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

[[X1]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**]**

[[X1]THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) The provisions of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy[(1)] apply to the Mediterranean Sea.

(2) By Decision 98/392/EC[(2)] the Council has concluded the United Nations Convention on the Law of the Sea, which contains principles and rules relating to the conservation and management of the living resources of the high seas. In accordance with the rules of that Convention, the Community endeavours to coordinate the management and conservation of living aquatic resources with other coastal States.

(3) Pursuant to Decision 98/416/EC[(3)] the Community is a Contracting Party to the Agreement on the General Fisheries Commission of the Mediterranean, (hereinafter the GFCM). The GFCM agreement provides a framework for regional cooperation on the conservation and management of Mediterranean marine resources by adopting recommendations in the area covered by the GFCM Agreement which become binding on the Contracting Parties.

(4) The biological, social and economic characteristics of the Mediterranean fisheries require the Community to establish a specific management framework.

(5) The Community has undertaken to apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources and marine ecosystems and to provide for their sustainable exploitation.

(6) The management system provided for in this Regulation covers operations relating to the fishing of Mediterranean stocks carried out by Community vessels whether in

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Community waters or in international waters, by third country vessels in Member States fishing zones or by citizens of the Union in the Mediterranean High Sea.

(7) However, so that scientific research is not impeded, this Regulation should not apply to any operations required for the purposes of such research.

(8) It is necessary to establish an effective management framework, through an appropriate sharing of responsibilities between the Community and the Member States.

(9) The strict protection of certain marine species already afforded by Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora[(4)] and applicable to marine waters under Member States' sovereignty should be extended to the Mediterranean High Sea.

(10) Council Decision 1999/800/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)[(5)], provides, in addition to the provisions relating to the conservation of sites of Mediterranean importance, for drawing up lists of endangered or threatened species and species whose exploitation is regulated.

(11) It is necessary to adopt new technical measures for fishing replacing those laid down in Council Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean[(6)] to take account of new scientific advice. Account should also be taken of the main elements of the Action Plan on the conservation and sustainable exploitation of fishery resources in the Mediterranean Sea under the common fisheries policy.

(12) Regulation (EC) No 1626/94 should therefore be repealed.

(13) Excessive catches of undersized individuals should be avoided. To that end it is necessary to protect certain areas where juveniles congregate, taking account of the local biological conditions.

(14) Fishing gear that is too harmful to the marine environment or leads to the depletion of certain stocks should be prohibited or more strictly regulated.

(15) In order to avoid further increases in mortality rates for juveniles and to substantially reduce the amount of discards of dead marine organisms by fishing vessels, it is appropriate to provide for increases in mesh sizes and hook sizes for trawl nets, bottom-set nets and longlines used for fishing for certain species of marine organisms and for the mandatory use of square-meshed netting.

(16) In order to allow for a transitional period, before increasing the mesh size of bottom trawl nets, it is appropriate to determine some characteristics in the rigging of the trawl nets that will enhance the selectivity of the currently used mesh size.

(17) The management of fishing effort should be the main tool to deliver sustainable fisheries in the Mediterranean Sea. To that end it is appropriate to determine the overall dimensions of the main types of passive fishing gears to limit one factor which affects the fishing effort deployed.

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(18) Part of the coastal zone should be reserved for selective fishing gears used by small-scale fishermen, in order to protect nursery areas and sensitive habitats and enhance the social sustainability of Mediterranean fisheries.

(19) It is appropriate to determine the minimum landing sizes of certain marine organisms in order both to improve their exploitation and to set standards upon which Member States can build their management system for coastal fisheries. To this end, the selectivity of a certain fishing gear should correspond, as closely as possible, to the minimum landing size established for a certain species or group of species caught by that gear.

(20) In order not to hinder artificial restocking or transplantation of fish stocks and other marine organisms, operations necessary for the conduct of such activities should be permitted, provided they are compatible with the sustainability of the species concerned.

(21) Since leisure fisheries are very important in the Mediterranean, it is necessary to ensure that they are carried out in a manner that does not significantly interfere with commercial fishing, is compatible with sustainable exploitation of living aquatic resources and complies with Community obligations in respect of regional fishery organisations.

(22) In view of the specific characteristics of many Mediterranean fisheries, which are restricted to certain geographical sub-zones, and taking into account the tradition of applying effort management system at sub-regional level, it is appropriate to provide for the establishment of Community and national management plans, combining in particular effort management with specific technical measures.

(23) In order to ensure an efficient control of fishing activities, certain specific measures complementary to or more stringent than those provided by Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy[7] should be taken. In particular, there is a need to lower the current threshold of 50 kg of live-weight equivalent, for species other than highly migratory and small pelagic species caught in the Mediterranean Sea that must be recorded in the logbook.

(24) Since Community fisheries account for more than 75 % of the catches of the swordfish in the Mediterranean Sea, it is appropriate to lay down management measures. In order to ensure that these measures are effective, the technical measures for the conservation of certain stocks of highly migratory species should emanate from the competent regional fisheries organisations. Accordingly, the Commission should submit suitable proposals to the GFCM and the International Commission for the Conservation of Atlantic Tuna (ICCAT) as appropriate. The absence of an agreement within a specified period of time will not prevent the EU from adopting measures to this effect until a definitive agreement is reached on a multilateral basis.

(25) Specific provisions concerning fishing in the waters around Malta have been introduced by Council Regulation (EC) No 813/2004, in accordance with the Act of Accession and in particular Article 21 and Annex III thereof. It is appropriate to maintain such provisions.

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(26) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[8].

(27) Amendments to the Annexes to this Regulation should also be adopted in accordance with Decision 1999/468/EC,

HAS ADOPTED THIS REGULATION:

Editorial Information

X1 Substituted by Corrigendum to 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 (Official Journal of the European Union L 409 of 30 December 2006).

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Scope

1 This Regulation shall apply:

a to the conservation, management and exploitation of living aquatic resources where such activities are pursued

(i) in the maritime waters of the Mediterranean Sea to the east of the line 5 °36' W (hereinafter Mediterranean Sea) falling under the sovereignty or jurisdiction of Member States;

(ii) by **[**F1Union**]** fishing vessels in the Mediterranean Sea outside the waters referred to in (i);

(iii) by nationals of Member States, without prejudice to the primary responsibility of the flag State, in the Mediterranean Sea, outside the waters referred to in (i); and

b to marketing of fishery products caught in the Mediterranean Sea.

2 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 or Member States concerned.

Textual Amendments

F1 Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU)

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No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Article 2

Definitions

For the purpose of this Regulation the following definitions shall apply:

1. ‘towed gears’ means any fishing gear, with the exclusion of troll lines, towed either by the engine power of the fishing vessel or hauled by means of winches with the fishing vessel either anchored or slowly under way, including in particular towed nets and dredges;

   (a) ‘towed nets’ means trawl nets, boat seines and shore seines;

      (i) ‘trawl nets’ means nets which are actively towed by the main boat engine and consisting of a cone- or pyramid-shaped body (as trawl body) closed at the back by a cod-end and which can extend at the opening by the wings or can be mounted on a rigid frame. Horizontal opening is either obtained by otter boards or provided by a beam or frame of variable shape and size. Such nets can be towed either on the bottom (bottom trawl net) or in midwater (pelagic trawl net);

      (ii) ‘boat seines’ means surrounding nets and towed seines which are operated and hauled by means of ropes and winches from a boat under way or at anchor and not towed by means of the main boat engine, consist of two lateral wings and a central bunt either in the form of a spoon or with a bag in the rearmost part and may operate from the surface to the bottom depending on the target species;

      (iii) ‘shore seines’ means surrounding nets and towed seines set from a boat and operated from the shore;

   (b) ‘dredges’ means gears which are either actively towed by the main boat engine (boat dredge) or hauled by a motorised winch from an anchored vessel (mechanised dredge) to catch bivalves, gastropods or sponges and which consist of a net bag or metal basket mounted on a rigid frame or rod of variable size and shape whose lower part may carry a scraper blade that can be either rounded, sharp or toothed, and may or may not be equipped with skids and diving boards. Some dredges are equipped with hydraulic equipment (hydraulic dredges). Dredges pulled by hand or by manual winch in shallow waters with or without a boat to catch bivalves, gastropods or sponges (hand dredges) shall not be considered towed gears for the purpose of this Regulation;

2. ‘fishing protected area’ means a geographically-defined sea area in which all or certain fishing activities are temporarily or permanently banned or restricted in order to improve the exploitation and conservation of living aquatic resources or the protection of marine ecosystems;

3. ‘bottom-set net’ means a trammel net, a bottom-set gillnet or a combined bottom-set net;