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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008**

{SWD(2016) 267 final}

{SWD(2016) 272 final}

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • Reasons for and objectives of the proposal

The fisheries of the North Sea and adjacent areas are highly complex, involving vessels from at least seven coastal Member States, as well as Norway, using a wide variety of different fishing gears to target a wide range of different fish and shellfish species. A key issue is that many of the most important demersal stocks (i.e. those that live on or near the bottom of the sea) are caught in mixed fisheries. In practice, this means that each time a vessel retrieves its fishing gear, its catch will consist of a mix of different species. The composition of that mixture will change depending on the type of fishing gear in use, and on when and where it is used.

For vessels catching fish stocks subject to total allowable catches (TACs) it means that they should stop fishing once their quota for that stock is exhausted. Prior to the adoption of Regulation 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy<sup>1</sup> (Basic Regulation) vessels did not have to stop fishing once their quota for one of these species was exhausted. Instead, they were able to continue fishing for other target species and, as a result, they continued to catch the species for which quotas were already exhausted, even though they could not legally land these catches. These catches in excess of the quota had to be discarded.

With the introduction of the landing obligation by the Basic Regulation, it becomes illegal to discard any catches in excess of the quota, once fully implemented. Accordingly, vessels might have to stop fishing early in the year once their quota for the most limiting stock is exhausted. In this case the most limiting stock would become what is known as a 'choke-species' because, once the quota for that stock was exhausted, it would block the opportunities to continue fishing for other stocks. It is, therefore, desirable to account for the fact that some stocks are caught together in mixed fisheries when setting TACs for these stocks. Such an approach should have advantages for both stock conservation and for exploitation of the stocks. This proposal takes this approach.

The Basic Regulation aims at solving the problems of overfishing and discarding fish more effectively than past legislation. However, without additional legislation the Basic Regulation could lead to under-utilisation of quota in the North Sea mixed fisheries and it would not allow any exemptions from the landing obligation to be adopted after the three year discard plans have expired. Hence, if no appropriate measures are taken, the Basic Regulation might have negative economic and social consequences for the fishing industry in the coming years.

In view of the mixed-fisheries interactions in North Sea demersal fisheries, it is desirable to drive fishing opportunities from a mixed-fisheries modelling perspective which, given recent scientific advances, is now available. Such an approach would also be consistent with the ecosystem approach to fisheries management. The first step towards such adaptive management would be to incorporate all relevant stocks into a single management plan. This would include target fishing mortalities expressed in ranges for each of the stocks, where available, which would be the basis for setting annual TACs for those stocks. This would allow flexibility in TAC setting which could help reconcile difficulties arising in the mixed fishery context. Additionally, the plan would incorporate safeguard measures to give a framework to restore stocks when they fall below safe biological limits.

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<sup>1</sup> OJ L 354, 28.12.2013, p. 22.

The objective of the proposal is to establish a management plan for demersal stocks and their fisheries in the North Sea. The plan will ensure the sustainable exploitation of these stocks, by ensuring that they are exploited according to the principles of maximum sustainable yield and of the ecosystem approach to fisheries management. The plan will provide stability of fishing opportunities, while ensuring that management is based on the most up to date scientific information on stocks, mixed fisheries and other aspects of the ecosystem and environment. The plan will also facilitate the introduction of the landing obligation.

The proposal is not an initiative within the Regulatory Fitness Programme (REFIT). Nevertheless, it would contribute to the simplification of applicable Union legislation. It is proposed to replace the two existing single-species based multi-annual plans adopted by separate regulations<sup>2,3</sup> by bringing all multi-annual plans for the different demersal stocks into one regulation. The introduction of this new approach would allow achievement of the conservation objectives while, at the same time, permitting elimination of fishing effort limitations meaning that numerous reporting and control obligations would not be required. This results in significant reduction of administrative burden.

The plan will apply to all Union fishing vessels irrespective to their overall length in fishing in the North Sea as this is in conformity with the rules of the CFP and is in line with the effect of the vessels on the fish stocks concerned.

As of 1 January 2014 the Basic Regulation sets out the rules of the CFP, including the provisions on multi-annual plans, establishing the landing obligation for stocks subject to TAC and the so-called regionalisation. These provisions in the plan are as follows:

- In line with the principles and objectives of multi-annual plans set out in Article 9 of the Basic Regulation the plan is a mixed fisheries plan, primarily based on the MSY objective;
- Article 10 of the Basic Regulation lists the content of multi-annual plans. Accordingly, the quantifiable targets, where available, corresponding to maximum sustainable yield, are expressed as range values advised by ICES. These ranges allow for a maximum sustainable yield-based management for these stocks, and appear to allow for adaptations in case of changes in the scientific advice, while at the same time preserving a high level of predictability. Such targets are supplemented with safeguard provisions linked to a trigger conservation reference point. For fish stocks for which they are available, these reference points are expressed as a spawning stock biomass, which is obtained from ICES, usually through their benchmarking exercise. Similarly, for certain functional units of Norway lobster such reference points are expressed as abundance, where available. In the absence of advice on spawning biomass or abundance level, the trigger should be when scientific advice states that a stock is under threat. It must be noted that while the plan is designed to cater for the specific characteristics of the North Sea demersal stocks and their fisheries, it stems from Article 10 of the Basic Regulation that the structure and certain elements of future multi-annual plans will be similar. Accordingly, the same approach was followed to determine the objectives, targets and safeguards of the plan and for the implementation of the landing obligation as it is in the recently adopted Regulation (EU) No 2016/... of the European Parliament and of the Council of xxx establishing a multi-annual

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<sup>2</sup> OJ L 348, 24.12.2008, p. 20

<sup>3</sup> OJ L 157, 19.6.2007, p. 1

plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007<sup>4</sup>;

- Pursuant to Article 15 of the Basic Regulation the landing obligation in the North Sea will apply to certain demersal fisheries and species that define the fishery from 2016, and all other species subject to catch limits from 1 January 2019. In line with Article 16(7) of Regulation (EU) No 1380/2013, Member States are required to allocate the TACs to vessels flying their flag taking into account the likely composition of the catch and the obligation to land all catches. In order to achieve this, Member States may adopt national measures, such as retaining certain reserves of the national TAC available or quota swaps with other Member States;
- In accordance with Article 18 of the Basic Regulation, Member States having direct management interest may submit joint recommendations for, amongst others, certain measures to be adopted, where the Commission has been granted power to adopt implementing or delegated acts for achieving the objectives of a multi-annual plan. To this end, the plan establishes regional cooperation among Member States in respect of adopting provisions for the landing obligation and specific conservation measures for certain stocks.

In line with scientific advice from STECF<sup>5,6</sup> the plan does not include annual limits on fishing effort (the numbers of days at sea).

This plan does not cover sea bass, a stock that is present in the North Sea, as this stock is mainly exploited outside the North Sea. However, the Commission recognises that a management plan including sea bass is necessary. It needs to apply to the fisheries exploiting that stock in ICES zones IVb and c, VIIa, and VIIId–h. It would also apply to recreational fisheries of sea bass.

- **Consistency with existing policy provisions in the policy area**

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 204/585/EC<sup>1</sup> sets the general framework for the CFP and identifies the situations in which the Council and the European Parliament shall adopt multi-annual plans.

Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004<sup>2</sup> sets out the rules for the sustainable exploitation of the cod stocks in the North Sea and adjacent waters.

Council Regulation (EC) No 676/2007 of 11 June 2007 establishing a multi-annual plan for fisheries exploiting stocks of plaice and sole in the North Sea<sup>3</sup> sets out the rules for the sustainable exploitation of the stocks of plaice and sole in the North Sea.

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Evaluation of multi-annual plans for cod in Irish Sea, Kattegat, North Sea, and West of Scotland (STECF-11-07)

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Report on Evaluation/scoping of management plans: Evaluation of the multi-annual management plan for the North Sea stocks of plaice and sole (STECF-14-03).

Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms<sup>7</sup> outlines technical conservation measures, i.e. catch composition rules, minimum mesh size, minimum landing size, closed areas and closed seasons for certain fisheries. It also establishes a limitation on drift netting. It is currently under review and will be replaced if the Commission Proposal for a Regulation of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005<sup>8</sup> is adopted.

The annual Council Regulations fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the North Sea set the TAC levels for the stocks concerned (most recent and currently binding is Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104<sup>9</sup>).

Council Regulation (EC) No 1224/2009 establishing a Community 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<sup>10</sup> (hereafter Council Regulation 1224/2009) sets the general control requirements for fisheries as well as specific control requirements for multi-annual plans.

- **Consistency with other Union policies**

The proposal and its objectives are consistent with the Union's policies, especially environmental, social, market and trade policies.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

Article 43(2) of the Treaty on the Functioning of the European Union.

- **Subsidiarity principle**

Provisions of the proposal relate to the conservation of marine biological resources, measures that fall under the exclusive competence of the Union. Consequently the subsidiarity principle does not apply.

- **Proportionality principle**

The proposed measures comply with the proportionality principle as they are appropriate, necessary and no other less restrictive measures are available to obtain the desired policy objectives.

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<sup>7</sup> OJ L 125, 27.4.1998, p. 1

<sup>8</sup> COM/2016/0134 final - 2016/074 (COD)

<sup>9</sup> OJ L 22, 28.1.2016, p. 1

<sup>10</sup> OJ L 343, 22.12.2009, p.1

- **Choice of instrument**

Proposed instrument: Regulation of the European Parliament and of the Council.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

Consultation has taken place at different levels, including stakeholders, scientists, public (including public administrations) and Commission services. It has followed a full evaluation process, set-up so that the initial tasks and questions to be addressed have been specified by DG MARE but the key inputs at all steps have come from scientists and other experts, and from stakeholders who have been fully involved throughout the process.

- **Stakeholder consultations**

Stakeholders have been consulted in a targeted manner during the scoping exercise and through consultation with the North Sea Advisory Council (NSAC)<sup>11</sup>. ACs are stakeholder organisations<sup>12</sup>, established by the previous CFP reform in 2002, that bring together the industry (fishing, processing and marketing sectors) and other interest groups, such as environmental and consumers' organisations. ACs are separated by Sea Basins. Annex III of the Basic Regulation foresees an AC for the North Sea area – the North Sea Advisory Council (NSAC) - and delineates its exact area coverage to ICES Subarea IV and Division IIIa<sup>13</sup>.

Two scoping workshops were organised by DG MARE. The first was held in Brussels on 27 February 2014<sup>14</sup>. Participants included invited scientific experts and representatives of North Sea Member States and the North Sea and pelagic ACs. This workshop initiated discussion on the development and implementation of a mixed fishery multi-annual plan for the North Sea.

A second scoping workshop subsequently took place in Brussels from 29 to 30 September 2014<sup>15</sup>. Participants included invited scientific experts, representatives of North Sea Member States and the North Sea AC. Its main objectives were to reach a shared understanding of the new legal and political framework for multi-annual plans, to discuss a draft outline of how the future MAP for the North Sea could look and, through break-out groups, to take forward collective thinking on the possible "building blocks" of the future plan.

Additionally there were discussions with the NSAC, through its Mixed Fisheries Focus Group, at meetings in October 2015 in Amsterdam and in March 2015 in Copenhagen<sup>11</sup>.

A wide ranging, internet-based, public consultation was carried out from 9 February to 4 May 2015<sup>16</sup>. A total of 25 detailed contributions were received from Member States, the Advisory Councils (ACs), industry representative organisations, NGOs, and the general public. The main conclusions were as follows:

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<sup>11</sup> <http://www.nsrac.org>

<sup>12</sup> [http://ec.europa.eu/fisheries/documentation/publications/cfp\\_factsheets/racs\\_en.pdf](http://ec.europa.eu/fisheries/documentation/publications/cfp_factsheets/racs_en.pdf)

<sup>13</sup> The NE Atlantic (amongst other sea areas) is divided into statistical rectangles. Various combinations of these rectangles are combined by ICES to give different areas, sub-areas, divisions and sub-divisions. Various combinations of these ICES "zones" are used to define fish stocks in the ICES area.

<sup>14</sup> Scoping workshop on mixed fisheries management for the North Sea, Brussels, 27.02.2014. Overview. Ref.Ares (2015) 2301118-02/06/2015.

<sup>15</sup> 2<sup>nd</sup> Scoping workshop: mixed fisheries management for North Sea demersal stocks. Overview of the discussions. Ref.Ares (2015) 2300556-02/06/2015.

<sup>16</sup> [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/north-sea-multiannual/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/north-sea-multiannual/index_en.htm)

- Current management plans are too prescriptive and too complex. They need to be replaced with legislation that is based on strategic objectives and general principles;
- Any new management plans should take into account mixed-fisheries interactions;
- The landing obligation presents a major challenge, not only to the fishing industry but also the Member States in the allocation of quotas to the fleets;
- Detailed rules should be managed at a regional level, but there has to be coherence with management plans for neighbouring areas;
- Many contributors agree on cod, haddock, saithe, whiting, sole, plaice and *Nephrops* as the main target species. There are varying points of view on the inclusion of additional target species and on the level of protection of other species. In general, the Member States and the fishing industry favour a focus on the main target species, whereas the NGOs want specific objectives for each of the harvested species in the North Sea;
- Technical measures introduced on the basis of the management plan should be agreed on at a regional level.

- **Collection and use of expertise**

Most of the work and consultation necessary to cover the evaluation of the existing legislation has been carried out by scientists working through the auspices of the Scientific, Technical and Economic Committee on Fisheries (STECF)<sup>17</sup> and the International Council for the Exploration of the Sea (ICES)<sup>18</sup> as well as by the Marine Resources Assessment Group (MRAG) under a framework contract with the Commission.

- **Ex-post evaluations/fitness checks of existing legislation**

STECF, ICES and MRAG had conducted a number of evaluations of the current management plan for cod stocks<sup>2</sup> (hereafter referred to as "the cod plan") and the management plan for North Sea sole and plaice<sup>3</sup> (hereafter called "the flatfish plan") prior to the reform of the CFP. In the case of the flatfish plan, an impact assessment of options from the first "recovery stage" to the second "management stage" of the plan was carried out by the MRAG<sup>19</sup> in 2009, as such a revision is foreseen in the plan itself once both stocks are observed to be within safe biological limits for two consecutive years. An STECF expert group that met in Vigo in October 2010<sup>20</sup> also evaluated the flatfish plan.

Two meetings took place in 2011 to perform a retrospective review of a number of management plans, including the cod plan<sup>2</sup>: these were a combined STECF/ICES expert group in Copenhagen in February/March 2011<sup>21</sup> and a follow-up meeting in Hamburg in June 2011<sup>5</sup>. Both meetings were open to participants from NSAC and Member State administrations. Among the conclusions of these analyses were that the cod plan<sup>2</sup> would

<sup>17</sup> Commission Decision of 26 August 2005 establishing a Scientific, Technical and Economic Committee for Fisheries (2005/629/EC).

<sup>18</sup> <http://www.ices.dk/explore-us/what-we-do/Pages/default.aspx>

<sup>19</sup> Economic and social impacts of multi-annual management plans for North Sea plaice and sole, Final Report Fish/2006/09

<sup>20</sup> Report of the Sub Group on Management Objectives and Strategies (SGMOS 10-06). Part b) Impact assessment of North Sea plaice and sole multi-annual plan.

<sup>21</sup> Report on Scoping for Impact Assessments for Baltic cod and Evaluation of Cod in Kattegat, North Sea, West of Scotland and Irish Sea (STECF-11-02).

benefit from linking to plans for *Nephrops* and haddock, whiting, saithe, sole and plaice in the North Sea and that the plan had not controlled fishing mortality as had been envisaged.

The Commission Services took no action to revise either plan at that time due to an inter-institutional dispute over management competencies. Once an Inter-Institutional Task Force to resolve the dispute had presented its conclusions<sup>22</sup>, and following the adoption of the new CFP, work on the evaluations could take into account the new political context.

In 2014, an STECF expert group met in Varese, Italy, from 10 to 14 March, to prepare a retrospective evaluation of the flatfish plan<sup>7</sup>. The evaluation was reviewed by STECF at their plenary meeting in Brussels later in March 2014.<sup>23</sup>

The current management plans are considered by Member States, the fishing industry, scientists<sup>24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34</sup> and environmental organisations as ineffective, overly prescriptive, unnecessarily burdensome and economically damaging for the EU fishing industry. In particular, the “days at sea” regime has been at the centre of criticism. In its evaluation of the cod plan<sup>2</sup>, STECF concluded that the plan had not controlled fishing mortality as envisaged and that the short-term economic impacts of the management plan were not clear. With regards to the flatfish plan, STECF concluded that the observed recovery of sole and plaice was unlikely to stem from limitations on days at sea<sup>25</sup>.

The cod plan<sup>2</sup> has also been heavily criticised for envisaging further restrictions even when the cod stock in the North Sea started to recover in recent years. Its effect has been not only to limit fishing for cod in the North Sea, which accounts for approximately 5% of the fish landed, but also to prevent fishing vessels from leaving port even when they own fishing quota for the 95% of other fish. That situation has been criticised as grossly unfair and disproportionate throughout the fishing sector.

The days at sea regime has also been criticised by some stakeholders for having perverse effects that damage the environment rather than preserving fish stocks, for instance because vessels with a limited budget of fishing days have to fish close to shore where juvenile fish concentrates. Similarly, the North Sea fishing industry has argued in the Public Consultation to this initiative that severe restrictions on the time they can spend at sea makes it more

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<sup>22</sup> [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/pech/dv/taskfor/taskforce.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/pech/dv/taskfor/taskforce.pdf)

<sup>23</sup> Report on Evaluation/scoping of management plans: Evaluation of the multi-annual management plan for the North Sea stocks of plaice and sole (STECF-14-03).

<sup>24</sup> [http://ec.europa.eu/fisheries/reform/impact\\_assessments\\_en.htm](http://ec.europa.eu/fisheries/reform/impact_assessments_en.htm)

<sup>25</sup> 45th Plenary Meeting Report of the Scientific, Technical and Economic Committee for Fisheries (PLEN-14-01).

<sup>26</sup> [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/540360/IPOL\\_STU\(2015\)540360\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/540360/IPOL_STU(2015)540360_EN.pdf)

<sup>27</sup> [http://ec.europa.eu/fisheries/documentation/studies/socio\\_economic\\_dimension/index\\_en.htm](http://ec.europa.eu/fisheries/documentation/studies/socio_economic_dimension/index_en.htm)

<sup>28</sup> [http://www.socioec.eu/images/SOCIOEC/Media\\_Centre/Deliverables/SOCIOEC%20Deliverable%206%208%20Management%20Measures%20North%20Sea%2026%2003%202012.pdf](http://www.socioec.eu/images/SOCIOEC/Media_Centre/Deliverables/SOCIOEC%20Deliverable%206%208%20Management%20Measures%20North%20Sea%2026%2003%202012.pdf)

<sup>29</sup> MRAG et al. (2014). A study in support of the development of a new Technical conservation measures framework within a reformed CFP. Lot 2: retrospective and prospective evaluation on the Common fisheries policy, excluding its international Dimension. Brussels. 265pp.

<sup>30</sup> [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/529053/IPOL-PECH\\_ET\(2014\)529053\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/529053/IPOL-PECH_ET(2014)529053_EN.pdf)

<sup>31</sup> [http://stecf.jrc.ec.europa.eu/documents/43805/830996/2014-11\\_STECF+14-19+-+Landing+Obligations+-+part+4\\_JRC93045.pdf](http://stecf.jrc.ec.europa.eu/documents/43805/830996/2014-11_STECF+14-19+-+Landing+Obligations+-+part+4_JRC93045.pdf)

<sup>32</sup> [http://stecf.jrc.ec.europa.eu/documents/43805/364146/2012-07\\_STECF+12-14+-+Management+plans+II+-+area+definitions\\_JRC73150.pdf](http://stecf.jrc.ec.europa.eu/documents/43805/364146/2012-07_STECF+12-14+-+Management+plans+II+-+area+definitions_JRC73150.pdf)

<sup>33</sup> <http://www.myfishproject.eu/project-myfish/deliverables>

<sup>34</sup> Poseidon Aquatic Resource Management Lot 2 Study. Administrative experience with effort management concerning the NE Atlantic (December 2010).



difficult for them to seek fishing areas with lower cod abundance, so the restrictions exacerbate the problem of unwanted cod catches in the mixed fisheries. Moreover, the days at sea management scheme has created significant administrative burden for the Commission and Member State authorities.

- **Impact assessment**

The impact assessment for a North Sea multi-annual plan has taken place in the context of the new CFP and the redrafting of the Technical Measures regulations. The new CFP includes, *inter alia*, a new landing obligation, a timeline to reach maximum sustainable yield (MSY) and Regionalisation. Against this background, a number of reports, studies and contracts have provided background on these issues. These include:

- the reform of the CFP;<sup>24</sup>
- impacts of the introduction of the landing obligation;<sup>25,26</sup>
- socio-economic dimensions of the CFP;<sup>27,28</sup>
- the development of a new technical measures regulation;<sup>29</sup>
- mixed fisheries issues in the EU<sup>30</sup>, including dealing with choke effects;<sup>31</sup>
- considerations on management areas for the new multi-annual plans;<sup>32</sup>
- considerations of managing using MSY.<sup>33</sup>

Two legislative options were examined in detail: (Option 1 - to manage using the Basic Regulation and Option 2 - to establish a single mixed fishery multi-annual plan). In addition, several sub-options for Option 2 were considered, concerning: (i) the delineation of the areas, (ii) the choice of method for facilitating the introduction of the landing obligation, (iii) the choice of the  $F_{MSY}$  ranges, (iv) the choice of the species covered by the plan, (v) the date by which  $F_{MSY}$  shall be achieved, and (vi) the timeframe for rebuilding stocks to precautionary levels. The preferred choice for the first 4 variables could be made based on a qualitative analysis. The latter two variables were examined through a quantitative impact analysis and compared to Option 1.

The preferred choice is Option 2 (a single mixed fishery multi-annual plan), wherein  $F_{MSY}$  is achieved by 2020 at the latest and stocks are rebuilt to within precautionary levels quickly. Once  $F_{MSY}$  has been reached for any particular stock, exploitation should not exceed  $F_{MSY}$  for that stock. The preferred option (a single mixed fishery multi-annual plan for North Sea demersal fisheries) is much more effective in reaching any of the objectives of this initiative than Option 1 (the Basic Regulation). Option 2 has positive environmental impacts compared to Option 1. On average, the economic and social impacts are also positive compared to Option 1. The positive effects are further enhanced by the preferred sub-options "reaching  $F_{MSY}$  by 2020 at the latest" and "fast recovery period". Economically, on average, profitability will be increased, mostly due to reduced variable costs and due to the availability of fishing resources. Socially, the administrative burden on SMEs will decrease and jobs will be preserved. Environmentally, a "fast recovery period" reduces the risk of stock collapse and increases average biomass.

Additionally, the abolition of the unpopular days at sea regime and the requirement of single area fishing will simplify the legal framework and reduce administrative burden on Member States and industry.

- **Regulatory fitness and simplification**

Although this plan is not linked to REFIT, it reduces regulatory burdens as it would repeal two regulations to be merged in this plan.

Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004 sets out the rules for the sustainable exploitation of the cod stocks in the North Sea and adjacent waters<sup>2</sup>.

Council Regulation (EC) No 676/2007 of 11 June 2007 establishing a multi-annual plan for fisheries exploiting stocks of plaice and sole in the North Sea sets out the rules for the sustainable exploitation of the stocks of plaice and sole in the North Sea<sup>3</sup>.

The vast majority (98%) of the businesses in the North Sea demersal catching and processing sector are SMEs or micro-enterprises. The current system imposes important economic cost on businesses and especially SMEs; those losses are being caused by complex regulation and will be avoided in future (direct benefits of simplification). Sustainable exploitation will give higher profitability leading to improved economic performance. Fishermen will have more liberty to decide where and when to fish. With the elimination of the fishing effort regime not only is the administrative burden, including heavy reporting, of the industry reduced, but also the burden of the national administrations processing and monitoring such reports.

- **Fundamental rights**

Not applicable

#### **4. BUDGETARY IMPLICATIONS**

No budgetary implications

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Council Regulation 1224/2009<sup>10</sup> provides for the legislative framework of control, inspection and enforcement to ensure compliance with the rules of the CFP. In line with Article 43 of this Regulation multi-annual plans should determine the thresholds above which catches of stocks subject to multi-annual plans be landed in designated ports. In addition, the plan introduces area,- and fisheries-specific rules as regards the prior notification requirements set out in Article 17 of Council Regulation 1224/2009.

The plan foresees the periodic evaluation of its impact on the stocks concerned based on scientific advice. It is paramount to identify an appropriate period for such evaluation: a period that allows for regionalised measures to be adopted, implemented and to show effects on the stocks and fishery. It should also take account of the working method of scientific bodies, including their regular benchmarking. Recently, scientific advice could not be delivered due to insufficient data or trends to be evaluated, when the evaluation concerned a period of three years. Accordingly, the plan should be evaluated every five years.

In this respect it has to be noted that the periodic evaluation of the impact of the plan does not prevent the legislators from amending the plan, should it be required by new scientific, political or socio-economic development.

- **Detailed explanation of the specific provisions of the proposal**

In accordance with the overall ambition of the CFP on the conservation of fisheries resources and with specific regards to Articles 9 and 10 of the Basic Regulation which request the development of multi-annual plans, the main elements of the plan are:

- The scope of the plan is demersal stocks and the fisheries exploiting those stocks in the North Sea;
- Objectives and targets (achieve levels of fishing mortality consistent with the principle of maximum sustainable yield). In accordance with Article 10 of the Basic Regulation the targets should be quantifiable. The proposed targets are expressed as fishing mortality ranges around  $F_{MSY}$  as advised by ICES. These  $F_{MSY}$  ranges allow for a maximum sustainable yield-based management for the stocks concerned, and appear to allow for adaptations in case of changes in the scientific advice, while at the same preserving a high level of predictability;
- Conservation reference points, expressed in tonnes of spawning stock biomass or abundance in numbers, included in the plan are determined by ICES, usually through their benchmarking exercise. In the absence of advice on spawning stock biomass or abundance reference points, action should be taken when scientific advice states that a stock is under threat.
- Safeguards and specific conservation measures are linked to the conservation reference points. When scientific advice states that any of the stocks concerned is below that point, the TAC for that stock should be reduced. This measure may be complemented as necessary by measures such as technical measures, Commission or Member State emergency measures.
- Provisions related to the landing obligation to be adopted under regionalisation are necessary for allowing for possible future exemptions from the landing obligation for species for which scientific evidence demonstrates high survival rates, and "*de minimis*" exemptions, in line with the development of scientific advice.
- Control provisions are provided on prior notifications, logbooks and designated ports. For the prior notification and logbook requirements it is necessary to adapt the general rules of Regulation 1224/2009 to the particularities of the North Sea and its demersal fisheries. As regards designated ports, Regulation 1224/2009 requires multi-annual plans to adopt thresholds above which catches of demersal stocks should only be landed in ports with enhanced control.
- Periodic evaluation of the plan based on scientific advice: the plan should be evaluated every five years. This period allows, initially, for the full implementation of the landing obligation and for regionalised measures to be adopted, implemented and to show effects on the stocks and fishery. This is also a minimum required period by scientific bodies. Recently, scientific advice could not be delivered due to insufficient data or trends to be evaluated, when the evaluation concerned a period of three years.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008**

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<sup>1</sup>,

Acting in accordance with the ordinary legislative procedure,

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 populations of harvested species at levels which can produce the maximum sustainable yield (MSY).
- (2) At the World Summit on Sustainable Development at New York in 2002, the Union and its Member States committed themselves by 2020, to effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and 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) Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>2</sup> 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, as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council<sup>3</sup>.

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> 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 (OJ L 354, 28.12.2013, p. 22)

<sup>3</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19)

- (4) The objectives of the CFP are, amongst others, to ensure that fishing and aquaculture are environmentally sustainable in the long-term, to apply the precautionary approach to fisheries management, and to implement the ecosystem-based approach to fisheries management.
- (5) For the achievement of the objectives of the CFP, a number of conservation measures are to be adopted as appropriate in any combination thereof, such as multi-annual plans, technical measures, fixing and allocation of fishing opportunities.
- (6) Pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013, multi-annual plans are to be based on scientific, technical and economic advice and contain objectives, quantifiable targets with clear timeframes, conservation reference points and safeguards.
- (7) Council Regulation (EC) No 1342/2008<sup>4</sup> and (EC) No 676/2007<sup>5</sup> set out the rules for the sustainable exploitation of the stocks of cod, plaice and sole in the North Sea and adjacent waters. These and other demersal stocks are taken in mixed fisheries. Therefore, it is appropriate to establish a single multi-annual plan taking into account such technical interactions.
- (8) In addition, such a multi-annual plan should apply to all demersal stocks and their fisheries in the North Sea.
- (9) Some demersal stocks are exploited both in the North Sea and in its adjacent waters (straddling stocks). Therefore the scope of the provisions of the plan relating to targets and safeguards for stocks that are mainly exploited in the North Sea should be extended for those areas outside the North Sea. In addition, for straddling stocks that are mainly exploited outside the North Sea, it is necessary to establish the targets and safeguards in multi-annual plans for areas outside the North Sea where they are mainly exploited with their scope extended into the North Sea.
- (10) The objective of this plan should be to contribute to the achievement of the objectives of the CFP, and especially reaching and maintaining MSY for the stocks concerned, contributing to the implementation of the landing obligation for demersal stocks subject to catch limits and contributing to the implementation of the ecosystem-based approach to fisheries management.
- (11) Article 16(4) of Regulation (EU) No 1380/2013 requires that fishing opportunities be fixed in accordance with the targets set out in the multi-annual plans.
- (12) 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 maximum sustainable yield ( $F_{MSY}$ ). Those ranges, based on scientific advice, are necessary in order to provide flexibility to take account of developments in the scientific advice, to contribute to the implementation of the landing obligation and to take into account the characteristics of mixed fisheries. The  $F_{MSY}$  ranges have been calculated by the International Council for the Exploration of the Sea (ICES) and are derived to deliver no more than a 5% reduction in long-term yield compared to MSY<sup>6</sup>. The upper limit of the range is capped, so that the probability of the stock falling

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<sup>4</sup> Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004 (OJ L 348, 24.12.2008, p. 20).

<sup>5</sup> Council Regulation (EC) No 676/2007 of 11 June 2007 establishing a multiannual plan for fisheries exploiting stocks of plaice and sole in the North Sea (OJ L 157, 19.6.2007, p. 1).

<sup>6</sup> EU request to ICES to provide  $F_{MSY}$  ranges for selected North Sea and Baltic Sea stocks

below  $B_{lim}$  or  $Abundance_{limit}$  is no more than 5%. That upper limit also conforms to the ICES "advice rule"<sup>7</sup>, which indicates that when the spawning biomass or abundance is in a poor state,  $F$  be reduced to a value that does not exceed an upper limit equal to the  $F_{MSY}$  point value multiplied by the spawning biomass or abundance in the TAC year divided by  $MSY B_{trigger}$  or  $Abundance_{limit}$ . ICES uses these considerations and advice rule in its provision of scientific advice on fishing mortality and catch options.

- (13) For the purposes of fixing fishing opportunities, there should be an upper threshold for  $F_{MSY}$  ranges in normal use and, provided that the stock concerned is considered to be in a good state, an upper limit for certain cases. It should only be possible to fix fishing opportunities up to the upper limit if, on the basis of scientific advice or evidence, it is necessary for the achievement of the objectives laid down in this Regulation in mixed fisheries or necessary to avoid harm to a stock caused by intra- or inter-species stock dynamics, or in order to limit the year-to-year variations in fishing opportunities.
- (14) Where the targets relating to  $MSY$  are not available, the precautionary approach should apply.
- (15) For stocks for which they are available, and for the purpose of the application of safeguard measures, it is necessary to establish conservation reference points expressed as trigger spawning biomass levels for fish stocks, and trigger abundance levels for Norway lobster.
- (16) For Norway lobster functional units for which they are available, it is appropriate to use the following trigger abundance levels: minimum abundance ( $Abundance_{buffer}$ ) that corresponds to the  $B_{buffer}$  reference point defined in the Long Term Management Plan for North Sea *Nephrops* by the North Sea Advisory Council<sup>8</sup> and the limit abundance ( $Abundance_{limit}$ ) that corresponds to abundance  $MSY B_{trigger}$  (equivalent to  $B_{lim}$ ) as defined by ICES<sup>7</sup>.
- (17) Appropriate safeguard measures should be envisaged in case the stock size falls below these levels. Safeguard measures should include the reduction of fishing opportunities and specific conservation measures when scientific advice states that remedial measures are needed. These measures should be supplemented by all other measures, as appropriate, such as Commission measures in accordance with Article 12 of Regulation (EU) No 1380/2013 or Member State measures in accordance with Article 13 of Regulation (EU) No 1380/2013.
- (18) In order to ensure that the allocated TACs for all stocks in mixed fisheries are not exceeded, it is necessary to adopt certain additional measures.
- (19) It is appropriate to set the TAC for Norway lobster in ICES zones IIa and IV as the sum of the catch limits established for each functional unit and of the statistical rectangles outside the functional units within that TAC area. However, this does not preclude the adoption of measures to protect specific functional units.
- (20) 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.

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<sup>7</sup> General context of ICES advice, July 2015.

<sup>8</sup> [A Long Term Management Plan for North Sea \*Nephrops\*](#)

- (21) The deadline for submitting joint recommendations from Member States having direct management interest should be established, as required by Regulation (EU) No 1380/2013.
- (22) With a view to ensuring compliance with the measures laid down in this Regulation, specific control measures should be adopted in addition to those provided for in Council Regulation (EC) No 1224/2009<sup>9</sup>.
- (23) Recognising that in the North Sea numerous small vessels carry out short fishing trips, the use of prior notification as required by Article 17 of Regulation (EC) 1224/2009 should be extended to cover all vessels with an overall length of eight metres or more, and the prior notifications should be submitted at least one hour before the estimated time of arrival at port. However, considering the effect of fishing trips involving very small quantities of fish on the stocks concerned and the administrative burden of prior notifications related to those, it is appropriate to establish a threshold for such prior notifications.
- (24) Similarly, it is necessary to extend the use of fishing logbook as requested by Article 14 of Regulation (EC) 1224/2009 to vessels of an overall length equal to or greater than eight metres.
- (25) Thresholds should be established for the demersal stocks that a fishing vessel is required to land in a designated port or a place close to the shore, in accordance with Article 43 of Regulation (EC) No 1224/2009. Moreover, when designating these ports or places close to the shore, Member States should apply the criteria provided in Article 43(5) of that Regulation in such a way as to ensure effective control of the stocks covered by this Regulation.
- (26) In accordance with Article 10(3) of Regulation (EU) No 1380/2013 provisions should be established for the periodical assessment by the Commission of the adequacy and effectiveness of the application of this Regulation. Such assessment should follow and be based on periodic evaluation of the plan based on scientific advice: the plan should be evaluated every five years. This period allows for the full implementation of the landing obligation, and for regionalised measures to be adopted, implemented and to show effects on the stocks and fishery. It is also the minimum required period by scientific bodies.
- (27) In order to adapt to the technical and scientific progress in a timely and proportionate fashion and to ensure flexibility and allow evolution of certain measures, 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 as regards remedial measures and implementation of the landing obligation. 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 Inter-institutional Agreement on Better Law-Making of 13 April 2016. 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'

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<sup>9</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community 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 (OJ L 343, 22.12.2009, p.1).

experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

- (28) Council Regulation (EC) No 1342/2008 and Council Regulation (EC) No 676/2007 should be repealed.
- (29) In accordance with Article 9(4) of Regulation (EU) No 1380/2013 the likely economic and social impact of the plan was duly assessed before it was drafted.

HAVE ADOPTED THIS REGULATION:

## **CHAPTER I**

### **SUBJECT MATTER, SCOPE AND DEFINITIONS**

#### *Article 1*

##### **Subject-matter and scope**

1. This Regulation establishes a multi-annual plan ("plan") for the demersal stocks in waters of Union waters of ICES zones IIa, IIIa and IV ("North Sea") and the fisheries exploiting those stocks.
2. Notwithstanding paragraph 1, Articles 4, 5, 6 and 8 apply to the stock areas for Groups 1 to 4 stocks as defined in Article 2.

#### *Article 2*

##### **Definitions**

For the purposes of this Regulation, the following definitions shall apply in addition to those laid down in Article 4 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, Article 4 of Council Regulation (EC) No 1224/2009 and Article 3 of Council Regulation (EC) No 850/98:

- (1) "demersal stocks" means those roundfish and flatfish species and Norway lobster that live at or near the bottom of the water column.
- (2) "Group 1": means demersal stocks for which targets as  $F_{MSY}$  ranges and safeguards linked to biomass are established in this plan as follows:
  - (a) Cod (*Gadus morhua*) in Subarea IV and Divisions VIIId and IIIa West (North Sea, Eastern Channel, Skagerrak), hereafter referred to as North Sea cod;
  - (b) Haddock (*Melanogrammus aeglefinus*) in Subarea IV and Divisions VIa and IIIa west (North Sea, West of Scotland, Skagerrak) hereafter referred to as haddock;
  - (c) Plaice (*Pleuronectes platessa*) in Subarea IV (North Sea) and Division IIIa (Skagerrak), hereafter referred to as North Sea plaice;
  - (d) Saithe (*Pollachius virens*) in Subareas IV and VI and Division IIIa (North Sea, Rockall and West of Scotland, Skagerrak and Kattegat), hereafter referred to as saithe;
  - (e) Sole (*Solea solea*) in Subarea IV (North Sea), hereafter referred to as North Sea sole;
  - (f) Sole (*Solea solea*) in Division IIIa and Subdivisions 22–24 (Skagerrak and Kattegat, Western Baltic Sea), hereafter referred to as Kattegat sole;



- (g) Whiting (*Merlangius merlangus*) in Subarea IV and Division VIIId (North Sea and Eastern English Channel), hereafter referred to as North Sea whiting.
- (3) "Group 2" means Norway lobster (*Nephrops norvegicus*) functional units (FU) for which targets as  $F_{MSY}$  ranges and safeguards linked to abundance are established in this plan consisting of:
- (i) *Nephrops* in Division IIIa (FU 3-4);
  - (ii) *Nephrops* in Subarea IV (North Sea) by FU:
    - *Nephrops* in Farn Deeps (FU 6);
    - *Nephrops* in Fladen Ground (FU 7);
    - *Nephrops* in Firth of Forth (FU 8);
    - *Nephrops* in Moray Firth (FU 9).
- (4) "Group 3" means demersal stocks subject to catch limits other than those listed in Group 1 in the North Sea.
- (5) "Group 4" means Norway lobster (*Nephrops norvegicus*) functional units and statistical rectangles outside the functional units in ICES zone IIa and Subarea IV subject to catch limits other than those listed in Group 2.
- (6) "Group 5" means demersal stocks not subject to catch limits in the North Sea.
- (7) " Group 6" means prohibited species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy in the North Sea.
- (8) "Group 7" means demersal stocks for which targets as  $F_{MSY}$  ranges and safeguards linked to biomass are established in Union legislation other than this Regulation.
- (9) "total allowable catch" (TAC) means the quantity of each stock that can be caught over the period of a year.
- (10) "MSY  $B_{trigger}$ " means the spawning stock biomass reference point below which specific and appropriate management action is to be taken to ensure that exploitation rates in combination with natural variations rebuild stocks above levels capable of producing MSY in the long term.

## **CHAPTER II OBJECTIVES**

### *Article 3*

#### **Objectives**

1. The plan shall contribute to the achievement of the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, in particular by applying the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.
2. The plan shall contribute to the elimination of discards, by avoiding and reducing, as far as possible, unwanted catches, and to the implementation of the landing obligation established in Article 15 of Regulation (EU) No 1380/2013 for the species which are subject to catch limits and to which this Regulation applies.

3. The plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. It shall be coherent with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC.

4. In particular, the plan shall aim to:

- (a) ensure that the conditions described in descriptor 3 contained in Annex I to Directive 2008/56/EC are fulfilled; and
- (b) contribute to the fulfilment of other relevant descriptors contained in Annex I to Directive 2008/56/EC in proportion to the role played by fisheries in their fulfilment.

## **CHAPTER III TARGETS**

### *Article 4*

#### **Targets for Groups 1 and 2**

1. The target fishing mortality shall be achieved as soon as possible, and on a progressive, incremental basis by 2020 for the stocks of Groups 1 and 2, and shall be maintained thereafter within the ranges set out in Annex I.

2. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities shall comply with the target fishing mortality ranges set out in Annex I, column A to this Regulation.

3. Notwithstanding paragraphs 1 and 2, fishing opportunities may be fixed at levels corresponding to lower levels of fishing mortality than those set out in Annex I, column A.

4. Notwithstanding paragraphs 2 and 3, fishing opportunities for a stock may be fixed in accordance with the fishing mortality ranges set out in Annex I, column B, provided that the stock concerned is above the minimum spawning biomass reference point set out in Annex II, column A:

- (a) if, on the basis of scientific advice or evidence, it is necessary for the achievement of the objectives laid down in Article 3 in the case of mixed fisheries;
- (b) if, on the basis of scientific advice or evidence, it is necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics; or
- (c) in order to limit variations in fishing opportunities between consecutive years to not more than 20%.

### *Article 5*

#### **Targets for Groups 3 and 4**

1. Fishing opportunities for the stocks of Groups 3 and 4 shall be consistent with scientific advice related to maximum sustainable yield.

2. In the absence of scientific advice on fishing mortality rate consistent with maximum sustainable yield, fishing opportunities shall be consistent with scientific advice to ensure the sustainability of the stocks in line with the precautionary approach.

## *Article 6*

### **Targets for Group 5**

Stocks of Group 5 shall be managed based on the precautionary approach in line with scientific advice.

## **CHAPTER IV SAFEGUARDS**

## *Article 7*

### **Conservation reference points for Groups 1 and 2**

Conservation reference points to safeguard the full reproductive capacity of the stocks concerned are set out in Annex II:

- (a) the minimum spawning stock biomass ( $MSY B_{trigger}$ ) for fish stocks;
- (b) the limit spawning stock biomass ( $B_{lim}$ ) for fish stocks;
- (c) the minimum abundance ( $Abundance_{buffer}$ ) for Norway lobster;
- (d) the limit abundance ( $Abundance_{limit}$ ) for Norway lobster.

## *Article 8*

### **Safeguards for Groups 1 and 2**

1. When scientific advice indicates that for a given year the spawning biomass of any of the stocks in Group 1 is below the  $MSY B_{trigger}$  or that the abundance of any of the functional units in Group 2 is below the  $Abundance_{buffer}$  set out in Annex II, column A, all appropriate remedial measures shall be adopted to ensure rapid return of the stock or functional unit concerned to levels above those capable of producing maximum sustainable yield. In particular, by way of derogation from Article 4(2) fishing opportunities shall be set at levels consistent with a fishing mortality, taking into account the decrease in biomass or abundance, that is reduced below the range laid down in Annex I, column A.

2. When scientific advice indicates that the spawning stock biomass of any of the stocks concerned is below the  $B_{lim}$  or the abundance of any of the Norway lobster functional units is below  $Abundance_{limit}$  as set out in Annex II, column B to this Regulation, further remedial measures shall be taken to ensure rapid return of the stock or functional unit concerned to levels above the level capable of producing maximum sustainable yield. In particular, those remedial measures shall include, by way of derogation from paragraphs 2 and 4 of Article 4, suspending the targeted fishery for the stock concerned and the adequate reduction of fishing opportunities.

## *Article 9*

### **Specific conservation measures for Groups 3 to 7**

When scientific advice indicates that remedial action is required for the conservation of any of the demersal stocks of Groups 3 to 7, or when the spawning biomass of any of the stocks in Group 1 or abundance of any of the functional units in Group 2 for a given year is below the conservation reference points set out in Annex II, column A to this Regulation, the Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 regarding:

- (a) characteristics of fishing gear, in particular mesh size, hook size, construction of the gear, twine thickness, size of the gear or use of selectivity devices to ensure or improve selectivity;
- (b) use of the fishing gear, in particular immersion time, depth of gear deployment, to ensure or improve selectivity;
- (c) prohibition or limitation to fish in specific areas to protect spawning and juvenile fish or fish below the minimum conservation reference size or non-target fish species;
- (d) prohibition or limitation on fishing or the use of certain types of fishing gear during specific time periods, to protect spawning fish or fish below the minimum conservation reference size or non-target fish species;
- (e) minimum conservation reference sizes, to ensure the protection of juveniles of marine organisms;
- (f) other characteristics linked to selectivity.

#### *Article 10*

#### **Total allowable catches**

1. Member States shall ensure that the composition by species of the quotas available to fishing vessels operating in mixed fisheries are appropriate to the composition of the catch that the vessels are likely to take.
2. Without prejudice to Article 8, the TAC for the stock of Norway lobster in ICES zones IIa and IV shall be the sum of the catch limits of the functional units and of the statistical rectangles outside the functional units.

## **CHAPTER V PROVISIONS LINKED TO THE LANDING OBLIGATION**

#### *Article 11*

#### **Provisions linked to the landing obligation for Groups 1 to 7**

For demersal stocks of Groups 1-7, the Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 concerning:

- (a) exemptions from the application of the landing obligation for species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, to facilitate the implementation of the landing obligation; and
- (b) *de minimis* exemptions to facilitate the implementation of the landing obligation; such *de minimis* exemptions shall be provided for cases referred to in Article 15(5)(c) of Regulation (EU) No 1380/2013 and in accordance with the conditions set out therein;
- (c) specific provisions on documentation of catches, in particular for the purpose of monitoring the implementation of the landing obligation; and
- (d) the fixing of minimum conservation reference sizes, to ensure the protection of juveniles of marine organisms.

## **CHAPTER VI REGIONALISATION**

### *Article 12*

#### **Regional cooperation**

1. Article 18 (1) to (6) of Regulation (EU) No 1380/2013 shall apply to measures referred to in Articles 8 and 10 of this Regulation.
2. For the purpose of paragraph 1 of this Article, Member States having direct management interest may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for the first time not later than twelve months after the entry into force of this Regulation and thereafter twelve months after each submission of the evaluation of the plan in accordance with Article 17. They may also submit such recommendations when deemed necessary by them, in particular in the event of an abrupt change in the situation for any of the stocks to which this Regulation applies. Joint recommendations in respect of measures concerning a given calendar year shall be submitted no later than 1 July of the previous year.
3. The empowerments granted under Articles 9 and 11 of this Regulation shall be without prejudice to powers conferred to the Commission under other provisions of Union law, including under Regulation (EU) No 1380/2013.

## **CHAPTER VII CONTROL MEASURES**

### *Article 13*

#### **Relationship with Regulation (EC) No 1224/2009**

The control measures provided for in this Chapter shall apply in addition to those provided for in Regulation (EC) No 1224/2009 for demersal stocks of Groups 1-7, save where otherwise provided for in this Chapter.

### *Article 14*

#### **Prior notifications**

1. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the prior notification referred to in that Article shall be made at least one hour before the estimated time of arrival at port. The competent authorities of the coastal Member States may, on a case-by-case basis, give permission to an earlier entry at port.
2. In addition to the prior notification obligation laid down in Article 17(1) of Regulation (EC) No 1224/2009, masters of Union fishing vessels of overall length of eight to twelve metres shall notify the competent authorities of the coastal Member State at least one hour before the estimated time of arrival at port of the information listed in points (a) to (f) of Article 17(1) of Regulation (EC) No 1224/2009 when retaining on board at least any of the following quantities of fish:
  - (a) Group 1: 1000 kg; and/or
  - (b) Group 2 and 4: 500 kg; and/or
  - (c) Group 3: 1000 kg; and/or

- (d) Group 7: 1000 kg.

*Article 15*

**Logbook requirements for Groups 1 to 7**

By way of derogation from Article 14(1) of Regulation (EC) No 1224/2009, masters of Union fishing vessels of an overall length of eight metres or more engaged in fishing for demersal stocks shall keep a logbook of their operations in accordance with Article 14 of that Regulation.

*Article 16*

**Designated ports for Groups 1, 2, 3, 4 and 7**

The threshold applicable to the live weight of species subject to the multi-annual plan, above which a fishing vessel is required to land its catches in a designated port or a place close to the shore as set out in Article 43 of Regulation (EC) No 1224/2009 shall be:

- (a) Group 1: 2 tonnes;
- (b) Group 2 and 4: 1 tonne;
- (c) Group 3: 2 tonnes;
- (d) Group 7: 2 tonnes.

**CHAPTER VIII  
FOLLOW UP**

*Article 17*

**Evaluation of the plan**

No less than five years after the entry into force of this Regulation, and every five years thereafter, the Commission shall ensure an evaluation of the impact of the plan on the stocks to which this Regulation applies and on the fisheries exploiting those stocks. It shall submit the results of this evaluation to the European Parliament and to the Council.

**CHAPTER IX  
PROCEDURAL PROVISIONS**

*Article 18*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Articles 9 and 11 shall be conferred on the Commission for a period of five years from the date of the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Articles 9 and 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016<sup>10</sup>.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Articles 9 and 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

## **CHAPTER X FINAL PROVISIONS**

### *Article 19*

#### **Repeals**

1. Regulations (EC) No 1342/2008 (EC) No 676/2007 are repealed.
2. References made to the repealed Regulations shall be construed as references to this Regulation.

### *Article 20*

#### **Entry into force**

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

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

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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<sup>10</sup> Inter-institutional agreement between the European Parliament, the Council of the European Union and the European Commission on better law-making.