



2023/2462

6.11.2023

COMMISSION DELEGATED REGULATION (EU) 2023/2462

of 22 August 2023

supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council by specifying details of the landing obligation for certain demersal stocks in the western Mediterranean Sea

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 ⁽¹⁾, 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) 2021/2066 ⁽²⁾ provides for the implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea applicable from 1 January 2022 until 31 December 2024. It also established a high survivability exemption until 31 December 2022 for 3 bivalve species: Venus shells (*Venus* spp.), carpet Clams (*Venerupis* spp.) and scallop (*Pecten jacobaeus*).
- (3) Commission Delegated Regulation (EU) 2022/2288 ⁽³⁾ extended the duration of the high survivability exemption to the landing obligation for scallop (*Pecten jacobaeus*) and carpet clams (*Venerupis* spp.) until 31 December 2023 and for Venus shells (*Venus* spp.), until 31 December 2024.
- (4) On 3 May 2023, Spain, France and Italy ('Pescamed High-Level Group') submitted to the Commission an initial joint recommendation proposing the extension of certain exemptions from the landing obligation for demersal fisheries in the western Mediterranean Sea, taking into account the views of the Mediterranean Advisory Council ('MEDAC').
- (5) The STECF assessed the initial joint recommendation on 15 June 2023 ⁽⁴⁾.
- (6) On 28 June 2023, the Pescamed High-Level Group submitted an updated joint recommendation.

⁽¹⁾ Regulation (EU) 2019/1022 of the European Parliament and of 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 (OJ L 172, 26.6.2019, p. 1).

⁽²⁾ 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 (OJ L 421, 26.11.2021, p. 17).

⁽³⁾ Commission Delegated Regulation (EU) 2022/2288 of 16 August 2022 amending Delegated Regulation (EU) 2021/2066 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council as regards the extension of the high survivability exemption to the landing obligation for Venus shells (*Venus* spp.), Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.) in the western Mediterranean Sea (OJ L 303, 23.11.2022, p. 3).

⁽⁴⁾ Scientific, Technical and Economic Committee for Fisheries (STECF) – Evaluation of Joint Recommendations on the landing obligation and on Technical Measures Regulation (STECF-23-04 & 23-06).

- (7) Under Article 18 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽⁵⁾, the Commission has considered the updated joint recommendation of Pescamed in light of the STECF's assessment of the initial joint recommendation to ensure that the updated joint recommendation is compatible with the relevant Union conservation measures, including the landing obligation.
- (8) The Commission has also taken into account that: (i) the upcoming evaluation of the landing obligation ⁽⁶⁾ is expected to provide more information on the effectiveness, efficiency, coherence, relevance and added value of the landing obligation; and (ii) the Scientific, Technical and Economic Committee for Fisheries (STECF) has noted ⁽⁷⁾ that the current process of evaluating joint recommendations is inefficient, that further reflection is necessary as to how it can be further improved and that such reflection would allow discussion on data issues and on finding new ways to improve the implementation of the landing obligation.
- (9) In addition, 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, which results in disproportionate costs of handling unwanted catches.
- (10) Moreover, in the updated joint recommendation, the Member States concerned renewed their commitment to undertake new studies and 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. Furthermore, the Member States committed to identify further closure areas based on the STECF advice in order to reduce juvenile mortality, where there is evidence of a high concentration of juvenile fish.
- (11) The STECF also 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.
- (12) Like the initial joint recommendation, 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*) and carpet clams (*Venerupis* spp.) caught with mechanised dredges. The STECF noted that the gear used is reported to be highly selective, the fishery is regulated by requiring that specimens be marketed alive as other similar molluscs species displaying high-survivability with the same gear and that the quantities landed are so small that it is hard to conduct a study. Moreover, the Pescamed High-Level Group has committed to develop specifically designed survivability tests for these species regarding the Western Mediterranean. For the reasons set out in this recital and in recitals 7 to 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (13) Like the initial joint recommendation, the updated joint recommendation proposes extending the survivability exemption for red sea bream (*Pagellus bogaraveo*) caught with hooks and lines. The STECF noted that the results of several projects showed good rates of survivability, but that the information presented is not definitive. Moreover, the commitment from the Pescamed High-Level Group to develop additional trials and on-board observations in order to observe the high survivability of red sea-bream based on captive observations, to be launched with the involvement of the fishermen. For the reasons set out in this recital and in recitals 7 to 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.

⁽⁵⁾ 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).

⁽⁶⁾ COM(2023) 103 final.

⁽⁷⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

- (14) Like the initial joint recommendation, the updated joint recommendation proposes extending the survivability exemption for crawfish (*Palinuridae*) and lobster (*Homarus gammarus*) caught with nets and with pots and traps. The STECF noted that new studies were submitted to support the exemption and that those studies are sufficiently robust to demonstrate survivability, indicated good survival and that the release of undersize specimens into the sea is beneficial to the fishery. For the reasons set out in this recital and in recitals 7 to 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (15) Like the initial joint recommendation, the updated joint recommendation proposes extending the *de minimis* exemptions for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.) caught with bottom trawls. The STECF noted that new information was provided, new studies and research have been implemented and that the disproportionate costs have been reasonably demonstrated. For the reasons set out in this recital and in recitals 7 to 10 above, the Commission therefore considers that the exemptions requested should be granted from 1 January 2024 to 31 December 2027.
- (16) Like the initial joint recommendation, the updated joint recommendation proposes extending the *de minimis* exemptions for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpshout 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*) caught with bottom trawls. The STECF noted that new information was provided, new studies and research have been implemented and the disproportionate costs have been reasonably demonstrated. For the reasons set out in this recital and in recitals 7 to 10 above, the Commission therefore considers that the exemptions requested should be granted from 1 January 2024 to 31 December 2027.
- (17) Like the initial joint recommendation, the updated joint recommendation proposes extending the *de minimis* exemption for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpshout 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*) caught with gillnets and trammel nets. The STECF noted that new information was provided, new studies and research have been implemented and the disproportionate costs have been reasonably demonstrated and acknowledged that the studies conducted indicate the inability to increase selectivity of gears. For the reasons set out in this recital and in recitals 7 to 10 above, the Commission considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (18) Like the initial joint recommendation, the updated joint recommendation proposes extending the *de minimis* exemption for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.) caught by vessels using gillnets and trammel nets. The STECF acknowledged the results of some of the projects implemented and is looking forward to seeing the results of the ongoing projects that are developed by the Member States for the specificities of gillnets and trammel nets. For the reasons set out in this recital and in recitals 7 to 10 above, the Commission considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (19) Like the initial joint recommendation, the updated joint recommendation proposes extending the *de minimis* exemption for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpshout 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*) caught by vessels using hooks and lines. The STECF recognised that the studies submitted indicate that this gear is highly selective. Moreover, the exemption proposed is 1 %. For the reasons set out in this recital and in recitals 7 to 10 above, the Commission considers that the exemption should be granted from 1 January 2024 to 31 December 2027.

- (20) The *de minimis* exemptions foreseen in this act apply to several species that are caught at the same time, in highly varying quantities, making a single stock approach more challenging. The exemptions also apply to such stocks caught by small scale fishing vessels and landed at many different landing points spread out geographically along the coast. Those species are subject to minimum conservation reference sizes as specified in Annex IX to Regulation (EU) 2019/1241 ⁽⁸⁾ and not, at this stage, to catch limits, which does not allow to implement Article 15(8) and (9) of Regulation (EU) No 1380/2013.
- (21) The exemption on high survivability species applies to stocks caught by small scale fishing vessels and landed at many different landing points spread out geographically along the coast. Those species are subject to minimum conservation reference sizes as specified in Annex IX to Regulation (EU) 2019/1241 and not, at this stage, to catch limits, which does not allow to implement Articles 15(8) and (9) of Regulation (EU) No 1380/2013.
- (22) 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 and for reasons of legal certainty this Regulation should apply from 1 January 2024,

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:

- (1) '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 ⁽⁹⁾;
- (2) 'Western Mediterranean Sea' means GFCM Geographical Sub-Areas 1, 2, 5, 6, 7, 8, 9, 10, 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);
- (b) carpet clams (*Veneupis* spp.) caught with mechanised dredges (HMD);

⁽⁸⁾ 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 (OJ L 198, 25.7.2019, p. 105).

⁽⁹⁾ 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).

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

2. Scallop (*Pecten jacobaeus*), carpet Clams (*Venerupis* spp.), 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 2027, the Member States having a direct management interest in the fisheries in the Mediterranean Sea shall submit to the Commission additional discard data and the results of the research, projects and studies supporting the exemption laid down in paragraph 1. The STECF shall assess the data and information submitted by 31 July 2027 at the latest.

Article 4

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) for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.) up to a maximum of 5 % 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 % 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 % 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 % of the total annual catches of those species caught by vessels using gillnets and trammel nets; and
- (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 % of the total annual catches of those species caught by vessels using hooks and lines.

2. By 1 May 2027, the Member States having a direct management interest in the fisheries in the Mediterranean Sea shall submit to the Commission additional discard data and the results of the research, projects and studies supporting the exemption laid down in paragraph 1. The STECF shall assess the data and information submitted by 31 July 2027 at the latest.

*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 2024 until 31 December 2027.

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

Done at Brussels, 22 August 2023.

For the Commission
The President
Ursula VON DER LEYEN
