

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 VIII

FINAL PROVISIONS

Article 31

Review and reporting

1 By 31 December 2020 and every third year thereafter, and on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. That report shall assess the extent to which technical measures both at regional level and at Union level have contributed to achieving the objectives set out in Article 3 and reaching the targets set out in Article 4. The report shall also refer to advice from ICES on the progress that has been made, or impact arising from innovative gear. The report shall draw conclusions about the benefits for, or negative effects on, marine ecosystems, sensitive habitats and selectivity.

2 The report referred to in paragraph 1 of this Article shall contain, inter alia, an assessment of the contribution of technical measures to optimise exploitation patterns, as provided for in point (a) of Article 3(2). For that purpose the report may include, inter alia, as a selectivity performance indicator for the key indicator stocks for the species listed in Annex XIV the length of optimal selectivity (L_{opt}) compared to the average length of fish caught for each year covered.

3 On the basis of that report, where at regional level there is evidence that the objectives and targets have not been met, Member States within that region shall, within 12 months after the submission of the report referred to in paragraph 1, submit a plan setting out the actions to be taken to contribute to achieving those objectives and targets.

4 The Commission may also propose to the European Parliament and to the Council any necessary amendments to this Regulation on the basis of that report. The Commission is empowered to adopt delegated acts pursuant to Article 15 and in accordance with Article 29 in order to amend the list of species set out in Annex XIV.

Article 32

Amendments to Regulation (EC) No 1967/2006

Regulation (EC) No 1967/2006 is amended as follows:

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- (a) Articles 3, 8 to 12, 14, 15, 16 and 25 are deleted;
- (b) Annexes II, III and IV are deleted.

References to the deleted Articles and Annexes shall be construed as references to the relevant provisions of this Regulation.

Article 33

Amendments to Regulation (EC) No 1224/2009

In Chapter IV of Regulation (EC) No 1224/2009, Title IV is amended as follows:

- (a) Section 3 is deleted;
- (b) the following Section is added:

Section 4

On-board processing and pelagic fisheries

Article 54a

On-board processing

- 1 The carrying out on board a fishing vessel of any physical or chemical processing of fish to produce fish-meal, fish-oil, or similar products or to tranship catches of fish for such purposes shall be prohibited.
- 2 Paragraph 1 shall not apply to:
 - a the processing or transhipment of offal; or
 - b the production on board a fishing vessel of surimi.

Article 54b

Catch handling and discharge restrictions on pelagic vessels

- 1 The maximum space between bars in the water separator on board pelagic fishing vessels targeting mackerel, herring and horse mackerel operating in the NEAFC Convention Area as defined in Article 3(2) of Regulation (EU) No 1236/2010 shall be 10 mm.

The bars shall be welded in place. If holes are used in the water separator instead of bars, the maximum diameter of the holes shall not exceed 10 mm. Holes in the chutes before the water separator shall not exceed 15 mm in diameter.
- 2 Pelagic vessels operating in the NEAFC Convention Area shall be prohibited from discharging fish under their water line from buffer tanks or refrigerated seawater (RSW) tanks.
- 3 Drawings related to the catch handling and discharge capabilities of pelagic vessels targeting mackerel, herring and horse mackerel in the NEAFC Convention Area which are certified by the competent authorities of the flag Member States, as

well as any modifications thereto, shall be sent by the master of the vessel to the competent fisheries authorities of the flag Member State. The competent authorities of the flag Member State of the vessels shall carry out periodic verifications of the accuracy of the drawings submitted. Copies shall be carried on board the vessel at all times.

Article 54c

Restrictions on the use of automatic grading equipment

- 1 The carrying or use on board a fishing vessel of equipment which is capable of automatically grading, by size or by sex, herring or mackerel or horse mackerel shall be prohibited.
- 2 However, the carrying and use of such equipment shall be permitted provided that:
 - a the vessel does not simultaneously carry or use on board either towed gear of mesh size less than 70 mm or one or more purse seines or similar fishing gear; or
 - b the whole of the catch which may be lawfully retained on board:
 - (i) is stored in a frozen state;
 - (ii) the graded fish are frozen immediately after grading and no graded fish are returned to the sea; and
 - (iii) the equipment is installed and located on the vessel in such a way as to ensure immediate freezing and not to allow the return of marine species to the sea.
- 3 By way of derogation from paragraphs 1 and 2 of this Article, any vessel authorised to fish in the Baltic Sea, the Belts or the Sound may carry automatic grading equipment in the Kattegat provided that a fishing authorisation has been issued in accordance with Article 7. The fishing authorisation shall define the species, areas, time periods and any other required conditions applicable to the use and carriage on board of the grading equipment.
- 4 This Article shall not apply in the Baltic Sea..

Article 34

Amendment to Regulation (EU) No 1380/2013

In Article 15 of Regulation (EU) No 1380/2013, paragraph 12 is replaced by the following:

12. For species that are not subject to the landing obligation as specified in paragraph 1, the catches of species below the minimum conservation reference size shall not be retained on board, but shall be returned immediately to the sea, except when they are used as live bait. .

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Article 35

Amendment to Regulation (EU) 2016/1139

In Regulation (EU) 2016/1139, Article 8 is amended as follows:

- (a) in paragraph 1, the introductory part is replaced by the following:
 - 1. The Commission is empowered to adopt delegated acts in accordance with Article 16 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 regarding the following technical measures, insofar as they are not covered by Regulation (EU) 2019/1241 of the European Parliament and of the Council⁽¹⁾;
- (b) paragraph 2 is replaced by the following:
 - 2. The measures referred to in paragraph 1 of this Article shall contribute to the achievement of the objectives set out in Article 3 of this Regulation and shall comply with Article 15(4) of Regulation (EU) 2019/1241.

Article 36

Amendments to Regulation (EU) 2018/973

In Regulation (EU) 2018/973, Article 9 is amended as follows:

- (a) in paragraph 1, the introductory part is replaced by the following:
 - 1. The Commission is empowered to adopt delegated acts in accordance with Article 16 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation regarding the following technical measures, insofar as they are not covered by Regulation (EU) 2019/1241 of the European Parliament and of the Council⁽²⁾;
- (b) paragraph 2 is replaced by the following:
 - 2. The measures referred to in paragraph 1 of this Article shall contribute to the achievement of the objectives set out in Article 3 of this Regulation, and shall comply with Article 15(4) of Regulation (EU) 2019/1241.

Article 37

Amendment to Regulation (EU) 2019/472

In Regulation (EU) 2019/472, Article 9 is amended as follows:

- (a) in paragraph 1, the introductory part is replaced by the following:
 - 1. The Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation regarding the following technical measures, insofar as they are not covered by Regulation (EU) 2019/1241 of the European Parliament and of the Council⁽³⁾;
- (b) paragraph 2 is replaced by the following:

2. The measures referred to in paragraph 1 of this Article shall contribute to the achievement of the objectives set out in Article 3 of this Regulation, and shall comply with Article 15(4) of Regulation (EU) 2019/1241.

Article 38

Amendment to Regulation (EU) 2019/1022

In Regulation (EU) 2019/1022, Article 13 is amended as follows:

- (a) in paragraph 1, the introductory part is replaced by the following:
 1. The Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation regarding the following technical measures, insofar as they are not covered by Regulation (EU) 2019/1241 of the European Parliament and of the Council⁽⁴⁾;
- (b) paragraph 2 is replaced by the following:
 2. The measures referred to in paragraph 1 of this Article shall contribute to the achievement of the objectives set out in Article 3 of this Regulation, and shall comply with Article 15(4) of Regulation (EU) 2019/1241.

Article 39

Repeals

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 are repealed.

References to the repealed Regulations shall be construed as references to this Regulation.

Article 40

Entry into Force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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- (1) Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fishery 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 (OJ L 198, 25.7.2019, p. 105).';
- (2) Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fishery 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 (OJ L 198, 25.7.2019, p. 105).';
- (3) Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fishery 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 (OJ L 198, 25.7.2019, p. 105).';
- (4) Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fishery 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 (OJ L 198, 25.7.2019, p. 105).';