



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

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NSRAC secretariat
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Subject: Technical conservation measures for North Sea

Dear Mr. Andersson,

I would like to thank the NSRAC for its comprehensive contribution, which will be very useful in preparing a simplified and efficient regulation on technical measures.

Comments on the proposal for a Council Regulation on technical measures

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 of course 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 the future of that proposal. About the specific points you mentioned, I can give you our preliminary comments:

The Commission decided to propose specific Commission Regulations for each area or species covered by each of the RACs concerned by these technical measures. I note your support for the structure of the proposal, your fear concerning the comitology procedure and your wish that the relevant RACs are regularly consulted and kept informed about the evolution of the regional regulations.

The intention of the Commission is not to avoid debate and even if the Commission is chairing the comitology meetings, the decisions are adopted after the vote of the representatives from the Member States to ensure a democratic procedure. Concerning the role of the RACs, I can confirm that one of the objectives of the structure is to increase the dialogue with the RACs and to take into account their opinion when preparing proposals for technical measures.

The Commission agrees to reconsider the rules governing catch composition in relation with mesh size in order to reduce discards. After a first round of consultation no new solution was identified to solve this problem, so it is still necessary to have a direct link

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between the mesh size and the specific adapted catch composition. It seems too early to consider a results-based approach on mesh sizes in relation to catch composition, in particular for control purposes. However, a first step is proposed in Article 10 with the "moving on" rules, which give the possibility to fishermen to stay in an area if they use a selective enough gear or device, not described in the regulation, by which they can respect the by-catch composition and avoid catches of juveniles.

The one net rule is proposed in order to simplify and increase the efficiency of onboard inspections. However the Commission is ready to look possible derogations when justified for specific fisheries, especially for reducing discards. Those possible derogations should appear in the regional regulations.

The number of species subject to a minimum size landing size has been significantly reduced in order to reduce discards. The idea is to focus only on the main species which influence the behaviour of the fishermen. The Commission could consider increasing the number of species on the list but only if this is necessary for conservation and it will not increase discards. We are open to look at the case of shellfish where the survival of discards is very high. Illustrations will be added to avoid any misunderstanding.

The "moving on" provisions in Article 10, 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 is ready to look if clarification is needed for fixed fishing gears.

You have some remarks on Article 6 concerning the specific rule for towed gears. First, 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. Secondly, the intention is to prohibit the use of lifting bags, as is already the case in the Baltic Sea. This device, which significantly reduces the selectivity of the codend, is not necessary with the twine material commonly used in the European demersal fisheries and with the twine diameter proposed. For example, many large trawlers are not using it in order to reduce the time necessary for repairing a codend and to reduce the costs. The provisions on the bar length are similar to the existing rules. When preparing the proposal, careful attention was always given to the simplification the existing regulations, taking into account the need to facilitate onboard inspections and the need to reduce costs for the fishermen.

Regarding the provisions on the limitation of the immersion time of gillnets you have understood that it was not introduced to limit the fishing effort but to reduce discards. The Commission understands your problem concerning bad weather conditions and will look for a solution to solve it.

The twine diameter proposed still double 5 mm with no increase to double 6 mm. However, we propose only one general limitation in order to avoid problems for inspections, especially when fishing in different areas.

Concerning the sale of species caught during scientific research, there is no obligation in Article 19 to sell those species for fishmeal. In paragraph 2 you use conditions (a) or (b),

and (a) specifies that a "legal fish" (minimum size, market provisions) can be sold for human consumption.

Comments on specific technical measures for the North Sea

In the absence of new scientific information on the impact of scallop dredges on the seabed or on new gear dedicated to catch scallops with less adverse impact on the bottom, the Commission has not proposed any change in the existing rules. However, if any new gear and/or device appears the Commission will be ready, when justified, to propose them in the regional regulation.

Considering it is still necessary to have a direct link between the mesh size with specific adapted catch composition, in order to reduce discards the Commission agrees to give flexibility to the rules. The intention of the Commission through Article 3 is to give flexibility in the catch composition rules during commercial fishing operations in order to reduce discarding. The Commission is ready to look the problem created by the 24 hour period and will try to find a solution if it helps to reduce discards.

The new tables on the required catch percentages applicable for the use of a specific mesh size range have been prepared in order to significantly simplify the existing tables, including the footnotes which are too complex and difficult to understand. I can't reply on your specific comments but I can assure you that the Commission will look in detail at all of them and, when justified, will take them into account when preparing the proposal for regionalised technical measures.

The square mesh panel presented in the appendix is proposed because it is known to be efficient at increasing the selectivity, especially for haddock and whiting. The Commission is ready to examine other devices when the selectivity is proven to be similar.

We note your comments on Natura 2000 sites. However, for the purpose of simplification and clarification the idea is to gather in one regional regulation all the closed areas that restrict fishing activities, including those proposed in the framework of Natura 2000.

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,



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