Commission Delegated Regulation (EU) 2020/2012 of 5 August 2020 amending Delegated Regulation (EU) 2018/161 establishing a de minimis exemption to the landing obligation for certain small pelagic fisheries in the Mediterranean Sea, as regards its period of application

COMMISSION DELEGATED REGULATION (EU) 2020/2012

of 5 August 2020

amending Delegated Regulation (EU) 2018/161 establishing a *de minimis* exemption to the landing obligation for certain small pelagic fisheries in the Mediterranean Sea, as regards its period of application

THE EUROPEAN COMMISSION,

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

Having regard 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[(1)], and in particular Article 15(7) thereof,

Whereas:

(1) Regulation (EU) No 1380/2013 aims to eliminate progressively discards in all Union fisheries through the introduction of a landing obligation for catches of species subject to catch limits. In the Mediterranean Sea, it also applies to catches of species subject to minimum conservation reference sizes as listed in Annex IX to Regulation (EU) 2019/1241 of the European Parliament and of the Council[(2)].

(2) According to Article 15(1)(a) of Regulation (EU) No 1380/2013, the landing obligation applies to small pelagic fisheries from 1 January 2015.

(3) In order to avoid disproportionate costs of handling unwanted catches, Commission Delegated Regulation (EU) 2018/161[(3)] allowed the discarding of a small percentage of catches of species subject to minimum conservation reference sizes. It provides for a combined *de minimis* exemption that applies to small pelagic fisheries using pelagic mid-water trawl and/or purse seines and catching anchovy, sardine, mackerel and horse mackerel in the General Fisheries for the Commission of the Mediterranean (GFCM) geographical sub-areas 1, 2, 5, 6, 7, 8, 9, 10, 11.1, 11.2, and 12 (western Mediterranean Sea); 17 and 18 (Adriatic Sea); and 15, 16, 19, 20, 22, 23 and 25 (south-eastern Mediterranean Sea).

(4) Delegated Regulation (EU) 2018/161 is to apply until 31 December 2020.

(5) In May 2020, the Pescamed Member States High-Level group in the western Mediterranean (Spain, France and Italy), Adriatica High-Level group in the Adriatic Sea (Croatia, Italy and Slovenia) and Sudestmed High-Level group in the south-eastern Mediterranean Sea (Greece, Italy, Cyprus and Malta) having a direct management interest for small pelagic fisheries in the Mediterranean Sea submitted scientific

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/2012. (See end of Document for details)*

evidence to request the prolongation of the *de minimis* exemption laid down in Delegated Regulation (EU) 2018/161.

(6) In May 2020, an expert working group of the Scientific, Technical and Economic Committee for Fisheries (STECF) reviewed the scientific evidence submitted and considered that prolonging the *de minimis* exemption would require additional evidence, in particular concerning the level of discards reported in the fisheries concerned.

(7) In June 2020, the three Member States High-Level groups submitted additional evidence to reply to the observations of the STECF's expert working group. In light of the additional evidence submitted, the STECF[(4)] concluded that the scientific criteria justifying the prolongation of the *de minimis* exemption granted under Delegated Regulation (EU) 2018/161 were met.

(8) The *de minimis* exemption provided for in Delegated Regulation (EU) 2018/161 applies to several species caught at the same time by small scale fishing vessels and at highly varying quantities, and landed at many different landing points spread out geographically along the coast, which makes a single stock approach more difficult[?]. Those species are subject to minimum conservation sizes as listed in Annex IX to Regulation (EU) 2019/1241.

(9) The information provided as regards the disproportionate costs of handling unwanted catches and as regards the levels of unwanted catches has improved. However, the STECF notes that improvement in collecting discards data is still needed. In this context, and to avoid disproportionate costs of handling unwanted catches and the interruption of the activities of the fisheries concerned and of related economic activities, the Commission considers it appropriate to prolong the period of application of the *de minimis* exemption laid down in Delegated Regulation (EU) 2018/161.

(10) Delegated Regulation (EU) 2018/161 should therefore be amended accordingly.

(11) Since the measures provided for in this Regulation impact directly on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately after its publication. For the purpose of legal certainty and as Delegated Regulation (EU) 2018/161 expires on 31 December 2020, this Regulation should apply from 1 January 2021.

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4 of Delegated Regulation (EU) 2018/161, the second paragraph is replaced by the following:

It shall apply until 31 December 2023.

Article 2

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 2021.