



Opinion on a Management Plan for Fisheries exploiting Plaice & Sole in the North Sea May 19th, 2006

Final draft approved by ExCom

1. Preamble

- 1.1 This opinion has been prepared following the May 2nd 2006 meeting of a drafting group of the NSRAC Flatfish Working Group chaired by Nathalie Steins and a European Commission workshop on flatfish management with representatives from NSRAC on May 5th 2006. It was approved by the Executive Committee through a written procedure on May 19th. The opinion is a response to an invitation from the Commission for the NSRAC to comment on the Commission's proposal for a Council Regulation establishing a management plan for fisheries exploiting stocks of plaice and sole in the North Sea. A number of preliminary comments were made on the proposal at the Gdynia ExCom meeting, where it was agreed that a drafting group should be established to prepare a more detailed response.
- 1.2 The opinion is complementary to a letter to the European Commissioner on Fisheries of March 27th, which raised concerns about the procedure and process for the development of a long-term management plan for flatfish.
- 1.3 The drafting group first considered a paper and presentation from IMARES, the Netherlands fishery research agency, which evaluated the impact upon stocks and landings of plaice and sole should the Advice on immediate management measures for North Sea plaice presented by the NSRAC in 2005 be implemented. The Group also received a presentation on the outcome of the report prepared for the NSRAC on the outcome of a Workshop on Long Term Management Plans held in Edinburgh in March 2006 and funded by DEFRA (one of the UK fishery departments). The Group also considered the Council regulation on a multi-annual management plan for sole in the Bay of Biscay (COM 388/2006). Also available was a Commission press release on plaice and sole in the North Sea, reporting the outcome of a debate by the Fisheries Council on the Commission's proposal, which paper listed the four questions posed by

the Presidency to the Fisheries Council on flatfish management in the North Sea. The drafting group considered these questions in developing its opinion.

1.4 Representatives from NSRAC were invited to a European Commission Regional Workshop to examine scientific advice concerning strategies to reduce fishing mortalities on plaice and sole in order to increase yields, reduce discards and to lower costs on May 5th. The meeting considered presentations by ICES and STECF from several projects modelling the consequences of various options for reducing fishing mortality, their impact on the catches made by the sector and implications for the deployment of effort as well as the aforementioned IMARES study. The agreed preliminary conclusions of the drafting group meeting on May 2nd were used in the discussions following these presentations.

1.5 After initial comment and amendment by the members of the drafting group, this opinion was forwarded to the ExCom for further discussion, refinement and endorsement.

1.6 The NSRAC notes that the Commission is proposing the setting of TACs for plaice and sole. For plaice:

1. The Council shall set the TAC for plaice at that level which, according to a scientific evaluation carried out by Scientific Technical and Economic Committee for Fisheries (STECF) is the higher of the following:

(a) that TAC whose application would result in a 10% reduction in the fishing mortality rate in its year of application compared to the fishing mortality rate estimated for the preceding year;

(b) that TAC whose application would result in a fishing mortality rate of 0.3 on ages 2 to 4 in its year of application.

2. Where the application of paragraph 1 would result in a TAC which exceeds the TAC of the preceding year by more than 15%, the Council shall set a TAC which is 15% greater than the TAC of that year.

3. Where the application of paragraph 1 would result in a TAC which is more than 15% less than the TAC of the preceding year, the Council shall set a TAC which is 15% less than the TAC of that year.

Similar provisions are made for sole:

1. The Council shall set a TAC for sole at that level which, according to a scientific evaluation carried out by STECF, is the higher of the following:

(a) that TAC whose application would result in the same proportionate change in the fishing mortality rate on sole as is generated by the application of Article 4(1) concerning plaice;

(b) that TAC whose application would result in a fishing mortality rate of 0.2 in its year of application;

(c) that TAC whose application would result in a 10% reduction in the fishing mortality rate in its year of application compared to the fishing mortality rate estimated for the preceding year.

2. Where the application of paragraph 1 would result in a TAC which exceeds the TAC of the preceding year by more than 15%, the Council shall set a TAC which is 15% greater than the TAC of that year.

3. Where the application of paragraph 1 would result in a TAC which is more than 15% less than the TAC of the preceding year, the Council shall set a TAC which is 15% less than the TAC of that year.

1.7 The Commission is proposing that the above mechanism for setting TACs should be complemented by a system of fishing effort limitation. Thus:

1. The TACs referred to in Chapter II of the present Regulation shall be complemented by a system of fishing effort limitation based on the geographical areas and groupings of fishing gear, and the associated conditions for the use of the fishing opportunities set out in Annex IVa to Council Regulation (EC) No 27/2005.

2. Each year, the Council shall decide by a qualified majority, on the basis of a proposal from the Commission, on the maximum number of days at sea available for Community fishing vessels deploying beam trawl gear of mesh size equal to or greater than 80 mm and subject to the system of fishing effort limitation referred to in paragraph 1.

3. The annual adjustment of the maximum number of days referred to in paragraph 2 of this Article shall be in the same proportion as the annual adjustment in fishing mortality rate provided for in accordance with Article 5(1).

4. In the event that it is necessary for the recovery or management of living aquatic resources other than plaice or sole, the Council shall decide by a qualified majority on the basis of a proposal from the Commission on a lower number of days at sea than is provided for by the application of paragraph 3.

2. The adoption of a high-yield approach to Community stocks

2.1 NSRAC accepts the Commission's wish to prepare a management plan for the fisheries exploiting plaice and sole in the North Sea. The long term objective of establishing a more sustainable fishery is sound, and it is appropriate to couple plaice with sole as the catches of these two species are largely taken together in the North Sea. There is some concern, however, over the lack of recognition that not all flatfish fisheries are performed as beam trawling.

2.2 NSRAC acknowledges the Commission's wish to have proposals in place for discussion with Norway later this year. There is concern, however, over the speed with which the management plan is being developed by the Commission, and with some of its features. The Edinburgh Workshop had concluded that

rather than emphasising an MSY-based approach, with a single biological target, a more general goal of achieving sustainable fisheries was required.

- 2.3 The Workshop had concluded that the inclusion of objectives aimed at improving the economic and social components of sustainability was especially important; it would result in more rapid progress in the development of management plans and should also bring benefits for conservation. The Workshop had set out the essential characteristics of any long term management plan (Annexe A). Of these characteristics, the involvement of stakeholders in the definition of targets, and buy-in for these targets by fishers were considered particularly important. In addition, it had been concluded that management measures should not only be based on TACs but should also consider other measures including technical conservation measures, spatial measures and changes in minimum landing size as well as effort reductions. NSRAC endorses these conclusions and believes that further discussion of the structure and long term targets should precede the preparation of a definitive management plan for plaice and sole. Consequently, it is not possible for the NSRAC at present to agree sensible and robust long term management plans on the time scale envisaged by the Commission. The current proposals for plaice and sole fisheries can therefore only be considered interim ones.

3 Setting a target for the management plan for plaice & sole fisheries

- 3.1 A further outcome of the Workshop was the clear conclusion that setting a single target value for fishing mortality in any management plan is not entirely appropriate. It is better to define a target area, which will in turn specify a direction in which management needs to go. The target area should be based on a balance between biological considerations and economic and social factors.
- 3.2 Thus, in considering the first question posed by the Commission "*Do you agree with the fishing mortality targets proposed*", the answer from the NSRAC is that the setting of a single target value for fishing mortality is not considered appropriate at this stage. However, there is support for a gradual reduction in fishing mortality, focused on the direction rather than a precise destination. A more general target is preferred, consistent with the idea emerging from discussions within the NSRAC that long term management should be gradual, evolutionary and adaptive and incorporate economic and social objectives. Indeed, the NSRAC views the setting of precise targets at this early stage, based only on biological targets, with concern. Experience of the cod recovery plan (where an urgent review of targets is required) suggests that a premature setting of targets, without proper discussion, is inappropriate.
- 3.3 An interim objective for the plaice and sole fishery, already proposed, could be to bring both stocks above B_{PA} . That objective takes us in the right direction, pending agreement on a more appropriate target area. We note that the assessment by IMARES of the NSRAC advice on immediate measures for plaice (pending the implementation of a long term flatfish management strategy) showed a high probability that plaice would be above B_{PA} by 2010 under different

recruitment scenarios¹. Such an interim approach is also in line with existing multi-annual management regulations, such as those for sole in the Bay of Biscay. The NSRAC accepts that there is a need to further reduce fishing mortality for plaice and sole below current levels in the long term, and that fishing mortality is the most suitable management instrument for achieving a long term target.

- 3.4 In view of the required balance between biological and socio-economic factors when setting management targets, a full economic assessment of the impact of the implementation of the proposals upon the fishing industry is needed. In the workshop on May 5th a number of key issues were identified that should be included in such an assessment (see paragraph 7.2).
- 3.5 In accepting the need to further reduce fishing mortality for plaice and in accepting effort reduction as one of the possible measures to achieve a reduced fishing mortality, NSRAC emphasises the necessity of facilitating effort reduction by offering state paid decommissioning schemes to relevant fleet segments.

4. The rate of progress in achieving the target

- 4.1 The long term target is less important than the rate at which fishing mortality is to be reduced, and the time period over which the reductions are to be applied. This brings us to the second question from the Commission: "*Do you agree with the proposed progressive reduction in the fishing mortality rates?*"
- 4.2 There is support for a gradual reduction in fishing mortality for plaice and sole, with the aim of obtaining higher yields and lower risks in the future. However, there is concern that current conditions in the industry, with the high costs of fuel, together with measures including decommissioning of fishing effort currently taking place in Belgium, Denmark and The Netherlands, are already leading to a general reduction in both fishing mortality and fishing effort, which need to be taken into account. Fluctuations in fishing mortality can occur because of changes in recruitment from year to year, changing the baseline level of fishing mortality. Moreover, scientific experience has shown that fishing mortality is difficult to measure precisely. All these factors make it especially difficult to agree a specific rate for reducing the fishing mortality.
- 4.3 Thus, as well as the Commission engaging in discussions with the NSRAC on an ultimate target for fishing mortality for plaice and sole, there is also a need for dialogue with the NSRAC on the rate of reduction and the means to be employed for achieving that reduction. Currently, it is not possible to decide whether the 10% rate set by the Commission is appropriate or not. Nor is it entirely clear whether a reduction in the TAC is the only measure to be applied to achieve the required reduction in fishing mortality. Technical conservation measures, including mesh size increases, and spatial measures as well as effort reductions

¹ For sole - at which this particular advice was not directed - the IMARES model assessment indicated a much lower probability of SBB being above B_{PA} in 2010. This is the result of low recruitment levels in 2003 and 2004, which also increased the level of uncertainty of this part of the model assessment.

may also have a part to play. In particular, there may be advantages in investigating gradual increase in mesh size since the current minimum landing size for flatfish is not in line with the minimum mesh size. Full scale experiments on the catch composition with different size meshes in the mixed plaice and sole fishery are being planned in the Netherlands.

5. Fleet segments contributing to the adjustment of effort

- 5.1 The Commission has posed the question: “*Do you believe that fleet segments other than the one deploying beam trawl gear of mesh size equal to or greater than 80 mm should also contribute to the adjustment of effort?*”
- 5.2 In practice, where fleets catch flatfish they will inevitably be affected by the proposed decrease in the TACs for plaice and sole and will be contributing to the reduction in fishing mortality which is proposed. Whether they should also contribute to an adjustment in effort is a more difficult issue. NSRAC notes that the current cod recovery days-at-sea allocations are already impacting upon most demersal fleets, including those targeting plaice and/or sole and further effort reductions on top of the inevitable reductions in the TACs for plaice and sole following from the Commission’s proposal would lead to severe costs for the industry. It also noted that with the current decommissioning schemes and the effects of the fuel crisis (‘cold’ decommissioning), the proposed 10% effort reductions in the beam trawl fleet would be achieved automatically, i.e. without additional measures. Any additional effort reductions should only be applied if the stocks of plaice or sole are at risk of dropping below a certain level.
- 5.3 We suggest that a way forward in deciding on any application of additional effort reductions would be to ask STECF to evaluate the different North Sea fisheries (by)catching flatfish with respect to their contribution to fishing mortality, including through discards. Based on such an evaluation and in close cooperation with NSRAC, and provided no delays to the introduction of a management plan resulted from the analysis, a suite of measures could be considered for those fisheries having significant impact upon plaice and sole.
- 5.4 NSRAC again brings to the Commission’s attention the point that currently under Annex IIa there is a perverse incentive in some Community waters for fishers deploying smaller mesh nets, to be given higher levels of fishing effort, in terms of more days at sea. The NSRAC is in favour of measures which will remove this anomaly in the allocation of fishing effort and is of the opinion that it is the resolution of this anomaly which should receive priority.
- 5.5 At the Edinburgh Workshop scientists from IMARES presented initial results from a study commissioned by the Dutch Ministry which aims to design a system of effort management that would complement current TAC management. Initial work is based on the beam trawl fleet. The approach is to quantify the relationship between days at sea and fishing mortality. This relationship (i.e. the catchability) can be quantified by the F_{PUE} , which is the fishing mortality that is generated per day at sea. F_{PUE} can be used as an instrument for the management of a mixed fishery where fishing on the respective species needs to

be decoupled to a certain extent. The proposed management system is very preliminary and further work is absolutely necessary to develop this concept. However, we hold the opinion that this approach may be appropriate for some North Sea fisheries and that further exploration of the concept should go forward.

6. Proposal on the proposed margin of tolerance for the weighing of landings

- 6.1 The proposed Council Regulation on the fishery for plaice and sole in the North Sea includes a horizontal measure on the weighing of landings. It proposes that the permitted margin of tolerance, in estimation of quantities in kilograms live weight retained on board of Community fishing vessels that have been present in the North Sea shall be 8% of the figure entered in the logbook. The Commission has asked the Council *“Do you agree with the proposed margin of tolerance? Could there be other effective alternatives to the proposed measure on the weighing of landings?”*
- 6.2 NSRAC is of the opinion that the margin should be set higher, at at least 10%, until the results of ongoing field investigations are available. In practice, it is impossible to comply with an 8% margin of tolerance.

7.0 The way forward

- 7.1 NSRAC is of the opinion that further discussion with the Commission is required to resolve some of these issues. It welcomed the opportunity provided by the Commission to engage in further discussion on these and other issues on May 5th as a first step. It supports the Commission’s proposal at this meeting to call for a special STECF meeting involving the relevant economic and fisheries scientists at the shortest possible notice. It particularly welcomed the suggestion to open this meeting to a small representation from NSRAC and the suggestion to submit relevant reports to STECF.
- 7.2 The NSRAC reaffirms the proposed list of issues for consideration by STECF:
- Definition of a baseline or reference level for F and effort (in view of the current situation with fuel prices and decommissioning which will lead to inevitable (‘autonomous’) effort reductions in the flatfish fishery).
 - Application of harvest control rules for additional effort reductions.
 - Effects of effort reductions on F at age (robustness test).
 - Biological effects of applying a 1:1 ratio to F reductions for plaice:sole in view of the current imbalance in the TACs for these stocks in the mixed fisheries.
 - Economic incentives required for overcoming negative effects of strong reductions in F, i.e., assessment of the size and costs of decommissioning.
 - Economic impacts of the EC proposal (onshore/offshore) including price elasticity.

- Biological implications of pursuing target F mainly by setting TACs on the basis of reduced F, and only applying effort reductions if SSB goes below a baseline level, e.g. Blim or Bpa.
- Biological and economic effects of different changes in the minimum mesh sizes for flatfish and/or landing sizes
- Biological effects of changes to the fleet (decommissioning) or fishing patterns (increased effort in juvenile flatfish areas due to cod recovery regime).
- Outline of future research needs and evaluation criteria in order to be able to make a sound review/evaluation after 3 years.

7.3 Any proposals or plans for flatfish (and indeed other specific) fisheries preceding the Council decision on long term management strategies in fisheries should be regarded as interim ones. Following the completion of NSRAC's Advice on long term management strategies and based on the Council decision on long term management and the work through STECF or other relevant bodies, the NSRAC will prepare full advice on the implementation of a long term management plan for North Sea plaice and sole.

ANNEXE A.

Taken from: Long-term Management of North Sea Fisheries, a report to DEFRA and the North Sea Regional Advisory Council, Seafish, March 2006

Essential features of any long-term management plan

A series of features emerged from the Working Group discussions which were regarded as essential to the success of any long term management plan:

1. Stakeholders, and especially fishers, must be involved in the formulation and agreement of both the objectives of the management plan and the means of achieving those objectives. Stakeholders must not simply be consulted on proposals which are already agreed in advance between other parties.
2. The stakeholders concerned must be clearly defined. There is a role for national forums and for the RACs here.
3. Buy-in by fishers is necessary if a management plan is to succeed. The concept of stewardship is important. Involving fishers in the details of implementation may help here.
4. The objectives for any management plan must be clearly stated, and must be achievable. The objectives must address all the components of sustainability; bio-ecological, economic, social and institutional.
5. Although general principles or guidelines for management plans may be set out and agreed by stakeholders, an actual management plans must be specific to a particular fishery, with regulations appropriate to the individual gear types or métiers. One size does not fit all.
6. The management plan for a particular fishery must not be for one stock only; it must take account of all the stocks taken by the fishery.
7. A wide range of management tools/instruments should be considered within the management plan. The plan should not just be based on the TAC.
8. The changes proposed in a long term management plan must be gradual, evolutionary and adaptive.
9. The need for a degree of flexibility for vessel businesses must be respected
10. The management plan must take account of uncertainty and must accept that stocks cannot be completely controlled or predicted.
11. The management plan must agree the actions which should be taken if the stock moves outside the safety zone.
12. Flexible rather than fixed rules should be developed within the management plan.
13. Space must be allowed within a management plan for its review and revision

ANNEXE B

Members of the NSRAC Drafting Group, May 2nd 2006

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