

Director General
Mr. Fokion Fotiadis
D.G. Mare
Rue de la Loi 200
B-1049 Brussels
Belgium

Date: 24 June 2008

Subject: BS RAC comments on the Commission's consultation paper on discard

Dear Mr. Fotiadis,

Thank you for consulting the BS RAC on the implementation of the policy to reduce unwanted by-catch and gradually eliminate discards in European fisheries.

The BS RAC has studied the Commission's consultation paper and has agreed by consensus on the enclosed comments.

Kind regards,



Reine J. Johansson

Chairman of the BS RAC

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June 2008

General comments

The BS RAC considers the reduction of discards to be one of the key challenges of the CFP in the coming years. Although discarding in the Baltic Sea seems to be of a smaller magnitude than in other areas, the RAC looks forward to cooperating with the Commission on the matter.

However, it should be pointed out that much of the discards that do occur is a consequence of the regulations of the CFP. Rather than discussing how to regulate discards in a particular set of rules, it might therefore be more appropriate to consider the subject every time a new regulation is discussed, and ensure that the new rules do not lead to increased discards. It could even be made a “rule-of-thumb” that new regulations should lead to reduced levels of discards.

The fact that the problem of discarding is of a smaller magnitude in the Baltic than in many other fisheries should not lead the Baltic fishers to “lean back” and do nothing. It needs to be dealt with at an appropriate level.

It must be recognised however, that a political wish – no matter how relevant and appraisable – does not always translate directly into meaningful action. On some points the BS RAC finds that the paper does not fully reflect this in the proposed methodology for reducing discards. On certain points it does not appear to be well linked to the reality at sea. A certain amount of discards must be expected, regardless of all the good intentions.

The BS RAC recommends the use of a trend driven approach rather than setting up goals of specific discard levels, which fishermen have no chance of reaching. The policy on discard should focus on what is achievable.

Positive incentives should drive the trends – there are already examples of this, for instance in the Norway lobster fishery in Kattegat, where fishermen who use a particular sorting grid in their gear are allocated more fishing days.

A policy on by-catch and discard reduction should complement, and not replace key management measures. Generally, such measures should be applied in areas where concentrations of juveniles are congregated (‘by-catch hotspots’), where spawning aggregations can be found, or when fish are in post-spawning recovery. The use of real time closures could be an appropriate tool. Work to establish such a system is also ongoing in the Baltic.

The acknowledgement that a flexible regulatory system – e.g. to allow vessels to fulfil the criteria for target species at the time of landing rather than every 24 hours – is also an important element in combating discard.

Comments to some of the specific questions put forward by the Commission:

2. Should the approach follow a gradual reduction of discards in a fishery, or should discarding be made illegal (discard ban)?

The Baltic Sea RAC supports an approach that follows a gradual reduction in discards. The RAC does not consider a complete discard ban a viable solution for the Baltic fisheries. A certain amount of discards must be expected despite all the good intentions.

There may be a role for a discard ban in some fisheries, but only when other forms of mitigation such as effort reduction, effective control and enforcement, stock management according to scientific advice and mandatory use of by-catch reduction measures, have been addressed. The initial strategy needs to place greater emphasis and incentive on the industry to meet targets for effective by-catch and discard reduction.

5. What could be the criteria for setting a final target in a given fishery?

The targets must be challenging for both the technical innovations and the management side. However, it is crucial that the targets are achievable and realistic and are decided on a fishery by fishery basis.

In order to establish a workable inspection and control scheme for the fisheries, it is important not to overload the demands for this discard scheme from the beginning. However, to reduce the maximum by-catch levels in each of the fisheries on a yearly basis will pose a huge problem for the control system which will have to adapt accordingly. This needs to be understood and addressed by the Commission. From this perspective it is desirable to set only one final target for by-catch levels to be met in a specific fishery in a given time span and to define a comprehensive scheme of sanctions that will enter into force when this final target is missed.

9. Should the targets apply to individual vessels only?

No. The targets will have to apply to the fleets and not individual vessels. By-catch is in some situations unavoidable, and individual fishermen should not be punished.

10. Should the technical adaptations to achieve the targets be spelt out at Community level, or should this be left to the fishing sector?

The Commission should decide on the targets, but it must be up to the fishing sector to implement them.

Much of the proposal will rely on industry initiatives. However, the fishing sector is generally not organized in such a way as to deal collectively with these kinds of issues. Thought should thus be given to support the development of structures for this, for example international seminars for exchanging experience on the use of gear. The Commission could have a role as coordinator/facilitator.

11. How much, if any, of possible proceedings of such landings should be given to vessel owners?

It should be clear that the purpose of a discard phase-out is to avoid unnecessary biomass removal from the sea and not to present opportunities for new markets to utilise discards. To avoid this, one option is for operators to receive compensation equal to a small percentage of the value of the marketable landed catch. Iceland is an example, where under an applied discard ban each quota overrun or landed bycatch can either be paid for through the purchase of additional quota shares or is sold through an auction, after which a small amount is given to the vessel owner (~20%), and the remainder goes to the management system, in this case: the central maritime institute, responsible for stock assessment and quota allocation.

14. Which mechanisms for control are useful in the context of by-catches?

Control should focus on gear. If the right gear is used, there should be no discard.

Observer schemes could be used, but only on large vessels.

The deployment of independent observers onboard will be the key to the success of this action, especially in the early stages of its development. In terms of funding observer programmes, this could come from a number of sources including community funding, member states and the industry itself. The use of observers on a reference segment of the fleet is a fundamental requirement of an effective and forward thinking management system. Such an initiative is not mutually exclusive to the use of observers, but a complementary programme designed to aid compliance and the overall effect in terms of sustainable management and stock recovery efficacy. In addition, the use of e-logbooks would complement an observer programme. This would enable managers to analyse information between reference and unobserved vessels.

21. Should the landings of unwanted by-catch be counted against the quotas?

All by-catches have to be registered, not only catches which are regulated by quotas. Landings of by-catches of regulated species have to be counted against the quota.

This will be one of the central tools of scientific data collection and will set the strongest incentive for the application of the best available technique in terms of bycatch avoidance.

Total Allowable Catches are, in most cases, Total Allowable Landings in which no account is taken of discards. Today fishery scientists are often forced to make estimates of the real catches because some of the official figures are not considered reliable.