

**BSAC Recommendations on the EU Action Plan:  
Protecting and restoring marine ecosystems for sustainable and resilient fisheries**

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## **Introduction**

This document sets out the BSAC recommendations in relation to the *EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries*<sup>1</sup>.

The recommendations are set out in line with the structure of the Commission document. Different actions are referred to under respective chapters.

## **General remarks:**

The BSAC agrees that the new environmental approach coming from the Action Plan to protect and restore marine ecosystems for sustainable and resilient fisheries, through the increasing areas and restrictions in the MPAs provides an opportunity to improve the fish stocks. However, if poorly implemented it poses a high risk of a significant impact on the fishery sector. This action plan will produce structural changes, with social and economic impacts on operators and fishing communities throughout the entire supply chain. Therefore, the measures of the action plan cannot be implemented with urgency if a fair transition is sought.

### *Defining selectivity and its objectives*

Throughout the Action Plan, the Commission refers to the need to “boost”, “improve” and “increase” selectivity. In BSAC’s view, these terms do not mean entirely the same thing. Notably, to increase selectivity does not necessarily mean to improve it. In many cases it is an improvement if higher selectivity means that only a specific size of targeted fish species is caught. However, in the context of pelagic fisheries, the BSAC underlines that changing size selectivity by increasing mesh size may be detrimental, due to potentially higher hidden underwater mortality.

Selectivity should be referred to in the context of specific objectives and gear specifications. The BSAC recommends to distinguish selectivity to avoid catches of birds and mammals from selectivity to avoid bycatches of fish. With reference to birds and mammals, specific gears and innovations to reduce bycatches, as well as other mitigation measures, including electronic deterrent devices and others, should be implemented.

### *Environmental restoration*

The BSAC recommends that restoration should be considered when implementing the actions at Member States and Commission level. Environmental restoration is needed in the Baltic due to large scale anthropogenic impact that leads to loss of important habitat (eg. nursery areas along the coast, spawning areas, ...).

### *Technical Measures evaluation*

As stated by the BSAC in the reply to the consultation<sup>2</sup> on the Action Plan, the Action Plan must ensure a proper evaluation of the Technical Measures Regulation in all its facets. At the same time as the aim of this work is to look closely at the synergies between fisheries and environmental policies, there are many other human activities that have an impact on the environment so technical measures for the fisheries are only one piece of the jigsaw in ecosystem based management.

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<sup>1</sup> [https://oceans-and-fisheries.ec.europa.eu/publications/communication-commission-eu-action-plan-protecting-and-restoring-marine-ecosystems-sustainable-and\\_en](https://oceans-and-fisheries.ec.europa.eu/publications/communication-commission-eu-action-plan-protecting-and-restoring-marine-ecosystems-sustainable-and_en)

<sup>2</sup> [https://www.bsac.dk/wp-content/uploads/2023/08/BSACreplytoActionPlanConsultation21\\_22\\_30.pdf](https://www.bsac.dk/wp-content/uploads/2023/08/BSACreplytoActionPlanConsultation21_22_30.pdf)

## **Chapter 2. Making fishing practices more sustainable**

### **A. Actions to improve fishing selectivity and reduce the impact of fisheries on sensitive species**

#### *Threshold values and bycatch*

With reference to the development of threshold values for the maximum allowable mortality rate from incidental catches, as part of the implementation of the MSFD, the BSAC stands ready to comment on the BALTFISH Joint Recommendation, including fisheries management measures to implement these threshold values.

The BSAC recommends to establish threshold values for maximum allowable mortality rates from bycatches of birds, mammals and non-commercially exploited fish on a robust scientific basis allowing for a balanced approach between protection and sustainable development of fishing activities. The BSAC welcomes the setting of threshold values through joint work of the Member States, including monitoring and up to date data, as well as survivability rates. The BSAC recommends to increase the continuous acquisition of data concerning the conservation status of populations (distribution, abundance, dynamics). Thresholds for bird bycatches should also be set.

With respect to measures to minimise bycatch of harbour porpoise, the BSAC recommends that more coherence is given between protection of sensitive species and the control regulation including the new reporting requirements. For harbour porpoise in particular, better controls, and avoidance measures such as acoustic deterrent devices (ADD), could be a complement to current area closures. However, widespread use of pingers and their possible interactions with military underwater installations is a matter of concern of the defence authorities in some Member States and should be revisited.

The BSAC fisheries representatives also draw attention that the current mortality threshold for harbour porpoise in the Baltic is 0.7 individuals per year. Such threshold means that some fisheries segments could be closed very fast. Therefore, the BSAC fisheries representatives recommend to set the mortality thresholds more realistically and apply them more specifically. A small-scale fisheries representative points out that the sharp decline in fishing effort in the gillnet fishery in 2021/2022 is not reflected in a decrease of harbour porpoise mortality rates, and therefore the adverse effects on the stock attributed to gillnet fishing should be reconsidered.

Some OIG representatives draw attention that ICES recommended measures to avoid harbour porpoise bycatches in the Baltic Sea in the ICES advice: “EU request on emergency measures to prevent bycatch of common dolphin (*Delphinus delphis*) and Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Northeast Atlantic” from May 26<sup>th</sup> 2020 should be implemented as a whole, in order to reduce bycatches of critically endangered Baltic Proper harbour porpoise population to as close to zero as possible. This is consistent with the requirements of the Action Plan related to reducing the impact of fisheries on sensitive species.

The BSAC welcomes the action to adopt measures to minimise bycatch of the remaining sensitive marine species that are at risk of incidental catches and stands ready to comment on BALTFISH joint recommendation referring on these measures. Avoidance of bycatch of non-target species such as salmon is possible with existing mitigation technics used elsewhere.

## *Eel*

The BSAC welcomes the Commission's call to improve the protection of the European eel by adopting or updating the existing management plans. The BSAC has already produced recommendations on eel and sent a letter to the Commission on October 2023<sup>3</sup>. Taking account of the fact that the Joint Special Group to support the implementation of the Plan is to ensure synergies between the implementation of the CFP and environmental law, the BSAC requests the Commission to include the European eel on the agenda of the Group, as an important topic to be discussed by both fisheries and environmental communities. The conservation and management of eel is a wide-ranging issue which goes far beyond fisheries and needs to take into account both fisheries and environmental considerations in order of their influence. The BSAC is of the opinion that the recently signed Biodiversity Beyond National Jurisdiction treaty can play a potential role in protecting the European eel.

## *Marine litter*

The BSAC welcomes the action related to marine litter, to update MSFD programmes of measures to include measures against the loss of fishing gear and fishing related marine litter. Members States should implement such measures for both commercial and recreational fisheries.

The BSAC recalls its general comment about selectivity: for pelagic stocks, reducing catches of small fish will not improve stock status and might deteriorate the problem further. It is important is to maintain the age and size structure of the stocks.

## *Increasing stocks size*

The BSAC would like the Commission to elaborate on the notion of the "highest expected biological gains". Does it have to do with the fishing mortality level? It should have to do with SSB, recruitment, age and size distribution of the stock. Which stock would have the highest expected biological gain in the Baltic?

The BSAC recommends to make use of the Fish Stock Recovery Areas that are foreseen in the CFP and underutilised.

The BSAC members have divergent views on the strict protection measures applied in MPAs (no extraction, no high impact fishing including trawling, recreational rod and line fishing).

## *STECF advice*

Referring to the STECF advice on optimum size of fish and gear selectivity, the BSAC takes note of the ICES work in progress on special advice on age-size distribution (WKD3C3) for January 2024.

Specific discussions on selectivity should be held in the case of declining stock situations. ICES and STECF might want to look at these specific conditions.

The BSAC would like some clarification on the term 'highest long-term yield' (is it only looking at catch volumes or also economic returns?). In the mixed fisheries context, all species cannot be fished at MSY at the same time without the choke species problem and

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<sup>3</sup> [https://www.bsac.dk/wp-content/uploads/2023/10/BSAC-letter\\_Joint-Special-Group\\_eel23-24-24.pdf](https://www.bsac.dk/wp-content/uploads/2023/10/BSAC-letter_Joint-Special-Group_eel23-24-24.pdf)

overfishing of weaker stocks. Improving the economic outcome should also be a priority. This can be done by improving the stocks structures.

The BSAC would welcome more information on STECF work on the topic and requests STECF to make use of the possibility to invite external experts including BSAC stakeholders to give technical input (on selectivity, gear specifications, other fisheries issues). The BSAC addressed STECF directly on that matter through a letter<sup>4</sup>.

### *Technical Measures*

The BSAC takes note of the scheduled report on implementation of Technical Measures. The BSAC remarks that the implementing acts have not been published, preventing the fisheries sector and inspections to implement the regulation correctly. This situation has created a number of issues during control and inspections.

Technical conservation measures<sup>5</sup> for the fishery have been given the highest attention by the members of the BSAC since 2015. The BSAC underlined the importance of discussing the technical measures in the context of the Commission's draft Implementing Act to the Regulation, to avoid any risk of misinterpretation of the rules in the future. We feel that this can best be done in an inclusive consultation process. The BSAC recommends that the implementing acts are developed openly with regular discussions with stakeholders and experts to ensure proper technical input. More options should be considered when preparing implementing rules. When it comes to birds and mammals, specific gears and innovation allow to reduce bycatches and mitigation measures should be implemented.

## B. Action to reduce the impact of fisheries on the seabed

With reference to the impact of fishing on the seabed, the BSAC highlights that the impact of bottom contacting gears varies depending on the broad seabed habitat types. The BSAC welcomes the action to adopt threshold values for the maximum allowable extent of seabed that can be disturbed or adversely affected by all activities at sea.

The effects of the closures to mobile bottom fishing activity in MPAs should be carefully analysed in order to assess the socioeconomic consequences considering inter alia:

- The impact on fishery market and the processing sector, and then on the fishery communities.
- The whole process towards sustainability of the mobile bottom fishing activity though the collaboration and co-management best practices involving the fishery sector from the beginning (bottom-up approach) risks to be distorted and useless despite all the efforts made so far.
- Potential benefits to vessels using passive gears.

The BSAC asks the Commission to look into all large-scale extractive activities (offshore renewables including supporting structures, gravel extraction etc.). Area protection measures should focus on the need to recover and protect species and habitat (including

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<sup>4</sup> <https://www.bsac.dk/wp-content/uploads/2023/10/BSAC-letter-Marine-AP-STECF-experts-23-24-27.pdf>

<sup>5</sup> [https://www.bsac.dk/wp-content/uploads/2023/08/BSACtoCOM\\_BALTFISHTechmeasures21\\_22\\_41-1.pdf](https://www.bsac.dk/wp-content/uploads/2023/08/BSACtoCOM_BALTFISHTechmeasures21_22_41-1.pdf)

seabed types and water column). Measures to limit fisheries impact should only be taken if affecting the MPA's objectives. Exact protected areas expressed in percentages can lead to both too large or too small areas without reaching the intended goals.

Some BSAC members welcome the action aimed at phasing out of mobile bottom fishing in Natura 2000 sites and MPAs, and propose to phase out all large-scale extractions (not only mobile bottom contacting gear fishing) from these areas.

Some BSAC members request a step wise approach until the deadline in 2030, with some continuous progress preventing last minute urgent measures. Member States could report back on progress to the Commission every 2 years.

Some BSAC members request an impact assessment for recreational rod and line fishing. While economically important<sup>6</sup>, the impact on the environment is comparably low due to its high selectivity in terms of target species and size ("high-value-low-impact" activity)<sup>7</sup>.

Some BSAC members request an impact assessment before implementing such action. EU Commission to undertake a risk assessment (or SWOT analysis) on the ecological, economic, and social aspects of reducing the footprint of mobile bottom contacting gear.

The BSAC background documents on fisheries management measures in Natura 2000 in the Baltic Sea can be found at the BSAC website<sup>8</sup>.

The BSAC should be included early on in the discussions on innovative fishing gears and give Baltic specific input. The BSAC welcomes the request to ICES on innovative gears aimed at limiting the impact of bottom fishing activities and looks forward to seeing ICES advice on this matter.

### **Chapter 3. Securing a fair and just transition for all**

#### **A. Action to achieve a fair and just transition and maximise the use of available funds**

The BSAC welcomes the action to achieve the take-up of sufficient funding to support projects on less damaging fishing techniques and energy transition. The BSAC will submit to the Commission the recommendations on energy transition after their validation by the BSAC Executive Committee.

The BSAC recommends that the Member States should focus on knowledge sharing on existing alternative gears. This means providing in person, on the ground presentations of the innovations and appropriate communication in the relevant language.

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<sup>6</sup> e.g., Strehlow HV, Korzhenevych A, Lucas J, Lewin W-C, Weltersbach MS, Riepe C, Arlinghaus R (2023). Economic impact of resident and nonresident marine anglers to the local economy in Mecklenburg-Western Pomerania, Germany. *Fish Manag Ecol.* 2023;00:1–13, <https://doi.org/10.1111/fme.12664>

<sup>7</sup> [https://www.eaa-europe.org/files/2023-09-22-eea\\_position-fisheries-management-pub-pdf\\_13031.pdf](https://www.eaa-europe.org/files/2023-09-22-eea_position-fisheries-management-pub-pdf_13031.pdf)

<sup>8</sup> EBM Working Group meeting, 13<sup>th</sup> March 2019, [\[Modtagerfelt\] \(bsac.dk\)](#); ***BSAC basic principles on the development of the fisheries management measures in Natura 2000 and protected areas*** [\[Modtagerfelt\] \(bsac.dk\)](#)



The BSAC recommends that the Commission also makes sure that implementing acts on technical measures are not too descriptive in a way that prevents any innovations.

The BSAC recommends that there is incentive to maintain existing less harmful gears and reward fishers who already use less damaging fishing techniques.

At a later stage, the BSAC will discuss further how funding should be directed/distributed.

The BSAC welcomes the Commission's initiative to facilitate access to funding opportunities<sup>9</sup> and would like to get more information about the planned workshop, to be able to observe it. The BSAC highlights the discrepancies between the Member States when it comes to funding opportunities for the different fleet segments. If needed, more funding should be provided to research institutes in the Baltic Member States to carry out studies to better understand the Baltic ecosystem<sup>10</sup>.

The BSAC welcomes the actions to set up grants under EMFAF to contribute to the development of next-generation blue economy skills and provide opportunities for attractive, sustainable maritime careers. At the same time, the BSAC would like to ask the Commission to better define the term "blue economy". This term should include fishing activities.

## **Chapter 4. Strengthening the knowledge base and research and innovation**

### **A. Actions to strengthen the knowledge base, research and innovation**

The BSAC is of the opinion that the quality of the scientific work and the Commission's priorities as an ICES client could be further improved. Other environmental impacts of fishing should be considered in the advice. Requests to ICES should also better cater for ecosystem-based fisheries management.<sup>11</sup>

The BSAC recalls that Article 17 of the Basic Regulation links quota allocation to the identification of solutions to reduce environmental impact of fishing. Environmental impact of fishing should also be considered in the context of the entire value chain (short/long, fishing trip length, processing). The BSAC reiterates that the Member States should focus on knowledge sharing on existing alternative gears.

The BSAC agrees that the current system of scientific advice should include more options and include an explanation of the consequences of each option. The advice should also reflect the changes in the ecosystem. There is an obvious need for better understanding of relevant processes, including predation, consequences of climate change, regime shift etc. and their impact on productivity of the ecosystem.

Recreational fisheries have an impact on fish stocks and specific management techniques can be implemented to reduce the impact. This requires greater integration of recreational

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<sup>9</sup> Useful references: *In December 2019, the BSAC co-signed a letter to the Commission on joint ACs advice on EMFF funding for scientific research projects. The ACs requested that capital funding is provided under the EMFF specifically to ACs to carry out well defined costed projects of direct relevance to the ACs to adequately fulfil their advisory role under the CFP.*

<sup>10</sup> <https://www.bsac.dk/wp-content/uploads/2023/05/BSACletterBalticFishery-2023-2024-14.pdf>

<sup>11</sup> BSAC recommendations on the fishing opportunities for 2024: [\[Modtagerfelt\] \(bsac.dk\)](#)

fishing into the CFP and associated dedicated funding for recreational fisheries socio-economic studies, control and management.

With reference to the objectives on impact of fishing on ecosystem and carbon sequestration, the BSAC recalls comments on the need for research funding. Studies should be carried out to identify potential impact of fisheries on carbon sequestration pathways. In addition to impacts of fisheries, the need for long term goals and funding of restoration of habitats important for carbon sequestration should be considered.

If needed, more funding should be provided to research institutes in the Baltic Member States to carry out studies to better understand the Baltic ecosystem.

The BSAC welcomes the study quantifying the EU's seabed carbon storage capacity and possible impacts of bottom fishing activities. In order to achieve common understanding of this issue, the BSAC invites the project leaders to widely share knowledge and results of the study. The results of the project could be presented in an InterAC meeting. The assumptions used as a basis for the study should be discussed with stakeholders in Advisory Councils.

## **Chapter 5. Monitoring and enforcement**

### **A. Improve implementation, monitoring and enforcement**

With regard to improving the monitoring of fisheries, for example, by using innovative tools such as remote electronic monitoring (REM), the BSAC is of the opinion that the use of monitoring tools should be considered in the light of the EFCA report on compliance with the landing obligation. The BSAC draws attention to the need to learn from the projects on REM carried out in the Baltic.

The BSAC welcomes the amendments to the new Fisheries Control Regulation, related to recreational electronic catch reporting and funding needed to implement it.

The BSAC welcomes the commitment to channel EMFAF funding into effective and strong actions on monitoring, inspection and enforcement.

The BSAC welcomes the action to allocate appropriate financing for regionalisation and regional Member States groups such as BALTFISH.

## **Chapter 6. Governance, stakeholder involvement and outreach**

### **A. Improving governance, stakeholder involvement and outreach**

The BSAC welcomes the creation of the Joint Special Group that matches past BSAC recommendations to bridge environmental and fisheries ministries work across Member States. The BSAC stands ready to act as observer to this Joint Special Group.

The Advisory Councils should also be informed about progress in the implementation of this action plan.