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PECHE 216

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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

COUNCIL REGULATION (EU) 2020/…

of …

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

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[1] fixes for 2020 the fishing opportunities for certain 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 ('the plan') was established by Regulation (EU) 2019/1022 of the European Parliament and of the Council[2]. Pursuant to that Regulation, fishing opportunities for the stocks concerned 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.

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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 (OJ L 336, 30.12.2019, p. 14).

2 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).

(3) Pursuant to Regulation (EU) 2019/1022, fishing opportunities should be expressed as maximum allowable fishing effort and fixed in accordance with the fishing effort regime laid down in 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. The Member States have declared their baseline effort data by fleet segments and in fishing days.

(4) During the process of baseline estimation for the fishing effort reduction, Spain identified an error in the technical calculation used to separate fishing days between the coastal fishery and the deep fishery in the case of trips with a duration of more than one day.

(5) Consequently, it is necessary to amend the calculation of Spain's baseline regarding the maximum allowable fishing effort in fishing days. Such modification of the calculation does not affect the total number of fishing days for Spain, nor does it have an implication for other Member States implementing the plan. However, such modification is necessary in order to avoid any discrepancy between Spain's reporting on its fishing effort and the amount of fishing effort set out in Regulation (EU) 2019/2236.

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

(7) For reasons of urgency, this Regulation should enter into force immediately upon its publication. Regulation (EU) 2019/2236 applies from 1 January 2020. This Regulation should also apply from that date. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the fishing opportunities for the fishing effort groups concerned have not yet been exhausted,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EU) 2019/2236

In Annex I to Regulation (EU) 2019/2236, section (a) is replaced by the following:

‘(a) 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	1 139	0	0	EFF2/MED1_TR2
	≥ 18 m and < 24 m	11 535	0	0	EFF2/MED1_TR3
	≥ 24 m	9 260	0	0	EFF2/MED1_TR4

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Article 2

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

It shall apply with effect 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