



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

Brussels, 04.01.2010 D 00012  
D(2009)

M. Ian MacSween  
Pelagic RAC Secretariat  
Treubstraat 17  
PO Box 72  
2280 AB Rijswijk

**Subject: Technical Measures**

Dear Mr. MacSween,

You have sent me two letters related to the proposal on technical measures that I will endeavour to respond in the same reply.

***1. Butt of Lewis' closure***

On your letter of 20 October 2009, you draw our attention to the removal of the closure for the herring in the Butt of Lewis.

Originally this closure was established in the Regulation (EC) No 850/98 for technical measures, lately temporarily derogated by Regulation (EC) No 43/2009 for TAC and quota. The proposal for a new package of technical measures included the Butt of Lewis box in the Commission Regulation for North western waters, however, we share your view that due to new scientific advice this closure is deemed not to be necessary and therefore it should be removed.

However, at this stage, you may know that the proposal for technical measures, scheduled for adoption in the November Council, did not reach political agreement and discussions will now continue between Council and Parliament under co-decision. Instead, and to avoid any legal vacuum, a transitional regulation for 18 months will gather technical measures from the 2009 TAC and quota Regulation and the highgrading ban for all ICES areas that as a consequence of the entry into force of the Lisbon Treaty, can no longer be included in the 2010 Fishing Opportunities regulation.

This in short means that the provisions of Regulation (EC) No 850/98 as regards the Butt of Lewis' closure, shall not apply from 1 January 2010 to 30 June 2011. In the meantime, the Commission intends to get the proposal for technical measure finally adopted under

co-decision which in turn would imply that the Butt of Lewis closure will permanently be removed, unless scientific advice otherwise determines.

**2. *Annex on pelagic fish in the Commission Regulation***

In your second letter of 11 November 2009, you express regret that the special annex on pelagic fish has been removed from the Commission proposal for a Council regulation on technical measures.

The Commission, in line with discussions held in Management Committee for Fisheries and Aquaculture and concerns expressed by Member States in Council, decided to switch to a more comprehensive geographical approach based on Regional Advisory Areas (RAC). As a consequence, the special annex on pelagic is included in the tables for the North Sea, North western waters and South western waters accordingly, where other pelagic species such as sardine and anchovy have also being added.

Notwithstanding this substantial change in the technical measures package, I would like to remark that the suggestions and contributions received from the PEL RAC to this proposal are very much appreciated. I encourage to you to continue with this excellent work, especially in the event that the Commission decides to start with new consultations on this file in the near future.

Yours sincerely



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