

17 November 2015

To: The Fisheries Ministers of the EU Member States

**Re: North Atlantic TACs at the EU Fisheries Council Meeting, 14-15 December 2015**

Dear Minister,

On behalf of the Fisheries Secretariat and Seas At Risk we send you our recommendations on 2016 North Atlantic and North Sea fishing opportunities relating to the European Commission's proposal COM (2015) 559, building on the latest advice from the International Council for the Exploration of the Sea (ICES). We ask you to endorse these recommendations at the upcoming Fisheries Council meeting in order to ensure more sustainable utilisation of our common marine resources.

In its proposal the Commission does not give a recommendation for Total Allowable Catches (TACs) for 88 of the main group of 153 TACs, mainly due to complexities related to the landing obligation. Unfortunately, the Commission fails to appropriately represent the objective of the reformed Common Fisheries Policy (CFP), to *bring biomass levels above*, rather than unambitiously *to*, those capable of producing MSY.

Your decisions on TACs are opportunities for you to firmly support the agreed CFP management objectives. With the initial 2015 deadline passed, it is your responsibility to set fishing opportunities **below** the exploitation level that corresponds with MSY ( $F_{MSY}$ ) as soon as possible, and by 2020 at the latest, in order to meet the main objective of the CFP. The extent to which this happens will be a measure of the Council's commitment to the agreed targets and, ultimately, sustainable and more profitable fisheries.

Regarding your decisions on the 2016 fishing opportunities we call on you to:

- Set catch limits in line with scientific advice, including limits based on the precautionary approach for data limited stocks without MSY assessment. Council has consistently set catch limits in excess of scientific advice, resulting in stock declines and long-term instability for those fisheries.
- Only grant a TAC uplift for any fleet segment subject to the landing obligation if Member States have provided sufficient, relevant data to the Commission to calculate a TAC uplift. Under no circumstances should the granted TAC uplift increase the fishing mortality of that fleet segment.
- Apply existing long-term management plans once they have been accepted by scientific review as being consistent with the MSY objective of the CFP.
- Align management areas with the assessment areas used in scientific advice, which will significantly facilitate MSY-based management of these stocks.
- Introduce bycatch reduction measures for fisheries with particularly high discard levels, in order to successfully facilitate implementation of the landing obligation. Also ensure effective monitoring and control of these measures.

Due to the large number of stocks covered by this proposal, we limit our specific recommendations to stocks which require close attention, as follows:

- For **anglerfish** stocks we urge you to follow the ICES (International Council for Exploration of the Sea) recommendation to manage the two anglerfish species under separate TACs to avoid overexploitation. There is evidence that fishing mortality is unsustainable on *L. piscatorius* in

divisions VIIIc and IXa. We recommend the following TACs in line with scientific advice: for divisions VIIb-k and VIIIabd no more than 10 757 tonnes for *L. budegassa* and 26 691 tonnes for *L. piscatorius*; for divisions VIIIc and IXa no more than 1 070 tonnes for *L. budegasse* and 1 343 tonnes for *L. piscatorius*.

- Due to the poor condition of all **cod** stocks in EU waters, we urge you to close or maintain fisheries closures in the Irish Sea (VIIa), West of Scotland (VIa), Faroe Bank (Vb2) and Faroe Plateau (Vb1). For the remaining cod stocks we recommend for Rockall (VIb) a reduction of the TAC to no more than 16 tonnes; for Kattegat (IIIa east) an increase to no more than 130 tonnes; and for the Southern Celtic Sea (VIIb,c,e-k) a reduction to no more than 3 569 tonnes. For TACs that include both EU and Norwegian quota we recommend increases to no more than 33 650 tonnes for the North Sea (IV, IIa); no more than 4 808 tonnes for Skagerrak (IIIa west); and no more than 1 961 tonnes for the Eastern English channel (VIId).
- Due to the poor condition of all **common sole** stocks, coupled with complications related to the implementation of the landing obligation, we ask you to follow our recommendation concerning TAC uplifts noted above, and we urge you to follow the Commission's proposal, which is in line with scientific advice, to close the fishery in the Irish Sea (VIIa).
- Allocations for **Northern and Southern hake** stocks are complicated due to the landing obligation, and overfishing is significant for the Southern stock. We ask you to follow our recommendation concerning TAC uplifts noted above.
- **Horse mackerel** stocks in the Northeast Atlantic suffer from continued poor recruitment, with any increase in TAC predicted to bring the stock below precautionary levels in 2016. However, the Southern stock is in good condition and can support a TAC increase. We recommend a rollover of 2015 TACs for both stocks in the Northeast Atlantic (VIII and divisions IIa, IVa, Vb, VIa, and VIIa-c, e-k) and an increase in the TAC for Atlantic Iberian Waters (IXa) to no more than 68 583 tonnes.
- **Pollack** TACs are regularly set well in excess of scientific advice, resulting in poor stock status. ICES again calls for significant cuts to allow rebuilding of these stocks. We recommend TAC reductions to no more than 120 tonnes for divisions Vb, VI, XII, XIV; no more than 4 080 tonnes for the English Channel (VII); no more than 978 tonnes for the Bay of Biscay (VIIIabde); no more than 152 tonnes for division VIIIc; and no more than 186 tonnes for Atlantic Iberian waters (IXa).
- For **skates and rays** we urge you to establish individual TACs for each species or species group based on the advice provided by ICES, and due to deteriorating or precautionary stock status across a wide range of stocks, an immediate precautionary reduction of all skate and ray TACs by 20%.

**The attached Annex provides more detailed rationale for the above recommendations.**

Yours sincerely,



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Fisheries Secretariat (FISH)



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Executive Director  
Seas At Risk (SAR)

## **Annex: Comments and recommendations for Member States on the**

### **Commission proposal for a Council Regulation fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks**

COM (2015) 559

17 November 2015

We provide our recommendations to the Council for the setting of fishing opportunities in 2016, building on the latest advice from the International Council for the Exploration of the Sea (ICES).<sup>1</sup>

In its proposal for 2016 fishing opportunities in the North Atlantic and North Sea, the Commission does not give a recommendation for Total Allowable Catches (TACs) for 88 of the main group of 153 TACs. This omission of a large group of TAC recommendations is due to the fact that the related scientific advice was not yet available, that the TAC required further analysis due to complexities related to the landing obligation, or that the TAC is subject to international negotiations or arrangements concluding after the publication of the proposal. In the case of the landing obligation, we propose principles that should be followed for the calculation of these TACs. In the other cases, we propose a total catch which should not be exceeded by the joint fishing nations.

#### **Objectives of the Common Fisheries Policy**

A key objective of the Common Fisheries Policy (CFP) is **to restore and maintain stocks above biomass levels capable of producing Maximum Sustainable Yield (MSY)**. This objective is in line with the EU commitments made in Johannesburg (2002),<sup>2</sup> and Rio (2012)<sup>3</sup> and contributes towards achieving Good Environmental Status (GES) for European seas under the Marine Strategy Framework Directive (MSFD).<sup>4</sup> Moreover it was reaffirmed in September this year in the UN Sustainable Development Goals.<sup>5</sup>

In its proposal for fixing 2016 fishing opportunities (COM (2015) 559) the Commission states, “The ultimate objective is to bring and maintain the stocks to levels that can deliver MSY”. The Commission disappointingly falls short of the CFP objective to bring and maintain stocks above levels that can deliver MSY.

#### **Ministerial decisions affect the sustainability of fish stocks**

According to the chair of the ICES Advisory Committee, Eskild Kirkegaard, ‘over the last ten to fifteen years, we have seen a general decline in fishing mortality in the North East Atlantic and the Baltic Sea. The stocks have reacted positively to the reduced exploitation and we’re observing growing trends in stock sizes for most of the commercially important stocks.’<sup>6</sup>

There is a clear correlation between reduced mortality and stock growth and we commend the Council for moving in this direction for many stocks, albeit more slowly than has been advised by scientists. However,

<sup>1</sup> Full ICES advice is available at <http://www.ices.dk/publications/library/Pages/default.aspx>

<sup>2</sup> Johannesburg Declaration, WSSD, 2002.

<sup>3</sup> Rio+20 Outcome document. The future we want. United Nations General Assembly A/RES/66/288

<sup>4</sup> Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).

<sup>5</sup> UN Sustainable Development Goals: Goal 14 available at <http://www.un.org/sustainabledevelopment/oceans/>

<sup>6</sup> ICES press release, 14 July 2015, at <http://www.ices.dk/news-and-events/news-archive/press-releases/Pages/Positive-state-of-ICES-fish-stocks-presented-to-European-Commission.aspx>

the Council has consistently set catch limits exceeding scientific advice. From 2003 to 2014, Council TACs exceeded sustainable catch levels on average, by 11 to 59%.<sup>7</sup>

The fishing industry has consistently called for Ministers to support a move to “high-yield fisheries”. The socio-economic consequences of dwindling fish stocks have seen reductions in fisheries employment for decades.<sup>8</sup> Growth, in terms of the value of landings and gains in employment are to be found in restored, healthy and large fish stocks. Further delays to reaching this objective only make it harder to achieve in the future.

**Recommendation: The Council must set fishing opportunities below the exploitation level that corresponds with  $F_{MSY}$  as soon as possible, and by 2020 at the latest, in order to achieve the main CFP objective to bring and maintain stocks above levels that can deliver MSY.**

### Landing obligation

From January 2016 several Atlantic demersal stocks will fall under the landing obligation as foreseen in the CFP which will have important effects on the fixing of Atlantic fishing quotas or Total Allowable Catches (TAC). However, the joint recommendations provided by the respective Member States’ groups and the resulting delegated acts from the Commission will make the landing obligation difficult to implement and control, as these will apply only to some fishing gear types and catch profiles. Thus they may not apply to all fleets fishing a stock and some discarding will still occur.

Article 16 of the CFP stipulates that fishing opportunities for stocks that fall under the landing obligation will be fixed taking into account total catch rather than only landings, as was previously the case. This is explained by the fact that the amount of fish which was previously caught but discarded will now also be landed. In practice this should result in an increase (uplift) of the TAC by an amount equal to the ratio of catch previously discarded. However, ICES provides scientific advice on 2016 catches and landings for each stock across its range, and not per fishery, let alone by fleet segment. Therefore, any proposed uplift of the TAC becomes very difficult to calculate where a stock is fished by a combination of fleets that are obliged to land bycatch and those that may legally continue to discard unwanted catch. The Commission has asked the Member States to provide the necessary data, and the Scientific, Technical, and Economic Committee for Fisheries (STECF) to determine the appropriate TAC uplift per each fleet segment given differences in fleet discard rates.<sup>9</sup>

For fleet segments where no discard information is available, the Commission has further requested STECF to analyse the likelihood that fishing mortality will increase if a stock-wide average discard rate provided by ICES is used to calculate discard uplifts for individual fleet segments. In cases where STECF identifies a “high risk” using this average discard rate, they shall consider an alternative discard rate.

Following the final agreement on TACs during the December Council meeting and swaps between Member States, it remains the task of the respective ministries and authorities to distribute the quotas to the different fleets. This distribution must follow the logic outlined above so that only fleets which are subject to the landing obligation in 2016 receive an uplift.

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<sup>7</sup> EC consultation on fishing opportunities for 2015. COM (2014) 388. at [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/fishing-opportunities-2015/doc/com-2014-388\\_en.pdf](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/fishing-opportunities-2015/doc/com-2014-388_en.pdf)

<sup>8</sup> “Food for an additional 160 million EU citizens. An extra €3.2 billion in annual revenue. 100,000 new jobs across the continent. This could be the reality if EU waters were properly managed and damaged fish stocks allowed to return to their maximum sustainable yield (MSY).” (new economics foundation, Landing the blame: overfishing in northern European waters, 2015)

<sup>9</sup> STECF plenary meeting 15-03, Terms of Reference, at [https://stecf.jrc.ec.europa.eu/c/document\\_library/get\\_file?uuid=4b493ea2-b27b-42bc-adce-e054872cd172&groupId=43805](https://stecf.jrc.ec.europa.eu/c/document_library/get_file?uuid=4b493ea2-b27b-42bc-adce-e054872cd172&groupId=43805)

**Recommendation: We urge Ministers to adhere to the following principles when agreeing on TACs uplifts:**

- Any TAC uplift should only be based on the share of previous discards by those fisheries and fleets that fall under the landing obligation, and not automatically on the total discards of all fleets subject to the respective TAC. Applying an uplift based on the total discards while parts of the fleets that fish on that stock are still discarding would result in “double counting” of discards and an unintended increase in fishing mortality beyond scientific advice.
- A TAC uplift for any fleet segment subject to the landing obligation should only be granted if Member States have provided relevant data to the Commission to calculate that TAC uplift. If not enough relevant data have been provided, then that fleet should not receive a TAC uplift. Under no circumstances should the granted TAC uplift increase the total fishing mortality of that fleet segment.
- The foreseen exemptions of the landing obligation such as ‘de minimis’ can reach up to 7% of the total TAC in the first two years after the respective landing obligation has come into force. These discarded amounts must be subtracted from the calculated uplifts following Art 15.5(c) of the CFP to avoid “double counting” of discards and an unintended increase in fishing mortality.
- In all cases, the final agreed TAC including any uplifts should always remain below the respective  $F_{MSY}$  value of the whole population, across management areas, following Art 2.2 of the CFP Regulation. This is in line with the Commission Communication on fishing opportunities of June 2015, stating that TAC adjustments must not increase fishing mortality.

**Coherence of management areas and assessment areas**

Assessment areas in scientific advice capture a stock across its full range. However, the full ranges of many North Atlantic and North Sea stocks straddle multiple management areas. This mismatch between management areas and assessment areas makes projections of exploitation rates as well as the application of the MSY approach difficult. It also reduces the accuracy of the estimates of stock development and stock status, leading to mismanagement and a higher risk of overfishing.

The following stocks have considerable mismatch between assessment areas and management areas:

- Anchovy in IX, X, CECAF 34.1.1;
- Megrim in IIa (EU), IV (EU), VIIIc, IX, X, CECAF 34.1.1 (EU), VII and VIIIabde;
- Anglerfish in VIIIc, IX, X, CECAF 34.1.1, VII and VIIIabde;
- Whiting in VIII, Vb, VI, XII and XIV;
- Haddock in VIIb-k, VIII, IX, X and CECAF 34.1.1 (EU);
- Hake in VIIIc, IX, X, CECAF 34.1.1 (EU) and overall northern TACs (IIIa/IIa and IV/Vb, VI, VII, XII and XIV/VIIIabde);
- Cod in VIa, Vb and VIIb, c, e-k, VIII, IX, X and CECAF 34.1.1 (EU);
- Nephrops in IIa, I, X and CECAF 34.1.1; and
- Pollack in VII.

Whilst changes to the management areas require significant effort, this is ultimately necessary in order to manage stocks according to scientific advice and meet the objectives of the CFP.

**Recommendation: We urge the Council to work with the Commission to align the current management areas with the assessment areas used in scientific advice.**

## Detailed summary of recommendations for fishing opportunities in EU waters

Due to the large number of stocks covered by this proposal, we have chosen to limit our detailed recommendations to a few species which require close attention.

### Recommended TAC for 2016, in tonnes, for selected North Atlantic and North Sea stocks

Common name	Management area	2015 TAC	ICES <sup>1</sup>		2016 COM proposal <sup>2</sup>	2016 SAR/FISH TAC recommendations <sup>3</sup>
			2014 F < F <sub>msy</sub>	2015 SSB > MSY Btrigger		
Anglerfish <sup>4</sup>	VII	33516	?	?	29534	Mismatch
	VIIIabde	8980			7914	
	VIIIc, IX, X, CECAF 34.1.1 (EC)	2987	YES(L.b.)/NO(L.p.)	YES(L.b.)/?(L.p.)	2413	
Cod	Vlb; Union & int. waters of Vb west of 12°W, XII, XIV	<b>74</b>	?	?	<b>74</b>	16 (-78%)
	Vla; Union & int. waters of Vb east of 12°W	0	NO	NO	0	0 (0%)
	VIIbce-k, VIII, IX, X, CECAF 34.1.1 (EC)	5072	NO	NO	3569	3569 (-30%)
	IIIa east; (Kattegat)	100	?	?	<i>pm</i>	130 (30%)
	VIIa	182	NO	NO	146	0 (-100%)
	IIIa west; (Skagerrak)	4171			<i>pm</i>	4808 (15%)
	IV, EU waters of IIa, IIIa not covered by Skag & Katt	29189	NO	NO	<i>pm</i>	33650 (15%)
VIIId	1701			<i>pm</i>	1961 (15%)	
Common sole	VIIa	90	YES	NO	0	0 (-100%)
	IIIa, 22-24 (EC)	205	NO	NO	<i>pm</i>	LO
	IV, IIa (EC)	11900	NO	YES	<i>pm</i>	LO
	VIIId	3483	NO	YES	<i>pm</i>	LO
	VIIe	851	YES	YES	<i>pm</i>	LO
	VIIIfg	851	NO	YES	<i>pm</i>	LO
Hake	VIIIc, IX, X, CECAF 34.1.1 (EC)	13826	NO	YES	<i>pm</i>	LO
	Overall Northern TACs (IIIa/IIa and IV/Vb, VI, VII, XII and XIV/VIIIabde)	90882	NO	?	<i>pm</i>	LO
Horse mackerel	IVb,c VIIId	15200	?	?	<i>pm</i>	15200 (0%)
	IIa, IVa; VI, VIIa-c, VIIe-k, VIIIabde; Union and int. waters of Vb; int. waters of XII and XIV	85732	YES	YES	<i>pm</i>	85732 (0%) <sup>5</sup>
	VIIIc	13572			17235	13572 (0%) <sup>5</sup>
Pollack	IX	59500	YES	?	68583	68583 (15%)
	Vb, VI, XII, XIV	<b>397</b>	?	?	<b>397</b>	120 (-70%)
	VII	13495			10796	4080 (-70%)
	VIIIabde	1482			1186	978 (-34%)
	VIIIc	<b>231</b>	?	?	<b>231</b>	152 (-34%)
Skates & rays	IX, X, CECAF 34.1.1 (EC)	<b>282</b>			<b>282</b>	186 (-34%)
	EC Waters of VIab, VIIa-c, VIIe-k	8032			6426	6426 (-20%)
	EC waters of VIII, IX	3420			3078	2736 (-20%)
	IIa (EC), IV - North Sea (EC)	1256	?	?	1005	1005 (-20%)
	IIIa	47			38	38 (-20%)
VIIId	798			638	638 (-20%)	

<sup>1</sup> Any grouped rows of ICES F and B values represent a single assessment area overlapping a group of management areas. In addition, all management areas for anglerfish and skates & rays represent multiple species grouped under a single TAC. "?" indicates that ICES could not provide reference values due to data limitations. See text for more details.

<sup>2</sup> Commission proposed TACs, in tonnes. **Bold** TACs are multiple-year rollovers according to the 'Joint Statement by the Council and the Commission' (Council doc. 5232/14). TACs listed as "*pm*" (*pro memoria*) represent those for which the Commission was unable to propose a TAC by the time of the proposal's publication.

<sup>3</sup> Our recommended TACs, in tonnes, in line with ICES advice (% change from 2015 Council TAC in brackets). "LO" represents a stock partially covered by the landing obligation, for which a total TAC recommendation cannot be calculated based on ICES advice alone. See text for more details on these stocks.

<sup>4</sup> Due to management and assessment area mismatch, and that both anglerfish species *L. budegassa* (L.b.) and *L. piscatorius* (L.p.) are included under multiple TACs, we are unable to propose a TAC for the management areas VII and VIIIabde. For the remaining management area, we recommend separate TACs for the two anglerfish species.

<sup>5</sup> We recommend a rollover of the 2015 TAC for this stock due to ICES estimates that increased exploitation will bring this stock below precautionary levels in 2016. Our advice is within the upper limit proposed by ICES.

## ANGLERFISH

Anglerfish (*L. budegassa* and *L. piscatorius*) is managed in ICES division VIIb-k, VIIIabd, VIIIc and IXa under a combined TAC for both species. ICES reiterates its recommendation from last year that the two species should not be managed under a combined TAC and highlights that this system may lead to overexploitation of either species. Anglerfish will not be covered under the landing obligation in 2016.

While *L. budegassa* stocks in divisions VIIIc and IXa are in fair shape with fishing mortality below  $F_{MSY}$  and biomass above  $MSY B_{trigger}$ , no biomass reference points for the SSB of *L. piscatorius* have been defined and fishing mortality is above  $F_{MSY}$ . ICES advises for division VIIIc and IXa catches of no more than 1 070 tonnes for *L. budegasse* and 1 343 tonnes for *L. piscatorius*, resulting in combined catches for both species of no more than 2 413 tonnes.

For the remaining areas, only landings data are available with no reliable discard estimates and no biomass reference points. ICES advice is thus based on the precautionary approach and amounts to the same quantity as advised in the last two years. ICES advises for division VIIb-k and VIIIabd landings of no more than 10 757 tonnes for *L. budegassa* and 26 691 tonnes for *L. piscatorius*.

**Recommendation: We urge the Council to follow the ICES recommendation to manage the two anglerfish species under different TACs to avoid overexploitation.**

**We further urge the Council to set TACs of no more than 10 757 tonnes for *L. budegassa* and 26 691 tonnes for *L. piscatorius* in VIIb-k and VIIIabd; and 1 070 tonnes for *L. budegasse* and 1 343 tonnes for *L. piscatorius* in areas VIIIc and IXa, following scientific advice for both species.**

## COD

North Atlantic cod in EU waters are in a poor state, as noted by the Commission. Biomass levels are regarded as critically low and exploitation rates above  $F_{MSY}$ . Despite this, Council TAC decisions have far exceeded scientific advice and this threatens the future potential of the fisheries.

The Spawning Stock Biomass (SSB) of all cod stocks covered by the proposal COM (2015) 559 are below ICES precautionary levels where levels exist, or are in an uncertain state regarding their assessment. The most depleted cod stocks in need of recovery include Rockall division VIb, Faroe Bank division Vb2, Irish Sea division VIIa, and West of Scotland division VIa. The Faroe Plateau division Vb1 stock and Southern Celtic Seas division VIIb, e-k stock are also near  $B_{LIM}$ , which is the biomass reference point below which stocks are at serious risk of recruitment failure and collapse. Only one stock in the North Sea, including Skagerrak and Eastern English Channel subarea IV and divisions IIa, IIIa west and VIId, shows positive growth towards reaching safe biological limits by 2017. Whilst the Kattegat stock, division IIIa east shows increases in biomass from its 2009 historic low, no clear reference levels exist.

We applaud the Council's commitment to maintaining fishery closures for certain areas and we encourage continued discipline while these stocks recover to biomass levels capable of providing maximum sustainable yield.

**Recommendation: For the cod stock in Rockall division VIb, we urge the Council to follow scientific advice and reduce the TAC to no more than 16 tonnes, and implement additional measures in order to minimize the bycatch of cod. This stock should be removed from the list of 'stable stocks' with multiannual rollover TAC.**

**Recommendation: We ask the Council to close or maintain closures of cod fisheries, both where targeted and as bycatch, in the divisions associated with the Irish Sea, West of Scotland, Faroe Banks and Faroe Plateau. For Cod in Kattegat, division IIIa east, we ask Council to increase the TAC to 130 tonnes.**

*Mixed fisheries impacting cod*

Fisheries landing a mix of target species are known as mixed fisheries. The predominance of demersal trawlers in EU waters, which have relatively poor selectivity, is a strong incentive to shift toward the more complex mode of mixed fisheries management.

Due to the variety of species captured in these fisheries, and in a move toward more comprehensive ecosystems-based management, ICES provides mixed fisheries advice for 2016 impacting two cod stocks, including the North Sea, Skagerrak and Eastern English Channel as one area, and for the first time this year the Southern Celtic Sea. We support the development of mixed fisheries advice, emphasise the need to analyse species interactions in detail, and encourage Council to consider the impact on different stocks across fleet segments as reflected in this advice. In particular we urge Council to ensure that the total removals associated with TAC setting in the mixed fisheries maintain exploitation rates for all stocks below  $F_{MSY}$  as required by the CFP.

Under the existing predominant gear selectivity patterns in these areas, capturing the quotas of some stocks will limit the opportunity for continued harvest of others. Improving gear selectivity on the whole, especially for these most limiting stocks (choke species), would help increase the opportunity to continue harvesting stocks with greater abundance.

*Cod in VIIbce-k, VIII, IX, X, and CECAF 34.1.1 (EC waters) (Southern Celtic Sea)*

In the Southern Celtic Sea, cod biomass is currently below precautionary levels and is being overfished with an exploitation rate over both  $F_{MSY}$  and  $F_{PA}$ , which is a precautionary level beyond which fishing effort risks bringing a stock to recruitment failure. ICES provides mixed fishery advice for Southern Celtic Sea divisions VIIbce-k, which must be applied to the total management area for this stock into subareas VIII, IX, X, and CECAF 34.1.1 (EC waters). The landing obligation also applies to whiting in this area starting on 1 January 2016 if the combined landings of cod, haddock, saithe, and whiting represent 25% or more of the total landings.

Under the existing selectivity patterns in the Southern Celtic Sea, cod harvests will be the most limiting stock in the mixed gadoid fisheries. Due to high variability in cod discarding and in absence of the landing obligation, ICES advice directly corresponds to landings and a cod TAC of 3 569 tonnes.

**Recommendation: We urge the Council to follow ICES advice and adopt a TAC for the Southern Celtic Seas of no more than 3 569 tonnes.**

*Cod in IV, IIa, IIIa, and VIId (North Sea including Skagerrak and Eastern English Channel)*

There is potential for North Sea cod to be a successfully managed stock in the coming years, if the stock is allowed to rebuild. Currently, North Sea cod biomass is under the precautionary reference point  $B_{PA}$ , yet under a sustainable harvest and continued growth should reach a biomass above  $MSY B_{trigger}$ , equal to  $B_{PA}$ , by 2017.

Due to the low biomass, ICES has scaled its advice accordingly to below  $F_{MSY}$  to allow for continued stock rebuilding. The new revision of the stock assessment for North Sea cod does not show an increase in total stock biomass, but an increase in the numbers of mature fish, because the fact that the fish mature at younger ages is now incorporated into the assessment. These younger fish, while part of the SSB, are not as productive as newly spawning fish in the past and should be allowed to reach greater size and age before harvest.

While ICES provides advice on this stock across its range, three management areas cover the stock in the divisions associated with the North Sea, Skagerrak, and Eastern English Channel. Until the landing obligation is enforced for cod in the North Sea, the final TAC must correspond with ICES estimates of 'wanted catch' only, anticipating discards at the current rate (18%). The corresponding total TAC for the three management areas is 40 419 tonnes. Dividing this total between the North Sea, Skagerrak, and Eastern English Channel at the rate used since 2009 results in 83%, 12%, and 5% of the total TAC, respectively, including both EU and Norwegian portions.

Under the existing selectivity patterns in the mixed demersal fisheries in these areas, harvests of whiting and Eastern Channel sole will be the limiting stocks to further demersal exploitation. Unless fisheries targeting cod modify their behaviour and gear to better select for cod alone, then much of the cod TAC will be unfished. However, fishing cod at a rate well under  $F_{MSY}$  will allow more rapid stock rebuilding from the limited available recruitment, leading to greater catch rates of cod and improved recruitment in the future.

**Recommendation: We urge the Council to adopt the following TACs for cod corresponding to ICES advice, which include both EU and Norwegian portions of the quota: for the North Sea no more than 33 650 tonnes, for Skagerrak no more than 4 808 tonnes, and for the Eastern English Channel no more than 1 961 tonnes.**

#### COMMON SOLE

The Council will set TACs for sole in almost all areas of the North-East Atlantic and the North Sea. Equally, all three joint recommendations on the landing obligation provided by the respective regional Member State groups contain provisions to include certain sole fisheries under the landing obligation apart from the Irish Sea division VIIa. In recent years the Council has set common sole TACs in excess of scientific advice, resulting in a decline of the stocks and causing problems for both the ecosystem and dependent fisheries. Several common sole stocks are now at risk of impaired recruitment and collapse.

##### *Common sole in VIIa (Irish Sea)*

Despite a reduction in fishing mortality to levels below  $F_{MSY}$ , Irish Sea common sole biomass has remained below  $B_{LIM}$ , which is the biomass reference point below which stocks are at serious risk of recruitment failure and collapse, since 2005. Recruitment is also the lowest in the time series. ICES advises closing the targeted fishery and minimising all bycatch. Since 2013 the Council has not followed the scientific advice and consistently set a 90 tonnes TAC. We support the Commission's proposal to close this fishery for 2016 so that this stock may finally begin to rebuild.

**Recommendation: We urge the Council to follow the scientific advice and the Commission's proposal to close the fishery of common sole in division VIIa.**

##### *Common sole in IIIa and 22-24 (Skagerrak, Kattegat and Western Baltic Sea)*

For common sole in Skagerrak, Kattegat and the Western Baltic Sea overfishing has increased for several years and is now close to  $F_{PA}$ , resulting in a strong decline of the stock since 2004 to levels at which the stock is in serious risk of recruitment failure and collapse ( $B_{LIM}$ ). Recruitment has decreased since 2008 and is now at historically low levels. ICES advises catches of no more than 93 tonnes following the MSY approach.

##### *Common sole in IV (North Sea)*

Despite a decreasing fishing mortality, the common sole stock in the North Sea is still being overfished with a fishing mortality above  $F_{MSY}$ , while the biomass has fluctuated around MSY  $B_{trigger}$ , equal to  $B_{PA}$ , and is currently above this precautionary level. Council has followed the proposed scientific advice according to a

management plan since 2010. ICES previously evaluated the plan and considered it precautionary. From 2016 on, ICES advises catches following the second stage of the management plan and assumes that harvesting the stock with the newest estimate of  $F_{MSY}$  is in accordance with stage two.

#### *Common sole in VIId (Eastern English Channel)*

Overfishing for common sole in division VIId has increased strongly in recent years reaching  $F_{LIM}$ , which in the long term will result in a stock at risk of recruitment failure and collapse. Coupled with low recruitment in 2012 and 2013, overfishing has caused the biomass to decline to the levels of  $MSY B_{trigger}$  (equal to  $B_{PA}$  for this stock). This overfishing was caused directly by setting the TAC above scientific advice since 2014. This year, ICES advises catches of 2 685 tonnes following the MSY approach.

#### *Common sole in VIle (Western English Channel)*

The common sole stock in VIle has been in good shape for several years, with fishing mortality below  $F_{MSY}$  since 2009 and biomass above  $MSY B_{trigger}$  for several decades. It was highlighted by the Commission as a positive example in its 2014 Communication,<sup>7</sup> showing that stock size has increased by 16% and catches by 24% in the period 2009 to 2013. ICES advises a further increase in catches to no more than 1 226 tonnes and assumes all catches to be landed.

#### *Common sole in VIIfg (Bristol Channel and Celtic Sea)*

Common sole in the Bristol Channel and the Celtic Sea is being overfished and fishing mortality increased above  $F_{PA}$ . The biomass is declining steadily as a result, although still above  $MSY B_{trigger}$ , equal to  $B_{PA}$  for this stock. Council has not followed scientific advice when setting the TAC since 2014. For 2016, ICES advises catches of no more than 760 tonnes following the MSY approach.

#### *Common sole in VIllab (Northern and Central Bay of Biscay)*

For common sole in division VIllab fishing mortality is above the precautionary fishing mortality reference point  $F_{PA}$  and biomass is below  $MSY B_{trigger}$ , which equals the precautionary biomass reference point  $B_{PA}$  for this stock. In 2013 the stock was considered to be in a stronger state and was above  $MSY B_{trigger}$ . Sadly, continued Council action setting TACs above scientific advice has caused the stock to decline below precautionary levels. For 2016, ICES recommends catches of no more than 2 393 tonnes following the MSY approach.

**Recommendation: For all sole fisheries, apart from VIIa (Irish Sea) where ICES advises to close the fishery, we urge the Council to follow our general considerations when setting TACs for stocks that are partially covered by the landing obligation, as outlined above.**

HAKE

#### *Southern hake in VIllc and IXa*

The Southern hake stock is being seriously overfished with a fishing mortality of 0.73 ( $F_{MSY}$  is 0.24), and the stock is in a poor state with a biomass of 16 443 tonnes, only just above  $B_{LIM}$ . If Council wishes to improve both the health of the stock and the socio-economic conditions for the fisheries then urgent change is required.

Member States put forward a joint recommendation for a discard plan including Southern hake that the Commission has transposed into a delegated act (COM (2015) 6835). Regrettably, not all fisheries and fleets targeting the stock are covered under this discard plan, which complicates the calculation of the final TAC.

A management plan had been agreed in 2005 with the aim to rebuild the stock to safe biological limits and reduce fishing mortality by 2016. The intent was a biomass recovery to above 35 000 tonnes and a reduction in the fishing mortality rate to 0.27. This plan has not been evaluated by ICES thus cannot be used as the advice basis.

On the basis of the MSY approach ICES advises that catches should be no more than 6 078 tonnes, a 62% reduction of the TAC set in 2015. In 2015, like in the previous two years, management decisions for this stock have not followed scientific advice. The TAC decision for 2015 was more than 5 000 tonnes above scientific advice. Ignoring the advice has necessitated bigger advised cuts due to continuing stock decline.

The Commission is managing these divisions (VIIIc and IXa) together with division X and EU waters of CECAF 34.1.1. In the latter two divisions only 200–300 tonnes are likely to be caught.

**Recommendation: For Southern hake stocks, we urge the Council to set TACs following our general considerations for stocks that are partially covered by the landing obligation, as outlined above.**

*Northern hake in IV, VI, VII, VIIIabd, and IIIa*

The status of the Northern hake stock has improved substantially in recent years and now has a biomass level above  $MSY B_{trigger}$ , due to substantial reductions in fishing mortality. However the stock is still being overfished as fishing mortality has remained above  $F_{MSY}$  since the beginning of the time series ICES provides. As for southern hake, Member States submitted a joint recommendation for a discard plan including Northern hake that the Commission has transposed into a delegated act (COM (2015) 6833). Once again, not all fisheries and fleets targeting this stock are covered under the new discard plan, which complicates calculation of the final TAC.

ICES advises on the basis of the MSY approach that total catches should not be more than 109 592 tonnes. For 2015 the Council did not follow scientific advice and set the Northern hake TAC 12 000 tonnes above advice. Fishing mortality should be set below  $F_{MSY}$  to adhere to the CFP objectives.

**Recommendation: For Northern hake stocks, we urge the Council to set TACs following our general considerations for stocks that are partially covered by the landing obligation, as outlined above.**

## HORSE MACKEREL

There are three horse mackerel stocks for which ICES provides advice. For subarea VIII and divisions IIa, IVa, Vb, VIa, and VIIa–c, e–k (Northeast Atlantic) and in division IXa (Atlantic Iberian Waters) fishing has taken place below  $F_{MSY}$  for a number of years. In divisions IIIa, IVb,c and VIId (Skagerrak and Kattegat, Southern and Central North Sea, Eastern English Channel), the precautionary approach has been applied as the available information is insufficient to evaluate the biomass and exploitation status. Exploitation of this stock in the Eastern English Channel represents a significantly smaller fishery than the other stocks.

*Horse mackerel in VIII, IIa, IVa, Vb, VIa, and VIIa–c, e–k (Northeast Atlantic)*

ICES advice for horse mackerel in the Northeast Atlantic indicates that fishing at  $F_{MSY}$  would represent a slight increase in  $F$  and correspond to a 27% TAC increase. For the stock, ICES says that ‘there is large uncertainty in the absolute estimates of SSB.’ Within this uncertainty, ICES estimates a 10% decrease in biomass, which would bring the stock below precautionary levels by 2016.

The exploitation rate has been below  $F_{MSY}$  for just over 10 years and catches have been relatively stable but declining. From 2004 to 2008  $F$  was significantly below  $F_{MSY}$ , permitting improved growth in the stock biomass until exploitation returned to  $F_{MSY}$  reversing this growth. This suggests that fishing below ICES  $F_{MSY}$  estimate is a preferable management option for stock stability.

Due to high uncertainty, the risk of stock reduction below precautionary levels in 2016, and the failure of the existing management plan to meet precautionary considerations as noted in the advice, we recommend the exploitation rate be maintained below  $F_{MSY}$ . ICES predicts a rollover of the 2015 TAC, 99 304 tonnes, would prevent stocks from falling below  $MSY B_{trigger}$  in 2016. Dividing this total between the two management areas division VIIIc and the remaining divisions associated with the Northeast Atlantic at the current rate represents 14% and 86% of total TAC, respectively, including both EU and international portions.

**Recommendation: We urge the Council to adopt the following rollover TACs corresponding to ICES advice, which include both EU and International portions of the quota: for division VIIIc no more than 13 572 tonnes, and for the remainder of the divisions associated with the Northeast Atlantic stock no more than 85 732 tonnes.**

#### *Horse mackerel in IXa (Atlantic Iberian Waters)*

Horse mackerel stocks in Atlantic Iberian Waters are in apparently good shape given the increasing biomass and relatively low exploitation rate. Fishing well below  $F_{MSY}$  has allowed steady catches for over 10 years. Although uncertainty is relatively high on both of these parameters, the absolute trends are still clear. In line with the MSY approach, the stock could sustain a dramatic increase in exploitation, though ICES advises a real shift to that level of exploitation from the current low level should occur in several stages to distribute exploitation among horse mackerel cohorts. The remaining increase for 2016 that is in line with scientific advice and the Commission's proposal equals a real TAC increase of 15.3%.

**Recommendation: We ask the Council to adopt a TAC corresponding to ICES advice for Atlantic Iberian Waters of no more than 68 583 tonnes.**

#### POLLACK

ICES provides advice for three pollack stocks in the North Sea, subarea IV and division IIIa, Celtic Seas & English Channel, subareas VI & VII, and Bay of Biscay & Atlantic Iberian Waters, subarea VIII & division IXa. The North Sea stock is in poor shape and has no dedicated TAC, though ICES implies landings in subarea IV should be no more than 1 300 tonnes and there should be no directed pollack fishery in division IIIa. The remaining two data-limited stocks are managed across five management areas. MSY values are unknown and undefined. Data on recreational catch is poorly estimated and thought to be considerable in the TAC managed areas.

Maintaining the current practice of quota rollovers for these economically important stocks that are in such poor condition continues to prevent any stock regrowth. It is a priority for MSY values to be defined for the stocks and that any year-on-year quota rollovers should be dependent on improvements in the health of the stock.

Due to the poor stock status and precautionary assessment, ICES advice is based on landings only. This corresponds directly to the TACs once allocated along the existing divisions. For the combined management areas in the Celtic Seas & English Channel, representing 3% and 97% respectively, ICES advises landing no more than 4 200 tonnes. For the combined management areas in the Bay of Biscay, VIIIc & Atlantic Iberian Waters, representing 74%, 12% and 14% respectively, ICES advises landing no more than 1 316 tonnes.

**Recommendation: We urge the Council to adopt the following TACs corresponding to ICES advice: for the Celtic Sea, no more than 120 tonnes; for the English Channel, no more than 4 080 tonnes; for the Bay of Biscay, excluding division VIIIc, no more than 978 tonnes; for division VIIIc, no more than 152 tonnes; and for Atlantic Iberian waters, no more than 186 tonnes.**

## SKATES AND RAYS

All skate and ray species are managed under a combined TAC for each of their respective management units. While the status of some species is improving, most stocks are overexploited and fishing opportunities are in need of precautionary cuts to reduce fishing mortality. ICES advise zero catch for a number of dramatically depleted skate and ray species.

Moving to a system of individualised TACs would provide an incentive to improve the state of these stocks. Moreover, the involved fishing industry will be damaged if they are unable to exploit a healthy stock due to restrictions imposed on the collective outlook for the species.

The Commission has proposed 20% decreases to all combined skate and ray stocks except for those in EC waters of VIII and IX, where the Commission has proposed a 10% decrease.

**Recommendation: We urge the Council to establish individual TACs for each species, or species group, based on the advice provided by ICES, and an immediate precautionary reduction of all skate and ray TACs of 20%, which is largely in line with the Commission's proposal.**