

## Focus Group on the Rules of Procedure

5<sup>th</sup> March 2024

Online

### REPORT

**Focus Group Chair:** Ingemar Berglund (BSAC Honorary Chair)

**Present:** Teija Aho, Christian Tsangarides, Wolfgang Albrecht, Klavs Skovsholm, Guillaume Carruel, Ewa Milewska (rapporteur).

**The Focus Group Chair** opened the meeting and welcomed all participants. He stated that the BSAC ExCom had decided to reestablish the Focus Group on the Rules of Procedures to deal with the definition of small-scale fishing vessels as well as indicators to establish what share such vessels would represent of a Member State's fishing fleet. To recall, in August 2023, the BSAC wrote to DG Mare asking them to clarify the criteria for the application of Article 4(7)<sup>1</sup>. The Commission replied on 15th December 2023<sup>2</sup> and the answer is vague, in essence informing the BSAC that it is for the individual ACs to define a small-scale fishing vessel as they fit.

**The Executive Secretary** presented the Terms of Reference (ToR), as agreed by the ExCom<sup>3</sup>. He underlined the objective that the Focus Group must examine whether it would be appropriate for BSAC to apply the ad-hoc definition used in the EMFAF or it may propose an alternative definition based on transparent and objective criteria. The Focus Group presents a report with suggestions to the Executive Committee as soon as possible. In all event, the Focus Group Chair will make a progress report at the BSAC 2024 ordinary General Assembly.

**The participants** exchanged their initial views on how to define small-scale fishing vessels as well as the indicators to establish what share such vessels would represent of a Member State's fishing fleet.

**A fisheries representative from Sweden** expressed the view that the calculation of the share of small-scale vessels in Sweden will not be a simple exercise. The Swedish Producers Organisations represent both small and large vessels. Their members do not want to be classified, as such classifications could have other implications (such as eligibility for EMFAF financing etc.). In addition to size, small-scale vessels are in Sweden identified by the length of fishing trips. She underlined that the EMFAF definition<sup>4</sup> is not easily applicable, as the static gears are less and less used because of the impact of seals and cormorants and, for this reason, cautioned against excluding towed gears from a future definition.

---

<sup>1</sup> "The number of representatives of a small-scale fleet should reflect the share of small-scale fleets within the fishing sector of the Member States concerned." (Delegated Regulation (EU) 2022/204).

<sup>2</sup> " it is the discretion of the respective Advisory Council to define and justify its own indicators to attribute the "share" of small-scale fleets in the Member States for the way it should be reflected into the composition of the General Assembly and Executive Committee members".

<sup>3</sup> [Terms of Reference](#)

<sup>4</sup> The European Maritime, Fisheries and Aquaculture Fund (EU) 2021/1139 defines the concept of "small-scale coastal fishing" as fishing activities carried out by: (a) marine and inland fishing vessels of an overall length of less than 12 metres and not using towed gear as defined in point (1) of Article 2 of Council Regulation (EC) No 1967/2006; (b) fishers on foot, including shellfish gatherers.

**A small-scale fisheries representative from Germany** stated that it is up to those who make the law to guide others on how to interpret the legal provisions. The BSAC should not fall into the trap to define the small-scale fleet and thus take over the task of the European Commission.

**A small-scale fisheries representative** agreed with the previous speaker. It is the Commission's responsibility to interpret the provisions of the Delegated Regulation. He proposed two options concerning the next steps. The first option is that the Focus Group could continue the work on the indicators to attribute the "share" of small-scale fleets in the Member State for the way it should be reflected into the composition of the General Assembly and Executive Committee members. The second option, is to use the EMFAF definition, which is not perfect, but at least simple. He acknowledged that all 18 members of the industry in the BSAC declare that they represent small scale vessels, despite the fact that the number of such vessels varies greatly among them, in fact some organisations have so few small-scale fishers in their membership that they can barely be said to also represent small-scale fishers.. He pointed to Article 4(7) of the Delegated Regulation 2022/204, stating that the General Assembly and the Executive Committee shall ensure a balanced and wide representation of all stakeholders. He recalled that in 2015, the EU had amended its rules on the ACs<sup>5</sup> allowing an ExCom to be enlarged from 25 to 30 members in order to better take small scale fishermen onboard. The BSAC had followed up on these rules and decided to have the possibility to extend the ExCom membership from 25 to 30 members.

**A fisheries representative from Sweden** underlined that her organisation has many members, including both large and small-scale vessels. She confirmed that she represents and speaks also on behalf of its small-scale members. Therefore, in her view, there is no need to calculate the share of small-scale fleets in order to reflect it in the BSAC membership.

**A small-scale fisheries representative** proposed to prepare an inventory of the BSAC membership in order to identify the share of the vessels below 12 m. Such an audit could be the first step in dealing with the definition of small-scale fishery.

**The BSAC Secretariat** proposed to ask the Members States to inform the BSAC about the criteria they, nationally, use for attributing vessels to the small-scale fleet segment and what percentage that would represent of their entire fishing fleet, as well as how it would look if they used the EMFAF definition. Such information would be helpful to gather data upon which to base further discussions.

**The Focus Group** supported the Secretariat's idea and asked the Secretariat to prepare such a letter and circulate the draft to the Focus Group for further consideration.

**Small-scale fisheries representatives** proposed, in addition, to ask the BSAC members to provide information on the share of small-scale vessels in their respective organisations, in view of the fact that some Member States will probably provide an aggregated data for both the North Sea and the Baltic.

#### **The Focus Group agreed on the following steps forward:**

- the Secretariat will draft a letter to the Member States, as set out above in order to gather data upon which to base further discussions. , and circulate it to the Focus Group for further consideration. The Secretariat is also invited to reflect on other ways to advance the work of the Focus Group and share its ideas and suggestions in due time.

---

<sup>5</sup> Delegated Regulation (EU) 2015/242

- the report of this meeting will be circulated to the BSAC members for information before the Extraordinary General Assembly in April, notwithstanding the progress report that the Focus Group Chair will make at the BSAC 2024 ordinary General Assembly.
- In light of the information gathered at the next meeting of the Focus Group (to be decided) the Focus will decide on how to advance work in order to deliver in the terms of references.

**The Focus Group Chair** thanked all participants for good discussions.

---