

Ms Lowri Evans
Director General DGMARE
Directorate-General for Maritime Affairs and Fisheries
European Commission
Rue Joseph II, 99
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BELGIUM

5 April 2012

Subject: Proposal on Improvements in Selectivity for the Celtic Sea – Technical Measures

Dear Ms Evans

Thank you for your letter of the 9th March 2012 on the NWWRAC proposal on improvements in Celtic Sea selectivity measures for those fleets catching and/or targeting cod, haddock and whiting. We are pleased that the NWWRAC proposal submitted in October 2011¹ will now form the basis for making improvements to the selectivity of some fishing gears for the Celtic Sea and we look forward to its immediate implementation as they are supported by the fleets from Ireland, France, Belgium and United Kingdom. We are also aware that the administrations of the concerned Member States are now considering implementing the NWWRAC proposal at national level in accordance with article 10 of Regulation 2371/2002.

You mentioned in your letter that there are two of the NWWRAC proposals that you cannot recommend as they would result in a relaxation of the current technical measures in force:

- The proposal requesting a smaller square mesh panel (SMP)/based on vessel length rather than engine size as currently laid out in Council Regulation 850/98, and
- The proposal for vessels targeting whiting (greater than 50% of catch) with cod end between 80-99mm to use 100mm square mesh panels.

The NWWRAC is surprised that you have arrived at this conclusion as we consider that both proposals are additional measures. We are of the firm view that article 10 of Council Regulation No. 2371/2002, on the Conservation and Sustainable Exploitation of Fisheries Resources under the Common Fisheries Policy allows for the introduction of national measures provided that they are more restrictive than the current EU measures in place (i.e. Regulation 850/1998) and that will be applied for those concerned Member States that wish so. It is worthy to note that the NWWRAC is not requesting here an amendment of current Basic Regulation on Technical Measures (Reg. 850/1998), as this would require co-decision procedure.

¹http://www.nwwrac.org/admin/publication/upload/NWWRAC_Proposal_Selectivity_Measures_SMP_Celtic_Sea_13102011_EN.pdf

All of the measures proposed by the NWWRAC to improve selectivity are **in addition to and more restrictive** than the current EU conservation rules, even where derogations for vessels below 15 metres (or 112 kw.) are proposed.

There is no legal requirement under EU law for vessels operating in the Celtic Sea to have a SMP inserted in their nets. Inserting a SMP in nets in vessels under 15 metres (or 112 kw) will significantly improve the selectivity of these vessels and will reduce discards levels.

For practical, operational particularly for vessels targeting squid and red mullet and effectiveness the smaller panel is for more suitable to these types of vessels than the larger panel. The NWWRAC fails to see how this very positive measure in reducing discards is in conflict with Council Regulation 850/98.

On the whiting catch composition rule of 50% minimum whiting there seems to be a misunderstanding of the NWWRAC proposal.

The 50% catch composition rule for whiting is **in addition to and not replacing** the existing catch composition rules as laid down in Council Regulation 850/98. Such a rule would allow those vessels targeting whiting to do so with a 100 SMP instead of the 110 SMP. This is an important element of the proposal for a targeted (greater than 50%) whiting fishery and recognises that such a fishery will suffer huge losses of whiting if 110 SMP is used instead of 100 SMP. The NWWRAC consider that the electronic monitoring systems in place both VMS and ERS provide a robust control and enforcement system for this catch composition rule.

The NWWRAC has devoted a considerable amount of time and effort in developing this proposal and consider that it should be adopted as soon as possible. We hope that the explanation given above will enable the Commission to support all nine of its proposals.

Finally the NWWRAC wishes to slightly amend its proposal in terms of the positioning of the SMP to avoid any misunderstanding. We propose to change; *“square mesh (is) positioned between 9 to 12 metres from the codline”* to be replaced by *“square mesh panel (is) positioned at a maximum distance of 12 metres from the codline”*, to be consistent with Council Regulation No 850/98.

Yours sincerely



Bertie Armstrong
Chairman of the North Western Waters RAC

Dissenting opinion: The eNGO Irish Seal Sanctuary has requested to reflect its minority position stating that, in their opinion, the selectivity measures proposed are not sufficient and spatial closures should be also considered for the conservation of haddock and whiting stocks in the Celtic Sea.