

Director General Ms. Lowri Evans
D.G. Mare
Rue de la Loi 200
B-1049 Brussels
Belgium

Date: 7th July 2014

BSAC advice and recommendations for the fishery in 2015

Dear Lowri Evans,

Please find attached the BSAC's advice and recommendations on the fishery for Baltic stocks for 2015. A draft text was discussed in detail by the BSAC Executive Committee at its meeting on 25th June 2014. With the agreement of the meeting, it was then finalised and approved by written procedure.

We hope that the Commission and Member States will take our input into account when the discussions on TACs and quotas for 2015 begin in earnest later in the year. We are ready to discuss further any of the details in the paper.

The BSAC also sent a letter to ICES containing questions about the rationale for the advice for cod. This letter was dealt with and approved by consensus at the same meeting on 25th June 2014. This is also attached. ./.

At the time of the meeting, the Commission's Communication on Fishing Opportunities for 2015 was not available. We hope to revert with comments to that later in the summer.

Kind regards,



Reine J. Johansson
Chairman of the BSAC



Ewa Milewska
Vice-chair of the BSAC

c.c. DG Mare Baltic Unit, Member States, Fisheries Council of the European Community, European Parliament, European Fisheries Control Agency, ICES, HELCOM and Russian Federation (c/o Embassy Copenhagen)

BSAC Advice on the management of the fisheries in the Baltic in 2015

At a BSAC Joint Working Group meeting in Copenhagen on June 11th and 12th, John Simmonds, ACOM vice chair of ICES, presented the biological advice for the fisheries in the Baltic in 2015. This paper presents the results of the discussions on how the members of the BSAC would like to see the advice reflected in the management of the fisheries in 2015.

For both cod stocks, the advice from ICES was received with strong reservations by the majority of those present.

From the fishers' side, it was felt that the industry had been left in the wilderness – the phrase “like an abandoned child” popped up. It was explicitly expressed that the fishing industry has loyally followed the management plan and scientific advice for a number of years – even to the extent where the very low mortality rates stipulated by the plan were resulting in the underutilisation of the cod and a more restrictive fishery for sprat than was economically sound. In particular, the representatives of the Polish fishing sector were concerned about this “double negative”. The majority of the BSAC however, decided to advise according to the management plan. Alas – to no avail!

It was stated at the recent Working Group meeting that it is totally unacceptable that a set of “rules of procedure” within ICES would now nullify all the work – and lead ICES to advise draconic reductions in TACs – not in any way called for by actual developments in the stocks.

In such a situation, it is crucial not just to resign and let things continue in the same failed track. The BSAC has previously argued that there should be a distinction between the stock assessment underlying the advice - and the advice offered by ICES. There is no doubt that the stock assessment – despite the large uncertainties that it is subject to – is as scientific as is possible, in a system where it is made by humans. In any case, the results of the stock assessment are said to be "state of the art" – or the best possible basis for the management of fisheries.

Something quite different is the case when it comes to the advice from ICES - the so-called scientific advice. It must be quite obvious that the advice offered by ICES is not only biological, but is also based on a number of policy-defined objectives and management plans. Plans are to some extent based on advice from ICES, but fundamental principles - such as fishing according to MSY - have nothing to do with science. Thus, there is no scientifically objective "right" way to manage a fishery.

Science can describe different likely consequences of one or another form of fishing, but there is no scientific definition of what is "right" and "wrong". Consequently, it is of course necessary to set some goals at the political level, but it is important to remember that there are differences between the scientific assessment of the state of the stock on the one hand – and the advice that offers a scientific assessment of the impact of the agreed policy on the other hand.

Among other things, in an attempt to avoid being accused of giving political advice, ICES has introduced a set of internal procedures for how to give the advice that is given so much weight by the managers and politicians. ICES, quite understandably, does not want to be accused of favouring one or another fishery or nation. Unfortunately, this has had the consequence that ICES advice has moved further from science than should be strictly necessary to avoid accusations of political interference. A blatant example of this "bureaucratization" of the advice is – unfortunately – found in this year's recommendations for the two cod stocks in the Baltic Sea.

A representative from the environmental organisations stated that he understood that it was most unfortunate advice for the industry, but given the circumstances for eastern Baltic cod, could understand if scientists said that the fishing pressure needed to be reduced. In general, representatives of the environmental NGOs are in favour of setting the TACs according to the advice from ICES.

The introduction of the landing obligation presents a whole new regime for the management. This is not directly reflected in the advice, but ICES have tried to help by introducing the concept of intended and unintended catch. With a discard ban (by whatever name it is known) it is assumed that TACs are set at the level of ICES total catch estimate.

Cod

BSAC advice for SD 22-24: 21.000 tonnes¹

BSAC advice for SD 25-32: 59.755 tonnes²

Cod SD 22-24 ICES advice: 8.793 tonnes

The BSAC takes note that the inaccuracy of the assessments has led the ICES Advisory Committee (ACOM) to dismiss a management plan that they have used as the basis for offering advice for the past 6-7 years.

To the proclamation that the plan is no longer considered sustainable, the only remark is that there is nothing wrong with the plan as such. On the other hand, it can be concluded that the biologists are so terribly bad at estimating virtually all important parameters for this stock that every year they have to correct last year's calculations, with the consequence that last year's advice is now considered incorrect. It is easy enough to correct the advice in hindsight. It is more difficult to change a political decision backwards.

As a consequence of ICES having chosen to reject a plan that they have previously approved and failing to discuss how to deal with the new situation, ICES have no other choice than to offer advice according to pre-established criteria. Here the "decision chain" is as follows:

- There is a management plan previously approved by ICES, but since this is no longer considered to be viable (due to the fact that ICES stock assessments the past two years have overestimated SSB, whereas the three previous years SSB was underestimated), ICES will no longer use the plan as the basis for the advice.
- As the management plan is rejected, ICES now gives the advice in line with the politically agreed objective to fish at Fmsy already in 2015.

¹ The following organisations are in favour of following the biological advice from ICES: Fisheries Secretariat, Coalition Clean Baltic, Finnish Association for Nature Conservation, World Wildlife Fund, European Anglers Alliance and Baltic Sea 2020

² The following organisations are in favour of following the biological advice from ICES: Fisheries Secretariat, CCB, FANC, WWF and EAA

- Fmsy for this stock has previously been calculated to 0.26 in a single-species model. ICES has chosen not to provide targets for the stocks in the Baltic Sea as ranges in the same way as ICES does for the North Sea (where is the consistency?).
- Fishing at Fmsy in 2015 corresponds to a TAC of 8.793 tonnes - including the amount estimated to be discarded if a landing obligation is not implemented.

The members of the BSAC question this automatic function which jeopardizes any active thinking and constructive use of the knowledge that is available. It must be noted that the stock has not in any way shown a sudden deviation from the expected path. It may well be that the management plan should be changed (this work has already started), but there is no reason to panic. As the stock assessment has demonstrated, the stock of cod in the western Baltic is growing slowly but steadily. This is the case even in spite of all the little fallacies that can be found in the advice. One of the more exotic of these fallacies is the prediction of recreational fishing (and discards), that have been calculated as a fixed proportion of the commercial catch.

The environmental NGOs believe that ICES has acted responsibly and find the advice to be in line with the move towards MSY. They stress the need to apply MSY objectives and are therefore supportive of following the advice and also call for MSY objectives in the new management plan.

A decision on setting the TAC for cod in the western Baltic Sea should be based on the following observations:

- The TAC has for many years been determined by the management plan and the biological advice.
- The population has continued to grow and SSB will at the start of 2015 be 41.200 tonnes - that is 13% above Bpa.
- The recruitment is good. The last two years have shown the highest recruitment since 2003.
- The outlook table for this stock shows that SSB will grow pretty much; no matter how high the TAC is set.

- A rollover of the TAC for 2014 will result in an increase in SSB of more than 30%
- Setting the TAC according to the management plan will result in an increase in SSB of 22%

The BSAC therefore recommends that the TAC should continue to be set according to the adopted management plan at 21.000 tonnes. This figure is expected catch including the expected discards.

Cod SD 25-32 ICES advice: 29.085 tonnes

Also for this stock, ICES has provided an advice that has changed everything that has guided the administration so far. ICES now estimate that the population falls into the category they call "data poor". It is not because of a sudden lack of data, or because something dramatic has happened in the population dynamics. What has happened is merely that scientists cannot make the observations fit into their models, or rather that their models do not fit the observations. Whether this is because the scientists cannot agree on the age of a given cod (which is a specific problem with this stock and can have an enormous impact on the assessment of the stage of development), or whether it is because their models have yet to incorporate some unknown basic parameters, is left unsaid. A more accurate term for the stock could thus be "science poor".

The management plan is not rejected, but when a stock is called "data poor" it is because the analytical assessment that normally forms the basis for advice to plan is not approved. When the analytical assessment is not approved, there is no estimate of the fishing mortality and as F is the governing parameter, advice cannot be given. At least not the way ICES sees it...

Catch rates from the biological surveys are used to establish a "biomass index" showing development in relative abundance over recent years.

It must be noted that the biomass index ICES uses for this stock is based solely on catch rates of cod greater than 30 cm in biological studies. It should be remembered that there is an overwhelming amount of cod smaller than 30 cm, but this size is selected to get an indicator of the spawning stock biomass. A cod smaller than 30 cm in the 1st quarter one year may well have grown into the fishable part of the biomass (and the spawning stock) in the following year.

Based on the observation that the average catch rates the past two years are less than the average for the previous three years, ICES advises that the catches should be decreased by 20%. As will be well known, the TAC for cod in the eastern Baltic was not exhausted in 2013. Consequently, a 20% reduction in catches will correspond to a reduction in the TAC of 59%. To the fishing industry this is somewhat more than what is needed and it is primarily a consequence of the lack of constructive use of the scientific stock assessment.

The environmental NGOs find that ICES have missed taking into account the MSFD and Descriptor 3 on population age and size distribution of the fish stocks. They believe that Article 7 in the management plan should be evoked as an emergency measure. They also believe that additional measures should eventually also be included also to develop grids in the gear and thereby sort out the larger individuals that are of particular importance for reproduction.

Within the BSAC there are therefore two diverging views on what can be done to improve the situation in the Eastern cod stock. The environmental NGOs are in favour of reducing the fishery on the cod, as well as on their prey in the cod area. The industry organisations believe that it would be more appropriate to “groom” the cod stock as described below.

In conclusion, the BSAC bases its recommendation on the observation that the population is quietly falling from an “all time high”. There is no sudden or dramatic increase in fishing mortality. Therefore the TAC can be established in accordance with the management plan rule of maximum variation of 15% from year to year.

Of crucial importance for re-establishing the population as a healthy entity is also that the minimum landing size is reduced as fast as possible from 38 cm to 35 cm. As it is important not only to land a greater amount of small cod, but also to capture a larger amount of small fish (to weed out the population), the possibility that fishermen can use BACOMA 110 mm (and T90 of the same mesh size) should be reintroduced.

Taking account of the fact that the stock assessment describes a reduction in the relative abundance, the TAC should be established as the TAC for 2014 minus 15% - to a total of 59.755 tonnes.

Plaice

BSAC advice: 4.091 tonnes

There is only one regulatory area for plaice, but ICES advises for two stocks, one of which is only partly covered by the Baltic Area in the context of fishery regulation.

For both stocks, ICES describes rather significant increases in relative abundance. Thus, the stock in SD 21-23 has increased by an impressive 129 % and the stock in 24-25 has increased by 43 %.

According to the discard plan drafted by BALTFISH, a landing obligation for plaice is not foreseen until after the stock has been benchmarked in 2015. In setting the TAC for the area, there is thus no pressing need to analyse in detail what the level of discard is and how this affects the setting of the TAC.

This positive trend in the relative abundance should translate into an increase of the TAC by 20 % - to 4.091 tonnes in 2015.

Sprat

BSAC advice: 242.000 tonnes³

The advice for sprat is to reduce the TAC by 17 % in order to maintain a fishery in accordance with the msy target of $F = 0.29$.

The BSAC observes that the fishery in Latvia has been exceptionally good this spring and that fishermen report an increase in abundance in SD 25.

The BSAC has previously stated that the timing of the scientific survey for sprat needs to be adjusted in order to align with the observed changes in abundance over the last 5 to 7 years. It is strongly believed that the decline in stock size as described by ICES is not a true development, but merely a consequence of the conservative survey design. A more relevant picture will be available if the survey takes place later in the year than at present.

³ The following organisations are in favour of following the ICES advice for sprat: Fisheries Secretariat, CCB, FANC, WWF and EAA.

The BSAC finds that the lack of stability in the assessment of this stock – and the fact that the stock is much larger than the precautionary reference point – allows for the management to deviate from the strict msy approach.

Consequently, the BSAC recommends that the TAC is set corresponding to a fishing mortality of 0.32 (Fpa) to 242.000 tonnes.

Herring

BSAC advice SD 22-24: 22.220 tonnes

BSAC advice SD 25-29, 32 ex GoR: 193.000 tonnes

BSAC advice GoR: 34.300

BSAC advice 30 & 31: + 15 %

Herring SD 22-24

ICES states that the total catches from this stock should not exceed 44.439 tonnes if the stock is harvested in agreement with msy.

The BSAC can agree to this, provided that 50 % of this catch is allocated to Sub-divisions 22-24. The members are concerned, however, about the fact that the assessment has great difficulty in predicting the recruitment to this stock. Consequently, TAC reductions have sometimes been called for without any apparent benefit.

Herring SD 25-29, 32 ex GoR

For this stock, the advice is very positive, but the fact remains that the quality – if counted as consistency – is nothing to brag about.

The BSAC finds it peculiar that ICES recommends a reduction in the fishery for pelagic species because of the starving cod and at the same time describes an increase in abundance of the same pelagics in the cod area. Nevertheless, a minority⁴ of the BSAC supports the idea that a more regionalised management of the herring might be of benefit for the cod, whereas the majority recommends setting the TAC according to the biological advice.

⁴ Fisheries Secretariat, CCB, FANC, WWF

Herring in SD 28-2

The advice from ICES is in good agreement with the observations in the fishery and the BSAC can support that the TAC for the area is set at the suggested level.

Herring SDs 30 & 31

Although the advice is very positive, the members of the BSAC are concerned about the lack of quality. In order to improve the scientific basis for the advice, it is suggested that the acoustic survey is increased to cover the whole area.

Given the uncertainty in the assessment, the BSAC advises that an increase of the TAC by 15 % will be precautionary and at the same will help to stabilise the fishery.

Salmon

BSAC advice SD 22-31: 116.000 specimens

BSAC advice SD 32: 11.800 specimens

The BSAC takes note that the advice is similar to the advice from last year. The similarity even extends to include a repetition of the allegation about misreporting, despite the fact that neither the European nor the national control agencies, nor even an investigation initiated by the Commission have indicated any significant misreporting. The BSAC finds the insistence quite intolerable, and ICES must either take it out, or substantiate it.

Expecting a landing obligation for salmon to be introduced by the beginning of 2015, the majority of the BSAC cannot see any sense in setting a TAC at any other level than that suggested by ICES to be the total catch. This will imply the TAC to be set at 116.000 specimens in SD 22-31 and at 11.800 specimens in SD 32.

The European Anglers Association, CCB, FANC, Fisheries Secretariat and WWF recommend that the TAC is reduced to 79.000 specimens in SD 22-31 and 9.600 in SD 32. They also share ICES concern about the fishery on the mixed stocks and call for habitat restoration and removal of physical barriers in all rivers. The latter is shared by all members of the BSAC, but the majority do not agree to reduce the TAC.