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CC: Ministries of Baltic Member States

Ref: BSAC/2023-2024/5

Copenhagen, Friday 21<sup>st</sup> April 2023

**Subject: BSAC recommendation on harmonised implementation of legal rules in geographically close areas**

Dear Ms. Žundienė,

As we both know, Advisory Councils were set up under the Common Fisheries Policy and given the opportunity to make recommendations on fisheries matters and to inform the Commission and Member States of problems relating to the management of fisheries and the socio-economic and conservation aspects of fisheries and, where appropriate of aquaculture in their geographical area.

The BSAC recommends that, in general, in geographically close areas, legal rules should be implemented in the same way in all Member States so that there is a transparent level playing field for all fishers, regardless of the location from where they operate in the concerned area. This is to prevent uneven conditions for fishers in different countries. Therefore, the BSAC recommends Member States to consult each other and find agreements so that they can ensure harmonised implementation of the rules at sea and in port.

With this in mind, BSAC wishes to inform you of the following problem:

The BSAC has been made aware of differences amongst Member States in implementation of the provisions under Article 7.2.c and 7.4.c of the Council Regulation 2022/2090 and its sub-condition “whose landings are sorted”. More specifically, as to whether or not the sorting must take place on board or on land. It turns out that at least one Member State requires sorting to take place on board vessels before landing takes place<sup>1</sup>.

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<sup>1</sup> To better understand the approaches from different Member States, BSAC has addressed a questionnaire on the matter to BALTFISH members. You have kindly brought up this matter to the BALTFISH members and communicated to us the answers from this questionnaire during our Executive Committee meeting on January 31st 2023. The answers show that Member States which fleet fish in the area at that time of year will apply the derogation.

In the case of Article 7 of the Council Regulation 2022/2090, sorting the catches on board vessels is not possible for many fishers, specifically with small boats, because of space issues. In practice, this means that fishers cannot benefit from the derogation.

Furthermore, DG MARE has clarified<sup>2</sup> that the exemption in question, applies to sorted catches from fisheries for human consumption only. It does not specify if sorting of catches should take place onboard or on land and therefore leaves it open to decide on where and when, during a fishing and landing operation, sorting must take place.

BSAC understands this to mean that it does not matter where the catch is sorted as long as it is sorted and used for human consumption, and that, in order not to prevent smaller vessels to make use of the derogation, the choice of sorting location should be given at vessel level.

In light of the above, we invite you to bring this letter to the attention of the Member States at the next BALTFISH High Level Group meeting.

Kind regards,



Lise Laustsen

BSAC Pelagic Working Group Chair



Jarek Zieliński

BSAC Executive Committee Chair

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<sup>2</sup> <http://www.bsac.dk/getattachment/BSAC-Resources/Documents-section/BALTFISH/BALTFISHFORUM06092022reportfinal.pdf.aspx?lang=en-GB>