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European Union

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**2014/0213 (COD)**

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**"I/A" ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. Cion doc.:	11841/14 PECHE 356 CODEC 1622 - COM(2014) 457 final
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 <i>- Political agreement</i>

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1. The Commission submitted the above proposal on 11 July 2014. Its purpose is to incorporate into Union law obligations resulting from conservation and control measures adopted by the General Fisheries Commission for the Mediterranean between 2011 and 2014.
2. The Working Party on Internal and External Fisheries Policies discussed the proposal on 18 July, 11 and 17 September, 2 and 16 October, 26 November, 11 December 2014 and 8 January 2015, taking into consideration also Member States' written comments.<sup>1</sup>
3. The European Economic and Social Committee adopted its opinion on 15 October 2014.<sup>2</sup>

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<sup>1</sup> Docs. 12682/14 PECHE 392 CODEC 1743 + ADD1 to ADD 8 and 14123/4/14 PECHE 458 CODEC 1993 REV 4.

<sup>2</sup> OJ C 2015, 15.1.2015, p. 116.

4. The European Parliament adopted its first reading position on 13 January 2015, confirming the amendments voted previously by the Committee on Fisheries.
5. Based on a mandate that Coreper provided to the Presidency on 21 January 2015<sup>3</sup>, the institutions held a first trilogue on 2 March 2015. The Parliament's and Council's positions resulted as being very close, facilitated by the Commission. The main difference concerned the procedure preferred for adopting derogations to some of the conservation measures.
6. A revision of the mandate was discussed in the Working Party on 11 March 2015 and adopted in Coreper on 18 March 2015.<sup>4</sup> The following trilogue meeting on 26 March 2015 concluded the political discussion among institutions.
7. On 11 May 2015, the Chair of the European Parliament's Committee on Fisheries informed, by means of a letter, the Chair of Coreper 1 that, should the Council transmit formally to the European Parliament its position as agreed, subject to legal-linguistic verification, he will, together with the Rapporteur, recommend to the Plenary that the Council's position be accepted without amendments at Parliament's second reading.
8. Provided that the Council adopts and transmits to the European Parliament a Council position at first reading based on the **text set out in the Annex**<sup>5</sup>, an early second reading agreement will be achieved.
9. The European Parliament and the Commission are making the statements contained in an **addendum** to this note, which they intend to repeat on the occasion of the adoption of the legal act.
10. In view of the above, the Permanent Representatives Committee could invite the Council to confirm, at a forthcoming meeting, its political agreement on the text agreed with the European Parliament, which appears in the Annex to this Note, and to take note of the statements made.

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<sup>3</sup> Doc. 5141/15 PECHE 12 CODEC 25 + COR 1.

<sup>4</sup> Doc. 5141/2/15 PECHE 12 CODEC 25 REV 2.

<sup>5</sup> The text is the same as in doc. 8181/15 + COR 1. Changes compared to the Commission proposal are marked.

2014/0213 (COD)

**REGULATION (EU) 2015/... OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL**

*of*

**amending Regulation (EU) No 1343/2011 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>6</sup>,

Acting in accordance with the ordinary legislative procedure<sup>7</sup>,

Whereas:

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<sup>6</sup> OJ C 12, 15.1.2015, p. 116.

<sup>7</sup> *Position of the European Parliament of [(OJ ...)] [(not yet published in the Official Journal)] and decision of the Council of ... .*

- (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 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>8</sup> lays down certain provisions for fishing in the *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.
- (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, *which had already been authorised* for observation and prospection of red coral **are only** to be allowed *under certain conditions and for a limited period of time, unless scientific advice states otherwise. Consequently, such use of ROVs in Union waters should no longer be allowed after 31 December 2015, unless justified by scientific advice. In line with recommendation GFCM/35/2011/2, the use of ROVs should also be allowed in the case of Member States which have not yet authorised them for prospection and may wish to do so, provided that scientific results obtained in the context of management plans show no negative impact on the sustainable exploitation of red coral.*

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<sup>8</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).

*In addition, the use of ROVs should be authorised for a limited period not extending beyond 2015, for scientific experimental campaigns both for observation and for harvesting.* 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 *and* 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 0,5 mm, with a view to mitigate incidental catches of cetaceans. Such prohibition is already contained in Council Regulation (EC) No 1967/2006<sup>9</sup> 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 *to* the Protocol concerning *pecially protected areas and biological diversity* in the Mediterranean<sup>10</sup> to the Barcelona Convention<sup>11</sup>.

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<sup>9</sup> **Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p.11).**

<sup>10</sup> OJ L 322, 14.12.1999, p. 3.

<sup>11</sup> Convention *on* the protection of the Mediterranean Sea against pollution (**Barcelona Convention**) (OJ L 240, 19.9.1977, p. 3).

- (6a) According to a [ ] measure *included in that recommendation which aims at the protection of coastal sharks*, 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. *Under certain conditions, specific and spatially limited derogations may be granted.* Such prohibition *and the possibility to grant derogations are* already contained in [ ] Regulation (EC) No 1967/2006 which, however, covers only the Mediterranean Sea. Therefore *they* should be included in this Regulation in order to apply also to the Black Sea.
- (6b) Certain other measures aimed at proper identification of sharks, included in that recommendation, which are not covered by *Council* Regulation (EC) No 1185/2003<sup>12</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 small pelagic stocks in the Adriatic Sea, which should be implemented in Union law. *Those* 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 *fishing* 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 *fishing* vessels equipped with trawl nets, purse seines or other types of surrounding nets without purse line, authorised by the [ ] Member States *concerned* 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 [ ] or in Geographical Sub-Area 18 *or in both Geographical Sub-Areas*, although registered in harbours located in other Geographical Sub-Areas at the date of 31 October 2013.

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<sup>12</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) [ ].

Any changes which may affect *that* list should be communicated to the European Commission as soon as they occur for further transmission to the GFCM Secretariat. The GFCM measure *laid down in those recommendations* also includes a prohibition to retain on board or land which should be implemented in *Union* law in line with Article 15(2) of Regulation (EU) No 1380/2013 *of the European Parliament and of the Council*<sup>13</sup>. *For the purpose of proper implementation, national programmes should be developed for control, monitoring and surveillance, which the Commission should communicate to the GFCM on an annual basis.*

(7a) *In order to improve data gathering in view of scientific monitoring of certain marine species that are incidentally caught in fishing gears, masters of fishing vessels should be obliged to record the incidental capture of the marine species concerned. The national reports to the GFCM Scientific Advisory Committee should contain the information from fishing vessels on the incidental capture of certain marine species, supplemented with details from available sources on those incidents.*

(8) In order to ensure uniform conditions for the implementation of certain provisions of this Regulation, implementing powers should be conferred on the Commission *with regard to* the format and transmission of data on harvesting of red coral and 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. *Those* powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>14</sup>.

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<sup>13</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>14</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).

- (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 *in respect of* 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.
- (9a) *In order to ensure that any derogations to be adopted by the Commission by delegated act pursuant to Article 290 of the Treaty and pertaining to the management of red coral harvesting are well designed to suit regional particularities, Member States having a direct management interest in red coral should have the possibility to submit joint recommendations for the purpose of the adoption of such delegated acts. A deadline for submitting joint recommendations should be established. During a transitional period leading to the submission of joint recommendations for a delegated act, Member States should be allowed, in the context of national management plans for red coral, to develop or maintain derogations, as transitional measures. Where the Commission considers that a measure with derogations which are granted or modified by Member States after ...\* does not meet the conditions of recommendations GFCM 35/2011/2 and 36/2012/1, it should be able to request that that measure be amended.*
- (10) Regulation (EU) No 1343/2011 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

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\* *OJ: please insert the date: entry into force of this Regulation.*



*Article 1*

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

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

- (1) the following *article* 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:
  - (a) within 3 nautical miles off the coast, provided that the 50 meters isobath is not reached; or
  - (b) within the 50 meters isobath if the depth of 50 meters is reached at a shorter distance from the coast.
- 1a. A Member State may exceptionally authorise its fishing vessels to fish within the zone referred to in paragraph 1 by granting derogations in accordance with GFCM recommendation 36/2012/3, provided that it duly informs the Commission of any such derogation.*
- 1b. Where the Commission considers that a derogation granted in accordance with paragraph 1a does not fulfil the condition set out in that paragraph, it may, subject to providing relevant reasons and after consulting with the Member State concerned, request it to amend the derogation.*

*1c. The Commission shall inform the Executive Secretary of the GFCM of the derogations granted in accordance with paragraph 1a.*

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* are added:

#### **"Chapter IV**

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

###### *Article 16a*

###### **Scope**

***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 ***Council*** 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 ***until the GFCM indicates otherwise.***

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 *of this Regulation and Article 18(1) to (6) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council*\*\* to grant derogations from paragraph 1. ■

3. *Joint recommendations to be submitted pursuant to Article 18(1) of Regulation (EU) No 1380/2013 in view of a derogation referred to in paragraph 2 of this Article shall be accompanied by:*

(a) *detailed information on the national management framework;* ■

(b) the scientific *or* technical justifications;

(c) the list of fishing vessels *or the number of authorisations to harvest* red coral at depth less than 50 m; and

(d) the list of fishing zones where that activity is authorised, as identified by geographic coordinates both on land and at sea.

*Any joint recommendation by Member States referred to in the first sub-paragraph shall be submitted by ...*<sup>+</sup>

4. Derogations referred to in paragraph 2 *of this Article shall* 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\*\*\*;

*and* ■

(b) adequate spatio-temporal closures ensure that only a limited number of red coral colonies are exploited.

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<sup>+</sup> *OJ: please insert the date: three years from the entry into force of this Regulation.*

4a. *Notwithstanding paragraphs 2 to 4 and as a transitional measure, Member States may adopt measures for the implementation of recommendation GFCM/35/2011/2, provided that:*

*(a) those measures are part of an appropriate national management framework; and*

*(b) the Member State concerned duly informs the Commission of the adoption of those measures.*

*The Member States concerned shall ensure that any derogations cease to apply no later than on the date of application of the relevant delegated act adopted in accordance with paragraph 2.*

4b. *Where the Commission considers, on the basis of the notifications provided by Member States in accordance with point (b) of paragraph 4a, that a national measure adopted after ...<sup>++</sup> does not comply with the conditions set out in paragraph 4, it may, subject to providing relevant reasons and after consultation with the Member State concerned, request it to amend that measure.*

5. **█**

6. The Commission shall inform the Executive Secretary of the GFCM of the *measures adopted pursuant to paragraphs 2 and 4a.*

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<sup>++</sup> *OJ: please insert the date: entry into force of this Regulation.*

**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 *of this Regulation and Article 18(1) to (6) of Regulation (EU) No 1380/2013* 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. *Joint recommendations to be submitted pursuant to Article 18(1) of Regulation (EU) No 1380/2013 in view of a derogation referred to in paragraph 2 of this Article shall be accompanied by the scientific or technical justifications for that derogation.*

*Any joint recommendation by Member States, referred to in the first sub-paragraph shall be submitted by ...<sup>+++</sup>*

4. Derogations ■ referred to in paragraph 2 *of this Article shall* 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 ■ are in place.

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<sup>+++</sup> *OJ: please insert the date: three years from the entry into force of this Regulation.*

**4a. Notwithstanding paragraphs 2 to 4 and as a transitional measure, Member States may adopt measures for the implementation of recommendation GFCM/36/2012/1, provided that:**

**(a) those measures are part of an appropriate national management framework; and**

**(b) the Member State concerned duly informs the Commission of the adoption of those measures.**

**The Member States concerned shall ensure that any derogations cease to apply no later than on the date of application of the relevant delegated act adopted in accordance with paragraph 2.**

**4b. Where the Commission considers, on the basis of the notifications provided by Member States in accordance with point (b) of paragraph 4a, that a national measure adopted after ...<sup>++++</sup> does not comply with the conditions set out in paragraph 4, it may, subject to providing relevant reasons and after consultation with the Member State concerned, request it to amend that measure.**

**5. █**

**6. The Commission shall inform the Executive Secretary of the GFCM of the *measures adopted pursuant to paragraphs 2 and 4a.***

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**++++ OJ: please insert the date: entry into force of this Regulation.**

**Gear and devices**

1. For the harvesting of red coral, the only permitted gear shall be a hammer used *in scuba diving* by ■ fishermen *who are authorised or recognised by the competent national authority*.
2. The use of Remotely Operated under-water Vehicles (*ROVs*) for the exploitation of red coral shall be prohibited. ■
3. *By way of derogation from paragraph 2, the use of ROVs that have been authorised by a Member State prior to 30 September 2011 for the purpose of observation and prospection shall continue to be permitted in zones under the jurisdiction of that Member State provided that the ROVs concerned cannot be equipped with manipulator arms or any other device allowing the cutting and harvesting of red coral.*

*Such authorisations shall expire or be withdrawn by 31 December 2015, unless the Member State concerned has obtained scientific results showing that the use of ROVs beyond 2015 would have no negative impact on the sustainable exploitation of red coral.*

4. *By way of derogation from paragraph 2, a Member State may authorise the use of ROVs without manipulator arms for the purpose of observation and prospection in zones under the jurisdiction of that Member State provided that it has obtained scientific results in the context of a national management framework showing no negative impact on the sustainable exploitation of red coral.*

*Such authorisations shall expire or be withdrawn by 31 December 2015, unless the scientific results referred to in the first subparagraph are validated by GFCM.*

5. *By way of derogation from paragraph 2, a Member State may authorise, for a limited period of time not extending beyond 31 December 2015, the use of ROVs for the purpose of scientific experimental campaigns for observation and harvesting, provided that the campaigns are carried out under the supervision of a national research institution or in collaboration with competent national or international scientific bodies as well as with any other relevant stakeholder.*

## Chapter V

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

#### *Article 16e*

#### **Scope**

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

#### *Article 16f*

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

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



- 1a. *Fishing vessels shall not bring seabirds ashore except within the framework of national plans for the conservation of seabirds or to secure assistance for the recovery of harmed individual seabirds, and provided that the competent national authorities have been duly and officially informed, prior to the fishing vessel concerned returning to port, of the intention to bring such seabirds ashore.*

Article 16g

**Incidental capture of sea turtles in fisheries**

1. *Specimens of sea turtles incidentally taken in fishing gears shall be safely handled and released unharmed and alive, to the extent that this is possible.*
2. Masters of fishing vessels shall not bring ashore sea turtles, unless as part of a specific rescue *or national conservation* programme *or unless this is otherwise required in order to rescue and secure assistance for the recovery of harmed and comatose individual sea turtles* and provided that the competent national authorities concerned have been duly and officially informed prior to returning to port.
3. *To the extent practicable, fishing vessels* using purse seines for small pelagic species or surrounding nets without purse line for pelagic species shall **avoid encircling** sea turtles.
4. *Fishing 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 maximises 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. *Specimens of monk seals incidentally* taken **in** fishing gears shall *be released* unharmed and alive. The carcass of dead specimens shall be landed and shall be seized, *intended for scientific studies or* destroyed by the *competent* national authorities.

*Article 16i*

**Incidental capture of cetaceans**

*Fishing* vessels shall promptly return to the sea *unharmed and alive, to the extent practicable*, cetaceans incidentally caught in fishing gears *and brought alongside the fishing vessel*.

*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\*\*\*\*\* *to the Barcelona Convention*\*\*\*\*\* ("*Protocol to the Barcelona Convention*") 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 *of the* species included in Annex II to the Protocol *to the Barcelona Convention* shall promptly release them unharmed and alive *to the extent possible*.

*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 *fishing* vessels of the **Member States concerned**, communicated to the GFCM Secretariat in accordance with paragraph 22 of recommendation GFCM/37/2013/1. Those lists include all *fishing* 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-Areas 17 and 18, as referred to in Annex I *to this Regulation*, or operating in Geographical Sub-Area 17 or in Geographical Sub-Area 18 although registered in harbours located in other Geographical Sub-Area at the date of 31 October 2013.

2. **Fishing** 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 ■.
3. Member States shall ensure that the overall fleet capacity of fishing 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) **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 **fishing** 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 **fishing** vessel not included in the list of authorised **fishing** vessels referred to in paragraph 1 **of this Article** 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 ■ or sardine **or of both anchovy and sardine** if the fishing vessel is engaged on a fishing trip in Geographical Sub-Area 17 ■ or in Geographical Sub-Area 18 **or in both Geographical Sub-Areas**.

6. Member States shall communicate to the Commission any addition to, any deletion from *or* any modification of the list of authorised *fishing* vessels referred to in paragraph 1 as soon as they occur. *Those* 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).

\*\* ***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).***

\*\*\* 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 20, 26.1.2010, p. 7).

\*\*\*\*\* 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).

\*\*\*\*\* OJ L 322, 14.12.1999, p. 3.

\*\*\*\*\* *Convention on the protection of the Mediterranean Sea against pollution (Barcelona Convention)* (OJ L 240, 19.9.1977, p. 3).".

(3) In Title III, the following *chapter* is inserted:

## "CHAPTER Ia

### *RECORDING OBLIGATIONS*

#### *Article 17a*

### **Harvesting of red coral**

**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 *within the deadline provided for in Article 14 (6) of Regulation (EC) No 1224/2009*.

**Incidental capture of certain marine species**

1. **Without prejudice to Article 15(5) of Regulation (EC) No 1224/2009**, masters of fishing vessels shall record in the fishing logbook referred to in Article 14 of *that* Regulation the following information:

- (a) any event of incidental catch and release of seabirds;
- (b) any event of incidental catch and release of sea turtles;
- (c) any event of incidental catch and release of monk seals;
- (d) any event of incidental catch and release of cetaceans;
- (e) any event of incidental catch and, **where required**, release of sharks and rays **of the** species listed in Annex II or in Annex III to the Protocol **to the Barcelona Convention**.

**1a. National reports intended to be analysed by the SAC should, in addition to the information recorded in the logbook, also contain:**

- (a) **in relation to incidental catches of sea turtles, information on:**
  - **fishing gear type,**
  - **times of the incidents,**
  - **soak duration,**
  - **depths and locations,**

- *target species,*
- *sea turtles species, and*
- *whether the individuals have been discarded dead or released alive;*

(b) *in relation to incidental catches of cetaceans, information on:*

- *characteristics of gear type,*
- *times of the incidents,*
- *locations (either by Geographical Sub-Areas or statistical rectangles, as defined in Annex I to this Regulation), and*
- *whether any such cetacean is a dolphin or another species of cetaceans.*

2. By 31 December **2015**, 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 **obligation of** keeping of a fishing logbook pursuant to Article 14 of Regulation (EC) No 1224/2009."

(4) the following *articles* are inserted:

*"Article 23a*

### **Reporting of relevant data to the Commission**

1. By **15 December** of each year, Member States **concerned** shall submit to the Commission:

(a) the data on red coral referred to in Article 17a; **and**



(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 **31** 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 *set up adequate monitoring in order to* collect reliable information on the impacts of *fishing* vessels targeting pickled 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 *in respect of* 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. **By 1st October** of each year, Member States shall communicate to the Commission their plans and programmes to ensure compliance with Article 16l through adequate monitoring and reporting, in particular of the monthly catches and fishing effort deployed.
2. The Commission shall submit the information *referred to in* 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) *the date* "19 January 2012" is replaced by *the date* ...++++".

*Article 2*

**Entry into force**

This Regulation shall enter into force on the *third* 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*

*For the Council*

*The President*

*The President*

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+++++ *OJ: please insert the date: entry into force of this Regulation.*