DIRECTORATE-GENERAL FOR INTERNAL POLICIES
POLICY DEPARTMENT B: STRUCTURAL AND COHESION POLICIES

FISHERIES


NOTE
Abstract:

The basic regulation for the fishing activity in the Mediterranean Sea is Council Regulation (EC) No 1967/2006 of 21 December 2006. It has provisions about Management Plans and Fishing Protected Areas. This Note reflects the situation in those two issues after 7 years of application.


The Regulation’s aim was to establish an effective management framework, through an appropriate sharing of responsibilities between the Community and the Member States.

It also extended to the Mediterranean High Sea the strict protection of certain marine species already afforded by Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, which was applicable to marine waters under Member States’ sovereignty.

This regulation introduces for the first time the concept of management plans for the Mediterranean fisheries that was present in the basic regulation since 2002.

A reference to those plans can be found in the preamble of the regulation, both at community level and national level (Recital 22):

"In view of the specific characteristics of many Mediterranean fisheries, which are restricted to certain geographical sub-zones, and taking into account the tradition of applying effort management system at sub-regional level, it is appropriate to provide for the establishment of Community and national management plans, combining in particular effort management with specific technical measures"

It also introduces a procedure to deal with new fishing protected areas (Recital 2):

"By Decision 98/392/EC2 the Council has concluded the United Nations Convention on the Law of the Sea, which contains principles and rules relating to the conservation and management of the living resources of the high seas. In accordance with the rules of that Convention, the Community endeavours to coordinate the management and conservation of living aquatic resources with other coastal States."

This Note makes a description of the application of this regulation since its entry into force in two fields: Management plans and Marine Protected Areas.

The Mediterranean EU countries concerned by the implementation of the Mediterranean regulation are Croatia (HR), Cyprus (CY), France (FR), Greece (GR), Italy (IT), Malta (MT), Slovenia (SL) and Spain (SP).
MANAGEMENT PLANS IN THE MEDITERRANEAN SEA


In Article 18 we can find Community-level management plans that should be deployed in specific Mediterranean fisheries, in particular, in areas totally or partially beyond the territorial waters of Member States.

Until now, there have not been any such plans at Community level.

Article 19 sets the provision for Management plans for certain fisheries in territorial waters Member States had to adopt, by 31 December 2007, management plans for fisheries conducted by trawl nets, boat seines, shore seines, surrounding nets and dredges within their territorial waters.

The said national Management plans had to be in accordance with regulation (EC) No 2371/2002. They had to ensure adequate scientific monitoring and in particular, certain management measures for fisheries exploiting short life species would have to be revised each year to take into account changes that are likely to occur in the recruitment strength.

Management plans may include measures which go beyond the provisions of this Regulation for the purpose of: increasing the selectivity of fishing gear; reducing discards and limiting the fishing effort.

The measures to be included in the management plans had to be proportionate to the objectives, the targets and the expected time frame.

Points 7, 8 and 9 of Article 19 refer to the procedure of notification and analysis by the Commission services that can ask the Member state to amend the plan or may propose to the Council appropriate measures for the protection of the resources and the environment, in case a management plan adopted under either paragraph 1 or paragraph 2 of Article 19 is not sufficient to ensure a high level of protection of resources and the environment.

As of November 2013 there have been:

- 25 national plans adopted (submitted according to point 7 and approved by the Commission)
- 2 plans pending for the legal process of adoption,
- 11 plans submitted and under evaluation or revision.

In Table 1 we can find the plans and the year of adoption of the last version for each EU Member State and one from the General Fisheries Commission for the Mediterranean (GFCM).
## Table 1: Management plans, state of play, November 2013

<table>
<thead>
<tr>
<th>PLANS ADOPTED – Year of adoption (25 national plans + 1 GFCM plan)</th>
<th>PLANS IN PROCESS OF LEGAL ADOPTION (2 plans)</th>
<th>PLANS SUBMITTED AND UNDER EVALUATION OR REVISION (11 plans)</th>
<th>PLANS STILL TO BE PREPARED</th>
</tr>
</thead>
<tbody>
<tr>
<td>GREECE – Purse seiners (2012)</td>
<td>GREECE – Trawlers</td>
<td>CROATIA – Coastal fisheries (incl. shore seines)</td>
<td>ITALY – Boat seines (other than Liguria-Tuscan)</td>
</tr>
<tr>
<td>FRANCE – Trawlers (2013)</td>
<td></td>
<td>GREECE – Boat seines</td>
<td></td>
</tr>
<tr>
<td>SPAIN – Trawlers (2013)</td>
<td></td>
<td>FRANCE – Purse seiners</td>
<td></td>
</tr>
<tr>
<td>SPAIN – Purse seines (2013)</td>
<td></td>
<td>FRANCE – Shore seines</td>
<td></td>
</tr>
<tr>
<td>SPAIN – Boat seines Murcia (2013)</td>
<td></td>
<td>FRANCE – Dredges</td>
<td></td>
</tr>
<tr>
<td>SPAIN – Boat seines Baleares (2013)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ITALY – Surrounding nets (4 plans - 2011)</td>
<td></td>
<td>SPAIN – Dredges (3 plans: Andalucía, Cataluña, Valencia)</td>
<td></td>
</tr>
<tr>
<td>ITALY – Trawlers (8 plans – 2011)</td>
<td></td>
<td>SPAIN – Boat seines (Cataluña)</td>
<td></td>
</tr>
<tr>
<td>ITALY – Boat seines Liguria-Tuscan (2011)</td>
<td></td>
<td>ITALY – Dredges</td>
<td></td>
</tr>
<tr>
<td>MALTA – Trawlers (2013)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MALTA – Purse seiners (2 plans – 2013)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SLOVENIA – Trawlers (2013)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SLOVENIA – Purse seines (2013)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GFCM – Small pelagic fishery Adriatic (2013)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
MARINE PROTECTED AREAS IN THE MEDITERRANEAN SEA

The Habitats Directive\(^1\) together with the Birds Directive\(^2\) forms the cornerstone of Europe's nature conservation policy. It is built around two pillars: the Natura 2000 network of protected sites and the strict system of species protection. All in all the directive protects over 1 000 animals and plant species and over 200 so called "habitat types" (e.g. special types of forests, meadows, wetlands, etc.), which are of European importance.

The 6th Environmental Action Program of the European Community\(^3\) identifies 'nature and biodiversity' as one of the priority themes for action. Objectives and priority areas for action on nature and biodiversity laid down by the European Parliament and the Council in the 6th Community Action Program include:

- Establishing the Natura network and implementing the necessary technical and financial instruments and measures required for its full implementation and for the protection, outside the Natura 2000 areas, of species protected under the Habitats and Birds Directives (Art 6(2)(a) 7th indent)
- Further promote the protection of marine areas, in particular with the Natura 2000 network as well as by other feasible Community means (Art. 6(2)(g) 4th indent)

Council Regulation (EC) No 1967/2006 introduces measures to fulfil those EU basic regulations and some other international agreements like the Barcelona convention. It also sets provisions on the procedure that should be following in case there are new fishing protected areas.

On recital 9 and 10 we find the references to those Regulations and to the Barcelona Convention:

"9) The strict protection of certain marine species already afforded by Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora\(^1\) and applicable to marine waters under Member States' sovereignty should be extended to the Mediterranean High Sea

10) Pursuant to Council Decision 1999/800/EC1 on concluding the Protocol concerning specially protected areas and biological diversity in the Mediterranean, and on accepting the annexes to that Protocol (Barcelona Convention) which, in addition to the provisions relating to the conservation of sites of Mediterranean importance, provides for drawing up lists of endangered or threatened species and species whose exploitation is regulated"

Fishing protected areas are defined in point 2 of Article 2 as:

"fishing protected area" means a geographically-defined sea area in which all or certain fishing activities are temporarily or permanently banned or restricted in order to improve the exploitation and conservation of living aquatic resources or the protection of marine ecosystems;"

Article 3 refers to protected species to avoid the deliberate catching, retention on board, transhipment or landing of marine species referred to in Annex IV to Directive 92/43/EEC that shall be authorised as far as this activity is necessary to secure assistance for the recovery of the individual animals and provided that the competent national authorities concerned have been duly informed in advance.

Article 4 refers to Protected habitats, forbidding the fishing with trawl nets, dredges, purse seines, boat seines, shore seines or similar nets above sea grass beds of marine phanerogams or above coralligenous habitats and mäerl beds, with some derogation possibilities for purse seines, boat seines or similar nets, whose overall drop and behaviour in fishing operations mean that the purse-line, the lead-line or the hauling ropes do not touch the bottom.

It also ban the use of towed dredges and trawl nets fisheries at depths beyond 1 000 m and extend the prohibition established in paragraphs 1(1) and 2 of Article 4 to all Natura 2000 sites, all special protected areas and all specially protected areas of Mediterranean interest (SPAMI) which have been designated for the purpose of the conservation of these habitats under either Directive 92/43/EEC or Decision 1999/800/EC.

Chapter III of the Mediterranean fishing regulation sets the procedure for new fishing protected areas.

In Article 5 we can find the information procedure establishing fishing protected areas. Member States must provide to the Commission information relevant to the establishment of fishing protected areas, and to the possible management measures to be applied therein, both in waters under their jurisdiction and beyond where the protection of nursery areas, of spawning grounds or of the marine ecosystem from harmful effects of fishing requires special measures.

In Article 6 the Regulation sets the procedure to create new fishing protected areas based on information gathered under previous article. The Council is to designate, within two years from the adoption of the Regulation, fishing protected areas occurring essentially beyond the territorial seas of Member States, concerning the types of fishing activities banned or authorised in such areas. Until now, no areas beyond national jurisdiction had been agreed by Council.

Article 7 set the procedure for new National fishing protected areas on the basis of new relevant scientific information. It also fixes the procedure of duly informing the Commission of the measures necessary to protect the area and informing the Commission of the scientific, technical, and legal reasons underpinning the requirement for special measures.

When a proposed fishing protected area within the territorial waters of a Member State is liable to affect the vessels of another Member State, it shall be designated only after the Commission, the Member State and the Regional Advisory Council concerned have been
consulted in accordance with the procedure set out in Article 8(3) to (6) of Regulation (EC) No 2371/2002.

The Commission may, after having consulted the Member State, ask it to amend the measure or may propose that the Council designate a fishing protected area or adopt fisheries management measures in respect of the waters concerned if it considers that the fisheries management measures notified pursuant to paragraph 3 are not sufficient to ensure a high level of protection of resources and the environment.

Since the entry into force of Regulation (EC) No 1967/2006, 76 fishing protected areas have been listed, 49 of which are within Marine protected Areas (Table 2).

### Table 2: Fishing protected areas

<table>
<thead>
<tr>
<th>Country</th>
<th>Verification in progress</th>
<th>Croatia</th>
<th>Cyprus</th>
<th>France</th>
<th>Greece</th>
<th>Italy</th>
<th>Malta</th>
<th>Slovenia</th>
<th>Spain</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>13</td>
<td>3</td>
<td>29</td>
<td>9</td>
<td>2</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(+2 in progress)</td>
<td>(4 within a MPA)</td>
<td>(23 within a MPA)</td>
<td>(5 within a MPA)</td>
<td></td>
<td>(17 within a MPA)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Source:** DG MARE.

Table 3 lists the total area under any of the protected regimes at EU or international level in the Mediterranean Sea, and separated by sub region. It also reflects the percentage of the protected area relative to the total area within the 1 mile zone, the 1-12 mile zone (territorial sea) and over 12 nautical miles.

### Table 3: Marine protected areas in the Mediterranean Sea

<table>
<thead>
<tr>
<th>MPA assessment area</th>
<th>Number of sites</th>
<th>Area covered km²</th>
<th>% covered by MPAs</th>
<th>Area of 0-1 NM</th>
<th>% of 0-1NM covered by MPAs</th>
<th>Area of 1-12 NM</th>
<th>% of 1-12NM covered by MPAs</th>
<th>Area 12 NM END</th>
<th>% of 12NM END covered by MPAs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Mediterranean</td>
<td>724</td>
<td>103 196</td>
<td>15.6</td>
<td>9 479</td>
<td>60.4</td>
<td>43 157</td>
<td>29.6</td>
<td>50 560</td>
<td>10.1</td>
</tr>
<tr>
<td>Ionian Sea and Central Mediterranean Sea</td>
<td>274</td>
<td>3 875</td>
<td>1.6</td>
<td>2 532</td>
<td>30.5</td>
<td>1 344</td>
<td>2.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adriatic Sea</td>
<td>199</td>
<td>2 441</td>
<td>2.0</td>
<td>1 783</td>
<td>17</td>
<td>658</td>
<td>1.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aegean-Levantine Sea</td>
<td>221</td>
<td>4 949</td>
<td>2.6</td>
<td>2 807</td>
<td>14.2</td>
<td>2 142</td>
<td>2.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Mediterranean Sea</td>
<td>1 410</td>
<td>114 461</td>
<td>9.5</td>
<td>16 600</td>
<td>30.6</td>
<td>47 301</td>
<td>14.2</td>
<td>50 560</td>
<td>6.1</td>
</tr>
</tbody>
</table>

**Source:** European Environment Agency.

*The total number of site polygons is lower than the sum of sites because the distribution of 8 marine Natura 2000 sites straddles across two different areas of the Mediterranean Sea.*
MAPPING OF PROTECTED HABITATS

Point 6 of Article 4 established the obligation of Member States to take appropriate steps to ensure the collection of scientific information with a view to the identification and mapping of habitats to be protected under this article, seagrass beds of *Posidonia oceanica* in particular, or other marine phanerogams and coralligenous habitats and māerl beds.

According to Commission data, all EU Mediterranean countries are in the process of carrying out the mapping (Table 4).

**Table 4: Mapping of protected habitats**

<table>
<thead>
<tr>
<th>Croatia</th>
<th>Cyprus</th>
<th>France</th>
<th>Greece</th>
<th>Italy</th>
<th>Malta</th>
<th>Slovenia</th>
<th>Spain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verification</td>
<td>In progress</td>
<td>Large part of seagrass</td>
<td>Posidonia beds mapped in</td>
<td>Large part of seagrass</td>
<td>Some mapping carried out.</td>
<td>Mapping of Posidonia beds</td>
<td>In progress in limited areas</td>
</tr>
<tr>
<td>in progress</td>
<td>In progress</td>
<td>beds already mapped.</td>
<td>57 Natura 2000 areas</td>
<td>already mapped</td>
<td>Further work is in progress</td>
<td>completed in 2003</td>
<td></td>
</tr>
</tbody>
</table>
POLICY DEPARTMENT B
STRUCTURAL AND COHESION POLICIES

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