

Implementation and revision of the CFP with a Baltic perspective

Preparation for BSAC Session 3

Tuesday 9th February 2021

Decision making + regionalisation, recreational fisheries and subsidies

Report

1. Welcome by the Pelagic WG chair Mart Undrest

Mart Unrest, the Chair of the Pelagic Working Group welcomed all participants to the third session of the Focus Group, to address the implementation and revision of the CFP with a Baltic perspective, in particular decision making and regionalisation, recreational fisheries and subsidies. He encouraged an open and free discussion, under the Chatham House Rule¹.

2. Formalities for the start of the meeting:

The agenda was adopted without changes.

The participants list, including the apologies, is on the website.²

3. Decision making + regionalisation, recreational fisheries and subsidies

The Focus Group discussed the following issues:

Decision-making, regionalisation

The Chair referred to the background paper, which included a short description of the state of play and questions to facilitate discussions. He invited the participants to come up with ideas on how to improve the decision making process and regionalisation. He stated that regionalisation has so far not given the expected effects; it works well enough with respect to TACS and quotas, but lacks ambition with regard to the revision of the technical measures for the Baltic fisheries.

A representative of anglers stated that the background paper contains some good points on regionalisation, but the scope of the general introductory statements should be wider and should contain reference to ecosystem based management and recreational fisheries.³ He stated that wild fish is a public owned resource.

The policies managing this resource should be based on an ecosystem-based approach to the management of fisheries and species and habitats affected by fishing.

¹ **The rule was designed to encourage openness and the sharing of information at meetings on the basis that it allows people to speak as individuals; express views that may not be those of their organisations; and therefore encourages free discussion.**

² [BSAC - Future Common Fisheries Policy Session 2](#)

³ Wording was sent to the Secretariat

The management of fisheries should ensure a maximum sustainable yield and recreational fishing opportunities with the qualification that catch opportunities in mixed commercial fisheries should take into account the choke species problem, and that strong fluctuations in stocks should, if possible, not be directly reflected in the TACs which should be calibrated in such a way as to take into account the precautionary principle and the ability for the industry to adapt to such fluctuations, without putting at risk the health and resilience of the fish stocks or the ecosystem, i.a. that Minimum Conservation Reference Sizes (MCRS) are not set below the spawning size of species and that the mesh sizes are aligned to respect the MCRSs.

A fisheries representative stated that the introductory statements in the white paper should include a reference to the fact that ecosystem based management should recognise several interactions, such as the effects of fishery on fish stocks, the interactions between different fish stocks, the effects of man-made structures such as wind farms and pipelines, as well as the effects of climate change on the ecosystem. The effects of these interactions need to be taken into account when setting the targets for fisheries management. He also underlined that an EBM approach should include a reality check for fish stock targets, such as the Baltic cod or western herring. It is important to update the reference points used by scientists, when establishing management plans for fisheries. In some cases, managers will be obliged to make choices with regard to the management targets based on common sense (e.g. the choice between seals or cod).

A representative of the OIG referred to the fact that the participants of the first session of the Focus Group had already agreed that EBM is about managing all human activities that have an impact on the fish stocks. He referred to regionalisation and underlined that the participation of the BSAC in high-level discussions will not solve regionalisation; it will only add to the transparency of the decision-making process. In his view, it is important to focus on more adaptive management. If the present regional set up is considered ineffective, an establishment of a regional body should be considered, even if this would require a change to the Lisbon Treaty.

A fisheries representative agreed that the discussion on the future CFP should not be restricted by the present regulatory framework. He also agreed that recreational fisheries should be part of the CFP because it also extracts fish from the sea.

A fisheries representative stated that regionalisation is a principle which requires first to listen and then to decide. During the previous CFP reform, the European Commission had underlined that the decision makers will listen to the fishermen. Fishermen should be part of regionalisation. The management decisions illustrate that this is not the case. He referred to the Regulation 508/2014 on the EMFF which puts conditions on granting the support for scrapping, consisting of a number of days spent on fishing activities during the last two calendar years preceding the application for support and obliging the fishermen to deduct the support which they had received earlier for temporary cessation⁴.

⁴ Article 34; [Regulation \(EU\) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations \(EC\) No 2328/2003, \(EC\) No 861/2006, \(EC\)](#)

In recent years, fishermen had not been able to spend the required number of days on fishing due to the prolonged cod ban.

A participant referred to Article 2.1 of the of Regulation 2020/1781 which modifies Article 34.2 of the EMFF Regulation 508/2014 by introducing the new reference period for the fishing activity (2017-2018), taken into account for permanent cessation. Referring to the obligation to return the support received for temporary cessation, he stated that this rule is based on a fundamental principle of the rules for public expenditure in the EU, according to which no costs for the same activity can be funded twice from the EU budget.

He also referred to the management of eel and stated that eel can be managed easily at Member State level, because there is no open sea fishery for this species. In his opinion, more reflection is needed on how such management would work with regard to other species.

A fisheries representative referred to the double funding and stated that, in view of the present situation of the Baltic cod, fishermen who had fished cod in the past are often obliged to leave their profession for economic reasons and should not be punished for that. In this case, the support for scrapping should not be considered as double funding.

A fisheries representative gave an example of a regional approach to the management of eel. The target is set by the European Commission, and the Member States find ways to reach the target. In his view, such a targeted approach could be used in the Baltic to manage fisheries of other fish species.

A fisheries representative referred to the recent evaluation of the BSAC⁵ which points out to the challenges related to the regional approach in decision making and gives recommendations as to how the BSAC could increase its impact at regional policy level.

Another fisheries representative supported more management decisions being taken at regional level, even under the present legislative framework, as well as stronger affiliation of the BSAC with the regional bodies such as BALTFISH or HELCOM. Targets in the management plans should be more flexible in order to make them more achievable.

A representative of recreational fishermen underlined that regionalisation is not possible without a proper decision making body at regional level. Management decisions taken at European level are always the subject of trade-offs.

A representative of the OIG pointed out that the management of eel at Member State level is a failure. Like other fish stocks, eel should also be managed at regional level.

[No 1198/2006 and \(EC\) No 791/2007 and Regulation \(EU\) No 1255/2011 of the European Parliament and of the Council \(europa.eu\)](#)

⁵ <http://www.bsac.dk/getattachment/BSAC/About-the-BSAC/Evaluation-of-the-BSAC-FINAL-15th-January-2021.pdf.aspx?lang=en-GB>

Referring to regionalisation and decision making, he stated that the current EU legislative framework does not allow the technical measures to be adapted to the current situation in the Baltic. Regionalisation requires a change in cooperation between the Member States and the European Commission. The European Commission should become more active in providing solutions and adapting the rules. In his view, ecosystem based management, which takes into account human activities at sea, requires the input of various experts. Thus, HELCOM expertise should be taken into account in the management.

A fisheries representative agreed that ecosystem based management requires changes of the technical measures at regional level.

Another fisheries representative stated that the expertise of HELCOM is limited to the environment, and its use in fisheries management is limited to the environmental impacts on fish and fisheries. He underlined that the BSAC has the necessary expertise to decide and advise on fisheries management. The cooperation between the BSAC and HELCOM should be reciprocal.

A representative of the OIG stated that the BSAC presence at HELCOM meetings is important to raise issues related to fisheries and to provide expertise. In his view, ecosystem based management requires bringing together the expertise of HELCOM and the BSAC. The current update of the HELCOM Baltic Sea Action Plan was such an example. He expressed the hope that such cooperation could move the process of regionalisation forward. He also referred to the need to institutionalise the cooperation between HELCOM and BALTFISH.

A representative of small scale fisheries underlined the role of fishermen in the decision making process.

A representative of anglers stated that participation of anglers at HELCOM meetings and following the work requires considerable resources.

The Focus Group agreed that regionalisation in the Baltic region has so far not given the expected effects, in particular with regard to the revision of the technical rules for the Baltic fisheries. The Focus Group agreed on a more adaptive fisheries management, with a faster decision-making process. The Focus Group supported more management decisions being taken at regional level, even under the present legislative framework, as well as stronger cooperation of the BSAC with the regional bodies BALTFISH or HELCOM. At the same time, the Focus Group is aware of the limitations of the current legal and institutional structure and calls for a change to the Lisbon Treaty to bring about true regionalisation.

Recreational fisheries

The Chair invited the participants to discuss how to balance recreational fisheries with commercial fisheries.

A representative of anglers referred to the fact that the majority of the BSAC is interested in including the recreational fisheries in the CFP as an important part of the catching sector.

Recreational fisheries can have a significant impact on fish resources. However, the Member States are not unanimous on this issue due to the foreseeable difficulties in quota allocation. In his view, the inclusion of recreational fisheries in the annual negotiations on TACs at Member States level could hinder the development of this sector. More discussion is needed before including the recreational fisheries in the quota system. Recreational fisheries support tens of thousands of jobs as well as the economy, in particular in rural and remote areas, and contributes positively to the physical and mental health of millions of people, in particular during lockdowns due to pandemics. Thus, the management of these fisheries should be included the objectives of the CFP on an equal footing with commercial fisheries and aquaculture. The recreational fishermen are also affected by measures such as fishery closures. Members of angler organisations voluntarily support the recovery of salmon and eel stocks in the Baltic. Therefore, in his view, recreational fishermen should also benefit from the EMFF, for example in terms of reporting and data gathering.

A representative of small scale fisheries stated that although recreational fishermen exploit the cod stocks, they cannot be blamed for their bad condition. The real problem is the lack of selectivity, excessive fishing effort and careless handling of fish as food in the commercial fishery. He referred to his written input to the background paper submitted before the meeting.⁶

A representative of the OIG proposed to include a section on relative stability in the background paper, in the section on recreational fisheries. He referred to the fact that recreational fisheries should be separated from subsistence fishing, which is part of commercial fishing. Recreational fisheries should be part of the CFP. This would ensure the right to access the resources, as well as meeting the responsibilities. He referred to Article 17 of the Basic Regulation, which states the criteria for the allocation of fishing opportunities.⁷ This Article does not exclude the possibility to allocate quotas to recreational fishermen.

A fisheries representative stated that a vast majority of commercial fishermen do not have a problem sharing the fish resources with recreational fishermen. However, some anglers blame commercial fishermen for catching all the fish. In his view, misunderstandings had arisen when ICES included recreational catches in the advice. The uncertainty around recreational catches is considered high.

⁶ From a purely economic point of view, recreational fishing should be given even higher priority, because, combined with its tourist effect, it represents a greater economic power that gets by without government aid. As a solution, recreational fishing should be given at least the same access to fish stocks, not least because this creates sales opportunities for fish to the end consumer at affordable prices.

⁷ When allocating the fishing opportunities available to them, as referred to in Article 16, Member States shall use transparent and objective criteria including those of an environmental, social and economic nature. The criteria to be used may include, inter alia, the impact of fishing on the environment, the history of compliance, the contribution to the local economy and historic catch levels. Within the fishing opportunities allocated to them, Member States shall endeavour to provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage.

Recreational fishermen should cooperate with scientific institutions and deliver data on recreational catches in order to have a more complete picture of their activities.

Some other fisheries representatives called for more understanding and cooperation between the anglers and commercial fishermen.

Another fisheries representative underlined that the TAC system should not be used for recreational fisheries. However, recreational fisheries should be covered by the EU data collection programmes in order to deliver valid data on recreational catches.

A representative of anglers stated that the management measures applied in recreational fisheries are similar to those applied in commercial fisheries. A bag limit used in recreational fisheries is in fact very similar to a quota system used in commercial fisheries. Recreational fishermen are also obliged to follow closures. When the TAC is decreased, the bag limit also goes down. In his opinion, recreational fishermen are already part of the CFP, but their voice is hardly heard, despite their involvement in the BSAC. They should have the same rights as commercial fishermen and be able to use the EMFF, for example for the boats chartered for angling as well as economic studies and data collection.

A representative of recreational fishermen stated that recreational boats equipped with commercial fishing gears should be included in the CFP. In his opinion, bureaucracy should be kept to a minimum, and recreational catches should not be registered.

A representative of anglers referred to the fact that registration of recreational catches is needed for economic and scientific purposes. Data collection could be supported by means of EMFF money. The recreational sector should have the same rights as the commercial sector. He proposed to establish a recreational fisheries working group within the BSAC.

A representative of recreational ship owners underlined that since 2019, boat owners had been deprived of economic resources due to the ban on eastern Baltic cod. According to the current legislation, they are not allowed to benefit from EU subsidies and have no support from the national administration. Many of them had gone bankrupt. In his view, recreational fisheries should be part of the CFP and should benefit from the EMFF. It should be subject to the same regulations and the same rights as commercial fishermen. In his view, an appeal should be made to the European Commission to take legal steps to include vessels owners chartered by anglers in the new EMFAF.

The majority of the Focus Group agreed that recreational fisheries should be part of the CFP, as an important part of the catching sector. In view of some participants, the recreational sector should have the same obligations and rights as the commercial sector. Some participants support the creation of a recreational fisheries working group in the BSAC, in order to develop the work.

Subsidies

The Chair referred to the background paper containing the questions on subsidies and asked the participants to express their positions with regard to subsidies. He also referred to the fact that the EU legislators had reached a provisional agreement on how the EU Member States will be able to spend funds allocated to fisheries and aquaculture for 2021-2027 under the EMFAF.

A fisheries representative referred to the background paper and proposed to change the wording of the proposal to ban the subsidies that contribute to fishing effort.⁸ She underlined that subsidies for investments in modern, environmentally friendly engines are essential. Fishermen use very old diesel engines and cannot afford to buy new ones, in view of severe quota cuts without support from the EMFF. **Another fisheries representative** supported the use of subsidies for investments in environment-friendly technology, but not for operational costs. In his view, it is a mistake to have a blanket approach to subsidies.

A representative of small scale fishermen stated that in practice, there is no subsidy that does not affect fishing effort, because state-supported modernisation of processing requires, if it is to be economically sensible, a corresponding utilisation - i.e. more fish. Subsidies should in the future be seen as an exception, only to be used if unforeseeable events prevent fishing. Excessive exploitation of stocks is not an unpredictable event. All further interventions in the market by means of state subsidies are counter-productive, because they artificially keep unhealthy businesses alive.

A fisheries representative stated that fishing capacity is the key issue that needs to be clarified. The idea that an increase of capacity results in an increase in catches is wrong. Bigger boats are needed to create space for alternative fuels and to create a greener and safer fleet. Current capacity ceilings prevent such investments. However, they are part of the green revolution.

Another fisheries representative agreed that the current legislative framework maintains inefficient fleets. Subsidies encompass many aspects and should be differentiated. A one-dimensional system should not be continued. The fact that there are subsidies which bring the desired target closer should be acknowledged. **Another fisheries representative** underlined that the decision-makers should understand that bigger vessels do not catch more fish under the same quota limits.

⁸ Page five of the draft to the Focus Group, first bullet point which states: Investments in the industry. This area of subsidies is highly contentious, not least in the context of WTO. The BSAC recommends that subsidies that contribute to fishing effort are banned, and that other subsidising of investments is limited as much as possible.

Another fisheries representative stated that increases in the fishing capacity should be used to increase safety at sea, but not increase catches. The current emission standards require new engines. **The representative of small scale fisheries** agreed that subsidies can be used to achieve the targets. At present, fishing boats do not meet the rigorous standards for emissions.

A participant referred to the new fisheries fund (EMFAF) and stated that capacity issues and engine replacement had been discussed in the decision-making process by the Council and the European Parliament. He stated that the background to these discussions had been set by the WTO ban on harmful subsidies. According to WTO principles, subsidies could be allowed to improve working conditions and improve safety. He pointed out that the fishing capacity ceilings for individual MS are laid down in the EU Regulations. Current capacities of the fleets are below the current ceilings, and it is up to the Member States to decide on how to distribute the fishing capacity.

Some fisheries representatives pointed to the need to discuss subsidies further and together with knowledgeable experts in the context of fishing capacity, engines and selectivity.

The Focus Group agreed that subsidies for a specific purpose (such as environmental goals and targets) or situation (such as emergency measures in the fishery) can be justified. It agreed that further discussion is needed on subsidies in the context of fishing capacity, engines and selectivity. This should take place with knowledgeable experts invited.

Social dimension

The Chair reminded the participants that Session 2 of the Focus Group had already dealt with the social dimension. During Session 2, the Focus Group agreed that the social dimension needs to be better documented. Rules that apply in the social context need to be coherent and easy to understand. There needs to be a clear narrative of fisheries related activities in a social context.

A fisheries representative underlined that fisheries management should not only take into account the fact that fisheries have an effect on the environment and vice versa, but also that management decisions have an impact on the communities. This also includes recreational fisheries. A balance should be found in the decision making process. The management should be based on three pillars, applied with equal weighing (economic, environmental and social). In his view, weight is currently put too much on the environmental side. The decisions are based on political ambitions directed at environmental objectives. The social dimension is not given the right weight. In the past, under the regional management body (IBSFC), the decisions took into account the consequences for the fisheries and fishermen. The management plans have no social considerations. The management needs a balanced approach.

A representative of small scale fisheries expressed the opinion that improved training of business owners enables them to better organise their businesses. The tasks of the EU administration should be limited to necessary restriction of fishing effort in connection with a package solution to limit other predators such as seals and cormorants.

It is largely up to a company how to achieve its operating results in an economically successful way, using required material and personnel. Shifting these tasks to the producer organisations has proved inefficient.

Other participants agreed that socio-economic factors should be included in the fisheries policy and management. They also agreed that the CFP should take into account the socio-economic dimension of recreational fisheries, as well as the cultural aspects of fisheries.

The Focus Group agreed that socio-economic dimension should be included in the fisheries management.

4. **Evelien Ranshuysen**, Policy officer, DG Mare, with a short wrap up on the organised sessions of the BSAC, and the planned Commission 2022 report on the functioning of the CFP.

The representative of DG Mare explained that the aim of the planned Commission 2022 report on the functioning of the CFP is not to carry out a review of the CFP. It will focus on the functioning and effectiveness of the CFP, and its sustainability targets under the Green Deal, and issues raised in the Mission Letter to the Commissioner Sinkevičius⁹. The Commission's report will take into account various studies and consultations, in which the Advisory Councils had also participated. (e.g. the consultations on the technical measures, and ecosystem based management). A targeted stakeholder consultation on the functioning of the CFP will also be carried out. Referring to the follow up, she stated that implementation of possible improvements to the CFP depends on the decision of the European Parliament and the Council.

She referred to the three sessions organised by the BSAC in its Focus Groups on the implementation and revision of the CFP with a Baltic perspective. The Focus Group had drawn attention to problems in the implementation of the landing obligation, MSY, as well as issues not sufficiently covered such as the social dimension and climate change. Discussions in the BSAC Focus Group and the BSAC conclusions will be much appreciated as input.

A fisheries representative appreciated the participation of the representatives of the European Commission in the BSAC meetings. He underlined that having a dialogue rather than working on a set of pre-defined questions is strongly beneficial. It is a good way for the BSAC to have influence through dialogue, rather than a response-based approach.

The representative of DG Mare underlined that the participation of the Commission in the Advisory Council meetings had increased. She referred to the recent Inter-AC meeting which had emphasized the importance of the presence of the European Commission at Advisory Council meetings for effective policy making.

⁹ http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/Future-Common-Fisheries-Policy-Session-3/mission-letter-virginijus-sinkevicius_en.pdf.aspx?lang=en-GB

The BSAC Chair thanked the representative of DG Mare for the update on the CFP evaluation process, and took note that the Commission will be highlighting issues not sufficiently addressed, rather than leading to specific changes in the CFP. He thanked the three working groups chairs for their good work in chairing the sessions of the Focus Group. He was impressed by the participation in the meetings. He thanked the Commission for taking part in the discussions and all participants for providing input. As the next step, the BSAC Secretariat will finalise the reports, compile the conclusions and draft the white paper. The BSAC will hold a final session to bring all the work together. The BSAC document on the CFP will be presented to the General Assembly for adoption and then sent to the European Commission and the Member States. He underlined that the BSAC is still ahead of the time set by the Commission for drafting its evaluation report.

The Chair of the meeting took note of the reporting and consultations planned by the Commission. He thanked all participants for the good discussions. He also thanked the interpreters and the technicians for their good work.