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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL REGULATION amending Regulation (EU) 2024/257 fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters
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COUNCIL REGULATION (EU) 2024/...

of ...

**amending Regulation (EU) 2024/257 fixing for 2024, 2025 and 2026 the fishing opportunities
for certain fish stocks, applicable in Union waters and, for Union fishing vessels,
in certain non-Union waters**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Regulation (EU) 2024/257¹ fixes for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters. The total allowable catches (TACs) and effort limits, and the measures functionally linked to the TACs and effort limits set by Regulation (EU) 2024/257, should be amended to take into account the publication of scientific advice, as well as the outcomes of consultations with third countries, and meetings of regional fisheries management organisations (RFMOs).
- (2) Regulation (EU) 2024/257 established a TAC for skates and rays (*Rajiformes*) in Union and United Kingdom waters of International Council for the Exploration of the Sea (ICES) divisions 6a, 6b, 7a to 7c and 7e to 7k. That Regulation also established a special condition under that TAC. That special condition allows catches of small-eyed ray (*Raja microocellata*) to be taken in ICES division 7e (Western Channel) by the Union and the United Kingdom in 2024, to allow for a sentinel fishery for the purpose of fisheries-based data collection for that stock as assessed by ICES. To provide for legal certainty and to allow sentinel fishery ‘monitoring programmes’ to be conducted, quantities under that special condition should be allocated to Member States in accordance with the principle of relative stability and the allocation key for skates and rays in Union and United Kingdom waters of ICES divisions 6a, 6b, 7a to 7c and 7e to 7k.

¹ Council Regulation (EU) 2024/257 of 10 January 2024 fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2023/194 (OJ L, 2024/257, 11.1.2024, ELI: <http://data.europa.eu/eli/reg/2024/257/oj>).

- (3) In the bilateral consultations on the setting of fishing opportunities for stocks listed in Annex 35 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part² (the ‘Trade and Cooperation Agreement’), the Union and the United Kingdom established, for the first time, TACs for 2024 for: (i) witch flounder (*Glyptocephalus cynoglossus*) in Union waters of ICES division 3a; (ii) lemon sole (*Microstomus kitt*) in that area; and (iii) brill (*Scophthalmus rhombus*) in that area. Pending an agreement between Member States on how those fishing opportunities are to be allocated, the TACs for those stocks were marked in Regulation (EU) 2024/257 ‘to be established’. The TAC and Union quota for those stocks should be fixed for the period and at the level agreed with the United Kingdom, and those Union quotas should be allocated to Member States in line with the agreement on allocation keys for those stocks reached between the Member States concerned on 18 March 2024.
- (4) On 7 and 8 March 2024, the Union and the United Kingdom conducted bilateral consultations pursuant to Article 498(2), (4) and (6) of the Trade and Cooperation Agreement on the level of the TAC for sandeel and associated by-catches (*Ammodytes* spp.) in United Kingdom and Union waters of ICES subarea 4, United Kingdom waters of ICES division 2a, and Union waters of division 3a. The outcome of those consultations was documented in a Written Record signed on 12 March 2024. The relevant TAC should therefore be set at the level agreed with the United Kingdom.

² OJ L 149, 30.4.2021, p. 10.

- (5) At its 12th annual meeting in 2024, the South Pacific Regional Fisheries Management Organisation (SPRFMO) adopted catch limits for jack mackerel (*Trachurus murphyi*) and maintained exploratory fisheries for toothfishes (*Dissostichus* spp.). In addition, the SPRFMO maintained or amended functionally linked measures. Those measures should be implemented in Union law.
- (6) At its 2023 annual meeting, the Western and Central Pacific Fisheries Commission (WCPFC) decided to maintain the purse seine effort limits and maximum numbers of these vessels fishing for tropical tunas. Provisions related to the management of the Fish Aggregating Devices (FADs) in the tropical tunas fishery, and in particular to the FAD closure, were amended. Those measures should be implemented in Union law.

- (7) Fishing effort limits for Union fishing vessels fishing for bluefin tuna (*Thunnus thynnus*) in the International Commission for the Conservation of Atlantic Tunas (ICCAT) Convention area and maximum input and capacity for Union farms of bluefin tuna in that area are based on information provided in the annual fishing plans, the annual fishing capacity management plans and the annual farming management plans for bluefin tuna of Member States, established in accordance with Articles 11, 13 and 15 of Regulation (EU) 2023/2053 of the European Parliament and of the Council³. Member States are to submit those plans to the Commission by 31 January of each year, pursuant to Article 16(1) of Regulation (EU) 2023/2053. Those plans are then compiled by the Commission and form the basis for the establishment of a Union annual plan, which is transmitted to the ICCAT Secretariat for discussion and approval by ICCAT, as required by Article 16(2) of Regulation (EU) 2023/2053. In accordance with ICCAT rules revised at its 2023 annual meeting, inactive bluefin tuna farms and related farming capacities were for the first time not included in that Union annual plan for 2024. The 2024 Union annual plan was approved by ICCAT on 6 March 2024. The Union fishing effort limits and Union maximum farming input and capacity for 2024 should therefore be amended in line with that annual plan.

³ Regulation (EU) 2023/2053 of the European Parliament and of the Council of 13 September 2023 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (OJ L 238, 27.9.2023, p. 1).

- (8) The Union quotas for stocks in the ICCAT Convention area for 2024 were adjusted during the ICCAT annual meeting in November 2023 in accordance with several ICCAT recommendations under which the Union may, upon request, carry over a set percentage of its unused quota of fishing opportunities from 2022 to 2024. Therefore, and in order to allow, before the start of the fishing seasons for the stocks concerned, the use of those quantities carried over: (i) the Union 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 be amended to reflect such adjustments to the Union quota; and (ii) the Member States quotas under those Union quotas should be amended accordingly, taking into account the principle of relative stability.

- (9) At its 14th meeting held in Samarkand, Uzbekistan, from 12 to 17 February 2024, the Conference of the Parties (COP) to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) added sand tiger shark (*Carcharias taurus*) to the protected species listed in Appendices I and II to that Convention. Those measures should therefore be implemented in Union law by prohibiting: (i) Union fishing vessels in all waters; and (ii) third country fishing vessels in Union waters, to fish for, retain on board, tranship or land that species. However, Article 98(2) of Regulation (EU) 2023/2124 of the European Parliament and of the Council⁴ already established such a prohibition for sand tiger shark in the Mediterranean. To avoid overlapping provisions on the same subject matter, as regards the Mediterranean, such a prohibition should therefore now only be established for Union fishing vessels in all waters other than the Mediterranean, and for third country fishing vessels in Union waters.
- (10) Both Article 41(3) and Article 43 of Regulation (EU) 2024/257 refer to the same maximum number of Union fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas of the WCPFC Convention area. Article 41(3) should therefore be deleted for reasons of legal clarity.
- (11) Article 59 of Regulation (EU) 2024/257 on entry into force and application should be corrected regarding measures on European eel (*Anguilla anguilla*) in Union marine and brackish waters of ICES subareas 3, 4, 6, 7, 8 and 9, and adjacent Union brackish waters.

⁴ Regulation (EU) 2023/2124 of the European Parliament and of the Council of 4 October 2023 on certain provisions for fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area (OJ L, 2023/2124, 12.10.2023, ELI: <http://data.europa.eu/eli/reg/2023/2124/oj>).

- (12) Certain errors in the TAC tables in the Annexes to Regulation (EU) 2024/257 should be corrected. Those include errors concerning: (i) TACs, Union and Member States quotas; (ii) the type of TAC (i.e. ‘analytical TAC’ or ‘precautionary TAC’); (iii) the application of year-to-year flexibility for Member States’ quotas pursuant to Articles 3 and 4 of Regulation (EC) No 847/96⁵; (iv) area descriptions; and (v) reporting codes. In addition, in those Annexes, certain provisions should be clarified in: (i) the TAC tables for undulate ray (*Raja undulata*) in Union waters of ICES subareas 8 and 9 respectively; and (ii) the TAC tables for mackerel (*Scomber scombrus*) in the North Sea and the Baltic Sea.
- (13) Regulation (EU) 2024/257 should therefore be amended accordingly.
- (14) The fishing opportunities provided for in Regulation (EU) 2024/257 apply from 1 January 2024. The provisions introduced by this Regulation concerning fishing opportunities should therefore also apply from that date. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the fishing opportunities concerned are increased or have not yet been exhausted.

⁵ 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).

- (15) The provisions of this Regulation concerning sand tiger shark should apply from 1 April 2024, which is: (i) after the 14th meeting of the COP to the CMS, which took place from 12 to 17 February 2024; and (ii) before the entry into force of the amendment to the Appendices I and II of the CMS on 17 May 2024.
- (16) Given the urgency of avoiding interruptions to fishing activities, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1
Amendment of Regulation (EU) 2024/257

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

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

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

(2) in Article 41, paragraph 3 is deleted;

(3) Article 42 is replaced by the following:

‘Article 42

Management of fishing with FADs

1. In the part of the WCPFC Convention area located between 20° N and 20° S, purse seine vessels, tender vessels, and any other vessels operating in support of purse seine vessels, shall not deploy, service or set nets on FADs between 00.00 hours on 1 July 2024 and 24.00 hours on 15 August 2024.
2. In addition to the prohibition in paragraph 1, it shall be prohibited to set nets on FADs on the high seas of the WCPFC Convention area located between 20° N and 20° S for one additional month, from 00.00 hours on 1 April 2024 to 24.00 hours on 30 April 2024, or from 00.00 hours on 1 May 2024 to 24.00 hours on 31 May 2024, or from 00.00 hours on 1 November 2024 to 24.00 hours on 30 November 2024, or from 00.00 hours on 1 December 2024 to 24.00 hours on 31 December 2024.

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

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

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

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

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

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

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

- (6) In Article 59, the following points are inserted:
- ‘(ca) Article 20(1), point(ba) shall apply from 1 April 2024;
- (ga) Article 55(1), point (aa) shall apply from 1 April 2024;’;
- (7) Annexes IA, IG, IH, VI, IX and XI are amended in accordance with the Annex to this Regulation.

Article 2

Entry into force and application

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

It shall apply from 1 January 2024.

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

Done at ...,

For the Council

The President
