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**COVER NOTE**

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2025) 4706 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... amending Delegated Regulation (EU) 2017/118 as regards conservation measures in the Dogger Bank and in some areas in the Kattegat

Delegations will find attached document C(2025) 4706 final.

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Brussels, 16.7.2025  
C(2025) 4706 final

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 16.7.2025**

**amending Delegated Regulation (EU) 2017/118 as regards conservation measures in the  
Dogger Bank and in some areas in the Kattegat**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Article 11 of Regulation (EU) No 1380/2013<sup>1</sup> empowers the Commission to adopt delegated acts on fisheries conservation measures that are necessary for the purpose of Member States complying with certain obligations under Union environmental legislation. According to the relevant provisions of EU Nature directives (Habitats<sup>2</sup> and Birds<sup>3</sup> Directives), Member States are required to designate respectively special areas of conservation and special protection areas to protect habitats and species of EU interest. These areas form the European ecological network Natura 2000. Member States have to establish the necessary conservation measures to reach the sites' conservation objectives and take appropriate steps to avoid the deterioration of the natural habitats and significant disturbance of species for which the sites have been designated. Such measures shall correspond to the ecological requirements of the natural habitats and species present on the site, and may include measures related to fisheries.

According to the Marine Strategy Framework Directive (MSFD<sup>4</sup>), Member States shall take the necessary measures to achieve or maintain good environmental status. When Member States consider that certain fisheries conservation measures are required to comply with their obligations under Article 13(4) of the MSFD, Article 4 of the Birds Directive or Article 6 of the Habitats Directive, these measures have to be adopted in accordance with the rules of the common fisheries policy (CFP).

Delegated Regulation (EU) 2017/118<sup>5</sup> established fisheries conservation measures in certain areas of the North Sea. Following the joint recommendations submitted, this delegated regulation should be amended to introduce the new proposed measures.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

#### **Dogger Bank**

The North Sea Member States (Belgium, Germany, Denmark, France, Netherlands and Sweden) began discussions to propose conservation measures for the Dogger Bank in 2008. Stakeholders have been involved throughout the years in different consultations and ad-hoc meetings, both at national and EU level. Since 2011, the North Sea Advisory Council (NSAC) has issued several opinions and position papers that gather the different positions of the Other Interest Groups (OIG) and the fishing industry, as well as recommendations to improve the

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<sup>1</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22–61, ELI: <https://eur-lex.europa.eu/eli/reg/2013/1380/oj/eng>).

<sup>2</sup> 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. 7–50, , ELI: <https://eur-lex.europa.eu/eli/dir/1992/43/oj/eng>).

<sup>3</sup> 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. 7–25, <https://eur-lex.europa.eu/eli/dir/2009/147/oj/eng>).

<sup>4</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19–40, ELI: <https://eur-lex.europa.eu/eli/dir/2008/56/oj/eng>).

<sup>5</sup> Commission Delegated Regulation (EU) 2017/118 of 5 September 2016 establishing fisheries conservation measures for the protection of the marine environment in the North Sea (OJ L 19, 25.1.2017, p. 10–25, ELI: [https://eur-lex.europa.eu/eli/reg\\_del/2017/118/oj](https://eur-lex.europa.eu/eli/reg_del/2017/118/oj)).

process of regionalisation<sup>6</sup>. The Commission has been involved in numerous technical meetings with the Member States and stakeholders since 2008, which were subsequently framed in the context of regionalisation from 2013 onwards.

On 17 June 2019, the North Sea Member States, with Germany and the Netherlands as initiating Member States, presented an initial joint recommendation as regards conservation measures in parts of the German and Dutch areas of the Dogger Bank Natura 2000 sites “Doggerbank” DE1003301 and “Doggersbank” NL2008001. The aim was to protect sandbanks (habitat type H1110) from mobile bottom contacting gears. Following the STECF assessment of the initial joint recommendation<sup>7</sup>, on 19 October 2023, the North Sea Member States submitted an updated joint recommendation in which the management measures and the control and enforcement measures were partially updated in line with the STECF assessment of the initial joint recommendation.

The STECF issued a positive assessment of the updated joint recommendation during its plenary of 11-15 March 2024<sup>8</sup>.

The updated joint recommendation contains measures to protect sandbanks. Beam trawls, bottom otter trawls, dredges and seines are banned from some parts within the Natura 2000 sites. The goal is to reduce the pressure on the benthic habitat from mobile bottom contacting fishing gears for the purpose of complying with the obligations under Article 6 of the Habitats Directive.

The updated joint recommendation also contains specific control and enforcement measures that are necessary to ensure proper implementation of the management measures.

### **Kattegat areas**

On 11 July 2024, the North Sea Member States, with Sweden as initiating Member State, submitted to the Commission a joint recommendation regarding the protection of harbour porpoise and seabirds in the marine protected areas of Stora Middelgrund och Röde bank (SE0510186), Fladen (SE0510127), Lilla Middelgrund (SE0510126) and Morups bank (SE0510187) in the Kattegat.

The joint recommendation proposes to remove the possibility to fish with gillnets and trammel nets in fishing restricted areas provided that operators join a national monitoring programme with remote electronic monitoring (REM), including cameras on board. Delegated Regulation (EU) 2022/952<sup>9</sup> required Member States concerned to review the data on incidental catches of harbour porpoise and seabirds by 31 December 2024 at the latest. However, no fisheries have taken place under the monitoring programme.

The STECF assessed this specific fishery for gillnets and trammel nets in fishing restricted areas in its plenary of 22-26 March 2021 and, although it questioned<sup>10</sup> its suitability, noted the possibility to review it after three years of application. This measure was part of a wider joint recommendation submitted in 2021 that contained several measures on which the STECF

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<sup>6</sup> <https://www.nsrac.org/wp-content/uploads/2020/06/09-1920-NSAC-Advice-on-Dogger-Bank-Process.pdf>

<sup>7</sup> European Commission, Joint Research Centre, Sala, A., Ulrich, C., Review of joint recommendations for Natura 2000 sites at Dogger Bank, Cleaver Bank, Frisian Front and Central Oyster grounds (STECF-19-04), Sala, A.(editor), Ulrich, C.(editor), Publications Office, 2019, <https://data.europa.eu/doi/10.2760/422631>

<sup>8</sup> [https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf-plen-24-01\\_20240405](https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf-plen-24-01_20240405)

<sup>9</sup> Commission Delegated Regulation (EU) 2022/952 of 9 February 2022 amending Delegated Regulation (EU) 2017/118 establishing fisheries conservation measures for the protection of the marine environment in the North Sea. OJ L 165, 21.6.2022, p. 1–22.

<sup>10</sup> <https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf-plen-21-01>

concluded that, overall, they represented a positive step forward towards minimising the negative impacts of fishing activities on the habitats concerned.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

#### **Summary of the action**

The main legal action is to adopt measures that are necessary for the Member States to comply with their obligations under Union environmental law.

#### **Legal basis**

Article 11(2) of Regulation (EU) No 1380/2013.

# COMMISSION DELEGATED REGULATION (EU) .../...

of 16.7.2025

## amending Delegated Regulation (EU) 2017/118 as regards conservation measures in the Dogger Bank and in some areas in the Kattegat

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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<sup>11</sup>, and in particular Article 11(2) thereof,

Whereas:

- (1) Pursuant to Article 11(1) of Regulation (EU) No 1380/2013, Member States are empowered to adopt fisheries conservation measures in their waters that are necessary to comply with their obligations under Article 6 of Council Directive 92/43/EEC ('Habitats Directive')<sup>12</sup>, Article 4 of Directive 2009/147/EC of the European Parliament and of the Council ('Birds Directive')<sup>13</sup> and Article 13(4) of Directive 2008/56/EC of the European Parliament and of the Council ('Marine Strategy Framework Directive')<sup>14</sup>.
- (2) Article 6 of the Habitats Directive requires Member States to establish the necessary conservation measures for special areas of conservation which correspond to the ecological requirements of those natural habitat types and species protected in the sites. It also requires Member States to take appropriate steps to avoid the deterioration of natural habitats and species habitats, as well as significant disturbance of the species for which the areas have been designated.
- (3) Article 4 of the Birds Directive requires Member States to establish special conservation measures concerning the habitat of the species listed in its Annex I. It also requires Member States to take similar conservation measures for regularly occurring migratory species not listed in its Annex I.

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<sup>11</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22, ELI: <https://eur-lex.europa.eu/eli/reg/2013/1380/oj/eng>).

<sup>12</sup> 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, ELI: <https://eur-lex.europa.eu/eli/dir/1992/43/oj/eng>).

<sup>13</sup> 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, ELI: <https://eur-lex.europa.eu/eli/dir/2009/147/oj/eng>).

<sup>14</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19, ELI: <https://eur-lex.europa.eu/eli/dir/2008/56/oj/eng>).

- (4) In accordance with Article 13(4) of the Marine Strategy Framework Directive, Member States are to adopt programmes of measures to achieve or maintain good environmental status, including spatial protection measures that contribute to coherent and representative networks of marine protected areas, and adequately cover the diversity of the constituent ecosystems, such as special areas of conservation pursuant to Directive 92/43/EEC, special protection areas pursuant to the Directive 2009/147/EC and marine protected areas as agreed by the Union or Member States concerned in the framework of international or regional agreements to which they are parties.
- (5) Pursuant to Article 11(2) of Regulation (EU) No 1380/2013, where a Member State considers that measures need to be adopted to comply with the obligations under Union environmental legislation referred to in Article 11(1) of Regulation (EU) No 1380/2013 and other Member States have a direct management interest in the fishery to be affected by such measures, the Commission is empowered to adopt such measures by means of delegated acts upon a joint recommendation submitted by the Member States.
- (6) Commission Delegated Regulation (EU) 2017/118<sup>15</sup> establishes conservation measures for the protection of the marine environment in certain marine protected areas in the North Sea.
- (7) On 19 October 2023, Germany and the Netherlands (initiating Member States), together with Belgium, Denmark, France and Sweden, submitted to the Commission a joint recommendation regarding conservation measures in the German and Dutch areas of the Dogger Bank, in Natura 2000 sites “Doggerbank” (DE1003301) and “Doggersbank” (NL2008001).
- (8) The joint recommendation proposes conservation measures to protect sandbanks (habitat type H1110) from the impact of mobile bottom contacting gear by prohibiting mobile bottom trawls and seines in specific areas within these Natura 2000 sites.
- (9) The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed the joint recommendation at its plenary session of 11-15 of March 2024<sup>16</sup>.
- (10) The STECF concluded that the proposed conservation measures in the Dogger Bank may contribute towards ensuring that the habitats and species addressed in the joint recommendation are maintained and restored at favourable conservation status, and represent a positive step forward towards: (i) minimising the negative impacts of fishing activities on certain habitats and their biological communities, and (ii) ensuring that fisheries activities avoid the degradation of the marine environment as stipulated in Article 2(3) of Regulation (EU) No 1380/2013.
- (11) The joint recommendation also extends the prohibition to seiners in both the management areas of Germany and the Netherlands. The STECF stressed that the inclusion of all the gear groups in the management measures is necessary to minimise the negative impacts of fishing and avoid the fishery-based degradation of the marine environment.

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<sup>15</sup> Commission Delegated Regulation (EU) 2017/118 of 5 September 2016 establishing fisheries conservation measures for the protection of the marine environment in the North Sea (OJ L 19, 25.1.2017, p. 10 ELI: [https://eur-lex.europa.eu/eli/reg\\_del/2017/118/oj](https://eur-lex.europa.eu/eli/reg_del/2017/118/oj)).

<sup>16</sup> European Commission, Joint Research Centre, Scientific, Technical and Economic Committee for Fisheries 75th Plenary Report (STECF-PLN-24-01), Rihan, D. and Doerner, H. editor(s), Publications Office of the European Union, Luxembourg, 2024, <https://data.europa.eu/doi/10.2760/82418, JRC137730>.

- (12) The joint recommendation also proposes control and enforcement measures. The STECF noted that the joint recommendation had taken into account previous STECF recommendations and concluded that these control and enforcement measures appear adequate and sufficient to ensure a proper enforcement of the measures proposed for the management zones. Some of the control measures proposed, however, are already a legal obligation and are therefore not included in this delegated regulation.
- (13) The conservation status of the site is still assessed as unfavourable and, according to the data submitted by the Member States, fishing activities have distorted the species composition towards smaller and short-lived species.
- (14) The Commission therefore considers that the measures proposed in the joint recommendation will contribute to minimising the negative impacts of fishing activities in the EU waters of the Dogger Bank Natura 2000 sites.
- (15) Article 3(3)(d) of Delegated Regulation (EU) 2017/118 establishes a derogation from the fishing prohibition in the fishing restricted areas of Stora Middelgrund och Röde bank (SE0510186), Fladen (SE0510127), Lilla Middelgrund (SE0510126) and Morups bank (SE0510187) in the Kattegat area for gillnets and trammel nets, provided that fishing vessels take part in a national monitoring and assessing programme conducted by or on behalf of the national authorities to evaluate the bycatch of harbour porpoise and seabirds by use of remote electronic monitoring, including the use of on-board closed-circuit television cameras and position data. Article 3(3)(d) also required Sweden to review the data on incidental catches of harbour porpoise and seabirds annually for a final assessment by 31 December 2024.
- (16) That derogation was established following its assessment by the STECF in its plenary of 22-26 March 2021<sup>17</sup>. Although the STECF questioned the suitability of the derogation, it noted the possibility to review it after three years of application. That derogation was part of a wider joint recommendation submitted in 2021 that contained several measures on which the STECF had concluded that overall, they represented a positive step forward towards minimising the negative impacts of fishing activities on the habitats concerned.
- (17) On 11 July 2024, the North Sea Member States, with Sweden as initiating Member State, submitted to the Commission a joint recommendation proposing the removal of this derogation as no fisheries have taken place under the monitoring programme, and because there is new data demonstrating the poor status of the Belt Sea population.
- (18) The Commission considers that, for the reasons set out in recital (16) above, it is pertinent to remove the derogation for gillnets and trammel nets.
- (19) Delegated Regulation (EU) 2017/118 should therefore be amended accordingly.
- (20) This Delegated Regulation is without prejudice to the need for additional conservation measures necessary to comply with the relevant provisions of the Birds, Habitats and Marine Strategy Framework Directives and the Commission's position regarding compliance by the interested Member States with their obligations under the relevant Union environmental legislation,

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<sup>17</sup> Scientific, Technical and Economic Committee for Fisheries (STECF) – 66th Plenary Report (PLEN-21-01). EUR 28359 EN, Publications Office of the European Union, Luxembourg, 2021, ISBN 978-92-76-36151-0 (online), doi:10.2760/437609 (online), JRC124902.



HAS ADOPTED THIS REGULATION:

*Article 1*

Delegated Regulation (EU) 2017/118 is amended as follows:

(1) Article 3 is amended as follows:

(a) Point 1(a) is replaced by the following:

‘(a) in areas 1(1) to 1(15), except for the respective alert zones 1(10.az), 1(11.az), 1(12.az) and 1(13.az), 1(14.az) and 1(15.az), the following gears shall be prohibited: bottom trawl (TB), beam trawl (TBB), bottom otter trawl (OTB), otter twin trawl (OTT), bottom pair trawl (PTB), nephrops trawl (TBN), shrimp trawl (TBS), seine (SX), Danish anchor seine (SDN), Scottish seine (SSC), Scottish pair seine (SPR), boat or vessel seine (SV), except for fishing activities with beam trawls and bobbin ropes with mesh size between 16 and 31 mm (TBB\_CRU\_16-31) in the traditional fishery targeting brown shrimp (*Crangon spp.*) in area 1(10)(b);

(b) Point 1(b) is replaced by the following:

‘in addition, in areas 1(10) to 1(15), except for the respective alert zones 1(10.az), 1(11.az), 1(12.az), 1(13.az), 1(14.az) and 1(15.az) the following gears shall be prohibited: boat dredge (DRB) and mechanised dredge including suction dredge (HMD)’;

(c) Point 3(d) is deleted.

(2) Article 4 is amended as follows:

(a) Paragraph 1 is replaced by the following:

‘1. Fishing vessels carrying on board any mobile bottom contacting gear that are not authorised to fish in areas 1(1) to 1(15), including the respective alert zones 1(12.az), 1(13.az), 1(14.az) and 1(15.az), and fishing vessels carrying on board gillnets and entangling nets that are not authorised to fish in areas 4(1) to 4(4), may transit across those respective areas provided that these gears be lashed and stowed during the transit in accordance with the conditions laid down in Article 47 of Regulation (EC) No 1224/2009.’

(b) Paragraph 3 is replaced by the following:

3. The speed during transit for all fishing vessels that are not authorised to fish in areas 1(10) to 1(15), including the respective alert zones 1(12.az), 1(13.az), 1(14.az) and 1(15.az), area 2(28) and areas 4(1) to 4(3), shall not be less than six knots except in case of force majeure, in accordance with Article 50(3)(b) of Regulation (EC) No 1224/2009.

(3) Article 5, paragraph 2, point c is replaced by the following:

(c) carrying on board any prohibited gear and travelling under six knots in areas 1(12) to 1(15) (Annex I), including the respective alert zones 1(12.az), 1(13.az), 1(14.az) and 1(15.az). In areas 1(14), 1(15) and the alert zones 1(14.az) and 1(15.az), VMS data can also be transmitted via GPRS (General Packet Radio Service) or GSM (Global System for Mobile Communication).

(4) Article 6 is replaced by the following:

‘Review

From 8 March 2023, Member States concerned shall monitor, assess and report on the implementation of the measures set out in Articles 3, 4 and 5, every three years for measures in areas 4(1) and 4(4) (Annex VI) under the Birds Directive, and every six years for measures in areas 1(10) to 1(13) (Annex I), area 2(28) (Annex II) and areas 4(2) and 4(3) (Annex VI) under the Habitats Directive and the Marine Strategy Framework Directive.

Member States shall review the measures in areas 1(14) and 1(15) six years after their entry into force'.

- (5) Annex I is amended in accordance with the Annex to this Regulation.

#### *Article 2*

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

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

Done at Brussels, 16.7.2025

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*