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EU Transparency Register Id. No: 8900132344-29

## ADVICE

### Response to the NWW MS request for advice on the Joint Recommendation for 2018

5 May 2017

#### Background

The North Western Waters Member States Group (NWW MS Group) is preparing a Joint Recommendation for a discard plan for 2018. The North Western Waters Advisory Council (NWWAC) has contributed to this process by providing advice on specific issues in 2017<sup>1</sup>. Based on meetings of the NWWAC Working Groups and the Horizontal Working Group on the Landing Obligation (28 February and 1 March), as well as an Advice Drafting Group (13 April), the NWWAC now responds to a further request for advice on the Joint Recommendations 2018 by the NWW MS Group.

#### Introduction

It is becoming more and more apparent that the introduction of the landing obligation will lead to substantial changes in the fishing system. The phasing of stocks into the landing obligation has been used to allow fisheries to address implementation in a sequential and systematic way. This has only been partially successful, as it has delayed decisions on a number of difficult issues. The NWWAC also notes that the approach adopted by using catch thresholds instead of species has made it difficult to determine the effects of the Landing Obligation.

The NWWAC recognises the efforts made by the NWW MS Group to develop a 'Choke Toolbox' to be used to avoid future choke problems. Building on this work and taking into account the requirement for a full implementation of the landing obligation on 1 January 2019, the NWWAC intends to produce proposals for the development of alternative solutions and contingency plans. In order to avoid parallel processes and similar discussions taking place within NWW MS Groups, ACs, and the EC, the NWWAC offers to coordinate the organisation of a workshop on the further development and application of the "Choke toolbox".

Reference is made in the NWWAC response to the request for advice by the NWW MS Group of 27 January 2017 ([link](#)). The NWWAC view remains that it is difficult to foresee further transition into a

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<sup>1</sup> NWWAC answers to NWW Member State requests for Advice on the Landing Obligation [January 2017](#)

management regime based on the principle of a requirement to land all quota species, despite exemptions and flexibilities available, without a serious attempt to resolve the potential conflicts of incompatible policies and requirements. At the same time, the NWWAC accepts that the landing obligation is a Common Fisheries Policy tool to effectively increase the avoidance of unwanted catches and improve selectivity. The choke toolbox is essential in this process.

### **Basis for advice**

The NWWAC highly appreciates the invitations to attend the NWW Member States Technical and High Level Group meetings to discuss the common points of interest and, the sharing (on a 'not for distribution' basis) of draft proposals on the continued phasing of stocks into the landing obligation, in 2018, including the lowering of thresholds for a number of stocks already subject to the landing obligation. The NWWAC advice is based on these proposals and specifically responds to the questions raised by the NWW MS Group.

In the NWWAC advice, the references to choke situations are based on the following three categories resulting from the MS workshop on 'Access to Quota' (14 and 15 April 2016, Edinburgh):

- Category 1** Sufficient quota is available at Member State level. The choke is due to distribution of quota within the Member State, such that a region or fleet segment does not have enough quota. This situation may be resolved by the Member State itself.
- Category 2** Sufficient quota is available at EU level but insufficient quota exists at Member State level. The choke is due to distribution between Member States and may be resolved between Member States in regional context.
- Category 3** Insufficient quota exists at EU level. The choke is due to insufficient quota within the relevant sea basin to cover current catches or catches that cannot be otherwise reduced (e.g. by selectivity or avoidance), resulting in the total cessation of fishing of the flag vessels of a Member State or Member States.

**Advice on Annex 0 to the 2018 Discard Plan for certain demersal fisheries in North Western Waters; Fisheries subject to the landing Obligation:**

**a) Fisheries in Union and International waters of ICES subarea 6 and division 5.b**

The NWWAC noted the question from the NWW MS Group on the possibility of adding pollack to the Landing Obligation for trawl and seine fisheries. Earlier advice stipulated that there was a lack of data on gadoid fisheries for this area. Should data become available, which removes uncertainties and avoids choke situations, the NWWAC would support the addition of pollack into the Landing Obligation, specifically because this addition would decrease the number of stocks to be included in 2019 and reduce the 'big bang' fear. Some members of the NWWAC consider that pollack could be added to the landing obligation without much risk of it becoming a choke species, as current landings of this stock are lower than the TAC and the discarding of fish below the Minimum Conservation Reference Size (MCRS) is low. Other members of the NWWAC maintain the point of view that the stock should only be added to the landing obligation when the consequences of its addition are clear as the implementation of the landing obligation could result in this stock becoming a category 2 choke species.

The NWWAC considers that a reduction of the threshold from 20% to 5% for nephrops fished by trawls, seines, pots, traps and creels, will not choke fisheries, even vessels that have little or no quota to cover small bycatches of nephrops.

The NWWAC considers that the introduction of saithe for trawl and seine fisheries ( $\geq 100\text{mm}$ ), as proposed, is achievable when the category 2 choke risk is resolved. The problem can be resolved if an agreement can be reached between those Member States involved in swaps of quota for this stock. Nevertheless, additional solutions may be required in case the choke situation is not fully resolved by swapping.

**b) Fisheries for hake with TAC for ICES subareas 6, 7 and Union and International waters of ICES division 5.b**

The NWWAC agrees with the reduction of the threshold for the hake fisheries by trawls and seines from 20% to 10%.

**c) Fisheries with TAC in ICES division 7 for Norway lobster**

The NWWAC agrees with the 10% threshold for the nephrops fishery by trawls, seines, pots, traps and creels. This takes into account earlier NWWAC advice that highlights the need for a solution when this stock is fully under the landing obligation for vessels that have accidental by-catches of nephrops but have little or no quota for this stock.

**d) Fisheries in ICES division 7.a**

The NWWAC notes that the only change in this section when compared to 2017, are the reference years for the landing threshold that apply to the haddock stock.

**e) Fisheries in ICES division 7.d**

The NWWAC notes that the removal of the threshold for the common sole fishery by trawls (<100mm) would introduce problems for French vessels, and as such, the NWWAC advises that the existing *de minimis* exemption for beam trawls is maintained.

The NWWAC noted the view within the NWW MS Group that plaice bycatches cannot be included in the Discard Plan for 2018 as more data on survivability rates are required to provide evidence for an exemption. Whilst supporting this view, the NWWAC points out that this postponement will add to the total number of stocks to be introduced in 2019.

The NWWAC supports the reduction of the threshold for the gadoid fishery by trawls and seines, from 20% to 10% to land all whiting, but believes that the existing *de minimis* exemption should be retained.

**f) Fisheries in ICES division 7.e for common sole**

The NWWAC supports the removal of the threshold for the landing obligation of common sole for all beam trawl gears.

**g) Fisheries in ICES division 7.d and 7.e for Pollack**

The NWWAC supports the introduction into the landing obligation of pollack taken by static gears, subject to an appropriate TAC uplift that reflects the actual catches as indicated in ICES advice, and provided that the quota allocation problems for inshore fisheries are addressed.

**h) Fisheries in ICES division 7.b,c and 7.f-k**

The NWWAC supports the introduction into the landing obligation of common sole for all beam trawl gears and believes that the existing *de minimis* exemption should be retained.

**i) Fisheries in ICES division 7.b,c,e and 7.f-k**

The NWWAC supports the application of the 10% threshold to whiting in the gadoid fishery using trawls and seines.

**Separate point on fisheries for megrim in ICES subareas 6 and 7 and Union and International waters of ICES division 5.b**

The NWWAC discussed the MS Group's request for new data to support a *de minimis* exemption for megrim when this stock is included in the landing obligation. The NWWAC is aware that projects on this species are ongoing in Spain, but results are not expected before the middle of 2018. The NWWAC, therefore, advises that the addition of this stock be postponed until these studies are completed and the results can be used to develop and adopt measures to avoid choke situations.

**Advice on exemptions and other choke mitigation tools**

The NWW MS Group has not communicated its views on changing survivability or *de minimis* exemptions in the Joint Recommendations for the 2018 Discard Plan from those included in the 2017 Discard Plan. The NWWAC provided advice to the NWW MS Group on exemptions in January. Choke situations and mitigation tools will be addressed in future NWWAC advice on the Landing Obligation.