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Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2016/0074(COD)</p> <p>Conservation of fishery resources and protection of marine ecosystems through technical measures</p> <p>Repealing Regulation (EC) No 894/97 1991/0532(CNS) Repealing Regulation (EC) No 850/98 1996/0160(CNS) Repealing Regulation (EC) No 2549/2000 2000/0071(CNS) Repealing Regulation (EC) No 254/2002 2001/0279(CNS) Repealing Regulation (EC) No 812/2004 2003/0163(CNS) Amending Regulation (EC) No 1967/2006 2003/0229(CNS) Repealing Regulation (EC) No 2187/2005 2005/0014(CNS) Amending Regulation (EC) No 1098/2007 2006/0134(CNS) Amending Regulation (EC) No 1224/2009 2008/0216(CNS) Amending Regulation (EU) No 1343/2011 2009/0129(COD) Amending Regulation (EU) No 1380/2013 2011/0195(COD)</p> <p>Subject</p> <p>3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds</p>	<p>Awaiting Council 1st reading position / budgetary conciliation convocation</p>

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Fisheries	 MATO Gabriel	12/04/2016
		Shadow rapporteur	
		 BRIANO Renata	
		 VAN DALEN Peter	
		 TORVALDS Nils	
		 NÍ RIADA Liadh	
		 AFFRONTI Marco	
		 D'AMATO Rosa	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Development	The committee decided not to give an opinion.	
	 Environment, Public Health and Food Safety		27/04/2016
		 TĂNĂSESCU Claudiu Ciprian	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	3533	11/05/2017

Key events			
11/03/2016	Legislative proposal published	COM(2016)0134	Summary
11/04/2016	Committee referral announced in Parliament, 1st reading/single reading		
11/05/2017	Debate in Council	3533	
21/11/2017	Vote in committee, 1st reading/single reading		
21/11/2017	Rejection by committee to open interinstitutional negotiations with report adopted in committee		
28/11/2017	Committee report tabled for plenary, 1st reading/single reading	A8-0381/2017	Summary
15/01/2018	Debate in Parliament		
16/01/2018	Results of vote in Parliament		
16/01/2018	Decision by Parliament, 1st reading/single reading	T8-0003/2018	Summary
16/01/2018	Matter referred back to the committee responsible		
07/03/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE636.188 GEDA/A/(2019)001836	
16/04/2019	Decision by Parliament, 1st reading/single reading	T8-0381/2019	

Technical information	
Procedure reference	2016/0074(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	<p>Repealing Regulation (EC) No 894/97 1991/0532(CNS)</p> <p>Repealing Regulation (EC) No 850/98 1996/0160(CNS)</p> <p>Repealing Regulation (EC) No 2549/2000 2000/0071(CNS)</p> <p>Repealing Regulation (EC) No 254/2002 2001/0279(CNS)</p> <p>Repealing Regulation (EC) No 812/2004 2003/0163(CNS)</p> <p>Amending Regulation (EC) No 1967/2006 2003/0229(CNS)</p> <p>Repealing Regulation (EC) No 2187/2005 2005/0014(CNS)</p> <p>Amending Regulation (EC) No 1098/2007 2006/0134(CNS)</p> <p>Amending Regulation (EC) No 1224/2009 2008/0216(CNS)</p> <p>Amending Regulation (EU) No 1343/2011 2009/0129(COD)</p> <p>Amending Regulation (EU) No 1380/2013 2011/0195(COD)</p>
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2; Rules of Procedure EP

	59-p4
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Awaiting Council 1st reading position / budgetary conciliation convocation
Committee dossier	PECH/8/06008

Documentation gateway

Legislative proposal		COM(2016)0134	11/03/2016	EC	Summary
Document attached to the procedure		SWD(2016)0056	11/03/2016	EC	
Document attached to the procedure		SWD(2016)0057	11/03/2016	EC	
Economic and Social Committee: opinion, report		CES2507/2016	13/07/2016	ESC	
Committee opinion	ENVI	PE595.707	10/03/2017	EP	
Committee draft report		PE580.765	02/05/2017	EP	
Amendments tabled in committee		PE603.068	13/06/2017	EP	
Amendments tabled in committee		PE604.507	14/06/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0381/2017	28/11/2017	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading		T8-0003/2018	16/01/2018	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2019)001836	22/02/2019	CSL	
Text adopted by Parliament, 1st reading/single reading		T8-0381/2019	16/04/2019	EP	

Additional information

Research document	Briefing
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2016/0074(COD) - 11/03/2016 Legislative proposal

PURPOSE: to change the governance structure of technical measures on the conservation of fishery resources in order to optimise the contribution of technical measures to achieving the key objectives of the new Common Fisheries Policy (CFP).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: technical measures are rules governing how and where fishermen may fish. They aim to control the catch that can be taken with a given amount of fishing effort and also to minimise the impacts of fishing on the ecosystem. They concern: (i) measures that regulate the operation of the gear; (ii) minimum sizes below which fish must be returned to the sea; (iii) measures that set spatial and temporal controls to protect aggregations of juvenile or spawning fish; (iv) measures that mitigate the impacts of fishing gears on sensitive species or closed areas to protect sensitive habitats.

The history of technical measures applying in European fisheries legislation within the framework of the Common Fisheries Policy (CFP) is one of numerous regulations, amendments, implementing rules and temporary technical measures introduced as stop-gaps to resolve emerging problems. Across all Union sea basins and non-Union waters in which Union vessels operate there are more than 30 regulations which contain technical measures.

With the new challenges of the [new CFP](#), which came into force on 1 January 2014, the retrospective evaluation concluded that the current regulatory structure for technical measures will continue to be sub-optimal.

This is because of five identifiable problems:

1. sub-optimal performance: technical measures provide little incentive to fish selectively where there is no cost to discarding, or of

- catching sensitive species or impacting adversely on the seabed;
2. difficult to measure effectiveness: the current regulations do not contain any defined metrics on which to measure success;
3. prescriptive and complex rules: some measures are difficult for control authorities to enforce, and for fishermen to comply with;
4. lack of flexibility: technical measures are mostly decided following a complex, inflexible and lengthy politically-driven process which is not well suited to defining detailed technical rules that need frequent updating and periodic review;
5. insufficient involvement of key stakeholders in the decision-making process.

These repeated failures to reach agreement on a new technical measures regulation clearly highlight the need for a new approach which aims to change the governance structure of technical measures rather than making wholesale changes to the measures themselves, the improved flexibility and incentives for fishing selectivity it introduces will deliver improvements in the effectiveness of technical measures.

IMPACT ASSESSMENT: the preferred approach is that of a new framework Regulation containing a) general provisions (scope, objectives, guiding principles) and definition of the expected results and corresponding standards; b) common rules and technical provisions; and c) baseline standards (by region) corresponding to identified results which would function as default measures in the context of regionalisation.

The preferred option largely presents changes to the regulatory structure and governance of technical measures. Few new measures are introduced and any changes to the substance are very much about deletion of rules in order to simplify and lessen administrative burden, improve controllability or consolidate nature conservation measures.

CONTENT: the proposal has the following structure:

Subject matter: the proposed Regulation lays down technical measures concerning: (a) the taking and landing of fisheries resources; and (b) the operation of fishing gears and the interaction of fishing activities with marine ecosystems.

The proposal contains general provisions, overarching and specific objectives, targets linked to the general and specific objectives expressed in terms of levels of unwanted catches; thresholds for bycatches of sensitive species; and reduction in the extent of the seabed significantly affected by fishing; principles of good governance and definitions.

The definitions relate primarily to the definition of fishing gears and fishing operations and are common to all regions. They consolidate and update the existing definitions contained in the existing Regulations.

Common technical measures: the proposal contains common rules currently contained in all of the primary technical measures regulations but applicable to all sea basins and considered as de facto permanent as there is no need or justification for changing them. The provisions included under this part are:

- prohibited gears and practices including prohibition on the sale of marine species caught using certain gear types,
- measures to protect sensitive species (e.g. marine mammals, reptiles and seabirds) and habitats (e.g. coldwater corals) including those listed in the Habitats and Birds Directives;
- general restrictions on the use of towed gears and conditions for their use (covers basic codend construction and permissible attachments to fishing gears);
- restrictions on the use of static nets. This includes the consolidation of the existing restrictions on the use of driftnets (i.e. prohibition to use drift nets above 2.5km, prohibition on using such gears to target highly migratory species and the total prohibition on the use of driftnets in the Baltic). Under regionalisation Member States should strengthen these provisions up to and including the introduction of a total prohibition on the use of such gears where there is scientific evidence that shows the continued use of driftnets constitutes a threat to the conservation status of sensitive species in that region;
- minimum conservation reference sizes;
- common measures to reduce discarding.

Regionalisation: regionalisation sets the general principles for regionalisation with reference to baseline measures which will apply where no regional measures are in place and establishes the empowerments needed for regionalisation of technical measures through multiannual plans, temporary discard plans and conservation measures necessary for compliance with obligations under environmental legislation.

The regional measures that can be taken under temporary discard plans are also defined, as well as safeguards that will be taken if scientific evidence shows that the conservation objectives are not being met by the regional measures. To this effect, a safeguard clause is included that allows the Commission to act where available scientific advice indicates that immediate action is required to protect marine species. Such measures could include restrictions on the use fishing gears or on fishing activities in certain areas or during certain periods.

Technical Measures in non-Union waters: the Commission may adopt delegated acts in respect of existing detailed rules concerning lists of vulnerable marine ecosystems and also specific technical measures related to defined fisheries for blue ling and redfish agreed by the North East Atlantic Fisheries Commission (NEAFC).

Annexes: the Annexes contain baseline measures by sea basin (i.e. North Sea, Baltic, Northwestern waters, Southwestern waters, Mediterranean, Black Sea and the outermost regions). These baseline measures will apply in the absence of measures being put in place regionally.

There are also annexes containing a list of prohibited species that if caught as bycatches must be returned immediately to the sea; closed areas established for the protection of sensitive habitats and a list of species that are prohibited for capture with driftnets.

Reporting: by the end of 2020 and every third year thereafter, the Commission will report on the implementation of this Regulation including an assessment of the impact of technical measures on the conservation of fisheries resources and on the environmental impacts of fisheries on marine ecosystems. On the basis of that report, the Commission will propose any necessary amendments.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

2016/0074(COD) - 28/11/2017 Committee report tabled for plenary, 1st reading/single reading

of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 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.

As a reminder, the Regulation lays down technical measures concerning the taking and landing of fisheries resources and the operation of fishing gears and the interaction of fishing activities with marine ecosystems. It aims to simplify the existing rules and to make the technical measures more likely to contribute to the achievement of the objectives of the new Common Fisheries Policy (CFP).

The committee recommended that the European Parliaments position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows.

Technical measures: whereas the Commission proposes to rely exclusively on technical measures to achieve the objectives of the CFP, Members considered that technical measures shall contribute to achieving the aforementioned objectives, namely:

- ensure sustainable exploitation patterns to provide protection for juveniles and spawning aggregations of marine species;
- ensure that incidental catches of sensitive marine species, in particular those listed under Directives 92/43/EEC and 2009/147/EC, that result from fishing are minimised and where possible eliminated;
- ensure, including by using appropriate incentives, that the negative environmental impacts of fishing on marine habitats are minimised and where possible eliminated.

Recreational fisheries can have a significant impact on the marine environment, stocks of fish and other species, and should therefore be subject to technical measures.

Performance indicators: Members proposed replacing the term targets with performance indicators. In this context, they did not follow the Commission's proposal to set the 5 % tolerance margin for catches under the minimum size as a target.

To evaluate the effectiveness of technical measures, Members proposed using performance indicators relating to the reduction of catches of fish below the minimum conservation reference size and incidental catches of sensitive species

In order to establish these performance indicators, the Commission may adopt delegated acts to define key fisheries and the levels of such catches that apply to those key fisheries taking into account the best available scientific advice, in particular that of the Scientific, Technical and Economic Committee for Fisheries (STECF).

Innovative fishing gears: Members considered that the commercial scale use of innovative fishing gears, such as electrical pulse trawl, should not be permitted where scientific assessment indicates that their use will lead to negative direct or cumulative impacts on marine habitats, especially sensitive habitats or non-target species, or compromise the achievement of a good environmental status of marine waters

Such an assessment shall be based on use of the innovative gear during a trial period which shall be limited to no more than 5 % of the vessels currently in that metier for a period of at least four years.

Derogation from the landing obligation: Members suggested that fishing vessels which participate voluntarily in a system of full documentation of catches and discards shall not be required to land non-marketable catches, provided that they are recorded and counted against quotas where applicable.

Regionalisation and reference standards: under the proposed Regulation, technical measures shall be established at regional level for the North Sea, North Western waters, South Western waters, Baltic Sea, Mediterranean Sea, Black Sea and Outermost Regions.

In order to take into account the particularities of a region, Members pointed out that technical measures deviating from regional rules may be adopted as part of a multiannual fishing plan or, in the absence of such a plan, through delegated acts of the European Commission.

The Commission may adopt such delegated acts also in the absence of a joint recommendation.

Member States may submit joint recommendations to this end. Joint recommendations shall be based on the best available scientific evidence.

Members stressed that the process of regionalisation should make it possible to combine effectively the common rules and local situations and situations per zone. It should not result in a kind of renationalisation of the CFP, and it is important that the Advisory Councils should continue to ensure that regionalisation takes place under a Union approach.

2016/0074(COD) - 16/01/2018 Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 399 votes to 189, with 86 abstentions, amendments to the proposal for a regulation of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 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.

The matter was referred back to the committee responsible for interinstitutional negotiations.

The main amendments adopted in plenary concern the following issues:

Simplification of rules: Parliament emphasised the need to simplify existing rules, to respect the consultation process of advisory councils and to ensure that all objectives on conservation and sustainability are fully respected. Before their adoption, the potential economic and social impact of technical measures should be considered.

Contribution to the objectives of the Common Fisheries Policy (CFP): whereas the Commission proposes to rely exclusively on technical measures to achieve the objectives of the CFP, Members considered that technical measures shall only contribute to achieving the objectives of the CFP, namely:

- ensure sustainable exploitation patterns to provide protection for juveniles and spawning aggregations of marine species;
- ensure that incidental catches of sensitive marine species, in particular those listed under Directives 92/43/EEC and 2009/147/EC, that result from fishing are minimised and where possible eliminated;
- ensure, including by using appropriate incentives, that the negative environmental impacts of fishing on marine habitats are minimised and where possible eliminated.

Recreational fisheries can have a significant impact on the marine environment, stocks of fish and other species, and should therefore be subject to technical measures.

Performance indicators: Parliament proposed replacing the term targets with performance indicators in order to assess whether technical measures contribute to achieving the objectives. In this context, it did not follow the Commissions proposal to set the 5 % tolerance margin for catches under the minimum size as a target.

Members proposed using performance indicators relating to the reduction of catches of fish below the minimum conservation reference size and incidental catches of sensitive species

In order to establish these performance indicators, the Commission may adopt delegated acts to define key fisheries and the levels of such catches that apply to those key fisheries taking into account the best available scientific advice, in particular that of the Scientific, Technical and Economic Committee for Fisheries (STECF).

Innovative fishing gears: Parliament called for a total ban on the use of electric pulse trawls.

Moreover, Members considered that the commercial scale use of innovative fishing gears should not be permitted where scientific assessment indicates that their use will lead to negative direct or cumulative impacts on marine habitats, especially sensitive habitats or non-target species, or compromise the achievement of a good environmental status of marine waters.

Such an assessment shall be based on use of the innovative gear during a trial period which shall be limited to no more than 5 % of the vessels currently in that metier for a period of at least four years.

Derogation from the landing obligation: the amended text stipulates that the landing obligation shall apply to all catches of species which are subject to catch limits. However, where specimens of those species are caught and immediately released in recreational fisheries and scientific evidence demonstrates high survival rates for those species, as may be the case for fish caught by recreational fishermen using angling equipment, it should be possible to exclude the fisheries concerned from the landing obligation by applying procedures set out in that Regulation, in particular by adopting measures to that effect under multiannual plans and/or discard plans.

Common technical measures: Members introduced specific rules on:

- the limitation of catches of marine mammals, seabirds and reptiles;
- the prohibition of the deliberate disturbance, deterioration or destruction of sensitive habitats, breeding sites or resting places of sensitive species;
- the prohibition of the practice of high grading;
- the possibility for Member States to carry out pilot projects with the aim of exploring methods for the avoidance, minimisation and elimination of unwanted catches.

Regionalisation and reference standards: technical measures shall be established at regional level for the North Sea, North Western waters, South Western waters, Baltic Sea, Mediterranean Sea, Black Sea and the Union waters in the Indian Ocean and the West Atlantic.

Regional measures would include minimum reference sizes as well as closed or restricted areas. However, the provisions on mesh sizes set out in Part B of Annexes V to XI shall only apply in so far as, by 18 months after the date of entry into force of this Regulation, no delegated act has been adopted covering the same subject-matter for the fisheries concerned.

In order to take into account the particularities of a region, Members pointed out that technical measures deviating from regional rules may be adopted as part of a multiannual fishing plan or, in the absence of such a plan, through delegated acts of the European Commission.

The Commission may adopt such delegated acts also in the absence of a joint recommendation.

Member States may submit joint recommendations to this end. Joint recommendations shall be based on the best available scientific evidence.

Members stressed that the process of regionalisation should make it possible to combine effectively the common rules and local situations and situations per zone and that it should not result in a kind of renationalisation of the CFP, and it is important that the Advisory Councils should continue to ensure that regionalisation takes place under a Union approach.