



Council of the
European Union

Brussels, 22 April 2015
(OR. en)

8176/15

Interinstitutional File:
2014/0285 (COD)

PECHE 140
CODEC 563

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	7259/3/15 REV 3 PECHE 96 CODEC 361
No. Cion doc.:	14028/14 PECHE 455 CODEC 1967 - COM(2014) 614 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007

Delegations will find in Annex the text of the General Approach endorsed by the "Agriculture and Fisheries" Council on 20 April 2015 concerning the above-mentioned proposal. Changes to the Commission proposal are set out in **bold underlined** and deleted text appears in ~~strike-through~~.

Proposal for a

REGULATION (EU) 201../...

OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of...

establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and for the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007

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,

~~Having regard to the opinion of the European Economic and Social Committee,~~

~~Having regard to the opinion of the Committee of the Regions,~~

After transmission of the ~~proposal~~ **draft legislative act** to ~~the~~ **N**ational ~~p~~arliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

¹ OJ C , , p. .

² OJ C , , p. .

- (1) The United Nations Convention of 10 December 1982 on the Law of the Sea³, to which the Union is a contracting party, provides for conservation obligations, including the maintaining or restoring of populations of harvested species at levels which can produce the maximum sustainable yield.
- (2) At the World Summit on Sustainable Development at Johannesburg in 2002, the Union and its Member States committed themselves to act against the continued decline of many fish stocks. Therefore, it is necessary to adapt the exploitation rates of cod, herring and sprat in the Baltic Sea so as to ensure that the exploitation of these stocks restores and maintains ~~them~~ their populations above levels that can produce the maximum sustainable yield.
- (3) The Common Fisheries Policy ("**CFP**") ~~is to contribute~~s 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 by 2020, as set out in ~~Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council~~⁴.
- (4) Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁵ establishes the rules of the ~~common fisheries policy~~ ('CFP') in line with the international obligations of the Union. The objectives of the CFP are, amongst others, to ensure that fishing and aquaculture are environmentally sustainable in the long-term, to apply the precautionary approach to fisheries management, and to implement the ecosystem-based approach to fisheries management.
- (5) Recent scientific advice from the International Council for the Exploration of the Sea ('ICES') and the Scientific, Technical and Economic Committee on Fisheries ('STECF') has indicated that the exploitation rates of the stocks of cod, sprat and some of the herring stocks are in excess of that required to reach the objective of progressively restoring and maintaining these stocks above biomass levels capable of producing~~achieve~~ maximum sustainable yield.

³ OJ L 179, 23.6.1998, p. 3

⁴ **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).**

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) A management plan for the cod stocks has been in place since 2007⁶ but the stocks of herring and sprat are not yet subject to similar plans. Since strong biological interactions exist between the cod and pelagic stocks, the size of the cod stock can affect that of the herring and sprat stocks and *vice versa*. ~~In addition, Member States and stakeholders have expressed support for the development and implementation of management plans for the key Baltic stocks.~~
- (7) The multiannual plan established by this Regulation should, ~~in accordance with Articles 9 and 10 of Regulation (EU) No 1380/2013,~~ be based on scientific, technical and economic advice and contain, objectives, ~~quantifiable~~ **and** targets with clear timeframes, conservation reference points and safeguards.
- (8) It is appropriate to establish a multi-species fisheries plan taking into account the dynamics between the stocks of cod, herring and sprat, and also considering the by-catch species of the fisheries for these stocks, namely the Baltic stocks of plaice, brill, flounder and turbot. The objective of ~~this~~ **that** plan should be to aim ~~at~~ **to ensure that exploitation restores and achieving and maintaining these stocks above levels which can produce** maximum sustainable yields for the stocks concerned. **Such maximum sustainable yield should be defined in terms of fishing mortality rate. In view of the fact that the plan applies to several species that interact in a mixed fishery and to ensure predictability and stability of catches, it is appropriate that the fishing mortality rate be expressed in ranges. As such definition forms part of a strategic policy decision under the CFP for the purpose of this plan, it is for the legislator to define such ranges.**
- (9) ~~Furthermore,~~ the exploitation of cod and pelagic stocks should not jeopardise the sustainability of the stocks taken as by-catches in these fisheries, namely the Baltic stocks of plaice, brill, flounder and turbot. Therefore, **as long as data remains insufficient to determine targets relating to the maximum sustainable yield,** the plan should also aim ~~at ensuring the~~ **provide for the possibility of** conservation **measures** ~~of for~~ these by-catch stocks ~~above biomass levels corresponding~~ **based on the** to precautionary approach.
- (10) Moreover, as ~~Article 15 of~~ Regulation (EU) No 1380/2013 introduced a landing obligation **for all catches of species which are subject to catch limits,** including for all species ~~covered by TACs,~~ the plan should also aim ~~at~~ **to** contributing to the implementation of the landing obligation for cod, herring, sprat and plaice.

⁶ Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 (OJ L 248, 22.9.2007, p.1).

- (11) ~~Article 16(4) of Regulation (EU) No 1380/2013~~ requires that fishing opportunities be fixed in accordance with the **objectives, quantifiable targets time-frames and margins** set ~~out~~**established** in the ~~a~~ multiannual plans.
- (12) ~~These targets should therefore be established and expressed in terms of fishing mortality rates, based on scientific advice⁷.~~
- (13) It is necessary to establish **safeguards in the form of** conservation reference points **so as** to allow for **remedial action** ~~additional precaution~~ when a stock size is reduced to ~~certain~~ **critical levels** posing serious risk **to the conservation of the stock**. Such conservation reference points should be ~~determined~~ **defined as** levels of minimum spawning biomass of ~~a stock~~ that is consistent with full reproductive capacity. Remedial measures should be envisaged in case the stock size falls below **such conservation reference points** ~~minimum spawning biomass~~.
- (14) In the case of stocks taken as by-catches, in the absence of scientific advice on such levels of minimum spawning biomass, specific conservation measures should be adopted when scientific advice states that a stock is under threat.
- ~~(15) Fish caught when fishing with trapnets, pots and creels have a high survivability due to the characteristics of those gears which do not cause damage to the fish, as confirmed by experimental fishing trips. Therefore, in addition to cases set out in points (a) to (c) of Article 15(4) of Regulation (EU) No 1380/2013, it is appropriate to exempt cod, herring, plaice and sprat from the landing obligation in those fisheries.~~
- (16) In order to comply with the landing obligation established by ~~Article 15(1) of Regulation (EU) No 1380/2013~~, the plan should **foresee adoption of** ~~forese~~ for other management measures as set out under points (a) to (c) of ~~Article 15(4) of that Regulation~~. Such measures should be ~~laid down~~ **adopted** by way of delegated acts.
- (17) The plan should also provide for certain accompanying technical measures to be adopted, by way of delegated acts, in order to contribute to the achievement of the objectives of the plan, in particular as regards the protection of juveniles or spawning fish. Pending the revision of Council Regulation (EC) No 2187/2005⁸, it should also be ~~envisaged~~ **possible** that such measures ~~may~~ **could**, where necessary for the achievement of the objectives of the plan, derogate from certain non-essential elements of that Regulation.

⁷ ~~ICES technical services, September 2014~~
http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2014/Special%20Requests/EU_Fmsy_range_for_Baltic_cod_and_pelagic_stocks.pdf

⁸ Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 (OJ L 349, 31.12.2005, p. 1).

- (18) 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 ~~TFEU Treaty on the Functioning of the European Union~~ should be delegated to the Commission in respect of supplementing this Regulation as regards remedial measures concerning plaice, flounder, turbot and brill, 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 experts level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.
- (19) ~~In accordance with Article 18 of Regulation (EU) No 1380/2013, where the Commission has been granted powers to adopt delegated acts~~ **As a delegation of powers is foreseen** in respect of **adoption of** certain conservation measures ~~as set out in the plan~~, Member States having a direct management interest in the Baltic Sea fisheries should have the possibility to submit joint recommendations for such measures, so that these measures are well designed to correspond to the particularities of the Baltic Sea and its fisheries. The deadline for submitting ~~these~~ **those** recommendations should be established, ~~as required by Article 18(1) of that Regulation~~. **The Commission should only be able to use the delegated powers where a joint recommendation has been submitted. In the absence of a joint recommendation, the Commission should submit a proposal for the relevant measures pursuant to the Treaty.**
- (20) With a view to ensuring compliance with the measures laid down in this Regulation, specific control measures should be adopted in addition to **or in derogation from** those provided for in Council Regulation (EC) No 1224/2009⁹.
- (20a) It is appropriate to continue providing for an obligation for masters of Union vessels of an overall length equal to or greater than eight metres targeting cod to record their catches in a logbook.**
- (20b) In order to avoid undue administrative burden, it is appropriate to adapt the margin of tolerance in estimates recorded in the fishing logbook of the quantities retained on board where it concerns vessels targeting pelagic species to be landed unsorted.**
- (21) Recognising that the Baltic Sea is a rather small fishing area where mainly small vessels carry out short fishing trips, the use of prior notification as ~~requested~~ **required** by ~~Article 17 of~~ Regulation (EC) 1224/2009 should be extended to cover all vessels with an overall length of eight metres or more, and the prior notifications should be submitted at least one hour before the estimated time of arrival at port. However, considering the effect of fishing trips involving very small quantities of fish on the stocks concerned and the administrative burden of prior notifications related to ~~these~~ **such trips**, it is appropriate to establish a threshold for such prior notifications, when these vessels retain on board at least 300 kg **of** cod or two tonnes pelagic stocks.

⁹ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (OJ L 343, 22.12.2009, p. 1).

- (22) Thresholds should be established for the stocks of cod, herring and sprat, 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 in ~~Article 43(5) of~~ that Regulation in such a way as to ensure effective control of the stocks covered by this Regulation.
- (22a) In order to provide legal certainty, it is appropriate to clarify that temporary cessation measures that have been adopted in order to reach the objectives of this plan can be deemed eligible for support under Regulation (EU) No 508/2014.**
- (23) 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 benchmarking evaluation of the stocks concerned carried out by ICES.
- (24) In accordance with ~~Article 9(4) of~~ Regulation (EU) No 1380/2013, prior to drafting the plan, its ~~likely~~ economic and social impact ~~was~~ **needs to be** duly assessed¹⁰.
- (25) As regards the time-frame, it is expected that for the stocks concerned **the** maximum sustainable yield **exploitation rate** should be ~~reached~~ **achieved** by 2015 **where possible and, on a progressive, incremental basis at the latest by 2020.** It should be maintained **at that level** ~~from thereafter on~~.
- ~~(26) In the absence of fishing effort regime it is necessary to delete the specific rules on special fishing permit and replacement of vessels or engines applicable to the Gulf of Riga. Accordingly, Council Regulation (EC) No 2187/2005 should be amended.~~
- (27) ~~Council~~ Regulation (EC) No 1098/2007¹¹ should be repealed,
- (27a) The application of the Commission Delegated Regulation (EU) No 1396/2014 of 20 October 2014 establishing a discard plan in the Baltic Sea is not affected as a result of the adoption of the plan,**

HAVE ADOPTED THIS REGULATION:

¹⁰ ~~Impact assessment published... (to be completed)~~

¹¹ Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 (OJ L 248, 22.9.2007, p. 1

CHAPTER I

SUBJECT MATTER , SCOPE AND DEFINITIONS

Article 1

Subject-matter and scope

1. This Regulation establishes a multiannual plan (~~hereinafter referred to as "plan")~~¹² for the following stocks (~~hereinafter referred to as "stocks concerned")~~¹² in the Union waters of the Baltic Sea and **for** the fisheries exploiting the stocks concerned:

- (a) cod (*Gadus morhua*) in ICES Subdivisions 22-24 (Western Baltic cod);
- (b) cod (*Gadus morhua*) in ICES Subdivisions 25-32 (Eastern Baltic cod);
- (c) herring (*Clupea harengus*) in ICES Subdivisions 25, 26, 27, 28.2, 29 and 32 (Central Baltic herring);
- (d) herring (*Clupea harengus*) in ICES Subdivision 28.1 (Gulf of Riga herring);
- (e) herring (*Clupea harengus*) in ICES Subdivision 30 (Bothnian Sea herring);
- (f) herring (*Clupea harengus*) in ICES Subdivision 31 (Bothnian Bay herring);
- (g) herring (*Clupea harengus*) in ICES ~~Division IIIa and~~ Subdivisions 22-24 (Western Baltic herring)¹²;
- (h) sprat (*Sprattus sprattus*) in ICES Subdivisions 22-32.

2. The plan ~~shall also apply~~¹² to **by-catches of** plaice (*Pleuronectes platessa*), flounder (*Platichthys flesus*), turbot (*Psetta maxima*) and brill (*Scophthalmus rhombus*) in ICES Subdivisions 22-32 caught when fishing for the stocks concerned.

¹² The Council acknowledges that the scientific advice delivered by ICES for this stock takes account of both ICES Division IIIa and Subdivisions 22-24.

Article 2

Definitions

For the purposes of this Regulation, in addition to those laid down in Article 4 of Regulation (EU) No 1380/2013 ~~of the European Parliament and of the Council~~, Article 4 of ~~Council~~ Regulation (EC) No 1224/2009 and Article 2 of ~~Council~~ Regulation (EC) No 2187/2005, the following definitions shall apply:

(a) "pelagic stocks" means the stocks listed in Article 1(c) to (h) of this Regulation and any combination thereof;

~~(b) "trapnet" means large nets, anchored, fixed on stakes or occasionally floating, open at the surface and provided with various types of fish herding and retaining devices, and which are generally divided into chambers closed at the bottom by netting;~~

~~(c) "pots and creels" means small traps designed to catch crustaceans or fish in the form of cages or baskets made with various materials that are set on the seabed either singly or in rows; connected by ropes (buoy lines) to buoys on the surface showing their position and having one or more openings or entrances;~~

~~(d)~~ "Member States concerned" means **Member States having a direct management interest :** Denmark, **Germany**, Estonia, ~~Finland~~, ~~Germany~~, Latvia, Lithuania, Poland, **Finland** and Sweden.

CHAPTER II

OBJECTIVES OF THE PLAN ~~AND TARGETS~~

Article 3

Objectives of the plan

1. The plan shall aim at contributing to the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, ~~and in particular:~~

2. In particular, the plan shall aim at achieving maximum sustainable yield, by 2015 where possible and, on a progressive, incremental basis at the latest by 2020, and maintaining thereafter populations of the fish stocks concerned at the levels which can produce maximum sustainable yield for the stocks concerned, and. Such maximum sustainable yield shall be defined in terms of fishing mortality rate that is expressed in ranges set out in Annex I.

3. In addition, the plan shall ~~ensuring~~ the conservation of the stocks of plaice, brill, flounder and turbot in line with the precautionary approach.

~~24.~~ The plan shall aim at contributing to the implementation of the landing obligation established in Article 15(1) of Regulation (EU) No 1380/2013 for the stocks concerned and for plaice.

~~Article 4~~

~~Targets~~

~~1. The target fishing mortality shall be reached by 2015 and maintained onwards for the stocks concerned within the following ranges:~~

Stock	Target fishing mortality range
Western Baltic cod	0.23-0.29
Eastern Baltic cod	0.41-0.51
Central Baltic herring	0.23-0.29
Gulf of Riga herring	0.32-0.39
Bothnian Sea herring	0.13-0.17
Bothnian Bay herring	Not defined
Western Baltic herring	0.25-0.31
Baltic Sprat	0.26-0.32

2. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities shall comply with the targets set out in paragraph 1.

CHAPTER III CONSERVATION REFERENCE POINTS

Article 45

Minimum spawning biomass

1. The conservation reference points **for the stocks concerned**, expressed in minimum spawning biomass level that is consistent with full reproductive capacity, shall be ~~for the stocks concerned as follows~~ **defined in Annex II**.

Stock	Minimum spawning biomass level (in tonnes)
Western Baltic cod	36 400
Eastern Baltic cod	88 200
Central Baltic herring	600 000
Gulf of Riga herring	Not defined
Bothnian Sea herring	Not defined
Bothnian Bay herring	Not defined
Western Baltic herring	110 000
Baltic sprat	570 000

2. When the spawning biomass of any of the stocks concerned for a certain year is below the minimum spawning biomass levels set out in ~~paragraph 1~~ **Annex II**, appropriate remedial measures shall be adopted to ensure rapid return of the stock concerned to precautionary levels. **These may include measures referred to in Article 5(2) of this Regulation, Commission emergency measures in accordance with Article 12 of Regulation (EU) No 1380/2013, Member States emergency measures in accordance with Article 13 of Regulation (EU) No 1380/2013 or** ~~In particular, by way of derogation from Article 4(2) of this Regulation and in accordance with Article 16(4) of Regulation (EU) No 1380/2013 fishing opportunities shall be set at levels lower than those resulting in target fishing mortality ranges laid down in Article 4(1). These remedial measures may also include, as appropriate, the submission of appropriate legislative proposals for legal acts by the Commission and emergency measures adopted by the Commission under Article 12 of Regulation (EU) No 1380/2013.~~

CHAPTER IIIa

FISHING OPPORTUNITIES

Article 5

Fishing opportunities

1. In line with Article 16(4) of Regulation (EU) No 1380/2013, the Council shall fix fishing opportunities in accordance with the objectives set out in Article 3.

2. If the spawning biomass of any of the stocks concerned for a certain year is below the minimum spawning biomass levels set out in Annex II, in addition to relevant remedial measures referred to in Article 4 and technical measures referred to in Article 9, and taking into account the impact of such measures, the Council may fix the fishing opportunities for that stock at a level that is lower than the one resulting from the application of paragraph 1 in order to ensure rapid return of the stock concerned to precautionary levels.

CHAPTER IV

SPECIFIC CONSERVATION MEASURES FOR PLAICE, FLOUNDER, TURBOT AND BRILL

Article 6

Measures in case of threat to plaice, flounder, turbot and brill caught as a by-catch

1. When scientific advice states that the conservation of any of the Baltic stocks of plaice, flounder, turbot or brill **that is being caught as a by-catch when fishing for the stocks concerned** is under threat, ~~the Commission shall be empowered to adopt delegated acts in accordance with Article 15 on specific conservation measures concerning the stock under threat~~ **may be adopted in order to address that threat.**

2. Where a joint recommendation is submitted in accordance with Article 18(1) of Regulation 1380/2013, the Commission shall be empowered to adopt the measures referred to in paragraph 1 by means of delegated acts in accordance with Article 15. Such conservation measures may consist of and regarding any of the following:

- i. ~~adaptation of fishing capacity and fishing effort;~~
- ii. ~~technical measures, including;~~
- iii. characteristics of fishing gear, in particular mesh size, twine thickness, size of the gear) **to maintain or improve selectivity;**
- iv. use of the fishing gear, in particular immersion time, depth of gear deployment **to maintain or improve selectivity;**
- v. prohibition or limitation ~~on~~ **fishing** in specific areas **in order to protect spawning fish, or fish below the minimum conservation reference size;**
- vi. prohibition or limitation ~~on~~ **fishing** during specific time periods **in order to protect spawning fish or, fish below the minimum conservation reference size;**
- vii. minimum conservation reference sizes **with the aim of ensuring the protection of juveniles of marine organisms;**
- viii. **other characteristics linked to selectivity.**

~~23.~~ The measures referred to in paragraph 1 shall aim ~~at~~ **to** achieving the objective set out in Article 3(1)(b) and be based on scientific advice.

~~34.~~ **Article 18(1) to (6) of Regulation 1380/2013 shall apply to the adoption of any measures under this Article. The deadline for the submission of the joint recommendation in respect of measures concerning a given calendar year shall be not later than 1 September of the previous year.** ~~The Member States concerned may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for specific conservation measures as referred to in paragraph 1.~~

CHAPTER V

PROVISIONS LINKED TO THE LANDING OBLIGATION

Article 7

Derogation for trapnets, pots and creels

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the landing obligation shall not apply to the stocks concerned and plaice when fishing with the following gears: trapnets, pots and creels.

Article 8

Provisions linked to of Implementation the landing obligation

1. **Where a joint recommendation is submitted in accordance with Article 18(1) of Regulation 1380/2013, the** The Commission shall be empowered to adopt **by means of** delegated acts in accordance with Article 15 on the following measures:

~~(a) the list of species in respect of which fishing is prohibited for the purpose of the exemption from the landing obligation provided for in Article 15(4)(a) of Regulation (EU) No 1380/2013;~~

(b) exemptions from the **application of the** landing obligation ~~provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013~~ for species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, **in order to facilitate the implementation of the landing obligation**; and

(c) *de minimis* exemptions **in order to facilitate the implementation of the landing obligation; such *de minimis* exemptions shall be provided for cases** referred to in Article 15(54)(c) of Regulation (EU) No 1380/2013 **and shall not exceed the percentage points, as foreseen in that Article, of total annual catches of all species subject to the landing obligation to which this plan applies;-**

(d) specific provisions on documentation of catches, in particular for the purpose of monitoring the implementation of the landing obligation; and

(e) the fixing of minimum conservation reference sizes, with the aim of ensuring the protection of juveniles of marine organisms.

2. The measures referred to in paragraph 1 shall aim ~~at~~ **to** achieving the objective set out in Article 3(2) and be based on scientific advice, where applicable. ~~The *de minimis* exemptions shall comply with Article 15(5)(e) of Regulation (EU) No 1380/2013.~~

3. **Article 18(1) to (6) of Regulation 1380/2013 shall apply to the adoption of any measures under this Article. The deadline for the submission of the first joint recommendation in accordance with Article 18(1) of Regulation 1380/2013 shall be eighteen months after the entry into force of this Regulation. Thereafter, a joint recommendation may be submitted in respect of measures concerning a given calendar year not later than 1 September of the previous year.** ~~The Member States concerned may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for measures referred to in paragraph 1.~~

CHAPTER VI TECHNICAL MEASURES

Article 9

~~Framework of t~~Technical measures

1. **Where a joint recommendation is submitted in accordance with Article 18(1) of Regulation 1380/2013, the** ~~The~~ Commission shall be empowered to adopt delegated acts in accordance with Article 15 on the following technical measures:

(a) specifications of characteristics of fishing gears and rules governing their use **to maintain or improve selectivity, -to reduce unwanted catches or to minimize negative impact on the ecosystem;**

(b) specifications of modifications or additional devices to the fishing gears **to maintain or improve selectivity, to reduce unwanted catches or to minimize negative impact on the ecosystem;**

(c) limitations or prohibitions on the use of certain fishing gears and on fishing activities, in certain areas or periods **in order to protect spawning fish or, fish below the minimum conservation reference size;**

(d) minimum conservation reference sizes ~~for any of stocks covered by this Regulation,~~ **with the aim of ensuring the protection of juveniles of marine organisms.**

2. The measures referred to in paragraph 1 shall aim ~~at~~ **to** achieving the objectives set out in Article 3 and ~~in particular the protection of juveniles or spawning fish.~~

~~3. The delegated acts referred to in paragraph 1 may derogate, where necessary for the achievement of the objectives referred to in paragraph 2, from the following provisions of Regulation (EC) No 2187/2005:~~

~~(a) specifications of target species and mesh sizes laid down in Annexes II and III referred to in Articles 3 and 4 of Regulation (EC) No 2187/2005;~~

~~(b) structures, characteristics and rules governing the use of active gears laid down in Article 5(2), (3) and (4) and Article 6 thereof;~~

~~(c) structures, characteristics and rules governing the use of passive gears laid down in Article 8;~~

~~(d) the coordinates of prohibited areas and periods of application laid down in Article 16 thereof;~~

~~(e) the species, geographical areas and periods of application of restrictions on fishing for certain stocks laid down in Article 18a(1) thereof, and the technical details of the derogation laid down in Article 18a(2) thereof;~~

~~(f) the trawling prohibition for the Gulf of Riga laid down in Article 22 thereof.~~

4. Article 18(1) to (6) of Regulation 1380/2013 shall apply to the adoption of any measures under this Article. The deadline for the submission of the first joint recommendation in accordance with Article 18(1) of Regulation 1380/2013 shall be eighteen months after the entry into force of this Regulation. Thereafter, a joint recommendation may be submitted in respect of measures concerning a given calendar year not later than 1 September of the previous year. ~~The Member States concerned may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for measures referred to in paragraph 1.~~

CHAPTER VII REGIONALIZATION

Article 10

Regional cooperation

~~1. Article 18 (1) to (6) of Regulation (EU) No 1380/2013 shall apply to the measures under this Chapter.~~

~~2. Member States concerned may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 within the following deadlines:~~

~~a) — for the measures set out in Article 6(1) and concerning a given calendar year, not later than 1 September of the previous year;~~

~~b) — for the measures set out in Articles 8(1) and 9(1), for the first time not later than six months after the entry into force of this Regulation and thereafter six months after each submission the evaluation of the plan in accordance with Article 14.~~

CHAPTER VIII CONTROL AND ENFORCEMENT

Article 11

Relationship with ~~Council~~ Regulation (EC) No 1224/2009

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

Article 12

Prior notifications

1. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the prior notification obligation laid down in that Article shall apply to masters of Union fishing vessels of eight metres overall length or more, retaining on board at least 300 kg of cod or two ~~tonnes~~ of pelagic stocks.
2. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the advance notification period laid down in that Article shall be of at least one hour before the estimated time of arrival at port. **The competent authorities of the coastal Member States may give permission to an earlier entry at port.**

Article 12a

Logbooks

By way of derogation from Article 14(1) of Regulation (EC) No 1224/2009, the masters of all Union vessels of an overall length equal to or greater than eight metres engaged in targeted fishing for cod shall keep a logbook of their operations in accordance with Article 14 of that Regulation.

Article 12b

Margin of tolerance in the logbook

By way of derogation from paragraph 3 of Article 14 of Regulation (EC) No 1224/2009, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities retained on board of pelagic and industrial catches to be landed unsorted shall be 10 % of the total quantity of these catches retained on board unsorted.

Article 13

Designated ports

The threshold applicable to the live weight of species subject to the multiannual plan, above which a fishing vessel ~~shall be~~ 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) 750 kilograms of cod,
- (b) 5 tonnes of pelagic stocks.

CHAPTER IX FOLLOW-UP

Article 14

Evaluation of the plan

The Commission shall ensure an evaluation of the impact of this plan on the stocks covered by this Regulation and on the fisheries exploiting those stocks, in particular to take account of changes in scientific advice, at the latest three ~~six~~ years after the entry into force of the plan or at an earlier stage if deemed necessary by all Member States concerned, and, ~~thereafter,~~ the Commission shall ensure an evaluation at least every six years or at earlier stages if deemed necessary by all Member States concerned or by the Commission. The Commission shall submit the results of ~~these~~ those evaluations to the European Parliament and to the Council.

Article 14a

Revision of fishing mortality ranges and minimum spawning biomass level

Where, on the basis of scientific advice, the Commission considers that the fishing mortality rate set out in Annex I and/or the minimum spawning biomass levels defined in Annex II do not correctly express the objectives of this plan anymore, the Commission may as a matter of urgency submit a proposal for their revision.

Article 14b

Support from the European Maritime and Fisheries Fund

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

CHAPTER X 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.

2. The delegation of power referred to in Articles 6, 8 and 9 shall be conferred on the Commission ~~for five years for an indeterminate period of time~~ from the date of the entry into force of this Regulation. **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, 8 and 9 may be revoked at any time by the European Parliament or by the Council. A decision ~~of revocation~~ **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. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 6, 8 and 9 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of ~~2~~ **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and **to** the Council have both informed the Commission that they will not object. That period shall be extended by ~~2~~ **two** months at the initiative of the European Parliament or ~~of~~ the Council.

CHAPTER XI AMENDMENTS

Article 16

Amendments to ~~Council~~ Regulation (EC) No 2187/2005

(1) ~~Articles 20 and 21~~ **13(3)** of Regulation (EC) No 2187/2005 ~~are~~ **is** deleted.

(2) New Article 16b shall be inserted:

"Article 16b

Procedure for adopting technical measures in the context of the multi-annual plans

The Commission shall be empowered, for the purpose of adopting the acts referred to in Article 9(1) of [Baltic Multispecies Plan Regulation] and for the duration thereof, to adopt technical measures. Such technical measures shall be established by means of a delegated act adopted in accordance with Article 28b of this Regulation and Article 18 of Regulation (EU) No 1380/2013, and may derogate, where appropriate, from the following provisions of this Regulation:

- (a) specifications of target species and mesh sizes laid down in Annexes II and III as referred to in Articles 3 and 4 of this Regulation;**
- (b) structures, characteristics and rules governing the use of active gears laid down in Article 5(2), (3) and (4), Article 6 and in Annex II of this Regulation;**
- (c) structures, characteristics and rules governing the use of passive gears laid down in Article 8 of this Regulation;**
- (d) the list and coordinates of prohibited areas and periods of application laid down in Article 16 of this Regulation;**
- (e) the species, geographical areas and periods of application of restrictions on fishing for certain stocks laid down in Article 18a(1) of this Regulation, and the technical details of the derogation laid down in Article 18a(2) of this Regulation."**

(3) In Article 28b, paragraphs 2, 3 and 5, the words "Articles 14b and 28b" are replaced by the words "Articles 14b, 16b and 28b."

CHAPTER XII

Repeal

Article 17

Repeal of ~~Council~~ Regulation (EC) No 1098/2007

Regulation (EC) No 1098/2007 is repealed.

References made to the repealed Regulation shall be construed as references to this Regulation.

CHAPTER XIII

Final Provisions

Article 18

Entry into force

This Regulation shall enter into force on the 20th ~~twentieth~~ day following its publication in the *Official Journal of the European Union*.

It shall apply from ~~1~~ January 2015~~].~~

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX I

Fishing mortality ranges defining the maximum sustainable yield

<u>Stock</u>	<u>Target fishing mortality range</u>
<u>Western Baltic cod</u>	<u>0.15-0.45</u>
<u>Eastern Baltic cod</u>	<u>Not defined</u> ¹³
<u>Central Baltic herring</u>	<u>0.16-0.28</u>
<u>Gulf of Riga herring</u>	<u>0.24-0.38</u>
<u>Bothnian Sea herring</u>	<u>0.09-0.13</u>
<u>Bothnian Bay herring</u>	<u>Not defined</u> ¹⁴
<u>Western Baltic herring</u>	<u>0.23-0.41</u>
<u>Baltic Sprat</u>	<u>0.19 – 0.27</u>

ANNEX II

Minimum spawning biomass

<u>Stock</u>	<u>Minimum spawning biomass level (in tonnes)</u>
<u>Western Baltic cod</u>	<u>36 400</u>
<u>Eastern Baltic cod</u>	<u>Not defined</u> ¹⁵
<u>Central Baltic herring</u>	<u>600 000</u>

¹³ The Council notes that the missing figures will need to be updated on the basis of the latest scientific advice before the Regulation can be adopted.

¹⁴ The Council notes that the missing figures will need to be updated on the basis of the latest scientific advice before the Regulation can be adopted.

¹⁵ The Council notes that the missing figures will need to be updated on the basis of the latest scientific advice before the Regulation can be adopted.

<u>Gulf of Riga herring</u>	<u>60 000</u>
<u>Bothnian Sea herring</u>	<u>316 000</u>
<u>Bothnian Bay herring</u>	<u>Not defined</u> ¹⁶
<u>Western Baltic herring</u>	<u>110 000</u>
<u>Baltic sprat</u>	<u>570 000</u>

¹⁶ The Council notes that the missing figures will need to be updated on the basis of the latest scientific advice before the Regulation can be adopted.