

**BSAC response to the communication from the Commission to the  
European Parliament and the Council  
“Towards more sustainable fishing in the EU: state of play and  
orientations for 2023”  
(COM(2022) 253 final, SWD(2022) 157 final)**

**Ref: BSAC/2022-2023/16**

DATE: 31/08/2022

## **INTRODUCTION**

The BSAC takes note of the Commission’s Communication and accompanying Staff Working Document. The BSAC provides feedback and comments following the Commission’s request. The BSAC has already sent its recommendation for the Baltic Sea fish stock fishing opportunities for 2023 on the 13<sup>th</sup> July 2022<sup>1</sup>.

### **1. PROGRESS ON SUSTAINABLE FISHING**

The BSAC joins the Commission in welcoming increased sustainability in the EU seas. The particular case of the Baltic, where a reversal of recent improvements is observed, is put forward by the Commission.

The Commission refers to past overfishing and the dire environmental state as the main causes for habitat loss, decrease in the amount of fish and smaller cod sizes. The BSAC does not fully comprehend how previous overfishing can reverse a positive trend and reiterates its concerns about the state of Baltic Sea fish stocks, noting that not only are cod smaller but also herring. The BSAC highlights the need for the environmental factors to be quantified, assessed, and taken into account. This not only applies to nutrient flow and low oxygen levels but also pertains to prey-predator relationships (predation during life cycle, parasites, competition) and habitats loss or severe habitat modification.

The commitment behind the CFP is for it to be based on the available scientific advice. However, the available advice does not always match the challenges inherent with ecosystem-based management, such as natural stock fluctuations and ecosystem regime shifts.

Like last year, the Commission refers to the exception of western Baltic herring for which the BSAC advice to follow the Baltic MAP, as presented in the table of ICES advice, was not followed last year for setting the TAC and adopting more stringent measures. The TAC was set following Article 4.3. of the MAP Regulation 2016/1139<sup>2</sup>, allowing it to be set at any level

---

<sup>1</sup> <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-recommendations-for-the-fisheries-2023>

<sup>2</sup> [REGULATION \(EU\) 2016/ 1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL - of 6 July 2016 - establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the](#)

below  $F_{MSY}$ . This year again, the BSAC did not provide a consensus advice on this stock. Whilst the minority position argues for a zero TAC or a rollover of the 2022 TAC, the BSAC recommendation is to follow the Baltic MAP, setting the TAC at a level equal to 50% of MAP  $F_{MSY}$  lower as presented in the ICES advice. The BSAC also reiterates the call for a rebuilding plan for the western Baltic herring and for addressing the request to ICES for advice on such rebuilding plan.

For the Baltic cod stocks the setting of a by-catch TAC has allowed other fisheries to continue. Again this year, the BSAC reiterated the need to implement as soon as possible the new gears with selective entities developed to avoid the capture of cod and explore all means to push for adoption of such gears. The BSAC draws the attention to the fact that the impact of predators such as seals and cormorants on the fish stocks is missing in the document. Species interactions are to be better studied in order to measure the effects on the fish stocks. This is one of the urgent tasks for rebuilding the relevant stocks.

The BSAC underlines that the Baltic is severely challenged and salutes the Commission mention of the work the stakeholders are undertaking to achieve rebuilding of some key stocks. Fortunately, some pelagic and demersal Baltic stocks are in good health and indicate that effective stakeholder input, scientific advice and management can achieve success when well implemented.

The war in Ukraine has had consequences on Baltic stakeholders with delayed scientific advice for western Baltic herring and a roll-over of the advice for the salmon stocks. The BSAC is also concerned about future assessment of fish stocks shared with Russia in the Baltic and securing data flows.

More broadly, the Commission recognises that the conflict has highlighted the need for further resilience to ensure food security in Europe. The BSAC fully supports this view and brings this rationale in its recommendation for Baltic Sea fishing opportunities<sup>3</sup>. In the above-mentioned context of ensuring the food security, and taking into account the fact that the Baltic multiannual plan (MAP) allows for certain flexibility in setting the TACs, with regard to the healthy stocks, on the condition that the scientific advice considers it necessary to achieve the objectives under the MAP for mixed fisheries, the BSAC recommends the Commission to use the upper  $F_{MSY}$  range.

## 2. STATE OF THE EU FLEET AND ECONOMIC PERFORMANCE

The size of the fishing fleet in the Baltic is not balanced with the available fishing opportunities. The Commission points at the Member State action plans that might not be sufficient to address the imbalances.

---

[fisheries exploiting those stocks, amending Council Regulation \(EC\) No 2187 / 2005 and repealing Council Regulation \(EC\) No 1098 / 2007 \(europa.eu\)](#)

<sup>3</sup> <http://www.bsac.dk/getattachment/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-recommendations-for-the-fisheries-2023/BSACrecommendationsfinal13072022-corrected14072022.doc.aspx?lang=en-GB>

The BSAC underlines that the efforts for improving the Baltic Sea fish stocks status should not only be put on the fishing sector. The reduction in productivity and the numerous environmental factors affecting the sea basin calls for actions in many sectors that rely on access to sea resources. The BSAC is deeply concerned with the fact that the gears aimed at avoiding the capture of cod have not yet been implemented in the Baltic fisheries and that not more is done to incentivise the use of such gears. The BSAC had discussed this issue on several occasions in the past two years and gave substantial input to the BALTFISH Joint Recommendation. In order to avoid the by-catches of cod in the fisheries targeting other species, the BSAC advises that the new gears with selective entities developed to avoid the capture of cod should be implemented as soon as possible. The matter is of utmost urgency for Baltic fishers who depend on fisheries targeting other species, who are at present prevented from using the existing resources.

The rise in fuel prices in March 2022 and in the costs of energy used for processing and storing the catches will further impact the Baltic Sea fleets. There is a need for a more substantial reflection on socio-economic aspects and other kinds of aid to convert or adapt the sector. The BSAC encourages trial fisheries following clear guidelines, and development of fishing methods that are more selective and will help improve by-catch issues. In parallel, work should also be undertaken on nursery area and habitat conservation and restoration, water quality improvement, disturbance reduction, and restoration of continuity between fresh and salt waters for migratory species.

### 3. LANDING OBLIGATION

The Commission points toward the high level of unwanted catches in many mixed demersal fisheries and the important focus on exemptions at the expense of work on improving selectivity. Control and enforcement are thought to be problematic. However, the BSAC refers to the latest EFCA Annual report 2021<sup>4</sup>, showing that the suspected infringements rate in Baltic is of about 2.5% (the lowest one after the Black Sea). In 2021, no infringement to the Landing Obligation was reported (0 out of 36 inspections and 157 sightings) even if the cod ratio on land was lower than the ratio observed during at sea inspections. The workshop organised between BSAC-EFCA-BALTFISH in March 2022 also highlighted that there was overall good level of compliance with the LO in herring and sprat fisheries as well as the salmon fishery. Lower compliance levels were estimated for fixed gears targeting cod and plaice, as well as low and medium compliance levels for towed gears targeting cod<sup>5</sup>. While waiting for the next evaluation report expected in 2023, EFCA also recognised that the level of compliance with the landing obligation in 2019-2021 is higher than in the past.

The BSAC takes note that in March 2021 EFCA organised an extraordinary Baltic Sea Steering Group meeting to discuss the compliance indicators of misrecording of unsorted landings of small pelagic fish (herring and sprat), and misrecording of salmon and sea trout catches. The Baltic Sea Steering Group acknowledged the need to improve the compliance

---

<sup>4</sup> <https://www.efca.europa.eu/en/content/annual-report-2021> Pages 15 and 36

<sup>5</sup> [http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/Joint-EFCA-BALTFISH-BSAC-Workshop-on-Landing-Oblig/WorkshopEFCABALTFISHBSAC07032022reportFINAL-\(2\).pdf.aspx?lang=en-GB](http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/Joint-EFCA-BALTFISH-BSAC-Workshop-on-Landing-Oblig/WorkshopEFCABALTFISHBSAC07032022reportFINAL-(2).pdf.aspx?lang=en-GB)

level of the small pelagic and salmon fisheries. The EFCA annual report 2021 also points out that in the Baltic, misrecording is by-far the most common detected suspected infringement (75% of all infringements)<sup>6</sup>.

In the Baltic Sea, EFCA identifies, in addition to the eel fishery, two gears as having “very high” risk of non-compliance. These are otter and pair trawls  $\geq 16\text{mm}$  and  $< 105\text{mm}$  targeting herring and sprat, and otter trawls  $\geq 105\text{mm}$  targeting demersal species. The BSAC is of the opinion that EFCA and Member States should detail what improvements have been made and what more needs to be done in order to ensure compliance<sup>7</sup>.

The BSAC calls on the Commission to present the results of the evaluation of the Member States’ progress in implementing current by-catch reduction measures.

In the last years, stakeholders around the Baltic have jointly worked on alternative gears, specifically for reducing cod by-catches. During the BSAC Executive Committee on the 30<sup>th</sup> June 2022, a presentation was given on the latest work on the topic. Updates from research in Poland on the development of a selective gear for the flatfish fisheries had followed on the German experiments. Other solutions are being tested in cooperative research projects in Sweden and Denmark.

The BSAC welcomes the submission of the reports on the Landing Obligation by all Baltic Member States.

#### **4. MAIN MESSAGES AND ORIENTATIONS FOR 2023 FISHING OPPORTUNITIES PROPOSALS**

In 2023, the Commission will propose to further maintain/reduce fishing mortality in line with MSY levels. Where management plans allow, like in the Baltic, Commission may propose upper range of  $F_{MSY}$  for healthy stocks. The BSAC recommendations for 2023 fishing opportunities have already been published. The recommendations propose a way forward through the challenging state of some key fish stocks. In light of the strategic role of sprat and herring as food supply in the context of the pandemic and the war in Ukraine, the BSAC proposed considering a temporary flexibility with regard to meeting the set of formal conditions in the Baltic MAP, which allow to set the TAC according to the  $F_{MSY}$  upper value. There are minority positions on this proposal, pointing at the importance of rebuilding stocks in the Baltic Sea for the future and safeguarding fish for direct human consumption.

There is agreement on the continued need to focus on the overall ecosystem, and the other factors that are affecting the well-being of certain stocks. Fishing is one of the factors that is having an influence on the stocks. Several other challenging developments are occurring at the same time, among other species interaction and climate change. Estimation and quantification of the effects of species interactions need to be urgently undertaken.

---

<sup>6</sup> EFCA Annual Report 2021 Page 15, 34, 35.

<sup>7</sup> EFCA Annual Report 2021 Page 59 and 129.

## CONCLUSION

The BSAC can only further testify on the dire environmental situation in the Baltic that is leading, with other factors, the decline of fish stocks. In particular, the growth of the sprat stock is perceived to prevent the recovery of other species. The BSAC has formulated proposals of TACs in light of scientific advice, environmental and inter-species considerations. Many additional management measures are commented upon, striving for the overall objectives of the CFP.

This year, the BSAC also published its White Paper on the CFP<sup>8</sup> that needs to be taken on board in the context of the Commission report on the implementation of the CFP. In that report, the BSAC clearly says that business as usual is not an option and that management and decision making must become more progressive and innovative. The current difficult circumstances only underline this statement.

Finally, the BSAC welcomes the qualification of advisory councils by the Commission as “key stakeholder consultation bodies” and the insurance that recommendations “always have an incidence on the preparatory work and the discussions [of the Commission]”. Bearing in mind the consequences of the Covid pandemic, emission targets, as well as the important workload of the Commission, the BSAC regrets to read that in-person presence of the Commission at our meetings will be reduced. The BSAC further calls for greater regional cooperation with the relevant Member State Group (BALTFISH), Regional Sea Convention (HELCOM) and scientific institutions.

---

<sup>8</sup> <http://www.bsac.dk/getattachment/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-white-paper-on-CFP/White-paper-02-05-2022forprintandweb.pdf.aspx?lang=en-GB>