

To:

[Redacted]

Cc:

CLARK Helene (MARE); [Redacted] (MARE); [Redacted] (MARE);  
 [Redacted] (MARE); [Redacted] (MARE); MARE C1

Subject:

On behalf of Ms Clark: letter to members of NWW group

Dear members of the North Western Waters group,

I refer to my letter of 24 July to the Chair of the group, with copy to you all, presenting the Commission's assessment of the various elements of your Joint Recommendation.

Following some of the comments already exchanged in the group, I wish to underline that this assessment has been based on a DG MARE collective and thorough analysis, not only on the STEFC recommendation, but also on the specific context of your fisheries. We have received, as could be expected with the entry into force of the full landing obligation in 2019, a high number of requests for derogations, and have been keen to ensure a coherent approach between all sea basins, as well as fair treatment of all groups.

As you will have noticed, the Commission accepted most of your requests for high survivability, including some with low survivability rates, such as some of the requests for plaice caught with beam trawls or for the majority of skates and rays. It should be clear that such derogations are exceptional and could only be justified as temporary, pending further information, or pending further measures to be taken to increase selectivity. Progress with these will need to be closely monitored over the months to come. We have also accepted the extended de minimis exemptions for whiting in 7d. This level of acceptance is certainly a reflection of the serious work done in your Group.

There are however a few requests which, if included in the Delegated Act, would risk jeopardising the whole inter-institutional adoption process, which as you know, involves both the Council and the European Parliament. The combined de minimis requests for gadoids and pelagic species are examples where the STEFC assessment is clearly not supportive. The requests for de minimis for whiting and haddock in the Irish Sea are other examples where STECF was not supportive. Accepting the exemption for plaice in the BT2 for three years with the very low survival rate is also such a case, which is why we suggest a shorter time period.

Let me however clarify that the Commission's approach should not be seen as cherry picking, but as an approach which takes into account the Basic Regulation and the need to have a positive assessment by the STECF. Where this is not the case we have to ask the MS Group to revise their JR.

We strongly advise that the Group withdraws these controversial requests, in order to increase the chances of having a Delegated Act in force at the beginning of 2019. The Group can of course submit a separate Joint recommendation for some of the excluded exemptions if and when it considers that it is able to provide a stronger justification.

[REDACTED] or myself are at your disposal should you wish to discuss how to proceed.

Best regards

Hélène Clark