



Dublin, 2 August 2012

**Subject: Interpretation of EU Legislation on Technical Conservation Measures
Regulations (EC) No. 850/1998, 494/2002 and 517/2008.**

Dear Mrs. Evans,

On this occasion, the NWWRAC wish to convey to you our concern about the difficulties among some trawling fishermen as to the correct interpretation of two Regulations on Technical Measures. We would appreciate it if you could clarify this discrepancy on interpretation as soon as possible so that EU fishermen are confident that they correctly understand and apply the EU governing rules on the issue.

We are referring in particular to the scope of **Article 2 of the Commission Regulation (EC) No. 494/2002** establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIIIa, b, d, e, which is causing some confusion among skippers targeting Northern Hake stock. It becomes expedient to clarify whether the mere fact of having on board a trawl net of 80 mm mesh size prevents hake being retained on board in excess of 20% of the total catches by fishing trip.

Taking the fact that in some trawl “metiers” both a codend of 80 mm mesh size is used in Nephrops fishery and a 100 mm mesh size net is used in Hake fishery during the same fishing trip, it is important to shed light on the interpretation and scope of this article. We would like to remind you that both article 4 and Annexes VIII-XI of Regulation 850/1998 allow to bring on board fishing vessels together towed nets of different mesh sizes.

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On the other hand and again with respect to the Technical Measures section, some interpretation doubts have emerged concerning **article 3(c) of the aforementioned Regulation 494/2002 in reference to article 2(g) of the Commission Regulation (EC) No. 517/2008**, of 10th June 2008, laying down implementing rules of the Council Regulation (EC) No. 850/98 as regards the determination of the mesh size and assessing the twine thickness of fishing nets, in as much as there appears to be a contradiction between both regulations. The question arises because the former Regulation (494/2002) refers to diamond mesh sizes approximately equal and the latter refers to threads bars of the same length, which seems unworkable for trawl nets that have been under use. This is due to the fact that trawl nets are in tension on the sea bottom during the fishing operations and the knots inevitably move slightly from its original position. The Regulation 517/2008 acknowledges implicitly that not all mesh sizes in a net are equal in articles 12 and 13, when measuring the size of each selected mesh size (difference in measurement between diagonals of an individual square mesh); and determining the mesh size of the net (i.e. taking the mean value of the series of 20 selected meshes), respectively.

In summary, we require that the technical services of the Commission conduct an immediate review and forward a clarifying reply which the NWWRAC can distribute among its members.

Thanking you on behalf of all members of this RAC for your collaboration, please accept the assurances of my highest consideration.

Yours faithfully,

Bertie Amstrong
NWWRAC Chairman