

JOE BORG

MEMBER OF THE EUROPEAN COMMISSION

Brussels, 02 09 2009
CAB D(2009)347

Dear Mr Garat and Mr Buonfiglio,

I would like to thank you for your letter of 6 July 2009 regarding the Europêche/COGECA position on the Consultation for Fishing Opportunities for 2010. I welcome the comments and support from your organisations. However, we may have different points of view on a few aspects.

I will start by what Europêche/COGECA refers to as the "pessimistic and negative way" in which the Commission depicts the state of fish resources. The Commission's Communication presents a review of the status of European stocks according to scientific advice and concludes that around four-fifths of stocks remain outside safe biological limits. It is regrettable that most stocks are in a poor state, but it is an undisputable fact which should rightly be highlighted.

The Maximum Sustainable Yield (MSY) approach is one that moves fisheries management in the right direction, that is: away from overexploitation and towards conditions of higher and more stable catches and consequently more profitability. If a majority of European stocks are not moving in this direction, this should be made clear as it is bound to have consequences on future fishing possibilities.

In order to ensure both the transparency and participation of stakeholders in the decision-making process, the Commission is happy to welcome the participation of ACFA as observers in the STECF working groups. Any stakeholders wishing to participate as observers should register their interests on the STECF website and follow the simple rules (Chatham House Rule). More information can be found at <http://fishnet.jrc.it/web/stecf/35>. Moreover, I would like to recall that the Commission has allowed the European professional organisations participating in ACFA to use the funds made available by the Commission for the preparatory meetings. In this way members of European professional organisations can get their travel expenses refunded and receive subsistence allowances for up to two representatives from ACFA. More information can be found in ACFA's rules of work.

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Concerning the postponing of the Common Market Organisation (CMO) reform, the dialogue process carried out by the Commission showed a near consensus on the fact that it should be integrated within the broader ongoing CFP reform. Both processes should be closely associated given the numerous links between markets and other components of the CFP, such as conservation and access policy, decision-making and regionalisation, subsidies, trade and the external dimension. The new schedule will allow the development of more elaborate initiatives to improve the economic viability of the sector as regards better marketing of fisheries and aquaculture products.

Fishing effort regimes are extremely useful as fisheries management tools, and as such, complement the TAC system and help tackle its limitations regarding mixed-fisheries and discards. The Commission will continue to consider both tools in the management of European fisheries, although if considered necessary, its present format may change, in the upcoming reform of the CFP.

Regarding your concerns on the implications of the Lisbon Treaty on the fisheries sector, I would like to assure you that since the beginning of this year, the Commission's services have dedicated increased time and attention to this subject. Our efforts and analysis have in particular concentrated on the most important change that the new Treaty will bring in the fisheries area once it enters into force, i.e. introducing co-decision as the ordinary legislative procedure in the CFP. While we will have to adapt to this, I can already say that the risk of this new procedure leading to lengthy delays in the adoption and/or amendment of fisheries rules cannot be averted by having recourse to Article 43 (3) of the Treaty on the Functioning of the European Union (TFEU) in an indiscriminate manner.

As you probably know, the latter provides for one important exception to co-decision as regards "the fixing and allocation of fisheries opportunities". It is clear that as a derogation from the general rule, this provision has to be strictly limited to those specific categories of measures fixing the contours of the fishing opportunities like quantitative and effort limits as well as the conditions inextricably linked thereto. All the other categories of fisheries measures would have to be dealt with by ordinary legislative procedures or, as the case may be, through adopting delegated or implementing acts. However, one should not exaggerate the problems raised by the ordinary legislative procedure. I am fully confident that all institutions involved understand the peculiar nature of the fisheries policy and will rise to the challenge and responsibility involved in relation to the new Treaty rules.

Let me now turn to your question on discarding. I personally see discarding as a very serious problem in European fisheries that needs to be dealt with sooner rather than later. Significant initiatives are already underway to reduce discarding such as the further limitation of fishing effort and a highgrading ban in the North Sea and Skagerrak. However, much still needs to be done and a new impetus is needed to work towards the elimination of discards. This is why the Commission is proposing an extension of the highgrading ban to cover all Community waters as of 2010.

Please note that my services will continue to encourage pilot studies to test practical discard reductions and promote the use of selective gears. I consider that discard pilot schemes are an excellent vehicle to promote innovative ideas. In this context, incentives can and should be made available to participating fishermen, within the overall scheme of national fishing effort and quota constraints.

I look forward to continued dialogue and collaboration with Europêche/COGECA regarding the setting of future fishing opportunities and any other relevant matters on fisheries management.

Yours sincerely,

A handwritten signature in blue ink, consisting of several overlapping horizontal strokes at the top and a long, sweeping curve that extends to the right.