Council Regulation (EU) 2019/2236 of 16 December 2019 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas

COUNCIL REGULATION (EU) 2019/2236

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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 43(3) of the Treaty provides that the Council, on a proposal from the Commission, is to adopt measures on the fixing and allocation of fishing opportunities.

(2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council[(1)] 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.

(3) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities, including, where appropriate, certain conditions functionally linked thereto. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities are to be fixed in accordance with the objectives of the Common Fisheries Policy (CFP) established in Article 2(2) of that Regulation. Article 16(1) of Regulation (EU) No 1380/2013 provides that fishing opportunities 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.

(4) Article 16(4) of Regulation (EU) No 1380/2013 provides that for stocks subject to specific multiannual plans, the fishing opportunities should be established in accordance with the rules laid down in those plans.

(5) 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 Council[(2)] and entered into force on 16 July 2019. In accordance with Article 4(1) of that Regulation, fishing opportunities for stocks listed in Article 1 of that Regulation should be fixed to achieve fishing mortality at maximum sustainable yield 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 and fixed in accordance with the fishing effort regime laid down in Article 7 of that Regulation. For 2020, the maximum allowable fishing effort should therefore

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2019/2236. (See end of Document for details)*

be reduced by 10 % compared to the baseline calculated in accordance with Article 7(4) of that Regulation.

(6) At its 42nd annual meeting in 2018, the General Fisheries Commission for the Mediterranean (GFCM) adopted recommendation GFCM/42/2018/1 on a multiannual management plan for European eel in the Mediterranean Sea, which established management measures for European eel (*Anguilla anguilla*) in the Mediterranean Sea (GFCM geographical subareas 1 to 27). Those measures include an annual closure period of three consecutive months to be defined by each Member State in accordance with the conservation objectives of Council Regulation (EC) No 1100/2007[(3)], the national management plan(s) for eel and the temporal migration patterns of eel in the Member State. The closure shall apply to all marine waters of the Mediterranean Sea and to brackish waters such as estuaries, coastal lagoons and transitional waters, in accordance with that recommendation. That measure should be implemented in Union law.

(7) At its 42nd annual meeting in 2018, the GFCM also adopted recommendation GFCM/42/2018/8 on further emergency measures in 2019-2021 for small pelagic stocks in the Adriatic Sea (geographical subareas 17 and 18), which established catch and effort limits for small pelagic stocks for the years 2019, 2020 and 2021 in the GFCM geographical subareas 17 and 18 (Adriatic Sea). Those measures should be implemented in Union law. The maximum catch limits are fixed exclusively for one year and without prejudice to any other measures adopted in the future and any possible allocation scheme between Member States.

(8) 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 (geographical subareas 17 and 18), which introduced a fishing effort regime for certain demersal stocks. Those measures should be implemented in Union law.

(9) Taking into account the particularities of the Slovenian fleet and their marginal impact on the stocks of small pelagic and demersal stocks, it is appropriate to preserve the existing fishing patterns and to ensure access of the Slovenian fleet to a minimum quantity of small pelagic species and a minimum fishing effort for demersal stocks.

(10) 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). That recommendation introduces an updated regional Total Allowable Catch (TAC) and a quota allocation scheme for turbot and further conservation measures for that stock, in particular a two months closure period and a limitation of fishing days to 180 days per year. Those measures should be implemented in Union law.

(11) In accordance with the scientific advice provided by the GFCM, it is necessary to maintain the current level of fishing mortality 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.

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(12) The fishing opportunities should be established on the basis of the available scientific advice, taking into account biological and socioeconomic aspects whilst ensuring fair treatment between fishing sectors, as well as in the light of the opinions expressed during the consultation of stakeholders.

(13) Council Regulation (EC) No 847/96[(4)] introduced additional conditions for year-to-year management of TACs, including, under Articles 3 and 4 of that Regulation, flexibility provisions for precautionary and analytical TACs. Under Article 2 of that Regulation, when fixing the TACs, the Council is to decide to which stocks Article 3 or 4 of that Regulation is not to apply, in particular on the basis of the biological status of the stocks. More recently, the year-to-year flexibility mechanism was introduced by Article 15(9) of Regulation (EU) No 1380/2013 for all stocks that are subject to the landing obligation. Therefore, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of marine biological resources, hinder the achievement of the objectives of the CFP and cause the biological status of the stocks to deteriorate, it should be established that Articles 3 and 4 of Regulation (EC) No 847/96 apply to analytical TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.

(14) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009[(5)] 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.

(15) In order to avoid the interruption of fishing activities and to ensure the livelihood of Union fishermen, this Regulation should apply from 1 January 2020. For reasons of urgency, this Regulation should enter into force immediately after its publication.

(16) Fishing opportunities should be used in full compliance with Union law,

HAS ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation fixes for 2020 the fishing opportunities applicable in the Mediterranean and Black Seas for certain fish stocks and groups of fish stocks.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2019/2236. (See end of Document for details)*

Article 2

Scope

1 This Regulation applies to Union fishing vessels exploiting the following fish stocks:

a European eel (*Anguilla anguilla*) 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*) and red mullet (*Mullus barbatus*) in the Adriatic Sea, as defined in Article 4(d);

e sprat (*Sprattus sprattus*) and turbot (*Psetta maxima*) in the Black Sea, as defined in Article 4(e).

2 This Regulation also applies to recreational fisheries where they are expressly referred to in the relevant provisions.

Article 3

Definitions

For the purposes of this Regulation, the definitions laid down to in Article 4 of Regulation (EU) No 1380/2013 apply. In addition, the following definitions apply:

(a) ‘international waters’ means waters falling outside the sovereignty or jurisdiction of any State;

(b) ‘recreational fisheries’ means non-commercial fishing activities exploiting marine living aquatic resources for recreation, tourism or sport;

(c) ‘total allowable catch’ (TAC) means:

(i) 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;

(ii) in all other fisheries, the quantity of fish that can be caught from each stock over the period of a year;

(d) ‘quota’ means a proportion of the TAC allocated to the Union or a Member State;

(e) ‘Union autonomous quota’ means a catch limit autonomously allocated to Union fishing vessels in the absence of an agreed TAC;

(f) ‘analytical quota’ means a Union autonomous quota for which an analytical assessment is available;

(g) ‘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

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indicated to be of sufficient quality to provide scientific advice on options for future catches.

Article 4

Fishing zones

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

(a) 'GFCM geographical subareas' means the areas as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council[6];

(b) 'Mediterranean Sea' means the waters in GFCM geographical subareas 1 to 27, as defined in Annex I to Regulation (EU) No 1343/2011;

(c) '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;

(d) 'Adriatic Sea' means the waters in GFCM geographical subareas 17 and 18, as defined in Annex I to Regulation (EU) No 1343/2011;

(e) '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

European eel

1 All activities by Union fishing vessels and other Union fishing activities catching European eel (*Anguilla anguilla*), namely targeted, incidental and recreational fisheries, shall be subject to the provisions of this Article.

2 This Article applies to the Mediterranean Sea and to brackish waters such as estuaries, coastal lagoons and transitional waters.

3 It shall be prohibited for Union fishing vessels to fish for European eel in Union and international waters of the Mediterranean Sea for a consecutive three-month period to be determined by each Member State. The fishing closure period shall be consistent with the conservation objectives set out in Regulation (EC) No 1100/2007, with national management plans in place and with the temporal migration patterns of European eel in the Member States concerned. Member States shall communicate the determined period to the Commission no later than one month prior to the entry into force of the closure and in any case no later than 31 January 2020.