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COMMISSION DELEGATED REGULATION (EU) 2026/450

of 27 February 2026

amending Regulation (EU) 2019/1241 as regards the establishment of measures to ensure compliance with existing mitigation measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea

THE EUROPEAN COMMISSION,

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

Having regard to 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, (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 ([1]), and in particular Article 15(2) thereof,

Whereas:

(1) The harbour porpoise (*Phocoena phocoena*) is a strictly protected species according to Annex IV to Council Directive 92/43/EEC ([2]), which lists all cetaceans as species of Union interest in need of strict protection, and it is listed in Annex II to that Directive as species of Union interest whose conservation requires the designation of special areas of conservation.

(2) According to the International Council for the Exploration of the Seas (ICES), harbour porpoise is the only resident cetacean species in the Baltic Sea, with two distinct populations: the Baltic Proper population and the Belt Sea population. The Baltic Proper population remains categorised as critically endangered on the IUCN red list and is estimated to consist of fewer than 500 individuals ([3]).

(3) On 15 December 2021, the Commission adopted Delegated Regulation (EU) 2022/303 ([4]) amending Regulation (EU) 2019/1241 as regards measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea.

(4) As was reflected in recital 18 of Delegated Regulation (EU) 2022/303, Member States committed to agreeing on more detailed measures linked to the control of the mitigation measures adopted by Delegated Regulation (EU) 2022/303.

(5) Annex XIII to Regulation (EU) 2019/1241 lays down rules at regional level regarding mitigation measures to reduce incidental catches of sensitive species including cetaceans. Member States should monitor and assess the effectiveness of the mitigation measures established under Annex XIII.

([1]) OJ L 198, 25.7.2019, p. 105, ELI: http://data.europa.eu/eli/reg/2019/1241/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]) ICES 'EU request on support for the implementation of the Action Plan for Harbour porpoise in the Baltic Sea (Baltic Proper)', in *Report of the ICES Advisory Committee*, 2024, ICES Advice 2024, sr.2024.20, https://doi.org/10.17895/ices.advice.27967035.
([4]) Commission Delegated Regulation (EU) 2022/303 of 15 December 2021 amending Regulation (EU) 2019/1241 as regards measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea (OJ L 46, 25.2.2022, p. 67, ELI: http://data.europa.eu/eli/reg_del/2022/303/oj).

(6) On 29 April 2022, the Baltic Sea Member States – Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden ('BALTFISH') – requested the BALTFISH Control Expert Group (CEG) to propose such more detailed control measures. In August 2022, the CEG considered that existing control measures were sufficient for those areas where acoustic deterrent devices were obligatory. For the areas where spatial-temporal closures apply, the CEG recommended specific measures.

(7) On 27 June 2023 and based on the CEG's recommendations, the BALTFISH submitted a joint recommendation for such more detailed control measures. The BALTFISH considered that the proposed control measures, in conjunction with existing control measures, would ensure compliance with the provisions of Delegated Regulation (EU) 2022/303. The proposed measures entail increasing the transmission of vessel position data to 10 minutes and controlling all vessels present in the areas as listed in Annex XIII, Part A, points 3.1 to 3.4, to Regulation (EU) 2019/1241, when restrictions or prohibitions on fishing with static nets apply.

(8) The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed positively previous joint recommendations that included the same control measures for Natura 2000 sites ([5]) ([6]) and concluded that, if implemented as intended, these control measures appear appropriate for effective at sea monitoring of Natura 2000 sites. In previous assessments, the STECF had recommended developing specific control measures for these specific sites, given their usually small size and the risk that fishing could take place without being detected ([7]) ([8]).

(9) Furthermore, the necessity of those measures was recently reflected in the ICES Advice of 2025 ([9]), where ICES identified gillnets and trammel nets (static nets) as the gears with the highest risk of incidental catches of harbour porpoise and reiterated the need to improve monitoring of the population and fishing effort data.

(10) The proposed control measures (i) apply at a regional level; (ii) are intrinsically linked to the mitigation measures adopted under Delegated Regulation (EU) 2022/303; (iii) are necessary for monitoring their effectiveness, in accordance with point 4 of Annex XIII of Regulation (EU) 2019/1241; and, thus (iv) contribute to the objective of reducing incidental catches of Baltic Proper harbour porpoise.

(11) It is therefore appropriate to supplement the technical measures set out in Annex XIII, Part A, point 3 to Regulation (EU) 2019/1241.

(12) In order to allow operators sufficient time to equip their vessels with the appropriate transmission devices, the application of point 3.5 in the Annex should be deferred by 12 months from the date of entry into force.

(13) Point 3.5(a) in the Annex shall apply until 10 January 2028, when the new rules on vessel monitoring systems laid down in Article 9 of Council Regulation (EC) No 1224/2009 ([10]) start applying,

([5]) Scientific, Technical and Economic Committee for Fisheries (STECF), *71st Plenary report (STECF-PLEN-22-03)*, Publications Office of the European Union, Luxembourg, 2023, doi:10.2760/016673, JRC132078.

([6]) European Commission: Joint Research Centre, Scientific, Technical and Economic Committee for Fisheries, *77th plenary report (STECF-PLEN-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]) Scientific, Technical and Economic Committee for Fisheries (STECF), *55th Plenary Meeting Report (PLEN-17-02)*, Publications Office of the European Union, Luxembourg; EUR 28359. EN, doi:10.2760/53335.

([8]) *Review of Joint Recommendations for Natura 2000 sites at Dogger Bank, Cleaver, Bank, Frisian Front and Central Oyster grounds (STECF-19-04)*, Publications Office of the European Union, Luxembourg, 2019, doi:10.2760/422631, JRC117963.

([9]) ICES, 'EU request on support for the implementation of the Action Plan for harbour porpoise in the Baltic Sea (Baltic Proper)', replacing advice provided in December 2024. ICES Advice: Special Requests. Report. https://doi.org/10.17895/ices.advice.28616360.v1.

([10]) 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).

HAS ADOPTED THIS REGULATION:

Article 1

Annex XIII to Regulation (EU) 2019/1241 is amended in accordance with the Annex to this Regulation.

Article 2

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

The measures in point 3.5 of the Annex shall apply from 21 July 2027.

The measures in point 3.5(a) of the Annex shall expire on 10 January 2028.

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

Done at Brussels, 27 February 2026.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex XIII, Part A, to Regulation (EU) 2019/1241, point 3.5 is replaced by the following:

'3.5. The following measures shall apply in the areas under points 3.1 to 3.4, when restrictions or prohibitions on fishing with static nets apply:

(a) Fishing vessels of less than 12 metres in length overall shall be equipped with:

(i) a vessel monitoring system (VMS) as referred to Article 9 of Regulation (EC) No 1224/2009; or

(ii) an automatic identification system (AIS) referred to in Article 6a of Directive 2002/59/EC of the European Parliament and of the Council (*) and Article 10 of Regulation (EC) No 1224/2009; or

(iii) a tracking device approved by the competent authority of the flag Member State, to transmit the vessel position data and, where applicable, date and time, course, speed and external identification mark of the fishing vessel, as well as any other relevant data laid down in implementing acts adopted by the Commission.

If the device is not within reach of a network, the vessel position data shall be stored and transmitted in accordance with Article 9(3) of Regulation (EC) No 1224/2009 as amended by Regulation (EU) 2023/2842 of the European Parliament and of the Council (**).

These measures shall apply until 10 January 2028.

(b) The frequency of transmission of vessel position data shall be of at least once every 10 minutes including within a 4-nautical-mile alert zone that shall be established for vessels using VMS whose devices do not support the automatic change in frequency of reporting.

(c) The flag Member State shall inform the coastal Member State:

(i) when a fishing vessel flying its flag enters the areas under sovereignty or jurisdiction of the relevant coastal Member State, as listed in points 3.1 to 3.4; and

(ii) the specific system or device used by the fishing vessel flying its flag.

(*) 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).

(**) Regulation (EU) 2023/2842 of the European Parliament and of the Council of 22 November 2023 amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 1967/2006 and (EC) No 1005/2008 and Regulations (EU) 2016/1139, (EU) 2017/2403 and (EU) 2019/473 of the European Parliament and of the Council as regards fisheries control (OJ L, 2023/2842, 20.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2842/oj).'.