

## BSAC Executive Committee Thursday 6<sup>th</sup> May 2021

### Morning session with European Fisheries Control Agency EFCA

Questions/Issues raised for EFCA and organised into themes (those who asked the questions given at the end of the questions) [numbered]

#### General questions + Cooperation

Does EFCA take part as an observer in any of the regional coordination groups (RCGs), for example the Baltic one? **(Coalition Clean Baltic) Q1**

How is the cooperation between control official authorities and voluntary control people / organisations in the EU? **(German Angling Association DAFV) Q2**

#### CCTV

If CCTV is implemented to control the landing obligation, what procedure does EFCA advise to Member States to prepare data from CCTV that gives legal security for use in court cases of video material which can show that fish species have been separated and their amounts calculated? This relates especially to separating undersized plaice, flounder and dab, or herring and sprat. **Q3**

Is there any progress being made in developing automated image evaluation systems to identify fish species and calculate amounts? **Q4**

How many cameras have to be on board vessels of 22m in order to detect/register all kinds of violations of the discard ban? **(German Cutter and Coastal Fishermen) Q5**

#### Weighing and identification of species

How does EFCA make sure that all fish landed are correctly weighed and species identified in the same way in all EU countries to secure a level playing field? **Q6**

#### **Background:**

Credibility, traceability, accountability and sustainability are central to the fish processing industries. No market can function without correct measuring and without common units of measurement

Pelagic fisheries are carried out by fishing vessels using pelagic trawls and purse seines. The pelagic landings are unsorted because the fish are pumped directly from the trawl or purse seine into the tanks of the vessels with no sorting taking place on board. Other species than the target fish can be caught as bycatch.

When landed for fishmeal and fish oil production, the amount of species caught as bycatch are calculated either through direct sorting or through a sampling process. All species in the landings are registered and the total weight of the bycatches are determined.

Marine Ingredients Denmark and European Fishmeal have developed a standard and procedures so that landings to the first-time buyer or processor of the fish must take place in approved ports with access to approved landing and weighing facilities as well as an approved operator responsible for the weighing documentation of the landing.

#### Approved weighing - what does it mean? Q7

It means the weighing is performed by individual weighing operators (hereinafter mentioned as weighing operator) who meet the following requirements:

- National fisheries control authorities or person/company authorised by the national fisheries control authorities.
- Has access to a certified and approved system of weighing and testing control premises and equipment of an appropriate standard.
- Management and staff are adequately qualified and trained.
- Calibration programme of equipment is traceable to international reference standards.
- External independent check control of the weighing equipment and or weighing operator at least once a year

Or:

- An independent commercial 3rd party, who meets the above criteria.

This industry standard is based on the international system of units (SI) for expressing quantities (e.g. SI unit for mass is 1 kg).

#### Requirements and responsibility for documentation of the landing:

Weighing must be monitored and carried out by an approved weighing operator, who is responsible for control of documentation.

Or (in agreement with the competent authority and the first time buyer):

First-time buyer can have a contractual agreement with a 3rd party weighing operator to carry out the weighing and control of species of the landing on his/her behalf.

Landings, if possible, should take place in approved ports, where certified weighing can be carried out and where approved weighing equipment is available.

For smaller harbours, transport of landings to an approved weighing station.

For all unsorted pelagic landings, for fishmeal and oil, all weighing, sampling of species and documentation of the landed catch and bycatch must be done, based on a pre-defined sampling plan applicable to all weighing.

Personnel working with weighing and documentation of the landing must be trained in identification of species, weighing methods and equipment used for landing and weighing.

Breach of rules should have legal consequences in accordance with national legislation.  
**(Marine Ingredients Denmark)**

### **Control of sprat and herring specific**

What are EFCA's plans for control of landings of the pelagic sector for sprat and herring?

**(WWF) Q8**

When fish (sprat and herring) is landed in Danish factories (for fish meal and oil production), fish must be sampled each time in accordance with the procedures in force there. Since the autumn 2020, all unsorted fish found on board have been automatically assigned to the main species. In our view, a dominant position is clearly being exploited, preventing the company from choosing to which species to add the unidentified fish found during landing. Please answer whether it is legal that even specialists do not recognize the fish, but insist on assigning it to the main species? **(The Confederation of Fishermen and Fish Processors of West Lithuania) Q9**

How does EFCA see the future of controlling the landings of sprat and herring in the Baltic Sea? Are there ways of improving current practices? **(The Fisheries Secretariat) Q10**

### **Risk based assessment and last haul**

For a better risk-based approach for controlling the compliance of the Landing Obligation, could EFCA specify that vessels that are at more risk of catching undersized fish should have a higher control rate than e.g. low impact fisheries? **Q11**

We have obtained access to the results of last haul controls in the western Baltic sea in 2019. A In total, DK controls conducted 104 last haul controls: 56 in demersal trawl fisheries, and 48 in low impact fisheries.

**In the 48 controls in the low impact fisheries, controls observed 29,2 kilos of undersized fish in total. In the active demersal fisheries (trawl), they observed 3.180 kilos of undersized fish in total.** There are large differences in the results in the trawling fleet, but in general it's the trawl fleet that (in our view) should be controlled, because of the higher risk-based approach. This is not the case now where it is almost 50/50 in the last haul controls in the two segments.

Could EFCA comment on what the risk based assessment approach should target? **Q12**

**We can see the same imbalance in Germany, reported below (in German) through the response to an inquiry in the German Parliament from the party "Die Linke" about the control activities in the German fishery:**

Drucksache 19/11378 – 4 – Deutscher Bundestag – 19. Wahlperiode

Wie viele Fangfahrten der deutschen Fischerei wurden nach Kenntnis der Bundesregierung in den Jahren 2016, 2017 und 2018 von deutschen Fischereibeobachterinnen und Fischereibeobachtern begleitet und analysiert? [To the knowledge of the Federal Government, how many fishing trips by German fisheries were accompanied and analysed by German fishery observers in 2016, 2017 and 2018?]

The table shows that the control activities are not based on a risk-based assessment approach, because the highest risk of bycatch is not in the fishery with passive gears.

Tabelle 5: Begleitung von Fangfahrten durch Beobachter	Region	aktiv	passiv	Anzahl Beprobungen
<b>2016</b>	<b>Ostsee</b>	10	59	69
	Nordatlantik	7	7	
	Nordsee und Ostarktis	24	24	
	<b>Gesamt</b>		<b>100</b>	
<b>2017</b>	Ostsee	5	23	28
	Nordatlantik	8	8	
	Nordsee und Ostarktis	21	21	
	<b>Gesamt</b>		<b>57</b>	
<b>2018</b>	<b>Ostsee</b>	1	14	15
	Nordatlantik	6	6	
	Nordsee und Ostarktis	24	24	
	<b>Gesamt</b>		<b>45</b>	

Can EFCA be specific on what control themes they find important for Member States to prioritise? **Q13**

**(Association of Fisheries Protection (GER))**

Can the last haul inspection data be made available for public scrutiny? **(Coalition Clean Baltic) Q14**

## **Technical measures: Questions for clarification Q15**

1. The Regulation 2019/1241<sup>1</sup> is the only existing regulatory document relating to the construction and use of the fishing gears. The lack of implementing regulations for conducting fishing operations (Article 8, point 5) is similar to driving a car in a city with no road signs, while the police is enforcing them all the time. If I am wrong, I would like to know whether I can use a BACOMA codend with 1 or 3 (pick a number) open square meshes (please answer YES or NO).
2. If I am wrong, can I use a T90 codend 4 or 6 meters long? (please answer YES or NO).
3. Can the Baltic fleet use a 115 mm codend (Regulation 2018/47)? Article 39<sup>2</sup> of the technical measures refers to such cases.
4. Which regulatory documents are used by the fishery inspectors during the control of the fishing gears?
5. Can the codend T90 be of any length and circumference?
6. Can rhomboidal and T90 meshes be merged in any way?
7. Annex VIII part B art. 1.2. How do you understand the meshes smaller than those listed in the table, if they have to meet the conditions in the table? It is not clear, even though there are two subpoints (i) and (ii).
8. With respect to sandeel, are fishers not allowed to use bigger meshes than 15 mm (smaller than 16 mm)?

### **(National Chamber of Fish Producers)**

## **Environment policy and control of emissions from vessels**

On 1<sup>st</sup> January 2020, a worldwide new limit on the sulphur content in the fuel oil used on board ships came into force, marking a significant milestone to improve air quality, preserve the environment and protect human health. Known as “IMO 2020”, the rule limits the sulphur in the fuel oil used on board ships operating outside designated emission control areas to 0.50% m/m (mass by mass) - a significant reduction from the previous limit of 3.5%.

Within specific designated emission control areas (Baltic sea, North Sea), according to the Directive (EU) 2016/802<sup>3</sup> of the European Parliament and of the Council of 11 May 2016

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<sup>1</sup> The technical measures regulation [http://www.bsac.dk/getattachment/BSAC-Resources/Documents-section/European-Parliament-and-Council/Reg2019\\_472of190319.pdf.aspx?lang=en-GB](http://www.bsac.dk/getattachment/BSAC-Resources/Documents-section/European-Parliament-and-Council/Reg2019_472of190319.pdf.aspx?lang=en-GB)

<sup>2</sup> **Article 39 Repeals**

Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 are repealed.

References to the repealed Regulations shall be construed as references to this Regulation.

<sup>3</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016L0802&from=EN>

relating to a reduction in the sulphur content of certain liquid fuels, from 1<sup>st</sup> of January 2015 the limits were already stricter (0.10%).

Due to the combustion of marine fuels with a high sulphur content, the main goal is to **reduce emissions** of sulphur dioxide and particulate matter from shipping. Sulphur dioxide and particulate matter harm human health and the environment and contribute to acid deposition. In this case, the requirements laid down in *Article 20<sup>4</sup>* of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, [amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006] do not fully meet the requirements of the Directive (EU) 2016/802 to reduce emissions. This is due to the prohibition (in Article 20 of Reg No 1224/2009) of transshipment of the products at sea in Community waters. There are cases when vessels are owned by the same company, and during fishing activity the lot isn't yet finished, but due to product safety requirements it is necessary to unload the lot on land. In this situation vessels must go to the harbour (sometimes it takes several days) with no fully filled lot. Instead, it could have been transhipped to another vessel owned by the same company and save fuel and reduce emissions as described in Directive 2016/802 and the HELCOM Baltic Sea Action Plan (BSAP).

Considering this, we would like to draw your attention to the EU environmental policy of reducing air emissions from ships, and the Council Regulation (EC) No 1224/2009 Article 20 which does not fully meet EU environmental policy with the prohibition of transshipment procedures. Please clarify if there is any possibility in the framework of Council Regulation (EC) No 1224/2009 to have a transshipment procedure between ships owned by the same company in order to save fuel and reduce emissions to ambient air. Or is there a need to amend the Council Regulation (EC) No 1224/2009 and harmonize with EU environmental policy on reducing environmental pollution from ships? **(The Confederation of Fishermen and Fish Processors of West Lithuania)** Q16

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<sup>4</sup> Article 20 Transshipment operations

1. Transshipments at sea shall be prohibited in Community waters. They shall be allowed only subject to an authorisation and to the conditions laid down in this Regulation in ports or places close to the shore of Member States designated for this purpose, and in accordance with the conditions laid down in Article 43(5).
2. If the transshipment operation is interrupted, permission may be required before the transshipment operation is resumed.
3. For the purposes of this Article, relocation, pair trawling activities and fishing operations involving joint action by two or more Community fishing vessels shall not be considered as transshipment.

## Eel fisheries

What can EFCA tell us about this year's Specific Action on eel under the Baltic Joint Deployment Programme? We know there will be a focus on illegal gear – can you say anything about what types of gear you will be focusing on? **Q17**

Also, it is common to store live eels between capture and official landing/sales in many countries – what is the scope for better control of that, especially since several countries allow landings from storage during the three-month eel fishing closures? **Q18**

As eel was recently added to the SCIP and all the JDPs, is there anything you could tell us about the approach and issues in the other regions? Are they similar to the Baltic, or are there different issues in different regions? **Q19**

The current SCIP is fairly limited in scope for eel – focusing on at sea and in port controls – are there any other aspects that would be useful to include if the scope was increased? **(The Fisheries Secretariat) Q20**

How, if at all, is ECFA considering a joint approach to controlling eel landings that take place inside the closed period, but are stated by member states as being catches from before the closure, but stored alive and landed later? **(Coalition Clean Baltic)**

## Salmon fisheries

What activities will EFCA be carrying out concerning the salmon fishery and control programmes for 2021 and 2022, including the coastal fishery and reporting of discards in Sweden and Finland? Is there more, and if so, what would EFCA like to do for control of the Baltic salmon fishery? **(European Anglers Alliance) Q21**

Regarding salmon fishing control in the most northern part of Baltic (Swedish and Finnish coastal fisheries): is EFCA aware of the problems there are in coastal salmon fishing, e.g. lack of control, especially in Sweden and lack of control of discards in general, and are there any plans to strengthen the control in this area? **(WWF) Q22**

## Recreational fisheries

Should there be more emphasis on the control of recreational fisheries in general in EFCA's perspective? It's well known that we lack proper data when it comes to catches from recreational fisheries; by promoting the control of it, it might be one step forward in data collection as well. **(WWF) Q23**

With reference to the rigorous regulations introduced by the EU Council for the years 2020 - 2021 fixing fishing opportunities for certain fish stocks and groups of fish stocks in the Baltic Sea, which introduced completely closing the economic activity of recreational fisheries – in particular in SDs 25-26 for cod fishing.

Due to the fact that ICES recommended such a provision to the EU Commission, recreational fishing was treated as the main perpetrator, responsible for the low cod stocks in the Baltic Sea. We strongly disagree with this opinion. Recreational fishing does not pose the slightest threat to the cod population. We urge ICES to be more cautious in forming such opinions.

We invite EFCA to comment on this, and to clarify whether the closure in SDs 25-26 has had implications for control and inspection. **(Association of Recreational Fishing Ships SAJKS) Q24**