Commission Implementing Decision (EU) 2020/1320 of 22 September 2020 amending Implementing Decision (EU) 2018/1986 establishing specific control and inspection programmes for certain fisheries

COMMISSION IMPLEMENTING DECISION (EU) 2020/1320

of 22 September 2020

amending Implementing Decision (EU) 2018/1986 establishing specific control and inspection programmes for certain fisheries

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006[(1)], and in particular Article 95 thereof,

Having regard to Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency[(2)], and in particular Article 17(1) thereof,

Whereas:

(1) Regulation (EC) No 1224/2009 establishes rules for the control of all activities covered by the common fisheries policy carried out on the territory of Member States or in Union waters or by Union fishing vessels or, without prejudice to the primary responsibility of the flag Member State, by nationals of Member States.

(2) In accordance with Article 95 of that Regulation, Commission Implementing Decision (EU) 2018/1986[(3)] provides for specific control and inspection programmes for specific fisheries and sea basins.

(3) In order to reflect recently adopted Union fisheries conservation and management measures[(4)], and recommendations[(5)] of the General Fisheries Commission for the Mediterranean (GFCM), the scope of Implementing Decision (EU) 2018/1986 establishing specific control and inspection programmes for certain fisheries for the Mediterranean Sea and the Black Sea, should be extended to fisheries exploiting European hake, deep-water rose shrimp, blue and red shrimp, giant red shrimp, Norway lobster, red mullet, blackspot seabream, common sole, red coral, dolphinfish and sprat. For reasons of clarity, it is appropriate to provide for a definition of Ionian Sea, Levant Sea and Alboran Sea.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1320. (See end of Document for details)*

(4) Joint inspection and surveillance activities between the Member States concerned are carried out, where applicable, in accordance with joint deployment plans established by the European Fisheries Control Agency according to Articles 9 and 10 of Regulation (EU) 2019/473. In order for the Commission to perform its obligations under Regulation (EC) No 1224/2009, and according to Article 17(1) of Regulation (EU) 2019/473 the Commission should have access to information exchanged in the frame of the joint inspection and surveillance activities.

(5) Implementing Decision (EU) 2018/1986 should therefore be amended accordingly.

(6) The measures provided for in this Decision are in accordance with the opinion of the Committee for fisheries and aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

Article 10 of Implementing Decision (EU) 2018/1986 is amended as follows:

(1) in paragraph 1, the first subparagraph is replaced by the following:

1. For the purpose of implementing the specific control and inspection programmes, each Member State concerned shall ensure the electronic exchange with other Member States concerned and EFCA of data related to fishing activities and fishing related activities covered by the specific control and inspection programmes. The Commission shall have access to the data exchanged pursuant to this subparagraph.;

(2) paragraph 2 is replaced by the following:

2. Data exchanged pursuant to paragraph 1 may include personal data. EFCA, the Commission and Member States may process personal data to which they have access pursuant to paragraph 1 for the purposes of complying with their tasks and obligations under the specific control and inspection programmes. EFCA, the Commission and Member States shall take, in accordance with Article 5 of Regulation (EU) 2016/679 and Article 4 of Regulation (EU) 2018/1725, measures to ensure appropriate protection of personal data.;

(3) paragraph 6 is replaced by the following:

6. EFCA, the Commission and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to this Decision. EFCA and the Member State authorities shall cooperate on security-related tasks.;

(4) paragraph 7 is replaced by the following:

7. EFCA, the Commission and Member States shall take measures to ensure appropriate protection of the confidentiality of the information received pursuant to this Decision in accordance with Article 113 of Regulation (EC) No 1224/2009..

Article 2

Annexes I and II to Implementing Decision (EU) 2018/1986 are replaced by the text in the Annex to this Decision.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1320. (See end of Document for details)*

Article 3

This Decision shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 22 September 2020.

For the Commission

Virginijus SINKEVIČIUS

Member of the Commission

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1320. (See end of Document for details)*

ANNEX

ANNEX I

DETAILS ON THE SPECIFIC CONTROL AND INSPECTION PROGRAMME FOR FISHERIES EXPLOITING ICCAT[6] SPECIES IN THE EASTERN ATLANTIC AND THE MEDITERRANEAN SEA AND FOR CERTAIN DEMERSAL AND PELAGIC FISHERIES IN THE MEDITERRANEAN SEA

(1) This specific control and inspection programme shall cover the geographical areas defined as follows:

(a) "Eastern Atlantic" means International Council for the Exploration of the Seas (ICES[7]) subareas 7, 8, 9, 10 as defined in Annex III to Regulation (EC) No 218/2009 of the European Parliament and of the Council[8] and FAO[9] division 34.1.2;

(b) "Mediterranean" means FAO subareas 37.1, 37.2 and 37.3 or geographical sub-areas 1 to 27 as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council[10];

(c) "Northern Adriatic" and "Southern Adriatic" means the geographical subareas 17 and 18 as defined in Annex I to Regulation (EU) No 1343/2011;

(d) "Strait of Sicily" means the geographical sub-areas 12, 13, 14, 15, and 16, as defined in Annex I to Regulation (EU) No 1343/2011;

(e) "Ionian Sea" means the geographical subareas subareas 19, 20 and 21 as defined in Annex I to Regulation (EU) No 1343/2011;

(f) "Levant Sea" means the geographical subareas subareas 24, 25, 26 and 27 as defined in Annex I to Regulation (EU) No 1343/2011;

(g) "Alboran Sea" means the geographical sub-areas 1 to 3 as defined in Annex 1 to Regulation (EU) No 1343/2011.

(2) The Member States concerned are Croatia, Cyprus, France, Greece, Italy, Malta, Portugal, Slovenia and Spain.

(3) The following fisheries shall be considered:

— Fisheries (including recreational) exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean,

— Fisheries (including recreational) exploiting Swordfish in the Mediterranean,

— Fisheries exploiting Albacore in the Mediterranean,

— Fisheries exploiting sardine and anchovy in the Northern and Southern Adriatic,

— Fisheries exploiting European hake (*Merluccius merluccius*) in the Strait of Sicily and in GFCM subareas 1, 5, 6, 7 and 9, 10, 11 and in the Northern Adriatic and Southern Adriatic,

— Fisheries exploiting deep-water rose shrimp (*Parapenaeus longirostris*) in the Strait of Sicily, and in GFCM subareas 1, 5, 6 and 9, 10, 11 and in the Northern Adriatic and Southern Adriatic,

— Fisheries exploiting deep-sea shrimps in the Levant and Ionian Sea,