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2023/0359 (NLE)

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**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • Reasons for and objectives of the proposal

All fishing opportunities regulations must limit the harvesting of fish stocks to levels that are consistent with the overall objectives of the common fisheries policy (CFP). Regulation (EU) No 1380/2013<sup>1</sup> of the European Parliament and of the Council on the Common Fisheries Policy (Basic Regulation) sets out objectives for catch and fishing effort limits to ensure that EU fisheries are ecologically, economically and socially sustainable. The European Parliament and the Council have adopted Regulation (EU) 2018/973<sup>2</sup> and Regulation (EU) 2019/472<sup>3</sup> establishing multiannual plans (MAPs) for the North Sea and for the Western Waters specifying for certain stocks how to reach those objectives when fixing catch limits.

The fishing opportunities are to be set for most stocks every year and for certain stocks every two to three years.

Some of the fishing opportunities are to be established by the EU, while some are to be established following multilateral or bilateral consultations with non-EU countries. Both the fishing opportunities established by the EU and the fishing opportunities established following multilateral or bilateral consultations are allocated among the Member States in accordance with the principle of relative stability.

This proposal aims to fix fishing opportunities for certain:

- stocks for which the fishing opportunities are established by the EU;
- stocks that are: (i) jointly managed with the United Kingdom (UK) in the North Sea and the North-Western Waters, including deep-sea stocks in these areas; (ii) jointly managed with Norway and the UK in the North Sea; (iii) jointly managed with Norway in the Skagerrak-Kattegat; or (iv) subject to North-East Atlantic Fisheries Commission (NEAFC) coastal States consultations;
- stocks managed by regional fisheries management organisations (RFMOs); and
- stocks in waters of non-EU countries.

A number of fishing opportunities are marked ‘*pm*’ (*pro memoria*) in this proposal, because:

- the scientific advice for some autonomous EU stocks was not yet available when the proposal was adopted; or

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<sup>1</sup> 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).

<sup>2</sup> Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).

<sup>3</sup> 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).

- certain catch limits and other recommendations from the relevant RFMOs are pending, because the annual meetings have not yet taken place; or
- pending the conclusion of multilateral or bilateral consultations with certain non-EU countries, figures are not yet available for: (i) stocks in waters of non-EU countries; (ii) stocks jointly managed with non-EU countries; and (iii) fishing opportunities exchanged with non-EU countries.

### **Approach for setting fishing opportunities**

The Commission publishes annually a communication providing an overview of the state of the stocks based on scientific advice, and explaining its approach to proposing fishing opportunities. The most recent annual communication is entitled *Sustainable fishing in the EU: state of play and orientations for 2024* (COM(2023) 303).

The Commission proposes fishing opportunities that are based on scientific advice and in accordance with the approach outlined in the annual communication.

Between 31 May and 30 June 2023, in response to the Commission’s request, the International Council for the Exploration of the Sea (ICES) provided its annual or multiannual scientific advice on a number of autonomous EU stocks covered by this proposal<sup>4</sup>.

ICES scientific advice essentially depends on data:

(i) for stocks for which comprehensive data sets are available, allowing full analytical, age-/length-structured, assessments, ICES produces estimates of the sizes of the stocks and forecasts on how various exploitation scenarios will affect these stock sizes (catch scenarios tables). On that basis, ICES estimates adjustments to the fishing opportunities that will bring the stock to a level that can produce the maximum sustainable yield (MSY);

(ii) for stocks for which less data is available, ICES does not provide catch scenarios but identifies longer term trends in recruitment, biomass and fishing mortality. On that basis, ICES estimates fishing opportunities in line with MSY, based on proxies; and

(iii) for other stocks for which limited data is available, when advising on the level of fishing opportunities, ICES relies on the precautionary approach and applies a certain methodology<sup>5</sup>.

ICES assessments for stocks under points (i) and (ii) are referred to as ‘analytical assessment’ and the advice is referred to as ‘MSY advice’. Assessments for stocks under point (iii) are referred to as ‘precautionary assessment’ and the advice is referred to as ‘precautionary advice’.

For stocks under point (i), ICES publishes advice annually. However, for stocks under points (ii) and (iii), ICES neither performs a stock assessment nor publishes advice on an annual basis.

For stocks under point (ii), ICES assesses longer term trends. ICES therefore considers that the assessed situation of the stock will not be subject to major changes during the advice period. For stocks under point (iii), ICES relies on a precautionary approach. For stocks under both points (ii) and (iii), the advice published by ICES is the best available scientific advice

<sup>4</sup> <https://www.ices.dk/advice/Pages/Latest-Advice.aspx>

<sup>5</sup> See in particular the document *ICES approach to advice on fishing opportunities*; <https://doi.org/10.17895/ices.advice.22240624.v1>

for the entire advice period. For the autonomous EU stocks for which ICES publishes advice that remains valid for several years, the Commission therefore proposes to set total annual catches (TACs) covering the entire advice period, i.e. a period of two to three years (multiannual TACs).

Fishing opportunities for autonomous EU stocks for which scientific advice is not yet available will be proposed once this scientific advice becomes available.

Equally, fishing opportunities for other stocks will be proposed in light of the outcome of consultations with non-EU countries or the annual meetings of RFMOs. In relation to those consultations and annual meetings of RFMOs, the Commission proposes, and the Council adopts, EU positions, to be expressed on behalf of the EU, in accordance with the approach outlined in the annual communication. For bilateral consultations with the UK on shared stocks and in the case of annual meetings of RFMOs, the Commission proposes, and the Council adopts, specifications of the multiannual positions<sup>6</sup>.

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<sup>6</sup> Council Decision (EU) 2021/1875 of 22 October 2021 concerning the position to be adopted on behalf of the Union in the annual consultations with the United Kingdom to agree on total allowable catches (OJ L 378, 26.10.2021, p. 6).  
Council Decision (EU) 2019/865 of 14 May 2019 on the position to be taken on behalf of the European Union in the North-East Atlantic Fisheries Commission (NEAFC), and repealing the Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NEAFC (OJ L 140, 28.5.2019, p. 60).  
Council Decision (EU) 2019/868 of 14 May 2019 on the position to be taken on behalf of the European Union in the International Commission for the Conservation of Atlantic Tunas (ICCAT), and repealing the Decision of 8 July 2014 on the position to be adopted, on behalf of the Union, in the ICCAT (OJ L 140, 28.5.2019, p. 78).  
Council Decision (EU) 2019/867 of 14 May 2019 on the position to be taken on behalf of the European Union in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), and repealing the Decision of 24 June 2014 on the position to be adopted, on behalf of the Union, in the CCAMLR (OJ L 140, 28.5.2019, p. 72).  
Council Decision (EU) 2019/860 of 14 May 2019 on the position to be taken on behalf of the European Union in the Indian Ocean Tuna Commission (IOTC), and repealing the Decision of 19 May 2014 on the position to be adopted, on behalf of the Union, in the IOTC (OJ L 140, 28.5.2019, p. 33).  
Council Decision (EU) 2019/859 of 14 May 2019 on the position to be taken on behalf of the European Union in the South Pacific Regional Fisheries Management Organisation (SPRFMO), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the SPRFMO (OJ L 140, 28.5.2019, p. 27).  
Council Decision (EU) 2019/812 of 14 May 2019 on the position to be taken on behalf of the European Union in the Inter-American Tropical Tuna Commission (IATTC) and the Meeting of the Parties to the Agreement on the International Dolphin Conservation Programme, and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the IATTC (OJ L 133, 21.5.2019, p. 13).  
Council Decision (EU) 2019/861 of 14 May 2019 on the position to be taken on behalf of the European Union in the South East Atlantic Fisheries Organisation (SEAFO), and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the SEAFO (OJ L 140, 28.5.2019, p. 38).  
Council Decision (EU) 2019/862 of 14 May 2019 on the position to be taken on behalf of the European Union in the Western and Central Pacific Fisheries Commission (WCPFC), and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, for the Conservation and Management of Highly Migratory Fish Stocks in the WCPFC (OJ L 140, 28.5.2019, p. 44).  
Council Decision (EU) 2019/866 of 14 May 2019 on the position to be taken on behalf of the European Union in the annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in that annual Conference (OJ L 140, 28.5.2019, p. 66).

While the consultations are ongoing and the annual meetings of RFMOs are pending or scientific advice is not yet available, the text of relevant recitals and provisions of Council Regulation (EU) 2023/194<sup>7</sup> is included in this proposal in square brackets and fishing opportunities are marked *pm*.

Once the consultations with non-EU countries are concluded, the annual meeting of the relevant RFMOs have taken place or the most recent available scientific advice becomes available, this proposal will be updated by means of Commission services' non-papers that will become an integral part of this proposal.

TACs for deep-sea stocks shared with the UK for 2024 were included in Regulation (EU) 2023/194 but marked as 'to be established'. Therefore, this proposal seeks to amend Regulation (EU) 2023/194 as regards those TACs. TACs for those stocks will be proposed after the conclusion of consultations between the EU and the UK for 2024.

### **Landing obligation**

Under Article 15 of the Basic Regulation, all stocks for which there are catch limits have been subject to the landing obligation since 1 January 2019, meaning that all catches should be brought and retained on board the fishing vessels, recorded, landed and counted against the quotas where applicable. However, the Basic Regulation provides for certain exemptions from the landing obligation. Based on joint recommendations by the Member States, the Commission has adopted delegated regulations specifying details of the implementation of the landing obligation for certain fisheries allowing for discards on the basis of *de minimis* or high survivability exemptions.

Since the introduction of the landing obligation, and in accordance with Article 16(2) of the Basic Regulation, the proposed fishing opportunities have to reflect the change from amount landed to amount caught, given that discarding is in principle no longer allowed. The proposed fishing opportunities are also fixed in accordance with other relevant provisions, i.e. Article 16(1) on the principle of relative stability and Article 16(4) referring to the CFP objectives and the relevant MAP rules.

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Council Decision (EU) 2019/858 of 14 May 2019 on the position to be taken on behalf of the European Union in the Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the Meeting of the Parties of the SIOFA (OJ L 140, 28.5.2019, p. 21).

Council Decision (EU) 2019/863 of 14 May 2019 on the position to be taken on behalf of the European Union in the Northwest Atlantic Fisheries Organisation (NAFO), and repealing the Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NAFO (OJ L 140, 28.5.2019, p. 49).

Council Decision (EU) 2019/824 of 14 May 2019 on the position to be taken on behalf of the European Union in the Extended Commission of the Convention for the Conservation of Southern Bluefin Tuna (CCSBT), and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the CCSBT (OJ L 134, 22.5.2019, p. 19).

Council Decision (EU) 2019/859 of 14 May 2019 on the position to be taken on behalf of the European Union in the South Pacific Regional Fisheries Management Organisation (SPRFMO), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the SPRFMO (OJ L 140, 28.5.2019, p. 27).

<sup>7</sup> 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).

Taking into account the application of the landing obligation, the Commission is proposing TACs on the basis of the ICES catch advice. The proposed EU quotas take account of discards based on established exemptions; these quantities will not be landed and counted against the quotas, and are therefore deducted from the EU quotas. Pending the entry into force of the delegated regulations specifying details of the implementation of the landing obligation for certain fisheries in 2024, EU quotas are marked *pm* in this proposal. Moreover, for stocks for which ICES provides only landings advice, the Commission is proposing TACs on the basis of that advice.

### **Year-to-year flexibility**

Account must also be taken of the links between the Basic Regulation and Council Regulation (EC) No 847/96<sup>8</sup>. Articles 3 and 4 of that latter Regulation provide for year-to-year flexibility for quotas for both precautionary and analytical stocks. Under Article 2 of Regulation (EC) No 847/96, when fixing TACs, the Council is to decide which stocks will not be subject to Articles 3 and 4 of that Regulation, in particular on the basis of the biological status of stocks. The Commission proposes to exclude year-to-year flexibility pursuant to Articles 3 and 4 of Regulation (EC) No 847/96 for analytical stocks with a biomass below  $B_{lim}$ <sup>9</sup> and for precautionary stocks for which ICES recommends either zero catches or suspending the targeted fishery.

Article 15(9) of the Basic Regulation provides for further year-to-year flexibility for quotas. However, to avoid excessive flexibility that would undermine the achievement of the CFP objectives, Articles 3 and 4 of Regulation (EC) No 847/96 and Article 15(9) of the Basic Regulation should not apply cumulatively.

Year-to-year flexibility for quotas under Article 15(9) of the Basic Regulation should also be excluded where it would undermine the achievement of the CFP objectives, in particular for: (i) analytical stocks with a biomass below  $B_{lim}$  and for which only by-catch or scientific fisheries will be permitted; and (ii) for precautionary stocks for which only such fisheries will be permitted. In addition, flexibility should be excluded for stocks for which the EU and the relevant non-EU country or countries have not agreed on the application of year-to-year flexibility or have excluded the application of such flexibility on the basis of the biological status of stocks.

## **Proposed fishing opportunities and explanation**

### **Autonomous EU stocks**

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<sup>8</sup> Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

<sup>9</sup> The MAPs define 'Blim' as the spawning stock biomass reference point below which there may be reduced reproductive capacity.

TAC	TAC code	Proposed TAC for 2024 and where specified also for 2025 or 2026 (tonnes)	Proposed TAC change from 2023	Explanation
Megrims in 8c, 9 and 10; Union waters of CECAF 34.1.1	LEZ/8C3411	3 622	+11%	ICES provides MSY advice <sup>10</sup> for two different species of megrim in this area: <i>Lepidorhombus whiffiagonis</i> and <i>Lepidorhombus Boscii</i> . The Commission proposes to set the TAC in line with the MSY advice and $F_{MSY}$ point value <sup>11</sup> for both species.
Anglerfishes in 8c, 9 and 10; Union waters of CECAF 34.1.1	ANF/8C3411	4 650	+7%	ICES provides MSY advice <sup>12</sup> for two different species of anglerfish in this area: black-bellied anglerfish ( <i>Lophius budegassa</i> ) and white anglerfish ( <i>Lophius piscatorius</i> ). The Commission proposes to set the TAC in line with the MSY advice and $F_{MSY}$ point value for both species.
Whiting in 8	WHG/08.	For 2024 and 2025: 1 347	-41%	ICES now provides MSY advice <sup>13</sup> for this stock. The latest advice published by ICES is valid for 2024 and 2025. The Commission proposes to set the TACs for 2024 and for 2025 in line with the MSY advice.
Hake in 8c, 9 and 10; Union waters of CECAF 34.1.1	HKE/8C3411	17 445	+10%	ICES provides MSY advice <sup>14</sup> for this stock. The Commission proposes to set the TAC in line with the MSY advice and the highest value within the range of $F_{MSY}$ ( $MSY F_{upper}$ ). It proposes to set the TAC in line with $MSY F_{upper}$ in accordance with Article 4(5), point (a), of the Western Waters MAP, taking into account that ICES concluded at the end of 2022 that hake has been the most limiting species in the mixed fisheries <sup>15</sup> .
Norway lobster in 8c, functional unit 25	NEP/8CU25	For 2024 and 2025: 0	roll-over	ICES provides MSY advice <sup>16</sup> for this stock. The Commission proposes to set the TACs for 2024 and for 2025 in line with the MSY advice.

<sup>10</sup> <https://doi.org/10.17895/ices.advice.21840942.v1>

<https://doi.org/10.17895/ices.advice.21840912.v1>

<sup>11</sup> The MAPs define 'F<sub>MSY</sub> point value' as the value of the estimated fishing mortality that with a given fishing pattern and under current average environmental conditions gives the long-term MSY.

<sup>12</sup> <https://doi.org/10.17895/ices.advice.21840726.v1>

<https://doi.org/10.17895/ices.advice.21840951.v1>

<sup>13</sup> <https://doi.org/10.17895/ices.advice.21864336.v1>

<sup>14</sup> <https://doi.org/10.17895/ices.advice.21840897.v1>

<sup>15</sup> <https://doi.org/10.17895/ices.advice.21532947.v1>

<sup>16</sup> <https://doi.org/10.17895/ices.advice.19453487.v2>

TAC	TAC code	Proposed TAC for 2024 and where specified also for 2025 or 2026 (tonnes)	Proposed TAC change from 2023	Explanation
Norway lobster in 8c, functional unit 31	NEP/8CU31	12,4	-27%	ICES provides MSY advice <sup>17</sup> for this stock. The Commission proposes to set the TAC in line with the MSY advice.
Plaice in the Kattegat	PLE/03AS.	2 349	+19%	ICES provides MSY advice <sup>18</sup> for this stock. This TAC represents a proportion (22%) of the ICES advice for plaice in the Kattegat, Belt Seas and the Sound. That figure is based on the catch distribution in 2023 set out in the ICES advice. The Commission proposes to set the TAC in line with the MSY advice and the lowest value within the range of $F_{MSY}$ ( $MSY F_{lower}$ ). It proposes to set the TAC in line with $MSY F_{lower}$ as cod, for which there is a zero-catch advice, is a by-catch in this fishery.
Plaice in 7b and 7c	PLE/7BC.	For 2024, 2025 and 2026: 15	-21%	ICES cannot provide information on stock size or fishing pressure, and provides precautionary advice <sup>19</sup> for this stock. The latest advice published by ICES is valid for 2024, 2025 and 2026. The Commission proposes to set the TACs for 2024, 2025 and 2026 in line with the precautionary advice.
Plaice in 8, 9 and 10; Union waters of CECAF 34.1.1	PLE/8/3411	For 2024 and 2025: 124	-20%	ICES cannot provide information on stock size or fishing pressure, and provides precautionary advice <sup>20</sup> for this stock. The latest advice published by ICES is valid for 2024 and 2025. The Commission proposes to set the TACs for 2024 and 2025 in line with the precautionary advice.
Pollack in 8a, 8b, 8d and 8e	POL/8ABDE.	For 2024 and 2025: 698	-53%	The ICES advice covers three TACs, the one mentioned in this row and the TACs mentioned in the following two rows. ICES now provides MSY advice <sup>21</sup> for this stock. The latest advice published by ICES is valid for 2024 and 2025. The Commission proposes to set the TACs for 2024 and for 2025 in line with the MSY advice.

<sup>17</sup> <https://doi.org/10.17895/ices.advice.21840969.v1>

<sup>18</sup> <https://doi.org/10.17895/ices.advice.21820533.v1>

<sup>19</sup> <https://doi.org/10.17895/ices.advice.21840984.v1>

<sup>20</sup> <https://doi.org/10.17895/ices.advice.21841002.v1>

<sup>21</sup> <https://doi.org/10.17895/ices.advice.21841014.v1>



TAC	TAC code	Proposed TAC for 2024 and where specified also for 2025 or 2026 (tonnes)	Proposed TAC change from 2023	Explanation
Pollack in 8c	POL/08C.	For 2024 and 2025: 78	-53%	As above.
Pollack in 9 and 10; Union waters of CECAF 34.1.1	POL/9/3411	For 2024 and 2025: 96	-53%	As above.
Common sole in 7b and 7c	SOL/7BC.	For 2024, 2025 and 2026: 15	-21%	ICES cannot provide information on stock size or fishing pressure, and provides precautionary advice <sup>22</sup> for this stock. The latest advice published by ICES is valid for 2024, 2025 and 2026. The Commission proposes to set the TACs for 2024, 2025 and 2026 in line with the precautionary advice.
Common sole in 8a and 8b	SOL/8AB.	2 489	-7%	ICES provides MSY advice <sup>23</sup> for this stock. The Commission proposes to set the TAC in line with the MSY advice and the F <sub>MSY</sub> point value.
Sole in 8c, 8d, 8e, 9 and 10; Union waters of CECAF 34.1.1	SOO/8CDE34	For 2024 and 2025: 435	-33%	The TAC covers three species of sole in this area, common sole ( <i>Solea solea</i> ) and two other sole species.  ICES only provides MSY advice <sup>24</sup> for common sole in this area. The latest advice published by ICES is valid for 2024 and 2025.  For 2024 and 2025, the Commission proposes to set sub-TACs for common sole in line with the MSY advice. It also proposes to set the TACs in line with the advice for common sole and taking into account the species-specific catches (48% common sole and 52% other sole species). That figure is based on the catch shares in 2020-2022 set out in the ICES advice.

<sup>22</sup> <https://doi.org/10.17895/ices.advice.21840984.v1>

<sup>23</sup> <https://doi.org/10.17895/ices.advice.21864309.v1>

<sup>24</sup> <https://doi.org/10.17895/ices.advice.21864312.v1>

TAC	TAC code	Proposed TAC for 2024 and where specified also for 2025 or 2026 (tonnes)	Proposed TAC change from 2023	Explanation
Horse mackerel in 9	JAX/09.	173 873	+5%	ICES provides MSY advice <sup>25</sup> for this stock. The Commission proposes to set the TAC in line with the MSY advice.
Seabass in 8a and 8b	Not applicable	Not applicable	Not applicable	ICES provides MSY advice <sup>26</sup> for this stock. The Commission proposes to reduce the bag limit for recreational fisheries to 1 fish/day. The Commission also proposes that France and Spain set catch limits for commercial fisheries below the level corresponding to the F <sub>MSY</sub> point value, as reduced proportionally to take into account the decrease in the biomass (1 906 tonnes).

### Stocks listed in Annex 36, table F, of the Trade and Cooperation Agreement

In addition, the Commission proposes fishing opportunities for certain stocks listed in Annex 36, table F, of 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<sup>27</sup> (Trade and Cooperation Agreement). That Annex lists stocks that are only present in one Party's waters.

TAC	TAC code	Proposed TAC for 2024 (tonnes)	Proposed TAC change from 2023	Explanation

<sup>25</sup> <https://doi.org/10.17895/ices.advice.21907971.v1>

<sup>26</sup> <https://doi.org/10.17895/ices.advice.21840756.v1>

<sup>27</sup> 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 (OJ L 149, 30.4.2021, p. 10).

TAC	TAC code	Proposed TAC for 2024 (tonnes)	Proposed TAC change from 2023	Explanation
Undulate ray in 8 - TAC under TAC for skates and rays in 8 and 9 <sup>28</sup>	RJU/8-C. - TAC under SRX/89-C.	33	roll-over	ICES cannot provide information on stock size or fishing pressure, and provides precautionary advice <sup>29</sup> for this stock. The latest advice published by ICES is valid for 2023 and 2024.  The Commission proposes to set the TAC for 2024 at the same level as that set by Council in 2022 on the basis of the advice valid for 2023 and 2024.
Undulate ray in 9 - TAC under TAC for skates and rays in 8 and 9	RJU/9-C. - TAC under SRX/89-C.	50	roll-over	ICES cannot provide information on stock size or fishing pressure, and provides precautionary advice <sup>30</sup> for this stock. The latest advice published by ICES is valid for 2023 and 2024.  The Commission proposes to set the TAC for 2024 at the same level as that set by Council in 2022 on the basis of the advice valid for 2023 and 2024.

## Eel

ICES provides advice for the entire natural range of European eel (*Anguilla anguilla*), which includes the north-east Atlantic and the Mediterranean. Given the critical state of the European eel, ICES has advised for the past two decades to keep the anthropogenic mortality of European eel as close to zero as possible throughout its natural range. In particular, in November 2021 and November 2022, ICES<sup>31</sup> advised that, when the precautionary approach is applied, there should be zero catches of eel in all habitats. This concerned both recreational and commercial catches and included catches of glass eels for restocking and aquaculture. Furthermore, on 30 May 2022, ICES<sup>32</sup> advised that, despite Member States' efforts, no overall progress has been made in achieving the 40% silver eel biomass escapement objective across the entire EU, as required by Article 2(4) of Council Regulation (EC) No 1100/2007<sup>33</sup>. ICES also advised that conservation efforts should be focused on those measures that, by definition,

<sup>28</sup> Stock listed in Annex 36, Table F, of the Trade and Cooperation Agreement.

<sup>29</sup> <https://doi.org/10.17895/ices.advice.19754485.v1>

<sup>30</sup> <https://doi.org/10.17895/ices.advice.19754488.v1>

<sup>31</sup> <https://doi.org/10.17895/ices.advice.19754491.v1>

<sup>31</sup> <https://doi.org/10.17895/ices.advice.7752>

<sup>32</sup> <https://doi.org/10.17895/ices.advice.19772374.v1>

<sup>32</sup> <https://doi.org/10.17895/ices.advice.19902958>

<sup>33</sup> Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

have a high probability of reducing mortality and increasing escapement. ICES advice for 2024 will be published on 1 November 2023.

A consecutive three-month closure period for eel fishing was laid down in the annual fishing opportunities regulations for the EU marine and brackish waters of the north-east Atlantic (from 2018 to 2022), and for all marine waters, brackish waters and freshwaters of the Mediterranean (from 2019 to 2022). Council Regulation (EU) 2023/194 extended the closure period to six months for any eel fishing activity in EU marine and brackish waters of the north-east Atlantic and of the Mediterranean, and for EU vessels in all marine waters of the Mediterranean. A six-month closure period was considered to better protect the stock than the EU and national measures implemented until then. Furthermore, Council Regulation (EU) 2023/194 prohibited all recreational eel fisheries in those waters.

Given the continued critical state of the European eel, the Commission proposes for 2024 to maintain the six-month closure and the prohibition of recreational eel fisheries in EU marine and brackish waters of the north-east Atlantic, and in all marine waters, brackish waters and freshwaters of the Mediterranean. This proposal will be updated after publication by ICES of its scientific advice for European eel in the north-east Atlantic and the Mediterranean for 2024. Moreover, the Commission proposes to clarify for 2024 that the closure in the north-east Atlantic should cover the main migration period of the respective life stage in the fishing area concerned, and that in ICES subarea 3 (Skagerrak-Kattegat and Baltic Sea) the closure periods should be agreed between the Member States concerned so as to ensure the protection of eel migrating out of the Baltic Sea into the North Sea. This proposal will also be updated after the 2023 annual meeting of the General Fisheries Commission for the Mediterranean (GFCM), to take into account possible additional measures for the Mediterranean adopted at that annual meeting.

- **Consistency with existing policy provisions in the policy area**

The proposed measures are consistent with the objectives and rules of the CFP.

- **Consistency with other EU policies**

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

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

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

- **Subsidiarity (for non-exclusive competence)**

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

- **Proportionality**

The proposal allocates fishing opportunities to Member States in accordance with the objectives of the Basic Regulation, the applicable MAPs and the outcomes of consultations with non-EU countries and the outcomes of the annual meetings of RFMOs. Pursuant to Article 16(6) and (7) and Article 17 of the Basic Regulation, Member States are to decide how the fishing opportunities available to them may be allocated to vessels flying their flag in accordance with certain criteria set out in those Articles. Therefore, Member States have the

necessary margin of discretion when distributing the allocated quotas, in line with their preferred social/economic model for using the fishing opportunities available to them.

- **Choice of instrument**

A regulation is considered the most appropriate instrument as it makes it possible to set requirements that apply directly to Member States and relevant economic operators. This will help ensure that the requirements are implemented in a timely and harmonised way, leading to greater legal certainty.

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

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

Not applicable.

- **Stakeholder consultations**

(a) Consultation methods, main sectors targeted and general profile of respondents

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*.

(b) Summary of responses and how they were taken into account

Stakeholders' responses to the above 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 this proposal.

- **Collection and use of expertise**

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.

The objective of the CFP is to restore the stocks to levels that can deliver MSY and to maintain them at those levels. This objective is incorporated expressly in Article 2(2) of the Basic Regulation, which provides that this 'shall be achieved [...] by 2020 for all stocks'. This reflects the EU's commitment to the conclusions of the 2002 World Summit on Sustainable Development in Johannesburg and the associated plan of implementation.

Fishing opportunities for target stocks in the North Sea and Western Waters<sup>34</sup> and for which there is MSY advice are to be set on the basis of the relevant MAPs, which define a range of fishing mortality values resulting in MSY (range of  $F_{MSY}$ ) and therefore offer a degree of flexibility under specific conditions. The Commission has asked ICES to provide scientific advice that can be used to implement the flexibility, including to assess whether the conditions for using that flexibility are met. The upper range of  $F_{MSY}$  values may be used for fixing TACs, if the biomass of the stock in question is above  $MSY B_{trigger}$ , and only if, based on scientific advice or evidence, that is necessary to:

- achieve the objectives set out in the relevant MAP in the case of mixed fisheries; or
- avoid serious harm to a stock caused by intra- or inter-species stock dynamics; or

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<sup>34</sup> Stocks listed in Articles 1(1) of the North Sea and the Western Waters MAP.

- limit high year-to-year fluctuations.

MSY  $B_{\text{trigger}}$  is the biomass level below which management action is to be taken to allow a stock to rebuild above the level capable of producing MSY in the long term. Where the stock's biomass is below MSY  $B_{\text{trigger}}$ , the fishing opportunities should be fixed at a level corresponding to the fishing mortality that is reduced proportionally to take into account the decrease in the biomass.

This proposal therefore makes use of the MSY advice, where available. In line with the CFP objectives, where TACs are proposed on the basis of MSY advice, they correspond to the level that, according to that advice, would ensure delivery of MSY. This approach is in line with the principles set out in the annual Communication *Sustainable fishing in the EU: state of play and orientations for 2024*.

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  $B_{\text{lim}}$ . Where MSY advice is available, ICES may indicate such probabilities, in the short-term, in its advice. To ensure that the probability is achieved, the fishing mortality of the target stock may have to be reduced accordingly or the targeted fishery may have to be suspended.

For data-limited target stocks, ICES scientific advice provides quantitative guidance on catches and this has been used to establish the level of the proposed TACs.

Fishing opportunities for by-catch stocks in the North Sea and Western Waters must also be set on the basis of the relevant MAPs. TACs for by-catch stocks are proposed on the basis of the MSY advice, where available. When fixing fishing opportunities for by-catch stocks, mixed fisheries considerations should also be taken into account.

For data-limited by-catch stocks, TACs are proposed on the basis of the quantitative guidance on catches provided in the ICES scientific advice.

- **Impact assessment**

The scope of the fishing opportunities regulation is circumscribed by Article 43(3) TFEU.

This 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, this proposal essentially 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**

The proposal provides for the simplification of administrative procedures for EU or national public authorities, in particular as regards requirements applying to effort management.

- **Fundamental rights**

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

#### **4. BUDGETARY IMPLICATIONS**

The proposal has no budgetary implications.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Monitoring and compliance will be ensured in accordance with Council Regulation (EC) No 1224/2009<sup>35</sup>.

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<sup>35</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 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**

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) Article 6 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>36</sup> requires the adoption of conservation measures taking account of available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) and other advisory bodies, and any advice received from advisory councils.
- (2) The Council should adopt measures on the fixing and allocation of fishing opportunities, including certain conditions functionally linked to those fishing opportunities, as appropriate. Under Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities are to be fixed in accordance with the objectives of the common fisheries policy (CFP) as set out in Article 2(2) of that Regulation. Under Article 16(1) of Regulation (EU) No 1380/2013, fishing opportunities are to be allocated among the Member States so as to ensure the relative stability of fishing activities of each Member State for each fish stock or fishery.
- (3) The total allowable catches (TACs) should therefore be established, in accordance with Article 3 of Regulation (EU) No 1380/2013, on the basis of available scientific advice, taking into account biological and socio-economic aspects, while ensuring fair treatment between fishing sectors, and in the light of opinions expressed during the consultation of stakeholders.
- (4) Under Article 15 of Regulation (EU) No 1380/2013, all stocks for which there are catch limits have been subject to the landing obligation since 1 January 2019, although certain exemptions apply. On the basis of joint recommendations by the Member States and in accordance with Article 15 of Regulation (EU) No 1380/2013, the Commission adopts delegated regulations laying down details for the implementation of the landing obligation for certain fisheries.

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<sup>36</sup> 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).



- (5) Fishing opportunities for stocks covered by the landing obligation should take account of the fact that discarding is in principle no longer allowed. Therefore, they should be based on the advice figure for total catches as provided by the International Council for the Exploration of the Sea (ICES). The quantities that, by way of exemption from the landing obligation, may continue to be discarded should be deducted from that advice figure for total catches. Moreover, for stocks for which ICES provides only landings advice, fishing opportunities should be set on the basis of that advice.
- (6) Regulations (EU) 2018/973 and (EU) 2019/472 of the European Parliament and of the Council<sup>37</sup> establish multiannual plans (MAPs) for the North Sea and Western Waters. The MAPs set out targets and measures for the long-term management of stocks covered by these MAPs. Fishing opportunities for stocks listed in Article 1(1) of those Regulations (target stocks) should be fixed in accordance with the range of fishing mortality values resulting in maximum sustainable yield (MSY) (ranges of  $F_{MSY}$ ), or at a lower level, and in accordance with the safeguards provided for in those Regulations. The ranges of  $F_{MSY}$  are set out in the relevant ICES advice. Where no adequate scientific information is available, fishing opportunities for stocks referred to in Article 1(1) or Article 1(4) of those Regulations (by-catch stocks) should be fixed in accordance with the precautionary approach, as set out in those Regulations. Pursuant to Article 5(3) of those Regulations, when fixing fishing opportunities for by-catch stocks, mixed fisheries considerations should also be taken into account.
- (7) In accordance with Article 7 of the North Sea MAP and Article 8 of the Western Waters MAP, where scientific advice indicates that the biomass of any of the stocks referred to in Article 1(1) of those Regulations is below the limit biomass reference point ( $B_{lim}$ )<sup>38</sup>, further remedial measures are to be taken to ensure the rapid return of the stock to levels above those capable of producing MSY. In particular, those remedial measures may include suspending the targeted fishery for the stock in question and the adequate reduction of fishing opportunities for those or other stocks in the fisheries.
- (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.
- (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-

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<sup>37</sup> Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).

<sup>38</sup>  $B_{lim}$  is the biomass below which there may be reduced reproductive capacity.

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.

- (10) In order to guarantee, to the extent possible, the use of fishing opportunities in mixed fisheries in accordance with Article 16(2) of Regulation (EU) No 1380/2013, it is appropriate to establish a pool for quota exchanges for Member States that have no quota to cover their unavoidable by-catches.
- (11) The TACs for bluefin tuna (*Thunnus thynnus*) in the eastern Atlantic and the Mediterranean should be established in accordance with the rules laid down in Regulation (EU) 2016/1627 of the European Parliament and of the Council<sup>39</sup>.
- (12) In accordance with Articles 2(2) and 16(4) of Regulation (EU) No 1380/2013, for stocks that are not covered by the North Sea MAP or the Western Waters MAP: (i) where adequate scientific information is available, fishing opportunities should be fixed in line with the MSY fishing mortality; and (ii) where such information is not available, fishing opportunities should be fixed in line with the precautionary approach to fisheries management, as defined in Article 4(1), point (8), of Regulation (EU) No 1380/2013.
- (13) For certain stocks, ICES advice remains valid for several years and that advice remains the best available scientific advice for the entire advice period. In those cases, annual TACs covering the entire advice period should be set (multiannual TAC). However, if new ICES advice becomes available during that period, it should be ensured that the multiannual TAC remain consistent with the new advice. Moreover, it should be ensured that the annual deductions from the advice figure for total catches to take account of exemptions from the landing obligation remain consistent with the available data.
- (14) European seabass (*Dicentrarchus labrax*) in ICES divisions 8a and 8b (Bay of Biscay) is a target stock under the Western Waters MAP. According to the ICES advice<sup>40</sup> for 2024, the biomass of that stock decreased to below MSY  $B_{\text{trigger}}$  in 2023 and is expected to decrease further in 2024 while remaining above  $B_{\text{lim}}$ . Therefore, appropriate remedial measures should be adopted to ensure the rapid return of that stock to levels above those capable of producing MSY. France and Spain should therefore ensure that the fishing opportunities for that stock, which are to be set by them for 2024, result in a fishing mortality level below the  $F_{\text{MSY}}$  point value<sup>41</sup>, as reduced proportionally to take into account the decrease in the biomass, and adopt additional measures in accordance with Article 19 of Regulation (EU) No 1380/2013.

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<sup>39</sup> Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009 (OJ L 252, 16.9.2016, p. 1).

<sup>40</sup> <https://doi.org/10.17895/ices.advice.21840756.v1>

<sup>41</sup>  $F_{\text{MSY}}$  point value is the value of the estimated fishing mortality that with a given fishing pattern and under current average environmental conditions gives the long-term MSY.

According to the ICES advice for 2024, fishing opportunities for commercial fisheries should consequently not exceed 1 906 tonnes.

- (15) Measures governing recreational fisheries for European seabass in ICES divisions 8a and 8b should be strengthened, in view of their significant impact on the biomass of that stock and taking into account the decreased biomass. The bag limit should therefore be reduced to one fish caught and retained per fisher per day. Fixed nets should also be excluded, as they are insufficiently selective and likely to catch a number of specimens exceeding the established limit.
- (16) [In May 2022, ICES<sup>42</sup> noted that despite Member States' efforts for the recovery of European eel (*Anguilla Anguilla*), no overall progress had been made in achieving the 40% silver eel biomass escapement objective across the entire Union, as required by Article 2(4) of Council Regulation (EC) No 1100/2007<sup>43</sup>, and that no clear patterns for mortality were observed. In November 2022, ICES<sup>44</sup> advised once again that when the precautionary approach is applied, there should be zero catches of European eel (*Anguilla anguilla*) in all habitats and at all life stages, throughout its natural range, which includes the north-east Atlantic and the Mediterranean. This concerns both recreational and commercial catches and includes catches of glass eels for restocking and aquaculture.] *[The recital will be updated after publication by ICES of its scientific advice for eel for 2024.]*
- (17) Council Regulation (EU) 2023/194<sup>45</sup> extended to six months the closure period for any commercial eel fishing activity in Union marine and brackish waters of the north-east Atlantic and of the Mediterranean Sea, and for Union fishing vessels in all marine waters of the Mediterranean. It also prohibited all recreational eel fisheries in those waters. It was considered that a six-month closure period would better protect the stock than the Union and national measures implemented until 2022. It was also considered that the extended closure period would allow continuing restocking measures, would contribute to the recovery of the eel stock and would further the achievement of the escapement objective of at least 40% of silver eels set out in Article 2(4) of Regulation (EC) No 1100/2007. Given the continued critical state of the European eel, it is appropriate to maintain in 2024 those measures. *[The recital and the relevant provisions will be updated after publication by ICES of its scientific advice for European eel for 2024.]*
- (18) The eel migration period is influenced by a broad range of environmental and biological factors and can therefore vary depending on the life stage of eel, the habitat and the geographic area, notably straits. It may therefore be appropriate to set different closure periods, notably for different fishing areas of a Member State and for different types of fisheries within those fishing areas, in order to take account of those elements as well as of the temporal and geographical migration patterns of eel at the glass eel and silver eel life stages, respectively. The Member States concerned should determine the relevant closure period or periods based on those elements.

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<sup>42</sup> <https://doi.org/10.17895/ices.advice.19902958>

<sup>43</sup> Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

<sup>44</sup> <https://doi.org/10.17895/ices.advice.19772374.v1>

<sup>45</sup> 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).

- (19) [At its 45th annual meeting in 2022, the General Fisheries Commission for the Mediterranean (GFCM) adopted Recommendation GFCM/45/2022/1 on a multiannual management management plan for European eel in the Mediterranean Sea, amending Recommendation GFCM/42/2018/1. Contracting Parties may decide to establish a closure period of six consecutive months or establish a closure period from 1 January to 31 March and three additional months to be chosen between 1 April and 30 November in accordance with the management plan or plans for eel and the temporal migration patterns of eel. The closure period for commercial eel fishing activity and the prohibition of recreational fisheries should apply to all marine waters, brackish waters, which include estuaries, coastal lagoons and transitional waters, and freshwaters of the Mediterranean, in accordance with Recommendation GFCM/45/2022/1. Those measures should be implemented in Union law. Since Recommendation GFCM/45/2022/1 does not apply to the Black Sea and since the Black Sea and the river systems connected to it do not constitute a natural habitat for European eel for the purposes of Regulation (EC) No 1100/2007, the measures regarding eel should not apply to the Black Sea (GFCM geographical subarea 29).] *[The recital and the relevant provisions will be updated after the 2023 annual meeting of the GFCM.]*
- (20) [In Union marine and brackish waters of the north-east Atlantic, the closure period or periods should cover the main migration period or periods of glass eel and silver eel, respectively. Considering the potentially severe socio-economic implications of a full closure of fisheries targeting glass eel and silver eel during the main migration period or periods of these, the Member States may allow eel fishing for one month during these main migration periods. To ensure the effective protection of silver eel migrating from the Baltic Sea into the North Sea, the coastal Member States of ICES subarea 3 (i.e. Denmark, Germany, Estonia, Finland, Latvia, Lithuania, Poland and Sweden) should agree on consistent closure periods for silver eel. In case the Member States concerned cannot agree, the closure period for silver eel in the Baltic Sea should be 1 August to 31 January.] *[The recital and the relevant provisions will be updated after publication by ICES of its scientific advice for European eel for 2024.]*
- (21) Pursuant to Regulation (EC) No 1100/2007, restocking of glass eel is a conservation measure chosen by certain Member States in their eel management plans. In order to enable those Member States to continue implementing that measure, glass eel catches in Union marine and brackish waters of the north-east Atlantic at the appropriate time of the year and possibly during their main migration period or periods may be required. Therefore, Member States may allow continued glass eel fishing for one additional month during the main migration period or periods of glass eel. *[The recital and the relevant provisions will be updated after publication by ICES of its scientific advice for European eel for 2024.]*
- (22) In its advice for certain stocks of elasmobranchs (skates, sharks, rays), ICES recommends zero catches, due to their poor conservation status. In addition, such elasmobranchs have high survival rates when discarded. Consequently, catches of those stocks should be discarded rather than landed, as discarding is not considered to raise significantly their fishing mortality and would even support the conservation of those stocks. Therefore, fishing of such species should be prohibited, as under Article 15(4), point (a), of Regulation (EU) No 1380/2013, the landing obligation does not apply to species for which fishing is prohibited. When accidentally caught, those species should not be harmed and promptly released.

- (23) For certain species, such as certain species of sharks, even limited fishing activity could give rise to a serious conservation risk. Fishing opportunities for such species should therefore be fully restricted through a general prohibition of fishing those species.
- (24) At the 12th Conference of the Parties of the Convention on the Conservation of Migratory Species of Wild Animals (Manila, 23-28 October 2017), a number of species were added to the lists of protected species in Appendices I and II to that Convention. Therefore, it is appropriate to provide for the protection of those species with respect to Union fishing vessels operating in all waters and third-country fishing vessels operating in Union waters.
- (25) In order to maximise the use of fishing opportunities, it is appropriate to allow for the implementation of a flexible arrangement between certain TAC areas where the same biological stock is concerned.
- (26) Articles 3 and 4 of Council Regulation (EC) No 847/96<sup>46</sup> provide for year-to-year flexibility for quotas for both precautionary and analytical stocks. Under Article 2 of that Regulation, when fixing TACs, the Council is to decide to which stocks Articles 3 and 4 of that Regulation are not to apply, in particular on the basis of their biological status. Moreover, Article 15(9) of Regulation (EU) No 1380/2013 provides for further year-to-year flexibility for all stocks that are subject to the landing obligation. In order to avoid excessive flexibility that would undermine the achievement of the objectives of the CFP, year-to-year flexibility for quotas pursuant to Articles 3 and 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013 should not apply cumulatively. Finally, year-to-year flexibility under Article 15(9) of the Basic Regulation should, where relevant, be excluded on the basis of the biological status of stocks.
- (27) Where a TAC is allocated to one Member State only, it may be appropriate to empower that Member State to fix that TAC, in accordance with Article 2(1) of the Treaty on the Functioning of the European Union (TFEU). Such empowerment is appropriate, provided that, when determining the TAC level, the Member State complies with the principles and rules of the CFP. In order to ensure the correct application by those Member States of the principles and rules of the CFP, the Commission evaluates information submitted by the Member State to it regarding the determination of that TAC level and the data used as a basis for that determination.
- (28) It is necessary to establish the fishing effort limitations for sole in the Western Channel (ICES division 7e) in accordance with Article 12 of the Western Waters MAP.
- (29) It is necessary to establish the fishing effort ceilings for 2024 in accordance with Articles 5, 6, 7 and 9 of, and Annex I to, Regulation (EU) 2016/1627 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean.
- (30) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009<sup>47</sup>, and in particular to

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<sup>46</sup> Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

<sup>47</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC)

Articles 33 and 34 of that Regulation, concerning the recording of catches and fishing effort, and the notification of data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes to be used by Member States when sending the Commission data on landings of stocks subject to this Regulation.

- (31) [At its 2022 annual meeting, the North-East Atlantic Fisheries Commission (NEAFC) confirmed the conservation measures for the two redfish (*Sebastes mentella*) stocks (shallow pelagic and deep pelagic) in the Irminger Sea and adjacent waters, prohibiting directed fisheries of those stocks and prohibiting any support activities. In addition, in order to minimise by-catches, the NEAFC prohibited fishing activities in the area where redfish aggregates. Those measures should be implemented in Union law. The NEAFC did not adopt recommendations for redfish (*Sebastes* spp.) and for Greenland halibut (*Reinhardtius hippoglossoides*) in ICES subareas 1 and 2. The Union quotas should therefore be fixed in line with the Union position expressed in NEAFC.] *[The recital and the relevant provisions will be updated after the NEAFC annual meeting.]*
- (32) [The 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 NEAFC, namely 18 494 tonnes, in line with the ICES advice.] *[The recital and the relevant provisions will be updated after the NEAFC annual meeting.]*
- (33) [The Union quota for redfish in international waters in ICES subareas 1 and 2 for 2023 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.] *[The recital and the relevant provisions will be updated after the NEAFC annual meeting.]*
- (34) [Mackerel (*Scomber scombrus*), blue whiting (*Micromesistius poutassou*) and Atlanto-Scandian herring (*Clupea harengus*) in the north-east Atlantic are subject to coastal States consultations on the fisheries management for those stocks. The Union participated in those consultations on the basis of its position endorsed by the Council on 20 October 2022. The consultations concluded on 6 December 2022. NEAFC recommendations on conservation and management measures for those stocks for 2023 were adopted during the 2022 NEAFC annual meeting. The relevant fishing opportunities should therefore be fixed at the level set out in the NEAFC recommendations, together with the other provisions of those recommendations.] *[The recital and the relevant provisions will be updated after the NEAFC annual meeting.]*
- (35) [At its 2022 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) agreed to maintain in 2023 the TACs set in 2022 for Mediterranean and North Atlantic swordfish (*Xiphias gladius*), Mediterranean albacore (*Thunnus alalunga*), blue marlin (*Makaira nigricans*), white marlin (*Tetrapturus albidus*), yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and blue shark (*Prionace glauca*). ICCAT also set for 2023 TACs for bluefin tuna (*Thunnus thynnus*) and for South Atlantic swordfish of 40 570 and 10 000 tonnes respectively. ICCAT adopted also allocated quotas for Mediterranean albacore for

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No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

2023 and 2024. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*

- (36) [For the first time, ICCAT also adopted a management procedure (MP) for Atlantic bluefin tuna. This measure aims to ensure long-term, sustainable and profitable fisheries of both the western stock and eastern Atlantic and Mediterranean stock. The MP implements the management objectives for Eastern and Western Bluefin Tuna, including the adoption of management cycles of three years, and an implementation schedule up to 2028. The TAC pursuant to the MP for the period 2023-2025 is 40 570 tonnes per year for the eastern Atlantic and Mediterranean stock. Those measures should therefore be implemented in Union law.] *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*
- (37) [ICCAT adopted a management plan for South Atlantic shortfin mako (*Isurus oxyrinchus*) caught in association with other ICCAT fisheries, starting in 2023 to counteract overfishing immediately, and gradually achieve biomass levels sufficient to support MSY. This plan allows for a retention of by-catches of South Atlantic shortfin mako at a total of 1 295 tonnes, representing 503 tonnes for the Union. According to the ICCAT Recommendation, the limited retention allowance does not constitute any long term-right and is without prejudice to any future process of allocation. This measure should therefore be implemented in Union law by establishing a by-catch TAC and a corresponding Union quota.] *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*
- (38) [In order to reduce the fishing mortality of juvenile bigeye and yellowfin tuna, ICCAT also maintained a maximum limit of 300 fish aggregating devices (FADs) per fishing vessel in 2023 and a seventy-two-day closure period for the use of FADs. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*
- (39) [At its 2021 annual meeting, ICCAT adopted a 15-year rebuilding plan for Mediterranean albacore from 2022 to 2036. For 2023, ICCAT set the TAC for Mediterranean albacore at 2 500 tonnes. In addition, ICCAT set a TAC for North Atlantic albacore of 37 801 tonnes for the period from 2022 to 2023, based on the harvest control rule with a view to adopting a long-term MP for this stock. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*
- (40) [Under several ICCAT recommendations, the Union may, upon request, carry over a percentage of its unused quota of stocks in the ICCAT Convention area from the penultimate or the preceding year to a given year, according to rules for each stock as laid down by ICCAT. Those recommendations should be implemented in Union law on the basis of a Commission proposal as soon as possible, so that the Member States can use the Union quotas for ICCAT stocks in their totality as provided by ICCAT for 2024.] *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*
- (41) [The Union quotas for stocks in the ICCAT Convention area for 2023 were adjusted during the ICCAT annual meeting in November 2022 in accordance with several ICCAT recommendations under which the Union is allowed, upon request, to carry over a set percentage of its unused quota of fishing opportunities from 2021 to 2023. The quotas for individual Member States for those stocks for 2023 should take into account the carry-overs of unused Union quotas allowed by ICCAT before the start of the fishing seasons for those stocks. Therefore, the quotas for northern albacore

(*Thunnus alalunga*) (ALB/AN05N), for southern albacore (ALB/AS05N), for bigeye tuna (*Thunnus obesus*) in the Atlantic Ocean (BET/ATLANT), as well as for swordfish (*Xiphias gladius*) in the Atlantic Ocean, north of 5°N (SWO/AN05N), and for swordfish in the Atlantic Ocean, south of 5°N (SWO/AS05N), should reflect such adjustments, taking into account the principle of relative stability. Furthermore, certain measures functionally linked to the fishing opportunities should be maintained in order to respect the Union's international commitments.] *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*

- (42) [At its 2022 annual meeting, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopted catch limits for target and by-catch species for the period from 1 December 2022 to 30 November 2023. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the CCAMLR annual meeting.]*
- (43) At its 2023 annual meeting, the Indian Ocean Tuna Commission (IOTC), maintained the limitation of fishing capacity, of FADs and of supply vessels and the catch limit for yellowfin tuna in the IOTC Area of Competence. In addition, the IOTC established for the first time a catch limit for bigeye tuna in that area. Those measures should be implemented in Union law.
- (44) The annual meeting of the South Pacific Regional Fisheries Management Organisation (SPRFMO) will be held from 29 January to 2 February 2024. The current measures in the SPRFMO Convention area that are functionally linked to the TACs should therefore be provisionally maintained until the annual meeting is held and the TACs for 2024 are determined.
- (45) At its 2023 annual meeting, the Inter-American Tropical Tuna Commission (IATTC) decided to maintain the current measures applicable in the Convention area. Those measures should be implemented in Union law.
- (46) [At its 2022 annual meeting, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) confirmed the TAC for Southern bluefin tuna (*Thunnus maccoyii*) for 2023, as adopted at the 2020 annual meeting for a three-year period (from 2021 to 2023). That measure should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the CCSBT annual meeting.]*
- (47) [At its 2022 annual meeting, the South East Atlantic Fisheries Organisation (SEAFO) decided to maintain in 2023 most of the TACs set for 2022 for the species under its purview until its 2023 annual meeting.] *[The recital and the relevant provisions will be updated after the SEAFO annual meeting.]*
- (48) [At its 2022 annual meeting, the Western and Central Pacific Fisheries Commission (WCPFC) decided to maintain the current measures applicable in the WCPFC Convention area. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the WCPFC annual meeting.]*
- (49) [At its 44th annual meeting in 2022, the Northwest Atlantic Fisheries Organisation (NAFO) adopted fishing opportunities for certain stocks in subareas 1 to 4 of the NAFO Convention area for 2023. Those measures should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the NAFO annual meeting.]*
- (50) At its 10th annual meeting in 2023, the Southern Indian Ocean Fisheries Agreement (SIOFA) maintained the previously adopted fishing opportunities for the stocks covered by that Agreement. It also adopted a by-catch limit for Portuguese dogfish



(*Centroscymnus coelolepis*) and amended the boundaries of the Del Cano and Williams Ridge toothfishes (*Dissostichus spp.*) management areas, while extending observer and tagging requirements for toothfishes in the rest of the Agreement Area. Those measures should be implemented in Union law.

- (51) Under Article 498(2) of 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<sup>48</sup> (the Trade and Cooperation Agreement), the Union and the United Kingdom are to hold annual consultations to agree, by 10 December of each year, the TACs for the following year for the stocks listed in Annex 35 of the Trade and Cooperation Agreement. If such TACs are not agreed by 10 December, the Parties are to immediately resume consultations with the continued aim of agreeing on the TACs, as required by Article 499(1) of that Agreement.
- (52) [In 2022, the Union and the United Kingdom held bilateral consultations on the setting of a large number of TACs for 2023 for stocks listed in Annex 35 to the Trade and Cooperation Agreement. Those consultations were conducted pursuant to Article 498(2), (4) and (6) of the Trade and Cooperation Agreement, and the Union participated in those consultations on the basis of specifications to the Union position endorsed by the Council on 21 October 2022, pursuant to Article 2 of Council Decision (EU) 2021/1875<sup>49</sup>. The consultations concluded on 16 December 2022 and their outcome was documented in a Written Record. The relevant fishing opportunities should therefore be fixed at the level set out in that Written Record, and the other measures functionally linked to the fishing opportunities also set out in that Written Record should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union and the United Kingdom.]*
- (53) [TACs for deep-sea stocks listed in Annex 35 to the Trade and Cooperation Agreement for 2024 were included in Regulation (EU) 2023/194 but marked as ‘to be established’. Regulation (EU) 2023/194 should therefore be amended and the fishing opportunities for those stocks be fixed at the level set out in the Written Record of fisheries consultations between the Union and the United Kingdom for 2024.] *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union and the United Kingdom.]*
- (54) [The Union and the United Kingdom agreed that, given the assessed improvement of the status of the picked dogfish (*Squalus acanthias*) stock, this stock should no longer be a prohibited species. It is rather appropriate to deter directed fisheries targeting aggregations of mature females, in order to protect a component of this stock that is particularly vulnerable to fishing mortality. To this end, the Union and the United Kingdom agreed that a maximum size of 100 cm should be respected, when targeting picked dogfish. Such a measure is functionally linked to the TAC for the stock, as without such measure the TAC level alone would not ensure sufficient protection of pupping females, which constitute a particularly vulnerable part of the population.

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<sup>48</sup> 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 (OJ L 149, 30.4.2021, p. 10).

<sup>49</sup> Council Decision (EU) 2021/1875 of 22 October 2021 concerning the position to be adopted on behalf of the Union in the annual consultations with the United Kingdom to agree on total allowable catches (OJ L 378, 26.10.2021, p. 6).

That maximum size should cease to apply on the date on which a delegated act introducing corresponding measures and regulating the treatment of catches of those stocks over 100 cm becomes applicable.] *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union and the United Kingdom.]*

- (55) [The Union and the United Kingdom agreed on a reciprocal access in 2023 to target an initial total of 280 tonnes of northern albacore in the exclusive economic zones of the Member States and the United Kingdom. This excludes access to areas covered under Article 5(3) of Regulation (EU) No 1380/2013.] *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union and the United Kingdom.]*
- (56) [Seasonal closures for sandeel fisheries with certain towed gear in ICES divisions 2a, 3a and ICES subarea 4 should continue to allow for the protection of spawning grounds and limitation of juvenile catches.] *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union and the United Kingdom.]*
- (57) [In 2022, the Union, the United Kingdom and Norway held trilateral consultations on six shared and jointly managed stocks occurring within Union waters and the waters under the jurisdiction of the United Kingdom and Norway, with the aim to agree on the management of those stocks including the fishing opportunities for 2023. The Union participated in those consultations on the basis of its position endorsed by the Council on 20 October 2022. The consultations concluded on 9 December 2022 and their outcome was documented in an Agreed Record. The relevant fishing opportunities should therefore be fixed at the level agreed with the United Kingdom and Norway, together with the other measures set out in that Agreed Record.] *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union, the United Kingdom and Norway.]*
- (58) [Remedial measures jointly agreed in 2022 with the United Kingdom and Norway on North Sea cod (*Gadus morhua*) are maintained to allow for the recovery and long-term sustainable management of the stock in line with Article 13 of the North Sea MAP.] *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union, the United Kingdom and Norway.]*
- (59) [In 2022 and 2023, the Union and Norway held bilateral consultations on: (i) shared and jointly managed stocks in the Skagerrak with the aim of agreeing on the management of those stocks including the fishing opportunities for 2023; (ii) access to waters in 2023; and (iii) exchanges of fishing opportunities for 2023. The Union participated in those consultations on the basis of its position endorsed by the Council on 21 October 2022. The consultations concluded on 16 March 2023 and their outcome was documented in two Agreed Records. The relevant fishing opportunities should be fixed at the level set out in those Agreed Records, and the other measures set out in those Agreed Records should be implemented in Union law.] *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union and Norway.]*
- (60) [In accordance with the procedure provided for in the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part, and the

Protocol implementing that Agreement<sup>50</sup>, the Joint Committee established the level of fishing opportunities available for the Union in Greenland waters in 2023. The level of fishing opportunities available for the Union in Greenland waters in 2023 was documented in the minutes of the Joint Committee meeting held on 23 and 24 November 2022 in Brussels. The relevant fishing opportunities should therefore be fixed at the level set out in those minutes, and taking into account the expected transfers to Norway under the annual exchange of fishing opportunities.] *[The recital and the relevant provisions will be updated after the conclusion of consultations between the Union, and the Government of Greenland and the Government of Denmark.]*

- (61) The Treaty of 9 February 1920 relating to Spitsbergen (Svalbard) (1920 Treaty of Paris) grants equal and non-discriminatory access to resources around Svalbard for all parties to that Treaty, including with respect to fishing. The Union's position concerning that access has been set out in several *notes verbales* to Norway, the latest of which dated 26 February 2021, 28 June 2021 and 1 August 2022. As regards the fishing opportunities for snow crab (*Chionoecetes* spp.) around the area of Svalbard, it is appropriate to fix the number of vessels that are authorised to conduct such fishery in order to ensure that the exploitation of snow crab around Svalbard is made consistent with such non-discriminatory management rules as may be set out by Norway, which enjoys sovereignty and jurisdiction in the area in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and the 1920 Treaty of Paris. The allocation of such fishing opportunities among Member States is limited to 2024. It is recalled that, in the Union, the primary responsibility for ensuring compliance with applicable law lies with the flag Member States.
- (62) [A recital and the relevant provisions on stocks in the north-east Arctic will be inserted at a later stage.]
- (63) In accordance with the Declaration addressed to the Bolivarian Republic of Venezuela on the granting of fishing opportunities in Union waters to fishing vessels flying the flag of Venezuela in the exclusive economic zone off the coast of French Guiana, approved on behalf of the European Union by means of Council Decision (EU) 2015/1565<sup>51</sup>, it is necessary to fix the maximum number of fishing authorisations for snapper available to Venezuela in Union waters.
- (64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to authorise individual Member States to manage fishing effort allocations in accordance with a kilowatt per day system, to grant additional days at sea for the permanent cessation of fishing activities and for enhanced scientific observer coverage and to establish spreadsheet formats for the collection and transmission of information on transfers of days at sea between fishing vessels flying the flag of a Member State. The Commission should

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<sup>50</sup> OJ L 175, 18.5.2021, p. 3.

<sup>51</sup> Council Decision (EU) 2015/1565 of 14 September 2015 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana (OJ L 244, 19.9.2015, p. 55).

exercise those powers in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>52</sup>.

- (65) Given that certain provisions should be applied on a continuous basis, and in order to avoid legal uncertainty in the period between the end of the previous year and the date of entry into force of the Regulation fixing the fishing opportunities for the subsequent year, the provisions of this Regulation concerning prohibitions and closed seasons should continue to apply at the beginning of 2025 until the entry into force of the Regulation fixing the fishing opportunities for 2025. For the same reasons, provisions applying from 1 January 2024 to 31 December 2025 or 31 December 2026 should continue to apply at the beginning of 2026 or 2027 until the entry into force of the Regulation fixing the fishing opportunities for 2026 or 2027, respectively.
- (66) In order to avoid the interruption of fishing activities and to ensure the livelihood of fishers, this Regulation should apply from 1 January 2024. However, provisions on fishing effort limits should apply from 1 February 2024. In addition, provisions on commercial fishing activities for European eel in Union marine and brackish waters of ICES subareas 3, 4, 6, 7, 8 and 9, and in adjacent Union brackish waters should apply from 1 April 2024, in order to avoid overlapping provisions with Regulation (EU) 2023/194 on the same subject matter. For reasons of urgency, this Regulation should enter into force on the day of its publication.
- (67) Certain international measures that create or restrict fishing opportunities for the Union were adopted by the relevant regional fisheries management organisations (RFMOs) at the end of 2023 and became applicable before the entry into force of this Regulation. The provisions of this Regulation that implement such measures in Union law should therefore apply retroactively. In particular, as the fishing season in the CCAMLR Convention area runs from 1 December to 30 November, and as certain fishing opportunities or prohibitions in the CCAMLR Convention area are laid down for a period starting from 1 December 2023, the relevant provisions of this Regulation should apply from that date. In addition, the fishing season for toothfishes in the SIOFA Agreement Area runs from 1 December to 30 November, and as the TACs for that group of species are established for a period starting from 1 December 2023, the TACs should apply from that date. Such retroactive application does not prejudice the principle of legitimate expectation as it is forbidden for fishing vessels flying the flag of the Contracting Party to fish in the CCAMLR Convention area and the SIOFA Agreement Area without authorisation.
- (68) In accordance with ICCAT rules, Member States should ensure that their fishing vessels do not deploy FADs during the 15 days before the start of the closure period, i.e. from 17 December 2023 onwards. The provision of this Regulation that implements that measure in Union law should therefore apply retroactively,

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<sup>52</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

HAS ADOPTED THIS REGULATION:

## **TITLE I**

### **GENERAL PROVISIONS**

#### *Article 1* *Subject matter*

1. This Regulation fixes fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters.
2. The fishing opportunities referred to in paragraph 1 include:
  - (a) catch limits for the year 2024 and, where specified in this Regulation, also for the years 2025 and 2026;
  - (b) fishing effort limits for the year 2024, except the fishing effort limits set out in Annex II, which are to apply from 1 February 2024 to 31 January 2025;
  - (c) fishing opportunities for the period from 1 December 2023 to 30 November 2024 for certain stocks in the CCAMLR Convention area and for certain stocks in the SIOFA Agreement Area.

#### *Article 2* *Scope*

1. This Regulation applies to the following fishing vessels:
  - (a) Union fishing vessels; and
  - (b) third-country fishing vessels in Union waters.
2. This Regulation also applies to:
  - (a) certain recreational fisheries expressly referred to in the relevant provisions of this Regulation; and
  - (b) commercial fisheries from shore, without a vessel.

#### *Article 3* *Definitions*

For the purposes of this Regulation, the definitions in Article 4 of Regulation (EU) No 1380/2013 shall apply. In addition, the following definitions shall apply:

- (a) ‘third-country fishing vessel’ means a fishing vessel flying the flag of, and registered in, a third country;
- (b) ‘recreational fisheries’ means non-commercial fishing activities exploiting marine biological resources in the context of recreation, tourism or sport;
- (c) ‘international waters’ means waters outside the sovereignty or jurisdiction of any State;
- (d) ‘total allowable catch’ (TAC) means:
  - (i) in fisheries subject to the exemption from the landing obligation referred to in Article 15(4) to (7) of Regulation (EU) No 1380/2013, the quantity of fish that may be landed from each stock each year;

- (ii) in all other fisheries, the quantity of fish that may be caught from each stock each year;
- (e) ‘quota’ means a proportion of a TAC that is allocated to the Union, a Member State or a third country;
- (f) ‘analytical assessment’ means a quantitative evaluation of trends in a given stock, based on data about the stock’s biology and exploitation, including based on proxies, which scientific review has indicated to be of sufficient quality to provide scientific advice;
- (g) ‘analytical TAC’ means a TAC for which an analytical assessment is available;
- (h) ‘precautionary TAC’ means a TAC for which an analytical assessment is not available, and rather an assessment based on the precautionary approach is available or no assessment is available;
- (i) ‘mesh size’ means the mesh size of fishing nets as defined in Article 6, point (34), of Regulation (EU) 2019/1241 of the European Parliament and of the Council<sup>53</sup>;
- (j) ‘Union fishing fleet register’ means the register set up by the Commission pursuant to Article 24(3) of Regulation (EU) No 1380/2013;
- (k) ‘fishing logbook’ means the logbook referred to in Article 14 of Regulation (EC) No 1224/2009;
- (l) ‘instrumented buoy’ means a buoy clearly marked with a unique reference number allowing identification of its owner and equipped with a satellite tracking system to monitor its position;
- (m) ‘operational buoy’ means any instrumented buoy, previously activated, switched on and deployed at sea on a drifting fish aggregating device (FAD) or log, which transmits positions and other available information such as echo-sounder estimates.

*Article 4*  
*Fishing zones*

For the purposes of this Regulation, the following fishing zones definitions apply:

- (a) ‘ICES (International Council for the Exploration of the Sea) zones’ means the geographical areas specified in Annex III to Regulation (EC) No 218/2009 of the European Parliament and of the Council<sup>54</sup>;
- (b) ‘Skagerrak’ means the geographical area bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line

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<sup>53</sup> Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

<sup>54</sup> Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast;

- (c) 'Kattegat' means the geographical area bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenøre to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;
- (d) 'functional unit 16 of ICES subarea 7' means the geographical area bounded by rhumb lines sequentially joining the following positions:
  - 53°30'N 15°00'W,
  - 53°30'N 11°00'W,
  - 51°30'N 11°00'W,
  - 51°30'N 13°00'W,
  - 51°00'N 13°00'W,
  - 51°00'N 15°00'W;
- (e) 'functional unit 25 of ICES division 8c' means the geographical sea area bounded by rhumb lines sequentially joining the following positions:
  - 43°00'N 9°00'W,
  - 43°00'N 10°00'W,
  - 43°30'N 10°00'W,
  - 43°30'N 9°00'W,
  - 44°00'N 9°00'W,
  - 44°00'N 8°00'W,
  - 43°30'N 8°00'W;
- (f) 'functional unit 26 of ICES division 9a' means the geographical area bounded by rhumb lines sequentially joining the following positions:
  - 43°00'N 8°00'W,
  - 43°00'N 10°00'W,
  - 42°00'N 10°00'W,
  - 42°00'N 8°00'W;
- (g) 'functional unit 27 of ICES division 9a' means the geographical area bounded by rhumb lines sequentially joining the following positions:
  - 42°00'N 8°00'W,
  - 42°00'N 10°00'W,
  - 38°30'N 10°00'W,
  - 38°30'N 9°00'W,
  - 40°00'N 9°00'W,
  - 40°00'N 8°00'W;

- (h) ‘functional unit 30 of ICES division 9a’ means the geographical area under the jurisdiction of Spain in the Gulf of Cádiz and in the adjacent waters of ICES division 9a;
- (i) ‘functional unit 31 of ICES division 8c’ means the geographical sea area bounded by rhumb lines sequentially joining the following positions:
- 43°30'N 6°00'W,
  - 44°00'N 6°00'W,
  - 44°00'N 2°00'W,
  - 43°30'N 2°00'W;
- (j) ‘Gulf of Cádiz’ means the geographical area of ICES division 9a east of longitude 7° 23' 48" W;
- (k) ‘CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources) Convention area’ means the geographical area defined in the Convention on the conservation of Antarctic marine living resources<sup>55</sup>;
- (l) ‘CECAF (Committee for Eastern Central Atlantic Fisheries) areas’ means the geographical areas specified in Annex II to Regulation (EC) No 216/2009 of the European Parliament and of the Council<sup>56</sup>;
- (m) ‘IATTC (Inter-American Tropical Tuna Commission) Convention area’ means the geographical area defined in the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (Antigua Convention)<sup>57</sup>;
- (n) ‘ICCAT (International Commission for the Conservation of Atlantic Tunas) Convention area’ means the geographical area defined in the International Convention for the Conservation of Atlantic Tunas<sup>58</sup>;
- (o) ‘IOTC (Indian Ocean Tuna Commission) Area of Competence’ means the geographical area defined in the Agreement for the establishment of the Indian Ocean Tuna Commission<sup>59</sup>;

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<sup>55</sup> OJ L 252, 5.9.1981, p. 27. The Union approved the CCAMLR Convention by means of Council Decision 81/691/EEC of 4 September 1981 on the conclusion of the Convention on the conservation of Antarctic marine living resources (OJ L 252, 5.9.1981, p. 26).

<sup>56</sup> Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).

<sup>57</sup> OJ L 224, 16.8.2006, p. 24. The Union approved the Convention for the Strengthening of IATTC by means of Council Decision 2006/539/EC of 22 May 2006 on the conclusion, on behalf of the European Community of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (OJ L 224, 16.8.2006, p. 22).

<sup>58</sup> OJ L 162, 18.6.1986, p. 34. The Union acceded to the ICCAT by means of Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).



- (p) ‘NAFO (Northwest Atlantic Fisheries Organisation) areas’ means the geographical areas specified in Annex III to Regulation (EC) No 217/2009 of the European Parliament and of the Council<sup>60</sup>;
- (q) ‘SEAFO (South East Atlantic Fisheries Organisation) Convention area’ means the geographical area defined in the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean<sup>61</sup>;
- (r) ‘SIOFA (Southern Indian Ocean Fisheries Agreement) Agreement Area’ means the geographical area defined in the Southern Indian Ocean Fisheries Agreement<sup>62</sup>;
- (s) ‘SPRFMO (South Pacific Regional Fisheries Management Organisation) Convention area’ means the geographical area defined in the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean<sup>63</sup>;
- (t) ‘WCPFC (Western and Central Pacific Fisheries Commission) Convention area’ means the geographical area defined in the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean<sup>64</sup>;
- (u) ‘high seas of the Bering Sea’ means the geographical area of the high seas of the Bering Sea beyond 200 nautical miles from the baselines from which the breadth of the territorial seas of the coastal States of the Bering Sea is measured;
- (v) ‘overlap area between IATTC and WCPFC Convention areas’ means the geographical area defined by the following limits:
  - longitude 150° W,
  - longitude 130° W,
  - latitude 4° S,
  - latitude 50° S;

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<sup>59</sup> OJ L 236, 5.10.1995, p. 25. The Union acceded to the IOTC by means of Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).

<sup>60</sup> Regulation (EC) No 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic (OJ L 87, 31.3.2009, p. 42).

<sup>61</sup> OJ L 234, 31.8.2002, p. 40. The Union approved the SEAFO Convention by means of Council Decision 2002/738/EC of 22 July 2002 on the conclusion by the European Community of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean (OJ L 234, 31.8.2002, p. 39).

<sup>62</sup> OJ L 196, 18.7.2006, p. 15. The Union approved the SIOFA by means of Council Decision 2008/780/EC of 29 September 2008 on the conclusion, on behalf of the European Community, of the Southern Indian Ocean Fisheries Agreement (OJ L 268, 9.10.2008, p. 27).

<sup>63</sup> OJ L 67, 6.3.2012, p. 3. The Union approved the SPRFMO Convention by means of Council Decision 2012/130/EU of 3 October 2011 on the approval, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (OJ L 67, 6.3.2012, p. 1).

<sup>64</sup> OJ L 32, 4.2.2005, p. 3. The Union acceded to the WCPFC by means of Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).

- (w) ‘GFCM geographical subareas’ means the areas defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council<sup>65</sup>.

## **TITLE II**

### **FISHING OPPORTUNITIES**

### **FOR UNION FISHING VESSELS**

#### **Chapter I**

#### **General provisions**

##### *Article 5*

##### *TACs and allocations*

1. The TACs for Union fishing vessels in Union waters and certain non Union waters, their allocation among Member States and, where appropriate, the conditions functionally linked thereto are set out in Annex I.
2. Union fishing vessels may be authorised by the coastal State concerned to fish in waters under the fisheries jurisdiction of the Faroe Islands, Greenland, Norway and in the fishing zone around Jan Mayen subject to the TACs set out in Annex I to this Regulation and subject to the conditions provided for in Article 20 of this Regulation, Part A of Annex V to this Regulation and in Regulation (EU) 2017/2403 of the European Parliament and of the Council<sup>66</sup> and its implementing provisions.
3. Union fishing vessels may be authorised by the coastal State concerned to fish in waters under the fisheries jurisdiction of the United Kingdom subject to the TACs in Annex I to this Regulation, the conditions provided for in Article 20 of this Regulation and in Regulation (EU) 2017/2403 and its implementing provisions.

##### *Article 6*

##### *TACs to be determined by Member States*

1. The TACs set out in Annex I to this Regulation shall, where specified in that Annex, be determined by the Member State concerned.
2. The TACs to be determined by a Member State referred to in paragraph 1 shall:
  - (a) be consistent with the principles and rules of the CFP, in particular the principle of sustainable exploitation of the stock; and
  - (b) result in an exploitation of the stock that is:
    - (i) if an analytical assessment is available, in line with maximum sustainable yield, with as high a probability as possible; or

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<sup>65</sup> Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

<sup>66</sup> Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

- (ii) if an analytical assessment is unavailable or incomplete, consistent with the precautionary approach to fisheries management.
- 3. By 15 March 2024, each Member State concerned shall submit the following information to the Commission:
  - (a) the TACs that it has determined;
  - (b) the data that it has collected, assessed and used as a basis for the determination of the TACs;
  - (c) details as to how the determined TACs comply with paragraph 2.

#### *Article 7*

##### *Conditions for landing catches and by-catches*

1. Catches that are not subject to the landing obligation under Article 15 of Regulation (EU) No 1380/2013 shall be retained on board or landed only if they:
  - (a) have been taken by fishing vessels flying the flag of a Member State that has a quota and that quota has not been exhausted; or
  - (b) make up a share of a Union quota that has not been allocated among Member States and that has not been exhausted.
2. For the purposes of the derogation from the obligation to count catches against the relevant quotas, as provided for in Article 15(8) of Regulation (EU) No 1380/2013, the stocks of non-target species within safe biological limits referred to in that Article are identified in Annex I to this Regulation.

#### *Article 8*

##### *Quota exchange mechanism for TACs for unavoidable by-catches*

1. In order to take account of the landing obligation and to make quotas for certain by-catches available to Member States without a quota, the quota-exchange mechanism set out in paragraphs 2 to 5 shall apply to the TACs identified in Annex IA.
2. 6% of each quota from the TACs for cod (*Gadus morhua*) in the Celtic Sea (COD/7XAD34), cod in the West of Scotland (COD/5BE6A), whiting in the Irish Sea (WHG/07A.) and plaice in ICES divisions 7h, 7j and 7k (PLE/7HJK.), and 3% of each quota from the TAC for whiting in the West of Scotland (WHG/56-14), allocated to each Member State, shall be made available for a pool for quota exchanges ('the pool'), which shall open on 1 January 2024. Member States without a quota shall have exclusive access to the pool until 31 March 2024.
3. The quantities drawn from the pool may not be exchanged or transferred to the following year. After 31 March 2024, any unused quantities shall be returned to the Member States that initially contributed to the pool.
4. Member States without a quota shall provide in return quotas for stocks listed in Annex IA, Part C, unless the Member State without a quota and the Member State contributing to the pool agree otherwise.
5. The quotas referred to in paragraph 4 shall be of equivalent commercial value, determined on the basis of a market exchange rate or other mutually acceptable exchange rates. In the absence of alternatives, the equivalent commercial value shall

be determined on the basis of average Union prices from the previous year, as provided by the European Market Observatory for Fisheries and Aquaculture Products.

6. Where the quota exchange mechanism set out in paragraphs 2 to 5 does not allow Member States to cover their unavoidable by-catches to a similar extent, Member States shall endeavour to agree on quota exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013, ensuring that quotas exchanged are of equivalent commercial value.

#### *Article 9*

##### *Fishing effort limits in ICES division 7e*

1. For the period referred to in Article 1(2), point (b), of this Regulation, fishing effort limitations for sole in ICES division 7e are set out in Annex II.
2. At the request of a Member State in accordance with point 7.4 of Annex II, the Commission may adopt an implementing act by which it allocates to that Member State a number of days at sea in addition to those referred to in point 5 of Annex II, on which it may authorise a fishing vessel under its flag to be present in ICES division 7e when carrying on board any regulated gear. The Commission shall adopt that implementing act in accordance with the examination procedure referred to in Article 55(2) of this Regulation.
3. At the request of a Member State, the Commission may adopt an implementing act by which it allocates to that Member State a maximum of three days between 1 February 2024 and 31 January 2025, in addition to those referred to in point 5 of Annex II, on which a fishing vessel may be present in ICES division 7e on the basis of an enhanced programme of scientific observer coverage, as referred to in point 8.1 of Annex II. It shall make such an allocation on the basis of the description submitted by that Member State in accordance with point 8.3 of Annex II and following consultation with the STECF. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 55(2) of this Regulation.

*[Articles 10, 15, 16 and 18 of this Regulation will be updated after the conclusion of the consultations between the Union and the United Kingdom.]*

#### *[Article 10*

##### *Measures on European seabass fisheries in ICES divisions 4b, 4c and 6a and ICES subarea 7*

1. It shall be prohibited for Union fishing vessels, as well as for any commercial fisheries from shore, to fish for European seabass (*Dicentrarchus labrax*) in ICES divisions 4b and 4c and in ICES subarea 7 or to retain on board, tranship, relocate or land European seabass caught in that area.
2. The prohibition set out in paragraph 1 shall not apply to by-catches of seabass in shore-based commercial netting activities, without a vessel. This exemption applies to historic numbers of beach nets set at pre-2017 levels. Shore-based commercial netting activities shall not target seabass and only unavoidable by-catches of seabass may be landed.

3. By way of derogation from paragraph 1, in January 2024 and from 1 April to 31 December 2024, Union fishing vessels in ICES divisions 4b, 4c, 7d, 7e, 7f and 7h may fish for, retain on board, tranship, relocate or land European seabass caught in that area with the following gear and within the following limits:
- (a) using demersal trawls<sup>67</sup>, for unavoidable by-catches not exceeding 3,8 tonnes per fishing vessel and per year and 5% of the weight of the total catches of marine organisms on board caught by the fishing vessel concerned per fishing trip;
  - (b) using seines<sup>68</sup>, for unavoidable by-catches not exceeding 3,8 tonnes per fishing vessel and per year and 5% of the weight of the total catches of marine organisms on board caught by the fishing vessel concerned per fishing trip;
  - (c) using hooks and lines<sup>69</sup>, not exceeding 6,2 tonnes per fishing vessel;
  - (d) using fixed gillnets<sup>70</sup>, for unavoidable by-catches not exceeding 1,6 tonnes per fishing vessel.

The derogations set out in the first subparagraph, point (c), shall apply to Union fishing vessels that have recorded catches of European seabass using hooks and lines over the period from 1 July 2015 to 30 September 2016.

The derogations set out in the first subparagraph, point (d), shall apply to Union fishing vessels that have recorded catches of European seabass using fixed gillnets over the period from 1 July 2015 to 30 September 2016.

In the case of a replacement of a Union fishing vessel, Member States may allow the derogations to apply to another Union fishing vessel provided that the number of Union fishing vessels subject to each of the derogations and their overall fishing capacity do not increase.

4. The catch limits set out in paragraph 3 shall not be transferable between fishing vessels.
5. In recreational fisheries, including from shore, without a vessel, in ICES divisions 4b, 4c, 6a and 7a to 7k:
- (a) from 1 February to 31 March 2024:
    - (i) only catch-and-release fishing with a rod or a handline for European seabass shall be allowed;
    - (ii) it shall be prohibited to retain, relocate, tranship or land European seabass caught in that area;
  - (b) in January and from 1 April to 31 December 2024:
    - (i) not more than two specimens of European seabass may be caught and retained per fisher per day;
    - (ii) the minimum size of European seabass retained shall be 42 cm;
    - (iii) fixed nets shall not be used to catch or retain European seabass.

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<sup>67</sup> All types of demersal trawls (OTB, OTT, PTB, TBB, TBN, TBS and TB).

<sup>68</sup> All types of seines (SSC, SDN, SPR, SV, SB and SX).

<sup>69</sup> All long lines or pole and line or rod and line fisheries (LHP, LHM, LLD, LL, LTL, LX and LLS).

<sup>70</sup> All fixed gillnets and traps (GTR, GNS, GNC, FYK, FPN and FIX).

6. Paragraph 5 shall be without prejudice to more stringent national measures on recreational fisheries.]

#### *Article 11*

##### *Measures on European seabass fisheries in ICES divisions 8a and 8b*

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.
2. In recreational fisheries, including from shore, in ICES divisions 8a and 8b:
  - (a) a maximum of one specimen of European seabass may be caught and retained per fisher per day;
  - (b) fixed nets shall not be used to catch or retain European seabass.
3. Paragraph 2 shall apply without prejudice to more stringent national measures on recreational fisheries.

*[Article 12 of this Regulation will be updated after the publication by ICES of its scientific advice for European eel for 2024.]*

#### *[Article 12*

##### *Measures on European eel fisheries in Union waters of ICES subareas 3, 4, 6, 7, 8 and 9*

1. This Article applies to Union marine and brackish waters of ICES subareas 3, 4, 6, 7, 8 and 9, and to adjacent Union brackish waters. Brackish waters include estuaries, coastal lagoons and transitional waters.
2. It shall be prohibited to engage in commercial fishing activities for European eel (*Anguilla anguilla*), either as a targeted species or as incidental by-catch, at all life stages for a period of at least six months between 1 April 2024 and 31 March 2025. To that effect, each Member State concerned shall determine one or more closure periods subject to the following:
  - (a) where appropriate, the closure period or periods may differ within one Member State from one fishing area to another in order to take account of the geographical and temporal migration pattern of eel at its different life stages;
  - (b) the closure period or periods shall last for a consecutive or non-consecutive time span of at least six months; and
  - (c) the closure period or periods shall be consistent with the conservation objectives set out in Regulation (EC) No 1100/2007, with national management plans and cover the main migration period or periods, including the respective peak, of European eel at the respective life stage in the Member State concerned.
3. By way of derogation from paragraph 2, point (c), for European eel of an overall length of 12 cm or more, each Member State concerned may allow fishing for up to a total of 30 days during the main migration period. In that case, the Member State concerned shall determine an additional closure of an equivalent period of time during the main migration period or, subsidiarily, just before or after thereof.

4. For ICES subarea 3, the derogation set out in paragraph 3 shall be agreed by the Member States concerned so as to ensure a consistent and effective protection of eel on its migration from the Baltic Sea into the North Sea. In the absence of such an agreement by 1 March 2024, the closure period shall be 1 August 2024 to 31 January 2025 in Denmark, Germany, Estonia, Finland, Latvia, Lithuania, Poland and Sweden.
5. By way of further derogation from paragraph 2, point (c), for European eel of an overall length of less than 12 cm, each Member State concerned may allow fishing for up to a total of 30 days during the main migration period. In addition, each Member State concerned may allow fishing exclusively for restocking for up to an additional 30 days during the main migration period. In both cases, the Member State concerned shall determine an additional closure of an equivalent period of time during the main migration period or, subsidiarily, just before or after thereof.
6. Recreational fisheries of European eel at all life stages shall be prohibited.
7. Each Member State concerned shall inform the Commission:
  - (a) by 1 March 2024, about the closure period or periods that it has determined in accordance with paragraphs 2 to 5 together with the supporting information justifying the chosen period or periods;
  - (b) within 2 weeks after their adoption, about national measures relating to the closure period or periods that it has determined in accordance with paragraph 2 to 5 .]

*[Article 13 of this Regulation will be updated after the publication by ICES of its scientific advice for European eel for 2024 and after the 2023 annual meetings of the GFCM.]*

#### *[Article 13*

#### *Measures on European eel fisheries in the Mediterranean Sea*

1. This Article applies to the GFCM geographical subareas 1 to 27, to brackish waters and to freshwaters. Brackish waters include estuaries, coastal lagoons and transitional waters.
2. It shall be prohibited to engage in commercial fishing activities for European eel, either as a targeted species or as incidental by-catch, at all life stages for a period of at least six months. To that effect, each Member State concerned shall determine one or more closure periods subject to the following:
  - (a) where appropriate, the closure period or periods may differ within one Member State from one fishing area to another in order to take account of the geographical and temporal migration pattern of eel at its different life stages;
  - (b) the closure period or periods shall last either at least six consecutive months, or a total of six months in accordance with the conditions set out in paragraph 3; and
  - (c) the closure period or periods shall be consistent with the conservation objectives set out in Regulation (EC) No 1100/2007, with national management plans in place with the temporal migration patterns of European eel at the respective life stage in the Member State concerned.

3. The closure period shall be from 1 January to 31 March 2024, and an additional closure period of three months to be established by each Member State concerned between 1 April and 30 November 2024.
4. Recreational fisheries of European eel at all life stages shall be prohibited.
5. Each Member State concerned shall inform the Commission:
  - (a) about the closure period or closure periods that it has determined in accordance with paragraphs 2 and 3 by 1 March 2024;
  - (b) about the national measures relating to the closure period or periods that it has determined in accordance with paragraphs 2 and 3 within 2 weeks after their adoption.]

#### *Article 14*

##### *Special provisions on allocations of fishing opportunities*

1. The allocation of fishing opportunities among Member States set out in this Regulation shall be without prejudice to:
  - (a) exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
  - (b) deductions and reallocations pursuant to Article 37 of Regulation (EC) No 1224/2009;
  - (c) reallocations pursuant to Articles 12 and 47 of Regulation (EU) 2017/2403;
  - (d) additional landings allowed under Article 3 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;
  - (e) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;
  - (f) deductions pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009;
  - (g) quota transfers and exchanges pursuant to Articles 21 and 49 of this Regulation.
2. Stocks subject to precautionary or analytical TACs for the purposes of the year-to-year management of TACs and quotas provided for in Regulation (EC) No 847/96 are identified in Annex I to this Regulation.
3. Except where otherwise specified in Annex I to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to a precautionary TAC, and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to an analytical TAC.
4. Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

#### *[Article 15*

##### *Closed fishing seasons for sandeels*

Commercial fishing for sandeels (*Ammodytes* spp.) with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm shall be prohibited in ICES divisions 2a and



3a and in ICES subarea 4 from 1 January to 31 March 2024 and from 1 August to 31 December 2024.]

*[Article 16  
Remedial measures for cod in the North Sea*

1. The areas closed to fishing, except with pelagic gear (purse seines and trawls), and the periods during which the closures apply are set out in Annex IV.
2. Vessels fishing with bottom trawls and seines with minimum mesh size of at least 70 mm in ICES divisions 4a and 4b or at least 90 mm in ICES division 3a, and longlines<sup>71</sup> shall be prohibited from fishing in Union waters of ICES division 4a, north of latitude 58°30'00"N and south of latitude 61°30'00"N, and in Union waters of ICES divisions 3a.20 (Skagerrak), 4a and 4b, north of latitude 57°00'00"N and east of longitude 5°00'00"E.
3. By way of derogation from paragraph 2, fishing vessels referred to in that paragraph may fish in the areas referred to in that paragraph provided that they fulfil at least one of the following criteria:
  - (a) their cod catches do not account for more than 5% of their total catches per fishing trip; fishing vessels whose cod catches did not exceed 5% of their total catches in 2017–2019 are presumed to comply with this criterion provided that they continue to use the same gear that they used in that period; this presumption may be rebutted;
  - (b) a regulated and highly selective bottom trawl or seine is used, resulting, according to a scientific study, in at least a 30% reduction in cod catches compared to vessels fishing with the baseline mesh size for towed gears, as specified in Part B, point 1.1, of Annex V to Regulation (EU) 2019/1241; such studies may be evaluated by the STECF and in the case of a negative evaluation, the gears in question shall no longer be considered valid for use in the areas referred to in paragraph 2 of this Article;
  - (c) for vessels fishing with bottom trawls and seines with mesh sizes equal to or larger than 100 mm (TR1), the following highly selective gears are used:
    - (i) belly trawls with a minimum belly mesh size of 600 mm;
    - (ii) raised fishing line (0,6 m);
    - (iii) horizontal separating panel with large mesh escape panel;
  - (d) for vessels fishing with bottom trawls and seines with mesh sizes equal to or larger than 70 mm in ICES division 4a and 90 mm in ICES division 3a, and less than 100 mm (TR2), the following highly selective gears are used:
    - (i) horizontal sorting grid with maximum 50 mm bar spacing separating flatfish and roundfish, with an unblocked fish outlet for roundfish;
    - (ii) Seltra panel with 300 mm square-mesh size;
    - (iii) sorting grid with maximum 35 mm bar spacing, with an unblocked fish outlet;

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<sup>71</sup> Gear codes: OTB, OTT, OT, TBN, TBS, TB, TX, PTB, SDN, SSC, SX, LL, LLS.

- (e) fishing vessels are subject to a national cod avoidance plan to sustain cod catches in line with the fishing mortality corresponding to the fishing opportunities fixed, based on scientific advice levels, through spatial or technical measures, or a combination thereof; such plans shall be assessed no later than two months following their implementation, by the STECF in the case of Member States or by the relevant national scientific body in the case of third countries, and, where deemed necessary, further revised if such assessments find that the objective of the national cod avoidance plan will not be met.
4. Member States shall enhance the monitoring, control and surveillance of fishing vessels referred to in paragraph 2 in order to ensure compliance with the conditions laid down in paragraph 3.
  5. This Article shall not apply to fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in compliance with Article 25 of Regulation (EU) 2019/1241.]

#### *Article 17*

##### *Remedial measures for cod in the Kattegat*

1. Union fishing vessels fishing in the Kattegat with bottom trawls<sup>72</sup> with minimum mesh size of 70 mm shall use one of the following selective gears:
  - (a) sorting grid with maximum 35 mm bar spacing, with an unblocked fish outlet;
  - (b) sorting grid with maximum 50 mm bar spacing separating flatfish and roundfish, with an unblocked fish outlet for roundfish;
  - (c) seltra panel with 300 mm square-mesh size;
  - (d) regulated highly selective gear, the technical attributes of which shall result, according to a scientific study assessed by the STECF, for vessels exclusively carrying on board such a gear, in less than 1,5% of catches of cod.
2. Union fishing vessels participating in a project run by a Member State and having functioning equipment for fully documented fisheries may use a gear in accordance with Part B of Annex V to Regulation (EU) 2019/1241. By 31 March 2024, the Member State in question shall communicate a list of such vessels to the Commission.
3. This Article shall not apply to fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in compliance with Article 25 of Regulation (EU) 2019/1241.

#### *Article 18*

##### *Prohibited species*

1. Union fishing vessels shall not fish for, retain on board, tranship or land the following species:

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<sup>72</sup> Gear codes: OTB, OTT, OT, TBN, TBS, TB, TX, PTB.

- (a) starry ray (*Amblyraja radiata*) in United Kingdom and Union waters of ICES subarea 4 and division 7d; United Kingdom waters of division 2a; and Union waters of division 3a;
- (b) splendid alfonsino (*Beryx splendens*) in NAFO subarea 6;
- (c) leafscale gulper shark (*Centrophorus squamosus*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
- (d) Portuguese dogfish (*Centroscymnus coelolepis*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
- (e) kitefin shark (*Dalatias licha*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
- (f) birdbeak dogfish (*Deania calceus*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
- (g) common skate (*Dipturus batis*) complex (*Dipturus* cf. *flossada* and *Dipturus* cf. *intermedia*) in United Kingdom and Union waters of ICES subareas 4 and 6 to 8; United Kingdom waters of division 2a and subarea 5; and Union waters of subareas 3, 9 and 10;
- (h) great lanternshark (*Etmopterus princeps*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
- (i) tope shark (*Galeorhinus galeus*) when taken with longlines in United Kingdom and Union waters of ICES subareas 4; United Kingdom waters of division 2a; United Kingdom and international waters of subarea 5; United Kingdom, Union and international waters of subareas 6 to 8; and international waters of subareas 12 and 14;
- (j) porbeagle (*Lamna nasus*) in all waters;
- (k) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
- (l) undulate ray (*Raja undulata*) in United Kingdom and Union waters of ICES subarea 6; and Union waters of ICES subarea 10;
- (m) whale shark (*Rhincodon typus*) in all waters;
- (n) common guitarfish (*Rhinobatos rhinobatos*) in the Mediterranean.

2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.

#### *Article 19*

##### *Data transmission*

When Member States submit to the Commission data relating to landings and fishing effort pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, they shall use the stock codes set out in Annex I to this Regulation.

## **Chapter II**

### **Fishing authorisations in third-country waters**

#### *Article 20*

##### *Fishing authorisations*

1. The maximum numbers of fishing authorisations for Union fishing vessels in third country waters, where applicable, are set out in Part A of Annex V.
2. Where, in accordance with Article 16(8) of Regulation (EU) No 1380/2013, a Member State, after notifying the Commission, transfers quota to another Member State in the fishing areas set out in Part A of Annex V to this Regulation, the transfer shall be accompanied, where relevant, by an appropriate transfer of fishing authorisations. The total number of authorisations for each fishing area, as set out in Part A of Annex V to this Regulation, shall not be exceeded. That transfer of fishing authorisations shall be notified by the transferring Member State to the Commission at the time of the notification to the Commission of the quota transfer.

## **Chapter III**

### **Fishing opportunities managed by regional fisheries management organisations**

#### **SECTION 1**

##### **GENERAL PROVISIONS**

#### *Article 21*

##### *Quota transfers and exchanges*

1. Where the rules of a regional fisheries management organisation (RFMO) permit quota transfers or exchanges between the Contracting Parties to that RFMO, a Member State ('the Member State concerned') may discuss with a Contracting Party to that RFMO and establish a possible outline of an intended quota transfer or exchange, as appropriate. The Member State concerned shall notify the Commission of the outline.
2. On being notified in accordance with paragraph 1, the Commission may endorse the outline of the intended quota transfer or exchange. If the Commission endorses the outline, it shall express, without undue delay, the consent to be bound by the intended quota transfer or exchange. It shall notify the secretariat of the RFMO of the transfer or exchange in accordance with the rules of that RFMO.
3. The Commission shall inform the Member States of any agreed quota transfer or exchange.
4. The fishing opportunities received or transferred by the Member State concerned under the quota transfer or exchange shall be deemed to be quotas added to, or deducted from, its allocation as of the moment when the transfer or exchange takes effect under the terms of the agreement with the relevant Contracting Party to the RFMO or in accordance with the rules of the relevant RFMO, as appropriate. Such transfers and exchanges shall not affect the distribution key for allocating fishing opportunities among Member States in accordance with the principle of relative stability of fishing activities.

[Sections 2 to 4, and 8 to 9 of this Regulation will be updated after the annual meetings of the RFMOs.]

**[SECTION 2  
NEAFC CONVENTION AREA**

*Article 22  
Redfish in the Irminger Sea*

1. All fishing activities shall be prohibited in the area bounded by the following coordinates measured according to the WGS84 system:

Latitude	Longitude
63°00'N	30°00'W
61°30'N	27°35'W
60°45'N	28°45'W
62°00'N	31°35'W
63°00'N	30°00'W

2. Fishing vessels shall be prohibited from fishing, retaining on board, transshipping or landing in Union ports and Union fishing vessels also in third-country ports shallow pelagic and deep pelagic beaked redfish (*Sebastes mentella*) from the Irminger Sea and adjacent waters (ICES subareas 5, 12 and 14, and NAFO subareas 1 and 2).
3. Union fishing vessels shall be prohibited from participating in transshipment operations involving the stocks referred to in paragraph 2.]

**[SECTION 3  
ICCAT CONVENTION AREA**

*Article 23  
Fishing, farming and fattening capacity limitations*

1. The number of Union bait boats and trolling boats authorised to fish actively for bluefin tuna (*Thunnus thynnus*) between 8 kg/75 cm and 30 kg/115 cm in the eastern Atlantic shall be limited as set out in point 1 of Annex VI.
2. The number of Union coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean shall be limited as set out in point 2 of Annex VI.
3. The number of Union fishing vessels fishing for bluefin tuna in the Adriatic Sea for farming purposes authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm shall be limited as set out in point 3 of Annex VI.
4. The number of Union fishing vessels authorised to fish for, retain on board, tranship, transport or land bluefin tuna in the eastern Atlantic and Mediterranean shall be limited as set out in point 4 of Annex VI.
5. The number of traps engaged in bluefin tuna fishery in the eastern Atlantic and Mediterranean shall be limited as set out in point 5 of Annex VI.

6. The maximum number of Union fishing vessels authorised to fish for northern albacore (*Thunnus alalunga*) as a target species in accordance with Article 17 of Regulation (EU) No 2017/2107<sup>73</sup> shall be limited as set out in point 7 of Annex VI to this Regulation.
7. The maximum number of Union fishing vessels of at least 20 m length fishing for bigeye tuna (*Thunnus obesus*) in the ICCAT Convention area shall be limited as set out in point 8 of Annex VI.

*Article 24*  
*Recreational fisheries*

Where appropriate, Member States shall allocate a specific share from their allocated quotas to recreational fisheries, as set out in Annex ID.

*Article 25*  
*Sharks*

1. It shall be prohibited to retain on board, tranship or land any part or whole carcass of bigeye thresher sharks (*Alopias superciliosus*) caught in any fishery.
2. It shall be prohibited to engage in directed fishery for species of thresher sharks of the *Alopias* genus.
3. It shall be prohibited to retain on board, tranship or land any part or whole carcass of hammerhead sharks of the *Sphyrnidae* family (except *Sphyrna tiburo*) caught in fisheries in the ICCAT Convention area.
4. It shall be prohibited to retain on board, tranship or land any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) caught in any fishery.
5. It shall be prohibited to retain on board silky sharks (*Carcharhinus falciformis*) caught in any fishery.
6. It shall be prohibited to retain on board, tranship or land any part or whole carcass of North Atlantic shortfin mako (*Isurus oxyrinchus*) caught in fisheries in the ICCAT Convention area.

*Article 26*  
*FADs for tropical tunas*

1. It shall be prohibited to use FADs in the ICCAT Convention area from 1 January to 13 March 2024.
2. From 17 December 2023 to 31 December 2023, Member States shall ensure that their fishing vessels do not deploy FADs. Each fishing vessel shall have no more than 300 FADs with operational buoys deployed at any time in the ICCAT Convention area.

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<sup>73</sup> Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (OJ L 315, 30.11.2017, p. 1).

3. Member States shall report to the Commission historical data on fishing gear set around FADs by their purse-seine vessels by 30 June 2024. If a Member State does not report those data by that date, fishing vessels flying its flag shall not set fishing gear around FADs until the Commission receives those data from that Member State for further reporting to ICCAT.]

## [SECTION 4 CCAMLR CONVENTION AREA

### *Article 27*

#### *Exploratory fisheries notifications for toothfish*

1. Member States may participate, or authorise their vessels to participate, in longline exploratory fisheries for toothfish (*Dissostichus* spp.) in FAO subareas 88.1 and 88.2 and FAO divisions 58.4.1, 58.4.2 and 58.4.3a outside areas of national jurisdiction in 2024, in accordance with Article 7(2) to (7) of Regulation (EC) No 601/2004.
2. By way of derogation from the deadlines set out in Article 7(5) and (6) of Regulation (EC) No 601/2004, those Member States intending to do so shall notify the CCAMLR Secretariat no later than 1 June 2024.

### *Article 28*

#### *Additional limits on exploratory fisheries for toothfish*

1. In addition to the special requirements for exploratory fisheries set out in Article 7a of Regulation (EC) No 601/2004, fishing for toothfish in the 2023–2024 fishing season shall be limited to the Member States, subareas and number of fishing vessels set out in Table A in Annex VII, and the TACs and by-catch limits set out in Table B in that Annex shall apply.
2. Direct fishing of shark species for purposes other than scientific research shall be prohibited. Any by-catch of shark, especially juveniles and gravid females, taken accidentally in the toothfish fishery shall be released alive.
3. Where applicable, fishing for toothfish in any smallscale research unit (SSRU) shall cease when the reported catch reaches the specified TAC, and the SSRU shall be closed to fishing for the remainder of the fishing season.
4. Fishing shall take place over a geographical and bathymetric range as large as possible, so as to obtain the information necessary to determine fishery potential and avoid an overconcentration of catch and fishing effort. However, fishing in FAO subareas 48.6 and 88.1, and in FAO division 58.4.3a, where permitted under Article 27 of this Regulation, shall be prohibited in depths of less than 550 m.

### *Article 29*

#### *Krill fishery during the 2023–2024 fishing season*

1. For the purpose of Article 5a of Regulation (EC) No 601/2004, Member States intending to fish for krill (*Euphausia superba*) in the CCAMLR Convention area during the 2023–2024 fishing season shall notify the Commission of their intention no later than 1 May 2024, using the form in Part B of the Appendix to Annex VII. By way of derogation from the deadlines set out in Article 7(5) and (6) of Regulation (EC) No 601/2004, and on the basis of the information provided by Member States,

the Commission shall submit the notifications to the CCAMLR Secretariat no later than 30 May 2024.

2. The notification referred to in paragraph 1 of this Article shall include the information provided for in Article 3(2) and (3) of Regulation (EC) No 601/2004 for each fishing vessel to be authorised to participate in the krill fishery.
3. A Member State intending to fish for krill in the CCAMLR Convention area shall notify its intention to do so only in respect of authorised fishing vessels that, at the time of the notification:
  - (a) are flying its flag; or
  - (b) are flying the flag of another CCAMLR member and are expected to be flying the flag of that Member State at the time the fishery takes place.
4. Where an authorised fishing vessel notified to the CCAMLR Secretariat in accordance with paragraphs 1, 2 and 3 is prevented from participating in a krill fishery due to legitimate operational reasons or force majeure, the Member State concerned may authorise its replacement by another fishing vessel. In such a case, the Member State concerned shall immediately inform the CCAMLR Secretariat with the Commission in copy, providing:
  - (a) full details of the intended replacement fishing vessel(s), including the information provided for in Article 3(2) and (3) of Regulation (EC) No 601/2004; and
  - (b) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.

## SECTION 5 IOTC AREA OF COMPETENCE

### *Article 30 Limitation of fishing capacity of vessels fishing in the IOTC Area of Competence*

1. The maximum number of Union fishing vessels fishing for tropical tunas in the IOTC Area of Competence and the corresponding capacity in gross tonnage shall be as set out in point 1 of Annex VIII.
2. The maximum number of Union fishing vessels fishing for swordfish (*Xiphias gladius*) and albacore (*Thunnus alalunga*) in the IOTC Area of Competence and the corresponding capacity in gross tonnage shall be as set out in point 2 of Annex VIII.
3. Member States may reallocate fishing vessels assigned to one of the fisheries referred to in paragraphs 1 and 2 to the other fishery, provided that they can demonstrate to the Commission that such change does not lead to an increase of fishing effort in respect of the fish stocks in question.
4. Where a transfer of capacity to the fleet of a Member State is proposed, that Member State shall ensure that fishing vessels to be transferred are on the IOTC record of authorised vessels or on the record of vessels of other RFMOs managing tuna fisheries. Fishing vessels that appear on any RFMO's list of vessels that have engaged in IUU fishing activities may not be transferred.



5. Member States may increase their fishing capacity beyond the ceilings referred to in paragraphs 1 and 2 only within the limits set out in the development plans submitted to the IOTC.

#### *Article 31*

#### *Drifting FADs and supply vessels*

1. Drifting FADs shall be equipped with instrumented buoys. The use of any other buoys, such as radio buoys, shall be prohibited.
2. A purse-seine vessel shall follow no more than 300 operational buoys at any time.
3. No more than 500 instrumented buoys shall be acquired annually for each purse-seine vessel. No purse-seine vessel shall have more than 500 instrumented buoys (in stock and operational) at any time.
4. No more than three supply vessels shall operate in support of not less than ten purse-seine vessels, all flying the flag of a Member State. This provision shall not apply to Member States using only one supply vessel.
5. A single purse-seine vessel shall not be supported by more than one supply vessel flying the flag of a Member State at any time.
6. The Union shall not register new or additional supply vessels in the IOTC record of authorised vessels.

### **SECTION 6**

#### **SPRFMO CONVENTION AREA**

#### *Article 32*

#### *Pelagic fisheries*

1. Only those Member States that have actively exercised pelagic fisheries activities in the SPRFMO Convention area in 2007, 2008 or 2009 may fish for pelagic stocks in that area in accordance with the TACs set out in Annex IH.
2. The Member States referred to in paragraph 1 may use the fishing opportunities set out in Annex IH only if they send the following information to the Commission by the fifteenth day of the following month, so that the Commission can communicate it to the SPRFMO Secretariat:
  - (a) a list of vessels actively fishing or engaged in transshipment in the SPRFMO Convention area;
  - (b) monthly catch reports.

### **SECTION 7**

#### **IATTC CONVENTION AREA**

#### *Article 33*

#### *Purse-seine fisheries*

1. Purse-seine vessels shall not fish for yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) or skipjack tuna (*Katsuwonus pelamis*):

- (a) either from 00.00 hours on 29 July 2024 to 24.00 hours on 8 October 2024 or from 00.00 hours on 9 November 2024 to 24.00 hours on 19 January 2025 in the area defined by the following limits:
    - the Pacific coastlines of the Americas,
    - longitude 150° W,
    - latitude 40° N,
    - latitude 40° S;
  - (b) from 00.00 hours on 9 October 2024 to 24.00 hours on 8 November 2024 in the area defined by the following limits:
    - longitude 96° W,
    - longitude 110° W,
    - latitude 4° N,
    - latitude 3° S.
2. For each of the fishing vessels referred to in paragraph 1 and flying the flag of a Member State, that flag Member State shall inform the Commission before 1 April 2024 which of the closure periods referred to in paragraph 1, point (a), the fishing vessel has selected.
  3. Purse-seine vessels fishing for tuna in the IATTC Convention area shall retain on board and then tranship or land all yellowfin, bigeye and skipjack tuna that they catch.
  4. Paragraph 3 shall not apply:
    - (a) where the fish is considered unfit for human consumption for reasons other than size;
    - (b) during the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.

*Article 34  
Drifting FADs*

1. A purse-seine vessel shall have no more than 400 FADs active at any time in the IATTC Convention area. A FAD shall be considered active when it is deployed at sea, starts transmitting its location and is being tracked by the vessel, its owner or operator. A FAD shall be activated only on board a purse-seine vessel.
2. During the 15 days before the start of the closure period selected in accordance with Article 33(1), point (a), of this Regulation a purse-seine vessel shall, in the IATTC Convention area:
  - (a) refrain from deploying FADs;
  - (b) recover the same number of FADs as initially deployed.

*Article 35  
Catch limits for bigeye tuna in longline fisheries*

The total annual catches of bigeye tuna in the IATTC Convention area by each Member State's longline vessels are set out in Annex II.

*Article 36*  
*Prohibition of fishing for oceanic whitetip sharks*

1. It shall be prohibited to fish for oceanic whitetip sharks (*Carcharhinus longimanus*) in the IATTC Convention area and to retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of oceanic whitetip sharks caught in that area.
2. When accidentally caught, specimens of oceanic whitetip sharks shall not be harmed and shall be promptly released by fishing vessel operators.
3. Fishing vessel operators shall record the number of releases with indication of status (dead or alive) and report that information to the Member State of which they are nationals. Member States shall transmit that information collected during 2023 to the Commission by 31 January 2024.

*Article 37*  
*Prohibition of fishing for mobulid rays*

Union fishing vessels in the IATTC Convention area shall not fish for mobulid rays (*Mobulidae* family, including the genera *Manta* and *Mobula*) and shall not retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of mobulid rays caught in that area. As soon as they notice that mobulid rays have been caught, they shall promptly release them, where possible alive and unharmed.

**[SECTION 8**  
**SEAFO CONVENTION AREA**

*Article 38*  
*Prohibition of fishing for deep-water sharks*

Directed fishing for the following deep-water sharks in the SEAFO Convention area shall be prohibited:

- (a) ghost catshark (*Apristurus manis*);
- (b) blurred smooth lanternshark (*Etmopterus bigelowi*);
- (c) shorttail lanternshark (*Etmopterus brachyurus*);
- (d) great lanternshark (*Etmopterus princeps*);
- (e) smooth lanternshark (*Etmopterus pusillus*);
- (f) skates (*Rajidae*);
- (g) velvet dogfish (*Scymnodon squamulosus*);
- (h) sharks of the *Selachimorpha* super-order;
- (i) picked dogfish (*Squalus acanthias*.)]

**[SECTION 9  
WCPFC CONVENTION AREA**

*Article 39*

*Conditions for bigeye tuna, yellowfin tuna, skipjack tuna  
and South Pacific albacore fisheries*

1. Member States shall ensure that no more than 403 fishing days are allocated to purse-seine vessels fishing for bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*) in the part of the WCPFC Convention area located south of 20°S.
2. Union fishing vessels shall not target South Pacific albacore (*Thunnus alalunga*) in the WCPFC Convention area south of 20°S.
3. Member States shall ensure that catches of bigeye tuna (*Thunnus obesus*) by longliners in 2024 do not exceed the limits set out in table 1 of Annex IG.

*Article 40*

*Management of fishing with FADs*

1. In the part of the WCPFC Convention area located between 20°N and 20°S, 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 30 September 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 two additional months, either from 00.00 hours on 1 April 2024 to 24.00 hours on 31 May 2024, or from 00.00 hours on 1 November 2024 to 24.00 hours on 31 December 2024.
3. Each Member State concerned shall determine which of the closure periods referred to in paragraph 2 shall apply to purse-seine vessels flying its flag. The Member States shall inform the Commission by 15 February 2024 of the closure period selected. The Commission shall notify the secretariat of the WCPFC of the closure periods selected by Member States 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.

*Article 41*

*Maximum number of Union fishing vessels authorised to fish for swordfish*

The maximum number of Union fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas of the WCPFC Convention area south of 20°S shall be as set out in Annex IX.

*Article 42*

*Catch limits for swordfish in longline fisheries south of 20°S*

Member States shall ensure that catches of swordfish (*Xiphias gladius*) south of 20°S by longliners in 2024 do not exceed the limit set out in table 2 of Annex IG. They shall also

ensure that this does not result in a shift of the fishing effort for swordfish to the area north of 20°S.]

## **SECTION 10 BERING SEA**

### *Article 43*

#### *Prohibition on fishing for pollock in the high seas of the Bering Sea*

It shall be prohibited to fish for pollock (*Gadus chalcogrammus*) in the high seas of the Bering Sea.

## **SECTION 11 SIOFA AGREEMENT AREA**

### *Article 44*

#### *Limits to bottom fishing*

Member States shall ensure that fishing vessels flying their flag that fish in the SIOFA Agreement Area:

- (a) limit their annual bottom fishing effort to the level set out in Annex X;
- (b) do not bottom fish except using demersal longlines; and
- (c) do not fish in the interim protected areas of Atlantis Bank, Coral, Fools Flat, Middle of What and Walter's Shoal, as defined in Annex IK, except with demersal longlines and on condition of having a scientific observer on board at all times while fishing in those areas.

### *Article 45*

#### *Toothfish fishery measures*

Member States shall ensure that fishing vessels flying their flag that fish for toothfish (*Dissostichus* spp.) in the SIOFA Agreement Area:

- (a) do not fish in depths shallower than 500 metres;
- (b) have at least one scientific observer on board at all times who shall have a target of observing 25% of hooks hauled per line over the duration of the fishing deployment; and
- (c) tag and release toothfish specimens at a rate of at least 5 fish per tonne of green weight caught. A minimum overlap statistic of at least 60% shall apply for tag release, once 30 or more toothfish have been caught.

### *Article 46*

#### *Prohibition of targeting deep-water sharks*

Directed fishing for the following deep-water sharks in the SIOFA Agreement Area shall be prohibited:

- (a) Portuguese dogfish (*Centroscymnus coelolepis*), except in the context of the by-catch allowance as set out in Annex IK;
- (b) birdbeak dogfish (*Deania calceus*);

- (c) gulper shark (*Centrophorus granulosus*);
- (d) kitefin shark (*Dalatias licha*);
- (e) Bach's catshark (*Bythaelurus bachi*);
- (f) dark-mouth chimaera (*Chimaera buccanigella*);
- (g) the Falkor chimaera (*Chimaera didierae*);
- (h) seafarer's ghostshark (*Chimaera willwatchi*);
- (i) longnose velvet dogfish (*Centroselachus crepidater*);
- (j) plunket shark (*Scymnodon plunketi*);
- (k) velvet dogfish (*Zameus squamulosus*);
- (l) whitecheek lanternshark (*Etmopterus alphas*);
- (m) smallbelly catshark (*Apristurus indicus*);
- (n) bentnose rabbitfish (*Harriotta raleighana*);
- (o) narrowhead catshark (*Bythaelurus tenuicephalus*);
- (p) frilled shark (*Chlamydoselachus anguineus*);
- (q) bigeyed six-gill shark (*Hexanchus nakamurai*);
- (r) smooth lanternshark (*Etmopterus pusillus*);
- (s) southern sleeper shark (*Somniosus antarcticus*);
- (t) goblin shark (*Mitsukurina owstoni*);
- (u) blue-eye lanternshark (*Etmopterus viator*);
- (v) blurred smooth lanternshark (*Etmopterus bigelowi*);
- (w) leafscale gulper shark (*Centrophorus squamosus*);
- (x) little gulper shark (*Centrophorus uyato*);
- (y) shortspine spurdog (*Squalus mitsukurii*);
- (z) longsnout dogfish (*Deania quadrispinosa*);
- (aa) arrowhead dogfish (*Deania profundorum*);
- (ab) Pacific longnose chimaera (*Harriotta raleighana*);
- (ac) Cristina's skate (*Bathyraja tunae*);
- (ad) paddlenose chimaera (*Rhinochimaera africana*).

# **TITLE III**

## **FISHING OPPORTUNITIES**

### **FOR THIRD-COUNTRY FISHING VESSELS IN UNION WATERS**

#### *Article 47*

*Fishing vessels flying the flag of Norway  
and fishing vessels flying the flag of the Faroe Islands*

Fishing vessels flying the flag of Norway or of the Faroe Islands may be authorised by the Commission to fish in Union waters subject to the TACs set out in Annex I, and subject to the conditions provided for in this Regulation and Title III of Regulation (EU) 2017/2403 and its implementing provisions.

#### *Article 48*

*Fishing vessels flying the flag of the United Kingdom, registered in the United Kingdom, the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man, and licensed by a United Kingdom fisheries administration*

Fishing vessels flying the flag of the United Kingdom, registered in the United Kingdom the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man, and licensed by a fisheries administration of the United Kingdom may be authorised by the Commission to fish in Union waters subject to the TACs set out in Annex I, and subject to the conditions provided for in this Regulation and Regulation (EU) 2017/2403 and its implementing provisions.

#### *Article 49*

*Quota transfers and exchanges with the United Kingdom*

1. Any quota transfer or exchange between the Union and the United Kingdom shall take place in accordance with this Article.
2. A Member State intending to transfer or exchange quotas with the United Kingdom may discuss with the United Kingdom an outline of the quota transfer or exchange. The Member State concerned shall notify the Commission of the outline.
3. If the Commission endorses an outline of the quota transfer or exchange referred to in paragraph 2 notified by the Member State concerned, it shall express, without undue delay, the consent to be bound by such quota transfer or exchange. The Commission shall notify the United Kingdom and the Member States of the agreed quota transfer or exchange.
4. The fishing opportunities received from or transferred to the United Kingdom under the agreed quota transfer or exchange shall be deemed to be quotas added to, or deducted from, the allocation of the Member State concerned as of the moment when the quota transfer or exchange has been notified in accordance with paragraph 3. Such transfers and exchanges shall not affect the distribution key for allocating fishing opportunities among Member States in accordance with the principle of relative stability of fishing activities.

*Article 50*  
*Fishing vessels flying the flag of Venezuela*

Fishing vessels flying the flag of Venezuela shall be subject to the conditions provided for in this Regulation and Title III of Regulation (EU) 2017/2403 and its implementing provisions.

*Article 51*  
*Fishing authorisations*

The maximum number of fishing authorisations for third-country fishing vessels operating in Union waters shall be as set out in Part B of Annex V.

*Article 52*  
*Conditions for landing catches and by-catches*

The conditions laid down in Article 7 of this Regulation shall apply to the catches and by-catches of third-country fishing vessels fishing under the fishing authorisations referred to in Article 51 of this Regulation.

*[Article 53 of this Regulation will be updated after consultations between the Union and third countries.]*

*Article 53*  
*Prohibited species*

1. Third-country fishing vessels shall not fish for, retain on board, tranship or land the following species where they are found in Union waters:
  - (a) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions 3a and 7d; and Union waters of subarea 4;
  - (b) common skate (*Dipturus batis*) complex (*Dipturus* cf. *flossada* and *Dipturus* cf. *intermedia*) in Union waters of ICES subareas 3, 4 and 6 to 10;
  - (c) tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES subareas 4 and 6 to 8;
  - (d) kitefin shark (*Dalatias licha*), birdbeak dogfish (*Deania calceus*), leafscale gulper shark (*Centrophorus squamosus*), great lanternshark (*Etmopterus princeps*) and Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES subarea 4;
  - (e) porbeagle (*Lamna nasus*) in all Union waters;
  - (f) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
  - (g) undulate ray (*Raja undulata*) in Union waters of ICES subareas 6 and 10;
  - (h) common guitarfish (*Rhinobatos rhinobatos*) in Union waters of the Mediterranean;
  - (i) whale shark (*Rhincodon typus*) in all Union waters;
2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.



## **TITLE IV**

### **FINAL PROVISIONS**

#### *Article 54*

##### *Amendments to Regulation (EU) 2023/194*

Annex IA, Part F, of Regulation (EU) 2023/194 is amended in accordance with Annex XI to this Regulation.

#### *Article 55*

##### *Committee procedure*

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

#### *Article 56*

##### *Transitional provisions*

Articles 9 to 13, 15 to 18, 22, 25, 36 to 38, 43, 46 and 53 shall continue to apply, *mutatis mutandis*, in 2025 until the entry into force of the Regulation fixing the fishing opportunities for 2025.

#### *Article 57*

##### *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 to 31 December 2024. However:

- (a) Articles 12(1) and 12(6) shall apply from 1 January 2024 to 31 March 2025;
- (b) Article 12(2) to (5) shall apply from 1 April 2024 to 31 March 2025;
- (c) Article 21 shall apply from 1 January 2024 to 31 January 2025;
- (d) Articles 27, 28 and 29, and Annex VII shall apply from 1 December 2023 to 30 November 2024;
- (e) Article 26(2) shall apply from 17 December 2023 to 31 December 2024;
- (f) Article 33(1), point (a), shall apply from 1 January 2024 to 19 January 2025;
- (g) Annex I shall also apply for the year 2025 and 2026, where specified in that Annex;
- (h) Annex IK shall apply from 1 December 2023 to 30 November 2024, where specified in that Annex;
- (i) Annex II shall apply from 1 February 2024 to 31 January 2025;
- (j) [The maximum conservation reference size for picked dogfish (DGS/03A-C., DGS/2AC4-C and DGS/15X14) shall cease to apply on the date on which a delegated act introducing corresponding measures and regulating the treatment of catches of those stocks over 100 cm becomes applicable.]

- (k) Catch and effort limits fixed by this Regulation for the year 2024 and, where specified in this Regulation, also for the years 2025 and 2026, shall continue to apply in 2025, and where relevant in 2026 and 2027, exclusively for the purposes of;
- (i) exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
  - (ii) deductions and reallocations pursuant to Article 37 of Regulation (EC) No 1224/2009;
  - (iii) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013; and
  - (iv) deductions pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009.

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

Done at Brussels,

*For the Council*  
*The President*