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TACKLING CETACEAN BYCATCH: UK REQUEST FOR EXTENSION OF A DOMESTIC BAN ON PAIR TRAWLING FOR BASS IN INSHORE WATERS

My authorities have taken action to close the pair trawl fishery for bass to United Kingdom vessels within 12 miles of the south-west coast of England and now request that the Commission acts under Article 9 of Council Regulation EC (No) 2371/2002 to extend this closure to vessels of other Member States who have access to this area.

The UK Government has been concerned for a number of years about levels of bycatch of common dolphins in the bass pair trawl fishery prosecuted off the south west coast of the UK. The UK has been committed to making progress on reducing bycatches and has undertaken considerable research to identify the fisheries concerned and to seek mitigating measures which will allow those fisheries to continue whilst at the same time protecting this species.

My letter of 30 July 2004 set out the levels of bycatch in the bass pair trawl fishery in the Western Channel, together with the results of UK research into mitigation measures. It also requested that the Commission take emergency action under Article 9 of Council Regulation EC (No) 2371/2002 to close this fishery.

In the light of the Commission decision to reject the UK case for an emergency closure, my authorities have been considering what other powers are available to member states to take action for the protection of cetaceans from fishing activities. They have concluded that the use of powers under Article 9 of the CFP framework regulation would now be an appropriate response.

My authorities are aware that a large proportion of the effort in this fishery occurs outside the 12 mile zone. However, the closure is seen as an interim step, using the full extent of powers available to member states under the CFP, until more effective, co-ordinated action at a Community level is possible. The results of the research programme 'NECESSITY' and the observer programmes set up under Council Regulation (EC) No 812/2004 will be highly relevant in this regard.



Some informal consultation on this measure has already take place. Notably, my authorities met Commission officials and representatives from some other member states at a technical meeting on 17 November 2004 to discuss cetacean bycatch in pelagic trawls. The UK referred to its intention to introduce a 12 mile closure at that meeting. Separately, UK Fisheries Minister Ben Bradshaw MP has written to the French Government setting out plans to ban this fishery within the UK 12 mile limit and explaining that, for reasons of equity, the UK would also be applying to have this ban extended to all pair trawlers fishing for bass in the 12 mile zone. UK legislation introducing the ban was made in December.

It may be helpful to give an explanation of how the prohibition has been drawn up. Article 3(2)(a) allows pair trawling for other pelagic species to continue. My authorities understand that a bass pair trawl net is characterised by very large meshes in the forward wings of the net, and have used this to allow demersal pair trawl fisheries using the same mesh sizes in the cod-end as the bass fishery to continue (Article 3(2)(b)).

I am directly addressing this letter in tandem to those member states (France and Belgium) with access to the relevant area to enable them to make any comments in line with the requirements of Article 9. My authorities understand that there is little activity by French vessels in this area, possible only two pairs enter this zone. This action would therefore have little impact overall on the French pair trawl fishery for bass. In addition, I am copying this letter to all other Member States as well as your colleagues John Farnell, Jean Weissenberger and Maja Kirchner.

Gareth Baynham-Hughes
First Secretary (Fisheries)