



2024/3093

10.12.2024

COMMISSION DELEGATED REGULATION (EU) 2024/3093

of 13 October 2022

amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards specific technical measures to reduce by-catches of cod in the Baltic Sea

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 Article 15(2) thereof,

Whereas:

- (1) Annex VIII to Regulation (EU) 2019/1241 provides for technical measures for the Baltic Sea.
- (2) Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden ('the Member States concerned') have a direct fisheries management interest in the Baltic Sea. On 26 October 2021, the Member States concerned submitted a joint recommendation to the Commission in accordance with Article 18(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽²⁾ and Article 15(3) of Regulation (EU) 2019/1241, proposing the adoption of a delegated act to add new selectivity devices to Annex VIII of Regulation (EU) 2019/1241. Following an open stakeholder consultation on Implementing Regulation (EU) 2024/3094 ⁽³⁾ ⁽⁴⁾ BaltFish revised its joined recommendation by requesting to insert a revision clause and to extend the delayed application of this Regulation from 90 to 120 days after its publication.
- (3) The joint recommendation proposes specific technical measures to protect the Baltic cod stocks, which are heavily depleted according to the annual assessment of the International Council for the Exploration of the Sea ('ICES') ⁽⁵⁾ ⁽⁶⁾, including a derogation from the currently allowed mesh sizes. Only mesh sizes proposed in this Regulation should therefore apply in ICES subdivisions 22-26 for the demersal fishery when the directed fishery for cod is prohibited.
- (4) The Member States concerned agreed that when the directed fishery for cod is prohibited, it is necessary to reduce incidental catches of cod when fishing for flatfish in the main distribution area of Baltic cod (ICES subdivisions 22-26) by at least 55 %, in order to avoid further deterioration of these stocks.
- (5) For ICES subdivisions 22 to 26, the joint recommendation suggests the use of a Roofless selection device to be added to either the baseline gears, a modified T90 codend (with a mesh size of at least 125 mm and a reinforcement of the selvages with lastridge ropes), or a square mesh codend (consisting of two panels and a minimum mesh size of at least 125 mm).

⁽¹⁾ OJ L 198, 25.7.2019, p. 105.

⁽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).

⁽³⁾ Commission Implementing Regulation (EU) 2024/3094 of 27 November 2024 laying down detailed rules on certain selective devices to reduce incidental catches of cod in the Baltic Sea provided for in Annex VIII to Regulation (EU) 2019/1241 of the European Parliament and of the Council (OJ L, 2024/3094, 10.12.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/3094/oj).

⁽⁴⁾ *Selective devices for fishing in the Baltic Sea (new detailed rules)* (europa.eu).

⁽⁵⁾ <https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2021/2021/cod.27.24-32.pdf>.

⁽⁶⁾ <https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2021/2021/cod.27.22-24.pdf>.

- (6) The Scientific, Technical and Economic Committee for Fisheries ("STECF") assessed the Roofless device in November 2021 and concluded ⁽⁷⁾ that the cod reduction efficiency is higher than 75 % when the Roofless device is combined with the modified T90 codend or the square mesh codend. When combined with the baseline gears, the catch reduction efficiency is above 70 %. According to the STECF, the Roofless device releases the majority of cod, irrespective of their size. Considering the evidence regarding the status of the stock, reducing the mortality of cod individuals is key to support its recovery.
- (7) For ICES subdivisions 24 to 26, the joint recommendation proposes, in addition to the aforementioned gear and device combinations, the possibility to use on its own the modified T90 codend. The STECF concluded that, for an optimal performance, the modified T90 codend should be used in combination with the Roofless selection device. Nevertheless, even on its own, the modified T90 reduces incidental catches of cod by 56 % on average.
- (8) As regards the square mesh codend, the joint recommendation does not propose its use without the Roofless device because it never meets the required by-catch reduction target of at least 55 %.
- (9) Overall, the STECF concluded that the gears and combinations proposed in the joint recommendation are at least equivalent, in terms of exploitation patterns, to the baseline gears and that catches below minimum conservation reference size will be reduced compared to the baseline gears as required by Article 15(4) of Regulation (EU) 2019/1241. Regulation (EU) 2019/1241 should therefore be amended to include those gears and combinations.
- (10) The STECF also stated that the proposed quantitative by-catch reduction target of 55 % is linked to the size structure of cod populations and may need further adjustments. The joint recommendation proposed an annual revision of the measures from the third year of application of those measures to assess whether the selectivity parameters are fit for purpose. To facilitate data collection in this regard, Member States should ensure that catches made by these gears are recorded separately.
- (11) This Regulation is complemented by Implementing Regulation (EU) 2024/3094 laying down the detailed technical specifications of selective devices to reduce incidental catches of cod in the Baltic Sea.
- (12) In order to allow sufficient time to equip vessels with the new selectivity devices, this Regulation should apply as from 120 days after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VIII to Regulation (EU) 2019/1241 is amended in accordance with the Annex to this Regulation.

⁽⁷⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/14840948/STECF+PLEN+21-03.pdf/0909ec89-4bf6-4eeb-bb94-e2cf5a19bc92>.

Article 2

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

It shall apply from 9 April 2025.

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

Done at Brussels, 13 October 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex VIII to Regulation (EU) 2019/1241, in Part B, the following point 1.3 is added:

‘1.3. Specific measures for demersal fisheries when the directed fishery for cod is prohibited

1.3.1. By way of derogation from point 1.1 and from the first entry of the table in point 1.2, except for footnote 1, the following specific measures shall apply in ICES subdivisions 22-26 when the directed fishery for cod is prohibited and when other fishing activities are not prohibited in these subdivisions:

1.3.1.1. In ICES subdivisions 22 to 26 vessels fishing with bottom trawls shall use:

- (i) a Roofless selection device in combination with the gear specifications set out in point 1.1, any new gear that is approved by the Commission and complies with the requirements of Article 15(4) of this Regulation; or
- (ii) a T90 codend modified by increasing the minimum mesh size to at least 125 mm and reinforcing the selvages with lastridge ropes (modified T90 codend), in combination with a Roofless selection device; or
- (iii) a square mesh codend constructed of two panels with the same netting material as the escape window of the Bacoma codend laid down in point 1.1, and a minimum mesh size of at least 125 mm, in combination with a Roofless selection device.

Technical specifications of the selection devices set out above are provided in Commission Implementing Regulation (EU) 2024/3094 (*).

1.3.1.2. In addition to the gear configurations specified in point 1.3.1.1, in ICES subdivisions 24 to 26, bottom trawls may also use the modified T90 codend referred to in point 1.3.1.1(ii) without the Roofless selection device.

1.3.2. When using the gear configurations referred to in point 1.3.1, masters of Union fishing vessels shall fill in a separate page in the paper fishing logbook or report the catches in the electronic fishing logbook separately from the catches made with other gear configurations and shall record which gear configuration has been used.

1.3.3. Each flag Member State shall transmit to the Commission the relevant scientific data and information, including the quantities of cod resulting from fishing with the gear configurations referred to in point 1.3.1 broken down by relevant areas, annually by 1 April. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess the data at the latest by 1 August of each relevant year, as of the third year of application of these measures.

1.3.4. As of the third year of application of these measures the Commission shall annually assess whether the potentially changing length structure of the cod stocks has an impact on the by-catch reduction efficiency of the alternative gears referred to in point 1.3.1.

1.3.5. Based on relevant scientific information, the Member States having a direct management interest may at any time agree on a joint recommendation in accordance with Article 18(1) of Regulation (EU) No 1380/2013 requesting the Commission to modify the measures set out in points 1.3.1 to 1.3.4 above.

(*) Commission Implementing Regulation (EU) 2024/3094 of 27 November 2024 laying down detailed rules on certain selective devices to reduce incidental catches of cod in the Baltic Sea provided for in Annex VIII to Regulation (EU) 2019/1241 of the European Parliament and of the Council (OJ L, 2024/3094, 10.12.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/3094/oj).