

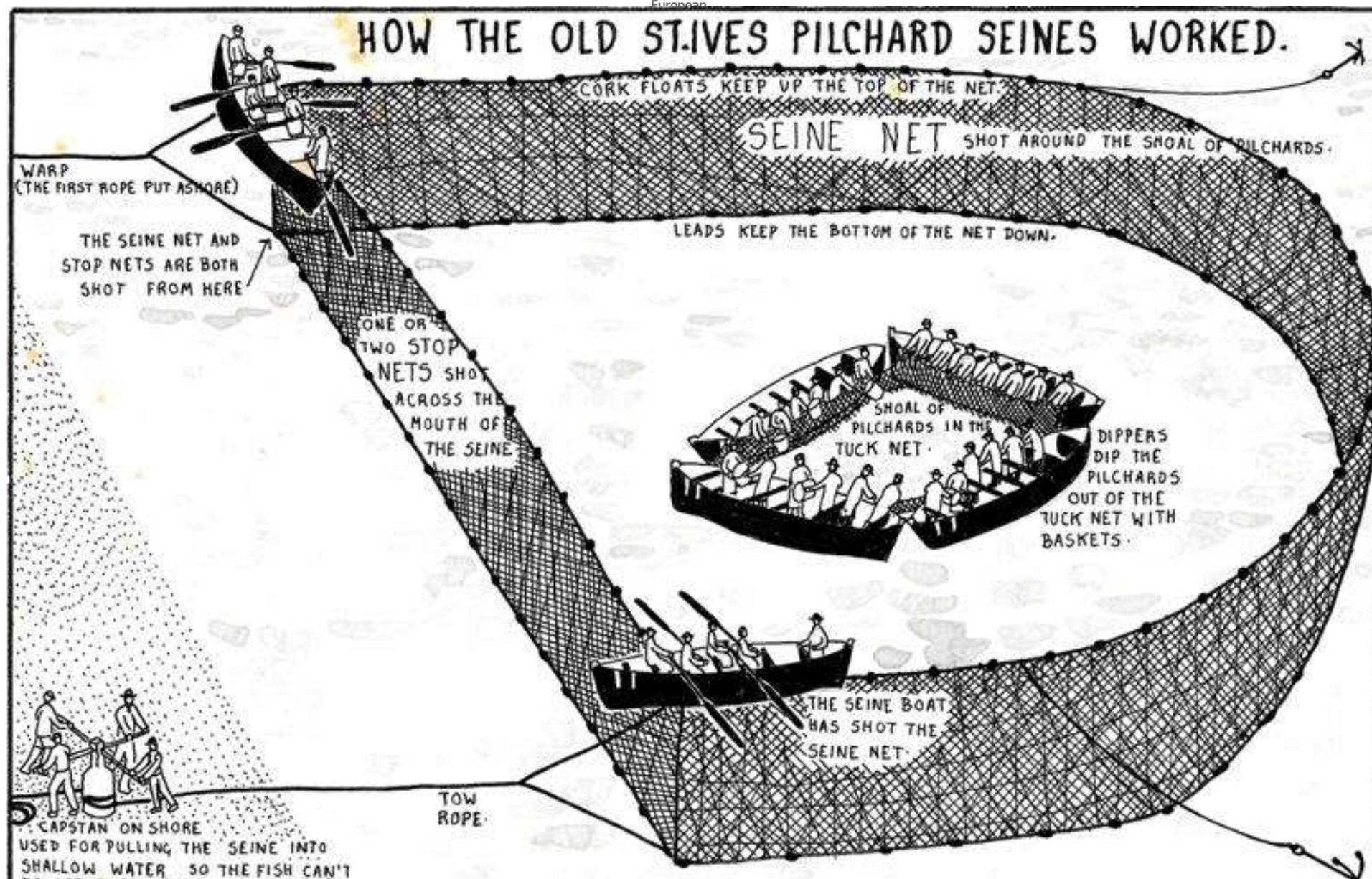


New Technical Measures Framework EU REGULATION 2019/1241 Discard Action Group London, 6 November

MARE D3 Structural Support, Policy Development
and Coordination



European



Technical measures

- *how*
 - *where*
 - *when*
- fishermen can fish*

Past technical measures system was complex:

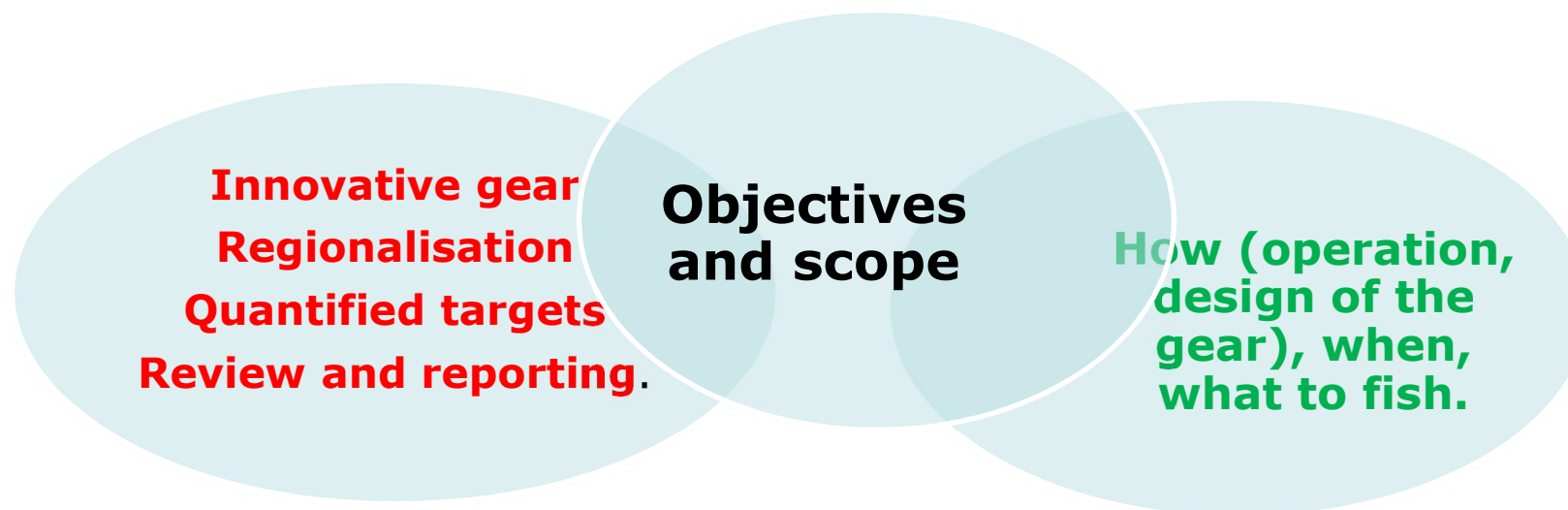
myriad of regulations

contradictory

Obsolete

no clear objectives or targets

What is **new**? What **remains**?





KEY ELEMENTS

- ✓ **Simplification**
- ✓ **Regionalisation**, following mandate of CFP (art 18)
- ✓ **Quantified targets**: result-based approach
- ✓ **Review and reporting**: to check the progress and implementation. The first report to be produced by end 2020, identifying aspects where further efforts are needed.

Architecture

general provisions (chapter I):

- objectives
- scope
- targets
- definitions

common technical rules (chapter II):

- prohibited gears/methods
- species/habitats
- general minimum conservation sizes
- measures to reduce discarding

Regionalisation (chapter III) :

- species & size selectivity
- closed/restricted areas
- minimum conservation reference sizes
- real-time closures and moving on
- innovative fishing gears
- nature conservation measures

annexes
under
regionalis
ation

North Sea

North
Western
Waters

South
western
Waters

Baltic Sea

Mediterranean

Black Sea

Mitigation
Measures

NEAFC

Chapter I – scope and objectives

Scope - Article 2 –

- ✓ Union fishing vessels and nationals of Member States as well as fishing vessels of third countries when fishing in Union waters.
- ✓ Recreational fisheries.

Chapter I – scope and objectives (cont)

Objectives – Article 3

- ✓ General CFP objectives
- ✓ Protection of juveniles & spawning aggregations
- ✓ By-catch of sensitive species
- ✓ Environmental impacts of fishing on marine habitats



Chapter I – General Provisions

Targets – Article 4

- Catches below min conservation reference size are reduced as far as possible
- By-catches of marine mammals, marine reptiles, seabirds and other sensitive species do not exceed levels provided in Union legislation & int'l agreements
- Environmental impacts on seabed habitats are in line with MSFD
- Working progress on operational targets (Lopt: STEFC to work on this)

Progress to be reviewed

Chapter I – General provisions

Article 5: definition of fishing zones

- **North Sea**
- **Baltic**
- **North Western Waters**
- **South Western Waters**
- **Mediterranean and Black Sea**
- **Union Waters in the Indian Ocean and West Atlantic**
- **NEAFC**
- **GFCM**



Chapter I – General Provisions.

Article 6: definitions, including those relating to links between TM and environmental legislation, and one of the main elements that TM brings to measure the achievements, as "selectivity performance indicator".

Chapter II – common technical measures

ARTICLE 7: Prohibited fishing gear and methods

*Such as toxics, corrosives, pneumatic hammers,
projectiles...*

Article 8 General restrictions on the use of towed gear

Main aspects:

- definition of mesh size; minimum size as in annexes (exception: turtle devices, monitor sensors).
REGIONALISATION art 15 through Joint Recommendations
- prohibition of devices designed to reduce the effectiveness of the cod-end (blinders etc.), but also allowing for the use of different mesh sizes, than those set out in the regional annexes, where there is a conservation benefit.
REGIONALISATION, art 15, through Joint Recommendations
- COM: implementing acts establishing detailed rules for the specification of codends and the devices



Article 9 General restrictions on the use of static nets and driftnets

Prohibition of drift nets, list of species and specific derogation for certain areas.

SECTION 3 Protection of sensitive species and habitats: Articles 10, 11 and 12

Protection of sensitive species and habitats:

- list of prohibited species (Article 10 – for fish and shellfish, and Article 11 – for marine mammals, reptiles and seabirds).
- list of protected areas (Article 12)

Specific measures to protect sensitive species:

- *catch, retention on board, transshipment, landing: forbidden.
Permitted when accidentally caught (allow for scientific research).*
- *MS to put in place more stringent measures*
- *Prohibition to deploy in sensitive habitats, where these species are found also have specific protection measures (art 12)*
- *Mitigation measures to be applied (annex XIII):*
 - Reinforce the data collection of these species
 - If scientific evidence proves negative effects Joint Recommendations for additional mitigation measures.
 - MS to monitor and assess the effectiveness of the mitigation measures

SECTION 4 Minimum conservation reference sizes. Article 13: Minimum conservation reference sizes

To ensure the protection of juveniles of marine species, help to stock recovery and also constitute to minimum marketing sizes.

- established per region in the Annex V to X, how measured (Annex IV)

SECTION 5 Measures to reduce discarding: Article 14: Pilot projects for the avoidance of unwanted catches

Member States may conduct pilot projects, with the aim of exploring methods for the avoidance or minimisation of unwanted catches, taking into account the opinions of the relevant Advisory Councils and shall be science based.

If results reveal significant unwanted catches, MS to establish technical measures to reduce them through joint recommendations.



Chapter III – Regionalisation

Regionalisation (article 15) – main element of the reformed CFP, which has been quite successful

- any modification shall have at least equivalent benefits for conservation

Regional technical measures established in Annexes V to XII

Annexes can be amended via a delegated act (Commission) adopted on the basis of a Joint Recommendation (by relevant Member States) (Article 15(2))



Chapter III – Regionalisation (Cont)

Art 20: innovative fishing gear, to be introduced by JR and with an assessment on target and sensitive species as well as habitats.

Art 21: nature conservation measures; also a JR on how it is addressed the protection of sensitive habitats

Art 23: pilot projects on full documentation catches and discards. With these pilots, measures set out in part B of annexes V-XI may be derogated provided that contribute to achieve the objectives and targets (arts 3 and 4)

Chapter III – Regionalisation (Cont)

Art 24: COM may adopt implementing acts establishing

- selectivity devices*
- ADD*
- specific measures for certain areas*
- seabirds*
- marine turtles.*

Chapter IV – scientific research, direct restocking/transplantation

Scientific research (Article 25): *allowed subject to strict conditions:*

- With the permission and under the authority of flag MS
- COM and coastal MS to be informed 2 weeks in advance,
- must have valid fishing authorisation,
- If requested by coastal MS: to take on board an observer
- if done by commercial vessels must be limited in time and if involves more than 6 vessels need to inform COM 3 months in advance + STECF assessment)
- Special conditions for pulse.

Direct restocking (as in definition art 6.46) & transplantation (as in definition art 6.47) (Article 26) – allowed, coastal MS and COM must be informed 20 calendar days in advance

Chapter VIII: final provisions

Every three years COM reports to Council and EP on the implementation (first report already end 2020)

- Progress on reaching objectives and targets: Special focus will be put on the main elements:
 - ✓ information on indicators,
 - ✓ scientific research,
 - ✓ advance in innovative gears, and
 - ✓ fields of special importance in the near future
- ✓ If needed; follow up and actions expected by MMSS.



REPEALED REGULATIONS

Regulation (EC) N 894/97, of 29 April 1997 laying down certain technical measures for the conservation of fishery resources Regulation (EC) N 850/98, of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

Regulation (EC) N 2549/2000, of 17 November 2000 establishing additional technical measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa)

Regulation (EC) 254/2002, of 12 February 2002 establishing measures to be applicable in 2002 for the recovery of the stock of cod in the Irish Sea (ICES division VIIa)

Regulation (EC) N 812/2004, of 26.4.2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98

Regulation (EC) N 2187/2005, of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98

Thanks for your attention

Any questions?

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