



2024/1382

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COMMISSION IMPLEMENTING REGULATION (EU) 2024/1382

of 23 May 2024

extending a derogation from Council Regulation (EC) No 1967/2006 as regards the prohibition to fish above protected habitats, the minimum distance from the coast and the minimum sea depth for the 'gangui' trawlers fishing in certain territorial waters of France (Provence-Alpes-Côte d'Azur)

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 4(5) and Article 13(5) and (10) thereof,

Whereas:

- (1) On 2 June 2014, the Commission adopted Implementing Regulation (EU) No 586/2014 ⁽²⁾ establishing for the first time a derogation from Articles 4(1) and 13(1) and (2) of Regulation (EC) No 1967/2006 for the use of 'gangui' trawlers in certain territorial waters of France (Provence-Alpes-Côte d'Azur) until 6 June 2017. Several extensions of that derogation were granted, last by Commission Implementing Regulation (EU) 2022/2363 ⁽³⁾, which will expire on 11 May 2024.
- (2) On 27 October 2023 the Commission received from France a request to extend the derogation until 11 May 2026. France provided up-to date scientific and technical justifications for the extension of the derogation, including 2022 and 2023 implementation reports of the management plan adopted by France on 13 May 2014 ⁽⁴⁾ in accordance with Article 19 of Regulation (EC) No 1967/2006, an estimation of the 'gangui' footprint in 2022 using the data transmitted by the VMS transponders ('VMS data'), an extensive socio-economic analysis of this fishery as well as a risk assessment of the environmental impact of the fishery.
- (3) During its 74th plenary session held between 13-17 November 2023, the Scientific, Technical and Economic Committee for Fisheries (STECF) ⁽⁵⁾ assessed the request for extending the derogation, including the supporting data and the implementation report. STECF concluded that the measures in force are effective in reducing the gangui fleet and its impact on the environment. In this respect, STECF noted that the gangui fishery fulfils the requirements set by the Regulation (EC) No 1967/2006. In addition, STECF concluded that as the number of gangui vessels has significantly decreased since 2014, from 36 to 7 active vessels in 2022 the impacts of the fishery have continued to reduce over time. STECF also acknowledged that the fishery will be phased out within the next 10 years due to the non-renewal of fishing licenses of fishermen leaving the fishery.
- (4) The extension of the derogation requested by France concerns fishing activities by vessels of less than or equal to 12 metres overall length and engine power of less than or equal to 85 kW with bottom towed nets traditionally undertaken on *Posidonia oceanica* beds, as required by Article 4(5), first paragraph, of Regulation (EC) No 1967/2006.

⁽¹⁾ OJ L 36, 8.2.2007, p. 6

⁽²⁾ Commission Implementing Regulation (EU) No 586/2014 of 2 June 2014 derogation from Council Regulation (EC) No 1967/2006 as regards the prohibition to fish above protected habitats and the minimum distance from the coast and depth for the 'gangui' trawlers fishing in certain territorial waters of France (Provence-Alpes-Côte d'Azur) (OJ L 164, 3.6.2014, p. 10).

⁽³⁾ Commission Implementing Regulation (EU) 2022/2363 of 2 December 2022 extending a derogation from Council Regulation (EC) No 1967/2006 as regards the prohibition to fish above protected habitats, the minimum distance from the coast and the minimum sea depth for the 'gangui' trawlers fishing in certain territorial waters of France (Provence-Alpes-Côte d'Azur) (OJ L 312, 5.12.2022, p. 95).

⁽⁴⁾ <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000028986590/>

⁽⁵⁾ [1_RepCovTempl_STR_IPSC.doc \(europa.eu\)](#)

- (5) The fishery concerned affects less than 33 % of the area covered by seagrass beds of *Posidonia oceanica* within the area covered by the French management plan and less than 10% of seagrass beds of *Posidonia oceanica* beds in the territorial waters of France, in line with the ceilings established under Article 4(5), first subparagraph, points (ii) and (iii), of Regulation (EC) No 1967/2006.
- (6) There are specific geographical constraints given the limited size of the continental shelf, as required by Article 13(5) of Regulation (EC) No 1967/2006.
- (7) The risk analysis of fishing activities affecting the Natura 2000 site 'Rade d'Hyères' performed by the French authorities evaluated that there is a moderate risk of undermining the conservation objectives of the *Posidonia oceanica* beds linked with 'gangui' fishing.
- (8) The Commission notes that gangui fishing activities on *Posidonia beds* have decreased and that French authorities have prohibited fishing activities from the core of the "Port Cros" National Park in order to protect *Posidonia oceanica* beds. In addition, STECF has identified that the proportion of the gangui fishing activity over the *Posidonia* beds has declined from 21 % to 17,2 % within the area covered by the management plan, and from 7,6 % to 6,1 % in the territorial waters of France, well below the limits set out in Article 4(5) of Regulation (EC) No 1967/2006.
- (9) The fishery has no significant impact on the marine environment.
- (10) The fishery conducted with 'gangui' trawlers targets a variety of species that correspond to an ecological niche. The catch composition of this fishery, in particular as regards the variety of species caught, is not reflected in any other fishing gear. Therefore, the fishery cannot be undertaken with other gears.
- (11) The request covers vessels with a track record in the fishery of more than five years, which operate under the French management plan, in accordance with Article 13(9) of Regulation (EC) No 1967/2006.
- (12) The extension of the derogation requested by France concerns a limited number of nine authorised vessels identified in the management plan, involving a total of 434 kW, of which only seven were active in 2023. This represents a 75 % reduction of fishing effort in terms of number of authorised vessels as compared to 2014, where the derogation concerned 36 authorised vessels specified in the adopted French management plan. Those vessels are included on a list communicated to the Commission in accordance with Article 13(9) of Regulation (EC) No 1967/2006.
- (13) Moreover, the management plan adopted by France guarantees no future increase in the fishing effort, as required by Article 13(9) of Regulation (EC) No 1967/2006. Fishing authorisations will only be issued to the specified nine vessels involving a total effort of 434 kW, that are already authorized to fish by France.
- (14) Moreover, the French management plan stipulates that any 'gangui' fishing authorization is to be withdrawn when the authorised vessel concerned is replaced or the vessel master sells its vessel or retires. The Commission therefore notes that the effect of this provision is to gradually phase out this fishery, which also leads to a corresponding reduction in the impact of the fishery on the stocks.
- (15) The requested derogation complies with the requirements of Article 8(1) and Annex IX, Part B, section I, to Regulation (EU) 2019/1241 of the European Parliament and of the Council⁽⁶⁾ regarding mesh sizes for towed gear, since it relates to trawlers operating with mesh sizes not smaller than 40 mm and square mesh below 40 mm is not used in "gangui" net rigging.

⁽⁶⁾ 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)

- (16) The fishing activities concerned do not interfere with the activities of vessels using gears other than trawls, seines or similar towed nets, in accordance with Article 13(9)(b) of Regulation (EC) No 1967/2006.
- (17) The activity of the 'gangui' trawlers is regulated in the French management plan to ensure that catches of species mentioned in Annex IX, Part A, to Regulation (EU) 2019/1241, are minimal, as required by Article 13(9)(c) of Regulation (EC) No 1967/2006.
- (18) 'Gangui' trawlers do not target cephalopods, as required by Article 13(9)(d) of Regulation (EC) No 1967/2006.
- (19) The French management plan establishes a monitoring plan, as provided for in Article 4(5), fifth subparagraph, and Article 13(9), third subparagraph of Regulation (EC) No 1967/2006. It also includes measures for the recording of fishing activities, thus fulfilling the conditions set out in Article 14 of Council Regulation (EU) No 1224/2009 ⁽⁷⁾.
- (20) The extension of the derogation requested by France therefore complies with the conditions laid down in Article 4(5) and in Article 13(5) and (9) of Regulation (EC) No 1967/2006 and should be granted.
- (21) France should report to the Commission in due time and in accordance with the monitoring plan provided for in the French management plan. The duration of the extension of the derogation should be limited in order to allow prompt corrective management measures in case the report to the Commission shows a poor conservation status of the exploited stocks, while providing scope to enhance the scientific basis for an improved management plan.
- (22) On 4 March 2024, the Commission received from France a request to limit the extension of the derogation requested on 27 October 2023 to one year with the commitment not to request an extension of this derogation and to put in place a plan in 2024 for a permanent cessation of active 'gangui' trawlers from this fishery.
- (23) Since the derogation granted by Implementing Regulation (EU) 2022/2363 will expire on 11 May 2024, in order to ensure legal continuity, this Regulation should apply from 12 May 2024. For reasons of legal certainty, this Regulation should enter into force as a matter of urgency.
- (24) Such retroactive application does not affect the principle of legal certainty and protection of legitimate expectations as the fishery in question has been continuously covered by the French management plan.
- (25) This Regulation is without prejudice to the Commission's position regarding compliance of the activity covered by this derogation with other Union legislation, in particular Council Directive 92/43/EEC ⁽⁸⁾.
- (26) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

⁽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).

⁽⁸⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

HAS ADOPTED THIS REGULATION:

Article 1

Derogation from Council Regulation (EC) No 1967/2006

The first subparagraph of Article 4(1), the first subparagraph of Article 13(1), and Article 13(2) of Regulation (EC) No 1967/2006 shall not apply in the territorial waters of France adjacent to the coast of the Provence-Alpes-Côte d'Azur region to 'ganguï' trawlers fulfilling the following requirements:

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

Article 2

Reporting

France shall communicate to the Commission, by 31 March 2025, a report drawn up in accordance with the monitoring plan established in the management plan referred to in Article 1(c).

Article 3

Entry into force and 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 12 May 2024 to 11 May 2025.

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

Done at Brussels, 23 May 2024.

For the Commission
The President
Ursula VON DER LEYEN