



Ms Veronika Veits
Directorate-General for Maritime Affairs and Fisheries
European Commission
1049 Brussel
Belgium

Dublin, 17 February 2020

Subject: NWWAC response to the COM request regarding the Annual report on the implementation in 2019 of the Landing Obligation

Dear Ms Veits,

The North Western Waters Advisory Council welcomes the opportunity to respond to the Commission questionnaire on the implementation of the Landing Obligation in 2019. This was circulated to the members of the NWWAC for comments and, in view of the fast approaching deadline, it was suggested for AC members to address their individual responses to the Commission directly. We provide some overarching observations based on the NWWAC's work on choke species below.

In 2018, the North Western Waters AC identified the issues of choke species as the main obstacle to the implementation of the Landing Obligation. This followed from an update of the Choke Identification Tool based on information on catches and quota uptake. Further challenges which the NWWAC has also consistently highlighted include:

- The setting of TACs in mixed fisheries (e.g. cod, haddock, whiting 7b-k) and coverage of non-target species (e.g. Plaice 7hjk);
- The MSY timetable, which requires that all harvested species are managed according to the principles of MSY by 2020 at the latest;
- Zero TACs and zero quota stocks;
- Highly depleted stocks with low rebuilding potential (e.g. West of Scotland cod);
- The lack of data, particularly on unwanted catches;
- Unintended consequences of measures, e.g. displacement of effort.

Following from a further update of the available catch and quota information in 2019, the NWWAC believes this to remain unchanged¹. The NWWAC identified that it was unlikely that any Discard Plan resulting from the Joint Recommendations of the NWW Member States Group would lead to full mitigation of the identified choke species and that further measures would be needed to avoid fisheries closing prematurely in 2020.

¹ NWWAC Advice Addressing Choke Risk in NWW after exemptions of 17 October 2019, available [here](#).





The NWWAC reiterates that the North Western Waters demersal fisheries are highly dynamic, variable and have a mixed nature. The fisheries are subject to ecosystem change that can result in distributional shifts in fish species. Changes in stock biology and natural phenomena such as recruitment pulses prevalent in gadoid species, may create choke situations not originally forecasted. This has implications for the degree to which chokes can be predicted and for the tools available to mitigate them.

While the NWWAC recognises that TACs are the most direct way of limiting fishing mortality in commercial fisheries, their application in mixed fisheries can be problematic, especially where TACs for bycatch species restrict fishing opportunities for target species. In mixed fisheries it is inevitable that different stocks will have divergent levels of abundance.

Mitigating the choke risks for certain stock(s) may have knock-on effects on other stocks. The impact of effort displacement from fisheries also needs to be considered as this may have implications for other stocks where the choke risk is currently low. To deal with unexpected choke situations some contingency planning would be needed.

The NWWAC acknowledges that any technical measures put forward should be geared towards benefitting the stock rather than solely avoiding chokes. Priority should be given to measures which do not only minimise the amount of unwanted catch (and thus the choke risk), but also help the relevant stocks recover to mitigate chokes in the long-term. Otherwise, the underlying issue (the dire state of certain stocks) would remain unaddressed and the potential choke issue is simply perpetuated rather than solved. It is understood that the best way of preventing future chokes is to allow stocks to recover to healthy levels. At the same time, the effects of climate and other eventual natural changes on the stock statuses should not be disregarded.

Therefore, priority should be given to measures that aim at avoiding unwanted catches in the first place. This could include spatial closures, real-time closures, mandatory move-on rules and gear modifications. The NWWAC finds it important that new initiatives that may appear in different regulations (Discard Plans, TAC & Quota regulation, etc.) undergo a constant evaluation of their effect on the necessary choke avoidance.

Yours sincerely,

Emiel Brouckaert
Chairman Executive Committee

