

# REGULATIONS

## COUNCIL REGULATION (EU) 2023/1324

of 29 June 2023

**amending Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters, and Regulation (EU) 2023/194 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks**

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) 2023/194 <sup>(1)</sup> fixes for 2023 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 measures functionally linked to the TACs set by Regulation (EU) 2023/194 should be amended to take into account the publication of scientific advice as well as the outcomes of consultations with third countries.
- (2) Regulation (EU) 2023/194 sets at zero the TAC for anchovy (*Engraulis encrasicolus*) in International Council for the Exploration of the Sea (ICES) subareas 9 and 10 and Union waters of Committee for Eastern Central Atlantic Fisheries (CECAF) division 34.1.1 for the period from 1 July 2023 to 30 June 2024, pending the publication by ICES of its scientific advice for that stock for that period. In order to allow fishing to continue until the definitive TAC for that stock is set on the basis of that scientific advice, a provisional TAC at the level of 4 564 tonnes for the period from 1 July 2023 to 30 September 2023 should be established. That level corresponds to the catches of that stock in the third quarter of 2022.
- (3) On 12 May 2023, the Union, the United Kingdom and Norway held consultations on the level of the fishing opportunities for sprat (*Sprattus sprattus*) in ICES subarea 4 and division 3a for the period from 1 July 2023 to 30 June 2024, as well as on the level of the TACs for sprat for that period in Union and United Kingdom waters of ICES subarea 4 and division 2a and Union and Norwegian waters of ICES division 3a. Those consultations were conducted on the basis of the Union position endorsed by the Council on 4 May 2023. Those TACs should therefore be set at the levels agreed with the United Kingdom and Norway.
- (4) On 4 May 2023, the Union and the United Kingdom held consultations on the level of the TAC for sprat in Union and United Kingdom waters of ICES divisions 7d and 7e for the period from 1 July 2023 to 30 June 2024. Those consultations were conducted pursuant to Article 498(2), (4) and (6) of the Trade and Cooperation Agreement <sup>(2)</sup> and on the basis of the Union position endorsed by the Council on 27 April 2023. The outcome of those consultations was documented in a Written Record. That TAC should therefore be set at the level agreed with the United Kingdom.

<sup>(1)</sup> Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (OJ L 28, 31.1.2023, p. 1).

<sup>(2)</sup> 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).

- (5) Given that, in relation to several stocks, either their biomass is below the limit biomass reference point ('B<sub>lim</sub>') or ICES does not define conservation reference points but recommends zero catches or suspending the targeted fishery, the year-to-year flexibility pursuant to Articles 3 and 4 of Council Regulation (EC) No 847/96 <sup>(3)</sup> should be prohibited in 2023.
- (6) Codes for several conditions regarding Norwegian quotas under TACs included in Part B of Annex IA to Regulation (EU) 2023/194, establishing in what areas Norway may fish quantities available to it, are missing or incorrect. Annex IA to that Regulation should therefore be amended.
- (7) Articles 15 and 17 of Regulation (EU) 2022/2056 of the European Parliament and of the Council <sup>(4)</sup> prohibit to retain on board, tranship, store on a fishing vessel or land any oceanic whitetip shark (*Carcharhinus longimanus*) or any silky shark (*Carcharhinus falciformis*) whole or in part in the area covered by the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC). In order to avoid overlapping provisions on the same subject matter, it is appropriate to delete Article 45 of Regulation (EU) 2023/194.
- (8) Under several recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Union may, upon request, carry over a percentage of its unused quota of stocks in the ICCAT Convention Area from the penultimate or the preceding year to a given year, according to rules for each ICCAT stock as laid down by ICCAT. Council Regulation (EU) 2022/109 <sup>(5)</sup> and Regulation (EU) 2023/194 set Union quotas for ICCAT stocks for 2022 and 2023 respectively in line with the outcome of the ICCAT annual meeting in the preceding year, which take into account the carry-overs of unused Union quotas, where applicable. It should not be possible to combine those carry-overs with the transfers of quotas under Article 4 of Regulation (EC) No 847/96 and the use of such transfers should therefore be prohibited for that period.
- (9) Five Member States transmitted modifications to their farming management plans to the Commission in accordance with Article 6(3) of Regulation (EU) 2016/1627 of the European Parliament and of the Council <sup>(6)</sup>. Based on those modifications, the Commission transmitted the modified Union farming management plan for 2023 to the ICCAT Secretariat on 9 May 2023 and ICCAT published those modifications to that Union plan on 11 May 2023. The Union's maximum farming input and capacity should therefore be amended in line with those modifications.
- (10) Regulations (EU) 2023/194 and (EU) 2022/109 should therefore be amended accordingly.
- (11) In order to allow fishing to continue on 1 July 2023 and beyond, this Regulation should enter into force without delay.
- (12) The provisions of this Regulation amending certain provisions of Regulation (EU) 2023/194 should apply from 1 January 2023, in line with the application period of those amended provisions. The provisions of this Regulation concerning fishing opportunities for anchovy and sprat and the deletion of Article 45 of Regulation (EU) 2023/194 should apply from 1 July 2023. The provisions of this Regulation concerning ICCAT and amending certain provisions of Regulation (EU) 2022/109 should apply from 1 January 2022, in line with the application period of those amended provisions. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as either the fishing opportunities concerned are increased by those amendments or the relevant quantities have not yet been transferred under Article 4(2) of Regulation (EC) No 847/96,

<sup>(3)</sup> 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).

<sup>(4)</sup> Regulation (EU) 2022/2056 of the European Parliament and of the Council of 19 October 2022 laying down conservation and management measures applicable in the Western and Central Pacific Fisheries Convention Area and amending Council Regulation (EC) No 520/2007 (OJ L 276, 26.10.2022, p. 1).

<sup>(5)</sup> Council Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (OJ L 21, 31.1.2022, p. 1).

<sup>(6)</sup> Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009 (OJ L 252, 16.9.2016, p. 1).

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendment of Regulation (EU) 2023/194**

Regulation (EU) 2023/194 is amended as follows:

- (a) Article 45 is deleted;
- (b) Annexes IA and ID are amended in accordance with Annex I to this Regulation;
- (c) Annex VI is amended in accordance with Annex II to this Regulation.

*Article 2*

**Amendment of Regulation (EU) 2022/109**

Annex ID of Regulation (EU) 2022/109 is amended in accordance with Annex III to this Regulation.

*Article 3*

**Entry into force and application**

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

It shall apply from 1 January 2023. However:

- (a) Article 2 shall apply from 1 January 2022;
- (b) Article 1, point (a), shall apply from 1 July 2023;
- (c) In Annex I, point 1, subpoints (a) and (b), shall apply from 1 July 2023.

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

Done at Brussels, 29 June 2023.

*For the Council*  
*The President*  
J. ROSWALL

## ANNEX I

The Annexes to Regulation (EU) 2023/194 are amended as follows:

(1) in Annex IA:

- (a) in Part A, the table for anchovy (*Engraulis encrasicolus*) in ICES subareas 9 and 10 and Union waters of CECAF 34.1.1 is replaced by the following:

| 'Species:   | Anchovy<br><i>Engraulis encrasicolus</i> |     | Zone:             | 9 and 10; Union waters of CECAF 34.1.1<br>(ANE/9/3411) |
|---|--|-----|-------------------|--|
| Spain   | 2 183                                    | (1) | Precautionary TAC |  |
| Portugal  | 2 381                                    | (1) |                   |  |
| Union   | 4 564                                    | (1) |                   |  |
| TAC   | 4 564                                    | (1) |                   |  |
| (1) This quota may only be fished from 1 July 2023 to 30 September 2023.; |  |     |                   |  |

- (b) in Part B, the tables for the stocks listed below are replaced by the following:

- (i) the table for sprat and associated by-catches (*Sprattus sprattus*) in ICES division 3a is replaced by the following:

| 'Species:   | Sprat and associated by-catches<br><i>Sprattus sprattus</i> |           | Zone:          | 3a<br>(SPR/03A.) |
|---|---|-----------|----------------|------------------|
| Denmark   | 17 608  | (1)(2)(3) | Analytical TAC |                  |
| Germany   | 37  | (1)(2)(3) |                |                  |
| Sweden  | 6 662   | (1)(2)(3) |                |                  |
| Union   | 24 307  | (1)(2)(3) |                |                  |
| TAC   | 26 278  | (2)       |                |                  |
| (1) Up to 5 % of the quota may consist of by-catches of whiting and haddock (OTH/*03A.). By-catches of whiting and haddock counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota. |   |           |                |                  |
| (2) This quota may only be fished from 1 July 2023 to 30 June 2024.   |   |           |                |                  |
| (3) Transfers of this quota may be effected to United Kingdom and Union waters of 2a and 4. However, such transfers shall be notified in advance to the Commission and to the United Kingdom.;  |   |           |                |                  |

- (ii) the table for sprat and associated by-catches (*Sprattus sprattus*) in United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of ICES division 2a is replaced by the following:

| 'Species:      | Sprat and associated by-catches<br><i>Sprattus sprattus</i>  |           | Zone:          | United Kingdom and Union<br>waters of 4; United Kingdom<br>waters of 2a<br>(SPR/2AC4-C) |
|----------------|--|-----------|----------------|---|
| Belgium        | 1 221  | (1)(2)    | Analytical TAC |   |
| Denmark        | 96 624   | (1)(2)    |                |   |
| Germany        | 1 221  | (1)(2)    |                |   |
| France         | 1 221  | (1)(2)    |                |   |
| Netherlands    | 1 221  | (1)(2)    |                |   |
| Sweden         | 1 330  | (1)(2)(3) |                |   |
| Union          | 102 838  | (1)(2)    |                |   |
| Norway         | 10 000   | (1)       |                |   |
| Faroe Islands  | 0  | (1)(4)    |                |   |
| United Kingdom | 4 482  | (1)       |                |   |
| TAC            | 117 320  | (1)       |                |   |
| (1)            | The quota may only be fished from 1 July 2023 to 30 June 2024.   |           |                |   |
| (2)            | Up to 2 % of the quota may consist of by-catches of whiting (OTH/*2AC4C). By-catches of whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota. |           |                |   |
| (3)            | Including sandeels.  |           |                |   |
| (4)            | May contain up to 4 % of by-catch of herring.;   |           |                |   |

- (iii) the table for sprat (*Sprattus sprattus*) in ICES divisions 7d and 7e is replaced by the following:

| 'Species:      | Sprat<br><i>Sprattus sprattus</i>                               |     | Zone:          | 7d and 7e<br>(SPR/7DE.) |
|----------------|---|-----|----------------|-------------------------|
| Belgium        | 5   | (1) | Analytical TAC |                         |
| Denmark        | 341   | (1) |                |                         |
| Germany        | 5   | (1) |                |                         |
| France         | 73  | (1) |                |                         |
| Netherlands    | 73  | (1) |                |                         |
| Union          | 497   | (1) |                |                         |
| United Kingdom | 1 940   | (1) |                |                         |
| TAC            | 2 437   | (1) |                |                         |
| (1)            | The quota may only be fished from 1 July 2023 to 30 June 2024.; |     |                |                         |

- (c) in Parts B and F, in the tables for: (i) herring (*Clupea harengus*) in ICES divisions 7a south of 52°30'N, 7g, 7h, 7j and 7k; (ii) whiting (*Merlangius merlangus*) in ICES divisions 7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k; (iii) blue ling (*Molva dypterygia*) in international waters of ICES subarea 12; (iv) blue ling in United Kingdom and international waters of ICES subarea 2 and United Kingdom and Union waters of ICES subarea 4; (v) blue ling in Union waters of ICES division 3a; (vi) northern prawn (*Pandalus borealis*) in United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of ICES division 2a; and (vii) red seabream (*Pagellus bogaraveo*) in ICES subareas 6, 7 and 8, the following is inserted:

'Article 3 of Regulation (EC) No 847/96 shall not apply.

Article 4 of Regulation (EC) No 847/96 shall not apply.';

- (d) in Part B:

- (i) in footnote 2 of the table for herring (*Clupea harengus*) in Union, United Kingdom and Norwegian waters of ICES subarea 4 north of 53°30' N, the code is replaced by the following:

'HER/\*04B-C';

- (ii) in footnote 2 of the table for cod (*Gadus morhua*) in ICES subarea 4, United Kingdom waters of ICES division 2a, the part of division 3a not covered by the Skagerrak and Kattegat, at the end of the first sentence, the following code is inserted:

'(COD/\*3AX4-EU);

- (iii) in footnote 2 of the table for haddock (*Melanogrammus aeglefinus*) in ICES subarea 4, United Kingdom waters of ICES division 2a, at the end of the first sentence, the following code is inserted:

'(HAD/\*04-EU);

- (iv) in footnote 1 of the table for whiting (*Merlangius merlangus*) in ICES subarea 4, United Kingdom waters of ICES division 2a, at the end of the first sentence, the following code is inserted:

'(WHG/\*04-EU);

- (v) in footnote 4 of the table for blue whiting (*Micromesistius poutassou*) in United Kingdom, Union and international waters of ICES zones 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14, '2a,' is deleted and, at the end of the sentence, the following code is inserted:

'(WHB/\*46AB7-EU);

- (vi) in footnote 5 of the table for blue whiting (*Micromesistius poutassou*) in United Kingdom, Union and international waters of ICES zones 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14, '2a,' is deleted and, after '12° W', the following code is inserted:

'(WHB/\*46AB7);

- (vii) in footnote 1 of the table for plaice (*Pleuronectes platessa*) in ICES subarea 4, United Kingdom waters of ICES division 2a, the part of division 3a not covered by the Skagerrak and the Kattegat, at the end of the first sentence, the following code is inserted:

'(PLE/\*3AX4-EU);

- (2) in Annex ID, in the tables for: (i) northern albacore (*Thunnus alalunga*) in the Atlantic Ocean, north of 5° N; (ii) southern albacore in the Atlantic Ocean, south of 5° N; (iii) bigeye tuna (*Thunnus obesus*) in the Atlantic Ocean; (iv) swordfish (*Xiphias gladius*) in the Atlantic Ocean, north of 5° N; and (v) swordfish in the Atlantic Ocean, south of 5° N, the following is inserted:

'Article 3 of Regulation (EC) No 847/96 shall not apply.

Article 4 of Regulation (EC) No 847/96 shall not apply.'.

## ANNEX II

In Annex VI to Regulation (EU) 2023/194, point 6 is replaced by the following:

- ‘6. Maximum bluefin tuna farming capacity and fattening capacity for each Member State and maximum input of wild-caught bluefin tuna that each Member State may allocate to its farms in the Eastern Atlantic and Mediterranean

Table A

| Maximum tuna farming capacity and fattening capacity |                 |                      |
|--|-----------------|----------------------|
|  | Number of farms | Capacity (in tonnes) |
| Greece   | 2               | 2 100,00             |
| Spain  | 4               | 11 852,00            |
| Croatia  | 4               | 7 880,00             |
| Italy  | 2               | 9 370,00             |
| Cyprus   | 0               | 0                    |
| Malta  | 6               | 16 579,65            |
| Portugal   | 2               | 500,00               |

Table B

| Maximum input of wild-caught bluefin tuna (in tonnes) |           |
|---|-----------|
| Greece  | 649,00    |
| Spain   | 8 237,93  |
| Croatia   | 2 947,00  |
| Italy   | 1 100,00  |
| Cyprus  | 0         |
| Malta   | 11 842,61 |
| Portugal  | 350,00    |

## ANNEX III

In Annex ID to Regulation (EU) 2022/109, in the tables for: (i) northern albacore (*Thunnus alalunga*) in the Atlantic Ocean, north of 5° N; (ii) southern albacore in the Atlantic Ocean, south of 5° N; (iii) bigeye tuna (*Thunnus obesus*) in the Atlantic Ocean; (iv) swordfish (*Xiphias gladius*) in the Atlantic Ocean, north of 5° N; and (v) swordfish in the Atlantic Ocean, south of 5° N, the following is inserted:

‘Article 3 of Regulation (EC) No 847/96 shall not apply.

Article 4 of Regulation (EC) No 847/96 shall not apply.’

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