

D.G. for Maritime Affairs and Fisheries
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By e mail to MARE-CONSULTATION-FISHING-OPPORTUNITIES@ec.europa.eu

Ref: BSAC/2021_2022/15

Baltic Sea Advisory Council's public ID number in EU Transparency Register:
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Copenhagen Tuesday 24th August 2021

Dear DG for Maritime Affairs and Fisheries,

Subject: European Commission Consultation: Fishing opportunities for 2020 under the
Common Fisheries Policy: Open 9th June 2021 – 31st August 2021

Thank you for the opportunity to take part in the Commission's consultation on fishing opportunities for 2022. The BSAC Secretariat drafted a reply and sent it to the BSAC Executive Committee for comments. It was consulted through written procedure and invited to provide input or comments by 24th August 2021.

The Executive Committee has been notified in writing of the end of the consultation and the reply that will be sent to the Commission.

Please find below this letter a reply from the BSAC.

Kind regards,

A handwritten signature in black ink, appearing to read 'Esben Sverdrup-Jensen', with a long horizontal line extending to the right.

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 2022"
COM (2021) 279 final and accompanying staff working document**

Ref: BSAC 2021-2022/15

1. INTRODUCTION

The BSAC is providing comments to the Commission's Communication and the accompanying Staff Working Document. It takes note of the Commission report on state of play and the orientations that the Commission intends to follow in its proposals for 2022.

The BSAC has already sent its recommendations for the Baltic fisheries for 2022 for those stocks for which advice was available.¹ A reply from the Commission has been received, and the BSAC will comment and react if necessary.² It now waits for the ICES advice on the outstanding stocks (western Baltic cod and Baltic salmon). The BSAC regrets that the advice is delayed, due to the complexity of some issues, but rather than working with incomplete science, it is better to get the complete picture, although it puts pressure on timelines.

2. PROGRESS ON SUSTAINABLE FISHING

The BSAC takes note that in north-east Atlantic fishing pressure declined and fish stocks grew in 2003 – 2019, and that for stocks managed only by the EU good progress continues with adopting fishing opportunities for 2021. The BSAC also takes note of increase in biomass since 2007, in particular for data limited stocks (ICES category 3 stocks).

The Commission highlights the exception of the western Baltic herring where MSY could not be followed; stringent measures were adopted in line with the Baltic MAP. The BSAC did not provide a consensus advice on this stock. Whilst the minority position was for a zero TAC, the BSAC recommendation was for a rollover of the 2020 TAC.

The BSAC underlined the need to take into account the socio-economic consequences of a zero advice on the fishing industry. ICES repeats its zero advice for 2022.

The BSAC again this year recommends a rollover of the 2021 TAC and adds that there is a need for a more sustainable solution for the fish and the fishermen allowing the limited and small scale directed fishery in the Baltic to survive, while also allowing the Baltic and 3A herring and sprat fisheries to continue.

¹ <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-recommendations-for-the-fisheries-2022>

² <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-letter-on-advice-for-sprat>

Linking into management across management areas and with non-EU States, the Baltic should not be the only area to bear the brunt of any reduced fishery.

The Commission refers to the additional measures in the form of permanent cessation for fleets fishing for western Baltic herring and western and eastern Baltic cod. These were necessary measures and confirm the difficult situation that Baltic fisheries faced last year and continue to confront. Setting a by-catch TAC of eastern Baltic cod and of cod in SD 24, as recommended by the BSAC, was essential in order for other fisheries to continue, such as flatfish, and some subsistence fishing, and help to avoid any potential bycatch situation in the pelagic fisheries. Whilst appreciating that cod catches should be kept as low as possible, a total closure of the cod fisheries is not realistic or justifiable from a socio-economic aspect. There was a minority position for zero catch of eastern Baltic cod.

The Commission also refers to salmon, where ICES did not provide MSY advice in 2020 (only PA advice). The 2021 advice is delayed until September, because the ICES salmon Working Group has concluded that the advice is not compliant with MSY. The BSAC is concerned at the lack of any work on developing a multiannual management plan for Baltic salmon. The BSAC addressed this issue to BALTFISH and did not receive a formal reply. This was raised in recent discussions with the Latvian BALTFISH Presidency and clarification given on the underlying issues. The BSAC appreciates that it is a complicated matter and is ready to provide input and ideas.

There is a detail in the Staff Working Document Section 6.6. on contributions of Advisory Councils on fishing opportunities for 2021. It writes that in the Baltic Sea, most TACs were set at the upper FMSY range of the Baltic Sea Multi-Annual Plan, generally in accordance with the NGOs minority position of the BSAC, whereas the proposal by some NGOs to set quotas at the lower FMSY range was not retained, in accordance with economic and social considerations. Recommendations to use the upper FMSY range were made by the BSAC. The recommendation to use the lower range for western Baltic cod and central Baltic herring was a minority position.

The BSAC has drawn attention to the fact that the social dimension is not given sufficient weight. In the past, under the regional management body (IBSFC)³, decisions took into account consequences for the fisheries and fishermen. The EU multiannual management plans have no social considerations, and management needs a balanced approach.

The BSAC takes note of Brexit and the hard work towards a Trade and Cooperation Agreement with the UK. The BSAC has written to underline the importance of stakeholder participation in partnership with the UK, but also to flag potential secondary impacts on the Baltic in terms of policy and fishery.⁴

³ International Baltic Sea Fishery Commission

⁴ http://www.bsac.dk/getattachment/356dcc58-5c8c-48b6-a019-638ef6110a08/BSAChairLetterDGMarePostBrexit21_22_03.pdf.aspx?lang=en-GB

3. STATE OF THE EU FLEET

The BSAC takes note that despite the impact of COVID-19, the EU fleet as a whole remained profitable in 2020. At the same time there are marked differences, and these are provided in more detail in the Staff Working Document, section 4.3 on the EU fleet performance by region. Losses experienced by the Baltic small scale fleet in 2018 can be expected to be even worse in 2019 and 2020. It is not a rosy picture for the Baltic which is clearly the weakest performer in terms of net profit (SWD Figure 16).

In the Communication with respect to economic performance, the Commission groups together the Baltic and Mediterranean in terms of overfishing and overexploitation (page 5). This is far too simplistic.

The BSAC underlines that if there is a systematic reduction in productivity of the whole Baltic ecosystem, due to other factors besides fishing, there may be a need for further 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. Further discussion is needed on subsidies in the context of fishing capacity, engines and selectivity. The BSAC finds it important to initiate and support the development of new fisheries and fishing methods that meet the need for a selective and optimised fishery. The restoration and conservation of habitats, species, water quality and migration routes also deserve public funding. The fact that there are subsidies which bring the desired target closer should be acknowledged.

4. LANDING OBLIGATION

The BSAC takes note of the latest EFCA landing obligation compliance evaluation report. Results indicate that overall, in most pelagic fleet segments targeting herring and sprat in the Baltic there was high compliance with the landing obligation over the study period (2017 – 2018) and lower compliance levels estimated for fixed and towed gears catching plaice and for towed gears targeting cod.⁵

The BSAC is aware of the need for greater compliance with the landing obligation and the fact that it is closely tied to selective fishing techniques.

In its Staff Working Document (from page 26) the Commission refers to the slow uptake of more selective gears; the objective of the landing obligation is to eliminate discards and avoid, and reduce, as far as possible, unwanted catches, by increasing selectivity. STECF acknowledges that the Member States' reports for 2020 show renewed focus on selectivity trials.

⁵ EFCA Baltic Sea Compliance Evaluation Report for 2017-2018 May 2021

The BSAC agrees that the uptake of more selective gears, while increasing, remains slow and adoption of these gears into legislation remains a lengthy process.

The limited commercial fishing opportunities for Baltic cod, in both east and west, together with the fact that the fishery in SDs 24-32 is exclusively for by-catches, bring into focus the imperative need to use technical solutions to reduce the catch of cod whilst continuing fisheries for stocks that have a good status.

The gears that the fishermen are currently obliged to use are no longer fit for purpose, and unsuited to the prevailing stock situation. Several new gear designs are being developed, all aiming to reduce the catch of cod, whilst retaining the flatfish species. The roofless gear designed by German scientists is the one best documented at present, whilst other solutions are being tested in cooperative research projects in Sweden and Denmark. None of the gears has yet been tested on a broader scale in practical commercial fisheries. At the BSAC Joint Working Group on 8th -9th June 2021, Germany gave an update on the trials and developments currently underway and progress towards a Joint Recommendation from BALTFISH.⁶

Selectivity projects have got to lead to real and permanent changes and adoption of regulations and new gears. Member States must make more and real effort to help with this. The role of the industry is to test the gear. If the scientific evaluation is required then there is fisheries administration, which if responsible should use EMFAF funding to support it.

The BSAC maintains a proactive approach with regard to selectivity and to enhancing improved co-operation between fishermen, scientists and net-makers.

5. MAIN MESSAGES AND ORIENTATIONS FOR 2022 FISHING OPPORTUNITIES PROPOSALS

5.1 Key steps towards setting the 2022 fishing opportunities

As stated, the BSAC has already delivered its recommendations for 2022 and anxiously awaits the Commission's proposal for the Baltic. The challenges for the Baltic continue.

For example, ICES has again advised zero catches for the eastern Baltic cod and the western Baltic herring stock.

The BSAC advice is to maintain a bycatch TAC for the eastern Baltic cod and for a rollover of the 2021 TAC for western Baltic herring. There are minority positions for these stocks.

The BSAC continues to underline 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. Ecosystem, multi-species considerations and food-web interactions must be taken into account in the overall policy orientations. Science should make more effort to understand the underlying causes and problems.

⁶ [http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Joint-Working-Group-\(3\)/WG89062021REPORTFINAL.pdf.aspx?lang=en-GB](http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Joint-Working-Group-(3)/WG89062021REPORTFINAL.pdf.aspx?lang=en-GB)

The BSAC provides advice and recommendations on the management of the Baltic fish stocks and takes into account multi-species considerations and interactions.

One example is the advice for sprat and reference to interspecific interactions. Moreover, the ICES advice for Baltic sprat⁷ states that misreporting has occurred in the past, with sprat misreported as herring in recent years. Fisheries organisations are cooperating with the authorities to eliminate misreporting.

5.2 Objectives of 2022 fishing opportunities

The BSAC appreciates that the objective is to maintain/reduce F in line with MSY for MSY-assessed stocks and to fully implement management plans that set MSY ranges of mortality. The BSAC fully notes the ranges and the degree of flexibility provided, as well as the additional conditions in the Baltic MAP associated with using the upper range. The BSAC is not in consensus. Whilst the BSAC draws attention to the fact that the entire MSY range is considered by ICES as precautionary and where relevant catches should be maximised to the highest level recommended by ICES, minority positions tend towards the MSY lower value. In the case of sprat this is not so clear cut this year, with a minority position recommending an FMSY upper value, in order to reduce the negative impact of sprat preying on cod eggs.

CONCLUSION

The BSAC supports the overall objective by the Commission on the need to protect resources. At the same time, the BSAC draws attention to the need to ensure food supplies and sustainable revenue for EU fishers. The need is twofold: to protect resources, and to ensure food supplies and sustainable revenue for EU fishers.

The BSAC also underlines that selectivity is the key and looks forward to seeing the Commission review of the technical measures and its Action Plan to conserve fisheries resources and protect marine ecosystems.

⁷ <https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2021/2021/spr.27.22-32.pdf>