



Preliminary response to the Commission's non paper on a New Approach to Effort Management under Annex II of the TAC Regulation

1. Introduction

- 1.1 This paper responds on behalf of the North Sea Regional Advisory Council to the non-paper from the Commission on A ***new approach to effort management under Annex II of the TAC Regulation***.
- 1.2 The non-paper describes a possible structure for a new Annex II of the TAC regulation for 2008 which would set up a new effort regime based on a direct limitation of the fishing effort of the fleets concerned, expressed in kW-days of effort, by Member State for relevant fishing gears. This structure is intended to promote compliance with a level of fishing effort commensurate with conservation needs, to provide for more flexibility in the management of fishing effort and to devolve to Member States the responsibility of the detailed allocation of fishing effort to fishing operators.
- 1.3 There has not been an opportunity for the NSRAC to discuss the Commission's proposal in detail. This paper presents the preliminary views of the NSRAC, which will be progressively refined as the subject is considered further.

2. Moving to a kW days system

- 2.1 The earlier Commission non-paper on the future of the cod recovery plan asked whether the current days-at-sea system should be improved and simplified, or whether there should instead be ceilings on kW effort deployed by member states in specific areas and using specific fishing gears. A paper presented to the Demersal Working Group of the NSRAC in Dublin on September 12th 2007 considered effort capping in the cod recovery zone with a move towards a

system of effort control based on the allocation of kW days to Member States. A range of views were presented at the working group.

- 2.2 In general, fishers welcomed the idea of introducing the principle of subsidiarity to effort management. The principle of subsidiarity already applied to TACs and quotas and was generally welcome.
- 2.3 Some fishers welcomed the opportunity for Member States to be able to manage effort internally. It would create greater simplicity in the management of effort. The scheme would help Member States to take internal decisions. The kW effort ceiling could be calculated for each cod recovery zone, which would allow effort levels to better reflect the state of cod stocks in each area. A capping of effort would give managers security that the level of effort would not exceed a given level. The scheme would allow Member States to experiment with allocations under a given ceiling.
- 2.4 There was strong concern from others, however, that the proposal was impracticable; that the Commission did not have complete, comparable and accurate information on effort levels in different Member States to allow a move to a kW days scheme as early as 2008. Concern was expressed about the understatement of vessel power by some Member States, which would complicate the setting of effort ceilings. It would be important to ensure that equity prevailed within any new system. Before such a system was introduced it would therefore be necessary to ensure that measurements were properly standardised.
- 2.5 Some NSRAC members again expressed concern over the increasing level of regulatory complexity resulting from the application of different effort regimes to one fleet (e.g. the application of a flatfish management regime and cod recovery controls at the same time). There was also concern over the adverse impact effort control could have upon the uptake of TACs and quotas. The operation of an effort system alongside a quota system could result in quotas not being taken up. If effort management is applied, it is important that it should be supportive of quota management and not work against quota uptake.
- 2.6 Some fishers believed strongly that there should be a move away from effort controls; they had not proved their worth. Existing effort controls had not been managed properly. The non-paper adopted an uncritical view of effort controls and the usefulness of such controls as an instrument was neither challenged nor discussed. Experience from elsewhere suggested that a hard look should be taken at effort control as an effective instrument for achieving cod recovery. There were grounds for questioning the overall contribution that effort control is able to make to rebuilding cod stocks.
- 2.7 With this view, effort controls increase the costs of fishing to the point where fishing is no longer viable. Existing effort controls have restricted the ability of fishers to catch the full quotas allocated to them for species other than cod. There was a view that the NSRAC should be pressing for the removal of effort controls.

- 2.8 For fishers, the main issue would be how many days at sea they will receive under the new system. There was consensus amongst fishers that the introduction of the new system should not result in any reduction in days at sea for individual vessels.
- 2.9 Exemptions from the scheme for vessels transiting the cod recovery zone, or for vessels not engaged in fishing (for example, engaged in guard activities around oil and gas platforms), was considered important.
- 2.10 The NSRAC has already commented at length on the Commission's non-paper on *Next Steps in Fisheries Management in Relation to Cod Recovery*. In its comments the NSRAC emphasises the importance of reconciling two objectives. Cod stocks must be rebuilt to more sustainable levels, while allowing a viable fishing industry, including a whitefish sector, to continue to operate. Further across-the-board reductions in days at sea will neither achieve effective cod recovery nor maintain the viability of the industry. A management regime is required which provides incentives for fishers to adopt measures to rebuild cod stocks. In this context the NSRAC welcomes the inclusion in the non-paper of forward-looking exemptions based on properly designed and documented avoidance plans. This approach will encourage fishers themselves to find ways of promoting the recovery of cod.
- 2.11 Currently, there is no clear agreement within the NSRAC on the Commission's proposal for the direct limitation of the fishing effort of fleets by Member States. The approach will need further explanation and refinement if it is to be endorsed by all NSRAC participants. For this reason, it will not be appropriate to aim for complete implementation of the proposed scheme in 2008. Rather, the forthcoming year should provide an opportunity to reflect widely on cod recovery proposals whilst piloting the various initiatives to promote cod recovery which are emerging from different Member States.
- 2.12 The NSRAC looks forward to engaging in further discussions on this topic with Member States and the Commission in the coming months.



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