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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

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... amending Delegated Regulation (EU) 2017/118 as regards conservation measures in the site Nordvästra Skånes havsområde in the Kattegat

Delegations will find attached document C(2026) 2111 final.

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Brussels, 7.4.2026
C(2026) 2111 final

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

of 7.4.2026

**amending Delegated Regulation (EU) 2017/118 as regards conservation measures in the
site Nordvästra Skånes havsområde in the Kattegat**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Article 11 of Regulation (EU) No 1380/2013¹ 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 (Habitats² and Birds³ 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 (MSFD⁴), 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) 2017/118⁵ established fisheries conservation measures in certain areas of the North Sea.

Nordvästra Skånes havsområde (SE0420360) is a Natura 2000 site that overlaps with the nature reserve Skånska Kattgatt. These areas have been designated to protect the harbour porpoise (*Phocoena phocoena*, species code 1351), other species such as the grey seal (species code 1364) and 41 bird species, as well as seabed habitats.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Several studies have been conducted within Nordvästra Skånes havsområde over the past ten years, according to the supporting information of the joint recommendation submitted by the North Sea Member States. Specifically on the harbour porpoise, the main surveys have been: (i) SCANS (Small Cetacean Abundance in the North Sea and Adjacent Waters) with observers

¹ 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>).

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

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

⁴ 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>).

⁵ 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).

on board; (ii) miniSCANS, aerial studies using high-wing aircraft; and (iii) other studies using satellite tracked harbour porpoises. The harbour porpoise population present in the site is the Belt Sea population, which can be found all year round.

In the period 2019-2021, Sweden carried out consultations on conservation measures in marine protected areas that involved the fishing industry, non-governmental organisations, the marine institute SLU Aqua and regional authorities.

In 2021, Sweden presented a first draft of the joint recommendation to the North Sea Member States and the Commission.

On 19 April 2024, the North Sea Member States consulted the North Sea Advisory Council (NSAC) on the agreed joint recommendation and, on 7 June 2024, the NSAC issued an opinion that gathered the views of the fishing industry and other interest groups.

On 6 November 2024, the North Sea Member States submitted a joint recommendation to the Commission on conservation measures for the site Nordvästra Skånes havsområde with the focus of minimising the potential risk of incidental catches of the harbour porpoise. The joint recommendation includes a no-take zone where fishing is prohibited and two other zones where mobile bottom contacting gears are prohibited and fishing with static nets, longlines and fyke nets is restricted.

In its plenary session of 24-28 March 2025, the Scientific, Technical and Economic Committee for Fisheries (STECF) reviewed the joint recommendation and concluded⁶ that the no-take zone would eliminate any negative impact of fishing activity on the marine environment and the use of acoustic deterrent devices (ADD) might reduce the incidental catches of marine mammals and birds navigating the zones. STECF also raised concerns regarding the use of ADD related to the density of netters and the risk of displacing harbour porpoises from their habitat. The STECF also referred to a more effective measure that would consist of prohibiting all fishing with nets in the area. Regarding recreational fisheries, the STECF concluded that restricting recreational fyke net fishing to the northern and southern zones may help reduce by catch of marine mammals and birds.

On 17 June 2025, the North Sea Member States submitted an updated joint recommendation, proposing a possible revision of the measures in 2027, in view of the data on incidental catches or any new appropriate scientific advice.

In October 2025, the North Sea Member States further clarified the scope of the permits that may be granted in the Southern area of Nordvästra Skånes havsområde, in order to align the joint recommendation with its corresponding provision in the supporting document.

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

Legal basis

⁶ European Commission: Joint Research Centre, Scientific, Technical and Economic Committee for Fisheries 78th plenary report (STECF-PLN-25-01), Nord, J. and Doerner, H. editor(s), Publications Office of the European Union, Luxembourg, 2025, <https://data.europa.eu/doi/10.2760/8733382>, JRC142271.

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

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

of 7.4.2026

amending Delegated Regulation (EU) 2017/118 as regards conservation measures in the site Nordvästra Skånes havsområde 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/EC¹, 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')², Article 4 of Directive 2009/147/EC of the European Parliament and of the Council ('Birds Directive')³ and Article 13(4) of Directive 2008/56/EC of the European Parliament and of the Council ('Marine Strategy Framework Directive')⁴.
- (2) Article 6 of Directive 92/43/EEC 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) 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 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.

¹ OJ L 354, 28.12.2013, p. 22, ELI: <https://eur-lex.europa.eu/eli/reg/2013/1380/oj/eng>.

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

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

⁴ 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) Commission Delegated Regulation (EU) 2017/118⁵ establishes conservation measures for the protection of the marine environment in certain marine protected areas in the North Sea.
- (5) On 6 November 2024, Sweden, as the initiating Member State, together with Denmark and Germany - with direct management interest in the fishery- and the other North Sea Member States, submitted a joint recommendation to the Commission on conservation measures for the site Nordvästra Skånes havsområde with the focus of minimising the potential risk of incidental catches of harbour porpoise. The proposal includes a no-take zone and two other zones where mobile bottom contacting gears are prohibited and fishing with static nets, longlines and fyke nets is restricted.
- (6) In its plenary session of 24 -28 March 2025, the Scientific, Technical and Economic Committee for Fisheries (STECF) reviewed the joint recommendation and concluded⁶ that the no-take zone would eliminate any negative impact of fishing activity on the marine environment and the use of acoustic deterrent devices (ADD) might reduce the incidental catches of marine mammals and birds navigating the zones. The STECF also raised concerns on the use of ADD related to the density of netters and the risk of displacing harbour porpoises from their habitat. The STECF also referred to a more effective measure that would consist of prohibiting all fishing with nets in the area. Regarding recreational fisheries, the STECF concluded that restricting recreational fyke net fishing to the northern and southern zones may help reduce by catch of marine mammals and birds.
- (7) On 17 June 2025, the North Sea Member States submitted an updated joint recommendation proposing a possible revision of the measures in 2027, in view of the data on incidental catches or any new appropriate scientific advice.
- (8) In October 2025, the North Sea Member States further clarified the scope of the permits that may be granted in the Southern area of Nordvästra Skånes havsområde, in order to align the joint recommendation with its corresponding provision in the supporting document. Considering that the proposed measures may reduce the incidental catches of marine mammals and birds in the northern and southern zones of the site, the Commission considers that they contribute to the objective of reducing unwanted catches and minimising the negative impacts of fishing activities on the marine ecosystem, as set out in Article 2 of Regulation (EU) No 1380/2013. The Member States concerned should also review the data on incidental catches of harbour porpoise annually and assess it by no later than 31 December 2027 and inform the Commission about the results of such assessment. Any data on incidental catches or any new appropriate data, including scientific advice, relevant for the use of acoustic deterrent devices in relation to harbour porpoise, should be used in order to adjust the conservation measures as appropriate, in accordance with Article 11(2) Regulation (EU) 1380/2013.
- (9) Delegated Regulation (EU) 2017/118 should therefore be amended accordingly.

⁵ 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, pp. 10–25. ELI: http://data.europa.eu/eli/reg_del/2017/118/oj)

⁶ European Commission: Joint Research Centre, Scientific, Technical and Economic Committee for Fisheries 78th plenary report (STECF-PLN-25-01), Nord, J. and Doerner, H. editor(s), Publications Office of the European Union, Luxembourg, 2025, <https://data.europa.eu/doi/10.2760/8733382>, JRC142271.

- (10) This Delegated Regulation is without prejudice to the need for additional conservation measures necessary to comply with the relevant provisions of the Directive 2009/147/EC, Directive 92/43/EEC and Marine Strategy Framework Directive and the Commission's position regarding compliance by the interested Member States with their obligations under the relevant Union environmental legislation,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) Article 3 is amended as follows:

- (a) in paragraph 1, point 1(a) is replaced by the following:

‘(a) in areas 1(1) to 1(17), 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: 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) in paragraph 1, point 1(b) is replaced by the following:

‘(b) in addition, in areas 1(10) to 1(17), 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) in paragraph 2, point 2 (b) is replaced by the following:

‘(b) fishing operations in areas 2(25) to 2(27) and 2(29) of Areas 2.’

- (d) The following paragraph 7 is added:

‘7. It shall be prohibited to fish with gillnets and entangling nets, fyke nets (FYK) and longlines (LL, LLD and LLS), as follows:

- (a) In area 1(16), in the period between 15 November to 15 March each year. In the period between 16 March to 14 November each year, fishing with gillnets and entangling nets shall be prohibited without the simultaneous use of acoustic deterrent devices that should fulfil the technical specifications and conditions of use laid down in Commission Implementing Regulation (EU) 2020/967(***) .
- (b) In area 1(17), in the period between 1 January to 31 December each year. By way of derogation from this prohibition, commercial fisheries may be allowed by the Swedish authorities provided that the fishing activity is compatible with the conservation objectives of this fishing restricted zone. These licences shall be linked to specific requirements, such as the use of acoustic deterrent devices, data collection through cameras or observers on board, and/or geographical restrictions.
- (c) Recreational fisheries with a maximum number of six fyke nets fitted with two circular escape openings with a diameter of at least 75 mm which are situated on each side of the codend shall be permitted throughout the year in areas 1(16) and 1(17).

The Member States concerned shall review the data on incidental catches of harbour porpoise annually and shall assess it by 31 December 2027 at the latest. The data on incidental catches or any relevant information, including scientific evidence on the use of acoustic deterrent devices in relation to harbour porpoise, shall be used in order to adjust the conservation measure referred to in this paragraph, pursuant to the procedure laid down in Articles 11 and 18 of Regulation (EU) 1380/2013.’

(***) Commission Implementing Regulation (EU) 2020/967 of 3 July 2020 laying down the detailed rules on the signal and implementation characteristics of acoustic deterrent devices as referred to in Part A of Annex XIII of Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures (OJ L 213, 6.7.2020, p. 4, ELI: http://data.europa.eu/eli/reg_impl/2020/967/oj).

(2) In Article 4, paragraphs 2 and 3 are replaced by the following:

‘2. Fishing vessels may transit across areas 1(16), 1(17), 2(1) to 2(29), provided that any gear carried on board be lashed and stowed in accordance with the conditions laid down in Article 47 of Regulation (EC) No 1224/2009.

3. The speed during transit for all fishing vessels that are not authorised to fish in areas 1(10) to 1(17), including the respective alert zones 1(12.az), 1(13.az), 1(14.az) and 1(15.az), area 2(28), 2(29) 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) In Article 5, paragraph 1, point 1(a) is replaced by the following:

‘(a) all fishing vessels present in the marine protected area Bratten and in areas 1(16), 1(17) and 2(29)’.

(4) Annexes I and II are 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, 7.4.2026

For the Commission
The President
Ursula VON DER LEYEN