

**Comments from the BS RAC to the Communication from the  
Commission: Consultation on fishing Opportunities for 2010 COM (2009) 224**

The BS RAC welcomes the Commission's Communication. It is a useful tool in the consultative process, as long as it is regarded as a tool – setting out guidelines – and not a regulation that must be followed to the letter (under any set of conditions). The BS RAC appreciates that the Regional Advisory Councils are explicitly mentioned in the Communication, and we take note that stakeholders are named in the process of considering and negotiating the annual round of TACs and quotas.

Comments on individual sections:

### **1. Introduction**

The RAC finds it distressing – at best – that the Commission feels it is necessary to open this important paper with a negative statement that gives the impression of an immediate break-down of the marine ecosystem. It is also admitted that for some stocks, management plans have been implemented successfully. For the fishing industry public opinion is extremely important, and the good development that has indeed taken place in some areas should be highlighted. This is not to say that everything is fine with the natural resources, but a more balanced picture would be more fair. If – as the Baltic RAC is convinced is the case – the Commission has good arguments for the introduction of the guidelines in Annex II of the paper, there is no need to paint such a gloomy picture.

We have concerns about how the public will perceive this paper and the statistics that are presented in it on over-fishing. Experience has shown with the cod fishery in the Baltic that the public is extremely sensitive to the messages sent out in the press on the state of the stocks. It is important that consumers are given a balanced view of the stock situation. In the communication we seek examples of where there is improvement in the stocks. And here we could name the Baltic cod stocks as a good positive example of cautious optimism.

### **2. State of resources**

This section in particular is received with great frustration by the fishing industry. There is a confusing mixture of concepts such as precautionary approach, MSY and sustainability – giving the reader the impression that the majority of the stocks are on the brink of extinction. This is much below the level of argument that most of us expect from the Commission.

A few words of explanation:

Public perception is dominated by some key messages, which are misleading public opinion. One example is the statement that 86 % of the stocks in EU waters are “overfished.” For the majority of

the fish stocks there is no scientific assessment to determine the MSY level, so it is not possible to decide whether or not they are “overfished” in relation to MSY level. Annex I table 2 gives the information that there is an assessment of an MSY level for 35 stocks, and 30 of them are fished beyond MSY. If this is the calculation basis for the statement that “86 % of all stocks in EU-waters are overfished,” then it is not an honest statement. For many stocks there is no assessment, because there is no need for deeper knowledge. There is no obvious management problem, so it makes no sense to spend valuable scientific effort on these stocks, for example flounder and dab in the Baltic, brown shrimps, gurnards and red mullet in the North Sea. Some of them are “managed” together, such as dab/flounder or turbot/brill in the North Sea.

It makes sense to concentrate scientific effort on the economically most important stocks and the ones with obvious management problems. It is not honest to extrapolate from these stocks on the whole stocks which are fished in EU-waters.

### **3. Fisheries performance**

The attempt to include an economic assessment is praiseworthy, but if it can only be given in such a simplified form, it is more misleading than informative.

The normal situation is not an average of the extremes...

The section on the economy of the fisheries could be more informative and detailed. As it stands, it adds to the overall pessimism concerning the fisheries sector. A more detailed description on a fisheries-by-fisheries basis would be welcome in the paper. This could contribute to highlighting positive examples where the fishing fleets in some parts of the EU have experienced an increase in earnings.

In any case, many fishers feel that the fleets must adapt to the conditions on their own accord. It should not be a basis for a centralised regulation – although potential effects on fleets should of course be considered when taking decisions on catch opportunities.

### **4. Principles for 2010**

The Baltic RAC is largely of the same opinion as the Commission on these matters.

The only comment that the BS RAC wants to make is a reminder that we are talking about principles – and not divine laws! There can be cases where the social and economic consequences of regulations should be given more weight than the biological development. This is in particular the case if a temporary “set-back” in the development does not compromise the overall objective and timeframe.

### **5 Fishing opportunities decided under the CFP**

The statement that the TAC adopted by the council is “on average 48 % higher than the catches which would be sustainable in accordance with the precautionary limit” is perceived as being exceedingly manipulative – if not blatantly wrong. Footnote 5 on page 5 explains that each TAC above zero for a stock with a “zero catch” advice was counted as a 100 % excess. Most of the zero-catch-advice results only from the political pre-condition to rebuilt stocks to Bpa within one year. In

most cases it makes sense to set a bycatch-TAC, even if the ministers would intend to follow a zero-catch-advice. This also leads to the 100 % excess-calculation.

As will be evident from the BS RAC's recommendations for the fishery in 2010, the Baltic RAC is deeply concerned about effort regulation. The BS RAC does not disagree that some regulation of effort can be necessary, but merely to link effort reductions to perceived levels of fishing mortality – regardless of the status of the stocks – is a vicious circle that does not lead to any agreeable development.

A mechanism to decouple effort reduction when stocks are within safe biological limits must be devised.

## **6. Implications of the Lisbon treaty**

This section presents interesting information, and it is warmly welcomed.

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

The BS RAC welcomes this section. We are pleased to see mentioned the pelagic stocks in the Baltic Sea and Baltic salmon as stocks which will be the subject of forthcoming work. As mentioned earlier, the long-term approach to the management of cod is a good news story which could also merit reference in this section. This is not to say that the plan cannot be improved, however.

Long-term plans are an excellent tool in the decision making process. It may be a coincidence that the Baltic cod plan has been implemented at a time when cod was proliferating, but nevertheless, just having a plan has helped in the discussions.

## **8. Working method**

The BS RAC agrees with the Commission in trying to establish some criteria for the setting of TACs in situations where there are no long-term plans agreed. However, the support for the Commission's proposal on this point is more cautious. The BS RAC cannot unanimously support the notion that a stock is always in a better management situation where an assessment – analytical or not – forms the basis for advice. The RAC wishes to reiterate its comments from Section 2: if there is no obvious management problem, it makes no sense to spend valuable scientific effort on these stocks.

The paper specifically mentions concerns about herring in the Western Baltic. The RAC cannot at this time offer any advice, but will give an answer after its Pelagic Working Group meeting in early September.

It is very unfair to claim (in paragraph 4) that the reason for the lack of scientific advice for 65 % of the stocks is caused by inaccurate data from the fishing sector on landings. It is simply not true. For a great number of the stocks lacking scientific assessment, the lack of data is caused by a lack of interest from scientists rather than lack of data from fisheries. To punish fishermen for this inadequacy of national laboratories is simply indecent!

## 9. Discards

The RAC by no means disagrees with the Commission's claim that discarding is a major problem in European waters. There is some reluctance however, in the blanket acceptance that this problem is of a particularly high level in European waters – as compared to other regions of the world. In particular in the Baltic, the level of discards is very low – as a matter of fact even lower than in Norway – despite this country's much praised discard ban.

For single stock fisheries – as most of the fisheries in the Baltic – it makes no sense to talk about effort reduction as a means to reduce discards – as long as discards are calculated as rates. The rate will be the same – regardless of the effort level. For single stock fisheries more “tailor made” solutions are available. The Baltic RAC is initiating a project with that aim. This corresponds well with the third bullet point in this section.

## Annex I

As indicated several places in the text above, much frustration has been expressed regarding the table in Annex I. In general, the tables require further explanation and information on the source of the statistics. This is particularly so when it comes to the categories in the left hand columns.

## Annex II

This Annex is really the core of the paper, and is generally welcomed. However, it is difficult to fully grasp the consequences for all stocks, and the RAC cannot just take the position of unwavering support – despite the overall sensible line of thinking that can be recognised in the table.

For most of the stocks in the Baltic management plans are either in force or underway, and the RAC is of course of the opinion that once a plan has been agreed on, it should be followed – unless in very specific cases where unforeseen effects renders this unacceptable for social or economic reasons.

For 2010, however, Category 3 is believed to apply for the Western Baltic herring, for which the RAC has not yet had an opportunity to discuss its position. It seems extremely inflexible however, to demand that there shall be a reduction of the fishing mortality of 30 %. The 20 % restriction clause on the TAC change does not soften things as long as it is framed by a clause that puts a cap on the fishing mortality. A management plan for this stock is under preparation and the RAC would very much like to reserve its position until a later time.

One point where the RAC has a concrete reservation is on category 11 which stipulates that TACs – in the absence of scientific advice - should be reduced toward recent catch levels, unless Member States implements an “advice plan.” There are increasing examples of cases where ICES does not have scientific advice, for example plaice in the Baltic. This does not in turn mean that the stock is at risk of being over-fished.

The precondition to collect scientific data if a member state wants to keep its fishing rights to make it possible for its fishermen to transfer fishing effort to other stocks which are absolutely not endangered only means a waste of scientific effort. If there is no sign of any management problem, there is no need for a reduction of the TAC. It is not acceptable to follow the principle “reduce paper-fish” as long as there is no management problem.