

## BSAC Ecosystem Based Management Working Group

Friday 8<sup>th</sup> March 2024

09.00 – 15.30 (CEST)

Online through Zoom

Report

### 1. Welcome by the Ecosystem Based Management WG Chair Nils Höglund

The **EBM WG Chair** welcomed the BSAC members, observers, representatives of DG Mare, Members States and ICES. He informed that the expected deliverables from the Working Group include draft recommendation on the CFP Communication, and input on HELCOM BSAP Action S40 on data needs. The agenda also includes a presentation of the ICES advice on operational indicators and defining usable threshold values for criterion D3C3 under MSFD.

### 2. Formalities for the start of the meeting

Apologies, AOB, and adoption of the agenda

The agenda was adopted.

### 3. Discussion on the Commission's CFP Communication

([CFP today-tomorrow](#), [BSAC draft reply](#))

The **EBM WG Chair** referred to the shortlist of actions from the CFP Communication identified by the ExCom and discussed by the working groups, as relevant for the BSAC draft recommendation. He stated that some comments from the BSAC had already been proposed by the EBM WG and Joint Demersal and Pelagic WG. In the context of the upcoming elections to the European Parliament and the start of a new European Commission, he asked the representative of the Commission how the work on the deliverables from the Ocean policy package<sup>1</sup> will be pursued in the coming years.

The **representative of DG Mare** underlined that the new Commissioner will be briefed about the policy package and will decide how to continue working on it.

The **fisheries representative from Poland** could not agree with the statements on the negative impact of fisheries on the ecosystem, mentioned several times in the CFP communication. In his view, the Commission should be held responsible for the CFP targets not being met. He also referred to the different understanding of the ecosystem-based approach among different groups of interest.

The **EBM WG Chair** stated that the stakeholders have not yet reached the common ground in the understanding of ecosystem-based approach. All stakeholders should recognise that humans are part of the ecosystem. He underlined that ecosystem-based approach implies organisational changes and scientific input etc.

With reference to selectivity, a **fisheries representative from Poland** reiterated his comment made at several occasions in the past, that that the Commission's policy package calls for increasing gear selectivity, whereas to increase selectivity does not necessarily

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<sup>1</sup> [Action plan](#), [CFP today-tomorrow](#)

mean to improve it. The Communication refers to the landing obligation as an incentive for accelerating the transition towards more selectivity. He strongly urged the Commission to take note of the need to refer to selectivity in the proper context and understanding.

**The representative of DG Mare** took note of this comment and promised to remind his colleagues to get in touch with the BSAC to clarify the terms related to selectivity used in the Commission's package.

**The WG Chair** agreed that the by raising the point of the need to properly use the term selectivity, the BSAC has pushed the stakeholders to discuss it. Given the technical nature of these discussions, he proposed to include experts from the Member States in the discussions on selectivity with the Commission.

**A small-scale fisheries representative** stated that there are clear connections between selectivity and the implementation of the landing obligation, the MSY and the fishing opportunities. He underlined that the lack of selective gears results in lower fishing quota.

**A fisheries representative from Poland** stated that improving species selectivity should not be a way of increasing the fishing opportunities, if it is done at the cost of higher mortality of fish escaping from the fishing gears.

**The Working Group** discussed the relevant outstanding actions of the CFP Communication with a view to finalising the BSAC recommendations.

#### Landing Obligation

In the context of the data call, **a small-scale fisheries representative** proposed to add a statement referring to the need to include the data on species and catch composition, mixing stocks and species distribution.

**A fisheries representative from Poland** underlined that the data on the species distribution and composition is available in the scientific institutions in the Baltic region, but often not used.

**The WG** agreed to include a statement: the BSAC notes the need to include the available data on spatial distribution, species composition, time/geographic overlap.

#### Sustainable innovation in fisheries

**A fisheries representative from Poland** stated that often the innovations proposed by fishers cannot be implemented because of the existing technical rules and regulations. Micromanagement prevents innovations. Therefore, technical rules should be flexible enough to allow innovative solutions.

**The EBM WG Chair** agreed that innovation also means technical innovation but also innovation in the approaches (scientific approach and management approach including legal/regulation changes).

**The WG** agreed to add a sentence: *In any case, it is important to understand "innovation" as both technical innovation but also innovation in the approaches (scientific approach and management approach including legal/regulation changes).*

While agreeing to the need to have flexible technical rules, **the representative of DG Mare** underlined that a regulatory framework is needed in order to avoid harmful effects of some innovative solutions.

In this context, **the Executive Secretary** referred to the BSAC recommendation on Technical Measures Regulation, published in November 2023<sup>2</sup>.

#### Fishers of the Future

**The Executive Secretary** informed that the BSAC members are consulted in a survey carried out in the framework of an EU-wide participatory foresight project aiming to forecast the role of fishers in society in 2050 as a basis to inform fisheries decisions in the coming years. More information on the project were given under the relevant agenda point of the Joint WG held on 27-28 February.

**The EBM WG Chair** drew attention to the fact that the survey does not reflect the key problems in the Baltic, at present as well as in the medium and long term, such as for example, the bad state of the fish stocks.

**Some fisheries representatives** underlined that the availability of the fishing opportunities determines the future of Baltic fisheries and a generation renewal.

#### Development of social indicators

**A small-scale fisheries representative** proposed to include such social indicators as the geographical distribution of the fishing industry, number of active harbours, value chains and export structure and their consequences.

**The EBM WG Chair** underlined that as a priority, social indicators should be developed to be used by STECF in the analysis of socio-economic reports.

**A fisheries representative from Poland** proposed to include both social and economic indicators as both feed into future proposals for fisheries management and conservation measures.

#### MSY objectives

**A small-scale fisheries representative** referred to the conclusions of the BSAC workshop on the MAP, held in May 2023, and underlined the need for adaptive management in changing environmental conditions, as well as the need to move away from single stock management. He expressed the view that fishing mortality rates need to vary depending on the trophic level of the stock. Lower trophic level prey species should be fished at 0.3-0.5  $F_{MSY}$ , whereas for higher trophic level predatory fish up to 0.8  $F_{MSY}$ . The fishing opportunities should be set using the  $B_{MSY}$  instead of  $B_{PA}$ .

**A fisheries representative from Poland** could not agree with the approach presented by the small-scale fisheries representative, in particular if such statement implies a very low fishing mortality for pelagic species.

He noted that in the 1980s the Total Allowable Catch concept had been introduced as a management measure which is more 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.

**The representative of DG Mare** stated that  $F_{MSY}$  is a limit reference point and the fishing opportunities (TAC) may be set below. However, such options can rarely be seen in the BSAC recommendations.

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<sup>2</sup> [https://www.bsac.dk/wp-content/uploads/2023/11/BSACreply\\_questionnairetechnicalmeasures2023-2024-34.pdf](https://www.bsac.dk/wp-content/uploads/2023/11/BSACreply_questionnairetechnicalmeasures2023-2024-34.pdf)

**A small-scale fisheries representative** agreed that the MSY principle cannot be applied to all species at the same time in the Baltic without overfishing of weaker stocks.

**The WG** decided to add to the recommendation the relevant references (BSAC White paper, BSAC workshop on the MAP) as well as the need to move away from single stock management/indicators.

#### Ecosystem based approach

**The WG** endorsed the previous comments made by the EBM WG on developing scientific advice in support of the ecosystem-based approach to the fisheries management.

#### Single use plastic directive, marine litter

**The WG Chair** proposed to include recreational fishing activities in relation to marine litter and abandoned/lost/discarded fishing gears. He explained that hooks and lines lost by recreational fishers could have considerable impact on sensitive, coastal areas. He asked whether the use of biodegradable nets could be a solution to the problem.

**A fisheries representative from Poland** underlined that in view of the estimations that 80% of plastics entering the seas comes from land sources, measures need to be taken on land to prevent marine litter. Lost fishing gears constitute a minor share of marine litter. The fisheries sector should not be blamed for unintentionally lost gears. Polish fishers took active part in several projects aimed at retrieving the fishing gears in the Polish EEZ. He noted that some of these lost gears create artificial reefs and habitats for fish. He referred to biodegradable gears and underlined that demanding requirements in terms of strength and performance makes the search for biodegradable alternatives for the fishing industry extremely difficult. He also pointed to the fact that retrieved fishing gears are considered to be hazardous waste and should be treated accordingly, therefore their recycling is problematic. This is in a way contrary to the fact that these nets had been used to harvest food.

**The WG Chair** stated that the need for adequate reception facilities for marine litter in the ports should be highlighted.

**The Working Group** welcomed the actions related to marine litter and decided to include a reference to all sources of plastic. The WG recommended that Member States should apply a preventive approach and implement measures for both commercial and recreational fisheries.

#### Fishing opportunities – STECF

**The Executive Secretary** informed that the BSAC has also been invited to answer a questionnaire on social indicators to be used by STECF and a questionnaire on the fishing opportunities with a view to preparing a vadaemecum on the allocation of fishing opportunities in order to improve transparency, promote sustainable fishing practices across the EU, and support small-scale and coastal fishers (implementation of Article 17 of the Basic Regulation).

**A small-scale fisheries representative** proposed to point out that the BSAC is interested in an analysis of the ITQ system and how it affects the fishing capacity (expressed in tonnage GT and power - kW). He underlined that in theory the ITQ systems are aimed at reducing overcapacity, however, in reality ITQ often increase the fishing capacity. Referring

to Article 17, he proposed to add a sentence that the criteria for the allocation of fishing opportunities used by the Member States should be transparent and objective.

**A fisheries representative from Poland** reiterated the question asked during the Joint WG in February 2024 referring to the intentions behind the survey, as the allocation of fishing opportunities is solely within the competence of Member States. He underlined that in Poland after the national TAC is set, it is allocated to the fishing fleet. This national TAC is considered to be part of national assets, of which Polish citizens should not be deprived.

**The representative of DG Mare** explained that the rationale behind the Commission's questionnaire on the allocation of fishing opportunities is to improve the transparency on Article 17 and to evaluate the implementation of the criteria set in Article 17 of the Basic Regulation<sup>3</sup>.

**A small-scale representative from Germany** expressed the view that Article 17 has not been properly implemented in Germany. His statement was supported by **a small-scale representative from Poland** who underlined that it is impossible to implement Article 17 in the situation of declining stocks and decreasing fishing opportunities.

**The EBM WG** agreed to include the question on ITQ raised by one participant, in addition to the statements proposed by the EBM WG in September 2023.

**The EBM WG** decided to ask the BSAC Secretariat to compile all the comments made during the Joint WG and EBM WG meetings in the draft BSAC recommendations on the CFP Communication and to send the draft recommendations to the ExCom for adoption.

#### 4. Presentation of ICES advice D3C3 – Simon Jennings, ICES ACOM Vice-Chair

**Simon Jennings, ICES ACOM Vice-Chair** presented the ICES advice<sup>4,5</sup> in response to the EU request on identifying operational indicators and defining usable threshold values (reference points) for criterion D3C3 under MSFD Decision (EU) 2017/848.

The request included five elements:

- Define characteristics of 'healthy population structure' and indicators for these characteristics.
- Identify thresholds for these indicators.
- Explore relationships between population traits/dynamics, indicator values and thresholds through simulations. Infer when management (CFP, MSFD D3C1 and D3C2) may be insufficient to achieve 'healthy population structure'.
- Advise on indicators and thresholds for D3C3 assessment for species with different life history characteristics, giving preference to indicators from easily collected data.

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<sup>3</sup> Article 17 of the Basic Regulation stipulates that "when allocating the fishing opportunities available to them, as referred to in Article 16, Member States shall use transparent and objective criteria including those of an environmental, social and economic nature. The criteria to be used may include, inter alia, the impact of fishing on the environment, the history of compliance, the contribution to the local economy and historic catch levels. Within the fishing opportunities allocated to them, Member States shall endeavour to provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage.

<sup>4</sup> Advice of 23 February 2024 <https://doi.org/10.17895/ices.advice.25265284>

<sup>5</sup> <https://www.bsac.dk/wp-content/uploads/2023/11/D3C3-ICES-BSAC08032024.pptx>

- Prepare a framework for comprehensively assessing D3 criteria for commercially-exploited fish and shellfish populations, including data-limited stocks.

The standard process of providing advice was followed and the knowledge synthesis was gathered in 3 workshops<sup>6</sup>, starting with the workshop to preselect the indicators, followed by the workshop to apply thresholds for the preselected indicators, and finally the workshop to compare the indicators of CFP and MSFD management objectives.

He presented the summary of the advice. Fish populations with a “healthy population structure” are operationally characterised by a high proportion of relatively old/large individuals, wide age structures, high productivity, and the ability to resist and quickly recover from disturbances. Identified eight state indicators (retained after screening and testing) describing recruitment, growth of individuals, and age or length structure, are suitable to track changes in population structure in a wide range of populations. One or more of these eight indicators may be necessary to capture all aspects of D3C3.

ICES advises that eight state indicators (retained after screening and testing) describing recruitment, growth of individuals, and age or length structure, are suitable to track changes in population structure in a wide range of populations. Depending on the population, one or more of these eight indicators may be necessary to capture all aspects of D3C3, with the selection of indicators dependent on population characteristics. ICES notes that the list of retained indicators for addressing D3C3 is not exclusive because other potential state indicators exist and were not tested due to limited data availability.

ICES was unable to advise on threshold values for any of the retained and tested state indicators. This was because ICES could not identify breakout points when looking at the indicator values and therefore considered that setting a threshold would be more of a management decision rather than a scientific one. The eight retained and tested indicators are suitable for describing aspects of change in population structures associated with fishing at or below  $F_{MSY}$ , and retained indicators for age and length structure are suitable for assessing whether a population has an age or length structure in accordance with meeting targets for both D3C1 and D3C2 over the long term. Evaluation of the retained indicators primarily requires age-structured stock assessment data. This would currently limit application to many populations and regions, although the drafting group had stated data-limited approaches could be developed with further work. Based on available evidence, ICES was unable to test and advise on a framework for comprehensively assessing D3 criteria for commercially exploited fish and shellfish populations. If thresholds are eventually established for some, or all, of the retained and tested indicators for D3C3, then a framework for assessing D3 criteria could be developed for populations with age-structured stock assessment data. Individual assessments could still be progressed at population and regional levels in the absence of a wider framework.

**A fisheries representative from Poland** asked whether catching the largest specimens within a year class could have an impact on the population structure.

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<sup>6</sup> All workshops chaired by Anna Rindorf and Giuseppe Scarcella. Review group chaired by Lena Bergström. Sources: <http://doi.org/10.17895/ices.pub.25266475>, <http://doi.org/10.17895/ices.pub.25266580>, <https://doi.org/10.17895/ices.pub.23514930>

**The ICES ACOM Vice-Chair** referred to the opening paragraph of the advice, stating that ICES advises that fish populations with a “healthy population structure” are operationally characterised by a high proportion of relatively old/large individuals, wide age structures, high productivity, and the ability to resist and quickly recover from disturbances. He underlined that the effect of catching the largest fish within a year class was not been addressed in the advice. On the basis of the existing literature, he commented that if the largest and fastest growing individuals are removed, this could have a genetic effect on a population.

**A small-scale representative from Germany** noted that this claim is not valid because there is no selective removal by trawling possible due to the poor selectivity of the used trawls.

**The EBM WG Chair** asked how many Baltic stocks were included in the analysis. Referring to the fact that the largest specimens tend to be females, he asked whether the analysis also included sex and size structure.

**The ICES ACOM Vice-Chair** replied that the analysis included other aspects of healthy populations structures, such as size and age, but not sex.

In response to the query about the inclusion of Baltic stocks, 7 of the 81 stocks were classified as ‘Baltic’ by the workshop. The individual simulations for Baltic stocks are found in the Annex of the workshop report,<sup>7</sup> although the experts did not simulate the effects of factors other than fishing mortality on these stocks for the purposes of the published advice. The workshop report contains some limited scientific information and discussion of the potential impacts of other factors on Baltic stocks, although a WK report is not, of course, ICES advice.

**A fisheries representative from Poland** regretted that the advice does not address sex distribution as a crucial aspect of healthy population structures.

**A small-scale fisheries representative** expressed disappointment that ICES was unable to advise on threshold values for any of the retained and tested indicators. He underlined that the problem in the Baltic is evident: there is a reduced number of larger-sized fish. He gave an example of the Bothnian herring with the age and size structure being transformed. He referred to the obligation to implement MSFD under the Baltic MAP, that cannot be fulfilled without thresholds.

**The ICES ACOM Vice-Chair** stated that ICES was not able to provide a threshold for age structure. However, since age structure changes with fishing mortality, decision-makers can set a threshold to maintain the fishing mortality below a certain value. He noted that the indicators used for D3C3 permit to track the changes in age structure.

**The EBM WG Chair** pointed out that in the case of Bothnian herring the indicators have deteriorated despite the fact that the stock had been fished in accordance with the MSY principles. He asked what should be done if all indicators of a healthy population structure deteriorate despite setting threshold values.

**The ICES ACOM Vice-Chair** replied that such cases as the Bothnian herring imply other factors than just the fishing mortality.

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<sup>7</sup> <https://doi.org/10.17895/ices.pub.25266475>

**The EBM WG Chair** noted that the eight retained and tested indicators are suitable for describing aspects of change in population structures. He asked what could be the next steps in order to use these indicators in the assessment of individual stocks.

**The ICES ACOM Vice-Chair** stated that since scientifically based threshold values cannot currently be defined, ICES is unable to determine when management in the context of CFP objectives is insufficient to achieve healthy population structure and therefore to advise on additional management actions to achieve healthy population structure.

**The EBM WG Chair** thanked ACOM vice-chair for his presentation and comprehensive explanations.

## 5. HELCOM Working Group FISH request for BSAC input on BSAP Action S40 – [BSAC report](#), [HELCOM presentation](#)

*Discussion and finalisation of BSAC draft reply to HELCOM*

**The Executive Secretary** informed that the BSAC input to HELCOM BSAP in the form of a list of species for which there is a need for better data was discussed in the Joint WG on 27-28 February 2024. He presented the draft input agreed by the Joint WG and underlined the importance of mentioning sustainable fisheries, new requirements included in the new Control Regulation (small-scale fisheries, recreational fishing), as well as ecosystem approach to fisheries management. The Joint WG proposed to include data and research needs regarding non-fish species (seal; harbour porpoise, benthic food) as they have a direct (predation, prey availability) and indirect (food competition, diseases) impact on the fish stocks. The Joint WG also proposed to include the need to increase knowledge on age and sex distribution structure of the stocks, the stomach content and natural mortality trends.

**The EBM WG Chair** pointed out that HELCOM had focused its discussions on non-quota, data-deficient species and they should also be included in the BSAC input.

After some discussion, **the WG decided** to include the following species in the BSAC draft input:

- coastal data-deficient non quota species (such as pike, perch, turbot, roach, vendace, burbot, round goby and others);
- data and research needs regarding species interactions and
- stickleback (impact on other species).

**The WG decided** to ask the Secretariat to finalise the BSAC input addressed to HELCOM with a proposed list of data needs for different species, including a short rationale. The BSAC input will be sent to the ExCom for comments/validation and then presented to the HELCOM FISH meeting on the 12-14<sup>th</sup> March 2024.

## 6. Update on eel and feedback on the latest HELCOM meetings on the topic

*Introduction by the EBM WG Chair, reference to past meeting of HELCOM and upcoming Joint Special Group intercessional technical workshop: “Rebuilding the European eel stock and sustainability of sectors” within the context of the Eel Regulation, 24th April 2024.*



**The EBM WG Chair (who is also the Chair of FISH M Expert Group)** informed on the informal session of the HELCOM FISH M expert group held in the end of January and beginning of February.

The third informal consultation session of the HELCOM Expert Group on Migratory Fish Species was held online on 13<sup>th</sup> February 2024. The Session was dedicated to discussing management of European eel in the Baltic Sea in relation to implementation of HELCOM BSAP action B16 and B17. The meeting emphasised the importance of restoring and improving river connectivity for other migratory species and that implemented measures should strive to provide synergistic benefits across species. The meeting strongly underlined that although it is clear that the current very low abundance of eel in the Baltic Sea means that there are more than sufficient habitats on the coasts and in estuaries, the improvement of river habitats and connectivity is crucial for the more long term growth of the eel population as well as all other migrating species. In the short-term, measures to improve the status of Baltic Sea eel should, in addition to freshwater restoration, concretely focus on coastal and estuarine areas. Long term improvement of eel populations should cover habitat restoration to improve river connectivity. Restocking/relocation should not be used as a conservation measure, in line with ICES advice (i.e., that catches of glass eel for restocking shall be zero). If restocking takes place, marking of restocked juveniles should be compulsory, restocking above dams should be avoided. A regional action plan for eel for the Baltic Sea is urgently needed.

**The EBM WG Chair** informed that the recommendations of FISH M Expert Group will be endorsed by the next meeting of the HELCOM FISH WG on 12-14 March. He referred to the technical workshop under the Joint Special Group, organised by DG Mare and DG ENVI on 24<sup>th</sup> April (online), with the focus on rebuilding of the European eel stock. He also informed that Sweden will host a meeting of the CMS<sup>8</sup> COP focused on the eel later in 2024.

**The Executive Secretary** expressed hope that the BSAC representatives will be able to take part in the technical workshop in an observer capacity, as it was the case for the Joint Special Group.

The WG decided to ask the Secretariat to send a request the Commission to invite the BSAC in observer capacity to the Joint Special Group intersessional work on eel.

## 7. AOB

**The EBM WG Chair** referred to the future work of the WG. In its next meetings, the EBM WG will consider the Commission's documents on ORE (expected to be delivered in April)<sup>9</sup> and deal with recreational fisheries in the light of the ICES report on Workshop on Recreational Fisheries in Stock Assessments<sup>10</sup>.

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<sup>8</sup> Convention on the Conservation Migratory Species of Wild Animals (CMS)

<sup>9</sup> Update of the Recommendation on speeding up permitting granting procedures; Issue of a Guidance document to Member States for designation of Renewable Energy Acceleration areas

<sup>10</sup> <https://ices->

[library.figshare.com/articles/report/Workshop\\_on\\_Recreational\\_Fisheries\\_in\\_Stock\\_Assessments\\_WKRFSAs\\_outputs\\_from\\_2023\\_meeting\\_/25333498/1](https://ices-library.figshare.com/articles/report/Workshop_on_Recreational_Fisheries_in_Stock_Assessments_WKRFSAs_outputs_from_2023_meeting_/25333498/1)

**The EBM WG Chair** gave a short update on the informal session of the HELCOM Expert Group on Migratory Fish Species, held on 30-31 January 2024. The meeting focused on salmon and included a dedicated session on HELCOM Recommendation 32-33/1 and implementation of BSAP action S50. The meeting decided that the Recommendation 32-33/1 needs to be updated.

**The EBM WG Chair** thanked all participants for good discussions and interpreters for their efficient work.