



POSITION PAPER

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Review of the Cod Recovery Plan COM (2008) 162 final

Proposal for a council regulations amending Regulation (EC) no 423/2004 as regards the recovery of cod stocks and amending regulation (EEC) no 2487/93.

A fundamental barrier to the sustainable management of cod stocks in Europe is the lack of reliable catch data and the continued use of a system which sets quotas for this species based on landings rather than total catch of cod. Critical for the success of a recovery plan is the adherence to sound scientific advice, and where this is absent greater efforts should be made to collect it. The situation in European waters in terms of excessive fishing pressure on stocks exists because there are clear flaws in the current management system – lack of robust science in some instances, failure to follow scientific advice, continued targeted fishing for cod and unrestrained bycatch of cod in other fisheries all play a role in the continued failure of cod to recover.

WWF does not believe that the proposal for reviewing the cod recovery plan put forward by the European Commission sufficiently identifies ways of improving some of these key failings in a system that is currently not delivering the sustainable management of cod stocks.

In general WWF is supportive of the move towards setting mortality level targets but believes that particularly due to the mixed nature of the fisheries impacting on cod monitoring levels of biomass remains critical for assessing population health and recovery. We also welcome sections of the proposal which identify the need to improve control and enforcement and establish transparent quota setting when data is poor. However we would like to see more concrete action included that will reduce the actual bycatch of cod in a range of fisheries through for example, the adoption of compulsory technical measures that are known to improve selectivity of certain gear, the establishment of real time closure systems to avoid aggregations of spawning or juvenile cod and improved coverage of onboard observers to establish catch composition, discard levels and to plug data gaps. Here follow some preliminary comments on the approach taken in the revised plan.

In order to strengthen the proposal put forward by the European Commission, WWF urges ministers to apply the following three key principles in ensuring an effective and efficient recovery of Cod stocks;

- 1. **Small fry today, big fish tomorrow** :protect juveniles and reduce bycatch of cod
- 2. **The bigger the fish, the better the brood stock** :protection during spawning seasons or at spawning areas
- 3. **Apply and enforce the appropriate** fishing pressure.

1. Small fry today, big fish tomorrow: protection juveniles and reduce Bycatch of cod

In the General context (p.3) *the need to reduce discards* is one of the aims outlined by the proposal. In terms of delivering more effective conservation measures for the affected cod fisheries we believe it would be more useful to refer to a 'need to reduce both bycatch and discards....' This is supported by reference to cod avoidance which implies avoiding capture of cod in the first instance.

Focusing the discussion on discards runs the risk of solutions being promoted that will only reduce discard levels rather than more effectively the capture of cod in the first instance. Such an argument was promoted by the UK in 2007 making the claim that increasing quota will reduce discards. While this is true, it does not reduce the initial capture of cod, only the waste of cod. In terms of delivering measures that will assist the essential growth in spawning stock biomass the reduction of cod caught in the net and not landed is crucial.

In the same vane, further references on page 7 (pre *Art 1. No.7*) and *Art 8b* in the proposal to just discarding should also be changed to include cod bycatch reduction as well as discard reduction.

WWF recommends that stricter measures are used to reduce bycatch, by means of mandatory use of bycatch reduction measures where they have proven to reduce the bycatch of cod. The current provisions for voluntary measures have had very poor uptake and as a result have done little to reduce levels of bycatch. There is clearly an argument for introducing some measures on a mandatory level. Bycatch limitation and management should also be investigated through the piloting of bycatch quotas, where acceptable levels of bycatch will be varied according to the fishery and gear.

In Annex I for effort purposes there is reference made to different gear groupings and TR1 is bottom trawls (OTB, OTT, PTB) of mesh equal to or larger than 100mm. There are probably at least two gear groupings within this category that impact substantially on cod and we believe there is merit in separating these out for management of effort purposes. The 100-119 fleet segment is one which can target both Nephrops and whitefish while the over 120 mm trawl segment is targeting whitefish. There is a strong argument to suggest that vessels with 100-119mm gear should declare themselves as either whitefish vessels or Nephrops vessels and be managed accordingly both in terms of effort and gear selectivity provisions.

In the EU- Norway agreement for 2008¹, the EU committed to reducing the discards of Cod to 10% of current levels. We do not see this level of commitment in the proposal put forward by the European Commission, and it does not propose the required changes to management measures that will address the necessary reductions in bycatch or discard levels. We are aware that Member States have a commitment to reduce discard levels and yet none of the key measures to avoid cod such as more selective gears or area closures are included in the current proposal.

Furthermore unreported landing and discards are likely to change between years, and the discard statistics (and current fisheries data) are not always reliable. To assume a constant ratio between TAC and the total fished amount of cod is therefore risky. This supports the need for an effective level of observer coverage within the fleet.

2. The bigger the cod, the better the brood stock: protection during spawning seasons or at spawning areas

There is sufficient knowledge of cod movements that allow likely areas for spawning to be mapped and identified as areas to potentially avoid throughout the spawning season. These areas should receive higher than normal levels of surveillance and spot checking by community enforcement vessels to implement the system of real time closures – in the first instance to identify an area for closure and secondly to monitor the observance of the area for temporary closure.

¹ Agreed record of conclusions of fisheries consultations between the European Community and Norway for 2008

The work that the Scottish government has taken forward with its industry demonstrates the ability for this to happen and has established the basic requirements of such a scheme in terms of trigger levels, areas of closure as well as monitoring and enforcement.

The Commissions proposal notes the support from the joint RACs symposium for the establishment of real time closures and we believe there is clear merit in exploring the options for a European wide system that would establish real time closures for areas where aggregations of either spawning or juvenile cod are found.

3. Apply and enforce the appropriate fishing pressure

Fishing effort & Capacity reductions

We note the recommendations of STECF² that advise

- i) an immediate reduction in fishing pressure on cod rather than to focus on the difficult definition and achievement of long term targets. Such long term targets are estimated to be exploitation rates in the region of 50% or less than those estimated for recent years. Any reduction in fishing effort to reduce fishing pressure on cod should be consistent with other management measures.
- ii) The effort management system should be made area-specific and should include measures to penalise those fisheries exerting the highest mortalities on cod, for example vessels which target a mixture of nephrops and whitefish.

On the basis of this we believe that there is a clear need to improve the data available for identifying those fleet segments that are impacting on cod and allow for appropriate remedial action to be taken. While traditional whitefish vessels are obviously a critical fleet impacting on the cod stocks so too are some of the vessels not targeting cod and it is these fisheries which must also be targeted if recovery measures are to succeed.

The European Court of Auditors report³ concluded that overcapacity is still rampant in Europe, and effort up to now to reduce capacity has been compensated for by technological creep. The report recommends that the Commission and Member States should adopt active measures to reduce structural overcapacity in the fishing industry.

The current and possible future resistance to reductions in fishing effort is in part due to the small amount of days currently received by each fisherman for the quota that they receive. If the fleet sizes were smaller, then the number of days could be higher and more appropriate for the established quota levels. However, it is important to note that currently, the fishing effort is almost 3 times what is needed for the current quota level⁴ Adjusting only quotas and fishing efforts without tackling the chronic problem of overcapacity will not aid the recovery of cod in Europe, or indeed the impact of the fleet on the rest of EU quota species.

There is also an argument that some Member States have been better than others at taking action to decommission parts of their fleet. This is something that for purposes of cod recovery needs to be investigated further and a level playing field established.

In art 8a (ii) reference is made to the effort management units having contributed most to the total catch of cod and whose accumulated catch of cod constitutes at least 80% of the total catch. It is unclear though whether the references to catches here are to landing figures or actual catch figures. We would suggest that all fleets impacting on cod need to be accountable and incentives need to be provided to reduce the impact of all fleet segments.

² Commission staff working document - Report of the first and fourth meetings of the subgroup on review of stocks. (SGRST-05-01 and SGRST-05-04) of the scientific, technical and economic committee for fisheries (STECF) - Evaluation of the Cod Recovery Plan - Ispra, 13-17 June and 19-21 September 2005

³ COURT OF AUDITORS SPECIAL REPORT No 7/2007 on the control, inspection and sanction systems relating to the rules on conservation of Community fisheries resources (*pursuant to Article 248(4) second paragraph, EC*) (2007/C 317/01)

⁴ To place this in context, based on ICES' October 2007 advice¹¹, in order to recover the stock to above the Bpa level of 150,000t by 2009, the fishing mortality level should be brought down to 0.13. Assuming that there is a direct link between effort and F, this would translate to a fishing effort reduction of at least 76% (calculated by using ratio between F 0.13 and F 0.54, which would mean the fishing effort needs to be 24% of current level), based on total removals of 22,000t.

According to the European Court of Auditors⁵ the reductions in fishing effort does directly translate to capacity reductions. As the Community action especially in terms of the management of cod stocks is mainly targeted through effort reductions, which is a product of capacity (in GT or kW) times activity (days at sea), a reduction in it can be obtained by simply decreasing one of these factors, activity. The report goes on to say overcapacity continues to have a direct bearing on the profitability of the fishing industry, which may even be tempted to compensate for its reduced activity by increasing its productivity and investing in technological equipment, such as seabed mapping instrumentation or more efficient fishing gear such as twin-rigged trawls, which will *de facto* increase its effective fishing capacity yet is unaccounted for under the present effort management system.

Control & enforcement

WWF is supportive of the prohibition of transshipment of cod (*Art 9c.*) in the proposal, which is a new inclusion, and will improve the traceability and improve control and enforcement for related fisheries. The transfer rule for the kw/days that the CPUE (catch per unit effort) of the donor needs to be greater than the receiving gear, will inadvertently reduce the fishing efficiency for cod, if transfers are popular. However, these measures alone are not enough to tackle the current control and enforcement challenges, and will not lead to capacity reduction.

WWF understand that there are merits in a move to a kw/days system for purposes of management of the fleet. However if this is the approach adopted then there is a clear need to address the concerns raised by the European Court of Auditors report⁶ on this matter. The report found that measurement of fishing capacity in terms of tonnage (GT) and engine power (kW) has two major weaknesses. These are:

- i) The inadequacy of the standard units used for evaluating the true catch capacity, and especially the productivity gains associated with advanced technology, which, according to the Commission, may be between 1 and 3 % per year, or even more in some fisheries⁷.
- ii) The difficulty of actually measuring the data corresponding to these two units of measurement⁸ consistently and accurately.

Means of addressing these concerns need to be clearly set out if such a system is to be adopted. While some Member States may be willing and able to do this and in turn monitor closely the impact of a move to such a system, it is not clear that all would. The control and enforcement shortcomings are also closely related to the overcapacity discussion. The European Court of Auditors report⁹ found that fishing overcapacity jeopardises compliance with rules and effectiveness of controls and that overcapacity is a major risk factor for the failure of Community action.

Observers onboard

In order to meet the management objective of targeting those fisheries which impact most on cod there is a clear need for improved data from certain fleet sectors. It is also clear that this data needs to include catch data and not just landings as it is what is being caught that makes the difference and not just what is being landed. WWF believes that there is clear merit in increasing the levels of onboard observers deployed in the European fleet particularly in relation to management of stocks under recovery plans such as cod. Where there is a paucity of data for certain fleet sectors then observers should be deployed to plug these data gaps. For example if discard information or catch composition is missing from certain fleet sectors the Commission should have the powers to deploy independent observers on behalf of the Community to collect data on some of these fleets. WWF would like to see this be a condition established under Article 6a. A condition of European fleets

⁵ COURT OF AUDITORS SPECIAL REPORT No 7/2007 on the control, inspection and sanction systems relating to the rules on conservation of Community fisheries resources (*pursuant to Article 248(4) second paragraph, EC*) (2007/C 317/01)

⁶ COURT OF AUDITORS SPECIAL REPORT No 7/2007 on the control, inspection and sanction systems relating to the rules on conservation of Community fisheries resources (*pursuant to Article 248(4) second paragraph, EC*) (2007/C 317/01)

⁷ Communication from the Commission to the Council and the European Parliament on improving fishing capacity and effort indicators under the common fisheries policy, COM(2007) 39 final of 5.2.2007.

⁸ As regards engine power, the use of electronic limiters makes verification of the reality of the declared figures problematic; as regards tonnage, the harmonisation of the unit used has been introduced too recently to allow reliable comparisons with historic data.

⁹ COURT OF AUDITORS SPECIAL REPORT No 7/2007 on the control, inspection and sanction systems relating to the rules on conservation of Community fisheries resources (*pursuant to Article 248(4) second paragraph, EC*) (2007/C 317/01)

fishing with gear likely to impact cod should be the willingness to accept observers onboard for data gathering purposes.

Where there is no discard information available then observers should be deployed at a level of 20% coverage to provide a reliable measure of what is happening in the fishery. At any one time it would be desirable to have twenty percent of the fleets identified as impacting on cod willing to take observers onboard. This level of coverage would deliver vital data for management purposes – increased knowledge of catch and discard levels as well as helping to trigger real time closures where large aggregations of cod are encountered.

The use of observers should also be encouraged where new selectivity gear is being used to ground truth and confirm that it is having the desired effect. We appreciate that the current regulation provides incentives for just this sort of initiative but given the low uptake of this provision we believe there may be merit in having this as a mandatory requirement of the cod recovery plan – i.e. that observers are a part of the recovery management process – used to document improved selectivity and reduced catch of cod.

WWF would like to see onboard observers become a standard component of European fisheries management. However we appreciate that over time there may be a possibility of substituting electronic observer systems which could continue to monitor catches but for far less financial outlay. This would only be possible on the back of baseline data having been collected for any vessel/fleet taking up this option.

Quotas setting

The proposal has several new elements in setting quotas especially when there is lack of data. In Art 6a when STECF has determined that advised catches should be zero, a maximum reduction of 25% is warranted. It is unclear why reference is made to STECF and not ICES advice being needed. And also why the reductions do not go beyond 25%. In Art 6(1) reductions and increases in quotas are also capped between 10-15%.

The proposal further reaffirms that both Ministers and the Commission have tied themselves to the “gradual approach” – e.g. limiting reductions to 15%, even for stocks under a recovery plan. Such an approach puts the biological integrity of targeted and by-caught fish stocks and ecosystem robustness of marine ecosystem at greater risk of permanent collapse. WWF does not believe that such an approach is valid until the stock is at least above Bpa. As noted above we recommend that where there is a lack of data then observers need to be deployed to the appropriate fleet segment to address this.

Mortality Rates & Recovery period

WWF welcomes the overall objective established by the revised plan ‘ensure recovery of the cod stocks to the precautionary stock sizes advised by scientists’. We would however welcome this timeframe being set instead of within 5-10 years to a more ambitious target of 3-5 years which is documented should be achievable if the appropriate measures are taken, particularly building on recovery measures taken to date.

As most of the cod spawning stock biomass in question are below Bpa, management measures in place need to be robust and highly restrictive, as any amount of flexibility could lead to excessive fishing pressure being exerted on the stock. A year to year margin of 15-20% increase may not be restrictive enough to render the protection currently needed for this species.

General

In terms of incentivising Member States or fleets to adopt the most responsible attitudes towards cod recovery we believe there could be merit in introducing an incentives system whereby those Member States who can demonstrate that they are contributing substantially to reducing cod mortality (through reduced bycatch and discarding) are rewarded in some way over those Member States who choose to only operate the minimal management measures required.

It is clear there is still further thinking needed on the final proposal and we hope that some of the issues we raise in this briefing can be taken account of in any future re-draft.