Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014

REGULATION (EU) 2019/1022 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 20 June 2019

establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) The United Nations Convention of 10 December 1982 on the Law of the Sea, to which the Union is a contracting party, provides for conservation obligations, including the maintaining or restoring of populations of harvested species at levels which can produce the maximum sustainable yield (MSY).

(2) At the United Nations Summit on Sustainable Development held in New York in 2015, the Union and its Member States committed themselves, by 2020, to effectively regulate harvesting, to end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and to implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce MSY as determined by their biological characteristics.

(3) The Malta MedFish4Ever Ministerial Declaration of 30 March 2017[(3)] lays down a new framework for fisheries governance in the Mediterranean Sea and provides a work programme with five concrete actions for the next 10 years. One of the commitments made is to establish multiannual plans.

(4) Regulation (EU) No 1380/2013 of the European Parliament and of the Council[(4)] establishes the rules of the common fisheries policy (CFP) in line with the international obligations of the Union. The CFP is to contribute to the protection of the marine environment, to the sustainable management of all commercially exploited species and, in particular, to the achievement of good environmental status by 2020.

Changes to legislation: *There are outstanding changes not yet made to Regulation (EU) 2019/1022 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) The objectives of the CFP are, amongst others, to ensure that fishing and aquaculture activities are environmentally, socially and economically sustainable in the long term, to apply the precautionary approach to fisheries management, and to implement the ecosystem-based approach to fisheries management. The CFP also contributes to a fair standard of living for the fisheries sector, including the small-scale, artisanal or coastal fisheries sector. The achievement of those objectives also contributes to the availability of food supplies and provides employment benefits.

(6) In order to achieve the objectives of the CFP, a number of conservation measures such as multiannual plans, technical measures and the setting and allocation of maximum allowable fishing effort, should be adopted.

(7) Pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013, multiannual plans are to be based on scientific, technical and economic advice. In accordance with those provisions, the multiannual plan established by this Regulation ('the plan') should contain objectives, quantifiable targets with clear timeframes, conservation reference points, safeguards and technical measures designed to avoid and reduce unwanted catches.

(8) 'Best available scientific advice' should be understood to refer to publicly available scientific advice that is supported by the most up-to-date scientific data and methods and that has either been issued or reviewed by an independent scientific body that is recognised at Union or international level.

(9) The Commission should obtain the best available scientific advice for the stocks within the scope of the plan. In order to do so, it should consult in particular the Scientific, Technical and Economic Committee for Fisheries ('STECF'). The Commission should, in particular, obtain publicly available scientific advice, including advice on mixed fisheries, which takes into account the plan and indicates ranges of F_{MSY} and conservation reference points (B_{PA} and B_{LIM}).

(10) Council Regulation (EC) No 1967/2006[(5)] establishes a management framework for the sustainable exploitation of fishery resources in the Mediterranean Sea and requires the adoption of management plans for fisheries using trawl nets, boat seines, shore seines, surrounding nets and dredges in the territorial waters of the Member States.

(11) France, Italy and Spain have adopted management plans under Regulation (EC) No 1967/2006. However, there is a lack of consistency between those plans and they do not take account of all the gear exploiting demersal stocks and the straddling distribution of certain stocks and fishing fleets. Besides, those plans have proven ineffective in meeting the objectives of the CFP. Member States and stakeholders have expressed support for the development and implementation of a multi-annual plan at Union level for the stocks concerned.

(12) STECF has shown that exploitation of many demersal stocks in the western Mediterranean Sea exceeds by far the levels required to achieve MSY.

(13) It is therefore appropriate to establish a multiannual plan for the conservation and sustainable exploitation of demersal stocks in the western Mediterranean Sea.

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(14) The plan should take account of the mixed nature of the fisheries and the dynamics between the stocks driving them, i.e. hake (*Merluccius merluccius*), red mullet (*Mullus barbatus*), deep-water rose shrimp (*Parapenaeus longirostris*), Norway lobster (*Nephrops norvegicus*), blue and red shrimp (*Aristeus antennatus*) and giant red shrimp (*Aristaeomorpha foliacea*). It should also take account of by-catch species caught in demersal fisheries and demersal stocks for which sufficient data are not available. It should apply to the demersal fisheries (in particular, trawl nets, bottom-set nets, traps and longlines) carried out in Union waters or by Union fishing vessels outside the Union waters of the western Mediterranean Sea.

(15) Where mortality caused by recreational fishing has a significant impact on the stocks concerned, the Council should be able to set non-discriminatory limits for recreational fishermen. The Council should refer to transparent and objective criteria when setting such limits. Where appropriate, Member States should take necessary and proportionate measures for the monitoring and collection of data for the reliable estimation of actual recreational catch levels. Furthermore, it should be possible to adopt technical conservation measures in respect of recreational fisheries.

(16) The geographical scope of the plan should be based on the geographical distribution of stocks indicated in the best available scientific advice. Future changes to the geographical distribution of stocks as set out in the plan may be needed due to improved scientific information. Therefore, the Commission should be empowered to adopt delegated acts adjusting the geographical distribution of stocks set out in the plan if scientific advice shows a change in the geographical distribution of the relevant stocks.

(17) The objective of the plan should be to contribute to the achievement of the objectives of the CFP and, in particular, to reaching and maintaining MSY for the target stocks, to implementing the landing obligation for demersal stocks and pelagic by-catches caught in demersal fisheries subject to minimum conservation reference size, and to promoting a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socioeconomic aspects. The plan should also implement the ecosystem-based approach to fisheries management in order to minimise negative impacts of fishing activities on the marine ecosystem. It should be coherent with Union environmental legislation, in particular the objective of achieving good environmental status by 2020, in accordance with Directive 2008/56/EC of the European Parliament and of the Council[(6)], and the objectives of Directive 2009/147/EC of the European Parliament and of the Council[(7)] and Council Directive 92/43/EEC[(8)].

(18) It is appropriate to establish the target fishing mortality (F) that corresponds to the objective of reaching and maintaining MSY as ranges of values which are consistent with achieving MSY (F_{MSY}). Those ranges, based on best available scientific advice, are necessary to provide the flexibility to take account of developments in scientific advice, to contribute to the implementation of the landing obligation and to take into account mixed fisheries. Based on the plan, those ranges are derived to deliver no more than a 5 % reduction in the long-term yield compared to MSY. In addition, the upper limit of the range of F_{MSY} is capped, so that the probability of the stock falling below the biomass limit reference point (B_{LIM}) is no more than 5 %.

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(19) For the purpose of fixing maximum allowable fishing effort, there should be ranges of F_{MSY} for 'normal use' and, subject to the good status of the stocks concerned, the possibility to set maximum allowable fishing effort above those ranges of F_{MSY} for the most vulnerable stock if, on the basis of scientific advice, it is necessary for the achievement of the objectives of this Regulation in mixed fisheries, to avoid harm to a stock caused by intra- or inter-species stock dynamics, or to limit the year-on-year variations in maximum allowable fishing effort. A target fishing mortality in line with those ranges of F_{MSY} should be achieved on a progressive, incremental basis by 2020 where possible, and by 1 January 2025 at the latest.

(20) For stocks for which targets relating to MSY are available, and for the purpose of the application of safeguards, it is necessary to establish conservation reference points, expressed as precautionary reference points (B_{PA}) and limit reference points (B_{LIM}).

(21) Appropriate safeguards should be provided for in order to ensure that the targets are met and to trigger, where needed, remedial measures, inter alia, where stocks fall below the conservation reference points. Remedial measures should include emergency measures in accordance with Articles 12 and 13 of Regulation (EU) No 1380/2013, maximum allowable fishing effort and other specific conservation measures.

(22) In order to ensure transparent access to fisheries and the achievement of target fishing mortalities, a Union fishing effort regime should be adopted for trawls which are the main gear used to exploit demersal stocks in the western Mediterranean Sea. To that end, it is appropriate to determine fishing effort groups in order for the Council to establish maximum allowable fishing effort, expressed as numbers of fishing days, on an annual basis. Where necessary, the fishing effort regime should incorporate other fishing gear.

(23) Given the worrying situation of many demersal stocks in the western Mediterranean Sea, and in order to reduce the current high levels of fishing mortality, the fishing effort regime should entail a significant reduction of fishing effort in the first five years of implementation of the plan.

(24) Member States should take specific measures to ensure that the fishing effort regime is effective and workable, by including a method for allocating fishing effort quotas in accordance with Article 17 of Regulation (EU) No 1380/2013, by producing a list of vessels, by issuing fishing authorisations and by recording and transmitting relevant fishing effort data.

(25) In order to contribute to the effective achievement of the objectives of the plan, and in accordance with the principles of good governance laid down in Article 3 of Regulation (EU) No 1380/2013, Member States should be allowed to promote participative management systems at local level.

(26) In order to protect nursery areas and sensitive habitats, and safeguard small-scale fisheries, the coastal zone should be regularly reserved for more selective fisheries. Therefore, the plan should establish a closure for trawls operating within six nautical miles from the coast except in areas deeper than the 100 m isobath during three months each year. It should be possible for other closure areas to be established, where this can ensure at least a 20 % reduction of catches of juvenile hake.

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(27) Further conservation measures should be taken as regards demersal stocks. In particular, on the basis of scientific advice, it is appropriate to establish additional closures in areas with high aggregations of spawning individuals, in order to protect a severely harmed adult stage of hake.

(28) The precautionary approach should apply to by-catch stocks and to demersal stocks for which sufficient data are not available. Specific conservation measures should be adopted in accordance with Article 18 of Regulation (EU) No 1380/2013 where scientific advice shows that remedial measures are needed.

(29) The plan should provide for additional technical conservation measures to be adopted by means of delegated acts. That is necessary to achieve the objectives of the plan, in particular as regards conserving demersal stocks and improving selectivity.

(30) In order to comply with the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for additional management measures to be further specified in accordance with Article 18 of Regulation (EU) No 1380/2013.

(31) In order to adapt the plan in a timely manner to technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing this Regulation with remedial and technical conservation measures, implementing the landing obligation and amending certain elements of the plan. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[9]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(32) The deadline for submitting joint recommendations from Member States having a direct management interest should be established, as required by Regulation (EU) No 1380/2013.

(33) In order to evaluate progress towards MSY, the plan should allow regular scientific monitoring of the stocks concerned and, where possible, of by-catch stocks.

(34) In accordance with Article 10(3) of Regulation (EU) No 1380/2013, the Commission should periodically assess the adequacy and effectiveness of this Regulation. That assessment should follow and be based on periodic evaluation of the plan, on the basis of scientific advice by STECF, by 17 July 2024 and every three years thereafter. That period would allow for the full implementation of the landing obligation and for regionalised measures to be adopted and implemented and to have an impact on the stocks and fisheries.