeting of the South Pacific Regional Fisheries Management Organisation (SPRFMO) will be held from 6 to 15 February 2023. The current measures in the SPRFMO Convention area that are functionally linked to the TACs should therefore be provisionally maintained until the annual meeting is held and the TACs for 2023 are determined.
- (34) At its 2022 annual meeting, the Inter-American Tropical Tuna Commission (IATTC) decided to maintain the current measures applicable in the Convention area. Those measures should be implemented in Union law.

- (35) [At its 2021 annual meeting, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) set the annual TAC for southern bluefin tuna (*Thunnus maccoyii*) for a three year period (2021 to 2023), at the same level as for the previous threeyear period. That measure should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the CCSBT annual meeting.]*
- (36) [At its 2021 annual meeting, the South East Atlantic Fisheries Organisation (SEAFO) decided to maintain most of the current TACs for the main species under its purview until its 2023 annual meeting. The TACs for Patagonian toothfish (*Dissostichus eleginoides*) and deepsea red crabs (*Chaceon* spp.) were slightly reduced in accordance with the scientific advice. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the SEAFO annual meeting.]*
- (37) [At its 2021 annual meeting, the Western and Central Pacific Fisheries Commission (WCPFC) decided to maintain the current measures applicable in the WCPFC Convention area. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the WCPFC annual meeting.]*
- (38) [At its 43rd annual meeting in 2021, the Northwest Atlantic Fisheries Organisation (NAFO) adopted a number of fishing opportunities for 2022 for certain stocks in subareas 1 to 4 of the NAFO Convention area. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the NAFO annual meeting.]*
- (39) At its 9th annual meeting in 2022, the Southern Indian Ocean Fisheries Agreement (SIOFA) maintained the previously adopted fishing opportunities for the stocks covered by that Agreement. Those measures should continue to be implemented in Union law.
- (40) [In 2021, the Union, the United Kingdom (UK) and Norway held trilateral consultations on six shared and jointly managed stocks in the North Sea and adjacent areas, with the aim to agree on the management of those stocks including the fishing opportunities for the next year. Those consultations were conducted between 28 October and 10 December 2021, on the basis of the Union position agreed by the Council. The outcome of the consultations was documented in an Agreed Record between the Union, the UK and Norway on 10 December 2021. The relevant fishing opportunities should be fixed at the level set out in that Agreed Record, and the other measures functionally linked to the fishing opportunities also set out in that Agreed Record should be implemented in Union law.] *[The recital and the relevant provisions will be updated after trilateral consultations between the Union, the UK and Norway.]*
- (41) [The fishing opportunities for North Sea cod (*Gadus morhua*) should be established in order to promote a level-playing field for Union operators vis-à-vis third-country operators, in accordance with Article 28(2), point (d), of Regulation (EU) No 1380/2013, and to provide for the recovery of that stock to above the level which can produce MSY, in accordance with Article 2(2) of Regulation (EU) No 1380/2013. Functionally linked measures jointly agreed with the UK and Norway should be maintained to allow for the recovery of the stock.] *[The recital and the relevant*

provisions will be updated after trilateral consultations between the Union, the UK and Norway.]

- (42) [In 2021, the Union and Norway held bilateral consultations on two shared and jointly managed stocks in the Skagerrak area, with the aim to agree on the management of those stocks including the fishing opportunities for the next year, access to waters, as well as exchanges of fishing opportunities. Those consultations were conducted between 8 November and 10 December 2021, on the basis of the Union position agreed by the Council. The outcome of the consultations was documented in three Agreed Records between the Union and Norway on 10 December 2021. The relevant fishing opportunities should be fixed at the level set out in those Agreed Records, and the other provisions of the Agreed Records be implemented in Union law.] *[The recital and the relevant provisions will be updated after consultations between the Union and Norway.]*
- (43) [ICES noted in 2019 that the herring (*Clupea harengus*) catches for ICES division 3a should be as close to zero as possible given that without additional area or time restriction on the herring fishery, a catch of western Baltic spring spawning (WBSS) herring would be inevitable. Recent information by ICES indicates the increasing intermixing of WBSS herring with North Sea herring in the Skagerrak and North Sea, where the majority of WBSS herring catches now occur in the Skagerrak and to a lesser extent in the eastern North Sea.] *[The recital and the relevant provisions will be updated after consultations between the Union and Norway.]*
- (44) [In the Agreed Record from the bilateral consultations between the Union and Norway for Skagerrak, the Union commits to limit its actual catches in the Skagerrak to 969 tonnes, while Norway agreed to transfer at least 95 % of its quota to the North Sea to protect WBSS herring. Accordingly, it is proposed to limit the overall catches of C (HER/03A.) and D (HER/03A-BC) fleets for the relevant Member States by adding a special condition footnote to the TAC tables of those quotas, while maintaining the level of the quotas in the tables to reflect the relative stability and to regulate the associate inter-area flexibility (IAF). In the case of Norway, the maximum actual catches that could take place in Union waters of ICES division 3a would correspond to 167 tonnes (5 % of its quota).] *[The recital and the relevant provisions will be updated after consultations between the Union and Norway.]*
- (45) [According to paragraph 13.11 of the Agreed Record from the bilateral consultations between the Union and Norway for Skagerrak, Norway and the Union should be able to fish up to 100 % of their Skagerrak herring quota in the North Sea in order to protect WBSS herring. Pending the conclusion of the bilateral consultations with the United Kingdom for 2022, it could not be confirmed on 20 December that the IAF into United Kingdom waters for 2022 for HER/03A would be maintained. Therefore, it is necessary to make explicit that IAF into United Kingdom waters would not be applicable in the relevant footnotes of the C fleets until the Union and the United Kingdom agreed on such flexibility in the bilateral consultations between those two parties.] *[The recital and the relevant provisions will be updated after consultations between the Union and Norway and consultations between the Union and the UK.]*
- (46) [In paragraph 13.12 of the Agreed Record from the bilateral consultations between the Union and Norway for Skagerrak, the Union announced its intention to use certain flexibility in the North Sea areas 4a and 4b equal to the Union part of 5,7 % of the A

fleet level, or 21 038 tonnes.] *[The recital and the relevant provisions will be updated after consultations between the Union and Norway.]*

- (47) [The Union held bilateral annual consultations with the Faroe Islands on the exchange of quotas and reciprocal access for 2022. Those consultations did not lead to the conclusion of an agreement in 2021.] *[The recital and the relevant provisions will be updated after consultations between the Union and the Faroe Islands.]*
- (48) [In 2021, the Union and the UK held bilateral consultations on the setting of a large number of TACs for 2022 for stocks listed in Annex 35 to the Trade and Cooperation Agreement between the Union and the UK (TCA)²², in accordance with Article 498(2), Article 498(4), points (a) to (d), and Article 498(6) of the TCA. Those consultations were conducted between 11 November and 21 December 2021, on the basis of the Union position agreed by the Council. The outcome of the consultations was documented in the Written Record, which was endorsed by the Council on 21 December 2021 and signed on the same day by the Head of Delegation of the UK and by the Commission representative on behalf of the Union, in accordance with Article 498(6) of the TCA and Council Decision (EU) 2021/1875²³. The relevant fishing opportunities should be fixed at the level set out in that Written Record, and the other measures functionally linked to the fishing opportunities also set out in that Written Record should be implemented in Union law.] *[The recital and the relevant provisions will be updated after consultations between the Union and the UK.]*
- (49) [There are certain shared stocks jointly managed with the UK for which ICES, while assessing them against MSY, has issued scientific advice for zero catches. The Union and the UK agreed that it is appropriate to establish specific TACs for by-catches for those stocks. Those TACs should be set at levels that ensure that the mortality for those stocks is decreased and that provide incentives to improve selectivity and to avoid by-catches of those stocks.] *[The recital and the relevant provisions will be updated after consultations between the Union and the UK.]*
- (50) [The Union sought with the UK to find the highest possible level of convergence in the application of the landing obligation, including exemptions from the landing obligation under Article 15(4) of Regulation (EU) No 1380/2013, to ensure adherence to conservation objectives and a level playing field in accordance with Article 28(2), point (d), of Regulation (EU) No 1380/2013. The fishing opportunities that were agreed with the UK for stocks to which the landing obligation applies take into account the fact that discarding is in principle no longer allowed. The quantities that, by way of exemption from the landing obligation, may continue to be discarded were therefore deducted from the Union quotas.] *[The recital and the relevant provisions will be updated after consultations between the Union and the UK.]*
- (51) [The Union and the UK agreed to continue the approach developed for the conservation of the northern stock of European seabass, as set out in Article 11 of

²² 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 (OJ L 149, 30.4.2021, p. 10).

²³ Council Decision (EU) 2021/1875 of 22 October 2021 concerning the position to be adopted on behalf of the Union in the annual consultations with the United Kingdom to agree on total allowable catches (OJ L 378, 26.10.2021, p. 6).

Regulation (EU) 2021/92²⁴. According to that approach, the overall fishing pressure on the stock is to remain below, or equal to, that advised by ICES. Therefore, catch limitation measures should continue to be established for 2023 for that stock in ICES divisions 4b, 4c, 7a, and 7d to 7h. The Union and the UK have previously agreed to prioritise the improvement of the ICES assessment tool for European seabass to allow for forecast calculations on the basis of MSY models. The Union and the UK further agreed that it is necessary to maintain the existing catch limitation measures applicable to recreational fishing.] *[The recital and the relevant provisions will be updated after consultations between the Union and the UK.]*

- (52) [The Union and the UK agreed to continue the seasonal closures for sandeel (*Ammodytes* spp.) fisheries with certain towed gear in ICES divisions 2a and 3a and in ICES subarea 4 to allow for the protection of spawning grounds and limitation of juvenile catches.] *[The recital and the relevant provisions will be updated after consultations between the Union and the UK.]*
- (53) [In accordance with the procedure provided for in the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part, and the Protocol implementing that Agreement²⁵, the Joint Committee established the level of fishing opportunities available for the Union in Greenland waters in 2022. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after consultations between the Union, and the Government of Greenland and the Government of Denmark.]*
- (54) As regards the fishing opportunities for snow crab (*Chionoecetes* spp.) around the area of Svalbard, the Treaty of 9 February 1920 relating to Spitsbergen (Svalbard) ('the 1920 Treaty of Paris') grants equal and non-discriminatory access to resources around Svalbard for all parties to that Treaty, including with respect to fishing. The Union's position concerning that access, as regards fishing for snow crab on the continental shelf around Svalbard, has been set out in several *notes verbales* to Norway, the latest of which dated 26 February 2021 and 28 June 2021. In order to ensure that the exploitation of snow crab around Svalbard is made consistent with such non-discriminatory management rules as may be set out by Norway, which enjoys sovereignty and jurisdiction in the area in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and the 1920 Treaty of Paris, it is appropriate to fix the number of vessels that are authorised to conduct such fishery. The allocation of such fishing opportunities among Member States is limited to 2023. It is recalled that, in the Union, primary responsibility for ensuring compliance with applicable law lies with the flag Member States.
- (55) As regards the fishing opportunities for cod in Svalbard waters, the 1920 Treaty of Paris grants equal and non-discriminatory access to resources around Svalbard for all parties to that Treaty, including with respect to fishing. It is therefore appropriate that the Council set the Union quota for cod in Svalbard waters and international waters of ICES subarea 1 and division 2b based on the reference TAC of Northeast Arctic cod

²⁴ Council Regulation (EU) 2021/92 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 31, 29.1.2021, p. 31).

²⁵ OJ L 175, 18.5.2021, p. 3.

and the Union historic fishing rights. In accordance with the Union-Norway political understanding in relation to the fisheries in ICES areas 1 and 2 of 29 April 2022, Norway should establish a quota of cod for Union vessels fishing for cod in ICES subareas 1 and 2 at 2,8274 % of the reference TAC in its legislation. The level of that quota established by Norway corresponds to the historic Union share for that stock. It is recalled that, in the Union, primary responsibility for ensuring compliance with applicable law lies with the flag Member States.

- (56) In accordance with the Union's Declaration addressed to the Bolivarian Republic of Venezuela on the granting of fishing opportunities in Union waters to fishing vessels flying the flag of Venezuela in the exclusive economic zone off the coast of French Guiana²⁶, it is necessary to fix the fishing opportunities for snapper available to Venezuela in Union waters.
- (57) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to authorise individual Member States to manage fishing effort allocations in accordance with a kilowatt per day system; to grant additional days at sea for the permanent cessation of fishing activities and for enhanced scientific observer coverage; and to establish spreadsheet formats for the collection and transmission of information on transfers of days at sea between fishing vessels flying the flag of a Member State. The Commission should exercise those powers in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁷.
- (58) Given that certain provisions should be applied on a continuous basis, and in order to avoid legal uncertainty in the period between the end of the previous year and the date of entry into force of the Regulation fixing the fishing opportunities for the subsequent year, the provisions of this Regulation concerning prohibitions and closed seasons should continue to apply at the beginning of 2024 until the entry into force of the Regulation fixing the fishing opportunities for 2024. In addition, such provisions applying from 1 January 2023 to 31 December 2024 should continue to apply at the beginning of 2025 until the entry into force of the Regulation fixing the fishing opportunities for 2025.
- (59) In order to avoid the interruption of fishing activities and to ensure the livelihood of Union fishers, this Regulation should apply from 1 January 2023, except for the provisions on fishing effort limits, which should apply from 1 February 2023, and certain provisions on particular regions, which should have a specific date of application. For reasons of urgency, this Regulation should enter into force immediately after its publication.
- (60) Certain international measures that create or restrict fishing opportunities for the Union were adopted by the relevant RFMOs at the end of 2022 and became applicable

²⁶ Council Decision (EU) 2015/1565 of 14 September 2015 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana (OJ L 244, 19.9.2015, p. 55).

²⁷ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

before the entry into force of this Regulation. The provisions that implement such measures in Union law should therefore apply retroactively. In particular, as the fishing season in the CCAMLR Convention area runs from 1 December to 30 November, and as certain fishing opportunities or prohibitions in the CCAMLR Convention area are laid down for a period starting from 1 December 2022, the relevant provisions of this Regulation should apply from that date. In addition, the fishing season for toothfishes (*Dissostichus* spp.) in the SIOFA Agreement Area runs from 1 December to 30 November, and as the TACs for that group of species are established for a period starting from 1 December 2022, the TACs should apply from that date. Such retroactive application does not prejudice the principle of legitimate expectations as it is forbidden for vessels flying the flag of Contracting Party to fish in the CCAMLR Convention area and the SIOFA Agreement Area without authorisation. Moreover, in accordance with ICCAT rules, Member States should ensure that their fishing vessels do not deploy FADs during the 15 days before the start of the closure period, i.e. from 17 December 2022 onwards,

HAS ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

Article 1 *Subject matter*

1. This Regulation fixes fishing opportunities available in Union waters and to Union fishing vessels in certain non-Union waters, for certain fish stocks, including for certain deep-sea fish stocks.
2. The fishing opportunities referred to in paragraph 1 include:
 - (a) catch limits for the year 2023 and, where specified in this Regulation, also for the year 2024;
 - (b) fishing effort limits for the year 2023, except the fishing effort limits set out in Annex II, which are to apply from 1 February 2023 to 31 January 2024;
 - (c) fishing opportunities for the period from 1 December 2022 to 30 November 2023 for certain stocks in the CCAMLR Convention area and for certain stocks in the SIOFA Agreement Area.

Article 2 *Scope*

1. This Regulation applies to the following fishing vessels:
 - (a) Union fishing vessels; and

- (b) third-country fishing vessels in Union waters.

2. This Regulation also applies to:

- (a) certain recreational fisheries expressly referred to in the relevant provisions of this Regulation; and
- (b) commercial fisheries from shore.

Article 3 *Definitions*

For the purposes of this Regulation, the definitions in Article 4 of Regulation (EU) No 1380/2013 shall apply. In addition, the following definitions shall apply:

- (a) ‘third-country vessel’ means a fishing vessel flying the flag of, and registered in, a third country;
- (b) ‘recreational fisheries’ means non-commercial fishing activities exploiting marine biological resources in the context of recreation, tourism or sport;
- (c) ‘international waters’ means waters outside the sovereignty or jurisdiction of any State;
- (d) ‘total allowable catch’ (TAC) means:
 - (i) in fisheries subject to the exemption from the landing obligation referred to in Article 15(4) to (7) of Regulation (EU) No 1380/2013, the quantity of fish that may be landed from each stock each year;
 - (ii) in all other fisheries, the quantity of fish that may be caught from each stock each year;
- (e) ‘quota’ means a proportion of a TAC that is allocated to the Union, a Member State or a third country;
- (f) ‘analytical assessment’ means a quantitative evaluation of trends in a given stock, based on data about the stock’s biology and exploitation, which scientific review has indicated to be of sufficient quality to provide scientific advice on options for future catches;
- (g) ‘mesh size’ means the mesh size of fishing nets as defined in Article 6, point (34), of Regulation (EU) 2019/1241 of the European Parliament and of the Council²⁸;

²⁸ 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,

- (h) 'Union fishing fleet register' means the register set up by the Commission pursuant to Article 24(3) of Regulation (EU) No 1380/2013;
- (i) 'fishing logbook' means the logbook referred to in Article 14 of Regulation (EC) No 1224/2009;
- (j) 'instrumented buoy' means a buoy clearly marked with a unique reference number allowing identification of its owner and equipped with a satellite tracking system to monitor its position;
- (k) 'operational buoy' means any instrumented buoy, previously activated, switched on and deployed at sea on a drifting fish aggregating device (FAD) or log, which transmits positions and other available information such as echo-sounder estimates.

Article 4 *Fishing zones*

For the purposes of this Regulation, the following zone definitions apply:

- (a) ICES (International Council for the Exploration of the Sea) zones are the geographical areas specified in Annex III to Regulation (EC) No 218/2009 of the European Parliament and of the Council²⁹;
- (b) 'Skagerrak' means the geographical area bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast;
- (c) 'Kattegat' means the geographical area bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenøre to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;
- (d) 'functional unit 16 of ICES subarea 7' means the geographical area bounded by rhumb lines sequentially joining the following positions:
 - 53° 30' N 15° 00' W,
 - 53° 30' N 11° 00' W,
 - 51° 30' N 11° 00' W,
 - 51° 30' N 13° 00' W,
 - 51° 00' N 13° 00' W,

²⁹ (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).
Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

- 51° 00' N 15° 00' W;
- (e) ‘functional unit 25 of ICES division 8c’ means the geographical sea area bounded by rhumb lines sequentially joining the following positions:
- 43° 00' N 9° 00' W,
 - 43° 00' N 10° 00' W,
 - 43° 30' N 10° 00' W,
 - 43° 30' N 9° 00' W,
 - 44° 00' N 9° 00' W,
 - 44° 00' N 8° 00' W,
 - 43° 30' N 8° 00' W;
- (f) ‘functional unit 26 of ICES division 9a’ means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 43° 00' N 8° 00' W,
 - 43° 00' N 10° 00' W,
 - 42° 00' N 10° 00' W,
 - 42° 00' N 8° 00' W;
- (g) ‘functional unit 27 of ICES division 9a’ means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 42° 00' N 8° 00' W,
 - 42° 00' N 10° 00' W,
 - 38° 30' N 10° 00' W,
 - 38° 30' N 9° 00' W,
 - 40° 00' N 9° 00' W,
 - 40° 00' N 8° 00' W;
- (h) ‘functional unit 30 of ICES division 9a’ means the geographical area under the jurisdiction of Spain in the Gulf of Cádiz and in the adjacent waters of ICES division 9a;
- (i) ‘functional unit 31 of ICES division 8c’ means the geographical sea area bounded by rhumb lines sequentially joining the following positions:
- 43° 30' N 6° 00' W,

- 44° 00' N 6° 00' W,
 - 44° 00' N 2° 00' W,
 - 43° 30' N 2° 00' W;
- (j) 'Gulf of Cádiz' means the geographical area of ICES division 9a east of longitude 7° 23' 48" W;
- (k) 'CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources) Convention area' means the geographical area defined in Article 2, point (a), of Council Regulation (EC) No 601/2004³⁰;
- (l) CECAF (Committee for Eastern Central Atlantic Fisheries) areas are the geographical areas specified in Annex II to Regulation (EC) No 216/2009 of the European Parliament and of the Council³¹;
- (m) 'IATTC (Inter-American Tropical Tuna Commission) Convention area' means the geographical area defined in the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (Antigua Convention)³²;
- (n) 'ICCAT (International Commission for the Conservation of Atlantic Tunas) Convention area' means the geographical area defined in the International Convention for the Conservation of Atlantic Tunas³³;
- (o) 'IOTC (Indian Ocean Tuna Commission) Area of Competence' means the geographical area defined in the Agreement for the establishment of the Indian Ocean Tuna Commission³⁴;

³⁰ Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999 (OJ L 97, 1.4.2004, p. 16).

³¹ Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).

³² OJ L 224, 16.8.2006, p. 24. The Union approved the Convention for the Strengthening of IATTC by means of Council Decision 2006/539/EC of 22 May 2006 on the conclusion, on behalf of the European Community of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (OJ L 224, 16.8.2006, p. 22).

³³ OJ L 162, 18.6.1986, p. 34. The Union acceded to the ICCAT by means of Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).

³⁴ OJ L 236, 5.10.1995, p. 25. The Union acceded to the IOTC by means of Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).

- (p) NAFO (Northwest Atlantic Fisheries Organisation) areas are the geographical areas specified in Annex III to Regulation (EC) No 217/2009 of the European Parliament and of the Council³⁵;
- (q) ‘SEAFO (South East Atlantic Fisheries Organisation) Convention area’ means the geographical area defined in the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean³⁶;
- (r) ‘SIOFA (Southern Indian Ocean Fisheries Agreement) Agreement Area’ means the geographical area defined in the Southern Indian Ocean Fisheries Agreement³⁷;
- (s) ‘SPRFMO (South Pacific Regional Fisheries Management Organisation) Convention area’ means the geographical area defined in the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean³⁸;
- (t) ‘WCPFC (Western and Central Pacific Fisheries Commission) Convention area’ means the geographical area defined in the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean³⁹;
- (u) ‘high seas of the Bering Sea’ means the geographical area of the high seas of the Bering Sea beyond 200 nautical miles from the baselines from which the breadth of the territorial seas of the coastal States of the Bering Sea is measured;
- (v) ‘overlap area between IATTC and WCPFC Convention areas’ means the geographical area defined by the following limits:
 - longitude 150° W,
 - longitude 130° W,
 - latitude 4° S,
 - latitude 50° S;

³⁵ Regulation (EC) No 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic (OJ L 87, 31.3.2009, p. 42).

³⁶ OJ L 234, 31.8.2002, p. 40. The Union approved the SEAFO Convention by means of Council Decision 2002/738/EC of 22 July 2002 on the conclusion by the European Community of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean (OJ L 234, 31.8.2002, p. 39).

³⁷ OJ L 196, 18.7.2006, p. 15. The Union approved the SIOFA by means of Council Decision 2008/780/EC of 29 September 2008 on the conclusion, on behalf of the European Community, of the Southern Indian Ocean Fisheries Agreement (OJ L 268, 9.10.2008, p. 27).

³⁸ OJ L 67, 6.3.2012, p. 3. The Union approved the SPRFMO Convention by means of Council Decision 2012/130/EU of 3 October 2011 on the approval, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (OJ L 67, 6.3.2012, p. 1).

³⁹ OJ L 32, 4.2.2005, p. 3. The Union acceded to the WCPFC by means of Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).

- (w) ‘GFCM geographical subareas’ mean the areas defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council⁴⁰.

TITLE II

FISHING OPPORTUNITIES FOR UNION FISHING VESSELS

Chapter I

General provisions

Article 5

TACs and allocations

1. The TACs for Union fishing vessels in Union waters and certain non-Union waters, their allocation among Member States and, where appropriate, the conditions functionally linked thereto are set out in Annex I.
2. Union fishing vessels may be authorised to fish in waters under the fisheries jurisdiction of the Faroe Islands, Greenland, Norway and in the fishing zone around Jan Mayen subject to the TACs set out in Annex I and subject to the conditions provided for in Article 19 and Part A of Annex V to this Regulation and in Regulation (EU) 2017/2403 of the European Parliament and of the Council⁴¹ and its implementing provisions.
3. Union fishing vessels may be authorised to fish in waters under the fisheries jurisdiction of the United Kingdom subject to the TACs in Annex I and subject to the conditions provided for in Article 19 of this Regulation and in Regulation (EU) 2017/2403 and its implementing provisions.

Article 6

TACs to be determined by Member States

1. The TACs for certain fish stocks identified in Annex I shall be determined by the Member State concerned.
2. The TACs to be determined by a Member State referred to in paragraph 1 shall:

⁴⁰ Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

⁴¹ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

- (a) be consistent with the principles and rules of the CFP, in particular the principle of sustainable exploitation of the stock; and
 - (b) result in an exploitation of the stock that is:
 - (i) if an analytical assessment is available, in line with maximum sustainable yield, with as high a probability as possible; or
 - (ii) if an analytical assessment is unavailable or incomplete, consistent with the precautionary approach to fisheries management.
3. By 15 March 2023, each Member State concerned shall submit the following information to the Commission:
- (a) the TACs that it has determined;
 - (b) the data that it has collected, assessed and used as a basis for the determination of the TACs;
 - (c) details as to how the determined TACs comply with paragraph 2.
4. For the TAC for black scabbardfish (*Aphanopus carbo*) in CECAF area 34.1.2, Portugal shall submit the information referred to in paragraph 3 for that TAC for 2023 by 15 March 2023 and for that TAC for 2024 by 15 March 2024.

Article 7
Conditions for landing catches and by-catches

1. Catches that are not subject to the landing obligation under Article 15 of Regulation (EU) No 1380/2013 shall be retained on board or landed only if they:
- (a) have been taken by fishing vessels flying the flag of a Member State that has a quota and that quota has not been exhausted; or
 - (b) make up a share of a Union quota that has not been allocated among Member States and that has not been exhausted.
2. For the purposes of the derogation from the obligation to count catches against the relevant quotas, as provided for in Article 15(8) of Regulation (EU) No 1380/2013, the stocks of non-target species within safe biological limits referred to in that Article are identified in Annex I to this Regulation.

Article 8
Quota-exchange mechanism for TACs for unavoidable by-catches

1. In order to take account of the landing obligation and to make quotas for certain by-catches available to Member States without a quota, the quota-exchange mechanism set out in paragraphs 2 to 5 shall apply to the TACs identified in Annex IA.

2. 6 % of each quota allocated to a Member State from the TACs for cod (*Gadus morhua*) in the Celtic Sea, cod in the West of Scotland, whiting in the Irish Sea and plaice in ICES divisions 7h, 7j and 7k, and 3 % of each quota from the TAC for West of Scotland whiting shall be made available for a pool for quota exchanges ('the pool'), which shall open on 1 January 2023. Member States without a quota shall have exclusive access to the pool until 31 March 2023.
3. The quantities drawn from the pool may not be exchanged or transferred to the following year. After 31 March 2023, any unused quantities shall be returned to the Member States that initially contributed to the pool.
4. Member States without a quota shall provide in return quotas for stocks listed in Annex IA, Part C, unless the Member State without a quota and the Member State contributing to the pool agree otherwise.
5. The quotas referred to in paragraph 4 shall be of equivalent commercial value, determined on the basis of a market exchange rate or other mutually acceptable exchange rates. In the absence of alternatives, the equivalent commercial value shall be determined on the basis of average Union prices from the previous year, as provided by the European Market Observatory for Fisheries and Aquaculture Products.
6. Where the quota-exchange mechanism set out in paragraphs 2 to 5 does not allow Member States to cover their unavoidable by-catches to a similar extent, Member States shall endeavour to agree on quota exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013, ensuring that quotas exchanged are of equivalent commercial value.

Article 9
Fishing effort limits in ICES division 7e

1. For the period referred to in point (b) of Article 1(2) of this Regulation, the technical aspects of the rights and obligations for the management of the sole stock in ICES division 7e are set out in Annex II.
2. At the request of a Member State in accordance with point 7.4 of Annex II, the Commission may adopt an implementing act by which it allocates to that Member State a number of days at sea in addition to those referred to in point 5 of Annex II, on which it may authorise a fishing vessel under its flag to be present in ICES division 7e when carrying on board any regulated gear. The Commission shall adopt that implementing act in accordance with the examination procedure referred to in Article 57(2) of this Regulation.
3. At the request of a Member State, the Commission may adopt an implementing act by which it allocates to that Member State a maximum of three days between 1 February 2023 and 31 January 2024, in addition to those referred to in point 5 of Annex II, on which a fishing vessel may be present in ICES division 7e on the basis of an enhanced programme of scientific observer coverage, as referred to in point 8.1 of Annex II. It shall make such an allocation on the basis of the description submitted by that Member State in accordance with point 8.3 of Annex II and following consultation with the STECF. That implementing act shall be adopted in

accordance with the examination procedure referred to in Article 57(2) of this Regulation.

*[Article 10
Measures on European seabass fisheries
in ICES divisions 4b, 4c and 6a and ICES subarea 7*

1. It shall be prohibited for Union fishing vessels, as well as for any commercial fisheries from shore, to fish for European seabass (*Dicentrarchus labrax*) in ICES divisions 4b and 4c and in ICES subarea 7 or to retain on board, tranship, relocate or land European seabass caught in that area.
2. The prohibition set out in paragraph 1 shall not apply to by-catches of seabass in shore-based commercial netting activities. This exemption applies to historic numbers of beach nets set at pre-2017 levels. Shore-based commercial netting activities shall not target seabass and only unavoidable by-catches of seabass may be landed.
3. By way of derogation from paragraph 1, in January 2023 and from 1 April to 31 December 2023, Union fishing vessels in ICES divisions 4b, 4c, 7d, 7e, 7f and 7h may fish for, retain on board, tranship, relocate or land European seabass caught in that area with the following gear and within the following limits:
 - (a) using demersal trawls⁴², for unavoidable by-catches not exceeding 760 kilogrammes per two calendar months (January and April; May and June; July and August; September and October; November and December) and 5 % of the weight of the total catches of marine organisms on board caught by the fishing vessel concerned per fishing trip;
 - (b) using seines⁴³, for unavoidable by-catches not exceeding 760 kilogrammes per two calendar months (January and April; May and June; July and August; September and October; November and December) and 5 % of the weight of the total catches of marine organisms on board caught by the fishing vessel concerned per fishing trip;
 - (c) using hooks and lines⁴⁴, not exceeding 5,95 tonnes per fishing vessel;
 - (d) using fixed gillnets⁴⁵, for unavoidable by-catches not exceeding 1,5 tonnes per fishing vessel.

The derogations set out in the first subparagraph, point (c), shall apply to Union fishing vessels that have recorded catches of European seabass using hooks and lines over the period from 1 July 2015 to 30 September 2016.

⁴² All types of demersal trawls (OTB, OTT, PTB, TBB, TBN, TBS and TB).

⁴³ All types of seines (SSC, SDN, SPR, SV, SB and SX).

⁴⁴ All long lines or pole and line or rod and line fisheries (LHP, LHM, LLD, LL, LTL, LX and LLS).

⁴⁵ All fixed gillnets and traps (GTR, GNS, GNC, FYK, FPN and FIX).

The derogations set out in the first subparagraph, point (d), shall apply to Union fishing vessels that have recorded catches of European seabass using fixed gillnets over the period from 1 July 2015 to 30 September 2016.

In the case of a replacement of a Union fishing vessel, Member States may allow the derogations to apply to another Union fishing vessel provided that the number of Union fishing vessels subject to each of the derogations and their overall fishing capacity do not increase.

4. The catch limits set out in paragraph 3 shall not be transferable between fishing vessels and, where a bi-monthly limit applies, from one calendar two-month period to another.

For Union fishing vessels using more than one gear in two calendar months, the lowest catch limit set out in paragraph 3 for either gear shall apply.

Member States shall report to the Commission all catches of European seabass per type of gear no later than 15 days after the end of each month.

5. In recreational fisheries, including from shore, in ICES divisions 4b, 4c, 6a and 7a to 7k:
 - (a) from 1 January to 28 February 2023 and from 1 to 31 December 2023:
 - (i) only catch-and-release fishing with a rod or a handline for European seabass shall be allowed;
 - (ii) it shall be prohibited to retain, relocate, tranship or land European seabass caught in that area;
 - (b) from 1 March to 30 November 2023:
 - (i) not more than two specimens of European seabass may be caught and retained per fisher per day;
 - (ii) the minimum size of European seabass retained shall be 42 cm;
 - (iii) fixed nets shall not be used to catch or retain European seabass.
6. Paragraph 5 shall be without prejudice to more stringent national measures on recreational fisheries.]

Article 11

Measures on European seabass fisheries in ICES divisions 8a and 8b

1. France and Spain shall, in accordance with Article 4(3) of Regulation (EU) 2019/472, ensure that the fishing mortality of the European seabass stock in ICES divisions 8a and 8b from their commercial and recreational fisheries does not exceed the F_{MSY} point value, as defined in Article 2(5) of Regulation (EU) 2019/472.
2. In recreational fisheries, including from shore, in ICES divisions 8a and 8b:

- (a) a maximum of two specimens of European seabass may be caught and retained per fisher per day;
 - (b) fixed nets shall not be used to catch or retain European seabass.
- 3. Paragraph 2 shall apply without prejudice to more stringent national measures on recreational fisheries.

*[Article 12
Measures on European eel fisheries]*

- 1. Any commercial and recreational fishing activity, as defined in Article 4(1), point (28), of Regulation (EU) No 1380/2013, of European eel (*Anguilla anguilla*) at all life stages shall be prohibited respectively in all marine Union waters and adjacent brackish waters, such as estuaries, coastal lagoons and transitional waters, and for Union fishing vessels in international waters.
- 2. To that effect, a closure period, or where appropriate closure periods, shall be established and comply with the following cumulative conditions:
 - (a) it shall last for six consecutive months but may end in 2024 as appropriate;
 - (b) it shall cover the relevant consecutive weeks and months of the main migration of European eel at respectively the glass eel and silver eel life stages;
 - (c) it shall cover the month of the peak migration and also include a period of at least two months both before and after the month of the peak migration;
 - (d) as regards straits and transboundary areas, it shall be consistent with the nearby areas and, where appropriate, the neighbouring Member States and regions shall endeavour to agree on it in the appropriate consultation fora.
- 3. To take into account the geographical and temporal migration patterns of eel at each life stage, each Member State concerned shall determine:
 - (a) the weeks and months of the main migration of European eel at respectively the glass eel and silver eel life stage based on the best available scientific information regarding eel migration covering the last 10 years, including the peak migration period and its peak month for every relevant geographical area, including straits and transboundary areas; and
 - (b) the appropriate closure period or periods referred to in paragraphs 1 and 2 on the basis of the criteria set out in paragraph 2 and paragraph 3, point (a), for its waters and adjacent international waters for each of the following areas:
 - (i) the ICES area, as defined in Article 4, point (a), of this Regulation; and
 - (ii) the area covered by GFCM geographical subareas 1 to 27, as defined in Article 4, point (w), of this Regulation.
- 4. By 31 January 2023, each Member State concerned shall submit to the Commission the following:

- (a) information about the prohibition period or periods referred to in paragraph 3, point (b), that it has determined; and
- (b) supporting information, including the information referred to in paragraph 3, point (a), justifying those chosen periods; and
- (c) the relevant national measures.]

Article 13

Special provisions on allocations of fishing opportunities

1. The allocation of fishing opportunities among Member States set out in this Regulation shall be without prejudice to:
 - (a) exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
 - (b) deductions and reallocations pursuant to Article 37 of Regulation (EC) No 1224/2009;
 - (c) reallocations pursuant to Articles 12 and 47 of Regulation (EU) 2017/2403;
 - (d) additional landings allowed under Article 3 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;
 - (e) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;
 - (f) deductions pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009;
 - (g) quota transfers and exchanges pursuant to Articles 20 and 52 of this Regulation.
2. Stocks subject to precautionary or analytical TACs for the purposes of the year-to-year management of TACs and quotas provided for in Regulation (EC) No 847/96 are identified in Annex I to this Regulation.
3. Except where otherwise specified in Annex I to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to a precautionary TAC, and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to an analytical TAC.
4. Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

[Article 14

Closed fishing seasons for sandeels

Commercial fishing for sandeels (*Ammodytes* spp.) with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm shall be prohibited in ICES divisions 2a

and 3a and in ICES subarea 4 from 1 January to 31 March 2023 and from 1 August to 31 December 2023.]

*[Article 15
Remedial measures for cod in the North Sea*

1. The areas closed to fishing, except with pelagic gear (purse seines and trawls), and the periods during which the closures apply are set out in Annex IV.
2. Vessels fishing with bottom trawls and seines with minimum mesh size of at least 70 mm in ICES divisions 4a and 4b or at least 90 mm in ICES division 3a, and longlines⁴⁶ shall be prohibited from fishing in Union waters of ICES division 4a, north of latitude 58° 30' 00" N and south of latitude 61° 30' 00" N, and in Union waters of ICES divisions 3a.20 (Skagerrak), 4a and 4b, north of latitude 57° 00' 00" N and east of longitude 5° 00' 00" E.
3. By way of derogation from paragraph 2, fishing vessels referred to in that paragraph may fish in the areas referred to in that paragraph provided that they fulfil at least one of the following criteria:
 - (a) their cod catches do not account for more than 5 % of their total catches per fishing trip; fishing vessels whose cod catches did not exceed 5 % of their total catches in 2017–2019 are presumed to comply with this criterion provided that they continue to use the same gear that they used in that period; this presumption may be rebutted;
 - (b) a regulated and highly selective bottom trawl or seine is used, resulting, according to a scientific study, in at least a 30 % reduction in cod catches compared to vessels fishing with the baseline mesh size for towed gears, as specified in Part B, point 1.1, of Annex V to Regulation (EU) 2019/1241; such studies may be evaluated by the STECF and in the case of a negative evaluation, the gears in question shall no longer be considered valid for use in the areas referred to in paragraph 2 of this Article;
 - (c) for vessels fishing with bottom trawls and seines with mesh sizes equal to or larger than 100 mm (TR1), the following highly selective gears are used:
 - (i) belly trawls with a minimum belly mesh size of 600 mm;
 - (ii) raised fishing line (0,6 m);
 - (iii) horizontal separating panel with large mesh escape panel;
 - (d) for vessels fishing with bottom trawls and seines with mesh sizes equal to or larger than 70 mm in ICES division 4a and 90 mm in ICES division 3a, and less than 100 mm (TR2), the following highly selective gears are used:

⁴⁶ Gear codes: OTB, OTT, OT, TBN, TBS, TB, TX, PTB, SDN, SSC, SX, LL, LLS.

- (i) horizontal sorting grid with maximum 50 mm bar spacing separating flatfish and roundfish, with an unblocked fish outlet for roundfish;
 - (ii) Seltra panel with 300 mm square-mesh size;
 - (iii) sorting grid with maximum 35 mm bar spacing, with an unblocked fish outlet;
- (e) fishing vessels are subject to a national cod avoidance plan to sustain cod catches in line with the fishing mortality corresponding to the fishing opportunities fixed, based on scientific advice levels, through spatial or technical measures, or a combination thereof; such plans shall be assessed no later than two months following their implementation, by the STECF in the case of Member States or by the relevant national scientific body in the case of third countries, and, where deemed necessary, further revised if such assessments find that the objective of the national cod avoidance plan will not be met.
4. Member States shall enhance the monitoring, control and surveillance of fishing vessels referred to in paragraph 2 in order to ensure compliance with the conditions laid down in paragraph 3.
5. This Article shall not apply to fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in compliance with Article 25 of Regulation (EU) 2019/1241.]

Article 16 *Remedial measures for cod in the Kattegat*

1. Union vessels fishing in the Kattegat with bottom trawls⁴⁷ with minimum mesh size of 70 mm shall use one of the following selective gears:
- (a) sorting grid with maximum 35 mm bar spacing, with an unblocked fish outlet;
 - (b) sorting grid with maximum 50 mm bar spacing separating flatfish and roundfish, with an unblocked fish outlet for roundfish;
 - (c) Seltra panel with 300 mm square-mesh size;
 - (d) regulated highly selective gear, the technical attributes of which result, according to a scientific study assessed by the STECF, in catches of less than 1,5% of cod, provided it is the only gear that the fishing vessel carries on board.
2. Union fishing vessels participating in a project run by a Member State and having functioning equipment for fully documented fisheries may use a gear in accordance with Part B of Annex V to Regulation (EU) 2019/1241. The Member State in question shall communicate a list of such vessels to the Commission.

⁴⁷ Gear codes: OTB, OTT, OT, TBN, TBS, TB, TX, PTB.

3. This Article shall not apply to fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in compliance with Article 25 of Regulation (EU) 2019/1241.

[Article 17 below will be updated after consultations of the Union with third countries.]

Article 17
Prohibited species

1. Union fishing vessels shall not fish for, retain on board, tranship or land the following species:
- (a) starry ray (*Amblyraja radiata*) in United Kingdom and Union waters of ICES subarea 4 and division 7d; United Kingdom waters of division 2a; and Union waters of division 3a;
 - (b) splendid alfonsino (*Beryx splendens*) in NAFO subarea 6;
 - (c) leafscale gulper shark (*Centrophorus squamosus*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
 - (d) Portuguese dogfish (*Centroscymnus coelolepis*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
 - (e) kitefin shark (*Dalatias licha*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
 - (f) birdbeak dogfish (*Deania calcea*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
 - (g) common skate (*Dipturus batis*) complex (*Dipturus* cf. *flossada* and *Dipturus* cf. *intermedia*) in United Kingdom and Union waters of ICES subareas 4 and 6 to 8; United Kingdom waters of division 2a and subarea 5; and Union waters of subareas 3, 9 and 10;
 - (h) great lanternshark (*Etmopterus princeps*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
 - (i) tope shark (*Galeorhinus galeus*) when taken with longlines in United Kingdom and Union waters of ICES subareas 4; United Kingdom waters of division 2a; United Kingdom and international waters of subarea 5; United Kingdom, Union and international waters of subareas 6 to 8; and international waters of subareas 12 and 14;
 - (j) porbeagle (*Lamna nasus*) in all waters;

- (k) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
 - (l) undulate ray (*Raja undulata*) in United Kingdom and Union waters of ICES subarea 6; and Union waters of ICES subarea 10;
 - (m) whale shark (*Rhincodon typus*) in all waters;
 - (n) common guitarfish (*Rhinobatos rhinobatos*) in the Mediterranean;
 - (o) picked dogfish (*Squalus acanthias*) in United Kingdom and Union waters of ICES subareas 4 and 6 to 8; United Kingdom waters of division 2a and subarea 5; and Union waters of 3, 9 and 10, except in the context of avoidance programmes as set out in Annex IA.
 - (p) orange roughy (*Hoplostethus atlanticus*) in United Kingdom, Union and international waters of ICES subareas 1 to 10, 12 and 14;
 - (q) deep-sea sharks listed in Annex I, Part D, in United Kingdom, Union and international waters of ICES subareas 6 to 9; United Kingdom and international waters of 5; Union and international waters of ICES subarea 10; Union waters of CECAF areas 34.1.1, 34.1.2 and 34.2; and international waters of ICES subarea 12.
2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.

Article 18 *Data transmission*

When Member States submit to the Commission data relating to landings and fishing effort pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, they shall use the stock codes set out in Annex I to this Regulation.

Chapter II **Fishing authorisations in third-country waters**

Article 19 *Fishing authorisations*

1. The maximum numbers of fishing authorisations for Union fishing vessels in third-country waters, where applicable, are set out in Part A of Annex V.
2. Where one Member State transfers quota to another in the fishing areas set out in Part A of Annex V to this Regulation in accordance with Article 16(8) of Regulation (EU) No 1380/2013, the transfer shall include an appropriate transfer of fishing authorisations and be notified to the Commission. The total number of authorisations for each fishing area, as set out in Part A of Annex V to this Regulation, shall not be exceeded.

Chapter III

Fishing opportunities in waters of regional fisheries management organisations

SECTION 1

GENERAL PROVISIONS

Article 20

Quota transfers and exchanges

1. Where the rules of a regional fisheries management organisation (RFMO) permit quota transfers or exchanges between the Contracting Parties to that RFMO, a Member State ('the Member State concerned') may discuss with a Contracting Party to that RFMO and establish a possible outline of an intended quota transfer or exchange, as appropriate. The Member State concerned shall notify the Commission of the outline.
2. On being notified in accordance with paragraph 1, the Commission may endorse the outline of the intended quota transfer or exchange. If the Commission endorses the outline, it shall express, without undue delay, the consent to be bound by the intended quota transfer or exchange. It shall notify the secretariat of the RFMO of the transfer or exchange in accordance with the rules of that RFMO.
3. The Commission shall inform the Member States of any agreed quota transfer or exchange.
4. The fishing opportunities received or transferred by the Member State concerned under the quota transfer or exchange shall be deemed to be quotas added to, or deducted from, its allocation as of the moment when the transfer or exchange takes effect under the terms of the agreement with the relevant Contracting Party to the RFMO or in accordance with the rules of the relevant RFMO, as appropriate. Such transfers and exchanges shall not affect the distribution key for allocating fishing opportunities among Member States in accordance with the principle of relative stability of fishing activities.

[Sections 2 to 11 below will be updated after the annual meetings of the RFMOs.]

SECTION 2

NEAFC CONVENTION AREA

Article 21

Closures for redfish in the Irminger Sea

All fishing activities shall be prohibited in the area bounded by following coordinates measured according to the WGS84 system:

Latitude	Longitude
63° 00'	- 30° 00'
61° 30'	- 27° 35'
60° 45'	- 28° 45'
62° 00'	- 31° 35'
63° 00'	- 30° 00'

SECTION 3 ICCAT CONVENTION AREA

Article 22

Fishing, farming and fattening capacity limitations

1. The number of Union bait boats and trolling boats authorised to fish actively for bluefin tuna (*Thunnus thynnus*) between 8 kg/75 cm and 30 kg/115 cm in the eastern Atlantic shall be limited as set out in point 1 of Annex VI.
2. The number of Union coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean shall be limited as set out in point 2 of Annex VI.
3. The number of Union fishing vessels fishing for bluefin tuna in the Adriatic Sea for farming purposes authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm shall be limited as set out in point 3 of Annex VI.
4. The number of Union fishing vessels authorised to fish for, retain on board, tranship, transport or land bluefin tuna in the eastern Atlantic and Mediterranean shall be limited as set out in point 4 of Annex VI.
5. The number of traps engaged in bluefin tuna fishery in the eastern Atlantic and Mediterranean shall be limited as set out in point 5 of Annex VI.
6. The bluefin tuna total farming and fattening capacity and the maximum input of wild-caught bluefin tuna allocated to farms in the eastern Atlantic and Mediterranean shall be limited as set out in point 6 of Annex VI.
7. The maximum number of Union fishing vessels authorised to fish for northern albacore (*Thunnus alalunga*) as a target species in accordance with Article 12 of Council Regulation (EC) No 520/2007⁴⁸ shall be limited as set out in point 7 of Annex VI to this Regulation.

⁴⁸ Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).

8. The maximum number of Union fishing vessels of at least 20 m length fishing for bigeye tuna (*Thunnus obesus*) in the ICCAT Convention area shall be limited as set out in point 8 of Annex VI.

Article 23
Recreational fisheries

Where appropriate, Member States shall allocate a specific share from their allocated quotas to recreational fisheries, as set out in Annex ID.

Article 24
Sharks

1. It shall be prohibited to retain on board, tranship or land any part or whole carcass of bigeye thresher sharks (*Alopias superciliosus*) caught in any fishery.
2. It shall be prohibited to engage in directed fishery for species of thresher sharks of the *Alopias* genus.
3. It shall be prohibited to retain on board, tranship or land any part or whole carcass of hammerhead sharks of the *Sphyrnidae* family (except *Sphyrna tiburo*) caught in fisheries in the ICCAT Convention area.
4. It shall be prohibited to retain on board, tranship or land any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) caught in any fishery.
5. It shall be prohibited to retain on board silky sharks (*Carcharhinus falciformis*) caught in any fishery.
6. It shall be prohibited to retain on board, tranship or land any part or whole carcass of North Atlantic shortfin mako (*Isurus oxyrinchus*) caught in fisheries in the ICCAT Convention area.

Article 25
FADs for tropical tunas

1. It shall be prohibited to use FADs in the ICCAT Convention area from 1 January to 13 March 2023.
2. During the 15 days before the start of the period referred to in paragraph 1, from 17 December 2022 to 31 December 2022, Member States shall ensure that their fishing vessels do not deploy FADs.
3. Each fishing vessel shall have no more than 300 FADs with operational buoys deployed at any time in the ICCAT Convention area.
4. Member States shall report to the Commission historical data on fishing gear set around FADs by their purse-seine vessels by 30 June 2023. If a Member State does not report those data by that date, fishing vessels flying its flag shall not set fishing

gear around FADs until the Commission receives those data from that Member State for further reporting to ICCAT.

SECTION 4 CCAMLR CONVENTION AREA

Article 26

Exploratory fisheries notifications for toothfish

Member States may participate in longline exploratory fisheries for toothfish (*Dissostichus* spp.) in FAO subareas 88.1 and 88.2, and FAO divisions 58.4.1, 58.4.2 and 58.4.3a outside areas of national jurisdiction in 2023. Member States intending to do so shall notify the CCAMLR Secretariat in accordance with Articles 7 and 7a of Regulation (EC) No 601/2004 no later than 1 June 2023.

Article 27

Limits on exploratory fisheries for toothfish

1. Fishing for toothfish in the 2022–2023 fishing season shall be limited to the Member States, subareas and number of fishing vessels set out in Table A in Annex VII, and the TACs and by-catch limits set out in Table B in that Annex shall apply.
2. Direct fishing of shark species for purposes other than scientific research shall be prohibited. Any by-catch of shark, especially juveniles and gravid females, taken accidentally in the toothfish fishery shall be released alive.
3. Where applicable, fishing in any small-scale research unit (SSRU) shall cease when the reported catch reaches the specified TAC, and the SSRU shall be closed to fishing for the remainder of the fishing season.
4. Fishing shall take place over as large a geographical and bathymetric range as possible, so as to obtain the information necessary to determine fishery potential and avoid an over-concentration of catch and fishing effort. However, fishing in FAO subareas 48.6 and 88.1, and in FAO division 58.4.3a, where permitted under Article 26, shall be prohibited in depths of less than 550 m.

Article 28

Krill fishery during the 2022–2023 fishing season

1. Member States intending to fish for krill (*Euphausia superba*) in the CCAMLR Convention area during the 2022–2023 fishing season shall notify the Commission thereof no later than 1 May 2023, using the form in Part B of the Appendix to Annex VII. On the basis of the information provided by Member States, the Commission shall submit the notifications to the CCAMLR Secretariat no later than 30 May 2023.

2. The notification referred to in paragraph 1 of this Article shall include the information provided for in Article 3 of Regulation (EC) No 601/2004 for each fishing vessel to be authorised to participate in the krill fishery.
3. A Member State intending to fish for krill in the CCAMLR Convention area shall notify its intention to do so only in respect of authorised fishing vessels that, at the time of the notification:
 - (a) are flying its flag; or
 - (b) are flying the flag of another CCAMLR member and are expected to be flying the flag of that Member State at the time the fishery takes place.
4. Where an authorised fishing vessel notified to the CCAMLR Secretariat in accordance with paragraphs 1, 2 and 3 is prevented from participating in a krill fishery due to legitimate operational reasons or *force majeure*, the Member State concerned may authorise its replacement by another fishing vessel. In such a case, the Member State concerned shall immediately inform the CCAMLR Secretariat and the Commission, providing:
 - (a) full details of the intended replacement fishing vessel(s), including the information provided for in Article 3 of Regulation (EC) No 601/2004; and
 - (b) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.
5. Member States shall not authorise a fishing vessel placed on any CCAMLR illegal, unreported and unregulated (IUU) fishing vessel list to participate in krill fisheries.

SECTION 5

IOTC AREA OF COMPETENCE

Article 29

Limitation of fishing capacity

of vessels fishing in the IOTC Area of Competence

1. The maximum number of Union fishing vessels fishing for tropical tunas in the IOTC Area of Competence and the corresponding capacity in gross tonnage shall be as set out in point 1 of Annex VIII.
2. The maximum number of Union fishing vessels fishing for swordfish (*Xiphias gladius*) and albacore (*Thunnus alalunga*) in the IOTC Area of Competence and the corresponding capacity in gross tonnage shall be as set out in point 2 of Annex VIII.
3. Member States may reallocate fishing vessels assigned to one of the fisheries referred to in paragraphs 1 and 2 to the other fishery, provided that they can demonstrate to the Commission that such change does not lead to an increase of fishing effort in respect of the fish stocks in question.

4. Where a transfer of capacity to the fleet of a Member State is proposed, that Member State shall ensure that fishing vessels to be transferred are on the IOTC record of authorised vessels or on the record of vessels of other RFMOs managing tuna fisheries. Fishing vessels that appear on any RFMO's list of vessels that have engaged in IUU fishing activities may not be transferred.
5. Member States may increase their fishing capacity beyond the ceilings referred to in paragraphs 1 and 2 only within the limits set out in the development plans submitted to the IOTC.

Article 30
Drifting FADs and supply vessels

1. Drifting FADs shall be equipped with instrumented buoys. The use of any other buoys, such as radio buoys, shall be prohibited.
2. A purse-seine vessel shall follow no more than 300 operational buoys at any time.
3. No more than 500 instrumented buoys shall be acquired annually for each purse-seine vessel. No purse-seine vessel shall have more than 500 instrumented buoys (in stock and operational) at any time.
4. No more than three supply vessels shall operate in support of not less than ten purse-seine vessels, all flying the flag of a Member State. This provision shall not apply to Member States using only one supply vessel.
5. A single purse-seine vessel shall not be supported by more than one supply vessel flying the flag of a Member State at any time.
6. The Union shall not register new or additional supply vessels in the IOTC record of authorised vessels.

Article 31
Sharks

1. It shall be prohibited to retain on board, tranship or land any part or whole carcass of thresher sharks of all species of the *Alopiidae* family in any fishery.
2. It shall be prohibited to retain on board, tranship or land any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) in any fishery, except for fishing vessels under 24 m overall length engaged solely in fishing operations in their flag Member State's exclusive economic zone, provided that their catch is destined solely for local consumption.
3. When accidentally caught, specimens of the species referred to in paragraphs 1 and 2 shall not be harmed and shall be promptly released.

Article 32
Mobulid rays

1. Union fishing vessels shall not fish for, and shall not retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of mobulid rays (*Mobulidae* family, including the genera *Manta* and *Mobula*), except where the fish caught are consumed directly by the fishers' families ('subsistence fishery').

However, mobulid rays that are unintentionally caught through artisanal fishing (fisheries other than surface fisheries, i.e. purse seines, pole and line, gillnet fisheries, handline and trolling vessels, or longline fisheries undertaken by vessels registered in the IOTC record of authorised vessels) may be landed for purposes of local consumption.

2. All fishing vessels, other than those engaged in subsistence fishery, shall promptly release mobulid rays alive and unharmed, to the extent practicable, as soon as they are seen in the net, on the hook or on the deck, in a manner that will result in the least possible harm to those specimens.

SECTION 6
SPRFMO CONVENTION AREA

Article 33
Pelagic fisheries

1. Only those Member States that have actively exercised pelagic fisheries activities in the SPRFMO Convention area in 2007, 2008 or 2009 may fish for pelagic stocks in that area in accordance with the TACs set out in Annex IH.
2. The Member States referred to in paragraph 1 shall limit the total gross tonnage of vessels flying their flag and fishing for pelagic stocks in 2023 to the total Union level of 78 600 gross tonnage in that area.
3. The Member States referred to in paragraph 1 may use the fishing opportunities set out in Annex IH only if they send the following information to the Commission by the fifteenth day of the following month, so that the Commission can communicate it to the SPRFMO Secretariat:
 - (a) a list of vessels actively fishing or engaged in transhipment in the SPRFMO Convention area;
 - (b) monthly catch reports.

SECTION 7 IATTC CONVENTION AREA

Article 34 *Purse-seine fisheries*

1. Purse-seine vessels shall not fish for yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) or skipjack tuna (*Katsuwonus pelamis*):
 - (a) from 00.00 hours on 29 July 2023 to 24.00 hours on 8 October 2023 or from 00.00 hours on 9 November 2023 to 24.00 hours on 19 January 2024 in the area defined by the following limits:
 - the Pacific coastlines of the Americas,
 - longitude 150° W,
 - latitude 40° N,
 - latitude 40° S;
 - (b) from 00.00 hours on 9 October 2023 to 24.00 hours on 8 November 2023 in the area defined by the following limits:
 - longitude 96° W,
 - longitude 110° W,
 - latitude 4° N,
 - latitude 3° S.
2. For each of the fishing vessels referred to in paragraph 1 and flying the flag of a Member State, that flag Member State shall inform the Commission before 1 April 2023 which of the closure periods referred to in paragraph 1, point (a), the fishing vessel has selected.
3. Purse-seine vessels fishing for tuna in the IATTC Convention area shall retain on board and then tranship or land all yellowfin, bigeye and skipjack tuna that they catch.
4. Paragraph 3 shall not apply:
 - (a) where the fish is considered unfit for human consumption for reasons other than size;

- (b) during the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.

Article 35
Drifting FADs

1. A purse-seine vessel shall have no more than 400 FADs active at any time in the IATTC Convention area. A FAD shall be considered active when it is deployed at sea, starts transmitting its location and is being tracked by the vessel, its owner or operator. A FAD shall be activated only on board a purse-seine vessel.
2. During the 15 days before the start of the closure period selected in accordance with Article 34(1), point (a), of this Regulation a purse-seine vessel shall, in the IATTC Convention area:
 - (a) refrain from deploying FADs;
 - (b) recover the same number of FADs as initially deployed.

Article 36
Catch limits for bigeye tuna in longline fisheries

The total annual catches of bigeye tuna in the IATTC Convention area by each Member State's longline vessels are set out in Annex II.

Article 37
Prohibition of fishing for oceanic whitetip sharks

1. It shall be prohibited to fish for oceanic whitetip sharks (*Carcharhinus longimanus*) in the IATTC Convention area and to retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of oceanic whitetip sharks caught in that area.
2. When accidentally caught, specimens of oceanic whitetip sharks shall not be harmed and shall be promptly released by fishing vessel operators.
3. Fishing vessel operators shall record the number of releases with indication of status (dead or alive) and report that information to the Member State of which they are nationals.

Member States shall transmit that information collected during 2022 to the Commission by 31 January 2023.

Article 38
Prohibition of fishing for mobulid rays

Union fishing vessels in the IATTC Convention area shall not fish for mobulid rays (*Mobulidae* family, including the genera *Manta* and *Mobula*) and shall not retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of mobulid rays caught in

that area. As soon as they notice that mobulid rays have been caught, they shall promptly release them, where possible alive and unharmed.

SECTION 8 SEAFO CONVENTION AREA

Article 39 Prohibition of fishing for deep-water sharks

Directed fishing for the following deep-water sharks in the SEAFO Convention area shall be prohibited:

- (a) ghost catshark (*Apristurus manis*);
- (b) blurred smooth lanternshark (*Etmopterus bigelowi*);
- (c) shorttail lanternshark (*Etmopterus brachyurus*);
- (d) great lanternshark (*Etmopterus princeps*);
- (e) smooth lanternshark (*Etmopterus pusillus*);
- (f) skates (*Rajidae*);
- (g) velvet dogfish (*Scymnodon squamulosus*);
- (h) sharks of the *Selachimorpha* super-order;
- (i) picked dogfish (*Squalus acanthias*).

SECTION 9 WCPFC CONVENTION AREA

Article 40 Conditions for bigeye tuna, yellowfin tuna, skipjack tuna and South Pacific albacore fisheries

1. Member States shall ensure that no more than 403 fishing days are allocated to purse-seine vessels fishing for bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*) in the part of the WCPFC Convention area located in the high seas between 20° N and 20° S.
2. Union fishing vessels shall not target South Pacific albacore (*Thunnus alalunga*) in the WCPFC Convention area south of 20° S.
3. Member States shall ensure that catches of bigeye tuna (*Thunnus obesus*) by longliners in 2023 do not exceed the limits set out in the table in Annex IG.

Article 41
Management of fishing with FADs

1. In the part of the WCPFC Convention area located between 20° N and 20° S, purse-seine vessels shall not deploy, service or set nets on FADs between 00.00 hours on 1 July 2023 and 24.00 hours on 30 September 2023.
2. In addition to the prohibition in paragraph 1, it shall be prohibited to set nets on FADs on the high seas of the WCPFC Convention area located between 20° N and 20° S for an additional two months, either from 00.00 hours on 1 April 2023 to 24.00 hours on 31 May 2023, or from 00.00 hours on 1 November 2023 to 24.00 hours on 31 December 2023.
3. Each Member State concerned shall determine which of the closure periods referred to in paragraph 2 shall apply to purse-seine vessels flying its flag. The Member States shall inform the Commission by 15 February 2023 of the closure period selected. The Commission shall notify the secretariat of the WCPFC of the closure periods selected by Member States before 1 March 2023.
4. Each Member State shall ensure that none of its purse-seine vessels deploy at sea, at any time, more than 350 FADs with activated instrumented buoys. Buoys shall be activated exclusively on board a purse-seine vessel.

Article 42
Prohibition on discards of tropical tunas caught by purse seiners

1. All purse-seine vessels fishing in the part of the WCPFC Convention area located between 20° N and 20° S shall retain on board, tranship and land all bigeye, yellowfin and skipjack tuna that they catch.
2. Paragraph 1 shall not apply in the following cases:
 - (a) in the final set of a trip, if the purse-seine vessel has insufficient remaining well space to accommodate all fish;
 - (b) where the fish is unfit for human consumption for reasons other than size;
 - (c) in the event of a serious malfunction of freezer equipment.

Article 43
Maximum number of Union fishing vessels authorised to fish for swordfish

The maximum number of Union fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas of the WCPFC Convention area south of 20° S shall be as set out in Annex IX.

Article 44
Catch limits for swordfish in longline fisheries south of 20° S

Member States shall ensure that catches of swordfish (*Xiphias gladius*) south of 20° S by longliners in 2023 do not exceed the limit set out in Annex IG. They shall also ensure that this does not result in a shift of the fishing effort for swordfish to the area north of 20° S.

Article 45
Silky sharks and oceanic whitetip sharks

1. It shall be prohibited to retain on board, tranship, land or store any part or whole carcass of the following species in the WCPFC Convention area:
 - (a) silky sharks (*Carcharhinus falciformis*);
 - (b) oceanic whitetip sharks (*Carcharhinus longimanus*).
2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.

Article 46
Overlap area between the IATTC and WCPFC Convention areas

1. Fishing vessels listed only in the WCPFC register shall apply the measures set out in this Section when fishing in the overlap area between the IATTC and WCPFC Convention areas.
2. Fishing vessels listed in both the WCPFC register and the IATTC register, and fishing vessels listed only in the IATTC register shall apply the measures set out in Article 34(1), point (a), Article 34(2), (3) and (4), and Articles 35, 36 and 37 of this Regulation when fishing in the overlap area between the IATTC and WCPFC Convention areas.

SECTION 10
BERING SEA

Article 47
Prohibition on fishing in the high seas of the Bering Sea

It shall be prohibited to fish for pollock (*Gadus chalcogrammus*) in the high seas of the Bering Sea.

SECTION 11 SIOFA AGREEMENT AREA

Article 48 Limits to bottom fishing

Member States shall ensure that vessels flying their flag that fish in the SIOFA Agreement Area:

- (a) limit their annual bottom fishing effort to the level set out in Annex X;
- (b) do not bottom fish except using demersal longlines;
- (c) do not fish in the interim protected areas of Atlantis Bank, Coral, Fools Flat, Middle of What and Walter's Shoal, as defined in Annex IK, except with demersal longlines and on condition of having a scientific observer on board at all times while fishing in those areas.

Article 49 Prohibition of targeting deep-water sharks

Directed fishing for the following deep-water sharks in the SIOFA Agreement Area shall be prohibited:

- (a) Portuguese dogfish (*Centroscymnus coelolepis*);
- (b) birdbeak dogfish (*Deania calcea*);
- (c) gulper shark (*Centrophorus granulosus*);
- (d) kitefin shark (*Dalatias licha*);
- (e) Bach's catshark (*Bythaelurus bachi*);
- (f) dark-mouth chimaera (*Chimaera buccanigella*);
- (g) the Falkor chimaera (*Chimaera didierae*);
- (h) seafarer's ghostshark (*Chimaera willwatchi*);
- (i) longnose Velvet Dogfish (*Centroscymnus crepidater*);
- (j) plunket shark (*Centroscymnus plunketi*);
- (k) velvet dogfish (*Zameus squamulosus*);
- (l) whitecheek lanternshark (*Etmopterus alphas*);
- (m) smallbelly catshark (*Apristurus indicus*);

- (n) bentnose rabbitfish (*Harriota raleighana*);
- (o) narrowhead catshark (*Bythaelurus tenuicephalus*);
- (p) frilled shark (*Chlamydoselachus anguineus*);
- (q) bigeyed six-gill shark (*Hexanchus nakamurai*);
- (r) smooth lanternshark (*Etmopterus pusillus*);
- (s) southern sleeper shark (*Somniosus antarcticus*);
- (t) goblin shark (*Mitsukurina owstoni*).

TITLE III

FISHING OPPORTUNITIES

FOR THIRD-COUNTRY VESSELS IN UNION WATERS

Article 50

Fishing vessels flying the flag of Norway and fishing vessels registered in the Faroe Islands

Fishing vessels flying the flag of Norway and fishing vessels registered in the Faroe Islands may be authorised to fish in Union waters subject to the TACs set out in Annex I, and subject to the conditions provided for in this Regulation and Title III of Regulation (EU) 2017/2403.

Article 51

Fishing vessels flying the flag of the United Kingdom, registered in the United Kingdom and licensed by a United Kingdom fisheries administration

Fishing vessels flying the flag of the United Kingdom, registered in the United Kingdom and licensed by a fisheries administration of the United Kingdom may be authorised to fish in Union waters subject to the TACs set out in Annex I, and subject to the conditions provided for in this Regulation and Regulation (EU) 2017/2403.

Article 52

Quota transfers and exchanges with the United Kingdom

1. Any quota transfer or exchange between the Union and the United Kingdom shall take place in accordance with this Article.
2. A Member State intending to transfer or exchange quotas with the United Kingdom may discuss with the United Kingdom an outline of the quota transfer or exchange. The Member State concerned shall notify the Commission of the outline.
3. If the Commission endorses an outline of the quota transfer or exchange referred to in paragraph 2 notified by the Member State concerned, it shall express, without undue delay, the consent to be bound by such quota transfer or exchange. The

Commission shall notify the United Kingdom and the Member States of the agreed quota transfer or exchange.

4. The fishing opportunities received from or transferred to the United Kingdom under the agreed quota transfer or exchange shall be deemed to be quotas added to, or deducted from, the allocation of the Member State concerned as of the moment when the quota transfer or exchange has been notified in accordance with paragraph 3. Such transfers and exchanges shall not affect the distribution key for allocating fishing opportunities among Member States in accordance with the principle of relative stability of fishing activities.

Article 53
Fishing vessels flying the flag of Venezuela

Fishing vessels flying the flag of Venezuela shall be subject to the conditions provided for in this Regulation and Title III of Regulation (EU) 2017/2403.

Article 54
Fishing authorisations

The maximum number of fishing authorisations for third-country vessels fishing in Union waters shall be as set out in Part B of Annex V.

Article 55
Conditions for landing catches and by-catches

The conditions laid down in Article 7 of this Regulation shall apply to the catches and by-catches of third-country vessels fishing under the authorisations referred to in Article 54 of this Regulation.

[Article 56 below will be updated after consultations of the Union with third countries.]

Article 56
Prohibited species

1. Third-country fishing vessels shall not fish for, retain on board, tranship or land the following species where they are found in Union waters:
 - (a) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions 3a and 7d; and Union waters of subarea 4;
 - (b) common skate (*Dipturus batis*) complex (*Dipturus* cf. *flossada* and *Dipturus* cf. *intermedia*) in Union waters of ICES subareas 3, 4 and 6 to 10;
 - (c) tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES subareas 4 and 6 to 8;

- (d) kitefin shark (*Dalatias licha*), birdbeak dogfish (*Deania calcea*), leafscale gulper shark (*Centrophorus squamosus*), great lanternshark (*Etmopterus princeps*) and Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES subarea 4;
 - (e) porbeagle (*Lamna nasus*) in all Union waters;
 - (f) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
 - (g) undulate ray (*Raja undulata*) in Union waters of ICES subareas 6, 9 and 10;
 - (h) common guitarfish (*Rhinobatos rhinobatos*) in Union waters of the Mediterranean;
 - (i) whale shark (*Rhincodon typus*) in all Union waters;
 - (j) picked dogfish (*Squalus acanthias*) in Union waters of ICES subareas 3, 4 and 6 to 10.
 - (k) orange roughy (*Hoplostethus atlanticus*) in Union waters of ICES subareas 3 to 4 and 6 to 10;
 - (l) deep-sea sharks listed in Annex I, Part D, in Union waters of ICES subareas 6 to 10; and in Union waters of CECAF areas 34.1.1, 34.1.2 and 34.2.
2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.

TITLE IV FINAL PROVISIONS

Article 57 Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 58 Transitional provisions

1. Articles 10 to 12, 14 to 16, 17(1), points (a) to (o), 21, 24, 31, 32, 37 to 39, 45, 47, 49 and 56(1), points (a) to (j), shall continue to apply, mutatis mutandis, in 2024 until the entry into force of the Regulation fixing the fishing opportunities for 2024.

2. Article 17(1), points (p) and (q), and Article 56(1), points (k) and (l), shall continue to apply, *mutatis mutandis*, in 2025 until the entry into force of the Regulation fixing the fishing opportunities for 2025.

Article 59
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 2023 to 31 December 2023. However:

- (a) Article 6(4), Article 17(1), points (p) and (q), and Article 56(1), points (k) and (l), shall apply from 1 January 2023 to 31 December 2024;
- (b) Article 12 shall apply from 1 January 2023 to 29 June 2024;
- (c) Article 20 shall apply from 1 January 2023 to 31 January 2024;
- (d) Articles 26, 27 and 28, and Annex VII shall apply from 1 December 2022 to 30 November 2023;
- (e) Article 25(2) shall apply from 17 December 2022 to 31 December 2022;
- (f) Article 34(1), point (a), shall apply from 1 January 2023 to 19 January 2024;
- (g) Annex I shall also apply for the year 2024, where specified in that Annex;
- (h) Annex IK shall apply from 1 December 2022 to 30 November 2023, where specified in that Annex;
- (i) Annex II shall apply from 1 February 2023 to 31 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