

# Targeted stakeholder consultation on the Technical Measures Regulation (fisheries)

Fields marked with \* are mandatory.

## Introduction

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One of the novelties of the new [Technical Measures Regulation](#) 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. This report is important, as it sets a system that monitors progress and promotes corrective actions if progress is insufficient to meeting the targets and objectives set out in this legal text.

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 on the basis of scientific advice and after consultation of the Member States and relevant Advisory Councils. Given the overall importance of the regulation also for other stakeholders, this consultation is complemented by this online targeted stakeholder consultation. The scientific basis for the report can be found in the advice from STECF ([Review of technical measures](#); [Plenary report](#)) and [ICES](#) advice on innovative gear.

In view of this advice and considering the objectives of the regulation and elements to be included in the report, we have prepared a limited number of questions to which you can provide your answers. In case you wish to support your answers with additional documentation, this must be 2 pages maximum (including references) and can be uploaded at the end of the questionnaire.

## About you

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**\* Organisation name**

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**Anonymous**

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## Technical Measures

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**1. Even though the Regulation on Technical Measures has only entered into force recently, your 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.**

*5000 character(s) maximum*

It is too soon to fully evaluate to which extent the Technical Measures implemented have contributed to the achievement of the Regulation's objectives and targets.

The EU should continue with and push for science-based fisheries management and improved control as a measure of conservation, following FAO recommendations. Balance socio-economic needs with environmental needs. Ensuring proper management is the most efficient way to achieve the UN Sustainable Development Goal (SDG) 14 while achieving other equally relevant SDGs such as food security and socio-economic development simultaneously.

**2. Do you consider that the list of prohibited species in Annex I (Prohibited species) is complete?**

- Yes
- No

**3. Do you think that the measures in place are adequate to ensure that species referred to in Article 11 are not harmed and promptly released?**

- Yes
- No

**Please provide a brief explanation.**

*5000 character(s) maximum*

Yes, but the EU needs to ensure a level-playing field between conservation measures and fisheries policy. The technical measures should not create unintended consequences and undermine efficient fisheries management.

It should be noted that these animals have no commercial interest to fishers. On the contrary, they potentially ruin nets and catches. Fishers are conscious about these animals and are well trained for identification, safe handling and prompt release into the sea. However, further investment and research on the effectiveness on measures such as these is needed. Furthermore, there is a noteworthy impact of other vessels such as commercial or recreational on the mortality of marine mammals that should be analyzed.

**4. Have you been involved in any scientific research envisaging the use of accidentally caught marine mammals, seabirds and marine reptiles?**

- Yes
- No

**5. Are you aware of any mitigation measures or restrictions on the use of certain gear that Member States have put in place aimed at minimizing, or where possible eliminating the catches of mammals, seabirds and marine reptiles?**

- Yes

- No

**Please provide a brief description.**

*5000 character(s) maximum*

A combined Joint Recommendation prepared by the North and South Western Waters Member States Groups for cetaceans bycatch in the Bay of Biscay has been put in place along with the actions suggested around knowledge improvement on interactions between fishing activity and marine mammal populations, around reporting of incidental catches and around acoustic deterrent.

In the Member State France for instance, additional mitigation of by-catch measures are in place since January 2020. All pelagic trawlers of more than 12m have to use pingers in the Bay of Biscay.

**6. Do you consider that the measures provided for in Annex II (Closed areas for protection of sensitive habitats) are adequate?**

- Yes  
 No

**7. Do you think the closed or restricted areas to protect juveniles and spawning aggregations established in Part C of Annexes V to VIII and X and Part B of Annex XI are adequate?**

- Yes  
 No

**8. Do you consider the current minimum conservation reference sizes for commercial species as in Part A of Annexes V to X adequate?**

- Yes  
 No

**9. Do you think there is a need to align the minimum conservation reference size between recreational fisheries and commercial fisheries?**

- Yes  
 No

**Why?**

*5000 character(s) maximum*

Recreational fisheries have an impact on fish stock. The recreational activity can be extremely significant in some areas at some time of the year (like for Sea Bass or cod for instance). It is not as well monitored and controlled as professional fisheries. Finally, it should be reminded that professional fisheries have an essential role in providing sustainable food for the market. Therefore, a minimum requirement should be for MCRS to be aligned between recreational and professional fisheries.

**10. Do you think there is a need for real-time closures and moving-on provisions?**

- Yes
- No

**Please provide a brief explanation (including area).**

*5000 character(s) maximum*

Assuming that the responsible fleets could be identified reliably and that the state of the population to be protected calls for such drastic measures, then careful consideration, including socio-economic, might be given to real-time closures and moving-on provisions. These must be based on scientific evidence.

**11. Do you think that the recent [ICES advice on innovative gear](#) could serve as a basis to promote innovation while ensuring coherence with CFP objectives?**

- Yes
- No

**Please provide a brief explanation.**

*5000 character(s) maximum*

It can, as it will help overcome similar challenges in other sea basins and hereby serve as a best practice. However, as indicated by ICES, the three criteria chosen to assess the impacts of gear innovation (catch efficiency, selectivity, and the marine ecosystem) lack the understanding of the wider social, political, and economic context in which the innovations are embedded. The socio-economic impacts of gear innovation should have been a part of the ICES advice in order to have a comprehensive review and to promote gear innovation to fishers. For instance, data on investments, cost reduction, user-friendliness, health and safety impacts all are significant aspects on which the uptake by fishers is based and on which a gear innovation can be considered as successful.

**12. Are you involved in any research project on innovative gear?**

- Yes
- No

**To the extent possible, please provide a brief explanation.**

*5000 character(s) maximum*

With the help of scientists, fishermen constantly improve their fishing gear to prevent catches and improve the selectivity over many years. Members of our organisation are active on various projects linked to innovative fishing gears, like:

For over 10 years, the French fleet, with the help of scientists (IFREMER,...) initiated programmes to develop selective devices which have since been included in various regulations. Like selective devices for the Bay of Biscay Nephrops fleet and for hake. Furthermore, a Celtic-Selectivity project to improve the selectivity of offshore trawlers ('13-'16) has shown convincing results in terms of haddock and boarfish selectivity. On cetaceans in the Bay of Biscay, fishermen have also been working on projects aiming to reduce by-catches of cetaceans in the Bay of Biscay. Later on, accompanied by fish POs, a project showed that by-catches could be reduced by up to 65% for pelagic trawlers. Another research project explored the impact of other fishing gears. An action plan for the winter '20/'21 increases research, cooperation, and by-catch reduction goals.

In the Netherlands, scientists and fishers are carrying out joint research into grid adaptations, tested to fish more selectively, trials with a variety of new trawl designs have achieved reductions in whiting bycatch, further trials with large mesh panels in the beam trawl fisheries with scientific entities, and trials with a variety of new trawl designs have achieved reductions in whiting bycatch. Furthermore, a Fisheries Innovation Platform project looked at possible net innovations to reduce discards in Norway lobster fishing. After testing various modifications, a net was developed to optimize the ratio of market-worthy fish and discards. The total decrease in quoted discards was 68% for this net design, but this net innovation would change the catch composition in such a way that it would result in a decrease of 447€ profit per fishing day. Cutter fisheries also underwent a Fisheries Innovation Platform project, where various net adaptations (including separation panels, escape panels and grids) were tested in the different fishing techniques resulting in on average a 20-35% decrease in discards, but also in a loss of 10% marketable fish of 657€/fishing day. All in all, the net innovations would lead to a negative economic balance per day at sea, amounting to a loss of 93,800€ per cutter vessel and 5.9 million EUR on fleet level.

Specifically on marine mammals, a harbour porpoise bycatch research completed in '19 by the Dutch government, in successful cooperation with fishers and researchers (Wageningen Marine Research (former IMARES)). The study assessed the bycatch of harbour porpoise in the Dutch commercial bottom-set gillnet fishery, which is one of the priorities defined in the conservation plan for the Harbour porpoise in The Netherlands. The results show that during the study period mortality caused by this fishery lies between 0.05 and 0.07% per year which is substantially less than the objective of 1%. Therefore the most important recommendation was to carry out research into the extent of bycatch on the Dutch continental shelf by other fisheries sectors, such as non-Dutch commercial or Dutch recreational fishery.

The Belgian fleet tried to develop and fine tune technical innovations together with scientists to reduce the catch of choke species and other bycatch in the beam trawling. Several innovations are tested to improve the selectivity of the net, like the installation of escape panels in the nets, benthic release panels, sorting grids, and adjusting the size and shape of meshes. Also here, the possibilities of technical adjustments are limited, especially in mixed fisheries. Installing larger meshes to promote the escape of undersized fish will, for example, mean a loss of market-worthy and valuable sole.

In Denmark trawlers were challenged with their own solutions to improve selectivity through an unrestricted gear trial in '15. 75% of the vessels successfully increased their selectivity without negative effects on economic viability, indicating that relaxing technical regulations combined with proper incentives has a potential to be effective and in line with the objectives and targets of this Regulation. During the last years a big effort has been put into working with selectivity of cod in trawls. Currently the sector participates in research projects with DTU Aqua on innovative gear, innovative materials reducing fuel emissions, reducing physical impact of gears, monitoring system with automatic detection of catch composition, biodegradable net, other on bycatch reduction and solutions under the landing obligation.

In Spain, multiple selectivity campaigns have already taken place on board of purse seiners, and deep-bottom trawlers testing different alternatives in square-meshed nets, analysing the performance of different mesh sizes, and improving the ecological efficiency of the fleet.

**13. Do you think there is a need for additional nature conservation technical measures for the protection of sensitive habitats?**

- Yes
- No

**14. Do you think there is a need for additional nature conservation technical measures for the protection of sensitive species?**

- Yes
- No

**15. Do you think there is a need for additional measures in relation to species and size selectivity of fishing gear and mesh size specifications?**

- Yes
- No

### **Why?**

*5000 character(s) maximum*

The fisheries sector recommends to first assess the results of the current technical measures in place and their effectiveness in improving selectivity prior to considering additional measures. In the Celtic Sea, the remedial measures taken are overly prescriptive and translate into huge efforts for the fishing fleet. They do not represent a balanced or proportionate management response to the challenge of applying necessary rebuilding measures whilst maintaining the legitimate fisheries for other stocks within the ultra-mixed fisheries of the Celtic Sea.

**16. Do you think that additional regional mitigation measures are needed for the reduction of incidental catches for sensitive species?**

- Yes
- No

**17. Do you think that there is a way to improve collection of scientific data on incidental catches of sensitive species as set out in Annex XIII?**

- Yes
- No

### **How?**

*5000 character(s) maximum*



There is a lack of specific data on cetaceans. Research needs to bridge the knowledge gap for those species for which biomass, behaviour and distribution shifts are still hard to assess. To that end, the research programs also led to wide observer coverage on board vessels. As an example, the NWWAC has set up a set of recommendations in this regard, calling on data gaps to be filled and on scientific research to step up.

There is also a lack of data on recreational fishing and their impact on the mortality of marine mammals.

**18. Do you think that there is a way to improve sufficient monitoring and assessment the effectiveness of mitigation measures as set out in Annex XIII?**

- Yes  
 No

**How?**

*5000 character(s) maximum*

Step up efforts on control, monitoring and enforcement as well as increase the percentages of on board scientific observers from the Member State during the fishing operations to improve scientific information and assess the effectiveness of mitigation measures.

**19. Have you identified difficulties in the implementation of the Technical Measures Regulation?**

- Yes  
 No

**Please indicate the relevant Article(s) and the difficulties encountered.**

*5000 character(s) maximum*

The Regulation defines the scientific concept of length of optimal selectivity (L<sub>opt</sub>) as an adequate selectivity indicator. But this indicator is even more unrealistic than MSY in a mixed fishery. Therefore, any reference to this indicator should be deleted as despite it being voluntary it can be used to indicate the implementation of this Regulation (recital 39), which would portray an unrealistic picture of the state of play of achieving the objectives and reaching the targets of this Regulation.

Other indicators than L<sub>opt</sub> should be identified and used following analysis by STECF and ICES and selectivity performance indicators in general should remain a methodology on a voluntary basis.

To recall, the fishing industry and the ACs have indicated the issue with the introduced indicator L<sub>opt</sub> before, as follows:

PELAC: “the introduction of new, untested concepts such as the L-opt, and the keeping on board of catch composition rules under a regime of an EU landing obligation, are critical examples of this new legislation being rushed through...”

NSAC an NWWAC (derived from the STECF report quoted in the Commission paper): “It should be recognised that for most species L<sub>opt</sub> is far above the current mean length of catch. Thus, in most fisheries, reaching an optimal selectivity is not a realistic objective in the short or even medium term.” Additionally, establishing selectivity performance indicators in a mixed species fishery is a new concept which is largely untested and will require having mechanisms for data collection and collation.”

These technical measures are sometimes contradicting with the landing obligation, lack credibility with the fishing industry, and are unnecessary complex.

With regards to the Celtic Sea stocks (cod and whiting by-catch) remedial measures, the fisheries sector proposed a set of measures last year that were disregarded by the Commission.

This year, work was undertaken by the fishing industry to prove the selectivity level of different gears used. However, the context of the COVID crisis has led to delays for tests to be carried-out at sea and more time needs to be allowed to prove the selectivity level of gears. Therefore, the deadline for presenting these results should be postponed. The application of disproportionately harsh measures will not match the efficiency of the ones proposed by the sector and would have devastating consequences for the fishermen, their families, and communities.

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### Contact

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