



NWW AC online workshop on the management of the hake northern stock

Regulatory framework: the 2002 Hake Plan and the Technical Measures Regulation

DGMARE D3

CFP and Structural Support - Policy Development and Coordination

Legal framework (technical measures only)

1. The TMR: *Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 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*
2. The “HKE” regulation: *Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e*
3. Regulation 3440/84: Consolidated text: *Commission Regulation (EEC) No 3440/84 of 6 December 1984 on the attachment of devices to trawls, Danish seines and similar nets.*

NWWAC Fisheries Management Chart

CONSEJO COMUNITARIO PARA LAS AGUAS OCCIDENTALES SEPTENTRIONALES / NORTH WESTERN WATERS Advisory Council / CONSEJO COMUNITARIO PARA LAS AGUAS NOROCCIDENTALES

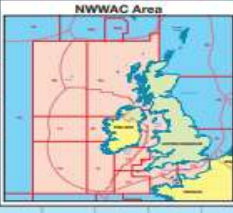
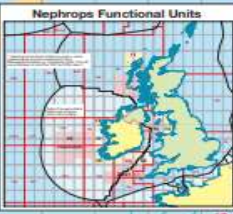
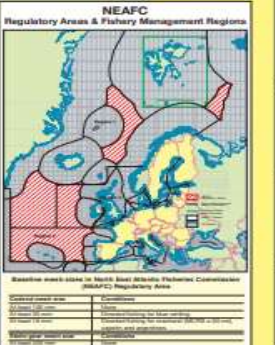
Mapa de Gestión Pesquera de las Aguas Occidentales Septentrionales / North Western Waters Advisory Council / Mapa de Gestão das Águas Noroccidentais

Not to be changed by technical conservation measures post Brexit

Not to be changed post-Brexit. This chart is a technical document and is not intended to be used for legal purposes. It is a technical document and is not intended to be used for legal purposes. It is a technical document and is not intended to be used for legal purposes.

TAC & Quota Stocks Within Scope of NWWAC

Species	Area	TAC (t)	Quota (t)
Atlantic Salmon	7a	1000	500
Atlantic Salmon	7b	1000	500
Atlantic Salmon	7c	1000	500
Atlantic Salmon	7d	1000	500
Atlantic Salmon	7e	1000	500
Atlantic Salmon	7f	1000	500
Atlantic Salmon	7g	1000	500
Atlantic Salmon	7h	1000	500
Atlantic Salmon	7i	1000	500
Atlantic Salmon	7j	1000	500
Atlantic Salmon	7k	1000	500
Atlantic Salmon	7l	1000	500
Atlantic Salmon	7m	1000	500
Atlantic Salmon	7n	1000	500
Atlantic Salmon	7o	1000	500
Atlantic Salmon	7p	1000	500
Atlantic Salmon	7q	1000	500
Atlantic Salmon	7r	1000	500
Atlantic Salmon	7s	1000	500
Atlantic Salmon	7t	1000	500
Atlantic Salmon	7u	1000	500
Atlantic Salmon	7v	1000	500
Atlantic Salmon	7w	1000	500
Atlantic Salmon	7x	1000	500
Atlantic Salmon	7y	1000	500
Atlantic Salmon	7z	1000	500

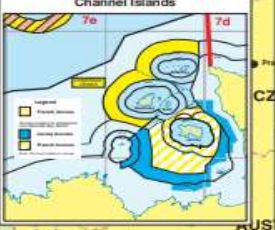


Legend

- Regulatory Area
- Fishery Management Region
- Channel Islands
- Offshore Wind Farm Projects
- Fishing Rights in the 6-12 Mile Zones
- NEAFC Regulatory Area

Exemptions to the Landing Obligation

Area	Species	Exemption	Notes
7a	Atlantic Salmon	Small scale	Small scale vessels
7b	Atlantic Salmon	Small scale	Small scale vessels
7c	Atlantic Salmon	Small scale	Small scale vessels
7d	Atlantic Salmon	Small scale	Small scale vessels
7e	Atlantic Salmon	Small scale	Small scale vessels
7f	Atlantic Salmon	Small scale	Small scale vessels
7g	Atlantic Salmon	Small scale	Small scale vessels
7h	Atlantic Salmon	Small scale	Small scale vessels
7i	Atlantic Salmon	Small scale	Small scale vessels
7j	Atlantic Salmon	Small scale	Small scale vessels
7k	Atlantic Salmon	Small scale	Small scale vessels
7l	Atlantic Salmon	Small scale	Small scale vessels
7m	Atlantic Salmon	Small scale	Small scale vessels
7n	Atlantic Salmon	Small scale	Small scale vessels
7o	Atlantic Salmon	Small scale	Small scale vessels
7p	Atlantic Salmon	Small scale	Small scale vessels
7q	Atlantic Salmon	Small scale	Small scale vessels
7r	Atlantic Salmon	Small scale	Small scale vessels
7s	Atlantic Salmon	Small scale	Small scale vessels
7t	Atlantic Salmon	Small scale	Small scale vessels
7u	Atlantic Salmon	Small scale	Small scale vessels
7v	Atlantic Salmon	Small scale	Small scale vessels
7w	Atlantic Salmon	Small scale	Small scale vessels
7x	Atlantic Salmon	Small scale	Small scale vessels
7y	Atlantic Salmon	Small scale	Small scale vessels
7z	Atlantic Salmon	Small scale	Small scale vessels



NWWAC Fisheries Management Chart

2021 Edition

North Western Waters, Celtic Sea, English Channel, Irish Sea, North Sea, Atlantic Ocean

COEXISTENCE OF BOTH TEXTS: towed gears

- **Baseline of gear specifications:**

- Gear design: codend specifications (mesh size, circumference, twine thickness...), selection devices...

- **Codend: MESH SIZE:** 120 mm-100 mm 7b-k (baseline as per the Annex VI of TMR), **but...**

80 mm + 120 **SMP** (Annex VI of TMR)>> **BUT** (footnote in TMR):

100 mm (Art 5 of R 494/02) +100 mm SMP as per Art 2(5) of R 737/2012 (conditions apply: 55% whiting).

And the last “**BUT**”... New point 1.3 (Delegated Regulation 2021/2324, TM in CS, IS and WS)

The “third BUT”....

- ❑ In ICES divisions 7f, 7g, the part of 7h North of latitude 49° 30' North and the part of 7j North of latitude 49° 30' North and East of longitude 11° West, **bottom trawls and seines**:
 - (i) **110 mm** cod-end with **120 mm** SMP;
 - (ii) **100 mm T90** cod-end;
 - (iii) **120 mm** cod-end;
 - (iv) **100 mm with 160 mm** SMP;
- ❑ in addition, vessels fishing **with bottom trawls** whose catches weighed before any discards consist of **at least 20 % of haddock** shall use:
 - (i) a fishing gear that is constructed with a minimum of one meter spacing between the fishing line and ground gear, or (ii) any means proven to be at least equally selective for avoidance of cod, according to the assessment by ICES or the STECF, and approved by the Commission.
 - Member States may exempt from this provision to vessels fishing with bottom trawls whose catches, weighed before any discards, consist of less than 1,5 % of cod, provided those vessels are subject to a progressive increase of **observer coverage at sea up to at least 20 % of all their fishing trips**. Member States that make use of this exemption shall report to the Commission each year before 1 December the number and catch-composition of vessels making use of this provision.
- ❑ Member States may exempt from the application of points (a) and (b) vessels that use an alternative highly selective gear provided that the technical attributes of those gears result in the same or higher selectivity as the gears specified in those points, and result in catches of less than 1 % of cod, according to an assessment made by the STECF. Such a gear or device shall comply with the requirements of Article 15(4) and shall be approved by the Commission.

COEXISTENCE OF BOTH TEXTS: static gears

- REGIONAL ANNEX (PART C OF ANNEX VI) : baseline of 120 mm, derogations allowed
 - ART 9 (6) of TMR also set the additional prohibition of deploying statics at any position where the charter depth is greater than 200 m, but...
 - Art 9(7), allows NHKE fishery in charter depth 200-600 m under the conditions of point 9.1 of Part C of Annex VI, **allowing 100 mm in “Bottom set gillnets used for directed fishing for hake with a mesh size of at least 100 mm and no more than 100 meshes deep, where the total length of all nets deployed does not exceed 25 km per vessel and the maximum soak time is 24 hours”** (in ICES divisions 5b, 6a, 6b, 7b, 7c, 7h, **7j** and 7k)
- ART 5(2) OF R 494/02, 120 mm.

NEED TO IMPROVE/MODIFY?

- DISCUSSION:
 - TOWED GEARS
 - STATIC GEARS: TMR applies and it is less stringent...do we need to change it?
 - WHAT IS A DIRECTED FISHING FOR HKE? Art 2 of R 494/2002 + Art 27.7 of TMR.

HOW?

- TWO STRANDS OF WORK:
 1. EC IMPLEMENTING POWERS (Art 8.4 and 24 of TMR)>>> CANNOT BE USED TO CHANGE MESH SIZES, CLOSED AREAS OR DEFINE THE DIRECTED FISHING:
 - (a) **the specifications of the selection devices attached to the gear set out in Part B of Annexes V to IX;**
 - (b) detailed rules on the specifications of the fishing gear described in Part D of Annex V relating to restrictions on gear construction and the control and monitoring measures to be adopted by the flag Member State;
 - (c) **detailed rules on the control and monitoring measures to be adopted by the flag Member State when using the gear referred to in point 6 of Part C of Annex V, point 9 of Part C of Annex VI, and point 4 of Part C of Annex VII;**
 - (d) **detailed rules on the control and monitoring measures to be adopted for the closed or restricted areas described in point 2 of Part C of Annex V, and points 6 and 7 of part C of Annex VI;**
 - (e) detailed rules on the signal and implementation characteristics of acoustic deterrent devices as referred to in Part A of Annex XIII;
 - (f) detailed rules on the design and deployment of bird scaring lines and weighted lines as referred to in Part B of Annex XIII;
 - (g) **detailed rules on the specifications for the turtle excluder device referred to in Part C of Annex XIII.**

HOW (II)

2. REGIONALISATION (Art 15 of TMR)>>> DELEGATED ACT; CAN BE USED TO MODIFY ALMOST ANYTHING

“In order to take into account regional specificities of the relevant fisheries, the Commission is empowered to adopt delegated acts in accordance with Article 29 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to amend, supplement, repeal or derogate from the technical measures set out in the Annexes referred to in paragraph 1 of this Article, including when implementing the landing obligation in the context of Article 15(5) and (6) of Regulation (EU) No 1380/2013. The Commission shall adopt such delegated acts on the basis of a joint recommendation submitted in accordance with Article 18 of Regulation (EU) No 1380/2013 and in accordance with the relevant Articles of Chapter III of this Regulation.

“For the purpose of adopting such delegated acts, Member States having a direct management interest may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for the first time not later than 24 months, and thereafter 18 months, after each submission of the report referred to in Article 31(1) of this Regulation. They may also submit such recommendations when deemed necessary by them.”

TO ACHIEVE THE OBJECTIVES AND THE TARGETS....

NEXT STEPS...

❑ FIRST REPORT ON THE IMPLEMENTATION OF TMR: SEPTEMBER 2021

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:583:FIN> and <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=SWD:2021:268:FIN>

❑ **NEXT REPORTING OBLIGATION: IN 2024:** WILL SERVE TO TAKE STOCK ON INNOVATION, LINKED TO THE MARINE ACTION PLAN

- **ACS to be consulted: Art 31(1) of the TMR**
- **STECF: STECF EWG ON TM: STECF 21-07, STECF 22-19, and this year's EWG, which will meet in October.**
- **ICES advice on innovative gears: [https://www.ices.dk/news-and-events/news-archive/news/Pages/InnovativeFishingGear.aspx#:~:text=An%20innovative%20gear%20therefore%2C%20according,area\)%20in%20EU%20waters%22](https://www.ices.dk/news-and-events/news-archive/news/Pages/InnovativeFishingGear.aspx#:~:text=An%20innovative%20gear%20therefore%2C%20according,area)%20in%20EU%20waters%22).**

INNOVATION AND RESEARCH

Thank you

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