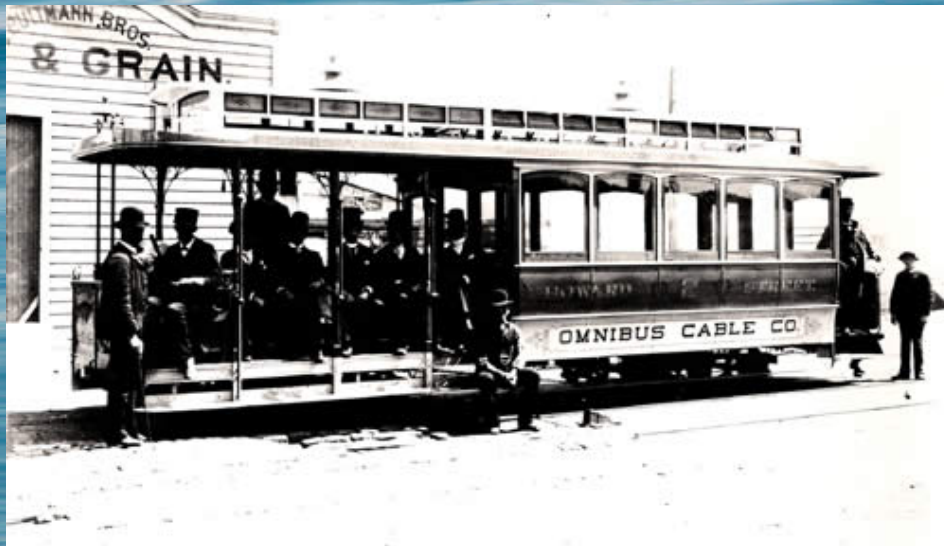




# Omnibus Proposal - Technical & Control Measures NWW AC, 25 March



## Basic Principles

- *Temporary solution*
- *No renegotiation of Art 15*
- *Separate to alignment proposals*
- *Minimum amendments*
- *Pandora's box still closed*
- *All fisheries covered (not just 2015)*
- *LO will come into force*



# Regulations involved

## *Amended:*

- *850/98 – Western waters & North Sea (Black Sea)*
- *2187/2005 & 1098/2007 – Baltic Sea*
- *1967/2006 – Mediterranean*
- *254/2002 – Irish Sea cod recovery*
- *2347/2002 – Deep-sea stocks*

## *Repealed:*

- *1434/98 – Industrial fisheries for herring*

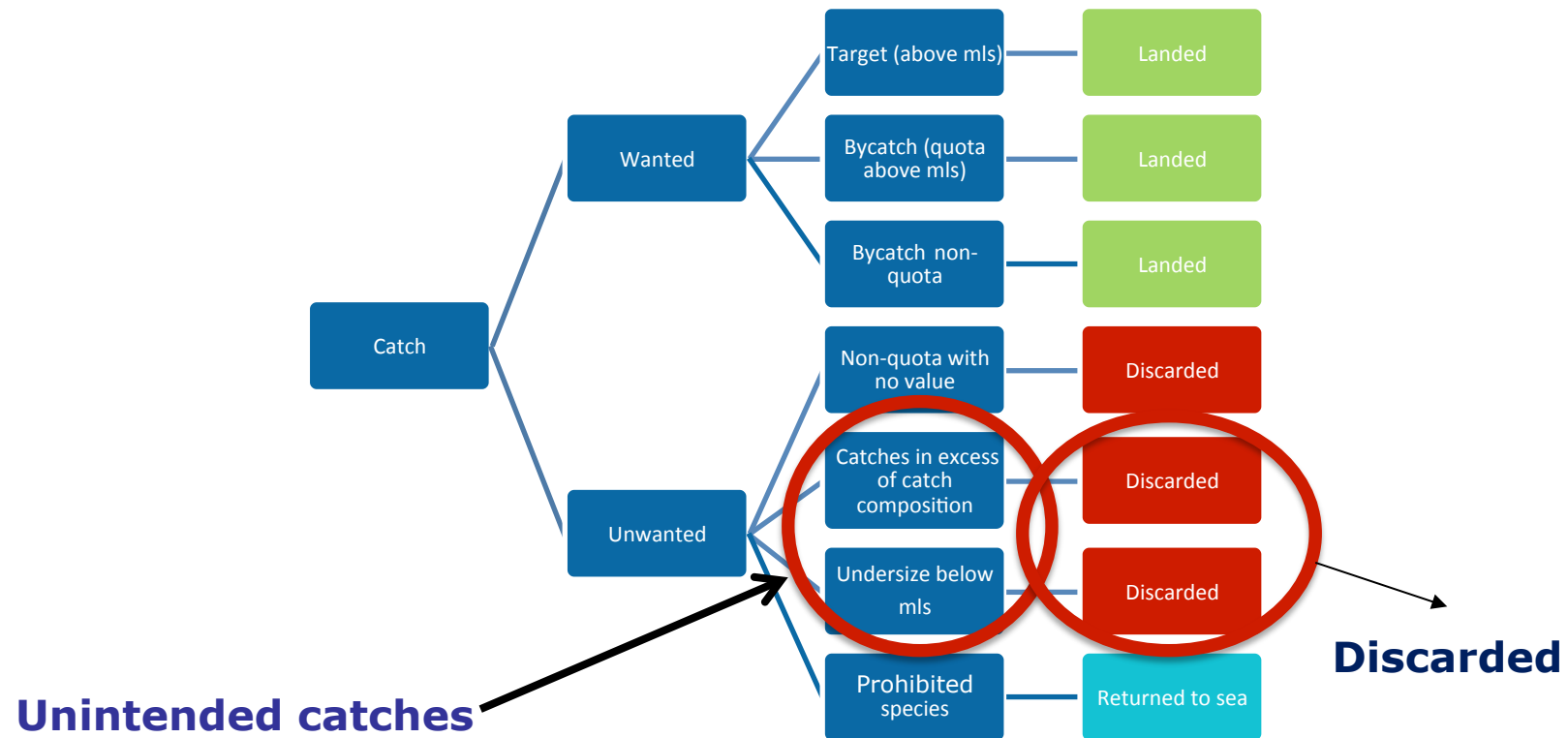
## *Not included:*

- *2056/2001 – North Sea cod recovery*
- *494/2002 – Hake recovery*
- *Measures in international waters (ICCAT, NAFO, NEAFC)*

# What's the logic?

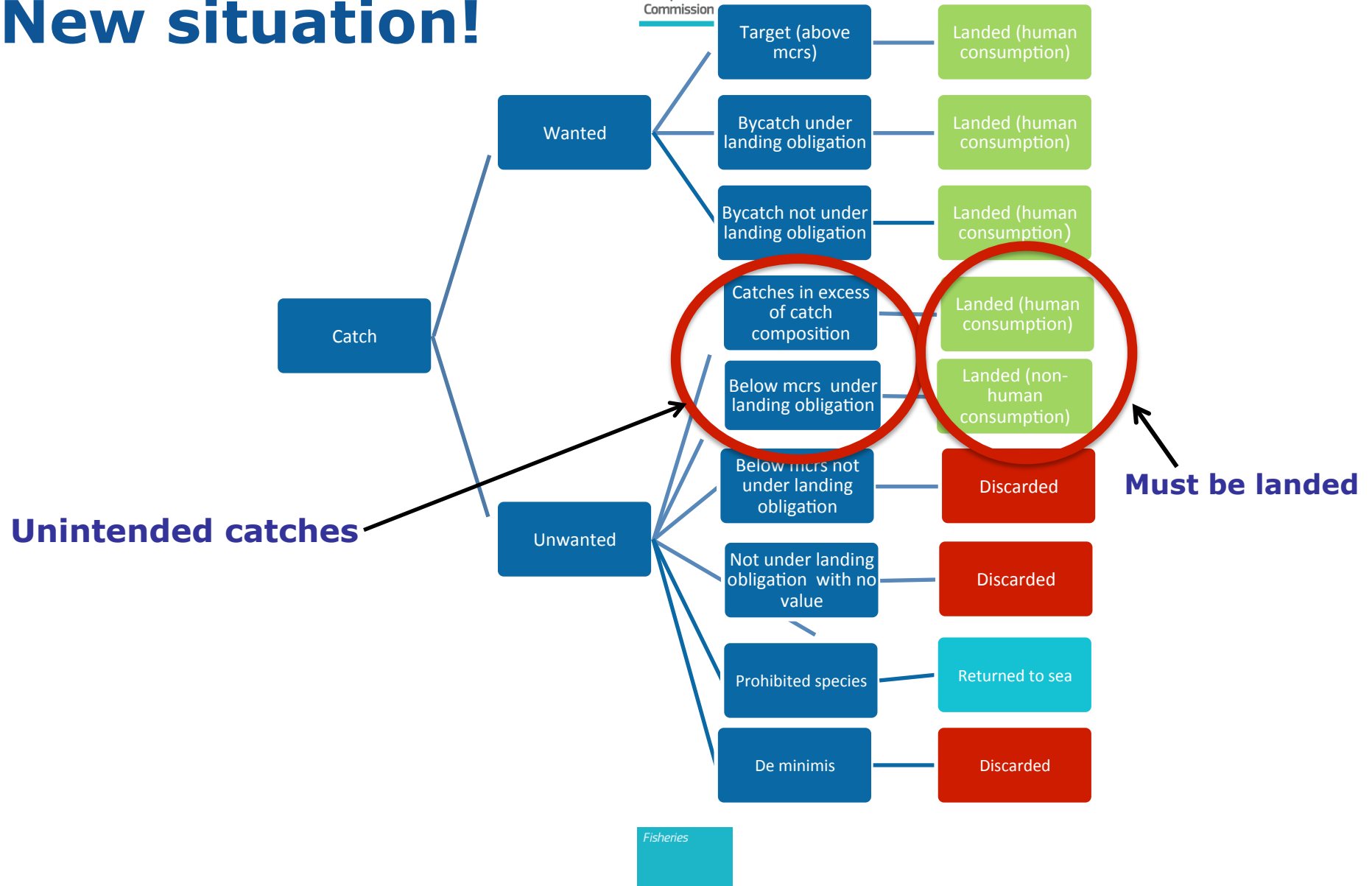
- *Move from regulating landings to catches*
- *All catches landed and counted against quota*
- *Concept of unintended catches*  
*"Unintended catches shall mean incidental catches of marine organisms the fishing for which is prohibited in the relevant circumstances"*
- *Avoid legal conflict/confusion*
- *Timing not explicit*

# Current Situation!





# New situation!



# Provisions to change?



## 1. Minimum landing sizes

# 1. Minimum Landing Sizes

## *Relevant Regulations:*

- *850/98*
  - Articles 17 and 19
  - Annex XII and XIIa
- *2178/2005*
  - Articles 14 and 15
  - Annex IV
- *1967/2006 (Minimum Sizes)*
  - Articles 15 (and 16)
  - Annex III





# The logic

*Change in name only!*

- *Minimum conservation reference size!*
- *No change in sizes*
  - *E.g. 35cm for cod remains as 35cm*
- *Distinction between:*
  - *Species covered by the landing obligation (all landed)*
  - *Species not covered (below mcrs discarded)*
- *Scope to change exists:*
  - *Agreement by MS and Parliament*
  - *Discard or multiannual plans*

# Provisions to change?



## 2. Catch Composition rules

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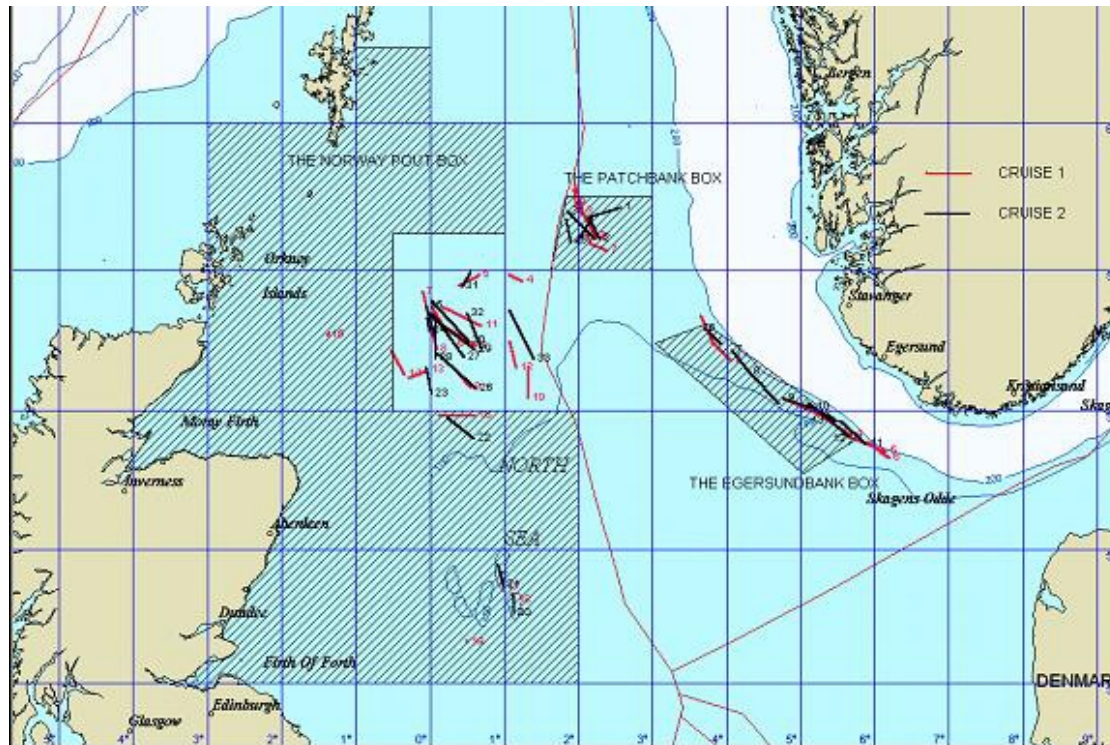
### *Relevant Regulations:*

- *850/98*
  - Articles 3, 4, 5, 10, 11, 12 and 15
  - Annexes I-VII, X and XI
- *2187/2005*
  - Articles 2, 3, 4, 12
  - Annex II and III

# The logic

- *All catches landed and counted against quota*
- *Why not remove them altogether? Necessary to maintain the rules (legal vacuum)*
- *Derogation to meet requirements of landing obligation (unintended catch)*
- *Distinction between:*
  - *Species covered by the landing obligation (all landed)*
  - *Species not covered (above catch composition limits discarded)*
- *Match catch composition to quota*

# Provisions to change?



## 3. Bycatch Provisions within restricted areas

## 3. Bycatch Provisions

### *Relevant Regulations*

- *850/98*
  - Articles 20, 20a, 21, 22, 23, 27, 29, 29a, 29b, 29d, 29e, 29f, 32, 34b, 35
- *2187/2005*
  - Article 17
- *1098/2007*
  - Articles 3, 8 and 9
- *254/2002*
  - Articles 3 and 4
- *2347/2002*
  - Articles 2 and 3

## The logic

- *Apply to all restricted areas or where bycatch restrictions apply*
- *No changes to specifications (i.e. temporal/spatial or % allowed)*
- *Similar approach as catch composition rules*
- *All catches landed and counted against quota*
- *Derogation to meet requirements of landing obligation*
- *Unintended catches*

## Other Provisions

- *Highgrading ban- maintained (Art 19a)*
- *Moving on & slipping - maintained (Art 19b)*
- *Repeal of 1434/98 - no longer required*
- *Rockall Haddock – unrelated technical adjustment*





# **Modifications in Regulation (EC) No 1224/2009 (Control Regulation – CR)**

## The logic

- *Accurate documentation of catches along the production chain*
- *Additional tools as far as required under new CFP*
- *Prevention of use of catches below MCRS for direct human consumption*
- *Deterrence for discarding*

## Proposed amendments I

- *Recording of all catches, including those below a minimum conservation reference size (MCRS) in*
  - *Logbook (Art. 14(1)(2)CR), i.e. deletion of 50 kg threshold*
  - *Prior notification (Art. 17(1)(e)(f)CR)*
  - *Transshipment declaration (Art. 21(1), (2)(c)CR)*
  - *Landing declaration (Art. 23(2)(c)CR)*
  - *Traceability system (Art. 58(5)(e)CR)*
  - *Sales notes (Art. 64(1)(f)(ha)CR)*
  - *Take-over notes (Art. 66(3)(e)CR)*
  - *Transport documents (Art. 68(5)(d)CR)*

## Proposed amendments II

- *Fishing authorisation for fisheries subject to the landing obligation (Art. 7(1)(e)(f)CR)*
- *Margin of tolerance of 20% for catches below 50 kg (Art. 14(3) and 21(3)CR)*
  - *For catches  $\geq 50$  kg margin of 10% remains*



## Proposed amendments III

- *Framework rules for remote electronic monitoring (REM)*
  - *REM only applies when decided by*
    - *Union legislation, or*
    - *Flag Member State*
  - *Still to be complemented by detailed rules*



## Proposed amendments IV

- *Separate notification of catches below MCRS to the Commission (Art. 33(2)(a)CR)*
- *Catches below a MCRS to be counted against the national quota in case of scientific catches that are marketed (Art. 33(6)CR)*

## Proposed amendments V

- *Separate stowage of catches below a MCRS*
  - *On board (Art. 49aCR) and on land (Art. 49cCR)*
  - *Exemptions for*
    - *certain fisheries for non-human consumption,*
    - *certain species where separate stowage is technically difficult, and*
    - *vessels  $\leq 12m$  when catches below MCRS have been sorted, weighed and recorded*
- *Obligation of MS to monitor application of de minimis rule (Art. 49bCR)*



## Proposed amendments VI

- *Obligation of MS to control of marketing rules,*
  - *in particular to ensure that catches below a MCRS are not used for direct human consumption (Art. 56(1)CR)*
- *Possibility for MS to deploy control observers for landing obligation (Art. 73aCR)*
  - *Important for EU funding*



## Proposed amendments VII

- *Definition of discarding as a serious infringement (Art. 90(1)(c)CR)*
  - *To avoid overlap, prohibition of high-grading and discarding are defined as one serious infringement*
- *Inclusion of discarding in the point system (Art. 92(1)CR)*



## Proposed amendments VIII

- *Deletion of multiplying factor for overfishing below 10% of quota (Art. 105(2)(3)CR, 106(2) (CR)*
  - *Translates 10% year-to-year flexibility*
  - *Incorporates Art. 105 (3a) CR that was introduced by Art. 48(5) of Regulation (EU) No 1380/2013*
  - *Deletion of Art. 105(3a)CR*

## Where are we?

- *In the hands of co-legislators*
- *Discussions at Council WP*
- *GA under Greek Presidency*
- *1<sup>st</sup> discussion at PECH Committee*
- *No clear picture*
- *Adoption by 1 January 2015*
- *No Plan B*