



Council of the  
European Union

Brussels, 23 March 2018  
(OR. en)

7454/18

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**Interinstitutional File:  
2018/0069 (COD)**

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**PECHE 100  
CODEC 434**

## **PROPOSAL**

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	22 March 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 143 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1343/2011 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(2018) 143 final.

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Encl.: COM(2018) 143 final



Brussels, 22.3.2018  
COM(2018) 143 final

2018/0069 (COD)

Proposal for a

**REGULATION 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**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives 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 2015, 2016 and 2017. 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 its 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> as amended by the Regulation (EU) N°2015/2102<sup>2</sup>. The current proposal will insert into that legislative act the measures to be transposed by way of amendments to it.

- **Consistency with existing policy provisions in the policy area**

The proposal is consistent with the Common Fisheries Policy “CFP”. It covers conservation measures, management measures, monitoring, control and surveillance measures and measures to fight illegal, unreported and unregulated fishing. These measures concern the European hake and the deep-water rose shrimp in the Strait of Sicily the turbot in the Black Sea, the blackspot seabream in the Alboran Sea and the red coral. The proposal also establishes a fishing restricted area in Adriatic (Jabuka/PomoPit area). These measures go beyond the existing EU regulation.

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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> Regulation (EU) 2015/2102 of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU) No 1343/2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (OJ L 308, 28.11.2015, p.1-10)

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

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

- **Subsidiarity**

The proposal falls under exclusive competence of the European Union.

- **Proportionality**

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 the 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.

## **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

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

## **4. BUDGETARY IMPLICATIONS**

This measure does not involve any additional Union expenditure.

Proposal for a

**REGULATION 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,

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) Recommendations adopted by 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.
- (4) Regulation (EU) No 1343/2011 of the European Parliament and of the Council 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 General Fisheries Commission for the Mediterranean (GFCM) and not yet covered by Union law.
- (5) 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<sup>3</sup> on minimum 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.

- (6) 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 Regulation (EC) No 26/2004<sup>4</sup>, Council Regulation (EC) No 1005/2008<sup>5</sup>, Council Regulation (EC) No 1224/2009<sup>6</sup>, Regulation (EU) No 1380/2013<sup>7</sup>, Regulation (EU) No 1343/2011 and Commission Implementing Regulation (EU) No 404/2011<sup>8</sup>. A number of fleet management measures laid down in Recommendation 39/2015/2 are not covered by the Union legislation and should therefore be included in Regulation (EU) No 1343/2011.
- (7) 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 (GSA) 12 to 16). Some of the elements of that multiannual plan are already provided for in Commission Regulation (EC) No 26/2004 and Regulation (EU) No 1380/2013. Nevertheless, certain measures of Recommendation 40/2016/4 are not covered by Union legislation and should therefore be included in Regulation (EU) No 1343/2011.
- (8) 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

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<sup>3</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>4</sup> Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.01.2004, p. 25)

<sup>5</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1)

<sup>6</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union 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)

<sup>7</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>8</sup> Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.04.2011, p. 1)

seabream within agreed precautionary reference points and achieve or maintain the maximum sustainable yield as soon as possible.

- (9) 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.
- (10) At its Annual Session in 2017, the GFCM adopted Recommendation GFCM/41/2017/4 on a multiannual management plan for turbot fisheries in geographical subarea 29, the Black Sea. 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 Commission Regulation (EC) No 26/2004, Council Regulation (EC) No 1005/2008<sup>9</sup>, Council Regulation (EC) No 1224/2009<sup>10</sup>, Regulation (EU) No 1380/2013, Regulation (EU) No 1343/2011 and Commission Implementing Regulation (EU) No 404/2011<sup>11</sup>. Nevertheless, certain measures of Recommendation 41/2017/4 are not covered by Union legislation and should therefore be included in Regulation (EU) No 1343/2011.
- (11) 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.
- (12) 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 geographical subareas 12, 13, 14, 15 and 16 (Strait of Sicily) to which Member States may decide to participate. To ensure compliance with the common fisheries policy, Union legislation has been adopted to establish a system of control, inspection and enforcement, which includes the fight against illegal, unreported and unregulated (IUU) activities. In particular, Council Regulation (EC) No 1224/2009<sup>12</sup> 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 common fisheries policy. Commission Implementing

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<sup>9</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1)

<sup>10</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union 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)

<sup>11</sup> Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.04.2011, p. 1)

<sup>12</sup> 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).

Regulation (EU) No 404/2011<sup>13</sup> lays down detailed rules for the implementation of Regulation (EC) No 1224/2009. Council Regulation (EC) No 1005/2008<sup>14</sup> establishes a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. Those Regulations already provide for a number of the measures laid down in the Recommendation GFCM/41/2017/8. It is therefore not necessary to include those measures in this Regulation. Nevertheless, certain measures of that Recommendation are not covered by Union legislation and should therefore be included in Regulation (EU) No 1343/2011.

(13) Regulation (EU) No 1343/2011 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

*Article 1*

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

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

(1) Article 3 is amended as follows:

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

‘For the purposes of this Regulation the following definitions shall apply in addition to the definitions laid down in Article 4 of Regulation 1380/2013\*, Article 2 of Regulation (EC) No 1967/2006 and Article 4 of Regulation (EC) No 1224/2009:

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(\*Regulation 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).’;

(b) the following points (e) and (f) are added:

(e) “buffer area” means a zone set up around a fisheries restricted area in order to avoid accidental access to it;

(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.’.

(2) The following Article 10a is inserted:

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<sup>13</sup> Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

<sup>14</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

*Article 10a*  
**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
    - 36° 59,344' N, 15° 26,062' E
    - 36° 59,344' N, 15° 13,338' E’.
- (3) The following Articles 10b, 10c, 10d and 10e are inserted:

*Article 10b*  
**Buffer areas in the Strait of Sicily**

1. A buffer area bounded by lines joining the following coordinates shall be established around the fisheries restricted area “*East of Adventure Bank*” as referred to in Article 10a(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 10a(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 10a(3):
- 36° 13,624' N, 15° 12,102' E
  - 36° 13,624' N, 15° 27,298' E
  - 36° 58,342' N, 15° 27,294' E
  - 36° 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 10c*

#### **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
2. From 1<sup>st</sup> September to 31 October each year, 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° 03,477' N, 14° 54,982' E
  - 42° 49,811' N, 14° 29,550' E
  - 42° 35,205' N, 14° 59,611' E
  - 42° 49,668' N, 15° 05,802' E

- 42° 50,450' N, 15° 07,431' E
3. From 1<sup>st</sup> September to 31 October each year, 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°17,436' N, 15°29,496' E
  - 43°24,758' N, 15°33,215' E
  - 43°20,345' N, 15°47,012' E
  - 43°18,150' N, 15°51,362' E
  - 43°13,984' N, 15°55,232' E
  - 43°12,873' N, 15°52,761' E
  - 43°13,494' N, 15°40,040' E

*Article 10d*

**Authorised vessels in the Jabuka / Pomo Pit area**

1. Without prejudice to paragraphs (2) and (3) of Article 10c, commercial fishing activities carried out with bottom set nets, bottom trawl nets, set longlines and traps shall only be allowed, in the area referred to in those paragraphs, if the vessel is in possession of a specific authorisation, and if it can demonstrate that it has historically carried out fishing activities in the areas concerned.
2. Authorised vessels fishing with bottom trawl nets shall be entitled to fish only on Saturdays and Sundays from 5.00 H till 22.00 H. Authorised vessels fishing with bottom set nets, set longlines and traps shall be allowed to fish only from Monday 05.00 H till Thursday 22.00 H.
3. The Vessels authorised to fish in the area referred to in Article 10c(2) and (3) with the gears referred to in paragraph 1 of this Article shall be issued with a fishing authorisation by their Member State in accordance with Article 7 of Regulation (EC) No 1224/2009.
4. Member States shall communicate to the executive Secretariat of the GFCM, no later than 30 April 2018, the list of authorised vessels established for the year 2018 and subsequently, not later than 30 April each year, the list of authorised vessels established for the forthcoming year. For each vessel, the list shall contain the following information:
  - (a) Vessel name;
  - (b) Vessel register number;
  - (c) GFCM unique identifier (country ISO 3-alpha code + 9 digits, e.g. xxx000000001);
  - (d) Previous name (if any);
  - (e) Previous flag (if any);
  - (f) Previous details of deletion from other registers (if any);
  - (g) International radio call sign (if any);

- (h) Type of vessel, length overall (LOA) and gross tonnage (GT) and/or gross registered tonnage (GRT);
  - (i) Name and address of owner(s) and operator(s);
  - (j) Main gear(s) used to fish in the Fisheries Restricted Area;
  - (k) Seasonal period authorized for fishing in the Fisheries Restricted Area;
  - (l) Number of fishing days that can be exerted by each vessel;
  - (m) Designated port.
5. Authorised fishing vessels shall only land catches of demersal stocks in designated ports. To this end, each Member State concerned shall designate ports in which landings of catches from the Fisheries Restricted Area of Jabuka/Pomo Pit are authorised. The list of those ports shall be communicated to the GFCM Secretariat by 30 April each year.
  6. Fishing vessels authorised to fish in in the areas referred to in Article 10c(2) and (3) with the gears referred to in paragraph 1 of this Article shall have VMS and/or AIS systems working correctly, and the fishing gears on board or in use shall be duly identified, numbered and marked before starting any fishing operations or navigating in those areas.
  7. Fishing vessels equipped with bottom set nets, bottom trawl nets, set longlines and traps without authorisations shall be allowed to transit through the Fisheries Restricted Area only if they follow a direct course at a constant speed of not less than 7 knots and with VMS and/or AIS active on board.

*Article 10e*

**Spatial/temporal restrictions in the Alboran Sea**

1. Taking into account the available scientific advice, Member States may establish spatial/temporal restrictions in the Alboran Sea (GFCM geographical subareas 1, 2 and 3, as defined in Annex I), in which fishing activities shall be banned or restricted in order to protect juvenile and/or spawner aggregation areas of blackspot seabream.
  2. Member States shall notify to the GFCM by 31st January 2019 the areas and the restrictions applied by them.’
- (4) In Title II, the following Chapter IIa is inserted:

## **‘CHAPTER IIa**

### **CLOSED FISHING SEASONS IN THE BLACK SEA**

#### *Article 14a*

##### **Closure period during the spawning season of turbot in the Black Sea**

1. Within the period from April to June every year, each Member State concerned shall establish a closure period of at least two months in the Black Sea.
  2. Member States may designate additional spatial/temporal restrictions in which fishing activities shall be banned or restricted in order to protect aggregation areas of juveniles of turbot.’
- (5) The following Articles 16ca and 16cb are inserted:

#### *Article 16ca*

##### **Precautionary closures for red coral**

1. When a trigger catch level of red coral as defined in paragraphs 2 and 3 has been reached, Member States shall temporally close the area concerned to any red coral fishery.
2. The trigger catch level shall be deemed to be reached when colonies of red coral whose basal diameter is lower than 7 mm exceed 25 % of the total catch harvested from a given red coral bank for a given year.
3. Where coral banks have not yet been properly identified, the trigger catch level and the closure provided for in paragraph 1 shall apply at the scale of the GFCM statistical rectangle.
4. In their decision establishing a closure as referred to in paragraph 1, Member States shall define the geographical area concerned, the duration of the closure and the conditions governing fisheries in that area during the closure.
5. Member States establishing closures shall inform the GFCM Secretariat and the Commission without delay.

#### *Article 16 cb*

##### **Spatial /temporal closures**

Member States actively harvesting red coral shall introduce additional closures for the protection of red coral on the basis of the scientific advice available and not later than 1 January 2019.’

- (6) The following Title IIa is inserted:

## **‘TITLE IIa**

### **FISHING CAPACITY AND FISHING OPPORTUNITIES**

#### *Article 16m*

##### **Catch limits for red coral**

Each Member State may establish in the Mediterranean Sea a system of individual daily and/or annual catch limits for red coral.

#### *Article 16n*

##### **Fishing fleet capacity or fishing effort for blackspot seabream in the Alboran Sea**

1. At the latest in 2020, Member States shall maintain the levels of fishing fleet capacity or fishing effort at the levels authorized and exerted the two previous years for the exploitation of the blackspot seabream in the Alboran Sea (GFCM geographical subareas 1, 2 and 3, as defined in Annex I).
  2. The fishing fleet capacity or fishing effort restrictions referred to in paragraph 1 shall apply to all commercial and recreational fishing vessels catching blackspot seabream.
- (7) Article 17a is deleted.
- (8) In Title III, the following Chapters III and IV are added:

### **‘CHAPTER III**

#### **Control of coral fisheries**

#### *Article 22a*

##### **Fishing authorisations for red coral**

1. Vessels and fishers authorised to harvest red coral in the Mediterranean Sea shall have a valid fishing authorisation, which shall specify the technical conditions under which the fishery may be carried out.
2. In the absence of an authorisation as referred to in paragraph 1, it shall be prohibited to harvest, retain on board, tranship, land, transfer, store, sell or display or offer for sell red coral.
3. Member States shall maintain an updated register of fishing authorisations referred to in paragraph 1 and communicate to the GFCM Secretariat and the Commission no later than 30 April each year the list of vessels for which the authorisations have been issued. That list shall include for each vessel the following information:
  - (a) Vessel name
  - (b) Vessel register number (code assigned by the contracting party)
  - (c) GFCM registration number (country ISO 3-alpha code + 9 digits, e.g. xxx000000001)
  - (d) Port of registration (full name of the port)

- (e) Previous name (if any)
  - (f) Previous flag (if any)
  - (g) Previous details of deletion from other registers (if any)
  - (h) International radio call sign (if any)
  - (i) VMS or other equipment for vessel geo-localization (indicate Y/N)
  - (j) Vessel type, length overall (LOA) and gross tonnage (GT) and/or gross registered tonnage (GRT) and engine power expressed in kW
  - (k) Safety and security equipment to host observer(s) on board (indicate Y/N)
  - (l) Time period in which fishing red coral is authorised
  - (m) Area(s) in which fishing red coral is authorised : GFCM geographical subareas and cells of the GFCM statistical grid
  - (n) Participation in research programmes led by national/international scientific institutions (indicate Y/N; provide some description)
4. Member States shall not increase the number of fishing authorisations until scientific advice indicates a favourable status of the red coral populations.

*Article 22b*

**Recording of catches for red coral**

1. Fishers or masters of the vessels authorised to harvest red coral shall record catches in live weight, and if possible the number of colonies, after fishing operations, or at the latest when landed at port in case daily fishing trips.
2. Fishing vessels authorised to harvest red coral shall have on board a logbook in which the daily catches of red coral, irrespective of the live weight of the harvest, and fishing activity by area and depths are recorded, including the number of fishing days and dives. That information shall be communicated to the competent national authorities within the deadline laid down in Article 14(6) of Regulation (EC) No 1224/2009.

*Article 22c*

**Prior notification for red coral**

Between two and four hours before the estimated time of arrival at port, the masters of the fishing vessels or their representative shall notify the relevant authorities the following information:

- (a) the estimated time of arrival;
- (b) the external identification number and the name of the fishing vessel;
- (c) the estimated quantity in live weight and if possible the number of red coral colonies retained on board;
- (d) the information on the geographical area where the catch was taken.

*Article 22d*

**Designated ports for red coral**

Authorised fishers or fishing vessels shall only land red coral catches in designated ports. To this end, each Member State shall designate ports in which landing red coral is authorised and communicate a list of those ports to the GFCM Secretariat by 30 April each year, unless there is no change of designated ports already communicated.

*Article 22e*

**Control of landings of red coral**

Each Member State shall establish a control programme based on risk analysis, in particular to verify the landings and validate the logbooks.

*Article 22f*

**Transshipment of red coral**

Transshipment operations at sea of red coral shall be prohibited.

*Article 22g*

**Scientific information for red coral**

The Member States having fishing fleets targeting red corals shall ensure that a mechanism for adequate scientific monitoring of fisheries and catches is duly in place with a view to allow the Scientific Advisory committee of GFCM to provide descriptive information and advice on at least:

- (a) The deployed fishing effort (*e.g.* number of fishing dives/week) and overall catch levels by stocks at local, national or supranational level;
- (b) The conservation and management reference points with a view to further improve the regional management plan in line with the objective of maximum sustainable yield and low risk of stock collapse;
- (c) The biological and socio-economic effects of alternative management scenarios, including input/output control and/or technical measures, as proposed by the contracting parties to the GFCM;
- (d) Possible spatial /temporal closures in order to preserve fishery sustainability;

# **CHAPTER IV**

## **CONTROL MEASURES RELATING TO CERTAIN GEOGRAPHICAL SUBAREAS**

### **SECTION 1**

#### **CONTROL OF BLACKSPOT SEABREAM FISHERIES IN THE ALBORAN SEA**

##### *Article 22h*

##### **Reporting of seabream daily catches and by-catches**

Without prejudice to Article 14 of Regulation 1224/2009 Member States shall establish a mechanism to ensure that all commercial blackspot seabream daily catches and by-catches in the Alboran Sea (GFCM geographical subareas 1, 2, 3, as defined in Annex I), irrespective of the live weight of the catch, are reported. As for recreational fisheries, Member States shall record or make estimations of the catches of that species.

##### *Article 22i*

##### **Fishing authorisations and fishing activities**

1. Member States shall establish a register of the fishing vessels authorized to carry on board or land quantities of blackspot seabream caught in the Alboran Sea that constitute more than 20% of the catch in live weight after sorting per tide .
2. Fishing vessels targeting blackspot seabream shall only be allowed to carry out fishing activities if these are indicated in a valid fishing authorization issued by the competent authorities and specifying the technical conditions under which such activities may be carried out. The authorisation shall include the data set out in Annex VIII.
3. Member States shall communicate to the GFCM Secretariat:
  - (a) by the end of February of each year, the list of operating vessels for which the authorisation has been delivered for the current or the following year(s); the list shall contain the data set out in Annex VIII;
  - (b) by the end of November each year, from 30 November 2018 and at the latest from 30 November 2020, a report on fishing activities carried out by the vessels referred to in Article 22i(1), in an aggregated format, including the following minimum information:
    - (i) number of fishing days,
    - (ii) exploitation area, and
    - (iii) captures of blackspot seabream.
4. All vessels above 12 metres length overall authorized to target blackspot seabream shall be equipped with vessel monitoring system (VMS) or any other system of geo-localisation allowing control authorities to track their activities.

*Article 22j*  
**Scientific monitoring**

Member States having fishing fleets targeting blackspot seabream shall collect descriptive data on at least:

- (a) the characteristics of the fishing gears, *inter alia*, the maximum length of the longline and fixed nets and the number, type and size of the hooks;
- (b) the deployed fishing effort (*e.g.* number of fishing days/week) and overall catch levels by commercial fishing fleets; an estimation of catches of recreational fisheries should also be provided;
- (c) the conservation and management reference points with a view to establish multiannual management plans for sustainable fisheries in line with the objective of maximum sustainable yield and low risk of stock collapse;
- (d) the socioeconomic effects of alternative management scenarios, including input/output control and/or technical measures, as identified by the GFCM and/or contracting parties;
- (e) possible spatial/temporal closures in order to preserve fishery sustainability;
- (f) the potential impact of recreational fisheries on the status of the blackspot seabream stock(s).

**SECTION 2**

**STRAIT OF SICILY**

*Article 22k*

**Authorisations for bottom trawling fisheries on demersal stocks in the Strait of Sicily**

1. Bottom trawling vessels targeting demersal stocks in the Strait of Sicily (GFCM geographical subareas 12, 13, 14, 15 and 16, as defined in Annex I), shall only be allowed to carry out the specific fishing activities indicated in a valid fishing authorization issued by the competent authorities and specifying the technical conditions under which such activities shall be carried out.
2. The fishing authorisation referred to in paragraph 1 shall include, in addition to the data defined in Annex I to Regulation (EC) No 2017/218, the following data:
  - (a) GFCM registration number;
  - (b) previous name (if any);
  - (c) previous flag (if any);
  - (d) previous details of deletion from other registers (if any).

*Article 22l*

**International Joint Inspection and Surveillance Scheme in the Strait of Sicily**

1. With the aim to ensure compliance with the provisions set out in Article 10a and 10b, Member States may carry out inspection and surveillance activities in the framework of an International Joint Inspection and Surveillance Scheme (the Scheme) covering the waters outside national jurisdiction in GFCM geographical subareas 12, 13, 14, 15 and 16, as defined in Annex I ('the inspection and surveillance area').
2. Each Member State shall, no later than 1 December of each year, notify to the GFCM Secretariat the list of the names of inspectors authorised to perform the inspection and surveillance in the area referred to in paragraph 1.
3. Inspectors shall carry identity documentation issued by the authorities of the flag Member State, which shall be in the form set out in Annex IV.
4. Each Member State concerned shall notify the names of the vessels and aircrafts used for inspection and surveillance to the GFCM Secretariat by 15 December of the previous year or as soon as possible before the commencement of inspection activities.
5. Vessels carrying out boarding and inspection duties in accordance with the Scheme shall fly a special flag or pennant, as described in Annex V.
6. A Member State may by mutual agreement with another GFCM contracting party deploy inspectors it has assigned to the Scheme to an inspection platform of that other contracting party. It shall notify the GFCM Secretariat in advance of such deployment.
7. Each Member State shall ensure that every inspection platform entitled to fly its flag operating in the area referred to in paragraph 1 maintains secure contact, daily where possible, with every other inspection platform operating in that area, to exchange information necessary to coordinate the activities.
8. Each Member State with an inspection or surveillance presence in the area referred to in paragraph 1 shall provide to each inspection platform, upon its entry into the area, a list of sightings, boardings and inspections it has conducted in the previous ten-day period, including dates, coordinates and any other relevant information.

*Article 22m*

**Conduct of inspections**

1. Each Member State with an inspection presence in the area referred to in Article 22k(1) shall ensure that its inspectors:
  - (a) prior to boarding, notify the fishing vessel of the name of the inspection vessel;
  - (b) display, on the inspection vessel and boarding vessel, the pennant described in Annex V;
  - (c) limit each inspection team to a maximum of three inspectors.
2. Upon boarding the vessel, inspectors shall produce the identity card described in Annex IV to the master of the fishing vessel. Inspections shall be conducted in one of

the official languages of GFCM and, where possible, in the language spoken by the master of the fishing vessel.

3. Inspectors shall limit their enquiries to the verification of compliance with Article 10a and 10b by the flag State of the vessel concerned.
4. Inspectors shall draw up a report of the inspection in the format set out in Annex VI.
5. Inspectors shall sign the report in the presence of the master of the vessel who shall be entitled to add or have added to the report any observations which he or she may think suitable and who also must sign.
6. Copies of the report shall be given to the master of the vessel and to the authorities of the inspection party, which shall transmit copies to the authorities of the flag State of the inspected vessel and to the GFCM Secretariat.
7. The size of the inspection party and length of the inspection shall be determined by the commanding officer of the inspection vessel taking into account all relevant circumstances.

#### *Article 22n*

### **Infringements**

1. For the purposes of this Article, the following activities shall be considered as infringements:
  - (a) the activities referred to in Article 3(1)(a),(b),(c),(e),(f),(g) and (h) of Regulation 1005/2008;
  - (b) interference with satellite monitoring system; and
  - (c) operating without an VMS system.
2. In the case of any boarding and inspection of a fishing vessel during which the inspectors detect an infringement, the authorities of the flag Member State of the inspection vessel shall immediately notify the flag State of the fishing vessel both directly and through the GFCM Secretariat.
3. The flag Member State of the vessel shall ensure that, following an inspection referred to in paragraph 2, the fishing vessel concerned ceases all fishing activities. The flag Member State shall require the fishing vessel to proceed within 72 hours to a port designated by it, where an investigation shall be initiated.
4. In the case where an inspection has detected an infringement, the actions and follow-up taken by the flag Member State shall be notified to its national authorities, as well as the GFCM Secretariat.
5. Member States' authorities shall act on inspection reports, as referred to in Article 22m(4), and statements resulting from documentary inspections by inspectors on a similar basis as they act on reports and statements of national inspectors.

## **SECTION 3 BLACK SEA**

#### *Article 22o*

## **Measures to prevent, deter and eliminate illegal, unreported and unregulated fishing in turbot fisheries in the Black Sea**

1. By 30 November each year, each Member State shall send to the Commission, through the accustomed data-processing support, an updated list of the vessels using bottom-set gillnets authorized to fish turbot in the Black Sea (GFCM geographical subarea 29, as defined in Annex I).
2. The list indicated in paragraph 1 shall include, in addition to the data set out in Annex I to Regulation 26/2004, the following data:
  - (a) GFCM registration number;
  - (b) previous name (if any);
  - (c) previous flag (if any);
  - (d) previous details of deletion from other registers (if any)
  - (e) main target species;
  - (f) main gear(s) used for turbot, fleet segment and operational unit as defined in the Task 1 statistical matrix set out in Section C of Annex III;
  - (g) time period authorized for fishing with gillnet or any other gear likely to fish turbot (if any of such authorization).
3. Upon request by the GFCM, Member States shall report information on the fishing vessels authorized to engage in a fishing activity in a given period. In particular, Member States shall report the names of the fishing vessels concerned, their external identification number and the fishing opportunities allocated to each of them.
4. Unmarked abandoned gillnets used in turbot fisheries and found at sea shall be collected by the competent authorities of the coastal Member State. Subsequently, those nets shall either be seized until the owner is duly identified or destroyed if the owner cannot be identified.
5. Each Member State concerned shall designate landing points, in which landings and transshipping of turbot caught in the Black Sea shall take place, in accordance with Article 43(5) of Regulation (EC) No 1224/2009. A list of such points shall be communicated to the GFCM Secretariat no later than 30 November of each year.
6. It shall be prohibited to land or tranship from fishing vessels any quantity of turbot caught in the Black Sea at any other place than the landing points referred to in paragraph 5.

### *Article 22p*

#### **National monitoring, control and surveillance plans for turbot fisheries in the Black Sea**

1. Member States shall establish national monitoring, control and surveillance plans ('national plans') in order to implement the provisions of Article 22o by ensuring, inter alia, a proper and accurate monitoring and recording of the monthly catches and/or fishing effort deployed.
2. The following elements shall be contained in the national plans referred to in paragraph 1:

- (a) clear definition of the means of control, with description of human, technical and financial means specifically available for the implementation of the plans;
- (b) clear definition of the inspection strategy, (including inspection protocols), which shall concentrate on fishing vessels likely to catch turbot and associated species.
- (c) Action plans for the control of markets and transport shall be included;
- (d) definition of inspection tasks and procedures, including the sampling strategy applied to verify the weighing of catches at first sale and the sampling strategy for vessels that are not subject to logbook/landing declaration rules;
- (e) explanatory guidelines for inspectors, producer organizations and fishers regarding the set of rules in place for fisheries likely to catch turbo, including:
  - (i) rules for the completion of documents, including inspection reports, fishing logbooks, transshipment declarations, landing and take-over declarations, transport documents and sales notes;
  - (ii) technical measures in force, including mesh size and/or mesh dimensions, minimum catch size, temporary restrictions;
  - (iii) sampling strategies,
  - (iv) cross-check mechanisms.
- (f) training of national inspectors in accordance with the requirements specified in Annex II of this Regulation.

*Article 22q*

**Scientific monitoring of turbot fisheries in the Black Sea**

The Member States shall communicate to the GFCM Scientific Advisory Committee on Fisheries (SAC), not later than 30 November of each year, any additional information in support of the scientific monitoring of turbot fisheries in the Black Sea.’

- (9) Article 23a is amended as follows:
  - (a) in paragraph 1, point (a) is replaced by the following:
    - ‘(a) the data on red coral referred to in Article 22b; and’;
  - (b) the following paragraph 8 is added:
    - ‘8. Member States shall submit a detailed report of its fishing activities to the GFCM Secretariat and the Commission by 30 June each year. Such report shall include at least information on total catches and exploitation areas and, if possible, on the number of divers and the average catch per diving.’.
- (10) Annexes IV, V, VI, VII and VIII are added as set out in the Annex to this Regulation.

*Article 2*

**Entry into force**

This Regulation shall enter into force on the 20<sup>th</sup> 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*

## **ANNEX**

The following Annexes IV, V, VI, VII and VIII are added to Regulation (EU) No 1343/2011:

### **"ANNEX IV**

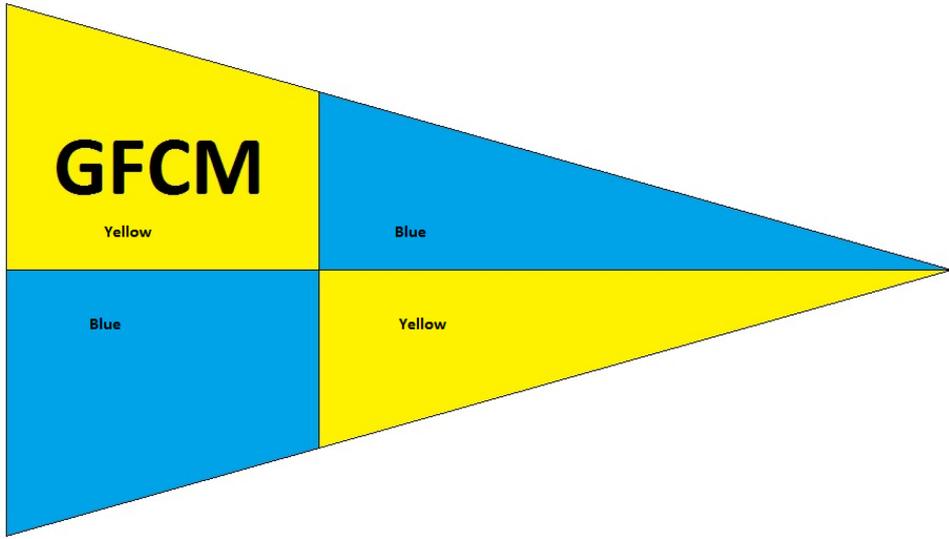
#### **Model of Identity Card for GFCM inspectors**

General Fisheries Commission for the Mediterranean		GFCM
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	<b>GFCM</b>		<p>The holder of this inspector identity card is a GFCM inspector duly appointed under the terms of the General Fisheries Commission for the Mediterranean (GFCM) Joint Inspection and Surveillance Scheme and has the power to act under the provisions of GFCM rules.</p>		
<b>INSPECTOR IDENTITY CARD</b>					
Photograph	Contracting Party				
	Inspector Name:				
	Card n°		.....	.....	
	Issue date:	Valid for five years	Issuing Authority	Inspector	

**ANNEX V**

**Model of GFCM inspection pennant**



**ANNEX VI**  
**GFCM Inspection Report**

**1. INSPECTOR(s)**

Name.....Contracting Party.....GFCM  
Identity Card number.....

Name.....Contracting Party.....GFCM  
Identity Card number.....

Name.....Contracting Party.....GFCM  
Identity Card number.....

**2. VESSEL CARRYING THE INSPECTOR(S)**

2.1 Name and Registration .....

2.2 Flag.....

**3. INFORMATION ON VESSEL INSPECTED**

3.1 Name and Registration.....

3.2 Flag.....

3.3 Captain (Name and address).....

3.4 Ship owner (Name and address).....

3.5 GFCM Record number.....

3.6 Type of vessel.....

**4. POSITION**

4.1 Position as determined by inspecting vessel's master at .....UTC; Lat.....  
Long.....

4.2 Position as determined by fishing vessel's master at .....UTC; Lat..... Long.....

**5. DATE AND TIMES THE INSPECTION COMMENCED AND FINISHED**

5.1 Date ..... Time arrived on board ..... UTC-Time of Departure .....UTC

**6. TYPE OF FISHING GEAR ON BOARD**

Bottom otter trawl – OTB	
Mid-water otter trawl – OTM	
Shrimp trawls – TBS	
Purse seine – PS	
Gillnets anchored (set) – GNS	
Set longlines – LLS	
Recreational gear – RG	
Other (Specify)	

**7. MESH MEASUREMENT - IN MILLIMETERS**

7.1 Legal mesh size to be used: .....mm

7.2 Result of the average mesh size measurement: .....mm

7.3 Infringement: YES  - NO  ----- In case of YES, legal reference:

**8. INSPECTION OF CATCHES ON BOARD**

8.1 Results of the inspection of the fish on board

SPECIES (FAO tri alpha Code)						
Total (Kg)						
Presentation						
Sample inspected						
% of fish undersize						

8.2 Infringement: YES  - NO  ----- In case of YES, legal reference:

## **9. INSPECTION OF DOCUMENTS ON BOARD AND VMS**

9.1 Fishing Log Book: YES  - NO

9.2 Infringement: YES  - NO  ----- In case of YES, legal reference:

9.3 Fishing License: YES  - NO

9.4 Infringement: YES  - NO  ----- In case of YES, legal reference:

9.5 Specific authorisation: YES  - NO

9.6 Infringement: YES  - NO  ----- In case of YES, legal reference:

9.7 VMS: YES  - NO  -----in function: YES  - NO

9.8 Infringement: YES  - NO  ----- In case of YES, legal reference:

## **10. LIST OF VIOLATIONS**

- Fishing without a license, permit or authorization issued by the flag CPC – legal reference:;
- Failure to maintain sufficient records of catch and catch-related data in accordance with the GFCM’s reporting requirements or significant misreporting of such catch and/or catch-related data – legal reference:;
- Fishing in a closed area – legal reference:
- Fishing during a closed season– legal reference:
- Use of prohibited fishing gear – legal reference:
- Falsification or intentionally concealment of the markings, identity or registration of a fishing vessel – legal reference:
- Concealment, tampering with or disposal of evidence relating to investigation of a violation – legal reference:
- Multiple violations which taken together constitute a serious disregard of measures in force pursuant to the GFCM;
- Assault, resistance, intimidation, sexual harassment, interference with, or undue obstruction or delay of an authorized inspector;
- Interference with the satellite monitoring system and/or operates without VMS system – legal reference:



**ANNEX VII**  
**GFCM Sighting Report**

1. Date of the sightings: ...../...../..... Time:.....UTC
2. Position of the vessel sighted: Latitude..... -  
Longitude.....
3. Course:..... -  
Speed.....
4. Name of the vessel sighted:
5. Flag of the vessel sighted:
6. External number/marking:
7. Type of vessel:  
Fishing vessel  
Carrier vessel  
Freezer vessel  
Other (specify)
8. International Radio Call Sign:
9. IMO number (where applicable) :
10. Activity (ies):  
Fishing  
Steaming  
Drifting  
Transshipping
11. Radio contact: YES - NO
12. Name and nationality of the captain of the sighted vessel:.....
13. Number of people on board the sighted vessel:.....
14. Catches on board sighted vessel:  
.....
15. Information collected by:

Name of inspector:

Contracting Party:

GFCM Identity Card number:

Name of the patrol vessel:

## ANNEX VIII

### **Data to be included in the list of vessels targeting blackspot seabream**

The list referred to Article 22i shall contain, for each vessel, the following information:

- Vessel name
- Vessel register number (code assigned by CPCs)
- GFCM registration number (country ISO 3-alpha code + 9 digits, e.g. xxx000000001)
- Port of registration (full name of the port)
- Previous name (if any)
- Previous flag (if any)
- Previous details of deletion from other registers (if any)
- International radio call sign (if any)
- VMS (indicate Y/N)
- Type of vessel, length overall (LOA) and gross tonnage (GT) and/or gross registered tonnage (GRT) and engine power expressed in kW
- Name and address of owner(s) and operator(s)
- Main gear(s) used to fish for blackspot seabream and fleet segment allocation and operational unit as identified in the DCRF
- Seasonal period authorized for fishing blackspot seabream"