



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

NOTE

Subject : Proposal for a Council Regulation concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea and amending Regulations (EEC) No 2847/93 and (EC) No 973/2001

**Proposal for a
COUNCIL REGULATION**

**concerning management measures for the sustainable exploitation of fishery resources in the
Mediterranean Sea and amending Regulation (EC) No 2847/93**

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 Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) The provisions of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy³ apply to the Mediterranean Sea.
- (2) By Decision 98/392/EC⁴ the Council has concluded the United Nations Convention on the Law of the Sea, which contains principles and rules relating to the conservation and management of the living resources of the high seas. In accordance with the rules of that Convention, the Community endeavours to coordinate the management and conservation of living aquatic resources with other coastal States.

¹ OJ C [], [], p. [].

² OJ C [], [], p. [].

³ OJ L 358, 31.12.2002, p. 59.

⁴ OJ L 179, 23.6.1998, p. 1.

- (3) Pursuant to Decision 98/416/EC⁵ the Community is a Contracting Party to the Agreement on the General Fisheries Commission of the Mediterranean, (hereinafter the “GFCM”). The GFCM agreement provides a framework for regional cooperation on the conservation and management of Mediterranean marine resources by adopting recommendations in the area covered by the GFCM Agreement which become binding on the Contracting Parties.
- (4) The biological, social and economic characteristics of the Mediterranean fisheries require the Community to establish a specific management framework.
- (5) The Community has undertaken to apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources and marine ecosystems and to provide for their sustainable exploitation.
- (6) The management system provided for in this Regulation covers operations relating to the fishing of Mediterranean stocks carried out by Community vessels whether in Community waters or in international waters, by third country vessels in Member States fishing zones or by citizens of the Union in the Mediterranean High Sea.
- (7) However, so that scientific research is not impeded, this Regulation should not apply to any operations required for the purposes of such research.
- (8) It is necessary to establish an effective management framework, through an appropriate sharing of responsibilities between the Community and the Member States.
- (9) The strict protection of certain marine species already afforded by Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁶ and applicable to marine waters under Member States’ sovereignty should be extended to the Mediterranean High Sea.

⁵ OJ L 190, 4.7.1998, p. 34.

⁶ OJ L 206, 22.07.1992, p. 7.

- (10) Pursuant to Council Decision 1999/800/EC⁷ on concluding the Protocol concerning specially protected areas and biological diversity in the Mediterranean, and on accepting the annexes to that Protocol (Barcelona Convention) which, in addition to the provisions relating to the conservation of sites of Mediterranean importance, provides for drawing up lists of endangered or threatened species and species whose exploitation is regulated.
- (11) It is necessary to adopt new technical measures for fishing replacing those laid down in Council Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean⁸ to take account of new scientific advice. Account should also be taken of the main elements of the Action Plan on the conservation and sustainable exploitation of fishery resources in the Mediterranean Sea under the Common Fisheries Policy⁹.
- (12) Regulation (EC) no 1626/94 should therefore be repealed.
- (13) Excessive catches of undersized individuals should be avoided. To that end it is necessary to protect certain areas where juveniles congregate, taking account of the local biological conditions.
- (14) Fishing gear that is too harmful to the marine environment or leads to the depletion of certain stocks should be prohibited or more strictly regulated.
- (15) In order to avoid further increases in mortality rates for juveniles and to substantially reduce the amount of discards of dead marine organisms by fishing vessels, it is appropriate to provide for increases in mesh sizes and hook sizes for trawl nets, bottom-set nets and longlines. used for fishing for certain species of marine organisms and for the mandatory use of square-meshed netting.

⁷ OJ L 322, 14.12.1999, p. 1.

⁸ OJ L 171, 6.7.1994, p. 1. Regulation as last amended by Regulation (EC) No 813/2004 (OJ L 185, 24.5.2004, p. 1).

⁹ COM(2002) 535 final.

- (16) In order to allow for a transitional period, before increasing the mesh size of bottom trawl nets, it is appropriate to determine some characteristics in the rigging of the trawl nets that will enhance the selectivity of the currently used mesh size.
- (17) The management of fishing effort should be the main tool to deliver sustainable fisheries in the Mediterranean Sea. To that end it is appropriate to determine the overall dimensions of the main types of passive fishing gears to limit one factor which affects the fishing effort deployed.
- (18) Part of the coastal zone should be reserved for selective fishing gears used by small-scale fishermen, in order to protect nursery areas and sensitive habitats and enhance the social sustainability of Mediterranean fisheries.
- (19) It is appropriate to determine the minimum landing sizes of certain marine organisms in order both to improve their exploitation and to set standards upon which Member States can build their management system for coastal fisheries. To this end, the selectivity of a certain fishing gear should correspond, as closely as possible, to the minimum landing size established for a certain species or group of species caught by that gear.
- (20) In order not to hinder artificial restocking or transplantation of fish stocks and other marine organisms, operations necessary for the conduct of such activities should be permitted, provided they are compatible with the sustainability of the species concerned.
- (21) Since leisure fisheries are very important in the Mediterranean, it is necessary to ensure that they are carried out in a manner that does not significantly interfere with commercial fishing, is compatible with sustainable exploitation of living aquatic resources and complies with Community obligations in respect of Regional Fishery Organisations.

- (22) In view of the specific characteristics of many Mediterranean fisheries, which are restricted to certain geographical sub-zones, and taking into account the tradition of applying effort management system at sub-regional level, it is appropriate to provide for the establishment of Community and national management plans, combining in particular effort management with specific technical measures.
- (23) In order to ensure an efficient control of fishing activities certain specific measures complementary to or more stringent than those provided by Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ¹⁰ should be taken. In particular, there is a need to lower the current threshold of 50 kg of live-weight equivalent, for species other than highly migratory and small pelagic species caught in the Mediterranean Sea that must be recorded in the logbook.
- (24) Since Community fisheries account for more than 75% of the catches of the swordfish in the Mediterranean Sea, it is appropriate to lay down management measures. In order to ensure that these measures are effective, the technical measures for the conservation of certain stocks of highly migratory species should emanate from the competent regional fisheries organisations. Accordingly, the Commission should submit suitable proposals to the GFCM and the International Commission for the Conservation of Atlantic Tuna (ICCAT) as appropriate. The absence of an agreement within a specified period of time will not prevent the EU from adopting measures to this effect until a definitive agreement is reached on a multilateral basis.
- (25) Specific provisions concerning fishing in the waters around Malta have been introduced by Council Regulation (EC) No 813/2004, in accordance with the Act of Accession and in particular Article 21 and Annex III thereof. It is appropriate to maintain such provisions.

¹⁰ OJ L 261, 20.10.1993, p. 1.

- (26) 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 procedures for the exercise of implementing powers conferred on the Commission¹¹.
- (27) Amendments to the Annexes to this Regulation should also be adopted in accordance with Decision 1999/468/EC,

HAS ADOPTED THIS REGULATION:

¹¹ OJ L 184, 17.7.1999, p. 23.

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 Community 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);
- (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.
- (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 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 characterized 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 characterized 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 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 as Porifera, Ascidians, Cnidarians (horny corals, seafans, etc.), Bryozoans, Serpulids, Annelids, together with other limestone-fixers organisms.
- (13) “mäerl bed” means an area where the seabed is characterized by the dominant presence of a specific biological community named “mäerl”, or where such 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 nodule corallines algae on the seabed, forming accumulations within the ripples of mudflats or sandflats seabed. Maerl 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.

Chapter II

Protected species and habitats

Article 3

Protected species

1. The deliberate catching, retention on board, transshipment or landing of marine species referred to in Annex IV to Council Directive 92/43/EEC¹² shall be prohibited except when a derogation has been granted according to Article 16 of Council Directive 92/43/EEC.

2. Notwithstanding paragraph 1, the retention on board, transshipment or landing of specimens of marine species referred to in paragraph 1 which have been incidentally caught shall be authorised as far as this activity is necessary to secure assistance for the recovery of the individual animals and provided that the competent national authorities concerned have been duly informed in advance.

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 authorized within management plans provided for under either Article 16 or Article 17 of this Regulation.

¹² OJ L 206, 22.7.1992, p .7.

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

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

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 Council Decision 1999/800/EC.

5. By way of derogation from the paragraph 1, subparagraph 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 Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy¹³ provided that :

(i) The fishing activities concerned are regulated by a management plan provided for under Article 17 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.

¹³ OJ L 358, 31.12.2002, p. 59.

Fishing activities authorised pursuant to this paragraph shall:

- (a) fulfil the requirements of Article 7(1)(h), of Article 8(3)(2) and of Article 21;
 - (b) be regulated in order to ensure that catches of species mentioned in Annex III are minimal.
- However, Article 8(3), subparagraph 1 shall not apply.

Whenever a fishing vessel, operating under the provisions of this paragraph, is either 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 authorized. 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 5(a)

Community 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.
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 6

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 under 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 Community 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 above, 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

Article 7 *Prohibited fishing gears and practices*

1. The following shall not be used for fishing or kept on board:
 - (a) toxic, soporific or corrosive substances,
 - (b) electric shock generators,
 - (c) explosives,
 - (d) substances that can explode if mixed,
 - (e) towed devices for harvesting red coral or other type of corals or coral-like organisms,
 - (f) pneumatic hammers or other percussive instruments for the collection, in particular, of bivalve molluscs digging within the rocks,
 - (g) St Andrew's cross and similar grabs for harvesting, in particular, red coral or other type of corals or coral-like organisms,
 - (h) panels of netting smaller than 40mm mesh size opening for bottom trawlers.

2. Bottom-set nets shall not be used to catch the following species: Albacore (*Thunnus alalunga*), Bluefin tuna (*Thunnus thynnus*), Swordfish (*Xiphias gladius*), Ray's bream (*Brama brama*), Sharks (*Hexanchus griseus*; *Cetorhinus maximus*; Alopiidae; Carcharhinidae; Sphyrnidae; Isuridae and Lamnidae).

By way of derogation, accidental by-catches of no more than 3 of the specimens of the sharks species referred to in the first subparagraph above may be retained on board or landed provided that they are not protected species under Community law.

3. The catching, keeping on board, transhipping, landing, storing, selling and displaying or offering for sale of date shell (*Lithophaga lithophaga*) and common piddock (*Pholas dactylus*) shall be prohibited.

4. Spear-guns shall be prohibited if used in conjunction with underwater breathing apparatus (aqualung) or at night from sunset to dawn.

5. The catching, keeping on board, transshipping, landing, storing, selling and displaying or offering for sale of berried females crawfish (*Palinuridae* spp.) and berried female lobster (*Homarus gammarus*) shall be prohibited. Berried females of crawfish and berried female lobster shall be returned at sea immediately after accidental catching or may be used for direct restocking and transplantation within management plans established either under Article 16 or Article 17 of this Regulation.

Article 8
Minimum mesh sizes

1. The use for fishing and the keeping on board of a towed net, a surrounding net or a gillnet shall be prohibited, unless the mesh size in that part of the net having the smallest meshes complies with paragraphs 3 to 6 of this Article.

2. The mesh size shall be determined by the procedures specified in Commission Regulation (EC) No 129/2003¹⁴.

3. For towed nets, other than those referred to in paragraph 4, the minimum mesh size shall be:

(1) until 30 June 2008 : 40 mm;

(2) from 1 July 2008, the net referred to in point 1 shall be replaced by a square-meshed net of 40 mm at the cod-end or, at the duly justified request of the shipowner, by a diamond meshed net of 50 mm.

In relation to the previous subparagraph, fishing vessels shall be authorised to use and keep on board only one of the two types of net ;

(3). The Commission shall submit a report on the implementation of this paragraph to the European Parliament and the Council by 30 June 2012, on the basis of which as well as on the basis of the information delivered by Member States before 31 December 2011 it shall propose due adjustments where appropriate.

¹⁴ OJ L 22, 25.1.2003, p. 5.

4. For trawl nets targeting sardine and anchovy, where these species account for at least 80% of the catch in live weight after sorting, the minimum mesh size shall be 20 mm.
5. For surrounding nets the minimum mesh size shall be 14 mm.
6. (a) Bottom-set gillnets shall not have a mesh size opening smaller than 16 mm.
(b) For bottom-set gillnets targeting red sea bream, where this species accounts for at least 20% of the catch in live weight, the minimum mesh size shall be 100mm
7. A Member State may allow a derogation from the provisions set out in paragraphs 3, 4 and 5 for boat seines and shore seines which are concerned by a management plan as referred to in Article 17 and provided that the fisheries concerned are highly selective, have a negligible effect on the marine environment and are not concerned by provisions under Article 4 paragraph 5.
8. Member States shall provide up to date scientific and technical justifications for such a derogation.

Article 9
Minimum hook size

The use for fishing and the keeping on board of any longlines with hooks of a total length less than 3.95 cm and of a width less than 1.65 cm shall be prohibited for any fishing vessel using longlines and landing or having on board a quantity of red sea-bream (*Pagellus bogaraveo*) that constitutes more than 20 % of the catch in live weight after sorting.

Article 10
Attachments to and rigging of trawl nets

1. The mesh in any part of the net shall not be obstructed or otherwise effectively diminished except by devices permitted by Commission Regulation (EEC) No 3440/84¹⁵ or listed in Annex I (a) to this Regulation.
2. The rigging of trawl nets shall comply with the technical specifications laid down in Annex I (b) to this Regulation.

Article 11
Dimensions of fishing gears

It shall be prohibited to carry on board or to deploy at sea fishing gear not in compliance with the dimensions specified in Annex II.

Article 12
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 authorized 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.

¹⁵ OJ L 318, 7.12.1984, p.23.

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 of 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, such as the limited size of coastal platforms 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 Article 16 or Article 17. Member States shall provide up to date scientific and technical justifications for such derogation.

5(a) 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.

5(b) 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 of this Regulation.

5(c) 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.

6. 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 5 years and shall not involve any future increase in fishing effort provided.

A list of authorized fishing vessels and their characteristics shall be communicated to the Commission by 30 April 2007 and shall report the comparison with the characteristics of this fleet on 1 January 2000.

In addition these fishing activities shall:

- (a) fulfil the requirements of Article 4, Article 7(1)(h), Article 8(3)(2) and Article 21,
- (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 16 or Article 17(9) of this Regulation.

6(a). 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.

6(b) 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 authorized subject to the following conditions:

- sea-depth shall not be less than the 50 metres isobath;
 - particular geographical constraints such as the limited size of coastal platforms 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 paragraph 6 subparagraph 3(a),(b);
- 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 the 30 September 2007 the modalities of applying this derogation. This notification shall include a list of authorized 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.

If the Commission, on the basis of the notifications provided by Member States in accordance with subparagraphs 2 and 3 above, 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.

Article 12(bis)

Transitional derogations to the minimum mesh size and minimum distance from the coast for the use of fishing gears

1. Any fishing gear referred to in Article 8(3), (4) and (5), the minimum mesh size of which is smaller than that established therein, and the use of which is in accordance with national law in force on 1 January 1994, may be used until 31 May 2010 even if it does not fulfil the requirements of Article 12(6).
2. Any fishing gear referred to in Article 12(1), (2) and (3), used at a shorter distance from the coast than that established therein, and the use of which is in accordance with national law in force on 1 January 1994, may be used until 31 May 2010 even if it does not fulfil the requirements of Article 12(6).
3. Paragraphs 1 and 2 apply unless the Council decides otherwise, acting by a qualified majority on a proposal from the Commission and in the light of scientific evidence.

Chapter V
Minimum sizes of marine organisms

Article 13

Minimum sizes of marine organisms

1. A marine organism which is smaller than the minimum size specified in Annex III (hereinafter “undersized marine organisms”) shall not be caught, retained on board, transhipped, landed, transferred, stored, sold, displayed or offered for sale.
2. The size of marine organisms shall be measured in accordance with Annex IV. If more than one method of measuring size is permitted, the marine organisms shall be deemed to be of the required size if at least one of the stipulated measurements is equal to or greater than the relevant minimum size.

3. Paragraph 1 shall not apply to fries of sardine landed for human consumption if caught by boat seines or shore seines and authorised in accordance with national provisions established in a management plan as referred to in Article 17, provided that the stock of sardine concerned is within safe biological limits.

Article 14
Direct restocking and transplantation

1. By way of derogation from Article 13 undersized marine organisms may be caught, retained on board, transhipped, landed, transferred, stored, sold, displayed or offered for sale live for the purpose of direct restocking or transplantation with the permission and under the authority of the Member State where those activities take place.

2. Member States shall ensure that the capture of undersized marine organisms for the purposes referred to in paragraph 1 is carried out in a manner that is compatible with any Community management measure applicable to the species concerned.

3. Marine organisms caught for the purposes specified in paragraph 1 shall be either returned to the sea or be used for extensive aquaculture. If subsequently recaptured, they may be sold, stored, displayed or offered for sale providing that they meet the requirements specified in Article 13.

4. The introduction and transplantation of and direct restocking with non-indigenous species shall be prohibited except when carried out according to paragraph b) of Article 22 of Council Directive 92/43/EEC.

Chapter VI

Non-commercial fishing

Article 15

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 Regulation (EC) 973/2001 and occurring in the Mediterranean.
5. Member States shall regulate underwater fishing with spearguns in particular to fulfil the obligations set out in Article 7(4).
6. Member States shall inform the Commission of all measures adopted pursuant to this Article.

Chapter VII Management plans

Article 16 Community-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.

Management plans shall provide for the issuing of special fishing permits in accordance with Regulation (EC) No 1627/94¹⁶.

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.

¹⁶ OJ L 171, 6.7.1994, p. 7.

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 the 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 17

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.

6. Management plans shall provide for the issuing of special fishing permits in accordance with Regulation (EC) No 1627/94¹⁷.

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 6 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 under 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.

¹⁷ OJ L 171, 6.7.1994, p. 7.

Chapter VIII

Control measures

Article 18

Catch of target species

1. The percentages referred to in Articles 8 (4) and (6), Article 9(1) and Article 12(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 19

Transhipment

Only masters of fishing vessels who complete a logbook in accordance with Article 6 of Regulation (EEC) No 2847/93¹⁸ may tranship living aquatic organisms to other vessels, or receive transhipments of such organisms from other vessels.

Article 20

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.

¹⁸ OJ L 261, 20.10.1993, p.1.

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 21
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” .

Article 21 bis
Register of vessels authorised to fish in the GFCM Agreement area

1. Before 1 June 2007 each Member State shall send the Commission, through the accustomed data-processing support, a 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 Regulation (EC) n° 26/2004;
 - (b) period authorised for fishing and/or transshipment
 - (c) fishing gears used.

3. The Commission shall send the list to the GFCM Executive Secretariat before 1 July 2007 so that these vessels can be entered on the GFCM register of vessels 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 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 and 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, on 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, transshipment and landing of fish and shellfish caught in the GFCM area by vessels 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 more than 15 metres in overall length that are not on the GFCM register are fishing for or transshipping fish and shellfish in the GFCM Agreement area.

Chapter IX

Measures for highly migratory species

Article 22

Swordfish fisheries

The Council shall decide on technical measures for the protection of juvenile swordfish in the Mediterranean Sea before 31 December 2007.

Chapter X

Measures for the waters around Malta

Article 23

The 25-mile management zone around Malta

1. The access of Community 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 1950 vessels with an overall engine power and tonnage of 83000 kW and 4035 GT respectively.

2. By way of derogation from point (a) of paragraph 1, 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, part (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 4800 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, part (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 permits¹⁹ 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 point (a) paragraph 2, 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 26 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 3600 kW.

¹⁹ OJ L 171, 6.7.1994, p. 7.

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 point (c) of paragraph 2 exceeds the ceiling laid down in point (a) of paragraph 2, because that ceiling has been lowered after the revision provided for in point (d) of paragraph 2, 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;

(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 point (a) of paragraph 1, vessels fishing with purse seines or longlines and vessels fishing for dolphinfish in accordance with Article 24 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 authorized 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 24
Dolphinfish fishery

1. It shall be prohibited to fish dolphinfish (*Coryphaena* spp.) within the management zone by fishing aggregating devices (FADs) from 1 January to 5 August each year.

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 Community fishing vessels at the latest by that 30 June each year. Community 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 26, establish the criteria to be applied for the establishment and allocation of FAD course lines.

4. Fishing vessels authorised to participate in dolphinfish fishery 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 the Member State concerned. Notwithstanding the provisions of Article 1(2) of Regulation (EC) No 1627/94, vessels of an overall length of less than 10 metres shall be required to have a special fishing permit.

Chapter XI

Final provisions

Article 25 ***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.

Article 26 ***Implementing rules***

Detailed rules for the implementation of Articles 23 and 24 of this Regulation shall be adopted in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.

Article 27 ***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 28 ***Repeal***

The 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 29
Entry into force

This Regulation shall enter into force on the thirtieth 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
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 Commission Regulation (EEC) N. 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.

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 2 to 4 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 26 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 above, may be authorized in accordance with the procedure referred to in Article 26 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 authorized in accordance with the procedure referred to in Article 26 of this Regulation.
6. Paragraph 4-5 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 Commission Regulation (EEC) N. 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 Community waters. If the cod-end mesh size is equal to or greater than 60 mm then Article 6(4) of Commission Regulation (EEC) N. 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 Commission Regulation n. 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.

ANNEX II
Requirements relating to the characteristics of fishing gear

Definitions

For the purposes of this Annex:

- (1) the length of nets shall be defined by the length of the float line. The length of bottom-set and drifting nets may be also defined on the basis of the weight or volume of its mass.
- (2) the drop of nets shall be defined as the sum of the height of the meshes (including knots) when wet and stretched perpendicular to the float line.

1. Dredges

The maximum breadth of dredges shall be 3 m, except in the case of dredges for sponge fishing.

2. Surrounding nets (purse seines and seines without purse lines)

The length of netting shall be restricted to 800 m and the drop to 120 m, except in the case of tuna seines.

3. Bottom-set nets

3.1 Trammel nets and bottom-set gillnets

- (1) The maximum drop of a trammel net - shall not exceed 4 m.
- (2) The maximum drop of a bottom-set gillnet shall not exceed 10 m.
- (3) It shall be prohibited to have on board or set more than 6000 m of trammel net, bottom-set gillnet per vessel, taking into account that, as from January 2008, in the case of a single fisherman, such nets may not exceed 4000 metres, to which a further 1000 metres may be added for a second fisherman and another 1000 metres for a third one. Until 31 December 2007 such nets shall not exceed 5000 metres in the case of single or a second fisherman and 6000 metres for a third one.
- (4) Monofilament or twine diameter of the bottom-set gillnet shall not exceed 0,5 mm.

(5) By way of derogation from paragraph 2, bottom-set gillnet or anchored floating gillnet of maximum length shorter than 500 m may have a maximum drop up to 30 m. It shall be prohibited to have on board or set more than 500 m of bottom-set gillnet or anchored floating gillnet when it exceeds the drop limit of 10 m as established in paragraph 2.

3.2 Combined bottom-set nets (trammel nets+gillnets)

(1) The maximum drop of a combined bottom-set net shall not exceed 10 m.

(2) It shall be prohibited to have on board or set more than 2500 m of combined nets per vessel.

(3) Monofilament or twine diameter of the gillnet shall not exceed 0,5 mm.

(4) By way of derogation from paragraph 1, combined bottom-set net of maximum length of 500 m may have a maximum drop of 30 m. It shall be prohibited to have on board or set more than 500 m of combined bottom-set when it exceeds the drop limit of 10 m as established in paragraph 1.

4. Bottom-set longline

(1) It shall be prohibited to have on board or set more than 1000 hooks per person on board within the overall limit of 5000 hooks per vessel.

(2) By way of derogation from paragraph 1 each vessel undertaking fishing trips longer than 3 days may have on board a maximum number of 7000 hooks.

5. Traps for deep-water crustacean fishery

It shall be prohibited to have on board or set more than 250 traps per vessel.

6. Surface-set longline (floating)

It shall be prohibited to have on board or set more than:

- (1) 2 000 hooks per vessel for vessels targeting bluefin tuna (*Thunnus thynnus*) where this species account for at least 70% of the catch in live weight after sorting;
- (2) 3 500 hooks for vessels targeting swordfish (*Xyphias gladius*) where this species account for at least 70% of the catch in live weight after sorting;
- (3) 5 000 hooks per vessel for vessels targeting albacore (*Thunnus alalunga*) where this species account for at least 70% of the catch in live weight after sorting.
- (4) By way of derogation from subparagraphs 1, 2 and 3 each vessel undertaking fishing trips longer than 2 days may have on board an equivalent number of spare hooks.

7. Trawl nets

Technical specifications limiting the maximum dimension of floatline, groundrope, circumference or perimeter of trawl nets along with the maximum number of nets in multi-rig trawl nets shall be adopted, by October 2007, in accordance with the procedure laid down in Article 27 of this Regulation.

Annex III
Minimum Sizes of marine organisms

SCIENTIFIC NAME	<u>COMMON NAME</u>	Minimum size
1. Fishes		
<i>Dicentrarchus labrax</i>	<u>Sea-bass</u>	25 cm
<i>Diplodus annularis</i>	<u>Annular sea-bream</u>	12 cm
<i>Diplodus puntazzo</i>	<u>Sharpsnout sea-bream</u>	18 cm
<i>Diplodus sargus</i>	<u>White sea-bream</u>	23 cm
<i>Diplodus vulgaris</i>	<u>Two-banded sea-bream</u>	18 cm
<i>Engraulis encrasicolus</i> *	<u>European anchovy</u>	9 cm
<i>Epinephelus</i> spp.	<u>Groupers</u>	45 cm
<i>Lithognathus mormyrus</i>	<u>Stripped sea-bream</u>	20 cm
<i>Merluccius merluccius</i> ***	<u>Hake</u>	20 cm
<i>Mullus</i> spp.	<u>Red mullets</u>	11 cm
<i>Pagellus acarne</i>	<u>Spanish sea-bream</u>	17 cm
<i>Pagellus bogaraveo</i>	<u>Red sea-bream</u>	33 cm
<i>Pagellus erythrinus</i>	<u>Common pandora</u>	15 cm
<i>Pagrus pagrus</i>	<u>Common sea-bream</u>	18 cm
<i>Polyprion americanus</i>	<u>Wreckfish</u>	45 cm
<i>Sardina pilchardus</i> **	<u>European sardine</u>	11 cm
<i>Scomber japonicus</i>	<u>Mackerel</u>	18 cm
<i>Scomber scimbrus</i>		18 cm
<i>Solea vulgaris</i>	<u>Common sole</u>	20 cm
<i>Sparus aurata</i>	<u>Gilt-head sea-bream</u>	20 cm
<i>Trachurus</i> spp.	<u>Horse mackerel, Scad</u>	15 cm
2. Crustaceans		
<i>Homarus gammarus</i>	<u>Lobster</u>	300 mm TL 105 mm CL

<i>Nephrops norvegicus</i>	<u>Norway lobster</u>	20 mm CL 70 mm TL
Palinuridae	<u>Crawfish</u>	90 mm CL
<i>Parapenaeus longirostris</i>	<u>Deep water rose shrimp</u>	20 mm CL
3. Mollusc bivalves		
<i>Pecten jacobaeus</i>	<u>Scallop</u>	10 cm
<i>Venerupis spp.</i>	<u>Carpet-clams</u>	25 mm
<i>Venus spp.</i>	<u>Venus-shells</u>	25 mm

TL total length ; CL carapace length;

(*) Anchovy: Member States may convert the minimum size into 110 specimens per kg;

(**) Sardine: Member States may convert the minimum size into 55 specimens per kg;

(***) Hake: Nevertheless, until 31 December 2008 a margin of tolerance of 15% of weight will be permitted for hake between 15 and 20 cm. This tolerance limit shall be complied with by both individual vessels, at sea or at the place of landing, and at the markets of first sale after landing. This limit shall also be complied with in any subsequent commercial transaction at national and international level.

Annex IV
Measurement of the size of a marine organism

1. The size of any fish shall be measured, as shown in Figure 1, from the tip of the snout to the end of the tail fin.

2. The size of a Norway lobster (*Nephrops norvegicus*) shall be measured as shown in Figure 2:
 - either as the length of the carapace, parallel to the midline, from the back of either eye socket to the midpoint of the distal dorsal edge of the carapace, or,
 - as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae.

3. The size of a lobster (*Homarus gammarus*) shall be measured as shown in Figure 3, - either as the length of the carapace, parallel to the midline, from the back of either eye socket to the midpoint of the distal dorsal edge of the carapace, or,
 - as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae.

4. The size of a crawfish (Palinuridae) shall be measured as shown in Figure 4 as the length of the carapace, parallel to the midline, from the tip of the rostrum to the midpoint of the distal dorsal edge of the carapace.

5. The size of any bivalve mollusc shall be measured as shown in Figure 5, across the longest part of the shell.

Figure 1

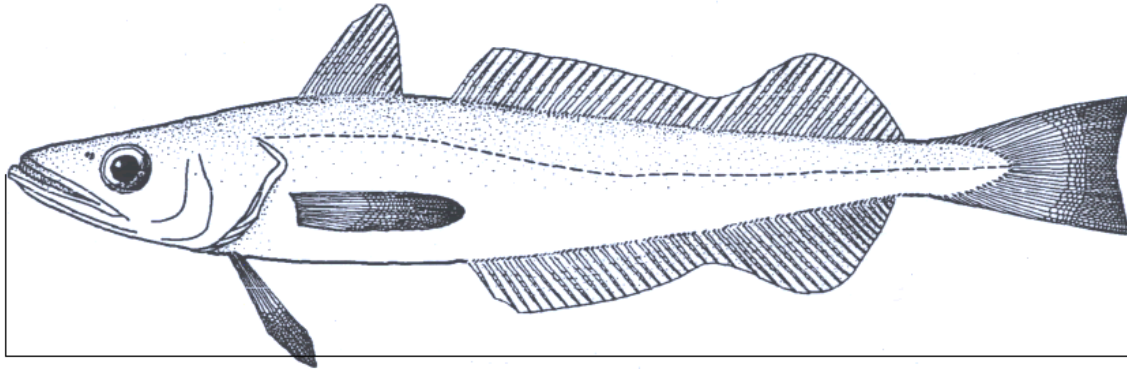
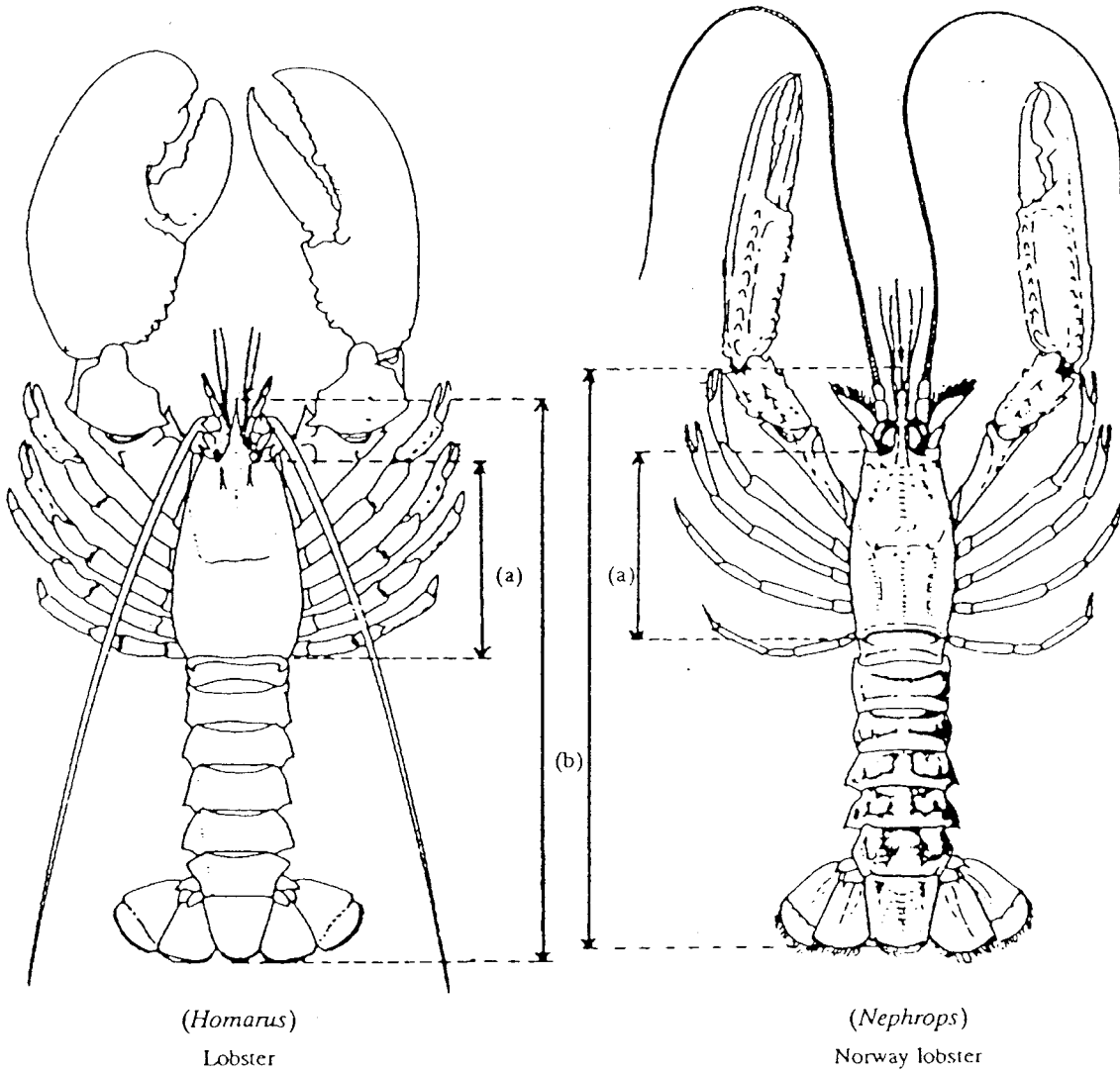


Figure 3

Figure 2



(a) Carapace length

(b) Total length

Figure 4

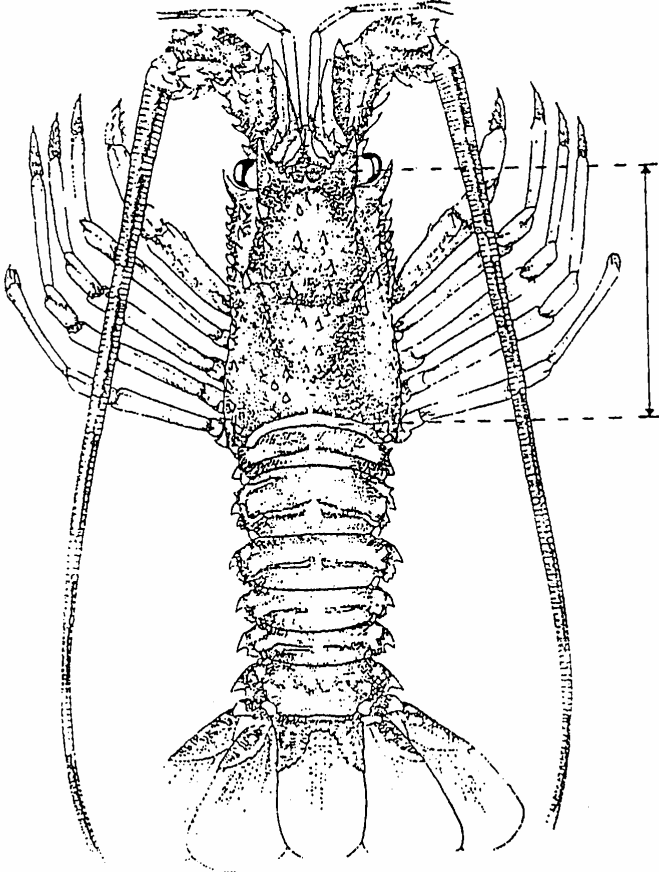
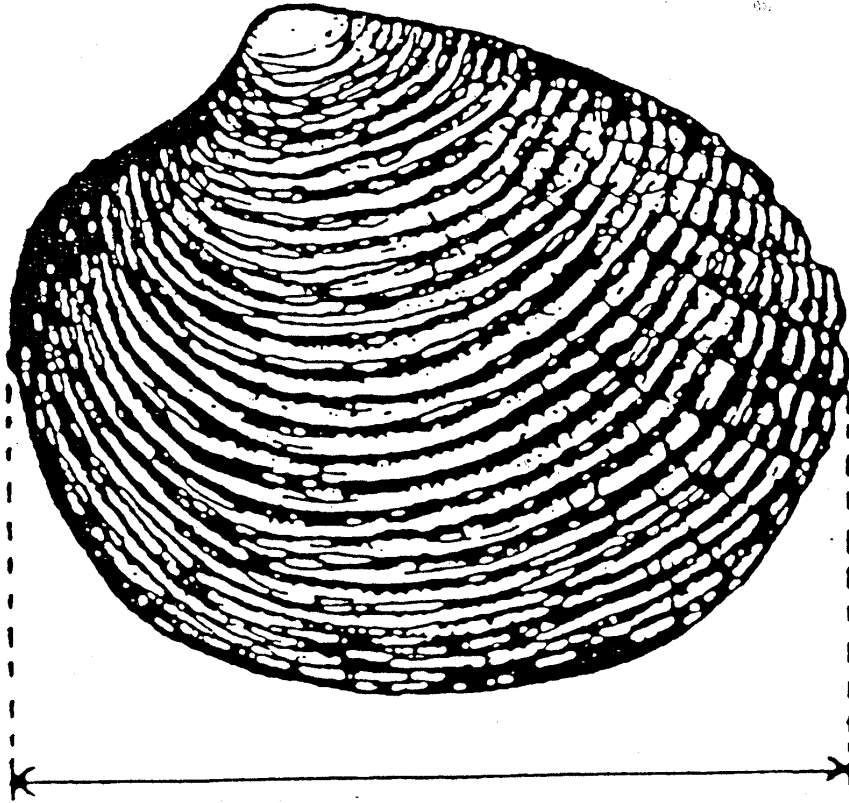


Figure 5



Annex V
25 mile management zone around Maltese Islands

a) Authorised trawlable areas to the approaches of the Maltese islands: geographic co-ordinates

Zone A	Zone H
A1 – 36.0172°N, 14.1442°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	

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 co-ordinates 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

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
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

Annex VI
Correlation table

Regulation (EC) No 1626/94	Present Regulation
Article 1 (1)	Article 1 (1)
Article 1(2) first subparagraph	Article 6, Article 15 and Article 17
Article 1(2) second subparagraph	Article 3
Article 2(1) and (2)	Article 7
Article 2(3)	Article 15 and Article 17
Article 3(1) first subparagraph	Article 12(1) first subparagraph and (5)
<u>Article 3(1) second and third (1a) subparagraphs</u>	<u>Article 12(2) and (5), Article 17</u>
Article 3(2)	Article 12(1) second subparagraph, Article 17
Article 3(3)	Article 4
Article 3(4)	Article 12(3)
Article 4	Article 6
Article 5	Article 11 and Annex II
Article 6(1) (1a) and(2)	Article 8 and Article 17
Article 6(3)	Annex II
Article 7	Article 20
Article 8 (1) and (3)	Article 13, Annex III and Annex IV
Article 8 (a)	Article 23
Article 8 (b)	Article 24
Article 9	Article 1(2)
Article 10 (a)	Article 26
Article 11	Article 30
Annex I	Article 3 and Article 4
Annex II	Article 10, Annex I and Annex II
Annex III	Article 8 (3), (4) and (5)
Annex IV	Annex III
Annex V (b)	Annex V