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WORKING PAPER

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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 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

Delegations will find attached some informal proposals for a compromise on the above-mentioned subject, as received from the European Parliament Rapporteur. These proposals will be examined in the Working Party on Internal and External Fisheries Policy of 10 January 2019.



Conservation of fishery resources and protection of marine ecosystems through technical measures

COM/2017/0128 - 2016/0134 (COD)

Rapporteur: Gabriel Mato

COMPROMISE PROPOSALS

20 November 2018

PULSE TRAWL

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL compromise proposal 4 October 2018	PROPOSAL
Art. 7 - point (b)	(b) electric current except for the use of the electric pulse trawl as set out in Article 24 and Part E of Annex V;	Amendments 303 and 349 (b) electric current except for the use of the electric pulse trawl as set out in Article 24 and Part E of Annex V;	(b) electric current except <u>under the specific provisions of Annex V, part E of this regulation;</u>	(b) electric current except <u>for the electric pulse trawl, which will only be allowed under the specific provisions of Annex V, part E of this regulation, during a transitional period ending 31 December 2021;</u>
Article 7 – para 1 a (new)		Amendment 296 <i>Notwithstanding the provisions of Article 2, this Article shall apply in international waters and the waters of third countries.</i>		<u>Notwithstanding the provisions of Article 2, this Article shall apply in international waters and the waters of third countries.</u>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL compromise proposal 4 October 2018	PROPOSAL
Article 8 - Title	Prohibited uses		Deleted	Prohibited uses
Art. 8	It shall be prohibited to sell, display or offer for sale any marine species caught using any of the methods listed in Article 7.			It shall be prohibited to sell, display or offer for sale any marine species caught using any of the methods listed in Article 7, <u>under the conditions specified therein.</u>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL compromise proposal 4 October 2018	PROPOSAL
Article 29 - para.	The technical measures provided for in this Regulation shall not apply to	Amendment 163	(no changes to the initial General Approach):	The technical measures <u>other than the prohibition of certain gears</u>

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1 - Intro.	fishing operations conducted solely for the purpose of scientific investigations subject to the following conditions:	The technical measures provided for in this Regulation shall not apply to fishing operations conducted solely for the purpose <u>in the context</u> of scientific investigations subject to the following conditions:	The technical measures provided for in this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations subject to the following conditions:	<u>and uses in Article 7</u> provided for in this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations subject to the following conditions:
Article 29 - para 1(e) (new)			<u>(e) in case of electric pulse trawl fishing, vessels conducting scientific research must follow a specific scientific protocol as part of a scientific research plan that has been reviewed or validated by ICES.</u>	<u>(e) in case of electric pulse trawl fishing, during the transitional period referred to in Annex V, Part E, point 2, vessels conducting scientific research must follow a specific scientific protocol as part of a scientific research plan that has been reviewed and validated by ICES or STECF, as well as a system for monitoring, control and evaluation.</u>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL compromise proposal 4 October 2018	PROPOSAL
Article 29 a (new)				<u>Conditions for conducting scientific research and pilot projects</u> <u>Scientific research and pilot projects shall only be conducted under the following conditions:</u> <u>a) they must be time limited and involve only [a small proportion of the fleet] which must be defined by</u>

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				<p><u>scientific criteria justified by the needs of the project;</u></p> <p><u>b) the Commission shall be notified in advance of any proposals for projects and shall require the STECF to assess the criteria and justifications for the level and duration of the projects;</u></p> <p><u>c) if on the advice of STECF the level of participation and duration is not justified, the Commission shall request Member States to amend their proposal accordingly.</u></p>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL compromise proposal 4 October 2018	PROPOSAL
Art. 34 - para 1	By the end of 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 the STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. This report shall assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives set out in Article 3 and in	<p>Amendment 170</p> <p>By the end of 2020 ... <u>[three years after the date of entry into force of this Regulation]</u> and every third year thereafter, and on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. This report shall assess the extent to which technical measures both regionally and at Union level have contributed to</p>	1. By the end of 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 the STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. This report shall assess the extent to which technical measures both regionally and at Union level have contributed to achieving the	<p><u>Note: text as agreed during the trilogue of 4 October:</u></p> <p>By the end of 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 the STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. This report shall assess the extent to which technical measures both</p>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL compromise proposal 4 October 2018	PROPOSAL
	reaching the targets set out in Article 4.	achieving the objectives set out referred to in Article 3 and in reaching the targets <u>on the basis of the performance indicators</u> set out in article 4.	objectives set out in Article 3 and in reaching the targets set out in Article 4.	regionally and at Union level have contributed to achieving the objectives set out in article 3 and in reaching the targets set out in article 4. <i>Note: addition proposed, inspired by the Council's compromise proposal of 4 October - "electric pulse" replaced by "innovative gears":</i> <u>This report may refer to advice from ICES on the progress that has been made, or impact arising from existing or new innovative gears. The report may draw conclusions about the benefits or negative effects on marine ecosystems, sensitive habitats as well as selectivity.</u>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL compromise proposal 4 October 2018	PROPOSAL
Annex V - Part E	Notwithstanding Article 13, fishing with an electric pulse trawl shall be allowed in ICES divisions IVb and IVc under conditions defined in accordance with the second indent of paragraph 1 of Article 27 of this Regulation, regarding the characteristics of the pulse used and control monitoring measures in	Amendments 306, 314, 315 and 356 Deleted	1. Fishing with electric pulse trawl shall be prohibited in all Union waters after 31 December 2021. 2. Until 31 December 2021, fishing with electric pulse trawl in ICES divisions IVb and IVc shall continue to be allowed under the conditions defined in accordance	1. Fishing with electric pulse trawl shall be prohibited in all Union waters <u>as of 1 January 2022</u> after 31 December 2021. 2. Until <u>During the transitional period ending</u> 31 December 2021, fishing with electric pulse trawl in ICES divisions IVb and IVc shall

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL compromise proposal 4 October 2018	PROPOSAL
	<p>place south of a rhumb line joined by the following points, which shall be measured according to the WGS84 coordinate system:</p> <ul style="list-style-type: none"> – a point on east coast of the United Kingdom at latitude 55°N – east to latitude 55°N, longitude 5°E – north to latitude 56°N – east to a point on the west coast of Denmark at latitude 56°N 		<p>with second indent of paragraph 1 article 27 of this Regulation, regarding the characteristics of the pulse used and control monitoring measures in place south of a rhumb line joined by the following points, which shall be measured according to the WGS84 coordinate system:</p> <ul style="list-style-type: none"> – a point on east coast of the United Kingdom at latitude 55°N – east to latitude 55°N, longitude 5°E – north to latitude 56°N – east to a point on the west coast of Denmark at latitude 56°N <p>The following conditions shall apply:</p> <p>(a) no more than 5% of the beam trawler fleet per Member State use the electric pulse trawl;</p> <p>(b) the maximum electrical power in kW for each beam trawl is no more the length in metres of the beam multiplied by 1,25;</p> <p>(c) the effective voltage between the electrodes is no more that 15 V;</p> <p>(d) the vessel equipped with an automatic computer management system which records the maximum power used per beam and the effective voltage between electrodes for at least the last 100 tows. It is not possible for non-</p>	<p>continue to be allowed <u>solely</u> under the conditions defined in accordance with second indent of paragraph 1 article 27 of this Regulation, regarding the characteristics of the pulse used and control monitoring measures in place south of a rhumb line joined by the following points, which shall be measured according to the WGS84 coordinate system:</p> <ul style="list-style-type: none"> – a point on east coast of the United Kingdom at latitude 55°N – east to latitude 55°N, longitude 5°E – north to latitude 56°N – east to a point on the west coast of Denmark at latitude 56°N <p>The following conditions shall apply:</p> <p>(a) no more than 5% of the beam trawler fleet per Member State use the electric pulse trawl;</p> <p>(b) the maximum electrical power in kW for each beam trawl is no more the length in metres of the beam multiplied by 1,25;</p> <p>(c) the effective voltage between the electrodes is no more that 15 V;</p> <p>(d) the vessel equipped with an automatic computer management system which records the maximum power used per beam and the effective voltage between electrodes for at least the last 100</p>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL compromise proposal 4 October 2018	PROPOSAL
			authorised personnel to modify this automatic computer management system; (e) it is prohibited to use one or more tickler chains in front of the footrope.	tows. It is not possible for non- authorised personnel to modify this automatic computer management system; (e) it is prohibited to use one or more tickler chains in front of the footrope;
			3. New licenses shall not be granted to any vessel during this period.	3. New <u>fishing authorisations</u> licenses shall not be granted to any vessel during this period. <u>All fishing authorisations allowing the use of electric pulse trawls valid on the date of entry into force of this Regulation shall end by 31-12-2021 at the latest.</u> <u>Fishing authorisations shall not be transferable between vessels.</u>
			4. The Commission shall request in due time an advice from ICES on the impact of electric pulse fishing on marine ecosystems, including sensitive habitats or non-target species, and shall present an assessment report on the basis of this scientific advice by 1 July 2020. In case of a positive assessment, the Commission may submit a legislative proposal on the use of this fishing method, in accordance with the Treaty.	<u>Note: to be put in Article 34</u> 4. The Commission shall request in due time an advice from ICES on the impact of electric pulse fishing on marine ecosystems, including sensitive habitats or non target species, and shall present an assessment report on the basis of this scientific advice by 1 July 2020. In case of a positive assessment, the Commission may submit a legislative proposal on the use of this fishing method, in accordance with the Treaty.

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL compromise proposal 4 October 2018	PROPOSAL
			5. Until 31 December 2021 in the waters up to 12 nautical miles from baselines under their sovereignty or jurisdiction, Member States may take non discriminatory measures to restrict or prohibit the use of electric pulse trawl. Member States shall inform the Commission and the Members States concerned of the measures put in place under this paragraph.	5. Until 31 December 2021 <u>From the date of entry into force of this Regulation,</u> in the waters up to 12 nautical miles from baselines under their sovereignty or jurisdiction, Member States may take non discriminatory measures to restrict or prohibit the use of electric pulse trawl. Member States shall inform the Commission and the Members States concerned of the measures put in place under this paragraph.
				<u>6 (new). If requested by the coastal Member State to the flag Member State, the master of a vessel using electric pulse trawl shall take on board an observer from the coastal Member State during the fishing operations.</u>

REGIONALISATION

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
<u>Recital x (new)</u>		Amendment 142 Article 18 - paragraph 1a (new) <u>1a. Where appropriate in order to achieve the objectives of the CFP and to take into account the specificities of a region, technical measures that deviate from the measures referred to in paragraph 1 of this Article may be adopted in the context of a multiannual plan referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013.</u>		<i>EP proposal: keep EP AM in a recital:</i> <u>Where appropriate in order to achieve the objectives of the CFP and to take into account the specificities of a region, regional technical measures that deviate from the measures set in the annexes of this Regulation may be adopted in the context of a multiannual plan referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013.</u>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
<u>Recital xx (new)</u>		Amendment 143 <u>Where no multiannual plan is in place for the fisheries in question or where the relevant multiannual plan does not establish technical measures or a procedure for the adoption of such technical measures, the Commission is empowered to adopt delegated acts in accordance with the procedure set out in Article 32 of this Regulation and</u> Article 18 of Regulation (EU) No 1380/2013 <u>Member States may submit joint recommendations supplementing this Regulation by</u> defining appropriate		<i>EP proposal: keep 1st part of the EP AM in a recital:</i> <u>Where no multiannual plan is in place for the fisheries in question or where the relevant multiannual plan does not establish technical measures or a procedure for the adoption of such technical measures, the Commission is empowered to adopt delegated acts in accordance with the procedure set out in Article 32 of this Regulation and</u> Article 18 of

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
		technical measures at the regional level that deviate from the measures set out in paragraph 1, <u>in particular by establishing mesh sizes to be applied at regional level. For the purpose of adopting such delegated acts, Member States may submit a joint recommendation in accordance with Article 18(1) of Regulation (EU) No 1380/2013 by ... [12 months after the date of entry into force of this Regulation]. The Commission shall make those joint recommendations public immediately after their submission by the Member States and shall make public any scientific assessment carried out to ensure their compliance with Article 18(5) of Regulation (EU) No 1380/2013.</u>		Regulation (EU) No 1380/2013 Member States may submit joint recommendations supplementing this Regulation by defining appropriate technical measures at the regional level that deviate from the measures set out in paragraph 1, <u>in particular by establishing mesh sizes to be applied at regional level.</u>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
Chapter III - Title	REGIONALISATION			REGIONALISATION
Art. 18 - Title	Guiding principles	Amendment 139 Guiding principles <u>Regional technical measures</u>	Guiding principles <u>Regional technical measures</u>	Guiding principles <u>Regional technical measures</u>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
Art. 18 - para. 1	Technical measures established at the 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; (f) in Annex X for the Black Sea; (g) in Annex XI for the Outermost Regions.	Amendment 140 Technical measures established at the 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; (f) in Annex X for the Black Sea; (g) in Annex XI for the Outermost Regions Union waters in the Indian Ocean and the West Atlantic .	T Specific technical measures established at the 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; (f) in Annex X for the Black Sea; (g) in Annex XI for the Outermost Regions-; <u>(h) Annex XII for Cetaceans and Seabirds.</u>	<i>EP proposal: accept Council's text with EP point (g) related to Outermost regions;</i> <i>Note: Need to be coherent in Annex XI entitled "Outermost regions":</i> <u>1.—T</u> Specific technical measures established at the 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; (f) in Annex X for the Black Sea; (g) in Annex XI for the Outermost Regions Union waters in the Indian Ocean and the West Atlantic .
Art. 18 - para. xx1 new			<u>In order to take into account regional specificities of the relevant fisheries, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 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</u>	<i>EP revised position: keep Council's text with some adaptations</i> <u>2. In order to take into account regional specificities of the relevant fisheries, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to amend, supplement, repeal or derogate</u>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
			<u>paragraph 1, including in the context of a temporary discard plan referred to in Article 15(6) of Regulation (EU) No 1380/2013. The Commission shall adopt such 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. The acts adopted in accordance with this Article may also contain measures set out in Articles 2(2), 7(b) and 9(1) and (2).</u>	<u>from the technical measures set out in the Annexes referred to in paragraph 1, including in the context of a temporary discard plan referred to in Article 15(6) of Regulation (EU) No 1380/2013. The Commission shall adopt such 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. The acts adopted in accordance with this Article may also contain measures set out in Articles 2(2), 7(b) and 9(1) and (2).</u>
Art. 18 - para. 2	In accordance with the procedure set out in Article 18 of Regulation (EU) No 1380/2013 Member States may submit joint recommendations defining appropriate technical measures at the regional level that deviate from the measures set out in paragraph 1.	Amendment 143 <u>Where no multiannual plan is in place for the fisheries in question or where the relevant multiannual plan does not establish technical measures or a procedure for the adoption of such technical measures, the Commission is empowered to adopt delegated acts in accordance with the procedure set out in Article 32 of this Regulation and</u> Article 18 of Regulation (EU) No 1380/2013 Member States may submit joint recommendations supplementing this Regulation by defining appropriate technical measures at the regional level that deviate from the measures set out in paragraph 1, <u>in particular by</u>	Deleted	<u>EP proposal:</u> - keep Council's text (paragraph xx1), with some adaptations; - put 1st part of the EP AM in a recital; - keep the second part of the EP AM: « For the purpose of adopting...to ensure their compliance with Article 18(5) of Regulation (EU) N° 1380/2013. » (Note: With the reference to temporary discard plans Article 26

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
		<u>establishing mesh sizes to be applied at regional level. For the purpose of adopting such delegated acts, Member States may submit a joint recommendation in accordance with Article 18(1) of Regulation (EU) No 1380/2013 by ... [12 months after the date of entry into force of this Regulation]. The Commission shall make those joint recommendations public immediately after their submission by the Member States and shall make public any scientific assessment carried out to ensure their compliance with Article 18(5) of Regulation (EU) No 1380/2013.</u>		becomes superfluous and may be deleted): <u>2a. For the purpose of adopting such delegated acts, Member States may submit a joint recommendation in accordance with Article 18(1) of Regulation (EU) No 1380/2013 by ... [12 months after the date of entry into force of this Regulation]. The Commission shall make those joint recommendations public immediately after their submission by the Member States and shall make public any scientific assessment carried out to ensure their compliance with Article 18(5) of Regulation (EU) No 1380/2013.</u>
		Amendment 144 Article 18 - paragraph 2a (new) <u>2a. The measures adopted pursuant to paragraphs 1a and 2 shall:</u> <u>(a) aim at achieving the objectives set out in Article 3 of this Regulation, taking particular account of the performance indicators set out in Article 4 hereof;</u> <u>(b) be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013;</u> <u>(c) provide incentives to fishing vessels deploying selective fishing gear or</u>		<i>EP proposal: For main part EP text which is more explicit and covering than the Council paragraph xx2 new:</i> <u>3. The technical measures adopted pursuant to paragraph 2 shall:</u> <u>(a) aim at achieving the objectives and targets set out in Articles 3 and 4 of this Regulation;</u> <u>(b) comply with the conditions set out in multiannual plans adopted pursuant to Article</u>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
		<u>using fishing techniques with reduced environmental impact, including through the allocation of fishing opportunities; and</u> <u>(d) be at least equivalent to the measures referred to in paragraph 1 or, in the case of rules on mesh sizes, to the measures applicable on... [the day before the date of entry into force of this Regulation] in terms of exploitation patterns and the level of protection provided for sensitive species and habitats.</u>		9 of Regulation (EU) No 1380/2013 and, in particular, be coherent with technical measures adopted in the framework of such multiannual plans; (c) be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013; (d) provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, including through the allocation of fishing opportunities; (e) be at least equivalent to the measures referred to in paragraph 1 of this Article or, in the case of mesh sizes, to the measures applicable on ... [the day before the date of entry into force of this Regulation] in terms of exploitation patterns and the level of protection provided for sensitive species and habitats.
Art. 18 - para. 3	Technical measures recommended in accordance with paragraph 2 shall as a minimum be equivalent in terms of exploitation patterns and level of protection provided for sensitive species and habitats as those measures referred to in paragraph 1.	Amendment 145 Technical measures recommended In accordance with <u>Article 18(5) of Regulation (EU) No 1380/2013, Member States shall base the joint recommendations referred to in paragraph 2 of this Article on the best available scientific advice. That scientific advice shall as a minimum be</u>	Technical measures recommended measures adopted in accordance with paragraph 2 shall as a minimum be equivalent in terms of exploitation patterns and level of protection provided for sensitive species and habitats as those measures referred to in	<i>EP proposal: drop EP AM</i>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
		equivalent in terms of exploitation patterns and level of protection provided for take into account the impact of such measures on the targeted species and sensitive species and habitats as those measures referred to in paragraph 1, demonstrating the benefits for the conservation of the marine ecosystem.	paragraph 1, be in line with the objectives of Articles 2(2), 2(3) and 2(5)(a) and 2 (5)(j) of Regulation (EU) No 1380/2013 and shall lead to such benefits for the conservation of marine biological resources that are at least equivalent to those resulting from the application of technical measures, as set out in Annexes V to XI. The potential impact of fishing activities on the marine ecosystem shall also be taken into account.	
Art. 18 - para. xx2 new			<u>The measures adopted in accordance with paragraph xx1 shall also:</u> <u>(a) aim at achieving the objectives and targets set out in Articles 3 and 4 of this Regulation;</u> <u>(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; and</u> <u>(c) be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013; and</u>	<i>EP proposal: Point (b) to be kept, the rest of the Council text to be dropped, as covered by AM 144 (paragraph 2a).</i>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
			(d) comply with the relevant conditions set out in Chapter III of this Regulation.	
Art. 18 - para. xx3 new			In the joint recommendations submitted for the purpose of adopting the measures referred to in paragraph xx1, the Member States shall provide scientific evidence to support the adoption of those measures.	<i>EP proposal: to be dropped, as covered by the CFP Regulation, Article 18(5), introductory wording.</i>
Article 18 - para 3a (new)		Amendment 146 Article 18 - paragraph 3a (new) <u>3a. Notwithstanding Article 18(1), (3) and (6) of Regulation (EU) No 1380/2013, the Commission may adopt such delegated acts also in the absence of a joint recommendation referred to in these paragraphs.</u>		<i>EP revised position: keep EP AM, while qualifying under what circumstances the Commission would have the possibility to adopt delegated acts without joint recommendation:</i> <u>3a. Notwithstanding Article 18(1), (3) and (6) of Regulation (EU) No 1380/2013, where necessary in order to achieve the objective referred to in point (a) of Article 3(2) of this Regulation, and on the basis of the best available scientific advice, the Commission may, adopt the delegated acts referred to in this Article also in the absence of a joint recommendation.</u>
Art. 18 - para. xx4 new			<u>The Commission may require the STECF to assess the joint recommendations referred to in paragraph xx1.</u>	<i>EP proposal: ok to accept the Council's position, but this is covered by the CFP Regulation, Articles 18(3) and 26.</i>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
Art. 19	Regional measures under multiannual plans	AM 147 Deleted	Deleted	Deleted

MITIGATION MEASURES FOR SENSITIVE SPECIES

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
Annex V - Part D	<p>Part D</p> <p>Mitigation measures for sensitive species</p> <p>Measures to reduce incidental catches of cetaceans in ICES division IIIa and sub-area IV</p> <p>1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in ICES sub-area IV and ICES division IIIa, without the simultaneous use of active acoustic deterrent devices.</p> <p>2. Point 1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.</p> <p>3. Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation devices as described in point 1 in the fisheries and areas concerned.</p>	<p>Amendment 274</p> <p>Measures to reduce incidental catches of cetaceans <u>marine mammals</u> in ICES division IIIa and sub-area IV</p>		<p><u>EP proposal</u>: drop EP AM - keep Commission proposal</p> <p>Part D</p> <p>Mitigation measures for sensitive species</p> <p>Measures to reduce incidental catches of cetaceans in ICES division IIIa and sub-area IV</p> <p>1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in ICES sub-area IV and ICES division IIIa, without the simultaneous use of active acoustic deterrent devices.</p> <p>2. Point 1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.</p> <p>3. Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation</p>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
				devices as described in point 1 in the fisheries and areas concerned.
		<p>Amendment 275 Annex V – Part D – para. 1 a (new)</p> <p><u>1a. Measures to minimise incidental catches of seabirds</u> <u>1. Scientific research programmes shall be established in the North Sea to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.</u> <u>2. Spatial measures shall be applied in the North Sea where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.</u> <u>3. Vessels fishing with longlines in the North Sea shall use a combination of scientifically tested technical solutions such as tori lines, changes to line weights, hook shielding and setting longline gear during the hours of darkness with the minimum of deck lighting necessary for safety. The combinations should be determined on the basis of gear configurations and the susceptible species likely to be caught by fleets. Specification should comply with the standards as set out in international agreed guidelines.</u> <u>4. Member States shall monitor and assess the effectiveness of the</u></p>		<p><i>EP proposal: delete paragraphs 1 and 2, as well as the last part of paragraph 4 ("including in relation to the fishing catch and fishing effort"):</i></p> <p>Annex V – Part D – para. 1 a (new)</p> <p><u>1a. Measures to minimise incidental catches of seabirds</u></p> <p><u>3. Vessels fishing with longlines in the North Sea shall use a combination of scientifically tested technical solutions such as tori lines, changes to line weights, hook shielding and setting longline gear during the hours of darkness with the minimum of deck lighting necessary for safety. The combinations should be determined on the basis of gear configurations and the susceptible species likely to be caught by fleets. Specification should comply with the standards as set out in international agreed guidelines.</u> <u>4. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established.</u></p>

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		<u>mitigation measures that have been established, including in relation to the fishing catch and fishing effort.</u>		

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Annex VI - Part D	<p>Part D</p> <p>Mitigation measures for sensitive species</p> <p>1. Measures to reduce incidental catches of cetaceans in ICES divisions VIa and VII d, e, f, g, h and j</p> <p>1.1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in ICES divisions VIa and VII d, e, f, g, h and j, without the simultaneous use of active acoustic deterrent devices.</p> <p>1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the</p>	<p>Amendment 276</p> <p>1. Measures to reduce incidental catches of cetaceans marine mammals in ICES divisions VIa- VI and VII d, e, f, g, h and j</p>		<p><i>EP proposal: keep EP AM and the Commission proposal:</i></p> <p>Part D</p> <p>Mitigation measures for sensitive species</p> <p>1. Measures to reduce incidental catches of cetaceans marine mammals in ICES divisions VIa VI and VII d, e, f, g, h and j</p> <p>1.1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in ICES divisions VIa and VII d, e, f, g, h and j, without the simultaneous use of active acoustic deterrent devices.</p> <p>1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new</p>

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	<p>incidental capture or killing of cetaceans.</p> <p>1.3. Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the use of mitigation devices in the fisheries and areas concerned.</p> <p>2. Measures to reduce incidental catches of seabirds in ICES sub-areas VI and VII</p> <p>Vessels fishing with longlines in ICES sub-areas VI and VII shall use bird scaring lines and/or weighted lines and where practical shall set longline gear during the hours of darkness with the minimum of deck lighting necessary for safety.</p>			<p>technical measures to reduce the incidental capture or killing of cetaceans.</p> <p>1.3. Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the use of mitigation devices in the fisheries and areas concerned.</p> <p>2. Measures to reduce incidental catches of seabirds in ICES sub-areas VI and VII</p> <p>Vessels fishing with longlines in ICES sub-areas VI and VII shall use bird scaring lines and/or weighted lines and where practical shall set longline gear during the hours of darkness with the minimum of deck lighting necessary for safety.</p>
		<p>Amendment 277 Annex VI – Part D – para. 2 – point 2.1 (new) <u>2.1. Scientific research programmes shall be established in North Western Waters to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.</u></p>		<p><u>EP proposal:</u> drop EP AM</p>
		<p>Amendment 278 Annex VI – Part D – para. 2 – point 2.2 (new)</p>		<p><u>EP proposal:</u> drop EP AM</p>

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		<u>2.2. Spatial measures shall be applied in North Western Waters where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.</u>		
		Amendment 279 Annex VI – Part D – para. 2 – point 2.3 (new) <u>2.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.</u>		<i>EP proposal: delete the last part of the paragraph in the AM: "including in relation to the fishing catch and fishing effort":</i> Annex VI – Part D – para. 2 – point 2.3 (new) <u>2.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established.</u>

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Annex VII - Part D	Part D Mitigation measures for sensitive species 1. Measures to reduce incidental catches of cetaceans in ICES sub-areas VIII and IXa 1.1. It shall be prohibited for vessels of 12 metres or over in overall length	Amendment 280 1. Measures to reduce incidental catches of cetaceans <u>marine mammals</u> in ICES sub-areas VIII and IXa <u>IX</u>		<i>EP proposal: keep EP AM and the Commission proposal:</i> Part D Mitigation measures for sensitive species 1. Measures to reduce incidental catches of cetaceans <u>marine</u>

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
	<p>to deploy static nets in ICES sub area VIII and division IXa, without the simultaneous use of active acoustic deterrent devices.</p> <p>1.2. Point 1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.</p> <p>1.3. Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation devices as described in point 1.1 in the fisheries and areas concerned.</p>			<p><u>mammals</u> in ICES sub-areas VIII and IXa <u>IX</u></p> <p>1.1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in ICES sub area VIII and division IXa, without the simultaneous use of active acoustic deterrent devices.</p> <p>1.2. Point 1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.</p> <p>1.3. Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation devices as described in point 1.1 in the fisheries and areas concerned.</p>
	<p>2. Measures to reduce incidental catches of seabirds in ICES sub-areas VIIIa and b</p> <p>Vessels fishing with longlines in ICES sub-areas VIIIa and b shall use at least two of the following mitigation measures: bird scaring lines, weighted lines, setting the longline gear during the hours of</p>			<p><i>EP proposal: keep the Commission proposal:</i></p> <p>2. Measures to reduce incidental catches of seabirds in ICES sub-areas VIIIa and b</p> <p>Vessels fishing with longlines in ICES sub-areas VIIIa and b shall use at least two of the following mitigation measures: bird scaring</p>

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	darkness with the minimum of deck lighting necessary for safety.			lines, weighted lines, setting the longline gear during the hours of darkness with the minimum of deck lighting necessary for safety.
		Amendment 281 Annex VII – part D – para. 2 – point 2.1 (new) <u>2.1. Scientific research programmes shall be established in South Western Waters to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.</u>		<i>EP proposal: drop EP AM</i>
		Amendment 282 Annex VII – Part D – para. 2 – point 2.2 (new) <u>2.2. Spatial measures shall be applied in South Western Waters where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.</u>		<i>EP proposal: drop EP AM</i>
		Amendment 283 Annex VII – Part D – para. 2 – point 2.3 (new) <u>2.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.</u>		<i>EP proposal: delete the last part of the paragraph: "including in relation to the fishing catch and fishing effort":</i> Annex VII – Part D – para. 2 – point 2.3 (new) <u>2.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established.</u>

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Annex VIII - Part D	<p>Part D Mitigation measures for sensitive species</p> <p>1. Measures to reduce incidental catches of cetaceans 1.1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in the Baltic Sea, without the simultaneous use of active acoustic deterrent devices. 1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans. 1.3. Member States shall take monitor and assess, by means of scientific studies or pilot projects, the effectiveness of acoustic deterrent devices in the fisheries and areas concerned. 2. Special measures for the protection of eels The retention on board of eels caught with any active gear shall be</p>	<p>Part D Mitigation measures for sensitive species Amendment 284</p> <p>1. Measures to reduce incidental catches of cetaceans <u>marine mammals</u> 1.1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in the Baltic Sea, without the simultaneous use of active acoustic deterrent devices. 1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans. 1.3. Member States shall take monitor and assess, by means of scientific studies or pilot projects, the effectiveness of acoustic deterrent devices in the fisheries and areas concerned. 2. Special measures for the protection of eels The retention on board of eels caught with any active gear shall be prohibited. When</p>		<p><i><u>EP proposal:</u> withdraw EP AM - keep the Commission proposal:</i></p> <p>Part D Mitigation measures for sensitive species</p> <p>1. Measures to reduce incidental catches of cetaceans 1.1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in the Baltic Sea, without the simultaneous use of active acoustic deterrent devices. 1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans. 1.3. Member States shall take monitor and assess, by means of scientific studies or pilot projects, the effectiveness of acoustic deterrent devices in the fisheries and areas concerned.</p>

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	prohibited. When accidentally caught, eels shall not be harmed and shall be promptly released.	accidentally caught, eels shall not be harmed and shall be promptly released.		2. Special measures for the protection of eels The retention on board of eels caught with any active gear shall be prohibited. When accidentally caught, eels shall not be harmed and shall be promptly released.
		<p>Amendment 285 Annex VIII – Part D – para. 1 a (new)</p> <p><u>1a. Measures to minimise incidental catches of seabirds</u> <u>1.1. Scientific research programmes shall be established in the Baltic Sea to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.</u></p> <p><u>1.2. Spatial measures shall be applied in the Baltic Sea where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.</u> <u>1.3 Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.</u></p>		<p><i>EP proposal: delete the last part of para 1.3: "including in relation to the fishing catch and fishing effort":</i></p> <p>Annex VIII – Part D – para. 1 a (new)</p> <p><u>1a. Measures to minimise incidental catches of seabirds</u> <u>1.1. Scientific research programmes shall be established in the Baltic Sea to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.</u></p> <p><u>1.2. Spatial measures shall be applied in the Baltic Sea where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.</u> <u>1.3 Member States shall monitor and assess the effectiveness of the</u></p>

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				<u>mitigation measures that have been established.</u>

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Annex IX - Part D	<p>Part D Mitigation measures for sensitive species</p> <p>1. Measures to reduce incidental catches of cetaceans 1.1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in the Mediterranean Sea without the simultaneous use of active acoustic deterrent devices.</p> <p>1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.</p> <p>1.3. Member States shall monitor and assess, by means of scientific</p>	<p>Amendment 286</p> <p>1. Measures to reduce incidental catches of cetaceans <u>marine mammals</u></p>		<p><i>EP proposal: keep the EP AM and the Commission proposal:</i></p> <p>Part D Mitigation measures for sensitive species</p> <p>1. Measures to reduce incidental catches of cetaceans <u>marine mammals</u> 1.1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in the Mediterranean Sea without the simultaneous use of active acoustic deterrent devices.</p> <p>1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the</p>

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	<p>studies or pilot projects, the effectiveness of the mitigation devices as described in point 1.1 in the fisheries and areas concerned.</p> <p>2. Measures to reduce incidental catches of seabirds</p> <p>Vessels fishing with longlines in the Mediterranean Sea shall use at least two of the following mitigation measures: bird scaring lines, weighted lines, setting the longline gear during the hours of darkness with the minimum of deck lighting necessary for safety.</p>			<p>incidental capture or killing of cetaceans.</p> <p>1.3. Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation devices as described in point 1.1 in the fisheries and areas concerned.</p> <p>2. Measures to reduce incidental catches of seabirds</p> <p>Vessels fishing with longlines in the Mediterranean Sea shall use at least two of the following mitigation measures: bird scaring lines, weighted lines, setting the longline gear during the hours of darkness with the minimum of deck lighting necessary for safety.</p>
		<p>Amendment 287</p> <p><u>2.1. Scientific research programmes shall be established in the Mediterranean to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.</u></p>		<p><i>EP proposal: drop EP AM</i></p>
		<p>Amendment 288</p> <p><u>2.2. Spatial measures shall be applied in the Mediterranean where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.</u></p>		<p><i>EP proposal: drop EP AM</i></p>

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		Amendment 289 <u>2.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.</u>		<i>EP proposal: delete the last part of the paragraph: "including in relation to the fishing catch and fishing effort":</i> <u>2.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established.</u>

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Annex X - Part D	Part D Mitigation measures for sensitive species and habitats 1. Measures to reduce incidental catches of cetaceans 1.1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in ICES sub area VIII and IX, without the simultaneous use of active acoustic deterrent devices. 1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new			<i>EP proposal: keep the Commission proposal:</i> Part D Mitigation measures for sensitive species and habitats 1. Measures to reduce incidental catches of cetaceans 1.1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in in ICES sub area VIII and IX, without the simultaneous use of active acoustic deterrent devices. 1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out

	COMMISSION proposal COM(2016) 134	EP position 16/01/2018	COUNCIL General Approach doc. 8151/17 of 24/04/2017	PROPOSAL
	<p>technical measures to reduce the incidental capture or killing of cetaceans.</p> <p>1.3. Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation devices as described in point 1.1 in the fisheries and areas concerned.</p> <p>2. Restrictions on the use of trawls and dredges The use of trawls or dredges at depths beyond 1000 metres shall be prohibited.</p>			<p>with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.</p> <p>1.3. Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation devices as described in point 1.1 in the fisheries and areas concerned.</p> <p>2. Restrictions on the use of trawls and dredges The use of trawls or dredges at depths beyond 1000 metres shall be prohibited.</p>
		<p>Amendment 290 Annex X – Part D – para. 1 a (new) <u>1a. Measures to minimise incidental catches of seabirds</u> <u>1a.1. Scientific research programmes shall be established in the Black Sea to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.</u></p> <p><u>1a.2. Spatial measures shall be applied in the Black Sea where scientific research has identified areas where sensitive seabirds are known to be</u></p>		<p><i>EP proposal: delete the last part of para 1a.3: "including in relation to the fishing catch and fishing effort":</i></p> <p>Annex X – Part D – para. 1 a (new) <u>1a. Measures to minimise incidental catches of seabirds</u> <u>1a.1. Scientific research programmes shall be established in the Black Sea to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.</u></p>

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		<p><u>incidentally caught until these can be replaced with other technical measures.</u></p> <p><u>1a.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.</u></p>		<p><u>1a.2. Spatial measures shall be applied in the Black Sea where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.</u></p> <p><u>1a.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established.</u></p>
		<p>Amendment 291</p> <p>Annex XI – Part B a (new) Part Ba <u>Mitigation measures for sensitive species</u></p> <p><u>1. Measures to reduce incidental catches of marine mammals</u></p> <p><u>1.1. It shall be prohibited for vessels to deploy static nets, driftnets, pelagic trawls or high vertical opening trawls or other fisheries where evidence identifies bycatch in Outermost Regions, without the simultaneous use of proven mitigation technology. Exemptions should be made only for those fisheries with demonstrated negligible cumulative bycatch.</u></p> <p><u>1.2. Point 1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority</u></p>		<p><i>EP proposal: keep EP AM + additions highlighted in yellow:</i></p> <p>Annex XI – Part B a (new) Part Ba <u>Mitigation measures for sensitive species</u></p> <p><u>1. Measures to reduce incidental catches of marine mammals</u></p> <p><u>1.1. It shall be prohibited for vessels to deploy static nets, driftnets, pelagic trawls or high vertical opening trawls or other fisheries where evidence identifies bycatch in Outermost Regions, without the simultaneous use of proven mitigation technology. Exemptions should be made only for those fisheries with demonstrated negligible cumulative bycatch, or in the fisheries where experimental devices are used in the context of</u></p>

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		<p><u>of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.</u></p> <p><u>1.3. Member States, through dedicated annual monitoring schemes, shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation devices as described in point 1.1 in the fisheries and areas concerned.</u></p> <p><u>2. Measures to minimise incidental catches of seabirds</u></p> <p><u>2.1. Scientific research programmes shall be established in the Outermost Regions to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.</u></p> <p><u>2.2. Spatial measures shall be applied in the Outermost Regions where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.</u></p>		<p><u>programmes to limit incidental catches.</u></p> <p><u>1.2. Point 1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.</u></p> <p><u>1.3. Member States, through dedicated annual monitoring schemes, shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation devices as described in point 1.1 in the fisheries and areas concerned.</u></p> <p><u>2. Measures to minimise incidental catches of seabirds</u></p> <p><u>2.1. Scientific research programmes shall be established in the Outermost Regions to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.</u></p> <p><u>2.2. Spatial measures shall be applied in the Outermost Regions where scientific research has identified areas where sensitive seabirds are known to be</u></p>

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				<p><u>incidentally caught until these can be replaced with other technical measures.</u></p> <p><u>3. Measures to minimise incidental catches of turtles</u></p> <p><u>Regarding tropical shrimp fishing, Outermost Regions must minimise incidental catches of turtles, for example by using trash and turtle excluder devices.</u></p>
