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NOTE

From: Presidency
To: Council

No. prev. doc.: ST 16311/23 + ADD 1-2
ST 15715/23 + ADD 1 REV 1

No. Cion doc.: ST 14720/23 + ADD 1-2 - COM(2023) 587 final
ST 13860/23 + ADD 1 - COM(2023) 578 final

Subject: 1) 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
2) Proposal for a COUNCIL REGULATION fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas for 2024
- Presidency compromise

Delegations will find enclosed the Presidency compromise, under the responsibility of the Presidency, on the abovementioned proposal. The text includes:

- (in part 1) the changes to the consolidated version of the main TACs and quotas proposal (docs. 16311/23 + ADD 1-2); and
- (in part 2) the changes to the consolidated version of the fishing opportunities in the Mediterranean and Black Seas proposal (docs. ST 15715/23 + ADD 1 REV 1).

Changes are marked in **bold** and ~~strikethrough~~¹.

¹ Only the changes are mentioned; parts that are unchanged are not shown in this document.

Part 1: Main TACs
Fishing Opportunities 2024, 2025 and 2026

1. CHANGES TO THE BODY OF THE REGULATION

A. RECITALS

- Recital (8) is deleted:
- ~~(8) Pursuant to Article 4(6) of the North Sea MAP and Article 4(7) of the Western Waters MAP, fishing opportunities for target stocks should 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} . Ensuring that the probability is achieved, may in some cases require that the fishing mortality of target stocks is reduced accordingly or the targeted fishery is suspended.~~
- Recital (9) is modified as follows:
- (9) There are certain stocks for which ICES advises zero catches, ~~or for target stocks under the North Sea and Western Waters MAPs ICES notes that achieving a probability of the biomass falling below B_{lim} of less than 5%: (i) would require low catches; (ii) would require zero catches; or (iii) would not even be achieved with zero catches.~~ However, if TACs are 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.
- New recital is inserted:
- As pollack is one biological stock under ICES advice in ICES areas 8 and 9a, it is appropriate to apply a flexible management in the established management units by granting the possibility of interarea flexibility.

B. ARTICLES

- Article 11, paragraph 1 should read as follows:
 1. France and Spain shall ensure that fishing opportunities for European seabass in ICES divisions 8a and 8b for their commercial fisheries in 2024 do not exceed ~~a total of 1 906 tonnes~~ **the FMSY point value, as defined in Article 2(5) of Regulation (EU) 2019/472.**
- New article 11bis is inserted as follows:

Article 11 bis

Measures on recreational fisheries for pollack (*Pollachius pollachius*) in ICES subareas 8, 9, 10 and CECAF

1. In recreational fisheries, including from shores in ICES subareas 8, 9, 10 and CECAF:
 - a) A maximum of two specimens of pollack may be caught and retained per fisher per day. Once this ceiling has been reached, "catch and release" fishing may be carried out.
 - b) No specimens of pollack may be caught and retained from January 1st to April 30th, for the protection of spawning ground and limitation of juvenile catches. "Catch and release" fishing may nevertheless be carried out during this period.
2. Paragraph 1 applies without prejudice to stricter national measures on recreational fishing.

2. CHANGES TO THE AUTONOMOUS UNION STOCKS TAC TABLES SET OUT IN PART A OF ANNEX IA

Common name	TAC Unit	Proposal TAC change 2023 - 2024	Compromise TAC change 2023 - 2024	Compromise TAC 2024 (tonnes)	Statements / additional information
Common Sole	3a	-76%	-35%	327t	
Sole	8c-e, 9 and 10; Union waters of CECAF 34.1.1	-33%	-16%	549	(1) Within the limits of these quotas, no more than the following quantity of common sole (<i>Solea solea</i>) shall be taken (SOL/8CDE34): 209t (corresponds to -33% for <i>solea solea</i>)
Norway lobster	9 and 10; Union waters of CECAF 34.1.1	-20%	-10%	268 t	Statement
Pollack (POL/8ABDE)	8abde	-53%	-35% in 2024 and 2025	970 t in 2024 and 2025 (1) Special condition: of which up to 50% may be fished in 8c (POL/*08C.)	Article on recreational fisheries Recital

Pollack (POL/8C.)	8c	-53%	-35% in 2024 and 2025	132 t in 2024 and 2025 (1) Special condition: of which up to 100% may be fished in 8abde (POL/*08ABDE.)	Article on recreational fisheries Recital
Pollack (POL/9/3411)	9 and 10; Union waters of CECAF 34.1.1	-53%	-35% in 2024 and 2025	108 t in 2024 and 2025	Article on recreational fisheries Recital

3. STATEMENTS

STATEMENT BY PORTUGAL AND SPAIN on Norway lobster in 9.

Regarding the Norway lobster in zone 9, ICES indicates in its advice that the fishing pressure on the resource is very low, but that it applied a precautionary reduction of 20% due to the lack of sufficient data. This lack of data is partly due to the restrictions of previous campaigns imposed by the COVID pandemic. Spain and Portugal commit to improving scientific monitoring through independent fisheries data, especially through campaigns in FUs 28 and 29.

STATEMENT BY THE COUNCIL

The Council takes note of the fact that on the 11th January 2024, the Court of Justice of the European Union will issue a judgment in case C-330/22, *Friends of the Irish Environment*. Insofar as that judgment will contain elements of interpretation of the legal framework relevant for the yearly exercise of fixing fishing opportunities, the Council will analyse the impact of that judgment and take, if necessary, the appropriate measures.

1. CHANGES TO THE BODY OF THE REGULATION

A. RECITALS

- Recital 17 is modified as follows:

(17) At its 46th annual meeting in 2023, the GFCM adopted Recommendation GFCM/46/2023/14 on a **multiannual** management plan for the sustainable exploitation of common dolphinfish (*Coryphaena hippurus*) in the Mediterranean Sea (geographical subareas 1 to 27), ~~which introduced.~~ **This recommendation introduced, consistently with the precautionary approach and** for the transitional period of 2024 to 2026, a fleet capacity ceiling, a freeze of FADs capacity per vessel, a catch limit and a temporal closure. For recreational fisheries, Recommendation GFCM/46/2023/14 further provides that a daily bag limit should be observed as well as a prohibition period for commercial fisheries. Those measures should be implemented in Union law **for the transitional period of 2024 to 2026. Those measures are without prejudice to the management measures that will be proposed by the Scientific Advisory Committee within GFCM for the long-term management plan for the period 2027-2031.**

- Recital 28 is modified as follows:

(28) In order to promote the use of selective gears and to establish efficient closure areas to protect juveniles and spawners, Regulation (EU) 2022/110 established a compensation mechanism in relation to the effort regime for trawls. As STECF continues to recommend in 2024 the further improvement of selectivity and of efficient closure areas to protect juvenile fish, it is appropriate to allocate **4,5** % of fishing days.