

2012-02-02

CCB, FISH and WWF considerations for BALTFISH FORUM 120126

The EU strategy for the Baltic Sea, encompassing much more than fishing, represents a possibility to lay the foundation for a change in the current management perspective towards regional, ecosystem-based management, including fisheries. This is reinforced by the stated ambitions for the ongoing reform of the EU Common Fishery Policy (CFP). Indeed, the European Commission has even mentioned BALTFISH as a potential model for EU regionalisation in its recent non-paper on regionalisation.

We fully support a more regional approach to management of European fisheries; one better tailored to finding appropriate regional and local solutions to management issues. However, if BALTFISH is to be the platform for regionalised management in the Baltic Sea region, we see an urgent need to make some changes to its structure and organisation:

- Openness and transparency need to be taken into account throughout the process. We find the HELCOM structure, with equal representation of stakeholders and full transparency, of interest as model. The experience of HELCOM shows that allowing observers and other actors to join the Member States' meetings does by no means have to result in unmanageable meetings. On the contrary, the participation and contributions of observers has led to a greater understanding and support of HELCOM plans. The working procedures in HELCOM, i.e. how documents are handled, also provide a good example to follow.
- With a regionalised CFP, if BALTFISH is to be an actor, there must be a more formalised organisation with a secretariat responsible for organising meetings, handling all documents and agendas.
- All agendas and documents should be presented openly according to set principles and time-frames both before and after meetings. All meeting documents shall be provided one or two weeks in advance.
- Clear guidelines for how and when to give input and comment on the work of BALTFISH, as well as the other projects under the Strategy Action Plan, need to be developed. This should include routines for the handling and publication of all written documents sent to BALTFISH.
- The major part of the BALTFISH meetings should be open to observers under equal representational rules and observer status should be formalized.

- BALTFISH should give equal status to all observers including fishermen's organisations, scientists, producer organisations, environmental NGOs, anglers, boating organisations, as well as regional/international organisations such as ICES, HELCOM and the Baltic Sea RAC. Attention should also be given to achieving a geographical representation of stakeholders.

BALTFISH was created under the EU strategy for the Baltic Sea in order to increase the sustainability of Baltic fisheries and developing and improving coordination and cooperation between EU Member States in the region. As such we believe it could be ideally placed to facilitate and co-ordinate the stakeholder co-management processes that will be needed to create fisheries-level Multiannual Plans. If this can be achieved we may see real progress towards regional, ecosystem-based management.

In the following sections, we will try to provide some input to the specific questions in the annotated agenda to the BALTFISH meeting in Helsinki on 25th of January 2012.

1. Reform of the Common Fisheries Policy

Regionalisation in the proposal from the European Commission

a) Are the regionalisation elements (multiannual plans and technical measures) in the proposal sufficient as a basis for BALTFISH activities?

The elements in the European Commission proposals leave a lot of unanswered questions regarding regionalisation. However, we believe that effective regionalisation could be delivered by the adoption of fishery-by-fishery-based multiannual plans developed by co-management groups. These plans should deliver on the overarching objectives and targets of the Common Fisheries Policy (CFP), as well as relevant EU environmental legislation such as the EC Marine Strategy Framework Directive.

Representation of interest groups: We believe it is of outmost importance that the future fishery-based multiannual plans are agreed through consultation with stakeholders really involved with the issues, through co-management procedures. Based on successful management models elsewhere in the world, plans should be developed by stakeholder groups representative of the fishery which is the subject of the plan. There should be a balance of powers shared among resource users (including industry representatives from outside the catching sector, such as processors or retailers who can provide a market perspective), government, scientists, control agencies, environmental organizations and other interest groups.

Coherence between different legal instruments: For fisheries involving more than one Member State, Member States will need to co-operate at fisheries level to develop plans in line with the objectives of both the Common Fisheries Policy and relevant environmental legislation. Measures to achieve the overarching objectives within multiannual plans need to be supported by other legal instruments central to the CFP, such as the EMFF and the CMO, which is why it is important that all three of these legislative instruments are looked at in unison.

b) Should and could the Basic Regulation in greater detail specify the competence areas for regionalisation and should regionalisation bodies be mentioned in the Regulation?

Even with the more recent non-paper from the Commission, it is still not sufficiently clear how regionalisation will work in practice and which institution would be responsible for what. Specifically, no clear regional structure is mentioned or modelled, nor an obligation to consult regionally (e.g. as under WFD). Our conclusion is that the proposed basic Regulation does not provide sufficient detail.

The Commission has recently started talking about a 'seabasin' approach, which requires that the measures adopted for each fishery under the multi-annual plans are co-ordinated effectively. This assumes building on existing co-operation among Member States, which today is rarely formalised. The Commission regards examples of this type of co-operation between Member States effective mechanisms, which can be further developed and expanded. This aspiration is, however, not adequately reflected in the legal language of the proposal and will require greater consideration.

Overall, we feel there a number of areas of concern. We see in the current wording in the non-paper two major risks as much is left up to Member States and implementation through national law:

- 1) that implementation is unequal resulting in a national rather than regional approach and going against the "level playing field" advocated in EU law, and
- 2) that some Member States may choose not to take any measures, simply awaiting a Commission response and not take real responsibility for finding regional solutions.

Regionalisation will not and cannot mean a complete relinquishing of responsibility from Brussels but it should mean greater flexibility and sharing the responsibility of implementation. The who, what and by when needs to be made much clearer in the proposals, if effective regionalisation is to be delivered.

c) Is the role of the Advisory Councils (e.g. BSRAC) appropriate as proposed in Articles 52-54?

There is very little detail on the role of the Advisory Councils in articles 52-54 and nothing that we oppose. We believe that the Advisory Councils should retain their advisory role and could play a key role in co-ordinating or facilitating the co-management groups needed to develop the multiannual plans in the sea areas covered by the different Councils. Some of the Advisory Councils envisaged are by nature not sea-basin based, nor truly regional.

2. Landing obligation, mandatory Transferable Fishing Concessions (TFC) and other CFP reform issues

a) Should the landing obligation cover all regulated Baltic fish stocks (Baltic herring, sprat, cod and salmon) and are reference sizes as a general rule appropriate?

Significant progress has been made recently in attempting to curb discards within European waters. The Commission proposals for a phased in discard ban within the CFP reform and the agreement between Norway, Sweden and Denmark to be implemented in the Skagerrak from 2013 are steps in the right direction. If enforced, the current waste of edible fish products will be reduced and scientists will be provided with better data on fishing-related marine mortality.

In order for the benefits of a landing obligation to be reaped however, the regulation should cover all marine life rather than just those fish covered by quota (with possible exception of species with a sufficiently high survival rate upon release). Such a discard ban would create a stronger incentive for better selectivity in fishing gears and also allow a more complete picture of the impacts of fishing on the marine environment to emerge. This is a prerequisite of ecosystem-based management, which is already a fundamental principle in the basic regulation of the CFP and has been highlighted as a key policy objective by several Baltic Member States during the ongoing CFP reform process.

Regarding reference sizes (e.g. minimum landing sizes), these are important management tools if technical regulations are consistent, particularly to ensure better recruitment in overfished stocks. To reduce or remove reference sizes would not be desirable, without further investigation of the potential effects.

Worries over the creation of a market for juveniles also persist. We advise that along with the landing obligation, a minimum market size should be introduced that enables fish species to reproduce at least once before they are targeted.

b) Is a full documentation of fishing activities a necessary element of a landing obligation?

The principle of full documentation of fishing activities is positive as a reference for whether selectivity targets are being met and in order to improve the information available regarding fishing activities. However, the tools implemented will depend on the fleet segment.

For smaller vessels using passive gears, logbooks will likely remain a suitable tool for controlling fishing. However, for larger vessels and trawlers of all sizes, a combination of VMS, prior notification of landings, and potentially the use of CCTV would all be required to ensure consistencies of full documentation. For full documentation to exist, large tour boats that run sea angling trips should also be accounted for. At present this is an unregulated industry, and records of catches would be beneficial for management.

Regarding CCTV, it remains to be seen whether it would act as a control mechanism, as trials with volunteers do not provide sufficient evidence for its reliability. A highgrading ban is currently in place and this is monitored without onboard cameras.

Moreover, the question of how the release of fish and other species with a high chance of survival would be handled within a system of full documentation needs to be resolved.

c) Is an obligation to apply TFCs appropriate and necessary?

We oppose mandatory TFCs as a single-option solution (Article 27ff), and ask that Member States have the flexibility to choose from a range of options on how to allocate access to fishing resources. A criteria-based approach providing preferential access to the most sustainable operations should be one of the options.

If a TFC system is used, a resource rent should be attached. Furthermore, the time period for which they are proposed to be allocated should be shorter, and safeguards need to be built in to any such system to protect tax payers from financial liabilities.

3. Proposal for a long-term management of Baltic salmon stocks

a) Should the Council try to reach a common view during 2012 to start the discussion with the EP or should it await an adoption of the Basic Regulation?

Considering the current status of Baltic salmon populations, the Council and the European Parliament should do their utmost to agree on an ambitious and long-term management regime for Baltic salmon during 2012. They should not await adoption of the Basic Regulation.

The main points in the proposed LTMP for Baltic salmon – objectives, targets, control and enforcement– are already in line with the current proposal for a new Basic Regulation.

b) Should technical measures such as discard elimination provisions be included in the proposal?

Unwanted catch, undersized catch and minimizing the risk of such catch should be addressed in the plan. To harmonise the size limits for salmon and sea trout would be a first step to reduce the risk of landing fish that has not yet spawned and reduce the risk of mixing sea trout and salmon. Improved selectivity and reduction of bycatch is of major importance, especially if all catches should be landed under a discard ban.

We also strongly recommend that multiannual plans include measures to – where identified and assessed – eliminate discards and reduce capacity.

If need be, technical measures can also be included in other regulations. For example, targets for selectivity can be set at EU level, leaving the actual implementation and necessary gear changes to be agreed on a regional level within a set timeframe.

c) How can we reduce discards of undersized salmon in long-lining?

This question is linked to question b) above, as well as the issue of a possible discard ban/landing obligation. There are studies showing that hook and bait sizes have an effect on catch sizes. The type of hook used may also be of importance. A fish hooked in the front end of the mouth has a much better chance of surviving after being released. Sharp and appropriate size circle hooks have proven to be very effective and increase the possibility to release fish alive to the water.

However, long-lining will most likely always have a high rate of unwanted catch and under a discard ban it is difficult to see how this can be tackled. We support and strongly recommend that the open sea mixed stock fishery for salmon is phased out and moved closer to the coast and rivers. This recommendation of course includes support for the best and most selective gears and it is not likely that floating or near surface long-lines will fit that description and be usable with a discard ban in place.

In addition, it is important to reduce bycatch of salmon in all Baltic fisheries, not least the pelagic trawling fisheries where high bycatch of small salmon has been estimated by ICES.

CCB, FISH and WWF look forward to future cooperation in the Baltfish forum!