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From: Presidency
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Subject: 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
2) Proposal for a COUNCIL REGULATION fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas for 2024
- Final Presidency compromise

Delegations will find enclosed the Presidency compromise, on the abovementioned proposal. The text includes:

- (in part 1) changes to the consolidated version of the main TACs and quotas proposal (docs. 16311/23 + ADD 1-2) as amended by Commission non-papers ST 16624/23, ST 16625/23, ST 16627/23, ST 16695/23, ST 16700/23, ST 16705/23, ST 16709/23, 16710/23; and
- (in part 2) changes to the consolidated version of the fishing opportunities in the Mediterranean and Black Seas proposal (docs. ST 15715/23 + ADD 1 REV 1).

Changes are marked in **bold** and ~~strikethrough~~¹.

¹ Only the changes are mentioned; parts that are unchanged are not shown in this document.

Part 1: Main TACs
Fishing Opportunities 2024, 2025 and 2026

1. CHANGES TO THE BODY OF THE REGULATION

A. RECITALS

- Recital (8) is deleted:

~~(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.~~

- Recital (9) is modified as follows:

(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-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.

- Recital 14b is added:

(14b) Article 5(3) of the Western Waters MAP provides for the management of mixed fisheries with regards to by-catch stocks taking into account the difficulty of fishing all stocks at MSY at the same time, especially in situations where that leads to a premature closure of the fishery.

Mixed fisheries considerations in the Bay of Biscay published on 14 November 2023 indicates that, if horse mackerel is excluded, pollack is the most limiting stock for demersal fisheries in the Bay of Biscay for three fishing segments out of 21.

Given the socio-economic data submitted by one of the Member States concerned, suggesting that for Pollack in the Bay of Biscay and Iberian waters (ICES subarea 8 and division 9a), mixed fishery considerations point to the difficulty of fishing all TACs fully, more time is needed in order to assess the socio-economic impact of the setting of fishing opportunities for pollack for fishers active in this mixed fishery (sole and nephrops). For that reason, a provisional TAC should be set for the first half of the year. On the basis of the ICES advice of 30 June 2023 regarding Pollack in the Bay of Biscay and Iberian waters, and taking into account the seasonality of the fishery, the level of that provisional quota should be fixed at 500 tonnes from 1 January 2024 to 30 June 2024.

Such a provisional TAC aims to ensure fishing activities can continue while the data is being assessed, until the Council sets a definitive Union TAC.

- New recital 15a is inserted:

(15) Pollack (*Pollachius pollachius*) in Bay of Biscay and Atlantic Iberian waters is one biological stock currently covered under three separate TACs. In order to facilitate the management of fisheries of this stock in ICES subareas 8c and 9, 10 and Union waters of CECAF 34.1.1, it is appropriate to merge these two TACs into a single one.

- New recital 15b is inserted:

(15b) According to scientific advice, recreational catches of pollack are non-negligible and it is therefore appropriate to introduce limits to its recreational fishery. In order to protect the spawning grounds and limit juvenile catches, no specimens of pollack may be caught and retained from 1 January to 30 April in recreational fisheries, while the maximum of two specimens could be allowed for the remaining part of the year.

- Recital 19 is deleted.

- Recital 20 is modified as follows:

(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, **with an exception for fishing operations conducted, with or without a fishing vessel, for the exclusive purpose of scientific investigations and carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241 of the European Parliament and of the Council**⁶. 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 30 days 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 effective closure periods for silver eel. In case the Member States concerned cannot agree by 1 March 2024, the closure period for silver eel in the Baltic Sea and Skagerrak-Kattegat should be ~~1 August~~ **15 September** 2024 to ~~31 January~~ **15 March** 2025.

- Recital 21 is modified as follows:

(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 **exclusively for restocking** for ~~anone~~ additional **month 50 days** during the main migration period or periods of glass eel.

- Recital 34a is modified as follows:

(34a) Since 2021, the Union does not have access to fish its mackerel quota in Norwegian waters of 2a and 4a (MAC/2A4A-N). In order for the Union to ~~access~~ **use** that quota, it is **proposed appropriate** to allocate new fishing opportunities to a TAC (MAC/2A34-N) covering the geographic scope of the North Sea (MAC/2A34) and Norwegian Waters (MAC/2A4A-N) TACs with a new relative stability key. Part of the fishing opportunities allocated to the MAC/2A34-N should be transferred by Denmark to the holders of quotas in the Western Waters TAC (MAC/2ACX14-) based on the existing relative stability key for that TAC.

- Recital 66a is modified as follows:

(66a) This Regulation should apply to the newly allocated fishing opportunities in MAC/2A34-N from 1 January 2023 in order to allow the Union to access fully its mackerel quota. Such retroactive application does not therefore affect the principles of legal certainty or protection of legitimate expectations.

B. ARTICLES

- Article 11 should read as follows:

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.~~ France and Spain shall, in accordance with Articles 4(3) and 8(1) of Regulation (EU) 2019/472, ensure that the fishing mortality of the European seabass in ICES divisions 8a and 8b from their commercial and recreational fisheries does not exceed the F_{MSY} point value as reduced proportionally to take into account the decrease in the biomass, below $MSY B_{trigger}$ (in total 2642 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.
- New article 11bis is inserted as follows:

Article 11 bis

Measures on recreational fisheries for pollack (*Pollachius pollachius*) in ICES subareas 8, 9, 10 and Union waters of CECAF 34.1.1

1. In recreational fisheries, including from shores in ICES subareas 8, 9, 10 and Union waters of CECAF 34.1.1:

a) A maximum of two specimens of pollack may be caught and retained per fisher per day. Once this ceiling has been reached, "catch and release" fishing may be carried out.

b) No specimens of pollack may be caught and retained from 1 January to 30 April. "Catch and release" fishing may nevertheless be carried out during this period.

2. Paragraph 1 applies without prejudice to stricter national measures on recreational fishing.

- Article 12 is modified as follows:

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.

It does not apply to commercial fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241 and that the STECF has confirmed to the Commission and the Member States concerned that such scientific investigations are justified on scientific grounds. The same conditions shall apply by analogy to commercial fishing operations conducted **for the exclusive purpose of scientific investigations** without a fishing vessel.

2. It shall be prohibited to engage in commercial fishing activities for European eel (*Anguilla anguilla*), at all life stages for a period of at least six months between 1 April 2024 and 31 March 2025. In addition, Member States and fishers shall undertake all reasonable efforts to minimise and where possible eliminate incidental by-catch of European eel. When accidentally caught, specimens of eel shall not be harmed and shall be promptly released. To that effect, the Member State concerned, either individually or jointly, shall determine one or more closure periods subject to the following:
 - (a) where appropriate, the closure period or periods may differ between Member States or 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, **which shall apply to all fishers concerned in the relevant fishing area**; and
 - (c) the closure period or periods shall be consistent with the conservation objectives set out in Regulation (EC) No 1100/2007, and with national management plans established pursuant to Article 2 of that Regulation; and
 - (d) **the closure period or periods** shall 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 (d), for European eel of an overall length of 12 cm or more, the Member States concerned may allow fishing activities for up to a total of 30 consecutive or non-consecutive days, which shall apply to all fishers concerned in the relevant fishing area, during the main migration period. In that case, the Member States concerned shall determine an additional closure of an equivalent period of time during the main migration period or, subsidiarily, just before or after thereof. In case a Member State allows fishing for non-consecutive days, the fishing gear shall be taken out of the water between any period of non-consecutive days.

4. For European eel of an overall length of 12 cm or more in ICES subarea 3, the closure period or periods referred to in paragraphs 2 and **the derogation thereof referred to in paragraph 3** shall be agreed by all the Member States concerned so as to ensure an 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 **15 September August 2024 to 15 March 31 January 2025** in Denmark, Germany, Estonia, Finland, Latvia, Lithuania, Poland and Sweden, **and without the possibility of the derogation referred to in paragraph 3.**
 5. By way of further derogation from paragraph 2, point (d), for European eel of an overall length of less than 12 cm, the Member States concerned may allow fishing activities for up to a total of 30 consecutive or non-consecutive days, which shall apply to all fishers concerned in the relevant fishing area, during the main migration period. In addition, the Member States concerned may allow fishing exclusively for restocking for up to an additional 50 days during the main migration period. In both cases, the Member States concerned shall determine an additional closure of an equivalent period of time during the main migration period or, subsidiarily, just before or after thereof. In case a Member State allows fishing for non-consecutive days, the fishing gear shall be taken out of the water between any period of non-consecutive days.
 6. Recreational fisheries of European eel at all life stages shall be prohibited.
 7. The Member State concerned, either individually or jointly, 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 is deleted.

2. CHANGES TO THE AUTONOMOUS UNION STOCKS TAC TABLES SET OUT IN PARTS A AND B OF ANNEX IA

Common name	TAC Unit	Proposal TAC change 2023 - 2024	Compromise TAC change 2023 - 2024	Compromise TAC 2024 (tonnes)	Statements / additional information
Cod	Kattegat	-43%	-10%	87 t	
Common Sole	3a	-75%	-35%	327t	
Sole	8c-e, 9 and 10; Union waters of CECAF 34.1.1	-33%	-17%	541 t (1) Within the limits of these quotas, no more than the following quantity of common sole (<i>Solea solea</i>) shall be taken (SOL/8CDE34): 209t (corresponds to - 33% for <i>Solea solea</i>)	
Norway lobster	9 and 10; Union waters of CECAF 34.1.1	-20%	-20%	239 t (2) Within the limits of these quotas, no more than the following amount may be taken in functional unit 30 of division 9a (NEP/*9U30): 32 t	
Pollack (POL/8ABDE)	8abde	-53%	500 t	500 t (footnote) This quota may only be fished from 1 January 2024 to 30 June 2024.	Article on recreational fisheries Recital

<p>Pollack (POL/8C3411)</p>	<p>8c, 9 and 10; Union waters of CECAF 34.1.1 (TAC merged)</p>	<p>-53%</p>	<p>-53% in 2024 and rollover in 2025</p>	<p>173 t in 2024 and in 2025</p>	<p>Article on recreational fisheries Recital</p>
<p>Undulate Ray</p>	<p>8</p>	<p>Roll-over</p>	<p>Roll-over</p>	<p>33 t (footnote) An additional 50 t may be allocated to vessels participating in the sentinel fishery to allow fisheries-based data collection for this stock as designed by a national scientific institute. The States concerned shall communicate the name(s) of the vessel(s) to the Commission before allowing any catches.</p>	

Undulate ray	9	Roll-over	Roll-over	<p>50 t</p> <p>(footnote) An additional 50t may be allocated to vessels participating in the sentinel fishery to allow fisheries-based data collection for this stock as designed by a national scientific institute. The States concerned shall communicate the name(s) of the vessel(s) to the Commission before allowing any catches.</p>	
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The Hague preferences are applied for the following stocks, at 50%:

COD/5BE6A
 COD/5W6-14
 COD/07A.
 COD/7XAD34
 (HAD/5BC6A.)
 (WHG/56-14)
 (WHG/07A.)
 (PLE/56-14)
 (PLE/07A.)
 (PLE/7BC.)
 (PLE/7FG.)
 (POK/56-14)
 (POK/7/3411)
 (SOL/07A.)
 (SOL/7BC.)

Table 60b

Species:	Lemon Sole	Zone:	United Kingdom and Union waters of 7d
	<i>Microstomus kitt</i>		LEM/07E
Belgium	79	Analytical TAC	
France	39		
Netherlands	8		
Union	126		
United Kingdom	29		
TAC	155		

Table 91b

Species: Brill <i>Scophthalmus rhombus</i>		Zone: United Kingdom and Union waters of 7de BLL/7DE	
Belgium	137	Analytical TAC	
France	306		
Netherlands	2		
Union	446		
United Kingdom	281		
TAC	727		

3. CHANGES TO ANNEX IJ

Table 2

Species: Bigeye tuna <i>Thunnus obesus</i>		Zone: IOTC Area of Competence (BET/IOTC)	
France	3700	Analytical TAC	
Italy	410	Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply.	
Spain	12862	Article 4 of Regulation (EC) No 847/96 shall not apply.	
Portugal	38 ⁽¹⁾		
Union	17 010		
TAC	Not relevant		
⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.			

4. STATEMENTS

STATEMENT BY THE COUNCIL

The Council takes note of the fact that on the 11th January 2024, the Court of Justice of the European Union will issue a judgment in case C-330/22, *Friends of the Irish Environment*. Insofar as that judgment will contain elements of interpretation of the legal framework relevant for the yearly exercise of fixing fishing opportunities, the Council will analyse the impact of that judgment and take, if necessary, the appropriate measures.

STATEMENT BY BELGIUM, DENMARK, FRANCE, GERMANY, IRELAND, THE NETHERLANDS, LITHUANIA, ESTONIA, SPAIN, PORTUGAL AND SWEDEN

on the application of Article 15(9) in the Basic Regulation COD/03AS; RNG/03-; BLI/12INT-; BLI/24-; BLI/03A; COD/07A; COD/7XAD34; HER/7G-K; JAX/2A-14; JAX/08C; POL/56-14; POL/07; SBR/678; SOL/07A and WHG/07A in 2024.

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

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

On 8 December 2023, the EU, the UK and Norway agreed on the fishing opportunities for the six shared and jointly managed stocks for 2024. Given that the biomass of the TACs of COD/2A3AX4 and COD/03A is estimated to be below Bpa in both the TAC year and the year thereafter, the Parties excluded under that agreement inter-annual flexibility for those stocks in 2024. In line with that agreement, Belgium, Denmark, France, Germany, the Netherlands and

Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to those stocks in 2024.

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

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

STATEMENT BY THE NETHERLANDS on socioeconomic impact

According to Communication of the Commission on sustainable fishing in the EU: State of Play 2024 (SWD(2023) 172), following commitments by the European Parliament, Council and Commission to manage fisheries responsibly, fishing has become more sustainable and far fewer stocks are now overfished in the EU. Despite this, fishers are confronted with a trend of decreasing fishing opportunities. In the Netherlands, especially the TAC on North Sea sole will lead to an early closure of this fisheries in 2024. In our decision making an adequate balance between the ecological, social and economic sustainability pillars of the Common Fisheries Policy should be reached. Only by doing so, a long term perspective can be provided for both food security and the socioeconomic situation of fishers and their communities. Especially in current times where they are facing difficulties, such as the long term effects of Covid, Brexit and the multiple use of space and the spatial squeeze fishers are confronted with. We call upon both the Commission and the Member States to continue discussions and further explore the possibilities to restore the balance. We have the joint responsibility to address this next year.

STATEMENT BY THE COMMISSION on sole in Skagerrak and Kattegat

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

The Commission regrets that the Council did not decide to close the targeted fisheries for both stocks for 2024, which would have allowed a more rapid recovery of the stocks.

At the same time, the Commission has proposed to amend the Baltic, North Sea and Western Waters multiannual plans and that proposal will now be examined by the European Parliament and the Council under the ordinary legislative procedure.

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

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

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

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

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

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

JOINT STATEMENT BY THE COUNCIL AND COMMISSION on ICCAT stocks

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

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

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

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

not made that quantity available to the EU in the bilateral exchanges. This issue should be resolved as soon as possible.

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

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

In the context of creation of a new TAC (MAC/2A34-N), the Council acknowledges the transfers of part of the fishing opportunities allocated to the MAC/2A34-N by Denmark to the holders of quotas in the Western Waters TAC (MAC/2ACX14-), based on the existing relative stability key for that TAC, to represent 27,5% of that quota in 2025 and 25% from 2026 onwards.

STATEMENT BY THE COUNCIL

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

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

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

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

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

1. CHANGES TO THE BODY OF THE REGULATION

A. RECITALS

- Recital 8 is modified as follows:

(8) In 2023, STECF advised that the fishing mortality of blue and red shrimps in GSAs 1-2-5-6-7 remains far from sustainable levels and further management measures are thus required. In particular, STECF advised that, in order to reach F_{MSY} by 2024, catches should be reduced on average by 58 % (56% in GSAs 1-2, 59% in GSA 5 and 61% in GSAs 6-7). In accordance with Article 7(3)(b) of the plan, it is therefore appropriate to **complement the fishing effort regime with ~~reduce the~~ maximum catch limits. The maximum catch limits** for blue and red shrimp in GSAs 1, 2, 5, 6 and 7 **should be reduced by 5 9%** compared to the fishing opportunities set for 2023 by Council Regulation (EU) 2023/195.

- Recital 9 is modified as follows:

(9) In 2023, STECF advised that further management measures for blue and red shrimp in GSAs 8-9-10-11 are required and advised to decrease the total catch by 39%. It is therefore appropriate to **complement the fishing effort regime with ~~reduce the~~ maximum catch limits. The maximum catch limits** for blue and red shrimp in GSAs 8, 9, 10 and 11 **should be reduced by 3 7%** compared to the fishing opportunities set for 2023 by Council Regulation (EU) 2023/195.

- Recital 10 is modified as follows:

(10) In 2023, STECF advised that further management measures for giant red shrimp in GSAs 8-9-10-11 are required and advised to decrease the total catch by 31%. It is therefore appropriate to **complement the fishing effort regime with ~~reduce the~~ maximum catch limits. The maximum catch limits** of giant red shrimp in GSAs 8, 9, 10 and 11 **should be reduced by 3 7%** compared to the fishing opportunities set for 2023 by Council Regulation (EU) 2023/195.

- Recital 15a is inserted:

(15a) At its 46th annual meeting in 2023, the General Fisheries Commission for the Mediterranean (GFCM) adopted Recommendation GFCM/46/2023/16 on a long-term management plan for European eel. The recommendation maintains, for 2024, the existing transitional measures, six-month closure period and ban on recreational fishing. Furthermore, the recommendation provides that Contracting Parties are to implement additional measures to reduce the fishing mortality of glass eel by at least 30% in 2024 compared to the reference period 2019-2021. Those measures should apply to all marine waters of the Mediterranean Sea, to freshwaters and to brackish waters such as estuaries, coastal lagoons and transitional waters, in accordance with that recommendation. Those measures should be implemented in Union law.

- Recital 17 is modified as follows:

(17) At its 46th annual meeting in 2023, the GFCM adopted Recommendation GFCM/46/2023/14 on a **multiannual** management plan for the sustainable exploitation of common dolphinfish (*Coryphaena hippurus*) in the Mediterranean Sea (geographical subareas 1 to 27), ~~which introduced.~~ **This recommendation introduced, consistently with the precautionary approach and** for the transitional period of 2024 to 2026, a fleet capacity ceiling, a freeze of FADs capacity per vessel, a catch limit and a temporal closure. For recreational fisheries, Recommendation GFCM/46/2023/14 further provides that a daily bag limit should be observed as well as a prohibition period for commercial fisheries. Those measures should be implemented in Union law **for the transitional period of 2024 to 2026. Those measures are without prejudice to the management measures that will be proposed by the Scientific Advisory Committee within GFCM for the long-term management plan for the period 2027-2031.**

- Recital 28 is modified as follows:

(28) In order to promote the use of selective gears and to establish efficient closure areas to protect juveniles and spawners, Regulation (EU) 2022/110 established a compensation mechanism in relation to the effort regime for trawlers. As STECF continues to recommend in 2024 the further improvement of selectivity **of fishing gear** and of efficient closure areas to protect juvenile fish **and spawners**, it is appropriate to allocate 4,5 % of fishing days. **If a vessel fulfils two conditions, a Member State may increase the additional allocation of fishing days to 5%. If a vessel fulfils at least three conditions, a Member State may increase the additional allocation of fishing days to 6%.**

B. ARTICLES

- In Article 1, paragraph 1 (a) should read as follows:
 - (a) **European eel (*Anguilla anguilla*)**, red coral (*Corallium rubrum*) and common dolphinfish (*Coryphaena hippurus*) in the Mediterranean Sea;
- New Article 3 bis is inserted:

European eel

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 and 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. Member States shall implement additional measures to reduce the fishing mortality for European eel of an overall length of less than 12 cm. This reduction shall represent a decrease of at least 30 % compared to the reference period 2019-2021.

6. 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, and**
- c. about the measures established in accordance with paragraph 5 by 31 March 2024.**

- Article 7 is modified as follows:

Article 7

Compensation mechanism

1. For the fleet segment concerned, a Member State may grant, in 2024, to vessels flying its flag an additional allocation of fishing days of **4,5 %, calculated in accordance with paragraph 4, provided that a vessel fulfils one of the following conditions: from the baseline between 2015 and 2017 of that Member State as set out in paragraph 4.**

~~A Member State may grant the additional allocation of fishing days referred to in paragraph 1, provided that a vessel fulfils one of the following conditions:~~

- a. the vessel uses a trawl net with 45 mm square-mesh codend in order to reduce by at least 25 % catches of the juveniles of hake;
- b. the vessel uses a trawl net with a 50 mm square-mesh codend for deep-water fisheries in order to reduce by at least 25 % catches of blue and red shrimps with a carapace length (CL) of less than 25 mm in geographical subareas 1, 2, 5, 6, 7, 8, 9, 10 and 11 and to reduce by at least 25 % catches of giant red shrimps with a CL of less than 35 mm in the geographical subareas 8, 9, 10 and 11;
- c. the vessel uses a regulated highly selective gear, the technical specifications of which result in, according to the scientific study by STECF, a reduction of at least 25 % of catches of juveniles of all demersal species or at least 20 % of catches of spawners of all demersal species compared to 2020, such as a sorting grid of at least 20 mm spacing;
- d. the Member State concerned has established temporary closure areas in order to reduce by at least 25 % catches of juveniles of all demersal species or by at least 20 % catches of spawners of all demersal species;
- e. the Member State concerned has adopted a new minimum conservation reference size for hake of at least 26 cm, and has secured the enforcement of appropriate technical measures to comply with this minimum conservation reference size, in order to progressively reach the length at first maturity and improve hake stocks status;
- f. the Member State concerned has adopted a new minimum conservation reference size for blue and red shrimp (*Aristeus antennatus*) of at least 25 mm CL and for giant red shrimp (*Aristaeomorpha foliacea*) of at least 35 mm CL, and has secured the enforcement of appropriate technical measures to comply with those minimum conservation reference sizes, in order to progressively reach the length at first maturity and improve stocks status;
- g. the Member State concerned has set a closure of at least 4 continuous weeks for fishing activities with trawlers in the areas and periods recognised as important, on the basis of the best available scientific advice, for the protection of spawners of hake stocks. Such areas shall also account for spatial patterns of spawners' distribution, including depths

from 150 m to 500 m. The periods of the temporary fishing closure shall be from February to March and from October to November;

- h. the Member State concerned has set a closure for fishing activities using twin trawlers;**
 - i. the Member State concerned has set a closure for fishing activity with trawlers at a depth higher than 800m;**
 - j. the Member State concerned has established permanent closure areas in order to reduce by at least 25 % catches of juveniles of all demersal species or by at least 20 % catches of spawners of all demersal species;**
 - k. the vessel uses a trawl with flying or mid-waters doors or other doors which reduces the contact of the doors and the gear with the seabed, to preserve the essential fish habitats of the demersal species;**
 - l. the Member State concerned has set a closure of at least 4 continuous weeks for fishing activities with trawlers in the areas and periods recognised as important, on the basis of the best available scientific advice, for the protection of blue and red shrimp and/or giant red shrimp.**
- 2. If a vessel fulfils two of the conditions set out in paragraph 1, a Member State may increase the additional allocation of fishing days to 5 %, calculated in accordance with paragraph 4.**
 - 3. If a vessel fulfils at least three of the conditions set out in paragraph 1, a Member State may increase the additional allocation of fishing days to 6 %, calculated in accordance with paragraph 4.**
 4. The additional allocation of fishing days shall be calculated from the maximum effort allowed in the baseline between 2015 and 2017 for the relevant fleet segment of the Member State concerned as from 1 January 2024.
 5. The Member State concerned shall notify to the Commission the list of fishing vessels concerned by such an additional allocation of fishing days, as well as the related number of additional fishing days.
 6. The Member State concerned shall also separately notify every month to the Commission the effort deployed to be counted against the additional allocation referred to in **paragraphs 1, 2 and 3** by using the specific reporting codes for that allocation.
 7. The Member State concerned shall submit to the Commission, by 15 October at the latest, all available information related to the implementation of the measures referred to in paragraph 1, points (a) to ~~(g)~~ **(l)**.

2. CHANGES TO CATCH LIMITS TABLES SET OUT IN ANNEX III

- Annex III is modified as follows:

(a) Fishing opportunities for blue and red shrimp (*Aristeus antennatus*) in the Alboran Sea, Balearic islands, North Spain and Gulf of Lion (GSAs 1-2-5-6-7) expressed as maximum level of catches in tonnes live weight

Species:	Blue and red shrimp <i>Aristeus antennatus</i>		Zone:	GSA 1, 2, 5, 6 and 7 (ARA/GF1-7)
Spain	754 <u>787</u>			
France	49 <u>51</u>			
Italy	0			
Union	803 <u>838</u>			
TAC	Not relevant		Maximum level of catches	

(b) Fishing opportunities for blue and red shrimp (*Aristeus antennatus*) and giant red shrimp (*Aristaeomorpha foliacea*) in Corsica Island, Ligurian Sea, Tyrrhenian Sea and Sardinia Island (GSAs 8-9-10-11) expressed as maximum level of catches in tonnes live weight

Species:	Blue and red shrimp <i>Aristeus antennatus</i>		Zone:	GSA 8, 9, 10 and 11 (ARA/GF8-11)
Spain	0			
France	9			
Italy	226 <u>236</u>			
Union	235 <u>245</u>			
TAC	Not relevant		Maximum level of catches	

Species:	Giant red shrimp <i>Aristaeomorpha foliacea</i>		Zone:	GSA 8, 9, 10 and 11 (ARS/GF8-11)
Spain	0			
France	5			
Italy	330 <u>344</u>			
Union	335 <u>349</u>			
TAC	Not relevant		Maximum level of catches	

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