

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

2016/0074(COD) - 25/07/2019 - Final act

PURPOSE: to establish new technical measures for the conservation of fishery resources and the protection of marine ecosystems.

LEGISLATIVE ACT: Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 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.

CONTENT: the new Regulation lays down technical measures concerning: (a) the taking and landing of marine biological resources; (b) the operation of fishing gear; and (c) the interaction of fishing activities with marine ecosystems.

General objectives

The technical measures adopted are instruments to facilitate the implementation of the reformed Common Fisheries Policy (CFP), namely:

- fish at levels corresponding to the maximum sustainable yield, to reduce unwanted catches and eliminate discards, and also to contribute to the achievement of good environmental status;
- contribute to the protection of juveniles and spawning aggregations of marine species through the use of selective fishing gear and measures for the avoidance of unwanted catches;
- minimise the impacts of fishing gear on marine ecosystems and in particular on sensitive species and habitats, including where appropriate by using incentives and other measures.

Prohibited fishing gear and methods

Certain destructive fishing gear or methods which use explosives, poison, stupefying substances, electric current, pneumatic hammers or other percussive instruments, towed devices and grabs for harvesting red coral or other type of corals and coral-like species and certain spear-guns, shall be prohibited.

The Regulation prohibits the carrying on board or deployment of one or more driftnets with an individual or total length exceeding 2.5 km.

The use of **electric pulse trawl** shall be prohibited in all EU waters from 1 July 2021. However, it shall remain possible during a transitional period until 30 June 2021 and under certain strict conditions.

Regionalisation of technical measures

When developing joint recommendations in relation to the protection of sensitive species and habitats, regional groups of Member States should be allowed to develop additional mitigation measures to reduce the impacts of fishing on such species and habitats. Such regional technical measures should as a

minimum lead to such benefits for the conservation of marine biological resources that are at least equivalent to the ones provided by the baseline standards, in particular in terms of exploitation patterns and the level of protection provided for sensitive species and habitats.

On the basis of an assessment of the impacts of innovative gear, the use, or extending the use, of such innovative gear could be included as an option in joint recommendations from regional groups of Member States. The use of innovative fishing gear should not be permitted where scientific assessment indicates that their use would lead to significant negative impacts on sensitive habitats and non-target species.

Similarly, Member States shall have other tools at their disposal, such as the introduction of real-time closures and restrictions on the construction and use of certain fishing gear, in order to improve selectivity and environmental protection under certain conditions. A list of prohibited species that fishermen shall not be able to catch is also established.

The Commission shall be empowered to adopt delegated acts to complement the Regulation by defining pilot projects to develop a comprehensive catch and discard documentation system based on general and specific measurable objectives for results-based fisheries management.

Scientific research

In order not to hinder scientific research or direct restocking and transplantation, the technical measures provided for in this Regulation shall not apply to operations which may be necessary for conducting such activities. In particular, where fishing operations for the purposes of scientific research require such a derogation from the technical measures under this Regulation, they shall be subject to appropriate conditions.

The report shall also refer to advice from ICES on the progress that has been made, or impact arising from innovative gear. The report shall draw conclusions about the benefits for, or negative effects on, marine ecosystems, sensitive habitats and selectivity.

ENTRY INTO FORCE: 14.8.2019.