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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	25 September 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2024) 6451 final
Subject:	CORRIGENDUM to Commission Delegated Regulation of 13 October 2022 amending Regulation (EU) 2019/1241 as regards specific technical measures to reduce by-catches of cod in the Baltic Sea (C(2022) 7280 final)

Delegations will find attached document C(2024) 6451 final.

Encl.: C(2024) 6451 final



EUROPEAN
COMMISSION

Brussels, 17.9.2024
C(2024) 6451 final

CORRIGENDUM

of 17.9.2024

to Commission Delegated Regulation of 13 October 2022 amending Regulation (EU) 2019/1241 as regards specific technical measures to reduce by-catches of cod in the Baltic Sea (C(2022) 7280 final)

CORRIGENDUM

**to Commission Delegated Regulation of 13 October 2022 amending Regulation (EU) 2019/1241 as regards specific technical measures to reduce by-catches of cod in the Baltic Sea
(C(2022) 7280 final)**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE CORRIGENDUM

Article 15(2) of Regulation (EU) 2019/1241 of the European Parliament and of the Council¹ empowers the Commission to adopt delegated acts in accordance with Article 29 of that Regulation and Article 18 of Regulation (EU) No 1380/2013² to amend, supplement, repeal or derogate from the technical measures set out in the Annexes of Regulation (EU) 2019/1241.

On 26 October 2021, Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden, the Baltic Sea Member States ('BALTFISH') submitted a joint recommendation that suggests new fishing devices to reduce the incidental catches of cod in the Baltic Sea. On this basis, and according to Article 18 of Regulation (EU) No 1380/2013, the Commission adopted a Commission Delegated Regulation on 13 October 2022, which however was not published pending the adoption of a related Implementing Regulation.

This Delegated Regulation was corrected on 21 February 2024. Following the adoption of that corrigendum, the Commission detected an inconsistency related to the footnotes of the Delegated Regulation of 13 October 2022 in relation to the technical details included in the Commission Implementing Regulation (EU) 2024/XXX.

Given that the Annex to Implementing Regulation (EU) 2024/XXX provides for the necessary explanations on the specifications of the gears, the footnotes in the Annex to Commission Delegated Regulation of 13 October 2022 are deemed obsolete.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Expert Group on Fisheries and Aquaculture reviewed this corrigendum on 16 July 2024.

¹ 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).

² 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).

The aim is to remove two footnotes from the Commission Delegated Regulation of 13 October 2022. Hence, no further consultations have been carried over.

3. LEGAL ELEMENTS OF THE CORRIGENDUM

Summary of the proposed action

The main legal action is to remove two footnotes from the Commission Delegated Regulation of 13 October 2022.

Legal basis

Article 15(2) of Regulation (EU) 2019/1241.

CORRIGENDUM

to Commission Delegated Regulation of 13 October 2022 amending Regulation (EU) 2019/1241 as regards specific technical measures to reduce by-catches of cod in the Baltic Sea (C(2022) 7280 final)

In the Annex:

for: '1.3.1.1. In ICES subdivisions 22 to 26 vessels fishing with bottom trawls shall use:

- (i) a Roofless selection device* in combination with the gear specifications set out in point 1.1, any new gear that is approved by the Commission and complies with the requirements of Article 15(4) of this Regulation, or
- (ii) a T90 codend modified by increasing the minimum mesh size to at least 125 mm and reinforcing the selvages with lastridge ropes (modified T90 codend), in combination with a Roofless selection device or,
- (iii) a square mesh codend constructed of two panels with the same netting material as the escape window of the Bacoma codend laid down in point 1.1, and a minimum mesh size of at least 125 mm **, in combination with a Roofless selection device.

Technical specifications of the selection devices set out above are provided in Implementing Regulation No 2022/XXX.

*This device is an escape opening established on top of a four-panel net section (net enabling modular selectivity (NEMOS)) of any baseline reference gear or any new gear that is approved by the Commission and complies with the requirements of Article 15(4) of this Regulation to provide escape opportunities for cod before it enters the codend.

**This device consists of three sections: a main square-mesh section and two net rings at the front and at the rear respectively.'

read: '1.3.1.1. In ICES subdivisions 22 to 26 vessels fishing with bottom trawls shall use:

- (i) a Roofless selection device in combination with the gear specifications set out in point 1.1, any new gear that is approved by the Commission and complies with the requirements of Article 15(4) of this Regulation, or
- (ii) a T90 codend modified by increasing the minimum mesh size to at least 125 mm and reinforcing the selvages with lastridge ropes (modified T90 codend), in combination with a Roofless selection device or,

(iii) a square mesh codend constructed of two panels with the same netting material as the escape window of the Bacoma codend laid down in point 1.1, and a minimum mesh size of at least 125 mm, in combination with a Roofless selection device.

Technical specifications of the selection devices set out above are provided in Commission Implementing Regulation (EU) 2024/XXX.'