

COMMISSION DELEGATED REGULATION (EU) 2021/2064**of 25 August 2021****supplementing Regulation (EU) No 1380/2013 of the European Parliament and of the Council as regards the establishment of a *de minimis* exemption to the landing obligation for certain demersal fisheries in the Adriatic and south-eastern Mediterranean Sea**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 15(7),

Whereas:

- (1) Commission Delegated Regulation (EU) 2017/86 ⁽²⁾ establishes a discard plan for certain demersal fisheries in the Mediterranean Sea applicable from 1 January 2017 until 31 December 2019, following three joint recommendations submitted to the Commission in 2016 by a number of Member States having a direct management interest in the fisheries in the Mediterranean Sea (Greece, Spain, France, Croatia, Italy, Cyprus, Malta and Slovenia). Those three joint recommendations concerned respectively the western Mediterranean Sea, the Adriatic Sea and the south-eastern Mediterranean Sea.
- (2) In order to avoid disproportionate costs of handling unwanted catches, Delegated Regulation (EU) 2017/86 established a *de minimis* exemption that applies to demersal species. This Regulation expires on 31 December 2021.
- (3) Croatia, Italy and Slovenia ('Adriatica High-Level Group') and Greece, Italy, Cyprus and Malta ('Sudestmed High-Level Group') have a direct fisheries management interest in the Adriatic Sea and south-eastern Mediterranean Sea respectively. On 7 and 14 May 2021, the Adriatica High-Level Group and Sudestmed High-Level Group submitted scientific evidence to request the extension of the *de minimis* exemption laid down in Delegated Regulation (EU) 2017/86.
- (4) The *de minimis* exemptions for small pelagic species in fisheries targeting those species are set out in Commission Delegated Regulation (EU) 2018/161 ⁽³⁾. By contrast, *de minimis* exemptions for by-catches of small pelagic species made in demersal fisheries should be included in this Regulation as requested in the scientific evidence submitted by the High-Level Groups.
- (5) The scientific evidence was assessed by the Scientific, Technical and Economic Committee for Fisheries ('STECF') between 17 and 21 May 2021 ⁽⁴⁾. On 13 and 21 July 2021, the Adriatica and Sudestmed High-Level Groups submitted respectively updated scientific evidence that was aligned with the STECF scientific advice.
- (6) The Commission notes that in the Adriatic Sea and south-eastern Mediterranean Sea, species are caught at the same time, at highly varying quantities, making a single stock approach challenging. Those species are furthermore caught by small-scale fishing vessels and landed in many different landing points spread out geographically along the coast, that results in disproportionate costs of handling unwanted catches.

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ Commission Delegated Regulation (EU) 2017/86 of 20 October 2016 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea (OJ L 14, 18.1.2017, p. 4).

⁽³⁾ Commission Delegated Regulation (EU) 2018/161 of 23 October 2017 establishing a *de minimis* exemption to the landing obligation for certain small pelagic fisheries in the Mediterranean Sea (OJ L 30, 2.2.2018, p. 1).

⁽⁴⁾ Reports of the Scientific, Technical and Economic Committee for Fisheries (STECF) – Evaluation of the landing obligation joint recommendations (STECF-21-05) 2021. Publications Office of the European Union, Luxembourg.
Available here <https://stecf.jrc.ec.europa.eu/documents/43805/2537709/STECF+PLEN+19-02.pdf>

- (7) The STECF noted that the combined *de minimis* approach included in the scientific evidence provided, covers a broad group of species with a wide range of discard rates but considered such broad coverage a valid approach given the complexity of the fisheries in the Adriatic Sea and south-eastern Mediterranean Sea. Furthermore, the STECF considered that individual *de minimis* exemptions covering a single species would likely result in many separate exemptions that would be equally challenging to monitor.
- (8) The Adriatica High-Level group has provided updated scientific evidence on disproportionate costs of handling unwanted catches. Although STECF noted that estimates of the increase in costs are provided, it stressed the difficulties to judge at which level costs are disproportionate. The STECF noted that the information provided on disproportionate costs could be further completed and that an evaluation of the impacts of the exemption should be undertaken. The STECF further noted that reducing the level of unwanted catches through the use of selective gears or marine protected areas should be prioritised. The Commission welcomes the commitment taken by the Adriatica High-Level Group to further work on selectivity and fisheries spatial restrictions as a priority to achieve the reduction of unwanted catches. The Commission considers that the exemption should be extended with the proposed percentage levels.
- (9) The updated scientific evidence for the Adriatic proposes extending the *de minimis* exemption, for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber spp.*) and horse mackerel (*Trachurus spp.*), up to a maximum of 5 % for 2022 of the total annual by-catches of those species caught by vessels using bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX). The STECF considered that the discard rate is very significant for this fishery, but that selectivity projects are still ongoing. The Commission considers that the exemption should be extended for one year, with the proposed percentage levels. The Adriatic High-Level Group should submit by 1 May 2022 additional data, based on the ongoing studies and an evaluation of the impact of the exemption.
- (10) The Sudestmed High-Level Group has provided updated scientific evidence on disproportionate costs of handling unwanted catches. Although STECF noted that estimates of the increase in costs are provided, it stressed the difficulties to judge at which level costs are disproportionate. The STECF noted that the information provided on disproportionate costs could be further completed and that an evaluation of the impacts of the exemption should be undertaken. The STECF further noted that reducing the level of unwanted catches through the use of selective gears or marine protected areas should be prioritised. The Commission welcomes the commitment taken by the Sudestmed High-Level Group to further work on selectivity and fisheries spatial restrictions as a priority to achieve the reduction of unwanted catches. The Commission considers that the exemption should be extended with the proposed percentage levels.
- (11) Given the high number of different species caught at the same time in demersal fishing operations using hooks, lines, gillnets and trammel nets in the south-eastern Mediterranean Sea, the Sudestmed High-Level Group has proposed a different *de minimis* for some species when more frequently caught benefiting from lower *de minimis* threshold than when less frequently caught. Given that this reflects the reality of the mixed fisheries in the south-eastern Mediterranean Sea, the Commission considers that the exemption should be granted with the proposed percentage levels.
- (12) The updated scientific evidence provided for the south-eastern Mediterranean Sea proposes extending the *de minimis* exemption, for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber spp.*) and horse mackerel (*Trachurus spp.*), up to a maximum of 5 % in for 2022 of the total annual by-catches of those species caught by vessels using bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX). The STECF considered that the discard rate is very significant for this fishery, but that selectivity projects are ongoing. The Commission considers that the exemption should be extended for one year, with the proposed percentage levels. The Sudestmed High-Level Group should submit by 1 May 2022 additional data, based on the ongoing studies and an evaluation of the impact of the exemption.
- (13) In their updated scientific evidences, Member States renewed their commitment to increase the selectivity of the fishing gears in accordance with the results of current research programmes in order to reduce and limit unwanted catches and particularly catches below minimum conservation reference sizes.

- (14) In their updated scientific evidences, Member States also committed to identify further closure areas in order to reduce juvenile mortality.
- (15) The measures requested are in line with Article 15(4), point (c).
- (16) Since the measures provided for in this Regulation impact directly on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately after its publication. For the purpose of legal certainty, this Regulation should apply from 1 January 2022,

HAS ADOPTED THIS REGULATION:

Article 1

Implementation of the landing obligation

The landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply in Union waters of the Adriatic and the south-eastern Mediterranean Sea to demersal fisheries in accordance with this Regulation.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'GFCM Geographical Sub-Areas' ('GSAs') means General Fisheries Commission for the Mediterranean ('GFCM') Geographical Sub-Areas as defined in the Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council ⁽³⁾;
- (b) 'Adriatic Sea' means GFCM Geographical Sub-Areas 17 and 18;
- (c) 'South-Eastern Mediterranean Sea' means GFCM Geographical Sub-Areas 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

Article 3

De minimis exemption

1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities of species may be discarded pursuant to Article 15(4), point (c) of Regulation (EU) No 1380/2013:

- (a) in the Adriatic Sea:
 - (i) for hake (*Merluccius merluccius*) and mullets (*Mullus spp.*), up to a maximum of 5 % for 2022 and 2023 of the total annual catches of those species caught by vessels using bottom trawls;
 - (ii) for hake (*Merluccius merluccius*) and mullets (*Mullus spp.*), up to a maximum of 1 % for 2022 and 2023 of the total annual catches of those species caught by vessels using gillnets and trammel nets (GNS, GN, GND, GNC, GTN, GTR, GEN);
 - (iii) for hake (*Merluccius merluccius*) and mullets (*Mullus spp.*), up to a maximum of 1 % for 2022 and 2023 of the total annual catches of those species caught by vessels using rapido (TBB);
 - (iv) for common sole (*Solea solea*), up to 3 % for 2022 and 2023 of the total annual catches of those species caught by vessels using bottom trawls;

⁽³⁾ 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).

- (v) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), gilthead seabream (*Sparus aurata*) and deep-water rose shrimp (*Parapenaeus longirostris*), up to a maximum of 5 % for 2022 and 2023 of the total annual catches of those species caught by vessels using bottom trawls;
 - (vi) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 3 % for 2022 and 2023 of the total annual catches of those species caught by vessels using gillnets and trammel nets (GNS, GN, GND, GNC, GTN, GTR, GEN);
 - (vii) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 1 % for 2022 and 2023 of the total annual catches of those species caught by vessels using hooks and lines (LHP, LHM, LLS, LLD, LL, LTL, LX);
 - (viii) for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.), up to a maximum of 5 % for 2022 of the total annual by-catches of those species caught by vessels using bottom trawls.
- (b) in the south-eastern Mediterranean Sea:
- (i) for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.), up to a maximum of 5 % for 2022 and 2023 of the total annual catches of those species caught by vessels using bottom trawls;
 - (ii) for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.), up to a maximum of 1 % for 2022 and 2023 of the total annual catches of those species caught by vessels using gillnets and trammel nets (GNS, GN, GND, GNC, GTN, GTR, GEN);
 - (iii) for deep-water rose shrimp (*Parapenaeus longirostris*), up to a maximum of 5 % for 2022 and 2023 of the total annual catches of that species caught by vessels using bottom trawls;
 - (iv) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), gilthead seabream (*Sparus aurata*) Norway Lobster (*Nephrops norvegicus*) and common sole (*Solea solea*), up to a maximum of 5 % for 2022 and 2023 of the total annual catches of those species caught by vessels using bottom trawls;
 - (v) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), gilthead seabream (*Sparus aurata*), common sole (*Solea solea*), lobster (*Homarus gammarus*) and crawfish (*Palinuridae*), up to a maximum of 3 % for 2022 and 2023 of the total annual catches of those species caught by vessels using gillnets and trammel nets (GNS, GN, GND, GNC, GTN, GTR, GEN). In case landings of those species are less than 25 % of the total landings of the fisheries, the quantities to be discarded may be up to a maximum of 5 % for 2022 and 2023 of the total annual catches of those species;

- (vi) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), red seabream (*Pagellus bogaraveo*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), hake (*Merluccius merluccius*) and gilthead seabream (*Sparus aurata*), up to a maximum of 1 % of the total annual catches of those species caught by vessels using hooks and lines (LHP, LHM, LLS, LLD, LL, LTL, LX). In case landings of those species are less than 25 % of the total landings of the fisheries, the quantities to be discarded may be up to a maximum of 3 % of the total annual catches of those species;
- (vii) for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber spp.*) and horse mackerel (*Trachurus spp.*), up to a maximum of 5 % for 2022 of the total annual by-catches of those species caught by vessels using bottom trawls.

2. By 1 May 2022, the Member States having a direct management interest in the fisheries in the Adriatic and south-eastern Mediterranean Sea shall submit to the Commission additional data based on the ongoing studies and an evaluation of the impact of the exemption and any other relevant scientific information supporting the exemption laid down in paragraph 1, points (a)(viii) and (b)(vii). The STECF shall assess those data and that information by 31 July 2022 at the latest.

Article 4

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 2022 until 31 December 2023.

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

Done at Brussels, 25 August 2021.

For the Commission
The President
Ursula VON DER LEYEN