

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) 2016/0238(COD) Regulation</p>	Procedure completed
<p>Multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks</p> <p>Repealing Regulation (EC) 676/2007 2006/0002(CNS) Repealing Regulation (EC) 1342/2008 2008/0063(CNS)</p> <p>Subject 3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds</p> <p>Geographical area North Sea area</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		15/09/2016
		S&D RODUST Ulrike	
		Shadow rapporteur	
		PPE GIESEKE Jens	
		ECR VAN DALEN Peter	
		ALDE TORVALDS Nils	
		GUE/NGL HAZEKAMP Anja	
		Verts/ALE ENGSTRÖM Linnéa	
	Committee for opinion	Rapporteur for opinion	Appointed
	DEVE Development		
		The committee decided not to give an opinion.	
	BUDG Budgets		
		The committee decided not to give an opinion.	
	ENVI Environment, Public Health and Food Safety		
		The committee decided not to give an opinion.	
	REGI Regional Development		
		The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3531	25/04/2017
	Agriculture and Fisheries	3497	15/11/2016
European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries	VELLA Karmenu	
European Economic and Social Committee			

Key events			
03/08/2016	Legislative proposal published	COM(2016)0493	Summary

12/09/2016	Committee referral announced in Parliament, 1st reading/single reading		
15/11/2016	Debate in Council	3497	
12/07/2017	Vote in committee, 1st reading/single reading		
12/07/2017	Rejection by committee to open interinstitutional negotiations with report adopted in committee		
18/07/2017	Committee report tabled for plenary, 1st reading/single reading	A8-0263/2017	Summary
13/09/2017	Debate in Parliament		
14/09/2017	Decision by Parliament, 1st reading/single reading	T8-0357/2017	Summary
14/09/2017	Matter referred back to the committee responsible		
21/03/2018	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE619.097 GEDA/A/(2018)001886	
28/05/2018	Debate in Parliament		
29/05/2018	Results of vote in Parliament		
29/05/2018	Decision by Parliament, 1st reading/single reading	T8-0212/2018	Summary
18/06/2018	Act adopted by Council after Parliament's 1st reading		
04/07/2018	Final act signed		
04/07/2018	End of procedure in Parliament		
16/07/2018	Final act published in Official Journal		

Technical information

Procedure reference	2016/0238(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) 676/2007 2006/0002(CNS) Repealing Regulation (EC) 1342/2008 2008/0063(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2; Rules of Procedure EP 59-p4
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	PECH/8/07563

Documentation gateway

Legislative proposal	COM(2016)0493	03/08/2016	EC	Summary
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Document attached to the procedure		SWD(2016)0267	03/08/2016	EC	
Document attached to the procedure		SWD(2016)0272	03/08/2016	EC	
Committee draft report		PE594.033	28/02/2017	EP	
Amendments tabled in committee		PE603.029	19/04/2017	EP	
Amendments tabled in committee		PE600.947	19/04/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0263/2017	18/07/2017	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading		T8-0357/2017	14/09/2017	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2018)001886	07/03/2018	CSL	
Text adopted by Parliament, 1st reading/single reading		T8-0212/2018	29/05/2018	EP	Summary
Commission response to text adopted in plenary		SP(2018)414	27/06/2018	EC	
Draft final act		00014/2018/LEX	04/07/2018	CSL	

Additional information

Research document

[Briefing](#)

Final act

[Regulation 2018/973](#)

[OJ L 179 16.07.2018, p. 0001](#) Summary

Final legislative act with provisions for delegated acts

Delegated acts

[2019/2841\(DEA\)](#)

Examination of delegated act

[2018/2895\(DEA\)](#)

Examination of delegated act

[2019/2650\(DEA\)](#)

Examination of delegated act

[2020/2765\(DEA\)](#)

Examination of delegated act

[2020/2757\(DEA\)](#)

Examination of delegated act

2016/0238(COD) - 03/08/2016 Legislative proposal

PURPOSE: to establish a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides following the ordinary legislative procedure on an equal footing with Council.

BACKGROUND: in the framework of the common fisheries policy established by [Regulation \(EU\) 1380/2013](#), multi-annual plans should contribute to achieving fishing at sustainable levels (Maximum Sustainable Yield). The fisheries of the North Sea and adjacent areas are highly complex, involving vessels from at least seven coastal Member States, as well as Norway, using a wide variety of different fishing gears to target a wide range of different fish and shellfish species. A key issue is that many of the most important demersal stocks (i.e. those that live on or near the bottom of the sea) are caught in mixed fisheries. The proposal presented by the Commission establishes a plan taking into account such mixed fisheries interactions.

The Basic Regulation aims at solving the problems of overfishing and discarding fish. However, without additional legislation, the Basic Regulation could lead to under-utilisation of quota in the North Sea mixed fisheries and would not allow any exemptions from the landing

obligation to be adopted after the three year discard plans have expired. Hence, if no appropriate measures are taken, the Basic Regulation might have negative economic and social consequences for the fishing industry in the coming years.

IMPACT ASSESSMENT: the preferred choice (a single mixed fishery multi-annual plan for North Sea demersal fisheries), wherein FMSY (maximum rate of fishing mortality) is achieved by 2020 at the latest and stocks are rebuilt to within precautionary levels quickly is judged to be more effective than Option 1 (to manage using the Basic Regulation) to achieve the objectives of the initiative.

CONTENT: the proposal aims to establish a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks in order to contribute to the achievement of the objectives of the CFP set out in Regulation 1380/2013. The plan will:

- ensure the sustainable exploitation of these stocks, by ensuring that they are exploited according to the principles of maximum sustainable yield and of the ecosystem approach to fisheries management;
- provide stability of fishing opportunities, while ensuring that management is based on the most up to date scientific information on stocks, mixed fisheries and other aspects of the ecosystem and environment;
- facilitate the introduction of the landing obligation.

The proposal aims to replace the current [plan for cod](#), as well as the plan for [plaice and sole](#) by bringing all multi-annual plans for the different demersal stocks into one regulation.

The plan will apply to all Union fishing vessels irrespective to their overall length in fishing in the North Sea as this is in conformity with the rules of the CFP and is in line with the effect of the vessels on the fish stocks concerned. The proposed plan:

- requires the EU to set catch limits that restore and maintain fish stocks above levels that can produce the [Maximum Sustainable Yield \(MSY\)](#);
- defines ranges within which catch limits can be set. Fishing opportunities in the higher part of the ranges will only be possible under clearly defined conditions and in line with the MSY approach;
- establishes safeguard measures for biomass based on the precautionary approach laid out in the Basic Regulation;
- obliges the EU to take swift action when the sustainability of any demersal North Sea fish stock is threatened;
- establishes the necessary framework for implementing regionalisation within the North Sea and provides for regional cooperation among Member States regarding the adoption of measures on the landing obligation and specific conservation measures for certain stocks;
- adopt thresholds above which catches of demersal stocks should only be landed in designated ports;
- does not include annual limits on fishing effort (the numbers of days at sea).

There will be periodic evaluation (every five years) of the impact of the plan on the stock concerned based on scientific advice.

2016/0238(COD) - 18/07/2017 Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Ulrike RODUST (S&D, DE) on the proposal for a regulation of the European Parliament and of the Council on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008.

The committee recommended that the European Parliament's position adopted at first reading in accordance with the ordinary legislative procedure should amend the Commission proposal as follows.

Purpose and scope: the Regulation establishes a multiannual plan for the demersal stocks in waters of Union waters of ICES zones IIa, IIIa and IV (North Sea) and the fisheries, including recreational fisheries, exploiting those stocks.

Demersal stocks shall cover those roundfish, flatfish and cartilaginous fish species, Norway lobster (*Nephrops Norvegicus*) and Northern prawn (*Pandalus borealis*) that live at or near the bottom of the water column.

Members recalled that the aim of this plan should be to help achieve the objectives of the Common Fisheries Policy (CFP), in particular to restore and maintain fish stocks at biomass levels above those to achieve maximum sustainable yield (MSY). The plan shall contribute to:

- the implementation of the landing obligation for demersal stocks subject to catch limits;
- the implementation and achievement of the socio-economic aspects of the CFP and contributing to the implementation of the ecosystem-based approach to fisheries management by minimising the negative effects of fishing on the marine ecosystem;
- the achievement of good environmental status and favourable conservation status for habitats and species.

All actions taken under the plan should be based on the best available scientific advice.

Prohibited species: group 6 in the Commission proposal refers to the list of prohibited species as they currently appear in Article 12 of Council Regulation (EU) 2017/127. Members suggested referring to a less flexible list by specifying the definition of prohibited species.

Targeted objectives: in line with the provisions of the Baltic Sea Management Plan, Members proposed:

- fishing opportunities be fixed in such a way as to ensure that there is less than a 5 % probability of the spawning stock biomass falling below the limit spawning stock biomass reference point (Blim);
- that the Commission may urgently submit a proposal to revise the fishing mortality ranges set out in Annex I if it considers, on the basis of the best scientific advice available, that these ranges are no longer in line with the objectives of the plan.

Measures of the multiannual plan based on the precautionary approach must guarantee a degree of conservation of the relevant stocks that is at least comparable to exploitation rates in accordance with the maximum sustainable yield.

Fishing opportunities: when allocating the fishing opportunities available to them, Member States should take account of transparent and objective criteria. In the case of joint management of stocks shared with third countries, Member States should allow the exchange of fishing opportunities.

Impact of recreational fishing: a new provision shall provide for the review of available data on recreational fishery catches to determine their

potential impact on the stocks of regulated species.

Technical measures: Members suggested that a specific chapter should be created to allow technical measures to be put in place in general. The Commission may adopt delegated acts in respect of:

- specifications of characteristics of fishing gears and rules governing their use, to ensure or improve selectivity, to reduce unwanted catches or to minimise the negative impact on the ecosystem;
- limitations or prohibitions on the use of certain fishing gears and on fishing activities, in certain areas or periods to protect spawning fish, fish below the minimum conservation reference size or non-target fish species, or to minimise the negative impact on the ecosystem;
- the fixing of minimum conservation reference sizes for any of the stocks to which this Regulation applies, to ensure the protection of juveniles of marine organisms.

The Commission shall be empowered to establish biologically sensitive protected areas.

2016/0238(COD) - 14/09/2017 Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 532 votes to 44, with 20 abstentions, amendments to the proposal for a regulation of the European Parliament and of the Council on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008.

The matter was referred back to the committee responsible for interinstitutional negotiations.

Purpose and scope: the Regulation establishes a multiannual plan for the demersal stocks in waters of Union waters of ICES zones IIa, IIIa and IV (North Sea) and the fisheries, including recreational fisheries, exploiting those stocks.

Demersal stocks shall cover those roundfish, flatfish and cartilaginous fish species, Norway lobster (*Nephrops Norvegicus*) and Northern prawn (*Pandalus borealis*) that live at or near the bottom of the water column

The Commission may submit a proposal to amend the list covered by the definitions on the basis of scientific advice or a request from the Member States concerned.

Restore and maintain fish stocks: Parliament recalled that the aim of this plan should be to help achieve the objectives of the Common Fisheries Policy (CFP), in particular to restore and maintain fish stocks at biomass levels above those to achieve maximum sustainable yield (MSY). The plan shall contribute to:

- the implementation of the landing obligation for demersal stocks subject to catch limits;
- the implementation and achievement of the socio-economic aspects of the CFP and contributing to the implementation of the ecosystem-based approach to fisheries management by minimising the negative effects of fishing on the marine ecosystem;
- the achievement of good environmental status and favourable conservation particularly for threatened habitats and protected species including marine mammals and seabirds.

All actions taken under the plan should be based on the best available scientific advice meaning scientific advice which has been reviewed by ICES or STECF and is supported by the most up-to-date data available.

Prohibited species: group 6 in the Commission proposal refers to the list of prohibited species as they currently appear in Article 12 of Council Regulation (EU) 2017/127. Members suggested referring to a less flexible list by specifying the definition of prohibited species.

Targeted objectives: Parliament proposed:

- fishing opportunities be fixed in such a way as to ensure that there is less than a 5 % probability of the spawning stock biomass falling below the limit spawning stock biomass reference point (Blim);
- that the Commission may urgently submit a proposal to revise the fishing mortality ranges set out in Annex I if it considers, on the basis of the best scientific advice available, that these ranges are no longer in line with the objectives of the plan.

Measures of the multiannual plan based on the precautionary approach must guarantee a degree of conservation of the relevant stocks that is at least comparable to exploitation rates in accordance with the maximum sustainable yield.

Fishing opportunities: when allocating the fishing opportunities available to them, Member States should take account of transparent and objective criteria. In the case of joint management of stocks shared with third countries, Member States should allow the exchange of fishing opportunities. Stocks managed jointly with third countries are to be managed wherever possible with joint agreements.

Impact of recreational fishing: a new provision shall provide for the review of available data on recreational fishery catches to determine their potential impact on the stocks of regulated species.

For those stocks for which recreational catches are considered to be significant, the Council shall, when setting fishing opportunities, take account of recreational catches.

Technical measures: Members suggested that a specific chapter should be created to allow technical measures to be put in place in general to achieve the targets for the maximum possible avoidance of and reduction of unwanted catches

The Commission may adopt delegated acts in respect of:

- specifications of characteristics of fishing gears and rules governing their use, to ensure or improve selectivity, to reduce unwanted catches or to minimise the negative impact on the ecosystem;
- limitations or prohibitions on the use of certain fishing gears and on fishing activities, in certain areas or periods to protect spawning fish, fish below the minimum conservation reference size or non-target fish species, or to minimise the negative impact on the ecosystem;

- the fixing of minimum conservation reference sizes for any of the stocks to which this Regulation applies, to ensure the protection of juveniles of marine organisms.

The Commission shall be empowered to establish biologically sensitive protected areas.

2016/0238(COD) - 29/05/2018 Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 520 votes to 131, with 9 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/20081; The matter was referred back to the committee responsible for inter-institutional negotiations at the sitting of 14.9.2017.

The European Parliaments position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Purpose and scope: the Regulation shall establish a multiannual plan for the following demersal stocks in Union waters of the North Sea (ICES divisions 2a , 3a and subarea 4), including the fisheries exploiting those stocks, and, where those stocks extend beyond the North Sea, in its adjacent waters.

These demersal stocks shall include roundfish, flatfish and cartilaginous fish species, Norway lobster (*Nephrops norvegicus*) and Northern prawn (*Pandalus borealis*) that live at or near the bottom of the water column.

The Commission shall be empowered to adopt delegated acts adjusting the geographical distribution of stocks set out in the plan if the scientific advice provided by ICES indicates a change in the geographical distribution of the relevant stocks.

On the basis of scientific advice, the Commission may submit a proposal for the amendment of the list of stocks.

This Regulation also applies to by-catches caught in the North Sea when fishing for the stocks listed in the plan.

Objective of the plan: the amended text specified the objectives of the plan, namely:

- contribute to achieving the objectives of the Common Fisheries Policy (CFP), and in particular to achieving and maintaining the maximum sustainable yield (MSY) for the stocks concerned, by implementing the landing obligation for the species which are subject to catch limits;
- promote a fair standard of living for those who depend on fishing activities, taking into account coastal fishing and socio-economic aspects;
- implement the ecosystem-based approach to fisheries management.

The plan also specifies details for the implementation of the landing obligation in Union waters of the North Sea for all stocks of species to which the landing obligation applies.

The measures taken under the plan should be based on the best available scientific advice.

Fishing opportunities: the new rules shall determine the ranges (minimum-maximum) within which total allowable catches (TACs) and annual quotas would be set. Fishing opportunities shall in any event be fixed in such a way as to ensure that there is less than a 5 % probability of the spawning stock biomass falling below B lim.

When allocating fishing opportunities available to them, Member States shall take account of the likely catch composition of vessels participating in mixed fisheries.

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 fixing fishing opportunities in order to avoid exceeding the total target of fishing mortality.

Safeguard measures: the amended text provides for the possibility to avoid and/or reduce fishing for a particular stock if scientific advice indicates that a stock is threatened. Remedial measures shall be selected taking into account the nature, seriousness, duration and repetition of the situation where the spawning stock biomass.

Technical measures: the Commission may adopt delegated acts to supplement the Regulation as regards:

- specifications of characteristics of fishing gears and rules governing their use in order to ensure or improve selectivity, reduce unwanted catches or minimise negative impacts on the ecosystem;
- limitations or prohibitions on the use of certain fishing gears and fishing activities in certain areas or during certain periods;
- the fixing of minimum conservation reference sizes for any stock to which the Regulation applies in order to ensure the protection of juveniles of marine organisms.

Cooperation with third countries: where stocks of common interest are also exploited by third countries, the Union should engage with those third countries with a view to ensuring that those stocks are managed in a sustainable manner. Where no formal agreement is reached, the Union should make every effort to reach common arrangements for fishing of such stocks with a view to making sustainable management possible, thereby promoting a level-playing field for Union operators.

2016/0238(COD) - 04/07/2018 Final act

PURPOSE: to establish a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks.

LEGISLATIVE ACT: Regulation (EU) 2018/973 of the European Parliament and of the Council establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008.

CONTENT: the Regulation establishes a new multi-annual management plan for demersal stocks in the North Sea. These demersal stocks include roundfish, flatfish and cartilaginous fish species, Norway lobsters (*Nephrops norvegicus*) and northern prawns (*Pandalus borealis*) that live and feed near the seabed. The Regulation shall also apply to by-catches caught in the North Sea when fishing for the stocks listed in the plan.

The objective of the plan is:

- to contribute to the achievement of the objectives of the Common Fisheries Policy (CFP), and in particular to achieve and maintain the maximum sustainable yield (MSY) for the stocks concerned, by implementing the landing obligation for demersal stocks subject to catch limits,
- to promote a fair standard of living for those who depend on fishing activities, taking into account coastal fishing and socio-economic aspects, and
- to implement the ecosystem approach to fisheries management.

The plan shall include objectives, quantifiable targeted objectives with clear timeframes, conservation reference points, safeguard measures and technical measures to avoid and reduce unwanted catches.

The Regulation sets out the target fishing mortality (F) that corresponds to the objective of reaching and maintaining MSY as ranges of values which are consistent with achieving MSY (FMSY). Those ranges, based on the best available scientific advice, are necessary in order to provide the flexibility to take account of developments in scientific advice, to contribute to the implementation of the landing obligation and to take into account the characteristics of mixed fisheries.

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 fixing fishing opportunities in order to avoid exceeding the total target of fishing mortality.

In addition, the new rules strengthen regional cooperation by giving Member States, and thus local fishing communities, a voice on important issues through joint recommendations.

The Commission may adopt delegated acts adapting the geographical distribution of the stocks provided for in the plan if scientific advice from the International Council for the Exploration of the Sea (ICES) indicates a change in the geographical distribution of the stocks concerned. On the basis of scientific advice, the Commission may also submit a proposal to amend the list of stocks.

ENTRY INTO FORCE: 5.8.2018.