



# 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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2016

# overview

background

impact assessment (Commission staff working documents  
(2016) 56 final & 57 final)

- executive summary of the impact assessment
- impact assessment

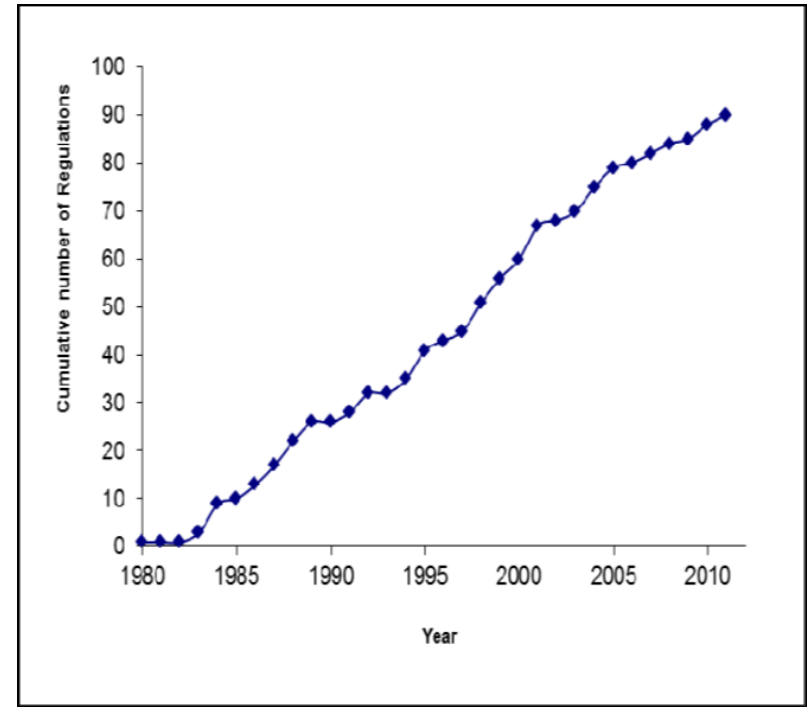
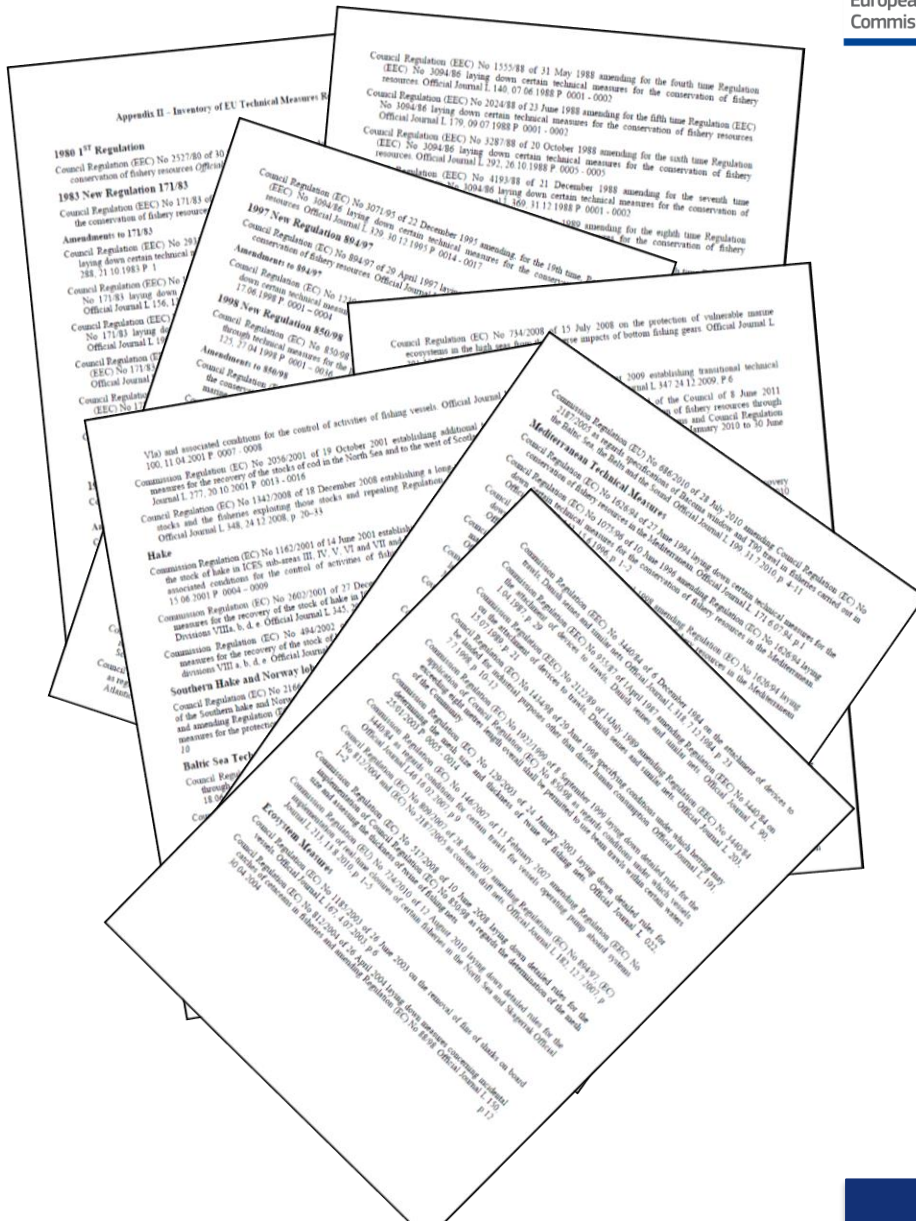
proposal (COM(2016) 134 final)

- main body with recitals, general provisions and regionalization
- annexes including a set of regional annexes



European Commission

# 90 regulations since 1980



# complexity!

*myriad of regulations*

*contradictory*

*disjointed*

*obsolete*

*control & enforcement*

*no objectives or targets*

# impact assessment- the core issues<sup>1</sup>

<sup>1</sup>Impact Assessment (Commission staff Working Documents (2016) 56 Final and 57 Final)

- *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 targets

TCMs part of broader input/output controls

Not possible to disentangle effects

*Little change in discard rates*

## Lack of Incentive

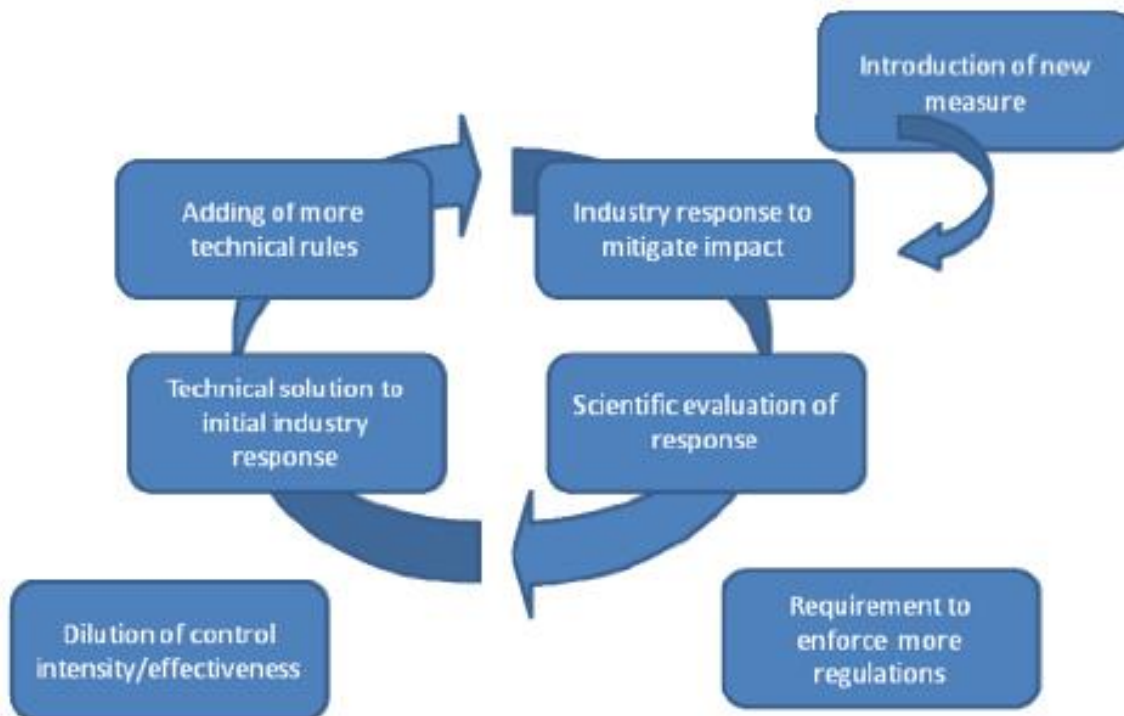
*No internal cost to discarding juveniles (pre-LO)*

*Incentive to mitigate regulations not unwanted catches*

*LO to incentivise minimisation of unwanted catches below Minimum Conservation Reference Size*



# TCM's "*a technological and legislative arms-race*"





European Commission

# 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 meshes

- (a) dividing the length in metres of the net by the mesh size;
- (b) multiplying the result obtained in (a) by 1.5;
- (c) dividing the result obtained in (b) by the diameter in millimetres of the smallest mesh in the net;
- (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

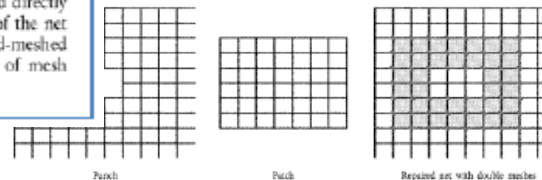
### (a) General conditions

(i) The use of a square mesh BACOMA cut window which has 10% or more meshes repaired shall be prohibited.

(ii) Damaged meshes which have been damaged shall be repaired according to the prescribed method.

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

The damaged meshes in the BACOMA cut window



(i) Clean the hole.

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

(iii) 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.

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

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

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

(vii) 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

# impact assessment: objectives

technical measures contribute to achieving the 2014 CFP objectives:

exploitation rates at MSY by 2020 latest  
reduce unwanted catches/eliminate discards by 2019  
achieve Good Environmental Status under MSFD by 2020

the proposal aims to:

- optimize contribution to 2014 CFP key objectives
- create flexibility to adjust technical measures – facilitate regionalization
- simplify current rules (COM REFIT programme)

# impact assessment: comparing options

	options	baseline scenario	option 1 - consolidation	option 2 framework		option 3 – elimination
				with baselines 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



# proposal for technical measures COM(2016) 134 final - 11 March 2016

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

2016/0074 (COD)

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**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>15</sup>,

Having regard to the opinion of the Committee of the Regions<sup>16</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>17</sup> establishes a Common Fisheries Policy (CFP) for the conservation and sustainable

**ANNEXES**

to the

**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**

{SWD(2016) 56 final}

{SWD(2016) 57 final}

# 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

Mediterran  
-ean

Black Sea



*Thank you for your attention!!!!*