



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/C1-D3/AK-PCO/dsb/Ares(2022)

Subject: BSAC's recommendations for the fishery in the Baltic Sea for 2023

Dear Mr Zieliński,

Thank you for your letter of 13 July 2022 by which you informed me about the recommendations of the Baltic Sea Advisory Council (BSAC) for the fisheries in the Baltic Sea in 2023. Your letter has retained our full attention, and we are grateful that the BSAC provided the Commission with its input on this important matter in due time.

The Commission is currently preparing its proposal for the Fishing Opportunities for the Baltic Sea in 2023. The various positions and ideas expressed by the different interest groups represented in the BSAC will be taken into due consideration to the extent that they are in line with the legislative framework. I would like to point out that this is not the case for sprat¹ and some minority opinions on main basin salmon^{2,3}. For sprat and

¹ You rightly mention the conditions set out in Article 4(5) of the Baltic MAP. You argue that setting a higher TAC is necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics because i) sprat feeds on cod larvae, and ii) juvenile cod and sprat compete for the same food. BSAC refers to scientific articles supporting such an approach. As you certainly know, the scientific community is divided about this topic, and to our knowledge there is no peer-reviewed scientific advice suggesting to reduce the biomass of sprat in order to help the recovery of the cod stocks. Like in the past years the latest ICES advice actually suggests the opposite.

² The MSY advice from ICES is for zero catches in the entire main basin to avoid fishing on mixed stocks which include salmon from very weak populations. ICES however considers that it is still precautionary to continue a directed fishery during the summer in the coastal areas of SD 29N-31 because the salmon present are not from weak stocks. Under these circumstances it is not possible to reintroduce a targeted open-sea fishery on mixed salmon stocks at other moments in the year or in other areas.

³ Moreover, in the comments section one stakeholder recommends setting the TAC for *western cod* above the F_{MSY} ranges. Legally this is never an option, and even less so for a stock whose biomass is below B_{lim} .

Mr Jarek Zieliński
Chair BSAC Executive Committee
fpaski@me.com
Axelborg Axeltorv 3,
DK-1609 Copenhagen V
DENMARK

herring you mention that some stakeholders argue that the war in Ukraine and food supply considerations should justify setting a TAC in the F_{MSY} upper range. As you point out yourself, such considerations are not included in the current legislation. Let me reiterate my comment of last year that some of the recommended by-catch TACs for eastern Baltic cod are not in line with the special ICES advice on unavoidable by-catches.⁴ Finally, the recommendation to increase by almost 800% the western herring TAC, for which ICES published a zero-catch advice for the 5th year in a row and whose biomass is at 59% of B_{lim} , would not recognize the reality and the need to be cautious.

Regarding western herring, BASC reiterates that the Commission or a Member State should request ICES to advise on a strategic rebuilding plan. ICES has been advising since 2018 to stop all catches of western herring. In addition, ICES has been publishing an annual technical service document about unavoidable by-catches of western herring in other fisheries in the North Sea and the Skagerrak/Kattegat. The Commission has taken the scientific elements as well as the applicable EU legislation, notably the relevant multiannual plans, and the applicable international agreements into account when discussing the management measures for western herring with the EU Member States as well as with Norway and the United Kingdom. It is not clear to us which scientific elements could be missing, and on which ICES could advise, to guide the long-term management of the relevant fisheries. I would invite the BSAC to explain more concretely what it has in mind in that respect.

As regards the introduction of alternative fishing gears to reduce cod by-catches in flatfish fisheries, I am glad that you share our sense of urgency. Let me assure you that we are in the final preparation stage for adopting the relevant legal acts based on the Joint Recommendation from BaltFish. The preparation has unfortunately taken more time than expected because for legal reasons a delegated act and an implementing act are necessary.

As far as your question on including opinions expressed by members of the General Assembly who are not members of the Ex-COM, it is indeed up to the Ex-COM to adopt recommendations by consensus, while dissenting opinions shall be recorded in the recommendations adopted by the majority of the members present and voting⁵. However, “each Advisory Council shall adopt the measures necessary to ensure transparency and the respect of all opinions expressed”⁶. A way to incorporate dissenting opinions from members of the General Assembly that do not belong to the Ex-COM would be to have these opinions supported by members of the Ex-COM. If this is not the case, it is effectively a good solution to incorporate them in the final advice, so that no AC member has the feeling of not having been heard. Another way to solve such issues is to encourage NGOs and other Interest Groups to occupy vacant seats in the Ex-COM, so that their voice is more easily heard⁷.

In the calculation of the *central herring* TAC seem to be two mistakes. First, the Russian share has to be deducted first. Second, the percentage actually applied by BSAC is 7.15% instead of 9.5%. The correct F_{MSY} point value is 84.140t.

⁴ While there is no legal definition of “by-catch”, any catch ratio above 50% seems very difficult to qualify as by-catch. According to the special ICES advice, the TAC level corresponding to a 50% catch ratio would be 1.306 tonnes. For 2021 and 2022 the Council decided to use the 20% ratio.

⁵ Art. 2 © of Annex III to CFP Regulation 1380/2013

⁶ Art. 2 (e) of Annex III to CFP Regulation 1380/2013

⁷ From 12 seats available for Other Interest Groups in the BSAC; 5 seats are vacant.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, or on the wider issue of working methods to ensure efficiency and transparency in delivering meaningful advice for Advisory Councils, please contact Ms Pascale COLSON, coordinator of the Advisory Councils (Pascale.COLSON@ec.europa.eu; +32.2.295.62.73), or Mr Antoine KOPP, policy officer in charge of Baltic Sea fishing opportunities (Antoine.KOPP@ec.europa.eu; +32.2.295.04.18).

Yours sincerely,

Charlina VITCHEVA

c.c.: Guillaume Carruel gc@bsac.dk
Ewa Milewska em@bsac.dk