

Comments on COM (2008) 324 final
Proposal for a New Technical Conservation Measures Regulation

Dominic Rihan (BIM)

Previous experiences with technical measures regulations and in particular 850/98 have shown that the “one measure fits all” approach will not work given the differences that in reality exist in different fisheries for the same species in different areas or for different species in the same area. Therefore it is desirable to have a regulation including general provisions with the detailed implementation measures being implemented through management procedures. This will also make it easier to bring in new measures without having to produce endless amendments to the overall regulation and also potentially facilitate the introduction in real-time of local management initiatives. Similarly given that research into developing appropriate technical measures will continue and new measures likely to evolve over time it is again felt desirable to have a general regulation establishing principles rather than a specific detailed regulation. The provision for a review and assessment process of the technical measures at regular intervals taking on board the views of fishermen, scientists and control and enforcement personnel, possibly channeled through the appropriate RAC’s or through the national authorities are also welcome. This should allow a more structured evolution of technical measures, through identification of inconsistencies, loopholes and methods of circumvention being employed.

In most respects COM (2008) 324 achieves these aims but a number of articles that contain quite specific provisions for various gear types are still included e.g. Article 7, Article 14 and Article 15. From this, it can only be assumed that the Commission does not see these particular measures changing, which maybe the case but it is a little confusing that on one hand the proposal is pitched as a “general provisions” regulations but on the other hand contains a number of very specific and quite detailed measures. In contrast it would seem appropriate to include the basic mesh size and catch composition regulations under this implementing regulation rather than in a series of regional management regulations.

Specific comments as follows:

1. Article 3(d) should include reference to Scottish seines as well as Danish seines as they are different gears.
2. Article 3(e) is sensible and should make enforcing mesh sizes much more transparent although this may cause some difficulties for small vessels since this will mean practically the whole trawl could be defined as a codend. Perhaps the words "For regulatory purposes" should be inserted at the start to avoid confusion.
3. Article 3 should include a reference or definition of an entangling net as well as a gill and trammel net.
4. Article 5 seems sensible from a control and enforcement point view in terms of enforcing mesh size and catch composition regulations and also from a scientific perspective will assist in assigning and defining vessels into métiers using logbook data. It will, however, meet with opposition from certain sectors, who still carry two gears on board e.g. many Irish vessels off the south coast carry 80mm and 100mm nets on board as under the hake recovery provisions they can legally use 80mm north of 51°N but must use 100mm south of this line. Simple solution would be to abolish the hake recovery box which seems to serve very little purpose.
5. Article 6 includes many of the provisions of the attachments regulations (Reg No. 3440/84). It is unclear though as to what happens to the provisions not included in Article 6 e.g. the use of chafers.
6. Article 6 3(d) is sensible from a selectivity point of view but by including this limit on open meshes there really is not much need for item 3(a).
7. Article 6(e) harmonizes twine thickness regulations but will reduce the selectivity in fisheries in Area VII and VIII that currently are restricted to single 6mm and double 4mm. Perhaps these smaller twines should be adopted. Either way there should be one set of provisions for all contiguous areas and surely should be driven by the most selective option.
8. Article 7 requiring the use of a headline panel in beam trawls has been simplified from the original provisions but it would be appropriate to verify with gear technologists and fishermen in countries with beam trawl fisheries whether these measures are appropriate. The effectiveness of these measures has been questioned in a number of forums.

9. Article 8 (2) contradicts Article 9. It seems illogical to require small vessels to adhere to a soak time of 48 hours but allow larger vessels a much longer soak time of 72 hours for double the gear length. It would be more sensible to harmonize the regulations.
10. Article 8 (3) similarly it would be sensible to harmonize this with Article 9.
11. Article 9 (1) includes both measurements in km and nautical miles. Given this is a new regulation it would be more sensible to harmonize all measurements into either km or nautical miles, rounded up or down accordingly.
12. Article 9 (2) allows a soak time of 72 hours to haul 100km of nets yet based on all known assessments this cannot be done. It would be better to revise this on the basis of a proper scientific study as suggested in the STECF sub-group report of 2006.
13. Article 10 has the right objectives but maybe unenforceable.
14. Article 14 maybe more appropriate in the regional management regulations.
15. Article 16 will require a lot of cooperation between Member States for it to be workable. It is also questionable that any measure of 10 days duration, even a closed area will have any impact and for gear measures is impractical.
16. Article 19 (2) needs to include clarification of the situation regarding quota species caught during scientific trials. In some countries such fish are not deducted from the national quota and in others they are. There should be specific guidelines to make this transparent for all Member States.
17. Article 21 is sensible but it is unclear who will do the assessments. If it is a requirement by each Member State then this should be specified.
18. Annex I includes only a few MLS for crustaceans but this should be extended to include species such as lobster, whelk and pink shrimp. MLS for such species are highly appropriate management measures.



Dominic Rihan
Marine Technical Executive