

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

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**BS RAC advice and recommendations for the fishery in 2013**  
**Summary of discussions on the development of multi-species management**  
**Comments to the Commission's Consultation on fishing opportunities**  
**Comments to the Commission's cod alignment proposal**

Dear Lowri Evans,

Please find enclosed on the following pages the BSRAC's advice and recommendations on the above four subjects. These were all adopted by the BSRAC Executive Committee on 26<sup>th</sup> June 2012.

The BS RAC hopes very much that the Commission and Member States will take the BSRAC contribution into account when preparing and deciding on the regulation of the Baltic Sea fisheries in 2013, and in its continued work on developing multi-species management for the Baltic, as well as the on-going discussions on the cod alignment proposal.

Kind regards,



Reine J. Johansson  
Chairman of the BS RAC



Ewa Milewska  
Vice-chair of the BS RAC

c.c. Member states, Fisheries Council of the European Community, European Parliament, Community, European Fisheries Control Agency, ACFA, ICES, HELCOM and Russian Federation (c/o Embassy)

## **BSRAC ADOPTED ADVICE AND RECOMMENDATIONS ON:**

- 1. TACS AND QUOTAS**
- 2. MULTI-SPECIES MANAGEMENT**
- 3. COMMISSION'S COMMUNICATION ON FISHING OPPORTUNITIES**
- 4. COMMISSION'S COD ALIGNMENT PROPOSAL**

### **1. BALTIC TACS AND QUOTAS 2013**

The Demersal and Pelagic WGs of the Baltic Sea RAC held a joint Working Group meeting in Klaipeda, Lithuania on June 13<sup>th</sup>-14<sup>th</sup> 2012. Dr Carl O'Brien, Vice-chair of ACOM of ICES, gave a presentation of the ICES advice for the fishery on the Baltic stocks in 2013. Also present at the meeting was Jean-Jacques Maguire, chair of ACOM, who gave a presentation of the state of ICES work with multispecies advice.

The members of the working groups had a constructive debate with the scientists, and propose that ExCom agrees to and forwards the following advice to the Commission, Member States and the European Parliament.

First of all, the BSRAC wants to thank ICES for attending the meeting of the Working Groups. It is very important for the members to investigate and discuss the important issues directly with scientists who are willing and able to explain all the technical details and problems with an open mind. Secondly, the BSRAC would like to express its appreciation that scientists of the ICES Working Groups and the "chain of advice" have taken the time to develop a format of advice for stocks with limited data and are thus able to provide quantitative advice for the flatfish stocks in the Baltic. Judging from the presentations given in Klaipeda, the resulting advice is trustworthy as well as functional.

### **Demersal stocks**

#### **Cod**

For the two cod stocks, management plans are in place and should, as a principle, be adhered to. This implies that the TAC is set at 20.800 tonnes for the Western stock and – for the EU – at 60.387 tonnes for the Eastern stock.

However, there are a number of considerations that the BSRAC wishes to bring to the attention of the Commission.

Some environmental organisations are concerned that the target F in the management plan is too high for the Western stock, when compared to the MSY value proposed by ICES. To this, the fisheries organisations affirm that the target mortality in the plan could be revised, but that it seems premature to revise it before a reliable multispecies evaluation can be performed. They point to the fact that the Western stock is developing in a positive way and there do not appear to be signs of any risk to this stock from having a higher F than that proposed by ICES as a target for MSY.

Concerns in particular are expressed about the fact that cod in the Eastern part of the Baltic are showing signs of reduced growth, due most likely to crowding effects. The cod are not moving out of SD 25 (apart from a small spillover into SD 24 and SD 26) and the stock in SD 25 is at the highest level ever. Fisheries representatives find that a rollover of this year's TAC is a very precautionary response (even an inadequate response) to this observation, and the majority finds that there are good arguments for a higher F as an interim measure, while the stock is abnormally high. Increasing F to 0.4, which is the lowest value in the range of F values investigated by ICES in multi-species considerations, would result in a TAC of 85.300 tonnes and a SSB of slightly less than today. This would be a way of incorporating multi-species aspects in the management.

They also highlight the uncertainties explained by the influence of the Eastern stock on the Western stock and the information on recruitment. The fishing industry has been fiercely opposed to there being two separate management areas for cod. There is agreement to ask ICES to give advice on the consequences of merging the two areas for management purposes and maintaining them as separate units in the assessment.

In relation to the Eastern stock there are also concerns about discards which are presently believed to be somewhat higher than assessed by ICES. Discarding is a result of incoming year classes of cod and is therefore likely to fluctuate from year to year, depending on year class strength. There is also a problem in seasons when bycatches of flounder are high. The BSRAC will contribute to the work to seek and find a technical solution to the problem of discards and encourages and commends the LOT 1 project (Collaboration between the scientific community and the fishing sector to minimise discards in the Baltic cod fisheries MARE/2010/11) to reduce discards, and the discussions going on with selectivity in the cod fishery.

The BSRAC also takes this opportunity to reiterate its advice from last year regarding the calculation of the number of days at sea. The blank refusal of the Commission to follow its own rules when it comes to effort regulation frankly does not contribute to fishermen's confidence in the system and is less than helpful for the RAC's ambition of building a culture of compliance. ICES advice underpins what the BSRAC advised last year concerning the calculation of days at sea (see page five second paragraph of ICES advice sheet 8.4.1.). This means that the number of days at sea in 2013 should be set at 241 in SDs 22-24 and at 224 in SDs 25-32.

Finally, the BSRAC repeats its advice that gillnet fishermen using 220 mm mesh should be exempted from the summer cod ban, because they have insignificant bycatches of cod.

## **Plaice**

The BSRAC welcomes that the ICES advice for plaice – further to the aforementioned newly developed framework - incorporates new knowledge about stock distribution. However this does lead to some uncertainty as to the management. The BSRAC does not anticipate a completely new management scenario to be in place already next year. Therefore the RAC suggests that once the advice for plaice in SDs 21-23 is known, a proportion of the suggested TAC of that area is added to the 900 tonnes advised for SDs 24-32, and then a TAC is set for the “traditional area.”

### **Other flatfish stocks**

For the remaining flatfish stocks, the majority (including all the fishing industry representatives) is not in favour of regulatory measures for stocks for which there are presently no TACs in place. Despite the very good work done by ICES in order to offer advice for those stocks, the bureaucratic implications of setting TACs (allocation keys, regulatory areas), the lack of knowledge about discards and fishing patterns and the on-going discussions about landing obligations will lead to more problems being created than being solved.

A minority believes that it is a good idea to introduce TACs as soon as reliable data is available.

### **Pelagic stocks**

The BSRAC is disappointed that a management plan for the pelagic stocks is not yet in place, despite numerous calls from the RAC, as well as from ministers. There is much sense in incorporating multispecies issues in such a plan, but the work does not necessarily have to await full knowledge of all aspects of species interaction. Consequently, the advice that the BSRAC can offer in relation to the pelagic species in this situation builds on international obligations about MSY, “state of knowledge” about species interactions, political agreements, experience from other plans, and – of course – advice from ICES. For the pelagic species the advice from ICES is – fortunately – much more positive than last year, despite the fact that multispecies considerations are only vaguely incorporated in the calculations of MSY targets. Nevertheless, the positive development in the stocks basically enables the BSRAC to give unanimous advice in agreement with ICES. For the different stocks this implies:

#### **Herring in Subdivisions 22–24**

The BSRAC is in consensus to follow the ICES advice to set the TAC following an MSY approach. The TAC for the whole stock should be set at 51.900 tonnes, which – following the previously agreed principle of a 50-50 split between Division IIIa and SDs 22-24 – will result in a TAC for the Western Baltic of 25.950 tonnes.

#### **Herring in Subdivisions 25–29 and 32 (excl. the GoR)**

There is consensus amongst the BSRAC to adhere to the MSY transition approach recommended by ICES, increasing catches by 25 % to 117.000 tonnes – which implies an EU TAC of 98.021 tonnes.

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

As herring in the GoR was already at MSY in 2010, no MSY transition is proposed by ICES, and the advice of a TAC of 23.200 tonnes is based on MSY. However, the BSRAC finds that the stock dynamics can sustain a rollover of the TAC from 2012 and thus recommends that a TAC for 2013 is maintained at 30.576 tonnes.

Fisheries representatives from Latvia and Estonia point out that SSB fluctuates over a short period. According to ICES the stock is harvested sustainably.

### **Herring in Subdivision 30 (Bothnian Sea)**

The BSRAC questions the basis that leads ICES to advise a lower TAC. The BSRAC points out that the stock is growing, there is an increasing SSB, and  $F$  is stable at below  $F_{MSY}$ . Following MSY should therefore lead to an increase in the TAC. It would appear that in the advice use has been made of low recruitment. In the absence of any explanation for this, the BSRAC recommends a rollover of the TAC for the current year (106.000 tonnes for SDs 30 and 31).

### **Herring in Subdivision 31 (Bothnian Bay)**

The BSRAC takes note that there is a decreasing trend in stock abundance. Exploitation is low and has fallen since the mid 80's, though this is not due to stock trends. There is a stock indicator pointing downwards. The fisheries representatives in the BSRAC recommend one TAC for both areas, but as a safeguard to the smaller stock to have a cap on the exploitation of the herring in SD 31. Since exploitation in SD 31 has fallen to a very low level, there would not appear to be a risk to the stocks by not having two separate TACs. Better data is still needed for this area and current data is thought insufficient to justify a separation of the two areas.

The environmental NGOs recommend two separate TACs for SDs 30 and 31.

### **Sprat**

The BSRAC has concerns about the lack of accuracy in the assessment based on the acoustic surveys, which are carried out in October and which do not reflect appropriately the stock development in distribution and seasons. This results in a lower biomass estimate. The BSRAC recommends that ICES postpones the acoustic surveys until November. The major fishing pressure on sprat lasts only 3 months of the year and there has been a substantial decrease in fishing mortality.  $F$  in 2011 is the lowest estimated for the past 16 years.

The retrospective analysis in the advice report shows that TAC reductions may have been excessive in previous years and therefore an increase above the proposed 9 % should be agreed on. The BSRAC seeks a target mortality higher than 0.35, but still below 0.4. This would imply a TAC of just below 312.000 tonnes.

The environmental NGOs are concerned about the spatial distribution of the stocks in the Baltic and support the ICES recommendation of an increase to 278.000 tonnes.

### **Salmon**

Salmon is a cause for great concern for all members of the BSRAC. A few organisations have great faith in the ICES advice, but the fishing industry cannot find anything meaningful – or even recognisable – in the advice.

This has led the Swedish fishermen to abstain from any recommendations regarding salmon in the Baltic. They believe that the discussions are void of any substance and claim that responsible authorities must take full responsibility for the situation.

In favour of a rollover of the TAC for both areas are:

Fishermen's Association of Bornholm and Christiansø  
Danish Fishermen's Association  
Estonian Fishermen's Association  
Federation of Finnish Fisheries Associations  
Finnish Fishermen's Association  
German Cutter-and Coastal-Fishermen's Association  
Union of German Cutter Fishery  
Latvian Fisheries Association  
Lithuanian Fisheries Producers' Association  
National Chamber of Fish Producers  
Swedish Fishermen's Federation  
European Transport Workers' Federation  
Federation of National Organisations of Importers and Exporters of Fish  
Nordic Coastal and Fisherwomen

In favour of following ICES' advice are:

Coalition Clean Baltic (CCB)  
European Anglers Alliance (EAA)  
Finnish Association for Nature Conservation (FANC)  
The Fisheries Secretariat (FISH)  
World Wide Fund for Nature (WWF)

CCB, EAA, FANC, FISH and WWF support the advice given by ICES, both for areas 22-31 and for the Gulf of Finland, as the situation for Baltic salmon stocks has not changed since last year.

The German Sportsfishermens' Association abstained.

## **2. MULTI SPECIES MANAGEMENT**

ACOM chair Jean-Jacques Maguire gave a presentation of the multi-species advice from ICES and Stuart Reeves, DG Mare, presented the state of play on developing a multi-species multiannual management plan for Baltic cod herring and sprat.

The working group took note of the information provided and had a discussion and gave its initial response. It agreed to summarise the discussions in writing and send them to DG Mare. This is presented here.

The BSRAC welcomes the work done by ICES and STECF to develop a multi-species multi-annual management plan. It recognizes the modest start to the work, but this is a long-term process. The BSRAC is positive to the idea of moving towards a multi-species management in the Baltic.

It also takes note of the encouragement from ICES representatives to enter into a dialogue and to discuss the different management scenarios.

The environmental representatives take a more cautious approach, highlighting the many uncertainties that there are right now (such as cod diet, and temporal and spatial aspects).

The fisheries organisations also recognize that there are many unknown factors, but see the opportunities that a multi species management can present and they encourage trying out the different options and seeing what the results are.

All agree that the emphasis should be on a careful and qualitative development of a plan, rather than rushing towards a draft Commission proposal by the end of this year. The working group highlighted several unknown parameters which make it uncertain as to whether a fully-fledged plan can be ready so soon. The STECF paper (STECF-12-06) presents a series of uncertainties in the current modelling. The BSRAC Working Group pointed out:

- The fact that only three out of the eight Baltic stocks are included so far. Including the western cod stock will be a challenge to the plan.
- The extent of the spatial and temporal overlap (or lack of overlap) between the species.
- The need to investigate the stomach content of cod to learn more about their diet

However, the BSRAC agrees that highlighting unknown factors should not be an excuse for not doing anything. It is important to take small steps towards a multi-species model and to make changes as we learn to incorporate the new knowledge we have in the plan. This could mean starting with the current single species  $F_{MSY}$  exploitation rates and adjusting them in the light of developments in the stocks. The three multi-species reference points mentioned in the STECF paper are cod 0.65, herring 0.26 and sprat 0.46.

Fisheries sector representatives of the BSRAC underline that their overall objective is to increase the profitability in the fisheries. One start with multi species management could be to look at the restraints in the current cod management plan. The cod management plan is in need of revision. Revision of the cod plan has been shelved in favour of work to develop a multi species plan. The low fishing mortality according to the cod management plan in the eastern Baltic cod fishery (0.3) has resulted in a record number of cod concentrated in SD 25 and which are lacking food. There could be immediate benefits to cod and sprat by slightly reducing the size of the cod stock in SD 25. Here is an argument for moving forward at a safe speed, building on the current knowledge of the stocks. This could already be done on the basis of adjusting single species targets so as to permit an initial exploration of how and where to go.

Another possibility could be to consider biomass levels (also referred to in the STECF paper), so as to investigate what the appropriate stock size for cod is for it to be in balance with sprat. STECF suggests exploring harvest control rules based on biomass targets, “pruning” when biomass is high. so as to avoid very high stock biomasses.

The environmental representatives highlight the need to take into account the ecosystem approach and the fact that increasing profitability in fisheries may not mean increased yields in terms of tonnes. They would like to see the inclusion of as many elements as possible, such as the diet of cod, and the current spatial and temporal mismatch of the stocks. The predictions made by ICES on stock development and interactions are highly dependent on knowledge on spatial overlaps, cod stomach data (i.e. cannibalism or not) which at present are outdated or incomplete.



The BSRAC realizes that these are only initial comments. It encourages DG Mare to take its time in drafting a proposal. Continued development should await the CFP reform process, including the options for regionalization and a discard ban etc., since these key issues are highly relevant for this plan.

The BSRAC intends to hold a working group meeting later in the year (September) and to invite to its meeting the ICES and STECF scientists who have been behind the development of the current model and of the multi-species considerations.

### **3. COMMISSION'S COMMUNICATION ON FISHING OPPORTUNITIES**

Stanoslovas Jonusas, DG Mare, gave a presentation of the Commission's Communication on fishing opportunities 2013. The BSRAC's response and comments are as follows.

#### **Section 1: Introduction**

The BSRAC would like to commend the Commission for fine tuning its Communication, which has been improving steadily over the years. As usual, the BSRAC welcomes the Commission's invitation to provide stakeholder views before the Commission tables its proposals.

The Communication has not completely changed from dark to light. Despite the numerous positive examples, there is still the perception of doom and gloom which can still give the impression that the fishery needs to be regulated.

The Communication gives the impression that the Commission has reflected on the state of the stocks and the fishery. The situation is changing from year to year, and this should be reflected in a dynamic way in the Communication.

#### **Section 2: State of fish stocks**

Caution is advised with the statistical data. The use of percentages can be misleading. Instead, we would like to see information on stock status as an actual number of stocks rather than percentages.

The term "overfished" is also misleading and can be open to misinterpretation. It needs to be clearly explained that it means overfished in relation to MSY.

For instance, in the Baltic Sea, it is stated that 5 out of 7 known stocks remain overfished.

These include the western and eastern Baltic cod stocks under the management plan. So we need to make clear what overfished means – i.e. above MSY. It is not helpful in the perception of stock exploitation to include fish stocks under management plans as overfished.

The Communication points out that only cod in the Eastern Baltic and herring in the Bothnian Sea are fished at maximum sustainable yield rates. We can be happy that in 2013, only one of the seven stocks will be fished above MSY.



#### **Section 4: Policy directions**

The BSRAC commends the transparency that the Commission uses in its decision-making process on fishing opportunities. It de-myths the process. We are largely in agreement with the policy directions outlined in the Communication.

It is positive to note that the number of stocks (in the Atlantic, North Sea and Baltic Sea) for which advice could be provided with respect to MSY has been increasing since 2005.

The absence of advice is of concern. The BSRAC calls on member states to do their part in data compilation and transmission. For the Baltic, we are very pleased to note that the hitherto data poor stocks in the Baltic (flatfish and herring in the Bothnian Bay) are this year covered by quantified advice. This is a positive development.

Where scientific advice is unavailable and uncertainty is greater, the Commission will continue to use the precautionary principle. The BSRAC advises moderation in the use of this principle as there is no single answer to the application of the precautionary approach. A 25% reduction cannot always apply.

It is difficult to know what to do in the case of unforeseen stocks not yet subject to TACs and quotas and the BSRAC would advise strongly against a one size fits all solution. We would encourage consideration to be given to the actual background for why the advice is not yet available.

#### **Section 5: Management by multi-annual plans**

Preparations are underway to replace current single-stock-based plans with multi-stock management plans. The first proposal to be presented will be a multi-species plan for the Baltic Sea, incorporating biological interactions such as predation and competition.

The BSRAC welcomes this development, but acknowledges that it will take time. The single stock management plan for cod will remain in place for the time being.

In the meantime, the impact of the management plan could be lessened if we already now take into account the multi-species considerations which are becoming increasingly relevant. There are elements in the cod plan which can be modified (such as closures and effort). More flexibility is needed in the management plan - if the data available allows for other consideration to be taken on board.

#### **Section 6: Working methods for proposing TACs**

The working methods described are clear and comprehensive. However, the BSRAC warns that it is necessary to keep an open mind to the many different reasons for not receiving advice for particular stocks. It is good to have pre-agreed actions when certain criteria are encountered, but it is also important not to make all solutions automatic responses. An open mind is a prerequisite for innovations.

In conclusion, there are some success stories in the Baltic and the message can become even more positive.

#### **4. THE COMMISSION'S COD ALIGNMENT PROPOSAL (COM (2012) 155 final)/ 2012/0077 (COD)**

This proposal was not discussed at the joint working group in Klaipeda. It was agreed that the Secretariat would make a summary of the proposal and produce a draft response from the BSRAC. This would be sent to the ExCom for discussion and adoption. The German Fisheries Association has kindly sent to the BSRAC its statement for information. [This is available in translation into English].

The main aim of the proposal is to identify the powers conferred upon the Commission in Council Regulation (EC) No 1098/2007 (the cod management plan) and to classify these as delegated or implementing powers.

The Commission has not consulted stakeholders on this proposal. Under point 2 of the Explanatory memorandum in the proposal, it considers that consultations with interested parties are not applicable.

The essential changes are that Articles 26 and 27 should be amended following the changes to the TFEU. Article 26 concerns the evaluation of the plan. Article 27 concerns the empowerment of the Commission (away from the Council) to revise the minimum fishing mortality rates in the plan. The reasoning of the Commission to do this is that it concerns “non-essential elements”.

The response from the BSRAC is as follows:

The BSRAC appreciates the attempt by the Commission to speed up the process of amending the cod management plan by using recourse to delegated acts in Articles 26 and 27.

However, it regrets the lack of provision for any kind of hearing or consultative process. It would have appreciated receiving an invitation to provide comments to this proposal.

It also questions the Commission's claim that the proposed changes concern “non-essential elements”. Rather, they are important elements for the fishery such as MSY, changes to the plan and the revision of fishing mortality rates.

It also questions what kind of scientific data will be made use of with respect to revising minimum fishing mortality rates.

The form of delegation of power proposed in Chapter Vi signifies an extensive empowerment of the Commission. It constitutes a significant change of power relations between Council, the European Parliament and the Commission.

Instead, the BSRAC proposes that a decision-making procedure be created so as to accommodate the principles of regionalisation and democratic consultation. It should make possible the participation of the member states, the European Parliament and the Baltic RAC. This could also contain a fast-track-mechanism so as to avoid excessive delays in decision-making.

Such a procedure could be as follows:

- Recommendations can come from the Commission, the Council, the Parliament or the relevant Advisory Council.
- Depending on the circumstances, obtain scientific advice from STECF.
- Carry out an evaluation of recommendations over a specific period of time.
- Take decisions through Council and Parliament, if necessary after preparation through a regional committee such as Baltfish.

Such a procedure can also apply to the evaluation of the cod plan (Article 26), where the Commission can make a model for an evaluation and organise the participation of scientific committees as well as BSRAC stakeholders.

Several fisheries representatives expressed the need for flexibility in the cod management plan and called for some changes in the document which will allow for an adjustment of the fishing opportunities to the present situation of the cod stock.