BALTFISH CEG / BSAC / EFCA joint workshop
Monitoring, control, and compliance with the Landing Obligation in the Baltic Sea
28th November 2024, Berlin

Hybrid meeting

BSAC report

Participants: BSAC, other interest groups, EFCA, ICES, Member States (BALTFISH Control Experts Group)

1. Introduction:

1.1. Welcome and tour de table (BALTFISH CEG Chair)

The BALTFISH CEG Chair (Oliver Streuer) welcomed all participants. He chaired the meeting. There was a tour de table.

1.2. Introduction

1.2.1. BSAC (Chair of the Executive Committee)

The BSAC ExCom Chair welcomed the representatives of the European Fisheries Control Agency (EFCA), European Commission, Member States (BALTFISH) and BSAC, as well as all other observers. He addressed special thanks to the management of EFCA and to the BALTFISH CEG Presidency for organising this meeting, focused on the implementation of the landing obligation in the Baltic, as well as special gratitude to the German Ministry for making it possible for the meeting to take place in Berlin.
The BSAC ExCom Chair welcomed the publication of the eagerly awaited report of compliance with the landing obligation in the Baltic. He stated that the BSAC takes note of the conclusions and recommendation included in the report, among others on the fact that for some fleet segments, in some parts of the Baltic overall compliance with the provisions of the landing obligation does not appear to have improved. The BSAC also notes that as traditional control tools have proven inefficient in enforcing the LO, the introduction of electronic monitoring systems and observers, in some segments, would facilitate the collection of reliable data and serve as control tools for effective enforcing the LO. The BSAC expects the new Control Regulation to bridge the gaps in the control of the landing obligation, by implementing the provisions and tools such as digitalised reporting system and harmonisation of sanctions.
The BSAC ExCom Chair underlined that the BSAC look forward to discussing these issues in details during the meeting and later in the BSAC Working Groups. The BSAC held several meetings focused on the implementation of the landing obligation[1], including joint workshops with BALTFISH and EFCA in 2017, 2019 and 2022. In July 2024, the BSAC submitted the reply to the Commission's evaluation of the LO, to support the evaluation of

[1] [Modtagerfelt] (bsac.dk); [Modtagerfelt] (bsac.dk)

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the CFP. This reply was based on the past BSAC work on the topic including our White Paper on the implementation and revision of the CFP[2]. In addition, all BSAC members were consulted in writing. Hopefully, these general comments would add to the overall picture and will serve the Commission as a useful contribution to the assessment on how the landing obligation is currently working, as well as to improve its functioning. The ExCom Chair underlined that the BSAC is of the opinion that the implementation of the landing obligation (LO) has not been fully successful. The BSAC stands ready to discuss the evaluation of the Landing Obligation in the Baltic with EFCA and the BALTFISH.

1.2.2. BALTFISH Control Expert Group (Chair of CEG)

2. Implementation and compliance with the LO in Baltic Sea fisheries:

2.1. Scientific data on discards: value and significance (ICES)

Marie Storr-Paulsen, co-chair of the ICES Baltic Fisheries Assessment Working Group (WGBFAS) gave a presentation on scientific data on discards**.** All Member States in the Baltic use observer programs to estimate discard and not the data registered in the logbooks. The discard rate estimated by DTU Aqua is higher than discard rate obtained from observers onboard and logbooks. The data on discards is sampled from pelagic trawlers, trawlers, gillnetters, as well as from dedicated bycatch programmes for ETP species. Discards have been included in the stock assessment for cod and plaice. Discards in herring and sprat fishery are considered negligeable and are not included in the assessment. Discards in the fisheries for non-quota species (dab, flounder, turbot, brill) are high. Demersal fishery in the Baltic has been drastically reduced in recent years. At present, the main part of the catches is taken by Russia. At present there is no official catch data from Russia. The EU Member States dispose of a small bycatch quota. Therefore, very few observer trips had been carried out in recent years. In 2017, there were 127 observer trips, whereas in 2023 only 2 trips. The samples were taken only in SD 25. The discard rate for eastern Baltic cod has been estimated at 6%. For western Baltic cod, the discard rate has increased to 32% in 2023. For plaice, there is an exemption for discards due to high survival rate in SD 21. Discards in SDs 24 – 32 are relatively high. Marie Storr-Poulsen noted that plaice in SDs 24-32 is in bad condition, and due to this fact, the discard rate has increased. With reference to the ETP[3] species, she drew attention to several extensive monitoring programmes using electronic monitoring. Since 2010, 2,000 marine mammals and 2,500 birds have been recorded. In conclusion, she underlined that discards are still ongoing in the Baltic. The sampling level, and thereby the uncertainties have been increased due to low sampling. Remote electronic monitoring (REM) and CCTV will allow to cover more vessels than today.

Discussion

[2] White-paper-02-05-2022forprintandweb.pdf (bsac.dk)

[3] Endangered, threatened and protected species

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Replying to the question from a participants, **Marie Storr-Paulsen** stated that bycatch rates of ETP species in static gears are higher than in towed gears and therefore the monitoring programmes on ETP species in the North Sea and the Baltic are dedicated to static gears.
A small-scale fisheries representative asked whether the Artificial Intelligence (AI) can be used in monitoring programmes on ETP species. **Marie Storr-Paulsen** replied that the AI is used in monitoring and can recognise such ETP species as harbour porpoise and commercial fish species. However, the AI will probably not be able to distinguish between sprat and herring.
Referring to a question as to whether AI or DNA analysis was more precise analysing unsorted mixed catches and if one of the systems was more cost effective, asked by **a small-scale fisheries representative, Marie Storr-Paulsen** stated that current research indicates that DNA analysis is the most precise way of sampling.
A representative of the Other Interest Group (OIG) underlined that while, according to the EFCA report, the last haul inspections are the preferred method to determine compliance, there were not enough last haul inspections carried out for all the areas and fleet segments under consideration.
Marie Storr-Paulsen stated that last haul sampling is a control measurement and is not part of scientific programmes. The last haul method does not take into account highgrading which is not a problem in the Baltic so the last haul data can be included.
A representative of the Swedish control authorities informed that in Sweden separate REM programmes are carried out for scientific purposes.

2.2. Monitoring the regional implementation of the LO: compliance in the Baltic Sea fisheries 2019-2021 (EFCA)

A representative of EFCA presented the results of the 2019-2021 compliance evaluation in the Baltic. The BALTFISH Control Expert Group requested EFCA to assist with a third evaluation of compliance with the landing obligation (LO). From 2018, the evaluation covers all species under the LO. The methodology described in the present document, and applied in this analyses, follows the methodology used in the previous analyses on compliance carried out for the Baltic Sea fisheries for the period 2017 – 2018. The level of compliance was evaluated using three different methods: last haul (LH) inspections compared to logbook data (method 1), the estimates obtained from scientific bodies such as the International Council for the Exploration of the Sea (ICES), data compiled by the European Commission's Scientific, Technical and Economic Committee for Fisheries (STECF)(method 2) and the trends in the number of suspected infringements (method 3). The current evaluation, as the previous evaluation, includes cod, salmon, herring, sprat and plaice. Method 3 did not provide enough information to assess compliance levels, therefore an overall compliance level by species and fleet segment is estimated based on the information provided by methods 1 and 2 only. An overall compliance evaluation by species was carried out, pooling together the information on discard estimates obtained from the last haul (method 1) and from scientific bodies (STECF and ICES, Method 2). For some fleet segments no results using Method 1 have been obtained during this evaluation period. This is due either to insufficient number of LH inspections or in the case of herring and sprat, to the inapplicability of LH sampling due to the absence of an MCRS for these two

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species. The number of last haul inspections had decreased drastically in 2020 during the restrictions imposed by the COVID pandemic. Method 2, the use of scientific discard estimates, has been used instead in those cases where no or very few LH were available. However, determining compliance using this information, which was collected to meet a different objective and for which there is little information on sample size or coverage, adds some uncertainty which should be considered when interpreting the results. Method 3, which uses the trends in suspected infringements (or lack of) issued for non compliance with the LO provided very little additional information on compliance given the difficulties in detecting illegal discarding during inspections and through traditional monitoring techniques.

The evaluation of compliance in herring and sprat fisheries was based exclusively on Method 2. Although lack of compliance with the LO does not appear to be an issue in the pelagic trawl fisheries over the study period, it is not possible to draw robust conclusions due to the uncertainty of the scientific data used in Method 2. Using the same source of information, compliance with the LO appears also not to be a problem in the fisheries targeting salmon nor in the fisheries using pelagic gillnets and fixed gears for targeting herring. For trawlers catching demersal species, overall compliance with the provisions of the landing obligation does not appear to have improved in the case of the eastern Baltic, where compliance has been assessed to be lower from 2019 to 2021 than in the previous evaluations (2015-2018). This was particularly noticeable for cod, with the compliance levels calculated for plaice appearing more variable in the last three years. For the western Baltic, compliance showed the opposite trend with an improvement since 2019 in relation to the previous evaluations for both species, although in the case of plaice compliance appears to have worsened in 2021. Finally, for fixed gears exploiting demersal species in both the western and eastern Baltic, compliance with the provisions of the LO has improved for both species since the last evaluation. Precise results of the evaluation are presented in the report.

Recommendations:

Lack of appropriate verified data has and continues to be a recurrent problem when evaluating compliance, matched with the lack of proper control tools and systems to detect infringements related with the LO. The introduction of electronic monitoring (EM) systems and/or control observers could facilitate the collection of reliable reference data.

Additional recommendations related with the gathering of data are:

A more detailed look into the STECF data could offer additional insights into discarding patterns. Obtaining the catch data based on haul-by-haul recording will facilitate the gathering of discard and other catch data. Haul-by-haul reporting will become compulsory for all EU catching vessels > 12 m two years from the entry into force of the revised EU Control Regulation.

3. Q&A: Exchange of views with BSAC members

Replying to a question asked by a representative of the OIG**, the EFCA representative** said that after a sharp decrease with the outburst of COVID-19**,** the number of LH inspections had increased after the pandemic to 88 LH inspections in 2021.

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A small-scale fisheries representative drew attention to the fact that, unlike in the North Sea, there is a lack of minimum conservation reference sizes (MCRS) for Baltic herring. This hinders improvements to selectivity in the pelagic fisheries and may create control problems. He referred to the misreporting of herring and sprat.
A Polish control inspector replied that there is no need to introduce a MCRS in pelagic fishery.
The representative of EFCA stated that EFCA is aware of the problem of misreporting in pelagic fishery, but this issue is not included in the report on the evaluation of the LO.
A representative of the OIG asked how illegal discarding is addressed by EFCA. She asked what measures are being taken to improve the rate of detection of illegal discarding.
The representative of EFCA stated that risk of non-compliance is constantly being addressed by EFCA annual meetings. The aim of the risk assessment is to identify problematic fleet segments and areas where non-compliance is likely to occur. The introduction of electronic monitoring (EM) systems and CCTVs could facilitate the collection of reliable discard data while acting also as control tools for effective enforcing the LO.
A small-scale fisheries representative stated that the risk assessment in the case of plaice fishery should take account of the fact that plaice are becoming smaller and the risk of discards is higher. Fishers and scientists have had diverging opinions on the growth rate of plaice in recent years and this has led to concerns that ICES has overestimated the spawning stock biomass. He noted that less than 20% of the quota is landed and also underlined that gillnetters are fishing selectively but these facts are not considered in setting the fishing opportunities. He referred to the low detection of infringements in the Baltic fisheries. He asked whether EFCA is planning to involve the BSAC in discussions on the assessment of the risk of non-compliance in different fleet segments.
The representative of EFCA underlined the importance of consulting the fishing industry during the evaluation of the compliance with the LO. He agreed that the fisheries representatives could provide information from a different perspective. He stated that the risk assessment is done by control experts and they would welcome information on the risk of non-compliance. The BALTFISH control expert group (CEG) has agreed to have a continuous discussion with the BSAC.
The BSAC ExCom Chair stated that the BSAC makes all efforts to increase cooperation with EFCA and improve information exchange. He referred of the recent hearing of the Commissioner – designate Costas Kadis in the European Parliament where Baltic had been mentioned in the context of misreporting and control issues. He underlined that the BSAC Working Groups are a great platform to discuss control issues and encouraged EFCA and BALTFISH CEG to attend these meetings. The BSAC is ready to establish a Focus Group on control to cooperate with BALTFISH CEG.

4. How to improve monitoring and compliance with the LO:

4.1. Work of the EFCA REM WG (EFCA)

The representative of EFCA stated that the EFCA REM Working Group had been created in 2018 for developing the “Technical Guidelines and Specifications for the Implementation

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of Remote Electronic Monitoring (REM) in EU Fisheries[4].” The terms of reference include assisting Member States in the implementation of regional/national pilot projects and promoting exchange of experiences, considering best practices to effectively control and enforce the LO and provide a source of verifiable data, ensuring level playing field is maintained in the implementation of REM. The group is open to representatives from all Member States and European Commission under coordination of EFCA. The main goals for 2024 and 2025 include work on technical guidance, including update to advanced technology, evaluation of REM pilot projects and sharing of best practices. The Working Group also works on ensuring a level playing field in preparation for the implementation of mandatory REM (training, harmonisation of data analysis, etc.) The EFCA REM WG will only deal with technical issues and is not involved in the process of risk assessment or anything related to the definition of fleet segments to be equipped with REM. It will deal with the implementing rules for REM.

Questions:

A representative of the OIG asked whether REM can be used to identify catches in mixed fisheries, where misreporting occurs.

The representative of EFCA stated that the new Control Regulation makes it clear that the purpose of REM technology is going to become a routine tool in a few years, both for catch identification and safety onboard. REM receives good feedback from the industry.

With reference to the technical guidance document, he underlined that is not legally binding. However, it could serve as basis for the Commission in preparing a legally binding Implementing Act to the Control Regulation.

4.2. Monitoring and improving compliance with the LO: REM Pilot projects in the BS (MS)

The BSAC ExCom Chair stated that in June 2024 the BSAC had already asked the Member States to provide feedback on REM pilot projects. Sweden, Latvia, Germany, Lithuania, Denmark sent information on the ongoing REM pilot projects. This information was included in the BSAC response to the Commission’s questionnaire on the landing obligation.[5]

The representative of the Swedish control authorities informed that Sweden conducted a trial with REM-systems on board two pelagic vessels during 2023[6]. One of the vessels is exclusively active in the Baltic Sea, and the other in both Baltic Sea and the North Sea. The trial ended in 2023.

The representative of the Danish control authorities informed that Denmark had carried out a regional REM pilot project in the Baltic Sea with two demersal trawlers and 11 pelagic vessels. The demersal trawlers project finished in 2023 whereas the pelagic vessels were still underway. These vessels had been equipped but the Danish authorities were awaiting

[4] Technical guidelines and specifications for the implementation of Remote Electronic Monitoring (REM) in EU fisheries Microsoft Word - REM Technical Guidelines and Minimun Requirements

[5] BSAC reply to the LO consultation July 2024 [Modtagerfelt]

[6] Rubrik (hamnar per automatik i sidhuvudet)

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the initiation of the access to REM data for review. Furthermore, Denmark had had a mandatory REM scheme in Kattegat for the nephrop trawlers for some years. This Scheme would likely be made voluntary by 2025. Besides the control project, the Danish Research Institute, DTU Aqua carried out several exploratory fisheries using REM.
The representative of EFCA explained that REM can be used for scientific and control purposes. The systems used are the same. However, data on the compliance with the LO and potential infringements should be collected according to certain procedures. Scientific data cannot be used for control purposes.
A small-scale fisheries representative underlined that good quality data should be the priority to ensure best possible fisheries management. The monitoring should be able to identify sub-populations of different fish species.

5. Closure of the meeting

The Chair thanked everyone for good discussions.

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