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Sent by e mail to: BALTFISH Presidency
Cc: Charlina.VITCHEVA@ec.europa.eu; mare-ac@ec.europa.eu, BALTFISH Member states, ICES

Ref: BSAC/2023-2024/28

Copenhagen, Monday 30th October 2023

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

Dear BALTFISH Presidency, Ms. Magdalena Zasepa,

The Baltic Sea Advisory Council (BSAC) would like to bring to your consideration the recent exchanges between our organisation and the European Commission on 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 process”.

In its letter of July 2023², the BSAC reminded that while ICES explained that the 20 m - 50 m depths might include feeding grounds for pre- and post-spawning cod and that expanding the derogation to areas deeper than 20 m will increase the risk for cod by catch, including increased risk for catching cod during their spawning migrations, 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 ACOM Chair also highlighted the lack of expertise in mixed fisheries and gear-oriented experts in the Baltic.

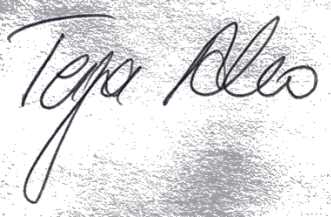
¹ Council Regulation (EU) 2020/1579 of 29 October 2020 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea;
Council Regulation (EU) 2021/1888 of 27 October 2021 fixing for 2022 the fishing opportunities for certain fish stocks and groups 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

² <https://www.bsac.dk/wp-content/uploads/2023/07/BSACCOMMeasurescodspawning2023-2024-11.pdf>

In light of this lack of specific data, **the BSAC recommends that BALTFISH Member States allow scientific test fishing to be carried out to find evidence that there is no cod bycatch between 20 and 30 m depth.** Possibility to conduct test fishing is referred to in Article 25 of the Technical Measures Regulation (2019/1241)³ laying down the conditions for exempting the fishing operations conducted for the purpose of scientific investigations from the provisions of this Regulation. These scientific investigations would contribute to establishing a more fit-for-purpose technical measures in the Baltic, adapted to the dynamic changes in the Baltic environment.

Finally, we thank you for the good cooperation and exchanges that have been continued by the Presidency.

Kind regards,



Teija Aho
BSAC Demersal Working Group Chair



Jarek Zieliński
BSAC Executive Committee Chair

³ [Regulation \(EU\) 2019/ of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures](#)