

Director General  
Ms. Lowri Evans  
D.G. Mare  
Rue de la Loi 200  
B-1049 Brussels  
Belgium

Copenhagen 27<sup>th</sup> September 2011

**Re: Proposal for a Council Regulation fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea Com (2011) 562 final: effort management**

Dear Lowri Evans,

The Commission has put forward its proposal, which is now being dealt with in the Council working group in Brussels.

On behalf of the BSRAC, we would like to draw attention to one important issue which has been discussed repeatedly by our members: effort management in the cod fishery. This was a unanimous point in the advice that the BSRAC put forward on 11<sup>th</sup> July.

In its advice, the BSRAC pointed out that there is still need to allow for some derogation in the number of days at sea for the small-scale fisheries. The argumentation for that was based on the growing cod TAC and a fixed number of days at sea allowed, which would mean that there will be an ever-increasing number of small vessels that are not able to catch their allocation. The BSRAC called for an immediate derogation for small vessels.

The proposed increase in TACs for both eastern (+15%) and western (+13%) cod and makes the call for a derogation in the number of days at sea even more pressing.

In Annex II of the Commission proposal, the proposed number of days at sea in sub-division 22-24 and sub-division 25-28 is unchanged in relation to the current year: i.e. 163 in the west and 160 in the east.

We would like to question seriously the way in which the Commission has interpreted the rules in the cod management plan (1098/2007) on how to determine fishing effort. In Article 8, Point 5 it says that if the fishing mortality rate for one of the cod stocks concerned has been estimated by the STECF to be less than 10 % above the minimum fishing mortality rates, the total number of days where fishing is allowed shall be equal to the total number of days allowed in the current year, multiplied by the minimum fishing mortality, and divided by the fishing mortality estimated by STECF. If we take the fishing mortality rate as defined in the current year, we come to the following:

For the western Baltic, the number of days at sea in 2011 is 163. The target mortality is 0.60 and the estimated mortality is 0.57.

We calculate the number of days at sea for 2012 as follows:

$$163 \times 0.6 \div 0.57 = 172$$

For the eastern Baltic, the number of days at sea in 2011 is 160. The target mortality is 0.3 and the estimated mortality is 0.23.

Our calculations give:

$$160 \times 0.3 \div 0.23 = 209$$

If this interpretation is correct, we would call for the proposal on the number of days at sea to be amended accordingly.

We understand that the targets in the cod plan have been reached. But we hope very much that the Commission can investigate the legal possibilities for introducing some flexibility into this year's allocation of days at sea, as well as that for next year, so that Baltic fishermen can take advantage of the increase in the cod stocks as a result of adhering to the cod recovery plan, without being penalised by the mathematics of it.

Kind regards,



Reine J. Johansson  
Chairman of the BS RAC



Ewa Milewska  
Vice-chair of the BS RAC

Copied to: Member states, Fisheries Council of the European Community, European Parliament, Community Fisheries Control Agency, ACFA, ICES, HELCOM and Russian Federation.