

Brussels, 2 March 2026
(OR. en)

6879/26

DELECT 41
PECHE 74

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	27 February 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2026) 1240 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... amending Regulation (EU) 2019/1241 as regards the establishment of measures to ensure compliance with existing mitigation measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (<i>Phocoena phocoena</i>) in the Baltic Sea

Delegations will find attached document C(2026) 1240 final.

Encl.: C(2026) 1240 final



Brussels, 27.2.2026
C(2026) 1240 final

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

of 27.2.2026

amending Regulation (EU) 2019/1241 as regards the establishment of measures to ensure compliance with existing mitigation measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Article 3(2)(b) of Regulation (EU) 2019/1241¹ provides that technical measures are to contribute, *inter alia*, to achieving the objective of ensuring that incidental catches of sensitive marine species, including those listed under Directives 92/43/EEC² and 2009/147/EC³, that are a result of fishing, are minimised and where possible eliminated so that they do not represent a threat to the conservation status of these species.

Article 15(2) of Regulation (EU) 2019/1241 empowers the Commission to adopt delegated acts to take into account regional specificities of the relevant fisheries, by amending, supplementing, repealing or derogating from the technical measures set out in the Annexes, in accordance with Article 29 of that Regulation and Article 18 of Regulation (EU) No 1380/2013⁴.

Annex XIII to Regulation (EU) 2019/1241 sets out technical measures established at regional level for sensitive species, including cetaceans by detailing restricted areas, periods and gear limitations. Point 4 of that annex requires Member States to monitor and assess the effectiveness of the mitigation measures under that annex.

The harbour porpoise (*Phocoena phocoena*) is a strictly protected species according to Annex IV to Directive 92/43/EEC, which lists all cetaceans as species of Union interest in need of strict protection, and it is listed in Annex II to that Directive as species of Union interest whose conservation requires the designation of special areas of conservation.

According to ICES, harbour porpoise is the only resident cetacean species in the Baltic Sea, with two distinct populations: the Baltic Proper population and the Belt Sea population. The Baltic Proper population remains categorised as Critically Endangered on the International Union for Conservation of Nature (IUCN) red list and is estimated to consist of fewer than 500 individuals. The Belt Sea population has a higher abundance, estimated at over 14 000 individuals. The two populations overlap in the western Baltic Sea primarily during the wintertime, while there is a clear spatial separation between the two populations during the reproduction period in summer⁵.

¹ 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, ELI: <http://data.europa.eu/eli/reg/2019/1241/oj>).

² 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: <http://data.europa.eu/eli/dir/1992/43/oj>).

³ 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: <http://data.europa.eu/eli/dir/2009/147/oj>).

⁴ 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: <http://data.europa.eu/eli/reg/2013/1380/oj>).

⁵ ICES (2024). EU request on support for the implementation of the Action Plan – harbour porpoise in the Baltic Sea (Baltic Proper). Replaced.. ICES Advice: Special Requests. Report. <https://doi.org/10.17895/ices.advice.27967035.v3>

On 15 December 2021, the Commission adopted Delegated Regulation (EU) 2022/303⁶ amending Regulation (EU) 2019/1241 as regards measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea.

As was reflected in recital 18 of Delegated Regulation (EU) 2022/303, Member States committed in the joint recommendation submitted in December 2020 to agree on more detailed control measures linked to the control of the mitigation measures adopted by that Regulation.

On 29 April 2022, the BALTFISH requested the BALTFISH Control Expert Group to propose control measures to ensure compliance with the provisions and areas covered by Regulation (EU) 2022/303. The Control Expert Group was tasked to propose control measures that should at least define the means to determine vessel position, the minimum frequency of signals to ensure provision of the vessel position data with relevant accuracy.

The Control Expert Group met on 15 June and 31 August 2022 to address the request from the BALTFISH. The Control Expert Group presented a final recommendation to the High Level Group on 21 June 2023.

On that basis, the BALTFISH submitted on 27 June 2023 a joint recommendation for more detailed control measures linked to the control of the mitigation measures adopted by Delegated Regulation (EU) 2022/303.

The proposed measures entail increasing the transmission of vessel position data to 10 minutes and controlling all vessels present in the areas as listed in Annex XIII, Part A, points 3.1 to 3.4, to Regulation (EU) 2019/1241, when restrictions or prohibitions on fishing with static nets apply.

The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed positively previous joint recommendations that included the same control measures for Natura 2000 sites^{7,8} and concluded that, if implemented as intended, these control measures appear appropriate for effective at sea monitoring of Natura 2000 sites. In previous assessments, the STECF had recommended developing specific control measures for these specific sites, given their usually small size and the risk that fishing could take place without being detected^{9,10}.

⁶ Commission Delegated Regulation (EU) 2022/303 of 15 December 2021 amending Regulation (EU) 2019/1241 as regards measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea (OJ L 46, 25.2.2022, p. 67, ELI: http://data.europa.eu/eli/reg_del/2022/303/oj).

⁷ Scientific, Technical and Economic Committee for Fisheries (STECF) – 71st Plenary report (STECF-PLN-22-03). Publications Office of the European Union, Luxembourg, 2023, doi:10.2760/016673, JRC132078.

⁸ European Commission: Joint Research Centre, Scientific, Technical and Economic Committee for Fisheries 77th plenary report (STECF-PLN-24-03), Nord, J. and Doerner, H. editor(s), Publications Office of the European Union, Luxembourg, 2024, <https://data.europa.eu/doi/10.2760/2392535>, JRC140580.

⁹ Scientific, Technical and Economic Committee for Fisheries (STECF) – 55th Plenary Meeting Report (PLN-17-02); Publications Office of the European Union, Luxembourg; EUR 28359. EN; doi:10.2760/53335.

¹⁰ Review of Joint Recommendations for Natura 2000 sites at Dogger Bank, Cleaver, Bank, Frisian Front and Central Oyster grounds (STECF-19-04). Publications Office of the European Union, Luxembourg, 2019, ISBN 978-92-76-11227-3, doi:10.2760/422631, JRC117963.

In 2025, ICES identified gillnets and trammel nets (static nets) as the gears with the highest risk of incidental catches of harbour porpoise¹¹ and reiterated the need to improve monitoring of the population and fishing effort data.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

On 24 March 2023, the Baltic Sea Advisory Council (BSAC) issued an opinion to the BALTFISH joint recommendation linked to the recommended control measures.

The Expert Group on Fisheries and Aquaculture was consulted by written procedure in December 2025.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Summary of the action

The delegated act supplements the technical measures set out in Annex XIII, Part A, point 3 to Regulation (EU) 2019/1241 by adding more detailed control measures to monitor effectiveness of the mitigation measures.

Legal Basis

Article 15(2) of Regulation (EU) 2019/1241.

¹¹ ICES (2025). EU request on support for the implementation of the Action Plan for harbour porpoise in the Baltic Sea (Baltic Proper). Replacing advice provided in December 2024. ICES Advice: Special Requests. Report. <https://doi.org/10.17895/ices.advice.28616360.v1>

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

of 27.2.2026

amending Regulation (EU) 2019/1241 as regards the establishment of measures to ensure compliance with existing mitigation measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea

THE EUROPEAN COMMISSION,

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

Having regard to 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, (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 2187/2005¹, and in particular Article 15(2) thereof,

Whereas:

- (1) The harbour porpoise (*Phocoena phocoena*) is a strictly protected species according to Annex IV to Council Directive 92/43/EEC², which lists all cetaceans as species of Union interest in need of strict protection, and it is listed in Annex II to that Directive as species of Union interest whose conservation requires the designation of special areas of conservation.
- (2) According to the International Council for the Exploration of the Seas (ICES), harbour porpoise is the only resident cetacean species in the Baltic Sea, with two distinct populations: the Baltic Proper population and the Belt Sea population. The Baltic Proper population remains categorised as critically endangered on the IUCN red list and is estimated to consist of fewer than 500 individuals³.
- (3) On 15 December 2021, the Commission adopted Delegated Regulation (EU) 2022/303⁴ amending Regulation (EU) 2019/1241 as regards measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea.

¹ OJ L 198, 25.7.2019, p. 105, ELI: <http://data.europa.eu/eli/reg/2019/1241/oj>.

² 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: <http://data.europa.eu/eli/dir/1992/43/oj>).

³ ICES. 2024. EU request on support for the implementation of the Action Plan for Harbour porpoise in the Baltic Sea (Baltic Proper). In Report of the ICES Advisory Committee, 2024. ICES Advice 2024, sr.2024.20. <https://doi.org/10.17895/ices.advice.27967035>

⁴ Commission Delegated Regulation (EU) 2022/303 of 15 December 2021 amending Regulation (EU) 2019/1241 as regards measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea (OJ L 46, 25.2.2022, p. 67, ELI: http://data.europa.eu/eli/reg_del/2022/303/oj).

- (4) As was reflected in recital 18 of Regulation (EU) 2022/303, Member States committed to agreeing on more detailed measures linked to the control of the mitigation measures adopted by Delegated Regulation (EU) 2022/303.
- (5) Annex XIII to Regulation (EU) 2019/1241 lays down rules at regional level regarding mitigation measures to reduce incidental catches of sensitive species including cetaceans. Member States should monitor and assess the effectiveness of the mitigation measures established under Annex XIII.
- (6) On 29 April 2022, the Baltic Sea Member States -Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden ('BALTFISH')- requested the BALTFISH Control Expert Group (CEG) to propose such more detailed control measures. In August 2022, the CEG considered that existing control measures were sufficient for those areas where acoustic deterrent devices were obligatory. For the areas where spatial-temporal closures apply, the CEG recommended specific measures.
- (7) On 27 June 2023 and based on the CEG's recommendations, the BALTFISH submitted a joint recommendation for such more detailed control measures. The BALTFISH considered that the proposed control measures, in conjunction with existing control measures, would ensure compliance with the provisions of Commission Delegated Regulation (EU) 2022/303. The proposed measures entail increasing the transmission of vessel position data to 10 minutes and controlling all vessels present in the areas as listed in Annex XIII, Part A, points 3.1 to 3.4, to Regulation (EU) 2019/1241, when restrictions or prohibitions on fishing with static nets apply.
- (8) The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed positively previous joint recommendations that included the same control measures for Natura 2000 sites^{5,6} and concluded that, if implemented as intended, these control measures appear appropriate for effective at sea monitoring of Natura 2000 sites. In previous assessments, the STECF had recommended developing specific control measures for these specific sites, given their usually small size and the risk that fishing could take place without being detected^{7,8}.
- (9) Furthermore, the necessity of those measures was recently reflected in the ICES Advice of 2025⁹, where ICES identified gillnets and trammel nets (static nets) as the gears with the highest risk of incidental catches of harbour porpoise and reiterated the need to improve monitoring of the population and fishing effort data.

⁵ Scientific, Technical and Economic Committee for Fisheries (STECF) – 71st Plenary report (STECF-PLLEN-22-03). Publications Office of the European Union, Luxembourg, 2023, doi:10.2760/016673, JRC132078.

⁶ European Commission: Joint Research Centre, Scientific, Technical and Economic Committee for Fisheries 77th plenary report (STECF-PLLEN-24-03), Nord, J. and Doerner, H. editor(s), Publications Office of the European Union, Luxembourg, 2024, <https://data.europa.eu/doi/10.2760/2392535>, JRC140580.

⁷ Scientific, Technical and Economic Committee for Fisheries (STECF) – 55th Plenary Meeting Report (PLEN-17-02); Publications Office of the European Union, Luxembourg; EUR 28359. EN; doi:10.2760/53335.

⁸ Review of Joint Recommendations for Natura 2000 sites at Dogger Bank, Cleaver, Bank, Frisian Front and Central Oyster grounds (STECF-19-04). Publications Office of the European Union, Luxembourg, 2019, ISBN 978-92-76-11227-3, doi:10.2760/422631, JRC117963.

⁹ ICES (2025). EU request on support for the implementation of the Action Plan for harbour porpoise in the Baltic Sea (Baltic Proper). Replacing advice provided in December 2024. ICES Advice: Special Requests. Report. <https://doi.org/10.17895/ices.advice.28616360.v1>

- (10) The proposed control measures (i) apply at a regional level, (ii) are intrinsically linked to the mitigation measures adopted under Commission Delegated Regulation (EU) 2022/303, (iii) are necessary for monitoring their effectiveness, in accordance with point 4 of Annex XIII of Regulation (EU) 2019/1241 and, thus, (iv) contribute to the objective of reducing incidental catches of Baltic Proper harbour porpoise.
- (11) It is therefore appropriate to supplement the technical measures set out in Annex XIII, Part A, point 3 to Regulation (EU) 2019/1241.
- (12) In order to allow operators sufficient time to equip their vessels with the appropriate transmission devices, the application of point 3.5 in the Annex should be deferred by twelve months from the date of entry into force.
- (13) Point 3.5 (a) in the Annex shall apply until 10 January 2028, when the new rules on vessels monitoring systems laid down in Article 9 of Regulation (EC) No 1224/2009 start applying,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XIII to Regulation (EU) 2019/1241 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*.

The measures in point 3.5 of the Annex shall apply from [*Publications Office to insert date counting 12 months after entry into force*]

The measures in point 3.5 (a) of the Annex shall expire on 10 January 2028.

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

Done at Brussels, 27.2.2026

For the Commission
The President
Ursula VON DER LEYEN