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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)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Delegated Regulation (EU) 2018/153 of 23 October 2017	L 29	1	1.2.2018
► <u>M2</u>	Commission Delegated Regulation (EU) 2018/542 of 22 January 2018	L 90	61	6.4.2018

**COMMISSION DELEGATED REGULATION (EU) 2017/86****of 20 October 2016****establishing a discard plan for certain demersal fisheries in the Mediterranean Sea***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 the Mediterranean Sea to the fisheries as set out in the Annex to this Regulation.

That landing obligation shall apply to the species referred to in that Annex when caught during fishing activities in Union waters or by Union fishing vessels outside the Union waters in waters not subject to third countries' sovereignty or jurisdiction.

*Article 2***Definitions**

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

- (a) 'Mediterranean Sea' means maritime waters of the Mediterranean to the east of line 5°36' West;
- (b) '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 ⁽¹⁾;
- (c) ► **M1** 'Western Mediterranean Sea' means GFCM Geographical Sub-Areas 1, 2, 5, 6, 7, 8, 9, 10, 11.1, 11.2 and 12; ◀
- (d) 'Adriatic Sea' means GFCM Geographical Sub-Areas 17 and 18;
- (e) 'South-eastern Mediterranean Sea' means GFCM Geographical Sub-Areas 15, 16, 19, 20, 22, 23 and 25.

⁽¹⁾ 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).

▼B*Article 3***Survivability exemption**

1. ►**M1** The exemption from the landing obligation pursuant to Article 15(4)(b) of Regulation (EU) No 1380/2013 for species for which scientific evidence demonstrates high survival rates shall apply in 2018 to:

- (a) common sole (*Solea solea*) caught with rapido (beam trawl) (TBB) ⁽¹⁾ in GSAs 17 and 18;
- (b) scallop (*Pecten jacobaeus*) caught with mechanised dredges (HMD) in the Western Mediterranean Sea;
- (c) carpet clams (*Venerupis* spp.) caught with mechanised dredges (HMD) in the Western Mediterranean Sea;
- (d) Venus shells (*Venus* spp.) caught with mechanised dredges (HMD) in the Western Mediterranean Sea;
- (e) Norway lobster (*Nephrops norvegicus*) caught with all bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX) in the Western Mediterranean Sea. ◀

2. ►**M1** Common sole (*Solea solea*), scallop (*Pecten jacobaeus*), carpet clams (*Venerupis* spp.), Venus shells (*Venus* spp.) and Norway lobster (*Nephrops norvegicus*) caught in the circumstances referred to in paragraph 1 shall be released immediately in the area where they have been caught. ◀

3. ►**M1** By 1 May 2018, Member States having a direct management interest in the fisheries in the Mediterranean Sea shall submit to the Commission additional discard data to those provided for in the Joint Recommendations of 2 and 28 June as well as 6 July 2017 and any other relevant scientific information supporting the exemption laid down in paragraph 1. For Norway lobster (*Nephrops norvegicus*), Member States shall submit data that would provide additional proof for survival rates in the summer months. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess those data and that information by July 2018 at the latest. ◀

*Article 4***De minimis exemption**

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities of species which define the fisheries as set out in the Annex to this Regulation may be discarded pursuant to Article 15(4)(c) of Regulation (EU) No 1380/2013:

- (a) in the western Mediterranean Sea (point 1 of the Annex):

⁽¹⁾ Gear codes used in this Regulation refer to the codes in Annex XI to Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 122, 30.4.2011, p. 1). For the vessels whose LOA is less than 10 metres, gear codes used in this table refer to the codes from the FAO gear classification.

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- (i) for hake (*Merluccius merluccius*) and red mullets (*Mullus* spp.), up to a maximum of 7 % for 2017 and 2018 and up to a maximum of 6 % in 2019 of the total annual catches of these species by vessels using bottom trawls; and
- (ii) for hake (*Merluccius merluccius*) and red mullets (*Mullus* spp.), up to a maximum of 1 % of the total annual catches of these species by vessels using gillnets and trammel nets;

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- (b) in the Adriatic Sea (point 2 of the Annex):
 - (i) for hake (*Merluccius merluccius*) and red mullet (*Mullus* spp.), up to 7 % for 2017 and 2018 and up to 6 % for 2019 of the total annual catches of these species by vessels using trawl nets;
 - (ii) for hake (*Merluccius merluccius*) and red mullet (*Mullus* spp.), up to 1 % of the total annual catches of these species by vessels using gillnets;
 - (iii) for hake (*Merluccius merluccius*) and red mullet (*Mullus* spp.), up to 1 % of the total annual catches of these species by vessels using rapido (beam trawl);
 - (iv) for common sole (*Solea solea*), up to 3 % for 2017 and 2018 and up to 2 % for 2019 of the total annual catches of this species by vessels using trawl nets; and
 - (v) for common sole (*Solea solea*), 0 % of the total annual catches of this species by vessels using gillnets;
- (c) in the south-eastern Mediterranean Sea (point 3 of the Annex):
 - (i) for hake (*Merluccius merluccius*) and red mullet (*Mullus* spp.), up to 7 % for 2017 and 2018 and up to 6 % for 2019 of the total annual catches of these species by vessels using trawl nets;
 - (ii) for hake (*Merluccius merluccius*) and red mullet (*Mullus* spp.), up to 1 % of the total annual catches of these species by vessels using gillnets; and
 - (iii) for deep-water rose shrimp (*Parapenaeus longirostris*), up to 7 % for 2017 and 2018 and up to 6 % for 2019 of the total annual catches of this species by vessels using trawl nets.

*Article 5***List of vessels**

1. The Member States concerned shall determine, in accordance with the criteria laid down in the Annex, the vessels subject to the landing obligation for each particular fishery.

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2. By 31 December 2016, the Member States concerned shall submit to the Commission and to the other Member States, using the secure Union control website, the lists of all vessels targeting hake, red mullet, common sole and deep-water rose shrimp. They shall keep those lists updated.

*Article 6***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 2017 to 31 December 2019.

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

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ANNEX

▼M1

1. Western Mediterranean Sea

Fisheries	Fishing gear	Landing obligation
Hake (<i>Merluccius merluccius</i>) ⁽¹⁾	All bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX)	Where the total landings per vessel of all species in 2015 and 2016 consisted of more than 25 % of hake, all catches of hake shall be subject to the landing obligation.
	All longlines (LL, LLS, LLD, LX, LTL, LHP, LHM)	
	All trammel nets and gillnets (GNS, GN, GND, GNC, GTN, GTR, GEN)	
Red mullets (<i>Mullus</i> spp.) FAO codes: MUT, MUR, MUX ⁽¹⁾	All bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX)	Where the total landings per vessel of all species in 2015 and 2016 consisted of more than 25 % of red mullets, all catches of red mullets shall be subject to the landing obligation.
	All longlines (LL, LLS, LLD, LX, LTL, LHP, LHM)	
	All trammel nets and gillnets (GNS, GN, GND, GNC, GTN, GTR, GEN)	
Scallop (<i>Pecten jacobaeus</i>), Carpet clams (<i>Venerupis</i> spp.), Venus shells (<i>Venus</i> spp.)	All mechanised dredges HMD	
Norway lobster (<i>Nephrops norvegicus</i>)	All bottom trawls OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX	All catches of Norway lobster are subject to the landing obligation

⁽¹⁾ Vessels listed as subject to the landing obligation in this fishery in accordance with this Regulation shall remain on the list despite the amendments to this Regulation by Delegated Regulation (EU) 2018/153 and shall continue being subject to the landing obligation in this fishery.

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2. Adriatic Sea

Fisheries	Fishing gear	Landing obligation
Hake (<i>Merluccius merluccius</i>), Red mullet (<i>Mullus barbatus</i>), Common sole (<i>Solea solea</i>)	All bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX, TBB)	Where the total landings per vessel of all species in 2014 and 2015 consist of more than 25 % of either hake, or red mullet, or common sole, the landing obligation shall apply to hake, or red mullet, or common sole, or all together.
	All gillnets and trammel nets (GNS, GN, GND, GNC, GTN, GTR, GEN)	

3. South-eastern Mediterranean Sea

Fisheries	Fishing gear	Landing obligation
Hake (<i>Merluccius merluccius</i>), Red mullet (<i>Mullus barbatus</i>), Deep-water rose shrimp (<i>Parapenaeus longirostris</i>)	All bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX)	Where the total landings per vessel of all species in 2014 and 2015 consist of more than 25 % of either hake, or red mullet, or deep-water rose shrimp, the landing obligation shall apply to hake, or red mullet, or deep-water rose shrimp, or all together.
	All gillnets and trammel nets (GNS, GN, GND, GNC, GTN, GTR, GEN)	