



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
THE DIRECTOR-GENERAL

Brussels,
D(2009)

02.10.2009 D 11107

Mr Hugo Andersson
c/o NSRAC Secretariat
Woodhill House
Westburn Road
Aberdeen AB16 5GB
Scotland

Subject: In-year review of the cod recovery plan

Dear Mr Andersson,

I would like to thank the NSRAC for the document outlining its views on the Cod Recovery plan. I find this to be a very useful document that touches on a variety of important issues. My comments on these are as follows.

Fishing effort and TACs

Effort limitations were introduced following the reform of the Common Fisheries Policy in 2002, because it was recognised that TAC and quota limitations are not effective on their own. Since then, the fishing opportunities available to Member States have been defined in terms of allowable effort as well as allowable catches. Nowhere in Community legislation is one given precedence over the other.

Nevertheless, it is true that effort levels may need to be reconsidered where there is clearly a significant imbalance between the range of quotas available and the effort that is allocated to fish them. There was a Commission Declaration to this effect at the last December Council, which stated:

"The Commission, in close cooperation with the Member States concerned, will follow the development of quota and effort use in order to assess if overall effort allocation is sufficient to use the allocated quota and if necessary to address any problems arising from this assessment"

This is not a straightforward exercise, because any adjustment of effort arising from such an assessment cannot be a matter of giving enough effort to exhaust the last of the available quotas. This would result in the *de facto* removal of any effort limitation at all. This would lead to higher discard levels, because quotas in the mixed fisheries are exhausted at different rates, and because there would be a greater possibility to continue fishing in order to high-grade and maximise the value of available quotas.

The Commission considers that the best way forward would be to seek the advice of the Scientific, Technical and Economic Committee for Fisheries (STECF) to address the concerns of Member States in specific cases. In particular, the Commission would be prepared to examine any case where the effort level recommended by STECF for one fishery cannot be attained because of the presence of by-catches of another species (such as cod) that is associated with more severe effort limitations.

Exemptions

I would now like to respond to your concerns relating to requests for the exclusion of certain vessels from the fishing effort regime under Article 11.2 of Regulation 1342/2008.

I can assure you that the Commission has no intention of thwarting the procedure for the exclusion of certain groups of vessels from the effort regime, but nor can it ignore the reservations expressed by the STECF in some of the cases.

One of the difficulties of dealing with some requests is that it concerns vessels that are not clearly distinguished from the other vessels in the same effort group. The annual allocations of effort are calculated as progressive adjustments to a baseline level of effort that was exerted during a reference period. If a group of vessels is excluded from the effort regime, it follows that the fishing effort exerted by this group during the reference period must be subtracted from the baseline level of effort. This results in a lower total effort allocation but, in return, the current effort of the excluded group is not counted against the lowered effort ceiling.

For such a procedure to be manageable the group of vessels to be excluded should be clearly defined by those specific characteristics or fishing behaviours that lead to low cod catches. Where this was not the case, the STECF was unable to give a positive advice for exclusion. Nevertheless, I am aware that concerns have been expressed about one of the criteria for exclusion used by the STECF, namely that it must be demonstrated that the fisheries concerned would continue to catch small quantities of cod in the future as well as in the past. I believe that the degree to which we could or should anticipate future developments deserves further reflection.

Real time closures

The Commission has always been very appreciative of the initiatives in the industry to develop a system of real time closures (RTCs) to protect juvenile and spawning cod. The Commission is aware that the scheme has been considerably expanded in 2009, which will hopefully be reflected in much lower cod discard rates this year. Since the cod management plan specifies that the TAC should be calculated by removing estimated discards from the catch corresponding to the target fishing mortality, this will be reflected in higher quotas in future years. This should in turn reduce the necessity to avoid areas with high concentrations of large cod.

In reaching an agreement with Norway on RTCs we tried to build on the experience of the RTCs in the North Sea. The Commission agrees that greater participation from the industry in the discussions would have been desirable. The regime agreed with Norway is not predominantly focussed on the protection of cod, but rather aims to protect juveniles of cod, haddock, whiting and saithe. Indeed, since the closures would be determined on the combined quantity of juveniles of all these species in the catch, they may not be

sufficient to protect any one of them in all circumstances. The RTC regime agreed with Norway cannot therefore be considered to be a replacement for the RTCs the industry has pioneered in the North Sea to protect cod.

Cod avoidance measures

The Commission welcomes the NSRAC's support for the development of more selective gears, and agrees on the importance of sharing knowledge and research results from the various projects in the Member States. Moreover, it would be desirable to co-ordinate the planning of such trials to ensure maximum comparability and to avoid wasteful duplication. The NSRAC is encouraged to use its knowledge and expertise to facilitate this.

Market issues

The Commission agrees that consumer resistance to the consumption of cod that is legally landed within the catch limits set by the management plan, which has been evaluated as precautionary, is misplaced. It will endeavour to counter any statements to the contrary. The NSRAC is well placed to encourage dialogue between the industry and the environmental NGOs on how to improve public perception. The Commission considers that the collaboration between the WWF and the Scottish industry is a very good example of how this might be done.

Future arrangements

The Commission agrees with the NSRAC's comments on the importance of reducing discards.

The Commission is aware that there are concentrations of juvenile cod in the southern North Sea and eastern Channel, and that these may not have been fully represented in research vessel surveys. When the year class concerned enters the fishery, this may lead to a more rapid increase in stock biomass than has been forecast. This would be a welcome development. The Commission would encourage any collaborative efforts between scientists and the industry to improve estimates of recruitment in the future.

Concerning the claim that it is in Norway's interest to keep the TAC for North Sea cod down in order to extract a price from the Commission for increasing it, the Commission would point out that both parties have agreed that the level of the TAC will be fixed by the long term management plan. The level of the TAC is not therefore subject to any concessions agreed on other issues in the negotiations.

Yours sincerely,



Fokion FOTIADIS