

<p style="text-align: center;"><b>Recovery plans for fish stocks threatened with collapse</b> <b>Information Sheet No 3: Technical Measures</b> <b>Version of 9 October 2001</b></p>
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## **1. Introduction**

Conditions laid down in the Technical Measures Regulation (850/98) have been augmented or changed in the light of consultations on cod and hake recovery.

Council Regulation 2549/2000 lays down additional technical measures directed at cod for the Irish Sea.

Commission Regulation 1162/2001 lays down additional technical measures directed at hake for Community waters to the west and south of Ireland.

A further Commission Regulation will shortly lay down additional technical measures directed at cod for the North Sea and west of Scotland.

Because the revised/augmented conditions are distributed across three Regulations it has become difficult to understand the inter-connection between the conditions laid down in these Regulations and between those conditions and the conditions laid down in the Technical Measures Regulation.

In addition, six amending Regulations to Regulation 850/98 have previously been adopted. These amendments are not necessarily related to cod or hake but their existence makes overall interpretation of the full technical measures Regulation additionally difficult.

## **2. The proposed approach: a new Technical Measures Regulation**

Although the main contribution to the recovery of the concerned stock would be, by far, a substantial reduction of fishing effort, an improvement of selectivity through enhanced technical measures would also contribute to stock recovery.

It is intended that all of the above elements, including those of the six amending Regulations, will be incorporated into a new Technical Measures Regulation. When adopted, the new Regulation will replace and annul all of the regulations referred to in Section 1 above.

Member States may perceive the presentation of a new Technical Measures Regulation as an opportunity to reopen old discussion or to initiate new discussion on topics unrelated to cod and hake. However, Member States are requested to disregard such possibility at this juncture. The Commission wishes the next step to be focused on the requirements for cod and hake recovery.

## **3. Possible new or amended conditions**

The conditions laid down in the Regulations indicated in Section 1 may need to be amended to avoid internal contradiction. In addition, the Commission may propose amendments where an opportunity to improve conservation of cod or hake is apparent. The main subjects being considered are given below.

### ***3.1 Conditions relating to structure and/or immersion time of static nets.***

Static nets (gill nets, trammel nets, tangle nets) take considerable quantities of cod and/or hake but there are few restrictions on their use other than specification of target species for various ranges of mesh size. The Commission will bring forward proposals related to length (and, possibly, height) of nets and their immersion times. At this stage, the Commission would consider proposing a maximum length of 20km for all gillnets, possibly with decreasing maximum lengths for decreasing vessel sizes, as well as a maximum immersion time of 48 hours. To curtail “ghost fishing”, it might also be possible to bring forward proposals which ensure that lost and/or abandoned nets cease to function. In this context, the forthcoming legislation on tagging and marking of fishing gears is of importance.

### ***3.2 Modification of the geographical extent of the hake boxes off southern Ireland and western France.***

The emergency measures established under Commission Regulation 1162/2001 include definition of areas in which restrictions on fishing apply to protect juvenile hake. It was understood at the time of establishment of these areas that the conditions defined are sub-optimal from the biological perspective. The Commission intends to revisit this question by redefining the extent of these areas (to encompass all important hake nursery grounds, including parts of territorial waters) as well as reviewing the conditions for fishing in these areas. Vessels fishing for *Nephrops* in such areas, for example, should only be authorised to use 70mm mesh if they are equipped with separator trawls so as to avoid the catch of juvenile hake. All other trawlers in these areas should fish with 100mm mesh.

### ***3.3. Change in the North Sea dividing line between 80 and 100 mm mesh for beam trawlers.***

In order to further protect juvenile cod in the North Sea, beam trawlers should be allowed to fish with 120mm mesh size to the north of 56°N, with 100mm mesh size between 55°N and 56°N and with 80mm mesh size to the south of 55°N.

### ***3.4 The use of 120mm meshes in towed gears to target cod in the Irish Sea, Celtic Sea, Channel and to the west of Ireland.***

The Commission will put forward conditions which encourage the use of towed gears of 120mm mesh when fishing for cod throughout Community waters. At present, such conditions are in place or imminent in the North Sea and to the west of Scotland. Other areas need to be brought into line.

In making these proposals, the Commission will try to ensure that there is no conflict with towed-gear fisheries for hake which should be conducted with nets of 100mm mesh size.

### ***3.5 Adoption of a One-net rule***

To enhance possibilities for control and enforcement of technical measures, the Commission will propose adoption of a one-net rule in all appropriate circumstances. Furthermore, the Commission will consider possible advantages in prohibition of the simultaneous use or carriage on board of static nets and towed nets.

### ***3.6 Conditions for sorting catches***

To reduce discarding to ensure compliance with the technical measures regulation, the Commission will propose that sorting of catches retained on board to bring them into compliance with technical measures need occur only prior to return to port, rather than every 24 hours.

### ***3.7 Real-time closures***

The Commission is considering the possibility of putting forward proposals regarding establishment of real-time closures to protect cod and hake, particularly in the case of large concentrations of juveniles. The probable mechanism to be proposed is:

- (i) the Member State(s) in whose waters the closure is to take place will contact the Commission with a request to enact legislation to establish the closure.
- (ii) the Commission will react immediately to accept or reject this request. If accepted, Community legislation will be enacted via a fast-track Commission procedure similar to that currently employed to stop fisheries when quotas are exhausted.

To support this mechanism, the following elements must also be considered:

- (a) verification of the basis on which the Member State(s) requested the closure (possibilities include immediate observation of catches within the closed area by national and/or Commission inspectors);
- (b) the maximum temporal and geographic extent of the closure (possibly 1-2 months and no more than 2 or 3 adjacent statistical rectangles);
- (c) Appeals procedure by other Member States.

### ***3.8 Closed areas to protect adult cod when spawning.***

The Commission is generally disinclined to the continuation of these measures. The absence, in many cases, of accurate data concerning spawning grounds, the risk of displacement of fishing effort and the continuation of fishing by certain fishing gear within “closed” areas, all serve to limit the effectiveness of such measures. In addition, adoption by the Council of the multi-annual strategy for selection of appropriate TAC’s accompanied by corresponding and proportionate reduction in fishing effort should be sufficient to achieve the necessary overall reduction in fishing effort that is central for cod and hake recovery.

It may, however, be of interest to maintain existing measures in areas such as the Irish Sea, where the level of information is higher. In such cases, however, it is questionable whether fishing for other species continue to be permitted under derogations.

#### **4. Skagerrak and Kattegat**

The current technical measures for the Skagerrak and Kattegat originate from an Agreed Record of 1982 between EU, Norway and Sweden. The conditions applied in this area have become archaic in relation to revised conditions for the North Sea and the Baltic.

The Commission intends to apply the same conditions to cod fishing in the Skagerrak and Kattegat as are proposed (or already in place) in the North Sea.

Ideally, revision of conditions for the Skagerrak should be agreed with Norway. However, it is permissible for EU to adopt conditions which go beyond those specified in the Agreed Record..

#### **5. Temporal extension of the new technical measures for hake**

As indicated previously, Commission Regulation 1162/2001 lays down additional technical measures directed at hake for Community waters to the west and south of Ireland. This Regulation will expire on 15 December 2001. The intended new Technical Measures Regulation may not come into force before the start of 2003. A further Commission Regulation will therefore be required to prolong the conditions of Regulation 1162/2001, possibly amended along the lines proposed above, until the new Council Regulation becomes applicable.