



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

Brussels, 01 AOUT 2013
EG/A2 D(2013) 2807506

Mr Iain MacSween
President
Pelagic RAC
Treubstraat 17
PO Box 72
2280 AB Rijswijk
The Netherlands

Subject: Discard ban in the Skagerrak

Yr reference: 1213PRAC76

Dear Mr. MacSween,

Thank you for your letter of 3 June 2013, in which you express your support of the advice issued by the North Sea RAC on 30 May 2013 regarding the discard ban in the Skagerrak.

For your information, attached you will find a copy of the reply that I have sent to the North Sea RAC on this advice.

If you have any further question, you can contact Ms Evangelia Georgitsi, coordinator of the Regional Advisory Councils (evangelia.georgitsi@ec.europa.eu; +32.2.295.04.43).

Yours sincerely,


Lowri Evans

Copies: F. Candella Castillo, E. Bianchi, E. Georgitsi (DG Maritime Affairs and Fisheries)



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THE DIRECTOR-GENERAL

Brussels,
EG/A2 D(2013)

Mr Niels Wichmann
Chairman
NSRAC Secretariat
Woodhill house
Westburn Road
Aberdeen AB16 5GB
Scotland

Subject: Discard ban in the Skagerrak – Proposal for a Regulation of the European Parliament and of the Council on certain technical and control measures in the Skagerrak and amending Regulation (EC) No 850/98 and Regulation (EC) No 1342/2008

Yr reference: Letter from N. Wichmann dated 30 May 2013

Dear Mr Wichmann,

Thank you for your letter regarding the proposal for a Regulation of the European Parliament and of the Council on certain technical and control measures in the Skagerrak and amending Regulation (EC) No 850/98 and Regulation (EC) No 1342/2008. I apologise for the delay in replying.

The purpose of the proposal in question is to introduce a landing obligation in the Skagerrak. The package of common measures, including common rules for a discard ban, was agreed with Norway in July 2012.

The European Parliament adopted a number of amendments to the Commission's proposal in April. The Council's position is still to be decided and a number of the issues that you mention in your letter are among those that remain to be resolved.

You will find below the Commission's views on each of the points you have raised. For sake of clarity, we will respond separately to each of them.

De minimis provisions and inter-species quota flexibility

Provision for *de minimis* exemptions up to certain limits when unwanted catches cannot be reduced by increasing selectivity and where it would be a disproportionate burden on fishermen to sort and treat unwanted catches separately is included under the new Basic

Regulation for the CFP. The inclusion of the possibility to use similar *de minimis* provisions everywhere in the Skagerrak would require Norway's agreement.

The same goes for the provisions on inter-species quota flexibility agreed in the reform, where by-catches can be counted against the quota of the target species up to a certain percentage of the target species.

We will have the opportunity to discuss these issues with Norway in September.

The question of documentation

In the Commission's original proposal, the use of closed circuit television (CCTV) was to be mandatory in the Skagerrak. This issue has been discussed technically in great depth at the Council, and the Commission will be as co-operative as possible on this issue in light of what was agreed under the reform of the CFP.

Increasing TAC levels

The Commission recognises that the transition from landing quotas to catch quotas will be complex. ICES has already announced that all its TAC advice would in the future be based on catches, not on landings. The EU and Norway intend to issue a joint request to ICES on the increases in the TACs that would be appropriate in the Skagerrak when the discard ban comes into force. In addition, we have also asked ICES and STECF to look jointly at the inclusion of discard data into catch forecasts and how to deal with setting catch limits in data poor situations. ICES and STECF will report on this in November..

Introduction of a "positive emergency procedure"

I understand your request for the introduction of a "positive emergency procedure", especially given the uncertainties in the early years on how to realign TAC levels to reflect fishing practices under a discard ban. Article 16 1ter of the new basic regulation already caters for this situation:

"Where new scientific evidence shows that fishing opportunities that have been fixed for a specific stock are in significant disparity with the actual state of that stock, those Member States with a direct interest may submit a reasoned request to the Commission to submit a proposal to alleviate this disparity while respecting the objectives set out in Article 2(2)".

Minimum conservation reference sizes

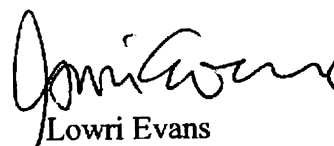
The reformed CFP caters for the possibility of establishing specific rules on minimum conservation reference sizes in the context of regionalised discard plans. We intend to promote a discussion in the autumn on the principles guiding these future decisions, based on the advice being prepared by STECF in September.

Entry into force

I understand that you would like sufficient advance notice of the regulatory framework that would accompany the introduction of the discard ban. This depends of course on the evolution of negotiations on the proposal in the Council and in the Parliament..

I thank you for your continued interest and constructive input. If you have any question on this reply, you can contact Ms Evangelia Georgitsi, coordinator of the Regional Advisory Councils (evangelia.georgitsi@ec.europa.eu; +32.2.295.04.43).

Yours sincerely,



Lowri Evans

Copies: I. Jepsena, E. Georgitsi (DG Maritime Affairs and Fisheries)