



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

Brussels,

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

**Proposal on Improvements in Celtic Sea Selectivity Measures**

Dear Mr Armstrong,

Thank you for your letter of 5 April 2012 clarifying the North Western Waters RAC proposals on improvements in selectivity for the Celtic Sea, and for your continued input and support into the introduction of these measures. This is a positive initiative on which we are keen to move forward.

After discussing the option of introducing these technical measures nationally, through Member States, we are aware that some Member States have legislative difficulties in doing so and also are concerned that introducing the measures at a national level might not guarantee a level playing field amongst vessels from different Member States from a control perspective.

Therefore, in light of the statement made at the December Council to introduce measures by April 2012, and in view of the NWWRAC's request for immediate implementation of its proposals, we will propose to the College of Commissioners to introduce selectivity measures by way of Article 45(1) of Regulation (EC) No 850/98. This Article provides that, where the conservation of stocks of marine organisms calls for immediate action, the Commission may, in addition to or by way of derogation from that Regulation, adopt any measures necessary. Such measures are not time limited.

Accordingly, we are currently preparing a proposal on this basis. The Commission welcomes your views, and the proposal will take up the scheme that the RAC has put forward.

However, there are some provisions proposed by the RAC that, having considered your clarifications, we have decided not to include in our proposal for the following reasons:

1. We feel that from a control perspective your proposal to allow different gears for different catch compositions is not workable. By introducing a less stringent provision on the basis of catches of whiting, it is very likely that large numbers of vessels will choose to adopt this gear and may then discard other fish to remain above the 50% threshold proposed. Therefore, we believe that it is necessary for all TR2 vessels to use the same gear, and that this is not based on what they are

targeting, or intend to target. Linked to this we also believe that there is no justification for having different panel positions for different catch compositions. Again, this creates difficulties for control as we believe that vessels will adopt the least selective panel position by default regardless of catch composition. Consequently, we do not propose to distinguish between vessels targeting mixed finfish (proposal 2), whiting (proposal 5) and those targeting *Nephrops* (proposal 6). We propose that all TR2 vessels with engine power equal or greater than 112 kilowatts should use a square mesh panel of 110 millimetres, with the rearmost edge of the panel, which is the part closest to the codline, no more than 9 metres from the codline.

2. It is true that there is no legal requirement under EU law for vessels operating in the Celtic Sea to have a square mesh panel. However, to maintain continuity with the rest of Area VII it seems appropriate to harmonise the derogation and allow only low-powered vessels of less than 112kw to use a 2m panel. Extending this to vessels of less than 15m would mean that some smaller vessels in this size range with engine power well in excess of 112kw would be subject to less selective measures, which seems inappropriate. Therefore, we propose that all vessels of less than 112kw should use a 100mm square mesh panel of at least 2m in length.

Like the NWWRAC, we would like to see the introduction of these measures as soon as possible. Allowing for the time for translation and adoption I expect the regulation, if adopted by the College of Commissioners, to be in place before the end of July. In the meantime, we will make sure that DG MARE participates in the EXCOM meeting on 4-5 July and is available for any further clarification.

I would like to thank the NWWRAC for its initiative which has made it possible to adopt more selective fishing gears in cooperation together with those most concerned. We would like to continue to pursue that approach in the future.

Yours sincerely,



Lowri EVANS