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Ref: BSAC/2018_2019/12

Copenhagen Monday 20th August 2018

Subject: European Commission Consultation: Fishing opportunities for 2019 under the Common Fisheries Policy: Open 11th June 2018 – 21st August 2018

Please find attached the contribution from the Baltic Sea Advisory Council concerning the above. ./.

The BSAC Executive Committee has been consulted in a written procedure on a draft reply from the secretariat and asked for input. The document was finalized last week and the Executive Committee was informed by letter on Friday 17th August 2018 that the contribution will be forwarded to the DG Mare consultation postbox. Our response highlights key issues relating to the Commission's paper and in particular those Baltic stocks which give most cause for concern. The BSAC has provided full recommendations on the Baltic fishery for 2019 and these are referred to in the reply.

Kind regards,

Steve Karnicki
Acting Chair of the BSAC

**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 2019
Stakeholder Consultation**

The BSAC is pleased to have the opportunity to reply to and comment on the Commission's Consultation on Fishing Opportunities for 2019.¹ The BSAC recommendations for **the fishery in the Baltic Sea** were adopted on 28th June 2018 and sent to the Commission on 4th July 2018.²

Our response to the Communication gives us the opportunity to highlight some of the issues that were put forward in the BSAC recommendations: in particular concerning the advice on the management of the Baltic western herring stock and both the Baltic cod stocks. These are currently the key cause of concern as the BSAC awaits the Commission's proposal for TACs and quotas for the Baltic.

1. Introduction and general comments

The BSAC notes and supports the general outline of the Commission approach to proposing fishing opportunities for 2019:

- the fast approaching FMSY 2020 objective,
- the full implementation of the landing obligation as of 2019 and
- fishing opportunities based on MAPs for the Baltic Sea and the North Sea.

The BSAC would like to draw attention to the fact that the content of the scientific advice on the fishing opportunities is sometimes complex and open to interpretation and discussion. Different management choices can be made on the basis of the advice. Moreover, the latest assessments of some stocks as a result of benchmarking done by ICES have shown drastic changes compared to the assessment of the previous year and lead to a retrospective change in stock perception.

The BSAC repeats its concerns about the consequences of the radical changes proposed in the advice for the Western Baltic herring stock. BSAC notes that the Commission points out with respect to changes in scientific advice due to benchmarks:

¹ https://ec.europa.eu/info/consultations/fishing-opportunities-2019-under-common-fisheries-policy_en

² <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-recommendations-for-the-fishery-in-2019>

*"Where such benchmarks result in very significant differences in advice for 2019 compared to ICES's advice for 2018, the Commission intends to consider capping large variations on a case-by-case basis in order to phase in the advice and to buffer its impact on TAC setting, whilst respecting the legal framework in place."*³

Every effort should be made to avoid such radical changes from year to year. The BSAC is fully aware of the poor status of this herring stock and will address the issue in a dedicated focus group to propose relevant measures as detailed below.

2. Progress in implementing the CFP

The BSAC takes note of the positive and significant progress made, as highlighted in the listed bullet points, in particular with respect to reaching F_{MSY} and rebuilding stocks.

2.1 Progress in achieving F_{MSY}

The Commission Communication states that for the Baltic Sea, TACs for 2018 have followed the Baltic multiannual plan. The BSAC is pleased to note in the Commission report that 95% of the expected catches come from TACs set in line with F_{MSY} and 4% from TACs with precautionary advice.

The BSAC takes note that the Commission is proposing to align the Baltic multiannual plan by providing dynamic references to the best available scientific advice. However, the BSAC is concerned about the procedure being followed to align the Baltic plan by means of an amendment in the proposed multiannual plan for demersal stocks in the western waters⁴, instead of proposing a separate amendment of the Baltic multiannual plan. ICES will be requested to provide the F_{MSY} ranges and conservation reference points to be applied. Some BSAC members have expressed concern about the lack of specified reference points in the Baltic multiannual plan and the fact that ICES will be asked to provide their values. There could also be negative consequences of such flexibility. Socio-economic factors need to be taken into account when applying management strategies.

For the first time, the Council also agreed on a three-month closure of eel fisheries to protect spawners. The Commission and Member States also made a political commitment to reinforce the implementation of the eel regulation and evaluate its effectiveness. The BSAC will hold a meeting of the Ecosystem based Management Working Group on 4th September 2018 to deal with the eel and address questions posed by the Commission.

The Commission has launched a consultation to evaluate the eel management regulation 1100/2007 of 18th September 2007. This is a very important initiative and strongly supported by the BSAC. The BSAC will respond to this consultation in October 2018 and aims to provide substantial input and views on the changes that are needed to the management of eel in the EU.

The BSAC urges the Commission to take into account the responses to the consultation when preparing to draw up further management measures for eel.

2.2 Biomass trends

³ Page 10, section 3.3 of the Communication

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018PC0149&from=EN>: see Chapter XIII, page 27

The BSAC welcomes the reported 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. This is good news. However, 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.

2.5 Governance

As stated in the consultation, regionalisation has also reinforced the role of the ACs, the main stakeholders organisations established under the CFP. Member States have to consult the ACs when shaping their joint recommendations. As result, the number of the ACs' recommendations increased again from 56 in 2016 to 64 in 2017. In 2017-2018, the BSAC produced 10 recommendations and responses to consultations which represents a fair share of the total AC recommendations for 2017.

2.5 The Landing Obligation

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 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. Therefore, the BSAC repeats its call for an immediate change of the technical regulations governing the demersal fishery in the Baltic, to meet the requirements of the Landing Obligation. If the Commission and the European Parliament are not able to deal with a change to the regulation, it should be amended at regional level.

3. Proposals for 2019 TACs

Below is the table which presents the BSAC recommendations and the minority positions for EU TACs in 2019. The complete recommendations are available on the BSAC website. They were sent to DG MARE and Baltic Members States on 4th July 2018 (ref: BSAC/2018_2019/10).

	ICES advised TAC 2019	BSAC recommendation for EU TAC 2019	Minority position
Herring SDs 22-24	0	13.425	0
Herring SDs 25-29, 32, ex GoR	115.591-192.787	183.484 (20% decrease)	136.464
Herring Gulf of Riga SD 28.1	20.664-31.237	31.044	31.044
Herring SDs 30-31	88.703	88.703	88.703
Sprat SDs 22-32	225.752-311.523	280.121 msy upper	270.772
Plaice SDs 22-32	14.160	14.160	10.122
Salmon SDs 22-31	116.000	91.132	64.864
Salmon SD 32	11.800	10.003	9.418
Cod SDs 22-24	9.094 – 23.992 (less recreational catch)	15.021 MAP F_{msy}	6.716
Cod SDs 25-32	16.685 (Advice is for SDs 24-32)	18.168	13.224

Minority position statement:

The Fisheries Secretariat response

"We don't feel that the content drafted by the BSAC secretariat or the process for developing the response are likely to produce a paper that we can sign onto. There are too many individual points included and excluded in the draft that we have issue with for it to be worthwhile for us to put in the time required to respond fully. We therefore wish to record that we cannot support the content of the BSAC response and ask that this note be added as our minority position."