



BALTFISH / BSAC / EFCA joint WORKSHOP

Workshop on monitoring, control and enforcement of the Landing Obligation

**Radisson Blu Hotel, Hamburg Airport, Flughafenstrasse 1-3, 22335
Hamburg**

9th March 2017

Final Report

Fisheries control authority delegates from the Baltic Sea Member States (Baltfish Forum, chaired by Germany), members of the Baltic Sea Advisory Council (BSAC), representatives from the European Commission (DG Mare), a member of the European Parliament and representatives from the European Fisheries Control Agency (EFCA) met in Hamburg on 9th March 2017 at a Joint Workshop to examine the state of play for the implementation of the landing obligation with respect to the major commercial species of the Baltic Sea: cod, salmon, herring, sprat and plaice.

Introduction:

- **Welcome (BALTFISH Presidency, BSAC and EFCA)**

Reine Johansson, the BSAC Chair welcomed all participants and said that the objective of the meeting was to have free discussions on the implementation of the landing obligation. He referred to the fact that the landing obligation should not be dealt with through micromanagement. It was important that fishermen participate and are creative in the implementation of the landing obligation.

- **Introduction by BALTFISH control expert group (Mr. Hermann Pott, chairman of BALTFISH CEG)**

Mr. Hermann Pott, chair of the Baltfish Control Expert Group stated that the workshop is a good example of co-operation between stakeholders. He recalled that the landing obligation is at present in its third year of application. The current discard plan will expire at the end of 2017. The Baltic is the first area in the European Union where the landing obligation has been fully applied. He referred to the fact that the discard ban has been introduced mainly for ethical reasons and as a response to the general expectations from society. The new policy has encountered some operational constraints in its implementation. A certain discarding level was still prevailing in the Baltic Sea and any improvements in the implementation of the landing obligation would largely depend on an increased engagement of the industry.

First two years of LO in the Baltic Sea:

- **The implementation of the CFP in the Baltic Sea (European Commission - DG MARE)**

Stanislovas Jonusas, the European Commission, DG Mare, made a presentation on the implementation of the CFP in the Baltic, focusing on the landing obligation. He drew attention to Article 2.5 of the Basic Regulation (Regulation 1380/2013), which implies a gradual elimination of discards, ensuring that all catches are landed. In the Baltic the landing obligation entered into force on 1st January 2015, following the adoption of the delegated act for the Baltic discard plan, which will expire at the end of 2017. The landing obligation will continue to be applied. He presented the details and timescale of the implementation of the landing obligation. The new delegated act specifying the implementation of the landing obligation should be adopted by spring 2018, if the joint recommendation by MS is submitted on 21st July 2017. Since salmon is not covered by the Baltic multiannual plan, the salmon management plan should be brought to the table as soon as possible. The Commission is monitoring the implementation of the landing obligation closely and reports annually to the European Parliament and to the Council. The first report was published last year and revealed important discrepancies and a striking lack of data. To improve the reporting, this year the Commission prepared a non-binding questionnaire for annual reporting of the Member States. The results of the questionnaire will be assessed by the STECF. He concluded by saying that the Member States are working hard to implement the landing obligation, conduct studies and cooperate with stakeholders.

In the course of the discussions, participants drew attention to the fact that the current technical measures hamper the implementation of the landing obligation and the new framework regulation needs to be adopted as soon as possible. The need to revisit the survivability of salmon escaping through the nets was also raised.

Mr. Hermann Pott, chair of the BALTFISH Control Expert Group informed that the German presidency of BALTFISH is actively working on the new discard plan. The BALTFISH technical group will continue to deal with survivability of species which could be subject to exemptions from the landing obligation. Such exemption can only be granted on the basis of scientific evidence.

- **Monitoring the regional implementation of the Landing Obligation in the Baltic Sea (Mr. Pascal Savouret – EFCA)**

Pascal Savouret, EFCA Executive Director made a presentation on the activities of the EFCA to support the implementation of the landing obligation. The EFCA conducts co-ordinated monitoring of the landing obligation in the Baltic in the framework of the Joint Deployment Plan and has good co-operation with the BALTFISH and the BSAC. There is a better basis for risk assessment based on scientific (STECF, ICES), logbook and inspection data (last haul estimates). In the case of cod fishery, the greatest risk of non-compliance with the landing obligation (catches of undersized fish and discards) was detected in ICES sub-divisions 22-24 in the demersal trawl fishery, whereas the risk of discards in demersal fishery conducted in sub-divisions 25-27 was assessed as medium. The risk for other fleet segments was assessed as low. The speaker referred to risk treatment actions, which included, among others, specific monitoring actions focused on comparison of catch composition. These actions were effectively co-ordinated by Lithuania.

The EFCA will continue its data collection in co-operation with the Member States and use fully the Joint Deployment Plan for the implementation of the landing obligation and compliance evaluation.

- **Discard data and scientific advice: current situation and future needs (Eskild Kirkegaard - ICES)**

Eskild Kirkegaard, ICES ACOM Chair presented “Discard data and scientific advice. Current situation and future needs”. He said that in the ICES advice “wanted” and “unwanted” catch cover the fish that would be landed and discarded respectively in the absence of the EU landing obligation. The catch advice includes the information on wanted and unwanted catch in the catch option tables. The assessment includes only landings, but discard estimates are available, so landing predictions can be raised to catch advice. Available information indicates low discard rates (less than 5% of catch) and discard is considered negligible in the context of the precision of the advice. As concerns the landing advice, discarding (>5% of catch) is known to occur, but information is so uncertain that catch advice would be much worse than landings advice. With reference to plaice in sub-divisions 21-23 he noted that good data on discards makes it possible to give catch advice. Data is collected from log books and observer trips. With reference to cod, data on landings above MCRS was provided by all countries, whereas the data on landings below MCRS was provided by all countries except Finland, Germany and Russia (not relevant to Russia). Data on discards was provided by all countries except Swedish discard data for active gears. German discards was estimated using a knife-edge approach assuming all catches of cod below MCRS (35 cm) were discarded. The estimated catches of cod below MCRS differ between sub-divisions and were the highest in sub-division 25. For plaice in sub-divisions 24 – 32 discards can be high and appear to vary greatly between countries. Countries without a quota for plaice are assumed to have 100% discard. STECF is currently evaluating the impact of the landing obligation on stocks and future fishing opportunities. Simulations will be produced to assess whether the landing obligation result in higher mortality. Various research projects address discards. Experiments addressing fish survival rates show great variability, depending on the time, behaviour and stock. The assessment of survivability requires much more detailed data.

Responding to the question asked by participants in the course of the discussions, Eskild Kirkegaard stated that the landing obligation could cause a certain threat to the resources if is not based on science.

Main issues encountered (Topics to be presented by the BSAC for discussion):

- **The introduction of plaice in 2017**

Reine Johansson, the BSAC Chair opened the floor for discussion on the main issues encountered: the recent introduction of plaice, the handling and storage of catches onboard and their landings, focusing on difficulties.

Referring to plaice, participants drew attention to the very high survival rate of this species, which could even qualify plaice to be exempted from the landing obligation. In the opinion of some fisheries representatives, the present rule causes a lot of public criticism for landing small plaice. In their opinion, it should be made clear that the responsibility for landing small fish lies with the politicians and not the fishermen.

There is a need to take into account the results of experiments on survival rates of different species in the implementation of the landing obligation. Adjustments, including new gear

designs and exemptions of species, based on scientific research are crucial for responsible and successful implementation of this regulation. A representative of the environmental NGOs underlined that procedure needs to be followed with respect to any derogations or exemptions, which should be based on science and recommended by STECF. The BSAC Chair informed the meeting that the issue of exemptions from the landing obligation will be taken up by the BSAC ExCom.

Staffan Larsson, Swedish Fishermen's Federation presented possible gear developments which could help reduce unwanted catches and contribute to the effective implementation of the landing obligation. He drew attention to the fact that there have been 90 technical regulations in fisheries since 1980, often contradictory, too complex and not flexible. However, the discard levels have remained unchanged. Referring to the reformed CFP, he stated that it contains healthy elements such as regionalisation. The new technical regulation seems to be moving from micromanagement to results based management. However, neither Bacoma nor T90 gears are compatible with the landing obligation. The EU regulations have imposed decades of paralysed gear development. He underlined that the development of selective gears is a continuous process that should be based on regional co-operation and should take into account that "one size does not fill all". He referred to the newly established BSAC network for gear development, a process based on respect and decency, focusing on practical solutions in gear development.

- **Handling and storage of catches onboard**
- **Landings of BMS catches: difficulties and success stories**

A representative of the small scale fishermen stated that small scale fishermen do not have problems with storage of undersized fish on-board. Fish under the minimum size constitute 1-2% of the catch. Fisheries representatives drew attention to the problems encountered during landing in the ports. Problems arise from the fact that the unwanted catch has to be handled, stored and transported separately. Veterinary inspections require that discards (unwanted catch) - the catch not suited for human consumption - are marked with category 3 label and stored in special containers and compartments used only for this purpose. They referred to the need to produce guidelines for veterinarians.

Main issues encountered II

- **Reporting obligations and recording of catches**

Mario Santos, EFCA presented the results of the data analysis, including an overview of the main fleet segments. Discards are estimated on the basis of the data from STECF, logbook and last haul inspections. Early indications implicate towed gears targeting cod as possibly non-compliant, with an estimated discard rate (based on the comparison of last haul inspections and official records in logbooks) of about 7 % for the western Baltic and close to 10 % for the Eastern Baltic in 2015. For 2016 the regional analysis is still pending, as the information of official records of cod BMS in logbooks from different MS is still being assembled. The estimates of cod BMS during last haul inspections confirm a similar pattern as for 2015.

Lutz Wessendorf, German Federal Office for Agriculture and Food presented the reporting obligations with respect to legal size catches (LSC) and catches below the minimum size (BMS). Referring to German cod catches in 2016, he indicated that the percentage of BMS in

the total catch reported in the logbooks was the highest for eastern Baltic cod and amounted to 4.5%. For Western Baltic cod the reported amount in logbooks was less than 1% on average. By contrast, BMS catches in last hauls were found to be in the range 0-49%.

Jacob Handrup, Danish AgriFish Agency, presented the systematic recording of landings based on sales notes and landing declarations from Danish vessels compared to last haul data. An analysis showed that the quota situation alone was not the reason for non-compliance with the landing obligation.

Overall, a comparison between last haul data and the logbook entries raises concerns on the state of compliance with the implementation of the landing obligation in the Baltic Sea for some cod related fisheries.

- **Technical measures and possible ways of reducing unwanted catches – overview of the gear trials in the Baltic Sea (Jordan Feelings – DTU Aqua)**

Jordan Feelings, DTU Aqua presented the technical measures and possible ways of reducing unwanted catches, on the basis of gear trials in the Baltic. Referring to the gear development in Denmark, he noted that the process is slow and inflexible, often prescribed from above (top-down) with the minimum legal requirements specified in legislation and becomes micro management. Such a top-down approach generates problems, since gears are sensitive to small changes, which can have a large effect on selectivity. The inflexibility provides fishermen with little possibility to develop and test alternative gears. There is a need to develop a fast track project for fishermen to modify their gears throughout the year. The project aims to make the process from idea to approval of gears easier, faster and more inclusive and is based on collaboration between the Danish Fishermen Producer Organisation, DTU Aqua and Aalborg University. The objective is to identify and develop effective selective gears under the new CFP/ landing obligation and make it possible for the industry to come up with ideas for selectivity improvements. The speaker gave examples of fast track projects from the Baltic, North Sea and Skagerrak / Kattegat.

The technical measures and possible ways of reducing unwanted catches, including an overview of the gear trials in the Baltic Sea, were thoroughly discussed by both representatives of the industry and NGOs. Attention was drawn to the need to take into account underwater selectivity. Participants underlined that the fishing industry is suffering from not being able to adapt their gears without a lengthy procedure. The need to have a more flexible technical framework was also underlined.

The Honorary Chair of the BSAC proposed to BALTFISH to formulate a recommendation to encourage the Member States to conduct experimental trials with new gears. As mentioned by MEP Ulrike Rodust, such gear trials and development can be financed from the EMFF.

The way forward

- **2017 and beyond: full implementation of the LO in the Baltic**
- **Compliance evaluation**
- **Optimisation of EFCA assistance and support**

Steve Karnicki, the Honorary Chair of the BSAC underlined that full and successful implementation of the landing obligation requires a new technical measures framework regulation.

In the course of the discussions, attention was also drawn to the need to improve the monitoring and data collection, as well as enforcement of the rules. A representative of an environmental NGO pointed to the need to keep the 5% limit regarding the catches below MCRS. A general acceptance of the landing obligation was noted, but problems in its implementation have to be dealt with.

Ulrike Rodust proposed for the BSAC to address a letter to the Chair of the European Parliament Pêche Committee, Alain Cadec and the Rapporteur for the dossier conservation of fishery resources and the protection of marine ecosystems through technical measures, Gabriel Mato to speed up the process of adoption of the new technical measures framework, which is currently following the co-decision procedure.

Glenn Quelch, EFCA presented an evaluation of the compliance with the landing obligation, based on the request from BALTFISH made in 2016. He underlined that the industry should be involved in this process. He presented different evaluation methods and preliminary results. The results indicate some discarding in fishery using towed gears. These results are partial and work needs to continue. Next steps include interviews of the control community, polling of industry stakeholders and investigating the discrepancies.

Reine Johansson, the BSAC Chair thanked the participants for good discussions and Germany for its hospitality.