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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	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 • Statements

Delegations will find attached statements in relation to the above-mentioned draft Regulation.

ANNEX

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.

STATEMENT BY BELGIUM, DENMARK, FRANCE, GERMANY, IRELAND, THE NETHERLANDS, LITHUANIA, ESTONIA, SPAIN, PORTUGAL AND SWEDEN on the application of Article 15(9) in the Basic Regulation COD/03AS; RNG/03-; BLI/12INT-; BLI/24-; BLI/03A; COD/07A; COD/7XAD34; HER/7G-K; JAX/2A-14; JAX/08C; POL/56-14; POL/07; SBR/678; SOL/07A and WHG/07A in 2024.

Given that the biomass of the stocks of COD/03AS; RNG/03-; BLI/12INT-; BLI/24-; BLI/03A; COD/07A; COD/7XAD34; HER/7G-K; JAX/2A-14; JAX/08C; POL/56-14; POL/07; SBR/678; SOL/07A and WHG/07A is below Blim and that only by-catch and scientific fisheries will be permitted in 2024, in order to ensure the recovery of the stocks in accordance with Regulations (EU) 2018/973 and (EU) 2019/472, Belgium, Denmark, France, Germany, Ireland, the Netherlands, Lithuania, Estonia, Spain, Portugal and Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to these stocks in 2024. This undertaking is a response to the current exceptional circumstances for these stocks.

STATEMENT BY BELGIUM, DENMARK, FRANCE, GERMANY, THE NETHERLANDS AND SWEDEN on the application of Article 15(9) in the CFP Regulation for COD/2A3AX4 and COD/03AN in 2024

On 8 December 2023, the EU, the UK and Norway agreed on the fishing opportunities for the six shared and jointly managed stocks for 2024. Given that the biomass of the TACs of COD/2A3AX4 and COD/03A is estimated to be below Bpa in both the TAC year and the year thereafter, the Parties excluded under that agreement inter-annual flexibility for those stocks in 2024. In line with that agreement, Belgium, Denmark, France, Germany, the Netherlands and Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to those stocks in 2024.

STATEMENT BY BELGIUM, DENMARK, FRANCE, THE NETHERLANDS AND GERMANY on Hague Preferences

Belgium, Denmark, Germany, The Netherlands and France are of the opinion that the scales for the allocation of quotas for Member States were agreed upon in 1983. These scales constitute the basis of relative stability, which is a principle established by the Basic Regulation governing the Common Fisheries Policy. It is our opinion that Hague preferences are contrary to the principle of relative stability.

STATEMENT BY THE NETHERLANDS on socioeconomic impact and fishing opportunities for North Sea sole

The Netherlands regrets that the outcome of the current decision making does not reflect an adequate balance between the ecological, social, and economic sustainability pillars of the Common Fisheries Policy. Many fishers are confronted with a trend of decreasing fishing opportunities. In the Netherlands, especially the TAC on North Sea sole has far-reaching consequences; it will lead to an early closure of this fisheries in 2024.

Therefore, the Netherlands recalls the joint statement with France, Belgium, Italy, Denmark, Greece and Portugal on socio-economic impact:

"We note with concern a negative trend of declining fishing opportunities and increasing zero-catches. The socio-economic consequences for fishers and their communities are far-reaching, both in the short and long term. This situation is of major concern to us. We stress the need for a more balanced approach that takes into account the three main objectives of the Common Fisheries Policy (CFP), namely the environmental sustainability and preservation of fisheries resources, social sustainability of coastal communities, and promotion of fisheries activities giving full consideration to socio-economic aspects. Especially, the current data gathering and scientific methodology are to be looked at in order to improve the quality of the decision making process and the TAC setting. Only if we provide perspective for the fisheries sector, they can keep supplying the European market with sustainable and healthy food products for European food security and sovereignty. Early next year we aim to publish a joint non-paper on the issue. Also, we call upon the new Commission to reflect further how to follow up on this topic."

STATEMENT BY THE COMMISSION on sole in Skagerrak and Kattegat

The Commission takes note of the decision of the Council to set the total allowable catches (TAC) for sole (*Solea solea*) in Skagerrak and Kattegat at MSY point lower.

The Commission regrets the political agreement reached by the Council for the TAC for sole in Skagerrak and Kattegat to set that TAC at a higher level. A lower TAC would have allowed a more rapid recovery of the stock. At the same time, the Commission has proposed to amend the Baltic, North Sea and Western Waters multiannual plans and that proposal will now be examined by the European Parliament and the Council under the ordinary legislative procedure.

STATEMENT BY THE COMMISSION AND PORTUGAL on scientific information on sole in 8cde, 9 and 10

Currently in ICES divisions 8c, 8d, 8e, 9 and 10, three sole species are managed under a combined TAC and ICES only provides MSY advice for common sole (*Solea solea*) in divisions 8c and 9a and for the other two species does not provide any advice. In November 2023 Portugal informed the Commission that more complete scientific data for the two other sole species (*Solea senegalensis* and *Pegusa lascaris*) in ICES subarea 9 are available and that that data might allow stock assessments also for *Solea senegalensis* and *Pegusa lascaris*.

Portugal commits to providing ICES with such new scientific data by 31 March 2024, and the Commission will ask ICES to produce advice for all relevant sole stocks in that area.

STATEMENT BY THE COMMISSION on pollack in the Bay of Biscay and in Iberian waters

Article 5(3) of the Western Waters multiannual plan provides for management of mixed fisheries with regards to by-catch stocks taking into account the difficulty of fishing all stocks at MSY at the same time, especially in situations where that leads to a premature closure of the fishery. Such difficulty should be demonstrated and supported by specific, reliable and verifiable socio-economic data. Where the difficulty to fish all stocks at MSY occurs, the Commission invites the Member States to submit socio-economic data from verifiable sources, in particular obtained through the EU Data Collection Framework.

The Commission takes note of the submission made by France stating that the TACs set by the Council for the pollack stock in the Bay of Biscay and Iberian waters would result in the premature closure of mixed fisheries, leading to potentially serious socio-economic consequences. If and when France submits specific, reliable and verifiable socio-economic data to substantiate the choke effect for its fleet segments in the Bay of Biscay, the Commission will assess and consider, based on that assessment, submitting a proposal for an in-year amendment to adjust the POL 8ABDE, as appropriate. The same approach would be considered by the Commission for Spain and Portugal should they provide specific, reliable and verifiable socio-economic data regarding their relevant TAC.

JOINT STATEMENT BY THE COUNCIL AND COMMISSION on ICCAT stocks

The Council and the Commission acknowledge that, under several ICCAT recommendations, the Union may, upon request, carry over a percentage of its unused quota of ICCAT stocks in the period of two years.

On the basis and within the limits of the legal instruments available, the Commission will do its utmost to take the necessary steps as soon as possible in 2024 to implement the adjustments quotas of individual Member States to reflect any carry-overs and deductions for all eligible ICCAT stocks.

STATEMENT BY GERMANY, SPAIN, FRANCE, POLAND AND PORTUGAL on Svalbard cod

Germany, Spain, France, Poland and Portugal regret that Norway does not abide by the political understanding between the EU and Norway from April 2022, by not setting a quota for the EU for cod in Svalbard waters that corresponds to the historic EU rights and the EU share for this stock. The aforementioned Member States recall their long-standing historic fishing rights in the Svalbard area, as covered by the 1920 Treaty of Paris. They urge Norway to fully respect the EU and its Member States' rights and interest in Svalbard, including fishing rights and to establish the full EU quota for 2024 in Svalbard waters. They also recall that in 2021, due to the fishing stops issued by Norway, a total of 5 143 tonnes of the EU cod quota could not be fished in the Norwegian Exclusive Economic Zone. The Member States express their disappointment that Norway has still not made that quantity available to the EU in the bilateral exchanges. This issue should be resolved as soon as possible.

Germany, Spain, France, Poland and Portugal appreciate that the Commission stands ready to continue consultations with Norway on the above issues.

STATEMENT BY THE COUNCIL on the allocation of MAC/2A34-N

In the context of creation of a new TAC (MAC/2A34-N), the Council acknowledges the transfers of part of the fishing opportunities allocated to the MAC/2A34-N by Denmark to the holders of quotas in the Western Waters TAC (MAC/2CX14-), based on the existing relative stability key for that TAC, to represent 27,5% of that quota in 2025 and 25% from 2026 onwards.

STATEMENT BY DENMARK on internal mackerel allocation

Denmark loses a significant share of its mackerel quotas due to the new internal mackerel allocation with respect to MAC/2A4A-N. Denmark regrets its severe consequences.

Denmark reminds of the Danish Mackerel Exceptional Priority from the introduction of the Common Fisheries Policy ensuring Denmark a minimum of 25,000 tonnes of mackerel.

Therefore, should fishing opportunities for mackerel be included in a future agreement with third countries, this should be taken into account when allocating these fishing opportunities.

STATEMENT BY THE COUNCIL

The Council calls on the Commission to provide the necessary support, within its remit, in the technical interpretation of the relevant provisions of the Fishing Opportunities Regulation allocating a new TAC MAC/2A34-N and transferring a part to quota holders in the Western Waters (MAC/2CX14-). In the event that the implementation of the new TAC creates interpretation or reporting challenges to Member States, the Council and the Commission should engage with a view to address those challenges.

STATEMENT BY FRANCE on horse mackerel (JAX/2A-14).

France notes that the ICES advice received is for one stock/species, (*Trachurus trachurus*) and this forms the basis of the TAC (JAX/2A-14). The TAC covers the *Trachurus spp*, of which there are three species in the Western waters which are all caught together with the main stock of horse mackerel (*Trachurus trachurus*). Catches of *Trachurus mediterraneus* (mediterranean horse mackerel) and *Trachurus picturatus* (blue jack mackerel) are relatively low, and for the blue jack mackerel, mainly caught further south together with the Southern horse mackerel stock. France supports ICES' position to consider that the TAC and any other management regulations which might be established should be related only to *T. trachurus* s, and separate TACs should be established for the other species.

STATEMENT BY BELGIUM, DENMARK, GREECE, FRANCE, ITALY, THE NETHERLANDS AND PORTUGAL

We note with concern a negative trend of declining fishing opportunities and increasing zero-catches. The socio-economic consequences for fishers and their communities are far-reaching, both in the short and long term. This situation is of major concern to us. We stress the need for a more balanced approach that takes into account the three main objectives of the Common Fisheries Policy (CFP), namely the environmental sustainability and preservation of fisheries resources, social sustainability of coastal communities, and promotion of fisheries activities giving full consideration to socio-economic aspects. Especially, the current data gathering and scientific methodology are to be looked at in order to improve the quality of the decision making process and the TAC setting. Only if we provide perspective for the fisheries sector, they can keep supplying the European market with sustainable and healthy food products for European food security and sovereignty. Early next year we aim to publish a joint non-paper on the issue. Also, we call upon the new Commission to reflect further how to follow up on this topic.

STATEMENT BY BELGIUM, DENMARK, GERMANY, FRANCE AND THE NETHERLANDS on top-down deductions

We regret that the Commission did not transmit as detailed information as in previous years regarding the deduction linked to exemptions to the landing obligation. While the Commission invoked confidentiality reasons for not transmitting such information, we are concerned by the fact that Member states are deprived from their ability to verify these deductions.

Such lack of transparency could create a precedent for next years and would affect the level playing field with third countries.

We therefore call on the Commission to reform its methodology as soon as possible to ensure this level playing field and confidentiality while guaranteeing the ability for Member States to review the calculation. Such verifications should already be possible for the year 2024.

STATEMENT BY THE COMMISSION on the calculations of the deductions linked to exemptions to the landing obligation

To calculate the deductions linked to exemptions to the landing obligation, the Commission each year asks the Scientific, Technical and Economic Committee for Fisheries (STECF) to provide landings and discards data for the exemptions to the landing obligation as established in delegated regulations specifying details of implementation of the landing obligation (the so-called discard plans).

The Commission asks the STECF to provide figures for species landings and discards at a level of aggregation corresponding to the fleet, area and gear type for each of the exemptions to the landing obligation. The Commission also asks STECF to assess and, if possible, provide estimated percentages of discards below and above minimum conservation reference sizes (MCRS) at a level of aggregation corresponding to the fleet, area and gear type for each of the exemptions to the landing obligation.

To provide the requested figures and estimated percentages, STECF relies on landings and discards data submitted by Member States under the fisheries dependent information (FDI) data call. The Member States prepare such data based on several data sources, including fishing logbooks. Article 113 of the Control Regulation (1224/2009) establishes certain requirements on confidentiality of professional and commercial secrecy of data. The application of these rules leads to some FDI data being marked as confidential upon submission by the Member States and only Member States can waive confidentiality in relation to that data.

STATEMENT BY GERMANY, ESTONIA, SWEDEN, LITHUANIA AND AUSTRIA on the European Eel

Germany, Estonia, Sweden, Lithuania and Austria support the main Total Allowable Catch (TAC) and quota regulation in the spirit of compromise, but express reservations regarding the extension of fishing period for the glass eel (European eel of an overall length less than 12 cm). Given the critical state of the eel stock, there is a need for clear restrictions on fishing for glass eel.

Germany, Estonia, Sweden, Lithuania and Austria request an impact assessment on the effects of the fishing periods for glass eels. This assessment should be conducted well in advance of the proposal for eel measures for 2025, considering the urgency of addressing the concerns surrounding the eel stock.

Furthermore, Germany, Estonia, Sweden, Lithuania and Austria emphasize the importance of Article 7 of the Eel Regulation No 1100/2007, which explicitly reserves 60% of glass eels for restocking purposes. This provision is crucial for the sustainable management and recovery of the eel population.

STATEMENT BY FRANCE AND SPAIN on commitments regarding conservation measures for the seabass fishery in the Bay of Biscay (8ab)

France will closely follow the state of European seabass (Dicentrarchus labrax) stock in the ICES divisions 8a and 8b (Bay of Biscay).

France and Spain will comply with a fishing pressure compatible with MSY. They will also maintain the responsible measures implemented at national level while mitigating the impact of recreational fisheries.

STATEMENT BY IRELAND on future fishing opportunities for the Union

Ireland recalls the Presidency Conclusions on the Fisheries Policy Package which highlight the need "*…to develop a comprehensive and integrated strategy for relations with third countries and future external fishery agreements that protects the interests of the Union's coastal communities as well as quotas and access to waters on which they depend*;…"

Ireland further recalls that the quota transfers under the EU-UK Trade and Co-operation Agreement were not equally shared by all Member States, with Ireland facing a disproportionate loss of quota compared to other affected Member States.

The allocation of fishing opportunities arising from future fishery agreement provides the means to mitigate the impacts of these quota losses.

Therefore, Ireland calls for burden-sharing to be taken into account in the allocation of any future new fishing opportunities.