



POSITION PAPER ON REVIEW OF COD MANAGEMENT PLAN
(COUNCIL REGULATION NO. 1342/2008)
June 2011

1. BACKGROUND / RATIONALE

The aim of this position paper is to provide advice from the North Western Waters Regional Advisory Council (NWWWRAC) in relation to the ongoing evaluation process of the cod management plan for the following areas: West of Scotland (VIa), Irish Sea (VIIa) and Eastern Channel (VIId). The paper seeks to identify the key issues and propose alternative approaches to those elements of the cod recovery plan which have not delivered the desired outcomes.

That paper is put forward as a background document to inform the discussions of the ICES/STECF Expert Group on Long Term Management Plans that will take place in Hamburg (20-24 June 2011). The NWWWRAC would like to request that ICES/STECF takes the paper into account during its deliberation and that it is included as an Annex to the meeting report.

This document has been adopted by the members of the Executive Committee of the NWWWRAC following consultation and completion of a series of deliberations held at Focus Group level¹ and taking account of written submissions and suggestions of the membership of the NWWWRAC.

2. INTRODUCTION – OPENING REMARKS

- **Scope of study**

The European Commission is currently undertaking a review of the Council Regulation No. 1342/2008 in accordance with article 34 of that regulation and has requested STECF and ICES to carry out a historic evaluation of existing plans, namely North Sea cod, Kattegat cod, Channel cod (as part of the North Sea), West of Scotland cod and Irish Sea cod. For the purposes of this discussion paper, West of Scotland cod, Channel cod, and Irish Sea cod are only considered. The main articles considered in 1342/2008 are articles 2,3,5,6,7,9,11,12,13,17,33, and 34.

¹ NWWWRAC Focus Group on Review of Cod Recovery Plans (BIM Dublin, 30th of May 2011):
http://www.nwwrac.org/Meetings/Meetings_ENG/Navigation.php?id=497&language=English
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- **Decision-making**

In view of the specificities and dynamics of the cod fisheries, a regional approach should be adopted for the management of the cod stocks in a context of mixed fisheries in the north western waters rather than a “one-size-fits-all” area. As a result, a new governance structure must be set in place within a reformed CFP to allow collaborative work between European institutions (i.e. Commission, Council, European Parliament), Member States and stakeholders. A bottom-up approach is required in terms of implementation of cod management measures on a fishery-by-fishery basis. The adaptative nature of the implementing rules and a results-based management would be the foundations for the success of any future cod management plan.

- **Simplification of rules**

The fact that the cod plan is not a stand-alone plan, because of the wide range of the effort regime, results in an overlapping of the following sets of rules: technical measures including catch composition rules; effort regimes; TAC; and long term management plan of related species. This has lead to conflicts and contradictions in implementing the plan successfully and in achieving the objectives set in the plan in terms to reducing cod mortality. The review should take into account this matter and favour a more simplistic and integrated approach while taking into account regional specificities.

- **Maximum Sustainable Yield**

The NWWWRAC is of the view that both from a theoretical and a practical perspective, maximum sustainable yield is most usefully understood as a range of values rather than as a particular point value on the fishing mortality scale.

From a fisheries management perspective, a *range of values* offers the possibility of adapting management measures, and in particular harvest rules, that are adjusted to the realities of mixed fisheries and achieving more realistic MSY targets.

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- **Integration of the plan with future scientific advice**

There is a need to set on a mechanism to incorporate the forthcoming benchmark that ICES will undertake for all European cod stocks into the ongoing review process. This will ensure transparency and coordination and help to build a strong and coherent plan.

- **Questions to be addressed**

The North Western Waters RAC participated in the ICES/SECF joint meeting held in Copenhagen on 28th February to 4th March 2011. On the basis of this meeting, which scoped out the main terms of the review of the Cod Management Plan, the RAC understands that a number of important questions will be addressed. In addition are a number of equally important questions that the NWWWRAC understands will not be addressed by ICES/STECF. In conjunction with the North Sea RAC the NWWWRAC will try to shed light on some of these questions using a separate questionnaire and independent expert funded by STECF.

A preliminary questionnaire of suggested questions might be found in Annex I of the paper.

3. GENERAL ISSUES RELEVANT TO ALL THREE AREAS IN NORTH WESTERN WATERS

The evidence suggests that current cod management plan is based on two assumptions. The first is that there is a significant and direct causal correlation between a reduction in fishing effort and a reduction in fishing mortality. The second is that that a reduction in total allowable landings will achieve a reduction in total allowable catch. The evidence suggests that both assumptions are questionable and in the context of the West of Scotland and Irish Sea, unrealistic.

With regard to effort, far from there being a 1:1 relationship between effort and mortality, the evidence suggests that there is in fact a very weak correlation, except close to the point where fishing vessels would face commercial extinction. And with regard to the question as to whether TACs constrain fishing mortality, current ICES advice indicates that, catches of cod on the west coast of Scotland are currently 4/5 times the TAC (and therefore landings), the balance being discards. This would suggest that in mixed fisheries and within the current management regime a simple reduction in TAC to reduce species specific mortality remains a fundamentally flawed approach.

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In view of the above, we can affirm that the instruments being used to achieve a reduction in cod mortality are not fit for purpose. The NWWWRAC considers that an alternative approach based on effective and validated *cod avoidance plans* would provide a more realistic means of achieving the desired reduction in F. Certainly, reliance on cod avoidance plans as a central part of a strategy to rebuild cod stocks and ensure that catches of cod remain within catch limits, could hardly achieve less than the current plan has in the Irish Sea and West of Scotland. It will be essential that future cod avoidance plans are well designed and implemented, with adequate safeguards as well as a high degree of participation and industry involvement. A regional seas focus will strengthen the design and implementation of a revised plan.

The NWWWRAC would also like to clarify the relationship between fishing and natural mortality. Natural mortality, defined as the mortality caused by anything other than fishing, can take many forms: predation, disease, stress related mortality, old age, etc. Four main factors, independently or in combination, may well be responsible for increased of natural mortality in VIa and VIIa cod stocks; evolutionary changes caused by fishing; changes in ambient temperature; changes in the ecosystem balance caused by fishing; or otherwise and predation.

There is evidence from other cod stocks that natural mortality is higher than 0.2 and indeed that natural mortality has increased over time (Sinclair, 2001)². Recent ICES advice has highlighted that while total mortality has remained very high, it cannot be accurately partitioned into fishing mortality and natural mortality. In reality it is extremely difficult to partition fishing and natural mortality for fish stocks and ultimately only the fishing component of the mortality can be directly controlled.

The assumption of a constant natural mortality of 0.2 seems questionable in relation to the cod fisheries in the West of Scotland and Irish Sea. Whilst it is unlikely that seals “caused” the decline of cod in these regional seas, ICES makes the valid point that there is compelling evidence to suggest that predation by the rising grey seal population is inhibiting recovery, notwithstanding the adoption of various constraints on fishing mortality.

² Sinclair, A. F. 2001. “Natural mortality of cod (*Gadus morhua*) in the Southern Gulf of St Lawrence” – ICES Journal of Marine Science, 58: 1–10.

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Within an ecosystem approach, a thorough analysis of all ecosystem elements is required and it is crucial that this non-anthropogenic influence is not disregarded.

The NWWWRAC notes the various studies that suggest that cod has entered a period of low productivity due to various environmental influences and it is important that these factors as well as seals predation are fully taken into account in the design of a revised cod management plan and in particular the timeframe over which it is reasonable to expect cod to recover.

3.1. OBJECTIVE OF THE PLAN (ART 5)

The objective of the plan is *“the sustainable exploitation of the cod stocks on the basis of maximum sustainable yield”* to *“be attained while maintaining the fishing mortality at 0.4 on cod on appropriate age groups”*. The NWWWRAC is of the view that the management plan is not achieving its objective and is very unlikely to do so in the future particularly for West of Scotland and the Irish Sea cod stocks.

The NWWWRAC concurs with ICES that the plan as adopted is “non-precautionary” and the objectives stated there cannot be met under the present conditions and provisions of the plan. For this reason, ICES does not provide advice on the basis of the recovery plan. Therefore, a new intelligent and alternative approach needs to be adopted to make sure the objectives are met.

3.2. MINIMUM AND PRECAUTIONARY LEVELS (ART 6)

The stock assessment models used for cod in the Irish Sea (VIIa) and West of Scotland (VIa) use Research Vessel survey data to estimate total removals from the stock. These estimates of total removals are typically multiples of reported landings and estimated discards, despite more accurate landings reporting and better discard estimates for cod in recent years. This ‘miss-match’ has led to concerns among ICES scientists that natural mortality may well be higher than is assumed in the assessment (a fixed instantaneous rate of 0.2 is assumed for each age and year). That in itself has an impact on MSY estimates and the level of response in fishing mortality that one might expect from reducing cod catches and fishing effort within the CLTP. What is of greater concern is that natural mortality may have increased over time.

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The minimum and precautionary levels set for the West of Scotland and Irish sea (article 6) are not appropriate and are in the view of the NWWRAC unrealistic and fail to recognise the significantly changed environmental circumstances (and its incidence in natural mortality) that now prevail compared to when these targets were originally set in the seventies.

Furthermore there seems to be an inherent contradiction in the plan between the objective which is set in fishing mortality terms and minimum and precautionary levels that are set as bio-mass targets.

The “Whereas” section of the regulation 1342/2008 states in its paragraph (4): *“According to recent scientific submissions, in particular on long-term trends of marine ecosystems, desirable long-term levels of biomass cannot be determined with accuracy. As a consequence, the objective of the long-term plan should be changed from a biomass based target to a fishing mortality-based target...”* This contrasts sharply with the statement made on the same page of the plan, under paragraph (9): *“The establishment and allocation of catch limits, the fixing of the minimum and precautionary levels of stocks and of the level of mortality rates, as well as the maximum allowable fishing effort for each effort group... are measures of prime importance to the Common Fisheries Policy.”*

The result of this imprecision is that TAC and Effort setting rules in the plan become rigidly formulaic: the limitations of biomass-based management are acknowledged but it is then immediately used as the foundation of practical management. Given the quality and availability of data, particularly in Areas VIa and VIIa where assessment is weak, the outcome is automatic, severe and detached from the plan objective.

3.3. POOR DATA CONDITIONS (ART 9)

Article 9 on the procedures to be utilised in poor data conditions has a direct affect on the areas of concern for north western waters as again a 25% reduction is mandatory when the scientific advice is to reduce catches to the lowest possible level.

Whilst precautionary approach should be implemented in the absence of sound scientific data, the NWWRAC considers that the proposed 25% reduction is arbitrary and does not have a scientific basis. It has severe economic consequences for the fleet while not guaranteeing to rebuild the stock. It will only result in an increase in discards.

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Furthermore, the present regulation does not take into account that there are several cases of data poor situations and they can only be tackled on a fishery-by-fishery basis. In this respect, the North Western Waters and the North Sea RAC have recently met with ICES and Member States representatives to set up regional task forces to identify and improve data gaps for some priority stocks such as Cod. Other initiatives for improving data collection, such as campaigns carried out by observers onboard fishing vessels, should also be considered.

3.4. FISHING EFFORT REGIME AND ALLOCATIONS (ART 11)

The fishing effort regime adopted in the plan is a major cause for concern for the industry and unless it is amended it will ultimately lead to zero fishing effort as the regulation has an automatic 25% reduction year on year built into the regulation when the fishing mortality and biomass targets in Articles 5 and 6 are not met. This is covered in more depth in each of the three cod areas below.

3.5. EXEMPTIONS AND ALLOCATION OF EXTRA EFFORT (ARTS 11-13)

Articles 11 and 13 provide for exemptions and the allocation of extra effort. The conditions set down for exemptions and allocation of extra effort is very onerous and applies to groups of vessels and to effort groups.

Hence, the possibility offered by Article 11 to exempt some vessels from the effort regime appears to be difficult to achieve. In particular, there is a lack of transparency over the criteria used to deliver the exemption and over the data to be collected. The lack of any reasonable assurance that efforts to achieve an exemption through various kinds of cod avoidance will be outweighed by the benefits has undermined the positive intentions in the plan. In practice, it has proved to be almost impossible to obtain exemptions, in particular when applying the criteria of the STECF (based on the assumption of a homogeneous and widespread distribution of cod).

It should be possible to design a system that if a vessel does not catch cod it can acquire an exemption in a short-period of time.

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3.6. EFFORT GROUPS

The NWWWRAC considers that the effort groups, as described in Chapter III (Arts 11-17) and Annex I of the Regulation 1342/2008, are far too wide to be a basis for management measures covering for example mixed demersal nephops and flat fish fisheries.

3.7. FUNDING (ART 33)

The funding provided under article 33 relates to the European fisheries fund which expires in 2013. A replacement funding mechanism is required that has both enhanced scope and additional financial support across stakeholders groups.

3.8. REVIEW (ART 34)

The review process included in article 34 is very weak. The only mandatory requirement is to evaluate the impact of the management measures on cod stocks concerned. There is no requirement to propose relevant measures to amend the regulation only where appropriate.

4. COD RECOVERY PLAN: MAIN ISSUES RELATING TO WEST OF SCOTLAND (VIA)

4.1. GEOGRAPHICAL DEFINITION (ART 3)

The geographical definition of Article 3 for the West of Scotland is not appropriate and covers areas where cod are not present now or indeed in the past. It should be confined to an area east of the area defined in article 13(d) of Regulation 1342/2008 and within that area specific areas should be excluded that contain very small quantities of cod.

4.2. OBJECTIVE (ART 5)

There has been a huge reduction in fishing effort approximately 70% in area VIa over the last ten years, as it might be seen in the graph below. However there has been very little change in total mortality. This clearly points to fact that total mortality is the problem and not fishing mortality.

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It is very important to identify properly the components of total mortality and their relative sizes. Assumptions made in the absence of such data will be flawed. Therefore an objective based on fishing mortality only is doomed to failure. The other factors affecting mortality such as predation and any regime shift due to climate change must be taken into account.

Figure 1. Fishing effort in West of Scotland

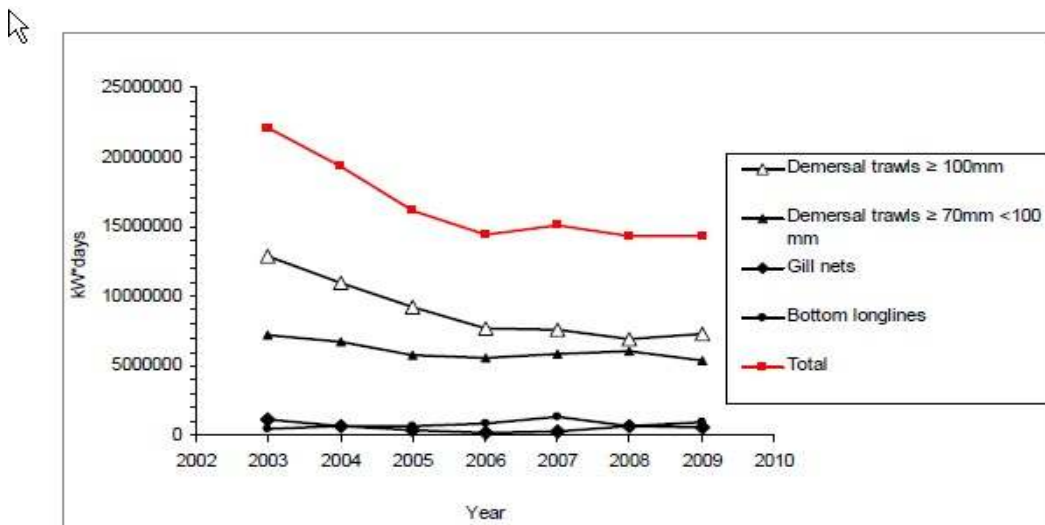


Figure 6. Regulated fishing effort in the West of Scotland.

Source: Communication from the Commission concerning a consultation on Fishing Opportunities - COM(2011) 298 final

Annex II –Fishing Effort regulated under multi-annual plans, as reported by Member States to STECF (information provided by the Joint Research Centre)

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4.3. MINIMUM AND PRECAUTIONARY LEVELS (ART 6)

The minimum and precautionary levels set for area VIa are 14,000 and 22,000 tonnes, respectively. These levels are not attainable particularly as already pointed out above that it seems more than likely that factors other than fishing mortality are affecting the biomass. Trying to attain these bio-mass levels by reductions in fishing mortality only will not work.

As the TAC setting procedure in Article 7.2(a) provides for a mandatory 25% reduction when the bio-mass level is below the minimum spawning biomass, it is only a matter of time before all vessels operating in VIa will have little or no effort allocation. A new approach is required that limits and controls total mortality other than natural mortality.

4.4. POOR DATA CONDITIONS (ART 9)

Article 9 on the procedures to be utilised in poor data conditions has a direct affect on area VIa as again a 25% reduction in both TAC and effort is mandatory when the scientific advice is to reduce catches to the lowest possible level.

The ICES scientific advice for 2011 clearly identifies this poor data condition and states:

“Quantities of landings and discards are not included in the model (only weights at age information) because of concerns over unreliability in the historical commercial data. Mortality estimates arising from this assessment - based on survey data - are poorly estimated. Because of uncertainties in the level and trend of natural mortality it is not possible to predict landings estimates from the forecast, only removals associated with both fishing and unaccounted natural mortality.”

The NWWWRAC believes that the fishing industry is therefore left in the untenable position created by very poor data being used in the prescriptive process of the plan. This results in an inevitable year on year reduction of 25% in both effort and TAC - a very rapid downward spiral which despite the level of economic and social pain will not meet the plan objective. A clear priority exists within the NSRAC-NWWWRAC task force initiative to work with ICES to improve the input to decision making.

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4.5. TECHNICAL CONSERVATION MEASURES

Area VIa, unlike the other areas, has a number of unworkable technical measures imposed in part of area VIa East of 200 metres contour. These measures are not included in relegation 1384/2008 instead were initially adopted in the TAC and quotas regulation for 2009.

They were subsequently transferred to Regulation 1288/2009 for a period of eighteen months up until end June 2011. This has now been further extended for eighteen months.

These measures effectively rule out the use of TR1 and TR2 gears as defined in Reg. 1342/2008 in the defined part of area VIa and only allow a by-catch of haddock. This is not only extremely confusing but more importantly has ruled out fisheries that have no affect on cod stocks and has stopped a directed haddock fishery which has been a key fishery for area VIa.

Further, the imposition of catch composition rules aimed at limiting catches of cod, haddock and whiting are resulting simply in increased discarding. STECF has stated³: *"In practice, catch composition as prescribed in current EC regulations relate tot the retained catch selected onboard following capture and is not related to the composition of catch selected by the fishing gear. STECF notes that catch composition regulations may not meet the objective of controlling fishing mortality. Catch composition percentages for individual species can easily be met simply by discarding the fish in order to meet the prescribed rates.*

The NWWWRAC is of the opinion that this will be greatly exacerbated by spike recruitments, one of which (haddock, from 2009) is expected to present itself in the ecosystem now. Anecdotal evidence suggests that it is already evident.

³ STECF 35th Plenary Meeting Report (PLEN-10-03) page 66



5. COD RECOVERY PLAN: MAIN ISSUES RELATING TO IRISH SEA (VIIA)

5.1. GENERAL REMARKS

The cod management plan (EC Reg. 1342/2008), its predecessor, the Cod Recovery Plan and various *ad hoc* measures put in place to encourage rebuilding of the cod stocks in the Irish Sea, including a seasonal closed area covering the presumed spawning areas, do not appear to have been successful in the Irish Sea. They may not have had any significant positive impact.

The weakness of the stock ICES assessment makes it difficult to make any firm judgement about the current status of the cod stock in the Irish Sea and therefore to make recommendations on the best way forward to rebuild the stocks.

For this reason the NWWWRAC considers that rebuilding the assessment, in part from addressing data deficiencies should go hand in hand with redesigning the management plan. Before reviewing some of the individual articles the following is considered as the new approach that should be adopted in the context of the Irish Sea.

Rebuilding the cod stock in the Irish Sea should be achieved by:

- Achieving fishing mortality rates consistent with the recovery of cod may be achieved through effective cod avoidance measures obtained with the full involvement and cooperation of the operators of fishing vessels and participation of independent observers. Some examples are:
 - ❖ Selective gear
 - ❖ Spatial and temporal avoidance
 - ❖ Fully documented fisheries
 - ❖ Discard reduction strategies
- Appropriate ways of incentivising effective cod avoidance linked to fully documented catches should be sought, particularly in relation to eliminating cod discards. Two obvious means are:
 - ❖ Additional quota
 - ❖ Exemptions from effort restrictions
- A broad fisheries approach rather than basing measures on a stock by stock approach;

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- A new governance structure based on regional cooperation between member states and high levels of stakeholder involvement;
- A realistic time frame for recovery, recognising that whilst we may be in a period of low productivity for cod it is important to rebuild the stocks that are present;

5.2. DESIGN OF THE PLAN (ART 2)

The design of the plan owes more to administrative convenience than to tailored measures adapted to the contours of the fleets catching cod in the Irish Sea. In particular, the effort groups based on mesh size are crude and blunt in their effect.

5.3. GEOGRAPHICAL COVERAGE (ART 3)

The review provides an opportunity to examine whether it is useful to have a single cod plan with largely common provisions that apply to four different fisheries with different fleet configurations, in widely different ecosystem conditions. In particular, fishing patterns and stock dynamics seem very different in the Irish Seas and West of Scotland compared to the North Sea.

5.4. REFERENCE POINTS (ART 6)

We have already mentioned the absence of a very firm knowledge base for management measures in the Irish Sea as a result of the weakness of the stock assessment. Given this constraint, it is not possible to know if the minimum and precautionary biomass levels prescribed in the Cod Plan have any relevance or are even achievable.

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5.5. TAC SETTING (ARTS 6 and 7)

The TAC mechanism prescribed in the Cod management Plan is flawed because:

- Currently it is not possible to determine the spawning biomass in this fishery with any degree of certainty; likewise there are major uncertainties over the levels of fishing mortality;
- The automaticity build into the procedures for setting TACs each year do not take into account the time that it takes for a stock to rebound, even when the target mortality has been reached;
- The application of the TAC setting procedure to the already low TACs in the Irish Sea has led to the situation where there is no flexibility to trial innovative approaches to fully documented fisheries, discard reduction and cod avoidance that have shown promise in the North Sea;

5.6. POOR DATA CONDITIONS (ART 9)

In the circumstances of the extremely data poor situation in the Irish Sea the Cod Plan requires an automatic 25% year on year reduction. There is no prospect of this situation changing without intervention despite the requirements of the Data Collection Framework Regulation. ICES and the NWWWRAC are currently working on ways of addressing the data deficiency problem in the Irish Sea but in the meantime the automatic TAC reductions continue each year, making it harder to develop innovative and participative ways of addressing the issues. The downward spiral of poor data leading to low TACs, leading in turn to unrecorded discards is simply given extra fuel.

5.7. FISHING EFFORT (ART 11)

The conservation advantages of an effort regime in the Irish Sea are hard to discern.

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- A combination of restrictive TACs and effort control has led to the transfer of fishing activity from the whitefish to the nephrops sectors;
- Derogations from effort restrictions have been made unduly difficult to achieve;
- The timing of member states' decommissioning schemes in relation to the establishment of effort baselines has made the effort regime a lottery; to date most vessels in the Irish Sea have not been constrained by the effort regime;
- One can speculate that if effort did become a constraint the Cod Plan would encourage discarding of small cod in order to achieve the discard rates; there is therefore a catch 22, without fully documented catches it is not possible to determine levels of discards but fully documented catches will preclude vessels exemption from the effort regime.

5.8. COD AVOIDANCE / EFFORT EXEMPTIONS (ART 13)

The motivation behind the inclusion of effort exemptions for vessels actively involved in cod avoidance behaviours was a wholly positive one. Regrettably, the provisions have been so hemmed in with conditions and complexity that much less has been achieved than its potential.

If effort control is to be continued (although we can see no conservation reason why and many economic reasons why not), there should be much greater scope for vessels demonstrating effective cod avoidance to secure exemption. The NWWWRAC feels that it is this sphere that most progress could be made in rebuilding cod stocks in the Irish Sea but it requires a genuinely participative approach, appropriate incentives and appropriate methods of catch verification. An EU funded pilot project to improve catch data verification, with coverage by observers, could help to implement cod avoidance plans and to benefit from these exemptions.

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6. COD RECOVERY PLAN: MAIN ISSUES RELATING TO THE CHANNEL (VIId)

The Eastern Channel is a part of the North Sea-Kattegat Cod stock and as a result the area considered for the effort regime covers the North Sea and the VIId. Nevertheless, this effort regime doesn't cover the fleets from Norway that also contribute to cod mortality in the European Waters. On the other hand, the rules used to fix the TAC for the area VIId results from the discussion in the EU/Norway agreement

6.1. DESIGN OF THE PLAN

The main issue for the fleets in the area VIId is the effort regime. The effort regime constrains all the fisheries in the area even if those for which cod is not present in the catches or represents a small proportion of the catches. For the majority of the fleet working in the area VIId cod represents less than 5% of the landings.

The main problem seems to come from:

- The definition of the effort groups, based on the mesh size criteria, which includes a wide range of different fisheries/*métiers* that do not contribute to the same extent to the fishing mortality;
- The rule that leads to a systematic reduction of effort (based on the assumption that there is a link between fishing mortality and effort), and the hypothesis of an automatic rebuilding of the stock with a decrease of effort;
- The lack of flexibility between the groups of effort.

The different levels of implementation (European or Member State with or without STECF advice) of these measures compound the lack of coherence in the effort regime.

The main consequences of these provisions of the plan have for some fleets is to limit their ability to catch their quotas. Furthermore, the rigidity of the system limits the economically important polyvalence of the fleets (through the use of different type of gear during the year, or in the possibility to increase their mesh size to meet the requirements of other regulations such as technical measures).

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6.2. IMPLEMENTATION

As noted in the previous paragraph, the cod management plan covers a large part of the gear used in the VIId (and other areas) and is not a stand-alone plan. This results in an overlapping of the following sets of rules (Technical Measures, effort regime, TAC..)

This can lead to conflicts and contradictions and can partly explain the difficulty in implementing the plan successfully and in achieving the objectives set in the plan in terms to reducing cod mortality.

6.3. THE WAY FORWARD

A solution has to be found to unlocking the year-on-year reductions in effort that have an important economic impact on the fleets without delivering a reduction in fishing mortality. The evaluation process should provide some ideas for introducing some flexibility in the effort regime in order to not jeopardize the viability of the fleets but also to provide serious encouragement to various kinds of cod avoidance. Fishermen are firmly opposed to any further reduction in the VIId.

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Annex I

Questions that the North Western Waters RAC considers should be included in the Review of the EU Cod management Plan (EC1342/2008)

1. Questions that the NWWWRAC understands are being addressed by ICES/STECF

- Is management plan is achieving its objectives?
- Are the targets in the plan are appropriate or not (fishing mortality and biomass)?
- Is there is a correlation between effort and mortality that would justify effort limitation as a central instrument in the plan?
- Is the science is precise enough inform the exact changes in stock status required under the plan to set year-on-year TAC or effort reductions?
- What has the fisheries response to the provisions of the management plan been?
- Has the plan led to behavioural changes in the direction of sustainable exploitation or in the opposite direction?
- What data sets are available to inform these questions?
- Is there evidence of a conflict or contradiction between the provisions of the cod management plan and other conservation regulations, e.g. the technical conservation rules? STECF has already commented that the average mesh size in the North Sea has declined under the perverse consequences of the effort regime.
- Is F0.4 an appropriate target?
- Is the plan achieving the objectives? In other words, what is working and what is not working?

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- Are there problems in implementing the exemptions?
- Are criteria used by STECF valid to analyse MS exemption requests in accordance with the rules included in the regulation?
- Is the effort regime working? Can it ever work? Does the starting point for member states' effort base-line, based as it was on a lottery of when each member states had major decommissioning schemes, mean that there is no possibility of an even application of effort reductions? What does this mean for fishing mortality on cod?
- What is the risk involved in relying on effort to bring down fishing mortality?
- Is the cod plan designed in a way that hinders it from achieving its objectives?
- Is the way that the plan is being implemented problematic? In what ways?
- Is it possible to achieve an F of 0.4 for cod at the same time we have a high TAC for haddock?
- How has effort affected the fisheries fleet by fleet and member state by member state?
- Are there any alternative exploitation indicators that could be used for the Irish Sea and West of Scotland?
- Are there reasons to believe that the estimates of natural mortality are correct?
- Did member states implement the plan properly?
- Has the TAC setting been in line with the plan?
- What accounts for the high level of unaccounted removals, including discards of mature fish?
- Did member states calculate base lines in the same way?
- In mixed fisheries, what are the impacts of the non-cod fisheries?

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- Has the impact of the effort regime fallen on a small number of vessels; to what extent are these vessels involved in some kind of cod avoidance?
- Can we prepare a catalogue of “cod saving” gears?
- What are the factors influencing the uptake of cod avoidance options?
- Are there examples of successful recovery plans (successful or unsuccessful) in other countries that could inform the report

2. Questions that the NWWWRAC considers important but which may not be addressed in the current review.

NOTE: Some of these questions will be addressed in part through the RACs’ questionnaire exercise.

- Are the effort categories (e.g. TR1) too wide to be the basis for effective management measures, covering as it does mixed demersal, targeted saithe and flat fish fisheries?
- Do the biological and fisheries dynamics in the Irish Sea and West of Scotland vary to the extent that significantly different approaches are required to rebuild depleted cod stocks?
- Are different objectives desirable for the West of Scotland and Irish Sea fisheries?
- Is under-declaration of engine power a factor?
- What has been the effect of the default 25% reduction for stocks where there are data poor situations
- F0.4 implies a level of biomass that no one has ever seen before, including the gadoid outburst. This is unknown territory. What are the implications?

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- Does the geographic scale at which the plan is applied have an effect?
- What are the factors influencing the uptake of cod avoidance options?
- Does the way that the exemptions within the plan are framed help or hinder innovation in cod avoidance as was intended?
- Has the plan incentivised perverse fishing behaviours that prevent the delivery of the plan?
- Does the plan provide obstacles to the type of derogations that would deliver a reduction in discards?

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