

BSAC Pelagic Working Group

Monday 14th March 2022

REPORT

1. Welcome by the Pelagic WG Chair Jarek Zieliński

Jarek Zieliński, the Pelagic Working Group Chair welcomed all the participants to the second meeting of the Pelagic Working Group in 2022. He referred to the main items on the agenda: the pelagic quotas for 2022 and 2023, the technical measures in the pelagic and demersal fisheries, and follow-up to the Workshop on the landing obligation.

2. Formalities for the start of the meeting

The list of participants and apologies is on the website¹. The agenda was adopted. Under AOB an observer from Low Impact Fishers of Europe raised the impact of rising fuel prices on the fisheries sector.

3. Technical measures in the pelagic fisheries and demersal fisheries

The WG Chair asked the representative of DG Mare to give an update on the draft Implementing Act to Regulation 2019/1241². He reminded the meeting that technical measures had been raised during the Demersal Working Group meeting on 8th March 2022 and due to lack of time, had been referred to this Working Group.

The representative of DG Mare informed that the draft Implementing Act to the Regulation 2019/1241 is still under consultation. The draft had been sent to the Member States, and by the end of February, 2/3 had not replied. He underlined that with regard to the adoption of Implementing Acts, the Commission follows the relevant legislation³ which establishes the adoption procedure of implementing powers. The relevant provisions of this legislation do not foresee consultation of an advisory council and its stakeholders, but only of the Member States. A special committee, which consists of the representatives of the Member States concerned can be set up for the control of the adoption of regulatory acts⁴.

¹ [BSAC - BSAC Pelagic WG](#)

² Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005

³ Regulation of the EP and Council (EU) 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. [Regulation \(EU\) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers \(europa.eu\)](#)

⁴ Regulation of the EP and Council (EU) 182/2011, Preamble (6): In those basic acts which require the control of the Member States for the adoption by the Commission of implementing acts, it is appropriate, for the purposes of such

Demersal WG Chair, Teija Aho gave an update on this issue from the Demersal Working Group on 8th March 2022. The matter had not been dealt with adequately due to lack of time, and had thus been referred to the Pelagic WG 14th March 2022.

A fisheries representative expressed concern that the fisheries sector is not consulted on the draft Implementing Act which directly concerns fishermen. He referred to the problems of misinterpretation of the rules on technical measures, which the BSAC had already addressed to the Commission and EFCA in 2021⁵. At the beginning of 2021, the BSAC had drawn attention to the need for the correct interpretation of the rules concerning the design of the BACOMA window, as well as the gears used in the pelagic fishery. The Commission has not clarified these rules. He underlined that the correct implementation of technical rules is crucial both for fishermen and the fisheries inspectors and must be based on legislation which leaves no room for misinterpretation and on which the fisheries sector and gear specialists are consulted.

Another fisheries representative supported the previous statement and underlined the concern and frustration of the fisheries sector that fishermen who use the fishing gears are not properly consulted on the implementing rules for technical measures. He underlined that the Implementing Act is extremely important, because it lays down the implementing provisions. The fisheries sector must be duly consulted in order to avoid any misinterpretation, which could have serious consequences for fishermen. He proposed to ask the European Commission to make the draft Implementing Act available to the BSAC in order to conduct a proper consultation and to have enlightened discussions. Another issue concerns the agreement adopted in October 2021 on the Delegated Act to implement the new gears in the Baltic.

An observer from Low Impact Fishers of Europe shared the concerns of the previous speakers about the lack of consultation. He asked whether the Commission can inform the BSAC who sits on the committee set up in connection with implementing acts and asked if the BSAC can be part of the committee.

The representative of DG Mare apologised for the lack of reply to the questions which the BSAC had asked. He promised to ask his colleagues to prepare a reply. He would also convey to DG Mare the frustration of the BSAC with respect to lack of consultation. He referred to the comitology which refers to a set of procedures, including meetings of representative committees, that give EU Member States a say in implementing acts⁶.

The Chair asked the representative of DG Mare whether the BSAC can be consulted on the draft Implementing Act within the framework of BALTFISH.

The representative of DG Mare stated that he was not able to answer that question. He will consult with his colleagues at DG Mare and return with an answer to the BSAC.

control, that committees composed of the representatives of the Member States and chaired by the Commission be set up.

⁵ Raised at ExCom 29th January 2021, Agenda point 4 c. [http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Executive-Committee-\(3\)/BSACExCom29012021reportFINAL.pdf.aspx?lang=en-GB](http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Executive-Committee-(3)/BSACExCom29012021reportFINAL.pdf.aspx?lang=en-GB)

⁶ <https://ec.europa.eu/transparency/comitology-register/screen/home?lang=en>

A fisheries representative referred to the many meetings held by the BSAC and the length of time during spent by the BSAC on this. He underlined that in the event of any misinterpretation of problems in implementation of the technical rules, the European Commission should be held responsible for not consulting the fisheries sector and for not providing the documents.

The WG Chair concluded that no progress had been made at the meeting with respect to discussion on the draft Implementing Act. However, the Working Group agreed that further steps could be taken, depending on whether BALTFISH could be used as a platform for the discussion of the Implementing Act.

The Working Group decided that the BSAC will take further steps with respect to the technical measures after receiving a positive answer from the European Commission on whether BALTFISH can be used as a platform for the discussion of the Implementing Act and after consulting the Member States on whether they agree to such a consultation procedure.

4. Follow-up to the Joint BALTFISH-EFCA-BSAC Workshop (7th March 2022) - compliance of the pelagic fishery with the landing obligation (LO)⁷

The WG Chair referred to the Joint BALTFISH-EFCA-BSAC Workshop and stated that according to the evaluation carried out by EFCA, there is an overall good level of compliance with the LO in herring and sprat fisheries as well as salmon fishery. At the workshop, representatives of EFCA had confirmed that information from STECF and ICES for fleet segments targeting herring, sprat and salmon seems to indicate low discard ratios. Data is now being collected for the evaluation of compliance for the next period 2019 – 2021. The level of compliance with the landing obligation in 2019-2021 is higher than in the past. The evaluation report is expected in the beginning of 2023. COVID-19 had an impact on the number of inspections. The number of last hauls decreased in 2021. EFCA is analysing the most recent data available (2021 from last hauls and 2020 STECF data). The evaluation by species/fleet segment following the methodology (considering the 4 sources of information (last haul, STECF, ICES, and infringement trends) will be carried out. A representative of the Danish administration informed that there is high compliance with the landing obligation in the industrial catches of herring and sprat. The catches are closely monitored to avoid species misreporting. The CCTV or REM systems will guarantee better access to data and more effective control.

An observer from Low Impact Fishers of Europe referred to his question asked during the workshop about the level of misreporting and the need to improve species identification in the pelagic fishery. He referred to the fact that CCTV could also be used in the pelagic fishery. He stated that since there are indications that Baltic herring is getting smaller, and since it is a prey for other species in the Baltic this has wider ecosystem implications. In his opinion, a more precautionary, ecosystem-based approach towards herring fishery management should be adopted in this case by using a lower F value for setting the TAC, for example 0.5 F_{msy} , MEY or F_{msy} lower.

⁷ <http://www.bsac.dk/Meetings/BSAC-meetings/Joint-EFCA-BALTFISH-BSAC-Workshop-on-Landing-Oblig>

A fisheries representative stated that in 2020 ICES had estimated that the 2019 year class of central Baltic herring was unusually large. Fishermen observed many small, young herring from this year class. The decrease in catch advice in 2021 was mainly due to the downward revision of the year class in 2019, which is now estimated to be below average. He stated that the reason for the bad condition of herring and cod stocks could result from the fact that there are too many sprat.

The WG Chair referred to the questionnaire conducted by BALTFISH on sampling methods used in the pelagic fishery by Member States to determine the catch composition. The results of this questionnaire will be shared with the Member States. He underlined that the catch composition and identification of species in pelagic fisheries should be the subject of a dedicated meeting of the Pelagic Working Group. Representative of the Member States and national scientific institutions should take part in the meeting.

The representative of the Danish Pelagic Producer Organisation (DPPO) presented the project on fully documented fisheries⁸. As the first in Europe, the Danish pelagic fleet is now introducing fully documented fishing on all vessels. By the end of 2022, CCTV and associated sensors will be installed on all Danish pelagic vessels organised in the DPPO. With effect from 1st January 2023, all vessels in DPPO's membership will be connected to a closed data system operated and owned by DPPO, with the assistance of independent third parties. The transparent system records and stores all relevant fisheries-related data from the vessels, including video from CCTV surveillance. All data and information from the fishing operations are made directly available to the Danish fisheries authorities and other relevant public and private partners. The project is aimed at making the fisheries more transparent. The costs of the project have not been estimated yet.

An observer from Low Impact Fishers of Europe asked whether the CCTV surveillance enables species identification.

The representative of the DPPO stated that although CCTV surveillance makes the fishery more transparent, species identification is not possible.

The representative of EFCA stated that there are challenges with regard to species identification in REM and CCTV systems. Existing and planned pilot projects will give input to species identification.

A fisheries representative underlined that species identification is carried out at landing and is considered to be accurate.

Another fisheries representative referred to the high costs of CCTV systems. The effectiveness of these systems in terms of control should be evaluated. There are other instruments for control, such as repeated inspections conducted by national authorities and EFCA.

⁸ See the press release here <https://www.dppo.dk/2022/03/11/danish-pelagic-fishing-fleet-introduces-100-documented-fisheries/>

The WG Chair referred to the statement by a fisheries representative and OIG representative from the workshop report, that it is difficult to propose new investments to fishermen in view of the current bad situation of Baltic fisheries.

The WG Chair referred to the planned REM Pilot project in the Baltic Sea 2022-2023 to be done by EFCA and BALTFISH from October 2022.

A representative of EFCA explained that BALTFISH and EFCA had agreed to carry out a REM Pilot project in the Baltic. Each participating Member State should select a minimum of two vessels to participate in the pilot project on voluntary basis and regardless of fleet segment. The project is aimed at learning and sharing of experience with the REM technology.

The Working Group took note of the information provided by EFCA during the workshop on 7th March 2022 on an overall good level of compliance with the LO in herring and sprat fisheries. **The Working Group** also took note of the discussions held during the workshop and the pilot projects on CCTV and REM.

5. Pelagic TACs and quotas for the year 2023: exchange of views and preparatory discussion.

The WG Chair drew attention to the fact that in response to the crisis in Europe which is compromising the participation of experts and making collaboration across the network difficult or impossible, ICES had decided to postpone its meetings. This will have implications for the timing and delivery of advice in 2022. He referred to the impact of the war in Ukraine on the fish market. Ukraine had been the biggest market for pelagic fish. The interruption of food production in Ukraine could have a major impact on the fish market and food security in Europe, since sprat and herring are strategic food resources. He asked the Working Group to take into account the current situation when discussing the fishing opportunities for 2023 in preparation of the ICES advice for 2023.

An observer from Low Impact Fishers of Europe referred to the fact that herring in the Gulf of Riga is the most successfully managed herring stock in the Baltic with a growing biomass. He stated that the stock had been exploited close to a maximum economic yield and not maximum sustainable yield. The highest reference points should not always be the aim in managing the stocks. In his view, the same management approach should be used for other Baltic pelagic stocks.

A fisheries representative underlined that the biomass of sprat is increasing, and this fact has a negative impact on other stocks, such as cod and herring. In his view, the fishing opportunities for sprat should be increased.

Another fisheries representative stated that the BSAC should not only discuss the TACs and quotas, but also the quality of the advice provided by scientists. He pointed out that the scientific advice often presents a different picture of a stock than the observations made by fishermen. This refers, among others, to pelagic stocks.

The observer from Low Impact Fishers of Europe agreed that the quality of advice provided by scientists had often proved to be low. He stated that fishermen should also be considered experts and their observations should be taken into account in the advice. He also stated that scientific advice should not focus as much on the most recent year, when the data is most uncertain and unreliable, but on a long-term perspective. Bad quality

scientific advice implies the need for a more precautionary management based on lower risk. In his opinion, the BSAC should take a more precautionary approach and recommend quotas for prey species below the maximum sustainable yield.

A representative of the OIG agreed that maximum economic yield rather than maximum sustainable yield should be used in order to reduce the pressure on the Baltic herring stocks.

A fisheries representative drew attention to the fact that the BSAC produces good advice on TACs and quotas, but unfortunately the European Commission does not take this advice into account when setting the fishing opportunities.

A representative of the Marine Stewardship Council commented that the delay in the ICES advice for 2023 may have implications on the planned audits of MSC certified pelagic fisheries in the Baltic.

Another fisheries representative underlined that despite the opinions of some, the quality of the herring and sprat in the Baltic is very good. He stated that the ICES advice is very important for fishermen and provides certain flexibility by setting ranges of reference points. In his view, such ranges help to apply the maximum economic yield.

The Working Group decided to continue discussion on the TACs and quotas for pelagic fisheries after receiving the ICES advice for 2023.

6. AOB

Fuel prices impact on the sector.

An observer from Low Impact Fishers of Europe explained that many small scale fishermen are heavily affected by the rise in fuel prices, caused by the war in Ukraine. This had made the fishing operations unviable for small scale fishermen. He proposed to draft a joint statement from the BSAC recognising the problem and proposing measures to alleviate the increase of fuel prices.

A representative of Estonian fishermen underlined that fuel should remain tax-free for fishermen to keep the prices at lower level.

A representative of Lithuanian fishermen stated that the fuel price had doubled since the beginning of the war and fishermen are in a very serious situation, also due to the loss of market opportunities in Belarus, Russia and Ukraine. Fishermen should be compensated for any fuel price increase.

A representative of Latvian fisheries informed that Latvian fishermen had sent a letter to the European Commission expressing concern about the impact of the war on fisheries and are discussing how to deal with this problem at government level. Some fishing and processing companies have lost 75% of their market.

The Working Group took note of the impact of the rise of fuel prices and the war in Ukraine on Baltic fisheries. The BSAC members were asked to contact the Secretariat by 18th March 2022 to inform whether they wish to continue the discussions on this issue in a small Focus Group with the aim to formulate a BSAC statement.

The WG Chair concluded the meeting with three points:

1. On technical measures, the BSAC Management Team will have a discussion about addressing a statement from the BSAC to the Commission and BALTFISH
2. On the landing obligation, he noted from the Workshop good compliance with the landing obligation by the sprat and herring fisheries
3. On fuel prices, he noted the discussions in the meeting

The WG Chair thanked all participants for taking part.