



Council of the
European Union

162845/EU XXVII. GP
Eingelangt am 21/11/23

Brussels, 21 November 2023
(OR. en)

15611/23

Interinstitutional File:
2023/0359(NLE)

PECHE 515

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 14720/23 + ADD 1 + ADD 2
Subject:	Updates to Commission 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 (COM(2023)587) <ul style="list-style-type: none">• <i>Commission services non-paper</i>

Delegations will find attached the above-mentioned document, as received from the European Commission services.

COMMISSION SERVICES NON-PAPER

21 NOVEMBER 2023

This document serves as a basis for discussion at the Working Party on Fisheries Policy.

It cannot in any circumstances be regarded as the official position of the Commission.

It is intended solely for those to whom it is addressed.

Updates to Commission 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 [COM(2023) 587]

1. AMENDMENTS IN RELATION TO COASTAL STATES STOCKS 4

1. AMENDMENTS IN RELATION TO COASTAL STATES STOCKS

EXPLANATORY NOTE

In October 2023, the EU participated in coastal States consultations on the management of Mackerel (*Scomber scombrus*) and blue whiting (*Micromesistius poutassou*) and Atlanto-Scandian herring (*Clupea harengus*), which are stocks also managed by the North-East Atlantic Fisheries Commission (NEAFC)¹. The EU's positions in such multilateral consultations on fishing opportunities for those stocks for 2024 were based on positions endorsed by the Council on 5 October 2023. The outcome of those consultations was documented in Agreed Records for: (i) Atlanto-Scandian herring in the north-east Atlantic for 2024 signed on 13 October 2023²; (ii) for blue whiting in the north-east Atlantic for 2024 signed on 18 October 2023³; and (iii) for mackerel in the north-east Atlantic for 2024 also signed on 18 October 2023⁴. The levels of the total catches for those stocks were set at 390 010 tonnes for Atlanto-Scandian herring, 739 386 tonnes for mackerel, and 1 529 754 tonnes for blue whiting. These levels are in line with the best available scientific advice, as published by the International Council for the Exploration of the Sea (ICES)⁵, which advised that total catches should be no more than 390 010 tonnes for Atlanto-Scandian herring, no more than 739 386 tonnes for mackerel, and no more than 1 529 754 tonnes for blue whiting.

At its 42nd annual meeting in 2023, NEAFC adopted recommendations on conservation and management measures for Atlanto-Scandian herring⁶ and mackerel⁷ for 2024. Those recommendations note the setting of fishing opportunities for Atlanto-Scandian herring and mackerel at the same levels that were agreed during the coastal States consultations. NEAFC did not adopt a recommendation on conservation and management measures for blue whiting for 2024. However, such a recommendation may still be adopted by NEAFC by written procedure.

¹ <https://www.neafc.org/coastalstatemeetings>

² https://oceans-and-fisheries.ec.europa.eu/document/download/e5204c71-1a72-4f54-8f29-482d918934c5_en?filename=2024-coastal-states-fisheries-consultations-herring_en_0.pdf

³ https://oceans-and-fisheries.ec.europa.eu/document/download/2d071504-2925-4d79-a18e-a8457b1f1a99_en?filename=2024-coastal-states-fisheries-consultations-blue-whiting_en.pdf

⁴ https://oceans-and-fisheries.ec.europa.eu/document/download/43af4be2-6310-463b-97d4-0397e63d2508_en?filename=2024-coastal-states-fisheries-consultations-mackerel-north-east-atlantic_en.pdf

⁵ <https://doi.org/10.17895/ices.advice.21856533>

<https://doi.org/10.17895/ices.advice.2185655>

<https://doi.org/10.17895/ices.advice.21856509>

⁶ NEAFC Annual Meeting document AM 2023-43.

⁷ NEAFC Annual Meeting document AM 2023-42.

It is therefore proposed to amend the Commission proposal by establishing the fishing opportunities for Atlanto-Scandian herring and mackerel based on the levels of the total catches set out in the NEAFC recommendations for 2024 and in line with the approach⁸ applied for 2021 and subsequent years. Regarding the fishing opportunities for mackerel in Norwegian waters of ICES divisions 4a and of 2a, it is proposed that figures remain in ‘*pro memoria*’ pending discussions in the Council on the basis of the methodologies presented by the Commission to determine the allocation and distribution of the fishing opportunities for mackerel in the waters concerned, as called for in the joint statement of the Council and the Commission at the Agriculture and Fisheries Council of December 2021⁹.

It is also proposed to establish the fishing opportunities for blue whiting at the level of the catches set out in that Agreed Record for 2024, in line with the EU position expressed in NEAFC and in line with the approach¹⁰ applied for 2021 and subsequent years. However, pending the conclusion of bilateral consultations, which could include transfers of blue whiting as part of exchanges of fishing opportunities, it is proposed that EU quotas and Member States quotas also remain marked ‘*pro memoria*’.

AMENDMENTS TO THE RECITALS

Recital (34) is replaced by the following:

“(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, and are stocks also managed by NEAFC. The Union participated in those consultations on the basis of the positions endorsed by the Council on 5 October 2023. The outcome of those consultations was documented in Agreed Records for (i) Atlanto-Scandian herring in the north-east Atlantic for 2024 signed on 13 October 2023¹¹; (ii) for blue whiting in the north-east Atlantic for 2024 signed on 18 October 2023¹²; and (iii) for mackerel in the north-east Atlantic for 2024 also signed on 18 October 2023¹³. At its 42nd annual meeting in 2023, NEAFC adopted recommendations on conservation and management measures for Atlanto-Scandian herring¹⁴ and mackerel¹⁵ for 2024. NEAFC did not adopt a recommendation on conservation and management measures for blue whiting for 2024. It is therefore appropriate to set the TACs for Atlanto-Scandian herring and mackerel in the north-east Atlantic at the level of fishing opportunities agreed in the respective coastal States Agreed Records and NEAFC

⁸ Approach based on an EU-United Kingdom joint share of 49,29% of the agreed TAC for mackerel, and 6,51% for Atlanto-Scandian herring, after applying the quota transfers resulting from implementing respectively tables B and F of Annex 36 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 (OJ L 149, 30.4.2021, p. 10) (TCA).

⁹ <https://data.consilium.europa.eu/doc/document/ST-14892-2021-REV-2/en/pdf>

¹⁰ Approach based on an EU-United Kingdom joint share of 41,42% of the agreed TAC for blue whiting, after applying the quota transfers resulting from implementing table B of Annex 36 of the TCA.

¹¹ https://oceans-and-fisheries.ec.europa.eu/document/download/e5204c71-1a72-4f54-8f29-482d918934c5_en?filename=2024-coastal-states-fisheries-consultations-herring_en_0.pdf

¹² https://oceans-and-fisheries.ec.europa.eu/document/download/2d071504-2925-4d79-a18e-a8457b1f1a99_en?filename=2024-coastal-states-fisheries-consultations-blue-whiting_en.pdf

¹³ https://oceans-and-fisheries.ec.europa.eu/document/download/43af4be2-6310-463b-97d4-0397e63d2508_en?filename=2024-coastal-states-fisheries-consultations-mackerel-north-east-atlantic_en.pdf

¹⁴ NEAFC Annual Meeting document AM 2023-43.

¹⁵ NEAFC Annual Meeting document AM 2023-42.

recommendations. It is also appropriate to set the TAC for blue whiting in the north-east Atlantic at the level of the fishing opportunities set out in the coastal States Agreed Record for blue whiting and in line with the Union position expressed in NEAFC.”

AMENDMENTS TO THE ANNEXES

In Annex IA, Part B, Tables 56 to 59 and 99 to 102 are replaced by the following:

“

Table 56

Species: Blue whiting <i>Micromesistius poutassou</i>	Zone: Norwegian waters of 2 and 4 (WHB/24-N.)
Denmark pm	Analytical TAC
Union pm	
TAC 1 529 754	

Table 57

Species: Blue whiting <i>Micromesistius poutassou</i>	Zone: United Kingdom, Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/1X14)
Denmark pm ⁽¹⁾	Analytical TAC
Germany pm ⁽¹⁾	Article 7(2) of this Regulation applies
Spain pm ⁽¹⁾⁽²⁾	
France pm ⁽¹⁾	
Ireland pm ⁽¹⁾	
Netherlands pm ⁽¹⁾	
Portugal pm ⁽¹⁾⁽²⁾	
Sweden pm ⁽¹⁾	
Union pm ⁽¹⁾⁽³⁾	
Norway pm ⁽⁴⁾⁽⁵⁾	
Faroe Islands pm	
United Kingdom pm	

- (1) Special condition: within a total access limit of pm tonnes for the Union, Member States may fish up to the following percentage of their quotas in Faroese waters (WHB/*05-F.): pm%
- (2) Transfers of this quota may be effected to 8c, 9 and 10 and to Union waters of CECAF 34.1.1. However, such transfers shall be notified in advance to the Commission.
- (3) Special condition: from the Union quotas in United Kingdom, Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/*NZJM1) and in 8c, 9 and 10; Union waters of CECAF 34.1.1 (WHB/*NZJM2), the following quantity may be fished in the Norwegian Economic Zone or in the fishery zone around Jan Mayen:
- pm
- (4) Can be fished in Union waters of 4, 6a North of 56°30'N, 6b and 7 West of 12°W (WHB/*46AB7-EU).
- (5) Special condition: from the Norwegian quota, the following quantity may be fished in Union waters of 4, 6a North of 56°30'N, 6b and 7 West of 12°W:
- pm

Table 58

Species: Blue whiting <i>Micromesistius poutassou</i>	Zone: 8c, 9 and 10; Union waters of CECAF 34.1.1 (WHB/8C3411)
Spain	pm Analytical TAC
Portugal	pm Article 7(2) of this Regulation applies
Union	pm ⁽¹⁾

- (1) Special condition: from the Union quotas in Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/*NZJM1) and in 8c, 9 and 10; Union waters of CECAF 34.1.1 (WHB/*NZJM2), the following quantity may be fished in the Norwegian Economic Zone or in the fishery zone around Jan Mayen:
- pm

Table 59

Species: Blue whiting <i>Micromesistius poutassou</i>	Zone: United Kingdom and Union waters of 2, 4a, 5, 6 north of 56°30'N and 7 west of 12°W (WHB/24A567)
Norway	pm ⁽¹⁾⁽²⁾ Analytical TAC
Faroe Islands	pm Article 7(2) of this Regulation applies
TAC	1 529 754

(1) To be counted against quota established by Norway.

(2) To be fished in Union waters of 4, 6 and 7.

Table 99

Species: Mackerel		Zone: 3a; United Kingdom and Union waters of 2a, 3b, 3c; 3d and 4
<i>Scomber scombrus</i>		(MAC/2A34.)
Belgium	476 (1)(2)	Analytical TAC
Denmark	16 292 (1)(2)	Article 7(2) of this Regulation applies
Germany	496 (1)(2)	
France	1 498 (1)(2)	
Netherlands	1 508 (1)(2)	
Sweden	4 247 (1)(2)(3)	
Union	24 517 (1)(2)	
Norway	Not relevant (4)	
United Kingdom	Not relevant (1)(2)	
TAC	739 386	

(1) Special condition: up to 60% may be fished in United Kingdom and international waters of 2a, 5b, 6, 7, 8d, 8e, 12 and 14 (MAC/*2AX14).

- (2) Within the limits of these quotas, no more than the quantities given below may also be taken in the two following zones:

	Norwegian waters of 2a (MAC/*02A N-)	Faroese waters (MAC/*FRO 1)
Belgium	pm	pm
Denmark	pm	pm
Germany	pm	pm
France	pm	pm
Netherlands	pm	pm
Sweden	pm	pm
Union	pm	pm

- (3) Special condition: including the following tonnage to be taken in Norwegian waters of 2a and 4a (MAC/*2A4AN):

pm

When fishing under this special condition, by-catches of cod, haddock, pollack, whiting and saithe are to be counted against the quotas for these species.

- (4) To be deducted from Norway's share of the TAC (access quota). This amount includes the following Norwegian share in the North Sea TAC:

pm

This quota may be fished in 4a only (MAC/*04A.), except for the following amount, which may be fished in 3a (MAC/*03A.):

pm

Special condition: within the limits of these quotas, no more than the quantities given below may be taken in the following zones:

	3a	United Kingdom and Union waters of 3a, 4b and 4c	4b	4c	United Kingdom and international waters of 2a, 5b, 6, 7, 8d, 8e, 12 and 14
	(MAC/*03A.)	(MAC/*3A4BC)	(MAC/* 04B.)	(MAC/*04C.)	(MAC/*2AX 14)
Belgium	0	0	0	0	286
Denmark	0	4 130	0	0	9 775
Germany	0	0	0	0	298
France	0	490	0	0	899
Netherla nds	0	490	0	0	905
Sweden	0	0	390	10	2 548
Union	0	5 110	390	10	14 710
United Kingdo m	0	Not relevant	0	0	Not relevant
Norway	0	0	0	0	0

1
Table 0
0

Species: Mackerel		Z o 6, 7, 8a, 8b, 8d and 8e; United Kingdom and n international waters of 5b; international waters of 2a, e 12 and 14 : (MAC/2CX14-)
<i>Scomber scombrus</i>		
Germany	14 268 (1)	Analytical TAC
Spain	15 (1)	Article 7(2) of this Regulation applies
Estonia	119 (1)	
France	9 513 (1)	
Ireland	47 560 (1)	
Latvia	88 (1)	
Lithuania	88 (1)	
Netherlands	20 808 (1)	
Poland	1 005 (1)	
Union	93 464 (1)	
Norway	pm (2)(3)	
Faroe Islands	pm (4)	
United Kingdom	Not relev (1) ant	
TAC	739 386	

(1) Special condition: of which up to 25% can be made available for exchanges to be fished by Spain, France and

Portugal in 8c, 9 and 10 and Union waters of CECAF 34.1.1 (MAC/*8C910).

(2) May be fished in 2a, 6a north of 56°30'N, 4a, 7d, 7e, 7f and 7h (MAC/*AX7H).

(3) The amount of access limit indicated below (MAC/*N5630), in tonnes, may be fished by Norway north of 56° 30' N. The amounts not counted under footnote (2) shall be counted against the catch limit established by Norway.

pm

(4) This amount shall be deducted from the Faroe Islands catch limit (access quota). It may be fished only in 6a north of 56°30'N (MAC/*6AN56). However, from 1 January to 15 February and from 1 October to 31 December this quota may also be fished in 2a, 4a north of 59°N (MAC/*24N59).

Special condition: within the limits of these quotas, no more than the quantities given below may be taken in the following zones and periods:

	United Kingdom waters of 4a. During the periods from 1 January to 14 February and from 1 August to 31 December	Norwegian waters of 2a	Faroese waters
	(MAC/*4A-UK)	(MAC/*2AN-)	(MAC/*FRO2)
Germany	14 268	pm	pm
Spain	15	pm	pm
Estonia	119	pm	pm
France	9 513	pm	pm
Ireland	47 560	pm	pm
Latvia	88	pm	pm
Lithuania	88	pm	pm
Netherlands	20 808	pm	pm
Poland	1 005	pm	pm
Union	93 464	pm	pm
United Kingdom	Not relevant	pm	pm

Table 101

Species: Mackerel <i>Scomber scombrus</i>	Zone: 8c, 9 and 10; Union waters of CECAF 34.1.1 (MAC/8C3411)
Spain	27 832 ⁽¹⁾ Analytical TAC
France	185 ⁽¹⁾ Article 7(2) of this Regulation applies
Portugal	5 753 ⁽¹⁾
Union	33 770
TAC	739 386

⁽¹⁾ Special condition: quantities subject to exchanges with other Member States may be taken in 8a, 8b and 8d (MAC/*8ABD.). However, the quantities provided by Spain, Portugal or France for exchange purposes and to be taken in 8a, 8b and 8d shall not exceed 25% of the quotas of the donor Member State.

Special condition: within the limits of these quotas, no more than the quantities given below may be taken in the following zone:

8b (MAC/*08B.)

Spain	2 338
France	16
Portugal	483

Table 102

Species: Mackerel <i>Scomber scombrus</i>	Zone: Norwegian waters of 2a and 4a (MAC/2A4A-N)
Denmark	pm Analytical TAC
Union	pm
TAC	739 386

”

In Annex IB, Table 1 is replaced by the following:

“

Table 1			
Species:	Herring	Zone:	United Kingdom, Faroese, Norwegian and international waters of 1 and 2
	<i>Clupea harengus</i>		(HER/1/2-)
Belgium	8	Analytical TAC	
Denmark	7 797		
Germany	1 365		
Spain	26		
France	336		
Ireland	2 019		
Netherlands	2 791		
Poland	395		
Portugal	26		
Finland	121		
Sweden	2 889		
Union	17 773		
United Kingdom	Not relevant		
Faroe Islands	pm	(1)	
Norway	pm	(2)	
TAC	390 010		
(1)	To be counted against the catch limits of the Faroe Islands.		
(2)	To be counted against the catch limits of Norway.		
Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:			
Norwegian waters north of 62°N and the fishery zone around Jan Mayen (HER/*2AJMN)			
	pm		
2, 5b north of 62°N (Faroese waters) (HER/*25B-F)			
Belgium	pm		
Denmark	pm		
Germany	pm		
Spain	pm		
France	pm		
Ireland	pm		
Netherlands	pm		
Poland	pm		
Portugal	pm		
Finland	pm		
Sweden	pm		

”
