

Fishing Opportunities Regulation 2010

Non-paper of the Commission services regarding management of the stocks of Norway lobster (*Nephrops*) in areas IV, VI and VII*

(1) BACKGROUND CONSIDERATIONS

Many fish species to the West of Scotland and around Ireland have become depleted to very low levels (cod, haddock, whiting etc.). A large part of the income earned by the catching sector now comes from *Nephrops* catches. Policies encouraging cod-avoidance have reinforced this shift.

Unfortunately, the *Nephrops* stocks do not seem able to withstand current levels of fishing. The latest scientific advice on *Nephrops* includes recommendations for reductions in *Nephrops* catches (both in zones VI and VII) of around 50%.

In applying the harvest control rules outlined by the Commission in its 2009 Communication on fishing opportunities regulation for 2010), the scientific advice received from ICES pointed at the need to class the stocks in both Area VI and VII in category 3. This would entail overall TAC reductions for the two Areas of, respectively, 20% and 26%.

As from that point, the Commission services have reflected on the best way to address the significant challenges that affect this stock. In this regard, the first and foremost consideration is the suggestion made by the NWWRAC that a spatially-detailed approach should be taken.

This entails looking at the particular status of the various functional units and take advantage of the fact that for the first time this year, we have been provided specific advice as to the situation in each of them.

For Area VI, we could accept the advice from STECF that the stock should be classed as category 6 (=Scientific advice on catch level, but no quantitative forecast). In this case, a TAC reduction by 15% reduction instead of 20% would apply.

For Area VII, the harvest control rules may be applied separately to each local population (the populations of *Nephrops* are relatively small and discrete; TAC management areas are large in comparison, and cover several *Nephrops* populations). As one stock only is seriously depleted (in the "Porcupine Bank" area) the impact of conservation measures could be largely limited to that area. In effect, we would only allow the TAC to be taken in areas outside the "Porcupine bank" area in order to allow that stock to recover.

(2) PROCESS

The key element of a functional unit approach stems from discussions with the stakeholders, notably the NWWRAC. The RAC needs to be fully associated to the determination of the regulatory details by which this principle can be implemented in the fishing opportunities regulation for 2010. This non-paper outlines the approach that the

* This paper has been prepared by the Commission services to consult stakeholders on fishing opportunities for 2010. Its contents thus cannot be construed as reflecting or pre-empting the European Commission's definitive views or positions on the subject matters in issue. The Commission cannot be held responsible for any use which might be made of the information contained therein.

Commission services believe serves best the management of these stocks. The timing is very short and the RAC would need a significant effort to provide feedback to the Commission in time for it to determine the actual proposal that needs to be adopted by the College on 16 October. The RAC should be aware that in case no feedback is possible in time for this procedure, the Commission will go ahead with the approach proposed here. Input as from that point will need to be considered in the framework of subsequent work on the proposal at Council level, until a final decision is taken at the December Council meeting.

(3) **TECHNICAL ASPECTS: PROPOSED IMPLEMENTATION OF THE FUNCTIONAL UNIT APPROACH FOR 2010**

As a preliminary consideration, it is necessary to underline that the Commission has considered the possibility to make a proposal based on separate TACs per functional unit. This would have the considerable advantage of aligning the regulation with the detailed advice we can now have access to. However, as the experience with the rearrangement of areas for other stocks shows, in particular the cases of skates and rays and horse mackerel, this exercise can be extremely demanding in terms of data compilation for the determination of relative stability keys. It is in no case advisable to rush such an exercise. The Commission therefore has reached the conclusion that at least this year, conditions are not ripe to attempt this solution with sufficient guarantees that we can reach a result agreeable to the various Member States concerned. The views of the RAC are most welcome on the desirability and feasibility of a separate TAC proposal for 2011. In such case, the Commission would consider launching the necessary work in the first half of 2010.

(a) Nephrops in Area VI

– Summary of advice received per functional unit:

- **North Minch:** ICES advises the stock is fished unsustainably and advises a catch of 972t.
- **South Minch:** ICES advises a catch of 4126t.
- **Clyde:** ICES advises the stock is fished unsustainably and advises a catch of 3855t.
- **Other areas:** STECF advises a catch of some 250t is taken from other areas. There is no assessment or advice, hence these are classed in category 11.

– Proposed way forward

- No safe biological limits have been determined for these stocks. STECF places all three stocks in category 6 and notes that the reductions advised by ICES could be achieved gradually.
- The sum of the catches 972 + 4 126 + 3 855 + 250t is 9 203t, but that would imply a reduction greater than 15%. Consequently, the Commission services would envisage a 15% TAC reduction for 2010, to 16 057t in conformity with the category 6 rule.

(b) Nephrops in Area VII

– Summary of advice received per functional unit:

- **Irish Sea East:** ICES advises that catch and effort should not increase and advises a catch less than 1000t. The catch was 1000t in 2007 and in 2008 was 700t (preliminary figure). STECF places the stock in category 6. This corresponds to a catch of 1000t for this stock unit.
- **Irish Sea West:** ICES advises the stock is overfished and that catches should be reduced from 10 500t to 5 465t. ICES also advises that the stock size has fallen by 42% since 2004. STECF places this stock in categories 2 or 6. As there is no information about safe biological limits, Commission places the stock in category 6. The corresponding rule leads to a 15% reduction in catch for this stock unit in order to move towards the advised catch level. This means a catch of $10\ 500 \times 0.85 = 8925t$.
- **SW and SE Ireland (VIIIfg):** ICES and STECF advise a catch of 800t or less (and equal to the catch in 2008). STECF places this stock in category 6. According to this category a catch of 800t would apply.
- **Celtic Sea:** ICES and STECF advise a catch of 5 300t compared with 6 000t in 2008. STECF places this stock in category 6. According to this category a catch of 5 300t would apply.
- **Aran Grounds:** ICES and STECF advise a catch of 505t compared with a catch of 1100t in 2008. STECF advises the stock can be placed in categories 2 and 6. As no safe biological limits are defined, the category 6 rule should apply. According to this category a catch of 935t would apply.
- **Porcupine Bank:** ICES and STECF place this stock under a "lowest possible level" advice, i.e. category 10. The catch in 2008 was 900t.

– Proposed way forward

- **For the Porcupine Bank:** According to the rules applicable to category, 10 stocks, the Commission services would envisage a zero out-take from this stock and proposes to protect it by means of a local closure of the Nephrops fishery. In practice, taking of Nephrops would be prohibited in an area bounded:
 - to the north, by the parallel at 53°30'N
 - to the west, by the meridian at 11°00'W
 - to the south, by the parallel at 52°30'N
 - to the east, by the coast of Ireland.
- **Other areas:** ICES and STECF advise a catch of some 200t is taken from other areas. There is no assessment or advice, hence the stock in all these other areas falls into category 11.

The sum of the catches is $1\ 000 + 8\ 925 + 800 + 5\ 300 + 935 + 0 + 200t = 17\ 160t$, this representing a 30% reduction compared to the 2009 TAC, but only a 15% reduction in the catches since 2008.

The figure of 17160 represents the Commission's proposal for the TAC for 2010. This TAC should only be available outside the Porcupine bank area defined above.

(c) Nephrops in Area IV

- Summary of advice received per functional unit:
 - **Moray Firth:** ICES advises the stock is fished sustainably and advises a catch of 1372 tonnes
 - **Botney Gut:** Biennial advice was given for this stock in 2008, where ICES advised a catch of 2380 tonnes
 - **Fladen Ground:** ICES considers that the stock is fished sustainably and recommends a catch of 16419 tonnes
 - **Firth of Forth :** ICES considers that the stock is fished sustainably and STECF and ICES advise a catch of 1567 tonnes.
 - **Farn deeps:** ICES and STECF consider that the stock is at a low level and advise a catch of 1210 tonnes
 - **Noup:** Biennial advice was given for this stock in 2008, where ICES advised a catch of 240 tonnes
- Proposed way forward
- STECF classifies the stocks in the Firth of Forth, Moray Firth and Noup as category 6. The stock on the Fladen Ground is classified as category 1. STECF was unable to classify the stock in Botney gut into any category. It recommended that the Category 1 rule is not applied to for the stock in the Farn deeps given its low abundance.
 - The sum of the advised catches $1372 + 2380 + 16419 + 1567 + 1210 + 240 = 23188$ tonnes. This is a reduction of 7% compared with 2009.

(d) Nephrops in Area IIIa, IIIbcd

- Summary of advice received per functional unit:
- There are two functional units, one in the Skagerrak and one in the Kattegat. Biennial advice was given in 2008: STECF classifies this stock as a category 11 and advises a catch of 4 400 tonnes based on a 3 year average of recent catches.

– Proposed way forward

The 2009 TAC was 5170 tonnes. The STECF advice to set the TAC on recent average catch levels corresponds to the category 11 rule, but does not take into account the very high quota utilisation by Sweden (97.9%). The Commission will therefore propose a rollover TAC.

(4) **REQUEST FOR RAC FEEDBACK /ADVICE**

The NSRAC and NWWRAC are invited to provide the Commission services with its views on the approach suggested above, both in respect of fishing opportunities for 2010 and in respect of future work with a view to 2011.