



Naturskyddsforeningen

Suomen Luonnonsuojeluliitto



Coalition Clean Baltic

FISH
FISKESEKRETARIATET
THE FISHERIES SECRETARIAT

26 April 2013

This is a joint response from Coalition Clean Baltic (CCB), Oceana, the Fisheries Secretariat (FISH), Finnish Association for Nature Conservation and the Swedish Society for Nature Conservation (SSNC) on the BALTFISH High-Level Group paper State of play with regards to the implementation of a ban on discards in the Baltic Sea for consideration at the joint BALTFISH and 9th HELCOM Baltic Fisheries/Environmental Forum in Tallinn, Estonia, on 29–30 April 2013.

Baltic Sea discard ban considerations

The BALTFISH High-Level Group paper contains a number of suggested changes to the current fisheries management measures and regulations, and correctly underlines important issues such as minimising derogations from the ban and removal of some technical regulations.

In August 2012, a detailed NGO position was submitted ahead of the BALTFISH Forum in Tallinn, and we now wish to re-emphasise a few key points for BALTFISH and HELCOM to consider:

We strongly support the initiative to employ a full range of measures to reduce unwanted bycatch and discarding, including the discard ban. However, as discussions and proposals related to discards and the new landing obligation from the Council of Ministers and the European Parliament has progressed, loopholes and text have been introduced which threatens the basic concept of a ban. Derogations, *de minimis* rules and restricted access to VMS and catch data all undermine the very idea of a ban and make control difficult.

It is our strong view, that the problem of unwanted catches must primarily be solved at sea through improved selectivity of fishing gears and changes in fishing practices, and not by simply introducing a landing obligation. A discard ban can work as a strong incentive to change practices, but if it is to do so, the detailed implementation has to be carefully formulated in such a way that it reinforces this necessary change. Derogations from the ban and proposals to abandon or decrease the current Minimum Landing Size (future Minimum Conservation Reference Sizes) is a step in the wrong direction in terms achieving improved conservation of fish stocks. Whatever model or system used, the undersized or unwanted catch must always be counted against the quota of the specific species in question.

Overall comments on the paper

- The ultimate aim of a Baltic discard ban must be to minimise unwanted catches, i.e. setting overarching targets for such catches as close to zero as possible. The problem the discard ban aims to solve is not just to stop the dumping of fish but also to improve selectivity, provide better data and knowledge about catch composition, as well as provide a strong incentive to solve the problem of bycatch at sea.

- We do not support the idea of reducing the Minimum Conservation Reference Size (MCRS) for Baltic cod to 35 cm. It would potentially increase the catch of juvenile fish that has never been able to spawn, for which we know there is a market. We believe this to be in direct conflict with the agreed fish population objectives in HELCOM's Baltic Sea Action Plan, as well as the relevant descriptors for Good Environmental Status under the Marine Strategy Framework Directive (MSFD). It is also in contradiction with the objective of the CFP to maintain and restore the health of fish stocks and the marine ecosystem, as a lowering of catch size could potentially undermine the reproductive capacity of the stock.
- We support scientifically based advice on MCRS, reflecting the age and size for first reproduction as called for by the European Parliament¹.
- Removal of, or lowering, the MCRS would also remove an important incentive to improve the selectivity of the gears used.
- Monitoring and control measures must be adapted to and standardised for the scale and type of each fishery. They need to be backed up by a strong legal framework with a proportionate sanctioning system, in order to achieve adequate compliance and to dissuade fishermen from discarding. We therefore support CCTV monitoring, even though we don't see this as a way to minimise unwanted catches. CCTV systems are not, however, only useful for control purposes but can also provide knowledge and better scientific information on the fishery, if the data is made accessible.
- In implementing a discard ban in the Baltic Sea, we must ensure that a market for undersized fish is not created, as it would take away some of the strongest incentives for solving the bycatch problem at sea. The handling of landed, unwanted fish therefore needs to be carefully considered. A commercialisation of juvenile fish or unwanted catches is not acceptable. Prices are low now but they may increase when the bulk of the catch consists of small fish.
- There is a need to change the current technical regulations to facilitate improvements and modifications of gear by the fishermen themselves in order to reduce unwanted catches. Facilitating such inventive changes should be part of the aim of the discard ban policy. It must be the Commission's role to further analyse the potential conflicts in the current legislation, with the support of the Member States in BALTFISH and the Baltic Sea RAC.
- 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:

¹Article 15.2 of the European Parliament legislative resolution of 6 February 2013 on the proposal for a regulation of the European Parliament and of the Council on the Common Fisheries Policy (COM(2011)0425 – C7-0198/2011 – 2011/0195(COD))

- 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.

- c) 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.