

**BSAC Pelagic Working Group
Thursday 16th March 2023
10.00 – 14.00 (CET) by Zoom
Report**

1. Welcome by the Pelagic WG Chair Lise Laustsen

Lise Laustsen, the WG Chair welcomed all the BSAC members, the European Commission, Member States and all other observers. There was a tour-de-table.

2. Formalities for the start of the meeting

Apologies and adoption of the agenda

The agenda was adopted. The meeting was recorded for reporting purposes.

Under AOB was noted a point by **the representative of an organisation representing small scale fishers** referring to the PFAs contamination detected in fishmeal.

The WG Chair proposed to bring forward under AOB any topics for the discussion in the framework of the Pelagic WG during the year.

3. Bothnian bay and central herring – follow up on the Commission request to ICES

The WG Chair informed that the European Commission will request ICES to conduct scientific analyses of the size and age structure of those stocks, and of the reasons for the observed reduced number of larger-sized herring, and identify possible measures to address this issue.

The Executive Secretary referred to the information received by the BSAC Secretariat from ICES that they are in dialogue with DG MARE at the moment on the formulation of a request on herring stocks in the Baltic. The dialogue is aimed at clarifying the requester's needs and expectations, the ICES process, likely resource implications, timelines, format of advice, and roles and responsibilities of the engaged parties, as well as the existing policy goals, objectives, and the level of acceptable risk relevant to the advice request are identified. ACOM the evaluate the request based on 11 criteria. The process is iterative. Any agreed request will be published on the ICES website under advice activities¹.

The representative of DG MARE stated that the Commission is concerned about the problems affecting the central and Bothnian herring stocks. After long discussions on both stocks in the Council of Ministers in October 2022, the Commission and the Baltic Sea Members States had signed a Joint Statement about a 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. The Commission is now

¹ https://community.ices.dk/Advice/advice_activities/default.aspx.

discussing with ICES a special request on these aspects and any advice on possible new management measures, including TAC decrease, spatial management, closures, gear changes. He referred to the fact that ICES had informed the Commission that with currently available knowledge and expertise ICES will probably not be in a position to provide additional advice on the management of these two herring stocks. He also pointed to new funding opportunities available for research on Baltic herring stocks under EMFAF.

A fisheries representative from Poland pointed out that research on Baltic herring should have been carried out many years ago.

A representative of the OIG underlined that the current state of both central and Gulf of Bothnia herring stocks calls for urgent research to fill in knowledge gaps and decide on management measures.

A representative of DG Mare expressed hope that ICES will reply the Commission's request relatively quickly (in 2023) and will be able to propose management options to improve the condition of the central and Gulf of Bothnia herring stocks. The results of the research carried out by Sweden and Finland will hopefully feed into this process.

A representative of the Finnish administration referred to the fact that Finland is fully aware of the urgency to fill in knowledge gaps related to the problems affecting herring in the Gulf of Bothnia, before implementing any measures to improve the state of this herring stock. Finland and Sweden share the responsibility for the management of this stock. He informed that the Natural Resource Institute in Finland had started research work on Bothnian herring and invited the Swedish University of Agricultural Science (SLU) to participate in the research on size structure of this stock and prey species dynamics. He informed that the results of this scientific work will be shared with ICES and the BSAC. According to Finnish scientists, shortage and condition of prey species seems to be the main problems behind the decline in the condition and growth of herring in the Gulf of Bothnia. He stated that some positive trends with relation to this stock had been observed in the beginning of 2023. He also referred to the fact that the catches of Bothnian herring had decreased far below the MSY levels due to pandemic and energy crisis and in 2021 and 2022 amounted to 56% of the allocated Finnish quota. The results of scientific research conducted by Finnish scientists will be available later in 2023 (report to be published in 2024).

The WG Chair informed that the BSAC Secretariat had been approached by a scientist from Sweden who is investigating the size and age structure of Bothnian herring and is willing to give a presentation to the BSAC at the next Pelagic WG meeting².

A fisheries representative from Poland underlined that shortage of prey seems to be the main problem behind the decline in the condition of herring in the Gulf of Bothnia and therefore a reduction of the fishing mortality is not likely to contribute to improving the condition of the stock.

² **From the information received by the BSAC Secretariat:** *Max Cardinale and Christopher A. Griffiths have been doing some recent work on the development of a new age-based indicator for exploited stocks (including Bothnian Bay and central Baltic herring). The work is currently in review. The work has primarily been done to support HaV's assessment of GES under the MSFD D3C3 criteria.*

A representative of an organisation representing small scale fishers underlined the urgent need to revise the fishing mortality and biomass reference points for herring in SDs 30-31 in view of the decreasing trend in spawning stock biomass in recent years.

A representative of the OIG stated that in view of the deteriorating condition of this herring stock, the BSAC should call on BALTFISH to give high priority to the research aimed at acquiring better data on this stock. He underlined that further studies are needed to estimate the contribution of variations in natural mortality as well high mortality of small herring escaping through meshes and this fact could have a huge influence of the condition of the stock.

A representative of the Finnish administration emphasized the importance of the topic and reminded that the Finnish administration is financing a research project, looking at the food web. He agreed that there have been changes due to climate change, warming up water and lower salinity. He appealed not to make any sudden conclusion and rather to use the best available science. Younger herring seemed to be doing well. If this stock is fished at low level, there will be increased competition for food, and this could potentially lead to starvation which should be avoided. He looked forward to see the ICES advice on Bothnian herring. He drew attention to the high mortality of herring that escape through trawl meshes.

A fisheries representative drew attention to the research on mortality of herring escaping through pelagic trawls and mentioned one of such studies, indicating high post-capture mortality³.

The WG Chair asked the representative of DG MARE to keep the BSAC updated on the process related to the special request to ICES for advice on herring stocks. She also asked the BSAC members to alert national scientific institutes on the funding possibilities with regard to research on Baltic herring. She informed that the BSAC Management Team will discuss this issue during the next virtual coffee meeting with the Lithuanian BALTFISH Presidency.

4. Cod spawning area closure exemption when the catch is sorted⁴

The WG Chair reminded the meeting that the exemptions provided for in Article 7 of the Council Regulation 2021/1888 were discussed during the last ExCom meeting in January 2023. The BSAC provided a questionnaire to the BALTFISH Member States asking how the exemptions are implemented. BALTFISH presented the replies⁵ received from Member States on interpretation of Article 7 of the Council Regulation 2021/1888. Poland was to come back later in writing on this issue. The WG Chair drew the attention that according to the information received from Polish fishers, the Polish authorities require that the exemption applies only if the landings are sorted on board.

³ [Mortality of herring escaping from pelagic trawl codends - ScienceDirect](#)

⁴ Article 7 of the Council Regulation 2021/1888 [EUR-Lex - 32021R1888 - EN - EUR-Lex \(europa.eu\)](#)

⁵ [BSAC - BSAC Executive Committee meeting](#)

A fisheries representative from Poland expressed the view that the restriction to sort landings on land with respect to the implementation of Article 7 is contrary to the EU legislation. commented that the Polish administration is the only administration among the Baltic Member States which applies the law in different way. In consequence, fishers are obliged to sort the catch at sea. He pointed to the explanation received from the Commission during previous BSAC meetings. The Commission explained that the exemption in question should only be applied to the fishery for human consumption and does not specify where and when, during a fishing or landing operations, the required sorting must take place⁶. He underlined that the exemption cannot be applied to the majority of Polish vessels according to the Polish authorities, because sorting is not possible onboard small vessels. In his view, there is a need to formulate clear provisions, not leaving any possibility for different interpretation that can create uneven conditions for fishers in different Member States.

The representative of DG Mare explained that DG MARE has clarified that the exemption in question applies to sorted catches from fisheries for human consumption only. It does not specify if sorting of catches should take place onboard or on land and therefore leaves it open to decide on where and when, during a fishing and landing operation, sorting must take place. He pointed out that a Member State can implement more restrictive rules, if the need arises.

The Working Group decided to ask the BSAC Secretariat to prepare a letter to BALTFISH asking to maintain transparency and a level playing field consisting of fairly harmonised and equal implementation of the EU legislation in the Baltic, including the said derogation

5. Application of the provision on water and ice deduction during pelagic landings⁷

The WG Chair recalled that the application of the provision on the deduction of water and ice during pelagic landings had been raised by a fisheries representative from Poland during the ExCom in Gdynia in October 2022. He underlined that the Polish control authorities only apply this provision to catches for human consumption, whereas in his view, 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 misinterpretations. **The Chair** further explained that the catches on modern vessels are also kept in refrigerated seawater and a small amount of this seawater is included when the fish are weighed. In recent years the factories have had more focus on quality/freshness of the fish processed for meal and oil and are paying a higher price for good quality.

⁶ BALTFISH Forum meeting September 2022 [[Modtagerfelt](#)] ([bsac.dk](#)) also referred to in the BSAC ExCom October 2022 [[Modtagerfelt](#)] ([bsac.dk](#))

⁷ 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 \(europa.eu\)](#)

Fisheries representatives from Poland reiterated their request to implement one common provision for landings for human consumption and industrial purposes. They underlined that the provision refers to water and ice used for transport of fish to market, storage or processing plant to ensure best quality fish, and should be applied to the catches for human consumption as well as for industrial purposes.

A representative of the OIG stated that he could not accept the proposal to include the application of the provision on water and ice deduction to catches for industrial purposes as a 2% water and ice deduction from the total weight of catch for large boats fishing for industrial purposes will amount to substantial weight deductions.

A representative of an organisation representing small scale fishers underlined that the differences between fisheries for human consumption and for industrial purposes are well grounded in the CFP, with the priority given to the fish used for human consumption, as fisheries with higher socio-economic benefits. He was against the application of the 2% weight deduction in the case of landings for industrial purposes.

The representative of DG Mare stated that the provision on water and ice deduction in pelagic fisheries is applied in the same way in the entire EU. The provision clearly specifies that water and ice deduction should not be applied to fish used for industrial purposes. He referred to the ongoing revision of the Control Regulation and informed that the BSAC will be consulted on the Implementing Act to this Regulation and could bring up the application of the deduction allowance.

A fisheries representative from Sweden referred to the fact that Swedish fishers do not raise any issues related to the application of the provision on water and ice deduction allowance. She stated that the problems may be related to different landing practices used in different Member States. She underlined that the catch accountability and 100% control of landings had been fully implemented in the Swedish pelagic fisheries.

A fisheries representative from Poland underlined that according to his knowledge there are no big differences between the landing practices applied in different Member States.

The Working Group did not reach agreement with regard to the possible revision in the application of the provision on the deduction of water and ice during pelagic landings. **The Working Group** decided to come back to the matter of water and ice deduction in pelagic fisheries during the consultation of the new Implementing Regulation to the revised Control Regulation.

6. Latest news on western Baltic herring

The WG Chair referred to the letter sent to DG Mare on 31st January 2023, in reply to the letter received from Fabrizio Donatella⁸, as a follow-up to the BSAC letter sent after the Commissioner's Roundtable on the 5th December in Brussels, referring to the latest information on western Baltic herring and eel stocks. In this letter, the BSAC recommended to use the Baltic MAP as a rebuilding plan and to request ICES to put the EU MAP advice

⁸ <http://www.bsac.dk/getattachment/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-Input-to-the-Commissioner-s-Roundtable-meetin/Letter-followup-wbheel-2022-2023-33.pdf.aspx?lang=en-GB>

as its headline advice for 2024. The WG Chair asked the Commission whether this request is still considered.

The representative of the Commission stated that he will return to the BSAC Secretariat with more information on this matter.

The Working Group took note.

7. AOB

Referring to the report published in Denmark showing PFAS contamination of the Danish organic egg industry, **the representative of an organisation representing small scale fishers** asked whether there is any evidence that fishmeal is contaminated by PFAS.

The representative of the European Fishmeal and Fish Oil Producers (EFFOP) informed that the workshop on European fishmeal health and safety in relation to PFAS contamination on 22nd March 2023 in Copenhagen⁹. He pointed out that according to the recently published report of DTU Food, the investigation correlated the high PFA profile to high levels found in fishmeal, a crucial ingredient in livestock feed. The report had important repercussions for the whole feed industry where there is an urgent need for technical information and guidance for feed and animal producers alike. The aim of this workshop is to bring together academic, political, and industrial stakeholders to share their experiences with PFA contamination and their potential solutions going forward. The investigation correlated the high PFA profile to high levels found in fishmeal will be discussed at the meeting.

The Working Group discussed the possible topics for the Working Group to address during the upcoming meetings.

The WG Chair drew the attention to the planned joint workshop on species interactions with direct relevance to the Pelagic WG and asked the BSAC members to propose experts / speakers.

During the next meetings of the WG, participants proposed to deal with: spawning areas for herring, species allocation in the catches using eDNA, policy package published by the Commission in February 2023 (issues relevant to pelagic fisheries), underwater mortality of fish going through meshes of pelagic fish and how it is taken into account in the ICES advice, central and Bothnian herring stocks (follow the progress in the research).

The WG Chair thanked all participants for a good meeting.

⁹ [EFFOP announces workshop: "European fishmeal health and safety in relation to PFAS contamination" to be held in Copenhagen, March 22nd 2023 – European Fishmeal](#)