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BSAC 2020-2021/18

Note: This document was updated 17th September 2020 to include contribution from Danish Recreational Fishermen and to correct the heading to remove the word “recommendations”

To BALTFISH: BSAC input on the use of cod fishing closures/spawning closures in the Baltic

Background

BSAC members [fisheries interests and recreations/sports/anglers] have been asked to provide feedback on the effect of the closure periods for fishing cod [western and eastern Baltic cod] according to Regulation 2019/1318.¹ This was raised by the BSAC Executive Committee chair at its meeting on 4th September 2020, and members were asked to provide input as a matter of urgency.

Below is a composite reply from the BSAC to be sent to BALTFISH and copied to DG Mare, in the form of current experience and recommendations.

First of all, general comments from the discussions at the Executive Committee meeting 4th September 2020.

The BSAC is generally concerned about the fact that closures are introduced without securing the means to analyse their effectiveness. The introduction of any closures should be preceded by an analysis of whether they will have an effect on the stock in question.

Several fisheries representatives have reported that spawning closures have not been shown to have any measurable positive impact on stock development; at the same time, they have a major effect on the fishing sector. They underline the need to monitor and evaluate the effects of any new or existing closures applied.

The representative of a group of German small-scale fishermen² supports measures, including spawning closures, that aim at the recovery of the Baltic cod stock. In order to evaluate spawning closures scientists need a five-year period. It makes no sense to call for an evaluation every year, before a five-year period is over.

¹ Included in the footnotes to the TAC for SDs 22 and 23 there is a prohibition to fish this quota from 1 February to 31 March, and in SD 24 from 1 June to 31 July. Certain derogations are also in the footnotes. Included in the footnotes to the TAC for SDs 25 and 26 there is a prohibition to fish this quota from 1 May to 31 August. Certain derogations are also in the footnotes.

² Association of Fisheries Protection

Fisheries Management Gotland, regional co-management of fisheries comment that even though Gotland is situated outside the closure areas, they agree that it is important to analyze the effectiveness of the spawning closures by a follow-up analysis during the coming years. FMG is eager to do what it takes to protect the cod, but it is important to work with effective measures.

Some OIG representatives highlight that according to ICES, closures may have a positive effect on the spawning stock biomass. Reference is made to an ICES reply to a special request³, where it states that a potential closure of SD26 for demersal fisheries would protect a substantial part of the EBC stock, while having limited implications for EU flatfish fisheries.

1. What kind of effects have you experienced from the fishing closures?

The representatives of Danish fisheries explain that due to closures, fishermen have been forced away from home and family for prolonged periods. The provisions have put pressure on the fishery in other areas where they do not always have sufficient quota to cover all their bycatches.

The representatives of Finnish fisheries report that Finland does not have activities on the areas affected by the closures, so the closures do not bother them.

The German fisheries representatives highlight general problems and economic losses for fishing companies.

Fisheries Management Gotland, regional co-management of fisheries (answers from some commercial fishermen, not formal position of FMG)

They have not experienced big effects on the commercial fishing industry on Gotland since the fishing takes place mainly in SD28 (outside the closure areas). A few fishermen used to go cod fishing in SDs 24 + 25, but in recent years the seal-damage has increased dramatically, which has resulted in lower profitability (not worth going there). Overall, the fishermen think that other measures (other than spawning closures) probably have more effect on the recovery of the cod population.

The Latvian Fisheries Association report that Latvian fisheries didn't experience any effects, because most of the fisheries in 1st May to 31st August are on summer break.

The Confederation of Fishermen and Fish Processors of West Lithuania states that no ban or prohibition brings anything good; they have simply experienced a restriction on business and freedom of movement.

³ https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2019/Special_Requests/eu.2019.24.pdf

The representative of Polish small-scale fishery notes that over time, spawning closures have become a natural and acceptable part of fisheries management. Closures during spawning are highly recommended. In the past, fishermen could make their earnings during the rest of the year.

In the current situation with a dramatic decline in cod and flatfish in coastal areas, this is not the case. Every fishing trip generates costs. There are no fish in the coastal areas. They observe a drastic decline of the cod stocks, as well as flatfish, which are the main source of income for small scale fishermen.

The Swedish pelagic fishermen report that they have been struggling with overall profitability due to the summer stop for the herring fishery. The summer months (May-August) that are now stopped are usually the best fishing months for the regional smaller fleet in the Baltic. The closure has brought severe economic problems for them. During 2019, 25% of the Swedish regional fishing fleet that have been affected by the summer stop of the pelagic fishery have actually left the fishery entirely. With a continued (and enlarged, as proposed by the Commission) stop next year, the remaining part of the regional fleet may well leave the fishery and close their business during 2021.

The Swedish Fishermen PO report that the eastern cod closure (1.5 – 31.8) has had major negative consequences for the Swedish demersal fisheries along the east coast, even though the fishermen understand the decision to introduce closures, due to the current stock situation. The east coast Swedish fishery for demersal species is now more or less non-existent, and the economic situation for the fishermen is far from good because they have not received any significant financial compensation due to the closure. The fishery using passive gear has already been largely eliminated due to seals and seal damage. The fishery using active gear is fighting for its very existence. Their situation for the fishermen is far from good, and there is a serious risk that many will give up fishing. So, the situation is bleak for many.

The representative of recreational anglers notes that spawning closures and/or differentiated catch limits during spawning periods have economic effects upon recreational fisheries tourism enterprises and also EU citizens recreational opportunities. Such effects must be included in any preceding analysis and later evaluation of regulations.

The Danish Recreational Fishermen inform that the effect has been limited, due to the reduction of the number of cod allowed. The practical impact has been limited, as it is rare to catch even two cod with the limited number of gear allowed for recreational fishermen.

2. Have you found some areas more problematic than others? If so, which?

The representatives of Danish fisheries find all closures problematic, but particularly so where they see no beneficial effect on the stocks, and instead negative effects on the fishers. This is the case with the spawning closures in the western and eastern Baltic, but they have become accustomed to the latter. They also find closures applied to protect a weaker stock in areas where other stocks are abundant (as is the case in SD24) to be counterproductive.

The German fisheries representatives inform that shallow areas less than 20 metres water depth are problematic, especially for small scale fishers supplying local markets, so it was wise to exclude shallow waters from the closure.

The Latvian Fisheries Association clarify that Latvia does not have activities in SDs 25+26 affected by the closures, [nor in western Baltic].

The Confederation of Fishermen and Fish Processors of West Lithuania highlight the the closure of SDs 25 +26 as the most important closure for the Lithuanian fishery; all fishery was closed because of the zero bycatch of eastern Baltic cod from 1st May to 31st August.

The representative of Polish small-scale fishery draws attention to the need to establish a clear definition of the boundaries of the Bornholm Deep; the current specification is problematic and far from reality. At the same time, any fishing in this area should be prohibited.

3. What kind of solutions (if any) have you found to lessen the effect of the stops?

The Danish fisheries representatives do not see any solutions to lessening the effect.

The German fisheries representatives have found open shallow waters, and open other areas for selective trawls to allow the flatfish fishery to continue.

Fisheries Management Gotland, regional co-management of fisheries (answers from their commercial fishermen, not position of FMG)

By carrying out more local and coastal fishing areas, fishing for other species (flatfish etc.). Adapting fishing effort to avoid the predation of seal by fishing closer to the shore during periods when the seals are more abundant. In addition, fishing during summertime when the waters are warmer, and the seals are more absent. Further processing of the products to increase the value. The overall focus has been to find new ways to adapt to the situation.

The Latvian Fisheries Association used the closure this time to repair fishing vessels and prepare for the new fishing season.

The Confederation of Fishermen and Fish Processors of West Lithuania did not find any solutions in this situation because vessels had to stay in the port for all this time.

The representative of Polish small-scale fishery highlights current mismanagement, over-fishing in many areas and the use of less selective fishing gear as the cause of problems, and solutions to these need to be found. The authorities responsible for suspending fishing should pay particular attention to those directly affected by closures.

4. What would the BSAC recommend for the footnotes for 2021, while maintaining protection for cod?

The Danish fisheries representatives recommend that the closure in SD22 should be removed, as it is counterproductive.

In view of the **fisheries representatives from Denmark, Germany and Poland**, a targeted fishery for cod should be allowed in the western part of SD 24, without the inclusion of closures.

The Danish fisheries representatives go on to recommend sub-dividing SD24 and allowing a targeted fishery for cod in the western part of the SD. This means drawing a line from Smygehuk on the Swedish coast to a point East of Swinoujscie in Poland where the line between SDs 24 and 25 touches the Polish coast. With this line in place, fishery west of the line would be regulated as the rest of the fishery in SDs22-24, and fishing for flatfish east of the line should be allowed with gear that has a documented reduced catch of cod, such as the so called topless trawl. [see at end of this paper]. They also recommend setting a higher bycatch quota for cod in the eastern Baltic to allow for targeted fishery for other fish and make the use of selective gear compulsory.

The Estonian Fishermen's Association informs that the closure starting from 1st May shortens the pelagic fishing season by 2-3 weeks. There is a need to discuss and introduce flexibility to the timing of the closures. A less specific formulation in the TACs and quotas regulation - in terms of dates - would make this possible.

The German fisheries representatives also recommend that temporary cessation aid (or any de minimis aid with the same effect) be allowed during spawning closures.

The representative of a group of German small-scale fishermen⁴ supports the closure of all trawl fishery for the protection of cod during the spawning season. He also recommends that the closure of SD22 is extended to include January [i.e. 1st January - 31st March], in order to prevent a concentration of fishing activities in January in this small area in order to protect the only strong year class 2016.

Fisheries Management Gotland, regional co-management of fisheries (answers from some of their commercial fishermen, not position of FMG)

Address the seal problem and the problems connected to that (trade, parasites etc.).

The Latvian Fisheries Association informed that in 2017, together with a Polish organisation, they began to work on an eastern Baltic cod corrective action plan. This was in order to lift the suspension of the MSC eastern cod certification. They think that fisheries should work closely together, also with ICES, to develop an action plan for eastern Baltic cod. This effect is due to illegal cod fishing, and if the current situation continues, there will not be any eastern cod in the future.

The Confederation of Fishermen and Fish Processors of West Lithuania point out that if there is a fishery closure, compensation should be provided. They are currently left to the will of fate.

A representative of the Polish fishery, National Chamber of Fish Producers, draws attention to the particular difficulties experienced in 2020 due to the eastern cod bycatch TAC. It has effectively put a stop to pelagic fishery from 1st May to 31st August. Once the TACs and quotas are adopted, the administrations must explain to the sector in a very concrete way how they can be utilized. A clear recommendation before the regulation is adopted for 2021 is to leave the figures for the cod TACs blank and not to specify the dates or areas for closures until there has been a dialogue with administrations and industry on the appropriate way forward.

The representative of Polish small-scale fishery states that the recommended cod fishing opportunities will force many fishermen to scrap their vessels. Focus should be on the people and finding provisions to aid permanent cessation of fishing activities. With the current cod quota, there is no chance to find a reasonable solution for the cod fleet to continue their operations.

The Commission recommends limiting the fishing capacity, but current regulations are a big obstacle to do so. One example of this would be the requirement of a specific number of days at sea for fishing vessels to be active, whilst at the same time prohibiting direct fishery for cod. Current rules on scrapping favour pelagic vessels.

⁴ Association of Fisheries Protection

The Sweden Pelagic Federation PO (SPF) sees no reason for stopping the pelagic fishery at all, since there are very small bycatches of cod, **and no scientific proof that this fishery disturbs the cod reproduction.** [SPF added the bold to the wording]

The Fishermen's Federation for Small-Scale Fishery in Sweden (SYEF) draws attention to the ban from in the eastern Baltic from 1st May to 31st August. Since 2014, ICES has recommended that pelagic trawling should be excluded from SDs 25-26 in favour of the cod stock in the Baltic Sea, so as to give it a better chance of recovery by not being disturbed during the spawning period. SYEF fully supports this.

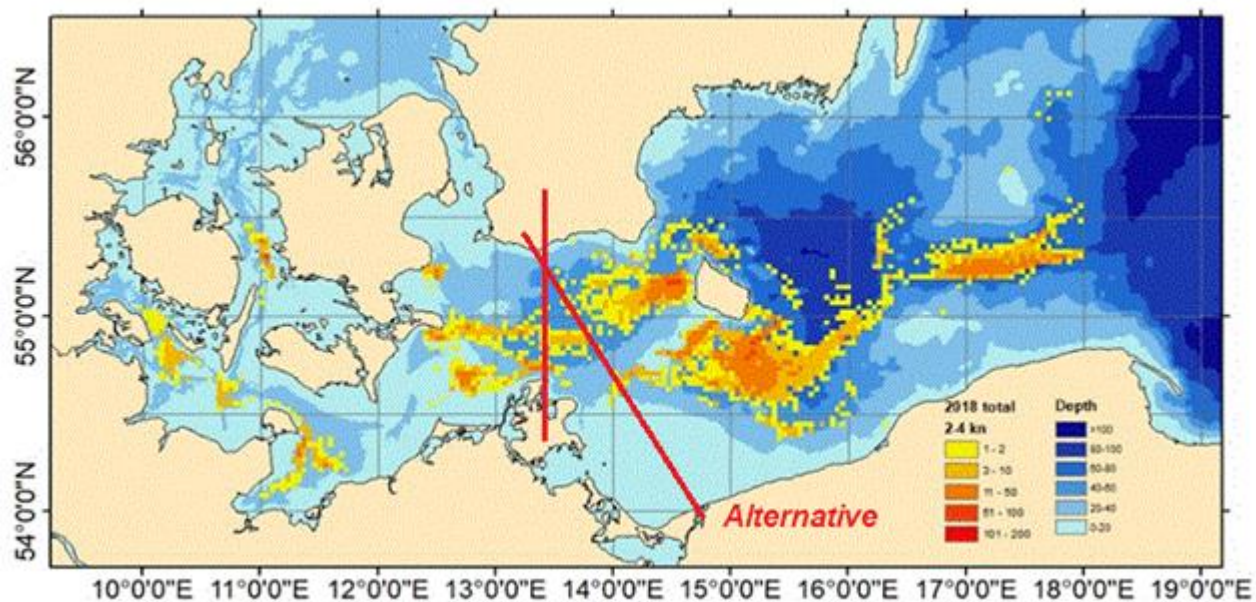
However, the consequence of the Commission's action to stop all trawling in SDs 25-26 was to stop demersal trawling for herring for human consumption. As a result, vessels that exclusively fish for herring for consumption have not been able to supply herring to the local markets.

The current closure period coincides with the high season for most of the vessels affected. According to information, some vessels have already had to cease their operations. If this stop continues in the same form, the risk is that the remaining part of this fleet segment will also disappear. This was not the intention of the closure. SYEF proposes an update of the fishing ban. DG Mare does not allow individual exemptions. SYEF thus proposes an adjustment that would apply to all MSs that border SDs 25-26. SYEF proposes that demersal fishing for herring for human consumption with a minimum mesh size of 32 mm is allowed within the territorial waters of the Member States (12 nautical miles from the coast), even during the closure 1st May-31st August. The proposal will reduce the geographical area that protects cod, but a large part of the original area will still be protected and is the main spawning area.

This adjustment of the provision would be a win-win situation for the time being, until a better solution can be found. It is important to have some kind of protection in SDs 25-26, and at the same time to take into account the coastal communities that are affected from a socio-economic perspective.

The Danish Recreational Fishermen comment that spawning closure do not have any effect, as it does not matter which time of the year a female fish is removed from the stock. It is precisely the same number of eggs that are lost at any time. However, if fish gather for spawning in a way where they are more easily caught, it will make sense to close the precise spawning areas in the precise spawning period, and for the precise gear that will catch the spawning fish.

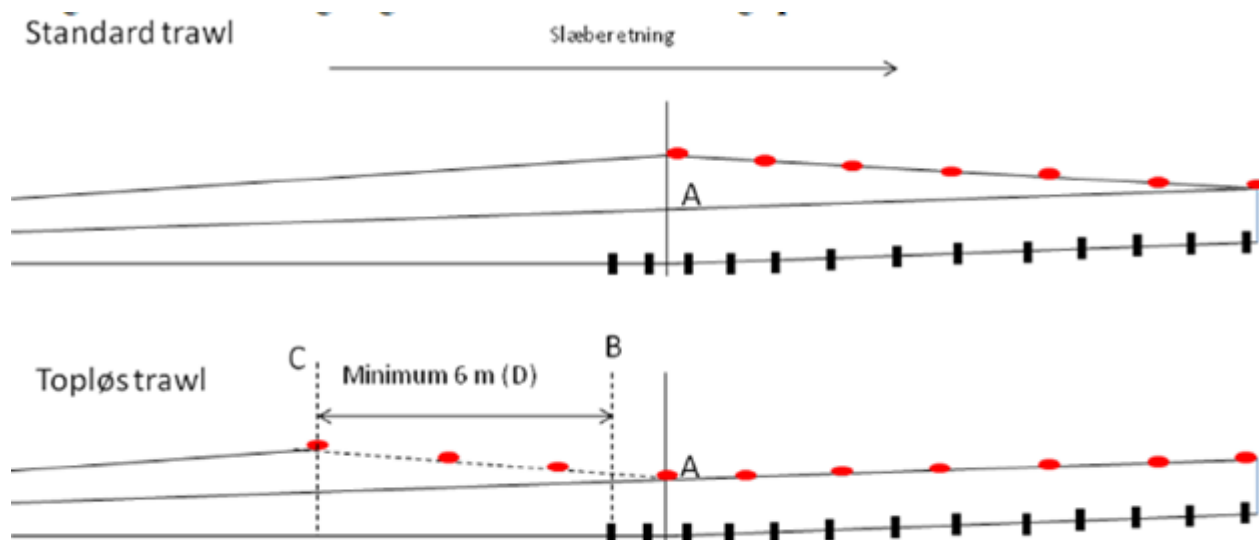
Division of SD 24, proposed above by Danish Fishermen PO



This map included in 2019 BSAC recommendations for fishery 2020

<http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-recommendations-for-the-Baltic-fishery-2020>

Topless trawl as described in the Danish regulation of the fishery in Kattegat



Government order on measures to protect the cod stocks in the North Sea and Skagerrak.
12.8.20

<https://www.retsinformation.dk/eli/ta/2020/1204>