

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

Date: 30<sup>th</sup> June 2010

**BS RAC recommendations for the fishery in 2011**  
**Comments to the Commission's Communication on fishing opportunities for 2011**

Dear Lowri Evans,

Please find enclosed the BS RAC recommendations on the fisheries for Baltic Sea fish stocks in 2011, as well as comments to the Commission's Communication on fishing Opportunities for 2011 COM (2010) 241 final.

The BS RAC encourages the Commission and Member States to take these recommendations into account when preparing and deciding on the regulation of the Baltic Sea fisheries in 2011.

Kind regards,



Reine J. Johansson  
Chairman of the BS RAC



Ewa Milewska  
Vice-chair of the BS RAC

c.c. Fisheries Council of the European Community, European Parliament, Community Fisheries Control Agency, ACFA, ICES and HELCOM.

## **BS RAC recommendations on the fisheries for species in the Baltic for 2011**

1. The BS RAC held a joint working group (Demersal, Pelagic and Salmon/sea trout) in Stockholm on 8<sup>th</sup> – 9<sup>th</sup> June 2010 to discuss the ICES assessments and advice for the Baltic stocks. Dr Carl O'Brien, vice-chair of the Advisory Committee (ACOM) of ICES, gave power point presentations of the biological advice for the fisheries in the Baltic. He also made an informal presentation of the assessment for Western Baltic spring spawning herring, but did not present it as final advice from ICES.
2. The working group had a discussion on the stocks and began formulating a response on behalf of the BS RAC. The working group also addressed the Commission's Communication: Consultation on fishing Opportunities for 2011 COM (2010) 241 final.
3. The draft recommendations produced after the working group were finalised and approved by means of a written procedure.
4. This paper brings together the BS RAC recommendations on the fisheries for Baltic Sea fish species in 2011 and comments to the Commission's Communication.<sup>1</sup>

### **General comments<sup>2</sup>**

5. As with last year, the BS RAC would like to reiterate its serious concerns about the actual timing of the process. This year the ICES advice for the Baltic stocks was published on 28<sup>th</sup> May, and the BSRAC has had until 30<sup>th</sup> June to deliver its recommendations.
6. With respect to western Baltic herring, which is not a part of this set of recommendations, the timing is even more stringent. The advice is made available on 30<sup>th</sup> June, and the BSRAC has to deliver an opinion by 6<sup>th</sup> July. That is one week! For that reason the BS RAC cannot put forward a consolidated recommendation for all Baltic stocks in one paper. Clearly, the advice for herring in Subdivision 22-24 should come together with that for the other Baltic stocks.

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<sup>1</sup> The organisation Coalition Clean Baltic, which was not present at the Joint Working Group of 8<sup>th</sup> - 9<sup>th</sup> June, does not support the BS RAC position paper.

<sup>2</sup> The Polish organisation, the National Chamber of Fish Producers, supports the general comments made in sections 5 to 12 of this paper, but does not support the recommendations with respect to cod and pelagic stocks.

7. The BS RAC would like to underline again that this is not a satisfactory situation. These short deadlines put the BS RAC in a very difficult position. BS RAC members are unanimous in underlining that this is not a very professional way of working and undermines the process of giving advice and managing the stocks. It also risks alienating some organisations from the process, and they will not want to take part in such discussions.
8. On top of that comes the Commission's Communication on fishing opportunities for 2011. This is a serious document which warrants serious debate and discussion. But again, time is not on the side of the BS RAC to deal with this document thoroughly.
9. One thing is bringing the advice together so that it can be managed in one process. This means putting the advice for the western Baltic herring together with the remaining stocks for the Baltic.
10. Another thing is the serious issue of giving stakeholders adequate time to consider the advice, to meet and discuss it, and to prepare a thorough and well-reflected reply to it.
11. What we currently have is a situation where there is no even playing field amongst the RACs. One RAC is given insufficient time to time to take part in the advice-giving process with respect to TACs and quotas.
12. With that in mind, the BS RAC urges the Commission to delay the process and to put the proposal for the Baltic to the November Council instead of at present in October. This would give stakeholders adequate time to review the assessments and advice, to meet, and to prepare a proper reply.

### **Recommendations from BS RAC on the fishery for demersal species in 2011**

13. For the demersal fisheries in the Baltic in 2011, the RAC has the following recommendations:
  - The TAC for cod should be set according to the agreed management plan at 18.800 tonnes in the West and at 64.000 tonnes in the East.
  - There should be no effort reduction in the gill net fleet.
  - Derogation from the days-at-sea regulation when using 220 mm gill nets.
  - Roll over TAC for plaice.

A further explanation of the recommendations and the background for them is found below:

### **Regarding cod**

14. The scientific assessment of the status of the two cod stocks is reflected in the development of the stocks as seen by the fishing industry. The advice to increase the TAC for the two

stocks by 6% and 15 % respectively – as a consequence of following the management plan – is therefore welcomed and supported by a unanimous BS RAC.

15. However, there are issues that gave rise to concern regarding the advice on other aspects of the management.
16. First and foremost there is the subject of the proposed msy target mortality. ICES proposes a point value of 0.24, where the candidate value for a number of stocks in other areas is given as a range. The proposed target is particularly puzzling as it lies outside the range for targets that have been previously advised as delivering high long-term yields. Therefore the BSRAC would have preferred a discussion on – or at least a more elaborate explanation about – the background for this apparent change. The BS RAC has prepared a letter to ICES on this issue. (Letter is attached as Annex I)
17. The BS RAC is particularly concerned about the low target value, as the mechanism in the management plan of automatic effort reduction, in parallel with a reduction of the mortality rate, will lead to an endless annual reduction in effort in the western Baltic. As the BS RAC pointed out in its advice last year, the effort allocated to small vessels is already in 2010 insufficient to allow them to catch a reasonable share of the quota. In Denmark, with the ITQ system in place, gill netters are unable to catch their allocated quota – which they are consequently forced to lease out to the larger trawlers. This shift of activity from smaller vessels to large trawlers seems to be in direct contradiction with policies that are being advocated in other contexts.
18. Further to the concern about the insufficient background for the advice on the msy target, the BS RAC is missing an in-depth explanation on how the consequences of the increased mesh size are interpreted – if at all included in the advice. It would seem that the catch option table in the ACOM report does not take account of the significant increase in mesh size that was implemented in the Western Baltic from 1<sup>st</sup> January 2010. The BS RAC has put the question to ICES in the aforementioned letter.
19. On issues that do not relate directly to the biological advice, the Baltic RAC is still deeply troubled by the reduction of effort that is an integral part of the management plan. Although at the time of the initiation of the plan there was good cause for the introduction of an effort management scheme, it would seem that changes in the fishery have overtaken the anticipated development and rendered further reductions in effort on a broad basis redundant – if not even counter-productive.
20. The Baltic RAC takes this opportunity to reiterate its advice from last year, that a derogation should be found for gill netters, in a way that allows them to maintain the number of days at sea that they had in 2009. The BS RAC does not foresee any control related problems with such a derogation, as vessels are still obliged to comply with the reporting system. Although it may be a significant number of vessels, the activity from gill netters is not causing a severe impact on the sea bed, and the discarding in this segment is insignificant.
21. Moreover, the BS RAC once again calls for a derogation from the effort restrictions relating to fishing activities involving the use of gill nets with a mesh size of 220 mm or more. This mesh size is used for targeting lumpfish and turbot, and the amount of cod caught is very low. Only the largest cod will be retained by the large meshes. As it is also the largest cod that reaches the highest price, there will be no high-grading. The incentive to discard would

be zero in the case that the activity would not be counted against the days at sea. An obligation to inform the authorities when leaving harbour with 220 mm nets – combined with a one-gear-rule – will ensure compliance.

### **Regarding flatfish**

22. Presently, the only flatfish species for which there is a special TAC for the Baltic is plaice. According to ICES the total catch of plaice amounted to 2.235 tonnes in 2009, where the TAC was set at 3.041. At first glance, plaice in the area thus seems to fall into category 11 in the Commission's policy paper, and a reduction towards recent catch levels is to be expected.
23. The Baltic RAC is not prepared to blankly endorse such a reduction. The reluctance is based on two observations. First and foremost there is the general principle of a reduction without a biological observation to back it up. In particular, with the effort regulation systems which have been in place for several areas, the total catch of a species is in no way indicative of its abundance. The Baltic RAC is of the firm view that reductions should only be made when there is biological evidence of a reduction in the stock size. This is in no way the case for plaice in the Baltic.
24. Secondly, although the total landings from this stock only amount to 73 % of the TAC, this is primarily a consequence of a very low exploitation by one member state. As a matter of fact, both Sweden and Germany fully utilise their quota (Germany has even found it necessary to buy an additional 72 tonnes to cover catches above the initial allocation).
25. For plaice in the Baltic in 2011, the RAC therefore advises a roll over of the TAC in 2010 – 3.041 tonnes.

### **Recommendations from BS RAC on the fishery for salmon in 2011**

26. Until last year, the ICES advice for salmon has been built on the management objectives of the Salmon Action Plan, adopted in 1997 by the former IBSFC.
27. The EU Commission has initiated work on a new management plan for salmon in the Baltic, in which BS RAC has participated actively, as well as ICES. No decision has yet been taken, and a proposal from the Commission has not yet been published.
28. In 2004, ICES recommended a TAC of 410.000 pieces in the Main Basin and the Gulf of Bothnia. Now, in the absence of an agreed management plan, ICES recommends a TAC of 120.000 for 2011 based upon MSY considerations and the rivers included in the SAP, in spite of the fact that most figures point to healthier stocks! (The smolt production has now increased to 70% of the overall capacity).
29. The BS RAC considers that the TAC for 2011 should build on the management objectives of the Salmon Action Plan, until a new management plan is adopted.

30. The fishermen around the Baltic utilized only 44% of the TAC in 2009, due primarily to the drift net ban (for the alleged protection of harbour porpoises). Only Sweden and Finland used over 50% of their national quota, as the fishermen in these countries are also able to fish with trap nets.
31. The TAC must reflect the status of the stock and not the actual fishing. The TAC is divided between the countries according to the principle of relative stability. By advising a TAC that equals the actual, annual total catch, or even lower this year, ICES should have understood that the catches for 2011 will be much lower, maybe around 60.000 – 70.000 pieces. The artisanal trap net fishery in the Gulf of Bothnia (Sweden and Finland) has to stop in the middle of the season due to the fact that the national quotas are used up, while fishermen from other parts of the Baltic have few alternatives to the drift net and cannot use their quota.
32. The scientific foundation still seems very weak for the alleged low at-sea survival for wild post-smolt, that also forms part of the background for the advice. It seems to be a copy of the low at-sea-survival of the reared post-smolt, where the knowledge is better. Moreover, the independent recapture programme for wild post-smolt is limited. The fact that the wild smolt (2.5 million produced) compared to the reared (4.0 million released) results in a catch of 60% - 80% wild salmon of the total catch, indicates on the other hand much better survival of the wild than the reared.
33. The BS RAC recommends a TAC of the 2009 level, i.e. 310.000 for the main basin, and a rollover of the 2010 TAC (15.419) in the Gulf of Finland. Two environmental organizations abstain from the recommendation for the main basin and the Gulf of Finland.<sup>3</sup>

## Recommendations from BS RAC on the fishery for pelagic species in 2011

### Introduction

34. Given the absence of a long-term management plan for the pelagic stocks, the BS RAC would point out some uncertainties with respect to the ICES advice.
35. In particular, we would point to weaknesses with respect to data on catch-per-unit-effort and size composition of the pelagic stocks. The BS RAC is in the process of gathering more up-to-date information from the fishermen through the member organisations, and we hope that the Commission will request ICES to take this information onboard in future assessments. We are striving to provide data in a common format covering:
- Size composition
  - Catch-per-unit effort (from logbooks and VMS data)

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<sup>3</sup> The Fisheries Secretariat and WWF

- Fishing patterns in different areas - and such data can make a useful addition where acoustic surveys cannot
36. Given such uncertainties, BS RAC members recommend a rollover of the TACs for all the stocks mentioned below. This position is not unanimous – see the footnotes to the individual stocks below.

### **Herring in Subdivision 25-29 and 32 (excluding Gulf of Riga herring)**

37. Following the MSY transition, ICES advises a TAC of less than 95.000 tonnes.
38. The BS RAC recommends a roll-over of the 2010 TAC of 126.376 tonnes, until a management plan is in force.
39. BS RAC members are in doubt about the herring assessment and feel that the situation is in limbo whilst awaiting a long-term management plan. Whilst there has been a decline in SSB in the main basin because of low weight-at-age, BS RAC members point out that it now appears to be on the increase, and in SD 25 –29 the reference fleet has observed good recruitment.
40. The Fisheries Secretariat and WWF recommend that the TAC should be set according to the ICES MSY transition, meaning a TAC of less than 95 000 tonnes.

### **Herring in Subdivision 28.1 (Gulf of Riga)**

41. Following the MSY transition, ICES advises a TAC of less than 33.000 tonnes
42. The BS RAC recommends a roll-over for 2010 with a TAC of 36.400 tonnes.
43. Two BS RAC members support the MSY transition of 33.000 tonnes<sup>4</sup>.

### **Herring in Subdivision 30 (Bothnian Sea) and Subdivision 31 (Bothnian Bay)**

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<sup>4</sup> WWF and the Fisheries Secretariat

44. ICES does not provide a recommendation according to the MSY transition, but recommends a TAC according to the precautionary approach of less than 115.000 tonnes.
45. The BS RAC proposes that the TAC for herring in the Gulf of Bothnia should be 115.000 tonnes, in line with the ICES advice.
46. There are indications that there may be spring and autumn spawners in the Bothnian Sea in the area out at sea, and the BS RAC would request that this is checked.
47. As mentioned in its recommendation for a long-term management plan for pelagic stocks, the BS RAC points out that there is an urgent need to improve the assessment of the stock in the Bothnian Bay, since the current stock assessment is based on landing data only. Whilst this is being carried out, the present one herring quota, which applies to the whole Gulf of Bothnia, can be considered flexible and satisfying, and no real advantage can be seen in separating the quotas for the Bothnian Sea and Bothnian Bay.
48. Since the TAC is set for both the stocks of the Bothnian Bay and the Bothnian Sea, the BS RAC can give its support to a footnote in the TACs and quotas Regulation to the effect that the effect that only up to a certain amount can be fished up in the Bothnian Sea in SD 31.

### **Sprat in Subdivision 22-32 (Baltic Sea)**

49. ICES does not provide a recommendation according to the MSY transition, but recommends a TAC according to the precautionary approach of less than 242.000 tonnes.
50. The BS RAC recommends a rollover of the 2010 TAC of 380.000 tonnes. In other words, the BS RAC recommends that the TAC for sprat should be maintained at least at its current level.
51. The main reason for this is the lack of substantial data on effort and CPUE. According to the reports from the Baltic Fisheries Assessment working Group, data on effort and CPUE is not considered representative for the entire sprat stock and is not applied in the ICES stock assessments. More acoustic surveys are required for this stock.



52. Three BSRAC members do not share this position, and point out that F should be set in accordance with the precautionary approach, giving a TAC of less than 242.000 tonnes.<sup>5</sup>

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<sup>5</sup> Fisheries Secretariat, WWF and the Alliance of Social and Ecological Consumer Organizations

**Draft comments from the BS RAC to the Communication from the  
Commission:  
Consultation on fishing Opportunities for 2011 COM (2010) 241 final**

53. The Commission issued its Communication on Fishing Opportunities on 17<sup>th</sup> May 2010. The Commission requested a response by 1<sup>st</sup> June 2010, but extended its deadline to the BS RAC to 30<sup>th</sup> June by the latest. Whilst we are grateful for this longer deadline, the BS RAC we would point out the important of giving stakeholders a long enough period of consultation to consider such documents.
54. The BSRAC would like to commend this excellent paper, which has improved considerably over the years.
55. We take note of and appreciate the good developments that have happened and have been encountered with some fish stocks in the EU – for example cod in the Baltic Sea.
56. We are happy with the more up-beat reporting in the Communication, although certainly there should be no grounds for complacency.
57. However, we would underline that the paper contains guidelines for setting fishing opportunities and is not a set of legally-binding obligations.

**New policy developments**

58. The BSRAC is positive about the move by ICES towards the long-term implementation of MSY. However, the target should be reached gradually, and not in a single jump. We support setting fishing mortality targets which can lead us towards a long-term average yield, rather than focusing on specific biomass targets. Moreover, the MSY framework should be dynamic: it should be possible to review and revise Fmsy values, if new and better scientific evidence becomes available. And as mentioned below, implementation of the MSY targets must be considered closely in connection with the existing long-term management plan for cod, and the development of other management plans.

### **State of Resources at regional level**

59. We are very happy with the way the Commission has re-organised the paper and given an overview by region. This is a very useful contribution to the discussions on taking a more regional approach to fisheries management. We are pleased to take note of some positive developments for the Baltic stocks with respect to the number of stocks for which scientists have not provided advice (down from 3 to 2), and the percentage by which agreed TACs exceed scientific advice (down from 22% to 16%). The progress is gradual, but nevertheless, it is progress.

### **Management by long-term plans**

60. The BS RAC is committed to the development of long-term management plans for the fishery. However, further explanation is required as to how stocks managed by long-term management plans are to be dealt with in the MSY framework.

61. The BS RAC has seen the positive results of such a long-term plan for the cod fishery in the Baltic. We attach importance to the evaluation of the plan for cod in the Baltic Sea: there are elements in it which require revision, for instance the rules on effort management, as has been pointed out on several occasions by the BS RAC in its recommendations for the cod fishery in the Baltic.

62. The BS RAC urges the Commission to reconcile the absence of long-term plans in the Baltic for the pelagic stocks and salmon. The absence of such a plan for Baltic salmon stocks has put a great strain on the discussions this year in the BS RAC to provide advice for fishing opportunities in 2011. Similarly with the pelagic stocks, the absence of a management plan presents difficult choices in terms of TAC setting for 2011. The BS RAC encourages the Commission to make careful choices, so that the fishermen do not bearing the brunt of the absence of a plan.

63. In that respect, what is missing in the communication is reference to socio-economics. This is in order to give an impression of the status of the fishery, expressed in socio-economic terms, as well as setting economic and social targets or reference points for the fishery.

## Annex I

The International Council for the Exploration of the Sea  
H.C. Andersens Boulevard 44-46  
1553 Copenhagen V

Copenhagen 21st June 2010

On 8<sup>th</sup> - 9<sup>th</sup> June, the BSRAC held a joint demersal/salmon/pelagic working group meeting in Stockholm to discuss the 2010 ICES advice for the Baltic stocks. Dr. Carl O'Brien represented ICES and he gave presentations of the assessments and advice.

The Baltic RAC would like to thank ICES in general and Dr. O'Brien in particular for the effort and the time spent. It was beneficial for the debate to have a well-informed scientist to explain many of the problematic issues.

In connection with the demersal fishery for cod, however, two specific issues were not completely clarified, and it was agreed to write to ICES to request further and more detailed clarification of the advice.

### **Cod in Western Baltic Sea Subdivision 22-24: the candidate fishing mortality target.**

At the working group, some members asked why, in the advice summary for 2011 for western Baltic cod, only a single value of  $F_{msy}$  is given. Carl O'Brien explained to the working group that for some stocks ICES had proposed candidate values for the target fishing mortality rate as a range of values, and that it was not obvious to him why point values were suggested for the Baltic cod stocks.

The Baltic RAC would therefore appreciate an explanation as to why only a single value has been suggested – as well as a justification for the actual value, which seems rather low compared to target  $msy$  values for other stocks. The latter is particularly strange in the light of the historic high values for  $F_{pa}$  and  $F_{lim}$ . It would also appear that the area in question is a transit area and that intensive migration in and out takes place. Can ICES explain to what extent this has been considered, and/or what effect it would have on the estimation of target mortality?

### **Recent changes in the BACOMA fishing gear**

In its advice ICES refers to the effects of regulations. In the case of the Bacoma fishing gear, the IBSFC introduced in 2001 a Bacoma codend with a 120-mm mesh. The regulation was amended in October 2003 to a 110-mm Bacoma window.

Baltic Sea Regional Advisory Council

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**Note from the BS RAC Secretariat: TO SAVE MONEY AND PAPER, PLEASE ONLY PRINT IF NECESSARY**

From 1st January 2010 (in SD 22-24) and 1st March 2010 (in SD 25-32) the Bacoma 120 mm was re-introduced, along with an extension of the Bacoma window (5.5 m).

The fact that the mesh size was revised in 2010 gave rise to discussion amongst the working group members. We would like to hear from ICES whether the changes in the Bacoma cod end have been taken into account in the forecasting, and in what detail. Members of the RAC were of the impression that the “forecasted” discard in the table is rather high in the light of the recent mesh size increase. Some expressed the viewpoint that the amount of discard could be added to the expected landings.

The BS RAC is in the process of preparing its recommendations on the Baltic stocks and has to meet the Commission’s deadline of 30<sup>th</sup> June. We will attach this letter to our recommendations to the Commission and to member states.

We look forward to hearing from you.

Kind regards,



Reine J. Johansson  
Chairman of the BS RAC



Ewa Milewska  
Vice-chair of the BS RAC