

**Comments on EU Non-Paper On Scientific Technical Measures For The
North Western Waters**

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This proposal basically constitutes a consolidation of many of the existing provisions of 850/98 and hake and cod recovery plans as they apply to the North Western Waters region with new provisions for mesh sizes and catch compositions. The difference is that this is proposed as a Commission rather than a Council Regulation allowing more flexibility and ease of amendment.

This is a very sensible approach and initial cross reference to the non-papers for the other regions shows a high degree of harmonisation between areas, removing many of the contradictions in gear requirements between contiguous fisheries.

Specific comments as follows:

1. Article 2 paragraph 1: Current net designs generally have large mesh sizes in the forepart of the net so this should not create too many difficulties. Some clarification/distinction, however, should be made between the provisions here and the definition of a codend in the preceding Council regulation as there is room for confusion.

2. Article 2 paragraph 3 & 4: These provisions are certainly better than the existing ones in Articles 4 and 15 of 850/98 but continuing to use 24 hours as the reference period potentially will still lead to discarding in certain conditions. How these provisions will fit with the new restrictions on discards is unclear. For example a vessel legitimately targeting *Nephrops* but which catches 1-2 tonnes of haddock, whiting and cod in one haul in a 24 hour period will be forced to dump marketable fish to comply if in subsequent tows the *Nephrops* catch component is not sufficiently large – this is largely out of the control of the skipper of the vessel but is not uncommon particularly at the start of a trip. It would seem more sensible to calculate the catch composition provisions on a trip/monthly basis, at least encouraging the vessel to land rather than discard fish. Persistent non-compliance with catch composition regulations could be dealt with through some sort of sanction against the vessel e.g. compulsory tie-ups, quota reduction.

3. Article 3 paragraph 1: To aid fishermen to comply with catch composition regulations it would be extremely helpful if they were provided with raising factors to allow them to calculate their live weight catches. These raising factors should be standard for all Member States. Many countries currently employ different raising factors and in Ireland's case the control authorities have actually refused to supply the fishermen with the appropriate raising factors making it difficult for fishermen to correctly comply with catch composition and logbook regulations.
4. Article 4: In order to facilitate the recording of the information outlined a new logbook should be looked at specifically laid out for this purpose. It should be clearly specified under Article 4(d) that the naval services or other competent authorities have the right to charter a commercial vessel to remove illegal gear on their behalf.
5. Article 8: This contradicts the provisions of the proposed Council regulation (single 8mm and double 5mm) and reinstates an existing contradiction between contiguous areas. Twine thickness should be harmonised between all areas.
6. Annex Part 1 Table A: Overall this table is much simpler than the existing Annex I of 850/98. Several specific comments:
 - a. It is a little confusing to have cod included in two different rows/categories. Either there should be specific limits for cod or cod should be included as part of the group of related species.
 - b. The maximum bycatch allowances for whiting coupled with the allowance for a combination of haddock, cod, saithe and anglerfish will create major problems for seine net vessels and to lesser extent demersal trawlers. Currently these vessels target mainly haddock and whiting using 80-100mm mesh. Even with a square mesh panel fitted with 80mm they will only be allowed a maximum of 20% of haddock (with cod, saithe and anglerfish) and only 10% with 100mm unless they move to 120mm. Given the species mix in this fishery (~ 80% haddock and whiting) it is highly likely that it will only be feasible to stay within this restriction through discarding of haddock. If they move to 120mm mesh size their whiting catch will be negligible making the fishery unviable.

- c. Similarly the restrictions on hake with 80mm fitted with or without a square mesh panel and for cod, haddock, saithe and angler for 100mm will also cause problems for vessels, given the species mix. At certain times of the year this restrictions will undoubtedly force vessels to discard to stay within bycatch limits.
 - d. There maybe confusion between the catch composition requirements for the 16-80mm mesh size category contained in this regulation and the requirements under the < 80mm mesh size category for the pelagic stocks regulation. Without cross-referencing between the document it could be assumed that to fish with a mesh size of <80mm that you have to have 90% of shrimp aboard. It is suggested that the species and areas that the regulations apply is clearly stated and the distinction between different species highlighted.
7. Annex Part 1 Table B: Again this table is relatively straightforward to follow. Specific comments as follows:
- a. The same comment as above applies with the inclusion of cod, and in this case anglerfish and turbot, both singularly and also with a combination of species. This is confusing.
 - b. The mesh size used for anglerfish could be increased to 250mm as this mesh size is used widely by all industries.
 - c. There is no harmonisation of the gillnet mesh size for hake between the provisions for North Western waters and South Western waters. Vessels will still be allowed to fish with 100mm in South Western waters but have to use 120mm in North Western waters. This will remain a control and enforcement issue.
8. Annex Part II: This is a consolidation of the existing provisions of 850/98 and cod and hake recovery plans. The relevance of these closures is questionable but this is a matter of debate for the Commission and the RACs. As a general comment the provisions for the closed area for cod in the Irish Sea and the hake recovery areas in practice appear to provide little conservation benefits in their current format.

These particular provisions have tended to complicate, rather than harmonise the regulations by introducing different gear requirements in small areas.

9. Appendix 1: The specifications of the square mesh panel in Appendix 1 while good from a selectivity point of view will almost certainly cause difficulties. Obtaining high quality 120mm netting to construct such panels remains problematic. High quality knotless netting of this mesh size is expensive and difficult to obtain and allowing only single twine to be used further restricts the options for using conventional knotted netting of sufficient strength and stability. There may also be difficulties in compliance with the 3m length and 6m position depending on trawl design. Similarly increasing the joining ratio of 3:1 compared to the current arrangement of 2:1 will create confusion.



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