Commission Implementing Regulation (EU) 2015/741 of 8 May 2015 amending Implementing Regulation (EU) No 737/2012 on the protection of certain stocks in the Celtic Sea

COMMISSION IMPLEMENTING REGULATION (EU) 2015/741

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amending Implementing Regulation (EU) No 737/2012 on the protection of certain stocks in the Celtic Sea

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fisheries resources through technical measures for the protection of juveniles of marine organisms[(1)], and in particular Article 45(1) thereof,

Whereas:

(1) In accordance with Regulation (EU) No 1380/2013 of the European Parliament and of the Council[(2)], the Common Fisheries Policy shall aim at gradually eliminating discards, taking into account the best available scientific advice, by avoiding and reducing, as far as possible, unwanted catches.

(2) Article 45(1) of Regulation (EC) No 850/98 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.

(3) In line with the provisions of Regulation (EU) No 1380/2013, it is suitable to encourage the enhancement of selectivity on a results-based basis.

(4) A stock with a broad array of year classes and sufficient reproductive pool is more resilient to exploitation and therefore more likely to reach and maintain the maximum sustainable yield level. Because of selectivity mismatches, strong recruitments have been largely discarded in the Celtic Sea and improved selectivity will assist in developing multiyear class structures.

(5) Advice received from International Council for the Exploration of the Sea (ICES) in June 2013 shows that measures taken so far to redress the conservation status of gadoids were not sufficient and calls for very large cuts in fishing opportunities. For haddock, for instance, ICES states that‘recruitment in 2012 was the lowest in the time-series’.

(6) For whiting in the Celtic Sea, ICES advises that discard practices are still very high for fish of age one and two. For cod, the stronger than average 2014 recruitment will enter the fishery in the beginning of 2015. For haddock, ICES advises that heavy discarding of the strong 2013 cohort is expected in 2014 and 2015 unless additional measures are taken to reduce discarding.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2015/741. (See end of Document for details)*

(7) For haddock in particular, recruitment is known to be erratic and instances of good recruitment should be capitalised upon. ICES states that 'management should focus on improving the selection of haddock in the mixed fishery' and that 'further technical measures to reduce bycatch discarding of the 2013 year class should be considered. These might include increasing the mesh size in the square mesh panels and/or increasing the mesh size in gadoid fisheries catching haddock'. In other words, young cod and haddock recruits will continue being discarded if immediate action is not taken.

(8) It is therefore necessary, in addition to measures already taken by Commission Implementing Regulation (EU) No 737/2012[(3)], to provide immediately for reinforced selectivity measures ensuring that discards rates will decrease very substantially and juveniles are allowed to grow, reproduce and contribute to future catches.

(9) Therefore, the conservation of haddock, cod and whiting stocks in the Celtic Sea require immediate action.

(10) Therefore, it is appropriate to cater for the possibility to use a gear different to that provided for in Regulation (EC) No 850/98 if the Scientific, Technical and Economic Committee for Fisheries (STECF) assesses that this results in the same or higher selectivity for the gadoids (namely cod, haddock and whiting) caught in mixed demersal fisheries in the Celtic Sea (ICES divisions VIIf, VIIg and the part of division VIIj that lies north of latitude 50° N and east of 11° W).

(11) Scientific analysis shows that the small fishery targeting whiting east of 8° W would be disproportionately affected by the fitting of a square-meshed panel with a mesh size larger than currently used. Due to the limited overlap with the areas where cod and haddock are present in the Celtic Sea, the continuation of the measures provided for in Implementing Regulation (EU) No 737/2012 was shown to have acceptable impact on cod and haddock while preserving the fishery in this particular area.

(12) On 16 December 2014, the Council and the Commission agreed on the necessity to enhance the selectivity measures provided for in Implementing Regulation (EU) No 737/2012.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Implementing Regulation (EU) No 737/2012 is amended as follows:

(1) paragraph 1 is replaced by the following:

1. By way of derogation from point (a) of Article 7(1) of Regulation (EC) No 850/98, fishing vessels using a cod-end mesh size of between 70 and 119 mm shall use a square-meshed panel of a mesh size of at least 120 millimetres.;

(2) the following paragraphs 3, 4, 5 and 6 are added: