EUROPEAN
COMMISSION

Brussels, 17.9.2021
COM(2021) 548 final

2021/0292 (NLE)

Proposal for a

COUNCIL REGULATION

fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The CFP Basic Regulation (Regulation (EU) No 1380/2013) seeks to ensure that living aquatic resources are exploited under sustainable economic, environmental and social conditions. One important tool in this respect is the annual fixing of fishing opportunities. All fishing opportunities regulations must limit the harvesting of fish stocks to levels consistent with the overall objectives of the common fisheries policy (CFP).

The objective of this proposal is to fix the fishing opportunities for certain stocks and groups of stocks in the Mediterranean and the Black Seas.

Following the adoption and entry into force of the multiannual plan for demersal stocks in the western Mediterranean, this proposal fixes fishing opportunities, expressed in terms of maximum allowable fishing effort, for the Member States concerned (Spain, France and Italy).

This proposal also fixes fishing opportunities pursuant to agreements reached in the framework of the General Fisheries Commission for the Mediterranean (GFCM), a regional fisheries management organisation responsible for the conservation and management of living marine resources in the Mediterranean and Black Seas. The European Union is a member of the GFCM, together with Bulgaria, Croatia, Cyprus, France, Greece, Italy, Malta, Romania, Slovenia and Spain. Measures adopted in the framework of the GFCM are binding on its members.

Finally, this proposal fixes an autonomous quota for Black Sea sprat in order not to increase the current level of fishing mortality. It also transposes the total allowable catch (TAC) and quotas for turbot, as established by the GFCM.

The ultimate objective is to achieve and maintain stock levels that can deliver maximum sustainable yield (MSY). This objective is expressly set in the CFP Basic Regulation, Article 2(2) of which states that it 'shall be achieved by 2015 where possible, and […] by 2020 for all stocks'. This reflects the Union's commitment in the light of the conclusions of the 2002 World Summit on Sustainable Development in Johannesburg and its implementation plan. On the other hand, the multiannual plan for demersal stocks in the western Mediterranean is intended to achieve fishing mortality at MSY on a progressive, incremental basis by 2020 where possible, and by 1 January 2025 at the latest.

• Consistency with existing policy provisions in the policy area

The proposed measures are designed in accordance with the objectives and rules of the CFP.

• Consistency with other Union policies

The proposed measures are consistent with the Union's policy on sustainable development.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The legal basis of this proposal is Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).

• Subsidiarity (for non-exclusive competence)

The proposal falls under the Union's exclusive competence, as referred to in Article 3(1)(d) TFEU. The subsidiarity principle therefore does not apply.

• Proportionality

The proposal complies with the proportionality principle because the CFP is a common policy. Article 43(3) TFEU requires the Council to adopt measures on the fixing and allocation of fishing opportunities.

The proposed regulation allocates fishing opportunities to Member States. Under Articles 16 and 17 of the CFP Basic Regulation, Member States are free to allocate such opportunities among vessels flying their flag as they see fit. Therefore, they have ample discretion on decisions relating to the exploitation of the opportunities in line with their social and economic models.

The proposal has no new financial implications for Member States.

• Choice of instrument

The proposed instrument is a Council regulation.

This is a proposal for fisheries management on the basis of Article 43(3) TFEU and in accordance with Article 16 of Regulation (EU) No 1380/2013.

3. RESULTS OF *EX POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

• *Ex post* evaluations/fitness checks of existing legislation

Not applicable.

• Stakeholder consultations

Interested parties were consulted by means of the Commission's Communication to the European Parliament and the Council *Towards more sustainable fishing in the EU: state of play and orientations for 2022*.

• Collection and use of expertise

The assessment of the state of stocks in the Mediterranean and Black Seas is based on the most recent work by the Scientific, Technical and Economic Committee for Fisheries, the GFCM Scientific Advisory Committee on Fisheries and the GFCM Working Group on the Black Sea.

- **Impact assessment**

The scope of fishing opportunities regulations is circumscribed by Article 43(3) TFEU.

The Commission's proposal for the CFP Basic Regulation and for the multiannual plan for demersal fisheries in the western Mediterranean were duly developed on the basis of impact assessments. One of the main instruments for achieving the objectives set out in Article 2 of the CFP Basic Regulation is the setting of fishing opportunities. The multiannual plan introduced a fishing effort regime to tackle the problem of overfishing in the western Mediterranean demersal fisheries.

As regards the fishing opportunities established by the GFCM in the Mediterranean and Black Seas, this proposal essentially implements internationally agreed measures. Any elements relevant to assessing possible impacts of the fishing opportunities are dealt with in the preparation and conduct phase of international negotiations in the framework of which the Union's fishing opportunities are agreed with third parties.

The proposal reflects not only short-term concerns, but also a longer-term approach whereby fishing effort is gradually adjusted to long-term sustainable levels.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

Not applicable.

4. BUDGETARY IMPLICATIONS

The proposal has no budgetary implications.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

This proposal will be implemented in line with CFP rules. Monitoring and compliance will be ensured in accordance with Council Regulation (EC) No 1224/2009.

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

The proposal sets fishing opportunities for 2022 for certain stocks or groups of stocks in the Mediterranean and Black Seas, in particular:

1. the fishing effort regime for trawl vessels exploiting demersal stocks in the western Mediterranean. Under the multiannual plan for those fisheries, which entered into force on 16 July 2019, each year the Council is to set a maximum allowable fishing effort for each fishing effort group by Member State and for the stock groups in Annex I to the plan. For 2020, the first year of implementation of the fishing effort

regime under the plan, this was reduced by 10% compared to the baseline (1 January 2015 to 31 December 2017), calculated by Member State and by fishing effort group or geographical sub-area (GSA); for years 2-5, the plan set a 30% maximum reduction. For 2021, Council Regulation (EU) 2021/90 established a 7.5% reduction.

[Placeholder on the best available scientific advice] The reduction for 2022 should be pm%;

2. GFCM measures applicable in the Mediterranean, including:

measures adopted at the 2018 annual meeting

2.1. catch and effort limits and a closure period for European eel in the entire Mediterranean Sea (GSAs 1 to 27);

2.2. limits on the number of vessels fishing for giant red shrimp and blue and red shrimp in the Ionian Sea (GSAs 19 to 21) and the Levant Sea (GSAs 24 to 27);

measures adopted at the 2019 annual meeting

2.3. fishing effort limits and the maximum fleet capacity for demersal stocks in the Adriatic Sea (GSAs 17 and 18);

2.4. fishing harvest limits and limits on the number of fishing authorisations for red coral in the entire Mediterranean Sea (GSAs 1 to 27);

2.5. limits on the number of vessels fishing for giant red shrimp and blue and red shrimp in the Strait of Sicily (GSAs 12 to 16);

2.6. catch limits for blackspot seabream in the Alboran Sea (GSAs 1 to 3);

2.7. limits on the number of fishing authorisations for common dolphinfish in the entire Mediterranean Sea (GSAs 1 to 27);

3. GFCM measures applicable in the Black Sea, including:

3.1. an autonomous quota for sprat, based on scientific advice;

3.2. the TAC and quota allocation for turbot under the multiannual management plan for turbot fisheries, implementing Recommendation GFCM/43/2019/3 (GSA 29).

The GFCM recommendations are implemented into EU law by means of Regulation (EU) No 1343/2011 of the European Parliament and of the Council[1] and the Commission has adopted a proposal[2] to implement the Recommendations adopted by the GFCM in 2018 and 2019. Measures functionally linked to the fishing opportunities, such as spawning closures, should be part of this Regulation, as without such closure periods (such as for turbot in the Black Sea) the fishing opportunities could not be established at the same level. The extent of the closure period may vary, depending on the state of the stock as assessed by the scientific advice.

[1] Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p.44).

[2] COM(2018) 143 final

2021/0292 (NLE)

Proposal for a

COUNCIL REGULATION

fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Article 6 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council[3] requires that conservation measures be adopted taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries, as well as advice received from Advisory Councils established for the relevant geographical areas or fields of competence and joint recommendations made by Member States.

(2) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities, including, certain conditions functionally linked thereto, as appropriate. Article 16(1) of Regulation (EU) No 1380/2013 provides that fishing opportunities should be allocated to Member States in such a way as to ensure the relative stability of fishing activities of each Member State for each fish stock or fishery.

(3) Article 2 of Regulation (EU) No 1380/2013 provides that the objective of the CFP is to achieve the maximum sustainable yield ('MSY') exploitation rate by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks.

(4) The total allowable catches ('TACs') should therefore be established, in accordance with Regulation (EU) No 1380/2013, on the basis of the available scientific advice, taking into account biological and socio-economic aspects whilst ensuring fair treatment between fishing sectors, as well as in having regard to the opinions expressed during the consultation with stakeholders.

(5) Article 16(4) of Regulation (EU) No 1380/2013 provides that for stocks subject to specific multiannual plans, the fishing opportunities are to be established in accordance with the rules laid down in those plans.

(6) The Multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea was established by Regulation (EU) 2019/1022 of the European

[3] Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

Parliament and of the Council[4] and entered into force on 16 July 2019 ('the plan'). The plan aims to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the MSY.

(7) In accordance with Article 4(1) of Regulation (EU) 2019/1022 , fishing opportunities for stocks listed in Article 1 of that Regulation should be fixed to achieve fishing mortality at maximum sustainable yield on a progressive, incremental basis by 2020 where possible, and by 1 January 2025 at the latest. Fishing opportunities should be expressed as maximum allowable fishing effort and fixed in accordance with the fishing effort regime laid down in Article 7 of Regulation (EU) 2019/1022.

(8) For 2022, the maximum allowable fishing effort should therefore be reduced by *pm*% compared to the baseline, to be deducted from the maximum allowable fishing effort set for 2021 by Council Regulation (EU) 2021/90[5].

(9) At its 42nd annual meeting in 2018, the General Fisheries Commission for the Mediterranean ('GFCM') adopted Recommendation GFCM/42/2018/1 establishing management measures for European eel (*Anguilla anguilla*) in the Mediterranean Sea (GFCM geographical subareas 1 to 27). Those measures include catch or effort limits and an annual closure period of three consecutive months to be defined by each Member State in accordance with the conservation objectives of Council Regulation (EC) No 1100/2007[6], the national management plan or plans for eel and the temporal migration patterns of eel in the Member State. Where national management plans resulting in effort or catch reductions of at least 30 % have been in place before the entry into force of that Recommendation, the catch or fishing effort limits already established and implemented should not be exceeded. The closure should apply to all marine waters of the Mediterranean Sea and to brackish waters such as estuaries, coastal lagoons and transitional waters, in accordance with that Recommendation. The closure period is functionally linked to the fishing opportunities, as, without it in place, the level of catches or fishing effort should be reduced to ensure the recovery of the stock. Those measures should be implemented in Union law.

(10) [Placeholder for small pelagic stocks in the Adriatic.]

(11) At its 42nd annual meeting in 2018, the GFCM adopted Recommendation GFCM/42/2018/3 on a multiannual management plan for sustainable trawl fisheries targeting giant red shrimp (*Aristaeomorpha foliacea*) and blue and red shrimp (*Aristeus antennatus*) in the Levant Sea (GFCM geographical subareas 24, 25, 26 and 27), which introduced a freezing of fishing effort expressed in a maximum number of fishing vessels. Those measures should be implemented in Union law.

(12) At its 42nd annual meeting in 2018, the GFCM adopted Recommendation GFCM/42/2018/4 on a multiannual management plan for sustainable trawl fisheries targeting giant red shrimp (*Aristaeomorpha foliacea*) and blue and red shrimp (*Aristeus antennatus*) in the Ionian Sea (GFCM geographical subareas 19, 20 and 21),

---

4 Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 (OJ L 172, 26.6.2019, p. 1).

5 Council Regulation (EU) 2021/90 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 31, 29.01.2021, p. 1-19).

6 Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

which introduced a freezing of fishing effort expressed in a maximum number of fishing vessels. Those measures should be implemented in Union law.

(13) At its 43rd annual meeting in 2019, the GFCM adopted Recommendation GFCM/43/2019/6 on management measures for sustainable trawl fisheries targeting giant red shrimp (*Aristaeomorpha foliacea*) and blue and red shrimp (*Aristeus antennatus*) in the Strait of Sicily (GFCM geographical subareas 12, 13, 14, 15 and 16), which introduced a freezing on the fishing effort expressed in a maximum number of fishing vessels. Those measures should be implemented in Union law.

(14) At its 43rd annual meeting in 2019, the GFCM adopted Recommendation GFCM/43/2019/5 on a multiannual management plan for sustainable demersal fisheries in the Adriatic Sea (GFCM geographical subareas 17 and 18), which introduced a fishing effort regime and a fleet capacity ceiling for certain demersal stocks. Those measures should be implemented in Union law.

(15) Taking into account the particularities of the Slovenian fleet and their marginal impact on the stocks of small pelagic and demersal stocks, it is appropriate to preserve the existing fishing patterns and to ensure access by the Slovenian fleet to a minimum quantity of small pelagic species and a minimum effort quota for demersal stocks.

(16) At its 43rd annual meeting in 2019, the GFCM also adopted Recommendation GFCM/43/2019/4 on a management plan for the sustainable exploitation of red coral (*Corallium rubrum*) in the Mediterranean Sea (GFCM geographical subareas 1 to 27), which introduced a freezing of fishing effort expressed by a maximum number of fishing authorizations, and harvest limits for red coral. Those measures should be implemented in Union law.

(17) At its 43rd annual meeting in 2019, the GFCM adopted Recommendation GFCM/43/2019/2 on a management plan for the sustainable exploitation of blackspot seabream (*Pagellus bogaraveo*) in the Alboran Sea (GFCM geographical subareas 1 to 3), which introduced a catch and effort limit based on the average level authorized and exerted over the period 2010–2015. Those measures should be implemented in Union law.

(18) At its 43rd annual meeting in 2019, the GFCM adopted Recommendation GFCM/43/2019/1 on a set of management measures for the use of anchored fish aggregating devices in common dolphinfish fisheries *(Coryphaena hippurus)* in the Mediterranean Sea (GFCM geographical subareas 1 to 27), which introduced a freezing of the fishing effort expressed in a maximum number of fishing vessels targeting common dolphinfish. Those measures should be implemented in Union law.

(19) At its 43rd annual meeting in 2019, the GFCM adopted Recommendation GFCM/43/2019/3 amending Recommendation GFCM/41/2017/4 on a multiannual management plan for turbot fisheries in the Black Sea (GFCM geographical subarea 29). That recommendation introduced an updated regional Total Allowable Catch (TAC) and a quota allocation scheme for turbot, as well as further conservation measures, in particular a two months closure period and a limitation of fishing days to 180 days per year. These additional measures are functionally linked to the fishing opportunities, as, without those measures in place, TAC level for turbot should be reduced to ensure its recovery. Those measures should be implemented in Union law.

(20) In accordance with the scientific advice provided by the GFCM, it is necessary to maintain the current level of fishing mortality to ensure the sustainability of the stock

of sprat in the Black Sea. It is therefore appropriate to continue setting an autonomous quota for that stock.

(21) The fishing opportunities should be established on the basis of the available scientific advice, taking into account biological and socio-economic aspects whilst ensuring fair treatment between fishing sectors, as well as in the light of the opinions expressed during the consultation of stakeholders.

(22) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009[7], and in particular to Articles 33 and 34 of that Regulation, concerning the recording of catches and fishing effort and the notification of data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes to be used by Member States when sending data to the Commission relating to landings of stocks subject to this Regulation.

(23) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Regulation (EU) No 1343/2011 of the European Parliament and of the Council[8] implementing certain provisions for fishing in the GFCM.

(24) Council Regulation (EC) No 847/96[9] introduced additional conditions for year-to year management of TACs including, under Articles 3 and 4 of that Regulation, flexibility provisions for precautionary and analytical TACs. Under Article 2 of that Regulation, when fixing the TACs, the Council is to decide to which stocks Article 3 or 4 of that Regulation is not to apply, in particular on the basis of the biological status of the stocks. More recently, the year-to-year flexibility mechanism was introduced by Article 15(9) of Regulation (EU) No 1380/2013 for all stocks that are subject to the landing obligation. Therefore, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of marine biological resources, hinder the achievement of the objectives of the CFP and deteriorate the biological status of the stocks, it should be established that Articles 3 and 4 of Regulation (EC) No 847/96 apply to analytical TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.

(25) In order to avoid the interruption of fishing activities and to ensure the livelihood of Union fishermen, this Regulation should apply from 1 January 2022. For reasons of urgency, this Regulation should enter into force immediately after its publication.

(26) Fishing opportunities should be used in full compliance with Union law,

HAS ADOPTED THIS REGULATION:

---

7 Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

8 Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p.44).

9

TITLE 1
GENERAL PROVISIONS

Article 1
Subject matter

This Regulation fixes for 2022 the fishing opportunities available in the Mediterranean and Black Seas for certain fish stocks and groups of fish stocks.

Article 2
Scope

1. This Regulation applies to Union fishing vessels exploiting the following fish stocks:

   (a) european eel (*Anguilla anguilla*), red coral (*Corallium rubrun*) and common dolphinfish (*Coryphaena hippurus*) in the Mediterranean Sea, as defined in Article 4(b);

   (b) blue and red shrimp (*Aristeus antennatus*), deep-water rose shrimp (*Parapenaeus longirostris*), giant red shrimp (*Aristaeomorpha foliacea*), European hake (*Merluccius merluccius*), Norway lobster (*Nephrops norvegicus*) and red mullet (*Mullus barbatus*) in the western Mediterranean Sea, as defined in Article 4(c);

   (c) anchovy (*Engraulis encrasicolus*) and sardine (*Sardina pilchardus*) in the Adriatic Sea, as defined in Article 4(d);

   (d) european hake (*Merluccius merluccius*), Norway lobster (*Nephrops norvegicus*), common sole(*Solea solea)*, deep-water rose shrimp (*Parapenaeus longirostris*), red mullet(*Mullus barbatus*) in the Adriatic Sea, as defined in Article 4(d);

   (e) giant red shrimp (*Aristaeomorpha foliacea*) and blue and red shrimp (*Aristeus antennatus*) in the Strait of Sicily as defined in Article 4(e), in the Ionian Sea as defined in Article 4(f) and in the Levant Sea as defined in Article 4(g);

   (f) blackspot seabream (*Pagellus bogaraveo*) in the Alborean Sea, as defined in Article 4(h);

   (g) sprat (*Sprattus sprattus*) and turbot (*Scophthalmus maximus*) in the Black Sea, as defined in Article 4(i).

2. This Regulation also applies to recreational fisheries where they are expressly referred to in the relevant provisions.

Article 3
Definitions

For the purposes of this Regulation, the definitions laid down in Article 4 of Regulation (EU) No 1380/2013 apply. In addition, the following definitions apply:

(a) ‘international waters’ means waters falling outside the sovereignty or jurisdiction of any State;

(a) ‘recreational fisheries’ means non-commercial fishing activities exploiting marine living aquatic resources for recreation, tourism or sport;

(b) ‘total allowable catch’ (TAC) means:

(i) in fisheries subject to the exemption of the landing obligation referred to in Article 15(4) to (7) of Regulation (EU) No 1380/2013, the quantity of fish that can be landed from each stock each year;

(ii) in all other fisheries, the quantity of fish that can be caught from each stock over the period of a year;

(c) ‘quota’ means a proportion of the TAC allocated to the Union or a Member State;

(d) ‘Union autonomous quota’ means a catch limit autonomously allocated to Union fishing vessels in the absence of an agreed TAC;

(e) ‘analytical quota’ means a Union autonomous quota for which an analytical assessment is available;

(f) ‘analytical assessment’ means a quantitative evaluation of trends in a given stock, based on data about the stock’s biology and exploitation, which scientific review has indicated to be of sufficient quality to provide scientific advice on options for future catches.

(g) ‘fish aggregating device’ or “FAD” means any anchored equipment floating on the sea surface with the objective of attracting fish”.

Article 4
Fishing zones

For the purposes of this Regulation, the following zone definitions apply:

(a) ‘GFCM geographical subareas’ mean the areas defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council[10];

(b) ‘Mediterranean Sea’ means the waters in GFCM geographical subareas 1 to 27, as defined in Annex I to Regulation (EU) No 1343/2011;

(c) ‘western Mediterranean Sea’ means the waters in GFCM geographical subareas 1, 2, 5, 6, 7, 8, 9, 10 and 11, as defined in Annex I to Regulation (EU) No 1343/2011;

(d) ‘Adriatic Sea’ means the waters in GFCM geographical subareas 17 and 18, as defined in Annex I to Regulation (EU) No 1343/2011;

(e) ‘Strait of Sicily’ means the waters in GFCM geographical subareas 12, 13, 14, 15 and 16, as defined in Annex I to Regulation (EU) No 1343/2011;

(f) ‘Ionian Sea’ means the waters in GFCM geographical subareas 19, 20 and 21, as defined in Annex I to Regulation (EU) No 1343/2011;

(g) ‘'Levant Sea’ means the waters in GFCM geographical subareas 24, 25, 26 and 27, as defined in Annex I to Regulation (EU) No 1343/2011;

[10] Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p.44).

(h) ‘Alboran Sea’ means the waters in GFCM geographical subareas 1 to 3, as defined in Annex I to Regulation (EU) No 1343/2011;

(i) ‘Black Sea’ means the waters in GFCM geographical subarea 29, as defined in Annex I to Regulation (EU) No 1343/2011.

TITLE II
FISHING OPPORTUNITIES

CHAPTER I
Mediterranean Sea

Article 5
European eel

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching European eel (*Anguilla anguilla*), namely targeted, incidental and recreational fisheries, in all marine waters of the Mediterranean Sea, including freshwaters and transitional brackish waters, such as lagoons and estuaries.

2. It shall be prohibited for Union fishing vessels to fish for European eel in Union and international waters of the Mediterranean Sea for a consecutive three-month period to be determined by each Member State. The fishing closure period shall be consistent with the conservation objectives set out in Regulation (EC) No 1100/2007, with national management plans in place and with the temporal migration patterns of European eel in the Member States concerned. Member States shall communicate the period determined to the Commission no later than one month prior to the entry into force of the closure and in any case no later than 31 January 2022.

3. Member States shall not exceed the maximum level of catches or fishing effort of European eel established and implemented by means of their national management plans, adopted in accordance with Articles 2 and 4 of Regulation (EC) 1100/2007.

Article 6
Red coral

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities harvesting red coral (*Corallium rubrum*), namely targeted and recreational fisheries in the Mediterranean Sea.

2. For targeted fisheries, the maximum number of fishing authorisations and the maximum quantities of red coral stocks harvested by Union fishing vessels and Union harvesting activities shall not exceed the levels set out in Annex I.

3. It shall be prohibited for Union fishing vessels subject to paragraph 2 to tranship red coral at sea.

4. For recreational fisheries, Member States shall take the necessary measures to prohibit the catch and retention on board, transhipment or landing of red coral.

Article 7
Common dolphinfish

1. This Article applies to all commercial activities by Union fishing vessels and other Union fishing activities using fish aggregating devices for catching common dolphinfish (*Coryphaena hippurus*), in the international waters of the Mediterranean Sea.

2. The maximum number of vessels authorised to fish for common dolphinfish is set out in Annex II.

CHAPTER II
Western Mediterranean Sea

Article 8
Demersal stocks

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching demersal stocks referred to in Article 1(2) of Regulation (EU) 2019/1022, in the western Mediterranean Sea.

2. The maximum allowable fishing effort is set out in Annex III to this Regulation Member States shall manage the maximum allowable fishing effort in accordance with Article 9 of Regulation (EU) 2019/1022.

Article 9
Data transmission

Member States shall record and transmit the fishing effort data to the Commission in accordance with Article 10 of Regulation (EU) 2019/1022.

When submitting effort data to the Commission in accordance with this Article, Member States shall use the fishing effort group codes set out in Annex III.

CHAPTER III
Adriatic Sea

A*rticle 10*
[Placeholder for **small pelagic stocks*** *]***

Article 11
Demersal stocks

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching European hake (*Merluccius merluccius*), Norway lobster (*Nephrops norvegicus*), Common sole (*Solea solea*), Deep-water rose shrimp (*Parapenaeus longirostris*) and Red mullet (*Mullus barbatus*) in the Adriatic Sea.

2. The maximum allowable fishing effort for demersal stocks and the maximum fleet capacity within the scope of this Article is set out in Annex IV.

3. Member States shall manage the maximum allowable effort in accordance with Articles 26 to 35 of Regulation (EC) No 1224/2009.

Article 12

Data transmission

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States submit to the Commission data relating to landings of quantities of stocks caught, they shall use the stock codes set out in Annex IV.

CHAPTER IV
Ionian Sea, Levant Sea and the Strait of Sicily

Article 13

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching giant red shrimp (*Aristaeomorpha foliacea*) and blue and red shrimp (*Aristeus antennatus*), in the Ionian Sea, Levant Sea and the Strait of Sicily.
2. The maximum number of bottom trawl vessels authorised to fish for demersal stocks is set out in Annex V.

CHAPTER V
Alboran Sea

Article 14

1. This Article applies to commercial fishing with longlines and handlines by Union fishing vessels catching blackspot seabream (*Pagellus bogaraveo*) in the Alboran Sea.
2. The maximum level of catches shall not exceed the levels set out in Annex VI.

CHAPTER VI
Black Sea

Article 15

Allocation of fishing opportunities for sprat

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching sprat (*Sprattus sprattus*) in the Black Sea.
2. The Union autonomous quota for sprat, the allocation of such quota among Member States and the conditions functionally linked thereto, where appropriate, are set out in Annex VII.

Article 16

Allocation of fishing opportunities for turbot

1. This Article applies to all activities by Union fishing vessels and other Union fishing activities catching turbot (*Scophthalmus maximus)* in the Black Sea.

2. The TAC for turbot applicable in Union waters in the Black Sea and the allocation of such TAC among Member States and the conditions functionally linked thereto, where appropriate, are set out in Annex VII.

Article 17

Management of fishing effort for turbot

Union fishing vessels authorised to fish for turbot within the scope of Article 16, irrespective of the vessels' length overall, shall not exceed 180 fishing days per year.

Article 18

Closure period for turbot

It shall be prohibited for Union fishing vessels to carry out any fishing activity, including transhipment, retaining on board, landing and first sale of turbot in Union waters in the Black Sea from 15 April to 15 June.

Article 19

Special provisions on allocations of fishing opportunities in the Black Sea

1. The allocation of fishing opportunities among Member States as set out in Articles 15 and 16 of this Regulation shall be without prejudice to:
   (a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
   (b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009; and
   (c) deductions made pursuant to Articles 105 and 107 of Regulation (EC) No 1224/2009.
2. Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

Article 20

Data transmission

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States submit to the Commission data relating to landings of quantities of stocks of sprat and turbot caught in Union waters in the Black Sea, they shall use the stock codes set out in Annex VII.

TITLE III
FINAL PROVISIONS

Article 21
Entry into force

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 2022.

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

Done at Brussels,

For the Council
The President