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EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2022/2287

of 12 August 2022

amending Delegated Regulation (EU) 2021/2065 establishing a discard plan for turbot fisheries in the Black Sea as regards the extension of the high survivability exemption to the landing obligation for turbot in the Black Sea

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 15(6) thereof,

Whereas:

- (1) Article 15 of Regulation (EU) No 1380/2013 establishes a landing obligation for all catches of species which are subject to catch limits. Under Article 15(1), point (d), of Regulation (EU) No 1380/2013, the landing obligation is to apply to species which define the fisheries at the latest from 1 January 2017. Turbot in the Black Sea is one of those species.
- (2) On 20 October 2016, the Commission adopted Commission Delegated Regulation (EU) 2017/87 ⁽²⁾ establishing a discard plan for turbot fisheries in the Black Sea, which provided for a survivability exemption of turbot caught with bottom-set gillnets. It applied from 1 January 2017 until 31 December 2019. On 25 August 2021, Commission Delegated Regulation (EU) 2021/2065 ⁽³⁾ establishing a discard plan for turbot fisheries in the Black Sea was adopted, which applies from 1 January 2022 until 31 December 2022.
- (3) Bulgaria and Romania have a direct fisheries management interest in the exploitation of turbot in the Black Sea. On 12 February 2021, those Member States submitted a joint recommendation to the Commission, requesting the renewal of the discard plan and of the survivability exemption of turbot caught with bottom-set gillnets in the Black Sea. On 15 July 2021, those Member States submitted an updated joint recommendation. In accordance with Article 3(3) of Delegated Regulation (EU) 2021/2065, those Member States submitted on 29 April 2022 and 10 May 2022 additional data on survival estimates relating to the gillnet fishery for turbot caught with bottom-set gillnets in the Black Sea.

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ Commission Delegated Regulation (EU) 2017/87 of 20 October 2016 establishing a discard plan for turbot fisheries in the Black Sea (OJ L 14, 18.1.2017, p. 9).

⁽³⁾ Commission Delegated Regulation (EU) 2021/2065 of 25 August 2021 establishing a discard plan for turbot fisheries in the Black Sea (OJ L 421, 26.11.2021, p. 14).

- (4) The Scientific, Technical and Economic Committee for Fisheries ⁽⁴⁾ ('STECF') assessed the updated joint recommendation submitted and welcomed the efforts done to conduct a survivability study on turbot in the Black Sea that looked at the vitality of caught individuals. The STECF also recognised that the data provided is valuable for assessing the survival of turbot. The study conducted in Bulgarian and Romanian waters showed high vitality rate (more than 80 %) of turbot caught in monofilament gillnets. In this context, the STECF concluded that the survivability is high.
- (5) On 7 July 2022 Bulgaria and Romania submitted an updated joint recommendation on the extension of the exemption of high survivability for turbot to the landing obligation in the Black Sea for two years.
- (6) The Commission considers that the survivability evidence showed in the referred study is sufficiently high. Therefore, the exemption under Article 15(4), point (b), of Regulation (EU) No 1380/2013 should be extended. Delegated Regulation (EU) 2021/2065 should therefore be amended accordingly.
- (7) Since the measures provided for in this Regulation have a direct impact on the economic activities linked to and the planning of the fishing season of Union vessels, this Regulation should enter into force immediately after its publication. In accordance with the joint recommendation and taking into account the time-frame set out in Article 15(1) of Regulation (EU) No 1380/2013, this Regulation should apply at a later date,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2021/2065 is amended as follows:

- (1) in Article 3, paragraph 1 is replaced by the following:

'1. The exemption from the landing obligation pursuant to point (b) of Article 15(4) of Regulation (EU) No 1380/2013 for species for which scientific evidence demonstrates high survival rates shall apply until 31 December 2024 to turbot (*Scophthalmus maximus*) caught with bottom-set gillnets (GNS) in the Black Sea.'

- (2) in Article 3, paragraph 3 is deleted;
- (3) in Article 4, the second sentence is replaced by the following:
'It shall apply from 1 January 2022 to 31 December 2024.'

Article 2

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 2023.

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

Done at Brussels, 12 August 2022.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁴⁾ Evaluation of Joint Recommendations on the landing obligation and on Technical Measures Regulation (STECF-22-05).

COMMISSION DELEGATED REGULATION (EU) 2022/2288**of 16 August 2022****amending Delegated Regulation (EU) 2021/2066 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council as regards the extension of the high survivability exemption to the landing obligation for Venus shells (*Venus* spp.), Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.) in the western Mediterranean Sea**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1022 of the European Parliament and 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 ⁽¹⁾, and in particular Article 14 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2021/2066 ⁽²⁾ provides the implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea applicable from 1 January 2022 until 31 December 2024.
- (2) On 9 May 2022, Spain, France and Italy ('Pescamed High-Level Group') submitted to the Commission a joint recommendation proposing the extension of certain exemptions of the landing obligation for demersal fisheries in the western Mediterranean Sea, taking into account the views of the Mediterranean Advisory Council.
- (3) The Scientific, Technical and Economic Committee ('STECF') assessed the joint recommendation between 16 and 20 May 2022 ⁽³⁾.
- (4) On 8 July 2022, the Pescamed High-Level Group submitted an updated joint recommendation, which STECF also assessed.
- (5) Under Article 18 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽⁴⁾, the Commission has considered the updated joint recommendation of 8 July 2022 in light of the STECF's assessment to ensure that it is compatible with the relevant conservation measures, including the landing obligation.
- (6) The updated joint recommendation of 8 July 2022 proposes to extend the high survivability exemptions, as provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013, established for Venus shells (*Venus* spp.), Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.) caught with mechanised dredges.
- (7) Regarding Venus shells (*Venus* spp.), the STECF concluded that the supporting information for provides robust high survivability estimates. The Commission therefore considers that the exemption should be extended.

⁽¹⁾ OJ L 172, 26.6.2019, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2021/2066 of 25 August 2021 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council regarding details of implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea for the period 2022-2024 (OJ L 421, 26.11.2021, p. 17).

⁽³⁾ Scientific, Technical and Economic Committee for Fisheries (STECF) – Evaluation of Joint Recommendations on the landing obligation and on Technical Measures Regulation (STECF-22-05).

⁽⁴⁾ 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).

- (8) Regarding Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.), the STECF highlighted, that additional evidence has been submitted as regards Scallops (*Pecten jacobaeus*). The Commission acknowledges the existence of scientific studies and publications in relation to these two species and other similar bivalve species caught by mechanised dredges in other sea basins and that have been assessed in the past by the STECF. Regarding the similarities with the Western Mediterranean Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.), the likely high survivability of those species is to be considered in relation to these two species while requesting Member States to develop studies in the Western Mediterranean.
- (9) As the evidence on the survival rates of Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.) is inconclusive and STECF concluded that further scientific evidence on the survivability need to be provided for those bivalve species in the western Mediterranean Sea, the Commission considers that the exemption should be extended only for a short period. The Member States concerned should therefore submit the relevant scientific evidence for STECF to evaluate.
- (10) The Member States concerned renewed their commitment in the updated joint recommendation of 8 July 2022 to increase the selectivity of the fishing gears in accordance with the results of current research programmes in order to reduce and limit unwanted catches and particularly catches below minimum conservation reference sizes.
- (11) Furthermore, the Member States concerned also committed in the updated joint recommendation of 8 July 2022 to identify further closure areas in order to reduce juvenile mortality, where there is evidence of a high concentration of juvenile fish.
- (12) The measures proposed by the updated joint recommendation of 8 July 2022 are in line with Article 15(4), Article 15(5), points (b), and Article 18(3) of Regulation (EU) No 1380/2013. Delegated Regulation (EU) 2021/2066 should therefore be amended accordingly.
- (13) Since the measures provided for in this Regulation impact directly 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. It should however apply from a later date,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Delegated Regulation (EU) 2021/2066 is amended as follows:

- (a) in paragraph 1, points (a), (b) and (c) are replaced by the following:

- ‘(a) scallop (*Pecten jacobaeus*) caught with mechanised dredges (HMD) until 31 December 2023;
- (b) Carpet clams (*Venerupis* spp.) caught with mechanised dredges (HMD) until 31 December 2023;
- (c) Venus shells (*Venus* spp.) caught with mechanised dredges (HMD) until 31 December 2024;’;

- (b) paragraph 3 is replaced by the following:

‘3. By 1 May 2022 and 2023, the Member States having a direct management interest in the fisheries in the Mediterranean Sea shall submit to the Commission additional discard data and any other relevant scientific evidence supporting the exemption laid down in points (a) and (b) of paragraph 1. The STECF shall assess the data and information submitted by 31 July at the latest.’.

Article 2

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 2023 until 31 December 2024.

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

Done at Brussels, 16 August 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2022/2289**of 18 August 2022****amending Delegated Regulation (EU) 2020/2014 as regards exemptions to the landing obligation for certain fisheries in the North Sea for 2023**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 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 ⁽¹⁾, and in particular Article 11 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/2014 ⁽²⁾ provides details on how to implement the landing obligation for certain fisheries in the North Sea for the period 2021-2023.
- (2) Pursuant to Delegated Regulation (EU) 2020/2014, certain exemptions to the landing obligation are applicable until 31 December 2022. In these cases, Member States having a direct management interest were to submit, as soon as possible and not later than 1 May 2022, additional scientific evidence supporting the exemption. The Scientific, Technical and Economic Committee for Fisheries (‘STECF’) is to assess the submitted evidence by 31 July 2022.
- (3) Belgium, Denmark, France, Germany, the Netherlands and Sweden (‘Scheveningen Group’), after consulting the North Sea Advisory Council (‘NSAC’) and the Pelagic Advisory Council (‘PELAC’), submitted a joint recommendation to the Commission on 2 May 2022.
- (4) The STECF reviewed ⁽³⁾ the joint recommendation between 16 and 20 May 2022. The Commission presented the draft delegated act to the Fisheries and Aquaculture Expert Group consisting of representatives of the Member States on 20 July 2022 at a meeting attended by the European Parliament as an observer.
- (5) Article 8 of Delegated Regulation (EU) 2020/2014 grants until 31 December 2022 a survivability exemption for turbot (*Scophthalmus maximus*) caught with beam trawls (TBB) with a cod-end equal to or larger than 80 mm in the Union waters of International Council for the Exploration of the Sea (‘ICES’) subarea 4.
- (6) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (7) The STECF noted that both catches and discards display a decreasing trend in recent years. The STECF recognised that ICES advice indicates that the turbot stock in the North Sea is in good condition and that the impact of the exemption until 31 December 2023 would be limited, given the low level of discards and assuming survival rates in the range of 38-75 %. The STECF further observed the launch of a research project on turbot survivability, whose preliminary results in 2023 are expected to be relevant to this exemption.

⁽¹⁾ Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 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 (OJ L 179, 16.7.2018, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) 2020/2014 of 21 August 2020 specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023 (OJ L 415, 10.12.2020, p. 10).

⁽³⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/26710926/STECF+22-05+-+Eval+JRS+Lo+and+TM.pdf/68ecb905-d160-41d8-b784-70ec5ce74c15>

- (8) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023, which will also allow sufficient time for the completion of the ongoing research project aiming to improve the information on turbot discards and survivability. Members States are requested to submit the results of this project for assessment by the STECF no later than 1 May 2023.
- (9) Article 10 of Delegated Regulation (EU) 2020/2014 grants until 31 December 2022 a survivability exemption for mackerel and herring caught with purse seines under certain conditions related to the equipment of the vessel and gear with an electronic recording and documenting system, the fitting of the gear, and releasing of the catches in ICES divisions 2a, 3a and subarea 4.
- (10) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (11) The STECF noted that, in the absence of new supporting information, the survival estimates of 70 % for mackerel and herring reported in the STECF PLEN 14-02 remain valid. The STECF further recognised the relevance of temporal coherence in the extension of similar exemptions between the neighbouring North Western Waters and North Sea. The STECF also underlined that the grant of the exemption until 31 December 2023 should be subject to further evaluation as part of the wider review of the landing obligation planned for 2023, to assess whether the survival estimates are still valid, the impact of the exemption on the stocks and its use by the fleets concerned.
- (12) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023, which will also ensure alignment and consistency between the North Sea and North Western Waters. Members States are requested to submit additional data on mackerel and herring survivability for assessment by the STECF no later than 1 May 2023, to support the evaluation of this exemption in 2023 review of the landing obligation.
- (13) Article 11(10) of Delegated Regulation (EU) 2020/2014 grants until 31 December 2022 a *de minimis* exemption for a quantity of whiting below the minimum conservation reference size caught in demersal mixed fisheries with bottom trawls or seines (OTB, OTT, SDN, SSC) with a mesh size of 70-99 mm (TR2) in the Union waters of ICES divisions 4a and 4b.
- (14) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (15) The STECF noted that, although the data provided refers to a much wider area than that of ICES divisions 4a and 4b, the exemption appears to cover only a part of the unwanted catches and therefore improving selectivity should remain the priority. The STECF also recognised that the ongoing studies on fish behaviour to light carried out by different Member States in different fisheries create new possibilities for selectivity trials to reduce unwanted catches and encourage further work on this research field, whose results should be collated to identify the fisheries where such technology could be best utilised.
- (16) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023, which will also allow sufficient time for the completion of the ongoing studies on fish behaviour to light. Members States are requested to submit the results of these studies for assessment by the STECF no later than 1 May 2023.
- (17) Article 11(12) of Delegated Regulation (EU) 2020/2014 grants until 31 December 2022 a *de minimis* exemption for a combined quantity of mackerel, horse mackerel, herring and whiting caught in pelagic fisheries by pelagic trawlers up to 25 meters in length overall, using mid-water trawls (OTM/PTM), and targeting mackerel, horse mackerel and herring in ICES divisions 4b and 4c south of 54 degrees north.
- (18) The joint recommendation requested an extension of this exemption until 31 December 2023.

- (19) The STECF recognised that further improving selectivity would be difficult and sorting catches would have high costs due to the nature of the species and fisheries involved. The STECF also noted the inter-annual variability in catch composition and discard levels and highlighted the difficulty in monitoring discards under this exemption, given that vessels can use different gears during the same fishing trip
- (20) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023, which will also allow sufficient time to improve monitoring and gather additional information on catches and discards separated for each gear type used by this fleet. Member States are requested to submit this additional information for assessment by the STECF no later than 1 May 2023.
- (21) Article 11(13) of Delegated Regulation (EU) 2020/2014 grants until 31 December 2022 a *de minimis* exemption for a combined quantity of sprat, sandeel, Norway pout and blue whiting caught in the demersal mixed fishery with trawls (OTB, OTM, OTT, PTB, PTM, SDN, SPR, SSC, TB, TBN) with mesh sizes above 80 mm in ICES division 3a and ICES subarea 4 and in the fishery for Northern prawn using gears with a sorting grid with a maximum bar spacing of 19 mm or equivalent selectivity device and a fish retention device with mesh sizes above 35 mm in ICES division 3a and 32 mm in ICES subarea 4.
- (22) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (23) The STECF noted that bycatches of those industrial species are very low in the demersal human consumption fisheries. The STECF also recognised the difficulty in further improving selectivity in these fisheries.
- (24) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023.
- (25) Article 11(14) of Delegated Regulation (EU) 2020/2014 grants until 31 December 2022 a *de minimis* exemption for a quantity of ling (*Molva molva*) below the minimum conservation reference size, caught in the demersal fishery for hake using longlines (LLS) in ICES subarea 4.
- (26) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (27) The STECF noted that the information provided reports low discards of ling in the longline fishery, which indicates little impact on the stock. The STECF also recognised that difficulties in further improving selectivity are credible given the nature of the fishery and the quite low discards covered by the exemption.
- (28) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023.
- (29) Article 11(15) of Delegated Regulation (EU) 2020/2014 grants until 31 December 2022 a *de minimis* exemption for a quantity of horse mackerel (*Trachurus* spp.) caught in the demersal mixed fishery with bottom trawls (OTB, OTT, PTB) with a mesh size between 80 and 99 mm (TR2) in ICES divisions 4b and 4c.
- (30) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (31) The STECF noted that discarding in these fisheries is high and this exemption seems to cover only a part of the unwanted catches, therefore further improving selectivity should remain the priority. The STECF also recognised that although based on average discards over the period 2013-2016, the estimated costs for landing unwanted catches of horse mackerel are significant.
- (32) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023, which will also allow sufficient time to test further improvements in gear selectivity and assess their implementation by the fleets involved in these mixed fisheries. Member States are requested to perform new selectivity trials and to submit additional relevant and updated information for assessment by the STECF no later than 1 May 2023, to support the evaluation of this exemption in the 2023 review of the landing obligation.

- (33) Article 11(16) of Delegated Regulation (EU) 2020/2014 grants until 31 December 2022 a *de minimis* exemption for a quantity of mackerel (*Scomber scombrus*) caught in the demersal mixed fishery with bottom trawls (OTB, OTT, PTB) with a mesh size between 80 and 99 mm (TR2) in ICES divisions 4b and 4c.
- (34) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (35) The STECF noted that discarding in these fisheries is high and therefore further improving selectivity should remain the priority. Nevertheless, the STECF also recognised the difficulty to improve selectivity without causing significant commercial losses for vessels operating in such mixed fisheries.
- (36) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023, which will also allow sufficient time to test further improvements in gear selectivity and assess their implementation by the fleets involved in these mixed fisheries. Member States are requested to perform new selectivity trials and to submit additional relevant and updated information for assessment by the STECF no later than 1 May 2023, to support the evaluation of this exemption in the 2023 review of the landing obligation.
- (37) Article 11(17) of Delegated Regulation (EU) 2020/2014 grants until 31 December 2022 a *de minimis* exemption for a quantity of blue whiting (*Micromesistius poutassou*) caught in the industrial pelagic trawler fishery targeting this species in ICES subarea 4, and processing it on board to obtain surimi base.
- (38) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (39) The STECF noted that unwanted catches of blue whiting in the industrial pelagic fishery are relatively small and will not have an impact on the overall stock. The STECF also recognised that further improving selectivity may lead to unaccounted mortality due to the likely low survivability of escaping blue whiting. In addition, the STECF noted the costs of handling unwanted catches on board.
- (40) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023.
- (41) The joint recommendation requested a new *de minimis* exemption for a quantity of Northern prawn (*Pandalus borealis*) caught in the demersal fishery with trawls (OTB, OTM, OTT, PTB, PTM, SDN, SPR, SSC, TB, TBN) with mesh sizes above 70mm in ICES division 3a fitted with a sorting grid with a maximum bar spacing of 35 mm or equivalent selectivity device, and above 80 mm in ICES subarea 4.
- (42) The STECF noted that, given the low discard rates and volumes, the impact of the exemption is likely to be minimal in the overall context of the fishery. The STECF also recognised that further improving selectivity to reduce such small bycatch is difficult to achieve in practice.
- (43) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until the expiration date of the discard plan on 31 December 2023.
- (44) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season for Union vessels and on related economic activities, this Regulation should enter into force immediately upon publication. It shall apply from 1 January 2023,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2020/2014 is amended as follows:

- (1) Articles 8(2) and 10(6) are deleted;

(2) Article 11 is amended as follows:

(a) point (10) is replaced by the following:

‘(10) in the mixed demersal fisheries by vessels using bottom trawls or seines (OTB, OTT, SDN, SSC) with a mesh size of 70-99 mm (TR2) in the Union waters of ICES divisions 4a and 4b:

a quantity of whiting below the minimum conservation reference size, which shall not exceed 4 % of the total annual catches of whiting;’;

(b) point (12) is replaced by the following:

‘(12) in pelagic fisheries carried out by pelagic trawlers up to 25 meters in length overall, using mid-water trawls (OTM/PTM), and targeting mackerel, horse mackerel and herring in ICES divisions 4b and 4c south of 54 degrees north;

a combined quantity of mackerel, horse mackerel, herring and whiting that shall not exceed 1 % of the total annual catches of mackerel, horse mackerel, herring and whiting;’;

(c) point (13) is replaced by the following:

‘(13) in the demersal mixed fishery with trawls (OTB, OTM, OTT, PTB, PTM, SDN, SPR, SSC, TB, TBN) with mesh sizes above 80 mm in ICES division 3a and ICES subarea 4 and in the fishery for Northern prawn carried out using gears with a sorting grid with a maximum bar spacing of 19 mm or equivalent selectivity device and a fish retention device with mesh sizes above 35 mm in ICES division 3a and 32 mm in ICES subarea 4:

a combined quantity of sprat, sandeel, Norway pout and blue whiting, which shall not exceed 1 % of the total annual catches made in demersal mixed fishery and in the fishery for Northern prawn;’;

(d) point (14) is replaced by the following:

‘(14) in the demersal fishery for hake by vessels using longlines (LLS) in ICES subarea 4:

a quantity of ling (*Molva molva*) below the minimum conservation reference size, which shall not exceed 3 % of the total annual catches of ling made in that demersal fishery;’;

(e) point (15) is replaced by the following:

‘(15) in the demersal mixed fishery with bottom trawls (OTB, OTT, PTB) with a mesh size between 80 and 99 mm (TR2) in ICES divisions 4b and 4c:

a quantity of horse mackerel (*Trachurus* spp.), which shall not exceed 6 % in 2021 and 2022 and 5 % in 2023 of the total annual catches of horse mackerel made in that fishery;’;

(f) point (16) is replaced by the following:

‘(16) in the demersal mixed fishery with bottom trawls (OTB, OTT, PTB) with a mesh size between 80 and 99 mm (TR2) in ICES divisions 4b and 4c:

a quantity of mackerel (*Scomber scombrus*), which shall not exceed 6 % in 2021 and 2022 and 5 % in 2023 of the total annual catches of mackerel made in that fishery;’;

(g) point (17) is replaced by the following:

‘(17) in the industrial pelagic trawler fishery targeting blue whiting in ICES subarea 4, and processing that species on board to obtain surimi base:

a quantity of blue whiting (*Micromesistius poutassou*), which shall not exceed 5 % of the total annual catches of blue whiting;’;

(h) the following point (18) is added:

‘(18) in the demersal fishery with trawls (OTB, OTM, OTT, PTB, PTM, SDN, SPR, SSC, TB, TBN) with a mesh size above 70 mm in ICES division 3a fitted with a sorting grid with a maximum bar spacing of 35 mm or equivalent selectivity device, and above 80 mm in ICES subarea 4:

a quantity of Northern prawn (*Pandalus borealis*), which shall not exceed 0,01 % of the total annual catches made in that fishery.’.

Article 2

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 to 31 December 2023.

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

Done at Brussels, 18 August 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2022/2290**of 19 August 2022****amending Delegated Regulation (EU) 2020/2015 as regards certain exemptions to the landing obligation in the Western Waters for 2023**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 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 ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/2015 ⁽²⁾ provides details on how to implement the landing obligation for certain demersal fisheries in the Western Waters for the period 2021–2023.
- (2) Under Delegated Regulation (EU) 2020/2015, certain exemptions to the landing obligation are provisionally applicable until 31 December 2022. In these cases, Member States having a direct management interest were to submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The Scientific, Technical and Economic Committee for Fisheries (‘STECF’) was to assess the submitted evidence by 31 July 2022.
- (3) The North Western Waters Member States (Belgium, Ireland, Spain, France and the Netherlands – ‘NWW MS’) submitted a joint recommendation to the Commission on 3 May 2022. A revised version of the joint recommendation was submitted on 25 July 2022.
- (4) The joint recommendation requested a new high survivability exemption for sole below minimum conservation reference size (MCRS) caught in ICES division 7e by vessels under 12 m long and using otter bottom trawls (‘OTB’), within six nautical miles of the coast but outside identified nursery areas, with a cod end mesh size larger than 80 mm.
- (5) The STECF noted the significant amount of information and clarifications received to support this exemption and acknowledged the low level of discard volumes in the fishery.
- (6) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023.
- (7) The joint recommendation also requested a new *de minimis* exemption for common sole (*Solea solea*) up to a maximum of 3 % of the total annual catches of that species by vessels using beam trawls TBB gear with a mesh size of 80 to 119 mm equipped with Flemish panel, to catch common sole in ICES divisions 7j and 7k.
- (8) The STECF noted the improvements achieved by implementing more selective gears and the decrease in unwanted undersized fish catches. The current volume of discards is minimal. The STECF further noted that there are plans in progress to improve the knowledge on the stock through genetic studies that may result in a better understanding of stock limits and stock size. The STECF considered this helps to define the impact of the fisheries and therefore focus the impact of management measures such as the requested exemptions on the landing obligation.

⁽¹⁾ OJ L 83, 25.3.2019, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/2015 of 21 August 2020 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021–2023 (OJ L 415, 10.12.2020, p. 22).

- (9) Given the difficulties to increase further the selectivity and the minimal discard volume identified by the STECF, the exemption should therefore be granted until 31 December 2023, which will also allow Member States to proceed with the relevant studies ultimately leading to improved knowledge about the stock.
- (10) Article 13(1)(a) of Delegated Regulation (EU) 2020/2015 granted a *de minimis* for whiting (*Merlangius merlangus*), up to a maximum of 5 % of the total annual catches of that species by vessels using bottom trawls and seines with a mesh size equal to or greater than 80 mm (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBN, TBS, TB, TX), pelagic trawls (OTM, PTM) and beam trawls (BT2) with a mesh size of 80 to 119 mm in ICES divisions 7b to 7k;
- (11) The joint recommendation requested an extension of this exemption until 31 December 2023 to be applied in ICES divisions 7d and 7e.
- (12) The STECF noted that, in the absence of catch data for all Member States involved in the fleet, it is not possible to fully assess the impact of the exemption but acknowledges the continued efforts by Member States in the NWW to improve selectivity in the relevant fisheries. However, the STECF reiterates that reducing fishing mortality on the Celtic Sea whiting should be a priority.
- (13) For the reasons given by the STECF, with which the Commission agrees, and notably due to the limited geographical scope (ICES divisions 7d and 7e) of the revised exemption, that, compared to the last two years, does not encompass the fishing areas (ICES divisions 7b, 7c and 7f to 7k), where Celtic Sea whiting is caught and limits them to areas where mostly North Sea whiting is caught, the exemption should therefore be granted until 31 December 2023. Furthermore, and with the view of ensuring that this exemption is closely monitored, the Member States are requested to ensure strict monitoring of the exemption and collect the relevant discard data to be submitted to Commission before 1 May 2023.
- (14) Article 13(1)(g) of Delegated Regulation (EU) 2020/2015 granted until 31 December 2022 a *de minimis* exemption for megrim (*Lepidorhombus* spp.) below MCRS, up to a maximum of 4 % of the total annual catches of that species by vessels using beam trawls with a mesh size of 80 to 119 mm (BT2) in ICES subarea 7, and using bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) in the following conditions:
- in ICES divisions 7f, 7g, the part of 7h North of latitude 49° 30' N and the part of 7j N of latitude 49° 30' North and East of longitude 11° W, for TR2 vessels with catches comprising more than 55 % of whiting or 55 % of anglerfish, hake or megrim combined,
 - in ICES subarea 7, outside the abovementioned area, for TR2 vessels.
- (15) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (16) The STECF noted that the impact of the exemption has been limited and that the supplementary evidence submitted by the NWW Member States demonstrates the limited volume of discards generated by part of the fleets covered by this exemption.
- (17) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023, which will also allow sufficient time to gather additional information on catches and discards separated for fleets less well documented. Member States are requested to submit this additional information for assessment by the STECF no later than 1 May 2023.
- (18) Article 13(1)(h) of Delegated Regulation (EU) 2020/2015 granted until 31 December 2022 a *de minimis* exemption for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species by vessels using beam trawls with a mesh size of 80 to 119 mm (BT2) with increased selectivity (Flemish panel) in ICES divisions 7a.
- (19) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (20) The STECF noted that the improvement achieved by implementing more selective gears has yielded a significant decrease in unwanted undersized fish catches and in discard volumes that currently are minimal.

- (21) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023.
- (22) Article 13(1)(f) of Delegated Regulation (EU) 2020/2015 granted until 31 December 2022 a *de minimis* exemption for boarfish (*Caprus aper*) caught by vessels using bottom trawls in ICES divisions 7b to 7c and 7f to 7k.
- (23) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (24) The STECF acknowledged testing gears to improve the selectivity only for boarfish is challenging. Therefore, the STECF noted that it will be difficult to improve further selectivity for this species and will be hard to achieve without the fleets concerned having to incur disproportionate costs.
- (25) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023.
- (26) Article 13(1)(d) of Delegated Regulation (EU) 2020/2015 granted until 31 December 2022 a *de minimis* exemption for haddock (*Melanogrammus aeglefinus*), up to a maximum of 5 % of the total annual catches of that species caught:
- by vessels operating with a mesh size greater than or equal to 100 mm for all bottom trawls, seines (OTB, OTT, OT, PTB, PT, SSC, SDN SPR, SX, SV, TBN, TBS, TB, TX) in ICES divisions 7b, 7c and 7e to 7k with catches comprising not more than 30 % Norway lobster and excluding beam trawls,
 - by vessels operating with mesh sizes greater than or equal to 80 mm in ICES divisions 7b, 7c and 7e to 7k with catches comprising more than 30 % of Norway lobster,
 - by vessels operating with beam trawls using mesh sizes greater than or equal to 80 mm in ICES divisions 7b, 7c and 7e to 7k in conjunction with the use of a Flemish panel.
- (27) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (28) The STECF noted both the continued efforts by the NWW Member States to improve selectivity in the relevant fisheries and the introduction of more selective gears into the Celtic Sea. The STECF also noted that it will be difficult to further improve selectivity for this species.
- (29) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023. Furthermore, and with the view of ensuring that this exemption is closely monitored, the Member States are requested to ensure strict monitoring of the exemption and collect the relevant discard data to be submitted to Commission before 1 May 2023.
- (30) Article (13)(1)(i) of Delegated Regulation (EU) 2020/2015 granted a *de minimis* exemption until 31 December 2022 for greater silver smelt (*Argentina silus*), caught by vessels using bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a mesh size greater or equal to 100 mm (TR1) in ICES division 5b (EU waters) and ICES subarea 6, up to 0,6 % of the total annual catches of that species from all gears in those areas.
- (31) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (32) The STECF noted that the low level of discards reported indicates the impact of this exemption is likely to be low. Moreover, improvements of selectivity measures are difficult to achieve without the fleets concerned incurring in disproportionate costs. For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023.
- (33) Article (13)(1)(j) of Delegated Regulation (EU) 2020/2015 granted until 31 December 2022 a *de minimis* exemption for horse mackerel (*Trachurus* spp.), up to a maximum of 3 % of the total annual by-catches of those species, caught in demersal mixed fisheries, by vessels using bottom trawls, seines and beam trawls (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBB, TBN, TBS, TB, TX) in ICES subarea 6 and ICES divisions 7b to 7k.

- (34) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (35) The STECF noted difficulties in assessing the impact of the exemption due to the limited information available and recognised that efforts to improve selectivity should be encouraged. The STECF also recognised that it is difficult to improve selectivity for horse mackerel, without causing significant commercial losses for vessels fishing in such mixed fisheries. Moreover, similar exemptions for the same stock have been granted in the South-Western Waters until 31 December 2023.
- (36) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023. This will also allow sufficient time to test further improvements in gear selectivity and assess their implementation by the fleets involved in these mixed fisheries. Member States are requested to perform new selectivity trials and to submit additional relevant and updated information for assessment by the STECF no later than 1 May 2023, to support the evaluation of this exemption in the 2023 review of the landing obligation.
- (37) Article 13(1)(k) of Delegated Regulation (EU) 2020/2015 granted a *de minimis* exemption for mackerel (*Scomber scombrus*), up to a maximum of 3 % of the total annual by-catches of that species, caught in demersal mixed fisheries, by vessels using bottom trawls, seines and beam trawls (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBB, TBN, TBS, TB, TX) in ICES subarea 6 and ICES divisions 7b to 7k.
- (38) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (39) The STECF noted the difficulties in assessing the impact of the exemption due to limited information available, and recognised that efforts to improve selectivity should be encouraged. The STECF also acknowledged that it is difficult to improve selectivity for mackerel without causing significant commercial losses for vessels fishing in such mixed fisheries. Moreover, similar exemptions to the same stock have been granted in the South Western Waters until 31 December 2023.
- (40) For the reasons given by the STECF, with which the Commission agrees, the exemption should therefore be granted until 31 December 2023, which will also allow sufficient time to test further improvements in gear selectivity and assess their implementation by the fleets involved in these mixed fisheries. Member States are requested to perform new selectivity trials and to submit additional relevant and updated information for assessment by the STECF no later than 1 May 2023, to support the evaluation of this exemption in the 2023 review of the landing obligation.
- (41) The South Western Waters Member States (Belgium, Spain, France, the Netherlands and Portugal) submitted a joint recommendation to the Commission on 2 May 2022. A revised version of the joint recommendation was submitted on 28 July 2022.
- (42) Article 10(4), points (a) and (b), of Delegated Regulation (EU) 2020/2015 granted until 31 December 2022 a high survivability exemption for cuckoo ray caught by trammel nets in ICES subareas 8 and 9, and for cuckoo ray caught by bottom trawls in ICES subarea 8, respectively.
- (43) The joint recommendation requested an extension of these exemptions until 31 December 2023.
- (44) The STECF reviewed the scientific information and concluded that the SWW Member States should try to improve catch data and to use their joint scientific capacity to compile data in a more systematic manner.
- (45) Given the evidence submitted in the past by the SWW Member States on survival rates for cuckoo ray and the need to allow sufficient time for the completion of a study intended to increase scientific knowledge on survival of cuckoo ray and whose first results are expected in 2023, these exemptions should be granted until 31 December 2023. Furthermore, the grant of these exemptions will ensure consistency between North Western Waters and the South Western Waters. The SWW Member States are required to submit the results of these studies to the STECF no later than 1 May 2023, to support the evaluation of this exemption in the 2023 review of the landing obligation.

- (46) Article 11(1) of Delegated Regulation (EU) 2020/2015 granted until 31 December 2022 a high survivability exemption for red seabream (*Pagellus bogaraveo*) caught with the artisanal gear *voracera* in ICES division 9a and to red seabream caught with hooks and lines in ICES subareas 8 and 10 and ICES division 9a.
- (47) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (48) The STECF reviewed the scientific information and concluded that the additional survivability experiments should provide robust survival estimates.
- (49) Given the evidence submitted in the past by the SWW Member States on survival rates and that the additional survivability experiments are likely to provide robust survival estimates, this exemption should be extended until 31 December 2023 to allow for the completion of the studies. SWW Member States are required to submit the results of these studies to the STECF no later than 1 May 2023, to support the evaluation of this exemption in the 2023 review of the landing obligation
- (50) Article 14(1)(n) of Delegated Regulation (EU) 2020/2015 granted until 31 December 2022 a *de minimis* exemption for whiting (*Merlangius merlangus*) caught with gillnets in ICES subarea 8.
- (51) The joint recommendation requested an extension of this exemption until 31 December 2023.
- (52) The STECF concluded that previous evaluations indicate that catches and discards of whiting in gillnet fisheries are low and that the impact of the exemption on the whiting stock is likely to be negligible.
- (53) Given the evidence submitted in the past by the SWW Member States on disproportionate costs of handling unwanted catches and the studies planned on selectivity, this exemption should be extended until 31 December 2023. SWW Member States are required to submit the results of these studies to the STECF no later than 1 May 2023 to support the evaluation of this exemption in the 2023 review of the landing obligation.
- (54) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season for Union vessels and on related economic activities, this Regulation should enter into force immediately upon publication. It should apply from 1 January 2023,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2020/2015 is amended as follows:

(1) in Article 4, paragraph 1 is replaced by the following:

‘1. The survivability exemption provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to:

- in ICES division 7d, within six nautical miles of the coast but outside identified nursery areas, to catches of common sole (*Solea solea*) below the minimum conservation reference size made using otter trawl gears (gear codes: OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a cod end mesh size of 80 to 99 mm, by vessels:
- having a maximum length of 10 metres and a maximum engine power of 221 kW; and
- fishing in waters with the depth of 30 metres or less and with tow durations of no more than ninety minutes.
- in ICES division 7e, within six nautical miles of the coast but outside identified nursery areas, to catches of common sole (*Solea solea*) below the minimum conservation reference size made using otter trawl gears (gear code: OTB) with a cod end mesh size larger than 80 mm, by vessels under 12 m.;

(2) in Article 10, paragraph 4 is replaced by the following:

‘4. The exemption referred to in paragraph 1 shall apply to cuckoo ray:

- (a) caught by trammel nets in ICES subareas 8 and 9. Member States having a direct management interest shall submit as soon as possible, but not later than by 1 May 2023, additional scientific information supporting this exemption for cuckoo ray caught with trammel nets. The STECF shall assess that scientific information by 31 July 2023;
- (b) caught by bottom trawls in ICES subarea 8. Member States having a direct management interest shall submit as soon as possible, but not later than by 1 May 2023, additional scientific information supporting this exemption for cuckoo ray caught with bottom trawls. The STECF shall assess that scientific information by 31 July 2023.’;

(3) in Article 11, paragraphs 1 and 2 are replaced by the following:

‘1. The survivability exemption provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to red seabream (*Pagellus bogaraveo*) caught with the artisanal gear *voracera* in ICES division 9a and to red seabream caught with hooks and lines (gear codes: LHP, LHM, LLS, LLD) in ICES subareas 8 and 10 and in ICES division 9a.

2. Member States having a direct management interest shall submit as soon as possible, but not later than by 1 May 2023 additional scientific information supporting the exemption laid down in paragraph 1 for red seabream caught with hooks and lines in ICES subareas 8 and in ICES division 9a. The STECF shall assess the provided scientific information by 31 July 2023.’;

(4) Article 13 is amended as follows:

(a) paragraph 1, point (a), is replaced by the following:

‘(a) for whiting (*Merlangius merlangus*), up to a maximum of 3 % of the total annual catches of that species by vessels using bottom trawls and seines with a mesh size equal to or greater than 80 mm (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBN, TBS, TB, TX), pelagic trawls (OTM, PTM) and beam trawls (BT2) with a mesh size of 80 to 119 mm in ICES divisions 7d and 7e;’;

(b) paragraph 1, point (c), is replaced by the following:

‘(c) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species by vessels using TBB gear with a mesh size of 80 to 119 mm equipped with Flemish panel, to catch common sole in ICES divisions 7d to 7h, 7j and 7k;’;

(c) paragraph 2 is replaced by the following:

‘2. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2023, additional scientific information supporting the exemptions set out in points (a), (d), (g), (j) and (k) of paragraph 1.’;

(d) paragraph 3 is replaced by the following:

‘3. The *de minimis* exemption laid down in point (l) of paragraph 1 shall be applicable until 31 December 2022.’;

(e) paragraphs 4 to 7 are deleted;

(5) in Article 14, paragraph 3 is replaced by the following:

‘3. The *de minimis* exemption laid down in point (m) of paragraph 1 shall be applicable until 31 December 2022.’.

Article 2

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 until 31 December 2023.

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

Done at Brussels, 19 August 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2022/2291**of 8 September 2022****amending Annex I to Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants, as regards hexachlorobenzene****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants ⁽¹⁾, and in particular Article 15(1) thereof,

Whereas:

- (1) Regulation (EU) 2019/1021 implements the commitments of the Union under the Stockholm Convention on Persistent Organic Pollutants ⁽²⁾ and under the Protocol on Persistent Organic Pollutants to the 1979 Convention on Long-Range Transboundary Air Pollution ⁽³⁾.
- (2) Pursuant to Article 3(1) of Regulation (EU) 2019/1021, the manufacturing, placing on the market and use, whether on their own, in mixtures or in articles, of substances listed in Annex I to that Regulation are prohibited, subject to Article 4 of that Regulation.
- (3) Hexachlorobenzene is listed in Annex I to Regulation (EU) 2019/1021 without an Unintentional Trace Contaminant (UTC) limit value.
- (4) Article 15(1) of Regulation (EU) 2019/1021 empowers the Commission to adopt delegated acts to modify existing entries of Annex I to adapt them to scientific and technical progress.
- (5) The Commission has determined the presence of hexachlorobenzene as an impurity in some substances, mixtures and articles, including pesticides, chlorinated solvents, inks, coatings, paints and toners, wood application, textile application and plastics.
- (6) In order to clarify the legal situation and facilitate enforcement as regards the use of substances, mixtures or articles containing hexachlorobenzene as an unintentional trace contaminant, a UTC limit of 10 mg/kg (0,001 % by weight) should be set for hexachlorobenzene.
- (7) Regulation (EU) 2019/1021 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) 2019/1021 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 169, 25.6.2019, p. 45.

⁽²⁾ OJ L 209, 31.7.2006, p. 3.

⁽³⁾ OJ L 81, 19.3.2004, p. 37.

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

Done at Brussels, 8 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Part A of Annex I to Regulation (EU) 2019/1021, in the fourth column ('Specific exemption on intermediate use or other specification') of the entry for hexachlorobenzene, the following text is added:

'For the purposes of this entry, Article 4(1), point (b), shall apply to concentrations of hexachlorobenzene equal to or below 10 mg/kg (0,001 % by weight) where it is present in substances, mixtures or articles.'

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