



Council of the
European Union

Brussels, 30 May 2023
(OR. en)

9262/23

PECHE 179
UK 89
N 48

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION amending Regulation (EU) 2023/194 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

COUNCIL REGULATION (EU) 2023/...

of ...

**amending Regulation (EU) 2023/194 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**

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) 2023/194¹ fixes for 2023 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 measures functionally linked to the TACs set by Regulation (EU) 2023/194 should be amended in order to take into account the outcome of consultations with third countries.

¹ 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).

- (2) Regulation (EU) 2023/194 sets a provisional Union quota for cod (*Gadus morhua*) in Svalbard waters and international waters of the International Council for the Exploration of the Sea (ICES) subarea 1 and division 2b for the period from 1 January 2023 to 31 March 2023. In order to allow fishing activities to continue, it is necessary to replace that provisional Union quota by a definitive Union quota for that stock for 2023. The Council should therefore set the Union quota for cod in Svalbard waters and international waters of ICES subarea 1 and division 2b based on the reference TAC for northeast Arctic cod and the Union's historic fishing rights. The definitive Union quota for cod in Svalbard waters and international waters of ICES subarea 1 and division 2b for 2023 should be set at the level of 15 629 tonnes, which corresponds to the percentage indicated in paragraph 3, point (a) of the EU-Norway political understanding in relation to the fisheries in ICES subareas 1 and 2. The Union quota for cod in Svalbard waters and international waters of ICES subarea 1 and division 2b should be allocated to the Member States in accordance with Council Decision 87/277/EEC¹, subject to the adaptations necessary due to the withdrawal of the United Kingdom from the Union as set out in Annex 36(E) 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 part².

¹ Council Decision 87/277/EEC of 18 May 1987 on the allocation of the catch possibilities for cod in the Spitsbergen and Bear Island area and in Division 3M as defined in the NAFO Convention (OJ L 135, 23.5.1987, p. 29).

² OJ L 149, 30.4.2021, p. 10.

- (3) Regulation (EU) 2023/194 sets a provisional Union quota for Greenland halibut (*Reinhardtius hippoglossoides*) in international waters of ICES subareas 1 and 2 for the period from 1 January 2023 to 31 March 2023. In order to allow fishing activities to continue, it is necessary to replace that provisional Union quota by a definitive Union quota for that stock for 2023. The definitive Union quota for Greenland halibut in international waters of ICES subareas 1 and 2 for 2023 should be set at the level of 1 711 tonnes. The level of that Union quota corresponds to 9,25 % of the TAC for Greenland halibut in ICES subareas 1 and 2 for 2023, as proposed by the Union at the North-East Atlantic Fisheries Commission, namely 18 494 tonnes, in line with the ICES advice.
- (4) Regulation (EU) 2023/194 does not set the fishing opportunities for redfish (*Sebastes* spp.) in international waters of ICES subareas 1 and 2 for 2023. In order to allow fishing for that stock to commence once the relevant fishing season starts on 1 July 2023, the Union quota for redfish in international waters in ICES subareas 1 and 2 should be set based on the average of the three highest annual Union catches of redfish in international waters of ICES subareas 1 and 2 in the period from 2013 to 2022.
- (5) Regulation (EU) 2023/194 should therefore be amended accordingly.

- (6) The fishing opportunities provided for in Regulation (EU) 2023/194 apply from 1 January 2023. The provisions introduced by this Regulation concerning fishing opportunities should therefore also apply from 1 January 2023. 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. Given the urgency of avoiding any interruption 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 of Regulation (EU) 2023/194

Annex IB to Regulation (EU) 2023/194 is amended 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 2023.

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

Done at ...,

For the Council
The President

ANNEX

Annex IB to Regulation (EU) 2023/194 is amended as follows:

- (i) the table for cod (*Gadus morhua*) in Svalbard waters and international waters of 1 and 2b is replaced by the following:

6

Species: Cod <i>Gadus morhua</i>		Zone: Svalbard waters; international waters of 1 and 2b (COD/1/2B.)
Germany	3 094 (1)(2)	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.
Spain	7 994 (1)(2)	
France	1 320 (1)(2)	
Poland	1 448 (1)(2)	
Portugal	1 688 (1)(2)	
Other Member States	85 (1)(2)(3)	
Union	15 629 (1)(2)	
TAC	Not relevant	
(1)	The allocation of the share of the cod stock available to the Union in the Spitzbergen and Bear Island zone and the associated by-catches of haddock are without prejudice to the rights and obligations deriving from the 1920 Treaty of Paris.	
(2)	By-catches of haddock may represent up to 14 % per haul. The by-catch quantities of haddock are in addition to the quota for cod.	
(3)	Except Germany, Spain, France, Poland and Portugal. Catches to be counted against this shared quota shall be reported separately (COD/1/2B_AMS).	

7.
,

- (ii) the table for Greenland halibut (*Reinhardtius hippoglossoides*) in international waters of 1 and 2 is replaced by the following:

Species:	Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone:	International waters of 1 and 2 (GHL/1/2INT)
Union	1 711 ⁽¹⁾	Precautionary TAC	
TAC	Not relevant		
⁽¹⁾	Exclusively for by-catches. No directed fisheries are permitted under this quota.		

- (iii) the table for redfish (*Sebastes* spp.) in international waters of 1 and 2 is replaced by the following:

Species:	Redfish <i>Sebastes</i> spp.	Zone:	International waters of 1 and 2 (RED/1/2INT)
Union	6 000 ⁽¹⁾	Analytical TAC	
TAC	Not relevant	Article 3 of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.	
⁽¹⁾ May only be fished from 1 July to 31 December. Fishing vessels shall limit their by-catches of redfish in other fisheries to a maximum of 1 % of the total catch retained on board.			