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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	30 July 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2021) 434 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (recast)

Delegations will find attached document COM(2021) 434 final.

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EUROPEAN
COMMISSION

Brussels, 30.7.2021
COM(2021) 434 final

2021/0248 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (recast)

DRAFT EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The purpose of this proposal is to implement into EU law the fisheries conservation and management measures adopted in 2018 and 2019 by the General Fisheries Commission for the Mediterranean (GFCM), to which the Union has been a contracting party since 1998. The previous implementation of GFCM measures was enacted by Regulation (EU) 2019/982[1], which amended two earlier transposing acts, Regulation (EU) 2015/2102[2] and Regulation (EU) 1343/2011[3]. Since the 2019 Regulation has been substantially amended several times and now requires further amendment, it will be recast in the interest of clarity, simplification and legal certainty.

The GFCM is the regional fisheries management organisation (RFMO) responsible for managing fishery resources in the Mediterranean and Black Sea. Its main objectives are to promote the development, conservation, rational management and best utilisation of living marine resources, and to ensure the sustainable development of aquaculture, in the Mediterranean, Black Sea and connecting waters. The Union and 10 of its Member States (Bulgaria, Croatia, Cyprus, France, Greece, Italy, Malta, Slovenia, Spain and Romania) are contracting parties to the GFCM Agreement.

The GFCM has the authority to adopt binding decisions ('recommendations') on fisheries conservation and management in its area of competence. These acts are addressed to the contracting parties, but may also contain obligations for operators (e.g. vessel masters). GFCM recommendations become binding 120 days after the date of first notification, provided that no objections are lodged. It is incumbent on the Union to ensure compliance with these measures, as international obligations, as soon as they enter into force.

This proposal grants delegated powers to the Commission under Article 290 of the Treaty on the Functioning of the European Union (TFEU), to ensure that the Union continues to fulfil its obligations under the GFCM Agreement.

• Consistency with existing policy provisions in the policy area

This proposal complements and is generally consistent with other provisions of Union law in this area. Derogations from existing acts are however established in certain instances due to the nature of the more specific measures proposed.

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[1] 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 (OJ L 164, 20.6.2019, p. 1).

[2] 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, 25.11.2015, p. 1).

[3] 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 347, 30.12.2011, p. 11).

To the extent to which the GFCM decisions adopted in 2018 and 2019 are not yet covered by existing EU law, they must be implemented into the EU legal system to ensure that are applied in a uniform and effective manner throughout the EU.

This proposal takes account of Regulation (EU) 2019/1241 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures[4]. It pursues the objectives of the reformed common fisheries policy[5] and will be applied without prejudice to Regulation (EC) No 1967/2006[6].

- **Consistency with other Union policies**

Not applicable.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- Legal basis

This proposal is based on Article 43(2) TFEU, as it sets out provisions necessary for the pursuit of the objectives of the reformed common fisheries policy.

- **Subsidiarity (for non-exclusive competence)**

This proposal falls under the exclusive competence of the Union (Article 3(1)(d) TFEU). Therefore, the subsidiarity principle does not apply.

- **Proportionality**

This proposal will ensure that Union law is in line with international obligations adopted by the GFCM, to which the Union is a contracting party. It implements these without exceeding what is necessary to achieve the objective pursued.

- **Choice of instrument**

The instrument chosen is a Regulation of the European Parliament and of the Council. This choice takes into account the objectives of the common fisheries policy and the EU's other international obligations.

This proposal marks the fourth transposition of GFCM recommendations into EU law. Given the nature, scope and number of amendments involved, the legal services requested a recast as the most appropriate procedure to ensure sufficient legal clarity and readability.

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[4] Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

[5] 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).

[6] Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 409, 21.12.2006, p. 11).

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

• Ex-post evaluations/fitness checks of existing legislation

Not applicable.

• Stakeholder consultations

The purpose of this proposal is to implement existing GFCM measures that are binding on the contracting parties. National experts and industry representatives from EU Member States were consulted before and during the negotiations at the 42nd and 43rd GFCM annual sessions. Consequently, it was not considered necessary to hold a stakeholder consultation on this regulation.

• Collection and use of expertise

Not applicable.

• Impact assessment

Measures adopted by the GFCM are based on advice from its Scientific Advisory Committee. Further impact assessment will not be carried out, as no new policy (going further than the GFCM measures) will be developed and no significant new impacts are expected from the transposition.

• Regulatory fitness and simplification

This proposal is not linked to REFIT.

• Fundamental rights

This proposal has no consequences for the protection of EU citizens' fundamental rights.

4. BUDGETARY IMPLICATIONS

Not applicable.

5. OTHER ELEMENTS

• Implementation plans and monitoring, evaluation and reporting arrangements

Not applicable.

• Explanatory documents (for directives)

Not applicable.

• Detailed explanation of the specific provisions of the proposal

This proposal will address issues relating to the sustainable conservation and management of fisheries, and to the impact of fishing activities on certain marine species in the Mediterranean and Black Sea areas. As previously mentioned, in the interest of legal clarity, the proposed act will be a recast.

Title I contains general provisions on subject matter, scope, links with other Union acts and definitions. The proposal applies to commercial fishing and aquaculture, and recreational

fishing, by Union fishing vessels and nationals of Member States in the GFCM Agreement area.

Title II deals with fisheries management, conservation and control measures for certain species. It includes chapters on European eel, giant red shrimp, blue and red shrimp, red coral, demersal fisheries, small pelagic fisheries, blackspot seabream, dolphin fish, turbot and piked dogfish.

Tittle III sets out common provisions and includes measures on conservation, control, cooperation, information and reporting, and regional research programmes. Chapter I focuses on technical and conservation measures, in particular to reduce the impact of fishing activities on certain marine species (including sharks and rays) and incidental catches, to establish fisheries restricted areas (FRAs) and temporal closures, and to regulate what fishing gear may be used. Chapter II contains control measures, in particular as regards the register of authorised vessels, port state measures and vessels presumed to have carried out illegal, unreported and unregulated (IUU) fishing. Chapter III includes measures on cooperation, information sharing and reporting. Chapter IV establishes regional research programmes on blue crab in the Mediterranean and rapa whelk in the Black Sea.

Title IV sets out final provisions, including on the delegation of powers and entry into force.

The reporting deadlines in this proposal have been established on the basis of deadlines agreed at GFCM level, with a view to enabling the EU to comply with the requirements for reporting to the GFCM Secretariat.

↓ 1343/2011 (adapted)

2021/0248 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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~~ (recast)

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[7],

Having regard to the opinion of the Committee of the Regions[8],

Acting in accordance with the ordinary legislative procedure,

Whereas:

⇩ new

(1) Regulation (EU) No 1343/2011 of the European Parliament and of the Council[9] has been substantially amended several times[10]. Since further amendments are to be made, that Regulation should be recast in the interests of clarity.

↓ 2019/982 recital 2

(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 the Council[11,] is to ensure that

[7] OJ C […], […], p. […].

[8] OJ C […], […], p. […].

[9] 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 L347 30.12.2011, p.44).

[10] See Annex I.

[11] 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

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.

↓ 1343/2011 recital 1

(3) 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 (GFCM)[12].

↓ 1343/2011 recital 2

(4) 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.

↓ 1343/2011 recital 3 (adapted)

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

↓ 1343/2011 recital 4

(6) 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

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↓ 1343/2011 recital 6
⇨ new

(7) For ⇨ these ⇦ 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.

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).

[12] Council Decision of 16 June 1998 on the accession of the European Community to the General Fisheries Commission for the Mediterranean (OJ L 190, 4.7.1998, p. 34).

↓ 1343/2011 recital 12

(8) 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. This data needs to be collected and submitted in time to allow the subsidiary bodies of the GFCM to prepare their advice.

↓ 1343/2011 recital 5 (adapted)

~~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 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[13].~~

⇩ new

(9) The GFCM Annual Sessions held since 2005 adopted a number of recommendations and resolutions for certain fisheries in the GFCM Agreement area which have been implemented into Union law mainly by Regulation (EU) No 1343/2011 and its amendments.

↓ 1343/2011 recital 13 (adapted)

~~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[14] covers generally the content of that 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.~~

⇩ new

(10) At its Annual Session in 2019, the GFCM adopted Recommendation GFCM/43/2019/8 amending provision 13 and Annex I **of GFCM/33/2009/8**. 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[15] partly covers the content of this recommendation, this Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union legislation.

13 ~~OJ L 409, 30.12.2006, p. 11; as replaced by corrigendum, OJ L 36, 8.2.2007, p. 6.~~

14 ~~OJ L 286, 29.10.2008, p. 1.~~

15 Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 286, 29.10.2008, p. 1).

↓ 1343/2011 recital 10 (adapted)

~~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.~~

⇩ new

~~(11)~~ At its Annual Session in 2019, the GFCM adopted Recommendation GFCM/43/2019/4 on a management plan for the sustainable exploitation of red coral in the Mediterranean Sea, repealing Recommendations GFCM/35/2011/2, GFCM/36/2012/1, GFCM/40/2016/7 and GFCM/41/2017/5. This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union legislation.

(12) At its Annual Session in 2018, the GFCM adopted Recommendation GFCM/42/2018/2 on fisheries management measures for the conservation of sharks and rays in the GFCM area of application, amending Recommendation GFCM/36/2012/3. This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union legislation

~~(13)~~ At its Annual Session in 2019, the GFCM adopted Recommendation GFCM/42/2018/8 on further emergency measures in 2019-2021 for small pelagic stocks in the Adriatic Sea, replacing Recommendation GFCM/38/2014/1. This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union legislation.

↓ 2015/2102 recital 10 (adapted)

(14) The GFCM measures laid down in Recommendations GFCM/37/2013/1 and ~~GFCM/38/2014/1~~ ⌦ GFCM/43/2018/8 ⌫ includes a ban on retention on board or landing which should be implemented in Union law in accordance with Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ~~(~~[16]~~)~~. For the purpose of proper implementation, national control, monitoring and surveillance programmes should be developed, which the Commission should communicate annually to the GFCM.

⇩ new

(15) At its Annual Session in 2018, the GFCM adopted Recommendation GFCM/42/2018/5 on establishing a multiannual management plan for demersal stocks in the Strait of Sicily, repealing Recommendations GFCM/39/2015/2 and

16 ~~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).~~

GFCM/40/2016/4. This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union legislation

(16) At its Annual Session in 2019, the GFCM adopted Recommendation GFCM/43/2019/3 amending Recommendation GFCM/41/2017/4 on a multiannual management plan for turbot fisheries in the Black Sea. This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union legislation

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↓ 1343/2011 recital 7 (adapted)

~~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.~~

↓ 1343/2011 recital 8 (adapted)

~~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.~~

↓ 1343/2011 recital 9 (adapted)

~~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.~~

⇩ new

(17) At its Annual Session in 2019, the GFCM adopted Recommendation GFCM/43/2019/2 on a management plan for the sustainable exploitation of blackspot seabream in the Alboran Sea. This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union legislation.

↓ 1343/2011 recital 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.~~

⇩ new

(18) At its Annual Session in 2018, the GFCM adopted Recommendation GFCM/42/2018/1 on a multiannual management plan for European eel in the Mediterranean Sea. This Recommendation establishes a multiannual management plan for fisheries catching European eel in the Mediterranean Sea, in line with the precautionary approach to fisheries management. This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union legislation.

(19) At its Annual Session in 2018, the GFCM adopted Recommendation GFCM/42/2018/3 on a multiannual management plan for sustainable trawl fisheries targeting giant red shrimp and blue and red shrimp in the Levant Sea . This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union legislation.

(20) At its Annual Session in 2018, the GFCM adopted Recommendation GFCM/42/2018/4 on a multiannual management plan for sustainable trawl fisheries targeting giant red shrimp and blue and red shrimp in the Ionian Sea. This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union legislation.

(21) At its Annual Session in 2018, the GFCM adopted Recommendation GFCM/42/2018/7 on a regional research programme on blue crab in the Mediterranean. This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union legislation.

(22) At its Annual Session in 2018, the GFCM adopted Recommendation GFCM/42/2018/9 on a regional research programme for rapa whelk fisheries in the Black Sea. . This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union legislation

(23) At its Annual Session in 2019, the GFCM adopted Recommendation GFCM/43/2019/1 on a set of management measures for the use of anchored fishing aggregating devices in common dolphinfish fisheries in the Mediterranean Sea. This Recommendation complements Recommendation GFCM/30/2006/2 on the establishment of a closed season for common dolphinfish fisheries using fish aggregating devices and establishes a set of management measures for the use of anchored FADs exploiting common dolphinfish in the GFCM area of application. This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union law.

(24) At its Annual Session in 2019, the GFCM adopted Recommendation GFCM/43/2019/6 on management measures for sustainable trawl fisheries targeting giant red shrimp and blue and red shrimp in the Strait of Sicily. This Regulation should implement into Union law those measures laid down in that Recommendation which are not yet covered by Union law.

🡻 1343/2011 recital 14 (adapted)

(25) 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 ⌦ Secretariat ⌫. 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[17].

🡻 1343/2011 recital 15 (adapted)
⇨ new

(26) 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 ⌦ Secretariat ⌫ of the list of authorised vessels for the purpose of the GFCM Register; ⇨ the derogations to conservation measures for red coral; the implementation of the permanent catch certification scheme for red coral; ⇦ 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,

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🡻 1343/2011 (adapted)
➔$_1$ 982/2019 Art. 1.1
➔$_2$ 982/2019 Art. 1.2(a)
⇨ new

HAVE ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

Article 1

Subject matter

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[17] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 (OJ L 55, 28.2.2011, p. 13).

This Regulation lays down the rules for the application by the Union of the conservation, management, exploitation, monitoring, marketing and enforcement measures for fishery and aquaculture products established by the General Fisheries Commission for the Mediterranean (GFCM).

Article 2

Scope

1. ➔1 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 ⌦ Council ⌫ Regulation (EC) No 1967/2006[18].

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 ⇨ , unless specified otherwise in this Regulation ⇦. 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.

Article 3

Definitions

➔2 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[19], Article 2 of Regulation (EC) No 1967/2006, ~~and~~ Article 4 of Council Regulation (EC) No 1224/2009[20] ⇨ , Article 2 of Regulation (EU) 2019/1022 of the

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18 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).

19 ~~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).~~

20 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).

European Parliament and of the Council[21] and Article 5 of Regulation (EU) 2019/1241 of the European Parliament and of the Council[22] ⇦ : ←

~~a)~~(1) 'GFCM Agreement area' means the Mediterranean and the Black Sea and connecting waters, as described in the GFCM Agreement;

↓ 1343/2011

~~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;~~

↓ 1343/2011 (adapted)

~~c)~~ (2) ⌦ '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; ⌫

↓ 1343/2011

~~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;~~

⇩ new

(3) 'Data Collection Reference Framework (DCRF) manual' means the manual prepared by the Scientific Advisory Committee (SAC) and endorsed by the GFCM related to the implementation of the DCRF;

↓ 1343/2011 (adapted)
⇨ new

~~d)~~ (4) '⇨ Common Fleet Register (CFR) number ⇦ ~~EU Fleet Register number~~' means the ~~Community~~ ⌦ common ⌫ fleet ⌦ register (CFR) ⌫ number defined in Article 2(l) of Commission Implementing Regulation (EU) 2017/218[23] ~~Annex I to~~

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[21] Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 (OJ L 172 26.6.2019, p. 1).

[22] Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198 25.7.2019, p. 105).

[23] Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register (OJ L 34, 9.2.2017, p. 9).

~~Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register~~[24];

⇩ new

(5) 'Fish aggregating device' or 'FAD' means any anchored equipment floating on the sea surface with the objective of attracting fish;

(6) 'Live weight' means the weight of fresh catches weighed immediately after the end of fishing operations or, in case of daily fishing trips, before their landing at the designated port at the latest;

(7) 'Red coral bank' means an area of variable size where red coral (*Corallium rubrum*) colonies are relatively abundant;

(8) 'Red coral colony' means the biological unit exploited in red coral (*Corallium rubrum)* fisheries and represents a genetic unit formed by hundreds/thousands of red coral polyps, which can have a tree-like shape with several branches.

🡻 982/2019 Art. 1.2(b)

~~(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.~~

⇩ new

TITLE II

MANAGEMENT, CONSERVATION AND CONTROL MEASURES CONCERNING CERTAIN SPECIES

CHAPTER I

EUROPEAN EEL

Article 4

[New article. Recommendation GFCM/42/2018/1 provisions 9 and 10]

Scope

This Chapter applies to all fishing activities catching European eel (*Anguilla anguilla*), namely targeted, incidental and recreational fisheries, in all the marine waters of the Mediterranean Sea indicated in Annex I, including freshwaters and transitional brackish waters, such as lagoons and estuaries.

Article 5

[24] ~~OJ L 5, 9.1.2004, p. 25.~~

[New article. Recommendation GFCM/42/2018/1 provisions 19]

Fishing closures

1. Member States shall establish an annual fishing closure of three consecutive months where fishing and landing of European eel shall be prohibited.

2. The closure period shall be defined by the Member States in their national management plan, together with its fisheries and the gear targeting European eel. The fishing closure period shall be consistent with the reduction of fishing efforts or catches of European eel established in the national management plans in place and with the temporal migration patterns of European eel.

Article 6

[New article. Recommendation GFCM/42/2018/1 provisions 20]

Fisheries restricted areas

1. Member States may establish fisheries restricted areas to further protect European eel. The location and boundaries of those areas shall be consistent with the distribution of the main habitats of European eel in the Member State concerned.

2. It shall be prohibited to fish European eel in the areas referred to in paragraph 1. Specimens accidentally captured in those areas shall be immediately released upon the catch.

Article 7

[New article. Recommendation GFCM/42/2018/1 provisions 23]

Technical measures

Without prejudice to Regulation 2019/1241, the national management plans and national management measures adopted by Member States, pursuant to Article 2(8) of Regulation (EU) No 1100/2007[25], shall establish technical measures that ensure a reduction in mortalities.

Article 8

[New article. Recommendation GFCM/42/2018/1 provisions 24 and 25]

Additional measures

1. Member States may adopt measures to complement their national management plan or national management measures, in accordance with Article 2 of Council Regulation (EC) No 1100/2007, taking into account inter alia the conservation state of European eel in their waters, the impact of fishing activities catching European eel in their waters and other anthropogenic mortality sources.

2. Member States shall communicate the measures adopted in accordance with paragraph 1 to the Commission at the latest two weeks after their entry into force and the Commission shall transmit these measures to the GFCM Secretariat within one month of their entry into force.

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[25] Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

Article 9

[New article. Recommendation GFCM/42/2018/1 provisions 32]

Implementation of measures

1. Member States shall provide a report on the implementation of the measures set out in this Chapter to the Commission not later than four months before the forty-fifth session of the GFCM.

2. The Commission shall transmit the report referred to in paragraph 1 to the GFCM Secretariat not later than the forty-fifth session of the GFCM. Such report may include an estimate of the impacts of measures included in the national management plans and any other measures.

Article 10

[New article. Recommendation GFCM/42/2018/1 provisions 36, 37 and 39]

Fishing authorisation

1. Member States shall communicate a list of all authorised fishing vessels, pursuant to Article 11(1) of Regulation (EC) No 1100/2007, to the Commission by 31 May every year. The Commission shall transmit this list to the GFCM Secretariat by 30 June every year.

2. Member States shall immediately transmit to the Commission any modifications to the list referred to in paragraph 1. The Commission shall communicate these modifications to the GFCM Secretariat without delay.

Article 11

[New article. Recommendation GFCM/42/2018/1 provisions 38 and 39]

Authorised transitional and brackish waters

1. By 1 January 2020, Member States shall establish and keep up to date a list of all authorised transitional and brackish waters, such as lagoons and estuaries, where traditional permanent fish-harvesting static gear is placed for catch of European eel.

2. Member States shall communicate the list referred to in paragraph 1 to the Commission by 31 May every year. The Commission shall transmit that list to the GFCM Secretariat by 30 June every year.

3. Member States shall immediately transmit to the Commission any modifications to the list referred to in paragraph 1. The Commission shall communicate these modifications to the GFCM Secretariat without delay.

Article 12

[New article. Recommendation GFCM/42/2018/1 provisions 40 and 41]

Authorised landing points

Landing of European eel shall only be authorised in landing points designated by each Member State for this purpose.

Article 13

[New article. Recommendation GFCM/42/2018/1 provisions 42, 43 and 44]

Recording of catches

1. Fishers or masters of the fishing vessels authorised to harvest European eel shall record their catches in live weight, irrespective of the live weight of the catch and harvest.

2. In the case of transitional and brackish waters, such as lagoons and estuaries where European eel catching continues to be carried out with permanent traditional fish-harvesting static gear, fishers or masters of the authorised fishing vessels shall record their catches in live weight.

3. Without prejudice to Article 14 of Regulation (EC) No 1224/2009, masters of vessels shall record in the logbook their daily catches of European eel, irrespective of the live weight of the harvest.

Article 14

[New article. Recommendation GFCM/42/2018/1 provision 47]

Recreational fisheries

Member States shall establish on a regular basis an estimate of the number of recreational fishers and their catches of glass, yellow and silver eels.

CHAPTER II

GIANT RED SHRIMP, BLUE AND RED SHRIMP

SECTION I

LEVANT SEA

Article 15

[New article. Recommendation GFCM/42/2018/3 provision 1]

Scope

This section applies to all trawl fishing activities targeting giant red shrimp (*Aristaeomorpha foliacea*) and blue and red shrimp (*Aristeus antennatus*), operating in Geographical Sub Areas (GSAs) 24, 25, 26 and 27 as provided for in Annex I.

Article 16

[New article. Recommendation GFCM/42/2018/3 provision 17]

Scientific monitoring

Member States shall ensure annually an adequate scientific monitoring of the status of the species included within the scope of this section.

Article 17

[New article. Recommendation GFCM/42/2018/3 provision 26, 31 and 32]

List of authorised and active vessels

1. Member States shall communicate the list of all fishing vessels that are authorised to fish for and are actively fishing for the species listed in Article 15 for the following year to the Commission by 30 December each year. The Commission shall transmit this list to the GFCM Secretariat by 31 January of the following year. This list shall include, for each vessel, the information referred to in Annex VIII.

2. Any fishing vessel not included in the list established under paragraph 1 shall not be allowed in any given fishing trip to fish for, retain on board, or land more than 3 percent of the total live weight catch of the species listed in Article 15.

3. Member States shall promptly notify the Commission of any addition to, deletion from and/or modification of the list of authorised fishing vessels, any time such changes may occur. The Commission shall transmit these modifications to the GFCM Secretariat without delay.

Article 18

[New article. Recommendation GFCM/42/2018/3 provision 27]

Fishing activities

Member States shall communicate to the Commission by 31 July of each year, a detailed report on fishing activities of fishing vessels operating within the scope of this section for the previous year. The Commission shall transmit this report to the GFCM Secretariat by 31 August each year. That report shall include at least the following:

(1) Operating days;

(2) Operating area;

(3) Total catch.

Article 19

[New article. Recommendation GFCM/42/2018/3 provision 28]

Additional spatial or temporal restrictions

1. Member States may designate additional spatial or temporal restrictions to those already existing where fishing activities may be banned or restricted in order to protect aggregation areas of juveniles.

2. Member States shall immediately notify the Commission of any such additional spatial or temporal restrictions once they are established. The Commission shall notify the GFCM Secretariat without delay.

Article 20

[New article. Recommendation GFCM/42/2018/3 provision 36]

Reporting obligations

Without prejudice to Article 14 of Regulation (EC) No 1224/2009, fishers or masters of authorised fishing vessels actively fishing within the scope of this section shall declare all catches and bycatch, irrespective of the volume of the catch.

Article 21

[New article. Recommendation GFCM/42/2018/3 provision 38, 39, 41 and 42]

Designated landing points

1. Member States shall designate landing points where landings and transhipping by vessels actively fishing within the scope of this section shall take place. For each designated point, Member States shall specify permitted landing and transhipping times and places.

2. It shall be prohibited to land or tranship from fishing vessels any quantity of species included within the scope of this section at any place other than points designated by Member States in accordance with paragraph 1.

3. Member States shall communicate to the Commission any change to the list of designated landing points by 31 October each year. The Commission shall transmit this list to the GFCM Secretariat by 30 November of each year.

Article 22

[New article. Recommendation GFCM/42/2018/3 provision 45]

Vessel monitoring system

Notwithstanding Article 9 of Regulation (EC) No 1224/2009, all vessels above 10 metres length overall (LOA) actively fishing within the scope of this section shall be equipped with a vessel monitoring system (VMS).

Article 23

[New article. Recommendation GFCM/42/2018/3 provision 46]

Logbook

Notwithstanding Article 14 of Regulation (EC) No 1224/2009, authorised fishing vessels operating within the scope of this section shall have on board a logbook in which daily catches are recorded and declared, irrespective of the live weight of the catch, in accordance with Article 20 of this Regulation.

SECTION II
IONIAN SEA

Article 24

[New article. Recommendation GFCM/42/2018/4 provision 1 and 3]

Scope

This section applies to all trawl fishing activities targeting giant red shrimp (*Aristaeomorpha foliacea*) and blue and red shrimp (*Aristeus antennatus*), operating in GSAs 19, 20 and 21 as provided for in Annex I.

Article 25

[New article. Recommendation GFCM/42/2018/4 provision 17]

Scientific monitoring

Member States shall ensure annually an adequate scientific monitoring of the status of species listed in Article 24.

Article 26

[New article. Recommendation GFCM/42/2018/4 provision 25, 26, 31 and 32]

List of authorised and active vessels

1. Member States shall communicate the list of all fishing vessels flying their flag that are authorised to fish for and are actively fishing for the species listed in Article 24 for the following year to the Commission by 30 December each year. The Commission shall transmit this list to the GFCM Secretariat by 31 January of the following year. This list shall include, for each vessel, the information referred to in Annex VIII.

2. Any fishing vessel not included in the list referred to in paragraph 1 shall not be allowed in any given fishing trip to fish for, retain on board, or land more than 3 percent of the total live weight catch of the species in Article 24.

3. Member States shall promptly notify the Commission of any addition to, deletion from and/or modification of the list of authorised fishing vessels, any time such changes may occur. The Commission shall transmit these modifications to the GFCM Secretariat without delay.

Article 27

[New article. Recommendation GFCM/42/2018/4 provision 27]

Fishing activities

Member States shall communicate to the Commission by 31 July of each year, a detailed report on fishing activities of fishing vessels operating within the scope of this section for the previous year. The Commission shall transmit this report to the GFCM Secretariat by 31 August each year. That report shall include at least the following:

(1) Operating days;

(2) Operating area;

(3) Total catch.

Article 28

[New article. Recommendation GFCM/42/2018/4 provision 28]

Additional spatial or temporal restrictions

1. Member States may designate additional spatial or temporal restrictions to those already existing where fishing activities may be banned or restricted in order to protect aggregation areas of juveniles.

2. Member States shall immediately notify the Commission of any such additional spatial or temporal restrictions once they are established. The Commission shall notify the GFCM Secretariat without delay.

Article 29

[New article. Recommendation GFCM/42/2018/4 provision 36]

Reporting obligations

Without prejudice to Article 14 of Regulation (EC) No 1224/2009, fishers or masters of authorised fishing vessels actively fishing within the scope of this section shall declare all catches and bycatch, irrespective of the volume of the catch.

Article 30

[New article. Recommendation GFCM/42/2018/4 provision 38, 39, 41 and 42]

Designated landing points

1. Member States shall designate landing points where landings and transhipping by vessels actively fishing within the scope of this section shall take place. For each designated point, Member States shall specify permitted landing and transhipping times and places.

2. It shall be prohibited to land or tranship from fishing vessels any quantity of species included within the scope of this section at any place other than points designated by Member States in accordance with paragraph 1.

3. Member States shall communicate to the Commission any change to the list of designated landing points by 31 October each year. The Commission shall transmit this list to the GFCM Secretariat by 30 November of each year.

Article 31

[New article. Recommendation GFCM/42/2018/4 provision 45]

Vessel monitoring system

Notwithstanding Article 9 of Regulation (EC) No 1224/2009, all vessels above 10 metres LOA actively fishing within the scope of this section shall be equipped with a VMS.

Article 32

[New article. Recommendation GFCM/42/2018/4 provision 46]

Logbook

Notwithstanding Article 14 of Regulation (EC) No 1224/2009, authorised fishing vessels operating within the scope of this section shall have on board a logbook in which daily catches are recorded and declared, irrespective of the live weight of the catch, in accordance with Article 29 of this Regulation.

SECTION III

STRAIT OF SICILY

Article 33

[New article. Recommendation GFCM/43/2019/6 provision 1]

Scope

This section applies to all trawl fishing activities targeting giant red shrimp (*Aristaeomorpha foliacea*) and blue and red shrimp (*Aristeus antennatus)* in GSAs 12, 13, 14, 15 and 16 as provided for in Annex I.

Article 34

[New article. Recommendation GFCM/43/2019/6 provision 13]

Fleet management measures

Member States shall ensure that their fleet capacity is maintained for the exploitation of species under the scope of this section at levels established in Table A of Annex XII.

Article 35

[New article. Recommendation GFCM/43/2019/6 provision 5]

Scientific monitoring

Member States shall ensure annually an adequate scientific monitoring of the status of species listed in Article 33.

Article 36

[New article. Recommendation GFCM/43/2019/6 provision 7, 8 and 14]

List of authorised and active vessels

1. Member States shall communicate the list of all fishing vessels flying their flag that are authorised to fish and are actively fishing for the species listed in Article 33 to the Commission by 31 May each year. The Commission shall transmit this list to the GFCM Secretariat by 30 June of each year. This list shall include, for each vessel, the information referred to in Annex VIII.

2. Member States shall promptly notify the Commission of any addition to, deletion from and/or modification of the list of authorised fishing vessels, any time such changes may occur. The Commission shall transmit these modifications to the GFCM Secretariat without delay.

Article 37

[New article. Recommendation GFCM/43/2019/6 provision 9]

Fishing activities

Member States shall communicate to the Commission by 31 October of each year, a detailed report on fishing activities of fishing vessels operating within the scope of this section for the previous year. The Commission shall transmit this report to the GFCM Secretariat by 30 November each year. This report shall include at least the following:

(1) Operating days;

(2) Operating area;

(3) Total catch.

Article 38

[New article. Recommendation GFCM/43/2019/6 provision 10]

Additional spatial or temporal measures

1. Member States may designate additional spatial or temporal restrictions to those already existing where fishing activities may be banned or restricted in order to protect aggregation areas of juveniles.

2. Member States shall immediately notify the Commission of any such additional spatial or temporal restrictions once they are established. The Commission shall notify the GFCM Secretariat without delay.

Article 39

[New article. Recommendation GFCM/43/2019/6 provision 17, 18 and 19]

Landing points

1. Member States shall designate landing points where the landings by vessels actively fishing within the scope of this section shall take place.

2. It shall be prohibited to land or tranship from fishing vessels any quantity of species listed in Article 33 at any place other than points designated by Member States in accordance with paragraph 1.

3. Fishers or masters of authorised fishing vessels actively fishing within the scope of this section shall declare all catches of the species referred to in Article 33, irrespective of the volume of the catch.

CHAPTER III

RED CORAL

Article 40

Scope

[New article. Recommendation GFCM/43/2019/4 provision 2]

1. This Chapter applies to all commercial fishing activities harvesting red coral (*Corallium rubrum*), namely targeted, incidental and recreational fisheries, in all marine waters of the Mediterranean Sea, as provided for in Annex I.

↓ 2102/2015 Art. 1.2 (adapted)
⇨ new

~~CHAPTER IV~~

~~CONSERVATION AND SUSTAINABLE EXPLOITATION OF RED CORAL~~

~~Article x16a~~

2. This Chapter shall apply without prejudice to Article 4(2) ~~and points (e) and (g) of Article 8(1)~~ of Regulation (EC) No 1967/2006, ⇨ Article 7 of Regulation (EU) 2019/1241 ⇦ or any stricter measures stemming from Council Directive 92/43/EEC[26].

⇩ new

Article 41

[New article. Recommendation GFCM/43/2019/4 provision 8]

National management plans

1. Member States shall adopt national management plans for red coral.

2. Depending on available scientific information, management shall take place at red coral bank, GFCM statistical rectangle or national level. Any national management plan shall include at least the elements listed in Articles 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 54, 55 and 58.

3. Member States shall submit their national management plan for red coral to the Commission 10 working days after their adoption and the Commission shall transmit it to the GFCM Secretariat at the latest within 15 days after their adoption. Member States shall immediately resubmit any updated national management plan for red coral to the Commission. The Commission shall transmit to the GFCM Secretariat, in particular when new closures or new openings of red coral banks are decided.

↓ 1343/2011 (adapted)
⇨ new

Article 42 ~~16d~~

Gear and devices

~~1.~~ For the harvesting of red coral, the only permitted gear shall be a hammer used in scuba diving by ⌦ authorised vessels or fishers ⌫ ~~fishermen~~ who are authorised or recognised by the competent national authority. ⇨ During the harvest, the authorised fisher shall ensure that the base of the coral colony is not detached from the substrate. ⇦

[26] Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

~~3. By way of derogation from paragraph 2, the use of ROVs that have been authorised by a Member State prior to 30 September 2011 for the purpose of observation and prospection shall continue to be permitted in zones under the jurisdiction of that Member State provided that the ROVs concerned cannot be equipped with manipulator arms or any other device allowing the cutting and harvesting of red coral.~~

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

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

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

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

Article 43~~16b~~

Minimum depth for harvesting

1. The harvesting of red coral shall be prohibited at depths of less than 50 metres ~~until the GFCM indicates otherwise~~.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 145~~27~~ of this Regulation and Article 18(1) to (6) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council[~~27~~] in order to grant derogations from paragraph 1.

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

(a) detailed information on the national management framework;

(b) the scientific or technical justifications;

(c) the list of fishing vessels, or the number of authorisations granted, as regards the harvesting of red coral at depths of less than 50 metres; and

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

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[27] ~~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).~~

~~Any joint recommendation by Member States as referred to in the first subparagraph shall be submitted by 29 November 2018.~~

4. Derogations referred to in paragraph 2 of this Article shall be granted if the following conditions are satisfied:

~~(a) an appropriate national management framework is in place, including a fishing authorisation scheme in accordance with Article 7 of Regulation (EC) No 1224/2009; and~~

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

⇩ new

(a) such derogations have been implemented continuously by means of management rules during at least 5 years before 18 April 2020 or;

(b) in case of a new derogation, it shall be supported by the SAC of the GFCM, demonstrating that the request is in line with the objectives of this Chapter.

🡻 1343/2011

~~5. Notwithstanding paragraphs 2 to 4 and as a transitional measure, Member States may adopt measures for the implementation of Recommendation GFCM/35/2011/2, provided that:~~

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

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

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

~~6. Where the Commission considers, on the basis of the notifications provided by the Member States concerned in accordance with point (b) of paragraph 5, that a national measure adopted after 28 November 2015 does not satisfy the conditions set out in paragraph 4, it may, subject to providing relevant reasons and after consultation with the Member State concerned, request it to amend that measure.~~

🡻 1343/2011 (adapted)

5~~7~~. The Commission shall inform the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ of the measures adopted pursuant to paragraph~~s~~ 2 ~~and 5~~.

Article 44~~16c~~

Minimum ⌦ conservation reference size ⌫ ~~basal diameter of colonies~~

1. Red coral from colonies of red coral whose ~~basal~~ diameter is ~~smaller~~ ⌦ less ⌫ than 7 mm ~~at the trunk~~, measured within one centimetre from the base of the colony, shall not be harvested, retained on board, transhipped, landed, transferred, stored, sold or displayed or offered for sale as raw product.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 145~~27~~ of this Regulation and Article 18(1) to (6) of Regulation (EU) No 1380/2013 in order to authorise, by way of derogation from paragraph 1, a maximum tolerance limit of 10 % in live weight of undersized (< 7 mm) colonies of red coral.

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

~~Any joint recommendation by Member States as referred to in the first subparagraph shall be submitted by 29 November 2018.~~

~~4. Derogations as referred to in paragraph 2 of this Article shall be granted if the following conditions are satisfied:~~

~~(a) a national management framework is in place, including a fishing authorisation scheme in accordance with Article 7 of Regulation (EC) No 1224/2009;~~

~~(b) specific monitoring and control programmes are in place.~~

~~5. Notwithstanding paragraphs 2 to 4 and as a transitional measure, Member States may adopt measures for the implementation of Recommendation GFCM/36/2012/1, provided that:~~

~~(a) those measures form part of an appropriate national management framework; and~~

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

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

~~6. Where the Commission considers, on the basis of the notifications provided by the Member States concerned in accordance with point (b) of paragraph 5, that a national measure adopted after 28 November 2015 does not satisfy the conditions set out in paragraph 4, it may, subject to providing relevant reasons and after consultation with the Member State concerned, request it to amend that measure.~~

147.The Commission shall inform the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ of the measures adopted pursuant to paragraph~~s~~ 2 ~~and 5~~.

⇩ new

Article 45

Transmission of harvest and effort data

Every year, Member States shall communicate to the Commission their harvest and effort exerted the preceding year, by 31 May. The Commission shall transmit the data to the GFCM Secretariat by 30 June.

↓ 982/2019 Art. 1.6 (adapted)
⇨ new

~~TITLE IIA~~

~~*FISHING CAPACITY AND FISHING OPPORTUNITIES*~~

Article 46 ~~16m~~

Catch limits ~~for red coral~~

1. Each Member State may establish ~~in the Mediterranean Sea~~ a system of individual daily and/or annual ⇨ harvest and/or fishing effort ⇦ ~~catch~~ limits for ~~red coral~~ ⇨ their authorised fishers and their authorised fishing vessels. Such limits shall be consistent with the number of fishing authorisations granted, the annual harvest limits and fishing effort limits set for the Member State concerned ⇦ .

⇩ new

[Recommendation GFCM/43/2019/4 provision 21]

2. When, for a given year and a properly identified red coral bank, or, at the scale of the relevant GFCM statistical rectangle if the red coral bank has not been properly identified, the proportion of colonies harvested below the minimum conservation reference size (MCRS), as defined in Article 44, is:

(a) less than 10 % of the total catch harvested from a given red coral bank for a given year, Member States not having a national management plan in place shall implement stricter control measures over the area concerned;

(b) more than 10 % and less than 25 % of the total catch harvested from a given red coral bank for a given year, the Member States shall implement stricter control over the area concerned and survey the size structure of the red coral population, irrespective of the existence of a national management plan.

↓982/2019 Art. 1.8 (adapted)
⇨ new

~~*Article 16ea*~~

~~**Precautionary closures for red coral**~~

3~~1~~. When a trigger catch level of red coral as referred to in paragraphs ~~24~~ 4 and ~~35~~ 5 has been reached, Member States shall close the area concerned to any red coral fishery.

4~~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.

5~~3~~. Where coral banks have not yet been properly identified, the trigger catch level and the closure provided for in paragraph 3~~1~~ shall apply at the scale of the ⌦ relevant ⌫ GFCM statistical rectangle.

6~~4~~. ⇨ Member States shall take the necessary measures to implement precautionary closures provided for in paragraph 3. ⇦ In their decision establishing a closure ~~as referred to in paragraph 1~~, Member States shall define the geographical area ⇨ of the affected harvest ground ⇦ ~~concerned~~, the duration of the closure and the conditions governing fisheries in that area during the closure ⇨ , as well as the conditions for reopening the fishery ⇦ .

⇩ new

[Recommendation GFCM/43/2019/4 provision 26 *]*

7. Member States may implement a move-on rule for fishing vessels to cease fishing and move in the direction least likely to result in further encounters from the colonies, with a view to avoid reaching the trigger defined in paragraph 4 and ensure an optimal exploitation and recovery of the colonies.

8. When Member States implement move-on rules, they shall immediately notify the Commission and the Commission shall notify the GFCM Secretariat.

[Recommendation GFCM/43/2019/4 provision 27 *]*

9.Member States may implement a crop rotation system between their red coral banks to ensure an optimal exploitation and recovery of the colonies.

10. When Member States implement a crop rotation mechanism, they shall immediately notify the Commission and the Commission shall notify the GFCM Secretariat.

🡻982/2019 Art. 1.6 (adapted)
⇨ new

Article 47~~16cb~~

Spatial ⌦ or ⌫ ≠temporal closures

1. ⇨ In addition to the closures already established at national level, ⇦ Member States actively harvesting red coral ⇨ may ⇦ ~~shall~~ introduce additional ⇨ spatial or temporal ⇦ closures for the protection of red coral on the basis of the scientific advice available ~~and not later than 11 January 2020~~.

2~~5~~. ⌦ Member States establishing closures shall inform the GFCM Secretariat and the Commission without delay. ⌫

🡻 982/2019Art. 1.6 (adapted)
⇨ new

Article 48

⌦ Remotely operated underwater vehicles (ROVs) ⌫

~~2~~. The use of Remotely Operated underwater Vehicles (ROVs) ~~for the exploitation of red coral~~ shall be prohibited ⇨ in the area referred to in Article 40 ⇦ .

↓ 982/2019 Art. 1.10 (adapted)
⇨ new

Article 49~~22a~~

~~Fishing authorisations for red coral~~ ⌦ Fleet management measures ⌫

1. Vessels or ~~fishermen~~ ⌦ fishers shall be ⌫ authorised to harvest red coral in the Mediterranean Sea ~~shall have~~ ⌦ only if they hold ⌫ a valid fishing authorisation ⇨ issued respectively by the flag Member State authority or by the authorities of the coastal Member State where the fishing activities takes place. Such authorisations ⇦ ~~, 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 sale red coral.

⇩ new

3. A fishing authorisation may only be granted to a fisher (diver) who complies with standards for professional diving in accordance with national legislation.

↓ 982/2019 Art. 1.10 (adapted)
⇨ new

~~3~~4. Member States shall maintain an updated register of fishing authorisations referred to in paragraph 1 and shall send to the Commission, by 31 ~~March~~ ⇨ May ⇦ each year, the list of ⇨ fishers and ⇦ vessels for which the authorisations referred to in paragraph 1 were issued. The Commission shall communicate that list to the GFCM Secretariat not later than 30 ~~April~~ ⇨ June ⇦ each year. That list shall include for each vessel ⇨ at least ⇦ the ~~following~~ information ⌦ referred to in Annex VIII ⌫ ~~:~~.

~~(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-localisation (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).~~

5~~4~~. Member States shall not increase the number of ⇨ authorised fishers and authorised ⇦ fishing ⇨ vessels ⇦ ~~authorisations~~ until ⇨ scientific advice validated by the GFCM Scientific Advisory Committee ⇦ ~~scientific advice~~ indicates ~~a favourable status of the red coral populations~~ ⇨ that red coral populations have rebuilt to sustainable levels allowing them to sustain increased exploitation ⇦ .

⇩ new

[Recommendation GFCM/43/2019/4 provision 31]

6. Catch and retention on board, transhipment or landing of red coral shall be prohibited for recreational fisheries purposes.

🡻 982/2019 Art. 1.10 (adapted)
⇨ new

Article 50~~22d~~

Designated ports ~~for red coral~~

Authorised ~~fishermen~~ ⌦ fishers ⌫ or ~~fishing~~ vessels shall only land ⇨ and tranship ⇦ red coral catches in designated ports. To this end, each Member State shall designate ports in which landing ⇨ and transhipment of ⇦ red coral is authorised and communicate a list of those ports to the ⇨ Commission by 31 May each year. The Commission shall transmit this list to the ⇦ GFCM Secretariat ~~and the Commission~~ by 30 ~~April~~ ⇨ June ⇦ each year, unless there is no change of designated ports already communicated. ⇨ Member States shall immediately communicate any update of this list to the Commission. The Commission shall transmit these updates to the GFCM Secretariat without delay. ⇦

Article 51~~22e~~

Prior notification ~~for red coral~~

⇨ Prior to entry into any port, and at least four hours ⇦ ~~Between two and four hours~~ before the estimated time of arrival at port, ⇨ or at least one hour if the fishing grounds are less than four hours from the port of arrival, ⇦ the masters of the fishing vessels or their representative ⇨ or the authorised fishers, ⇦ shall notify the relevant authorities the following information:

(1) ~~(a)~~ the estimated time of arrival ⌦ to the port ⌫ ;

(2) ~~(b)~~ the external identification number and the name of the ⇨ authorised ⇦ ~~fishing~~ vessel ⇨ or vessel used for harvesting ⇦ ;

(3) ~~(c)~~ the estimated quantity in live weight and ~~if possible~~ the number of red coral colonies retained on board;

(4) ~~(d)~~ the information on the ~~geographical~~ ⇨ harvesting ⇦ area ⇨ , preferably with geographical coordinates ⇦ ~~where the catch was taken~~.

Article 52~~22b~~

Recording of catches ~~for red coral~~

1. ⌦ Fishers ⌫ ~~Fishermen~~ 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 of daily fishing trips~~ ⇨ their harvest after each harvest operation ⇦.

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, where possible, 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.

🡻 2102/2015 Art. 1.4 (adapted)

~~*Article 23a*~~

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

~~1~~3. By 15 December of each year, the Member States concerned shall submit to the Commission~~:~~

🡻 982/2019 Art. 1.11(a) (adapted)

~~(a)~~ the data on red coral referred to in ⌦ this ⌫ Article, ~~22b;~~ ~~and~~

🡻 2102/2015 Art. 1.4 (adapted)

~~(b) in the form of an electronic report, the rates of incidental catches and release of seabirds, sea turtles, monk seals, cetaceans and sharks and rays, as well as any relevant information reported in accordance with points (a), (b), (c), (d) and (e) respectively of Article 17b(1).~~

~~2.~~ The Commission shall transmit ~~the~~ ⌦ this ⌫ information ~~referred to in~~ ~~paragraph 1~~ to the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ by 31 December of each year.

⇩ new

[Recommendation GFCM/43/2019/4 provision 36]

Article 53

Pilot projects

Member States may implement pilot projects to ensure that all fishers or vessels authorised to harvest red coral use a VMS or any other geolocation system allowing control authorities to track their activity at all times during the fishing trips.

🡻 982/2019 Art. 1.10

Article 54~~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.

↓ 982/2019 Art. 1.10 (adapted)

Article 55~~22f~~

Transhipment ~~of red coral~~ ⌦ operations ⌫

Transhipment operations at sea of red coral shall be prohibited.

⇩ new

[Recommendation GFCM/43/2019/4 provision 40]

Article 56

Inspection plan

Each Member State shall establish an inspection plan containing the control and enforcement measures set out in this Chapter, taking into account the elements listed in Annex V. These inspection plans shall be communicated to the Commission by 31 December each year and the Commission shall transmit these plans to the GFCM Secretariat by 31 January of the following year.

Article 57

Traceability of red coral products

[New article. Recommendation GFCM/43/2019/4 provisions 41 to 47 and 49]

1. For a transitional period of three years (2020–2022), Member States may participate in the pilot phase of the Catch Documentation Scheme (CDS), for the purpose of identifying where the origin of red coral is harvested in the GFCM area of application, and implement the following traceability measures:

(a) a validated CDS certificate as referred to in Annex X and issued by the competent authorities of the flag State shall accompany all landings, imports, export and re-exports of red coral harvested;

(b) each certificate shall have a unique document identification number. Such number shall be specific to the flag State and be assigned to each fisher or authorised vessel. Such certificates shall not be transferable to another fisher or authorised vessel;

(c) Member States shall validate the CDS harvest certificates for red coral only when all the information contained in the CDS has been established to be accurate as a result of the verification of the supporting documents and corresponding consignment.

2. Member States participating in the pilot phase shall report to the Commission, and the Commission shall report to the GFCM accordingly, on the implementation of the pilot phase in the context of a permanent CDS for red coral.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 144 of this Regulation, in order to establish a permanent CDS for the purpose of identifying the origin of red coral

↓ 982/2019 Art. 1.10

Article 58~~22e~~

Scientific information for red coral

⇩ new

1. In addition to the provisions related to red coral contained in the DCRF manual, Member States shall report the data listed below at the bank, GFCM statistical rectangle and national level, when available:

(a) number of red coral fishing authorisations granted for fishers and for authorised vessels;

(b) number of dives per authorised fisher and fishing trip;

(c) number of authorised fishers on board for each fishing trip; and

(d) diameter of each colony harvested, if possible.

Such data shall be reported by the Member States to the Commission by 31 May and the Commission shall transmit to the GFCM Secretariat by 30 June each year.

↓ 982/2019 Art. 1.10 (adapted)
⇨ new

2. The Member States ~~having fishing fleets targeting~~ ⇨ whose authorised fishers or vessels target ⇦ red corals shall ensure that a mechanism for adequate scientific monitoring of ~~fisheries and catches~~ ⇨ harvests ⇦ is ~~duly~~ in place, with a view to allow the ~~Scientific Advisory committee~~ ⌦ SAC ⌫ of GFCM to provide descriptive information and advice, ⇨ including ⇦ on ~~at least~~:

(a) the deployed fishing effort (e.g. number of fishing ⇨ trips or ⇦ dive~~s~~ ⇨ time ⇦ per week ⇨ , per month or per year ⇦) and overall catch levels by stocks at ~~local~~ ⇨ the bank, GFCM statistical rectangle ⇦ , 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 ⇨ additional ⇦ spatial ⌦ or ⌫ ~~/~~temporal closures in order to preserve fishery sustainability.

⇩ new

3. It shall be prohibited to commercialise red coral colonies harvested within the framework of research programmes on red coral.

4. Member States may deploy national scientific observers on the vessels that have harvested red coral. In case of such deployment, Member States may report the information collected to the Commission and the Commission shall transmit this information to the GFCM Secretariat.

CHAPTER IV

DEMERSAL FISHERIES

SECTION I
STRAIT OF SICILY

Article 59

[New article. Recommendation GFCM/42/2018/5 provision 1 and 2]

Scope

This section applies to all fishing activities by Union bottom trawlers above 10 metres LOA targeting demersal stocks, including European hake (*Merluccius merluccius*) and deep-water rose shrimp (*Parapenaeus longirostris*), in GSAs 12, 13, 14, 15 and 16 as provided for in Annex I.

Article 60

[New article. Recommendation GFCM/42/2018/5 provision 24 and 25]

Fisheries management measures or national management plans

1. Member States shall adopt fisheries management measures or national management plans under the scope of this section to ensure that the exploitation levels of demersal stocks, in particular European hake and deep-water rose shrimp, reach and maintain MSY.

2. Member States shall promptly communicate management measures or national management plans adopted and any modifications made to these measures or plans to the Commission by 30 December each year. The Commission shall transmit to the GFCM Secretariat by 31 January of the following year.

Article 61

[New article. Recommendation GFCM/42/2018/5 provision 11]

Additional spatial or temporal restrictions

1. Member States may designate additional spatial or temporal restrictions to those already established where fishing activities may be banned or restricted in order to protect spawning and nursery areas.

2. Member States shall communicate to the Commission by 31 May each year the spatial/temporal restrictions in the waters under their sovereignty or under their jurisdiction. The Commission shall transmit this list to the GFCM Secretariat by 30 June each year.

Article 62

[New article. Recommendation GFCM/42/2018/5 provision 34]

Scientific monitoring

Member States shall ensure adequate annual scientific monitoring of the species listed in Article 59.

↓ 982/2019 Art. 1.10 (adapted)
⇨ new

Article 63~~22k~~

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

1. Bottom trawling vessels ⇨ actively targeting the species listed in Article 59 ⇦ ~~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 authorisation issued by the competent authorities and specifying the technical conditions under which such activities shall be carried out. ⇨ Such vessels shall be equipped with a VMS. ⇦

2. The fishing authorisation referred to in paragraph 1 shall include, in addition to the data defined in Annex I to Commission Implementing Regulation (EU) 2017/218[28], 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).

3. Member States shall send to the Commission by 31 October each year the list of vessels for which they issued the authorisation referred to in paragraph 1. The Commission shall communicate that list to the body designated by it and to the GFCM Secretariat not later than 30 November each year.

4. Member States shall communicate to the Commission ~~and the GFCM Secretariat not later than 31 August~~ ⌦ by 31 July ⌫ each year ⌦ and the Commission shall transmit to the GFCM Secretariat not later than 31 August each year ⌫ , in an aggregated format, a report on fishing activities carried out by the vessels referred to in paragraph 1, including the following minimum information:

(a) ~~(i)~~ number of fishing days;

(b) ~~(ii)~~ exploitation area; and

(c) ~~(iii)~~ captures of European hake and deep-water rose shrimp.

Article 64~~22l~~

Designated ports

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28 ~~Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register (OJ L 34, 9.2.2017, p. 9).~~

1. Each Member State shall designate landing ports in which landings of European hake and deep-water rose shrimp from the Strait of Sicily may take place, in accordance with Article 43(5) of Regulation (EC) No 1224/2009. ~~Member States shall transmit to the GFCM Secretariat and to the Commission not later than 30 November 2018 a list of designated landing ports.~~ Any ~~subsequent~~ change to that list shall be promptly notified to the Commission and to the GFCM Secretariat.

2. It shall be prohibited to land or tranship from fishing vessels any quantity of European hake and deep-water rose shrimp fished in the Strait of Sicily at any place other than in landing ports designated by the Member States.

⇩ new

3. Member States shall specify, for each designated landing port, the permitted landing and transhipping times. Member States shall also ensure inspection coverage of such activities during all landing and transhipping times at all designated landing points.

🡻 982/2019 Art. 1.10 (adapted)

Article 65~~22m~~

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

1. 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. Member States may assign inspectors and inspection means and carry out inspections under the Scheme. The Commission or a body designated by it may also assign Union inspectors to the Scheme.

3. The Commission or a body designated by it shall coordinate the surveillance and inspection activities for the Union and may draw up, in coordination with the Member States concerned, a joint deployment plan to enable the Union to fulfil its obligation under the Scheme. Member States shall adopt the necessary measures to facilitate the implementation of those plans, particularly as regards the human and material resources required and the periods and geographical areas in which those resources are to be deployed.

4. Each Member State shall, not later than 31 October of each year, notify to the Commission or a body designated by it the list of the names of inspectors authorised to perform the inspection and surveillance in the area referred to in paragraph 1, as well as the names of the vessels and aircraft used for inspection and surveillance which they intend to assign to the Scheme for the following year. The Commission or a body designated by it shall send this information to the GFCM Secretariat by 1 December of each year or as soon as possible before the commencement of inspection activities.

5. Inspectors assigned to the Scheme shall carry a GFCM inspector card issued by the competent authorities, which shall be in the form set out in Annex IV.

6. Vessels carrying out boarding and inspection duties in accordance with the Scheme shall fly a special flag or pennant, as described in Annex V.

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 established in accordance with Annex VII, of boardings and inspections it has conducted in the previous 10-day period, including dates, coordinates and any other relevant information.

Article 66~~22n~~

Conduct of inspections

1. Inspectors assigned to the Scheme shall:

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

3. Inspectors shall draw up a report of the inspection in the format set out in Annex IV ~~VI~~.

4. Inspectors shall sign the report in the presence of the master of the vessel who shall be entitled to add to the report any observations which he or she may think suitable and who must also sign.

5. 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 Commission and/or a body designated by it. The Commission shall forward the copy to the GFCM Secretariat.

6. 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 67~~22o~~

Infringements

1. For the purposes of this Article, the following activities shall be considered as infringements:

(a) the activities referred to in points (a), (b), (c), (e), (f), (g) and (h) of Article 3(1) of Regulation (EC) No 1005/2008;

(b) interference with satellite monitoring system; and

(c) operating without a VMS.

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 inform the Commission or a body designated by it, which shall notify the flag State of the inspected fishing vessel both directly and through the GFCM Secretariat. They shall also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity.

3. The flag Member State of the vessel shall ensure that, following an inspection in which an infringement has been detected, 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 event that an infringement has been detected during an inspection, the actions and follow-up taken by the flag Member State shall be notified to the Commission or a body designated by it. The Commission or a body designated by it shall forward the action and follow-up taken to the GFCM Secretariat.

5. Member States' authorities shall act on inspection reports, as referred to in Article 66~~22n~~(3), and statements resulting from documentary inspections by inspectors on a similar basis as they act on reports and statements of national inspectors.

⇩ new

SECTION II

Adriatic Sea

Article 68

[New article. Recommendation GFCM/42/2019/5 provision 1 and 26]

Scope

This section applies to all fishing activities targeting demersal stocks, including European hake *(Merluccius merluccius),* Norway lobster *(Nephrops norvegicus*), common sole *(Solea solea)*, deep-water rose shrimp *(Parapenaeus longirostris*) and red mullet (*Mullus barbatus*), by means of otter-trawling, beam-trawling, bottom pair trawling and otter twin trawls, in GSAs 17 and 18 as provided for in Annex I.

Article 69

[New article. Recommendation GFCM/43/2019/5 provisions 27]

Spatial and temporal closures

1. Member States shall:

(a) close the coastal zone, irrespective of depth, out to six nautical miles, or four nautical miles for vessels not allowed to fish beyond six nautical miles, to towed gear targeting demersal stocks, for a continuous period of at least eight weeks on an annual basis;or

(b) set a closure of at least 30 continuous days on an annual basis and covering at least 20 percent of territorial waters for fishing activities with otter-trawling, beam-trawling, bottom pair trawling and otter twin trawls, irrespective of their overall length in the areas and periods recognized by Member States as important for the protection of juveniles of demersal stocks, and accounting for migration routes and spatial patterns of juvenile distribution.

2. Member States shall communicate to the Commission, by 31 May of each year, the spatial restrictions, as referred to in paragraph 1, in the waters under their jurisdiction, which they apply with a view to protecting spawning and nursery areas for demersal stocks referred to in Article 68.

3. The Commission shall transmit the information received in accordance with paragraph 2 to the GFCM Secretariat, by 30 June of each year.

Article 70

[New article. Recommendation GFCM/43/2019/5 provisions 56 and 57]

National management plans

1. Member States shall adopt fisheries management measures or national management plans within the scope of this section to ensure that exploitation levels of demersal stocks, in particular European hake, Norway lobster, common sole, deep-water rose shrimp and red mullet, reach and maintain MSY.

2. If the measures referred to in paragraph 1 are modified, Member States shall notify the Commission without delay and the Commission shall communicate such modifications to the GFCM Secretariat by 31 January of the following year.

Article 71

[New article. Recommendation GFCM/43/2019/5 provisions 28 and 29]

Fleet management measures

1. Member States shall ensure that the overall active fleet capacity of the fleets operating under the scope of this section, in terms of gross tonnage (GT) and/or gross registered tonnage (GRT), engine power (kW) and number of vessels, as recorded both in EU and GFCM registers, does not exceed the fleet capacity for demersal fisheries in 2015 or its average between 2015 and 2017.

2. Paragraph 1 shall not apply to national fleets operating with otter-trawling and fishing for less than 1 000 days during the reference period mentioned in paragraph 1. The fishing capacity of those fleets shall not increase by more than 50 percent with respect to the reference period.

Article 72

[New article. Recommendation GFCM/43/2019/5 provisions 30, 31, 32, 33 and 36]

Fishing authorisations

1. Member States shall establish a list of vessels flying their flag and authorised to fish for the species listed in Article 68.

2. Each year, Member States shall communicate to the Commission by 31 December the list of authorised vessels flying their flag and actively fishing under the scope of this section. This list shall include, for each vessel, the information referred to in Annex VIII. The Commission shall transmit this list to the GFCM Secretariat by 31 January.

3. Vessels operating within the scope of this section shall only be allowed to carry out specific fishing activities with a valid fishing authorisation issued by the competent

authorities. Authorised vessels above 12 metres LOA shall be equipped with a VMS from 1 January 2021 and with an electronic logbook from 1 January 2022.

4. Each Member States shall ensure adequate mechanisms are set up for the recording of each fishing vessel in a national fleet register, for the recording of the vessel's catches and fishing effort via the logbook as well as for the monitoring of fishing vessel activities and landings via catch and effort sampling surveys, according to the rules stipulated by the European Union or each Member State.

5. As of 1 January 2021, for the purpose of collecting fishing effort data for the establishment of a future fishing effort regime, Member States shall report annually to the Commission by 31 May data from the previous year on kW * fishing days by gear and vessel length. The Commission shall transmit this data to the GFCM Secretariat by 30 June each year.

Article 73

[New article. Recommendation GFCM/43/2019/5 provisions 43 to 48]

Specific measures to address IUU fishing activities

1. Fishers or masters of authorised fishing vessels actively fishing in the Adriatic Sea shall declare all the catch and bycatch of the stocks listed in Article 68. The obligation to electronically declare catch shall apply from 1 January 2022, irrespective of the volume of the catch, to vessels above 12 metres LOA.

2. Member States shall designate landing points where landings by vessels actively fishing for the species listed in Article 68shall take place. For each designated port, Member States shall specify permitted landing and transhipping times and places. Member States shall also ensure inspection coverage of such activities during landing and transhipping times at all designated landing points.

3. It shall be prohibited to land or tranship from fishing vessels any quantity of catches included within the scope of this section, fished using otter-trawling, beam-trawling, bottom pair trawling and otter twin trawls in the Adriatic Sea at any place other than the ports designated by Member States in accordance with paragraph 2 above.

4. By 31 October each year, Member States shall communicate to the Commission any change to the list of designated landing points where landings of stocks referred to in paragraph 2 may take place. By 30 November each year, the Commission shall transmit these changes to the GFCM Secretariat.

Article 74

[New article. Recommendation GFCM/43/2019/5 provisions 51, 52, 53]

Reporting of catches

1. Authorised trawl vessels, fishing within the scope of this section, shall be equipped with an appropriate system of geopositioning. Authorised trawl vessels above 12 metres LOA shall be equipped with a VMS. For authorised trawl vessels below 12 metres LOA, Member States shall communicate to the Commission the chosen system of geopositioning.

2. All catches irrespectively of the live weight of the catch, as well as catches of non-target species in excess of 50 kg, shall be reported in the logbook.

↓ 2102/2015 Art. 1.2 (adapted)

CHAPTER VI

~~MEASURES FOR FISHERIES FOR~~ SMALL PELAGIC ~~STOCKS IN THE ADRIATIC SEA~~

⌦ SECTION I ⌫
⌦ ADRIATIC SEA ⌫

⇩ new

Article 75

Scope

This section applies to all fishing activities targeting small pelagics, including sardine (*Sardina pilchardus*) and anchovy (*Engraulis encrasicolus)* in GSAs 17 and 18 as provided for in Annex I.

↓ 2102/2015 Art. 1.2 (adapted)
⇨ new

Article 76~~16~~

Management of fishing capacity

1. For the purposes of this Article, the reference fishing capacity for small pelagic stocks is that established on the basis of the lists of fishing vessels of the Member States concerned ~~as communicated to the GFCM Secretariat in accordance with paragraph 22 of Recommendation GFCM/37/2013/1~~. Those lists include all fishing vessels equipped with trawl nets, purse seines or other types of surrounding nets without purse line ⇨ , actively fishing under the scope of this section in 2014. ⇦ ~~which are authorised to fish for small pelagic stocks and are registered in harbours located in Geographical Sub-Areas 17 and 18, as referred to in Annex I to this Regulation, or which, although registered in harbours located outside those Geographical Sub-Areas on 31 October 2013, are operating in Geographical Sub-Area 17 or 18 or in both.~~

2. Fishing vessels equipped with trawl nets and purse seines, irrespective of the overall length of the vessel concerned, are classified as fishing actively for small pelagic stocks when sardine and anchovy account for at least 50 % of the catch in live weight.

3. Member States shall ensure that the overall fleet capacity of fishing vessels equipped with trawl nets or purse seines actively fishing ~~for small pelagic~~ ⌦ within the scope of this section ⌫ ~~stocks in Geographical Sub-Area 17, both in terms of gross tonnage (GT) or gross registered tonnage (GRT) and in terms of engine power (kW)~~, as recorded in the national ⇨ fleet register ⇦ and ~~EU fleet registers~~ ⇨ the CFR ⇦ , does not at any time exceed the reference fishing capacity ~~for small pelagic stocks referred to in paragraph 1~~ ⌦ as provided for in Table B of Annex XII ⌫ .

⇩ new

4. Paragraph 3 shall not apply to the national fleets of less than ten purse seiners or pelagic trawlers actively fishing for small pelagic stocks. In such cases, the capacity of active fleets may increase by no more than 50 % in number of vessels and in terms of GT and kW.

🡻 2102/2015 Art. 1.2 (adapted)
⇨ new

5~~4~~. Member States shall ensure that fishing vessels equipped with trawl nets and purse seines for small pelagic stocks as referred to in paragraph 2 do not operate for more than 20 fishing days per month and more than 180 fishing days per year.

6~~5~~.Any fishing vessel not included in the list of authorised fishing vessels referred to in paragraph 1 of this Article shall not be allowed to fish for, or, by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, retain on board or land any quantity greater than 20 % of anchovy or sardine or of both anchovy and sardine if the fishing vessel is engaged on a fishing trip in ~~Geographical Sub-Area 17 or 18 or in both~~ ⌦ GSAs 17 and/or 18 ⌫ .

7~~6~~.Member States shall communicate to the Commission any addition to, any deletion from or any modification of, the list of authorised fishing vessels referred to in paragraph 1 as soon as such addition, deletion or modification occurs. Those changes shall be without prejudice to the reference fishing capacity referred to in paragraph 1. The Commission shall forward that information to the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ ⇨ by 31 January each year ⇦ .

🡻 2102/2015 Art. 1.4 (adapted)

Article 77~~23b~~

Control, monitoring and surveillance of fisheries for small pelagic stocks in the Adriatic Sea

1. By 1 October of each year, Member States shall communicate to the Commission their plans and programmes to ensure compliance with Article 76~~16l~~ through adequate monitoring and reporting, in particular of the monthly catches and fishing effort deployed.

2. The Commission shall submit the information referred to in paragraph 1 to the ~~Executive~~ Secretary of the GFCM by no later than 30 October of each year.

⇩ new

CHAPTER VI

BLACKSPOT SEABREAM

Article 78

[New article. Recommendation GFCM/43/2019/2, provision 2 and 4]

Scope

This section applies to all fishing activities targeting blackspot seabream (*Pagellus bogaraveo*) with longlines and handlines in the Alboran Sea in GSAs 1, 2 and 3 as provided for in Annex I.

↓ 982/2019 Art. 1.8

~~*Article 16n*~~

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

~~At the latest in 2020, Member States shall maintain the levels of fishing fleet capacity or fishing effort at the levels authorised and applied in recent years for the exploitation of blackspot seabream in the Alboran Sea (GFCM geographical subareas 1, 2 and 3, as defined in Annex I).~~

↓ 982/2019 Art. 1.3

~~*Article 9e*~~

~~**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 Secretariat and the Commission not later than 11 January 2020 the areas and the restrictions applied by them.~~

⇩ new

Article 79

[New article. Recommendation GFCM/43/2019/2 provisions 9 and 10)

Maximum level of catches

Member States shall maintain the maximum level of catches of blackspot seabream carried out by longlines and handlines, expressed in tonnes live weight, in accordance with the table set out in Annex XIII.

⇩ new

Article 80

Technical and conservation measures

[New article. Recommendation GFCM/43/2019/2, provisions 11, 12, 13]

Member States involved in the blackspot seabream fishery may trial and adopt alternative gear or mitigation measures for gear or materials with a view to prevent negative impact on the seabed.

↓ 982/2019 Art. 1.10 (adapted)
⇨ new

Article 81~~22i~~

~~Fishing authorisations and fishing activities~~ ⌦ Fleet management measures ⌫

1. Member States shall establish a register of the fishing vessels authorised to ⇨ operate with longlines and handlines and carry on board or land quantities of no ⇦ ~~carry on board or land quantities of blackspot seabream caught in the Alboran Sea that constitute~~ more than 20 % of the catch ⌦ of blackspot seabream ⌫ in live weight after sorting per tide. That register shall be maintained and updated.

2. Fishing vessels targeting blackspot seabream shall only be allowed to ⇨ catch or retain on board blackspot seabream if they hold a ⇦ ~~carry out fishing activities if those fishing activities are indicated in a~~ valid fishing authorisation 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:

(a) communicate to the Commission, by 31 January of each year, the list of operating vessels for which the authorisation has been delivered for the current or the following year(s); the Commission shall communicate the list to the GFCM Secretariat by the end of February of each year. The list shall contain the data set out in Annex VIII;

(b) communicate to the Commission and the GFCM Secretariat, by the end of November each year, ~~starting 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 paragraph 1, in an aggregated format, including the following minimum information:

(i) number of fishing days,

(ii) exploitation area, and

(iii) ~~captures~~ ⌦ catches ⌫ of blackspot seabream ⇨ per gear ⇦ .

4. All vessels of more than 12 metres in ~~overall length authorised~~ ⇨ LOA authorised ⇦ to target blackspot seabream shall be equipped with a VMS or any other system of geo-localisation allowing control authorities to track their activities ⇨ at all times during the fishing trip ⇦ .

~~*Article 22h*~~

~~Reporting of blackspot seabream daily catches and by-catches~~

~~Without prejudice to Article 14 of Regulation (EC) No 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 endeavour to record or make estimations of the catches of that species.~~

⇩ new

Article 82

Control and enforcement measures

1. Member States shall designate ports in which landing blackspot seabream is authorised and immediately communicate any update of this list to the Commission. The Commission shall transmit this list to the GFCM Secretariat. Landings of blackspot seabream shall only take place in designated ports.

2. Prior to entry into any port, except for small-scale vessels, and at least four hours before the estimated time of arrival, the fishers or their representative shall notify the relevant authorities of the following information:

(a) estimated time of arrival;

(b) external identification number and name of the fishing vessel; and

(c) estimated live weight retained on board.

3. The information stipulated in paragraph 1 may be submitted by the fishers or their representatives up to one hour before the estimated time of arrival, where the fishing grounds are less than four hours away from the port of arrival.

4. Without prejudice to Article 14 of Regulation (EC) No 1224/2009, fishers or masters of authorised fishing vessels actively fishing within the scope of this section shall report all daily catches, irrespective of the live weight of the catch and record or make estimations of the catches of that species.

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

6. Transhipment operations at sea shall be prohibited.

🡻 982/2019 Art. 1.10 (adapted)
⇨ new

Article 83~~22~~j

Scientific monitoring

Member States having fishing fleets targeting blackspot seabream shall ensure that a mechanism for adequate monitoring of fisheries and catches is duly in place with a view to allowing the SAC to provide descriptive information and advice on at least the following:

(1) ~~(a)~~ the characteristics of the fishing gear, inter alia the ⇨ characteristics of the ⇦ ~~maximum length of the longline and~~ fixed nets and the number, type and size of the hooks ⇨ used in handlines and longlines ⇦ ;

(2) ~~(b)~~ the deployed fishing effort ~~(e.g. number of fishing days per week)~~ and ~~overall~~catch levels by commercial fishing fleets; an estimation of catches of recreational fisheries should also be provided;

(3) ~~(c)~~ the conservation and management reference points with a view to ⇨ ensuring the sustainability of ⇦ ~~establishing multiannual management plans for~~

~~sustainable~~ fisheries in line with the objective of maximum sustainable yield and low risk of stock collapse;

(4) ~~(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;

(5) ~~(e)~~ possible spatial ⌦ or ⌫ ~~/~~temporal closures ~~in order to preserve fishery~~ ⇨ aimed at ensuring the ⇦ sustainability ⇨ of the stock and of the fisheries exploiting it ⇦ ;

(6) ~~(f)~~ the potential impact of recreational fisheries on the ⇨ conservation ⇦ status of blackspot seabream stock(s).

🡻 1343/2011 (adapted)

CHAPTER ~~II~~VII

~~ESTABLISHMENT OF A CLOSED SEASON FOR THE~~ DOLPHINFISH ~~*FISHERIES USING FISH AGGREGATING DEVICES*~~

⇩ new

Article 84

[New article. Recommendation GFCM/43/2019/1 provision 5]

Scope

This Chapter applies to all fishing activities targeting common dolphinfish (*Coryphaena hippurus*) using Fishing Aggregate Devices (FADs) in international waters of the Mediterranean Sea.

🡻1343/2011 (adapted)
⇨ new

Article 85~~12~~

Closed season

1. The common dolphinfish (*Coryphaena hippurus*) fisheries using ~~fish aggregating devices~~ ~~(~~FADs~~)~~ shall be prohibited from 1 January to 14 August of each year.

2. By way of derogation from paragraph 1, if a Member State can demonstrate that, due to bad weather, the fishing vessels flying its flag were unable to make use of their normal fishing days, that Member State may carry over days lost by its vessels in FAD fisheries until 31 January of the following year. In that case, before the end of the year Member States shall submit to the Commission an application in respect of the number of days to be carried over.

3. Paragraphs 1 and 2 shall also apply in the management zone referred to in Article 26(1) of Regulation (EC) No 1967/2006.

4. The application referred to in paragraph 2 shall contain the following information:

(a) a report containing the details of the cessation of fishing activities in question, including appropriate supporting meteorological information;

(b) the name of the vessel and its ⇨ CFR ⇦ ~~EU Fleet Register~~ number.

5. The Commission shall decide on applications of the kind referred to in paragraph 2 within 6 weeks from the date of receipt of an application and shall inform the Member State in writing of that decision.

6. The Commission shall inform the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ of decisions taken pursuant to paragraph 5. Before 1 November of each year, Member States shall send to the Commission a report on the carrying over of days lost in the previous year as referred to in paragraph 2.

7. The Commission may adopt implementing acts as regards detailed rules for the format and transmission of the applications referred to in paragraph 4 and of the report on such carrying over referred to in paragraph 6. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 143~~25~~(2).

⇩ new

Article 86

[New article. Recommendation GFCM/43/2019/1 provisions, 12]

Transitional management measures

Member States considering starting to target common dolphinfish using FADs shall submit to the Commission their national measures once adopted and the Commission shall transmit those measures to the GFCM Secretariat without delay.

Article 87

[New article. Recommendation GFCM/43/2019/1 provision 16 and 21]

Scientific monitoring, adaptation and revision of management measures

1. Member States shall monitor the biological and environmental impacts of FADs used by vessels flying their flag and exploiting common dolphinfish.

2.With a view to facilitating the provision of advice by the SAC for the revision of the measures provided for in this Chapter, Member States shall collect the existing relevant data, including research survey data, in order to contribute to the SAC's collation of data.

Article 88

National management measures

[New article. Recommendation GFCM/43/2019/1 provisions 37, 38 and 40]

Member States targeting common dolphinfish using FADs and lacking national management measures shall adopt national management measures including at least the set of measures containing the elements listed in Annex IX.

↓1343/2011 (adapted)
⇨ new

Article ~~13~~89

Fishing authorisations

1. Fishing vessels authorised to participate in the common dolphinfish fishery shall be granted a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009 and shall be included in a list containing the name of the vessel and its ⇨ CFR ⇦ ~~EU Fleet Register~~ number, which the Member State concerned shall provide to the Commission ⇨ each year by 30 June ⇦ . ⇨ The Commission shall communicate this list to the GFCM Secretariat each year by 31 July. ⇦

2. Vessels of an overall length of less than 10 metres shall be required to have a fishing authorisation. This requirement shall also apply to the management zone referred to in Article 26(1) of Regulation (EC) No 1967/2006.

Article 90~~14~~

~~Data collection~~ ⌦ Reporting of FAD fishing activities ⌫

~~1. Without prejudice to Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy[29], Member States shall set up an appropriate system of collection and treatment of fisheries catch and fishing effort data.~~

⇩ new

1. Without prejudice to Council Regulation (EU) No 2017/1004[30], Member States shall set up an appropriate system of collection and treatment of fisheries catch and fishing effort data.

↓1343/2011 (adapted)

2. Member States shall report to the Commission by 15 January of each year the number of vessels involved in the fishery, as well as the total landings and transhipments of common dolphinfish carried out in the previous year by the fishing vessels flying their flag in each ~~Geographical Sub-Area~~ ⌦ GSA ⌫ of the GFCM Agreement area as set out in Annex I.

3. The Commission may adopt implementing acts as regards detailed rules for the format and transmission of such reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 143~~25~~(2).

[29] ~~OJ L 60, 5.3.2008, p. 1.~~

[30] Council Regulation (EU) No 2017/1004 on the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy and repealing Council Regulation (EC) No 199/2008 (OJ L 157, 20.6.2017, p. 1).

~~3~~4. The Commission shall ~~forward~~ ⌦ transmit ⌫ the information received from the Member States to the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ .

⇩ new

5. Fishers or masters of authorised fishing vessels exploiting common dolphinfish within the scope of this section shall record their fishing activities with FADs.

Article 91

[New article. Recommendation GFCM/43/2019/1 provisions 25 to 32, and 36]

FAD composition, location, maintenance and replacement

1. In cases where the surface structure of the FAD is covered with material, Member States shall ensure that the material concerned is removed or that the structure is covered only with material that involve minimal risk of entangling non-target species, especially vulnerable species, or affecting other vessels.

2. FAD subsurface components shall be exclusively composed of materials that do not entangle non-target species.

3. When designing FADs, biodegradable materials are prioritised.

4. FADs shall be reliably located at their place of deployment. The design of FADs shall include an appropriate number of counterweights along the rope to ensure that the rope sinks to the sea bottom in the event that the raft section is detached and drifts away.

5. Fishers or masters of fishing vessels exploiting common dolphinfish shall ensure that FADs are regularly maintained, replaced as necessary and removed when not in use. The replacement FADs shall be of the same type, design, construction, materials and identification as the FAD being replaced. Replacement anchored FADs shall be in the same position as the FAD being replaced.

6. In the event of loss or impossibility to haul in a FAD, fishers or masters of fishing vessels shall record the last known position and its date. Fishing vessels exploiting common dolphinfish shall collect and report the last registered position of the lost FAD as well as the date of its last registered position, its identification number and any information allowing the identification of the FAD owner.

7. Member States shall adopt all necessary measures to ensure obsolete and unused FADs are retrieved.

8. It shall be prohibited for a vessel flying the flag of a Member State to catch fish attracted by a FAD that has not been set by that vessel.

Article 92

[New article. Recommendation GFCM/43/2019/1 provision 33 and 34]

FAD identification and marking

1. Without prejudice to Article 8 of Regulation (EC) No 1224/2009, fishers or masters of fishing vessels exploiting common dolphinfish shall ensure that each FAD is marked in such a way that it can be readily identified.

2. Each FAD shall be marked externally with the registration number of the fishing vessel(s) using it. Such marking shall be visible without dismounting the beacon, seawater-proof and legible throughout the entire lifespan of the beacon. Visibility distance must be the shortest possible.

↓1343/2011

CHAPTER VIII

TURBOT

⇩ new

Article 93

Scope

This Chapter applies to all fishing activities targeting turbot (*Psetta maxima*) in GSA 29 as provided for in Annex I.

↓ 982/2019 Art. 1.10 (adapted)

Article 94~~22p~~

Measures to prevent, deter and eliminate IUU fishing in turbot fisheries ~~in the Black Sea~~

1. By 20 January each year, each Member State shall send to the Commission, through the accustomed data-processing support, a list of the vessels using bottom-set gillnets authorised to fish turbot in the Black Sea (~~GFCM geographical subarea~~ ⌦ GSA ⌫ 29, as ~~defined~~ ⌦ provided for ⌫ in Annex I). By 31 January each year, the Commission shall send that list to the GFCM Secretariat.

2. The list indicated in paragraph 1 shall include, in addition to the data set out in Annex I to Implementing Regulation (EU) 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);

(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 ~~S~~section C of Annex III;

(g) time period authorised for fishing with gillnet or any other gear likely to fish turbot (if any of such authorisation).

3. Upon request by the GFCM, Member States shall report information on the fishing vessels authorised 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 transhipping 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 and the Commission not 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 95~~22q~~

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 94~~22p~~ 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:

(a) clear definition of the means of control, with description of human, technical and financial means specifically available for the implementation of the national 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;

(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 organisations and fishermen regarding the set of rules in place for fisheries likely to catch turbot, including:

(i) rules for the completion of documents, including inspection reports, fishing logbooks, transhipment 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 with a view to carrying out the tasks referred to in Annex II.

3. By 20 January each year, the Member States shall communicate the national plans to the Commission or a body designated by it. The Commission or a body designated by it shall forward those plans to the GFCM Secretariat by 31 January of each year.

Article 96~~22~~

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

The Member States shall communicate to the SAC and the Commission, not later than 30 November of each year, any additional information in support of the scientific monitoring of turbot fisheries in the Black Sea.

↓ 982/2019 Art. 1.5 (adapted)

~~*CHAPTER IIA*~~

~~*TEMPORAL CLOSURE IN THE BLACK SEA*~~

Article 97~~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.~~

⇩ new

1. Each Member State shall establish each year, based on the scientific advice provided by the SAC, a closure period of at least two months during the spawning season of turbot.

↓ 982/2019 Art. 1.5 (adapted)

2. Member States may designate additional spatial ⌦ or ⌫ ~~/~~temporal restrictions in which fishing activities may be banned or restricted in order to protect aggregation areas of juveniles of turbot.

↓ 982/2019 Art. 1.7 (adapted)

CHAPTER ~~IVA~~IX

~~MINIMUM CONSERVATION REFERENCE SIZE FOR BLACK SEA~~ PPIKED DOGFISH

⇩ new

Article 98

Scope

This Chapter applies to all fishing activities targeting piked dogfish (*Squalus acanthias*) in GSA 29 as provided for in Annex I.

↓ 982/2019 Art. 1.7 (adapted)

Article 99~~16da~~

Minimum conservation reference size for ⌦ the ⌫ ~~Black Sea~~ piked dogfish

Specimens of piked dogfish in the Black Sea smaller than 90 cm shall not be retained on board, transhipped, landed, stored, sold nor displayed or offered for sale. When accidentally caught, such specimens of piked dogfish shall be promptly released unharmed and alive, to the extent possible. Masters of fishing vessels shall record incidental taking, release and/or discarding events for piked dogfish in the logbook. Member States shall notify that information to the GFCM and the Commission within their annual reporting to the SAC and through the GFCM data collection framework.

⇩ new

TITLE III

COMMON PROVISIONS

CHAPTER I

TECHNICAL AND CONSERVATION MEASURES

SECTION I

Reduction of the impact of fishing activities on certain marine species

Subsection 1

Sharks, skates and rays

Article 100

[New article. Recommendation GFCM/43/2018/2 provision 3]

Scope

This subsection applies to all fishing activities targeting any Elasmobranch species, as well as shark and ray species which are included in Annex II and Annex III of the SPA/BD Protocol to the Barcelona Convention[31], in all GSAs as referred to in Annex I.

[31] OJ L 322, 14.12.1999, p. 3.

↓ 2102/2015 Art. 1.2 (adapted)

Article 101~~16j~~

Protected ~~sharks and rays~~ ⌦ Elasmobranch species ⌫

⇩ new

1. Member States shall ensure a high protection from fishing activities for elasmobranch species listed in Annex II of the SPA/BD Protocol to the Barcelona Convention.

↓ 2102/2015 Art. 1.2 (adapted)
⇨ new

~~1~~2. ~~Shark and ray~~ ⌦ Elasmobranch ⌫ species which are included in Annex II to the ⌦ SPA/BD Protocol to the Barcelona Convention ⌫ ~~Protocol~~ concerning specially protected areas and biological diversity in the Mediterranean[32] ~~('Protocol to the Barcelona Convention')~~ shall not be retained on board, transhipped, landed, transferred, stored, sold or displayed or offered for sale.

3~~2~~. ~~To the extent possible,~~ ~~f~~Fishing vessels that have incidentally caught ~~sharks and rays of the~~ ⌦ Elasmobranch ⌫ species included in Annex II to the ⌦ SPA/BD ⌫ Protocol to the Barcelona Convention shall promptly release them unharmed and alive.

Article 102~~16k~~

Identification of sharks

1. ⇨ Without prejudice to Article 101, ⇦ ~~B~~beheading and skinning of sharks on board and before landing shall be prohibited. Beheaded and skinned sharks ~~may~~ ⌦ shall ⌫ not be marketed at the first sale markets after landing.

⇩ new

2. Without prejudice to Article 101, Member States shall ensure that sharks are kept on board, transhipped, landed and marketed at first sale in a way that species are recognisable and identifiable, and that the catch, incidental catch, and whenever appropriate, release of these species can be monitored and recorded.

Article 103

[New article. GFCM/42/2018/2 provision 5]

Reporting obligations

Member States shall communicate to the Commission by 30 April each year, on the modalities of the derogations applied to the prohibition on fishing activities carried out with

32 ~~OJ L 322, 14.12.1999, p. 3.~~

trawl nets, in accordance with Article 13 of Regulation (EC) No 1967/2006. The Commission shall transmit these modalities to the GFCM Secretariat by 31 March of each year. Such notification shall include:

(1) a list of authorised trawling vessels with their characteristics;

(2) relevant zones identified by geographic coordinates, both on land and at sea, and by GFCM statistical rectangles;

(3) measures taken to monitor and mitigate impacts on the marine environment.

↓ 2102/2015 Art. 1.2 (adapted)

~~***CHAPTER V***~~

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

⌦ **Subsection 2**

Incidental catches ⌫

⌦ **Incidental catches of certain marine species** ⌫

↓ 2102/2015 Art. 1.2 (adapted)

Article 104~~16c~~

Scope

This ~~Chapter~~ ⌦ subsection ⌫ shall apply without prejudice to any stricter measures stemming from Directive 92/43/EEC or Directive 2009/147/EC of the European Parliament and of the Council[33]~~, and to Council Regulation (EC) No 1185/2003~~[34].

↓ 2102/2015 Art. 1.2

Article 105~~16f~~

Incidental catches of seabirds in fishing gears

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

2. Fishing vessels shall not bring seabirds ashore except within the framework of national plans for the conservation of seabirds or to secure assistance for the recovery of harmed individual seabirds, and provided that the competent national authorities have been

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33 Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

34 ~~Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels (OJ L 167, 4.7.2003, p. 1).~~

duly and officially informed, prior to the fishing vessel concerned returning to port, of the intention to bring such seabirds ashore.

Article 106~~16g~~

Incidental catches of sea turtles in fishing gears

1. To the extent possible, sea turtles incidentally caught in fishing gears shall be safely handled and released unharmed and alive.

2. Masters of fishing vessels shall not bring ashore sea turtles unless as part of a specific rescue or national conservation programme or unless this is otherwise required in order to rescue, and secure assistance for the recovery of, harmed and comatose individual sea turtles and provided that the competent national authorities concerned have been duly and officially informed prior to the fishing vessel concerned returning to port.

3. As far as practicable, fishing vessels using purse seines for small pelagic species or surrounding nets without purse line for pelagic species shall avoid encircling sea turtles.

4. Fishing vessels using long-lines and bottom-set gillnets shall carry on board safe-handling, disentanglement and release equipment designed to ensure that sea turtles are handled and released in a manner that maximises the probability of their survival.

Article 107~~16h~~

Incidental catches of monk seals (*Monachus monachus*)

1. Masters of fishing vessels shall not take on board, tranship or land monk seals, unless this is required in order to rescue, and to secure assistance for the recovery of, harmed individual animals and provided that the competent national authorities concerned have been duly and officially informed prior to the fishing vessel concerned returning to port.

2. Monk seals incidentally caught in fishing gears shall be released unharmed and alive. The carcasses of dead specimens shall be landed and seized for the purpose of scientific studies or destroyed by the competent national authorities.

Article 108~~16i~~

Incidental catches of cetaceans

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

↓ 2102/2015 Art. 1.4 (adapted)

2~~4~~. Member States shall ~~set up adequate monitoring systems in order to~~ collect ~~reliable~~ information on the impact on cetacean populations in the Black Sea of fishing vessels targeting piked dogfish with bottom-set gillnets, and shall submit that information to the Commission. The Commission shall ~~promptly~~ transmit ⌦ this ⌫ ~~the~~ information ~~referred to in paragraphs 3, 4 and 5~~ to the ~~Executive~~ GFCM Secretariat ⌦ without delay ⌫ .

↓ 2102/2015 Art. 1.3 (adapted)

~~*CHAPTER IA*~~

~~*RECORDING OBLIGATIONS*~~

Article 109~~17b~~

⌦ Recording of ⌫ i~~I~~ncidental catches of certain marine species

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

(a) any event of incidental catch and release of seabirds;

(b) any event of incidental catch and release of sea turtles;

(c) any event of incidental catch and release of monk seals;

(d) any event of incidental catch and release of cetaceans;

(e) any event of incidental catch and, where required, release of sharks and rays of the species listed in Annex II or Annex III to the ⌦ SPA/BD ⌫ Protocol to the Barcelona Convention.

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

(a) in relation to incidental catches of sea turtles, information on:

- (i) fishing gear type,
- (ii) times of the incidents,
- (iii) soak duration,
- (iv) depths and locations,
- (v) target species,
- (vi) sea turtles species, and
- (vii) whether the sea turtles have been discarded dead or released alive;

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

- (i) characteristics of gear type,
- (ii) times of the incidents,
- (iii) locations (either by ~~Geographical Sub-Areas~~ ⌦ GSA ⌫ or statistical rectangles, as defined in Annex I to this Regulation), and
- (iv) whether any such cetacean is a dolphin or another species of cetacean.

3. ~~By 31 December 2015,~~ Member States shall establish the rules referred to in paragraph 1 on the recording of incidental catches by the masters of fishing vessels which are not subject to the obligation to keep a fishing logbook pursuant to Article 14 of Regulation (EC) No 1224/2009.

⇩ new

4. By 15 December of each year, the Member States concerned shall submit to the Commission in the form of an electronic report, the rates of incidental catches and release of seabirds, sea turtles, monk seals, cetaceans, sharks and rays, as well as the information referred to in paragraphs 1 and 2. The Commission shall transmit this information to the GFCM Secretariat by 31 December of each year.

🡻 1343/2011 (adapted)

~~**TITLE II**~~

~~***TECHNICAL MEASURES***~~

⌦ SECTION II ⌫~~***CHAPTER I***~~

Fisheries restricted areas

~~***SECTION I***~~

~~*Fisheries restricted area in the Gulf of Lions*~~

⌦ ***Subsection 1***

Gulf of Lions ⌫

Article 110~~4~~

Establishment of a fisheries restricted area

🡻 1343/2011 (adapted)
⇨ new

A fisheries restricted area is established in the eastern Gulf of Lions, bounded by lines joining the ~~following~~ geographic coordinates ⌦ set out in Part A of Annex XI ⌫.~~:~~

~~- 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 111~~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 110~~4~~ shall not exceed the level of fishing effort applied in 2008 by each Member State in that area.

Article ~~6~~112

Fishing track record

Member States shall, not later than 16 February 2012, submit to the Commission in electronic format a list of vessels flying their flag that had a track record of fishing during the year 2008 in the area referred to in Article 1104 and in ~~GFCM Geographical Sub-Area~~ ⌦ GSA ⌫ 7 as defined in Annex I. That list shall contain the name of the vessel, its ~~EU Fleet Register~~ ⇨ CFR ⇦ number, the period for which the vessel was authorised to fish in the area referred to in Article 1104 and the number of days spent by each vessel in the year 2008 in ~~Geographical Sub-Area~~ ⌦ GSA ⌫ 7 and more specifically in the area referred to in Article 1104.

🡻 1343/2011

Article 1137~~7~~

Authorised vessels

1. Vessels authorised to fish in the area referred to in Article 1104 shall be issued with a fishing authorisation by their Member State in accordance with Article 7 of ~~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~~[35].

2. Fishing vessels which do not have records of fishing within the area referred to in Article 1104 prior to 31 December 2008 shall not be authorised to start fishing therein.

3. Member States shall, not later than 16 February 2012, communicate to the Commission the national legislation in force on 31 December 2008 concerning:

(a) the maximum number of hours per day a vessel is permitted to engage in fishing activity;

(b) the maximum number of days per week a vessel is permitted to stay at sea and be absent from port; and

(c) the compulsory times for fishing vessels to exit from, and return to, their registered port.

Article 1148

Protection of sensitive habitats

Member States shall ensure that the area referred to in Article 1104 is protected from the impact of any other human activity jeopardising the conservation of the features that characterise that area as an area of spawners' aggregation.

🡻 1343/2011 (adapted)

Article 1159

Information

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35 ~~OJ L 343, 22.12.2009, p. 1.~~

Before 1 February ~~of~~ each year, Member States shall submit to the Commission in electronic format a report on the fishing activities carried out in the area referred to in Article 110~~4~~.

The Commission may adopt implementing acts as regards detailed rules for the format and transmission of the report on such fishing activities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 143~~25~~(2).

⇩ new

Article 116

Fleet management measures

The Member States concerned shall ensure that their fleet capacity is maintained for the exploitation of blue and red shrimp (*Aristeus antennatus*), deep-water rose shrimp (*Parapenaeus longirostris*), giant red shrimp (*Aristaeomorpha foliacea*), European hake (*Merluccius merluccius*), Norway lobster (*Nephrops norvegicus*) and red mullet (*Mullus barbatus*) species, at the levels provided for in Table C of Annex XII, in the fisheries restricted area established in Article 110.

🡻 982/2019 Art. 1.3 (adapted)

~~***SECTION I4***~~

~~***FISHERIES RESTRICTED AREAS TO PROTECT ESSENTIAL FISH HABITATS AND VULNERABLE MARINE ECOSYSTEMS***~~

⌦ **Subsection 2**

Strait of Sicily ⌫

Article 117~~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 ⌦ set out in Part B of Annex XI ⌫ .

~~- 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 ⌦ set out in Part B of Annex XI ⌫.

~~- 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 ⌦ set out in Part B of Annex XI ⌫.

~~- 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.~~

Article 118~~9b~~

Buffer areas ~~in the Strait of Sicily~~

1. A buffer area bound by lines joining the ~~following~~ coordinates ⌦ set out in Part C of Annex XI ⌫ shall be established around the fisheries restricted area ‘East of Adventure Bank’ as referred to in Article 117~~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 ⌦ set out in Part C of Annex XI ⌫ shall be established around the fisheries restricted area ‘West of Gela Basin’ as referred to in Article 117~~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 ⌦ set out in Part C of Annex XI ⌫ shall be established around the fisheries restricted area ‘East of Malta Bank’ as referred to in Article 117~~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.

⌦ **Subsection 3**

Adriatic Sea ⌫

Article 119~~9e~~

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 ⌦ set out in Part D of Annex XI ⌫ .

~~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 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 ⌦ set out in Part D of Annex XI ⌫ .

~~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 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 ⌦set out in Part D of Annex XI ⌫ .

~~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 120 ~~9d~~

Authorised vessels in the Jabuka/Pomo Pit area

1. Without prejudice to Article 119~~9e~~(2) and (3), commercial fishing activities carried out with bottom set nets, bottom trawl nets, set longlines and traps shall only be allowed, in the areas 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. In the area referred to in Article 1199e(2), authorised fishing vessels shall not be entitled to fish for more than two fishing days per week. Authorised fishing vessels using otter twin trawl gear shall not be entitled to fish for more than one fishing day per week.

3. In the area referred to in Article 1199e(3), authorised vessels fishing with bottom trawl nets shall be entitled to fish only on Saturdays and Sundays between 05:00 and 22:00. Authorised vessels fishing with bottom set nets, set longlines and traps shall be allowed to fish only between Mondays at 05:00 and Thursdays at 22:00.

4. The vessels authorised to fish in the area referred to in Article 1199e(2) and (3) with the gear 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.

5. Member States shall send to the Commission, not later than 31 March each year, the list of vessels for which they issued the authorisation referred to in paragraph 1. The Commission shall communicate to the GFCM Secretariat, not later than 30 April the list of authorised vessels established for the forthcoming year. For each vessel, the list shall contain the ~~following~~ information ⌦ provided for in Annex VIII ⌫ .

~~(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 authorised for fishing in the Fisheries Restricted Area;~~

~~(l) number of fishing days to which each vessel is entitled;~~

~~(m) designated port.~~

6. Authorised fishing vessels shall only land catches of demersal stocks in designated ports. To that 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 and~~ Commission by ~~30 April each year~~ ⌦ 31 March ⌫ . ⌦ The Commission shall transmit this list to the GFCM Secretariat by 30 April each year. ⌫

7. Fishing vessels authorised to fish in the areas referred to in Article 1199e(2) and (3) with the gear referred to in paragraph 1 of this Article shall have VMS and/or Automatic Identification System (AIS) working correctly, and the fishing gear on board or in use shall be duly identified, numbered and marked before starting any fishing operation or navigating in those areas.

8. 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, and if they do not carry out fishing activities of any kind.

↓1343/2011 (adapted)

~~***SECTION II***~~

~~***FISHERIES RESTRICTED AREAS IN ORDER TO PROTECT DEEP-SEA SENSITIVE HABITATS***~~

⌦ ***Subsection 4***

Deep-sea sensitive habitats ⌫

Article 121~~10~~

Establishment of fisheries restricted areas ⌦ in deep-sea sensitive habitats ⌫

Fishing with towed dredges and bottom trawl nets shall be prohibited in the following areas:

(1) ~~(a)~~ deep-sea fisheries restricted area 'Lophelia reef off Capo Santa Maria di Leuca' bounded by lines joining the ~~following~~ coordinates ⌦ set out in Part E of Annex XI ⌫ :

~~- 39° 27,72′ N, 18° 10,74′ E~~

~~- 39° 27,80′ N, 18° 26,68′ E~~

~~- 39° 11,16′ N, 18° 32,58′ E~~

~~- 39° 11,16′ N, 18° 04,28′ E;~~

(2) ~~(b)~~ deep-sea fisheries restricted area 'The Nile delta area cold hydrocarbon seeps' bounded by lines joining the ~~following~~ coordinates ⌦ set out in Part E of Annex XI ⌫:

~~- 31° 30,00′ N, 33° 10,00′ E~~

~~- 31° 30,00′ N, 34° 00,00′ E~~

~~- 32° 00,00′ N, 34° 00,00′ E~~

~~- 32° 00,00′ N, 33° 10,00′ E;~~

(3) ~~(c)~~ deep-sea fisheries restricted area 'The Eratosthenes Seamount' bounded by lines joining the ~~following~~ coordinates ⌦ set out in Part E of Annex XI ⌫.:

~~- 33° 00,00′ N, 32° 00,00′ E~~

~~- 33° 00,00′ N, 33° 00,00′ E~~

~~- 34° 00,00′ N, 33° 00,00′ E~~

~~- 34° 00,00′ N, 32° 00,00′ E.~~

Article 122~~11~~

Protection of sensitive habitats

Member States shall ensure that their competent authorities are called upon to protect the deep-sea sensitive habitats in the areas referred to in Article 121~~10~~ from, in particular, the impact of any other activity jeopardising the conservation of the features that characterise those habitats.

↓ 982/2019 Art. 1.4 (adapted)

Section III

⌦ Spatial or ⌫ ~~T~~temporal closures ~~in the Gulf of Gabès~~

Article 123~~11a~~

Temporal closure ~~in the Gulf of Gabès~~

From 1 July to 30 September each year, fishing with bottom trawl nets shall be prohibited between the coast and the 200 metre depth isobath of ~~GFCM geographical subarea~~ ⌦ GSA ⌫ 14 (Gulf of Gabès as ~~defined~~ ⌦ referred to ⌫ in Annex I).

↓ 1343/2011 (adapted)

~~***CHAPTER III***~~

⌦ Section IV ⌫

~~*FISHING*~~⌦ FISHERIES ⌫ GEAR

~~*Article 15*~~

~~Minimum mesh size in the Black Sea~~

~~1. The minimum mesh size for nets used for trawling activities exploiting demersal stocks in the Black Sea shall be 40 mm. Panels of netting smaller than 40 mm mesh size opening shall not be used or kept on board.~~

~~2. Before 1 February 2012, the net referred to in paragraph 1 shall be replaced by a square-meshed net of 40 mm at the cod-end or, at the duly justified request of the ship-owner, by a diamond meshed net of 50 mm with an acknowledged size selectivity equivalent to or higher than that of square-meshed nets of 40 mm at the cod-end.~~

~~3. Member States whose fishing vessels conduct trawling activities exploiting demersal stocks in the Black Sea shall submit to the Commission, for the first time not later than 16 February 2012 and subsequently every 6 months, the list of fishing vessels that conduct such activities in the Black Sea and that are equipped with a square-meshed net of at least 40 mm at the cod-end or diamond meshed nets of at least 50 mm, as well as the percentage that such vessels represent of the whole national demersal trawl fleet.~~

~~The Commission may adopt implementing acts as regards detailed rules for the format and transmission of the information referred to in this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).~~

~~4. The Commission shall forward the information referred to in paragraph 3 to the Executive Secretary of the GFCM.~~

↓ 2102/2015 Art. 1.1 (adapted)

Article 124~~15a~~

Use of trawl nets and gill-nets fisheries in the Black Sea

1. The use of trawl nets shall be prohibited:

(a) within three nautical miles off the coast, provided that the 50 metre isobath is not reached; or

(b) within the 50 metre isobath where the depth of 50 metres is reached at a shorter distance from the coast.

2. Member States may exceptionally authorise their fishing vessels to fish within the zone referred to in paragraph 1 by granting derogations ⌦ in accordance with Article 13 of Regulation (EC) No 1967/2006 ⌫ ~~in accordance with Recommendation GFCM/36/2012/3~~, provided that they duly inform the Commission of any such derogation.

3. Where the Commission considers that a derogation granted in accordance with paragraph 2 does not fulfil the condition set out in that paragraph, it may, subject to providing relevant reasons and after consulting with the Member State concerned, request it to amend that derogation.

4. The Commission shall inform the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ of any derogations granted in accordance with paragraph 2.

5. From 1 January 2015, the monofilament or twines diameter of bottom-set gillnets shall not exceed 0,5 mm.

⇩ new

CHAPTER II

FINANCING CONCERNING CONSERVATION MEASURES RESULTING IN TEMPORARY CESSATION OF FISHING ACTIVITIES

Article 125

Financing concerning conservation measures resulting in temporary cessation of fishing activities

Measures provided for in Articles 5, 6, 19, 28, 38, 47, 61, 69, 85, 97 and 123 of this Regulation, resulting in the temporary cessation of fishing activities, shall be considered as conservation measures within the meaning of point (j) of Article 7(1) of Regulation (EU) 1380/2013 for the purposes of financing the temporary cessation in accordance with point (a) of Article 18(2) of Regulation [XXXX/2021][36] [European Maritime, Fisheries and Aquaculture Fund (EMFAF) complete reference to be included post-adoption].

[36] [European Maritime, Fisheries and Aquaculture Fund (EMFAF) complete reference to be included post-adoption].

↓ 1343/2011 (adapted)

~~*Article 16*~~

~~**Use of towed dredges and trawl nets fisheries**~~

~~The use of towed dredges and trawl nets fisheries at depths beyond 1000 m shall be prohibited.~~

↓ 1343/2011 (adapted)
⇨ new

~~TITLE III~~⌦ CHAPTER III ⌫

CONTROL MEASURES

~~*CHAPTER I*~~⌦ *SECTION I* ⌫

REGISTER OF ⌦ *AUTHORISED* ⌫ *VESSELS*

Article 126~~17~~

Register of authorised vessels

1. Before 1 December of each year, ~~each~~ Member ~~State~~ ⌦ States ⌫ shall send to the Commission, through the accustomed data-processing support, an updated list of the vessels of more than 15 metres in overall length flying its flag and registered in its territory that it authorises to fish in the GFCM Agreement area by issuance of a fishing authorisation.

2. The list indicated in paragraph 1 shall include the following information:

(a) the vessel's ~~EU Fleet Register~~ ⇨ CFR ⇦ number and its external marking, as defined in ⌦ Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register ⌫ ~~Annex I to Regulation (EC) No 26/2004~~;

(b) the period during which fishing and/or transhipment is authorised;

(c) the fishing gears used.

3. The Commission shall send the updated list to the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ before 1 January of each year so that the vessels concerned can be entered on the GFCM register of vessels of more than 15 metres in overall length authorised to fish in the GFCM Agreement area (GFCM register).

4. Any change to be made to the list referred to in paragraph 1 shall be notified to the Commission for transmission to the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫, through the accustomed data-processing support, at least 10 working days before the vessel begins fishing activity in the GFCM Agreement area.

5. EU fishing vessels of more than 15 metres in overall length that are not entered on the list referred to in paragraph 1 shall not fish, retain on board, tranship or land any type of fish or shellfish within the GFCM Agreement area.

6. Member States shall take the necessary measures to ensure that:

(a) only vessels flying their flag that are included in the list referred to in paragraph 1 and that hold on board a fishing authorisation issued by them are permitted, under the terms of the authorisation, to carry out fishing activities in the GFCM Agreement area;

(b) no fishing authorisation is issued to vessels that have carried out illegal, unregulated and unreported fishing (IUU fishing) in the GFCM Agreement area or elsewhere, unless the new owners provide adequate documentary evidence that the previous owners and operators no longer have any legal, beneficial or financial interest in, or exercise any control over, their vessels, or that their vessels neither take part in nor are associated with IUU fishing;

(c) as far as possible, their national legislation prohibits owners and operators of vessels flying their flag that are included in the list referred to in paragraph 1 from taking part in, or being associated with, fishing activities carried out in the GFCM Agreement area by vessels not on the GFCM register;

(d) as far as possible, their national legislation requires owners of vessels flying their flag that are included in the list referred to in paragraph 1 to be nationals or legal entities within the flag Member State;

(e) their vessels comply with all the relevant GFCM conservation and management measures.

7. Member States shall take the necessary measures to prohibit fishing, retention on board, transhipment and landing of fish and shellfish caught in the GFCM Agreement area carried out by vessels of more than 15 metres in overall length that are not on the GFCM register.

8. Member States shall, without delay, communicate to the Commission any information showing that there are strong reasons for suspecting that vessels of more than 15 metres in overall length that are not on the GFCM register are fishing for or transhipping fish and shellfish in the GFCM Agreement area.

↓ 1343/2011 (adapted)

~~CHAPTER II~~ ⌦ Section II ⌫

PORT STATE MEASURES

Article 127~~18~~

Scope

This ~~Chapter~~ ⌦ section ⌫ shall apply to third-country fishing vessels.

Article 128~~19~~

Prior notice

By way of derogation from Article 6(1) of Regulation (EC) No 1005/2008, the period for prior notification shall be at least 72 hours before the estimated time of arrival at the port.

Article 129~~20~~

Port inspections

1. Notwithstanding Article 9(1) of Regulation (EC) No 1005/2008, Member States shall carry out inspections in their designated ports of at least 15 % of landings and transhipment operations each year.

2. Notwithstanding Article 9(2) of Regulation (EC) No 1005/2008, fishing vessels that enter into a Member State's port without prior authorisation shall be inspected in all cases.

Article 130~~21~~

Inspection procedure

In addition to the requirements provided for in Article 10 of Regulation (EC) No 1005/2008, port inspections shall comply with the requirements set out in Annex II to this Regulation.

Article 131~~22~~

Denial of use of port

1. Member States shall not allow a third-country vessel to use their ports for landing, transhipping or processing fisheries products caught in the GFCM Agreement area and shall deny it access to port services, including, inter alia, refuelling and re-supplying services, if the vessel:

(a) does not comply with the requirements of this Regulation;

(b) is included in a list of vessels that have engaged in, or have supported, IUU fishing adopted by a regional fisheries management organisation; or

(c) does not have a valid authorisation to engage in fishing or fishing-related activities in the GFCM Agreement area.

By way of derogation from the first subparagraph, nothing shall prevent Member States from allowing, in situations of *force majeure* or distress within the meaning of Article 18 of the United Nations Convention on the Law of the Sea[37], a third-country vessel from using their ports for services strictly necessary to remedy such situations.

2. Paragraph 1 shall apply in addition to the provisions on denial of use of port provided for by Article 4(2) and Article 37(5) and (6) of Regulation (EC) No 1005/2008.

3. Where a Member State has denied the use of its ports to a third-country vessel in accordance with paragraph 1 or 2, it shall promptly notify the master of the vessel, the flag State, the Commission and the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ of such action.

4. Where the grounds for denial referred to in paragraph 1 or 2 no longer apply, the Member State shall withdraw its denial and notify the addressees referred to in paragraph 3 of that withdrawal.

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37 ~~OJ L 179, 23.6.1998, p. 3.~~

⇩ new

SECTION III

IUU

Article 132

Reporting obligation of presumed IUU activity

[New article. Recommendation GFCM/33/2009/8 provision 3 and 8]

1. Without prejudice to Article 48(8) of Regulation (EC) No 1005/2008, the Member States shall submit to the Commission, at least 140 days before the GFCM Annual Session, the following information:

(a) information on vessels presumed to be carrying out IUU fishing activities in the GFCM Agreement area during the current and previous year;

(b) evidence reported by Member States supporting the presumption of IUU fishing activity.

The Commission shall transmit this information every year to the GFCM Secretariat, at least 120 days before the GFCM Annual Session.

2. Where appropriate, the Commission shall forward to the GFCM Secretariat at least 120 days before the GFCM Annual Session any additional information received from Member States and which might be relevant for the establishment of the IUU vessel list.

[Recommendation GFCM/43/2019/8 provision 2]

3. Without prejudice to the information required in Article 29 (1) of Council Regulation (EC) No 1005/2008, the information referred to in paragraphs 1 and 2 shall contain the following details, where available:

(a) name of vessel and previous name(s);

(b) flag of vessel and previous flag(s);

(c) name and address of the vessel owner and previous owners, including beneficial owners;

(d) owners' place of registration;

(e) vessel operator and previous operator(s);

(f) vessel call sign and previous call sign;

(g) IMO number;

(h) maritime, mobile service identity (MMSI) number;

(i) length overall;

(j) photographs of the vessel;

(k) date vessel was first included in the GFCM IUU list;

(l) date of alleged IUU fishing activity;

(m) position of alleged IUU fishing activity;

(n) summary of activities which justify the inclusion of the vessel on the list, together with references to all relevant documents informing and evidencing these activities; and

(o) outcome of any action undertaken.

Article 133

Alleged non-compliance reported by the GFCM Secretariat

[New article. Recommendation GFCM/33/2009/8 provision 4]

1. If the Commission receives from the GFCM Secretariat any evidence supporting the presumption of IUU fishing activities by a fishing vessel flying the flag of a Member State, the Commission shall, without delay, transmit that information to the Member State concerned.

2. The Member State concerned may provide the Commission with evidence, at least 45 days before the GFCM annual session, including evidence showing that the listed vessels have not fished in contravention to GFCM conservation and management measures or had the possibility of fishing in the GFCM area of application. The Commission shall forward that information to the GFCM Secretariat at least 30 days before the GFCM annual session.

Article 134

Draft GFCM IUU list

[New article. Recommendation GFCM/33/2009/8 provision 5]

Upon receipt of the draft IUU vessel list from the GFCM Secretariat, Member States shall closely monitor the vessels included in the draft IUU list and determine their activities and possible changes of name, flag and/or registered owner.

↓ 1343/2011 (adapted)

⌦ *CHAPTER IV* ⌫ ~~TITLE IV~~

COOPERATION, INFORMATION AND REPORTING

Article 135~~23~~

Cooperation and information

1. The Commission and Member States shall cooperate and exchange information with the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ , in particular by:

(a) requesting information from, and providing information to, relevant databases;

(b) requesting cooperation and cooperating in order to promote the effective implementation of this Regulation.

2. Member States shall ensure that their national fisheries-related information systems allow for the direct electronic exchange of information on port state inspections referred to in ⌦ Section II, Chapter II of ⌫ Title III between them and the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫, taking due account of appropriate confidentiality requirements.

3. Member States shall take measures to share, by electronic means, information among relevant national agencies and to coordinate the activities of such agencies in the implementation of the measures set out in Chapter II of Title III.

4. Member States shall establish a list of contact points for the purpose of this Regulation, which shall be transmitted electronically, without delay, to the Commission and to the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ and the contracting parties of the GFCM.

5. The Commission may adopt implementing acts as regards detailed rules for cooperation and the exchange of information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 143~~25~~(2).

↓ 2102/2015 Art. 1.4 (adapted)

Article 136~~23a~~

~~Reporting of relevant data~~ ⌦ Format and transmission of information ⌫ to the Commission

~~3 Member States shall communicate to the Commission any changes to the list of ports designated for landing catches of red coral in accordance with paragraph 5 of Recommendation GFCM/36/2012/1.~~

~~5. Member States shall inform the Commission of any changes made to the maps and lists of geographical positions which identify the location of caves of monk seals as referred to in paragraph 6 of Recommendation GFCM/35/2011/5.~~

~~7.~~ The Commission may adopt implementing acts in respect of the format and transmission of the information referred to in ⌦ Article 52, Article 109 and Article 108 ⌫ paragraphs 1, 3, 4 and 5. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 143~~25~~(2).

↓ 982/2019 Art. 1.11(b)

~~8.Each Member State shall submit a detailed report of its fishing activities regarding red coral 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 dives and the average catch per dive.~~

↓ 1343/2011 (adapted)

Article 137~~24~~

Reporting of statistical matrices

1. Member States shall submit before 1 May of each year to the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ the data for Tasks 1.1, 1.2, 1.3, 1.4 and 1.5 of the GFCM statistical matrix as set out in ~~Section C of~~ Annex III.

2. For the submission of data referred to in paragraph 1, Member States shall use the GFCM data-entry system or any other appropriate data submission standard and protocol that

is set by the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ and that is available on the GFCM website.

3. Member States shall inform the Commission of the data submitted on the basis of this Article.

The Commission may adopt implementing acts as regards detailed rules for the format and transmission of data referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 143~~25~~(2).

⇩ new

Article 138

[New article. Recommendation GFCM/42/2018/10 provision 2, 4 and 6]

Access to information and data related to monitoring, control and surveillance within the framework of joint inspection and surveillance schemes

1. This Article shall apply to Member States engaged in pilot projects or international schemes for joint inspection and surveillance in the GFCM area of application.

2. Member States shall ensure the secure treatment of the information, data, reports and messages related to monitoring, control and surveillance within the framework of joint inspection and surveillance schemes.

3. This Article is without prejudice to the obligations of Member States relating to their processing of personal data under Union law.

CHAPTER V

REGIONAL RESEARCH PROGRAMS

Section I

Blue Crab in the Mediterranean

Article 139

[New article. Recommendation GFCM/42/2018/7 provision 1, 2, 3, 5 and 6]

Regional research programme

Member States with fishing vessels engaged in commercial fishing activities exploiting blue crab (*Portunus segnis* and *Callinectes sapidus*) in the Mediterranean shall participate in the regional research programme aiming for the sustainable exploitation of blue crab in the Mediterranean (hereafter "regional research programme for blue crab") with the purpose of ensuring socio-economic sustainability.

Article 140

[New article. Recommendation GFCM/42/2018/7 provision 11]

Scientific monitoring

Member States with fishing vessels engaged in commercial fishing activities targeting blue crab shall establish an adequate scientific monitoring of blue crab catches in the Mediterranean Sea which facilitates the implementation of the regional research programme on the following:

(1) deployed fishing effort and overall catch levels at the national level; and

(2) biological and socio-economic effects of alternative management scenarios and technical measures, as identified by Member States.

Section II

Rapa whelk in the Black Sea

Article 141

[New article. Recommendation GFCM/42/2018/9 provision 1, 2, 3,5 and 6]

Regional research programme

Member States with fishing vessels engaged in commercial fishing activities exploiting the rapa whelk in GSA 29 shall participate in the regional research programme aiming at the sustainable exploitation of rapa whelk (*Rapana venosa*) in the Black Sea (hereafter "regional research programme for rapa whelk") with the purpose of ensuring socio-economic sustainability.

Article 142

[New article. Recommendation GFCM/42/2018/9 provision 10]

Scientific monitoring

Member States with fishing vessels engaged in commercial fishing activities targeting rapa whelk shall monitor of rapa whelk catches in the Black Sea and facilitate the implementation of the regional research programme and the work of GFCM Working Group on Black Sea on the following:

(1) deployed fishing effort and overall catch levels at the national level;

(2) data on overall bycatch quantities by fishing gear and species, excluding scuba diving;

(3) biological and socio-economic effects of alternative management scenarios and technical measures, as identified by Member States; and

(4) possible spatial or temporal closures in order to preserve fisheries sustainability.

↓ 1343/2011 (adapted)

TITLE V

FINAL PROVISIONS

Article 143~~25~~

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 30(1) of Regulation (EC) No 2371/2002[38]. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011[39].

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 144~~26~~

Delegation of powers

~~As far as is necessary, in order to implement in Union law amendments that become obligatory for the Union to existing GFCM measures that have already been implemented in Union law,~~ ~~t~~The Commission ~~shall be~~ ⌦ is ⌫ empowered to adopt delegated acts ⌦ amending or supplementing this Regulation, in accordance with Article 145, concerning measures adopted by the GFCM⌫ ~~, in accordance with Article 27, in order to amend the provisions of this Regulation~~ in respect of the following:

(1~~a~~) the provision to the ~~Executive Secretary of the~~ GFCM ⌦ Secretariat ⌫ of information under Article 124(4)~~15(4)~~;

(2~~b~~)the ~~transmission of the~~ list of authorised vessels to ⌦ be transmitted to the GFCM Secretariat under Article 126, Article 10, Article 17, Article 26, Article 36, Article 63(3), Article 72, Article 81(2) and Article 89⌫ ~~the Executive Secretary of the GFCM under Article 17~~;

⇩ new

(3) the derogations to conservation measures for red coral under Article 43(2);

(4) the implementation of the permanent catch certification scheme for red coral under Article 57;

🡻 1343/2011

(5~~c~~) port state measures set out in Articles 127~~18~~ to 131~~22~~;

(6~~d~~) cooperation, information and reporting set out in Articles 135~~23~~ and 136~~24~~;

🡻 1343/2011 (adapted)
➔1 2102/2015 Art. 1.5(a)
➔2 2102/2015 Art. 1.5(b)

(7~~e~~) the table, the map and the geographical coordinates of ~~GFCM Geographical Sub-Areas (GSAs)~~ ⌦ GSAs ⌫ set out in Annex I;

(8~~f~~) port state inspection procedures for vessels set out in Annex II; and

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38 Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (OJ L 358, 31.12.2002, p.59).

39 Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(9~~8~~) GFCM statistical matrices set out in Annex III.

Article 145~~27~~

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in ➔1 Article~~s~~ ⌦ 144 ⌫ ~~16b, 16c and 26~~ ➔ shall be conferred on the Commission for a period of 3 years from ⌦ the date of entry into force of this Regulation ⌫ ➔2 ~~28 November 2015~~ ➔. The Commission shall draw up a report in respect of the delegation of power not later than 6 months before the end of the three-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.

3. The delegation of powers referred to in ➔1 Article~~s~~ ⌦ 144 ⌫ ~~16b, 16c and 26~~ ➔ may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of the delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to ➔1 Article~~s~~ ⌦ 144 ⌫ ~~16b, 16c and 26~~ ➔ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.

~~*Article 28*~~

~~Amendments to Regulation (EC) No 1967/2006~~

~~Regulation (EC) No 1967/2006 is hereby amended as follows:~~

~~(1) in Article 4, paragraph 3 is deleted;~~

~~(2) in Article 9, paragraph 3 is replaced by the following:~~

~~'3. For towed nets, other than those referred to in paragraph 4, the minimum mesh size shall be at least:~~

~~(a) a square-meshed net of 40 mm at the cod-end; or~~

~~(b) at the duly justified request of the ship owner, a diamond-meshed net of 50 mm of an acknowledged size selectivity that is equivalent to or higher than that of nets referred to under point (a).~~

~~Fishing vessels shall be authorised to use and keep on board only one of the two types of nets.~~

~~The Commission shall submit a report on the implementation of this paragraph to the European Parliament and the Council by 30 June 2012, on the basis of which, as well~~

~~as on the basis of the information supplied by Member States before 31 December 2011, it shall propose due amendments where appropriate.';~~

~~(3)~~ ~~Article 24 is deleted;~~

~~(4)~~ ~~in Article 27, paragraphs 1 and 4 are deleted.~~

↓

Article 146

Repeal

Regulation (EU) No 1343/2011 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XV.

↓ 1343/2011

Article 147~~29~~

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*