

BSAC report from Agriculture and Fisheries Council

Public session, Monday, 29 April 2024 17:47

AOB: Fisheries control regulation

Latvia presented an AOB on the Margin of Tolerance. LT and LV fishers would be facing a huge issue because of the provisions regarding MoT (Article 14 of the Control Regulation) when they enter into place. This is related mainly to the bycatch of unregulated species.

Data from fishing logbook from 2023 show that in 72% of small pelagic fisheries have bycatches of unregulated species of 2% or slightly more. The MoT threshold of 10% per species would be surpassed.

When fishing for herring and sprat there is a bycatch of unregulated species including the undesirable and invasive round goby. The cumulative bycatch of these unregulated species is small, between 1,5 and 2%. It is very difficult to visually determine the volume of these species when at sea, leading to a significant difference when weighing in port. According to regulation this would be a serious MoT infringement with sanctions. This is disproportionate and inadequate. These bycatches are useful in the case of invasive species and unavoidable.

Solutions have to be found and LT and LV ask for special provisions in the Implementing act. Another solution would be to reduce the level of seriousness of the infringement. Otherwise, all fishers will be in breach of the rules.

PL understands the difficulties of estimating the small quantities of small pelagic species and the best legal solution should be found with the Commission.

FI also expressed concern with this MoT. Similar issue was faced by Finnish fishers and many by found themselves in a situation of breach. A reasonable principle should apply, and such breach should not be sanctioned.

GR understood the concerns raised and invited the COM to examine potential adjustments needed.

DK expressed shared concerns. DK voiced concerns when discussing the Control Regulation but also recalled the need for a level playing field and simplification of rules (supporting the letter sent by the Netherlands in that respect).

PT welcomed the point from LT and LV and supported them.

IT understood the concern raised and highlighted that the new control regulation is unrealistic and hard to apply in practice.

SP welcomed the new MoT applicable for EU fleets and 3rd countries fleets in the EU waters. The Commission has made significant efforts to adjust to all the different fisheries in the MS and is very strict for all. Fisheries for catches under 50kg face similar issues in SP and the Commission should look at these issues. Acts to execute the regulation should be proportional.

EE understood the concerns.

FR appreciated that the issue was raised. The implementing acts of the Control Regulation will have to be developed with MS and the COM in close cooperation.

DE also understood the LT and LV issues and called on the Commission to take into account the proposed changes.

LT explained again the issue.

The Commission has exchanged with LT to understand better their suggestions and the issues at stake. There are limits to what the COM can do through the implementing act, there is a defined scope and it only concerns weighting of landings in ports that meets specific conditions and safeguards in order to derogate from the standard MoT of 10% per species. The Commission cannot derogate from the MoT or alter the sanctioning regime for infringements.

To meet the LV request, the Control Regulation itself would need to be amended. Other options are looked at with LV. The COM believes that it would be possible to address the issue at technical level.

The Council took note of the information provided by LV and LT, of the comments of Member States and of the Commission.