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COMMISSION DELEGATED REGULATION (EU) 2024/3204

of 11 October 2024

amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards short-necked clam and red seabream

THE EUROPEAN COMMISSION,

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

Having regard to 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 ([1]), and in particular Articles 2(2) and 15(2) thereof,

Whereas:

(1) Regulation (EU) 2019/1241 lays down specific regional technical measures for Union waters in the North Western Waters and the South Western Waters.

(2) Annex VI to Regulation (EU) 2019/1241 provides for technical measures for the North Western Waters and Annex VII for the South Western Waters.

(3) Article 18(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ([2]) establishes that Member States having a direct management interest in Union conservation measures applying to a particular geographical region, may submit joint recommendations for achieving the objectives of those measures. Article 15(3) of Regulation (EU) 2019/1241 allows Member States with a direct management interest to submit joint recommendations for the purpose of the adoption of delegated acts amending, supplementing, repealing or derogating from the regional technical measures set out in the Annexes to that Regulation.

(4) Belgium, Spain, France, the Netherlands and Portugal (the South Western Waters Member States Regional Group) and Belgium, Spain, France, Ireland and the Netherlands (the North Western Waters Member States Regional Group) have a direct fisheries management interest in the South Western and the North Western Waters respectively.

(5) On 8 November 2020, the South Western Waters Member States Regional Group submitted a joint recommendation to the Commission proposing a reduced minimum conservation reference size (MCRS) of 32 mm for short-necked clams, also known as Manila clams (*Venerupis philippinarum*) in the Arcachon Basin.

(6) In the Plenary of 22-26 March 2021, the Scientific, Technical and Economic Committee for Fisheries (STECF) evaluated the joint recommendation and concluded ([3]) that the information provided did not justify the proposed reduced MCRS.

(7) In February 2023, the South Western Waters Member States Regional Group submitted further information regarding short-necked clams.

([1]) OJ L 198, 25.7.2019, p. 105, ELI: http://data.europa.eu/eli/reg/2019/1241/oj.

([2]) 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, ELI: http://data.europa.eu/eli/reg/2013/1380/oj).

([3]) https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf-plen-21-01.

(8) In the Plenary of 20-24 March 2023, the STECF assessed that further information and concluded ([4]) that, given the proposed reduced MCRS of 32 mm is larger than the estimated size at first maturity (26,7 mm) in the Arcachon basin, the impact on juveniles is likely to be minimal. The STECF also concluded that while a larger fraction of the mature population will be harvestable, the impact of the proposed reduced MCRS on the mature population is likely to be negligible because, according to the analysis available, the largest proportion of the mature population will remain protected from fishing. Moreover, the STECF concluded that any effects on the conservation status of the stock are likely to be minor for the entire population and any existing conservation benefits on juveniles arising from the current 35 mm MCRS are expected to remain unchanged. Finally, the STECF noted that: (i) two closed fishing reserves are in place; (ii) there are currently 40 fishing licences active and a system for renewal that for several years has aimed at a continued reduction of new licences; and (iii) surveys of the stock are carried out every two years.

(9) Given that (i) the reduced MCRS is likely to have a negligible impact on the mature populations and a minimal impact on juveniles; (ii) the existing conservation benefits are expected to remain unchanged; (iii) the reduced MCRS is accompanied by management measures including the two closed fishing reserves and a system of licences; and (iv) surveys on the population of this stock take place every two years, the Commission considers that the requirements of Articles 15 and 18 of Regulation (EU) 2019/1241 are fulfilled.

(10) On 13 June 2024 and 28 June 2024, the South-Western Waters and the North Western Waters Member States Regional Groups respectively requested an extension until 31 December 2026 of the measures that have applied to red seabream (*Pagellus bogaraveo*) since July 2022 ([5]). The extension would maintain both the current MCRS for red seabream in both sea-basins and closures (i) for vessels flying the French flag in ICES subareas 6 to 8 from 1 January until 30 June; and (ii) on a seasonal basis for commercial fisheries and all year for recreational fisheries in specific geographical areas of ICES subarea 8.

(11) On 26 September 2024, Member States submitted to the Commission an updated joint recommendation limiting the duration of the requested extension until December 2025.

(12) The Expert Group on Fisheries and Aquaculture was consulted on 27 September 2024.

(13) The STECF previously assessed these measures in 2021 and concluded that they had the potential to reduce catches of red seabream ([6]).

(14) Given that: (i) the measures are the same as those that have applied to red seabream since July 2022; (ii) data for this stock continues to be scarce and ICES has issued a zero-catch advice for 2025 and 2026 ([7]); and (iii) the measures remain more stringent than the baseline measures, the Commission considers that the requirements of Article 15 of Regulation (EU) 2019/1241 are fulfilled.

(15) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force as soon as possible. Since the period of application of the measures introduced by Commission Delegated Regulation (EU) 2024/491 ([8]) expires on 31 December 2024, the measures concerning red seabream should apply from 1 January 2025 in order to ensure legal continuity.

([4]) https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf-plen-23-01.

([5]) Commission Delegated Regulation (EU) 2023/56 of 19 July 2022 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards specific technical measures for red seabream (*Pagellus bogaraveo*) in ICES subareas 6 to 8 (OJ L 5, 6.1.2023, p. 1, ELI: http://data.europa.eu/eli/reg_del/2023/56/oj).

([6]) https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf-21-05-eval-jrs-lo-and-tm-reg.

([7]) ICES. 2024. Blackspot seabream (*Pagellus bogaraveo*) in subareas 6-8 (Celtic Seas, the English Channel, and Bay of Biscay). In Report of the ICES Advisory Committee, 2024. ICES Advice 2024, sbr.27.6-8 (https://doi.org/10.17895/ices.advice.25019660).

([8]) Commission Delegated Regulation (EU) 2024/491 of 30 November 2023 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards the prolongation of specific technical measures for red seabream (*Pagellus bogaraveo*) in ICES subareas 6 to 8 (OJ L, 2024/491, 13.2.2024, ELI: http://data.europa.eu/eli/reg_del/2024/491/oj).

(16) The measures introduced by this Regulation applicable to Union waters are in pursuit of the objectives set out in Article 494(1) and (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 ([9]) and have regard to the principles referred to in Article 494(3) of that agreement. They are without prejudice to any measures applicable in waters of the United Kingdom of Great Britain and Northern Ireland.

(17) Regulation (EU) 2019/1241 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes VI and VII to Regulation (EU) 2019/1241 are amended in accordance with the Annex to this Regulation.

Article 2

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

The measures concerning red seabream shall apply from 1 January 2025 until 31 December 2025.

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

Done at Brussels, 11 October 2024.

For the Commission
The President
Ursula VON DER LEYEN

([9]) OJ L 149, 30.4.2021, p. 10.

ANNEX

Annexes VI and VII to Regulation (EU) 2019/1241 are amended as follows:

(1) Annex VI is amended as follows:

(a) Part A is amended as follows:

(i) the nineteenth entry of the table is replaced by the following:

'Red seabream *(Pagellus bogaraveo)*	36 cm (*) (**) (***)

(*) This minimum conservation reference size shall apply until 31 December 2025.
(**) In ICES subareas 6 and 7, a minimum conservation reference size of 40 cm shall apply for the catches of red seabream in recreational fisheries.
(***) In the absence of new rules adopted before 31 December 2025, as of 1 January 2026 the applicable minimum conservation reference size shall be 33 cm.';

(ii) point 1 below the table is replaced by the following:

'1. The minimum conservation reference sizes specified in this Part for cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), saithe (*Pollachius virens*), pollack (*Pollachius pollachius*), hake (*Merluccius merluccius*), megrim (*Lepidorhombus* spp.), sole (*Solea* spp.), plaice (*Pleuronectes platessa*), whiting (*Merlangius merlangus*), ling (*Molva molva*), blue ling (*Molva dypterygia*), mackerel (*Scomber* spp.), herring (*Clupea harengus*), horse mackerel (*Trachurus* spp.), anchovy (*Engraulis encrasicolus*), bass (*Dicentrarchus labrax*) and sardine (*Sardina pilchardus*) shall apply to recreational fisheries in the North Western Waters. However, for red seabream (*Pagellus bogaraveo*), the minimum conservation reference size (MCRS) of 40 cm shall apply to recreational fisheries in ICES subareas 6 and 7 until 31 December 2025 (*).

(*) In the absence of new rules adopted before 31 December 2025, as of 1 January 2026 the applicable minimum conservation reference size for red seabream shall be 33 cm.'

(b) in Part C, point 11 concerning measures for red seabream, is replaced by the following:

'12. Closed areas for the conservation of red seabream in ICES sub-areas 6 and 7

12.1. From 1 January to 30 June 2025, all fishing for red seabream in ICES sub-areas 6 and 7 shall be prohibited to vessels flying the French flag.';

(2) Annex VII is amended as follows:

(a) in Part A, the twentieth entry of the table is replaced by the following:

'Red seabream (*Pagellus bogaraveo*)	36 cm (*) (**)

(*) This minimum conservation reference size shall apply until 31 December 2025.
(**) In the absence of new rules adopted before 31 December 2025, as of 1 January 2026 the applicable minimum conservation reference size for red seabream shall be 33 cm.';

(b) in Part A, the twenty-sixth entry of the table is replaced by the following:

'Short-necked clam (*Venerupis philippinarum*)	32 mm'

(c) in Part C, point 5.4 is replaced by the following:

'5.4. The measures in points 5.1 to 5.3 shall apply until 31 December 2025.'