



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
Fisheries Policy Atlantic, North Sea, Baltic and Outermost Regions
THE DIRECTOR

Brussels,
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Ms Anne FRIEL
afriel@clientearth.org

Subject: Access to information regarding bycatch provisions in total allowable catches (TACs) of EU fish stocks in the North East Atlantic 2013-2017

Dear Ms Friel,

Thank you for your email of 2 May 2017 on a request for access to information regarding bycatch provisions in total allowable catches (TACs) of EU fish stocks in the North East Atlantic 2013-2017. This expands on your email of 13 March 2017 on a request for access to information sent by Member States on bycatch provisions in 2017. This request was answered by my letter dated 24 March 2017 (Ares(2017)1593443).

For your background information I can inform you that the current bycatch provisions were introduced in the fishing opportunities in 2011, Regulation 57/2011, in the Council compromise. The Commission in its proposal had not included these bycatch provisions. Following the Council compromise the Commission in its proposal for setting the 2012 fishing opportunities included these provisions. The provisions were included, as certain bycatches in the fisheries for industrial species were unavoidable. On this basis it was considered appropriate to reserve a certain share of these unavoidable bycatches directly for the fisheries for industrial species. At the time of introducing the bycatch provisions, discarding at sea was allowed within the former CFP, Regulation 2371/2002. However the fisheries concerned mainly landed their catches unsorted, so the catch composition was only known when the ship returned to port. There was therefore no discarding of unwanted catches in these fisheries.

Prior to 2011 separate bycatch quotas for haddock and whiting caught in the industrial fisheries were for many years set in Skagerrak/Kattegat and the North Sea. Further to this the separate bycatch quotas for herring in Skagerrak/Kattegat and the North Sea have remained unchanged, as herring is a shared stock with Norway.

In the fishing opportunities for 2015 changes were indeed made to the text of the bycatch provisions. This was to take into account the introduction of the landing obligation for pelagic and industrial fisheries in 2015, and thereby the possibility for interspecies flexibility for stocks within safe biological limits, according to the Basic Regulation 1380/2013, article 15, 8. On this basis it was agreed, that where stocks were within safe biological limits, they would not be included in the bycatch provisions, as art. 15, 8 of Regulation 1380/2013 would be accessible.

Due to this reason haddock was not included in the provisions covering 2015 and 2016, while mackerel was not included in 2015. As these bycatches are seen as unavoidable it was not seen as necessary to regulate the allowed percentage, as it follows that the bycatches will be reduced, as the number of stocks in the footnote is reduced.

For the 2017 fishing opportunities the text in the bycatch provisions was again changed - not in order to change the provisions in substance that rather to avoid any misinterpretations about the relation with the interspecies flexibility provisions in the Basic Regulation. On the basis of the amended text all stocks, as introduced in 2011, were now explicitly mentioned in the bycatch provisions.

On your concerns about exceeding sustainable catch levels I can inform you that ICES does take into account in its stock assessment all known sources of fishing mortality, including the fisheries for industrial species. This you can find in the ICES stock assessment for e.g. boarfish, whiting and haddock.

I enclose the Commission catch statistics for the stocks included in the bycatch provisions. Please be aware that this only reflects the stocks included that year. This means that haddock is not included in 2015/2016, while mackerel is not included in 2016. Furthermore please be aware that catch reporting for the bycatch provisions was only in 2014 expanded to be at a stock-by-stock level. Therefore the Commission does not have Member States data of the individual species prior to 2014. I hope that I was able to clarify these issues for you.

I look forward to our continued cooperation.

Yours sincerely,

Hélène Clark