



Subject: Request for amendment of Technical Conservation Measures (TCM) Regulation – Reg. EC No 850/1998 – Definition of by-catches

Dublin, 15th of April 2013

Dear Director General Evans,

The NWWRAC has addressed in the past several questions around the subject of fish discards in the context of the reform of the CFP and we think that the NWWRAC contributions to the debate have been welcomed by the Commission.

Recently our Channel Working Group (ICES Areas 7d,e) alerted the Executive Committee again to the problem of fish discards arising from the Technical Conservation measures Regulation (EC) no 850/1998 that limit by-catch in the Scallop dredging sector to 5% of the catch of "*bivalve molluscs*".

During that meeting, we have been told that one of our member organisations, the SWFPO (UK) has been actively campaigning since 1999 for a review of the wording in the Regulation that replaced the (1986) Technical Conservation Regulation that formerly allowed 10% by-catch of "*protected species*". Cuttlefish, a mollusc species, was classed as a protected species and was part of the 10% by catch.

SWFPO opposed the reduction from 10% to 5% and argued with the new wording of the Regulation that insisted the catch comprised 95% "*bivalve molluscs*", thus ensuring Cuttlefish, along with all other non-bivalve molluscs and other fish species are limited to 5%.

Cuttlefish are marine animals of the order *Sepiida*. They belong to the class *Cephalopoda*, which also includes squid, octopuses, and nautilus. 'Cuttle' is a reference to their unique internal shell, the cuttlebone; and despite their name, cuttlefish are true molluscs.

The 1986 TCM Regulation (i.e. 10% by-catch) was intended to enable scallop dredges to be exempt from the towed-gear mesh-size based by-catches rules. Allowing the boats to keep only 10% of protected species prevented the use of dredges for targeted fishing for fin-fish.

Modern Scallop dredges used in the 7d,e Channel scallop fishery capture in small amounts a wide variety of non-target mobile megafauna, including some commercially important species. Examples include: fish (flatfish, dogfish, skates, rays, monkfish and dragonets), crustaceans (edible crabs, swimmer crabs, spider crabs and hermit crabs), urchins, molluscs (bivalves and gastropods), starfish, brittlestars and cephalopods (octopus and cuttlefish)¹

¹ **Biblio ref.:** Hill et al. 1996, Veale et al. 2001, Enever et al. 2007.



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Commercially valuable species up to 5% are retained in some cases, particularly cuttlefish in the English Channel dredge fishery; however, most by-catch of non-commercial importance is discarded. Scallop dredges have been classified as relatively “clean” compared to other types of mobile fishing gear such as beam trawls (*Kaiser 2007b*).

By catch must comply with the Technical Conservation Regulations, as amended 1st January 2000, that changed the scallop dredging by-catch provisions (since 1986) from a maximum of 10% by weight comprising “*protected species*” to a minimum 95% of bivalve molluscs, thus maximising by-catch to 5% of all other species, including other non-bivalve molluscs (Cuttle).

In view of the arguments presented above, the North Western Waters RAC unanimously supports the SWFPO position and calls upon the Commission to amend immediately the Technical Conservation Regulation EC No 850/1998 by altering the wording of the relevant Article changing the word “*bivalve molluscs*” to “*molluscs*”. The proposed amendment would be in accordance with the precautionary principle as it aims to reduce unnecessary discards while not increasing fishing mortality of molluscs.

Yours sincerely,

Bertie Armstrong
NWWRAC Chairman

The background notes are derived from the following publication:
“Principles for the Management of Inshore Scallop Fisheries around the United Kingdom.”
Bryce D. Beukers-Stewart & Joanne S. Beukers-Stewart, March 2009.