



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
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Mr. Jesper Raakjær
Pelagic Advisory Council
Louis Braillelaan 80 2719 EK
Zoetermeer
The Netherlands

Subject: Request clarification on correct interpretation of the catch composition rules

Your reference: 1819/PAC72

Dear Mr Raakjær,

I would like to thank you for your letter dated 11 June 2019 in which you request the Commission to clarify the provisions contained in the new Technical Measures regulation¹ on the maximum percentages of species allowed so as to qualify for the specific mesh sizes set out in Annexes V to VII. In your understanding, these catch composition rules are in contradiction to the landing obligation, set out in Article 15 of the Basic Regulation².

The catch composition rules have already been in existence under the current Technical Measures regulation³, which often faced criticism for being inflexible in that it was limiting the ability of the catching sector to innovate in response to the landing obligation.

Although the co-legislators have decided to maintain the catch composition rules in the new Technical Measures framework, that will enter into force on the 20th day following its expected publication in the Official Journal on 25 July 2019, they have been simplified and tools have been foreseen for their regional adaptation.

The majority of existing catch compositions rules contained in the annexes of the current Technical Measures regulation will not be retained in the new Technical Measures regulation or they have been simplified and restricted to maximum percentage of by-catches of the total catch in live weight of all marine biological resources landed after each fishing trip. The new approach to mesh sizes sets maximum by-catch levels for

¹ <http://data.consilium.europa.eu/doc/document/PE-59-2019-INIT/en/pdf>

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the CFP, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

³ Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

smaller mesh size fisheries (such as those for shrimp and Nephrops). This offers a more simplified method for setting the rules governing the use of different mesh sizes. These by-catch limits can be waived if gears using small mesh sizes are modified and are scientifically shown to be highly selective, providing a direct incentive to enhance selectivity.

In addition, the new framework also provides regional flexibility through the regionalisation process⁴. It will allow the Member States to change, amend and introduce measures that are adaptable to regional specificities provided they meet the conditions established in the new Regulation as well as to define the specific rules governing directed fishing (as foreseen in Art. 27(7) of the new Technical Measures regulation).

Having said that, the landing obligation continues to be a general obligation, as laid down in Article 15 of the Basic Regulation, and technical measures cannot be used to derogate from it. To the contrary, the new Technical Measures regulation aims to encourage innovation and scientific research to facilitate the implementation of the landing obligation.

I am looking forward to our continued cooperation. Should you have any questions regarding this letter, you may contact Ms Pascale Colson, coordinator of the ACs, (pascale.colson@ec.europa.eu; + 32 2 29 56273).

Yours sincerely,


João AGUIAR MACHADO

⁴ Chapter III (Regionalisation) of the new Technical Measures regulation.