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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.9.2009  
COM(2009) 477 final

2009/0129 (CNS)

Proposal for a

**COUNCIL REGULATION**

**on certain provisions for fishing in the GFCM (General Fisheries Commission for the  
Mediterranean) Agreement Area**

## EXPLANATORY MEMORANDUM

The objectives of the Common Fisheries Policy (CFP), notably to ensure exploitation of living aquatic resources that is sustainable in economic, environmental and social terms while applying the precautionary principle and an ecosystem approach, also extend to waters beyond territorial and Community waters. The European Community, as well as Bulgaria, Cyprus, France, Greece, Italy, Malta, Romania, Slovenia and Spain, are Contracting Parties to the General Fisheries Commission for the Mediterranean ("GFCM"), a Regional Fisheries Management Organisation established under Article XIV of the FAO Constitution. The GFCM may, on the basis of scientific advice, adopt recommendations and resolutions designed to promote the development, conservation, rational management and best utilization of stocks of living aquatic resources in the Mediterranean and the Black Sea at levels are considered sustainable and at low risk.

Since recommendations adopted by the GFCM are binding on its Contracting Parties and since the Community is such a contracting party, the recommendations are binding on the Community and should therefore be transposed, where their content is not already covered by Community legislation, into Community law.

Until recently, recommendations adopted by GFCM have been transposed into Community on a temporary basis, through the annual regulations on fishing opportunities<sup>1</sup>. However, the permanent character of such recommendations would require also a more permanent legal instrument for their transposition into Community law; it seems therefore appropriate to transpose these recommendations via a single legislative act, where future recommendations can be added by way of amendments to that act. This will also improve legal certainty and it is an important step towards simplification.

The content and obligations of the recommendations adopted by GFCM are often entirely or partly covered by EU legislation adopted previously and therefore only those aspects which differ from the EU legislation in question need to be transposed, as well as the relevant reporting obligations, where appropriate.

Since GFCM recommendations apply to the entire GFCM agreement area which covers the Mediterranean, the Black Sea and connecting waters as referred to in Annex II to Council Decision 1998/416/EC of 16 June 1998<sup>2</sup>, for reasons of clarity of Community legislation they should be transposed in a regulation separate from Regulation 1967/2006 which only covers the Mediterranean Sea.

For reasons of autonomy the GFCM uses the term 'Fisheries Restricted Areas' for spatial management measures. This terminology is equivalent to the 'Fishing Protected Areas' as used in Regulation (EC) N° 1967/2006.

The European Commission proposes the present regulation, which transposes recommendations of the General Fisheries Commission for the Mediterranean (GFCM), as adopted in its Annual Sessions.

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<sup>1</sup> R. 43/2009, R. 40/2008, 41/2007, 51/2006

<sup>2</sup> OJ L 190, 4.7.1998, p. 34

Proposal for a

## **COUNCIL REGULATION**

### **on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The Agreement for the establishment of the General Fisheries Commission for the Mediterranean ("GFCM"), hereinafter referred to as the GFCM Agreement, was approved by the Council by Decision 98/416/EC<sup>3</sup> of 16 June 1998 on the accession of the European Community to GFCM.
- (2) The GFCM Agreement provides an appropriate framework for multilateral cooperation to promote the development, conservation, rational management and best utilisation of stocks of living aquatic resources in the Mediterranean and the Black Sea at levels which are considered sustainable and at low risk of collapse.
- (3) The European Community, as well as Bulgaria, Cyprus, France, Greece, Italy, Malta, Romania, Slovenia and Spain, are Contracting Parties to the GFCM.
- (4) Recommendations adopted by GFCM are binding on its Contracting Parties. As the Community is a contracting party to the GFCM, these recommendations are binding on the Community and should therefore be transposed, where their content is not already covered by Community legislation, into Community law.
- (5) At its Annual Sessions in 2005, 2006, 2007 and 2008 the GFCM adopted a number of recommendations and resolutions for certain fisheries in the GFCM Agreement Area which have been temporarily transposed into Community law by the annual regulations on fishing opportunities<sup>4</sup> or, in the case of GFCM recommendations 2005/1 and 2005/2, by Articles 4(3) and 24 of Regulation 1967/2006<sup>5</sup>.
- (6) For reasons of clarity, simplification and legal certainty, and since the permanent character of recommendations requires also a permanent legal instrument for their transposition into Community law, it is appropriate to transpose these recommendations via a single legislative act, where future recommendations can be added by way of amendments to that act.

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<sup>3</sup> OJ L 190, 4.7.1998, p.34.

<sup>4</sup> R. 43/2009, Articles 28-31 R. 40/2008 Articles 29-31, 41/2007, Articles 26-27 51/2006, Annex III

<sup>5</sup> OJ L 39, 8.2.2007, p. 6

- (7) GFCM recommendations apply to the entire GFCM agreement area, notably the Mediterranean, the Black Sea and connecting waters, as referred to in Annex II to Council Decision 1998/416/EC of 16 June 1998<sup>6</sup> and therefore, for reasons of clarity of Community legislation, should be transposed in a single separate regulation rather than through amendments to Regulation (EC) No 1967/2006 which only covers the Mediterranean Sea.
- (8) Certain provisions contained in Regulation (EC) No 1967/2006 should apply not only in the Mediterranean Sea but in the entire GFCM area. Those provisions should therefore be deleted from (EC) No 1967/2006 and included in this Regulation
- (9) The 'Fisheries Restricted Areas' established by GFCM recommendations for spatial management measures are equivalent in effect to the 'Fishing Protected Areas' as used in Regulation (EC) N° 1967/2006.
- (10) At its Annual Session of 23-27 March 2009 the GFCM adopted a recommendation on the establishment of a Fisheries Restricted Area in the Gulf of Lions, on the basis of scientific advice by Scientific Advisory Committee (SAC), as contained in the report of its 11<sup>th</sup> session (FAO report n° 890). It is appropriate to implement this measure by means of an effort management system.
- (11) The selectivity of some fishing gears cannot go beyond a certain level in Mediterranean mixed fisheries and that, in addition to the control and limitation of fishing effort, it is fundamental to limit fishing effort in areas where adults of important stocks aggregate in order to have a low risk of reproduction impairment, thus allowing for their sustainable exploitation. It is therefore advisable to first limit the fishing effort exerted in the area examined by the SAC to previous levels and not to allow any increase of that level.
- (12) The advice on which management measures are based should rely on the scientific use of relevant data on fleet capacity and activity, on the biological status of exploited resources and on the social and economic situation of fisheries; these data need to be collected and submitted in time to allow the subsidiary bodies of GFCM to prepare their advice.
- (13) At its Annual Session in 2008 the GFCM adopted a recommendation on a regional scheme of Port State measures to combat Illegal, Unreported and Unregulated (IUU) fishing in the GFCM Area. While the Community regulation on IUU fishing<sup>7</sup> covers generally the content of this recommendation and will enter into force on 1 January 2010, there are nevertheless some aspects such as the frequency, coverage and procedure for port inspections which need to be referred to in this Regulation in order to adapt the measure to the specificities of the GFCM area.
- (14) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedure for the exercise of implementing powers conferred to the Commission<sup>8</sup>. In order to ensure that additional measures adopted by GFCM which become obligatory for the Community can be implemented within the timeframe set out in the GFCM Agreement, amendments to transpose conservation and control or enforcement recommendations may be adopted following the same procedure.

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<sup>6</sup> OJ L 190, 4.7.1998, p. 34

<sup>7</sup> Council Regulation (EC) 1005/2008 of 29 September 2008, OJ L 286, 29.10.2008, p. 1

<sup>8</sup> OJ L 184, 17.7.1999, p. 23

HAS ADOPTED THIS REGULATION :

## **TITLE I GENERAL PROVISIONS**

### *Article 1*

#### **Subject matter**

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

### *Article 2*

#### **Scope**

1. This Regulation applies to all commercial fishing and aquaculture activities conducted by Community fishing vessels and nationals of Member States in the GFCM Agreement Area.

It shall apply without prejudice to Regulation (EC) No 1967/2006.

2. By way of derogation from paragraph 1, the provisions of 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 whose flag the vessel is flying and of which the Commission and the Member States in whose waters the research is carried out have been informed in advance. Member States conducting fishing operations for the purpose of scientific investigations shall inform the Commission, the Member States in whose waters the research is carried out and STECF of all catches from such fishing operations.

### *Article 3*

#### **Definitions**

For the purposes of this Regulation the following definitions, in addition to the definitions laid down in Article 3 of Regulation (EC) No 2371/2002<sup>9</sup> and Article 2 of Regulation (EC) No 1967/2006 shall apply:

- (a) 'GFCM agreement area' means the Mediterranean, the Black Sea and connecting waters, as referred to in Annex II of Council Decision 98/416/EC of 16 June 1998 on the accession of the European Community to the GFCM.
- (b) 'Fishing effort' means the product of the capacity of a fishing vessel, both in kW and in GT, and the days at sea
- (c) 'day at sea' means any calendar day a vessel is absent from port, irrespective of the amount of time of the day that vessel is present in an area;"

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<sup>9</sup> OJ L 358 of 31.12.2002, p. 59

## **TITLE II**

# **TECHNICAL MEASURES**

### Chapter I

## Fisheries Restricted Areas

#### SECTION I

### FISHERIES RESTRICTED AREA IN THE GULF OF LIONS

#### *Article 4*

#### **Establishment of a fisheries restricted area**

A fisheries restricted area is established in the eastern Gulf of Lions (as bounded by lines joining the following geographic coordinates:

- 42°40'N, 4°20' E;
- 42°40'N, 5°00' E;
- 43°00'N, 4°20' E;
- 43°00'N, 5°00' E;

#### *Article 5*

#### **Fishing effort**

The fishing effort for demersal stocks of vessels using towed nets, bottom and mid-water longlines and bottom-set nets in the fisheries restricted area as referred to in Article 4 shall not exceed the level of fishing effort applied in 2008 by each Member State in that area .

#### *Article 6*

#### **Fishing track record**

The Member States shall submit to the Commission in electronic format, not later than by 30 September 2009, a list of vessels flying their flag that had a track record of fishing during the year 2008 in the area referred to in Article 4 and in GFCM Geographical subarea 7 as defined in Annex I . The list shall contain the name of the vessel, its Community Fleet Register number<sup>10</sup>, the period for which the vessel was authorised to fish in the area referred to in Article 4 and the number of days spent by each vessel in the year 2008 in Geographical subarea 7 and more specifically in the area referred to in Article 4.

#### *Article 7*

#### **Authorised vessels**

1. Vessels authorised to fish in the area referred to in Article 4 shall be issued a Special Fishing Permit by their Member State in accordance with Regulation (EC) No 1627/94<sup>11</sup>.

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<sup>10</sup> as defined in Annex I to Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register.

<sup>11</sup> OJ L 171, 6.7.1994, p. 7–13

2. Fishing vessels not having records of fishing within the area referred to in Article 4 prior to 31 December 2008 shall not be authorized to start fishing therein.
3. Member States shall communicate to the Commission, not later than by 30 September 2009, the national legislation in force at 31 December 2008 concerning
  - (a) the maximum time of daily fishing activity allowed per vessel,
  - (b) the maximum number of days per week a vessel can stay at sea and be absent from port and
  - (c) the compulsory timing to exit and return to the registered port of their fishing vessels.

#### *Article 8*

#### **Protection of sensitive habitats**

Member States shall ensure that the area referred to in Article 4 is protected from the impacts of any other human activity jeopardizing the conservation of the features that characterize that area as an area of spawners' aggregation.

#### *Article 9*

#### **Information**

Before 31 January each year Member States shall submit to the Commission in electronic format a report on the fishing activities carried out in the area referred to in Article 4.

### **SECTION II**

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

#### *Article 10*

#### **Establishment of fisheries restricted areas**

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

- (a) Deep Sea fisheries restricted area "Lophelia reef off Capo Santa Maria di Leuca" bounded by lines joining the following coordinates:
  - 39° 27.72' N, 18° 10.74' E
  - 39° 27.80' N, 18° 26.68' E
  - 39° 11.16' N, 18° 32.58' E
  - 39° 11.16' N, 18° 04.28' E;
- (b) Deep Sea fisheries restricted area "The Nile delta area cold hydrocarbon seeps" bounded by lines joining the following coordinates:
  - 31° 30.00' N, 33° 10.00' E
  - 31° 30.00' N, 34° 00.00' E
  - 32° 00.00' N, 34° 00.00' E
  - 32° 00.00' N, 33° 10.00' E;
- (c) Deep Sea fisheries restricted area "The Eratosthenes Seamount" bounded by lines joining the following coordinates:
  - 33° 00.00' N, 32° 00.00' E
  - 33° 00.00' N, 33° 00.00' E



- 34° 00.00' N, 33° 00.00' E
- 34° 00.00' N, 32° 00.00' E.

#### *Article 11*

#### **Protections of sensitive habitats**

Member States shall ensure the protection of the deep-sea sensitive habitats in the areas referred to in Article 10 and shall ensure in particular that those areas are protected from the impacts of any other activity than fishing activity jeopardising the conservation of the features that characterise those habitats.

### CHAPTER II

#### ESTABLISHMENT OF A CLOSED SEASON FOR THE DOLPHINFISH FISHERIES USING FISH AGGREGATING DEVICES (FADS)

#### *Article 12*

#### **Closed season**

1. The common dolphinfish (*Coryphaena hippurus*) fisheries using fish aggregating devices (FADs) shall be prohibited from 1 January to 14 August of each year.
2. By way of derogation from paragraph 1, if a Member State can demonstrate that due to bad weather, the fishing vessels flying its flag were unable to utilise their normal fishing days that Member State may carry over days lost by its vessels in FAD fisheries until 31 January of the following year. In that case, before the end of the year Member States shall submit to the Commission an application for the number of days to carry over.
3. Paragraphs 1 and 2 shall also apply in the management zone referred to in Article 26(1) of Regulation (EC) No 1967/2006<sup>12</sup>.
4. The application referred to in paragraph 2 shall contain the following information:
  - (a) a report containing the details of the cessation of fishing activities in question, including appropriate supporting meteorological information;
  - (b) the name of the vessel and its Community Fleet Register number.
5. The Commission shall decide on the applications referred to in paragraph 2 within 6 weeks from the date of reception of the application and inform the Member State in writing.
6. The Commission shall inform the Executive Secretary of the GFCM of decisions taken pursuant to paragraph 5. Before 1 November of each year Member States shall send to the Commission a report on the carrying over of days lost in the previous year as referred to in paragraph 2.

#### *Article 13*

#### **Special fishing permit**

Fishing vessels authorised to participate in the common dolphinfish fishery shall be granted a special fishing permit in accordance with Regulation (EC) No 1627/94 and shall be included

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<sup>12</sup> OJ L 36, 8.2.2007, p.6–30

in a list containing the name of the vessel and its Community Fleet Register number, to be provided to the Commission by the Member State concerned. Notwithstanding Article 1(2) of Regulation (EC) No 1627/94, vessels of an overall length of less than 10 meters shall be required to have a special fishing permit.

This requirement shall also apply to the management zone referred to in Article 26(1) of Regulation 1967/2006.

#### *Article 14*

#### **Data collection**

Without prejudice to Council Regulation (EC) N° 199//2008<sup>13</sup> Member States shall set up an appropriate system of collection and treatment of fisheries catch and effort data.

Member States shall report to the Commission by 15 January of each year the number of vessels involved in the fishery, the total landings and transshipments of common dolphinfish carried out in the previous year by the fishing vessels flying their flag in each geographical sub-area of the GFCM Agreement area as set out in Annex I.

The Commission shall forward the information received from the Member States to the Executive Secretary of the GFCM."

### **CHAPTER III FISHING GEAR**

#### *Article 15*

#### **Minimum mesh size in the Mediterranean Sea**

1. The diamond mesh nets used in the in the Mediterranean Sea in accordance with point 2 of Article 9(3) of Regulation (EC) No 1967/2006 for trawling activities exploiting demersal stocks must have an acknowledged size selectivity equivalent to or higher than that of square-meshed nets of 40 mm at the cod-end.
2. By way of derogation from Article 8(1)(h) and from point (2) of Article 9(3) of Regulation (EC) No 1967/2006, until 31 May 2010 Member States may continue to authorise fishing vessels flying their flag to use a codend mesh size smaller than 40 mm diamond in certain local and seasonal demersal trawl fisheries exploiting fish stocks that are not shared with third countries.
3. Paragraph 2 shall apply only to fishing activities formally authorised by Member States in accordance with national law in force on 1 January 2007 and shall not involve any increase in fishing effort with respect to the year 2006.
4. Member States shall submit to the Commission by 15 January 2010, through the accustomed data-processing support, the list of vessels authorised in accordance with paragraph 2, containing the following information:
  - (a) the name of the vessel and its Community Fleet Register number;
  - (b) the authorised fishery(ies) carried out by each vessel defined in terms of target stock(s), the fishing area as set out in Annex I and the technical mesh size characteristics of the fishing gear deployed;

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<sup>13</sup> OJ L 60, 5.3.2008, P. 1

- (c) the authorised fishing period.
5. The Commission shall forward the information referred to in paragraph 4 to the Executive Secretary of the GFCM.

*Article 16*

**Minimum mesh size in the Black Sea**

1. The minimum mesh size for nets used for trawling activities exploiting demersal stocks in the Black Sea shall be 40 mm; panels of netting smaller than 40 mm mesh size opening shall not be used or kept on board.
2. By 31 January 2012 the net referred to in paragraph 1 shall be replaced by a square-meshed net of 40 mm at the cod-end or, at the duly justified request of the ship-owner, by a diamond meshed net of 50mm which must have an acknowledged size selectivity equivalent to or higher than that of square-meshed nets of 40 mm at the cod-end.
3. Member States whose fishing vessels conduct trawling activities exploiting demersal stocks in the Black Sea shall submit to the Commission, for the first time by 1 October 2009 and subsequently every 6 months, the list of fishing vessels, and their percentage out of the whole national demersal trawl fleet equipped with a square-meshed net of at least 40 mm at the cod-end or diamond meshed nets of at least 50mm.
4. The Commission shall forward the information referred to in paragraph 2 to the Executive Secretary of the GFCM.

*Article 17*

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

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

**TITLE III  
CONTROL MEASURES**

**CHAPTER I  
REGISTER OF VESSELS**

*Article 18*

**Register of authorised vessels**

1. Before 1 December 2009 each Member State shall send the Commission, through the accustomed data-processing support, an updated list of the vessels of more than 15 metres overall length flying its flag and registered in its territory that it authorises to fish in the GFCM area by issue of a fishing permit.
2. The list indicated in paragraph 1 shall include the following information:

- (a) vessel's Community fleet register number (CFR), and external marking as defined in Annex I to Council Regulation (EC) No 26/2004<sup>14</sup>;
  - (b) period authorised for fishing and/or transhipment;
  - (c) fishing gears used.
3. The Commission shall send the updated list to the GFCM Executive Secretariat before 1 January 2010 so that these vessels can be entered on the GFCM register of vessels of more than 15 metres in overall length authorised to fish in the GFCM Agreement area (hereinafter referred to as the GFCM register).
4. Any change to be made to the list indicated in paragraph 1 shall be notified to the Commission for transmission to the GFCM Executive Secretariat, the same procedure applying, at least 10 working days before the vessel begins fishing activity in the GFCM area.
5. Community fishing vessels of more than 15 metres in overall length that are not entered on the list indicated in paragraph 1 shall not fish, retain on board, tranship or land any type of fish or shellfish within the GFCM area.
6. Member States shall take the necessary measures to ensure that:
  - (a) only vessels flying their flag that are included in the list indicated in paragraph 1 and hold on board a fishing permit issued by them are authorised, under the terms of the permit, to carry out fishing activities in the GFCM area;
  - (b) no fishing permit is issued to vessels that have carried out illegal, unregulated and unreported fishing in the GFCM area or elsewhere (IUU fishing), unless the new owners provide adequate documentary evidence that the previous owners and operators have no longer any legal, beneficial or financial interest in, or exercise any control over, their vessels, or that their vessels neither take part in nor are associated with IUU fishing;
  - (c) to the extent possible, their national legislation prohibits owners and operators of vessels flying their flag that are included in the list indicated in paragraph 1 from taking part in or being associated with fishing activities in the GFCM Agreement area by vessels not on the GFCM register;
  - (d) to the extent possible, their national legislation requires owners of vessels flying their flag that are included in the list indicated in paragraph 1 to be nationals or legal entities within the flag Member State;
  - (e) their vessels comply with all the relevant GFCM conservation and management measures.
7. Member States shall take the necessary measures to prohibit fishing, retention on board, transhipment and landing of fish and shellfish caught in the GFCM area by vessels of more than 15 metres in overall length that are not on the GFCM register.
8. Member States shall without delay pass on to the Commission any information showing that there are strong reasons for suspecting that vessels of more than 15 metres in overall length that are not on the GFCM register are fishing for or transhipping fish and shellfish in the GFCM Agreement area.

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<sup>14</sup> OJ L 5, 9.1.2004, p.25

## CHAPTER II PORT STATE MEASURES

### *Article 19*

#### **Scope**

This Chapter shall apply to third country fishing vessels.

### *Article 20*

#### **Prior notice**

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

### *Article 21*

#### **Port inspections**

1. Notwithstanding Article 9(1) of Regulation (EC) No 1005/2008, Member States shall carry out inspections in their designated ports of at least 15 % of landings and transshipment operations each year.
2. Notwithstanding Article 9(2) of Regulation (EC) No 1005/2008, fishing vessels that enter into a Member States' port without prior authorisation shall be inspected in all cases.

### *Article 22*

#### **Inspection procedure**

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

### *Article 23*

#### **Denial of use of port**

1. Member States shall not allow a third-country vessel to use their ports for landing, transshipping or processing of fisheries products caught in the GFCM area and deny it access to port services, including, *inter alia*, refuelling and resupplying services, except in cases of *force majeure* or distress within the meaning of Article 18 of the UNCLOS for services strictly necessary to remedy those situations, if:
  - (a) the vessel is not flying the flag of a GFCM Contracting Party; or
  - (b) the vessel is included in a list of vessels having engaged in, or supported, IUU fishing adopted by a regional fisheries management organization; or
  - (c) the vessel does not have a valid authorisation to engage in fishing or fishing related activities in the GFCM area.
2. Paragraph 1 shall apply in addition to the provisions on denial of use of port provided for by Articles 4(2) and 37(5) and (6) of Regulation (EC) No 1005/2008.
3. Where a Member State has denied the use of its ports in accordance with paragraphs 1 or 2, it shall promptly notify the master of the vessel, the flag State, the Commission, the Executive Secretary of the GFCM of such action.

4. Where the grounds for denial referred to in paragraphs 1 or 2 no longer apply, the Member State shall withdraw its denial and notify thereof the addressees of the notification issued pursuant to paragraph 3."

## **TITLE IV**

### **COOPERATION, INFORMATION AND REPORTING**

#### *Article 24*

##### **Cooperation and information**

1. The Commission and Member States shall cooperate and exchange information with the Executive Secretary of the GFCM, in particular by:
  - (a) requesting information from, and providing information to relevant databases;
  - (b) requesting and providing cooperation to promote the effective implementation of this Regulation.
2. Member States shall ensure that their national fisheries related information systems allow for the direct electronic exchange of information on port State inspections referred to in Title III between them and the GFCM Secretariat, with due regard to appropriate confidentiality requirements.
3. Member States shall take measures to share by electronic means information among relevant national agencies and to coordinate the activities of such agencies in the implementation of the measures under this Section.
4. Member States shall establish a list of contact points for the purpose of this Regulation, which shall be transmitted electronically, without delay, to the Commission, the Executive Secretary of GFCM and GFCM Contracting Parties.

#### *Article 25*

##### **Reporting of statistical matrices**

1. Member States shall submit before 1 May each year to the Executive Secretary of GFCM the data of Task 1.1, 1.2, 1.3, 1.4 and 1.5 of the GFCM statistical matrix as set out in Annex III.
2. The first submission of the data of Task 1.1, 1.2, and 1.4 shall be made before 1 February 2010.
3. The first submission of the data of Task 1.3 and 1.5 shall be made before 1 February 2011.
4. For the submission of data referred to in paragraph 1, Member States shall use the GFCM data-entry system or any other appropriate data submission standard and protocol set by the GFCM Secretariat and available at the following web-site: <http://www.gfcm.org/gfcm/topic/16164>.
5. Member States shall inform the Commission of the data submitted on the basis of this Article.

## **TITLE V**

### **FINAL PROVISIONS**

#### *Article 26*

##### **Implementation**

The measures necessary for implementing the provisions of this Regulation shall be adopted in accordance with the procedure established in Article 27 (2).

#### *Article 27*

##### **Committee for fisheries and aquaculture**

1. The Commission shall be assisted by a Management Committee for Fisheries and Aquaculture.
2. Where reference is made to this paragraph, Article 4 and 7 of Decision 1999/468/EC shall apply. The period referred to in Article 4(3) of Decision 1999/468/EC shall be set at one month.
3. This Committee shall adopt its rules of procedure.

#### *Article 28*

##### **Procedure for amendments**

The provisions of this Regulation may be amended in accordance with the procedure referred to in Article 27(2) in order to transpose into Community law GFCM recommendations on conservation or control, or technical adaptations to previous GFCM recommendations, which become obligatory for the Community.

The Annexes may be amended in order to transpose GFCM recommendations in accordance with the same procedure.

#### *Article 29*

##### **Amendments to Regulation (EC) No 1967/2006**

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

- (a) in Article 4, paragraph 3 is deleted;
- (b) Article 24 is deleted;
- (c) in Article 27, paragraphs 1 and 4 are deleted.

#### *Article 30*

##### **Amendments to Regulation No 43/2009**

In Regulation (EC) No 43/2009, Articles 28 to 31 and Annexes VII and VIII are deleted.

#### *Article 31*

##### **Entry into force**

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,

*For the Council*  
*The President*

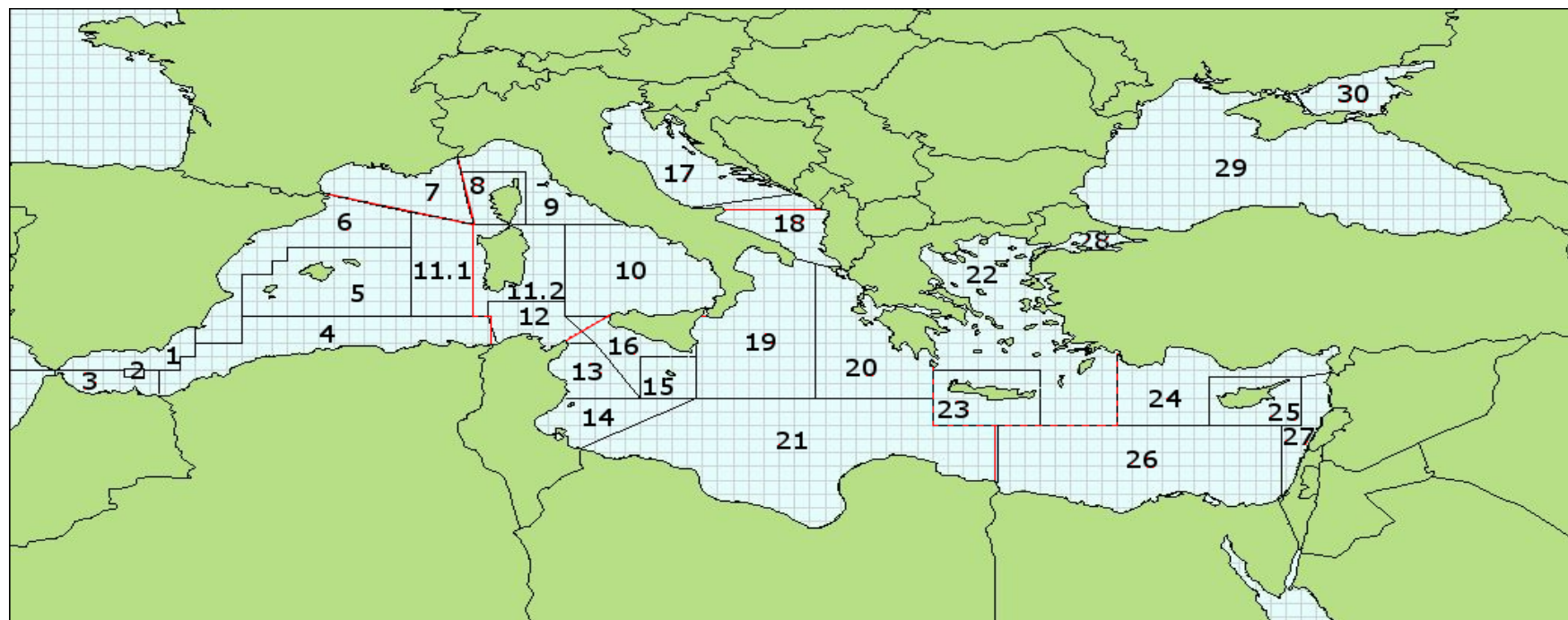


## ANNEX I

### A) Table of GFCM Geographical Sub-Areas (GSAs)

FAO SUBAREA	FAO STATISTICAL DIVISIONS	GSAs
<b>WESTERN</b>	<b>1.1 BALEARIC</b>	<b>1</b> Northern Alboran Sea
		<b>2</b> Alboran Island
		<b>3</b> Southern Alboran Sea
		<b>4</b> Algeria
		<b>5</b> Balearic Island
		<b>6</b> Northern Spain
	<b>1.2 GULF OF LIONS</b>	<b>11.1</b> Sardinia (west)
		<b>7</b> Gulf of Lions
	<b>1.3 SARDINIA</b>	<b>8</b> Corsica Island
		<b>9</b> Ligurian and North Tyrrhenian Sea
		<b>10</b> South Tyrrhenian Sea
		<b>11.2</b> Sardinia (east)
<b>12</b> Northern Tunisia		
<b>CENTRAL</b>	<b>2.1 ADRIATIC</b>	<b>17</b> Northern Adriatic
		<b>18</b> Southern Adriatic Sea (part)
	<b>2.2 IONIAN</b>	<b>13</b> Gulf of Hammamet
		<b>14</b> Gulf of Gabes
		<b>15</b> Malta Island
		<b>16</b> South of Sicily
		<b>18</b> Southern Adriatic Sea (part)
		<b>19</b> Western Ionian Sea
		<b>20</b> Eastern Ionian Sea
		<b>21</b> Southern Ionian Sea
<b>EASTERN</b>	<b>3.1 AEGEAN</b>	<b>22</b> Aegean Sea
		<b>23</b> Crete Island
	<b>3.2 LEVANT</b>	<b>24</b> North Levant
		<b>25</b> Cyprus Island
		<b>26</b> South Levant
<b>BLACK SEA</b>	<b>27</b> Levant	
	<b>4.1 MARMARA</b>	<b>28</b> Marmara Sea
	<b>4.2 BLACK SEA</b>	<b>29</b> Black Sea
	<b>4.3 AZOV SEA</b>	<b>30</b> Azov Sea

**B) Map of GFCM Geographical Sub-Areas (GSAs) (GFCM, 2009)**



—FAO Statistical Divisions (red) —GFCM Geographical Sub-Areas (black)

01 - Northern Alboran Sea	07 - Gulf of Lions	13 - Gulf of Hammamet	19 - Western Ionian Sea	25 - Cyprus Island
02 - Alboran Island	08 - Corsica Island	14 - Gulf of Gabes	20 - Eastern Ionian Sea	26 - South Levant
03 - Southern Alboran Sea	09 - Ligurian and North Tyrrhenian Sea	15 - Malta Island	21 - Southern Ionian Sea	27 - Levant
04 - Algeria	10 - South and Central Tyrrhenian Sea	16 - South of Sicily	22 - Aegean Sea	28 - Marmara Sea
05 - Balearic Island	11.1 - Sardinia (west) 11.2 - Sardinia (east)	17 - Northern Adriatic	23 - Crete Island	29 - Black Sea
06 - Northern Spain	12 - Northern Tunisia	18 - Southern Adriatic Sea	24 - North Levant	30 - Azov Sea

**C) Geographical coordinates for GFCM Geographical Sub-Areas (GSAs) (GFCM, 2009)**

<b>GSAs</b>	<b>LIMITS</b>	<b>GSAs</b>	<b>LIMITS</b>	<b>GSAs</b>	<b>LIMITS</b>	<b>GSAs</b>	<b>LIMITS</b>
1	Coast Line 36° N 5° 36' W 36° N 3° 20' W 36° 05' N 3° 20' W 36° 05' N 2° 40' W 36° N 2° 40' W 36° N 1° 30' W 36° 30' N 1° 30' W 36° 30' N 1° W 37° 36' N 1° W	4	Coast Line 36° N 2° 13' W 36° N 1° 30' W 36° 30' N 1° 30' W 36° 30' N 1° W 37° N 1° W 37° N 0° 30' E 38° N 0° 30' E 38° N 8° 35' E Algeria-Tunisia border Morocco-Algeria border	7	Coast line 42° 26' N 3° 09' E 41° 20' N 8° E France-Italy border	10	Coast line (including North Sicily) 41° 18' N 13° E 41° 18' N 11° E 38° N 11° E 38° N 12° 30' E
2	36° 05' N 3° 20' W 36° 05' N 2° 40' W 35° 45' N 3° 20' W 35° 45' N 2° 40' W	5	38° N 0° 30' E 39° 30' N 0° 30' E 39° 30' N 1° 30' W 40° N 1° 30' E 40° N 2° E 40° 30' N 2° E 40° 30' N 6° E 38° N 6° E	8	43° 15' N 7° 38' E 43° 15' N 9° 45' E 41° 18' N 9° 45' E 41° 20' N 8° E 41° 18' N 8° E	11	41° 47' N 6° E 41° 18' N 6° E 41° 18' N 11° E 38° 30' N 11° E 38° 30' N 8° 30' E 38° N 8° 30' E 38° N 6° E
3	Coast Line 36° N 5° 36' W 35° 49' N 5° 36' W 36° N 3° 20' W 35° 45' N 3° 20' W 35° 45' N 2° 40' W 36° N 2° 40' W 36° N 1° 13' W Morocco-Algeria border	6	Coast line 37° 36' N 1° W 37° N 1° W 37° N 0° 30' E 39° 30' N 0° 30' E 39° 30' N 1° 30' W 40° N 1° 30' E 40° N 2° E 40° 30' N 2° E 40° 30' N 6° E 41° 47' N 6° E 42° 26' N 3° 09' E	9	Coast line France-Italy border 43° 15' N 7° 38' E 43° 15' N 9° 45' E 41° 18' N 9° 45' E 41° 18' N 13° E	12	Coast line Algeria-Tunisia border 38° N 8° 30' E 38° 30' N 8° 30' E 38° 30' N 11° E 38° N 11° E 37° N 12° E 37° N 11° 04' E

<b>GSAs</b>	<b>LIMITS</b>	<b>GSAs</b>	<b>LIMITS</b>	<b>GSAs</b>	<b>LIMITS</b>
<b>13</b>	Coast line 37° N 11° 04' E 37° N 12° E 35° N 13° 30' E 35° N 11° E	<b>19</b>	Coast line (including East Sicily) 40° 04' N 18° 29' E 37° N 15° 18' E 35° N 15° 18' E 35° N 19° 10' E 39° 58' N 19° 10' E	<b>25</b>	35° 47' N 32° E 34° N 32° E 34° N 35° E 35° 47' N 35° E
<b>14</b>	Coast line 35° N 11° E 35° N 15° 18' E Tunisia-Libya border	<b>20</b>	Coast line Albania-Greece border 39° 58' N 19° 10' E 35° N 19° 10' E 35° N 23° E 36° 30' N 23° E	<b>26</b>	Coast line Libya-Egypt border 34° N 25° 09' E 34° N 34° 13' E Egypt-Gaza Strip border
<b>15</b>	36° 30' N 13° 30' E 35° N 13° 30' E 35° N 15° 18' E 36° 30' N 15° 18' E	<b>21</b>	Coast line Tunisia-Libya border 35° N 15° 18' E 35° N 23° E 34° N 23° E 34° N 25° 09' E Libya-Egypt border	<b>27</b>	Coast line Egypt-Gaza Strip border 34° N 34° 13' E 34° N 35° E 35° 47' N 35° E Turkey-Syria border
<b>16</b>	Coast line 38° N 12° 30' E 38° N 11° E 37° N 12° E 35° N 13° 30' E 36° 30' N 13° 30' E 36° 30' N 15° 18' E 37° N 15° 18' E	<b>22</b>	Coast line 36° 30' N 23° E 36° N 23° E 36° N 26° 30' E 34° N 26° 30' E 34° N 29° E 36° 43' N 29° E	<b>28</b>	
<b>17</b>	Coast line 41° 55' N 15° 08' E Croatia-Montenegro border	<b>23</b>	36° N 23° E 36° N 26° 30' E 34° N 26° 30' E 34° N 23° E	<b>29</b>	
<b>18</b>	Coast lines (both sides) 41° 55' N 15° 08' E 40° 04' N 18° 29' E Croatia-Montenegro border Albania-Greece border	<b>24</b>	Coast line 36° 43' N 29° E 34° N 29° E 34° N 32° E 35° 47' N 32° E 35° 47' N 35° E Turkey-Syria border	<b>30</b>	

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## ANNEX II

### **Port state inspection procedures for vessels**

(1) Vessel identification

The port inspector(s) shall:

- a) verify that the official documentation onboard is valid, if necessary, through appropriate contacts with the flag State or international records of vessels;
- b) where necessary, arrange for an official translation of the documentation;
- c) be assured that the vessel's name, flag, any external identification number and markings (and IMO ship identification number when available) and the international radio call sign are correct;
- d) to the extent possible, examine whether the vessel has changed name and/or flag and, if so, note the previous name(s) and flag(s);
- e) note the port of registration, name and address of the owner (and operator and beneficial owner if different from the owner), agent, and master of the vessel, including the unique ID for company and registered owner if available; and
- f) note name(s) and address(es) of previous owner(s), if any, during the past five years.

(2) Authorisation(s)

The port inspector(s) shall verify that the authorization(s) to fish or transport fish and fishery products are compatible with the information obtained under paragraph 1 and examine the duration of the authorization(s) and their application to areas, species and fishing gear.

(3) Other documentation

The port inspector(s) shall review all relevant documentation, including documents in electronic format. Relevant documentation may include logbooks, in particular the fishing logbook, as well as the crew list, stowage plans and drawings or descriptions of fish holds if available. Such holds or areas may be inspected in order to verify whether their size and composition correspond to these drawings or descriptions and whether the stowage is in accordance with the stowage plans. Where appropriate, this documentation shall also include catch documents or trade documents issued by any regional fisheries management organization.

(4) Fishing gear

- a) The port inspector(s) shall verify that the fishing gear on board is in conformity with the conditions of the authorization(s). The gear may also be checked to ensure that features such as, inter alia, the mesh size(s) (and possible devices), length of nets, hook sizes conform with applicable regulations and that identification marks of the gear correspond to those authorized for the vessel.
- b) The port inspector(s) may also search the vessel for any fishing gear stowed out of sight and for fishing gear that is otherwise illegal.

(5) Fish and fishery products

- (a) The port inspector(s) shall, to the greatest extent possible, examine whether the fish and fishery products on board were harvested in accordance with the conditions set out in the applicable authorization(s). In doing so, the port

inspector(s) shall examine the fishing logbook, reports submitted, including those transmitted by a vessel monitoring system (VMS), as appropriate.

- (b) In order to determine the quantities and species on board, the port inspector(s) may examine the fish in the hold or during the landing. In doing so, the port inspector(s) may open cartons where the fish has been pre-packed and move the fish or cartons to ascertain the integrity of fish holds.
- (c) If the vessel is unloading, the port inspector(s) may verify the species and quantities landed. Such verification may include product type, live weight (quantities determined from the logbook) and the conversion factor used for calculating processed weight to live weight. The port inspector(s) may also examine any possible quantities retained onboard.
- (d) The port inspector(s) may review the quantity and composition of all catch onboard, including by sampling.

(6) Verification of IUU fishing

Article 11 of Regulation 1005/2008 applies.

(7) Report

A written report shall be prepared and signed by the inspector on completion of the inspection and a copy provided to the master of the vessel.

(8) Results of Port State Inspections

Results of port State inspections shall include at least the following information:

- 1. Inspection references
  - Inspecting authority (name of inspecting authority or the alternate body nominated by the authority);
  - Name of inspector;
  - Date and time of inspection;
  - Port of inspection (place where the vessel is inspected); and
  - Date (date the report is completed).
- 2. Vessel identification
  - Name of the vessel;
  - Type of vessel;
  - Type of gear;
  - External identification number (side number of the vessel) and IMO-number (if available) or other number as appropriate;
  - International Radio Call Sign;
  - MMS I-number (Maritime Mobile Service Identity number), if available;
  - Flag State (State where the vessel is registered);
  - Previous name(s) and flag(s), if any;
  - Home port (port of registration of the vessel) and previous home ports;
  - Vessel owner (name, address, contact of the vessel owner);
  - Vessel beneficial owner if different from the vessel owner (name, address, Contact);
  - Vessel operator responsible for using the vessel if different from the vessel owner (name, address, contact);

- Vessel agent (name, address, contact)
  - Name(s) and address(es) of previous owner(s), if any;
  - Name, nationality and maritime qualifications of master and fishing master;
  - Crew list
- 3. Fishing authorization (licenses/permits)
    - The vessels’ authorization(s) to fish or transport fish and fish products;
    - State(s) issuing the authorization(s);
    - Terms of the authorization(s), including areas and duration;
    - Relevant regional fisheries management organization;
    - Areas, scope and duration of the authorization(s);
    - Details of allocation authorized — quota, effort or other;
    - Species, by-catch and fishing gear authorized; and
    - Transshipment records and documents (where applicable).
- 4. Fishing trip information
    - Date, time, zone and place current fishing trip commenced;
    - Areas visited (entry and exit from different areas);
    - Transshipment activities at sea (date, species, place, quantity of fish transhipped)
    - Last port visited; and
    - Date and time where current fishing trip ended
    - Intended next port of call, as appropriate.
- 5. Result of the inspection on the catch
    - Start and end of discharge (times and date):
    - Fish species;
    - Product type;
    - Live weight (quantities determined from the log book);
    - Relevant conversion factor;
    - Processed weight (quantities landed by species and presentation);
    - Equivalent live weight (quantities landed in equivalent live weight, as “product Weight multiplied with the conversion factor”); and
    - Intended destination of fish and fishery products inspected.
    - Quantity and species of fish retained on board, if any.
- 6. Results of gear inspection
    - Details of gear types.
- 7. Conclusions
    - Conclusions of the inspection including identification of the violations believed to have been committed and reference to the relevant rules and measures. Such evidence shall be attached to the inspection report.

## ANNEX III

### A) GFCM/SAC Fleet Segmentation

Groups	<6 metres	6-12 metres	12-24 metres	More than 24 metres
1. Polyvalent small-scale vessels without engine	A			
2. Polyvalent small-scale vessels with engine	B	C		
3. Trawlers		D	E	F
4. Purse seiners		G		H
5. Long liners			I	
6. Pelagic Trawlers			J	
7. Tuna seiners				K
8. Dredgers		L		
9. Polyvalent vessels				M

#### Description of segments

A Polyvalent small-scale vessels without engine - All vessels less than 12 metres in length (LOA) without an engine (wind or propulsion).

B Polyvalent small-scale vessels with engine less than 6 m - All vessels under 6 metres in length (LOA) with engine.

C Polyvalent small-scale vessels with engine between 6 and 12 metres - All vessels between 6 and 12 metres in length (LOA) with engine, that use different gears during the year without clear predominance of one of them or that use a gear not considered in this classification.

D Trawlers less than 12 m - All vessels less than 12 metres in length (LOA) allocating more than 50 percent of their effort operating with a demersal trawl.

E Trawlers between 12 and 24 m - All vessels, between 12 and 24 metres in length (LOA) allocating more than 50 percent of their effort operating with a demersal trawl.

F Trawlers longer than 24 m - All vessels over 24 metres in length (LOA), allocating more than 50 percent of their effort operating with a demersal trawl.

G Purse Seiners between 6 and 12 m - All vessels between 6 and 12 m in length (LOA), allocating more than 50 percent of their effort operating with a purse seine.

H Purse Seiners longer than 12 m - All vessels over 12 m in length (LOA), allocating more than 50 percent of their effort operating with a purse seine, excluding those using a tuna seine during any time of the year.

I Long liners longer than 6 m - All vessels over 6 m in length (LOA), allocating more than 50 percent of their effort operating with a long line.

J Pelagic Trawlers longer than 6 m - All vessels over 6 m in length (LOA), allocating more than 50 percent of their effort operating with a pelagic trawl.

K Tuna Seiners - All vessels operating with a Tuna Seine for any length of time during the year.

L Dredgers longer than 6 m - All vessels over 6 m in length (LOA), allocating more than 50 percent of their effort operating with a dredge.



M Polyvalent vessels longer than 12 m - All vessels over 12 metres in length (LOA), that use different gears during the year without clear predominance of one of them or that use a gear not considered in this classification.

Note: All the cells are open for collecting information. The cells left blank in the above table are considered as unlikely to have a significant population. However, if necessary, it is advisable to merge the information of a “blank cell” with the most appropriate neighbouring “blue cell”

**B) Table on fishing effort<sup>15</sup> measurement**

<b>Gear</b>	<b>Number and dimension</b>	<b>Capacity</b>	<b>Activity</b>	<b>Nominal Effort<sup>16</sup></b>
Dredge (for molluscs)	Open mouth, width of mouth	GT	Time fishing	Dredged bottom surface <sup>17</sup>
Trawl (including dredges for flatfishes)	Type of trawl (pelagic, bottom) GT and/or GRT Engine power Mesh size Size of the net (width of mouth) Speed	GT	Time Fishing	GT*days GT*hours KW*days
Purse seine	Length and drop of the net GT Light power Number of small boats	GT Length and drop of the net	Search time Set	GT * Fishing sets <sup>16</sup> Length of the net * fishing sets
Nets	Type of net (e.g.trammel net, gillnets, etc.) Net length (used in regulations) GT Net surface Mesh size	Net length and drop	Time fishing	Net length * days Surface*days

<sup>15</sup> It refers to nominal effort.

<sup>16</sup> Should be referred to a particular area (indicating the surface) to estimate fishing intensity (effort • km<sup>2</sup>) and to relate the effort to exploited communities

<sup>17</sup> The effort measures that do not include a time activity should be referred to a period of time (i.e. by year).

Long lines	Number of hooks GT Number of longline Characteristics of hooks Bait	Number of hooks Number of longline unit	Time fishing	Number of hooks * hours Number of hooks * days Number of longline units * days/hours
Traps	GT	Number of traps	Time fishing	Number of traps * days
Purse seine/FADs	Number of FADs		Number of trips	Number of FADs * Number of trips

### C) GFCM Task 1 – Operational Units



#### GFCM Task 1:

GSA or other (specify): \_\_\_\_\_

