

COMMISSION DELEGATED REGULATION (EU) 2021/2063**of 25 August 2021****amending and correcting Delegated Regulation (EU) 2020/2015 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/2015 ⁽²⁾ provides details on how to implement the landing obligation for certain demersal fisheries in the Western Waters for the period 2021-2023, following two joint recommendations submitted respectively by Belgium, Spain, France, the Netherlands and Portugal ('South-Western Waters Member States') and Belgium, Ireland, Spain, France and the Netherlands ('North-Western Waters Member States').
- (2) Under Delegated Regulation (EU) 2020/2015, certain exemptions to the landing obligation are provisionally applicable until 31 December 2021. In these cases, Member States having a direct management interest should submit, as soon as possible and not later than 1 May 2021, additional scientific evidence supporting the exemption. The Scientific, Technical and Economic Committee for Fisheries ('STECF') should assess the provided information by 31 July 2021.
- (3) The North-Western Waters Member States, after consulting the North-Western Waters Advisory Council and the Pelagic Advisory Council, submitted a joint recommendation to the Commission on 30 April 2021, requesting an amendment to the discard plan for certain fisheries in the North-Western Waters.
- (4) The South-Western Waters Member States, after consulting the South-Western Waters Advisory Council and the Pelagic Advisory Council, submitted a joint recommendation to the Commission on 30 April 2021, requesting an amendment to the discard plan for certain fisheries in the South-Western Waters.
- (5) The STECF ⁽³⁾ reviewed these joint recommendations in May 2021. The Commission presented the draft delegated acts to an expert group consisting of representatives of the Member States on 16 July 2021 in a meeting attended by the European Parliament as an observer.
- (6) Delegated Regulation (EU) 2020/2015 laid down the scope of the exemptions applicable in the North-Western Waters (International Council for the Exploration of the Sea ('ICES') subareas 5 (excluding division 5a and only Union waters of division 5b), 6 and 7). That same regulation laid down the scope of the exemptions applicable in the South-Western Waters (ICES subareas 8, 9 and 10 (waters around Azores), and in the Fishery Committee for the Eastern Central Atlantic ('CECAF') zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands). For legal clarity, the application of these measures should explicitly refer to Union waters of these areas. Delegated Regulation (EU) 2020/2015 should therefore be amended.

⁽¹⁾ OJ L 83, 25.3.2019, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/2015 of 21 August 2020 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023 (OJ L 415, 10.12.2020, p. 22).

⁽³⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Ev+JR+LO+and+TM+Reg.pdf/caa87b65-ea4a-491a-8e59-4111e01e1c1d>

- (7) The North-Western Waters Member States requested a new survival exemption for plaice caught with seines (SSC) in ICES divisions 7b to 7k. The North-Western Waters Member States provided new scientific evidence to demonstrate high discard survival rates for plaice in that fishery. That evidence was submitted to the STECF, which concluded ⁽⁴⁾ that the data on survival rates are reliable and give robust survival estimates for that fishery. The exemption should therefore be included in Delegated Regulation (EU) 2020/2015.
- (8) Article 10(4), point (b), of Delegated Regulation (EU) 2020/2015 granted a high survivability exemption for cuckoo ray caught with bottom trawls in ICES subarea 8 until 31 December 2021. The South-Western Waters Member States requested that the exemption be extended until 31 December 2023. The STECF reviewed the scientific evidence provided by the South-Western Waters Member States and concluded that survival rates in the latest studies are low, but with a high degree of variability. However, additional research studies that will combine on-board vitality and monitoring in captivity are planned in 2021. The exemption should therefore be extended until 2022 to allow sufficient time for the completion of the studies. Member States are required to submit the results of these studies by STECF by no later than 1 May 2022.
- (9) Article 13(1), point (f), of Delegated Regulation (EU) 2020/2015 granted a *de minimis* exemption for boarfish caught by vessels using bottom trawls in ICES divisions 7b to 7c and 7f to 7k. The North-Western Waters Member States requested that it be specified that the calculation of the exemption should be based on catches of all gears. The STECF concluded ⁽⁵⁾ that, although this request has implications in terms of the permitted potential of the *de minimis* discard volume, the implied discard volume for a 0,5 % *de minimis* is small, regardless of whether catches correspond to all gears or only bottom trawls. Furthermore, the exemption should apply only to the gear codes of the relevant bottom trawls as listed in Annex XI of Implementing Regulation (EU) No 404/2011. The exemption should therefore be granted on these terms until 31 December 2022. Member States are required to submit the catch data requested by STECF by no later than 1 May 2022.
- (10) Article 13(1), point (a), of Delegated Regulation (EU) 2020/2015 granted a *de minimis* exemption for whiting caught by vessels using bottom trawls and seines, pelagic trawls and beam trawls, in ICES divisions 7b to 7k. This exemption was granted only until December 2021, given the overall conservation status of whiting in ICES subareas 7b to k. The North-Western Waters Member States requested that the exemption be extended. The STECF reviewed the scientific evidence provided by the North-Western Waters Member States and concluded ⁽⁶⁾ that discard rates are relatively low and that selectivity has improved with the remedial measures introduced in the Celtic Sea ⁽⁷⁾. However, whiting in the Celtic Sea is a stock closely associated with Celtic Sea cod catches and is strictly monitored. The exemption should therefore be extended until 31 December 2022 and Member States are required to provide the catch data requested by STECF by no later than 1 May 2022.
- (11) Article 14(1) of Delegated Regulation (EU) 2020/2015 granted a *de minimis* exemption for whiting caught by vessels using pelagic trawls, beam trawls, bottom trawls and seines in ICES subarea 8. However, the list of gears omitted the gears that correspond to pelagic trawls (OTM, PTM and TM). The South-Western Waters Member States requested that the Commission correct the omission. The exemption should therefore be amended.
- (12) Delegated Regulation (EU) 2020/2015 should therefore be corrected and amended accordingly.
- (13) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately upon publication. It should apply from 1 January 2022,

⁽⁴⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Ev+JRs+LO+and+TM+Reg.pdf/caa87b65-ea4a-491a-8e59-4111e01e1c1d>

⁽⁵⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Ev+JRs+LO+and+TM+Reg.pdf/caa87b65-ea4a-491a-8e59-4111e01e1c1d>

⁽⁶⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Ev+JRs+LO+and+TM+Reg.pdf/caa87b65-ea4a-491a-8e59-4111e01e1c1d>

⁽⁷⁾ Council Regulation (EU) 2021/92 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 31, 29.1.2021, p. 31).

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2020/2015 is amended as follows:

(1) Article 1 is replaced by the following:

'In the Union Waters of North-Western Waters (ICES subareas 5, 6 and 7), of South-Western Waters (ICES subareas 8, 9 and 10 (waters around Azores), and of CECAF zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands), the landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply in demersal and pelagic fisheries in accordance with this Regulation for the period 2021-2023.;

(2) in Article 6(1), the following point (f) is added:

'(f) plaice (*Pleuronectes platessa*) caught in ICES divisions 7b to 7k with seines (SSC);;

(3) in Article 10(4), point (b) is replaced by the following:

'(b) caught by bottom trawls in ICES subarea 8 until 31 December 2022. Member States having a direct management interest shall submit as soon as possible, but by no later than 1 May 2022, additional scientific information supporting this exemption for cuckoo ray caught with bottom trawls. The STECF shall assess that scientific information by 31 July 2022.;

(4) In Article 13(1), point (f) is replaced by the following:

'(f) for boarfish (*Caproidae*), up to a maximum of 0,5 % of the total annual catches of that species for all gears in those areas, by vessels using bottom trawls (OTT, OTB, TBS, TBN, TB, PTB) in ICES divisions 7b, 7c and 7f to 7k;;

(5) in Article 13, paragraph 2 is replaced by the following:

'The *de minimis* exemption laid down in point (a) of paragraph 1, shall be applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and by no later than 1 May 2022, additional scientific information on catch composition. The STECF shall assess the provided scientific information by 31 July 2022.;

(6) in Article 14(1), point (m) is replaced by the following:

'(m) for whiting (*Merlangius merlangus*), up to a maximum of 5 % of the total annual catches of that species by vessels using pelagic trawls, beam trawls, bottom trawls and seines (gear codes: OTB, OTT, OTM, PTB, PTM, TBN, TBS, TBB, OT, PT, TX, TM, SSC, SPR, SDN, SX, SV) in ICES subarea 8.;

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 2022 until 31 December 2023.

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

Done at Brussels, 25 August 2021.

For the Commission
The President
Ursula VON DER LEYEN