

North Sea Advisory Council



NSAC Advice Ref. 4-1516

NSAC Reflections on the Joint Recommendation of the Scheveningen Group Discard Plan for Demersal Fisheries in the North Sea

This paper was approved by the NSAC Executive Committee via a written procedure on the 1st July 2016.

1. **General:** The working relationship between the Scheveningen Group and the North Sea Advisory Council on the Joint Recommendations for a Discard Plan for 2017 and beyond, has been very good and highly constructive. Early sight of the Group's work plan, along with clear requests for specific advice, allowed the NSAC to organise its work and deliver advice in a timely manner. For a multi-stakeholder group like the NSAC, this is important in itself, but also provides a foundation for future collaborative work on technical measures and multi-annual management plans, as well as the all-important future work on chokes and the handling of exemptions from the Landing Obligation. We are very conscious that we are laying the foundations for a regionalised Common Fisheries Policy.
2. **Meetings:** We have found useful the regular dialogue that has been established between the Scheveningen Group and NSAC representatives at both Director and Technical levels. The contribution that the NSAC can make at these meetings is quite directly related to the amount of time in advance that agendas can be provided and the degree to which documentation can be shared in advance.
3. **NSAC Advice:** We acknowledge and appreciate that the Joint Recommendation explicitly makes reference to the incorporation of NSAC advice in general and on a number of specific issues in particular.
4. **Timetable:** In responding to the draft Joint Recommendation, we do so without realistic expectation that our advice will be submitted in time to secure changes to the text of the Joint Recommendation; the timetable for submission makes that highly unlikely. Nevertheless, implementation of the Landing Obligation is still work in progress and



we hope that our advice will be of value for the important discussions that will take place in the second half of 2016 and beyond, on the further phased introduction of the Landing Obligation.

5. **Data Concerns:** We appreciate that section 2.4 of the Joint Recommendation duly reflects the NSAC's concerns with regard to uncertainties over the scientific data used to estimate discard rates in the North Sea demersal fisheries. The implications of this point are very significant, not least in the magnitude of the quota uplift required and our ability to predict and mitigate against chokes in specific fisheries in the future.
6. **Overall Approach:** The NSAC acknowledges that a *species approach* has not been adopted for introducing the Landing Obligation. A *fisheries approach* is being applied. Some additional problems may arise as implementation progresses, and several NSAC members suggest that some of these problems may be resolved by considering the limited application of a *species approach*.
7. **Cod Management Plan:** The Joint Recommendation clearly follows the view of the NSAC that the Cod Management Plan represents a fundamental obstacle to the implementation of the Landing Obligation. The NSAC reaffirms its view that the removal of this impediment through repeal or amendment is a precondition for including cod within the Landing Obligation for 2017. Of particular significance are the constraints that effort controls place on individual vessels' abilities to adapt their operations to reduce unwanted catch (where limited days at sea restrict the choice of fishing grounds). In addition, there are TAC setting constraints which would impede quotas being set in relation to total catch. This is now a matter for co-decision and the NSAC has written to the parties to urge them to adopt a considered and collaborative approach to this legislative change.
8. **Action Plan on Chokes:** As the Landing Obligation is progressively implemented, it is clear that significant tension is developing between, on the one hand, moving cautiously to avoid adverse and unintended consequences, and on the other, having sufficient ambition to move forward and avoid a plethora of problems in 2019, when too many fisheries may need to be phased in at a late stage. We consider that the way to resolve this tension is to progress rapidly with the development of a coherent strategy to deal with chokes. Vessel operators, fisheries managers and Member States are more likely to support progressive implementation of the Landing Obligation if there is a degree of confidence that contingency arrangements have been prepared for identifying and dealing with choke species. The Copenhagen meeting on quota access and the Edinburgh meeting on addressing choke issues provided us with a significant degree of confidence that there is a wide range of measures available to deal with different types of choke. Especially important will be the adoption of avoidance and minimisation measures. We now need to move rapidly into incorporating such measures into a flexible and adaptable Action Plan. If we are not able to deal effectively with choke species, then major problems will arise, especially as we approach 2019.
9. **Chokes Methodology:** We have submitted comprehensive advice on the implementation of the Landing Obligation for cod, whiting and haddock in 2017. There is no need to rehearse those points again here. We would however underline two issues with regard to a suggested methodology for identifying potential chokes:



- It is important that we jointly develop such a methodology if we are to avoid continuously being surprised by the appearance of chokes and the magnitude of specific chokes in specific fisheries. The tables presented in the NSAC advice paper are thought by some members to provide a useful example of an initial approach, but we are certain that such methods require further refinement and improvement if they are to be used in practice to predict chokes.
 - Whatever method is used for assessing the likelihood of chokes, the conclusions will be highly dependent on the quality of the discard data used. This is an important caveat and one with potentially profound implications. We are eager to work collaboratively with the Scheveningen Group on how best to address this issue.
10. **High Survival Exemptions:** The Joint Recommendation includes a number of exemptions from the Landing Obligation for species/fisheries which demonstrate high levels of survival. Some industry representatives within the NSAC believe that to avoid high levels of mortality this exemption should be applied as soon as there is an indication that a species survives well when put back to the sea. Some environmental NGO representatives disagree with this approach. In their view, an “indication” of survival is not sufficient. There must be a significant percentage surviving to allow exemptions. Exemptions must be based on scientific evidence. A lot of scientific research has been undertaken and more is currently underway but there is a need to share the results of this research between Member States and additional scientific work on survivability is urgently needed. There is clearly, a potential logjam/resources issue resulting from the large number of candidate fisheries for exemption and the finite scientific capacity to undertake the necessary trials for each fishery. We understand that the scientific community is investigating more general scientific criteria that may allow extrapolation of exemptions from one fishery to another with similar features. Industry members believe that it is essential that a fast-track process is developed for applying this exemption, with the direct support and involvement of STECF. The survivability exemption may be very important in reducing unwanted catches, and thereby reducing fishing mortality under the Landing Obligation. In the meantime, the NSAC supports the exemptions proposed in the Joint Recommendation.
11. **De Minimis Exemptions:** We have found it difficult to comment on specific *de minimis* exemptions because they are of necessity evidence-based and we do not necessarily have access to the evidence used by individual Member States to prepare applications for *de minimis* exemptions. There is support from some Environmental NGOs within the NSAC for the granting of exemptions where best practice selectivity/avoidance measures are being used. However, insofar as Member States appear to be working within the spirit of the legal provisions, and the STECF process of evaluation is robust, we have no further comment to make on the *de minimis* exemptions proposed. In dealing with choke species, however, some Industry members within the NSAC suggest that it might be necessary to reconsider the interpretation of the description of this exemption in article 15 of the CFP Regulation.
12. **Norway:** We have been at pains to remind all parties that there is an important Norwegian dimension to the North Sea demersal fisheries, not least in the setting of



TACs. It is also important that, whilst respecting the respective jurisdictions, EU fishing vessels are not placed at a disadvantage in comparison with Norwegian vessels operating in the same fishery.

