

**COMMISSION DELEGATED REGULATION (EU) 2021/2066****of 25 August 2021****supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council regarding details of implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea for the period 2022-2024**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1022 of the European Parliament and the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 <sup>(1)</sup>, and in particular Article 14 thereof,

Whereas:

- (1) Regulation (EU) 2019/1022 establishes a multiannual plan concerning demersal fisheries in the western Mediterranean Sea. Article 14 of that Regulation empowers the Commission to adopt delegated acts in order to supplement that Regulation by specifying details of the landing obligation for all stocks of species in the western Mediterranean Sea to which the landing obligation applies and for incidental catches of pelagic species in fisheries exploiting the stocks in accordance with that provision.
- (2) Commission Delegated Regulation (EU) 2017/86 <sup>(2)</sup> established 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.
- (3) On 7 May 2021, Spain, France and Italy ('Pescamed High-Level Group'), submitted to the Commission a joint recommendation proposing the extension of certain exemptions of the landing obligation for demersal fisheries in the western Mediterranean after consultations within Mediterranean Advisory Council ('MEDAC').
- (4) This joint recommendation was assessed by the Scientific, Technical and Economic Committee for Fisheries ('STECF') between 17 and 21 May 2021 <sup>(3)</sup>.
- (5) On 21 July 2021, the Pescamed High-Level Group submitted an updated joint recommendation that was aligned with STECF's assessment.
- (6) Under Article 18 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council <sup>(4)</sup>, the Commission has considered the joint recommendation in light of the STECF's assessment to ensure that it is compatible with the relevant conservation measures, including the landing obligation.

<sup>(1)</sup> OJ L 172, 26.6.2019, p. 1.

<sup>(2)</sup> 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).

<sup>(3)</sup> 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>

<sup>(4)</sup> 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).

- (7) The Commission notes that in the western 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.
- (8) The updated joint recommendation proposes extending the survivability exemption, as provided for in Article 15(4), point (b) of Regulation (EU) No 1380/2013, established for mollusc bivalves, namely scallop (*Pecten jacobaeus*), carpet clams (*Venerupis spp.*) and Venus shells (*Venus spp.*) caught with mechanised dredges (HMD) for 2022. The STECF reminded Member States of two existing studies to be completed for further assessment of the survival rates of scallop, carpet clams and Venus shells. As the evidence on the survival rates of these species is not conclusive, the Commission considers that the survivability exemption should be included in this Regulation for one year pending the submission of the relevant survivability data. The Member States concerned should submit, by 1 May 2022, the relevant survivability data for those three species to the Commission to allow STECF to fully assess the justifications for the exemption and the Commission to carry out a review.
- (9) The updated joint recommendation proposes extending the survivability exemption established for Norway lobster (*Nephrops norvegicus*) caught with bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX) for 2022, 2023 and 2024. The STECF considered there is scientific evidence demonstrating very low survival for that species in the western Mediterranean and other regions, during the months of July and August. As high survival rates occur during the rest of the year and taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, the Commission considers that the survivability exemption should therefore be extended for three years, except for the months of July and August each year.
- (10) The updated joint recommendation proposes extending the survivability exemption for Norway lobster (*Nephrops norvegicus*) caught with pots and traps (FPO, FIX) for 2022, 2023 and 2024. The STECF considered that specific information to support this exemption was limited. However, given that this fishery is quite selective, the Commission considers that the exemption should be extended for three years.
- (11) The updated joint recommendation proposes extending the survivability exemption for red seabream (*Pagellus bogaraveo*) caught with hooks and lines (LHP, LHM, LLS, LLD, LL, LTL, LX) for 2022 and 2023. The STECF considered that evidence to support this exemption had been provided, but additional scientific studies should be performed to directly observe discard survival. The Commission considers that the exemption should be extended for two years.
- (12) The updated joint recommendation proposes extending the survivability exemption for lobster (*Homarus gammarus*) and crawfish (*Palinuridae*) caught with nets (GNS, GN, GND, GNC, GTN, GTR, GEN) and pots and traps (FPO, FIX) for 2022 and 2023. The STECF considered that evidence supporting that the impact of the survivability of the exemption is likely to be low had been provided, but additional scientific studies should be performed to directly observe discard survival rates. The Commission considers that the exemption should be extended for two years.
- (13) The joint recommendation 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 Pescamed High-Level Group to further work on selectivity and fisheries spatial restrictions as a priority to achieve the reduction of unwanted catches. The STECF noted that the combined *de minimis* approach 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 western 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. The Commission considers that the exemption should be extended with the proposed percentage levels.

- (14) Member States renewed their commitment in their joint recommendation 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.
- (15) Furthermore, Member States also committed in their joint recommendation to identify further closure areas in order to reduce juvenile mortality, where there is evidence of a high concentration of juvenile fish. The measures suggested by the updated joint recommendations are in line with Article 15(4), Article 15(5), points (b) and (c) and Article 18(3) of Regulation (EU) No 1380/2013.
- (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. It 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 Western 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 <sup>(3)</sup>;
- (b) 'Western Mediterranean Sea' means GFCM Geographical Sub-Areas 1, 2, 5, 6, 7, 8, 9, 10 and 11.1, 11.2 and 12.

#### *Article 3*

### **Survivability exemptions**

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, in the western Mediterranean Sea, shall apply to:

- a) scallop (*Pecten jacobaeus*) caught with mechanised dredges (HMD) until 31 December 2022;
- b) carpet clams (*Venerupis spp.*) caught with mechanised dredges (HMD) until 31 December 2022;
- c) Venus shells (*Venus spp.*) caught with mechanised dredges (HMD) until 31 December 2022;
- d) Norway lobster (*Nephrops norvegicus*) caught with all bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX) during the months of January to June and September to December, each year until 31 December 2024;
- e) Norway lobster (*Nephrops norvegicus*) caught with pots and traps (FPO, FIX) until 31 December 2024;

<sup>(3)</sup> 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).

- f) red sea bream (*Pagellus bogaraveo*) caught with hooks and lines (LHP, LHM, LLS, LLD, LL, LTL, LX) until 31 December 2023;
- g) lobster (*Homarus gammarus*) caught with nets (GNS, GN, GND, GNC, GTN, GTR, GEN) and with pots and traps (FPO, FIX) until 31 December 2023;
- h) crawfish (*Palinuridae*) caught with nets (GNS, GN, GND, GNC, GTN, GTR, GEN) and with pots and traps (FPO, FIX) until 31 December 2023.

2. Scallop (*Pecten jacobaeus*), carpet clams (*Venerupis* spp.), Venus shells (*Venus* spp.), Norway lobster (*Nephrops norvegicus*), red sea bream (*Pagellus bogaraveo*), lobster (*Homarus gammarus*) and crawfish (*Palinuridae*) caught in the circumstances referred to in paragraph 1 shall be released immediately in the area where they have been caught.

3. By 1 May 2022, the Member States having a direct management interest in the fisheries in the Mediterranean Sea shall submit to the Commission additional discard data and any other relevant scientific information supporting the exemption laid down in paragraph 1, points (a), (b) and (c). The STECF shall assess the data and information submitted by 31 July 2022 at the latest.

#### Article 4

#### De minimis exemptions

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) 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;
- (b) 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;
- (c) 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*), 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;
- (d) 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;
- (e) 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.

*Article 5***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 2024.

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

  

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