



2026/57

9.1.2026

COMMISSION DELEGATED REGULATION (EU) 2026/57

of 24 October 2025

**amending Delegated Regulation (EU) 2017/117 as regards conservation measures in the Havet kring
Ven site in the Baltic Sea and the correction of a number of errors thereof**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ⁽¹⁾, and in particular Article 11(2) thereof,

Whereas:

- (1) Pursuant to Article 11(1) of Regulation (EU) No 1380/2013, Member States are empowered to adopt fisheries conservation measures in their waters that are necessary to comply with their obligations under Article 6 of Council Directive 92/43/EEC ('Habitats Directive') ⁽²⁾, Article 4 of Directive 2009/147/EC of the European Parliament and of the Council ('Birds Directive') ⁽³⁾ and Article 13(4) of Directive 2008/56/EC of the European Parliament and of the Council ('Marine Strategy Framework Directive') ⁽⁴⁾.
- (2) Article 6 of the Habitats Directive requires Member States to establish the necessary conservation measures for special areas of conservation which correspond to the ecological requirements of those natural habitat types and species protected in the sites. It also requires Member States to take appropriate steps to avoid the deterioration of natural habitats and species habitats, as well as disturbance of the species for which the areas have been designated.
- (3) In accordance with Article 13(4) of the Marine Strategy Framework Directive, Member States are to adopt programmes of measures to achieve or maintain good environmental status, including spatial protection measures that contribute to coherent and representative networks of marine protected areas, and adequately cover the diversity of the constituent ecosystems, such as special areas of conservation pursuant to the Habitats Directive, special protection areas pursuant to the Birds Directive and marine protected areas as agreed by the Union or Member States concerned in the framework of international or regional agreements to which they are parties.
- (4) Pursuant to Article 11(2) of Regulation (EU) No 1380/2013, where a Member State considers that measures need to be adopted to comply with the obligations under Union environmental legislation referred to in Article 11(1) of Regulation (EU) No 1380/2013 and other Member States have a direct management interest in the fishery to be affected by such measures, the Commission is empowered to adopt such measures by means of delegated acts upon a joint recommendation submitted by the concerned Member States.
- (5) Commission Delegated Regulation (EU) 2017/117 ⁽⁵⁾ establishes conservation measures for the protection of the marine environment in certain marine protected areas in the Baltic Sea.

⁽¹⁾ OJ L 354, 28.12.2013, p. 22, ELI: <http://data.europa.eu/eli/reg/2013/1380/oj>.

⁽²⁾ 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, ELI: <http://data.europa.eu/eli/dir/1992/43/oj>).

⁽³⁾ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7, ELI: <http://data.europa.eu/eli/dir/2009/147/oj>).

⁽⁴⁾ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19, ELI: <http://data.europa.eu/eli/dir/2008/56/oj>).

⁽⁵⁾ Commission Delegated Regulation (EU) 2017/117 of 5 September 2016 establishing fisheries conservation measures for the protection of the marine environment in the Baltic Sea and repealing Delegated Regulation (EU) 2015/1778 (OJ L 19, 25.1.2017, p. 1, ELI: http://data.europa.eu/eli/reg_del/2017/117/oj).

- (6) On 9 September 2024, Sweden (the initiating Member State), together with Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland (the Baltic Sea Member States, hereinafter 'BALTFISH') submitted a joint recommendation to the Commission proposing to prohibit fishing with static nets without the simultaneous use of acoustic deterrent devices (ADD) in the Natura 2000 site Havet kring Ven (SE0430183).
- (7) Following a scientific research carried out by Sweden in the Havet kring Ven site in the Baltic sea in the period between 2017 and 2020, it was established that harbour porpoises (species code 1351), sandbanks (habitat type 1110), reefs (habitat type 1170) and grey seals (species code 1364) were to be protected. The main purpose of the proposed measure is to reduce the risk of bycatch of the Belt Sea harbour porpoise.
- (8) The Scientific, Economic and Technical Committee for Fisheries (STECF) reviewed the joint recommendation in the plenary of 11-15 November 2024 ⁽⁶⁾ and concluded that the measures proposed may reduce the incidental catches of animals navigating the area. However, the STECF also raised concerns about potential problems related to the density of netters using acoustic deterrent devices and the risk of displacing harbour porpoises from the site, concluding that a more effective measure would be to prohibit all fishing with nets in the area. The STECF also stressed that extensive ongoing research projects will continue delivering results on alternatives to acoustic deterrent devices, with other possible long-term solutions.
- (9) Following the STECF advice, on 5 February 2025, BALTFISH submitted an updated joint recommendation proposing a possible revision of the measures in 2026, in view of the data on incidental catches or a new scientific advice in this regard.
- (10) Considering that the proposed measures may reduce the incidental catches of animals navigating the area, the Commission considers that they contribute to the objective of reducing unwanted catches, minimising the negative impacts of fishing activities on the marine ecosystem. Delegated Regulation (EU) 2017/117 should therefore be amended to include them. The Member States concerned should however review the data on incidental catches of harbour porpoise annually and assess it by no later than 31 December 2026. Any data on incidental catches or any new appropriate data, including scientific advice, relevant for the use of acoustic deterrent devices in relation to harbour porpoise, should be used in order to adjust the conservation measures as appropriate.
- (11) For the purpose of this Delegated Regulation, the definition of static nets, in accordance with Regulation (EU) 2019/1241 of the European Parliament and of the Council ⁽⁷⁾, should be added to Article 2 of Delegated Regulation (EU) 2017/117.
- (12) This Delegated Regulation is without prejudice to the need for additional conservation measures necessary to comply with the relevant provisions of the Birds, Habitats and Marine Strategy Framework Directives and the Commission's position regarding compliance by the interested Member States with their obligations under the relevant Union environmental legislation,

⁽⁶⁾ Joint Research Centre, Scientific, Technical and Economic Committee for Fisheries 77th plenary report (STECF-PLN-24-03), Nord, J. and Doerner, H. editor(s), Publications Office of the European Union, Luxembourg, 2024, https://data.europa.eu/doi/10.2760/2392535_JRC140580.

⁽⁷⁾ 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>).

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2017/117 is amended as follows:

- (1) Article 2 is replaced by the following:

‘Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply in addition to those laid down in Article 4 of Regulation (EU) No 1380/2013, Article 4 of Council Regulation (EC) No 1224/2009 and Article 2 of Commission Implementing Regulation (EU) No 404/2011 (*):

- (a) “mobile bottom contacting gear” means any of the following gear: bottom trawl (TB), beam trawl (TBB), bottom otter trawl (OTB), otter twin trawl (OTT), bottom pair trawl (PTB), nephrops trawl (TBN), shrimp trawl (TBS), seine nets (SX), Danish anchor seine (SDN), Scottish seine (SSC), boat or vessel seine (SV), boat dredge (DRB), beach seine (SB), pair seine (SPR), hand dredges used on board a vessel (DRH) and mechanised dredges including suction dredges (HMD);
- (b) “gillnets and entangling nets” means any of the following gears: gillnets (GN), set (anchored) gillnets (GNS), driftnets (GND), encircling gillnets (GNC), trammel nets (GTR) and combined trammel and gillnets (GTN);
- (c) “Areas 1” means the restricted areas that correspond to the geographical areas enclosed by sequentially joining with rhumb lines the positions listed in the Annex under the heading “Areas 1” to this Regulation, which shall be measured according to the WGS84 coordinate system;
- (d) “Areas 2” means the restricted areas that correspond to the geographical areas enclosed by sequentially joining with rhumb lines the positions listed in the Annex under the heading “Areas 2” to this Regulation, which shall be measured according to the WGS84 coordinate system;
- (e) “Areas 3” means the restricted areas that correspond to the geographical areas enclosed by sequentially joining with rhumb lines the positions listed in the Annex under the heading “Areas 3” to this Regulation, which shall be measured according to the WGS84 coordinate system;
- (f) “Alert zone” means a 4 nautical-mile surrounding area established for the purpose of warning the competent authorities about fishing vessels approaching restricted areas classified as “Areas 2”.

(*) Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2011/404/oj);

- (2) in Article 3, the following paragraph 3 is added:

‘3. Fishing with static nets without the simultaneous use of acoustic deterrent devices shall be prohibited in Areas 3. This prohibition shall also apply to recreational fisheries.

The Member States concerned shall review the data on incidental catches of harbour porpoise annually and shall assess it by 31 December 2026 at the latest. The data on incidental catches or any relevant information, including scientific evidence on the use of acoustic deterrent devices in relation to harbour porpoise, shall be used in order to adjust the conservation measure referred to in this paragraph, pursuant to the procedure laid down in Articles 11 and 18 of Regulation (EU) No 1380/2013.’;

(3) in Article 4, paragraph 1 is replaced by the following:

‘1. The provisions laid down in Article 50 of Council Regulation (EC) No 1224/2009 (*) concerning the control of fisheries restricted areas, shall apply in Areas 1, 2 and 3.’

(*) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union 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>).;

(4) in Article 4a, the following paragraph 2a is added:

‘2a. All fishing vessels operating in Areas 3 shall be fitted with and maintain in continuous operation an Automatic Identification System (AIS) which meets the performance standards referred to in Article 6a of Directive 2002/59/EC of the European Parliament and of the Council (*) The AIS may be switched off in the exceptional circumstances referred to in Article 10 of Regulation (EC) No 1224/2009 and in accordance with the procedure established in that Article. Member States shall ensure that data from the AIS is made available to their competent authorities responsible for fisheries control for control purposes, including cross-checks of AIS data with other available data, in accordance with Article 109 of Regulation (EC) No 1224/2009.’

(*) Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10, ELI: <http://data.europa.eu/eli/dir/2002/59/oj>).’.

Article 2

The Annex to Delegated Regulation (EU) 2017/117 is amended in accordance with the Annex to this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 24 October 2025.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In the Annex to Delegated Regulation (EU) 2017/117 the following heading is added:

‘AREAS 3

Natura 2000 site Havet kring Ven (SE0430183)

Point	Latitude N	Longitude E	Latitude N	Longitude E
1	55°56.588′	12°40.790′	55,94313°	12,67983°
2	55°53.999′	12°45.716′	55,89998°	12,76193°
3	55°52.006′	12°42.398′	55,86677°	12,70663°
4	55°54.055′	12°40.184′	55,90092°	12,66973°
5	55°55.455′	12°38.902′	55,92425°	12,64837°
6	55°56.588′	12°40.790′	55,94313°	12,67983°