



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

Fisheries Policy Mediterranean and Black Sea  
The Director

Brussels,  
MARE.D.3/Ares (2020)

### Advisory Councils

**Subject: Technical Measures Regulation – preparation of the implementation report**

Dear Sir/Madam,

One of the novelties of the new Technical Measures Regulation<sup>1</sup> is the requirement for the Commission to report on a tri-annual basis to the European Parliament and Council. As described in Article 31 of the regulation, the report shall assess the extent to which technical measures both at regional and Union level have contributed to achieving the objectives and reaching the targets set out in the regulation.

Although initially foreseen in December 2020, the delivery of the report has been delayed to the second quarter of 2021. The scientific advice, which is indispensable for producing this report, was delayed due to the COVID-19 crisis and was finally delivered late autumn.

In accordance with Article 31 of the regulation, the report will be prepared considering the information provided by Member States and relevant Advisory Councils and after STECF evaluation. Given the overall importance of the regulation also for other stakeholders, this consultation is complemented by an online targeted stakeholder consultation<sup>2</sup>.

The reports made by the STECF can be found on the STECF website (Review of technical measures<sup>3</sup>, Plenary report<sup>4</sup>) and advice on innovative gears from ICES on ICES website<sup>5</sup>.

Considering the objectives of the regulation and elements to be included in the report, we have prepared questions to Advisory Councils, which you will find annexed to this letter

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<sup>1</sup> 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 (OJ L198, 25.7.2019, p. 105).

<sup>2</sup> <https://ec.europa.eu/eusurvey/runner/TSCOTMR2020>

<sup>3</sup> <https://stecf.jrc.ec.europa.eu/reports/tech-measures>

<sup>4</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/2786172/STECF+PLEN+20-03.pdf/e7636405-63af-46fe-91eb-5fc1d03cfa90>

<sup>5</sup> [http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2020/Special\\_Requests/eu.2020.12.pdf](http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2020/Special_Requests/eu.2020.12.pdf)

and to which we kindly ask you to reply. As mentioned, similar questions will be addressed to Member States and to other targeted stakeholders.

I would be most grateful if you could send the replies to these questions and any further relevant information by 15 February 2021 to [MARE-TECHNICAL-MEASURES@ec.europa.eu](mailto:MARE-TECHNICAL-MEASURES@ec.europa.eu).

Yours faithfully,

Lena ANDERSSON PENCH

## **TECHNICAL MEASURES REPORT (ART 31.1. of EU REGULATION 2019/1241)**

In those cases in which the reply is accompanied with supporting documentation/brief explanation please limit this to 2 pages maximum, including the references.

1. Even though the Regulation on Technical Measures has only entered into force recently, the Advisory Council's views are welcome on whether 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 of that Regulation.
2. Does the Advisory Council consider that the list in Annex I (Prohibited species) is adequate? If not, what should be amended? (please provide a brief explanation)
3. Does the Advisory Council consider that the measures in place are adequate to ensure that species referred to in Art 11 are not harmed and promptly released?
4. Has the Advisory Council been involved in any scientific research envisaging the use of accidentally caught marine mammals, seabirds?
5. Is the Advisory Council aware of any mitigation measures or restrictions on the use of certain gear that Member States have put in place aimed at minimising or where possible eliminating the catches of mammals, seabirds and marine turtles?
6. Is the Advisory Council involved in any proposal to amend Annex II (Closed areas for protection of sensitive habitats)? If so, please provide a brief explanation.
7. Is the Advisory Council involved in any pilot project for the avoidance of unwanted catches? If so, please provide a brief explanation.
8. Does the Advisory Council consider there is a need for additional closed or restricted areas other than in Part C of Annexes V to VIII and X and Part B of Annex XI to protect juveniles and spawning aggregations? If so, provide a brief explanation.
9. Does the Advisory Council consider the current minimum conservation reference sizes for commercial species as in Part A of Annexes V to X adequate? If not, please provide a brief explanation why not and whether the Advisory Council sees a need to amend established sizes or introduce additional ones.
10. Does the Advisory Council consider there is a need to align the minimum conservation reference size between recreational fisheries and commercial fisheries? If so, please provide a brief explanation.
11. Does the Advisory Council consider there is a need for real-time closures and moving-on provisions? If so, please provide a brief explanation.
12. Does the Advisory Council consider there is a need to adopt measures regarding innovative fishing gear, taking into account the recent ICES advice on innovative gear? If so, please provide a brief explanation.
13. Does the Advisory Council consider there is a need for additional technical nature conservation measures for the protection of sensitive habitats? If so, which measures for which habitats?
14. Does the Advisory Council consider there is a need for additional technical nature conservation measures for the protection of sensitive species? If so, which measures for which species?
15. Does the Advisory Council consider there is a need for the establishment of pilot projects to 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?

16. Does the Advisory Council consider there is a need for additional measures in relation to species and size selectivity of fishing gear and mesh size specifications? If so, why and how?
17. Is the Advisory Council involved in the preparation of a Joint Recommendation in order to further define the term 'directed fishing' for relevant species in Part B of Annexes V to X and Part A of Annex XI? If so, please describe.
18. Does the Advisory Council consider that additional regional mitigation measures are needed for the reduction of incidental catches for sensitive species? If so, what measures?
19. Does the Advisory Council consider there is a need for additional steps to collect scientific data on incidental catches of sensitive species as set out in Annex XIII? If so, why and what steps?
20. Does the Advisory Council consider there is a need for additional steps to sufficiently monitor and assess the effectiveness of mitigation measures as set out in Annex XIII? If so, why and what steps?
21. Has the Advisory Council identified difficulties in the implementation of the Technical Measures Regulation? If so, please indicate the relevant Article(s) and the difficulties encountered.