

3<sup>rd</sup> July 2019

## **Reply from the BSAC to the Commission targeted questionnaire to the BSAC and to BALTFISH on the Baltic Multiannual plan**

### **Background**

The Baltic Multiannual Plan requires that the Commission reports to the European Parliament and Council on the results and impacts of the plan on the stocks covered by the plan and on the fisheries exploiting these stocks, in particular with respect to the achievement of the Plan's objectives.

The Commission is consulting the most relevant stakeholders, i.e. the members of BALTFISH and the members of the Baltic Sea Advisory Council on their respective assessment of the Plan's performance in meeting its objectives and identifying any weaknesses in design or implementation that undermine its effectiveness.

The Commission provided a questionnaire and the BSAC members were encouraged to send their replies to the questionnaire. The BSAC discussed the questions at its meeting of the Joint Working Group held on 11th – 12th June 2019. The answers provided in this reply reflect the views presented by the BSAC members present at the meeting, as well as consultation by the Secretariat of written input. Also attached is the written input received: this comprises the questionnaires sent to the BSAC Secretariat by seven of its members: the Confederation of Fishermen and Fish Processors of West Lithuania, WWF, the Fisheries Secretariat, Coalition Clean Baltic, the Darłowska Group of Fish Producers and Shipowners, the German Association of Fisheries Protection and the Latvian Fisheries Association.

### **1. Progress made towards sustainable fishing levels**

**Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?**

**To what extent has the MAP contributed to increasing the number of TACs set at MSY?**

**Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?**

The BSAC is of the opinion that the existence of a MAP has not facilitated the process of setting of TACs for the relevant stocks. Several members are of the view that the Plan has actually been counterproductive in this process.

In the BSAC's opinion, the MAP has not contributed to increasing the number of TACs set at MSY and has not helped in dealing with difficult cases such as the eastern and western Baltic cod stocks, western herring and that the provisions in the MAP have in some cases been counter-productive.

It is the general view of BSAC members that the MAP has not satisfied anybody.

The fisheries representatives underline that the framework provided by the MAP is not flexible enough to respond to the fluctuations caused by nature and changes in the ecosystem. In concrete terms, the ranges of target fishing mortality levels set out in Annex I<sup>1</sup> to the Plan are too rigid in the light of inconsistent scientific advice on fish stocks and do not allow for a more adaptive management. In their opinion, the inclusion of a socio-economic clause in setting the TACs would provide for better planning of the fishery in line with the fishing opportunities.

Some OIG representatives are of the view that the achievement of objectives set in the MAP with regard to setting the TACs at MSY has been seriously delayed. The CFP Basic Regulation only allows for the postponement of MSY exploitation rates beyond 2015 “if achieving them by 2015 would seriously jeopardise the social and economic sustainability of the fishing fleets involved”. In their view, to date, no compelling socio-economic evidence justifying such delays in the Baltic Sea region has been made publicly available.

## 2. Discards and landing obligation

**To what extent have discards been eliminated and the landing obligation actually been implemented?**

**To what extent has the MAP contributed to achieving the current situation, notably via discard plans and technical measures?**

The BSAC is of the opinion that the implementation of the Landing Obligation has not been fully successful. The BSAC is of the opinion that the MAP has not contributed to achieving the implementation of the Landing Obligation. For example, it has not provided enough help in terms of the developments of alternative gears or facilitating the removal of gears that do not work. Some of the provisions of the MAP have even been counterproductive in the implementation of the Landing Obligation, for instance the specific measures for flatfish, which have encouraged bad practices in the fishery.

The development of the special exemptions and provisions in Article 7 has not been successful and has led to too much micro-management.

The BSAC appreciates the attempt to create a regional means for dealing with the landing obligation. However, regionalization, with BALTFISH as the managing body, has not succeeded in doing this.

One fisheries representative has experienced elimination of discards and successful implementation of the landing obligation, as well as compliance with control and enforcement. They have also experienced strengthened regional co-operation.

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<sup>1</sup> Subsequently removed by Reg. 2016/1139

### **3. Ecosystem-based approach**

**To what extent has the objective of implementing an ecosystem-based approach to fisheries management, and notably of achieving good environmental status by 2020, been achieved?**

**To what extent has the MAP contributed to the current situation?**

The BSAC is of the opinion that the MAP has actually been counterproductive in implementing an ecosystem-based approach to fisheries, whereby environmental factors and interactions are to become a more integral part of managing the fisheries. Moreover, the MAP does not take into consideration the importance of species interactions. Despite having a clear objective for this in Article 3.3., the MAP does not contain any provisions for allowing for real implementation of ecosystem-based management for achieving good environmental status (GES) by 2020. Stating an objective is insufficient and unnecessary if it is not followed through.

### **4. Control enforcement**

**To what extent have the specific provisions laid down in the MAP (Articles 10-14) allowed the national competent authorities to ensure compliance with the MAP itself?**

**Are there specific control measures that contributed substantially to improve compliance?**

**Are there specific control measures that have instead not contributed to improve compliance?**

**Are there specific control measure(s) missing in the MAP or in the Control Regulation which would improve compliance with the MAP?**

The BSAC is of the opinion that the specific provisions laid down in the MAP have not at all contributed to ensure compliance with the Common Fisheries Policy. The MAP is not a control tool; it simply provides a list of exemptions from the Control Regulation.

The Joint Deployment Programmes and the Specific Control and Inspection Programmes have been more effective than the MAP in dealing with control issues. Adding a layer of provisions within the MAP makes for a very complicated management framework.

Moreover, the absence of a multiannual plan for Baltic salmon has made it necessary to add provisions in the current TAC/quota regulation 2019<sup>2</sup>. If other legal acts can facilitate Baltic fisheries management, is there a need for a multiannual plan?

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<sup>2</sup> Reg 2018/1628

## 5. Regional cooperation

**On regional cooperation, to what extent has the MAP in your opinion strengthened regional cooperation, including with stakeholders?**

The BSAC is of the opinion that the MAP has not facilitated regional cooperation and its functioning is not helped by regional cooperation. The MAP was originally conceived to be developed and dealt with in a regional context and not to contain too much detail. BALTFISH as a regional cooperation was created well before the MAP came about. Formed under the aegis of the Baltic Sea Action Plan, with a memorandum of understanding from 13<sup>th</sup> December 2013, BALTFISH had a cooperation in place and could have been the testing ground for developing Baltic multiannual management. Instead, presented with a politically adopted MAP, BALTFISH has been challenged to deliver. In addition, the continued annual exercise of negotiating and agreeing fishing opportunities is time consuming and does not leave much time for regional management. For Western Baltic Herring (WBSS) the MAP has not been accepted by Norway, a key coastal state for the management of the stock. Thus, ICES does not provide scientific advice based on the MAP. In short, the MAP is not really helping regional cooperation; it is getting in the way.

## 6. Socio-economic impact

**Has the overall socio-economic situation of the fisheries sector improved since the entry into force of the MAP?**

**Do you see a positive correlation between the implementation of the MAP and the socio-economic situation of the fisheries sector?**

The BSAC agrees that the MAP lacks socio-economic considerations. So there is no positive or negative correlation. There is no reference in the MAP to the socio-economic impact of commercial and recreational fisheries. The fisheries representatives are of the opinion that this is a major failure of the MAP. In their view the MAP should manage fisheries, whilst at the same time take into account the fishermen and the impact and consequences of management decisions. So its scope and perspective should be widened. The OIG takes note of the socio-economic dimension which they feel is not sufficiently documented when the decisions on fishing opportunities are taken.

## 7. Overall assessment

### What is your overall assessment of the Baltic MAP?

The BSAC is not satisfied with the general performance of the MAP.

The BSAC appreciates the overall objective of creating a regional management plan and the attempt to introduce a multi-species management. It is perhaps too early to draw final conclusions on the effectiveness of the MAP. However, the MAP has many shortcomings. One of the major shortcomings is the lack of defined measures to be applied in emergency situations and, in the view of fisheries representatives, the lack of socio-economic considerations.

The fisheries representatives note the problem with the inconsistency of the ICES advice which has caused the estimates of biomass to jump up and down around the suggested reference points. With a rigid management plan, this translates immediately into similar instabilities in TACs and gives an impression of TACs set too high in hindsight, although they were set in line with scientific advice at the time they were agreed.

The OIG points out that the MAP has been harmful to the management of Baltic Sea fish stocks and that its implementation has been detrimental. In their view, for only one of the seven stocks managed by the MAP has the Plan been correctly implemented (Gulf of Riga herring). The unsuccessful implementation of the MAP and the omission to follow the clear guidelines laid out in the MAP have had a detrimental effect on the other stocks.

The OIG underlines that the MAP is not facilitating the implementation of the CFP and the Marine Strategy Framework Directive as intended.

The BSAC agrees that the regional component that is key to the successful functioning of a MAP is yet to be delivered. This is a disappointment. The Baltic Sea MAP was the first to be adopted. It was held up as a blueprint for future MAPs. But it has not lived up to its expectations.