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## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL REGULATION 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

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**COUNCIL REGULATION (EU) 2023/...**

**of ...**

**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) Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>1</sup> requires the adoption of conservation measures taking account of available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) and other advisory bodies, and any advice received from advisory councils.
- (2) It is incumbent on the Council to adopt measures on the fixing and allocation of fishing opportunities, including conditions functionally linked thereto, as appropriate. Under Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities are to be fixed in accordance with the objectives of the common fisheries policy (CFP) as set out in Article 2(2) of that Regulation. In addition, for stocks subject to specific multiannual plans (MAPs), total allowable catches (TACs) should be established in accordance with the targets and measures laid down in those plans. Under Article 16(1) of that Regulation, fishing opportunities are to be allocated among the Member States so as to ensure the relative stability of fishing activities of each Member State for each fish stock or fishery.

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<sup>1</sup> 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).

- (3) TACs should be established, in accordance with Regulation (EU) No 1380/2013, on the basis of available scientific advice, taking into account biological and socio-economic aspects while ensuring fair treatment between fishing sectors, and in the light of opinions expressed during the consultation of stakeholders, in particular in meetings of the advisory councils. TACs should also be established in accordance with the relevant MAPs.
- (4) Under Article 15 of Regulation (EU) No 1380/2013, all stocks for which there are catch limits have been subject to the landing obligation since 1 January 2019, although certain exemptions apply. On the basis of joint recommendations by the Member States and in accordance with Article 15 of Regulation (EU) No 1380/2013, the Commission has adopted a number of delegated regulations laying down details for the implementation of the landing obligation in the form of discard plans for specific fisheries.
- (5) Fishing opportunities for stocks covered by the landing obligation should take account of the fact that discarding is in principle no longer allowed. Therefore, they should be based on the advice figure for total catches (rather than that for landings or rather wanted catches) as provided by the International Council for the Exploration of the Sea (ICES). The quantities that, by way of exemption from the landing obligation, may continue to be discarded should be deducted from that advice figure for total catches.

- (6) There are certain stocks for which ICES advises zero catches. However, if TACs for those stocks are established at the advised level, the obligation to land all catches, including by-catches from those stocks in mixed fisheries, would give rise to the phenomenon of ‘choke species’. In order to strike a balance between maintaining fisheries, in view of the potentially severe socio-economic implications of failing to do so, and the need to achieve a good biological status for those stocks, taking account of the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield (MSY), it is appropriate to establish specific TACs for by-catches for those stocks. Those TACs should be set at levels that ensure that the mortality for those stocks is decreased and that provide incentives to improve selectivity and to avoid by-catches of those stocks. In order to reduce catches of the stocks for which by-catch TACs are set, fishing opportunities for the fisheries in which fish from those stocks are caught should be set at levels that help the biomass of vulnerable stocks to recover to sustainable levels. Technical and control measures that are intrinsically linked to fishing opportunities should also be established to prevent illegal discarding.
- (7) In order to guarantee, to the extent possible, the use of fishing opportunities in mixed fisheries in accordance with Article 16(2) of Regulation (EU) No 1380/2013, it is appropriate to establish a pool for quota exchanges for Member States that have no quota to cover their unavoidable by-catches.

- (8) The North Sea MAP was established by Regulation (EU) 2018/973 of the European Parliament and of the Council<sup>1</sup> and entered into force in 2018. The Western Waters MAP was established by Regulation (EU) 2019/472 of the European Parliament and of the Council<sup>2</sup> and entered into force in 2019. Fishing opportunities for stocks listed in Article 1(1) of those Regulations should be fixed in accordance with the range of fishing mortality values resulting in MSY ('range of  $F_{MSY}$ ') and the safeguards provided for in those Regulations. The ranges of  $F_{MSY}$  have been set out in the relevant ICES advice. Where no adequate scientific information is available, fishing opportunities for by-catch stocks should be fixed in accordance with the precautionary approach, as set out in those Regulations.

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<sup>1</sup> 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).

<sup>2</sup> 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) 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).

- (9) In accordance with Article 7 of Regulation (EU) 2018/973 and Article 8 of Regulation (EU) 2019/472, where scientific advice indicates that the spawning stock biomass of any of the stocks referred to in Article 1(1) of that Regulation is below the limit biomass reference point ( $B_{lim}$ )<sup>1</sup>, further remedial measures are to be taken to ensure the rapid return of the stock to levels above those capable of producing MSY. In particular, those remedial measures can include suspending the targeted fishery for the stock in question and the adequate reduction of fishing opportunities for those or other stocks in the fisheries.
- (10) The TACs for bluefin tuna (*Thunnus thynnus*) in the eastern Atlantic and the Mediterranean should be established in accordance with the rules laid down in Regulation (EU) 2016/1627 of the European Parliament and of the Council<sup>2</sup>.
- (11) For stocks for which there is a lack of sufficient or reliable data on which to base stock size estimates, management measures and TAC levels should follow the precautionary approach to fisheries management, as defined in Article 4(1), point (8), of Regulation (EU) No 1380/2013, while taking account of stock-specific factors, in particular available information on stock trends and mixed fisheries considerations.

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<sup>1</sup>  $B_{lim}$  is the biomass below which there may be reduced reproductive capacity.

<sup>2</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).

- (12) In accordance with the Western Waters MAP established by Regulation (EU) 2019/472, the target fishing mortality for the stocks listed in Article 1(1) of that Regulation is to be maintained within the ranges of  $F_{MSY}$  defined in Article 2, point (2), of that Regulation, in accordance with Article 4 thereof. The overall fishing mortality for European seabass (*Dicentrarchus labrax*) in ICES divisions 8a and 8b should therefore be set in accordance with ICES MSY advice and with the  $F_{MSY}$  point value, taking into account commercial catches, including landings and discards, and recreational catches.  $F_{MSY}$  point value is the fishing mortality value that gives the long-term MSY. The relevant Member States (France and Spain) should take appropriate measures to ensure that the fishing mortality from their fleets and recreational fishers does not exceed the  $F_{MSY}$  point value, as required by Article 4(3) of Regulation (EU) 2019/472.
- (13) Measures for recreational fisheries for European seabass in ICES divisions 8a and 8b should be maintained, in view of their significant impact on that stock. The bag limit should be maintained in line with the scientific advice. Fixed nets should be excluded, as they are insufficiently selective and likely to catch a number of specimens exceeding the established limits. In view of the environmental, social and economic circumstances, especially the dependency of commercial fishers in coastal communities on the stocks in question, the measures for European seabass strike an appropriate balance between the interests of commercial and recreational fishers. In particular, the measures allow recreational fishers to fish by taking account of their impact on the stocks.



- (14) On 4 November 2021, ICES advised that, for 2022, when the precautionary approach is applied, there should be zero catches of European eel (*Anguilla anguilla*) in all habitats and at all life stages, throughout its natural range. This applies to both recreational and commercial catches and includes catches of glass eels for restocking and farming. ICES also acknowledged that catches for the sole purpose of subsequent release may be part of conservation measures if such measures improve the overall survival probability. The Commission consulted the Advisory Councils and the regional Member States groups on how to best implement this ICES advice. Furthermore, on 30 May 2022, ICES noted that despite Member States' efforts, no overall progress had been made in achieving the 40 % silver eel biomass escapement objective across the entire Union, as required by Article 2(4) of Council Regulation (EC) No 1100/2007<sup>1</sup>, and that no clear patterns for mortality were observed. ICES also advised that the efforts should be focused on conservation measures that, by definition, have a high probability of reducing mortality and increasing escapement.

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<sup>1</sup> Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

- (15) At its 45th annual meeting in 2022, the General Fisheries Commission for the Mediterranean (GFCM) adopted Recommendation GFCM/45/2022/1 strengthening the management measures for European eel in the Mediterranean Sea (GFCM geographical subareas 1 to 27), previously established by Recommendation GFCM/42/2018/1. Those measures include an annual closure period of six months to be determined by each Contracting Party in accordance with the management plan or plans for eel and the temporal migration patterns of eel in the Contracting Parties, as well as a prohibition of recreational fisheries. Contracting Parties may decide to establish a closure period of six consecutive months or establish a closure period from 1 January to 31 March and three additional months to be chosen between 1 April and 30 November. The closure period for commercial activity and the prohibition of recreational fisheries should apply to all marine waters of the Mediterranean Sea and to brackish waters such as estuaries, coastal lagoons and transitional waters, in accordance with Recommendation GFCM/45/2022/1. Those measures should be implemented in Union law. Since Recommendation GFCM/45/2022/1 does not apply to the Black Sea and since the Black Sea and the river systems connected to it do not constitute a natural habitat for European eel for the purposes of Regulation (EC) No 1100/2007<sup>1</sup>, the measures regarding eel should not apply to the Black Sea (GFCM geographical subarea 29).

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<sup>1</sup> See Commission Decision of 4 April 2008 establishing that the Black Sea and the river systems connected to it do not constitute a natural habitat for European eel for the purposes of Council Regulation (EC) No 1100/2007, OJ L 98, 10.4.2008, p. 14.

- (16) On 3 November 2022, ICES reiterated for 2023 its zero catch advice for eel in all habitats. Based on that advice, and taking into account the feedback received during the stakeholder consultation, it is appropriate to extend to six months the closure period for any eel fishing activity in Union waters of the north-east Atlantic. A six-month closure period should better protect the stock than the current Union and national measures. The extended closure period while allowing for continuing restocking measures will contribute to the recovery of the eel stock and thereby further the achievement of the escapement objective of at least 40 % of adult eels set out in Council Regulation (EC) No 1100/2007.

- (17) In all relevant waters the eel migration period is influenced by a broad range of environmental and biological factors and can therefore vary depending on the life stage of eel, and depending on the habitat and geographic area, notably straits. It may therefore be appropriate to set different closure periods, notably for different fishing areas of a Member State and for different fisheries within those fishing areas, in order to take account of those elements as well as of the temporal and geographical migration patterns of eel at respectively the glass eel and silver eel life stage. The Member States concerned should determine the relevant closure period or periods based on those elements.
- (18) Pursuant to Council Regulation (EC) No 1100/2007, restocking of glass eel is a conservation measure chosen by certain Member States in their eel management plans. In order to enable those Member States to continue implementing this conservation measure, glass eel catches at the appropriate time of the year are required. In order to ensure the economic viability of the glass eel fishery, it is necessary to allow catching some glass eel also for other purposes. Finally, given the state of the eel stock, it is appropriate to prohibit recreational fisheries of eel.
- (19) Scientific advice for stocks of elasmobranchs (skates, sharks, rays) is zero catches, due to their poor conservation status. In addition, high survival rates mean that discarding, rather than landing catches, would support the conservation of those stocks, as discarding is not considered to raise significantly their fishing mortality. Fishing of such species should therefore be prohibited. Under Article 15(4), point (a), of Regulation (EU) No 1380/2013, the landing obligation does not apply to species for which fishing is prohibited.

- (20) For certain species, such as certain species of sharks, even limited fishing activity could give rise to a serious conservation risk. Fishing opportunities for such species should therefore be fully restricted through a general prohibition on fishing them.
- (21) At the 12th Conference of the Parties of the Convention on the Conservation of Migratory Species of Wild Animals (Manila, 23-28 October 2017), a number of species were added to the lists of protected species in Appendices I and II to that Convention. Therefore, it is appropriate to provide for the protection of those species with respect to Union fishing vessels operating in all waters and third-country vessels operating in Union waters.
- (22) In order to maximise the use of fishing opportunities, it is appropriate to allow for the implementation of a flexible arrangement between certain TAC areas where the same biological stock is concerned.

- (23) Council Regulation (EC) No 847/96<sup>1</sup> introduced additional conditions for the year-to-year management of TACs including flexibility provisions for precautionary and analytical TACs (Articles 3 and 4). Under Article 2 of that Regulation, when establishing TACs, the Council is to decide to which stocks Articles 3 and 4 of that Regulation are not to apply, in particular on the basis of their biological status. Article 15(9) of Regulation (EU) No 1380/2013 introduced a year-to-year flexibility mechanism for all stocks that are subject to the landing obligation. In order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of marine biological resources, the achievement of the objectives of the CFP and the biological status of the stocks, Articles 3 and 4 of Regulation (EC) No 847/96 should apply to analytical TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.
- (24) Where a TAC is allocated to one Member State only, it is appropriate to empower that Member State, in accordance with Article 2(1) of the Treaty on the Functioning of the European Union (TFEU), to determine that TAC. It should be ensured that, when determining the TAC level, the Member State acts in a manner that is fully consistent with the principles and rules of the CFP.
- (25) It is necessary to establish the fishing effort ceilings for 2023 in accordance with Articles 5, 6, 7 and 9 of, and Annex I to, Regulation (EU) 2016/1627.

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<sup>1</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).

- (26) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009<sup>1</sup>, and in particular to Articles 33 and 34 of that Regulation, concerning the recording of catches and fishing effort, and the notification of data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes to be used by Member States when sending the Commission data on landings of stocks subject to this Regulation.

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<sup>1</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

(27) At its 2022 annual meeting, the North-East Atlantic Fisheries Commission (NEAFC) confirmed the conservation measures for the two redfish (*Sebastes mentella*) stocks (shallow pelagic and deep pelagic) in the Irminger Sea and adjacent waters, prohibiting directed fisheries of those stocks and prohibited any support activities. In addition, in order to minimise by-catches, the NEAFC prohibited fishing activities in the area where redfish aggregates. Those measures should be implemented in Union law. The NEAFC did not adopt recommendations for redfish and for Greenland halibut in ICES subareas 1 and 2. The Union quotas should therefore be fixed in line with the Union position expressed in NEAFC. However, as the discussions on the implementation of the Union-Norway political understanding in relation to the fisheries in ICES areas 1 and 2 are ongoing, it is appropriate that the Union establishes after 31 March 2023 the TAC for redfish in international waters of ICES subareas 1 and 2, because the fishery is limited to the period from 1 July to 31 December 2023, and that the Union establishes a provisional Union quota for Greenland halibut in international waters of ICES subareas 1 and 2 for the first quarter of 2023 at 25 % of the overall Union quota of 1 711 tonnes, corresponding to 9,25 % of the TAC as proposed by the EU at the NEAFC annual meeting (18 494 tonnes).



- (28) At its 2022 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) agreed to maintain in 2023 the TACs set in 2022 for Mediterranean and North Atlantic swordfish (*Xiphias gladius*), Mediterranean albacore (*Thunnus alalunga*), blue marlin (*Makaira nigricans*), white marlin (*Tetrapturus albidus*), yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and blue shark (*Prionace glauca*). ICCAT also set for 2023 TACs for bluefin tuna (*Thunnus thynnus*) and for South Atlantic swordfish of 40 570 and 10 000 tonnes respectively. ICCAT adopted also allocated quotas for Mediterranean albacore for 2023 and 2024. Those measures should be implemented in Union law.
- (29) For the first time, ICCAT also adopted a management procedure (MP) for Atlantic bluefin tuna. This measure aims to ensure long-term, sustainable and profitable fisheries of both the western stock and eastern Atlantic and Mediterranean stock. The MP implements the management objectives for Eastern and Western Bluefin Tuna, including the adoption of management cycles of three years, and an implementation schedule up to 2028. The TAC pursuant to the MP for the period 2023-2025 is 40 570 tonnes per year for the eastern Atlantic and Mediterranean stock. Those measures should therefore be implemented in Union law.

- (30) ICCAT adopted a management plan for South Atlantic shortfin mako (*Isurus oxyrinchus*) caught in association with other ICCAT fisheries, starting in 2023 to counteract overfishing immediately, and gradually achieve biomass levels sufficient to support MSY. This plan allows for a retention of by-catches of South Atlantic shortfin mako at a total of 1 295 tonnes, representing 503 tonnes for the Union. According to the ICCAT Recommendation, the limited retention allowance does not constitute any long term-right and is without prejudice to any future process of allocation. This measure should therefore be implemented in Union law by establishing a by-catch TAC and a corresponding Union quota.
- (31) In order to reduce the fishing mortality of juvenile bigeye and yellowfin tuna, ICCAT also maintained a maximum limit of 300 fish aggregating devices (FADs) per fishing vessel in 2023 and a seventy-two-day closure period for the use of FADs. Those measures should be implemented in Union law.
- (32) At its 2021 annual meeting, ICCAT adopted a 15-year rebuilding plan for Mediterranean albacore from 2022 to 2036. For 2023, ICCAT set the TAC for Mediterranean albacore at 2 500 tonnes. In addition, ICCAT set a TAC for North Atlantic albacore of 37 801 tonnes for the period from 2022 to 2023, based on the harvest control rule with a view to adopting a long-term MP for this stock. Those measures should be implemented in Union law.

- (33) Under several ICCAT recommendations, the Union may upon request carry over a percentage of its unused quota of ICCAT stocks in the period of two years. Those recommendations should be implemented in Union law on the basis of the Commission proposal of 21 April 2022<sup>1</sup> as soon as possible, so that the Member States can use the Union quotas for ICCAT stocks in their totality as provided by ICCAT for 2023. Pending the implementation of those recommendations in Union law, quotas should be established for individual Member States for certain stocks on the basis of a total Union quota for 2023 as agreed by ICCAT before any adjustments due to overfishing or underfishing by Member States. The adjustments to the quotas of individual Member States for 2023 reflecting any deductions applied by ICCAT should be carried out subsequently on the basis of Union rules on deductions pursuant to Article 105 of Regulation (EC) No 1224/2009 and taking into account the Communication from the Commission<sup>2</sup> on guidelines for the deduction of quotas under Article 105(1), (2) and (5) of that Regulation.
- (34) At its 2022 annual meeting, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopted catch limits for target and by-catch species for the period from 1 December 2022 to 30 November 2023. Those measures should be implemented in Union law.

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<sup>1</sup> Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2017/2107 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and Regulation (EU) 2022/... establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean.

<sup>2</sup> Communication from the Commission on guidelines for the deduction of quotas under Article 105(1), (2) and (5) of Regulation (EC) No 1224/2009, and replacing Communication 2012/C 72/07 2022/C 369/03 (C/2022/6757) (OJ C 369, 27.9.2022, p. 3).

- (35) At its 2022 annual meeting, the Indian Ocean Tuna Commission (IOTC), maintained the previously adopted measures applicable in the IOTC Area of Competence. Those measures should continue to be implemented in Union law.
- (36) The annual meeting of the South Pacific Regional Fisheries Management Organisation (SPRFMO) will be held from 6 to 15 February 2023. The current measures in the SPRFMO Convention area that are functionally linked to the TACs should therefore be provisionally maintained until the annual meeting is held and the TACs for 2023 are determined.
- (37) At its 2022 annual meeting, the Inter-American Tropical Tuna Commission (IATTC) decided to maintain the current measures applicable in the Convention area. Those measures should be implemented in Union law.
- (38) At its 2022 annual meeting, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) confirmed the TAC for Southern bluefin tuna (*Thunnus maccoyii*) for 2023, as adopted at the 2020 annual meeting for a three-year period (from 2021 to 2023). That measure should be implemented in Union law.
- (39) At its 2022 annual meeting, the South East Atlantic Fisheries Organisation (SEAFO) decided to maintain in 2023 most of the TACs set for 2022 for the species under its purview until its 2023 annual meeting.

- (40) At its 2022 annual meeting, the Western and Central Pacific Fisheries Commission (WCPFC) decided to maintain the current measures applicable in the WCPFC Convention area. Those measures should be implemented in Union law.
- (41) At its 44th annual meeting in 2022, the Northwest Atlantic Fisheries Organisation (NAFO) adopted fishing opportunities for certain stocks in subareas 1 to 4 of the NAFO Convention area for 2023. Those measures should be implemented in Union law.
- (42) At its 9th annual meeting in 2022, the Southern Indian Ocean Fisheries Agreement (SIOFA) maintained the previously adopted fishing opportunities for the stocks covered by that Agreement. Those measures should continue to be implemented in Union law.
- (43) Under Article 498(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<sup>1</sup> (the ‘Trade and Cooperation Agreement’), the Union and the United Kingdom are to hold annual consultations to agree, by 10 December of each year, the TACs for the following year for the stocks listed in its Annex 35 of the Trade and Cooperation Agreement. If such TACs are not concluded by 10 December, the Parties are to immediately resume consultations with the continued aim of agreeing on the TACs, as required by Article 499(1) of the Trade and Cooperation Agreement.

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<sup>1</sup> OJ L 149, 30.4.2021, p. 10.

- (44) In 2022, the Union, the United Kingdom and Norway held trilateral consultations on six shared and jointly managed stocks occurring within the areas under the jurisdiction of all three Parties, with the aim to agree on the management of those stocks including the fishing opportunities for 2023. Those consultations were conducted between 3 November and 9 December 2022, on the basis of the Union position endorsed by the Council on 20 October 2022. The outcome of the consultations was documented in an Agreed Record, signed by the Head of Delegations of the Union, the United Kingdom and Norway on 9 December 2022. The relevant fishing opportunities should therefore be fixed at the level agreed with the United Kingdom and Norway, together with the other provisions of the Agreed Record.
- (45) Remedial measures jointly agreed in 2022 with the United Kingdom and Norway on North Sea cod are maintained to allow for the recovery and long-term sustainable management of the stock in line with Article 13 of Regulation (EU) 2018/973.
- (46) The Union holds bilateral consultations annually with Norway on two shared and jointly managed stocks in the Skagerrak area, with the aim to agree on management of those stocks including the fishing opportunities for the next year, as well as exchange of quotas and access arrangements.

- (47) The Union holds multilateral consultations with coastal States on the setting of fishing opportunities for large pelagic stocks including mackerel, blue whiting and Atlanto-Scandian herring and on a sharing arrangement for mackerel.
- (48) As the bilateral consultations with Norway have not yet been concluded, the Council should, in full respect of the United Nations Convention on the Law of the Sea (UNCLOS), set provisional TACs to be fished in Union and international waters, and waters to which the Union fishing vessels are granted access, and notify Norway thereof. Those provisional TACs are based on a rollover of the 2022 TACs adopted by the Council, applying a 25 % ratio to those 2022 TAC levels, in order to cover the first quarter of 2023.
- (49) The provisional TACs aim to ensure legal certainty for Union operators and to ensure the continuation of sustainable fishing activities until the consultations are concluded in compliance with the Union legal framework and international obligations or, if they cannot be concluded successfully, until the Council sets definitive unilateral Union TACs.

(50) On 16 December 2022, the Union agreed with the United Kingdom on the setting of a large number of TACs for 2023 for stocks listed in Annex 35 to the Trade and Cooperation Agreement. The outcome of the consultations was documented in the Written Record, which was endorsed by the Council on 20 December 2022 and signed by the Commission representative on behalf of the Union and by the Head of Delegation of the United Kingdom, in accordance with Article 498(6) of the Trade and Cooperation Agreement and Council Decision (EU) 2021/1875<sup>1</sup>. The Written Record is a result of consultations conducted by the Union with the United Kingdom in accordance with Articles 498(2), 498(4) and 498(6) of the Trade and Cooperation Agreement, 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 and North Sea MAPs, and Council Decision (EU) 2021/1875. The Union position during the consultations was based on those objectives and principles and on the best available scientific advice, principally that provided by the ICES in accordance with Article 494(3)(c) of the Trade and Cooperation Agreement. The relevant fishing opportunities should be fixed at the level set out in that Written Record, and the other measures functionally linked to the fishing opportunities also set out in that Written Record should be implemented in Union law.

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<sup>1</sup> 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).



(51) There are certain shared stocks jointly managed with the United Kingdom for which ICES, while assessing them against MSY, has issued scientific advice for zero catches. If TACs for those stocks were established at the level indicated in such advice, the obligation to land all catches both in the Union and United Kingdom waters, including by-catches from those stocks, in mixed fisheries, would lead to the phenomenon of ‘choke species’. In order to balance the need for the continuation of those mixed fisheries in view of the potentially severe socioeconomic implications of complete interruption of those fisheries with the need to achieve a good biological status for those stocks, and taking into account the difficulty of fishing all stocks in a mixed fishery at MSY at the same time, the Union and the United Kingdom agreed that it is appropriate to establish specific TACs for by-catches for those stocks. Those TACs should be set at levels that ensure that the mortality for those stocks is decreased and that provide incentives to improve selectivity and to avoid by-catches of those stocks. The levels of the fishing opportunities for those stocks should be established in accordance with the Written Record in order to ensure a level playing field for Union operators while providing for the significant recovery of the biomass of those stocks.

(52) Given that the biomass of the stocks of blue ling in international waters of ICES 1 and 2 (BLI/12INT-), blue ling North Sea (BLI/24-), blue ling Skagerrak (BLI/03/A-), cod Irish Sea (COD/07A), cod West of Scotland (COD/5BE6A), cod Celtic Sea (COD/7XAD34), herring Celtic Sea (HER/7G-K), horse mackerel (western) (JAX/2A-14)<sup>1</sup>, red seabream 6, 7 and 8 (SBR/678-) and whiting Irish Sea (WHG/07A) are below the biomass reference points ( $B_{lim}$ ), the Union and the United Kingdom agreed that it is necessary, as an additional remedial measure, that in respect of those stocks no year-to-year flexibility should be used for transfers from 2022 to 2023, so that catches in 2023 will not exceed the TAC established for those stocks. Therefore, the Member States concerned have made a statement committing themselves to not using that flexibility for those stocks. That statement also covers cod Kattegat (COD/03AS.), roundnose grenadier Skagerrak, Kattegat and Baltic Sea (RNG/03-), northern prawn North Sea (PRA/2AC4-C), common sole West of Scotland (SOL/56-14) and horse mackerel (southern) (JAX/08C.), autonomous stocks for which the biomass is also below  $B_{lim}$ .

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<sup>1</sup> This extends to Southern Horse mackerel (JAX/8C.).

- (53) The Union and the United Kingdom agreed that, given the assessed improvement of the status of the picked dogfish (*Squalus acanthias*) stock, this stock should no longer be a prohibited species but 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 size of 100 cm should be respected, when targeting picked dogfish. Such a measure is functionally linked to the TAC for the stock, as without such measure the TAC level alone would not ensure sufficient protection of pupping females, which constitute a particularly vulnerable part of the population. That maximum size should 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.
- (54) The Union and the United Kingdom agreed on a reciprocal access in 2023 to target an initial total of 280 tonnes of northern albacore in their exclusive economic zones. This excludes access to areas covered under Article 5(3) of the Regulation (EU) No 1380/2013.
- (55) The list of stocks for which a TAC roll-over higher than 25 % applies is based on the analysis of the quota uptake by Member States in the first quarter of the last three years for which data are available (2018-2021). Those increased provisional TACs are in accordance with the ICES advice, the applicable Union legal framework and the Trade and Cooperation Agreement. They will enable Union fishing vessels to use the fishing opportunities to which they are entitled and of which they would be otherwise deprived, due to the seasonality of fishing of the stocks concerned.

- (56) This level is considered to be sufficient for Union fishing vessels at least until 31 March 2023.
- (57) The Union will notify the relevant third countries of the provisional TACs.
- (58) Seasonal closures for sandeel fisheries with certain towed gear in ICES divisions 2a, 3a and ICES subarea 4 are continued to allow for the protection of spawning grounds and limitation of juvenile catches.
- (59) In accordance with the procedure provided for in the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part, and the Protocol implementing that Agreement<sup>1</sup>, the Joint Committee established the level of fishing opportunities available for the Union in Greenland waters in 2023. The level of fishing opportunities available for the Union in Greenland waters in 2023 was documented in the minutes of the Joint Committee meeting held on 23 and 24 November 2022 in Brussels. The relevant fishing opportunities should therefore be fixed at the level set out in those minutes, and taking into account the expected transfers to Norway under the annual exchange of fishing opportunities.

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<sup>1</sup> OJ L 175, 18.5.2021, p. 3.

- (60) The fishing opportunities for capelin (*Mallotus villosus*) in Greenland waters of 5 and 14 for the fishing period 15 October 2022 to 15 April 2023 are marked as ‘to be established’ in Council Regulation (EU) 2022/109. On 5 October 2022, the Greenlandic authorities informed the Union of the level of the capelin quota offered to the Union for the 2022-2023 fishing season in the framework of the Sustainable Fisheries Partnership Agreement and the implementing Protocol thereto, corresponding to 7 760 tonnes. Pursuant to the Agreed Record of fisheries consultations between the Union and Norway for 2022, signed on 10 December 2021, this quantity should be transferred to Norway for the 2022-2023 fishing season. The fishing opportunities should therefore be fixed accordingly.
- (61) As regards the fishing opportunities for snow crab (*Chionoecetes* spp.) around the area of Svalbard, the Treaty of 9 February 1920 relating to Spitsbergen (Svalbard) (‘the 1920 Treaty of Paris’) grants equal and non-discriminatory access to resources around Svalbard for all parties to that Treaty, including with respect to fishing. The Union’s position concerning that access, as regards fishing for snow crab on the continental shelf around Svalbard, has been set out in several *notes verbales* to Norway, the latest of which dated 26 February 2021, 28 June 2021 and 1 August 2022. In order to ensure that the exploitation of snow crab around Svalbard is made consistent with such non-discriminatory management rules as may be set out by Norway, which enjoys sovereignty and jurisdiction in the area in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and the 1920 Treaty of Paris, it is appropriate to fix the number of vessels that are authorised to conduct such fishery. The allocation of such fishing opportunities among Member States is limited to 2023. It is recalled that, in the Union, primary responsibility for ensuring compliance with applicable law lies with the flag Member States.

(62) As regards the fishing opportunities for cod in Svalbard waters, the 1920 Treaty of Paris grants equal and non-discriminatory access to resources around Svalbard for all parties to that Treaty, including with respect to fishing. The Council should therefore set the Union quota for cod in Svalbard waters and international waters of ICES subarea 1 and division 2b based on the reference TAC of northeast Arctic cod and the Union historic fishing rights. In accordance with the Union-Norway political understanding in relation to the fisheries in ICES subareas 1 and 2 of 29 April 2022, Norway should establish a quota of cod for Union vessels fishing for cod in Svalbard waters at 2,8274 % of the reference TAC in its legislation, which also corresponds to the Union rights under the 1920 Treaty of Paris. As the discussions on the implementation of the Union-Norway political understanding are ongoing, it is appropriate that the Union establishes for the first quarter of 2023 a provisional Union quota for cod in Svalbard waters and international waters of ICES subarea 1 and division 2b. The level of that provisional Union quota should be fixed at 3 907 tonnes, taking into account the historic Union share for cod in Svalbard waters. Moreover, Norway intends to establish in its legislation a provisional quota for the Union for cod in Svalbard waters at that level for the period 1 January to 31 March 2023. The provisional quotas should be allocated to the Member States in accordance with Council Decision 87/277/EEC<sup>1</sup> subject to the adaptations necessary due to the withdrawal of the United Kingdom from the Union and due to the ratio of the level of the provisional Union quota to the Union share of the stock.

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<sup>1</sup> Council Decision 87/277/EEC of 18 May 1987 on the allocation of the catch possibilities for cod in the Spitsbergen and Bear Island area and in Division 3M as defined in the NAFO Convention (OJ L 135, 23.5.1987, p. 29).

- (63) In accordance with the Union's Declaration addressed to the Bolivarian Republic of Venezuela on the granting of fishing opportunities in Union waters to fishing vessels flying the flag of Venezuela in the exclusive economic zone off the coast of French Guiana<sup>1</sup>, it is necessary to fix the fishing opportunities for snapper available to Venezuela in Union waters.
- (64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to authorise individual Member States to manage fishing effort allocations in accordance with a kilowatt per day system; to grant additional days at sea for the permanent cessation of fishing activities and for enhanced scientific observer coverage; and to establish spreadsheet formats for the collection and transmission of information on transfers of days at sea between fishing vessels flying the flag of a Member State. The Commission should exercise those powers in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>2</sup>.

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<sup>1</sup> Council Decision (EU) 2015/1565 of 14 September 2015 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana (OJ L 244, 19.9.2015, p. 55).

<sup>2</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (65) Given that certain provisions should be applied on a continuous basis, and in order to avoid legal uncertainty in the period between the end of the previous year and the date of entry into force of the Regulation fixing the fishing opportunities for the subsequent year, the provisions of this Regulation concerning prohibitions and closed seasons should continue to apply at the beginning of 2024 until the entry into force of the Regulation fixing the fishing opportunities for 2024. In addition, such provisions applying from 1 January 2023 to 31 December 2024 should continue to apply at the beginning of 2025 until the entry into force of the Regulation fixing the fishing opportunities for 2025.
- (66) In order to avoid the interruption of fishing activities and to ensure the livelihood of Union fishers, this Regulation should apply from 1 January 2023, except for the provisions on fishing effort limits, which should apply from 1 February 2023, and certain provisions on particular regions, which should have a specific date of application. For reasons of urgency, this Regulation should enter into force immediately after its publication.



(67) Certain international measures that create or restrict fishing opportunities for the Union were adopted by the relevant RFMOs at the end of 2022 and became applicable before the entry into force of this Regulation. The provisions that implement such measures in Union law should therefore apply retroactively. In particular, as the fishing season in the CCAMLR Convention area runs from 1 December to 30 November, and as certain fishing opportunities or prohibitions in the CCAMLR Convention area are laid down for a period starting from 1 December 2022, the relevant provisions of this Regulation should apply from that date. In addition, the fishing season for toothfishes (*Dissostichus* spp.) in the SIOFA Agreement Area runs from 1 December to 30 November, and as the TACs for that group of species are established for a period starting from 1 December 2022, the TACs should apply from that date. Such retroactive application does not prejudice the principle of legitimate expectation as it is forbidden for fishing vessels flying the flag of the Contracting Party to fish in the CCAMLR Convention area and the SIOFA Agreement Area without authorisation. Moreover, in accordance with ICCAT rules, Member States should ensure that their fishing vessels do not deploy FADs during the 15 days before the start of the closure period, i.e. from 17 December 2022 onwards,

HAS ADOPTED THIS REGULATION:

# TITLE I

## GENERAL PROVISIONS

### *Article 1*

#### *Subject matter*

1. This Regulation fixes fishing opportunities available in Union waters and to Union fishing vessels in certain non-Union waters, for certain fish stocks, including for certain deep-sea fish stocks.
2. The fishing opportunities referred to in paragraph 1 include:
  - (a) catch limits for the year 2023 and, where specified in this Regulation, for the year 2024;
  - (b) fishing effort limits for the year 2023, except the fishing effort limits set out in Annex II, which are to apply from 1 February 2023 to 31 January 2024;
  - (c) fishing opportunities for the period from 1 December 2022 to 30 November 2023 for certain stocks in the CCAMLR Convention area and for certain stocks in the SIOFA Agreement Area.

## *Article 2*

### *Scope*

1. This Regulation applies to the following fishing vessels:
  - (a) Union fishing vessels; and
  - (b) third-country vessels in Union waters.
2. This Regulation also applies to:
  - (a) certain recreational fisheries expressly referred to in the relevant provisions of this Regulation; and
  - (b) commercial fisheries from shore.

*Article 3*  
*Definitions*

For the purposes of this Regulation, the definitions in Article 4 of Regulation (EU) No 1380/2013 apply. In addition, the following definitions apply:

- (a) ‘third-country vessel’ means a fishing vessel flying the flag of, and registered in, a third country;
- (b) ‘recreational fisheries’ means non-commercial fishing activities exploiting marine biological resources in the context of recreation, tourism or sport;
- (c) ‘international waters’ means waters outside the sovereignty or jurisdiction of any State;
- (d) ‘total allowable catch’ (TAC) means:
  - (i) in fisheries subject to the exemption from the landing obligation referred to in Article 15(4) to (7) of Regulation (EU) No 1380/2013, the quantity of fish that may be landed from each stock each year;
  - (ii) in all other fisheries, the quantity of fish that may be caught from each stock each year;
- (e) ‘quota’ means a proportion of a TAC that is allocated to the Union, a Member State or a third country;

- (f) ‘analytical assessment’ means a quantitative evaluation of trends in a given stock, based on data about the stock’s biology and exploitation, which scientific review has indicated to be of sufficient quality to provide scientific advice on options for future catches;
- (g) ‘mesh size’ means the mesh size of fishing nets as defined in Article 6, point (34), of Regulation (EU) 2019/1241 of the European Parliament and of the Council<sup>1</sup>;
- (h) ‘Union fishing fleet register’ means the register set up by the Commission pursuant to Article 24(3) of Regulation (EU) No 1380/2013;
- (i) ‘fishing logbook’ means the logbook referred to in Article 14 of Regulation (EC) No 1224/2009;
- (j) ‘instrumented buoy’ means a buoy clearly marked with a unique reference number allowing identification of its owner and equipped with a satellite tracking system to monitor its position;
- (k) ‘operational buoy’ means any instrumented buoy, previously activated, switched on and deployed at sea on a drifting fish aggregating device (FAD) or log, which transmits positions and other available information such as echo-sounder estimates.

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<sup>1</sup> 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).

*Article 4*  
*Fishing zones*

For the purposes of this Regulation, the following zone definitions apply:

- (a) ICES (International Council for the Exploration of the Sea) zones are the geographical areas specified in Annex III to Regulation (EC) No 218/2009 of the European Parliament and of the Council<sup>1</sup>;
- (b) ‘Skagerrak’ means the geographical area bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast;
- (c) ‘Kattegat’ means the geographical area bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenøre to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;

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<sup>1</sup> Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

(d) 'functional unit 16 of ICES subarea 7' means the geographical area bounded by rhumb lines sequentially joining the following positions:

- 53° 30' N 15° 00' W,
- 53° 30' N 11° 00' W,
- 51° 30' N 11° 00' W,
- 51° 30' N 13° 00' W,
- 51° 00' N 13° 00' W,
- 51° 00' N 15° 00' W;

(e) 'functional unit 25 of ICES division 8c' means the geographical sea area bounded by rhumb lines sequentially joining the following positions:

- 43° 00' N 9° 00' W,
- 43° 00' N 10° 00' W,
- 43° 30' N 10° 00' W,
- 43° 30' N 9° 00' W,
- 44° 00' N 9° 00' W,
- 44° 00' N 8° 00' W,
- 43° 30' N 8° 00' W;

- (f) ‘functional unit 26 of ICES division 9a’ means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 43° 00' N 8° 00' W,
  - 43° 00' N 10° 00' W,
  - 42° 00' N 10° 00' W,
  - 42° 00' N 8° 00' W;
- (g) ‘functional unit 27 of ICES division 9a’ means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 42° 00' N 8° 00' W,
  - 42° 00' N 10° 00' W,
  - 38° 30' N 10° 00' W,
  - 38° 30' N 9° 00' W,
  - 40° 00' N 9° 00' W,
  - 40° 00' N 8° 00' W;
- (h) ‘functional unit 30 of ICES division 9a’ means the geographical area under the jurisdiction of Spain in the Gulf of Cádiz and in the adjacent waters of ICES division 9a;



- (i) ‘functional unit 31 of ICES division 8c’ means the geographical sea area bounded by rhumb lines sequentially joining the following positions:
- 43° 30' N 6° 00' W,
  - 44° 00' N 6° 00' W,
  - 44° 00' N 2° 00' W,
  - 43° 30' N 2° 00' W;
- (j) ‘Gulf of Cádiz’ means the geographical area of ICES division 9a east of longitude 7° 23' 48" W;
- (k) ‘CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources) Convention area’ means the geographical area defined in Article 2, point (a), of Council Regulation (EC) No 601/2004<sup>1</sup>;
- (l) CECAF (Committee for Eastern Central Atlantic Fisheries) areas are the geographical areas specified in Annex II to Regulation (EC) No 216/2009 of the European Parliament and of the Council<sup>2</sup>;

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<sup>1</sup> Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999 (OJ L 97, 1.4.2004, p. 16).

<sup>2</sup> Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).

- (m) ‘IATTC (Inter-American Tropical Tuna Commission) Convention area’ means the geographical area defined in the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (Antigua Convention)<sup>1</sup>;
- (n) ‘ICCAT (International Commission for the Conservation of Atlantic Tunas) Convention area’ means the geographical area defined in the International Convention for the Conservation of Atlantic Tunas<sup>2</sup>;
- (o) ‘IOTC (Indian Ocean Tuna Commission) Area of Competence’ means the geographical area defined in the Agreement for the establishment of the Indian Ocean Tuna Commission<sup>3</sup>;

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<sup>1</sup> OJ L 224, 16.8.2006, p. 24. The Union approved the Convention for the Strengthening of IATTC by means of Council Decision 2006/539/EC of 22 May 2006 on the conclusion, on behalf of the European Community of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (OJ L 224, 16.8.2006, p. 22).

<sup>2</sup> OJ L 162, 18.6.1986, p. 34. The Union acceded to the ICCAT by means of Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).

<sup>3</sup> OJ L 236, 5.10.1995, p. 25. The Union acceded to the IOTC by means of Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).

- (p) NAFO (Northwest Atlantic Fisheries Organisation) areas are the geographical areas specified in Annex III to Regulation (EC) No 217/2009 of the European Parliament and of the Council<sup>1</sup>;
- (q) ‘SEAFO (South East Atlantic Fisheries Organisation) Convention area’ means the geographical area defined in the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean<sup>2</sup>;
- (r) ‘SIOFA (Southern Indian Ocean Fisheries Agreement) Agreement Area’ means the geographical area defined in the Southern Indian Ocean Fisheries Agreement<sup>3</sup>;

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<sup>1</sup> Regulation (EC) No 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic (OJ L 87, 31.3.2009, p. 42).

<sup>2</sup> OJ L 234, 31.8.2002, p. 40. The Union approved the SEAFO Convention by means of Council Decision 2002/738/EC of 22 July 2002 on the conclusion by the European Community of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean (OJ L 234, 31.8.2002, p. 39).

<sup>3</sup> OJ L 196, 18.7.2006, p. 15. The Union approved the SIOFA by means of Council Decision 2008/780/EC of 29 September 2008 on the conclusion, on behalf of the European Community, of the Southern Indian Ocean Fisheries Agreement (OJ L 268, 9.10.2008, p. 27).

- (s) ‘SPRFMO (South Pacific Regional Fisheries Management Organisation) Convention area’ means the geographical area defined in the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean<sup>1</sup>;
- (t) ‘WCPFC (Western and Central Pacific Fisheries Commission) Convention area’ means the geographical area defined in the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean<sup>2</sup>;
- (u) ‘high seas of the Bering Sea’ means the geographical area of the high seas of the Bering Sea beyond 200 nautical miles from the baselines from which the breadth of the territorial seas of the coastal States of the Bering Sea is measured;

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<sup>1</sup> OJ L 67, 6.3.2012, p. 3. The Union approved the SPRFMO Convention by means of Council Decision 2012/130/EU of 3 October 2011 on the approval, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (OJ L 67, 6.3.2012, p. 1).

<sup>2</sup> OJ L 32, 4.2.2005, p. 3. The Union acceded to the WCPFC by means of Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).

- (v) ‘overlap area between IATTC and WCPFC Convention areas’ means the geographical area defined by the following limits:
- longitude 150° W,
  - longitude 130° W,
  - latitude 4° S,
  - latitude 50° S;
- (w) ‘GFCM geographical subareas’ mean the areas defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council<sup>1</sup>.

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<sup>1</sup> Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

**TITLE II**  
**FISHING OPPORTUNITIES**  
**FOR UNION FISHING VESSELS**

**Chapter I**  
**General provisions**

*Article 5*  
*TACs and allocations*

1. The TACs for Union fishing vessels in Union waters and certain non-Union waters, their allocation among Member States and, where appropriate, the conditions functionally linked thereto are set out in Annex I.
2. Union fishing vessels may be authorised to fish in waters under the fisheries jurisdiction of the Faroe Islands, Greenland, Norway and in the fishing zone around Jan Mayen subject to the TACs set out in Annex I to this Regulation and subject to the conditions provided for in Article 19 and Part A of Annex V to this Regulation and in Regulation (EU) 2017/2403 of the European Parliament and of the Council<sup>1</sup> and its implementing provisions.

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<sup>1</sup> Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

3. Union fishing vessels may be authorised to fish in waters under the fisheries jurisdiction of the United Kingdom subject to the TACs in Annex I to this Regulation and subject to the conditions provided for in Article 19 of this Regulation and in Regulation (EU) 2017/2403 and its implementing provisions.

#### *Article 6*

##### *TACs to be determined by Member States*

1. The TACs for certain fish stocks identified in Annex I shall be determined by the Member State concerned.
2. The TACs to be determined by a Member State referred to in paragraph 1 shall:
  - (a) be consistent with the principles and rules of the CFP, in particular the principle of sustainable exploitation of the stock; and
  - (b) result in an exploitation of the stock that is:
    - (i) if an analytical assessment is available, in line with maximum sustainable yield, with as high a probability as possible; or
    - (ii) if an analytical assessment is unavailable or incomplete, consistent with the precautionary approach to fisheries management.

3. By 15 March 2023, each Member State concerned shall submit the following information to the Commission:
  - (a) the TACs that it has determined;
  - (b) the data that it has collected, assessed and used as a basis for the determination of the TACs;
  - (c) details as to how the determined TACs comply with paragraph 2.
4. For the TAC for black scabbardfish (*Aphanopus carbo*) in CECAF area 34.1.2, Portugal shall submit the information referred to in paragraph 3 for that TAC for 2023 by 15 March 2023 and for that TAC for 2024 by 15 March 2024.

#### *Article 7*

#### *Application of provisional TACs*

1. Where a reference is made to this paragraph in a fishing opportunities table in Annex IA or Annex IB, the TACs in that table shall apply provisionally from 1 January to 31 March 2023. Those provisional TACs shall be without prejudice to setting definitive TACs for 2023 in line with the outcomes of international negotiations and/or consultations, in accordance with the scientific advice and the applicable provisions of Regulation (EU) No 1380/2013 and the relevant MAPs.



2. Union fishing vessels may fish for stocks subject to provisional TACs referred to in the first paragraph in Union and international waters and in waters of third countries that have granted access to their waters for Union fishing vessels.

*Article 8*

*Conditions for landing catches and by-catches*

1. Catches that are not subject to the landing obligation under Article 15 of Regulation (EU) No 1380/2013 shall be retained on board or landed only if they:
  - (a) have been taken by fishing vessels flying the flag of a Member State that has a quota and that quota has not been exhausted; or
  - (b) make up a share of a Union quota that has not been allocated among Member States and that has not been exhausted.
2. For the purposes of the derogation from the obligation to count catches against the relevant quotas, as provided for in Article 15(8) of Regulation (EU) No 1380/2013, the stocks of non-target species within safe biological limits referred to in that Article are identified in Annex I to this Regulation.

## *Article 9*

### *Quota-exchange mechanism for TACs for unavoidable by-catches*

1. In order to take account of the landing obligation and to make quotas for certain by-catches available to Member States without a quota, the quota-exchange mechanism set out in paragraphs 2 to 5 shall apply to the TACs identified in Annex IA.
2. 6 % of each quota from the TACs for cod (*Gadus morhua*) in the Celtic Sea, cod in the West of Scotland, whiting in the Irish Sea and plaice in ICES divisions 7h, 7j and 7k, and 3 % of each quota from the TAC for West of Scotland whiting, allocated to each Member State, shall be made available for a pool for quota exchanges ('the pool'), which shall open as of 1 January 2023. Member States without quota shall have exclusive access to the quota pool until 30 April 2023.
3. The quantities drawn from the pool may not be exchanged or transferred to the following year. After 30 April 2023, any unused quantities shall be returned to the Member States that initially contributed to the pool.
4. Member States without a quota shall provide in return quotas for stocks listed in Annex IA, Part C, unless the Member State without a quota and the Member State contributing to the pool agree otherwise.

5. The quotas referred to in paragraph 4 shall be of equivalent commercial value, determined on the basis of a market exchange rate or other mutually acceptable exchange rates. In the absence of alternatives, the equivalent commercial value shall be determined on the basis of average Union prices from the previous year, as provided by the European Market Observatory for Fisheries and Aquaculture Products.
6. Where the quota-exchange mechanism set out in paragraphs 2 to 5 does not allow Member States to cover their unavoidable by-catches to a similar extent, Member States shall endeavour to agree on quota exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013, ensuring that quotas exchanged are of equivalent commercial value.

#### *Article 10*

##### *Fishing effort limits in ICES division 7e*

1. For the period referred to in point (b) of Article 1(2), the technical aspects of the rights and obligations for the management of the sole stock in ICES division 7e are set out in Annex II.
2. At the request of a Member State in accordance with point 7.4 of Annex II, the Commission may adopt an implementing act by which it allocates to that Member State a number of days at sea in addition to those referred to in point 5 of Annex II, on which it may authorise a fishing vessel under its flag to be present in ICES division 7e when carrying on board any regulated gear. The Commission shall adopt that implementing act in accordance with the examination procedure referred to in Article 57(2).

3. At the request of a Member State, the Commission may adopt an implementing act by which it allocates to that Member State a maximum of three days between 1 February 2023 and 31 January 2024, in addition to those referred to in point 5 of Annex II, on which a fishing vessel may be present in ICES division 7e on the basis of an enhanced programme of scientific observer coverage, as referred to in point 8.1 of Annex II. It shall make such an allocation on the basis of the description submitted by that Member State in accordance with point 8.3 of Annex II and following consultation with the STECF. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 57(2).

### *Article 11*

#### *Measures on European seabass fisheries*

#### *in ICES divisions 4b, 4c and 6a and ICES subarea 7*

1. It shall be prohibited for Union fishing vessels, as well as for any commercial fisheries from shore, to fish for European seabass (*Dicentrarchus labrax*) in ICES divisions 4b and 4c and in ICES subarea 7 or to retain on board, tranship, relocate or land European seabass caught in that area.
2. The prohibition set out in paragraph 1 shall not apply to by-catches of seabass in shore-based commercial netting activities. This exemption applies to historic numbers of beach nets set at pre-2017 levels. Shore-based commercial netting activities shall not target seabass and only unavoidable by-catches of seabass may be landed.

3. By way of derogation from paragraph 1, in January 2023 and from 1 April to 31 December 2023, Union fishing vessels in ICES divisions 4b, 4c, 7d, 7e, 7f and 7h may fish for, retain on board, tranship, relocate or land European seabass caught in that area with the following gear and within the following limits:
- (a) using demersal trawls<sup>1</sup>, for unavoidable by-catches not exceeding 3.8 tonnes per fishing vessel and per year and 5 % of the weight of the total catches of marine organisms on board caught by the fishing vessel concerned per fishing trip;
  - (b) using seines<sup>2</sup>, for unavoidable by-catches not exceeding 3,8 tonnes per fishing vessel and per year and 5 % of the weight of the total catches of marine organisms on board caught by the fishing vessel concerned per fishing trip;
  - (c) using hooks and lines<sup>3</sup>, not exceeding 6,2 tonnes per fishing vessel;
  - (d) using fixed gillnets<sup>4</sup>, for unavoidable by-catches not exceeding 1,6 tonnes per fishing vessel.

The derogations set out in the first subparagraph, point (c), shall apply to Union fishing vessels that have recorded catches of European seabass using hooks and lines over the period from 1 July 2015 to 30 September 2016.

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<sup>1</sup> All types of demersal trawls (OTB, OTT, PTB, TBB, TBN, TBS and TB).

<sup>2</sup> All types of seines (SSC, SDN, SPR, SV, SB and SX).

<sup>3</sup> All long lines or pole and line or rod and line fisheries (LHP, LHM, LLD, LL, LTL, LX and LLS).

<sup>4</sup> All fixed gillnets and traps (GTR, GNS, GNC, FYK, FPN and FIX).

The derogations set out in the first subparagraph, point (d), shall apply to Union fishing vessels that have recorded catches of European seabass using fixed gillnets over the period from 1 July 2015 to 30 September 2016.

In the case of a replacement of a Union fishing vessel, Member States may allow the derogations to apply to another Union fishing vessel provided that the number of Union fishing vessels subject to each of the derogations and their overall fishing capacity do not increase.

4. The catch limits set out in paragraph 3 shall not be transferable between fishing vessels.
5. In recreational fisheries, including from shore, in ICES divisions 4b, 4c, 6a and 7a to 7k:
  - (a) from 1 February to 31 March 2023:
    - (i) only catch-and-release fishing with a rod or a handline for European seabass shall be allowed;
    - (ii) it shall be prohibited to retain, relocate, tranship or land European seabass caught in that area;

- (b) in January and from 1 April to 31 December 2023:
  - (i) not more than two specimens of European seabass may be caught and retained per fisher per day;
  - (ii) the minimum size of European seabass retained shall be 42 cm;
  - (iii) fixed nets shall not be used to catch or retain European seabass.
- 6. Paragraph 5 shall be without prejudice to more stringent national measures on recreational fisheries.

*Article 12*

*Measures on European seabass fisheries in ICES divisions 8a and 8b*

- 1. France and Spain shall, in accordance with Article 4(3) of Regulation (EU) 2019/472, ensure that the fishing mortality of the European seabass stock in ICES divisions 8a and 8b from their commercial and recreational fisheries does not exceed the  $F_{MSY}$  point value, as defined in Article 2(5) of Regulation (EU) 2019/472.
- 2. In recreational fisheries, including from shore, in ICES divisions 8a and 8b:
  - (a) a maximum of two specimens of European seabass may be caught and retained per fisher per day;
  - (b) fixed nets shall not be used to catch or retain European seabass.

3. Paragraph 2 shall apply without prejudice to more stringent national measures on recreational fisheries.

### *Article 13*

#### *Measures on European eel fisheries*

1. This Article applies to Union waters, including brackish waters, such as estuaries, coastal lagoons and transitional waters, and for Union fishing vessels in GFCM geographical subareas 1 to 27. This Article does not apply to GFCM geographical subarea 29.
2. It shall be prohibited to engage in commercial fishing activities for European eel (*Anguilla anguilla*), either as a targeted species or as by-catch, at all life stages for a period of at least six months. To that effect, each Member State concerned shall determine one or more closure periods subject to the following:
  - (a) where appropriate, the closure period or periods may differ within one Member State from one fishing area to another in order to take account of the geographical and temporal migration pattern of eel at its different life stages;
  - (b) the closure period or periods shall last six consecutive months, or a total of six months in accordance with paragraphs 3 or 4; and
  - (c) by derogation from point (b), if the Member State concerned determines that the closure period in the GFCM geographical subareas 1 to 27 shall start on or after 1 March 2023, the period shall last six consecutive months;



- (d) the closure period or periods shall be consistent with the conservation objectives set out in Regulation (EC) No 1100/2007, with national management plans in place and with the temporal migration patterns of European eel at the respective life stage in the Member State concerned.
3. In GFCM geographical subareas 1 to 27, the closure period shall be from 1 January to 31 March 2023, and an additional closure period of three months to be established by each Member State concerned between 1 April and 30 November 2023.
4. In ICES subareas 3, 4, 6, 7, 8 and 9, the closure periods shall be:
- (a) for European eel of an overall length of 12 cm or more:
    - (i) in ICES subarea 3, from 1 October to 31 December 2023, and an additional closure period of three months to be determined by each Member State in the period between 1 March and 31 August 2023;
    - (ii) in ICES subareas 4, 6 and 7, from 1 September to 30 November 2023, and an additional closure period of three months to be determined by each Member State in the period between 1 March and 31 July 2023 and December 2023;
    - (iii) in ICES subareas 8 and 9, from 1 November 2023 to 31 January 2024, and an additional closure period of three months to be determined by each Member State concerned in the period between 1 March and 30 September 2023;

- (b) for European eel of an overall length of less than 12 cm:
- (i) from 1 January to 31 March 2024 and an additional closure period of three months to be determined by each Member State concerned in the period between 1 March and 31 December 2023;
  - (ii) by way of derogation from point (i), each Member State concerned may allow fishing for one month during the closure period that it has determined under that point. In that case, the Member State concerned shall determine an additional closure period of one month;
  - (iii) by way of further derogation from point (i), each Member State concerned may allow fishing exclusively for restocking for an additional one month during the closure period that it has determined under that point. In that case, the Member State concerned shall determine a further additional closure period of one month;
  - (iv) the application of points (i) to (iii) shall not lead to a situation where the Member State concerned allows during the period between 1 January to 31 March 2023 fishing for more than one month plus one additional month exclusively for restocking.

5. Each Member State concerned shall inform the Commission:
  - (a) about the closure period or closure periods that it has determined in accordance with paragraphs 2 to 4:
    - (i) by 1 March 2023 for the in GFCM geographical subareas 1 to 27;
    - (ii) by 1 March 2023 for ICES subareas 3, 4, 6, 7, 8 and 9;
  - (b) within 2 weeks after their adoption about the national measures relating to the closure period or periods that it has determined in accordance with paragraphs 2 to 4.
6. Recreational fisheries of European eel at all life stages shall be prohibited.

#### *Article 14*

##### *Special provisions on allocations of fishing opportunities*

1. The allocation of fishing opportunities among Member States set out in this Regulation shall be without prejudice to:
  - (a) exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
  - (b) deductions and reallocations pursuant to Article 37 of Regulation (EC) No 1224/2009;
  - (c) reallocations pursuant to Articles 12 and 47 of Regulation (EU) 2017/2403;

- (d) additional landings allowed under Article 3 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;
  - (e) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;
  - (f) deductions pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009;
  - (g) quota transfers and exchanges pursuant to Articles 20 and 52 of this Regulation.
2. Stocks subject to precautionary or analytical TACs for the purposes of the year-to-year management of TACs and quotas provided for in Regulation (EC) No 847/96 are identified in Annex I to this Regulation.
  3. Except where otherwise specified in Annex I to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to a precautionary TAC, and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to an analytical TAC.
  4. Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

*Article 15*

*Closed fishing seasons for sandeels*

Commercial fishing for sandeels (*Ammodytes* spp.) with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm shall be prohibited in ICES divisions 2a and 3a and in ICES subarea 4 from 1 January to 31 March 2023 and from 1 August to 31 December 2023.

*Article 16*

*Remedial measures for cod in the North Sea*

1. The areas closed to fishing, except with pelagic gear (purse seines and trawls), and the periods during which the closures apply are set out in Annex IV.
2. Vessels fishing with bottom trawls and seines with minimum mesh size of at least 70 mm in ICES divisions 4a and 4b or at least 90 mm in ICES division 3a, and longlines<sup>1</sup> shall be prohibited from fishing in Union waters of ICES division 4a, north of latitude 58° 30' 00" N and south of latitude 61° 30' 00" N, and in Union waters of ICES divisions 3a.20 (Skagerrak), 4a and 4b, north of latitude 57° 00' 00" N and east of longitude 5° 00' 00" E.

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<sup>1</sup> Gear codes: OTB, OTT, OT, TBN, TBS, TB, TX, PTB, SDN, SSC, SX, LL, LLS.

3. By way of derogation from paragraph 2, fishing vessels referred to in that paragraph may fish in the areas referred to in that paragraph provided that they fulfil at least one of the following criteria:
- (a) their cod catches do not account for more than 5 % of their total catches per fishing trip; fishing vessels whose cod catches did not exceed 5 % of their total catches in 2017–2019 are presumed to comply with this criterion provided that they continue to use the same gear that they used in that period; this presumption may be rebutted;
  - (b) a regulated and highly selective bottom trawl or seine is used, resulting, according to a scientific study, in at least a 30 % reduction in cod catches compared to vessels fishing with the baseline mesh size for towed gears, as specified in Part B, point 1.1, of Annex V to Regulation (EU) 2019/1241; such studies may be evaluated by the STECF and in the case of a negative evaluation, the gears in question shall no longer be considered valid for use in the areas referred to in paragraph 2 of this Article;
  - (c) for vessels fishing with bottom trawls and seines with mesh sizes equal to or larger than 100 mm (TR1), the following highly selective gears are used:
    - (i) belly trawls with a minimum belly mesh size of 600 mm;
    - (ii) raised fishing line (0,6 m);
    - (iii) horizontal separating panel with large mesh escape panel;

- (d) for vessels fishing with bottom trawls and seines with mesh sizes equal to or larger than 70 mm in ICES division 4a and 90 mm in ICES division 3a, and less than 100 mm (TR2), the following highly selective gears are used:
- (i) horizontal sorting grid with maximum 50 mm bar spacing separating flatfish and roundfish, with an unblocked fish outlet for roundfish;
  - (ii) Seltra panel with 300 mm square-mesh size;
  - (iii) sorting grid with maximum 35 mm bar spacing, with an unblocked fish outlet;
- (e) fishing vessels are subject to a national cod avoidance plan to sustain cod catches in line with the fishing mortality corresponding to the fishing opportunities fixed, based on scientific advice levels, through spatial or technical measures, or a combination thereof; such plans shall be assessed no later than two months following their implementation, by the STECF in the case of Member States or by the relevant national scientific body in the case of third countries, and, where deemed necessary, further revised if such assessments find that the objective of the national cod avoidance plan will not be met.
4. Member States shall enhance the monitoring, control and surveillance of fishing vessels referred to in paragraph 2 in order to ensure compliance with the conditions laid down in paragraph 3.

5. This Article shall not apply to fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in compliance with Article 25 of Regulation (EU) 2019/1241.

*Article 17*

*Remedial measures for cod in the Kattegat*

1. Union fishing vessels fishing in the Kattegat with bottom trawls<sup>1</sup> with minimum mesh size of 70 mm shall use one of the following selective gears:
- (a) sorting grid with maximum 35 mm bar spacing, with an unblocked fish outlet;
  - (b) sorting grid with maximum 50 mm bar spacing separating flatfish and roundfish, with an unblocked fish outlet for roundfish;
  - (c) Seltra panel with 300 mm square-mesh size;
  - (d) regulated highly selective gear, the technical attributes of which result, according to a scientific study assessed by the STECF, in catches of less than 1,5 % of cod, provided it is the only gear that the fishing vessel carries on board.
2. Union fishing vessels participating in a project run by a Member State and having functioning equipment for fully documented fisheries may use a gear in accordance with Part B of Annex V to Regulation (EU) 2019/1241. The Member State in question shall communicate a list of such vessels to the Commission.

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<sup>1</sup> Gear codes: OTB, OTT, OT, TBN, TBS, TB, TX, PTB.



3. This Article shall not apply to fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in compliance with Article 25 of Regulation (EU) 2019/1241.

*Article 18*

*Prohibited species*

1. Union fishing vessels shall not fish for, retain on board, tranship or land the following species:
- (a) starry ray (*Amblyraja radiata*) in United Kingdom and Union waters of ICES subarea 4 and division 7d; United Kingdom waters of division 2a; and Union waters of division 3a;
  - (b) splendid alfonsino (*Beryx splendens*) in NAFO subarea 6;
  - (c) leafscale gulper shark (*Centrophorus squamosus*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
  - (d) Portuguese dogfish (*Centroscymnus coelolepis*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;

- (e) kitefin shark (*Dalatias licha*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
- (f) birdbeak dogfish (*Deania calcea*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
- (g) common skate (*Dipturus batis*) complex (*Dipturus* cf. *flossada* and *Dipturus* cf. *intermedia*) in United Kingdom and Union waters of ICES subareas 4 and 6 to 8; United Kingdom waters of division 2a and subarea 5; and Union waters of subareas 3, 9 and 10;
- (h) great lanternshark (*Etmopterus princeps*) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;
- (i) tope shark (*Galeorhinus galeus*) when taken with longlines in United Kingdom and Union waters of ICES subareas 4; United Kingdom waters of division 2a; United Kingdom and international waters of subarea 5; United Kingdom, Union and international waters of subareas 6 to 8; and international waters of subareas 12 and 14;
- (j) porbeagle (*Lamna nasus*) in all waters;

- (k) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
  - (l) undulate ray (*Raja undulata*) in United Kingdom and Union waters of ICES subarea 6; and Union waters of ICES subarea 10;
  - (m) whale shark (*Rhincodon typus*) in all waters;
  - (n) common guitarfish (*Rhinobatos rhinobatos*) in the Mediterranean;
  - (o) orange roughy (*Hoplostethus atlanticus*) in United Kingdom, Union and international waters of ICES subareas 1 to 10, 12 and 14;
  - (p) deep-sea sharks listed in Annex I, Part D, in United Kingdom, Union and international waters of ICES subareas 6 to 9; United Kingdom and international waters of 5; Union and international waters of ICES subarea 10; Union waters of CEEAF areas 34.1.1, 34.1.2 and 34.2; and international waters of ICES subarea 12.
2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.

#### *Article 19*

##### *Data transmission*

When Member States submit to the Commission data relating to landings and fishing effort pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, they shall use the stock codes set out in Annex I to this Regulation.

## **Chapter II**

### **Fishing authorisations in third-country waters**

#### *Article 20*

#### *Fishing authorisations*

1. The maximum numbers of fishing authorisations for Union fishing vessels in third-country waters, where applicable, are set out in Part A of Annex V.
  
2. Where one Member State transfers quota to another in the fishing areas set out in Part A of Annex V to this Regulation in accordance with Article 16(8) of Regulation (EU) No 1380/2013, the transfer shall include an appropriate transfer of fishing authorisations and be notified to the Commission. The total number of authorisations for each fishing area, as set out in Part A of Annex V to this Regulation, shall not be exceeded.

# **Chapter III**

## **Fishing opportunities in waters of regional fisheries management organisations**

### **SECTION 1**

#### **GENERAL PROVISIONS**

##### *Article 21*

##### *Quota transfers and exchanges*

1. Where the rules of a regional fisheries management organisation (RFMO) permit quota transfers or exchanges between the Contracting Parties to that RFMO, a Member State ('the Member State concerned') may discuss with a Contracting Party to that RFMO and establish a possible outline of an intended quota transfer or exchange, as appropriate. The Member State concerned shall notify the Commission of the outline.
  
2. On being notified in accordance with paragraph 1, the Commission may endorse the outline of the intended quota transfer or exchange. If the Commission endorses the outline, it shall express, without undue delay, the consent to be bound by the intended quota transfer or exchange. It shall notify the secretariat of the RFMO of the transfer or exchange in accordance with the rules of that RFMO.

3. The Commission shall inform the Member States of any agreed quota transfer or exchange.
4. The fishing opportunities received or transferred by the Member State concerned under the quota transfer or exchange shall be deemed to be quotas added to, or deducted from, its allocation as of the moment when the transfer or exchange takes effect under the terms of the agreement with the relevant Contracting Party to the RFMO or in accordance with the rules of the relevant RFMO, as appropriate. Such transfers and exchanges shall not affect the distribution key for allocating fishing opportunities among Member States in accordance with the principle of relative stability of fishing activities.

**SECTION 2**  
**NEAFC CONVENTION AREA**

*Article 22*

*Redfish in the Irminger Sea*

1. All fishing activities shall be prohibited in the area bounded by following coordinates measured according to the WGS84 system:

Latitude	Longitude
63° 00'	- 30° 00'
61° 30'	- 27° 35'
60° 45'	- 28° 45'
62° 00'	- 31° 35'
63° 00'	- 30° 00'

2. Vessels shall be prohibited from fishing, retaining on board, transshipping or landing in Union ports and Union fishing vessels also in third-country ports shallow pelagic and deep pelagic beaked redfish (*Sebastes mentella*) from the Irminger Sea and adjacent waters (ICES subareas 5, 12 and 14, and NAFO subareas 1 and 2).
3. Union fishing vessels shall be prohibited from participating in transshipment operations involving the stocks referred to in paragraph 2.

**SECTION 3**  
**ICCAT CONVENTION AREA**

*Article 23*

*Fishing, farming and fattening capacity limitations*

1. The number of Union bait boats and trolling boats authorised to fish actively for bluefin tuna (*Thunnus thynnus*) between 8 kg/75 cm and 30 kg/115 cm in the eastern Atlantic shall be limited as set out in point 1 of Annex VI.
2. The number of Union coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean shall be limited as set out in point 2 of Annex VI.
3. The number of Union fishing vessels fishing for bluefin tuna in the Adriatic Sea for farming purposes authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm shall be limited as set out in point 3 of Annex VI.
4. The number of Union fishing vessels authorised to fish for, retain on board, tranship, transport or land bluefin tuna in the eastern Atlantic and Mediterranean shall be limited as set out in point 4 of Annex VI.
5. The number of traps engaged in bluefin tuna fishery in the eastern Atlantic and Mediterranean shall be limited as set out in point 5 of Annex VI.



6. The bluefin tuna total farming and fattening capacity and the maximum input of wild-caught bluefin tuna allocated to farms in the eastern Atlantic and Mediterranean shall be limited as set out in point 6 of Annex VI.
7. The maximum number of Union fishing vessels authorised to fish for northern albacore (*Thunnus alalunga*) as a target species in accordance with Article 12 of Council Regulation (EC) No 520/2007<sup>1</sup> shall be limited as set out in point 7 of Annex VI to this Regulation.
8. The maximum number of Union fishing vessels of at least 20 m length fishing for bigeye tuna (*Thunnus obesus*) in the ICCAT Convention area shall be limited as set out in point 8 of Annex VI.

#### *Article 24*

#### *Recreational fisheries*

Where appropriate, Member States shall allocate a specific share from their allocated quotas to recreational fisheries, as set out in Annex ID.

#### *Article 25*

#### *Sharks*

1. It shall be prohibited to retain on board, tranship or land any part or whole carcass of bigeye thresher sharks (*Alopias superciliosus*) caught in any fishery.

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<sup>1</sup> Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).

2. It shall be prohibited to engage in directed fishery for species of thresher sharks of the *Alopias* genus.
3. It shall be prohibited to retain on board, tranship or land any part or whole carcass of hammerhead sharks of the *Sphyrnidae* family (except *Sphyrna tiburo*) caught in fisheries in the ICCAT Convention area.
4. It shall be prohibited to retain on board, tranship or land any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) caught in any fishery.
5. It shall be prohibited to retain on board silky sharks (*Carcharhinus falciformis*) caught in any fishery.
6. It shall be prohibited to retain on board, tranship or land any part or whole carcass of North Atlantic shortfin mako (*Isurus oxyrinchus*) caught in fisheries in the ICCAT Convention area.

*Article 26*  
*FADs for tropical tunas*

1. It shall be prohibited to use FADs in the ICCAT Convention area from 1 January to 13 March 2023.
2. During the 15 days before the start of the period referred to in paragraph 1, from 17 December 2022 to 31 December 2022, Member States shall ensure that their fishing vessels do not deploy FADs. Each fishing vessel shall have no more than 300 FADs with operational buoys deployed at any time in the ICCAT Convention area.
3. Member States shall report to the Commission historical data on fishing gear set around FADs by their purse-seine vessels by 30 June 2023. If a Member State does not report those data by that date, fishing vessels flying its flag shall not set fishing gear around FADs until the Commission receives those data from that Member State for further reporting to ICCAT.

**SECTION 4**  
**CCAMLR CONVENTION AREA**

*Article 27*

*Exploratory fisheries notifications for toothfish*

Member States may participate in longline exploratory fisheries for toothfish (*Dissostichus* spp.) in FAO subareas 88.1 and 88.2, and FAO divisions 58.4.1, 58.4.2 and 58.4.3a outside areas of national jurisdiction in 2023. Member States intending to do so shall notify the CCAMLR Secretariat in accordance with Articles 7 and 7a of Regulation (EC) No 601/2004 no later than 1 June 2023.

*Article 28*

*Limits on exploratory fisheries for toothfish*

1. Fishing for toothfish in the 2022–2023 fishing season shall be limited to the Member States, subareas and number of fishing vessels set out in Table A in Annex VII, and the TACs and by-catch limits set out in Table B in that Annex shall apply.
2. Direct fishing of shark species for purposes other than scientific research shall be prohibited. Any by-catch of shark, especially juveniles and gravid females, taken accidentally in the toothfish fishery shall be released alive.

3. Where applicable, fishing in any small-scale research unit (SSRU) shall cease when the reported catch reaches the specified TAC, and the SSRU shall be closed to fishing for the remainder of the fishing season.
4. Fishing shall take place over as large a geographical and bathymetric range as possible, so as to obtain the information necessary to determine fishery potential and avoid an over-concentration of catch and fishing effort. However, fishing in FAO subareas 48.6 and 88.1, and in FAO division 58.4.3a, where permitted under Article 26, shall be prohibited in depths of less than 550 m.

*Article 29*

*Krill fishery during the 2022–2023 fishing season*

1. Member States intending to fish for krill (*Euphausia superba*) in the CCAMLR Convention area during the 2022–2023 fishing season shall notify the Commission thereof no later than 1 May 2023, using the form in Part B of the Appendix to Annex VII. On the basis of the information provided by Member States, the Commission shall submit the notifications to the CCAMLR Secretariat no later than 30 May 2023.
2. The notification referred to in paragraph 1 of this Article shall include the information provided for in Article 3 of Regulation (EC) No 601/2004 for each fishing vessel to be authorised to participate in the krill fishery.

3. A Member State intending to fish for krill in the CCAMLR Convention area shall notify its intention to do so only in respect of authorised fishing vessels that, at the time of the notification:
  - (a) are flying its flag; or
  - (b) are flying the flag of another CCAMLR member and are expected to be flying the flag of that Member State at the time the fishery takes place.
  
4. Where an authorised fishing vessel notified to the CCAMLR Secretariat in accordance with paragraphs 1, 2 and 3 is prevented from participating in a krill fishery due to legitimate operational reasons or force majeure, the Member State concerned may authorise its replacement by another fishing vessel. In such a case, the Member State concerned shall immediately inform the CCAMLR Secretariat and the Commission, providing:
  - (a) full details of the intended replacement fishing vessel(s), including the information provided for in Article 3 of Regulation (EC) No 601/2004; and
  - (b) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.
  
5. Member States shall not authorise a fishing vessel placed on any CCAMLR illegal, unreported and unregulated (IUU) fishing vessel list to participate in krill fisheries.

**SECTION 5**  
**IOTC AREA OF COMPETENCE**

*Article 30*

*Limitation of fishing capacity  
of vessels fishing in the IOTC Area of Competence*

1. The maximum number of Union fishing vessels fishing for tropical tunas in the IOTC Area of Competence and the corresponding capacity in gross tonnage shall be as set out in point 1 of Annex VIII.
2. The maximum number of Union fishing vessels fishing for swordfish (*Xiphias gladius*) and albacore (*Thunnus alalunga*) in the IOTC Area of Competence and the corresponding capacity in gross tonnage shall be as set out in point 2 of Annex VIII.
3. Member States may reallocate fishing vessels assigned to one of the fisheries referred to in paragraphs 1 and 2 to the other fishery, provided that they can demonstrate to the Commission that such change does not lead to an increase of fishing effort in respect of the fish stocks in question.

4. Where a transfer of capacity to the fleet of a Member State is proposed, that Member State shall ensure that fishing vessels to be transferred are on the IOTC record of authorised vessels or on the record of vessels of other RFMOs managing tuna fisheries. Fishing vessels that appear on any RFMO's list of vessels that have engaged in IUU fishing activities may not be transferred.
5. Member States may increase their fishing capacity beyond the ceilings referred to in paragraphs 1 and 2 only within the limits set out in the development plans submitted to the IOTC.

*Article 31*

*Drifting FADs and supply vessels*

1. Drifting FADs shall be equipped with instrumented buoys. The use of any other buoys, such as radio buoys, shall be prohibited.
2. A purse-seine vessel shall follow no more than 300 operational buoys at any time.
3. No more than 500 instrumented buoys shall be acquired annually for each purse-seine vessel. No purse-seine vessel shall have more than 500 instrumented buoys (in stock and operational) at any time.



4. No more than three supply vessels shall operate in support of not less than ten purse-seine vessels, all flying the flag of a Member State. This provision shall not apply to Member States using only one supply vessel.
5. A single purse-seine vessel shall not be supported by more than one supply vessel flying the flag of a Member State at any time.
6. The Union shall not register new or additional supply vessels in the IOTC record of authorised vessels.

*Article 32*

*Sharks*

1. It shall be prohibited to retain on board, tranship or land any part or whole carcass of thresher sharks of all species of the *Alopiidae* family in any fishery.
2. It shall be prohibited to retain on board, tranship or land any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) in any fishery, except for fishing vessels under 24 m overall length engaged solely in fishing operations in their flag Member State's exclusive economic zone, provided that their catch is destined solely for local consumption.
3. When accidentally caught, specimens of the species referred to in paragraphs 1 and 2 shall not be harmed and shall be promptly released.

*Article 33*

*Mobulid rays*

1. Union fishing vessels shall not fish for, and shall not retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of mobulid rays (*Mobulidae* family, including the genera *Manta* and *Mobula*), except where the fish caught are consumed directly by the fishers' families ('subsistence fishery').

However, mobulid rays that are unintentionally caught through artisanal fishing (fisheries other than surface fisheries, i.e. purse seines, pole and line, gillnet fisheries, handline and trolling vessels, or longline fisheries undertaken by vessels registered in the IOTC record of authorised vessels) may be landed for purposes of local consumption.

2. All fishing vessels, other than those engaged in subsistence fishery, shall promptly release mobulid rays alive and unharmed, to the extent practicable, as soon as they are seen in the net, on the hook or on the deck, in a manner that will result in the least possible harm to those specimens.

**SECTION 6**  
**SPRFMO CONVENTION AREA**

*Article 34*  
*Pelagic fisheries*

1. Only those Member States that have actively exercised pelagic fisheries activities in the SPRFMO Convention area in 2007, 2008 or 2009 may fish for pelagic stocks in that area in accordance with the TACs set out in Annex IH.
2. The Member States referred to in paragraph 1 shall limit the total gross tonnage of fishing vessels flying their flag and fishing for pelagic stocks in 2023 to the total Union level of 78 600 gross tonnage in that area.
3. The Member States referred to in paragraph 1 may use the fishing opportunities set out in Annex IH only if they send the following information to the Commission by the fifteenth day of the following month, so that the Commission can communicate it to the SPRFMO Secretariat:
  - (a) a list of vessels actively fishing or engaged in transshipment in the SPRFMO Convention area;
  - (b) monthly catch reports.

**SECTION 7**  
**IATTC CONVENTION AREA**

*Article 35*

*Purse-seine fisheries*

1. Purse-seine vessels shall not fish for yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) or skipjack tuna (*Katsuwonus pelamis*):
  - (a) from 00.00 hours on 29 July 2023 to 24.00 hours on 8 October 2023 or from 00.00 hours on 9 November 2023 to 24.00 hours on 19 January 2024 in the area defined by the following limits:
    - the Pacific coastlines of the Americas,
    - longitude 150° W,
    - latitude 40° N,
    - latitude 40° S;

- (b) from 00.00 hours on 9 October 2023 to 24.00 hours on 8 November 2023 in the area defined by the following limits:
- longitude 96° W,
  - longitude 110° W,
  - latitude 4° N,
  - latitude 3° S.
2. For each of the fishing vessels referred to in paragraph 1 and flying the flag of a Member State, that flag Member State shall inform the Commission before 1 April 2023 which of the closure periods referred to in paragraph 1, point (a), the fishing vessel has selected.
3. Purse-seine vessels fishing for tuna in the IATTC Convention area shall retain on board and then tranship or land all yellowfin, bigeye and skipjack tuna that they catch.
4. Paragraph 3 shall not apply:
- (a) where the fish is considered unfit for human consumption for reasons other than size;
  - (b) during the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.

*Article 36*  
*Drifting FADs*

1. A purse-seine vessel shall have no more than 400 FADs active at any time in the IATTC Convention area. A FAD shall be considered active when it is deployed at sea, starts transmitting its location and is being tracked by the vessel, its owner or operator. A FAD shall be activated only on board a purse-seine vessel.
  
2. During the 15 days before the start of the closure period selected in accordance with Article 34(1), point (a), of this Regulation a purse-seine vessel shall, in the IATTC Convention area:
  - (a) refrain from deploying FADs;
  
  - (b) recover the same number of FADs as initially deployed.

*Article 37*  
*Catch limits for bigeye tuna in longline fisheries*

The total annual catches of bigeye tuna in the IATTC Convention area by each Member State's longline vessels are set out in Annex IL.

*Article 38*

*Prohibition of fishing for oceanic whitetip sharks*

1. It shall be prohibited to fish for oceanic whitetip sharks (*Carcharhinus longimanus*) in the IATTC Convention area and to retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of oceanic whitetip sharks caught in that area.
2. When accidentally caught, specimens of oceanic whitetip sharks shall not be harmed and shall be promptly released by fishing vessel operators.
3. Fishing vessel operators shall record the number of releases with indication of status (dead or alive) and report that information to the Member State of which they are nationals.

Member States shall transmit that information collected during 2022 to the Commission by 31 January 2023.

*Article 39*

*Prohibition of fishing for mobulid rays*

Union fishing vessels in the IATTC Convention area shall not fish for mobulid rays (*Mobulidae* family, including the genera *Manta* and *Mobula*) and shall not retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of mobulid rays caught in that area. As soon as they notice that mobulid rays have been caught, they shall promptly release them, where possible alive and unharmed.

**SECTION 8**  
**SEAFO CONVENTION AREA**

*Article 40*

*Prohibition of fishing for deep-water sharks*

Directed fishing for the following deep-water sharks in the SEAFO Convention area shall be prohibited:

- (a) ghost catshark (*Apristurus manis*);
- (b) blurred smooth lanternshark (*Etmopterus bigelowi*);
- (c) shorttail lanternshark (*Etmopterus brachyurus*);
- (d) great lanternshark (*Etmopterus princeps*);
- (e) smooth lanternshark (*Etmopterus pusillus*);
- (f) skates (*Rajidae*);
- (g) velvet dogfish (*Scymnodon squamulosus*);
- (h) sharks of the *Selachimorpha* super-order;
- (i) picked dogfish (*Squalus acanthias*).



**SECTION 9**  
**WCPFC CONVENTION AREA**

*Article 41*

*Conditions for bigeye tuna, yellowfin tuna, skipjack tuna  
and South Pacific albacore fisheries*

1. Member States shall ensure that no more than 403 fishing days are allocated to purse-seine vessels fishing for bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*) in the part of the WCPFC Convention area located in the high seas between 20° N and 20° S.
2. Union fishing vessels shall not target South Pacific albacore (*Thunnus alalunga*) in the WCPFC Convention area south of 20° S.
3. Member States shall ensure that catches of bigeye tuna (*Thunnus obesus*) by longliners in 2023 do not exceed the limits set out in the table in Annex IG.

*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 shall not deploy, service or set nets on FADs between 00.00 hours on 1 July 2023 and 24.00 hours on 30 September 2023.

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 an additional two months, either from 00.00 hours on 1 April 2023 to 24.00 hours on 31 May 2023, or from 00.00 hours on 1 November 2023 to 24.00 hours on 31 December 2023.
3. Each Member State concerned shall determine which of the closure periods referred to in paragraph 2 shall apply to purse-seine vessels flying its flag. The Member States shall inform the Commission by 15 February 2023 of the closure period selected. The Commission shall notify the secretariat of the WCPFC of the closure periods selected by Member States before 1 March 2023.
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.

#### *Article 43*

##### *Maximum number of Union fishing vessels authorised to fish for swordfish*

The maximum number of Union fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas of the WCPFC Convention area south of 20° S shall be as set out in Annex IX.

*Article 44*

*Catch limits for swordfish in longline fisheries south of 20° S*

Member States shall ensure that catches of swordfish (*Xiphias gladius*) south of 20° S by longliners in 2023 do not exceed the limit set out in Annex IG. They shall also ensure that this does not result in a shift of the fishing effort for swordfish to the area north of 20° S.

*Article 45*

*Silky sharks and oceanic whitetip sharks*

1. It shall be prohibited to retain on board, tranship, land or store any part or whole carcass of the following species in the WCPFC Convention area:
  - (a) silky sharks (*Carcharhinus falciformis*);
  - (b) oceanic whitetip sharks (*Carcharhinus longimanus*).
2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.

**SECTION 10**  
**BERING SEA**

*Article 46*

*Prohibition on fishing in the high seas of the Bering Sea*

It shall be prohibited to fish for pollock (*Gadus chalcogrammus*) in the high seas of the Bering Sea.

**SECTION 11**  
**SIOFA AGREEMENT AREA**

*Article 47*

*Limits to bottom fishing*

Member States shall ensure that fishing vessels flying their flag that fish in the SIOFA Agreement Area:

- (a) limit their annual bottom fishing effort to the level set out in Annex X;
- (b) do not bottom fish except using demersal longlines;
- (c) do not fish in the interim protected areas of Atlantis Bank, Coral, Fools Flat, Middle of What and Walter's Shoal, as defined in Annex IK, except with demersal longlines and on condition of having a scientific observer on board at all times while fishing in those areas.

Article 48

*Prohibition of targeting deep-water sharks*

Directed fishing for the following deep-water sharks in the SIOFA Agreement Area shall be prohibited:

- (a) Portuguese dogfish (*Centroscymnus coelolepis*);
- (b) birdbeak dogfish (*Deania calcea*);
- (c) gulper shark (*Centrophorus granulosus*);
- (d) kitefin shark (*Dalatias licha*);
- (e) Bach's catshark (*Bythaelurus bachi*);
- (f) dark-mouth chimaera (*Chimaera buccanigella*);
- (g) the Falkor chimaera (*Chimaera didierae*);
- (h) seafarer's ghostshark (*Chimaera willwatchi*);
- (i) longnose velvet dogfish (*Centroscymnus crepidater*);
- (j) plunket shark (*Centroscymnus plunketi*);
- (k) velvet dogfish (*Zameus squamulosus*);

- (l) whitecheek lanternshark (*Etmopterus alphas*);
- (m) smallbelly catshark (*Apristurus indicus*);
- (n) bentnose rabbitfish (*Harriota raleighana*);
- (o) narrowhead catshark (*Bythaelurus tenuicephalus*);
- (p) frilled shark (*Chlamydoselachus anguineus*);
- (q) bigeyed six-gill shark (*Hexanchus nakamurai*);
- (r) smooth lanternshark (*Etmopterus pusillus*);
- (s) southern sleeper shark (*Somniosus antarcticus*);
- (t) goblin shark (*Mitsukurina owstoni*).

**TITLE III**  
**FISHING OPPORTUNITIES**  
**FOR THIRD-COUNTRY VESSELS IN UNION WATERS**

*Article 49*

*Fishing vessels flying the flag of Norway  
and fishing vessels registered in the Faroe Islands*

Fishing vessels flying the flag of Norway and fishing vessels registered in the Faroe Islands may be authorised to fish in Union waters subject to the TACs set out in Annex I, and subject to the conditions provided for in this Regulation and Title III of Regulation (EU) 2017/2403.

*Article 50*

*Fishing vessels flying the flag of the United Kingdom, registered in the United Kingdom  
and licensed by a United Kingdom fisheries administration*

Fishing vessels flying the flag of the United Kingdom, registered in the United Kingdom and licensed by a fisheries administration of the United Kingdom may be authorised to fish in Union waters subject to the TACs set out in Annex I, and subject to the conditions provided for in this Regulation and Regulation (EU) 2017/2403.

*Article 51*

*Quota transfers and exchanges with the United Kingdom*

1. Any quota transfer or exchange between the Union and the United Kingdom shall take place in accordance with this Article.
2. A Member State intending to transfer or exchange quotas with the United Kingdom may discuss with the United Kingdom an outline of the quota transfer or exchange. The Member State concerned shall notify the Commission of the outline.
3. If the Commission endorses an outline of the quota transfer or exchange referred to in paragraph 2 notified by the Member State concerned, it shall express, without undue delay, the consent to be bound by such quota transfer or exchange. The Commission shall notify the United Kingdom and the Member States of the agreed quota transfer or exchange.
4. The fishing opportunities received from or transferred to the United Kingdom under the agreed quota transfer or exchange shall be deemed to be quotas added to, or deducted from, the allocation of the Member State concerned as of the moment when the quota transfer or exchange has been notified in accordance with paragraph 3. Such transfers and exchanges shall not affect the distribution key for allocating fishing opportunities among Member States in accordance with the principle of relative stability of fishing activities.



*Article 52*

*Fishing vessels flying the flag of Venezuela*

Fishing vessels flying the flag of Venezuela shall be subject to the conditions provided for in this Regulation and Title III of Regulation (EU) 2017/2403.

*Article 53*

*Fishing authorisations*

The maximum number of fishing authorisations for third-country vessels fishing in Union waters shall be as set out in Part B of Annex V.

*Article 54*

*Conditions for landing catches and by-catches*

The conditions laid down in Article 7 of this Regulation shall apply to the catches and by-catches of third-country vessels fishing under the authorisations referred to in Article 54 of this Regulation.

*Article 55*

*Prohibited species*

1. Third-country vessels shall not fish for, retain on board, tranship or land the following species where they are found in Union waters:
  - (a) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions 3a and 7d; and Union waters of subarea 4;
  - (b) common skate (*Dipturus batis*) complex (*Dipturus cf. flossada* and *Dipturus cf. intermedia*) in Union waters of ICES subareas 3, 4 and 6 to 10;
  - (c) tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES subareas 4 and 6 to 8;
  - (d) kitefin shark (*Dalatias licha*), birdbeak dogfish (*Deania calcea*), leafscale gulper shark (*Centrophorus squamosus*), great lanternshark (*Etmopterus princeps*) and Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES subarea 4;
  - (e) porbeagle (*Lamna nasus*) in all Union waters;
  - (f) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;

- (g) undulate ray (*Raja undulata*) in Union waters of ICES subareas 6, 9 and 10;
  - (h) common guitarfish (*Rhinobatos rhinobatos*) in Union waters of the Mediterranean;
  - (i) whale shark (*Rhincodon typus*) in all Union waters;
  - (j) orange roughy (*Hoplostethus atlanticus*) in Union waters of ICES subareas 3 to 4 and 6 to 10;
  - (k) deep-sea sharks listed in Annex I, Part D, in Union waters of ICES subareas 6 to 10; and in Union waters of CECAF areas 34.1.1, 34.1.2 and 34.2.
2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.

## TITLE IV

### FINAL PROVISIONS

#### *Article 56*

#### *Amendment to Regulation (EU) 2022/109*

In Annex IB of Regulation (EU) 2022/109, the fishing opportunities table for capelin (*Mallotus villosus*) in Greenland waters of 5 and 14 is replaced by the following:

‘Species:	Capelin <i>Mallotus villosus</i>	Zone:	Greenland waters of 5 and 14 (CAP/514GRN)
Denmark	0	Analytical TAC	
Germany	0	Article 3 of Regulation (EC) No 847/96 shall not apply	
Sweden	0	Article 4 of Regulation (EC) No 847/96 shall not apply	
All Member States	0 (1)		
Union	0 (2)		
Norway	7 760 (2)		
TAC	Not relevant		
(1)	Denmark, Germany and Sweden may access the ‘All Member States’ quota only once they have exhausted their own quota. However, Member States with more than 10 % of the Union quota shall not access the ‘All Member States’ quota at all. Catches to be counted against this shared quota shall be reported separately (CAP/514GRN_AMS).		
(2)	For a fishing period from 15 October 2022 to 15 April 2023.’.		

*Article 57*

*Committee procedure*

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*Article 58*

*Transitional provisions*

1. Articles 11 to 13, 15 to 17, Article 18(1), points (a) to (n), Articles 22, 25, 32, 33, 38 to 40, 45, 46, 48 and Article 55(1), points (a) to (i), shall continue to apply, *mutatis mutandis*, in 2024 until the entry into force of the Regulation fixing the fishing opportunities for 2024.
2. Article 18(1), points (o) and (p), and Article 55(1), points (j) and (k), shall continue to apply, *mutatis mutandis*, in 2025 until the entry into force of the Regulation fixing the fishing opportunities for 2025.

*Article 59*

*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 2023 to 31 December 2023. However:

- (a) Article 6(4), Article 18(1), points (o) and (p), and Article 55(1), points (j) and (k), shall apply from 1 January 2023 to 31 December 2024;
- (b) Article 13 shall apply from 1 January 2023 to 31 December 2023 for the closure period or periods in GFCM geographical subareas 1 to 27, and from 1 March 2023 to 31 March 2024 for the closure period or periods in ICES subareas 3, 4, 6, 7, 8 and 9;
- (c) Article 21 shall apply from 1 January 2023 to 31 January 2024;
- (d) Articles 27, 28 and 29, and Annex VII shall apply from 1 December 2022 to 30 November 2023;
- (e) Article 26(2) shall apply from 17 December 2022 to 31 December 2022;
- (f) Article 35(1), point (a), shall apply from 1 January 2023 to 19 January 2024;
- (g) Article 56 shall apply from 15 October 2022 to 15 April 2023;
- (h) Annex I shall also apply for the year 2024, where specified in that Annex;

- (i) Annex IK shall apply from 1 December 2022 to 30 November 2023, where specified in that Annex;
- (j) Annex II shall apply from 1 February 2023 to 31 January 2024;
- (k) The maximum conservation reference size for picked dogfish (DGS/03A-C, DGS/2AC4-C and DGS/15X14) shall 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.

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

Done at Brussels,

*For the Council*

*The President*

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