



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
THE DIRECTOR-GENERAL

Brussels, 09 MARS 2012
D(2012)

Mr Bertie Armstrong
NWWRAC Chairman
c/o Bord Iascaigh Mhara
Crofton Road
Dun Laoghaire
Dublin
Ireland

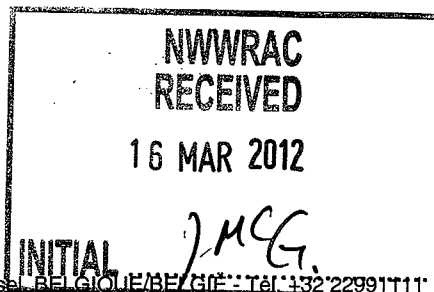
Proposal on Improvements in Celtic Sea Selectivity Measures

Dear Mr Armstrong,

Thank you for the proposals from the North Western Waters RAC concerning improvements in selectivity for fleets operating in the Celtic Sea. I appreciate the time and effort that have gone into developing and agreeing these proposals. I apologise for the delay in replying.

Your proposals have reached us at a good moment and I trust that you are aware that they were the subject of some discussion between the Member States and Commission in advance of and during the December Council. The proposals from the NWWRAC will now form the basis for making improvements to the selectivity of some fishing gears for the Celtic Sea; their implementation is the subject of a Council Statement which aims to introduce the majority of your proposals by April 2012. I have included the detail of this statement in annex. The Commission has now held an initial meeting with Member States on 14 February as a first step designing the way forward.

I hope to be able to provide you with an indicative timetable in the coming weeks. I would like to take this opportunity to clarify a few points that have arisen as these proposals have been discussed.



Firstly there are two proposals which we cannot recommend be implemented. As they stand they would result in a relaxation of the current technical measures in force. These are:

- the proposal requesting a smaller Square Mesh Panel (SMP) based on vessel length rather than engine size as currently laid out in Council Regulation (EC) No 850/98, and;
- the proposal for vessels targeting whiting (greater than 50% of catch) with a cod-end between 80-99mm to use a 100mm SMP. This would introduce a derogation for a less selective net based on a catch composition of 50% minimum whiting. We consider that this would generate enforcement difficulties and creates additional complexity by introducing a further minimum composition / retention criteria that does not fit with the current requirements of Regulation EC 850/98.

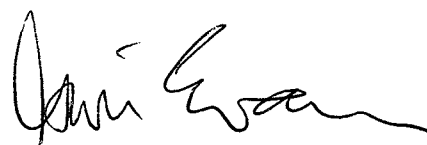
We support the implementation by Member States of the remainder of your proposals. Such measures, based on the industry's assessment of the issue, represent a step forward in addressing discards. We look forward to discuss further the means of ensuring appropriate monitoring assessment processes in support of their implementation and enforcement.

We have considered potential legal mechanisms to introduce these measures and are further exploring the following options with the Member States concerned. There is of course the route of co-decision which would require some time to implement. The Commission also has the ability to introduce measures either under Article 7 of the Commission Regulation (EC) No 2371/2002, or via Article 45 of Council Regulation (EC) No 850/98. In using these two routes the Commission is subject to strict standards, in terms of identifying the immediacy and seriousness of the threat being addressed. On the other hand, it is our assessment that Member States are also empowered to introduce these measures on the basis of Article 46 of Council Regulation (EC) No 850/98. Member States have agreed to do so by April this year as noted in a statement joined to the Council minutes last December. We are working to ensure that if national legislation is used, there will be appropriate mechanisms to ensure consistent enforcement across the various fleets concerned.

I would therefore ask for your consideration of the above and invite the NWWRAC to comment on both issues and how you consider this should be implemented.

Thank you again for your positive initiative.

Yours sincerely,



Lowri EVANS

Enclosure: Excerpt from the Council and Commission Statements following the 2011 December Fisheries Council

Excerpt from Council and Commission Statements following the 2011 December Fisheries Council

STATEMENT BY THE COUNCIL,

6. Ad Application of Selectivity measures in the Celtic Sea

The Council acknowledges that it is necessary to introduce additional selectivity measures in order to reduce discarding of stocks of haddock, whiting and cod in the Celtic Sea. The Council acknowledges the willingness of the Member States concerned to introduce, no later than April 2012, the measures proposed by the North Western Waters RAC in October 2011, inasmuch as such measures will not relax the requirements under the Union Regulations in force.

The Council furthermore acknowledges the willingness of the Member States concerned to develop and apply additional selectivity measures contributing to the minimisation and, where possible, elimination of discards of cod, haddock and whiting, as of 2013.