

COMMISSION DELEGATED REGULATION (EU) 2022/200**of 2 December 2021****amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards certain technical measures on mesh sizes and the overall maximum length for certain beam trawls in the North Sea**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 15(2) thereof,

Whereas:

- (1) Regulation (EU) 2019/1241, Annex V provides for technical measures established at regional level for the North Sea.
- (2) Belgium, Denmark, Germany, France, the Netherlands and Sweden ('Scheveningen Group') have a direct fisheries management interest in the North Sea. On 7 May and on 21 June 2021, the Scheveningen Group submitted joint recommendations to the Commission in accordance with Article 18(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽²⁾ and Article 15(3) of Regulation (EU) 2019/1241, proposing a delegated act adopting certain modifications of the current provisions set out in Annex V of Regulation (EU) 2019/1241. Both joint recommendations were sent by the Scheveningen Group to the Pelagic Advisory Council (PELAC) and the North Sea Advisory Council (NSAC) for consultation.
- (3) The joint recommendation submitted on 7 May 2021 proposed amending Annex V, part B of Regulation (EU) 2019/1241 to limit the application of the 90 mm mesh size derogation in the Skagerrak to otter trawls only, where currently this mesh size is applicable to all towed gears, including beam trawls and seines. The recommendation also proposed that the derogation concerning the use of the 90 mm mesh size in Kattegat be limited to fishing with otter trawls or seines.
- (4) The STECF analysed the evidence presented by the Member States and concluded ⁽³⁾ that the proposed amendment achieves its main aim of removing any ambiguity in the current regulations and confirms that vessels using seine nets or beam trawls cannot use the 90 mm mesh size in the Skagerrak. The proposed amendment will offer higher protection for juveniles, due to the fact that the 90 mm derogation is no longer available to beam trawls and seine nets in the Skagerrak or beam trawls in the Kattegat. Therefore, the joint recommendation is in line with the objectives and targets of Regulation (EU) 2019/1241 to the effect that catches of marine species below the minimum conservation reference size are to be reduced as far as possible. The proposed measure should therefore be included in Regulation (EU) 2019/1241.
- (5) The joint recommendation submitted on 21 June 2021 proposed the introduction of an overall maximum length for beam trawls of 24 m, while keeping in place the tighter restrictions for beam trawl in certain geographical areas already set out in Regulation (EU) 2019/1241.

⁽¹⁾ OJ L 198, 25.7.2019, p. 105.

⁽²⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽³⁾ STECF-21-05, p. 25.

- (6) The STECF analysed the evidence presented by the Member States and concluded ⁽⁴⁾ that, without the proposed restriction to 24 m, it is possible for fishermen to increase the length of the beam, potentially increasing the impact on the seabed and disturbance of the benthos habitat. The STECF therefore supported amending the provisions of Regulation (EU) 2019/1241 that the maximum length of the beam or the aggregate beam length measured as the sum of the length of each beam does not exceed 24 m. According to the STECF, this amendment will prevent an increase in negative impact on marine habitats and on the environment in line with the objectives in Regulation (EU) 2019/1241. It will thus ensure levels of protection that are at least equivalent to what is currently in force. The proposed measure should therefore be included in Regulation (EU) 2019/1241.
- (7) Given that both joint recommendations propose changes to Annex V of Regulation (EU) 2019/1241, this delegated Regulation provides for all the measures recommended by the Scheveningen Group.
- (8) The measures in this Regulation applicable to Union waters are in pursuit of the objectives set out in Article 494(1) and (2) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and have regard to the principles referred to in Article 494(3) of that agreement. They are without prejudice to any measures applicable in waters of the United Kingdom of Great Britain and Northern Ireland.
- (9) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2019/1241 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁴⁾ STECF PLEN-21-02, p. 59.

ANNEX

Part B of Annex V to Regulation (EU) 2019/1241 is amended as follows:

(1) The heading of point 1 is replaced by:

‘1. Baseline mesh sizes for towed gear (*)

(*) When fishing with beam trawls the maximum length of the beam or the aggregate beam length measured as the sum of the length of each beam shall not exceed 24 metres or cannot be extended to a length greater than 24 metres. The length of a beam shall be measured between its extremities including all attachments thereto. This is without prejudice to more specific measures established in certain areas of the North Sea.’

(2) Point 1.1 is replaced by:

‘1.1. Without prejudice to the landing obligation, vessels shall use a mesh size of at least 120 mm, or at least 90 mm in Skagerrak when fishing with otter trawls, or at least 90 mm in Kattegat when fishing with otter trawls or seines (*) (**).

(*) When fishing in sub-divisions Skagerrak and Kattegat with otter trawls with a mesh size of less than 120 mm, a diamond mesh top panel of at least 270 mm mesh size or a square mesh top panel of at least 140 mm mesh size shall be fitted. Alternatively, in sub-division Kattegat, a square mesh panel of at least 120 mm may be fitted in the period from 1 October to 31 December.

(**) When fishing in sub-division Kattegat with seines with a mesh size of less than 120 mm, a diamond mesh top panel of at least 270 mm mesh size or a square mesh top panel of at least 140 mm mesh size shall be fitted. Alternatively, a square mesh panel of at least 120 mm may be fitted in the period from 1 August to 31 October.’
