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

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

THE EUROPEAN COMMISSION,

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

Having regard to 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 Articles 15(6) thereof,

Whereas:

(1) Regulation (EU) No 1380/2013 aims to progressively eliminate discards in Union fisheries through the introduction of a landing obligation.

(2) In order to implement the landing obligation, Article 15(6) of Regulation (EU) No 1380/2013 empowers the Commission to adopt discard plans by means of a delegated act for a period of no more than three years on the basis of joint recommendations developed by Member States in consultation with the relevant Advisory Councils.

(3) Commission Delegated Regulation (EU) 2017/86[(2)] has established a discard plan for certain demersal fisheries in the Mediterranean Sea applicable from 1 January 2017 until 31 December 2019, following three joint recommendations submitted to the Commission in 2016 by a number of Member States having a direct management interest in the Mediterranean Sea (Greece, Spain, France, Croatia, Italy, Cyprus, Malta and Slovenia respectively). Those three joint recommendations concerned respectively the Western Mediterranean Sea, the Adriatic Sea, and the South-Eastern Mediterranean Sea.

(4) According to Article 15(1)(d) of Regulation (EU) No 1380/2013, the landing obligation applies for the demersal fisheries in the Mediterranean Sea at the latest from 1 January 2017 to species that define the fisheries.

(5) On 2 June 2017, France, Italy and Spain submitted to the Commission a new joint recommendation for a ‘Discard Plan for Demersal Fisheries in the Western Mediterranean (2018)’ after consultations within the regional Pescamed High-Level Group. The same Members States submitted additional information and data on 5 July 2017 at the request of the Commission.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2018/153. (See end of Document for details)*

(6) The new joint recommendation submitted by France, Italy and Spain for the Western Mediterranean proposes that the survivability exemption, provided for by Article 3 of Delegated Regulation (EU) 2017/86 be also applied to the fisheries of Norway Lobster (*Nephrops norvegicus*) caught with all bottom trawls in the Western Mediterranean Sea. It also proposes that the application of the survivability exemption for scallop (*Pecten jacobeus*), carpet clams (*Venerupis* spp.) and Venus shells (*Venus* spp.), all caught with mechanised dredges (HMD), be extended to the Western Mediterranean Sea.

(7) Furthermore, the same joint recommendation suggests to extend the definition of the Western Mediterranean Sea for the purposes of this discard plan by including the General Fisheries Commission of the Mediterranean (GFCM) Geographical Sub-Area (GSA) 12.

(8) That joint recommendation also proposes to redefine the mullet fishery by including all Red mullets (*Mullus* spp.) i.e. red mullet and surmullet.

(9) The same joint recommendation suggests to update the period of reference to the years 2015 and 2016 for determining the volume of landings per vessel for hake and red mullets in the context of the implementation of the landing obligation.

(10) Finally, the joint recommendation suggests that the survivability exemption, established for mollusc bivalves (namely scallop (*Pecten jacobeus*), carpet clams (*Venerupis* spp.) and Venus shells (*Venus* spp.)) in the Western Mediterranean be applied also in the years 2018 and 2019.

(11) On 28 June 2017 Croatia, Italy and Slovenia submitted to the Commission a new joint recommendation for the Adriatic Sea providing new data on the survival rates of the common sole (*Solea solea*) for the years 2015 and 2016 after consultations within the regional Adriatica High-Level Group.

(12) The new joint recommendation submitted by Croatia, Italy and Slovenia proposes that the survivability exemption for common sole in the Adriatic Sea be applied also in the years 2018 and 2019.

(13) Those joint recommendations were assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF) on 10-14 July 2017[(3)]. The STECF concluded in its evaluation that the information provided by Member States is not complete regarding the survival rates of common sole, scallop, carpet clams, Venus shells and Norway lobster. As the evidence on the survival rates of these species is not conclusive, the Commission considers that the survivability exemption allowed under Article 15(4)(b) of Regulation (EU) No 1380/2013 should be included in this Regulation for one year only. The Member States concerned should undertake to submit in good time the relevant data to the Commission to allow STECF to fully assess the justifications for the exemption and the Commission to carry out a review.

(14) In the light of these considerations, the proposed amendments to the discard plan for certain demersal fisheries in the Mediterranean Sea are compatible with the existing conservation measures in the area.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2018/153. (See end of Document for details)*

(15) The measures proposed by the new joint recommendations are in line with Article 15(4) and Article 18(3) of Regulation (EU) No 1380/2013 and may thus be included in the discard plan established by Delegated Regulation (EU) 2017/86.

(16) Delegated Regulation (EU) 2017/86 should be amended accordingly.

(17) 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. It should apply from 1 January 2018,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2017/86 is amended as follows:

(1) in Article 2, point (c) is replaced by the following:

‘Western Mediterranean Sea’ means GFCM Geographical Sub-Areas 1, 2, 5, 6, 7, 8, 9, 10, 11.1, 11.2 and 12.;

(2) Article 3 is amended as follows:

paragraph 1 is replaced by the following:

The exemption from the landing obligation pursuant to Article 15(4)(b) of Regulation (EU) No 1380/2013 for species for which scientific evidence demonstrates high survival rates shall apply in 2018 to:

(a) common sole (*Solea solea*) caught with rapido (beam trawl) (TBB)[(4)] in GSAs 17 and 18;

(b) scallop (*Pecten jacobeus*) caught with mechanised dredges (HMD) in the Western Mediterranean Sea;

(c) carpet clams (*Venerupis* spp.) caught with mechanised dredges (HMD) in the Western Mediterranean Sea;

(d) Venus shells (*Venus* spp.) caught with mechanised dredges (HMD) in the Western Mediterranean Sea;

(e) Norway lobster (*Nephrops norvegicus*) caught with all bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX) in the Western Mediterranean Sea.

paragraph 2 is replaced by the following:

Common sole (*Solea solea*), scallop (*Pecten jacobeus*), carpet clams (*Venerupis* spp.), Venus shells (*Venus* spp.) and Norway lobster (*Nephrops norvegicus*) caught in the circumstances referred to in paragraph 1 shall be released immediately in the area where they have been caught.

paragraph 3 is replaced by the following:

By 1 May 2018, Member States having a direct management interest in the fisheries in the Mediterranean Sea shall submit to the Commission additional discard data to those provided for in the Joint Recommendations of 2 and 28 June as well as