

Commission Delegated Regulation (EU) 2018/2036 of 18 October 2018 amending Delegated Regulation (EU) 2017/86 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea

*Article 1*

Delegated Regulation (EU) 2017/86 is amended as follows:

- (1) Article 3 is replaced by the following:

*Article 3*

**Survivability exemption**

- 1 The exemption from the landing obligation pursuant to Article 15(4)(b) of Regulation (EU) No 1380/2013 for species for which scientific evidence demonstrates high survival rates shall apply to:
- a common sole (*Solea solea*) caught with rapido (TBB)<sup>(1)</sup> in the Adriatic Sea until 31 December 2019;
  - b scallop (*Pecten jacobaeus*) caught with mechanised dredges (HMD) in the Western Mediterranean Sea;
  - c carpet clams (*Venerupis* spp.) caught with mechanised dredges (HMD) in the Western Mediterranean Sea;
  - d Venus shells (*Venus* spp.) caught with mechanised dredges (HMD) in the Western Mediterranean Sea;
  - e Norway lobster (*Nephrops norvegicus*) caught with all bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX) in the Western Mediterranean Sea, in the Adriatic Sea and in the South-eastern Mediterranean Sea;
  - f Norway lobster (*Nephrops norvegicus*) caught with pots and traps (FPO, FIX), in the Western Mediterranean, in the Adriatic Sea and in the South-eastern Mediterranean until 31 December 2019;
  - g red sea bream (*Pagellus bogaraveo*) caught with hooks and lines (LHP, LHM, LLS, LLD, LL, LTL, LX) in the Western Mediterranean sea, in the Adriatic Sea and in the South-eastern Mediterranean Sea until 31 December 2019;
  - h lobster (*Homarus gammarus*) caught with nets (GNS, GN, GND, GNC, GTN, GTR, GEN) and with pots and traps (FPO, FIX) in the Western Mediterranean Sea, in the Adriatic Sea and in the South-eastern Mediterranean Sea until 31 December 2019;
  - i crawfish (Palinuridae) caught with nets (GNS, GN, GND, GNC, GTN, GTR, GEN) and with pots and traps (FPO, FIX) in the Western Mediterranean Sea, in the Adriatic Sea and in the South-eastern Mediterranean Sea until 31 December 2019.
- 2 Common sole (*Solea solea*), scallop (*Pecten jacobaeus*), carpet clams (*Venerupis* spp.), Venus shells (*Venus* spp.), Norway lobster (*Nephrops norvegicus*), red sea bream (*Pagellus bogaraveo*), lobster (*Homarus gammarus*) and crawfish (*Palinuridae*) caught in the circumstances referred to in paragraph 1 shall be released immediately in the area where they have been caught.
- 3 By 1 May 2019, the Member States having a direct management interest in the fisheries in the Mediterranean Sea shall submit to the Commission additional

discard data to those provided in the joint recommendations of June 2018 as amended in August 2018, and any other relevant scientific information supporting the exemption laid down in paragraphs 1(a), 1(f), 1(g), 1(h) and 1(i). The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess those data and that information by July 2019 at the latest.

- (2) Article 4 is replaced by the following:

*Article 4*

**De minimis exemption**

- 1 By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities of species may be discarded pursuant to Article 15(4)(c) of Regulation (EU) No 1380/2013:

- a in the Western Mediterranean Sea (point 1 of the Annex):
- (i) for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.), up to a maximum of 6 % for 2019 and 2020 and up to a maximum of 5 % in 2021 of the total annual catches of those species by vessels using bottom trawls;
  - (ii) for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.), up to a maximum of 1 % of the total annual catches of those species by vessels using gillnets and trammel nets;
  - (iii) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), stripped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*), gilthead seabream (*Sparus aurata*) and deep-water rose shrimp (*Parapenaeus longirostris*), up to a maximum of 5 % in 2019 of the total annual catches of those species made by vessels using bottom trawls;
  - (iv) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), stripped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 3 % in 2019 of the total annual catches of those species made by vessels using gillnets and trammel nets;
  - (v) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus*

- vulgaris*), groupers (*Epinephelus* spp.), stripped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 1 % in 2019 of the total annual catches of those species made by vessels using hooks and lines;
- (vi) for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.), up to a maximum of 5 % in 2019 of the total annual by-catches of those species by vessels using bottom trawls;
- b in the Adriatic Sea (point 2 of the Annex):
- (i) for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.), up to a maximum of 6 % in 2019 and 2020 and up to a maximum of 5 % in 2021 of the total annual catches of those species by vessels using bottom trawls;
- (ii) for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.), up to a maximum of 1 % of the total annual catches of those species by vessels using gillnets and trammel nets;
- (iii) for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.), up to a maximum of 1 % of the total annual catches of those species by vessels using rapido (TBB);
- (iv) for common sole (*Solea solea*), up to 3 % of the total annual catches of those species by vessels using bottom trawls;
- (v) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), stripped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), gilthead seabream (*Sparus aurata*) and deep-water rose shrimp (*Parapenaeus longirostris*), up to a maximum of 5 % in 2019 of the total annual catches of those species made by vessels using bottom trawls;
- (vi) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), stripped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 3 % in 2019 of the total annual catches of those species made by vessels using gillnets and trammel nets;

- (vii) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), stripped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 1 % in 2019 of the total annual catches of those species made by vessels using hooks and lines;
- (viii) for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.), up to a maximum of 5 % in 2019 of the total annual by-catches of those species by vessels using bottom trawls;
- c in the South-eastern Mediterranean Sea (point 3 of the Annex):
  - (i) for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.), up to a maximum of 6 % for 2019 and 2020 and up to a maximum of 5 % in 2021 of the total annual catches of those species by vessels using bottom trawls;
  - (ii) for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.), up to a maximum of 1 % of the total annual catches of those species by vessels using gillnets and trammel nets;
  - (iii) for deep-water rose shrimp (*Parapenaeus longirostris*), up to a maximum of 6 % for 2019 and 2020 and up to a maximum of 5 % for 2021 of the total annual catches of that species by vessels using bottom trawls;
  - (iv) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), stripped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 5 % in 2019 of the total annual catches of those species made by vessels using bottom trawls;
  - (v) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), stripped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 3 % in 2019 of the total annual catches of those species made by vessels using gillnets and trammel nets;

- (vi) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 1 % in 2019 of the total annual catches of those species made by vessels using hooks and lines;
- (vii) for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber spp.*) and horse mackerel (*Trachurus spp.*), up to a maximum of 5 % in 2019 of the total annual by-catches of those species by vessels using bottom trawls.

2 By 1 May 2019, the Member States having a direct management interest in the fisheries in the Mediterranean Sea shall submit to the Commission additional discard data to those provided in the joint recommendations of June 2018 as amended in August 2018 and any other relevant scientific information supporting the exemptions laid down in paragraphs 1(a)(iii) to (vi), 1(b)(v) to (viii) and 1(c)(iv) to (vii). The STECF shall assess those data and that information by July 2019 at the latest.

(3) In Article 6, the second paragraph is replaced by the following:

It shall apply from 1 January 2017 to 31 December 2021.

(4) The Annex is replaced by the text in the Annex to this Regulation.

#### *Article 2*

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

It shall apply from 1 January 2019.

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

Done at Brussels, 18 October 2018.

*For the Commission*

*The President*

Jean-Claude JUNCKER

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*Status: This is the original version (as it was originally adopted).*

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