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## PROPOSAL

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	8 March 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 115 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a multi-annual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea

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Delegations will find attached document COM(2018) 115 final.

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Encl.: COM(2018) 115 final



Brussels, 8.3.2018  
COM(2018) 115 final

2018/0050 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing a multi-annual plan for the fisheries exploiting demersal stocks in the  
western Mediterranean Sea**

{SWD(2018) 59 final} - {SWD(2018) 60 final}

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • Reasons for and objectives of the proposal

The western Mediterranean is one of the most developed sub-regions in terms of fisheries in the Mediterranean. It accounts for around 31 % of its total landing (EUR 1.35 billion out of a total of EUR 4.76 billion) and around 19 % of the officially reported Mediterranean fishing fleet<sup>1</sup>.

While not representing the largest proportion of landings, demersal fisheries are highly sought after by fishermen due to their high commercial value. Demersal fisheries in the Mediterranean are highly complex and involve many species of fish and crustaceans. The main demersal species caught in the western Mediterranean are hake (*Merluccius merluccius*), red mullet (*Mullus barbatus*), giant red shrimp (*Aristaeomorpha foliacea*), deep-water rose shrimp (*Parapenaeus longirostris*), blue and red shrimp (*Aristeus antennatus*) and Norway lobster (*Nephrops norvegicus*). These fisheries are highly multi-species and some of the fish stocks move across the territorial waters of more than one Member State. The main gear used for demersal species are trawl nets, which have the largest catch and fleet power, but passive gears such as trammel nets, gillnets, traps and longlines are also important.

Demersal fisheries in the western Mediterranean are currently managed through national management plans adopted under Council Regulation (EC) No 1967/2006 (the 'MedReg')<sup>2</sup>. Italy has three management plans for trawlers (adopted in a single piece of legislation in 2011)<sup>3</sup>, France has one management plan for trawlers (adopted in 2013)<sup>4</sup> and so does Spain (its plan entered into force in 2013)<sup>5</sup>. The plans are based on input controls, i.e. limiting fishing effort. This management approach typically involves measures such as restrictions on fishing gear and on the number of fishing authorisations and licences, setting a maximum number of fishing days, and permanent or temporary cessations. At EU level, a three-year discard plan<sup>6,7</sup> was adopted in 2016 to implement the landing obligation established in Article 15 of Regulation (EU) No 1380/2013<sup>8</sup> (the CFP Regulation) for species subject to minimum conservation reference size. At international level, the GFCM adopted a recommendation for a fisheries restricted area in the Gulf of Lions (the northern part of the

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<sup>1</sup> *The state of Mediterranean and Black Sea fisheries. General Fisheries Commission for the Mediterranean (FAO 2016).*

<sup>2</sup> *Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 36, 8.2.2007, p. 6).*

<sup>3</sup> *Decreto 20 maggio 2011 relativo all'adozione Piani di gestione della flotta a strascico in sostituzione del decreto direttoriale n. 44 del 17 giugno 2010 (GU Serie Generale n.154 del 5-7-2011, p. 2).*

<sup>4</sup> *Arrêté du 28 janvier 2013 portant création d'un régime d'effort de pêche pour la pêche professionnelle au chalut en mer Méditerranée par les navires battant pavillon français (TRAM1240482A, p. 3275).*

<sup>5</sup> *Orden AAA/2808/2012, de 21 de diciembre, por la que se establece un Plan de Gestión Integral para la conservación de los recursos pesqueros en el Mediterráneo afectados por las pesquerías realizadas con redes de cerco, redes de arrastre y artes fijos y menores, para el período 2013-2017 (No 313, p. 7).*

<sup>6</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>7</sup> *Commission Delegated Regulation (EU) 2018/153 of 23 October 2017 amending Delegated Regulation (EU) 2017/86 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea (OJ L 29, 1.2.2018, p. 1).*

<sup>8</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).*

western Mediterranean) to protect spawning aggregations (particularly for hake) and deep sea sensitive habitats in 2009<sup>9</sup>. As seen below, these measures are not restrictive enough to guide fisheries towards the conservation objectives set in the MedReg and the common fisheries policy (CFP).

Most commercial stocks in the western Mediterranean are exploited at levels well beyond fishing mortality ranges consistent with achieving maximum sustainable yield (F<sub>M<sub>SY</sub></sub>) targets: over 80 % of the assessed stocks are overfished in this sub-region<sup>10</sup>. Furthermore, the biomass of some of these stocks is close to the limit reference point (B<sub>LIM</sub>)<sup>11</sup>, indicating that there is a high probability of collapse. Hake and red mullet are the most commonly overfished stocks, with current levels of exploitation up to 10 times the estimated F<sub>M<sub>SY</sub></sub> targets. Although the status of many other fish stocks is unknown, it is highly probable they are in a similar situation. In various consultations carried out in 2015 and 2016, including as part of the ‘Catania process’, stakeholders overwhelmingly agreed that fish stocks in the Mediterranean are severely overfished. In addition, the scientific community at European and international level has repeatedly stressed the need to take urgent measures to reduce the high levels of overfishing throughout the Mediterranean basin.

This proposal addresses the high levels of overfishing and the ineffective regulatory framework by introducing for the first time a multi-annual plan at EU level. Its aim is to achieve the objectives of the CFP Regulation (Article 2) in western Mediterranean demersal fisheries, namely with regards to ensure that fishing activities are environmentally sustainable in the long term and managed in a way that secure economic, social and employment benefits. The plan will also facilitate implementation of the landing obligation and enable a regionalised approach, whereby the Member States concerned would be involved in the design of management measures.

The CFP Regulation establishes a general framework and identifies situations in which the Council and the European Parliament are to adopt multi-annual plans; more specifically:

- Article 9 lays down the principles and objectives of multi-annual plans. In particular, conservation measures should be taken to restore and maintain fish stocks above levels capable of producing the maximum sustainable yield (MSY);
- Article 10 lists the content of multi-annual plans. Quantifiable targets corresponding to maximum sustainable yields are expressed as F<sub>M<sub>SY</sub></sub> ranges. These allow some flexibility to reflect mixed fisheries and make for greater consistency in setting management measures for the various stocks, as they provide some room for manoeuvre. The targets are to be complemented with safeguard provisions linked to precautionary and limit conservation reference points;
- Article 15 requires plans to specify details as to how the landing obligation will be met, including: specific provisions for fisheries or species covered by the obligation; exemptions, including *de minimis* exemptions of up to 5 % of total annual catches of all species subject to the obligation; provisions on the documentation of catches; where appropriate, the fixing of minimum conservation reference sizes; and
- Article 18 establishes a framework for regional cooperation on conservation measures. Member States with a direct management interest may submit joint recommendations for certain measures to be taken by the Commission where it has

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<sup>9</sup> *Recommendation on the establishment of a fisheries restricted area in the Gulf of Lion to protect spawning aggregations and deep sea sensitive habitats (GFCM/33/2009/1).*

<sup>10</sup> *Monitoring the performance of the Common Fisheries Policy (STECF-17-04).*

<sup>11</sup> *Mediterranean assessments part 1 (STECF-15-18).*

been empowered to adopt implementing or delegated acts to achieve the objectives set out in the plan. The plan establishes regional cooperation among Member States with a view to adopting provisions for the landing obligation and specific conservation measures for certain stocks.

Section 5 gives an overview of the specific provisions of the multi-annual plan.

- **Consistency with existing policy provisions in the policy area**

This proposal for a multi-annual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea is consistent with the CFP Regulation and with previous multi-annual plans for cod, herring and sprat in the Baltic Sea<sup>12</sup>, demersal stocks in the North Sea<sup>13</sup> and small pelagic species in the Adriatic Sea<sup>14</sup>.

The MedReg sets out technical conservation measures, such as minimum mesh sizes, minimum distances and depths for the use of fishing gears and minimum landing sizes. Many of these will be replaced if the Commission's proposal for a Regulation on the conservation of fishery resources and the protection of marine ecosystems through technical measures<sup>15</sup> is adopted.

- **Consistency with other Union policies**

The proposal and its objectives are consistent with other Union policies, especially environmental policies such as those embodied in the Marine Strategy Framework Directive<sup>16</sup> and the objective of ensuring the good environmental status of EU marine waters by 2020.

## 2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for this proposal is Article 43(2) of the Treaty on the Functioning of the European Union.

- **Subsidiarity**

The proposal relates to the conservation of marine biological resources which falls under exclusive EU competence. Consequently, the subsidiarity principle does not apply.

- **Proportionality**

The proposed measures comply with the proportionality principle as they are appropriate and necessary and no other less restrictive measures are available to obtain the desired policy objectives.

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<sup>12</sup> Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 ([OJ L 191, 15.7.2016, p. 1](#)).

<sup>13</sup> Proposal for a Regulation of the European Parliament and of the Council establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008 ([COM\(2016\)493, 3.8.2016](#)).

<sup>14</sup> Proposal for a Regulation of the European Parliament and of the Council establishing a multi-annual plan for small pelagic stocks in the Adriatic Sea and the fisheries exploiting those stocks ([COM\(2017\)097, 24.2.2017](#)).

<sup>15</sup> Proposal for a Regulation of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures ([COM\(2016\)134, 11.3.2016](#)).

<sup>16</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) ([OJ L 164, 25.6.2008, p. 19](#)).

- **Choice of the instrument**

The proposed instrument is a Regulation of the European Parliament and of the Council.

### 3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

Intensive consultation with stakeholders was carried out in 2016 and 2017. The aims were to: (i) raise awareness of the alarming situation of the great majority of fish stocks in the Mediterranean; (ii) agree on the need for urgent action at national, EU and international levels; and (iii) collect input and views from as many stakeholders as possible on the best ways to address the situation.

For the sake of simplicity, we have grouped the consultation activities in three contexts: the Mediterranean Advisory Council, the ‘Catania process’ and the public consultation.

#### Mediterranean Advisory Council (MEDAC)

The MEDAC is the most representative fisheries stakeholders’ organisation for the Mediterranean region. It represents all the parties concerned by this initiative: the fisheries sector (including small-scale fisheries), trade unions and other interest groups such as environmental organisations, consumer groups and sports/recreational fishing associations that operate in the Mediterranean area under the CFP.

In 2017, the MEDAC has held four specific meetings on the multi-annual plan with the participation of industry representatives, Member States fisheries administrations, scientific research community, the European Fisheries Control Agency and DG MARE. The work resulted in the adoption of an opinion in November 2017<sup>17</sup>. Most of the elements recommended by MEDAC have been included in this proposal, namely:

- its scope as regards geographical coverage, stocks and fishing gears (including for recreational fisheries);
- the use of fishing opportunities based on effort limits (expressed as days at sea/vessels per day) in accordance with the scientific advice;
- the extension of the bottom towed gears ban from 50 m to an appropriate depth to increase the protection of coastal essential fish habitats;
- the use of spatio-temporal closures to protect spawning and nursery areas;
- updates on the minimum landing sizes of species listed in Annex III of Council Regulation (EC) No 1967/2006.

Two elements (i.e. the introduction of electronic monitoring systems for all vessels subject to the multi-annual plan and the additional support from the EMFF) have not been taken up in the proposal, because cross-cutting legal frameworks were considered more suitable.

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<sup>17</sup> *Opinion for a multiannual plan (MAP) for the fisheries exploiting demersal stocks in the western Mediterranean Sea. Rome (MEDAC(2017)270, 7.11.2017).*

## The ‘Catania process’

At the February 2016 high-level meeting that marked the start of the Catania process, participants acknowledged the progress made on scientific advice, intergovernmental cooperation via the GFCM and (to a lesser extent) the adoption of management measures for certain fish stocks. On the other hand, it was noted that this had not been translated into an improvement in the status of fish stocks. In the Mediterranean Sea, over 90% of the evaluated commercial fish stocks are exploited well beyond safe biological limits, while the state of many stocks remains unknown. To address this situation, participants called unanimously for a renewed commitment to specific measures to restore Mediterranean fisheries.

This political momentum led the fisheries directors of the eight Mediterranean Member States to meet in June 2016 with a view to going beyond general commitments on paper and ensuring that the EU took concrete action to live up to its responsibilities. They also highlighted priority areas for additional national measures. For the western Mediterranean, France and Spain proposed establishing a joint spatial-temporal closure in the Gulf of Lions to reduce fishing effort and improve selectivity for hake.

The consultation process concluded in March 2017 with the signature of a Ministerial Declaration on the sustainability of Mediterranean fisheries<sup>18</sup>, which lays down a new strategic framework for fisheries governance in the region and a set of five actions with measurable deliverables for the next 10 years. This initiative is part of the action taken at EU level to restore fish stocks at sustainable levels in the western Mediterranean Sea.

## Public consultation

DG MARE held an internet-based public consultation on a ‘multi-annual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea’ between 30 May and 30 September 2016. The overall objective was to gather inputs and views from stakeholders, particularly at the initial design stage.

Respondents were asked to fill in a questionnaire consisting of open- and closed-format questions, of which six related to them and 18 to the biological, technical and socio-economic aspects of demersal fisheries in the western Mediterranean. Topics included the perception of the problem, management options and the scope and content of a possible multi-annual plan.

The main findings were that<sup>19</sup>:

- (1) a great majority of respondents agreed that the current management framework (i.e. national management plans under the MedReg) was not sufficient to meet the CFP objectives. Furthermore, 67 % considered that complementing the current framework with short-term measures at national or EU level would not be sufficient to meet the objectives;
- (2) most respondents took the view that the current management framework had been poorly implemented in many aspects, and unequally across countries and fishing fleets. Two main factors had contributed to its ineffectiveness: (i) the lack of involvement of stakeholders (including the fishing sector) in designing measures; and (ii) a lack of effective controls;
- (3) most respondents regarded an EU multi-annual plan for demersal fisheries in the western Mediterranean as the best long-term solution. This approach was justified by

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<sup>18</sup> *Ministerial Conference on the Sustainability of Mediterranean Fisheries; Malta MedFish4Ever Ministerial Declaration (Malta, 30 March 2017).*

<sup>19</sup> *Public consultation on a multiannual plan for the fisheries exploiting demersal stocks in the Western Mediterranean Sea (DG MARE, 30 May 2016 to 30 September 2016).*

the mixed nature of the fisheries, the number of Member States involved and the interactions between the different gears and types of fisheries;

- (4) a great majority supported the inclusion of the following objectives in the multi-annual plan: (i) attaining maximum sustainable yields; (ii) adopting an effective and transparent management framework; (iii) strengthening control, monitoring and surveillance systems; and (iv) ensuring the socio-economic stability of the fishing sector;
- (5) the public consultation also looked into the question of identifying alternative measures for Mediterranean demersal fisheries, such as the setting of TACs. This measure was supported by NGOs and some citizens. However, none of the fishermen's associations or public administrations supported it, citing the complexity of implementing TACs in mixed fisheries;
- (6) nearly all respondents supported the combination of an effort regime with technical conservation measures as the best way to manage western Mediterranean demersal fisheries. The measures most widely supported were spatio-temporal closures, technical modifications to improve selectivity, minimum conservation reference sizes and co-management schemes.

- **Collection and use of expertise**

The scientific and technical aspects of this initiative were addressed primarily by the Scientific, Technical and Economic Committee for Fisheries (STECF), DG MARE and the European Market Observatory for Fisheries and Aquaculture (EUMOFA). Two STECF expert working groups met in 2015 and 2016 to produce a biological assessment of the policy options and advice on various aspects of the multi-annual plan. In 2017, the Commission services mapped the stakeholders affected and produced a socio-economic analysis. EUMOFA provided supplementary data on market dynamics in the western Mediterranean.

The assessment of the status of western Mediterranean demersal stocks is based on the most recent work by the STECF and the GFCM's Scientific Advisory Committee (SAC).

In addition, two studies fed into this initiative:

- a retrospective evaluation of the MedReg<sup>20</sup> was used to review Member States' implementation of the Regulation and assess the extent to which it was conducive to delivering on the CFP objectives. The Gulf of Lions case study was key to defining the nature of the problem; and
- the STECF thorough analysis of Member States' management plans<sup>21,22</sup> contributed to the definition of the problem, particularly as regards the reasons why the plans were considered insufficient to achieve sustainable fishing levels by 2020.

Additional supporting material was collected through research of scientific publications, technical reports and books.

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<sup>20</sup> *Retrospective evaluation study of the Mediterranean Sea Regulation -final report, p. 230. (report pending publication by the Publications Office of the European Union) (MRAG(2016)).*

<sup>21</sup> *Scientific advice on the conformity of management plans with the requirements of the common fisheries policy in the Mediterranean Sea. Specific Contract N°9, task 4 (ad hoc scientific advice in support of the implementation of the common fisheries policy) - revised report 8.8.2014 (MAREA(2014)).*

<sup>22</sup> *49th plenary meeting report ([PLEN-15-02](#)).*

- **Impact assessment**

In accordance with the *Better Regulation Guidelines*, the Commission has prepared an impact assessment gathering and analysing all necessary evidence in support of this initiative. This involved verifying the existence of a problem, outlining the main policy options and examining their potential environmental, social and economic impacts.

Two major problems affect western Mediterranean demersal fisheries. These are the high levels of overfishing and the ineffective regulatory framework. The excessive use of fishing capacity (i.e. too many vessels and too much fishing effort) has been identified as the leading cause of overfishing. At the same time, the current regulatory framework is ineffective because of its limited scope of application, the slow and poor implementation and a lack of stakeholder ownership. These problems have resulted, directly or indirectly, in the alarming state of demersal stocks (i.e. over 80 % of the assessed stocks are overfished and the biomass of some of them is very low, indicating a high probability of collapse), socio-economic implications for the fishermen and fishing sector, and impacts on the marine environment.

The problems described above primarily affect EU fleets from France, Italy and Spain. According to data reported in the EU fisheries data collection framework, around 13 000 vessels could be affected by this initiative<sup>23</sup>. About 76 % are Italian, 15 % are Spanish and 9 % are French. The smallest fleet segments are largely passive gears and longliners (nearly 10 400 vessels catching approx. 1 500 tonnes) and the largest are mostly bottom trawlers (nearly 2 800 vessels catching approx. 13 500 tonnes). The vast majority of fishing firms involved are micro-enterprises (on average, 89 % of the enterprises have only one vessel).

Against this background, three policy options were considered:

- Option 1 ‘no policy change’ or status quo (i.e. the existing regulatory framework would continue to apply) - this is used as a benchmark against which to compare the other options;
- Option 2 ‘amending the current management framework’ - the national management plans would be reviewed to take on board the CFP objectives, mainly through: amendments to their current scope (in terms of fish stocks, fisheries and area covered); new conservation objectives such as maximum sustainable yield; quantifiable targets and timeframes; and new safeguards; and
- Option 3 ‘adopting a multi-annual plan at EU level’ - the aim would be to ensure that EU fishing fleets targeting demersal stocks in the western Mediterranean are covered by a streamlined and integrated regulatory framework at EU level.

Taking into account all the evidence collected and analysed through the impact assessment process, the preferred option is Option 3: a multi-annual plan at EU level. The reasons for this are listed below:

- (1) the multi-annual plan would have more positive environmental impacts. In particular, the probability of achieving fishing mortality targets for all stocks would be around 36 %. While this indicator still remains low and far from the MSY objective, it provides better results than Option 1 (0 %) and Option 2 (28 %);
- (2) around 70 % of the assessed stocks would recover to spawning stock biomass (SSB) levels above the precautionary reference point (B<sub>PA</sub>), as compared with 5 % for

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<sup>23</sup> *These values are expected to be lower as Italian official data include the total number of vessels operating in the entire Mediterranean. According to the STECF 16-11, around 9 000 vessels operate exclusively in the western Mediterranean. However, in the impact assessment, we used the official data reported by the Member States under the data collection framework.*

Option 1 and 72 % for Option 2. The plan would also introduce biomass safeguards requiring pre-defined measures to recover stocks that fall outside safe biological limits, thus also increasing the likelihood of maintaining sustainable biomass levels. In addition, achieving the  $F_{MSY}$  objective under Option 2 is inherently riskier than under the plan, for two basic reasons: (i) far more conditions need to be met to deliver an effective management framework (e.g. greater cooperation, harmonisation, coordination among Member States); and (ii) even if the current framework is amended, there is no guarantee that the poor implementation observed until now will end;

- (3) while the plan involves greater transitional employment and profitability-related costs as a consequence of fishing effort reductions, socio-economic performance is expected to improve across all fleets by 2025, with only one fleet at financial risk by 2025 (nine fleet segments would be at financial risk in Option 1 and four in Option 2);
- (4) compared with the current national management plans, a multi-annual plan would be streamlined (a single regulatory framework), stable (it considers the long-term perspective) and transparent (the three Member States concerned would jointly bring fishing mortalities to sustainable levels);
- (5) multi-annual plans are more consistent with the reformed CFP, particularly Article 2, as they are by far the preferred tool for managing the sustainable exploitation of fish stocks.

Lastly, the broad consultation indicated that most stakeholders (public administrations, the fishing sector, NGOs and the general public) consider an EU multi-annual plan as the best option for managing demersal fisheries in the western Mediterranean.

- **Regulatory fitness and simplification**

While this proposal is not an initiative under the Commission's regulatory fitness and performance (REFIT) programme, it would introduce a simpler, more stable and more transparent management framework. Simplification could be expected after a transitional period, because the multi-annual plan would replace provisions currently spread across national management plans and ensure consistency between the various management tools used for this fishery.

The proposal would also provide for a clearer system for translating scientific advice into management measures. Scientists would provide their advice on a yearly basis, including as regards effort limits to ensure sustainable fishing levels, and this would then be translated into a yearly Commission proposal in the Fishing Opportunities regulation.

- **Fundamental rights**

Not applicable.

#### **4. BUDGETARY IMPLICATIONS**

No budgetary implications.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Monitoring some of the effects of management measures is part of the routine work associated with implementing the CFP. Under EU legislation on data collection, Member

States already collect the data that would be required to monitor the socio-economic and environmental impacts of the proposal. The STECF already provides scientific advice on the demersal stocks concerned (i.e. hake, red mullet, blue and red shrimp, deep-water rose shrimp, giant red shrimp and Norway lobster). Impacts on the market will be monitored through the EU Market Observatory for Fisheries and Aquaculture products (EUMOFA).

Under Article 10(3) of the CFP Regulation, multi-annual plans shall provide for an initial *ex post* evaluation and then subsequent evaluations, in particular to take account of changes in scientific advice. The STECF would assess the plan and its impacts five years after its entry into force. The Commission would then report to the European Parliament and Council. An earlier evaluation is not feasible, as there would be a significant time lapse between implementation of the plan and the point at which the data required for evaluation would be available. However, the periodicity of evaluation does not prevent the legislators from amending the plan in response to scientific, political or socio-economic developments.

- **Explanatory documents**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

The main elements of the plan, in line with the provisions on the principles, objectives and contents of multi-annual plans (Articles 9 and 10 of the CFP Regulation), are as follows:

- **scope:** the proposal applies to the stocks driving demersal fisheries (i.e. hake, red mullet, deep-water rose shrimp, blue and red shrimp, giant red shrimp and Norway lobster), by-catch stocks and other demersal stocks for which sufficient data are not available. It also applies to commercial and recreational fisheries exploiting those stocks in the western Mediterranean (i.e. GFCM sub-areas 1, 2, 5, 6, 7, 8, 9, 10, 11);
- **objectives:** the objectives of the proposal are to contribute to the objectives in Article 2 of the CFP Regulation, in particular achieving maximum sustainable yields, applying the precautionary approach and implementing the ecosystem-based approach. The proposal will also facilitate implementation of the landing obligation;
- **quantifiable targets:** the proposed fishing mortality targets are  $F_{MSY}$  ranges, expressed as spawning stock biomass, which should be achieved by 2020 at the latest. The ranges would allow for MSY-based management of the stocks concerned, while providing some flexibility in the context of mixed fisheries;
- **conservation reference points:** the proposed conservation reference points, expressed as spawning stock biomass, are in line with scientific advice for the Mediterranean. For each stock, the proposal introduces a limit reference point (or biomass limit,  $B_{LIM}$ ) at which the stock would be in serious danger of collapse and a precautionary reference point (or biomass precautionary,  $B_{PA}$ ) as a safety margin;
- **safeguards and remedial measures:** the proposal introduces safeguard measures to allow a stock to recover in the event of the precautionary or limit reference points being exceeded. These measures could cover a variety of actions, including Member State or Commission emergency measures;
- **fishing effort regime:** the proposal introduces a fishing effort regime at EU level for all trawls in the areas and vessels length categories in Annex I. Each year, on the basis of the scientific advice, the Council will decide the maximum allowable fishing effort (number of fishing days) for each effort group by Member State. In addition,

the proposal provides for a substantial reduction of effort in the first year of implementation, in line with the scientific advice;

- **closure areas:** as a complementary measure, the proposal sets a spatio-temporal closure prohibiting trawls from operating within the 100 m isobath from 1 May to 31 July each year. This would reserve the coastal zone for more selective gears in order to protect nursery areas and sensitive habitats, and enhance the social sustainability of small-scale fisheries. Given the socio-economic importance and the urgent need to reduce the high fishing mortality for hake, additional closure areas for the protection of spawning individuals of hake are promoted, through regionalisation;
- **landing obligation:** the proposal provides details as to the long-term implementation of the landing obligation. In particular, it introduces regionalisation provisions as required to extend and/or amend exemptions for species with demonstrated high survival rates and *de minimis* exemptions;
- **regional cooperation:** the proposal establishes regional cooperation among Member States with a view to adopting provisions for the landing obligation and specific conservation measures, including technical measures, for certain stocks;
- **monitoring and evaluation:** the proposal introduces scientific monitoring to assess progress towards maximum sustainable yield for the stocks driving demersal fisheries and, where possible, by-catch stocks. This is essential in the Mediterranean, as it will ensure regular evaluation of the stocks subject to the plan. The plan itself is to be evaluated after five years of implementation.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing a multi-annual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>24</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The United Nations Convention of 10 December 1982 on the Law of the Sea, to which the Union is a contracting party, provides for conservation obligations, including the maintaining or restoring populations of harvested species at levels which can produce the maximum sustainable yield ('MSY').
- (2) At the World Summit on Sustainable Development at New York in 2015, the Union and its Member States committed themselves, by 2020, to effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce MSY as determined by their biological characteristics.
- (3) The Malta MedFish4Ever Ministerial Declaration of 30 March 2017<sup>25</sup> lays down a new framework for fisheries governance in the Mediterranean and provides a work programme with five concrete actions for the next 10 years. One of the commitments made is to establish multi-annual plans.
- (4) Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>26</sup> establishes the rules of the common fisheries policy ('CFP') in line with the international obligations of the Union. The CFP is to contribute to the protection of the marine environment, to the sustainable management of all commercially exploited species, and in particular to the achievement of good environmental status by 2020.

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<sup>24</sup> OJ C [...], [...], p. [...].

<sup>25</sup> Malta MedFish4Ever Ministerial Declaration. Ministerial conference on the sustainability of Mediterranean fisheries ([Malta, 30 March 2017](#)).

<sup>26</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](#)).

- (5) The objectives of the CFP are, amongst others, to ensure that fishing and aquaculture activities are environmentally sustainable in the long term, to apply the precautionary approach to fisheries management and to implement the ecosystem-based approach to fisheries management.
- (6) For the achievement of the CFP objectives, a number of conservation measures such as multi-annual plans, technical measures and the setting and allocation of fishing opportunities, should be adopted.
- (7) Pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013, multi-annual plans are to be based on scientific, technical and economic advice. In accordance with those provisions, the multi-annual plan provided for in this Regulation should contain objectives, quantifiable targets with clear timeframes, conservation reference points, safeguards and technical measures designed to avoid and reduce unwanted catches.
- (8) ‘Best available scientific advice’ refers to publicly available scientific advice that is supported by the most up-to-date scientific data and methods and has either been issued or reviewed by an independent scientific body that is recognised at Union or international level.
- (9) The Commission should obtain the best available scientific advice for the stocks within the scope of the multi-annual plan. In order to do so it should consult in particular the Scientific, Technical and Economic Committee for Fisheries (‘STECF’). The Commission should in particular obtain publicly available scientific advice, including mixed fisheries advice, which takes into account the plan provided for by this Regulation and indicates ranges of F<sub>MSY</sub> and conservation reference points (B<sub>PA</sub> and B<sub>LIM</sub>).
- (10) Council Regulation (EC) No 1967/2006<sup>27</sup> establishes a management framework for the sustainable exploitation of fishery resources in the Mediterranean and requires the adoption of management plans for fisheries using trawl nets, boat seines, shore seines, surrounding nets and dredges in territorial waters of the Member States.
- (11) France, Italy and Spain have adopted management plans under Regulation (EC) No 1967/2006. However, there is a lack of consistency between the plans and they do not take account of all the gears exploiting demersal stocks and the straddling distribution of certain stocks and fishing fleets. Besides, those plans have proven ineffective in meeting the objectives set in the CFP. Member States and stakeholders have expressed support for the development and implementation of a multi-annual plan at Union level for the stocks concerned.
- (12) The STECF has shown that exploitation of most demersal stocks in the western Mediterranean exceeds by far the levels required to achieve MSY.
- (13) It is therefore appropriate to establish a multi-annual plan (‘the plan’) for the conservation and sustainable exploitation of demersal stocks in the western Mediterranean.
- (14) That plan should take account of the mixed nature of the fisheries and the dynamics between the stocks driving them, i.e. hake (*Merluccius merluccius*), red mullet (*Mullus barbatus*), deep-water rose shrimp (*Parapenaeus longirostris*), Norway lobster (*Nephrops norvegicus*), blue and red shrimp (*Aristeus antennatus*) and giant red

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<sup>27</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 ([OJ L 36, 8.2.2007, p. 6](#)).

shrimp (*Aristaeomorpha foliacea*). It should also take account of by-catch species and demersal stocks for which sufficient data are not available. It should apply to the demersal fisheries (in particular, trawl nets, bottom-set nets, traps and longlines), carried out in Union waters or by Union fishing vessels outside the Union waters of the western Mediterranean.

- (15) Given their importance, the plan provided for in this Regulation should cover recreational fisheries catching western Mediterranean demersal stocks. Where such fisheries have a significant impact on stocks, the multi-annual plan provided for by this Regulation should provide for the possibility of specific management measures.
- (16) The geographical scope of the multi-annual plan should be based on the geographical distribution of stocks as indicated in the best available scientific advice. Future changes to the geographical distribution of stocks as set out in the multi-annual plan may be needed due to improved scientific information. Therefore, the Commission should be empowered to adopt delegated acts adjusting the geographical distribution of stocks set out in the multi-annual plan if the scientific advice shows a change in the geographical distribution of the relevant stocks.
- (17) The objective of the plan provided for in this Regulation should be to contribute to the achievement of the CFP, and in particular, reaching and maintaining MSY for the target stocks, implementing the landing obligation for demersal stocks subject to minimum conservation reference size, and promoting a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socio-economic aspects. It should also implement the ecosystem-based approach to fisheries management in order to minimise negative impacts of fishing activities on the marine ecosystem. It should be coherent with the Union's environmental legislation, in particular the objective of achieving good environmental status by 2020 (in accordance with Directive 2008/56/EC<sup>28</sup>) and the objectives of Directive 2009/147/EC<sup>29</sup> and Council Directive 92/43/EEC<sup>30</sup>.
- (18) It is appropriate to establish the target fishing mortality (F) that corresponds to the objective of reaching and maintaining MSY as ranges of values which are consistent with achieving MSY (i.e.  $F_{MSY}$ ). Those ranges, based on best available scientific advice, are necessary to provide flexibility to take account of developments in the scientific advice, contribute to the implementation of the landing obligation and accommodate mixed fisheries. Based on this plan, they are derived to deliver no more than 5 % reduction in the long-term yield as compared with MSY. In addition, the upper limit of the  $F_{MSY}$  range is capped with the aim that the probability of the stock falling below the biomass limit reference point ( $B_{LIM}$ ) is no more than 5 %.
- (19) For the purposes of fixing fishing opportunities, there should be  $F_{MSY}$  ranges for 'normal use' and, subject to the good status of the stocks concerned, more flexible  $F_{MSY}$  ranges. It should be possible to set fishing opportunities within the latter only if, on the basis of the scientific advice, this is necessary to achieve the objectives laid down in this Regulation in mixed fisheries, to avoid harm to a stock caused by intra-

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<sup>28</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) ([OJ L 164, 25.6.2008, p. 19](#))

<sup>29</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ([OJ L 20, 26.1.2010, p. 7](#)).

<sup>30</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ([OJ L 206, 22.7.1992, p. 7](#)).

or inter-species stock dynamics, or to limit year-on-year variations in fishing opportunities.

- (20) For stocks for which targets relating to MSY are available, and for the purpose of the application of safeguard measures, it is necessary to establish conservation reference points, expressed as precautionary reference points ( $B_{PA}$ ) and limit reference points ( $B_{LIM}$ ).
- (21) Appropriate safeguards should be put in place to ensure that the targets are met and to trigger remedial measures where needed, amongst others where stocks fall below the conservation reference points. Remedial measures should include emergency measures in accordance with Articles 12 and 13 of Regulation (EU) No 1380/2013, fishing opportunities and other specific conservation measures.
- (22) In accordance with Regulation (EU) No 1380/2013, 'fishing opportunities' are to comply with the targets, timeframes and margins established in the multi-annual plans. For the purpose of the plan provided for in this Regulation, fishing opportunity means a quantified legal entitlement to fish, expressed in terms of fishing effort and/or catches.
- (23) In order to ensure transparent access to fisheries and the achievement of target fishing mortalities, a Union fishing effort regime should be adopted for trawls which are the main gear used to exploit demersal stocks in the western Mediterranean. To that end, it is appropriate to determine effort groups in order for the Council to establish maximum allowable fishing effort, expressed as numbers of fishing days, on an annual basis. Where necessary, the effort regime should incorporate other fishing gears.
- (24) Given the worrying situation of nearly all demersal stocks in the western Mediterranean and in order to reduce the current high levels of fishing mortality, the fishing effort regime should entail a significant reduction of effort in the first year of implementation of the plan provided for in this Regulation.
- (25) Where scientific advice shows that recreational fisheries have a significant impact on the fishing mortality of the stocks concerned, the Council should take them into account. To that effect, the Council may set fishing opportunities through the effort regime for commercial catches which takes into account the volume of recreational catches and/or to adopt other measures restricting recreational fisheries.
- (26) Where scientific advice shows that the fishing effort regime is not sufficient to meet the objectives or targets of the plan provided for in this Regulation, management measures based on total allowable catches should be introduced in order to complement the effort regime.
- (27) Member States should take specific measures to ensure that the fishing effort regime is effective and workable, by including a method for allocating effort quotas in accordance with Article 17 of Regulation (EU) No 1380/2013, by producing a list of vessels, by issuing fishing authorisations and recording and transmitting relevant effort data.
- (28) In order to protect nursery areas and sensitive habitats, and safeguard small-scale fisheries, the coastal zone should be regularly reserved for more selective fisheries. Therefore, the plan provided for in this Regulation should establish a closure for trawls operating within the 100 m isobath for three months each year.
- (29) Further conservation measures should be taken as regards demersal stocks. In particular, in accordance with the scientific advice, it is appropriate to have additional

closures in areas with high aggregations of spawning individuals in order to protect a severely harmed adult stage of hake.

- (30) The precautionary approach should apply for by-catch stocks and for demersal stocks for which sufficient data are not available. Specific conservation measures should be adopted in accordance with Article 18 of Regulation (EU) No 1380/2013 where the scientific advice shows that remedial measures are needed.
- (31) The plan provided for in this Regulation should provide for additional technical conservation measures to be adopted by means of delegated acts. This is necessary to achieve the objectives of the plan, in particular as regards conserving demersal stocks and improving selectivity.
- (32) In order to comply with the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan provided for in this Regulation should provide for additional management measures in accordance with Article 18 of Regulation (EU) No 1380/2013.
- (33) To enable the plan provided for in this Regulation to be adapted in a timely manner to technical and scientific progress, the Commission should be empowered to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in order to supplement this Regulation with remedial and technical conservation measures, implement the landing obligation and amend certain elements of the plan. It is particularly important that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making<sup>31</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council are to receive all documents at the same time as Member States' experts, and their experts are systematically to have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (34) A deadline should be set for the submission of joint recommendations by Member States with a direct management interest, as required by Regulation (EU) No 1380/2013.
- (35) In order to evaluate progress towards MSY, the plan provided for in this Regulation should allow regular scientific monitoring of the stocks concerned and, where possible, of by-catch stocks.
- (36) In accordance with Article 10(3) of Regulation (EU) No 1380/2013, the Commission should periodically assess the adequacy and effectiveness of this Regulation. That assessment should follow and be based on periodic evaluation of the plan provided for in this Regulation, on the basis of scientific advice, by the STECF, after an initial five years and every five years thereafter. This allows for the full implementation of the landing obligation and for regionalised measures to be adopted and implemented and to have an impact on the stocks and fisheries. Five years is also the minimum period required by scientific bodies.
- (37) In order to provide legal certainty, it is appropriate to clarify that temporary cessation measures that have been adopted in order to attain the objectives of the plan provided

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<sup>31</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making ([OJ L 123, 12.5.2016, p. 1](#)).

for in this Regulation can be deemed eligible for support under Regulation (EU) No 508/2014 of the European Parliament and of the Council<sup>32</sup>.

- (38) In accordance with Article 9(4) of Regulation (EU) No 1380/2013, the likely economic and social impact of the plan provided for in this Regulation was duly assessed before it was drafted<sup>33</sup>,

HAVE ADOPTED THIS REGULATION:

## CHAPTER I GENERAL PROVISIONS

### *Article 1*

#### *Subject-matter and scope*

1. This Regulation establishes a multi-annual plan ('the plan') for the conservation and sustainable exploitation of demersal stocks in the western Mediterranean Sea.
2. This Regulation applies to the following stocks:
  - (a) blue and red shrimp (*Aristeus antennatus*) in GFCM sub-area 1;
  - (b) blue and red shrimp (*Aristeus antennatus*) in GFCM sub-area 5;
  - (c) blue and red shrimp (*Aristeus antennatus*) in GFCM sub-area 6;
  - (d) deep-water rose shrimp (*Parapenaeus longirostris*) in GFCM sub-area 1;
  - (e) deep-water rose shrimp (*Parapenaeus longirostris*) in GFCM sub-area 5;
  - (f) deep-water rose shrimp (*Parapenaeus longirostris*) in GFCM sub-area 6;
  - (g) deep-water rose shrimp (*Parapenaeus longirostris*) in GFCM sub-areas 9-10-11;
  - (h) giant red shrimp (*Aristaeomorpha foliacea*) in GFCM sub-area 9;
  - (i) giant red shrimp (*Aristaeomorpha foliacea*) in GFCM sub-area 10;
  - (j) giant red shrimp (*Aristaeomorpha foliacea*) in GFCM sub-area 11;
  - (k) European hake (*Merluccius merluccius*) in GFCM sub areas 1-5-6-7;
  - (l) European hake (*Merluccius merluccius*) in GFCM sub areas 9-10-11;
  - (m) Norway lobster (*Nephrops norvegicus*) in GFCM sub-area 5;
  - (n) Norway lobster (*Nephrops norvegicus*) in GFCM sub-area 6;
  - (o) Norway lobster (*Nephrops norvegicus*) in GFCM sub-area 9;
  - (p) Norway lobster (*Nephrops norvegicus*) in GFCM sub-area 11;
  - (q) red mullet (*Mullus barbatus*) in GFCM sub-area 1;

<sup>32</sup> Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council ([OJ L 149, 20.5.2014, p. 1](#)).

<sup>33</sup> Impact assessment [include reference when published].

- (r) red mullet (*Mullus barbatus*) in GFCM sub-area 5;
  - (s) red mullet (*Mullus barbatus*) in GFCM sub-area 6;
  - (t) red mullet (*Mullus barbatus*) in GFCM sub-area 7;
  - (u) red mullet (*Mullus barbatus*) in GFCM sub-area 9; and
  - (v) red mullet (*Mullus barbatus*) in GFCM sub-area 10.
3. This Regulation shall apply to by-catch stocks caught in the western Mediterranean Sea when fishing for the stocks referred to in paragraph 1. It shall also apply to any other demersal stocks caught in the western Mediterranean Sea and for which sufficient data are not available.
  4. This Regulation applies to commercial and recreational fisheries catching the demersal stocks referred to in paragraphs 2 and 3, where they are carried out in Union waters or by Union fishing vessels outside Union waters of the western Mediterranean.
  5. This Regulation also specifies details for the implementation of the landing obligation in Union waters of the western Mediterranean Sea for all stocks of species to which the landing obligation applies under Article 15(1) of Regulation (EU) No 1380/2013.

## *Article 2*

### *Definitions*

For the purposes of this Regulation, in addition to those laid down in Article 4 of Regulation (EU) No 1380/2013, Article 4 of Council Regulation (EC) No 1224/2009<sup>34</sup> and Article 2 of Council Regulation (EC) No 1967/2006, the following definitions shall apply:

- (1) ‘the stocks concerned’ means the stocks provided for in Article 1(2);
- (2) ‘range of  $F_{MSY}$ ’ means a range of values provided in the best available scientific advice, in particular by the Scientific advice from the Scientific, Technical and Economic Committee for Fisheries (‘STECF’), where all levels of fishing mortality within that range result in maximum sustainable yield (‘MSY’) in the long term given a fishing pattern and under existing average environmental conditions without significantly affecting the reproduction process for the stocks in question. It is derived to deliver no more than a 5 % reduction in long-term yield compared to the MSY. It is capped so that the probability of the stock falling below the limit reference point ( $B_{LIM}$ ) is no more than 5 %;
- (3) ‘ $F_{MSY}$  point value’ means the value of the estimated fishing mortality that with a given fishing pattern and current environmental conditions gives the long-term maximum yield;
- (4) ‘ $MSY_{FLOWER}$ ’ means the lowest value within the range of  $F_{MSY}$ ;
- (5) ‘ $MSY_{UPPER}$ ’ means the highest value within the range of  $F_{MSY}$ ;

<sup>34</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ([OJ L 343, 22.12.2009, p. 1](#)).

- (6) 'lower range of  $F_{MSY}$ ' means a range that contains values from  $MSY F_{LOWER}$  up to the  $F_{MSY}$  point value;
- (7) 'upper range of  $F_{MSY}$ ' means a range that contains values from the  $F_{MSY}$  point value up to  $MSY F_{UPPER}$ ;
- (8) ' $B_{LIM}$ ' means the limit reference point, expressed as spawning stock biomass and provided in the best available scientific advice, in particular by STECF, below which there may be reduced reproductive capacity;
- (9) ' $B_{PA}$ ' means the precautionary reference point, expressed as spawning stock biomass and provided in the best available scientific advice, in particular by STECF, which ensures that the spawning stock biomass has less than 5 % probability of being below  $B_{LIM}$ ;
- (10) 'effort group' means a fleet management unit of a Member State for which a maximum allowable fishing effort is set;
- (11) 'fishing day' means a calendar day counting from 0:00 to 24:00 during which fishing activities are carried out;
- (12) 'western Mediterranean Sea' means the waters in GFCM geographical sub-areas 1 (Northern Alboran Sea), 2 (Alboran Island), 5 (Balearic Islands), 6 (Northern Spain), 7 (Gulf of Lions), 8 (Corsica Island), 9 (Ligurian and North Tyrrhenian Sea), 10 (South Tyrrhenian Sea) and 11 (Sardinia Island), as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council<sup>35</sup>.

### *Article 3* **Objectives**

1. The plan shall contribute to the achievement of the objectives of the common fisheries policy, as listed in Article 2 of Regulation (EU) No 1380/2013, in particular by applying the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce  $MSY$ .
2. The plan shall contribute to the elimination of discards by avoiding and reducing unwanted catches as far as possible, and to the implementation of the landing obligation established in Article 15 of Regulation (EU) No 1380/2013 for the species which are subject to minimum conservation reference sizes and to which this Regulation applies.
3. The plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. It shall be coherent with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC and the objectives set out in Articles 4 and 5 of Directive 2009/147/EC and Articles 6 and 12 of Council Directive 92/43/EEC.

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<sup>35</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](#)).

4. In particular, the plan shall aim to:
  - (a) ensure that the conditions described in descriptor 3 contained in Annex I to Directive 2008/56/EC are fulfilled; and
  - (b) contribute to the fulfilment of other relevant descriptors contained in Annex I to Directive 2008/56/EC in proportion to the role played by fisheries in their fulfilment.
5. Measures in the plan shall be taken on the basis of the best available scientific advice. Where there is insufficient data, a comparable degree of conservation of the relevant stocks shall be pursued.

## CHAPTER II

### TARGETS, CONSERVATION REFERENCE POINTS AND SAFEGUARDS

#### *Article 4* **Targets**

1. The target fishing mortality in line with the ranges of  $F_{MSY}$  defined in Article 2 shall be achieved as soon as possible, and on a progressive, incremental basis by 2020 for the stocks concerned, and shall be maintained thereafter within the ranges of  $F_{MSY}$ .
2. The ranges of  $F_{MSY}$  shall be requested, in particular from STECF, based on this plan.
3. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, when the Council fixes fishing opportunities, it shall establish those opportunities for the assemblage of stocks concerned, within the range of  $F_{MSY}$  available at that time for the most vulnerable stock.
4. By way of derogation from paragraphs 1 and 3, fishing opportunities may be set at levels that are lower than the ranges of  $F_{MSY}$ .
5. By way of derogation from paragraphs 3 and 4, fishing opportunities may be set above the range of  $F_{MSY}$  available at that time for the most vulnerable stock, provided that all stocks concerned are above the  $B_{PA}$ :
  - (a) if, on the basis of the scientific advice or evidence, it is necessary for the achievement of the objectives laid down in Article 3 in mixed fisheries;
  - (b) if, on the basis of the scientific advice or evidence, it is necessary to avoid serious harm to a stock due to intra- or inter-species stock dynamics; or
  - (c) in order to limit variations in fishing opportunities between consecutive years to a maximum of 20 %.

#### *Article 5* **Conservation reference points**

For the purposes of Article 6, the following conservation reference points shall be requested, in particular from STECF, based on this plan:

- (a) precautionary reference points, expressed as spawning stock biomass ( $B_{PA}$ ); and
- (b) limit reference points, expressed as spawning stock biomass ( $B_{LIM}$ ).

*Article 6*  
**Safeguards**

1. Where the scientific advice shows that the spawning biomass of any of the stocks concerned is below the precautionary reference point ( $B_{PA}$ ), remedial measures shall be adopted to ensure the rapid return of the stocks concerned to levels above those capable of producing MSY. In particular, by way of derogation from Article 4(3) and (5), fishing opportunities shall be set at levels consistent with a fishing mortality that is reduced within the range of  $F_{MSY}$  for the most vulnerable stock, taking into account the decrease in biomass.
2. Where the scientific advice shows that the spawning biomass of any of the stocks concerned is below the limit reference point ( $B_{LIM}$ ), further remedial measures shall be taken to ensure the rapid return of the stock to levels above those capable of producing MSY. In particular, by way of derogation from Article 4(3) and (5), those measures may include suspending the targeted fishery for the stock concerned and the adequate reduction of the fishing opportunities.
3. Remedial measures referred to in this Article may include:
  - (a) measures pursuant to Articles 7, 8, 11, 12, 13 and 14 of this Regulation; and
  - (b) emergency measures in accordance with Articles 12 and 13 of Regulation (EU) No 1380/2013.
4. The choice of measures referred to in this Article shall be appropriate with the nature, gravity, duration and repetition of the situation where the spawning stock biomass is below the levels referred to in Article 5.

**CHAPTER III**  
**FISHING OPPORTUNITIES**

*Article 7*  
**Fishing effort regime**

1. A fishing effort regime shall apply to all vessels fishing with trawls in the areas and length categories defined in Annex I.
2. Each year, in accordance with the scientific advice, the Council shall set a maximum allowable fishing effort for each effort group by Member State.
3. For the first year of implementation of the plan, the maximum allowable fishing effort shall be substantially reduced from the baseline provided for in paragraph 4, in accordance with the scientific advice.
4. The baseline referred to in paragraph 3 shall be established as follows:
  - (a) for the first year of application of this Regulation, the baseline shall be calculated for each effort group as the average effort expressed as number of

fishing days between 1 January 2015 and 31 December 2017 and take account only of vessels active during that period;

- (b) for the subsequent years of application of this Regulation, the baseline shall be equal, for each year, to the maximum allowable fishing effort for the previous year.
5. Where the scientific advice shows significant catches of a particular stock with fishing gears other than trawls, fishing effort levels shall be set for such particular gear or gears on the basis of such scientific advice.
  6. Where the scientific advice shows that recreational fisheries have a significant impact on the fishing mortality of a particular stock, the Council may limit recreational fisheries when setting fishing opportunities in order to avoid exceeding the total target of fishing mortality.

#### *Article 8* **Total allowable catches**

Where the best available scientific advice shows that the fishing effort regime is not sufficient to meet the objectives or targets set out in Articles 3 and 4, the Council shall adopt complementary management measures based on total allowable catches.

#### *Article 9* **Obligations of the Member States**

1. Member States shall manage the maximum allowable fishing effort in accordance with the conditions laid down in Articles 26 to 34 of Regulation (EC) No 1224/2009.
2. Each Member State shall decide on a method for allocating the maximum allowable fishing effort to individual vessels or groups of vessels flying its flag, in accordance with the criteria in Article 17 of Regulation (EU) No 1380/2013. In particular, Member States shall:
  - (a) use transparent and objective criteria, including those of an environmental, social and economic nature;
  - (b) distribute national quotas fairly among fleet segments, giving consideration to traditional and artisanal fisheries; and
  - (c) provide Union vessels with incentives to deploy selective fishing gear or use fishing techniques with reduced environmental impact.
3. Where a Member State allows vessels flying its flag to fish with trawls, it shall ensure that such fishing is limited to a maximum of 12 hours per fishing day, five fishing days per week or equivalent.
4. For the vessels flying its flag, each Member State shall issue fishing authorisations for the areas referred to in Annex I and in accordance with Article 7 of Regulation (EC) No 1224/2009.
5. Member States shall ensure that the total capacity, expressed in GT and kW, corresponding to the fishing authorisations issued in accordance with paragraph 4 is not increased during the period of application of the plan.

6. Each Member State shall establish and maintain a list of vessels issued with fishing authorisations pursuant to paragraph 4 and make it available to the Commission and other Member States. Member States shall transmit their list for the first time within three months after the entry into force of this Regulation and subsequently no later than 30 November each year.
7. Member States shall monitor their fishing effort regime and ensure that the maximum allowable fishing effort referred to in Article 7 does not exceed the set limits.

*Article 10*  
**Communication of relevant data**

1. Member States shall record and transmit effort data to the Commission in accordance with Article 33 of Council Regulation (EC) No 1224/2009 and Articles 146c to 146e of Commission Implementing Regulation (EU) No 404/2011<sup>36</sup>.
2. The effort data shall be aggregated per month and contain the information set out in Annex II. The format of the aggregated data shall be the XML Schema Definition based on UN/CEFACT P1000-12.
3. Member States shall transmit the effort data referred to in paragraph 1 to the Commission before the 15th of each month.

**CHAPTER IV**  
**TECHNICAL CONSERVATION MEASURES**

*Article 11*  
**Closure areas**

1. In addition to what is provided for by Article 13 of Council Regulation (EC) No 1967/2006, the use of trawls in the western Mediterranean Sea shall be prohibited within the 100 m isobath from 1 May to 31 July each year.
2. Within two years of the adoption of this Regulation and on the basis of the scientific advice, the Member States concerned shall establish other closure areas where there is evidence of a high concentration of juvenile fish and of spawning grounds of demersal stocks, in particular for the stocks concerned.
3. Where the closure areas referred to in paragraph 2 affect fishing vessels of several Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 8 of Regulation (EU) No 1380/2013 and Article 18 of this Regulation and on the basis of the scientific advice, establishing the closure areas concerned.

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<sup>36</sup> Commission Implementing Regulation (EU) No 404/2011 of 8 April 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](#)).

*Article 12*  
***Management of by-catch stocks and demersal stocks  
for which sufficient data are not available***

1. The stocks referred to in Article 1(3) of this Regulation shall be managed on the basis of the precautionary approach to fisheries management as defined in Article 4(1)(8) of Regulation (EU) No 1380/2013.
2. Management measures for the stocks referred to in Article 1(3) of this Regulation, in particular technical conservation measures such as those listed in Article 13 of this Regulation, shall be established taking into account the best available scientific advice.

*Article 13*  
***Other technical conservation measures***

1. The Commission is empowered to adopt delegated acts in accordance with Article 18 supplementing this Regulation by establishing the following technical conservation measures:
  - (a) specifying the characteristics of fishing gear, in particular mesh size, hook size, number of hooks, construction of the gear, twine thickness, size of the gear or use of additional devices to improve selectivity;
  - (b) limiting the use of fishing gear, in particular immersion time and depth of gear deployment, so as to improve selectivity;
  - (c) prohibiting or limiting fishing in specific areas or time periods to protect spawning and juvenile fish, fish below the minimum conservation reference size or non-target fish species;
  - (d) prohibiting or limiting fishing in specific areas or time periods to protect vulnerable ecosystems and species;
  - (e) setting minimum conservation reference sizes for any of the stocks to which this Regulation applies, to ensure the protection of juveniles of marine organisms;
  - (f) on recreational fisheries; and
  - (g) on other characteristics linked to selectivity.
2. The measures referred to in paragraph 1 shall contribute to the achievement of the objectives set out in Article 3.
3. In the absence of a joint recommendation as referred to in Article 15(2) and after expiry of the applicable deadlines set out in that Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 18 supplementing this Regulation by adopting the measures listed in paragraph 1, where the scientific advice shows that specific action is required to ensure that any of the stocks to which this Regulation applies is managed in accordance with Article 3.

## CHAPTER V LANDING OBLIGATION

### *Article 14*

#### ***Provisions linked to the landing obligation***

For all stocks of species in the western Mediterranean Sea to which the landing obligation applies under Article 15 of Regulation (EU) No 1380/2013, the Commission is empowered to adopt delegated acts in accordance with Article 15 supplementing this Regulation by adopting detailed measures for that obligation as provided for in points (a) to (e) of Article 15(5) or Regulation (EU) No 1380/2013.

## CHAPTER VI REGIONALISATION

### *Article 15*

#### ***Regional cooperation***

1. Article 18(1) to (6) of Regulation (EU) No 1380/2013 shall apply to the measures referred to in Articles 11, 12, 13 and 14 of this Regulation.
2. For the purpose of paragraph 1 of this Article, Member States having direct management interest may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013:
  - (a) for the first time not later than twelve months after the entry into force of this Regulation and thereafter twelve months after each submission of the evaluation of the plan in accordance with Article 17(2);
  - (b) by 31 May of the year preceding that in which the measures are to apply; and/or
  - (c) whenever they deem necessary, in particular in the event of an abrupt change in the situation of any stock to which this Regulation applies.
3. The empowerments granted under Articles 11, 12, 13 and 14 of this Regulation shall be without prejudice to powers conferred on the Commission under other provisions of Union law, including Regulation (EU) No 1380/2013.

## CHAPTER VII AMENDMENTS AND FOLLOW UP

### *Article 16*

#### ***Amendments of the plan***

1. Where the scientific advice shows a change in the geographical distribution of the stocks listed in Article 1(2), the Commission is empowered to adopt delegated acts in

accordance with Article 18 to amend this Regulation by adjusting the areas specified in Article 1(2) and Annex I in order to reflect that change.

2. Where the scientific advice shows that the list of stocks set out in Article 1(2) needs to be amended, the Commission may submit a proposal for the amendment of that list.

#### *Article 17*

#### ***Monitoring and evaluation of the plan***

1. For the purposes of the annual report provided for in Article 50 of Regulation (EU) No 1380/2013, quantifiable indicators shall include annual estimates of F/F<sub>MSY</sub> and SSB for the stocks concerned and, where possible, for by-catch stocks. They may be complemented with other indicators on the basis of the scientific advice.
2. Five years after the date of entry into force of this Regulation and every five years thereafter, the Commission shall report to the European Parliament and to the Council on the results and the impact of the plan on the stocks to which this Regulation applies and on the fisheries exploiting those stocks, in particular as regards the achievement of the objectives set out in Article 3.

## **CHAPTER VIII PROCEDURAL PROVISIONS**

#### *Article 18*

#### ***Exercise of delegation***

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Articles 11, 12, 13, 14 and 16 shall be conferred on the Commission for a period of five years from the date of the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of that period. The delegation of power shall be tacitly extended for five-year periods, unless the European Parliament or the Council opposes such extension not later than three months beforehand.
3. The European Parliament or the Council may at any time revoke the delegation of power referred to in Articles 11, 12, 13, 14 and 16. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following its publication in the *Official Journal of the European Union* or at a later date specified in the decision. It shall not affect the validity of any delegated act already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
5. As soon as it adopts a delegated act, the Commission shall simultaneously notify the European Parliament and the Council thereof.

6. A delegated act adopted pursuant to Articles 11, 12, 13, 14 and 16 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified or if, before the expiry of that period, they have both informed the Commission that they will not object. The period shall be extended by two months at the initiative of the European Parliament or of the Council.

## CHAPTER IX EUROPEAN MARITIME AND FISHERIES FUND

### *Article 19*

#### *Support from the European Maritime and Fisheries Fund*

Temporary cessation measures adopted in order to achieve the objectives of the plan shall be deemed as temporary cessation of fishing activities for the purposes of points (a) and (c) of Article 33(1) of Regulation (EU) No 508/2014.

## CHAPTER X FINAL PROVISIONS

### *Article 20*

#### *Entry into force*

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

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

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*