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BSAC 2018-2019/13

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Dear Gabriel Mato,

Thank you very much for your email of 2<sup>nd</sup> July 2018 to the Chairs of the Advisory Councils in connection with the draft regulation on the conservation of fishery resources and the protection of marine ecosystems through technical measures, currently being negotiated by the co-legislators. I am very glad that you have taken the decision to consult the Advisory Councils. We attach a great deal of importance to seeing the regulation on the technical measures finally adopted. In February 2017, the BSAC sent recommendations on the Commission's proposal and looked forward to seeing a more open-ended technical measures regulation.<sup>1</sup>

You asked us to provide input with respect to two issues: Article 4 – "**targets**" and Parts B of the regional annexes (V-XI) – "**mesh sizes**".

On targets, you asked for our opinion on the recent Commission alternative proposal on Article 4, which was presented during the trilogue of 29th May, compared to the European Parliament's mandate on the same Article. The Commission proposal is based on "Selectivity Performance Indicators", relying on the concept of "optimal exploitation pattern":

*"(a) selectivity performance indicators determined in accordance with paragraph (2) of this Article for key indicator stocks included in Part X of annexes V to XI;  
2. The Commission shall be empowered to adopt delegated acts establishing the selectivity performance indicators referred to in point (1)(a) of this Article based on the best available scientific advice and expressed as a range of values that takes into account achieving the optimal exploitation pattern as referred to in Article 3.2(a) of this Regulation in mixed fisheries."*

The European Parliament approach is a "progressive reduction" of catches of fish below minimum reference size, as a main objective of the future regulation on technical measures. This objective is accompanied by:

- deadlines within which Member States, through regionalisation, will have to set out targets for key fisheries;

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<sup>1</sup> <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-recommendations-on-technical-measures>

- the condition that the Commission will be empowered to adopt targets if Member States fail to do that;
- the safeguard that Member States joint recommendations must be based on the "best available scientific advice".

We are very glad that the negotiations in trilogue are continuing and that the Parliament and Commission have put forward these compromise proposals. In its recommendations on the details of Article 4, the BSAC did not have a consensus view on targets: the BSAC proposed replacing the 5% target (referring to the catch of fish below MCRS in the Regulation) by "the catches of marine species below MCRS should be as low as possible". Specific targets should be decided at regional level, taking into account specific fisheries and stocks. A minority proposed to maintain the 5% target. Since then, the BSAC has not had further detailed discussions on the proposal. It has however maintained the call for greater flexibility for fishermen, whilst at the same time ensuring full accountability of what the fishermen catch. It has also called for a reduction in the mesh size in the demersal fishery from 120mm to 110mm, thus improving selectivity of the cod trawls so as to facilitate the implementation of the landing obligation.

With respect to your letter to the BSAC, members have had an initial exchange of views at their first joint working group on 23<sup>rd</sup> August 2018. We take note of the two proposals put forward, but we need to discuss them further. Moreover, the Commission's proposal of selectivity performance indicators based on an optimal exploitation pattern is complex and needs closer examination to evaluate the different options.

We agree in essence on the need for targets or objectives by which to assess the successful implementation of technical conservation measures. We need an agreed set of parameters for ensuring that the technical measures work, and that they can be measured in some way or other. And we need a timeline by which to reach this. An essential condition for the technical measures is to ensure that all fish caught is deducted from the quota, and that the TACs are set according to the advice. Improved results achieved by the fishermen through gear development and adaptation can be rewarded by increased quotas. Moreover, developments in the Baltic cod stocks (in particular in the eastern Baltic) give cause for concern and there are many factors behind this. The question as to whether size selectivity is one factor which can have serious and significant negative longer-term effects on the stock needs to be further investigated.

To the extent whether either of the proposals put forward could support the BSAC objectives on technical measures, we would be ready to discuss them further and support them.

On the questions concerning the mesh sizes, you put forward an alternative to percentages of catches of targeted fish proposed by the Council (and, in some cases, by the European Parliament) and to delete them and to add the following general phrase at the beginning of part B: "*When catches of cod and haddock exceed 10% of the total catch in kilogrammes of fish retained on board then a mesh size of 120mm shall be used. Vessels may opt to use smaller mesh sizes provided that selectivity modifications as approved by STECF that result in the same or better selectivity characteristics for cod and haddock as that of 120mm*".

A fixed 120mm rule would seem to be in contradiction with the general approach of a progressive reduction in catches of fish below MCRS. Moreover, it seems to relate more specifically to the North Sea fisheries, not the Baltic, and we seek clarification from you as to whether this is the case.

We look forward to continuing a dialogue with you and to having an exchange of views on the technical measures. We would be very happy to invite you and your colleagues to the BSAC to discuss this further.

Kind regards,



Steve Karnicki  
Acting BSAC chair