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2023/0350 (NLE)

Proposal for a

COUNCIL REGULATION

**fixing the fishing opportunities for certain fish stocks and groups of fish stocks
applicable in the Mediterranean and Black Seas for 2024**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy (CFP Basic Regulation)¹ seeks to ensure that living aquatic resources are exploited under sustainable economic, environmental and social conditions. One important tool in this respect is the annual fixing of fishing opportunities. All fishing opportunities regulations must limit the harvesting of fish stocks to levels consistent with the overall objectives of the common fisheries policy (CFP).

The objective of this proposal is to fix the fishing opportunities for certain stocks and groups of stocks in the Mediterranean and the Black Seas.

In line with the multiannual plan for demersal stocks in the western Mediterranean,² this proposal proposes to fix fishing opportunities, expressed in terms of maximum allowable fishing effort and maximum catch limits for shrimps, for the Member States concerned (Spain, France and Italy).

This proposal also proposes to fix fishing opportunities pursuant to agreements reached in the framework of the General Fisheries Commission for the Mediterranean (GFCM), a regional fisheries management organisation responsible for the conservation and management of living marine resources in the Mediterranean and Black Seas. The European Union is a member of the GFCM, together with Bulgaria, Croatia, Cyprus, France, Greece, Italy, Malta, Romania, Slovenia and Spain. Measures adopted in the framework of the GFCM are binding on its members.

Finally, this proposal proposes to fix an autonomous quota for Black Sea sprat in order not to increase the current level of fishing mortality. It also implements into Union law the total allowable catch (TAC) and quotas for turbot as established by the GFCM.

The ultimate objective of the proposal is to achieve and maintain stock levels that can deliver maximum sustainable yield (MSY). The multiannual plan for demersal stocks in the western Mediterranean is intended to achieve fishing mortality at MSY on a progressive, incremental basis by 2020 where possible, and by 1 January 2025 at the latest.

- **Consistency with existing policy provisions in the policy area**

The proposed measures are designed in accordance with the objectives and rules of the CFP.

- **Consistency with other Union policies**

The proposed measures are consistent with the other Union policies, in particular with the policies in the field of the environment.

¹ 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).

² Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 (OJ L 172, 26.6.2019, p. 1).

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis of this proposal is Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the Union's exclusive competence, as referred to in Article 3(1)(d) TFEU. The subsidiarity principle therefore does not apply.

- **Proportionality**

The proposal complies with the proportionality principle because the CFP is a common policy so that each EU regional sea-basin (e.g. Baltic, Mediterranean) is the object of a Fishing Opportunities regulation securing thus level playing field in the implementation of the CFP. Article 43(3) TFEU requires the Council to adopt measures on the fixing and allocation of fishing opportunities.

The proposal allocates fishing opportunities to Member States. Under Articles 16(6) and (7) and Article 17 of the CFP Basic Regulation, Member States are free to decide how the fishing opportunities allocated to them may be allocated to fishing vessels flying their flag in accordance with certain criteria set out in those Articles. Therefore, Member States have the necessary margin of discretion while distributing the allocated fishing opportunities in line with their social and economic models.

- **Choice of the instrument**

A regulation is considered the most appropriate instrument as it makes it possible to set requirements that apply directly to Member States and relevant economic operators. This will help ensure that the requirements are implemented in a timely and harmonised way, leading to greater legal certainty.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

Interested parties were consulted by means of the Commission's Communication to the European Parliament and the Council *Sustainable fishing in the EU: state of play and orientations for 2024* (COM(2023) 303 final).

- **Collection and use of expertise**

The assessment of the state of stocks in the Mediterranean and Black Seas is based on the most recent work by the Scientific, Technical and Economic Committee for Fisheries and the GFCM Scientific Advisory Committee on Fisheries.

- **Impact assessment**

The scope of fishing opportunities regulations is circumscribed by Article 43(3) TFEU.

The multiannual plan for demersal fisheries in the western Mediterranean introduced a fishing effort regime to tackle the problem of overfishing in the western Mediterranean demersal fisheries. In addition, Article 7(3)(b) of the multiannual plan provides for the possibility that the fishing effort decrease may be supplemented with any relevant technical or other conservation measures adopted in accordance with Union law, in order to achieve the value of the estimated fishing mortality that, with a given fishing pattern and under current average environmental conditions, gives the long-term maximum yield (Fmsy) by 1 January 2025. Based on the scientific advice, Council Regulation (EU) 2022/110 (2022 Fishing Opportunities Regulation)³ introduced an effort regime for longliners and catch limits for the shrimps and Council Regulation (EU) 2023/195 (2023 Fishing Opportunities Regulation)⁴ maintained that regime.

As regards the fishing opportunities established by the GFCM in the Mediterranean and Black Seas, this proposal proposes to implement internationally agreed measures. Any elements relevant to the assessment of possible impacts of the fishing opportunities are dealt with in the preparation and conduct phase of international negotiations in the framework of which the Union's fishing opportunities are agreed with third parties.

The proposal reflects not only short-term concerns, but also a longer-term approach whereby fishing effort is gradually adjusted to long-term sustainable levels.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The proposal respects fundamental rights and in particular those recognised by the Charter of Fundamental Rights of the European Union.

4. BUDGETARY IMPLICATIONS

The proposal has no budgetary implications.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Monitoring and compliance will be ensured in accordance with Council Regulation (EC) No 1224/2009⁵.

³ Council Regulation (EU) 2022/110 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 21, 31.1.2022, p. 165).

⁴ Council Regulation (EU) 2023/195 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 28, 31.1.2023, p. 220).

⁵ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community 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. 1–50)

- **Detailed explanation of the specific provisions of the proposal**

The proposal proposes to fix fishing opportunities for 2024 for certain stocks or groups of stocks in the Mediterranean and Black Seas, in particular:

A. Implementation of the western Mediterranean multiannual management plan

Under the multiannual plan for demersal fisheries in the western Mediterranean, the Council is to set a maximum allowable fishing effort for trawl vessels exploiting demersal stocks in the western Mediterranean, for each fishing effort group, by Member State and for the stock groups in Annex I to the plan.

In 2022, scientific advice from both the STECF and the GFCM Scientific Advisory Committee recommended that, in order to attain MSY for demersal stocks in the western Mediterranean, swift action ought to be undertaken and real reductions in fishing mortality be adopted. The stocks of hake and one stock of deep-water shrimps were so overexploited that STECF estimated them at a level below B_{lim} , that is the limit reference point, expressed as spawning stock biomass and provided for in the best available scientific advice, in particular by STECF, or a similar independent scientific body recognised at Union or international level, below which there may be reduced reproductive capacity

The STECF (STECF-22-11 and PLEN-22-03) advised that a holistic approach, combining effort measures for both trawlers and longliners and catch limits for deep-water shrimps, was necessary to reduce urgently fishing mortality, in particular for hake and deep-water shrimp stocks. This approach was implemented by the 2022 and 2023 Fishing Opportunities Regulations, and the Commission proposes to continue implementing such an approach in 2024.

This proposal includes a series of “pro memoria” (pm) for the level of the fishing effort, as well as the level of catches, and it will be completed at a later stage, when the STECF advice will be available.

Furthermore, in order to promote the use of the selectivity of the gears and to establish efficient closure areas to protect juveniles and spawners, the 2023 Fishing Opportunities Regulation maintained the compensation mechanism established in the 2022 Fishing Opportunities Regulation in relation to the effort regime for trawlers. The Commission proposes to maintain this mechanism in 2024.

B. GFCM measures applicable in the Mediterranean Sea

- Fishing harvest limits and limits on the number of fishing authorisations for red coral in the entire Mediterranean Sea (GSAs 1 to 27)
- Maximum catch limits for deepwater rose shrimp and maximum allowable fishing effort for and fleet capacity for hake in the Strait of Sicily (GSA 12 to 16)
- Maximum fleet capacity and catch limits for giant red shrimp and blue and red shrimp in the Strait of Sicily (GSAs 12 to 16), the Ionian Sea (GSAs 19 to 21) and the Levant Sea (GSAs 24 to 27)
- Maximum level of catches and maximum number of longlines and handlines for blackspot seabrem in the Alboran Sea (GSA 1 to 3)
- Measures for small pelagic stocks under the 2021 GFCM Multiannual management plan for small pelagic species in the Adriatic Sea (GSAs 17 and 18)

The Commission proposes to continue in 2024 the implementation of the provisions of the plan, which follows a two-step approach, with a transitional period of three years followed by long-term measures for a period of five years.

2024 is the third year of the transitional period and the Commission proposes to continue the implementation of the catch limits with the transitional internal share between Italy and Croatia and the transitional reserve for Slovenia, as well as the fleet capacity ceiling for purse seiners and pelagic trawlers targeting small pelagic stocks. This capacity ceiling should be the same as in the 2023 Fishing Opportunities Regulation and based on the capacity reported to GFCM in 2014.

- Measures for demersal stocks under the 2019 GFCM Multiannual management plan for demersal species in the Adriatic Sea (GSAs 17 and 18):

At its 46th annual session in November 2023, the GFCM should adopt a new recommendation reducing for 2024 the fishing effort for otter-trawlers (OTB) and for beam-trawlers (TBB). The proposal will be updated by way of a non-paper with the levels of the reduction, after the GFCM annual session.

The maximum fleet capacity from the 2023 Fishing Opportunities Regulation should remain in place for 2024.

The proposal includes a series of placeholders, for stocks where the GFCM transitional measures are expiring at the end of 2023 and for which the GFCM should adopt new measures at its 46th annual session in November 2023, such as dolphinfish. The proposal will be updated by way of a non-paper with the new measures, after the GFCM annual session.

C. GFCM measures applicable in the Black Sea

- An autonomous quota for sprat, based on scientific advice
- The TAC and quota allocation for turbot under the 2017 GFCM multiannual management plan for turbot fisheries, implementing Recommendation GFCM/43/2019/3 (GSA 29)

Regarding the levels of the TAC and quotas for turbot, the proposal will be updated after the 46th GFCM annual session in November 2023.

The GFCM recommendations up to 2017 have been implemented into Union law pursuant to Regulation (EU) No 1343/2011 (as amended)⁶ and the Commission has put forward a proposal to implement the Recommendations adopted by the GFCM in 2018 and 2019 (COM/2021/434 final), on which the co-legislators reached a political agreement on the file in July 2023⁷.

Measures functionally linked to the fishing opportunities, such as spawning closures, are part of this proposal, as without such closure periods (such as for turbot in the Black Sea), the fishing opportunities could not be established at the same level. The extent of the closure period may vary, depending on the state of the stock as assessed by the scientific advice.

⁶ 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).

⁷ eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_11623_2023_INIT

Council Regulation (EC) No 847/96⁸ lays down further conditions for year-to-year management of fishing opportunities including, under its Articles 3 and 4, flexibility provisions for stocks subject to precautionary and analytical TACs, respectively. Its Article 2 stipulates that when fixing the TACs, the Council must decide to which stocks Articles 3 and 4 should not apply, in particular based on the biological status of the stocks. Article 15(9) of the CFP Basic Regulation also lays down a year-to-year flexibility mechanism for all stocks that are subject to the landing obligation. Therefore, and to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources and make it difficult to achieve the CFP objectives, it should be clarified that Articles 3 and 4 of Regulation (EC) No 847/96 only apply where Member States do not use the year-to-year flexibility provided for in Article 15(9) of the CFP Basic Regulation.

⁸ <http://data.europa.eu/eli/reg/1996/847/oj>

Proposal for a

COUNCIL REGULATION

fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas for 2024

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) Article 6 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council¹ requires the adoption of conservation measures taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF), as well as advice received from advisory councils.
- (2) The Council is to adopt measures on the fixing and allocation of fishing opportunities, including, certain conditions functionally linked to those fishing opportunities, 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. Article 16(1) of Regulation (EU) No 1380/2013 provides that fishing opportunities should be allocated to Member States in such a way as to ensure the relative stability of fishing activities of each Member State for each fish stock or fishery.
- (3) Therefore, in accordance with Regulation (EU) No 1380/2013, total allowable catches (TACs) should be set on the basis of available scientific advice, taking into account biological and socio-economic aspects whilst ensuring fair treatment between fishing sectors, as well as the opinions expressed during the consultations with stakeholders.
- (4) Regulation (EU) 2019/1022 of the European Parliament and of the Council² established a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea (the plan). The plan aims to reach and maintain the maximum sustainable yield (MSY) for target stocks, ensuring that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the MSY.

¹ 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).

² Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 (OJ L 172, 26.6.2019, p. 1).

- (5) In accordance with Article 4(1) of the plan, fishing opportunities for stocks listed in Article 1 of that Regulation are to be fixed to achieve fishing mortality at MSY on a progressive, incremental basis by 2020 where possible, and by 1 January 2025 at the latest. Fishing opportunities are to be expressed as maximum allowable fishing effort for trawlers and longliners and fixed in accordance with the fishing effort regime laid down in Article 7 of the plan, as well as as maximum catch limits for blue and red shrimp (*Aristeus antennatus*) and giant red shrimp (*Aristaeomorpha foliacea*) in deep waters in accordance with scientific advice and Article 7(3), point (b), of the plan.
- (6) [*placeholder pending STECF advice*] Based on such advice, for 2024, the maximum allowable fishing effort of trawlers in the western Mediterranean Sea should therefore be reduced by pm % compared to the baseline between 2015 and 2017, to be deducted from the maximum allowable fishing effort set for 2023 by Council Regulation (EU) 2023/195³.
- (7) [*placeholder pending STECF advice*]. Based on such advice, for 2024, the maximum allowable fishing effort of longliners should therefore be pm compared to the baseline between 2015 and 2017.
- (8) [*placeholder pending STECF advice*] In light of the scientific advice, for 2024, the maximum catch limits for blue and red shrimp in GSAs 1, 2, 5, 6 and 7 should therefore be pm %.
- (9) [*placeholder pending STECF advice*] In light of the scientific advice, for 2024, the maximum catch limits for blue and red shrimp in GSAs 8, 9, 10 and 11 should be pm %.
- (10) [*placeholder pending final STECF advice*] In accordance with Article 7(3), point (b), of the plan, it is therefore appropriate to continue setting maximum catch limits to complement the trawling effort regime with maximum catch limits. In light of the scientific advice, for 2024, the maximum catch limits for giant red shrimp in GSAs 8, 9, 10 and 11 should be pm %.
- (11) At its 43rd annual meeting in 2019, the GFCM adopted Recommendation GFCM/43/2019/5 on a multiannual management plan for sustainable demersal fisheries in the Adriatic Sea (GFCM geographical subareas 17 and 18)⁴, which introduced from 2020 to 2026 a fishing effort regime and a fleet capacity ceiling for certain demersal stocks. Those measures for 2024 should therefore be implemented in Union law.
- (12) [*placeholder new measures for demersal stocks in the Adriatic Sea from GFCM 46th annual session*]
- (13) At its 44th annual meeting in 2021, the GFCM adopted Recommendation GFCM/44/2021/20 on a multiannual management plan for the sustainable exploitation of small pelagic stocks the Adriatic Sea (GFCM geographical subareas 17 and 18)⁵, which introduced from 2022 to 2029 a maximum level of catches and a related fleet capacity ceiling for purse seiners and pelagic trawlers targeting small pelagics, with a

³ Council Regulation (EU) 2023/195 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 28, 31.1.2023, p. 220).

⁴ [Compliance Committee \(CoC\) Portal - REC.CM GFCM 43 2019 5-e.pdf - All Documents \(sharepoint.com\)](#)

⁵ [Compliance Committee \(CoC\) Portal - REC.CM GFCM 44 2021 20-e.pdf - All Documents \(sharepoint.com\)](#)

derogation for the national fleets of less than 10 purse seiners or pelagic trawlers actively fishing for small pelagic stocks. Those measures for 2024 should therefore be implemented in Union law.

- (14) [placeholder new measures for small pelagic stocks in the Adriatic Sea from GFCM 46th annual session]
- (15) Taking into account the particularities of the Slovenian fleet and its marginal impact on the stocks of small pelagic and demersal stocks, and in accordance with paragraph 33 of Recommendation GFCM/44/2021/20 and of paragraph 13 of Recommendation GFCM/43/2019/5, it is appropriate to preserve existing fishing patterns and to ensure access by the Slovenian fleet to a minimum quantity of small pelagic species and a minimum effort allocation for demersal stocks.
- (16) [Placeholder new measures for red coral from GFCM 46th annual session]
- (17) [placeholder new measures for common dolphinfish from GFCM 46th annual session]
- (18) At its 45th annual meeting in 2022, the GFCM adopted Recommendation GFCM/45/2022/4 on a multiannual management plan for the sustainable exploitation of demersal stocks in the Strait of Sicily (geographical subareas 12 to 16)⁶, repealing Recommendations GFCM/44/2021/12 and GFCM/42/2018/5. Recommendation GFCM/45/2022/4 introduced an effort regime for hake and catch limits for deep-water rose shrimps, as well as a fishing capacity freeze. For 2024, that Recommendation provides for a reduction of 3 % of the catch limits for deep-water rose shrimps. In order to implement those measures in Union law, 3% should therefore be deducted from the maximum allowable catch limits for deep-water rose shrimp set for 2023 by Council Regulation (EU) 2023/195.
- (19) At its 45th annual meeting in 2022, the GFCM adopted Recommendation GFCM/45/2022/5 on a multiannual management plan for the sustainable exploitation of giant red shrimp and blue and red shrimp stocks in the Strait of Sicily (geographical subareas 12 to 16)⁷, repealing Recommendations GFCM/44/2021/7 and GFCM/43/2019/6. Recommendation GFCM/45/2022/5 introduced a catch limit and a fishing capacity freeze. For 2024, that recommendation provides for a reduction of 3 % of the catch limits for giant red shrimp and blue and red shrimp. In order to implement those measures in Union law, 3% should therefore be deducted from the maximum allowable catch limits for giant red shrimp and blue and red shrimp set for 2023 by Council Regulation (EU) 2023/195.
- (20) At its 45th annual meeting in 2022, the GFCM adopted Recommendation GFCM/45/2022/6 on a multiannual management plan for the sustainable exploitation of giant red shrimp and blue and red shrimp stocks in the Ionian Sea (geographical subareas 19 to 21)⁸, repealing Recommendations GFCM/44/2021/8 and GFCM/42/2018/4. Recommendation GFCM/45/2022/6 introduced a catch limit and a fishing capacity freeze. For 2024, that Recommendation provides for a reduction of 3 % of the catch limits for giant red shrimp and blue and red shrimp. In order to implement those measures in Union law, 3% should therefore be deducted from the

⁶ [Compliance Committee \(CoC\) Portal – REC.CM_GFCM_45_2022_4-e.pdf – All Documents \(sharepoint.com\)](#)

⁷ [Compliance Committee \(CoC\) Portal - REC.CM_GFCM_45_2022_5-e.pdf - All Documents \(sharepoint.com\)](#)

⁸ [Compliance Committee \(CoC\) Portal - REC.CM_GFCM_45_2022_6-e.pdf - All Documents \(sharepoint.com\)](#)

maximum allowable catch limits for giant red shrimp and blue and red shrimp set for 2023 by Council Regulation (EU) 2023/195.

- (21) At its 45th annual meeting in 2022, the GFCM adopted Recommendation GFCM/45/2022/7 on a multiannual management plan for the sustainable exploitation of giant red shrimp and blue and red shrimp stocks in the Levant Sea (geographical subareas 24 to 27)⁹, repealing Recommendations GFCM/44/2021/8 and GFCM/42/2018/4. Recommendation GFCM/45/2022/7 introduced a catch limit and a fishing capacity freeze. For 2024, that Recommendation provides for a reduction of 3% of the catch limits for giant red shrimp and blue and red shrimp. In order to implement those measures in Union law, 3% should therefore be deducted from the maximum allowable catch limits set for giant red shrimp and blue and red shrimp for 2023 by Council Regulation (EU) 2023/195.
- (22) At its 45th annual meeting in 2022, the GFCM adopted Recommendation GFCM/45/2022/3 on a multiannual management plan for the sustainable exploitation of blackspot seabream in the Alboran Sea (geographical subareas 1 to 3)¹⁰, repealing Recommendations GFCM/44/2021/4, GFCM/43/2019/2 and GFCM/41/2017/2. Recommendation GFCM/45/2022/3 introduced maximum levels of catches for 2023, 2024 and 2025, a maximum number of longlines and handlines authorised and new measures for recreational fisheries. In order to implement those measures in Union law, 7% should therefore be deducted from the maximum allowable catch limits set for blackspot seabream for 2023 by Council Regulation (EU) 2023/195.
- (23) At its 43rd annual meeting in 2019, the GFCM adopted Recommendation GFCM/43/2019/3¹¹ amending Recommendation GFCM/41/2017/4 on a multiannual management plan for turbot fisheries in the Black Sea (GFCM geographical subarea 29). Recommendation GFCM/43/2019/3 introduced from 2020 to 2024 an updated regional TAC and a quota allocation scheme for turbot, as well as further conservation measures, in particular a two-month closure period and a limitation of fishing days to 180 days per year. In accordance with Recommendation GFCM/43/2019/3, these further conservation measures are functionally linked to the fishing opportunities, as, without those measures in place, TAC level for turbot would have to be reduced to ensure its recovery. Those measures should therefore be implemented in Union law.
- (24) [placeholder roll-over decision turbot quota from GFCM 46th annual session]
- (25) [placeholder carry over decision turbot quota from GFCM 46th annual session]
- (26) Based on the scientific advice provided by the GFCM Working Group for the Black Sea, the current level of fishing mortality of sprat should be maintained to ensure the sustainability of sprat stocks in the Black Sea. It is therefore appropriate to continue setting an autonomous quota for those stocks.
- (27) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009¹², and in particular to

⁹ [Compliance Committee \(CoC\) Portal - REC.CM GFCM 45 2022 7-e.pdf - All Documents \(sharepoint.com\)](#)

¹⁰ [Compliance Committee \(CoC\) Portal - REC.CM GFCM 45 2022 3-e.pdf - All Documents \(sharepoint.com\)](#)

¹¹ [Compliance Committee \(CoC\) Portal - REC.CM GFCM 45 2022 9-e.pdf - All Documents \(sharepoint.com\)](#)

¹² Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community 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)

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 data to the Commission relating to landings of stocks subject to this Regulation.

- (28) In order to promote the use of selectivity of gears and to establish efficient closure areas to protect juveniles and spawners, Regulation (EU) 2022/110 established a compensation mechanism in relation to the effort regime for trawls. As STECF continues to recommend in 2024 the further improvement of selectivity and of efficient closure areas to protect juvenile fish, it is appropriate to allocate *pm* % of fishing days.
- (29) Council Regulation (EC) No 847/96¹³ provides for additional conditions for the year-to-year management of TACs including, under its Articles 3 and 4, flexibility provisions for precautionary and analytical TACs. Under Article 2 of that Regulation, when establishing TACs, the Council is to decide which stocks will not be subject to Articles 3 and 4 of that Regulation, in particular on the basis of the biological status of stocks. Therefore, to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources, hinder the achievement of the objectives of the Common Fisheries Policy and cause the biological status of stocks to deteriorate, it should be made explicit that Articles 3(2), 3(3) and 4 of Regulation (EC) No 847/96 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.
- (30) In order to avoid the interruption of fishing activities and to ensure the livelihood of Union fishers, this Regulation should apply from 1 January 2024. For reasons of urgency, this Regulation should enter into force on the day following that of its publication.

HAS ADOPTED THIS REGULATION:

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).

¹³ 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).

TITLE I

GENERAL PROVISIONS

Article 1

Scope

1. This Regulation applies to Union fishing vessels operating in the Mediterranean and Black Seas exploiting the following fish stocks:
 - (a) red coral (*Corallium rubrum*) and common dolphinfish (*Coryphaena hippurus*) in the Mediterranean Sea;
 - (b) blue and red shrimp (*Aristeus antennatus*), deep-water rose shrimp (*Parapenaeus longirostris*), giant red shrimp (*Aristaeomorpha foliacea*), European hake (*Merluccius merluccius*), Norway lobster (*Nephrops norvegicus*) and red mullet (*Mullus barbatus*) in the western Mediterranean Sea;
 - (c) anchovy (*Engraulis encrasicolus*) and sardine (*Sardina pilchardus*) in the Adriatic Sea;
 - (d) European hake (*Merluccius merluccius*), Norway lobster (*Nephrops norvegicus*), common sole (*Solea solea*), deep-water rose shrimp (*Parapenaeus longirostris*) and red mullet (*Mullus barbatus*) in the Adriatic Sea;
 - (e) European hake (*Merluccius merluccius*) and deep-water rose shrimp (*Parapenaeus longirostris*) in the Strait of Sicily;
 - (f) giant red shrimp (*Aristaeomorpha foliacea*) and blue and red shrimp (*Aristeus antennatus*) in the Strait of Sicily, in the Ionian Sea and in the Levant Sea;
 - (g) blackspot seabream (*Pagellus bogaraveo*) in the Alboran Sea;
 - (h) sprat (*Sprattus sprattus*) and turbot (*Scophthalmus maximus*) in the Black Sea.
2. This Regulation also applies to other Union fishing activities, including recreational fisheries, where they are expressly referred to in the relevant provisions.

Article 2

Definitions

For the purposes of this Regulation, the definitions laid down in Article 4(1) of Regulation (EU) No 1380/2013 apply. In addition, the following definitions apply:

- (a) ‘international waters’ means waters falling outside the sovereignty or jurisdiction of any State;
- (b) ‘recreational fisheries’ means non-commercial fishing activities exploiting marine living aquatic resources for recreation, tourism or sport;
- (c) ‘total allowable catch’ or ‘TAC’ means:
 - (i) in fisheries subject to the exemption of the landing obligation referred to in Article 15(4) to (7) of Regulation (EU) No 1380/2013, the quantity of fish that can be landed from each stock each year;
 - (ii) in all other fisheries, the quantity of fish that can be caught from each stock over the period of a year;

- (d) ‘quota’ means a proportion of the TAC allocated to the Union or a Member State;
- (e) ‘Union autonomous quota’ means a catch limit autonomously allocated to Union fishing vessels in the absence of an agreed TAC;
- (f) ‘analytical quota’ means a Union autonomous quota for which an analytical assessment is available;
- (g) ‘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;
- (h) ‘fish-aggregating device’ or ‘FAD’ means any anchored equipment floating on the sea surface with the objective of attracting fish.

Article 3

Fishing zones

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

- (a) ‘GFCM geographical subareas’ mean the areas defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council¹⁴;
- (b) ‘Mediterranean Sea’ means the waters in GFCM geographical subareas 1 to 27, as defined in Annex I to Regulation (EU) No 1343/2011;
- (c) ‘western Mediterranean Sea’ means the waters in GFCM geographical subareas 1, 2, 5, 6, 7, 8, 9, 10 and 11, as defined in Annex I to Regulation (EU) No 1343/2011;
- (d) ‘Adriatic Sea’ means the waters in GFCM geographical subareas 17 and 18, as defined in Annex I to Regulation (EU) No 1343/2011;
- (e) ‘Strait of Sicily’ means the waters in GFCM geographical subareas 12, 13, 14, 15 and 16, as defined in Annex I to Regulation (EU) No 1343/2011;
- (f) ‘Ionian Sea’ means the waters in GFCM geographical subareas 19, 20 and 21, as defined in Annex I to Regulation (EU) No 1343/2011;
- (g) ‘Levant Sea’ means the waters in GFCM geographical subareas 24, 25, 26 and 27, as defined in Annex I to Regulation (EU) No 1343/2011;
- (h) ‘Alboran Sea’ means the waters in GFCM geographical subareas 1 to 3, as defined in Annex I to Regulation (EU) No 1343/2011;
- (i) ‘Black Sea’ means the waters in GFCM geographical subarea 29, as defined in Annex I to Regulation (EU) No 1343/2011.

¹⁴ 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

CHAPTER I

Mediterranean Sea

Article 4

Red coral

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities harvesting red coral (*Corallium rubrum*), namely targeted and recreational fisheries in the Mediterranean Sea.
2. For targeted fisheries, the maximum number of fishing authorisations and the maximum quantities of red coral stocks harvested by Union fishing vessels and Union harvesting activities shall not exceed the levels set out in Annex I.
3. It shall be prohibited for Union fishing vessels subject to paragraph 2 to tranship red coral at sea.
4. For recreational fisheries, Member States shall take the necessary measures to prohibit the catch and retention on board, transhipment or landing of red coral.

Article 5

Common dolphinfish

[placeholder new measures]

CHAPTER II

Western Mediterranean Sea

Article 6

Demersal stocks

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching demersal stocks referred to in Article 1(2) of Regulation (EU) 2019/1022, in the western Mediterranean Sea.
2. The maximum allowable fishing effort for trawlers and longliners is set out in Annex III to this Regulation. Member States shall manage the maximum allowable fishing effort in accordance with Article 9 of Regulation (EU) 2019/1022 and Articles 26 to 34 of Regulation (EC) No 1224/2009.
3. The allocation among Member States of maximum catch limits for Union fishing vessels in Union waters of the western Mediterranean Sea is also set out in Annex III.
4. The allocation of fishing opportunities by Member States, as set out in this Article and Annex III, shall fulfil the following conditions:

- (a) it shall be in accordance with the criteria set out in Article 17 of Regulation (EU) No 1380/2013;
- (b) it shall be without prejudice to:
 - (i) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
 - (ii) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;
 - (iii) additional landings allowed under Article 3 of Council Regulation (EC) No 847/96 or under Article 15(9) of Regulation (EU) No 1380/2013;
 - (iv) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 or transferred under Article 15(9) of Regulation (EU) No 1380/2013;
 - (v) deductions made pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009.

Article 7

Compensation mechanism

1. For the fleet segment concerned, a Member State may grant, in 2024, to vessels flying its flag an additional allocation of fishing days of pm % calculated from the baseline between 2015 and 2017 of that Member State as set out in paragraph 4.
2. The Member State concerned shall notify to the Commission the list of the fishing vessels concerned by such an additional allocation of fishing days, as well as the related number of additional fishing days.
3. The additional allocation shall be calculated from the maximum effort allowed in the baseline between 2015 and 2017 for the relevant fleet segment of the Member State concerned as from 1 January 2024.
4. A Member State may grant the additional allocation of fishing days referred to in paragraph 1, provided that a vessel fulfils one of the following conditions:
 - (a) the vessel uses a trawl net with 45 mm square-mesh codend in order to reduce by at least 25 % catches of the juveniles of hake;
 - (b) the vessel uses a trawl net with a 50 mm square-mesh codend for deep-water fisheries in order to reduce by at least 25 % catches of blue and red shrimps with a carapace length (CL) of less than 25 mm in geographical subareas 1, 2, 5, 6, 7, 8, 9, 10 and 11 and to reduce by at least 25 % catches of giant red shrimps with a CL of less than 35 mm in the geographical subareas 8, 9, 10 and 11;
 - (c) the vessel uses a regulated highly selective gear, the technical specifications of which result in, according to the scientific study by STECF, a reduction of at least 25 % of catches of juveniles of all demersal species or at least 20 % of catches of spawners of all demersal species compared to 2020, such as a sorting grid of at least 20 mm spacing;
 - (d) the Member State concerned has established temporary closure areas in order to reduce by at least 25 % catches of juveniles of all demersal species or by at least 20 % catches of spawners of all demersal species;

- (e) the Member State concerned has adopted a new minimum conservation reference size for hake of at least 26 cm, and has secured the enforcement of appropriate technical measures to comply with this minimum conservation reference size, in order to progressively reach the length at first maturity and improve hake stocks status;
 - (f) the Member State concerned has adopted a new minimum conservation reference size for blue and red shrimp (*Aristeus antennatus*) of at least 25 mm CL and for giant red shrimp (*Aristaeomorpha foliacea*) of at least 35 mm CL, and has secured the enforcement of appropriate technical measures to comply with those minimum conservation reference sizes, in order to progressively reach the length at first maturity and improve stocks status;
 - (g) the Member State concerned has set a closure of at least 4 continuous weeks for fishing activities with trawlers in the areas and periods recognised as important, on the basis of the best available scientific advice, for the protection of spawners of hake stocks. Such areas shall also account for spatial patterns of spawners' distribution, including depths from 150 m to 500 m. The periods of the temporary fishing closure shall be from February to March and from October to November.
5. The Member State concerned shall also separately notify every month to the Commission the effort deployed to be counted against the additional allocation referred to in paragraph 1 by using the specific reporting codes for that allocation.
 6. The Member State concerned shall submit to the Commission, by 15 October at the latest, all available information related to the implementation of the measures referred to in paragraph 4, points (a) to (g).

Article 8

Data recording and transmission

1. Member States shall record and transmit the fishing effort data to the Commission in accordance with Article 10 of Regulation (EU) 2019/1022.
2. When submitting fishing effort data to the Commission in accordance with this Article, Member States shall use the fishing effort group codes set out in Annex III.

CHAPTER III Adriatic Sea

Article 9

Small pelagic stocks

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching sardine (*Sardina pilchardus*) and anchovy (*Engraulis encrasicolus*) in the Adriatic Sea.
2. The maximum level of catches shall not exceed the levels set out in Annex IV.
3. The maximum fleet capacity, expressed in kW, gross tonnage (GT) and number, of Union fishing vessels authorised to fish small pelagic stocks, is set out in Annex IV.

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 10

Demersal stocks

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching European hake (*Merluccius merluccius*), Norway lobster (*Nephrops norvegicus*), common sole (*Solea solea*), deep-water rose shrimp (*Parapenaeus longirostris*) and red mullet (*Mullus barbatus*) in the Adriatic Sea.
2. The maximum allowable fishing effort for demersal stocks and the maximum fleet capacity within the scope of this Article is set out in Annex IV.
3. A Member State may amend its fishing effort allocation as set out in Annex IV by transferring fishing days across fishing effort groups of the same geographical area and/or gear, provided that it applies a national conversion factor which is supported by the best available scientific advice.
4. Member States shall manage the maximum allowable effort in accordance with Articles 26 to 35 of Regulation (EC) No 1224/2009.

Article 11

Data transmission

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

CHAPTER IV Strait of Sicily

Article 12

Demersal stocks

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching European hake (*Merluccius merluccius*) and deep-water rose shrimp (*Parapenaeus longirostris*) in the Strait of Sicily.
2. The maximum level of catches of deep-water rose shrimp shall not exceed the levels set out in Annex V.
3. The maximum allowable fishing effort for European hake and the maximum fleet capacity, expressed in number of vessels, kW and GT, of bottom trawl vessels authorised to fish for demersal stocks within the scope of this Article are set out in Annex V.
4. Member States shall manage the maximum allowable fishing effort in accordance with Articles 26 to 35 of Regulation (EC) No 1224/2009.

Article 13

Deep-water shrimps

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching giant red shrimp (*Aristaeomorpha foliacea*) and blue and red shrimp (*Aristeus antennatus*) in the Strait of Sicily.
2. The maximum fleet capacity, expressed in number of vessels, kW and GT, of bottom trawl vessels authorised to fish for demersal stocks within the scope of this Article is set out in Annex V.
3. The maximum level of catches shall not exceed the levels set out in Annex V.

Article 14

Data transmission

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

CHAPTER V

Ionian Sea and Levant Sea

Article 15

Deep-water shrimps

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching giant red shrimp (*Aristaeomorpha foliacea*) and blue and red shrimp (*Aristeus antennatus*) in the Ionian Sea and in the Levant Sea.
2. The maximum fleet capacity, expressed in number of vessels, kW and GT, of bottom trawl vessels authorised to fish for demersal stocks within the scope of this Article is set out in Annex VI.
3. The maximum level of catches shall not exceed the levels set out in Annex VI.

CHAPTER VI

Alboran Sea

Article 16

Blackspot seabream

1. This Article applies to commercial and recreational fishing with longlines and handlines by Union fishing vessels catching blackspot seabream (*Pagellus bogaraveo*) in the Alboran Sea.
2. The maximum level of catches shall not exceed the levels set out in Annex VII.
3. The maximum number of longlines and handlines authorised to fish for blackspot seabream is set out in Annex VII.

4. For recreational fishing activities, the maximum number of catches shall be limited to one fish per fisher per day. The minimum conservation reference size of 40 cm for blackspot seabream (*Pagellus bogaraveo*) shall apply to recreational fisheries in the Alboran Sea. Recreational fishing for this species shall be prohibited during the closure period of commercial fisheries set at national level.

CHAPTER VII

Black Sea

Article 17

Allocation of fishing opportunities for sprat

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching sprat (*Sprattus sprattus*) in the Black Sea.
2. The Union autonomous quota for sprat, the allocation of such quota among Member States and the conditions functionally linked thereto, where appropriate, are set out in Annex VIII.
3. 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 18

Allocation of fishing opportunities for turbot

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching turbot (*Scophthalmus maximus*) in the Black Sea.
2. The TAC for turbot applicable in Union waters in the Black Sea, the allocation of such TAC among Member States and the conditions functionally linked thereto, where appropriate, are set out in Annex VIII.
3. 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 19

Management of fishing effort for turbot

Union fishing vessels authorised to fish for turbot within the scope of Article 19, irrespective of the vessels' length overall, shall not exceed 180 fishing days per year.

Article 20

Closure period for turbot

It shall be prohibited for Union fishing vessels to carry out any fishing activity, including transshipment, retaining on board, landing and first sale, of turbot in Union waters in the Black Sea from 15 April to 15 June.

Article 21

Special provisions on allocations of fishing opportunities in the Black Sea

The allocation of fishing opportunities among Member States as set out in Articles 18 and 19 shall be without prejudice to:

- (a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
- (b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;
- (c) deductions made pursuant to Articles 105 and 107 of Regulation (EC) No 1224/2009.

Article 22

Data transmission

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States submit to the Commission data relating to landings of quantities of stocks of sprat and turbot caught in Union waters in the Black Sea, they shall use the stock codes set out in Annex VIII.

**TITLE III
FINAL PROVISIONS**

Article 23

Entry into force and application

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

It shall apply from 1 January 2024 to 31 December 2024.

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

Done at Brussels,

*For the Council
The President*