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

2009/0129(COD) - 16/09/2009 - Legislative proposal

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 (hereinafter GFCM).

PROPOSED ACT: Council Regulation.

BACKGROUND: the European Community, as well as Bulgaria, Cyprus, France, Greece, Italy, Malta, Romania, Slovenia and Spain, are Contracting Parties to the General Fisheries Commission for the Mediterranean ("GFCM"), a Regional Fisheries Management Organisation established under Article XIV of the FAO Constitution. The GFCM may, on the basis of scientific advice, adopt recommendations and resolutions designed to promote the development, conservation, rational management and best utilization of stocks of living aquatic resources in the Mediterranean and the Black Sea at levels are considered sustainable and at low risk. Since recommendations adopted by the GFCM are binding on its Contracting Parties and since the Community is such a contracting party, the recommendations are binding on the Community and should therefore be transposed, where their content is not already covered by Community legislation, into Community law. Until recently, recommendations adopted by GFCM have been transposed into Community on a temporary basis, through the annual regulations on fishing opportunities. However, the permanent character of such recommendations would require also a more permanent legal instrument for their transposition into Community law.

CONTENT: this draft 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. Future recommendations can be added by way of amendments to the regulation. This will also improve legal certainty and it is an important step towards simplification.

The content and obligations of the recommendations adopted by GFCM are often entirely or partly covered by EU legislation adopted previously and therefore only those aspects which differ from the EU legislation in question need to be transposed, as well as the relevant reporting obligations, where appropriate.

Since GFCM recommendations apply to the entire GFCM agreement area which covers the Mediterranean, the Black Sea and connecting waters as referred to in Annex II to Council Decision 1998 /416/EC, for reasons of clarity of Community legislation they should be transposed in a regulation separate from Regulation 1967/2006 which only covers the Mediterranean Sea.

For reasons of autonomy the GFCM uses the term 'Fisheries Restricted Areas' for spatial management measures. This terminology is equivalent to the 'Fishing Protected Areas' as used in Regulation (EC) N° 1967/2006.