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DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels
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Mr Giampolo Buonfiglio
Chairman
MEDAC
c/o Ministero delle Politiche Agricole,
Alimentari, Forestali e del Turismo
Via XX Settembre, 20
00187 Roma
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Dear Mr. Buonfiglio,

Thank you for your letter of 22 October 2019 concerning the new Technical Measures Regulation (Regulation (EU) 2019/1241[1]) and in particular the recreational fishing, which MEDAC sent in response to DG MARE's letter of 10 October (*Ares(2019)6277189*).

The letter sent on 10 October by DG MARE provides a clarification on which provisions of Regulation (EU) 2019/1241 do and do not apply to recreational fishing. The Minimum Conservation Reference Sizes (MCRS), stipulated in Article 13 of Regulation (EU) 2019/1241 and specified in Part A of Annexes V to X, do not apply to recreational fishing. However, in its letter the Commission emphasized that existing standards applying to recreational fishing should not be lowered. The Commission therefore expects the Regional Groups to consider submitting joint recommendations on MCRS and fishing gear for the Mediterranean for recreational fishing (see parts A and C of Annexes V to X), where this can contribute to the objectives of the Common Fisheries Policy. This would, in particular, be the case for the stocks where the scientific advice has already established that recreational fishing has a significant impact on fish resources of the region(s) and where it is therefore expected that joint recommendations will be submitted by the Regional Groups in order to enable the Commission to adopt the corresponding delegated acts.

You mention the developments regarding the Multiannual Plans (MAPs) and the relevant provisions regarding the applicability of the landing obligation to recreational fishing. For the western Mediterranean Sea, it is important to take Regulation (EU) 2019/1022[2]

[1] Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 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 Council 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, OJ L 198, 25.07.2019, p. 105.

[2] REGULATION (EU) 2019/1022 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014

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into account. It is correct that the MAPs covering the North Sea (Regulation (EU) 2018/973), Western Waters (Regulation (EU) 2019/472) and the Baltic Sea (Regulation 2016/1139) explicitly state that the landing obligation provided for in Article 15(1) of Regulation (EU) 1380/2013 shall not apply to recreational fishing, including in cases where the Council sets limits in accordance with the specific provision in each MAP. However, Regulation (EU) 2019/1022 establishing a MAP for the fisheries exploiting demersal stocks in the western Mediterranean Sea does not include such a specific provision on the landing obligation as regards recreational fishing in Chapter V, Article 14. Following this, Article 15 of Regulation (EU) No 1380/2013 would constitute the legal framework regulating the landing obligation for recreational fisheries in the western Mediterranean Sea. This means that the landing obligation would apply to recreational fisheries if minimum conservation reference sizes have been established specifically for recreational catches. Unless otherwise indicated, the same approach would apply in the whole Mediterranean basin.

In addition, MEDAC's contribution regarding prioritization of species as well as the review of recreational fishing gears and MCRS allowed in the Mediterranean Sea for recreational fisheries would be highly welcomed by the Commission. Ideally, the opinion should be sent to us by early March 2020, in order to contribute to the GFCM Working Group on Recreational Fisheries (17-20 March 2020, Algeria).

I would like to conclude that the opinion of the Advisory Councils is important and useful for developing management strategies and legislation. Most of the 2018 recommendations by the Advisory Councils related to the landing obligation, its challenges and possible solutions, and were very useful in the context of the intensive discussions on choke issues or the discard plans. I would like to encourage you to continue to put forward your valuable input and suggestions in these fora, as you propose in your letter.

Looking forward to our continued cooperation, I invite you to take contact with Ms Pascale Colson, coordinator of the ACs (Pascale.Colson@ec.europa.eu; +32 2 29 56273), should you have any question on this reply.

Yours sincerely,

Bernhard FRIESS
Acting Director-General

Electronically signed on 16/12/2019 12:09 (UTC+01) in accordance with article 4.2 (Validity of electronic documents) of Commission Decision 2004/563