

**European Association of Fish Producers Organisations**

**Association Européenne des Organisations de Producteurs dans le secteur de la pêche**



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Dear Ms. Vitcheva,

**Subject: The EU Commission's 'Bycatch Only' Rule**

I am writing on behalf of the European Association of fish Producer Organizations (EAPO) to express our concerns regarding the recent rule imposed by the European Commission suggesting that catch of certain stocks can only be taken as bycatch. We are grateful of the work done by the Commission to find alternatives to zero TAC advice in response to fish stocks being below B<sub>LIM</sub>. However, the interpretation of 'bycatch only' TACs in some cases can result in significant problems for the management and performance of the practical fishery.

We believe that what truly matters for the stock management is the total amount of fish caught, regardless of whether they are taken as bycatch or in a targeted fishery. As such no extra requirements should be added to the 'bycatch only' rule, other than 'avoidance of targeted fisheries' on the relevant stock. A 'bycatch only' rule can extend the quota availability over a longer period, but in our view, additional requirements do not take into consideration the fact that many fish species are aggregating. In such – mainly pelagic fisheries – cases, with very low quotas allocated to many vessels, the amount given to each vessel becomes so small that there is a substantial risk of catching fish in excess of the quota and falling into conflict with the landing obligation.

Furthermore, additional requirements to the avoidance of targeted fisheries also has potential negative impacts on the environmental consequences of fishing activity. For example, in the case of cod in the Baltic, the rule that it may only be caught as bycatch is redundant and potentially counterproductive. Fishers can influence the composition of their catch, but in the end, they do not decide what goes into the net. Cod population remain abundant in the Baltic, creating high chances of situations where the catch contains larger quantities of cod than allowed by various additional requirements ad imposed by national interpretations of the 'bycatch only' rule. This results in a lack of uniformity and an unlevel playing field for different Member States. In this example a bycatch rule in itself forces fishers to prolong their fishing activity because many Baltic fishers fish until their cod quota is exhausted.

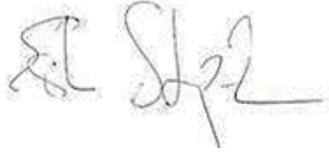
In the case of Western horse mackerel, the restriction of catches to only bycatch is even more unfocused. Horse mackerel is a species that mainly occurs in targeted fisheries, and the setting of a TAC of 13,400 tonnes linked to an agreement that this can only be taken as bycatch seems counterintuitive and creates potential choke situations. Fishers should have the freedom to choose how they exploit their quota, as long as they remain within the allocated amount. Moreover, the Pelagic Advisory Council has issued an advice suggesting a different rebuilding plan, on the basis of a precautionary targeted fishery, that has not been considered.

It has become clear that Member States are struggling with the management of the bycatch-only TAC for Western horse mackerel. This is distorting the level playing field and putting some fleets at a further competitive disadvantage that was neither wanted nor foreseen by the EU and UK negotiators. To give just a few examples, some Member States have provided guidance on what constitutes a bycatch, on the possibility of international swaps or on the terms for landing, whereas others haven't. Some Member States have allocated their quotas as they would for any stock, others have chosen to hand out contingents of zero or authorisations with additional limitations on the bycatch level. Quite extreme measures are being taken that go far beyond just the bycatch condition connected to the quotas: one Member State has announced a fishing stop preventively (long before approaching full utilisation), another has introduced an additional disincentive in the shape of a substantial fee for the landing of this species.

We hope that with this letter, we have pointed out some of the unintended effects of the bycatch rule and the interpretation or extra requirements implemented by Member States. In our view this clearly identifies the need for a more flexible and effective approach to addressing the management of fish stocks for which there is a negative scientific advice. EAPO is keen to meet and further elaborate on this issue at your convenience.

Thank you for your attention to this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Esben Sverdrup-Jensen'. The signature is written in a cursive style with a prominent initial 'E' and a long horizontal stroke at the end.

Esben Sverdrup-Jensen

President