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## NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee

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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  
- Political agreement

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## I. INTRODUCTION

1. The Commission submitted the above-mentioned proposal, based on Article 43(3) TFEU, to the Council on 25 October 2023<sup>1</sup>. The proposal aims at setting fishing opportunities in the Atlantic and North Sea for 2024, and in some cases for 2025 and 2026 for those stocks where scientific advice is available for that period, and covers:

- autonomous Union stocks;
- shared stocks that are jointly managed bilaterally or trilaterally with the United Kingdom and/or Norway, or that have been subject to North-East Atlantic Fisheries Commission coastal states consultations;
- fishing opportunities under agreements concluded in the framework of regional fisheries management organisations (RFMOs); as well as
- certain fishing opportunities in waters of non-EU countries.

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<sup>1</sup> ST 14720/23 + ADD 1 + ADD 2

2. The Commission updated its proposal through five non-papers<sup>2</sup>. Additional non-papers, including one on the agreed TACs with the UK, will be promptly submitted once the written record for those consultations is signed.
3. The Working Party on Fisheries Policy or its members examined the proposal and the non-papers at meetings on 31 October, 9, 16, 23 and 27 November. Delegations entered scrutiny reservations.
4. DK entered a parliamentary scrutiny reservation.
5. Delegations reiterated the impact of the fisheries consultations with third parties, namely with the UK and with Norway (bilateral and trilateral consultations). Some comments referred to the need to ensure a level playing field with third countries. One delegation has indicated its intention to invoke the Hague preferences for certain stocks, while other delegations oppose the use of those preferences.
6. In general, the Presidency believes that the following principles should guide the discussions and the final decision:
  - a strong commitment to the objectives of the Common Fisheries Policy (CFP) as laid down in art. 39 of the TFEU and art. 2 of the CFP<sup>3</sup>, including the achievement of MSY;
  - compliance with the provisions of the multi-annual plans that are in force;
  - decisions based on the best available scientific advice.
7. On 29 November, the Presidency organised technical trilateral meetings with the Commission and delegations in order to clarify the outstanding issues. These issues are presented in part II below. More details regarding delegations' positions on these issues can be found in their written comments<sup>4</sup>.

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<sup>2</sup> ST 15289/23, ST 15290/23, ST 15611/23, ST 15929/23, ST 16066/23

<sup>3</sup> 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).

<sup>4</sup> ST 15309/23 + ADD 1-2

## II. OUTSTANDING ISSUES

8. For the autonomous Union stocks, a series of outstanding issues remain:
- a) Many delegations highlight the difficulties faced in relation to **mixed fisheries**, in particular the issue of **choke species**, where, in the context of the landing obligation, low levels of (by-catch) quotas or zero TACs may cause a vessel to stop fishing even if there is still a quota for the targeted species.
  - b) Discussions are still open on some priority stocks for several delegations, in particular on certain **Norway lobster stocks, pollack stocks, seabass, sole stocks, undulate rays and whiting**.
  - c) The proposed continuation of the six-month closure period in marine and adjacent brackish waters in the Atlantic, the North Sea and the Baltic Sea for **European eel** with specific exemptions raised questions for certain delegations considering that:
    - fisheries is only one of the factors contributing to its fishing mortality and that a holistic approach addressing all anthropogenic factors is needed to ensure the recovery of this stock in its entire natural range;
    - since it is one single stock, cooperation with third countries to ensure a level playing field is important;
    - the closure has severe socio-economic impacts and would impede restocking that is essential for the recovery of the stock and for reaching the escapement objectives set in national management plans under the European Eel Regulation<sup>5</sup>.
9. For the **shared stocks that are jointly managed**, the main outstanding issue is the conclusion of the relevant consultations with third parties which would determine if there is a need to set provisional TACs for the first quarter of 2024. In such case, the provisional TACs themselves would be subject to discussion and political agreement in the AGRIFISH Council.

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<sup>5</sup> 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).

10. For the fishing opportunities under agreements concluded in the framework of RFMOs, following the **ICCAT** Annual meeting, some elements still need to be fine-tuned. Concerning the fishing opportunities for bluefin tuna, one delegation requests a small quota for targeted fishery after observing a new abundance of this stock in its coastal waters.

### **III. CONCLUSION**

1. The Permanent Representatives Committee is invited to address the outstanding issues outlined under point II above, with a view to reaching a political agreement at the AGRIFISH Council scheduled for 10-11 December 2023.