



North Western Waters Regional Advisory Council

RECOMMENDATION

Improving the Implementation of the Cod Management Plan Proposals for the Interpretation of Regulation (EC) 1342/2008

April 2013

1. Background

Since its creation, the North Western Waters RAC has investigated, by own initiative or in collaboration with the North Sea RAC, the reasons surrounding cod mortality and has addressed the need for a radical change of the management of the cod stocks¹. The NWWRAC has provided on a regular basis several opinions and recommendations to improve the implementation of the measures included in the recovery plan and, since 2008, in the management plan for the areas covering the West of Scotland (VIa), the Irish Sea (VIIa) and the Eastern Channel (VIId).

Following the outcomes of an evaluation carried out by ICES and STECF in 2011, it was concluded that the existing management measures have proven to be ineffective in terms of rebuilding cod stocks back to sustainable levels. For that reason, the Commission set up a technical workshop in March 2012 to exchange views with Member States, industry representatives and stakeholders represented in the NSRAC and the NWWRAC. As a result of this, the NWWRAC submitted to the Commission and Member States in April 2012 an Opinion including a number of specific proposals of amendments related to 5 articles (arts. 9-11-12-13-17) of the EC Reg. 1342/2008².

The Commission subsequently tabled a proposal for a Regulation in September 2012³, which is currently under discussion at the European Parliament and the Council with the view of being adopted by co-decision procedure sometime in 2013.

¹ Report of the Joint NSRAC-NWWRAC Symposium on Cod Recovery (Edinburgh, 9-10 March 2007):
www.nwwrac.org/admin/publication/upload/FULL_REPORT_Cod_Recovery_Symposium_March2007.pdf

² Direct link to NWWRAC advice:
www.nwwrac.org/admin/publication/upload/NWWRAC_Position_Interim_Measures_Improving_Application_CRP_Reg13422008_April2012_EN.pdf

³ Brussels, 12.9.2012 - COM(2012) 498 final - 2012/0236 (COD) - Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing along-term plan for cod stocks and the fisheries exploiting those stocks.



2. Aim

The purpose of this paper is to inform the Commission on the views of the NWWRAC to achieve a more effective implementation of the Regulation EC 1342/2008 in the short term.

The December Council introduced a number of relevant amendments to the Regulation such as the non application of an automatic 25% annual reduction of TAC for data poor situations (art 9) and the freeze of fishing effort (arts 11 and 12). Both of these decisions were considered as very positive and are welcomed by all the organisations members of the NWWRAC (with the sole exception of the eNGO "*Irish Seal Sanctuary*") as a more sensible approach to cod management.

However, it is the opinion of the NWWRAC that further action is required and a flexible approach is needed to improve the implementation of the management plan until a more inclusive comprehensive mixed fisheries approach for a multi annual plan can be achieved for the fisheries of the areas of concern.

The NWWRAC has pointed out a number of articles where it believes a new interpretation is required. The NWWRAC includes below specific guidance about how these articles should be interpreted as well as detailed information on its rationale.

The NWWRAC firmly believes that, while a formal amendment of the cod management plan is not adopted, a new interpretation might help to improve the present situation in terms of a management closer to the reality of the fisheries.

3. Proposals to improve application of EC Regulation No. 1342/2008

Article 13

Allocation of additional fishing effort for highly selective gear and cod-avoiding fishing trips

Explanation and Rationale

Article 13, according to STECF evaluation has been one of the more successful parts of the multi-annual management plan for cod. By encouraging changes in fishing patterns through effort exemptions, it has led to the development of cod avoidance strategies and discards reduction initiatives. These have made a substantial contribution to reducing unwanted mortality.



Nevertheless, STECF concluded that by further developing this type of approach, even greater progress in reducing unwanted catch and strengthening cod avoidance initiatives could be achieved.

The NWWRAC therefore supports the further development of the incentive-driven, bottom-up, approach enshrined in Article 13.

Proposed interpretation of article 13

The NWWRAC supports the Commission's proposal to reword the catch composition rules to clarify that the condition that cod catches must be less than 5% of the total catch over the whole management period (i.e. 12 months) rather than per fishing trip. In itself this adjustment should lead to a significant reduction in discards.

The NWWRAC accepts that it is important that there is adequate, proportionate and risk-focused monitoring to ensure that vessels committing to Article 13 exemptions undertake the activities that they have agreed to.

Article 16(3) as related to 17(2)

Exchange of maximum allowable fishing effort between Member States and reconstitution of effort

Explanation and rationale

This interpretation provides Member States with flexibility to accommodate geographical developments in fisheries that do not target cod. This interpretation is in line with the Commission's stated objective in its explanatory memorandum of introducing greater flexibility into the plan.

Proposed interpretation of article 16(3)

Point (7a) new in Article 16(3): The words "*in 2009*" should be deleted or disregarded, where they first appear.



Article 17 – points 4 and 5

Exchange of maximum allowable fishing effort across effort groups

Explanation and rationale

The Implementing Regulation (EC) n°237/2010 defines on its article 9 the CPUE calculation. This calculation is based on an average of catches related to the effort group and can sometimes penalise those vessels that would like to increase their mesh sizes to improve their selectivity (for example, in the case where overall TR1 CPUE are higher than TR2). Furthermore, it is important to bear in mind that the vessels are constrained by other regulations dealing with mesh sizes and use of fishing gears (mainly the Framework Regulation 850/1998 on Technical Measures).

Therefore, it would be convenient to introduce a possibility for these vessels of transferring their fishing effort without being penalized.

Proposed interpretation of article 17 – points 4 and 5

4. *«Where the cpue of the donor gear group is lower than the cpue of the receiving gear group, the Member State shall apply a correction factor to the amount of effort in the receiving gear group so that the latter's higher cpue is compensated for».*

The NWWRAC suggest that the Member States shall not apply this correction factor if they prove that the transfer has been effected with the aim of avoiding cod catches (i.e. less than 5% catches per management period of 12 months in accordance with article 13); and within the context of limitation of discards in compliance to the European regulations on the use of fishing gear. The effort transfer will be made in accordance to the existing overall effort corresponding to the Member State in the area.

5. *« The Commission shall request STECF to develop standard correction factors that might be used to facilitate the transfer of effort across gear groups with different cpue ».*

The results reached will be implemented following consultation of the relevant Regional Advisory Councils.



4. Way forward

The NWWRAC is presently working on a strategic approach to break the cycle of decline for West of Scotland cod fisheries with a number of alternative proposals including aligning TACs with total catches (and not landings), a transition period to achieve Fmp and the assessment of elements for achieving fully documented fisheries.

A NWWRAC position paper is expected to be agreed in early summer 2013.

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