

26 October 2020

NSAC Advice Ref. 16-1920

NSAC Advice on draft Joint Recommendation of the Scheveningen Group concerning technical measures for the conservation of fishery resources of the North Sea

This advice paper was approved with consensus by the NSAC Executive Committee on 26 October 2020.

Background

The NSAC appreciates the opportunity to comment on the draft Joint Recommendation concerning technical measures for the conservation of fishery resources of the North Sea granted by the Scheveningen Group of North Sea Member States on 19 October 2020.

The Joint Recommendation intends to correct a procedural error made when the former regulation on technical measures (EC) 850/98 was repealed by Regulation 2019/1241, accidentally excluding an amendment made to the regulation in 1999, namely an exemption for the Danish seine included in article 29, para 4(b), iv. This exemption allowed vessels above 221 kW, using Danish seine, to fish in the Plaice Box, provided that the mesh size used was at least 100 mm. The current text of the Technical Measures Regulations omits this exemption and as such does not maintain the status quo for the Danish Seine.

It is against this background that the current Joint Recommendation has been proposed by the Scheveningen Group and was now reviewed by the NSAC.

Advice

The NSAC fully supports the proposal to reintroduce the possibility to fish with Danish seine vessels with engine power above 221 kW in the plaice box.

The support to this proposal is based on two observations, both explained well in the draft recommendation of the Scheveningen Group:

Firstly, a derogation from limitation of engine power in the fishery with Danish Seine (also known as *anchored seine*) in the plaice box has been in place since 2000 and was only terminated with the agreement of the new Technical Regulation in 2019. During the drafting of the new regulation the NSAC was informed that there was no intention to change the existing rules, unless this was requested by Member States. To the knowledge of our Danish stakeholders, confirmed by the Ministry for Environment and Food of Denmark, no such

request was formally raised from Denmark or any other Member State. It thus appears that that the derogation was lost in the editorial procedure when the old regulations was revised. As a consequence, vessels with a long fishing tradition in the area were unintentionally excluded. The NSAC believes that this needs to be corrected swiftly.

Secondly, the engine power has no effect on the fishing power when using the Danish seine and there is thus no reason to expect that the environmental impact of fishing will differ between vessels with different engine powers. It seems redundant to exclude vessels on the basis of characteristics that have no effect on the objective of environmental protection.

Other considerations

The NSAC would like to take this opportunity to remind and refer the recipients of this advice to the 2019 NSAC advice on other aspects of the North Sea plaice box.

On 26 November 2019, the NSAC wrote to the Commission with a request to carry out a scientific evaluation of the North Sea plaice box¹, noting that before such a conservation measure is automatically transposed from a repealed (Technical Measures Regulation (EC) 859/98) to revised (Technical Measures Regulation (EU) No 1380/2013) regulation, its effects should be reviewed.

On 9 March 2020, the NSAC received a response² from the Commission stating that while it was rightly noted that the conservation measure protecting plaice juveniles had been carried over from the repealed regulation, it was the new framework of decentralized management through regionalization process which provided means for modification of regional annexes. In other words, it was explained that Member States having a direct management interest may submit joint recommendations which can be translated into legislation as a delegated act by the Commission.

The NSAC notes that the current Joint Recommendation of the Scheveningen Group and this advice do not fully address all the aspects of the NSAC letter to the Commission of 28 November 2019 and the Commission's response of 9 March 2020.

¹¹ <https://www.nsrac.org/wp-content/uploads/2019/11/01-1920-NSAC-Letter-to-the-Commission-on-Plaice-box.pdf>

² <https://www.nsrac.org/wp-content/uploads/2020/05/Response-to-01-1920-NSAC-Letter-to-the-Commission-on-Plaice-box.pdf>