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COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL REGULATION

**concerning management measures for the sustainable exploitation of fishery resources
in the Mediterranean Sea and amending Regulations (EC) No 2847/93 and (EC) No
973/2001**

(presented by the Commission)

EXPLANATORY MEMORANDUM

I. Introduction

The poor state of several Mediterranean fish stocks and the inadequacy of the current exploitation pattern to secure sustainable fisheries have been repeatedly pointed out by the scientific community. Overall production and catch rates have been steadily decreasing, despite the increase in fishing effort, as compared with yields obtained 20 or more years ago. For example, in some of the most productive areas such as the Adriatic and the strait of Sicily, overall catch rates per unit of effort have diminished by more than 60%. In the case of scallop, catch rates have been reduced by more than 90%. Analogous examples are available for other areas and resources.

This reduction of yield has occurred even taking into account the reduction of discards: the amount of fish discarded has decreased substantially because of the diminution of the formerly abundant stocks, which have made it more profitable to land species and size categories that were usually discarded in the past.

The low level of the spawning stock biomass is of concern for several important stocks. The protection of juvenile fish is fundamental to secure both the production potential of stocks and a safety level of adults in the populations. This can be achieved both by improving selectivity of fishing methods and by the protection of nursery areas.

Mediterranean fisheries are now exploiting, by simultaneous or consecutive use of several fishing practices, all the fish and fishing grounds available down to a depth of more than 800 metres. The gradual extension of fishing activities to off-shore fishing grounds, exploiting either new stocks or new parts of already over-harvested stocks, have assured the potential for growth of Mediterranean fisheries until the recent past.

Exploitation of deeper fishing grounds calls for a more cautious approach, however, because of the low productivity of such biological systems, which makes deepwater fish more vulnerable to fishing, and the presence of important but not yet well identified habitats.

II. Commission Action Plan for the conservation and sustainable exploitation of Mediterranean fisheries resources

In the context of the reform of the Common Fisheries Policy, the Commission adopted a Communication to the Council and the European Parliament laying down a Community action plan for the conservation and sustainable exploitation of fishery resources in the Mediterranean Sea under the Common Fisheries Policy (COM(2002) 535 final of 9 October 2002). In this action plan, the Commission outlined the main elements of the future Mediterranean fisheries policy, with a special emphasis on conservation policy.

The Action Plan underlined the Mediterranean specificity. Such specificity means that, although the objectives of Community fisheries management as laid down in Council Regulation (EC) n° 2371/2002 must be the same for the Mediterranean as for other Community areas, the instruments to achieve such objectives must be adapted to the specificity of Mediterranean fisheries, both to take into account the different biological, geographical and legal situations in this region, and to build on the experience and practices of fishermen's organisations.

The Council adopted conclusions on this Action Plan in December 2002. The European Economic and Social Committee adopted its opinion on 26 March 2003. The European Parliament adopted its resolution on 19 June 2003. These conclusions largely endorse the Commission's approach while stressing differently some points.

Two elements of the Action Plan are of particular importance: (1) the updating of the technical measures regulation applicable to the Mediterranean (Regulation 1626/94) and the introduction of Community fishing effort management in the area, and (2) the discussion on the possible extension of fisheries jurisdiction by Community Member States in the Mediterranean, if possible as part of a broader multilateral initiative involving the other coastal states of the region. This proposal concerns the first of these two objectives. The second will be the subject of a diplomatic conference convened by the Community for November 2003 in Venice.

III. Structure and content of the proposal Regulation

This proposal revises and replaces the measures laid down in Regulation 1626/94 while maintaining some of its elements that are widely accepted by the Mediterranean fisheries stakeholders and public opinion. The proposal takes into account recommendations and/or opinions expressed by the Scientific, Technical and Economic Committee for Fisheries of the European Commission (STECF), by the FAO General Fisheries Commission for the Mediterranean (GFCM) and by the International Commission for the Conservation of Atlantic Tunas (ICCAT), as well as by the Member States in their proposals for specific recovery plans. But it also adds some significant new elements drawn to the attention of the Commission by the stakeholders both during the regional workshops and by correspondence.

The proposal, in particular:

- introduces new technical measures to improve the selectivity of the current 40 mm mesh size for towed nets, without immediate increasing of the mesh size, and puts forward a two-stage approach towards increasing the minimum mesh size to 60 mm over the next six years;
- strengthens the current ban on the use of towed gears in coastal areas;
- limits the overall sizes of certain fishing gears that affect fishing effort;
- introduces a procedure for establishing temporary or permanent closures of areas to specific fishing methods, either in Community or international waters;
- provides for the adoption in the Mediterranean area of management plans combining the use of effort management with technical measures;
- introduces provisions to ensure that leisure fishing is conducted in a way that reduces interference with professional fishing and does not jeopardize the sustainability of certain resources;
- delegates powers to Member States to regulate, in their territorial waters and under certain conditions, fishing activities that do not have any significant Community dimension or environmental impact, including certain local fisheries currently authorised under Community law.

The proposal also introduces conservation measures in the 25-mile management zone around Malta in accordance with the guidelines fixed in the Treaty of Accession to the European Union 2003.

Structure of the proposal

The proposal comprises the following sections.

Chapter I: scope and definition

This section sets out the geographical scope of the Regulation and defines some technical terms.

Chapter II: Protected species and habitats

This part of the proposal incorporates into the common fisheries policy the protection of certain marine species provided for in various international conventions and provides for the protection of sea-grass beds from certain fishing gears.

Chapter III. Protected areas

Protected areas in which certain types of fishing are banned or restricted are considered a potentially effective instrument to protect juveniles of a number of species and the marine environment. This part of the proposal establishes a procedure to set up such areas. It is also proposed that Member States may establish such areas within their territorial waters, subject to notification requirements and review by the Commission.

Chapter IV: Restrictions concerning fishing gears

This part of the proposal sets out conditions for the use of fishing gears, with the aim of prohibiting or limiting the activity of gears that may have negative effects on the marine environment, as well as ensuring minimum conditions of selectivity for authorised gear, to protect juvenile fish and reduce discarding.

A fundamental aim of the proposal is gradually to increase the current mesh size of bottom trawl to 60 mm (from 40 mm today). This will improve size selectivity and secure higher yields and a higher probability that juveniles will enter the adult population and contribute to the replenishment of stocks. It is proposed that this process be achieved in stages, by an increase to 50 mm before the end of 2005 and to 60 mm before the end of 2008. Other short-term actions, such as closed areas and limitation of fishing effort, should help to increase the size of both fish stocks and individual fish which will reduce the short-term impact on yields of a future increase in mesh size.

The selectivity of trawl fishing gears is also determined by the rigging of the gear. The authorised devices to be attached to trawl nets, as laid down in the Regulation N° 3440/84, need to be complemented with measures on the rigging of the trawl nets to take into consideration the development of fishing technology.

The proposal contains rules on the maximum dimension of certain fishing gear in order to put a ceiling on fishing effort.

Protecting coastal areas from trawling remains a fundamental objective, both in terms of the protection of nursery grounds of juvenile fish and the preservation of sensitive habitats. For this reason, Community rules are proposed on the minimal distance from the coast at which certain gears may be used.

Chapter V. Minimum sizes of marine organisms

Mediterranean fisheries exploit all the life stages of several species. The establishment of minimum landing sizes remains an essential means of allowing juveniles to mature and to reproduce.

Hermaphroditic species are particularly vulnerable to excessive and size unselective exploitation. Some of them, very important to sustain local fishing communities, are reported to have collapsed or be on the verge of collapse. It is therefore important to establish the minimum landing size for these resources, even though most of them are mainly caught in coastal fisheries.

On hake, a stepwise approach is proposed. A temporary reduction of the landing size to 15 cm is proposed, on the basis of its better correspondence with the selectivity of the current 40mm mesh, pursuant changes in the rigging of the fishing gear, and the proposed 50mm mesh size. When the mesh is increased to 60 mm (from 2009), a minimum landing size of 20cm, corresponding to the selectivity of that mesh, should be implemented.

Recommendation 2002/1 of GFCM and opinion of the STECF stipulate that small pelagic stocks should be harvested after first maturity. In the light of these advice, the minimum landing size for anchovy has been revised while a new one for sardine has been incorporated.

Chapter VI. Non-commercial fishing

This chapter deals with the need to establish limits on leisure fishing, in order to ensure that this activity does not interfere with commercial fishing or undermine the sustainable exploitation of stocks. Leisure fishing should also contribute data on highly migratory species such as bluefin tuna, swordfish and large pelagic sharks.

Chapter VII. Management plans

The multiple-species nature of many Mediterranean fisheries, together with technical interactions between fishing practices, call for the adoption of integrated management systems at Community level when appropriate. These plans may be suggested by Member States or by a Regional Advisory Council and will be adopted by the Council on a proposal from the Commission.

Although the Commission proposes that management of coastal fisheries exploiting not shared stocks should be largely delegated to the Member States, the latter are required to implement management plans by the end of 2004 in respect of non-trawl fisheries conducted within their territorial waters.

Chapter VIII. Control measures

This chapter proposes rules aimed at improving enforcement and the control of Mediterranean fisheries such as designated port and a lower minimum quantity for recording catches in logbooks.

Chapter IX. Highly migratory species

Council Regulation (EC) n° 973/2001 abolished the former Community minimum landing size of 120 cm for swordfish, with a view to setting a new minimum landing size compatible both with size of reproduction and with the current exploitation pattern. ICCAT has not,

however, adopted a recommendation on this issue. As the Community accounts for more than 75% of the catches of this species in the Mediterranean, it is appropriate to introduce a new Community minimum size, as well as longline specifications to match this limit and a four-month fishing ban, from the beginning of October to the end of January, for longliners targeting certain highly migratory species in order to reduce substantially catches of juvenile swordfish.

Substantial activity of driftnets illegally catching highly migratory species has been recorded in recent years, despite the implementation of Council Regulation n° 1239/98. To counteract this trend, a ban on catching certain highly migratory species by bottom-set nets and anchored floating nets is proposed. Furthermore, a limitation in the size of combined bottom-set nets together a specification of twine thickness is also proposed. Both rules, while not affecting yields of species commonly targeted by small-scale fisheries, should improve compliance with Council Regulation n° 1239/98 and also contribute to reduce the mortality of small cetaceans.

Chapter X. Provisions for the water around Malta

This chapter implements the measures agreed in the Treaty of Accession 2003 for Malta to limit fishing in the 25-mile management zone to coastal fishing for vessels less than 12 metres except for a limited number of larger vessels undertaking specific fisheries. These measures are in line with the Mediterranean strategy for the CFP, namely, to enforce both fishing effort management, particularly by allocating it to different areas depending on the type of fishing vessels and exploited environments and to improve the exploitation pattern by technical measures, including closed areas for certain fishing gears.

Chapter XI. Final provision

This chapter contains provisions concerning the adoption by the Commission of implementing regulations and the repeal of previous Community legislation on Mediterranean fisheries.

IV. Additional national measures

This proposal provides framework for Community management of fisheries resources in the Mediterranean. It includes a significant number of Community rules for fisheries of common interest, procedures for the further development of Community rules, such as fisheries management plans, and obligations for Member States to develop national rules for fisheries conducted exclusively within territorial waters.

It should be recalled that, in accordance with Articles 9 and 10 of Council Regulation 2371/2002, the framework Regulation of the CFP, any Member State may, subject to notification procedures, take non-discriminatory measures for the conservation and management of fisheries within 12 nautical miles of its baselines and, in respect of other waters under its jurisdiction, measures applying solely to fishing vessels flying its flag.

Mediterranean Member States are encouraged to take such additional national measures whenever necessary to ensure the conservation of fisheries resources or protection of the marine ecosystem.

V. Stakeholder consultations

The Commission has consulted the Mediterranean fishing industry twice during the preparation of this proposal. The points made by the industry in such consultations have influenced some of its most important parts. For example, the idea of establishing integrated management plans linking effort management and technical measures, the maintenance and strengthening of the ban on trawl nets in coastal areas, the need to establish limitations on leisure fisheries, the need to improve the exploitation pattern in the short term by closed areas/seasons instead of generalised increases in mesh size, and the delegation to Member States of certain local management decisions, were strongly recommended by industry representatives.

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concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea and amending Regulations (EC) No 2847/93 and (EC) No 973/2001

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 approved 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 Article 122 of that Convention, the Mediterranean Sea can be classified as semi-enclosed sea and the Community attempts to coordinate the management and conservation of living aquatic resources with other coastal States.
- (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 jurisdictional characteristics of the Mediterranean fisheries require the Community to establish a specific management framework.

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.

⁵ OJ L 190, 4.7.1998, p. 34.

- (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.
- (10) 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 Mediterranean⁷ 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 Policy⁸.
- (11) Regulation (EC) No 1626/94 should therefore be repealed.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) 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.

⁶ OJ L 206, 22.07.1992, p. 7.

⁷ OJ L 171, 6.7.1994, p. 1. Regulation as last amended by Regulation (EC) No 973/2001 (OJ L 137, 19.5.2001, p. 1.)

⁸ COM(2002) 535 final

- (16) 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.
- (17) 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.
- (18) 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.
- (19) In order not to hinder artificial restocking or transplantation of fish stocks, operations necessary for the conduct of such activities should be permitted, provided they are compatible with the sustainability of the species concerned.
- (20) 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.
- (21) 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.
- (22) 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 policy⁹) 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.
- (23) Since Community fisheries account for more than 75% of the catches of the swordfish in the Mediterranean Sea, it is appropriate to amend Council Regulation (EC) No 973/2001 of 14 May 2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species¹⁰ in order to establish a Community minimum landing size, as well as longline specifications to match this limit and a four-month longlines fishing ban to protect juveniles of swordfish.

⁹ OJ L 261,20.10.1993, p. 1.

¹⁰ OJ L 137,19.5.2001,p.1.

- (24) It is necessary to adopt Community provisions concerning fishing in the waters around the Malta in accordance with the guidelines established in the Treaty of Accession and in particular Article 21 and Annex III thereof. It is appropriate to introduce an obligation to hold special fishing permits in order to have access to these waters.
- (25) 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.
- (26) Amendments to the Annexes to this Regulation should also be adopted in accordance with Decision 1999/468/EC,

HAS ADOPTED THIS REGULATION:

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 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;

¹¹ OJ L 184, 17.7.1999,p.23.

- (2) “towed nets” means trawl nets, boat seines and shore seines;
- (3) “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);
- (4) “boat seines” means encircling 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;
- (5) “shore seines” means encircling nets and towed seines set from a boat and operated from the shore
- (6) “dredges” means gears which are actively towed by the main boat engine to catch bivalves, consist of a net bag or metal basket mounted on a rigid frame of variable size and shape whose lower part carries 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 also mechanised by hydraulic equipment (hydraulic dredges);
- (7) “protected area” means a geographically-defined area of marine waters 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;
- (8) “gillnet” means any net made up of a single piece of net and held vertically in the water by floats and weights. It catches living aquatic organisms by entangling or enmeshing. According to ballasting and buoyancy these nets may be used to fish either in the water column up to the sea surface (anchored floating gillnet and drift-net) or close to the bottom (bottom-set gillnet);
- (9) “anchored floating gillnet” means any gillnet fixed or capable of being fixed by any means to the bottom of the sea and floating in the water column up to the sea surface;
- (10) “drift-net” means any gillnet held on the sea surface or at certain distance below it by floating devices drifting freely with the current, separately or, more often, with the boat to which it is attached. It may be equipped with sea anchors or other floating devices aiming to stabilise the net and/or limiting its drifting;
- (11) “bottom set gillnet” means any gillnet, fixed or capable of being fixed by any means to the bottom of the sea and maintain the gear in place close to the bottom;
- (12) “bottom-set net” means a trammel net, a bottom-set gillnet or a combined bottom-set net;
- (13) “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 ;

- (14) “combined bottom set-net” means any bottom set gillnet combined with a trammel net which constitutes the lower part;
- (15) “encircling nets” means nets which catch fish by surrounding them both from the sides and from below;
- (16) “purse seines” means any encircling 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 groundrope, enabling the net to be pursed and closed;
- (17) “leisure fisheries” means fishing activities exploiting living aquatic resources for recreation or sport;
- (18) “fishing aggregating devices (FADs)” means any equipment floating on the sea surface and aggregating underneath either juveniles or adult specimens of highly migratory species.

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.

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

Article 4

Protected habitats

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

¹² OJ L 206, 22.7.1992, p.7.

Chapter III

Protected areas

Article 5

Community protected areas

1. Member States shall provide to the Commission, before 30 June 2004, information relevant to the establishment of protected areas both within and beyond the territorial seas.
2. On the basis of such information, as well as any other relevant information for the same purpose, the Council shall designate, before 31 December 2004, protected areas occurring, in particular, totally or partially beyond the territorial seas of Member States, including the types of fishing activities banned or authorised in such areas.
3. The Council may subsequently designate other protected areas on the basis of new relevant scientific information.

Article 6

National protected areas

1. Member States shall designate, before 31 December 2004, further protected areas 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 eco-systems. 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 protected areas on the basis of new relevant scientific information.
3. The measures referred to in paragraphs 1 and 2 shall be notified to the Commission.
4. When a proposed 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 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 protected area or adopt technical measures in respect of the waters concerned.

Chapter IV

Restrictions concerning fishing gears

Article 7

Prohibited fishing gear and practices

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,
- (f) pneumatic hammers or other percussive instruments for the collection of species dwelling in rocks.

Article 8

Minimum mesh sizes

1. The use for fishing and the keeping on board of a towed net, an encircling net or a gillnet for targeting red sea bream shall be prohibited, unless the mesh size in that part of the net having the smallest meshes complies with paragraphs 3 to 6.
2. The mesh size shall be determined by the procedures specified in Commission Regulation (EC) No 129/2003¹³.
3. For towed nets, other than those referred to in paragraph 4, the minimum mesh size shall be:
 - (1) until 31 December 2005: 40 mm;
 - (2) from 1 January 2006: 50 mm;
 - (3) from 1 January 2009: 60 mm.
4. For pelagic trawl nets targeting sardine and anchovy, where these species account for at least 85% of the catch in live weight after sorting, the minimum mesh size shall be 20 mm.
5. For encircling nets the minimum mesh size shall be 14 mm.
6. For 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 100 mm.

¹³ OJ L 22, 25.1.2003, p.5.

7. At the request of a Member State, the Commission 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 and have a negligible effect on the marine environment.

Member States shall provide up to date scientific and technical justifications for such a derogation.

Article 9
Minimum hooks size

1. The use for fishing and the keeping on board of any longlines with hooks of a total length less than 5 cm and of a width less than 2.5cm 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.

2. For the purposes of paragraphs 1:

- (a) the total length of hooks 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;
- (b) the width of hooks shall be measured as the greatest horizontal distance from the external part of the shank to the external part of the barb.

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 3440/84¹⁴ 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.

¹⁴ OJ L 318, 7.12.1984, p.23.

By way of derogation from the first subparagraph, the use of hydraulic dredges shall be authorized between 1,5 and 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 and hydraulic dredges shall be prohibited within 1.5 nautical miles of the coast.

3. The use of purse seines shall be prohibited within 0,5 nautical miles of the coast or within the 50 metres isobath where that depth is reached at a shorter distance from the coast.

4. The use of towed gears, purse seines and other encircling nets shall be prohibited within 1 nautical mile from the borders of protected areas established in accordance with Articles 5 and 6.

5. At the request of a Member State, the Commission may allow a derogation from paragraphs 1 and 3 on a local basis where such derogation is justified by particular geographical constraints or where the fisheries concerned are highly selective and have a negligible effect on the marine environment and provided that those fisheries are concerned by a management plan as referred to in Article 17. Member States shall provide up to date scientific and technical justifications for such a derogation.

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

Artificial 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 for the purpose of artificial 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.

Chapter VI

Non-commercial fishing

Article 15

Leisure fisheries

1. The use of towed nets, encircling nets, purse seines, dredges, gillnets, trammel nets, and longlines for highly migratory species shall 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.

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 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 .

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.

Article 17

Management plans for certain fisheries in territorial waters

1. Member States shall adopt, by 31 December 2004, management plans for fisheries conducted by boat seines, shore seines, encircling 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, the management plan 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 1627/94¹⁵. 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.

¹⁵ OJ L 171, 6.7.1994, p. 7.

7. Management plans shall be notified to the Commission, in time for it to present its observations before the plan is adopted. 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 2371/2002¹⁶.

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 paragraph 1 is not sufficient to ensure a high level of protection of resources and the environment, it may, after having consulted the Member State, ask it to amend the plan or may propose to the Council appropriate measures for the protection of the resources and the environment.

Chapter VIII

Control measures

Article 18

Catch of target species

1. The percentages referred to in Articles 8 (4) and (6), Article 9(1), Article 12(1) and Article 22 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 2847/93¹⁷ 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, pelagic longliners and hydraulic dredges may be landed and marketed for the first time only at ports designated by the Member States.

¹⁶ OJ L 358, 31.12.2002, p.59.

¹⁷ OJ L 261, 20.10.1993, p.1.

2. Member States shall notify to the Commission by 31 December 2004 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 10 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” .

Chapter IX
Measures for highly migratory species

Article 22
Restriction on the use of certain types of vessels and gears

In Regulation (EC) No 973/2001 the following Article 4 a is inserted:

“Article 4a

1. Bottom-set nets and anchored floating nets shall not be used in the Mediterranean Sea 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; Lamnidae).

2. The use for fishing and the keeping on board in the Mediterranean Sea of any longlines with hooks of a total length less than 10 cm and of a width less than 4.5 cm shall be prohibited for any fishing vessel using longlines and landing or having on board a quantity of swordfish (*Xiphias gladius*) that constitutes more than 20 % of the catch in live weight after sorting.

3. Fishing with pelagic longlines for any of the following species, Albacore (*Thunnus alalunga*), Bluefin tuna (*Thunnus thynnus*), Swordfish (*Xiphias gladius*) and sharks (*Hexanchus griseus*; *Cetorhinus maximus*; Alopiidae; Carcharhinidae; Sphyrnidae; Isuridae; Lamnidae), shall be prohibited in the Mediterranean Sea from 1 October to 31 January each year .

4. For the purposes of paragraph 2:

(a) the total length of hooks 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;

(b) the width of hooks shall be measured as the greatest horizontal distance from the external part of the shank to the external part of the barb.”

Article 23
Minimum size

In Annex IV to Regulation (EC) No 973/2001 the entry concerning swordfish is replaced by the following :

swordfish (*Xiphias gladius*) in the Atlantic Ocean: 25 kg or 125 cm (lower mandible);

swordfish (*Xiphias gladius*) in the Mediterranean Sea: 110 cm (lower mandible) or 16 kg round weight (weight of the whole fish before processing or removal of any part) or 14 kg gilled and gutted weight (weight after the gills and guts have been removed) (1)

(1) Tolerance of 15% as referred to in Article 7(1) second subparagraph shall not apply to the swordfish in the Mediterranean.

Chapter X
Measures for the waters around Malta

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

(a) the overall fishing capacity of the trawlers allowed to operate in the management zone must not exceed the ceiling of 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 is identified by a broken line, the waypoints of which are listed in Annex V(b);

(c) trawlers fishing in the management zone shall hold a special fishing permit in accordance with Article 7 of Regulation (EC) No 1627/94 and shall be included in a list containing their name, their international registration number and vessel characteristics to be provided to the Commission annually by the Member States concerned;

(d) the capacity limits laid down in paragraphs 2(a) and (b) shall be periodically re-evaluated, following advice from relevant scientific bodies concerning their effects on the conservation of stocks.

3. If the overall fishing capacity referred to in paragraph 2(a) exceeds the overall fishing capacity of trawlers with an overall length equal to or less than 24 metres and operating in the management zone in the reference period 2000-2001 (hereinafter “reference fishing capacity”), the Commission shall 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.

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

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

(a) fishing capacity in kW corresponding to vessels having fished in the zone during the period 2000-2001 shall be given priority;

(b) fishing capacity in kW corresponding to vessels having fished at any other time in the zone shall be given second priority;

(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 authorization.

6. By way of derogation from paragraph 1(a), vessels fishing with purse seines or longlines and vessels fishing for dolphinfish in accordance with Article 25 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 name, their international registration number and vessels characteristics to be provided to the Commission by each Member State.

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 25

Dolphinfish fishery

1. It shall be prohibited to fish dolphinfish (*Coriphaena* spp.) within the management zone by fishing aggregating devices (FADs) from 1 January to 31 July 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 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.

4. The Maltese authorities shall inform the Commission, by 1 July of each year of the list of fishing vessels authorised to participate in dolphinfish fishery.

5. 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 name, their international registration number and vessels characteristics to be provided to the Commission by each Member State.

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 26

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 27

Implementing rules

Detailed rules for the implementation of Articles 8, 21, 24 and 25 of this Regulation shall be adopted in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.

Article 28

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 29

Repeal

Regulation (EC) No 1626/94 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VI.

Article 30
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*.

Articles 24 and 25 shall apply from the date of accession of Malta.

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;
- (g) "balloon cod-end" means any cod-end composed of one or more adjoining panels, of net of the same mesh size, whose horizontal stretched length increases going to the rearmost part of the gear causing an extension of the horizontal length and of the circumference of the cod-end;
- (h) trouser cod-end is made up of one or more adjoining panels of net, of the same mesh size and dimension, attached to one another along their sides in the axis of the trawl by a lacing;
- (i) "pocket type cod-end" means either any trouser cod-end whose rearmost upper and lower panels are horizontally laced together or a cod-end whose rearmost part is composed by a single folded panel;
- (j) "horizontal lacing rope" means any external rope running horizontally, 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;

a) Authorised attachments to trawl nets

1. Notwithstanding Article 8 of Commission Regulation (EEC) N. 3440/84 a horizontal or lengthways zip-fastener mechanical device may be used to close the opening for emptying the pocket-type cod-end.
2. The horizontal 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 be at least 10 % bigger than the circumference of the front end of the cod-end *sensu stricto*. This provision shall apply to all trawl nets of which the mesh size is smaller than or equal to 60 mm.
3. Square mesh panels may be inserted into any towed net and shall be placed in the top half or top sheet of a net 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 25 of this Regulation.
4. 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.
5. Paragraph 4 shall not apply to any boat seine the cod-end of which has a mesh size smaller than 10 mm.
6. By way of modification of Article 6 (4) of Commission Regulation (EEC) N. 3440/84 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.
7. The pocket type cod-end shall not have more than one opening to empty.
8. The length of the horizontal lacing rope shall be not less than 20% of the circumference of the cod-end.
9. 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.
10. 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 3,5 millimetres shall be prohibited.
11. 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.
12. 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 4 m, except in the case of dredges for sponge fishing (gagava).

2. Encircling 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. Trammel nets and gillnets

- The maximum drop of a trammel net - shall not exceed 4 m.
- The maximum drop of a bottom-set gillnet and of anchored floating gillnet shall not exceed 10 m
- It shall be prohibited to have on board and set more than 4000 m of trammel net, bottom-set gillnet or anchored floating gillnet per vessel.
- Twine diameter of the bottom-set gillnet and of anchored floating gillnet shall not exceed 0,5 mm

4. Combined bottom-set nets (trammel nets+gillnets)

- The maximum drop of a combined bottom-set net shall not exceed 10 m.
- It shall be prohibited to have on board and set more than 2500 m of combined nets per vessel.
- Twine diameter of the gillnet shall not exceed 0,5 mm .

5. Drift-nets

- It shall be prohibited to have on board and set a drift-net longer than the limit established in Regulation (EC) No 894/97 laying down certain technical measures for the conservation of fishery resources¹⁸ as amended by Regulation (EC) No 1239/98 of 8 June 1998¹⁹.

¹⁸ OJ L 132,23.5.1997, p.1.

¹⁹ OJ L 171, 17.6.1998, p.1.

6. Bottom-set longline

It shall be prohibited to have on board and set more than 7 000 m of longline per vessel.

7. Pots lines for deep-water crustacean fishery

It shall be prohibited to have on board and set more than 5 km of pot lines.

8. Surface-set longline (floating)

It shall be prohibited to have on board and set more than 60 km of longline per vessel.

Annex III
Minimum Sizes of marine organisms

SCIENTIFIC NAME	Minimum size
1. Fishes	
<i>Dicentrarchus labrax</i>	25 cm
<i>Diplodus annularis</i>	12 cm
<i>Diplodus puntazzo</i>	18 cm
<i>Diplodus sargus</i>	23 cm
<i>Diplodus vulgaris</i>	18 cm
<i>Engraulis encrasicolus</i> *	11 cm
<i>Epinephelus</i> spp.	45 cm
<i>Lithognathus mormyrus</i>	20 cm
<i>Merluccius merluccius</i>	15 cm (until 31 December 2008) 20 cm (from 1 January 2009)
<i>Mullus</i> spp.	11 cm
<i>Pagellus acarne</i>	17 cm
<i>Pagellus bogaraveo</i>	33 cm
<i>Pagellus erythrinus</i>	15 cm
<i>Pagrus pagrus</i>	18 cm
<i>Polyprion americanus</i>	45 cm
<i>Sardina pilchardus</i> **	13 cm
<i>Scomber japonicus</i>	18 cm
<i>Scomber scombrus</i>	18 cm
<i>Solea vulgaris</i>	25 cm
<i>Sparus aurata</i>	20 cm
<i>Trachurus</i> spp.	15 cm
2. Crustaceans	
<i>Homarus gammarus</i>	30 cm TL
<i>Nephrops norvegicus</i>	20 mm CL 70 mm TL
Palinuridae	105 mm CL
<i>Parapenaeus longirostris</i>	20 mm CL
3. Mollusc bivalves	
<i>Pecten jacobaeus</i>	11 cm

TL total length ; CL ace 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;

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:

- as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace, and/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, 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 from the tip of the rostrum to the midpoint of the distal edge of the carapace.

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

Figure 1

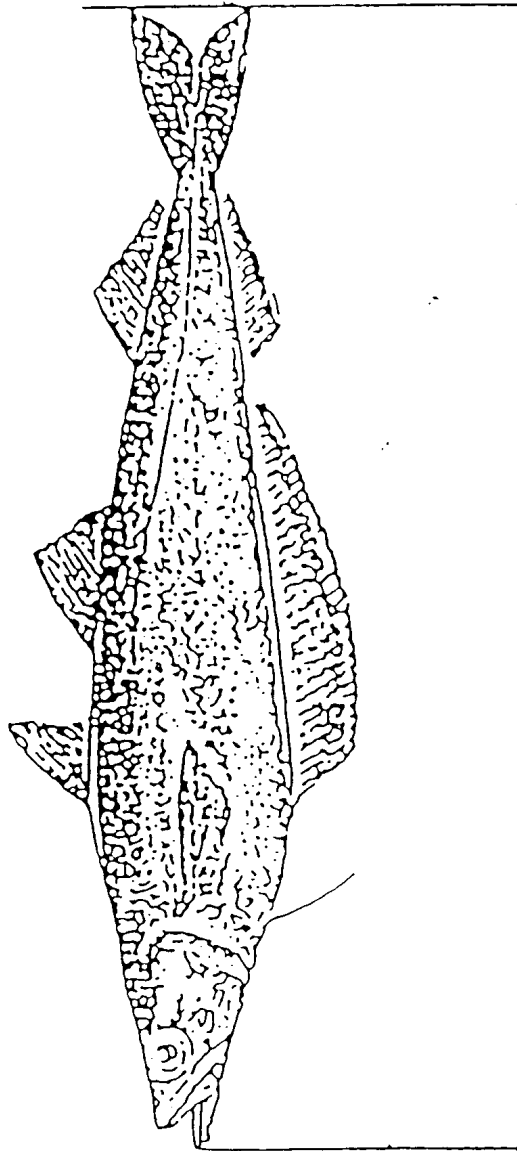
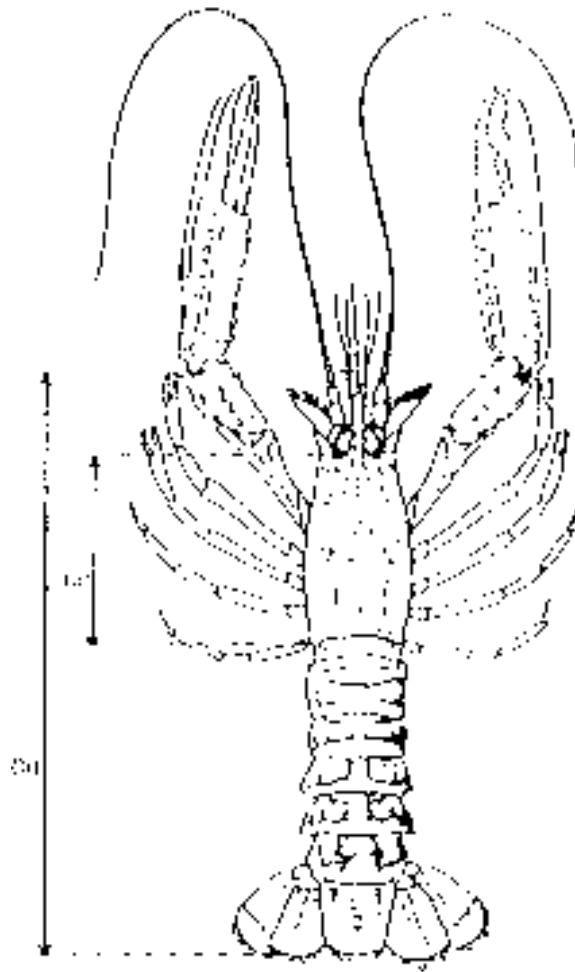


Figure 2



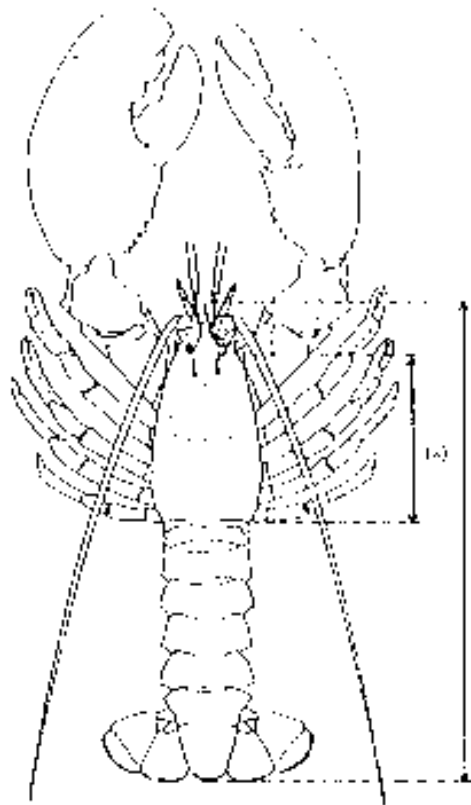
(Nephrops)

Norway Lobster

(a) Carapace length

(b) Overall length

Figure 3



(Homarus)

Lobster

(a) Carapace length

(b) Overall length

Figure 4

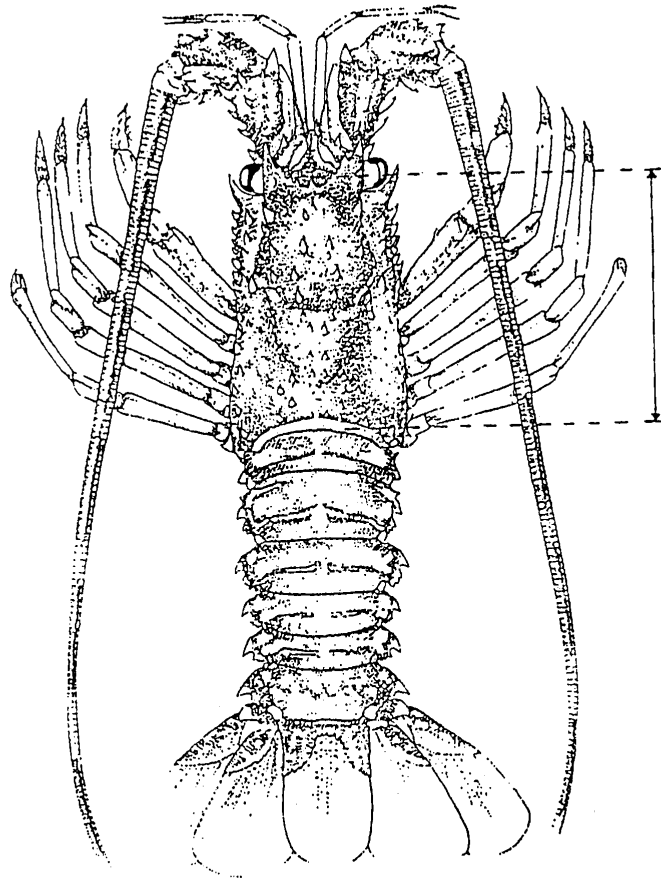


Figure 5



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 A1 – 36.0172°N, 14.1442°E A2 – 36.0289°N, 14.1792°E A3 – 35.9822°N, 14.2742°E A4 – 35.8489°N, 14.3242°E A5 – 35.8106°N, 14.2542°E A6 – 35.9706°N, 14.2459°E	Zone H H1 – 35.6739°N, 14.6742°E H2 – 35.4656°N, 14.8459°E H3 – 35.4272°N, 14.7609°E H4 – 35.5106°N, 14.6325°E H5 – 35.6406°N, 14.6025°E
Zone B B1 – 35.7906°N, 14.4409°E B2 – 35.8039°N, 14.4909°E B3 – 35.7939°N, 14.4959°E B4 – 35.7522°N, 14.4242°E B5 – 35.7606°N, 14.4159°E B6 – 35.7706°N, 14.4325°E	Zone I I1 – 36.1489°N, 14.3909°E I2 – 36.2523°N, 14.5092°E I3 – 36.2373°N, 14.5259°E I4 – 36.1372°N, 14.4225°E
Zone C C1 – 35.8406°N, 14.6192°E C2 – 35.8556°N, 14.6692°E C3 – 35.8322°N, 14.6542°E C4 – 35.8022°N, 14.5775°E	Zone J J1 – 36.2189°N, 13.9108°E J2 – 36.2689°N, 14.0708°E J3 – 36.2472°N, 14.0708°E J4 – 36.1972°N, 13.9225°E
Zone D D1 – 36.0422°N, 14.3459°E D2 – 36.0289°N, 14.4625°E D3 – 35.9989°N, 14.4559°E D4 – 36.0289°N, 14.3409°E	Zone K K1 – 35.9739°N, 14.0242°E K2 – 36.0022°N, 14.0408°E K3 – 36.0656°N, 13.9692°E K4 – 36.1356°N, 13.8575°E K5 – 36.0456°N, 13.9242°E
Zone E E1 – 35.9789°N, 14.7159°E E2 – 36.0072°N, 14.8159°E E3 – 35.9389°N, 14.7575°E E4 – 35.8939°N, 14.6075°E E5 – 35.9056°N, 14.5992°E	Zone L L1 – 35.9856°N, 14.1075°E L2 – 35.9956°N, 14.1158°E L3 – 35.9572°N, 14.0325°E L4 – 35.9622°N, 13.9408°E
Zone F F1 – 36.1423°N, 14.6725°E F2 – 36.1439°N, 14.7892°E F3 – 36.0139°N, 14.7892°E F4 – 36.0039°N, 14.6142°E	Zone M M1 – 36.4856°N, 14.3292°E M2 – 36.4639°N, 14.4342°E M3 – 36.3606°N, 14.4875°E M4 – 36.3423°N, 14.4242°E M5 – 36.4156°N, 14.4208°E
Zone G G1 – 36.0706°N, 14.9375°E G2 – 35.9372°N, 15.0000°E G3 – 35.7956°N, 14.9825°E G4 – 35.7156°N, 14.8792°E G5 – 35.8489°N, 14.6825°E	Zone N N1 – 36.1155°N, 14.1217°E N2 – 36.1079°N, 14.0779°E N3 – 36.0717°N, 14.0264°E N4 – 36.0458°N, 14.0376°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)
Article 3(1) second and third (1a) subparagraphs	Article 12(2) and (5), Article 17
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 9	Article 1(2)
Article 10	---
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