

Technical Measures Report (Art 31.1. of EU Regulation 2019/1241) NWWAC reply to questionnaire (Ares(2020)7500428) 12 February 2021

1. Even though the Regulation on Technical Measures has only entered into force recently, the Advisory Council's views are welcome on whether technical measures both at regional level and at Union level have contributed to achieving the objectives set out in Article 3 and reaching the targets set out in Article 4 of that Regulation.

While the NWWAC welcomes this initiative from the Commission, it is the opinion of its member that it is too soon to fully evaluate to which extent the measures implemented have contributed to the achievement of the Regulation objectives and targets. Generally, the NWWAC see a value in first discussing the specific items internally, aiming at reaching a consensus point of view.

2. Does the Advisory Council consider that the list in Annex I (Prohibited species) is adequate? If not, what should be amended? (please provide a brief explanation)

Whilst the NWWAC has produced advice on ETP listings in the TAC and Quota regulations¹, Annex I of the TMR has not (yet) been assessed.

3. Does the Advisory Council consider that the measures in place are adequate to ensure that species referred to in Art 11 are not harmed and promptly released?

The NWWAC advice on incidental cetaceans bycatch in the North Western Waters² recommends that the fishing industry should be provided with best practice information regarding returning to sea any incidentally caught ETP species.

4. Has the Advisory Council been involved in any scientific research envisaging the use of accidentally caught marine mammals, seabirds?

It is not clear what the question means with "the use of accidentally caught marine mammals and seabirds", but generally the NWWAC has not been involved in any research on these species.

5. Is the Advisory Council aware of any mitigation measures or restrictions on the use of certain gear that Member States have put in place aimed at minimising or where possible eliminating the catches of mammals, seabirds and marine turtles?

The NWWAC was made aware of the combined Joint Recommendation prepared by the North and South Western Waters Member States Groups for cetaceans bycatch in the Bay of Biscay and the actions suggested therein around knowledge improvement on interactions between fishing activity and marine mammal populations, around reporting of incidental catches and around acoustic deterrent.

6. Is the Advisory Council involved in any proposal to amend Annex II (Closed areas for protection of sensitive habitats)? If so, please provide a brief explanation.

No, the NWWAC is not involved in such proposal.

¹ [NWWAC NSAC advice prohibited species EN.pdf](#)

² [NWWAC advice incidental cetaceans bycatch in the NWW EN.pdf](#)

7. Is the Advisory Council involved in any pilot project for the avoidance of unwanted catches? If so, please provide a brief explanation.

No, unlike many of its members, the NWWAC itself is not involved in any such pilot project.

8. Does the Advisory Council consider there is a need for additional closed or restricted areas other than in Part C of Annexes V to VIII and X and Part B of Annex XI to protect juveniles and spawning aggregations? If so, provide a brief explanation.

The NWWAC has not identified a need for additions to the closed or restricted areas included in Part C of Annex VI. However, in respect of other regulations containing to such areas, the NWWAC 2020 Fishing Opportunities 2021 advice³ contains a recommendation to consider measures to protect nursery areas in 7d as implemented by France elsewhere in 7d.

9. Does the Advisory Council consider the current minimum conservation reference sizes for commercial species as in Part A of Annexes V to X adequate? If not, please provide a brief explanation why not and whether the Advisory Council sees a need to amend established sizes or introduce additional ones.

In the NWWAC 2020 Fishing Opportunities 2021 advice², an initiative to increase the MCRS for sole to 25 centimetres is mentioned.

10. Does the Advisory Council consider there is a need to align the minimum conservation reference size between recreational fisheries and commercial fisheries? If so, please provide a brief explanation.

This topic has not been considered in the recent work of the NWWAC, which is thus not in the position to answer to this question.

11. Does the Advisory Council consider there is a need for real-time closures and moving-on provisions? If so, please provide a brief explanation.

Overall, in its 2020 advice on choke risk in the NWW after exemptions⁴, the NWWAC recommends that priority should be given to avoidance measures that aim at unwanted fish not entering the gear in the first place. This could include spatial closures, real-time closures, mandatory move-on rules and gear modifications, which allow unwanted fish to escape as early as possible throughout the capture process to maximise survival.

The same advice, additional measures for contributing to mitigating choke for cod and whiting in 6a includes accelerating the introduction of technical measures in directed demersal fisheries including spatial and temporal closures.

12. Does the Advisory Council consider there is a need to adopt measures regarding innovative fishing gear, taking into account the recent ICES advice on innovative gear? If so, please provide a brief explanation.

This topic has not been considered in the recent work of the NWWAC, which is thus not in the position to answer to this question. However, the AC believes it is an important topic and plans to discuss it for future

³ [NWWAC Advice Consultation Fishing Opportunities 2021.pdf](#)

⁴ [NWWAC Advice Addressing Choke Risk 2020.pdf](#)

work. The members of this AC really value selectivity and are willing to examine all the research and technological developments in this field, including those reported in the abovementioned ICES advice.

13. Does the Advisory Council consider there is a need for additional technical nature conservation measures for the protection of sensitive habitats? If so, which measures for which habitats?

This topic has not been considered in the recent work of the NWWAC, which is thus not in the position to answer to this question.

14. Does the Advisory Council consider there is a need for additional technical nature conservation measures for the protection of sensitive species? If so, which measures for which species?

The NWWAC advice on incidental cetaceans bycatch in the North Western Waters suggests considering spatial/temporal closures, assuming that the responsible fleets could be identified reliably and that the state of common dolphin population needs such drastic measures. These must be based on scientific evidence.

15. Does the Advisory Council consider there is a need for the establishment of pilot projects to develop a system of full documentation of catches and discards based on measurable objectives and targets, for the purpose of a results-based management of fisheries?

The NWWAC is addressing this topic in a Control Focus Group, for which the work to draft advice is in process.

16. Does the Advisory Council consider there is a need for additional measures in relation to species and size selectivity of fishing gear and mesh size specifications? If so, why and how?

Overall, in its 2020 advice on choke risk, the NWWAC recommends to first assess the results of the current technical measures in place and their effectiveness in improving selectivity prior to considering additional measures.

In a letter⁵ sent on 21 April 2020, the NWWAC asks that the Commission requests STECF to evaluate the current technical measures in place in the Irish Sea taking into account the results from the BIM and the Northern Ireland gear trials and to identify those gears which are most successful at eliminating whiting below MCRS in the Nephrops fisheries in the Irish Sea (Area 7a).

The NWWAC considers its advice on Directed Fisheries Definitions⁶ relevant when addressing this topic.

17. Is the Advisory Council involved in the preparation of a Joint Recommendation in order to further define the term 'directed fishing' for relevant species in Part B of Annexes V to X and Part A of Annex XI? If so, please describe.

The NWWAC prepared a document⁶ providing views and to highlight issues to the NWW Member States Group on the development of their joint recommendation on the definition of "directed fishing". The paper was sent to the MSG and to the COM on 13 August 2020.

⁵ [NWWAC Letter Whiting Irish Sea 04-2020.pdf](#)

⁶ [Final NWWAC views&issues directed fishing_EN.pdf](#)

18. Does the Advisory Council consider that additional regional mitigation measures are needed for the reduction of incidental catches for sensitive species? If so, what measures?

In the NWWAC advice on incidental cetaceans bycatch in the North Western Waters, members point out that careful consideration may be given to spatial/temporal closures assuming that the responsible fleets could be identified reliably and that the state of common dolphin population needs such drastic measures. These must be based on scientific evidence.

19. Does the Advisory Council consider there is a need for additional steps to collect scientific data on incidental catches of sensitive species as set out in Annex XIII? If so, why and what steps?

The NWWAC advice on incidental cetaceans bycatch in the North Western Waters mentions a lack of specific data on cetaceans movements in the North Western Waters and proposes a set of recommendations in this regard.

20. Does the Advisory Council consider there is a need for additional steps to sufficiently monitor and assess the effectiveness of mitigation measures as set out in Annex XIII? If so, why and what steps?

This topic has not been considered in the recent work of the NWWAC, which is thus not in the position to answer to this question.

21. Has the Advisory Council identified difficulties in the implementation of the Technical Measures Regulation? If so, please indicate the relevant Article(s) and the difficulties encountered.

In a letter⁷ sent on 8 May 2020 to Mr Friess, the NWWAC had expressed the difficulties caused by the Covid-19 health crisis to the work of the AC, obstructing members' ability to continue contributing to current advice drafting processes, and in particular regarding the preparation of proposals on remedial measures for Celtic Sea cod and whiting stocks as identified in Article 13 of Council Regulation 2020/123.

In this letter, the NWWAC's industry members were asking for a postponement of the implementation of new technical measures, considering that the possibilities to act upon new technical measures were substantially reduced during these times in which suppliers and fishermen are hampered by reduced activities under the current corona-crisis production and market situation.

On the other hand, members of the NWWAC Other Interest Group, while expressing their understanding for the difficulties the fisheries sector was experiencing, highlighted that effective remedial measures are crucial for the recovery of Celtic Sea cod and whiting and for the continuation of the mixed fishery. Therefore, OIG members did not support delays in the implementation of such measures.

⁷ [NWWAC Letter Article 13 May-2020 EN.pdf](#)