



NWWAC views on and issues with the definition of “directed fishing”

1. Background

A first definition of the term “directed fishing” was included in the 2016 proposal by the European Commission on conservation of fishery resources and technical measures COM(2016) 134¹ under Article 6 (4): *“directed fishing means fishing for a defined species or combination of species where the total catch of that/those species makes up more than 50% of the economic value of the catch.”*

However, this definition was not translated into the Technical Measures Regulation (EU) 2019/1241² (TMR) which states in Article 6 (3) that *“‘directed fishing’ means fishing effort targeted at a specific species or group of species and may be further specified at regional level in delegated acts adopted pursuant to Article 27(7) of this Regulation”*.

Article 27(7) states that *“the Commission is empowered to adopt delegated acts pursuant to Article 15 and in accordance with Article 29 in order to further define the term ‘directed fishing’ for relevant species in Part B of Annex VI. For this purpose, Member States having a direct management interest in the fisheries concerned shall submit any joint recommendations for the first time not later than 15 August 2020.”* If the Member States do not submit any joint recommendations, the Commission will have to define “directed fishing” under the ordinary legislative procedure and in line with regionalisation³.

2. Reflection points on the “directed fishing” definition

The North Western Waters Advisory Council (NWWAC) has prepared this document to provide views and to highlight issues to the NWW Member States Group on the development of their joint recommendation.

The NWWAC identifies a clash between Article 27 of the TMR and Article 15 of the CFP in terms of compliance. It is not possible for a fisher to be sure of complying with both these articles at the same time. It is important to consider how this clash can be resolved in order to ensure that the definition of ‘directed fishing’ does not become redundant.

¹ Proposal for a Regulation of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures ([link](#))

² Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures ([link](#))

³ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy ([link](#))

The following points are important to consider when reflecting on the formulation of a definition for “directed fishing”:

1. The term is used in different contexts and for different purposes in the TMR:
 - To specify which mesh size a vessel can use, depending on whether its fishing is directed towards anything, and towards what. I.e. smaller mesh sizes than the default can be used for directed fishing for certain species or species groupings, as described for the NWW in Annex VI Part B of the TMR
 - To prohibit certain fisheries (e.g. for deep-water sharks)
 - To limit access to certain areas (i.e. closures for fisheries that are or are not directed towards a certain species or species group)⁴.

The NWWAC considers that different thresholds may be needed to adequately reflect the different contexts/purposes.

2. Any discussions and decisions regarding specific thresholds should reflect both a) what the fisheries in question are trying to catch (i.e. what they are directed towards, or targeting) and b) which catches need to be avoided, given that a key objective of the CFP – also reflected in the TMR – is to avoid and minimise unwanted catches.
3. When selecting a threshold for directed fishing, consideration should be given to what a high versus a low threshold would mean in practice. It should take into account how many vessels would be able to comply or not comply with the directed fishing definition and how this would impact vessels that cannot comply.
 - With a higher threshold, fewer vessels would qualify to use a smaller mesh size than the default, and others vessels that are more mixed (i.e. where no individual species or species group meets the directed fishing threshold) would have to use the default.
 - With a lower threshold, more vessels would be allowed to use smaller mesh sizes.

Setting the threshold higher may incentivise increased selectivity since only more selective vessels, whose catches primarily consist of the species or species groups they are ‘directed’ towards, would meet this threshold. In any case the NWWAC strongly suggests that any “directed fishing” definitions or thresholds should be based on best available scientific advice.

4. The directed fishing definition could be based on/linked to different metrics. The implications related to different types of metrics that can be used, for example for vessel coverage and potential gear changes, need to be carefully considered.
5. The definition could be applied on different levels, e.g. single trip or average over time per vessel. Key questions to address regarding this topic include how and by whom would this be

⁴ Part C, Point 2.3; Point 5.1; Point 6.1; Point 7.1; Point 8.3; Point 9.1 and Point 9.2.



measured/calculated and how could the issues of a) identifying vessels based on past exploitation patterns and b) not being able to predict catch composition for any single trip, be dealt with.

6. The NWWAC underlines that an assessment is needed of the number of vessels and their catches that would be involved and impacted by the directed fishing definition.
7. Irrespective of what definition is chosen, it is important to consider how the clash in terms of compliance identified between Article 27 of the TMR and Article 15 of the CFP, as mentioned in the second paragraph of this section, can be resolved.

3. “directed fishing” in the North Western Waters

The TMR uses the term “directed fishing” primarily in relation to mesh size regulations for different fisheries. Specific mesh size provisions for the NWW linked to directed fishing are contained in Annex VI Part B.

While the TMR contains an overarching catch limit of 20% of cod, haddock and saithe in the NWW, and additional catch thresholds are defined under Article 13 of Regulation (EU) 2020/123 as well as in the 2020 discard plan⁵, these are not linked to “directed fishing” in Annex VI of the TMR. Furthermore, that NWWAC notes that Article 22 of the TMR appears to indicate that Annex VI of the same regulation can be kept out of consideration as Article 22 supersedes Annex VI.

The NWWAC notes that some Member States have discussed with industry representatives the definition of directed fishing for certain species by percentages or by reference to the square mesh panel descriptions in Part B of Annex VI of the TMR. One possible view is that the definition of directed fishing is already in the TMR when one takes into account these references to square mesh panels. As mentioned in the preceding section this does not rule out the need for scientific evaluation of the definitions.

The NWWAC points out that the lack of agreement on the conditions that determine the use of the mesh sizes without a directed fishing definition, can present a danger, as small mesh sizes may be used for other species. This can lead to unintended consequences that need to be avoided, including the potential different interpretation of a definition by different Member States.

4. Conclusion

The NWWAC acknowledges the need for conditions and circumstances that specify when smaller mesh sizes can be used. The view of the AC is that the chosen approach to define “directed fishing” should be easy to follow for all concerned.

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⁵ for example, Chapter 6 Technical measures – improvements in selectivity; Celtic Sea *For vessels with catches below 10% of gadoids in 7f east of 5 degrees west the following should be used:*

- 80mm cod end + 120mm smp