

REC.CM-GFCM/40/2016/5
establishing a minimum conservation reference size for European hake in the Mediterranean Sea

The General Fisheries Commission for the Mediterranean (GFCM),

CONSIDERING that the objective of the Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM Agreement) is to ensure the conservation and sustainable use, at biological, social, economic and environmental level, of living marine resources in the area of application;

CONSIDERING that the GFCM shall adopt management measures based on an ecosystem approach to fisheries to guarantee the maintenance of stocks above levels which can produce maximum sustainable yield;

CONSIDERING that the GFCM shall apply the precautionary approach in accordance with the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (FAO);

NOTING that the GFCM Scientific Advisory Committee on Fisheries (SAC) has concluded, at its eighteenth session in 2016, that the stocks of European hake are heavily overexploited and, in some cases, well below safe biological limits;

NOTING that many fisheries exploiting European hake in the Mediterranean exert a pressure over juveniles;

ADOPTS, in conformity with the provisions of Articles 5 b), 8 b) and 13 of the GFCM Agreement, that:

PART I
General objective, geographical scope and definitions

1. The general objective of the present recommendation is to protect juvenile European hake in the Mediterranean Sea.
2. For the purpose of this recommendation, “European hake” means fish pertaining to the species *Merluccius merluccius*.

PART II
Minimum conservation reference size

3. The minimum conservation reference size for European hake in the whole area covered by this recommendation is fixed at 20 cm total length.
4. Specimens of European hake shall be measured from the tip of the snout to the end of the tail fin.
5. Specimens of European hake smaller than the minimum conservation reference size, defined in paragraph 3, in total length as reported above and measured to the lowest centimetre, shall not be caught, retained on board, transhipped, transferred, landed, stored, sold, displayed or offered for sale.
6. Notwithstanding paragraph 5, when due to unavoidable circumstances undersized specimens of European hake have been effectively caught, the master of the catching vessel shall record those catches (estimated weight) of undersized specimens.

7. The GFCM Contracting Parties and Cooperating non-Contracting Parties (CPCs) shall establish an adequate mechanism for recording catches of undersized specimens of European hake.

8. Without prejudice to provisions foreseen in paragraph 5 and when a system of avoiding discards and obligation to land all catches has been established by a CPC, except in justified cases where there is a derogation for landing obligations, the master of the fishing vessel shall not be allowed to discard those catches and shall therefore land all the fish caught independently of the size of the fish. All quantities of undersize fish landed shall be recorded and shall not be displayed, offered for sale or used for direct human consumption.
