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ADVICE

Addressing Choke Risk in NWW after exemptions

6 November 2018

1. Background

The issue of choke species has been identified by the NWWAC and NWW Member States as an obstacle to fully implementing the landing obligation on 1 January 2019. Extensive work has been completed to identify the key choke species and the potential mitigation measures outside to reduce the choke risks for NWW fisheries. In this regard the views of the NWWAC presented advice on 17 April 2018¹.

At the end of May 2018, the NWW Member States Group submitted their Joint Recommendations (JR) for 2019 to the European Commission. These recommendations contained *de minimis* and high survivability exemptions as well as technical measures designed to increase the selectivity in key fisheries. Following review of the JR by STECF, the Commission requested additional information and suggested amendments especially in relation to several of the high survival and *de minimis* exemptions. Following from dialogue between the Commission and the NWW Member States during the summer, an amended JR was submitted to the Commission, which has now been converted into a draft Delegated Act.

The NWWAC is concerned by the restricted timeline for the procedure in formulating the new JR. In addition, the decision to suppress the combined *de minimis* for pelagic by-catches and for gadoids in the Celtic Sea along with the *de minimis* exemption for whiting in the Irish Sea and restrictions on the survival exemption for plaice in the Celtic Sea, have the potential to create further difficulties in avoiding early closures of important fisheries.

Furthermore, even before the revised version of the JR, the Member States and the NWWAC widely acknowledged that the resulting Discard Plan will not lead to full mitigation of the identified choke risks. Further measures will be needed to avoid fisheries closing prematurely in early 2019. The only EU regulatory mechanism available before 2019, besides the Discard Plan to implement such measures, is through the Fishing Opportunities Regulation. However, even then uncertainty remains

¹ NWWAC advice on addressing High Choke Risk stocks under the Landing Obligation (17 April 2018) [Link](#) – Lien - Enlace

whether all the outstanding choke risks can be properly addressed through this Regulation.

On this basis, at its meeting in Ghent (3rd and 4th July) the North Western Waters Advisory Council (NWWAC) agreed to consider the issue further. A meeting was organized in Dublin on the 19th of July 2018 to begin the process of drafting further advice to the Member States Group and the Commission. Subsequently, the NWWAC discussed draft advice at its meetings in September (12-14th September, Dublin). The NWWAC also participated at the joint meeting with the NWW Member States Technical Group to discuss additional measures that could be taken on the 7th of September 2018, in Brussels.

In formulating this advice, the NWWAC recognises the practical difficulties involved in implementing the Landing Obligation. Not only is commitment needed from the industry to take measures to ensure full and effective implementation but also from the political level to address challenges posed^{2,4}. The NWWAC remains committed to continued collaboration with the Commission and the Member States Group to ensure successful implementation.

2. General remarks

As per its advice of 17 April 2018¹ the NWWAC acknowledges that the implementation of the landing obligation (LO) is a key element of the CFP. However, the NWWAC has consistently highlighted that there are major challenges in implementing the LO^{1,3}. Specific issues include:

- The setting of TACs in a highly dynamic, variable and mixed fisheries (e.g. cod, haddock, whiting 7b-k) and coverage of non-target species (e.g. Plaice 7hjk) context;
- The CFP's MSY objective which requires that populations of harvested species are exploited at levels which can produce the maximum sustainable yield by 2020 at the latest;
- Zero TACs and quota stocks for which some Member States have a zero quota but some level of catch;
- Highly depleted stocks with low rebuilding potential (e.g. West of Scotland cod);
- The lack of accurate catch data, particularly on historic discards. This includes not only demersal stocks but also pelagic bycatch in demersal fisheries. It restricts the ability to assess whether stocks present a choke risk.
- Taking into account unintended consequences of measures, e.g. displacement^{1,3,4}
- Taking into account ecosystem variability that can result in e.g. distributional shifts of species and recruitment pulse (prevalent in gadoid species)

² NWWAC Advice on the implementation of the demersal Landing Obligation in 2017 (13 May 2016) [Link](#)

³ NWWAC response to the MS request for advice for the Joint Recommendation for 2018 (27 January 2017) [Link](#)

⁴ Rihan D, Graham N and Vandamme S (2017) Report on the NWW choke species analysis [Link](#) [Lien](#) [Enlace](#)



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The work of the NWWAC has focused mainly on high risk choke stocks. However, there remain a large number of other stocks which represent a high choke risk to individual Member States due to a mismatch between quota allocation and catches. The NWWAC therefore encourages Member States to engage with each other actively to agree quota swaps and associated measures around swaps that will help to mitigate choke risks in such cases.

The NWWAC also encourage the Member States to fully utilise the other tool available in Article 15 (8) of the CFP, the inter-species flexibility, acknowledging the conditions attached to its use. This may provide a route through which some choke risks may be mitigated, accepting the complexity of implementing⁵ this measure.

⁵ Scientific, Technical and Economic Committee for Fisheries (STECF) – 45th Plenary Meeting Report (PLEN-14-01). 2014, 86 pp., section 4.1.



3. Approach taken

To aid the continuing discussions on the choke issues, the NWWAC has developed a table designed to re-assess the severity of potential choke stocks (Annex I).

The table is largely based on the North Western Waters Choke Mitigation tool (NWW CMT⁴) which included a detailed analysis of the different choke risks for key stocks based on STECF catch data from 2015 and 2016. Options to mitigate the choke risk identified by the CMT included improvements in selectivity; avoidance; quota flexibilities; and exemptions included in Article 15 of the CFP.

In order to re-assess the remaining choke risk for each stock from 1st January 2019 onwards, the results of the Choke Mitigation tool were updated with the ICES Advice for 2019 and also the exemptions included in the Joint Recommendation proposed by the Member States Group. The assumption has been made that these recommendations will be implemented fully. However, it should be noted that this is dependent on the final Delegated Act adopted.

Each stock was then reclassified as a “high”, “moderate” or “low” risk taken as a whole across Member States. Additional mitigation measures are proposed to reduce the choke risk where relevant. These solutions are based on the potential mitigation measures described in the NWWAC advice of 17 April 2018 and on previous relevant NWWAC advice¹, taking into account catch options proposed by ICES for individual stocks and the ICES advice on the revision of the contribution of TACs to fisheries management and stock conservation (TACMAN)⁶.

The NWWAC acknowledges that some suggested additional measures may be subject to conditions to maintain the objectives of the CFP. With regards to measures that consist of fixing a TAC that does not follow the ICES advice (marked with an asterisk (*)) throughout the document), OIG members remain of the view that TACs should not be set above scientific advice. However, OIG members are also of the view that if Member States provide socio-economic evidence (envisaged in Recital 7 of the CFP) demonstrating that setting TACs in line with scientific advice will seriously jeopardize the social and economic sustainability of the fleets involved and the result is that the TAC for 2019 is to be set at a value exceeding ICES advice, then specific requirements should be attached to this. These are outlined in Annex II.

The NWWAC emphasizes that the proposed additional measures to mitigating choke risks should not dis-incentivise improvements in selective fishing.

⁶ ICES 2018a EU request for ICES to provide advice on a revision of the contribution of TACs to fisheries management and stock conservation for selected deep-water stocks ([link](#)) and ICES 2018b EU request for ICES to provide advice on a revision of the contribution of TACs to fisheries management and stock conservation ([link](#))



4. Celtic Sea

The Group examined the data for each stock separately and in carrying out the evaluation, identified the following conclusions:

- Haddock and Sole VII f,g remain “high” risk stocks.
- The choke risk for Cod (VII e-k) and Plaice (VII h,j,k) is elevated to high based on the zero catch advice from ICES.
- The choke risks have been reduced from “high” to “moderate” for Whiting based on the ICES advice and on the presumption the relevant exemptions proposed for this stock in the JR will be implemented.
- The choke risk for Skates and Rays, and Plaice VII f,g is reduced to “low” on the basis that the high survivability exemptions proposed in the JR will remove any choke risk for 2019, noting that in the revised JR, limitations on these exemptions have been included for plaice (limited to 1 year and limited in some areas to specific gear) and cuckoo ray (limited to 1 year).
- For Hake, Anglerfish and Sole VII h,j,k the assessment of a moderate choke risk is maintained.
- *Nephrops*, Pollack, and Megrim continue to present a low or no apparent risk as choke species.

The main findings by stock are summarized below with an AC view on which **additional** measures – besides JR – might contribute to mitigating the choke situations. The NWWAC would like to stress that these solutions may not fully resolve the choke problem, especially for high risk stocks.

High risk

Species	Predicted choke risk with exemptions applied	Possible additional measures contributing to mitigating choke
Haddock VII b-k	Risk remains high even with exemptions and selectivity measures as deficit between catches and TAC and quota still likely to be significant.	<ul style="list-style-type: none"> • Set TAC at Fmsy upper (ICES advice = 8863 tonnes) *; • Prioritise selectivity work;
Sole VII f,g	Risk remains high for several MS even with exemptions in place. Situation will be exacerbated with TAC reduction	<ul style="list-style-type: none"> • Prioritise high survivability work in fisheries in VII f,g; • Inter area flexibility with VII h,j,k
Cod VII b-k (excluding VII d)	Choke risk raised to high based on ICES advice for zero TAC and quota with all MS with catches of cod impacted. <i>De minimis</i> and improvements in selectivity will not reduce	<ul style="list-style-type: none"> • Setting TAC at Fmsy (ICES advice = 1531 tonnes) would at least provide for some level of catch *; • Prioritise selectivity work



	choke risk.	
Plaice VIIh,j,k	<p>High survivability exemption will remove the risk in beam trawl fisheries but zero TAC and quota advice will mean high choke risk will remain for all other gears. Limited beam trawl fisheries in the area and plaice caught mainly as a bycatch</p>	<ul style="list-style-type: none"> • Rollover TAC at 2018 level (128 tonnes) *; • Inter area flexibility with Area VII f,g; • Improvements in selectivity may be possible; • Further survivability studies in fisheries other than beam trawls could be considered.

Moderate risk

For whiting in VIIb-k, the predicted choke risk has been reduced to moderate on the basis of the inclusion of de minimis exemptions for fisheries with catches of whiting and also the introduction of technical measures that will improve selectivity for whiting in these fisheries. Depending on how the TAC is set for 2019, for some Member States (IE, NL) may continue to be in a high risk situation, while Spain has a zero quota for this stock but with limited recorded catches. The NWWAC notes that further improvements in selectivity may be possible to further reduce unwanted catches of whiting, which would also help to reduce the choke risk in the longer term.

Low or no apparent Risk

For Skates and Rays in ICES areas VI and VII, the high survival exemption introduced would seem to remove any immediate choke risk in 2019, noting the limitation of one year for cuckoo ray from this exemption. In line with the JR, the NWWAC supports the prioritisation of data collection, further high survivability experiments and improvements in selectivity.



5. West of Scotland

The following are the main conclusions for the stocks in the West of Scotland:

- Cod VIa and Whiting VIa remain “high” risk stocks, given ICES have advised zero catches for 2019.
- Haddock in VIa has been elevated to a high risk choke stock on the basis of the ICES advice for a large reduction in catch for 2019.
- Saithe VIa, Anglerfish, Ling and Tusk continue to be classified as being “moderate” risk choke species. In the case of Saithe and Anglerfish, Members States rely on swaps to reduce the risk of choking.
- Cod VIb, Haddock VIb, Blue Ling, *Nephrops* and Megrim are classified as low risk choke stocks and for most of these stocks the ICES advice is for a rollover or slight increase in TAC.

The main findings by stock are summarized below with an AC view on which **additional** measures – besides JR – might contribute to mitigating the choke situations. The NWWAC would like to stress that these solutions may not fully resolve the choke problem, especially for high risk stocks.

High risk

Species	Predicted choke risk with exemptions applied	Possible additional measures contributing to mitigating choke
Cod VIa	Current state of the stock and ICES advice for zero TAC means high choke risk remains	<ul style="list-style-type: none"> • Set TAC at Fmsy (ICES advice 2018 = 498 tonnes) would provide some level of catch *; • Increase bycatch provision with full catch documentation; • Inter area flexibility with Area IV; • Additional spatial/temporal closures; • Alternative assessment model by Dr Robin Cook (see NWWAC FG Cod⁷); • Remove TAC (conditions see NWWAC advice April 2018¹)
Whiting VIa	Current state of stock and ICES advice for zero TAC, means choke risk remains high	<ul style="list-style-type: none"> • Set TAC at F2018 (ICES Advice 1171 tonnes giving low F=0.05) *; • Increase selectivity in TR2 fisheries
Haddock VIa	Choke risk likely to increase to high based on ICES advice for reduction in the TAC	<ul style="list-style-type: none"> • Rollover 2018 TAC (TAC of 4654 tonnes) *; • Improvements in selectivity in the TR2 fishery for <i>Nephrops</i> may be possible

⁷ The NWWAC is organizing a FG on cod in area 6.a on 15th November in Edinburgh. More information will be available on the [website](#).



6. Irish Sea

The following are the main conclusions for the Irish Sea stocks:

- Whiting remains a “high” risk stock. Although further improvements in selectivity may be possible, they are only likely to marginally reduce the risk to fisheries. This species potentially could close multiple fisheries in the area.
- The choke risk for Sole decreased from “moderate” to “low” due to a potential increase in the TAC. Targeted fisheries should be avoided to ensure fishing mortality does not increase significantly.
- Plaice and Haddock present a low or no apparent risk as choke species. A high survival exemption for Plaice would remove immediate choke risk in 2019 in combination with the proposed increase in TAC. For Haddock further improvements in selectivity should be considered.

The main findings by stock are summarized below with an AC view on which **additional** measures – besides JR – might contribute to mitigating the choke situations. The NWWAC would like to stress that these solutions may not fully resolve the choke problem, especially for high risk stocks.

High risk

Species	Predicted choke risk with exemptions applied	Possible additional measures contributing to mitigating choke
Whiting VIIa	De minimis and improvements in selectivity will not reduce choke risk if TAC is set according to ICES advice (i.e. 0 TAC)	<ul style="list-style-type: none"> • Set TAC at Fmsy (ICES advice = 413 tonnes) to provide limited catch opportunities *; • Additional selectivity measures in TR2 fisheries (increase codend mesh size);

7. Channel

The following are the main conclusions for the Channel stocks:

- Haddock VIIb-k, Cod VIIb-k and Whiting VIIb-k have been discussed in the Celtic Sea area. However, given the TACs for these stocks cover either partially or fully the eastern and western Channel it is important to re-iterate the choke risks – “high” for Cod and Haddock and “moderate” for Whiting - for these stocks.
- Sole is classified as being moderate risk choke species in both eastern and western Channel. However, ICES advises reductions in the eastern Channel TAC that may increase the choke risk based on current fishing patterns.
- Whiting VIIb-k is classified as being moderate risk choke species, but was discussed in the Celtic Sea area. Potential solutions to mitigate the choke problem are described under the Celtic Sea.



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- The choke risk for Skates and Rays would be removed on the basis that the high survivability exemptions proposed in the JR will remove any choke risk for 2019, noting that in the revised JR, limitations on these exemptions have been included for plaice (limited to 1 year) and cuckoo ray (limited to 1 year from the survival exemption pending further work).
- Plaice in VIId,e and Cod VIId are classified as low risk choke species. For plaice this is based on the proposed high survivability exemptions being accepted. For Cod, even though the ICES advice is for a large reduction in the TAC, the choke risk remains low as the reported catches are currently at very low levels.
- Sprat in VIId⁸ is classified as a low risk choke species. There is a large surplus of quota although the UK has been reliant on quota swaps in the past. Provided swapping continues there should not be a choke problem in 2019. Based on the STECF data, catches of sprat originate from pelagic trawls and seines (Annex III).

⁸The Pelagic AC provides advice on the management of pelagic fish stocks on behalf of the fisheries sector and other stakeholders. The pelagic stocks covered by the AC are herring, mackerel, horse mackerel, blue whiting and boarfish of all the areas, all the areas, excluding the stocks in the Baltic Sea and Mediterranean Sea. As sprat is outside the remit of the pelagic AC, the NWWAC included it in the advice for the relevant area.



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8. Other choke issues

Pelagic bycatch in demersal fisheries

Bycatch of pelagic species such as herring, mackerel, horse mackerel, boarfish and argentine in NWW demersal fisheries could lead to choke issues when subject to the Landing Obligation in 2019. However, there is considerable uncertainty about the extent of such catches and neither ICES nor STECF provide accurate catch information. The extent of recorded catches is likely to be underestimated as acknowledged by STECF⁹ and ICES^{10,11}.

The original proposal of the NWW Regional group for a combined de minimis exemption covering bycatch of mackerel, horse mackerel, herring, boarfish and argentine caught by vessels using bottom trawls, seines and beam trawls in ICES subarea VI and VIIb-k was rejected. The updated JR now contains two single species De Minimis for mackerel and horse mackerel caught by bottom trawls, seines and beam trawls in ICES subarea VI and VIIb-k. These single species DM exemptions do not resolve the problem for boarfish, herring and argentine which creates specific problem for several members states, especially as these are zero quota species for some MS. For Horse Mackerel, an improved flexibility between areas would be considered as a potential solution, especially between 7d and the North sea (already 5% flexibility allowed), as the ICES advice gathers both these zones.

In addition to this proposed de minimis exemption, specific footnotes are included in the TACs for horse mackerel, which allow up to 5 % of the quota to consist of bycatches of boarfish, haddock, whiting and mackerel. These bycatches are counted against the horse mackerel quota.

Given the lack of accurate catch data, the NWWAC is not able to assess whether these bycatches present a choke risk. Given the differences in quota allocations and level of activity in the different demersal fisheries, it appears to the NWWAC that it is up to individual Member States to evaluate whether these bycatches require further measures

Demersal bycatches in pelagic fisheries

In addition to the bycatch of pelagic species in demersal fisheries, the NWWAC has also identified demersal bycatches in pelagic fisheries as potentially leading to choke situations. The NWWAC is concerned that solutions for such choke risks in the pelagic fisheries can lead to enhanced choke risks in demersal fisheries.

⁹ Scientific, Technical and Economic Committee for Fisheries (STECF) – Technical Measures – Improving selectivity to reduce the risk of choke species (STECF-18-02). Publications Office of the European Union, Luxembourg, 2018, ISBN 978-92-79-79382-0, doi:10.2760/41580, JRC111821 [Link](#)

¹⁰ ICES (2017). Mackerel (*Scomber scombrus*) in subareas 1–8 and 14, and in Division 9.a (the Northeast Atlantic and adjacent waters). Published 29 September 2017 DOI: 10.17895/ices.pub.3023 [Link](#)

¹¹ ICES (2017). Horse mackerel (*Trachurus trachurus*) in divisions 3.a, 4.b–c, and 7.d (Skagerrak and Kattegat, southern and central North Sea, eastern English Channel) Published 29 September 2017 [Link](#)



Deep-sea stocks

In the initial choke analysis⁶, six deep-sea stocks were identified as relevant to the NWW. These are:

- Deep-sea sharks – Union and international waters of V,VI,VII, VIII & IX;
- Black Scabbard – Union and international waters of V,VI,VII and VIII;
- Alfonsinos – Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV
- Roundnose grenadier – Union and international waters of Vb, VI and VII
- Red seabream – Union and international waters of VI, VII and VIII
- Greater forkbeard – Union and international waters of V, VI and VII

No detailed analysis was carried out using the CMT at that time as either the catch data is incomplete or unreliable, the level of fisheries was reportedly very low or the majority of the Member States do not catch their quota and traditionally swap it out. On this basis the choke risk was concluded likely to be low. As these stocks will be subject to the Landing Obligation from 1 January 2019, it seems opportune to carry out a further evaluation to re-confirm that the choke risk remains low based on most recent ICES advice.

Deep-sea sharks – Union international waters of V, VI, VII, VIII & IX

Most recent ICES advice (from 2015) is to minimise mortality and avoid targeted fisheries. The current TAC for 2018 is 10 tonnes for all Member States and exclusively for bycatch in longline fisheries targeting black scabbardfish. No directed fishery for deep sea sharks is allowed. Catches in NWW have been very low since 2011. However, in the deep sea fishing opportunities Regulation (Council Regulation (EU) 2016/2285), a number of deep-sea sharks are listed and covered under the TAC. Some of these species are included under the list of prohibited species but not in NWW. Therefore, given the current TAC restrictions, even with very low reported catches, deep-sea sharks have the potential to choke fisheries, particularly those fisheries in deeper waters along the continental shelf edge. ICES (2018) noted in their most recent advice that the prohibited listing would prevent targeting and remove any choke risk, but would not necessarily minimise mortality, as discard survival for many of the species listed is close to zero. ICES also advised that removing the TAC would run contrary to the intent to reduce bycatch and avoid directed fisheries of these species.

In light of this, the NWWAC recommends that the Commission considers, as a priority, how to address the ongoing choke risks that deep sea shark species represent for Member States with small incidental catches in 2019.

Red seabream – Union and international waters of VI, VII & VIII

Most recent ICES advice for 2019 is for zero catches. In recent years catches have been in line with the TAC. All catches are as bycatch with directed fisheries prohibited in the Fishing Opportunities Regulation. If a zero TAC was to be set for 2019 this would create a choke risk for a number of Member States (FR, ES, UK, IE, BE & NL) with reported catches. ICES have also advised that removing



the TAC would most likely result in a high risk of the stock being fished unsustainably so this does not seem an option.

The NWWAC has assessed that setting a TAC at a level that continues to cover incidental bycatch would most likely remove any choke risk. However, OIG members refer to the approach taken (see point 3) and their specific conditions as set out in Annex II. The current prohibition on directed fisheries should remain in place.

The NWWAC considered that for the other deep-sea stocks (Greater Forkbeard, Black Scabbard, Alfonsinos and Roundnose Grenadier) catches have been low and are unlikely to represent a significant choke risk in the NWW in 2019.

No Quota

As identified in the initial choke analysis there are a number of stocks for which a particular Member State or group of Member States have no quota. While ES are the Member State most impacted, BE, DE, FR, IE, NL and UK are also affected.

Outside of the available mitigation tools and measures (i.e. quota swaps, interspecies quota flexibility, de minimis) other solutions appear limited and will undoubtedly impact on relative stability to some extent. Possible options identified by the NWWAC include:

- *“Others” quota*: to cover bycatches of Member States without quota. This is already the case for a number of stocks (e.g. Tusk, Bluefin Tuna and several deep-sea stocks). The NWWAC points out that creating quota for stocks for which Member States have no quota – under “others” or otherwise – will affect relative stability.
- *“Footnotes”*: could be included for certain demersal stocks to allow for the counting of bycatches for no quota species against those specific quotas. Footnotes are already included for several pelagic stocks and also for industrial species in the North Sea. However, it is noted that such footnotes may have negative implications for fishing mortality and may impact on the overall TAC available to Member States, as catches under footnotes must be accounted for in the ICES advice.
- *“Temporary reallocation of unused quotas”*: occurs near the end of the year, after the calculations of the inter-annual quota flexibilities, to cover bycatch, according to the principle used for external fishing fleets¹² under Sustainable Fisheries Partnership Agreements (SFPAs). This application would be coordinated by the COM on an annual basis to prevent impacting relative stability and in close collaboration with the Member States involved. The temporary reallocation of quota would have to be tightly controlled.

¹² Reference to Article 47 in EU regulation 2017/2403 on the sustainable management of external fishing fleets, and repealing Council Regulation No 1006/2008



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9. Conclusions

- Eight stocks are classified as high risk, taking account of any exemptions proposed under the JRs and also the ICES advice for 2019. These stocks are – Haddock VIIb-k, Cod VIIe-k, Sole VIIf,g, Plaice VIIh,j,k; Cod, Haddock and Whiting in VIa; and Whiting in VIIa.
- The de minimis and high survivability exemptions in combination with the improvements in selectivity proposed in the NWW Joint Recommendations will reduce and in some cases remove the choke risks for certain stocks. However, the solutions proposed in the JR and the NWWAC advice are unlikely to fully resolve the choke problem for several high risk choke stocks (e.g. haddock VIIb-k, cod VIIb-k, sole VIIf,g, plaice VIIh,j,k, whiting and cod VIa and whiting VIIa) or zero TAC stocks.
- In the case of Cod VIIe-k, Plaice VIIh,j,k; Cod and Whiting in VIa; and Whiting in VIIa ICES advises for zero catch. In these cases, setting a zero TAC will mean all fisheries in which there are catches of these stocks will be closed from the start of 2019. For the other high risk choke stocks, simulations run by STECF¹³ and Seafish¹⁴ indicate these fisheries are likely to be closed during the first half of 2019.
- The choke risk for Skates and Rays in VI and VII and also in VIId, as well as Plaice in VIId,e, and VIIf,g has been reduced to low on the basis that the proposed high survivability exemptions will largely remove any choke risk for these stocks. However, the NWWAC has concerns about the specific status for the cuckoo rays and also for the different area VII plaice stocks as the one year exemption granted for these stocks under the draft Discard Plan may not allow sufficient time to collate additional scientific evidence to support the continuation of these exemptions.
- The choke risk for other species considered remains moderate or low risk. For a number of these stocks Member States are reliant on swaps to prevent choking fisheries.
- The NWWAC has considered three other choke issues
 - Pelagic bycatch in demersal fisheries: Given the lack of accurate catch data, the NWWAC is not able to assess whether these bycatches present a choke risk. Given the differences in quota allocations and level of activity in the different demersal fisheries, it appears to the NWWAC that it is up to individual Member States to evaluate whether these bycatches require further measures.
 - Demersal bycatch in pelagic fisheries: The NWWAC is concerned that solutions for such choke risks in the pelagic fisheries can lead to enhanced choke risks in demersal fisheries.

¹³ Scientific, Technical and Economic Committee for Fisheries (STECF) – Technical Measures – Improving selectivity to reduce the risk of choke species (STECF-18-02). Publications Office of the European Union, Luxembourg, 2018, ISBN 978-92-79-79382-0, doi:10.2760/41580, JRC111821 [Link](#)

¹⁴ Seafish Bioeconomic Modelling. Analysis of choke points and problem stocks for UK fleet under the Landing Obligation, 2017-2019. April 2017 [Link](#)



- Deep-sea stocks: The choke risk for four of the six deep-sea stocks of relevance to the NWW is likely to be low. For the specific cases of deep-sea sharks and red sea bream, ICES advises zero catches in 2019. The NWWAC is aware that the Commission has worked on a proposal to address this.
- As identified in the initial choke analysis there are a number of stocks for which a particular Member State or group of Member States have no quota. Outside of the available mitigation tools and measures (i.e. quota swaps, interspecies quota flexibility, de minimis), other solutions appear limited. However, the NWWAC has identified three possible approaches – the use of “others” quotas; footnotes to certain demersal TACs; and the temporary re-allocation of unused quota to cover bycatch. All three of these options require careful monitoring to ensure they do not adversely impact on the achievement of objectives of the CFP.

10. Annexes

Annex I Choke analysis spreadsheet (see separate document)

Annex II OIG position on setting the TAC at levels higher than the ICES stocks advice

Annex III Choke Mitigation Tool based on STECF for 2016 for sprat (see separate document)



Annex II

*OIG position on setting the TAC at levels higher than the ICES stocks advice

The OIGs remain of the view that TACs should not be set above scientific advice. However, if the TAC for 2019 is to be set at a value that exceeds ICES advice, due to socio-economic evidence from the Member States demonstrating that setting TACs in line with scientific advice will seriously jeopardize the social and economic sustainability of the fleets involved, then the following requirements should be attached:

- a) Use the available quota exclusively to cover unwanted catches of the choke species in mixed fisheries (i.e. cease targeted fisheries of the stock in question).
- b) Only allow continued mixed fisheries that have some likelihood of having bycatches of the stock in question if:
 - i. All vessels engaging in the fishery agree to full catch documentation (via electronic means and/or observers on board).
 - ii. Full documentation is used to demonstrate that (a) there is no increase in fishing mortality on the stock; (b) fishing mortality/unwanted catches are being progressively reduced; and (c) all catches are being landed apart from those with sanctioned catch and release protocols (i.e. *de minimis*, high survival exemptions and prohibited species).
- c) Develop and implement a bycatch reduction or elimination plan for the fishery in question, in which EMFF funding could be used not only to develop/implement new fishing gears and methods, but also to help fishers switch gears and/or adapt their activities to eliminate or minimize bycatch as far as possible in the medium term.
- d) Evaluate all these measures ahead of the TAC-setting process for 2020 TACs, and review them accordingly to ensure the requirements of the CFP are met.

The OIGs remain of the view that a TAC set at Fmsy upper should only be used where there is a multiannual plan in place. However, should the WWMAP fail to be in place in the relevant timescale and this option used for the 2019 TAC, then the requirements listed above should also be attached.