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From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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/... 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 (**first reading**)

- Adoption of the legislative act
- Statements

Statement by the Commission on the adaptation of tonnage

In the context of the ongoing evaluation of the entry-exit regime set out in Article 23 of Regulation (EU) No 1380/2013, the Commission will examine whether changes are required on the need to adjust the capacity ceilings set out in Regulation (EU) No 1380/2013.

**Statement by the Commission on derogations to Article 13 (3)
of Regulation (EC) No 1967/2006 (the Mediterranean Regulation)**

Where Member States submit requests for a derogation to Article 13 (3) of Regulation (EC) No 1967/2006 (Mediterranean Regulation), these can be granted if the conditions for such a derogation are fulfilled, as a viable way to permit important fisheries whilst protecting the coastal zone.

Statement by the Commission on regionalisation

The Commission relies on the Member States' resolve to make the regionalization process a success for the Common Fisheries Policy. The Commission trusts that Member States will ensure that regionalized technical measures will continue contributing to the objectives of the Common Fisheries Policy, in particular reduction of unwanted catches, and will act in accordance with the principle of loyal cooperation to swiftly address via joint recommendations any potential deterioration of the conservation status currently in place. The Commission underlines that the empowerment of the Commission to adopt by means of delegated acts measures as set out in the Member States' joint recommendations does not have the power to affect the Commission's discretion to adopt such acts. Moreover, in the absence of such joint recommendations by the Member States having a direct management interest, the Commission will use all legal means available to it to address any such deterioration, including, where necessary, emergency measures in line with Article 12 Regulation (EU) No 1380/2013 and the right to submit proposals for the relevant measures in the Common Fisheries Policy field under the Treaty.

Statement by the Commission on Article 25 on scientific research

In relation to the provisions laid down in Article 25 of this Regulation on scientific research, the Commission envisages to regularly seek the advice of STECF where scientific research conducted by more than 6 commercial vessels involves any gears or uses listed in Article 7 of this Regulation to confirm that the level of participation is justified on scientific grounds.

Statement by Denmark

Denmark supports the new regulation on technical measures. A new regulation is needed to take into account the objectives of the reformed Common Fisheries Policy from 2013. Regionalisation is one of the fundamental elements of the reform. Regionalisation enables proportionate and adapted approaches to ensure a sustainable fisheries management, as it allows taking into account regional specificities in different sea basins.

However, unfortunately on the specific issue of spearfishing a proportionate approach was not taken in the new regulation on technical measures. Instead, a general prohibition in all EU-waters is included in the regulation for fishing with handheld spears and spear guns used in conjunction with an aqualung 24 hours a day or without an aqualung from dusk to dawn, cf. Article 7(g).

Underwater hunting with handheld spears and spear guns is a popular hobby for some recreational fishermen. It is furthermore a hobby that poses no biological threat to the marine species of the North Sea and Baltic Sea.

During the negotiations, Denmark has thus advocated that if provisions regulating spearfishing were to be included in the regulation on technical measures, they should be amendable through regionalisation, as this would allow taking into account regions, where this fishing practice could create a problem for the sustainability of the stocks, and regions, where this is not the case.

Denmark urges the Commission to reconsider the provisions adopted on spearfishing - which are in line with the content of the Commission original proposal - and as soon as possible present a proposal for an amendment to the provisions set out in article 7(g), allowing a regionalised approach.