



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/D3/MM/mb/Ares (2020)

Mr Ken Skau Fisher
Chairman Executive Committee
NSAC (7th Floor)
Louis Braillelaan 80, 2719 EK
Zoetermeer,
The Netherlands
Email: admin@nsrac.org

Subject: Scientific evaluation of the North Sea plaice box

Dear Mr Skau Fisher,

Thank you very much for your letter dated 26 November on the scientific evaluation of the North Sea plaice box. Please accept my apologies for a delayed reply to your letter.

The Commission welcomes this initiative in particular the way in which the recommendations recognizes the possibility to use the new Technical Measures Regulation¹ – i.e. the decentralised management through regionalisation, as set out Article 18 of Regulation (EU) No 1380/2013 and Article 15 of the new Technical Measures Regulation.

As you rightly note in your letter, the current measures to protect plaice juveniles are those that were in place in the repealed Regulation (EC) No 850/98, and in particular Article 29 thereof. The reason is that the aim of the new Technical Measures Regulation has been to carry over existing measures into a new framework of decentralised management through regionalisation, where these measures can be changed based on the best available scientific advice.

I understand the reasons behind the request to carry out a scientific review of this conservation measure that you provide in your letter, but I would like to underline certain important elements.

From your letter, it seems that your understanding of Part C of Annex V of the new Technical Measures Regulation is that these measures would come into effect only once new scientific evidence demonstrates its beneficial effects. However, this is not the case.

¹ Regulation EU No 2019/1241, of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005

The measures outlined in Part C of Annex V are mandatory since the Technical Measures Regulation entered into force on 14 August 2019.

However, as mentioned above, Article 15 of the Technical Measures Regulation provides for the possibility to modify the regional annexes of the Regulation through the regionalisation process. For this purpose, Member States having a direct management interest may submit joint recommendations that could be translated into legislation as a delegated act adopted by the Commission. The measures included in such joint recommendations must meet several requirements²: (i) aim at achieving the objectives and targets established in the Regulation; (ii) be compliant with other relevant Union acts, (iii) be guided by the principles of good governance, and (iv) as a minimum, lead to benefits for the conservation of marine biological resources that are at least equivalent (in particular in terms of exploitation patterns and level of protection for sensitive species and habitats) to the measures that are already in place; the potential impact of fishing activities on the marine ecosystem must also be taken into account. Lastly, such joint recommendations must be based on scientific evidence.

I therefore encourage you to work within the NSAC and with the relevant Regional Group with a view, if appropriate, to develop joint recommendations covering this issue and to work also on other aspects covered by the new Technical Measures Regulation including those where urgent action is needed, such as on sensitive species.

I look forward to our continued cooperation and invite you to take contact with Ms. Pascale Colson (pascale.colson@ec.europa.eu; +32 2 29 56273) should you have any further question on this reply.

Yours sincerely,



Bernhard FRIESS
Acting Director-General

c.c.: MARE C1, MARE D3

² See Article 15(4) and (6) of the Technical Measures Regulation