

Commission Delegated Regulation (EU) 2015/1778 of 25 June 2015  
establishing fisheries conservation measures to protect reef zones in waters  
under the sovereignty of Denmark in the Baltic Sea and Kattegat (repealed)

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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<sup>(1)</sup>, and in particular Article 11 thereof,

Having regard to joint recommendation by Denmark, Germany and Sweden,

Whereas:

- (1) Pursuant to Article 11 of Regulation (EU) No 1380/2013, Member States are empowered to adopt fisheries conservation measures in their waters that are necessary for the purpose of complying with their obligations under Union environmental legislation, including Article 6 of Council Directive 92/43/EEC<sup>(2)</sup>.
- (2) Article 6 of Directive 92/43/EEC requires Member States to establish the necessary conservation measures for Special Areas of Conservation that correspond to the ecological requirements of natural habitat types and species present on the sites. It also requires Member States to take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as significant disturbance of the species for which the areas have been designated.
- (3) Denmark considers that, for the purpose of complying with Article 6 of Directive 92/43/EEC, conservation measures need to be adopted in certain areas under its sovereignty in the Kattegat and the Baltic Sea. If necessary fisheries conservation measures affect the fishery of other Member States, the Member States may submit these measures in joint recommendations to the Commission.
- (4) Germany and Sweden have a direct management interest in the fishery to be affected by such measures. In accordance with Article 11(3) of Regulation (EU) No 1380/2013, Denmark provided Germany and Sweden with relevant information on the measures required, including their rationale, scientific evidence in support and details on their practical implementation and enforcement.
- (5) On 13 March 2015 Denmark, Germany and Sweden submitted to the Commission two joint recommendations for fisheries conservation measures to protect reef structures

in Danish Natura 2000 sites. Those recommendations were submitted after having consulted stakeholders, the Baltic Sea Advisory Council and North Sea Advisory Council

- (6) The recommended measures concern seven Natura 2000 sites in the Baltic Sea and three sites in the Kattegat. They comprise the prohibition of fishing activities with mobile bottom contacting gear in reef zones and the prohibition of all fishing activities in bubbling reef zones.
- (7) In its scientific advice, the Scientific, Technical and Economic Committee on Fisheries ('STECF')<sup>(3)</sup> states that the conservation objectives within the special areas referred to in the joint recommendations cannot be fully achieved without appropriate measures to prevent fishing activity in the areas.
- (8) Bottom fishing activity with mobile bottom contacting gear has a negative impact on reef habitats, as such activity affects both the reef structures and the biodiversity found at the reefs. Therefore the prohibition to fish with such gears in the relevant reef areas, as set out in the joint recommendations, should be included in this Regulation.
- (9) Bubbling reefs are especially fragile structures and any physical impact is a threat to their conservation status. Accordingly, the prohibition of all fishing activities in the relevant bubbling reef areas, as set out in the joint recommendations, should be included in this Regulation.
- (10) STECF identifies some concerns as regards the control and enforcement of the conservation measures and considers that additional control measures may be appropriate. In accordance with Article 5 of Council Regulation (EC) No 1224/2009<sup>(4)</sup>. Member States are required to adopt appropriate measures, allocate adequate resources and set up the structures necessary for ensuring control, inspection and enforcement of activities carried out within the scope of the common fisheries policy (CFP). This may include measures such as the requirement of submitting VMS positions with increased frequency by all vessels concerned or identifying the areas as high risk in the national control system based on risk management, addressing the concerns of STECF.
- (11) It is appropriate to ensure the assessment of the measures established by this Regulation, in particular as regards the control of compliance with fishing prohibitions.
- (12) The fisheries conservation measures established by this Regulation are without prejudice of any other existing or future management measures aiming at the conservation of the sites concerned, including fisheries conservation measures,

HAS ADOPTED THIS REGULATION:

- (1) [OJ L 354, 28.12.2013, p. 22](#)
- (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](#)).
- (3) [http://stecf.jrc.ec.europa.eu/documents/43805/991908/STECF-PLN-15-01\\_JRCxxx.pdf](http://stecf.jrc.ec.europa.eu/documents/43805/991908/STECF-PLN-15-01_JRCxxx.pdf)
- (4) 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](#)).