

Director-General Ms Charlina Vitcheva,
D.G. for Maritime Affairs and Fisheries
European Commission

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Cc: Baltic Member States representatives

Ref: BSAC/2023-2024/11

Copenhagen, Monday 3rd July 2023

Subject: BSAC recommendations on the effectiveness of cod spawning area protection measures (Article 7 of the Council Regulation)

Dear Director General, Ms. Vitcheva,

The Baltic Sea Advisory Council (BSAC) Demersal Working Group has been discussing the rationale for measures aimed at protecting cod spawning areas under Article 7 of the Council Regulation on fishing opportunities¹. The provisions of the Regulation on fishing opportunities restrict the fishery in SDs 22-23 from February to March and in SD 24-26 during the summer months (May – August) “to protect cod spawning”.

Some BSAC members representing the demersal fisheries sector report the presence of flatfish stocks in deeper areas while they are restricted by the exemption limiting fishing to a maximum of 20 m depths for certain vessels (Articles 7.2.b and 7.4.b). Increases in sea temperature are thought to be a significant factor in why flatfish are increasingly found in deeper, cold waters. Extending the exemption to 30 m in coastal waters, far away from the cod spawning grounds, would present no threat to cod recovery but allow the fishery to continue. Further, it is not clear why one fleet segment may not fish below 20 m but another may fish to 50 m. These rules should be harmonized to give cod the best possible chance to recover.

The BSAC Demersal Working Group meeting of the 17th March 2023 allowed for a discussion with ICES on this topic. ICES explained that above the halocline (50 m depth in sub-divisions 25-26) successful egg fertilization is considered highly unlikely for cod, because of far too low salinity. The 20 m - 50 m depths might however include feeding grounds for pre- and post-spawning cod. Expanding the derogation to areas deeper than 20 m will increase the risk for cod by catch, including increased risk for catching of cod during their spawning migrations.

¹ **Council Regulation (EU) 2020/1579** of 29 October 2020 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea;

Council Regulation (EU) 2021/1888 of 27 October 2021 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea;

Council Regulation (EU) 2022/2090 of 27 October 2022 fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2023

For pelagic vessels, the largest herring of the best quality for the industry is usually fished during the summer, SDs 24-25. However, the depth restrictions (40 m in SD 24 and 50 meters in SD 25) in practice close off large areas. This is specifically the case in Sweden where the zone between the 4 nautical miles (corresponding to the trawl limit in Sweden) and the depth curve, in some areas, is too narrow to enable any fishery. Furthermore, fishers observe that there is often less fish in the depths where fishing is allowed.

Due to the area restrictions, the vessels with active gear cannot find or catch fish suitable for consumption and the filleting industry. They are obliged to temporarily cease their fishing activities. This in turn affects the filleting industry, that does not get enough fish volumes and also have to close down. Since the summer months normally have the best prices for herring for consumption due to the tourist season (prices can be up to twice the price in other seasons), the economic impact on both fishing vessels and the filleting industry is enormous. However, there are no positive results to show for the cod population from the summer closure, which therefore seems entirely disproportionate.

The closure has now been in place for three years. Scientific evidence has yet to be provided to show disturbance of cod spawning because of pelagic fishing during reproduction. BSAC pelagic fisheries representatives observe negligible cod bycatches and therefore cannot understand how this could affect cod reproductive success.

ICES also noted that there is a lack of specific data on by-catch of cod at 20 m and 30 m depths for active and passive gears. The ICES Chair of ACOM also highlighted the real lack of expertise in mixed fisheries and gear-oriented experts in the Baltic.

In light of this information, **the BSAC recommends the Commission to evaluate the effectiveness of all the measures to protect cod spawning areas.** Allowing for a thorough evaluation will require specifically to look at cod spawning areas and depth around the Baltic. By-catch levels for each specific fishery should also be considered

Furthermore, where there is consistency in the data, the Commission should aim at reaching a level playing field between the different fleet segments, Baltic sub-divisions and grant exemptions to the protection measures in a fair way.

Finally, the BSAC insists that the issue of the lack of scientific data and expertise is raised with Member States and their respective scientific institutes. Gaps in solid scientific knowledge on these Baltic ecosystems and how to implement it is a real threat both for the fish stocks and the fishing communities and industry relying on them.

Thank you for your continuous help on this matter.

Kind regards,



Jarek Zielinski
Chair of the BSAC Executive Committee