

To
Melissa McFadden
Food Certification International Ltd

14 April 2011

CCB Comments on the Public Comment Draft Report on the Fiskbranschens Sweden Eastern Baltic Cod Stock provided by the Food Certification International Ltd for MSC Certification

Rationale

Coalition Clean Baltic (CCB) commented on the previous Draft Report on the Eastern Baltic Cod Fishery regarding the Danish Application for MSC certification. CCB acknowledged the need for an objective measure of sustainable fisheries worldwide, and that MSC so far is the only mechanism for such an objective. Some of the basic ingredients of this type of eco-labeling are to help improve and enforce effective fisheries control and also implementation of eco-system and multi-species management. This, in turn, calls for elimination of wasteful fishing practices and phasing out of by-catches and discards. Gear selectivity must be improved and under-sized fish should be part of the TAC decided by ICES. As argued in the previous comments MSC criteria must be changed to allow for such improvements when deciding on fishery performance. Strict application of these objectives must be adhered to when designing criteria and indicators. CCB object to fisheries obtaining full certification on a number of cases where the assessors have failed to follow MSC's own regulations. These cases are discussed below.

Assessment of Sweden Eastern Baltic Cod fishery

General comments

This assessment is said to cover four different methods of capture – demersal trawl, long lines, set nets and fish traps, however fish traps are not mentioned in the summary even though traps (e.g. cod pots) would be the most efficient way of improving the fishery from an environmental perspective. Fish traps have the lowest injury rates, the highest survival rates and the highest recapture rates of all gears tested. Fish traps (along with demersal trawls and long lines) are proposed to be certified, whereas set nets are not. CCB agree on the proposal to deny certification of set nets, but also question certification of the other gears used in cod fishing in the Baltic.

Among weaknesses mentioned, which will have to be addressed as a binding condition on the fishery, are substantial underreporting of catches, the lack of an objective sampling program for discards which hampers estimation of fishing mortality, the problem of discarded by-catches, and, the habitat impact

Coalition Clean Baltic (CCB), Östra Ågatan 53, SE-753 22 Uppsala, Sweden **Tel:** +46 18 71 11 55 / +46 18 71 11 70 **Fax:** +46 18 71 11 75
E-mail: secretariat@ccb.se / gunnar.noren@ccb.se **www:** www.ccb.se **Org. number:** 802015-1281 **CCB is a member of The World Conservation Union (IUCN)**

Coalition Clean Baltic is a network of environmental NGOs sponsored by:

- Ecohome • IPO Ecoproject Partnership • Danish Society for Nature Conservation • Estonian Green Movement • Finnish Association for Nature Conservation
- Finnish Society for Nature & Environment • Bund für Umwelt und Naturschutz Deutschland, BUND • Environmental Protection Club of Latvia, VAK
- Latvian Green Movement • Lithuanian Green Movement • Lithuanian Fund for Nature • Polish Ecological Club, PKE • Green Federation - GAJA, Szczecin, Poland
- Friends of the Baltic, St Petersburg, Russia • Ecodefense, Kaliningrad, Russia • Neva River Clearwater, St Petersburg, Russia • Green World, St Petersburg, Russia
- The Guide Environmental Group, Kaliningrad, Russia • Greens of Karelia, Petrozavodsk, Russia • Swedish Society for Nature Conservation
- WWF Sweden • The Western Center of the Ukrainian Branch of the World Laboratory

of otter trawls. CCB find all these weaknesses difficult to address within the timeframe of the certificate. CCB thus believe that the conditions to be met by the certified fishery, i.e. to attain a score of at least 80 of performance indicators by the conditions for certification, will not be achieved, and that, therefore, it is unrealistic to recommend that those fisheries be certified at present.

CCB have no general comments on the sections called 1. Introduction, and 2. The Fishery which are descriptive sections on the fisheries under certification.

Target Stock Status & Harvest Control

According to MSC **Principle 1**, a fishery must be conducted in such a manner that those populations that are depleted will be subjected to a fishery leading to their recovery. CCB see this statement as an over-arching principle which also is a basic requirement of ICES recommendations. CCB agree that the cod stock of the Eastern Baltic presently is at a safe level even though it relies heavily on only two year classes – 2006 and 2007. This situation is due primarily to two circumstances, an inflow of saline and oxygen rich water and the management efforts enforced. Long term stability is in part dependent on the environmental and management conditions mentioned above but also on the still uncertain levels of discards and underreporting of catches according to ICES. A strict precautionary approach must be applied.

The certifiers conclude that at current spawning stock size it is unlikely that recruitment would be impaired as a result of fishing and also that at the current rate of fishing it is unlikely that recruitment overfishing will occur. On the other hand, poor recruitment and high fishing mortality created the downward trend some decades ago and this scenario may well be repeated so a precautionary approach must be employed when setting future TACs. Obviously, reference limits for a predatory species as the cod cannot be determined unless changes of the biomass of its prey species are considered as well as the environmental conditions impacting spawning and recruitment. However, CCB believe that the same management strategy be chosen in coming years to attain stock stability and thus a more balanced ecosystem. Based on the advice by ACFM (2005, 2007) it was proposed that F should be reduced by 10 % each year until the fishing mortality level of 0.3 is reached. This plan sets a maximum change of 15 % of the TAC between consecutive years, unless fishing mortality exceeds 6 % in which case the TAC will be set to achieve a fishing mortality reduced by 10 %. ICES claims that this plan is in accordance with a precautionary approach. *CCB assume that the extensive misreporting of total catches be taken into account when performing this analysis.*

High-grading is banned since 2010 in Baltic fisheries and it is anticipated that there will also be a discard ban by 2013. CCB find it extremely important that data collection be improved to help in evaluation and enforcement of the results of these measures.

Principle 1: Management of the stock

In the draft report under chapter 7.2 Scoring, in table 7.1 , under Stock status/Harvest control rules – the component “Stock rebuilding” give the score “NA” , which we interpret as “not available”. In Appendix 3, point 1.1.3 on “Stock rebuilding”, no score has been made.

This means that evaluation/scoring for “Stock rebuilding” in this case, has not been made, and MSC has not followed its own criteria, which is a serious matter.

Stock rebuilding, as well as evaluation of age, length, weight and maturity composition are crucial elements to evaluate if a fish stock status is healthy. We have problems to accept any evaluation of a fishery, if the stock rebuilding is not evaluated properly.

Stock rebuilding is strongly related to the selectivity of the fishing gear applied. This is the reason why “*Selectivity of the fishing gear*” must be considered for classification of the sustainability of the Baltic cod fisheries.

Gear Selectivity and accepted levels of by-catch of cod juveniles

Different gear has very different levels of by-catch or a general level of catch of unwanted fish. The impact of by-catch of cod juveniles on the long-term development of the cod stock must be properly evaluated and taken into account. Sustainable fishing gear must guarantee sufficient size of in-coming year classes to the stock.

By-catch of juvenile cod is a much larger problem for towed gear (various trawls, seines) and the problem increases with the amount of time a gear is in the water, amount of fish available and the size composition of targeted fish. Selectivity is heavily reduced in the best of gears if the trawl fills up quickly. The selectivity can change dramatically with the time for each trawling haul. Such aspects must be controlled and be taken into account when eco-labelling the Baltic cod fisheries.

ICES, has in 2008, calculated that the trawl catch of undersized cod (< 38cm) is between 1,7% - 7,5 % in Baltic sub area 25-28 on average. The Baltic TAC 2010 is 64 500 ton. Considering that at least 60% of cod is caught by trawls in the Baltic, and same levels for juveniles by-catch as in 2008, this means that between 657 ton and 2902 ton of undersized small cod that is caught/discarded in 2010. In individual numbers that means, based on a reasonable average weight of cod under 38 cm at 0,5 kg, that between 1 315 000 – 5 804 000 million undersized fish are caught legally in 2010.

In 2008 and 2009 ICES actually estimated that the total number of discards was approximately 8.8 million fish where a vast majority of discards was from active gears/trawling. Despite their small size all these fish should be considered as potential spawners, which is the main reason for minimizing discards. Some 60-70 % of the catch of undersized cod was taken in trawls. CCB argue that gear selectivity for all fishing methods regarding cod in the Baltic should be less than 2 % and fishing gear that cannot reach that limit should not be certified. It is further argued that an improved method for monitoring and control must also be developed.

MSC principle 3 , Operational criteria no 12 says “Fishing operation shall make use of gear and practices designed to avoid the capture of non-target species and *non-target size, age, and/or sex of the target species ...*”

As we understand *this criteria has never been evaluated in the MSC assessment of the Eastern Baltic cod.*

MSC should introduce requirement for selectivity of fishing gear in Baltic Eastern cod fisheries.

*Selectivity for fishing gear for Baltic Eastern cod fisheries shall be < 2 % (by weight) . Which means that less than 2 % of the catch can be undersized cod (minimum landing size is 38 cm). Fishing gear that cannot reach this limit value can consequently not be labelled.

A requirement for monitoring and control of the selectivity must also be developed:

*All landings of Baltic Eastern cod shall be sorted and reported in two groups, above and under the minimum landing size (38 cm) and selectivity shall be calculated.

Only a few countries have provided information on unreported landings and according to the EU Fishery Inspection Evaluation Report misreporting is applicable for all Baltic countries. In addition,

discard data was also only available from a few countries. This lack of relevant data calls for precaution.

Principle 2: Ecosystem impact/Environmental elements

Following the intention to manage the fisheries of the Baltic in an ecosystem based approach cod, sprat and herring must be managed in concert to better balance the Baltic ecosystem. In terms of by-catches set nets can accumulate large numbers of drowned birds (mainly cormorants), but that is a matter of where the nets are set. In general, though, by-catches of birds appear not to be a major problem. In spring there may also be high catches of young seals in set nets. Birds and seals may also be caught in high numbers on long lines. Catches of harbor porpoise can be avoided to a large extent by using pingers and there is an indication at present that some seven harbor porpoise are found in by-catches in the Baltic annually. Trawls appear to yield low catches of mammals and birds, but cod pots seem to provide the only safe method of catching cod with minimum by-catches. Certification of such gear would be welcome.

In the ICES Special request on advice (May 2010) new information was summarized regarding marine mammals, seabirds and sensitive habitats and impact on fisheries. There is currently no seabird by-catch reporting requirement within the EU so unless the Commission requires such data ICES will have difficulty in providing adequate advice on the impact of fisheries on seabird populations. The same applies to data on marine mammal population trends in relation to fisheries. This state of things is highly unsatisfactory and under these circumstances CCB urge that a precautionary approach to by-catches of animals other than fish be applied. CCB also suggest that certified fisheries will have closures depending on type of by-catch, season, location and gear, and not on a voluntary basis. The harvest strategy is based on the Multi-annual management plan for Eastern Baltic cod which was agreed upon in September 2007 and implemented in 2009. This plan combines total allowable catch and effort control. In addition to direct control of TAC and TAE, indirect effort controls are also included combined with technical measures.

The retained species caught are fish species other than the cod targeted. The cod fishery is highly selective in terms of fish species caught, with figures varying between 99.9 % and 93.26 % with set nets being least selective and long lines being most selective. Despite this selectivity there is a large discard of juvenile cod which is considered under Principle 1 rather than Principle 2 – target species.

Principle 3: Management of fisheries

Another important item where there is far too little objective evidence is the IUU cod landings in the Baltic. There are analyses (by WWF) which indicate that some 25-30 % IUU fishing is still going on. CCB urge that MSC consult with ICES on misreporting and IUU landings. Communication has improved between industry, NGO's, managers and scientists through the BSRAC and the Baltfish forum aiming at a better dialog between the fisheries directors of the Baltic States. These two bodies should be consulted e.g. concerning creation of MPA's and ways to eradicate discards and minimize by-catches.

Principle 3: Management of fisheries

MSC principle 3, management system criteria no 6 says "The management system shall provide economic and social incentives that contribute to sustainable fishing and shall not operate with subsidies that contribute to unsustainable fishing".

MSC says that subsidies shall not contribute to unsustainable fishing. Baltic cod fisheries, including Danish Baltic cod fisheries, have a set of various EC/state subsidies for fishermen and fishing companies. Many subsidies in place are indirect, hidden or at least hard to clear out in an easy way. Examples on direct subsidies are e.g. pricing subsidies considered i.e. guarantee prices on certain

products; unemployment insurances (e.g. payment to fishermen under stormy weather conditions). A more indirect subsidy is fuel subsidies for fishing vessels. Fuel subsidies can hardly be seen as supporting sustainable fishing practices. Fuel subsidies for fishing vessels contribute to the practice that the trawl tugs can be for more hours. Such practices substantially increase the risk for bad selectivity in trawling, e.g with a clogged Bacoma-end, which results in that juvenile cod cannot escape.

It is important that MSC follows its own principles for eco-labelling of fisheries.

State subsidies for fisheries would exclude fisheries from MSC-labelling according to MSC guidelines and principles.

MSC should introduce the following requirement for Baltic Eastern cod fisheries that operate with subsidies that contribute to unsustainable fishing :

*Swedish fishermen and/or fishing companies that receive EC or/and state subsidies giving them the opportunity for fisheries on Baltic Eastern cod stock cannot be labelled by MSC.

CCB also urge that MSC following Principle 3, criterion 10e, should require that cod fisheries be subjected to international laws regarding seasonal closure, in order to attain full certification.

Other comments

The assessments of fisheries and its relation to the MSC principles and criteria for sustainable fishery. The MSC system is created with 3 principles , and under each principle a number of criteria. Principles 1 and 2 has 3 criteria each, and principle 3 has 17 criteria. The assessment reports, at least for Eastern Baltic Cod Fisheries, are presented in such a way that it is impossible to follow how each criteria has been evaluated. This means that the assessment can not be seen as a transparent and open process, and the reliability and credibility can be questioned.

MSC should at the earliest date set up requirements for the certification consultants so it always will be easy to follow all single MSC-criteria in the assessment tree and all the scoring sheets.

Summary

In summary CCB highlight the following proposals that MSC need to consider when certifying this fishery:

- MSC should define which subsidies they consider appropriate to accept in certification, and why
- MSC should consider measures to achieve a more even age, length and sex ratio of the target species than the case today
- MSC should thus follow its own criteria when assessing age, length and sex ratio
- MSC should only accept “best practice” technology to improve selectivity rather than “business as usual”. This would ensure a larger spawning biomass
- Underreporting of catches, the lack of an objective sampling program to assess discards and thus fishing mortality, and the impact of discarded by-catches are, according to CCB, not treated in enough detail today, and
- MSC has, therefore, not considered the basis of an ecosystem-based management scheme

The following requirements for certification of Baltic Eastern cod fisheries shall be introduced, if CCB shall support the MSC-labelling of the Baltic Eastern cod stock:

- Selectivity for fishing gear for Baltic Eastern cod fisheries shall be $< 2\%$. Which means that less than 2 % of the catch can be undersized cod (minimum landing size is 38 cm). Fishing gear that cannot reach this limit value can consequently not be labelled.
- All landings of Baltic Eastern cod shall be sorted and reported in two groups, above and under the minimum landing size (38 cm) and selectivity shall be calculated.
- Swedish fishermen and/or fishing companies that receive EC or/and state subsidies giving them the opportunity for fisheries on Baltic Eastern cod stock can not be labelled by MSC.
- MSC should require reliable reporting systems of sea-bird by-catch and marine mammal bycatch.
- CCB thus find it difficult to support certification of this fishery under present circumstances.



Gunnar Norén
Executive Secretary
Coalition Clean Baltic
(gunnar.noren@ccb.se)