

# COMMISSION SERVICES NON-PAPER

**12 DECEMBER 2023**

*This document serves as a basis for discussion at the Working Party on Fisheries Policy.  
It cannot in any circumstances be regarded as the official position of the Commission.  
It is intended solely for those to whom it is addressed.*

## **Updates to Commission proposal for a Council Regulation fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2023/194 as regards deep-sea stocks [COM(2023) 587]**

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## 1. AMENDMENTS IN RELATION TO MAC/2A4A-N

### EXPLANATORY NOTE

Currently the MAC/2A4A-N TAC is not accessible (fishable) to EU vessels due to the lack of reciprocal EU-Norway access arrangements. The ability of EU vessels to access this TAC is dependent on an arrangement with a third country.

In a joint statement by the Commission and the Council in October 2021, it was agreed that “*the Commission will do its utmost to propose, by 31 March 2022 and by way of a non-paper, a methodology applicable to the allocation and distribution of the fishing opportunities in question that would uphold the principle of relative stability*”.

In 2022, the Commission services presented two documents to the Council:

- (i) “Commission Written Document on the Allocation of the Union’s fishing opportunities for mackerel in waters of ICES division 4a and Norwegian waters of ICES division 2a (MAC/2A4A-N): Key Findings and Legal Considerations” (st09832-ad01.22); and
- (ii) “Methodological approaches for the distribution of MAC/2A4A-N TAC” (st09832.22).

Regarding the latter document, it considered, *inter alia*:

- (i) the possibility of fully or partially reallocating the resultant volume associated with the MAC/2A4A-N into existing TACs, namely MAC/2A34 and MAC/2ACX14-, noting that any such reallocation would require the application of the current relative stability keys governing the two recipient TACs; or
- (ii) the possible creation of a new TAC with a new relative stability key.

Following discussion in the Council, it is proposed to abolish the current Norwegian Waters (MAC/2A4A-N) and North Sea (MAC/2A34) TACs and establish a new TAC covering the existing geographic scope of the North Sea and Norwegian waters TACs, with a new relative stability key. and transfer part of the MAC/2A4A-N TAC to the Western Waters TAC (MAC/2ACX14-).

The fishing opportunities associated with this TAC would be the sum of the current MAC/2A4A-N and MAC/2A34 TACs with a new relative stability key that allocates the quantity associated with the MAC/2A4A-N to Denmark in full.

A new footnote would also be included that effects a transfer from Denmark to the quota holders of MAC/2ACX14- in line with the relative stability key of that quota. This quantity may only be fished in United Kingdom and Union waters of 6, 7, 8d, 8e, 12 and 14 United Kingdom and international waters of 2a, 5b.

It is also necessary to apply the proposed new TACs structure as from 1 January 2023, to allow the Union to access fully its mackerel quota. Such retroactive application does not therefore affect the principles of legal certainty or protection of legitimate expectations.

## AMENDMENTS TO THE RECITALS

The following new recitals are added:

“(34a) Since 2021, the Union does not have access to fish its mackerel quota in Norwegian waters of 2a and 4a (MAC/2A4A-N). In order for the Union to access that quota, it is proposed to allocate new fishing opportunities to a TAC (MAC/2A34-N) covering the geographic scope of the North Sea (MAC/2A34) and Norwegian Waters (MAC/2A4A-N) TACs with a new relative stability key. Part of the fishing opportunities allocated to the MAC/2A34-N should be transferred by Denmark to the holders of quotas in the Western Waters TAC (MAC/2ACX14-) based on the existing relative stability key for that TAC.

(66a) This Regulation should apply to the newly allocated fishing opportunities in MAC/2A34-N from 1 January 2023 in order to allow the Union to access fully its mackerel quota. Such retroactive application does not therefore affect the principles of legal certainty or protection of legitimate expectations.

## AMENDMENTS TO THE ARTICLES

Article 54 is replaced by the following:

“

### *Article 54 Amendments to Regulation (EU) 2023/194*

- (1) Annex IA, Part F, of Regulation (EU) 2023/194 is amended in accordance with Annex XI to this Regulation.
- (2) In Annex IA, Part B, of Regulation (EU) 2023/194, the TAC tables for MAC/2A34. and for MAC/2A4A-N are replaced by the table included in Annex XI point 2 of this Regulation.

”

Article 57 is replaced by the following:

“

### *Article 57 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 2024 to 31 December 2024. However:

- (a) Articles 12(1) and 12(6) shall apply from 1 January 2024 to 31 March 2025;
- (b) Article 12(2) to (5) shall apply from 1 April 2024 to 31 March 2025;

- (c) Articles 16(a) and 16(b) shall cease to apply on the date on which delegated acts introducing corresponding measures become applicable;
- (d) Article 21 shall apply from 1 January 2024 to 31 January 2025;
- (e) Articles 28 and Annex VII shall apply from 1 December 2023 to 30 November 2024;
- (f) Article 26(2) shall apply from 17 December 2023 to 31 December 2023;
- (g) Article 33(1), point (a), shall apply from 1 January 2024 to 19 January 2025;
- (h) Article 54(2) shall apply from 1 January 2023;
- (i) Annex I shall also apply for the year 2025 and 2026, where specified in that Annex;
- (j) Annex IK shall apply from 1 December 2023 to 30 November 2024, where specified in that Annex;
- (k) Annex II shall apply from 1 February 2024 to 31 January 2025;
- (l) The maximum 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.
- (m) Catch and effort limits fixed by this Regulation for the year 2024 and, where specified in this Regulation, also for the years 2025 and 2026, shall continue to apply in 2025, and where relevant in 2026 and 2027, exclusively for the purposes of:
  - (i) exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
  - (ii) deductions and reallocations pursuant to Article 37 of Regulation (EC) No 1224/2009;
  - (iii) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013; and
  - (iv) deductions pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009.

”

## AMENDMENTS TO THE ANNEXES

In Annex XI, a new point 2 is added as follows:

"

Species:	Mackerel <i>Scomber scombrus</i>	Zone:	3a; United Kingdom, Union waters of 2a, 3b, 3c; 3d and 4; Norwegian waters 2a and 4a (MAC/2A34-N)
Belgium	501	(1)(2)	Analytical TAC
Denmark	29 446	(1)(2)(4)	Article 7(2) of this Regulation applies
Germany	523	(1)(2)	
France	1 579	(1)(2)	
Netherlands	1 589	(1)(2)	
Sweden	4 743	(1)(2)(3)	
Union	38 381	(1)(2)	
TAC	782 066		

(1) Special condition: within the limits of these quotas, no more than the quantities given below may be taken in the following zones. Up to 60% of the allocated quota to Member States under MAC/2A34 may be fished in United Kingdom and international waters of 2a, 5b, 6, 7, 8d, 8e, 12 and 14 (MAC/\*2AX14).

	3a	United Kingdom and Union waters of 3a, 4b and 4c	4b	4c	United Kingdom and international waters of 2a, 5b, 6, 7, 8d, 8e, 12 and 14
	(MAC/*03A.)	(MAC/*3A4BC)	(MAC/*04B.)	(MAC/*04C.)	(MAC/*2AX14)
Belgium	0	0	0	0	301
Denmark	0	4 130	0	0	10 312
Germany	0	0	0	0	314
France	0	490	0	0	947
Netherlands	0	490	0	0	953
Sweden	0	0	390	10	2 846
Union	0	5 110	390	10	15 673

(2) Within the limits of these quotas, and in agreement with the relevant coastal State, no more than the quantities given below may also be taken in the two following zones:

	Norwegian waters of 2a (MAC/*02AN-)	Faroese waters (MAC/*FRO1)
Belgium	0	0
Denmark	0	0
Germany	0	0
France	0	0
Netherlands	0	0
Sweden	0	0
Union	0	0

(3) Special condition: including the following tonnage to be taken in Norwegian waters of 2a and 4a (MAC/\*2A4AN):

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(4) When fishing under this special condition, by-catches of cod, haddock, pollack, whiting and saithe are to be counted against the quotas for these species.  
Within the limits of this quota, the following transfers are made by Denmark which may be fished in United Kingdom and Union waters of 6, 7, 8d, 8e, 12 and 14 United Kingdom and international waters of 2a, 5b (MAC/\*2A14):

Post transfer	
Germany	749
Spain	1
Estonia	6
France	499
Ireland	2 495
Latvia	5
Lithuania	5
Netherlands	1 092
Poland	53

In Annex IA, Part B, Table 99 and 102 and are replaced by the following:

“

Species:	Mackerel <i>Scomber scombrus</i>	Zone:	3a; United Kingdom, Union waters of 2a, 3b, 3c; 3d and 4; Norwegian waters 2a and 4a (MAC/2A34-N.)
Belgium	476	(1)(2)	Analytical TAC
Denmark	27 882	(1)(2)(4)	Article 7(2) of this Regulation applies
Germany	496	(1)(2)	
France	1 498	(1)(2)	
Netherlands	1 508	(1)(2)	
Sweden	4 569	(1)(2)(3)	
Union	36 429	(1)(2)	
TAC	739 386		

(1) Special condition: within the limits of these quotas, no more than the quantities given below may be taken in the following zones Up to 60% of the allocated quota to Member States under MAC/2A34 may be fished in United Kingdom and international waters of 2a, 5b, 6, 7, 8d, 8e, 12 and 14 (MAC/\*2AX14).

	3a	United Kingdom and Union waters of 3a, 4b and 4c	4b	4c	United Kingdom and international waters of 2a, 5b, 6, 7, 8d, 8e, 12 and 14
	(MAC/*03A.)	(MAC/*3A4B C)	(MAC/*04 B.)	(MAC/*04C.)	(MAC/*2AX14)
Belgium	0	0	0	0	286
Denmark	0	4 130	0	0	9 775
Germany	0	0	0	0	298
France	0	490	0	0	899
Netherlands	0	490	0	0	905
Sweden	0	0	390	10	2 741
Union	0	5 110	390	10	14 903

(2) Within the limits of these quotas, and in agreement with the relevant coastal State, no more than the quantities given below may also be taken in the two following zones:

	Norwegian waters of 2a (MAC/*02AN -)	Faroese waters (MAC/*FR O1)
Belgium	0	0
Denmark	0	0
Germany	0	0
France	0	0
Netherlands	0	0

Sweden	0	0
Union	0	0

(3) Special condition: including the following tonnage to be taken in Norwegian waters of 2a and 4a (MAC/\*2A4AN):

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(4) Within the limits of this quota, the following transfers are made by Denmark which may be fished in United Kingdom and Union waters of 6, 7, 8d, 8e, 12 and 14 United Kingdom and international waters of 2a, 5b (MAC/\*2A14):

Post transfer	
Germany	531
Spain	1
Estonia	4
France	354
Ireland	1 769
Latvia	3
Lithuania	3
Netherlands	774
Poland	37



## 2. AMENDMENTS IN RELATION TO EU-UK SHARED STOCKS

### EXPLANATORY NOTE

The Commission proposal, as updated by the Commission services' non-papers, should be updated to correct some errors.

### AMENDMENTS TO THE ANNEXES

In Annex IA, Part B, Tables 27a, 60a and 91a are replaced by the following:

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<b>Table 27a</b>	
Species: Witch <i>Glyptocephalus cynoglossus</i>	Zone: Union waters of 3a (WIT/03A-C)

<b>Table 60a</b>	
Species: Lemon sole <i>Microstomus kitt</i>	Zone: Union waters of 3a (LEM/03A-C)

<b>Table 91a</b>	
Species: Brill <i>Scophthalmus rhombus</i>	Zone: Union waters of 3a (BLL/03A-C)

<b>Table 96</b>		
Species: Undulate ray <i>Raja undulata</i>	Zone: 7d and 7e (RJU/7DE.)	
Belgium	314 <sup>(1)</sup>	Analytical TAC
Estonia	2 <sup>(1)</sup>	
France	1 535 <sup>(1)</sup>	
Germany	4 <sup>(1)</sup>	
Ireland	405 <sup>(1)</sup>	
Lithuania	7 <sup>(1)</sup>	
Netherlands	3 <sup>(1)</sup>	
Portugal	7 <sup>(1)</sup>	
Spain	339 <sup>(1)</sup>	
Union	2 616 <sup>(1)</sup>	
United Kingdom	1 358 <sup>(1)</sup>	
TAC	3 974 <sup>(1)</sup>	

<sup>(1)</sup> The specimens may only be landed whole or gutted. For Union fishing vessels, this is without prejudice to the relevant prohibitions set out in Union and United Kingdom law for the areas specified therein.

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