

To: Bernhard Friess, Acting Director-General - outgoing  
And to Ms Charlina Vitcheva - incoming  
Directorate-General for Maritime Affairs and Fisheries  
Rue de la Loi 200  
B-1049 Brussels  
Belgium  
Cc. to BALTFISH Member States  
By e mail

Copenhagen Friday 29<sup>th</sup> May 2020

BSAC 2020\_2021/10

**Ref: The EU Regulation 2019/1838 with respect to the bycatch for eastern Baltic cod and its impact on other fisheries; anticipating the advice for 2021**

Dear Bernhard Freiss,

The TAC/quota Regulation for the Baltic 2019/1838<sup>1</sup> was adopted on 30<sup>th</sup> October 2019.

I asked the BSAC Secretariat to contact DG Mare for clarification about the decision taken on the bycatch TAC for 2020 for eastern Baltic cod. We now clearly understand that since ICES was not in a position to quantify the amount of unavoidable bycatch of cod in non-targeted fisheries, the bycatch TAC of 2.000 tonnes for eastern Baltic cod was arrived at as a best estimate and adopted by Council.

At the initiative of one BSAC Executive Committee member, the Executive Committee was consulted with a draft letter which questioned the implications of the decision in respect to the Technical Measures Regulation 2019/1241, Annex VIII, which requires that by-catches of cod (when using certain mesh sizes) should not exceed 10% of the total catches of all marine resources. Together, the two regulations can show an inconsistency, and which can cause difficulties for fishers and fisheries inspectors when doing their work.

However, the Baltic ecosystem is faced with dramatic changes which are having a particularly negative impact on the eastern Baltic cod stock. The BSAC recently produced a statement calling for a responsible approach to fisheries and fisheries management in the Baltic<sup>2</sup>. The outlook for the eastern Baltic cod continues to be uncertain, and we can expect restrictions on the fisheries to stay in place in the coming years.

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<sup>1</sup> <http://www.bsac.dk/getattachment/BSAC-Resources/Documents-section/Council/ENGForordning-Fiskerimuligheder-sters-en-2020-EN.pdf.aspx?lang=en-GB>

<sup>2</sup> <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-Statement-on-fisheries-and-fisheries-manageme>

The ICES Baltic Fisheries Assessment Working Group and the ICES Baltic Sea Advice Drafting Working Group have recently completed their work. We look forward with some trepidation to reading the ICES advice for the Baltic stocks for 2021. We anticipate a gloomy outlook for the eastern Baltic cod. We very much hope that ICES will be able to provide updated information on the unavoidable by-catches of eastern Baltic cod. If the Baltic TAC/quota regulation for 2021 is to again include bycatch provisions, we would very much appreciate clarification on the source of data that we can use and the principles that should be followed, so we can better prepare our work.

Regulation of the eastern Baltic cod fishery in 2020 also includes a footnote prohibiting the fishery of the cod bycatch quota in SDs 25 and 26 from 1<sup>st</sup> May to 31<sup>st</sup> August 2020. This closure covers a substantial part of the Baltic fisheries. We understand that clarification was necessary concerning the provisions in the footnote. DG Mare has shared with us correspondence with BALTFISH to give clarity to the wording of the footnote.

I find it highly relevant to carry out an evaluation of the cod bycatch provision, as well as of the spatial/temporal closures in relation to other fisheries (pelagic and flatfish). I intend to raise this at the BALTFISH Forum meeting on 8<sup>th</sup> June 2020, so we can share experience gained and discuss proposed adjustments.

One Executive Committee member, Coalition Clean Baltic has advised against sending this letter. Their comments are at the end of the letter.

I have learnt that from 1<sup>st</sup> June 2020 you will be on leave of absence from the Commission. I send you best wishes and thanks for the collaboration we have had. I look forward to meeting and collaborating with Ms. Charlina Vitcheva.

I look forward to hearing from you.

Kind regards,



BSAC Executive Committee chair

Cc: DG Mare Baltic Unit, EP, ICES, EFCA, Council, HELCOM

Coalition Clean Baltic (CCB) have advised against working on and sending this letter as CCB does not consider the questions raised relevant to repeat since they have been answered several times already. As recently as 8th of May the BSAC received a letter, also shared with ExCom, explaining the matter and further details are also given via an earlier response from the Commission to a question from Lithuania. CCB regrets that the BSAC spends time on this instead of providing advice on how to move forward and what remedial measures should be put in place either instead of or in addition to the ones already decided. For example, it is crucial to find a way to quickly address the demersal trawling with substantial by-catch of cod by means of, for example, allowing new gears to be used and further developed and if not, such fishing must be closed as breaches of the landing obligation are obvious.