

**Key points and recommendations from the
Demersal Working Group meeting held in Klaipeda
on August 22nd and 23rd 2006**

Chairman: Michael Andersen
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Introduction

- In recognition of the significance and importance that the Lithuanian Government attaches to the need for a sustainable Baltic Sea cod fishery, the meeting was opened with an address given, on behalf of the Lithuanian Minister of Agriculture, by her Secretary.
- 29 representatives from the fishing industry and environmental organisations participated in the meeting. As many as 10 other people observed the proceedings and the press and TV were present.
- The Chairman of ICES Advisory Committee on Fisheries (ACFM) and a representative from the European Commission also participated in the meeting. On behalf of the Working Group the Chairman would like to thank them for their assistance and helpful contributions.
- Also, on behalf of the Working Group, the Chairman would like to express grateful thanks to Alfonsas Bargaila and Remigijus Sakas of the Lithuanian Fisheries Producer Organisation for helping to organise the excellent meeting venue; for ensuring that the group was well “fed and watered”; and, for organising a number of social events which contributed to the excellent and constructive spirit within which the meeting was held.

Background

- The meeting of the Working Group was convened under the mandate of BSRAC Executive Committee (ExCom) to discuss and provide recommendations on the European Commission’s proposal for a multi-annual management plan for the cod stocks and the fisheries in the Baltic Sea.
- The Working Group was also asked to discuss the issue of non-compliance of fisheries regulations, following the last ExCom meeting.
- Prior to the meeting the European Commission also provided the Working Group with their provisional proposals for the 2007 TACs and invited the Working Group, through the ExCom, to provide their views on the proposals for next years cod fishery.

Proposal for a management plan for cod in the Baltic

The representatives within the group were asked to provide their initial views on the Commission's proposed multi annual plan:

- There was a consensus from the group that a new management plan was needed.
- There was a consensus from the fishing industry representatives that there were some good points in the plan, however, in its present form they would not be able to support it. In particular, among their concerns, was the issue of a long term, year-on-year reduction in fishing effort
- The environmental representatives highlighted concerns regarding the lack of a long term impact assessment of the plan. However, they considered that if the plan was effectively implemented the present situation would be improved.
- There was a consensus from the group that any plan will be useless unless there was significant improvement in compliance.
- There was a consensus from the group that an impact analysis on the social and economical consequences of the plan needed to be undertaken.
- The group agreed that it did not see the proposed plan as the final solution and agreed at future meetings to discuss alternative measures that can be included in a management plan.

It was within this context that detailed discussion of the plan took place...

The Working Group reviewed the proposed multi-annual plan article by article. The following slides represent points of note on particular articles and highlights recommendations from the Working Group to ExCom:

• Article 1 – *Subject matter*

While appreciating the biological reasons for dividing the Baltic cod stocks into two, there was concern that this approach provided opportunity for misreporting area of capture.

Recommendation

To ask the Commission if there was any evidence that a problem with misreporting area of capture had been created with the division of the two Baltic Sea cod stocks. If it has, the Working Group would reconsider the value of having two distinct stocks for management purposes.

•Article 4 – Objective and targets

The group agreed with the objective. It also agreed that even with 100% compliance there needed to be a reduction in fishing mortality.

However, the fishing industry representatives consider that the target fishing mortality rates are set too low.

There was no agreement on what were more appropriate target values.

•Article 6 – Procedure for setting TACs for the cod stocks concerned

There was a consensus view that fishing mortality rates need to be reduced. However the group were unable to agree on the level of reduction.

Some fishing industry representatives proposed that the Fisheries Council should decide on the level of reduction of fishing mortality rates and TACs within the 10% and 15% limits, respectively. This could be done by inserting the words “up to” in the relevant paragraphs.

The environmental representatives consider that a 10% reduction of the cod mortality is a very modest ambition and consider that further reductions of mortality are needed to reach an ecologically balanced fishery.

•Article 7 – Derogation from Article 6

The group were unclear of the necessity for this Article as it was under the impression that the Council could, if deemed necessary, introduce emergency measures.

Recommendation

To seek opinion from the Commission as to whether Article 7 is redundant.

•Article 8 – Procedure for setting periods when fishing with gear of a mesh size equal to or larger than 90 mm or with bottom set lines is allowed

The discussion focused on Article 8 (1)(3) and (6):

Article 8(1), there were a number of suggestions for rewording the text so that it specifically refers to cod, i.e., “It shall be prohibited to fish (*insert*) **for cod** with trawls...”

Some fishing industry representatives are in favour of closed seasons that reflect spawning periods, however, they do not think the proposed closures reflect spawning periods and would like to discuss changing them.

Alternatively, some fishing industry representatives do not like closed seasons. They see that they have limited impact on spawning congregations and believe that the equivalent days from each closed period should be used in a days at sea system.

A compromise of a 2 month closed season in the East and a 1 month closed season in the West with the remaining time being based on a days at sea system was discussed and received general support, although not all were ready to sign up to the model at present.

Some members of the fishing industry highlighted their concern from their experience in the North Sea where it was not always possible to catch the available quota in the allocated days.

The environmental representatives saw benefits in closed periods for spawning times and would consider days at sea as an alternative if provided with more information on the potential consequence of such a system and how it would be applied.

Recommendation

To request that Article 8 (1)(b) should include Subdivision 28, but not the Gulf of Riga, i.e., Subdivisions 25-27 and 28.2.

•Article 8(3)

There was a consensus from the fishing industry that they could not accept an annual 10% reduction in fishing effort for a prolonged period as the plan suggests.

The industry would support a system where effort reductions are only applied under certain conditions. However, what these might be would be dependent on other aspects of the plan.

Given the poor state of the stocks, in particular the Eastern stock, the environmental representatives consider that an annual reduction in fishing effort greater than 10% reduction is necessary. However, they recognise that the proposal provides a compromise between a short sharp shock and a more gradual, but less effective, decline.

•Article 8(6)

A number of amendments and additions were suggested by the fishing industry, however, no consensus view was reached. Some representatives proposed that:

- bottom set lines are included in the list of fishing gears.
- <12 m vessels should not be subject to closed periods.
- Quota should be “ring-fenced” for <12 m vessels, e.g., 5-10% of the national quota.
- The old 200 kg limit of cod should be used for <12 m vessels.

In association with Article 8 there was a discussion about the imbalance between fleet capacity and available fisheries resources. The “old” Member States have restructured under the Multi Annual Guidance Programme and the new Member State have begun to decommission significant numbers of vessels. However, there was agreement that an imbalance remains.

Recommendation

To ask the Commission to initiate a study into what the capacity/resource balance should look like within the Baltic region, taking into account the points of view of Member State fishing industries as well as BS RAC members.

•Article 9 – *Procedure for the recovery of fishing days*

Some industry representatives considered that this was an anomaly within the plan, i.e., while the plan advocates reduced fishing effort, this provides an opportunity to gain more fishing days.

An alternative suggestion was supported by some industry and environmental representatives to use an incentive of additional fishing days to encourage fishermen to change to more selective forms of fishing.

•Article 10 – *Area restrictions on fishing*

The environmental representatives asked that the group support a proposal to request ICES provide advice on the benefits of permanently closing the seasonally closed areas.

The fishing industry was unanimously against making these permanent closures.

The Commission confirmed that the benefits of the closed areas will be evaluated in the near future.

•Article 12 - *Logbooks*

Some of the environmental representatives proposed that VMS should be used for vessels above 12 m.

The Commission will investigate if the European Fisheries Fund (EFF) can provide funding for such a measure.

Some fishing industry representatives supported the proposal, but there was no consensus reached.

•Article 13 – *Electronic recording and transmission of catch data*

The fishing industry is not opposed to the voluntary use of electronic logbooks. But the industry will not support their mandatory use.

Some environmental representatives proposed that it should be mandatory on all vessels that have VMS to use electronic logbooks and this should apply to vessels above 12 m.

•Article 16 – *Margin of tolerance in the logbook*

There was a group consensus that an 8% tolerance on logbook estimates was inappropriate and for practical reasons should be changed to 10%.

Recommendation

To change the 8% tolerance on logbook estimates to 10%.

•Article 17 – *Entry into or exit from specific areas*

Article 17(1), because of the previous agreement to recommend the inclusion of the whole of the Eastern Baltic it was agreed that this Article should include subdivisions 28.2 in “Area B”. This will require a consequential correction of Article 17(2).

There was a request not to change the existing rule 2.4 in Annex III in Council Regulation (EC) No 52/2006.

There was agreement that the obligation to land cod if a vessels seek harbour with more than 100 kg was found to be too strict, and potentially dangerous as it might deter vessels from seeking safe harbour during unfavourable weather conditions. An obligation to inform authorities about such entries and exits could be put into effect.

Recommendation

To include subdivision 28.2 in “Area B” when referring to the commencement of fishing activity for vessels with less than 100 kg of cod.

Recommendation

To allow vessels to enter and exit ports with cod catches in excess of 100 kg.

•Article 20 – *Weighing of cod first landed*

There was agreement that specifying that vessels with more than 100 kg of cod need to report to authorities was, by and large, irrelevant as it was the responsibility of Member States authorities to target their inspections.

Recommendation

To increase the weight at which vessels are required to report to the authorities before landing from 100 to 300 kg.

•Article 21 – *Inspection Benchmarks*

It was agreed that in order to improve working relations and contribute to improved compliance with the Commission and Member State control and enforcement authorities the group should ask that the Commission present their analysis of the “Inspection Benchmarks”.

This would be part of the initiative on improving compliance which is highlighted in the following slide.

Recommendation

To request that the Commission present their analysis of “Inspection Benchmarks” to the Working either on a formal or informal basis.

Non compliance

After the discussion about the proposal for a multi annual management plan there was a discussion on the issue of non compliance under “Chatham House Rules”, i.e. where no comments are attributable to anyone or any organisation.

The group agreed that it would have been very useful if the Commission had published its evaluation of Member States implementation of Annex III to Regulation 52/2006.

The group had understood that an objective of the evaluation was to inform the development and implementation of a Community management plan and so were disappointed that the proposed management plan had been published without the findings of the evaluation being made available.

The group could only conclude that from the presentation of the interim report of the evaluation by the Commission at the last IBSFC meeting in Visby, in September 2005, that there were significant shortfalls in some of the Member States application and implementation of EU fisheries regulations.

There was consensus of opinion that the Working Group should, at the earliest opportunity, be given access to the evaluation report. As soon as possible, thereafter, the group proposed to meet with the Commission and representatives from the Member States control and enforcement agencies to discuss the findings and, by working together, seek ways to tackle the problems of non compliance.

It was agreed that, owing to the sensitive nature of this issue, this approach should be conducted under “Chatham House rules”.

It was also unanimously agreed to request that such meetings should be held at regular intervals with the Commission and Member State control and enforcement agencies.

Recommendations

(i) To request early access to the Commission’s evaluation report of the implementation of Annex III of Regulation 52/2006.

(ii) To request a presentation and opportunity to discuss with the Commission and the Member States control and enforcement agencies the results of the evaluation report of Annex III of Regulation 52/2006.

(iii) To request the establishment of regular meetings with the Commission, the Fisheries Control Agency, and Member State control and enforcement agencies to discuss issues related to compliance of EU fisheries regulations.

TACs and Quotas

The Commission provided the Working Group with early access to their preliminary opinion of what the TACs should be for 2007.

The Working Group expressed their appreciation to the Commission for this open and transparent approach.

No consensus of opinion was possible between the group.

Most of the fishing industry representatives were of the opinion that the TACs for the Western and Eastern Baltic should remain the same as 2006.

There was general agreement from the environmental representatives that the proposed reductions of 15% in the TACs should be implemented in order to help conserve the relatively strong 2003 year class. They thought that a 15% reduction of the TAC is a very modest compromise.

Any other business

➤The German fishing industry representatives presented a national initiative to undertake research on the restocking of cod in the Baltic and sought endorsement from the Working Group.

There was a general consensus that this sort of research was important, however, before being able to provide endorsement the Working Group would need to have sight of more detailed information.

➤The Swedish fishing industry representatives proposed that the Working Group seek a commitment from the Commission to undertake, as soon as was reasonably possible, a study into the selectivity of mobile fishing gears in the Baltic. In so doing, support and assistance from the fishing industry from all the EU Member States would be sought through the Working Group.

Recommendation

To request the Commission together with the Member State authorities to undertake a study on the selectivity of mobile fishing gears in the Baltic Sea and their possible improvement (*i.e.* lengthening of Bacoma window) in association with the Baltic Sea RAC.

Summary of Recommendations to the ExCom from the Demersal Working Group with respect to the European Commission's proposed management plan:

- To request an impact analysis on the social and economical consequences of the plan.
- To ask the Commission if there was any evidence that a problem with misreporting area of capture had been created with the division of the two Baltic cod stocks. If it has, the Working Group would reconsider the value of having two distinct stocks for management purposes.
- To seek opinion from the Commission as to whether Article 7 is redundant.
- To request that Article 8 (1)(b) shall include Subdivisions 28.2.
- To ask the Commission to initiate a study into what the capacity/resource balance should look like within the Baltic region, taking into account the points of view of Member State fishing industries and the members of the RAC.
- To change the 8% tolerance on logbook estimates to 10%.
- To include subdivision 28.2 in "Area B" when referring to the commencement of fishing activity for vessels with less than 100 kg of cod.
- To allow vessels to enter and exit ports with cod catches in excess of 100 kg.
- To increase the weight at which vessels are required to report to the authorities before landing from 100 to 300 kg.
- To request that the Commission present their analysis of "Inspection Benchmarks" to the Working either on a formal or informal basis.

Summary of Recommendations to the ExCom from the Demersal Working Group with respect to improving compliance:

- To request early access to the Commission's evaluation report of the implementation of Annex III of Regulation 52/2006.
- To request a presentation and opportunity to discuss with the Commission and the Member States control and enforcement agencies the results of the evaluation report of Annex III of Regulation 52/2006.
- To request the establishment of regular meetings with the Commission and Member State control and enforcement agencies to discuss issues related to compliance of EU fisheries regulations.