Council of the European Union

Brussels, 2 December 2024
(OR. en)

16349/24

Interinstitutional File:
2024/0285(NLE)

PECHE 497
UK 173

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Commission proposal for a Council Regulation fixing for 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters • Commission services non-paper

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

COMMISSION SERVICES NON-PAPER

29 NOVEMBER 2024

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 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters [COM(2024) 506 final]

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1. AMENDMENTS IN RELATION TO POLLACK IN THE BAY OF BISCAY AND ATLANTIC IBERIAN WATERS

EXPLANATORY NOTE

On 30 June 2023, the International Council for the Exploration of the Sea (ICES) published its scientific advice[1] for pollack (*Pollachius pollachius*) in ICES subarea 8 and division 9a (Bay of Biscay and Atlantic Iberian waters) for 2024 and 2025. ICES published MSY advice for that stock and advised that catches should not exceed 872 tonnes in 2024 and in 2025. That advice covers three TACs for pollack in: (i) ICES divisions 8a, 8b, 8d and 8e (Bay of Biscay); (ii) division 8c (Cantabrian Sea); and (iii) subareas 9 and 10 and EU waters of Fishery Committee for the Eastern Central Atlantic (CECAF) division 34.1.1 (Atlantic Iberian waters).

On 28 March 2024 and 29 July 2024[2], the Scientific, Technical and Economic Committee on Fisheries (STECF) concluded in two assessments regarding 2024 that, if the TACs for that stock were set at that level, the obligation to land all catches, including by-catches from that stock in mixed fisheries, would give rise to the phenomenon of 'choke species'[3] and the premature closure of certain fisheries. The STECF concluded that such a premature closure would occur for French fleets targeting for Norway lobster (*Nephrops norvegicus*), common sole (*Solea solea*), seabass (*Dicentrarchus labrax*) and smooth-hounds (*Mustelus* spp.) in the Bay of Biscay and for Spanish fleets targeting hake (*Merluccius merluccius*) and common sole in the Cantabrian Sea and Atlantic Iberian waters. Those conclusions by the STECF were in particular based on two ad-hoc expert contract reports, which assumed recent effort and catchability.

On 29 November 2024[4], the STECF further concluded that: '*based on the reported landings up to September 2024 and the projected estimates for October - December 2024, the total landings of pollack for 2024 are expected to exceed the catch of 872 t advised by ICES for 2024 and 2025'*. In addition, the STECF noted that, under the TACs set for 2024: (i) France is expected to use 90% of its quota in the Bay of Biscay by the end of 2024; (ii) Spain is expected to use 100% of its quota in the Cantabrian Sea by October 2024; and (iii) Spain is expected to use 88% of its quota in Atlantic Iberian waters by the end of 2024.

Those projected landings are broadly consistent with the STECF conclusions in its previous March and July 2024 assessments when also considering the following: (i) for 2024 the TACs in the Bay of Biscay and Atlantic Iberian waters were set at approximately the projected levels to allow fisheries to continue until the end of the year, and the TAC in the Cantabrian Sea below such a level; (ii) the STECF in its November 2024 assessment noted that there has been a reduction of effort in the Bay of Biscay due to a closure to reduce incidental by-catches of dolphin (*Delphinus*

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1 https://doi.org/10.17895/ices.advice.21841014.v1

2 https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf_plen_24-01

https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf-plen-24-02

3 'Choke species' are 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.

4 https://stecf.jrc.ec.europa.eu/documents/d/stecf/plen_24-03

delphis) and other cetaceans in January and February 2024; and (iii) Spain implemented a daily catch limit in the Cantabrian Sea and Atlantic Iberian waters as from March 2024.

Therefore, based on the March, July and November 2024 assessments of the STECF, pursuant to Article 5(3) of Regulation (EU) 2019/472[5] of the European Parliament and of the Council ('Western Waters multiannual plan') and in order to strike a balance between maintaining fisheries, in view of the potentially severe socio-economic implications of failing to do so, it is proposed to: (i) maintain for 2025 the level of the three TACs for pollack in the Bay of Biscay and Atlantic Iberian waters at the same levels as for 2024; (ii) allow only by-catches under those TACs; and (iii) maintain the increased minimum conservation reference size for pollack of 42 cm in those areas. That should ensure that there will be: (i) a decrease of the phenomenon of 'choke species' and of a premature closure of the relevant fisheries; (ii) a decrease in associated socio-economic impacts on the fisheries sector; and (iii) a decrease of the fishing mortality for that stock.

Moreover, Council Regulation (EU) 2024/257[6], as amended by Council Regulation (EU) 2024/2678[7], established for 2024 a quantity of 98 tonnes that Portugal may fish in Atlantic Iberian waters, in addition to the TAC for that area and the Portuguese quota under that TAC. As for the three TACs for pollack in the Bay of Biscay and Atlantic Iberian waters, it is proposed to set that additional quantity for Portugal at the level of recent landings in 2023, i.e. at 35 tonnes (-64% compared to 2024). That should: (i) ensure that the current fishing pressure on pollack in Atlantic Iberian waters does not increase; and (ii) contribute, in combination with the increased minimum conservation reference size, to the recovery of the biomass of that stock, which ICES estimates to be currently below biomass index trigger value ($I_{trigger}$).

AMENDMENTS TO THE ANNEXES

In Article 12, the square brackets are deleted.

In Annex IA, Part A, Tables 17, 18 and 19 are replaced by the following:

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5 Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 83, 25.3.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/472/oj).

6 Council Regulation (EU) 2024/257 of 10 January 2024 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 (OJ L, 2024/257, 11.1.2024, ELI: http://data.europa.eu/eli/reg/2024/257/oj).

7 Council Regulation (EU) 2024/2678 of 10 October 2024 amending Regulation (EU) 2024/257 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 fixing for 2023 and 2024 such fishing opportunities (OJ L, 2024/2678, 11.10.2024, ELI: http://data.europa.eu/eli/reg/2024/2678/oj).

Table 17					
Species:	Pollack *Pollachius pollachius*			Zone:	8a, 8b, 8d and 8e (POL/8ABDE.)
Spain		163	(1)	Analytical TAC	
France		796	(1)		
Union		959	(1)		
TAC		959	(1)		
(1)	Exclusively for by-catches. No directed fisheries are permitted under this quota.				

Table 18					
Species:	Pollack *Pollachius pollachius*			Zone:	8c (POL/08C.)
Spain		97	(1)	Analytical TAC	
France		11	(1)		
Union		108	(1)		
TAC		108	(1)		
(1)	Exclusively for by-catches. No directed fisheries are permitted under this quota.				

Table 19					
Species:	Pollack *Pollachius pollachius*			Zone:	9 and 10; Union waters of CECAF 34.1.1 (POL/9/3411)
Spain		128	(1)(2)	Analytical TAC	
Portugal		4	(1)(2)(3)		
Union		132	(1)(2)		
TAC		132	(1)(2)		
(1)	Exclusively for by-catches. No directed fisheries are permitted under this quota.				
(2)	Special condition: of which up to 100% may be fished in 8c (POL/*08C.).				
(3)	In addition to this TAC, Portugal may fish quantities of pollack not exceeding 35 tonnes (POL/93411P). Exclusively for by-catches and no directed fisheries are permitted under this quota.				

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2. OTHER AMENDMENTS

EXPLANATORY NOTE

On 23 November 2024, the Commission services published the second non-paper updating the Commission proposal for a Council Regulation fixing the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters ('the Commission proposal')[8].

Due to an error in the calculation of the landing obligation exemption deduction for cod (*Gadus morhua*) in the Kattegat for 2025 and 2026 and for plaice (*Pleuronectes platessa*) in the Kattegat for 2025, that non-paper included an erroneous EU quota and, as a result, erroneous Member States quotas for those TACs. Those figures should be corrected.

On 27 November 2024, the Commission services published the third non-paper updating the Commission proposal[9]. Due to an error, that non-paper did not include the table setting out maximum input of wild-caught bluefin tuna (*Thunnus thynnus*) that each Member State may allocate to its farms in the International Commission for the Conservation of Atlantic Tunas (ICCAT) Convention area, in the Eastern Atlantic and Mediterranean.

That omission should be corrected by inserting the table in the Commission proposal.

In addition, the third non-paper included an erroneous EU quota for Mediterranean Albacore (*Thunnus alalunga*) for 2025, which included 75 tonnes of transfer from Türkiye to the EU, However, it is still not clear whether such a transfer will be possible. The footnote will be set at zero until there is further clarity.

Therefore, the EU quota and the resulting erroneous Member States quotas for the stock should be corrected.

AMENDMENTS TO THE ANNEXES

In Annex IA, Part A, Tables 3 and 14 are replaced by the following:

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[8] https://oceans-and-fisheries.ec.europa.eu/document/download/30040849-b9fb-452e-bfcd-4e1c62bd1fba_en?filename=2024-11-23-non-paper-Atlantic-FOs-2025-regulation_en.pdf

[9] https://oceans-and-fisheries.ec.europa.eu/document/download/f95a51ce-53db-4926-a6d3-5b46dc4648ea_en?filename=2024-11-27-non-paper-updates-2025-fishing-opportunities-regulation-com-506_en.pdf

Table 3				
Species:	Cod *Gadus morhua*		Zone:	Kattegat (COD/03AS.)
Year	**Each 2025 and 2026**			
Denmark	42,57	(1)	Precautionary TAC	
Germany	0,88	(1)	Article 3 of Regulation (EC) No 847/96 shall not apply	
Sweden	25,55	(1)		
Union	69,00	(1)		
TAC	72,00	(1)		
(1)	Exclusively for by-catches. No directed fisheries are permitted under this quota.			

Table 14			
Species:	Plaice *Pleuronectes platessa*	Zone:	Kattegat (PLE/03AS.)
Denmark	1 331	Analytical TAC	
Germany	15	Article 7(2) of this Regulation applies	
Sweden	150		
Union	1 496		
TAC	2 349		

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In Annex ID, Table 9 is replaced by the following:

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Table 9				
Species:	Mediterranean Albacore *Thunnus alalunga*		Zone:	Mediterranean Sea (ALB/MED)
Greece	385,30		Analytical TAC	
Spain	99,46		Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply	
France	14,45		Article 4 of Regulation (EC) No 847/96 shall not apply	
Croatia	6,74			
Italy	1 128,24			
Cyprus	416,06			
Malta	39,68			
Union	2 089,93	(4)		
TAC	2 500,00	(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 0 tonnes from Türkiye.

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In Annex VI, point (6), the following is inserted:

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Table B

Maximum input of wild-caught bluefin tuna (in tonnes)(1)	
Greece	785
Spain	6 300
Croatia	2 947
Italy	3 764
Cyprus	2 195
Malta	8 786
Portugal	350
(1) The numbers in this table will be adapted following the approval of the Union fishing, farming and capacity management plan by ICCAT, in accordance with the applicable ICCAT recommendations and Union rules.	

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