

**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**

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.

<sup>(1)</sup> OJ L 354, 28.12.2013, p. 22

<sup>(2)</sup> 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).

<sup>(3)</sup> [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)

- (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>(1)</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:

#### *Article 1*

### **Subject matter and scope**

1. This Regulation establishes fisheries conservation measures necessary for compliance with obligations under Article 6 of Directive 92/43/EEC.
2. This Regulation applies to fishing vessels flying the flag of Denmark, Germany and Sweden ('the Member States concerned') in waters under the sovereignty of Denmark in the Baltic Sea and Kattegat.

#### *Article 2*

### **Definitions**

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

- (a) 'bottom contacting gear' means any of the following gear: bottom trawl, beam trawl, bottom otter trawl, otter twin trawl, bottom pair trawl, nephrops trawl, shrimp trawl, seine net, Danish anchor seine, Scottish seine, boat or vessel seine and dredge;

<sup>(1)</sup> 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).

<sup>(2)</sup> 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)

- (b) 'Areas 1' mean the geographical areas enclosed by sequentially joining with rhumb lines the positions listed in Annex I to this Regulation, which shall be measured according to the WGS84 coordinate system;
- (c) 'Areas 2' mean the geographical areas enclosed by sequentially joining with rhumb lines the positions listed in Annex II to this Regulation, which shall be measured according to the WGS84 coordinate system.

#### Article 3

#### **Fishing prohibition**

1. It shall be prohibited to carry out any fishing activity with bottom contacting gears in Areas 1.
2. It shall be prohibited to carry out any fishing activity in Areas 2.
3. Fishing vessels carrying on board any bottom contacting gear may carry out fishing activities in Areas 1 with gears other than those gears and may transit across Areas 1, provided that the bottom contacting gears be lashed and stowed in accordance with the conditions laid down in Article 47 of Regulation (EC) No 1224/2009.
4. Fishing vessels may transit across Areas 2, provided that any gear carried on board be lashed and stowed in accordance with the conditions laid down in Article 47 of (EC) No 1224/2009.

#### Article 4

#### **Assessment**

1. Member States concerned shall assess the implementation of the measures set out in Article 3 at latest 18 months after the entry into force of this Regulation, including the control of compliance with the fishing prohibitions provided for in Article 3.
2. Member States concerned shall submit a summary report of the assessment to the Commission 19 months after the entry into force of this Regulation.

#### Article 5

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

It shall apply from 1 January 2016.

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

Done at Brussels, 25 June 2015.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

## ANNEX I

**Areas 1: Coordinates of stone reef protection zones****1. Munkegrund**

Point	Latitude N	Longitude E
1S	55°57.190'	10°51.690'
2S	55°57.465'	10°51.403'
3S	55°57.790'	10°51.477'
4S	55°57.976'	10°52.408'
5S	55°57.985'	10°54.231'
6S	55°58.092'	10°54.315'
7S	55°58.092'	10°57.432'
8S	55°57.920'	10°57.864'
9S	55°57.526'	10°57.861'
10S	55°56.895'	10°57.241'
11S	55°57.113'	10°53.418'
12S	55°57.050'	10°53.297'
13S	55°57.100'	10°52.721'
14S	55°57.275'	10°52.662'
15S	55°57.296'	10°52.435'
16S	55°57.399'	10°52.244'
17S	55°57.417'	10°52.116'
18S	55°57.251'	10°52.121'
19S	55°57.170'	10°51.919'
20S	55°57.190'	10°51.690'

**2. Hatterbarn**

Point	Latitude N	Longitude E
1S	55°51.942'	10°49.294'
2S	55°52.186'	10°49.309'
3S	55°52.655'	10°49.509'
4S	55°52.676'	10°49.407'
5S	55°52.892'	10°49.269'

Point	Latitude N	Longitude E
6S	55°52.974'	10°49.388'
7S	55°53.273'	10°49.620'
8S	55°53.492'	10°50.201'
9S	55°53.451'	10°50.956'
10S	55°53.576'	10°51.139'
11S	55°53.611'	10°51.737'
12S	55°53.481'	10°52.182'
13S	55°53.311'	10°52.458'
14S	55°53.013'	10°52.634'
15S	55°52.898'	10°52.622'
16S	55°52.778'	10°52.335'
17S	55°52.685'	10°52.539'
18S	55°52.605'	10°52.593'
19S	55°52.470'	10°52.586'
20S	55°52.373'	10°52.724'
21S	55°52.286'	10°52.733'
22S	55°52.129'	10°52.572'
23S	55°52.101'	10°52.360'
24S	55°52.191'	10°52.169'
25S	55°51.916'	10°51.824'
26S	55°51.881'	10°51.648'
27S	55°51.970'	10°51.316'
28S	55°51.976'	10°51.064'
29S	55°52.325'	10°50.609'
30S	55°52.647'	10°50.687'
31S	55°52.665'	10°50.519'
32S	55°52.091'	10°50.101'
33S	55°51.879'	10°50.104'
34S	55°51.810'	10°49.853'
35S	55°51.790'	10°49.482'
36S	55°51.942'	10°49.294'

**3. Ryggen**

Point	Latitude N	Longitude E
1S	55°37.974'	11°44.258'
2S	55°37.942'	11°45.181'
3S	55°37.737'	11°45.462'
4S	55°37.147'	11°44.956'
5S	55°36.985'	11°45.019'
6S	55°36.828'	11°44.681'
7S	55°36.521'	11°44.658'
8S	55°36.527'	11°43.575'
9S	55°37.163'	11°43.663'
10S	55°37.334'	11°43.889'
11S	55°37.974'	11°44.258'

**4. Broen**

Point	Latitude N	Longitude E
1S	55°11.953'	11°0.089'
2S	55°12.194'	11°0.717'
3S	55°12.316'	11°0.782'
4S	55°12.570'	11°1.739'
5S	55°12.743'	11°1.917'
6S	55°12.911'	11°2.291'
7S	55°12.748'	11°2.851'
8S	55°12.487'	11°3.188'
9S	55°12.291'	11°3.088'
10S	55°12.274'	11°3.108'
11S	55°12.336'	11°3.441'
12S	55°12.023'	11°3.705'
13S	55°11.751'	11°2.984'
14S	55°11.513'	11°2.659'
15S	55°11.390'	11°2.269'
16S	55°11.375'	11°2.072'
17S	55°11.172'	11°1.714'
18S	55°11.069'	11°0.935'

Point	Latitude N	Longitude E
19S	55°11.099'	11°0.764'
20S	55°11.256'	11°0.588'
21S	55°11.337'	11°0.483'
22S	55°11.582'	11°0.251'
23S	55°11.603'	11°0.254'
24S	55°11.841'	11°0.033'
25S	55°11.953'	11°0.089'

### 5. Ertholmene

Point	Latitude N	Longitude E
1S	55°19.496'	15°9.290'
2S	55°20.441'	15°9.931'
3S	55°20.490'	15°10.135'
4S	55°20.284'	15°10.690'
5S	55°20.216'	15°10.690'
6S	55°20.004'	15°11.187'
7S	55°19.866'	15°11.185'
8S	55°19.596'	15°11.730'
9S	55°19.820'	15°12.157'
10S	55°19.638'	15°12.539'
11S	55°19.131'	15°12.678'
12S	55°18.804'	15°11.892'
13S	55°18.847'	15°10.967'
14S	55°19.445'	15°9.885'
15S	55°19.387'	15°9.717'
16S	55°19.496'	15°9.290'

### 6. Davids Banke

Point	Latitude N	Longitude E
1S	55°20.167'	14°41.386'
2S	55°20.354'	14°40.754'
3S	55°21.180'	14°39.936'
4S	55°22.000'	14°39.864'

Point	Latitude N	Longitude E
5S	55°22.331'	14°39.741'
6S	55°22.449'	14°39.579'
7S	55°23.150'	14°39.572'
8S	55°23.299'	14°39.890'
9S	55°23.287'	14°40.793'
10S	55°23.011'	14°41.201'
11S	55°22.744'	14°41.206'
12S	55°22.738'	14°41.775'
13S	55°22.628'	14°42.111'
14S	55°22.203'	14°42.439'
15S	55°22.050'	14°42.316'
16S	55°21.981'	14°41.605'
17S	55°21.050'	14°41.818'
18S	55°20.301'	14°41.676'
19S	55°20.167'	14°41.386'

### 7. Bakkebrædt & Bakkegrund

Point	Latitude N	Longitude E
1S	54°57.955'	14°44.869'
2S	54°58.651'	14°41.755'
3S	54°59.234'	14°41.844'
4S	54°59.458'	14°43.025'
5S	54°59.124'	14°44.441'
6S	54°59.034'	14°44.429'
7S	54°58.781'	14°45.240'
8S	54°58.298'	14°45.479'
9S	54°58.134'	14°45.406'
10S	54°57.955'	14°44.869'

### 8. Herthas Flak

Point	Latitude N	Longitude E
1S	57°39.422'	10°49.118'
2S	57°39.508'	10°49.602'



Point	Latitude N	Longitude E
3S	57°39.476'	10°49.672'
4S	57°39.680'	10°50.132'
5S	57°39.312'	10°50.813'
6S	57°39.301'	10°51.290'
7S	57°38.793'	10°52.365'
8S	57°38.334'	10°53.201'
9S	57°38.150'	10°52.931'
10S	57°38.253'	10°52.640'
11S	57°37.897'	10°51.936'
12S	57°38.284'	10°51.115'
13S	57°38.253'	10°50.952'
14S	57°38.631'	10°50.129'
15S	57°39.142'	10°49.201'
16S	57°39.301'	10°49.052'
17S	57°39.422'	10°49.118'

#### 9. Læsø Trindel & Tønneberg Banke

Point	Latitude N	Longitude E
1S	57°25.045'	11°6.757'
2S	57°26.362'	11°6.858'
3S	57°27.224'	11°9.239'
4S	57°26.934'	11°10.026'
5S	57°27.611'	11°10.938'
6S	57°28.053'	11°11.000'
7S	57°28.184'	11°11.547'
8S	57°28.064'	11°11.808'
9S	57°28.843'	11°13.844'
10S	57°29.158'	11°15.252'
11S	57°29.164'	11°16.861'
12S	57°29.017'	11°17.266'
13S	57°29.080'	11°17.597'
14S	57°28.729'	11°18.494'
15S	57°28.486'	11°18.037'

Point	Latitude N	Longitude E
16S	57°28.258'	11°18.269'
17S	57°27.950'	11°18.239'
18S	57°27.686'	11°18.665'
19S	57°27.577'	11°18.691'
20S	57°27.525'	11°18.808'
21S	57°27.452'	11°18.837'
22S	57°27.359'	11°18.818'
23S	57°26.793'	11°17.929'
24S	57°27.984'	11°15.500'
25S	57°27.676'	11°14.758'
26S	57°25.998'	11°17.309'
27S	57°25.946'	11°17.488'
28S	57°26.028'	11°17.555'
29S	57°26.060'	11°17.819'
30S	57°26.011'	11°18.360'
31S	57°25.874'	11°18.666'
32S	57°25.683'	11°18.646'
33S	57°25.417'	11°18.524'
34S	57°25.377'	11°18.408'
35S	57°25.330'	11°18.039'
36S	57°25.175'	11°17.481'
37S	57°24.928	11°17.579'
38S	57°24.828'	11°17.366'
39S	57°24.891'	11°17.049'
40S	57°25.128'	11°17.118'
41S	57°25.249'	11°16.721'
42S	57°25.211'	11°16.592'
43S	57°25.265'	11°16.162'
44S	57°25.170'	11°15.843'
45S	57°25.245'	11°15.562'
46S	57°25.208'	11°15.435'
47S	57°25.278'	11°15.083'

Point	Latitude N	Longitude E
48S	57°25.462'	11°15.059'
49S	57°25.517'	11°15.007'
50S	57°25.441'	11°14.613'
51S	57°25.610'	11°14.340'
52S	57°25.630'	11°14.119'
53S	57°25.629'	11°13.827'
54S	57°25.738'	11°13.658'
55S	57°25.610'	11°13.392'
56S	57°25.625'	11°13.176'
57S	57°25.933'	11°12.379'
58S	57°25.846'	11°11.959'
59S	57°25.482'	11°12.956'
60S	57°25.389'	11°13.083'
61S	57°25.221'	11°13.212'
62S	57°25.134'	11°13.221'
63S	57°25.031'	11°13.077'
64S	57°25.075'	11°12.751'
65S	57°24.817'	11°12.907'
66S	57°24.747'	11°12.862'
67S	57°24.616'	11°13.229'
68S	57°24.549'	11°13.240'
69S	57°24.347'	11°13.093'
70S	57°24.256'	11°13.288'
71S	57°24.145'	11°13.306'
72S	57°24.051'	11°13.138'
73S	57°23.818'	11°13.360'
74S	57°23.649'	11°13.280'
75S	57°23.553'	11°13.260'
76S	57°23.432'	11°13.088'
77S	57°23.416'	11°12.861'
78S	57°23.984'	11°9.081'
79S	57°25.045'	11°6.757'

**10. Lysegrund**

Point	Latitude N	Longitude E
1S	56°19.367'	11°46.017'
2S	56°18.794'	11°48.153'
3S	56°17.625'	11°48.541'
4S	56°17.424'	11°48.117'
5S	56°17.864'	11°47.554'
6S	56°17.828'	11°47.265'
7S	56°17.552'	11°47.523'
8S	56°17.316'	11°47.305'
9S	56°17.134'	11°47.260'
10S	56°16.787'	11°46.753'
11S	56°16.462'	11°46.085'
12S	56°16.455'	11°43.620'
13S	56°17.354'	11°42.671'
14S	56°18.492'	11°42.689'
15S	56°18.950'	11°41.823'
16S	56°19.263'	11°41.870'
17S	56°19.802'	11°40.939'
18S	56°19.989'	11°41.516'
19S	56°18.967'	11°43.600'
20S	56°19.460'	11°44.951'
21S	56°19.367'	11°46.017'

## ANNEX II

**Areas 2: Coordinates of bubbling reef protection zones****1. Herthas Flak bubbling reef zone**

Point	Latitude N	Longitude E
1B	57°38.334'	10°53.201'
2B	57°38.15'	10°52.931'
3B	57°38.253'	10°52.64'
4B	57°38.237'	10°52.15'
5B	57°38.32'	10°51.974'
6B	57°38.632'	10°51.82'
7B	57°38.839'	10°52.261'
8B	57°38.794'	10°52.36'
9B	57°38.334'	10°53.201'

**2. Lysegrund bubbling reef zone**

Point	Latitude N	Longitude E
1B	57°27.496'	11°15.033'
2B	57°25.988'	11°17.323'
3B	57°25.946'	11°17.488'
4B	57°25.417'	11°18.524'
5B	57°25.377'	11°18.408'
6B	57°25.346'	11°18.172'
7B	57°25.330'	11°18.039'
8B	57°25.175'	11°17.481'
9B	57°24.928'	11°17.579'
10B	57°24.828'	11°17.366'
11B	57°24.891'	11°17.049'
12B	57°25.128'	11°17.118'
13B	57°25.249'	11°16.721'
14B	57°25.211'	11°16.592'
15B	57°25.263'	11°16.177'
16B	57°25.170'	11°15.843'
17B	57°25.240'	11°15.549'

Point	Latitude N	Longitude E
18B	57°26.861'	11°15.517'
19B	57°26.883'	11°14.998'
20B	57°27.496'	11°15.033'