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NORTH WESTERN  
WATERS  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
LAS AGUAS  
NOROCCIDENTALES

Dublin, 15 June 2018

**Subject: Request for an ICES evaluation of the NWWAC advice on management measures for Nephrops in FU16 (the Porcupine bank)**

Dear Mr Machado,

On 17 February 2017, the Commission responded to advice from the NWWAC (30 November 2016<sup>1</sup>), which contained an amendment for the management measures for the Nephrops in the Porcupine Bank. In the analysis and discussion of this reply, the NWWAC was unanimous in its opinion that the Commission's response did not address the specific proposals made by the NWWAC in detail and possibly misinterpreted the content and purpose of the NWWAC's advice.

With this in mind, the NWWAC has reconsidered this subject and has updated its previous advice to provide further clarity on content and purpose. As such, the NWWAC asks that the Commission ask ICES/STECF to evaluate the NWWAC proposals, contained in this advice, in order to ascertain whether or not the NWWAC proposals are precautionary, reduce *area misreporting and the risk of discarding* and contribute to the sustainable management of this stock.

This advice has been adopted by the Executive Committee by consensus.

Given the NWWAC's commitment to proactively engage with concerned member states, the North Western Waters Member States Group have been provided with a copy of this letter, for their information.

Yours faithfully,

Emiel Brouckaert

Chairman, Executive Committee, North Western Waters Advisory Council

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<sup>1</sup> The EC reply on the NWWAC advice on management measures for the Nephrops stock in the Porcupine Bank (FU16) for 2017 along with the original proposal are available on the NWWAC website [Link](#)



## Background

The Porcupine Bank (FU16) is unique amongst Nephrops fisheries as it has a management measure in place which limits the amount of the Area 7 TAC that can be taken from Functional Unit 16. This limitation is called the “of which” restriction.

In 2009 the Fishing Industry, through the NWWAC, proposed a seasonal closure to allow the Porcupine Bank stock to recover. This closure covers 75% of the stock area of FU 16, for the period from the 1<sup>st</sup> of May to the 31<sup>st</sup> 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, and political pressure.

As with any management measure, the implementation and exit strategies need to be clear, to ensure that any regulation that ceases to add value can be altered or revoked and re-used, when needed. Both these measures, while necessary when they were implemented, now require review as they were introduced in response to scientific advice on the state of the stock and may no longer carry the same importance and effect.

## Evaluation of the management measures

Following earlier recommendation of both STECF and the Commission that there is no requirement to have both a seasonal closure and the “of which” restriction, the NWWAC considers that the seasonal closure should remain in place for 2019, but the “of which” restriction should be removed.<sup>2</sup> This recommendation is reinforced by the potential negative effects of the management measures as indicated by ICES in 2017; *“There is a separate catch limit for Functional Unit (FU) 16 within the wider TAC for Subarea 7. This has resulted in very restrictive quotas for some vessels, which has increased area misreporting and the risk of discarding.”*<sup>3</sup>

## Proposals

Based on the evidence, the associated reasoning and the revised scientific data in relation to the Nephrops stock in FU16 (the Porcupine Bank), the NWWAC makes the following proposals:

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<sup>2</sup> Ref. Ares(2014)69520 - 14/01/2014

[http://www.nwwac.org/\\_fileupload/Opinions%20and%20Advice/Year%2009/EC%20Reply%20to%20NWWAC%20Advice\\_Nephrops\\_Management\\_Porcupine\\_FU16\\_EN.pdf](http://www.nwwac.org/_fileupload/Opinions%20and%20Advice/Year%2009/EC%20Reply%20to%20NWWAC%20Advice_Nephrops_Management_Porcupine_FU16_EN.pdf)

<sup>3</sup> ICES Advice on fishing opportunities, catch, and effort Celtic Seas and Oceanic Northeast Atlantic Ecoregions  
Published 31 October 2017 nep.fu.16

<http://ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/nep.fu.16.pdf>



1. The NWWAC reiterates its support for the protection of Nephrops during spawning and recruitment, and is, therefore, in favour of maintaining the seasonal closure for 2019, with any necessary adjustments in future years in timing and duration based on the scientifically determined abundance of the stock (Table 1);
2. That the special “of which” condition should be removed for 2019, on the basis that the 2018 TAC for the area (2,734t) was significantly more than the 10-year-average (2006 - 2016) for landings (1,406.72t), plus 10% (1,547.40t) and that the harvest rate (5.6%; 2016) remains under the  $F_{msy}$  proxy (6.2%), indicating that exploitation is at a sustainable level. The additional 10% introduces a precautionary buffer to the application of the rule.
3. It is suggested that this rule is reviewed on an annual basis with a view to linking the use of additional measures exclusively to reference points (or their proxies), thus reducing the uncertainties associated with the use of historical landings data;
4. 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 FMSY proxy, then the ‘of which no more than’ provision should be invoked.

**Table 1.** The decision matrix based on the harvest rate and stock abundance of Nephrops in FU16 (the Porcupine Bank) proposed by the NWWAC to determine the duration of the closure of FU16 in 2018 (Source reference for ranges: ICES Advice on fishing opportunities, catch, and effort Celtic Seas and Oceanic Northeast Atlantic Ecoregions; Published 31<sup>st</sup> October 2017 nep.fu.16).

	Stock Abundance		
	Low ( $\leq 600$ million)	Medium (600 – 800 million)	High ( $> 800$ million)
Harvest rate	Closure Period		
Low ( $\leq 4\%$ )	1 May – 30 June	1 May – 31 May	1 May – 31 May
Medium (4%-6%)	1 May – 31 July	1 May – 30 June	1 May – 31 May
High ( $> 6\% \leq F_{msy}\%$ )	1 May – 31 July	1 May – 30 June	1 May – 30 June