



NSRAC Comments on the European Commission Communication on Fishing Opportunities for 2012

July 2011

Final

- 1 The North Sea Regional Advisory Council (NSRAC) welcomes the opportunity to comment on the Commission's proposals on future fishing opportunities and recognises the Commission's effort to consult a very broad group of stakeholders. We also thank the Commission for presenting the proposals to our Executive Committee meeting in Paris on 27 June 2011. Nevertheless, the NSRAC has a number of comments, the first of which are contained within this paper. We hope that the timeframe proposed by the Commission will allow further views to be taken into account as they come forward.
- 2 The NSRAC welcomes the Commission's statement that 'fish stocks in European waters are improving.' However, this is not reflected in the overall tone of the paper, where information is presented in a negative way, highlighting problems rather than successes. For example, the consultation paper states that "...10% to 20% of fleet segments generate negative cash flow..." rather than acknowledging that 80% to 90% of fleet segments therefore generate positive cash flow. NSRAC would prefer to see more emphasis on positive developments in the fishing sector in future, rather than just negative aspects. Objective language should be used in Commission statements.
- 3 Efforts to clarify the definition of 'overfishing' are welcomed. Public perception of the term 'overfishing' is associated with 'extinction' or 'collapse' and the Commission has not been careful in the past to make clear that its use has been changed to indicate 'failure to exploit to full potential'. However, the term 'overfishing' itself could have been articulated in a less subjective and more technically correct way; such as 'the current estimate of fishing mortality rate is higher than the fishing mortality rate estimated to lead to maximum sustainable yield'. In this context, the word 'estimated' is particularly important, given that determination of MSY is in no way a straightforward calculation, based on objective parameters.
- 4 The Communication suggests that the 'MSY' framework should be applied for setting TACs in 2012. This is a deviation from previous policy where MSY was to be gradually achieved by 2015. In addition, this change does not reflect the work that

ICES has been commissioned to carry out. The NSRAC wishes to express its commitment to a realistic and gradual approach to achieving MSY.

- 5 Greater account needs to be taken of the implications of exploitation in multispecies fisheries. The NSRAC proposes that North Sea fisheries should be managed in the future through carefully prepared Long-Term Management Plans (LTMPs). Targets to achieve sustainability should be set fishery-by-fishery as part of plans agreed by stakeholders. A regional or local approach is also required. Our vision is that LTMPs should be developed for the different fisheries within the North Sea, taking account of the mixed nature of these fisheries. For 2012, LTMPs should therefore be followed where they exist for a given species.
- 6 Progress in developing well-founded, stakeholder-led LTMPs has not been as swift as it should be. There is uncertainty over how these plans are adopted due to inter-institutional wrangling between the European Council and Parliament. The complexity of the decision-making process also restricts flexibility in adjusting plans under implementation when new data or knowledge emerges. Getting LTMPs to the approval stage is a challenge in itself given that stakeholders have to focus their limited time on more immediate pressures of dealing with proposals such as the present one on data-deficient stocks.
- 7 The NSRAC recognises the problem of data deficiency in stock assessments, which prevent around 60% of ICES stock assessments from achieving 'analytical' status. We are working with the North West Waters Regional Advisory Council (NWWRAC) and ICES to develop solutions to this problem based on a collaborative, stock-by-stock approach, identifying specific problems, responsibilities and remedial actions.
- 8 The Commission proposes to resolve the unacceptable position of data deficiency by introducing a 25% reduction in the TAC and fishing effort for data poor stocks "unless scientific advice indicates that bigger reduction is necessary because of short-term risks to the stocks." It is unclear whether the Commission intends to follow ICES recommendation based on trends for stocks without population size estimates.
- 9 The introduction of a mandatory 25% reduction in TAC would unfairly penalise fishers. It would reduce their fishing opportunities when it is the Commission, Member States and their scientific institutes that are responsible for the lack of data and analytical assessments for some stocks. This proposal also lacks equity, as the consequences of a TAC reduction fall on all Member State fleets, even if data problems arise from a single Member State. Moreover, this proposal will generate additional widespread discards in some of the mixed fisheries.
10. Therefore, the NSRAC urges the Commission to follow a more rational approach based on all the relevant information available. That should include ICES advice for 2012 (even when based on trends) and results from fishermen/scientist partnership projects. The approach should take account of the discard implications of the TAC decisions.
- 11 For many stocks there is an abundance of data, but insufficient scientific time or resources to carry out analyses. The NSRAC urges Member States to make the

necessary resources available for scientific assessment in order to fulfil their obligations under the Community framework for the collection, management and use of data in the fisheries sector. The NSRAC agrees with the Commission that scientific agencies should be tasked with resolving data problems and that indicators obtained from commercial fisheries and from scientific surveys should be used to develop robust rules to guide fisheries towards sustainable exploitation of resources in data-poor situations.

- 12 The NSRAC questions the way in which data that does exist is presented in the Communication. For instance, while it is stated in Section 1 that saithe is known not to be overfished, it is suggested in Section 2 that all stocks in the North Sea except plaice, haddock and herring are overfished. Clarification on this point is essential.
- 13 In addition, socio-economic data is presented in terms of averages across all stocks and fisheries in all areas. This form of presentation does not accurately reflect the diversity of the fisheries sector. Even within sectors facing negative economic prospects, there are likely to be profitable enterprises. Some of the data themselves require updating, as more detailed and recent analyses of the sector are available for a number of North Sea fisheries.
- 14 It is important to recognise that ICES advice has to date been based exclusively on biological factors in a single stock format, taking no account of socio-economic factors or mixed fisheries. The NSRAC understands that it is the role of STECF to review ICES advice. The NSRAC wonders why the role of STECF is not mentioned in the Commission communication.
- 15 The NSRAC is not convinced that the regulation of fishing effort in addition to the setting of TACs has been effective. Effort controls have created a number of serious problems and have led to unintended consequences that have been in direct contrast to the main objective of achieving sustainability. Regulating effort encourages fishers to maximize profits in the shortest time possible and does not provide incentives for them to move away from high concentrations of small fish. Moreover, regulation of effort is based on the assumption that there is a significant and causal correlation between the reduction in fishing effort and subsequent reduction in fishing mortality. Experience of effort control in practice, especially in the context of cod recovery and the cod management plan, does not support this premise.
- 16 The Commission's attempt to describe a new framework for how TACs must be set is a positive development. There must be flexibility built into the process. There must remain scope for change where it becomes evident that alternative principles and management actions will lead to more sustainable exploitation.
- 17 We would like to raise an issue with respect to the Cod Recovery Plan. In this plan effort cuts take place year after year to reduce the effort on cod. However, these effort cuts also affect other fisheries, not targeting cod. This has the effect of displacing vessels, who would otherwise use large mesh, to small mesh fisheries which may lead to an increase in discards. The NSRAC would like to see this issue addressed to ensure effort reductions do not affect fisheries that do not target cod.