

EAPO / AEOP
Ierse Zeestraat 50 B 8380 ZEEBRUGGE (Belgium)
☎ +32 59 32 35 03 **Fax:** +32 59 32 28 40
e-mail: info@eapo.com

EAPO Position Paper on 2014 TAC and Quota Proposals

Introduction

The Commission Proposal COM (2013) 753 Final together with the Commission Services Non Paper published the 22nd of November 2013 contain the Commission's proposals in relation to the setting of fishing opportunities for the majority of demersal and some pelagic stocks for 2014.

General Observations

1. Need for Stability:

EAPO wishes to emphasize the importance of having stability in the TACs allocated from one year to another. A 75% decrease in the TAC allocated to any stock will only result in a dramatic increase in discards (which is ironic in view of the European Parliament and Councils commitment to eradicating them). Likewise a dramatic increase in the TAC for a specific stock will, in the normal course of events, lead to market difficulties for that stock and therefore have an adverse impact on vessels profitability.

2. Data Limited Stocks:

In 2013 the Commission advised that the quota for those stocks classified as 'data limited stocks' would remain the same for a number of years or until such time as additional information indicating there had been a change in the status of the stock. Therefore the year on year 20% reduction in TAC as a result of the precautionary buffer would not continually be applied. ICES has also adopted this approach for a number of data limited stocks. As such EAPO was surprised to note, once again, that for 2014 the Commission is proposing reductions for a number of these stocks for which there was no change in ICES advice for example Pollack in VII where the ICES Advice was biennial for 2013 and 2014 and yet the Commission has proposed a 20% reduction in the TAC.. A similar situation exists for Skates and Rays in both the Celtic and North Sea where the ICES advice in 2012 was, again, on a biennial basis and notwithstanding same the Commission have proposed a 20% reduction in the TAC. This is against ICES advice which for the Celtic Sea stock states: 'The advice for 2014 is the same catch advised for 2013' (even though some of the values cannot be

quantified)+ and not that a further percentage reduction or increase in catch be implemented in these stocks.

3. Differential Quota Uptake Levels:

For a number of stocks the quota uptake levels vary greatly between Member States which results in landing figures being significantly lower than the TAC. For these stocks in order to achieve the landings figure recommended by ICES a higher TAC should be set. If the landings figures recommended by ICES are used to set the TAC for these species F will be lower than the ICES recommendation and the reduction will only impact on those member states that fully utilise their quotas.

4. Chapter II – Additional allocations for vessels participating in Fully Documented Fishery Trial.

The rules governing the allocation of additional quota for FDF trials are clearly stated in Chapter II of the proposal. The basis for them is the same as for the 2013 fishing year. For the successful implementation of such schemes and for preparation for the landings obligation, it is essential that regulation does not stifle success. Article 15 restricts the amount of discard quota that can be allocated to 75% of the rate estimated by the Member State. To enable trials to have any chance of success, vessels must be allocated their entire discard amount in return for retaining all of the relevant species and therefore Article 15 should be amended to state that the discard quota which can be allocated is 100% of the rate estimated by the Member State.

Recommendations on Demersal Stocks

1. Monk

- Area VIIb-k

The ICES advice for this stock for 2014 is that landings should be no more than 37,450, representing a 51% increase when compared with the ICES advice for the same stock last year. In its document the Commission has proposed a figure of 29,144, some 8,000 tonnes less than the ICES advice and representing a rollover from the 2013 TAC.

EAPO is at a loss as to why the Commission has proposed this figure particularly when the ICES advice for the stock is examined closely it becomes apparent that the current indicators for this stock are the best in the last 26 years. In its advice ICES gives emphasis to the following :

- Fishing effort: levels are at their lowest for a 26 year period, for all commercial fleets operating in the monk fishery.
- Spawning biomass: are at their highest levels in the case of the dominant species in catches (*Lophius piscatorius*) and also when the two species (*Lophius piscatorius* and *Lophius budegassa*) are combined.
- Recruitment: displays strong levels for both species.

In relation to this stock again it is one where the issue of differential uptake levels apply whereby some Member States fully utilise their quotas and others do not meaning that the TAC set does not necessarily lead to the landing figure recommended by ICES. The Council and Commission have themselves in recent years recognised this disparity by setting the TAC slightly higher than that

recommended by ICES in order that the actual landings are more in line with ICES recommendation; for example in 2012 when the TAC agreed was 37,000 some 49% higher than the ICES advice of 24,800. It is EAPO's view therefore that the TAC to be put in place for 2014 should follow a similar process and therefore it is our recommendation that the TAC be set at 55,000 tonnes.

2. Cod

- Area IV and IIIaN

While the TAC and quota paper did not include a specific proposal for IV and IIIaN cod as it is a shared stock with Norway and therefore, subject to negotiations with them, EAPO feels it is sensible to comment on the stock in this paper. The ICES response to a joint request on TAC options for NS cod recognized that the reduction in TAC required under the management plan is likely to increase discard rates rather than decrease catches. Additional flexibility is, therefore, required in TAC setting in such circumstances.

ICES was also asked to evaluate different recovery options, taking into account the reducing F , the reduction in discards and the rebuilding of the biomass. ICES concluded that while the TAC based rule of the newly proposed HCR has the potential to lead to further reduced F , it will be associated with increased discarding problems. ICES also concluded that this was also a feature of the current HCR and the 20% TAC constraint. EAPO concludes that the increase in cod abundance must be reflected when setting the TAC to avoid increased discards.

The stock is now above B_{lim} and continues to increase. It is possible, therefore, provided that a fishing mortality is set below the current F , that the TAC could be set above that required by the management plan still resulting in an increase in the stock. EAPO concludes that a TAC increase of 10%, based on a fishing mortality of 0.26 will result in an increase of SSB in the region of 37%, based on the ICES outlook table. The table, however, assumes a linear relationship between TAC and discards when in fact opposite is true, as discussed previously.

Effort: The completion of the recovery phase of the management plan is defined by the situation where the TAC calculated in accordance with long-term phase is greater than the TAC calculated in accordance with the provisions of the recovery phase. This is indeed the case in this year's advice, which is why ICES now believes that management should follow the plan rules for the "normal" situation. That implies that effort limitation will no longer be in effect. Thus - according to the ICES advice - there should be no further regulation in the number of kW-days.

EAPO argues to completely get rid of the regulation of effort. In a large number of reports questions have been raised as to the appropriateness of regulating both input and output. It is also shown that the regulation of effort can lead to increase in discards and otherwise work against the stated purpose of the regulation.

- Area VIIe-k

The ICES advice for this stock notes that SSB has been well above $B_{trigger}$ since 2010 and F has shown a declining trend since 2005, and is now at or around F_{msy} , while also noting that the NWWRAC and STECF are in the process of developing a long term management plan for a number of stocks in the Celtic Sea including Cod. The ICES recommendation is for landings of 6,848 tonnes for 2014. The Commission have on this basis proposed a TAC of 6,848 tonnes representing a 33% reduction in the 2013 TAC. From an Industry point of view it is difficult to understand the basis for this reduction given that recruitment appears to be stable, the SSB is well over the trigger point and F is hovering around F_{msy} . In addition VIIe-k Cod is another stock

where the issue of differential uptake of quota by Member States applies with an overall quota uptake level in 2012 of 76%. On this basis EAPO recommends the TAC for this stock for 2014 be set at 9,010 which should translate to the landing figure recommended by ICES of 6,848.

3. Megrim

- Area VIIIb-k and VIIIabd

This is one of those stocks classified as being %data limited+and, in the case of this stock, the evaluation is based on commercial catch data (which has remained stable despite the reduction in the fishing effort), the L.P.U.E. indices of the fleets active in the fishery and the data from the scientific campaigns.

The ICES advice for this stock has remained consistent over the past 8 years (since 2006), setting its landing recommendation at between 12,000 . 14,000 tonnes, during the same time in recognition of the differential uptake levels of various Members States, the Council has established the TAC at between 19,100 and 20,400 tonnes. In light of the above and the fact that the ICES advice for this stock was SALY (Same Advice As last Year) it is EAPO's recommendation that the TAC for this stock be set at 19,100 tonnes being the TAC agreed by the Council for 2013 based on the same ICES advice.

4. Haddock

- Area VII b-k

For a number of years EAPO has been of the view that the assessment model used to assess the various Haddock stocks is not %fit for purpose+given the %boom bust+nature of the Haddock fisheries. To date however, despite our requests both through EAPO and the NWWRAC, no further work has been carried out to develop a more appropriate assessment model. As a result the ICES advice for this stock is for a TAC of 3,602 tonnes representing a 75% reduction in the TAC which will be catastrophic from an Industry point of view.

During 2012 new technical measures were put in place to reduce the level of discards of juveniles in this fishery and in the ICES advice it is acknowledged that many of the current discards are above minimum landing size meaning the discarding that is occurring is regulatory discarding of mature fish due to quota restrictions.

Weak recruitment and high mortality are the grounds used to justify the 75% reduction in TAC which becomes difficult to understand given that ICES in its advice acknowledges that current SSB is six times higher than B_{loss} which is the MSY trigger. From an EAPO perspective our members have been actively involved in developing, trialling and implementing selectivity improvements. However it is clear from the ICES advice that the issue is no longer related to juvenile fish and therefore there is little that can be done.

EAPO proposes a new TAC setting model for %boom/bust+fisheries such as Haddock which would allow the TAC to be set at a realistic level, once the SSB is above trigger point, with the TAC being reduced significantly if and when the SSB falls below the trigger point. It is interesting to note that in previous years where ICES recommended a significant increase in the TAC for this stock, the Council chose not to implement same. EAPO would therefore propose a rollover of the Haddock TAC from 2013 for 2014 on the basis of the ineffectiveness of the assessment model, the size of the SSB and the precedent previously set by the Council in not following the ICES advice in relation to the TAC increase. The revision of the assessment model for this stock will be a priority item from Industry's perspective for 2014.

The EAPO position paper in relation to Haddock in Area VIIb-k is included in Annex I.

5. Hake

- Area IIIa, Subareas IV, VI and VII and division VIIIabd

ICES Advice for this stock for 2014 is for landings of 81,846, based on the MSY approach, which leaves no doubt as to the fact that the stock has recovered and that it has a very good status. All technical and biological considerations regarding the stock are positive as is evidenced from the following contained in the ICES advice:

- Biomass: has increased significantly, in particular since 2008, reaching a maximum level in 2012-2013, of around 275,000 tonnes. With the current evaluation based on the MSY and fishing mortality at 0.24, the SSB would be around 333,000 tonnes in 2015.
- Fishing mortality: a large reduction has taken place in recent years.
- Recruitment: is extremely high and in fact in 2012 was the highest recorded..

However EAPO notes despite the ICES recommendation for a TAC of 81,846, the Commission have proposed a TAC of 45,896 some 44% less than that recommended by ICES. The EAPO recommendation is therefore that in line with ICES advice the TAC be set at 81,846.

5. Nephrops

- Area VII

ICES advice for Nephrops in Area VII is given on a functional unit basis. The cumulative ICES advice for landings for Area VII is 17,564. There is an ongoing issue in relation to the Nephrops fishery regarding differential quota uptake levels by the various Member States involved in the fishery and this can be clearly seen by the disparity between the TACs agreed and the actual landing figures. For example in 2012 the TAC was 21,681 but the landings were in fact only 84% of this amount i.e. 18,397. This is the approach that has consistently been adopted and we are therefore somewhat confused by the Commission's proposal for a TAC which would result in a reduction in landings of in excess of 23% some 14.5% more than that sought by ICES. EAPO is of the firm view that no reduction should apply to Nephrops in VII given the stable nature of the stocks as evidenced in the ICES Advice and that there should be a rollover of the 2013 TAC.

In relation to the proposed ~~of~~ which+restriction to be applied to FU 16 (the Porcupine Bank) and the extension of the seasonal closure from one month to three we refer to the discrete position paper in relation to same which is included in Annex II and summarised below:

Based on the mechanisms outlined above and the revised scientific data in relation to the Porcupine Bank Nephrops stock EAPO proposes the following:

1. *That the season closure proposed to be put in place for the Porcupine Bank area as outlined in Article 11 of COM (2012) 608 final be revised in relation to the duration of the proposed closure so that the closure would be in place from the 1st to the 31st of May 2013.*
2. *That special condition (1) currently proposed in relation to the TAC for Norway Lobster (Nephrops) in Zone VII in the above proposal (COM (2012) 608 final) be removed on the basis in light of the revised advice now available in relation to this stock the TAC for the Porcupine Bank area will be set at 1,800 tonnes*

which is in fact higher than the average landing of the past 10 years are 1,500 tonnes.

- **VIIIab FU 23-24**

The ICES advice for this stock is the same as last year with the spawning stock biomass of the Bay of Biscay Nephrops VIIIab clearly improving over the recent period (there was a 19% increase in the size of the average biomass for the 2010 to 2011 period when compared to 2007-09 period). During the same time period, fishing mortality has continually decreased in accordance with both regulations and management measures for example capacity limitation, selectivity improvement and so on.

The application of the precautionary approach would appear to be unwarranted, despite the fact that the reference level for MSY is not precisely known, and therefore it is the view of EAPO that the 2014 TAC should be a rollover of the 2013 TAC.

6. Sole

- **VIIa**

EAPO notes that in the new CFP while there is a commitment to achieving MSY by 2015 this is only where possible, and for those stocks where it is not possible to achieve MSY by 2015 the deadline is 2020. EAPO therefore recommends to use the basic principle that the TAC for this stock for 2014 be set on the basis of transition to MSY by 2020. In addition EAPO notes the requested audit of the assessment which does not seem to take into account the changing environment (particularly in relation to the increase in offshore energy installations in the area for example windmills). Also taking into account that a large part of the sole fishery activities will be accompanied by observers, the view of EAPO for 2014 is a rollover of the 2013 TAC.

- **VIIId**

EAPO notes that the substantial reduction proposed is as a result of the requirement to correct recruitment data. EAPO therefore recommends that this reduction be staggered over the next number of years on in order to attenuate the large economic impact on the fishing fleets. This should be possible provided account is taken of the MSY 2020 target.

- **VIIIfg**

Once again it is difficult to understand the reduction proposed given the good SSB and good recruitment acknowledged in the ICES assessment particularly given the uncertainty about the accuracy of a higher F in 2012 expressed by ICES in the assessment. EAPO therefore recommends the TAC for 2013 be rolled over for 2014.

- **VIIIab**

The South Western Water RAC has worked to develop a harvest control rule (HCR) for the Bay of Biscay sole stock, which has been evaluated by ICES. Based on this HCR a TAC of approximately 4,500 tonnes is considered to be precautionary and has a high probability of reaching F_{MSY} . In order to ensure a consistent approach is adopted a TAC of 4,100 tonnes should be agreed for 2014 which based on the simulations carried out should (with a high degree of probability) lead to F_{MSY} in 2018.

- **North Sea**

While the TAC and quota proposals by the Commission do not include a specific proposal for IV sole as it is subject to negotiations with Norway EAPO feels it is

sensible to comment on the stock in this paper. ICES advice is still based on phase I of the joint management plan with plaice North Sea (recovery), whilst phase II (long term management) should have started three years ago. The last few years the SSB fluctuates between 45,000 and 50,000 tonnes, substantially above the B_{lim} of 35,000 tonnes. F is historically low and close to the F_{msy} target. EAPO recommends to deviate from the overdue principle of the management plan and to accept a rollover of the TAC.

7. Plaice

- VII_{fg}

EAPO notes that the ICES assessment for this stock was extremely positive and was in fact for a 40% increase in the TAC. However in their proposal the Commission have proposed a quota of 443 some 15% less than the ICES advice. EAPO is of the view that the increase proposed by ICES should be followed as a lesser increase will only lead to more discarding which is apparent from the regulatory discarding already present in the fishery.

- VII_a

This is another stock where there is a great disparity between the quota uptake levels of the various member states involved in the fishery. On this basis the EAPO recommendation is that the 2013 quota should be rolled over for 2014.

- VII_{de}

VII_d stock is doing very well, but F is too high for VII_e stock. With VII_d stock abundance the main fishery in that area a reduced VII_{de} TAC will only lead to discards.

Pelagic Species

1. North Sea autumn spawning herring

EAPO appreciates the work in progress between the EU and Norway regarding an amendment of the management plan and wishes to stress the importance of the continued involvement of the stakeholders . all the way to the end.

EAPO recommendations:

- That the TAC for 2014 will be set at 470.000 tons . in accordance with the existing management plan.
- Nevertheless, there is sufficient evidence that the existing management plan, while performing well in terms of precautions, fails at delivering maximum sustainable yield. Therefore an amendment of the current plan is needed with the following key elements to be adjusted:
 - Target F should be set at 0,25.
 - $B_{trigger}$ should equal 1,1 Mio tonnes.
 - An inter annual flexibility of +/-10%, i.e. banking and borrowing, will be included. (Simulations show that this has no detrimental effects on the stock).
 - A stability mechanism (FI_{AV}) which imposes a 15% constraint on both fishing mortality (F) and inter-annual TAC variability (IAV) will be included either above B_{lim} or $B_{trigger}$, i.e. if the preliminary F -value is inside the 15% limits of the F_{HCR} it will be directly applied; if the preliminary F -value is outside the 15% limits of the F_{HCR} it will be brought onto the 15% limits.

2. Western Baltic spring spawning herring

EAPO welcomes the efforts taken for this stock by the Commission and Norway to establish a TAC setting method taking into account that herring catches in ICES division IIIa consist of several herring stocks. Although neither EAPO members nor the Pelagic RAC have been invited to participate in this process EAPO strongly encourages the pursuit of the development of a management plan and a TAC setting procedure. While in light of ongoing consultations between the EU and Norway EAPO does not consider it appropriate to advise on a specific TAC number, it would, however, like to emphasize the importance for including both the C- and D-fleet in the TAC setting arrangement.

3. Atlanto-Scandian herring

In relation to Atlanto-Scandian herring EAPO would like to express its disappointment and concern regarding the unfortunate situation in which the Faroe Islands decided to step out of the international agreement and unilaterally set a TAC for this stock. This irresponsible behaviour is further aggravated by strong indications of a diminishing stock size. Therefore precaution is needed.

EAPO makes the following three recommendations:

- That the Commission seeks a return to the international agreement by all parties.
- To follow the management plan and set a TAC of 418.000 tonnes.
- That the international inspection team continues its work in ensuring true and reliable recording of landings.

4. Northeast Atlantic mackerel

Given that there is no international agreement the EAPO does not advise on a specific TAC number. However, EAPO would like to express its deepest disappointment and concern regarding the new scientific situation which puts this stock into the data-limited category. In light of these frustrating developments the importance of the upcoming benchmark in February 2014 cannot be stressed enough. A finalisation of the analysis of the egg survey is urgently needed before the benchmark and the EAPO strongly encourages the Commission to push for this process to be completed in due time. Furthermore it has to be kept in mind that the ICES advice remains preliminary and can change as a result of the benchmark exercise.

EAPO therefore recommends:

- That the Commission seeks an international agreement that is acceptable to all parties . including and not least the EU industry.

5. Blue whiting

There is a major change in this year's ICES advice compared to the previous year. In the NEAFC request a fishing mortality range between 0.18 and 0.3 is given while the recently published ICES advice provides an $F_{0.1}$ value of 0.22 and F_{msy} value of 0.30 and therefore EAPO strongly recommends that the Pelagic RAC management plan which ICES has recently confirmed is precautionary be adopted by the Coastal States for future management of this stock. .

6. Western horse mackerel

In light of the recent ICES advice to the EU special request dealing with the evaluation of the management plan developed by the Pelagic RAC in 2007, EAPO considers it of utmost importance that ICES, as requested in the special request but was not in position to do so, gives clear advice on how to improve the management plan for it to be robust to two or more years of poor recruitment. Furthermore and equally as important EAPO requests that in advance of advising improvements to the plan ICES addresses and rectifies the assessment problems, particularly the selectivity issue. In the absence of an

ICES approved management plan EAPO's recommendation for the 2014 TAC is that the MSY advice is used. It recommends phasing this in over the next two years (MSY transition) with the largest cut in TAC in 2014 i.e. for 2014 a TAC of 136.000 tons. A further reduction is proposed for the 2015 TAC to reach the MSY advice of 110.000 tons in 2015 should a revised management plan not be in place. In the meanwhile every endeavour has to be made to have a new management plan evaluated in 2014.

7. North Sea horse mackerel

Last year the Pelagic RAC pointed out that its main objective regarding the North Sea horse mackerel stock is the development of a long-term management plan for this stock. While efforts have proceeded rapidly over the past months and preliminary modelling results evaluating different harvest control rules have already been performed, a fully advanced management plan cannot yet be submitted to the Commission. However, it is envisaged to submit a management plan before summer 2014 at the latest.

EAPO notes that work in relation to the development of a long term management plan has progressed over 2013 and the Pelagic RAC hopes to be in a position to submit same to the Commission in the first half of 2014. In the meantime EAPO in line with the Pelagic RAC advises following the TAC setting procedure agreed upon last year which foresees a stepwise reduction in TAC from 2013 to 2015. This gradual reduction is calculated by taking the difference between the TAC for 2012 and the ICES advice for 2013 and dividing this number by three:

TAC 2012:	44,180 tonnes
ICES advice 2013:	25,500 tonnes
$(44,180 - 25,500)/3$:	6,230 tonnes

Each year the TAC shall be reduced by 6,230 tons which will result in the following TACs:

2013:	37,950 tonnes
2014:	31,720 tonnes
2015:	25,500 tonnes

Hence, the Pelagic RAC advises setting the TAC in 2014 at 31.720 tonnes. Should a management plan be developed and evaluated as being precautionary by ICES before 2015, the management plan will supersede the recommendation set out above.

8. Southern horse mackerel

The Pelagic RAC advises following the MSY approach and setting the TAC for 2014 at 35.000 tonnes.

9. Silversmelt

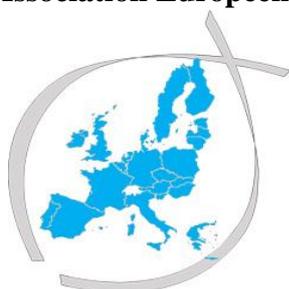
The ICES advice for this stock was given in 2012 as biennial advice for 2013 and 2014. Notwithstanding this the Commission proposal is for a 12% reduction in TAC. This is inexplicable both on the basis that the Commission itself gave a commitment in 2012 that in the cases of data limited stocks it would not impose year on year reductions and also the fact that in accordance with the ICES advice there should be a rollover of the 2013 TAC for 2014. This also makes more sense in the light of the ICES statement in

their advice that the SSB has grown by 10 percent. The EAPO recommendation therefore is that there should be a rollover of the 2013 TAC.

(EAPO . 12 December 2013)

Annex I

European Association of Fish Producers Organisations Association Européenne des Organisations de Producteurs dans le secteur de la pêche



EAPO / AEOP
lerse Zeestraat 50 Æ 8380 ZEEBRUGGE (Belgium)
☎ +32 59 32 35 03 Fax: +32 59 32 28 40
e-mail: info@eapo.com

EAPO Position Paper on 2014 Haddock VIIb-k TAC

State of Play

The Commission Proposal for 2014 is for a reduction in the TAC of 75%. The scale of this proposed reduction is an over-reaction to an unusual stock dynamic. The recruitment for 2009 was twice as high as the maximum seen anywhere in the historic record. Fishermen have already responded to this spike in recruitment by adjusting their gear (both regulatory with mandatory use of square mesh panels in VIIlg and voluntary increase mesh in different parts of the trawl to allow escape of small fish) and fishing patterns to reduce by-catch of immature haddock.

Haddock in this area is mainly caught in a by-catch fishery and so a dramatic reduction in TAC will lead to an increase in discards. This stock is not at biological risk. Fishing effort remains below that consistent with maximum sustainable yield. The management objective should strike a balance between improving the exploitation pattern and minimising unnecessary discards. Adjustments to the TAC will not affect Fishing Mortality (F) it will only serve to alter discard rates.

Something close to the status quo TAC associated with improved selectivity measures to optimise the harvesting of future high recruitment would achieve these management objectives.

Management Measures in Place

Trevose Closure February and March: (regulatory)

Use of Square Mesh Panels (SMP) or Large Mesh Panels (LMP) in VIIlg: (regulatory)

Behavioural change from fishermen:

- change in fishing patterns: (voluntary)
- change in area fished/target species: (voluntary)
- non-mandatory gear modifications: (voluntary)

Further Selectivity Work in Member States

UK:

Fisheries Science Partnership (FSP) trails with CEFAS assessing selectivity effects various panels of different mesh sizes and positioning in the top sheet of commercial demersal trawl gear.

DEFRA initiated Catch Quota Trial on mixed whitefish trawler.

Discussion with DEFRA/CEFAS on a programme of further selectivity trials during 2014 on a cross section of vessels operating in VIIe, f, g.

France:

Improving the selectivity of fishing gear appears as a necessary alternative to meet the objectives of the EU to land all catches. On the basis of defined objectives about target species, technical constraints and economic viability, 8 trawlers representing all métiers, will test selective devices (increased mesh size in cod end, square mesh panels, grids^o) in exploitation conditions for 12 months. Observers on board will collect data on the composition of catches to analyse the efficiency of the selective device (escape of juveniles and unwanted species).

Other spatio-temporal measures will also be tested to improve global selectivity of fishing practices in the Celtic sea.

Ireland:

During 2013 a number of Selectivity Trials were carried out by the Bord Iascaigh Mhara (the Irish Sea Fisheries Board). Some of these trials focused specifically on the impact of selectivity measures on discard rates for Haddock and Whiting. The results of the trials were recently published by BIM and discussions are ongoing in relation to assessing and agreeing further trials and measures on vessels operating in the Celtic Sea with a view to identifying the most effective methods of reducing discards of Haddock in the Celtic Sea.

Belgium:

The overall regulation for Belgian vessels for a mandatory large mesh panel (min. mesh size 30 cm) in beam trawls and mandatory square mesh panels in otter trawls is reported to result in the complete absence of undersized haddock in the catches. In 2014 it will be suggested to ILVO to document these results during the usual annual fishery operations with scientific observers.

(EAPO . 10 December 2013)

Annex II

EAPO RECOMMENDATION RE MANAGEMENT MEASURES NEPHROPS STOCK IN THE PORCUPINE BANK (FU 16) DECEMBER 2013

1. Background

The Porcupine Bank is unique amongst Nephrops fisheries, in that its management is significantly different to that of any other Nephrops ground. The area has an individual *of which* restriction, limiting the amount of the Area VII TAC which can be taken from Functional Unit (FU) 16, and there is also a seasonal closure which is applied to a significant portion of FU 16 for the protection of the spawning stock. These measures, while necessary when they were implemented, are blunt tools that do not necessarily deliver anything beyond an initial reaction to unforeseen circumstances. As with any management measure, the implementation and exit strategies need to be clear to ensure that regulation that ceases to add value can be altered or revoked and re-used when needed.

In response to difficulties with the Porcupine Bank stock, in 2009 the Fishing Industry, through the EAPO, proposed a seasonal closure to cover 75% of the stock area of FU 16, for the period the 1st of May to the 31st of July. This closure was accepted by the Commission and was implemented by means of the annual TAC and Quota Regulation initially in 2010 and again in 2011 and 2012. In 2013 the duration of the closure was reduced in response to improvements in the stock.

Despite the introduction of the seasonal closure in 2010, in its proposals for Fishing Opportunities for 2011 the Commission included a restriction in relation to the quantity of Area VII Nephrops quota which could be taken from FU 16; an *of which* clause. This was implemented in 2011 and again in 2012 and 2013. It is anticipated that this will be continued into 2014, despite the inclusion of the adverse effects of the measure, such as the potential for high-grading and area misreporting, contained in the ICES advice for FU 16 issued in October of 2013. Since 2011 a maximum limit on landings from FU 16 is included in the TAC regulation (the *of which* limit). This has increased the risk of high grading and area-misreporting in this fishery.

2. Revision of FU 16 Management Measures:

2.1. Seasonal Closure:

In November 2012, the EAPO agreed to propose a simple rule to moderate the length of the seasonal closure in FU 16, based on the level of recruitment and exploitation in the area. Once applied, the rule would have resulted in a four week closure from the 1st to the 31st of May 2013. The TAC and Quota Regulation for 2013 (Council Regulation (EU) No 39/2013) implemented the four week closure during that period and the application of Article 11 of the Commission draft proposal for 2014 would maintain this arrangement. A table explaining the rule is attached in Appendix I.

2.2. *Of which* restriction:

The *of which no more than* provision, restricting the quantity of Area VII Nephrops quota which can be caught in FU 16, has been in place since the 2011 fishing year. The justification for the introduction of the *of which* restriction was that stock in the functional unit appeared

depleted; abundance was low, recruitment had been low between 2004 and 2008 and the exploitation rate had been relatively high in 2008 and 2009. As the recognised method of management by area TAC does not confer any restriction on the out take from individual functional units, the 'of which' was put in place. The abundance within the area has increased since this time and the recommended out-take from the area for 2014 is advised to be no more than 1,848 tonnes, a small increase from the advice for 2013.

The 'of which no more than' was introduced by the Commission in 2010 as an emergency measure. The key word is 'emergency' and, as with any 'emergency measure' there should be clearly understood rules, or triggers, set to both switch the measure on and also switch it off. The average landings from FU 16 from the last 10 years, although variable as expected for such a stock, are around 1500t, indicating that the current stock status is likely to be good. The Under Water TV Surveys support this assumption, indicating that the stock is stable. Exploitation is low and well below the proxy for Fmsy, with a harvest ration of 3.2% and an Fmsy proxy of 5%. If the 'of which no more than' was an emergency measure, it must be seriously considered whether the emergency still exists.

The answer to the question as to whether the emergency which necessitated the introduction of the 'of which' limit still exists is clearly a 'no'. It is, therefore, suggested that the measure is no longer relevant to the management of the fishery. The measure should be revoked until such time as the stock shows signs of impending depletion. As with the closed area, a simple rule is suggested here; if the recommended TAC is above the 10 year average landings plus 10%, the 'of which no more than' should not be used. The additional 10% introduces a precautionary buffer to the application of rule. As a proxy for Fmsy is now defined for the unit, it is suggested that the use of average landings should be coupled with the use of the proxy; if exploitation is below the proxy and the suggested maximum outtake is above the 10 year average, the 'of which no more than' should be revoked. It is suggested that this rule is reviewed on an annual basis with a view to linking the use of additional measure exclusively to reference points (or their proxies), thus reducing the uncertainties associated with the use of historical landings data.

While it is acknowledged that this proposal represents a significant change in the way the fishery has been managed over the last few years, it should be noted that up to 2010 there were no individual management measures implemented in relation to this stock. The health of the stock and, by default, the fishery as a whole is of the utmost importance to all stakeholders involved in the fishery. The information available on the fishery has improved significantly in the last few years, and the bench mark carried out early in 2013 has enabled refined methodology to be peer reviewed and approved. It is felt that the improvements in stock status and in information available on the fishery, coupled with the very precautionary nature of the revised ICES assessment and, indeed, of this proposal, will ensure that no significant threat is posed to the stock when deciding whether an 'of which' restriction is required.

It is worth noting that the ICES advice for Nephrops in Area IV states 'The overriding management consideration for these stocks is that management should be at the functional unit (FU) rather than the ICES subarea level. Management at the functional unit level should provide the controls to ensure that catch opportunities and effort are compatible and in line with the scale of the resources in each of the stocks defined by the functional units. Functional Unit TAC management is therefore only one way of managing the fisheries and other approaches may also deliver the required safeguards.'

3. Proposal

Based on the mechanisms outlined above and the revised scientific data in relation to the Porcupine Bank Nephrops stock, EAPO's recommendation is:

1. That the rules associated with the seasonal closure should continue to be supported. This would lead to agreement with the existing Commission draft proposal for the Porcupine Bank, so that the closure would be in place from the 1st to the 31st of May 2014.
2. That the special condition currently in place in relation to the TAC for Norway Lobster (Nephrops) in Zone VII should be removed for 2014, on the basis that the suggested out take from the area is significantly more than the 10 year average landings plus 10% AND that the harvest ratio is well under the Fmsy proxy, indicating that exploitation is at a sustainable level.

Attachment:

Rules applied to assess the duration of the closure for 2013:

		Recruitment		
		Low	Medium	High
Exploitation	Low	1 May ó 30 June	1 May ó 31 May	1 May ó 31 May
	Medium	1 May ó 31 July	1 May ó 30 June	1 May ó 31 May
	High	1 May ó 31 July	1 May ó 30 June	1 May ó 30 June