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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: 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

COUNCIL REGULATION (EU) 2023/...

of ...

**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**

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 Council¹ requires that conservation measures be adopted taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries and other advisory bodies, and any advice received from advisory councils.
- (2) The Council is to adopt measures on the fixing and allocation of fishing opportunities, including certain conditions functionally linked to those fishing opportunities, 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. Under Article 16(1) of that Regulation, fishing opportunities are to be allocated among Member States in such a way as to ensure the relative stability of fishing activities of each Member State for each stock or fishery.
- (3) The total allowable catches (TACs) should therefore be established, in accordance with Regulation (EU) No 1380/2013, on the basis of the available scientific advice, taking into account biological and socio-economic implications while ensuring fair treatment between fishing sectors and taking into account the opinions expressed during consultations with stakeholders.

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).

- (4) Regulation (EU) 2016/1139 of the European Parliament and of the Council¹ establishes a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and for the fisheries exploiting those stocks. That plan aims to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels that can produce the maximum sustainable yield (MSY). Regulation (EU) No 1380/2013 provides that, for stocks subject to specific multiannual plans, the fishing opportunities are to be fixed in accordance with the rules laid down in those multiannual plans.
- (5) In accordance with Article 4(1) of Regulation (EU) 2016/1139, the fishing opportunities for stocks listed in Article 1 of that Regulation are to be fixed to achieve fishing mortality at MSY, expressed in ranges, as soon as possible and, on a progressive, incremental basis, at the latest by 2020. The catch limits applicable in 2024 to the relevant stocks in the Baltic Sea should therefore be established in line with the rules and objectives of the multiannual plan established by that Regulation.
- (6) The International Council for the Exploration of the Sea (ICES) published its annual stock advice for Baltic stocks on 31 May 2023.

¹ 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, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).

- (7) There are certain stocks covered by Regulation (EU) 2016/1139 for which ICES advises 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’. A 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 socioeconomic implications of failing to do so, and the need to achieve a good biological status for those stocks, taking into account 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 fixed at levels that help the biomass of vulnerable stocks to recover to sustainable levels.

- (8) According to ICES, the vast majority of the fisheries in the Baltic Sea have at least some degree of mixing between species. That mixing concerns both species managed by a TAC and species not managed by a TAC. 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, 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 for plaice in particular to cease fishing in 2024. Based on the data from the European Market Observatory for Fisheries and Aquaculture Products (EUMOFA), the first-sale value of the plaice fishery that is allowed to be caught within the limits of the proposed TACs is estimated at EUR 24,5 million. Many fisheries, notably small-scale coastal fisheries, for species not managed by a Union TAC, notably other flatfish species, would also need to stop fishing in 2024. It is therefore appropriate to establish TACs for by-catches of the choke species western Baltic herring, eastern Baltic cod, western Baltic cod, and main basin salmon under certain conditions.
- (9) 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. In these circumstances, it is appropriate, pursuant to Regulation (EU) 1380/2013, to keep the targeted fisheries closed and to maintain the functionally linked remedial measures. The fishing opportunities for unavoidable by-catches should be fixed at a low level while avoiding the choke-species phenomenon occurring.

- (10) As regards the western Baltic cod stock, ICES has downgraded its advice, due to continued uncertainties, 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 at an extremely low level. In these circumstances, it is appropriate, in accordance with Regulation (EU) 1380/2013, to keep the targeted fisheries closed, to maintain the functionally linked remedial measures, and to close the recreational fisheries for western Baltic cod. The fishing opportunities for unavoidable by-catches should be fixed at a low level while avoiding the choke-species phenomenon occurring.
- (11) 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. In these circumstances, it is appropriate, pursuant to Regulation (EU) 1380/2013, to adjust the fishing area and the level of fishing opportunities in accordance with the ICES advice, and to maintain the functionally linked remedial measures.
- (12) In order to ensure the full use of coastal fishing opportunities in ICES subdivision 32, a limited inter-area flexibility for salmon between ICES subdivisions 22 to 31 and ICES subdivision 32 was introduced in 2019. Given the changes in the fishing opportunities for those two stocks, it is appropriate to maintain that flexibility.

- (13) Prohibiting fishing for sea trout beyond four nautical miles measured from the baselines and limiting by-catches of sea trout to 3 % of the combined catch of sea trout and salmon has contributed to substantially reducing previously significant misreporting of catches in the salmon fishery, in particular as sea trout catches. It is therefore appropriate to maintain the existing restrictions in order to maintain a low level of misreporting.
- (14) Measures on recreational fisheries of cod and salmon and measures for the conservation of sea trout and salmon stocks should be without prejudice to more stringent national measures under Articles 19 and 20 of Regulation (EU) 1380/2013.
- (15) As regards herring in the Gulf of Bothnia, the fishery for which is of major socio-economic importance, ICES has provided MSY advice with ranges of catches. At the same time, the biomass of that stock is below the reference point below which specific and appropriate management action is to be taken (B_{trigger}), and there is a probability that the stock falls below B_{lim} in 2025. In those circumstances, it is appropriate, pursuant to Regulation (EU) 2016/1139, to fix the fishing opportunities in the lower range of the fishing mortality resulting in MSY (F_{MSY}).
- (16) As regards western Baltic herring, ICES estimates that while the biomass of the stock has increased, it is only 71 % of B_{lim} . Furthermore, recruitment remains at historically low levels and the biomass is not expected to recover above B_{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 Regulation (EU) 2016/1139, to keep the targeted fisheries closed and to fix the fishing opportunities for unavoidable by-catches at a low level to avoid the choke-species phenomenon occurring.

- (17) As regards central Baltic herring, the fishery for which is of major socio-economic importance, ICES has provided MSY advice with ranges of catches. At the same time, ICES estimates that the biomass of that stock has been below B_{lim} for most of the last 30 years, including in recent years, and that there is a probability that the biomass of that stock remains below B_{lim} in 2025. In those circumstances, it is appropriate, pursuant to Regulation (EU) 2016/1139, to fix the fishing opportunities in the lower F_{MSY} range and to set a spawning closure for fisheries using pelagic trawl as an additional remedial measure functionally linked to the fishing opportunities.
- (18) As regards herring in the Gulf of Riga, ICES estimates that the biomass is above $B_{trigger}$ and the fishing pressure at F_{MSY} . It is therefore appropriate, pursuant to Regulation (EU) 2016/1139, to fix the fishing opportunities at the F_{MSY} point value.
- (19) As regards plaice, ICES estimates that cod is caught as by-catch in the plaice fisheries. It is therefore appropriate, pursuant to Regulation (EU) 2016/1139, to fix the fishing opportunities for plaice below the lowest value within the range of F_{MSY} .
- (20) As regards sprat, ICES estimates that while the biomass is above $B_{trigger}$, there has been no strong recruitment since 2014. Moreover, ICES estimates that recruitment in 2021 and 2022 was historically low. Furthermore, the sprat fisheries are often mixed fisheries where sprat is fished for together with herring. It is therefore appropriate, pursuant to Regulation (EU) 2016/1139, to fix the fishing opportunities for sprat in the corresponding lower F_{MSY} range.

- (21) The use of the fishing opportunities set out in this Regulation is subject to Council Regulation (EC) No 1224/2009¹, and in particular Article 33 thereof on the recording of catches and fishing effort, and Article 34 thereof on the transmission of data on the exhaustion of fishing opportunities to the Commission. This Regulation should therefore specify the codes relating to landings of stocks subject to this Regulation that Member States are to use when sending data to the Commission.
- (22) Council Regulation (EC) No 847/96² lays down additional conditions for the year-to-year management of TACs, including, under its Articles 3 and 4, flexibility provisions for stocks subject to precautionary and analytical TACs. Under Article 2 of that Regulation, when fixing the TACs, the Council is to decide to which stocks Articles 3 and 4 are not to apply, in particular on the basis of the biological status of the stocks. In addition, Article 15(9) of Regulation (EU) No 1380/2013 lays down a year-to-year flexibility mechanism for all stocks that are subject to the landing obligation. Therefore, to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources, hinder the achievement of the objectives of the Common Fisheries Policy and cause the biological status of stocks to deteriorate, it should be made explicit that Articles 3 and 4 of Regulation (EC) No 847/96 apply to TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.

¹ 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).

² 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).

- (23) The biomass of the eastern Baltic cod, western Baltic cod and western Baltic herring stocks is below B_{lim} . For all these stocks only by-catch, scientific fisheries and, in the case of western Baltic herring, small-scale coastal fisheries are permitted in 2024. 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_{lim}) 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.

- (24) Council Regulation (EU) 2023/194¹ fixes fishing opportunities for Norway pout from 1 November 2022 until 31 October 2023 in 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'). The fishing season for Norway pout is from 1 November to 31 October. The Union and the United Kingdom held bilateral consultations pursuant to Article 498(2) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part² on 16 October 2023 and agreed on a TAC on the basis of the ICES advice published on 9 October 2023. 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 that Agreement and with Council Decision (EU) 2021/1875³. The relevant fishing opportunities for 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 to 31 October 2024 should therefore be fixed at the level set out in that Written Record.

¹ 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).

² OJ L 149, 30.4.2021, p. 10.

³ 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).

- (25) Regulation (EU) 2023/194 fixes fishing opportunities for haddock in ICES subarea 4, division 6a and division 3a (North Sea, West of Scotland, Skagerrak) for 2023, based on the outcome of fisheries consultations between the Union, Norway and the United Kingdom for 2024, as documented in the Agreed Record signed on 9 December 2022. In order to guarantee the full use of fishing opportunities, it is appropriate to allow for the implementation of a flexible arrangement between some of the TAC areas where the same biological stock is concerned. It is thus appropriate to introduce an inter-area flexibility of Member States' quotas for haddock of up to 10 % from the North Sea to Union waters of the Skagerrak-Kattegat.
- (26) The Sustainable Fisheries Partnership Agreement between the European Union, on the one part, and the Government of Greenland and the Government of Denmark, on the other part, and the implementing Protocol thereto¹ provide that the Union 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 Union 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 Union for the corresponding period. Pending the issuance of the final scientific advice, which could allow the Government of Greenland to offer capelin to the Union, fishing opportunities for that stock in Regulation (EU) 2023/194 should therefore be marked 'To be established'.

¹ 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).

- (27) Regulation (EU) 2023/194 should therefore be amended accordingly.
- (28) 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 fishing opportunities for 2023. For reasons of urgency, this Regulation should enter into force immediately after publication,

HAS ADOPTED THIS REGULATION:

Chapter I

General provisions

Article 1

Subject matter

This Regulation fixes the fishing opportunities for certain fish stocks and groups of fish stocks in the Baltic Sea for 2024 and amends certain fishing opportunities in other waters fixed by Regulation (EU) 2023/194.

Article 2

Scope

1. This Regulation applies to Union fishing vessels operating in the Baltic Sea.
2. This Regulation also applies to recreational fisheries where they are expressly referred to in the relevant provisions.

Article 3

Definitions

For the purposes of this Regulation, the definitions laid down in Article 4 of Regulation (EU) No 1380/2013 apply.

In addition, the following definitions apply:

- (1) 'subdivision' means an International Council for the Exploration of the Sea (ICES) subdivision of the Baltic Sea as defined in Annex III to Regulation (EC) No 218/2009 of the European Parliament and of the Council¹;
- (2) 'total allowable catch (TAC)' means:
 - (a) in fisheries subject to the exemption from the landing obligation laid down 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;
 - (b) in all other fisheries, the quantity of fish that may be caught from each stock each year;
- (3) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (4) 'recreational fisheries' means non-commercial fishing activities exploiting marine biological resources such as for recreation, tourism or sport;
- (5) 'analytical assessment' means a quantitative evaluation of trends in a given stock, based on data about that stock's biology and exploitation, including based on proxies, which scientific review has indicated to be of sufficient quality to provide scientific advice;

¹ 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).

- (6) 'analytical TAC' means a TAC for which an analytical assessment is available;
- (7) 'precautionary TAC' means a TAC for which an analytical assessment is not available, and either an assessment based on the precautionary approach is available or no assessment is available.

Chapter II

Fishing opportunities

Article 4

TACs and allocations

The TACs, quotas and, where appropriate, measures functionally linked thereto are set out in the Annex.

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 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 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 applies to stocks subject to a precautionary TAC and Article 3(2) and (3) and Article 4 of that Regulation apply to stocks subject to an analytical TAC.
 4. Articles 3 and 4 of Regulation (EC) No 847/96 do 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 6

Conditions for landing of catches and by-catches

The stocks of non-target species within safe biological limits referred to in Article 15(8) of Regulation (EU) No 1380/2013 to which the derogation from the obligation to count catches against the relevant quotas applies are identified in the relevant TAC tables in the Annex to this Regulation.

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 to the following cases:
 - (a) fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in compliance 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 to the following cases:
- (a) fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in compliance 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 8

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 9

Measures on recreational fisheries of cod in subdivisions 22 to 26

Recreational fisheries of cod shall be prohibited in subdivisions 22 to 26.

Article 10

Measures on recreational fisheries of salmon in subdivisions 22 to 31

1. Recreational fisheries of salmon shall be prohibited in subdivisions 22 to 31. Any specimen of salmon accidentally caught shall be immediately released back into the sea.
2. By way of derogation from paragraph 1, recreational fisheries of salmon shall be allowed under the following cumulative conditions:
 - (a) no more than one specimen of adipose fin-clipped salmon may be caught and retained per recreational fisher per day;
 - (b) after catching the first adipose fin-clipped salmon, the recreational fisher shall stop the fishing of salmon for the remainder of the day;
 - (c) all specimens of any fish species retained shall be landed whole.
3. By way of further derogation from paragraph 1, recreational fisheries of salmon shall be allowed in subdivision 31 from 1 May to 31 August in areas within four nautical miles measured from the baselines.
4. This Article is without prejudice to more stringent national measures under Articles 19 and 20 of Regulation (EU) No 1380/2013.

Article 11

Measures for the conservation of the sea trout and salmon stocks in subdivisions 22 to 32

1. Union fishing vessels shall not fish for sea trout beyond four nautical miles measured from the baselines in subdivisions 22 to 32. When fishing for salmon beyond four nautical miles measured from the baselines in subdivision 32, by-catches of sea trout shall not exceed 3 % of the total catch of salmon and sea trout on board at any moment or landed after each fishing trip.
2. Fishing with longlines for sea trout or salmon beyond four nautical miles measured from the baselines in subdivisions 22 to 31 shall be prohibited.
3. This Article is without prejudice to more stringent national measures under Articles 19 and 20 of Regulation (EU) No 1380/2013.

Article 12

Data transmission

When Member States send data relating to quantities of stocks caught or landed to the Commission pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, they shall use the stock codes set out in the Annex to this Regulation.

Chapter III

Final provisions

Article 13

Amendments to Regulation (EU) 2023/194

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

- (1) in Annex IA, Part B, the fishing opportunities table for Norway pout (*Trisopterus esmarkii*) in 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:

'Species: Norway pout and associated by-catches <i>Trisopterus esmarkii</i>		Zone: 3a; United Kingdom and Union waters of 4; United Kingdom waters of 2a (NOP/2A3A4.)	
Year	2023	2024	
Denmark	49 478 ⁽¹⁾⁽³⁾	8 226 ⁽¹⁾⁽⁶⁾	Analytical TAC
Germany	9 ⁽¹⁾⁽²⁾⁽³⁾	2 ⁽¹⁾⁽²⁾⁽⁶⁾	Article 3(1) and (2) of Regulation (EC) No 847/96 shall not apply.
Netherlands	36 ⁽¹⁾⁽²⁾⁽³⁾	6 ⁽¹⁾⁽²⁾⁽⁶⁾	
Union	49 524 ⁽¹⁾⁽³⁾	8 234 ⁽¹⁾⁽⁶⁾	Article 4 of Regulation (EC) No 847/96 shall not apply.
United Kingdom	10 204 ⁽²⁾⁽³⁾	2 058 ⁽²⁾⁽⁶⁾	
Norway	0 ⁽⁴⁾	0 ⁽⁴⁾	
Faroe Islands	0 ⁽⁵⁾	0 ⁽⁵⁾	
TAC	59 728	10 292	

- ⁽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 ICES zones 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.';

- (2) in Annex IA, Part B, the fishing opportunities table for haddock (*Melanogrammus aeglefinus*) in ICES Subarea 4 and United Kingdom waters ICES division 2a is replaced by the following:

Species: Haddock <i>Melanogrammus aeglefinus</i>			Zone: 4; United Kingdom waters of 2a (HAD/2AC4.)
Belgium	363	(1) (2)	Analytical TAC
Denmark	2 495	(1) (2)	Article 8(2) of this Regulation applies
Germany	1 588	(1) (2)	
France	2 768	(1) (2)	
Netherlands	272	(1) (2)	
Sweden	223	(1) (2)	
Union	7 709	(1) (2)	
Norway	13 432	(3)	
United Kingdom	37 261		
TAC	58 402		
(1) Special condition: of which up to 10 % may be fished in United Kingdom, Union and international waters of 6a north of 58°30'N (HAD/*6AN58).			
(2) Special condition: of which up to 10 % may be fished in Union waters of 3a (HAD/*03A-C)			
(3) Of which 11 182 tonnes may be taken in Union waters (HAD/*04-EU). Catches taken within this quota are to be deducted from Norway's share of the TAC.			
Special condition: within the limits of these quotas, no more than the quantity given below may be taken in the following zones:			
Norwegian waters of 4 (HAD/*04N-)			
Union	4 774;		

(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	To be established	Analytical TAC
Germany	To be established	Article 3(1) and (2) of Regulation (EC) No 847/96 shall not apply.
Sweden	To be established	Article 4 of Regulation (EC) No 847/96 shall not apply.
All Member States	To be established ⁽¹⁾	
Union	To be established ^{(2) (3)}	
Norway	To be established ⁽³⁾	
TAC	Not relevant	
⁽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.		

* OJ L 175, 18.5.2021, p. 3.’.

Article 14
Entry into force and application

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

It shall apply from 1 January to 31 December 2024.

By way of derogation from the second paragraph:

- (a) Article 13, point (1), shall apply from 1 November 2023 until 31 October 2024;
- (b) Article 13, point (2) shall apply from 1 November 2023 until 31 December 2023.

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

Done at ...,

For the Council
The President

ANNEX

TACs APPLICABLE TO UNION FISHING VESSELS IN AREAS WHERE TACs EXIST BY SPECIES AND BY AREA

The following tables set out the TACs and quotas (in tonnes live weight, except where otherwise specified) by stock and measures functionally linked thereto.

The references to fishing zones are references to ICES zones.

Fish stocks are referred to according to the alphabetical order of the scientific names of the species.

For the purposes of this Regulation, the following comparative table of scientific names and common names is provided:

Scientific name	Alpha-3 code	Common name
<i>Clupea harengus</i>	HER	Herring
<i>Gadus morhua</i>	COD	Cod
<i>Pleuronectes platessa</i>	PLE	Plaice
<i>Salmo salar</i>	SAL	Atlantic salmon
<i>Sprattus sprattus</i>	SPR	Sprat

Table 1

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 30-31 (HER/30/31.)
Finland	45 092	Analytical TAC	
Sweden	9 908		
Union	55 000		
TAC	55 000		

Table 2

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 22-24 (HER/3BC+24)
Denmark	110 ⁽¹⁾	Analytical TAC	
Germany	435 ⁽¹⁾		
Finland	0 ⁽¹⁾		
Poland	103 ⁽¹⁾		
Sweden	140 ⁽¹⁾	Article 3(2) and (3) of Regulation (EC) No 847/96 does not apply.	
Union	788 ⁽¹⁾		
TAC	788 ⁽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 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	888	Analytical TAC
Germany	235	Article 3(2) and (3) of Regulation (EC) No 847/96 does not apply.
Estonia	4 535	Article 4 of Regulation (EC) No 847/96 does not apply.
Finland	8 853	
Latvia	1 119	
Lithuania	1 178	
Poland	10 057	
Sweden	13 503	
Union	40 368	
TAC	Not relevant	

Table 4

Species: Herring <i>Clupea harengus</i>		Zone: Subdivision 28.1 (HER/03D.RG)
Estonia	17 529	Analytical TAC
Latvia	20 430	Article 6 of this Regulation applies.
Union	37 959	
TAC	37 959	

Table 5

Species:	Cod	Zone:	Union waters of subdivisions 25-32 (COD/3DX32.)
	<i>Gadus morhua</i>		
Denmark	137	(1)	Precautionary TAC
Germany	54	(1)	Article 3 of Regulation (EC) No 847/96 does not apply.
Estonia	13	(1)	
Finland	10	(1)	
Latvia	51	(1)	
Lithuania	33	(1)	
Poland	159	(1)	
Sweden	138	(1)	
Union	595	(1)	
TAC	Not relevant	(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 6

Species: Cod <i>Gadus morhua</i>			Zone: Subdivisions 22-24 (COD/3BC+24)
Denmark	-	148 ⁽¹⁾	Precautionary TAC
Germany		73 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 does not apply.
Estonia		3 ⁽¹⁾	
Finland		3 ⁽¹⁾	
Latvia		12 ⁽¹⁾	
Lithuania		8 ⁽¹⁾	
Poland		40 ⁽¹⁾	
Sweden		53 ⁽¹⁾	
Union		340 ⁽¹⁾	
TAC		340 ⁽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 7

Species:	Plaice	Zone:	Union waters of subdivisions 22-32
	<i>Pleuronectes platessa</i>		(PLE/3BCD-C)
Denmark	8 105	Analytical TAC	
Germany	900	Article 6 of this Regulation applies.	
Poland	1 697		
Sweden	611		
Union	11 313		
TAC	11 313		

Table 8

Species: Atlantic salmon <i>Salmo salar</i>		Zone: Union waters of subdivisions 22-31 (SAL/3BCD-F)
Denmark	11 183 ⁽¹⁾⁽²⁾	Analytical TAC
Germany	1 244 ⁽¹⁾⁽²⁾	Article 3(2) and (3) of Regulation (EC) No 847/96 do not apply.
Estonia	1 137 ⁽¹⁾⁽²⁾⁽³⁾	Article 4 of Regulation (EC) No 847/96 does not apply.
Finland	13 945 ⁽¹⁾⁽²⁾	
Latvia	7 113 ⁽¹⁾⁽²⁾	
Lithuania	836 ⁽¹⁾⁽²⁾	
Poland	3 393 ⁽¹⁾⁽²⁾	
Sweden	15 116 ⁽¹⁾⁽²⁾	
Union	53 967 ⁽¹⁾⁽²⁾	
TAC	Not relevant	
⁽¹⁾	Expressed by number of individual fish.	
⁽²⁾	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 Atlantic salmon 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 in ICES subdivision 31 in areas within four nautical miles measured from the baselines during the period from 1 May to 31 August.	
⁽³⁾	Special condition: no more than 450 specimens of this quota may be fished in Union waters of subdivision 32 (SAL/*3D32).	

Table 9

Species:	Atlantic salmon <i>Salmo salar</i>	Zone:	Union waters of subdivision 32 (SAL/3D32.)
Estonia	1 040 ⁽¹⁾	Precautionary TAC	
Finland	9 104 ⁽¹⁾		
Union	10 144 ⁽¹⁾		
TAC	Not relevant		
⁽¹⁾	Expressed by number of individual fish.		

Table 10

Species:	Sprat <i>Sprattus sprattus</i>	Zone:	Union waters of subdivisions 22-32 (SPR/3BCD-C)
Denmark	19 827	Analytical TAC	
Germany	12 561		
Estonia	23 024	Article 6 of this Regulation applies.	
Finland	10 379		
Latvia	27 807		
Lithuania	10 059		
Poland	59 013		
Sweden	38 330		
Union	201 000		
TAC	Not relevant		