

Conservation of fishery resources and protection of marine ecosystems through technical measures

2016/0074(COD) - 16/01/2018 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 399 votes to 189, with 86 abstentions, **amendments** 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.

The matter was **referred back to the committee responsible** for interinstitutional negotiations.

The main amendments adopted in plenary concern the following issues:

Simplification of rules: Parliament emphasised the need to simplify existing rules, to respect the consultation process of **advisory councils** and to ensure that all objectives on **conservation and sustainability** are fully respected. Before their adoption, the potential economic and social impact of technical measures should be considered.

Contribution to the objectives of the Common Fisheries Policy (CFP): whereas the Commission proposes to rely exclusively on technical measures to achieve the objectives of the CFP, Members considered that technical measures shall only contribute to achieving the objectives of the CFP, namely:

- ensure **sustainable** exploitation patterns to provide protection for juveniles and spawning aggregations of marine species;
- ensure that **incidental catches** of sensitive marine species, in particular those listed under Directives 92/43/EEC and 2009/147/EC, that result from fishing are minimised and where possible eliminated;
- ensure, including by using appropriate incentives, that the **negative environmental impacts** of fishing on marine habitats are minimised and where possible eliminated.

Recreational fisheries can have a significant impact on the marine environment, stocks of fish and other species, and should therefore be subject to technical measures.

Performance indicators: Parliament proposed replacing the term ‘targets’ with ‘performance indicators’ in order to assess whether technical measures contribute to achieving the objectives. In this context, it did not follow the Commission’s proposal to set the 5 % tolerance margin for catches under the minimum size as a target.

Members proposed using performance indicators relating to the **reduction of catches of fish below the minimum conservation reference size** and incidental catches of sensitive species

In order to establish these performance indicators, the Commission may adopt delegated acts to define key fisheries and the levels of such catches that apply to those key fisheries taking into account the best available scientific advice, in particular that of the Scientific, Technical and Economic Committee for Fisheries (STECF).

Innovative fishing gears: Parliament called for a total ban on the use of electric pulse trawls.

Moreover, Members considered that the commercial scale use of innovative fishing gears should not be permitted where scientific assessment indicates that their use will lead to negative direct or cumulative impacts on marine habitats, especially sensitive habitats or non-target species, or compromise the achievement of a good environmental status of marine waters.

Such an assessment shall be based on use of the innovative gear during a trial period which shall be limited to **no more than 5 % of the vessels currently in that metier for a period of at least four years**.

Derogation from the landing obligation: the amended text stipulates that the landing obligation shall apply to all catches of species which are subject to catch limits. However, where specimens of those species are caught and immediately released in recreational fisheries and scientific evidence demonstrates high survival rates for those species, as may be the case for fish caught by recreational fishermen using angling equipment, it should be possible to exclude the fisheries concerned from the landing obligation by applying procedures set out in that Regulation, in particular by adopting measures to that effect under multiannual plans and/or discard plans.

Common technical measures: Members introduced specific rules on:

- the **limitation of catches** of marine mammals, seabirds and reptiles;
- the **prohibition** of the deliberate disturbance, deterioration or destruction of sensitive habitats, breeding sites or resting places of sensitive species;
- the **prohibition of the practice of high grading**;
- the possibility for Member States to carry out **pilot projects** with the aim of exploring methods for the avoidance, minimisation and elimination of unwanted catches.

Regionalisation and reference standards: technical measures shall be established at regional level for the North Sea, North Western waters, South Western waters, Baltic Sea, Mediterranean Sea, Black Sea and the Union waters in the Indian Ocean and the West Atlantic.

Regional measures would include minimum reference sizes as well as closed or restricted areas. However, the provisions on **mesh sizes** set out in Part B of Annexes V to XI shall only apply in so far as, by **18 months** after the date of entry into force of this Regulation, no delegated act has been adopted covering the same subject-matter for the fisheries concerned.

In order to take into account the particularities of a region, Members pointed out that technical measures deviating from regional rules may be adopted as part of a **multiannual fishing plan** or, in the absence of such a plan, through delegated acts of the European Commission.

The Commission may adopt such **delegated acts** also in the absence of a joint recommendation.

Member States may submit **joint recommendations** to this end. Joint recommendations shall be based on the best available scientific evidence.

Members stressed that the process of regionalisation should make it possible to combine effectively the common rules and local situations and situations per zone and that it should not result in a kind of **renationalisation** of the CFP, and it is important that the Advisory Councils should continue to ensure that regionalisation takes place under a Union approach.