

**BSAC Executive Committee
Tuesday 6th November 2018
Report FINAL**

1. Welcome by the BSAC chair

Esben Sverdrup-Jensen, the newly elected ExCom chair thanked everyone for electing him. He underlined that he will do his best to facilitate the dialogue in the BSAC, but it was up to the members to contribute. He thanked the honorary chair and the secretariat for their help in preparing the meeting.

a) Apologies and adoption of the agenda

The Secretary of the BSAC informed that there was a quorum for the meeting (24 ExCom members present and two mandates). The list of apologies is attached to the list of participants (on the BSAC website).¹

The agenda was adopted without changes. Raised under AOB was the waste of time on internal issues and low impact of BSAC advice (raised by Peter Breckling, German Cutter- and Coastal-Fishermen's Association), update on the Danish State Auditors (Rigsrevisionen) report on Denmark's use of funding under the EMFF (raised by Andrzej Bialas, vice chair, OCEANA), and solving the problem with the 115 mm codend in Art.4 of Commission Delegated Act 2018/47 (raised by Krzysztof Stanuch, National Chamber of Fish Producers).

b) Adoption of the minutes from the last ExCom meeting (28th June 2018)

There were no comments to the minutes. The minutes from the last ExCom were adopted.

c) Two ExCom members to check the minutes

Thomas Thomsen from the Association of Fishermen Bornholm and Christiansø and Nils Höglund from Coalition Clean Baltic agreed to check the minutes.

¹[http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Executive-Committee-meeting-\(3\)/ParticipantsListGenAss061118FINAL-\(5\).pdf.aspx?lang=en-GB](http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Executive-Committee-meeting-(3)/ParticipantsListGenAss061118FINAL-(5).pdf.aspx?lang=en-GB)

2. From the Secretariat

a) Update on expenditure 2018-2019

The BSAC Secretary handed out to ExCom members a spread sheet showing the expenditure up to 31st October 2018. She confirmed that approximately 48% of the budget has been used and informed the ExCom that the expenditure in this period was higher than in the previous year mainly due to the interpretation costs, as well as participation in meetings. She informed the ExCom that the BSAC is waiting to pay back the Commission the balance for the financial years 2015-2016, 2016-2017, and 2017-2018: money has been set aside for this.

An OIG representative asked to transfer the funds from translation (not used) to interpretation. The Secretary replied that there is full flexibility within the budget items.

The ExCom took note of the update on expenditure 2018-2019.

3. Preparation of a draft budget/work programme 2019-2020

The BSAC Secretary reminded the ExCom that the usual timeline will be followed: 1st December 2018 a letter signed by the BSAC Chair requesting payment will be sent to the Member States and members, with a deadline in January 2019. A draft budget and work programme will be submitted to the ExCom for approval. The aim is to send the application to the Commission by mid-February 2019. She referred to the BALTFISH work programme up to 30th June 2019, received recently.

The Chair encouraged members to provide input to the Secretariat on this process.

4. Outcome of the Fisheries Council meeting 15th-16th October 2018 to deal with fishing opportunities for the Baltic

The ExCom Chair invited the demersal and pelagic working group chairs to report on the outcome for their respective stocks.

Michael Andersen, the Chair of the Demersal Working Group referred to the Council decisions on the TACs for 2019 for the cod stocks. For western cod, the Council decided on a 70% increase of the TAC compared to 2018, and which is within the range recommended by the BSAC, to lift the summer closure and to set a bag limit at 7 specimens.

A representative of the German small scale fishermen expressed his disappointment with the lifting of the closed period for the western cod stock, as he saw substantial benefits in protecting the spawning stock by means of seasonal closures.

A representative of the OIG noted that there are no scientific reasons behind lifting the closure for western cod.

The Demersal Working Group Chair referred to the ICES advice, in which ICES considers that when total catches are constrained by TACs set at sustainable levels, closures do not contribute substantially to sustainable exploitation.

Jerzy Wysoczański, adviser to the Polish Minister of Maritime Economy and Inland Navigation referred to the serious situation of the Baltic fish resources, in particular the cod stocks. He pointed to many wrong decisions taken by the managers, one of them being the decrease of the MLS from 38 cm to 35 cm and another the introduction of a 120 mm mesh size in the Bacoma codend. He also noted that seals are a threat to the resources.

The Chair noted that the BSAC is addressing the seal – fishermen conflict in the Working Group on Ecosystem-based Management, whereas the mesh sizes are discussed in the framework of the Demersal Working Group.

Referring to the eastern cod stock, **the Demersal Working Group Chair** stated that the Council had decided to decrease the TAC by only 15% and restrict the closed period to one month for vessels above 12m. An ICES benchmark working group is scheduled for February 2019 to find better ways to assess the stock, which is not doing well. The fishery is not the only factor influencing the stock condition and the stock cannot be improved by solely reducing the fishing pressure. There are environmental factors which have a negative impact on the cod stock.

A representative of the German fishermen stated that in the case of the eastern cod, the Council had not followed the BSAC recommendations. In former times, the Commission replied to the BSAC to explain why it did not follow its advice. This issue will be discussed under AOB.

A representative of the OIG noted that the present state of the eastern cod stock calls for an ecosystem-based approach in the management. In view of a massive crisis, a rebuilding plan should be established for this stock without any delay. Another OIG representative could not understand why on the Council's website the decision on the eastern cod is said to be based on a precautionary approach.

A representative of the Polish small-scale fisheries noted that eastern cod management should be managed by other means than solely a TAC decrease. The decision to lift the closures was not right.

A representative of the OIG noted that the ICES advice should have been strictly followed in setting the TAC for eastern cod. The TAC should be set at the level corresponding to the precautionary approach recommended by ICES, because there are no reference points for this stock.

Mart Undrest, the Chair of the Pelagic Working Group commented on the Council decision with regard to the pelagic stocks. In his view, these decisions were less controversial than in the case of the demersal stocks. ExCom members did not have any other comments to the pelagic stocks.

The representative of the European Commission noted that all the questions should be addressed to the Commission in a written form.

The Chair proposed to ask the Secretariat to collect all the questions regarding the Council decisions on the fishing opportunities for 2019 on paper and send them to the Commission and to BALTFISH. In the future, Member States should be encouraged to follow the BSAC advice and the BSAC should find new and improved ways to influence the decision makers.

The ExCom agreed to ask the Secretariat to collect all questions regarding the Council decisions on the fishing opportunities for 2019 on paper and send them to the Commission and to BALTFISH.

5. From the Joint WG on 23rd August 2018 to deal with the Commission's control proposal

The Chair of the Demersal Working Group presented the outcome of the Joint Working Group meeting on 23rd August 2018. The Working Group had decided to deal with the proposal in three steps: **Step 1**: general comments, **Step 2**: the main topics and sub-topics presented in the proposal and **Step 3**: specific comments to the articles. The meeting dealt with the first 2 steps. The Demersal Working Group Chair proposed to hold another meeting to deal with step 3: specific comments to the articles. He further suggested to separate the fisheries related articles from the proposal. The meeting could be held on 28th January 2019, back to back with the next ExCom meeting. The recommendations on this control proposal could be prepared and sent after the Working Group meeting.

The representative of the European Commission explained that there are no specific deadlines for this proposal as the Commission proposal has already been adopted. However, it would be useful to receive advice from the BSAC in the context of the discussions with co-legislators.

The ExCom took note and decided to hold a Working Group meeting on the control proposal on 28th January 2019.

6. Rebuilding plan for Western Baltic Spring Spawning Herring

Mart Undrest, the Chair of the Pelagic Working Group, responsible for coordinating the work on the rebuilding plan for western Baltic spring herring so far reminded the ExCom that a draft had been sent to ExCom members on 3rd September 2018. The decision to create a Focus Group was taken by ExCom at its meeting on 28th June 2018. He gave a summary of the Skype meeting of the Focus Group which took place on 28th September 2018. ICES had provided feedback on whether the Baltic management plan was precautionary. There was no need to start from scratch on this work, and he asked if there are BSAC resources for carrying out the work. He stated that the BSAC needs to be proactive and focus on a long term approach. The Chair of the Pelagic Working Group invited active participation by the ExCom in the work of the Focus Group.

A representative of the OIG supported the work done so far on the rebuilding plan for western herring and proposed to secure remote access to meetings of the Focus Group. Several other participants also expressed their readiness to participate in the work of the Focus Group [WWF and LIFE representatives].

The ExCom took note of the work of the Focus Group on a rebuilding plan for western spring spawning herring and decided that the work should continue through meetings, supplemented by remote conference access.

The Chair invited Mart Undrest to report back at the next Ex Com meeting on 29th January 2019.

7. Working Group on Ecosystem based management 4th September 2018

Nils Höglund, the Chair of the Working Group on Ecosystem based management referred to the meeting of the Group held on 4th September 2018. The meeting drafted a reply to the Commission's letter on measures to take in 2018 in order to promote the recovery of eels, addressed and discussed the planned HELCOM/BALTFISH workshop on seals and proposed topics and questions for such a workshop and discussed the BSAC Statement on illegal killing of seals. He noted that the discussion on seals will continue in the working group. With regard to eel, another open consultation is expected and the BSAC should be ready to take part, but the date for this was not yet known. They were also waiting to see proposals from the Commission on eel for the December Council on TACs and quotas.

A representative of German fishermen proposed for the BSAC to make a state of the art overview of the fisheries management in Natura 2000 sites in the Baltic Member States.

The Working Group Chair agreed that this was a relevant question and that he could coordinate the work on such an overview with the Secretariat.

The Demersal Working Group Chair underlined that when bringing up new proposals for discussion, this AC is made up of its members and all have to contribute to the work. It is not only chairs that are to work and prepare proposals. It must be everyone's responsibility.

The ExCom Chair noted that if the work of the group is to be expanded from seals and eels, the door should be open for everyone to participate. Priority should be given to arranging the meetings of the working group back to back with other BSAC meetings and, if possible, supplemented by remote conference access.

8. Date and venue of next meeting

The ExCom Chair informed the participants that the ExCom meeting is planned on 29th January 2019 in Copenhagen. It could be a BSAC “theme meeting” to invite experts to come and speak about relevant Baltic topics/problems facing the Baltic. The proposed topics are:

- *Natura 2000 areas and management plans*
- *Landing obligation: status in the Baltic (landings of flounder and other flatfish)*
- *Demersal trawl fishery in the Baltic: impact*
- *Pelagic trawl fishery and impact on the cod*
- *Western Baltic herring – recruitment, rebuilding*
- *Closed areas/periods*
- *Seals, cormorants and their impact on the cod population*
- *Bycatch problems in gillnet fisheries*

He invited the ExCom members to recommend 1-2 topics from the list, or suggest other topics.

The ExCom confirmed the decision to hold the next the meeting on 29th January in Copenhagen. The members were invited to choose 1-2 topics from the list for this meeting. The final decision on topics will be taken in dialogue between the Chair, the Working Group Chairs and the Vice-Chair.

The ExCom also decided to ask members to inform the Secretariat whether they wish to take part in the Focus Group to review the BSAC statutes and propose necessary amendments.

9. AOB

- 1) Peter Breckling, German Cutter-and Coastal-Fishermen’s Association** referred to the fact that the BSAC is wasting too much time on internal issues and formalities, most often raised by the OIG. He noted that a Focus Group on statutes and procedures was a possible development. He also referred to the low impact of the BSAC advice in the work of the Commission/EP. He noted that the BSAC should receive a reaction or explanation why the Commission and the EP do not follow the advice. He underlined that the impact of the work done by the BSAC should be visible to the member organisations. If the BSAC cannot prove its impact on the management of Baltic fisheries, the reason for its future work could be questioned. In his view, some other fora, such as the Baltic Fishermen Association, could take over its tasks.

A representative of the German small-scale fishermen agreed with this statement. However, democratic procedures cannot be followed without well suited rules for decision-making. For that, the statutes have to be clear, useable and implemented in all decision-making processes.

The Honorary Chair noted that a step forward in the right direction had been taken at the General Assembly: it was decided to reduce the number of procedural controversies and focus on the important management issues. A list of relevant topics/problems facing the Baltic resources was agreed by the ExCom. The BSAC should deal with these topics one by one, according to their importance as part of the work programme.

An OIG representative stated that the BSAC is the only forum where civil society can participate and receive financial support for their participation. This is an added value of the organisation.

The representative of the European Commission referred to the impact assessments of the advice provided by Advisory Councils. According to the provisions of the CFP (Regulation (EU) No 1380/2013), the Commission is obliged to reply to any recommendation provided by an Advisory Council.

- 2) **Representatives of the OIG** referred to the update on the Danish State Auditors (Rigsrevisionen) report.² This report concerns the Danish Ministry of Foreign Affairs' management of support from the European Maritime and Fisheries Fund (the EMFF) in the period 2014-2017. The Rigsrevisionen criticises strongly the overall management by the Ministry of Foreign Affairs of support to the fisheries sector from the EMFF. According to the OIG representatives, the irregularities highlighted in the audit may be relevant for other Member States, and should therefore be explained and discussed.

The ExCom Chair noted that the BSAC is generally not the forum to discuss national issues. Moreover, the Danish government has not yet fully replied to the audit and the process is still ongoing. Based on Rigsrevisionen's study, the Ministry of Foreign Affairs has decided to conduct a thorough review of the administrative basis for support under the EMFF and relevant aspects related to fisheries control in order to ensure compliance with EU law.

A representative of Danish fishermen underlined that the irregularities discovered during the audit in Denmark may concern other Member States as well, but as the Danish case is still under investigation, it can only be highlighted at this point.

The ExCom Chair promised to report back at the next ExCom meeting or through the Secretariat.

² <http://uk.rigsrevisionen.dk/publications/2018/12018/>

The ExCom took note.

- 3) **Krzysztof Stanuch, National Chamber of Fish Producers** referred to the recommendation of the BSAC to amend Article 4 of the Commission's Delegated Regulation where it refers to alternative specifications of the T90 trawl codend. The gear described in the current Regulation is not acceptable. The BALTFISH meeting held in September 2018 did not find any problem with 115 mm codend, which the BSAC recommended to amend. He asked the ExCom to take further steps to solve this problem by making a small amendment in the text of the Delegated Regulation.

Several fisheries representatives were of the opinion that further steps should be taken to make the necessary small amendment to the text of the Delegated Regulation, which will make the gear operational. But the problem needs to be well understood in order to be solved. They proposed to send a small delegation of the BSAC representatives to the European Commission to explain the problem.

The representative of the European Commission noted that the recommendation to amend the text should also come from BALTFISH, and that DG MARE discussed this issue with Member States during the BALTFISH meeting of 24th April. The outcome of this meeting was that Member States decided not to propose a change to Commission Delegated Regulation 2018/47.

Representatives of the Danish and Polish administration commented on the process so far and informed that the Swedish Presidency of BALTFISH does not expect to address this issue further.

The Honorary Chair proposed to ask the Secretariat to contact the BALTFISH Presidency to explain the matter once more. He expressed the hope that the new technical measures framework will refrain from detailed descriptions of the gears.

The ExCom decided to send a small delegation of BSAC representatives to the European Commission to explain the problem and ask the Secretariat to contact the BALTFISH Presidency to explain the matter once more.

The Chair commented that the BSAC will do its very best to ensure that this matter is fully understood and resolved.

The ExCom Chair thanked everyone for fruitful discussions.

The next meeting of the BSAC Executive Committee: Tuesday 29th January 2019 at the Danish Agriculture and Food Council, Copenhagen. [probably 10.00 to 17.00 at the latest, times tbc]

The next meeting of the Joint Working Group to do further work on the Commission's revised Control Regulation: Monday 28th January 2019 at the Danish Agriculture and Food Council, Copenhagen. [probably 11.00 to 17.00/18.00 times tbc]