



Copenhagen Monday 17th March 2014

Response from the BSRAC to the BALTFISH discards plan

Introduction - General comments – CFP Reform – collaboration

- a. The BSRAC held a Joint Working Group on 25th February 2014 to discuss and prepare a response to the BALTFISH draft discards plan. It also spent some time on the Commission's Omnibus Proposal to align existing legislation with the obligation to land all catches. Another subject touched on was the Commission's Consultation on technical measures, a response to which is required by 25th April 2014. The issues are complex and inter-linked. The backdrop to all of the ongoing work is the reform of the Common Fisheries Policy which, now adopted, requires considerable work and collaboration to implement.
- b. A lot of progress has been made in the Baltic. The creation of BALTFISH has been praised and held up as a model for collaboration and work whereby Member States and stakeholders discuss and formulate policy and rules for the fishery. We recognize the enormous steps made and we look forward to seeing the involvement of the BSRAC in an even more integral way.
- c. The current work now to develop a discard plan for the Baltic highlights the time and procedures required to ensure proper consultation amongst Member States and with the stakeholders. We appreciate the fact the BALTFISH has given us a little longer to put together and finalise our response to the draft discard plan. Coordinating positions in international organizations takes time.

- d. The BSRAC will hold a further working group on 31st March-1st April 2014 in Copenhagen to develop a practical proposal to a discard ban. We extend the invitation to BALTFISH Member States to take part. We are working on the same subjects, but in different meeting rooms and at different times.

We need to coordinate our efforts, meetings and schedules so we can meet and work together. It will be a challenge, but it could ease cooperation and make deadlines more manageable.

- e. Despite our appreciation of the great effort that has been put into the BALTFISH paper and the general support of the result, what the BSRAC can offer as input is not a unanimous position on all points. There are differences of opinion on some of the sections in the BALTFISH draft. The different views are recorded in this paper.

General comments on discards

- a. An immense amount of work has gone into the adoption of the CFP Reform and the Basic Regulation. Barely has the ink dried, than the requirement to introduce a landing obligation across EU waters has become a policy and rule making requirement. The Baltic is in the front line with an implementation date of 1st January 2015. As current consultations and discussions show, it is not an easy task and it will take time. The BSRAC has entered into the playing field willingly, having accepted the inevitability of the landings obligation. But it sees a lot of challenges.
- b. One particular anomaly is the fact that we have to reconcile the requirements of implementing a landing obligation according to Article 15 of the Basic Regulation and discard plans have to be developed. At the same time multi-annual plans are awaiting – for the Baltic this will be for salmon, pelagic stocks and cod. Implementing a landing obligation species by species without knowing the interactions and effects on the interactions amongst species is a bit like putting the cart before the horse. What we need is a fisheries based discards plan.

- c. Another factor is the target of reaching MSY by 2015. If the two objectives – to fish at MSY and to minimize discards – are to be met simultaneously, some flexibility in the implementation is required. Even in a relatively simple system as in the Baltic, the catches are composed of more than one species. Consequently, target mortalities set in order to comply with the policy need to be set as ranges – not as fixed points. If they are set as fixed points, the most likely consequence will be an underutilization of important food resources. The Fisheries Secretariat, CCB and FANC do not agree with this paragraph.
- d. One key element of the Reform is the increasing role and potential for fisheries stakeholders to provide more data on the fishery. This is important. The BSRAC is of the view that spending time logging and recording up to 50 kilos of bycatches and sorting each bycatch species separately must not stand in the way of fishermen being able to earn a living. The Fisheries Secretariat, CCB and FANC highlight the need to enter all catches in the log book in order to improve fisheries data.
- e. A landings obligation must not lead to increased mortality. The wish to avoid waste of food is good and one which all can agree to. But let's use the experience of the fishermen and their knowledge from fishing practices. They know about the survivability of fish.
- f. We seek a level playing field from the control perspective.
- g. A landing obligation must apply across the board of the Baltic. It is a Baltic discards ban and not to apply to individual Member States or coastlines.
- h. With respect to the onshore activities, the BSRAC is still not convinced that the handling of the bycatch at and after landing is taken care of. This needs to be thoroughly scrutinized and should be an important part of the future work.

1. Species to be included in the discard ban from 2015

- a. All members of the RAC support the idea of introducing the landing obligation in a stepwise manner, and that the proposed list of species regulated by TACs has its merits as a starting point.
- b. However, the fisheries representatives call for the exclusion of plaice for which there are good reasons not to include in the ban until 2017. It will be benchmarked by ICES during 2015 and until there is further evidence and information on its survivability, it can be managed by the flexibility rules. Otherwise, there is risk that plaice will become a choke species.
- c. The Fisheries Secretariat, CCB and FANC are of the view that ideally, all species should be covered by the landing obligation at a later date. In particular, they would like to see Baltic flounder included by 2018 at the latest.
- d. The provisions of a landings obligation do not so far cover the recreational fisheries and we would like some discussion on that.
- e. The BSRAC does not agree with the statement from Estonia and Finland that gill nets are seen as selective with respect to sea trout. Scientific documentation is called for here.
- f. Whilst there is not absolute consensus in the BSRAC on the list of species put forward, there is common agreement on the fact that we are talking about a Baltic landings obligation and it is not very useful to start having localized bans or exemptions at national level: it is not helpful to the work to introduce a new level of regionality into the discard ban. The German Cutter-and Coastal-Fishermen's Association and Union of German Cutter Fishery are of the opinion that it must be possible, if necessary, to have regional exemptions.

2. Exemptions for certain types of fisheries

- a. The proposed list is acceptable to all BSRAC members. The exemptions listed are clearly justified and understood, but it should not be seen as an exhaustive list.
- b. Some members would like to discuss a longer list of exemptions, but for now are able to live with it. In particular, herring caught in pound nets should be included in the list, as it does have a high level of survivability.
- c. As mentioned before, the introduction of a landings obligation should not lead to increased mortality of fish. That would be a complete waste of resources. But which fish can survive and how to define survival needs further work. We need more work and data on this. STECF has some data from analysis of reports, but this is so far not conclusive or complete. However, it will produce guidance. The ICES WGMEDS (Working Group on Methods for Estimating Discard Survival) held a meeting on 17th-21st February 2014 and must report to ACOM by April 2014.
- d. Until that time comes, the fisheries representatives do not want to see included in the landings obligation flatfish species (dab, flounder, turbot and brill), which as their current fishing practices show have a high degree of survivability. We need some more information to help us determine the threshold of a high survival rate. This is important as all catches which are landed will result in 100% mortality of that catch or species, which also has implications for the Good Environmental Status of the Baltic ecosystem.
- e. The Fisheries Secretariat, CCB and the FANC add that practical techniques and guidelines on how to release fish again from the gears could also be looked at and developed.
- f. The first sentence under the table in this section is questioned:
"When further scientific advice is available and sufficient scientific evidence is provided additional species could be exempted from the landing obligation."
This could be clarified by writing "additional gear types".

- g. So in conclusion, there are some differing views in the BSRAC. But science and practical experience will catch up in terms of providing additional knowledge on survivability and the development of fish friendly gears. But we will have no full answer to all of this by the time the discard ban is introduced in 2015.
- h. In spite of the differing points of view, there is general agreement (referring to the proposed exemptions for trout), that exemptions from the landing obligation should be according to gears, periods or species on a regional level, and that national derogations should be kept at an absolute minimum.

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

- a. All in the RAC agree that the challenge is to make a landing obligation work and at the same time make the mismatch of traditional practices work with the political ambition to have a discard-free fishery. This will require time. We appreciate that ICES are looking into these issues in relation to the biomass capabilities of the stocks, and we await more information.
- b. The fisheries representatives want to underline that the introduction of a landing obligation is a radical change in the way the fishery is carried out. Year to year flexibility and inter-species flexibility are important elements in terms of strengthening the landing obligation and making it work in practical terms from year to year. There is scientific evidence showing that flexibility in terms of banking and borrowing will do no harm to the stocks because the accumulative result is not to take more fish out of the sea, rather to accommodate the varying situations from year to year which a landing obligation will have to deal with. Most of the stocks in the Baltic are within safe biological limits.
- c. Some eNGO representatives (WWF, Fisheries Secretariat, CCB and FANC) are worried about inter-species flexibility. For them, it is preferable that undersized or unwanted catch is counted against the quota of the specific species in question. If

inter-species flexibility is introduced, careful consideration must be given to how to ensure that the species are correctly reported in the log book; otherwise, an important opportunity to improve catch data is lost.

4. Selectivity

- a. All agree that selectivity has become the new mantra, at the same time agreeing that not everything in implementing a landing obligation can be achieved through selectivity.
- b. We appreciate the reference in the BALTFISH paper to the LOT1 project and would highlight the outcome from the meeting in Brussels on 4th September 2013 where BSRAC members were represented. The group concluded by identifying possible next steps with respect to developing selectivity, for example: (1) Testing a T90 codend with 110mm mesh, 100 meshes in the round, double 4mm twine, joined to the belly of the trawl with 140 meshes round (2) Further testing the proposals that came from industry (i.e. Freswind and the "envelope codend" developed by Baltic net sp. that had been tested in earlier phases of the LOT1 project), as well as replacing the Ultra-cross material in the BACOMA window with a T90 netting.
- c. The BSRAC calls for the individual fishermen to be able – under a landing obligation – to develop a fishing gear that best meets their needs. This would introduce some flexibility to the fishery and create an incentive for them to maximize output from the fishery. The Fisheries Secretariat, WWF, CCB and the FANC can support this, but call for a target or over-arching aim for improving selectivity.

5. Minimum landing size/minimum conservation reference size and selective fishing for cod and salmon

- a. The Commission refers to minimum landing sizes as technical measures for the protection of juvenile fish. The new Common Fisheries Policy will have MCRS and not MLS. This will allow immature fish to be landed, but not sold on the market for human consumption, but to be put to other uses such as fish feed, pet food and so on. The majority of BSRAC members cannot see any conservation value in

regulating the use of dead fish. They find it strange to claim that it is a waste of resources to prevent the use of discarded fish, but to allow it to be used for purposes other than direct human consumption. The environmental NGOs stress the risk of opening new markets for undersized fish and support market regulations to mitigate such a development.

- b. Some scientists even question whether it would not be better to allow the harvesting of surplus small fish, leaving the larger fish to spawn. Recent research coming out of the Swedish University of Agriculture and presented at the BSRAC working group on 25th February 2014 has shown an abundance of extremely small cod in the eastern Baltic and the potential benefits for that stock of harvesting some of these small fish which under a landings obligation regime will anyway have to be landed, but which are currently being discarded.

- c. In line with scientific advice, the BSRAC calls for the possibility of landing – and use for direct human consumption – of all cod above 35 cm. This would also be in line with the aforementioned findings of the Swedish University of Agriculture by increasing the pressure on the over-population of small cod which are currently being discarded. It would also reduce the present discard level by 50 %. The Fisheries Secretariat, CCB, FANC and WWF do not support this. They call for a wider ecosystem perspective in management, looking at the interactions of species in the food web and the links to eutrophication and the spread of anoxic areas, and how different fishing patterns affect these processes, particularly in the future work on developing the Baltic multispecies management plan. Ambitions should also be higher, aiming for an overall decrease in fishing mortality as a result of improved selectivity, not merely a status quo. If the MCRS is indeed reduced, for which there is now widespread political support in the region, these eNGOs ask BALTFISH to put in place technical measures that allow for the escapement of larger cod, as they are very important for the reproductive capacity of the stock.

- d. The BSRAC discussed the possibility of having just one MCRS for sea trout for the entire Baltic.

6. De minimis rule

- a. The BSRAC takes note that the BALTFISH group could not see any more reasons for using the de minimis provisions than to cover the seal damage which is experienced in the Baltic. The German Cutter-and Coastal-Fishermen's Association and Union of German Cutter Fishery point out that fish that has been damaged by seals is waste, not discarded fish.
- b. The BSRAC points out that there could be other examples where a de minimis provision is needed. Quota swaps cannot be used as a blanket solution. Fish can also be damaged by other things than seals, rendering it unfit for stowage on board. The Fisheries Secretariat, CCB and FANC call for a very limited use of the de minimis exemption, as there are other tools that can be used, such as year-to-year flexibility.
- c. The BSRAC recognizes the necessity of applying de minimis in cases where increased selectivity is difficult to achieve or where other possibilities are exhausted. It would be logical to apply this rule when there is a need and it would apply to situations for certain stocks and for certain species. De minimis can also be seen as a tool to make the landing obligation work in practice.

7. Fishing effort

- a. The BSRAC has already pointed out that effort management is no longer necessary in the cod fishery, as both ICES and STECF have concluded and as the BALTFISH paper also writes.
- b. If the landing obligation is to be introduced with some level of success – and the BSRAC is dedicated to assisting in this – then it is also crucial that it is introduced in a way that is perceived as being meaningful. The abolishment of the effort regulation

– where it is documented to be redundant – is one way of showing that the CFP is moving forwards – not only backwards. Whether this is done through the implementation of a discard plan, an addendum to the management plan or in any other way is not important to the BSRAC, but it is seen as imperative for the compliance with the landings obligation.

8. Fixing of fishing opportunities

- a. TAC uplift to accommodate the landing of fish which would otherwise have been discarded is supported by the fisheries sector.
- b. Some of the environmental NGOs have reservations about this and do not want there to be an automatic adding on to the TACs, unless the stock is in line with the objective in Article 2.2 in the Basic Regulation, aiming to ensure that populations are maintained above levels which can produce MSY.
- c. Lack of data may lead to the Commission not proposing any TAC uplift. This puts emphasis on the need for the industry to be in the driving seat in compiling and providing data. Under the existing Control Regulation there is already the obligation for fishermen to record discards of over 50 kilos.

9. Technical measures

- a. Basically, once the landings obligation comes into force, many of the current technical regulations that apply to the Baltic under 1587/2007 will become redundant.
- b. Fishermen call for greater freedom in being able to try and out and develop their own gears, which best meet their needs. This is all the more important because there are many different vessel types and many factors should be taken into consideration.
- c. The one gear only rule should be deleted.

- d. Technical rules can include other provisions such as moving on and temporal measures.
- e. It is important that the measures in place are not over complicated as they currently are and that they can be adapted and amended in a more dynamic way so as to follow the changes in the fishery.

10. Provision on documentation

- a. The sector representatives emphasise that recording of catches must be kept in proportion and meet the realities of the fishery. It cannot be an extra burden for fishermen – especially on one man operated vessels - to have to record all catches/species. Environmental NGOs emphasize the need for full documentation of catches in order to improve stock data and information about fishing patterns.
- b. We seek clarification on the last sentence of this section: does this mean that some catches do not have to be recorded when inter-species flexibility is applied?

11. Control measures

- a. This section needs further development and we are aware of the work going on under the captainship of Sweden. We would like to highlight some overall objectives.
- b. The introduction of a landing obligation from 1st January 2015 must not turn all fishermen into criminals overnight. It is a big mind step to go from rules which force discarding to a new set of rules which require the complete opposite form of behaviour.
- c. Ensure compliance by the fishermen based on a risk based approach – the BSRAC has been constantly calling for this.

- d. That the system put in place to ensure compliance with the landing obligation is not over burdensome, unnecessarily complicated or disproportionate with the revenue which the fishery produces. It is crucial that monitoring, control and enforcement measures are harmonized throughout the Baltic region (ensuring a level playing field).
- e. For instance, the requirement to report unwanted catches and stowing of them can create added and laborious burdens that make the simple work of fishing and maintaining safe working practices on the boat burdensome.
- f. The BSRAC calls for the application of a harmonized control system across the region, based on experience from the previous problems with illegal catches.

12. Evaluation

- a. An evaluation of the landings obligation needs to be carried out within a sensible length of time, say two years. The Basic Regulation Article 15 (6) states that the Commission is empowered to put in place temporary measures for species where there is no management plan. So that means that an evaluation of the provisions for other species than cod should be carried out after three years.
- b. The BSRAC is grateful for being given the opportunity to comment on the important work of the BALTFISH and looks forward to making good use of the paper at its coming meeting in Copenhagen at the turn of the month (31st March – 1st April 2014). Participation of Member States from the BALTFISH group would be greatly appreciated and welcomed.