

Conservation of fisheries resources through technical measures: transitional technical measures from 1 January 2010 to 30 June 2011

2008/0112(CNS) - 04/06/2008 - Legislative proposal

PURPOSE: to simplify the rules concerning the conservation of fisheries resources through technical measures.

PROPOSED ACT: Council Regulation.

BACKGROUND: during the 2002 reform of the Common Fisheries Policy, the Commission and Council agreed to implement progressively recovery, management and long-term plans concerning fisheries resources of interest to the Community. Such plans have been established concerning most stocks of cod in Community waters, two stocks of hake, two stocks of nephrops, two stocks of sole as well as stocks of plaice and sole in the North Sea, whereby the conditions laid down in Regulation (EC) No 850/98 have been amended and/or augmented.

In June 2004, under the initiative of the Irish Presidency, the Commission presented a Communication to the Council and the European Parliament: "Promoting more environmentally-friendly fishing methods: the role of technical conservation measures" ([INI/2004/2199](#)). Subsequently, the Council adopted conclusions on 21 June 2004, in which the Council invited the Commission to present a new proposal on technical measures in the Atlantic, to replace Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms. The 2006 – 2008 Action Plan for simplifying and improving the Common Fisheries Policy (the Action Plan), sets out that priority is to be given to simplifying legislation concerning measures for the conservation of fish stocks through technical measures for the protection of juveniles of marine organisms, currently set out in Regulation (EC) No 850/98 after consulting the Member States and the industry.

The simplification of the technical measures governing fisheries on Europe's Atlantic coast is long overdue. Technical measures are a vital tool not only for the conservation of stocks in general, but more specifically in the fight to bring discarding down to the lowest possible level, and to ensure that EU fisheries are environmentally friendly. By proceeding on a regional basis, the Commission will be able to avoid the trap of micro-management, and ensure that the specific measures taken are truly in line with conditions in particular fisheries

CONTENT: this proposal intends to simplify the current regulatory framework concerning the conservation of fisheries resources through technical measures by replacing:

- Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- Council Regulation (EC) No 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).

Council Regulation (EC) No 850/98 embodies the current conditions for Community waters outside the Baltic Sea, the Black Sea and the Mediterranean Sea relating to technical measures for the conservation of

fish stocks by protection of juveniles of marine organisms. The technical measures define mesh sizes and other aspects of the structure of fishing gears, time periods and geographical areas within which defined types of fishing are prohibited or restricted and minimum landing sizes of marine organisms.

In addition, Regulation (EC) No 850/98 has been the subject of 10 amending Regulations not necessarily related to long-term plans. It is necessary to incorporate all of these revised conditions in a comprehensive package of technical measures. This package of technical measures is intended to achieve a broad range of objectives. A key objective is the protection of juvenile fish and an important part of these measures is designed to limit their capture, for example, by measures to improve the selectivity of fishing gear or fixing certain closed seasons/areas. Other measures are intended to protect certain species or ecosystems by limiting fishing effort, for example, by the adoption of closures. The need to reduce discards is also reflected in the adoption of appropriate technical measures. Furthermore, technical measures should be adapted to the context of the establishment of Regional Advisory Councils (RACs). A balance needs to be established between measures which are generally applicable in all areas and measures which are applicable specifically on a regional basis as defined by the Regional Advisory Council (RAC) Areas or in the waters off the coasts of the French departments of Guyana, Martinique, Guadelupe and Reunion that come under the sovereignty or jurisdiction of France.

The objective of this proposal is not to change the level of ambition of the technical conservation measures, for instance by a major shift towards larger mesh sizes. Although the Commission considers that sustainable fishing, particularly for demersal fisheries, calls for a substantial increase in the selectivity of fishing gear, the priority is to establish a new set of simpler, clearer rules. Improvements in selectivity will then be brought about gradually through future amendments of these rules, in parallel with the general improvement in the conservation status of Community fish stocks to be achieved through other elements of conservation policy, such as multi-annual plans. All provisions must be simple, understandable, and controllable and must have a positive effect on the conservation of the species, on the protection of the marine habitats or on the reduction of discards.

The proposal applies to commercial and recreational fishing in all European waters except for the Mediterranean Sea, the Baltic Sea, the Black Sea, and in fisheries for highly migratory fish stocks in all waters, for which specific rules apply. It will bring together most of the existing technical measures in various Community regulations for the Atlantic and the North Sea, although a few measures that are currently in separate regulations will remain separate.

Harmonisation / regionalisation: the Commission believes that a regional approach should be favoured, since this would be more amenable to the involvement of the stakeholders in the process. The involvement of stakeholders is essential because it leads to commitment to the measures and ensure a greater likelihood of compliance of the adopted measures. Such regionalisation would not mean re-nationalisation of the technical measures. The regulation will not alter the balance of competences between the Community and Member States as laid down in Council Regulation (EC) No 2371/2002.

Guiding principles vs. technical or regional rules: the proposed Council Regulation concentrates on measures that would be expected to be permanent. It would also, however, lay down the procedures to be applied when dealing with measures that would be expected to evolve rather quickly and with measures that are very technical. For the latter, the Regulation should favour the application of a procedure for adoption of new rules through comitology procedure. This approach is intended to meet the concern of Member States to reduce or eliminate interim technical measures from the annual TAC and quota regulation, while taking account of the fact that the application of technical measures is very often a matter of urgency.

Evaluation: a common priority for the Member States, the European Parliament and stakeholders is the need to evaluate, before and after their implementation, the consequences of technical measures. The effectiveness of many of the provisions under Regulation (EC) No 850/98 has never been evaluated, and

those measures have remained in force regardless of their value for conservation. A fundamental principle will be that the measures provided for in this Regulation should be evaluated after a certain time to reassess the need for them. Another guiding principle will be that when new and substantial measures are proposed (such as significant increases in mesh sizes), the Commission will carry out, if the data available allow it, a prior evaluation of their likely effects.

Further new measures introduced in this proposal specifically to help cut down on discards, and which would apply throughout the North Sea and North East Atlantic, include:

- provisions for Member States to implement real-time closures of areas where strong concentrations of juveniles are detected for periods of up to 10 days;
- a reduction in the number of species subject to a minimum landing size, to focus on the target species of the fisheries concerned;
- the general application of the Northwest Atlantic Fisheries Organisation (NAFO) rule that, when undersized fish account for more than 10% of the catch of a target species, the vessel must change gear or move on;
- greater flexibility in the application of by-catch rules designed to discourage discarding.