

BALTFISH Forum

Hybrid

5th September 2023

Report

12:00 - 17:00 CEST

**Ministry of Agriculture and Rural Development, Wspólna 30, Warsaw
and online on Teams**

1. Opening of the meeting

Magdalena Zasępa, Director of Fisheries Department, Ministry of Agriculture and Rural Development welcomed all participants to the first Forum meeting under the Polish BALTFISH Presidency.

Filip Podgórski, Fisheries Department chaired the meeting.

Representing the BSAC were Jarek Zieliński, the ExCom Chair (in person), Glenn Douglas, BSAC Vice Chair (in person), Nils Höglund, EBM Working Group Chair (remote) and the BSAC Secretariat (in person). The Forum meeting was well attended by several Baltic Member States, the European Commission, stakeholders from the fisheries sector and environmental NGOs.

2. Adoption of the agenda

The agenda was adopted.

3. Approval of the minutes from the Forum meeting on 20th June 2023

The minutes from the Forum meeting on 20th June were approved.

4. Work programme of the Polish BALTFISH Presidency

Presentation and discussion

The BALTFISH Presidency representative presented the work programme. Among the main items of the work programme the Chair mentioned the TACs and quotas for 2024. A High Level Group meeting will be held just before the Council in Luxemburg in October. Eel will be discussed later in the year after the publication of the ICES advice. With reference to the joint recommendation (JR) on harbour porpoise, the Polish Presidency will continue the work on the development of 4th joint recommendation, with focus on control issues. All stakeholders are invited to take part in the consultation of this JR, with special regard to the protection measures applied outside Natura 2000 areas. According to the Commission's Action Plan, the JR as well as national measures to minimise by-catch of harbour porpoise should be implemented by the end of 2023. The work programme also includes the work on

multiannual salmon management plan. Meetings of the BLATFISH EMFAF (also including other funds with relevance to fisheries) and control expert groups are also planned. The work plan also includes stickleback. For the sake of transparency, the Polish Presidency will share the information and will hold regular virtual meetings with the BSAC.

5. Commission proposal on fishing opportunities in the Baltic Sea 2024

Presentation by the European Commission and exchange of views

Maja Kirchner, representing DG Mare presented introductory comments to the Commission's proposal on fishing opportunities in 2024. She underlined the dire environmental status of the Baltic Sea, reflected in the ICES advice for 2024. The Baltic is suffering from the combined effects of eutrophication and past overfishing, and the fishing industry is paying the price. She stated that more efforts should be undertaken to improve the implementation of environmental legislation.

She referred to the Commission's proposal on fishing opportunities and drew attention to the changes of proposed TAC. For herring in the central Baltic and Gulf of Bothnia, the Commission proposes to close the targeted fishery in accordance with Article 4(6) of the Baltic MAP¹. She referred to the ICES advice for these two stocks. According to ICES, the central herring stock is below Blim and the Bothnian herring is moving towards biomass limit reference point (*Blim - the biological reference point below which risks reduced recruitment*). The ICES advice for central Baltic herring recommends a 50% cut in catch as the stock is below Blim. Taking into account that the risk of both stocks falling or remaining below Blim would exceed 5%, the Commission proposes the only legally possible option in such case, that is to apply Article 4(6) of the MAP and close the targeted fishery². Regarding the TAC level, the Commission is awaiting information from ICES about the level of unavoidable by-catches of central and Bothnian herring in other fisheries, notably the sprat fishery. The Commission's representative referred to Our Baltic Conference on 29th September and invited the Baltic Ministers to make further commitments to improve the situation in the Baltic. Much work needs to be done on large scale to reduce eutrophication and restore deoxygenated zones.

Antoine Kopp from DG Mare presented the Commission's proposal on fishing opportunities in 2024, stock by stock. He drew the attention to the fact that for both Baltic cod stocks, western herring, Bothnian herring and central herring the Commission proposes to close the targeted fisheries and the TACs will be proposed at a later stage, after receiving relevant information from ICES on the level of unavoidable by-catches in these fisheries. The TACs for plaice and sprat will also be proposed at a later stage.

¹ [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 \(europa.eu\)](#)

² ICES recognises that "Even a zero catch in 2024 will not bring the stock above Blim in 2025 with 95% probability", meaning the risk of the stock falling or remaining below Blim would exceed 5%, contrary to what Article 4(6) of the Baltic MAP requires.

A fisheries representative from Denmark pointed out that according to ICES, some stocks in the Baltic, such as western cod and herring stocks show some signs of improvement. He did not agree with the argument presented by the Commission's representative that the present state of the stocks is due to past overfishing. He strongly underlined that the cod stocks are facing disaster caused by seals and cormorants. He referred to the good recruitment that had been observed for both cod stocks in the past few years. Fish from these year classes had disappeared. He regretted that the BSAC workshop on predators will only be held after the Council of Ministers meeting in October. Referring to the TACs, he underlined that the Danish fishing industry would like to see a rollover of the TACs for most of the stocks. Fishers should be allowed to exploit the abundant plaice stock. He noted that a ban on targeted fisheries for several stocks may turn to be counterproductive. He called on the Commission to propose realistic bycatch quota.

A fisheries representative from Poland agreed with the arguments presented by the previous speaker. He referred to the need to take the responsibility for management decisions which had not brought the desired results. In his view, management decisions should not be based on political scenarios.

A small-scale fisheries representative underlined the importance of accounting for mixed species dynamics in the ICES advice. Sprat is the biggest driver for herring mortality and its TAC should be set below FMSY level. With reference to eastern cod stock showing some signs of recovery, he called for cautious and long-term management measures. He referred to the unaccounted mortality of cod in flatfish fishery and underlined the use of passive gears would allow for a significant reduction in discarding and higher TAC.

A fisheries representative from Denmark disagreed that there is unaccounted mortality of cod in flatfish fisheries.

A representative of environmental NGO supported the Commission's proposal. She referred to the joint NGO recommendation on TACs for 2024 that also takes account of the legal provision of the Baltic MAP³.

A scientist from Poland, member of the ICES assessment working group (WKBBALTPEL), referred to the benchmark on Baltic pelagic stocks⁴ and the minority statement on the estimation of Blim for CBH stock, presented by Polish and German scientists. The value of Blim proposed at WKBBALTPEL (561,000 t) is 70% higher than the previous one (330,000 t). Such a high change in Blim compared to the change in assessment should be well justified as it may have a large impact on the management of the stock and jeopardizes the trust in the reliability of ICES recommendations. The minority group did not find convincing scientific reasons for such a high change in Blim, estimated by WKBBALTPEL as 15% of B₀. They presented an alternative view on the Blim level estimated as 11% of B₀. Thus, the minority group suggests to use a SSB of ca. 423 kt as a

³ Fishing opportunities shall in any event be fixed in such a way as to ensure that there is less than a 5 % probability of the spawning stock biomass falling below the limit spawning stock biomass reference point (Blim).

⁴ [Benchmark Workshop on Baltic Pelagic stocks \(WKBBALTPEL\) \(figshare.com\)](#) ; report p. 62

new estimate of Blim. He underlined that the present state of the central herring stock is not good, but not so bad to require closure of the targeted fishery.

A fisheries representative from Denmark fully shared the opinion of the minority group of scientists, presented by the Polish scientist. He underlined that the assessment of B0 should be considered as speculative and such methodology had been refused by ICES in the past.

The BSAC EBM WG Chair thanked the Commission for their prudent approach to setting the TACs and stated that in the presented situation, in which even a ban on targeted fishery cannot help to improve the state of the stock, it is irresponsible to propose any other solutions. He underlined that the herring TAC should be considered in the context of mixed fishery with sprat. It is therefore appropriate to take these factors into account and fix the fishing opportunities for sprat accordingly.

A representative of Latvian administration stated that they could not support the proposal to decrease the TAC for herring in the Gulf of Riga by 23%. In their view, this proposal violates the principle of relative stability, which is part of the CFP⁵. He underlined that the fish are there but cannot be caught because of wrongly interpreted scientific advice.

A fisheries representative from Poland referred to the need to consider additional scientific opinions on species interrelation as well as population structure.

A representative of Estonian administration stated that in their opinion, remedial measures, as stipulated in Article 5 of the Baltic MAP should be used for central herring stock instead of a fisheries closure. Such measures could include a 40-50% reduction of the TAC. The Estonian administration could not support a 23% decrease of the TAC for Gulf of Riga herring. In their view, the same formulae of adding/deducting migrating herring to/from the Gulf of Riga TAC should be used. Referring to the mixed sprat and herring fisheries, she stated that the level of herring bycatch depends on the season, and at times can amount to 20%.

A fisheries representative from Denmark emphasised that fishers can influence the catch composition in mixed fisheries for pelagic stocks.

A fisheries representative from Poland asked whether the Commission had taken into account socio-economic impact of the closure of targeted fisheries for several stocks in the proposal for fishing opportunities.

A representative of DG Mare stated that socio-economic impact had not been considered in the proposal. He referred to the legal obligation to close the targeted fisheries on the basis of Article 4 of the MAP. Another **representative of DG Mare** appreciated transparent and frank exchange of views between the Commission and fisheries sector, NGOs and Member States, especially in view of the current situation in the Baltic. She emphasised that the Commission listens carefully to all the views and comments and considers what could be done in the framework of EMFAF to alleviate the socio-economic impact of the

⁵ The principle of relative stability is one of the oldest elements of the CFP). Relative stability means that yearly established TACs for each fish stock are divided between the Member States according to a fixed allocation key

proposed fishing opportunities for the fishing industry. The Commission will discuss possible support to the sector with Member States.

A small-scale fisheries representative referred the exemption limiting fishing to a maximum of 20 m depths for certain vessels (Articles 7.2.b and 7.4.b). Increases in sea temperature are thought to be a significant factor in why flatfish are increasingly found in deeper, cold waters. Extending the exemption to 30 m in coastal waters, far away from the cod spawning grounds, would present no threat to cod recovery but allow the fishery to continue. He requested the Commission to further investigate the problem.

A representative of DG Mare referred to the modified calculation methodology applied in the case of Gulf of Riga herring. For 2024, the Commission considers that, given that the central Baltic herring stock is below Blim and that catches of central Baltic herring should therefore be reduced as much as possible, it would not be appropriate to add catches of central Baltic herring to the TAC for herring in the Gulf of Riga. The Commission considers that it is appropriate to continue to deduct the amount of Gulf of Riga herring migrating out of the Gulf of Riga since that herring is no longer present in the Gulf of Riga. The resulting FMSY point value for the TAC for herring in the Gulf of Riga represents a decrease of -23%.

A representative of Latvian administration repeated that the proposed methodology is unacceptable and expressed the view that the existing methodology should be used for calculating the TAC for the Gulf of Riga herring.

6. Baltic Sea Advisory Council presentation

Work programme for the year and the recommendations for the fisheries TAC in 2024.

The BSAC ExCom Chair presented the BSAC work programme and recommendations. He referred to the BSAC recommendations for fishing opportunities for 2024⁶, submitted to the Commission and BALTFISH on 7th July 2023. For the first time the recommendations were translated into 4 languages (PL, D, Sweden and Lithuania). The recommendations focused on the shortcoming in the current scientific advice. The BSAC is of the opinion that the process of developing and providing advice can be further improved. We need a better understanding of processes, especially with relations to mixed fisheries advice, to better understand the Baltic ecosystem. There is an urgent need to quantify species interactions. He presented the recommendations, stock by stock, including the minority positions. He informed the meeting that the Commission has not replied to the BSAC recommendations. The BSAC has requested to meet with the Commissioner ahead of the October Council to discuss the recommendations for fishing opportunities (date to be defined).

The BSAC EBM Working Group Chair explained that the minority positions in the BSAC recommendations had been split into several organisations. With reference to salmon, he underlined that some OIG members recommended to follow ICES advice in view and allow

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targeted salmon fishing only in SD 31 within four nautical miles from the coast, to protect wild salmon stocks. He drew attention that the numbers of returning salmon spawners show a strong negative trend in several important rivers in 2022 and 2023.

The BSAC Vice-Chair, speaking on behalf of recreational anglers, drew attention that the numbers of returning salmon spawners show a strong negative trend in several important rivers in 2022 and 2023 (60-80% lower than expected) and therefore he expressed support for the Commission's proposal to maintain the approach taken for salmon in the Main Basin while decreasing the TAC by 15% compared to 2023.

A representative of environmental NGO underlined to take into account species interrelations in setting the TACs for herring and sprat as a step toward the implementation of ecosystem-based management.

The BSAC ExCom Chair referred to the BSAC recommendations on harmonised implementation of legal rules in geographically close areas⁷, recommendations on the effectiveness of cod spawning area protection measures⁸, recommendations on the legal Acts introducing a new mandatory gear⁹ as well as recommendations on the development of offshore wind farms¹⁰.

The BSAC EBM Working Group Chair underlined the BSAC concerns regarding the expansion of wind energy production. The issue was discussed in two working group meetings. He emphasised the need to fill the gaps in understanding the cumulative impact of wind farms. Various Member States apply different rules concerning access for fishing. He referred to the reply received from COM indicating the launch of several projects, focusing on the impact of wind farms and supporting the need to formulate a non-recurrent advice to ICES on this issue.

The BSAC ExCom Chair proceeded with the priorities of the BSAC Working Groups.

The BSAC EBM Working Group will focus on the action points identified in the Commission's policy package. Eel will be discussed after receiving the ICES advice in November, The BSAC members had agreed on the need to implement upstream measures to facilitate migration. Eel should be discussed during the Joint Special Group¹¹ organised by the Commission in early October in Brussels.

A representative of Estonian administration informed participants that a project to investigate the effects of the noise produced by wind farms on herring stocks is conducted in Estonia.

The BSAC ExCom Chair underlined that the BSAC could play a role of a think tank – a platform to exchange information on the impact of offshore wind farms.

⁷ [BSAC recommendations on harmonised implementation of legal rules in geographically close areas \(April 2023- to BALTFISH\)-](#)

⁸ [BSAC recommendations on the effectiveness of cod spawning area protection measures \(July 2023\)-](#)

⁹ [BSAC recommendations on the legal Acts introducing a new mandatory trawl gear device \(July 2023\)](#)

¹⁰ [BSAC recommendations on the development of offshore windfarms and fisheries interactions \(April 2023\)](#)

¹¹ As part of the Commission's Action Plan

The BSAC Demersal Working Group will focus on the action points identified in the Commission's policy package as well as follow-up on the letter to the Commission on mandatory trawl gear.

The BSAC Pelagic Working Group will also focus on the action points identified in the Commission's policy package as well as Bothnian Bay and central herring, in the light of any new scientific information, stickleback trial fisheries with updates from Member States and species interactions.

The BSAC ExCom Chair informed participants that he has been invited Our Baltic Conference on 29th September to present BSAC comments on energy transition of the fishing fleet.

The BSAC ExCom Chair invited BALTFISH representatives as well as other stakeholders to the upcoming BSAC meetings, planned in September and October 2023: Working Groups: Demersal WG 26/09, EBM WG 27/09 and Pelagic WG 28/09 (online) as well as the Executive Committee meeting on 26th October, Gdynia, and the workshop on predators on 27th October 2023, Gdynia. A workshop with EFCA on the implementation of the LO in the Baltic (2019-2021) is planned later in 2023. A visit to a Baltic port to see the EFCA patrol vessel is also planned. He also referred to the planned workshop on additional science and alternative management in Q1 2024, depending on members interest. He addressed the Polish BALTFISH Presidency with a request to continue for the sake of transparency with virtual coffee meetings with the BSAC Management Team.

A fisheries representative from Poland asked the Commission to reconsider including vessels above 24 metres in overall length in the EMFAF support for the energy transition, as well as scrapping.

The Polish BALTFISH Presidency representative informed participants that the Commission is planning to revise the EMFAF Regulation.

Another fisheries representative from Poland explained that the planned BSAC workshop on additional science is planned to consider additional sources of scientific advice, in order to fill in the gaps in the available scientific advice for Baltic fish stocks. He underlined that the ICES advice is incomplete without data on species interactions and the impact of selectivity on population structure. He also referred to the ambiguities in the ICES advice concerning closure of spawning areas and the need to further clarify them.

A fisheries representative from Denmark stated that the purpose of a meeting on additional science is to further improve the process of developing and providing advice to ensure appropriate management decisions.

7. AOB

- Update on the status of the Delegated Act on new fishing gear

A representative of the BALTFISH Presidency informed that discussion on the Delegated Act on new fishing gear will take place in the High Level Group.

A fisheries representative from Denmark underlined that fishers are extremely concerned about the fact that they could be forced to use the gear that had not been tested in commercial fisheries. The fishing industry has been supportive in introducing the

selective trawl device but had advised that if the gear was to become mandatory there was a need for further trials on various sizes of vessels.

A small-scale fisheries representative underlined that only passive gears should be used allow for a successful implementation of the landing obligation and improve the likelihood of cod recovery due to a significant reduction in discarding. He pointed out that cod discards in active gears are 500% higher than in passive gears. Therefore, bringing a new trawl is not a solution for the future. In his view, the TAC for plaice could be much higher if only passive gears were allowed.

Fisheries representatives from Poland and Denmark strongly opposed to the interpretation of discard data in trawl fishery, presented by the small-scale fisheries representative. **The fisheries representative from Poland** underlined that active and passive gears are used in different fishing grounds, under different conditions and have different selectivity parameters.

8. Closure

The Polish BALTFISH Presidency thanked all participants for good discussions.