

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2018/0109(COD) Procedure completed
Multiannual recovery plan for Mediterranean swordfish Amending Regulation (EC) No 1967/2006 2003/0229(CNS) Amending Regulation (EU) 2017/2107 2016/0187(COD)	
Subject 3.15.01 Fish stocks, conservation of fishery resources	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	 Fisheries	 AFFRONTÉ Marco Shadow rapporteur  KUHNS Werner  BRIANO Renata  TOMAŠIĆ Ruža  NICOLAI Norica  D'AMATO Rosa		31/05/2018
	Committee for opinion	Rapporteur for opinion	Appointed	
	 Environment, Public Health and Food Safety	 VĂLEAN Adina-Ioana		16/05/2018
Council of the European Union	Council configuration Transport, Telecommunications and Energy	Meeting 3696	Date 07/06/2019	
European Commission	Commission DG Maritime Affairs and Fisheries	Commissioner VELLA Karmenu		
European Economic and Social Committee				

Key events			
	Legislative proposal published		Summary

24/04/2018		COM(2018)0229	
02/05/2018	Committee referral announced in Parliament, 1st reading		
21/11/2018	Vote in committee, 1st reading		
21/11/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
23/11/2018	Committee report tabled for plenary, 1st reading	A8-0389/2018	Summary
28/11/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
10/12/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
19/02/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE634.759 GEDA/A/(2019)001531	
04/04/2019	Results of vote in Parliament		
04/04/2019	Decision by Parliament, 1st reading	T8-0353/2019	Summary
07/06/2019	Act adopted by Council after Parliament's 1st reading		
20/06/2019	Final act signed		
20/06/2019	End of procedure in Parliament		
12/07/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0109(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1967/2006 2003/0229(CNS) Amending Regulation (EU) 2017/2107 2016/0187(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	PECH/8/12919

Documentation gateway

Legislative proposal		COM(2018)0229	24/04/2018	EC	Summary
Committee opinion		PE625.402	23/07/2018	EP	
Committee draft report		PE626.718	03/09/2018	EP	

Economic and Social Committee: opinion, report	CES3230/2018	19/09/2018	ESC	
Amendments tabled in committee	PE628.471	01/10/2018	EP	
Committee report tabled for plenary, 1st reading/single reading	A8-0389/2018	23/11/2018	EP	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)001531	06/02/2019	CSL	
Text agreed during interinstitutional negotiations	PE634.759	06/02/2019	EP	
Text adopted by Parliament, 1st reading/single reading	T8-0353/2019	04/04/2019	EP	Summary
Commission response to text adopted in plenary	SP(2019)443	12/06/2019	EC	
Draft final act	00018/2019/LEX	20/06/2019	CSL	

Final act

[Regulation 2019/1154](#)
[OJ L 188 12.07.2019, p. 0001](#) Summary

Multiannual recovery plan for Mediterranean swordfish

PURPOSE: to establish general rules for the implementation by the Union of the multi-annual recovery plan for Mediterranean swordfish.

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: during the 2016 ICCAT Annual Meeting held in Vilamoura (Portugal), the contracting parties and cooperating non-contracting parties, entities or fishing entities to the International Commission for the Conservation of Atlantic Tunas (ICCAT) took a decisive step to address the alarming situation of Mediterranean swordfish (*Xiphias gladius*) by adopting a 15-year recovery plan in the ICCAT Recommendation 16-05.

The recommendation lays down rules for the conservation, management and control of the Mediterranean stock of swordfish as to achieve a biomass corresponding to a maximum sustainable yield by 2031 with at least 60% probability of achieving that objective.

ICCAT Recommendation 16-05 obliges to discard swordfish on board vessels, including in sport and recreational fisheries that exceed the allocated quota of the vessel, and/or the maximum level of permitted by-catches. Mediterranean swordfish caught on board vessels that are below the minimum conservation reference size will also have to be discarded, with the exception of a given by-catch limit established by Member States in their annual fishing plans.

The purpose of this proposal is to transpose ICCAT Recommendation 16-05 into EU law to allow the Union to comply with its international obligations and to provide operators with legal certainty regarding rules and obligations.

CONTENT: the proposal for a Regulation lays down general rules for the implementation by the Union of the multiannual recovery plan for Mediterranean swordfish (*Xiphias gladius*) recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT), starting from 2017 and continuing through 2031.

The general rules cover management, technical conservation measures, catch control measures and management measures in recreational fisheries.

By way of derogation of [Regulation \(EU\) No 1380/2013](#) on the Common Fisheries Policy (CFP), the objective of this Regulation is to achieve a biomass of swordfish in the Mediterranean corresponding to the maximum sustainable yield by 2031, with at least 60% probability of achieving that objective.

The measures adopted by ICCAT Recommendation 16-05, which are transposed by this Regulation, are more restrictive or more precise than those measures already in force to allow the recovery of the stock. The main differences could be summarized as follows:

- minimum conservation reference size: the proposal prohibits to target, retain on board, tranship, land, transport, store, sell or display or offer for sale catches and by-catches of swordfish, including in recreational fisheries: (a) measuring less than 100 cm Lower Jaw to Fork Length (LJFL); or (b) weighing less than 11.4 kg of round weight, or 10.2 kg of gilled and gutted weight;
- maximum number of hooks: the proposal sets the maximum number of hooks that may be set or taken on board vessels targeting Mediterranean swordfish at 2 500;
- closed seasons: Mediterranean swordfish shall not be caught, either as targeted species or as bycatch, retained on board, transhipped or landed during the period from 1 January to 31 March of each year. In order to protect Mediterranean swordfish, a

closure period shall apply to longline vessels targeting Mediterranean albacore (*Thunnus alalunga*) from the 1 October to 30 November of each year;

- TAC definition and quota allocation: these have already been transposed in 2017 and are now included in [Council Regulation \(EU\) 2018/120](#) fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union fishing vessels, in certain non-Union waters. Therefore, it is not necessary to include the transposition of the fishing opportunities in this proposal.

The recovery plan takes into account the specificities of the different types of gear and fishing techniques. When implementing the recovery plan, the Union and Member States should endeavour to promote coastal fishing activities and the use of fishing gear and techniques which are selective and have a reduced environmental impact, including gear and techniques used in traditional and artisanal fisheries, thereby contributing to a fair standard of living for local economies.

Multiannual recovery plan for Mediterranean swordfish

The Committee on Fisheries adopted the report by Marco AFFRONTI (Greens/EFA, IT) on the proposal for a regulation of the European Parliament and of the Council on a multiannual recovery plan for Mediterranean swordfish and amending Regulations (EC) No 1967/2006 and (EU) 2017/2107.

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: the proposed Regulation seeks to lay down general rules for the implementation by the Union of the multiannual recovery plan for Mediterranean swordfish (*Xiphias gladius*) adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT), starting from 2017 and continuing through 2031 ('the recovery plan').

Allocation of fishing opportunities: national quotas shall be distributed fairly among the various fleet segments, ensuring in particular that quotas are allocated to traditional and artisanal fishing. Member States shall provide incentives to Union fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.

Member States shall endeavour to allocate any increase in fishing opportunities, resulting from the successful implementation of this Regulation, to fishing vessels to which no swordfish quota has previously been allocated and that fulfil the criteria for the allocation of fishing opportunities set out in Regulation (EU) No 1380/2013, in order to contribute to the objective of an equal and fair distribution of quotas among the different fleet segments.

Fishing gear: Members proposed that additional 2 500 replacement hooks be allowed on board fishing vessels for trips longer than 2 days. A second set of rigged hooks may be allowed on board for trips longer than 2 days, provided that it is duly lashed and stowed in lower decks so that it cannot readily be used. Member States shall encourage the use of circle hooks.

National observer programmes in pelagic longline vessels: until three years after the date of entry into force of this Regulation, each Member State concerned shall ensure that national scientific observers are deployed on at least 10 % of pelagic longline vessels targeting Mediterranean swordfish. After that date, the Member State concerned may reduce the observer coverage to at least 5 %. The percentage coverage will be measured in fishing days, number of sets or trips.

Management measures: the amended text stated that in recreational fisheries, it shall be prohibited to catch, retain on board, tranship or land more than one swordfish per vessel per month (as opposed to per day as proposed by the Commission).

Multiannual recovery plan for Mediterranean swordfish

The European Parliament adopted by 563 votes to 32, with 22 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on a multi-annual recovery programme for Mediterranean swordfish stock and amending Regulations (EC) No 1967/2006 and (EU) 2017/2107.

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

Subject matter

This Regulation lays down general rules for the implementation by the Union of a multiannual recovery plan for swordfish (*Xiphias gladius*) in the Mediterranean Sea ('Mediterranean swordfish') adopted by ICCAT, starting from 2017 and continuing until 2031 (recovery plan).

This Regulation shall apply to Union fishing vessels, and Union vessels engaged in recreational fisheries, which catch Mediterranean swordfish or tranship or carry on board, including outside the ICCAT Convention area, Mediterranean swordfish.

Management measures

Each Member State shall take the necessary measures to ensure that the fishing effort of fishing vessels flying its flag is commensurate with the fishing opportunities for Mediterranean swordfish available to that Member State.

Member States shall endeavour to allocate any increase in fishing opportunities resulting from the successful implementation of this Regulation to fishing vessels to which no quota for Mediterranean swordfish has previously been allocated and that fulfil the criteria for the allocation of fishing opportunities set out in Regulation (EU) No 1380/2013 on the Common Fisheries Policy (CFP).

A capacity limitation by fishing gear type for fishing vessels shall apply for the duration of the recovery plan set out in this Regulation. Member States shall limit by fishing gear type the number of fishing vessels flying their flag and authorised to catch Mediterranean swordfish to the average yearly number of vessels flying their flag that fished for, retained on board, transhipped, transported or landed Mediterranean swordfish during the period 2013-2016.

Member States may decide to use the number of vessels flying their flag that fished for, retained on board, transhipped, transported or landed Mediterranean swordfish in 2016 for the purpose of calculating the capacity limitation, if that number is lower than the average yearly number of vessels during the period 2013-2016. That capacity limitation shall be applied by gear type for fishing vessels.

By-catches

By-catches of Mediterranean swordfish shall not exceed at any time following a fishing operation the by-catch limit that Member States establish in their annual fishing plans for the total catch on board by weight or number of specimens.

Fishing gears

The maximum number of hooks that may be set by or carried on board fishing vessels targeting Mediterranean swordfish shall be fixed at 2 500 hooks. A replacement set of 2 500 rigged hooks shall be allowed on board fishing vessels for trips longer than two days provided that it is duly lashed and stowed in lower decks so that it may not readily be used.

Recreational fisheries

Each Member State allowing recreational fishing for Mediterranean swordfish shall make provision for a recreational fisheries quota within its national quota and shall inform the Commission thereof when transmitting its annual fishing plan. Such provision shall ensure that all dead Mediterranean swordfish are deducted from the quota.

Only 'rod and line' vessels shall be authorised to catch Mediterranean swordfish in recreational fisheries. Member States shall, for the vessels flying their flag which are engaged in recreational fisheries for Mediterranean swordfish, ensure that the information on authorised vessels includes those vessels. Vessels not included with that information shall not be authorised to fish for Mediterranean swordfish.

Multiannual recovery plan for Mediterranean swordfish

PURPOSE: to establish general rules for the implementation by the Union of a multi-annual recovery programme for the Mediterranean swordfish stock.

LEGISLATIVE ACT: Regulation (EU) 2019/1154 of the European Parliament and of the Council on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No 1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council.

CONTENT: this Regulation lays down general rules for the implementation by the Union of a multiannual recovery plan for swordfish (*Xiphias gladius*) in the Mediterranean Sea (Mediterranean swordfish) adopted by ICCAT, starting from 2017 and continuing until 2031.

Subject matter and scope

The Regulation transposes ICCAT Recommendation 16-05 into EU law in order to enable the Union to fulfil its international obligations and to provide operators with legal certainty as regards rules and obligations.

By way of derogation from the basic Regulation (EU) No 1380/2013 on the Common Fisheries Policy (CFP), the objective of the Regulation is to achieve a biomass of Mediterranean swordfish corresponding to MSY by 2031, with at least a 60 % probability of achieving that objective.

The Regulation shall apply to Union fishing vessels and Union vessels engaged in recreational fishing which catch Mediterranean swordfish or tranship or carry on board, including outside the ICCAT Convention area, Mediterranean swordfish; or tranship or carry on board, including outside the ICCAT Convention area, Mediterranean swordfish. It shall also apply to third country fishing vessels, and third country vessels engaged in recreational fisheries, which operate in Union waters and which catch Mediterranean swordfish.

The main elements of the new Regulation are as follows:

Fishing effort

Each Member State shall take the necessary measures to ensure that the fishing effort of fishing vessels flying its flag is commensurate with the fishing opportunities for Mediterranean swordfish available to that Member State. The carrying-over of any unused quota for Mediterranean swordfish shall be prohibited.

Each Member State shall make provision for by-catch of swordfish within its Mediterranean swordfish quota and shall inform the Commission thereof when transmitting its annual fishing plan. Such provision shall ensure that all dead Mediterranean swordfish are deducted from the quota.

A capacity limitation by fishing gear type for fishing vessels shall apply for the duration of the recovery plan set out in this Regulation.

Closure periods

Mediterranean swordfish shall not be caught, either as targeted species or as by-catch, retained on board, transhipped or landed during the closure period. The closure period shall be from 1 January to 31 March of each year. In order to protect Mediterranean swordfish, a closure period shall apply to longline vessels targeting Mediterranean albacore (*Thunnus alalunga*) from 1 October to 30 November of each year.

Minimum conservation reference size for Mediterranean swordfish

The Regulation prohibits the catch, retention on board, transshipment, landing, transport, storage, sale, display or offer for sale of catches and by-catches of swordfish measuring less than 100 cm lower jaw to fork length (LJFL); or weighing less than 11.4 kg of live weight, or 10.2 kg of gilled and gutted weight.

Maximum number of hooks

The Regulation sets the maximum number of hooks that may be set by or carried on board fishing vessels targeting Mediterranean swordfish shall be fixed at 2 500 hooks. A replacement set of 2 500 rigged hooks shall be allowed on board fishing vessels for trips longer than two days provided that it is duly lashed and stowed in lower decks so that it may not readily be used.

The hook size shall not be smaller than 7 cm in height.

The length of the pelagic longlines shall not exceed 30 nautical miles (55.56 km).

Recreational fisheries

Each Member State allowing recreational fishing for Mediterranean swordfish shall make provision for a recreational fisheries quota within its national quota and shall inform the Commission thereof when transmitting its annual fishing plan. Only rod and line vessels shall be authorised to catch Mediterranean swordfish in recreational fisheries.

Member States shall ensure that vessels flying their flag that engage in recreational fishing for Mediterranean swordfish are included in the information on authorised vessels. Vessels not included in this information shall not be allowed to fish for Mediterranean swordfish.

Fishing gears

When implementing the ICCAT recovery plan, the Union and Member States should endeavour to promote coastal fishing activities and the research on and use of fishing gear and techniques which are selective, so as to reduce by-catches of vulnerable species, and which have a reduced environmental impact, including gear and techniques used in traditional and artisanal fisheries, thereby contributing to a fair standard of living for local economies.

ENTRY INTO FORCE: 15.7.2019.