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► **B**

► **C1** 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)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011	L 347	44	30.12.2011
► <u>M2</u>	Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015	L 133	1	29.5.2015
► <u>M3</u>	Regulation (EU) 2019/1154 of the European Parliament and of the Council of 20 June 2019	L 188	1	12.7.2019
► <u>M4</u>	Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019	L 198	105	25.7.2019

Corrected by:

- **C1** Corrigendum, OJ L 36, 8.2.2007, p. 6 (1967/2006)
- **C2** Corrigendum, OJ L 196, 28.7.2011, p. 42 (1967/2006)

▼B▼C1**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**

CHAPTER I

SCOPE AND DEFINITIONS

*Article 1***Scope**

1. This Regulation shall apply:
 - (a) to the conservation, management and exploitation of living aquatic resources where such activities are pursued
 - (i) in the maritime waters of the Mediterranean Sea to the east of the line 5 °36' W (hereinafter Mediterranean Sea) falling under the sovereignty or jurisdiction of Member States;
 - (ii) by ►**M2** Union ◀ fishing vessels in the Mediterranean Sea outside the waters referred to in (i);
 - (iii) by nationals of Member States, without prejudice to the primary responsibility of the flag State, in the Mediterranean Sea, outside the waters referred to in (i); and
 - (b) to marketing of fishery products caught in the Mediterranean Sea.
2. 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 or Member States concerned.

*Article 2***Definitions**

For the purpose of this Regulation the following definitions shall apply:

1. 'towed gears' means any fishing gear, with the exclusion of troll lines, towed either by the engine power of the fishing vessel or hauled by means of winches with the fishing vessel either anchored or slowly under way, including in particular towed nets and dredges;
 - (a) 'towed nets' means trawl nets, boat seines and shore seines;
 - (i) 'trawl nets' means nets which are actively towed by the main boat engine and consisting of a cone- or pyramid-shaped body (as trawl body) closed at the back by a cod-end and which can extend at the opening by the wings or can be mounted on a rigid frame. Horizontal opening is either obtained by otter boards or provided by a beam or frame of variable shape and size. Such nets can be towed either on the bottom (bottom trawl net) or in midwater (pelagic trawl net);

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- (ii) ‘boat seines’ means surrounding nets and towed seines which are operated and hauled by means of ropes and winches from a boat under way or at anchor and not towed by means of the main boat engine, consist of two lateral wings and a central bunt either in the form of a spoon or with a bag in the rearmost part and may operate from the surface to the bottom depending on the target species;
 - (iii) ‘shore seines’ means surrounding nets and towed seines set from a boat and operated from the shore;
- (b) ‘dredges’ means gears which are either actively towed by the main boat engine (boat dredge) or hauled by a motorised winch from an anchored vessel (mechanised dredge) to catch bivalves, gastropods or sponges and which consist of a net bag or metal basket mounted on a rigid frame or rod of variable size and shape whose lower part may carry a scraper blade that can be either rounded, sharp or toothed, and may or may not be equipped with skids and diving boards. Some dredges are equipped with hydraulic equipment (hydraulic dredges). Dredges pulled by hand or by manual winch in shallow waters with or without a boat to catch bivalves, gastropods or sponges (hand dredges) shall not be considered towed gears for the purpose of this Regulation;
2. ‘fishing protected area’ means a geographically-defined sea area in which all or certain fishing activities are temporarily or permanently banned or restricted in order to improve the exploitation and conservation of living aquatic resources or the protection of marine ecosystems;
3. ‘bottom-set net’ means a trammel net, a bottom-set gillnet or a combined bottom-set net;
- (a) ‘trammel net’ means any net made up of two or more pieces of net hung jointly in parallel on a single headline, fixed, or capable of being fixed by any means to the bottom of the sea;
 - (b) ‘bottom-set gillnet’ means any net made up of a single piece of net held vertically in the water by floats and weights fixed or capable of being fixed by any means to the bottom of the sea and maintain the gear in place either close to the bottom or floating in the water column;
 - (c) ‘combined bottom-set net’ means any bottom-set gillnet combined with a trammel net which constitutes the lower part;
4. ‘surrounding nets’ means nets which catch fish by surrounding them both from the sides and from below. They may or may not be equipped with a purse line.

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- (a) ‘purse seines’ means any surrounding net the bottom of which is drawn together by means of a purse line at the bottom of the net, which passes through a series of rings along the ground rope, enabling the net to be pursed and closed. Purse seines may be used to catch small pelagic species, large pelagic species or demersal species;
5. ‘traps’ means fishing gear which is fixed to or deployed on the bottom and which acts as a trap to catch marine species. They are constructed in the form of a basket, pot, barrel or cage, and in the majority of cases they comprise a rigid or semi-rigid frame made of various material (wood, wicker, metal rods, wire netting, etc.) that may or may not be covered with netting. They have one or more funnels or mouths with smooth ends that allow species to enter the internal chamber. They may be used separately or in groups. When used in groups a main line carries numerous traps on branch lines of variable length and spacing depending on the target species;
6. ‘longlines’ means a fishing gear which comprises a main line carrying numerous hooks on branch lines (snoods) of variable length and spacing depending on the target species. It may be deployed either vertically or horizontally to the sea surface; it may be set either at or near the bottom (bottom-set longline) or drifting in midwater or near the surface (surface longline);
7. ‘hooks’ means a bent, sharpened piece of steel wire usually with barb. The point of a hook may be either straight or even reversed and curved; the shank can be of varying length and form and its cross section can be round (regular) or flattened (forged). The total length of a hook shall be measured as the maximum overall length of the shank from the tip of the hook which serves for fastening the line and is usually shaped as an eye, to the apex of the bend. The width of a hook shall be measured as the greatest horizontal distance from the external part of the shank to the external part of the barb;
8. ‘leisure fisheries’ means fishing activities exploiting living aquatic resources for recreation or sport;
9. ‘fishing aggregating devices (FADs)’ means any equipment floating on the sea surface and aggregating underneath either juveniles or adult specimens of highly migratory species;
10. ‘St Andrew's cross’ is a grab which employs a scissor-like action to harvest either the bivalve mollusc *Pinna nobilis* or the red coral from the sea-bed;
11. ‘seagrass bed’ means an area where the seabed is characterised by the dominant presence of phanerogams, or where such vegetation has existed and is in need of restoration action. Seagrass is a collective terms for the species *Posidonia oceanica*, *Cymodocea nodosa*, *Zoostera marina* and *Zoostera noltii*;
12. ‘coralligenous habitat’ means an area where the seabed is characterised by the dominant presence of a specific biological community named ‘coralligenous’, or where such community has existed and is in need of restoration action. Coralligenous is a collective term for a very complex biogenic structure given by

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the continuous overlapping over a pre-existent rocky or hard substratum of calcareous strata mainly deriving from the building activity of encrusting calcareous coralline red algae and animal organisms such as Porifera, ascidians, cnidarians (horny corals, seafans, etc.), bryozoans, serpulids and annelids, together with other limestone-fixer organisms;

13. 'mäerl bed' means an area where the seabed is characterised by the dominant presence of a specific biological community named 'mäerl', or where such a community has existed and is in need of restoration action. Mäerl is a collective term for a biogenic structure due to several species of coralline red algae (Corallinaceae), which have hard calcium skeletons and grow as unattached free-living branched, twig-like or nodular coralline algae on the seabed, forming accumulations within the ripples of mudflats or sandflats seabeds. Mäerl beds are usually composed of one or a variable combination of red algae, in particular *Lithothamnion coralloides* and *Phymatolithon calcareum*;
14. 'direct restocking' means the activity of releasing live wild animals of selected species in waters where they occur naturally, in order to use the natural production of the aquatic environment to increase the number of individuals available for fisheries and/or to increase the natural recruitment;
15. 'transplantation' means the process by which a species is intentionally transported and released by humans within areas of established populations and continuing genetic flow where it occurs;
16. 'non-indigenous species' means a species whose historically known natural range occurs outside the area of interest;
17. 'introduction' means the process by which a non-indigenous species is intentionally moved and released by humans into any area which is outside of its historically known natural range;

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18. 'unintended catches' means incidental catches of marine organisms which, under Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽¹⁾, must be landed because they are below the minimum conservation reference size.

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CHAPTER II

PROTECTED SPECIES AND HABITATS

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⁽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).

▼ C1

Article 4

Protected habitats

1. Fishing with trawl nets, dredges, purse seines, boat seines, shore seines or similar nets above seagrass beds of, in particular, *Posidonia oceanica* or other marine phanerogams shall be prohibited.

By way of derogation from the first subparagraph, the use of purse seines, boat seines or similar nets, whose overall drop and behaviour in fishing operations mean that the purse-line, the lead-line or the hauling ropes do not touch the seagrass bed, may be authorised within management plans provided for under either Articles 18 or 19 of this Regulation.

2. Fishing with trawl nets, dredges, shore seines or similar nets above coralligenous habitats and mäerl beds shall be prohibited.

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4. The prohibition established in paragraphs 1, subparagraph 1 and paragraph 2 shall, from the date of entry into force of this Regulation, apply to all Natura 2000 sites, all special protected areas and all specially protected areas of Mediterranean interest (SPAMI) which have been designated for the purpose of the conservation of these habitats under either Directive 92/43/EEC or Decision 1999/800/EC.

5. By way of derogation from subparagraph 1 of paragraph 1, fishing by vessels of less than or equal to 12 metres overall length and engine power of less than or equal to 85 kW with bottom towed nets traditionally undertaken on *Posidonia* beds may be authorised by the Commission in accordance with the procedure provided in Article 30(2) of Regulation (EC) No 2371/2002 provided that:

- (i) the fishing activities concerned are regulated by a management plan provided for under Article 19 of this Regulation;
- (ii) the fishing activities concerned affect not more than 33 % of the area covered by seagrass beds of *Posidonia oceanica* within the area covered by the management plan;
- (iii) the fishing activities concerned affect not more than 10 % of seagrass beds in the territorial waters of the Member State concerned.

Fishing activities authorised pursuant to this paragraph shall:

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- (a) fulfil the requirements of Article 8(1)(h), Article 9(3)(2) and Article 23;
- (b) be regulated in order to ensure that catches of species mentioned in Annex III are minimal.

However, Article 9(3)(1) shall not apply.

Whenever a fishing vessel, operating under the provisions of this paragraph, is withdrawn from the fleet with public funds the special fishing permit to undertake this fishing activity shall be withdrawn and shall not be reissued.

Member States concerned shall establish a monitoring plan and report to the Commission every three years from the entry into force of this Regulation on the status of the seagrass beds of *Posidonia oceanica* affected by bottom towed nets activities and the list of fishing vessels authorised. The first report shall be communicated to the Commission before 31 July 2009.

6. Member States shall take appropriate steps to ensure the collection of scientific information with a view to the identification and mapping of habitats to be protected under this Article.

CHAPTER III

FISHING PROTECTED AREAS*Article 5***Information procedure establishing fishing protected areas**

Member States shall provide to the Commission, for the first time before 31 December 2007, information relevant to the establishment of fishing protected areas, and to the possible management measures to be applied therein, both in waters under their jurisdiction and beyond where the protection of nursery areas, of spawning grounds or of the marine ecosystem from harmful effects of fishing requires special measures.

*Article 6***► M2 Union ◀ fishing protected areas**

1. On the basis of information provided pursuant to Article 5 of this Regulation, as well as any other relevant information for the same purpose, the Council shall designate, within two years from the adoption of this Regulation, fishing protected areas occurring essentially beyond the territorial seas of Member States, concerning the types of fishing activities banned or authorised in such areas.

2. The Council may subsequently designate other fishing protected areas, or change their delimitation and management rules established therein, on the basis of new relevant scientific information.

▼ C1

3. Member States and the Commission shall take appropriate steps to ensure adequate collection of scientific information with a view to scientific identification and mapping of areas to be protected in accordance with this Article.

*Article 7***National fishing protected areas**

1. Member States shall designate, within two years from the adoption of this Regulation and on the basis of information provided pursuant to Article 5 of this Regulation, further fishing protected areas, with respect to the fishing protected areas already established by the time of entering into force of this Regulation, within their territorial waters in which fishing activities may be banned or restricted in order to conserve and manage living aquatic resources or maintain or improve the conservation status of marine ecosystems. The competent authorities of the Member States concerned shall decide on the fishing gears that may be used in those protected areas, as well as the appropriate technical rules which shall not be less stringent than ► **M2** Union ◀ legislation.

2. Member States may subsequently designate other fishing protected areas or change the delimitations and management rules established under paragraph 1 on the basis of new relevant scientific information. Member States and the Commission shall take appropriate steps to ensure adequate collection of scientific information with a view to scientific identification and mapping of areas to be protected in accordance with this Article.

3. The measures referred to in paragraphs 1 and 2 shall be notified to the Commission. In applying provisions in paragraphs 1 and 2, Member States shall inform the Commission of the scientific, technical, and legal reasons underpinning the requirement of special measures.

4. When a proposed fishing protected area within the territorial waters of a Member State is liable to affect the vessels of another Member State, it shall be designated only after the Commission, the Member State and the Regional Advisory Council concerned have been consulted in accordance with the procedure set out in Article 8(3) to (6) of Regulation (EC) No 2371/2002.

5. If the Commission considers that the fisheries management measures notified pursuant to paragraph 3 are not sufficient to ensure a high level of protection of resources and the environment, it may, after having consulted the Member State, ask it to amend the measure or may propose that the Council designate a fishing protected area or adopt fisheries management measures in respect of the waters concerned.

CHAPTER IV

RESTRICTIONS CONCERNING FISHING GEARS**▼ M4**

▼ C1*Article 13***Minimum distances and depths for the use of fishing gears**

1. The use of towed gears shall be prohibited within 3 nautical miles of the coast or within the 50 m isobath where that depth is reached at a shorter distance from the coast.

By way of derogation from the first subparagraph, the use of dredges shall be authorised within 3 nautical miles irrespective of the depth provided that the catch of species other than shellfish does not exceed 10 % of the total live weight of the catch.

2. The use of trawl nets shall be prohibited within 1,5 nautical miles of the coast. The use of boat dredges and of hydraulic dredges shall be prohibited within 0,3 nautical miles of the coast.

3. The use of purse seines shall be prohibited within 300 meters of the coast or within the 50 metres isobath where that depth is reached at a shorter distance from the coast.

A purse seine shall not be deployed at depths less than 70 % of the overall drop of the purse seine itself as measured in Annex II to this Regulation.

4. The use of dredges for sponge fishing shall be prohibited within the 50 m isobath and shall not be undertaken within 0,5 nautical miles of the coast.

5. At the request of a Member State, the Commission, in accordance with the procedure provided in Article 30(2) of Regulation (EC) No 2371/2002, shall allow a derogation from paragraphs 1, 2 and 3, on condition that such derogation is justified by particular geographical constraints, ► C2 such as the limited size of the continental shelf along the entire coastline ◀ of a Member State or the limited extent of trawlable fishing grounds, where the fisheries have no significant impact on the marine environment and affect a limited number of vessels, and provided that those fisheries cannot be undertaken with another gear and are subject to a management plan as referred to in Articles 18 or 19. Member States shall provide up-to-date scientific and technical justifications for such derogation.

6. By way of derogation from paragraph 2, trawl nets may be temporarily used until 31 December 2007 at a shorter distance from the coast than 1,5 nautical miles provided that depth is greater than the 50 metres isobath.

7. By way of derogation from paragraph 3, purse seines may be temporarily used until 31 December 2007 at a shorter distance from the coast than 300 metres or at a depth less than the 50 metres isobath but not less than the 30 metres isobath. Purse seine may be temporarily used, until 31 December 2007 at depths less than 70 % of the overall drop of the purse seine itself as measured in Annex II to this Regulation.

8. By way of derogation from paragraph 2, both boat dredges and hydraulic dredges may be temporarily used until 31 December 2007 at a shorter distance from the coast than 0,3 nautical miles.

9. The derogation referred to in paragraph 5 shall apply only to fishing activities already authorised by Member States and to vessels with a track record in the fishery of more than five years and shall not involve any future increase in fishing effort provided. A list of authorised fishing vessels and their characteristics shall be communicated to the Commission by 30 April 2007 and a comparison with the characteristics of this fleet on 1 January 2000 shall be reported.

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In addition these fishing activities shall:

- (a) fulfil the requirements of Article 4, Article 8(1)(h), Article 9(3)(2) and Article 23;
- (b) not interfere with the activities of vessels using gears other than trawls, seines or similar towed nets;
- (c) be regulated in order to ensure that catches of species mentioned in Annex III, with the exception of mollusc bivalves, are minimal;
- (d) not target cephalopods.

Member States concerned shall establish a monitoring plan and report to the Commission every three years from the entry into force of this Regulation. The first report shall be communicated to the Commission before 31 July 2009. In the light of these reports the Commission may take actions in accordance with Article 18 or Article 19(9) of this Regulation.

10. Derogations from paragraphs 1 and 2 shall be allowed for fisheries benefiting from a derogation under Article 4(5) of this Regulation and in accordance with the procedure provided in Article 30(2) of Regulation (EC) No 2371/2002.

11. By way of derogation from paragraph 2, the use of trawl nets between 0,7 and 1,5 nautical miles off the coast shall be authorised subject to the following conditions:

- sea-depth shall not be less than the 50 metres isobath,
- particular geographical constraints ► C2 such as the limited size of the continental shelf along the entire coastline ◀ of the Member State or the limited extension of trawlable fishing grounds,
- no significant impact on the marine environment,
- compliance with subparagraph 3(a) and (b) of paragraph 9,
- it shall not entail any increase in fishing effort with respect to what is already authorised by Member States.

Member States shall notify to the Commission by 30 September 2007 the modalities for applying this derogation. This notification shall include a list of authorised fishing vessels and zones, as identified by geographic coordinates both on land and at sea.

Member States concerned shall monitor the fishing activities in the zones concerned and ensure a scientific evaluation. The results of the scientific evaluation shall be communicated to the Commission every three years from the entry into force of this Regulation. The first report shall be communicated to the Commission by 31 July 2009.

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If the Commission, on the basis of the notifications provided by Member States in accordance with subparagraphs 2 and 3, or of new scientific advice, considers that the conditions for a derogation are not met, it may, after having consulted the Member State concerned, ask it to amend the derogation or may propose to the Council appropriate measures for the protection of the resources and the environment.

▼ M4**▼ M2***Article 14a***Procedure for adopting technical measures in the context of discard plans**

The Commission shall be empowered, for the purpose of adopting the acts referred to in Article 15(6) of Regulation (EU) No 1380/2013 and for the duration thereof, to adopt specific provisions regarding fisheries or species subject to the landing obligation that consist of technical measures referred to in Article 7(2) of that Regulation. Such measures shall be adopted by means of a delegated act adopted in accordance with Article 29a of this Regulation and Article 18 of Regulation (EU) No 1380/2013, with the aim of increasing gear selectivity or reducing or, as far as possible, eliminating unwanted catches, and may, where appropriate, derogate from the measures set out in this Regulation.

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CHAPTER V

MINIMUM SIZES OF MARINE ORGANISMS

▼ M4**▼ M2***Article 15a***Procedure for establishing minimum conservation reference sizes in the context of discard plans**

The Commission shall be empowered, for the purpose of adopting the acts referred to in Article 15(6) of Regulation (EU) No 1380/2013 and for the duration thereof, to establish minimum conservation reference sizes for species subject to the landing obligation set out in Article 15 of that Regulation. Such sizes shall be established by means of a delegated act adopted in accordance with Article 29a of this Regulation and Article 18 of Regulation (EU) No 1380/2013, with the aim of ensuring the protection of juveniles of marine organisms, and may derogate, where appropriate, from the minimum conservation reference sizes specified in Annex III to this Regulation.

▼ M4

▼ C1CHAPTER VI
NON-COMMERCIAL FISHING*Article 17***Leisure fisheries**

1. The use of towed nets, surrounding nets, purse seines, boat dredges, mechanised dredges, gillnets, trammel nets and combined bottom-set nets shall be prohibited for leisure fisheries. The use of longlines for highly migratory species shall also be prohibited for leisure fisheries.
2. Member States shall ensure that leisure fisheries are conducted in a manner compatible with the objectives and rules of this Regulation.
3. Member States shall ensure that catches of marine organisms resulting from leisure fisheries are not marketed. Nevertheless, by way of exception, the marketing of species caught in sportive competitions may be authorised provided that the profits from their sale are used for charitable purposes.
4. Member States shall take measures both to record and to ensure separate collection of data on catches resulting from leisure fisheries in respect of the highly migratory species listed in Annex I to Council Regulation (EC) 973/2001 ⁽¹⁾ and occurring in the Mediterranean.
5. Member States shall regulate underwater fishing with spearguns in particular to fulfil the obligations set out in Article 8(4).
6. Member States shall inform the Commission of all measures adopted pursuant to this Article.

CHAPTER VII
MANAGEMENT PLANS*Article 18*► M2 Union ◀-level management plans

1. The Council may adopt management plans for specific Mediterranean fisheries, in particular, in areas totally or partially beyond the territorial waters of Member States. These plans may, in particular, include:
 - (a) fishing effort management measures;
 - (b) specific technical measures, including where appropriate temporary derogations to the rules of this Regulation when such derogations are necessary for the operation of the fisheries and provided that the sustainable exploitation of the concerned resources is ensured by the management plan;
 - (c) the extension of compulsory use of vessel monitoring systems or similar systems for vessels between 10 m and 15 m in length overall;
 - (d) temporary or permanent restrictions to zones, reserved to certain gears or to vessels having undertaken obligations in the framework of the management plan.

⁽¹⁾ OJ L 137, 19.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 831/2004 (OJ L 127, 29.4.2004, p. 33).

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Management plans shall provide for the issuing of special fishing permits in accordance with Regulation (EC) No 1627/94 ⁽¹⁾.

Notwithstanding the provisions of Article 1(2) of Regulation (EC) No 1627/94, vessels of an overall length of less than 10 m may be required to have a special fishing permit.

2. Member States and/or a Regional Advisory Council for the Mediterranean Sea may submit suggestions to the Commission on matters relating to the setting up of management plans. The Commission shall reply to such requests within three months of receipt.

3. Member States and the Commission shall ensure adequate scientific monitoring of the management plans. In particular, certain management measures for fisheries exploiting short-life species shall be revised each year to take into account changes that are likely to occur in the recruitment strength.

*Article 19***Management plans for certain fisheries in territorial waters**

1. Member States shall adopt, by 31 December 2007, management plans for fisheries conducted by trawl nets, boat seines, shore seines, surrounding nets and dredges within their territorial waters. Article 6(2), (3) and (4), first subparagraph, of Regulation (EC) No 2371/2002 shall apply to those management plans.

2. Member States may subsequently designate other management plans on the basis of new relevant scientific information.

3. Member States shall ensure adequate scientific monitoring of the management plans. In particular, certain management measures for fisheries exploiting short-life species shall be revised each year to take into account changes that are likely to occur in the recruitment strength.

4. Management plans may include measures which go beyond the provisions of this Regulation for the purpose of:

- (a) increasing the selectivity of fishing gear;
- (b) reducing discards;
- (c) limiting the fishing effort.

5. The measures to be included in the management plans shall be proportionate to the objectives, the targets and the expected time frame, and shall have regard to:

- (a) the conservation status of the stock or stocks;
- (b) the biological characteristics of the stock or stocks;
- (c) the characteristics of the fisheries in which the stocks are caught;
- (d) the economic impact of the measures on the fisheries concerned.

⁽¹⁾ OJ L 171, 6.7.1994, p. 7.

▼ C1

6. Management plans shall provide for the issuing of special fishing permits in accordance with Regulation (EC) No 1627/94.

Notwithstanding the provisions of Article 1(2) of Regulation (EC) No 1627/94, vessels of an overall length of less than 10 m may be required to have a special fishing permit.

7. Management plans referred to in paragraph 1 shall be notified to the Commission by 30 September 2007 for it to present its observations before the plan is adopted. Management plans referred to in paragraph 2 shall be notified to the Commission six months in advance of the foreseen date of entry into force. The Commission shall communicate the plans to the other Member States.

8. Where a management plan is likely to affect the vessels of another Member State, it shall be adopted only after consultation of the Commission, the Member State and the Regional Advisory Council concerned in accordance with the procedure set out in Article 8(3) to (6) of Regulation (EC) No 2371/2002.

9. If the Commission, on the basis of the notification referred to in paragraph 7 or of new scientific advice, considers that a management plan adopted pursuant to either paragraph 1 or paragraph 2 is not sufficient to ensure a high level of protection of resources and the environment, it may, after having consulted the Member State, ask it to amend the plan or may propose to the Council appropriate measures for the protection of the resources and the environment.

CHAPTER VIII**CONTROL MEASURES***Article 20***Catch of target species**

1. The percentages referred to in Article 9(4) and (6), Article 10 and Article 13(1) shall be calculated as the proportion by live weight of all living aquatic organisms on board after sorting or on landing. They may be calculated on the basis of one or more representative samples.

2. In the case of fishing vessels from which quantities of living aquatic organisms have been transhipped, the quantities transhipped shall be taken into account when calculating the percentages referred to in paragraph 1.

*Article 21***Transhipment**

Only masters of fishing vessels who complete a logbook in accordance with Article 6 of Regulation (EEC) No 2847/93 may tranship living aquatic organisms to other vessels, or receive transhipments of such organisms from other vessels.

▼ C1*Article 22***Designated ports**

1. Catches of bottom trawlers, pelagic trawlers, purse seines, surface longliners, boat dredges and hydraulic dredges shall be landed and marketed for the first time only at any of the ports designated by the Member States.

2. Member States shall notify to the Commission by 30 April 2007 a list of designated ports. The Commission shall transmit the list to the other Member States.

*Article 23***Monitoring of catches**

In Article 6(2) of Regulation (EEC) No 2847/93 the second sentence shall be replaced by the following:

‘For the fisheries operations in the Mediterranean Sea any amount greater than 15 kg of live-weight equivalent retained on board of any species indicated on a list adopted in conformity with paragraph 8 must be recorded in the logbook.

However, for highly migratory species and small pelagic species any amount greater than 50 kg of live-weight equivalent must be recorded in the logbook.’.

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CHAPTER IX

MEASURES FOR HIGHLY MIGRATORY SPECIES▼ M4▼ C1

CHAPTER X

MEASURES FOR THE WATERS AROUND MALTA*Article 26***The 25-mile management zone around Malta**

1. The access of ► M2 Union ◀ vessels to the waters and resources in the zone extending up to 25 nautical miles from baselines around the Maltese islands (hereinafter the management zone) shall be regulated as follows:

- (a) fishing within the management zone shall be limited to fishing vessels smaller than 12 metres overall length using other than towed gears;
- (b) the total fishing effort of those vessels, expressed in terms of the overall fishing capacity, shall not exceed the average level observed in 2000-2001 that corresponds to 1 950 vessels with an overall engine power and tonnage of 83 000 kW and 4 035 GT respectively.

▼ C1

2. By way of derogation from paragraph 1(a), trawlers not exceeding an overall length of 24 metres shall be authorised to fish in certain areas within the management zone, as described in Annex V(a) to this Regulation, subject to the following conditions:

- (a) the overall fishing capacity of the trawlers allowed to operate in the management zone must not exceed the ceiling of 4 800 kW;
- (b) the fishing capacity of any trawler authorised to operate at a depth of less than 200 metres must not exceed 185 kW; the isobath of 200 metres of depth shall be identified by a broken line, the waypoints of which are listed in Annex V (b) to this Regulation;
- (c) trawlers fishing in the management zone shall hold a special fishing permit in accordance with Article 7 of Regulation (EC) No 1627/94 laying down general provisions concerning special fishing permits and shall be included in a list containing their external marking and vessel's Community fleet register number (CFR) as defined in Annex I to Regulation (EC) No 26/2004 to be provided to the Commission annually by the Member States concerned;
- (d) the capacity limits laid down in points (a) and (b) shall be periodically re-evaluated, following advice from relevant scientific bodies concerning their effects on the conservation of stocks.

3. If the overall fishing capacity referred to in paragraph 2(a) exceeds the overall fishing capacity of trawlers with an overall length equal to, or less than, 24 metres and operating in the management zone in the reference period 2000-2001 (hereinafter referred to as the reference fishing capacity), the Commission shall, in accordance with the procedure laid down in Article 29, allocate this surplus of available fishing capacity between the Member States taking into account the interest of the Member States requesting an authorisation.

The reference fishing capacity corresponds to 3 600 kW.

4. Special fishing permits for the surplus of available fishing capacity referred to in paragraph 3 shall be issued only to vessels included in the Community fleet register at the date of application of this Article.

5. If the overall fishing capacity of the trawlers authorised to operate in the management zone in accordance with paragraph 2(c) exceeds the ceiling laid down in paragraph 2(a), because that ceiling has been lowered after the revision provided for in paragraph 2(d), the Commission shall allocate fishing capacity between Member States on the following basis:

- (a) fishing capacity in kW corresponding to vessels having fished in the zone during the period 2000-2001 shall rank first;
- (b) fishing capacity in kW corresponding to vessels having fished at any other time in the zone shall rank second;

▼ C1

(c) any remaining fishing capacity for other vessels shall be divided between the Member States taking into account the interests of the Member States requesting an authorisation.

6. By way of derogation from paragraph 1(a), vessels fishing with purse seines or longlines and vessels fishing for dolphinfish in accordance with Article 27 shall be authorised to operate within the management zone. They shall be granted a special fishing permit in accordance with Article 7 of Regulation (EC) No 1627/94 and shall be included in a list containing their external marking and vessel's Community fleet register number (CFR) as defined in Annex I to Regulation (EC) No 26/2004, to be provided to the Commission by each Member State. The fishing effort shall anyhow be controlled in order to safeguard the sustainability of these fisheries in the zone.

7. The master of any trawler authorised to fish in the management zone in accordance with paragraph 2 which is not equipped with VMS shall signal each entry into and exit from the management zone to its authorities and to the authorities of the coastal state.

*Article 27***Dolphinfish fishery**▼ M1

▼ C1

2. The number of vessels participating in the dolphinfish fishery within the zone shall not exceed 130.

3. The Maltese authorities shall establish FAD course lines and allocate each FAD course line to ► M2 Union ◀ fishing vessels at the latest by that 30 June each year. ► M2 Union ◀ fishing vessels flying a flag other than of Malta shall not be authorised to operate a FAD course line within the 12-mile zone.

The Commission shall, in accordance with the procedure laid down in Article 29, establish the criteria to be applied for the establishment and allocation of FAD course lines.

▼ M1

▼ C1

CHAPTER XI

FINAL PROVISIONS*Article 28***Decision-making procedure**

Except where otherwise provided for in this Regulation, the Council shall act in accordance with the procedure referred to in Article 37 of the Treaty.

▼ C1*Article 29***Implementing rules**

Detailed rules for the implementation of Articles 26 and 27 of this Regulation shall be adopted in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.

▼ M2*Article 29a***Exercise of 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 Articles 14a and 15a shall be conferred on the Commission for a period of 5 years from 1 June 2015.
3. The delegation of power referred to in Articles 14a and 15a 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 any 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 Articles 14a and 15a 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.

▼ C1*Article 30***Amendments**

Amendments to the Annexes shall be adopted in accordance with the procedure referred to in Article 30(3) of Regulation (EC) No 2371/2002.

*Article 31***Repeal**

Regulation (EC) No 1626/94 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 VI.

*Article 32***Entry into force**

This Regulation shall enter into force on the 30th 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.

▼ **C1***ANNEX I***Technical conditions for attachments to and rigging of trawl nets**

Definitions

For the purposes of this Annex:

- (a) ‘multiple twine netting’ means netting constructed of two or more twines, where the twines can be separated between the knots without damage to the twine structure;
- (b) ‘knotless netting’ means netting which is composed of meshes of four sides of approximately equal length in which the corners of the meshes are formed by the interweaving of the twines of two adjacent sides of the mesh;
- (c) ‘square-meshed netting’ means a construction of netting mounted so that of the two sets of parallel lines formed by the mesh bars, one set is parallel to and the other at right angles to the long axis of the net;
- (d) ‘the trawl body’ means the tapered section in the front part of a trawl net;
- (e) ‘the extension piece’ means the untapered section, made of one or more panels, between the trawl body and the cod-end;
- (f) ‘the cod-end’ means the rearmost part of a trawl net, of net of the same mesh size, having either a cylindrical or a tapering shape, whose transversal cross-sections are nearly a circle of the same or decreasing radius respectively;
- (g) ‘balloon cod-end’ means any cod-end composed of one or more adjoining panels, of net of the same mesh size, whose number of meshes increases going to the rearmost part of the gear causing an extension of the transversal length, with respect to the longitudinal axis of the net, and of the circumference of the cod-end;
- (h) ‘pocket type cod-end’ means any cod-end whose vertical height diminishes towards the rearmost part of the cod-end and whose transversal cross-sections are nearly an ellipse of the same or decreasing major axis. The rearmost part of the cod-end is either composed by a single folded panel or by transversally lacing together, with respect to the longitudinal axis of the net, the rearmost upper and lower panels;
- (i) ‘transversal lacing rope’ means any external or internal rope running transversally, with respect to the longitudinal axis of the net, in the rearmost part of the cod-end either along the join between two upper and lower panels or along the bend of the single rearmost panel. It can be either a prolongation of the lateral lacing rope or a separate rope;
- (j) ‘circumference-perimeter’ of any cross section in a diamond mesh netting of a trawl net shall be calculated as the number of meshes in that cross section multiplied by the stretched mesh size;
- (k) ‘circumference-perimeter’ of any cross section in a square mesh netting of a trawl net shall be calculated as the number of meshes in that cross section multiplied by the mesh side length.

(A) *Authorised attachments to trawl nets*

1. Notwithstanding Article 8 of Regulation (EEC) No 3440/84 either a transversal, with respect to the longitudinal axis of the net, or lengthways zip-fastener mechanical device may be used to close the opening for emptying the pocket-type cod-end.
2. The transversal zip-fastener shall be attached at a distance which is not more than 1 metre from the rear meshes of the cod-end.

(B) *Rigging requirements*

1. A balloon cod-end shall be prohibited in trawl nets. Within any single cod-end the number of equal sized meshes around any circumference of the cod-end shall not increase from the front end to the rear end.

▼ C1

2. The circumference of the rearmost part of the trawl body (the tapered section) or of the extension piece (the untapered section) shall not be smaller than the circumference of the front end of the cod-end *sensu stricto*. In the case of a square mesh cod-end, in particular, the circumference of the rearmost part of the trawl body or of the extension piece shall be from two to four times the circumference of the front end of the cod-end *sensu stricto*.
3. Square mesh panels may be inserted into any towed net and shall be placed in front of any extension piece or at any point between the front of any extension piece and the posterior of the cod-end. It shall not be obstructed in any way by either internal or external attachments. It shall be constructed of knotless netting or of netting constructed with non-slip knots, and shall be inserted in such a way that the meshes remain fully open at all times while fishing. Detailed rules for further technical specifications of square mesh panels shall be adopted in accordance with the procedure laid down in Article 29 of this Regulation.
4. Analogously, technical devices with a view of improving selectivity of trawl nets, other than that referred to in point (b) 3, may be authorised in accordance with the procedure referred to in Article 29 of this Regulation.
5. The carrying on board or the use of any towed net the cod-end of which is constructed wholly or in part of any type of netting material made of meshes other than square mesh or diamond mesh shall be prohibited unless authorised in accordance with the procedure referred to in Article 29 of this Regulation.
6. Paragraphs 4 and 5 shall not apply to any boat seine the cod-end of which has a mesh size smaller than 10 mm.
7. By way of modification of Article 6(4) of Regulation (EEC) No 3440/84 the mesh size of the strengthening bag shall not be less than 120 mm for bottom trawlers if the cod-end mesh is smaller than 60 mm. This provision shall apply only to the Mediterranean Sea and shall be without prejudice to other ►**M2** Union ◀ waters. If the cod-end mesh size is equal to or greater than 60 mm then Article 6(4) of Regulation (EEC) No 3440/84 shall apply.
8. The pocket type cod-end shall not have more than one opening to empty.
9. The length of the transversal lacing rope shall be not less than 20 % of the circumference of the cod-end.
10. The circumference of the strengthening bag, as defined in Article 6 of Regulation No 3440/84, shall not be less than 1,3 times that of the cod-end for bottom trawl nets.
11. The carrying on board or the use of any towed net constructed wholly or in part in the cod-end of single twine netting materials having a twine thickness of more than 3,0 millimetres shall be prohibited.
12. The carrying on board or the use of any towed net constructed wholly or in part in the cod-end of netting materials consisting of multiple twines shall be prohibited.
13. Netting materials having a twine thickness greater than 6 mm shall be prohibited in any part of a bottom trawl net.

▼ M4▼ C1

ANNEX V

25-mile management zone around Maltese Islands(a) Authorised trawlable areas to the approaches of the Maltese islands:
geographic coordinates

Zone A	Zone H
A1 — 36,0172°N, 4,1442°E	H1 — 35,6739°N, 14,6742°E
A2 — 36,0289°N, 14,1792°E	H2 — 35,4656°N, 14,8459°E
A3 — 35,9822°N, 14,2742°E	H3 — 35,4272°N, 14,7609°E
A4 — 35,8489°N, 14,3242°E	H4 — 35,5106°N, 14,6325°E
A5 — 35,8106°N, 14,2542°E	H5 — 35,6406°N, 14,6025°E
A6 — 35,9706°N, 14,2459°E	
Zone B	Zone I
B1 — 35,7906°N, 14,4409°E	I1 — 36,1489°N, 14,3909°E
B2 — 35,8039°N, 14,4909°E	I2 — 36,2523°N, 14,5092°E
B3 — 35,7939°N, 14,4959°E	I3 — 36,2373°N, 14,5259°E
B4 — 35,7522°N, 14,4242°E	I4 — 36,1372°N, 14,4225°E
B5 — 35,7606°N, 14,4159°E	
B6 — 35,7706°N, 14,4325°E	
Zone C	Zone J
C1 — 35,8406°N, 14,6192°E	J1 — 36,2189°N, 13,9108°E
C2 — 35,8556°N, 14,6692°E	J2 — 36,2689°N, 14,0708°E
C3 — 35,8322°N, 14,6542°E	J3 — 36,2472°N, 14,0708°E
C4 — 35,8022°N, 14,5775°E	J4 — 36,1972°N, 13,9225°E
Zone D	Zone K
D1 — 36,0422°N, 14,3459°E	K1 — 35,9739°N, 14,0242°E
D2 — 36,0289°N, 14,4625°E	K2 — 36,0022°N, 14,0408°E
D3 — 35,9989°N, 14,4559°E	K3 — 36,0656°N, 13,9692°E
D4 — 36,0289°N, 14,3409°E	K4 — 36,1356°N, 13,8575°E
	K5 — 36,0456°N, 13,9242°E
Zone E	Zone L
E1 — 35,9789°N, 14,7159°E	L1 — 35,9856°N, 14,1075°E
E2 — 36,0072°N, 14,8159°E	L2 — 35,9956°N, 14,1158°E
E3 — 35,9389°N, 14,7575°E	L3 — 35,9572°N, 14,0325°E
E4 — 35,8939°N, 14,6075°E	L4 — 35,9622°N, 13,9408°E
E5 — 35,9056°N, 14,5992°E	

▼ **C1**

Zone F	Zone M
F1 — 36,1423°N, 14,6725°E	M1 — 36,4856°N, 14,3292°E
F2 — 36,1439°N, 14,7892°E	M2 — 36,4639°N, 14,4342°E
F3 — 36,0139°N, 14,7892°E	M3 — 36,3606°N, 14,4875°E
F4 — 36,0039°N, 14,6142°E	M4 — 36,3423°N, 14,4242°E
	M5 — 36,4156°N, 14,4208°E
Zone G	Zone N
G1 — 36,0706°N, 14,9375°E	N1 — 36,1155°N, 14,1217°E
G2 — 35,9372°N, 15,0000°E	N2 — 36,1079°N, 14,0779°E
G3 — 35,7956°N, 14,9825°E	N3 — 36,0717°N, 14,0264°E
G4 — 35,7156°N, 14,8792°E	N4 — 36,0458°N, 14,0376°E
G5 — 35,8489°N, 14,6825°E	N5 — 36,0516°N, 14,0896°E
	N6 — 36,0989°N, 14,1355°E

(b) Geographic coordinates of some way-points along the 200m isobath within the 25-mile management zone

ID	Latitude	Longitude
1	36,3673°N	14,5540°E
2	36,3159°N	14,5567°E
3	36,2735°N	14,5379°E
4	36,2357°N	14,4785°E
5	36,1699°N	14,4316°E
6	36,1307°N	14,3534°E
7	36,1117°N	14,2127°E
8	36,1003°N	14,1658°E
9	36,0859°N	14,152°E
10	36,0547°N	14,143°E
11	35,9921°N	14,1584°E
12	35,9744°N	14,1815°E
13	35,9608°N	14,2235°E
14	35,9296°N	14,2164°E
15	35,8983°N	14,2328°E

▼ C1

ID	Latitude	Longitude
16	35,867°N	14,4929°E
17	35,8358°N	14,2845°E
18	35,8191°N	14,2753°E
19	35,7863°N	14,3534°E
20	35,7542°N	14,4316°E
21	35,7355°N	14,4473°E
22	35,7225°N	14,5098°E
23	35,6951°N	14,5365°E
24	35,6325°N	14,536°E
25	35,57°N	14,5221°E
26	35,5348°N	14,588°E
27	35,5037°N	14,6192°E
28	35,5128°N	14,6349°E
29	35,57°N	14,6717°E
30	35,5975°N	14,647°E
31	35,5903°N	14,6036°E
32	35,6034°N	14,574°E
33	35,6532°N	14,5535°E
34	35,6726°N	14,5723°E
35	35,6668°N	14,5937°E
36	35,6618°N	14,6424°E
37	35,653°N	14,6661°E
38	35,57°N	14,6853°E
39	35,5294°N	14,713°E
40	35,5071°N	14,7443°E
41	35,4878°N	14,7834°E
42	35,4929°N	14,8247°E
43	35,4762°N	14,8246°E
44	36,2077°N	13,947°E
45	36,1954°N	13,96°E
46	36,1773°N	13,947°E
47	36,1848°N	13,9313°E
48	36,1954°N	13,925°E

▼ C1

ID	Latitude	Longitude
49	35,4592°N	14,1815°E
50	35,4762°N	14,1895°E
51	35,4755°N	14,2127°E
52	35,4605°N	14,2199°E
53	35,4453°N	14,1971°E

▼ C1

ANNEX VI

Correlation table

Regulation (EC) No 1626/94	Present Regulation
Article 1(1)	Article 1(1)
Article 1(2) first subparagraph	Article 7, Article 17 and Article 19
Article 1(2) second subparagraph	Article 3
Article 2(1) and (2)	Article 8
Article 2(3)	Article 13(5), Article 17 and Article 19
Article 3(1) first subparagraph	Article 13(1) first subparagraph and (5)
Article 3(1) second subparagraph	Article 13(5), Article 14(2) and (3), Article 19
Article 3(1) third (1a) subparagraph	Article 4, Article 13(9), Article 13(10), Article 19
Article 3(2)	Article 13(1) second subparagraph and (8) and Article 19
Article 3(3)	Article 4, Article 13(10) and Article 19
Article 3(4)	Article 13(3) and (7) and Article 19
Article 4	Article 7
Article 5	Article 12 and Annex II
Article 6(1) first subparagraph and Article 6(2)	Article 9(1) and (2)
Article 6(1) second subparagraph	Article 9(7), Article 14(1) and (3)
Article 6(3)	Annex II Definitions
Article 7	Article 22
Article 8(1) and (3)	Article 15, Annex III and Annex IV
Article 8a	Article 26
Article 8b	Article 27
Article 9	Article 1(2)
Article 10a	Article 29
Article 11	Article 32
Annex I	Article 3 and Article 4
Annex II	Article 11, Annex I and Annex II
Annex III	Article 9(3), (4) and (5)
Annex IV	Annex III
Annex V(b)	Annex V