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NOTE

From: Presidency

To: Permanent Representatives Committee

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2016/1139 as regards the introduction of capacity limits for Eastern Baltic cod, data collection and control measures in the Baltic Sea, and Regulation (EU) No 508/2014 as regards permanent cessation for fleets fishing for Eastern Baltic cod
- General approach

Delegations will find herewith the final version of the Presidency compromise text on the above-mentioned proposal, as agreed at the Working Party on Internal and External Fisheries Policy at its meeting on 5 December 2019.

Changes to the Commission proposal are marked in underline and ~~strikethrough~~.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) 2016/1139 as regards ~~the introduction of capacity limits for Eastern Baltic cod, data collection and control measures~~ capacity reduction in the Baltic Sea, and Regulation (EU) No 508/2014 as regards permanent cessation for fleets fishing for Eastern Baltic cod, Western Baltic cod and Western Baltic herring

Article 1
Amendment to Regulation (EU) 2016/1139

Regulation (EU) 2016/1139 is amended as follows:

1. The following Chapter VIA is inserted:

“CHAPTER VIA
CAPACITY REDUCTION CEILINGS”

Article 8a

Capacity reduction for Eastern Baltic cod, Western Baltic cod and Western Baltic herring

~~1. Member States who have adopted an action plan in accordance with Article 22(4) of Regulation (EU) No 1380/2013 on the overcapacity of segments of the fleets which include vessels that have targeted Eastern Baltic cod, Western Baltic cod or Western Baltic herring may use measures for the permanent cessation of fishing activities in accordance with Article 34 of Regulation (EU) 508/2014. Member States may at any time send or amend their annual report under Article 22(2) of Regulation (EU) No 1380/2013 in order to introduce or amend such an action plan. The overall capacity of each Member State of vessels fishing in ICES subdivisions 24-32 equipped with the gear categories listed in paragraph 2 shall not exceed the capacity levels of vessels in the Union fishing fleet register on [...] ¹ that were active in those subdivisions in 2017 and 2018 for those Member States respectively. Member States shall communicate to the Commission the capacity levels and their calculations by [...] ² at the latest.~~

~~2. Paragraph 1 shall apply to vessels equipped with the following gear categories:~~

- ~~(a) towed gear with a mesh size of at least 120 mm constructed from T90 or at least 105 mm fitted with a Bacoma exit window of 120 mm;~~
- ~~(b) static nets with a mesh size of at least 110 mm and not more than 156 mm.~~

~~3. The overall capacity of a Member State implementing permanent cessation measures in accordance with Article 34(4)(b) of Regulation No 508/2014 shall decrease by the capacity of the vessels that are withdrawn with public aid in accordance with the procedure set out in Article 22(4) of Regulation No 1380/2013.~~

¹ ~~Publications Office, please insert the date of the entry into force of this regulation~~

² ~~Publications Office, please insert the date one month after the entry into force of this regulation.~~

~~4. Member States shall communicate to the Commission any decreases to the overall capacity in the reports to be submitted in accordance with Article 22 (4) of that Regulation~~
~~”~~

2. In Article 14, point (a) is replaced by the following:

“(a) 300 ~~250~~ kilograms of cod;”.

~~3. The following Article 14a is added:~~

*“Article 14a
Control of cod catches*

~~Masters of fishing vessels with an allocation of fishing opportunities for cod in the Baltic Sea and fishing in ICES subdivision 24 in areas beyond six nautical miles from the baselines or in subdivisions 25-32 shall ensure that their fishing activity can be monitored at any time by the control authorities of the Member State. For that purpose, those fishing vessels shall be equipped with a vessel monitoring system (VMS) or other equivalent electronic monitoring system certified by the control authority.”~~

~~4. The following Chapter is inserted:~~

~~“CHAPTER VIII A
DATA COLLECTION~~

~~*Article 14b
Observer coverage*~~

~~Union vessels with an allocation of fishing opportunities for cod in ICES subdivisions 24-32 shall be subject to at least 20 % observer coverage at sea.”~~

Article 2
Amendment to Regulation (EU) 508/2014

Regulation (EU) 508/2014 is amended as follows:

1. In Article 13, the following paragraph is added:

“10. Member States shall have the possibility to exceed the amount set out in paragraph 2 and to go below the amounts set out in paragraphs 6 and 7 to support the measures set out in Articles 30 and 34(4)(b) to mitigate the socio-economic effects caused by the exceptionally strict fishing restrictions in the Baltic Sea to support the recovery of the Eastern Baltic cod and Western Baltic cod stocks and the Western Baltic herring stock towards MSY.”.

2. In Article 34, the following point is added to paragraph 2

"(c) in the case of Eastern Baltic cod the reference in paragraphs (a) and (b) to the two last calendar years are replaced by the years 2017 and 2018."

3. Article 34(4) is replaced by the following:

“4. Support under this Article may be granted until 31 December 2017, unless permanent cessation measures are adopted in order to achieve the objectives of the following multiannual plans:

- a) the multi-annual plan for the conservation and sustainable exploitation of demersal stocks in the western Mediterranean Sea, established by Regulation (EU) 2019/1022 of the European Parliament and of the Council*;
- b) the multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, established by Regulation (EU) 2016/1139 of the European Parliament and of the Council*, with regard to ~~the vessels under the overall capacity limit for that have targeted~~ Eastern or Western Baltic cod or Western Baltic herring as set out in ~~paragraph 2~~ of Article 8a of Regulation (EU) No 2016/1139.”

4. Article 34(4a) is replaced by the following:

“4a. Expenditure related to the permanent cessation measures adopted in order to achieve the objectives of Regulation (EU) 2019/1022 shall be eligible from 16 July 2019.

Expenditure related to the permanent cessation measures adopted in order to achieve the objectives of Regulation (EU) 2016/1139, in particular its Article 8a, shall be eligible for support from the EMFF as from [...]”³.”

~~5. In Article 34, the following paragraphs are added:~~

~~“4b. No support shall be granted under paragraph 4(b) if the assessment of the balance between fishing capacity and fishing opportunities in the latest report referred to in Article 22(2) of Regulation (EU) No 1380/2013 for the fleet segment to which the vessels concerned belong has not been prepared on the basis of the biological, economic and vessel use indicators set out in the common guidelines referred to in that Regulation.~~

~~4c. Support under paragraph 4(b) shall be granted only if adjustment targets and tools have been set out pursuant to Article 22(4) of Regulation (EU) No 1380/2013 for the fleet segments covering the vessels referred to in paragraph 2 of Article 8a of Regulation (EU) No 2016/1139 and if such targets and tools relate to a permanent withdrawal of fishing capacity.”~~

6. The first subparagraph of Article 34(6) is replaced by the following:

“6. By way of derogation from paragraph 1, support may be granted for the permanent cessation of fishing activities without scrapping provided that the vessels retrofit for activities other than commercial fishing. This derogation shall not apply to support granted under paragraph 4(b).”.

³ Publication Office, please insert the date of effect of this Regulation.

Article 3
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*.

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
