EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

Brussels, 27 AOUT 2010
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Mr. Sam Lambourn
North Western Waters RAC
Bord Iascaigh Mhara
Crofton Road, Dun Laoghaire
Co Dublin
Ireland

Subject: Geographical scope of the high-grading ban

Dear Mr Lambourn,

Thank you for your letter of 29 July 2010 seeking clarification on the geographical scope of the high-grading ban.

As you may be aware, with the entry into force of the Lisbon Treaty, the annual fishing opportunities regulation needs to be limited to fishing opportunities and as such it can no longer include technical conservation measures. Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011[1] was adopted in order to ensure that temporary technical conservation measures provided in Council Regulation (EC) No 43/2009[2] could continue to apply as from 1 January 2010.

Article 1, point 2(b) of Regulation (EC) No 1288/2009 provides that the prohibition of high-grading in the North Sea and Skagerrak, as laid down in point 5b of Annex III, part A to Council Regulation (EC) No 43/2009, shall be extended to "all ICES zones".

Part A of Annex III to Regulation (EC) No 43/2009 refers to the North Atlantic including the North Sea, Skagerrak and Kattegat. When Regulation (EC) No 1288/2009 mentions "all ICES zones", it is within the geographical scope of Part A of Annex III to Regulation (EC) No 43/2009, or in other words, to "All ICES zones of the North Atlantic including the North Sea, Skagerrak and Kattegat".

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1 OJ L 349, 24.12.2009, p. 6.
2 OJ L 22, 26.1.2009, p. 1.

The prohibition of high-grading is also applicable in the Baltic Sea during 2010 on the basis of the Baltic fishing opportunities regulation[3]. In view of Lisbon, and due to the reasons explained above, Council Regulation (EC) No 2187/2005[4] for technical measures in the Baltic, Belts and Sound is being amended as to include the high-grading ban ensuring its continuation in those area as from 1 January 2011.

Yours sincerely,

Lowri EVANS

3 Regulation (EC) No 1226/2009 (OJ L 330, 16.12.2009, p.1)

4 OJ L 349, 31.12.2005, p. 1.