

Brussels, 17. 12. 2009
CAB (2009) 561

Dear Mr. McSween,

Thank you for your letter of 9 November 2009, in which you express concern regarding the way in which the Commission has handled the consultation on the proposal for a Council regulation on technical measures.

You point out that certain Regional Advisory Councils (RACs) would have wished to have been consulted further on the technical measures proposal, although the consultation period ended last year. This is because, in your view, the advice provided has not been taken sufficiently into account by the Commission.

I need to stress that the RACs were extensively consulted in numerous working groups and seminars for over two years, before and after the adoption by the Commission of its proposal for a Council Regulation on technical measures. They were also extensively consulted on the non-papers for Commission regional regulations in which mesh size ranges and authorised percentages of species were originally set out.

As a result of this vast consultation the Commission received a full set of recommendations which, to the extent possible, have been included in the Commission proposal.

Furthermore, after the consultation with the RACs had come to an end the Commission attended several RAC meetings (with the NS RAC, SWW RAC, etc.) to provide information on the status of the negotiations in Council. At these meetings the RACs were informed that new suggestions could be tabled by Member States in Council.

In fact, the Commission agreed to the inclusion in the compromise text of many of the recommendations put forward by the RACs in the proposal originally put before the Council, such as:

- the inclusion of minimum landing sizes for haddock, whiting, saithe, plaice, lobster and crab;
- the removal from Article 6 of ambiguous words such as ‘open’ mesh and ‘approximately’;
- the incorporation of selective devices for hake fisheries in south western waters;
- the inclusion of derogations to the one-net rule; and
- changes in the catch composition of bivalve molluscs for dredges.

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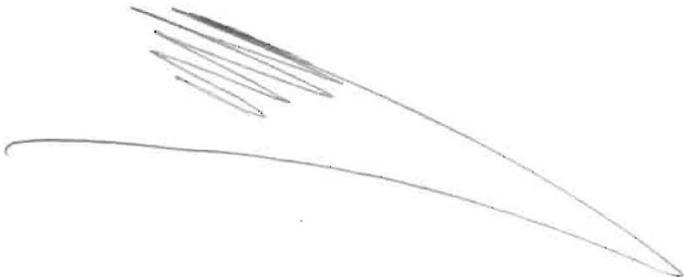
I would also like to point out that due to a strong political opposition expressed by Member States during discussions in Council, the Commission had to modify the structure of its proposal by transferring the tables on mesh size ranges and percentages of species from the regional Commission regulations to the Council Regulation. The second point in your letter refers to the fact that the RACs regret this sudden rush to force a decision by the Council and view it as an attempt to avoid the co-decision procedure with the European Parliament under the Lisbon Treaty.

Let me point out that the Commission genuinely welcomes the involvement of the European Parliament, which will bring more democracy to the decision-making process on the Common Fisheries Policy. In this regard, since the November Council was of the view that the time to adopt the Regulation was not yet ripe, the legislative process for the proposal for a Council Regulation on technical measures will continue and Council and Parliament will now decide under co-decision.

A transitional regulation gathering current technical measures from the 2009 TAC and quota Regulation and the highgrading ban for all ICES areas will ensure the continuation for 18 months of temporary technical measures which, as a consequence of the entry into force of the Lisbon Treaty, could no longer be included in the 2010 fishing opportunities regulation.

The Commission envisages undertaking new exchanges of views with the sector in 2010.

Yours sincerely,

A handwritten signature in dark ink, consisting of several overlapping, sweeping strokes that form a cursive, somewhat abstract shape. The signature is positioned to the left of the main body of the letter.
