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## Discussion Paper

### Chokes needn't be a problem

(Barrie Deas, 16<sup>th</sup> April 2016)

The EU and member states have it within their powers to ensure that chokes are not an inevitable feature of the application of the EU landings obligation to TACs and quotas in mixed fisheries.

That is the conclusion that we have taken from an important meeting of member states and advisory councils held in Edinburgh recently.

Chokes – when early exhaustion of one quota in a mixed fishery prevents a vessel, PO, gear group or member state, from catching its main economic quotas - threatens to be the *Achilles heel* of the landings obligation. Modelling has suggested that some fisheries could be choked as early in the year as February or March; and all of the advisory councils flagged the issue up as having the potential to lead to catastrophic economic consequences.

However, the Edinburgh meeting, in which there was a very thorough discussion of the issue in all its aspects, over two days, listed a comprehensive battery of ways to deal with chokes. Some of these are just extensions of current features of quota management, such as international quota swaps; others are more radical and would require high level political intervention, such as removing TAC status on some stocks, grouping quotas, or varying the MSY timetable beyond 2020. The central point to emerge from the meeting is that chokes need not be an endemic part of the post-landings obligation CFP – if the political will is there and a bit of trust and ingenuity is applied.

### Toolbox/Menu

A non-exhaustive list of the means of dealing with chokes could include:

- Gear Selectivity
- Avoidance through spatial and temporal tactical choices
- Quota uplifts and TAC setting generally
- Internal member state quota management and distribution arrangements
- Domestic and international quota swaps, including on a permanent or semi-permanent basis
- High Survival exemptions
- De minimis exemptions
- Inter-annual and inter-species flexibilities
- Grouping of bycatch quotas into “others” quotas
- Removing TAC status where there is an absence of scientific justification
- Extending the MSY timetable in specific circumstances



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### **Horses for Courses**

Which measures will be appropriate for which fisheries will vary by the type of choke involved and are likely also to vary over time. In many fisheries a mix of the measures will be required. And if TAC status is removed from a stock it will be important to guard against over-exploitation through alternative means. Grouping of quotas too, needs careful consideration. The absence of comprehensive data on which to make informed decisions on such things as high survival exemptions is also problematic. The information base is constantly changing.

In view of all of this, the judicious choice of a mix of measures to deal with each choke will involve close dialogue between the member states concerned and the appropriate regional advisory council, and indeed, close discussion within member states. The point, however, is that however severe, solutions for chokes do exist – if the political will is there.

### **Be bold – but with a safety net**

The choice facing member states as they work on Joint Recommendations for how the landing obligation will be applied in 2017 is stark. They must come up with a joint Recommendation for the fisheries within their regional jurisdiction by the end of May. Given the potentially devastating consequences of chokes, member states are naturally eager to avoid the worst scenarios. But by being too cautious they run the risk of building up a precarious dam of problems in 2018 and 2019.

The idea of phasing the introduction of the landings obligation, at least as originally envisaged by the ACs was never to just delay the inevitable. It was to try out the landings obligation in a few fisheries/ species and to learn the lessons of how to manage the ensuing outcomes. From our point of view, the message from the ACs to the member states should be: “Be bold but provide a safety net.” There is nothing to be gained by only introducing easy stocks/fisheries in the first two years and then precipitating an avalanche in the last two years before full implementation of the landing obligation in 2019. But equally, it is absolutely essential both for socio-economic reasons but also for the credibility of the CFP that the problem of chokes is managed down to sustainable proportions.

### **Safety Net**

The Edinburgh meeting has demonstrated that, one way or another, there *are* ways of minimising chokes down to manageable levels. This will require a level of trust that fisheries managers will innovate but not lead the fleets into economic meltdown. Equally, the ACs must insist on a safety net but also allow the landing obligation to be extended into unknown territory. It is only by seeing what will happen when the landing obligation is applied some of the more difficult species that we will be able to see what works and what doesn't.



What would a safety net look like? We would say:

1. Each stock/fishery must be assessed against the possible mitigation measures available
2. Those mitigation measures that make sense and are immediately available must be applied
3. As the landing obligation is applied the fishery must be monitored - closely
4. If there are signs of chokes that would lead to a premature closure of the fishery, pre-agreed contingency plans must be brought into play; this could involve mid-year TAC adjustments; selectivity measures or quota transfers

Ideally, through this kind of *learning by doing* or *responsive management* the really problematic stocks/fisheries that will need significant political will and legislative change should be narrowed down to a hard core.

Figure 1 illustrates for the North Sea, the *wedge* of stocks fisheries that have to be incorporated into the Landing Obligation (LO) by 2019. The fisheries in North West Waters in many ways provides an even greater challenge. This is a sobering reminder of the daunting task ahead and why a policy based around the slogan *Be Bold but with a Safety Net* is so essential.

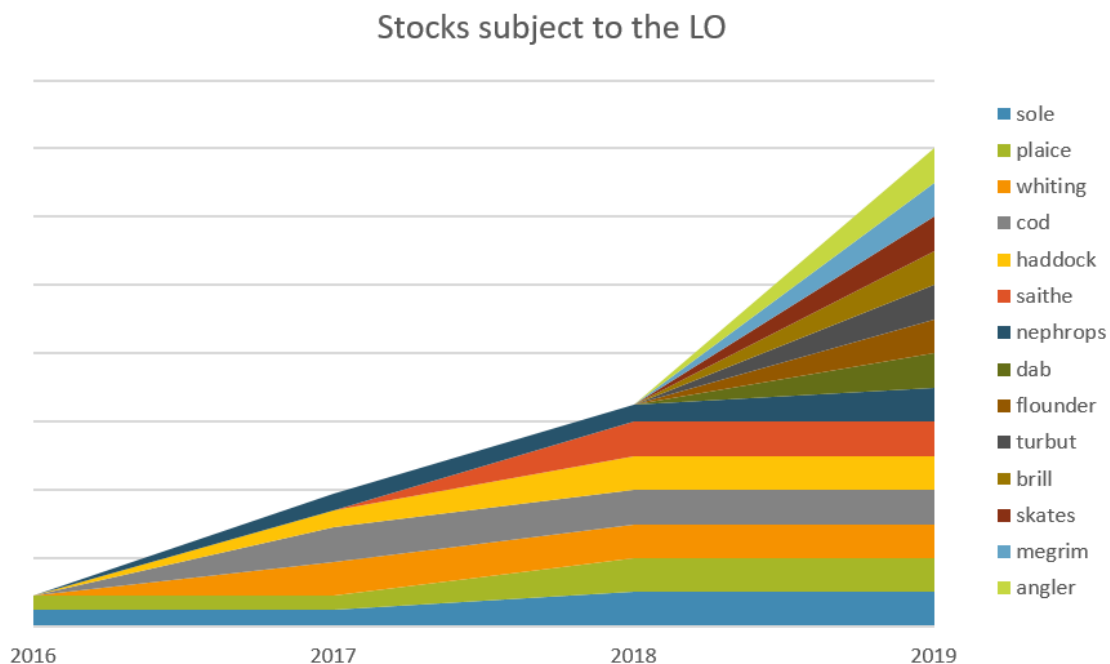


Figure 1. Stocks subject to the landing obligation; Sole, plaice, whiting, cod, haddock, saithe, nephrops, dab, flounder, turbot, brill, skates, megrim, angler