COMMISSION DELEGATED REGULATION (EU) 2022/826

of 23 March 2022

correcting and amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards exemptions from the plaice box

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 ([1]), and in particular Article 15(2) thereof,

Whereas:

(1) Regulation (EU) 2019/1241 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures contains an error in Annex V, Part C which must be corrected.

(2) While recital 5 of Delegated Regulation (EU) 2021/1160 ([2]) refers to 'Danish anchor seines', the corresponding provision in the annex refers to 'Danish seines' only. Given that Article 6(18) of Regulation (EU) 2019/1241 does not distinguish between Danish seines and Scottish seines/'flyshooters', the provision in Annex V as it stands can therefore be read as incorrectly applying to both Danish anchor seines and Scottish seines.

(3) Delegated Regulation (EU) 2021/1160 is based on a joint recommendation submitted on 19 October 2020 by Belgium, Denmark, Germany, France, the Netherlands and Sweden (Scheveningen Group), who have a direct fisheries management interest in the North Sea. Section 3.1.2 of the joint recommendation specifically distinguished between Danish seine that does the hauling of the fishing gear while the vessel is at anchor (anchor seining) and Scottish seine, confirming that Member States intended the requested exemption to apply to Danish anchor seine only.

(4) The STECF assessment, concluding that the introduction of the specific exemption for Danish seine is not expected to have any significant effect on the level of protection inside the area, referred only to Danish 'anchor seine' (gear code SDN ([3])) and not to 'Scottish' or flyshooter/flydragger seines (gear code SSC ([3])).

(5) Annex V to Regulation (EU) 2019/1241 should therefore be corrected to clarify that the proposed exemption applies only to those Danish seines that do the hauling of the fishing gear while the vessel is at anchor (Danish anchor seine (gear code SDN)).

(6) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately after its publication,

([1]) OJ L 198, 25.7.2019, p. 105.

([2]) Commission Delegated Regulation (EU) 2021/1160 of 12 May 2021 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards the sprat box and the plaice box in the North Sea (OJ L 250, 15.7.2021, p. 4).

([3]) 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 112, 30.4.2011, p. 64).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2019/1241 is corrected in accordance with 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*.

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

Done at Brussels, 23 March 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Part C of Annex V to Regulation (EU) 2019/1241 is amended as follows:

(1) point 2.2(d) is replaced as follows:

'(d) vessels whose engine power exceeds 221 kW using Danish seines which haul the fishing gear while the vessel is at anchor (Danish anchor seine – SDN), provided that such vessels comply with the mesh size provided for in point 1.1 of Part B of this Annex.'