



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
WATERS
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA
LAS AGUAS
NOROCCIDENTALES

EU Transparency Register Id. No: 8900132344-29

ADVICE

On the Consultation on Fishing Opportunities for 2021 under the Common Fisheries Policy (COM (2020) 248 final)

18 September 2020

1. Background

The North Western Waters Advisory Council (NWWAC) exchanged preliminary views with reference to the ICES presentation of scientific advice for fish stocks in North Western Waters (NWW) for 2021 and the Policy Statement from DG MARE at the virtual meeting of the NWWAC Working Groups (07 and 08 July 2020).

The NWWAC Working Groups reconvened virtually on 02 and 03 September 2020 and addressed in more depth the implications and consequences for each NWW stock when fishing opportunities are set for 2021 according to the scientific advice and the Common Fisheries Policy.

Following the results of these discussions, the NWWAC has developed this advice which represents its main contribution to the Commission for their work towards proposing the fishing opportunities in the North Western Waters for 2021 to the Council.

2. General comments

2.1. The Landing Obligation

The NWWAC, in co-operation with the NWW Member States Group (MSG), has developed a comprehensive tool (Choke Identification Tool), which serves to identify the choke risks at fishery level.

The Joint Recommendation (JR) for 2021 submitted by NWW MSG to the European Commission contained *de minimis* and high survivability exemptions, while the technical measures designed to increase the selectivity in key fisheries were submitted separately for the first time this year. The NWWAC updated the

Choke Identification Tool and evaluated the mitigation measures included in the Joint Recommendation for 2021 to assess whether further recommendations to resolve choke issues in the NWW should be the subject of future advice.

This topic will be examined separately in the planned NWWAC advice to the Commission on “Addressing choke risk in the NWW after exemptions”.

The NWWAC agrees that compliance with the LO and agreed Total Allowable Catch (TAC) levels must be ensured. Lack of compliance with the LO, as recognised in the Commission’s communication on fishing opportunities and other reports, remains a concern. The NWWAC OIG members highlight that this poses a serious risk of overfishing, where TACs are set based on total catch advice albeit with some deductions made to account for legal exemption discards, implying the assumption that all catches are effectively landed, with no discards (other than those covered by an exemption) beyond the agreed TAC level. The NWWAC acknowledges that reporting of exempted quantities discards is still up for improvement and that this should be taken into account in the assessments.

The NWWAC members therefore highlight the need to consider a precautionary approach in the absence of full compliance with the LO and agreed TAC levels.

2.2. Ecosystem Based Fisheries Management

The NWWAC recognises that there are many pressures on the marine environment, for example climate change, pollution and unsustainable fishing, which pose a synergistic threat to marine ecosystems and their ability to deliver ecosystem services such as commercial fisheries and climate mitigation. Ensuring sustainable fisheries, including the setting of TACs in line with the best available scientific advice, and considering ecosystem dynamics, is essential to maintain and restore healthy and productive ecosystems which are resilient to other stressors such as climate change and can continue to deliver essential ecosystem services¹.

The NWWAC participated in the final ICES WKIrish workshop in November 2019 assisting in the development of an ecosystem-based approach to fisheries management in the Irish Sea. WKIrish propose to use relevant ecosystem indicators to inform the F_{MSY} and has identified a route by which ecosystem information can be incorporated into the current single species assessment process. Discussions at the workshop focused on the evidence that management measures and environmental state should be considered holistically. The evidence from ongoing ecosystem model development in the Irish Sea demonstrates the complex interactions that should be considered in fisheries management.

¹ Sumaila, U. R., & Tai, T. C. (2020). End overfishing and increase the resilience of the ocean to climate change. *Frontiers in Marine Science*, 7, 523

The NWWAC advises that the Commission makes use of all available scientific information and tools when proposing TACs for 2021 to the Council, including on ecosystem-based management and mixed fisheries advice. The NWWAC highlights the significant advances made throughout the WKIrish process towards an ecosystem-based approach to fisheries management and encourages the Commission to carefully review its findings and their relevance for setting TACs in a way that takes into account ecosystem dynamics.

The NWWAC urges the Commission and the Member States to carefully explore the mixed fisheries advice provided by ICES and identify how it could be used in the decision-making to safeguard the less abundant stocks while avoiding choke situations.

2.3. Quality assurance of the scientific assessment

The NWWAC appreciates the effort ICES has made in addressing quality assurance in stock assessments. Nevertheless, members continue witnessing a lack of consistency in the advice for several stocks as outlined in the paragraphs below and highlight the critical need for quality assurance across all assessments in accordance with the ICES advisory plan².

According to the most recent STECF report³, sufficient data to fully determine whether the sustainability requirements of the Common Fisheries Policy (CFP) are met are only available for 24 stocks across the whole NE Atlantic in 2018. This may be due to a short time series of biological data, low catches and/or insufficient sampling data, or missing catch information (e.g. angling catches or discards). The lack of data for certain stocks is negatively impacting on stock assessments and management. For example, a number of stocks were subject to benchmarks in 2020, however a lack of data feeding into these benchmarks has contributed to the advice category being downgraded, with potential impacts on the advised catches and the resulting fishing opportunities. The ICES advisory plan also recognises this as one of the quality assurance main issues.

Improved data collection and the development of MSY proxy reference points, in tandem with a precautionary approach to fisheries management as per the CFP, would help to ensure that stocks which are not currently subject to MSY assessments meet the CFP's objectives. Improved data collection would also improve our understanding of the health of stocks and marine ecosystems, informing sustainable fisheries management. In light of this, the NWWAC would like to make the following recommendations:

- Managers should improve data collection to inform the science as a robust basis for sustainable fisheries management in line with the CFP.

² ICES. 2019. Advisory Plan. <http://doi.org/10.17895/ices.pub.5468>

³ Scientific, Technical and Economic Committee for Fisheries (STECF) – Monitoring the performance of the Common Fisheries Policy (STECF-Adhoc-20-01). Publications Office of the European Union, Luxembourg, 2020, ISBN 978-92-76-18115-6, doi:10.2760/230469, JRC120481

- Member States should support ICES in the development of MSY proxy reference points for data deficient stocks.

3. Development of the state of the stocks

The NWWAC prepared general comments and specific ones on the ICES assessment and advice for some stocks as published in July 2020.

3.1. Stocks with zero or very low catch advice

The NWWAC recognises and welcomes the long-term progress made overall towards more sustainable EU fisheries reflected in the Commission's communication. However, the Other Interest Group (OIG) members of the NWWAC highlight that, particularly in the North Western Waters, a number of stocks are still far from healthy, productive levels⁴, and that continued efforts are urgently needed to ensure sustainable EU fisheries across the board in line with science and the law.

To date the main focus seems to have been on commercially valuable target stocks, whereas vulnerable bycatch stocks continue to be in a dire state, with repeated zero-catch advice and limited or no tangible signs of improvement. Considering the zero-catch advice for several stocks in western waters for 2019, the Council adopted bycatch TACs and the Member States concerned committed to developing Bycatch Reduction Plans (BCRePs) and to implementing full catch documentation for these stocks from 2019. The intention of these BCRePs was to avoid immediate choke situations arising from zero catch advice.

However, the STECF's evaluation of the BCReP developed by the NWW MSG in July 2019 found that the BCReP "Does not fulfil the commitments made by the Member States as it does not contain any elements to ensure reduced by-catches of the relevant stocks over and above the measures already included in the discard plan". As far as the NWWAC is aware, work on the BCReP has not progressed further since then, apart from the adoption of Celtic Sea remedial measures introduced through last year's TAC Regulation and the NWW MSG current work on a Joint Recommendation on the same topic. The NWWAC seeks clarification from the Commission if the BCReP approach will be resumed or has been replaced by an alternative process, for example via the abovementioned Joint Recommendation, given that its objectives have not been met, recognising that the impact of some work undertaken is yet to be evaluated.

There is a concern that the setting of bycatch TACs for zero catch advice stocks may prevent these stocks from rebuilding or potentially increase fishing mortality, particularly if their use is not well documented. Therefore, it is essential that reliable data collection and monitoring is ensured.

⁴ STECF has repeatedly noted that progress has been too slow, and according to the STECF-Adhoc-20-01 report 32% (14 out of 44) of fully assessed within the NE Atlantic ecoregions remain outside of safe biological limits, while 38% (26 out of 68) are still subject to overfishing.

The NWWAC recognises that if the choke issues are to be resolved, concrete efforts to recover these bycatch stocks need to be prioritised. An important part of this would be to address data gaps and ensure proper monitoring. This is crucial not just to provide for healthy, diverse and resilient ecosystems that can withstand additional challenges posed for example by climate change, but also to prevent such bycatch stocks from continuing to limit targeted and mixed fisheries, or to even allow them to be rebuilt to levels which can sustain fisheries in the future.

3.2. Status of cod stocks in the North Western Waters

The NWWAC noted that in the assessment of the state of the cod stocks it is unclear to what extent predation and climate change have an impact. For example, a presentation on how climate is affecting fish stocks by the University of Aberdeen at the SEAFISH Fisheries Management and Innovation Group meeting on 10 June 2020⁵ mentions that North Sea and Irish Sea cod are spawning earlier due to the increase of water temperature. The earlier spawning of cod has implications for larval survival and ultimately reduces recruitment rates. Such elements, if not considered in the assessments, contribute to members of the fishing industry having doubts about the quality of the assessments.

NWWAC industry members point out that the 6a cod trend differs from all other stocks and consider the sudden and large increases in F to look abnormal. They find it difficult to explain why the cod stock should be subject to such a different level and trend in fishing mortality given its presence in a mixed fishery, where it might rather be expected to show similar rates of fishing to haddock and whiting, at least with regard to trends.

Explaining this difference requires that the remaining cod is highly available to the fleet either through fish concentrating in fishable areas and/or them being specifically targeted. NWWAC industry members note that this is not evident in the adjacent cod stocks which have shown very similar historical declines that the stock is not being targeted given the restrictive management measures in place. NWWAC OIG members are concerned about the ICES observation that management measures taken so far have not resulted in a recovery of the stock, that fishing mortality has increased since 2016 and that area misreporting remains an issue. They note that the use of a bycatch TAC in the absence of robust catch documentation and monitoring of the landing obligation may result in unsustainable fishing mortality.

In view of the above, the NWWAC believes it is worth having a further review of the assessment and its input data to help find a clear explanation for the increase in fishing mortality identified by ICES, and to improve data collection and monitoring to inform benchmarks going forward.

⁵ [How climate change is affecting fish stock and what we can do about it](#), by Tara Marshall, University of Aberdeen

3.3. Skates and Rays

The NWWAC advice for skates and rays (01 May 2020, [link](#)), includes a list of actions and considerations for reducing mortality of skates and rays on board vessels to be taken into account by both the Member States as well as the fishing industry. The NWWAC is keen to discuss this advice and progress the individual action points in cooperation with the Commission and the NWW Members States Group, albeit the ICES advice on skates and rays will not be available until October 2020. In this regard, a joint Focus Group on Skates and Rays has been established with the North Sea Advisory Council aiming at providing advice on the ongoing management issues for skates and rays stocks. For example, the Focus Group will consider preparing advice on undulate ray in divisions 7d–e once the scientific advice is available.

3.4. Sea Bass

The NWWAC noted some improvement in the perception of the stock based on the ICES advice, with fishing mortality estimates showing a decrease. However, the stock is still in recovery and proper recruitment needs to come through. Moreover, bycatches still represent a big issue given the mixed nature of fisheries in the Channel and the stock's widespread presence in those fishing grounds. The NWWAC has established a Focus Group on sea bass covering ICES areas 4b-c, 7a and 7d-h. The Focus Group aims at preparing advice to the European Commission on the measures to be taken in 2021 in both commercial and recreational fisheries to aid the recovery of sea bass stocks. Also, the Focus Group will look for solutions for the unintended consequences of the current management system, such as measures to reduce bycatch and improve monitoring and control. The combination of measures proposed by the Focus Group should support the fishery to remain within the range of total catch allowance as advised by ICES.

3.5. West of Scotland

ICES issued zero catch advice for both cod and whiting in division 6a. The NWWAC agrees that management measures taken so far around these zero catch options need to be questioned and evaluated, as they have not resulted in a recovery of the stock. A strong focus needs to be placed on rebuilding these stocks.

Looking at the ICES advice for cod in division 6a, the latest catch estimate was 2264 t (for 2019), compared to a bycatch TAC of 1735 t, which flags the issue of needing to ensure that whatever bycatch TAC is set (noting the concerns outlined in paragraph 3.1 about this approach, given the dire state of this stock) needs to be properly monitored and controlled, to ensure that it effectively limits the fishing mortality.

For cod and whiting in 6a, as well as for cod in 6b, the NWWAC would like to point out the following:

- A recovery plan is required to reduce bycatch and boost rebuilding potential with the aim of improving the spawning stock biomass
- Data collection and monitoring need to be further improved
- Relevant TACs in the mixed fisheries should be precautionary to safeguard vulnerable stocks

- The TAC setting for cod in division 6b should follow ICES Precautionary Approach
- The TAC setting for whiting in division 6a should follow ICES Precautionary Approach
- Managers should take further measures to minimize bycatch of whiting 6a.

Regarding the advised TAC increase for haddock in division 6a, the NWWAC suggests that the managers may wish to set a TAC below this level taking account of the seafood sector's requirement. This may be more in line with the maximum economic yield. A precautionary TAC should be set which takes into consideration mixed fisheries and ecosystem dynamics.

Overall, members have encountered several quality assurance issues concerning the advice provided for West of Scotland stocks:

- For whiting in 6a, ICES has downgraded the assessment from category 1 to category 5, meaning that timeseries of fishing mortality and SSB in relation to reference points were no longer provided, though the stock remains below possible reference points.
- There was a dramatic change in the advice for haddock in 6b, with a 40% reduction. NWWAC members point out that this is quite difficult to understand when looking at the artificial mortality and at the stock size.
- For cod in 6b, the scientific advice does not seem to reflect the increase in catches over the past 2-3 years.

Members are concerned about how such a dramatic change can happen in the advice and want to highlight that quality assurance in the assessments is critical.

3.6. Celtic Sea

For several stocks in the Celtic Sea, including haddock 7b-k, whiting 7b-k and cod 7e-k, ICES advice will only be available in the autumn of 2020. Thus, the NWWAC is not able to provide advice on fishing opportunities for these stocks and will reconsider them once scientific advice is available. However, under the assumption that the situation of cod and whiting has not improved drastically since last year, one of the challenges in the Celtic Sea mixed fishery, the discrepancy between the larger haddock stock relative to the cod and whiting stocks and the difficulty of dealing with this in TAC-setting, is likely to remain. The NWWAC recommends that mixed fisheries considerations as well as the ecosystem-based approach are taken into account when setting TACs for this fishery, which should be precautionary to safeguard vulnerable stocks. Ongoing measures to rebuild stocks such as technical measures, avoidance measures and spatio-temporal closures should be subject to ongoing monitoring and evaluation to ensure effective outcomes. In that way, an assessment of the effects of the current technical measures on the biomass of the cod stock would be very useful. The NWWAC members note that control of the LO is essential to allow efforts to rebuild stocks in line with the CFP to be successful.

In particular, for cod in 7e-k, the NWWAC believes that a recovery plan is required to reduce bycatch and boost recruitment and that further improvements in monitoring and data collection are needed.

The NWWAC members would like to point out the ongoing poor data collection and monitoring for plaice and sole stocks in ICES areas 7a-c and 7h-k. This is also impacting the solution of stock identity issues: the NWWAC shares the concerns on the identity of sole 7h–k stock with the neighbouring areas, and its, in particular the sub-stock in 7h, relationship to the sole 7f and g and 7e stocks. A benchmark (WKFlatNSCS) was held in February 2020 but insufficient data were available to clarify this. Consequently, the NWWAC stresses the importance of improving data collection and data quality for these stocks, for example to investigate potential stock identity issues. The NWWAC members note that it's difficult to comment the advice on this stock because it is a biennial advice. In general terms, all stocks subject to a zero catch advice should have an annual advice to allow for the assessment of the stock status and the measures that should be taken accordingly.

On the other hand, this benchmark for sole 7fg resulted in a review of the reference points for F_{MSY} and $MSY B_{TRIGGER}$. This led to an ICES advice of a 15% TAC reduction whilst all the criteria recognise a positive evolution. The NWWAC industry members recommend that ample explanation is provided to stakeholders as such outcomes decrease fishermen's trust in science, their confidence in the fisheries management and their sentiment that scientists, managers and policy makers take into account their experience at sea.

The NWWAC recommends that ICES provide additional catch scenarios for plaice 7h-k to the Commission on the volume of anticipated bycatch in these fisheries as was provided in 2019⁶. Any such catch scenarios need to be geared towards rebuilding the plaice stock, based on improved data collection, as mentioned above. The NWWAC recommends focusing on this data collection, while OIG members also recommend that the ICES Precautionary Approach is followed when setting the TAC and highlight the need for an effective bycatch reduction plan for this stock.

The ICES advice regarding hake in areas 6 and 7 notes several positive aspects in relation to the parameters used in the assessment, e.g. landings, fishing mortality, spawning stock biomass and recruitment. However, a 5% reduction in the advice was provided for this stock. Therefore, members recommend that the justification of such reduction in the advice is provided in a clearer manner, as the reduction cannot be interpreted that the stock is on a downward trajectory. It seems more likely that the advice sheet being abbreviated due to the COVID-19 disruption is part of the problem.

In relation to anglerfish in areas 7 and 8⁷, the ICES advice mentions that the management of catches of the two anglerfish species (white and black-bellied anglerfish), under a combined species TAC prevents effective control of the single-species exploitation rates and could lead to the overexploitation of either

⁶ [Link](#) to 2019 ICES advice

⁷ An interesting and relevant project is being carried out by AZTI and the Commission's JRC focusing on the use of genetic tools for obtaining fisheries-independent abundance estimates that should be considered in the stock assessment of white anglerfish: <https://www.azti.es/gecka/>.

species. OIG members therefore suggest that management and TACs should be based on the best available scientific advice for each species – the MSY approach for White anglerfish (*Lophius piscatorius*) and the Precautionary Approach for Black-bellied anglerfish (*Lophius budegassa*). However, the NWWAC industry members note that when considering the information supplied in relation to both stocks for the past 10 years, the combined TAC never posed a problem. Considering that the management area does not reflect this split, and to avoid any confusion, the industry members suggest that ICES is requested to also present an advice on the single TAC.

For what concerns pollack in area 7, the NWWAC points out the need for enhanced data collection, to allow for an upgrading of the advice. This stock is a data-limited stock (ICES category 4) and the precautionary approach should be applied as per the CFP. Given that estimated recreational catches are significant, this should be considered in management to avoid a scenario similar to seabass in the next few years.

3.7. English Channel

Looking at plaice in 7d-e and at sole in 7d, NWWAC members note that the discard rate continues to be high, which supports the need for the exemptions under the Discard Plan. However, it should remain an objective to avoid unwanted catches, rather than needing an exemption from the LO. Therefore it is recommended to continue work on selectivity as a priority to avoid the catch of juvenile fish, which, especially in the case of sole, has been witnessed in large amounts by fishers (confirming ICES advice with 2019 recruitment considered as the largest in the time series in the ICES advice). Furthermore, in order to protect juveniles, the NWWAC members recommend that measures to protect nursery areas as implemented in France should be considered in other relevant areas in 7d. Gears used for the sole fishery often lead to unavoidable unwanted catches as the mesh sizes reflect the smaller minimum conservation reference size (MCRS) than for other species. Therefore, in the objective of continuing to increase selectivity, the majority of the NWWAC members would support an initiative to increase the MCRS for sole in 7d to 25 centimeters.

Cod in division 7d is classified as being at a critical level. This stock is assessed in conjunction with cod North Sea. A method review is planned for the stock in 2021, where the stock structure will be considered as well. It is known that the population consists of several components, where the northern components appear to outperform the southern ones. The NWWAC suggests this is taken account in managing the stock.

3.8. Irish Sea

The NWWAC participated in the final ICES WKIrish workshop in November 2019, assisting in the development of an ecosystem-based approach to fisheries management in the Irish Sea. Members strongly advise that such an approach is considered especially when addressing mixed fisheries assessment and management, as explained in paragraph 2.2 of this document. This AC also reiterates the importance of relevant TACs in mixed fisheries to be precautionary to safeguard vulnerable stocks, such

as whiting in 7a, for which ICES advises zero catches in 2021. Members agree that a recovery plan is required for this stock, to boost recruitment and reduce bycatch, and that data collection and monitoring need further improvement.

The NWWAC recalls that last year ICES changed the basis for the assessment of cod in the Irish Sea. In 2017 and 2018, an Age Structured Assessment Programme (ASAP) model was used to provide advice as a category 1 stock. However, for 2020, the advice is based on the biomass of the Q1 NIGFS-WIBTS as an indicator of stock size under a category 3 approach. This dramatically changed the perception of the stock and results in ICES advising a very large (86%) reduction in the TAC for 2020. Given the big impact of this change in stock category, the NWWAC recommends that the Commission seeks clarification from ICES about the causes for this downgrading, and how these could best be addressed and by whom, for example in case of difficulties regarding the input data. Moreover, it seems sensible to ask ICES for confirmation if the same level of quality assurance leading to this downgrading for Irish Sea cod has also been applied to all other stocks, to avoid similar bad surprises going forward. In this regard, the NWWAC would like to point out that greater effort is needed to improve the understanding of discard estimates and the effectiveness of the selectivity measures that have been in place in the *Nephrops* fishery.

The NWWAC would also like to reiterate its concerns regarding several stock identity issues, as already mentioned in the Irish Sea paragraph in the NWWAC advice on Fishing Opportunities 2020⁸, particularly between the Irish Sea and the Celtic Sea. Members agree that this might have a relevant influence on the validity of the stock boundaries for cod, whiting and haddock and strongly recommend a scientific analysis examining stocks' genetics.

— END —

⁸ [NWWAC Response to the Consultation on Fishing Opportunities for 2020](#)