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EU Transparency Register Id. No: 8900132344-29

ADVICE

Management measures for the Nephrops stock in the Porcupine Bank (FU16) for 2017

30 November 2016

1. Background

The Porcupine Bank is unique amongst Nephrops fisheries, in that its management is significantly different to that of any other Nephrops ground. The area has an individual “of which” restriction, limiting the amount of the Area 7 TAC which can be taken from Functional Unit (FU) 16, and there is also a seasonal closure which is applied to a significant portion of FU 16 for the protection of the spawning stock. These measures, while necessary when they were implemented, are blunt tools that do not necessarily deliver anything beyond an initial reaction to unforeseen circumstances. As with any management measure, the implementation and exit strategies need to be clear to ensure that regulation that ceases to add value can be altered or revoked and re-used when needed.

In response to difficulties with the Porcupine Bank stock, in 2009 the Fishing Industry, through the NWWAC, proposed a seasonal closure to cover 75% of the stock area of FU 16, for the period the 1st of May to the 31st of July. This closure was accepted by the Commission and was implemented by means of the annual TAC and Quota Regulation initially in 2010 and again in 2011 and 2012. In 2013, 2014, 2015 and 2016 the duration of the closure was reduced in response to improvements in the stock.

Despite the introduction of the seasonal closure in 2010, in its proposals for Fishing Opportunities for 2011 the Commission included a restriction in relation to the quantity of Area 7 Nephrops quota which could be taken from FU 16; an “of which” clause. This was implemented in 2011 and again in 2012, 2013, 2014, 2015 and 2016.

It is noted from the from updates to Commission Proposal COM (2016) 698, fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters in Annex 1a published on the 16th of November 2016 that it would appear the Commission once again for 2017 intends to propose an “of which” restriction for the Nephrops quota from the Porcupine Bank despite the adverse effects of the measure which was contained in the ICES advice for

FU 16 issued in October of 2013; “Since 2011 a maximum limit on landings from FU 16 is included in the TAC regulation (the “*of which limit*”). This has increased the risk of high grading and area-misreporting in this fishery”.

2. Revision of FU 16 Management Measures:

2.1. Seasonal Closure:

In November 2012, the NWWAC agreed to propose a simple rule to moderate the length of the seasonal closure in FU 16, based on the level of recruitment and exploitation in the area. Once applied, the rule would have resulted in a four week closure from the 1st to the 31st of May 2013. The TAC and Quota Regulations for 2013, 2014, 2015 and 2016 implemented the four week closure during that period. A table explaining the rule is attached in Appendix I.

2.2. “Of which” restriction:

The ‘*of which no more than*’ provision, restricting the quantity of Area 7 Nephrops quota which can be caught in FU 16, has been in place since the 2011 fishing year. The justification for the introduction of the “of which” restriction was that stock in the functional unit appeared depleted; abundance was low, recruitment had been low between 2004 and 2008 and the exploitation rate had been relatively high in 2008 and 2009. As the recognised method of management by area TAC does not confer any restriction on the out take from individual functional units, the ‘of which’ was put in place. The abundance within the area has increased significantly since this time and the recommended out-take from the area for 2017 is advised to be no more than 3100 tonnes, this is a 68% increase on the 2016 advice of 1850 tonnes. Furthermore the harvest rate calculated by ICES is estimated to be well below the F_{MSY} harvest rate proxy

The ‘of which no more than’ was introduced by the Commission in 2011 as an emergency measure. The key word is “emergency” and, as with any ‘emergency measure’ there should be clearly understood rules, or triggers, set to both switch the measure on and also switch it off. The average landings from FU 16 from the last 10 years, although variable as expected for such a stock, are around 1500t, indicating that the current stock status is likely to be good. The Under Water TV Surveys support this assumption, indicating that the stock size is increasing. Exploitation is low and is estimated to be well below the F_{MSY} harvest rate proxy.

The answer to the question as to whether the emergency which necessitated the introduction of the “of which” limit still exists is clearly a “no”. It is, therefore, suggested that the measure is no longer relevant to the management of the fishery. The measure should be revoked until such time as the stock shows signs of impending depletion.

As with the closed area, a simple rule is suggested here; if the recommended TAC for the functional unit is above the 10 year average landings plus 10%, and scientific data indicates

that the level of exploitation is below the F_{MSY} proxy for the unit, the ‘of which no more than’ should not be used. The additional 10% introduces a precautionary buffer to the application of rule. It is suggested that this rule is reviewed on an annual basis with a view to linking the use of additional measure exclusively to reference points (or their proxies), thus reducing the uncertainties associated with the use of historical landings data.

If the recommended TAC is lower than the 10 year average landings plus 10%, or the level of exploitation is equal to or higher than the F_{MSY} proxy, then the ‘of which no more than’ provision should be invoked.

While it is acknowledged that this proposal represents a change in the way the fishery has been managed over the last few years, it should be noted that up to 2010 there were no individual management measures implemented in relation to this stock. The health of the stock and, by default, the fishery as a whole is of the utmost importance to all stakeholders involved in the fishery.

The information available on the fishery has improved significantly in the last few years, and the bench mark carried out early in 2013 has enabled refined methodology to be peer reviewed and approved. It is felt that the improvements in stock status and in information available on the fishery, coupled with the very precautionary nature of the revised ICES assessment and, indeed, of this proposal, will ensure that no significant threat is posed to the stock when deciding whether an “of which” restriction is required.

3. Proposal

The seasonal closure led by the fishing industry has proved to be crucial to restore the Nephrops stock in Porcupine Bank. The NWWAC reiterates its support and work towards the protection of Nephrops nursery stocks, and therefore is in favour of maintaining the seasonal closure for 2017, with any necessary adjustments in future years in timing and duration based on scientific evidence (i.e. abundance of spawning females).

It is also worthwhile noting that both STECF and the Commission have acknowledged in the past that there is no requirement to have both a seasonal closure and the “of which” restriction, and it would appear to be a management decision as to which one to remove. The NWWAC is proposing that the seasonal closure should remain in place for 2017 but the “of which” restriction should be removed.

Based on the mechanisms outlined above and the revised scientific data in relation to the Porcupine Bank Nephrops stock, the NWWAC proposes the following:

1. That the rules associated with the seasonal closure, as agreed by NWWAC in 2013, and reiterated by the now NWWAC in 2015, should continue to be supported. This would lead to agreement with the existing Commission draft proposal for the Porcupine Bank, so that the closure would be in place from the 1st to the 31st of May 2017.

2. That the special condition currently in place in relation to the TAC for Norway Lobster (*Nephrops*) in Zone 7 should be removed for 2017, on the basis that the suggested TAC from the area is significantly more than the 10 year average landings plus 10% AND that the harvest ratio is well under the Fmsy proxy, indicating that exploitation is at a very sustainable level.

Annex. Rules applied to assess the duration of the closure for 2017:

Exploitation		Recruitment		
		Low	Medium	High
	Low	1 May – 30 June	1 May – 31 May	1 May – 31 May
	Medium	1 May – 31 July	1 May – 30 June	1 May – 31 May
	High	1 May – 31 July	1 May – 30 June	1 May – 30 June

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