

Conservation of fishery resources through technical measures for the protection of juveniles of marine organisms; herring for industrial purposes

2012/0158(COD) - 21/06/2012 - Legislative proposal

PURPOSE : to update Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: following the entry into force of the Treaty on the Functioning of the European Union (TFEU), **technical conservation measures could no longer be included in the annual Regulation on fishing opportunities on a transitional basis.**

Accordingly, in 2008 the Commission presented a [proposal for a Council Regulation](#) concerning the conservation of fisheries resources through technical measures, intended to replace Regulation (EC) No 850/98 and to provide for permanent implementation of the technical measures laid down in the annual Regulation on fishing opportunities on a transitional basis. However, due to a failure to reach political agreement, this proposal was withdrawn in October 2010.

To ensure that the technical conservation measures contained in Regulation (EC) No 43/2009 fixing for 2009 the fishing opportunities³ would remain in place from 1 January 2010, the Council adopted Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011. That Regulation provided for continuation of those technical measures on a transitional basis for 18 months until 30 June 2011. The measures were further extended for another 18 months under Regulation (EU) No 579/2011.

It is the intention of the Commission to revise Regulation (EC) No 850/98 after and in accordance with the Common Fisheries Policy reform which is currently in the process of negotiation. Thus a new technical measures Regulation cannot be ready for entry into force by 1 January 2013. Consequently, **a solution is needed to ensure that the transitional technical measures are maintained after 31 December 2012, to allow time to develop a new framework for technical measures.**

IMPACT ASSESSMENT: there was no need for consultation of interested parties or for an impact assessment.

In relation to the proposal for a Council Regulation adopted by the Commission in 2008 concerning the conservation of fisheries resources through technical measures, an Impact Assessment was carried out. Most of the measures concerned by the present proposal are existing measures, which were included in the 2008 proposal and therefore covered by the Impact Assessment for that proposal.

LEGAL BASIS: Article 43(2) of the Treaty on the Functioning of the European Union.

CONTENT: the main action is to **avoid a discontinuation of the technical measures in question by the end of 2012** which would have negative consequences for the conservation of the stocks involved as well as impacts on the ecosystem. It will ensure legal certainty for these measures while a new technical measures framework Regulation is being developed as part of the reform of the Common Fisheries Policy.

In addition, on the basis of advice from the Scientific, Technical and Economic Committee for Fisheries (STECF), the Commission proposes to make minor amendments to technical measures in question that are inconsistent with or run contrary to measures contained in Regulation (EC) No 850/98.

Likewise, it is necessary to update existing measures contained in the Regulation (EC) No 43/2009 in accordance with recommendation adopted by the North East Atlantic Fisheries Commission (NEAFC) and also include certain technical measures to reduce the discarding of pelagic species in the North-east Atlantic as agreed with Norway and the Faroe Islands and the EU in 2010 but which have not yet been transposed into EU legislation.

BUDGETARY IMPLICATION: this measure does not involve any additional Union expenditure.