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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	25 August 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2020) 431 final
Subject:	Proposal for a COUNCIL REGULATION amending Regulation (EU) 2019/2236 of 16 December 2019 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas

Delegations will find attached document COM(2020) 431 final.

Encl.: COM(2020) 431 final

EUROPEAN
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Brussels, 25.8.2020
COM(2020) 431 final

2020/0203 (NLE)

Proposal for a

COUNCIL REGULATION

amending Regulation (EU) 2019/2236 of 16 December 2019 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Council Regulation (EU) 2019/2236 fixing for 2020 the fishing opportunities for fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas[1] needs to be modified to take into account modifications corrections in the baseline of Spain regarding the fishing effort.

• Consistency with existing policy provisions in the policy area

The measures proposed are designed in accordance with the objectives and the rules of the Common Fisheries Policy and are consistent with the Union's policy on sustainable development.

• Consistency with other Union policies

The measures proposed are consistent with other Union policies, in particular with the policies in the field of environment.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The legal basis of this proposal is Article 43(3) of the Treaty on the Functioning of the European Union.

The Union's obligations for sustainable exploitation of living aquatic resources arise from obligations set out in Article 2 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council[2] .

• Subsidiarity (for non-exclusive competence)

The proposal falls under the Union exclusive competence as referred to in Article 3(1)(d) of the Treaty. The subsidiarity principle therefore does not apply.

• Proportionality

The proposal complies with the proportionality principle for the following reason: the CFP is a common policy. According to Article 43(3) of the Treaty, it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities.

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[1] Council Regulation (EU) 2019/2236 of 16 December 2019 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas. Please refer to https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R2236&from=en

[2] 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).

- **Choice of the instrument**

Proposed instrument: regulation.

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

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

Not applicable

- **Stakeholder consultations**

Not applicable.

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

The scope of the fishing opportunities regulation is circumscribed by Article 43(3) of the Treaty.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

Not applicable.

4. BUDGETARY IMPLICATIONS

The proposed measures will have no budgetary implications.

5. OTHER ELEMENTS

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

Not applicable.

- **Explanatory documents (for directives)**

Not applicable.

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

The proposed amendment seeks to modify Council Regulation (EU) 2019/2236 as described below.

The western Mediterranean Multi-Annual management Plan (MAP)[3] covers demersal trawling from Spain, France and Italy and entered into force on 27 June 2019. The MAP provides in particular for an effort regime with gradual effort reductions, calculated based on a baseline determined by Member States in accordance with the criteria set out in the MAP. The effort reduction prescribed by the MAP for 2020, the first year of implementation, was set in Council Regulation (EU) 2019/2236.

Regarding the calculation of effort reduction, Spain informed the Commission at the end of May 2020 about an error in their fishing effort data which has implication on the baseline used for fishing effort reduction, not in terms of amount of the baseline but how it gets distributed between fishing effort groups in Spain. During the process of this baseline estimation, Spain identified a flaw in the technical calculation to separate the fishing days between the coastal fishery and the deep fishery (i.e. red shrimp, one of the key target species in the MAP) in the case of the trips with a duration of more than one day. This modification in the calculation does not affect the total number of fishing days for Spain regarding the effort and only concerns a small proportion of the total trips and vessels. However, it has a significant impact on the allocation of fishing days between both fisheries, for Spain and for Spanish vessels.

This modification does not have implication for the other Member States implementing the MAP.

Therefore, in order to avoid any discrepancy between the Spanish reporting on their fishing effort and the amount of fishing effort adopted for 2020 in the aforementioned Council Regulation, the Fishing Opportunities Regulation for 2020 needs to be amended accordingly, to correct the data.

[3] Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014, please refer to http://data.europa.eu/eli/reg/2019/1022/oj.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Council Regulation (EU) 2019/2236[4] fixes for 2020 the fishing opportunities for fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas

(2) The Multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea was established by Regulation (EU) 2019/1022 of the European Parliament and of the Council[5]. Pursuant to Article 4(1) of that Regulation, fishing opportunities for stocks listed in Article 1 of that Regulation should be fixed to achieve fishing mortality at Maximum Sustainable Yield ('MSY') on a progressive, incremental basis by 2020 where possible, and by 1 January 2025 at the latest. Fishing opportunities should be expressed as maximum allowable fishing effort and fixed in accordance with the fishing effort regime laid down in Article 7 of that Regulation. Each Member State should have calculated the baseline for each fishing effort group or geographical sub-area as the average fishing effort, expressed as number of fishing days between 1 January 2015 and 31 December 2017, and should take account only of vessels active during that period. For 2020, the maximum allowable fishing effort should therefore be reduced by 10 % compared to the baseline calculated in accordance with Article 7(4) of that Regulation. The Member States have declared their baseline effort data by fleet segments and in fishing days.

(3) During the process of baseline estimation for the effort reduction, Spain identified a flaw in the technical calculation to separate the fishing days between the coastal

[4] COUNCIL REGULATION (EU) 2019/2236 of 16 December 2019 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 336, 30-12-2019, p. 14).

[5] Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 (OJ L 172, 26.6.2019, p. 1).

fishery and the deep fishery (i.e. red shrimp, one of the key target species in Regulation (EU) 2019/1022), in the case of trips with a duration of more than one day.

(4) Consequently, there is a need to amend the calculation of Spain's baseline regarding the maximum allowable fishing effort in fishing days. This modification to the calculation does not affect the total number of fishing days for Spain, nor does it have an implication for the other Member States implementing the Multi-annual management plan. However, this modification is necessary in order to avoid any discrepancy between the Spanish reporting on their fishing effort and the amount of fishing effort set out in Regulation (EU) 2019/2236.

(5) Regulation (EU) 2019/2236 should therefore be amended accordingly.

(6) In order to avoid the interruption of fishing activities and to ensure the livelihood of Union fishers, this Regulation should apply from 1 January 2020. For reasons of urgency, this Regulation should enter into force immediately upon publication.

HAS ADOPTED THIS REGULATION:

Article 1
Amendment of Regulation (EU) 2019/2236

In Annex I to Council Regulation (EU) No 2019/2236, in the section referring to 'Maximum allowable fishing effort in fishing days' table (a) is replaced by the following:

"Alboran Sea, Balearic Islands, Northern Spain and Gulf of Lion (GSAs 1-2-5-6-7)

Stock group	Overall length of vessels	Spain	France	Italy	Fishing effort group code
Red mullet in GSAs 1, 5, 6 and 7; Hake in GSAs 1-5-6-7; Deep-water rose shrimp in GSAs 1, 5 and 6; Norway lobster in GSAs 5 and 6.	< 12 m	2 260	0	0	EFF1/MED1_TR1
	≥ 12 m and < 18 m	24 284	0	0	EFF1/MED1_TR2
	≥ 18 m and < 24 m	45 563	5 144	0	EFF1/MED1_TR3
	≥ 24 m	16 047	6 258	0	EFF1/MED1_TR4
Blue and red shrimp in GSAs 1, 5, 6 and 7.	< 12 m	0	0	0	EFF2/MED1_TR1
	≥ 12 m and < 18 m	1139	0	0	EFF2/MED1_TR2
	≥ 18 m and < 24 m	11535	0	0	EFF2/MED1_TR3
	≥ 24 m	9260	0	0	EFF2/MED1_TR4

"

Article 2

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

It shall apply from 1 January 2020.

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

Done at Brussels,

For the Council
The President