

22 September 2020

## **NSAC Advice Ref. 15-1920**

### **NSAC Response to Commission Policy Statement 2021**

*This advice paper was approved by the NSAC Executive Committee on 21 September 2020 via written procedure.*

The North Sea AC thanks the European Commission for the presentation of its Communication on the state of play and orientations concerning the fishing opportunities for 2021 held during the NSAC Demersal working group in early July.

The 2020 is a challenging year, full of uncertainty for the demersal fisheries in the North Sea. This is firstly due to the impacts of the Covid-19 pandemic, which will have to be reviewed by the end of the year, and secondly due to developments related to Brexit, which will inevitably affect fishing opportunities in 2021. We would be pleased to have a better understanding of the organization and the different scenarios of forthcoming discussions, in particular the timeline of negotiations with Norway and the UK.

We welcome the improvement of the state of many North Sea stocks and the fact that in the northeast Atlantic the biomass has continued to increase since 2007 and in 2018 was 48% higher than in 2003 for fully assessed stocks. The NGO representatives nevertheless wish to express the need for a more nuanced and balanced representation of the figures used in the communication. Particularly, they are concerned about the continued emphasis in the Commission's reporting on the volume of landings rather than the number of stocks, and the focus on stocks with MSY advice, rather than all harvested stocks subject to the CFP's objectives (including those with precautionary advice). The misleadingly positive conclusions resulting from this approach make it more difficult to mobilise the necessary efforts to rebuild all stocks above sustainable levels, not just those that account for the bulk of the landings or are data-rich.

The Commission mentions in its communication the impact of Covid-19. Fishermen and women have been heavily impacted by the loss of markets, exportation difficulties and sanitary rules that forced many vessels to stay alongside the quay. The NSAC thanks the Commission for the contingency measures that were put in place, but an assessment of the consequences of the crisis and lessons to be learned will be necessary. During the presentation of the annual advice ICES mentioned that, as is usually the case, a 100% consumption of the TAC was assumed in the forecast for 2020 catches. Here we would like the Commission to address the possibility to request an update to the advice for stocks with underutilized TAC. The NSAC is ready to collaborate with the Commission and the Member States to determine specific stocks

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and scenarios to be reevaluated by ICES. In addition, representatives of the industry would like the possibility of increasing the interannual flexibility for some stocks to be assessed in the light of this same underutilization of TACs. The NGO representatives, however, do not support an increase in the interannual flexibility and highlight that transferring underutilized 2020 fishing opportunities to 2021 would be based on the flawed assumption that all fish that was not caught throughout 2020 will still be automatically available to fishers. This does not account for inter- and intra-stock dynamics. If a thorough investigation of the potential positive impact of an underutilization of the 2020 TAC leads to an improved outlook for a stock and therefore an increase in ICES advice for 2021 adjustments to the TAC can be made in year. Finally, the NSAC wishes to express its concern about the impact of the Covid-19 on the 2021 stock assessments due to the cancellation of some scientific campaigns, as well as the inability of scientific observers to participate on fishing trips due to imposed sanitary rules. We believe an overview of the situation should be done in due time, and possibly presented at 2021 January's MIACO meeting.

Regarding the landing obligation, the Commission states that the issue of control remains unresolved to date. Representatives of the industry consider that the systematic use of CCTV is not the solution and the way forward to enforce a better compliance with the landing obligation by the fishermen and women. NGO representatives of the NSAC in turn stress the urgent need to ensure comprehensive and accurate catch documentation as a robust basis for sustainable fisheries management, and consider a substantiated and well-communicated rolling-out of REM to be the most effective and cost-efficient approach to achieve this. They also highlight that setting TACs based on total catch advice (albeit with deductions for legal exemption discards) while compliance remains poor will lead to or exacerbate overfishing, since illegal discarding which is not accounted for in TAC-setting will continue. NGO representatives therefore urge decision-makers to ensure compliance or develop effective approaches to account for non-compliance in TAC-setting, or to make access for vessels to that part of the TAC that exceeds the landings (or 'wanted catch') advice conditional on demonstrated compliance. Recognizing the importance of effective control and catch documentation, discussions are planned within the NSAC control focus group on the control issues of the Landing Obligation and the use of REM. The focus group will discuss results of the various pilot projects in progress or upcoming, conducted by the North Sea Member States. We will endeavor to produce a broadly supported advice by the end of the year.

Finally, representatives of the fishing industry would like to moderate the sense of failure in the application of the Landing Obligation expressed by the Commission in the communication. We wanted to recall the important work carried out by the NSAC to identify the choke species and the mitigation measures that can be implemented. The CFP provides a number of derogations and flexibilities that have played an important role in limiting the possible adverse effects of the landing obligation on the North Sea fisheries. In this regard, the NGO representatives would like to highlight that the main focus of member states has been on gathering supporting information to request exemptions from the landing obligation, rather than on implementing it and ensuring compliance and reliable catch documentation as well as

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increasing selectivity of the fleet. As in previous years, the NSAC will undertake to update the choke identification tool for the North Sea to take into account the provisions of ICES advice recently published. We also remain committed to continued close engagement with the Scheveningen Group on any potential changes to the Joint Recommendation following its evaluation by the STECF.

We thank again the Commission for its engagement and the quality of the exchanges during the Demersal Working Group, and we hope to remain included in the discussions concerning the fishing possibilities for 2021.

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