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

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

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,

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 European Community acceded to the Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM Agreement) pursuant to Council Decision 98/416/EC of 16 June 1998 on the accession of the European Community to the General Fisheries Commission for the Mediterranean[(3)] (GFCM).

(2) 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.

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

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

(5) At its Annual Sessions in 2005, 2006, 2007 and 2008 the GFCM adopted a number of recommendations and resolutions for certain fisheries in the GFCM Agreement area which have been temporarily implemented in Union law by the annual Regulations on

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fishing opportunities or, in the case of GFCM Recommendations 2005/1 and 2005/2, by Article 4(3) and Article 24 of Council Regulation (EC) No 1967/2006[(4)].

(6) For reasons of clarity, simplification and legal certainty, and since the permanent character of recommendations requires also a permanent legal instrument for their implementation in Union law, it is appropriate to implement these recommendations via a single legislative act, where future recommendations can be added by way of amendments to that act.

(7) GFCM recommendations apply to the entire GFCM Agreement area, that is the Mediterranean and the Black Sea and connecting waters, as defined in the preamble to the GFCM Agreement, and therefore, for reasons of clarity and legal certainty, they should be implemented in a single separate Regulation rather than through amendments to Regulation (EC) No 1967/2006 which covers only the Mediterranean Sea.

(8) Certain provisions contained in Regulation (EC) No 1967/2006 should apply not only to the Mediterranean Sea but to the entire GFCM Agreement area. Those provisions should therefore be deleted from Regulation (EC) No 1967/2006 and included in this Regulation. In addition, certain provisions regarding minimum mesh size that are laid down in that Regulation should be further clarified.

(9) The ‘fisheries restricted areas’ established by GFCM recommendations for spatial management measures are equivalent to the ‘fishing protected areas’ as used in Regulation (EC) No 1967/2006.

(10) At its Annual Session of 23 to 27 March 2009 the GFCM adopted, on the basis of scientific advice by the Scientific Advisory Committee (SAC), contained in the report of its 11th session (FAO report No 890), a recommendation on the establishment of a fisheries restricted area in the Gulf of Lions. It is appropriate to implement this measure by means of a fishing effort management system.

(11) In Mediterranean mixed fisheries, the selectivity of some fishing gears cannot be permitted to go beyond a certain level. In addition to the overall control and limitation of fishing effort, it is fundamental to limit fishing effort in areas where adults of important stocks aggregate, in order to ensure a risk of reproduction impairment that is low enough to allow for their sustainable exploitation. It is therefore advisable, in respect of the area examined by the SAC, first to limit the fishing effort to previous levels and then not to allow any increase of that level.

(12) The advice upon which management measures are based should itself be based on the scientific use of relevant data on fleet capacity and activity, on the biological status of exploited resources and on the social and economic situation of fisheries. Those data need to be collected and submitted in time to allow the subsidiary bodies of the GFCM to prepare their advice.

(13) At its Annual Session in 2008, the GFCM adopted a recommendation on a regional scheme of port state measures to combat Illegal, Unreported and Unregulated (IUU) fishing in the GFCM Area. While Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing[(5)] covers generally the content of that

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recommendation and has been applied since 1 January 2010, there are nevertheless some parts thereof, such as the frequency, the coverage and the procedure for port inspections, which need to be referred to in this Regulation in order to adapt them to the particularities of the GFCM Agreement area.

(14) Implementing powers should be conferred on the Commission in order to ensure uniform conditions for the implementation of the provisions of this Regulation in respect of the format and transmission of: the report on the fishing activities carried out in fisheries restricted areas; applications for carrying over lost days due to bad weather in the closed season for dolphinfish fisheries and the report on such carrying over; the report in the context of collecting data on dolphinfish fisheries; information in respect of the use of minimum mesh size for nets used for trawling activities exploiting demersal stocks in the Black Sea; and data on statistical matrices, as well as in respect of cooperation and exchange of information with the Executive Secretary of the GFCM. Those powers should be exercised in accordance with 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[(6)].

(15) 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 on the Functioning of the European Union should be delegated to the Commission in respect of the implementation in Union law of amendments, which have become binding on the Union, to existing GFCM measures which have already been implemented in Union law, as regards the provision to the Executive Secretary of the GFCM of information on minimum mesh size in the Black Sea; the transmission to the Executive Secretary of the GFCM of the list of authorised vessels for the purpose of the GFCM Register; port state measures; cooperation, information and reporting; the table, map and geographic coordinates of the GFCM Geographical Sub-Areas; port state inspection procedures for vessels; and GFCM statistical matrices. 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,

HAVE ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down the rules for the application by the Union of the conservation, management, exploitation, monitoring, marketing and enforcement measures for fishery

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and aquaculture products established by the General Fisheries Commission for the Mediterranean (GFCM).

Article 2

Scope

1 **[**[F1]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.**]**

It shall apply without prejudice to Regulation (EC) No 1967/2006.

2 By way of derogation from paragraph 1, this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State whose flag the vessel is flying and of which the Commission and the Member States in whose waters the research is carried out have been informed in advance. Member States conducting fishing operations for the purpose of scientific investigations shall inform the Commission, the Member States in whose waters the research is carried out and the Scientific, Technical and Economic Committee for Fisheries of all catches from such fishing operations.

Textual Amendments

F1 Substituted by 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.

Article 3

Definitions

[[F1]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[(7)], Article 2 of Regulation (EC) No 1967/2006 and Article 4 of Council Regulation (EC) No 1224/2009[(8)]:**]**

(a) ‘GFCM Agreement area’ means the Mediterranean and the Black Sea and connecting waters, as described in the GFCM Agreement;

(b) ‘fishing effort’ means the product resulting from multiplying the capacity of a fishing vessel, expressed either in kW or in GT (gross tonnage), by the activity expressed in number of days at sea;

(c) ‘day at sea’ means any calendar day on which a vessel is absent from port, irrespective of the amount of time in the course of that day that that vessel is present in an area;

(d) ‘EU Fleet Register number’ means the Community Fleet Register number defined in Annex I to Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register[(9)]**[**[F1];**]**

(e) **[**[F2]‘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;

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(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.**]**

Textual Amendments

F1 Substituted by 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.

F2 Inserted by 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.

TITLE II

TECHNICAL MEASURES

CHAPTER I

Fisheries restricted areas

Section I

Fisheries restricted area in the Gulf of Lions

Article 4

Establishment of a fisheries restricted area

A fisheries restricted area is established in the eastern Gulf of Lions, bounded by lines joining the following geographic coordinates:

— 42° 40′ N, 4° 20′ E
— 42° 40′ N, 5° 00′ E
— 43° 00′ N, 4° 20′ E
— 43° 00′ N, 5° 00′ E.

Article 5

Fishing effort

For demersal stocks, the fishing effort of vessels using towed nets, bottom- and mid-water longlines and bottom-set nets in the fisheries restricted area as referred to in Article 4 shall not exceed the level of fishing effort applied in 2008 by each Member State in that area.