



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
WATERS
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA
LAS AGUAS
NOROCCIDENTALES

EU Transparency Register Id. No: 8900132344-29

ADVICE

On the *Consultation on Fishing Opportunities for 2022 under the Common Fisheries Policy* COM(2021)279

27 August 2021

1. Background

The North Western Waters Advisory Council (NWWAC) exchanged views with reference to the ICES presentation of scientific advice for fish stocks in North Western Waters (NWW) for 2022 and the Communication COM(2021)279 from DG MARE at the virtual meeting of the NWWAC Working Groups and Executive Committee (02, 05 and 13 July 2021).

Having collected the main inputs from these discussions, the NWWAC Landing Obligation Focus Group addressed in more details the implications and consequences for each NWW stock when fishing opportunities are set for 2022 according to the scientific advice and the Common Fisheries Policy.

This resulted in the development of this advice which represents the NWWAC's main contribution to the Commission for their work towards proposing the fishing opportunities in the North Western Waters for 2022 to the Council.

2. Progress on sustainable fishing

The NWWAC recognises and welcomes the long-term progress made overall towards more sustainable EU fisheries reflected in the Commission's Communication COM(2021)279, specifically in the North East Atlantic. For all the NWW stocks the F_{MSY} has been the reference for setting TACs & quotas. It is noted that this is part of the legislative requirement for the Commission to report on this progress as it is on the balance between fishing capacity and fishing opportunities. The NWWAC appreciates that the reporting requirement is CFP based and points at the socio-economic and food production sustainability objectives, for which the progress reporting is equally important.

The NWWAC, also having assessed the ICES scientific advice for 2022, notes the achievement of the precautionary approach (PA) objective and the Commission's contentment about this. In this respect, the NWWAC wishes to point out the importance of the CFP article 2.2 which at all times should be taken into account when setting TACs and quotas.

The NWWAC also acknowledges that, following the UK's departure from the EU, the dynamics in terms of achieving sustainable fishing have changed. With numerous TACs for stocks in the NWW jointly



managed there are strong interlinkages between the EU and the UK fleets in the waters concerned. The NWWAC recommends pursuing a level playing field between the EU and UK industries when aiming for high standards to ensure sustainable exploitation of resources.

The reference for the balance between fishing capacity and fishing opportunities is F/F_{MSY} and in the North East Atlantic this is approaching 1. The NWWAC obviously takes into consideration the NWW stocks for own reference as well as the Western Waters Multi-Annual Plan (MAP). In this respect the AC recommends to also consider the MAP F_{MSY} ranges to accurately reflect the balance with the F established through scientific models. The NWWAC recommends that this is considered in the EU-UK consultations on future fishing opportunities.

3. State of the EU fleet

First of all, the NWWAC would like to highlight the urgent need for alignment of the report on the state of the EU fleet with the scientific advice on Fishing Opportunities, as the former provides information two years behind in comparison to the year for which scientific advice is given. The NWWAC recommends that this issue is tackled seriously.

The NWWAC notes the reported further decrease in the number of vessels and thus a further reduction of Member States' capacity ceilings in GT and kW as per the CFP. Still the conclusion is that the majority of the assessed fleet segments is not in balance with the Sustainable Harvest Indicators (SHI). Member States are therefore reminded to establish an action plan around this. The NWWAC considers that it would be useful to engage stakeholders in the establishment of the relevant NWW stocks SHIs. We look forward to receiving all relevant information to enable us to prepare advice on the action plans requested from the Member States.

NWWAC members would like to point out that, with the UK's departure from the EU, the consequent transfer of fishing opportunities to the UK should be taken into account when assessing the balance between fishing capacity and fishing opportunities. Moreover, while the Communication COM(2021)279 mentions the impacts of the covid-19 crisis, it is not clear yet what the repercussions of the recovery will be on the fleet balance. The NWWAC recommends that further analysis is carried out on the topic and the abovementioned issues are addressed.

The NWWAC also considers that adequate management of fishing opportunities by Member States could play a relevant role in achieving a good balance between capacity and opportunities for the fleets.

4. Landing Obligation

The NWWAC recognises that in Article 14 of the CFP selectivity is a key issue and is actively working on putting forward suggestions to achieve this. Indeed, frequently the AC has stipulated that avoidance and minimisation of unwanted catches are base line tools to achieve the selectivity



objective. Besides the issue of compliance with the Landing Obligation (LO), avoiding choke issues remains one of the biggest challenges in the mixed and dynamic NWW fisheries.

The work of the NWW Member States Group (MSG) on two draft Joint Recommendations (JR) for 2022, submitted this May to the European Commission, addresses respectively the exemptions to the LO and the technical measures designed to increase the selectivity in key fisheries. This is much welcomed by the NWWAC. Also, in our advice on these JRs dated in June 2021, we stipulated that priority should be given to avoidance measures that aim at unwanted marine organisms not entering the gear in the first place.

At the same time the NWWAC recommends the continuation of the quota-exchange pool as mentioned in the Fishing Opportunities Regulations since 2019 to cover unavoidable by-catches by Member States that have no quota for such stocks. This also covers stocks with zero catch advice for which bycatch provisions are foreseen to avoid premature closures of mixed fisheries. In this respect, the NWWAC fully accepts that directed fishery on such stocks remains prohibited.

Ultimately, the NWWAC recognises that if the choke issues are to be resolved in the long-term, all stocks need to achieve a healthy state. An important part of this would be to address data gaps and ensure proper monitoring.

As a next step, the AC is examining the possibility of updating the Choke Identification Tool¹ and evaluate the mitigation measures included in the Joint Recommendation for 2022 to assess whether further recommendations to resolve choke issues in the NWW should be the subject of future advice. This topic will be examined separately if NWWAC advice to the Commission on “Addressing choke risk in the NWW after exemptions” is considered to be required and useful.

5. Key steps towards setting Fishing Opportunities 2022 in the NWW

As a consequence of Brexit, the bilateral consultations with the UK have become a key step towards setting Fishing Opportunities for the 75 shared fish stocks, whose majority are in the NWW. The NWWAC wish to emphasise the vital importance of stakeholder participation in future management and governance structures to be established for partnership working with the UK. In particular, the NWWAC acknowledges that, in line with the EU-UK Trade and Cooperation Agreement, the Specialised Committee on Fisheries (SCF) addresses issues including quota swaps, non-quota species and technical measures. We urge the Commission to plan to ensure that stakeholder engagement and advice is central to all future management and governance structures being developed as the new relationship between the EU and UK takes concrete form.

¹ The NWWAC, in co-operation with the NWW Member States Group (MSG), has developed a comprehensive tool (Choke Identification Tool), which serves to identify the choke risks at fishery level.



6. NWWAC comments to the ICES advice for 2022

The NWWAC appreciates the effort ICES has made in addressing quality assurance in stock assessments. Nevertheless, members continue witnessing a lack of consistency in the advice for some stocks as outlined in paragraph 6 and highlight the critical need for quality assurance across all assessments in accordance with the ICES advisory plan². Moreover, the NWWAC suggests that information on the level of quality assurance that a stock has gone through, more specifically on whether an assessment has gone into the ICES Transparency Assessment Framework (TAF) or not, is included in the ICES advice sheet. This should be located at the upfront of the advice page and in a very simple and direct format, for example with a coding system. This general question is affecting stocks in all areas in the NWW and therefore will not be repeated in the following paragraphs looking into the NWW regions specific issues.

The lack of data for certain stocks is negatively impacting on stock assessments and management, with potential impacts on the catch advice and the resulting fishing opportunities. The ICES advisory plan also recognises this as a quality assurance issue.

At several recent meetings members of the NWWAC have raised issues of stock identification and how uncertainty around the degree to which two or more stocks of the same species are mixed, may frustrate the stock assessment process. Mixing can also lead to problems with the setting of limit reference points and issues around management decisions due to mismatch between stock and TAC management areas. Currently, members are especially concerned about cod in 6a, cod in 7a, haddock in 7a, sole in 7h–k and plaice in 7h-k.

In light of this, the NWWAC would like to make the following recommendations:

- Managers should ensure that the implementation of the Data Collection Framework is completed in order to improve data collection to inform the science as a robust basis for sustainable fisheries management in line with the CFP.
- Genetic research should be used as a tool for informing fisheries managers in relation to stock structure and mixed-stock fisheries. The NWWAC recommends that genetic data is integrated into the Data Collection Framework³.

² ICES. 2019. Advisory Plan. <http://doi.org/10.17895/ices.pub.5468>

³ [NWWAC letter to the COM requesting for genetic studies to be integrated into the Data Collection Framework, February 2020](#)



7. NWWAC main messages and orientations for 2022 fishing opportunities proposals

7.1. Ecosystem Based Fisheries Management

The NWWAC recognises that there are many pressures on the marine environment, for example climate change, pollution and other consequences of human activities, which pose a synergistic threat to marine ecosystems and their ability to deliver services such as food production and climate impact mitigation. Ensuring sustainable fisheries, including the setting of TACs in line with the best available scientific advice and considering ecosystem dynamics, is essential to maintain and restore healthy and productive ecosystems which are resilient to other stressors such as climate change.

NWWAC members have been directly involved in ICES WKIrish workshops since their inception. WKIrish proposes to use relevant ecosystem indicators to calculate the F_{MSY} and has identified a route by which ecosystem information can be incorporated into the current single species assessment process. The final WKIrish workshop in November 2019 developed of an ecosystem-based approach to fisheries management in the Irish Sea. Given members vested interest in the topic, the NWWAC hosted a webinar in April 2021 on the application of the ecosystem-based approach to fisheries management in the NWW, reviewing WKIrish processes, outcomes and possible next steps, and is preparing advice on this specific topic.

The NWWAC advises that the Commission makes use of all available scientific information on ecosystem-based management and mixed fisheries advice when proposing TACs for 2022 to the Council. The NWWAC highlights the significant advances made throughout the WKIrish process as described above. More specifically, the NWWAC recommends that ecosystem-based fishing mortality reference points (F_{ECO}) are incorporated as an option in the catch scenario table for each stock.

7.2. Skates and Rays

The recent advice for skates and rays⁴, produced by the dedicated Focus Group established jointly with the North Sea Advisory Council, includes a list of actions and considerations for increasing survival rates of skates and rays to be taken into account by both the Member States as well as the fishing industry. The NWWAC is keen to discuss this advice and progress the individual action points in cooperation with the Commission and the NWW Members States Group and hopes it is useful for the preparation of scientific advice for 2022 fishing opportunities expected in the Fall.

While the NWWAC acknowledges that a benchmark is planned for undulate ray in 2022, members are concerned about the scientific assessment for undulate ray and ask for adequate setting of the TAC in accordance with the stock abundance⁵.

⁴ [Advice on best practice measures for the management of skates and rays in the North Western Waters, May 2021](#)

⁵ [Joint NWWAC/NSAC advice on the Fishing Opportunities 2021 for undulate ray in the English Channel \(ICES 7d, e\), December 2020](#)



Finally, the NWWAC wishes to reiterate the suggestion made in the joint NWWAC/NSAC request to the Commission from May 2021⁶ that ICES evaluates the potential advantages of having different TACs for different skates and rays species or groups of species. The same letter was also recommending the preparation of an overview of the potential advantages and disadvantages of size restrictions for each species. The NWWAC appreciates the Commission's response to the request and remains available for future collaboration, also if this requires further discussion in the SCF.

7.3. Seabass

The NWWAC noted some improvement in the perception of the stock based on the ICES advice, with fishing mortality estimates showing a decrease. However, the stock is still in recovery and higher recruitment needs to come through. Moreover, bycatches still represent an issue given the mixed nature of fisheries in the Channel and the stock's widespread presence in those fishing grounds. The NWWAC intends to re-establish its Focus Group on sea bass with the aim of preparing advice to the European Commission on the measures to be taken in 2022 in both commercial and recreational fisheries to aid the recovery of sea bass stocks. Also, the intention is for the Terms of Reference for the Focus Group to include looking for solutions to reduce bycatch and to improve monitoring and control.

7.4. West of Scotland

On whiting in 6a the benchmark in 2021 seems to have significantly changed the perception of the stock. NWWAC members welcome the move from category 5 to category 1 as well as an advice that is not for zero TAC for the first time in many years. This assessment brings a lot of confidence to fishers that their experience on the ground is actually being reflected in science.

ICES issued zero catch advice for cod in division 6a. The NWWAC agrees that management measures taken so far around this stock need to be questioned and evaluated, as they have not resulted in a recovery of the stock. A strong focus needs to be placed on rebuilding this stock, whilst the NWWAC recommends to also take into account the potential consequences of other aspects like climate change and predation.

The NWWAC is aware that the benchmark for 6a cod that was carried out this year identified that the stock identity issues between the stock in the northern part of 6a and the one in the North Sea remain to be resolved. Should the stock in 6a be the same as the one in the North Sea, this would completely change the assessment. Thus, the NWWAC recommends that further work on genetics is carried out to solve this important issue.

Haddock in division 6a is assessed as one single stock with the North Sea, with 10% of the TAC being allocated to division 6a. NWWAC members note that the two areas are considered separately in terms of management. Last year, there was a large increase in the TAC proposed for haddock in the North Sea, but that was constrained due to a mixed fishery impact on cod mortality in that area. This raises doubts on whether the TAC should be constrained for haddock 6a as well. Because of this dichotomy

⁶ [Joint NWWAC/NSAC request for updated scientific information on skates and rays, May 2021](#)



between what the TAC should be in each of the areas, the NWWAC recommends that clarity is made around the possible significant differences between mixed fisheries in the North Sea and West of Scotland.

NWWAC members are concerned about the assessment for haddock in 6b. Following the benchmark in 2020, the advice this year is characterised by a substantial retrospective difference. Thus the NWWAC recommends that the assessment is re-examined.

7.5. Celtic Sea

The discrepancy between the larger haddock stock relative to the cod and whiting stocks and the difficulty of dealing with this in TAC-setting continue to pose challenges in the Celtic Sea mixed fishery. The NWWAC wishes to draw the attention to the impact of Climate Change, also in the Celtic Sea, which should be taken into consideration in the stock assessment in terms of how it might affect the reference points. Furthermore, the NWWAC recommends that mixed fisheries considerations as well as the ecosystem-based approach are considered when setting TACs for this fishery.

The NWWAC wishes to point out the ongoing poor data collection and monitoring for plaice and sole stocks in ICES areas 7b-c and 7h-k. This is also impacting the solution of stock identity issues: the NWWAC shares the concerns on the identity of sole 7h-k stock with the neighbouring areas, and its, in particular the sub-stock in 7h, relationship to the sole 7f and g and 7e stocks. A benchmark (WKFlatNSCS) was held in February 2020 but insufficient data were available to clarify this. Consequently, the NWWAC stresses the importance of improving data collection and data quality for these stocks, for example to investigate potential stock identity issues.

On the other hand, this benchmark for sole 7fg resulted in a review of the reference points for F_{MSY} and $MSY B_{TRIGGER}$. This led to an ICES advice of 15% TAC reduction in 2021 whilst all the criteria recognise a positive evolution. The same situation is being experienced for the 2022 advice, with further reduction of the TAC. The NWWAC recommends that clear explanation is provided to stakeholders as such outcomes decrease fishermen's trust in science, their confidence in the fisheries management and their sentiment that scientists, managers and policy makers take into account their experience at sea. Members also recommend that ICES is requested to provide a viewpoint on F ranges in the various year classes to inform what the TAC might be for the coming year.

The ICES advice regarding hake in areas 6 and 7 notes several positive aspects in relation to the parameters used in the assessment, e.g. landings, fishing mortality, spawning stock biomass. However, a 27% reduction in the advice is advised for this stock. Moreover, NWWAC members note that there are very sensitive growth variations between males and females of this species and are concerned that this might influence stock productivity if catches are not balanced. The NWWAC is aware that a benchmark is planned on this stock before the end of the year and recommends that this issue is addressed in that occasion, including how to account for the different growth rates in the management of this stock.

The concerns of the NWWAC for pollack in subareas 6 and 7 are the stock identity and the need for enhanced data collection to allow for an upgrading of the advice. This stock is a data-limited stock



(ICES category 4) and the precautionary approach should be applied as per the CFP. Given that estimated recreational catches are significant, this should be considered in management in the next few years to avoid a scenario similar to seabass. Moreover, NWWAC members note the vastity of the whole areas 6 and 7 and the issues that the combination of all the possible pollack stocks in the area might bring to the assessment.

7.6. English Channel

Looking at plaice in 7d-e and at sole in 7d, NWWAC members note that the discard rate continues to be high, which supports the need for the exemptions under the Discard Plan. However, it should remain an objective to avoid unwanted catches, rather than needing an exemption from the LO. Therefore, it is recommended to continue work on selectivity as a priority to avoid the catch of juvenile fish. Furthermore, in order to protect juveniles the NWWAC recommends that measures to protect nursery areas as implemented in France, are considered in other relevant areas in 7d. Gears used for the sole fishery often lead to unavoidable unwanted catches as the mesh sizes reflect the smaller minimum conservation reference size (MCRS) than for other species. Therefore, in the objective of continuing to increase selectivity, the majority of the NWWAC members would support an initiative to increase the MCRS for sole in 7d to 25 centimeters.

Also for sole in 7d, NWWAC members note the results of the recent benchmark leading to 27% decrease in the advice. During the benchmark, the French SMAC project provided evidence for the presence of three subpopulations in the stock. However, the subpopulation structure was not considered explicitly in the construction of the input data and assessment model, because of insufficient data available on each of the three subpopulations. The NWWAC recommends that the presence of subpopulations is considered in future assessments.

At the same time, NWWAC members were quite astonished by the advice for whiting in 7d, with over 230% increase following revision of reference points at the benchmark in 2021. The NWWAC recommends that clear explanation is provided to stakeholders as such outcomes decrease fishermen's trust in science. Moreover, as mentioned in the ICES advice, 7d whiting is managed under a common TAC with whiting 7b–c and e–k. The NWWAC recommends that management is implemented at the stock level to ensure that fishing opportunities are in line with the scale of the resource for each of the stocks.

The ICES advice identifies a stock identity issue for cod in division 7d, which is assessed in conjunction with cod North Sea. The assessment of this stock was updated during a benchmark in 2021, resulting in changes to the input data and model settings. However, stock identity remains an issue, with the population consisting of several components, where the northern components appear to outperform the southern ones. The NWWAC suggests that this is taken account in managing the mentioned stock and highlights the importance of genetic research to clarify this stock identity issues.

7.7. Irish Sea

The NWWAC is aware of the discussions held in March 2021 within the ICES ACOM on the outcomes of WKIrish and the operationalisation of the ecosystem-based management approach. This approach



has potential to deal with ecosystem changes on a finer timescale than major regime shifts. While the mechanistic understanding is not complete, the approach is precautionary and guards against an excessive level of assumptions. ACOM is currently further exploring the integration of the approach into the advice and has already agreed that F_{ECO} could be included amongst the catch scenarios. The NWWAC strongly advises that such an approach is considered for the Irish Sea stocks and especially when addressing mixed fisheries assessment and management.

The NWWAC notes that there is 92% of discarding for whiting in 7a and a joint effort is needed to address this problem. Overall, the NWWAC would like to point out that greater effort is needed to improve the understanding of discard estimates and the effectiveness of the selectivity measures that have been in place in the *Nephrops* fishery.

NWWAC members are concerned about the 17% reduction in the catch advice for haddock in 7a. Despite the declining fishing pressure, which has been below F_{MSY} since 2012, the Northern Ireland Quarter 1 survey showed a very low estimate for recruitment in 2020. However, the NIMIK survey was not available for 2020, and catch sampling of the fisheries was reduced in 2020 owing to the disruption caused by COVID-19. According to ICES this may have resulted in a higher uncertainty for discard estimates and for the age structure of the catch. Overall, recruitment estimates have been revised substantially between assessments with a high degree of interannual variation. Considering the severe reduction in the advice for this stock and the possibility to gather further data in the autumn this year with the Northern Ireland Quarter 4 survey, the NWWAC recommends that ICES is requested to re-evaluate the haddock stock in 7a after the new survey results are available.

The NWWAC notes that also sole 7a assessment can change when 2021 survey data will be available.

The NWWAC would like to reiterate its concerns regarding several stock identity issues, as already mentioned in the Irish Sea paragraph in the NWWAC advice on Fishing Opportunities 2020⁷ and in a letter sent to the Commission in October 2020⁸, particularly between the Irish Sea and the Celtic Sea. Members agree that this might have a relevant influence on the validity of the stock boundaries for cod, whiting and haddock and strongly recommend a scientific analysis examining stocks' genetics. The NWWAC specifically notes the case of 7a haddock, which has been accounted for 43% of the reported landings in the statistical rectangles 33E2 and 33E3 traditionally included in the Celtic Sea management area. This should be considered when setting TACs for haddock in 7a and 7b–k, since changes in the TAC for the 7a stock may have implications for the fishing pressure on haddock in divisions 7b–k.

- END -

⁷ [NWWAC Response to the Consultation on Fishing Opportunities for 2020, September 2019](#)

⁸ [NWWAC letter to the Commission regarding TAC setting for cod, haddock and whiting in Irish Sea statistical rectangles, 33E2 and 33E3, October 2020](#)