

MARE AC team  
D.G. for Maritime Affairs and Fisheries  
European Commission  
Rue de la Loi 200  
B-1049 Brussels  
Belgium

Sent by e mail to: [MARE-AC@ec.europa.eu](mailto:MARE-AC@ec.europa.eu)

Ref: BSAC/2023-2024/16

Copenhagen, Tuesday 29<sup>th</sup> August 2023

**Subject: Criteria for the application of Article 4(7) of Delegated Regulation (EU) 2015/242, as amended by Delegated Regulation (EU) 2022/204.**

Dear Mare AC team,

At its General Assembly in Brussels on 17 May 2023, the Baltic Sea Advisory Council (BSAC) was envisaging to adopt revised rules of procedure to align them fully with the legal requirements set out in the Delegated Regulations.

Unfortunately, the considerable efforts which had gone into the preparation of a comprehensive revision were in vain, because of disagreement about how to apply Article 4(7) second phrase of Regulation (EU) 2015/242 as amended.

In order to be compliant with the regulation and ensure a balanced representation of its members, BSAC request guidance on how to interpret and apply the following phrase:

*“The number of representatives of small-scale fleets should reflect the share of small-scale fleets within the fishing sector of the Member States concerned.”*

The BSAC is not aware of any legal definition of a small-scale fleet, and in the past, **we have not distinguished** between the large-scale and small-scale members of our sector organisations. Even so, BSAC has administrative measures in place which are intended to especially benefit small scale fishers' representatives to compensate for their loss of earnings because they are active fishers<sup>1</sup>.

In its answer, BSAC requests the Commission to take account of the following:

Article 4(7) above has the potential to directly impact the current composition of our Executive Committee because all seats allocated to the fisheries sector organisations are taken, and

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<sup>1</sup> <http://www.bsac.dk/getattachment/BSAC/BSAC-Administration/Declarationsmall-scale-fishers23-24.doc.aspx?lang=en-GB>

BSAC cannot increase the total number of seats because it has already opted for the maximum 30 seats in an Executive Committee.

The Commission should consider that fishers in the Baltic are free to organise themselves as they see fit and, historically, many fisheries organisations are built up by mixed fleets of both small-scale and larger-scale vessels using different types of gears (both active and passive). On the other hand, there are also organisations that include only small-scale vessels using passive gear.

How does the Commission propose that BSAC should handle these facts to interpret and implement Article 4(7) correctly? More precisely:

- What criteria would the Commission use to establish that an organisation is representative of a small-scale fleet?
- What indicators should the BSAC in practice use to decide what the “share” of small-scale fleets in the Member States is?
- Once the share has been established, how should the BSAC reflect this in its distribution of the seats in the Executive Committee?

We note that this issue must be of horizontal importance as most Advisory Councils would be faced with applying the provision in question.

The BSAC would appreciate guidance as soon as possible to be able to finalize the revision of the current rules of procedure.

Kind regards,



Jarek Zielinski

The Chair of the BSAC Executive Committee