Council of the European Union

Brussels, 6 March 2024
(OR. en)

7221/24

**Interinstitutional File: 2024/0063(NLE)**

PECHE 91
UK 28

**PROPOSAL**

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| From: | Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director |
| date of receipt: | 6 March 2024 |
| To: | Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union |
| No. Cion doc.: | COM(2024) 114 final |
| Subject: | Proposal for a COUNCIL REGULATION amending and correcting 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 |

Delegations will find attached document COM(2024) 114 final.

Encl.: COM(2024) 114 final

EUROPEAN
COMMISSION

Brussels, 6.3.2024
COM(2024) 114 final

2024/0063 (NLE)

Proposal for a

# COUNCIL REGULATION

**amending and correcting 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**

# EXPLANATORY MEMORANDUM

## 1. CONTEXT OF THE PROPOSAL

### • Reasons for and objectives of the proposal

Council Regulation (EU) 2024/257[1] fixes for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in EU waters and, for EU fishing vessels, in certain non-EU waters. The proposal amends those fishing opportunities to take account of the latest scientific advice and other developments. In addition, the proposal corrects certain errors in Regulation (EU) 2024/257.

### • Consistency with existing policy provisions in the policy area

The measures proposed are consistent with the objectives and rules of the common fisheries policy (CFP).

### • Consistency with other Union policies

The measures proposed are consistent with other EU policies, in particular with the policies in the field of the environment.

## 2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

### • Legal basis

The legal basis of the proposal is Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).

### • Subsidiarity

The proposal falls under the exclusive EU competence as referred to in Article 3(1)(d) TFEU. Therefore, the subsidiarity principle does not apply.

### • Proportionality

The proposal allocates fishing opportunities to Member States in accordance with the objectives of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy[2]. Pursuant to Articles 16 and 17 of Regulation (EU) No 1380/2013, Member States shall decide how the fishing opportunities available to them may be allocated to vessels flying their flag in accordance with certain criteria for the allocation of fishing opportunities. Therefore, Member States have the necessary margin of discretion when distributing the allocated total allowable catches (TACs), in line with the social/economic model of their choice to exploit the fishing opportunities available to them.

### • Choice of the instrument

Given that the proposal amends an existing regulation, the most appropriate legal instrument is a regulation.

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1 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, 11.01.2024).

2 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).

## 3. RESULTS OF *EX POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

The Commission has consulted stakeholders, in particular through the advisory councils, on the basis of its annual Communication "Sustainable fishing in the EU: state of play and orientations for 2024" (COM(2023) 303).

Stakeholders' responses to that annual communication set out their views on the Commission's evaluation of the state of the resources and on the appropriate management response. The Commission considered those responses when formulating the proposal.

- **Collection and use of expertise**

International Council for the Exploration of the Sea (ICES) scientific advice is based on a framework developed by its expert groups and decision-making bodies and issued in line with its framework partnership agreement with the Commission.

- **Impact assessment**

The scope of the proposal is circumscribed by Article 43(3) of the TFEU.

The proposal seeks to avoid short-term approaches in favour of long-term sustainability. It takes account of initiatives by stakeholders and advisory councils if they have been positively reviewed by ICES. The Commission's CFP reform proposal was based on an impact assessment (SEC(2011) 891) that considered that while achieving the MSY objective was a necessary condition for environmental, economic and social sustainability, those three objectives cannot be achieved in isolation.

As regards RFMO fishing opportunities and stocks that are jointly managed with non-EU countries, the proposal implements internationally agreed measures. Any aspects that are relevant to assessing possible impacts of the fishing opportunities are dealt with in the preparation and conduct of international negotiations in which the EU's fishing opportunities are agreed with non-EU countries.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The proposal respects fundamental rights and in particular those recognised by the Charter of Fundamental Rights of the European Union.

## 4. BUDGETARY IMPLICATIONS

The proposed measures will have no budgetary implications.

## 5. OTHER ELEMENTS

- **Detailed explanation of the specific provisions of the proposal**

The proposal seeks to amend Council Regulation (EU) 2024/257 as described below.

**Small-eyed ray in the western Channel**

Regulation (EU) 2024/257 established a TAC for skates and rays (*Rajiformes*) in EU and UK waters of ICES divisions 6a, 6b, 7a to 7c and 7e to 7k (West of Scotland, southern Celtic Seas and Channel). That Regulation also established a special condition under that TAC. That special condition allows catches of small-eyed ray (*Raja microocellata*) to be taken in ICES division 7e (western Channel) by the EU and the UK in 2024, to allow for a sentinel fishery for the purpose of fisheries-based data collection for that stock as assessed by ICES. To provide for legal certainty and to allow sentinel fishery 'monitoring programmes' to be conducted, quantities under that special condition should be allocated to Member States in accordance with the principle of relative stability and the allocation key for skates and rays in EU and UK waters of ICES divisions 6a, 6b, 7a to 7c and 7e to 7k.

**Witch flounder and lemon sole in the Skagerrak-Kattegat**

On 6 December 2023, the EU and the UK concluded bilateral consultations on the setting of fishing opportunities for stocks listed in Annex 35 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part[3] ('Trade and Cooperation Agreement'). The outcome of those consultations was documented in a Written Record signed on 6 December 2023, supplemented by an addendum on 8 December 2023, and implemented in EU law through Regulation (EU) 2024/257.

In those bilateral consultations, the EU and the UK inter alia established, for the first time, TACs for: (i) witch flounder (*Glyptocephalus cynoglossus*) in EU waters of ICES division 3a (Skagerrak-Kattegat); and (ii) lemon sole (*Microstomus kitt*) in that same area. Pending an agreement between Member States on how those fishing opportunities are to be allocated, the TACs for those stocks were marked 'to be established' in Regulation (EU) 2024/257. In order to allow Member States to use those fishing opportunities, the TACs and EU quotas for those stocks should be fixed at the levels set out in the Written Record. As discussions between Member States on allocation are still ongoing, Member States quotas are not included. As soon as the outcome of those discussions is known, the Commission services will update the proposal by means of a non-paper proposing: (i) Member States quotas; or (ii) not allocating the EU quotas to Member States and allowing all Member States to fish the EU quotas until these are fully utilised.

**Sandeel in the North Sea**

Regulation (EU) 2024/257 provisionally set at zero the TAC for sandeel and associated by-catches (*Ammodytes* spp.) in UK and EU waters of ICES subarea 4 (North Sea), UK waters of ICES division 2a and EU waters of division 3a (Skagerrak and Kattegat) for 2024, pending publication of the scientific advice for that stock for 2024 by ICES.

ICES is expected to publish its scientific advice for sandeel in ICES subarea 4 and division 3a for 2024 on 29 February 2024. Following the publication of that advice, the EU will hold bilateral consultations with the UK on the level of the TAC for 2024 for that stock pursuant to Articles 498(2), (4) and (6) of the Trade and Cooperation Agreement. Pending the formal outcome of those bilateral consultations, the text of the relevant recital of Council Regulation (EU) 2023/194[4] is included in square brackets and the TAC for sandeel in ICES subarea 4 and

[3] OJ L 149, 30.4.2021, p. 10.

[4] Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union

divisions 2a and 3a for 2024 is marked 'pm' (*pro memoria*). As soon as the formal outcome of those bilateral consultations is known, the Commission services will update the proposal by means of a non-paper proposing the relevant TAC for 2024 at the level agreed with the UK.

**SPRFMO**

In Regulation (EU) 2024/257, TACs in the South Pacific Regional Fisheries Management Organisation (SPRFMO) Convention area are marked 'to be established' and measures functionally linked to the TACs are provisionally maintained, pending the outcome of the 2024 annual meeting of the SPRFMO held from 29 January to 2 February 2024.

At its 12th annual meeting in 2024, the SPRFMO adopted catch limits for jack mackerel (*Trachurus murphyi*) and maintained exploratory fisheries for toothfishes (*Dissostichus spp.*). In addition, the SPRFMO maintained or amended functionally linked measures. Those measures should therefore be implemented in EU law.

**WCPFC**

In Regulation (EU) 2024/257, fishing opportunities in the Western and Central Pacific Fisheries Commission (WCPFC) Convention area are marked 'to be established' and measures functionally linked to these are provisionally maintained, pending the formal outcome of the 2023 annual meeting of the WCPFC held from 4 to 8 December 2023.

At its 2023 annual meeting, the WCPFC decided to maintain the purse seine effort limits and the maximum numbers of these vessels fishing for tropical tunas. Moreover, the WCPFC amended measures related to the management of the Fish Aggregating Devices (FADs) in the tropical tunas fishery, in particular to the FAD closure. Those measures should be implemented in EU law.

**ICCAT**

Fishing effort limits for EU vessels fishing for bluefin tuna (*Thunnus thynnus*) in the International Commission for the Conservation of Atlantic Tunas (ICCAT) Convention area and maximum input and capacity for EU farms of bluefin tuna in that area are based on information provided in the annual fishing plans, the annual fishing capacity management plans and the annual farming management plans for bluefin tuna of Member States. Member States are to transmit those plans to the Commission by 31 January each year, pursuant to Article 16(1) of Regulation (EU) 2023/2053 of the European Parliament and of the Council[5]. Those plans are then compiled by the Commission and form the basis for the establishment of an EU annual plan, which is transmitted to the ICCAT Secretariat for discussion and approval by ICCAT, as required by Article 16(2) of Regulation (EU) 2023/2053. Pending the submission and approval of the EU annual plan by ICCAT, the text of relevant recital of Council Regulation (EU) 2023/194 is included in square brackets and the EU fishing effort limits and the EU maximum farming input and capacity for 2024 are marked 'pm' (*pro memoria*). As soon as the EU annual plan is approved by ICCAT, the Commission services

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waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (OJ L 28, 31.1.2023, p. 1).

5 Regulation (EU) Regulation (EU) 2023/2053 of the European Parliament and of the Council of 13 September 2023 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (OJ L 238, 27.9.2023, p. 1)

will update the proposal by means of a non-paper proposing the relevant fishing effort limits and maximum farming input and capacity for 2024.

**Sand tiger shark**

At its 14th meeting held in Samarkand, Uzbekistan, from 12 to 17 February 2024, the Conference of the Parties (COP) to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) added sand tiger shark *(Carcharias taurus*) to the lists of protected species in Appendices I and II of that Convention. Those measures should therefore be implemented into EU law by prohibiting: (i) EU fishing vessels in all waters; and (ii) third country vessels in EU waters, to fish for, retain on board, tranship or land that species.

Article 98(2) of Regulation (EU) 2023/2124 of the European Parliament and of the Council[6] however already established such a prohibition for sand tiger shark in the Mediterranean. To avoid overlapping provisions on the same subject matter, in the Mediterranean, such a prohibition should therefore only be established for EU vessels in all waters other than the Mediterranean, and for third country vessels in EU waters.

That prohibition for sand tiger shark should apply from 1 April 2024, which is: (i) after the 14th meeting of the COP to the CMS, which took place from 12 to 17 February 2024; and (ii) before the entry into force of the amendment to the Appendices I and II of the CMS on 17 May 2024.

**Correction of errors**

Both Article 41, paragraph 4, and Article 43 of Regulation (EU) 2024/257 refer to the same maximum number of EU fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas of the WCPFC Convention area. The former provision should therefore be deleted for reasons of legal clarity.

Article 59 of Regulation (EU) 2024/257 on entry into force and application should be corrected regarding measures on European eel (*Anguilla anguilla*) in EU marine and brackish waters of ICES subareas 3, 4, 6, 7, 8 and 9, and adjacent EU brackish waters, as follows:

- Article 13(4) of Regulation (EU) 2023/194, which requires Member States to determine closure periods for commercial fishing activities for European eel at all life stage in that area, applies from 1 March 2023 to 31 March 2024. Article 13(6) of Regulation (EU) 2024/257 establishing such a measure should therefore apply from 1 April 2024; and
- Measures concerning commercial fishing activities for European eel at all life stages in that area set out in Regulation (EU) 2024/257 apply until 31 March 2025. The prohibition of recreational fisheries of European eel at all life stages in that area pursuant to Article 13(7) of that Regulation should therefore also apply until 31 March 2025.

In Annex IA, Part B, to Regulation (EU) 2024/257 the following errors should be corrected:

- Table 60: the Member States quotas for lemon sole and witch flounder in UK and EU waters of ICES subarea 4 and UK waters of division 2a for 2024

[6] Regulation (EU) 2023/2124 of the European Parliament and of the Council of 4 October 2023 on certain provisions for fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area (recast) (OJ L, 2023/2124, 12.10.2023).

should be corrected to address an error in the calculation of those quotas. In addition, in respectively footnotes 3 and 4, the reporting codes for: (i) lemon sole in EU waters of division 3a; and (ii) witch in EU waters of division 3a, should be corrected;

– Table 93: the TAC for turbot and brill (*Scophthalmus maximus and Scophthalmus rhombus*) in UK and EU waters of ICES subarea 4 and UK waters of division 2a for 2024 should be marked as "analytical TAC" in line with the relevant ICES advice[7]. In addition, in footnote 4, the reporting code for brill in EU waters of division 3a should be corrected;

– Table 101: in the TAC tables for undulate ray (*Raja undulata*) in respectively EU waters of ICES subarea 8 and subarea 9, it should be clarified that catches from the additional allocation to vessels participating in the sentinel fishery should be reported separately;

– Table 103: in the TAC table for mackerel (*Scomber scombrus*) in the North Sea and the Baltic Sea: (i) the area description and the reporting code should be corrected to reflect the geographic scope of the two TACs for mackerel in the North Sea and the Baltic Sea that were included in Regulation (EU) 2023/194[8]; (ii) the second sentence of footnote 1 should be deleted, which contradicts the rest of that footnote; (iii) in footnote 2, first column of the table, the area description and reporting code should be corrected to reflect the area description of the TAC; and (iv) in footnote 4, the title "post transfer" should be deleted for reasons of legal clarity; and

– Table 106: in the TAC table for common sole (*Solea solea*) in UK and EU waters of ICES subarea 4 and UK waters of division 2a, footnote 1, the reporting code should be corrected.

In Annex XI to Regulation (EU) 2024/257, the following errors should be corrected:

– point 2: in the TAC table for mackerel (*Scomber scombrus*) in the North Sea and the Baltic Sea: (i) the second sentence of footnote 1 should be deleted, which contradicts the rest of the footnote; (ii) in footnote 2, first column of the table, the area description and reporting code should be corrected to reflect the area description of the TAC; and (iii) in footnote 4, the title "post transfer" should be deleted for reasons of legal clarity.

[7] https://doi.org/10.17895/ices.advice.21864321.v1
https://doi.org/10.17895/ices.advice.21840735.v1

[8] Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (OJ L 28, 31.1.2023, p. 1).

2024/0063 (NLE)

Proposal for a

# COUNCIL REGULATION

## amending and correcting 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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Council Regulation (EU) 2024/257[9] fixes 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. The total allowable catches (TACs) and effort limits and the measures functionally linked to the TACs and effort limits set by Regulation (EU) 2024/257 should be amended to take into account the publication of scientific advice as well as the outcomes of consultations with third countries and regional fisheries management organisations (RFMOs) meetings.

(2) Regulation (EU) 2024/257 established a TAC for skates and rays (*Rajiformes*) in Union and United Kingdom waters of International Council for the Exploration of the Sea (ICES) divisions 6a, 6b, 7a to 7c and 7e to 7k. That Regulation also established a special condition under that TAC. That special condition allows catches of small-eyed ray (*Raja microocellata)* to be taken in ICES division 7e (western Channel) by the Union and the United Kingdom in 2024, to allow for a sentinel fishery for the purpose of fisheries-based data collection for that stock as assessed by ICES. To provide for legal certainty and to allow sentinel fishery 'monitoring programmes' to be conducted, quantities under that special condition should be allocated to Member States in accordance with the principle of relative stability and the allocation key for skates and rays in Union and United Kingdom waters of ICES divisions 6a, 6b, 7a to 7c and 7e to 7k.

(3) In bilateral consultations on the setting of fishing opportunities for stocks listed in Annex 35 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part[10] ('Trade and Cooperation Agreement'), the Union and the United Kingdom established, for the first time, TACs for: (i) witch flounder (*Glyptocephalus cynoglossus*) in Union waters of ICES division 3a (Skagerrak-Kattegat); and (ii) lemon sole (*Microstomus kitt*) in that same area.

[9] 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, 11.01.2024).

[10] OJ L 149, 30.4.2021, p. 10.

Pending an agreement between Member States on how those fishing opportunities are to be allocated, the TACs for those stocks were marked 'to be established' in Regulation (EU) 2024/257. In order to allow Member States to use those fishing opportunities, the TACs and Union quotas for those stocks should be fixed at the levels agreed with the United Kingdom and, if relevant, be allocated to Member States in line with the outcome of the discussions between Member States on such allocation

(4) [Between 9 and 13 March 2023, bilateral consultations between the Union and the United Kingdom on the level of the TAC for sandeel and associated by-catches (*Ammodytes spp.*) in United Kingdom and Union waters of ICES subarea 4, United Kingdom waters of ICES division 2a and Union waters of division 3a were conducted. Those consultations were conducted pursuant to Article 498(2), (4) and (6) of the Trade and Cooperation Agreement and on the basis of the Union position endorsed by the Council on 2 March 2023. The outcome of those consultations was documented in a Written Record. The relevant TAC should therefore be set at the level agreed with the United Kingdom.] *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union and the United Kingdom.]*

(5) At its 12th annual meeting in 2024, the South Pacific Regional Fisheries Management Organisation (SPRFMO) adopted catch limits for jack mackerel (*Trachurus murphyi*) and maintained exploratory fisheries for toothfishes (*Dissostichus* spp.). In addition, the SPRFMO maintained or amended functionally linked measures. Those measures should be implemented in Union law.

(6) At its 2023 annual meeting, the Western and Central Pacific Fisheries Commission (WCPFC) decided to maintain the purse seine effort limits and maximum numbers of these vessels fishing for tropical tunas. Provisions related to the management of the Fish Aggregating Devices (FADs) in the tropical tunas fishery, and in particular to the FAD closure, were amended. Those measures should be implemented in Union law.

(7) [Fishing effort limits for Union vessels fishing for bluefin tuna (*Thunnus thynnus*) in the International Commission for the Conservation of Atlantic Tunas (ICCAT) Convention area and maximum input and capacity for Union farms of bluefin tuna in that area are based on information provided in the annual fishing plans, the annual fishing capacity management plans and the annual farming management plans for bluefin tuna of Member States. Member States are to transmit those plans to the Commission by 31 January each year, pursuant to Article 16(1) of Regulation (EU) 2023/2053 of the European Parliament and of the Council[11]. Those plans are then compiled by the Commission and form the basis for the establishment of an Union annual plan, which is transmitted to the ICCAT Secretariat for discussion and approval by ICCAT, as required by Article 16(2) of Regulation (EU) 2023/2053. The latest Union annual plan was approved by ICCAT on 8 March 2023. The Union fishing effort limits and Union maximum farming input and capacity for 2023 should therefore be amended in line with that annual plan.] *[The recital and the relevant provisions will be updated after approval by ICCAT of the Union annual plan.]*

(8) At its 14th meeting held in Samarkand, Uzbekistan, from 12 to 17 February 2024, the Conference of the Parties (COP) to the Convention on the Conservation of Migratory

[11] Regulation (EU) Regulation (EU) 2023/2053 of the European Parliament and of the Council of 13 September 2023 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (OJ L 238, 27.9.2023, p. 1).

Species of Wild Animals (CMS) added sand tiger shark (*Carcharias taurus*) to the lists of protected species in Appendices I and II of that Convention. Those measures should therefore be implemented into Union law by prohibiting: (i) Union fishing vessels in all waters; and (ii) third country vessels in Union waters, to fish for, retain on board, tranship or land that species. Article 98(2) of Regulation (EU) 2023/2124 of the European Parliament and of the Council however already established such a prohibition for sand tiger shark in the Mediterranean. To avoid overlapping provisions on the same subject matter, in the Mediterranean, such a prohibition should therefore only be established for Union vessels in all waters other than the Mediterranean, and for third country vessels in Union waters.

(9) Both Article 41, paragraph 4, and Article 43 of Regulation (EU) 2024/257 refer to the same maximum number of Union fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas of the WCPFC Convention area. The former provision should therefore be deleted for reasons of legal clarity.

(10) Article 59 of Regulation (EU) 2024/257 on entry into force and application should be corrected regarding measures on European eel (*Anguilla anguilla*) in Union marine and brackish waters of ICES subareas 3, 4, 6, 7, 8 and 9, and adjacent Union brackish waters.

(11) Certain errors in the TAC tables in the Annexes to Regulation (EU) 2024/257 should be corrected. Those include errors concerning: (i) Member States quotas; (ii) the type of TAC (i.e. 'analytical TAC' or 'precautionary TAC'); (iii) area descriptions; and (iv) reporting codes. In addition, in those Annexes, certain provisions should be clarified in: (i) the TAC tables for undulate ray (*Raja undulata*) in respectively Union waters of ICES subarea 8 and of subarea 9; and (ii) the TAC tables for mackerel (*Scomber scombrus*) in the North Sea and the Baltic Sea.

(12) Regulation (EU) 2024/257 should therefore be amended and corrected accordingly.

(13) The fishing opportunities provided for in Regulation (EU) 2024/257 apply from 1 January 2024. The provisions introduced by this Regulation concerning fishing opportunities should therefore also apply from that date. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the fishing opportunities concerned are increased or have not yet been exhausted.

(14) The provisions of this Regulation concerning sand tiger shark should apply from 1 April 2024, which is: (i) after the 14th meeting of the COP to the CMS, which took place from 12 to 17 February 2024; and (ii) before the entry into force of the amendment to the Appendices I and II of the CMS on 17 May 2024.

(15) Given the urgency to avoid interruptions of fishing activities, this Regulation should enter into force on the day of its publication in the Official Journal of the European Union,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendment and correction of Regulation (EU) 2024/257**

Regulation (EU) 2024/257 is amended as follows:

(1) In Article 20(1), the following point is inserted:

"(ba) sand tiger shark (*Carcharias taurus*) in all waters other than the Mediterranean;"

(2) Article 41, paragraph 3, is deleted.

(3) Article 42 is replaced by the following:

"*Article 42*

**Management of fishing with FADs**

1. In the part of the WCPFC Convention area located between 20° N and 20° S, purse seine vessels, tender vessels, and any other vessels operating in support of purse seine vessels, shall not deploy, service or set nets on FADs between 00.00 hours on 1 July 2024 and 24.00 hours on 15 August 2024.

2. In addition to the prohibition in paragraph 1, it shall be prohibited to set nets on FADs on the high seas of the WCPFC Convention area located between 20° N and 20° S for one additional month, from 00.00 hours on 1 April 2024 to 24.00 hours on 30 April 2024, or from 00.00 hours on 1 May 2024 to 24.00 hours on 31 May 2024, or from 00.00 hours on 1 November 2024 to 24.00 hours on 30 November 2024, or from 00.00 hours on 1 December 2024 to 24.00 hours on 31 December 2024.

3. Member States concerned shall jointly determine which of the closure periods referred to in paragraph 2 shall apply to purse seine vessels flying their flag. The Member States shall jointly inform the Commission by 15 February 2024 of the closure period selected. The Commission shall notify the secretariat of the WCPFC of the joint closure period selected by Member States concerned before 1 March 2024.

4. Each Member State shall ensure that none of its purse seine vessels deploy at sea, at any time, more than 350 FADs with activated instrumented buoys. Buoys shall be activated exclusively on board a purse seine vessel."

(4) In Article 55(1), the following is inserted:

"(aa) sand tiger shark (*Carcharias taurus*) in all Union waters;"

(5) In Article 59, points (a) and (b) are replaced by the following:

"(a) Article 13(1) and (7) shall apply from 1 January 2024 to 31 March 2025;

(b) Article 13(2) to (6) shall apply from 1 April 2024 to 31 March 2025;"

(6) In Article 59, the following points (ca) and (ga) are inserted:

“ (ca) Article 20(1), point(ba) shall apply from 1 April 2024;

(ga) Article 55(1), point (aa) shall apply from 1 April 2024;”

(7) Annexes IA, IG, IH, VI, IX and XI are amended and corrected in accordance with the Annex to this Regulation.

*Article 2*

**Entry into force and application**

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2024.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council*
*The President*