

General Fisheries Commission for the Mediterranean (GFCM): fishing in the GFCM Agreement Area

2009/0129(COD) - 13/12/2011 - Final act

PURPOSE: to lay down the rules for the application by the Community of the conservation, management, exploitation, monitoring, marketing and enforcement measures for fishery and aquaculture products as established by the General Fisheries Commission for the Mediterranean.

LEGISLATIVE ACT: Regulation (EU) No 1343/2011 of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea.

CONTENT: the European Community acceded to the Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM Agreement) through Council Decision 98/416/EC. The GFCM Agreement provides an appropriate framework for multilateral cooperation to promote the development, conservation, rational management and best utilisation of living marine resources in the Mediterranean and the Black Sea at levels that are sustainable and at low risk of collapse.

This Regulation transposes recommendations of the General Fisheries Commission for the Mediterranean (GFCM), as adopted in its Annual Sessions into Community law. It lays down the rules for the application by the Community of the conservation, management, exploitation, monitoring, marketing and enforcement measures for fishery and aquaculture products as established by the GFCM. It applies to all commercial fishing and aquaculture activities conducted by Community fishing vessels and nationals of Member States in the GFCM Agreement Area. By way of derogation it does not apply to fishing operations conducted solely for the purpose of scientific investigations.

Regulation 1967/2006: the GFCM has adopted a number of recommendations and resolutions for certain fisheries in the GFCM Agreement area which have been temporarily implemented in Union law by the annual Regulations on fishing opportunities or by Regulation 1967/2006. For reasons of clarity, simplification and legal certainty, these recommendations are implemented via a single legislative act, where future recommendations can be added by way of amendments to that act.

GFCM recommendations apply to the entire GFCM Agreement area, that is the Mediterranean and the Black Sea and connecting waters, and therefore they are implemented in a single separate Regulation rather than through amendments to Regulation (EC) No 1967/2006 which covers only the Mediterranean Sea.

Certain provisions contained in Regulation (EC) No 1967/2006 should apply not only to the Mediterranean Sea but to the entire GFCM Agreement area. Those provisions are deleted from Regulation (EC) No 1967/2006 and included in this Regulation. In addition, certain provisions regarding minimum mesh size that are laid down in that Regulation are further clarified.

Fisheries restricted area: the 'fisheries restricted areas' established by GFCM recommendations for spatial management measures are equivalent to the 'fishing protected areas' as used in Regulation (EC) No 1967/2006. This Regulation also implements a recommendation on the establishment of a fisheries restricted area in the Gulf of Lions by means of a fishing effort management system.

Delegation of powers: as far as is necessary, in order to implement in Union law amendments that become obligatory for the Union to existing GFCM measures that have already been implemented in Union law, the Commission is empowered to adopt delegated acts in order to amend the provisions of this Regulation in respect of the following as required in the Regulation: (i) the provision to the Executive Secretary of the GFCM of information regarding minimum mesh size in the Black Sea ; (ii) the transmission of the list of authorised vessels to the Executive Secretary of the GFCM; (iii) port state measures; (iv) cooperation, information and reporting; (v) the table, map and geographic coordinates of the GFCM

Geographical Sub-Areas; (vi) port state inspection procedures for vessels; and (vii) GFCM statistical matrices.

Implementing measures: implementing powers are conferred on the Commission in order to ensure uniform conditions for the implementation of the provisions of this Regulation in respect of the format and transmission of: (i) the report on the fishing activities carried out in fisheries restricted areas; (ii) applications for carrying over lost days due to bad weather in the closed season for dolphinfish fisheries and the report on such carrying over; (iii) the report in the context of collecting data on dolphinfish fisheries; (iv) information in respect of the use of minimum mesh size for nets used for trawling activities exploiting demersal stocks in the Black Sea; and (v) data on statistical matrices, as well as in respect of cooperation and exchange of information with the Executive Secretary of the GFCM.

ENTRY INTO FORCE: 19/01/2012.

DELEGATED ACTS: the power to adopt delegated acts is conferred on the Commission for a period of 3 years from 19 January 2012 (tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.) The delegation of powers may be revoked at any time by the European Parliament or by the Council. A delegated act adopted shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act (extended by 2 months at the initiative of the European Parliament or of the Council.)