

**BSAC Executive Committee
Friday 29th January 2021**

Virtual meeting

Report

1. Welcome by the BSAC chair

The BSAC chair welcomed all participants, including the invited guests Pascal Savouret and Miguel Nuevo from EFCA, Jeppe Høst and Mads Randbøll Wolff from Oxford Research, Antoine Kopp from DG Mare, Member States, and all other observers.

a) Apologies and adoption of the agenda

The agenda was adopted without changes.

The participants list, including the apologies is on the website.¹

Under AOB was noted a point by Flemming Kjærulf (Danish Recreational Fishermen) on a technical note produced by DG ENV on designation of protected areas.

b) Adoption of the minutes from the last ExCom meeting (27th October 2020)

The minutes of the ExCom from 27th October 2020 which focused on the results of the Council meeting on Baltic TACs were adopted.

c) Two ExCom members to check the minutes

Flemming Kjærulf of Danish Recreational Fishermen and Viesturs Ulis of Latvian Fisheries Association agreed to check the minutes.

2. From the Secretariat

a) Brief status on expenditure and administration for 2020-2021

The Secretary presented an update of the expenditure to the end of January 2021. She informed the ExCom that the expenditure was on track. Overall expenditure was less than this time last year, due to COVID. More than in the same period last year had been spent on interpreting; this was due to the fact that interpreting had been provided at all the online meetings.

The ExCom took note.

b) Draft estimated expenditure and work programme for 2021-2022

The Secretary presented the draft estimated expenditure and work programme, sent to the ExCom in advance of the meeting.

¹ [http://www.bsac.dk/Meetings/BSAC-meetings/BSAC-Executive-Committee-\(3\)](http://www.bsac.dk/Meetings/BSAC-meetings/BSAC-Executive-Committee-(3))

She referred to the fact that the draft budget follows the same approach as in previous years and assumes full financing from the Commission and unchanged contributions from the members and the Member States. The compensation for the working group chairs had been slightly increased to allow for more meetings. Expenditure on meetings, travel and meeting expenses remained the same under the assumption that life will go back to normal in 2021-22, when COVID-19 is under control and physical meetings are possible. The allocation for interpreting had been increased. Referring to the draft work programme, she pointed out that it follows the same long-term and short-term approach as in the current year.

The Chair expressed the hope that the BSAC will be able to hold a physical meeting, once travelling is allowed.

The ExCom approved the draft estimated budget and the draft work programme for 2021-2022.

3. External evaluation of the BSAC - presentation by Oxford Research Jeppe Høst and Mads Randbøll Wolff

The Chair referred to the fact that the terms of reference of the external evaluation had been agreed last year by the ExCom. The evaluation had been completed. He invited the representatives from Oxford Research to present the results of the evaluation.

Jeppe Høst from Oxford Research began the presentation². He began by thanking all those who had taken part. Data had been collected in a survey with 32 respondents, 15 interviews with BSAC members, and 5 interviews with external participants. He underlined that according to the survey, the BSAC members differ in the objectives, scale, impact, organisational capacity and life-views as well as their assessment of the conditions in the Baltic Sea. According to the survey results, it can be concluded that the BSAC is performing well and fulfilling its role by providing the Commission with relevant input from regional stakeholders in relation to the management of the Baltic Sea fisheries. However, the BSAC is very polarised. As a result, some meetings are far from constructive, and there is reason to believe that its influence could be improved through seeking more common ground, compromises and consensus. Meetings are well-chaired, and leadership has been improving in the period covered. However, there are incidents where the tone and language at meetings are inappropriate. Meetings are dominated by a few people (and countries). There is a broad call across stakeholders for more cooperation, common ground and to some degree also consensus seeking.

Mads Randbøll Wolff from Oxford Research referred to the fact that the advice and recommendations of the BSAC are formed in an inclusive manner and have little impact. Although the Commission values the BSAC advice, the current advice leaves the Commission with full freedom to choose its line. He presented the recommendations to improve the performance of the BSAC.

² [http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Executive-Committee-\(3\)/JHMWMain-findings-and-discussion-Evaluation-of-the-Baltic-Sea-Advisory-Council-2020PP290121.pdf.aspx?lang=en-GB](http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Executive-Committee-(3)/JHMWMain-findings-and-discussion-Evaluation-of-the-Baltic-Sea-Advisory-Council-2020PP290121.pdf.aspx?lang=en-GB)

Oxford Research recommends that the BSAC starts a discussion on its role in regionalisation and aligns further with national administrations to get stronger influence. They also recommend exploring learnings from initiatives using a consensus approach and seeking to unify the fishing sector and the other interest group. The BSAC should discuss how best to use the results of the evaluation. Oxford Research thanked the BSAC members for participating in the evaluation.

The Chair thanked the representatives of Oxford Research for a very sensible approach to their task, a very clear presentation and usable conclusions. He underlined that positive feedback had been received from those who had participated in the survey. He underlined that work to bring these recommendations into the BSAC starts immediately, especially with regard to the way in which the BSAC members communicate with each other.

A representative of DG MARE appreciated the report and underlined that it is transparent and contains good ideas to improve the performance of the BSAC. She stated that solutions must be sought to alleviate the tensions occurring among different stakeholders. The idea behind the Advisory Councils to put people together must not be forgotten. She applauded the recommendation to strengthen cooperation with BALTFISH and the national administrations. The role of regionalisation seems to be forgotten by some stakeholders. She underlined that the results of the external evaluation of the BSAC arrive at a good time and will help in the Commission's work on the follow up on the performance and functioning of the Advisory Councils, discussed at the last Inter-AC meeting.

A fisheries representative thanked Oxford Research for feeding the BSAC with ideas on how to improve its work. Referring to the impact of the BSAC advice, he questioned the opinion expressed in the recommendations that consensus decisions could have more impact. He underlined that the impact of the BSAC advice is in the hands of the decision-makers such as the Commission and the Council. He regretted that the BSAC recommendations have no impact on the legislation. In his view, the BSAC should ask the Commission to be more attentive to the BSAC advice and give clear reasons why it is not followed. He supported the advice to strengthen cooperation with the national administrations. At present only a few Member States take part in the BSAC meetings. An appeal should be made to also engage the others. While putting people together is a value in itself, the BSAC should be at a higher level of the decision-making process.

The Chair underlined that the work of the BSAC should be relevant and taken into account in decisions at Council level.

Another fisheries representative appreciated the report from the external evaluation and underlined the fact that the advice of the BSAC is not taken into account by the Commission. He gave the example of the Technical Measures Regulation. In his view, the BSAC has lost its primary objective to support fisheries. He pointed out that consensus is difficult to reach if some stakeholders focus on reducing fisheries.

The Honorary Chair thanked Oxford Research for the evaluation. He underlined the importance of cooperation with national fisheries administrations. He referred to the fact that in the past, the BSAC had asked to become a member of the BALTFISH High Level Group (HLG), with the right to speak, in order to ensure full transparency and improve dialogue. BALTFISH had agreed to invite the BSAC to the HLG in an observer capacity, but this had never happened so far.

A representative of the OIG appreciated the report by Oxford Research. He thanked the BSAC Chair and the Secretariat for various improvements done by the BSAC in the past years. In his view, agreement with regard to the fisheries management is possible, and a strong message should be sent to BALTFISH, the Council and the European Parliament to have uniform joint positions.

The representative of the BALTFISH Presidency stated that from the BALTFISH perspective, consensus decisions raise the probability of them being taken onboard by the decision-makers. She stated that the BSAC advice is highly appreciated by BALTFISH, and the BSAC is always invited to take part in the BALTFISH Forum and technical working groups.

The Chair pointed out that despite good cooperation between the BSAC and BALTFISH, there is still potential to improve it. The involvement of the BSAC in the BALTFISH HLG is one such outstanding issue. He thanked the representative of DG MARE for strengthening the dialogue between the BSAC and the Commission by taking an active part in the BSAC meetings. He stated that the quality of the advice, and not consensus, should be the goal for the BSAC.

A representative of the OIG stated that in his view, the main problem lies in the different expectations of the BSAC members. Some members expect the BSAC to play the role of the International Baltic Sea Fishery Commission (IBSFC), but Advisory Councils had never been designed to be management bodies under the current legislation.

A fisheries representative referred to the report of the external evaluation. In his view, those complaining about the fact that meetings are dominated by a few participants should engage themselves more. As to the impact of the BSAC advice, he underlined that more explanations and more engaged arguments from the Commission as to why the advice had been rejected would be appreciated. He underlined that there is value and quality in the advice, despite the lack of consensus. He also appreciated the good cooperation with BALTFISH.

A representative of DG MARE referred to the fact that under the current legal set-up, external recommendations cannot be legally binding. He took note of the fact that the BSAC would like to get more feedback on its recommendations sent to the Commission. The Commission will consider how to improve written replies to the recommendations.

Another fisheries representative underlined that difficulties surrounding cooperation amongst the members of the BSAC are also due to positions and communication by some organisations outside the BSAC. He called for more respect for fishermen by these organisations on social media.

The representative of Oxford Research thanked everyone for their comments. In his view, there is room for more engaged dialogue. Replying to a question on the increased impact of consensus advice, he repeated that consensus can increase impact, but is not always the only solution. The BSAC should look into how to improve dialogue amongst the members. He underlined that the BSAC and BALTFISH should have a common interest in working closely together.

The Chair proposed to establish a working group to look into the report on the external evaluation. The first task of the working group should be to draft its terms of reference. He invited all BSAC members to join.³

The ExCom took note and approved the results of the evaluation presented by Oxford Research. The ExCom decided to establish a Working Group to look into the external evaluation report. The first task of the Working Group should be to draft the terms of reference. It was decided that the Working Group will be chaired by the BSAC Chair.

4. Reports from meetings and outputs to approve and adopt

a) **The BALTFISH-BSAC-DTU Aqua Selectivity workshop 30th November 2020⁴ [incl. possible status on the awaited Joint Recommendation on the topless/roofless trawl]:**

The representative of the BALTFISH Presidency gave a short update on the BALTFISH work on the joint recommendation on the topless/roofless gear. She informed that further work is still ongoing with the draft recommendation with respect to the recommended mesh size and construction of the gear. Germany will send the draft back to the BALTFISH technical working group in March. Then BALTFISH will ask the BSAC for feedback on the draft Joint Recommendation.

A fisheries representative underlined that finding a gear that can substitute the gear specified in the current legislation is a matter of urgency. Such gear should have the lowest possible impact on the environment, and at the same time should guarantee the same catch composition. The challenge is to find the right balance. He referred to the many promising projects that had been carried out in the Baltic. A political agreement enabling fishermen to use the new gear should be found.

The representative of BALTFISH agreed that whilst at present only the roofless trawl is considered in the Joint Recommendation, other gears which make it possible to avoid bycatches of cod could be taken into account.

A representative of the Swedish administration pointed out that the Swedish research on selective gears will be presented to BALTFISH in the coming months.

A fisheries representative informed that it is hoped that two Danish vessels will be fishing in SD 24 with roofless gears in order to see how they work on commercial vessels.

A representative of the OIG underlined that there is a need for a wider approach to the revision of the Technical Measures Regulation.

³ Michael Andersen, Nils Höglund and Flemming Kjærulf signed up during the meeting

⁴ <http://www.bsac.dk/Meetings/BSAC-meetings/Workshop-on-Technical-solutions-to-reduce-unwanted>

The BALTFISH representative also gave an update on the status of the Joint Recommendation on mitigation measures for harbour porpoise. She informed that the first part of the Joint Recommendation had been sent by BALTFISH to the Commission just before Christmas. A meeting will be organised by BALTFISH in February/March 2021 to discuss the second part of the draft recommendation: control measures and areas where to require the use of acoustic deterrent devices outside Natura 2000 areas. The Joint Recommendation should be ready in late spring.

A representative of DG MARE informed that she will investigate the status on the emergency measures for harbour porpoise in the Commission and inform the BSAC⁵.

The ExCom took note of the updates from the BALTFISH Presidency.

b) The BSAC Pelagic Working Group 7th December 2020⁶:

The Chair referred to the outcome of the Pelagic Working Group held on 7th December 2020 on stickleback, sent to the ExCom for approval.

The ExCom approved the recommendation to encourage a trial fishery for stickleback in the Baltic and asked the BSAC Secretariat to send it to the Commission.

Referring to the western spring spawning herring, **the Chair of the Pelagic Working Group** reminded the meeting that the issue had been raised by the BSAC in the MIAC meeting. He expressed the hope that ICES will continue the work on the rebuilding plan.

With respect to western spring spawning herring, **the ExCom** decided that the discussion on how to contribute to an improved assessment, rebuilding and better management of western spring spawning herring should be continued in a Joint EBM/Pelagic Working Group, after receiving an updated scientific advice on the stock.

c) The BSAC technical measures Focus Group 18th January 2021: to approve output replying to the questionnaire from Commission

The Demersal Working Group Chair referred to the Working Group meeting on 18th January 2021. It had gone through all the questions in the Commission's questionnaire. Two questions were answered under one heading, because the BSAC finds the separation between impacts on habitats and impacts on species to be somewhat artificial. After adoption by written procedure, the BSAC will send the final reply to the Commission by the deadline (15th February 2021). Contributions by individual members will be attached.

⁵ DG Mare has informed after the meeting that the BALFISH Joint Recommendation is currently being assessed by STECF. The JR does not include the obligatory use of pingers in the Central Baltic as was recommended by ICES. In parallel, the Commission is working internally on emergency measures which should bridge the gap between now and the eventual entry into force of a Delegated Act.

⁶ <http://www.bsac.dk/Meetings/BSAC-meetings/BSAC-Pelagic-Working-Group>

A fisheries representative raised the problem of misinterpretation of the existing rules, which he had raised at the Working Group meeting. He asked the representative of EFCA to explain which rules should be used by control inspectors in the Baltic with regard to the mesh size in the codend used in the flatfish fishery. He also asked EFCA to explain the right interpretation of the rules concerning the design of the BACOMA window. He underlined the urgency to explain the interpretation of the rules.

The representative of EFCA asked the BSAC to provide these specific questions in writing and would reply as soon as possible.

d) The first session to deal with CFP (how to improve living conditions for fish/ecosystem management 19th January 2021)

The Chair underlined that the work dealing with CFP reform in the framework of the three Focus Groups gives the BSAC an opportunity to provide input from the Baltic to the future Common Fisheries Policy. The BSAC will compile the work of the Focus Groups in a white paper. He encouraged the BSAC members to sign for the upcoming Focus Group meetings.

The EBM Working Group Chair gave a short summary of the meeting held on 19th January 2021, on how to improve living conditions for fish and address ecosystem management. He thanked the Secretariat for a clear report from the meeting. He informed that the group had agreed on key aspects, including how to define ecosystem-based management, and underlined the high importance of quick, responsive and adaptive management.

The ExCom took note.

5. Illegal fishing for salmon in the Baltic information from Management Team on contact with EFCA

The ExCom Chair referred to the Management Team meeting with EFCA on 20th January 2021. The aim of the meeting was to discuss control and enforcement issues for both salmon and eel.

The representative of EFCA gave a short presentation⁷ on the general risk pattern and highlights from its Joint Deployment Programme in 2020. He focused on control measures for eel and salmon. The methodology of the risk assessment is based on different fleet segments and the threats identified. He presented the results for 2020, showing impact and likelihood for each fleet segment. The identified specific high risks included non-compliance with the landing obligation, mis-recording of catches, and use of illegal gear. He also presented the deployed control means. There was 75% execution of deployment of fishing patrol vessels, and flights were at 143%.

⁷ [http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Executive-Committee-\(3\)/EFCABSAC-presentation-on-SAL-ELE-20012021.pdf.aspx?lang=en-GB](http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Executive-Committee-(3)/EFCABSAC-presentation-on-SAL-ELE-20012021.pdf.aspx?lang=en-GB)

Exchanges of inspectors at sea were a strong feature (89%); shore exchanges were lower (16%). Shore exchanges were lower than expected, but they had been impacted by the COVID-19.

Specific actions for 2020 included control and monitoring compliance with the landing obligation and emergency measures for cod; control and monitoring possible mis-recording of herring and sprat; and control and monitoring of possible mis-recording and illegal fishing of salmon. There were problems in inspections at sea, but the number of flights had not been impacted by COVID.

With reference to salmon, the risk assessment identified two elements of focus: trap net fishery and longline fishery. Specific actions were developed to address both. 117 inspections on fixed gear were carried out, and no infringements detected. Specific action for longline fishery took place in March - May. 69 landings were inspected. No infringements were detected. COVID had a major impact.

Specific actions on salmon longline and trap net fishery were aimed at monitoring possible misreporting. The main findings included higher misreporting in vessels <12 m when compared with vessels ≥ 12 m in all SDs. Smaller vessels have different logbook requirements, which makes the assessment of data quality difficult.

EFCA held a workshop in August 2020 to develop concrete proposals on eel fisheries and discuss actions for the JDP in 2021. The main outcome was to focus control actions around the closed period, to promote the use of RPAs (drones) to detect unmarked gear, to promote exchange of information amongst MS on catches, and to focus training for inspectors on control + monitoring of eel fisheries and exchange best practices

In 2021 there will be three actions relevant to salmon: two for monitoring mis-recording, and one for fishing in the closed season. The actions for eel will focus on monitoring the use of illegal gear and compliance with the closure of the eel fisheries, and include training of inspectors.

The Chair thanked the representative of EFCA for his relevant presentation.

A representative of the OIG underlined the increased misreporting of catches in salmon trap net fishery.

A fisheries representative noted with satisfaction that the control effort is based on risk-assessment. This makes it possible to focus control on the relevant areas. He asked for more stakeholder participation in the risk-based assessment.

Another fisheries representative asked the EFCA representative about the results of controls in the pelagic fisheries. She was interested to know if EFCA plans to communicate these results to fishermen and initiate discussions on how to solve potential problems with misreporting.

The representative of EFCA underlined that the risk assessment is carried out every year in order to focus control activities in the areas of highest risk. EFCA is in close contact with the BALTFISH control group. Moreover, EFCA publishes every year a report on JDPs and this is on the EFCA website.⁸

⁸ For the Baltic: <https://www.efca.europa.eu/en/content/reports-2020>

A representative of the OIG asked whether EFCA provides feedback to the Commission on the implementation of the Technical Measures Regulation.

The representative of EFCA proposed to hold a dedicated, joint EFCA - BSAC meeting to present and discuss the visions aimed at increasing compliance. As concerns the risk mitigation measures, EFCA is bound by the SCIPs programme. On the Technical Measures Regulation, EFCA has been cooperating with the Commission in order to harmonise and reach a level playing field amongst Member States. The role of EFCA is not to interpret the rules.

The Chair referred to the fact that the BSAC had planned to organise a meeting with EFCA in Vigo. Since a physical meeting is still not possible, due to COVID-19, he proposed to organise an on-line meeting. BSAC members would provide issues for discussion. This would make it possible to discuss issues in depth, including the one raised concerning technical measures. He thanked the representatives of EFCA for the presentation and stated that good relations with EFCA add value to the BSAC.

The ExCom took note of the presentation by EFCA and agreed to arrange a meeting of the BSAC with EFCA in May 2021. Due to COVID-19 the meeting will be held on-line. The BSAC members will be invited to propose issues for discussion.

6. AOB

EU Biodiversity strategy: Draft technical note and criteria and guidance for protected areas designation, raised by Flemming Kjærulf, Danish Recreational Fishermen

The representative of Danish Recreational Fishermen introduced the draft technical note from DG ENV which contains a set of guidelines connected to the Biodiversity Strategy.⁹

He pointed out that recreational fishermen are concerned about categorising fishing and hunting as an extractive activity together with mining, and as such are not seen as compatible with strict protection. The problem may affect recreational fishing, but also small-scale and coastal fishing. He proposed that the BSAC sends a request to the Commission to delete fishing and hunting from these guidelines in the technical note.

Several representatives of fisheries and anglers agreed that the BSAC should address this problem and send input to the technical guidelines to the Biodiversity Strategy. In their view, the BSAC should ask the Commission to delete from the relevant paragraph of the technical note reference to fishing as incompatible with strict protection.

The ExCom decided to ask the Secretariat to address DG ENV and ask for an update on the status of the technical note.¹⁰ The management team will consider how to provide BSAC input to the Biodiversity Strategy.

⁹ <https://circabc.europa.eu/sd/a/f298de23-322d-4cac-ba27-75ccabf03755/Doc%20NADEG%2020-10-03%20Draft%20Technical%20Note%20Protected%20Area%20Targets.docx.pdf>

The Chair thanked everybody for participating in the meeting and for the good discussions. He also thanked the interpreters for their work.

¹⁰ **According to the information received by the BSAC Secretariat** from DG ENV after the meeting, the technical note is a first draft note to respond to a requirement in the Biodiversity Strategy to 2030. The Strategy sets targets for 30% of EU land and 30% of EU sea to be under legal protection by 2030, of which 1/3 under strict protection. The Strategy also states that the Commission, working with the European Environment Agency and the Member States, will develop criteria and guidance for the designation of new protected areas, including a definition of strict protection. The draft note in question was produced in October 2020, and DG ENV had a preliminary discussion on it in the Nature Directives Expert Group (NADEG) on 22 October. The revised version of the note is being finalised, taking into account the comments received. The revised note will be discussed in 2 meetings. Depending on the outcome of those meetings, the draft note will be further revised and discussed with Member States and stakeholders, hoping to reach a final version as soon as possible and in any case before the end of 2021, as specified in the Strategy. A new version of the draft will be available during w/c 1.2.21.