Commission Delegated Regulation (EU) 2017/2167 of 5 July 2017 amending Delegated Regulation (EU) 2016/2374 establishing a discard plan for certain demersal fisheries in South-Western waters

COMMISSION DELEGATED REGULATION (EU) 2017/2167

of 5 July 2017

amending Delegated Regulation (EU) 2016/2374 establishing a discard plan for certain demersal fisheries in South-Western waters

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) and 18(1) and (3) thereof,

Whereas:

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

(2) According to Article 15(1)(d) of Regulation (EU) No 1380/2013, the landing obligation applies in South-Western waters at the latest from 1 January 2017 to species that define the fisheries.

(3) In order to implement the landing obligation, Commission Delegated Regulation (EU) 2016/2374[(2)] has established a discard plan for certain demersal fisheries in South-Western waters for the period 2016-2018, following a joint recommendation submitted by Belgium, Spain, France, the Netherlands and Portugal in 2016.

(4) Belgium, Spain, France, the Netherlands and Portugal have a direct fisheries management interest in South-Western waters. On 2 January 2017, those Member States submitted a new joint recommendation to the Commission after consultation of the South-Western Waters Advisory Council.

(5) The new joint recommendation supplements the discard plan established by Delegated Regulation (EU) 2016/2374 and covers the fisheries of black scabbardfish in ICES (International Council for the Exploration of the Seas) divisions VIIIa, IX and X and CECAF (Fishery Committee for the Eastern Central Atlantic) area 34.1.2, and the fisheries of red seabream in ICES division IX.

(6) That measure suggested by the new joint recommendation is in line with Article 18(3) of Regulation (EU) No 1380/2013 and may thus be included in Delegated Regulation (EU) 2016/2374.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/2167. (See end of Document for details)*

(7) The new joint recommendation suggested that an exemption from the landing obligation be applied to black scabbardfish caught by deepwater set-longlines in ICES divisions VIIIa, IX and X and CECAF area 34.1.2, as existing scientific advice indicates the low frequency of occurrence (and number of specimens) registered, taking into account the characteristics of the gears targeting this species, the fishing practices and the ecosystem. ICES inits evaluation concluded that the discards can be assumed null or negligible for most assessment purposes as the black scabbardfish discard mortality is mainly caused by shark and cetacean predation on hooked black scabbardfish and is relatively low when compared to landings. In the light of the above the Commission therefore accepts the proposed exemption.

(8) The new joint recommendation also suggests that an exemption from the landing obligation be applied to red seabream in ICES subarea IX, as Member States consider that scientific evidence indicates possible high survival rates. However, new studies need to be carried out to prove it and the exemption may be considered in the future when Member States concerned will submit data from ongoing trials to the Commission.

(9) The Annex to Delegated Regulation (EU) 2016/2374 should be restructured for reasons of clarity.

(10) Delegated Regulation (EU) 2016/2374 should be amended accordingly.

(11) Since the measures provided for in this Regulation impact directly on the economic activities linked to and the planning of the fishing season of Union vessels, this Regulation should enter into force immediately after its publication. It should apply from 1 January 2017, as an exception to a general principle, due to the late submission of the joint recommendation,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Delegated Regulation (EU) 2016/2374 is replaced by the text in the Annex to this Regulation.

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 2017.

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

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/2167. (See end of Document for details)*

Done at Brussels, 5 July 2017.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/2167. (See end of Document for details)*

ANNEX

ANNEX

Fisheries subject to the landing obligation

1.

COMMON SOLE (*SOLEA SOLEA*) FISHERIES

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIa, b, d and e	OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX	All Bottom Trawls	Mesh size between 70 mm and100 mm wide	All catches of common sole
	TBB	All Beam trawls	Mesh size between 70 mm and 100 mm wide	
	GNS, GN, GND, GNC, GTN, GTR, GEN	All Trammel nets & Gill nets	Mesh size larger or equal to 100 mm wide	

2.

COMMON SOLE (*SOLEA SOLEA*) AND PLAICE (*PLEURONECTES PLATESSA*) FISHERIES

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES division IXa	GNS, GN, GND, GNC, GTN, GTR, GEN	All Trammel nets & Gill nets	Mesh size larger or equal to 100 mm	All catches of common sole and plaice

3.

HAKE (*MERLUCCIUS MERLUCCIUS*) FISHERIES

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIa, b, d and e	OTT, OTB, PTB, SDN, OT, PT, TBN, TBS, TX, SSC, SPR, TB, SX, SV	All Bottom Trawls & Seines	Mesh size larger or equal to 100 mm wide	All catches of hake

a Reference period will be updated accordingly for subsequent years. For 2018 the reference period will be 2015 and 2016 and for 2019 the reference period will be 2016 and 2017.