

DRAFT – Outline of a discard plan for the Baltic Sea

Member States, the Commission, the BS-RAC and stakeholders have cooperated on the issue of the discard ban in the BALTFISH Forum and High Level Group as well as in technical meetings. In November 2012, the High Level Group (HLG) endorsed a set of recommendations with regards to the implementation of the discard ban (time schedule, choke problems, control etc.), which was sent to the Commission, the BS-RAC and Member States. A follow-up meeting was held in Tallinn 29-30 April 2013 to discuss outstanding issues. In May 2013 the Council and European Parliament reached political agreement on the Reform of the Common Fisheries Policy outlining the specific time frame for introduction of the discard ban as well provisions for possible exemptions and the general framework for regional cooperation. An additional BALTFISH technical meeting was held in Copenhagen 13 June 2013 in order to prepare a final set of regional positions for a discard plan for the Baltic Sea.

On this basis, BALTFISH recommends that the discard plan for the Baltic Sea should be based on the elements outlined below. In the following the articles refer to “Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy” (final compromise text in document 10629/13) unless otherwise stated.

1. Species to be included in a discard ban and timing

No later than 1 January 2015 – [if possible 1 January 2014]:

- *Herring*
- *Sprat*
- *Salmon*
- *Sea trout**

1 January 2015:

- *Cod*
- *Plaice*

*According to Art. 15, paragraph 1ter, all Member States with a direct management interest in a particular fishery may decide to apply the landing obligation to other species than those defined in paragraph 1. At the BALTFISH HLG meeting 30 April 2013, it was agreed to include sea trout at the same time as the landing obligation enters into force for the salmon fishery.

The question of including other non-quota species such as flounder, turbot and brill in the landing obligation will be discussed in the light of the provisions in Art. 15, paragraph 2 (b), which provides for exemptions for the landing obligation if it is demonstrated that the species in question have a high survival rate. To this effect the Commission has submitted a request to STECF to review available information on the survival rates for these species. Discussions on possible revisions of the list of species will be based on the advice from STECF (Plenary Report, July 2013:

http://stecf.jrc.ec.europa.eu/documents/43805/594118/2013-07_STECF-PLN-13-02_JRCxxx.pdf).

2. Exemptions for certain type of fisheries

Certain gears should be exempted from the ban due to scientific evidence of survivability of the discarded fish, i.e.:

- Salmon and sea trout fisheries with trap-nets and pound-nets
- Fisheries using passive gears such as trap-nets, creels/pots, fyke-nets and pound-nets

[Furthermore an exemption for sea trout fisheries with gill nets has been discussed]

STECF notes in their review of the available information on survival of discards in the Baltic Sea that the results are highly variable between studies as well as within individual studies. The review concludes that it at present is not possible to provide a reliable list specifying the survival rate of discards by species and by fishing gear (STECF Plenary Report, July 2013).

3. Year-to-year flexibility and inter-species flexibility

Member States should be able to apply the year-to-year flexibility (10%) and the inter-species flexibility (9%) according to Article 15 (4a) (4b) as a supplement to voluntary quota swaps between Member States in order to accommodate possible choke species problems.

All species shall be recorded with the correct species name in order to quantify the exact catches, although they may be counted against the quota of another species.

4. Minimum landing size/minimum conservation reference size for cod

In its recent meeting in Copenhagen BALTFISH discussed the pros and cons of reducing the minimum landing size for cod. Subsequently, it was agreed - on a one year trial basis – to reduce the reference size for cod from 38 cm to 35 cm in order to optimize the utilization of small quantities of landed cod between 35 and 38 cm, and reduce unavoidable discards. This measure will be combined with a close monitoring of the effects on the fishing pattern as well as a safety clause in the Regulation in order to enable a swift response if an unsustainable fishing pattern is observed. With the aim of evaluating the possible impacts of reducing the minimum landing size for cod to 35 cm including the reduction of catches of undersized cod the Commission has submitted a request to STECF.

The discard rate of cod in the Baltic Sea is estimated by ICES to be in the order of 10% by weight in later years with a small increase in 2012 in the Eastern Baltic. By far the majority of the discarded cod are below minimum landing size. The survival of discarded cod is very low and in the assessment all discarded cod are assumed dead.

STECF concludes that it is likely that a reduction of the minimum landing size will have a positive impact on the economic performance of the fisheries. With an unchanged exploitation pattern, a reduction in minimum landing size from 38 cm to 35 cm would not give rise to the mortality generated on cod (STECF Plenary Report, July 2013).

[It remains to be clarified how this legally can be achieved. Could it be done in relation to the Omnibus Regulation?]

5. De minimis rule

Article 15 (3c) provides for a de minimis exemption of up to 5% of total annual catches subject to the discard ban in situations where selectivity is difficult to increase or to avoid disproportionate costs of handling unwanted catches.

In order to take account of problems related to e.g. damaged/polluted fish, selectivity limitations, disproportionate handling costs., BALTFISH recommends that a general de minimis rule of [3%] is applied allowing discard in certain situations although these catches still have to be fully recorded [should these catches also be landed?]

It should be further considered whether it is possible to increase the selectivity in the Baltic sea cod fisheries further. In this respect the outcome of Lot1 - Collaboration between the scientific community and the fishing sector to minimise discards in Baltic cod fisheries should be taken into account¹. In this light the functioning of the de minimis rule should be subject to an evaluation one year after the introduction of the landing obligation cf. point 10.

As a general rule de minimis rule should be used as a last resort when other possibilities (e.g. quota swaps, year-to-year flexibility, inter-species flexibility) are exhausted.

6. Fishing effort

BALTFISH has based on the assessment of STECF (2012) previously agreed that days at sea restrictions no are longer necessary for control of the outtake of fish. This should be implemented in the discard plan for the Baltic Sea.

7. Fixing of fishing opportunities

When a landing obligation for a fish stock is introduced, fishing opportunities shall be set taking into account the change from setting fishing opportunities that reflect landings to setting fishing opportunities that reflect catches in line with the ICES advice. To this effect, the scientific advice shall take into account that discarding of that stock will no longer be allowed.

8. Technical measures

There are a number of additional technical measures and issues that need to be addressed when discussing the introduction of the landing obligation. These could e.g. include:

- Abolishment of minimum target percentages and maximum by-catch limitations in relevant fisheries (Annex II and Annex III of Council Regulation 2187/2005)
- As a transitional measure, it might be necessary to replace those technical measures by updating the rules on permitted gears, minimum mesh sizes and mandatory selection devices.
- A revision of the salmon long line season with the aim of reducing catch of undersized salmon

STECF has been addressing this issue in the report (Scientific, Technical and Economic Committee for Fisheries (STECF) – 43rd Plenary Meeting Report (PLEN-13-02). STECF

¹ DG Mare will host a technical workshop on the LOT1 project findings 4 September 2013.

considers that a more efficient way of reducing discards of undersized salmon would be to reduce the minimum landing size in subdivisions 22 to 31 in the commercial fisheries. The minimum landing size is 60 cm in subdivision 22 – 31 and 50 cm in subdivision 32.

- A revision of the closed periods for the protection of spawning cod
- The tolerance margin for retained fish on board
- The ban on sorting machines

These items should be closely examined in relation with the forthcoming omnibus proposal as well as the “Frame Regulation” in relation to amendments of technical rules [article 11 only allows for *objectives* for conservation and technical measures to be included in the discard plan].

Finally, while a continued focus on the increase and development of selective gears shall be maintained, it should also be discussed how a business from ”discard fish” is advanced, e.g. by supporting research into the use landings previously discarded under a landing obligation or other measures.

9. Control measures

Will await the outcome of the meeting of control experts hosted by Germany (still TBC September 2013).

10. Evaluation

Given that the discard ban constitutes a new regime in European fisheries management it seems appropriate to evaluate the functioning of the discard plan after one year. This could include e.g. the effect of the reduction of minimum conservation reference size for cod, the functioning of the de minimis rule, and the impact of the discard ban on fishing behavior as well as the economic costs/benefits for the fishermen.