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NWWAC ADVICE

Addressing Choke Risk in NWW after exemptions

09 December 2021

1) Background

The issue of choke species has been identified by the North Western Waters Advisory Council (NWWAC) and the North Western Waters Member States Group (NWW MSG) as a continuing obstacle to the Landing Obligation (LO). Extensive work has been completed to identify the key choke species and the potential mitigation measures outside the remit of Article 15 of the Common Fisheries Policy (CFP) to reduce the choke risks for NWW fisheries. The views of the NWWAC were presented in the advices of 17 April 2018, of 29 October 2019 and of 27 November 2020¹.

In May 2021, the NWW MSG submitted their Joint Recommendation (JR) for 2022 to the European Commission. This recommendation contains *de minimis* and high survivability exemptions, and technical measures designed to increase the selectivity in key fisheries.

The NWWAC acknowledges the Commission has adopted on 25 August a proposal amending and correcting Delegated Regulation (EU) 2020/2015 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023. As in previous years, it is unclear whether the resulting Discard Plan will lead to full mitigation of the identified choke risks and whether further measures will be needed to avoid fisheries closing prematurely in early 2022. The only mechanism besides the Discard Plan to implement such measures in the short-term is through the Fishing Opportunities Regulation, but even then, uncertainty remains whether all choke risks can be properly addressed. The situation is further complicated by the stocks where ICES has advised zero catches and by the uncertainties around negotiations with the UK.

At its virtual meeting in September 2021, the members of the NWWAC agreed to consider the issue further. NWWAC members discussed updates to the Choke Identification Tool (previously Choke Mitigation Tool), taking into account the provisions of the proposal amending the Discard Plan 2021-2023 period as adopted by the Commission. Based on the results of these discussions, the Focus Group Landing Obligation developed the present advice.

The NWWAC also acknowledges that Member States are requested to submit a Joint Recommendation by 1 May 2022 maintaining oversight of the implementation of the provisions of the Discard Plan and reviewing and amending any element for which evidence and/or improved data show it is no longer fit for purpose. The AC will support the work of the MSG by engaging in the preparation

¹ NWWAC advice addressing choke risk in NWW after exemptions ([link](#))

of advice on the Joint Recommendation. Given the importance and implications of the decisions taken in this regard, the NWWAC urges the Commission and the NWW MSG to proactively share any further information on this process to allow the NWWAC to provide meaningful input in a timely manner.

2) General remarks

The NWWAC recognises that the existing measures in the current Discard Plan, as well as those included in the proposed Discard Plan for 2022, are needed and have been helpful in avoiding choke situations in the NWW.

However, the NWWAC would like to highlight and recall the major challenges in implementing the LO, which are still very relevant. Specific issues include:

- The setting of single species TACs in mixed fisheries (e.g. cod, haddock, whiting 7b-k) and coverage of non-target species (e.g. Plaice 7hjk);
- The objectives of the CFP and the content of the NWW Multiannual Plan (MAP);
- Zero catch advice;
- Stocks for which no quota is allocated to a Member State;
- Highly depleted stocks with low rebuilding potential (e.g. West of Scotland cod);
- Lack of data, particularly on unwanted catches;
- Unintended consequences of management measures, e.g. displacement of effort;
- Impact on fishermen's working conditions and / or remuneration.

North Western Waters demersal fisheries are highly dynamic, variable and have a mixed nature. More and more signs are indicating that ecosystem changes are in process in the area. Fisheries can be impacted by such a change which can result in distributional shifts in fish species. Changes in stock biology and natural phenomena, such as recruitment pulses prevalent in gadoid species, may create choke situations not originally forecasted. This has implications on the degree to which chokes can be predicted and for the tools available to mitigate them.

It is accordingly inevitable that different stocks will have divergent levels of abundance which hampers mixed fisheries management. The NWWAC recognises that TACs are the most direct way of limiting fishing mortality in commercial fisheries, but a single species TAC management principle in mixed fisheries can be problematic, especially where TACs for bycatch species restrict fishing opportunities for target species. Specifically, in certain cases setting the TAC towards the maximum advice level for one of the target stocks in the mixed fishery might result in either exceeding the maximum advised TAC level for another stock (or stocks), or in choking the fishery.

It is important to consider the implications of using F_{MSY} ranges provided for by the Western Waters MAP in a mixed fisheries context. The additional flexibility provided by these ranges for a stock may be constrained by other, more limiting stocks (for example in the Celtic Sea mixed fishery where the advice for haddock has increased compared to last year, while cod remains at a zero-catch advice).



Mixed fisheries advice could play an important role in this context. However, it is already apparent that the zero-catch advice for several stocks continues to pose significant challenges this year.

The NWWAC also highlights the significant advances made throughout the WKIrish process towards an ecosystem-based approach to fisheries management and encourages the Commission to take into consideration the NWWAC advice in this respect ².

Apart from considerations around TAC and quota-setting, it remains clear that the implementation of the CFP in a mixed fisheries context requires creative and innovative solutions involving spatial management, technical measures, and in some cases balancing short- and long-term socio-economic trade-offs.

In the lead-up to the full implementation of the LO significant progress was made in advancing our understanding of chokes, and several measures were identified, including technical gear modifications, electronic monitoring and potential avoidance measures informed by advanced knowledge on the spatial distributions of choke species and unwanted catches. The NWWAC recommends to first assess the results of the current technical measures in place and their effectiveness in improving selectivity prior to considering additional measures. The NWWAC also refers to the consideration and monitoring of the roadmaps in which scientific evidence is requested to accurately support the content of the Discard Plan.

Priority should be given to avoidance measures that aim at unwanted fish not entering the gear in the first place. This could include spatial closures, real-time closures, mandatory move-on rules and gear modifications, which allow unwanted fish to escape as early as possible throughout the capture process to maximise survival. Subsequently, measures to mitigate chokes which do not only minimise the amount of unwanted catches (and thus the choke risk), but also help the relevant stocks recover in the long-term, are to be considered. Allowing stocks to recover to healthy levels so that they no longer pose a choke risk is a meaningful way of preventing future chokes.

Any measures put forward should be accompanied by robust means of monitoring, in order to allow for a reliable assessment or review of a) their implementation and challenges encountered, b) their effectiveness at achieving their purpose, and c) their impact and consequences on the economic viability of the vessels applying them. This is crucial to demonstrate the extent to which progress has been made or highlight where progress is still lacking (e.g. in the context of the new Technical Conservation Measures Framework), and to provide a sound basis for informed adjustments to address potential shortcomings in the future. However, the NWWAC is aware of the difficulties the current pandemic is posing, with several health and safety measures being implemented in ports and offices and hampering the timelines for monitoring tasks.

It is acknowledged that setting bycatch TACs for zero-catch advice stocks is not addressing the MSY objective for such single stocks. However, in order to address the choke risk of prematurely closing

² See the NWWAC Advice on the Consultation on Fishing Opportunities for 2022 under the Common Fisheries Policy.
<https://www.nwwac.org/publications/nwwac-advice-on-fishing-opportunities-2022.3488.html>

fisheries the NWWAC sees no other solution. Bycatch TACs should be accompanied by robust full catch documentation. Also, when avoiding premature closing of fisheries, priority should be given to measures enabling the rapid rebuilding of the relevant stocks. As mentioned earlier, generally, first and foremost unwanted catches should be avoided, and secondly survivability should be maximised, but bycatch TACs remain the only option to address choking by zero-catch advice stocks in 2022.

Mitigating the choke risks for certain stocks may have knock-on effects on other stocks. The impact of effort displacement from fisheries also needs to be considered as this may have implications for other stocks where the choke risk is currently low. This should be taken into account when deciding on specific measures.

Some stocks represent a high choke risk to individual Member States due to a lack of quota. This issue was addressed by the establishment since 2019 of a pooling system for quota exchanges for the zero catch advice stocks. The NWWAC believes it is very important to ensure there is no targeting of the stocks for which a by-catch quota system is established.

The NWWAC also asks to continue considering another tool available in Article 15 of the CFP, the inter-species flexibilities. These may provide a route through which some choke risks may be mitigated, accepting the complexity of implementing³ this measure. In support of this recommendation, the NWWAC has identified stocks for which inter-species flexibility is possible according to the Commission's proposal for Fishing Opportunities 2022 in its Choke Identification tables.

3) Approach taken

To aid the discussions on the choke issues, the NWWAC has developed a table, the NWW Choke Identification Tool, designed to re-assess the severity of potential choke risks as in previous years.

The table is largely based on the North Western Waters Choke Mitigation tool⁴ which included a detailed analysis of the different choke risks for key stocks based on STECF catch data from 2015 and 2016.

To assess the choke risk for each stock from 1 January 2022 onwards, the Choke Identification tool takes into account the ICES Advice for 2022 and the exemptions included in the Discard Plan proposed by the Commission.

Each stock was then reclassified as a "high", "moderate" or "low" risk taken across Member States:

- "High risk" – catches are well in excess of current fishing opportunities and even with all the

³ Scientific, Technical and Economic Committee for Fisheries (STECF) – 45th Plenary Meeting Report (PLEN-14-01). 2014, 86 pp., section 4.1.

⁴ Report on the NWW choke species analysis [Link Lien Enlace](#)



available mitigation tools applied there is a high risk of choke for multiple Member States.

- “Moderate risk” – catches are in excess of fishing opportunities for one or more Member States and the risk of choke is significant for these Member States but mitigation tools potentially can solve the problem.
- “Low or no apparent risk” – catches are in line with fishing opportunities and the risk of choke is low or there is no apparent risk with the mitigation tools available.

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 2018⁵, 29 October 2019⁶ and 27 November 2020⁷, and taking realistic catch options presented by ICES for individual stocks.

As with the previous choke analysis, it is important to note that whenever a stock is classified as “moderate” or “low” risk, this stock may be “high risk” to an individual Member State. Stocks may have specific issues unique to that Member State which may not be immediately solvable with the tools available or the Member State involved is reliant on swaps⁸ (i.e. in cases where a Member State has no quota for a species but has reported catches). In addition, it must be noted that the NWWAC believes that not all high-risk stocks can be addressed via TAC and quota management and that other measures (included those referred to earlier) will need to be assessed in order to avoid unnecessary obligatory cessation of fisheries.

4) Choke risk in the North Western Waters

The information presented below explains the choke risk analysis carried out by the members of the NWWAC through the Choke Identification Tool. The tool is attached as Annex to this document and also contains recommendation on additional measures that could be implemented to mitigate the choke risk.

- **Celtic Sea**

The following are the main conclusions for the stocks in the Celtic Sea:

- There are 6 high risk stocks remaining, 5 moderate and 3 low risk choke stocks.
- The choke risk for whiting 7b-k is high, based on ICES advice for a reduction in catches of the 7bc, e-k stock. Improvements in selectivity introduced for 2020 may help but will not completely solve the choke risk. The positive advice for whiting North Sea, including 7d should be taken into account to resolve the choke risk in 7d.

⁵ NWWAC advice on addressing High Choke Risk stocks under the Landing Obligation ([link](#))

⁶ NWWAC advice on Addressing Choke Risk in NWW after exemptions ([link](#))

⁷ NWWAC advice addressing choke risk in NWW after exemptions ([link](#))

⁸ See page 4 of this document mentioning the pooling system as described in Article 8 of the Regulation on Fishing Opportunities for 2020



- The choke risk for sole 7f,g remains high for several MS even with exemptions in place. The ICES Benchmark of February 2020 led to a revision of the reference points in the analysis. The subsequent advice to reduce the TAC would increase the choke risk, rather than addressing it.
- The choke risk for cod 7e-k remains high following the ICES advice. Improvements in selectivity introduced for 2020 may help but will not completely solve the choke risk. Beside selectivity measures or spatio-temporal actions that could be taken to manage this delicate stock, it is important to focus on and examine the trends characterizing this stock. The influence environmental conditions may have on this stock is still uncertain and needs to be further examined.
- Despite a new high survivability exemption for seines, the choke risk for plaice 7h,j,k remains high in light of the low TAC and in the absence of exemptions for all fisheries with bycatch of plaice.
- The choke risk for haddock 7b-k has decreased from high to moderate. The ICES TAC advice better reflects the reality of the stock at sea as experienced by fishers. There have also been developments in selectivity which have improved the situation.
- The proposed large reduction in the TAC will increase the choke risk for hake 6 and 7.
- ICES is advising a reduction in the TAC for pollack 7, which will increase the choke risk to moderate for France and Ireland.
- Despite existing exemptions which are absolutely needed, the choke risk has increased for sole 7h,j,k from moderate to high, as the proposed TAC is lower than the landings recorded this year.
- For plaice in 7f,g, with a further reduction in catches advised by ICES, the continuation of the high survivability exemption in beam trawl and trammel net fisheries, and a new exemption for seines, the choke risk remains moderate. The conditions for a de minimis on sole linked to selective gear and selectivity measures proposed for gadoid and *Nephrops* fisheries may also help to reduce unwanted catches.
- It is essential to maintain the survivability exemption to continue to class skates and rays in 6 and 7 as low risk, particularly due to the negative scientific advice for some species in this composite stock and in light of the TCA-based quota transfer to the UK.
- For boarfish 6-8, choke risk remains moderate thanks to the continuation of the de minimis exemption for bottom trawls in ICES divisions 7b-c and 7f-k. Member States can rely on swaps when they have zero quota for this stock. For consistency, the exemption should include the ICES division 7e.
- *Nephrops* and megrim continue to present a low or no apparent risk to become choke species.

- **West of Scotland**

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

- There are 2 high choke risk stocks remaining, 6 moderate and 6 low risk.
- Cod 6a and cod in 6b remain high risk stocks.



- For whiting 6a, the MSY advice and proposed TAC will reduce the choke risk from high to moderate. 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 a 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.
- With the proposed reduction in catches based on the ICES advice, the choke risk remains moderate for saithe 6a. Improvements in gear selectivity in mixed demersal fisheries may have limited benefits for this stock.
- For haddock in 6a, the introduction of technical measures and the proposal for an increased TAC will reduce the choke risk to low. However, since haddock 6a is assessed as one single stock with the North Sea, the choke risk might increase depending on how much is allocated to 6a following trilaterals with Norway.
- The choke risk for haddock 6b remains moderate. Lack of access inside 12 miles of Rockall for EU vessels may reduce landings and thus reduce the choke risk. This only impacts Ireland as no other Member State has reported catches of haddock in 6b.
- The choke risk for ling 6 - 9, 12, 14, 3a, 4a is moderate, with scientific advice decreasing. It is important to consider the role of Norway in managing this stock.
- Anglerfish and tusk 6b continue to be classified as being moderate risk choke species. In the case of tusk, Member States rely on swaps to reduce the risk of choking.
- With the continuation of the high survivability exemptions, the choke risk for *Nephrops* is likely to remain low.
- Looking at the ICES catch advice, blue ling, tusk 6a, megrim and silver smelt are classified as low risk choke stocks.

- **Irish Sea**

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

- There are 2 high risk stock and 4 low risk stocks.
- Whiting remains a high risk stock. De minimis and improvements in selectivity will not reduce the choke risk if the bycatch only TAC is set too low, taking into account the ICES advice (i.e. 0 TAC).
- The proposed reduction of the TAC along with quota transfers under the TCA to the UK will increase the choke risk to high for cod 7a.
- For haddock, the proposed increase in TAC and improvements in selectivity will keep the choke risk at low.
- The choke risk for sole remains at low following the ICES advice.
- For plaice, high survivability exemptions in beam trawl and seine fisheries means the choke risk remains low. This stock remains a bycatch with no directed fisheries in the Irish Sea.
- For *Nephrops*, the combination of high survivability exemptions and improvements in selectivity will keep the risk level at low.

- **Channel**

The following are the main conclusions for the Channel stocks:

- There are 3 moderate and 4 low choke risk stocks.
- Sole in 7d is classified as being a moderate risk choke species with the exemptions in place.
- The choke risk for whiting in 7d is likely to remain moderate in 2022. The exceptional ICES advice (+236%) for whiting 7d requires a specific approach in this area when setting the TAC of whiting 7b-k in combination with the negative advice for whiting in divisions 7.b–c and e–k.
- It is essential to maintain the survivability exemption to continue to class skates and rays in 7d as low risk, particularly due to the negative scientific advice for some species in this composite stock and in light of the TCA-based quota transfer to the UK.
- For sole in 7e, the choke risk is low thanks to the continuation of the existing exemptions.
- The choke risk for plaice in 7d,e is likely to remain low in 2022, thanks to the continuation of the high survivability exemption.
- For cod 7d, the choke risk remains low as the reported catches are currently at very low levels.
- Sprat in 7d,e is considered a low risk species.
- Haddock 7b-k has been addressed in the Celtic Sea area. However, given that the TAC for this stock covers the Channel, the choke risk of moderate can be re-iterated.

5) **Other choke issues**

Pelagic bycatch in demersal fisheries

Bycatches of pelagic species such as herring, mackerel, horse mackerel, boarfish and greater argentine in NWW demersal fisheries could lead to choke issues in 2022. However, there is some uncertainty about the extent of such catches and neither ICES nor STECF provide accurate catch information for these pelagic stocks. The extent of recorded catches is likely to be underestimated.

Given the lack of accurate catch data, the NWWAC is not able to assess whether these bycatches present a significant choke risk. Some stocks already benefit from exemptions that can solve a part of the potential choke situation. Therefore, these exemptions remain very important for demersal fisheries. Other measures could be needed for some stocks but given the differences in quota allocations and level of activity in the different demersal fisheries, it appears to the NWWAC that ICES and Member States should be asked to evaluate whether these bycatches require further measures.

Deep-sea stocks

Based on the initial choke analysis in 2017, six deep-sea stocks were identified as relevant to the NWW:

- Deep-sea sharks – Union and international waters of 5,6,7, 8 & 9
- Black Scabbardfish – Union and international waters of 5, 6, 7 and 8
- Alfonsinos – Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14



- Roundnose grenadier – Union and international waters of 5b, 6 and 7
- Red seabream – Union and international waters of 6, 7 and 8
- Greater forkbeard – Union and international waters of 5, 6 and 7

No detailed analysis was carried out using the Choke Mitigation Tool at that time as either the catch data is incomplete or unreliable, the level of fisheries was reportedly very low, or most 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 have been subject to the LO since 1 January 2019, NWWAC members will take the ICES advice for 2022 into consideration and provide advice on the choke risk for those species when deemed necessary.

6) Annex - Choke analysis spreadsheet