Joint NGO recommendations on Baltic Sea fishing opportunities for 2019

In October 2018, EU fisheries ministers are scheduled to agree on fishing opportunities in the Baltic Sea for 2019. The following text outlines the joint NGO recommendations on Baltic Sea fishing opportunities for 2019 in the context of EU fisheries legislation, scientific advice on catch limits and the sharing of stocks with third countries.

1. Meeting the objectives of the Common Fisheries Policy (CFP)

The annual setting of fishing opportunities is one of the most important tools for achieving the maximum sustainable yield (MSY) objective of the Common Fisheries Policy (CFP). The Baltic Sea multi-annual plan (MAP) also provides a further framework for the setting of certain Baltic Sea fishing opportunities in accordance with the objectives and targets as outlined in that plan and the objectives of the CFP.

1.1 The maximum sustainable yield (MSY) objective

Setting fishing limits below MSY rates (F_{MSY}) is crucial to allow fish stocks to recover above sustainable levels, notwithstanding other biological factors. Article 2(2) of the CFP requires that: *"In order to achieve the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing the maximum sustainable yield, the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks".* Furthermore, Article 16(4) of the CFP stipulates that *"Fishing opportunities shall be fixed in accordance with the objectives set out in Article 2(2) and shall comply with quantifiable targets, time-frames and margins established in accordance with Article 9(2) and points (b) and (c) of Article 10(1)".* For stocks for which MSY-based reference points are not available, a precautionary approach (PA) to fisheries management must be adopted, as defined in Article 4(1)(8) of the CFP, and at least a comparable degree of conservation must be afforded as to those stocks with MSY assessments, as per Article 9(2).

Nearly four years have passed since the 2015 MSY deadline and not all stocks are being exploited at or below MSY exploitation rates as required by CFP, with the final 2020 deadline approaching. The Scientific, Technical and Economic Committee on Fisheries (STECF) has made clear "*that progress achieved until 2016 seems too slow to ensure that all stocks will be rebuilt and managed according to F_{MSY} by 2020*".[1] With the legal 2020 deadline for achieving the MSY exploitation rate as required by Article 2(2) of the CFP basic regulation[2] fast approaching, it is essential that the European Commission and member state ministers use the upcoming October Fisheries Council to ensure that fishing opportunities in the Baltic Sea do not exceed scientifically advised levels.

[1] STECF (2018). Monitoring the performance of the Common Fisheries Policy (STECF-Adhoc-18-01). Publications Office of the European Union, Luxembourg, 2018, p 12.

[2] Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.

Ministers should recall that the CFP only allows postponing the achievement of MSY exploitation rates beyond 2015 in exceptional cases *"if achieving them by 2015 would seriously jeopardise the social and economic sustainability of the fishing fleets involved",* but in any event, requires that this objective is met for all stocks by 2020. To date, very little socio-economic evidence justifying such delays has been made publicly available, raising questions about the transparency of the Council decision-making process and questions about the quality of the evidence provided by member states.

We therefore urge the Council:

- **To set Total Allowable Catches (TACs) not exceeding scientifically advised levels based on the MSY approach for all stocks for which MSY-based reference points are available.**
- **Where MSY-based reference points are not available, to not exceed the precautionary approach catch limits advised by the International Council for the Exploration of the Sea (ICES).**

1.2 Appropriate implementation of the Baltic Sea multi-annual plan (MAP)

The Baltic MAP[3] in its Article 3 reiterates the CFP objective, set out in Article 2(2) of the basic regulation, to end overfishing and to restore and maintain fish stocks above levels capable of producing MSY. NGOs would like to highlight that only fishing mortality rates below the F_{MSY} point value can contribute to the restoration of stocks above levels capable of producing MSY, in accordance with the requirements of both the CFP and the MAP. We therefore strongly oppose using the upper fishing mortality ranges specified in the Baltic MAP, Annex I (Column B) and remind decision-makers of the fact that F_{MSY} for all stocks should be regarded as a limit and not as a target.

In case ministers want to make use of the upper F ranges (from F_{MSY} point value to F_{MSY} upper) despite the well understood negative economic, social and environmental consequences[4], they should provide and publish scientific evidence to demonstrate:

- That all stocks under the TAC concerned are above the conservation reference point (MSY $B_{trigger}$); and,
- That the criteria for one of the exceptions provided for in the Baltic MAP Article 4(4) are met. Such evidence should be submitted to the European Commission well in advance of the negotiations on Baltic fishing limits, reviewed by the STECF or ICES, and made available to the public.

We note with deep concern that Annexes I and II of the Baltic MAP contain values of fishing mortality ranges and reference points which are not up to date for some of the stocks concerned (including Western Baltic herring) and not in accordance with the best available scientific advice provided by ICES. We urge decision makers to amend the Baltic MAP accordingly, replacing values with references to the most recent ICES advice, and the MSY $B_{trigger}$; B_{lim};, F_{MSY} reference points, as was done for the North Sea multi-annual plan. Such an amendment should be done as soon as possible and as a matter of priority in advance of the October Fisheries Council meeting to allow ministers to use best available scientific advice for the Baltic fish stocks in their decisions on TACs for 2019. We would like also to highlight that the CFP includes decision-making based on the best available scientific advice as a principle in Article 3.

We therefore urge the Council:

- **To set TACs in accordance with the best available scientific advice provided by ICES.**

3 REGULATION (EU) 2016/1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007

4 ICES Special Request Advice. EU request to ICES to provide FMSY ranges for selected North Sea and Baltic Sea stocks

- **To set TACs not exceeding the F_{MSY} point value specified in Annex I of the Baltic MAP.**
- **To set TACs in accordance with the MSY approach, following the ICES MSY Advice Rule when spawning stock biomass (SBB) is below the MSY $B_{trigger}$ reference point.**

1.3 Landing Obligation (LO)

The landing obligation provides an opportunity to improve fisheries sustainability and meet the public's demand for fishing to be discard free. Article 2(5)(a) of the CFP clearly defines the objective to gradually eliminate discards by avoiding and reducing, as far as possible, unwanted catches and by gradually ensuring that catches are landed. Article 15 of the basic regulation provides member states with a range of tools to successfully implement the LO.

Since 2015 discards of cod have been prohibited in the Baltic Sea. However, results have yet to be seen at sea and fishing patterns, particularly in the demersal trawl sector, have remained largely unchanged. The latest figures from ICES show that in 2017 11% of Eastern Baltic cod were discarded[5], while for Western Baltic cod the figure was 4.8% but rising to 17.5% in subdivision 24 for active gears. For plaice, the discard rate is estimated to be 39%.

Without adequate implementation of the LO discarding will continue in 2019, likely reducing the growth potential of these stocks and exacerbating the socioeconomic problems in the corresponding fisheries. The implementation of the LO must be a priority for managers as the status quo undermines the objectives of the CFP and results in inaccurate scientific assessments.

We therefore urge the Council:

- **To take into account the lack of implementation of the LO when setting TACs.**
- **To ensure that TACs are respected by increasing monitoring and control of the LO.**
- **To use the LO as a means of promoting best practices in fishing.**

2. Joint NGO recommendations on Baltic Sea fishing opportunities for 2019

Western Baltic Cod in Subdivisions (SDs) 22‑24:

NGOs recommend that the 2019 TAC should not exceed 6 716 tonnes in SDs 22-24.

Given the long term concerns about the western Baltic cod stock, the risk of growth overfishing of one good year class clearly indicated in ICES advice, the record low recruitment in 2016 and 2018, and the uncertainties in the assessment, managers should consider applying Article 4(3) of the Baltic Sea MAP whereby fishing opportunities may be fixed at levels corresponding to lower levels of fishing mortality than those defined in the Annex I of the MAP. We therefore recommend a 20% TAC increase based on the 2018 TAC (5 597 tonnes) which will result in a TAC for cod in SDs 22-24 of 6 716 tonnes. A 20% increase in TAC will also limit year-to-year variability in TAC setting, which could help with long-term recovery of the stock and stability of fishing opportunities for the fishing fleets.

We also note that, to make use of the full growth potential of the 2016 year class, ICES suggests to use the F_{MSY} lower value provided in Annex I of the Baltic MAP when setting the TAC for Western Baltic cod.

[5] WGBFAS report 2018 p.83

We support the continuation of the spawning closure in February and March of 2019. We note, however, that for 5 of the 8 weeks of the closure in 2017 (until March 7th) there was fishing for flatfish that was also catching cod, so the closure was not fully in force during this period. We also note that the ICES Baltic ecoregion report for 2018 says that, in 2016, STECF evaluated revised spawning closures and concluded that the spatial closure appeared greatly beneficial to the western Baltic cod stock.

Eastern Baltic Cod in SDs 25‑32:

NGOs recommend that the 2019 TAC should not exceed 13 224 tonnes in SDs 25-32.

ICES advises that catches of eastern Baltic cod should be no more than 16 685 tonnes. This advice applies to all catches from the stock in subdivisions 24–32. Therefore the expected catch in SD 24 needs to be deducted. The Russian share (5%) also needs to be deducted. If managers limit the increase for western Baltic cod as we recommend in the section above, the corresponding figures for eastern Baltic cod would be a catch of 2 626 tonnes in SD 24 and 13 224 tonnes in SDs 25-32.

We note with concern the ICES observations of discards being 11% of 2017 catch (which it assumes to be an underestimate) and ongoing problems of observer access to vessels.

Herring in SDs 20–24, Western Baltic Spring Spawners (WBSS):

NGOs recommend that the 2019 TAC should be zero.

ICES advises that based on the MSY approach there should be zero catch in 2019. We note the concerns of the fishing sector about the social-economic implications of this advice, however we would like to point out that the Baltic Sea MAP Article 4(4) which provides exemptions to set a TAC higher than the F_{MSY} point value does not apply for Western Baltic herring, as its spawning stock biomass is below the required reference point – MSY $B_{trigger}$. In addition, because the latest ICES advice concludes that the spawning stock biomass for Western Baltic herring is also below the critical B_{lim} reference point, it is appropriate for decision makers to apply Article 5(3) of the Baltic Sea MAP, which states: "*When scientific advice indicates that the spawning stock biomass of any of the stocks concerned is below the limit spawning stock biomass reference point as set out in Annex II, column B, to this Regulation, further remedial measures shall be taken to ensure the rapid return of the stock concerned to levels above the level capable of producing MSY, which may include, by way of derogation from Article 4(2) and (4) of this Regulation and in accordance with Article 16(4) of Regulation (EU) No 1380/2013, suspending the targeted fishery for the stock concerned and the adequate reduction of fishing opportunities".*

Herring in SDs 25–29 & 32, Central Baltic, excluding Gulf of Riga:

NGOs recommend that the 2019 TAC should not exceed 136 464 tonnes.

This is based on ICES advice of F_{MSY}. Mixing of Gulf of Riga herring and Central Baltic herring, and the Russian share (9.5%), have been considered in calculations.

Herring in SDs 28.1, Gulf of Riga (catches in SDs 28.1 and 28.2):

NGOs recommend that TAC 2019 should not exceed 31 044 tonnes.

This is based on ICES advice of F_{MSY}. Mixing of Gulf of Riga herring and Central Baltic herring has been considered in calculations.

Herring in SDs 30-31, Gulf of Bothnia:

NGOs recommend that the 2019 TAC should not exceed 88 703 tonnes.

This is in accordance with ICES advice based on MSY approach.

Sprat in SDs 22-32, Baltic Sea:

NGOs recommend that the 2019 TAC should not exceed 270 772 tonnes.

This is based on ICES advice of F_{MSY}. The Russian share (10.08%) was considered in the calculations.

We recommend, in accordance with ICES advice, restrictions on the sprat fishery in SDs 25-26 and redistribution of the fishery to SDs 27–32.

Plaice SD 22-32:

NGOs recommend that the 2019 TAC should not exceed 10 122 tonnes.

This is based on ICES F_{MSY} advice for plaice 21-31 and ICES PA advice for plaice 24-32. This recommendation is in accordance with CFP requirements and Article 2.2 of the Basic Regulation which requires that the MSY exploitation rates be achieved by 2015 where possible, and on a progressive, incremental basis at the latest by 2020 for all stocks. ICES notes a change in the basis of the advice in SD 21-23 at the request of the EU Commission from MSY to precautionary approach. The CFP requires the MSY approach to be followed for all stocks.

Salmon in SDs 22–31, Baltic Sea excluding the Gulf of Finland:

NGOs recommend that the 2019 TAC should not exceed 64 864 salmon.

Calculations of the salmon TAC are based on ICES advice for wanted, reported catch of 68 000 fish plus 2% (2320 fish) unwanted, undersize discards[6]. Finally, the EU share of 98.1% is applied. This is applied last, assuming a proportion of IUU and discards also applied to the Russian share.

We highlight that misreporting of salmon as seatrout has been a long-lasting problem in salmon fisheries. ICES estimates that misreporting has increased from 6% in 2014 to 29% in 2017. NGOs urge the European Commission and Member States concerned to take concrete actions to improve control and halt misreported salmon catches.

Salmon in SD 32, Gulf of Finland:

NGOs recommend that the 2019 TAC should not exceed 9 418 salmon.

Calculations of the salmon TAC are based on ICES advice for wanted, reported catch of 9 676 fish plus 6% (708 fish) unwanted, undersize discards[7]. Finally, the EU share of 90.7% is applied. This is applied last, assuming a proportion of IUU and discards also applied to the Russia share.

We highlight that, according to ICES advice, measures to focus the fishing effort on reared salmon should be implemented. Such measures could include seasonal regulations and/or relocation of coastal fisheries away from sites likely to be on the migration paths of Gulf of Finland wild salmon. Fin-clipping of reared salmon stocks in all countries would allow wild salmon to be distinguished from reared salmon, as well as helping to identify wild salmon locations and fisheries on wild salmon.

6 EU undersized discards are added because salmon is fully subject to the LO. Despite some high survivability exemptions for specific gear types we cannot assume that all discards are covered by the high survival exemption, as the advice does not specify which gears are responsible for the 2% discards.

7 EU undersized discards are added because salmon is fully subject to the LO. Despite some high survivability exemptions for specific gear types we cannot assume that all discards are covered by the high survival exemption, as the advice does not specify which gears are responsible for the 6% discards. Calculated from Table 5 of ICES advice - based on 2017 (506/9124=0.055). Rounded to 2 decimal places.

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