EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

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Aukje Coers
Pelagic RAC secretariat
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PO Box 72
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The Netherlands

Subject: Technical conservation measures regulation

Dear Ms. Coers,

I would like to thank the PELRAC for its contribution which will be useful to prepare simplified and efficient regulation on technical measures.

The Commission takes note of your general comment that there are no major problems in the current legislation. The Commission agrees that selectivity is not a main issue for pelagic species and that for these species closed areas and real time closures seem to be the best way to protect juveniles. We can support the idea that closed areas are established, in first priority, to protect juveniles. However it seems appropriate to enlarge this type of measure to reduce unwanted by-catches of non-target species and so reduce discards.

We welcome your comments on the proposal for a Council Regulation, but that proposal was adopted by the Commission in June 2008 and is now in discussion in the Council. We nevertheless take note of your comments, but I would suggest that you also pass them on to the administrations of the Member States concerned, since they have the responsibility to decide on the future of that proposal. About the specific points you mentioned, I can give you our preliminary comments:

I understand your problem concerning the proposed definition of the strengthening bag. The Commission agrees that codend selectivity plays a minor role in conservation in pelagic fisheries, and it is not the intention of the Commission to limit the use of this essential protection in the fishing activity.

The proposed Article on minimum landing size is not new, with the exception of the minimum size for the mackerel which is now harmonised in all areas. This provision generally follows the response you made in February 2007 to the non-paper on the new technical measures, where you recommended no changes to the minimum landing sizes.

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A new point is the removal of the margin of tolerance for 10% of undersized fish. Given that the Commission is open to discuss the minimum landing sizes, we consider there is no reason to have a margin of tolerance. If a fish is undersized, it must be immediately returned to the sea. In practice, for pelagic fisheries, it must be considered as an incentive to move to areas where the species targeted have the appropriate size.

There is no clear reason for the pelagic fisheries covered by your RAC to encounter problem with the proposed "one net rule". That provision is proposed, as you can understand, for simplification and to improve the efficiency of control and inspection at sea. That should not affect fisheries covered by the Pelagic RAC because in our proposal for Commission Regulation there will no longer be a minimum mesh size for the species concerned.

You have also some remarks on Article 6 concerning the specific rule for towed gears and especially the codend and its attachments. Firstly, and for clarification, it is not the intention of the Commission to repeal Commission Regulation N° 3440/84 on possible attachments, because those detailed technical rules have to be discussed at the appropriate level with Member States. That Regulation will be amended as necessary on the basis of the results of the discussions on Article 6 in the Council. We will take into account your technical points when discussing that Article, and I would reiterate that it is not the intention of Commission to create practical problems for the pelagic fisheries where selectivity is not a major issue.

The "moving on" provisions, where a vessel must move to another fishing area when allowed by-catch limits (including for undersized species) are not respected, are new. The Commission believes that these provisions are important in order to reduce discards and to begin to change the emphasis, at the fishing vessel level, from landings to catches. The Commission notes your comments and is open to look the criteria and the minimum distance to move which can depend on the fishing areas and target species. Concerning the measurement of the quantity of undersized fish, the weight is used unless indicated otherwise. This is generally the simplest and most practical way to measure the quantity of fish on board a fishing vessel.

The proposed restrictions on the use of automatic grading equipment are the same as in the current regulation. We take note of your comments about the wording, but it is not the intention of the Commission to modify the substance of those rules.

The Commission decided to propose specific Commission Regulations for each area or species covered by the different RACs concerned by these technical measures. This is the reason why only the pelagic species covered by the pelagic RAC are in the scope of the regulation.

As mentioned above, there is no longer a minimum mesh size to catch the species covered by the pelagic RAC. To ensure that this flexibility will be used only for pelagic species and that there will not be excessive catches other species, especially whitefish, we need to be strict on the required percentages of target species. However, the Commission have noted your remarks concerning other pelagic species such as sardines, sprat and argentines, and is ready to look at improvements to the proposed rules in order to take into account possible catches of those species with no minimum mesh size restrictions.

The other main topic of the proposed Commission Regulations is closed areas. Your main concern is about the Douglas Bank closure. As explained in my reply to your

request, and following the STECF advice, the Commission is open to look a possible removal of that closure, which is intended to protect aggregations of herring, but only if an efficient control of the level of catches and fishing effort deployed is established.

Thank you again for your useful and constructive comments. I can assure you that the Commission will continue to increase the dialogue with the RACs, especially on technical measures, in order to improve Community legislation on fisheries management.

Yours sincerely,

P.o. Fokion FOTIADIS