

Brussels, 14.9.2020  
SWD(2020) 171 final

**COMMISSION STAFF WORKING DOCUMENT**

**Details of the report**

*Accompanying the document*

**Report from the Commission to the European Parliament and the Council**

**First report on the implementation of the Multiannual Plan for the stocks of cod,  
herring and sprat in the Baltic Sea and the fisheries exploiting those stocks**

{COM(2020) 494 final}

This Staff Working Document provides more details about certain chapters of the report<sup>1</sup> on the implementation of the multiannual plan for the Baltic Sea<sup>2</sup>, some information about control-related aspects, and the detailed replies given in the stakeholder consultation.

## Contents

1. Modifications of the MAP .....	2
2. TAC setting .....	2
3. Landing obligation .....	4
4. Eco-system based approach .....	5
5. Socio-economic developments .....	8
6. Control .....	8
7. Stakeholder consultation .....	9
7.1. Baltic Sea Advisory Council .....	11
7.2. Baltic Sea Fisheries Forum (BaltFish) .....	16
7.3. Association of Fisheries Protection (Germany) .....	24
7.4. Clean Coalition Baltic .....	38
7.5. Confederation of Fishermen and Fish Processors of West Lithuania .....	44
7.6. Danish Fishermen Producer Organisation .....	48
7.7. Darłowska Group of Fish Producers and Ship Owners .....	53
7.8. Latvian Fisheries Association .....	58
7.9. The Fisheries Secretariat .....	62
7.10. World Wildlife Fund .....	71
7.11. The PEW Charitable Trusts .....	80
ANNEX .....	87

---

<sup>1</sup> COM(2020) XXX of XYZ 2020.

<sup>2</sup> Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks (OJ L 191, 15.7.2016, p. 1). Hereafter “MAP”.

## **1. Modifications of the MAP**

The MAP was modified twice in order to take account of the latest developments in scientific knowledge. ICES found that the two herring stocks of the Bothnian Sea and Bothnian Bay were one single stock. The two TACs were hence combined and the target fishing mortality ranges and conservation reference points were updated.<sup>3</sup> When ICES updated the MSY ranges and conservation reference points in its advice for the 2018 fishing season it became apparent that these fixed numbers in the MAP were not in line with the best available scientific advice. This led to the adoption of TAC decisions that did not reflect the objectives of the MAP. Therefore, the co-legislators agreed to replace those fixed values in the Annexes of the MAP by values to be advised annually by ICES.<sup>4</sup> Like this the plan would not risk being outdated whenever ICES updates these values and the basis for establishing yearly TAC levels is the most recent best available science. Furthermore, it was decided that the landing obligation is not applied to recreational fishing. Finally, an amendment is currently under discussion between the co-legislators to reinforce certain management measures for eastern Baltic cod.<sup>5</sup>

## **2. TAC setting**

The Baltic Sea is an atypical sea basin due to its geographical, physical and chemical characteristics as a semi-enclosed, shallow (the average depth is 60 meters, and one third of the area is less than 30 meters deep), brackish sea. It has strong temperature and salinity gradients. A strong permanent vertical stratification of the water column means deeper waters have less oxygen.<sup>6</sup> This leads to less diversity in fish species and the fisheries focus on three target species of the MAP – cod, herring and sprat. Total landings peaked in the mid-1970s at over 1.2 million tonnes/year and continuously decreased thereafter to stabilize since the early 2000s at around 600.000 tonnes/year. There are however important differences between the stocks. There has been a very sharp decline of cod catches (mostly eastern Baltic cod) since the mid-1980s from almost 450.000 tonnes/year to about 13.000 tonnes/year in 2019<sup>7</sup>. During the same period catches of sprat increased from less than 50.000 tonnes/year to over 500.000 tonnes/year in the late 1990s, before decreasing again to around 250.000 tonnes/year in recent years. Herring decreased from around 450.000 tonnes/year during the 1970s-80s to about 250.000 tonnes/year in the mid-2000s from where it has increased again to over 300.000 tonnes/year.<sup>8</sup>

---

<sup>3</sup> Regulation (EU) 2018/976 of the European Parliament and of the Council of 4 July 2018 amending Regulation (EU) 2016/1139 (OJ L 179, 16.7.2018, p. 76).

<sup>4</sup> Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for fish stocks in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulation (EU) 2016/1139 [...] (OJ L 83, 25.3.2019, p. 1).

<sup>5</sup> Commission proposal COM(2019) 564 of 31 October 2019 for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/1139 as regards the introduction of capacity limits for eastern Baltic cod, data collection and control measures in the Baltic Sea, and, Regulation (EU) No 508/2014 as regards permanent cessation for fleets fishing for eastern Baltic cod.

<sup>6</sup> ICES Advice 2019 – Baltic Sea Ecoregion Ecosystem overview, 12 December 2019.

<sup>7</sup> To be noted that the fishery for eastern Baltic cod was closed as of 24 July 2019.

<sup>8</sup> ICES Advice 2019 – Baltic Sea Ecoregion Fisheries Overview of 2 September 2019, pp. 6 and 7.

From the outset it should be noted that some external elements have an impact on the setting by the EU of total allowable catches (TAC) for the Baltic Sea. First, the advice from the International Council for the Exploration of the Sea (ICES) for western Baltic herring also covers a fishery outside of the Baltic Sea, which the EU shares with Norway. As the MAP does not bind Norway, ICES, according to its internal rules, does not provide scientific stock advice based on the MAP's rules for western Baltic herring. Second, the stocks of cod, central herring, sprat and salmon are shared with the Russian Federation. Distribution keys had been agreed under the International Baltic Sea Fishery Commission. However, subsequently to the EU enlargement of 2004 this organization ceased to exist at the end of 2006 and with it also the agreement on the distribution keys. Since then it has not been possible for the EU and the Russian Federation to agree on distribution keys. The parties hold yearly meetings, but set their annual TACs autonomously. For setting its annual TACs the EU uses the distribution keys agreed in the past.

The TAC for a stock with an MSY assessment is to be set at a level which restores at the latest by 2020 and thereafter maintains a stock's biomass above levels capable of producing MSY. An MSY assessment is only possible if sufficient data is available and if scientists have developed a concrete MSY model for the stock. The TAC for a stock assessed on a precautionary basis, because of a lack of data or lack of scientific assessment model, is to ensure at least a comparable degree of conservation. Decisions are to be based on the best available scientific advice.

Articles 4 and 5 of the MAP provide detailed rules about the TAC setting for stocks with an MSY assessment. For these the TAC is to be set within a range of values to provide flexibility, to take account of the latest scientific advice, to help implement the landing obligation and to take into account the characteristics of mixed fisheries. All fishing mortality values in the range are to result in MSY in the long term with given fishing patterns and under average environmental conditions without significantly affecting the stock's reproduction process. The range mustn't lead to a reduction in long-term yield compared to MSY of more than 5% and is therefore capped so that the probability that the stock's biomass falls below the limit spawning biomass reference point (so-called " $B_{lim}$  point") is no more than 5%. This places the MSY objective of the EU among the most ambitious in the world, because it has built a precautionary buffer into the target. On the other hand it needs to be stressed that scientists agree that even with the best MSY management all stocks cannot be fished at MSY at the same time and there will always be some stocks that are not at MSY.

The TAC is to be set in the lower range, i.e. between the lowest point and the  $F_{MSY}$  point value. For healthy stocks the TAC may under certain conditions be set in the "upper range", i.e. between the  $F_{MSY}$  point and the highest point value. The conditions are: if a higher TAC is necessary to take account of mixed fisheries, or to avoid serious harm to a stock caused by intra- or inter-species stock dynamics, or to limit TAC variations from one year to another to 20%.

If on the other hand a stock is under pressure and the amount of fish in the sea is at a low level (biomass below  $B_{\text{trigger}}$ ), then remedial measures have to be taken to increase the stock above  $B_{\text{trigger}}$ . This entails fixing the TAC in the “lower range” taking into account the decrease in biomass. If the amount of fish in the sea is even below the minimum level (biomass below  $B_{\text{lim}}$ ), additional measures must be taken to swiftly rebuild the stock. These can include further TAC reductions, suspending the targeted fishery and other remedial measures.

In 2018 the landings in the Baltic stemming from stocks covered by the MAP and which TACs were set at MSY reached 97% of total landings; for 2019 this figure stood at 94%. The annual aggregate tonnage corresponding to fishing at the  $F_{\text{MSY}}$  point value increased from about 555.000 tonnes in 2016 to above 700.000 tonnes in 2017, but then declined to about 565.000 tonnes in 2019. The downwards trend continues in 2020 as ICES advised to reduce the catches for most stocks. The aggregate tonnage corresponding to fishing at the  $F_{\text{MSY}}$  point value decreases to a historically low 470.000 tonnes. Furthermore, ICES estimates that the biomass of eastern Baltic cod has been below  $B_{\text{lim}}$  since 2017 and will remain below this level in the medium-term even with no fishing at all. The objective for this stock is to rebuild it to safe levels.

### **3. Landing obligation**

Before the entry into force of the MAP, on the basis of Article 15(6) of the CFP Basic Regulation<sup>9</sup> a high survivability exemption from the landing obligation was granted in 2014 for a duration of three years for cod and salmon caught by certain passive gears.<sup>10</sup> Moreover, the delegated act established the minimum conservation reference size for cod at 35 cm. These exemptions were renewed in 2017 on the basis of joint recommendations, and plaice was added.<sup>11</sup> Regarding plaice, the relevant Member States were to provide information in March 2019 about the discard survival estimates. A joint recommendation on high survivability of plaice was submitted to the Commission in June 2019. Based on the negative STECF assessment<sup>12</sup> the Commission did not adopt a delegated act.

Technical measures can contribute to reducing unwanted catches and therefore Article 8 of the MAP also empowers the Commission to adopt delegated acts. Two joint recommendations were submitted for the use of alternative and more selective gears. One led to the adoption of a delegated act<sup>13</sup>. On the other one STECF considered that the underlying scientific evidence

---

<sup>9</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy (OJ L 354, 28.12.2013, p. 22). Hereafter “CFP Basic Regulation”.

<sup>10</sup> Commission Delegated Regulation (EU) 1396/2014 of 20 October 2014 establishing a discard plan in the Baltic Sea (OJ L 370, 30.12.2014, p. 40).

<sup>11</sup> Commission Delegated Regulation (EU) 2018/211 of 21 November 2017 establishing a discard plan for Baltic salmon (OJ L 41, 14.2.2018, p. 1); to be noted that salmon is not covered by the MAP. Commission Delegated Regulation (EU) 2018/306 of 18 December 2017 laying down specifications for the implementation of the landing obligation as regards cod and plaice in Baltic Sea fisheries (OJ L 60, 2.3.2018, p. 1).

<sup>12</sup> STECF 62<sup>nd</sup> plenary meeting report (PLEN-19-03), item 6.1, p. 56.

<sup>13</sup> Commission Delegated Regulation (EU) 2018/47 of 30 October 2017 authorising the use of alternative T90 trawls in the Baltic Sea fisheries (OJ L 7, 21.1.2018, p. 21).

was not sufficient to sustain that the alternative gear would improve selectivity.<sup>14</sup> Therefore no delegated act was adopted and BaltFish was asked to first provide more evidence on any improved selectivity.

ICES estimates<sup>15</sup> that discards of pelagic species are negligible in the Baltic Sea since sprat and herring are target species, and related by-catches are mostly landed, especially in the case of targeted industrial pelagic fisheries. Discards by static coastal gears are minor. For the other fisheries the officially reported discards have been reduced close to zero since the entry into force of the landing obligation. ICES however stresses that illegal discarding continues. Overall ICES estimates that 91% of the estimated discards in weight are caught by active gears, and while the subsequent mortality cannot be quantified ICES estimates it to be substantial. Based on observer data only, and hence considered by ICES to be underestimates, ICES indicates in its latest annual stock advice estimated discard rates in 2018 of 16% for eastern Baltic cod, around 4% for western Baltic cod, and around 30% for plaice and flounder.<sup>16</sup> Regarding plaice, ICES had previously indicated that under certain circumstances discards could be up to 100% of the catch.<sup>17</sup> It should be noted that until now, flatfish was mostly caught as by-catch in targeted cod fisheries.

#### **4. Eco-system based approach**

Pursuant to Article 2(3) of the CFP Basic Regulation, the CFP has to implement the ecosystem-based approach to fisheries management to reduce negative impacts of fishing activities on the marine ecosystem. Article 3(3) of the MAP furthermore provides that the MAP has to be coherent with EU environmental law and in particular with the objective of achieving good environmental status by 2020 as set out in the Marine Strategy Framework Directive 2008/56/EC (hereafter “MSFD”).<sup>18</sup>

Assessing the status of the Baltic Sea ecosystem and the MAP’s contribution is complex. The ecosystem has been in a difficult situation for decades. In 1974 the Convention on the Protection of the Marine Environment of the Baltic Sea Area, known as the Helsinki Convention, was signed by the coastal states.<sup>19</sup> In 2007 its members adopted a Baltic Sea Action Plan to restore the good ecological status of the Baltic marine environment by 2021, with special attention to eutrophication, biodiversity, hazardous substances and marine activities. Through its concrete actions Helcom supports the EU Member States in implementing the MSFD.

---

<sup>14</sup> STECF 59<sup>th</sup> plenary meeting report (PLEN-18-03), item 5.7, p. 70.

<sup>15</sup> ICES Advice 2019 – sr.2019.15 of 27 June 2019.

<sup>16</sup> ICES Advice 2019 – cod.27.22-24; cod.27.24-32; ple.27.21-23; ple.27.24-32; fle.27.2223; fle.27.2425; all of 29 May 2019.

<sup>17</sup> ICES Advice 2018 – ple.27.24-32 of 31 May 2018.

<sup>18</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for the community action in the field of marine environmental policy (OJ 164, 25.6.2008, p. 19).

<sup>19</sup> [www.helcom.fi](http://www.helcom.fi).

In order to determine good environmental status, the MSFD provides eleven qualitative descriptors. Furthermore, Article 3(3) of the MAP provides that the MAP aims ensure that the conditions of descriptor 3 are fulfilled, and to contribute to the fulfilment of other relevant descriptors in proportion to the relative role played by fisheries. Particular attention is paid to descriptor 3 because it is directly linked to the TAC (and hence to the MAP). It reads “the populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock”. Fishing activities have an impact on the descriptors relating to biological diversity (1), the food web (4), sea-floor integrity (6) and marine litter (10). The contribution to the other descriptors is at best indirect and/or not substantial.<sup>20</sup>

Besides the direct extraction of species, the most important impact of fisheries on the ecosystem are the direct removal of predators and prey with indirect effects on the food web, abrasion of the seabed, disturbance of associated benthic communities and bycatch of sensitive species. ICES, however, cannot quantify the effects on the ecosystem.

Regarding descriptor 3, ICES only assesses two of the three criteria (biomass and fishing pressure, but not age and size distribution). In its latest advice ICES estimated that in 2019 Gulf of Riga herring was the only target stock under the MAP fulfilling the two assessed criteria of descriptor 3; sprat and central Baltic herring fulfilled only the biomass criteria. Regarding the by-catch stocks under the MAP, plaice in areas 24-32 fulfilled descriptor 3 while fishing pressure for plaice in areas 21-23 was too high; the status of flounder, brill and turbot was unknown. The status of stocks not covered by the MAP was good for sole and unknown for dab (with a positive assessment of the fishing pressure) and European eel (with a negative assessment of the stock size).

ICES does not assess in detail the status of the other descriptors, but still provides qualitative indications. In the context of this report, which is about the implementation of the MAP and not of the MSFD in the Baltic Sea, the following aspects should be noted regarding the other relevant descriptors. Fishing activities increase the challenge of maintaining biodiversity. ICES states for example that size-selective fishing may disrupt fish population stability, and fishing gear is a threat to certain sea birds and critically endangered harbour porpoise. In many coastal areas the increased abundance of freshwater fish and a concurrent decrease in piscivorous fish indicated a deteriorating ecosystem, though more recently there have been some signs of improvement. Fisheries have a large impact on the upper trophic levels which can cascade down the food web. For example the fisheries-related substantial reduction of the eastern Baltic cod stock during the 1980s led to an increase of zooplankton eating sprat which in turn led to a decrease of the summer biomass of zooplankton. This provoked a decline in the body condition and growth of sprat and herring, which may have led to an increase of phytoplankton and hence worsened eutrophication. Bottom trawlers physically destroy and

---

<sup>20</sup> Introduction of non-indigenous species (2), human-induced eutrophication (5), hydrographical conditions (7), level of contaminants in the sea (8), level of contaminants in fish and seafood (9), introduction of energy including underwater noise (11).

disturb seabed habitats, whose diversity and biomass hence reduce and whose composition changes. Secondary effects are the smothering and resuspension of sediments and nutrients, as well as food web effects. The impact, however, cannot be quantified due to a lack of studies and information on thresholds of environmental impact. Abandoned, lost or discarded fishing gear are an unsolved problem. Its impact on the environment remains unquantified but the fishing pressure exerted is estimated to range from 20% of its usual net capacity after three months to a maximum of 6% after two years. Finally, and although not fisheries-related, the presence of slowly degrading contaminants such as dioxins and polychlorinated biphenyls are of special concern for the fishing sector; the issue of trawlers re-suspending sediments in which those contaminants deposit and accumulate must be seen in this context.

Conversely, the ecosystem also affects fish stocks, but ICES cannot determine the relative contribution of each environmental factor on the fishing mortality rates. There has been a drastic increase in the extent of areas with too low and even areas with depleted oxygen since the 1990s, likely due to a lack of strong water inflows from the North Sea and potentially increased biological oxygen consumption on the seafloor. Moreover, due to large-scale atmospheric processes, in the surface waters the average water temperature has increased and the average salinity decreased. This has led to considerable changes in spatial distribution of fish stocks, and changes in their condition and productivity.

Furthermore, parasites and invasive species also impacted fish stocks. They lead to a decreased productivity of herring and sprat and a decreased productivity and less wide distribution of eastern Baltic cod, less predator-prey spatial overlap, and changes in the food web functioning due to invasive species. ICES for example posed the question whether the main current bottleneck for eastern Baltic cod growth is the limited abundance of benthic prey for juvenile cod due to areas with too little oxygen, rather than a lack of sprat.

Regarding the infection of eastern Baltic cod with liver worms, it remains uncertain whether the high infection rate is the cause or rather the effect of the cod's poor condition. ICES estimates that the population of grey seals has reached good status in most areas and has levelled off at around 30.000 individuals. In some areas the grey seal diet is estimated to have a significant impact on the fish stocks but there are no recent quantitative estimations. According to Helcom the population of ringed seals is low and its status considered not good; the status of harbour seals varies between areas. Finally, bird predation can locally affect fish populations but the effect on the stocks is not yet quantified.

The consulted stakeholders underline the importance of an ecosystem-based management of fisheries and the contribution of fisheries to achieving good environmental status, while pointing out that non-fisheries related factors play an important role as well. Member States consider that the situation of the fish stocks would probably have been worse without the MAP while the Advisory Council is of the view that the MAP has been counterproductive since it lacks provisions on the concrete implementation of an ecosystem-based management of fisheries.



## **5. Socio-economic developments**

In 2017 the Baltic fleet overall generated profits. However, the fleets of four Member States – Denmark, Finland, Germany and Lithuania - suffered net losses in 2017. The revenue (income from landings and other income) generated in 2017 was estimated at EUR 226 million, a modest increase of 1% from the previous year. Four Member States accounted for 74% of all revenues: Sweden (EUR 54 million), Poland (EUR 47 million), Finland (EUR 35 million) and Denmark (EUR 30 million).

By the end of 2017<sup>21</sup> small-scale coastal fisheries were responsible for 85% of the days at sea and 68% of employment. Yet, the large-scale fleet has been the main actor in the region and was responsible for 92% of landed weight and 77% of the landing value. Landed weight has been decreasing for years; landed value increased until 2012 and has been decreasing since mostly because of decreasing prices for and landings of cod.

Gross Value Added in 2017 was estimated at over EUR 112 million, gross profit at EUR 44.3 million and EUR 9.4 million in net profit. Overall the gross profit margin of the region decreased from 23% in 2016 to 19% in 2017 with the Swedish fleet as the most profitable (33% profit margin), followed by Estonia (30%), Finland (26%), Latvia (24%) and Poland (16%).

Employment, measured in terms of Full Time Equivalents (FTE), decreased over the last 10 years. On a more positive note, average wages per FTE in the large-scale fleet increased by 10% between 2016 and 2017 and was estimated at around EUR 23 527 per year.

## **6. Control**

In addition to the general provisions of the Control Regulation (EC) No 1224/2009<sup>22</sup>, the MAP has the following specific provisions: the requirement for masters of vessels of 8m length or more to keep fishing logbooks and to submit prior notification before landing if catches on board exceed certain limits; the obligation to land catches above certain thresholds in designated ports; and the derogation from applying the margin of tolerance in the logbook for unsorted landings.

Most stakeholders point out that the main problems regarding fisheries control in the Baltic Sea concern issues not directly linked to the MAP, notably the lack of effective means to control and enforce the landing obligation. Scientific data, EFCA reports and the preliminary findings of recent audits seem to corroborate a generalised lack of efficient control measures by Member States.<sup>23</sup> To improve the situation, the stakeholders suggest to focus control on gears that are known for substantial by-catch and risk of discards and to introduce Closed-

---

<sup>21</sup> Relevant economic data is only available until 2017.

<sup>22</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy (OJ L 343, 22.12.2009, p. 1).

<sup>23</sup> Commission Staff Working Document SWD(2020)112 final accompanying Commission Communication on the 2020 Policy Statement COM(2020)248, pp. 32-42.

Circuit Television and Remote Electronic Monitoring. Stakeholders also ask to improve the control of vessel engine power and introduce digital catch reporting for all vessels regardless of their length

The enhanced reporting requirements for vessels of 8m or more, and prior notification and obligation to fill in log books increased the effectiveness of controls. The consulted stakeholders consider that the obligation extending the use of logbooks and prior notifications for vessels below 8m, as well as the obligation to land catches above certain thresholds in designated ports have helped achieve CFP objectives. The Baltic Sea Advisory Council however believes that the Specific Control and Inspection Programs in combination with Joint Deployment Plans are by far more effective.

As for the derogation from the margin of tolerance for unsorted pelagic landings, there are strong indications that this provision has resulted in substantial misreporting of sprat and herring, which might affect the assessments of these stocks. In order to gain a better understanding of the misreporting and assess its magnitude, the Commission launched a specific data call in December 2019 to obtain relevant catch, landing and inspection data from the Member States concerned. The analysis of these data is currently ongoing.

It is worth noting that all issues mentioned above were already raised previously, at numerous occasions, including in the public consultation on the evaluation of the Control Regulation.<sup>24</sup> The discussions held in this context however also highlighted the need to address these issues at European rather than regional level in order to avoid distorting competition.<sup>25</sup> The failure of Member States to control the obligation to land catches, as well as the lack of a fully electronic system for catch reporting, together with poor control of engine power; are considered to affect compliance with the CFP seriously. The Commission adopted in May 2018 a proposal for the revision of the Fishery Control System<sup>26</sup> and have been part of the control strategy set-up together with the Member States and the European Fisheries Control Agency (EFCA).

## **7. Stakeholder consultation**

In the context of this first report on the implementation of the Baltic Sea Multiannual Plan the European Commission undertook a targeted stakeholder consultation, as it did when it prepared the initial legislative proposal on the said Multiannual Plan.<sup>27</sup> The consultation was based on a questionnaire. The consulted stakeholders were the Baltic Sea Advisory Council, the Baltic Sea Fisheries Forum and the respective members of these two organisations.

---

<sup>24</sup> COM(2017) 192 final of 24 April 2017.

<sup>25</sup> SWD(2018) 280 final of 30 May 2018.

<sup>26</sup> COM(2018) 368 final of 30 May 2018.

<sup>27</sup> COM(2014) 614 final and SWD(2014) 291 final.

Outside the targeted stakeholder consultation, one organisation sent on its own initiative a contribution to DG MARE which is also reproduced in this document. Also to be noted, that a group of NGOs published a report in September 2019 on the Baltic MAP.<sup>28</sup>

This Staff Working Document reproduces the content of the replies as received by the Commission. Questions 1 to 5 of the questionnaire referred to the identity of the respondent and are therefore not reproduced in this document. The replies of the Baltic Sea Advisory Council and of the Baltic Sea Fisheries Forum are reproduced first followed by the replies of the other organisations of the targeted stakeholder consultation in alphabetical order. The reply received outside the targeted stakeholder consultation is reproduced last.

---

<sup>28</sup> “Fit for purpose? An assessment of the effectiveness of the Baltic Sea multi-annual plan (BSMAP)”, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=2ahUKEwiiq8amvtPoAhUCLewKHP5DewQFjABegQIAhAB&url=https%3A%2F%2Fwww.pewtrusts.org%2F-%2Fmedia%2Fassets%2F2019%2F09%2Fbaltic-map-review-final.pdf%3Ffla%3Den%26hash%3D2483E5C6E5528ADFFCB5DFE8FBD9A9A32B502FCD&usg=AOvVaw3lcz5jBRninAUC-dvRGUpt>.

## **7.1. Baltic Sea Advisory Council**

### **Section 1 – Progress made towards sustainable fishing levels**

According to the MAP MSY is to be achieved for all relevant stocks by 2020. 8 of the stocks covered by the MAP are managed by TACs, of which 7 receive an analytical assessment by ICES (6 target TAC, and one by-catch TAC). Out of these 7 TACs the TACs for 3 stocks were at MSY in 2016, and for 6 stocks as of 2017. In your opinion

***Q6: Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?***

***Q7: To what extent has the MAP contributed to increasing the number of TACs set at MSY?***

***Q8: Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?***

***Q9: free text***

The BSAC is of the opinion that the existence of a MAP has not facilitated the process of setting of TACs for the relevant stocks. Several members are of the view that the Plan has actually been counterproductive in this process.

In the BSAC's opinion, the MAP has not contributed to increasing the number of TACs set at MSY and has not helped in dealing with difficult cases such as the eastern and western Baltic cod stocks, western herring and that the provisions in the MAP have in some cases been counter-productive.

It is the general view of BSAC members that the MAP has not satisfied anybody.

The fisheries representatives underline that the framework provided by the MAP is not flexible enough to respond to the fluctuations caused by nature and changes in the ecosystem. In concrete terms, the ranges of target fishing mortality levels set out in Annex I<sup>1</sup> to the Plan are too rigid in the light of inconsistent scientific advice on fish stocks and do not allow for a more adaptive management. In their opinion, the inclusion of a socioeconomic clause in setting the TACs would provide for better planning of the fishery in line with the fishing opportunities.

Some OIG representatives are of the view that the achievement of objectives set in the MAP with regard to setting the TACs at MSY has been seriously delayed. The CFP Basic Regulation only allows for the postponement of MSY exploitation rates beyond 2015 “if achieving them by 2015 would seriously jeopardise the social and economic sustainability of

---

<sup>1</sup> Subsequently removed by Regulation 2016/1139.

the fishing fleets involved”. In their view, to date, no compelling socio-economic evidence justifying such delays in the Baltic Sea region has been made publicly available.

## **Section 2 – Discards and landing obligation**

On discards and the landing obligation, in your opinion

***Q10: To what extent have discards been eliminated and the landing obligation actually been implemented?***

***Q11: To what extent has the MAP contributed to achieving the current situation, notably via discard plans and technical measures?***

***Q12: free text***

The BSAC is of the opinion that the implementation of the Landing Obligation has not been fully successful. The BSAC is of the opinion that the MAP has not contributed to achieving the implementation of the Landing Obligation. For example, it has not provided enough help in terms of the developments of alternative gears or facilitating the removal of gears that do not work. Some of the provisions of the MAP have even been counterproductive in the implementation of the Landing Obligation, for instance the specific measures for flatfish, which have encouraged bad practices in the fishery.

The development of the special exemptions and provisions in Article 7 has not been successful and has led to too much micro-management.

The BSAC appreciates the attempt to create a regional means for dealing with the landing obligation. However, regionalization, with BALTFISH as the managing body, has not succeeded in doing this.

One fisheries representative has experienced elimination of discards and successful implementation of the landing obligation, as well as compliance with control and enforcement. They have also experienced strengthened regional co-operation.

## **Section 3 – Ecosystem-based approach**

***Q13: To what extent has the objective of implementing an ecosystem-based approach to fisheries management, and notably of achieving good environmental status by 2020, been achieved?***

***Q14: To what extent has the MAP contributed to the current situation?***

***Q15: free text***

The BSAC is of the opinion that the MAP has actually been counterproductive in implementing an ecosystem-based approach to fisheries, whereby environmental factors and interactions are to become a more integral part of managing the fisheries. Moreover, the MAP does not take into consideration the importance of species interactions. Despite having a clear objective for this in Article 3.3., the MAP does not contain any provisions for allowing for real implementation of ecosystem-based management for achieving good environmental status (GES) by 2020. Stating an objective is insufficient and unnecessary if it is not followed through.

#### **Section 4 – Control enforcement**

***Q16: To what extent have the specific provisions laid down in the MAP (Articles 10-14) allowed the national competent authorities to ensure compliance with the MAP itself?***

***Q17: Are there specific control measures that contributed substantially to improve compliance?***

***Q18: Are there specific control measures that have instead not contributed to improve compliance?***

***Q19: Are there specific control measure(s) missing in the MAP or in the Control Regulation which would improve compliance with the MAP?***

The BSAC is of the opinion that the specific provisions laid down in the MAP have not at all contributed to ensure compliance with the Common Fisheries Policy. The MAP is not a control tool; it simply provides a list of exemptions from the Control Regulation.

The Joint Deployment Programmes and the Specific Control and Inspection Programmes have been more effective than the MAP in dealing with control issues. Adding a layer of provisions within the MAP makes for a very complicated management framework.

Moreover, the absence of a multiannual plan for Baltic salmon has made it necessary to add provisions in the current TAC/quota regulation 2019<sup>2</sup>. If other legal acts can facilitate Baltic fisheries management, is there a need for a multiannual plan?

#### **Section 5 – Regional cooperation**

***Q20: On regional cooperation, to what extent has the MAP in your opinion strengthened regional cooperation, including with stakeholders?***

---

<sup>2</sup> Regulation 2018/1628.

***Q21: free text***

The BSAC is of the opinion that the MAP has not facilitated regional cooperation and its functioning is not helped by regional cooperation. The MAP was originally conceived to be developed and dealt with in a regional context and not to contain too much detail. BALTFISH as a regional cooperation was created well before the MAP came about. Formed under the aegis of the Baltic Sea Action Plan, with a memorandum of understanding from 13<sup>th</sup> December 2013, BALTFISH had a cooperation in place and could have been the testing ground for developing Baltic multiannual management. Instead, presented with a politically adopted MAP, BALTFISH has been challenged to deliver. In addition, the continued annual exercise of negotiating and agreeing fishing opportunities is time consuming and does not leave much time for regional management. For Western Baltic Herring (WBSS) the MAP has not been accepted by Norway, a key coastal state for the management of the stock. Thus, ICES does not provide scientific advice based on the MAP. In short, the MAP is not really helping regional cooperation; it is getting in the way.

**Section 6 – Socio-economic impact**

Regarding the socio-economic impact of the MAP, in your opinion

***Q22: Has the overall socio-economic situation of the fisheries sector improved since the entry into force of the MAP?***

***Q23: Do you see a positive correlation between the implementation of the MAP and the socio-economic situation of the fisheries sector?***

***Q24: free text***

The BSAC agrees that the MAP lacks socio-economic considerations. So there is no positive or negative correlation. There is no reference in the MAP to the socio-economic impact of commercial and recreational fisheries. The fisheries representatives are of the opinion that this is a major failure of the MAP. In their view the MAP should manage fisheries, whilst at the same time take into account the fishermen and the impact and consequences of management decisions. So its scope and perspective should be widened. The OIG takes note of the socio-economic dimension which they feel is not sufficiently documented when the decisions on fishing opportunities are taken.

**Section 7 – Overall assessment**

***Q25: What is your overall assessment of the Baltic MAP?***

***Q26: free text***

The BSAC is not satisfied with the general performance of the MAP.

The BSAC appreciates the overall objective of creating a regional management plan and the attempt to introduce a multi-species management. It is perhaps too early to draw final conclusions on the effectiveness of the MAP. However, the MAP has many shortcomings. One of the major shortcomings is the lack of defined measures to be applied in emergency situations and, in the view of fisheries representatives, the lack of socio-economic considerations.

The fisheries representatives note the problem with the inconsistency of the ICES advice which has caused the estimates of biomass to jump up and down around the suggested reference points. With a rigid management plan, this translates immediately into similar instabilities in TACs and gives an impression of TACs set too high in hindsight, although they were set in line with scientific advice at the time they were agreed.

The OIG points out that the MAP has been harmful to the management of Baltic Sea fish stocks and that its implementation has been detrimental. In their view, for only one of the seven stocks managed by the MAP has the Plan been correctly implemented (Gulf of Riga herring). The unsuccessful implementation of the MAP and the omission to follow the clear guidelines laid out in the MAP have had a detrimental effect on the other stocks.

The OIG underlines that the MAP is not facilitating the implementation of the CFP and the Marine Strategy Framework Directive as intended.

The BSAC agrees that the regional component that is key to the successful functioning of a MAP is yet to be delivered. This is a disappointment. The Baltic Sea MAP was the first to be adopted. It was held up as a blueprint for future MAPs. But it has not lived up to its expectations.



## **7.2. Baltic Sea Fisheries Forum (BaltFish)**

### **Section 1 – Progress made towards sustainable fishing levels**

According to the MAP MSY is to be achieved for all relevant stocks by 2020. 8 of the stocks covered by the MAP are managed by TACs, of which 7 receive an analytical assessment by ICES (6 target TAC, and one by-catch TAC). Out of these 7 TACs the TACs for 3 stocks were at MSY in 2016, and for 6 stocks as of 2017. In your opinion

***Q6: Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?***

No opinion

***Q7: To what extent has the MAP contributed to increasing the number of TACs set at MSY?***

No opinion

***Q8: Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?***

No opinion

***Q9: free text***

The fact that the MAP entered into force during summer 2016 means that the setting of the fishing opportunities for 2017 in October 2016 was the first time the MAP was applied. Spring 2017 was the first time the MAP served as the basis for the ICES advice for the fishing opportunities in the Baltic Sea. This means that there are only a few years that the MAP has been fully applied to establish fishing opportunities in the Baltic Sea. This is a too short period of time to evaluate and make conclusions regarding the effectiveness of the MAP. Against this background it is not possible to provide simplified answers without opening for misunderstanding and misinterpretation. This apply to both above questions as well as for the questions below, and that is why BALTFISH instead provide comments under number 9 instead.

Regarding question 6 and 7, the achievement of setting TAC for the relevant stocks can be compared both to the objectives in the CFP and to the TAC process before the MAP was implemented. The MSY ranges/TAC-setting mechanism in the MAP has facilitated for the MS setting TAC according to the CFP by referring to the Fmsy range, hence providing the frame within all set fishing opportunities is in line with the MSY objective in the CFP. However, BALTFISH considers one of the main contributing factor to setting TAC according to the MSY objectives is an analytical assessment in the ICES advice for the relevant stocks. Unfortunately, this has not been the case for all stocks (for example eastern Baltic cod) and the lack of such a key component has severely complicated the decision-making process and

discussions. Also, predictability of ICES advice is a main factor when it comes to good and constructive negotiating climate when setting the TAC and quotas. Hence, uncertainties between years in ICES advice makes the TAC and quota negotiating and communicating the TAC setting to the public more difficult. Big fluctuations in TAC levels between years have occurred. This is both a direct effect of the establishment in the reformed CFP of MSY as an objective as well as the results of the following ICES benchmarks for several stocks. These big fluctuations have not provided fishermen and the processing industry with the wanted stability and have made it difficult for the industry to plan ahead and to have a steady income or steady inflow of raw material in the same way as the stability instrument in the previous management plan for cod in the Baltic Sea provided.

8. The MAP facilitates reaching the objectives of the CFP, however the implementation and utilization of the tools in the plan could be further increased. There has also been an increase of scientific investigations on the sensitive stocks during recent years.

MAP does not address the influence of environmental and natural mortality factors, mixing of stocks and other aspects, which are beyond the impact of fisheries, but do affect the stocks. For example, dramatic increase of natural mortality for eastern cod, growth of seals population etc.

## **Section 2 – Discards and landing obligation**

On discards and the landing obligation, in your opinion

***Q10: To what extent have discards been eliminated and the landing obligation actually been implemented?***

No opinion

***Q11: To what extent has the MAP contributed to achieving the current situation, notably via discard plans and technical measures?***

No opinion

***Q12: free text***

10. The landing obligation was established by the Basic regulation (and not the MAP) and has gradually been implemented in the Baltic Sea between 2014 to be fully implemented as of 1 January 2017. The quota uplift that came with the landing obligation, was not followed up with an update of the control regulation or a significant increase of control efforts/tools. Despite that the landing obligation in the Baltic Sea is now fully implemented and despite that the fishermen are now familiar with the new rules this has led to a continuous discard of for instance cod. The discard ratio varies much between the different fisheries. However, that the discards have not been eliminated is not due to a failure of the MAP, but a general

observation of the implementation of the CFP, the need for an updated control regulation and the need for better compliance with the rules by the fishermen. The problem with compliance for some fleet segments to comply with the LO is not specifically addressed within the MAP but the CFP and the control regulation. Hence, adapting the new control regulation and pushing the adoption is of importance.

It should also be noted that the first round of discard plans for the Baltic sea were already in place before the MAP entered into force 2016. Therefore, it is difficult to correlate the current situation to the MAP as such as it was the Basic Regulation which served as the legal background for the first discard plans.

11. The MAP has opened a “fast track” for developing and allowing more selective gears and for discard plans when high survivability can be scientifically documented. However, this possibility has just recently started to be implemented, as both the development and scientific testing of selective gears, as well as scientifically documenting high survivability takes time. Hence there is a time lag when it comes to the implementation. Apart from the delegated acts containing discard plans, therefore only one delegated act on technical measures has been adopted since the MAP entered into force to facilitate the landing obligation. The adoption of delegated act in accordance with the MAP is a time and work consuming exercise, but it has, when the initial time lag has passed, the potential to be a lot faster process than the alternative which is the co-decision procedure.

### **Section 3 – Ecosystem-based approach**

***Q13: To what extent has the objective of implementing an ecosystem-based approach to fisheries management, and notably of achieving good environmental status by 2020, been achieved?***

No opinion

***Q14: To what extent has the MAP contributed to the current situation?***

No opinion

***Q15: free text***

The MSY-objective contributes to the achievement of GES for the fish stocks in the Baltic Sea and minimize negative impact of fishing activities. STECF has seen a positive trend towards MSY for the stocks. However, we will not reach GES for all stocks in 2020. The MAP can contribute to the achievement of GES and the status of the fish stocks by setting F within the Fmsy range. However, several other factors besides fisheries affect the stocks other than F. These factors are not included in the MAP even though it is clear, including from the latest ICES advice for the eastern cod stock, that other factors apart from fishing activities have a great influence on stock development. In addition, TAC can be set according to Fmsy

if the ICES advice is based on an analytical assessment. It is very difficult to set a “correct” TAC if the data is of poor quality.

Ecosystem based management of fisheries is essential in order to restore fish stocks. The ecosystem-based approach has however not yet materialised for the Baltic Sea. The ICES advice does not take inter-species interaction into account as well as other factors. Other factors as for example lack of feeding, low benthic level, low salinity and oxygen and a growing number of grey seals are not addressed in a holistic way. The main focus is still the annual quantities in terms of TAC/quotas. Some MS has started implementing strategies for ecosystem based management of fisheries. Some initiatives in this work are already under way, e.g. regulation of fishing activities in MPAs. The aim is to highlight Ecosystem Based Management of fisheries more than before in the ongoing up-date of the Programme of measures for the MSFD, which will be published in 2021/2022. But, there are still unsolved issues, e.g. harmonization of TAC with environmental objectives defined by MSFD and how to deal with questions regarding sea bottom integrity and hypoxic areas. Without MAP, the situation of fish stocks in the Baltic Sea would probably be worse. But, there is more to do be done in terms of taking other activities and pressures into consideration as eutrophication and climate change. BALTFISH has taken initiatives to ask advice from ICES regarding a possible spatial management plan for sprat to protect cod. However, the work of ICES and collection of data will take time. MAP could, apart from gear development, not address the recent rapid increase in the grey seal population and their impact on fish stocks such as salmon, cod etc. and the MAP cannot more than marginally mitigate the increasing fishermen/seal conflict. The MAP cannot address effects on the ecosystem apart from fisheries.

Another factor is that the Russian Federation is also fishing on these stocks. However, the Russian Federation is not regulating its fishing opportunities according to the same objectives or the MAP. This affects the stocks in question.

#### **Section 4 – Control enforcement**

***Q16: To what extent have the specific provisions laid down in the MAP (Articles 10-14) allowed the national competent authorities to ensure compliance with the MAP itself?***

No opinion

***Q17: Are there specific control measures that contributed substantially to improve compliance?***

The control provisions contained in the MAP are very few.

However, some MS considers that Article 11-12 has substantially improved the possibility to monitor and inspect smaller vessels. The prior notification for fishing vessels of an overall

length of 8 metres or more retaining on board at least 300 kg of cod or 2 tonnes of pelagic stocks and designated ports for fishing vessels that have on board 750 kg of cod and 5 tonnes of pelagic species is seen as having improved compliance. In addition, by means of Article 14 the planning and organization of inspection activities have been improved. The landing obligation is not controlled by the MAP. The compliance of the LO is an important part of the achievement of MSY which is an important part of the MAP. Some MS appreciates the inclusion of a bulk provision, cf. Article 13. In the meantime, uncertainties with respect to the scope and understanding of this Article has since the MAP entered in to force given rise to different interpretations. The latest Commission interpretation implies that the tolerance can only be applied for the total unsorted catch and not in relation to the single species of the catch with the result that competent authorities have difficulties with enforcement. A horizontal solution that is possible for fishermen to comply with and that is enforceable is recommended. Apart from this, in general it is considered that the measures in the MAP contribute to ensure compliance and controllability.

Some MS have drawn up additional measures in National Plans of Control for 2019. The objective is to strengthen the control and inspection of stocks of pelagic and demersal species in the Baltic Sea. In order to optimize the use of control measures, a risk analysis is used, which allows defining the preferred directions of control activities. The participation of national inspectors in Baltic inspection campaigns coordinated by the EFCA is another factor that increases the effectiveness of inspections.

***Q18: Are there specific control measures that have instead not contributed to improve compliance?***

The derogation from Article 14.3 (EU) 1224/2009 (Article 13) as applied in the second interpretation by the European Commission is considered too lenient and allows for fishermen to report large discrepancies between herring and sprat in the logbook without being sanctioned. The European Commission's first interpretation was working for most Member States. Furthermore, due to the wording of the legal provisions, the Baltic Member States have interpreted the margin of tolerance in the logbook, cf. Article 13, differently and the provision is currently not implemented in the same way in the Member States preventing a level playing field.

***Q19: Are there specific control measure(s) missing in the MAP or in the Control Regulation which would improve compliance with the MAP?***

Overall, BALTFISH prefers to have as many of the general control measures as possible contained in the Basic Control Regulation to facilitate level playing field in the EU.

The inclusion of a legal basis for implementing provisions or guidance stipulating how sampling should be arranged in the small mesh size fisheries could be contemplated as they are missing in the technical conservation measures and therefore making inspections and the follow up less homogenous across the different Member States. For the North Sea Regulation

(EC) No 954/87 applies and this could also work for the Baltic Sea and could be further discussed.

Some MS highlighted that electronic reporting for all types of activities (logbook, landing declaration, transport document etc.) would increase effectiveness and controllability of the fisheries system. Some MS highlighted that fully documented fisheries including CCTV and sensors could be a useful mean to ensure compliance with the landing obligation, ensure data quality and hence improve compliance with the MAP. This is currently discussed within the framework of the Council Working Group under the Commission proposal to amend the Control Regulation, and the views among MS differ.

## **Section 5 – Regional cooperation**

***Q20: On regional cooperation, to what extent has the MAP in your opinion strengthened regional cooperation, including with stakeholders?***

No opinion

***Q21: free text***

The BALTFISH cooperation was established long before MAP entered into force and BALTFISH main objective was sustainable management of all commercially exploited species and to strengthened regional cooperation around the Baltic Sea. The management and the regional cooperation round the Baltic Sea has developed and is still developing in a positive direction. There are still room for improvement, like for example how joint recommendations can be developed in the most efficient way and with the quality needed for the Joint recommendation later could be adopted as a delegated act by the Commission. Overall, it is going in the right direction.

The MAP establishes the legal basis for the Commission to adopt regulations in terms of Delegated Acts with regard to the landing obligation as well as to technical measures. The thinking behind this decision making procedure is to find regional solutions to regional conditions which also means that initiatives in these fields should originate in a regional context.

The regional cooperation operates beyond formal structures and it seems that adoption of delegated act in accordance with the MAP is a time, work and resource consuming exercise. Operating in a regional context should to a greater extent be facilitated by the Commission in order to conclude recommendations (and the intended delegated acts) successfully and within a reasonable timeframe.

There is room for improvement, and also room for more focused work on JR (coordinated with STEC meetings and CION deadlines). The lack of formal structures, including clear

timeframes etc. are some of the main reasons that the MAP has proven inadequate to advance regionalisation.

The MAP per se has not been the driving force behind the regional cooperation.

## **Section 6 – Socio-economic impact**

Regarding the socio-economic impact of the MAP, in your opinion

***Q22: Has the overall socio-economic situation of the fisheries sector improved since the entry into force of the MAP?***

No opinion

***Q23: Do you see a positive correlation between the implementation of the MAP and the socio-economic situation of the fisheries sector?***

No opinion

***Q24: free text***

The current stock situation in the Baltic Sea with several very important stocks (both eastern cod and western herring) in an extremely bad condition, have a large impact on the socio-economic situation for the fisheries sectors around the Baltic Sea. The ICES advice for above mentioned stocks for 2020 and the measures that will follow may result in an even worse situation for the fisheries sector and the coastal communities in future years. Given the stock situation, it is however difficult to see that the MAP as such could have contributed to a positive socio-economic development under these circumstances.

However, the plan has under certain circumstances allowed for utilizing FmsyUpper for socioeconomically reasons, and some MS has used Article 17 of the MAP as the basis to support their fleet. This might have dampened the economic effects of some fishermen. BALTFISH sees that the possibility to in certain cases use FmsyUpper, but still reach MSY a useful tool in this MAP.

However, given the many factors, which have an influence on the stock development, it is not possible to quantify the effect of a single management element. We believe it is the stock situation as such which has the greatest socioeconomic impact. However, we also believe that the MAP has strengthened the awareness of the stock situation and to a certain extent given a clear signal for the scope of manoeuvre. The MAP in its nature does not adequately incorporate the ecosystem approach.

## **Section 7 – Overall assessment**

### ***Q25: What is your overall assessment of the Baltic MAP?***

No opinion

### ***Q26: free text***

In general, it is too early to evaluate the effect of the MAP with respect to many of the parameters contained in the questionnaire. The MAP only came into force in July 2016, and bearing in mind that the advice given for 2017 was not based on the MAP, we only have 2018 and 2019 as reference years for the stock situation where ICES applied the MAP as the basis for its advice. BALTFISH believes that the MAP contains the potentials to become a more important instrument for fisheries management. Again, the MAP has been in force for a very short period of time, which makes it difficult to assess the effects on fish stocks, the socioeconomic impact and the ecosystem approach.

The MAP has been helpful when setting TAC when there is an analytical assessment. It is also an appropriate legal base for regional cooperation and development within the framework of the CFP. It contains all the elements for adapting technical measures (e.g. developing more selective gear) and other provisions linked to the LO, safeguards of sensitive stocks, and TAC regulating mechanisms. Thus, BALTFISH sees the plan as a useful tool, which contains all the elements needed in reaching the objectives in Article 3 of the MAP.



### **7.3. Association of Fisheries Protection (Germany)**

#### **Section 1 – Progress made towards sustainable fishing levels**

According to the MAP MSY is to be achieved for all relevant stocks by 2020. 8 of the stocks covered by the MAP are managed by TACs, of which 7 receive an analytical assessment by ICES (6 target TAC, and one by-catch TAC). Out of these 7 TACs the TACs for 3 stocks were at MSY in 2016, and for 6 stocks as of 2017. In your opinion

***Q6: Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q7: To what extent has the MAP contributed to increasing the number of TACs set at MSY?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q8: Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?***

- Significantly
- **A little**
- Not much
- Not at all
- Counterproductive
- No opinion

***Q9: free text***

The effectiveness to set TACs in connection with MSY was undermined by too many unreported discards in the trawl fishery. Unfortunately due to pressure from the industrial fisheries, some spawning closures were not properly implemented and the effects could not be checked by scientists, because on a lack of time to do so.

## Section 2 – Discards and landing obligation

On discards and the landing obligation, in your opinion

***Q10: To what extent have discards been eliminated and the landing obligation actually been implemented?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q11: To what extent has the MAP contributed to achieving the current situation, notably via discard plans and technical measures?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q12: free text***

The difference between reported and actual discards in the trawl fishery is a disaster. (True figures: 20-30 %, against reported 0,2-0,7%) This situation is wellknown and nothing has been done over the last 4 years to try and change that situation. Technical measures like the decreasing of the mesh size from 120mm to 110 mm was counterproductive to the health of the cod stock.

## Section 3 – Ecosystem-based approach

***Q13: To what extent has the objective of implementing an ecosystem-based approach to fisheries management, and notably of achieving good environmental status by 2020, been achieved?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive

- No opinion

***Q14: To what extent has the MAP contributed to the current situation?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q15: free text***

The fishing pressure is still far too high in particular on spawning concentrations of cod. The landing obligation is only theoretically in force.

#### **Section 4 – Control enforcement**

***Q16: To what extent have the specific provisions laid down in the MAP (Articles 10-14) allowed the national competent authorities to ensure compliance with the MAP itself?***

- Significantly
- **A little**
- Not much
- Not at all
- Counterproductive
- No opinion

***Q17: Are there specific control measures that contributed substantially to improve compliance?***

Mostly the inspection at sea would be announced by radio in prior. So the situation they found aboard is not the situation.

***Q18: Are there specific control measures that have instead not contributed to improve compliance?***

See above.

***Q19: Are there specific control measure(s) missing in the MAP or in the Control Regulation which would improve compliance with the MAP?***

Sure! Implement genuine control measures on the real engine power in the trawl fishery by energy balance.

## Section 5 – Regional cooperation

***Q20: On regional cooperation, to what extent has the MAP in your opinion strengthened regional cooperation, including with stakeholders?***

- Significantly
- **A little**
- Not much
- Not at all
- Counterproductive
- No opinion

***Q21: free text***

Because of the majority of the “Fish Industry” in the ACs. So the advising is mostly one-sided.

## Section 6 – Socio-economic impact

Regarding the socio-economic impact of the MAP, in your opinion

***Q22: Has the overall socio-economic situation of the fisheries sector improved since the entry into force of the MAP?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q23: Do you see a positive correlation between the implementation of the MAP and the socio-economic situation of the fisheries sector?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive/significantly negative**
- No opinion

***Q24: free text***

See points above.

## **Section 7 – Overall assessment**

***Q25: What is your overall assessment of the Baltic MAP?***

- Very beneficial
- Beneficial
- Neutral
- **Negative**
- Very negative
- No opinion

***Q26: free text***

Because the situation does not change better during the last 25 years. (please see below)

**Success analysis of the GFP from the point of view of the Fisheries Protection Association whose members only fish with passive gears.**

(response to: Com Questionnaire received by mail from 9th of May 2019 by Wolfgang Albrecht, chairman of Ass. of Fisheries Protection )

**Whereas fisheries in the past, especially with towed gears, used to be seasonally and locally limited, today there is a constant fishing on all catchment areas wherever the fish is found to be economically viable.**

**The fishing intensity of passive fishing gear for sure has also increased. However due the better selectivity of the fishing gear, it was not able to burden the Stock in such a decisive way. In fisheries with towed gear, however, the situation is completely different.**

**No more excuses please! Urgent need for action to stabilize the cod stock in the Baltic Sea and rescue the eastern cod stock!**

**Closed spawning season for cod in the Baltic Sea, a means of securing the stock?**

The members of Fisheries Protection Association Schleswig-Holstein is extremely worried about the state of cod stocks in the Baltic Sea and the eastern cod stock in particular and sees an urgent need for action. The demonstration of Polish small-scale fishermen that took place in Warsaw on 27 February shows that we are not alone in expressing these concerns.

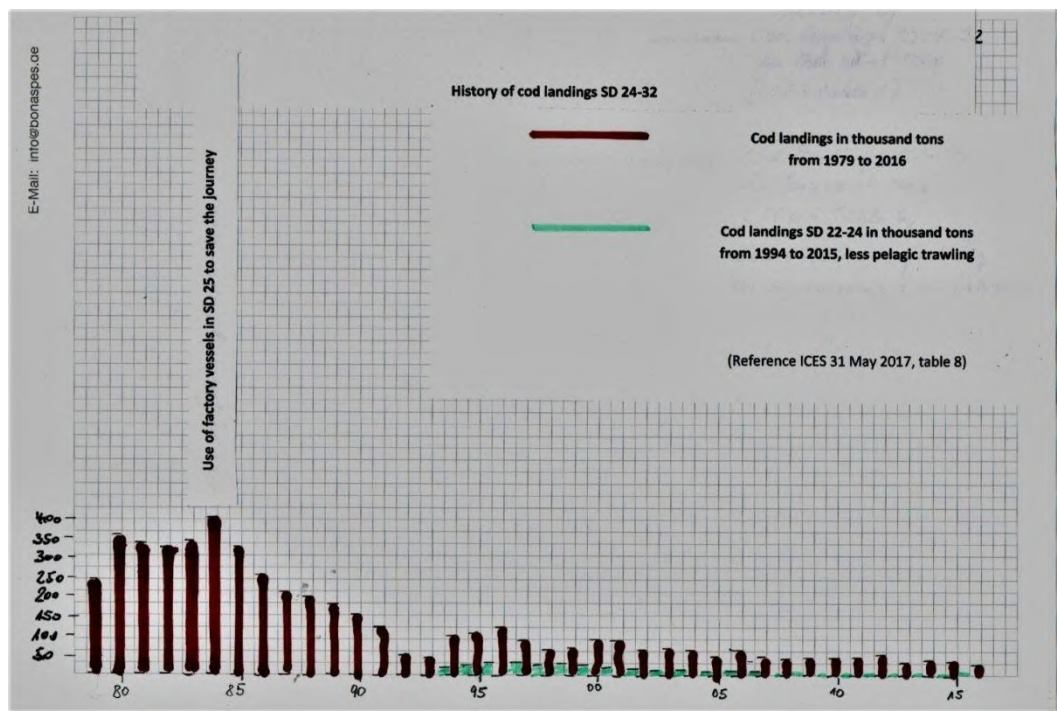
We welcome the written request of the DG Mare from 27.2. 2019 (Annex) to the BSAC to deal with the problem and make proposals for remedial action. I would like to add the following statement to the response given by the BSAC of 22.3.2019 (attached).

**General Summary**

**Review**

The intensification of trawling on cod spawning concentrations from 1980 onwards, in particular in zones 25-32, combined with an increase in fishing effort by stationing factory vessels at BORNHOLM, the use of twin trawls and heavy rock hopper gear combined with an increase in engine power in trawling has led to a significant increase in catches which, it is now to be noted, could not be safely compensated by the natural reproductive capacity of the stock. After a peak in the amount of landing in 1984 of 420,000 tonnes of cod, which still had at least 30% unrecorded discards, landings in the following years continued to decline. From our point of view, this clearly shows overfishing of the stock with the well-known negative consequences in the form of repeated cod crises, which the "industry" does not want to admit, but which cannot be dissuaded away.

The following graphic provides a good overview according to figures from the ICES



The suspension of the fishery closure during the spawning period for the year 2019 in the area 22-24 due to the demands from the "industry", which they deemed unnecessary because of the presence of the strong 2016 year class, is from our view as counterproductive. There is certainly evidence of beneficial effects of fishery closure during spawning times. (Attachment) Here was a unique opportunity to deepen these findings and to scientifically investigate the effects of a temporary closure during spawning time.

However, this requires a period of at least 5 years. Unfortunately, this did not happen.

### Situation analysis

The cod stock, which for the above mentioned reasons is on an average at a too low level, which also has no healthy age group composition - and this applies equally to all stocks - is now additionally exposed to environmental influences over which the fishery has no influence, such as:

- At times too low Salinity of the water (inflows from the North Sea) with strong negative impacts on reproduction
- Lack of oxygen, and the resulting lack of food (small crabs) for juvenile cod.
- Weak food supply due to removals by pelagic trawl fisheries for herring, sprat and sand eel
- High water temperatures due to climate change
- Strongly increasing seal population and associated parasites (liver worms) causing cod growth disorders (anorexia).

However, that does not mean that there is no need for action when it comes to fishing effort - on the contrary.

## Complementary action proposal

Together with LIFE, the Europe-wide organization representing small-scale fishers, comprising 31 small-scale low impact fishing organizations from 15 Member States of the EU, representing the interests of more than 10,000 members, I would also ask you for their support on behalf of the members of the Fisheries Protection Implementation of the following measures:

- The creation of a biological rest for the cod in areas 25-26 by the extension of the spawning period from 1 May to 30 September, this year.
- The complete closure of these areas during this period **for fishing with active fishing gear.**
- shifting these fishing activities to fishing areas further north.
- The reintroduction of the fisheries closure during the spawning season from 1 January to 30 March in areas 22-24 **for fishing with towed gears beyond the 20 m depth line.**
- Abolition of rock hopper fishing for the protection of rocky grounds and reefs.



- Limiting engine power in trawling to 221 kW in the exclusive economic zones of the Member States (minimum 12 nm from the coastline)
- Review of engine performance through energy balance
- Shortening the permitted net lengths in passive fisheries by 50% during the spawning period of the cod.
- cessation of fishing for flatfish with **towed gear** during the spawning season on the one hand not to disturb the spawning concentrations of the cod, on the other hand to an increase in quality of the landed flatfish.





These fish have a miserable quality, and will scare off the customers who have never bought such fish out of ignorance. In addition, it is economic nonsense to fish for fish full of roe. However, delaying flatfish fisheries until the summer months starting in July guarantees top quality products that can be traded at good prices.

- Compensation of hardship through temporary financial support of the vehicles concerned from the EMFF.

And research into the effects of active fishing during the spawning season of the cod on the reproduction rates, taking into account the results of existing studies. To prevent a Newfoundland Scenario, it is time to act now. For restrictions, the polluter pays principle must be taken into account. A possible total cessation of fishing for the eastern stock leads to a shift of fisheries to the western Baltic Sea. Computing acrobatics has always generated corresponding quota shares, which means that the next crisis is inevitable. That is why we prefer action from fisheries practice, and make concrete proposals to improve the situation with respect to such nicely worded documents without any real substance, which have so far not been particularly effective. Yours sincerely

(Wolfgang Albrecht, Chairmen)

**(To avoid misunderstandings please find the original text in German below)**

## **Dringender Handlungsbedarf für eine Stabilisierung des Dorschbestandes in der Ostsee und die**

### **Rettung des östlichen Dorschbestandes im Rahmen einer Neuausrichtung der gemeinsamen Fischereipolitik!**

Laichschonzeiten für Dorsch in der Ostsee, ein Mittel zur Bestandssicherung ?

Nicht erst im Jahre 2019 blickt der Fischereischutzverband Schleswig-Holstein mit großer Sorge auf den Dorschbestand in der Ostsee. Ausgegebener Veranlassung speziell durch den östlichen Dorschbestand dessen Situation dringenden Handlungsbedarf erfordert, um einen totalen

Zusammenbruch zu verhindern. Dass wir mit dieser Sorge nicht allein dastehen zeigt die Demonstration der polnischen Kleinfischer in Warschau vom 27.2.2019

Wir begrüßen die schriftliche Aufforderung der DG Mare vom 27.2. 2019 (Anlage) an den BSAC sich mit dem Problem auseinanderzusetzen und Vorschläge zur Abhilfe zu unterbreiten. Der Antwort des BSAC vom 22.3.2019 (Anlage) erlaube ich mir zur Konkretisierung von Maßnahmen nachfolgende Stellungnahme hinzuzufügen.

### **Allgemeine Zusammenfassung**

#### **Rückblick**

**Wurde die Fischerei vor allem mit gezogenen Fanggeräten früher saisonal und örtlich begrenzt betrieben, so ist heute von einer ständigen auf alle Fanggebiete ausgedehnten Befischung auszugehen wo immer sich der Fisch in einer wirtschaftlich erfolgversprechenden Menge zeigt.**

**Auch in der stillen Fischerei hat die Fangintensität zugenommen. Dies konnte aber auf Grund der dort herrschenden besseren Selektivität der Fanggeräte, den Bestand nicht in entscheidender Weise negativ beeinflussen. In der Fischerei mit gezogenen Fanggeräten stellt sich die Situation dagegen völlig anders dar.**

Die Intensivierung der Schleppnetzfisherei auf die Laichkonzentrationen des Dorsches ab 1980 insbesondere in den Gebieten 25-32 verbunden mit einer Erhöhung des Fangaufwandes durch die Stationierung von Fabrikschiffen bei BORNHOLM, die Verwendung von Twin Trawls und schweren

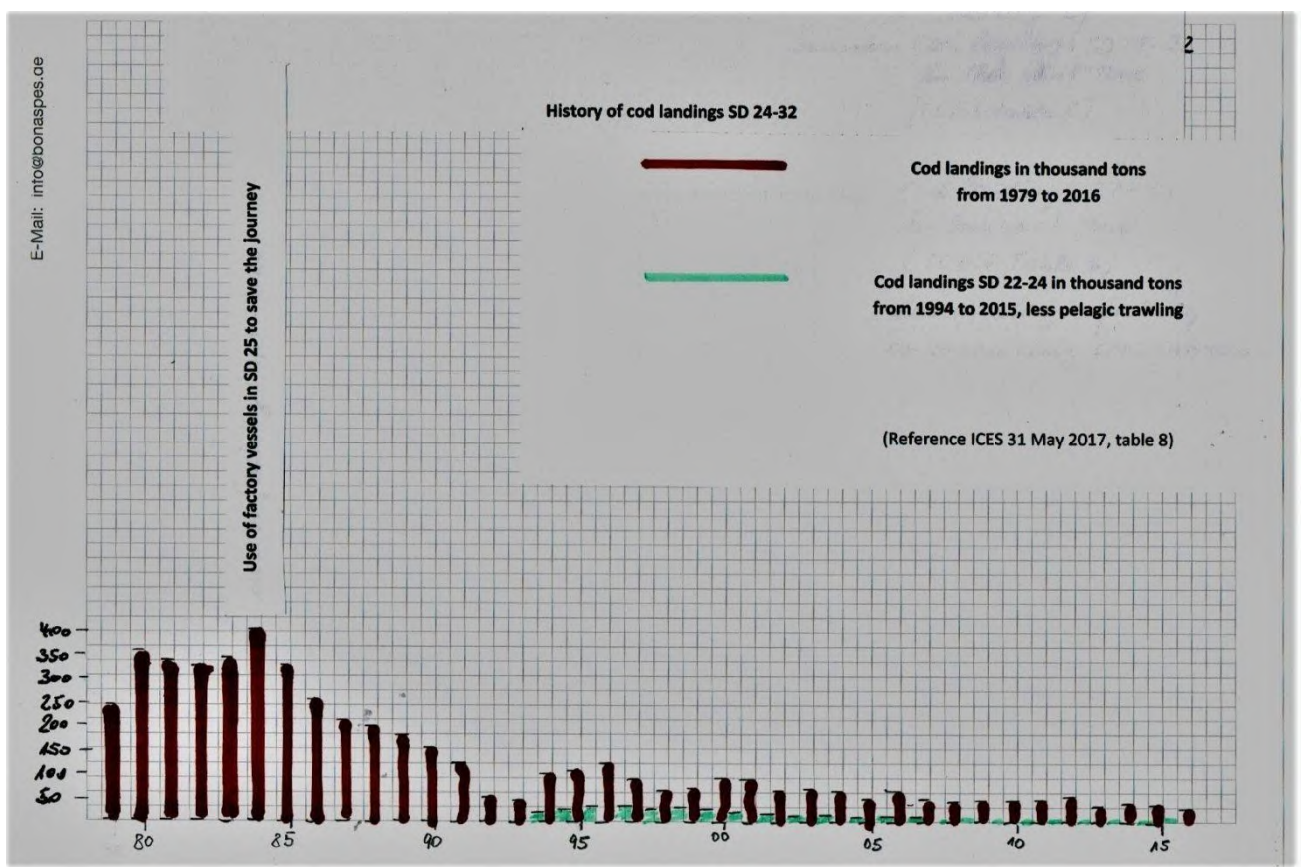
Rollergeschirren, der entscheidenden Verbesserung der elektronischen Ortungsmöglichkeiten von Fischen, verbunden mit einer Erhöhung der Motorleistungen in der Schleppnetzfisherei haben zu einer erheblichen Steigerung der Fangmengen geführt, die, wie man jetzt zur Kenntnis zu nehmen hat, nicht sicher durch die natürliche Reproduktionsfähigkeit des Bestandes ausgeglichen werden konnten. Der Durchschnitt der Anlandemengen lag vorher

über eine lange Zeitspanne bei ca. 170.000 Tonnen. Nach einer Spitze der Anlandemenge im Jahre 1984 von 420.000 Tonnen Dorsch der noch mindestens 30% nicht registrierte Rückwürfe hinzuzurechnen sind, sanken die

Anlandungen in den Folgejahren kontinuierlich ab. Dies zeigt aus unserer Sicht ganz deutlich eine

Übernutzung des Bestandes mit den bekannten negativen Folgen in Gestalt wiederholter Dorschkrisen. Die vorstehenden Fakten, die die „Industrie“ zwar nicht wahrhaben will, lassen sich aber nicht seriös wegdiskutieren. Die Zeiten: „Höher, schneller, weiter“ sind auch in der Fischerei endgültig vorüber.

Einen guten Überblick schafft die nachfolgende Grafik nach Zahlen des ICES zur Verdeutlichung der Situation.



Die Aussetzung der ungeliebten Laichschonzeit für das Jahr 2019 im Gebiet 22-24 aufgrund der Forderungen aus der „Industrie“, **die wegen des Vorhandenseins des einen starken Jahrganges 2016 als unnötig hingestellt wurde**, ist aus unserer Sicht als kontraproduktiv zu bezeichnen. Anzeichen für eine positive Wirkung von Laichschonzeiten sind durchaus vorhanden. Hier bestand die einmalige Chance diese Erkenntnisse weiter zu vertiefen und die Wirkung von zeitlichen Laichschonzeiten wissenschaftlich zu untersuchen. Hierzu ist

allerdings ein Zeitraum von mindestens 5 Jahren erforderlich. Dazu kam es aufgrund der Intervention aus der Schleppnetzfisherei leider nicht.

### Situationsanalyse

Der aus vorgenannten Gründen auf einem durchschnittlich zu niedrigem Level befindliche

Dorschbestand, der auch keine gesunde Altersklassen Zusammensetzung aufweist – und das gilt für alle Bestände gleichermaßen, ist nun zusätzlich Umwelteinflüssen ausgesetzt, auf die die Fischerei keinen Einfluss hat, wie:

- Zeitweise zu geringer Salzgehalt des Wassers (Einströme aus der Nordsee) mit starken Reproduktionseinbrüchen.
- Sauerstoffmangel, und das dadurch fehlende Nahrungsangebot an Kleinkrebsen für die juvenilen Dorsche.
- Schwaches Nahrungsangebot durch die Entnahmen der pelagischen Schleppnetzfisherei auf Hering, Sprotte und Sandaal
- Hohe Wassertemperaturen aufgrund des Klimawandels
- Einer stark zunehmenden Seehundpopulation

und der damit einhergehenden Belastung durch von Seehunden verbreiteten Parasiten, (Leberwürmern) welche zu Wachstumsstörungen (Magersucht) beim Dorsch führt.

**Nahrungsmangel durch die industrielle Befischung von Sprotten und Sandaalen verstärkt den negativen Effekt zusätzlich. Das bedeutet allerdings nicht, dass sich die Fischerei beruhigt zurücklehnen kann und das beim Fangaufwand durch die Fischerei kein Handlungsbedarf besteht - ganz im Gegenteil.**

**Aufgrund der bisher nicht messbar eingetretenen Verbesserung und vor allem einer dringend nötigen Stabilisierung der Bestandssituation beim Dorsch ergibt sich aus unserer Sicht nachfolgender ergänzender Aktionsvorschlag.**

Gemeinsam mit LIFE der europaweiten Vertretung der Kleinfischerei, der 31 Organisationen der Kleinfischerei mit passiven Fanggeräten aus 15 Mitgliedsstaaten der EU angehören und damit die Interessen von mehr als 10.000 Mitgliedern vertreten, bitte ich die Entscheidungsträger auch im Namen der Mitglieder des Fischereischutzverbandes um Unterstützung für die Durchführung von folgenden Maßnahmen:

- Noch in diesem Jahr die Schaffung einer biologischen Ruhepause für den Dorsch in den Gebieten 25-26 durch die Ausdehnung der Laichschonzeit vom 1. Mai bis 30. September. Die komplette Schließung dieser Gebiete während dieser Zeit für die Fischerei **mit aktiven Fanggeräten.**
- Verlagerung dieser Fischereiaktivitäten in weiter nördlich gelegene Fanggebiete.



- Die Wiedereinführung der ausgesetzten Laichschonzeit vom 1. Januar bis zum 30. März in den Gebieten 22-24 für die Fischerei mit gezogenen Fanggeräten jenseits der 20 m Tiefenlinie.
- Abschaffung der Rollerfischerei zum Schutz von Steingründen und Riffen.



- Begrenzung der Motorleistung in der Schleppnetzfischerei auf 221 KW in den ausschließlichen Wirtschaftszonen der Mitgliedsstaaten (Minimum 12 sm von der Küstenlinie)
- Überprüfung und Kontrolle der Motorleistungen in der Schleppnetzfischerei durch Energiebilanz
- Verkürzung der erlaubten Netzlängen in der passiven Fischerei um 50 % während der Laichschonzeit des Dorsches.
- Einstellung der Fischerei mit gezogenen Fanggeräten auf Plattfische während der Laichzeit einerseits um die Laichkonzentrationen des Dorsches nicht zu stören, andererseits zu einer Qualitätssteigerung der angelandeten Plattfische.



Diese Fische weisen eine miserable Qualität auf, vergraulen die Kunden, die jemals aus

Unwissenheit solchen Fisch gekauft haben. Außerdem ist es ökonomischer Unsinn Fische voller

Rogen gezielt zu fangen. Durch eine Verlegung der Plattfisch Fischerei in die Sommermonate ab Juli lassen sich dagegen Spitzenqualitäten garantieren, die zu guten Preisen gehandelt werden können.

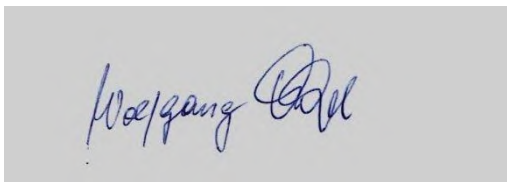
- Kompensation von Härten durch eine zeitweilige finanzielle Unterstützung der betroffenen Fahrzeuge aus Mitteln des EMFF.

**und die Erforschung der Störwirkungen durch die aktive Fischerei während der Laichzeit des Dorsches auf die Reproduktionsraten unter Einbeziehung der Ergebnisse bereits vorhandener Studien.**

**Um ein „Neufundland Szenario in den Gebiete 25 – 26 zu verhindern ist es an der Zeit jetzt sofort zu handeln. Hierzu ist bei Restriktionen das Verursacherprinzip zu berücksichtigen und anzuwenden. Ein möglicher totaler Fangstopp für den östlichen Bestand führt zu einer Verlagerung der Fischerei in die westliche Ostsee. Rechenakrobatik generierte bisher immer entsprechende Quotenanteile wodurch auch hier die nächste Krise vorprogrammiert ist. Darüber hinaus ist die gesamte Dorschfischerei in der Ostsee zu überdenken, immer wiederkehrende Krisensituationen mit all ihren wirtschaftlichen Nachteilen zu vermeiden.** Deshalb sollten aus der Fischereipraxis kommende Abhilfe Maßnahmen zur Anwendung kommen, die natürlich, wie alle Maßnahmen einer

Erfolgskontrolle zu unterziehen sind. Wir machen konkrete Vorschläge zur Verbesserung der Situation gegenüber solchen in schöne Worte gefassten Dokumenten ohne wirkliche Substanz, die sich auch bisher nicht durch besondere Wirksamkeit ausgezeichnet haben.

Mit freundlichen Grüßen



Wolfgang Albrecht, erster Vorsitzender Fischereischutzverband Schleswig-Holstein.

#### **7.4. Clean Coalition Baltic**

##### **Section 1 – Progress made towards sustainable fishing levels**

According to the MAP MSY is to be achieved for all relevant stocks by 2020. 8 of the stocks covered by the MAP are managed by TACs, of which 7 receive an analytical assessment by ICES (6 target TAC, and one by-catch TAC). Out of these 7 TACs the TACs for 3 stocks were at MSY in 2016, and for 6 stocks as of 2017. In your opinion

***Q6: Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q7: To what extent has the MAP contributed to increasing the number of TACs set at MSY?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q8: Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q9: free text***

The MAP, through the regionalisation process in Baltfish, help the process of setting a regional agreement on TAC have only happened once.

MAP has not help in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks. The specified ranges is more or less what has been used and they have created confusion more than clarity on what F is called for etc.

Concretely, the MAP has not helped in setting TAC following ICS advice and for EBC that advice has been neglected by the council more or less constantly since 2013, and in some cases not helped by the EC very poor TAC proposals.

## **Section 2 – Discards and landing obligation**

On discards and the landing obligation, in your opinion

***Q10: To what extent have discards been eliminated and the landing obligation actually been implemented?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q11: To what extent has the MAP contributed to achieving the current situation, notably via discard plans and technical measures?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q12: free text***

Discarding is significant in several fisheries, in particular for eastern cod and plaice.

For eastern cod discarding is “up to 50-70% according to information from the fishing industry instead of the 10-20% estimated by ICES” (ICES WKCONGA 2018 p.36). In actual cod numbers, it is over 10 million fish. STECF, when evaluating LO, has noted that more or less nothing has changed. In the 2018 ICES advice for plaice, estimated discards were “approximately 38.6%” and this is likely underestimated.

Discards have also persisted in the western cod fishery with negligible landings of Below Minimum Size fish but it less of an issue compared to EBC and plaice.



However, the MAP itself is not the only thing at fault here. The trawl gears in use have not and are not in any way fit for purpose and limiting technical rules is a major problem. Not only are current gear unfit for purpose, they should actually have been banned instead of pushed forward as the only usable gears.

The persistent and high levels of illegal discarding clearly indicate that control and enforcement has thus far been insufficient in enabling the implementation of the landing obligation. The MAP has clearly not helped in this regard.

### **Section 3 – Ecosystem-based approach**

***Q13: To what extent has the objective of implementing an ecosystem-based approach to fisheries management, and notably of achieving good environmental status by 2020, been achieved?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q14: To what extent has the MAP contributed to the current situation?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q15: free text***

MAP does not support to take inter species interactions into account. For example there is no MAP provision which would support decision makers to follow the repeated ICES advice to redirect sprat fishery to northern areas of the Baltic Sea (to SDs 27,28) in order to secure enough of food for Baltic cod in its area of distribution. CCB notes as counterproductive because the MAP has rather been in the way of the GES objective and finding ways to handle evidence/advice in relevant way. ICES ecosystem and fisheries overviews give lots of insights but all the MAP has done is keep focus on TAC for single species.

Besides Article 3.3. (Objectives) itself the MAP does not have any provision allowing for real implementation of the EBM or achievement of good environmental status (GES) by 2020.

## **Section 4 – Control enforcement**

***Q16: To what extent have the specific provisions laid down in the MAP (Articles 10-14) allowed the national competent authorities to ensure compliance with the MAP itself?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q17: Are there specific control measures that contributed substantially to improve compliance?***

Since discarding goes on, and everyone knows about it, clearly control is not working OR the LO is not being enforced. Chasing mesh size millimetres instead of illegal discarding is clearly missing the point and is a failed prioritisation.

It is not the MAP that changed the control but rather inputs via JDP and SCIPS, both would have taken place without the MAP also. Recently introduced limitations on the salmon fishery outside coastal area is an example of a measure that has come to pass without any plan at all since salmon is not at all part of the MAP.

***Q18: Are there specific control measures that have instead not contributed to improve compliance?***

***Q19: Are there specific control measure(s) missing in the MAP or in the Control Regulation which would improve compliance with the MAP?***

CCTV, REM, actual enforcement of LO.

## **Section 5 – Regional cooperation**

***Q20: On regional cooperation, to what extent has the MAP in your opinion strengthened regional cooperation, including with stakeholders?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q21: free text***

The entire basis of very “empty” MAPs all over EU was/is that it should be populated by regional needs, but regionalisation has not delivered as intended. The capacity of the national administrations is simply not there and there is very limited time of the year to handle all the needed efforts. The TAC circus is one reason it is not working because this eats up all resources.

**Section 6 – Socio-economic impact**

Regarding the socio-economic impact of the MAP, in your opinion

***Q22: Has the overall socio-economic situation of the fisheries sector improved since the entry into force of the MAP?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q23: Do you see a positive correlation between the implementation of the MAP and the socio-economic situation of the fisheries sector?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q24: free text***

Since Baltic MAP is in place two important Baltic stocks has clearly collapsed (Western Baltic herring and Eastern Baltic cod) and third one (Western Baltic cod) is close to collapse. One could argue that the decision to not set a zero TAC on WH stock was only with considerations to socio-economic factors and thus such considerations has indeed been taken. However, CCB finds it hard to conclude that is really linked to the MAP at all.

There has been no real connection between the MAP and CFP article 17 which introduces criteria for the allocation of fishing opportunities including criteria of an environmental, social and economic nature. In accordance with CFP art. 17 the MAP should support introduction of

preferential access to fish resources for those fishermen who fish in sustainable way, who use selective fishing gears and who have long history of fishing in compliance with the law.

## **Section 7 – Overall assessment**

### ***Q25: What is your overall assessment of the Baltic MAP?***

- Very beneficial
- Beneficial
- Neutral
- **Negative**
- Very negative
- No opinion

### ***Q26: free text***

**The MAP is not helping implementation on the CFP and MSFD as intended, and the regionalisation component that is key to the entire MAP is yet to deliver.**

Targets for fishing mortality include ranges above the FMSY point value and the range concept is creating confusion about objectives

At least two of the three exceptions allowing overfishing to take place (i.e. the using of upper range) provide vague conditions for the application of the exceptions, and it is far from clear how these will be interpreted (Baltic MAP Art. 4.4)

Article 5.3 allows suspending the targeted fishery if a stock falls below Blim levels, but does not require any concrete action within a specific timeframe and this is not acceptable.

## **7.5. Confederation of Fishermen and Fish Processors of West Lithuania**

### **Section 1 – Progress made towards sustainable fishing levels**

According to the MAP MSY is to be achieved for all relevant stocks by 2020. 8 of the stocks covered by the MAP are managed by TACs, of which 7 receive an analytical assessment by ICES (6 target TAC, and one by-catch TAC). Out of these 7 TACs the TACs for 3 stocks were at MSY in 2016, and for 6 stocks as of 2017. In your opinion

***Q6: Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- **No opinion**

***Q7: To what extent has the MAP contributed to increasing the number of TACs set at MSY?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q8: Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q9: free text***

### **Section 2 – Discards and landing obligation**

On discards and the landing obligation, in your opinion

***Q10: To what extent have discards been eliminated and the landing obligation actually been implemented?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q11: To what extent has the MAP contributed to achieving the current situation, notably via discard plans and technical measures?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q12: free text***

### **Section 3 – Ecosystem-based approach**

***Q13: To what extent has the objective of implementing an ecosystem-based approach to fisheries management, and notably of achieving good environmental status by 2020, been achieved?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- **No opinion**

***Q14: To what extent has the MAP contributed to the current situation?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q15: free text***

#### **Section 4 – Control enforcement**

***Q16: To what extent have the specific provisions laid down in the MAP (Articles 10-14) allowed the national competent authorities to ensure compliance with the MAP itself?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- **No opinion**

***Q17: Are there specific control measures that contributed substantially to improve compliance?***

***Q18: Are there specific control measures that have instead not contributed to improve compliance?***

***Q19: Are there specific control measure(s) missing in the MAP or in the Control Regulation which would improve compliance with the MAP?***

#### **Section 5 – Regional cooperation**

***Q20: On regional cooperation, to what extent has the MAP in your opinion strengthened regional cooperation, including with stakeholders?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q21: free text***

#### **Section 6 – Socio-economic impact**

Regarding the socio-economic impact of the MAP, in your opinion

***Q22: Has the overall socio-economic situation of the fisheries sector improved since the entry into force of the MAP?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q23: Do you see a positive correlation between the implementation of the MAP and the socio-economic situation of the fisheries sector?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- **No opinion**

***Q24: free text***

## **Section 7 – Overall assessment**

***Q25: What is your overall assessment of the Baltic MAP?***

- Very beneficial
- Beneficial
- **Neutral**
- Negative
- Very negative
- No opinion

***Q26: free text***



## **7.6. Danish Fishermen Producer Organisation**

### **Section 1 – Progress made towards sustainable fishing levels**

According to the MAP MSY is to be achieved for all relevant stocks by 2020. 8 of the stocks covered by the MAP are managed by TACs, of which 7 receive an analytical assessment by ICES (6 target TAC, and one by-catch TAC). Out of these 7 TACs the TACs for 3 stocks were at MSY in 2016, and for 6 stocks as of 2017. In your opinion

***Q6: Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q7: To what extent has the MAP contributed to increasing the number of TACs set at MSY?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q8: Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q9: free text***

The plan is far too rigid and makes it impossible to balance the biological and socioeconomic elements. It may have made the process of setting TACs easier for managers, but it has certainly not made it better.

## Section 2 – Discards and landing obligation

On discards and the landing obligation, in your opinion

***Q10: To what extent have discards been eliminated and the landing obligation actually been implemented?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q11: To what extent has the MAP contributed to achieving the current situation, notably via discard plans and technical measures?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q12: free text***

By working on the "one size fits all" approach, it has alienated fishers towards the discard ban where it makes sense.

## Section 3 – Ecosystem-based approach

***Q13: To what extent has the objective of implementing an ecosystem-based approach to fisheries management, and notably of achieving good environmental status by 2020, been achieved?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q14: To what extent has the MAP contributed to the current situation?***

- Significantly

- A little
- Not much
- Not at all
- Counterproductive
- **No opinion**

***Q15: free text***

#### **Section 4 – Control enforcement**

***Q16: To what extent have the specific provisions laid down in the MAP (Articles 10-14) allowed the national competent authorities to ensure compliance with the MAP itself?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- **No opinion**

***Q17: Are there specific control measures that contributed substantially to improve compliance?***

***Q18: Are there specific control measures that have instead not contributed to improve compliance?***

***Q19: Are there specific control measure(s) missing in the MAP or in the Control Regulation which would improve compliance with the MAP?***

#### **Section 5 – Regional cooperation**

***Q20: On regional cooperation, to what extent has the MAP in your opinion strengthened regional cooperation, including with stakeholders?***

- Significantly
- **A little**
- Not much
- Not at all
- Counterproductive
- No opinion

***Q21: free text***

By providing the basis for BALTFISH it has helped taking a step in the right direction, but there is ample room for improvement.

## **Section 6 – Socio-economic impact**

Regarding the socio-economic impact of the MAP, in your opinion

***Q22: Has the overall socio-economic situation of the fisheries sector improved since the entry into force of the MAP?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q23: Do you see a positive correlation between the implementation of the MAP and the socio-economic situation of the fisheries sector?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q24: free text***

See comments under 9.

## **Section 7 – Overall assessment**

***Q25: What is your overall assessment of the Baltic MAP?***

- Very beneficial
- Beneficial
- Neutral
- **Negative**
- Very negative
- No opinion

***Q26: free text***

It is a fish protection plan, not a fisheries management plan. A better plan would take more account of the fact that it sets the stage for people's lives, food production and local Communities - in balance with a healthy environment. There is too little acknowledgement of the mismatch.

## **7.7. Darłowska Group of Fish Producers and Ship Owners**

### **Section 1 – Progress made towards sustainable fishing levels**

According to the MAP MSY is to be achieved for all relevant stocks by 2020. 8 of the stocks covered by the MAP are managed by TACs, of which 7 receive an analytical assessment by ICES (6 target TAC, and one by-catch TAC). Out of these 7 TACs the TACs for 3 stocks were at MSY in 2016, and for 6 stocks as of 2017. In your opinion

***Q6: Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q7: To what extent has the MAP contributed to increasing the number of TACs set at MSY?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q8: Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q9: free text***

In our opinion the regulations which are in MAP are not respected in many cases by fishermen.

We think that we do not need written law if it can't be enforced in real life.

## Section 2 – Discards and landing obligation

On discards and the landing obligation, in your opinion

***Q10: To what extent have discards been eliminated and the landing obligation actually been implemented?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q11: To what extent has the MAP contributed to achieving the current situation, notably via discard plans and technical measures?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q12: free text***

The landing obligation and discard plans do not work on The Baltic Sea. In our opinion the bycatch is larger but unreported now than earlier.

## Section 3 – Ecosystem-based approach

***Q13: To what extent has the objective of implementing an ecosystem-based approach to fisheries management, and notably of achieving good environmental status by 2020, been achieved?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q14: To what extent has the MAP contributed to the current situation?***

- Significantly

- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q15: free text***

MAP doesn't work on the Baltic Sea.

**Section 4 – Control enforcement**

***Q16: To what extent have the specific provisions laid down in the MAP (Articles 10-14) allowed the national competent authorities to ensure compliance with the MAP itself?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q17: Are there specific control measures that contributed substantially to improve compliance?***

We do not no.

***Q18: Are there specific control measures that have instead not contributed to improve compliance?***

Yes in our opinion we need to change a lot especially control in the sea.

***Q19: Are there specific control measure(s) missing in the MAP or in the Control Regulation which would improve compliance with the MAP?***

In our opinion we should focus not only on target species such as cod, sprat and herring, but on fishing gear that causes by-catches and discards.

**Section 5 – Regional cooperation**

***Q20: On regional cooperation, to what extent has the MAP in your opinion strengthened regional cooperation, including with stakeholders?***

- Significantly
- A little



- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q21: free text***

## **Section 6 – Socio-economic impact**

Regarding the socio-economic impact of the MAP, in your opinion

***Q22: Has the overall socio-economic situation of the fisheries sector improved since the entry into force of the MAP?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q23: Do you see a positive correlation between the implementation of the MAP and the socio-economic situation of the fisheries sector?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q24: free text***

## **Section 7 – Overall assessment**

***Q25: What is your overall assessment of the Baltic MAP?***

- Very beneficial
- Beneficial
- **Neutral**
- Negative
- Very negative
- No opinion

***Q26: free text***

## **7.8. Latvian Fisheries Association**

### **Section 1 – Progress made towards sustainable fishing levels**

According to the MAP MSY is to be achieved for all relevant stocks by 2020. 8 of the stocks covered by the MAP are managed by TACs, of which 7 receive an analytical assessment by ICES (6 target TAC, and one by-catch TAC). Out of these 7 TACs the TACs for 3 stocks were at MSY in 2016, and for 6 stocks as of 2017. In your opinion

***Q6: Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q7: To what extent has the MAP contributed to increasing the number of TACs set at MSY?***

- Significantly
- **A little**
- Not much
- Not at all
- Counterproductive
- No opinion

***Q8: Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q9: free text***

### **Section 2 – Discards and landing obligation**

On discards and the landing obligation, in your opinion

***Q10: To what extent have discards been eliminated and the landing obligation actually been implemented?***

- **Significantly**
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q11: To what extent has the MAP contributed to achieving the current situation, notably via discard plans and technical measures?***

- **Significantly**
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q12: free text***

### **Section 3 – Ecosystem-based approach**

***Q13: To what extent has the objective of implementing an ecosystem-based approach to fisheries management, and notably of achieving good environmental status by 2020, been achieved?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q14: To what extent has the MAP contributed to the current situation?***

- **Significantly**
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q15: free text***

#### **Section 4 – Control enforcement**

***Q16: To what extent have the specific provisions laid down in the MAP (Articles 10-14) allowed the national competent authorities to ensure compliance with the MAP itself?***

- **Significantly**
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q17: Are there specific control measures that contributed substantially to improve compliance?***

Control measures take place at sea, in port, in warehouses and on the road.

***Q18: Are there specific control measures that have instead not contributed to improve compliance?***

NOT

***Q19: Are there specific control measure(s) missing in the MAP or in the Control Regulation which would improve compliance with the MAP?***

NOT MISSING

#### **Section 5 – Regional cooperation**

***Q20: On regional cooperation, to what extent has the MAP in your opinion strengthened regional cooperation, including with stakeholders?***

- **Significantly**
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q21: free text***

## Section 6 – Socio-economic impact

Regarding the socio-economic impact of the MAP, in your opinion

***Q22: Has the overall socio-economic situation of the fisheries sector improved since the entry into force of the MAP?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q23: Do you see a positive correlation between the implementation of the MAP and the socio-economic situation of the fisheries sector?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q24: free text***

## Section 7 – Overall assessment

***Q25: What is your overall assessment of the Baltic MAP?***

- Very beneficial
- Beneficial
- **Neutral**
- Negative
- Very negative
- No opinion

***Q26: free text***

## **7.9. The Fisheries Secretariat**

### **Section 1 – Progress made towards sustainable fishing levels**

According to the MAP MSY is to be achieved for all relevant stocks by 2020. 8 of the stocks covered by the MAP are managed by TACs, of which 7 receive an analytical assessment by ICES (6 target TAC, and one by-catch TAC). Out of these 7 TACs the TACs for 3 stocks were at MSY in 2016, and for 6 stocks as of 2017. In your opinion

***Q6: Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q7: To what extent has the MAP contributed to increasing the number of TACs set at MSY?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q8: Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q9: free text***

**Q.1: Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?**

It is problematic that the MAP allows TACs to be set above  $F_{msy}$  when biomass is evaluated just above  $MSY$  Btrigger according to the latest scientific advice, which coincides with when there is highest uncertainty over the state of the stock.

Moreover, TACs have been set above  $F_{msy}$  when *projected* SSB will be above  $MSY$  Btrigger in the coming year, rather than only taking place if/when this biomass level has been *realised*.

The advice setting under the MAP is particularly sensitive to annual revisions in the scientific advice. There are regular annual revisions of SSB and  $F$ , thereby leading to the MAP lacking the adequate precaution necessary for an ecosystem as sensitive to productivity as the Baltic Sea.

$F$  ranges between 0 –  $F_{msy}$ , as proposed by the European Parliament, would have significantly improved the effectiveness of the MAP.

**Q.2: To what extent has the MAP contributed to increasing the number of TACs set at  $MSY$ ?**

Only one of the seven stocks under the management plan have been fished below  $F_{msy}$ , Gulf of Riga herring.

Only three of the seven stocks are above  $B_{pa}$  and  $B_{msy}$ , however, for Central Baltic herring and Sprat this is based on strong recruitment from 2014 and biomass is expected to decline as this group ages unless a new strong year class enters the fishery.

The MAP has contributed to improved management of Gulf of Riga herring. TACs have been set below  $F_{msy}$  and biomass has increased to above  $B_{msy}$ .

**Q.3: Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?**

All three of these stocks have been benchmarked by ICES recently. The two cod stocks in February 2019 and western herring in 2018.

For Eastern cod and Western herring the biomass is depleted, below  $B_{lim}$ , with impaired recruitment. The stocks are not able to replenish themselves. Recruitment has likely been impaired. The scientific advice is to close both fisheries.

For Western cod the MAP has enabled TAC decisions with high levels of risk. This has led to the above average 2016 year class not fulfilling its growth potential. Additional management measures, such as a spawning closure, as specified in the MAP when SSB is below  $B_{lim}$  have not been successfully implemented while the MAP has been in force.

The MAP cannot be said to have derived environmental or socioeconomic benefits from any of these stocks.



## Section 2 – Discards and landing obligation

On discards and the landing obligation, in your opinion

***Q10: To what extent have discards been eliminated and the landing obligation actually been implemented?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q11: To what extent has the MAP contributed to achieving the current situation, notably via discard plans and technical measures?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q12: free text***

Discarding is significant in several fisheries, in particular for eastern cod and plaice.

For eastern cod discarding is “up to 50-70% according to information from the fishing industry instead of the 10-20% estimated by ICES” (ICES WKCONGA 2018 p.36).

ICES have consistently stated that they consider their discard estimates to be an underestimate and have highlighted problems with observer access onboard vessels. They have also identified illegal gear modifications which ensure higher catches of juvenile fish to be a presence in the fishery throughout the duration of the MAP.

Note that these discard estimates are by weight and that the percentage of individuals discarded is significantly higher.

In the 2018 ICES advice for plaice, estimated discards were “approximately 38.6%”. “The discarded fraction can cover all length classes and comprise as much as 100% of the catch”.

Discards have also persisted in the western cod fishery with negligible landings of Below Minimum Size fish.

It is clear that discards have not been eradicated and the landing obligation has not been successfully implemented.

The MAP has been a counterproductive factor contributing to discards because it has allowed for fishing above Fmsy and has not provided technical measures for protecting a data poor stock such as eastern cod.

The MAP lacks effective tools for suspending or removing actors within the fishery that are engaged in illegal discarding.

### **Section 3 – Ecosystem-based approach**

***Q13: To what extent has the objective of implementing an ecosystem-based approach to fisheries management, and notably of achieving good environmental status by 2020, been achieved?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q14: To what extent has the MAP contributed to the current situation?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q15: free text***

The MAP has allowed for overfishing, TACs above Fmsy, for pelagic stocks such as Central Baltic herring and sprat. This has contributed to the lack of prey availability for eastern cod and their subsequent poor condition and reduced resilience to parasites.

Reducing pelagic fishing pressure in the main eastern cod distribution area, where a lack of prey availability has been a factor in the poor condition of the cod, has been a recommendation from ICES throughout the duration of the MAP and has not been implemented.

## Section 4 – Control enforcement

***Q16: To what extent have the specific provisions laid down in the MAP (Articles 10-14) allowed the national competent authorities to ensure compliance with the MAP itself?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q17: Are there specific control measures that contributed substantially to improve compliance?***

***Q18: Are there specific control measures that have instead not contributed to improve compliance?***

***Q19: Are there specific control measure(s) missing in the MAP or in the Control Regulation which would improve compliance with the MAP?***

Introducing a TAC for flounder is a specific control measure that would improve compliance with the MAP.

At present flounder is an unrestricted fishery with bycatch of cod.

Allowing fishing on flounder, or other flatfish such as plaice, will lead to cod bycatch and cod discards, thereby reducing compliance with the control measures within the MAP, specifically with regard to the landing obligation being implemented for cod and plaice.

## Section 5 – Regional cooperation

***Q20: On regional cooperation, to what extent has the MAP in your opinion strengthened regional cooperation, including with stakeholders?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q21: free text***

BALTFISH together with EFCA and BSAC organised a joint meeting on the landing obligation in the Baltic Sea in 2017, over two years after the discard ban had been in place for Baltic cod.

This meeting followed on from the highgrading ban, introduced in 2010. As well as the flagship project (<https://www.keep.eu/project/15567/eradicating-discards>) “eradicating discards in the Baltic Sea” as part of the Strategy for the Baltic Sea Region, that was concluded under Danish leadership at the end of 2011.

Despite two legal commitments as well as European subsidies for control and enforcement regional cooperation has not succeeded with policy implementation.

In fact, compliance with the landing obligation has declined since BALTFISH organised the joint workshop with EFCA and BSAC. By volume discards are now estimated as over 16% for eastern cod with the number rising to 30% in terms of individual fish.

Further, the BALTFISH High Level Group lacks representation from the Other Interest Group from the BSAC. We note that there was no stakeholder consensus with regard to allowing the BSAC Chair to attend High Level Group meetings and no mandate is agreed by stakeholders in advance of meetings.

The MAP lacks clarity on the relationship between stakeholder and advisory bodies, including BALTFISH. The revision of the MAP provides an opportunity to strengthen regional cooperation through more formal and specific guidelines, in particular with regard to the regional management body.

**Section 6 – Socio-economic impact**

Regarding the socio-economic impact of the MAP, in your opinion

***Q22: Has the overall socio-economic situation of the fisheries sector improved since the entry into force of the MAP?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q23: Do you see a positive correlation between the implementation of the MAP and the socio-economic situation of the fisheries sector?***

- Significantly

- **A little**
- Not much
- Not at all
- Counterproductive
- No opinion

***Q24: free text***

The large F ranges, in particular for the western cod stock have been detrimental to the fishery. They have allowed for TAC variability.

For the Gulf of Riga herring, implementing the rules laid out in the MAP and fishing below Fmsy have contributed to the improved socio-economic situation of the fishery.

Overfishing of sprat and Central Baltic herring, in line with the conditions laid out in the MAP, have contributed to the lack of growth in biomass and current dependence on older age classes in the fisheries. This has partly led to the current situation of sharp TAC reductions and associated socioeconomic problems in the coming years.

Voss et al. 2014 “Regional trade-offs from multi-species maximum sustainable yield (MMSY) management options” demonstrates that the highest economic benefits from fishing in the Baltic Sea are derived when the eastern Baltic cod stock has a large spawning stock biomass, at least above Bpa. In a pelagic dominated system with low cod biomass expected profits are less than half as large. Moreover, cod focused fisheries management has further socioeconomic benefits as it provides more local employment, in particular through the passive gear fishing segment.

If the MAP restricted pelagic fishing to a maximum of 0.5\*FMSY there would likely be significant benefits to the socioeconomic situation of the fisheries sector. All stocks cannot be managed at FMSY at the same time and an ecosystem managed to ensure high cod biomass allows for higher profitability and higher employment.

There has been no real connection between the MAP and CFP article 17 which introduces criteria for the allocation of fishing opportunities including criteria of an environmental, social and economic nature. In accordance with CFP art. 17 the MAP should support introduction of preferential access to fish resources for those fishermen who fish in sustainable way, who use selective fishing gears and who have long history of fishing in compliance with the law.

**Section 7 – Overall assessment**

***Q25: What is your overall assessment of the Baltic MAP?***

- Very beneficial
- Beneficial
- Neutral

- **Negative**
- Very negative
- No opinion

***Q26: free text***

It is not that the MAP in itself has been harmful to the management of Baltic Sea fish stocks but that implementation has been detrimental.

Only for one of the seven stocks managed by the MAP has the Plan been implemented, Gulf of Riga herring. Coincidentally or not this is also the only stock for which biomass and fishing quotas are increasing.

The unsuccessful implementation of the MAP and following the clear guidelines laid out in the Plan has had a detrimental effect on the other stocks.

Article 3 of the Baltic MAP lists the objectives of the Plan. Article 3.1 of the Plan states it “shall aim to ensure the exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce MSY.”

Only for Gulf of Riga herring has the plan helped to achieve this objective.

The central Baltic herring and sprat stocks are also presently estimated to have MSY biomass levels however this is due to the 2014 year classes in both cases.

Article 3.2 states “the plan shall contribute to the elimination of discards by avoiding and reducing, as far as possible, unwanted catches.”

The MAP has not achieved this objective and in fact discards are estimated to have increased. Moreover, they may be as high as 50-70% for the ecosystem keystone top predator stock, eastern cod. Further, discards are estimated to have increased in the most recent assessment. A clear indication that Article 3.2 has not been successfully implemented.

Article 3.3 states “the plan shall implement the ecosystem-based approach to fisheries management....In particular the plan shall aim to ensure that the conditions described in description 3” of the MSFD are fulfilled.

The age and size distribution of both cod stocks as well as key stocks like central Baltic herring and sprat are understood to be in worse shape than when the MAP was adopted. All of these stocks have damaged age and/or size structures to which fishing and the TACs decided have contributed to, along with the breakdown of the cod food chain. The TAC setting procedure has not taken into account implementation of the MSFD, hence the boom and bust approach to quota management has continued.

Article 3.4 states that “measures under the plan shall be taken in accordance with the best available scientific advice”.

It is to be noted that the scientific advice requested by the Commission from ICES has not been adequate to ensure the Objectives of the MAP could be fulfilled.

It can be concluded that none of the four Objectives in the MAP have been achieved.

## **7.10. World Wildlife Fund**

### **Section 1 – Progress made towards sustainable fishing levels**

According to the MAP MSY is to be achieved for all relevant stocks by 2020. 8 of the stocks covered by the MAP are managed by TACs, of which 7 receive an analytical assessment by ICES (6 target TAC, and one by-catch TAC). Out of these 7 TACs the TACs for 3 stocks were at MSY in 2016, and for 6 stocks as of 2017. In your opinion

***Q6: Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q7: To what extent has the MAP contributed to increasing the number of TACs set at MSY?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q8: Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q9: free text***

CFP and MAP both require an end to overfishing by 2015 where possible and by 2020 at the latest (CFP art. 2.2. “the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks”).



The MAP did not facilitate the process of setting TACs:

1) In October 2016 (when the MAP was already in place) only 5 out of 8 TACs covered by the MAP has been agreed by Fisheries Council in accordance with scientific advice and MAP and CFP requirements. The CFP only allows the postponement of MSY exploitation rates beyond 2015 *“if achieving them by 2015 would seriously jeopardise the social and economic sustainability of the fishing fleets involved”*. **To date, no compelling socio-economic evidence justifying such delays in the Baltic Sea region has been made publicly available.**

- 1) In 2017 6 out of 8 TACs covered by the MAP has been agreed by Fisheries Council in accordance with scientific advice and MAP and CFP requirements. Despite MAP available since July 2016, the October 2017 Fisheries Council negotiations lasted during entire night until early morning hours (around 6.00 am) raising questions about the process and extent to which very well known MAP provisions and requirements has been followed.
- 2) **In 2018 (despite the 2020 deadline for ending overfishing fast approaching) the progress has been reversed and only 5 out of 8 TACs covered by the MAP has been agreed by Fisheries Council in accordance with scientific advice and MAP and CFP requirements.** The three TACs agreed above scientific advice and MAP and CFP requirements are: Western Baltic herring, Eastern Baltic cod and central Baltic herring. For central Baltic herring the Council agreed on a TAC based on F MSY-upper figure – despite the well known negative consequences of using F upper-ranges (see ICES Special Request advice, page 2, [http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2015/Special\\_Requests/EU\\_FMSY\\_ranges\\_for\\_selected\\_NS\\_and\\_BS\\_stocks.pdf](http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2015/Special_Requests/EU_FMSY_ranges_for_selected_NS_and_BS_stocks.pdf)) **WWF continues to oppose using F MSY-upper ranges as fishing above F-MSY point value will not restore and maintain fish stocks above biomass levels capable of producing maximum sustainable yield – as it is required by the CFP (and reiterated by the MAP itself).**

MAP and setting the TACs at MSY:

- 1) The MAP is conflicting with CFP Article 2.2 as targets for fishing mortality in the MAP include ranges above the FMSY point value. Until the Baltic MAP was agreed, fishing mortality rates above this level were considered overfishing as defined by the limits in the CFP.
- 2) WWF strongly opposes continued overfishing above the FMSY point value fishing rates. This is also in line with advice from the International Council for the Exploration of the Sea (ICES) (ICES Special Request Advice 2015: EU request to ICES to provide FMSY ranges for selected North Sea and Baltic Sea stocks.):

*“In a single-species context fishing above FMSY implies reduced stock biomass and this may be substantial where Fupper is much higher than FMSY. So in utilizing FMSY ranges there*

*are more 4 advantages to fishing between FMSY and Flower than between FMSY and Fupper. With higher fishing mortalities the following occurs:*

- o A need for increased fishing effort;*
- o Higher dependence of stock and yield on recruiting year classes and increased variability on catch opportunities;*
- o The size of the fish in the stock and the catch will be smaller on average;*
- o Greater probability of SSB being less than MSY Btrigger;*
- o A lower probability of density-dependent effects such as reduced growth or increased cannibalism.*

*For some mixed fisheries it may be difficult to reconcile the Fs on different stocks. An approach for maximizing long-term yield could be to attempt to reconcile F on a mixed fishery using Fs between Flower and FMSY.”*

MAP did not help in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks:

- 1) On Western Baltic herring case the MAP was counterproductive as in **October 2018 old version of the MAP contained invalid figures and reference points in the MAP annexes which created confusions among the decision makers.** (NGOs have been addressing this possible problem in the previous years. Recently established Western Waters MAP introduced amendments to Baltic MAP thanks to which the latest scientific advice on fishing mortality and reference points can be used).

**Additional difficulty is that the MAP is not adopted by Norway and, thus, not used as basis of the ICES advice for Western Baltic herring which is a shared stock.**

- 2) On Eastern Baltic cod case – the MAP failed in securing provisions which would effectively demand decision makers to safeguard stocks without analytical assessment and those which are in critical state. **For the stocks which do not have MSY reference points defined (like Eastern Baltic cod) Article 9(2) of the CFP requires at least a comparable degree of conservation as to those stocks with MSY assessments.**

**In practice the Council did not even follow ICES advice based on precautionary approach for Eastern Baltic cod – exceeding the scientific advice for EB cod TAC each year as of 2013.**

## Section 2 – Discards and landing obligation

On discards and the landing obligation, in your opinion

***Q10: To what extent have discards been eliminated and the landing obligation actually been implemented?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q11: To what extent has the MAP contributed to achieving the current situation, notably via discard plans and technical measures?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q12: free text***

Discarding is significant in several fisheries, in particular for eastern cod and plaice.

For eastern cod discarding is “up to 50-70% according to information from the fishing industry instead of the 10-20% estimated by ICES” (ICES WKCONGA 2018 p.36).

ICES have consistently stated that they consider their discard estimates to be an underestimate and have highlighted problems with observer access onboard vessels. They have also identified illegal gear modifications which ensure higher catches of juvenile fish to be a presence in the fishery throughout the duration of the MAP.

Note that these discard estimates are by weight and that the percentage of individuals discarded is significantly higher.

In the 2018 ICES advice for plaice, estimated discards were “approximately 38.6%”.

Discards have also persisted in the western cod fishery with negligible landings of Below Minimum Size fish.

It is clear that discards have not been eradicated and the landing obligation has not been successfully implemented.

The MAP has been a counterproductive factor contributing to discards because it has allowed for fishing above Fmsy and has not provided technical measures for protecting a data poor stock such as eastern cod.

The persistent and high levels of illegal discarding clearly indicate that control and enforcement has thus far been insufficient in enabling the implementation of the landing obligation.

### **Section 3 – Ecosystem-based approach**

***Q13: To what extent has the objective of implementing an ecosystem-based approach to fisheries management, and notably of achieving good environmental status by 2020, been achieved?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q14: To what extent has the MAP contributed to the current situation?***

- Significantly
- A little
- Not much
- Not at all
- **Counterproductive**
- No opinion

***Q15: free text***

MAP Article 3.3 states that:

“The plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. It shall be coherent with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC. (...)”

and the definition of the ecosystem-based approach to fisheries management (EBFM) in the CFP basic regulation is as follows

Article.4(9): ' the ecosystem-based approach to fisheries management means an integrated approach to managing fisheries within ecologically meaningful boundaries which seeks to

manage the use of natural resources, taking account of fishing and other human activities, **while preserving both the biological wealth and the biological processes necessary to safeguard the composition, structure and functioning of the habitats of the ecosystem affected, by taking into account the knowledge and uncertainties regarding biotic, abiotic and human components of ecosystems;**

MAP did not secured provisions which would allow to take inter species interactions into account. For example there is no MAP provision which would support decision makers to follow the repeated ICES advice to redirect sprat fishery to northern areas of the Baltic Sea (to SDs 27,28) in order to secure enough of food for Baltic cod in its area of distribution.

Besides Article 3.3. (Objectives) itself the MAP does not have any provision allowing for real implementation of the EBMF or achievement of good environmental status (GES) by 2020. For example MAP does not contain any provisions related to minimising by-catch of marine mammals and birds (and other fish species than those commercially exploited). The MAP is also not covering the problem of negative effects of bottom trawling and other active gears on marine habitats.

#### **Section 4 – Control enforcement**

***Q16: To what extent have the specific provisions laid down in the MAP (Articles 10-14) allowed the national competent authorities to ensure compliance with the MAP itself?***

- Significantly
- A little
- Not much
- Not at all
- Counterproductive
- No opinion

***Q17: Are there specific control measures that contributed substantially to improve compliance?***

***Q18: Are there specific control measures that have instead not contributed to improve compliance?***

***Q19: Are there specific control measure(s) missing in the MAP or in the Control Regulation which would improve compliance with the MAP?***

#### **Section 5 – Regional cooperation**

***Q20: On regional cooperation, to what extent has the MAP in your opinion strengthened regional cooperation, including with stakeholders?***

- Significantly
- A little
- **Not much**
- Not at all
- Counterproductive
- No opinion

***Q21: free text***

There was little of the MAP influence on cooperation with stakeholders. MAP was intensively discussed during first phase of its development (during European Parliament and Council work in 2014-2015 as well as during the triilogue negotiations). MAP was discussed inter-regionally as it was the very first MAP developed under CFP. Fisheries stakeholders from other regions have been involved in a discussion because this MAP was expected to serve as a blue-print for other regions as well. On a Baltic - regional level however there was too little of initiatives related to the MAP (no big conferences, events) to allow for increased stakeholders involvement in this topic.

In addition the Commission's consultations on Baltic MAP were not public consultations but only consultations with main stakeholders (BSAC and BALTFISH).

**Section 6 – Socio-economic impact**

Regarding the socio-economic impact of the MAP, in your opinion

***Q22: Has the overall socio-economic situation of the fisheries sector improved since the entry into force of the MAP?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q23: Do you see a positive correlation between the implementation of the MAP and the socio-economic situation of the fisheries sector?***

- Significantly
- A little
- Not much
- **Not at all**
- Counterproductive
- No opinion

***Q24: free text***

- Since Baltic MAP is in place two important Baltic stocks has clearly collapsed (Western Baltic herring and Eastern Baltic cod) and third one (Western Baltic cod) is close to collapse. Baltic MAP did not secure ambitious provisions for the stocks in pure shape or for those without analytical assessment by ICES. In particular MAP does not have provisions on clear harvest control rules which should be used when the stock is below critical reference points.
- There is no correlation between the MAP and CFP article 17 which introduces criteria for the allocation of fishing opportunities including criteria of an environmental, social and economic nature. In accordance with CFP art. 17 the MAP should support introduction of preferential access to fish resources for those fishermen who fish in sustainable way, who use selective fishing gears and who have long history of fishing in compliance with the law.

**Section 7 – Overall assessment**

***Q25: What is your overall assessment of the Baltic MAP?***

- Very beneficial
- Beneficial
- Neutral
- **Negative**
- Very negative
- No opinion

***Q26: free text***

**The MAP is not in line with CFP objectives (Article 2.2)**

- Targets for fishing mortality include ranges above the FMSY point value.
- While the objective of the Baltic MAP is to restore and maintain species above BMSY levels, fishing mortality rates that would allow that aim to be achieved ( $F < F_{MSY}$ ) are only unambiguously required if the stock biomass is below MSY Btrigger levels, which is lower than BMSY. Stocks above MSY Btrigger levels can (under vague conditions) be fished above the FMSY point value fishing rates (Baltic MAP Art. 4), which would impede reaching the objective of progressively restoring and maintaining populations of fish stocks above the desired  $>BMSY$  levels.
- At least two of the three exceptions allowing overfishing to take place (i.e. the choice of fishing opportunities based on the upper range) provide vague conditions for the application of the exceptions, and it is far from clear how these will be interpreted (Baltic MAP Art. 4.4):

1 *“When necessary to achieve the Baltic MAP objectives in mixed fisheries”*:

- It is not clear why overfishing would be needed to achieve the Baltic MAP objectives as defined in Baltic MAP Article 3. For example, the elimination of discards shall be achieved through the landing obligation and discard plans. Tools to facilitate the elimination of discards are for instance quota flexibility, swaps and increased selectivity.

2 *“When necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics”*. - The Baltic MAP does not define “Serious harm to a stock”. In an ecosystem most stocks have inter-species dynamics, and all stocks have intra-species dynamics.

- From the two options for fishing mortality ranges included in ICES advice (ICES Special Request Advice 2015: EU request to ICES to provide FMSY ranges for selected North Sea and Baltic Sea stocks. ), the Baltic MAP includes the one with less restrictive upper values. ICES computed these ranges for a plan that included a “harvest control rule” in line with the ICES advisory rule<sup>1</sup>, i.e. predefined measures that will be taken once biomass trigger points are transgressed. Yet, the agreed Baltic MAP lacks such harvest control rules. Article 5.2 only stipulates “to take into account the decrease in biomass”.

- Article 5.3 allows suspending the targeted fishery if a stock falls below Blim levels, but does not require any concrete action within a specific timeframe.



## 7.11. The PEW Charitable Trusts

The Pew Charitable Trusts has analysed the Baltic MAP provisions when they were agreed in 2016<sup>1</sup>, and conducted detailed analyses of the implementation of the Baltic MAP when it comes to the setting of fishing opportunities every year since then. For detailed information, please consult our website.<sup>2</sup>

Note: The questions directly extracted from the European Commission's questionnaire are in ***bold italic*** typeface.

### 1. Progress made towards sustainable fishing levels

The objectives of the Baltic Sea Multiannual Plan (MAP)<sup>3</sup>, described in its Article 3, are fourfold:

- To contribute to the achievement of the objectives listed in Article 2 of the Common Fisheries Policy (CFP)<sup>4</sup>, in particular the objective to restore and maintain populations of harvested species above levels which can produce MSY;
- To contribute to the elimination of discards by avoiding and reducing unwanted catches, and by implementing the landing obligation;
- To implement the ecosystem-based approach to fisheries management and contribute to the achievement of Good Environmental Status as set out in the Marine Strategy Framework Directive (MSFD)<sup>5</sup>;
- To take measures in accordance with the best available scientific advice.

***Has the existence of a MAP facilitated the process of setting of TACs for the relevant stocks?***

Not at all.

***To what extent has the MAP contributed to increasing the number of TACs set at MSY?***

Not at all.

<sup>1</sup> <https://www.pewtrusts.org/-/media/assets/2016/06/balticseafisheriesanalysisofthepoliticallyagreedmultiannualplan2017.pdf?la=en&hash=F5ED95946410C9B1223225E62D0B36068C2BAFCB>.

<sup>2</sup> <https://www.pewtrusts.org/en/projects/ending-overfishing-in-northwestern-europe/priorities/fishing-limits>.

<sup>3</sup> REGULATION (EU) 2016/1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007.

<sup>4</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.

<sup>5</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).

***Has the MAP helped in dealing with difficult cases such as Eastern and Western Baltic cod, Western herring or other sensitive stocks?***

Counterproductive.

Multi-annual plans have been designed as a tool to implement the CFP on a regional level and to provide long term management of fisheries resources. Article 10.1 of the CFP basic regulation provides details on the compulsory contents of the multi-annual plans, with Article 10.1 (b) specifying that MAPs shall include “*objectives that are consistent with the objectives set out in Article 2 and with the relevant provisions of Articles 6 and 9 [of the CFP]*”; Article furthermore 10.1 stipulates that MAPs shall include (e) “*conservation reference points consistent with the objectives set out in Article 2 [of the CFP]*”.

The Baltic MAP objectives set out in Article 3 reiterate the aim to contribute to the achievement of the objectives in Article 2 of the CFP basic regulation. As such, the Baltic MAP should contribute to ensuring that “*the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks*”.

Despite these clear and reiterated objectives, the MAP did not facilitate the process of setting annual Total Allowable Catches (TACs) that would contribute to ending overfishing and restoring fish populations to healthy levels capable of supporting high yields.

In October 2016, when Baltic TACs were for the first time set under the provisions of the MAP, Council agreed to only five out of eight TACs for 2017 not exceeding scientific advice and in accordance with the MAP and CFP requirements. The CFP only allows the postponement of MSY exploitation rates beyond 2015 “*if achieving them by 2015 would seriously jeopardise the social and economic sustainability of the fishing fleets involved*”. To date, no compelling socio-economic evidence justifying such delays in the Baltic Sea region has been made publicly available.

In October 2017, six out of eight TACs for 2018 were set by Council not exceeding scientific advice and in accordance with the MAP and CFP requirements. Despite the existence of the MAP, the Council negotiations lasted the entire night until the early morning hours (around 6.00 am), raising questions about the extent to which the rules of the MAP were sufficiently unambiguous, and the extent to which Council felt itself bound by those rules.

In October 2018, progress was reversed. Despite the CFP’s requirement to progressively and incrementally end overfishing as the 2020 deadline approaches, only five out of eight TACs for 2019 were set by Council not exceeding scientific advice and in accordance with the MAP and CFP requirements. Following the proposal from the European Commission, Council set the TACs for western Baltic herring and eastern Baltic cod above the maximum scientifically advised levels. For central Baltic herring the Council agreed on a TAC based on the  $F_{MSY}$  upper value – despite the well-known risks of fishing above the  $F_{MSY}$  level.<sup>6</sup>

It is therefore clear that, in these three instances, the existence of the MAP has not contributed to increasing the number of stocks managed in a way that would contribute to achieving the MAP’s and the CFP’s objectives. The MAP has also not contributed to more stable or

---

<sup>6</sup> See ICES Special Request advice, page 2

predictable decisions, nor has it eliminated the short-term and transactional nature of decision-making on fishing limits.

Furthermore, it is clear that the MAP's provisions and their implementation have been inadequate and insufficient to restore and maintain vulnerable fish populations above biomass levels capable of producing maximum sustainable yield:

- Western Baltic herring: in October 2018 the Council decided to exceed the scientific advice for western Baltic herring by setting a TAC of 9,001 tonnes, when ICES advice was for zero catch (the Commission proposal, a TAC of 6,404 tonnes, also exceeded the scientific advice for zero catches). The Council's decision was facilitated by outdated reference points inscribed in the MAP's annexes, which enabled ministers to set the TAC following those reference points rather than the best available scientific advice.<sup>7</sup> The biomass of western Baltic herring has remained below the limit reference point ( $B_{lim}$ ) since the introduction of the MAP, and fishing mortality has remained above  $F_{MSY}$  throughout the same period.
- Eastern Baltic cod: the Council has set the TAC for eastern Baltic cod above scientific advice since 2013, and the adoption of the MAP has not changed this trend. The Commission and the Council systematically choose to allow excessive fishing pressure on the stock despite its critical state. While the eastern Baltic cod stock does not have advice based on the MSY approach, the MAP specifies that in these cases, "measures under the plan shall be taken in accordance with the best available scientific advice" (Article 3(4)). Moreover, the Baltic Sea MAP specifies that for stocks for which reference points are not available, the precautionary approach should apply (Recital 17). The ICES scientific advice was clear and no justification has been provided for setting the TAC above the precautionary approach advice. Finally, Article 9(2) of the CFP requires that where targets relating to MSY cannot be determined due to insufficient data, MAPs shall provide for measures ensuring at least a comparable degree of conservation as to those stocks with MSY assessments. This degree of conservation has not been awarded to eastern Baltic cod, which is now below the limit reference point for biomass. ICES advice is for zero catches in 2020.
- Western Baltic cod: mortality on the stock has exceeded  $F_{stock}$  biomass falls below the limit reference point ( $B_{lim}$ ). ICES advice for 2020 indicates that the stock remains between the limit and the precautionary biomass reference points – and therefore far from levels above those capable of producing MSY.  $MSY$  levels since the entry into force of the MAP. Even when the stock biomass was clearly below the limit reference point, Council set fishing limits exceeding scientifically advised levels and failed to adequately implement Article 5(3) of the MAP, which states that once ), further remedial measures must be taken to ensure the rapid return of the stock to levels above those capable of producing MSY; such remedial measures may include suspending the targeted fishery and the adequate reduction in fishing opportunities.

---

<sup>7</sup> Recent amendments to the Baltic MAP, introduced during the negotiation of the Western Waters MAP, should prevent such issues in future.

## 2. Discards and landing obligation

*To what extent have discards been eliminated and the landing obligation actually been implemented?*

Counterproductive.

*To what extent has the MAP contributed to achieving the current situation, notably via discard plans and technical measures?*

Counterproductive.

Discarding remains significant in several fisheries, and in some cases has increased, in particular when targeting Eastern Baltic cod and plaice.

For Eastern Baltic cod discarding is “up to 50-70% according to information from the fishing industry instead of the 10-20% estimated by ICES”.<sup>8</sup> The 2019 ICES advice for plaice states that “discarding still takes place despite the fact that the landing obligation has been in place since 2017. The estimated discard amount of 720 tonnes in 2018 (approximately 30.5%) is based on observer data. ICES understands that this is not in accordance with the current regulations”.<sup>9</sup>

Discards have also persisted in the western Baltic cod fishery, with negligible landings of fish below the minimum conservation reference size.

ICES has consistently stated that it considers its discard estimates to be an underestimate and has highlighted problems with observer access on board vessels. It has also identified illegal gear modifications which ensure higher catches of juvenile fish to be present in Baltic fisheries.

The MAP has been a counterproductive factor contributing to discards because it has allowed for fishing above  $F_{MSY}$  and has not provided technical measures for protecting vulnerable stocks such as eastern Baltic cod. Rather than adopting measures to effectively avoid bycatches, enhance selectivity and ensure control and enforcement, Council has sought flexibilities to set setting fishing limits too high as a means to avoid choking scenarios. This cannot be justified as a contribution to implementing the landing obligation, as it contradicts the CFP’s overarching objective to end overfishing.

The persistent and high levels of illegal discarding and the lack of reduction unwanted catches clearly indicate that control and enforcement has thus far been insufficient in enabling the implementation of the landing obligation.

---

<sup>8</sup> ICES WKCONGA 2018 p.36

<sup>9</sup> <http://ices.dk/sites/pub/Publication%20Reports/Advice/2019/2019/ple.27.24-32.pdf>

### 3. Ecosystem-based approach

***To what extent has the objective of implementing an ecosystem-based approach to fisheries management, and notably of achieving good environmental status by 2020, been achieved?***

Not at all.

***To what extent has the MAP contributed to the current situation?***

Counterproductive.

Article 3(3) of the MAP stipulates that “*The plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. It shall be coherent with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC*”.

The definition of the ecosystem-based approach to fisheries management in Article 4(9) of the CFP basic regulation is as follows: “*the ecosystem-based approach to fisheries management means an integrated approach to managing fisheries within ecologically meaningful boundaries which seeks to manage the use of natural resources, taking account of fishing and other human activities, while preserving both the biological wealth and the biological processes necessary to safeguard the composition, structure and functioning of the habitats of the ecosystem affected, by taking into account the knowledge and uncertainties regarding biotic, abiotic and human components of ecosystems*”.

Other than the reference in Article 3(3), the MAP contains no provisions allowing for real implementation of the ecosystem approach or achievement of good environmental status (GES) as required by the Maritime Strategy Framework Directive by 2020. For example, the MAP does not contain any provisions related to minimising bycatch of marine mammals and birds (and other fish species than those commercially exploited). The MAP also does not address the negative effects of bottom trawling and other active gears on marine habitats, nor does it contain provisions to take inter species interactions into account, which would constitute the very first and most basic step in implementing an ecosystem approach. For example, there is no MAP provision that would directly enable Council to follow the ICES advice to redirect the sprat fishery to northern areas of the Baltic Sea (to SDs 27,28) in order to secure enough food for Baltic cod in its area of distribution.

### 4. Control and enforcement

***Are there specific control measure(s) missing in the MAP or in the Control Regulation which would improve compliance with the MAP?***

A control system based on Remote Electronic Monitoring would significantly facilitate the effective implementation of the agreed TACs and of the landing obligation, as it would demonstrate whether total catches stay within the legally imposed limits and whether (illegal) discarding continues to occur.

The MAP also lacks linkage to the CFP's Article 17 according to which preferential access to fish resources may be given for those fishermen who have a low impact on the environment, and who have a history of fishing in compliance with the law.

## 5. Regional cooperation

***On regional cooperation, to what extent has the MAP in your opinion strengthened regional cooperation, including with stakeholders?***

Not much.

The MAP has had little influence when it comes to cooperation with stakeholders.

During the first phase of its development the MAP was intensively discussed (as part of the co-decision process between the European Parliament and the Council in 2014-2015, as well as during the trilogue negotiations which concluded in 2016). The MAP was also discussed inter-regionally, with fisheries stakeholders from across the EU, because this MAP was expected to serve as a blue-print for other regions. However, on a Baltic - regional level there were too few initiatives related to the development or implementation of the MAP (there were no big conferences or events, for instance) to allow for increased stakeholder involvement in this topic.

It is worth noting that BALTFISH existed prior to the MAP, and the introduction of the MAP itself did not seem to have either a positive nor a negative impact on the frequency of meetings, amount of joint recommendations or intensity of the regional work. Similarly, the MAP did not improve Baltic stakeholders' meetings and processes in the Baltic Sea Advisory Council.

The relatively low engagement of stakeholders is also patent in the Commission consultation on the evaluation of the Baltic Sea MAP, which was not open to all stakeholders but only targeted two key bodies (BALTFISH and the Baltic Sea Advisory Council).

## 6. Socio-economic impact

***Has the overall socio-economic situation of the fisheries sector improved since the entry into force of the MAP?***

Not at all.

***Do you see a positive correlation between the implementation of the MAP and the socio-economic situation of the fisheries sector?***

Not at all.

Since the Baltic MAP came into force two important Baltic stocks have clearly collapsed (western Baltic herring and eastern Baltic cod) and a third (western Baltic cod) is close to collapse. The Baltic MAP's provisions have proved insufficient to protect and restore

vulnerable stocks, and in particular stocks lacking analytical assessment by ICES. Moreover, the MAP includes no provisions to support the introduction of preferential access to fish resources for those fishermen who have a low impact on the environment, who use selective fishing gears and who have a history of fishing in compliance with the law.

The depleted situation of these stocks and the corresponding reduction in fishing opportunities has had a negative impact on the socio-economic sustainability of the sector in the region, with more appeals being made to access public aid (for instance, in the form of subsidies for temporary cessation).

## 7. Overall assessment

***What is your overall assessment of the Baltic MAP?***

Negative.

The Baltic MAP has not been successful in delivering on its objectives nor on the aims of the CFP for the fish populations and fisheries it covers. Not only has it proved unsuccessful in restoring stock biomass, eliminating discards and minimizing the negative impacts of fishing on Baltic ecosystems, but the content of the MAP made it very unlikely that it could ever achieve its stated aims, primarily due to weaknesses in its provisions and a lack of ambition.

From the proposal made by the European Commission through the inter-institutional process to agree the MAP, the content of the plan was driven by political pressure to downgrade the ambition, to maintain status quo fishing practices and to provide flexibility to fish at higher rates than  $F_{MSY}$ . This ensured the level of ambition was low, preventing the inclusion of measures to restore fish stocks and to achieve wider environmental improvements.

Agreement of this weak plan was followed by under-implementation of even these unambitious requirements, further degrading management of Baltic Sea fisheries. The data show that the Baltic MAP has allowed overfishing of Baltic stocks to continue, with the most telling case being that of the eastern Baltic cod stock which, year-on-year, has seen TACs set above scientific advice (and by as much as double in one instance). While the biomass of these stocks suffered inevitable depletion as a result, the MAP also failed to deliver other important fisheries management measures, such as the development of effective bycatch avoidance techniques, that might have helped mitigate these impacts.

Since the introduction of the MAP there has been no clear progress towards the MSY objective for all stocks. Decision-making is not simpler, more stable or more predictable. Many of the stocks covered by the MAP continue to decline, and the bad state of fisheries is reflected in a poor economic performance, with several communities and member states repeatedly asking for subsidies for temporary cessation. The environmental, social and economic sustainability aimed for by the CFP has clearly not been delivered through the provisions of this MAP.

## ANNEX

	2016							2017						
	ICES advice		COM proposal	initial TAC	adapted TAC	Landings	TAC at MSY	ICES advice		COM proposal	initial TAC	adapted TAC	Landings	TAC at MSY
	Fmsy point	Fmsy upper						Fmsy point	Fmsy upper					
Gulf of Bothnia herring (HER/30/31) <sup>1</sup>	103.254	120.872	103.254	120.872	160.490	131.828	No	140.998	165.586	140.998	140.998	157.047	104.164	Yes
Western herring (HER/3BC+24) <sup>2</sup>	24.797	30.992	24.797	26.274	27.073	24.894	Yes	28.401	35.082	28.401	28.401	30.577	26.683	Yes
Central herring (HER/3D-R30) <sup>3,4</sup>	177.505	221.850	177.505	177.505	194.984	160.006	Yes	191.129	238.189	191.129	191.129	205.967	175.944	Yes
Gulf of Riga herring (HER/03D.RG) <sup>4</sup>	30.623	34.912	30.623	34.915	36.696	34.892	No	27.429	31.121	27.429	31.074	32.878	31.709	Yes
Eastern Baltic cod (COD/3DX32.) <sup>3,5,6</sup>	21.345		41.143	41.143	47.014	26.288	na	24.927		24.927	30.857	35.558	21.482	na
Western Baltic cod (COD/3BC+24) <sup>6,7,8,9</sup>	10.363	10.363	10.363	12.720	13.818	10.903	No	1.588	3.835	1.588	5.597	6.978	5.775	No
Plaice (PLE/3BCD-C) <sup>10</sup>	4.064		4.034	4.034	4.034	2.406	Yes	7.862		7.862	7.862	8.181	3.089	Yes
Sprat (SPR/3BCD-C) <sup>3</sup>	184.336	190.630	184.336	202.320	210.348	206.178	No	282.349	292.240	282.349	260.993	265.108	251.212	Yes
<b>Total</b>	<b>556.287</b>		<b>576.055</b>	<b>619.783</b>	<b>694.457</b>	<b>597.395</b>		<b>704.683</b>		<b>704.683</b>	<b>696.911</b>	<b>742.294</b>	<b>620.058</b>	

	2018							2019							2020				
	ICES advice		COM proposal	initial TAC	adapted TAC	Landings	TAC at MSY	ICES advice		COM proposal	initial TAC	adapted TAC	Landings	TAC at MSY	ICES advice		COM proposal	initial TAC	TAC at MSY
	Fmsy point	Fmsy upper						Fmsy point	Fmsy upper						Fmsy point	Fmsy upper			
Gulf of Bothnia herring (HER/30/31) <sup>1</sup>	70.617	91.452	70.617	84.559	111.271	97.480	Yes	88.703	88.703	88.703	88.703	99.830	88.645	Yes	65.018	na	65.108	65.108	na
Western herring (HER/3BC+24) <sup>2</sup>	17.309	17.309	12.987	17.309	20.183	18.531	Yes	0		6.404	9.001	10.586	9.619	No	0		2.651	3.150	No
Central herring (HER/3D-R30) <sup>3,4</sup>	238.229	295.937	238.229	229.355	243.557	219.537	Yes	136.464	170.360	170.360	170.360	192.016	174.263	Yes	153.384	190.107	153.384	153.384	Yes
Gulf of Riga herring (HER/03D.RG) <sup>4</sup>	28.999	33.275	28.999	28.999	30.168	29.418	Yes	31.044	35.349	31.044	31.044	31.794	31.281	Yes	34.445	39.157	34.445	34.445	Yes
Eastern Baltic cod (COD/3DX32.) <sup>3,5,6</sup>	22.065		22.275	28.388	31.944	12.706	na	15.187		24.112	24.112	27.306	5.777	na	0		2.000	2.000	na
Western Baltic cod (COD/3BC+24) <sup>6,7,8,9</sup>	6.066	na	5.597	5.597	5.597	5.681	Yes	13.267	22.238	7.340	9.515	9.343	7.485	Yes	5.105	8.866	3.065	3.806	Yes
Plaice (PLE/3BCD-C) <sup>10</sup>	6.272		6.272	7.076	7.847	4.630	No	10.122		10.122	10.122	10.836	5.669	Yes	6.894		6.894	6.894	Yes
Sprat (SPR/3BCD-C) <sup>3</sup>	262.310	271.308	262.310	262.310	275.142	263.999	Yes	270.772	280.121	270.772	270.772	284.830	270.811	Yes	203.027	210.147	203.027	210.147	Yes
<b>Total</b>	<b>651.867</b>		<b>647.286</b>	<b>663.593</b>	<b>725.709</b>	<b>651.982</b>		<b>565.559</b>		<b>608.857</b>	<b>613.629</b>	<b>666.541</b>	<b>593.550</b>		<b>467.873</b>		<b>470.574</b>	<b>478.934</b>	

<sup>1</sup> In 2018 the TAC was increased during the year to 95.566 tonnes



<sup>2</sup> The figure indicated as ICES advice is 50% of the figure given by ICES in its advice for SD 20-24

<sup>3</sup> The figures indicated as ICES advice are reduced by the Russian share (9.5% for central herring, 5% for cod, and 10.08% for sprat)

<sup>4</sup> The figure indicated as ICES advice takes account of the mixing between central herring and Gulf of Riga herring

<sup>5</sup> The TAC proposal for 2017 and 2020 was made after the adoption of the formal Commission proposal

<sup>6</sup> For 2016-2018 the figures indicated as ICES advice take into account the occurrence of the two cod stocks in subdivision 24

<sup>7</sup> The figure indicated as ICES advice relates to commercial catches only

<sup>8</sup> For 2016 the figure takes into account additional recreational catches of 1028t

<sup>9</sup> The TAC proposal for 2016 and 2017 was made after the adoption of the formal Commission proposal

<sup>10</sup> The figure indicated as ICES advice is a combination of the ICES advice for subdivisions 24-32 and a certain share for subdivisions 21-23 indicated in the ICES advice