

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 III

#### REGIONALISATION

##### *Article 15*

##### **Regional technical measures**

- 1 Technical measures established at regional level are set out in the following Annexes:
  - a in Annex V for the North Sea;
  - b in Annex VI for North Western Waters;
  - c in Annex VII for South Western Waters;
  - d in Annex VIII for the Baltic Sea;
  - e in Annex IX for the Mediterranean Sea;
  - f in Annex X for the Black Sea;
  - g in Annex XI for Union waters in the Indian Ocean and the West Atlantic;
  - h in Annex XIII for sensitive species.
- 2 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.
- 3 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.
- 4 The technical measures adopted pursuant to paragraph 2 of this Article shall:
  - a aim at achieving the objectives and targets set out in Articles 3 and 4 of this Regulation;
  - b aim at achieving the objectives and comply with the conditions set out in other relevant Union acts adopted in the area of the CFP, in particular in the multiannual plans referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013;

- c be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013;
- d as a minimum, lead to such benefits for the conservation of marine biological resources that are at least equivalent, in particular in terms of exploitation patterns and the level of protection provided for sensitive species and habitats, to the measures referred to in paragraph 1. The potential impact of fishing activities on the marine ecosystem shall also be taken into account.

5 The application of the conditions in relation to the mesh size specifications set out in Article 27 and in Part B of Annexes V to XI shall not lead to a deterioration of selectivity standards, in particular in terms of an increase in the catches of juveniles, existing on 14 August 2019, and shall aim at achieving the objectives and targets set out in Articles 3 and 4.

6 In the joint recommendations submitted for the purpose of adopting the measures referred to in paragraph 2, the Member States shall provide scientific evidence to support the adoption of those measures.

7 The Commission may require STECF to assess the joint recommendations referred to in paragraph 2.

#### *Article 16*

#### **Species and size selectivity of fishing gear**

A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2) in relation to size-selective and species-selective characteristics of gear shall provide scientific evidence demonstrating that those measures result in selectivity characteristics for specific species or combination of species which are at least equivalent to the selectivity characteristics of the gear set out in Part B of Annexes V to X and in Part A of Annex XI.

#### *Article 17*

#### **Closed or restricted areas to protect juveniles and spawning aggregations**

A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2) in relation to Part C of Annexes V to VIII and X and Part B of Annex XI or in order to establish new closed or restricted areas shall include the following elements in respect of such closed or restricted areas:

- (a) the objective of the closure;
- (b) the geographical extent and duration of the closure;
- (c) restrictions on specific gear; and
- (d) control and monitoring arrangements.

### *Article 18*

#### **Minimum conservation reference sizes**

A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2) in relation to Part A of Annexes V to X shall respect the objective of ensuring the protection of juveniles of marine species.

### *Article 19*

#### **Real-time closures and moving-on provisions**

1 A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2) in relation to the creation of real-time closures with the aim of ensuring the protection of sensitive species or of aggregations of juveniles, spawning fish or shellfish species, shall include the following elements:

- a the geographical extent and duration of the closures;
- b the species and threshold levels that trigger the closure;
- c the use of highly selective gear to allow access to otherwise closed areas; and
- d control and monitoring arrangements.

2 A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2), in relation to moving-on provisions, shall include:

- a the species and threshold levels that trigger an obligation to move;
- b the distance by which a vessel is to move away from its previous fishing position.

### *Article 20*

#### **Innovative fishing gear**

1 A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2) in relation to the use of innovative fishing gear, within a specific sea basin, shall contain an assessment of the likely impacts of using such gear on the targeted species and on sensitive species and habitats. The Member States concerned shall collect the appropriate data necessary for such assessment.

2 The use of innovative fishing gear shall not be permitted where the assessments referred to in paragraph 1 indicate that their use will lead to significant negative impacts on sensitive habitats and non-target species.

### *Article 21*

#### **Nature conservation measures**

A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2), in relation to the protection of sensitive species and habitats, may in particular:

- (a) develop lists of sensitive species and habitats most at risk from fishing activities within the relevant region based on the best available scientific advice;

- (b) specify the use of additional or alternative measures to those referred to in Annex XIII to minimise the incidental catches of the species referred to in Article 11;
- (c) provide information on the effectiveness of existing mitigation measures and monitoring arrangements;
- (d) specify measures to minimise the impacts of fishing gear on sensitive habitats;
- (e) specify restrictions on the operation of certain gear or introduce a total prohibition on the use of certain fishing gear within an area where such gear represent a threat to the conservation status of species in that area as referred to in Articles 10 and 11 or other sensitive habitats.

### *Article 22*

#### **Regional measures under temporary discard plans**

1 When Member States submit joint recommendations for the establishment of technical measures in temporary discard plans referred to in Article 15(6) of Regulation (EU) No 1380/2013, those recommendations may contain, inter alia, the following elements:

- a specifications of fishing gear and the rules governing their use;
- b specifications of modifications to fishing gear or use of selectivity devices to improve size or species selectivity;
- c restrictions or prohibitions on the use of certain fishing gear and on fishing activities in certain areas or during certain periods;
- d minimum conservation reference sizes;
- e derogations adopted on the basis of Article 15(4) of Regulation (EU) No 1380/2013.

2 The measures referred to in paragraph 1 of this Article shall aim at achieving the objectives set out in Article 3 and in particular for the protection of juveniles or spawning aggregations of fish or shellfish species.

### *Article 23*

#### **Pilot projects on full documentation of catches and discards**

1 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, supplementing this Regulation by defining pilot projects that develop a system of full documentation of catches and discards based on measurable objectives and targets, for the purpose of a results-based management of fisheries.

2 The pilot projects referred to in paragraph 1 may derogate from the measures set out in Part B of Annexes V to XI for a specific area and for a maximum period of one year, provided that it can be demonstrated that such pilot projects contribute to achieving the objectives and targets set out in Articles 3 and 4 and, in particular, aim at improving the selectivity of the fishing gear or practice concerned or otherwise reduce its environmental impact. That one-year period may be extended by one additional year under the same conditions. It shall be limited to no more than 5 % of the vessels in that metier per Member State.

3 Where Member States submit joint recommendations for the establishment of pilot projects as referred to in paragraph 1, they shall provide scientific evidence to support their adoption. STEFC shall assess those joint recommendations and shall make that assessment

public. Within six months of the conclusion of the project, the Member States shall submit a report to the Commission outlining the results, including a detailed assessment of the changes in selectivity and other environmental impacts.

4 STECF shall assess the report referred to in paragraph 3. In the case of a positive assessment of the contribution of the new gear or practice to the objective in paragraph 2, the Commission may submit a proposal in accordance with the TFEU to allow for the generalised use of that gear or practice. The STECF assessment shall be made public.

5 The Commission is empowered to adopt delegated acts in accordance with Article 29 supplementing this Regulation by defining the technical specifications of a system for full documentation of catches and discards referred to in paragraph 1 of this Article.

#### *Article 24*

### **Implementing acts**

- 1 The Commission may adopt implementing acts, establishing the following:
- 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.

2 The implementing acts referred to in paragraph 1 shall be adopted in accordance with Article 30(2).