BSAC Pelagic Working Group
Tuesday 26th September 2023
10.00 – 14.00 (CEST) by Zoom

Report

1. Welcome by the Pelagic WG Chair Lise Laustsen

Lise Laustsen, the WG Chair welcomed the European Commission, representatives of Member States, the BSAC members and all other observers.

2. Formalities for the start of the meeting

Apologies, AOB, and adoption of the agenda

The agenda was adopted. The meeting was recorded for reporting purposes.
Under AOB was noted a point by **a small-scale fisheries representative** referring to by catch in mixed fisheries and questions arising from the TAC proposal.
The WG Chair proposed to discusse the issue under item 6.
The WG Chair informed that the Commission's updated proposal on TACs and quota for 2024, published on 19th September will be discussed under item 6.

3. Discussion on the Commission Package

(*Action plan*, *CFP today-tomorrow*, *BSAC draft reply*)

The WG Chair referred to the Commission's Ocean Package published in February. She informed that two key documents will be discussed by the Working Group:

- an **Action Plan** to protect and restore marine ecosystems for sustainable and resilient fisheries
- a communication on **the CFP** today and tomorrow.

She reminded the meeting that in these documents, the Commission proposes a set of actions to be taken by Member States, the Commission and other stakeholders. These actions were presented in May during the BSAC Executive Committee. The BSAC Secretariat and WG Chairs had prepared a draft document to give a structure for BSAC to comment on a shortlist of relevant actions proposed by the Commission. For this draft, past BSAC recommendations as well as comments from two other Advisory Councils were included where potentially relevant. All Working Groups will discuss the draft document in order to produce a BSAC recommendation on the Action Plan and CFP communication.
The Executive Secretary presented the structure of the document prepared by the Secretariat[1].
The Working Group discussed the relevant actions, divided in chapters.

Improve fishing selectivity and reduce the impact of fisheries on sensitive species

[1] Past Meetings - Baltic Sea Advisory Council (bsac.dk)

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The Working Group discussed the action aimed at developing threshold values for the maximum allowable mortality rate from incidental catches of the species selected by Member States and adopting fisheries management measures to implement these threshold values.

A fisheries representative from Poland addressed the terms **"***increasing gear selectivity***"** and "*improving selectivity*" used in the communication on the Action Plan as well as the CFP. He stated that these terms should be differentiated, because to increase selectivity does not necessarily mean to improve it. The Plan should specify whether reference is made to species or size selectivity. **Another fisheries representative from Poland** supported his statement and underlined that in pelagic fisheries, increasing selectivity could in fact mean deteriorating it, causing a waste of fish due to high mortality of pelagic fish escaping through meshes. The BSAC had discussed this issue at several occasions, when discussing technical measures[2].

The representative of DG Mare took note of this comment, already highlighted by the same fisheries representative during the presentation of the package at the BSAC ExCom meeting in May 2023. He promised to remind his colleagues to get in touch with the BSAC to clarify the terms related to selectivity used in the package.

A small-scale fisheries representative referred to the need to ensure better coherence of measures implemented to mitigate the impact of fisheries on sensitive species, such as harbour porpoise with the Control Regulation and establishment and monitoring of closed areas. With reference to current mortality threshold for harbour porpoise in the Baltic of 0.7 individuals per year, he stated that with such mortality threshold value, some fisheries segments could be closed very fast. Therefore, the mortality thresholds should be set more realistically and apply indiscriminately.

A representative of the OIG stated that the current mortality threshold value for harbour porpoise in the Baltic proper has been recommended by ICES as a management objective and should be implemented. Regarding other sensitive species, he stated that non-quota fish species should be treated separately from birds and mammals. He also referred to the fact that more research is needed with respect to underwater mortality of pelagic fish. This could be dealt with in the framework of a separate action in the Action Plan. He stated that continuous acquisition of data concerning the conservation status of populations of sensitive species should also be improved. He also noted that bycatch of sensitive fish species such a salmon can also be avoided with the existing mitigation measures used in other fisheries. Sensitive species, including harbour porpoise and salmon are listed in the Habitats Directive and the threshold values are taken into account by ICES in the assessment.

A fisheries representative from Poland referred to the need to use the existing research data on underwater mortality of pelagic fish. Referring to the measures aimed at reducing catches of small fish, as mentioned in the Action Plan, he underlined that such measures will not contribute to improving the stock status and might even deteriorate the stock

[2] 2015 and 2017 BSAC recommendations: [Modtagerfelt] (bsac.dk); [Modtagerfelt] (bsac.dk)

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further. He underlined that it is important is to maintain the age and size structure of the stocks. Catch composition should reflect the stock structure.

A representative of the OIG underlined that there are differences between selectivity goals in different fisheries. Referring to the establishment of MPAs ensuring strict protection of important fish spawning and nursery areas, he recalled that Fish Stock Recovery Areas[3] under the CFP are currently not sufficiently used in species and habitat protection.

A small-scale fisheries representative asked the Commission to elaborate on the notion of the highest expected biological gains. In his view these gains should be related to SSB, recruitment, age and size distribution of the stock.

A fisheries representative from Poland underlined that biological gains should be equivalent to SSB increase, reduction of underwater mortality and reduction of mortality of small pelagic fish.

Several participants expressed divergent views on the strict protection measures applied in MPAs *(*no extraction, no high impact fishing including trawling).

A representative of the OIG emphasised that parts of MPAs requiring strict protection, such as fish stock recovery areas, should be closed to all fishing activities, not only bottom trawling. Bottom trawling should be excluded from all MPAs, because it is not only harmful to the seabed, but also leads to very high fisheries yield.

With reference to the STECF advice on optimum size of fish and gear selectivity, **a fisheries representative from Poland** asked for more openness and transparency in the work of STECF, including the possibility for the BSAC members to take part the STECF work and give input on selectivity, gear specifications, as well as other fisheries issues.

The representative of DG Mare stated that he will highlight this request to the STECF.

A small-scale fisheries representative referred to the "highest long-term yield" mentioned in the context of evaluating the optimum sizes of fish, in order to obtain the highest long-term yield. He asked whether this term is aligned with maximum sustainable yield or is it a new concept introduced by the Commission. In his view, MSY principle cannot be applied to all species at the same time in the Baltic without a choke species problem and overfishing of weaker stocks.

The WG Chair underlined that, like PelAC, the BSAC should seek clarification of the terms 'optimum sizes of fish' and the 'highest long-term yield'. It is unclear why the Commission uses the term 'highest long-term yield' as it is not aligned with the widely accepted 'maximum sustainable yield' concept. She underlined the need to take into account the nature of mixed fisheries in implementing such concepts.

A representative of the OIG stated that ICES is working on meeting different criteria. Therefore, STECF should work in connection with ICES and take into account, for example, the impact of reducing mesh size or reducing effort in pelagic fisheries.

A fisheries representative from Poland reminded the meeting that in the 1980s the Total Allowable Catch concept had been introduced as a management measure which is more

[3] Article 8 of the Basic Regulation Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (europa.eu)

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responsive than MSY to any changes taking place at sea. MSY cannot be applied to all species at the same time. Other solutions should also be considered to reach the overall goal of maintaining the stock structure. Another fisheries representative from Poland supported the statement and reiterated the request to include fishers as experts in the STECF work.

The Executive Secretary explained that the Commission services may invite experts from outside the group (STECF) with specific competence in a subject on the agenda to take part in the work of the group (STECF) or the sub-group on an ad hoc basis (external experts)[4].

The representative of DG Mare reminded that Member States nominate experts as members the STECF. He was not in a position to say, however, whether representative of the fisheries sector can be nominated experts to STECF due to the fact that they have an economic interest in fisheries.

The WG Chair stated that the BSAC should remind the Commission services that they may invite experts from outside the group with specific competence in a subject on the agenda to take part in the work of the group or the sub-group on an ad hoc basis (external experts).

With reference to the report on the implementation of technical measures, **some participants** pointed out that the Implementing Act to the Technical Measures Regulation has not been published, preventing the fisheries sector and inspections to implement the regulation correctly. This situation has created a number of issues during control and inspections.

Achieve a fair and just transition and maximise the use of available funds

A representative of the OIG expressed the opinion that knowledge sharing on existing alternative gears should be increased, by providing in person, on the ground presentations of the innovations and appropriate communication in the relevant languages.

A fisheries representative from Poland stated that the Commission should make sure that implementing acts on technical measures are not too descriptive in a way that prevents any innovations. Another **fisheries representative from Poland** underlined that a fair and just transition can only be achieved if it covers the entire sector, not excluding any fleet segment. He pointed out that vessels above 24 m length are excluded from the EMFAF support for the energy transition as well as scrapping.

A small-scale fisheries representative referred to the recently published report[5] calling on the EU Member States to use the public funds to support the transition towards low-impact fishing. At present 80% of the EMFF is currently going to owners of fishing vessels above 12 metres in length. He said that this is a clear misuse of EU subsidies, since small-scale, low impact fishers only get 20% of funding, whereas this fleet segment comprises the majority of the fleet in terms of vessel numbers. Public funding should be used to reward sustainable fishing practices.

[4] Article 6 point 3 of Commission Decision (2016/C 74/05):. Commission Decision of 25 February 2016 setting up a Scientific, Technical and Economic Committee for Fisheries (europa.eu)

[5] Fishers and NGOs urge EU countries to stop funding destructive fishing with public money | ClientEarth

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A fisheries representative from Poland expressed the view that public funding should be distributed depending on the added value and scale of the catches, for the benefit of the society.
The Working Group welcomed the actions related to the use of EMFAF grant to develop skills/careers, as well as actions aimed minimising the impact on fishing on ecosystem and carbon sequestration. These actions will be dealt with in more detail by the EBM WG.
The WG decided to include the comments made during the meeting in the BSAC recommendations and looked forward to the discussions in the EBM WG and Demersal WG in the next days.

4. **Follow up on previous BSAC letters:**
   - **Response from the Commission to BSAC letter on western Baltic herring** (*letter received*)

The Executive Secretary referred to the reply received on 25th July 2023 from the Commission to the BSAC letter on western herring, sent on 31st January 2023. He reminded the WG that in this letter, the BSAC recommended to use the EU Multiannual Plan (MAP) for the Baltic Sea to act as a rebuilding plan and to request ICES to put the EU MAP advice as its headline advice for 2024. In their reply, the Commission stated that ICES is an independent international organisation and it can only base its advice on a management plan on condition that all parties concerned agree. This is not the case for this stock as there is one party that does not agree, in this case Norway. Therefore, ICES had to base its advice on the ICES advice framework. There are no discussions today on a rebuilding plan with UK and Norway for this stock since these countries do not consider themselves responsible for the management of the stock. The development of a rebuilding plan should be handled as a domestic management issue. He informed that ICES WKREBUILD2[6], excepted to produce guidance on rebuilding plans, is now scheduled for 6th – 10th November 2023.
A small-scale fisheries representative proposed that the BSAC should discuss the management of western herring directly with the Norwegian authorities.
A representative of the OIG noted that discussions with Norway to hear their rationale for the management of this stocks should be held in a small focus group.
The Working Group decided to ask the BSAC ExCom to invite the Norwegian authorities to one of the BSAC meetings, in order to discuss the matter of the management of western herring and the possibility to establish a rebuilding plan.

   - **Response from BALTFISH to BSAC recommendation on harmonised implementation of legal rules in geographically close areas**
     (No response received yet)

[6] Workshop on guidelines and methods for the design and evaluation of rebuilding plans for category 1-2 stocks

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The Polish Presidency informed the meeting that the fishing opportunities are now the priority for BALTFISH Member States. The BALTFISH Presidency will come back to the BSAC recommendation on harmonised implementation of legal rules in geographically close areas and will reply at a later stage.

5. Presentation of the DNAMIX & CATCHDNA projects for catch identification

Einar Eg Nielsen, DTU Aqua

DNAMIX project – Is DNA testing the future of species control

Einar Eg Nielsen, DTU Aqua presented the DNAMIX project[7], aimed at transforming the way to monitor and manage species composition within mixed catches from mixed pelagic fisheries. He referred to the fact that there is no EU fixed standard for control of mixed pelagic catches. Current control is carried out by manual counting and weighing (buckets). There are problems with bycatch (e.g. herring) documenting the catches. The DNAMIX project has a clear goal: to improve fisheries management by harnessing the potential of DNA-based methods to accurately assess species composition in mixed catches. The project uses high-resolution genetic methods that have proven to be an effective and accurate tool for understanding the biology of different populations and estimating the contribution of the various stock components in mixed fisheries. Barcoding is used as a species-identification method. It is a simple and effective method, but used on single species samples. Can DNA testing be used for mixed catches? The project concluded that DNA based species control from production water has high sensitivity and precision and therefore has large potential for practical implementation. Factors like species and relative fish size have to be (and can) be accounted for in relation to DNA proportion. The process of unloading the fish and reuse of discharge water in the factory is complex and has to be known for DNA testing. Sampling water from ship tanks before landing may be the best solution. More industrial scale trials with known weight proportions have to be conducted. Robustness to factors like maturity, sea-area and time of year should be investigated. Practical implementation trials can be conducted now using visual and DNA based methods in parallel. The frequency for updating the relationship between DNA and weight should be assessed (at regular intervals?). DNA methods for more complex mixtures are under development.

Einar Eg Nielsen referred to another project called CATCHDNA. Danish authorities are observers to the project, in order to develop methods for catch identification in mixed fisheries ready for practical implementation.

A small-scale fisheries representative referred to uneven fishing effort distribution across pelagic fisheries in the Baltic. He underlined that different herring subpopulations should be taken into account in the project in order to have more accurate picture of catch composition.

Einar Eg Nielsen stated that a stock-based bycatch estimation will be implemented, allowing to assess the proportion of different populations.

Replying to a question of a fisheries representative on the possibility to determine the age of fish through DNA analysis, **Einar Eg Nielsen** replied that the age of fish cannot be

[7] PowerPoint Presentation (bsac.dk)

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determined with this method. There are other DNA based age determination methods, but they are subject of ongoing research.
The WG Chair thanked Einar Eg Nielsen for his interesting presentation.

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

The Executive Secretary informed that in March 2023 the Commission had informed the BSAC that a special request for Bothnian Bay and central herring is being discussed. No further information was received from the Commission. ICES informed that they are still scoping with experts and ACOM on how to approach it and will inform the BSAC as soon as information on the request is available.
The Executive Secretary referred to the draft letter signed by the ExCom Chair, welcoming the Commission's presentation of its proposal for Baltic TACs for 2024, and asking the Commission for more transparency in requesting scientific advice. In addition, the letter covers also a request to develop the Commission's proposals on the fishing opportunities also in the light of their socio-economic impact.
The WG Chair referred to the meeting of the BSAC ExCom Chair and Vice-Chair, and the WG Chairs with the Commissioner on 18th October 2023 to present the agreed BSAC position on the fishing opportunities for 2024. She stated that this meeting will also be an opportunity to bring up any additional pelagic issues and asked the BSAC members for input.
A small-scale fisheries representative referred to the fact that the process of requesting additional research from ICES on central herring and Bothnian herring had been initiated in October 2022 at the AGRIFISH Council meeting, in a joint statement made by the Commission, Finland, Latvia, Lithuania, Poland and Sweden. They expressed concern about the size and age structure of central Baltic herring and Gulf of Bothnia herring. The Commission was to request ICES to conduct scientific analyse of size and age structure of those stocks and reasons for reduced number of larger-sized herring, as well as to identify measures to address this issue.
The Working Group discussed the updated Commission's proposal on TACs for 2024.
A fisheries representative from Poland asked whether the Commission had asked ICES to change the assessment model for pelagic stocks.
The representative of DG Mare replied that the Commission had not asked ICES to change any assessment model. He underlined that the Commission requests ICES to provide advice according to the MSY principle, taking into account the provisions of the CFP and the Baltic MAP. It is up to ICES to decide on the methodology used. During the benchmark for pelagic stocks, scientists in charge of stock assessments had decided that the model used is not robust enough and should be changed.
The WG Chair stated that questions on benchmark process[8] should be directed to ICES during the upcoming MIAC/MIACO meetings in January 2024.
A small-scale fisheries underlined that the Commission's proposal for sprat TAC is far too high considering the nature of mixed fisheries with herring. Sprat is the biggest driver for

[8] Benchmark Workshop on Baltic Pelagic stocks (WKBBALTPEL) (figshare.com)

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herring mortality and its TAC should be set below FMSY level. He also referred to the serious problem of misreporting in pelagic fisheries indicated by ICES.
Speaking in the name of **Danish fishers**, **the WG Chair** underlined that fishers can influence the catch composition in mixed fisheries for pelagic stocks and Danish fishers are in a position to fish herring and sprat separately. Misreporting is not an issue in the Danish pelagic fishery. Landing data is verified by third part controls.
A fisheries representative from Estonia stated that the Commission's proposal on 2024 TACs is the worst scenario for Baltic fisheries. He expressed hope that during the Council, the BALTFISH Member States will be effective in negotiating a better solution for fishers in the Baltic.
A fisheries representative from Poland highlighted high variability in the ICES advice for herring from one year to another (70%), and asked whether the BALTFISH Member States share this concern.
The WG Chair proposed to include in the draft letter to the Commission a request to have a further look into the methodology of benchmark and methods behind setting reference points. This matter could be considered by the ICES workshop on rebuilding strategies "WKREBUILD2-Workshop on guidelines and methods for the design and evaluation of rebuilding plans for category 1-2 stocks".
A representative of the OIG underlined that the BSAC has supported the ICES advisory process for many years and it is not up to the BSAC to criticise ICES. In the context of TAC proposal, the critical state of Baltic herring should not be ignored. Such critical situation requires critical measures. The Commission follows the provisions of the Baltic MAP, responding to the urgency of the present situation. In his view, the bycatch TAC for central herring should be set at lower level than proposed by the Commission.
A fisheries representative from Poland underlined that fishers had asked to improve the advisory process and use additional science for many years. He referred to the minority statement on the estimation of Blim for central herring stock**,** presented by Polish and German scientists. In his view, the BSAC should ask BALTFISH to use different scientific approaches to stock assessments.
A small-scale fisheries representative asked to include exemptions for small-scale directed fishery on the three herring stocks. Such exemptions would have significant socio-economic benefits and at the same time negligible impact on the stock.
The Working Group decided to ask the BSAC Secretariat to revise the draft letter, taking into account the comments made at the meeting. The letter will be submitted to the ExCom for approval.

7. Stickleback: updates on trial fisheries

Lauri Saks, University of Tartu, Estonia

Lauri Saks, University of Tartu, Estonia gave a short presentation[9] on the progress and results obtained in trial fisheries for stickleback. The trial fishery was carried out in 102 cruises. Data was collected during day time and up to 120 m range. Samples were

[9] No Slide Title (bsac.dk)

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collected to investigate composition of hauls. Landings were highly variable in biomass, but uniform in species composition (stickleback as well as small amounts of herring, sprat). Two different codends used, with 7 mm and 10 mm mesh size. Smaller mesh size had no effect on the effectiveness of the catch. The results were straight forward and there are no plans to continue the trail fishery. He also informed that a project proposal on mapping stickleback distribution in the Baltic had been prepared.
The WG Chair thanked Lauri Saks for his presentation.
The Executive Secretary referred to updates on stickleback trial fishery[10] received from Baltic research institutes. The Swedish University of Agricultural Sciences (SLU) informed the BSAC Secretariat that they do not have any new results form trial fishery. Technical University of Denmark (DTU) informed that due to a combination of regulatory and financial issues the activities involving Danish experimental fisheries for stickleback have been low in 2023, so there is really nothing to report. They hope to start up experiments in the coming winter season so there may be something to report at a later stage.
The WG Chair thanked the participants for good discussions and asked them to provide further written input to the BSAC recommendations on the Commission's policy package.

8. AOB

Due to the time constraints, there was no time to discuss AOB.

[10] Additional information regarding a potential upcoming research project:
VTT Technical Research Centre of Finland is coordinating a Sustainable Blue Economy Partnership proposal (3SPINE) around three-spined sticklebacks. We aim to develop fishing, handling, and processing of stickleback into fish oil and protein/meal, and at the same time assess the ecology of stickleback fishing as well as co-create value chains around the Baltic and Black Seas. Into the co-creation workshops we invite the important stakeholders along the stickleback value chain, to hear results of the projects and give inputs for the research and the value chain creation.

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