

European Association of Fish Producers Organisations

Association Européenne des Organisations de Producteurs dans le secteur de la pêche



EAPO / AEOP

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Ms Charlina VITCHEVA
Director-General
Directorate-General for Maritime Affairs and Fisheries
European Commission
1049 BRUSSELS
Belgium

EAPO21-30

Oostende, 18 August 2021

Dear Ms. Vitcheva,

Subject: EAPO position on the intended amendments to the regulation as regards technical measures in the North Western Waters

EAPO members have been made aware of the European Commission's intention to amend the regulatory framework for technical measures in the North Western Waters. A proposal for a Delegated Act is drafted and EAPO noted that based on North Western Waters Members States Joint Recommendations the drafting entails adapting Annex VI to the Technical Measures Regulation (EU) 2019/1241.

In the so called TAC & Quota Regulation (EU) 2021/92, articles 15, 16 and 17 respectively cover technical measures for cod and whiting in the Celtic Sea, technical measures in the Irish Sea and technical measures West of Scotland. The above mentioned intended Delegated Act would amend the content of these articles. Not having looked into the precise judicial requirements, EAPO questions the possibility of restricting the time frame of the application of the technical measures that have been introduced based on the content of (EU) 2021/92.

In the draft Delegated Act amending (EU) 2019/1241 it is mentioned between brackets that the measures drafted in Annex VI would apply until the end of 2022. It is EAPO's view that in line with longer term impact assessments, such reference should indeed be included.

The other aspect in the draft Delegated Act EAPO wishes to comment on, is the proposed addition of point 3 to Part C of Annex VI of (EU) 2019/1241. Similarly to article 15.3 of the TAC & Quota 2021 Regulation, this addition makes the prohibition to fish with trawls and seines in the mentioned areas of the Celtic Sea a base rule. The use of a minimum 100m mesh size as such becomes a derogation to this base rule. EAPO considers it a dangerous precedent to use as a base rule in fisheries management a prohibition to fish in such a large area. Furthermore, EAPO members having contributed to the discussion about technical measures, regret that proposals to also derogate coastal fisheries in areas 7b, 7e, 7g and 7j have not been retained.

In addition it is EAPO's view that the STECF assessment of the 1.5% by-catch level of cod as a reference to obtain a derogation, is an excessive requirement. Any procedure for such assessment has little chance to lead to obtaining a derogation as an outcome. Also for the STECF assessment of 'fishing gear that is at least equally selective' EAPO seeks clarification about the procedure to be used.

EAPO members who represent fishermen affected by the intended amendment of the technical measures regulations have addressed or will address this with their respective member states. However we considered it useful to already inform you about these EAPO views and therefore look forward to your response.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'P. Visser', with a stylized flourish above it.

Pim Visser
President of EAPO