Regulation (EU) 2019/982 of the European Parliament and of the Council of 5 June 2019 amending Regulation (EU) No 1343/2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area

REGULATION (EU) 2019/982 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 5 June 2019

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[(1)],

Acting in accordance with the ordinary legislative procedure[(2)],

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 Sea and the Black Sea at levels which are considered sustainable and at low risk of collapse.

(2) One of the objectives of the Common Fisheries Policy (CFP), as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council[(3)], is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies.

(3) The Union, as well as Bulgaria, Greece, Spain, France, Croatia, Italy, Cyprus, Malta, Romania and Slovenia, are contracting parties to the GFCM Agreement.

(4) Recommendations adopted by the General Fisheries Commission for the Mediterranean ('the GFCM') are binding on its contracting parties. As the Union is a contracting party to the GFCM Agreement, those recommendations are binding on the Union and should therefore be implemented in Union law unless their content is already covered thereby.

(5) Regulation (EU) No 1343/2011 of the European Parliament and of the Council[(4)] lays down certain provisions for fishing in the GFCM Agreement area. It is the appropriate legislative act for implementing the content of GFCM recommendations adopted by the GFCM and not yet covered by Union law.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/982 of the European Parliament and of the Council. (See end of Document for details)*

(6) At its Annual Session in 2015, the GFCM adopted Recommendation GFCM/39/2015/2 on the establishment of a set of minimum standards for bottom trawling fisheries on demersal stocks in the Strait of Sicily. Those standards include technical conservation measures for deep-water rose shrimp (*Parapenaeus longirostris*) and hake (*Merluccius merluccius*). Parts of those measures are already contained in Annex III to Council Regulation (EC) No 1967/2006[(5)] on minimum conservation reference sizes of the species concerned. However, the measures concerning fleet management contained in Recommendation 39/2015/2 should be implemented in Union law by means of Regulation (EU) No 1343/2011.

(7) At its Annual Session in 2015, the GFCM adopted Recommendation GFCM/39/2015/3 on the establishment of a set of measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing in turbot (*Psetta maxima*) fisheries in the Black Sea. Most of those measures are already provided for in Commission Implementing Regulation (EU) 2017/218[(6)], Council Regulation (EC) No 1005/2008[(7)], Council Regulation (EC) No 1224/2009[(8)], Regulation (EU) No 1343/2011, Regulation (EU) No 1380/2013, and Commission Implementing Regulation (EU) No 404/2011[(9)]. A number of fleet management measures laid down in Recommendation 39/2015/3 are not covered by Union legislation and should therefore be implemented in Union law by means of Regulation (EU) No 1343/2011.

(8) At its Annual Session in 2015, the GFCM adopted Recommendation GFCM/39/2015/4 on management measures for piked dogfish in the Black Sea introducing a minimum conservation reference size for the species concerned.

(9) At its Annual Session in 2016, the GFCM adopted Recommendation GFCM/40/2016/4, establishing a multiannual management plan for the fisheries exploiting European hake and deep-water rose shrimp in the Strait of Sicily (geographical subareas (GSAs) 12, 13, 14, 15 and 16). Some of the elements of that multiannual plan are already provided for in Implementing Regulation (EU) 2017/218 and Regulation (EU) No 1380/2013. Nevertheless, certain measures laid down in Recommendation 40/2016/4 are not covered by Union legislation and should therefore be implemented in Union law by means of Regulation (EU) No 1343/2011.

(10) At its Annual Session in 2017, the GFCM adopted Recommendation GFCM/41/2017/2 on the management of blackspot seabream fisheries in the Alboran Sea (geographical subareas 1, 2, 3) for a two-year transition period. The operational objective of that Recommendation is to maintain fishing mortality for blackspot seabream within agreed precautionary reference points and to achieve or maintain the maximum sustainable yield as soon as possible.

(11) At its Annual Session in 2017, the GFCM adopted Recommendation GFCM/41/2017/3 on the establishment of a fisheries restricted area in the Jabuka/Pomo Pit in the Adriatic Sea.

(12) At its Annual Session in 2017, the GFCM adopted Recommendation GFCM/41/2017/4 on a multiannual management plan for turbot fisheries in the Black Sea (GSA 29). The Recommendation establishes a set of management measures, technical measures,

fleet measures and control measures, as a pilot project to fight turbot IUU fishing in Black Sea. Some of the elements of that multiannual plan are already provided for in Implementing Regulation (EU) 2017/218, Regulation (EC) No 1005/2008, Regulation (EC) No 1224/2009, Regulation (EU) No 1343/2011, Regulation (EU) No 1380/2013 and Implementing Regulation (EU) No 404/2011. Nevertheless, certain measures laid down in Recommendation 41/2017/4 are not covered by Union legislation and should therefore be implemented in Union law by means of Regulation (EU) No 1343/2011.

(13) At its Annual Session in 2017, the GFCM adopted Recommendation GFCM/41/2017/5 on the establishment of a regional adaptive management plan for the exploitation of red coral in the Mediterranean Sea.

(14) At its Annual Session in 2017, the GFCM adopted Recommendation GFCM/41/2017/8 on an international joint inspection and surveillance scheme outside the waters under national jurisdiction of GSAs 12, 13, 14, 15 and 16 (Strait of Sicily) to which Member States may decide to participate. To ensure compliance with the CFP, Union legislation has been adopted to establish a system of control, inspection and enforcement, which includes the fight against IUU activities. In particular, Regulation (EC) No 1224/2009 establishes a Union system for control, inspection and enforcement with a global and integrated approach so as to ensure compliance with all the rules of the CFP. Implementing Regulation (EU) No 404/2011 lays down detailed rules for the implementation of Regulation (EC) No 1224/2009. Regulation (EC) No 1005/2008 establishes a Community system to prevent, deter and eliminate IUU fishing. Those Regulations already provide for a number of the measures laid down in Recommendation GFCM/41/2017/8. It is therefore not necessary to include those measures in this Regulation. Nevertheless, certain measures laid down in that Recommendation are not covered by Union legislation and should therefore be implemented in Union law by means of Regulation (EU) No 1343/2011.

(15) Regulation (EU) No 1343/2011 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 1343/2011

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

(1) In Article 2(1), the first subparagraph is replaced by the following:

> This Regulation applies to all commercial fishing and aquaculture activities, as well as to recreational fishing activities where specifically provided for in this Regulation, conducted by Union fishing vessels and nationals of Member States in the GFCM Agreement area.;

(2) Article 3 is amended as follows:

(a) the introductory part is replaced by the following:

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/982 of the European Parliament and of the Council. (See end of Document for details)*

For the purposes of this Regulation the following definitions shall apply in addition to the definitions laid down in Article 4 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council[10], Article 2 of Regulation (EC) No 1967/2006 and Article 4 of Council Regulation (EC) No 1224/2009[11].;

(b) the following points are added:

(e) "buffer area" means a zone surrounding a fisheries restricted area in order to avoid accidental access to it, enhancing the protection of the surrounded area;

(f) "Targeting blackspot seabream" means carrying out fishing activities in which the quantities of blackspot seabream on board or landed constitute more than 20 % of the catch in live weight after sorting per tide.;

(3) The following Section is inserted after Article 9:

Section Ia

Fisheries restricted areas to protect essential fish habitats and vulnerable marine ecosystems

Article 9a

Fisheries restricted areas in the Strait of Sicily

Fishing with bottom trawl nets shall be prohibited in the:

(1) fisheries restricted area "East of Adventure Bank" bound by lines joining the following coordinates:
- 37° 23,850′ N, 12° 30,072′ E
- 37° 23,884′ N, 12° 48,282′ E
- 37° 11,567′ N, 12° 48,305′ E
- 37° 11,532′ N, 12° 30,095′ E

(2) fisheries restricted area "West of Gela Basin" bound by lines joining the following coordinates:
- 37° 12,040′ N, 13° 17,925′ E
- 37° 12,047′ N, 13° 36,170′ E
- 36° 59,725′ N, 13° 36,175′ E
- 36° 59,717′ N, 13° 17,930′ E

(3) fisheries restricted area "East of Malta Bank" bound by lines joining the following coordinates:
- 36° 12,621′ N, 15° 13,338′ E
- 36° 12,621′ N, 15° 26,062′ E
- 35° 59,344′ N, 15° 26,062′ E
- 35° 59,344′ N, 15° 13,338′ E.

***Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2019/982 of the European Parliament and of the Council. (See end of Document for details)*

Article 9b

Buffer areas in the Strait of Sicily

1 A buffer area bound by lines joining the following coordinates shall be established around the fisheries restricted area "East of Adventure Bank" as referred to in Article 9a(1):

— 37° 24,849′ N, 12° 28,814′ E
— 37° 24,888′ N, 12° 49,536′ E
— 37° 10,567′ N, 12° 49,559′ E
— 37° 10,528′ N, 12° 28,845′ E

2 A buffer area bounded by lines joining the following coordinates shall be established around the fisheries restricted area "West of Gela Basin" as referred to in Article 9a(2):

— 37° 13,041′ N, 13° 16,672′ E
— 37° 13,049′ N, 13° 37,422′ E
— 36° 58,723′ N, 13° 37,424′ E
— 36° 58,715′ N, 13° 16,682′ E

3 A buffer area bounded by lines joining the following coordinates shall be established around the fisheries restricted area "East of Malta Bank" as referred to in Article 9a(3):

— 36° 13,624′ N, 15° 12,102′ E
— 36° 13,624′ N, 15° 27,298′ E
— 35° 58,342′ N, 15° 27,294′ E
— 35° 58,342′ N, 15° 12,106′ E

4 Vessels carrying out fishing activities with bottom trawl nets in the buffer areas referred to in this Article shall ensure appropriate transmission frequency of their vessel monitoring system (VMS) signals. Vessels not equipped with a VMS transponder and aiming to fish with bottom trawl nets in the buffer areas shall be equipped with any other system of geo-localisation allowing control authorities to track their activities.

Article 9c

Fishing restrictions in the Jabuka/Pomo Pit area in the Adriatic Sea

1 Recreational fishing and fishing with bottom set nets, bottom trawl nets, set longlines and traps shall be prohibited in an area bounded by lines joining the following coordinates:

— 43° 32,044′ N, 15° 16,501′ E
— 43° 05,452′ N, 14° 58,658′ E
— 43° 03,477′ N, 14° 54,982′ E
— 42° 50,450′ N, 15° 07,431′ E
— 42° 55,618′ N, 15° 18,194′ E
— 43° 17,436′ N, 15° 29,496′ E
— 43° 24,758′ N, 15° 33,215′ E