



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
WATERS
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA
LAS AGUAS
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OPINION

Response to the Communication from the European Commission Concerning Fishing Opportunities for 2017 – COM(2016) 396 final

31 August 2016

The NWWAC had the opportunity to exchange views on this Communication at the meeting of the Working Groups (Edinburgh, 6 July) and reflected on this input together with the letter received from the European Commission (EC) regarding seabass management (8 July). The NWWAC intends that this opinion will be its major contribution to the development of the thinking of the EC and relevant Member States on the fishing opportunities in the North Western Waters for 2017.

1. General comments

The NWWAC notes that many stocks in North Western Waters are in good shape or show increasing trends that are favourable to sustainable exploitation. At the same time, the assessments indicate that several stocks remain of concern and have not yet recovered to biomass levels which allow for any more than a very low level of exploitation.

The NWWAC agrees with the Communication from the EC, which highlights that there may be factors other than fishing mortality that put pressure on resources. The NWWAC, therefore, supports studies of the effects of other impacts (e.g. climate change and human activities other than fishing) on the ocean which should complement current analyses and assessments.

With the introduction of advice for mixed fisheries in the Celtic Sea by ICES, in 2015, it has become clear that management must take into account fisheries interactions as well as environmental, social and economic aspects. In this context, the NWWAC requests that the EC and Member States take note of the indications of imbalance between catch opportunities in mixed fisheries, as indicated in the ICES advice for mixed-fisheries ([link](#)).

At present, the advice that is used as a basis for setting TACs is based solely on biological information. For economically important stocks, decisions should ideally be both biologically and economically sustainable in the long-term, whilst recognising that long-term economic sustainability may require short-term TAC reductions.

The industry members of the NWWAC suggest that STECF should be asked to provide an economic evaluation of the ICES advice for mixed-fisheries.

Where the ICES advice contains recommendations for significant reductions in the TAC for 2017, a stepwise reduction could be considered.

The CFP basic regulation, however, contains restrictions on adjusting the MSY objective timetable. Delays to the achievement of MSY exploitation rates can only be permitted where achieving them in 2017 would seriously jeopardise the social and economic sustainability of the fishing fleets involved. The EC's document states that evidence must be provided by the Member States to support this and the NWWAC suggests that this should be timely and publicly available, and it should not lead to the postponement of TAC reductions until 2020. The other interest groups highlight that the Member States should also include, with their evidence, their plan for achieving MSY exploitation rates by 2020.

The NWWAC intends to cooperate with Member States in order to address issues in those instances where the perception of the stock by the fishing industry deviates from the situation reflected in the stock assessment and resulting catch advice, or where setting TACs in line with the advice would have severe economic consequences. Advice recommending 'zero catch' of stocks is generally considered extremely difficult to implement in mixed fisheries because reducing landings will likely increase the risk of high discards.

In order for managers to consider appropriate measures, the AC urges Member States to use stakeholder information from the AC and request their scientific institutes to suggest measures, supported by evidence, to help inform the discussion in the Council of Ministers meeting in December.

ICES has openly welcomed the possibility of including information and data from the AC to improve their fisheries advice. The NWWAC supports further development in this area as an effective way to inform scientists of non-quantifiable information, as well as to incorporate data from stakeholders on the fishing grounds.

The NWWAC considers that advice must be based on the best available scientific evidence and information from stakeholders will need to meet certain criteria before it can be considered reliable and robust enough for inclusion in the development of stock assessments and future advice.

To this end, the AC requests the assistance of Member States to establish research partnerships between science and fisheries to improve the fisheries knowledge-base for ICES advice. In addition, the NWWAC considers that ICES should develop a protocol, in conjunction with the ACs, for the incorporation of stakeholder information into the assessments.

The NWWAC notes it is not yet possible to give a full response to the consultation because there are stocks for which advice will only be released in the latter part of the year. More comments may follow on the basis of new information.

2. Multi-Annual Plans

The mixed fisheries scenarios presented in the ICES advice for the Celtic Sea are not the basis for the setting of TACs but the NWWAC stresses that such scenarios can be a relevant indicator of the main potential choke species. The NWWAC asks the EC and the Council to take into account the mixed fisheries dimension, as well as changes to fishing practices that may follow the implementation of the landing obligation (e.g. changes in selectivity and effort distribution), whilst still meeting the requirements in Article 2(2) of the CFP basic regulation.

Another issue deals with stocks that cross boundaries between regions, such as seabass. The NWWAC understands that the proposal for a MAP for NWW includes seabass (ICES divisions 4.b–c, 7.a, and 7.d–h). The NWWAC would appreciate clarification on how the MAP for NWW will reflect the interaction between fisheries catching seabass in both the NWW and the North Sea.

3. Development of the state of the stocks

The NWWAC would like to comment on the basis of the assessment and the consequences of the advice for some specific stocks for which advice was released in June 2016.

General

Considering the status of **cod stocks in the North Western Waters**, the NWWAC requests an evaluation of the genetics of cod throughout ICES areas 4, 5, 6 and 7 to see if the stock boundaries are correct and how the different stocks and speed of recovery influence each other.

The advice for **sharks and rays** will be published in the latter part of the year but the NWWAC would like to stress the fact that the use of combined TAC management, which has resulted in automatic TAC reductions and is failing to adequately protect some species, and asks the EC to consider an alternative management approach, based on best available scientific advice.

The NWWAC has established a Focus Group on **seabass** in order to be able to come to regional agreement on a management framework to start rebuilding this stock (NWWAC framework advice 16th May 2016, [link](#)). The NWWAC emphasised the need for the evaluation of both the current management regime and the proposed alternative options, in order to come up with workable alternatives to the zero catch advice. The NWWAC considered that following this advice will not necessarily reduce catch, but may only reduce landings.

The NWWAC advice in May was set up as a framework to explore alternative measures for bycatch fisheries based on technical measures and the protection of nursery areas, as well as collecting data from recreational fisheries. The NWWAC considers that these options should be subject to scientific and socio-economic evaluation before the appropriate management options can be brought forward, with stock recovery being the priority. The NWWAC will continue to cooperate with the North Sea and South West Waters ACs to provide advice for the relevant seabass stocks.

West of Scotland

Regarding **saithe in subarea 6**, ICES advises an increase of catches in 2017 by 62%, while for 2016, the advice was a slight reduction. This is due to changes in the assessment that were implemented after a benchmark in 2016, changing the perception of the stock status for 2016, along with a change in reference points. The NWWAC requests that Member States consider the use of Art 16.3 of the CFP basic regulation, which allows for the possibility of an in-year increase to the TAC to address the disparity between the TACs and the updated, biological information. The NWWAC encourages the establishment of an updated management plan between EU and Norway that takes the new information into account.

The ICES advice for **Cod in division 6a** notes. *“Management measures taken thus far have not recovered the stock. The zero TAC for this area and 1.5% bycatch by live weight limit implemented since 2012 applies to the retained part of the catches; neither of these measures constrains catches. The proportion of the total catch that is discarded has increased since 2006 and discards now account for around 80% of the total catch. Estimated mortality is increasingly attributed to discarding. It is necessary to reduce all sources of fishing mortality to recover the stock above Bpa as quickly as possible.”* In light of this advice it is very obvious that the management measures taken over last number of years have not constrained catches and are not working in rebuilding the stock.

The NWWAC previously developed a position paper on “Breaking the cycle of decline” for cod in division 6a ([link](#)), which may be of use in considering management measures for the stock. It is to be noted, however, that this paper pre-dates the reformed CFP and the landing obligation and will need to be updated.

Celtic Sea

The changed status of **megrim in the Celtic Sea** (subareas 7 and 8) is difficult to understand for fishermen, since the move to an analytical assessment has resulted in advice for a lower TAC for 2017 than that of 2016, but still higher than recent catches. For fisheries in some Member States, where quota uptake is high, following this advice could result in megrim becoming a choke species. The NWWAC notes that the distribution of quota remains a problem for this stock.

The advice for **haddock in the Celtic Sea** (divisions 7b-k) notes that: *“Because of the introduction of square-mesh panels during 2012, the selectivity might have been expected to have changed. However, the assessment does not show evidence for such changes and the assumption of a constant selectivity pattern in the model still appears to be valid.”*

It is of utmost importance to determine the actual effects of this measure on the stock, particularly on juveniles. ICES was asked to analyse the changes in the size distribution of the discarded fish. The industry has noted a discrepancy between the perception of the stock by fishermen compared to the situation reflected in the stock assessment and scientific advice, stating that fisheries that previously had no haddock catches were now landing bycatches of haddock.

English Channel

Although the NWWAC management strategy advice for **sole in the Eastern Channel** (division 7d, December 2015, [link](#)) was not mentioned in the catch options table of the ICES advice, the 'issues relevant to the advice' show that the plan would result in application of F_{MSY} , without reference to a TAC variation constraint of 15% or 20%). If the TAC is to be set at a level in line with F_{MSY} , as stipulated in the management strategy, this would result in a TAC reduction of 22%.

In the December advice from the NWWAC, the industry members suggested that alongside the original management strategy advice, a maximum TAC variation of 15 or 20% should be evaluated as this approach had been considered by STECF not to increase the biological risks from 2016 to 2020 in any significant way and had the potential to bring stability to the simulations of the stock ([PLEN-16-01](#), Section 5.2).

Therefore, the industry members of the NWWAC consider that the management strategy can be followed with a maximum TAC variation of 15%. The other interest groups note that a TAC variation constraint of 15% would result in fishing mortality above F_{MSY} for 2017 and consider that the F_{MSY} approach should be followed, especially since the most recent ICES assessment forecasts that the stock biomass level will fall below MSY Btrigger in 2016.

The French industry noted that national measures such as protection zones for spawning areas were not extended to other Member states. The French industry also, voluntarily, adopted an increased minimum landing size of 25 cm, and the NWWAC requests the EC to consider a scientific evaluation of the effects of this measure, if it were implemented in all Member States.

On **undulate ray**, the NWWAC notes that the bycatch limit that is set leads to discarding and does not correspond to the perception from the fishing industry of the actual abundance of the stock. The NWWAC recommends that all the scientific information available should be taken into account for the 2017 TAC proposal. The NWWAC may put forward additional suggestions when the ICES advice for sharks and rays is available.

Irish Sea

The advice presented for the Irish Sea suggests a negative future for fisheries, with zero catch advice for cod, whiting and sole. The combination of technical measures and closed areas, which have been in place since 2000, as well as more recent reductions in fishing pressure, have not yet resulted in sustainable stocks.

The NWWAC is concerned that the main fishery for *Nephrops* in the Irish Sea has a bycatch of stocks with low catch advice. The NWWAC requests that the EC conduct an evaluation of current measures such as: the closed areas to protect cod, and the use of a 300 mm square-mesh panel in the *Nephrops* fishery. The NWWAC also wishes to highlight that the effort measures currently in place (cod management plan (EU) No [1243/2012](#)) that restrict days-at-sea for fishermen using larger mesh-sizes, create a negative incentive for the protection of juvenile roundfish.

The NWWAC have specifically noted the advice for **Irish Sea haddock**, which implies a significant reduction of catches, despite being higher than last year's advice, based on an assessment that is not in line with observations from local fishermen. Fishermen have alerted the authorities over significant catches of small haddock, which do not seem to be reflected in the assessment results. If the advice has missed a recruitment event for this stock, this could mean that the TAC, even with an uplift, could be too low for the mixed fishery.

For Irish fisheries, it should be noted that the main roundfish catches take place in the *Nephrops* fisheries, and a restrictive TAC for haddock has the potential to give rise to choking this mixed fishery. It was also noted that the small scale fisheries in the area do not have much flexibility to change to alternative fishing areas or gears.

The NWWAC is cooperating with the ICES benchmark Workshop on the impact of ecosystem and environmental drivers on Irish Sea fisheries management ([link](#)), which works towards both improved single species advice as well as an improved multi-species, ecosystem-based management. The NWWAC welcomes the benchmark approach to include effects of factors other than fisheries into the assessment, such as the interaction of species and other human activities, and supports the work of ICES to determine the cause of problems for different stocks, as well as widening the scope of this benchmark by adding **Irish Sea sole**.

4. 2017 Proposal for TACs

A zero TAC for stocks caught in mixed fisheries will not necessarily reduce the pressure on the stocks, but may cause higher discarding. The results of projects, such as the spurdog experiments in the UK, should be examined to find alternative strategies that reduce the fishing pressure on stocks in order to achieve sustainable fisheries.

5. The influence of the Landing Obligation

The NWWAC is working with the NWW Member States Group to develop a toolbox to deal with choke species. Quota uplifts have an important role to play in helping fisheries under the landing obligation to fish within their quota and, in this context, quota uplifts need to adequately reflect previous levels of discarding, whilst being in line with the MSY objective. Plans to deal with choke species should be established, taking into account mixed fisheries concerns. The NWWAC seeks clarity on the method of calculating and distributing quota top-ups for those fleet segments that are under the landing obligation, since this would greatly influence the balance of quota.

The NWWAC looks forward to hearing from the EC on evaluations of alternative management options, such as the AC proposal ([link](#)) to evaluate management options for marginal bycatch species by other means than TAC management.

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