

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/56

of 19 July 2022

amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards specific technical measures for red seabream (*Pagellus bogaraveo*) in ICES subareas 6 to 8

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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) No 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 ⁽¹⁾, and in particular Article 2(2) and Article 15(2) thereof,

Whereas:

- (1) Regulation (EU) 2019/1241 (the 'Technical Measures Regulation') on the conservation measures of fisheries resources and the protection of marine ecosystems through technical measures entered into force on 14 August 2019. Annex VI and VII of that Regulation lay down specific regional technical measures for the North Western Waters and the South Western Waters of Union waters.
- (2) Belgium, Spain, France, Ireland and the Netherlands (the 'North Western Waters Member States') have a direct fisheries management interest in the North Western Waters; Belgium, Spain, France, the Netherlands and Portugal (the 'South Western Waters Member States') have a direct fisheries management interest in the South Western Waters. On 5 March 2021, the two regional groups submitted two joint recommendations proposing measures to improve the conservation status of red seabream (*Pagellus bogaraveo*) that the International Council for the Exploration of the Sea (ICES) assessed with a zero-catch advice in ICES subareas 6 to 8 for the period 2021-2022 ⁽²⁾. In March 2022, Member States submitted updated versions of these joint recommendations suggesting an extension of the proposed end date of certain measures.
- (3) The North Western Waters Advisory Council and the South Western Waters Advisory Council were consulted on these joint recommendations in March 2021 and in February 2021, respectively.

⁽¹⁾ OJ L 198, 25.7.2019, p. 105.

⁽²⁾ <https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2020/2020/sbr.27.6-8.pdf>

- (4) The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed the joint recommendations and the evidence provided by the North Western Waters Member States and the South Western Waters Member States in the Plenary of May 2021 ⁽³⁾. These joint recommendations propose to extend the type of the technical measures that were previously taken by France and Spain at national level, and were assessed by the STECF in the Plenaries of April 2019 ⁽⁴⁾ and June 2019 ⁽⁵⁾ to make them applicable in the NWW and SWW sea basins.
- (5) The Fisheries and Aquaculture Expert Group (EGFA) was consulted on the joint recommendations by written procedure in May 2022.
- (6) The North Western Waters Member States' joint recommendation proposes a spatio-temporal closure for vessels flying the French flag to fish for red seabream in ICES subareas 6 and 7. The STECF ⁽⁶⁾ concluded that the management measure has the potential to reduce catches of red seabream and that the spatio-temporal closure for commercial fisheries coincides with the spawning period for this species. The proposed measure should therefore be included in Regulation (EU) 2019/1241.
- (7) The South Western Waters Member States' joint recommendation proposes a seasonal spatio-temporal closure for commercial fisheries and a year-round closure for recreational fisheries in several areas. The joint recommendation also includes an additional seasonal closure for vessels flying the French flag to fish for red seabream in ICES subarea 8. The STECF ⁽⁷⁾ concluded that the closures for commercial fisheries are in the area where spawning is likely to take place and that the closure for recreational fisheries appears to be in areas where juvenile red seabream aggregate. The proposed measures should therefore be included in Regulation (EU) 2019/1241.
- (8) Both joint recommendations propose in addition setting minimum conservation reference sizes (MCRS) of 36 cm and 40 cm for the catches of red seabream in commercial and recreational fisheries, respectively. In the North Western Waters, this Regulation proposes amending Annex VI to increase the Minimum Conservation Reference Sizes (MCRS) to 36 cm for commercial fisheries and to 40 cm for recreational fisheries. In the South Western Waters, this Regulation proposes amending Annex VII to include the MCRS of 36 cm for commercial fisheries. The MCRS of 40 cm for recreational fisheries is already a legal obligation in accordance with Commission Delegated Regulation (EU) 2020/2013 ⁽⁸⁾.
- (9) The STECF ⁽⁹⁾ concluded that the joint recommendation contains positive elements that will improve the management of the stocks, but due to lack of supporting data it is not possible to fully assess the impact of these measures on the respective stocks. Member States will review these measures by 31 December 2023 in light of the ongoing scientific studies and pending the new advice on red seabream to be released by ICES in 2023. Given that both commercial and recreational fisheries contribute to the overall fishing mortality of a stock for which data is scarce and with a zero-catch advice, the proposed MCRS should be included in Annexes VI and VII of Regulation (EU) 2019/1241, except for recreational fisheries in Annex VII, which is already a legal obligation.
- (10) Overall, although the STECF ⁽¹⁰⁾ cannot assess whether the catches of red seabream will be reduced, these management measures represent an improvement as compared to those presented in 2019 and have the potential to reduce catches of red seabream as compared to the baseline measures provided in Regulation (EU) 2019/1241. Therefore, Annexes VI and VII of Regulation (EU) 2019/1241 should be amended to include these measures.

⁽³⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽⁴⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2485362/STECF+PLEN+19-01.pdf>

⁽⁵⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2620849/STECF+PLEN+19-03.pdf>

⁽⁶⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽⁷⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽⁸⁾ Commission Delegated Regulation (EU) 2020/2013 of 21 August 2020 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards technical measures for certain demersal and pelagic fisheries in the North Sea and in the South Western Waters (OJ L 415, 10.12.2020, p. 3).

⁽⁹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽¹⁰⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Eval+JRs+LO+and+TM+Reg.pdf>

- (11) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force on the day following that of its publication.
- (12) The measures in this Regulation applicable to Union waters are in pursuit of the objectives set out in Article 494(1) and (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 ⁽¹⁾, and have regard to the principles referred to in Article 494(3) of that agreement. They are without prejudice to any measures applicable in waters of the United Kingdom of Great Britain and Northern Ireland,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes VI and VII to Regulation (EU) 2019/1241 are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply until 31 December 2023.

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

Done at Brussels, 19 July 2022.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁾ OJ L 149, 30.4.2021, p. 10.

ANNEX

Annexes VI and VII to Regulation (EU) 2019/1241 are amended as follows:

(1) In Annex VI, Part A is amended as follows:

(a) The nineteenth entry of table is replaced as follows:

Red seabream (<i>Pagellus bogaraveo</i>)	36 cm ⁽¹⁾ ⁽²⁾ ⁽³⁾
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⁽¹⁾ This minimum conservation reference size shall apply until 31 December 2023.

⁽²⁾ In ICES sub-areas 6 and 7 a minimum conservation reference size of 40 cm shall apply for the catches of red sea-bream in recreational fisheries.

⁽³⁾ In the absence of new rules adopted before 31 December 2023, as of 1 January 2024 the applicable MCRS shall be 33 cm.'

(b) The text in point 1 below the table is replaced as follows:

1. The minimum conservation reference sizes specified in this Part for cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), saithe (*Pollachius virens*), pollack (*Pollachius pollachius*), hake (*Merluccius merluccius*), megrim (*Lepidorhombus* spp.), sole (*Solea* spp.), plaice (*Pleuronectes platessa*), whiting (*Merlangius merlangus*), ling (*Molva molva*), blue ling (*Molva dypterygia*), mackerel (*Scomber* spp.), herring (*Clupea harengus*), horse mackerel (*Trachurus* spp.), anchovy (*Engraulis encrasicolus*), bass (*Dicentrarchus labrax*) and sardine (*Sardina pilchardus*) shall apply to recreational fisheries in the North Western Waters, except for red seabream (*Pagellus bogaraveo*), for which a minimum conservation reference size (MCRS) of 40 cm shall apply in ICES sub-areas 6 and 7 until 31 December 2023⁽¹⁾.

⁽¹⁾ In the absence of new rules adopted before 31 December 2023, as of 1 January 2024 the applicable MCRS for red seabream shall be 33 cm.'

(2) In Annex VI, the following point is added to Part C:

'11. Closed areas for the conservation of red seabream in ICES sub-areas 6 and 7

11.1. From 1 January to 30 June 2023, all fishing for red seabream in ICES sub-areas 6 and 7 shall be prohibited to vessels flying the French flag.'

(3) In Annex VII, Part A, the twentieth entry of the table is replaced as follows:

Red sea-bream (<i>Pagellus bogaraveo</i>)	36 cm ⁽¹⁾ ⁽²⁾
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⁽¹⁾ This minimum conservation reference size shall apply until 31 December 2023.

⁽²⁾ In the absence of new rules adopted before 31 December 2023, as of 1 January 2024 the applicable MCRS shall be 33 cm.'

(4) In Annex VII, the following point is added to Part C:

'5. Closed areas for the conservation of red seabream in ICES sub-area 8

5.1. From 1 February to 30 September each year, fishing with bottom set longlines (LLS) and bottom trawls (OTB) in the western area of the Cantabrian Sea, opposite to Asturias and Galicia, shall be prohibited within the geographical areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

— 43°47'00" N, 005°15'00" W

— 43°47'00" N, 005°12'00" W

— 43°43'00" N, 005°12'00" W

— 43°43'00" N, 005°15'00" W

— 43°55'00" N, 006°46'00" W

— 43°55'00" N, 006°37'00" W

— 43°53'00" N, 006°46'00" W

— 43°53'00" N, 006°37'00" W

- 44°00'49" N, 007°01'12" W
- 44°00'49" N, 006°57'26" W
- 43°58'32" N, 006°57'26" W
- 43°58'32" N, 007°01'12" W
- 44°02'48" N, 007°13'49" W
- 44°00'15" N, 007°10'03" W
- 44°00'15" N, 007°10'03" W
- 44°00'15" N, 007°13'49" W.
- 44°10'00" N, 008°18'00" W
- 44°10'00" N, 008°14'00" W
- 44°07'00" N, 008°14'00" W
- 44°07'00" N, 008°18'00" W
- 43°34'00" N, 004°44'00" W
- 43°34'00" N, 004°39'00" W
- 43°32'00" N, 004°39'00" W
- 43°32'00" N, 004°44'00" W
- 44°07'00" N, 007°50'00" W
- 44°07'00" N, 007°45'00" W
- 44°05'00" N, 007°45'00" W
- 44°05'00" N, 007°50'00" W

- 5.2. From 1 January to 30 June each year, fishing for red seabream in ICES subarea 8 shall be prohibited to vessels flying the French flag.
- 5.3. For recreational fisheries, fishing for red seabream shall be prohibited within the geographical areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

Area RF 1 (Cariño/Celeiro)

- 43°46'23" N, 007°52'04" W
- 43°48'30" N, 007°52'04" W
- 43°49'26" N, 007°41'17" W
- 43°45'44" N, 007°33'21" W
- 43°43'49" N, 007°33'21" W

Area RF 2 (Ribadeo)

- 43°33'26" N, 007°02'58" W
- 43°35'27" N, 007°02'58" W
- 43°35'29" N, 007°01'20" W
- 43°33'33" N, 007°01'20" W

Area RF 3 (Navia):

- 43°33'51" N, 006°44'02" W
- 43°35'52" N, 006°44'02" W
- 43°35'52" N, 006°42'32" W
- 43°33'52" N, 006°42'32" W

Area RF 4 (Ensenada Canero)

- 43°33'10" N, 006°28'55" W
- 43°34'53" N, 006°30'17" W

— 43°36'14" N, 006°28'13" W

— 43°34'18" N, 006°28'13" W

Area RF 5 (Ensenada de Cabrera/Ría San Martín de la Arena)

— 43°26'18" N, 004°04'51" W

— 43°28'22" N, 004°04'51" W

— 43°28'55" N, 004°01'17" W

— 43°26'56" N, 004°01'17" W

Area RF 6 (Ría de Treto)

— 43°27'49" N, 003°25'58" W

— 43°28'59" N, 003°23'36" W

— 43°26'16" N, 003°22'27" W

— 43°25'09" N, 003°24'41" W

Area RF 7 (Bilbao/Plentzia)

— 43°21'18" N, 003°07'47" W

— 43°23'18" N, 003°07'47" W

— 43°28'13" N, 002°56'42" W

— 43°26'08" N, 002°56'42" W

Area RF 8 (Bermeo/Mundaka)

— 43°25'36" N, 002°43'23" W

— 43°27'35" N, 002°43'23" W

— 43°26'57" N, 002°38'45" W

— 43°24'57" N, 002°38'45" W

5.4. The measures listed in points 5.1 to 5.3 shall apply until 31 December 2023.'
