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**PROPOSAL**

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	24 February 2017
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a multi-annual plan for small pelagic stocks in the Adriatic Sea and the fisheries exploiting those stocks

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Delegations will find attached document COM(2017) 97 final.

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Brussels, 24.2.2017  
COM(2017) 97 final

2017/0043 (COD)

Proposal for a

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

**establishing a multi-annual plan for small pelagic stocks in the Adriatic Sea and the fisheries exploiting those stocks**

{SWD(2017) 63 final}

{SWD(2017) 64 final}

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The Adriatic Sea (Geographical sub-areas 17 and 18 of the General Fisheries Commission for the Mediterranean)<sup>1</sup> is an important sub-area within the Mediterranean, accounting for around one third of the total landings value.<sup>2</sup> Small pelagic species (which swim near the surface) are an important component of the Adriatic fishery, representing a high economic income for the fisheries sector in that sea basin. The most valuable and sought-after small pelagic species in the Adriatic Sea are anchovy and sardine.

Anchovy and sardine account for almost all catches of small pelagic fisheries,<sup>3</sup> with anchovy being the more valuable of the two species and the one that drives the fishery. The vast majority are caught by Italy and Croatia, in the northern part of the Adriatic. The only other Member States involved in the fishery are Slovenia, which accounts for less than 1 % of total catches, and Albania and Montenegro who have an equally small fraction of catches.<sup>3</sup>

Currently, small pelagic fisheries in the Adriatic Sea are governed by several legal frameworks, at national, EU and international level. Croatia, Italy and Slovenia have all adopted national management plans under Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (the Mediterranean Regulation),<sup>4</sup> covering purse seiners and pelagic trawls, which are the gears involved in the small pelagic fisheries. At EU level a limited amount of discarding is allowed under a three year discard plan.<sup>5</sup> A management plan<sup>6</sup> and successive emergency measures<sup>7</sup> have been adopted at international level by the General Fisheries Commission for the Mediterranean (GFCM).

Despite these management measures, the most recent scientific advice indicates that anchovy and sardine in the Adriatic Sea are still being overexploited and the stocks are likely to decline further. The situation is getting worse as we are moving further away from sustainable fishing levels and we are far from the target of exploiting stocks at maximum sustainable

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<sup>1</sup> <http://www.fao.org/3/a-ax817e.pdf>.

<sup>2</sup> GFCM (2016) The State of Mediterranean and Black Sea Fisheries.

<sup>3</sup> FAO catch production statistics, data downloaded on 10 May 2016.

<sup>4</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 36, 8.2.2007, p.6).

<sup>5</sup> Commission Delegated Regulation (EU) No 1392/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries in the Mediterranean Sea (OJ L 370, 30.12.2014, p. 21).

<sup>6</sup> Recommendation GFCM/37/2013/1 on a multiannual management plan for fisheries on small pelagic stocks in the GFCM-GSA 17 (Northern Adriatic Sea) and on transitional conservation measures for fisheries on small pelagic stocks in GSA 18 (Southern Adriatic Sea).

<sup>7</sup> Recommendation GFCM/38/2014/1 amending Recommendation GFCM/37/2013/1 and on precautionary and emergency measures for 2015 on small pelagic stocks in the GFCM GSA 17; Recommendation GFCM/39/2015/1 establishing further precautionary and emergency measures in 2016 for small pelagic stocks in the Adriatic Sea (GSA 17 and GSA 18), and Recommendation GFCM/40/2016/3 establishing further emergency measures in 2017 and 2018 for small pelagic stocks in the Adriatic Sea (GSA 17 and GSA 18), all can be found at: <http://www.fao.org/gfcm/decisions/en/>.

yield (MSY) by 2020 at the latest, as set out in 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<sup>8</sup> (the 'Basic Regulation'). According to the latest scientific advice, catches need to be decreased considerably for both species to reach sustainable levels of fishing.<sup>9</sup>

The existing management framework is based primarily on limitation of fishing effort and capacity, coupled with several additional measures such as spatio-temporal closures and minimum landing sizes. However, the exact measures vary both geographically (between the three Member States and in international waters) and have also been changed several times in recent years. For example, closed periods (when fishing is not allowed) are different between the three Adriatic Member States and have also changed on an annual basis in the past five years. This constantly evolving and complex management framework makes it harder for the fishing industry to remain aware of the rules currently in force and therefore to implement them. Having a single stock managed under different rules in different parts of its range is also less effective. For example, closing one area to fishing under one Member States' national rules may simply result in the fishing effort being shifted to another part of the Adriatic Sea, and of the stock, where fishing is allowed at that time.

Evaluations of the existing management framework have concluded that it is ineffective and insufficient to ensure the stocks will be fished sustainably by 2020. The EU's Scientific, Technical and Economic Committee for Fisheries (STECF)<sup>10</sup> has advised that managers consider using catch (or landings) restrictions as a more effective management tool for small pelagics<sup>11 12</sup> For small pelagic stocks, which school (occur in dense aggregations) management on the basis of effort is considered to be more risky. For example, even if effort is reduced by 20 %, this does not necessarily translate into a 20 % reduction in catches or fishing mortality. If a vessel comes across a school of small pelagic fish, it can take a large quantity in a short amount of time. Reducing catches, on the other hand, translates directly into an equivalent reduction of fishing mortality.

This proposal addresses the problem of overexploitation of small pelagic stocks due to an unsustainable fishery and ineffective governance. The main objective of the multiannual plan is to return the stocks and the fisheries sector to a healthy state by ensuring that the fishery is made sustainable. This will ensure that the fishing sector can continue to rely on this resource in the long term. The multiannual plan will also facilitate the introduction of the landing obligation by providing a basis for derogations in certain circumscribed situations. Establishing a multiannual plan will also enable regionalisation to be used, whereby Member States around sea basins are involved in the conception and design of management rules for the interested parties. The idea is to increase their ownership by fishing operators, and their

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<sup>8</sup> OJ L 354, 28.12.2013, p. 22.

<sup>9</sup> STECF (2015) – Small pelagic stocks in the Adriatic Sea. Mediterranean assessments part 1 (STECF-15-14). Publications Office of the European Union, Luxembourg, EUR 27492 EN, JRC 97707, 52 pp.

<sup>10</sup> Commission Decision of 26 August 2005 establishing a Scientific, Technical and Economic Committee for Fisheries (2005/629/EC).

<sup>11</sup> Scientific, Technical and Economic Committee for Fisheries (STECF) Assessment of Mediterranean Sea stocks - part 2 (STECF-11-14).

<sup>12</sup> Reports of the Scientific, Technical and Economic Committee for Fisheries (STECF) – 51st Plenary Meeting Report (PLEN-16-01). 2016. Publications Office of the European Union, Luxembourg, EUR 27917 EN, JRC 101442, 95 pp.

enforcement and, ultimately, their efficacy. This will also lighten the decision-making process, making it more effective and responsive to evolving circumstances, and bringing it closer to stakeholders in cases where issues of highly technical nature are at stake.

A multiannual plan would include target fishing mortalities expressed in ranges for each of the stocks, where available, which would be the basis for setting annual catch limits for those stocks. Additionally, the multiannual plan would incorporate safeguard measures to give a framework to restore stocks when they fall below safe biological limits.

The multiannual-plan will apply to all EU fishing vessels irrespective of their overall participation in fishing in the Adriatic Sea (in EU and international waters). This is in conformity with the rules of the common fisheries policy (CFP) and is in line with the effect of the vessels on the fish stocks concerned.

The following provisions of Regulation (EU) No 1380/2013 ('the Basic Regulation') are of relevance to the multiannual plan:

- Articles 9 and 10 of the Basic Regulation contain provisions on the **objectives and contents of multi-annual plans**. In accordance with Article 10 of the Basic Regulation multi-annual plans should contain quantifiable **targets**. Such targets should be supplemented with **safeguard provisions** linked to a trigger **conservation reference point**.
- Pursuant to Article 15 of the Basic Regulation **the landing obligation** applies to small pelagic fisheries (i.e. fisheries for mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine, sprat), anywhere in EU waters, since 1 January 2015. In accordance with Article 15(5) of the Basic Regulation, details of the implementation of the landing obligation must be specified in multiannual plans, including:
  - (a) specific provisions regarding fisheries or species covered by the landing obligation;
  - (b) the specification of exemptions to the landing obligation;
  - (c) provisions for *de minimis* exemptions of up to 5 % of total annual catches of all species subject to the landing obligation, in order to avoid disproportionate costs of handling unwanted catches.
- In accordance with Article 18 of the Basic Regulation, Member States having direct management interest may submit **joint recommendations** for certain measures to be adopted, where the Commission has been granted power to adopt implementing or delegated acts to achieve the objectives set out in the multiannual plan.

The multiannual plan also contains specific **control provisions** destined to adapt to the specific context of the Adriatic small pelagic fisheries, the general control measures established in 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,<sup>13</sup> which provides for the legislative framework of control, inspection and enforcement to ensure compliance with the rules of the CFP. The relevant provisions of Regulation (EC) No 1224/2009 are the following:

- According to Article 9, a fishing vessel that is twelve metres or more in length must have on board a fully functioning device installed, which allows that vessel to be **automatically located and identified through the vessel monitoring system** by transmitting position data at regular intervals. It must also allow the fisheries monitoring centre of the flag Member State to poll the fishing vessel.
- According to Article 15, masters of EU fishing vessels that are twelve metres or more in length must **use electronic logbooks** and must send it by electronic means to the competent authority of the flag Member State at least once a day.
- According to Article 17, masters of EU fishing vessels that have an overall length of twelve metres or more and are engaged in fisheries on stocks covered by a multiannual plan, and are under the obligation to record fishing logbook data electronically, must **notify the competent authorities** of their flag Member State a set of information about the vessel and catches at least four hours before the estimated time of arrival at port.
- It may be appropriate to adapt these provisions to the specific nature of a given fishery through a multiannual plan.
- In line with Article 43 multiannual plans may set the thresholds above which catches of stocks must be landed in **designated ports**.

An overview of the specific provisions of the multiannual plan is presented in Section 5.

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

Regulation (EU) No 1380/2013 of the European Parliament and of the Council sets the general framework for the CFP and identifies the situations in which the Council and the European Parliament must adopt multi-annual plans.

This proposal on a multiannual plan for small pelagics in the Adriatic Sea follows the same approach to determine the objectives, targets and safeguards of the multiannual plan and for the implementation of the landing obligation as the recently adopted Regulation (EU) No 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries

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<sup>13</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)

exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007.<sup>14</sup>

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>15</sup> outlines technical conservation measures, i.e. catch composition rules, minimum mesh size, minimum landing sizes, closed areas and closed seasons for certain fisheries. 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<sup>16</sup> is adopted. This proposal would allow Member States to amend technical measures through the process of regionalisation.

- **Consistency with other Union policies**

This proposal and its objectives are consistent with the European Union's policies, in particular environmental policies such as the **Marine Strategy Framework Directive (MSFD)**<sup>17</sup> and its objectives of reaching good environmental status of EU marine waters by 2020.

## 2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for this proposal is 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 European Union. This proposal respects the principle of subsidiarity and fulfils its requirements. Both anchovy and sardine stocks and the fishing vessels concerned move freely across international boundaries so action at Member State level alone is unlikely to be effective in achieving the objectives. For measures to be effective, these should be taken in a coordinated manner and made applicable to the whole area of distribution of the stock and to all fleets concerned.

- **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

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<sup>14</sup> Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual 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 (OJ L 191, 15.7.2016, p. 1).

<sup>15</sup> 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 (OJ L 125, 27.4.1998, p. 1).

<sup>16</sup> COM/2016/0134 final - 2016/074 (COD).

<sup>17</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).

objectives. There is widespread agreement among stakeholders consulted that the current legislative framework consisting of national legislation, an EU discard plan and measures adopted by the General Fisheries Commission for the Mediterranean are not sufficient to achieve the sustainability objectives of CFP.

- **Choice of instrument**

The proposed instrument is a Regulation of the European Parliament and of the Council.

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

In preparing this proposal and its accompanying impact assessment; consultation has taken place at different levels including: stakeholders, scientists, individual citizens, public administrations and relevant Commission departments.

- **Stakeholder consultations**

Stakeholders were consulted in a targeted manner and in particular through consulting the **Mediterranean Sea Advisory Council (MEDAC)**,<sup>18</sup> which is the most representative fisheries stakeholders' organisation in the Mediterranean. The MEDAC represents all the parties concerned by this proposal. This included the fisheries sector, including small-scale fisheries, the processing sector, trade unions and other interest groups such as environmental organisations, consumer groups and sports/recreational fishery associations which operate in the Mediterranean area under the CFP.

Since 2014 MEDAC has set up a working group specifically devoted to the development of the multiannual plan for the small pelagics in the Adriatic. The working group held six meetings, where representatives of the Commission's Directorate-General for Fisheries (DG MARE), the European Fisheries Control Agency, the scientific research community, industry representatives and Member States fisheries administrations took part.<sup>19</sup> In March 2016, the MEDAC adopted an advice on the multiannual plan for small pelagics in the Northern Adriatic.<sup>20</sup> Some of the measures recommended by the MEDAC have been included in this proposal, namely: to expand the use of electronic logbooks and electronic systems to monitor a vessel's position and to include measures necessary for implementing the landing obligation.

The Commission also organised a **scientific and technical seminar on small pelagic fisheries in the Adriatic Sea** on 18 September 2015 bringing together the scientists, the MEDAC and the Member States' fisheries administrations. There was general agreement that anchovy and sardine are over exploited and that it is time to act.

This was followed by a **workshop on the implementation of maximum sustainable yield (MSY) in the different case studies, including the small pelagic stocks in the Adriatic** on 21-25 September 2015. This workshop was organised in the context of a Commission funded

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<sup>18</sup> <http://www.med-ac.eu/>.

<sup>19</sup> 8<sup>th</sup> October 2014, Split (Croatia); 20<sup>th</sup> November 2014, Rome (Italy); 11<sup>th</sup> March 2015, Rome (Italy); 23<sup>rd</sup> April 2015, Marseille (France); 11<sup>th</sup> June 2015, Madrid (Spain); 17<sup>th</sup> February 2016, Rome (Italy).

<sup>20</sup> MEDAC (2016) MEDAC Advice on LTMP for Small Pelagics in GSA 17 (Northern Adriatic) of 11 March 2016 (Prot. 94/2016).



project on management scenarios for the preparation of multiannual management plans for the Mediterranean and the Black Sea. This meeting enabled different actors (the Commission, MEDAC, independent experts, consultants carrying out the project) to discuss and agree on the different management possibilities, criteria and planned scenarios to reach  $F_{MSY}$  in the context of this project.

A consultation of stakeholders involved in Mediterranean fisheries (including eight Member States' authorities, research institutes from eight Member States, five NGOs, industry representatives from eight Member States, the MEDAC, and STECF) was also carried out in the context of the **Retrospective Evaluation study of the Mediterranean Sea Regulation**,<sup>21</sup> which includes a specific case study on small pelagics in the Adriatic Sea. This provided relevant input regarding the problem definition and the effectiveness of the current framework. The stakeholders overwhelmingly agreed that fish stocks in the Mediterranean were severely overexploited and the majority of respondents across all stakeholder categories stated that no observed improvement in stock status had occurred to date. Another critical issue identified included concerns about future socio-economic sustainability in Mediterranean fisheries.

In addition to this, a wide-ranging, **internet-based, public consultation** on Northern Adriatic small pelagic fisheries was carried out between 22 May 2015 and 11 September 2015.<sup>22</sup> A total of 15 detailed contributions were received from Member States, the MEDAC, industry representatives, NGOs, and private citizens. The main conclusions were as follows:

- Most contributors agreed on the need for an EU multiannual plan, because the current legal framework does not take into account the specificities of the region's fisheries and it does not fully implement the CFP, in particular the regionalisation principle.
- The current framework is considered to be too complex.
- The EU's intervention should be limited to the orientation and determination of the objectives.
- Interactions between fisheries and environmental factors should be taken into account.
- Measures should concern only target species.

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<sup>21</sup> Wakeford *et al.* (2016) retrospective evaluation study of the Mediterranean Sea Regulation. Final report (July 2016). [http://ec.europa.eu/fisheries/documentation/studies/index\\_en.htm](http://ec.europa.eu/fisheries/documentation/studies/index_en.htm)

<sup>22</sup> [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/northern-adriatic-multiannual/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/northern-adriatic-multiannual/index_en.htm) - The scope of the public consultation covered only the Northern Adriatic as this is where the vast majority of fishing activity on small pelagics takes place and initially the Commission was considering tabling a proposal for a multi-annual plan for the Northern Adriatic, before deciding to expand the scope slightly to cover the whole Adriatic. This extension in scope was decided in order to cover the whole area where the stock occurs, and to avoid the disproportionate cost of having to develop a separate multi-annual plan just for the Southern Adriatic in future, given how minimal this fishery is (6% of anchovy and sardine caught in the Adriatic (2013) are landed in the Southern Adriatic, and many of these catches actually take place in the Northern Adriatic. The share of landings in the Southern Adriatic has been declining constantly since 2008.

- Technical measures and additional measures on the landing obligation should be adopted via regionalisation and not fixed in the multiannual plan.
- Technical measures should focus on spatial-temporal closures rather than on increases in selectivity based on mesh size.
- The multi-annual plan should have an adaptive approach and should be proportionate to the share of catches by the different fleets concerned.
- **Collection and use of expertise**

In addition to the public consultation work described above, and the retrospective evaluation study described in the next section, several key studies underpinned this proposal.

In 2014, the Commission contracted a study entitled ‘Improved knowledge of the main socio-economic aspects related to the most important fisheries in the Adriatic Sea’. The study aims to identify the main fisheries in the Adriatic, to describe the state of stock assessments and scientific advice for the relevant stocks and to provide socio-economic information pertaining to the different fisheries undertaken by the coastal countries in the Adriatic. The study was finalised in 2015.<sup>23</sup>

Another study was launched by DG MARE in 2014, to assess specific management scenarios for multi-annual plans in accordance with the CFP objectives.<sup>24</sup> The study envisaged four case studies, one of which concerned the small pelagic fisheries in the Adriatic. The study then used bio-economic modelling to assess the environmental, social and economic impacts of different scenarios on the different fleet segments.

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

A study on the **retrospective evaluation of the Mediterranean Regulation**<sup>21</sup> found that, despite many of the measures under this Regulation being implemented, the Mediterranean Regulation appears to be failing on the majority of its objectives in the Northern Adriatic region, or results on effectiveness are inconclusive due to limited supporting evidence. For example, all national authorities that were consulted in the context of this study perceived little or no impacts in reducing fishing effort in the Northern Adriatic region and the Mediterranean Regulation has had a limited impact on number of vessels and employment in Italy and Croatia.

**National management plans** adopted by Member States under the Mediterranean Regulation **have been analysed** by the STECF<sup>25</sup> based on a dedicated study.<sup>26</sup> STECF concluded that

<sup>23</sup> Lembo *et al.* (2015) ‘Improved knowledge of the main socio-economic aspects related to the most important fisheries in the Adriatic Sea (SEDAF)’. Specific contract no. 10 under the MAREA Framework Contract. [http://ec.europa.eu/fisheries/documentation/studies/index\\_en.htm](http://ec.europa.eu/fisheries/documentation/studies/index_en.htm).

<sup>24</sup> Spedicato *et al.* (2016) ‘Study on the evaluation of specific management scenarios for the preparation of multi-annual management plans in the Mediterranean and the Black Sea’ - CALL MARE/2014/27. [http://ec.europa.eu/fisheries/documentation/studies/index\\_en.htm](http://ec.europa.eu/fisheries/documentation/studies/index_en.htm).

<sup>25</sup> Scientific, Technical and Economic Committee for Fisheries – 49th plenary meeting report (PLEN-15-02), 6-10 July 2015, Varese.

<sup>26</sup> ‘Mediterranean halieutic resources evaluation and advice’ – specific contract n° 9 under the MAREA Framework contract, Task 4 - Ad hoc scientific advice in support of the implementation of the Common

under the existing national management plans, reductions in catches are **insufficient to reach sustainable fishing levels by 2020**. Therefore, STECF considers that, unless changes are made to the national management plans, it is very unlikely that the objectives of the CFP will be achieved.

Regarding the international measures implemented under the General Fisheries Commission for the Mediterranean (GFCM), a **bio-economic assessment of management measures** for anchovy and sardine fisheries in the Adriatic Sea was carried out by the GFCM in 2015.<sup>27</sup> Simulations show that current fishing mortalities<sup>28</sup> are too high, including under the emergency measures adopted by the GFCM. If continued, anchovy and sardine stocks would remain outside biological safe limits or even collapse between 2020 and 2030.

- **Impact assessment**

The impact assessment for a multiannual plan for small pelagics in the Adriatic Sea has taken place in the context of the new CFP and the redrafting of the technical measures regulations. The following impact assessments are therefore of relevance to this proposal:

- The reform of the CFP<sup>29</sup>.
- Impacts of the introduction of the landing obligation<sup>30,31</sup>.
- Socio-economic dimensions of the CFP<sup>32</sup>.
- The development of a new technical measures regulation<sup>33</sup>.

In addition, an impact assessment on this legal proposal to establish a multiannual plan for small pelagic stocks and their fisheries in the Adriatic Sea was carried out.

The policy options considered in this impact assessment were the following:

- **Option 0:** Using non-legislative instruments or ‘soft law’ (discarded early on);
- **Option 1:** The status quo (baseline scenario against which other options were compared);

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27 Fisheries Policy, ‘Scientific advice on the conformity of management plans with the requirements of the Common Fisheries Policy in the Mediterranean Sea’ - Revised report 08.08.2014.

28 GFCM (2016) report of the workshop on bio-economic assessment of management measures (WKMSE), 1-3 February 2016.

29 Calculated taking into account the average fishing mortality of 2012, 2013 and 2014.

30 [http://ec.europa.eu/fisheries/reform/impact\\_assessments\\_en.htm](http://ec.europa.eu/fisheries/reform/impact_assessments_en.htm).

31 45th Plenary Meeting Report of the Scientific, Technical and Economic Committee for Fisheries (PLEN-14-01).

32 [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).

33 [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).

34 Commission Staff Working Document Impact Assessment Accompanying the document 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 SWD/2016/057 final - 2016/074 (COD).

- **Option 2:** The elaborating of an EU Regulation to manage small pelagic fisheries, with the objective to have stocks sustainably fished by either 2018 or 2020 (two sub-options). Under Option 2, a new management mechanism is proposed, focusing on the output of the fishery, by setting catch-limits. This approach has been successfully tested in other EU waters, resulting in improved stocks status;
- **Option 3:** Attempting to amend the current management framework (national and international legislation), which could result in a best-case or a worst-case scenario depending on whether the attempts succeed.

The preferred option was Option 2 — an EU Regulation to manage small pelagic fisheries — which is the only option that was found to deliver on all the objectives. Broadly speaking, the expected outcome of Option 2 will be an improved conservation status of anchovy and sardine, which would ultimately result in a healthier and more sustainable fishing sector dependent on this resource, with better salaries for individual fishers and greater profitability overall compared to the status quo.

The transition to this more sustainable state of the fisheries is likely to require a reduction in the fishing sector including the level of employment and the overall revenue to the sector. As catches decrease, prices at first sale are likely to increase which could compensate to some extent the reduced revenues of the fishing sector due to a decline in catches. The processing sector (in particular in Croatia and Italy) may need to increase their imports from other countries. There are specific financial instruments and measures available to assist the sectors concerned during this transition.

Within Option 2, the target date of 2020 to achieve sustainable fishing is preferable over 2018 in terms of acceptability by stakeholders, who overwhelmingly expressed a preference for 2020. It is also the more realistic considering the likely timing of the EU multi-annual plan entering into force.

None of the stakeholders consulted have evoked soft law (Option 0) as a feasible option. During the public consultation, only one stakeholder responded that the current framework (Option 1) is sufficient. All respondents except one felt that amending the current framework would not be sufficient (Option 3). The MEDAC (consisting of industry and civil society representatives), NGOs, public authorities, scientific institutes, and Croatia, Italy and Slovenia supported the development of a multi-annual plan (Option 2), with a strong preference for the sub-option ‘2020’.

- **Regulatory fitness and simplification**

This proposal is not an initiative within the Regulatory Fitness Programme. Nevertheless, it would contribute to the simplification of applicable European Union legislation. The multi-annual plan would provide a single instrument containing all the provisions relating to the management of these fisheries at EU level, whereas the current system consists of provisions in three existing national management plans that are adopted by three separate national regulations in addition to an EU discard plan.

The current management framework is complex and also constantly changing. Simplification, increased stability and transparency would therefore significantly improve to the current situation.

The multiannual plan would also provide for a simpler and more transparent management system than currently in terms of translating scientific advice into management measures. Scientists would provide their scientific advice on a yearly basis, including what the catch-limits for each stock should be to ensure sustainable fishing levels. With an output-control system, the required reduction in fishing mortality is directly translated into reductions in catches, which is not the case with input control (e.g. based on effort or capacity management). This multiannual would also increase the stability and predictability of resource availability for the small pelagic fisheries sector.

The CFP is a policy specifically geared to deal with small and medium-sized enterprises (SMEs), which are the norm within the fishing sector, rather than the exception. In the Adriatic small pelagic fishery, almost all fishing businesses and the vast majority of companies in the processing sector are micro-enterprises or SMEs. There is therefore no basis to exclude them from the scope of this proposal on the basis of their size or else the vast majority of the sector would be excluded, rendering this proposal pointless. The EU multiannual plan would therefore apply to all businesses including SMEs and micro-enterprises. All the impacts described above are therefore likely to apply to all enterprises, to a varying degree depending on how Member States will decide to allocate the necessary reductions in fishing to the different fleet segments.

- **Fundamental rights**

This proposal is fully in line with the **Charter of fundamental rights of the EU**<sup>34</sup> and in particular with Article 37 of the Charter, which provides that a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the European Union and ensured in accordance with the principle of sustainable development.

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

There are no budgetary implications.

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

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

Monitoring some of the effects of management measures is done as part of the routine work associated with the implementation of the CFP. The data required to monitor the socio-economic and environmental impacts of the multiannual plan are already collected by Member States under EU legislation on data collection.<sup>35</sup> The STECF also carries out a regular assessment of the state of anchovy and sardine, and of the socio-economic performance of both the fisheries and processing sectors. Impacts of the multiannual plan on markets will be monitored biennially through the EU Market Observatory for Fisheries and Aquaculture products (EUMOFA).<sup>36</sup> Therefore baseline data are available and a process is in

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<sup>34</sup> Charter of Fundamental Rights of the European Union (2012/C 326/02) (OJ C 326, 26.10.2012, p. 391).

<sup>35</sup> Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (OJ L 60, 5.3.2008, p.1).

<sup>36</sup> [http://ec.europa.eu/fisheries/cfp/market/market\\_observatory/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/market/market_observatory/index_en.htm).

place to monitor the operational objectives mentioned above as well as socio-economic impacts of the multiannual plan.

The multiannual plan provides that a periodic evaluation of its impact on the stocks concerned based on scientific advice is carried out. It is paramount to identify an appropriate period for this evaluation: a period that allows for regionalised measures to be adopted, implemented and to show their impact on the stocks and fishery. The timing of the evaluation should also take account of the delay that exists between the collection of biological and socio-economic data and the working method of scientific bodies that assess those data. STECF recommended that three years' worth of data on impacts should be used to assess the multiannual plans. STECF also suggested that it takes five years from implementing the plan to obtain three years' worth of data available.<sup>37</sup> Therefore the multiannual plan should be evaluated every five years.

In this respect it should be noted that the periodic evaluation of the impact of the multiannual plan does not prevent the legislators from amending the plan, should new scientific, political or socio-economic developments arise.

- **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 taking into account Articles 9 and 10 of Regulation (EU) No 1380/2013 which lays down the principles, objectives and contents of multiannual plans, the main elements of the plan are as follows:

- **The scope of the multiannual plan** targets small pelagic stocks. More specifically anchovy, sardine, mackerel and horse mackerel and the fisheries exploiting those stocks in the Adriatic Sea.
- **The objectives of the multiannual plan** are to contribute to the objectives of the CFP, and in particular reaching and maintaining the maximum sustainable yield (MSY) for the stocks concerned, achieving a sustainable fisheries sector and providing an effective management framework. The multiannual plan also contributes to enabling the implementation of the landing obligation.
- The proposed **targets** are expressed as fishing mortality ranges around  $F_{MSY}$  as recommended by STECF with a deadline of 2020 at the latest. These  $F_{MSY}$  ranges allow for a maximum sustainable yield-based management for the stocks concerned and provide a high level of predictability to the sector. Targets have been included for anchovy and sardine and the ranges were advised by the STECF<sup>9</sup>. These ranges allow for a MSY-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. Where data is available for fish stocks, these reference points are expressed as a spawning stock biomass.

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<sup>37</sup> Report of the STECF Study Group on the Evaluation of Fishery Multi-Annual Plans (SGMOS 09-02).

- **The conservation reference points**, expressed in tonnes of spawning stock biomass or abundance in numbers, included in the multiannual plan are determined by STECF.
- **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 allowable catches for that stock should be reduced. This measure may be complemented when necessary by measures such as technical measures or Commission or Member State emergency measures. Some of these measures may be adopted through regionalisation.
- **Provisions linked to the landing obligation** to be adopted under regionalisation are necessary to prolong (and/or amend) exemptions from the landing obligation for species where scientific evidence demonstrates high survival rates, and *de minimis* exemptions, in line with the development of scientific advice. Currently such exemptions, adopted under the Discard Plan for the Mediterranean<sup>5</sup>, have a three year lifespan.
- The multiannual plan establishes **regional cooperation** among Member States in respect of adopting provisions for the landing obligation and specific conservation measures, including technical measures, for certain stocks.
- **Control provisions** are provided on the vessel monitoring system, prior notification, electronic logbooks and designated ports. On prior notification, it is necessary to adapt the general rules in Council Regulation (EC) No 1224/2009 to the particularities of the Adriatic Sea and its small pelagic fisheries. Regarding electronic logbooks and the vessel monitoring system, the provisions included in Council Regulation (EC) No 1224/2009 are extended to cover all vessels over eight metres in length, to improve control of the fisheries covered by the multiannual plan. Regarding designated ports, a threshold is provided in this proposal above where anchovy and sardine should only be landed in ports with enhanced controls.
- **Periodic evaluation** of the multiannual 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 period required by scientific bodies<sup>37</sup>.

Proposal for a

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

**establishing a multi-annual plan for small pelagic stocks in the Adriatic Sea and the fisheries exploiting those stocks**

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<sup>2</sup>,

Whereas:

- (1) The common fisheries policy (CFP) should 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 in the marine environment by 2020 in accordance with Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council.<sup>3</sup>
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>4</sup> establishes the rules of the CFP in line with the international obligations of the Union. The objectives of the CFP are, *inter alia*, to ensure that fishing and aquaculture activities are environmentally sustainable in the long term, to apply the precautionary

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

<sup>2</sup> Position of the European Parliament of ... (not yet published in the Official Journal) and Decision of the Council of ... (not yet published in the Official Journal).

<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).

<sup>4</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).



approach to fisheries management, and to implement the ecosystem-based approach to fisheries management.

- (3) Scientific advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) and from the General Fisheries Commission for the Mediterranean's Scientific Advisory Committee (GFCM — SAC) has indicated that the exploitation of anchovy and sardine stocks in the Adriatic Sea exceeds the levels required to achieve the maximum sustainable yield (MSY).
- (4) Despite being managed under both an international management plan under the GFCM and national management plans adopted under Council Regulation (EC) No 1967/2006,<sup>5</sup> Adriatic anchovy and sardine stocks continue to be overexploited and the current management measures are considered to be insufficient to achieve MSY by 2020. Member States and stakeholders have expressed support for the development and implementation of management plans for these two stocks at EU level.
- (5) Current management measures for small pelagics in the Adriatic Sea concern access to waters, control of fishing effort, technical measures to regulate gears' usage. Scientific advice has indicated that controlling catches is the most appropriate means of adapting fishing mortality and it would be a more effective management tool for small pelagics.<sup>6</sup>
- (6) To achieve 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.
- (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 and contain objectives, quantifiable targets with clear timeframes, conservation reference points and safeguards.
- (8) The objective of the multiannual plan should be to contribute to achieving the objectives of the CFP, and especially reaching and maintaining MSY for the stocks concerned, achieving a sustainable fisheries sector and providing an effective management framework.
- (9) Moreover, Article 15 of Regulation (EU) No 1380/2013 introduced a landing obligation, including for all catches of species which are subject to minimum sizes as defined in Annex III to Regulation (EC) No 1967/2006. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, Commission Delegated Regulation (EU) No 1392/2014<sup>7</sup> established a three year discard plan providing for a *de minimis* exemption from the landing obligation for anchovy, sardine, mackerel and horse mackerel in the Adriatic Sea. In order to implement the landing obligation, it is

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<sup>5</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (the Mediterranean Regulation) (OJ L36, 8.2.2007, p.6).

<sup>6</sup> Scientific, Technical and Economic Committee for Fisheries (STECF) Assessment of Mediterranean Sea stocks - part 2 (STECF-11-14).

<sup>7</sup> Commission Delegated Regulation (EU) No 1392/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries in the Mediterranean Sea (OJ L 370, 30.12.2014, p. 21).

appropriate to extend the validity of the measures laid down in Delegated Regulation (EU) No 1392/2014, by including its respective provisions in the multiannual plan.

- (10) In line with the ecosystem-based approach and in addition to the fisheries-related descriptor of Directive 2008/56/EC, qualitative descriptors 1, 4 and 6 contained in Annex I to the Directive are to be considered in the framework of 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 multiannual 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 Scientific, Technical and Economic Committee for Fisheries (STECF) and are derived to deliver no more than a 5 % reduction in long-term yield compared to MSY.<sup>8</sup> In addition, the upper limit of the range is capped, so that the probability of the stock falling below  $B_{lim}$  is no more than 5 %.
- (13) For the purposes of fixing fishing opportunities, there should be a threshold for  $F_{MSY}$  ranges in normal use and, provided that the stock concerned is considered to be in a good state, a higher limit for certain cases. It should only be possible to fix fishing opportunities up to the higher 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-on-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 MSY  $B_{trigger}$  and  $B_{lim}$  for anchovy and sardine stocks. Should the stocks fall below MSY  $B_{trigger}$ , fishing mortality should be reduced below  $F_{MSY}$ .
- (16) Further safeguard measures should be implemented in case the stock size falls below the  $B_{lim}$  reference point. Safeguard measures should include the reduction of fishing opportunities and specific conservation measures when scientific advice indicates that a stock is under threat. Those measures should be supplemented by other measures, as appropriate, such as Commission measures in accordance with Article 12 of Regulation (EU) No 1380/2013 or Member States measures in accordance with Article 13 of Regulation (EU) No 1380/2013.

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<sup>8</sup> Scientific, Technical and Economic Committee for Fisheries (STECF) – Small pelagic stocks in the Adriatic Sea. Mediterranean assessments part 1 (STECF-15-14). 2015. [Publications Office of the European Union, [Luxembourg, EUR 27492 EN](#), JRC 97707, 52 pp.] [*The second part of this reference seems to be mistaken. OPOCE, please check.*]

- (17) For stocks where the reference points are not available, the precautionary principle should apply. In the specific case of stocks taken as by-catches, in the absence of scientific advice on the levels of minimum spawning biomass of such stocks, specific conservation measures should be adopted when scientific advice indicates that remedial measures are needed.
- (18) In order to enable the implementation of the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for additional management measures. Such measures should be laid down by means of delegated acts.
- (19) The deadline for submitting joint recommendations from Member States having direct management interest should be established, as required by Regulation (EU) No 1380/2013.
- (20) The plan should also provide for certain accompanying technical measures to be adopted, by means of delegated acts, in order to contribute to achieving the objectives of the plan, in particular as regards the protection of juvenile fish or to improve selectivity.
- (21) With a view to ensuring full compliance with the measures laid down in this Regulation, specific control measures should be adopted to complement those provided for in Council Regulation (EC) No 1224/2009.<sup>9</sup>
- (22) Recognising that in the Adriatic Sea vessels targeting small pelagics tend to carry out short fishing trips, the use of prior notification as required under Article 17 of Regulation (EC) No 1224/2009 should be adapted so that the prior notifications are submitted at least one and a half hour before the estimated time of arrival at port. However, considering the limited effect of fishing trips involving very small quantities of fish on the stocks concerned, it is appropriate to establish a threshold for such prior notifications, when these vessels retain on board at least 1 tonne of anchovy or of sardine.
- (23) Recognising that electronic control tools ensure a better and more timely control of the fisheries, in particular of the spatial distribution of fishing activities and of the exploitation of the stocks, the use of vessel monitoring system and of electronic logbook, as required, respectively, under Articles 9 and 15 of Regulation (EC) No 1224/2009 should be extended to all fishing vessels of an overall length of eight metres.
- (24) Thresholds should be established for catches of anchovy and sardine above which 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 those ports or places close to the shore, Member States should apply the

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<sup>9</sup> 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 (OJ L 343, 22.12.2009, p. 1).

criteria provided for in Article 43(5) of that Regulation in such a way as to ensure effective control.

- (25) 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 for the conservation of mackerel and horse mackerel, implementation of the landing obligation and technical measures. It is of particular importance that the Commission carries 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 . 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.
- (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 a periodic evaluation of the plan that is 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 a minimum required period by scientific bodies.
- (27) In accordance with Article 9(4) of Regulation (EU) No 1380/2013, prior to drafting the plan, its likely economic and social impact was assessed.<sup>10</sup>

HAVE ADOPTED THIS REGULATION:

## **CHAPTER I GENERAL PROVISIONS**

### *Article 1*

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

1. This Regulation establishes a multiannual plan for small pelagic stocks in the Adriatic Sea.

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<sup>10</sup> Impact Assessment...[include reference when published].

2. This Regulation shall apply to the stocks of anchovy (*Engraulis encrasicolus*) and sardine (*Sardina pilchardus*) in the Adriatic Sea ("the stocks concerned") and for the fisheries exploiting these stocks. It shall apply also to by-catches of mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.) in the Adriatic Sea caught when fishing for either or both of the stocks concerned.

## *Article 2*

### **Definitions**

1. For the purposes of this Regulation, the definitions 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 2 of Council Regulation (EC) No 1967/2006 shall apply.
2. In addition, the following definitions shall apply:
  - (a) 'Adriatic Sea' means GFCM Geographical Sub-Areas 17 and 18;
  - (b) 'GFCM Geographical Sub-Area' means General Fisheries Commission for the Mediterranean (GFCM) Geographical Sub-Area as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council;<sup>11</sup>
  - (c) 'Small pelagic stocks' means the stocks listed in Article 1(2) of this Regulation and any combination thereof;
  - (d) 'Range of  $F_{MSY}$ ' means a range of values where all levels of fishing mortality within the scientifically indicated boundaries of that range, in situations of mixed fisheries and in accordance with scientific advice, result in the maximum sustainable yield (MSY) in the long term under existing average environmental conditions without significantly affecting the reproduction process for the stocks concerned;
  - (e) '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.
  - (f) 'Fishing opportunity' means a quantified legal entitlement to fish, expressed in terms of catches and/or fishing effort.

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<sup>11</sup> Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

### *Article 3*

#### **Objectives**

1. The multiannual 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 MSY.
2. The multiannual plan shall provide an effective, simple and stable management framework for the exploitation of small pelagic stocks in the Adriatic Sea.
3. The multiannual 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 it and to which this Regulation applies.
4. The multiannual 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.
5. In particular, the multiannual plan shall aim to:
  - (a) ensure that the conditions described in descriptor 3 set out in Annex I to Directive 2008/56/EC are fulfilled; and
  - (b) contribute to the fulfilment of other relevant descriptors set out in Annex I to Directive 2008/56/EC in proportion to the role played by fisheries in their fulfilment.

## **CHAPTER II TARGETS, SAFEGUARDS AND SPECIFIC MEASURES**

### *Article 4*

#### **Targets for anchovy and sardine**

1. The target fishing mortality shall be achieved as soon as possible and on a progressive, incremental basis, by 2020 for the stocks concerned, and it shall be maintained thereafter within the ranges set out in Annex I and in line with the objectives laid down in Article 3(1).
2. 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*

#### **Safeguards**

1. The conservation reference points expressed as minimum and limit spawning stock biomass levels to be applied in order to safeguard the full reproductive capacity of the stocks concerned are set out in Annex II.
2. When scientific advice indicates that the spawning stock biomass of either of the stocks concerned is below the minimum spawning stock biomass reference point set out in Annex II, column A to this Regulation, all appropriate remedial measures shall be adopted to ensure the rapid return of the stock concerned to levels above those capable of producing MSY. In particular, by way of derogation from Article 4(2) and 4(4) of this Regulation, fishing opportunities for the stocks concerned shall be fixed at a level consistent with a fishing mortality that is reduced below the range set out in Annex I, column A to this Regulation, taking into account the decrease in biomass of that stock.
3. When scientific advice indicates that the spawning stock biomass of either of the stocks concerned is below the limit spawning stock biomass reference point ( $B_{lim}$ ) as set out in Annex II, column B to this Regulation, further remedial measures shall be taken to ensure the rapid return of the stock concerned to levels above the level capable of producing MSY. In particular, those remedial measures may include, by way of derogation from Article 4, paragraphs 2 and 4, suspending the targeted fishery for the stock concerned and the adequate reduction of fishing opportunities.

## Article 6

### Specific conservation measures

When scientific advice indicates that remedial action is required for the conservation of the small pelagic stocks referred to in Article 1(2) of this Regulation, or, in the case of anchovy and sardine, when the spawning biomass of either of these stocks 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 16 of this Regulation and Article 18 of Regulation (EU) No1380/2013 regarding:

- (a) characteristics of the fishing gear, in particular mesh size, construction of the gear, size of the gear or use of selectivity devices to ensure or improve selectivity;
- (b) use of the fishing gear and 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.

## CHAPTER III PROVISIONS LINKED TO THE LANDING OBLIGATION

### Article 7

#### Provisions linked to the landing obligation for small pelagic caught in the Adriatic Sea

The Commission is empowered to adopt delegated acts in accordance with Article 15 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, the fishing practices and the ecosystem, to facilitate the implementation of the landing obligation; and
- (b) *de minimis* exemptions to enable the implementation of the landing obligation; such *de minimis* exemptions shall be provided for cases referred to 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 IV REGIONALISATION**

### *Article 8*

#### **Regional cooperation**

1. Article 18 (1) to (6) of Regulation (EU) No 1380/2013 shall apply to measures referred to in Articles 6 and 7 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 multiannual plan in accordance with Article 14 to this Regulation. They may also submit such recommendations when deemed necessary by them, in particular in the event of an abrupt change in the situation for either 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 June of the previous year.
3. The empowerments granted under Articles 6 and 7 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 V CONTROL AND ENFORCEMENT**

### *Article 9*

#### **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, save where otherwise provided for in this Chapter.

### *Article 10*

#### **Prior notification**

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 and a half 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 for an earlier entry into port.
2. The prior notification obligation shall apply to masters of Union fishing vessels retaining on board at least one tonne of anchovy or one tonne of sardine.

### *Article 11*

#### **Vessel monitoring system**

1. For the purposes of this Regulation, the application of the provisions laid down in Article 9(2) of Regulation (EC) No 1224/2009 shall be extended to fishing vessels of eight metres length overall or more, engaged in targeted small pelagic fishery in the Adriatic.
2. The exemption laid down in Article 9(5) of Regulation (EC) No 1224/2009 shall not apply to vessels engaged in targeted small pelagic fisheries in the Adriatic in accordance with this Regulation, irrespective of their length.

### *Article 12*

#### **Electronic completion and transmission of fishing logbooks**

1. For the purposes of this Regulation, the obligation to keep an electronic fishing logbook and to send it by electronic means at least once a day to the competent authority of the flag Member State laid down in Article 15(1) of Regulation (EC) No 1224/2009 shall be extended to masters of Union fishing vessels of eight metres length overall or more engaged in targeted fishing for anchovy or sardine.

2. The exemption laid down in Article 15(4) of Regulation (EC) No 1224/2009 shall not apply to masters of vessels engaged in targeted fishing for anchovy or sardine, irrespective of their length.

### *Article 13*

#### **Designated ports**

The threshold applicable to the live weight of species from the respective stock subject to the multiannual 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) 2000 kg of anchovy;
- (b) 2000 kg of sardine.

## **CHAPTER VI REVIEW**

### *Article 14*

#### **Evaluation of the multiannual plan**

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 multiannual plan on the stocks to which this Regulation applies and on the fisheries exploiting those stocks. The Commission shall submit the results of this evaluation to the European Parliament and to the Council.

## **CHAPTER VII PROCEDURAL PROVISIONS**

### *Article 15*

#### **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 power to adopt delegated acts referred to in Articles 6 and 7 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 6 and 7 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 Interinstitutional Agreement of 13 April 2016 on better law-making.
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 6 and 7 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 VIII FINAL PROVISIONS**

### *Article 16*

#### **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*