



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

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Subject: Application of Article 44 of Control Regulation following the adoption of the Multiannual Management Plans for the North Sea and Western Waters

Dear Mr. Visser, and Dear Mr. Garat,

Thank you for your letter from 3 May 2019 relating to implementation of the Multiannual Management Plans for the North Sea¹ (NS MAP) and Western Waters² (WW MAP) with regard to the application of Article 44 of the Control Regulation No 1224/2009 (CR).

¹ REGULATION (EU) 2018/973 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008

² REGULATION (EU) 2019/472 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008

Let me clarify the obligations provided by Art 44 CR in connection with the points and concerns raised by your letter:

- Separate stowage provisions apply to demersal stocks subject to a MAP on board Union fishing vessel of 12 meters of total length overall or more.
- For the demersal fisheries under the scope of both MAPs, sorting by species on board is expected to be carried out immediately after catches have been removed from the net or nets, in accordance with Art 14 of the Technical Measures Regulation No 850/98.
- Sorting on board by species in demersal fisheries with sorted catches being placed in different boxes, compartments or containers is deemed as a general current practice deriving from the logbook reporting requirements provided by the CR (Art 14(1)) and the associated margin of tolerance (Art 14(3)). The only exception would be those small quantities of by-catches of different species placed in one box when they are not enough to complete a box of the same species. However, by-catches referred to in Art 1(4) of the NS MAP and in Art 1(4) of the WW MAP are not covered by Art 44 CR provisions.
- Several fleets fishing for the relevant MAP stocks also grade their catches and weight on board, either under Commission approved sampling plans (Art 60(3) CR), or due to the operator's decision based on, among other factors, compliance with reporting requirements or marketing purposes.
- Although the application of Art 44 CR has contributed to standardised practices on board leading in some cases to the systematic use of the same location in the hold in order to place certain demersal stocks subject to a MAP, **the provision does not require designated stowage locations**, but the use of separated boxes, compartments or containers for each stock in such a way that they are identifiable from other boxes, compartments or containers.
- Accordingly, the stowage plan requirement provided by Art 44(3) does not prevent the master from deciding on the location of the MAP stocks in the hold at any time, as far the stowage plan describes such location.
- While top-view-only stowage plans are usually enough to describe the location in the holds as boxes of the same species are stowed in the same column of boxes, masters may use also a complementary side-view if needed.
- The issue of designated ports (Art 43 CR) rests with Member States competent authorities and applies to vessels landing catches above a specified threshold. Many such vessel operators are familiar with this requirement which shall not apply to vessels landing quantities under the threshold.

We wish to recall that the conditions applicable to MAP stocks are intended to facilitate effective control which is essential to ensure their sustainable exploitation of those stocks. This is in the long term interest of the fishing industry and supports the objectives of the CFP.

Based on the above, we do not agree with your analysis that there would be major obstacles preventing compliance with Art 44 CR in the light of the NS and WW MAP. As explained above we consider that the rules can be complied with, without jeopardizing safety on board or access to designated ports.

However, if there are particular situations that may affect a specific segment of the fleet, please do not hesitate on providing the details to my services and they will be duly analysed.

Yours sincerely,

João AGUIAR MACHADO



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