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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a COUNCIL REGULATION fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2023/194 as regards deep-sea stocks (COM(2023)587) - Commission services non-paper

Delegations will find attached a non paper as received from the Commission services.

COMMISSION SERVICES NON-PAPER

13 NOVEMBER 2023

This document serves as a basis for discussion at the Working Party on Fisheries Policy.
It cannot in any circumstances be regarded as the official position of the Commission.
It is intended solely for those to whom it is addressed.

Updates to Commission proposal for a Council Regulation fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2023/194 as regards deep-sea stocks [COM(2023) 587]

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1. AMENDMENTS IN RELATION TO NORWAY LOBSTER

EXPLANATORY NOTE

On 31 October 2023, the International Council for the Exploration of the Sea (ICES) published its scientific advice for Norway lobster (*Nephrops norvegicus*) for 2024 in: (i) ICES division 3a (Skagerrak and Kattegat), functional units (FUs) 3 and 4[1]; and (ii) ICES divisions 8a and 8b (northern and central Bay of Biscay), FUs 23 and 24[2]. ICES published maximum sustainable yield (MSY) advice for both stocks.

Regarding Norway lobster in ICES division 3a, and in light of the above, it is therefore proposed to set the total allowable catches (TAC) for that stock for 2024 at MSY F_{lower}, i.e. the lowest value within the range of F_{MSY}[3], i.e. 8 410 tonnes, in order to support the recovery of cod in the Kattegat, which, according to ICES, is mainly a by-catch of the Norway lobster fishery[4] and for which ICES advised zero catches for 2024[5].

Regarding Norway lobster in ICES divisions 8a, 8b, 8d and 8e (Bay of Biscay), and in light of the above, it is therefore proposed to set the TAC for that stock for 2024 in line with the MSY advice, i.e. 5 786 tonnes.

On 30 June 2022, 30 June 2023 and 31 October 2023, ICES published three relevant pieces of scientific advice for setting the TAC for Norway lobster in ICES subareas 9 and 10 (Iberian waters and waters around the Azores) and EU waters of Committee for Eastern Central Atlantic Fisheries (CECAF) division 34.1.1 (east of Madeira and of the Canary islands).

First, on 30 June 2022, ICES published its advice for Norway lobster in ICES division 9a, FUs 26 and 27 (Atlantic Iberian waters East, western Galicia, and northern Portugal), for inter alia 2024 and 2025[6]. ICES published MSY advice for that stock and advised that there should be zero catches in each of the years 2023, 2024 and 2025.

Second, on 30 June 2023, ICES published its advice for Norway lobster in ICES division 9a, FUs 28 and 29 (Atlantic Iberian waters East and southwestern and southern Portugal) for 2024 and 2025[7]. ICES published precautionary advice for that stock and advised that catches should be no more than 213 tonnes in each of the years 2024 and 2025.

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1 https://doi.org/10.17895/ices.advice.21975185.v1
2 https://doi.org/10.17895/ices.advice.21975173.v1
3 As defined in Articles 2(2) and 2(3) of Regulation (EU) 2018/973 and Regulation (EU) 2019/4723 of the European Parliament and the Council establishing the multiannual plans (MAPs) respectively for the North Sea and for the Western Waters.
4 https://doi.org/10.17895/ices.advice.21458106.v1
5 https://doi.org/10.17895/ices.advice.21820488.v1
6 https://doi.org/10.17895/ices.advice.19453496
7 https://doi.org/10.17895/ices.advice.21840963.v1

Third, on 31 October 2023, ICES published its advice for Norway lobster in ICES division 9a, FU 30 (Atlantic Iberian waters East and Gulf of Cádiz) for 2024[8]. ICES published precautionary advice for that stock and advised that catches should be no more than 26 tonnes in 2024.

In light of the above, it is therefore proposed to set the TAC for Norway lobster in ICES subareas 9 and 10 and EU waters of CECAF 34.1.1. for 2024 at 239 tonnes, corresponding to the sum of the ICES scientific advice for Norway lobster in: (i) FUs 26 and 27; (ii) FUs 28 and 29; and (iii) FU 30. Moreover, it is proposed to set at zero catches in FUs 26 and 27 and to limit catches in FU 30 at 26 tonnes.

Pending the entry into force of all delegated regulations specifying details of the implementation of the landing obligation for certain fisheries in 2024, EU quotas are marked *pm* for those stocks.

[8] https://doi.org/10.17895/ices.advice.21975182.v1

AMENDMENTS TO THE ANNEXES

In Annex IA, Part A, Tables 8, 9 and 12 are replaced by the following:

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			Table 8		
Species:	Norway lobster *Nephrops norvegicus*			Zone:	3a (NEP/03A.)
Denmark		pm		Analytical TAC	
Germany		pm			
Sweden		pm			
Union		pm			
TAC		8 410			

			Table 9		
Species:	Norway lobster *Nephrops norvegicus*			Zone:	8a, 8b, 8d and 8e (NEP/8ABDE.)
Spain		pm		Analytical TAC	
France		pm			
Union		pm			
TAC		5 786			

			Table 12		
Species:	Norway lobster *Nephrops norvegicus*			Zone:	9 and 10; Union waters of CECAF 34.1.1 (NEP/9/3411)
Spain		pm	(1)	Precautionary TAC	
Portugal		pm	(1)		
Union		pm	(1)(2)		
TAC		239	(1)		

(1)	Shall not be taken in functional units 26 and 27 of division 9a.
(2)	Within the limit of this quota, no more than the following amount may be taken in functional unit 30 of division 9a (NEP/*9U30): pm

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2. AMENDMENTS IN RELATION TO SOLE IN THE SKAGERRAK-KATTEGAT AND WESTERN BALTIC SEA

EXPLANATORY NOTE

On 30 June 2023, ICES published its scientific advice for sole (*Solea solea*) in ICES subdivisions 20-24 (Skagerrak and Kattegat, western Baltic Sea) for 2024[9]. ICES published MSY advice for that stock and advised that catches should be between 327 tonnes and 436 tonnes, corresponding to MSY F_{lower} and to F_{MSY} point value[10], as reduced proportionally to take into account the decrease in biomass. In addition, ICES advised that catches at those levels in 2024 would result in the probability of the biomass falling below B_{lim}[11] in 2025 of respectively 11% and 17%. Moreover, in its technical service of 30 October 2023[12], ICES estimated that a probability of the biomass falling below B_{lim} of 5% in 2025 could be achieved with catches of 124 tonnes in 2024.

Sole in ICES division 3a (Skagerrak and Kattegat) and EU waters of subdivisions 22-24 (western Baltic Sea) is a target stock under the North Sea multiannual plan (MAP)[13]. Pursuant to Article 4(6) of that MAP, fishing opportunities for such target stocks shall in any event be fixed in such a way as to ensure that there is less than a 5% probability of the biomass falling below B_{lim}.

In light of the above, it is therefore proposed to set the TAC for sole in ICES division 3a and EU waters of subdivisions 22-24 for 2024 at the level of 123 tonnes.

Pending the entry into force of all delegated regulations specifying details of the implementation of the landing obligation for certain fisheries in 2024, EU quotas are marked *pm* for that stock.

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9 https://doi.org/10.17895/ices.advice.21820575.v1

10 As defined in the North Sea MAP, in Article 2(4) of Regulation (EU) 2018/973 of the European Parliament and the Council.

11 As defined in the North Sea MAP, in Article 2(7) of Regulation (EU) 2018/973 of the European Parliament and the Council.

12 https://doi.org/10.17895/ices.advice.24459562.v1

13 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).

AMENDMENTS TO THE ANNEXES

In Annex IA, Part A, Table 20 is replaced by the following:

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Table 20					
Species:	Common sole *Solea solea*			Zone:	3a; Union waters of subdivisions 22-24 (SOL/3ABC24)
Denmark		pm		Analytical TAC	
Germany		pm	(1)		
Netherlands		pm	(1)		
Sweden		pm			
Union		pm			
TAC		123			
(1)	This quota may only be fished in Union waters of 3a and of subdivisions 22-24.				

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3. AMENDMENTS IN RELATION TO EUROPEAN EEL IN EU WATERS OF ICES SUBAREAS 3, 4, 6, 7, 8 AND 9

EXPLANATORY NOTE

On 1 November 2023, ICES published its scientific advice for European eel (*Anguilla anguilla*) throughout its natural range for 2024[14].

In light of the above, it is therefore proposed to update the Commission proposal as regards measures on European eel fisheries in EU waters of ICES subareas 3, 4, 6, 7, 8 and 9.

AMENDMENTS TO THE RECITALS

Recital 16 is replaced by the following:

"(16) In May 2022, ICES[15] noted that despite Member States' efforts for the recovery of European eel (*Anguilla anguilla*), 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[16], and that no clear patterns for mortality were observed. In November 2023, ICES[17] again advised that, 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, which includes the north-east Atlantic and the Mediterranean. This concerns both recreational and commercial catches and includes catches of glass eels for restocking and aquaculture."

In recital (17), the final sentence in square brackets is deleted.

In recital (20), the square brackets and the final sentence in square brackets are deleted.

AMENDMENTS TO THE ARTICLES

In Article 12, the square brackets are deleted.

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14 https://doi.org/10.17895/ices.advice.21907860.v2

15 https://doi.org/10.17895/ices.advice.19902958

16 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).

17 https://doi.org/10.17895/ices.advice.21907860.v2