



**Response of the North Western Waters Regional Advisory Council
to the Commission's Non-Paper
on a New Approach to Effort Management
under Annex II of the TAC & Quota Regulation**

22 October 2007

Introduction

The following are the NWWRAC initial comments on the Commission Non-paper. Although the idea of a move to a system of effort control based on allocations of Kw days to Member States has been in circulation for some time, and was explicitly discussed in the Commission's Non-paper on cod Recovery and its July Policy Statement on the TACs and Quotas, the suggestion that a transition to a fully fledged Kw days scheme would take place in 2008 has caught us by surprise. Our comments here are, therefore, preliminary and provisional.

The Transition to a Kw Days System

In general terms, within the NWWRAC, there is a spectrum of views on the Commission's proposal. These range from a welcome for what may provide, under the principle of subsidiarity, for a greater degree of flexibility and simplicity in the effort regime, to the anxiety that such a change will be highly divisive and, therefore, more difficult to implement than the current arrangements. Furthermore, it will only temporarily mask underlying problems with effort control as an instrument to reduce fishing mortality.

In any case, it should be clearly stated that those fleets neither targeting nor catching cod as by-catch (i.e. fleets for megrim, hake and monkfish), must not be affected by this initiative.

Finally, it is necessary to ascertain on which basis and under which reference period calculations of the ceilings of kw*days will be made. Stakeholders should be kept involved in the development of these targets.

Detailed Concerns

- Against the background of the STECF meeting on effort control held on 24 – 28th September 2007, concerns have been expressed by the NWWRAC about the necessity of a better availability and use of the VMS data, given the issues of equity and transparency that the new system will inevitably raise.
- For fishing vessel operators, the primary issue will be how many days at sea they are permitted and whether this allocation will be sufficient for an economically viable vessel throughout the year. It is important, therefore, that so far as possible the arrival of the new system should not be associated with a reduction in days at sea for individual vessels. This new system only should be implemented after careful consideration and be applied to the fleet with track records in cod fishing.

- It is unacceptable that no derogations or exemptions will be given to vessels who have a very low impact on the stocks under recovery plans unless observers are used. Observers may be a solution for some vessels but not for others. The cost involved in carrying observers on vessels such as small inshore vessels is prohibitive so we do not agree with the general argument that the derogations or exemptions will only be given where observers are used. As a suggested alternative, the Commission could use reports from the relevant scientific Institutes reflecting the composition of catches from the different fleet segments that may support the vessels/fleets request for exemption.
- The exemptions for vessels transiting the cod recovery zone and for fishing vessels engaged in non-fishing activities are important. The degree to which vessels in the past have been engaged on non-fishing work, for example oil guardship work, can be considerable.
- It is unhelpful and potentially confusing to have the same gear code (T.1) for bottom trawls over 100mm and trammel nets.
- The gear groupings seem to be large, this may be done ease of administration but will not be of any beneficial effect to fishermen.
- The use of larger mesh sizes must not be discouraged as it is under the current effort regime. The use of escape panels and other gear modification which a improve selectivity must also be encouraged.
- It is necessary to evaluate the impact of vessels of ten metres and under because the ability to operate without limitations on days at sea can be an attraction and can lead to an increase in effort in certain sectors. .

Celtic Sea

The non-paper indicates that the Commission would consider the possible extension of the effort regime to the Celtic Sea in the context of the review of the cod recovery plan. Given the very different status of cod in terms of fishing mortality and spawning stock biomass in the Celtic sea, we consider that this is not the right approach. For the avoidance of doubt, we do not think that the effort control regime –in whatever form– should apply to the Celtic Sea in 2008. The Commission consideration to extend the cod recovery plan to the Celtic Sea must be based on sound scientific basis. At this stage, fishermen of this RAC understand that there is no need to extend the cod recovery plan to the Celtic Sea.

Exemptions based on Cod Avoidance Plans

We warmly welcome the inclusion of forward looking exemptions based on properly designed and documented avoidance plans. We consider that this results based approach will provide a strong incentive for fishermen, or groups of fishermen affected by the new effort regime, to examine how their fishing operations could be conducted in a way most conducive to stock recovery. Whilst we appreciate and agree with the need for strong safeguards to ensure that the plans are meaningful and followed in practice, there are a range of practical problems associated with making the plans contingent on on-board observers. Observers may be a solution for some vessels but not for others. However there is scope here for thinking creatively about how the dual issues of confidence in the plans and practicality can be addressed. Whilst not especially against special landing checks as a consideration for the plans we think that this rather misses the point that the new focus has to be on catches rather than landings if an incentive to reduce discarding is to be achieved. Clearly there is scope here for productive discussions within the RACs and between the Commission, Member States and the RACs. We reserve comment on whether the criteria given for exemptions are appropriate. The fact that they appear in square brackets suggests that the Commission too thinks that these need deeper consideration. The NWWRAC has indicated within the frame of the undergoing revision of the Regulation on Technical Conservation Measures, that fishermen are ready to increase mesh sizes as advised by scientists and to use escape devices with the aim to protect a greater number of juveniles.

We would make the point that cod avoidance plans could apply under the present Annex II arrangements to fleets with track records in cod fishing and, whether the new system is adopted or not, there should be some scope in the coming year to both trial avoidance plans and to discuss how they could be implemented more widely in practice to the concerned fleets. In terms of stock conservation, the more widely avoidance plans are adopted by the fishing industry the more effective they will be, therefore there is a considerable incentive to make them operational as soon as possible.

Implementation

We have no way for foretelling how member states will react to the Commission's ideas for the implementation of the new arrangements in 2008 or thereafter. We are aware, however, that at least one member state may apply to operate the new system in 2008, if only on a partial basis, to test how it might work in practice.

One of the clear conclusions to emerge from the Cod Symposium was that at least part of the reason why cod recovery measures have failed to meet their aspirations in the past has been the fact that they were prepared, agreed and implemented without adequate time for consideration. For this reason we think that it would not be wise to aim for a 2008 implementation for the new system. The wiser course would be to use 2008 to reflect on the strengths and possible pitfalls for the new system whilst piloting the novel elements such as avoidance plans.

Concluding Remarks

We hope that you find the above comments helpful. They are preliminary and provisional. More detailed commentary is likely to emerge after our working group meetings in 30-31 October in Brussels.