

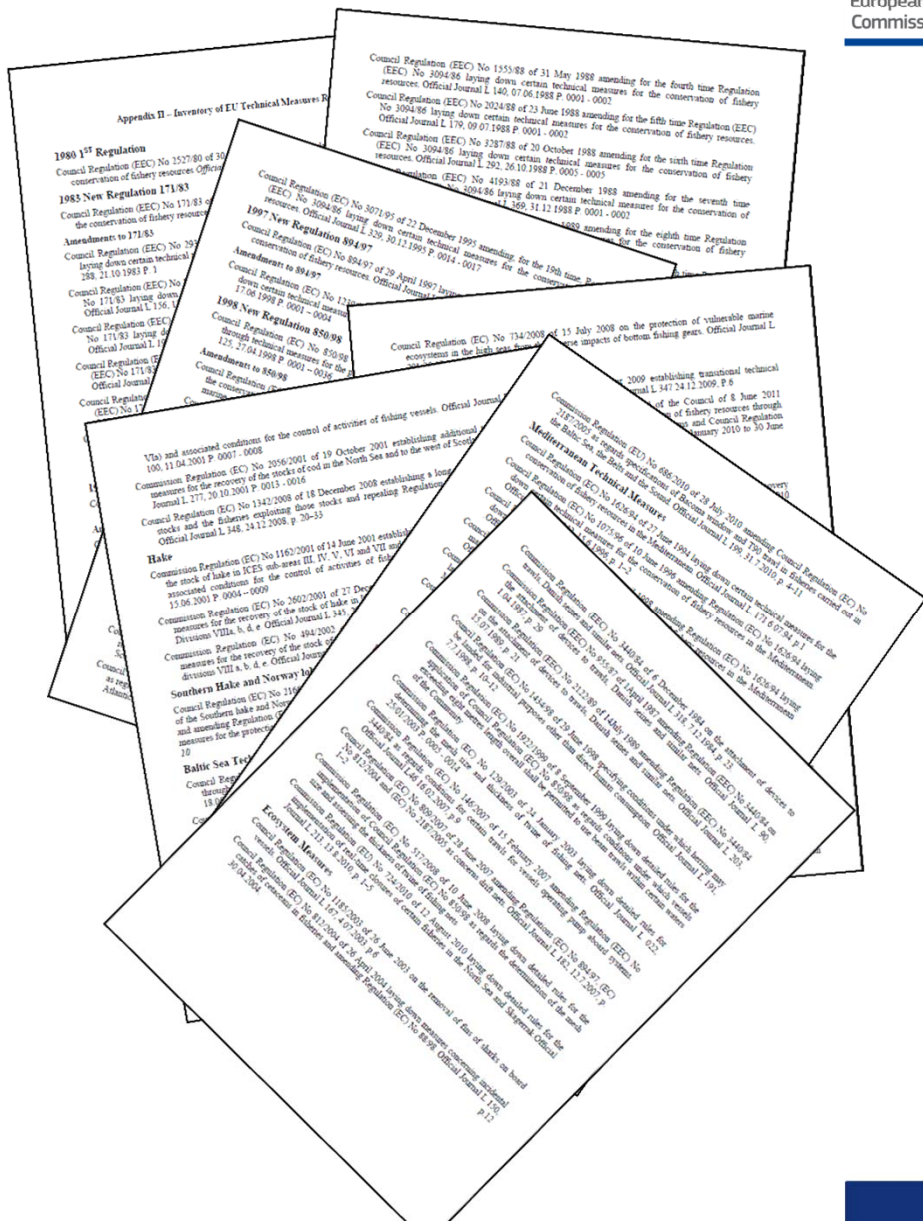


Technical Measures Proposal

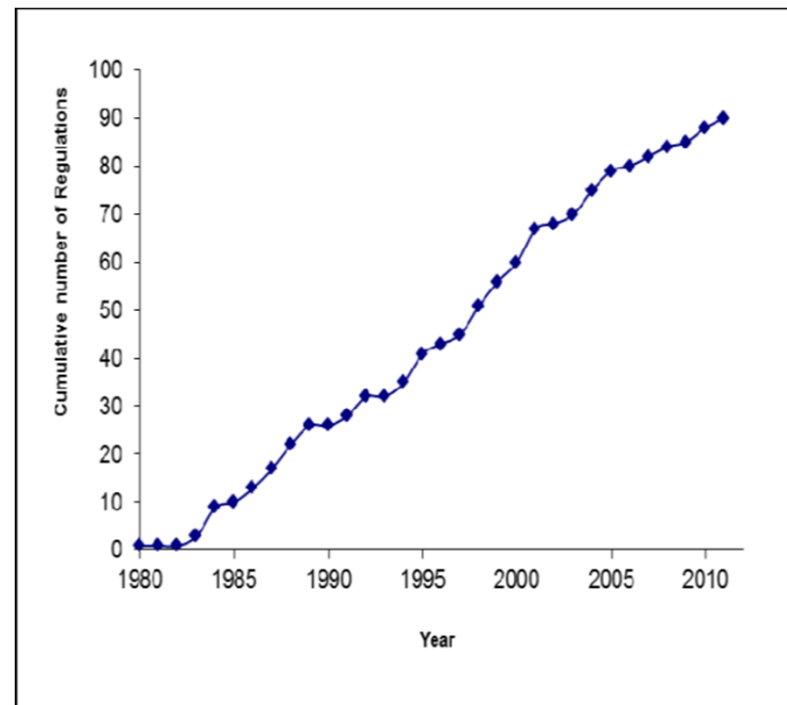
Proposal for a Regulation of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 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



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90 regulations since 1980





- *Sub-optimal performance*
- *Difficult to measure effectiveness*
- *Prescriptive and complex*
- *Lack of flexibility*
- *Lack of "buy-in"*





Lack of Clear Objectives & Targets

Qualitative objectives:

"ensure the protection of resources and the balanced exploitation of fishery resources "

"reducing the capture of juveniles"

"protecting nursery and spawning areas"

How to measure success?

No quantitative metrics

TCMs part of broader input/output controls

Not possible to disentangle effects

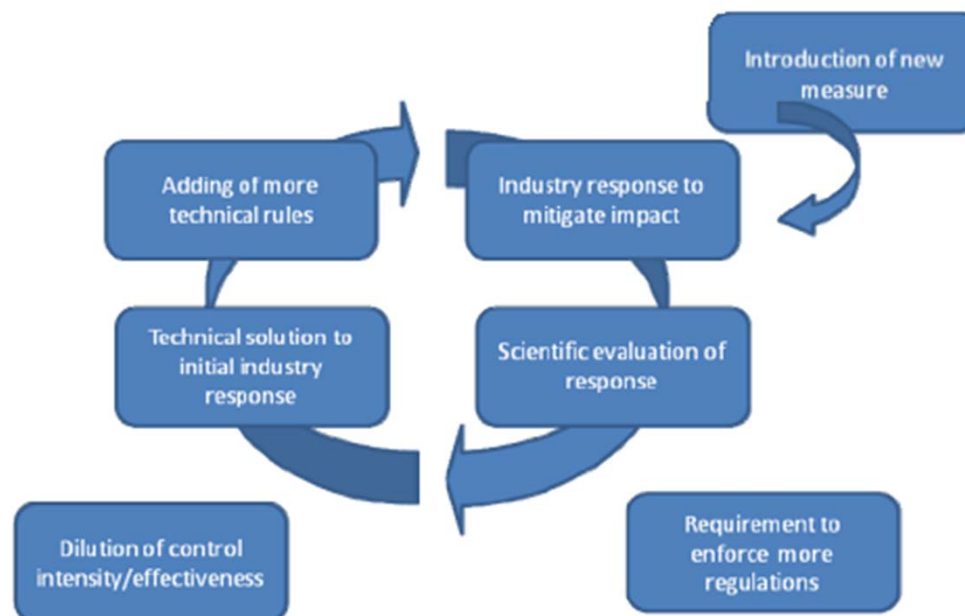


Lack of Incentive

Incentive to mitigate regulations not unwanted catches

Additional rules added:

Technological and legislative arms race





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Prescriptive and complex

2. By way of derogation from Article 2(6) of Regulation (EC) No 2549/2000, it shall be prohibited to carry on board or deploy any beam trawl of mesh size equal to, or greater than, 80 mm unless the entire upper half of the anterior part of such a net consists of a panel of diamond-meshed netting material of which no individual mesh is of mesh size less than 180 mm attached directly to the headline or to no more than three rows of netting material of any mesh size attached directly to the headline.

The panel of netting shall extend towards the headline for at least the number of mesh

- (a) dividing the length in metres of the
- (b) multiplying the result obtained in
- (c) dividing the result obtained in (b) by the number of millimetres of the smallest mesh
- (d) ignoring any decimals or other fractions in the result obtained in (c).

(iii) of mesh size range 70 to 99 mm unless the upper half of such a net consists of a panel of netting material attached directly to the headline of the net or to no more than three rows of netting material of any mesh size attached directly to the headline, extending towards the posterior of the net for at least 15 meshes and constructed of diamond-meshed netting material of which no individual mesh is of mesh size less than 140 mm;

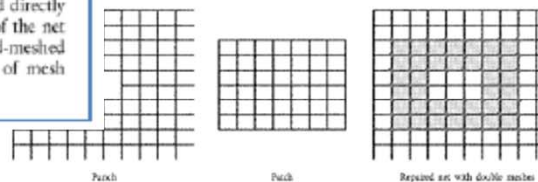
2. Conditions for the repair of square mesh panels

(i) General conditions

- (ii) The use of a square mesh BACOMA cut window which has 10% or more meshes repaired shall be prohibited.
- (iii) Square meshes which have been damaged shall be repaired according to the prescribed method.

h is any mesh where the mesh opening is reduced by a repair of damaged meshes or by the pieces of knoless square mesh netting.

the damaged meshes in the BACOMA cut window



(ii) Clean the hole.

(iii) Count the meshes to be replaced. Prepare a patch using knoless braided single twine that is the same material, diameter and strength of the net needing to be patched.

(iv) The patch should be no more than two meshes larger in each direction than the cleaned-up hole to provide sufficient netting to overlap the edges of the hole.

(v) Lay the patch over the hole and lace it to the existing netting using braided twine, as shown in the illustration.

(vi) Make sure to lace the crosses of the netting together.

(vii) Continue lacing around the hole so that you have at least two rows of lacing around the patch.

(viii) The patched hole will resemble the above illustration when finished.



Impact Assessment: consultation

public consultation (2014)
internet contributions
continued consultation of key stakeholders (2011-2015)

main conclusions/recommendations/needs identified:

- results-based management
- accountability of fishermen for catches
- simplification, but safeguard level playing field
- regionalization
- framework approach – overarching objectives, common standards, safeguards
- incentive structures for selectivity





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impact assessment: comparing options

	options	baseline scenario	option 1 - consolidation	option 2 framework		option 3 – elimination
				with baseline standards	without baseline standards	
general	All European fisheries to MSY by 2015 or 2020 at the latest	0	0	+	+/-	+/-
	Reduce unwanted catches and eliminate discards by 2019					
	Achieve of GES by 2020, as established under the MSFD					
specific objectives	Improvement in the effectiveness of technical measures;	0	0	+	+/-	+/-
	Defines clear objectives and success criteria	0	+	+	+	0
	Eliminates over-regulation and simplifies	0	+	++	++	++
	Flexible legal framework for TM, vehicle for regionalisation	0	0	+	+	+/-
	Promotes a transparent and participatory approach to the definition and specification of technical measures.	0	0	+	+	0
operational objectives	Establish incentive structures linked to the added flexibility offered by regionalisation and rewarding of "responsible fishing"	0	0	+	+/-	+/-
	Establish clear targets	0	0	+	+	0
	Establish indicators to measure success	0	0	+	+	0
	Delete redundant rules and simplify other rules to make them understandable and controllable;	0	+	++	++	++
	Manage the transition to regionisation in the period up to 2020 by defining baseline standards	0	0	+	-	-
	Establish the necessary legal architecture to allow deviation from these baseline standards and provide for the development of alternative measures	0	0	++	+	0
	Establish linkages with the CFP to allow for stakeholder involvement in the development of technical measures	0	0	+	+	0





new technical measures: key elements

focus on governance and managing the transition to 2019/2020

1. general structure for future technical measures – agreed with long-term perspective (co-decision)
2. baseline measures by sea basin – in absence of measures adopted under regionalization (COM regulations)

no fundamental changes to existing rules and provisions

Scope - all EU waters

review of closures and area restrictions based on scientific advice – NATURA 2000 unaffected;

simplification for mesh size regulations

shift of detail to COM acts

existing conservation/selectivity standards retained

New Element - Specific targets (co-decision)

catches of species below minimum size shall not exceed 5%

catches of marine mammals, reptiles and seabirds do not exceed specified levels (e.g. ASCOBANS 1.7%)

Ensure environmental impacts do not exceed levels required for good environmental status (MSFD)



architecture

co-decided

general provisions (chapter I):
objectives
scope
targets
definitions

co-decided

common technical rules (chapter II):
prohibited gears/methods
species/habitats
general minimum conservation sizes
measures to reduce discarding

co-decided but provisions to amend annexes under regionalisation

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 regionalisation

North Sea

North Western Waters

South western Waters

Baltic Sea

Mediterranean

Black Sea





ANNEX VII
South Western Waters:

Part A

Minimum conservation reference sizes:

Species	Whole sex
Cod (<i>Gadus morhua</i>)	35 cm
Haddock (<i>Melanogrammus aeglefinus</i>)	30 cm
Saithe (<i>Pollachius virens</i>)	35 cm
Pollack (<i>Pollachius pollachius</i>)	30 cm
Hake (<i>Merluccius merluccius</i>)	27 cm
Megrim (<i>Lepidorhombus</i> spp.)	20 cm
Sole (<i>Solea</i> spp.)	24 cm
Plaice (<i>Pleuronectes platessa</i>)	27 cm
Whiting (<i>Merlangius merlangus</i>)	27 cm
Ling (<i>Molva molva</i>)	63 cm
Blue ling (<i>Molva dypterygia</i>)	70 cm
Norway lobster (<i>Nephrops norvegicus</i>)	Total length 70 mm, Carapace length 20 mm
Norway Lobster tails	37 mm
Mackerel (<i>Scomber</i> spp.)	20 cm
Herring (<i>Clupea harengus</i>)	20 cm
Horse mackerel (<i>Trachurus</i> spp.)	15 cm ¹
Anchovy (<i>Engraulis encrasicolus</i>)	12 cm or 90 individuals per kilo ²
Bass (<i>Dicentrarchus labrax</i>)	42 cm
Sardine (<i>Sardina pilchardus</i>)	11 cm
Red sea-bream (<i>Pagrus bogaraveo</i>)	33 cm
Lobster (<i>Homarus gammarus</i>)	87 mm
Spirax spider crab (<i>Maisa squinado</i>)	120 mm
Queen scallop (<i>Chlamys</i> spp.)	40 mm

Grooved carpetshell (<i>Ruditapes decussata</i>)	40 mm
Carpetshell (<i>Veneropsis pullastra</i>)	38 mm
Short-necked clam (<i>Veneropsis philippinarum</i>)	35 mm
Clam (<i>Venus verrucosa</i>)	40 mm
Hard clam (<i>Callinix obione</i>)	6 cm
Razor clam (<i>Ensis</i> spp.)	10 cm
Surf clams (<i>Spisula solidula</i>)	25 mm
Donax clams (<i>Donax</i> spp.)	25 mm
Bean sole (<i>Parus legumen</i>)	65 mm
Whelk (<i>Buccinum undatum</i>)	45 mm
Octopus (<i>Octopus vulgaris</i>)	750 grams ³
Crawfish (<i>Palinurus</i> spp.)	95 mm
Deepwater rose shrimp (<i>Parapenaeus longirostris</i>)	22mm (carapace length)
Edible crab (<i>Cancer pagurus</i>)	140 mm (Regions 1 and 2 North of 56° N, ICES Division VII d, e, f) ⁴
Scallop (<i>Pecten maximus</i>)	100 mm

¹ No minimum conservation reference size shall apply to horse mackerel (*Trachurus picturatus*) caught in waters adjacent to the Azores islands and under the sovereignty or jurisdiction of Portugal.

² In ICES IX and CECAF area 34.1.2 a minimum conservation reference size of 9 cm shall apply.

³ In all waters in that part of the eastern central Atlantic comprising divisions 34.1.1, 34.1.2 and 34.1.3 and sub-area 34.2.0 of fishing zone 34 of the CECAF region a gatted weight of 450 grammes shall apply.

⁴ In Union waters in ICES sub-areas VIII and IX a minimum conservation reference size of 130 mm shall apply.

⁵ For edible crabs caught in pots or creels, a maximum of 1% by weight of the total catch of edible crab may consist of detached claws. For edible crabs caught with any other fishing gear, a maximum of 75kg of detached crab claws may be landed.

Part B

Mesh sizes

1. Baseline mesh sizes for towed gears

The following codend mesh sizes shall apply in South Western waters.

Codend Mesh Size	Geographical Areas	Conditions



At least 100mm	Whole area	None
At least 70mm	Whole area	Directed fishing for <i>Nephrops norvegicus</i> . A square mesh of at least 100mm or equivalent selectivity device shall be fitted.
At least 65mm	ICES sub-area X; CECAF Divisions 34.1.1, 34.1.2, 34.1.3 and sub-area 34.2.0 of fishing zone 34	None
At least 55mm	Whole area	Directed fishing for species not covered by catch limits or red sea bream
At least 55mm	ICES division IXa east of longitude 7°23'48"W	Directed fishing for crustaceans
At least 16mm	Whole area	Directed fishing for small pelagic species

2. Baseline mesh sizes for static nets

The following mesh sizes for static nets shall apply in South Western waters.

Mesh Size	Geographical Area	Conditions
At least 100mm	Whole area	None
At least 80mm	Whole area	Directed fishing for species not subject to catch limits
At least 50mm	Whole area	Directed fishing for small pelagic species

Part C

Closed or restricted areas

1. Closed area for the conservation of hake in ICES division IXa

Fishing with any trawl, Danish seine or similar towed net shall be prohibited within the geographical areas enclosed by sequentially joining with rhumb lines the following coordinates, measured according to the WGS84 system:

- (a) from 1 October to 31 January in the following year, within the geographical area bounded by straight lines sequentially joining the following coordinates:
- 43°46,5'N, 07°54,4'W
 - 44°01,5'N, 07°54,4'W
 - 43°25,0'N, 09°12,0'W
 - 43°10,0'N, 09°12,0'W

- (b) from 1 December to the last day of February in the following year, within the geographical area bounded by straight lines sequentially joining the following coordinates:
- a point on the west coast of Portugal at 37°50'N
 - 37°50'N, 09°08'W
 - 37°00'N, 9°07'W
 - a point on the west coast of Portugal at 37°00'N

2. Closed areas for the conservation of Norway lobster in ICES division IXa

2.1. Directed fishing for Norway lobster (*Nephrops norvegicus*) with any bottom trawl, Danish seine or similar towed net or with creels shall be prohibited, within the geographical areas enclosed by sequentially joining with rhumb lines the following coordinates, measured according to the WGS84 system:

- (a) from 1 June to 31 August:
- 42°23' N, 08°57' W
 - 42°00' N, 08°57' W
 - 42°00' N, 09°14' W
 - 42°04' N, 09°14' W
 - 42°09' N, 09°09' W
 - 42°12' N, 09°09' W
 - 42°23' N, 09°15' W
 - 42°23' N, 08°57' W

- (b) from 1 May to 31 August:
- 37°45' N, 09°00' W
 - 38°10' N, 09°00' W
 - 38°10' N, 09°15' W
 - 37°45' N, 09°20' W

2.2. It shall be permitted to fish with bottom trawls or similar towed nets or creels in the geographical areas and during the period as described in point 2.1(b) provided that all bycatches of Norway lobster (*Nephrops norvegicus*) shall be landed and counted against quotas.

2.3. Directed fishing for Norway lobster (*Nephrops norvegicus*) in the geographical areas and outside the periods referred to in point 2.1, shall be prohibited. Bycatches of Norway lobster (*Nephrops norvegicus*) shall be landed and counted against quotas.

3. Restrictions on directed fishing for anchovy in ICES division VIIIc

3.1. Directed fishing for anchovy using pelagic trawls in ICES division VIIIc shall be prohibited.

3.2. The carrying on board of pelagic trawls and purse seines simultaneously within ICES division VIIIc shall be prohibited.



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4. Use of static nets in ICES sub-areas VIII, IX, X, and XII east of 27°W

4.1. It shall be permitted to use the following gears in waters with a charted depth of less than 600 metres:

- Bottom set gillnets used for directed fishing for hake of a mesh size of at least 100mm and no more than 100 meshes deep, where the total length of all nets deployed does not exceed 25km per vessel and the maximum soak time is 24 hours.
- Entangling nets used for directed fishing for anglerfish of a mesh size of at least 250mm and no more than 15 meshes deep, where the total length of all nets deployed does not exceed 100km and the maximum soak time is 72 hours.
- Trammel nets in ICES sub-area IX used for directed fishing for anglerfish of a mesh size of at least 220mm and no more than 30 meshes deep, where the total length of nets deployed does not exceed 20km per vessel and the maximum soak time is 72 hours.

4.2. Directed fishing for deepwater sharks as listed in Annex I of Regulation (EC) No 2347/2002 in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks shall be retained on board. Such catches shall be landed and counted against quotas. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations as described in point 1.

Part D

Mitigation measures for sensitive species

1. Measures to reduce incidental catches of cetaceans in ICES sub-areas VIII and IXa

1.1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in ICES sub area VIII and division IXa, without the simultaneous use of active acoustic deterrent devices.

1.2. Point 1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.

1.3. Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation devices as described in point 1.1 in the fisheries and areas concerned.

2. Measures to reduce incidental catches of seabirds in ICES sub-areas VIIIa and b

Vessels fishing with longlines in ICES sub-areas VIIIa and b shall use at least two of the following mitigation measures: bird scaring lines, weighted lines, setting the longline gear during the hours of darkness with the minimum of deck lighting necessary for safety.

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