

**BSAC Executive Committee**  
**Tuesday 25<sup>th</sup> October 2022**  
**13.00 - 18.00**  
**National Marine Fisheries Research Institute,**  
**Kołłątaja 1, 81-332 Gdynia, Poland and online via Zoom**

**Report**

**1. Welcome by the BSAC chair Jarek Zielinski**

**a. Apologies and adoption of the agenda**

**The ExCom Chair** welcomed all ExCom participants, including the representatives of the European Commission, Lithuanian BALTFISH Presidency, the Member States, BSAC members and all other observers. He thanked Piotr Margoński, the Director of the National Marine Fisheries Institute for providing the meeting room. He invited all participants to the dinner to celebrate the 15<sup>th</sup> anniversary of the BSAC (postponed by one year due to the COVID-19 pandemic).

There were 24 people present in the room and 21 online.

There was a quorum for the meeting. The participants list, including the apologies is on the website<sup>1</sup>.

**Under AOB** was noted a point by **Krzysztof Stanuch** (National Chamber of Fish Producers) requesting further information from the Member States on the interpretation of Article 7 of the Council Regulation 2021/1888, referring to the cod spawning area closure exemption when the catch is sorted. **Under point 6** of the agenda, he proposed to include an information on the reply received from DG Mare to the letter sent by Polish fisheries organisations in October 2020 to the Council and the European Commission.

**Under AOB, Piotr Necel** (Association of Fishermen's of Sea – PO) asked to discuss the interpretation of Article 74.2 of the Council Regulation 404/2011<sup>2</sup> allowing for deduction of up to 2% of water and ice during landings of pelagic species.

**b. Adoption of the minutes from the last ExCom meeting (30th June 2022)<sup>3</sup>**

**The ExCom adopted** the minutes of the ExCom from 30<sup>th</sup> June 2022. The report was uploaded to the BSAC website.

**c. Two ExCom members to check the minutes**

Mart Undrest (Estonian Fishermen's Association) and Florian Stein (German Angling Association) agreed to check the minutes.

The agenda was adopted.

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<sup>1</sup> [BSAC - BSAC Executive Committee meeting](#)

<sup>2</sup> [Commission Implementing Regulation \(EU\) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation \(EC\) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy \(europa.eu\)](#)

<sup>3</sup> [http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Executive-Committee-meeting-\(8\)/BSACExCom30062022finalreport.pdf.aspx?lang=en-GB](http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Executive-Committee-meeting-(8)/BSACExCom30062022finalreport.pdf.aspx?lang=en-GB)

## 2. From the Secretariat

### a. Update on closing the BSAC year 2021-2022

**The Executive Secretary** informed that the European Commission sent a recovery order for unused part of the budget 69,069.54 € to close the financial year 2021-2022. The unused part of the 2021-2022 budget was sent back to COM.

### b. Brief status on expenditure and admin. for 2022-2023

**The Executive Secretary** presented a brief financial update halfway through the financial year 2022-2023. All expenditures were on track.

### c. Update on the Volunteer work in the secretariat

**The Executive Secretary** gave an update on the work carried out by the Volunteer. The Volunteer has a one-year contract (two half days a week) and is currently working on the background document on the revision of the BSAC Rules of Procedure.

## 3. ExCom membership application

**The Executive Secretary** gave a short summary of the ExCom membership application submitted by BalticWaters2030. BalticWaters2030 applied to become an ExCom member, to fill one of the empty OIG seats in the ExCom. The BSAC Honorary Chair sent a letter to DG MARE (23/09/22) to get some clarity and advice on the procedure to follow. DG MARE replied that it is up to the BSAC General Assembly (GA) to take the decision on the ExCom membership. Without any agreed written procedure for the GA in the Rules of Procedure, should any member voice its disagreement to the use of a written procedure, the decision will be postponed to the next GA. On 5<sup>th</sup> October 2022, the BSAC Honorary Chair of the GA sent a letter to all GA members. By the deadline of 25<sup>th</sup> October, three BSAC members rejected a written procedure to accept BalticWater2030 to become member of the ExCom. He further informed the ExCom that the BalticWaters2030 decided not to attend the ExCom on 25<sup>th</sup> October.

**The ExCom Chair** stated that the BSAC Management Team had decided that the current Rules of Procedures (RoP) of the BSAC, adopted in May 2019, now need to be updated to clarify the existing unclarities, fill the gaps and align the RoP with the EU legislation. He underlined his intention to revise the Rules of Procedure of the BSAC in the framework of a focus group. The volunteer should be engaged in the revision of the RoP in order to take advantage of his legal background. He encouraged the ExCom members to take part in work of the focus group.

**The ExCom** decided to postpone the decision on the BalticWaters2030 membership in the BSAC ExCom until the next GA (May 2023). Until then, BalticWaters2030 may attend the ExCom as an observer.

## 4. Reports from meetings and future meetings

**The Executive Secretary** informed that all reports from meetings are available on the web site<sup>4</sup>.

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<sup>4</sup> [BSAC - BSAC meetings](#); [BSAC - External events](#); [BSAC - Documents section](#)

**a. MT participation in BALTFISH Forum**

**The Executive Secretary** informed that the first BALTFISH Forum meeting under the Lithuanian Presidency, held on 6<sup>th</sup> September 2022, was attended by the members of the BSAC Management team, in person and online.

**The ExCom Chair** presented the main items discussed at the Forum meeting (*Report of BALTFISH Forum 06/09/22*<sup>5</sup>). The Lithuanian Presidency presented the draft work programme and informed that the BSAC could submit comments after the meeting. The TACs and quotas for 2023, the development of 3<sup>rd</sup> and 4<sup>th</sup> joint recommendations on harbour porpoise, work on multiannual salmon management plan, and further meetings on EMFAF and control will be the main items. Regular virtual coffee meeting with BSAC MT are foreseen. The representative of DG MARE presented the Commission's proposal on fishing opportunities in 2023. She underlined the poor environmental status of the Baltic Sea. Several fisheries representatives raised the issue of the impact seals and cormorants on fish stocks and called for urgent actions to minimise it. The real bottleneck is caused by the fact that the impact of seals on fish stocks is not included in the scientific advice and in fisheries management. In the course of the discussion, the BSAC ExCom Chair stated that the BSAC is the right, neutral platform for further discussing the impact of seals and cormorants on fish stocks and the ways to manage these predators. The BSAC ExCom Chair presented its recommendations for 2023, as well as the BSAC work priorities. The BSAC ExCom Chair underlined that the BSAC looks forward to further improving communication and to working together with BALTFISH on joint recommendations addressed to the European Commission, as well as several other important issues listed on the BALTFISH work programme.

**b. MT meetings (by Executive Secretary)**

**The Executive Secretary** informed that the BSAC Management team held 7 meetings in the BSAC since the last ExCom meeting on the 30<sup>th</sup> June 2022. These meetings included 2 meetings with the Lithuanian BALTFISH Presidency.

**c. Pelagic WG (by Pelagic WG Chair)**

**The BSAC Pelagic WG Chair** referred to the meeting of the WG held on 3<sup>rd</sup> October 2022 (online). Scientists from Finland and Sweden presented the situation of the **Bothnian Gulf Herring stock**. They triggered many questions around the stock situation in coastal areas in Sweden, factors behind the decrease in the size and weight at age of herring (food availability, species competition, fishing), other species interactions, and scientific advice. The WG members did not agree on a recommendation to the Commission on this stock because of diverging views. There were not enough BSAC members willing to take part in the focus group to deal with Bothnian herring. It was decided that the issue will be postponed until more information is available. The WG discussed how to explain in detail the BSAC recommendation **on western Baltic herring** to the Commission. The WG

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<sup>5</sup> [\[Modtagerfelt\] \(bsac.dk\)](https://www.bsac.dk/Modtagerfelt/)

agreed that the ExCom Chair will send a letter to the Commission to explain the short and medium term approaches recommended by the BSAC. The BSAC advises to follow the Baltic MAP but also to develop a specific rebuilding plan for the stock and insists on cooperation with third countries. The letter was adopted by the ExCom in a written procedure on 24<sup>th</sup> October 2022. The WG also discussed the need to ask BALTFISH Member States to give information on the implementation of the cod spawning area closure exemptions when the catch is sorted. Updates on stickleback trial fisheries were also provided by scientists from Estonia, Denmark and Sweden. Trials will take place this winter and further updates will be given in spring 2023.

**d. Demersal WG (by Demersal WG Chair)**

**The BSAC Demersal WG Chair** referred to the meeting of the WG held on 5<sup>th</sup> October 2022 (online). The **CODHEALTH project** was presented. It focused on eastern cod. The presentation included an overview of the factors affecting the status of cod, such as overfishing, discards, climate change, pollution, predation and parasites as well as factors connected with bottom processes such as hypoxia and oxygen depletion in deeper waters. The project confirms that there has been a historical change in food composition of Baltic cod, from invertebrates to fish. Parasites had been detected not only in cod but throughout the food web. Participants agreed that this research was extremely useful and looked forward to the conclusions of the project. The lack of food availability for cod, spread of parasite infections, and selectivity should be the focus of further research. A scientific presentation was given on the **RESOCO project** on regional solutions for mitigating seal-fishery conflict in the Baltic Sea. The seal-fishery conflict is a complex and serious issue, to which there are no easy solutions. RESOCO aims at reassessing the current management criteria of Baltic grey seal population, analysing regional and national best practices used in mitigating seal-fishery conflict, and proposing a roadmap for mitigating the conflict. HELCOM representatives took part in the discussion. The WG decided that the BSAC should continue to discuss the seal-fisheries conflict and find some feasible solutions. **The Commission** also gave a brief presentation on **the 2023 TAC proposal**. Following an AOB proposal, WG participants discussed a proposal to **extend the cod closure exemptions** for gillnets fishing flatfish from 20 to 30m depth. Some members proposed further extension by lifting the 12m size limit of boats. The rationale behind the proposal is that due to the observed increase in water temperature in the Baltic, abundant stocks such as plaice and flounder are found in colder water at increasing depths. A recommendation had been drafted by the secretariat, but it was not possible to reach a consensus on the recommendation in a limited time before the BALTFISH meeting preceding the Council meeting.

**The meeting took note** of the reports from the WG chairs.

**A representative of small scale fisheries** expressed disappointment with the lack of BSAC recommendation of the Pelagic WG on Bothnian herring. In his view, a BSAC focus group would help a lot to make recommendations to improve management of the stock and respond to scientists, fishermen and businesses reporting on the absence of large herring.

**A representative of Polish fishers** stated that the majority position supporting the proposal should be sufficient to draft the BSAC recommendation to extend the cod closure exemptions for gillnets fishing flatfish from 20 to 30 m.

**The Executive Secretary** explained that the Secretariat had received split opinions on the proposal to amend the cod closure exemptions for gillnets fishing flatfish and the deadline to finalise the recommendation was too short (3 working days) to get a coordinated opinion and agreement from the WG and the ExCom.

**The BSAC Vice-Chair** stated that the timeframe had been indeed too short and that the issue was not split opinions but the need for more time to produce advice.

**The EBM WG Chair** referred to the procedure and underlined that any working group decisions must be approved by the ExCom. In this case, time was too short to consult the ExCom in accordance with the rules.

**Representatives of Polish fishers** underlined that time is crucial when it comes to recommendations. The BSAC must react quickly and provide its recommendations in order to be effective and to have impact on the decision-makers.

**A representative of small scale fisheries** expressed the opinion that the BSAC should not only discuss the TACs levels, but also the provisions and rules included in the Commission's proposal for a Council Regulation fixing the fishing opportunities for next year, in order to propose amendments in due time before the Council decisions.

**The ExCom Chair** underlined that the revision of the BSAC rules should take into account the need for the BSAC to be efficient in providing recommendations at short notice. He underlined the need for close cooperation with BALTFISH to improve the performance of the BSAC.

#### **e. Meeting request to HELCOM Executive Secretary (by ExCom Chair)**

**The Executive Secretary** informed that the BSAC ExCom Chair and the BSAC Executive Secretary will meet the HELCOM Executive Secretary on 3<sup>rd</sup> November 2022 at the HELCOM premises in Helsinki. This meeting will be an occasion to present the BSAC work priorities and further explore areas of cooperation between BSAC and HELCOM. The BSAC representatives will attend the informal consultation session of the HELCOM Fish on 2<sup>nd</sup> and 3<sup>rd</sup> November.

**The ExCom Chair** asked the BSAC members to inform the Secretariat on any issues that could be discussed with the HELCOM Executive Secretary.

**The ExCom** took note.

#### **5. Presentation of the STECF Annual Economic Report on the EU Fishing Fleet**

**Raul Pallezo, principal researcher at AZTI, member of the Scientific, Technical and Economic Committee for Fisheries (STECF) of the European Commission** and chair of the 2022 Annual Economic Report (AER) of the EU fishing fleet<sup>6</sup>. The 2022 Annual Economic Report (AER) on the European Union (EU) fishing fleet provides a comprehensive overview of the latest information available on the structure and economic performance of the EU Member States fishing fleets. The AER is updated every year.

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<sup>6</sup> [BSAC - BSAC Executive Committee meeting](#)

Results indicate that the profitability of the EU fleet fell in 2020. Lower value of landings are the main reason for this reduction even in a situation of a sharp decrease of energy prices. 2020 is a continuation of the decreasing trend observed in 2019, with the added impact of the COVID-19 outbreak, with several short sized value chains closed in several months of the year 2020. Estimates indicate that the performance of the fleet will deteriorate, especially in 2022, due, chiefly, to the effects brought on by Ukraine-Russia conflict, in particular with high fuel costs and inflation rates.

The report covers the EU small-scale coastal fleet (SSCF), large-scale fleet (LSF) and distant-water fleet (DWF). The SSFC definition includes all vessels up to 12 m, using non-active gears. This negative situation for the SSCF was particularly marked in the Baltic region where, collectively, the SSCF was already performing at negative gross losses in 2018-19, deteriorating further in 2020. The LSF profitability was down except in the North Sea and the Baltic. A specific overview of the Baltic was presented. Eight Member States were actively involved in Baltic Sea (BS) fisheries in 2020: Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, and Sweden, while the Estonian, Finnish, Latvian and Polish fisheries were fully dependent on this region. Overall, the EU Baltic Sea fleet was profitable in 2020, and conversely to other performance indicators, gross profit remained stable compared to 2019, as a result of a 38% reduction of fuel cost. Three Member States' fleets (Estonia, Germany and Lithuania) suffered net losses in 2020 in the region.

SSCF in the Baltic accounted for 8% of the landed weight and 21% of the value and the profitability is presenting a continuous deteriorating picture. There are big differences among LSF and SSCF. This last fleet segment accounts for 92% vessels, 77% of fishers and 65% of FTE, but only 8% of the landings (although with an average price 3 times higher), 21% of the value of them and 16% of the GVA.

Atlantic herring followed by European perch and European eel are the three most important species in terms of landings value of the SSCF. The species composition of SSCF landings has changed through the past 10 years. Atlantic cod was outperformed as a the most important one from the revenues point of view from 37% in 2008; to 14% in 2019 and 8% in 2020. That has been a result of the deteriorated stock status of cod, mainly the Eastern Baltic one. Atlantic herring followed by sprat and Atlantic cod continued to be the three most important species in terms of landings value of the LSF.

The fishing pattern of the fleet landings has changed significantly from 2008 to 2020. Atlantic cod contribution to total revenues of the LSF decreased from 35% in 2008 to 6% in 2020. In the same period, the Atlantic herring raised its contribution to fishing revenues from 25% in 2008 to 45% in 2020. Fishing restrictions imposed on Atlantic cod as well as insufficient quota for sprat and herring caused that fishing effort has been redirected to less exploited earlier species like flounder and plaice. Sprat and herring remained the two most important exploited species accounting for 91% of total LSF landings in 2020.

Raul Prellezo appreciated all the comments and recommendations provided to the AER by different stakeholders, including the Advisory Councils. However, the recommendations must come early in the year, because AER team has to set up the ToRs of the meetings early in the year. The AER also addresses special requests relating to pelagic fleets, on social aspects and also an outlook for 2021 and 2022 considering the impacts of COVID-19, fuel prices and inflation.

**The ExCom Chair** thanked Raul Prellezo for the presentation and expressed hope that the representatives of STECF will accept the invitation to present the AER to the BSAC on regular basis, every year.

**A representative of DG MARE** underlined that the Annual Economic Report on the EU fishing fleet is the main source of economic and social data for scientific advice on the performance of the EU fishing fleet. It is also increasingly used by scientific bodies, national administrations and international institutions. The data and evidence of this report are also used in the scientific and economic advice in the TACs negotiations. The trends in the Baltic are worrying. Environmental changes have impact on the fish stocks and the fleet performance. The AER is extremely useful for stakeholders to understand the socio-economic impact of management decisions. The considerations and comments from stakeholders are welcome.

**A representative of Polish fishers** thanked the STECF representative for a very interesting report. He asked whether the STECF had calculated the break-even point for the pelagic fleet<sup>7</sup>, to estimate how much fish need to be caught by different fleet segments to reach the break-even point, taking into account the operational costs, including the fuel costs. He also asked whether the STECF had carried out a sensitivity analysis to estimate the minimum price, maximum costs and the volume of the catch of a given species.

**The STECF representative** replied that the calculation of the break-even point from economic perspective at the EU level is not possible and would not be very useful. However, such calculation could be done at the sea-basin level or for different fleet segments, broken down by vessel length. The AER has not done such calculations.

**A representative of DG MARE** stated that the economic performance of the fleet are driven by different factors, among others relative costs and fish prices, as well as environmental impacts.

**A representative of small scale fisheries** stated that the fishing effort of the small-scale fleet used in the AER should better reflect the nature of this fishery and avoid misinterpretations. The report should take into account the fact that one day at sea for a small-scale vessel does not equal one fishing day of a trawler. The STECF report claims that the SSCF is responsible for 79% of fishing effort but only 8% of the catch in the Baltic. Such extreme inaccuracy in the calculations therefore affects the economic picture of the respective fleet segments.

**A representative of German small-scale fishers** asked whether subsidies are taken into account as profit in the economic analysis. If this is the case, the assessment of the profitability of the small-scale sector in the AER is wrong, because 75% of the fleet, including all vessels below 8 meters, are excluded from subsidies and are therefore considered unprofitable.

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<sup>7</sup> The break-even point is the level of production at which the costs of production equal the revenues for a product.

**A representative of Polish small-scale fishers** referred to the fact that the economic performance of the small-scale fleet is heavily affected by the restricted fishing opportunities in the Baltic and high fuel prices. The economic performance could be improved by amending the rules that oblige the fishermen to spend 120 days at sea during two years in order to comply with the conditions set by the EU rules for granting support for temporary cessation of fishing activities<sup>8</sup>. Additional 90 days at sea during 2 years are required to get the support for permanent cessation of fishing activities. In his view, the limited fishing opportunities in the Baltic, including fisheries closures, should be taken into account by the European Commission in the implementation of these rules. These provisions force fishermen to spend the required number of days at sea without any chance to get a positive economic result from fishing.

**The STECF representative** took note of the comment by small scale fisheries representative and stated that the AER will try to better adapt the fishing effort calculations to different segments. He underlined that the AER provides an overview of the structure and economic performance of the EU fishing fleet, including a detailed economic overview of different fleet segments. The small-scale sector has been facing negative gross profit in the last 4 years. This fleet segment is not profit-oriented. Referring to subsidies, he stated that the data reported by the Member States does not cover all subsidies and compensations and is therefore only partly included in the economic analysis.

Replying to a question asked by a fisheries representative on the definition of small-scale fleet used in the AER, **the STECF representative** stated that in the AER small-scale fleet includes fishing vessels of an overall length up to 12 m, using non-active fishing gear.

**A representative of DG MARE** took note of the comments made during the discussion. He stated that the fact that the next AER will take into account the fact that fishing effort is not the best indicator for small-scale fleet. He also underlined the significant impact of fuel costs on the fleet performance. He drew attention to the need to improve the economic performance of the fleets by reducing operational costs and the decarbonisation. The EMFAF funding may help with this energy transition. He acknowledged a big interest in the BSAC for the social and economic aspects of the Baltic fishing fleets including the economic impacts of the high fuel costs. This growing interest in socio-economic analysis is also shared by many other stakeholders and STECF is receiving an increasing number of requests from other ACs in relation to the STECF economic report and our socio-economic analysis. He underlined that the Commission and STECF are willing to continue the dialogue with the BSAC on the socio-economic aspects of the Baltic fleets.

**The ExCom Chair** thanked the STECF representative for presenting the 2022 Annual Economic Report and the representative of DG Mare for his input into the discussion. He underlined that interest of the BSAC in the economic analysis of the Baltic fishing fleets, as well as the economic analysis of the processing industry, as these reports have a direct impact on management decisions. The economic performance of the fishing fleet is reflected in the performance of the processing industry and has an impact on the market. He invited the representatives of DG Mare and STECF to present the report on the EU fishing processing industry at the next ExCom meeting. The BSAC will request the

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<sup>8</sup> Regulation of the Parliament and Council 2021/1139 Article 20



Lithuanian BALTFISH Presidency to establish cooperation with STECF. He expressed the hope that the dialogue on the socio-economic aspects of the Baltic fleets between the Commission, STECF and the BSAC will continue and will increase the effectiveness of the advisory role of the BSAC.

## **6. Fishing opportunities in the Baltic Sea for year 2023**

### **a. Summary**

**The Executive Secretary** informed that the BSAC recommendation for the fishery in the Baltic Sea in 2023 were sent to DG Mare on 13<sup>th</sup> July 2023. DG Mare replied on 20<sup>th</sup> July 2023. He also informed that on 31<sup>st</sup> August 2022 the BSAC sent a response to the communication from the Commission to the European Parliament and the Council “Towards more sustainable fishing in the EU: state of play and orientations for 2023”. The BSAC ExCom Chair presented the BSAC recommendations for the fishery in 2023 at the BALTFISH Forum in Vilnius 06/09/2022.

### **b. Presentation of the Council decisions on TAC and quota (Council meeting 17-18<sup>th</sup> October 2022), BALTFISH Presidency**

**The representative of the Lithuanian BALTFISH Presidency** presented the Council Decisions on TACs and quota (17<sup>th</sup> October 2022). She presented the objectives of BALTFISH. These objectives include strengthening and improving the Member States coordination and cooperation in fisheries management in the Baltic Sea, developing cooperation with other key stakeholders, constituting a forum for exchanging ideas, views and information. The Lithuanian Presidency started on 1<sup>st</sup> July 2022 and will end on 30<sup>th</sup> June 2023. Full priority was given to the fishing opportunities for 2023. The Presidency held several bilateral meetings with all Member States and a High Level Group (HLG) meeting to reach agreement on 16<sup>th</sup> October 2022. Compromise was reached in line with the scientific advice provided by ICES and in conformity with the Commission’s proposal. The TACs for central Baltic herring and sprat for 2023 were agreed after several hours of negotiations. BALTFISH also reached compromise on some other elements of the proposal for Council Regulation. Further clarification to the provisions of Article 9 on recreational fisheries of salmon were proposed. Recreational fishers of salmon shall be limited to no more than one specimen of adipose fin clipped salmon retained per fisher per day. After catching the first specimen, recreational fishers shall stop fishing salmon for the remainder of the day. A Joint Statement by the Commission, and Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden was decided on further examination of existing measures on recreational fisheries of salmon. The Lithuanian BALTFISH Presidency will continue working on the alternative wording to clarify Article 9 of the proposal for a Council Regulation<sup>9</sup> on measures on recreational fisheries of salmon in subdivisions 22 to 31 and on the size and age structure of central Baltic Sea herring and Gulf of Bothnia herring. Joint Statement on the request to ICES to conduct scientific analyses of the size and age structure of central Baltic Sea herring and Gulf of Bothnia herring and identify possible measures to address this issue was also prepared.

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<sup>9</sup> Proposal for a COUNCIL REGULATION fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2023 [EUR-Lex - 52022PC0415 - EN - EUR-Lex \(europa.eu\)](#)

**The ExCom Chair** thanked the representative of the Lithuanian BALTFISH Presidency for her presentation on the work done by the Presidency to reach a compromise with regard to the decisions on the fishing opportunities for 2023 before the Council meeting.

**A representative of DG MARE** thanked the Lithuanian BALTFISH Presidency for reaching the compromise on the 2023 fishing opportunities among the Baltic Member States before the Council meeting. He referred to scientific analyses of the size and age structure central Baltic Sea herring and Gulf of Bothnia herring and informed, that as the next stage of the process, the Commission plan to start discussions with ICES.

**A representative of small scale fisheries** expressed concern about the lack of transparency of BALTFISH. Meeting the day before AGRFISH to discuss quotas clearly shows that it is acting as a Council Working Group. This designation comes with specific EU rules regarding transparency which BALTFISH does not fulfill. He also expressed concern about the procedure of setting the TACs in the Baltic under the current state of the fish stocks and the credibility of the ICES advice with regards to Bothnian herring.

**A representative of DG MARE** stated that whereas BALTFISH plays an important role in strengthening the effective cooperation in fisheries management, the final decisions are taken by the EU Council of Ministers. He stated that ICES advice provides a range of management options that can be adapted to the current low biomass in Baltic.

**A representative of Polish fishers** regretted that most of the BSAC recommendations had not been taken into account by BALTFISH in the discussions with the Member States before the Council. He referred to the letter sent by the Polish fisheries organisations in October 2020 to the Council and the European Commission. After 2 years, DG MARE replied to the letter. In reply to the call to change the current fisheries management policy given the negative developments in the last 15 years, the Commission stated that the current fisheries management system, which aims at long-term sustainability via the precautionary approach, ecosystem-based management, MSY, science and the landing obligation does not need to be fundamentally changed. He pointed out that the Commission relies exclusively on the ICES advice which in some cases is insufficient to take the rational decisions. He asked the Commission and BALTFISH to take into account the results of scientific research from other sources in their management decisions. Many scientific papers, not taken into account by ICES, provide reliable source of information on many relevant issues, among others, selectivity and sprat – cod interrelations. He pointed to the lack of dialogue between the decision makers, national administration and fishers.

**The representative of DG MARE** apologised for the delay in replying to the letter. He explained that the Commission's proposal related to the fishing opportunities is based on different elements, namely the ICES advice, the BSAC recommendations, socio-economic analysis, as well as information provided by other stakeholders. The recommendations of the BSAC are an important element in the decision-making process. The ICES advice is the best available advice, provided by an independent institution.

**A representative of the OIG** referred to several other factors than fisheries management that had a great impact on the state of the fish stocks, such as discards, black quota, misreporting etc. In his view, the BSAC could have been more balanced in its recommendations.

**The former BSAC Honorary Chair, Steve Karnicki** stated that he fully understood the frustration of fishers. He referred to the slow decision-making process and underlined that not much has changed in the fisheries management since the International Baltic Sea Fishery Commission. However, the IBSFC had the power to take quick decisions at regional level. The dialogue between the national administration and fishers should definitely be improved to make the fisheries management more effective. The problem also lies in the complex nature of fisheries management, lack of transparency and general mistrust. It is important that the BSAC and BALTFISH discuss these problems and attempt to solve them.

**A representative of small scale fisheries** agreed that there is a need to use other sources of scientific information than ICES in the case of some stocks, such as the Bothnian herring. He recalled that SLU Aqua<sup>10</sup> referred to the need to reduce the fishing mortality for the Bothnian herring in SDs 30-31 in 2023. However, this opinion had neither been considered by the Commission nor BALTFISH in discussing the fishing opportunities for 2023.

**A representative of Polish fishers** underlined that the Baltic MAP had never been revised, despite the fact that it does not deliver positive results. He referred to the decision to reduce the 2023 sprat TAC recommended by the Commission and BALTFISH and adopted by the Council despite the well documented and scientifically proven opinions that sprat fishery should be maximised to limit the predation of sprat on cod eggs and other food species dependency and thus help cod to recover.

**The representative of DG MARE** stated that the Commission is aware of the problems affecting the Bothnian herring stock and had proposed to set the TAC for 2023 in line with MSY lower. He expressed the hope that ICES will be able to conduct scientific analyses of the size and age structure of this stock, also taking into account the results of scientific studies carried out in Sweden and Finland.

**A representative of the OIG** referred to the need for more transparency in the BALTFISH HLG.

**The representative of the Lithuanian BALTFISH Presidency** stated that the role of BALTFISH in the decision-making process should not be overestimated. BALTFISH provides a platform for discussions and help to reach compromise. The cooperation of the 8 Member States in the framework of BALTFISH is voluntary. The decision-making power is within the Council and the European Commission. BALTFISH is doing its best to be transparent. The Lithuanian Presidency maintains constant dialogue with the BSAC in the framework of virtual coffee meetings. In the past, the HLG had not been unanimous as to accepting any other stakeholders in its meetings apart from the representatives of national administrations. BALTFISH bases its recommendations on the best available advice delivered by ICES.

**A representative of Polish fishers** underlined that bad management decisions affect the fisheries sector. He referred to the urgent need to amend the derogation on closures to

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<sup>10</sup> Department of Aquatic Resources of the Swedish University of Agricultural Sciences  
<https://www.slu.se/institutioner/akvatiska-resurser/radgivning/faq-om-sill/>

allow small scale fishers to fish with gillnets in waters below 20 m, to target flatfish which are found in colder water, at lower depths.

**The representative of DG MARE** stated that the derogation in force, allowing the fishery in areas where the water depth is less than 20 m is based on the advice provided by ICES.

**The ExCom Chair** underlined that the BSAC recommendations should refer to all technical rules and not only to the TACs. He stated that the BSAC will continue to request the BALTFISH HLG to follow the HLG meetings.

**The ExCom** decided that the BSAC will provide comments to the BALTFISH work programme by mail.

## **7. Technical Measures Regulation 2019/1241: Implementing and Delegated Acts**

**The ExCom Chair** asked the representative of DG MARE to give an update on the draft Implementing Act to Technical Measures Regulation 2019/1241. On 25<sup>th</sup> March 2021 the BSAC had requested the Commission to be consulted and to be able to provide input. The answer from the Commission was received on 22nd July 2022<sup>11</sup>.

**The representative of DG MARE** informed that the Commission is consulting the Member States on the Implementing Act and collecting input. He underlined that the BSAC will be consulted once the consultation with the Member States is concluded. He stated that the Commission welcomes the strong involvement of the BSAC in the work on technical measures.

**A representative of Polish fishers** underlined that the correct implementation of technical rules is crucial both for fishermen and the fisheries inspectors and must be based on legislation in force. He reiterated his question asked in 2021<sup>12</sup>: what is the legal basis for implementing the technical regulations at present? He asked the representative of the Commission to explain which rules should be used by control inspectors in the Baltic with regard to technical measures.

**The representative of EFCA** referred to the letter sent to the BSAC Secretariat in response to the question<sup>13</sup> asked by the representative of Polish fishers, explaining that EFCA does not conduct inspections in the Baltic. The fisheries control is carried out by Member States. The technical measures can be enforced but of course there are elements which will need to be confirmed by the Implementing Act, such as some gear specifications and configurations.

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<sup>11</sup> [BSAC - Technical measures and the draft Implementing Act to Regulation 2019/1241](#)

<sup>12</sup> [\[Modtagerfelt\] \(bsac.dk\)](#)

<sup>13</sup> The question asked by K. Stanuch in January 2021: Is the legal basis for control and inspection work currently carried out Regulation 2019/1241? What regulation (number) and concrete articles do the control authorities use during the control of fishing gears on Baltic vessels? [\[Modtagerfelt\] \(bsac.dk\)](#) ExCom 6th May 2021: the representative of DG MARE said: **Commission representative** explained there is legal void with respect to interpretation of the technical specifications of BACOMA and T90 codends. This void will be filled in by the implementing rules, which will be published in the near future.

**The representative of DG MARE** stated that the Implementing Act could be discussed in detail during the consultation with the BSAC. The Implementing Act will be based on the existing implementing provisions.

**A fisheries representative** stated that in his understanding, there is at present no legal document which the fishery inspectors can use during controls of fishing vessels as the basis for interpretation of the technical 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.

**The ExCom Chair** reiterated the proposal to discuss the Implementing Act to the Technical Measures Regulation in a dedicated Focus Group with delegated experts from BALTFISH HLG and the BSAC.

**The ExCom** decided that the BSAC will address once again its request to be consulted on the Implementing Act to BALTFISH and the European Commission. The BSAC is ready to discuss the Implementing Act to the Technical Measures Regulation in a dedicated Focus Group with delegated experts from BALTFISH HLG and the BSAC.

## **8. Revision of the BSAC Rules of Procedure: setting up of a Focus Group**

**The Executive Secretary** referred to the letter sent by the BSAC Honorary Chair to the ExCom on 8<sup>th</sup> September 2022. The rules of procedure to be revised are the BSAC rules of procedure adopted by its General Assembly on 15 May 2019. The revision must include the necessary alignments to the legal amendments introduced by Commission Delegated Regulation 2022/204 laying down detailed rules on the functioning of the Advisory Council under the CFP. This revision was also the occasion to compile and integrate a number of “guideline documents” into the proper Rules of Procedure. This could bring clarity on a number of topics. Finally, the Secretariat also proposed to look at several additions that could be introduced to the Rules of Procedures following issues encountered recently (for instance the lack of written procedure to consult the General Assembly). He referred to the fact that a focus group has to be constituted to work on the revision of the Rules of Procedure. A draft Term of Reference of the Focus Group had been circulated as background document. The Focus Group will be composed of 6 to 10 members and follow the 60-40 ratio between fisheries sector and OIGs according to the BSAC Best Practices. It is proposed that the Focus Group will provide a draft of the Rules of Procedure on the 1<sup>st</sup> March 2023, in time for a first round of review before the General Assembly meeting of May.

**The ExCom Chair** asked the BSAC members to inform the BSAC Secretariat if they want to take part in the Focus Group before the end of October.

**The ExCom** decided to set up a focus group and adopt the proposed Terms of Reference.

**A representative of small scale fisheries** and a **representative of the OIG group** were volunteers to take part in the Focus Group.

## **9. External Evaluation Focus Group & BSAC participation in external meetings**

**The ExCom Chair** recalled the conclusions of the meeting of the BSAC Working Group to follow-up on the external evaluation held on 26<sup>th</sup> April 2021, referring to recommendations proposed to promote the impact and influence of the BSAC through relations with Members States and relevant stakeholders outside the membership of the BSAC. He underlined that such outreach activities are also referred to in the BSAC work plan for 2022-2023 as the key element to implement the recommendations of the external evaluation.

**The ExCom** decided that the matter of participation of BSAC representatives in external meetings to promote the impact and influence of the BSAC should be discussed at the meeting of the Focus Group on the revision of the Rules of Procedure. The ExCom will return to the matter after receiving input from the Focus Group.

**10. Presentation of the CIBBRiNA Project: Coordinated Development and Implementation of Best Practice in Bycatch Reduction in the North Atlantic Region** (by Anne-Marie Svoboda, Ministry of Agriculture, Nature and Food Quality, The Netherlands).

**Background:** Following the presentation of the project held in September 2021, the BSAC had addressed a letter on the 8<sup>th</sup> October 2021, to express the BSAC support for the project. The BSAC looked forward to be part of the Stakeholder Advisory Board that was intended in the project, and/or to be consulted directly. A revised proposal was submitted to HORIZON 2023-2024 in early October 2022. This improved version of the project still focuses on implementing effective bycatch mitigation measures.

**Anne-Marie Svoboda, Ministry of Agriculture, Nature and Food Quality, The Netherlands** explained that the project will focus on high-risk fisheries and has a regional scope (Northeast Atlantic/Baltic and Mediterranean). The main aim of the project is to minimise and where possible eliminate the incidental bycatch of marine mammals, birds, turtles and sharks and rays and to work towards transparent and sustainable fisheries. This will be achieved by cross-border cooperation to establish regional monitoring programmes that will significantly improve the reliability of bycatch rate estimates. Cooperation with the fisheries sector is a key principle of this project, therefore in close collaboration with the sector effective bycatch mitigation measures will be further developed, tested and implemented. The project had received a positive evaluation in 2021 LIFE programme, but failed to get the funding. The revised project was submitted to HORIZON 2023-2024 programme in the beginning of October 2022.

**The ExCom Chair** thanked Anne-Marie Svoboda for the presentation of the project wished good luck with the project application.

**The ExCom** decided to support the project. The BSAC looked forward to be part of the Stakeholder Advisory Board that was intended in the project.

**11. Date and venue of next meeting**

**The ExCom** decided to hold the next meeting in Vilnius, Lithuania in the 5<sup>th</sup> week of January 2023, the exact date to be decided later.

**12. AOB**

**a. Proposal to join NWWAC and other ACs development of a web-based map tool based on GIS layers**

**Background:** A web-based map the tool was developed by the NWACC and a contractor: Mindfully Wired. It will present maps with layers that include useful information for fisheries, such as protected areas, fisheries regulations, present and planned wind farms, cables etc.

**The Chair of Pelagic WG** stated that the tool can be used to navigate through marine protected areas. The decision whether the BSAC will join the NWWAC and other ACs in the development of this tool will be taken at a later stage.

**Jacob Ashton (developing contractor Mindfully Wired)** and **Mo Mathies (NWWAC secretariat)** presented a web-based map tool based on GIS layers. The tool is at the last stage of preparation and will be launched soon.

**The EBM WG Chair** referred to a similar platform used by HELCOM. The two tools could be combined. He proposed to share the tool prepared by NWWAC with HELCOM.

**A representative of NWWAC** informed that 2 BSAC representatives could take place in a thorough presentation of the tool and training on 1<sup>st</sup> December 2022 (online).

**The ExCom** took note.

#### **b. Follow-up on interpretation of Article 7 of the Council Regulation 2021/1888**

**Krzysztof Stanuch** (National Chamber of Fish Producers) asked whether the Member States had provided any further information on the interpretation of Article 7 of the Council Regulation 2021/1888<sup>14</sup>, referring to the cod spawning area closure exemption when the catch is sorted.

**The Executive Secretary** referred to the report of the Pelagic WG (held on 3<sup>rd</sup> October 2022) and the information received by the BSAC Secretariat:

*BSAC Secretariat had only received written information from the BSAC members and from the Member States. A representative of German small-scale fisheries wrote that for his organisation the exemptions contradict the protective purpose of the cod closure and therefore should be withdrawn. Representatives of the Polish fisheries organisations drew attention to the fact that there should be no difference in the interpretation of the regulation as the regulation is clear enough. The difference is in the implementation of the regulation. A representative of a Lithuanian fisheries organisation stated that their members do not fish in SDs 25-26 during the closure period (1<sup>st</sup> May-31<sup>st</sup> August). The representatives of the Danish pelagic fisheries signalled there is no fishing occurring in that area during the closure period and therefore the exemption is not used in the Denmark pelagic fisheries.*

**The representative of the Lithuanian BALTFISH Presidency** informed that the issue had not been addressed by the HLG meeting on 7<sup>th</sup> September 2022. The HLG will return to this matter at its next meeting.

**The Executive Secretary** referred to the statement made by the representative of DG MARE at the BALTFISH Forum meeting on 6<sup>th</sup> September 2022<sup>15</sup>:

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<sup>14</sup> [undefined \(europa.eu\)](#)

<sup>15</sup> [\[Modtagerfelt\] \(bsac.dk\)](#)

With reference to Article 7, **the representative of DG Mare** referred to a letter sent by DG MARE to the BSAC, explaining that the provision does not specify if sorting of catches should take place onboard or on land. The exemption should only be applied to the fishery for human consumption.

**A representative of Swedish fishers** stated that an evaluation of provisions of Article 7 should be conducted as there is no evidence that cod is disturbed during spawning by pelagic fisheries.

**The representative of DG MARE** stated that the spawning closures and exemptions stipulated in Article 7 are based on the ICES special advice from 2019<sup>16</sup>.

### c. Other issues

**A representative of Polish fishers** referred to Article 74.2 of the Commission Implementing Regulation (EU) No. 404/2011<sup>17</sup>, allowing for deduction of up to 2% of water and ice during landings of pelagic species. He underlined that the Polish control authorities only apply this provision to catches for human consumption, whereas the text of Article 74.2 does not specify whether this deduction refers only to pelagic species for human consumption. In his view, the interpretation of this Article should be clarified to avoid such misinterpretations.

**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.

After the meeting, the representative of DG MARE highlighted that Article 74(2) of Commission Implementing Regulation (EU) No 404/2011, as amended by Commission Implementing Regulation (EU) 2015/1962, clearly states that:

*... There shall be no deduction of water or ice for landings for industrial purposes or for non-pelagic species.*

**The Pelagic WG Chair** proposed to discuss this matter at the next Pelagic WG meeting. She referred to the fact that the same problem of interpretation of Article 74.2 had been raised by Danish pelagic fishers.

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**The EBM WG Chair** referred to the HELCOM climate conference, held on 26<sup>th</sup> – 27<sup>th</sup> September 2022, organised to better understand the evident and disturbing effects of climate change on the Baltic Sea. He proposed to invite the organisers of the Conference to present its outcome to the next ExCom meeting.

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<sup>16</sup> [eu.2019.11.pdf](#)

<sup>17</sup>Article 74.2. Without prejudice to special rules for pelagic species referred to in Articles 78 – 89 of this Regulation which are landed in bulk for transfer to the point of first marketing, storage or processing, the deduction of water and ice from the total weight shall not exceed 2%.

[Commission Implementing Regulation \(EU\) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation \(EC\) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy \(europa.eu\)](#)



The ExCom agreed.

**MIAC**

The Executive Secretary asked the BSAC members to provide topics for discussion at the feedback on topics for MIAC in January 2023. The deadline for sending topics is the end of October.

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The ExCom Chair thanked all participants for fruitful discussions.