

Director-General Ms Charlina Vitcheva,  
D.G. for Maritime Affairs and Fisheries  
European Commission

Sent by e mail to:

[Charlina.VITCHEVA@ec.europa.eu](mailto:Charlina.VITCHEVA@ec.europa.eu); [mare-ac@ec.europa.eu](mailto:mare-ac@ec.europa.eu)

CC: BALTFISH Presidency [Pl.Baltfish@minrol.gov.pl](mailto:Pl.Baltfish@minrol.gov.pl)

Ref: BSAC/2023-2024/13

Copenhagen, Friday 7<sup>th</sup> July 2023

**Subject: BSAC recommendations on the legal Acts introducing a new mandatory trawl gear device**

Dear Director General, Ms. Vitcheva,

The Baltic Sea Advisory Council (BSAC) has had a long focus on the Technical Measures Regulation 2019/1241 and any initiative that can result in by-catch reduction, specifically for the Baltic cod stocks. **The BSAC repeatedly appealed for more selective gears being deployed in the Baltic, and for faster approval processes<sup>1</sup>.**

The BSAC had at several occasions pointed to the need for the correct formulation and interpretation of the rules on technical measures concerning gear designs and the need to consult the Delegated and Implementing Acts to Technical Measures Regulation 2019/1241 with the fisheries sector. In order to allow for the introduction of new, fit for purpose gears, the **BSAC had called on the European Commission and BALTFISH to provide a platform for discussion of and finalisation of the draft Implementing Act, making it available to a BSAC Focus Group<sup>2</sup>.** The BSAC now reiterates this call, because a short 4-week consultation period does not allow to gather all the BSAC knowledge and experience needed to comment on these complex texts.

Moreover, early engagement with the stakeholders can prevent later delays because of unanticipated issues with the legal proposal.

The BSAC fisheries members anticipate serious technical problems related to the mandatory use of the new gears, especially on small vessels (see Annex 1).

The BSAC finds the description of the new gears overly specific, leaving no room for small, but potentially necessary adaptations to the number and placement of e.g. floats and sinks.

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<sup>1</sup> BSAC letter, September 2021 [http://www.bsac.dk/getattachment/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-letter-to-BALTFISH-about-technical-measures-f/BSACreplyRselectivity270921\\_21\\_22\\_17.pdf.aspx?lang=en-GB](http://www.bsac.dk/getattachment/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-letter-to-BALTFISH-about-technical-measures-f/BSACreplyRselectivity270921_21_22_17.pdf.aspx?lang=en-GB)

<sup>2</sup> BSAC letter, March 2022 [http://www.bsac.dk/getattachment/b2aa6d26-dcaf-44b6-b183-8b0a3a0a4237/BSACtoCOM\\_BALTFISHTechmeasures21\\_22\\_41.pdf.aspx?lang=en-GB](http://www.bsac.dk/getattachment/b2aa6d26-dcaf-44b6-b183-8b0a3a0a4237/BSACtoCOM_BALTFISHTechmeasures21_22_41.pdf.aspx?lang=en-GB)

**The BSAC recommends to the Commission that while the introduction of new gears is not delayed, the technical problems anticipated with the introduction of the new gears have to be resolved first.** The urgency of the situation is highlighted by the BSAC members who also see the consequences of the current by-catch rates leading the Commission to propose lower TAC for plaice.

**The BSAC therefore recommends to the Commission to modify the legal texts in order to open up the possibility to use the new gears while postponing their mandatory use by at least one year.** Research and development of these new gears took place in specific areas of the Baltic and now needs to be extended to other areas and fleets. This additional necessary time should be used to collect data and adapt the gears to different areas and to different vessels.

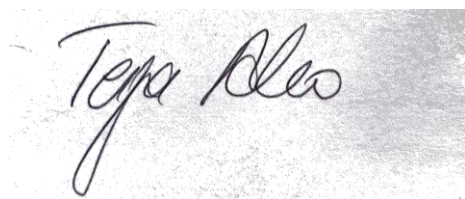
**The BSAC recommends the Commission to ask STECF, when assessing a new gear, to evaluate not only the improvements in cod by-catch rates but also the practical operability of gears on vessels of all fleet segments.** The description of the new gears in the legal texts might need to be less specific and give room for small, but potentially necessary adaptations. One example is the need to provide flexibility on the number and placement of floats and sinks.

While BSAC representatives of the fisheries have already said that *a one-size-fits-all solution is not the solution* and that *they find it difficult to accept changes introduced on a compulsory basis*, OIG representatives have underlined that new gears *should be made compulsory*.

**The BSAC recommends that if the new gears are made mandatory, the cost of the shift to new gears should be covered by support funding, during the transition period.** The expected cost of two to three thousand Euros per gear would be an extra expense that many small enterprises will find difficult to cover, in particular bearing in mind the current limited catch opportunities. Funding should also be used for monitoring the impacts and functionality of the new gear in co-operation between fisheries and research institutes.

The Commission signalled that it would adopt at the same time the Delegated and Implementing Acts. Because of the reasons explained above, BSAC members are anxious that their recommendations are followed and appeal to the decision-makers to take on board their on-deck experience.

Kind regards,



Teija Aho  
BSAC Demersal Working Group Chair



Jarek Zieliński  
BSAC Executive Committee Chair

## **Annex 1: Technical difficulties encountered with the insertion of the NEMOS section in front of the cod end.**

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 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 Roofless opening in the NEMOS.