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

CHAPTER II

COMMON TECHNICAL MEASURES

SECTION 1

Prohibited fishing gear and uses

Article 7

Prohibited fishing gear and methods

- 1 It shall be prohibited to catch or harvest marine species using the following methods:
 - a toxic, stupefying or corrosive substances;
 - b electric current except for the electric pulse trawl, which shall only be allowed under the specific provisions of Part D of Annex V;
 - c explosives;
 - d pneumatic hammers or other percussive instruments;
 - e towed devices for harvesting red coral or other type of corals or coral-like organisms;
 - f St Andrew's cross and similar grabs for harvesting, in particular, red coral or other type of corals and coral-like species;
 - g any type of projectile, with the exception of those used to kill caged or trapped tuna and of hand-held spears and spear guns used in recreational fishing without an aqualung, from dawn until dusk.
- Notwithstanding Article 2, this Article shall apply to [FIUnited Kingdom] vessels in international waters and the waters of third countries, except where the rules adopted by multilateral fisheries organisations, under bilateral or multilateral agreements, or by a third country, specifically provide otherwise.

Textual Amendments

F1 Words in Art. 7(2) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(7); 2020 c. 1, Sch. 5 para. 1(1)

SECTION 2

General restrictions on gear and conditions for their use

Article 8

General restrictions on the use of towed gear

- For the purpose of Annexes [F25, 6, 7 and 12], the mesh size of a towed gear as set out in those Annexes shall mean the minimum mesh size of any codend and any extension piece found on board a fishing vessel and attached to, or suitable for attachment to, any towed net. This paragraph shall not apply to netting devices used for the attachment of gear monitoring sensors or when used in conjunction with fish and turtle excluder devices. Further derogations to improve size or species selectivity for marine species may be provided for in [F3regulations made] in accordance with Article 15.
- 2 Paragraph 1 shall not apply to dredges. However, during any voyage when dredges are carried on board the following shall apply:

a	it shall be prohibited to tranship marine organisms;
F4b	

- c ^{F5}... it shall be prohibited to retain on board or land any quantity of marine organisms unless at least 95 % by live weight thereof consists of bivalve molluscs, gastropods and sponges.
- Points (b) and (c) of this paragraph shall not apply to unintended catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013. Such unintended catches shall be landed and counted against quotas.
- Whenever more than one net is towed simultaneously by a fishing vessel or by more than one fishing vessel, each net shall have the same nominal mesh size. [F6Regulations made] pursuant to Article 15 [F7may provide for derogations] from this paragraph, where the use of several nets having a different mesh size leads to such benefits for the conservation of marine biological resources that are at least equivalent to those of existing fishing methods.
- It shall be prohibited to use any device that obstructs or otherwise effectively diminishes the mesh size of the codend or any part of a towed gear, as well as to carry on board any such device that is specifically designed for that purpose. This paragraph shall not exclude the use of specified devices used to reduce wear and tear of and strengthen the towed gear, or to limit the escape of catches in the forward part of towed gear.
- [F85] A fisheries administration may make regulations establishing detailed rules for the specification of codends and devices referred to in paragraph 4. Regulations made under this paragraph must be based on the best available scientific and technical advice and may, in particular, define the matters specified in paragraph 8.
- Subject to paragraph 7, the Secretary of State may make regulations establishing detailed rules for the specification of codends and devices referred to in paragraph 4. Regulations made under this paragraph must be based on the best available scientific and technical advice and may, in particular, define the matters specified in paragraph 8.
- Where the exercise of the power to make regulations under paragraph 5 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 6 the Secretary of State must obtain the consent of—

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- a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.
- 8 The matters referred to in paragraphs 5 and 6 are
 - a) restrictions on twine thickness;
 - b) restrictions on the circumference of codends:
 - c) restrictions on the use of netting materials;
 - d) structure and attachment of codends;
 - e) permitted devices to reduce wear and tear; and
 - f) permitted devices to limit the escape of catches.
- 9 Before making any regulations under this Article, a fisheries administration must consult
 - a) such bodies or persons as appear to the fisheries administration to be representative of the interests likely to be substantially affected by the regulations;
 - b) such other bodies or persons as the fisheries administration may consider appropriate.]

Textual Amendments

- F2 Words in Art. 8(1) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(8)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F3 Words in Art. 8(1) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(8)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F4 Art. 8(2)(b) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(8)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F5 Words in Art. 8(2)(c) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(8)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- Words in Art. 8(3) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(8)(c)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F7 Words in Art. 8(3) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(8)(c)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F8 Art. 8(5)-(9) substituted for Art. 8(5) (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(8)(d); 2020 c. 1, Sch. 5 para. 1(1)

Article 9

General restrictions on the use of static nets and driftnets

1 or total	It shall be prohibited to have on board or deploy one or more driftnets the individual length of which is more than $2.5\mathrm{km}$.
2	It shall be prohibited to use driftnets to fish for the species listed in Annex III.
F93	
4 catch th	It shall be prohibited to use bottom-set gillnets, entangling nets and trammel nets to ne following species:
a	Albacore (Thunnus alalunga);
b	Bluefin tuna (<i>Thunnus thynnus</i>);
c	Ray's bream (Brama brama);
d	Swordfish (Xiphias gladius);
e	Sharks belonging to the following species or families <i>Hexanchus griseus</i> ; <i>Cetorhinus maximus</i> ; all species of <i>Alopiidae</i> ; <i>Carcharhinidae</i> ; <i>Sphyrnidae</i> ; <i>Isuridae</i> ; <i>Lamnidae</i> .
F105	
6 at any j	It shall be prohibited to deploy any bottom set gillnet, entangling net and trammel net position where the charted depth is greater than 200 m.
7 a	Notwithstanding paragraph 6 of this Article: specific derogations as set out in point 6.1 of Part C of Annex V, point 9.1 of Part C of Annex VI and point 4.1 of Part C of Annex VII shall apply where the charted depth is between 200 and 600 m;
F11b	
Textu	al Amendments
F9	Art. 9(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(9)(a) ; 2020 c. 1, Sch. 5 para. 1(1)
F10	Art. 9(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(9)(a); 2020 c. 1, Sch. 5 para. 1(1)
F11	Art. 9(7)(b) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(9)(b) ; 2020 c. 1, Sch. 5 para. 1(1)

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SECTION 3

Protection of sensitive species and habitats

Article 10

Prohibited fish and shellfish species

- The catching, retention on board, transhipment or landing of fish or shellfish species referred to in Annex IV to Directive 92/43/EEC shall be prohibited [F12 unless authorised under the terms of a licence granted under regulation 55 of the Conservation of Offshore Marine Habitats and Species Regulations 2017, regulation 55 of the Conservation of Habitats and Species Regulations 2017, regulation 39 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 or regulation 44 of the Conservation (Natural Habitats, &c.) Regulations 1994].
- In addition to the species referred to in paragraph 1, it shall be prohibited for [F13United Kingdom] vessels to fish for, retain on board, tranship, land, store, sell, display or offer for sale the species listed in Annex I or species for which fishing is prohibited under other [F14relevant retained direct EU legislation].
- When caught accidentally, species referred to in paragraphs 1 and 2 shall not be harmed and specimens shall be promptly released back into the sea, except for the purpose of allowing scientific research on accidentally killed specimens in accordance with [F15 relevant retained direct EU legislation].
- 4 [F16Subject to paragraph 4A, the Secretary of State may by regulations] amend the list set out in Annex I, where the best available scientific advice indicates that an amendment of that list is necessary.
- [F174A] Where, in the circumstances described in paragraph 4B, the exercise of the power to make regulations under paragraph 4 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under that power the Secretary of State must obtain the consent of
 - a the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation in the circumstances described in paragraph 4B;
 - b the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation in the circumstances described in paragraph 4B;
 - the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation in the circumstances described in paragraph 4B.
- 4B The circumstances referred to in paragraph 4A are circumstances where the power in paragraph 4 is treated as a power exercisable by "a fisheries administration" instead of a power exercisable by the Secretary of State.]
- Measures adopted pursuant to paragraph 4 of this Article shall aim at achieving the target set out in point (b) of Article 4(1) and may take into account international agreements concerning the protection of sensitive species.

Textual Amendments

- F12 Words in Art. 10(1) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(10)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F13 Words in Art. 10(2) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(10)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F14 Words in Art. 10(2) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(10)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F15 Words in Art. 10(3) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(10)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F16 Words in Art. 10(4) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(10)(d); 2020 c. 1, Sch. 5 para. 1(1)
- F17 Art. 10(4A)(4B) inserted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(10)(e); 2020 c. 1, Sch. 5 para. 1(1)

Article 11

Catches of marine mammals, seabirds and marine reptiles

- 1 The catching, retention on board, transhipment or landing of marine mammals or marine reptiles referred to in Annexes II and IV to Directive 92/43/EEC and of species of seabirds covered by Directive 2009/147/EC shall be prohibited.
- When caught, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly released.
- Notwithstanding paragraphs 1 and 2, the retention on board, transhipment or landing of specimens of marine species referred to in paragraph 1 which have been caught accidentally, shall be permitted as far as this activity is necessary to secure assistance for the recovery of the individual animals and to allow for scientific research on incidentally killed specimens, provided that the competent ^{F18}... authorities [^{F19}of the fisheries administration] concerned have been fully informed in advance as soon as possible after the catch and in accordance with [^{F20}relevant retained direct EU legislation].
- On the basis of the best available scientific advice a [F21 fisheries administration] may [F22 by regulations] put in place mitigation measures or restrictions on the use of certain gear. Such measures shall minimise, and where possible eliminate, the catches of the species referred to in paragraph 1 of this Article F23 ... and be at least as stringent as technical measures applicable under [F24 relevant retained direct EU legislation].
- 5 Measures adopted pursuant to paragraph 4 of this Article shall aim at achieving the target set out in point (b) of Article 4(1). F25...

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Textual Amendments

- **F18** Word in Art. 11(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), **5(11)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19 Words in Art. 11(3) inserted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(11)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F20 Words in Art. 11(3) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(11)(a)(iii); 2020 c. 1, Sch. 5 para. 1(1)
- **F21** Words in Art. 11(4) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), **5(11)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22 Words in Art. 11(4) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(11)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F23 Words in Art. 11(4) omitted (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(f), Sch. 11 para. 11(4) (with Sch. 4 para. 31, Sch. 11 para. 15(5))
- F24 Words in Art. 11(4) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(11)(b)(iii); 2020 c. 1, Sch. 5 para. 1(1)
- F25 Words in Art. 11(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(11)(c); 2020 c. 1, Sch. 5 para. 1(1)

Article 12

Protection for sensitive habitats including vulnerable marine ecosystems

- 1 It shall be prohibited to deploy the fishing gear specified in Annex II within the relevant areas set out in that Annex.
- [F262] Where the best available scientific advice recommends an amendment of the list of areas set out in Annex 2 the Secretary of State may, subject to paragraph 2A, by regulations amend Annex 2 accordingly. When making regulations under this paragraph the Secretary of State must have regard to the need to mitigate the negative effects of the displacement of fishing activity to other sensitive areas.
- Where, in the circumstances described in paragraph 2B, the exercise of the power to make regulations under paragraph 2 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under that power the Secretary of State must obtain the consent of
 - a the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation in the circumstances described in paragraph 2B;
 - b the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation in the circumstances described in paragraph 2B;
 - c the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation in the circumstances described in paragraph 2B.

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- 2B The circumstances referred to in paragraph 2A are circumstances where the power in paragraph 2 is treated as a power exercisable by "a fisheries administration" instead of a power exercisable by the Secretary of State.
- 2C Before making any regulations under paragraph 2, the Secretary of State must consult
 - a such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the regulations;
 - b such other bodies or persons as the Secretary of State may consider appropriate.]

F27.2																
3																

4 Measures adopted pursuant to paragraphs 2 and 3 of this Article shall aim at achieving the target set out in point (c) of Article 4(1).

Textual Amendments

- F26 Art. 12(2)-(2C) substituted for Art. 12(2) (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(12)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F27 Art. 12(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(12)(b); 2020 c. 1, Sch. 5 para. 1(1)

SECTION 4

Minimum conservation reference sizes

Article 13

Minimum conservation reference sizes

- The minimum conservation reference sizes of marine species specified in Part A of Annexes [F285, 6, 7 and 12] to this Regulation shall apply for the purpose of:
 - a ensuring the protection of juveniles of marine species pursuant to Article 15(11) and (12) of Regulation (EU) No 1380/2013;
 - b establishing fish stock recovery areas F29...;
 - c constituting minimum marketing sizes pursuant to Article 47(2) of Regulation (EU) No 1379/2013 of the European Parliament and of the Council⁽¹⁾.
- The size of a marine species shall be measured in accordance with Annex IV.
- Where more than one method of measuring the size of a marine species is provided for, the specimen shall not be considered to be below the minimum conservation reference size if the size measured by any one of those methods is equal to, or greater than, the minimum conservation reference size.
- 4 Lobsters, crawfish, and bivalve and gastropod molluscs belonging to any such species for which a minimum conservation reference size is established in Annexes V, VI or VII may only be retained on board whole and may only be landed whole.

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Textual Amendments

- F28 Words in Art. 13(1) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(13)(a); 2020 c. 1, Sch. 5 para. 1(1)
- **F29** Words in Art. 13(1)(b) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), **5(13)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

SECTION 5

Measures to reduce discarding

Article 14

Pilot projects for the avoidance of unwanted catches

- Without prejudice to Article 14 of Regulation (EU) No 1380/2013, [F30] a fisheries administration] may conduct pilot projects with the aim of exploring methods for the avoidance, minimisation and elimination of unwanted catches. Those pilot projects shall F31... be based on the best available scientific advice.
- Where the results of those pilot studies or other scientific advice indicate that unwanted catches are significant, the [F32 fisheries administration] concerned shall endeavour to establish technical measures to reduce those unwanted catches F33....

Textual Amendments

- **F30** Words in Art. 14(1) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), **5(14)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31 Words in Art. 14(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(14)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- **F32** Words in Art. 14(2) substituted (31.12.2020) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), **5(14)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33 Words in Art. 14(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(3), 5(14)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)

(1) Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

Changes to legislation:

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