

08. 11. 2001  
CAB/D/70052

Dear Dr. Lucas,

I write in response to your letter dealing with incidental catches of seabirds in longlining fisheries.

The European Commission has received several enquiries about this issue and it is increasingly aware of possible problems regarding incidental catches of seabirds in longline fisheries. Not every longline fishery, however, requires the adoption of mitigation measures because incidental catch of seabirds does not occur universally.

The European Commission, after supporting the technical meetings that helped to define the FAO International Plan of Action for reducing incidental catches of seabirds in longline fisheries (FAO-IPOA Seabirds), is currently drafting a Community action plan starting from the information made available by the Member States in response to a questionnaire sent to them last summer.

Wherever such problems are caused by Community fishermen, the Commission is willing to attempt to find solutions. However, as far as the Commission is aware after receiving the first replies to the questionnaire issued in August last, the incidental catches of seabirds do not constitute a real threat within Community waters. The main problems seem to be caused by non-EU vessels fishing either in international waters or in their own waters. The European Community has no direct legal power to control the activities of non-EU vessels in these areas.

To tackle this problem, the European Community (EC) has already incorporated the following mitigation measures into EC legislation<sup>1 2</sup>:

- Using bird-scaring line with plastic streamers attached;
- Weighting the lines so that they sink faster and pose less risk;
- Prohibiting the discharge of offal at sea, which attracts seabirds to the lines;
- Setting the longlines at night, when albatrosses and other seabirds are less likely to be foraging;
- Using only thawed bait.

Dr. Caroline Lucas MEP  
European Parliament  
Office 8G103  
Rue Wiertz  
1047 Brussels

---

<sup>1</sup> Council Regulation (EC) No 66/98, OJ L006, p. 1-17.

<sup>2</sup> Council Regulation (EC) No 2479/98, OJ L309, p. 1-6.

These measures, which are compulsory for EU fishing companies, have been drawn up by the Council for the Conservation of Antarctic Marine Living Resources (CCAMLR), which deals with Antarctic waters, and of which the European Community is a contracting party. The setting of lines through tubes underwater is the only measure not foreseen in Community law, as the same effect is obtained by weighting the lines and using thawed bait.

Several problems are caused by pirate vessels. But, by their very nature, little can be done against such fishing vessels. The European Commission, as well as the several Regional Fisheries Organisations of which it is a contracting party, are aware of the problem and are attempting to combat such illegal activities. In particular, the European Commission is aware of the issue of flags of convenience in sustaining "pirate" fishing and is calling upon States to ratify urgently the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. This agreement has already been ratified by the European Community in 1996. Furthermore, within EC legislation there are provisions dealing with control, fleet and market policy which could be effective in tackling the problem of "illegal fishing" when and if carried out by EU or third country vessels allowed to operate in our waters. It is the legal responsibility of the Member States to implement these rules and to ensure compliance with them.

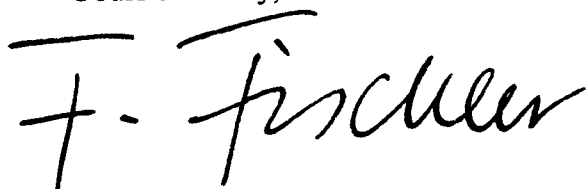
In addition, the European Commission is actively participating in the development of an international plan of action, within the context of the FAO Code of Conduct for Responsible Fisheries, to curb illegal, unreported and unregulated fishing. On this point, the European Commission is particularly concerned not only by the flag of convenience vessels but also by the port of convenience.

As regards possible sanctions on "pirate" vessels, the European Commission believes that the role of the Regional Fisheries Organisation is crucial in promoting sustainable and responsible fishing. The recommendations of the RFOs, including those that provide for sanctions against companies and countries linked to such illegal vessels, should be implemented by the contracting Parties and their adoption by Non Contracting Co-operative Parties should also be fostered.

In short, the Commission takes this problem seriously and is already fully committed to addressing it through both Community and international action.

I hope you could consider these comments as both useful and helpful.

Yours sincerely,

A handwritten signature in black ink, appearing to read "F. Fischer". The signature is written in a cursive style with a horizontal line above the first few letters.