



2023/2918

28.12.2023

**COMMISSION DELEGATED REGULATION (EU) 2023/2918**

**of 22 August 2023**

**supplementing Regulation (EU) No 1380/2013 of the European Parliament and of the Council as regards the establishment of a *de minimis* exemption to the landing obligation for certain demersal fisheries in the Adriatic and south-eastern Mediterranean Sea**

THE EUROPEAN COMMISSION,

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

Having regard to 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 <sup>(1)</sup>, and in particular Article 15(7) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2017/86 <sup>(2)</sup> established a temporary discard plan for certain demersal fisheries in the Mediterranean Sea applicable from 1 January 2017 until 31 December 2019. Commission Delegated Regulation (EU) 2020/4 <sup>(3)</sup> subsequently extended the period of application of the temporary discard plan until 31 December 2021.
- (2) A *de minimis* exemption was subsequently established by Commission Delegated Regulation (EU) 2021/2064 <sup>(4)</sup>. That exemption was established for demersal species until 31 December 2023, whereas for by-catches of small pelagic made in demersal fisheries the exemption was established only until 31 December 2022. Commission Delegated Regulation (EU) 2022/2564 <sup>(5)</sup> subsequently extended the application of the *de minimis* exemptions for by-catches of small pelagic species until 31 December 2023.
- (3) Croatia, Italy and Slovenia ('Adriatica High-Level Group') and Greece, Italy, Cyprus and Malta ('Sudestmed High-Level Group') have a direct fisheries management interest in the Adriatic Sea and south-eastern Mediterranean Sea respectively. On 2 May 2023, the Adriatica High-Level Group and the Sudestmed High-Level Group submitted initial joint recommendations requesting the extension of the *de minimis* exemptions laid down in Delegated Regulation (EU) 2021/2064.
- (4) On 15 June 2023, the Scientific, Technical and Economic Committee for Fisheries ('STECF') assessed the scientific evidence supporting the initial joint recommendations <sup>(6)</sup>.
- (5) First, the STECF noted that while the combined *de minimis* approach included in the scientific evidence covers a broad group of species with a wide range of discard rates, such broad coverage is a valid approach, given the complexity of the fisheries in the Adriatic Sea and south-eastern Mediterranean Sea.

<sup>(1)</sup> OJ L 354, 28.12.2013, p. 22.

<sup>(2)</sup> 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).

<sup>(3)</sup> 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).

<sup>(4)</sup> Commission Delegated Regulation (EU) 2021/2064 of 25 August 2021 supplementing Regulation (EU) No 1380/2013 of the European Parliament and of the Council as regards the establishment of a *de minimis* exemption to the landing obligation for certain demersal fisheries in the Adriatic and south eastern Mediterranean Sea (OJ L 421, 26.11.2021, p. 9).

<sup>(5)</sup> Commission Delegated Regulation (EU) 2022/2564 of 16 August 2022 amending Delegated Regulation (EU) 2021/2064 supplementing Regulation (EU) No 1380/2013 of the European Parliament and of the Council as regards the establishment of a *de minimis* exemption to the landing obligation for certain fisheries in the Atlantic and south-eastern Mediterranean (OJ L 330, 23.12.2022, p. 126).

<sup>(6)</sup> 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).

- (6) Second, 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.
- (7) Third, discard rates have a very high heterogeneity both among geographical subareas (GSAs) and among pooled species (especially for species caught with bottom trawls) and reducing the level of unwanted catches through the use of selective gears or marine protected areas should be prioritised.
- (8) Fourth, regarding specifically the scientific evidence provided by the Adriatica High-Level group on disproportionate costs of handling unwanted catches, the STECF noted that several research projects and studies are ongoing or will be developed and that solid arguments were provided to justify the difficulty to improve selectivity and avoid all unwanted catches, in a short-term period. The STECF also welcomed the effort done to conduct disproportionate costs and selectivity studies and that new projects will be implemented by the relevant Member States.
- (9) Fifth, regarding specifically the scientific evidence provided by the Sudestmed High-Level Group on disproportionate costs of handling unwanted catches, the STECF noted the effort and work done to provide evidence regarding the disproportionate costs of handling unwanted catches in south-eastern Mediterranean fisheries by means of an exhaustive Multicriteria Performance Matrix analysis. The STECF also welcomed the effort done to conduct selectivity studies and that new projects will be implemented by Member States.
- (10) On 27 June 2023, the Sudestmed High-Level Group, and on 28 June 2023, the Adriatica High-Level Group submitted respectively updated joint recommendations.
- (11) Under Article 18 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council <sup>(7)</sup>, the Commission has considered the updated joint recommendations of Adriatica and SudestMed High-Level Groups 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.
- (12) The Commission has also taken into account that: (i) the upcoming evaluation of the landing obligation <sup>(8)</sup> is expected to provide more information on the effectiveness, efficiency, coherence, relevance and added value of landing obligation; and (ii) the Scientific, Technical and Economic Committee for Fisheries (STECF) has noted <sup>(9)</sup> 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.
- (13) The Commission also notes that, in the Adriatic Sea and south-eastern 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. This results in disproportionate costs of handling unwanted catches.
- (14) Moreover, in their updated joint recommendations, Member States renewed their commitment to undertake new studies with a roadmap 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. Member States also committed to identify further closure areas in order to reduce juvenile mortality.

---

<sup>(7)</sup> 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).

<sup>(8)</sup> COM(2023) 103 final.

<sup>(9)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

- (15) In addition, considering the high number of different species caught at the same time in demersal fishing operations using hooks, lines, gillnets and trammel nets in the Adriatic and south-eastern Mediterranean Sea, in their updated joint recommendations, Member States have proposed *de minimis* thresholds that are proportionate to the species frequency of capture.
- (16) For the reasons set out in recitals 3 to 15 above, the Commission therefore considers that the exemptions should be granted from 1 January 2024 to 31 December 2027.
- (17) 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 Adriatic and south-eastern Mediterranean Sea to demersal fisheries in accordance with this Regulation.

#### Article 2

### Definitions

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

- (a) '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 <sup>(10)</sup>;
- (b) 'Adriatic Sea' means GFCM Geographical Sub-Areas 17 and 18;
- (c) 'South-eastern Mediterranean Sea' means GFCM Geographical Sub-Areas 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

#### Article 3

### 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) in the Adriatic Sea:
- (i) 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;
  - (ii) 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 (GSN, GN, GND, GNC, GTN, GTR, GEN);
  - (iii) 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 rapido (TBB);
  - (iv) for common sole (*Solea solea*), up to 3 % of total annual catches of those species caught by vessels using bottom trawls;

<sup>(10)</sup> 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).

- (v) 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*), 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;
  - (vi) 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*), up to a maximum of 2 % of the total annual catches of those species caught by vessels using gillnets and trammel nets (GNS, GN, GND, GNC, GTN, GTR, GEN);
  - (vii) 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*), up to a maximum of 1 % of the total annual catches of those species caught by vessels using hooks and lines (LHP, LHM, LLS, LLD, LL, LTL, LX);
  - (viii) for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.), up to a maximum of 5 % of the total annual by-catches of those species caught by vessels using bottom trawls;
  - (ix) for Norway lobster (*Nephrops norvegicus*), up to a maximum of 1 % of the total annual catches of this species caught by vessels using pots and traps;
- (b) in the south-eastern Mediterranean Sea:
- (i) 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;
  - (ii) 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 (GNS, GN, GND, GNC, GTN, GTR, GEN);
  - (iii) for deep-water rose shrimp (*Parapenaeus longirostris*), up to a maximum of 5 % of the total annual catches of that species caught by vessels using bottom trawls;
  - (iv) 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*), blackspot seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*) gilthead seabream (*Sparus aurata*) Norway Lobster (*Nephrops norvegicus*) and common sole (*Solea solea*), up to a maximum of 5 % of the total annual catches of those species caught by vessels using bottom trawls;
  - (v) 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*), blackspot seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*) gilthead seabream (*Sparus aurata*), common sole (*Solea solea*), lobster (*Homarus gammarus*) and crawfish (*Palinuridae*), up to a maximum of 3 % of total annual catches of those species caught by vessels using gillnets and trammel nets (GNS, GN, GND, GNC, GTN, GTR, GEN). In case landings of those species are less than 25 % of the total landings of the fisheries, the quantities to be discarded may be up to a maximum of 5 % of the total annual catches of those species;

- (vi) 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*), blackspot seabream (*Pagellus bogaraveo*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), gilthead seabream (*Sparus aurata*), hake (*Merluccius merluccius*) up to a maximum of 1 % of the total annual catches of those species caught by vessels using hooks and lines (LHP, LHM, LLS, LLD, LL, LTL, LX). In case landings of those species are less than 25 % of the total landings of the fisheries, the quantities to be discarded may be up to a maximum of 3 % of the total annual catches of those species;
- (vii) for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.), up to a maximum of 5 % of the total annual by-catches of those species caught by vessels using bottom trawls.

2. By 1 May 2027, the Member States having a direct management interest in the fisheries in the Adriatic and south-Eastern 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

### 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 August 2023.

For the Commission  
The President  
Ursula VON DER LEYEN