

COMMISSION SERVICES NON PAPER

5 JULY 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 amending Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters, and Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters, 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 [COM(2023) 276]

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1. AMENDMENTS IN RELATION TO NORTHERN PRAWN IN THE SKAGERRAK AND KATTEGAT

EXPLANATORY NOTE

On 17 March 2023, the EU and Norway agreed on a total allowable catch (TAC) for Northern prawn (*Pandalus borealis*) in EU and Norwegian waters of International Council for the Exploration of the Sea (ICES) division 3a (Skagerrak and Kattegat) and 4a East (Norwegian deep) for the period from 1 January to 30 June 2023. Regulation (EU) 2023/194¹, as amended by Council Regulation (EU) 2023/730², sets, on that basis, a provisional TAC for Northern prawn in ICES division 3a for 2023.

On 9 June 2023, ICES published its scientific advice³ for Northern prawn in ICES divisions 3a and 4a East for the period from 1 July 2023 to 30 June 2024. ICES advised that, when the EU-Norway long-term management strategy (LTMS) for that stock is applied, catches should be no more than 5 125 tonnes during that period.

ICES' advice assumed full use of the fishing opportunities for that stock in the first half of 2023. On 29 June 2023, the ICES Secretariat informed the Commission services that the level of the advice would have been 6 076 tonnes had the advice assumed that fishing opportunities were not fully used in the first half of 2023 and that 900 tonnes remained unfished on 1 July 2023. According to the catch figures provided by the EU and Norway, that latter assumption matches the fishing opportunities uptake level on 1 July 2023.

From 13 June to 29 June 2023, the EU and Norway held consultations on the level of the TAC for that area and for that period. Those consultations were conducted on the basis of the EU position outlined in the Commission services non-paper as endorsed by the Council on 12 June 2023.

The outcome of those consultations was documented in an Agreed Record. In line with the ICES advice and the EU position, the EU and Norway agreed to set a TAC for Northern prawn in ICES division 3a and 4a East for the period from 1 July 2023 to 30 June 2024 of 6 076 tonnes. The EU and Norway agreed to allocate 4 253 tonnes of that TAC to ICES division 3a. That results in an EU quota in ICES division 3a of 2 271 tonnes.

In order to transition from the setting of a TAC for Northern prawn in ICES division 3a twice per year to once per year, it is proposed to: (i) replace the provisional TAC for that stock for 2023 by a definitive TAC for the period from 1 January to 30 June 2023 at the level agreed with Norway on 17 March 2023; and (ii) set the TAC for that stock for the period from 1 July 2023 to 30 June 2024 at the level agreed with Norway on 29 June 2023.

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

² Council Regulation (EU) 2023/730 of 31 March 2023 amending Regulation (EU) 2023/194 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks, and Regulation (EU) 2022/109 (OJ L 95, 4.4.2023, p. 1).

³ <https://doi.org/10.17895/ices.advice.21820455>.

AMENDMENTS TO THE RECITALS

Recital 3 is replaced by the following:

“(3) Regulation (EU) 2023/194 sets a provisional TAC for Northern prawn (*Pandalus borealis*) in Union and Norwegian waters of ICES division 3a for 2023. The Union and Norway held consultations on the level of the TAC for Northern prawn in ICES division 3a and 4a East for the period from 1 July 2023 to 30 June 2024. Those consultations were conducted on the basis of the Union position endorsed by the Council on 12 June 2023. On 29 June 2023, the Union and Norway agreed on a TAC in ICES division 3a and 4a East of 6 076 tonnes, of which 4 253 tonnes are to be allocated to ICES division 3a. That TAC level corresponds to what the level of the ICES advice for that stock for the period from 1 July 2023 to 30 June 2024 would have been had the advice assumed that fishing opportunities were not fully used in the first half of 2023 and that 900 tonnes remained unfished on 1 July 2023. According to the catch figures provided by the EU and Norway, that later assumption matches the fishing opportunities uptake level on 1 July 2023. In order to transition from the setting of a TAC for Northern prawn in ICES division 3a twice per year to once per year: (i) the provisional TAC for that stock for 2023 should be replaced by a definitive TAC for the period from 1 January to 30 June 2023 at the level agreed with Norway on 17 March 2023; and (ii) the TAC for that stock for the period from 1 July 2023 to 30 June 2024 should be set at the level agreed with Norway on 29 June 2023.”

Recital (10) is replaced by the following:

“(10) The provisions of this Regulation amending certain provisions of Regulation (EU) 2023/194 should apply from 1 January 2023, in line with the application period of those amended provisions. The provisions of this Regulation concerning fishing opportunities for anchovy and sprat should apply from 1 July 2023. The provisions of this Regulation concerning fishing opportunities for Northern prawn should apply from respectively 1 January 2023 and 1 July 2023. The provisions of this Regulation concerning ICCAT and amending certain provisions of Regulation (EU) 2022/109 should apply from 1 January 2022, in line with the application period of those amended provisions. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the fishing opportunities concerned are either increased or have not yet been exhausted or quantities withheld upon Member States requests pursuant to Article 4(2) of Regulation (EC) No 847/96 have not yet been transferred.”

AMENDMENTS TO THE ARTICLES

Article 3 is replaced by the following:

“Article 3
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.

However:

- (a) Article 2 shall apply from 1 January 2022;
- (b) In Annex I, point 1 and points (b) to (e) of point 2 shall apply from 1 July 2023.”

AMENDMENTS TO THE ANNEXES

In point (2) of Annex I, points (a) and (b) are replaced by the following:

“

- (a) the table for Northern prawn (*Pandalus borealis*) in ICES division 3a is replaced by the following:

‘

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	3a (PRA/03A.)
Denmark	1 429 ⁽¹⁾	Analytical TAC	
Sweden	769 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply.	
Union	2 198 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply.	
TAC	4 117 ⁽¹⁾		
⁽¹⁾	This quota may only be fished from 1 January to 30 June 2023.		

’;

- (b) the following table is inserted after the table for Northern prawn (*Pandalus borealis*) in ICES division 3a:

‘

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	3a (PRA/03A.2)
Denmark	1 476 ⁽¹⁾	Analytical TAC	
Sweden	795 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply.	
Union	2 271 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply.	
TAC	4 253 ⁽¹⁾		
⁽¹⁾	This quota may only be fished from 1 July 2023 to 30 June 2024.		

’;”