



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Managing Director

Brussels,
MARE/D.3/PC/mbe/Ares (2020)

Mr Aurelio Bilbao Barandica
President of the CC - Sud
rue Alphonse Rio, 6
F-56100 Lorient

Subject: Notice 134: Improvement of the compatibility of the Western Waters Management Plan with control measures

Dear Sir,

Thank you for your letter dated 17 December 2019 related to the application of the management plan for Western Waters and its compatibility with article 44 of the Council Regulation (CR) 1224/2009² in the context of discussions about its renewal.

In light of the legislation in force, I wish to clarify the following points:

- The Western Waters management plan must be considered as a management plan adhering to the definitions in article 44 of the CR including the stocks listed in article 1 paragraph 1. In addition, all the demersal caught stock kept on board a fishing boat measuring at least 12 meters must be placed separately in boxes, compartments or containers. The bycatch mentioned in article 1, paragraph 4, of the Plan are not covered by article 44 of the CR.
- This provision complies with article 14 of the CR, obliging boats measuring more than 10 meters to have an on-board journal, in which all quantities of each species caught must be noted and the margin of tolerance specified in paragraph 3 of the same article must be justified.

¹ REGULATION (EU) 2019/472 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of the 19 March 2019 establishing a multi-annual plan for stocks fished in Western waters and adjacent waters as well as for fisheries exploiting these stocks, modifying regulations (EU) 2016/1139 and (EU) 2018/973 and repealing regulations (EC) no 811/2004, (EC) no 2166/2005, (EC) no 388/2006, (EC) no 509/2007 and (EC) no 1300/2008 of the Council

² REGULATION (EC) No 1224/2009 OF THE COUNCIL of the 20 November 2009 establishing a community control method to ensure that the Common Fisheries Policy rules are being respected, modifying regulations (EC) no 847/96, (EC) no 2371/2002, (EC) no 811/2004, (EC) no 768/2005, (EC) no 2115/2005, (EC) no 2166/2005, (EC) no 388/2006, (EC) no 509/2007, (EC) no 676/2007, (EC) no 1098/2007, (EC) no 1300/2008, (EC) no 1342/2008 and repealing regulations (EEC) no 2847/93, (EC) no 1627/94 and (EC) no 1966/2006

- Stability and safety must not be affected, and no extra space must be needed for the same volume of fish. Article 44 **does not demand, at any point, space set aside for stowage**, rather the use of separate boxes, compartments or containers for each stock, so that they can be identified from other boxes, compartments or containers. Consequently, the demand for a stowage plan, stated in article 44 (3) does not prevent the captain from choosing the location of the stocks included in the plan in the hull at any moment, provided that the stowage plan states this location.

Regarding the obligation to give prior notice stated in article 17 of the CR, it is necessary to specify the following:

- This obligation is not linked to any CR revision process, but comes from the adoption of the Western Water management plan and mentions a reinforced control tool related to the registration of catches and the associated use of quotas for the stocks in the Plan.
- The obligation to give prior notice is only applicable to boats using the electronic notification system, thus alleviating the administrative load, given that all captures already appear in the fishing log. Only the estimated arrival time and the unloading port shall be the main elements to include in this notification.
- Meanwhile, the Commission backs an electronic notification which aims to facilitate the declaration and therefore reduce the captain's administrative formalities. The aim is to use electronic methods for all declarative obligations, regardless of the length of the boat for the same purpose – to simplify the task and take advantage of new, available technology.
- In addition, during exchanges with the control authorities of the Member States, no major objection regarding their ability to deal with this flow of data was raised. On the contrary, this will significantly support the reduction of useless administrative tasks that the public authorities, and in the long term the entire Union have to complete. It is necessary to note that according to article 109 of the CR, prior notice is already included in the control authorities' IT systems to cross-reference boats measuring more than 12 meters.
- Finally, the regionalisation procedure does not apply to the Council Regulation, with the exception of the possibility offered by article 23 of the Regulation, namely the 'Technical Measures'³ for pilot projects related to the extensive documentation of captures and rejections.

In general terms, I would like to remind you that the conditions applicable to multi-annual plans aim to facilitate essential effective control for the sustainable exploitation of stocks. This pressing need is in the long term interest of the fishermen and the objectives of the Common Fisheries Policy (CFP).

³ REGULATION (EU) 2019/1241 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of the 20 June 2019 regarding the conservation of fishing resources and the protection of maritime ecosystems via technical measures, modifying regulations (EC) no 2019/2006 and (EC) no 1224/2009 of the Council 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 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 of the Council

Based on this, we do not agree with your analysis, which states that this management plan and its control would represent an obstacle to the principles of the CFP.

Nonetheless, if particular situations were to affect a specific part of the fleet, do not hesitate to give us the details, and we will carry out a thorough analysis.

I wish to thank the consultative council for the work carried out and invite you to contact Mrs Pascale Colson, coordinator of consultative councils (pascale.colson@ec.europa.eu, +32.2.295.62.73) should you have any further information to add to this reply.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Bernhard Friess', written in a cursive style.

Bernhard FRIESS
Acting Managing
Director