



# Article 27 of Regulation (EU) 2019/1241

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*Joint NWWAC meeting, Control Expert Group,  
DG MARE  
29.09.2021*

# Technical Measures Regulation: key features

- ✓ Simplification
- ✓ Regionalisation, following mandate of CFP (art 18): from mesh sizes, innovative gears, sensitive species...
- ✓ **Quantified targets: result-based approach**
- ✓ **Review and reporting:** to check the progress and implementation. The first report to be produced by end 2020, identifying aspects where further efforts are needed. **First take of stock: the report. Published 23.09 – Report from the Commission to the European Parliament and the Council implementation of the technical measures regulation, article 31**

# The technical measures report (COM/2021/583 final)

- Why this report after two years of implementation?
  - Mandate of Article 31: COM to inform on how the implementation of this regulation is going, and based on that, discuss whether objectives and targets have not been met.
  - Measuring the progress is essential to see if we are on the good path, or rather, we can identify areas in which efforts are needed.
- The results-based management needs of the participation of all involved stakeholders to monitor and measure to what extent this progress is
- This report also presents the basis under which CFP will contribute to the Action Plan to conserve fisheries resources and protect marine ecosystems (BDS 2030)

# The inputs

- STECF, ICES and GFCM advice
- 23 Member States, from all sea basins, 8 Advisory Councils, 37 stakeholders replied to the questionnaires sent, including supporting information
- All receptors of the consultation were informed on the launching of similar procedure to gather all opinions.
- Replies have been summarised and not specifically mentioned (only public legislation is explicitly mentioned).

# Findings:

- After these two years of implementation, considering the replies received and the Joint Recommendations submitted by the regional groups, some important conclusions :
  - The TMR is a good tool to be used to implement the CFP and to contribute to environmental objectives
  - Regionalisation seems to work, but improvements needs to be done to increase the ambition to improve selectivity and the protection of sensitive species and habitats.
  - There are some areas of special concerns that needs to be addressed...

# However, there are challenges...

- Certain adaptations of fishing practices will be needed to reduce catches of sensitive species, unwanted species, juveniles, and reduce impacts on sensitive habitats.
- More work is needed to identify adaptations.
- Urgent action is needed to limit the impact in certain sensitive species and habitats.
- Regionalisation is the tool: this is an opportunity for all stakeholders to step up, and as an example:
  - **Directed fishing definition**

# Directed Fishing definition

- From the consultation, it seems to be a widely-held view that the definition of a fishery is necessary in order not to undermine current standards, and also to grant a harmonised implementation of this provisions by all Member States.
- Clear rules for the (small) mesh sizes remains important. The definitions and parameters agreed by the co-legislators would be insufficiently robust to prevent deteriorations in selectivity and flexibility to amend the definition would be useful to allow Member States to strengthen the conditions.
- The definition of directed fishing is therefore necessary in the majority of cases to prevent gaming of the system, providing legal certainty and a level playing field for the operator and the control authorities for enforcement purposes.

# Landing obligation

**The objective of the landing obligation is to reduce the wasteful practice of discarding by encouraging fishers to fish more selectively and avoid the unwanted catches. Ultimately to avoid the waste of resources.**

- Enhanced flexibility for Regional Groups under the Technical Measures Framework to introduce measures to help meet the level of unwanted catches.
- Tools within CFP to cater to reality of mixed fisheries.
- Increased focus on projects to improve selectivity – efforts to be expanded.



# Landing obligation

- Study results: [https://ec.europa.eu/oceans-and-fisheries/news/landing-obligation-first-study-implementation-and-impact-discards-2021-08-27\\_en](https://ec.europa.eu/oceans-and-fisheries/news/landing-obligation-first-study-implementation-and-impact-discards-2021-08-27_en)
- At a voluntary level, all Member States have conducted selectivity improvement trials. However, the potential benefits in terms of reducing unwanted catches are still not fully utilised. Two major reasons for the slow uptake were mentioned: 1) the lengthy and non-transparent process for getting new gear approved and 2) the lack of uptake of approved gear in the fishery.
- Control and enforcement of the landing obligation remains challenging and that Member States have not adopted the necessary measures to ensure control and enforcement. Significant undocumented discarding of catches by operators occur.

# Catch composition and the Landing Obligation

- Catch composition rules constitute associated conditions to the authorisation to use mesh-size smaller than the baseline
- If by-catches are exceeded this constitutes a violation of the TMR conditions
- Catch composition rules apply at landing
- Catch composition rules and the landing obligation both apply and must be adhered to

# Technical Measures: Control and Enforcement

- Fishing vessels permitted to engage using mesh-size provided by Article V-XI are to be **authorised**
- Member States will authorise as per **Article 7** of the CR
- The list of authorised vessels is to be available in the secure part of the website as per **Article 116 CR**
- Member states shall **ensure control, inspection and enforcement** of activities carried out within the scope **of the CFP rules**

# TMR FOLLOW UP

- With the European Green Deal and the Biodiversity Strategy for 2030 the present report will be complemented as part of the Action Plan to conserve fisheries resources and protect marine ecosystems to improve the implementation of the Regulation and strengthen the links between the fisheries and environmental policies. The intention is to present this AP in Spring next year.
- In the preparation of this Action Plan, all stakeholders will soon be consulted
- And, following the mandate of Art 31(1), the next report will be presented in three years

# Thank you



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