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**NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	ST 11636/16 + ADD 1, 2 PECHE 293 CODEC 1142 IA 62
Subject:	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 - Presidency Compromise Proposal

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Delegations will find attached a Presidency compromise on the above-mentioned proposal.

Recitals will be examined and amended accordingly at a later stage.

Depending on the outcome of the discussions on the draft Technical Measures Regulation, an additional provision amending Council Regulation (EC) No 850/98<sup>1</sup> may need to be inserted in the present Regulation before its final adoption so as to enable delegated acts adopted on the basis of its Article 9 to derogate from Council Regulation (EC) No 850/98.

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<sup>1</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. 1–36.

(...)

HAVE ADOPTED THIS REGULATION:

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

**establishing a multi-annual plan for certain demersal stocks in the North Sea, and its adjacent waters, and the fisheries exploiting those stocks, and specifying details of the implementation of the landing obligation in the North Sea and in all other Union waters and in non-Union waters not subject to third countries' sovereignty or jurisdiction and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008**

**CHAPTER I  
SUBJECT MATTER, SCOPE AND DEFINITIONS**

*Article 1*

**Subject-matter and scope**

1. This Regulation establishes a multi-annual plan ("plan") for the **following** demersal stocks in ~~waters of~~ Union waters of ~~ICES zones IIa, IIIa and IV ("North Sea")~~ **the North Sea (ICES zones IIa, IIIa and IV) and its adjacent waters** and the fisheries exploiting ~~the~~ **those** stocks **concerned**:

- (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;**
- (x) Anglerfish (*Lophius piscatorius*) in Division IIIa (Skagerrak and Kattegat) and Subareas IV (North Sea) and VI (West of Scotland and Rockall);**
- (x) Northern Prawn (*Pandalus borealis*) in Divisions IVa East and IIIa;**
- (x) Nephrops in Division IIIa (FU 3-4);**

**(x) Nephrops in Subarea IV (North Sea) by FU:**

- **Nephrops in Botney Gut-Silver Pit (FU 5);**
- **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);**
- **Nephrops in Noup (FU 10);**
- **Nephrops in Norwegian Deeps (FU 32);**
- **Nephrops in Horn's Reef (FU 33);**
- **Nephrops in Devil's Hole (FU 34).**

~~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.~~

**x. This Regulation also applies to by-catches caught when fishing for the stocks identified in paragraph 1.**

**xx. This Regulation also specifies details for the implementation of the landing obligation for all species provided for in Article 15 (1) of Regulation (EU) No 1380/2013 (other than the stocks already identified in paragraphs 1 and x of this Article.)**

**xxx. Where on the basis of scientific advice, or on the basis of a request from the concerned Member States, the Commission considers that the list mentioned in paragraph 1 needs to be amended, the Commission may submit a proposal for the revision of this list.**

## 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 ~~and~~ **Northern prawn** 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 identified in Annexes I and II, as follows:**
  - ~~(a) Cod (*Gadus morhua*) in Subarea IV and Divisions VII d and III a West (North Sea, Eastern Channel, Skagerrak), hereafter referred to as North Sea cod;~~
  - ~~(b) Haddock (*Melanogrammus aeglefinus*) in Subarea IV and Divisions VI a and III a west (North Sea, West of Scotland, Skagerrak) hereafter referred to as haddock;~~
  - ~~(c) Plaice (*Pleuronectes platessa*) in Subarea IV (North Sea) and Division III a (Skagerrak), hereafter referred to as North Sea plaice;~~
  - ~~(d) Saithe (*Pollachius virens*) in Subareas IV and VI and Division III a (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: as identified in Annexes I and II.**

~~(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 IIIa 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.
- x. Measures under the plan shall be taken in accordance with the best available scientific advice.**

## **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%.

**x. Where, on the basis of scientific advice, the Commission considers that the fishing mortality ranges set out in Annex I no longer correctly express the objectives of the plan, the Commission may as a matter of urgency submit a proposal for revision of those ranges.**

**xx. Fishing opportunities shall in any event be fixed in such a way as to ensure that there is less than a 5 % probability of the spawning stock biomass falling below the limit spawning stock biomass reference point ( $B_{lim}$ ) set out in particular in Annex II, column B.**

#### *Article 5*

#### **Targets for Groups 3 and 4 Management of by-catch stocks**

**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~~ Management measures, including, where appropriate, fishing opportunities for the stocks referred to in Article 1 (x), shall be set taking into account the best available scientific advice and in line with the objectives laid down in Article 3.
- x. Where appropriate, in a mixed fishery, in line with Article 9(5) of Regulation 1380/2013, such management measures may take into account the difficulty of fishing all stocks at maximum sustainable yield at the same time. In such cases the precautionary approach may be applied including through the use of the measures outlined in Article 9.

*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  $B_{\text{trigger}}$ ) for fish stocks;
- (b) the limit spawning stock biomass ( $B_{\text{lim}}$ ) for fish stocks;
- (c) the minimum abundance (Abundance<sub>buffer</sub>) for Norway lobster;
- (d) the limit abundance (Abundance<sub>limit</sub>) 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  $B_{\text{trigger}}$  or that the abundance of any of the functional units in Group 2 is below the Abundance<sub>buffer</sub> 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 B**.
2. When scientific advice indicates that the spawning stock biomass of any of the stocks concerned is below the  $B_{\text{lim}}$  or the abundance of any of the Norway lobster functional units is below Abundance<sub>limit</sub> 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~~ **may** include, by way of derogation from paragraphs 2 and 4 of Article 4, suspending the targeted fishery for the stock **or functional unit** concerned and the adequate reduction of fishing opportunities.

**x. Remedial measures referred to in this Article may include:**

**(a) Commission measures in case of a serious threat to marine biological resources in accordance with Article 12 of Regulation (EU) No 1380/2013;**

**(b) Member State emergency measures in accordance with Article 13 of Regulation (EU) No 1380/2013;**

**(c) measures pursuant to Articles 9 and 11 of this Regulation.**

**xx. The choice of measures referred to in this Article shall be made in accordance with the nature, seriousness, duration and repetition of the situation where the spawning stock biomass is below the levels set out in Annex II.**

**xxx. Where, on the basis of scientific advice, the Commission considers that conservation reference points set out in Annex II no longer correctly express the objectives of the plan, the Commission may, as a matter of urgency, submit a proposal for the revision of conservation reference points.**

#### *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 **as identified in Article 1 (1) and (x) 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. **Such delegated acts may supplement this Regulation by laying down rules** 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~~ **Fishing opportunities**

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.~~ **When allocating the fishing opportunities available to them, Member States shall take account of the likely catch composition of vessels participating in mixed fisheries.**
2. Without prejudice to Article 8, the TAC for the stock of Norway lobster in ICES zones IIa and IV ~~shall~~ **may** 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. **As regards the demersal stocks referred to in Article 1(1) and (x), such delegated acts may supplement this Regulation by laying down rules** 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.

**x. The measures referred to in paragraph 1 of this Article shall contribute to the achievement of the objectives set out in Article 3.**

[Chapter VI Regionalisation moved after Article xx3 to ensure that regionalisation applies to all three empowerments (Articles 9, 11 and xx3)]

## CHAPTER VII

### CONTROL MEASURES ACCESS TO WATERS AND RESOURCES

#### Article XXI

##### Fishing authorisations and capacity ceilings

- 1. For each of the ICES zones referred to in Article 1(1), each Member State shall issue fishing authorisations in accordance with Article 7 of Council Regulation (EC) No 1224/2009 for vessels flying its flag which engage in fishing activities in that area. In such fishing authorisations, Member States may also limit the total capacity expressed in kW of such vessels using a specific gear.**
- 2. For cod in the Eastern Channel (ICES Division VIIId), without prejudice to the capacity ceilings set out in Annex II of Regulation (EU) No 1380/2013, the total capacity expressed in kW of the vessels having fishing authorisations issued in accordance with paragraph 1 of this Article shall not be greater than the maximum capacity of the vessels that have been active in 2006 or 2007 using one of the following gears in the ICES zone concerned:**

  - (a) bottom trawls and seines (OTB, OTT, PTB, SDN, SSC, SPR) of mesh:**

    - (i) equal to or larger than 100 mm;**
    - (ii) equal to or larger than 70 mm and less than 100 mm;**
    - (iii) equal to or larger than 16 mm and less than 32 mm;**

- (b) beam trawls (TBB) of mesh:**
  - (i) equal to or larger than 120 mm;**
  - (ii) equal to or larger than 80 mm and less than 120 mm;**
- (c) gill nets, entangling nets (GN);**
- (d) trammel nets (GT);**
- (e) longlines (LL).**

**3. Each Member State shall establish and maintain a list of vessels holding the fishing authorisation referred to in paragraph 1 and make it available on its official website to the Commission and other Member States.**

#### *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 XX1

### MANAGEMENT OF STOCKS OF COMMON INTEREST

#### Article XX2

#### Principles and objectives of management of stocks of common interest to the Union and third countries

Where stocks of common interest are also exploited by third countries, the Union shall engage with those third countries with a view to ensuring that these stocks are managed in a sustainable manner that is consistent with this Regulation and with the objectives laid down in Article 3. Where no formal agreement is reached, the Union shall make every effort to reach common arrangements for fishing of such stocks with a view to making the sustainable management possible thereby promoting the level-playing field for Union operators.

## 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. **The Commission may report at an earlier date if this is deemed necessary by all Member States concerned or by the Commission itself.**

**CHAPTER XX2**

**DETAILS OF THE IMPLEMENTATION OF THE LANDING OBLIGATION IN THE NORTH SEA AND IN ALL OTHER UNION WATERS AND IN NON-UNION WATERS NOT SUBJECT TO THIRD COUNTRIES' SOVEREIGNTY OR JURISDICTION**

*Article XX3*

**Provisions linked to the landing obligation in the North Sea and in all other Union waters and in non-Union waters not subject to third countries' sovereignty or jurisdiction**

- 1. Article 15(1) of Regulation 1380/2013 establishes a landing obligation for all catches of certain species in certain fisheries and geographical areas. Without prejudice to Article 15(6) of Regulation 1380/2013, 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. Such delegated acts may supplement this Regulation for the species and areas referred to in Article 1(xxx) of this Regulation by laying down rules as regards:**
  - (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~~ XX3

### REGIONALISATION

#### *Article ~~12~~ XX4*

#### **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 9, and 11 and xx3~~ 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~~ as soon as they are available ~~of~~ during the previous year.

3. The empowerments granted under Articles 9, ~~and~~ 11 **and xx3** 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 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 **and xx3** 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 **and xx3** 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>2</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 XX5**

#### **Support from the European Maritime and Fisheries Fund**

**Temporary cessation measures adopted in order to achieve the objectives of the plan shall be deemed as temporary cessation of fishing activities for the purposes of points (a) and (c) of Article 33(1) of Regulation (EU) No 508/2014.**

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<sup>2</sup> Inter-institutional agreement between the European Parliament, the Council of the European Union and the European Commission on better law-making.

*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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ANNEXES

[...]

*to the*

**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**

**ANNEX I**

**Target fishing mortality**

**(as referred to in Article 4)**

**1. Group 1**

Stock	Target fishing mortality range consistent with achieving maximum sustainable yield (F <sub>MSY</sub> )	
	Column A	Column B
North Sea cod	0.22 – 0.33	0.33 – 0.49
Haddock	0.25 – 0.37	0.37 – 0.52
North Sea plaice	0.13 – 0.19	0.19 – 0.27
Saithe	<del>0.20</del> <u>0.21</u> – <del>0.32</del> <u>0.36</u>	<del>0.32</del> <u>0.36</u> – <del>0.43</del> <u>0.49</u>

North Sea sole	0.11 – 0.20	0.20 – 0.37
Kattegat sole	0.19 – <del>0.22</del> <u>0.23</u>	<del>0.22</del> <u>0.23</u> – 0.26
North Sea whiting	<del>Not defined</del> <u>p.m</u>	<del>Not defined</del> <u>p.m</u>
<u>Anglerfish in Division IIIa and Subareas IV and VI</u>	<u>p.m</u>	<u>p.m</u>
<u>Northern shrimp Prawn in Divisions IVa East and IIIa West</u>	<u>p.m</u>	<u>p.m</u>

2. Group 2

Norway lobster functional unit (FU)	Target fishing mortality range consistent with achieving maximum sustainable yield ( $F_{MSY}$ ) (as harvest rate)	
	Column A	Column B
Division IIIa FU 3 and 4	0.056 – 0.079	0.079 – 0.079
Farn Deeps FU 6	0.07 – 0.081	0.081 – 0.081
Fladen Ground FU 7	0.066 – 0.075	0.075 – 0.075
Firth of Forth FU 8	0.106 – 0.163	0.163 – 0.163
Moray Firth FU 9	0.091 – 0.118	0.118 – 0.118
<b><u>Botney Gut-Silver Pit FU 5</u></b>	<i><b><u>p.m</u></b></i>	<i><b><u>p.m</u></b></i>
<b><u>Noup FU 10</u></b>	<i><b><u>p.m</u></b></i>	<i><b><u>p.m</u></b></i>
<b><u>Norwegian Deeps FU 32</u></b>	<i><b><u>p.m</u></b></i>	<i><b><u>p.m</u></b></i>
<b><u>Horn's Reef FU 33</u></b>	<i><b><u>p.m</u></b></i>	<i><b><u>p.m</u></b></i>
<b><u>Devil's Hole FU 34</u></b>	<i><b><u>p.m</u></b></i>	<i><b><u>p.m</u></b></i>

## ANNEX II

### Conservation reference points

(as referred to in Article 7)

#### 1. Group 1

Stock	Minimum spawning stock biomass reference point (in tonnes) (MSY $B_{trigger}$ )	Limit biomass reference point (in tonnes) ( $B_{lim}$ )
	<u>Column A</u>	<u>Column B</u>
North Sea cod	165 000	118 000
Haddock	88 000	63 000
North Sea plaice	230 000	160 000
Saithe	<del>200 000</del> <u>150 000</u>	106 000
North Sea sole	37 000	26 300
Kattegat sole	2 600	1 850
North Sea whiting	<del>Not defined</del> <u>p.m</u>	<del>Not defined</del> <u>p.m</u>
<u>Anglerfish in Division IIIa and Subareas IV and VI</u>	<u>p.m</u>	<u>p.m</u>
<u>Northern Prawn shrimp in Divisions IVa East and IIIa West</u>	<u>p.m</u>	<u>p.m</u>

## 2. Group 2

Norway lobster functional unit	Minimum abundance reference point (in millions) ( $Abundance_{buffer}$ )	Limit abundance reference point (in millions) ( $Abundance_{limit}$ )
	<u>Column A</u>	<u>Column B</u>
Division IIIa FU 3 and 4	NA	NA
Farn Deeps FU 6	999	858
Fladen Ground FU 7	3583	2767
Firth of Forth FU 8	362	292
Moray Firth FU 9	262	262
<b><u>Botney Gut-Silver Pit FU 5</u></b>	<i><u>p.m</u></i>	<i><u>p.m</u></i>
<b><u>Noup FU 10</u></b>	<i><u>p.m</u></i>	<i><u>p.m</u></i>
<b><u>Norwegian Deeps FU 32</u></b>	<i><u>p.m</u></i>	<i><u>p.m</u></i>
<b><u>Horn's Reef FU 33</u></b>	<i><u>p.m</u></i>	<i><u>p.m</u></i>
<b><u>Devil's Hole FU 34</u></b>	<i><u>p.m</u></i>	<i><u>p.m</u></i>