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Cc. DG Mare, Council and PECH Committee

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### **Request for Advice – Technical Measures, Mesh Sizes**

Dear Mr Mato,

Thank you for your correspondence of 2 July 2018 requesting an opinion on selectivity performance indicators and mesh sizes, which form part of the proposal for the Technical Measures Framework.

The members of the North Western Waters Advisory Council (NWWAC) and the North Sea Advisory Council (NSAC) appreciate the opportunity to respond to this request and as several organisations are members of both ACs we have agreed, on this occasion, to submit joint advice. On this occasion, members of the ACs have been unable to agree a consensus position. The letter has been approved by the fishing industry members of both ACs.

Before we detail our response, we would like to note that AC members, as published in previous consensus advice, are supportive of the principles of Commission's original proposal. See [NSAC Advice 05-1617](#) and [09-1617](#), and the NWWAC letter of 20<sup>th</sup> March 2017 "[Technical Conservation Framework Regulation for Fisheries](#)".

We also want to stress that the awareness of the need to increase selectivity has grown over recent years. As a result of that, a suite of research initiatives and projects have emerged increasing the development of innovative solutions. A continuous stream of stimuli for a bottom-up approach and a prospect for practical solutions are a prerequisite for success. The provisions in the new Technical Measures Regulation should increase selectivity and constitute a tool for fisheries to achieve the objectives of the CFP.

### Recommendations on Mesh Size Annexes

It must be noted that any new technical measures regulations will operate in an environment where the Landing Obligation (LO) will be fully implemented. It is accepted that increased selectivity will be required to meet the objectives of the LO and to achieve this any technical measures applied must not conflict with the requirements of the LO.

The new technical measures framework should be simpler, more adaptable, flexible and tailored to regional specificities. In mixed demersal fisheries, it is not possible in advance to determine the catch composition of each haul. This means that catch composition rules are fundamentally incompatible with the LO.

It is not reasonable or rational to require a vessel to land all quota species and to prohibit the vessel from discarding catch to meet catch composition requirements. Whatever solution is found by the co-legislators on the issue of mesh size, this essential point must be understood and recognised.

### Recommendations on Selectivity Performance Indicators

The Commission Services Non-Paper on targets under Article 4 of the Commission proposal for the Technical Measures Regulation (May 2018), proposes a system of Selectivity Performance Indicators (SPIs). The purpose of these SPIs is to introduce a system that can measure performance and progress towards the CFP objective of minimising unwanted catches, particularly, undersized, juvenile fish.

AC members support results-based management and recognise that SPIs may be a useful tool to provide a means to monitor progress towards improved selectivity. It remains to be clarified, however, how this will work in practice and whether a link can be demonstrated between the measures introduced and the achievement of the indicator.

Our initial advice however, draws attention to the following from the STECF report quoted in the Commission paper: *“It should be recognised that for most species  $L_{opt}$  is far above the current mean length of catch. Thus, in most fisheries, reaching an optimal selectivity is not a realistic objective in the short or even medium term.”* Additionally, establishing selectivity performance indicators in a mixed species fishery is a new concept which is largely untested and will require having mechanisms for data collection and collation.

While the ACs accept the principle of introducing some form of SPIs within a technical measures regulation, the Commission should be able to identify and utilise other indicators than  $L_{opt}$  following discussion with STECF and ICES. This might lead to the ACs supporting the inclusion of the suggested legal text at this stage to establish SPIs as a concept in the framework regulation – as suggested by the Commission - however, the methodology should not become mandatory.

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Members of the NSAC and the NWWAC are pleased to have been asked to provide this advice. During the meeting, members raised several concerns in relation to other issues regarding the proposal for a TCM framework and their potential implications. The AC members would like to emphasise the importance of continued contact with the Parliament regarding any developments, which would benefit from the input of the ACs during dialogue negotiations on this specific topic. This is of particular importance to all AC members who wish to avoid any unintended social and economic consequences of new legislation.

Should you have any further questions or require further clarification we will be happy to assist.

Yours sincerely,

Emiel Brouckaert

Chairman NWWAC

Niels Wichmann

Chairman NSAC