

BALTFISH technical working group discussion paper: Implementation of a ban on discards in the Baltic Sea

Following recent meetings in the BALTFISH Forum and High Level group, in which the issue of a coming discard ban in the Baltic Sea has been addressed, it was decided to continue discussions at a technical meeting.

At the “Agriculture and Fisheries” Council meeting 12 June 2012, a general approach on the proposal for a Regulation of the Common Fisheries Policy was reached. The general approach provides a framework for further work on the implementation of the obligation to land all catches in a phased approach, including the possibility for Member States to cooperate on a regional level.

In the Baltic Sea region, we benefit from having an established forum for regional fisheries management– BALTFISH, and the ambition could be to roll out the necessary elements in order for a discard ban to be feasibly and effectively implemented in the Baltic Sea, and accordingly to put forward to the Commission, a BALTFISH recommendation. The aim of the technical working group meeting is to contribute to this overall regional approach.

The task of the technical working group meeting is thus to assess the need for accompanying management measures such as the time frame, proper match of quotas to the fishing pattern, possible exemptions relating to certain gears and survival rates of species and control/documentation.

1. General framework

Main elements of the general approach with regard to the implementation of the discard ban in EU fisheries¹:

Discard ban	Provisions for implementation
Time frame	<ul style="list-style-type: none"> • The main provisions for the discard ban in the EU are laid down in Article 15. The discard ban covers all catches regulated by quotas in EU or non-EU waters not subject to a third countries' jurisdiction. • For small/large pelagic, fishing for industrial purposes and salmon in the Baltic Sea, a discard ban will enter into force not later than 1 January [2014]. For all other species in the Baltic Sea, the ban will apply not later than 1 January [2015] for species, which defines the fishery, and by [2018] for all other species in the fisheries.
Exemptions	<ul style="list-style-type: none"> • Provisions for exemptions from the discard ban are "prohibited" species, "survivors" and catches falling under de minimis (Art. 15.2)
Unwanted catches	<ul style="list-style-type: none"> • Member States must do their utmost to reduce unwanted catches (selectivity, matching quotas, year-to-year flexibility) (recital) • In mixed fisheries, Member States should take into account the likely catch composition in the allocation of fishing opportunities (Art. 28.2) • Unwanted catches may be deducted from the quota of the target species by

¹ General approach on the proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy, doc 11322/12.

	<ul style="list-style-type: none"> up to [10%] (Art. 15.4) Year-to-year flexibility of up to 10 % of allowable landings (Art. 15.4 a)
Minimum Conservation Reference Sizes (MCRS)	<ul style="list-style-type: none"> Minimum Conservation Reference Sizes may be established to protect juveniles. There are restrictions on the use of catches below the MCRS [or in excess of the quota in the transitional period] for purposes other than direct human consumption, including use of fishmeal and fish oil, pet food, additives, pharmaceuticals and cosmetics (Art. 15.5 and 15.6)
Control	<ul style="list-style-type: none"> Member States must ensure adequate capacity and resources for the monitoring compliance with the ban on discards, among other observers, CCTV and other (Art. 15.8)
Procedure for implementation	<ul style="list-style-type: none"> Multiannual plans to provide details of implementation of the discard ban - or alternatively a specific discard plan (Art. 15.3)
Future TAC-levels and simplification following a ban of discards	<ul style="list-style-type: none"> Subject to scientific review on fishing mortality, the Council has stated that an increase of TAC-levels is justified for relevant species. Furthermore, the Council welcomes the Commission's intention to review and where appropriate remove associated control and/or technical measures (Council statement)

2. Elements for discussion with regard to the implementation of the discard ban in the Baltic Sea

According to scientific advice, discards of cod in the Baltic Sea have been relative limited and stable in recent years. Cod discards (2011) are estimated to be around 5 – 7 % in the western and eastern Baltic Sea respectively. In the western Baltic, the majority of the discards are undersized cod. In the eastern Baltic, there are indications that discards of older age-groups of cod have increased in recent years. The pelagic fisheries comprise of a mixture of herring and sprat. Discards are by ICES considered to be limited or negligible. For salmon, discard rates are estimated between 10 – 20 %. Main reasons for discards of salmon are seal damage and bycatch of undersized young fish in different fisheries. Plaice are mainly taken as by-catch in the cod fishery and in a mixed flatfish fishery. There is no scientific estimation of discards, and ICES notes that data collection on the amount of discards needs to be improved in order to get a better estimate of plaice catches in the Baltic Sea. Regarding flounder, preliminary analysis show that discards in the demersal trawl fishery targeting cod is high and very variable.

With basis in the general framework described in section 1, the following elements for discussion with regard to the implementation of the discard ban in the Baltic Sea can be identified.

Time frame

A gradual implementation of the discard ban for all species managed by quotas is foreseen in the general approach. In the Baltic Sea, this would imply a discard ban on herring, sprat and salmon by [1 January 2014] and cod by [1 January 2015]. Plaice could either be identified as the main species of a targeted flatfish fishery, or alternatively be defined as by-catch in Baltic cod fisheries. A discard ban on plaice would accordingly apply at the latest [1 January 2015] or [1 January 2018].

STECF (2012) notes that it is important for all species to be covered by the discard ban from an enforcement perspective. If not, many control means would be inefficient, e.g. inspection vessels cannot from a distance detect which species are being discarded.

A second option could be to opt for an implementation of the ban in one step, thus covering all species subject to quotas by [1 January 2014] - granted that the necessary accompanying measures would be in place.

A third option could be to aim for ban covering all catches including fish not regulated by quota management, i.e. a general ban.

What would be the appropriate approach to launch a discard ban in the Baltic Sea - A gradual implementation, in one go by [1 January 2014] or to opt for a general ban on discards?

Exemptions

As a main rule all catches subject to the discard ban must be counted against the quotas and landed. Based on high survival rates, it should however, be considered to exempt specific fisheries.

It should also be discussed whether some fisheries would fall under the de minimis exemptions, e.g. either because of unproportionally high costs of handling unwanted fish, difficulties in improving selectivity or other reasons.

Possible candidates for exemptions from the discard ban in terms of fisheries (gear), species or de minimis. This list would be subject to scientific review, and a request could be forwarded to ICES.

Unwanted catches

When all catches are landed and counted against quotas under a discard ban, it follows that TACs should be increased accordingly (subject to scientific advice).

It is the responsibility of Member States to allocate fishing possibilities between vessels reflecting as much as possible the expected composition of species in the fisheries. The instruments envisaged are the following:

- Improvement of selective gears
- Pooling of quotas
- Quota swaps
- [10%] Year-to-year flexibility

Furthermore, it would be possible to deduct unwanted catches from the quota of the target species up to [10%].

Mismatch between available quotas and actual fishing pattern might be of a limited nature in the Baltic Sea Region, and could be adjusted through quota swaps with other Member States.

Are the abovementioned mechanisms sufficient to ensure a match between available quotas and the actual fishing pattern?

Minimum Conservation Reference Sizes (MCRS)

In order to avoid creating a market for juvenile fish Minimum Conservation Reference Sizes (MCRS) could replace current Minimum Landings Sizes (MLS) in force.

Given the limited level of discards in the Baltic Sea, only minor quantities of fish below the reference size are expected. Taking into account the tradition for sustainable fishing in the Baltic Sea, it could also be considered on a pilot project basis to abolish reference sizes in the Baltic altogether or to gradually revise them.

Minimum sizes currently in force

Subject	Herring	Salmon	Sprat	Cod ²	Plaice
Minimum Landing Sizes (Reg. 2187/2005)	X	MLS 60 cm (SD 22-30 and 32) MLS 50 cm (SD 31)	X	MLS 38 cm	MLS 25 cm

Should the current minimum sizes in the Baltic Sea for human consumption purposes be replaced by MCRS, abolished or revised?

Control

STECF (2012) notes that current enforcement of the TACs in the Baltic Sea appears to be sufficient to control total outtake and fishing mortality in the Baltic, thus rendering simultaneous limitation of effort superfluous. While discards at present appear not to be a problem in relation to limiting fishing mortality, STECF in this regard states that a future management plan should include explicit rules for addressing discards, e.g. a system where the TAC is defined as total allowable catch and by ensuring that all catches are counted against the TAC.

Single species fisheries do not require the same control intensity, as for example for mixed fisheries. Based on a risk assessment, it could be considered to introduce an instrument in order to control the ban in the form of a reference fleet. A reference fleet could be equipped with CCTV, observers or other means for fisheries with potentially high discards.

Should effort limitation be abandoned in the Baltic Sea as an accompanying management measure following the introduction of a discard ban?

What kind of measures are necessary to effectively control and monitor a discard ban in the Baltic Sea?

² According to the common marketing standards laid down in Reg. 2406/1996, the minimum size for cod is 35 cm.

Procedure for implementation

A future multispecies management plan for the Baltic Sea could include provisions for the implementation of the discard ban. Another model could be a specific discard plan as developed for the Skagerrak.

In light of the timeframe discussed, what would be the desired legal framework for the implementation of the discard ban in the Baltic Sea?

Accompanying amendment of technical measures following the introduction of a ban of discards

Minimum percentages of target species and by-catch limitations by mesh size and area will have to be abolished in a management system with a ban on discards in order to fulfill the objectives (refer to annex 1 where the annexes to the Technical Measures regulation for the Baltic Sea (EU reg. 2187/2005) are contained).

List of technical and other measures that should be abolished with a ban on discards in place

3. Next steps

A proposal for a BALTFISH recommendation on the main elements to be included in the implementation of a discard ban in the Baltic Sea will be circulated after the meeting to the BALTFISH Forum for comments, and final adoption by the BALTFISH High Level Group.

Annex 1:
Annexes to Regulation (EC). No 2187/2005