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36th PLENARY MEETING REPORT OF THE SCIENTIFIC, TECHNICAL AND ECONOMIC COMMITTEE FOR FISHERIES (PLEN-11-01)

PLENARY MEETING, 11-15 April 2011, Barza d'Ispra

Edited by John Casey & Hendrik Doerner

ADDENDUM

Relating to Section 9.3: on the implementation of cod avoidance measures in accordance with article 13.2(c) Regulation (EC) No 1342/2008

CORRIGENDUM ISSUED ON 2 DECEMBER 2011

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ADDENDUM

Terms of Reference

Background

The Commission received a letter from Denmark in which the STECF advice in the April 2011 plenary report (STECF PLEN 11-01, Section 9.3) regarding annual results in the fishing mortality reduction under the DK cod avoidance is contested. The DK considers that STECF has used the same methodology as it is described in the DK multiannual plan and amount fishing mortality reduction is calculated in relation to the baseline (2004-2006). Thus, DK considers that its cod avoidance measures in 2009 delivered the surplus 5% and therefore in accordance with Article 13.7 different annual fishing effort adjustment should be applied to DK. More detailed argumentation can be found in the DK letter.

However, the Commission's reading of the STECF advice is that the fishing mortality reduction is calculated in relation to the previous year as it was requested by the TORs. Furthermore in the TORs it is stated that "*It is expected that the STECF advises the Commission on appropriate adjustments in effort that may be applied for the relevant areas and gear groupings as laid down in article 13.7 of Council Regulation (EC) No 1342/2008*". The STECF April report does not contain recommendation on different fishing effort adjustment for DK".

The Commission can not exclude that there is some kind of misunderstanding and therefore would like to receive the STECF clarification on:

- In relation to which period (baseline level of 2009 or 2004-2006) STECF calculated the estimated reduction in fishing mortality *("STECF considers that the estimated reductions in fishing pressure of 24%, defined as the product of cod density and effort, provide the best proxy estimate for the expected local removals of vessels monitored with VMS"), and*
- *if it is appropriate to advise the Commission on adjustments in effort that may be applied to DK for the relevant gear groupings in Kattegat as laid down in article 13.7 of Council Regulation (EC) No 1342/2008.*

STECF response

The Danish plan has been in place since January 1 2009. STECF estimated the potential impact that the introduction of two area closures introduced in January 2009 had on fishing mortality during 2009 relative to the fishing mortality in 2008.

Based on an analysis presented by the Danish authorities, STECF considers that these closures would have been sufficient to achieve a reduction in fishing morality of 24% (relative to the fishing mortality in 2008) during 2009 and this could be used as the basis for adjusting fishing effort in accordance with Article 13.7 of EU Regulation 1342/2008.

DK letter to the Commission:

Ministry of Food, Agriculture and Fisheries

November 2011
No.: 8529/293340
Ref.: JACL/OPO
Tel.: 20915904
E-mail: jacl@fvm.dk

Subject: Danish Cod Avoidance Plan in the Kattegat

Dear Carla Montesi and Bernhard Friess,

I send this letter to you in order to have any misunderstandings on the implementation of the Danish cod avoidance plan for the Kattegat sorted out.

The cod avoidance plan was included in the Terms of Reference for the STECF plenary meeting in April 2011. STECF was requested to assess the annual results in fishing mortality reduction under the Danish cod avoidance plan which would result from the application of the framework of Article 13[1].

Furthermore, STECF was requested to assess, to the extent possible, the impact of the measures foreseen in the plan on cod mortality for the whole period of the plan, 2010-2013.

1. We take great comfort in the conclusions of STECF. STECF assesses the initiatives already implemented in the Danish cod avoidance plan, i.e. the closed areas. The effects on fishing mortality of the closed areas in the Kattegat and the Sound are evaluated and STECF concludes that the estimated reductions in fishing pressure of 24% (12% plus 12%) provide the best proxy estimate of the removal of cod. Thus, STECF agrees with the effects of the closed areas calculated in the Danish cod avoidance plan.

The effects of all the initiatives in the Danish cod avoidance plan are calculated in base-line-percentage (2004-2006), and the STECF assessment of the effects of the Danish cod avoidance plan follows the same methodology.

Annual effort reductions of 25% in accordance with Article 12(4) corresponds to the following effort ceilings as compared with the baseline: 2009: 75%, 2010: 56%, 2011: 42%, 2012: 32% and 2013: 24%. The corresponding effects of the cod avoidance initiatives to recover annual reduction of effort are 25%, 19% (75-56), 14% (56-42), 10% (42-32) and 8% (32-24). This entails for example that Denmark in 2010 needed to introduce initiatives with an effect of approximately 19 % in baseline-percentage in order to recover the 25 % reduction that was imposed as a result of Article 12(4). For 2011 the need for cod avoidance initiatives is 14% in base-line percentages in order to recover the 25% reduction.

[1] Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks

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STECF concluded in April 2011 that the effect of the closed areas in the Kattegat and the Sound, as calculated in the Danish cod avoidance plan provide the best estimate of the effects.

Since Denmark delivered 24 % cod avoidance initiatives in baseline-percentage in 2010, these initiatives represents an over performance of 5% points in baseline-percentages.

2. The Danish Cod Avoidance Plan is a multiannual plan (2010-2013). The initiatives in the plan are gradually implemented and maintained over the whole period. Therefore in our view (as an example), the surplus of 5 % from the closed areas could be taken into account in later years of the plan. We consider the cumulative effects of the measures that will be taken over the entire period (2010-2013) will be sufficient so as to deliver the required reductions of fishing effort.

STECF welcomes the Danish cod avoidance plan and note that the multiannual perspective of the Danish cod avoidance plan "may be beneficial because it could potentially encourage reductions greater than 25% in fishing mortality earlier in the cod avoidance plan. Such an earlier increased reduction – even if followed by subsequent lower reductions - result in cumulative benefits, as more of the current cod population would be allowed to survive than would be achieved with linear – year on year- reductions of 25%."

From a scientific point of view STECF endorses the multiannual approach and the "carry over" of excess reductions. From a legal point of view, STECF finds this matter to be outside the competence of STECF. However, from the Danish side we see no justification for not taking into account excess reductions in previous years in the annual assessments of the reduction of fishing mortality in later years of a plan.

3. Finally, I would like some clarification on the procedure for approval of cod avoidance plans. My understanding from earlier meetings with the Commission is that "Article 13 plans" do not require the approval of the Commission or adjustments in the annual effort restriction established in the TQ-Regulation.

The Commission may propose adjustment in effort for the following year following an assessment of the implementation of the national plan in the previous year. We understand possible adjustments to be communicated directly to relevant Member States and not via amendment of the TQ-Regulation.

However, if the Commission considers that a change of the effort ceiling in the TQ-Regulation, following the Danish cod avoidance plan, need to be established in the TQ-Regulation, Denmark would ask the Commission to correct the proposal for internal stocks (COM 2011 586). The effort for TR2 in the Kattegat should read 1.967.506 kW-days corresponding to full recovery of effort reduction.

Yours Sincerely,

Anders Mikkelsen

European Commission

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Abstract

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