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REPORT of BALTFISH Technical Working Group Measures to improve the situation of Baltic cod stocks

1. Introduction and terms of reference

[This Report has been prepared by the BALTFISH Technical Working Group (TWG) following the commitments that BALTFISH have entered into, in particular Statement 3 contained in the Joint Recommendation on Baltic Sea TACs 2016. To a lesser extent, the matters referred to in Statement 1 on recreational fisheries are also covered. The respective statements are annexed to this Report (Annex 1).]

[The measures suggested in this Report to improve the situation of Baltic cod result from TWG discussions and include a significant input from the stakeholders.]

2. Process

The discussions were kicked-off by a Presidency non-paper of 21 January 2016 contained in Annex 2. The non-paper has been discussed at the open TWG session of 27-28 January 2016. Subsequently, the Presidency has prepared a questionnaire to BALTFISH Members, which was presented at the restricted TWG meeting of 29 February. The answers to the questionnaire allowed the Presidency to compile the draft answers to questions. The BALTFISH Forum and HLG have been informed of the progress in TWG work at their April session.

[further process to be specified]

3. Measures submitted for discussion and decision by HLG (applicable to both Eastern and Western cod stocks unless otherwise specified)

a. Technical measures

i. Minimum Conservation Reference Size (MCRS)

- Should MCRS be kept at 35 cm beyond 2017?

Most BALTFISH Members agree, even if reluctantly, with the option of keeping the MCRS at 35 cm at this stage. Certain BALTFISH Members link any changes in this regard to development of innovative fishing gears or provision of new scientific advice from ICES. An idea allowing to sell fish below 35 cm for human consumption with a punitive catch quota deduction coefficient has been aired.

ii. Minimum mesh size in trawls; allowed towed gears

- Should the minimum mesh size opening in codends of demersal trawls be reduced from 120 mm to 110 mm in order to ensure compatibility with the applicable MCRS?

BALTFISH Members seem to be divided over this question. Some prefer keeping the mesh size opening unchanged, possibly until warranted by scientific advice, while others support such change. One BALTFISH Member is explicitly against such change given a consequent decrease in selectivity.

- Should mesh size rules for gillnets remain unchanged?

Most BALTFISH Members have answered positively to the question.

- The detailed rules¹ defining the construction of BACOMA and T90 trawls should be abolished.

A majority of BALTFISH Members are in favor of such abolishment or sympathetic towards it in the longer run, while others prefer to obtain a specific scientific advice on its effects. Some are concerned about control and inspection consequences. An idea has been floated to keep the current specifications in force and treat them as reference for new selective gears to be developed.

- Should a transparent and “legally light” process based on scientific peer-review be established in order to ensure that innovative gear designs are safe from a conservation standpoint? How could it be designed in detail?

All BALTFISH Members agree that such process should be introduced, using existing scientific and technical bodies where possible. There are certain differences as to the details of the process, but all opinions include: a trial/pilot phase, a scientific and technical peer review and finally a transparent information on the gear design for the fishers and inspection services to use. A caution is urged by some BALTFISH Members as to the risk of over-burdening scientists and technical experts with work on gear designs.

iii. Temporal closures (Article 8 paragraph 1 of Cod Plan²)

Western stock:

- Is current timing of the closure³ correct?

The most concerned BALTFISH Members confirm that the current timing is correct as regards the spawning time. Particular attention needs to be paid to devising the exemption for small-scale coastal fleet in such a way that the purpose of the closure is not undermined and the exemption is easily controllable by inspection services.

- Should it apply to SD24?

The most concerned BALTFISH Members consider that application of closure to SD24 would not be appropriate on the basis of current science. Other BALTFISH Members are willing to agree to a solution supported by scientific advice.

Eastern stock:

- Is current timing of the closure⁴ correct?

Most BALTFISH Members consider that the timing of the closure should be commensurate with the peak spawning time as identified by scientific advice. Some Members think that the current timing should be kept, while others support the idea of prolonging the closure.

¹ Appendices 1 and 2 to Annex II of Council Regulation 2187/2005

² Council Regulation 1098/2007

³ 15 February to 31 March as per Council Regulation 2072/2015

⁴ 1 July to 31 August

- Should applicability be extended also to pelagic fisheries?
Most BALTFISH Members consider that the applicability of the closure should be supported by scientific advice. Some BALTFISH Members see the added value from such extension to protect cod eggs and larvae, while a number of others see no biological justification for it.

Both stocks: what exemption should be applicable to small-scale fleet?

A majority of BALTFISH Member see the need for such an exemption, while some would prefer not having such exemptions at all. Various options have been presented as to the details of exemptions, including: excluding fishing in 20 isobath, fishing in the 12-mile zone with passive gears, or keeping the 5-day per month exemption contained in the old cod plan.

iv. Spatial closures to protect spawning (Article 9 of Cod Plan)

Eastern stock:

- Update the Bornholm Deep coordinates to take account of Southbound part of the Deep not closed currently (see map in Annex 3);
- Leave other spatial closures unchanged;
- Is current timing of the closure⁵ correct?

A majority BALTFISH Members have called for providing the appropriate scientific underpinning for the spatial closures to protect spawning. Certain BALTFISH Members have voiced support for Presidency proposal, while others opted for replacing the spawning area closures with a mechanism of real-time closures.

Western stock: are spatial closures to protect spawning necessary?

The most concerned BALTFISH Members consider that these are not necessary. Others are open towards regulating the matter in accordance with scientific advice.

v. Real-time closures to protect concentrations of juvenile cod

The proposed European Parliament and Council Regulation on technical measures foresees the use of real-time closures (RTCs) mechanism under certain conditions⁶. In general, most BALTFISH Members consider the real-time closures a good idea which could add to the level of conservation of Baltic cod. However, there is some concern whether the RTCs mechanism can be made operational in the context of EU regulatory conditions and budgetary constraints.

vi. Measures to protect large cod

How best to foster innovative gear designs in the direction of protecting large cod?

Certain BALTFISH Members consider constructing such gears feasible from technical standpoint. The key issue in this regard is providing the right incentives for fishers to use such gears, which avoid catching most valuable fish. The need for close

⁵ 1 May to 31 October

⁶ (Article 23 of the proposed Technical Measures Regulation

collaboration between fishers and science has also been stressed. A number of BALTFISH Members need time to further reflect on the matter.

Are closures on wreck spots a good idea? Should they include recreational fisheries?

Most BALTFISH Members need to reflect further on the matter, while some are skeptical due to difficulty in controlling such a measure and possible high costs.

b. Environmental aspects affecting fisheries

Most BALTFISH Members consider that BALTFISH could add most value to dealing with damage to catches caused by predators (particularly seals) by sharing practical experience on solutions employed at national level.

c. Recreational fishing

Applicability a technical measure to recreational fisheries is suggested in section 3.a.vi. above. Are there any other measures that may be made applicable to recreational fisheries targeting cod?

Most BALTFISH Members prefer to work with the recreational fishing matters through collecting and sharing information on national situations, prior to taking any regulatory initiatives. An idea of a bag limit for cod in recreational fishing has also been floated.

There is a clear need for a strong demarcation line between commercial and recreational fishing mortality. Commercial fishermen cannot pay the price for recreational fishing development with their fishing opportunities.

d. Other measures and aspects

Relocation of pelagic fishing effort

Should an ICES suggestion to spatially relocate pelagic fishing effort outside of SD 25-26 in order to improve prey availability for cod be further considered by BALTFISH?

Most BALTFISH Members do not see this idea provided by ICES as worth pursuing further, at least until the newest ICES advice is available. Some BALTFISH Members see its added value, but only as a coordinated measure for all fleets fishing in the Central Baltic.

Relation with fisheries control aspects

The changes recommended in applicable rules, in particular as regards technical measures, should be subject to a scrutiny from Control Working Group (CWG). This goes particularly for the necessary updates in risk assessment guidelines and other tools used by the CWG.

Annex 1

HLG Statements from Joint Recommendation on 2016 Baltic Fishing Opportunities

1. On recreational fishing of Cod

BALTFISH Member States agree that accounting for recreational catches as part of global fishing mortality presented in the ICES advice is the objective of BALTFISH. To this end, BALTFISH Member States undertake, as a matter of high priority, to:

- a) Improve their data collection systems to assure a sound basis for inclusion of mortality caused by recreational fisheries into ICES assessments;*
- b) Exchange information on currently applicable national regulatory practices regarding recreational fishing and improve them where necessary;*
- c) Draft a request to ICES for a more detailed explanation of their methodology of accounting for recreational catches;*
- d) Agree on the methodology of accounting for Western cod recreational catches as part of global fishing mortality of that stock not later than 31 December 2016.*

(...)

3. On the creation of BALTFISH Technical Working Group

Willing to overcome the recent difficulties in the management of Baltic cod stocks, BALTFISH Member States agree to create a BALTFISH Technical Working Group (TWG). Its Terms of Reference shall be i.a. as follows:

- a) Examine all available and relevant information to improve management regime for Baltic cod stocks;*
- b) Discuss the matters pertaining to properly quantifying and regulating recreational fishing of cod and identify the appropriate ways forward;*
- c) Examine the spatial and temporal occurrence of cod in Central and Western Baltic.*

The TWG shall report to HLG not later than 30 June 2016. It shall have an open nature, comprising i.a. the scientists, industry professionals, officials and other stakeholders with the expertise appropriate for the tasks above. The BALTFISH Presidency commits itself to prepare the Terms of Reference for the TWG as a matter of high priority.

How to help improve Eastern Baltic cod situation? Non-paper by BALTFISH Presidency for TWG consideration

1. Context and purpose

This document has been prepared by the BALTFISH Presidency following the commitments that BALTFISH have entered into, in particular Statement 3 contained in the Joint Recommendation for Baltic Sea TACs 2016. To a lesser extent, the matters referred to in Statement 1 on recreational fisheries are also covered. The respective statements are annexed to this non-paper.

The recent suspension of MSC label for all Eastern Baltic cod fisheries is a catalyst further underscoring the need for BALTFISH to find concrete solutions to the issues negatively affecting the status of Eastern Baltic cod stock.

The ideas presented in the non-paper have been mentioned in the ICES advice or are part of the new philosophy of technical measures. They serve as a basis for a discussion by the TWG and are to be seen as non-exhaustive.

Being part of a separate annual process based on a dedicated ICES advice, the considerations on TAC level have been excluded from the non-paper.

The objective of the TWG work is to produce a report by 30 June 2016.

2. Options for measures

a. Technical measures

The reformed CFP assumes a sea change in the philosophy of fisheries regulation through technical measures. It consists in reducing the number of prescriptive measures to a necessary minimum and moving towards a results-oriented approach with empowerment for the industry to achieve a desired catch structure. This particularly applies as regards fishing gear characteristics, often cited as the example of overly prescriptive regulation.

As regards cod, we think that a discussion should be held on the effects, appropriateness and possible modifications to:

- the reduction of MCRS to 35 cm, which expires at the end of this year;
- the minimum mesh size of 120 mm

- the applicable spawning closures (i.e. the areas and the summer ban⁷)

The Presidency is of the opinion that new measures should be considered, particularly with regard to:

- protection of concentrations of juveniles by some form of real-time closures, with full appreciation of the related regulatory difficulties;
- protection of older and larger specimens in the cod stocks, given their role in successful spawning and importance in assuring the genetic diversity (and thus resilience) of the stock;

The Presidency further considers that an exchange of information on the measures applied by Member States to protect juvenile cod in their coastal zones would be useful.

A separate but crucially important issue (also stemming from the reality of landing obligation) is the necessity to re-focus the priorities of control services towards ensuring the right behaviour of fishers at sea and being able to cover the “reversal of burden of proof”, especially as regard the construction of fishing gears.

Additionally, it should be considered whether some form of *ex-ante* assessment of new gear designs is needed.

b. Food limitation for cod in SD 25 - 26 and possible relocation of pelagic fishing effort

For the last two years, ICES have advised that a spatial management plan for pelagic fisheries in subdivisions 25-26 would be desirable to improve cod condition. Sprat and herring are important food items for cod, but the present high biomass of the two prey stocks is mainly distributed outside the distribution area for cod. The relative catch proportion of sprat in the main cod distribution area has since 2010 increased from 37% of the total catch to 47% in 2014. This increase in fishing pressure on sprat may deteriorate the feeding condition for cod as prey availability decreases. Restrictions on sprat catches taken in the main cod distribution area should be established.

Back in 2014, this measure was considered by managers but ultimately not taken forward. Given the protracted negative trend in cod status, even if some signs of improvement are visible, measures aimed at relocating at least some parts of pelagic fishing effort outside SD25-26, as advised by ICES, should be seriously considered by the managers.

Given the lack of EU-level regulatory measures allowing to relocate fishing effort spatially, a set of coordinated national measures from all Baltic Member States would be required. This could usefully be preceded by a limited-scale pilot project with a full scientific monitoring, at best through on-board observers.

c. Environmental issues to address in the context of eco-system based management

⁷ The spawning closures cover the Bornholm, Gdansk and Gotland Deep and apply to all fishing activities from 1 May to 31 October. The summer ban is a closure for cod fisheries from 1 July to 31 August with a derogation for small-scale fleet, which allowed to fish 5 days a month;

There seems to be a widespread view in the scientific community that the current status of the stock is, for the most part, a consequence of a profound and negative change in environmental conditions affecting the stock. It is particularly related to anoxic areas which heavily affect the condition of cod specimens, changes in benthic fauna, as well as the spread parasites induced by seals, for which the cod are intermediate hosts.

It is clear that formulating any regulatory measures capable of addressing both matters mentioned above goes beyond the remit of BALTFISH, or indeed the CFP. However, in the context of ecosystem-based approach to fisheries management, BALTFISH could formulate the needs to address the matters mentioned above, from the cod and cod fisheries standpoint, by the relevant regional fora, in particular HELCOM, in some form of written communication.

d. Recreational fishing

In the context of Eastern Baltic cod, it is particularly important to work towards obtaining an improved information as to the impact of recreational fishing on the Eastern cod stock. On the basis of such information, regulatory measures should be considered.

It should be ensured that a clear watershed is introduced between recreational fisheries management and commercial fisheries management and maintained at all levels – from data collection, through scientific advice provision, to deciding on management measures. This goes in particular for calculating fishing mortality and catch levels. However, certain technical measures, such as temporal and spatial closures, could be made applicable to both recreational and commercial fisheries.

e. Other ideas?

Annex 3

Bornholm Deep – proposed extension

