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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 - Commission services non-paper

Delegations will find attached the above-mentioned non-paper, as received from the European Commission services.

COMMISSION SERVICES NON-PAPER

4 DECEMBER 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 COD IN THE KATTEGAT

EXPLANATORY NOTE

On 30 June 2023, the International Council for the Exploration of the Sea (ICES) published its scientific advice[1] for cod (*Gadus morhua*) in ICES subdivision 31 (Kattegat) for 2024. ICES published precautionary advice for that stock and advises that there should be zero catches in 2024.

Pursuant to Article 5(3) of Regulation (EU) 2018/973[2], it is appropriate to establish specific total allowable catches (TACs) for unavoidable by-catches for stocks for which ICES advises zero catches, taking account of the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield (MSY), especially in situations where that leads to a premature closure of the fishery.

According to ICES[3], cod in the Kattegat is mainly taken as by-catch in the Norway lobster (*Nephrops norvegicus*) fishery. Therefore, if the TAC for cod in the Kattegat for 2024 was established at zero, this would notably result in vessels fishing for Norway lobster in that area to cease fishing in 2024, thus potentially leading to a premature closure of this fishery. Based on European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) data[4], the indicative value[5] of possible catches of Norway lobster fishery in division 3a (Skagerrak-Kattegat) within the limits of the TAC proposed by the Commission for 2024 is estimated at EUR 98 561 451. It is therefore appropriate to establish a TAC for by-catches of the choke species cod in the Kattegat for 2024.

On 4 December 2023, ICES published a technical service[6] on catch scenarios for cod in the Kattegat. However, that technical service does not provide estimates of the likely catches of cod in the Kattegat. It is therefore proposed to set the TAC for unavoidable by-catches of cod in the Kattegat for 2024 at 55 tonnes, i.e. the level of catches of that stock in 2022, as set out in the scientific advice published by ICES for that stock for 2024. That level is the most recent level of catches of that stock in the time-series and ensures that the fishing mortality for that stock is decreased.

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1 https://doi.org/10.17895/ices.advice.21820488.v1

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

3 https://doi.org/10.17895/ices.advice.21458106.v1

4 EUMOFA data on first sale price and landings amount, averaged for the years 2019-2021 for specific Member States, and converted into a first sale price.
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 such first sale price indicates only value at the first step of the value chain.

5 Indicative value, as opposed to market value, refers to the estimated value calculated by multiplying the TACs by the first sale prices, without taking into account other factors such as price effect flexibilities or quota uptake.

6 https://doi.org/10.17895/ices.advice.24720483.v1

AMENDMENTS TO THE RECITALS

The following recital is inserted:

"(9a) In its scientific advice[7] for cod (*Gadus morhua*) in ICES subdivision 21 (Kattegat), ICES advises zero catches of that stock in 2024. Moreover, according to ICES[8], cod in that area is mainly taken as by-catch in the Norway lobster (*Nephrops norvegicus*) fishery. Therefore, if the TAC for cod in the Kattegat for 2024 was established at zero, this would notably result in vessels fishing for Norway lobster in that area to cease fishing in 2024, thus potentially leading to a premature closure of this fishery. Based on European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) data[9], the indicative value[10] of possible catches of Norway lobster fishery in division 3a (Skagerrak-Kattegat) within the limits of the TAC proposed by the Commission for 2024 is estimated at EUR 98 561 451. It is therefore appropriate to establish a TAC for by-catches of the choke species cod in the Kattegat. It is appropriate to establish that TAC for by-catches at 55 tonnes, i.e the level of catches of that stock in 2022, as set out in the scientific advice published by ICES for that stock for 2024. That level is the most recent level of catches of that stock in the time-series, and ensures that the fishing mortality for that stock is decreased."

AMENDMENTS TO THE ANNEXES

In Annex IA, Part A, Table 3 is replaced by the following:

"

Table 3

Species:	Cod *Gadus morhua*			Zone:	Kattegat (COD/03AS.)
Denmark		33,94	(1)(2)	Precautionary TAC	
Germany		0,70	(1)(2)	Article 3 of Regulation (EC) No 847/96 shall not apply	
Sweden		20,36	(1)(2)		
Union		55	(1)(2)		
TAC		55	(1)(2)		

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

(2) In addition to these quotas, a Member State may grant to vessels flying its flag and participating in trials on remote electronic monitoring an additional allocation, within an overall limit of 30% of the quota allocated to

7 https://doi.org/10.17895/ices.advice.21820488.v1

8 https://doi.org/10.17895/ices.advice.21458106.v1

9 EUMOFA data on first sale price and landings amount, averaged for the years 2019-2021 for specific Member States, and converted into a first sale price.
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 such first sale price indicates only value at the first step of the value chain.

10 Indicative value, as opposed to market value, refers to the estimated value calculated by multiplying the TACs by the first sale prices, without taking into account other factors such as price effect flexibilities or quota uptake.

	that Member State. Each fishing vessel participating in trials on remote electronic monitoring shall take no more than 300 kg. Catches from this additional allocation shall be reported separately (COD/03AS_REM). This shall be without prejudice to the relative stability.

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2. AMENDMENTS IN RELATION TO AUTONOMOUS EU STOCKS

EXPLANATORY NOTE

It is proposed to set the EU quota for Norway lobster in ICES division 3a (Skagerrak-Kattegat) for 2024, taking into account: (i) the TAC proposed for 2024; and (ii) the relevant landing obligation exemption as set out in Commission Delegated Regulation (EU) 2023/2459[11]. The EU quota for that stock should be allocated among the Member States in accordance with the principle of relative stability.

The landing obligation exemptions deduction was calculated by the Commission services as follows. First, it was based on Fisheries Dependent Information (FDI) data submitted by Member States in response to a Data Collection Framework (DCF)[12] data call[13] and a subsequent analysis of that data, including in relation to the exemptions from the landing obligation by a Scientific, Technical and Economic Committee for Fisheries (STECF) Expert Working Group (EWG)[14], as reviewed by the STECF. The FDI data includes data on landings and discards in 2022, which is the most recent data available. Second, the calculation took into account: (i) the contribution to total catches of the fleet segment subject to the exemption to the landing obligation; and (ii) the discard rate and the species survival rate (the latter based on scientific evidence[15]).

Moreover, the autonomous EU quotas set out in the Commission proposal should be updated, in order to correct a small number of errors:

- for whiting (*Merlangius merlangus*) in ICES subarea 8 (Bay of Biscay) and common sole (*Solea sole*) ICES division 3a and EU waters of subdivisions 22-24 (Skagerrak-Kattegat and western Baltic Sea), it is proposed, in line with the established practice, not to apply the landing obligation exemptions deduction calculated on the basis of FDI data, as the calculated deduction is below 1%;
- for common sole in ICES subarea 8, the landing obligation exemptions deduction should be -2,3% rather than -2,4% (both rounded), to ensure that the proposed deduction for 2024 corresponds to the deduction applied for 2023; and
- for horse mackerel (*Trachurus spp.*) in ICES subarea 9 (Iberian waters), it is proposed, in line with the established practice, for the landing obligation exemptions deduction for that stock for 2023 to be rolled over, as data of sufficient quality was unavailable.

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11 Commission Delegated Regulation (EU) 2023/2459 of 22 August 2023 supplementing Regulation (EU) 2018/973 of the European Parliament and of the Council by specifying details of the landing obligation for certain fisheries in the North Sea for the period 2024-2027 (OJ L, 2023/2459, 06.11.2023).

12 Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (recast) (OJ L 157, 20.6.2017, p. 1).

13 https://datacollection.jrc.ec.europa.eu/documents/d/dcf/fdi-datacall-letter-2023

14 https://stecf.jrc.ec.europa.eu/ewg2310

15 Including scientific evidence referred to in the evaluation by the STECF of the landing obligation exemptions proposed by the Member States Regional Groups in their joint recommendations and respective supporting information as well as FDI data when of good quality.

AMENDMENTS TO THE ANNEXES

In Annex IA, Part A, Tables 6, 8, 20, 22 and 24 are replaced by the following:

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		Table	**6**	
Species:	Whiting *Merlangius merlangus*		Zone:	8 (WHG/08.)
Year	**Each 2024 and 2025**			
Spain	539		Analytical TAC	
France	808			
Union	1 347			
TAC	1 347			

		Table	**8**	
Species:	Norway lobster *Nephrops norvegicus*		Zone:	3a (NEP/03A.)
Denmark	5 763		Analytical TAC	
Germany	17			
Sweden	2 062			
Union	7 842			
TAC	8 410			

		Table	**20**	
Species:	Common sole *Solea solea*		Zone:	3a; Union waters of subdivisions 22-24 (SOL/3ABC24)
Denmark	103		Analytical TAC	
Germany	6	(1)		
Netherlands	10	(1)		
Sweden	4			
Union	123			
TAC	123			
(1)	This quota may only be fished in Union waters of 3a and of subdivisions 22-24.			

		Table	**22**	
Species:	Common sole *Solea solea*		Zone:	8a and 8b (SOL/8AB.)
Belgium	30		Analytical TAC	
Spain	5			
France	2 231			
Netherlands	167			
Union	2 433			
TAC	2 489			

	Table	**24**

Species:	Horse mackerel *Trachurus spp.*		Zone: 9 (JAX/09.)
Spain	43 032	(1)	Analytical TAC
Portugal	123 295	(1)	Article 7(2) of this Regulation applies
Union	166 327		
TAC	173 873		
(1)	Special condition: up to 0% of this quota may be fished in 8c (JAX/*08C.).		

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3. AMENDMENTS IN RELATION TO SEAFO

EXPLANATORY NOTE

At its 2023 annual meeting, the South East Atlantic Fisheries Organisation (SEAFO) decided to maintain for 2024 the TACs in the SEAFO Convention area set for 2023.

AMENDMENTS TO THE RECITALS

Recital (47) is replaced by the following:

"(47) At its 2023 annual meeting, the South East Atlantic Fisheries Organisation (SEAFO) decided to maintain for 2024 the TACs in the SEAFO Convention area set for 2023."

AMENDMENTS TO THE ANNEXES

Annex IE is replaced by the following:

"**ANNEX IE**

SOUTH-EAST ATLANTIC OCEAN – SEAFO CONVENTION AREA

The TACs set out in this Annex are not allocated to the Contracting Parties of SEAFO and hence the Union's share is undetermined. Catches are monitored by the SEAFO Secretariat which will communicate to the SEAFO Contracting Parties when fishing is to be ceased due to a TAC exhaustion.

Table 1			
Species:	Alfonsinos *Beryx* spp.	Zone:	SEAFO (ALF/SEAFO)
TAC	200 (1)	Precautionary TAC	
(1)	No more than 132 tonnes may be taken in subdivision B1 (ALF/*F47NA).		

Table 2			
Species:	Deep-sea red crabs *Chaceon* spp.	Zone:	SEAFO subdivision B1(1) (GER/F47NAM)
TAC	162 (1)	Precautionary TAC	
(1)	For the purpose of this TAC, the area open to the fishery is defined as having: – its western boundary on the longitude 0°E, – its northern boundary on the latitude 20°S, – its southern boundary on the latitude 28°S, and – the eastern boundary outer limits of the Namibian exclusive economic zone.		

Table 3			
Species:	Deep-sea red crabs *Chaceon* spp.	Zone:	SEAFO, excluding subdivision B1 (GER/F47X)

TAC	200	Precautionary TAC	

	Table 4		
Species:	Patagonian toothfish *Dissostichus eleginoides*	Zone:	SEAFO subarea D (TOP/F47D)
TAC	261	Precautionary TAC	

	Table 5		
Species:	Patagonian toothfish *Dissostichus eleginoides*	Zone:	SEAFO, excluding subarea D (TOP/F47-D)
TAC	0	Precautionary TAC	

	Table 6		
Species:	Orange roughy *Hoplostethus atlanticus*	Zone:	SEAFO subdivision B1[(1)] (ORY/F47NAM)
TAC	0 [(2)]	Precautionary TAC	
(1)	For the purpose of this Annex, the area open to the fishery is defined as having: – its western boundary on the longitude 0°E, – its northern boundary on the latitude 20°S, – its southern boundary on the latitude 28°S, and – the eastern boundary outer limits of the Namibian exclusive economic zone.		
(2)	Except for a by-catch allowance of four tonnes (ORY/*F47NA).		

	Table 7		
Species:	Orange roughy *Hoplostethus atlanticus*	Zone:	SEAFO, excluding subdivision B1 (ORY/F47X)
TAC	50	Precautionary TAC	

	Table 8		
Species:	Pelagic armourheads *Pseudopentaceros* spp.	Zone:	SEAFO (EDW/SEAFO)
TAC	135	Precautionary TAC	

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4. AMENDMENTS IN RELATION TO ICCAT

EXPLANATORY NOTE

The Commission proposal, as updated by the Commission services' non-paper of 27 November 2023 [16], should be updated to correct a small number of errors:

– the paragraph regarding the number of traps engaged in bluefin tuna (*Thunnus thynnus*) fishery in the eastern Atlantic and Mediterranean should be inserted in Article 23 and not in Article 26;

– the EU quota for Mediterranean Albacore (*Thunnus alalunga*) for 2024, and the Member States quotas thereunder, should be updated to take into account the transfer of 75 tonnes from Türkiye;

– the TAC for bigeye tuna (*Thunnus obesus*) in the Atlantic Ocean for 2024 should be updated to 62 000 tonnes; and

– the maximum number of French bait boats and trolling boats authorised to fish actively for bluefin tuna (*Thunnus thynnus*) between 8 kg/75 cm and 30 kg/115 cm in the eastern Atlantic should be updated to 55 to adjust it to the historical record.

AMENDMENTS TO THE ARTICLES

The Commission proposal, as updated by the Commission services' non-paper of 27 November 2023, is updated as follows:

(1) In Article 23, the following paragraph (5a) is inserted:

"5a. The number of traps engaged in bluefin tuna fishery in the eastern Atlantic and Mediterranean shall be limited as set out in point 5 of Annex VI."

(2) Article 26, paragraph (5a) is deleted.

AMENDMENTS TO THE ANNEXES

In Annex ID, Tables 9 and 11 are replaced by the following:

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Table 9			
Species:	Mediterranean Albacore *Thunnus alalunga*	Zone:	Mediterranean Sea (ALB/MED)

[16] https://oceans-and-fisheries.ec.europa.eu/system/files/2023-11/2023-11-27-non-paper-updates-2024-fishing-opportunities-regulation-com-587-iccat-iotc_en.pdf

Greece	399,21		Analytical TAC
Spain	103,05		Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply
France	14,94		Article 4 of Regulation (EC) No 847/96 shall not apply
Croatia	6,93		
Italy	1 168,63		
Cyprus	431,04		
Malta	41,13		
Union	2 164,93	(4)	
TAC	2 500	(1)(2)(3)	

(1)	In order to protect juvenile swordfish, a closure period shall also apply to longline vessels targeting Mediterranean albacore from 1 October to 30 November. In addition, Mediterranean albacore, either as a targeted species or as by-catch, shall not be caught, retained on board, transhipped or landed during the following periods: - Greece, Croatia, Italy and Cyprus: 1 October to 30 November and 1 to 31 March; - Spain, France and Malta: 1 January to 31 March.
(2)	Each Member State shall limit the number of their fishing vessels authorised to fish for Mediterranean albacore to the number of fishing vessels authorised to fish this species in 2017. Member States may apply a tolerance of 10% to this capacity limit.
(3)	Special condition: by-catches of albacore are to be counted against this quota, but shall be reported separately (ALB/MED-BC). Dead catches of albacore from sport and recreational fisheries are to be counted against this quota, but shall be reported separately (ALB/MED-SR).
(4)	After transfer of 75 tonnes from Türkiye.

Table 11

Species:	Bigeye tuna *Thunnus obesus*		Zone: Atlantic Ocean (BET/ATLANT)
Spain	7 438,09	(1)	Analytical TAC
France	3 159,38	(1)	Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply
Portugal	2 823,84	(1)	Article 4 of Regulation (EC) No 847/96 shall not apply
Union	13 421,31	(1)	
TAC	62 000	(1)	

(1)	Catches of bigeye tuna by purse seiners (BET/*ATLPS) and longliners with an overall length of 20 metres and above (BET/*ATLLL) shall be reported separately. As of June, when catches reach 80% of the quota, Member States are required to transmit the catches for these fishing vessels on a weekly basis.

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In Annex VI, paragraph 1 is replaced by the following:

“

1. Maximum number of Union bait boats and trolling boats authorised to fish actively for bluefin tuna *(Thunnus thynnus)* between 8 kg/75 cm and 30 kg/115 cm in the eastern Atlantic

Spain	60
France	55
Union	115

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