

COMMISSION IMPLEMENTING REGULATION (EU) 2022/511
of 30 March 2022

extending the derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for the ‘volantina’ trawlers fishing in the territorial waters of Slovenia

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) Article 13(1) of Regulation (EC) No 1967/2006 prohibits the use of towed gears 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.
- (2) At the request of a Member State, the Commission may allow a derogation from Article 13(1) of Regulation (EC) No 1967/2006, provided that a number of conditions set out in Article 13(5) and (9) are fulfilled.
- (3) A derogation from the first subparagraph of Article 13(1) for the use of ‘volantina’ trawlers in the territorial waters of Slovenia, at less than 50 meters depth, in the area between 1,5 and 3 nautical miles from the coast was granted for the first time until 23 March 2017 by Commission Implementing Regulation (EU) No 277/2014 ⁽²⁾.
- (4) An extension of the derogation was granted until 27 March 2020 by Commission Implementing Regulation (EU) 2017/2383 ⁽³⁾.
- (5) On 28 February 2020 the Commission received a request from Slovenia to extend the derogation beyond 27 March 2020. Slovenia provided a draft of the new management plan and a report on the management plan monitoring and implementation justifying the extension of the derogation, in light of the requirements of Regulation (EC) No 1967/2006 and Regulation (EU) 2019/1241 of the European Parliament and of the Council ⁽⁴⁾. The request concerns vessels with a track record in the fishery of more than 5 years, entailing no future increase of fishing effort and which operate under an updated management plan adopted by Slovenia on 18 August 2021 ⁽⁵⁾ in accordance with Article 19(2) of Regulation (EC) No 1967/2006. Those vessels are included on a list communicated to the Commission in line with the requirements of Article 13(9) of Regulation (EC) No 1967/2006.

⁽¹⁾ 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 (OJ L 409 30.12.2006, p. 11).

⁽²⁾ Commission Implementing Regulation (EU) No 277/2014 of 19 March 2014 derogating from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for the ‘volantina’ trawlers fishing in the territorial waters of Slovenia (OJ L 82, 20.3.2014, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2017/2383 of 19 December 2017 extending the derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for the ‘volantina’ trawlers fishing in the territorial waters of Slovenia (OJ L 340, 20.12.2017, p. 32).

⁽⁴⁾ 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).

⁽⁵⁾ Decision No 34200-2/2021/3 of 18.8.2021.

- (6) The Scientific, Technical and Economic Committee for Fisheries (STECF) Plenary ⁽⁶⁾ held between 6 and 10 July 2020 reviewed the updated plan and the conditions for the derogation. STECF concluded that the updated plan is comprehensive and addresses most of the comments previously raised by STECF. In the light of the new information provided by Slovenia, STECF concluded that the conditions for the derogation continue to be fulfilled.
- (7) The derogation requested by Slovenia complies with the conditions laid down in Article 13(5) and (9) of Regulation (EC) No 1967/2006.
- (8) In particular, there are specific geographical constraints, as the territorial waters of Slovenia do not at any point reach a depth of 50 meters. In the absence of a derogation, 'volantina' trawlers could therefore only operate beyond 3 nautical miles from the coast, where fishing grounds are significantly limited by an area devoted to commercial shipping routes.
- (9) The management plan sets out all relevant definitions on the fisheries concerned and guarantees no future increase in the fishing effort, as fishing authorisations will be issued only to specified 12 vessels that are already authorised to fish by Slovenia.
- (10) The 'volantina' trawl fishery, a mixed fishery type, cannot be undertaken with other gears other than the heavier 'tartana', which could however lead to higher contact with the sea bottom and higher catch of demersal species and does not interfere with gears other than trawls, seines or similar towed nets. Moreover, 'volantina' trawl fishery has no significant impact on marine environment, including protected habitats, as STECF noted that it is exploiting muddy grounds, it is not performed on sensitive habitats and discard rates are low.
- (11) The derogation requested by Slovenia affects a limited number of only 12 vessels. The registration numbers of these vessels are specified in the management plan.
- (12) The fishing activities concerned fulfil the requirements of Article 4(1) of Regulation (EC) No 1967/2006 which, by way of derogation, allows fishing above protected habitats if fishing is operated without touching the seagrass bed under certain conditions.
- (13) The requested derogation complies with Article 8(1)(h) of Regulation (EC) No 1967/2006, as replaced by Article 8(1) and section I of Part B of Annex IX to Regulation (EU) 2019/1241, since it relates to trawlers operating with mesh sizes not smaller than 40 mm.
- (14) The fishing activities concerned fulfil the requirements of Article 9(3) of Regulation (EC) No 1967/2006, as replaced by Article 8(1) and section I of Part B of Annex IX to Regulation (EU) 2019/1241 as no square mesh below 40mm is used in the 'volantina' net rigging.
- (15) 'Volantina' trawlers do not target cephalopods. STECF noted that the catches of cephalopods by this fishery are not negligible, and concluded that, based on the latest implementation report of the plan, cephalopods represent only a very small amount of the total catches of these species in the area.
- (16) The Slovenian management plan includes measures for the monitoring of fishing activities, as provided for in the third subparagraph of Article 13(9) of Regulation (EC) No 1967/2006 and in Articles 14 and 15 of Council Regulation (EC) No 1224/2009 ⁽⁷⁾.

⁽⁶⁾ Scientific, Technical and Economic Committee for Fisheries (STECF) – 64th Plenary Report (PLEN-20-02). Publications Office of the European Union, Luxembourg, 2020, ISBN 978-92-76-21081-8, doi:10.2760/325560, JRC121501 (<https://stecf.jrc.ec.europa.eu/documents/43805/2684997/STECF+PLEN+20-02.pdf/0a7b5693-d2ad-433f-b24d-9cc7732fe1f8>).

⁽⁷⁾ 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).

- (17) 'Volantina' trawlers are regulated to ensure that catches of species in Part A of Annex IX to Regulation (EU) 2019/1241 are minimal, in compliance with the criteria of Art.13(9)(c) of Regulation (EC) No 1967/2006. STECF noted that reported catches of these species are not negligible, and concluded that given the limited size of the 'volantina' fishery, these catches sum up to a total volume of a few tens of tons, which represent only a very small amount of the total catches of these species in the area.
- (18) The requested derogation should therefore be granted.
- (19) Slovenia should report to the Commission in due time and in accordance with the monitoring plan provided for in the Slovenian management plan.
- (20) A limitation in duration of the derogation should be established in order to allow prompt corrective management measures in case the report to the Commission shows a poor conservation status of the exploited stock while providing scope to improve the scientific basis for an improved management plan.
- (21) Since the derogation granted by Implementing Regulation (EU) 2017/2383 expired on 27 March 2020, in order to ensure legal continuity, this Regulation should apply with effect from 28 March 2020. For reasons of legal certainty, this Regulation should enter into force as a matter of urgency.
- (22) 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

The first subparagraph of Article 13 of Regulation (EC) No 1967/2006 shall not apply within the territorial waters of Slovenia, irrespective of the depth, between 1,5 and 3 nautical miles from the coast, to 'volantina' trawlers which are used by vessels fulfilling the following requirements:

- (a) bearing the registration number mentioned in the Slovenian management plan adopted by Slovenia in accordance with Article 19(2) of Regulation (EC) No 1967/2006,
- (b) having a track record in the fishery of more than 5 years and not involving any future increase in the fishing effort provided;
- (c) holding a fishing authorization and operating under the management plan adopted by Slovenia in accordance with Article 19(2) of Regulation (EC) No 1967/2006.

Article 2

Monitoring plan and reporting

Slovenia shall communicate to the Commission, within 3 years following the entry into force of this Regulation, a report drawn up in accordance with the monitoring plan established in the management plan referred to in Article 1.

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 28 March 2020 until 27 March 2023.

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

Done at Brussels, 30 March 2022.

For the Commission
The President
Ursula VON DER LEYEN
