

COMMISSION DELEGATED REGULATION (EU) 2021/2065
of 25 August 2021
establishing a discard plan for turbot fisheries in the Black 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(6) thereof,

Whereas:

- (1) Regulation (EU) No 1380/2013 aims to gradually eliminate discards in all Union fisheries through the introduction of a landing obligation.
- (2) As regards the Black Sea, Article 15 of Regulation (EU) No 1380/2013 establishes a landing obligation for all catches of species which are subject to catch limits. Under Article 15(1), point (d) of Regulation (EU) No 1380/2013, the landing obligation is to apply to species which define the fisheries at the latest from 1 January 2017. Turbot is one of those species.
- (3) On 20 October 2016, the Commission adopted Delegated Regulation (EU) 2017/87 ⁽²⁾ establishing a discard plan for turbot fisheries in the Black Sea, that provided for a survivability exemption of turbot caught with bottom-set gillnets. It applied from 1 January 2017 until 31 December 2019.
- (4) Bulgaria and Romania have a direct fisheries management interest in the exploitation of turbot in the Black Sea. On 12 February 2021, those Member States submitted a joint recommendation to the Commission, requesting the renewal of the discard plan and the survivability exemption of turbot caught with bottom-set gillnets in the Black Sea. On 15 July 2021, those Member States submitted an updated joint recommendation. Scientific contribution was obtained from relevant scientific bodies with regard to the high survival rates of this species.
- (5) The Scientific, Technical and Economic Committee for Fisheries ⁽³⁾ ('STECF') assessed the updated joint recommendation submitted and noted that improvements on the information provided are required. The Commission acknowledges the existence of scientific studies ⁽⁴⁾ demonstrating the high survivability of turbot caught by vessels from non-EU countries using gillnets in the Black Sea. Given that the studies relate to the same sea basin, species and gears as the ones included in the exemption requested by Bulgaria and Romania, the Commission considers that this study should be taken into consideration for the purpose of the exemption.
- (6) Based on the scientific evidence and STECF assessment, the survivability exemption allowed under Article 15(4), point (b) of Regulation (EU) No 1380/2013 should be included in this Regulation for one year.

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ Commission Delegated Regulation (EU) 2017/87 of 20 October 2016 establishing a discard plan for turbot fisheries in the Black Sea (OJ L 14, 18.1.2017, p. 9).

⁽³⁾ 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>

⁽⁴⁾ Basaran, F. and N. Samsun, 2004, Survival rates of Black Sea Turbot (*Psetta maxima maeotica*, L. 1758) broodstock captured by gill nets from different depths and their adaptation culture conditions, *Aquaculture International* 12: 321–331, 2004; Giragosov, V. and A. Nikolayevna Khanaychenko, 2012, The State-of-Art of the Black Sea Turbot Spawning Population off Crimea (1998-2010), *Turkish Journal of Fisheries and Aquatic Sciences*, September 2012, DOI: 10.4194/1303-2712-v12_2_25; Samsun, N. and F. Kalayci, 2005, Survival Rates of Black Sea Turbot (*Scophthalmus maeoticus* Pallas, 1811), Captured by Bottom Turbot Gillnets in Different Depths and Fishing, Seasons Between 1999 and 2004, *Turkish Journal of Fisheries and Aquatic Sciences* 5: 57-62 (2005).

- (7) By 1 May 2022, the Member States concerned should submit additional data on survival estimates relating to the gillnet fishery for turbot.
- (8) Since the measures provided for in this Regulation have a direct impact on the economic activities linked to and the planning of the fishing season of Union vessels, this Regulation should enter into force immediately after its publication. In accordance with the joint recommendation and taking into account the time-frame set out in Article 15(1) of Regulation (EU) No 1380/2013, 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 the Black Sea to the fisheries of turbot (*Psetta maxima*) caught with bottom-set gillnets (gear code ⁽⁵⁾ GNS), in accordance with this Regulation.

Article 2

Definition

For the purposes of this Regulation, 'Black Sea' means maritime waters in the General Fisheries Commission for the Mediterranean ('GFCM') Geographical Sub-Area 29 as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council ⁽⁶⁾.

Article 3

Survivability exemption

1. The exemption from the landing obligation pursuant to Article 15(4), point (b) of Regulation (EU) No 1380/2013 for species for which scientific evidence demonstrates high survival rates shall apply in 2022 to turbot (*Psetta maxima*) caught with bottom-set gillnets (GNS) in the Black Sea.
2. Turbot (*Psetta maxima*) caught in the circumstances referred to in paragraph 1 shall be released immediately in the area where it has been caught.
3. By 1 May 2022, Member States having a direct management interest in the turbot fisheries in the Black Sea shall submit to the Commission additional data on survival estimates relating to the gillnet fishery for turbot and any other relevant scientific information supporting the exemption laid down in paragraph 1. The STECF shall assess those data by 31 July 2022 at the latest.

Article 4

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 to 31 December 2022.

⁽⁵⁾ Gear codes used in this Regulation refer to those codes in Annex XI to Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common fisheries policy (OJ L 112, 30.4.2011, p. 1). For the vessels whose length overall is less than 10 metres gear codes used in this table refer to the codes from the FAO gear classification.

⁽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).

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
