



2024/2960

2.12.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/2960

of 29 November 2024

extending a derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for boat seines fishing for transparent goby (*Aphia minuta*) in certain territorial waters of Italy (Tuscany and Liguria)

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 in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 ⁽¹⁾, and in particular Article 13(5) thereof,

Whereas:

- (1) On 4 October 2011, the Commission adopted Implementing Regulation (EU) No 988/2011 ⁽²⁾ establishing for the first time a derogation from Article 13(1), first subparagraph of Regulation (EC) No 1967/2006 until 31 March 2014 as regards the minimum distance from the coast and the minimum sea depth for boat seines fishing for transparent goby (*Aphia minuta*) in certain territorial waters of Italy (Tuscany and Liguria). Several extensions were granted ⁽³⁾, last by Commission Implementing Regulation (EU) 2022/1386 ⁽⁴⁾, which expired on 31 March 2024.
- (2) On 18 June 2024, the Commission received a request for an extension of that last derogation from Italy, for the boat seines fishing transparent goby (*Aphia minuta*) in certain territorial waters of Italy (Tuscany and Liguria).
- (3) Italy provided up-to-date scientific and technical justifications for the derogation.
- (4) Italy adopted the management plan by Decree ⁽⁵⁾ in accordance with Article 19(2) of Regulation (EC) No 1967/2006 ('Italian management plan') on 17 October 2024.
- (5) The request concerns fishing activities already authorised by Italy and covers vessels which have a track record of more than 5 years in the fishery and operate under the Italian management plan adopted in accordance with Article 19(2) of Regulation (EC) No 1967/2006.
- (6) The request covers 116 vessels (75 boats in Liguria and 41 in Tuscany), smaller than 14 meters in length overall and with a total effort of 5 694,9 kW for vessels, and the management plan guarantees no future increase in the fishing effort, as required by Article 13(9) of Regulation (EC) No 1967/2006.

⁽¹⁾ OJ L 409, 30.12.2006, p. 9, ELI: <http://data.europa.eu/eli/reg/2006/1967/oj>.

⁽²⁾ Commission Implementing Regulation (EU) No 988/2011 of 4 October 2011 establishing a derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for boat seines fishing for transparent goby (*Aphia minuta*) in certain territorial waters of Italy (OJ L 260, 5.10.2011, p. 15, ELI: http://data.europa.eu/eli/reg_impl/2011/988/oj).

⁽³⁾ Commission Implementing Regulation (EU) 2015/2407 of 18 December 2015 renewing the derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for boat seines fishing for transparent goby (*Aphia minuta*) in certain territorial waters of Italy (OJ L 333, 19.12.2015, p. 104, ELI: http://data.europa.eu/eli/reg_impl/2015/2407/oj), Commission Implementing Regulation (EU) 2018/1634 of 30 October 2018 renewing the derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for boat seines fishing for transparent goby (*Aphia minuta*) in certain territorial waters of Italy (OJ L 272, 31.10.2018, p. 35, ELI: http://data.europa.eu/eli/reg_impl/2018/1634/oj).

⁽⁴⁾ Commission Implementing Regulation (EU) 2022/1386 of 9 August 2022 extending a derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for boat seines fishing for transparent goby (*Aphia minuta*) in certain territorial waters of Italy (Tuscany and Liguria) (OJ L 208, 10.8.2022, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2022/1386/oj).

⁽⁵⁾ Gazzetta Ufficiale della Repubblica Italiana: <https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/22306>.

- (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 Italy and the related draft Italian management plan at its plenary session from 8 to 12 July 2024 ⁽⁶⁾.
- (9) The overall assessment by the STECF is positive and the management plan contains the necessary elements supporting the request. STECF concluded that the management plan for boat seines targeting transparent goby in the waters of Tuscany and Liguria contains adequate elements in terms of the description of the fisheries, objectives, safeguards and conservation/technical measures and quantifiable indicators for periodic monitoring and assessment. STECF also noted that the management plan meets the conditions established by Article 13 of Regulation (EC) No 1967/2006 for the derogations to the distance from the coast and Article 9 of that Regulation with regard to the derogation from minimum mesh size.
- (10) The extension of the derogation requested by Italy 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.
- (11) The fishery cannot be undertaken with other gears since only boat seines have the technical characteristics necessary to carry out this type of fishery.
- (12) The fishing activities concerned fulfil the requirements of Article 4 of Regulation (EC) No 1967/2006 and do not interfere with gears other than trawls, seines or similar towed nets.
- (13) 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, nor target cephalopods.
- (14) 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 ⁽⁷⁾, are not applicable since they relate to trawlers.
- (15) Italy 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.
- (16) Although Article 9 of Regulation (EC) No 1967/2006 was deleted by Regulation (EU) 2019/1241, Annex IX, Part B, point 4 to that Regulation allows derogations from minimum mesh sizes to continue to apply on the basis of certain conditions referred to in Article 15(5) of Regulation (EU) 2019/1241. Such derogations should have been in force on 14 August 2019, do not lead to a deterioration of selectivity standards, in particular in terms of an increase in catches of juveniles, and aim at achieving the objectives and targets set out in Articles 3 and 4 of that Regulation. The requested extension complies with the referred conditions.
- (17) The fishing activities concerned take place at a 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.

⁽⁶⁾ STECF 24-02: <https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf-plen-24-02>.

⁽⁷⁾ 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, ELI: <http://data.europa.eu/eli/reg/2019/1241/oj>).

- (18) The activity of boat seines is regulated in the management plan to ensure that catches of species mentioned in Annex IX to Regulation (EU) 2019/1241 are minimal. Moreover, according to paragraph 6 of the Italian management plan, the fishing for *Aphia minuta* is limited to a fishing season from 1 November to 31 March each year and to a maximum of 60 days per boat for every fishing season.
- (19) The 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.
- (20) The fishing activities concerned fulfil the requirements of Article 14 of Council Regulation (EC) No 1224/2009 ⁽⁸⁾.
- (21) The Commission thus considers that extension of the derogation requested by Italy complies with the conditions laid down in Article 13(5) and (9) of Regulation (EC) No 1967/2006. The requested extension of the derogation should therefore be granted.
- (22) Italy should report to the Commission in due time and in accordance with the monitoring plan provided for in the Italian management plan.
- (23) 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.
- (24) Considering that the fishing season starts on 1 November, this regulation should apply from 1 November 2024 for reasons of legal certainty. Also, this Regulation should enter into force as a matter of urgency.
- (25) 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 from Regulation (EC) No 1967/2006

Article 13(1) of Regulation (EC) No 1967/2006 shall not apply in territorial waters of Italy adjacent to the coast of Liguria and Tuscany, to boat seines fishing for transparent goby (*Aphia minuta*), provided those vessels:

- (a) are registered in the maritime Directorates (Direzione Marittima) of Genoa and Livorno respectively;
- (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 Italy in accordance with Article 19 of Regulation (EC) No 1967/2006.

Article 2

Monitoring plan and reporting

Italy shall communicate to the Commission, within 1 year following the entry into force of this Regulation, a report drawn up in accordance with the monitoring plan established in the Italian management plan referred to in Article 1(c).

⁽⁸⁾ 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, ELI: <http://data.europa.eu/eli/reg/2009/1224/oj>).

*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 as of 1 November 2024 to 31 March 2027.

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

Done at Brussels, 29 November 2024.

For the Commission
The President
Ursula VON DER LEYEN
