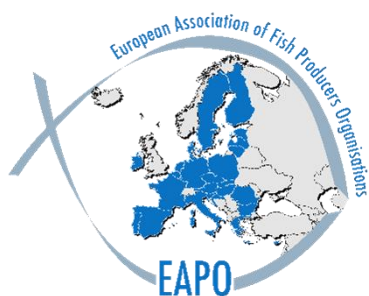


European Association of Fish Producers Organisations

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



EAPO / AEOP

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EAPO23-46

Oostende, 7 July 2023

EU Transparency Register number: 46491656228-65

EAPO reply on the Selective devices for fishing in the Baltic Sea (new detailed rules) Commission Consultation.

- EAPO suggests that the possibility to use the new gears is maintained, but the obligation to use them is postponed by at least one year. During this time experience on how to operate and adapt the gears is collected in various areas and for various vessels.
- EAPO suggests that additional selective gear be added to the list of authorized gears.
- EAPO would also suggest a detailed financial analysis of the profitability of fishing and the socio-economic impact on the sector following the use of these new selective gears.

On the 5th of April 2023, EAPO sent a letter to DGMARE director, Charlina Vitcheva, regarding the joint recommendation sent by BALTFISH requesting the mandatory use of a NEMOS section or Modified T90 or square mesh both with 125 mm meshes, for all vessels targeting flatfish in the Baltic Sea to reduce cod bycatches. The letter is available on [EAPO's website](#).

On the 26th of April, we received a reply from the Commission stating that it could not change the implementation date of the BALTFISH's request as that would contradict the CFP's regionalization article. Nonetheless, the Commission underlined the need for increased testing before mandatory use. Both these documents are available in annex.

EAPO would like to use this consultation as an opportunity to highlight a few key elements.

The Draft Implementing regulation from the Commission lists in the preamble the need to ensure *Sufficient time should be given to vessels owners to equip their vessels with the new selectivity device*. We believe that having the regulation enter into force 20 days after its approval to be too short to allow vessel owners to equip their vessels and to test the new gear. As such, EAPO would request additional time before the entry into force.

In its letter to the Commission, EAPO highlighted the problems faced by the sector with the introduction of the NEMOS in the suggested form leading to an increase of the trawl by 9 m (4.5 meters for the device itself plus 2 adaptors, each half the length of the device).

- The low engine power does not enable the vessels to operate the long trawl in an appropriate way and on soft bottom the trawl will sink into the sediment.
- The winches on smaller vessels do not have sufficient room to contain the prolonged gear with sinks and floats and the width of the drum is too narrow to allow the rigid rods that keeps the window open. They will break each time the gear is hauled.
- After hauling the trawl, the cod end will float along the vessel until the crew hoists the catch on board. This is done with a crane over the side of the vessel. The height over the sea surface of this crane is rarely more than 4 meters. To put the crane higher would destabilise a small vessel, in particular if it shall lift 2 tons of fish out of the water, perpendicularly to its longitudinal axis. The crane lifts the catch in a lifting strap that encircles the cod end. This strap must have a length of least 1.5 times the circumference of the cod end in order not to jeopardise the selection. If the deck height of the vessel is 1 meter above sea level and the lifting rope, when tightened, is also 1 meter, this again means, that no more than two meters of the cod end can be tackled on board at the time. This again has the consequences that any catch in front of the lifting strap will move forward in the cod end and eventually escape through the roof.

EAPO suggests that the possibility to use the new gears is maintained, but the obligation to use them is postponed by at least one year. During this time experience on how to operate and adapt the gears is collected in various areas and for various vessels.

We also highly recommend that the following suggestions are followed:

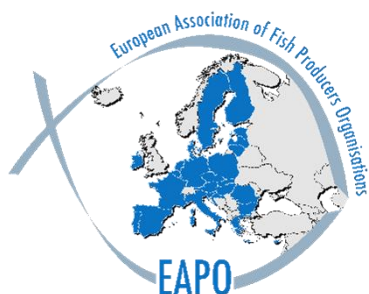
- A "flapper" is allowed in the front end of the codend, preventing the forward movement of fish during tackling.
- The use of 90 mm codend in the sole fishery Subdivision 22, with a maximum of 10% cod, continues to be allowed.
- The Modified T90 without the use of NEMOS is allowed in Subdivision 22.
- The technical description of the NEMOS is less specific;

EAPO would also suggest a detailed financial analysis of the profitability of fishing and the socio-economic impact on the sector following the use of these new selective gears.

EAPO Baltic Sea Working Group members are keen to meet and further elaborate on this issue at your convenience.

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Letter by e-mail attachment to:

Ms. Charlina VITCHEVA: Directorate-General for Maritime Affairs and Fisheries
(Charlina.Vitcheva@ec.europa.eu)

CC:

Ms Ieva Žundienė: Chair Baltfish (leva.zundiene@zum.lt)

EAPO23-38

Oostende, 5 April 2023

EU Transparency Register number: 46491656228-65

Dear Ms. Vitcheva,

Subject: The introduction of new fishing gear in the Baltic

I am contacting you regarding the situation of the Baltic Sea, for which ICES states that, “*Many species and habitats of the Baltic Sea are not in good condition*”. Fishers in the Baltic Sea region, whose livelihoods are closely linked to the condition of the sea, are facing significant challenges and there is a growing concern about the future within the coastal communities. According to the fishers and experts, this distressing situation is caused by a range of unfavourable conditions that may have limited or no connection to fishing activities.

While insisting that ICES’s advice need more data to accurately reflect the actual condition of the two cod stocks or the Western Baltic herring, the fishers agree that these important stocks are significantly below what they have been previously. The fishers are quite willing to contribute to the recovery of the stocks, but it must be done in a way that enables the survival and recovery of the fishers also.

Based on this argument, the fishing industry has been supportive in introducing the selective trawl device named NEMOS developed by the von Thünen Institute in Germany. BALTFISH sent a Joint Recommendation on its introduction to DG MARE in September 2021. EAPO, in its position on [Baltic Sea fishing opportunities for 2023](#), had requested that this new gear be legally authorised. We welcome the work done by the Commission to quicken the process. Despite initially being supportive

of the introduction of the NEMOS section, and welcoming the possibility to use the gear, the fishers insisted that if the gear was to become mandatory there was a need for further trials on various sizes of vessels.

This request for further trials has not been considered, and fishers now face a mandatory use of the new gear in all areas of the Baltic Sea, including in subdivision 22 where it has never been tried. Subdivision 22 is characterised by soft bottom and the trawlers are quite small. According to Danish legislation, engine power must not exceed 221 kW and the length of the vessel must not exceed 17 meters. Despite being categorised as stern trawlers and shooting the trawl from the stern, they haul the cod end containing the catch onboard at the side of the vessel.

The problems

Insertion of the NEMOS section in front of the cod end will elongate the trawl by at least 9 meters (4.5 meters for the device itself plus 2 adaptors, each half the length of the device)

The following problems are anticipated with the introduction of the NEMOS in the suggested form:

- The low engine power does not enable the vessels to operate the long trawl in an appropriate way and on soft bottom the trawl will sink into the sediment.
- The winches on smaller vessels do not have sufficient room to contain the prolonged gear with sinks and floats and the width of the drum is too narrow to allow the rigid rods that keep the window open. They will break each time the gear is hauled.
- After hauling the trawl, the cod end will float along the vessel until the crew hoists the catch on board. This is done with a crane over the side of the vessel. The height over the sea surface of this crane is rarely more than 4 meters. To put the crane higher would destabilise a small vessel, in particular if it shall lift 2 tons of fish out of the water, perpendicularly to its longitudinal axis. The crane lifts the catch in a lifting strap that encircles the cod end. This strap must have a length of at least 1.5 times the circumference of the cod end in order not to jeopardise the selection. If the deck height of the vessel is 1 meter above sea level and the lifting rope, when tightened, is also 1 meter, this again means, that no more than two meters of the cod end can be tackled on board at the time. This again has the consequences that any catch in front of the lifting strap will move forward in the cod end and eventually escape through the Roofless opening in the NEMOS. From an economical viewpoint this is unacceptable.

Further to these technical issues with the NEMOS, the JR contains suggestions that will have a significant negative impact on the economic performance of the fishery in the Baltic Sea.

There is a traditional fishery for sole in subdivision 22 with trawls which has been allowed to fish with mesh sizes down to 90 mm in the cod end, provided the bycatch of cod does not exceed 10%. This fishery will no longer be possible if only demersal fisheries with the following gears are authorised:

- Towed gear with NEMOS and the “standard gears” (BACOMA 105/120 or T90 120)
- Modified T90 or square mesh, both with 125 mm meshes.

The intended objective by introduction of these new gears is a reduced catch of cod by at least 55%. It therefore seems a bit of an overreaction to ban the use of a gear that only catches less than 10% cod – per haul.

The Modified T90 is allowed without the use of NEMOS in subdivisions 24-26, but not in Subdivision 22. Allegedly, this is because it has not been tested in Subdivision 22, but the same can be said for the NEMOS device, which is introduced as compulsory in the area.

The description of the new gears is overly specific and there is no room for small, but potentially necessary adaptations to the number and placement of *e.g.* floats and sinks. One netmaker has pointed to this being problematic, as characteristics of particular gears and vessels warrants this. Further to this, loss of attachments during operation may lead to accusations of manipulation by control officers. Fishers have previously experienced many problems when detailed scientific descriptions of experimental gears are uncritically used in a legal context – even when they make good sense in a scientific context.

The cost of the new gear types will, according to different netmakers, amount to two to three thousand Euro's per gear. This is an extra expense that many small enterprises will find difficult to cover, in particular bearing in mind the desperate situation in the area and the limited catch opportunities.

The introduction of the obligatory use of this roofless gear will allow for profitable fishing for a period of only two to three months a year and suspension of fishing activity for up to five months for vessels using bottom gear:

- In April, due to the lowest flounder price of the year, amounting to about 0.35-euro cents with a capacity of about 3 to 4 tonnes per 24 hours
- For September, October, November, December, a decrease in daily yield to about 2 to 3 tons at a price of about 0.45-0.50-euro cents.

What should have been done

In the opinion of EAPO, the introduction of a new fishing gear should be subject to a detailed financial analysis of the profitability of fishing and the socio-economic impact on the sector of units using bottom gear. The Commission should examine the aspect of targeting flatfish, taking into account inter alia:

- Marine fuel prices.
- Growing costs of operating.
- Rising costs of crew salaries, the fishing vessel
- Changes in the prices of flat fish due to the efficiency achieved during production.
- Increase in the prices of port services.
- A four-month period of inability to earn money due to the ban on bottom fishing from 1 May to 31 August.
- Increase in the cost of securing fish on land.
- Variable demand structure

Suggestions

EAPO suggest that the possibility to use the new gears is maintained, but the obligation to use them is postponed by at least one year. During this time experience on how to operate and adapt the gears is collected in various areas and for various vessels.

- A “flapper” is allowed in the front end of the codend, preventing the forward movement of fish during tackling.
- The use of 90 mm codend in the sole fishery Subdivision 22, with a maximum of 10% cod, continues to be allowed.
- The Modified T90 without the use of NEMOS is allowed in Subdivision 22.
- The technical description of the NEMOS is less specific.

Members of the Baltic Working Group of EAPO will be very willing to meet and discuss this important matter with your services at a convenient time for you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Esben Sverdrup-Jensen', written in a cursive style.

Esben Sverdrup-Jensen

President of the European Association of fish Producer Organisations



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels
MARE.C.1/AK/ms

Subject: New fishing gear for Baltic flatfish fisheries

Dear Mr Sverdrup-Jensen,

Thank you for your letter of 5 April 2023 in which EAPO expresses its views about the preparatory work for the introduction of new mandatory fishing gears and devices for the flatfish fisheries in the Baltic Sea. You mention various technical issues that, according to you, will create practical problems with these new gears and devices. You therefore request a transitory period of at least one year during which the new gears/devices would be allowed to be used, but would not be mandatory.

The Commission welcomes the active participation of the fisheries sector in implementing the CFP and I am therefore grateful for this information. We will send it to BaltFish asking them to thoroughly analyse it. As you know, the legal acts adopted by the Commission under regionalisation cannot modify the substance of the underlying joint recommendation; that is the sole competence of the Member States concerned. Several of your suggestions, notably to postpone the mandatory introduction of the gears and devices, would modify the substance of the current joint recommendation on which BSAC was consulted in September 2021.

As regards the possibility to commercially test these new gears and devices, you might know that DG MARE informed BaltFish in July 2021 that these gears and devices did a priori not seem to be contrary to the Technical Measures Regulation. We hence invited the Member States to test the gears commercially, notably because the industry had asked for this. Our views have not changed and we will remind BaltFish of this.

I would also like to inform you that the stakeholders will be consulted on the technical specifications contained in a draft implementing act via the “Have your say” website once the draft will have been finalised, the exact timing of which is not known at this stage. I invite you and your members to participate in that consultation process. The outcome of the consultation may lead to the modification of the joint recommendation or of the implementing act, or to an additional STECF assessment.

Finally, I would like to stress that the increase of the plaice TAC for 2022 and 2023 was decided on the assumption of the mandatory introduction of these new gears and devices.

Esben Sverdrup-Jensen
President of the European Association of fish Producer Organisations
H. Baelskaai 20
B-8400 Oostende

The current gears should not continue to be used given the historically very high by-catches of cod. As you know, the current gears were developed to target cod which under the current circumstances is not sustainable anymore.

I'm looking forward to our continued fruitful cooperation.

Yours faithfully,

Charlina VITCHEVA

c.c.: Ms Ieva Žundienė, Chair BaltFish