

This is a joint response from Coalition Clean Baltic (CCB), the Fisheries Secretariat (FISH), the Swedish Society for Nature Conservation (SSNC) and WWF to the BALTFISH discussion paper “*Way forward for discard-free Baltic Sea fisheries*” prepared ahead of the BALTFISH meeting in May 2012, as well as the BALTFISH technical working group discussion paper “*Implementation of a ban on discards in the Baltic Sea*” circulated ahead of the meeting in Tallinn on 28 August 2012.

1. SUMMARY

We strongly support the initiative to employ the full range of measures to reduce bycatch and discarding, including fully documented fisheries and a future discard ban.

It is our view that the compromise reached on EU implementation of a discard ban in the Agriculture and Fisheries Council’s general approach on the proposal for a revised Regulation of the Common Fisheries Policy includes unnecessary delays and loopholes. A Baltic Sea implementation of the discard ban must aim to go beyond the general framework agreed and ensure long-term sustainability.

- The aim of any Baltic initiative must be to minimise unwanted catches, setting overarching targets as close to zero as possible.
- We support a general discard ban by 2014 for all commercial fish species with a TAC and the fisheries that target those fish. A total discard ban, including all other species, should be introduced by 2015.
- A Baltic Sea implementation of a discard ban cannot stand alone or be handled by simply lowering today’s minimum landing sizes but must be integrated and preceded by efforts to improve selectivity at sea, including the development of new gear.
- All landed fish must be counted against the quota for that fish species, not against the TAC for the species targeted by the fishery (i.e. we do not support Art 15.4).
- We can support CCTV and not only for control purposes but to gain knowledge and better data of the fishery.
- Priority access to fisheries should be given to those who apply selective fishing practices, in order to reward best practice and efforts to avoid unwanted catches.

2. BALTIC SEA FISHERIES - THE ISSUE

We appreciate the attempt to provide an overview of the bycatch and discards of commercial fisheries in the Baltic Sea region. While the problem might be smaller than in other regions, particularly regions with mixed fisheries, the problems related to poor selectivity are not negligible and the use of tonnes in calculations can be misleading. For example, in 2009 ICES estimated that around 9 million cod were discarded.¹ This represented about 6.5% in weight but as much as 15% of the total number of cod caught and landed in 2009/2010. Today, these numbers are higher as evidence indicates that bycatch and discarding in the trawl fishery has increased with the increase in the eastern cod population and increasing flatfish stocks.

We must also underline that although a lot of focus is directed towards the trawl fishery for cod, there are problems with bycatch of cod and salmon in the pelagic sprat and herring fisheries, as well as bycatch and discarding in the longline fishery. ICES estimates that as much as 250,000 salmon are caught by pelagic vessels each year; in most cases they are not discarded but simply become an unrecorded part of the catch if the target fish is not for human consumption.

This unwanted catch remains a problem for the stocks independent of whether we discard the fish or land it, as a large amount of juveniles are caught that will never enter the spawning stock. We would therefore like to emphasize that the problem needs to be solved at sea, through improved selectivity or a shift to more selective gear types. It is of utmost importance that future legal elements will support such a change, and not attempt to solve the problem solely through a discard ban.

Finally, we want to point out that anecdotal numbers for current discarding vary greatly, and that it is quite possible that the estimates provided are much lower than the reality.

3. TIME FRAME

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?

We support a regionalised approach to implementation of the landing obligation, rather than the piece-meal approach initially advocated by the Commission. The Council's general approach has somewhat improved this particular element.

It is our view that all species should be covered by the discard ban, and ultimately we would like it to cover all unwanted catches, with the exception of protected species and species with high survival rates. As STECF points out, this is very important from an enforcement perspective.

Therefore, a discard ban including all commercial fish species with a TAC regulation and the fisheries targeting those stocks should be introduced by January 2014. A discard ban for all other fisheries and fish species, as well as non-target species of fish and other organisms should be introduced by 2015.

¹ ICES WGBFAS report 2010 p 193

4. NUMBER OF SPECIES/FISHERIES SUBJECT TO OBLIGATION TO LAND

Which species should be included in the discard ban? Sprat, salmon, other flatfish than plaice, all commercial species? Is a fisheries approach more feasible than a species approach in the Baltic Sea?

In the Commission proposal (COM(2011)425, Article 15), only some of the commercial fish species in the Baltic were covered by the landing obligation. All commercial species must be covered by the discard ban. We also recommend that the landing obligation be extended to cover both fish (commercial and non-commercial) and non-fish species. Extending the landing obligation would enable scientists to have better information regarding the impact of fishing activities on the marine environment, and would also allow them to be better informed when recommending fishing quotas to Council.

In terms of fisheries contra species approach, we support a fishery-by-fishery approach in the Baltic Sea, including the obligatory landing of non-commercial and non-target species. If this is not possible, a practical solution linked to other management tools such as multiannual plans (MAPs) may work best. Multiannual plans (MAPs) should include tools and timelines that help eliminate unwanted catches (Article 11e). These would need to be complemented by effective monitoring and enforcement measures. However, actions cannot be delayed because of a lack of MAPs or other regulations, as the current wording in the general approach seem to suggest.

5. EXEMPTION OF FISHERIES OR SPECIES

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.

We support exemptions for “prohibited species” – as long as the catch is still recorded – and for species or categories of catch with high survival rates upon release. The damage to fish caught in trawls is quite different from damage to trapped fish and hooked fish. If there is a high probability of survival, releasing of juveniles or non-target fish species can be a feasible option but it has to be supported by scientific studies showing high survival rates. However, it is hard to see how the release of some fish can be controlled, without risking continued discarding and/or high grading of other fish, so the matter has to be dealt with in a very careful way.

We are not in favour of the *de minimis* exemption proposed by the Council in its general approach, particularly as the estimated discarding in some key Baltic fisheries are within this 5% range and the different situations listed as possible reasons for this exemption are all difficult to judge in a non-subjective way – and could therefore lead to a difference in interpretation in different countries with an unlevel “playing field” as a result. Neither do we support the proposed derogation from the obligation to count catches against the relevant quotas.

6. UNWANTED CATCHES

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

1) We do not support a general increase in TAC to compensate for catches, including undersized fish, counting against the quota under a discard ban. Even with “fully documented fisheries”, we do not believe that a landing obligation should automatically result in a higher TAC. There are several aspects to consider:

a) Whether an increase would be appropriate depends on whether the stock is well managed and management targets have already been reached, such as MSY by 2015 as well as more ambitious long-term targets. If this is not the case, the TAC should definitely not be increased.

b) To simply add the best estimate for current discards to the TAC would also remove a major incentive to develop more selective ways of fishing. It could also lead to misreporting of unwanted catches in the years leading up to the discard ban, in order to inflate the future TAC.

Instead of simply increasing the overall TAC, a special credit/premium/priority access could be granted to those using the most selective gear/best practices. This would indeed strengthen the incentive to shift to more selective ways of fishing.

2) We believe that the overall responsibility for allocating fishing possibilities under the national TAC should remain with Member States, but it has to be recognised that different countries do this in different ways. Not all allocate fishing possibilities to specific vessels. The idea, as worded here also goes against the basic aim of the discard ban, which must be to change the expected species composition of different fisheries in order to reduce unwanted bycatch and the underlying reasons for discarding. The fisheries need to adapt to the new rules, not the rules to the existing fisheries.

Of the four specific instruments proposed, improvement of selective gear is key, pooling quotas could certainly be useful on the level of POs or equivalent, and quota swaps may play a useful role particularly in the first years of implementation. Regarding the 10% year-to-year flexibility, the percentage seems high considering the current estimates for unwanted catches and discarding in the Baltic fisheries. In order to create strong incentives for improving selectivity, it should be lower. Also, it has to be carefully controlled that Member States using this instrument really deducts any overshoot in TAC from the next years catch opportunities.

3) We do not support the possibility to deduct unwanted catches [of other *commercial* species] against the quota of the target species – regardless of the percentage proposed. This would muddle up the useful information that can be gained from a discard ban, which may help improve scientific data and assessments. How unwanted catches of non-target, non-commercial species and organisms should be handled if the discard ban is universal will need to be discussed in more detail, but in general we support a system where the unwanted catch is utilized but without economic benefit for the fishermen. Profits should be used e.g. for control or data collection.

We want to underline that whatever model or system used, the undersized or unwanted catch must always be counted against the quota of the specific species in question.

7. IMPROVEMENT OF SELECTIVITY

Suggestions for improving selectivity of gear, e.g. including hook/ bait sizes in salmon fishery?

Increased selectivity is about addressing the underlying problem of unwanted catches causing unnecessary mortality. We strongly support a continuous improvement of gear, in line with best available technology. There is also a need to further develop alternative gear types, primarily non-trawling alternatives. For example, traps or “pots” for catching cod in the Baltic Sea (successful trials have been performed by the Swedish Board of Fisheries) do not only make it possible to release undersized fish relatively unharmed but also saves the fish from being eaten or damaged by seals.

Regarding the trawl fisheries for cod, recent studies underline the problems of BACOMA and T90. We support further careful investigation and EMFF funding of how the situation can be improved, and follow the current project on possibilities to minimize discards closely. One must also consider whether it is worth it making adjustments to trawls rather than shifting to other gear types.

We support the establishment of selectivity goals and the creation of a regional road map setting out how to reach these goals. A first step would be to set as a goal to reduce the catches of juvenile cod (under 38 cm) in trawl fisheries to max 5%. All landings must be reported and controlled to keep track of the size of fish caught, and separation of undersized fish must be ensured.

We also believe that other measures can be implemented to improve selectivity, such as “moving on” measures and real-time spatial closures triggered by high levels of juveniles/undersized fish in a particular area. Lessons should be learnt from other areas where moving on provisions are already in place, such as the North Sea.

Finally, fishermen that show the best performance should be given priority access to the resource, through extra quota or credit.

8. MINIMUM CONSERVATION REFERENCE SIZES (MCRS)

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

Whether we call a minimum legal landing/selling size a minimum landing size (MLS) or minimum conservation reference size (MCRS) is not really important. A “cosmetic” change from minimum landing size to something else might be necessary with an obligation to land all catches, but it is the purpose of the limit itself and how it is established that is important. We should not abolish a minimum size – it is an important management tool, particularly in fisheries below sustainable population levels.

We do not support a reduction of the current minimum landing sizes (MLS) in the Baltic region, as this would create incentives to catch more juvenile fish. The definition of the proposed minimum conservation reference size (MCRS) is somewhat unclear, but we believe it must have a

biological basis, and we believe there must be a limit size. The Commission is proposing that all fish below the MCRS should be marketed at a lower value.

In the Council debates on the discard ban, many ministers have been heard saying that it is central to implement it in such a way that it does not lead to a new market for juvenile fish, thereby creating incentives to catch what is currently “unwanted catches”. A reduction of the minimum reference size for Baltic cod would do just that, as in some Member States the processing industry has indicated a demand for undersized fish, and there are markets for this fish already today.

Any revisions of reference sizes should be based on scientific advice on maturation age and size, enabling fish to spawn at least once before being targeted in the fishery.

9. CONTROL

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

With a discard ban, control and enforcement will become more important. Experiences from other countries show that some of the incentives to discard, such as highgrading, remain and will not automatically disappear.

We support the idea of CCTV as a control measure. Projects have shown that its usage can be both effective and positive. However, we don't see CCTV as a solution to minimising the problem of catching undersized fish. This problem should primarily be addressed through improved selectivity. CCTV cameras can then be used as a measure in order to ensure compliance by the industry, and a very strong argument for both CCTV and the landing obligations is to greatly improve data on all catches and bycatch of non fish species as well.

Compulsory VMS can be a complimentary measure, as one would also be able to document where fishing takes place, which would *inter alia* have the advantage of providing scientists with improved data. We therefore propose that all vessels using active/towed gear should be fitted with VMS. It would be even better if the same system could be applied to the fishing sector as for other vessel traffic.