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**Letter by e-mail attachment to:**

**To:** DG MARE Directorate C, Director  
DG MARE Head of Unit C5  
EU Council Secretariat

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Oostende, 10 October 2023

Dear Madam, dear Sir,

**Subject: EAPO position paper on North-Western Waters and North Sea Stocks**

### *North-Western Water Stocks*

- **General comments**

EAPO members would like to start by discussing ICES's new methods when it comes to category 3 stocks, which are way too precautionary. All these new methods are very conservative, and it would be useful to engage in a discussion between managers and ICES to define where the Precautionary Approach can and must go.

For instance, for the SPiCT method, the choice of the 35<sup>th</sup> percentile is highly questionable as it results in a limitation of the European general objective, with an associated 70% of MSY TAC recommendation.

For the rfb, chr and rb rules, they all compute the suggested TAC for the incoming year by multiplying several index ratios (fishing pressure proxy, stock biomass trend...) by a generic multiplier based on life history, and the previous catch advice or index abundance. It includes a stability clause for when the biomass safeguard ratio is above 1. These new methods regarding the precautionary approach

cumulate the reductions when each of the three indicators is below the reference level, not considering that they are all linked and that reducing one will also benefit the other indicators. In that sense, applying the mean of the available indicators would be much more balanced.

**As a final note, we believe that more time should be invested in developing new models to increase the number of category 1 stocks rather than developing new precautionary approaches.** Even more so when a scientific approach to the precautionary approach uses such approximative survey data.

In the North Western Waters, the following advice use this new RFB approach:

- Plaice in the Bristol Channel, Celtic Sea
- Plaice in the Celtic Sea South, Southwest of Ireland
- Greater Silver Smelt subareas 7-10, 12 and division 6b
- Haddock at Rockall
- Anglerfish in subareas 4 and 6, and in Division 3.a

## ■ [Comments on individual stocks](#)

### [Cod 7a](#)

**EAPO recommends that for 2024, a rollover TAC from 2023 be agreed. As cod in the Irish sea is caught as bycatch in mixed fisheries, this would limit its impact as a choke species. As in 2023, the 2024 TAC should be set at 170 tons.**

Closures have been set up for over 20 years to reduce fishing pressure on this stock, yet fishers remain unable to witness the recovery of the stock. EAPO would like to request an in-depth analysis of the stock. This would help us understand the reason behind the lack of recovery. Lastly, cod in the Irish Sea is also facing stock identification issues that need to be addressed to limit the uncertainty around the depleted state of the stock.

### [Haddock 7a](#)

**Since the last one happened in 2017, EAPO advises that a benchmark for haddock 7a is organised to address stock identity issues.**

The ICES advice is for a 14.5% reduction in catch to 2 263 t in 2024. EAPO is concerned regarding the reduction as the fishing pressure is declining and has been below  $F_{MSY}$  since 2012.

EAPO would like to reiterate its concerns regarding several stock identity issues. This might have a relevant influence on the validity of the stock boundaries for cod, whiting and haddock and therefore, according to EAPO, it is vital to address this through scientific analysis examining stocks' genetics.

EAPO specifically notes the case of 7a haddock, which accounts for 102% of the reported landings in the statistical rectangles 33E2 and 33E3 traditionally included in the Celtic Sea management area. This should be considered when setting TACs for haddock in 7a and 7b–k, since changes in the TAC for the 7a stock may have implications for the fishing pressure on haddock in divisions 7b–k. This is a clear example of a stock where an identification genetic study is urgently needed. EAPO is also concerned

about a possible retrospective bias, particular in the stock size, for haddock 7a. As highlighted, EAPO advises that a benchmark for this stock is organised to address these issues.

### Whiting 7a

For 2024, ICES advises a 0 TAC as it was for 2023 and 2022 and will be for 2025. Whiting is part of the species caught by the Irish sea mixed fisheries, setting a 0 TAC would turn it into a choke species.

**EAPO would suggest setting a bycatch TAC for 2024.**

In relation to Irish Sea whiting, EAPO highlights the tremendous effort from the sector regarding implementation of avoidance measures in the *Nephrops* fishery. The SSB (Spawning Stock Biomass) for this stock continues to be extremely low, fishing pressure is also incredibly low since this is not a targeted fishery and recruitment is also down. Yet, the advice sheet shows over a thousand tonnes of this fish being caught as bycatch every year. With the stock biomass being estimated so low, an explanation is needed on how this is possible. Furthermore, EAPO highlights the need to review the technical measures introduced in 2019 for the *Nephrops* fishery and to evaluate their efficiency in reducing whiting bycatch.

### Cod 7e-k

**Southern Celtic Seas cod stock is in a critical state, but cod is caught as part of a mixed fisheries. EAPO would like to advise against setting a 0 TAC, and to settle for a no TAC-setting approach, which would have to be replaced by some by-catch provisions.**

Regarding cod in the channel and southern Celtic Seas, ICES in 2022 advised a 0 TAC recommendation and this advice was issued also for 2023. This recommendation was issued because once again under all catch scenarios, median SSB remains below  $B_{lim}$ .

Since 2019, the Cod of the Celtic Sea is managed through a by-catch TAC, in the context of a 0 TAC recommendation from ICES. Once again, EAPO reiterates its request of removing southern Celtic Seas cod from Article 1 of the WW MAP, as no targeted fisheries can and should occur.

We keep witnessing high sea temperatures in the Northeast Atlantic, further impacting European cod stocks. This stock is one of the first victims of rising sea temperatures, which directly affects its recruitment and productivity. EAPO recommends ICES assess the situation of this stock in this context to estimate if a recovery is still possible from a biological standpoint.

### Haddock 7b-k

EAPO would like to underline the importance of urgently addressing the issue related to the assessment and advice for haddock 7b–k, including rectangles 33E2 and 33E3 in division 7a. This should be considered when setting TACs, as a consistent portion of the 7a catch is considered to be part of the division 7b–k stock, and efforts to examine stock's genetics should be prioritized to solve this issue.

Members are also concerned about the large decrease in advice for this stock and highlight a mismatch between the available quota and the fish on the ground as observed by fishers. The management of

this stock is complex, as this species is characterized by rapid stock size blooms and decreases. Moreover, it is caught in a mixed fishery with cod and whiting, which gives it enormous choke potential.

### Whiting 7e-k

For whiting in southern Celtic Seas and western English Channel in 2024, EAPO cannot support ICES recommendation regarding fishing opportunities. Whiting is part of a mixed fisheries in the Celtic seas, and a 0 TAC would turn it into a choke species. EAPO reiterates its advice from 2023, suggesting following the rationale used last year “MSY Approach”, corresponding to 2 852 Tons.

Regarding Celtic Sea Whiting, ICES published additional advice following an EU/UK request supposed to address the stock identification issues faced by the stock. However, this advice does not address the stock identification issues faced by whiting in southern Celtic Seas and western English Channel. We believe this should be a priority as we are still in the same unknown situation described by ICES in its 2020 benchmark (WK Celtic<sup>1</sup>).

If no proper study addresses the stock identification issues faced by whiting in the North Sea and in the southern Celtic seas, we would be suggesting waiting for new biological and genetical data that would allow the definition of management areas similar to whiting functional units. EAPO nonetheless requests as last year for interzonal flexibility.

### Pollack 6 and 7

**EAPO members recommend that the 2024 TAC be set at 3 205 tonnes annually for both 2024 and 2025.**

EAPO members are concerned about the zero-catch advice for pollack in subareas 6 and 7 and about the dramatic change in terms of perception for this stock. Questions arise around the quality of the model and of the data used. We acknowledge that a benchmark was carried out for this stock in late 2021 (WKWEST), but we believe that the assessment should be revisited. The stock was revised from category 5 to category 2 with ICES using a landing-based model taking into consideration “the bigger the landings, the healthier the stock”. However, the assessment lacks data on recreational catches and predation, whose contribution to mortality should not be disregarded. Catch rates should be used as an indicator of the health of the stock.

Moreover, EAPO notes that, in its latest report, the ICES Working Group for the Celtic Sea Ecoregion advised for a precautionary approach and a catch advice of no more than 589 in each of the years

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<sup>1</sup> "Compared to haddock there is generally a higher signal to noise ratio for whiting from the same surveys, particularly in the area of the English Channel, as well as higher variability in stock weights-at-age. This may suggest some stock mingling between the Celtic Sea, North Sea and/or Irish Sea in this area is a possibility. However, Pawson (1995) states there was “little indication of any migration” based on tagging of ~4000 individual in the western channel (1958–1960) with a return rate of 12–13% within three months. A review by Reiss (Reiss et al., 2009) of genetic population studies suggest there is little evidence of heterogeneity within the NE Atlantic whiting stock including the northern North Sea. In contrast differentiation within the North Sea has been suggested as well some evidence for small scale population structure of whiting within the Irish Sea."

2024 and 2025. EAPO would appreciate clarification on why the recommendations of the Working Group were not followed in the preparation of advice. Overall, the data used in the assessment and the assessment model should be challenged and questioned, and measures are needed to better manage the stock. EAPO also wishes to reiterate a previously raised concern about the assessment of this stock, namely the vastness of the whole areas 6 and 7 which is likely to create issues following the combination of all the possible pollack stocks in the area.

### [Sole 7 hjk](#)

#### **EAPO members call for a rollover TAC for 2024.**

The fishing opportunities for this stock have massively decreased over the last years because of a lack of any scientific information and due to the precautionary approach. At the same time Belgian, Spanish, and French vessels have noticed an increase of their yields in the 7h zone, especially larger sizes soles, while maintaining their traditional fishing strategies.

It is clear for ICES that the management unit in terms of stock ID is not appropriate and must be addressed as a matter of urgency using modern genetic techniques. EAPO noted the work is progressing thanks to a science-industry partnership project on genetic data collection of soles specifically in the areas 7h and 7j, called SoleDNA.

**EAPO recommends when setting a 2024 TAC to include preliminary results of the SoleDNA project and consider a zonal flexibility for adjacent sole stocks taking into account the relative stability. EAPO also recommends a rollover TAC from 2023 to 2024. In 2021, ICES applied the 5-year precautionary decrease of 20%, the next precautionary decrease is then not to be applied before 2026.**

### [Plaice 7a](#)

#### **EAPO advises to follow the ICES advice for 2024.**

Regarding Plaice in the Irish Sea, fishing pressure is below  $F_{MSY}$  and biomass is above  $MSYB_{trigger}$ ,  $B_{PA}$  and  $B_{lim}$ . The advice for 2024 is lower than 2022 because of a downward revision in the stock biomass. The 2024 Fishing opportunities suggested by the advice should be 2024 tons, compared to 2039 tons in 2023. With that in mind, EAPO advises to follow the ICES advice for 2024.

### [Plaice 7de](#)

**EAPO recommends limiting the reduction of the TAC to 20% in comparison with its 2022 level according to Article 4.5.c of the WW MAP.**

The 7de TAC is a complex composition of plaice 7d and 7e stock assessments and their interaction. Considering that mainly plaice 7d drives the TAC setting and that the SSB of this stock is above  $MSYB_{trigger}$ , EAPO recommends limiting the reduction of the TAC to 20% in comparison with its 2022 level according to Article 4.5.c of the WW MAP.

EAPO members wish to highlight the problems faced by fishers when a minus 50% advice is published due to retrospective revisions. Stability is key and must be prioritized. EAPO members insist that a stability clause be set up to avoid these revisions.

### [Plaice 7fg](#)

**EAPO recommends for 2024 avoiding important TAC reductions, and as last year applying the stability clause limitation which is currently a maximum reduction of 30%.**

For Plaice 7fg, last year's advice suggested a 77 % TAC reduction based on a biomass index established by a single survey (UKBTS) and a formula based on the stock category 3 principle. No new advice was published in 2023 despite observations from fishers differing from ICES's advice.

EAPO would like to recall that plaice in the Celtic seas is not a targeted stock but is caught as bycatches in a mixed fishery.

### [Sole 7a](#)

**Despite ICES's 2018 advice stating that a zero-catch advice for sole 7a is not necessary, the 2024 TAC advice has been set to zero. With that in mind, EAPO advises for 2024 a rollover of the 2023 TAC of 605 t.**

ICES's advice since 2022 has been a series of downward revisions in stock size supplemented by a projected decline due to low incoming recruitments. With the incoming benchmark, EAPO would like to insist on the need to include covid impacts on survey data.

Finally, EAPO sees the projected 2025 biomass as an issue for the fishers. We hope the benchmark will temper the reduction or at least explain the reasoning behind it. If this is due to non-fisheries related impacts, it is important to address them.

### [Sole 7e](#)

**For 2024, EAPO suggests that the 2024 TAC be set at 1,115 tons. As the SSB is well above MSY  $B_{trigger}$ , such a proposed decrease should be limited to 20%, according to Article 4.5.c of the WW MAP.**

In 2022, the spawning stock biomass of this stock reached a new high of 5 624 tons, ICES notes that the model tends to overestimate biomass. In 2023, the spawning stock biomass was estimated to be around 3700 tons.

ICES advice for 2024 TAC recommends further decreasing the TAC to 1 057 tons compared to 1 394 tons in 2023 (1 810 in 2022). EAPO believes these successive TAC decreases should raise questions about an impact from other activities on the stock. EAPO would recommend investigating nursery areas as well.

EAPO would like to highlight that predation and food availability are impacting recruitment of sole 7e. We believe that these non-fisheries related impacts must be considered when setting a TAC.

### [Sole 7d](#)

**For 2024, EAPO believes that the top line advice is not sufficiently taking into account the impact of predation and food availability on the recruitment. Considering other options in the advice a roll-over in 2024 can still result in an increasing SSB in 2025.**

We believe that the non-fisheries related impacts of predation and food availability must be addressed before they negatively impact the stock.

### [Cod 6a](#)

For Cod in West of Scotland, ICES published on the 19<sup>th</sup> of September a new advice following the 2023 benchmark. EAPO will be providing its position in a document dedicated to Cod (*Gadus morhua*) in Subarea 4, divisions 6.a and 7.d, and Subdivision 20 (North Sea, West of Scotland, eastern English Channel, and Skagerrak).

### [Haddock 6a](#)

**EAPO recommends setting the 2024 TAC closer to scientific advice than in 2023.**

EAPO notes that haddock in 6a is assessed in combination with haddock stocks in subarea 4 and subdivision 20 and that the TAC is running less than the advice for the past years. In particular, the 2023 TAC was 135% lower than the scientific advice for that year. This is a significant discrepancy between the scientific advice and the management advice. Considering that advice for 2024 is 17% higher than last year's advice, EAPO members wonder where the stock size would be at this stage if managers had followed the scientific advice.

### [Whiting 4 & 7d](#)

**For Whiting in the North Sea, the stock size is above MSYBtrigger, fishing mortality is below FMSy and recruitment is good. After considering economic impacts, EAPO agrees with the suggested TAC for 2024 of 128 290 tons.**

EAPO considers that this advice should be taken into account for whiting fisheries in 7d, of which the opportunities are currently incorporated in the whiting 7b-k TAC.

### [Hake 6 & 7](#)

EAPO recommends to follow the ICES advice for 2024.

[Spurdog 1-10, 12, 14](#)

EAPO members are in line with the ICES advice that was published in 2022 regarding catching opportunities for 2023 & 2024. However, the recent increase in Spurdog biomass has led to increases in catches of spurdog smaller than a meter. As such, EAPO members recommend that the minimum conservation reference sizes for spurdog be removed.



## North Sea Stocks

### ■ General comments

Regarding stocks in the North Sea, EAPO members highlight the positive trend for most stocks. Following ICES's stakeholder involvement, more and more stocks see their advice aligned with fishers at sea observations.

It is also important to note that some of the advice for important commercial stocks, like the North Sea cod, Nephrops and anglerfish, are not yet published and may pose additional limitations in the setting of the fishing opportunities for 2024. EAPO's position on these stocks has not been included.

In addition, we believe that ICES benchmarks need to investigate other factors impacting fish populations (e.g., cormorants, seals, starvation, interspecific competition) and not only fishing.

It is important not to adopt rules that seem effective on paper, but which have no effect whatsoever on the stocks. Thus, EAPO does not see any positive effect from making rules that certain species may only be caught as bycatch in fishing for other species. In a fishing context, what matters for the development of a stock is how much is caught - not whether it is caught in a larger or smaller proportion of other catches. On the other hand, by-catch rules cause major problems for the fishers and contribute to unnecessarily complicating compliance with the duty to land all catch.

Finally, EAPO members would like to come back to the "bycatch rule". To achieve sustainable stocks, what matters is how much of each species is caught and not its proportion of other catches. Even more so when the implementation of such bycatch rule leads unnecessarily complicated compliance and uneven application across the EU. Major issues have been observed when combining the bycatch approach with ITQs.

However, certain cases of mixed fisheries have shown that by setting a bycatch TAC, one could limit the creation of choke species. For those cases, setting a bycatch TAC has shown to be positive for the industry.

### ● Comments on individual stocks

#### Cod in 4, 6a & 20

*For Cod in North Sea and Skagerrak, ICES published on the 19<sup>th</sup> of September a new advice following the 2023 benchmark. EAPO will be providing its position in a document dedicated to Cod (Gadus morhua) in Subarea 4, divisions 6.a and 7.d, and Subdivision 20 (North Sea, West of Scotland, eastern English Channel, and Skagerrak)*

#### Haddock 4 & 20

**EAPO members suggests setting the TAC for haddock in the North Sea and Skagerrak in 2024 in line with scientific advice (149 024 tons).**

Haddock in the North Sea is seeing an increase in its SSB due to continuous high recruitments in the last few years. In 2023, this resulted in a recommended catch increase of 160 %, and in 2024, the recommended catch increase is of 18% when compared to 2023.

EAPo members highlight the importance for the final TAC to be set reflecting the increased abundance of the stock. An increase in biomass must be followed by an increase in fishing opportunities. The contrary could lead to creating a choke specie situation for haddock. This is particularly the case in the eastern North Sea (Skagerrak) where small haddock are abundant.

As a final note, EAPo members believe that for a discard ban to be effective, it is of utmost importance that increase in biomass be followed by an increase in fishing opportunities.

#### [Saithe 4 & 20](#)

**EAPo suggests setting a TAC for 2024 in line with ICES advice at 73 815 tons.**

#### [Whiting 4](#)

**EAPo suggests setting a TAC for 2024 in line with ICES advice at 128 290 tons.**

#### [Whiting 20](#)

**No new advice has been published for whiting in Skagerrak and Kattegat. We still would like to highlight that whiting is caught as a bycatch and that the TAC should not make it a choke species.**

Whiting in 3a is mentioned here because it presents a good example of an advisory system that has failed. In the advice for whiting that was offered in 2022 and valid for the years 2023 and 2024, ICES estimated an increase in stock size of 45%. Based on internal ICES methodology this led to a recommendation of a catch reduction of 27%, disregarding the observed development and ignoring the landing obligation. How shall the fishers react to the problematic triangle of increasing stocks, reduced TACs and a landing obligation?

Moreover, EAPo members would like to insist on the shortcomings of ICES's advice on whiting in 3a. ICES's 2022 advice (valid for 2023 & 2024) estimated an increase in stock size of 45 %, leading to a recommendation of a catch reduction of 27%. Despite an increase in biomass, ICES has suggested a lower TAC. This makes it challenging for fishers to approve and engage in the process when an increase in biomass is met with a decrease of fishing opportunities. This is particularly troublesome for mixed fisheries when combined with the landing obligation. The growth in biomass improves the likelihood of successful captures, which in turn accelerates the utilization of the TAC, resulting in the emergence of choke species.

For lemon sole, last year's advice presented a similar problem, albeit on a smaller scale, with an increasing stock and an advice of a reduced catch. This year, also the advice for ling suffers from the consequences of ICES rfb advice rule. EAPo is hoping that the comments presented here add weight to the previous statement about setting TACs in line with observed development in stocks.

## Plaice 4 & 20

**EAPO members advise that the 2024 TAC be set according to ICES advice at 150 015 tonnes.**

For plaice in the North Sea and Skagerrak, catches have been decreasing over the past five years. According to ICES, recruitment has been high; fishing pressure is below FMSY and SSB is above MSYBtrigger. Fishers' observations at sea are not in line with ICES's increase in biomass and catch rates indicate a stock that is far less abundant than assessed by ICES. EAPO members would recommend a precautionary approach so as not to overfish the stock.

## Turbot/Brill and Lemon sole/witch

Although it makes perfectly good sense (from a biological – if not from a practical – view) to split the combined quotas into regulations for the individual stocks, EAPO is concerned that this splitting may be done in a way that does not correspond to the biological specificities of the two components. For lemon sole and witch for instance, the geographical distribution is not an even layer over the entire regulatory area and a splitting may introduce challenges to the fishery. Some of these can hopefully be solved through swapping, but EAPO hopes that management of the new regime will be flexible enough to allow for some time to adapt. EAPO assumes that the TACs will be set in line with the scientific advice for all four stocks. Turbot in 3a is a separate stock where the absence of a TAC has not led to any problems and EAPO is reluctant to accept that introducing a TAC in that area will provide any benefits.

## Sole 4

**For Sole in the North Sea, EAPO members recommend that the MSY approach be used to set the TAC. The 2024 TAC should be set at 5 861 tons. This would allow the biomass to increase by 25 % instead of 35 % and would only decrease the TAC by 36 % instead of 61 % when compared to 2023.**

## Sole 20

**EAPO advises for the TAC for sole in the Skagerrak and Kattegat in 2024 to be set to 436 tons.**

Catches and fishing pressure have decreased in recent years with some discards in recent years. recruitment and SSB have seen a minor increase but remain at a similar level.

EAPO members believe that ICES's advice is misrepresenting the actual situation. The southern part of the stock, not included in the assessment, has increased in SSB.

Yours Sincerely,



Esben Sverdrup-Jensen

President