

## **North Western Waters Regional Advisory Council**

# Response to the Communication from the European Commission Concerning Fishing Opportunities for 2013 - COM (2012) 278 final

# September 2012

#### Rationale / Timing of consultation

This document is the North Western Waters RAC (henceforth, NWWRAC) response to the EU public consultation launched by the Commission on the 7th of June 2012. It has been adopted by consensus by the members of the NWWRAC.

The NWWRAC discussed this Communication at the last Working Group 1 meeting and subsequently agreed the elements to include in the response at the Executive Committee held the 5<sup>th</sup> of July 2012.

#### 1. Introduction

The NWWRAC is positive of the fact that the Commission has extended this year the period of consultation to the RAC and ACFA until September as opposed to July; and that the Commission has decided to continue issuing a Communication on an annual basis, in line with previous years. However, we would like to see more detail as to how the Commission has taken into account the RAC views in their proposal on a Regulation to the Council.

One of the main points addressed here relates to the policy development seeking to reach Maximum Sustainable Yield (MSY) for all stocks, where applicable, by 2015.

The Johannesburg commitment to exploit all stocks at MSY levels has led to much discussion and work on the practical details of the transition. ICES has been instructed to use this approach as a framework for its advice, although this has been done on a single species approach with some multispecies considerations for the first time this year for the North Sea. We note that the urgent next phase of work must be to determine properly inter-species interaction and how that affects the setting of fishing opportunities in terms of MSY.

The same argument applies to how MSY exploitation levels will contribute to the decrease of the pressures on discards by volume and size, as this is more related to improvements on selectivity and technical measures than restrictions in catches imposed through quotas and/or effort regime.



#### 2. State of Fish Stocks

The NWWRAC welcomes the recognition and description in the document that where there is a sound assessment fish stocks in European waters are shown to be improving in general terms, among other reasons due to the genuine efforts by a majority of the fishing industry to commit to a sustainable exploitation of commercial stocks. The NWWRAC also agrees that data deficiencies are the most challenging issue that scientists and managers are facing nowadays, and the NWWRAC has been proactive in coming up with regional task forces for a stronger involvement of stakeholders and Member States in the process of providing required data to scientists.

However, the NWWRAC is disappointed to see that appendices in the Communication are inadequate in highlighting trends of improvements in European fisheries. For example, in Annex Ia, the Commission uses tables showing averages number of stocks over a ten year period. The NWWRAC believes this should be rectified in future proposals and provide a more detailed description on a species-by-species basis to give a more clear understanding on the evolution of each particular stock.

Regarding the general overview on the state of the stocks made in page 4 for the areas of concern to the NWWRAC, i.e. West of Scotland, Irish Sea and Celtic Sea, it must be noted that important progress has been made following a NWWRAC technical proposal to introduce improvements to gear selectivity (through the use of square mesh panels) aiming to reduce discards of cod, haddock and whiting for trawl and seine fisheries in an area of the Celtic Sea (ICES VIIfg and part of j)<sup>1</sup>. As a result of this proposal and subsequent exchange of correspondence between the Commission and the NWWRAC in the first quarter of 2012<sup>2</sup>, as well as extensive discussions at the Council of Ministers, a Commission's regulation was passed in July under the emergency measures procedure of Art 45.1 of Regulation (EC) No. 850/98.

#### 3. Economic analysis

The economic benefits of an MSY approach for the fleet expressed in pages 2 and 5 are presented in a simplistic way and do not refer to any specific socio-economic studies or impact assessment reports to back statements such as "the same or larger quantities (of fish stocks) will be caught, but with lower impact on the environment" or "it is phasing out overfishing that can make the biggest contribution to economic efficiency and stability in the face of challenges from higher costs and lower product prices". Furthermore, it would be useful to know where the figure of "at least €135m" mentioned as an increase of value of TACs in 2012, comes from.

<sup>&</sup>lt;sup>1</sup> NWWRAC Proposal on Gear Selectivity measures for Celtic Sea (October 2011): http://www.nwwrac.org/admin/publication/upload/NWWRAC Proposal Selectivity Measures SMP Celtic Sea 13102011 EN.pdf

NWWRAC letter clarifying aspects of implementation of gear selectivity measures (April 2012):

<a href="http://www.nwwrac.org/admin/publication/upload/NWWRAC">http://www.nwwrac.org/admin/publication/upload/NWWRAC</a> Response EC Letter Implementation TCM S

<a href="http://www.nwwrac.org/admin/publication/upload/NWWRAC">MP Celtic Sea 5April2012 EN.pdf</a>



#### 4. Policy directions:

#### 4.1. Developments in scientific advice for stocks where information is incomplete

The most important concern from the <u>fishing industry of the NWWRAC</u> relates to the application of a precautionary margin leading to a resurgence of automatic reductions for data limited stocks lacking of analytical assessment. This method for setting TACs might impose unjustified and draconian constraints for a fishing industry that has already suffered a severe reduction of fishing opportunities in consecutive years. The fishing industry of the NWWRAC would like to reiterate its disagreement to the imposition of catch reductions only relying on a precautionary approach even for situations where trends for the stock without population size estimates show an improvement and therefore are not properly justified for conservation reasons.

The NWWRAC has already submitted in early August a letter to the Commission asking for clarification of the application of ICES precautionary margin for data limited stocks with no full quantitative assessment and stock status unknown in relation to (candidate) reference points<sup>3</sup>. The fishing industry of the NWWRAC is very concerned about the practical implications of an automatic reduction of 20% to those stocks where scientific advice is unavailable, indeed without any accompanying mitigation measures in place for those fleets affected. The fishing industry of the NWWRAC prefers an approach which takes into account stock trends instead of this single, oversimplified approach.

The NWWRAC will continue working with ICES and national scientists in identifying and tackling the reasons for lack of data as well as where this responsibility lies. A more sophisticated solution is required to manage data poor stocks and mitigate data uncertainties.

## 4.2. Fishing effort

The NWWRAC appreciates the inclusion by the Commission of the graphics showing a general decrease of fishing effort in West of Scotland and Irish Sea in the period 2003/2004-2010 under Annex II. This reflects the genuine efforts by the industry to adapt to the effort limitations, reduce fishing capacity and make advances in matters of sustainability.

When talking about links between regulatory areas and stock identity, it is mentioned on page 6 that the management of Norway lobster by functional units and the management of the two stocks of plaice in the Channel require consideration in this respect.

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<sup>&</sup>lt;sup>3</sup>www.nwwrac.org/admin/publication/upload/NWWRAC Letter Application ICES Precautionary Margin DLS 2Aug2012 EN.pdf



The NWWRAC has provided advice on its position regarding management of both Nephrops<sup>4</sup> and Channel Plaice<sup>5</sup> stocks and would like to know the Commission's intentions regarding its intended proposal for 2013. The NWWRAC has also included a request to be addressed to ICES-STECF for an evaluation of the effects of the seasonal closure of the Porcupine Bank (FU16) for the rebuilding of the Nephrops stock. It is crucial for the NWWRAC to have this information to be able to work on improving sustainability in these fisheries.

#### 5. Management by multi-annual plans

The NWWRAC would like to see a solution once and for all to unblock the institutional deadlock between the European Parliament and the Council so that proposals for Long Term Management Plans can be adopted by the relevant legal procedure. Once properly evaluated, these management plans might help the industry to establish a more predictable fishing strategy while ensuring sustainable exploitation of fish stocks. The NWWRAC has assisted ICES with the development of a proposal for a long term management plan for West of Scotland haddock in the past and is now working on developing mixed fisheries approach for demersal species in West of Scotland (VIa), part of the Celtic Sea (VIIfg) and Irish Sea (VIIa), respectively. It is imperative, however, that the deadlock be resolved as soon as possible so that progress can be to improve the sustainability of these fisheries.

### 6. Working method for proposing TACs

The NWWRAC understands and generally supports the principles for setting TACs as stated by the Commission.

Regarding the new approach to setting TACs for stocks where full qualitative advice is not available, the NWWRAC has already written a separate letter to the Commission on this matter which advocates a more sensitive approach (see footnote 2). In this letter, the NWWRAC is asking for clarification on the rationale and methodologies for the implementation of automatic reductions to take into account uncertainties in those data limited stocks. The NWWRAC also would like to request an assessment of the impact that such approach might have in real terms on the fishing opportunities for 2013.

Finally, detailed explanations from the Commission about how the MSY framework of advice and new precautionary approach proposed by ICES is going to be implemented into practical management measures would be most useful to the NWWRAC.

<sup>&</sup>lt;sup>4</sup> Proposal on Nephrops Management for 2012 (December 2011):

www.nwwrac.org/admin/publication/upload/NWWRAC Proposal Management Nephrops VII 12Dec2011 E

NWWRAC opinion on Channel Plaice Management (July 2011):

www.nwwrac.org/admin/publication/upload/NWWRAC Opinion Channel Plaice Management 290710 EN.p

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