

Comments to the Baltfish Draft Joint Recommendation on updating the Landing Obligation

This is a joint contribution from CCB and Fisheries Secretariat to BALTFISH with regard to the development of a delegated act for the landing obligation (LO) in the Baltic Sea fisheries to be incorporated into Article 7 of the Baltic multiannual plan ahead of the BALTFISH meetings in Berlin on 26-27 April.

We welcome the draft text from the German Presidency and the opportunity to discuss the matter. However we have some questions as a follow up of the Baltfish recommendation for the LO from May 2014 and we would like to comment on parts of the draft itself. **The Landing obligation has yet to change fishing behaviour and illegal discarding has persisted**, particularly in the demersal trawl fisheries. This update of the legislation provides the opportunity to improve the implementation of the LO and eradicate discards.

Follow up of the Baltfish recommendation nr 1, May 2014

In 2014, Baltfish finalised the recommendation for the Baltic landing obligation, dated 27th of May. In that paper there is a series of issues to be finalised, some even with a timeline. We would like to highlight some of these.

Evaluations

The 2014 BALTFISH paper said it would:

- make a more detailed evaluation [of the discard plan] not later than two years after entering into force
- evaluate the effect of the reduction of MCRS for cod
- evaluate the species and gear specific exemptions
- look at the level of seal damaged fish

Have these evaluations taken place?

Given that the LO cannot be seen as a success, while discarding continues and fishing patterns are unchanged, it is of concern that no evaluation seems to have taken place or made publicly accessible.

In the absence of such an evaluation, however, the Presidency draft recommendation states “the provisions of the current discard plan have proved to be effective and appropriate, amendments have not been requested so far”.

What is the basis for this?

We know from EFCA, ICES and STECF that the fishing pattern in the Baltic has not changed at all and that discarding continues and is even higher than what is stated in the Baltfish paper of 2014 (10% was used). For example, EFCA has identified the demersal trawls operating in the western Baltic cod fishery as the highest discard risk group in the region and we welcome that Sweden reallocated their entire quota for this year to the more selective passive gear segment but that is the only change we are aware of.

Sea trout

In the recommendation from 2014 the issues of including sea trout in the LO is discussed, for example:

“The sea trout fishery in many respects is very similar to the salmon fishery...such inclusion could lead to minimizing misreporting”.

BALTFISH was at that time of the opinion that sea trout should be included in a discard plan not later than 1 January 2017”.

What has changed and why? What strong evidence is there to substantiate possible exemptions?

Comments based on the draft from the German Chair of Baltfish

1. Background

The paper should make clear for an evaluation of the LO and its elements to take place and amend the text on page one.

2.1 Survivability exemptions

We question the basis for current exemptions based on high survival for salmon. An evaluation was called for and noted by Baltfish already in 2014 and it has not been done. The exemptions in place are based on data from a study not reflecting current standards of gear and fishing operations. To carry such exemptions forward without addressing the issue of survival of released salmon is not acceptable. See detailed comments in about scientific evidence below.

Furthermore, the draft paper suggests adding plaice to a list of exempted species when caught in trap-nets etc, but there is no scientific backing, no considerations of what the fishery looks like etc. in accordance with the CFP rules in art 15.4b. In section on “Scientific evidence for exemptions” there is nothing presented about plaice.

Finally, we assume that Baltfish means these exemptions are for fish that are alive, thus the text should be amended accordingly:

“By way of derogation from article 15(1) of Regulation (EU) No 1380/2013, the landing obligation shall not apply to cod, salmon and **plaice** caught with trap-nets, creels/pots, fyke-nets and pound nets. All such cod and salmon may be released back into the sea “[*if alive*].”

2.2 De minimis exemptions

Fish damaged by predators should continue to not be counted against quotas but provisions should be made to record the volume of mortality.

The current proposed text states:

“However, as selectivity in fisheries conducted with static gear cannot be further improved, the HLG recommends a de minimis exemption of 5 % for these fisheries.”

It’s unclear if this text refers to all static gears or only a few because the generic statement that static gear selectivity cannot be changed is not correct regarding for example for traps nets. Ongoing trials are considering ways to hinder salmon to enter traps while allowing for white fish catches as one example. Nets used for demersal fishing can certainly be made more target size selective as well.

As BALTFISH stated in 2014 “De minimis...should only be used as a last resort when other possibilities are exhausted or cannot be applied”. **Is this still the position of BALTFISH?**

BALTFISH stated in 2014 that “catches of seal and other predators damaged fish should be recorded and/or landed with a view to obtaining data to estimate the scope of the problem in the Baltic Sea and for stock assessment purposes”. **What measures have been put in place or are being implemented in order to achieve this?**

We ask Baltfish to clarify this proposal and explain what has changed since the 2014 in light of the above statements from 2014 and now proposed text.

2.4 Minimum conservation reference sizes

As mentioned, a crucial part of the statements made when the LO was put in place was the point on lowering MCRS for cod and what effects this may have. Where is this evaluation and what based on the current situation and cod stock composition can be linked to this reduction of the MCRS?

Baltfish should consider and assess impact if the MCRS for salmon and sea trout were harmonised to minimise misreporting.

3 (noted as 2. In draft paper) Scientific evidence for exemptions

The draft paper states that:

“Scientific evidence for justifying exemptions for both salmon and cod was provided in the Joint Recommendation of 27 May 2014 on the outline of a Discard Plan for the Baltic Sea in annex 2 and 3 respectively. The scientific evidence is still valid for both stocks.”

We must question this for several reasons. First, the above text makes no reference to plaice and yet plaice is listed under section 2.1 to be added to the list for certain gears. Second salmon exemptions are as noted in 2014 not unproblematic and should have been evaluated.

The possibility to consider exemptions from the landing obligation based on high survival is given in CFP basic Regulation Article 15.4b (as well as in Article 7 of the Baltic Multiannual management plan for cod, sprat and herring, Reg. (EU) 2016/1139):

“species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem”

STECF has provided guidance on how review of species for exemptions should be conducted. A few basic questions need to be answered: (see STECF [EWG 13-17](#))

- A description of the fishery and the species for which the exemption is being sought
- A description of the available scientific evidence on discard survival rates relevant to the management unit
- A description of how representative the survival data are for the management unit and how the exemption will be managed

For plaice this has not been done as far as we are aware. To simply add plaice to list of exempted species without justification is against the rules of the CFP.

Regarding the exemptions given to salmon trap net fishery we raise concerns for four reasons:

1. The actual scientific support used as basis for derogation (7-11% mortality) is mainly from a study published in 2006 ([Siira et al 2006](#)), where the actual fishing was done in 2001-2002. This study is insufficient since it does not consider the current characteristics of the gears and of the fishing practices since it is extremely dependent on handling of fish in traps. In this study fish were tagged, after carefully lifting each individual fish from traps and that is not at all comparable with on the field situations as stated in the legal text regarding exemptions. Emptying a push-up trap is something completely different compared to lifting individual fish. CCB must therefore question if exemptions based on this study is in line with the CFP.
2. The scientific study that the exemption is based on does not assess post release mortality such as increased risk of predation.
3. ICES WGBAST does not use the range of 7-11% when assessing impact from trap net releases, but instead use a range of mean values of 25% - 50% (full range 10-70% shows the great uncertainty) total mortality due to catch and release in trap nets. ICES use the assumptions based on expert opinion and do not consider the mentioned study from 2006 valid for current conditions.
4. BALTFISH underlined in 2014 that the survival was to be studied and verified already in 2015 and nothing has been presented and to just prolong this derogation without further justification is not acceptable considering the above points 1-3.

We propose three options:

- state in the new delegated act that this exemption will be reviewed by end of 2018 at the latest by studies of post release mortality;
- before the end of 2017, technical modifications to limit impact on fish when servicing the traps should be developed and presented, i.e. recommendations for handling, air exposure time, unfit temperature range, reporting etc. Such recommendations need to be incorporated in the new salmon management plan.
- the exemption should be made time bound so that it focuses on the actual time period just before the salmon season starts when traps are set, and a 2-3 week period after season closes to facilitate smooth removal period but no later than end of July. Such limitation is possible to create within the scope of this recommendation.
- Furthermore, Baltfish should, again, consider revising the MCRS for salmons and sea trout by aligning the sizes to minimize the problem of separating the species. An assessment of the impact of such a change was already in 2014 called for but nothing has been done.