

Director General
Mr. Fokion Fotiadis
D.G. Mare
Rue de la Loi 200
B-1049 Brussels
Belgium

Date: 11th December 2009

Dear Mr. Fokion Fotiadis,

BS RAC letter concerning specifications of BACOMA and T90 fishing gear

At the Council meeting in Luxembourg in October this year, ministers decided to increase the mesh size in the Baltic Sea from the present 110mm to 120mm in the BACOMA window and T90 fishing gear. However, they failed to amend accordingly the relevant text in the regulation on technical measures.

Moreover, the new rules will appear so late in the Official Journal that net makers and fishers are left with very little time to acquire new net and to modify the fishing gear to meet the new criteria. This does not add positively to the public perception of good governance and the need to avoid adopting new legislation in great haste.

As a consequence, the fishing industry is now left in a situation where it either has to fish in disrespect of the regulation, or to stop fishing – unless the necessary amendments are made to Council Reg. (EC) No 2187/2005 of 21 December 2005.

Below is a description of the problems identified and proposals for solutions to these problems.

Problem 1 - availability

Appendix 1 in the above-mentioned Regulation describes how the BACOMA window shall be fixed to the gear. In Paragraph 1, (e) (ii) the last sentence reads: “Knotless netting means netting which is composed of meshes of four sides in which the corners of the meshes are formed by the interweaving of the twines of two adjacent sides of the mesh.” Members of the RAC have been informed that this text only allows netting manufactured by the private company “Net Systems” to be used in the BACOMA window. Quite apart from this being in contradiction with the principle of not creating a monopoly through regulations, it leads to a situation where it is simply not possible to obtain the amount of netting required and to make the new cod ends in time for the fishing season to start on January 1st 2010. It may be that some net makers have small amounts in stock, but it is not possible to equip all vessels before January 1st 2010.

Problem 2 – mounting

In the explanatory text for figure 3 in the same Appendix 1, it is stipulated that there have to be “Two diamond meshes/one bar in a square mesh.” As the window is now wider (the same number of larger meshes), the awkward situation has evolved where the window will form “waves” in the longitudinal direction – leading to reduced selectivity.

For the T90 gear, described in Appendix 2 in the same regulation, there is a rule that the number of meshes in the cod end has to be 50% of the number in the extension piece (or last row of tapered part). This will either lead to “ballooning” or to meshes being closed – because a consequence of the increased mesh size in the T90 cod end is that the circumference of the cod end is greater than the extension piece.

The BS RAC is convinced that a thorough dialogue with the industry before implementation of new technical regulations is a prerequisite for avoiding this kind of “mismatches” in the future. Even small changes to a gear can have a significant effect on the way it moves through the water. This is exactly why the BS RAC has proposed the initiation of a selectivity project in the Baltic.

For now, the Baltic RAC proposes the following solutions to the identified problems:

1. Postpone the implementation of the new mesh size – to allow the net makers to purchase the correct netting material and to give them time to mount the new windows.
2. Remove the text giving details on the definition of “knotless netting” – to allow for the use of any knotless netting. Or – even better – to allow for knotted netting to be used, and just specify that the net has to be fixed in a way that makes square meshes. This would allow the fishers to adapt to the new mesh size immediately.
3. Remove the text that specifies that there have to be two diamond meshes per bar in the BACOMA window, and specify the new ratio by using stretched meshes instead of number of meshes.
4. Remove the text that stipulates that the number of meshes in the cod end of the T90 has to be 50 % of the meshes in the extension piece, and specify the new ratio by using stretched meshes instead of number of meshes.

The Baltic Sea RAC hopes that the Commission and Council will act as fast as possible on this letter. We apologise for the late arrival, but the RAC – as is indeed the case for other European institutions – has its procedures for preparing letters and reaching agreement.

We look forward to hearing from you.

With the kindest regards and wishes for a merry Christmas and a happy New Year.



Reine J. Johansson
Chairman of the BS RAC



Ewa Milewska
Vice-chair of the BS RAC

Also sent by e mail to member states around the Baltic
c.c. Fisheries Council of the European Community, European Parliament, Community
Fisheries Control Agency, ACFA, ICES and HELCOM.