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Ref: BSAC/2017\_2018/8

Copenhagen 6<sup>th</sup> September 2017

Subject: European Commission Consultation: Fishing opportunities for 2018 under the Common Fisheries Policy: Open 6 July 2017 - 15 September 2017

Please find attached the contribution from the Baltic Sea Advisory Council concerning the above. The BSAC Executive Committee has been consulted and asked for input. The document was finalized by means of written procedure. The Executive Committee was informed by letter on 4<sup>th</sup> September 2017 that the contribution will be forwarded to DG Mare.

Kind regards,



Reine J. Johansson  
Chairman of the BSAC

Copenhagen 6th September 2017

**BSAC comments to the  
COMMUNICATION FROM THE COMMISSION  
on the State of Play of the Common Fisheries Policy and Consultation on the Fishing  
Opportunities for 2018  
Stakeholder Consultation**

Thank you very much for the Commission's Communication on Fishing Opportunities for 2018 and for the opportunity to send a reply on behalf of the Baltic Sea Advisory Council. It was made public after the BSAC held its Executive Council Meeting on 29<sup>th</sup> June 2017. That meeting was very much taken up with the ICES advice for the Baltic fishery for 2018 and with finalising the BSAC recommendations for the Baltic fishery 2018, which were adopted on 7<sup>th</sup> July 2017.<sup>1</sup>

We appreciate the new format of the Communication, also covering the state of play of the CFP since 2013 and including a chapter on the Advisory Councils.

Our response to the Communication also gives us the opportunity to highlight some of the issues that were put forward in our recommendations concerning the advice on the management of the Baltic cod, which is the key cause of concern right now as we wait to see what the Commission's proposal for TACs and quotas for the Baltic will contain.

**1. Introduction and General comments:**

The BSAC is aware that the assessments from ICES offer the best available picture of the development in stocks, and the advice provides ranges in line with agreed management plans and/or requests for advice from contracting parties. It does not take into account socio-economic considerations. Therefore, socio-economic aspects need to be considered by managers in the decisions they take. The members of the BSAC are concerned that for some stocks, the advice contains drastic changes in the assessment of spawning stock biomass (SSB) from year to year and does not always reflect the actual stock development. Therefore, the advice cannot always be translated immediately into practical fisheries management. They express the view that a more sensible approach to fisheries management should be reflected by the advice, e.g. in recommending a long-term, step by step approach in the case of changes to the fishing mortality.

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<sup>1</sup> <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-recommendations-for-the-fishery-2018>

For several stocks in the Baltic, the latest assessment from ICES has shown remarkable changes compared to the assessment of the previous year. This is particularly the case for Western Baltic cod Sub-divisions 22-24, plaice in Sub-divisions 21-23 and herring in Sub-divisions 22-24. The BSAC is concerned about the consequences that these radical changes have on management if a pragmatic way of translating new knowledge to practical management is not accepted. It is not acceptable that a responsible decision, taken on a sound scientific basis in a particular year, suddenly becomes irresponsible because ICES has acquired new knowledge. It is also unfair to demand that the industry adapts to a fast-moving target from year to year.

## 2. Progress in achieving sustainable fisheries

### 2.1 Progress in achieving $F_{MSY}$

The Communication states that for the Baltic Sea, TACs for 2017 have followed the multiannual plan. The herring and plaice TACs are in line with  $F_{MSY}$ ; the TACs for sprat and salmon are below  $F_{MSY}$ . Western cod is giving cause for serious concern, so the TAC was reduced by 56 % for 2017 and other measures have been taken to help rebuild this stock. There have been TAC reductions for eastern cod (-25 %), for Gulf of Finland salmon (-20 %) under the precautionary approach, and Gulf of Riga herring (-11 %). The main basin salmon TAC follows MSY and has remained unchanged in the last years; together with reducing unreported catches and national river-specific measures, this has helped boost the number of returning spawners.

### 2.2 Biomass trends

The BSAC welcomes the general good development that is taking place in the stocks in the North-East Atlantic and adjacent waters – including the Baltic - with respect to progress in meeting the MSY objective, the biomass trends and the increasing percentage of stocks within safe biological limits.

### Economic performance of the fleet

The latest STECF Annual Economic Report confirms that the EU fleet's economic performance has improved significantly in recent years. Preliminary data for 2015 points to a continued upturn and the economic forecasts for 2016 and 2017 remain upbeat.

The North Sea and North-East Atlantic fleets tend to perform better than those in the Mediterranean and Black Sea. Recent studies and scientific publications suggest that the EU fleet could substantially improve its economic performance if the biomass of all exploited stocks recovered to MSY levels.

However, concern about the fact that the economic situation of certain **small-scale coastal fleets**, in particular in the Mediterranean basin, continues to show signs of slowing down, in contrast with the overall improvement in the EU large-scale and distant-water fleets. This is referred to in the Commission staff working document on page 14. What can we do about this? What remedial measures etc can be taken?. How did the Commission come to this conclusion? The significant reduction in the TAC for western Baltic cod is a challenge for Baltic fishermen.

## **2.4 Decentralisation**

The new CFP promotes decentralisation for fisheries management, consisting of regional multiannual plans and delegated acts shaped through regionalisation.

### **2.4.1 Multiannual plans**

An important step in this direction was the adoption of a multiannual plan for the Baltic Sea in 2016.

At a BSAC Joint WG meeting on 7<sup>th</sup>-8<sup>th</sup> June 2017, the BSAC Working Group members took note of the way in which ICES had interpreted the Multiannual Plan for the Baltic (MAP) and had incorporated it into the advice for 2017, as well as the values in the ranges in Annexes I and II of the MAP<sup>2</sup>.

Based on the discussions in the Working Group, the BSAC would like to repeat that there is a need to establish a procedure for changing the reference points in the Annexes I and II as new data becomes available. The provisions in Article 4 (6) of the Multiannual Plan, whereby the Commission may submit a proposal for the revision of the conservation reference points, is not considered sufficient.

The Commission put forward a proposal for a multiannual management plan for Baltic salmon back in 2011. It is not mentioned in the Commission's Communication, and the BSAC draws attention to the urgent need to finalise the salmon management plan. In its recommendations on technical measures, the BSAC reserved its position with respect to salmon and recommended to the Commission to give priority to work with a salmon multiannual plan.

### **2.4.2 Delegated acts under regionalization**

The BSAC takes note that 15 discard plans have been developed for phasing in of the landing obligation. And that joint recommendations on fisheries conservation measures in line with Article 11 of the CFP have been less forthcoming: a comment here is on the need to give ACs more time to be heard and develop advice, or the process depends on the Member States concerned.

### **Advisory Councils**

The Communication informs that the number of recommendations between 2013 and 2016 increased by over a third. A comment here is that the quality of the recommendations is also important, not just the volume. The BSAC appreciates that the Commission values the role of the Advisory Councils in regionalisation.

## **2.5 The landing obligation**

Today, nearly all commercial fisheries in the Baltic Sea fall under the landing obligation. Overall, reports from Member States have highlighted a number of challenges requiring concerted efforts from industry and administrations.

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<sup>2</sup> [http://www.bsac.dk/getattachment/BSAC-Resources/Documents-section/European-Parliament-and-Council/MAMPBaltic2016\\_1139http\\_\\_\\_eur-lex-europa.pdf.aspx?lang=en-GB](http://www.bsac.dk/getattachment/BSAC-Resources/Documents-section/European-Parliament-and-Council/MAMPBaltic2016_1139http___eur-lex-europa.pdf.aspx?lang=en-GB)

The BSAC appreciates the fact that the Commission will pursue efforts to discuss with Member States and the sector how to make use of the available tools to mitigate choke effects and to address issues around the marketing of undersized catches. The industry and Member States should also do more to improve data on discards, so as to assess the practical impact of the landing obligation, and to put in place the necessary control and enforcement tools.

Encouraged by the occurrence of a very strong 2016 year class of cod from the Western Baltic area, scientifically verified in the latest advice from ICES<sup>3</sup>, the BSAC would like to take the opportunity to reiterate its recommendation to give fishermen increased flexibility and better possibilities to modify the fishing gear used in demersal fisheries, whilst at the same time ensuring full accountability of what the fishermen catch and compliance with the landing obligation.

The BSAC is concerned that the potential benefits of the 2016 year class can be seriously hampered unless fishers can benefit from using alternative and improved fishing gear than that legally accepted today. The BSAC repeats its call for an immediate change of the technical regulations governing the demersal fishery in the Baltic. The sooner this is done, the more undersized cod will be saved. This was stated in the BSAC recommendation of 7<sup>th</sup> July 2017.<sup>4</sup>

A reduction in the level of discarding depends on increased engagement of the industry and the opportunity to develop innovative gear.

### **3. Proposals for 2018 TACs**

Fishing opportunities for 2018 will follow the CFP objectives and be based on the best available scientific advice. Where no scientific advice is available, the Commission will apply the precautionary approach in line with the CFP objectives.

With reference to the western Baltic cod, the stock that causes most concern, the majority of the BSAC has shown a general scepticism towards the validity of the revision by ICES of the SSB. Therefore the BSAC advises a “middle road” in setting the TAC for Western cod in 2018 (and 2019). The middle road would be to increase the TAC for Subdivisions 22-24 by 3.000 tonnes to 8.597 tonnes in 2018 and then to set the TAC for 2019 on the basis of MSY, if the stock has increased to more than  $MSY B_{trigger}$ .

The minority group<sup>5</sup> is in favour of setting the TAC in line with the ICES advice corresponding to the MAP with  $F_{lower}$  giving a commercial catch of 1.376 tonnes (total catch of 3.130 tonnes). They do not support a quota transfer from the Eastern Baltic cod TAC to the Western Baltic cod TAC.

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<sup>3</sup> <http://ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/cod.27.22-24.pdf>

<sup>4</sup> <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-recommendations-on-technical-measures-for-the>

<sup>5</sup> WWF, Oceana, The Fisheries Secretariat, Coalition Clean Baltic, European Anglers Alliance, Finnish Association for Nature Conservation, Latvian Fisheries Association

Another OIG organisation<sup>6</sup> is flexible with respect to the TAC advised by ICES, on condition that all catches count against the TAC, and notes that full accountability would enable free choice of gear.

A small-scale fisheries organisation<sup>7</sup> is of the opinion that the calculation leading to the TAC of 8.597 tonnes is too theoretical and far away from the ICES advice. Therefore, it is in favour of setting the TAC at 6.066 tonnes and does not agree to abolishing the extended spawning closure.

One other interest group organisation has provided a link which refers to its policy brief.<sup>8</sup>

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<sup>6</sup> Baltic Sea 2020

<sup>7</sup> Association of Fisheries Protection

<sup>8</sup> Policy brief from the Fisheries Secretariat:

<http://www.fishsec.org/app/uploads/2017/07/170714-Fishing-opportunities-2018-SAR-FishSec-Policy-brief-final.pdf>