



2024/1742

24.6.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/1742

of 21 June 2024

extending the derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from the coast and depth for shore seines fishing in territorial waters of France adjacent to the coast of Occitanie and the coast of 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 587/2014 ⁽²⁾ establishing a derogation from Article 13(1), first subparagraph, of Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and depth for shore seines fishing in certain territorial waters of France (Languedoc-Roussillon and Provence-Alpes-Côte d'Azur). Several extensions of that derogation were granted, last by Commission Implementing Regulation (EU) 2022/2362 ⁽³⁾, expiring on 26 August 2024.
- (2) On 23 February 2024, the Commission received from France a request to extend the derogation granted by Implementing Regulation (EU) 2022/2362. France provided the report drawn up in accordance with the monitoring plan for fishing activities, established in the management plan that Member State adopted on 13 May 2014 ⁽⁴⁾ ('the French management plan'), and an up-to-date information justifying the extension of the derogation in accordance with Article 19 of Regulation (EC) No 1967/2006.
- (3) During its 75th plenary session held in March 2024, the Scientific, Technical and Economic Committee for Fisheries (STECF) ⁽⁵⁾ assessed the request for extending the derogation concerned, the supporting data and the implementation report. STECF acknowledged that, despite limited information, fishing effort and catches have been decreasing (only 23 % of the fishing effort quota has been used in 2023) together with the diminishing number of boats (only 3 vessels actually active in 2023). This implies a corresponding reduction of any potential negative impacts of the fishery on the ecosystems and the resources. STECF concluded that as the fishery is being phased out rapidly, with only very few active vessels left, the impact of the fishery is likely to be minimal and decreasing.
- (4) For the reasons given by the STECF, with which the Commission agrees, it is to be considered that the shore seines fishery has no significant impact on the marine environment.
- (5) There are specific geographical constraints given the limited width of the continental shelf.

⁽¹⁾ OJ L 409, 30.12.2006, p. 11, ELI: <http://data.europa.eu/eli/reg/2006/1967/oj>.

⁽²⁾ Commission Implementing Regulation (EU) No 587/2014 of 2 June 2014 derogating from Council Regulation (EC) No 1967/2006 as regards the minimum distance from the coast and depth for shore seines fishing in certain territorial waters of France (Languedoc-Roussillon and Provence-Alpes-Côte d'Azur) (OJ L 164, 3.6.2014, p. 13, ELI: http://data.europa.eu/eli/reg_impl/2014/587/oj).

⁽³⁾ Commission Implementing Regulation (EU) 2022/2362 of 2 December 2022 extending the derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from the coast and depth granted to shore seines fishing in certain territorial waters of France (Occitanie and Provence-Alpes-Côte d'Azur) (OJ L 312, 5.12.2022, p. 91, ELI: http://data.europa.eu/eli/reg_impl/2022/2362/oj).

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

⁽⁵⁾ https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf_plen_24-01

- (6) Shore seine fishing is carried out from the shore in shallow depths and targets a variety of species. The nature of this type of fishery is such that it cannot be undertaken with any other fishing gear since there is no other regulated gear that can capture the target species.
- (7) The extension of the derogation requested by France concerns the authorisation of a limited number of 17 vessels identified in the French management plan, of which only 3 vessels were active in 2023. This represents a 54 % reduction of fishing effort in terms of vessels authorised as compared to 2014, where the derogation concerned 37 authorised vessels specified under the French management plan.
- (8) Moreover, the French management plan 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 17 vessels, involving a total effort of 638 days, that are already authorised to fish by France. In addition, France limited the maximum effort allowed for each gear.
- (9) The Commission therefore notes that the French management plan is effectively phasing out the fleet since the fishing authorisations are linked to the vessels and are automatically withdrawn when the vessel holding the authorisation is replaced or the vessel master sells his vessel or retires.
- (10) The request concerns fishing activities already authorised by France and vessels with a track record in the fishery of more than 5 years in accordance with Article 13(9) of Regulation (EC) No 1967/2006.
- (11) Those vessels are included in a list communicated to the Commission in line with the requirements of Article 13(9) of Regulation (EC) No 1967/2006.
- (12) The fishing activities concerned fulfil the requirements of Article 4 of Regulation (EC) No 1967/2006 since the French management plan prohibits fishing above protected habitats.
- (13) As regards the requirement to comply with minimum mesh sizes, the French management plan authorised a derogation from the minimum mesh size established in Article 9 of Regulation (EC) No 1967/2006 on the basis of the fulfilment of the requirements of Article 9(7) of that Regulation, given the highly selective nature of the fisheries concerned, their negligible effect on the marine environment and the fact that they are not concerned by the provisions under Article 4(5) of Regulation (EC) No 1967/2006.
- (14) Point 4 of Part B of Annex IX to Regulation (EU) 2019/1241 of the European Parliament and of the Council ⁽⁶⁾ allows for the continued application of derogations from minimum mesh sizes issued within the framework of Article 9 of Regulation (EC) No 1967/2006 and existing on 14 August 2019, unless otherwise determined through Article 15 of Regulation (EU) 2019/1241. The Commission has assessed this derogation extension request by France and concluded that it complies with the conditions laid down in Article 15(5) of Regulation (EU) 2019/1241 and in point 4 of Part B of Annex IX to that Regulation, as it does not lead to a deterioration of selectivity standards, in particular in terms of an increase in the catches of juveniles, existing on 14 August 2019, and aims at achieving the objectives and targets set out in Articles 3 and 4 of that Regulation.
- (15) 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) of Regulation (EC) No 1967/2006.

⁽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, ELI: <http://data.europa.eu/eli/reg/2019/1241/oj>).

- (16) The activity of shore seines is regulated in the French management plan to ensure that catches of species mentioned in Annex IX to Regulation (EU) 2019/1241, which replaces Annex III to Regulation (EC) No 1967/2006 are minimal, as required by Article 13(9) of Regulation (EC) No 1967/2006.
- (17) Shore seines do not target cephalopods, as required by Article 13(9) of Regulation (EC) No 1967/2006.
- (18) The French management plan establishes a monitoring plan for fishing activities, as provided for in Article 4(5), fifth subparagraph, of Regulation (EC) No 1967/2006 and in Article 13(9), third subparagraph, thereof. It also includes measures for the recording of fishing activities, thus fulfilling the conditions set out in Article 14 of Council Regulation (EC) No 1224/2009 ⁽⁷⁾.
- (19) The Commission therefore considers that extension of the derogation requested by France complies with the conditions laid down in Article 13(5) and (9) of Regulation (EC) No 1967/2006. The requested extension of the derogation should therefore be granted.
- (20) France should report to the Commission in due time and in accordance with the monitoring plan provided for in the French management plan.
- (21) A limitation of the duration of the derogation will allow ensuing prompt corrective management measures in case the monitoring of the French management plan would show a poor conservation status of the exploited stock, while providing scope to enhance the scientific basis for an improved management plan.
- (22) Since the fishery has been continuously covered by the French management plan for shore seines and the derogation granted by Implementing Regulation (EU) 2022/2362 expires on 26 August 2024, in order to ensure legal continuity, this Regulation should apply from the same date.
- (23) 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 for shore seines.
- (25) 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 from Regulation (EC) No 1967/2006

Article 13(1) of Regulation (EC) No 1967/2006 shall not apply in territorial waters of France adjacent to the coast of Occitanie and the coast of Provence-Alpes-Côte d'Azur to shore seines used by vessels:

- (a) bearing the registration number mentioned in the management plan adopted by France in accordance with Article 19 of Regulation (EC) No 1967/2006 ('the French management plan');
- (b) having a track record in the fishery of more than 5 years and not involving any future increase in the fishing effort deployed; and

⁽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, ELI: <http://data.europa.eu/eli/reg/2009/1224/oj>).

- (c) holding a fishing authorisation and operating under the French management plan.

Article 2

Monitoring plan and reporting

France shall communicate to the Commission, within 1 year following the entry into force of this Regulation, a report drawn up in accordance with the monitoring plan established in the French management plan.

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 until 25 August 2027.

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

Done at Brussels, 21 June 2024.

For the Commission
The President
Ursula VON DER LEYEN
