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P8_TA(2018)0445

Multiannual plan for small pelagic stocks in the Adriatic Sea and the fisheries exploiting those stocks *I**

European Parliament legislative resolution of 13 November 2018 on the proposal for a regulation of the European Parliament and of the Council establishing a multi-annual plan for small pelagic stocks in the Adriatic Sea and the fisheries exploiting those stocks (COM(2017)0097 — C8-0095/2017 — 2017/0043(COD))

(Ordinary legislative procedure: first reading)

(2020/C 363/30)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0097),
 - having regard to Article 294(2) and 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0095/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 31 May 2017 ⁽¹⁾,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the position in the form of amendments of the Committee on the Environment, Public Health and Food Safety (A8-0337/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2017)0043

Position of the European Parliament adopted at first reading on 13 November 2018 with a view to the adoption of Regulation (EU) .../... of the European Parliament and of the Council establishing a multi-annual plan for small pelagic stocks in the Adriatic Sea and the fisheries exploiting those stocks

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

⁽¹⁾ OJ C 288, 31.8.2017, p. 68.

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After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The common fisheries policy (CFP) should contribute to the protection of the marine environment, to the sustainable management of all commercially exploited species, and in particular to the achievement of good environmental status in the marine environment by 2020 in accordance with Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council ⁽³⁾, **and favourable conservation status for species and habitats in accordance with Council Directive 92/43/EEC ⁽⁴⁾ and Directive 2009/147/EC of the European Parliament and of the Council ⁽⁵⁾. [Am. 1]**
- (1a) **At the United Nations Summit on Sustainable Development held in New York in 2015, the Union and its Member States committed themselves, by 2020, to effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks, in the shortest time feasible, at least to levels that can produce the maximum sustainable yield as determined by their biological characteristics. [Am. 2]**
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽⁶⁾ establishes the rules of the CFP in line with the international obligations of the Union. The objectives of the CFP are, *inter alia*, to ensure that fishing and aquaculture activities are environmentally, **economically and socially** sustainable in the long term, to apply the precautionary approach to fisheries management, and to implement the ecosystem-based approach to fisheries management. [Am. 3]
- (2a) **In accordance with Regulation (EU) No 1380/2013, fisheries management based on the best available scientific advice requires harmonised, reliable and accurate data sets. [Am. 4]**
- (3) Scientific advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) and from the General Fisheries Commission for the Mediterranean's Scientific Advisory Committee (GFCM — SAC) has indicated that the exploitation of anchovy and sardine stocks in the Adriatic Sea exceeds the levels required to achieve the maximum sustainable yield (MSY).
- (3a) **The Adriatic Sea is an important sub-area within the Mediterranean, accounting for around one-third of the total landings value. [Am. 5]**
- (4) Despite being managed under both an international management plan under the GFCM and national management plans adopted under Council Regulation (EC) No 1967/2006 ⁽⁷⁾, Adriatic anchovy and sardine stocks continue to be overexploited and the current management measures are considered to be insufficient to achieve MSY by 2020. Member States and stakeholders have expressed support for the development and implementation of management plans for these two stocks at Union level.

⁽¹⁾ OJ C 288, 31.8.2017, p. 68.

⁽²⁾ Position of the European Parliament of 13 November 2018.

⁽³⁾ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

⁽⁴⁾ **Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).**

⁽⁵⁾ **Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).**

⁽⁶⁾ 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).

⁽⁷⁾ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (the Mediterranean Regulation) (OJ L 36, 8.2.2007, p. 6).

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- (4a) *The management plans implemented and the technical measures introduced in 2016 are due to produce effects on the stocks and have to be analysed and taken into consideration when establishing the multiannual plan for the pelagic stocks in the region. [Am. 6]*
- (4b) *The introduction of a minimum escapement approach requires changes to the biological sampling and research protocols which will take time, therefore requiring a transition period before it can be implemented. [Am. 99]*
- (5) Current management measures for small pelagics in the Adriatic Sea concern access to waters, control of fishing effort, **and** technical measures to regulate gears' usage. Scientific advice has indicated that controlling catches is the most appropriate means of adapting fishing mortality and it would be a more effective management tool for small pelagics⁽⁴⁾. [Am. 7]
- (6) To achieve the objectives of the CFP, a number of conservation measures are to be adopted as appropriate in any combination thereof, such as ~~multi-annual~~ **multiannual** plans, **and** technical measures, ~~fixing and allocation of fishing opportunities~~. [Am. 8]
- (6a) *The Adriatic Sea small pelagic fishery, especially in the Geographical Sub-Areas 17 and 18, has a very important socio-economic impact for the Member States' coastal community's livelihood and future. [Am. 9]*
- (6b) *In line with the principles and objectives of the CFP and pursuant to Article 18 of Regulation (EU) No 1380/2013, regionalisation should be used to adopt and implement measures that take into account the specificities of each fisheries area and safeguard their environmental conditions. [Am. 10]*
- (6c) *Fishing opportunities should be allocated in accordance with the principles laid down in Article 17 of Regulation (EU) No 1380/2013, using transparent and objective criteria, including those of an environmental, social and economic nature. Fishing opportunities should also be fairly distributed across the various fisheries segments, including traditional and small-scale fisheries. Moreover, Member States should provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact. [Am. 11]*
- (7) Pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013, multiannual plans are to be based on **the best available** scientific, technical and economic advice and contain objectives, quantifiable targets with clear timeframes, conservation reference points, **objectives for conservation and technical measures for the implementation of the landing obligation, as well as measures designed to avoid and reduce unwanted catches as far as possible**, and safeguards. [Am. 12]
- (8) The objective of the multiannual plan should be to contribute to achieving the objectives of the CFP, and especially ~~reaching~~ **restoring** and maintaining ~~MSY for the fish stocks concerned~~ **above biomass levels capable of producing MSY, implementing the landing obligation**, achieving a sustainable fisheries sector and providing an effective management framework. [Am. 13]
- (8a) *This Regulation should not be considered as a precedent for other multiannual plans in the Mediterranean Sea unless otherwise provided. [Am. 14]*
- (8b) *A multiannual plan should always find a balance between the achievable result, taking into consideration the timeframe, and the socio-economic impact. [Am. 15]*

(4) Scientific, Technical and Economic Committee for Fisheries (STECF) Assessment of Mediterranean Sea stocks — part 2 (STECF-11-14).

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- (9) Moreover, Article 15 of Regulation (EU) No 1380/2013 introduced a landing obligation, including for all catches of species which are subject to minimum sizes as defined in Annex III to Regulation (EC) No 1967/2006. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, Commission Delegated Regulation (EU) No 1392/2014⁽¹⁾ established a three year discard plan providing for a *de minimis* exemption from the landing obligation for anchovy, sardine, mackerel and horse mackerel in the Adriatic Sea. In order to implement the landing obligation, it is appropriate to extend the validity of the measures laid down in Delegated Regulation (EU) No 1392/2014, by including its respective provisions in the multiannual plan.
- (10) In line with the ecosystem-based approach ~~and in addition~~, **this plan should also contribute** to the fisheries-related descriptor of **achievement of good environmental status, as laid down in** Directive 2008/56/EC, **and** qualitative descriptors 1, 4 and 6 contained in Annex I to the Directive are to be considered in the framework of fisheries management. **This plan should also contribute to the achievement of favourable conservation status for habitats and species as required by Directive 2009/147/EC and Directive 92/43/EEC respectively.** [Am. 16]
- (11) ~~Article 16(4) of Regulation (EU) No 1380/2013 requires that fishing opportunities be fixed in accordance with the targets set out in the multiannual plans.~~ [Am. 17]
- (12) It is appropriate to establish the target fishing mortality (F) that corresponds to the objective of reaching and maintaining MSY as ranges of values which are consistent with achieving maximum sustainable yield (F_{MSY}). Those ranges, based on **best available** scientific advice, are necessary in order to provide flexibility to take account of developments in the scientific advice, to contribute to the implementation of the landing obligation and to take into account the characteristics of mixed fisheries. The F_{MSY} ranges have been calculated by STECF ~~and~~⁽²⁾. **Based on this plan they** are derived to deliver no more than a 5 % reduction in long-term yield compared to MSY⁽³⁾. In addition, the upper limit of the range is capped, so that the probability of the stock falling below B_{lim} is no more than 5 %. [Am. 18]
- (13) For the purposes of ~~fixing fishing opportunities~~, **reaching the objectives of the multiannual plan, the target for each of the species** should be a threshold for F_{MSY} ranges in normal use and, provided that the stock concerned is considered to be in a good state, a higher limit for certain cases **SSBpa**. It should only be possible to fix fishing opportunities up to the **a higher limit target** if, on the basis of scientific advice or evidence, it is necessary for the achievement of the objectives laid down in this Regulation in mixed fisheries or necessary to avoid harm to a stock caused by intra- or inter-species stock dynamics, ~~or in order to limit the year on year variations in fishing opportunities where one of the stocks of small pelagics is below SSBlim.~~ [Am. 19]
- (14) Where the targets relating to MSY are not available, the precautionary approach should apply.
- (15) ~~For stocks for which they are available and~~ For the purpose of the application of safeguard measures, it is necessary to establish conservation reference points expressed as $MSY_{trigger}$ and B_{lim} for anchovy and sardine stocks **SSBlim and SSBpa for small pelagics**. Should the stocks fall below $MSY_{trigger}$ fishing mortality should be reduced below F_{MSY} **SSBlim, appropriate remedial measures should be adopted to contribute to the rapid return of the stock concerned to levels above SSBpa.** [Am. 20]

(1) Commission Delegated Regulation (EU) No 1392/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries in the Mediterranean Sea (OJ L 370, 30.12.2014, p. 21).

(2) Scientific, Technical and Economic Committee for Fisheries (STECF) — *Small pelagic stocks in the Adriatic Sea. Mediterranean assessments part 1* (STECF-15-14). 2015. [Publications Office of the European Union, Luxembourg, EUR 27492 EN, JRC 97707, 52 pp.] [The second part of this reference seems to be mistaken. OPOCE, please check.]

(3) Scientific, Technical and Economic Committee for Fisheries (STECF) — *Small pelagic stocks in the Adriatic Sea. Mediterranean assessments part 1* (STECF-15-14). 2015. [Publications Office of the European Union, Luxembourg, EUR 27492 EN, JRC 97707, 52 pp.] [The second part of this reference seems to be mistaken. OPOCE, please check.]

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- (16) ~~Further safeguard measures should be implemented in case the stock size falls below the B_{lim} reference point. Safeguard measures should include the reduction of fishing opportunities and specific conservation measures when scientific advice indicates that a stock is under threat. Those measures should be supplemented by other measures, as appropriate, such as Commission measures in accordance with Article 12 of Regulation (EU) No 1380/2013 or Member States measures in accordance with Article 13 of Regulation (EU) No 1380/2013. [Am. 21]~~
- (17) For stocks where the reference points are not available, the precautionary principle should apply. ~~In the specific case of stocks taken as by-catches, in the absence of scientific advice on the levels of minimum spawning biomass of such stocks, specific conservation measures should be adopted when scientific advice indicates that remedial measures are needed. [Am. 22]~~
- (18) In order to enable the implementation of the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for additional management measures, **in particular measures to gradually eliminate discards, to count fish below the minimum conservation reference size and to minimise, and where possible eliminate, the negative impacts of fishing activities on the marine environment.** Such measures should be laid down by means of delegated acts. [Am. 23]
- (18a) **A joint recommendation by Croatia, Italy and Slovenia (Adriatic High-Level Group) and a study on technical characteristics of purse seine nets and their impact on bottom communities were submitted to, and revised by, independent experts and STECF. It is therefore appropriate to provide for a derogation from the second subparagraph of Article 13(3) of and point 2 of Annex II to Regulation (EC) No 1967/2006. [Am. 24]**
- (19) The deadline for submitting joint recommendations from Member States having direct management interest should be established, as required by Regulation (EU) No 1380/2013.
- (19a) **When scientific advice indicates that recreational fisheries have a significant impact on the fishing mortality of a particular stock, the Council should take them into account. To that effect the Council should be able to set a total allowable catch (TAC) for commercial catches which takes into account the volume of recreational catches and/or to adopt other measures restricting recreational fisheries such as bag limits and closure periods. [Am. 25]**
- (20) The plan should also provide for certain accompanying technical, **as well as temporal and spatial** measures to be adopted, by means of delegated acts, **and taking into account the best available scientific advice**, in order to contribute to achieving the objectives of the plan, in particular as regards the protection of juvenile fish or to improve selectivity. [Am. 26]
- (20a) **Artisanal fishing gear based on historical practices established in fishing communities should be safeguarded when defining the technical measures resulting from the multiannual plan or delegated acts adopted pursuant to it. [Am. 27]**
- (21) With a view to ensuring full compliance with the measures laid down in this Regulation, specific control measures should be adopted to complement those provided for in Council Regulation (EC) No 1224/2009 ⁽¹⁾.

(¹) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

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- (21a) *In order to enable the industry to cope with the fishing effort reduction measures and the consequent reduction in income for businesses and for seafarers, there should be arrangements for priority access to appropriate support from the European Maritime and Fisheries Fund (EMFF) in accordance with Regulation (EU) No 508/2014 of the European Parliament and of the Council⁽¹⁾. [Am. 28]*
- (21b) *In order to ensure an implementation which is consistent with the socio-economic impacts, it is therefore desirable, on the one hand, to grant derogations from the time limits for temporary cessation measures as referred to in Article 33 of Regulation (EU) No 508/2014, extending it only to the vessels covered by this multiannual plan and, on the other hand, to allow reopening of and access by the same vessels to the permanent cessation measures provided for in Article 34 of that Regulation. [Am. 29]*
- (22) Recognising that in the Adriatic Sea vessels targeting small pelagics tend to carry out short fishing trips, the use of prior notification as required under Article 17 of Regulation (EC) No 1224/2009 should be adapted so that the prior notifications are submitted at least ~~one and a half~~ **half an** hour before the estimated time of arrival at port. However, considering the limited effect of fishing trips involving very small quantities of fish on the stocks concerned, it is appropriate to establish a threshold for such prior notifications, when these vessels retain on board at least 1 tonne of ~~anchovy or of sardine~~ **small pelagics**. [Am. 30]
- (23) Recognising that electronic control tools ensure a better and more timely control of the fisheries, in particular of the spatial distribution of fishing activities and of the exploitation of the stocks, the use of vessel monitoring system and of electronic logbook, as required, respectively, under Articles 9 and 15 of Regulation (EC) No 1224/2009 should be extended to all fishing vessels of an overall length of eight metres.
- (24) Thresholds should be established for catches of ~~anchovy and sardine~~ **small pelagics** above which a fishing vessel is required to land in a designated port or a place close to the shore, in accordance with Article 43 of Regulation (EC) No 1224/2009. Moreover, when designating those ports or places close to the shore, Member States should apply the criteria provided for in Article 43(5) of that Regulation in such a way as to ensure effective control. [Am. 31]
- (25) In order to adapt to the technical and scientific progress in a timely and proportionate fashion and to ensure flexibility and allow evolution of certain measures, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing this Regulation as regards ~~remedial measures for the conservation of mackerel and horse mackerel~~, implementation of the landing obligation and technical measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁽²⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. [Am. 32]
- (26) In accordance with Article 10(3) of Regulation (EU) No 1380/2013, provisions should be established for the periodical assessment by the Commission of the adequacy and effectiveness of the application of this Regulation. Such assessment should follow and be based on a periodic evaluation of the plan that is based on scientific advice. The plan should be evaluated **three years after the date of entry into force of this Regulation and** every five years **thereafter**. That period allows for the full implementation of the landing obligation, and for regionalised measures to be adopted, implemented and to show effects on the stocks and fishery. It is also a minimum required period by scientific bodies. [Am. 33]

⁽¹⁾ Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

⁽²⁾ OJ L 123, 12.5.2016, p. 1.

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- (27) In accordance with Article 9(4) of Regulation (EU) No 1380/2013, prior to drafting the plan, its likely economic and social impact was assessed ⁽¹⁾.
- (27a) ***In order to support fishermen in the implementation of the measures provided for in this Regulation, Member States should make the widest possible use of the measures available under Regulation (EU) No 508/2014. It is appropriate to clarify that temporary cessation measures that have been adopted in order to attain the objectives of this Regulation can be deemed eligible for support under Regulation (EU) No 508/2014, in order to take into account the socio-economic aspects of this Regulation. Furthermore, it is appropriate to grant a derogation, for vessels affected by this multiannual plan, from the periods during which support can be granted as well as from the cap on the financial contribution from the EMFF for temporary cessation measures laid down in Regulation (EU) No 508/2014, [Am. 34]***

HAVE ADOPTED THIS REGULATION:

CHAPTER I GENERAL PROVISIONS

Article 1 Subject-matter and scope

1. This Regulation establishes a multiannual plan for small pelagic stocks in the Adriatic Sea.
2. This Regulation shall apply to the stocks of anchovy (*Engraulis encrasicolus*) and sardine (*Sardina pilchardus*) in the Adriatic Sea (~~the stocks concerned~~ **small pelagics**) and ~~for to the fisheries exploiting~~ **targeting** these stocks. ~~For the purpose of implementing the landing obligation established in Article 15 of Regulation (EU) No 1380/2013, this Regulation shall apply also to by-catches of mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.) in the Adriatic Sea caught when fishing for either or both of the stocks concerned~~ **small pelagics**. [Am. 35]

Article 2 Definitions

1. For the purposes of this Regulation, the definitions laid down in Article 4 of Regulation (EU) No 1380/2013, Article 4 of Regulation (EC) No 1224/2009 and Article 2 of Regulation (EC) No 1967/2006 shall apply.
2. In addition, the following definitions shall apply:
 - (a) 'Adriatic Sea' means GFCM Geographical Sub-Areas 17 and 18;
 - (b) 'GFCM Geographical Sub-Area' means General Fisheries Commission for the Mediterranean (GFCM) Geographical Sub-Area as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council ⁽²⁾;
 - (ba) **'Targeting' means account of at least 50 % of sardine or anchovy of the catch in live weight; [Am. 37]**
 - (c) ~~'Small pelagic stocks' means the stocks listed in Article 1(2) of this Regulation and any combination thereof~~ **'Small pelagic stocks pelagics' means the stocks listed in Article 1(2) of this Regulation and any combination thereof of sardine (*Sardina pilchardus*) and anchovy (*Engraulis encrasicolus*); [Am. 38]**

⁽¹⁾ Impact Assessment...[include reference when published].

⁽²⁾ 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).

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- (ca) **'Best available scientific advice'** refers to publicly available scientific advice that is supported by the most up-to-date scientific data and methods which has either been issued or peer-reviewed by an independent Union or international scientific body that is recognised at Union or international level such as the Scientific, Technical and Economic Committee for Fisheries (STECF) and the GFCM, and meet the requirements of Article 25 of Regulation (EU) No 1380/2013. [Am. 104]
- (d) ~~'Range of F_{MSY} ' means a range of values where all levels of fishing mortality within the scientifically indicated boundaries of that range, in situations of mixed fisheries and in accordance with scientific advice, result in the maximum sustainable yield (MSY) in the long term under existing average environmental conditions without significantly affecting the reproduction process for the stocks concerned; [Am. 39]~~
- (da) **'Fishing day'** means any continuous period of 24 hours, or any part thereof, when a fishing vessel is engaged in fishing activity, such as searching for fish, shooting, setting, towing, hauling of a fishing gear, taking catch on board, transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products, as defined in point 28 of Article 4 of Regulation (EU) No 1380/2013; [Am. 40]
- (db) **'SSBlim'** means the spawning stock biomass reference point below which remedial management action is to be taken to ensure that the stock is rebuilt to a level where it is within safe biological limits; [Am. 41]
- (dc) **'SSBpa'** means the precautionary spawning stock biomass reference point below which management action is to be taken to ensure that the stock is rebuilt to a level where it is within safe biological limits; [Am. 42]
- (e) ~~' $MSY_{B_{trigger}}$ ' means the spawning stock biomass reference point below which specific and appropriate management action is to be taken to ensure that exploitation rates in combination with natural variations rebuild stocks above levels capable of producing MSY in the long term. [Am. 43]~~
- (f) **'Fishing opportunity'** means a quantified legal entitlement to fish, expressed in terms of catches and/or fishing effort.

Article 3

Objectives

1. The multiannual plan shall contribute to the achievement of the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, ~~in particular by applying the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce MSY.~~ [Am. 45]

2. The multiannual plan shall provide an effective, simple and stable management framework for the exploitation of small pelagic stocks in the Adriatic Sea.

2a. The multiannual plan shall take into account the socio-economic aspects when it is developed or changed, in accordance with Article 2(5) of Regulation (EU) No 1380/2013. [Am. 47]

3. The multiannual plan shall contribute to the ~~elimination~~ **reduction** of discards by avoiding and reducing, as far as possible, unwanted catches, and to the implementation of the landing obligation established in Article 15 of Regulation (EU) No 1380/2013 for the species which are subject to it and to which this Regulation applies. [Am. 48]

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4. The multiannual plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem, **particularly threatened habitats and protected species including marine mammals, seabirds and reptiles**, are minimised, **and where possible eliminated**. It shall be coherent with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC, **and with the targets and rules laid down in Directives 2009/147/EC and 92/43/EEC**. [Am. 49]

5. In particular, the multiannual plan shall aim to:

- (a) ensure that the conditions described in descriptor 3 set out in Annex I to Directive 2008/56/EC are fulfilled; and
- (b) contribute to the fulfilment of other relevant descriptors set out in Annex I to Directive 2008/56/EC in proportion to the role played by fisheries in their fulfilment.

5a. Measures under the plan shall be taken in accordance with the best available scientific advice. [Am. 50]

CHAPTER II

SOCIO-ECONOMIC TARGETS, SAFEGUARDS AND SPECIFIC MEASURES [Am. 51]

Article 4

Targets for anchovy and sardine *small pelagics* [Am. 52]

1. The target ~~fishing mortality~~ **reference points for small pelagics** shall be achieved as soon as possible and ~~on a progressive, incremental basis, by 2020 for the stocks concerned, and it shall be maintained thereafter within the ranges above the values~~ set out in Annex I and in line with the objectives laid down in Article 3(1). [Am. 53]

2. ~~Fishing opportunities~~**Management measures for small pelagics** shall comply with the target ~~fishing mortality ranges~~ **reference points** set out in Annex I, column A to this Regulation. [Am. 54]

3. Notwithstanding paragraphs 1 and 2, ~~fishing opportunities may be fixed at~~ **management measures may target** levels corresponding to ~~lower levels of fishing mortality~~ **higher values** than those set out in Annex I, column A **if**:

(a) **on the basis of scientific advice or evidence, it is necessary for the achievement of the objectives laid down in Article 3 in the case of mixed fisheries;**

(b) **on the basis of scientific advice or evidence, it is necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics; or**

(c) **one of the stocks of small pelagics is below the reference point set out in Annex I, column B.** [Am. 55]

4. Notwithstanding paragraphs 2 and 3, ~~fishing opportunities for a stock may be fixed in accordance with the fishing mortality ranges set out in Annex I, column B, provided that the stock concerned is above the minimum spawning biomass reference point set out in Annex II, column A:~~

(a) ~~if, on the basis of scientific advice or evidence, it is necessary for the achievement of the objectives laid down in Article 3 in the case of mixed fisheries;~~

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~~(b) if, on the basis of scientific advice or evidence, it is necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics, or~~

~~(c) in order to limit variations in fishing opportunities between consecutive years to not more than 20 %. [Am. 56]~~

4a. When scientific advice indicates that recreational fisheries have a significant impact on the fishing mortality of a particular stock, the Council shall take them into account and may limit recreational fisheries when setting fishing opportunities in order to avoid exceeding the total target of fishing mortality. [Am. 57]

Article 4a

Socio-economic objectives

In order to take into account the socio-economic objectives set out in point (f) of Article 2(5) of Regulation (EU) No 1380/2013, when applying the technical and conservation measures provided for in this Regulation, Member States shall make extensive use of the relevant measures set out in Regulation (EU) No 508/2014. [Am. 58]

Article 5

Safeguards

1. The conservation reference points expressed as minimum and limit spawning stock biomass levels ~~to~~ **shall** be applied in order to safeguard the full reproductive capacity of the stocks concerned ~~are set out in Annex II. [Am. 59]~~

1a. Three years after the application of the management measures referred to in Article 6(1a), scientific research shall verify the effectiveness of the measures taken, particularly on the stocks to which this Regulation applies and on the fisheries exploiting those stocks. [Am. 60]

2. When scientific advice indicates that the spawning stock biomass of either of the ~~stocks concerned~~ **small pelagics** is below the minimum spawning stock biomass reference point set out in Annex ~~II~~ **I**, column ~~A~~ **B**, all appropriate remedial measures shall be adopted to ~~ensure~~ **contribute to** the rapid return of the ~~stock concerned~~ **small pelagics** to levels above ~~those capable of producing MSY~~ **the reference point set out in Annex I, column A**. In particular, by way of derogation from Article 4(2) and ~~4(4) in line with Article 4(3)~~, fishing opportunities for the stocks concerned ~~management measures~~ shall be fixed at a level consistent with a fishing mortality that is reduced below the range set out in Annex I, column A to this Regulation, ~~adjusted~~ **adjusted** taking into account the decrease in biomass of that stock. [Am. 61]

3. When scientific advice indicates that the spawning stock biomass of ~~either of the~~ **both small pelagics** stocks ~~concerned~~ is below the limit spawning stock biomass reference point (~~B_{lim}~~ **SSB_{lim}**) as set out in Annex ~~II~~ **I**, column B, further remedial measures shall be taken to ~~ensure~~ **contribute to** the rapid return of the ~~stock concerned~~ **two stocks** to levels above ~~the level capable of producing MSY~~ **the reference point set out in Annex I, column A**. In particular, those remedial measures may include, by way of derogation from Article 4(2), ~~paragraphs 2 and 4~~, suspending the targeted fishery for the stock concerned and ~~the other~~ **adequate reduction of fishing opportunities** **management measures**. [Am. 62]

Article 6

Specific conservation measures

1. When scientific advice indicates that remedial action is required for the conservation of the ~~small pelagic stocks referred to in Article 1(2) of this Regulation, or, in the case of anchovy and sardine, pelagics or~~ when the spawning biomass of either of these stocks for a given year is below the conservation reference points set out in Annex ~~II~~ **I**, column ~~A~~ **B** to this Regulation, the Commission is empowered to adopt delegated acts in accordance with Article 16 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 ~~regarding~~ .

~~(a) characteristics of the fishing gear, in particular mesh size, construction of the gear, size of the gear or use of selectivity devices to ensure or improve selectivity;~~

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- ~~(b) use of the fishing gear and depth of gear deployment, to ensure or improve selectivity;~~
- ~~(c) prohibition or limitation to fish in specific areas to protect spawning and juvenile fish or fish below the minimum conservation reference size or non-target fish species;~~
- ~~(d) prohibition or limitation on fishing or the use of certain types of fishing gear during specific time periods, to protect spawning fish or fish below the minimum conservation reference size or non-target fish species;~~
- ~~(e) minimum conservation reference sizes, to ensure the protection of juveniles of marine organisms;~~
- ~~(f) other characteristics linked to selectivity. [Am. 63]~~

1a. Notwithstanding paragraph 1, in order to achieve the targets set out in Article 4, the following measures shall apply for the years 2019–2022:

- (a) in 2019 the catch limit for small pelagics shall be set at the level of catch in 2014; starting from 2020, catch limits for small pelagics shall be gradually reduced each year for the Member State concerned by 4 % in comparison to the previous year until 2022; however, the reduction shall not apply if in the preceding year the total catch for each Member State concerned is more than 2 % below the 2014 catch level;*
- (b) the fishing effort of fishing vessels targeting small pelagics shall not exceed 180 fishing days per year and 20 fishing days per month, with a maximum of 144 fishing days per year targeting sardine and a maximum of 144 fishing days per year targeting anchovy;*
- (c) spatio-temporal closures shall be implemented each year in order to protect nursery and spawning areas; such closures, for different types of fishing gears, shall cover the entire distribution of small pelagics in the Adriatic Sea, for periods of not less than 15 continuous days and up to 30 continuous days; those closures shall take place during the following periods:*
 - (i) for sardine, from 1 October to 31 March, and*
 - (ii) for anchovy, from 1 April to 30 September;*
- (d) additional closures for vessels of an overall length of over 12 metres, separately for each type of fishing gear, shall be implemented for not less than six months; such closures shall cover at least 30 % of the area which has been identified as a nursery area or an area important for the protection of early age classes of fish (in territorial and inner sea);*
- (e) the overall fleet capacity of trawlers and purse seiners actively fishing for small pelagic stocks shall not exceed the registered fleet capacity of the active fleet in 2014 in terms of gross tonnage (GT) and/or gross registered tonnage (GRT), engine power (kW) and number of vessels. [Am. 70]*

1b. Notwithstanding paragraph 1a, in order to ensure stability and limit variations in management measures, the duration of the closures referred to in points (c) and (d) thereof shall not vary by more than 10 % between consecutive years. [Am. 71]

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Article 6a**Technical measures**

1. *For the purposes of this Regulation, the second subparagraph of Article 13(3) of and point 2 of Annex II to Regulation (EC) No 1967/2006 shall not apply.*
2. *For the purposes of this Regulation, the maximum length of surrounding nets (purse seines and seines without purse line) shall be restricted to 600 metres with a net drop of maximum 1/3 of length. [Am. 72]*

CHAPTER III

PROVISIONS LINKED TO THE LANDING OBLIGATION

Article 7

Provisions linked to the landing obligation for small pelagic caught in the Adriatic Sea

The Commission is empowered to adopt delegated acts in accordance with Article ~~15 of this Regulation and~~ Article 18 of Regulation (EU) No 1380/2013 concerning: **[Am. 73]**

- (a) exemptions from the application of the landing obligation for species for which **best available** scientific ~~evidence~~ **advice** demonstrates high survival rates, taking into account the characteristics of the gear, the fishing practices and the ecosystem, to facilitate the implementation of the landing obligation; **[Am. 74]**
- (b) *de minimis* exemptions to enable the implementation of the landing obligation; such *de minimis* exemptions shall be provided for cases referred to Article 15(5)(c) of Regulation (EU) No 1380/2013 and in accordance with the conditions set out therein; and
- (c) specific provisions on documentation of catches, in particular for the purpose of monitoring the implementation of the landing obligation.
- ~~(d) the fixing of minimum conservation reference sizes, to ensure the protection of juveniles of marine organisms.~~ **[Am. 75]**

CHAPTER IV

REGIONALISATION

Article 8

Regional cooperation

1. Article 18(1) to (6) of Regulation (EU) No 1380/2013 shall apply to measures referred to in Articles 6 and 7 of this Regulation.
2. For the purpose of paragraph 1 of this Article, Member States having direct management interest may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for the first time not later than twelve months after the entry into force of this Regulation and thereafter 12 months after each submission of the evaluation of the multiannual plan in accordance with Article 14 of this Regulation. They may also submit such recommendations when deemed necessary by them, in particular in the event of an abrupt change in the situation for either of the stocks to which this Regulation applies. Joint recommendations in respect of measures concerning a given calendar year shall be submitted no later than 1 June of the previous year.
3. The empowerments granted under Articles 6 and 7 of this Regulation shall be without prejudice to powers conferred to the Commission under other provisions of Union law, including under Regulation (EU) No 1380/2013.

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CHAPTER V

CONTROL AND ENFORCEMENT

Article 9

Relationship with Regulation (EC) No 1224/2009

The control measures provided for in this Chapter shall apply in addition to those provided for in Regulation (EC) No 1224/2009, save where otherwise provided for in this Chapter.

Article 10

Prior notification

1. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the prior notification referred to in that Article shall be made at least ~~one and a half~~ **half an** hour before the estimated time of arrival at port. The competent authorities of the coastal Member States may, on a case-by-case basis, give permission for an earlier entry into port. [Am. 76]

2. The prior notification obligation shall apply to masters of Union fishing vessels retaining on board at least ~~one tonne~~ **two tonnes** of anchovy or ~~one tonne~~ **two tonnes** of sardine. **Those quantities shall be calculated after deduction of the catches referred to in Article 15(11) of Regulation (EU) No 1380/2013.** [Am. 77]

Article 11

Vessel monitoring system

1. For the purposes of this Regulation, the application of the provisions laid down in Article 9(2) of Regulation (EC) No 1224/2009 shall be extended to fishing vessels of eight metres length overall or more, engaged in targeted small pelagic fishery in the Adriatic.

2. The exemption laid down in Article 9(5) of Regulation (EC) No 1224/2009 shall not apply to vessels engaged in targeted small pelagic fisheries in the Adriatic in accordance with this Regulation, irrespective of their length.

Article 12

Electronic completion and transmission of fishing logbooks

1. For the purposes of this Regulation, the obligation to keep an electronic fishing logbook and to send it by electronic means at least once a day to the competent authority of the flag Member State laid down in Article 15(1) of Regulation (EC) No 1224/2009 shall be extended to masters of Union fishing vessels of eight metres length overall or more engaged in targeted fishing for anchovy or sardine.

2. The exemption laid down in Article 15(4) of Regulation (EC) No 1224/2009 shall not apply to masters of vessels engaged in targeted fishing for anchovy or sardine, irrespective of their length.

2a. By way of derogation from Article 15(2) of Regulation (EC) No 1224/2009, the masters of all Union vessels of an overall length of equal to or more than 12 metres shall send the information referred to in Article 14 of that Regulation before the start of landing operations. [Am. 78]

Article 13

Designated ports

The threshold applicable to the live weight of species from the respective stock subject to the multiannual plan, above which a fishing vessel is required to land its catches in a designated port or a place close to the shore as set out in Article 43 of Regulation (EC) No 1224/2009 shall be:

- (a) 2 000 kg of anchovy;
- (b) 2 000 kg of sardine.

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CHAPTER VI

REVIEW

Article 14

Evaluation of the multiannual plan

~~Five~~**Three** years after the date of entry into force of this Regulation, and every five years thereafter, the Commission shall ensure an evaluation of the impact of the multiannual plan on the stocks to which this Regulation applies and on the fisheries exploiting those stocks. The Commission shall submit the results of this evaluation to the European Parliament and to the Council ***and shall, if appropriate, submit a proposal to amend this Regulation.*** [Am. 80]

CHAPTER VII

PROCEDURAL PROVISIONS

Article 15

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in ~~this~~ **Article 18 of Regulation (EU) No 1380/2013.** [Am. 81]
2. The power to adopt delegated acts referred to in Articles 6 and 7 shall be conferred on the Commission for a period of five years from ... [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Articles 6 and 7 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Articles 6 and 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 15a

Support from the EMFF

1. ***Temporary cessation measures adopted in order to achieve the objectives of the multiannual plan shall be deemed as temporary cessation of fishing activities for the purposes of points (a) and (c) of Article 33(1) of Regulation (EU) No 508/2014.***

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2. By way of derogation from Article 33(2) of Regulation (EU) No 508/2014, until 31 December 2020 the maximum duration of support under that Regulation shall be of nine months, for fishing vessels subject to the spatial and temporal closures provided for in this Regulation.

3. In order to ensure the implementation of paragraph 2 of this Article, by way of derogation from Article 25(3) of Regulation (EU) No 508/2014, it shall be possible to increase the total financial contribution from the EMFF above the cap of 15 % set out in that Article.

4. Priority shall be given, in the implementation of actions provided for in Article 30 of Regulation (EU) No 508/2014, to fishermen affected by the implementation of the measures contained in this multiannual plan.

5. Until 31 December 2020, and by way of derogation from the deadline set out in Article 34(4) of Regulation (EU) No 508/2014, vessels which have ceased all fishing activities as a result of the measures to reduce the fishing effort referred to in this Regulation may be eligible for support for permanent cessation as referred to in Article 34 of Regulation (EU) No 508/2014. [Am. 82]

CHAPTER VIII

FINAL PROVISIONS

Article 16

Entry into force

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

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

Done at ...,

For the European Parliament
The President

For the Council
The President

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ANNEX I

Target ***reference points***(as referred to in ~~Article 4~~ **Articles 4 and 5**) [Am. 86]

Stock	Target fishing mortality range consistent with achieving maximum sustainable yield (F_{MSY}) <i>Target reference points for small pelagics</i>	
	Column A	Column B
Anchovy	0,23 — 0,30 <i>SSB_{pa}</i>	0,30 — 0,36 <i>4SSB_{lim}</i>
Sardine	0,065 — 0,08	0,08 — 0,11 <i>SSB_{lim}</i>

[Am. 87]

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ANNEX II

Conservation reference points

(as referred to in Article 5)

Stock	Minimum spawning stock biomass reference point (in tonnes) ($MSY B_{trigger}$)	Limit biomass reference point (in tonnes) (B_{lim})
	Column A	Column B
Anchovy	139 000	69 500
Sardine	180 000	36 000

[Am. 84]