



Council of the
European Union

116225/EU XXVII. GP
Eingelangt am 14/10/22

Brussels, 14 October 2022
(OR. en)

13592/22

Interinstitutional File:
2022/0325(NLE)

PECHE 399

PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	14 October 2022
To:	General Secretariat of the Council
No. Cion doc.:	COM(2022) 525 final
Subject:	Proposal for a COUNCIL REGULATION on fixing for 2023 the fishing opportunities for certain stocks and groups of fish stocks applicable in the Mediterranean and Black Seas and amending Council Regulation (EU) 2022/110 as regards the fixing of fishing opportunities for 2022 applicable in the Mediterranean and the Black Seas

Delegations will find attached document COM(2022) 525 final.

Encl.: COM(2022) 525 final



EUROPEAN
COMMISSION

Brussels, 14.10.2022
COM(2022) 525 final

2022/0325 (NLE)

Proposal for a

COUNCIL REGULATION

on fixing for 2023 the fishing opportunities for certain stocks and groups of fish stocks applicable in the Mediterranean and Black Seas and amending Council Regulation (EU) 2022/110 as regards the fixing of fishing opportunities for 2022 applicable in the Mediterranean and the Black Seas

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy (CFP Basic Regulation)¹ seeks to ensure that living aquatic resources are exploited under sustainable economic, environmental and social conditions. One important tool in this respect is the annual fixing of fishing opportunities. All fishing opportunities regulations must limit the harvesting of fish stocks to levels consistent with the overall objectives of the common fisheries policy (CFP).

The objective of this proposal is to fix the fishing opportunities for certain stocks and groups of stocks in the Mediterranean and the Black Seas.

In line with the multiannual plan for demersal stocks in the western Mediterranean,² this proposal proposes to fix fishing opportunities, expressed in terms of maximum allowable fishing effort and maximum catch limits for shrimps, for the Member States concerned (Spain, France and Italy).

This proposal also proposes to fix fishing opportunities pursuant to agreements reached in the framework of the General Fisheries Commission for the Mediterranean (GFCM), a regional fisheries management organisation responsible for the conservation and management of living marine resources in the Mediterranean and Black Seas. The European Union is a member of the GFCM, together with Bulgaria, Croatia, Cyprus, France, Greece, Italy, Malta, Romania, Slovenia and Spain. Measures adopted in the framework of the GFCM are binding on its members.

Finally, this proposal proposes to fix an autonomous quota for Black Sea sprat in order not to increase the current level of fishing mortality. It also proposes to implement into Union law the total allowable catch (TAC) and quotas for turbot as established by the GFCM.

The ultimate objective of the proposal is to achieve and maintain stock levels that can deliver maximum sustainable yield (MSY). The multiannual plan for demersal stocks in the western Mediterranean is intended to achieve fishing mortality at MSY on a progressive, incremental basis by 2020 where possible, and by 1 January 2025 at the latest.

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

The proposed measures are designed in accordance with the objectives and rules of the CFP.

- **Consistency with other Union policies**

The proposed measures are consistent with the Union's policy on sustainable development.

¹ 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).

² 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. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis of this proposal is Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the Union's exclusive competence, as referred to in Article 3(1)(d) TFEU. The subsidiarity principle therefore does not apply.

- **Proportionality**

The proposal complies with the proportionality principle because the CFP is a common policy so that each EU regional sea-basin (e.g. Baltic, Mediterranean) is the object of a Fishing Opportunities regulation securing thus level playing field in the implementation of the CFP. Article 43(3) TFEU requires the Council to adopt measures on the fixing and allocation of fishing opportunities.

The proposal proposes to allocate fishing opportunities to Member States. Under Articles 16 and 17 of the CFP Basic Regulation, Member States are free to allocate such opportunities among vessels flying their flag as they see fit. Therefore, they have ample discretion on decisions relating to the exploitation of the opportunities in line with their social and economic models.

The proposal would have no new financial implications for Member States.

- **Choice of the instrument**

The proposed instrument is a Council regulation.

This is a proposal for fisheries management on the basis of Article 43(3) TFEU and in accordance with Article 16 of the CFP Basic Regulation.

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

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

Not applicable.

- **Stakeholder consultations**

Interested parties were consulted by means of the Commission's Communication to the European Parliament and the Council *Towards more sustainable fishing in the EU: state of play and orientations for 2023*.

- **Collection and use of expertise**

The assessment of the state of stocks in the Mediterranean and Black Seas is based on the most recent work by the Scientific, Technical and Economic Committee for Fisheries and the GFCM Scientific Advisory Committee on Fisheries.

- **Impact assessment**

The scope of fishing opportunities regulations is circumscribed by Article 43(3) TFEU.

The multiannual plan for demersal fisheries in the western Mediterranean introduced a fishing effort regime to tackle the problem of overfishing in the western Mediterranean demersal fisheries. In addition, Article 7(3)(b) of the multiannual plan provides for the possibility that the fishing effort decrease may be supplemented with any relevant technical or other conservation measures adopted in accordance with Union law, in order to achieve the value of the estimated fishing mortality that, with a given fishing pattern and under current average environmental conditions, gives the long-term maximum yield (F_{msy}) by 1 January 2025. Based on the scientific advice, Council Regulation (EU) 2022/110 (2022 Fishing Opportunities Regulation)³ introduced an effort regime for longliners and catch limits for the shrimps.

As regards the fishing opportunities established by the GFCM in the Mediterranean and Black Seas, this proposal proposes to implement internationally agreed measures. Any elements relevant to the assessment of possible impacts of the fishing opportunities are dealt with in the preparation and conduct phase of international negotiations in the framework of which the Union's fishing opportunities are agreed with third parties.

The proposal reflects not only short-term concerns, but also a longer-term approach whereby fishing effort is gradually adjusted to long-term sustainable levels.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

Not applicable.

4. BUDGETARY IMPLICATIONS

The proposal has no budgetary implications.

5. OTHER ELEMENTS

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

This proposal will be implemented in line with the CFP Basic Regulation. Monitoring and compliance will be ensured in accordance with Council Regulation (EC) No 1224/2009⁴.

- **Explanatory documents (for directives)**

Not applicable.

³ Council Regulation (EU) 2022/110 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 21, 31.1.2022, p. 165).

⁴ 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. 1–50)

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

The proposal proposes to fix fishing opportunities for 2023 for certain stocks or groups of stocks in the Mediterranean and Black Seas, in particular:

A. Implementation of the western Mediterranean multiannual management plan

Under the multiannual plan for demersal fisheries in the western Mediterranean, the Council is to set a maximum allowable fishing effort for trawl vessels exploiting demersal stocks in the western Mediterranean, for each fishing effort group, by Member State and for the stock groups in Annex I to the plan.

In 2021, scientific advice from both the STECF and the GFCM Scientific Advisory Committee recommended that, in order to attain MSY for demersal stocks in the western Mediterranean, swift action ought to be undertaken and real reductions in fishing mortality be adopted. The stocks of hake and deep-water shrimps were so overexploited that STECF considered them precautionarily at a level below B_{lim} , that is the limit reference point, expressed as spawning stock biomass and provided for in the best available scientific advice, in particular by STECF, or a similar independent scientific body recognised at Union or international level, below which there may be reduced reproductive capacity

The STECF (STECF-21-13 and PLEN-21-03) advised that a holistic approach, combining effort measures for both trawlers and longliners and catch limits for deep-water shrimps, was necessary to reduce urgently fishing mortality, in particular for hake and deep-water shrimp stocks. This approach was implemented by the 2022 Fishing Opportunities Regulation, and the Commission proposes to continue implementing such an approach in 2023.

This proposal includes a series of “pro memoria” (pm) for the level of the fishing effort, as well as the level of catches, and it will be completed at a later stage, when the STECF advice will be available.

Furthermore, in order to promote the use of the selectivity of the gears and to establish efficient closure areas to protect juveniles and spawners, the 2022 Fishing Opportunities Regulation established a compensation mechanism in relation to the effort regime for trawlers and the Commission proposes to continue the implementation of this mechanism in 2023.

Based on the experience of the first year of application, the Commission considers it necessary to clarify how the mechanism should be implemented retroactively for 2022. The Commission also proposes to allocate $pm\%$ of fishing days in accordance with the scientific advice for 2023.

B. GFCM measures applicable in the Mediterranean Sea, including:

- Fishing harvest limits and limits on the number of fishing authorisations for red coral in the entire Mediterranean Sea (GSAs 1 to 27).
- Limits on the number of fishing authorisations for common dolphinfish in the entire Mediterranean Sea (GSAs 1 to 27).
- Measures for small pelagic stocks under the GFCM Multiannual management plan for small pelagic species adopted in 2021 in the Adriatic Sea (GSAs 17 and 18).

The Commission proposes to continue in 2023 the implementation of the provisions of that plan, which follows a two-step approach, with a transitional period and long-term measures.

2023 is the second year of the transitional period and the Commission proposes to continue the implementation of the catch limits with the transitional internal share between Italy and

Croatia and the transitional reserve for Slovenia, as well as the fleet capacity ceiling for purse seiners and pelagic trawlers targeting small pelagic stocks.

This capacity ceiling should be the same as in the 2022 Fishing Opportunities Regulation and based on the capacity reported to GFCM in 2014.

- Measures for demersal stocks under the MAP in the Adriatic Sea (GSAs 17 and 18):

At its 45th annual session in November 2022, the GFCM should adopt a new recommendation reducing for 2023 the fishing effort for otter-trawlers (OTB) and for beam-trawlers (TBB). The proposal will be updated by way of a non-paper with the levels of the reduction, after the GFCM annual session.

The maximum fleet capacity from the 2022 Fishing Opportunities Regulation should remain in place for 2023.

The proposal includes a series of placeholders, for stocks where the GFCM transitional measures are expiring at the end of 2022 and for which the GFCM should adopt new measures at its 45th annual session in November 2022.

- Measures for the management of giant red shrimp and blue and red shrimp in the Strait of Sicily (GSAs 12 to 16), the Ionian Sea (GSAs 19 to 21) and the Levant Sea (GSAs 24 to 27).
- Measures for blackspot seabream in the Alboran Sea (GSAs 1 to 3).

C. GFCM measures applicable in the Black Sea, including:

- An autonomous quota for sprat, based on scientific advice.

- The TAC and quota allocation for turbot under the GFCM multiannual management plan for turbot fisheries, implementing Recommendation GFCM/43/2019/3 (GSA 29).

Regarding the levels of the TAC and quotas for turbot, the Commission proposal will be updated after the 45th GFCM annual session in November 2022.

The GFCM recommendations up to 2017 have been implemented into EU law pursuant to Regulation (EU) No 1343/2011 (as amended)⁵ and the Commission has adopted a proposal to implement the Recommendations adopted by the GFCM in 2018 and 2019 (COM/2021/434 final).

Measures functionally linked to the fishing opportunities, such as spawning closures, are part of this proposal, as without such closure periods (such as for turbot in the Black Sea), the fishing opportunities could not be established at the same level. The extent of the closure period may vary, depending on the state of the stock as assessed by the scientific advice.

⁵ 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).

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 6 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁶ requires that conservation measures be adopted taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries, as well as advice received from advisory councils set up for the relevant geographical areas or fields of competence and joint recommendations made by Member States.
- (2) The Council is to adopt measures on the fixing and allocation of fishing opportunities, including, certain conditions functionally linked to those fishing opportunities, as appropriate. Article 16(1) of Regulation (EU) No 1380/2013 provides that fishing opportunities should be allocated to Member States in such a way as to ensure the relative stability of fishing activities of each Member State for each fish stock or fishery.
- (3) Article 2 of Regulation (EU) No 1380/2013 provides that the objective of the Common Fisheries Policy (CFP) is to achieve the maximum sustainable yield (MSY) exploitation rate by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks. The objective of the transitional period until 2020 was to balance the achievement of MSY for all stocks with the potential socio economic implications of the possible adjustments of related fishing opportunities.
- (4) Therefore, in accordance with Regulation (EU) No 1380/2013, total allowable catches (TACs) should be set on the basis of available scientific advice, taking into account biological and socio-economic aspects whilst ensuring fair treatment between fishing sectors, as well as the opinions expressed during the consultations with stakeholders.
- (5) Article 16(4) of Regulation (EU) No 1380/2013 provides that for stocks subject to specific multiannual plans, the fishing opportunities are to be established in accordance with the rules laid down in those plans.

⁶ 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) The multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea was established by Regulation (EU) 2019/1022 of the European Parliament and of the Council⁷ and entered into force on 16 July 2019 ('the plan'). The plan aims to reach and maintain MSY for target stocks, ensuring that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the MSY.
- (7) In accordance with Article 4(1) of Regulation (EU) 2019/1022, fishing opportunities for stocks listed in Article 1 of that Regulation should be fixed to achieve fishing mortality at MSY on a progressive, incremental basis by 2020 where possible, and by 1 January 2025 at the latest. Fishing opportunities should be expressed as maximum allowable fishing effort for trawlers and longliners and fixed in accordance with the fishing effort regime laid down in Article 7 of the plan as well as maximum catch limits for blue and red shrimp (*Aristeus antennatus*) and giant red shrimp (*Aristaeomorpha foliacea*) in deep waters in accordance with scientific advice.
- (8) *[placeholder scientific advice explanation]* Based on such advice, for 2023, the maximum allowable fishing effort of trawlers in the Western Mediterranean Sea, in accordance with Article 7(3)(b) of the plan, should therefore be reduced by $pm\%$ compared to the baseline between 2015 and 2017, to be deducted from the maximum allowable fishing effort set for 2022 by Council Regulation (EU) 2022/110⁸.
- (9) In 2021, the STECF advised that, in order to attain the MSY targets for the western Mediterranean fish stocks, further urgent actions were needed, in particular to manage the fishing mortality from demersal longliners. Based on such advice, Annex III of Council Regulation (EU) 2022/110 established the maximum allowable fishing effort of longliners, in accordance with Article 7(5) of the plan, based on the fishing effort expressed as number of fishing days between 1 January 2015 and 31 December 2017.
- (10) *[placeholder best available scientific advice]*. Based on such advice, for 2023, the maximum allowable fishing effort of longliners should therefore be reduced by $pm\%$ compared to the baseline between 2015 and 2017, to be deducted from the maximum allowable fishing effort set for 2022 by Council Regulation (EU) 2022/110. This maximum allowable fishing effort for longliners should not prejudice the maximum allowable fishing effort to be established for 2024.
- (11) In 2021, the STECF advised that the fishing mortality of blue and red shrimp in Geographical Sub-Areas (GSAs) 1-5-6-7 and GSAs 8-9-10-11 would need to decrease significantly to achieve MSY by 2025 at the latest. The General Fisheries Commission for the Mediterranean (GFCM) Scientific Advisory Committee on Fisheries (SAC) issued similar advice for fishing mortality of blue and red shrimp in GSA 2. Moreover, the STECF estimated that the biomass of blue and red shrimp was declining. Based on such advice, Council Regulation (EU) 2022/110 established for 2022 the maximum catch limits for blue and red shrimp in Geographical Sub-Areas (GSAs) 1-5-6-7 and GSAs 8-9-10-11.

⁷ 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).

⁸ Council Regulation (EU) 2022/110 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 21, 31.1.2022, p. 165).

- (12) [placeholder best available scientific advice] For 2023, the maximum catch limits for blue and red shrimp in GSAs 1-2-5-6-7 should therefore be *pm*% and the maximum catch limit for blue and red shrimp in GSAs 8-9-10-11 therefore should be *pm*%.
- (13) In 2021, STECF advised that the biomass of giant red shrimp in GSAs 8-9-10-11 was declining. Based on such advice, Council Regulation (EU) 2022/110 established for 2022 the maximum catch limits for giant red shrimp in GSAs 8-9-10-11.
- (14) [placeholder pending final STECF advice] For 2023, the maximum catch limits for giant red shrimp in GSAs 8-9-10-11 should therefore be *pm*%.
- (15) At its 43rd annual meeting in 2019, the GFCM adopted Recommendation GFCM/43/2019/5 on a multiannual management plan for sustainable demersal fisheries in the Adriatic Sea (GFCM geographical subareas 17 and 18), which introduced a fishing effort regime and a fleet capacity ceiling for certain demersal stocks. Those measures should be implemented in Union law.
- (16) At its 44th annual meeting in 2021, the GFCM adopted Recommendation GFCM/44/2021/1 on the establishment of a fishing effort regime for key demersal fisheries in the Adriatic Sea (GFCM geographical subareas 17 and 18), which introduced a maximum allowable fishing days, by type of trawl and fleet segment, for certain demersal stocks. Those measures should be implemented in Union law.
- (17) At its 44th annual meeting in 2021, the GFCM adopted Recommendation GFCM/44/2021/20 on a multiannual management plan for the sustainable exploitation of small pelagic stocks the Adriatic Sea (GFCM geographical subareas 17 and 18), which introduced a maximum level of catches and a related fleet capacity ceiling for purse seiners and pelagic trawlers targeting small pelagics, with a derogation for the national fleets of less than ten purse seiners and/or pelagic trawlers actively fishing for small pelagic stocks. Those measures should be implemented in Union law.
- (18) Taking into account the particularities of the Slovenian fleet and its marginal impact on the stocks of small pelagic and demersal stocks, it is appropriate to preserve existing fishing patterns and to ensure access by the Slovenian fleet to a minimum quantity of small pelagic species and a minimum effort allocation for demersal stocks.
- (19) At its 43rd annual meeting in 2019, the GFCM adopted Recommendation GFCM/43/2019/4 on a management plan for the sustainable exploitation of red coral (*Corallium rubrum*) in the Mediterranean Sea (GFCM geographical subareas 1 to 27), which introduced a freezing of fishing effort expressed by a maximum number of fishing authorisations, and harvest limits for red coral. Those measures should be implemented in Union law.
- (20) At its 44th annual meeting in 2021, the GFCM adopted Recommendation GFCM/44/2021/11 on management measures for the use of anchored fish aggregating devices in common dolphinfish fisheries in the Mediterranean Sea, amending Recommendation GFCM/43/2019/1 (GFCM geographical subareas 1 to 27). The 2019 recommendation had introduced a freezing of the fishing effort expressed in a maximum number of fishing vessels targeting common dolphinfish and the 2021 recommendation extended those measures until the end of 2023. Those measures should be implemented in Union law.
- (21) [placeholder new measures for deep-water shrimps in the Strait of Sicily]
- (22) [placeholder new measures for deep-water shrimps in the Ionian Sea]
- (23) [placeholder new measures for deep-water shrimps in the Levant Sea]

- (24) [placeholder new measures for blackspot seabream in the Alboran Sea]
- (25) At its 43rd annual meeting in 2019, the GFCM adopted Recommendation GFCM/43/2019/3 amending Recommendation GFCM/41/2017/4 on a multiannual management plan for turbot fisheries in the Black Sea (GFCM geographical subarea 29). Recommendation GFCM/43/2019/3 introduced an updated regional TAC and a quota allocation scheme for turbot, as well as further conservation measures, in particular a two months closure period and a limitation of fishing days to 180 days per year. These further conservation measures are functionally linked to the fishing opportunities, as, without those measures in place, TAC level for turbot should be reduced to ensure its recovery. Those measures should be implemented in Union law.
- (26) [placeholder roll-over decision turbot quota]
- (27) [placeholder carry over decision turbot quota]
- (28) Based on the scientific advice provided by the GFCM -Working Group of the Black Sea, the current level of fishing mortality should be maintained to ensure the sustainability of the stock of sprat in the Black Sea. It is therefore appropriate to continue setting an autonomous quota for that stock.
- (29) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009⁹, and in particular to Articles 33 and 34 of that Regulation, concerning the recording of catches and fishing effort and the notification of data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes to be used by Member States when sending data to the Commission relating to landings of stocks subject to this Regulation.
- (30) In order to avoid the interruption of fishing activities and to ensure the livelihood of Union fishers, this Regulation should apply from 1 January 2023. To facilitate its rapid implementation, this Regulation should enter into force immediately after its publication.
- (31) In order to promote the use of the selectivity of the gears and to establish efficient closure areas to protect juveniles and spawners, Council Regulation (EU) 2022/110 established a compensation mechanism in relation to the effort regime for trawle. As scientific advice continues to recommend the further improvement of selectivity and of efficient closure areas to protect juvenile fish, that mechanism should continue in 2023. Based on the experience of the first year of application, in order to ensure the full efficiency of the compensation system, the Commission considers it necessary to clarify how the mechanism should be implemented retroactively from 1 January 2022, when Regulation (EU) 2022/110 entered into force. Based on scientific advice for 2023, it is necessary to allocate *pm*% of fishing days. Regulation (EU) 2022/110 should therefore be amended accordingly.
- (32) Fishing opportunities should be used in full compliance with Union law.

HAS ADOPTED THIS REGULATION:

⁹ 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. 1–50)

TITLE I

GENERAL PROVISIONS

Article 1 *Subject matter*

This Regulation fixes for 2023 the fishing opportunities for certain fish stocks and groups of fish stocks available in the Mediterranean and Black Seas..

Article 2 *Scope*

1. This Regulation applies to Union fishing vessels operating in the Mediterranean and Black Seas exploiting the following fish stocks:
 - (a) red coral (*Corallium rubrum*) and common dolphinfish (*Coryphaena hippurus*) in the Mediterranean Sea, as defined in Article 4(b);
 - (b) blue and red shrimp (*Aristeus antennatus*), deep-water rose shrimp (*Parapenaeus longirostris*), giant red shrimp (*Aristaeomorpha foliacea*), European hake (*Merluccius merluccius*), Norway lobster (*Nephrops norvegicus*) and red mullet (*Mullus barbatus*) in the western Mediterranean Sea, as defined in Article 4(c);
 - (c) anchovy (*Engraulis encrasicolus*) and sardine (*Sardina pilchardus*) in the Adriatic Sea, as defined in Article 4(d);
 - (d) european hake (*Merluccius merluccius*), Norway lobster (*Nephrops norvegicus*), common sole (*Solea solea*), deep-water rose shrimp (*Parapenaeus longirostris*), red mullet (*Mullus barbatus*) in the Adriatic Sea, as defined in Article 4(d);
 - (e) giant red shrimp (*Aristaeomorpha foliacea*) and blue and red shrimp (*Aristeus antennatus*) in the Strait of Sicily as defined in Article 4(e), in the Ionian Sea as defined in Article 4(f) and in the Levant Sea as defined in Article 4(g);
 - (f) blackspot seabream (*Pagellus bogaraveo*) in the Alboran Sea, as defined in Article 4(h);
 - (g) sprat (*Sprattus sprattus*) and turbot (*Scophthalmus maximus*) in the Black Sea, as defined in Article 4(i).
2. This Regulation also applies to other Union fishing activities, including recreational fisheries, where they are expressly referred to in the relevant provisions.

Article 3 **Definitions**

- (1) For the purposes of this Regulation, the definitions laid down in Article 4 of Regulation (EU) No 1380/2013 apply. In addition, the following definitions apply:
- (2) ‘international waters’ means waters falling outside the sovereignty or jurisdiction of any State;

- (3) 'recreational fisheries' means non-commercial fishing activities exploiting marine living aquatic resources for recreation, tourism or sport;
- (4) 'total allowable catch' (TAC) means:
- (5) in fisheries subject to the exemption of the landing obligation referred to in Article 15(4) to (7) of Regulation (EU) No 1380/2013, the quantity of fish that can be landed from each stock each year;
- (6) in all other fisheries, the quantity of fish that can be caught from each stock over the period of a year;
- (7) 'quota' means a proportion of the TAC allocated to the Union or a Member State;
- (8) 'Union autonomous quota' means a catch limit autonomously allocated to Union fishing vessels in the absence of an agreed TAC;
- (9) 'analytical quota' means a Union autonomous quota for which an analytical assessment is available;
- (10) 'analytical assessment' means a quantitative evaluation of trends in a given stock, based on data about the stock's biology and exploitation, which scientific review has indicated to be of sufficient quality to provide scientific advice on options for future catches.
- (11) 'fish aggregating device' or "FAD" means any anchored equipment floating on the sea surface with the objective of attracting fish".

Article 4 **Fishing zones**

For the purposes of this Regulation, the following geographical zone definitions apply:

- (1) 'GFCM geographical subareas' mean the areas defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council;
- (2) 'Mediterranean Sea' means the waters in GFCM geographical subareas 1 to 27, as defined in Annex I to Regulation (EU) No 1343/2011;
- (3) 'western Mediterranean Sea' means the waters in GFCM geographical subareas 1, 2, 5, 6, 7, 8, 9, 10 and 11, as defined in Annex I to Regulation (EU) No 1343/2011;
- (4) 'Adriatic Sea' means the waters in GFCM geographical subareas 17 and 18, as defined in Annex I to Regulation (EU) No 1343/2011;
- (5) 'Strait of Sicily' means the waters in GFCM geographical subareas 12, 13, 14, 15 and 16, as defined in Annex I to Regulation (EU) No 1343/2011;
- (6) 'Ionian Sea' means the waters in GFCM geographical subareas 19, 20 and 21, as defined in Annex I to Regulation (EU) No 1343/2011;
- (7) 'Levant Sea' means the waters in GFCM geographical subareas 24, 25, 26 and 27, as defined in Annex I to Regulation (EU) No 1343/2011;
- (8) 'Alboran Sea' means the waters in GFCM geographical subareas 1 to 3, as defined in Annex I to Regulation (EU) No 1343/2011;
- (9) 'Black Sea' means the waters in GFCM geographical subarea 29, as defined in Annex I to Regulation (EU) No 1343/2011.

TITLE II

FISHING OPPORTUNITIES

CHAPTER I

Mediterranean Sea

Article 5

Red coral

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities harvesting red coral (*Corallium rubrum*), namely targeted and recreational fisheries in the Mediterranean Sea.
2. For targeted fisheries, the maximum number of fishing authorisations and the maximum quantities of red coral stocks harvested by Union fishing vessels and Union harvesting activities shall not exceed the levels set out in Annex I.
3. It shall be prohibited for Union fishing vessels subject to paragraph 2 to tranship red coral at sea.
4. For recreational fisheries, Member States shall take the necessary measures to prohibit the catch and retention on board, transshipment or landing of red coral.

Article 6

Common dolphinfish

1. This Article applies to all commercial activities by Union fishing vessels and other Union fishing activities using fish aggregating devices for catching common dolphinfish (*Coryphaena hippurus*), in the international waters of the Mediterranean Sea.
2. The maximum number of vessels authorised to fish for common dolphinfish is set out in Annex II.

CHAPTER II

Western Mediterranean Sea

Article 7

Demersal stocks

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching demersal stocks referred to in Article 1(2) of Regulation (EU) 2019/1022, in the western Mediterranean Sea.
2. The maximum allowable fishing effort for trawlers and longliners is set out in Annex III to this Regulation. Member States shall manage the maximum allowable fishing effort in accordance with Article 9 of Regulation (EU) 2019/1022 and Articles 26 to 34 of Regulation (EC) No 1224/2009.

3. The allocation among Member States of maximum catch limits for Union fishing vessels in Union waters of the western Mediterranean Sea is also set out in Annex III.
4. The allocation of fishing opportunities by Member States, as set out in this Article and Annex III, shall fulfil the following conditions:
 - (a) they shall be in accordance with the criteria set out in Article 17 of Regulation (EU) No 1380/2013; and
 - (b) they shall be without prejudice to:
 - (i) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
 - (ii) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;
 - (iii) additional landings allowed under Article 3 of Regulation (EC) No 847/96 or under Article 15(9) of Regulation (EU) No 1380/2013;
 - (iv) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 or transferred under Article 15(9) of Regulation (EU) No 1380/2013;
 - (v) deductions made pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009.

Article 8

Compensation mechanism

1. For the fleet segment concerned, a Member State may grant to vessels flying its flag an additional allocation of fishing days within an overall pm% of the fishing effort for trawlers of that Member State as set out in Annex III.
2. The Member State concerned shall notify to the Commission the list of the fishing vessels concerned by such an additional allocation of fishing days, as well as the related number of additional fishing days.
3. The overall pm% of the fishing effort shall be calculated from the maximum allowed effort allocation of the concerned fleet segment of the concerned Member State, as from 1 January 2023.
4. A Member State may grant the additional allocation of fishing days referred to in paragraph 1, provided that:
 - (a) those vessels use a trawl net with 45 mm square mesh size codend in order to reduce by at least 25 % of catches of the juveniles of hake; or
 - (b) those vessels use a trawl net with mesh size codend of 50 mm square mesh size for deep water fisheries in order to reduce by at least 25 % of catches of blue and red shrimps less than 25 mm carapace length (CL) in geographical subareas 1, 2, 5, 6, 7, 8, 9, 10 and 11 and to reduce by at least 25 % catches of giant red shrimps in the geographical subareas 8, 9, 10 and 11 less than 35 mm CL; or
 - (c) those vessels use a regulated highly selective gear, the technical specifications of which result in, according to the scientific study by STECF, at least a

reduction of 25 % of juveniles or at least 20 % of catches of spawners of all demersal species compared to 2020; or

- (d) the Member State concerned has adopted temporary closure areas in order to reduce by at least 25 % the catches of juveniles of demersal species or at least 20 % of catches of spawners of all demersal species.
- 5. The Member State concerned shall also separately notify every month to the Commission the effort deployed to be counted against this additional allocation, by using the specific reporting codes for this additional allocation
 - 6. The Member State concerned shall submit to the Commission, at the latest by 15 October, all available information related to the implementation of the measures referred to in points (a), (b), (c) or (d).

Article 9

Data recording and transmission

- 1. Member States shall record and transmit the fishing effort data to the Commission in accordance with Article 10 of Regulation (EU) 2019/1022.
- 2. When submitting effort data to the Commission in accordance with this Article, Member States shall use the fishing effort group codes set out in Annex III.

CHAPTER III

Adriatic Sea

Article 10

Small pelagic stocks

- 1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching sardine (*Sardina pilchardus*) and anchovy (*Engraulis encrasicolus*) in the Adriatic Sea.
- 2. The maximum level of catches shall not exceed the levels set out in Annex IV.
- 3. The maximum fleet capacity, expressed as kW, GT and number, of Union fishing vessels authorised to fish small pelagic stocks, is set out in Annex IV.

Article 11

Demersal stocks

- 1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching European hake (*Merluccius merluccius*), Norway lobster (*Nephrops norvegicus*), Common sole (*Solea solea*), Deep-water rose shrimp (*Parapenaeus longirostris*) and Red mullet (*Mullus barbatus*) in the Adriatic Sea.

2. The maximum allowable fishing effort for demersal stocks and the maximum fleet capacity within the scope of this Article is set out in Annex IV.
3. A Member State may amend its fishing effort allocation as set out in Annex IV by transferring fishing days across fishing effort groups of the same geographical area and/or gear, provided that it applies a national conversion factor which is supported by the best available scientific advice.
4. Member States shall manage the maximum allowable effort in accordance with Articles 26 to 35 of Regulation (EC) No 1224/2009.

Article 12

Data transmission

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States submit to the Commission data relating to landings of quantities of stocks caught, they shall use the stock codes set out in Annex IV.

CHAPTER IV

Strait of Sicily, Ionian Sea and Levant Sea

Article 13

[placeholder new measures]

CHAPTER V

Alboran Sea

Article 14

[placeholder new measures]

CHAPTER VI

Black Sea

Article 15

Allocation of fishing opportunities for sprat

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching sprat (*Sprattus sprattus*) in the Black Sea.
2. The Union autonomous quota for sprat, the allocation of such quota among Member States and the conditions functionally linked thereto, where appropriate, are set out in Annex VII.

Article 16
Allocation of fishing opportunities for turbot

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching turbot (*Scophthalmus maximus*) in the Black Sea.
2. The TAC for turbot applicable in Union waters in the Black Sea and the allocation of such TAC among Member States and the conditions functionally linked thereto, where appropriate, are set out in Annex VII.

Article 17
Management of fishing effort for turbot

Union fishing vessels authorised to fish for turbot within the scope of Article 16, irrespective of the vessels' length overall, shall not exceed 180 fishing days per year.

Article 18
Closure period for turbot

It shall be prohibited for Union fishing vessels to carry out any fishing activity, including transshipment, retaining on board, landing and first sale of turbot in Union waters in the Black Sea from 15 April to 15 June.

Article 19
Special provisions on allocations of fishing opportunities in the Black Sea

1. The allocation of fishing opportunities among Member States as set out in Articles 15 and 16 shall be without prejudice to:
 - (a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
 - (b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009; and
 - (c) deductions made pursuant to Articles 105 and 107 of Regulation (EC) No 1224/2009.
2. Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

Article 20
Data transmission

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States submit to the Commission data relating to landings of quantities of stocks of sprat and turbot caught in Union waters in the Black Sea, they shall use the stock codes set out in Annex VII.

TITLE III FINAL PROVISIONS

Article 21

Amendment to Council Regulation (EU) 2022/110

Annex III to Regulation (EC) 2022/110 is amended in accordance with Annex VIII to this Regulation.

Article 22

Entry into force

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 2023.

However, Article 21 shall apply from 1 January 2022.

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

Done at Brussels,

*For the Council
The President*