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COVER NOTE

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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 22.8.2023 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council by specifying details of the landing obligation for certain demersal stocks in the western Mediterranean Sea

Delegations will find attached document C(2023) 5540 final.

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Brussels, 22.8.2023
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COMMISSION DELEGATED REGULATION (EU) .../...

of 22.8.2023

supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council by specifying details of the landing obligation for certain demersal stocks in the western Mediterranean Sea

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

A key objective of the Common Fisheries Policy ('CFP') is the gradual elimination of discards in all EU fisheries. Discards constitute a substantial waste of resources and negatively affect the sustainable exploitation of resources as well as the economic viability of fisheries. The landing obligation for the demersal fisheries in the Mediterranean Sea applies as of 1 January 2017 to species that define the fisheries and at the latest from 1 January 2019 to all other species. The CFP also provides for increased regionalisation, which is intended to ensure that rules are adapted to the specific characteristics of each fishery and sea area.

Article 15(4), point (b), of Regulation (EU) No 1380/2013¹ provides for an exemption from the landing obligation for the species for which scientific evidence demonstrates high survival rates. Article 15(4), point (c) read in conjunction with Article 15(5), point (c) of Regulation (EU) No 1380/2013 also provides for specific flexibility mechanisms exemptions or *de minimis* exemptions where scientific evidence indicates that increases in selectivity are very difficult to achieve or to avoid disproportionate costs of handling unwanted catches.

Commission Delegated Regulation (EU) No 2017/86² established a temporary discard plan for certain demersal fisheries in the Mediterranean Sea, applicable from 1 January 2017 until 31 December 2019. That regulation was amended by Commission Delegated Regulation (EU) No 2018/153³, Commission Delegated Regulation (EU) 2018/2036⁴ and Commission Delegated Regulation (EU) 2020/4⁵, to include additional high survivability exemptions and to extend the application of the temporary discard plan until 31 December 2021.

Regulation (EU) 2019/1022 of the European Parliament and of the Council⁶ establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea entered into force on 16 July 2019. Article 14 of that Regulation empowers the Commission to adopt delegated acts specifying details of the landing obligation on the basis of a joint recommendation submitted by Member States having a management interest in the relevant fisheries in the western Mediterranean Sea.

Commission Delegated Regulation (EU) 2021/2066, which entered into force on 27 November 2021, supplemented Regulation (EU) 2019/1022 by establishing exemptions from the landing obligation concerning certain demersal fisheries in the western Mediterranean Sea

¹ 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).

² Commission Delegated Regulation (EU) 2017/86 of 20 October 2016 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea (OJ L 14, 18.1.2017, p. 4).

³ Commission Delegated Regulation (EU) 2018/153 of 23 October 2017 amending Delegated Regulation (EU) 2017/86 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea (OJ L 29, 1.2.2018, p. 1).

⁴ Commission Delegated Regulation (EU) 2018/2036 of 18 October 2018 amending Delegated Regulation (EU) 2017/86 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea (OJ L 327, 21.12.2018, p. 27).

⁵ Commission Delegated Regulation (EU) 2020/4 of 29 August 2019 amending Delegated Regulation (EU) 2017/86 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea (OJ L 2, 6.1.2020, p. 5).

⁶ 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, 26.06.2019, p. 1).

for the period 1 January 2022 to 31 December 2024. It also established a high survivability exemption until 31 December 2022 for 3 bivalve species: Venus shells (*Venus spp.*), carpet Clams (*Venerupis spp.*) and scallop (*Pecten jacobaeus*). Delegated Regulation (EU) 2022/2288⁷ extended the exemption until 31 December 2023 for Carpet Clams and Scallop and until 31 December 2024 for Venus shells.

On 3 May 2023, France, Italy and Spain ('Pescamed High-Level Group') submitted an initial joint recommendation for the extension for certain species of the exemptions on high survivability and of the *de minimis* exemptions.

High survivability exemptions included in the initial joint recommendation were the following:

- red seabream (*Pagellus bogaraveo*),
- lobster (*Homarus gammarus*),
- crawfish (*Palinuridae*),
- carpet clams (*Venerupis spp.*), and
- scallops (*Pecten Jacobaeus*)

De minimis exemptions included in the initial joint recommendation were the following:

- hake (*Merluccius merluccius*) and mullets (*Mullus spp.*) caught by vessels using bottom trawls,
- hake (*Merluccius merluccius*) and mullets (*Mullus spp.*) caught by vessels using gillnets and trammel nets,
- European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*), gilthead seabream (*Sparus aurata*) and deep-water rose shrimp (*Parapenaeus longirostris*) caught by vessels using bottom trawls,
- European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*) caught by vessels using gillnets and trammels nets and,

⁷ Commission Delegated Regulation (EU) 2021/2066 of 25 August 2021 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council regarding details of implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea for the period 2022-2024

- European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpnose seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*) caught by vessels using hooks and lines.

On 15 June 2023, the Scientific, Technical and Economic Committee for Fisheries (‘STECF’) evaluated the scientific evidence provided by the PESCAMED High-Level Group in support of its initial joint recommendation.

Regarding the high survivability exemption for scallop (*Pecten jacobaeus*) and carpet Clams (*Venerupis spp.*) caught with mechanised dredges, the STECF advised that the gear used is highly selective and that the quantities landed are so small that it is hard to conduct a study. The high probability of survival (94-95%) is deduced from discards of other bivalve species caught with mechanized dredges.

Regarding the high survivability exemption for red sea bream (*Pagellus bogaraveo*) caught with hooks and lines, the STECF advised that the general trend is that the red sea bream caught with hooks may have a good chance of survival if released immediately after capture. This could also have positive impacts on the stock.

Regarding the high survivability exemption for lobster (*Homarus gammarus*) and crawfish (*Palinuridae*) caught with nets and with pots and traps, the STECF noted that new studies were submitted to support the exemptions and that those studies are robust enough to demonstrate a fair survivability for the species. Moreover, the STECF considered that the release of undersize specimens into the sea is beneficial to the stock.

Regarding the *de minimis* exemptions for:

- hake (*Merluccius merluccius*) and mullets (*Mullus spp.*) caught with bottom trawls,
- European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpnose seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*), gilthead seabream (*Sparus aurata*) and deep-water rose shrimp (*Parapenaeus longirostris*) caught with bottom trawls, and
- European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpnose seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*) caught with gillnets and trammel nets,

the STECF advised that new studies and research have been conducted and that, on that basis, the disproportionate costs have been demonstrated by the PESCAMED High-Level Group. Moreover, in the case of demersal fish caught with gillnets and trammel nets, STECF acknowledged that the studies conducted indicate an inability to increase selectivity.

Regarding the *de minimis* exemptions for:

- hake (*Merluccius merluccius*) and mullets (*Mullus spp.*) caught by vessels using gillnets and trammel nets, and
- European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*) caught by vessels using hooks and lines

the STECF acknowledged that updated catch and fishery information has been provided and that, based on the results of some of the projects implemented, the disproportionate costs to handle unwanted catches have been demonstrated. Moreover, regarding demersal finfish caught with hooks and lines, STECF recognised that this gear is highly selective.

On 28 June 2023, the Pescamed High Level Group submitted an updated joint recommendation.

In the updated joint recommendation, Member States renewed the commitment to increase the selectivity of the fishing gears in accordance with the results of current research programmes in order to reduce and limit unwanted catches and particularly catches below minimum conservation reference sizes. Furthermore, Member States committed to identify further closure areas based on the STECF advice in order to reduce juvenile mortality, where there is evidence of a high concentration of juvenile fish.

In accordance with Article 14(1) of Regulation (EU) 2019/1022 and Article 18 of Regulation (EU) 1380/2013, the proposed delegated act is based on the updated joint recommendation developed and submitted to the Commission by the Member States concerned, who have a direct management interest in the relevant fisheries in the western Mediterranean Sea.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

For the purpose of implementing the regionalised approach, the Pescamed High-Level Group agreed that the chair of the group should submit a joint recommendation to the Commission. Accordingly, the initial joint recommendation was submitted to the Commission services on 3 May 2023.

The initial joint recommendation was the result of discussions between the members of the Pescamed High-Level Group and took into account the views of the Mediterranean Advisory Council ('MEDAC'), which is concerned by the fisheries covered by the joint recommendation.

The STECF evaluated the initial joint recommendation on 15 June 2023.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Summary of the proposed action

The main action is to adopt measures that would help to implement the landing obligation.

The Regulation specifies the species and fisheries to which specific measures such as the high

survivability exemptions and the *de minimis* exemptions would apply.

Legal basis

Article 14 of Regulation (EU) No 2019/1022.

COMMISSION DELEGATED REGULATION (EU) .../...

of 22.8.2023

supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council by specifying details of the landing obligation for certain demersal stocks in the western Mediterranean Sea

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/1022 of the European Parliament and 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 508/2014¹, and in particular Article 14 thereof,

Whereas:

- (1) Regulation (EU) 2019/1022 establishes a multiannual plan concerning demersal fisheries in the western Mediterranean Sea. Article 14 of that Regulation empowers the Commission to adopt delegated acts in order to supplement that Regulation by specifying details of the landing obligation for all stocks of species in the western Mediterranean Sea to which the landing obligation applies and for incidental catches of pelagic species in fisheries exploiting the stocks in accordance with that provision.
- (2) Commission Delegated Regulation (EU) 2021/2066² provides for the implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea applicable from 1 January 2022 until 31 December 2024. It also established a high survivability exemption until 31 December 2022 for 3 bivalve species: Venus shells (*Venus spp.*), carpet Clams (*Venerupis spp.*) and scallop (*Pecten jacobaeus*).
- (3) Commission Delegated Regulation (EU) 2022/2288³ extended the duration of the high survivability exemption to the landing obligation for scallop (*Pecten jacobaeus*) and carpet clams (*Venerupis spp.*) until 31 December 2023 and for Venus shells (*Venus spp.*), until 31 December 2024.

¹ 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).

² Commission Delegated Regulation (EU) 2021/2066 of 25 August 2021 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council regarding details of implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea for the period 2022-2024 (OJ L 421, 26.11.2021, p. 17).

³ Commission Delegated Regulation (EU) 2022/2288 of 16 August 2022 amending Delegated Regulation (EU) 2021/2066 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council as regards the extension of the high survivability exemption to the landing obligation for Venus shells (*Venus spp.*), Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis spp.*) in the western Mediterranean Sea (OJ L 303, 23.11.2022, p. 3).

- (4) On 3 May 2023, Spain, France and Italy ('Pescamed High-Level Group') submitted to the Commission an initial joint recommendation proposing the extension of certain exemptions from the landing obligation for demersal fisheries in the western Mediterranean Sea, taking into account the views of the Mediterranean Advisory Council ('MEDAC').
- (5) The STECF assessed the initial joint recommendation on 15 June 2023⁴.
- (6) On 28 June 2023, the Pescamed High-Level Group submitted an updated joint recommendation.
- (7) Under Article 18 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁵, the Commission has considered the updated joint recommendation of Pescamed in light of the STECF's assessment of the initial joint recommendation to ensure that the updated joint recommendation is compatible with the relevant Union conservation measures, including the landing obligation.
- (8) The Commission has also taken into account that: (i) the upcoming evaluation of the landing obligation⁶ is expected to provide more information on the effectiveness, efficiency, coherence, relevance and added value of the landing obligation; and (ii) the Scientific, Technical and Economic Committee for Fisheries (STECF) has noted⁷ that the current process of evaluating joint recommendations is inefficient, that further reflection is necessary as to how it can be further improved and that such reflection would allow discussion on data issues and on finding new ways to improve the implementation of the landing obligation.
- (9) In addition, in the western Mediterranean Sea, species are caught at the same time, at highly varying quantities, making a single stock approach challenging. Those species are furthermore caught by small-scale fishing vessels and landed in many different landing points spread out geographically along the coast, which results in disproportionate costs of handling unwanted catches.
- (10) Moreover, in the updated joint recommendation, the Member States concerned renewed their commitment to undertake new studies and to increase the selectivity of the fishing gears in accordance with the results of current research programmes in order to reduce and limit unwanted catches and particularly catches below minimum conservation reference sizes. Furthermore, the Member States committed to identify further closure areas based on the STECF advice in order to reduce juvenile mortality, where there is evidence of a high concentration of juvenile fish.
- (11) The STECF also noted that the combined *de minimis* approach covers a broad group of species with a wide range of discard rates but considered such broad coverage a valid

⁴ Scientific, Technical and Economic Committee for Fisheries (STECF) – Evaluation of Joint Recommendations on the landing obligation and on Technical Measures Regulation (STECF-23-04 & 23-06).

⁵ 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).

⁶ COM(2023) 103 final.

⁷ <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JR+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

approach given the complexity of the fisheries in the western Mediterranean Sea. Furthermore, the STECF considered that individual *de minimis* exemptions covering a single species would likely result in many separate exemptions that would be equally challenging to monitor.

- (12) Like the initial joint recommendation, the updated joint recommendation proposes extending the survivability exemption, as provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013, established for mollusc bivalves, namely scallop (*Pecten jacobaeus*) and carpet clams (*Venerupis spp.*) caught with mechanised dredges. The STECF noted that the gear used is reported to be highly selective, the fishery is regulated by requiring that specimens be marketed alive as other similar molluscs species displaying high-survivability with the same gear and that the quantities landed are so small that it is hard to conduct a study. Moreover, the Pescamed High-Level Group has committed to develop specifically designed survivability tests for these species regarding the Western Mediterranean. For the reasons set out in this recital and in recitals (7) to (10) above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (13) Like the initial joint recommendation, the updated joint recommendation proposes extending the survivability exemption for red sea bream (*Pagellus bogaraveo*) caught with hooks and lines. The STECF noted that the results of several projects showed good rates of survivability, but that the information presented is not definitive. Moreover, the commitment from the Pescamed High-Level Group to develop additional trials and on-board observations in order to observe the high survivability of red sea-bream based on captive observations, to be launched with the involvement of the fishermen. For the reasons set out in this recital and in recitals (7) to (10) above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (14) Like the initial joint recommendation, the updated joint recommendation proposes extending the survivability exemption for crawfish (*Palinuridae*) and lobster (*Homarus gammarus*) caught with nets and with pots and traps. The STECF noted that new studies were submitted to support the exemption and that those studies are sufficiently robust to demonstrate survivability, indicated good survival and that the release of undersize specimens into the sea is beneficial to the fishery. For the reasons set out in this recital and in recitals (7) to (10) above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (15) Like the initial joint recommendation, the updated joint recommendation proposes extending the *de minimis* exemptions for hake (*Merluccius merluccius*) and mullets (*Mullus spp.*) caught with bottom trawls. The STECF noted that new information was provided, new studies and research have been implemented and that the disproportionate costs have been reasonably demonstrated. For the reasons set out in this recital and in recitals (7) to (10) above, the Commission therefore considers that the exemptions requested should be granted from 1 January 2024 to 31 December 2027.
- (16) Like the initial joint recommendation, the updated joint recommendation proposes extending the *de minimis* exemptions for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpnose seabream (*Diplodus puntazzo*),

white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*), gilthead seabream (*Sparus aurata*) and deep-water rose shrimp (*Parapenaeus longirostris*) caught with bottom trawls. The STECF noted that new information was provided, new studies and research have been implemented and the disproportionate costs have been reasonably demonstrated. For the reasons set out in this recital and in recitals (7) to (10) above, the Commission therefore considers that the exemptions requested should be granted from 1 January 2024 to 31 December 2027.

- (17) Like the initial joint recommendation, the updated joint recommendation proposes extending the *de minimis* exemption for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpnose seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*) caught with gillnets and trammel nets. The STECF noted that new information was provided, new studies and research have been implemented and the disproportionate costs have been reasonably demonstrated and acknowledged that the studies conducted indicate the inability to increase selectivity of gears. For the reasons set out in this recital and in recitals (7) to (10) above, the Commission considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (18) Like the initial joint recommendation, the updated joint recommendation proposes extending the *de minimis* exemption for hake (*Merluccius merluccius*) and mullets (*Mullus spp.*) caught by vessels using gillnets and trammel nets. The STECF acknowledged the results of some of the projects implemented and is looking forward to seeing the results of the ongoing projects that are developed by the Member States for the specificities of gillnets and trammel nets. For the reasons set out in this recital and in recitals (7) to (10) above, the Commission considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (19) Like the initial joint recommendation, the updated joint recommendation proposes extending the *de minimis* exemption for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpnose seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*) caught by vessels using hooks and lines. The STECF recognised that the studies submitted indicate that this gear is highly selective. Moreover, the exemption proposed is 1%. For the reasons set out in this recital and in recitals (7) to (10) above, the Commission considers that the exemption should be granted from 1 January 2024 to 31 December 2027.
- (20) The *de minimis* exemptions foreseen in this act apply to several species that are caught at the same time, in highly varying quantities, making a single stock approach more

challenging. The exemptions also apply to such stocks caught by small scale fishing vessels and landed at many different landing points spread out geographically along the coast. Those species are subject to minimum conservation reference sizes as specified in Annex IX to Regulation (EU) 2019/1241⁸ and not, at this stage, to catch limits, which does not allow to implement Article 15(8) and (9) of Regulation (EU) No 1380/2013.

- (21) The exemption on high survivability species applies to stocks caught by small scale fishing vessels and landed at many different landing points spread out geographically along the coast. Those species are subject to minimum conservation reference sizes as specified in Annex IX to Regulation (EU) 2019/1241 and not, at this stage, to catch limits, which does not allow to implement Articles 15(8) and (9) of Regulation (EU) No 1380/2013.
- (22) Since the measures provided for in this Regulation impact directly on the planning of the fishing season of Union vessels and on related economic activities and for reasons of legal certainty this Regulation should apply from 1 January 2024,

HAS ADOPTED THIS REGULATION:

Article 1
Implementation of the landing obligation

The landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply in Union waters of the Western Mediterranean Sea to demersal fisheries in accordance with this Regulation.

Article 2
Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'GFCM Geographical Sub-Areas' ('GSAs') means General Fisheries Commission for the Mediterranean ('GFCM') Geographical Sub-Areas as defined in the Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council.
- (2) 'Western Mediterranean Sea' means GFCM Geographical Sub-Areas 1, 2, 5, 6, 7, 8, 9, 10, 11.1, 11.2 and 12.

⁸ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 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 (OJ L 198, 25.7.2019, p. 105–201)

Article 3
Survivability exemptions

1. The exemption from the landing obligation pursuant to Article 15(4), point (b) of Regulation (EU) No 1380/2013 for species for which scientific evidence demonstrates high survival rates, in the western Mediterranean Sea, shall apply to:
 - (a) scallop (*Pecten jacobaeus*) caught with mechanised dredges (HMD).
 - (b) carpet clams (*Veneupis spp.*) caught with mechanised dredges (HMD).
 - (c) red sea bream (*Pagellus bogaraveo*) caught with hooks and lines (LHP, LHM, LLS, LLD, LL, LTL, LX).
 - (d) lobster (*Homarus gammarus*) caught with nets (GNS, GN, GND, GNC, GTN, GTR, GEN) and with pots and traps (FPO, FIX).
 - (e) crawfish (*Palinuridae*) caught with nets (GNS, GN, GND, GNC, GTN, GTR, GEN) and with pots and traps (FPO, FIX).
2. Scallop (*Pecten jacobaeus*), carpet Clams (*Venerupis spp.*), red sea bream (*Pagellus bogaraveo*), lobster (*Homarus gammarus*) and crawfish (*Palinuridae*) caught in the circumstances referred to in paragraph 1 shall be released immediately in the area where they have been caught.
3. By 1 May 2027, the Member States having a direct management interest in the fisheries in the Mediterranean Sea shall submit to the Commission additional discard data and the results of the research, projects and studies supporting the exemption laid down in paragraph 1. The STECF shall assess the data and information submitted by 31 July 2027 at the latest.

Article 4
De minimis exemption

1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities of species may be discarded pursuant to Article 15(4), point (c) of Regulation (EU) No 1380/2013:
 - (a) for hake (*Merluccius merluccius*) and mullets (*Mullus spp.*) up to a maximum of 5% of the total annual catches of those species caught by vessels using bottom trawls.
 - (b) for hake (*Merluccius merluccius*) and mullets (*Mullus spp.*) up to a maximum of 1 % of the total annual catches of those species caught by vessels using gillnets and trammel nets.
 - (c) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpnose seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common

pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*), gilthead seabream (*Sparus aurata*) and deep-water rose shrimp (*Parapenaeus longirostris*) up to a maximum of 5% of the total annual catches of those species caught by vessels using bottom trawls.

- (d) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*) up to a maximum of 3% of the total annual catches of those species caught by vessels using gillnets and trammels nets and.
- (e) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*) up to a maximum of 1 % of the total annual catches of those species caught by vessels using hooks and lines.

- 2. By 1 May 2027, the Member States having a direct management interest in the fisheries in the Mediterranean Sea shall submit to the Commission additional discard data and the results of the research, projects and studies supporting the exemption laid down in paragraph 1. The STECF shall assess the data and information submitted by 31 July 2027 at the latest.

Article 5

Entry into force and application

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 2024 until 31 December 2027.

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

Done at Brussels, 22.8.2023

For the Commission
The President
Ursula VON DER LEYEN