

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2018/0074(COD)</p> <p>Procedure completed</p>	
<p>Multiannual plan for fish stocks in the western waters and adjacent waters, and for fisheries exploiting those stocks</p> <p>Repealing Regulation (EC) No 811/2004 2003/0137(CNS) Repealing Regulation (EC) No 2166/2005 2003/0318(CNS) Repealing Regulation (EC) No 509/2007 2003/0327(CNS) Repealing Regulation (EC) No 388/2006 2003/0327(CNS) Repealing Regulation (EC) No 1300/2008 2008/0091(CNS) Amending Regulation (EU) 2016/1139 2014/0285(COD)</p> <p>Subject</p> <p>3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Fisheries	 CADEC Alain	26/04/2018
		Shadow rapporteur	
		 SERRÃO SANTOS Ricardo	
		 MOBARIK Baroness Nosheena	
		 BILBAO BARANDICA Izaskun	
		 ENGSTRÖM Linnéa	
Council of the European Union	Council configuration	Meeting	Date
	Environment Agriculture and Fisheries	3676 3612	05/03/2019 16/04/2018
European Commission	Commission DG Maritime Affairs and Fisheries	Commissioner VELLA Karmenu	
European Economic and Social Committee			

Key events			
23/03/2018	Legislative proposal published	COM(2018)0149	Summary
16/04/2018	Debate in Council	3612	
16/04/2018	Committee referral announced in Parliament, 1st reading		

09/10/2018	Vote in committee, 1st reading		
09/10/2018	Rejection by committee to open interinstitutional negotiations with report adopted in committee		
10/10/2018	Committee report tabled for plenary, 1st reading	A8-0310/2018	Summary
25/10/2018	Results of vote in Parliament		
25/10/2018	Decision by Parliament, 1st reading	T8-0425/2018	Summary
25/10/2018	Matter referred back to the committee responsible		
22/01/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE630.679 GEDA/A/(2018)009901	
11/02/2019	Debate in Parliament		
12/02/2019	Decision by Parliament, 1st reading	T8-0069/2019	Summary
05/03/2019	Act adopted by Council after Parliament's 1st reading		
19/03/2019	Final act signed		
19/03/2019	End of procedure in Parliament		
25/03/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0074(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) No 811/2004 2003/0137(CNS) Repealing Regulation (EC) No 2166/2005 2003/0318(CNS) Repealing Regulation (EC) No 509/2007 2003/0327(CNS) Repealing Regulation (EC) No 388/2006 2003/0327(CNS) Repealing Regulation (EC) No 1300/2008 2008/0091(CNS) Amending Regulation (EU) 2016/1139 2014/0285(COD)
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/8/12613

Documentation gateway

Legislative proposal	COM(2018)0149	23/03/2018	EC	Summary
Document attached to the procedure	SWD(2018)0112	19/04/2018	EC	
Document attached to the procedure	SWD(2018)0113	19/04/2018	EC	

Committee draft report	PE622.105	20/06/2018	EP	
Amendments tabled in committee	PE623.900	10/08/2018	EP	
Economic and Social Committee: opinion, report	CES2511/2018	19/09/2018	ESC	
Committee report tabled for plenary, 1st reading/single reading	A8-0310/2018	10/10/2018	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading	T8-0425/2018	25/10/2018	EP	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2018)009901	20/12/2018	CSL	
Text agreed during interinstitutional negotiations	PE630.679	20/12/2018	EP	
Text adopted by Parliament, 1st reading/single reading	T8-0069/2019	12/02/2019	EP	Summary
Draft final act	00078/2019/LEX	13/03/2019	CSL	
Commission response to text adopted in plenary	SP(2019)354	16/04/2019	EC	

Additional information

Research document

[Briefing](#)

Final act

[Regulation 2019/472](#)

[OJ L 083 25.03.2019, p. 0001](#) Summary

Delegated acts

[2019/2840\(DEA\)](#)

Examination of delegated act

[2021/2854\(DEA\)](#)

Examination of delegated act

[2020/2758\(DEA\)](#)

Examination of delegated act

[2023/2546\(DEA\)](#)

Examination of delegated act

[2022/2794\(DEA\)](#)

Examination of delegated act

Multiannual plan for fish stocks in the western waters and adjacent waters, and for fisheries exploiting those stocks

PURPOSE: establish a management plan for demersal stocks, including deep-sea stocks, and their fisheries in the Western Waters.

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

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

BACKGROUND: [Regulation \(EU\) No 1380/2013](#) of the European Parliament and of the Council establishes the rules of the Common Fisheries Policy (CFP). The objectives of the CFP are, inter alia, 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.

For the achievement of the objectives of the CFP, a number of conservation measures are to be adopted as appropriate in any combination thereof, such as multi-annual plans, technical measures, fixing and allocation of fishing opportunities.

The fisheries of the Western Waters and adjacent areas are highly complex, involving vessels from at least seven coastal Member States, 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.

Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) 509/2007, (EC) No 1300/2008 and (EC) No 1342/2008 set out the rules for the exploitation of the northern stock of hake, hake and Norway lobster stocks in the Cantabrian Sea and by the Western Iberian Peninsula, sole in the Bay of Biscay, sole in the Western Channel, herring in the West of Scotland and cod in the Kattegat, the North Sea in the West of Scotland and the Irish Sea. These and other demersal stocks are taken in mixed fisheries. Therefore, it is appropriate to establish a single multi-annual plan taking into account such technical interactions.

IMPACT ASSESSMENT: of the three legislative options examined, a single multi-annual plan for mixed fisheries covering all Western Waters has been chosen. This option received the highest scores on the following criteria: (i) effectiveness and efficiency; (ii) reduction of administrative burden; (iii) achievement of the overall main objectives of the CFP; (iv) providing a management framework that promotes stability and predictability.

CONTENT: in accordance with the overall ambition of the CFP on the conservation of fisheries resources and with specific regards to the Basic Regulation which require the development of multi-annual plans, the main elements of the plan are:

Scope: the scope of the plan is demersal stocks, including deep-sea stocks, in the Western Waters and the fisheries exploiting those stocks. The plan also covers implementation of the landing obligation and technical measures for all stocks and the fisheries exploiting those stocks in the Western Waters.

Objectives: the plan shall contribute to the achievement of the objectives of the common fisheries policy, 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 maximum sustainable yield (MSY).

The plan shall contribute to: (i) the elimination of discards, by avoiding and reducing, as far as possible, unwanted catches, and to the implementation of the landing obligation for the species which are subject to catch limits and to which this Regulation applies; (ii) implementing the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised.

Targets: objectives and targets should be quantifiable. The proposed targets are expressed as fishing mortality ranges around FMSY as advised by the International Council for the Exploration of the Sea (ICES). These FMSY ranges allow for a maximum sustainable yield-based management for the stocks concerned, and appear to allow for adaptations in case of changes in the scientific advice, while at the same time preserving a high level of predictability.

Safeguard measures: safeguards and specific conservation measures are linked to the conservation reference points. Appropriate safeguard measures should be envisaged in case the stock size falls below these levels. Safeguard measures should include the reduction of fishing opportunities and specific conservation measures when scientific advice states that remedial measures are needed.

The plan provides for the periodic assessment of the impact on the stocks concerned, on the basis of scientific advice.

Multiannual plan for fish stocks in the western waters and adjacent waters, and for fisheries exploiting those stocks

The Committee on Fisheries adopted the report by Alain CADEC (EPP, FR) on the proposal for a Regulation of the European Parliament and of the Council establishing a multiannual plan for fish stocks in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulation (EU) 2016/1139 establishing a multiannual plan for the Baltic Sea, and repealing Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008.

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

Subject matter: this draft Regulation shall apply to by-catches caught in the Western Waters when fishing for the demersal stocks and shall ensure that exploitation of all living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield. Members considered that the maximum sustainable yield exploitation rate shall be achieved gradually for all stocks, and by 2020 at the latest, and shall be maintained thereafter.

The Regulation shall also:

- specify details for the implementation of measures to minimise the impact of the fisheries on the marine environment, in particular the incidental catches of protected species, in Union waters of the Western Waters for all fisheries fishing in those waters. The Commission may adopt implementing acts laying down a sea basin analysis, and the format and timetables for the submission and approval of management measures;
- provide for technical measures for commercial and recreational fisheries applicable in the Western Waters in respect of any demersal stock.

Objectives: in addition to pursuing environmental sustainability, the plan shall be managed in a manner consistent with the objectives of generating economic, social and employment benefits, while contributing to the availability of food products.

The plan shall:

- contribute to the elimination of discards, by avoiding and reducing, as far as possible, including by the use of innovative selective fishing gear and techniques, unwanted catches, and to the implementation, as far as possible, of the landing obligation for the species which are subject to catch limits and to which this Regulation applies;
- implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem, and in particular on vulnerable habitats and protected species, including marine mammals and seabirds.

Technical measures closed seasons/areas for the fishing of sea bass: commercial and recreational fishing of sea bass shall be prohibited in western waters and in the ICES divisions 4b and 4c between 1 February and 30 April. It shall be prohibited for vessels to retain on board, transship, relocate, land or conserve sea bass caught on shores in those areas.

It shall also be prohibited for Union fishing vessels to fish sea bass in ICES divisions 7b, 7c, 7j and 7k, and in waters of ICES divisions 7a and 7g that are more than 12 nautical miles from the baseline under the sovereignty of the United Kingdom.

Fishing opportunities: the amended text stipulates that for the fish stocks and species, which are subject, at Union level and for the purpose of conserving resources, to fishing bans established on an annual basis in the context of decisions on fishing opportunities or seasonal fishing bans, the Council may nevertheless establish exceptional fishing opportunities for some fisheries so that account can be taken of the limited or unavoidable nature of such catches in view of the particular socioeconomic importance of these fisheries. Those exceptional fishing opportunities shall be limited and shall not significantly outweigh the impact of the relevant temporary ban on fishing on the conservation of the stock. Members recommended a three-year period for achievement of the maximum sustainable yield, thus limiting the social and economic effects by spreading the effort over several fishing seasons.

Recreational fisheries: Member States shall take account of fishing mortality in recreational fisheries when allocating the fishing opportunities they have so that the total fishing mortality target is not exceeded. When scientific advice indicates that recreational fishing is having a significant impact on the fishing mortality of a stock, the Council may establish non-discriminatory individual fishing opportunities for recreational fishermen.

Marking recreational catches: specimens of sea bass, cod, pollack and sole caught in the areas and stocks shall be marked when kept by a recreational fisherman. The marking shall be carried out immediately after the capture and killing of the fish, either on the shore or on board if the fishing activity is carried out on a boat. However, specimens brought on board a recreational fishing vessel and kept alive and in good condition before being released shall not be marked.

Follow-up and advance notice of modifications to scientific advice: each year by 1 April, the Commission shall inform the European Parliament of the best available scientific advice that served as a basis for Council decisions on the determination of fishing opportunities under this Regulation between 1 February of the previous year and 31 January of the current year.

The Commission shall also inform Parliament, prior to the Council decision, of situations that may lead to significant changes in fishing opportunities (deviation of more than 20% from the new TAC corresponding to the new FMSY point value).

It shall, likewise, inform the European Parliament, as soon as possible and in any case before the adoption of a new Council decision, of cases where scientific advice relating to the different breeding stock biomass reference levels justifies recourse to safeguard measures.

Multiannual plan for fish stocks in the western waters and adjacent waters, and for fisheries exploiting those stocks

The European Parliament adopted by 437 votes to 103, with 11 abstentions, amendments to the proposal for a Regulation of the European Parliament and of the Council establishing a multiannual plan for fish stocks in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulation (EU) 2016/1139 establishing a multiannual plan for the Baltic Sea, and repealing Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008.

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

The main amendments to the Commission proposal adopted in plenary concern the following points:

Subject matter: the Regulation shall establish a multiannual plan for demersal stocks in the Western Waters and adjacent waters, and for fisheries exploiting those stocks. It shall also apply to by-catches caught in the Western Waters when fishing for the demersal stocks and shall ensure that exploitation of all living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.

The Regulation shall also:

- specify details for the implementation of measures to minimise the impact of the fisheries on the marine environment, in particular the incidental catches of protected species, in Union waters of the Western Waters for all fisheries fishing in those waters;
- provide for technical measures for commercial and recreational fisheries applicable in the Western Waters in respect of any demersal stock.

Objectives: in addition to pursuing environmental sustainability, the plan shall be managed in a manner consistent with the objectives of generating economic, social and employment benefits, while contributing to the availability of food products.

The plan shall:

- contribute to the elimination of discards, by avoiding and reducing, as far as possible, including by the use of innovative selective fishing gear and techniques, unwanted catches, and to the implementation, as far as possible, of the landing obligation for the species which are subject to catch limits and to which this Regulation applies;
- implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem, and in particular on vulnerable habitats and protected species, including marine mammals and seabirds.

Measures under the plan shall be taken on the basis of the best available scientific advice. Such advice shall be critically reviewed by scientific bodies such as the International Council for the Exploration of the Sea (ICES) or the Scientific, Technical and Economic Committee for Fisheries (STECF), and shall be made public at the latest when these measures are proposed by the Commission.

Closed seasons/areas for the fishing of sea bass: commercial and recreational fishing of sea bass shall be prohibited in western waters and in the ICES divisions 4b and 4c between 1 February and 30 April. It shall be prohibited for vessels to retain on board, tranship, relocate, land or conserve sea bass caught on shores in those areas.

It shall also be prohibited for Union fishing vessels to fish sea bass in ICES divisions 7b, 7c, 7j and 7k, and in waters of ICES divisions 7a and 7g that are more than 12 nautical miles from the baseline under the sovereignty of the United Kingdom.

Recreational fisheries: Member States shall take account of fishing mortality in recreational fisheries when allocating the fishing opportunities they have so that the total fishing mortality target is not exceeded. When scientific advice indicates that recreational fishing is having a

significant impact on the fishing mortality of a stock, the Council may establish non-discriminatory individual fishing opportunities for recreational fishermen.

Marking recreational catches: specimens of sea bass, cod, pollack and sole caught in the areas and stocks shall be marked when kept by a recreational fisherman. The marking shall be carried out immediately after the capture and killing of the fish, either on the shore or on board if the fishing activity is carried out on a boat. However, specimens brought on board a recreational fishing vessel and kept alive and in good condition before being released shall not be marked.

The landing obligation shall not apply to recreational fishing.

Artisanal and coastal fishing in the outermost regions: this Regulation shall take into account the constraints related to the size of artisanal and coastal fishing vessels used in the outermost regions. The landing of by-catches, in so far as it does not exacerbate the impact on spawning stock biomass, shall accordingly be permitted.

Follow-up and advance notice of modifications to scientific advice: each year by 1 April, the Commission shall inform the European Parliament of the best available scientific advice that served as a basis for Council decisions on the determination of fishing opportunities under this Regulation between 1 February of the previous year and 31 January of the current year.

The Commission shall also inform Parliament, prior to the Council decision, of situations that may lead to significant changes in fishing opportunities (deviation of more than 20% from the new TAC corresponding to the new FMSY point value).

It shall, likewise, inform the European Parliament, as soon as possible and in any case before the adoption of a new Council decision, of cases where scientific advice relating to the different breeding stock biomass reference levels justifies recourse to safeguard measures.

Multiannual plan for fish stocks in the western waters and adjacent waters, and for fisheries exploiting those stocks

The European Parliament adopted by 525 votes to 132, with 19 abstentions, a legislative resolutions on the the proposal for a regulation of the European Parliament and of the Council establishing a multiannual plan for fish stocks in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulation (EU) 2016/1139 establishing a multiannual plan for the Baltic Sea, and repealing Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008.

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

Objectives of the plan

The proposed multi-annual plan covers demersal stocks, including deep-sea stocks, in western waters and fisheries exploiting these stocks.

The plan should:

- contribute to the objectives of the Common Fisheries Policy (CFP), in particular by applying the precautionary approach to fisheries management, and aim to ensure that the exploitation of the living biological resources of the sea restores and maintains populations of exploited species above levels that achieve the maximum sustainable yield (MSY);
- contribute to ending discards, avoiding and reducing unwanted catches as much as possible and implementing the landing obligation for species subject to catch limits and to which the regulation applies;
- implement the ecosystem approach to fisheries management to ensure that the negative impacts of fishing activities on the marine ecosystem, in particular on vulnerable habitats and protected species, are kept to a minimum.

The regulation should take into account the constraints linked to the size of artisanal and coastal fishing vessels in the outermost regions.

Under the amended text, the geographical scope of the plan would be based on the geographical distribution of stocks indicated in the most recent scientific advice on stocks issued in particular by the International Council for the Exploration of the Sea (ICES) or a similar independent scientific body recognised at Union or international level.

The proposed targeted objectives would be expressed in fishing mortality ranges based on the F_{MSY} . The F_{MSY} ranges under the plan would be requested in particular from ICES or a similar independent scientific body recognised at EU or international level.

Limitation of fluctuations in fishing opportunities for a stock

An advisory board could recommend to the Commission a management approach that aims to limit annual variations in fishing opportunities for a particular stock listed in the regulation. The Council should take these recommendations into account when setting fishing opportunities, provided that they comply with the targeted objectives and safeguard measures provided for in the plan.

Recreational fishing

Where recreational fishing mortality has a significant impact on a stock managed on the basis of MSY, the Council could set non-discriminatory limits for recreational fishermen based on transparent and objective criteria. Where appropriate, Member States should take the necessary and proportionate measures for monitoring and data collection in order to make a reliable estimate of the actual levels of recreational catches.

The landing obligation would not apply to recreational fishing,

The amended text also provides that the TACs for sole in the Western Channel (ICES Division 7e) under the plan would be subject to fishing effort limitations.

Regional cooperation

Member States with a direct interest in management in the northern western waters could submit common recommendations for the northern

western waters and Member States with a common interest in management in the southern western waters could submit common recommendations for the southern western waters. These Member States could also jointly submit common recommendations for all these waters.

Multiannual plan for fish stocks in the western waters and adjacent waters, and for fisheries exploiting those stocks

PURPOSE: to establish a multi-annual plan for stocks fished in western and adjacent waters and for fisheries exploiting these stocks.

LEGISLATIVE ACT: Regulation (EU) 2019/472 of the European Parliament and of the Council establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008.

CONTENT: the Regulation establishes a multiannual plan for the demersal stocks listed below, including deep-sea stocks, in the Western Waters, and, where those stocks extend beyond the Western Waters, in their adjacent waters, and for the fisheries exploiting those stocks.

Objectives

The multi-annual plan shall provide for the long-term management of fishing activities in the western waters, which include both northern and southern western waters, as well as the waters surrounding Madeira and the Canary Islands. The demersal stocks concerned are roundfish, flatfish, cartilaginous fish and Norway lobsters (*Nephrops norvegicus*) living at or near the bottom of the water column.

The Regulation sets fishing objectives for the main target species. These shall be fished according to the principle of maximum sustainable yield (MSY) while by-catches will be managed in accordance with the precautionary approach. The new rules take into account the fact that the most important demersal stocks are caught in mixed fisheries.

The plan shall contribute to ending discards, avoiding and reducing unwanted catches as much as possible and implementing the landing obligation. It shall implement the ecosystem approach to fisheries management to ensure that the negative impacts of fishing activities on the marine ecosystem, in particular on vulnerable habitats and protected species, are minimised.

Measures under the plan shall be taken in accordance with the best available scientific advice. Where there is insufficient data, a comparable degree of conservation of the relevant stocks shall be pursued.

The Regulation also provides for:

- the possibility for an appropriate advisory council to recommend to the Commission a management approach to limit year-to-year variations in the fishing opportunities for a particular stock. The Council may take any such recommendations into account when fixing fishing opportunities provided that these fishing opportunities comply with the plan;
- the introduction of appropriate safeguard measures in the event that the stock size falls below these levels. Safeguard measures shall include the reduction of fishing opportunities and specific conservation measures when scientific advice states that remedial measures are needed;
- the possibility of taking technical measures in western waters for all stocks.

Recreational fishing

Where recreational fishing mortality has a significant impact on a stock managed on the basis of MSY, the Council could set non-discriminatory limits for recreational fishermen based on transparent and objective criteria. Where appropriate, Member States should take the necessary and proportionate measures for monitoring and data collection in order to make a reliable estimate of the actual levels of recreational catches.

The landing obligation would not apply to recreational fishing,

The Regulation also provides that the TACs for sole in the Western Channel (ICES Division 7e) under the plan would be subject to fishing effort limitations.

Regional cooperation

Member States with a direct interest in management in the northern western waters could submit common recommendations for the northern western waters and Member States with a common interest in management in the southern western waters could submit common recommendations for the southern western waters. These Member States could also jointly submit common recommendations for all these waters.

By 27 March 2024 at the latest, and every five years thereafter, the Commission shall report to the European Parliament and the Council on the results and impact of the plan on the stocks to which this Regulation applies and on the fisheries exploiting those stocks.

ENTRY INTO FORCE: 24.3.2019.