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Copenhagen Tuesday 18th August 2020

Dear DG for Maritime Affairs and Fisheries,

Subject: European Commission Consultation: Fishing opportunities for 2020 under the
Common Fisheries Policy: Open 17th June 2020 – 31st August 2020

Thank you for the opportunity to take part in the Commission's consultation on fishing opportunities for 2021. The BSAC Executive Committee received a draft reply from the Secretariat, and was consulted through written procedure and invited to provide input or comments. The consultation ended on 17th August 2020. The Executive Committee has been notified in writing of the end of the consultation and finalised reply. Please find below this letter a reply from the BSAC.

Kind regards,



Esben Sverdrup-Jensen
BSAC Executive Committee chair

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**
Towards more sustainable fishing in the EU: state of play and orientations for 2021
{SWD (2020) 112 final}

Ref: BSAC 2020-2021/16

General comments

1. Introduction

The BSAC is pleased to take part in the Commission's Consultation on Fishing Opportunities for 2021.

In its response, the BSAC highlights some of the issues that were put forward in the BSAC recommendations. The BSAC recommendations for **the fishery in the Baltic Sea** were sent to the Commission on 29th June 2020.¹

The BSAC is aware that this year more than ever, the Baltic is severely challenged. Two stocks, the eastern Baltic cod and western Baltic herring stock are faced with zero catch advice. These are key causes of concern as the BSAC awaits the Commission's proposal for TACs and quotas for the Baltic.

The BSAC advice for the fishery in the Baltic in 2021 was developed by the BSAC under difficult circumstances, caused by COVID-19.

Once again, the BSAC highlights that fisheries management and science should focus on the overall ecosystem, as well as other factors that are affecting the well-being of certain stocks. Fishing is just one of the factors that are having an influence on the stocks in the Baltic.

At the same time, several other challenging developments are occurring. Ecosystem, multi-species considerations and food-web interactions must be taken into account in the overall policy orientations. Science should make more effort to solve the problems of regime shift in the Baltic and age determination of cod in the Baltic.

¹ <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-recommendations-for-the-Baltic-fisheries-2021>

2. Progress in achieving MSY

It is positive to note that there has been progress towards MSY. For the north east Atlantic, over all stocks, on average, exploitation levels are close to F_{MSY} . It is also positive to see that for the Baltic (18 stocks in all in the Baltic), the number of stocks outside safe biological limits has fallen from 6 to 3.

However, there is still progress to be made: the number of stocks for which F did not exceed F_{MSY} is 1; the number of stocks for which F exceeds F_{MSY} is at 6.

In particular, two stocks stand out: western Baltic herring and eastern Baltic cod. Whilst understanding the ICES rules in place, a zero catch advice for both these stocks is a major challenge. Despite a zero advice last year for eastern Baltic cod, a bycatch quota of 2.000 tonnes was adopted, and gave fishermen the necessary flexibility to be able to carry out other fisheries without being limited. The by-catch quota set for the eastern Baltic cod was necessary and should be continued.

The BSAC would like to see more MSY advice provided.

The regional multiannual plans provide necessary flexibility in fixing fishing opportunities, whilst keeping within the ranges. It is important to point out that a range is given, provided that the conditions specified in the MAP are met. At the same time, major year to year variations in TACs are to be avoided. The BSAC is concerned about the consequences for fishing and coastal communities of the radical changes proposed in the advice for some stocks. Every effort should be made to avoid such radical changes from year to year.

With respect to plaice, the BSAC would like to recommend that it becomes a targeted species. This would apply to plaice in SDs 22-32 and require an amendment to the Baltic MAP and will change the basis of the advice in terms of MSY and the provision of ranges.

The BSAC recommends an evaluation of the measures implemented for cod protection in 2020 (in the TACS quotas regulation 2019/1838). The BSAC also notes that the COM proposal 2019/0246 on the introduction of capacity limits for eastern Baltic cod, data collection and control measures in the Baltic Sea, and Regulation (EU) No 508/2014 as regards permanent cessation for fleets fishing for Eastern Baltic cod – is still not adopted and the next trilogue to deal with that will be 6th July 2020. Swifter action is required.²

2.1 Biomass trends

The BSAC is pleased with the positive developments, but also recognises that the challenges remain. More effort is needed to bring stocks to sustainable levels and this means work on rebuilding.

The BSAC is worried about the status of the eastern cod stock in the Baltic Sea and the lack of improvements regarding size and distribution of the cod.

² [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2019/0246\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2019/0246(COD)&l=en)

The BSAC recommends that the management measures, including seasonal and spatial closures that have been implemented for cod in 2020, should be evaluated by ICES and taken, if possible, for recommendations for 2022.

2.2. The state of the EU fleet

If there is a systematic reduction in productivity of the whole Baltic ecosystem, there may be a need for an adaptation of fishing capacity and the whole structure of the sector. 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 welcomes the fact that emergency aid was provided to the sector to alleviate the impact of COVID-19. We do not know what the long-term impact will be, which makes the need for a substantial reflection even more pressing.

The BSAC calls on the Member States to develop and provide their action plans, in order to deal with any imbalance between fishing fleet and fishing opportunities.

2.3. The landing obligation

The BSAC takes note of the ongoing challenges on implementing fully the Landing Obligation and the need for greater compliance with it. Control and enforcement are key and not yet been resolved.

The BSAC is aware that discarding continues in the Baltic demersal fishery and supports increased enforcement of the landing obligation rules. A reduction in the level of discarding depends on increased engagement of the industry and the opportunity to develop innovative gear. Monitoring and control at sea in cod concentration areas should be increased. The Commission is carrying out an audit series on how selected Member States ensure control and enforcement. Initial findings are not positive.

The BSAC draws attention to its statement on the need for responsible fisheries and fisheries management³.

The BSAC is not in consensus on electronic monitoring and greater onboard surveillance. Moreover, the smaller vessels still see challenges. These will have to be overcome; we refer to the BSAC letter to DG MARE asking how to solve issues on small vessels.⁴

³ <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-Statement-on-fisheries-and-fisheries-manageme>

⁴ <http://www.bsac.dk/getattachment/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-Recommendations-to-Commission-proposal-on-con/BSACchairBSACrecommendationsControlFollowUpFINAL140520.pdf.aspx?lang=en-GB>

The BSAC strongly urges Member States to work on developing gears that are more selective and that enable the escape of cod. Fishers should have the legal possibility to use the selective fishing gears that are tested and where it is scientifically proved they are effective in eliminating cod bycatches. Such gears should be recommended by BALTFISH in joint recommendations to the Commission.

The BSAC makes a strong call on BALTFISH to put pressure on the European Commission and STECF to deal with the joint recommendations coming out of BALTFISH and not to delay them.

3. proposals for 2021 fishing opportunities

3.1. Objectives of the fishing opportunities proposals for 2021

The BSAC supports the overall objective by the Commission as it outlines what it will be basing its proposals on.

The BSAC fully agrees that bringing stocks to sustainable levels, by managing them at maximum sustainable yield by 2020 and beyond and eliminating discards, is the primary objective of the common fisheries policy and remains a priority, also for the recovery of the fisheries sector.

Some stocks remain outside safe biological limits, and it is clear that more effort is needed in that respect. The BSAC is fully committed to meet these challenges in the Baltic. The BSAC underlines once again that there are no short-term solutions.

3.3. Setting fishing opportunities for different sea basins

The BSC is of the opinion that the work on bycatch mitigation tools and measures should be continued in regional groups.

With respect to consultation with non-EU countries, it is essential that Russia, which shares some of the stocks in the Baltic, respects the advice from ICES and maintains its key allocations. This is particularly noticeable for eastern Baltic cod, where Russia does not have a management plan. Built into the advice for cod SDs 22-24 is the assumption of 5.000 t for Russia in SDs 25-32.⁵

⁵ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2020/2020/cod.27.22-24.pdf>

Conclusion

With respect to the comments provided in the staff working document on the contributions of Advisory Councils to legislative proposal prepared in 2019, the focus is very much on the fishing opportunities. The BSAC endeavours to provide advice and recommendations that deal with broader ecosystem issues.

The BSAC notes the table from the case study published in 2020, and the strengths and weaknesses of having Advisory Councils. We will bear these things in mind when carrying out in the coming months an external evaluation of the performance of the BSAC.

Below is the table which presents the BSAC recommendations and the minority positions for EU TACs in 2021. The complete recommendations are available on the BSAC website. They were sent to DG MARE on 29th June 2020.

	ICES advice on fishing opportunities 2021 ⁶		BSAC recommendation for EU TAC 2021	BSAC minority positions
Cod SDs 22-24	<p>Commercial catches 2.960-7.724, recreational catches 1.315 tonnes</p> <p>EU MAP</p>	<p>ICES advises that when the EU multiannual plan (MAP) for the Baltic Sea is applied, catches in 2021 that correspond to the F ranges in the plan are between 4.275 tonnes and 9.039 tonnes. According to the MAP, catches higher than 5950 tonnes can only be taken under conditions specified in the MAP, whilst the entire range is considered precautionary when applying the ICES advice rule. Assuming recreational catches at 1315 tonnes, this implies a commercial catch at FMSY of 4635 tonnes, and a range of 2.960–7.724 tonnes.</p>	<p>F_MSY 4.635 t commercial catch⁷</p>	<p>≤2.960 t⁸</p> <p>(lower F_MSY range) commercial catch</p> <p>5.385 t⁹ commercial catch</p>

⁶ Note that reference is made to ICES headline advice only. More details and nuances may be found in the “Issues relevant for the advice” section of the ICES advice.

⁷ The BSAC recommendation on western cod recreational fisheries is in line with what the recreational fishermen and German anglers advise on recreational catches.

⁸ CCB, FISH, WWF, FANC, EAA

⁹ Danish Fishermen PO

Cod SDs 24-32	ZERO CATCH (NB Russian share 5% based on TAC for east and west – not relevant for zero advice) PA	ICES advises that when the precautionary approach is applied, there should be zero catch in 2021. This advice applies to all catches from the stock in subdivisions 24–32.	Rollover of by-catch quota 2.000 t	0 t¹⁰
Herring SDs 22-24	ZERO CATCH MSY approach	ICES advises that when the MSY approach is applied, there should be zero catch in 2021.	Rollover of 2020 TAC 3.150 t	0 t¹¹
Herring SDs 25-29, 32, ex GoR	range 83.971 -138.183 <u>EU MAP FMSY 101.226 tonnes (9.5% to Russia)</u>	ICES advises that when the EU multiannual plan (MAP) for the Baltic Sea is applied, catches in 2021 that correspond to the F ranges in the plan are between 83.971 tonnes and 138.183 tonnes . According to the MAP, catches higher than	101.226 t	≤97.551 t¹² Consider setting TAC in the lower F_{MSY} range (72.319 – 97.551t) 122.707 t¹³

¹⁰ WWF, CCB, Fisheries Secretariat and Finnish Association for Nature Conservation, European Anglers Alliance

¹¹ WWF, CCB, Fisheries Secretariat and Finnish Association for Nature Conservation, European Anglers Alliance

¹² WWF, CCB, Fisheries Secretariat and Finnish Association for Nature Conservation, European Anglers Alliance

¹³ Danish Fishermen PO and Confederation of Fishermen and Fish Processors of West Lithuania

		111.852 tonnes can only be taken under conditions specified in the MAP		
Herring Gulf of Riga SD 28.1	FMSY EU MAP 35.771 t	ICES advises that when the EU multiannual plan (MAP) for the Baltic Sea is applied, the catches in 2021 that correspond to the F ranges in the plan are between 27 702 tonnes and 41.423 tonnes. According to the MAP, catches higher than those corresponding to FMSY (35.771 tonnes) can only be taken under conditions specified in the MAP	39.446 t	≤39.446 t¹⁴
Herring SDs 30-31	65.018 tonnes PA	ICES advises that when the precautionary approach is applied, catches in 2021 should be no more than 65.018 tonnes	65.018 t	≤65.018 t¹⁵
Sprat SDs 22-	MAP FMSY 247.952 t	ICES advises that when		-

¹⁴ WWF, CCB, Fisheries Secretariat and Finnish Association for Nature Conservation, European Anglers Alliance

¹⁵ WWF, CCB, Fisheries Secretariat and Finnish Association for Nature Conservation, European Anglers Alliance

32	(222.958 EU TAC), FMSY upper 316.833 and FMSY lower 181.567 t (-10.08% for Russia)	the EU multiannual plan (MAP) for the Baltic Sea is applied, catches in 2021 that correspond to the F ranges in the plan are between 181.567 tonnes and 316.833 tonnes. According to the MAP, catches higher than those corresponding to FMSY (247.952 tonnes) can only be taken under conditions specified in the MAP	222.958 t	≤222.958 t Consider setting the TAC in the lower FMSY range (163.265 – 222.958 t)¹⁶ 284.896 t ¹⁷ 241.669 t ¹⁸
Plaice SDs 22-32	SD 21-23: advice MSY approach 5.176 tonnes SD 24-32 advice PA: 3.297 tonnes		7.754 t	≤7.754 t¹⁹
Salmon SDs 22-31	116.000 individuals (total catch)		96.600 individuals	Consider a more precautionary TAC of

¹⁶ WWF, CCB, Fisheries Secretariat and Finnish Association for Nature Conservation, European Anglers Alliance

¹⁷ Danish Fishermen PO and National Chamber of Fish Producers

¹⁸ Confederation of Fishermen and Fish Processors of West Lithuania

¹⁹ WWF, CCB, Fisheries Secretariat and Finnish Association for Nature Conservation, European Anglers Alliance

	- Russia 1.9%= 96.600 individuals PA			75.831 individuals
Salmon SD 32	11.800 individuals (total catch) 9.800 – Russian catch 9.3% = 8.889 individuals		8.889 individuals	≤8.889 individuals ²⁰

²⁰ WWF, CCB, Fisheries Secretariat and Finnish Association for Nature Conservation, European Anglers Alliance