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## PROPOSAL

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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 11 July 2014

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European  
Union

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No. Cion doc.: COM(2014) 457 final

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND  
OF THE COUNCIL amending 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

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Delegations will find attached document COM(2014) 457 final.

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Encl.: COM(2014) 457 final



EUROPEAN  
COMMISSION

Brussels, 11.7.2014  
COM(2014) 457 final

2014/0213 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending 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**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

The proposal aims at transposing in Union law a number of measures adopted by the General Fisheries Commission for the Mediterranean (GFCM) at its annual sessions of 2011, 2012 and 2013. The GFCM is a Regional Fisheries Management Organisation established under Article XIV of the FAO Constitution; its main objectives are to promote the development, conservation, rational management and best utilization of living marine resources and the sustainable development of aquaculture in the Mediterranean, Black Sea and connecting waters. The GFCM has the authority to adopt compulsory decisions (“recommendations”) in its area of competence; these acts are essentially addressed to the Contracting Parties but may also contain obligations for operators (e.g. the vessel master). The recommendations become binding within 120 days after the date of first notification, provided that no objections are lodged.

The EU and ten Member States (Bulgaria, Croatia, Cyprus, France, Greece, Italy, Malta, Slovenia, Spain and Romania) are Contracting Parties to the GFCM Agreement. To the extent to which the content of the GFCM recommendations is not covered or is only partially covered by existing Union Law, the transposition of the relevant GFCM provisions is necessary to ensure that the latter will receive uniform and effective application throughout the European Union.

The last transposition of GFCM decisions was done by means of Regulation (EU) No 1343/2011<sup>1</sup>. The current proposal will insert into that legislative act the measures to be transposed by way of amendments to it.

### 2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

There was no need for consultation of interested parties or for impact assessment.

### 3. LEGAL ELEMENTS OF THE PROPOSAL

#### Summary of the proposed action

The proposal contains technical measures for the sustainable exploitation of red coral, the mitigation of incidental captures of seabirds, sea turtles and cetaceans and the conservation of monk seals, sharks and rays in the GFCM Agreement area<sup>2</sup>. Such measures go beyond the protection already ensured to these species at EU level by the Habitats Directive and other Union acts<sup>3</sup> and include specific recording and reporting obligations for both operators and

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<sup>1</sup> 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).

<sup>2</sup> Recommendations GFCM/35/2011/2 and GFCM/36/2012/1; GFCM/35/2011/3; GFCM/35/2011/4; GFCM/36/2012/2 and GFCM/37/2013/2; GFCM/35/2011/5; GFCM/36/2012/3.

<sup>3</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as last amended by Council Directive 2006/105/EC; Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels, as amended by Regulation (EU) No 605/2013; Regulation

Member States. The proposal also implements in Union law certain measures for fisheries for small pelagic stocks in the Adriatic Sea<sup>4</sup>.

### **Legal basis**

Article 43(2) of the Treaty on the Functioning of the European Union.

### **Subsidiarity principle**

The proposal falls under exclusive competence of the European Union.

### **Proportionality principle**

The proposed text will ensure the transposition of the relevant GFCM measures in Union law without exceeding what is necessary to achieve the objective pursued.

### **Choice of instrument**

Proposed instrument: Regulation of the European Parliament and of the Council amending an existing Regulation.

Other means would not be adequate for the following reason: a Regulation must be amended by a Regulation.

## **4. BUDGETARY IMPLICATION**

This measure does not involve any additional Union expenditure.

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(EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98; Communication from the Commission to the European Parliament and the Council on a European Community Action Plan for the Conservation and Management of Sharks (COM(2009) 40 final); Communication from the Commission to the European Parliament and the Council on an Action Plan for reducing incidental catches of seabirds in fishing gears (COM(2012) 665 final).

<sup>4</sup> Recommendations GFCM/37/2013/1 and GFCM/38/2014/1; the latter is expected to entry into force soon.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending 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**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>5</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Agreement for the establishment of the General Fisheries Commission for the Mediterranean ("the GFCM Agreement") provides an appropriate framework for multilateral cooperation to promote the development, conservation, rational management and best utilisation of living marine resources in the Mediterranean and the Black Sea at levels which are considered sustainable and at low risk of collapse.
- (2) The European Union, as well as Bulgaria, Greece, Spain, France, Croatia, Italy, Cyprus, Malta, Romania and Slovenia are contracting parties to the GFCM Agreement.
- (3) Regulation (EU) No 1343/2011 of the European Parliament and of the Council<sup>6</sup> lays down certain provisions for fishing in the General Fisheries Commission for the Mediterranean ("GFCM") Agreement area. It is the appropriate legislative act for the implementation of the GFCM recommendations whose content is not yet covered by Union law. Indeed, Regulation (EU) No 1343/2011 can be amended to include the measures contained in the relevant GFCM recommendations.

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<sup>5</sup> OJ C , , p. .

<sup>6</sup> 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).

- (4) At its Annual Sessions in 2011 and 2012, the GFCM adopted measures for the sustainable exploitation of red coral in its area of competence to be implemented in Union law. One of those measures concerns the use of Remotely Operated under-water Vehicles (ROVs). The GFCM decided that ROVs in zones under national jurisdiction exclusively for observation and prospection of red coral on the basis of recommendation GFCM/35/2011/2, are no longer to be allowed after 2014. According to another measure laid down in recommendation GFCM/36/2012/1, red coral catches are to be landed only in a limited number of ports with adequate port facilities and the lists of designated ports are to be communicated to the GFCM Secretariat. Any changes affecting the lists of ports designated by Member States should be communicated to the European Commission for further transmission to the GFCM Secretariat.
- (5) At its Annual Sessions in 2011 and 2012, the GFCM adopted recommendations GFCM/35/2011/3, GFCM/35/2011/4, GFCM/35/2011/5, GFCM/36/2012/2 laying down measures for the mitigation of incidental catches of seabirds, sea turtles, monk seals and cetaceans in fishing activities in the GFCM Agreement area to be implemented in Union law. Those measures include the prohibition to use, from 1 January 2015, bottom-set gillnets with monofilament or twines greater than 0.5mm, with a view to mitigate incidental catches of cetaceans. Such prohibition is already contained in Council Regulation (EC) No 1967/2006 which, however, covers only the Mediterranean Sea. Therefore it should be included in this Regulation in order to apply also to the Black Sea.
- (6) At its Annual Session in 2012, the GFCM also adopted recommendation GFCM/36/2012/3 laying down measures aiming to ensure in its area of competence a high level of protection from fishing activities to sharks and rays, and in particular to the shark and ray species listed as endangered or threatened under Annex II of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean<sup>7</sup> to the Barcelona Convention<sup>8</sup>. According to a GFCM measure, fishing activities carried out with trawl nets are to be prohibited within 3 nautical miles off the coast, provided that the 50 meters isobaths is not reached, or within the 50 meters isobaths where the depth of 50 meters is reached at a shorter distance from the coast. Such prohibition is already contained in Council Regulation (EC) No 1967/2006 which, however, covers only the Mediterranean Sea. Therefore it should be included in this Regulation in order to apply also to the Black Sea. Certain other measures aimed at proper identification of sharks included in that recommendation, which are not covered by Regulation (EC) No 1185/2003<sup>9</sup> or other Union legislation, need to be included in this Regulation in order to be fully implemented in Union law.
- (7) At its Annual Session in 2013 and 2014, the GFCM adopted recommendations GFCM/37/2013/1 and GFCM/38/2014/1 laying down measures for fisheries exploiting

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<sup>7</sup> Council Decision of 22 October 1999 on concluding the Protocol concerning specially protected areas and biological diversity in the Mediterranean, and on accepting the annexes to that Protocol (Barcelona Convention) (OJ L 322, 14.12.1999, p. 1).

<sup>8</sup> Council Decision of 25 July 1977 concluding the Convention for the protection of the Mediterranean Sea against pollution and the Protocol for the prevention of the pollution of the Mediterranean Sea by dumping from ships and aircraft (OJ L 240, 19.09.1977, p. 1)

<sup>9</sup> Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels (OJ L 167, 4.7.2003, p. 1) as amended by Regulation (EU) No 605/2013 of the European Parliament and of the Council of 12 June 2013 (OJ L 181, 29.6.2013, p. 1).

small pelagic stocks in the Adriatic Sea which should be implemented in Union law. These measures concern the management of fishing capacity for small pelagic stocks in GFCM Geographical Sub-Areas 17 and 18, on the basis of the reference fishing capacity established by the means of the list of vessels that had to be communicated to the GFCM Secretariat by 30 November 2013, in accordance with paragraph 22 of recommendation GFCM/37/2013/1. That list includes all vessels equipped with trawl nets, purse seines or other types of surrounding nets without purse line, authorised by the concerned Member States to fish for small pelagic stocks and registered in harbours located in Geographical Sub-Areas 17 and 18, or operating in Geographical Sub-Area 17 and/or in Geographical Sub-Area 18 although registered in harbours located in other Geographical Sub-Areas at the date of 31 October 2013. Any changes which may affect the above-mentioned list should be communicated to the European Commission as soon as they occur for further transmission to the GFCM Secretariat. The GFCM measure also includes a prohibition to retain on board or land which should be implemented in EU law in line with Article 15(2) of Regulation (EU) No 1380/2013<sup>10</sup>.

- (8) In order to ensure uniform conditions for the implementation of certain provisions of this Regulation, implementing powers should be conferred on the Commission. These provisions concern: the format and transmission of the request for a derogation from a minimum depth for harvesting of red coral or from the minimum basal diameter of colonies of red coral; the format and transmission of the results of scientific evaluations of the zones subject to a derogation from a minimum depth for harvesting of red coral; the format and transmission of data on harvesting of red coral; information related to incidental catches of sea birds, sea turtles, monk seals, cetaceans and sharks and rays, changes of lists of ports designated for landing catches of red coral, impacts of certain fishing vessels on cetacean populations and changes occurred to maps and lists of geographical locations which identify the location of caves of monk seals. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>11</sup>.
- (9) In order to ensure that the Union continues to fulfil its obligations under the GFCM Agreement, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission concerning authorisations to derogate from the prohibition to harvest red coral at depths less than 50 m and to depart from the minimum basal diameter of red coral colonies. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (10) Regulation (EU) No 1343/2011 should therefore be amended accordingly,

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<sup>10</sup> 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).

<sup>11</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

HAVE ADOPTED THIS REGULATION:

*Article 1*

**Amendments to Regulation (EU) No 1343/2011**

Regulation (EU) No 1343/2011 is amended as follows:

(1) the following Article 15a is inserted:

*"Article 15a*

**"Use of trawl nets and gill-nets fisheries in the Black Sea**

1. The use of trawl nets shall be prohibited within 3 nautical miles off the coast, provided that the 50 meters isobath is not reached, or within the 50 meters isobath where the depth of 50 meters is reached at a shorter distance from the coast.
2. From 1 January 2015, monofilament or twines diameter of bottom-set gillnets shall not exceed 0,5mm."

(2) in Title II, the following Chapters IV, V and VI are added:

**"Chapter IV**

***CONSERVATION AND SUSTAINABLE EXPLOITATION OF RED CORAL***

*Article 16a*

**Scope**

The provisions of this Chapter shall apply without prejudice to Article 4(2) and Article 8(1), (e) and (g) of Regulation (EC) No 1967/2006 or any stricter measures stemming from Directive 92/43/EEC\*.

*Article 16b*

**Minimum depth for harvesting**

1. The harvesting of red coral shall be prohibited at depth less than 50 m.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to grant derogations from paragraph 1. Those delegated acts shall include rules ensuring scientific evaluation of the zones subject to derogations.
3. Derogations as referred to in paragraph 2 may only be granted if the following conditions are complied with:



- (a) an appropriate national management framework is in place, including a fishing authorisation scheme in accordance with Article 7 of Regulation (EC) No 1224/2009\*\*;
  - (b) recent studies on abundance and spatial distribution of red coral colonies have been carried out at national level;
  - (c) adequate spatio-temporal closures ensure that only a limited number of red coral colonies are exploited; and
  - (d) the relevant Member State carries out a scientific evaluation of the zones subject to derogation.
4. Member States which intend to request a derogation as referred to in paragraph 2 shall submit to the Commission:
- (a) the scientific and technical justifications;
  - (b) the list of fishing vessels authorised to carry out the harvesting of red coral at depth less than 50 m and
  - (c) the list of fishing zones where that activity is authorised, as identified by geographic coordinates both on land and at sea.
5. The Commission may adopt implementing acts as regards the format and transmission of the request for derogation referred to in paragraph 4 and of the results of the scientific evaluation referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).
6. The Commission shall inform the Executive Secretary of the GFCM of the decisions taken pursuant to paragraph 2 and of the results of the scientific evaluation referred to in that paragraph.

#### *Article 16c*

#### **Minimum basal diameter of colonies**

1. Red coral from colonies of red coral whose basal diameter is smaller than 7 mm at the trunk, measured within one centimetre from the base of the colony, shall not be harvested, retained on board, transhipped, landed, transferred, stored, sold or displayed or offered for sale as raw product.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to authorise, by way of derogation from paragraph 1, a maximum tolerance limit of 10 % in live weight of undersized (<7 mm) colonies of red coral.
3. Derogations as referred to in paragraph 2 may only be granted if the following conditions are complied with:
  - (a) a national management framework is in place including a fishing authorisation scheme in accordance with Article 7 of Regulation (EC) No 1224/2009;

- (b) specific monitoring and control programmes stating objectives, priorities and benchmarks for inspection activities are in place.
4. Member States requesting a derogation under paragraph 2 shall submit to the Commission the scientific and technical justifications for that derogation.
  5. The Commission may adopt implementing acts on the format and transmission of the scientific and technical justifications referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).
  6. The Commission shall inform the Executive Secretary of the GFCM of the decisions taken pursuant to paragraph 2.

#### *Article 16d*

#### **Gear and devices**

1. For the harvesting of red coral, the only permitted gear shall be a hammer used manually by professional fishermen.
2. The use of Remotely Operated under-water Vehicles for the exploitation of red coral shall be prohibited. That prohibition shall cover, as from 1 January 2015, the use of Remotely Operated under-water Vehicles which may have been authorized by Member States in zones under national jurisdiction exclusively for observation and prospection of red coral on the basis of paragraphs 3(a) or 3(b) of recommendation GFCM/35/2011/2.

### **Chapter V**

#### ***REDUCTION OF THE IMPACT OF FISHING ACTIVITIES ON CERTAIN MARINE SPECIES***

#### *Article 16e*

#### **Scope**

The provisions of this Chapter shall apply without prejudice to any stricter measures stemming from Directive 92/43/EEC or Directive 2009/147/EC\*\*\* and to Council Regulation (EC) No 1185/2003\*\*\*\*.

#### *Article 16f*

#### **Incidental catches of seabirds in fishing gears**

Masters of fishing vessels shall promptly release seabirds incidentally caught in fishing gears.

### *Article 16g*

#### **Incidental capture of sea turtles in fisheries**

1. Masters of fishing vessels shall promptly release unharmed and alive sea turtles incidentally taken in fishing gears back to the sea.
2. Masters of fishing vessels shall not bring ashore sea turtles, unless as part of a specific rescue programme and provided that the competent national authorities concerned have been duly and officially informed prior to returning to port.
3. Vessels using purse seines for small pelagic species or surrounding nets without purse line for pelagic species shall not encircle sea turtles.
4. Vessels using long-lines and bottom-set gillnets shall carry on board safe handling, disentanglement and release equipment to ensure that sea turtles are handled and released in a manner that maximizes the probability of their survival.

### *Article 16h*

#### **Incidental capture of monk seals (*Monachus monachus*)**

1. Masters of fishing vessels shall not take on board, tranship and land monk seals, unless this is required to rescue and to secure assistance for the recovery of harmed individual animals and provided that the competent national authorities concerned have been duly and officially informed prior to returning to port.
2. Masters of fishing vessels having accidentally taken specimens of monk seals in their fishing gears shall promptly release them unharmed and alive. The carcass of dead specimens shall be landed and shall be seized and destroyed by the national authorities.

### *Article 16i*

#### **Incidental capture of cetaceans**

Masters of fishing vessels shall promptly return to the sea cetaceans incidentally caught in fishing gears.

### *Article 16j*

#### **Protected sharks and rays**

1. Sharks and rays species which are included in Annex II to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean\*\*\*\*\* shall not be retained on board, transhipped, landed, transferred, stored, sold or displayed or offered for sale.

2. Fishing vessels that have incidentally caught sharks and rays species included in Annex II to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean shall promptly release them unharmed and alive.

#### *Article 16k*

#### **Identification of sharks**

Beheading and skinning of sharks on board and before landing shall be prohibited. Beheaded and skinned sharks may not be marketed at the first sale markets after landing.

### **Chapter VI**

#### ***MEASURES FOR FISHERIES FOR SMALL PELAGIC STOCKS IN THE ADRIATIC SEA***

#### *Article 16l*

#### **Management of fishing capacity**

1. For the purpose of this Article, the reference fishing capacity for small pelagic stocks is that established on the basis of the lists of vessels of the concerned Member States communicated to the GFCM Secretariat in accordance with paragraph 22 of recommendation GFCM/37/2013/1. Those lists include all vessels equipped with trawl nets, purse seines or other types of surrounding nets without purse line authorised to fish for small pelagic stocks and registered in harbours located in Geographical Sub-Area 17 and 18, as referred to in Annex I, or operating in Geographical Sub-Area 17 and/or in Geographical Sub-Area 18 although registered in harbours located in other Geographical Sub-Area at the date of 31 October 2013.
2. Vessels equipped with trawl nets and purse seines, irrespective of the vessel's length overall, are classified as fishing actively for small pelagic stocks when sardine and/anchovy account for at least 50% of the catch in live weight in any given fishing trip.
3. Member States shall ensure that the overall fleet capacity of vessels equipped with trawl nets or purse seines actively fishing for small pelagic stocks in Geographical Sub-Area 17, both in terms of gross tonnage (GT) and/or gross registered tonnage (GRT) and in terms of engine power (kW), as recorded in the national and EU fleet registers, does not exceed at any time the reference fishing capacity for small pelagic stocks referred to in paragraph 1.
4. Member States shall ensure that vessels equipped with trawl nets and purse seines for small pelagic stocks as identified in paragraph 2 do not operate for more than 20 fishing days per month and do not exceed 180 fishing days per year.
5. Any vessel not included in the list of authorised vessels referred to in paragraph 1 shall not be allowed to fish for, or, by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, retain on board or land any quantity greater than

20% of anchovy and/or sardine if the vessel is engaged on a fishing trip in Geographical Sub-Area 17 and/or in Geographical Sub-Area 18.

6. Member States shall communicate to the Commission any addition to, any deletion from and/or any modification of the list of authorised vessels referred to in paragraph 1 as soon as they occur. These changes are without prejudice to the reference fishing capacity referred to in paragraph 1. The Commission shall forward that information to the Executive Secretary of the GFCM.

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\* Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

\*\* Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

\*\*\* Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 147, 01.07.2013, p. 1).

\*\*\*\* Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels (OJ L 167, 4.7.2003, p. 1).

\*\*\*\*\* Council Decision 99/800/EC of 22 October 1999 on concluding the Protocol concerning specially protected areas and biological diversity in the Mediterranean, and on accepting the annexes to that Protocol (Barcelona Convention) (OJ L 322, 14.12.1999, p. 1)."

- (3) In Title III, the following Chapter Ia is inserted:

## **"CHAPTER Ia**

### ***RECORDING OBLIGATIONS***

#### *Article 17a*

#### **Harvesting of red coral**

Masters of fishing vessels authorised to harvest red coral shall have on board a logbook in which are reported the daily catches of red coral and fishing activity by area and depths, including the number of fishing days and diving. That information shall be communicated to the competent national authorities without delay.

#### *Article 17b*

#### **Incidental capture of certain marine species**

1. Masters of fishing vessels shall record in the fishing logbook referred to in Article 14 of Regulation (EC) No 1224/2009 the following information:
  - (a) any event of incidental catch and release of seabirds;

- (b) any event of incidental catch and release of sea turtles, indicating at least the fishing gear type, times, soak duration, depths and locations, target species, sea turtles species and if the individuals have been discarded dead or released alive;
  - (c) any event of incidental catch and release of monk seals;
  - (d) any event of incidental catch and release of cetaceans, indicating at least the fisheries concerned, characteristics of gear type, times, locations (either by Geographical Sub-Areas or statistical rectangles, as defined in Annex I) and affected cetaceans species;
  - (e) any event of incidental catch and release of sharks and rays species listed in Annex II or in Annex III to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean.
2. By 31 December 2014 at the latest, Member States shall establish the rules recording incidental catches referred to in paragraph 1 by the masters of fishing vessels which are not subject to the keeping of a fishing logbook pursuant to Article 14 of Regulation (EC) No 1224/2009."

(4) the following Articles 23a and 23b are inserted:

*"Article 23a*

**Reporting of relevant data to the Commission**

1. By 15 November of each year, Member States shall submit to the Commission:
  - (a) the data on red coral referred to in Article 17a;
  - (b) in the form of an electronic report, the rates of incidental catches and release of seabirds, sea turtles, monk seals, cetaceans and sharks and rays, as well as any relevant information reported in accordance with Article 17b (1)(a), (b), (c), (d) and (e) respectively.
2. The Commission shall transmit the information referred to in paragraph 1 to the Executive Secretary of the GFCM by 15 December of each year.
3. Member States shall communicate to the Commission any changes to the list of ports designated for landing catches of red coral in accordance with paragraph 5 of recommendation GFCM/36/2012/1.
4. Member States shall collect reliable information on the impacts of vessels targeting picked dogfish with bottom-set gillnets on cetacean populations in the Black Sea and shall submit it to the Commission.
5. Member States shall inform the Commission of any changes occurred to the maps and lists of geographical positions which identify the location of caves of monk seals and are referred to in paragraph 6 of recommendation GFCM/35/2011/5.

6. The Commission shall promptly transmit the information referred to in paragraphs 3, 4 and 5 to the Executive Secretary of the GFCM.
7. The Commission may adopt implementing acts as regards the format and transmission of the information referred to in paragraphs 1, 3, 4 and 5. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).

#### *Article 23b*

### **Control, monitoring and surveillance of fisheries for small pelagic stocks in the Adriatic Sea**

1. Before the end of September of each year, Member States shall communicate to the Commission their plans and programmes to ensure compliance with the provisions of Article 16l through adequate monitoring and reporting, in particular of the monthly catches and fishing effort deployed.
2. The Commission shall submit the information under paragraph 1 to the Executive Secretary of the GFCM no later than 30 October of each year."

- (5) In the first sentence of Article 27(2) "19 January 2012" is replaced by "[DATE OF ENTRY INTO FORCE OF THIS REGULATION TO BE INSERTED]".

#### *Article 2*

### **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*.

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

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*