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**NOTE**

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From:	Presidency
To:	Council
No. prev. doc.:	ST 14024/1/23 REV 1
Subject:	Proposal for a COUNCIL REGULATION fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2024 and amending Regulation (EU) 2023/194 as regards certain fishing opportunities in other waters - Political agreement

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Delegations will find enclosed the Presidency compromise on the abovementioned proposal<sup>1</sup>, as agreed by the Council on 24 October 2023:

1. Changes to recitals and articles of the Commission proposal are marked in **bold underlined** and **~~bold strikethrough~~**.
2. Revised TAC levels in the annex of the Commission proposal.
3. Statements.

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<sup>1</sup> The changes shown in this document relate to the consolidated version of the proposal issued on 19 October 2023 (doc. 14024/1/23 REV 1). Only the changes are shown; parts that are unchanged are not shown in this document. Changes include updates to the Commission proposal set out in the third Commission services non-paper issued on 20 October 2023 (doc. 14524/23).

## 1. CHANGES TO RECITALS AND ARTICLES

Recital 7 is modified as follows:

- (7) There are certain stocks covered by Regulation (EU) 2016/1139 for which ICES ~~either advises for zero catches or estimates that achieving a probability of the biomass falling below  $B_{lim}$  of less than 5% would not even be achieved with zero catches.~~ However, if TACs were established at the advised levels, the obligation to land all catches, including by-catches from those stocks in mixed fisheries, would give rise to the phenomenon of ‘choke species’. ‘Choke species’ is a species with a lack of quota that can cause one or more fishing vessels to stop fishing even if they still have quota for other species. It is therefore appropriate to establish specific TACs for by-catches for those stocks in order to strike a balance between maintaining fisheries, in view of the potentially severe socio-economic 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 MSY. Those by-catch TACs should be set at levels that ensure that the mortality for those stocks is decreased, provide incentives to improve selectivity and avoid by-catches of those stocks. In order to reduce catches of the stocks for which by-catch 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.

Recital 7a is modified as follows:

- (7a) According to ICES, the vast majority of the fisheries in the Baltic Sea have at least some degree of mixing between species<sup>2</sup>. This mixing concerns species managed by an EU TAC and species not managed by an EU-TAC alike. The most important degree of mixing occurs between pelagic species and demersal species. For 2024, ICES advises zero catches of western Baltic herring, eastern Baltic cod and main basin salmon. ~~Moreover, ICES estimates that achieving a probability of the biomass falling below  $B_{lim}$  of less than 5% is not possible for Bothnian herring and central Baltic herring. Finally~~ ~~Moreover,~~ the ICES precautionary advice for western Baltic cod is extremely low. Therefore, if the TACs for these stocks were established at the levels advised by ICES, this would result in vessels fishing notably for plaice ~~and sprat~~ to cease fishing in 2024. Based on EUMOFA data, the first-sale value of the plaice ~~and sprat~~ fisheries that is allowed to be caught within the limits of the proposed TACs is estimated at EUR 24.5 million ~~and 38.4 million respectively~~.<sup>3</sup> Many fisheries, notably small-scale coastal fisheries, for species not managed by an EU TAC, notably other flatfish species, would also need to stop fishing in 2024. It is therefore appropriate to establish a TAC for by-catches of the “choke species” ~~Bothnian herring,~~ western Baltic herring, ~~central Baltic herring,~~ eastern Baltic cod, western Baltic cod, and main basin salmon under certain conditions.

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<sup>2</sup> ICES Fisheries Overviews, Baltic Sea ecoregion <https://doi.org/10.17895/ices.advice.21646934>

<sup>3</sup> Based on European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) data on first sale price and landings amount, averaged for the years 2019-2021 for specific Member States, then converted into a first sale price and finally multiplied by the quota allocated for 2024 to a Member State. First sale price is the price of landed fish that is sold or registered at an auction centre to registered buyers or to producer organisations. Therefore, the estimated value based on first sale price indicates value only at the first step of the value chain.

Recital 8 is modified as follows:

- (8) As regards the eastern Baltic cod stock, ICES estimates that the biomass of the eastern Baltic cod stock continues to be below the limit reference point for the spawning stock biomass below which it is possible that reproductive capacity might be reduced ( $B_{lim}$ ) and has hardly increased compared to 2022. ICES therefore advises for the fifth consecutive year not to catch any eastern Baltic cod<sup>4</sup>. In these circumstances, it is appropriate, pursuant to ~~Article 16(4) of~~ Regulation (EU) 1380/2013, to maintain the targeted fisheries closed and the functionally linked remedial measures ~~while discontinuing the exception for sorted herring fisheries for human consumption from the spawning closure period, given that the targeted fishery for central herring will be closed.~~ The fishing opportunities for unavoidable by-catches should be set at a low level while avoiding the phenomenon of ‘choke species’.

Recital 9 is modified as follows:

- (9) As regards the western Baltic cod stock, due to continued uncertainties in the advice, ICES has downgraded its advice<sup>5</sup> to precautionary advice. It appears now that the stock has been below  $B_{lim}$  for most of the past 15 years and was at a historic low in 2022. The precautionary catch advice is extremely low. In these circumstances, it is appropriate, in accordance with ~~Article 16(4) of~~ Regulation (EU) 1380/2013, to maintain the targeted fisheries closed and the functionally linked remedial measures, **and to close the recreational fisheries for western Baltic cod** ~~while discontinuing the exception for sorted herring fisheries for human consumption given that the targeted fishery for central herring will be closed.~~ ~~Furthermore, it is appropriate to discontinue any recreational fishery.~~ The fishing opportunities for unavoidable by-catches should be set at a low level while avoiding the phenomenon of ‘choke species’.

Recital 10 is modified as follows:

- (10) As regards salmon in ICES subdivisions 22 to 31, ICES maintained its zero-catch advice, limited the possibility of continued targeted coastal summer fisheries to ICES subdivision 31 and reduced its catch advice accordingly<sup>6</sup>. In these circumstances, it is appropriate, pursuant to ~~Article 16(4) of~~ Regulation (EU) 1380/2013, to adjust the fishing area and the level of fishing opportunities in line with the ICES advice, and to maintain their functionally linked remedial measures.

Recital 14 is replaced as follows:

- (14) As regards herring in the Gulf of Bothnia, the fishery of which is of major socio-economic importance, ICES has provided MSY advice with ranges of catches.<sup>7</sup> At the**

<sup>4</sup> <https://doi.org/10.17895/ices.advice.21820497>

<sup>5</sup> <https://doi.org/10.17895/ices.advice.21820494>

<sup>6</sup> <https://doi.org/10.17895/ices.advice.21820596>

<sup>7</sup> <https://doi.org/10.17895/ices.advice.21820521>

**same time, the stock's biomass is below the reference point below which specific and appropriate management action is to be taken ( $B_{\text{trigger}}$ ), and there is a probability that the stock falls below  $B_{\text{lim}}$  in 2025. In those circumstances, it is appropriate, pursuant to Regulation (EU) 2016/1139, to set fishing opportunities in the lower  $F_{\text{MSY}}$  range.**

Recital 15 is modified as follows:

- (15) As regards western Baltic herring, ICES estimates that while the biomass of the stock has increased, it is only 71 % of  $B_{\text{lim}}$ .<sup>8</sup> Furthermore, recruitment remains at historically low levels and the biomass is not expected to recover above  $B_{\text{lim}}$  in 2025. ICES therefore advises for the sixth consecutive year not to catch any western Baltic herring. In those circumstances, it is appropriate, **pursuant to Article 4(6) of Regulation (EU) 2016/1139**, to maintain the targeted fisheries closed and to **discontinue the exception for small-scale fishers. set T** the fishing opportunities for unavoidable by-catches **should be set** at a low level **while to** avoiding the phenomenon of 'choke species'.

Recital 16 is replaced as follows:

- (16) As regards central Baltic herring, the fishery of which is of major socio-economic importance, ICES has provided MSY advice with ranges of catches<sup>9</sup>. At the same time, ICES estimates that the stock has been below  $B_{\text{lim}}$  most of the last 30 years, including in recent years and that there is a probability that the stock remains below  $B_{\text{lim}}$  in 2025. In those circumstances, it is appropriate, pursuant to Regulation (EU) 2016/1139, to set fishing opportunities in the lower  $F_{\text{MSY}}$  range, and to set a spawning closure for fisheries using pelagic trawl as an additional remedial measure functionally linked to the fishing opportunities.**

Recital 17 is modified as follows:

- (17) As regards herring in the Gulf of Riga, ICES estimates that the biomass is above  $B_{\text{trigger}}$  and the fishing pressure at  $F_{\text{MSY}}$ <sup>10</sup>. ~~ICES also estimates that this stock mixes with central Baltic herring. Based on ICES' estimates, this mixing was previously taken into account when setting the respective fishing opportunities. However, given the status of the central Baltic herring stock, the amount of central Baltic herring migrating into the Gulf of Riga should not be added to the TAC for herring in the Gulf of Riga for 2024. In those circumstances, it is therefore~~ appropriate to set the fishing opportunities **in the upper range so as to limit the year-to-year variations to no more than 20 %** pursuant to Regulation (EU) 2016/1139, ~~at the  $F_{\text{MSY}}$  point value~~ **Article 4(35), point (e), of**.

Recital 18 is modified as follows:

<sup>8</sup> <https://doi.org/10.17895/ices.advice.21907944>

<sup>9</sup> <https://doi.org/10.17895/ices.advice.23310368>

<sup>10</sup> <https://doi.org/10.17895/ices.advice.21820512>

- (18) As regards plaice, ICES estimates that cod is bycaught in the plaice fisheries<sup>11</sup>. It is therefore appropriate to fix the fishing opportunities for plaice, ~~accordingly~~ pursuant to ~~Article 4(4)~~ of Regulation (EU) 2016/1139, **below the lowest value within the range of F<sub>MSY</sub>**.

Recital 19 is modified as follows:

- (19) As regards sprat, ICES estimates that while the biomass is above B<sub>trigger</sub>, there has been no strong recruitment since 2014<sup>12</sup>. Moreover, ICES estimates that recruitment in 2021 and 2022 was historically low. Furthermore, the sprat fisheries are often mixed fisheries together with herring. It is therefore appropriate to fix the fishing opportunities for sprat, ~~accordingly~~ pursuant to ~~Article 4(3)~~ of Regulation (EU) 2016/1139, **in the corresponding lower F<sub>MSY</sub> range**.

Recital 22 is modified as follows:

- (22) The biomass of the eastern Baltic cod, western Baltic cod, ~~and~~ western Baltic herring ~~and central Baltic herring~~ stocks is below B<sub>lim</sub>. ~~The biomass of the stock of Bothnian herring is below B<sub>trigger</sub> and expected to come very close to B<sub>lim</sub> in 2024.~~ For all these stocks **in 2024** only by-catch and scientific fisheries are permitted ~~in 2024, as well as small-scale coastal fisheries in the case of western Baltic herring~~. Therefore, and given the relatively low resilience of the Baltic Sea ecosystem, the Member States having a quota share of the relevant TACs have undertaken not to apply the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 to those stocks in 2024 so that catches in 2024 do not exceed the relevant TACs. Furthermore, in ICES subdivisions 22-30, the biomass of almost all salmon river stocks is below the limit reference point for smolt production (R<sub>lim</sub>) and only by-catch and scientific fisheries are permitted in 2024. The relevant Member States have therefore undertaken a similar commitment regarding year-to-year flexibility in relation to main-basin salmon catches in 2024.

Recital (23) is replaced as follows:

- (23) Council Regulation (EU) 2023/194<sup>13</sup> fixes fishing opportunities for Norway pout **from 1 November 2022** until 31 October 2023 in **United Kingdom and Union waters of International Council for the Exploration of the Sea (ICES) division 3a ('the Skarregak-Kattegat')**, United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of **ICES division 2a ('the North Sea')**. The fishing season for Norway pout is from 1 November to 31 October **of the following year**. ~~To enable the start of the fishery on 1 November 2023, and based on new scientific advice and following consultations with the United Kingdom, it is necessary to fix a provisional TAC for Norway pout in ICES division 3a, United Kingdom and Union waters of subarea 4, and United Kingdom waters of ICES division 2a from 1 November 2023~~

<sup>11</sup> <https://doi.org/10.17895/ices.advice.21820533> and <https://doi.org/10.17895/ices.advice.21820539>

<sup>12</sup> <https://doi.org/10.17895/ices.advice.21820581>

<sup>13</sup> Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (OJ L 28, 31.1.2023, p. 1).

~~to 31 December 2023. This provisional TAC should be fixed in line with ICES advice published on 9 October 2023~~The Union and the United Kingdom held bilateral consultations pursuant to Article 498(2) of the Trade and Cooperation Agreement on 16 October 2023 and agreed on a TAC on the basis of the ICES advice published on 9 October 2023<sup>14</sup>. The results of the consultation are documented in the Written Record, which was endorsed by the Council on 20 October 2023 and signed by the Commission representative on behalf of the Union and by the Head of Delegation of the United Kingdom, in accordance with Article 498(6) of the and Council Decision (EU) 2021/1875. The relevant fishing opportunities for Norway pout in ICES division 3a, United Kingdom and Union waters of subarea 4, and United Kingdom waters of ICES division 2a from 1 November 2023 to 31 October 2024 should therefore be fixed at the level set out in that Written Record.

The following recital (24a) is inserted:

**(24a) The Sustainable Fisheries Partnership Agreement between the European Union on the one hand, and the Government of Greenland and the Government of Denmark on the other hand and the implementing Protocol thereto<sup>15</sup> provide that the EU is to receive from the Government of Greenland 7,7 % of the TAC for capelin (*Mallotus villosus*) to be fished in Greenland waters of ICES subareas 5 and 14. On 5 October 2023, the Government of Greenland informed the EU that, based on the intermediate scientific advice published by the Icelandic Marine and Freshwater Research Institute, according to which catches in “winter 2023/2024” should be no more than zero tonnes, the Government of Greenland is currently unable to offer capelin to the EU for the corresponding period. Pending the issuance of the final scientific advice, which could allow the Government of Greenland to offer capelin to the EU, fishing opportunities for that stock in Regulation (EU) 2023/194 should therefore be marked “To be established.**

Recital 26 is replaced by the following:

(26) To avoid the interruption of fishing activities, the provisions of this Regulation relating to the Baltic Sea should apply from 1 January 2024. However, this Regulation should apply to Norway pout in ICES division 3a, United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of ICES division 2a from 1 November 2023 until 31 October 2024 as that is the fishing season of Norway pout. **This Regulation should apply to haddock in ICES subarea 4, division 6a and division 3a (North Sea, West of Scotland, Skagerrak) from 1 November 2023 until 31 December 2023, in order to guarantee the full use of**

<sup>14</sup> [https://ices-library.figshare.com/articles/report/Norway\\_pout\\_i\\_Trisopterus\\_esmarkii\\_i\\_in\\_Subarea\\_4\\_and\\_Division\\_3\\_a\\_North\\_Sea\\_Skagerrak\\_and\\_Kattegat\\_/21907857?backTo=/collections/ICES\\_Advice\\_2023/6398177](https://ices-library.figshare.com/articles/report/Norway_pout_i_Trisopterus_esmarkii_i_in_Subarea_4_and_Division_3_a_North_Sea_Skagerrak_and_Kattegat_/21907857?backTo=/collections/ICES_Advice_2023/6398177)

<sup>15</sup> OJ L 175, 18.5.2021, p. 3. The Union approved 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 implementing Protocol thereto, by means of Council Decision (EU) 2021/2043 of 18 November 2021 on the conclusion, on behalf of the Union, of 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 implementing Protocol thereto (OJ L 418, 24.11.2021, p. 1).

**fishing opportunities for 2023.** For reasons of urgency, this Regulation should enter into force immediately after its publication,

Article 5 is modified as follows:

*Article 5*

**Special provisions on allocation of fishing opportunities**

1. The allocation of fishing opportunities among Member States set out in this Regulation shall be without prejudice to:
  - (a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
  - (b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;
  - (c) additional landings allowed under Article 3 of Regulation (EC) No 847/96 **and-or** under Article 15(9) of Regulation (EU) No 1380/2013;
  - (d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 **and-or** transferred under Article 15(9) of Regulation (EU) No 1380/2013;
  - (e) deductions made pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009.
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 the Annex to this Regulation.
3. Except where otherwise specified in the Annex 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 7 is modified as follows:

*Article 7*

**Closures to protect cod spawning**

1. It shall be prohibited to fish with any type of fishing gear in subdivisions 25 and 26 from 1 May to 31 August.
2. The prohibition laid down in paragraph 1 shall not apply in the following cases:

(a) fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in accordance with the conditions set out in Article 25 of Regulation (EU) 2019/1241;

(b) Union fishing vessels of less than 12 metres in length overall that fish with gillnets, entangling nets or trammel nets, with bottom set lines, longlines, drifting lines, handlines and jigging equipment or similar passive gear, in areas

where the water depth is less than 20 metres according to the coordinates on the official sea chart issued by the competent national authorities.

(c) **Union fishing vessels that fish in subdivision 25 for pelagic stocks for direct human consumption, using gears with a mesh size of 45 mm or less, in areas where the water depth is less than 50 metres according to the coordinates on the official sea chart issued by the competent national authorities, and whose landings are sorted.**

3. It shall be prohibited to fish with any type of fishing gear in subdivisions 22 and 23 from 15 January to 31 March and in subdivision 24 from 15 May to 15 August.

4. The prohibition laid down in paragraph 3 shall not apply in the following cases:

(a) fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in accordance with the conditions set out in Article 25 of Regulation (EU) 2019/1241;

(b) Union fishing vessels of less than 12 metres in length overall that fish with gillnets, entangling nets or trammel nets, with bottom set lines, longlines, drifting lines, handlines and jigging equipment or similar passive gear, in areas where the water depth is less than 20 metres according to the coordinates on the official sea chart issued by the competent national authorities;

(c) **Union fishing vessels that fish in subdivision 24 for pelagic stocks for direct human consumption, using gears with a mesh size of 45 mm or less, in areas where the water depth is less than 40 metres according to the coordinates on the official sea chart issued by the competent national authorities, and whose landings are sorted**

(d) Union fishing vessels that fish with dredges for bivalve molluscs in subdivision 22, in areas where the water depth is less than 20 metres according to the coordinates on the official sea chart issued by the competent national authorities.

5. Masters of Union fishing vessels referred to in paragraph 2, point (b), and paragraph 4, points (b) and (c) shall ensure that their fishing activity can be monitored at any time by the control authorities of the competent Member State.

Article 7a is inserted:



**Article 7a**

**Closures to protect herring spawning in subdivisions 25-27, 28.2, 29 and 32**

**It shall be prohibited to fish for pelagic species using pelagic trawl during the following periods:**

- **in subdivisions 25 and 26 from 1 April to 30 April;**
- **in subdivisions 27 and 28.2 from 16 April to 15 May;**
- **in subdivisions 29 and 32 from 1 May to 31 May.**

Article 12 is modified as follows:

In Article 12, point 1 is replaced by the following:

- (1) In Annex IA, Part B, the fishing opportunities table for Norway pout (*Trisopterus esmarkii*) **in United Kingdom and Union waters of International Council for the Exploration of the Sea (ICES) division 3a ('the Skagerrak-Kattegat')**, United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of ICES division 2a **('the North Sea')** is replaced by the following:

Year	2023	2024	
Denmark	<b>49 478</b> (1)(3)	<b>8 226</b> (1)(6)	Analytical TAC
Germany	<b>9</b> (1)(2)(3)	<b>2</b> (1)(2)(6)	<b><u>Article 3(1) and 3(2) of Regulation (EC) No 847/96 shall not apply.</u></b>
Netherlands	<b>36</b> (1)(2)(3)	<b>6</b> (1)(2)(6)	<b><u>Article 4 of Regulation (EC) No 847/96 shall not apply.</u></b>
Union	<b>49 524</b> (1)(3)	<b>8 234</b> (1)(6)	
United Kingdom	<b>10 204</b> (2)(3)	<b>2 058</b> (2)(6)	
Norway	<b>0</b> (4)	<b>0</b> (4)	
Faroe Islands	<b>0</b> (5)	<b>0</b> (5)	
TAC	<b>59 728</b>	<b>10 292</b>	

(1) Up to 5 % of the quota may consist of by-catches of haddock and whiting (OT2/\*2A3A4). By-catches of haddock and whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

(2) Quota may be fished in United Kingdom and Union waters of 2a, 3a and 4 only.

(3) May only be fished from 1 November 2022 to 31 October 2023.

(4) A sorting grid shall be used.

(5) A sorting grid shall be used. This amount includes a maximum of 15 % of unavoidable by-catches (NOP/\*2A3A4), to be counted against this quota.

(6) May only be fished from 1 November 2023 to 31 October 2024.

In Article 12, the following point is added:

**(3) In Annex IB, the fishing opportunities table for capelin (*Mallotus villosus*) in Greenland waters of ICES subareas 5 and 14 is replaced by the following:**

‘Species:	Capelin <i>Mallotus villosus</i>	Zone:	Greenland waters of 5 and 14 (CAP/514GRN)
Denmark	<b><u>To be established</u></b>	Analytical TAC <b><u>Article 3(1) and 3(2) of Regulation (EC) No 847/96 shall not apply.</u></b>	
Germany	<b><u>To be established</u></b>	<b><u>Article 4 of Regulation (EC) No 847/96 shall not apply.</u></b>	
Sweden	<b><u>To be established</u></b>		
All Member States	<b><u>To be established</u></b> (1)		
Union	<b><u>To be established</u></b> (2) (3)		
Norway	<b><u>To be established</u></b> (3)		
TAC	<b><u>Not relevant</u></b>		

(1) Denmark, Germany and Sweden may access the ‘All Member States’ quota only once they have exhausted their own quota. However, Member States with more than 10 % of the Union quota shall not access the ‘All Member States’ quota at all. Catches to be counted against this shared quota shall be reported separately (CAP/514GRN\_AMS).

(2) Fishing may start when the Union accepts an offer for such quotas from the Greenland authorities in the framework of the Sustainable Fisheries Partnership Agreement between the European Union on the one hand, and the Government of Greenland and the Government of Denmark on the other hand and the implementing Protocol thereto. Member States shall ensure that their catches do not exceed the quantity received from the Greenland authorities, after deduction of quantities transferred to Norway.

(3) For a fishing period from 15 October 2023 to 15 April 2024.’

In Article 13, point (b) is replaced by the following:

(b) **Article 12, point (2) shall apply from 1 November 2023 until 31 December 2023.**

## 2. CHANGES TO THE ANNEX OF THE COMMISSION PROPOSAL

Table 1

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 30-31 (HER/30/31.)
Finland	<del>820 45 092</del> <sup>(†)</sup>	Analytical TAC	
Sweden	<del>1809 908</del> <sup>(†)</sup>	<del>Article 3(2) and (3) of Regulation (EC) No 847/96 does not apply.</del>	
Union	<del>1 000 55 000</del> <sup>(†)</sup>	<del>Article 4 of Regulation (EC) No 847/96 does not apply.</del>	
TAC	<del>1 000 55 000</del> <sup>(†)</sup>		

(†) ~~Exclusively for by-catches. No directed fisheries are permitted under this quota.~~

~~By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be directed to herring provided that those investigations are carried out in compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.~~

Table 2

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 22-24 (HER/3BC+24)
Denmark	<del>55 110</del> <sup>(1)</sup>	Analytical TAC	
Germany	<del>218 435</del> <sup>(1)</sup>	Article 3(2) and (3) of Regulation (EC) No 847/96 does not apply.	
Finland	<del>0</del> <sup>(1)</sup>	Article 4 of Regulation (EC) No 847/96 does not apply.	
Poland	<del>51 103</del> <sup>(1)</sup>		
Sweden	<del>70 140</del> <sup>(1)</sup>		
Union	<del>394 788</del> <sup>(1)</sup>		
TAC	<del>394 788</del> <sup>(1)</sup>		

(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.

By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be directed to herring provided that those investigations are carried out in compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.

**By way of derogation from the first paragraph, fishing this quota is permitted for Union fishing vessels of less than 12 meters length overall fishing with gillnets, entangling nets, handlines, pound nets or jigging equipment. Masters of those fishing vessels shall ensure that their fishing activity can be monitored at any time by the control authorities of the competent Member State.**

Table 3

Species: Herring <i>Clupea harengus</i>		Zone: Union waters of subdivisions 25-27, 28.2, 29 and 32 (HER/3D-R30)
Denmark	<b>628 888</b> <sup>(†)</sup>	Analytical TAC
Germany	<b>-167 235</b> <sup>(†)</sup>	Article 3(2) and (3) of Regulation (EC) No 847/96 does not apply.
Estonia	<b>3 208 4 535</b> <sup>(†)</sup>	Article 4 of Regulation (EC) No 847/96 does not apply.
Finland	<b>6 261 8 853</b> <sup>(†)</sup>	
Latvia	<b>792 1 119</b> <sup>(†)</sup>	
Lithuania	<b>833 1 178</b> <sup>(†)</sup>	
Poland	<b>7113 10 057</b> <sup>(†)</sup>	
Sweden	<b>9 548 13 503</b> <sup>(†)</sup>	
Union	<b>28 55040 368</b> <sup>(†)</sup>	
TAC	Not relevant	

<sup>(†)</sup> ~~Exclusively for by-catches. No directed fisheries are permitted under this quota.~~  
~~By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be directed to herring provided that those investigations are carried out in compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.~~

**Table 4**

Species: Herring <i>Clupea harengus</i>		Zone: Subdivision 28.1 (HER/03D.RG)
Estonia	<b>16 86217 529</b>	Analytical TAC
Latvia	<b>19 65220 430</b>	Article 6 of this Regulation applies.
Union	<b>36 51437 959</b>	
TAC	<b>36 51437 959</b>	

**Table 6**

Species: Cod <i>Gadus morhua</i>		Zone: Subdivisions 22-24 (COD/3BC+24)
Denmark -	<b>-60148</b> <sup>(1)</sup>	Precautionary TAC

Germany	<del>29</del> <u>73</u>	(1)	Article 3 of Regulation (EC) No 847/96 does not apply.
Estonia	<del>1</del> <u>3</u>	(1)	
Finland	<del>1</del> <u>3</u>	(1)	
Latvia	<del>5</del> <u>12</u>	(1)	
Lithuania	<del>3</del> <u>8</u>	(1)	
Poland	<del>16</del> <u>40</u>	(1)	
Sweden	<del>21</del> <u>53</u>	(1)	
Union	<del>136</del> <u>340</u>	(1)	
TAC	<del>136</del> <u>340</u>	(1)	

(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.

By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be directed to cod provided that those investigations are carried out in compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.

**Table 10**

Species:	Sprat	Zone:	Union waters of subdivisions 22-32 (SPR/3BCD-C)
	<i>Sprattus sprattus</i>		
Denmark	<del>16</del> <u>94819 827</u>	Analytical TAC	
Germany	<del>10</del> <u>73712 561</u>	Article 6 of this Regulation applies.	
Estonia	<del>19</del> <u>68123 024</u>		
Finland	<del>8</del> <u>87210 379</u>		
Latvia	<del>23</del> <u>77027 807</u>		
Lithuania	<del>8</del> <u>59810 059</u>		
Poland	<del>50</del> <u>44559 013</u>		
Sweden	<del>32</del> <u>76438 330</u>		
Union	<del>71</del> <u>815201 000</u>		
	<u>201 000</u>		
TAC	Not relevant		

### **3. STATEMENTS**

#### **Commission statement on Bothnian herring and central Baltic herring**

The Commission takes note of the decision of the Council to set total allowable catches (TACs) for Bothnian herring and central Baltic herring at low levels, together with remedial measures aimed at rebuilding those stocks to levels above MSY Btrigger.

However, the Commission regrets that the Council did not decide to close the targeted fisheries for both stocks for 2024, which would have allowed a more rapid recovery of the stocks.

#### **Commission statement on the multiannual plans**

The Commission understands the reasons for the Member States' requests to submit a proposal for a targeted amendment of the multiannual plan for the Baltic Sea, the North Sea and the Western Waters. The Commission recalls that according to the Treaty, it has the right of legislative initiative. It is notably for the Commission to appreciate the timing and the content of any such proposal to be submitted.

#### **Declaration by Commission, Finland and Sweden on the management of salmon fisheries in sub-divisions 29N and 30**

Finland and Sweden consider that the Ljungan salmon stock has suffered from a disease, but that the situation for the stock has however developed positively in 2023 with a larger spawning run and larger estimated smolt numbers.

Finland and Sweden also consider that the probability of reaching Blim for the Ljungan salmon stock to a lesser degree depends on fishing mortality. Therefore, they consider that targeted management measures are more effective for the recovery of the Ljungan salmon stock.

Finland and Sweden consider that a delayed start of commercial and recreational salmon fishing until 20 May 2024 would be a significant restriction compared to a start at 1 May as advised by ICES. They consider that this would allow for early migrating and valuable large wild salmon

including individuals from the Ljungan salmon stock to migrate towards their spawning rivers before the salmon fisheries commence. Sweden would be ready to furthermore implement regional restrictions on salmon fishing in and outside the Ljungan River.

Finland and Sweden also agree that a reduced TAC to 53 967 salmon is a significant measure for the conservation of salmon stocks.

The Commission, in close cooperation with Finland and Sweden, will urgently request ICES to provide scientific advice as soon as possible, on the management measures that Finland and Sweden are ready to put in place for salmon fisheries in sub-divisions 29N and 30. Finland and Sweden will provide ICES and the Commission the necessary scientific information and expertise needed for such advice. On the basis of that ICES advice, the Commission will, if appropriate, submit a proposal for an amendment to the Baltic Fishing Opportunities Regulation.

#### **Joint Statement by Denmark, Estonia, Germany, Poland and Sweden on recreational fisheries for Western cod**

Denmark, Estonia, Germany, Poland and Sweden continue to be worried about the status of Western cod and remain committed to its recovery. At the same time, they acknowledge the socio-economic and cultural importance of recreational fisheries. The aforementioned Member States call on the Commission to consider reopening recreational fisheries for Western cod in future proposals, as soon as the scientific advices allow for reintroducing an appropriate bag limit. Further common measures for recreational cod fishery could also be considered to protect the Western cod stock, such as minimum and maximum reference sizes.

#### **Joint Statement by Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden on the application of Article 15(9) of the Basic Regulation as regards eastern Baltic cod and western Baltic cod in 2024**

Given that the biomass of the stocks of eastern Baltic cod and western Baltic cod are below  $B_{lim}$ , and in order to ensure the recovery of the stock in accordance with Regulation (EU) 2016/1139, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to

these stocks in 2024. This undertaking is a response to the current exceptional circumstances for the eastern Baltic cod and western Baltic cod stocks.

**Joint Statement by Denmark, Finland, Germany, Poland and Sweden on the application of Article 15(9) in the Basic Regulation as regards western Baltic herring in 2024**

Given that the biomass of the stock of western Baltic herring is below  $B_{lim}$ , and in order to ensure the recovery of the stock in accordance with Regulation (EU) 2016/1139, Denmark, Finland, Germany, Poland and Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to this stock in 2024. This undertaking is a response to the current exceptional circumstances for the western Baltic herring stock.

**Joint Statement by Denmark, Estonia, Germany, Latvia, Lithuania and Poland on the application of Article 15(9) in the Basic Regulation as regards main basin salmon in 2024**

Given that in ICES subdivisions 22-30 almost all wild salmon river stocks are well below  $R_{lim}$ , and in order to ensure the recovery of the stocks, Denmark, Estonia, Germany, Latvia, Lithuania and Poland undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to these stocks in 2024. This commitment is a response to the current exceptional circumstances for the wild salmon river stocks in ICES subdivisions 22-30.

**Joint Statement by the Commission, and Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden on exchanges of eastern and western Baltic cod quotas**

In a spirit of solidarity, a Member State not needing its entire by-catch quota for eastern or western Baltic cod will seek to agree on quota exchanges with a Member State that can demonstrate it will be confronted with a choke effect due to its limited eastern or western Baltic cod quota.

**Joint Statement by Denmark, Estonia, Germany, Lithuania and Poland on transfers of Main Basin salmon quotas**



In a spirit of solidarity and recognising the conservation efforts made by Finland and Sweden, which have led to healthy stocks in their waters, a Member State which cannot use its entire quota for Main Basin salmon will consider a voluntary transfer of the unused or unusable part of that quota to Finland and/or Sweden.

**Joint Statement by the Commission and Germany on the option of support for the temporary cessation of fishing activities by the European Maritime, Fisheries and Aquaculture Fund (EMFAF)**

1. According to Article 5(3), point (a) of Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, remedial measures for the purpose of Article 5 of that Regulation may include Member State emergency measures pursuant to Article 13 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, under certain conditions.

2. Given the assessment of the International Council for the Exploration of the Sea (ICES) on cod and herring in subdivisions 22-24 Germany therefore deems it necessary to adopt emergency measures pursuant to Article 13(1) of Regulation (EU) No 1380/2013. The emergency measures in subdivisions 22-24 for German fishing vessels consist in introducing a closure of 30 days for the protection of cod in addition to the cod spawning closure established by Article 7(3) of the Regulation fixing for 2024 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea during which the exemption contained in Article 7 (4)(b) shall not apply, and limiting by additional 30 days the herring fishery during which the exemption for certain small-scale coastal fisheries from the prohibition to target western herring is interrupted and fisheries with substantial by-catches of herring.

3. The Commission and Germany agree that this emergency measure is eligible for funding from Regulation (EU) 2021/1139 of the European Parliament and the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 provided that it is in accordance with the conditions set out in Article 21(2)(c) of that Regulation.