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**Vs: Ares(2019)1405013 - [Re] FW: Letter from the Danish
Director of Fisheries, Mr Ole Toft**

Dato: 25-03-2019

Sagsnr: 2018 - 47144

Sagsbeh.: Kim Røgaard,
Fiskeripolitisk Kontor (FPK)

Brevdato	14-03-2019
Afsender	Kim Røgaard (Medarbejder, Fiskeripolitisk Kontor (FPK))
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Dokumenter uden PDF- version (ikke vedlagt)	
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Til: Kim Rægaard (kimrag@um.dk)
Fra: Kim Rægaard (kimrag@um.dk)
Titel: Vs: Ares(2019)1405013 - [Re] FW: Letter from the Danish Director of Fisheries, Mr Ole Toft
Sendt: 14-03-2019 10:10:50
Bilag: Response to DK_polluting gears_v3.pdf;

Til: Bryssel EU, Arkiv (brureparkiv@um.dk)
Fra: Tea Risom (tearis@um.dk)
Titel: FW: Ares(2019)1405013 - [Re] FW: Letter from the Danish Director of Fisheries, Mr Ole Toft
Sendt: 11-03-2019 10:24:35

-----Original Message-----

From: EC ARES NOREPLY <DIGIT-NOREPLYARES@nomail.ec.europa.eu>
Sent: 01 March 2019 15:54
To: Ole Toft <oletof@um.dk>; Tea Risom <tearis@um.dk>
Subject: Ares(2019)1405013 - [Re] FW: Letter from the Danish Director of Fisheries, Mr Ole Toft

Dear Mr Toft,

Please find attached document Ares(2019)1405013 regarding your 'letter from the Danish Director of Fisheries' signed by Ms VEITS Veronika on 01/03/2019.

Note: This e-mail was automatically generated by the European Commission's central mail registration system. Replies by e-mail must be addressed to the original sender VEITS Veronika (mailto:veronika.veits@ec.europa.eu).
Remarque : Cet e-mail a été généré automatiquement par le système d'enregistrement central du courrier de la Commission européenne.
Toute réponse éventuelle par e-mail doit être adressée à l'expéditeur en personne, à savoir VEITS Veronika (mailto:veronika.veits@ec.europa.eu).



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
Fisheries Policy Mediterranean and Black Sea
The Director

Brussels,
MARE.D/VV

Dear Mr Toft,

Thank you for your letter dated 12 February 2019 regarding possible restrictions on fishing gears that may cause pollution.

As you correctly point out, the aim of the technical measures regulation is the protection of juveniles of marine biological resources. While the regulation prohibits a number of unconventional fishing methods including those that incorporate explosives, poisonous or stupefying substances, the prohibition on the use of gears that may cause pollution is not included.

There are a number of legislative instruments available to for the prohibition of pollution causing gears in Danish waters. However, to provide a more definitive response on the appropriate legal basis, it would be first necessary to have a more detailed understanding on the specific characteristics of the gears concerned and in particular, what the ecosystem impact of the pollution could be. In this respect, I can identify a number of *candidate* provisions, but noting that the appropriateness will depend on the specificities of the issue.

Article 20 of the Common Fisheries Policy (CFP) Regulation allows Member States to introduce non-discriminatory measures within the 12 nautical mile zone. Such measures should be intended at “*the maintenance or improvement of the conservation status of marine ecosystems*”, compatible with the objectives of the CFP and at least as stringent as measures under Union law.

If the intention is to extend the geographic scope to all waters under Danish sovereignty, it is also possible to adopt measures, not affecting other Member States, necessary for compliance with obligations under Union environmental legislation (Article 11(1) of the CFP Regulation). Furthermore, it is possible to extend the scope to all vessels operating in Danish waters through Article 11(2) of the CFP Regulation. This empowers the European Commission to adopt delegated acts based on a joint recommendation from Member States. However, without any detailed knowledge on the type of pollution being caused and the types of habitats and species it may affect, it remains uncertain which type of restriction would be necessary for compliance with the directives mentioned in this Article.

Finally, as you may be aware, the Council of the EU and the European Parliament recently reached a political agreement on the Commission's proposal for a new technical measures framework. In its current redaction, Article 25 (5th indent), "*Nature conservation measures*", already provides a response mechanism to explicitly prohibit certain fishing gears on the basis of a regionally agreed joint recommendation.

Yours sincerely,

Veronika VEITS

c.c.: E. Roller, N. Graham, K. Walkerova