



**WG1: A first reading of the
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL ON TECHNICAL MEASURES
P8_TA-PROV(2019)0381**

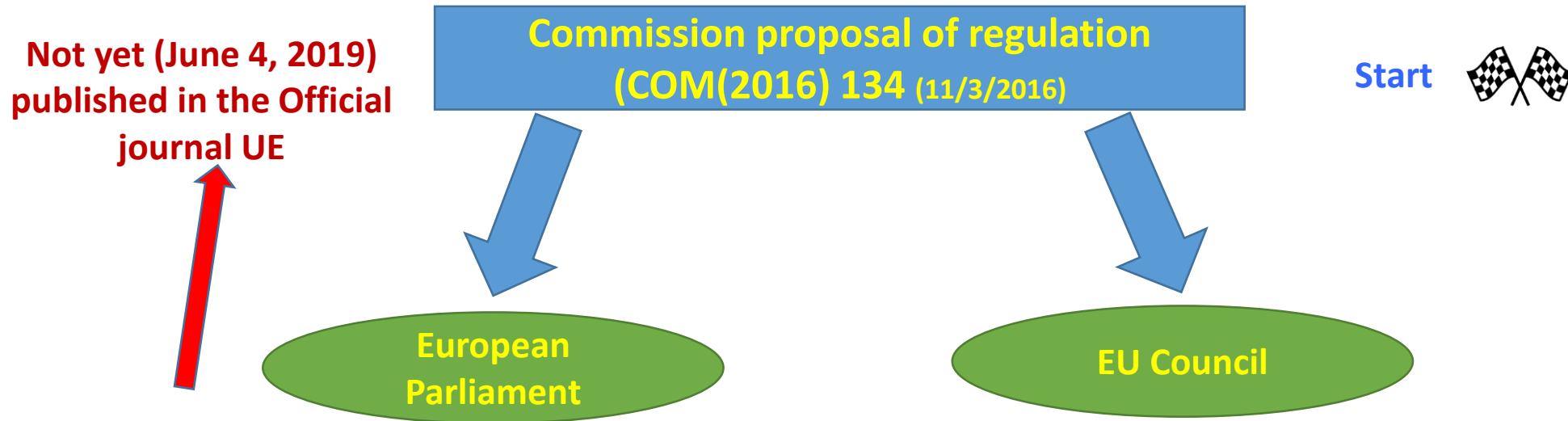
Aspects of interest for the MEDAC

Study document proposed by the coordinator - Gian Ludovico Ceccaroni

Thessaloniki, June 4, 2019

REGULATION ON TECHNICAL MEASURES

Ordinary Legislative Procedure



Due to the complexity and technicality of the proposal, examinations and debates have been lengthy, both in the Council and in the European Parliament.

Approved in plenary on 16 April 2019 by 571 votes to 60 and 20 abstentions

End



It will enter into force on the 20th day after its publication in the Official Journal of the European Union.

Reasons for the EC proposal

Generally speaking current TMs have several problems

- ❖ Too many regulations → > 30 in the framework of the CFP
- ❖ Regulatory structure for technical measures highly complex and disjointed
- ❖ Current TM «largely not delivered» on the objectives on the conservation and sustainable exploitation of fisheries resources of the previous CFP (Reg. 2371/2002)
- ❖ General perception: complex and ineffective rules; inflexible governance structure

Retrospective study in support of the development of a new TM framework within a reformed CFP
(MRAG 2014)

NEW TM SCHEME

General Provisions

General Provisions – Art. 1-6

- Scope
- Overarching and objectives
- Targets → expressed in terms of levels of unwanted catches (5%vol); thresholds for bycatches of sensitive species; and reduction in the extent of the seabed affected by fishing. (COM proposal definition) see next Slide
- Definition of fishing zones
- Definitions: fishing gears and fishing operations

Art.4: TARGETS

- 1. Technical measures shall aim to ensure that:**
 - 1. catches of marine species below the minimum conservation reference size are reduced as far as possible**
 - 2. incidental catches of marine mammals, marine reptiles, seabirds and other non-commercially exploited species do not exceed levels provided for in Union legislation**
 - 3. the environmental impacts of fishing activities on seabed habitats are in line with point (j) of Article 2(5) of Regulation (EU) No 1380/2013.**
- 2. The extent to which progress was made towards those targets shall be reviewed as part of the reporting process set out in Article 31.**

NEW TM scheme

Common Technical Measures (art.7-14)

CHAPTER II → 5 Sections

- ✓ SECTION 1: Prohibited Fishing Gear And uses
- ✓ SECTION 2: General Restrictions On Gear And Conditions For Their Use
- ✓ SECTION 3 :Protection Of Sensitive Species And Habitats
- ✓ SECTION 4: Minimum Conservation Reference Sizes
- ✓ SECTION 5: Measures To Reduce Discarding

NEW TM scheme

Regionalization (art.15-24)

CHAPTER III Regional technical measures

- ❖ Species and size selectivity of fishing gear
- ❖ Closed or restricted areas to protect juveniles and spawning aggregations (NO MED)
- ❖ Minimum conservation reference sizes
- ❖ Real-time closures and moving-on provisions
- ❖ Innovative fishing gear
- ❖ Nature conservation measures
- ❖ Regional measures under temporary discard plans
- ❖ Pilot projects on full documentation of catches and discards
- ❖ Implementing Acts

Regionalization - Art. 15

For **regional specificities** of the fisheries, the Commission is empowered to adopt delegated acts in accordance with Article 29 of this Regulation **and Article 18 of Regulation (EU) No 1380/2013** in order to **amend, supplement, repeal or derogate** from the technical measures set out in the **Annexes, including when implementing the landing obligation in the context of Article 15(5) and (6) of Regulation (EU) No 1380/2013**. The Commission shall adopt such delegated acts on the basis of a joint recommendation submitted in accordance with Article 18 of Reg1380/2013.

3. Member States having a direct management interest may submit joint recommendations for the first time **not later than 24 months, and thereafter 18 months, after** each submission of the report referred to in Article 31(1) of this Regulation.

 **First report by 31 December 2020 and every three year thereafter**

NEW TM scheme

Regionalization (art.15-24)

The technical measures adopted by regionalization shall:

- a) aim at achieving the objectives and targets;
- b) aim at achieving the objectives and comply with the conditions set out in other relevant Union acts adopted in the area of the CFP, in particular in the multiannual plans referred to in Articles 9 and 10 of Reg.1380/13
- c) be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013;
- d) As a minimum, lead to such benefits for the conservation of marine biological resources that are at least equivalent, in particular in terms of exploitation patterns and the level of protection provided for sensitive species and habitats, to the measures referred to in paragraph 1. The potential impact of fishing activities on the marine ecosystem shall also be taken into account.

NEW TM scheme

Other issues

- **Chapter IV:** Scientific research, artificial restocking and transplantation of marine species.
- **Chapter V:** *Conditions in relation to mesh size – (Not Mediterranean)*
- **Chapter VI:** *Technical measures in the NEAFC area – (Not Mediterranean)*
- **Chapter VII: Procedural Provisions - exercise of delegation**
- **Chapter VIII: Final Provisions: Review and reporting; amendments and repeals**
- **Annexes – Baseline measures by sea basin, to apply in the absence of measures being put in place regionally.**

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON TECHNICAL MEASURES



Now we wonder, as 2 years ago:

Does the regulation on TM meet with shared objectives?

**To answer we need to read the regulation aiming the attention on
measures for Mediterranean basin**

Reg. 1967/06 and TM regulation differences

Subject matter

Reg. 1967/06

Article 1: Scope

This Regulation shall apply:

- (a) to the conservation, management and exploitation of living aquatic resources where such activities are pursued (i) in the maritime waters of the Mediterranean Sea to the east of the line 5°36' W falling under the sovereignty or jurisdiction of Member States; (ii) by Community fishing vessels in the Mediterranean Sea outside the waters referred to in (i); (iii) by nationals of Member States, without prejudice to the primary responsibility of the flag State, in the Mediterranean Sea, outside the waters referred to in (i); and
- (b) to marketing of fishery products caught in the Mediterranean Sea.

This Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations, which are carried out with the permission and under the authority of the Member State or Member States concerned.

New TM Regulation

Article 1: Subject matter

This Regulation lays down technical measures concerning:

- (a) the taking and landing of marine biological resources;
- (b) the operation of fishing gear;
- (c) the interaction of fishing activities with marine ecosystems.

Reg. 1967/06 and TM regulation differences – Subject matter/2

Reg. 1967/06

Contained in article 1

Article 7

Prohibited fishing gear and methods

Article 10

Prohibited fish and shellfish species

Article 11

Catches of marine mammals, seabirds and marine reptiles

Article 12

Protection for sensitive habitats including vulnerable marine ecosystems

TM Proposal

Article 2: Scope

This Regulation shall apply to activities pursued by Union fishing vessels and nationals of Member States, without prejudice to the primary responsibility of the flag State, in the fishing zones referred to in Article 5, as well as by fishing vessels flying the flag of, and registered in, third countries when fishing in Union waters.

2. **Articles 7, 10, 11 and 12 shall also apply to recreational fishing.** In cases where recreational fishing has a significant impact in a particular region, the Commission is empowered to adopt delegated acts pursuant to Article 15
3. 3. Subject to the conditions set out in Articles 25 and 26, the technical measures set out in this Regulation shall not apply to fishing operations conducted solely for the purpose of:
 - (a) scientific investigations; and
 - (b) direct restocking or transplantation of marine species.

Reg. 1967/06 and TM regulation differences

Prohibited fishing gears and methods



Reg. 1967/06

Article 8.

Prohibited fishing gears and practices

8.1 The following shall not be used for fishing or kept on board:

- (a) toxic, soporific or corrosive substances,
- (b) electric shock generators,
- (c) explosives,
- (d) substances that can explode if mixed, **Removed**
- (e) towed devices for harvesting red coral or other type of corals or coral-like organisms,
- (f) pneumatic hammers or other percussive instruments for the collection, in particular, of bivalve molluscs digging within the rocks, **Removed**
- (g) St Andrew's cross and similar grabs for harvesting, in particular, red coral or other type of corals or coral-like organisms,
- (h) panels of netting smaller than 40mm mesh size opening for bottom trawlers. **Removed**

8.4. Spear-guns prohibited if used in conjunction with underwater breathing apparatus (aqualung) or at night from sunset to dawn.

TM Regulation

Article 7

Prohibited fishing gear and methods

1. It shall be prohibited to catch or harvest marine species using the following methods:

- (a) toxic, stupefying or corrosive substances;
- (b) electric current except for the electric pulse trawl, which shall only be allowed under the specific provisions of Part D of Annex V;
- (c) explosives;
- (d) pneumatic hammers or other percussive instruments;
- (e) towed devices for harvesting red coral or other type of corals or coral-like organisms;
- (f) St Andrew's cross and similar grabs for harvesting, in particular, red coral or other type of corals and coral-like species;
- (g) any type of projectile, with the exception of those used to kill caged or trapped tuna and of handheld spears and spear guns used in recreational fishing without an aqualung, from dawn until dusk;

Reg. 1967/06 and TM regulation differences

General restrictions on the use of static nets and driftnets



Reg. 1967/06

Article 8.

Prohibited fishing gears and practices

8.2. Bottom-set nets shall not be used to catch the following species: albacore (*Thunnus alalunga*), bluefin tuna (*Thunnus thynnus*), swordfish (*Xiphias gladius*), ray's bream (*Brama brama*), sharks (*Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carcharhinidae*; *Sphyrnidae*; *Isuridae* and *Lamnidae*).

By way of derogation, accidental by-catches of no more than three specimens of the shark species referred to in the first subparagraph above may be retained on board or landed provided that they are not protected species under Union law.

TM Regulation

Article 9

General restrictions on the use of static nets and driftnets

9. 4 It shall be prohibited to use bottom-set gillnets, entangling nets and trammel nets to catch the following species:

- (a) Albacore (*Thunnus alalunga*),
- (b) Bluefin tuna (*Thunnus thynnus*),
- (c) Ray's bream (*Brama brama*),
- (d) Swordfish (*Xiphias gladius*),

(e) Sharks belonging to the following species or families *Hexanchus griseus*; *Cetorhinus maximus*; all species of *Alopiidae*; *Carcharhinidae*; *Sphymidae*; *Isuridae*; *Lamnidae*.

9.5 By way of derogation from paragraph 4, incidental catches in the Mediterranean Sea of no more than three specimens of the shark species referred to in that paragraph may be retained on board or landed provided that they are not protected species under Union law. → (New: not in COM proposal)

Reg. 1967/06 and TM regulation differences

General restrictions on the use of static nets and driftnets

Reg. 1967/06

No prohibition

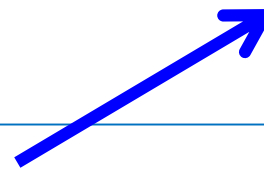
TM Regulation

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

9.6 It shall be prohibited to deploy any bottom set gillnet, entangling net and trammel net at any position where the charted depth is greater than **200 m**. (New: COM → 600m)

9.7 Notwithstanding paragraph 6 of this Article:

- (a) *specific derogations as set out in point 6 of Part C of Annex V, point 9 of Part C of Annex VI and point 4 of Part C of Annex VII shall apply where the charted depth is between 200 and 600 m;*
- (b) the deployment of bottom set gillnets, entangling nets and trammel nets at any position where the charted depth is greater than 200 m **shall be allowed in the Mediterranean Sea**. (New: Not in COM)



Reg. 1967/06 and TM regulation differences

Ex art. 16 of TM COM Proposal

High grading and slipping : **NOT IN THE FINAL REGULATION**

Article 16

Prohibition of high grading and slipping

1. The practices of high grading and slipping shall be prohibited.
2. Paragraph 1 shall not apply to catches of species which are exempted from the application of the landing obligation in accordance with Article 15(4) of Regulation (EU) No 1380/2013.

Art. 15.4 of Reg. 1380/13:

- [(a) species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the CFP;
- (b) species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem;
- (c) catches falling under de minimis exemptions;
- (d) fish which shows damage caused by predators].

Reg. 1967/06 and TM regulation differences

Scientific research

Reg. 1967/06

No limitation to use for human consumption

TM Proposal

Art. 25

2. Marine species caught for the purposes specified in paragraph 1 of this Article may be sold, stored, displayed or offered for sale, provided that they are counted against quotas in accordance with Article 33(6) of Regulation (EC) No 1224/2009, where applicable, and:

(a) they meet the minimum conservation reference sizes set out in Annexes IV to X to this Regulation; or

(b) **they are sold for purposes other than direct human consumption.**

Reg. 1967/06 and TM regulation differences

ANNEX IX.A - Mediterranean Sea

REPEATED

Reg. 1967/06 – Art. 15.3

15.3. Paragraph 1a shall not apply to **fries of sardine landed for human consumption** if caught by boat seines or shore seines and authorised in accordance with national provisions established in a management plan as referred to in Article 19, **provided that the stock of sardine concerned is within safe biological limits.**

TM Proposal

Footnote 4. This minimum conservation reference size shall not apply to fries of sardine landed for human consumption if caught by boat seines or shore seines and authorised in accordance with national provisions established in a management plan as referred to in Article 19 of Regulation (EC) No 1967/2006, provided that the stock of sardine concerned is within safe biological limits.

Today fishing for fry of small pelagic stocks is prohibited with all fishing gears only in Adriatic in GSA 17 and GSA 18. (From GFCM 2013/37/1 Rec.)

Reg. 1967/06 and TM regulation differences

ANNEX IX.B - Mediterranean Sea

1. Baseline mesh sizes for towed gear

The following ■ mesh sizes shall apply in the Mediterranean Sea.

■ Mesh Size ¹	Geographical Areas	Conditions
At least 40 mm square mesh codend ²	Whole area	A diamond mesh codend of 50 mm ² may be used as an alternative to the 40 mm square mesh cod end at the duly justified request of the vessel owner
At least 20 mm	Whole area	Directed fishing for sardine and anchovy
■	■	■

¹ It shall be prohibited to use netting with a twine thickness greater than 3 mm or with multiple twines; or netting with a twine thickness of greater than 6 mm in any part of a bottom trawl.

² Only one type of net (either 40 mm square mesh or 50 mm diamond mesh) is allowed to be kept on board or deployed.



See
Medac position

Reg. 1967/06 and TM regulation differences

ANNEX IX.B - Mediterranean Sea

What in Reg. 1967/06?

Art.9.4.

For trawl nets targeting **sardine and anchovy**, where these species account **for at least 80 % of the catch in live weight after sorting, the minimum mesh size shall be 20 mm.**

Art. 9.5.

For **surrounding nets** the **minimum mesh size shall be 14 mm.**

TM Regulation

Art.6.1(3):'directed fishing' means fishing effort targeted at a specific species or group of species and **may be further specified at regional level in delegated acts** adopted pursuant to **Article 27(7)** of this Regulation.

Art.27.7: The Commission is empowered to adopt delegated acts pursuant to Article 15 and in accordance with Article 29 in order **to further define the term 'directed fishing' for relevant species in Part B of Annexes V to X and Part A of Annex XI. For this purpose, Member States having a direct management interest in the fisheries concerned shall submit any joint recommendations for the first time not later than ...** [12 months after the date of entry into force of this Regulation].

Reg. 1967/06 and TM regulation differences

ANNEX IX.B - Mediterranean Sea

2. *Baseline mesh size for surrounding nets*

<i>Mesh Size</i>	<i>Geographical Areas</i>	<i>Conditions</i>
<i>At least 14 mm</i>	<i>Whole area</i>	<i>None</i>

Derogations



3. Baseline mesh sizes for static nets

The following mesh sizes for *bottom set gillnets* shall apply in the Mediterranean Sea.

Mesh Size	Geographical Areas	Conditions
At least 16 mm	Whole area	None

4. **Existing derogations from the provisions set out in points 1, 2 and 3 for boat seines and shore seines** which are affected by a management plan as referred to in Article 19 of Regulation (EC) No 1967/2006 and issued within the framework of Article 9 of that Regulation **shall continue to apply unless otherwise determined through Article 15 of this Regulation.**

Reg. 1967/06 and TM regulation differences

ANNEX IX.B - Mediterranean Sea

Reg. 1967/06 - ANNEX II

Requirements relating to the characteristics of fishing gear

4. Bottom-set longline

1. Prohibited to have on board or set more than **1 000 hooks/person** on board within the overall limit of 5 000 hooks/vessel.

2. Derogation : each vessel undertaking fishing trips longer than three days may have on board a maximum number of 7 000 hook

6. Surface-set longline (floating)

It shall be prohibited to have on board or set more than:

1. 2 000 hooks/vessel targeting bluefin tuna (*Thunnus thynnus*);

2. 3 500 hooks/vessel targeting swordfish (*Xyphias gladius*);

3. 5 000 hooks/vessels targeting albacore (*Thunnus alalunga*)

where these species account for at least 70 % of the catch in live weight after sorting.

4. Derogation: each vessel undertaking fishing trips longer than two days may have on board an equivalent number of spare hooks.

TM Proposal

Annex IX - Part C

4. Restrictions on the use of longlines

4.1. It shall be prohibited for vessels fishing with bottom-set longlines to have on board or deploy more than 5000 hooks except for vessels undertaking fishing trips of more than 3 days which may have on board or deploy no more than 7000 hooks.

4.2. It shall be prohibited for vessels fishing with surface-set longlines to have on board or deploy more than the number of hooks per vessel as follows:

- (a) **2 500** hooks when directed fishing for **swordfish**; and
- (b) **5 000** hooks when directed fishing for albacore tuna.

4.3. A vessel undertaking fishing trips longer than 2 days may have on board an equivalent number of spare hooks.

Reg. 1967/06 and TM regulation differences

ANNEX IX.B - Mediterranean Sea

Reg. 1967/06 – Annex II

5. Traps for deep-water crustacean fishery

It shall be prohibited to have on board or set more than 250 traps per vessel.

TM Proposal ANNEX IX Part B

5. Restrictions on the use of pots and creels

It shall be prohibited to have on board or set more than 250 pots or creels per vessel to catch deepwater crustaceans. ~~(including Plesionika spp., Pasiphaea spp. or similar species)~~

Reg. 1967/06 and TM regulation differences

ANNEX IX.B - Mediterranean Sea

Reg. 1967/06

Article 10

Minimum hook size

The use for fishing and the keeping on board of any longlines with hooks of a total length less than **3,95 cm** and of a width less than **1,65 cm** shall be prohibited for any fishing vessel using longlines and landing or having on board a quantity of red sea-bream (*Pagellus bogaraveo*) that constitutes more than **20 % of the catch in live weight after sorting.**

TM Proposal

6. Restrictions on the directed fishing for red sea bream

The directed fishing for red sea bream (*Pagellus bogaraveo*) with the following gear shall be prohibited:

- gillnets, entangling nets or trammel nets having a mesh size of less than 100 mm;
- longlines with hooks of a total length of less than **3,95 cm** and a width of less than **1,65 cm.**

ANNEX XIII

Mitigation measures to reduce incidental catches of sensitive species

Part A Cetaceans

2. Fisheries to be monitored

2.1. Monitoring schemes shall be undertaken on an annual basis and established for vessels flying their flag and with an overall length of 15 m or more to monitor cetacean by-catch, for the fisheries and under the conditions defined below.

→ For Mediterranean Sea: Pelagic trawls (single and pair)

Part B Seabirds

Where the data referred to in point 2 of Part A indicate a level of incidental catches of seabirds in specific fisheries which constitutes a serious threat to the conservation status of those seabirds, Member States shall use bird scaring lines and/or weighted lines, if it is scientifically proven that such use has a conservation benefit in that area, and where practical and beneficial shall set longlines during the hours of darkness with the minimum of deck lighting necessary for safety.

Reg.1967/06 Articles deleted by TM REG.

CHAPTER I: SCOPE AND DEFINITIONS

Article 1: Scope

Article 2: Definitions

CHAPTER II: PROTECTED SPECIES AND HABITATS

Article 3: Protected species DELETED

Article 4: Protected habitats

CHAPTER III: FISHING PROTECTED AREAS

Article 5: Information procedure establishing fishing protected areas

Article 6 Union ◀ fishing protected areas

Article 7: National fishing protected areas

CHAPTER IV: RESTRICTIONS CONCERNING FISHING GEARS

Article 8: Prohibited fishing gears and practices DELETED

Article 9: Minimum mesh sizes DELETED

Article 10: Minimum hook size DELETED

Article 11: Attachments to and rigging of trawl nets DELETED

Article 12: Dimensions of fishing gears DELETED

Article 13: Minimum distances and depths for the use of fishing gears

Article 14: Transitional derogations to the minimum mesh size and minimum distance from the coast for the use of fishing gears DELETED

Article 14a: Procedure for adopting technical measures in the context of discard plans

CHAPTER V: MINIMUM SIZES OF MARINE ORGANISMS

Article 15: Minimum sizes of marine organism DELETED

Article 15a: Procedure for establishing minimum conservation reference sizes in the context of discard plans

Article 16: Direct restocking and transplantation DELETED

CHAPTER VI: NON-COMMERCIAL FISHING

Article 17: Leisure fisheries

CHAPTER VII: MANAGEMENT PLANS

Article 18: Union ◀ -level management plans

Article 19: Management plans for certain fisheries in territorial waters

CHAPTER VIII: CONTROL MEASURES

Article 20: Catch of target species

Article 21: Transshipment

Article 22: Designated ports

Article 23: Monitoring of catches

CHAPTER IX: MEASURES FOR HIGHLY MIGRATORY SPECIES

Article 25: Swordfish fisheries DELETED

CHAPTER X: MEASURES FOR THE WATERS AROUND MALTA

Article 26: The 25-mile management zone around Malta

Article 27: Dolphin fishery

ANNEX 2, 3, 4 DELETED

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