

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2021/1713

of 24 September 2021

**extending a derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from the coast and the minimum sea depth for boat seines fishing for sand eel (*Gymnammodytes cicerelus* and *G. semisquamatus*) and gobies (*Aphia minuta* and *Crystalllogobius linearis*) in certain territorial waters of Spain (Catalonia)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources the Mediterranean Sea amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 <sup>(1)</sup> and in particular Article 13(5) thereof,

Whereas:

- (1) On 6 May 2014 the Commission adopted Implementing Regulation (EU) No 464/2014 <sup>(2)</sup> establishing for the first time a derogation from Article 13(1), first subparagraph of Regulation (EC) No 1967/2006 until 8 May 2017 as regards the minimum distance from the coast and the minimum sea depth for boat seines fishing for sand eel (*Gymnammodytes cicerelus* and *G. semisquamatus*) and gobies (*Aphia minuta* and *Crystalllogobius linearis*) in certain territorial waters of Spain (Catalonia). A renewal of that derogation was granted by Commission Implementing Regulation (EU) 2018/922 <sup>(3)</sup>, which expired on 2 July 2021.
- (2) On 11 March 2021, the Commission received a request for an extension of that derogation from Spain, for the use of boat seines fishing for sand eel (*Gymnammodytes cicerelus* and *G. semisquamatus*) and gobies (*Aphia minuta* and *Crystalllogobius linearis*), within its territorial waters in the Catalan region.
- (3) Spain provided up-to-date scientific and technical justifications for the derogation.
- (4) Spain adopted the management plan <sup>(4)</sup> in accordance with Article 19(2) of Regulation (EC) No 1967/2006 ('Spanish management plan') on 22 July 2021.
- (5) The request covers vessels registered in the maritime census managed by the Autonomous Community of Catalonia which have a track record of more than 5 years in the fishery and which operate under the Spanish management plan.

<sup>(1)</sup> OJ L 409, 30.12.2006, p. 11.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 464/2014 of 6 May 2014 derogating from Council Regulation (EC) No 1967/2006 as regards the minimum distance from the coast and the minimum sea depth for boat seines fishing for sand eel (*Gymnammodytes cicerelus* and *G. semisquamatus*) and gobies (*Aphia minuta* and *Crystalllogobius linearis*) in certain territorial waters of Spain (Catalonia) (OJ L 134, 7.5.2014, p. 37).

<sup>(3)</sup> Commission Implementing Regulation (EU) 2018/922 of 28 June 2018 derogating from Council Regulation (EC) No 1967/2006 as regards the minimum distance from the coast and the minimum sea depth for boat seines fishing for sand eel (*Gymnammodytes cicerelus* and *G. semisquamatus*) and gobies (*Aphia minuta* and *Crystalllogobius linearis*) in certain territorial waters of Spain (Catalonia) (OJ L 164, 29.6.2018, p. 39).

<sup>(4)</sup> Diari Oficial de la Generalitat de Catalunya Núm. 8463 - 22.7.2021, p. 1.

- (6) The request includes 26 vessels, smaller than 10 m in length overall and with the engine power less than 75 kW, and the management plan guarantees no future increase in the fishing effort as fishing authorisations are issued only to the specified 26 vessels.
- (7) Those vessels are included on a list communicated to the Commission in line with Article 13(9) of Regulation (EC) No 1967/2006.
- (8) The Scientific, Technical and Economic Committee for Fisheries (‘STECF’) assessed the extension of the derogation requested by Spain and the related draft Spanish management plan at its plenary session from 22 to 26 March 2021 <sup>(5)</sup>.
- (9) The STECF noted that the Spanish management plan contains suitable elements for the monitoring and management of activities concerned and that the conditions for granting the derogation are met.
- (10) The derogation requested by Spain complies with the conditions set out in Article 13(5) and (9) of Regulation (EC) No 1967/2006.
- (11) The derogation requested by Spain affects a limited number of vessels and there are specific geographical constraints, given both the limited size of the continental shelf and the spatial distribution of the target species which limit the fishing grounds.
- (12) The fishery cannot be undertaken with other gears since only boat seines have the technical characteristics necessary to carry out this type of fishery.
- (13) The fishing activities concerned do not interfere with gears other than trawls, seines or similar towed nets.
- (14) Moreover, the fishery has no significant impact on the marine environment, since the boat seines are very selective gears and do not touch the seabed.
- (15) The fishing activities concerned fulfil the requirements of Article 4(1), first subparagraph, of Regulation (EC) No 1967/2006, since the related Spanish management plan explicitly prohibits fishing in protected habitats.
- (16) The requirements of Article 8(1), point (h) of Regulation (EC) No 1967/2006, as replaced by Article 8(1) and Annex IX, Part B, section I to Regulation (EU) 2019/1241 of the European Parliament and of the Council <sup>(6)</sup>, are not applicable since they relate to trawlers.
- (17) Spain authorised a derogation from the minimum mesh size established in Article 9 of Regulation (EC) No 1967/2006 on the basis of the fulfilment of the requirements of Article 9(7) of that Regulation given the highly selective nature of the fisheries concerned, its negligible effect on the marine environment and that it is not affected by the provisions in Article 4(5) of Regulation (EC) No 1967/2006.
- (18) Article 9 of Regulation (EC) No 1967/2006 was deleted by Regulation (EU) 2019/1241. However, according to Annex IX, Part B, point 4 to Regulation (EU) 2019/1241, derogations from minimum mesh sizes adopted on basis of Article 9 of Regulation (EC) No 1967/2006, that were in force on 14 August 2019, can continue to apply, provided they do not lead to the increase in catches of juveniles. The extension of the derogation requested by Spain complies with the conditions laid down in Article 15(5) of Regulation (EC) No 1967/2006 and in Annex IX, Part B, point 4 to Regulation (EU) 2019/1241, as it does not lead to a deterioration of selectivity standards, in particular in terms of an increase in the catches of juveniles, existing on 14 August 2019, and aims at achieving the objectives and targets set out in Articles 3 and 4 of that Regulation.

<sup>(5)</sup> Scientific, Technical and Economic Committee for Fisheries (STECF) - 66th Plenary Report (PLEN-21-01). EUR 28359 EN, Publications Office of the European Union, Luxembourg, 2021, available here: [https://stecf.jrc.ec.europa.eu/reports/plenary/-/asset\\_publisher/os6k/document/id/2851300](https://stecf.jrc.ec.europa.eu/reports/plenary/-/asset_publisher/os6k/document/id/2851300)

<sup>(6)</sup> Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

- (19) The fishing activities concerned take place at a very short distance from the coast in shallow waters within the 3 nautical miles stripe and therefore do not interfere with the activities of other vessels.
- (20) The activity of boat seines is regulated in the Spanish management plan to ensure that catches of species mentioned in Annex IX to Regulation (EU) 2019/1241, with the exception of mollusc bivalves, are minimal.
- (21) Boat seines are highly selective and do not target cephalopods.
- (22) The Spanish management plan includes measures for the monitoring of fishing activities, as provided for in Article 13(9), third subparagraph of Regulation (EC) No 1967/2006.
- (23) The fishing activities concerned fulfil the requirements of Article 14 of Council Regulation (EC) No 1224/2009 <sup>(7)</sup>.
- (24) The requested derogation should therefore be extended for 3 years.
- (25) Spain should report to the Commission in due time and in accordance with the monitoring plan provided for in the Spanish management plan.
- (26) A limitation in duration of the derogation should be introduced, to allow prompt corrective management measures in case the report to the Commission will show a poor conservation status of the exploited stock, while providing scope to enhance the scientific basis for an improved management plan.
- (27) Since the derogation granted by Implementing Regulation (EU) 2018/922 expired on 2 July 2021, in order to ensure legal continuity, this Regulation should apply with effect from 3 July 2021.
- (28) For reasons of legal certainty, this Regulation should enter into force as a matter of urgency.
- (29) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

#### Article 1

#### Derogation

Article 13(1) of Regulation (EC) No 1967/2006 shall not apply in territorial waters of Spain adjacent to the coast of the Catalan region to boat seines fishing for sand eel (*Gymnammodytes cicerelus* and *G. semisquamatus*) and gobies (*Aphia minuta* and *Crystallogobius linearis*) provided those vessels:

- (a) are registered in the maritime census managed by the Autonomous Community of Catalonia;
- (b) have a track record in the fishery of more than 5 years and do not involve any further increase in the fishing effort deployed; and
- (c) hold a fishing authorisation and operate under the management plan adopted by Spain in accordance with Article 19(2) of Regulation (EC) No 1967/2006.

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<sup>(7)</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

*Article 2***Monitoring plan and reporting**

Spain shall communicate to the Commission, by 2 July 2024, a report drawn up in accordance with the monitoring plan established in the Spanish management plan referred to in Article 1, point (c).

*Article 3***Entry into force and period of application**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 3 July 2021 to 2 July 2024.

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

Done at Brussels, 24 September 2021.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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