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This catalogue contains an overview of twentytwo rules and provisions identified within the framework of the CFP that are redundant burdens on the fishing industry – and should therefore be removed or amended.

unnecessary burdens and redundant provisions

The Control Regulation and related implementing rules and provisions are intended to ensure compliance with the Common Fisheries Policy. Here, a number of rules are superfluous:

Rule #1

LEGAL FRAMEWORK *Control regulation – Regulation 1224/2009, Article 10*

What is it about?

A requirement is laid down that fishing vessels over 15 metres in length must be equipped with AIS and that the competent authorities must use the information for control purposes.

WHAT IS WRONG WITH THE PROVISION?

AIS is an identification system designed for safety at sea by minimizing the risk of collision. The purpose is to ensure that vessels in close proximity to each other are aware of the presence of others and their movements. AIS is transmitted over the VHF signal, and they are thus affected by antenna heights and atmospheric disturbances.

By requiring the system to be used for control, one assumes that signals can be received by the authorities continuously. This is not the case, and outcomes cannot be demonstrated in any way to be due to proven actions or natural causes.

Rule #2

LEGAL FRAMEWORK *Control regulation – Regulation 1224/2009, Article 14.3*

What is it about?

Fishers shall record all catches in their logbook and when they estimate the number of fish they have of a specific species, this must be done within a fixed margin of tolerance.

WHAT IS WRONG WITH THE PROVISION?

The rule must be changed, as it is impossible to comply with in fisheries with large catches, where it is impossible to estimate correctly. The importance of the rule is limited, as all catches later in the process are weighed so that the species are correctly counted against the quota.

For very small quantities it was previously exempted when they were less than 50 kg. There is a significant risk that errors will occur because of flawed estimates. The logbooks also set limitations that mean that quantities can only be written in whole kilograms, meaning that the required accuracy in order to comply with the margin of tolerance cannot be fulfilled. The correct weight of a very small amount of fish can therefore not be stated at all, and errors in estimations are thus inevitable.

Rule #3

LEGAL FRAMEWORK *Control regulation – Regulation 1224/2009, Article 17*

What is it about?

Vessels are required to give prior notification of arrival in port after the end of fishing. The report must include the quantities of fish on board. The time of arrival may not be exceeded if the arrival is earlier than announced unless special permission is granted. The notification must be submitted 2 hours before arrival.

WHAT IS WRONG WITH THE PROVISION?

The rule was created to ensure that fisheries control authorities can be present upon arrival in order to verify that the quantity on board corresponds to what has been recorded in the logbook. However, the rule has been overtaken by technological developments, as logbook data is now electronically transmitted, and vessels are monitored via satellite and AIS. The submitted information is therefore, for the most part, already available, and control upon arrival remains a possibility.

Rule #4

LEGAL FRAMEWORK *Control regulation – Regulation 1224/2009, Article 41*

What is it about?

A requirement has been laid down that authorities must conduct a risk analysis in connection with the control of engine power, where the EIAPP certificate must be used.

WHAT IS WRONG WITH THE PROVISION?

The requirement that the EIAPP certificate must be used for risk analysis for checking the power of engines is wrong. The EIAPP certificate is a NOX measurement made on all diesel engines at a given output. The certificate does not state anything about the maximum performance of the specific vessel. For smaller engines, it is also a certificate that is issued for the engine type, and therefore not at all based on the specific engine installed in the machine.

Rule #5

LEGAL FRAMEWORK *Control regulation – Regulation 1224/2009, Article 44*

What is it about?

Catches covered by multiannual plans must be stowed (placed onboard in boxes) separately on fishing vessels.

WHAT IS WRONG WITH THE PROVISION?

The requirement poses challenges for vessels to stowage their catch, so that the stability and safety of the vessel are a higher priority. The rule has been drawn up to ensure that inspections at sea can more easily create an overview. However, the detailed recording of catches and subsequent weighing on land makes the rule superfluous and ensures correct quota depreciation.

Rule #6

LEGAL FRAMEWORK *Control regulation – Regulation 1224/2009, Article 50*

What is it about?

A requirement has been laid down that vessels must maintain a speed of at least 6 knots when passing through special designated areas. If you cannot maintain this speed, you must immediately contact FMC (Fisheries Monitoring Center).

WHAT IS WRONG WITH THE PROVISION?

The requirement is set to facilitate remote monitoring of an area using AIS and VMS systems. However, the rule means that vessels cannot comply with the international rules of the sea COLREG that dictate that you must reduce speed, adapted to the conditions and the risk of collision. The international rules of the sea COLREG also dictate that in the event of a risk of collision, one must focus on this for as long as the situation lasts. You do not have to spend time contacting FMC. However, the established rule excludes situations of force majeure, to which the rules of the sea COLREG cannot be attributed. The established rule also conflicts with the transition to greener operations, as sailing at reduced speed is one of the tools vessels can use to reduce emissions.

Rule #7

LEGAL FRAMEWORK *Control regulation – Regulation 1224/2009, annex V, Part A*

What is it about?

When fishing in the North Sea, it shall be permitted to land a maximum of 75 kg of crab claws, caught with gear other than pots. The rule means that anything over 75 kg must be whole crabs.

WHAT IS WRONG WITH THE PROVISION?

Crabs caught in nets are so entangled in the net that they cannot be removed in a whole state. Crab claws are therefore torn off, and the rest of the crab is run through a crab crusher. If the rule is maintained, all quantities of crabs exceeding 75 kg of crab claws will have to be thrown back dead into the sea, which is a waste of resources.

Rule #8

LEGAL FRAMEWORK *Commission Regulation 724/2010, Article 5*

What is it about?

Rules are laid down for RTC closures in the North Sea and Skagerrak. The rule is laid down for the protection of juveniles of cod, haddock, saithe and whiting.

WHAT IS WRONG WITH THE PROVISION?

The rules laid down are based on the fact that an area can be closed if a quantity of juveniles is obtained above a set percentage. The area will be closed to fishing for 21 days. For the Skagerrak, however, the minimum size for the North Sea is used to assess the amount of juvenile fish. Since the minimum size for the species are lower in Skagerrak, a closure can take place based on catches of fish that can and must be legally marketed for human consumption. The rule should be amended to the current minimum sizes for the Skagerrak.

The technical measures are intended to ensure the conservation of fish resources and protection of marine ecosystems. This is done through, for example, gear requirements, minimum sizes and landing obligation, where several of the requirements are unnecessary

Rule #9

LEGAL FRAMEWORK *Technical measures – Regulation 2019/1241 (consolidated version), Article 4, 38*

What is it about?

The EU rules on how fishing gear should be designed are very detailed, which can make fishing expensive, cumbersome and less selective. For example, there is a requirement that square meshed nets must be knotless.

What is wrong with the provision?

It is fatal to innovation in fishing that such detailed requirements are placed on fishing gear. At the same time, it is problematic to require that gear types, for example, must be knotless, when there is no evidence that it makes any difference at all. Knotless yarns are significantly more expensive. Another example is that EU requirements mean that you are not allowed to use gear T90 meshes in all areas, except where it is specifically required, even though that has been proven to minimize catches of unwanted species.

Rule #10

LEGAL FRAMEWORK *Regulation 2024/2594 , Article 50*

What is it about?

It shall be prohibited to carry and use equipment capable of automatically sorting herring, mackerel or horse mackerel according to size when fishing with a mesh size of less than 70 mm.

What is wrong with the provision?

The rule has been created to ensure that you do not release the parts of the catch that are not of high value. However, the rule has the consequence that it is not possible during the fishing trip to sort bycatches and store them separately during the trip.

If it were allowed to use sorting on the fishing trip, it would be possible to land both the main catch and the by-catch for optimal use for human consumption, instead of the by-catch having suffered a large loss of quality, which means that it cannot be used for human consumption.

Rule #11

LEGAL FRAMEWORK *Technical measures – Regulation 2019/1241 (consolidated version), Article 68*

What is it about?

The transport of fishery products is subject to a transport document requirement, the contents of which are the responsibility of the transporter. It is therefore the transport company's duty to ensure that fish boxes contain the fish products that appear on the transport document.

What is wrong with the provision?

By assigning responsibility for the content of transport documents to the carrier, a liability is imposed for the correctness that the carrier does not have the necessary knowledge to confirm. This risk contributes to the transport of fishery products more expensive, as the risk can only be offset financially.

Rule #12

LEGAL FRAMEWORK *Technical measures – Regulation 2019/1241 (consolidated version), annex V*

What is it about?

Specific technical requirements are laid down for mesh sizes in fisheries targeting a number of specified species. All demersal species not included in the list must be fished with at least 80 or 90 mm, depending on the area.

What is wrong with the provision?

The rule means that no new fisheries can be developed for demersal species that cannot be retained in 80 or 90 mm meshes. This can be, for example, greater weever that can be caught without significant bycatch in 50-60 mm gear.

Rule #13

LEGAL FRAMEWORK *Commission regulation - 3440/84, Article 11*

What is it about?

A special rule has been laid down for the use of stop nets in trawl gear for the Skagerrak and Kattegat, which states that a stop net may not extend more than 20 meshes into the codend.

What is wrong with the provision?

In other waters, there is no requirement that the stopnet may extend a maximum of 20 meshes into the codend. The requirement means that stopnets cannot be used in practice, as the effect is not fully present. Stopnets are used to ensure that catches already in the gear are not lost during the hauling of the gear. For the Kattegat and Skagerrak, the rule means that there will be a significantly greater loss of catch than in other waters.

Rule #14

LEGAL FRAMEWORK *Commission regulation 2056/2001, Article 4*

What is it about?

A number of exemptions from the general rule for the gear requirements for fishing in the North Sea are provided for in Regulation 2056/2001 Article 4. The rules in general states a minimum and/or max. percentage of catch and landings of certain species, including, for example, cod. For example, at least 70% pollock and not more than 3% cod.

What is wrong with the provision?

After the introduction of the landing obligation 1380/2013 Article 15, all catches of species subject to the landing obligation must be landed. A requirement that there may be a maximum of a certain percentage of a certain species subject to the landing obligation is thus abolished by this rule. For example, if a fisher catches more than 3% cod, the fisher cannot comply with one rule without breaking the other. The rule on the landing obligation takes precedence, and the rule on specific percentages must therefore be abolished.

Rule #15

LEGAL FRAMEWORK *Commission delegated act on the implementation of the landing obligation - Delegated regulation 2019/2238*

What is it about?

Fishers who catch small plaice in the Baltic Sea have to land catches according to the landing obligation. They must be landed and then thrown away afterwards because they are not allowed to be sold for human consumption. In all adjacent waters, plaice has high survival and thus exempted from the landing obligation.

What is wrong with the provision?

Small plaice discarded after catch, have a very high chance of survival. For the same reason, a derogation provision has been introduced for undersized plaice in all other waters. Against this background, the rule that small plaice in the Baltic Sea may not be released must be removed by extending the derogation that applies in other waters.

Rule #16

LEGAL FRAMEWORK *Regulation (EU) No 1380/2013 of the European Parliament and of the council on the Common Fisheries Policy Article 15*

What is it about?

The rules laid down for the landing obligation take precedence over other rules. This means that, for example, it is not possible to carry out experimental fishing with fishing vessels for the purpose of tagging and releasing fish, as this would be in violation of the landing obligation.

What is wrong with the provision?

Research experiments in which catches of sandeel e.g. are tagged and released in order to create greater knowledge about the species cannot be carried out from fishing vessels, as the release of the fish would be in breach of the landing obligation.

This must therefore be left to research vessels with crews that are not commercial fishers with detailed knowledge of the fishery for the species that is being researched. Research vessels are also typically more expensive to operate than renting fishing vessels.

Rule #17

LEGAL FRAMEWORK *Technical measures – Regulation (EU) 1380/2013 of European Parliament and of the council on the Common Fisheries Policy, Article 15*

What is it about?

Landing obligation requires all catches subject to quotas to be landed.

What is wrong with the provision?

Unintended catches of certain species, like Dogfish, tend to occur in large numbers and randomly. Species like dogfish can be difficult to separate from each other due to their specific skin character. In large amounts it can be impossible to retrieve gear in order to sort and land catches. In some cases it can be with risk of loss of stability of the fishing vessel to attempt to retrieve catch. In some cases the codend has to be cut open with a knife to let out catch.

A force majeure regulation should be in place to accommodate for such cases, where breach of the landing obligation is required in order to maintain safety of the fishing vessel.

Rule #18

LEGAL FRAMEWORK *Technical measures – Regulation 2019/1241 (consolidated version)*

What is it about?

All fish products should be recorded in logbooks with a set margin of tolerance. At landing all fish products must be weighed and the set limit of the margin of tolerance has to be compared by the two numbers.

What is wrong with the provision?

There is scientific evidence of fish products changing weight after being caught. In order to make sure the logbook recording is within the margin of tolerance the weight is normally put in based on the estimated weight at landing after weight loss or gain. Inspection at sea prior to landing with control of weight will in many cases not be within the set margin of tolerance.

The regulation thus does not give the fisherman the option of being compliant at all times of the fishing trip.

The EMFAF lays down rules for grants, including provisions on admissibility.**Some of the provisions are superfluous****Rule #19**

LEGAL FRAMEWORK *Commission Delegated Regulation (EU) 2022/2181 of 29 June 2022 supplementing Regulation (EU) 2021/1139 establishing the EMFAF as regards start dates and duration of inadmissibility of aid applications, Article 9, number. 2*

What is it about?

EU rules on admissibility mean that a fisher risks being penalised for the wrongdoings of another fisher if a fisher buys a vessel in which the previous owner has committed an offence.

What is wrong with the provision?

The rule should be abolished, as it is not fair – as in all other cases – to be held accountable for other people's misdemeanours.

This may have major negative consequences for a fisher, as it can mean that he cannot apply for subsidies for, for example, the changes towards more green energy of his vessel, and he risks having to pay back subsidies.

Management plans and TAC and quota regulations set the framework for fisheries and fishing quotas. A number of rules can easily be withdrawn without weakening the overall objection:

Rule #20

LEGAL FRAMEWORK *The MAP for the North Sea – Regulation 2018/973*

What is it about?

Article 4 of the North Sea (and Baltic Sea) Multi-Annual Plan sets a target that there must be less than a 5% probability that a stock's spawning biomass will decrease to a point below Blim

What is wrong with the provision?

The stated objective has become superfluous as ICES recommendations already take this fact into account.

Maintaining the objective therefore means that uncertainties in calculations can lead to fisheries being closed despite the fact that the established management plan is followed to the letter.

The present regulation introduces misinterpretations of protection needs, and is a constant rule of concern and debate.

Rule #21

LEGAL FRAMEWORK *TAC and quota regulation for the Baltic Sea – Regulation 2025/2454*

What is it about?

The annual TAC for the Baltic Sea provides for a closure of all fisheries to protect spawning cod. A number of exceptions to the prohibition are laid down.

What is wrong with the provision?

The established rules, including specifically the exemptions, mean that fishing with vessels more than 12 meters in length or at a depth of more than 20 meters is prohibited, regardless of whether fishing is carried out with gear that cannot catch cod, or whether gear is used where cod is generally exempt from the landing obligation on the basis of high survival rates.

The attempt to protect cod makes it virtually impossible to conduct sustainable and low impact fishing for conch, crab and lobster, with vessels over 12 meters and/or in water depths over 20 meters.

Rule #22

LEGAL FRAMEWORK *TAC and quota regulation for the Baltic Sea – Regulation 2025/2454*

What is it about?

There are EU rules, in the regulations setting the fishing quotas, that say that species can only be fished as by-catches. This applies, for example, to the Baltic Sea, where there is a rule that you can only catch cod and herring as bycatch.

These rules have been set despite the fact that there is also a quota for the species that determines how many fish can be caught.

What is wrong with the provision?

It is pointless to distinguish between by-catches and targeted fishing when it is ultimately the size of the quota that determines how many fish can be caught and thus the impact of fishing on fish stocks.

The EU's distinction between by-catch and targeted fishing allows member states to impose requirements on fishing that in practice makes it impossible to fish for flatfish, for example.

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