

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/1697

of 19 June 2023

on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under 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, as regards piked dogfish

THE EUROPEAN COMMISSION,

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

Having regard to 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⁽¹⁾, and in particular Article 15(2) thereof,

Whereas:

- (1) On 29 April 2021, the Council adopted Decision (EU) 2021/689 on the conclusion 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 (hereinafter 'Trade and Cooperation Agreement')⁽²⁾. The Trade and Cooperation Agreement entered into force on 1 May 2021.
- (2) Article 498(2) of the Trade and Cooperation Agreement provides that the Parties shall hold consultations annually to agree, by 10 December of each year, the total allowable catches (TACs) for the following year for the stocks listed in Annex 35 of the Agreement. These consultations may also cover the additional matters referred to in Article 498(4) of the Agreement including list of stocks for which fishing is prohibited, the determination of the TAC for any stock which is not listed in Annex 35 or Annex 36 and the Parties' respective shares of those stocks, measures for fisheries management.
- (3) The Union conducts the annual consultations in line with the objectives and principles set out in Articles 2, 3, 28 and 33 of Regulation (EU) No 1380/2013, Articles 4 and 5 of the Western Waters⁽³⁾ and North Sea⁽⁴⁾ multiannual plans, and Council Decision (EU) 2021/1875⁽⁵⁾.

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ OJ L 149, 30.4.2021, p. 10.

⁽³⁾ Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) No 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 83, 25.3.2019, p. 1).

⁽⁴⁾ Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).

⁽⁵⁾ Council Decision (EU) 2021/1875 of 22 October 2021 concerning the position to be adopted on behalf of the Union in the annual consultations with the United Kingdom to agree on total allowable catches (OJ L 378, 26.10.2021, p. 6).

- (4) The Union position during the annual consultations is based on the best available scientific advice, principally that provided by the International Council for the Exploration of the Sea (ICES) in accordance with Article 494(3)(c) of the Trade and Cooperation Agreement.
- (5) The Written Record documenting the arrangements made between the Parties as a result of those consultations shall be produced and signed by the heads of delegation of the Parties in accordance with the obligation set out in Article 498(6) of that Agreement.
- (6) On 16 December 2022, the Union agreed with the United Kingdom on the setting of a substantial number of TACs for 2022 for stocks listed in Annex 35 to the Trade and Cooperation Agreement. The outcome of the consultations was documented in the Written Record ⁽⁶⁾, which was endorsed by the Council on 20 December 2022 and signed by the Head of Delegation of the United Kingdom and by the Commission representative on behalf of the Union, in accordance with Article 498(6) of the Trade and Cooperation Agreement and Decision (EU) 2021/1875.
- (7) Piked dogfish (*Squalus acanthias*) is a stock jointly managed by the Union and the United Kingdom. During the annual consultations, the Union and the United Kingdom agreed that, given the assessed improvement of the status of the piked dogfish stock, piked dogfish should no longer be a prohibited species. The relevant TAC levels fixed in that Written Record were subsequently implemented in Council Regulation (EU) 2023/194 ⁽⁷⁾.
- (8) The Union and the United Kingdom also agreed that, in order to protect a component of this stock that is particularly vulnerable to fishing mortality, it is appropriate to deter directed fisheries targeting aggregations of mature females. To this end, the Union and the United Kingdom agreed that a maximum catch size of 100 cm should be respected.
- (9) Pending the adoption of such a maximum catch size in Union law in accordance with Article 15(2) of Regulation (EU) No 1380/2013, the measure agreed with the United Kingdom was established in Annex IA of Regulation (EU) 2023/194. The measure was functionally linked to the TAC for piked dogfish, as, without such measure, the TAC level alone would not ensure sufficient protection of spawning females, which constitute a particularly vulnerable part of the population.
- (10) The current Regulation aims at excluding piked dogfish above 100 cm from the landing obligation, thereby ensuring that when caught accidentally, such specimen shall not be harmed and be promptly released back into the sea.
- (11) The Regulation provides a more stable legal framework, given the temporary nature of the measures adopted by the Council which, in accordance with Article 59(k) of Regulation (EU) 2023/194, will cease to apply on the date on which a delegated act introducing corresponding measures and regulating the treatment of catches of those stocks over 100 cm becomes applicable.
- (12) The current Regulation ensures compliance by the Union with its international obligations and create legal certainty and a level playing field for Union fishermen.
- (13) As the measures provided for in this Regulation have a direct impact on the conservation of the stock, this Regulation should enter into force immediately after its publication.

⁽⁶⁾ Written Record of fisheries consultations between the United Kingdom and the European Union for 2023: EU-UK for 2023 (europa.eu).

⁽⁷⁾ 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).

- (14) As the measures agreed in the Written Record between the Union and the United Kingdom expire on 31 December 2023, this Regulation should also cease to apply on that date,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation establishes a derogation from the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013 for the purpose of implementing the Union's international obligations as regards shared stocks subject to the fisheries consultations held between the United Kingdom and the European Union under the Trade and Cooperation Agreement.

This Regulation applies to fishing activities in Union waters or by Union fishing vessels outside Union waters in waters not subject to third countries' sovereignty or jurisdiction.

Article 2

Piked dogfish (*Squalus acanthias*)

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, it shall be prohibited to target, retain on board or tranship, land, transport, store, display or offer for sale, sell or market piked dogfish above 100 cm.

Any piked dogfish above that size when caught accidentally, shall not be harmed and specimens shall be promptly released back into the sea.

Article 3

Entry into force

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

This Regulation 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 June 2023.

For the Commission
The President
Ursula VON DER LEYEN
