



Carol Forrest
Assistant Secretary General (Marine)
Department of Agriculture, Food and the Marine
National Seafood Centre
Clonakilty
Co. Cork, Ireland

Dun Laoghaire, 17 April 2023

Dear Ms Forrest,

Subject: NWWAC advice on the draft 2023 Joint Recommendation Discard Plan for pelagic and demersal fisheries in the North Western Waters

Thank you for the opportunity to provide feedback on the draft Joint Recommendation Discard Plan for pelagic and demersal fisheries in the North Western Waters.

The North Western Waters Advisory Council (NWWAC) welcomes the information obtained from the NWW MS Technical Group meetings in February and March. It is our understanding that the Member States have been requested by the Commission to work on a review of all exemptions under the current Delegated Act expiring at the end of 2023. The focus is on providing data around the exemptions along with the supporting information provided in the past. The NWWAC notes the heavy administrative burden this poses for the MS Group as this is an annual exercise. Therefore, the possibility of granting exemptions for a longer period should be considered.

In general terms, the NWWAC advises to retain the existing exemptions to avoid the implementation of the landing obligation becoming impracticable.

The NWWAC believes that there are four important aspects to consider in the exemption review exercise to be carried out by the NWW MS Group.

The first is to review the work carried out to improve selectivity in NWW fisheries. We reiterate the view expressed in the Choke Advice 2022¹ that priority should be given to measures that aim at avoiding unwanted catches in the first place. 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 and potential avoidance measures informed by advanced knowledge on the spatial distributions of choke species and unwanted catches.

The NWWAC understands that accurate recording of catches and landings with the accuracy of the selective device used should be clearly recorded in the logbook and under the Data Collection Framework discard sampling programmes. The resulting data can indeed support the assessment of

¹ [NWWAC Advice addressing choke risks in the North Western Waters after exemptions 2022](#)





the technical measures in place and their effectiveness in improving selectivity. This should be done 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. However, it has come to the AC's attention that this constitutes an enormous volume of requests for such scientific evidence. This makes it doubtful that sufficient manpower and funds are available to execute all the required research and scientific data gathering.

The second aspect relates to the information needed by STECF for evaluating de minimis exemptions. In particular, STECF developed a checklist to which the MS Group can refer to in the submission of the Joint Recommendation and that the STECF Expert WG can use in the evaluation process:

- Description of the problem – why is the exemption needed?
- Detailed catch and fleet data for the stock and the fishery the exemption applies
- Indication of uptake
- A review of existing supporting studies/ literature reviews provided for the exemptions in the past
- Where relevant, cost estimates for handling and landing the unwanted catches for possible de minimis requests based on disproportionate costs
- Impact/risk of exemption in the context of the fishery
- New information or studies that may be available
- Planned research to support the exemption

The NWWAC highlights the difficulty of collecting the data needed in the limited amount of time in order to meet the 1 May deadline. Preliminary investigation by the AC into data availability for the updating of and use in the NWWAC choke tool has shown that the data available is outdated and does not represent an up-to-date state of play regarding the actual discarding situation in many fisheries.

The third aspect concerns survivability and how it can be further improved. STECF has developed a similar checklist MS should refer to in relation to survivability exemptions:

- Description of the problem – why is the exemption needed?
- Detailed catch and fleet data for the stock and the fishery the exemption applies
- Survivability estimates in the context of the discard rate in the fishery
- A review of existing supporting studies/ literature reviews provided for the exemptions in the past
- New information or studies that may be available
- Planned research to support the exemption

Overall, the AC points out that the reasoning for a survivability exemption is to avoid choke, but also to avoid the landing of unwanted catch that would otherwise have survived. A clear example in this regard is the case of skates and rays, which have high survivability when released immediately and would choke several fisheries without the exemption in place. Similarly, without survivability exemptions for plaice, there is a very high risk that fisheries targeting sole will be choked.





The NWWAC also wishes to express concern regarding some methods used to determine survivability. The critical aspect for survivability studies relates to post capture conditions on board, as in some cases large mortality occurs when keeping the fish on board in small water tanks, landing and transporting these to a holding facility on land for prolonged vitality analysis. Returning unwanted catches to sea as soon as possible is estimated to have a much higher survival rate than the prolonged studies.

The fourth aspect relates to the elements on which the STECF evaluation process is based, which were presented at the NWW MS Technical Group meeting on 16 March 2022. The NWWAC notes that there are no evaluation criteria relating to socio-economic aspects of exemptions and recommends that these are taken into account. In particular, it is important to consider the socio-economic impacts in case existing exemptions were to be removed. The NWWAC wishes to highlight the lack of data regarding this issue and the difficulties in developing meaningful analyses in light of this. However, despite these difficulties the AC urges STECF and the Member States to investigate opportunities for inclusion of such analyses and full consideration in fisheries management decisions.

Another point that the NWWAC wishes to raise relates to the fact that TAC and national quota of spurdog (DGS/15X14) have been set for 2023 and 2024. The NWWAC recommends that a survivability exemption to the Landing Obligation is added for this species².

The NWWAC stresses the unprecedented nature of the current post-Brexit situation, where differences in the application of the landing obligation might occur in EU and UK waters. This new context creates uncertainties. Having two different regimes will create serious control and compliance issues. Therefore, we recommend that the Joint Recommendation highlights the need to seek harmonisation with the UK via the Specialised Committee on Fisheries to ensure a level playing field in the respective fisheries management areas.

The NWWAC believes that close cooperation between the AC and the Regional Member States' Group is important for the continual improvement of fisheries management in the North Western Waters, and is needed to fulfil the NWWAC objective to optimise the efficiency of the consultation process, the exchange of ideas and the production of advice. Whilst the Member States Group is developing the Joint Recommendation, the NWWAC greatly appreciates being kept informed of any changes and requests made by the Commission for adjustments, as well as being asked for input where relevant.

Yours sincerely,

Emiel Brouckaert
Chairman of the NWWAC

² [NWWAC advice on management of NWW spurdog fishery in 2023](#) and [DG MARE's reply to NWWAC letter on spurdog](#)

