



Review of the Cod Management Plan

1. Background

- 1.1 The North Sea RAC, together with the North Western Waters RAC, submitted papers on the Cod Management Plan to the STECF/ICES joint working group meeting in Hamburg in June 2011. That working group had been established to evaluate multi-annual plans for cod, and drew on material from a wide range of sources, including the results of a Survey of Fishing Vessel Owners and Operators undertaken jointly by the RACs and STECF.
- 1.2 The report from the joint working group was reviewed by the STECF during its 37th plenary meeting held from 11 to 15 July 2011 in Copenhagen, Denmark. That report has now been issued by STECF. It includes, as Annexe 17, the results of the survey conducted for STECF and the two RACs.
- 1.3 In this position paper the NSRAC is now submitting further comments to the Commission and Member States on the future of the Cod Management Plan for the North Sea, in the light of the findings of the STECF/ICES joint working group.

2. Overall conclusions

- 2.1 Overall STECF concludes that the Cod Management Plan is not delivering the reduced fishing mortality (F) upon cod that it was intended to achieve. Significantly, STECF takes the view that it should not be expected that fishing mortality would follow trends in effort. Additionally, it comments that in many areas the plan does not have stakeholders' support and fails to fully exploit the opportunities for incentivised cod avoidance and discard reduction. STECF emphasises that a plan that receives stakeholder support is more likely to succeed.
- 2.2 The NSRAC, representing North Sea stakeholders, agrees with the conclusions of the joint STECF/ICES working group, as set out in the STECF report. In the North Sea, and elsewhere, the plan has not controlled F as envisaged. The main objectives of the plan have not been achieved.

- 2.3 STECF remarks that several of the Articles in the plan are ambiguous or difficult to apply. As a general point, clear and unambiguous phrasing of the elements of regulations will make compliance more transparent and potentially more reliable. This is a point that the NSRAC has repeatedly stressed.

3 The state of North Sea cod

- 3.1 A full analytical assessment is available for North Sea cod. STECF has pointed out that in practice F had declined and Spawning Stock Biomass (SSB) had increased prior to introduction of the plan as a result of previous measures, including substantial fleet decommissioning. Since the start of the plan, although there has been a continued decline in effort, the decline has been at a lower rate or in some cases there has been a levelling out of effort. Only minor reductions in F and increases in SSB have taken place since the introduction of the plan.

4. Changes in fleet effort

- 4.1 In 2009 and 2010, despite the introduction of a new effort management regime, which strongly affected some sectors of the fleet, fishing effort did not decline in line with the reductions required by the plan. Total recorded effort by vessels using the gears for which cuts applied declined only slightly. Otter trawl gears contributed the highest effort, with the relative importance of TR1 and TR2 otter trawl gears varying between areas. Beam trawl (BT2) effort has been very significant in the North Sea.
- 4.2 The effort associated with Article 11, which provides exemption for vessels catching very few cod, was relatively low. This low figure reflects the difficulties that vessels experienced in achieving exemption; as already pointed out by the NSRAC in previous position papers.
- 4.3 Effort associated with Article 13, which provides additional effort for vessels engaging in cod avoidance, was much higher, ranging from 25% to 75% of total deployed effort. STECF has remarked that there have been positive contributions under Article 13c, which appears to provide benefits towards achieving the plan targets. Article 13 allows a flexible, locally tailored response to the management of cod, and was strongly supported by the NSRAC. The measures adopted through Article 13 should provide better governance with measures based directly on catches, landings and discards. Notable effects have been:
- Redistribution of effort away from higher abundance in Kattegat;
 - Unwanted by catch and discard reductions in the northern North Sea by TR1 vessels;
 - The use of more selective fishing gears
 - Cod avoidance through real time closures.

- 4.4 Again, however, as with Article 11, STECF remarks that the verification aspects of Article 13 are too complex.
- 4.5 There have been some reductions in fleet capacity. However, STECF notes that it was not possible to indicate to what extent the plan itself was responsible for these changes. The effects of a single species long term management plan are not likely to be key factor in deciding whether to remove a vessel from the fishery.

5. Effects upon the fishing industry

- 5.1 STECF opined that it was not possible to conclude that the plan has had any impact on the financial performance of fleets, compared to the situation likely to have prevailed in the absence of the plan. Analysis of changes in profitability at the level of fleet and vessel was not possible due to inconsistency in the cost data that were available. An economic study concluded that employment (number of people employed) had reduced. STECF notes that any reduction in vessels numbers or fleet capacity that has occurred will have had knock-on effects upstream and downstream in the economy.
- 5.2 The Fishers' Survey reported that the effort limits resulted in more time in port, changes in patterns of fishing activity, problems due to catch composition rules and discarding, and knock-on effects making it harder to keep a crew.
- 5.3 A report from the Shetland Islands, submitted to the Commission and copied to the NSRAC has observed that the impact of the cuts in effort has been a 'behavioural' change by fishers. Effort for the Shetland fleet currently sits at either 65% of the levels fished in 2004-2007 (a period where activity was already constrained). The reduced effort is having a hugely significant impact on the operation of the fleet. It has put considerable pressure on fishers to maximise the profitability of every day at sea. As a result there has been a shift in emphasis from catching species such as monkfish, which are spread over the seabed and require considerable effort to catch, onto faster caught shoaling species such as cod, saithe and haddock. Reducing effort has forced the fleet to catch less monkfish and more cod – the opposite result of what was intended. Similar perverse outcomes have been seen in other areas.

6. TACs and effort control

- 6.1 The STECF follows the view expressed in NSRAC position papers that fishing mortality cannot be expected always to follow proportionally trends in fishing effort.
- 6.2 STECF reports that currently the combination of TACs (enforced as landings) and effort restrictions have been found to be inadequate in controlling cod removals. This is because enforced landings have resulted in discarding of over-quota catches, as the NSRAC predicted.
- 6.3 The NSRAC therefore considers that the two main pillars of the Cod Plan – effort control and draconian reductions in TAC – are based on false assumptions.

- 6.4 STECF remarks that the plan is overly reliant on annual estimates of F, which are either absent, inaccurate or imprecise. Consideration should be given to multiannual metrics for informing decisions. Short-term forecasts for North Sea show bias in estimating both SSB and F. It is recommended that alternative methods of setting TACs should be tested to see if they are more robust for predicting F for specified removals.
- 6.5 The report from STECF points out that the plan was designed without consideration of the fishing opportunities for other species. Mixed fisheries simulations give an indication of the potential for disparity between fishing opportunities and thus implementation error in North Sea cod advice. The plan would benefit from linking to plans for Nephrops, haddock, whiting, saithe, sole and plaice in the North Sea, as the NSRAC has previously suggested.
- 6.6 STECF remarks that displacement of effort from one area to another may have had a negative impact in some areas.

7. Discards

- 7.1 One outcome of the plan, which was foreseen in ICES advice, was an increase in the discarding of cod. Catches of cod are well in excess of TAC in some areas, leading to quota-driven discards of cod – the very species intended to be protected by the plan. The NSRAC has repeatedly drawn attention to the likelihood that the provisions of the plan will exacerbate the discarding of cod. That has proved to be the case. STECF emphasises that although reported landings in most areas are in line with the plan, actual catches are well in excess of TAC due to high discards in some areas. Discarding is a particular problem in areas where cod are recovering. Effort restrictions combined with unduly limited TACs make it inevitable that large quantities of cod will be discarded in those areas. A cut in quota when a stock is recovering, or is in a better state than scientists have predicted, will inevitably lead to discarding.
- 7.2 The advice of the NSRAC has consistently been that only cod avoidance measures, tailored to particular fisheries, and introduced with the involvement and backing of fishers, are likely to be successful. This has now been confirmed by the STECF findings. Reductions in discards of commercial and non-commercial species have occurred associated with Article 11 and Article 13 (technical measures). These reductions have been especially evident and significant in the North Sea. Various North Sea fleets have opted to use more selective gear (under Article 11 or Article 13) or to operate real time closures (Article 13) or to fish outside the distribution area of cod (Article 11). Technical measures introduced in the North Sea have significantly reduced commercial by-catch (e.g. Nephrops fisheries with grids have become single-species fisheries). These findings are in accord with the emphasis placed by the NSRAC on seeking tailored solutions to the problems of discarding.

8. The way forward

- 8.1 Fishing mortality has not declined in the way envisaged by the plan. Indeed, it is not clear whether any of the objectives of the plan have been achieved. Effort has declined slightly and this has affected fishers in some areas adversely, but overall effort in 2009 and 2010 did not reduce as envisaged by the plan.
- 8.2 Under normal circumstances the acknowledged failure of a plan would result in its immediate replacement by a more appropriate plan, developed with the full cooperation of stakeholders. Certainly STECF has emphasised the importance of stakeholder involvement to the success of any plan.
- 8.3 The NSRAC appreciates, that replacing the current Cod Management Plan, which has not proved fit for purpose, is complex (not least because of the arrival of co-decision taking). However, it is plainly unacceptable to continue with a plan that has been formally evaluated and found to be seriously deficient in its essentials. The success of North Sea fisheries depends on having management measures in place that will ensure that those fisheries are both sustainable and profitable. The current plan must be modified to achieve those two aims. How can the plan best be modified and through what legal procedures?
- 8.4 Given STECF's evaluation it cannot be justifiable to continue with annual pre-programmed annual reductions in effort and TACs where, as we now know, this does not lead to a reduction in fishing effort but does lead to extensive discarding of cod. Pending a full revision of the Cod Management Plan (through co-decision if necessary) and following a full impact assessment, the introduction of new interim arrangements on the basis of a proposal from the Commission and agreed by Council is imperative. STECF's endorsement of the incentive led approach in Article 13 suggests where an alternative emphasis within the plan should lie. Article 13 has been successful in allowing a local tailored response to cod avoidance and has encouraged a reduction in F. STECF recommends that by specifying Article 13 exemption on the basis of total catch (landings and discards) of cod it is expected to be easier for fishermen to understand, implement, and verify their compliance with the conditions of the derogation.
- 8.5 STECF has emphasised that the Articles in the plan are ambiguous or difficult to apply. Clear and less ambiguous phrasing of the regulations will make compliance more transparent and potentially more reliable. This is a point that the NSRAC has repeatedly stressed, and we will now repeat it again.
- 8.6 Reliance on TACs based on landings, together with effort controls, is a core weakness in the plan. Consideration should be given to use of cod catches (landings plus discards), as the main metric for allocating catch opportunities, as STECF has suggested.
- 8.7 Fishing mortality should not be expected to follow trends in fishing effort. The reliance of the plan on both effort restrictions and TACs has proved to be misplaced.
- 8.8 Article 11 has not achieved its aim of providing exemption from the effort regime for vessels that do not catch cod. The solution is to make the procedures for applying for

exemption simpler and easier to negotiate. STECF has also identified by-catch ceilings as a flaw in the design of the plan. A system based on proportion of total expected cod outtake from the whole fishery might be more appropriate and should be evaluated in the impact assessment process.

- 8.9 Discard reduction is now an important consideration; but discarding of cod has been made worse by the provisions of the Cod Management Plan. Reducing TACs in areas where cod are recovering, or are more abundant than the stock assessments suggest, encourages discarding. A variety of solutions are available for reducing discards and will be described in more detail by the NSRAC in a separate position paper. The adoption of more selective fishing gears and the introduction of RTCs has already brought benefits, as the NSRAC has suggested they would.
- 8.10 Finally, if the current plan cannot be abandoned and replaced, then we suggest that consideration should be given to adopting an interim management regime, where those provisions of the plan that have been demonstrably at odds with the objective of reducing fishing mortality are removed and replaced by more satisfactory provisions along the lines suggested above.