



Response to the Commission's Policy Statement on Fishing Opportunities for 2008

1. Introduction

- 1.1 A Commission Communication in 2006, *Improving consultation on Community fisheries management*, set out a new working method for deciding on annual fishing opportunities. As part of that approach the Commission has now set out its views concerning Fishing Opportunities for 2008 in the Northeast Atlantic Ocean and the Baltic Sea in a Policy Statement
- 1.2 The Commission reaffirms its commitment to management under long-term plans. New plans will be developed and existing plans will be implemented and reviewed. The Commission has proposed that it should continue with its approach of developing generic rules for those stocks that are not being managed through long term management plans.
- 1.3 The Commission's Policy Statement emphasises that ICES scientists are moving away from providing advice based on short-term forecasts. The number of forecasts has decreased from 40 to 29. This decrease could be due to worsening data, or to better knowledge about the limitations of the data. Scientists have been turning to simpler principles in giving advice. The Commission concludes that it should continue to heed scientific advice and should try to collect better data.
- 1.4 The number of stocks at risk appears neither to be decreasing nor increasing. About four-fifths of stocks remain outside known safe biological limits. The number of stocks where a zero catch is advised remains at about 13. TAC decisions have been on average substantially higher than the annual catches advised by scientists. This has led to only small decreases in the impact of fishing. Only three stocks under TACs (North Sea haddock, North Sea saithe and megrims in the Bay of Biscay) are exploited consistently at an appropriate level to meet commitments made at the UN World Summit on Sustainable Development in Johannesburg in 2002.

- 1.5 Since the reform of the CFP fishing effort limitations have been fixed for western waters, for deep water species and for recovery stocks. According to data provided to STECF the overall fishing effort has diminished only to a limited extent and there has been an increase in the effort deployed using smaller-mesh gears (70-89mm).The Commission comments that effort restrictions through the days-at-sea system have often had no limiting effect on the overall effort deployed and that the complexities and costs in terms of management seem disproportionate. The Commission now wishes to make the rules on effort management more simple and effective by making changes to the harvest control rules.
- 1.6 Where advice was provided to limit catches it should carry weight even if it was incomplete, and the rule should be followed of moving the TAC towards the advised catch level in steps of no more than 15% per year, taking into account the need of the particular type of fishery concerned and the relevant social and economic considerations.
- 1.7 Where there is advice to reduce effort, STECF should be asked to measure effort levels and to advise on the level of appropriate effort, and while such studies were being carried out, the TACs should be reduced by up to 15%.
- 1.8 Where there is a non-quantified indication that stock sizes are improving due to good recruitment, a 15% increase in the TAC should be applied; conversely where there is a non-quantified indication that a stock is at high risk or declining due to weak recruitment, a decrease of up to 15% should apply taking into account the need of the particular type of fishery concerned and the relevant social and economic considerations.
- 1.9 Where there is a very strong – but non-quantified – indication that a stock is depleted and an advice for a zero catch or a reduction to the lowest possible level is provided, the Commission will propose a reduction that is as large as is compatible with any mixed fisheries considerations and with relevant social and economic considerations. If a recovery plan is in force concerning the stock, the best possible approximation to the recovery plan rules will be proposed in the light of the existing scientific knowledge. In any event, the proposed reduction will be no less than the reduction implied by general principles outlined above.
- 1.10 For stocks where no biological advice or information is available from STECF then the precautionary approach, as incorporated in the Common Fisheries Policy, can be applied without reference to scientific advice. In these cases, the guiding principle can be that no expansion of the fishery should be foreseen because there are no scientific data showing that such an expansion could be sustainable. Where current TACs are substantially higher than the real recent catches, they would be adapted towards the real catches at a rate of 15% per year.
- 1.11 Where stocks are outside safe biological limits fishing opportunities should be set that will reduce fishing mortality, which may mean reducing TACs by more than 15%. Whereas in the Policy Statement for 2007 it was envisaged not to propose fishing opportunities that would result in further deteriorations in stock status, a

more positive approach could be needed, e.g. leading to movements towards safe biological limits at a reasonably rapid rate.

1.12 The views of the RACs were being sought on these harvest control rules

1. Comments on the Commission's proposals

- 2.1 The Policy Statement for 2008 was discussed by the NSRAC at both the Vienna and Dublin Demersal Working Groups. The gradual approach inherent in the document was thought to be helpful and the guidelines were thought to be sensible. There was a broad welcome for the approach of developing generic rules for those stocks that are not being managed through long term management plans. The new harvest control rules provided greater clarity and the proposals contained within the paper were moving towards making front-loading a reality. There were, however, areas of concern.
- 2.2 The paper takes an unduly pessimistic view of the state of some stocks and the impact of management measures. The latest information from both the fishing fleets and ICES gives cause for optimism on cod recruitment, especially in the North Sea and Skagerrak. In broadly accepting the Commission's guidelines for setting TACs, the NSRAC is not agreeing with the Commission's approach towards cod recovery. The NSRAC's reservations on the Commission's approach to cod recovery are set out in a separate paper.
- 2.3 The NSRAC restates its position that ICES recommendations are exclusively based on biological advice and deliberately exclude consideration of management and socio-economic issues. They are on the whole assessments of single stocks which need to be considered in the context of the mixed fisheries of the North Sea, which catch a range of species. Against this background, the Commission and Council have a responsibility to make reasoned and balanced judgements on management measures, including the determination of appropriate levels for the TACs. Taking account of these wider considerations, and exercising careful judgement, is important and should not be regarded as giving in to pressure from the industry.
- 2.4 The NSRAC was also concerned about the Commission's assumptions about the degree to which effort reduction and fishing mortality had been reduced. In practice, there had been major reductions of the fleets in some Member States and fishing mortality had declined. The 2007 ICES assessment indicates that there has now been a very significant reduction in fishing mortality on cod and other demersal species.
- 2.5 However, the deteriorating quality of the scientific advice does give cause for concern. The Commission and Member States are directly responsible both for the collection of data on the fisheries and for the commissioning of scientific advice. The NSRAC has previously appealed for improvement to the science, for closer collaboration between scientists and fishers, and for greater use of the output from fisheries/science partnerships. The NSRAC is now seeking positive

action from the Commission, especially in monitoring levels of fishing effort and the recording of by-catches and discards by different fleets.

- 2.6 Particular concern has been expressed by fishers over the way the Commission proposes to treat stocks where the quality of the assessments is poor. The treatment of these stocks has been the subject of extensive correspondence between the RAC and the Commission during the year. The NSRAC has opined that:
- a rigid mechanistic approach is not appropriate
 - the Commission in these cases should not retreat to a formulaic approach but should seek additional information from fisheries managers, Fishery/Science Partnerships and the industry.
- 2.7 There is also concern from the NSRAC over the proposed treatment of stocks where TACs have been under-shot, and where the Commission has in the past subsequently reduced the TACs. It is sometimes not possible to catch the full quota because of effort restrictions and for economic, management and biological reasons. It is not appropriate for the Commission to always assume that an under-shot TAC indicates that a stock is in trouble and therefore to cut the TAC. In any event, individual member states may fully take up their national shares of the TAC and they may therefore be disproportionately and unfairly affected by a cut in the TAC.
- 2.8 Fishers are emphatic that if forecasts are valid then they should be used for setting TACs. Last year, the table of forecasts produced by ACFM was not used by the Commission. A table of forecasts has been provided again this year. It should be adhered to.
- 2.9 Having guidelines and policy statements is a positive step forward but the experience in 2006, where the Commission went into EU/Norway negotiations without a negotiating mandate and having already signalled to Norway a reduction in a TAC of 25%, should be taken as a warning. This position gave rise to serious internal problems in the College of Commissioners between DG Fish and DG Environment and severely affected the EU/Norway negotiations.
- 2.10 In conclusion, the NSRAC believes that the new harvest control rules are an improvement on what has gone before. The strategy by the Commission of clearly defining harvest control rules has the support of the NSRAC. However, the rules provided should be regarded as guidelines rather than statements leading to rigid decisions. They should not be applied too rigidly, especially where TACs have not been taken up. There are genuine problems over achieving quotas under the current effort restrictions.
- 2.11 Finally, the NSRAC would like to see real progress in improving the collection of data on the fisheries and in the preparation of scientific advice. The NSRAC has suggested previously that there is a need for a data workshop on stocks in the North Sea and Skagerrak, to precede the ICES assessment working groups.

There is also a need for greater transparencies within the advisory process conducted by ICES.