



Cod Avoidance Plans: From Concept to Implementation

Background

1. Annex 1 to this paper is the NFFO concept note which outlines the general concept of cod avoidance plans.
2. Cod avoidance plans are designed to address the problem of fishing for economically important non-recovery species whilst limiting the impact on the recovery stock, in this case cod. An individual vessel plan will demonstrate how a vessel will keep its catches to its allocated quota, with minimal discards of cod. In aggregate terms, cod avoidance plans are a way of providing some assurance that increasing the TAC will not be accompanied by the increased targeting of cod or high grading. They are also a way of incentivising fishing patterns that are aligned with, rather than in conflict with management objectives. In this way, cod avoidance plans can contribute to a further reduction in fishing mortality.
3. The North Sea RAC and the North West Waters RAC have both supported the idea of cod avoidance plans and committed themselves to developing verifiable and practical arrangements that would allow for their introduction
4. The Commission's non-paper "A New Approach to Effort Management Under Annex II of the TAC Regulation" suggests that the Commission is actively considering the approach outlined in the NFFO concept paper:

"Given that a past history does not necessarily determine future behaviour, what is being proposed now is a result-oriented approach: the special treatment (not counting effort against the KW-days allocation) is given only if the low-catch condition is met and verified by observers."

"To benefit from these exemptions, (from days at sea restrictions) vessels have to be involved into a specific plan aiming at the avoidance of species subject to recovery, properly designed and documented and including on-board observers and special landing checks."

5. The Commission suggested, at its meeting with the RACs and ACFA on 13th November, that what it meant by observer coverage is a commitment by the vessel operator to accept an observer rather than 100% coverage of every vessel.

6. During the recent EU/Norway negotiations, which concluded on 26th November 2007:

The Community delegation informed the Norwegian delegation of its intention of reducing the discard rate (ie the proportion of the catch that is discarded) of cod to 10%. This is to be implemented by three measures:

- *Incentives to change the behaviour of fishermen, such as through cod avoidance measures to be developed at the industry's initiative and monitored with observer coverage: or*
- *Introduction of technical measures, to be tested in 2008 on a commercial scale with scientifically qualified observers during the test phase and introduced on a wide scale in 2009: and*
- *Where the two foregoing measures cannot be applied, a further reduction in fishing effort for vessels catching significant amounts of cod.*

Cod Avoidance Plans: Implementation

7. Although, for the purposes of illustration, the NFFO concept note explains cod avoidance plans in terms of an individual vessel, it may be desirable and would be perfectly possible, to submit aggregate plans at fleet level covering 10, 20 or 200 vessels, so long as their characteristics and patterns of operation are homogeneous enough to make the plans meaningful.
8. Annex II to this paper is a draft individual vessel plan for the Whitby based whitefish/nephrops twin-rig trawler Our Lass II. Its inclusion provides a basis for further discussion and development, as well as a template that can be customised for other types of fishing vessel.
9. Cod avoidance plans will only be acceptable if they are transparent, robust and above all verifiable. To this end, the following safeguards could be considered by each vessel owner for inclusion in their plan. This should be regarded as a menu because the circumstances of each vessel, or fleet, may vary. However, the plan may include:
 - Observer Coverage
 - CC TV coverage of deck area (linked to winch activity)
 - Prior Notification of landings
 - Full monitoring of landings (subject to Authorities' resources)
 - All cod sold through the auction
 - Agreement to increased inspection at sea

10. Sanctions: As cod avoidance plans will offer a very substantial incentive (exemption from the effort control regime) it is important that they are not abused. We would suggest that a vessel found guilty of flouting the provisions of its own cod avoidance plan should be obliged to revert to the effort regime for the remainder of that year with appropriate pro-rata reductions), and be disallowed from submitting a cod avoidance plan in the following year.
11. Cod avoidance plans would be prepared by the vessel or his agent (fish-selling agent, producer organisation etc) in discussion with the local representative of the fisheries management and control authorities.
12. Pilot: In order to test the practical operation of cod avoidance plans, we propose a pilot exercise in 2008 covering:
 - 2 Whitefish vessels from Grimsby
 - 2 Whitefish/nephrops vessels from the Yorkshire coast
 - 2 Saithe vessels from Hull
 - 2 Nephrops trawlers from North Shields
 - 2 North Sea beam trawlers
 - 2 Irish Sea nephrops/whitefish trawlers
13. Each vessel in the pilot will submit a cod avoidance plan that states the vessel's fishing intentions for the coming year, the means to be employed to ensure that the vessel fishes its quota allocation with minimal cod discards and the safeguards/conditions to apply.
14. It should be possible to modify the plan during the year in two respects
 - the management periods, where the vessel might change its mode of fishing in year and or target species with different conditions applying
 - the vessel's quota allocations of cod where these have been adjusted by quota sale, swap or transfer
15. If at the end of six months, the pilot demonstrates the cod avoidance plans can be implemented successfully, applications could be invited from the rest of the fleet subject to effort restrictions. At an aggregate level this would address some of the concerns that:
 - the increased "catchability" of cod as a result of the 2005 year-class will lead to increased targeting of cod
 - that effort control is too blunt an instrument to effectively reduce discards
 - further reductions in fishing mortality are required to ensure the continuing rebuilding of the cod stocks

Discard Reduction

16. Discards/High Grading: Cod avoidance plans are designed to address the issue highlighted in ICES advice for 2008 that the focus of management measures should be on the total out-take of cod from the stock, not just on landings. Leaving aside possible changes in natural mortality, during 2007 in the North Sea a dramatic increase in discarding has been the consequence of a low TAC for cod, along with a significant increase in the abundance of cod and fleets which take cod mainly as a by-catch to other economically important fisheries. Higher value grades of cod have been retained on board whilst cod of marketable size but lower value have been discarded. It is primarily this type of discarding that cod avoidance plans will reduce.

17. Discarding undersized cod: Cod avoidance plans will also discourage discarding of juvenile cod below the minimum landing size. Measures to minimise this type of discarding are most effectively addressed through:

- More selective fishing gear
- Real time closures of the type being piloted in Scotland

However vessels submitting cod avoidance plans for approval would signal their intention to observe any voluntary real time closures in place as a contribution to reducing discards of undersized fish. In any event cod avoidance plans will discourage targeting of cod aggregations

ANNEX I



Cod Avoidance Plans: A Concept Paper for Discussion

Background

The Commission's non-paper on the future of the EU cod recovery plan poses two mutually unpalatable alternatives. In order to bring about a rapid recovery of cod stocks in European waters the Commission argues that it is necessary to reduce fishing mortality on cod much further than the measures in place appear to have done so. This, it argued, can be done by suppressing effort on cod by reducing TACs and effort allocations across all those fleets which catch cod. Alternatively, fleets which catch only small amounts of cod could be *decoupled* from cod fisheries with separate, less restrictive effort ceilings. Although such fisheries would face less severe restrictions, it is acknowledged that decoupling would involve much more bureaucratic arrangements than have applied hitherto, with sub-area and gear effort ceilings and a much more restrictive regime on transfers of vessels and effort across fleet boundaries.

Cod Avoidance Plans

As an alternative to these two approaches we propose *individual vessel cod avoidance plans*. We envisage that Cod Avoidance Plans would operate in the following way:

1. The vessel operator would volunteer to prepare a Cod Avoidance Plan;
2. Those vessel operators opting to prepare a plan would discuss the matter with member state authorities who could provide advice on the content of the plans. (Such guidance would be the subject of a prior consultative exercise);
3. The vessel operator (with assistance, if requested) would prepare a specific cod avoidance plan for that vessel for the coming 12 months;

4. The vessel's Cod Avoidance Plan would specify ways in which the vessel would operate in the coming year to avoid catching cod above that covered by the vessels' legitimate quota. This could be through:
 - spatial avoidance
 - temporal/seasonal avoidance
 - selective gear
 - or any other method devised by the vessel operator
5. The vessel operator would undertake, through these means, to keep cod catches within the vessel's quota allocations and in any event, below 5% by weight over the course of the year.
6. The Cod Avoidance Plan would be submitted to the member state authorities for approval;
7. If the vessel's Cod Avoidance Plan is approved the vessel would be exempt from effort control measures for the coming year;
8. Conditions: vessels participating in the cod avoidance plan scheme would undertake to provide enhanced data on fishing activities, including estimates of discards;
9. Vessels breaching their conditions would be required to operate for the rest of the year and the subsequent fishing year, within the effort control regime;
10. Safeguards: in order to provide confidence that the cod avoidance plans would not be abused, a number of safeguards would apply:
 - An observer programme on a number of vessels in the fleet
 - enhanced data reporting, including self-sampling
 - cross-checking of cod catches with other similar vessels operating in the same area

Notes

- (1) Technical advances in the ability to make fishing gear more selective have not been matched by an institutional structure which incentivises the application of such gear. By specifying and agreeing the outcome (low catches of cod) the ingenuity and knowledge of fishermen will be directed to finding ways to reduce catches of cod. At present no such incentive structure exists.

- (2) Catches – Inclusive of landings and discards. Acceptable bycatch limits to be agreed but probably about a 5% maximum.
- (3) An approach based on Cod Avoidance Plans would be consistent with:
- the objectives of the cod recovery programme;
 - the Commission's initiative on discards;
 - improved selectivity – the objective of the new revised technical conservation regulation.

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