Basic information

2003/0229(CNS) CNS - Consultation procedure Regulation	Procedure completed
Conservation of fishery resources: sustainable exploitation in the Mediterranean Sea Amended by 2009/0129(COD) Amended by 2013/0436(COD) Amended by 2016/0074(COD) Amended by 2018/0109(COD) Amended by 2018/0193(COD) **Subject** 3.15.01 Fish stocks, conservation of fishery resources **Geographical area** Mediterranean Sea area	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	FRAGA ESTÉVEZ Carmen (PPE-DE)	28/07/2004

Former committee responsible	Former rapporteur	Appointed
PECH Fisheries	LISI Giorgio (PPE-DE)	25/11/2003

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	

Former committee for opinion	Former rapporteur for opinion	Appointed
ENVI Environment, Public Health, Consumer Policy	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2534	2003-10-13
Agriculture and Fisheries	2774	2006-12-19

	Agriculture and Fisheries	2763	2006-11-20

European Commission	Commission DG	Commissioner
	Maritime Affairs and Fisheries	BORG Joe

Key events

Date	Event	Reference	Summary
09/10/2003	Decision by Parliament	COM(2003)0589	Summary
09/10/2003	Legislative proposal published	COM(2003)0589	Summary
13/10/2003	Debate in Council		
20/10/2003	Committee referral announced in Parliament		
16/03/2004	Vote in committee		Summary
16/03/2004	Committee report tabled for plenary, 1st reading/single reading	A5-0159/2004	
16/09/2004	Committee referral announced in Parliament		
12/04/2005	Vote in committee		Summary
26/04/2005	Committee report tabled for plenary, 1st reading/single reading	A6-0112/2005	
09/06/2005	Decision by Parliament	T6-0234/2005	Summary
09/06/2005	Results of vote in Parliament		
09/06/2005	Debate in Parliament		
19/12/2006	Act adopted by Council after consultation of Parliament		
19/12/2006	End of procedure in Parliament		
30/12/2006	Final act published in Official Journal		

Technical information

Procedure reference	2003/0229(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amended by 2009/0129(COD) Amended by 2013/0436(COD) Amended by 2016/0074(COD) Amended by 2018/0109(COD) Amended by 2018/0193(COD)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed

Committee dossier	PECH/6/21055 PECH/5/20200

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0159/2004	16/03/2004	
Committee report tabled for plenary, 1st reading/single reading		A6-0112/2005	26/04/2005	
Text adopted by Parliament, 1st reading/single reading		T6-0234/2005 OJ C 124 25.05.2006, p. 0421-0527 E	09/06/2005	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0589	09/10/2003	Summary
Commission response to text adopted in plenary	SP(2005)2882	13/07/2005	
Follow-up document	COM(2012)0370	10/07/2012	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0320/2004 OJ C 110 30.04.2004, p. 0104-0107	25/02/2004	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Corrigendum to final act 32006R1967R(02)
OJ L 196 28.07.2011, p. 0042

Corrigendum to final act 32006R1967R(01)
OJ L 036 08.02.2007, p. 0006

Regulation 2006/1967
OJ L 409 30.12.2006, p. 0011 Summary

Conservation of fishery resources: sustainable exploitation in the Mediterranean Sea

2003/0229(CNS) - 09/10/2003 - Legislative proposal

PURPOSE : on the conservation, management and exploitation of living aquatic resources in the Mediterranean Sea and on marketing of fishery products caught in the Mediterranean Sea, and amending Regulations 2847/93/EC and 973/2001/EC. PROPOSED ACT : Council Regulation. CONTENT : In its Action Plan (see COM/2002/0535), the Commission outlined the main elements of the future Mediterranean fisheries policy, with a special emphasis on conservation policy. The Action Plan underlined the Mediterranean specificity. Such specificity means that, although the objectives of Community fisheries management as laid down in Council Regulation 2371/2002/EC must be the same for the Mediterranean as for other Community areas, the instruments to achieve these objectives must be adapted to the specificity of Mediterranean fisheries, both to take into account the different biological, geographical and legal situations in this region, and to build on the experience and practices of fishermen's organisations. This proposal deals with a particular element of the Action Plan: the updating of the technical measures regulation applicable to the Mediterranean (Regulation 1626/94/EC). The proposal revises and replaces the measures laid down in Regulation 1626/94 while maintaining some of its elements that are widely accepted by the Mediterranean fisheries stakeholders and public opinion. The proposal, in particular: - introduces new technical measures to improve the selectivity of the current 40 mm mesh size for towed nets, without immediate increasing of the mesh size, and puts forward a two-stage approach towards increasing the minimum mesh size to 60 mm over the next six years; - strengthens the current ban on the use of towed gears in coastal areas; - limits the overall sizes of certain fishing gears that affect fishing effort; - introduces a procedure for establishing temporary or permanent closures of areas to specific fishing methods, either in Community or international waters; - provides for the adoption in the Mediterranean area of management plans combining the use of effort management with technical measures; - introduces provisions to ensure that leisure fishing is conducted in a way that reduces interference with professional fishing and does not jeopardize the sustainability of certain resources; - delegates powers to Member States to regulate, in their territorial waters and under certain conditions, fishing activities that do not have any significant Community dimension or environmental impact, including certain local fisheries currently authorised under Community law. The proposal also introduces conservation measures in the 25-mile management zone around Malta in accordance with the guidelines fixed in the Treaty of Accession to the European Union 2003.

Conservation of fishery resources: sustainable exploitation in the Mediterranean Sea

2003/0229(CNS) - 21/12/2006 - Final act

PURPOSE: to establish sustainable fisheries in the Mediterranean Sea region by improving the exploitation of aquatic living resources, and protecting sensitive habitats.

LEGISLATIVE ACT: Council Regulation 1967/2006/EC concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation 847/93/EC and repealing Regulation 1626/94/EC.

CONTENT: the Council adopted by qualified majority this regulation concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea. The French delegation abstained.

The Regulation is aimed at establishing sustainable fisheries in the region by improving the exploitation of aquatic living resources, and protecting sensitive habitats whilst taking into account the specific nature of the small-scale Mediterranean coastal fisheries.

The main features of the Regulation are:

- the introduction of 40mm square mesh of bottom trawls and, under certain circumstances,

diamond meshed net of 50 mm by 1 July 2008 at the latest;

- the general rule still involves a ban on the use of trawl nets within 1.5 nautical miles. However, trawling activities within the coastal bands (between 0.7 and 1.5 nautical miles) could be authorised under certain conditions (article 12);

- purse seines may be temporarily used until 31 December 2007 at a distance from the coast of less than 300 metres or at a depth less than the 50 metres isobath, but not less than 30 metres isobath.

The Regulation also:

- introduces new technical measures to improve the selectivity of the current 40 mm mesh size for towed nets;

- strengthens the current ban on the use of towed gear in coastal areas;

- limits the overall sizes of certain fishing gear that affects fishing effort;

- introduces a procedure for establishing temporary or permanent closures of areas to specific fishing methods, either in Community or international waters;

- provides for the adoption of management plans combining the use of effort management with technical measures;

- allows EU Member States to regulate, in their territorial waters and under certain conditions, fishing activities that do not have any significant Community dimension or environmental impact, including certain local fisheries currently authorised under Community law.

It is recalled that discussions in the Council on this matter lasted nearly three years until it reached political agreement on the new management measures.

ENTRY INTO FORCE : 29/01/2007.

Conservation of fishery resources: sustainable exploitation in the Mediterranean Sea

2003/0229(CNS) - 20/11/2006

The Council reached political agreement by a qualified majority on a draft Regulation concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, on the basis of a compromise drawn up by the Presidency in cooperation with the Commission.

The Council will adopt this Regulation at one of its forthcoming meetings after finalisation of the text. The French delegation indicated its intention to abstain.

The objective of the proposal is to establish sustainable fisheries in the region by improving the exploitation of aquatic living resources, and protecting sensitive habitats whilst taking into account

the specific nature of the small-scale Mediterranean coastal fisheries. Discussions on this proposal

in the Council have been taking place for nearly three years since the proposal was presented by the Commission.

The main features of the Presidency compromise endorsed by the Commission are:

§ the introduction of 40mm square mesh of bottom trawls and (under certain circumstances) diamond meshed net of 50 mm by 1 July 2008 at the latest;

§ the general rule still involves prohibition of the use of trawl nets within 1.5 nautical miles. However, trawling activities within the coastal bands (between 0.7 and 1.5 nautical miles) could be authorised under certain conditions (Article 12(6)(b));

§ purse seines may be temporarily used until 31 December 2007 at a distance from the coast of less than 300 metres or at a depth less than the 50 metres isobath, but not less than 30 metres isobath.

Conservation of fishery resources: sustainable exploitation in the Mediterranean Sea

2003/0229(CNS) - 09/06/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Carmen FRAGA ESTEVEZ (PPE-ED, ES), which introduces a number of "fishermen-friendly" changes to the Commission proposal. These changes are part of a compromise agreement reached by the rapporteur and the Commission. (Please see the summary of 12/04/2005.)

In addition, certain deadlines were amended by Parliament:

- the Council will designate, before 31 December 2005 (rather than 2004), protected areas occurring, in particular, totally or partially beyond the territorial seas of Member States, including the types of fishing activities banned or authorised in such areas;

- Member States shall designate, before 31 December 2005 (rather than 2004), further protected areas within their territorial waters in which fishing activities may be banned or restricted;

Finally, there were several technical changes in the Annex, inter alia, dealing with the length of longline hooks for certain species, and the breadth of dredges.

Conservation of fishery resources: sustainable exploitation in the Mediterranean Sea

2003/0229(CNS) - 10/07/2012 - Follow-up document

This report is submitted in accordance with the provisions of Article 9.3 (3) of Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea.

To recall, Article 9.3 lays down the **minimum mesh size to be used at the cod-end of towed nets** (i.e. trawl nets; boat seines and shore seines). The main objective of setting a minimum mesh size for towed gears was **to avoid further increase in mortality rates of juveniles**.

Article 9.3 stipulates in its sub-paragraph (3) that the Commission will submit by 30 June 2012 a report on the implementation of this provision to the European Parliament and the Council. This is the aim of this report.

Commission's working basis: Article 9.3(3) specifies that the Commission should take into account information delivered by Member States before 31 December 2011. As no information was received by the Commission by that date, at the beginning of 2012 the Commission services asked all Mediterranean Member States to provide data on the degree of implementation of the minimum mesh size requirements, the cost incurred by operators and the possible impact on selectivity. Replies were received from Cyprus, France, Spain, Italy, Malta and Slovenia, and were used in the report. The Commission also used the information collected and observations made during verification missions carried out by Commission officials from July 2010 to April 2012.

Interpretation problems: inspections carried out by the Commission and contacts with national administrations revealed that **Member States did not correctly interpret Article 9.3, in particular regarding the allowable mesh size in the parts of the net outside the cod-end**. In order to ensure coherent and correct application of the Article, the Commission has provided the Member States with detailed guidance.

Information provided by Member States: Member States were requested to provide information on the way Article 9.3 was implemented. The Commission analysed the information provided by Member States, which gives an overview of the various aspects of implementation. This analysis excludes Greece who had not provided the information requested at the time of the drafting of this report.

Vessels overwhelmingly use a diamond shaped mesh. Only 95 out of 2 525 use a square mesh, while 2 430 use a diamond one. According to Article 9.3 the use of diamond meshes at the cod-end has to be duly justified by ship-owners. The Commission therefore sought to know what justifications ship-owners presented in this respect. The reason for the use of diamond meshes is that they come at a lower cost as they are more widely available on local markets.

The report states that most Member States declared that the changes in the nets had been completed by 31 May 2010, which was the end of the transitional period for compliance. The minimum mesh size is not always applied in the same way in the Mediterranean area and A**rticle 9.3 cannot therefore be considered as fully implemented yet**.

Impact on selectivity: the Commission asked Member States to provide information on catch composition by size and species before and after the replacement of the nets. Data on catch composition were provided by three Member States and data on size by two only. They indicate that the change of the nets affected the species composition to a small extent, but had a **clearer impact on sizes, which increased over 10% after the change of the nets**. This means that catch of juveniles has to some extent decreased, which is already a good indicator that the increase in mesh size can be efficient.

Inspections on the mesh sizes: the Commission carried out verification missions under Title X of the Control Regulation to check, *inter alia*, how Article 9.3 was being enforced by Member States. These verifications found in many instances that gear was not in conformity with minimum mesh requirements, even after the transitional period had expired on 31 May 2010. Although some progress could be seen in some Member States in 2011, many trawler nets with illegal mesh sizes could still be observed. This clearly indicates that, in order to properly enforce the minimum mesh size, Member States will have to strengthen their control efforts and/or **apply stricter sanctions**.

A further shortcoming in the controls carried out by Member States was the frequent absence of appropriate mesh measuring instruments. Since June 2008, in line with Council Regulation 517/2008, the determination of mesh size has to be performed with specific EC-gauges, for which this regulation sets the exact specifications. If the measurement is made with other types of instruments, it is not considered to be legal. Thus, even in the case where a mesh size is obviously less than the minimum allowed, no sanctions can be applied if the infringement is not established with the correct instruments.

In conclusion, there are still significant shortcomings in the implementation and enforcement of the minimum mesh size in towed nets in Member States. One of the reasons for the delay in implementation involves the problem of interpretation Member States had with the provisions of Article 9.3. These provisions have been clarified by the Commission and should now be understood and applied in the same way by all Member States.

In order to enforce minimum mesh size, the Commission expects Member States to apply more rigorous and targeted control, using the appropriate measuring instruments, and make sure sanctions are sufficiently deterrent.

In view of the explanations provided, the Commission has asked all Member States to take urgent measures to ensure full and correct application of these provisions and to closely monitor the state of play to ensure that full implementation is reached. Where appropriate, the Commission will not hesitate to make use of the means available to it under the Treaty to ensure compliance with the concerned provisions.