

BSAC recommendations on the evaluation of the Common Fisheries Policy

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Background:

On 20th June 2024, the Commission launched a consultation to assess the effectiveness and efficiency of the common fisheries policy (CFP). This consultation constitutes the first part of a thorough evaluation that will look at how the CFP has achieved its objectives since 2013.

The consultation aims to gather evidence and different perspectives on the CFP from a range of stakeholders, including individuals, the fisheries and the maritime sectors, non-governmental and other organisations, and national administrations from Member States.

In 2022, the BSAC produced a White Paper on the Implementation and revision of the CFP with a Baltic perspective. It was produced through an inclusive process across several workshops and compiles the BSAC views on different key aspects of the CFP.

To contribute to the Commission's evaluation of the CFP the BSAC Working Groups have reviewed the White Paper and updated it with additional remarks and further BSAC recommendations on the CFP. Further comments were received in writing.

The EBM Working Group focused on:

- Climate Adaptation
- Recreational Fisheries

The Demersal Working Group focused on:

- Ecosystem based approach to fisheries management
- Maximum sustainable yield (MSY)
- Social dimension

The Pelagic Working Group focused on:

- Scientific Advice
- Regionalisation
- Subsidies

Earlier in 2024, the BSAC had published its recommendations on the evaluation of the Landing Obligation and didn't revisit this chapter.

This work was then reviewed and validated by the Executive Committee on the 29th October 2024.

General comments

The BSAC comments formulated in 2022 in the White Paper are still valid and to a large extent do not need to be updated or complemented.

The introduction of the paper is hereby reformulated as a good summary of the BSAC views:

The objective of the Common Fisheries Policy (CFP) is to ensure sustainable fisheries, to achieve economic benefits and to secure a blue food supply to help achieve the UN Sustainable Development Goals and to enable recreational fishing opportunities through the highest possible sustained catches of commercial fish stocks and the least possible unwanted effects on the environment. One main

objective of the Marine Strategy Framework Directive (MSFD) is to ensure good living conditions for fish stocks, for example to secure a healthy age and size distribution in exploited fish stocks.

Wild fish is an important natural capital public-owned resource. A clear call for action should be sent to the decision makers to come up with faster and more adaptive solutions. Delayed management actions are detrimental to effective management. The policies managing and influencing the exploitation and use of this resource should be based on the following:

- An ecosystem-based approach to the management of economic uses of the sea as well as fishing, taking into account natural conditions in setting realistic targets for the management of stocks. The management of fisheries and fish stocks should ensure a maximum sustainable yield and recreational fishing opportunities. The criterion for the catch opportunities in mixed commercial fisheries should take into account the choke species problem. TACs 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.*

This should not pose an unacceptable risk to the health and resilience of the fish stocks or the ecosystem; Minimum Conservation Reference Sizes (MCRS) should not be set below the spawning size of species, and mesh sizes should be aligned to respect the MCRS.

- An ecosystem-based approach to the management of other economic uses of the sea as well as fishing, taking into account natural conditions in setting realistic targets for the management of stocks. In the Baltic Sea, the reproduction of fish is influenced by environmental conditions, some of which are effects of human activities, and by fluctuations in natural conditions.*
- A management, control and enforcement that ensure that the policy objectives are met, that a level playing field is observed and that fishermen are given the incentive to fish in a sustainable manner as individuals and collectively.*
- Scientific advice that informs about the actual situation of commercial fish stocks and about human and natural factors influencing the development of these stocks.*

The BSAC notes that the recreational fishermen are also affected by measures such as fishery closures. Members of angler organisations voluntarily support the recovery of several fish stocks including cod, salmon and eel in the Baltic. Therefore, in the view of the BSAC, recreational fishermen should also benefit from the EMFAF, for example in terms of reporting, environmental restoration, research and data gathering.

- The BSAC agrees that recreational fishing should be part of the CFP.*
- Recreational fishing sectors shall be clearly defined within the CFP.*
- EMFAF funding should be made available for certain aspects of recreational fishing.*

Chapter 1: Ecosystem based approach to fisheries management

Summary from [BSAC White Paper on the Implementation and revision of the CFP](#):

Ecosystem-based approach to fisheries management (EBM) has no clear definition in CFP, and is not readily understood by all actors. However, business as usual is not an option. Management and decision-making should be more progressive and innovative and include the ecosystem impact.

There are 2 approaches to EBM: broader (MSFD) or narrower (CFP). BSAC definition tries to reconcile both: ***balancing human activities and environmental stewardship in a multiple use context, and about ensuring fish for the future.***

EBM should be considered in:

- Multispecies management of fish stocks, taking into account both the prey/predator relationship and harvesting patterns, and how environmental conditions affect the conditions of the stocks. New knowledge should be assessed with a view to refining the provisions on MSY in the Basic Regulation, or to allow for more flexibility in the EU MAPs.
- Minimising the unwanted/undesired effects of fishing on protected species and habitats. This relates to the CFP, MSFD and the Biodiversity Strategy.
- Where appropriate, strategies for the active rebuilding of fish stocks, including protecting and restoring habitats.

The BSAC stands by its definition of EBM although there is some debate in the membership. Some BSAC members do not see the need for more flexibility in the EU MAP nor of the need to change the Basic Regulation's provisions on MSY.

EBM should always be considered in strategies for fish stocks recovery, including protecting and restoring habitat.

Finally, EBM should be considered in the context of climate change and the fragility induced to affected ecosystems.

Summary from the [BSAC White Paper on the Implementation and revision of the CFP](#): Prioritised areas of action under EBM

- Fisheries management should follow rapid changes in the ecosystem: adaptive and fast decision-making process at regional level.
- Interactions between sea uses should be taken into account in fisheries management.
- Efforts involved towards reaching decisions needs to be brought together: this means TACs and quotas, technical measures, as well as environmental and other interactions (mammals, birds, fish, energy etc.).

The example of the low biomass of Baltic cod shows how management measures taken too late, not following the ecosystem changes, do not bring hoped-for improvement to stock health.

While fisheries management both at regional and EU levels should quickly follow the changes of the ecosystem, these should not be confused with changes in the scientific advice (because of new knowledge, for instance, or the correction of an assessment parameter). A majority of BSAC members want to see TAC changes more limited. Others highlight the need for TAC to be set in line with the scientific advice.

Finally, the BSAC calls for a harmonisation of efforts involved towards reaching fair and sustainable decisions not only for TACs and quotas and technical measures, but also regarding environmental and other interactions (mammals, birds, fish, energy etc.).

**Summary from the [BSAC White Paper on the Implementation and revision of the CFP](#):
Getting all required knowledge on the ecosystem**

- Scientific knowledge should be promoted in the fisheries sector. Knowledge from fishers (commercial and recreational) is essential.
 - Dialogue and co-operation between scientists and fishers is very important and facilitates carrying out effective data collection programmes. Fishers are willing to cooperate with the scientists, and would like the data they deliver used in decision-making processes without delay.
 - Data on species interaction is missing and this is a problem, in particular for mixed fisheries management.
- Ineffective rules and poor decision-making are counter-productive and can be detrimental to the ecosystem.

Broadening the above statement, the BSAC highlights the huge scientific knowledge needs when it comes to including ecosystem considerations in fish stock modelling. This is key to implement EBM. Finally, replacing the last sentence, the BSAC recalls that non implementation of rules is very detrimental and causes huge impacts on the ecosystem.

Chapter 2: Climate adaptation

Summary from the [BSAC White Paper on the Implementation and revision of the CFP](#):
Climate change has influenced the Baltic Sea ecosystem structure and function and impacted the fisheries.
More knowledge is needed in relation to climate change.
Decision makers are urged to incorporate the impacts of climate change into the management decisions as soon as more management options are understood.

The BSAC reaffirms the urgency of incorporating the impacts of climate change in management decisions.

The CFP alone cannot deal with all of the improvements needed. An integrated approach aimed at enhancing synergies between fisheries and environmental policies is needed:

- In addition to adaptation to climate change, the BSAC also points to the need to mitigate, where possible, the effects of climate change. This can be the case for example on shores and rivers lines by planting trees and ensuring a green cover that decreases the water temperature.
- Restoring marine habitats will make the Baltic Sea more resilient to handling the effects of the climate crisis whilst also being able to better mitigate the effect.
- Eutrophication together with climate change is a major driver for changes in the Baltic Sea ecosystem and calls for improved water management measures. The BSAC highlights that over 97% of the Baltic Sea area is affected by eutrophication¹. Excessive amounts of nutrients in the sea cause e.g. oxygen depletion, changes in the species composition and degradation of fish habitats. Increasing temperatures and extreme climate events will increase nutrient release and enhance eutrophication and its symptoms. Much of the pollution in the Baltic Sea is of land-based

¹ <https://stateofthebalticsea.helcom.fi/>

origin and agriculture still accounts for nearly half of all nitrogen and phosphorus input. The BSAC calls for better water management and nutrient retention measures in the Baltic Sea region.

- Marine Spatial Planning policies, (Blue/Green) Energy policies, and other sectoral policies should also account for the unintended consequences of their implementation on the marine ecosystem, the fish stocks and the fisheries. The BSAC has made extensive [recommendations regarding the development of offshore windfarms](#) and the risk they pose.

Chapter 3: Make best use of the scientific advice and overviews

Summary from the [BSAC White Paper on the Implementation and revision of the CFP](#):

The CFP is to be based on the best available scientific advice. However, the best advice available does not always match the challenges inherent with ecosystem-based management, such as natural stock fluctuations and ecosystem regime shifts.

The process of developing and providing advice can be improved. Improvement and modernisation of the biological advice and its format is needed to address the following issues:

- Member States need to supply data over a broader range with a higher quality and in a real-time format to the extent where technologies make this possible.
- The provision of consistent advice should have priority.
- The processing of data into advice must be modernised, to short-cut lengthy processes in ICES Working Group and in ACOM. Modelling based on AI should be developed.
- ACs should be more involved in discussions of format and content of advice.

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.

The BSAC suggests that the Commission puts forward a green paper on the functioning of the scientific advisory system and possible ways in which to improve it.

The BSAC agrees that the data collection programme in its current form is very valuable and should continue to be an integral part of the CFP. At the same time, this can be further improved by including the knowledge of the fishers (commercial and recreational) from all areas around the Baltic Sea, because the conditions are not the same in the different areas.

The BSAC revisited this chapter by bringing in more explanations:

- The advice from science is the basis for supporting and establishing the quality and appropriateness of management decisions, and to enable fishers to optimise the output of their efforts whilst ensuring that fisheries are sustainable.
- ICES already works with sufficient speed within the constraints of its framework
- Advisory Councils should be more involved in the content of the advice requests²

² BSAC letter asking for more transparency and stakeholder involvement in advice requests to ICES <https://www.bsac.dk/wp-content/uploads/2023/10/BSAC-letter-Baltfish-forum-follow-up23-25-25.pdf>

- More data is needed to allow for regular updates of natural mortality of the Baltic fish stocks
- The lack of knowledge and research on mixed fisheries issue in the Baltic is a problem that needs to be tackled with high priority.
- The scientific advice needs to move away from a single species approach to an ecosystem approach.
- The current scientific advice contains risks and uncertainties that are not quantified, explained and communicated in the advice. This is mainly due to data misreporting and uncertainties in scientific models. Therefore, ICES should quantify these uncertainties and include an assessment of the associated risks for fish stocks so that decision makers can make more informed decisions.

Some BSAC members highlight the failure of the CFP and the need to not replicate the ineffective approach that can only lead to similar results in the future. Another issue for them is that decisions are not only based on science.

Chapter 4: Overall management principles and compliance with the landing obligation

Earlier in 2024, the BSAC had published its [response to the Commission's questionnaire on the landing obligation](#) and didn't revisit this chapter

Chapter 5: Maximum sustainable yield (MSY)

Summary from the [BSAC White Paper on the Implementation and revision of the CFP](#):

The objective of reaching MSY has posed more problems than anticipated, (catch accountability in areas with mixed fisheries, stock fluctuations not caused by fishing). An increased number of fish stocks are now managed in accordance with MSY. It is not clear whether further improvements in meeting the MSY target can be obtained. The reason for this is lack of consistent biological advice, the Council's policy to base TACs on the assumption that all catches are counted and landed, and lack of compliance with and control of the landing obligation.

To establish a robust MSY policy, the following principles should apply (not the case in the Baltic now):

- It is based on sound and timely advice reflecting overall stock abundance and composition.
- It has a decided effect on stock development.
- Regulatory framework allows for fishers to adapt to changing circumstances.
- TACs are sufficiently respected and accounted for.

In order to improve the situation, the BSAC suggests that:

- Member States (MS) and ICES improve the surveys method, sampling, data sharing and include recreational fisheries.
- Commercial fisheries and recreational sectors and other relevant stakeholders' input is taken into account;
- Modelling of scientific advice includes and specifies hydrographic and environmental factors;
- Baltic MAP is revised in order for it to be more adaptive;
- Full catch accountability and the Landing Obligation are properly enforced.
- In order to evaluate and assess MSY, the BSAC suggests:
 - To assess the way MSY is applied in general, given the Basic Regulation and the range options provided according to the Baltic MAP;
 - To consider the need and form of text changes on MSY and FMSY in the Basic Regulation, and propose new wording;
 - To assess the specific situation in the Baltic. Take post-reform knowledge into consideration.

The BSAC agrees that the MSY principle needs to be better adapted to the current situation in the Baltic, including data on fishing mortality, and to provide more flexibility.

The BSAC update corrected some statements from the White Paper (see italics and strikethrough above). The BSAC further notes that there is now a decrease in the number of stocks managed in accordance with MSY.

Some BSAC members remark that the current implementation of the MSY approach might not always be the best suited for all stocks. This is for instance the case for salmon stocks that require other objectives and management principles, including a multiannual management plan.

There are still debates and many divergent views in the BSAC around the timeline and reference points related to the MSY principle:

Some members recommends that target biomass is calculated to be B_{MSY} . ICES should provide advice based on this reference point as part of the range of F options.

The BSAC brought up the question of whether the MSY objective should be a yearly objective or a long term one and how it can account for the full ecosystem developments and influences on the fish stocks (including predator-prey relationships).

With regard to these remarks, the BSAC calls for increased flexibility although some members do not share the views that there should be more flexibility to implement and achieve the MSY objectives.

Chapter 6: Decision making and regionalisation

Summary from the [BSAC White Paper on the Implementation and revision of the CFP](#):

Regionalisation plays an important role in securing influence by MS and interest groups with a direct interest in the region. Regionalisation should be retained, and at the same time be optimised.

Regionalisation in the Baltic is split between cooperation by the respective MS in BALTFISH (JR, Council positions), and the cooperation within the BSAC. BALTFISH has a strong and direct influence on implementation of the CFP in the Baltic. The BSAC is not part of the formal decision-taking on CFP implementation.

BALTFISH-BSAC have established a well-functioning dialogue on general Baltic management issues. However, there is a need for more coordination and more transparency by making meeting reports and other documentation available.

Regionalisation should mean a more coherent, transparent and effective management. This would enable a more adaptive fisheries management, with a faster decision-making process. More management decisions should be taken at regional level, even under the present legislative framework, with stronger cooperation with BALTFISH, assisted by ICES and HELCOM.

The BSAC suggests that:

- BALTFISH Forum and HLG, with the BSAC discuss management issues, including TAC/quotas in a common forum, without prejudicing final positions.
- Improved cooperation between BALTFISH, the BSAC, ICES and HELCOM.

Some members propose the establishment of a regional Task Force, with a strong mandate, to help rebuild cod and western Baltic herring. The Task Force could take fast and adaptive decisions on technical rules and come up with an effective long-term strategy. Scientists should be invited to come up with innovative solutions.

The BSAC is aware of the limitations of the current legal and institutional structure. To bring about true regionalisation would require a change to the current legislation.

The BSAC highlights the enhanced and very good cooperation with BALTFISH in the past two years. The collaborations between BALTFISH and the BSAC goes in the right direction.

Regionalisation should also ensure that there is transparency in the decision-making process. Meeting agendas and notes should be made available to the public. There should be a level playing field for all fishers, regardless of the location from where they operate in the concerned area. This is

to prevent uneven conditions for fishers in different countries. The BSAC sent a letter on that matter in 2023³.

Chapter 7: Recreational fisheries

Summary from the [BSAC White Paper on the Implementation and revision of the CFP](#):

Marine recreational fishing is growing and supports jobs and communities. It also has an impact on fish resources.

Marine recreational fisheries management should be compatible with and part of the CFP. The different recreational fishing sectors should be clearly defined to address controls and regulations to the correct sector.

Recreational fishing be covered by and managed within Member State quotas for selected stocks where a significant portion of the catches is taken by recreational fishermen.

Recreational fishermen should also benefit from the EMFAF.

The BSAC calls for including recreational fisheries in the CFP on an equal footing with commercial fisheries and aquaculture.

As explained in the White Paper, recreational fisheries play an important economic role in many communities. The sector is still growing and is a key economic support in shoulder seasons in some areas.

Alike commercial fisheries, recreational fisheries are impacted by fisheries regulations. A good example for this is the proposal included in the TAC and Quota regulation to ban recreational fishing at sea, in order to protect some fish stocks.

Different recreational segments (rod & line/angling, netting, trapping, potting, long-lining, spear fishing) should be defined and made explicit in the CFP, to better tailor the rules to its objectives. For example, to protect harbour porpoise in an MPA rather than a blanket ban on all recreational fisheries, a differentiated approach should target only net fisheries experiencing bycatch.

A further proposition to streamline the use of EMFAF by ensuring an efficient and better utilisation of the financial support, is to simplify how recreational fisheries can benefit from EMFAF support. Recreational fisheries projects should be allowed to be financed without commercial fisheries partners. This would save time for both sectors and ensure interesting projects to be financed.

Finally, more socioeconomic data is needed on recreational fisheries. This will be key to understand the consequences of management decisions for coastal communities.

³ BSAC recommendation on harmonised implementation of legal rules in geographically close areas.
<https://www.bsac.dk/wp-content/uploads/2023/08/PelagicWGlettertoCOMharmonised-impl-legal-rules2023-2024-5-1.pdf>

Chapter 8: Subsidies

Summary from the [BSAC White Paper on the Implementation and revision of the CFP](#):

The fishing industry is heavily regulated by prescriptive management at EU as well as at national level. At the same time, the availability of the resources is strongly influenced by other human activities. Given this, the BSAC suggests looking at the effect of subsidies in relation to:

- Need for targeted subsidies supporting the industry through transition phases and that will allow existing businesses to adapt to new legislation or to transform towards new maritime activities.
- Initiate and target support towards the development of new fisheries, selective fishing gear, and technology driving development to minimise CO2 emissions.
- Restoration and conservation of habitats, species, water quality and migration routes.

Further discussion on subsidies together with knowledgeable experts needed.

The BSAC highlights the need for subsidies to support fully documented fisheries (regardless of the tools deployed to reach this higher level of transparency).

Subsidies should also be made available in specific context like for transition to seal-proof gears.

In addition, subsidies should support infrastructure investments in harbours in the context of legislative changes such as the implementation of the new control regulation.

Some members highlight that subsidies should be used to reward best practice thus providing a positive incentive.

Subsidies which are used to develop gear technology improving selectivity in only one fleet segment provides those vessels with a competitive advantage, at the expense of others undermining the level playing field across the EU fleet.

As a side note, the BSAC sees the importance to have a longer reflexion on the polluter pays principle and its potential application to fisheries.

Chapter 9: The social dimension

Summary from the [BSAC White Paper on the Implementation and revision of the CFP](#):

Benefits in terms of jobs and social well-being are one of the key outcomes of a sustainably managed fishery. However, this is not a given thing, due to the fact that there are variations in fishing methods and opportunities. There needs to be a clear link between setting priorities, analysing and documenting the social and economic consequences of decisions taken. Ensuing costs are both economic and social, and these need to be described, accounted for and included in management decisions. The transparent implementation of Article 17 of the Basic Regulation and funding from EMFAF can contribute to the social dimension of fisheries management. In this connection, the Producer Organisations also play an important role.

Fisheries management impacts fish stocks and the greater ecosystem and vice versa, but management decisions also impact coastal communities and their resilience, especially in the Baltic this also includes recreational fisheries. A responsible and long-term approach to secure a better balance between the quest for MSY, with economic, environmental and social elements of fisheries management could be integrated in future Baltic MAPs.

MAPs should include economic and social considerations as part of the long-term objective of securing both environmental and local economic sustainability.

The BSAC agrees that the social, economic and environmental consequences of decisions taken need to be accounted for in setting priorities.

The differences in opportunities available for fisheries in “Baltic-locked Member States” and the ones having access to other sea basins need to be accounted for.

Impacts of decisions on fisheries management are felt by coastal communities but also along the rivers upstream and by the recreational fishing and tourism sectors.

In addition, more transparency is needed on how Article 17 is applied in the different Member States.

The BSAC draws attention to the special role and functioning of Advisory Councils:

- The Advisory Councils are part of the subsidiarity principles. Decisions should be made as close to where they apply as possible.
- The Advisory Councils should be (more) listened to. In order to facilitate the fulfilling of their advisory role, the Commission should recognise a special stakeholder status as laid down in the CFP Regulation⁴.
- Appropriate representation of small-scale fleets in the Advisory Councils within the fisheries sector organisations shall be ensured.
- Some BSAC members remark that the uneven (60% - 40%) allocation of seats in the AC Executive Committee and General Assembly does not allow an equal footing of the two groups in the ACs which is an issue of democratic principle.
- Some BSAC members remark that there are vacant seats in the other interest group (OIG) in most ACs, and this is in part explained by the uneven representation which discourages some NGOs from participating in ACs. They appreciate the recording of minority views in the BSAC and believe it is necessary.

⁴ **REGULATION (EU) No 1380/2013: Article 3 (f):** The CFP shall be guided by the following principles of good governance: /.../ appropriate involvement of stakeholders, in particular Advisory Councils, at all stages - from conception to implementation of the measures;