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Date: 26 November 2014  
Our reference: 1415/PAC 57  
Subject: Consultation on technical measures  
CC: Evangelia Georgitsi (by email)

Dear Ms Evans,

Thank you for consulting the Pelagic AC regarding the development of a new technical measures framework and for providing the corresponding consultation document.

First of all the Pelagic AC highly welcomes the Commission's intention to remove the amount of detail and top-down prescriptive rules currently included in the technical measures and fully supports the logic of results-based management, which one can argue has already been widely implemented in pelagic fisheries by employing yearly TACs and in some cases by-catch provisions. Pelagic fisheries are generally rather selective and therefore current mesh size and catch composition rules do not need to be changed for these fisheries and hence catch metrics and selectivity profiles are of no use. In fact, mesh size regulations become completely redundant in light of the upcoming landing obligation, which creates the strongest incentive there possibly could be to fish selectively and responsibly. Undersized fish must not be used for human consumption and all catches have to be counted against a fisher's quota. Rather than re-writing the technical measures regulation the Pelagic AC urges the Commission to ensure that the landing obligation will be rigorously implemented, monitored and enforced and that technical measures will be minimized as much as possible. In the view of the Pelagic AC this mainly translates into the implementation of closed areas to protect areas of high importance, such as herring spawning grounds, and other protective measures.

### One net rule

The technical measures regulation states that it shall be prohibited to carry on board, during any fishing voyage, any combination of nets of more than one range of mesh size. The one net rule of this article is imported from the cod recovery regulations. There is no argumentation given for the introduction of the one net rule as a general rule for all fisheries. No rules should be introduced without proper and proven motivation. A one net rule could increase the costs of fishing operations –and exacerbate the carbon footprint–



without necessarily giving more protection to the fish stocks. For pelagic fisheries a one net rule seems to be out of place.

#### Processing on board into fishmeal etc.

Under the current provisions on technical measures it is forbidden to carry out on board a fishing vessel any physical or chemical processing of fish to produce fishmeal, fish oil, or similar products. In a fully documented fishery as is foreseen with the implementation of the landing obligation and recommended by the Pelagic AC this prohibition reduces the options for rational use of landed discards. Therefore the Pelagic AC recommends lifting the current prohibition to produce fishmeal, fish oil or similar products on board fishing vessels when the landing obligation is in force and leave this option open to the vessel-owner. At the same time the Commission should ensure a level-playing field for the production of fishmeal, fish oil and similar products, between the land-based industry and processing on board vessels.

#### Closed areas

In terms of closed areas the Commission wants to know whether there are any closed or restricted areas that should be deleted on the basis that they are redundant and whether there are others that should be rationalised.

The Pelagic AC has identified three closed areas which need to be reviewed immediately.

First of all the closure on Atlanto-Scandian herring in ICES area IIa covered in Regulation (EU) 227/2013 as set out below should be reviewed.

##### *Article 20a (227/2013)*

##### *Restrictions on fishing for herring in Union waters of ICES division IIa*

*"It shall be prohibited to land or retain on board herring caught in Union waters of ICES division IIa in the periods from 1 January to 28 February and from 16 May to 31 December."*

This closure was implemented against a backdrop of misreporting. However, with life information on vessels' activities using real-time electronic reporting and VMS data, control managers can now be confident about individual vessels operations and hence there is good reason to review this closure.

Second, the closure for fishing herring in the Irish Sea (Article 20 Regulation 850/98) can be considered redundant. This closure was introduced to protect aggregations of spawning herring that gather off the south east coast of the Isle of Man during September and December. This protection was considered necessary to promote recovery of Irish Sea herring. The STECF Working Group on Management of Stocks (SGMOS-07-03) has concluded that this closure could be removed if ICES assesses that the Irish Sea herring stock is not overfished, if sustainable TACs are being set by managers and if there is effective control on fishing mortality. According to the latest ICES advice (ICES Advice 2014, Book 5) the spawning stock biomass has been above MSY Btrigger since 2006 while fishing mortality has decreased since 2003 to the lowest value observed in the time series and is now at Fmsy. Recruitment is high and stable and above the average of the time series. The stock is hence at full reproductive capacity. Given the very small number of vessels participating in the fishery means that strict control is easily being executed through VMS and registration of buyers and sellers system records. The upcoming landing obligation is expected to further tighten controls and provide detailed information on fishing mortality. In light of the above this closure therefore needs to be reviewed.

Finally, the restriction for fishing for herring in ICES area VIa (Annex IA to Regulation (EU) 43/2014) should be evaluated at the upcoming ICES herring benchmark. Although the

Pelagic AC was instrumental in promoting this closure as part of the VIaS herring multiannual management plan, STECF has concluded that this closure is not effective. If indeed ICES confirms this to be true, then the closure should be removed.

Furthermore the Pelagic AC would like to emphasize that the closed area for the conservation of mackerel (Article 22 Regulation 850/98), also referred to as the "Cornish box" was introduced to protect the juvenile mackerel stock. Many skippers believe that without this closure the mackerel stock would have collapsed and therefore this closure should remain in place.

Article 20(e) of Council Regulation (EC) 850/98 was put in place to protect the herring spawning stock:

*From 15 August to 30 September, within the zone extending from six to 12 miles off the east coast of the United Kingdom as measured from the baselines between latitudes 54° 10' N and 54° 45' N.*

According to information received from skippers the area covered by this closure represents indeed an important herring spawning ground on the east coast of England and therefore the Pelagic AC recommends that the closure should be kept.

Finally the Pelagic AC feels that for reasons of efficiency and legitimacy closed areas should be decided under regionalization.

We hope that you find the comments provided useful and we would be happy to further discuss the issues throughout the revision of the technical measures framework. In case you have any questions please do not hesitate to contact the secretariat.

Yours sincerely,

A handwritten signature in black ink that reads 'Ian Gatt' with a small flourish below it.

Ian Gatt

Chairman of the Pelagic AC