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EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE C2/JL ARES (2010)

Mr. Sam Lambourn
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Mr. Niels Wichmann
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Subject: **Joint NWWRAC and NSRAC response to the consultation on deep-sea fishing opportunities 2011 and 2012**

Ref.: DG MARE letter 448515 of 22 July 2010; NWWRAC-NSRAC response dated 14.9.2010

Dear Mr. Lambourn, Dear Mr. Wichmann,

Thank you very much for the NWWRAC and NSRAC joint opinion on fishing opportunities for deep-sea species. We understand the difficulty for the RACs to reply to consultations over the summer period. However, I consider this timing to be an improvement from earlier years, where the consultation could only take place after summer at a time when it would be too late for the Commission to take account of he stakeholders comments before issuing its proposals. Significant efforts have been made over the last few years to the RACs as much time as feasible within the overall constraints of the annual scientific advice and decision making cycles.

I understand that this joint opinion is not a consensual statement from the two RACs, but from their industry members, as the other members expressed their opinion separately. I hope that the RACs will be able to work towards finding more common ground for future opinions.

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With regard to the individual points raised by your members, I would briefly like to respond as follows:

Framework regulation

I agree with you that the regulation on fishing opportunities needs to be put into perspective with the revision of the access regulation (2347/2002). The Commission is working on this in parallel on the basis of the consultation of the stakeholders previously received.

Annual adaptations

The industry members of the RACs are of the opinion that when applying the Commission's policy statement to the proposals for deep-sea fishing opportunities, only one TAC adaptation could be made from the 2010- 2012 period, as the regulation covers two years in a row. I do not share this view. The deep sea stocks regulation covers two years for simplification purposes, as main data updates are only available every two years. On the contrary, the policy statement provides for annual adjustments rules and shall be implemented annually - even if the regulation or deep sea stocks covers several years.

Blue ling

The principal reason for dealing with the main TAC for blue ling during the December Council is that exchanges with Norway and Faroe Islands have occurred in the past. This TAC is therefore subject to an annual decision cycle. Although it would be possible to set provisional TACs in the specific deep-sea Regulation the November Council, it doesn't seem justified as only two weeks later the December Council is expected to decide definitively and in any event the concerned TAC would have to be amended for 2012 on the basis of the outcome of the negations with Norway and the Faroe Islands at the end of 2011.

The scientific partnership with the French trawl fleet has been analysed in depth by both ICES and STECF. I can assure you that this additional data series is taken into account when the Commission will adopt its proposal, but I will not comment in detail before this decision will have been made.

I note your request to assess existing seasonal closures to protect spawning aggregations by the end of 2012. This seems indeed relevant and we will be continue the work ICES and STECF to further assess these measures.

Scabbard fish

The Commission has proposed to keep TAC levels stable were stability in the abundance trend is consolidated over years, but is not able to do so in the area were this is not the case. The proposal is based on advice received from ICES and STECF.

Orange roughy

I agree – for the longer term - with your arguments in favour of a minimum by-catch allowance based on technical avoidance measures. Those measures will have to be developed in order to avoid that orange roughy will again be a targeted species.

I concur with your view that the closed areas are not necessary anymore as a special condition of the TAC, as long as there is a zero TAC.

Grenadier

The TAC proposal for the main fishery is based on the advice to reduce catches to a precautionary level of maximum 6.000 tonnes. I take note of the sector's preparedness to accept these measures in the interest of sustainable fishing.

New TAC areas

The Commission is prepared to follow the scientific request, supported by the sector, to shift EU waters of Vb to the western TAC of blue ling. Despite continued requests to the Member States concerned, no catches in the relevant area were identified, and therefore the Commission would have to assume that the catches in division Vb are fully attributable to Faroese waters.

I take note of your agreement with establishing TAC management in division XIIb for blue ling. We are working on the details of this modification, which will be presented in the context of the December proposal.

You are favouring a separate management area for grenadier in division XIIb. In fact, the Commission has noted some reluctance from Member States to integrate this division fully into the main TAC. Work on this issue is in progress.

Yours sincerely,

Lowri Evans