

PROVISIONAL OPINION BY **THE** NORTH SEA REGIONAL ADVISORY COUNCIL'S WORKING GROUP ON DEMERSAL STOCKS CONCERNING TACs, QUOTAS AND MANAGEMENT ARRANGEMENTS FOR 2005

Scope of the Opinion

The Cod Recovery Plan and its effort-based management system continue to be the decisive influence on policy development for management for North Sea Demersal stocks. This opinion focuses, therefore, on current experience and future prospects for the cod recovery plan. An opinion is also offered on TAC levels for other stocks and specific management advice is given for monkfish.

Cod Recovery and Related Measures

1. As a general principle time should be allowed to assess the effectiveness for measures in place before any significant changes are implemented or new measures are introduced. Continuous change in the management regime before the effects of previous changes have been analysed is difficult to explain to stakeholders and undermines confidence in the management systems concerned. Subsequent policy evaluation becomes more difficult and the reliability of scientific assessments becomes progressively less certain. Adverse effects on national quota management schemes and disruptions to relative stability also arise from such an approach. This unfortunate progression of events has been experienced during the implementation and operation of North Sea Cod recovery measures over the past four years.

2. Although a formal cod recovery plan was not adopted until March 2004⁽¹⁾ cod recovery measures in the North Sea have been in place since January 2000. At that time TACs were reduced by around 60%, compared to the prior year. Later, the standard mesh size for North Sea was increased by 20% to 120mm. An area of around 150000 square kilometres closed to fishing in the early part of 2001. Measures were progressively intensified during 2003 and 2004. Large scale capacity withdrawals through decommissioning schemes were implemented in a number of countries and effort limitation and other restrictions were imposed through annexes to the TAC and quota regulations for 2003 and 2004⁽²⁾⁽³⁾. The only scientific assessment of these measures was carried out on the 2001 part year closure⁽⁶⁾.

3. It is understood that the Commission is now considering proposing significant changes to these measures, based on ICES advice (October 2004 ACFM report⁽⁴⁾). Indeed it is argued that Article 8 of the cod recovery regulation⁽¹⁾ obliges the Commission to propose effort reductions proportionate to the target reduction in mortality proposed by ICES. The justification of area closures as a proxy for effort reductions is based on Article 8(3) of the Cod Recovery Regulation. In fact this clause was inserted in the regulation to permit the re-introduction of a kilowatt-days scheme at some future date.

4. The ICES estimate of fishing mortality in 2003 proceeds from the doubtful proposition that mortality levels in cod appeared to increase at the same time as a substantial decline in haddock mortality occurred. Closer examination of the trawl survey data⁽⁷⁾ increases those doubts. These data reveal that two surveys detected different levels of increased mortality whilst a third showed a decrease in mortality. It is possible and indeed probable that the 2003 data significantly overestimates mortality. When the data are extrapolated for 2004 these uncertainties are compounded. Estimates that

current fishing mortality continues at the supposed same high level are unsupported because the 2003 data does not reflect the strengthened controls on days at sea in Annex V. Neither does it reflect the significant reduction in fishing effort in a number of member states as a result of a major vessel decommissioning programmes implemented up to the end of 2003⁽⁵⁾. Reduction in fishing effort in the first half of 2004 was even greater than might have been assumed but it is not reflected in the ICES advice which relies on 2003 data. In the United Kingdom alone (the principal cod catching fleet in the EU) the uptake of quota is much reduced in the current year⁽⁹⁾ yet ICES proceeds on the assumption that the TAC will be exceeded by 40% in 2004. At the very least uncertainty of this magnitude cannot be taken as a serious basis for the major alterations proposed for the current cod management arrangements.

Management Issues arising from Area Closures

5. The logical starting point for considering any alterations or innovations in North Sea cod recovery measures must be a proper assessment of up-to-date data on current levels of fishing effort. Member states statistics demonstrate that significant progress had been made towards the targeted reduction in fishing effort related to cod.. Any further measures should be limited, therefore, to adjustments and refinements of the existing management regime rather than any radical change in the policy instruments.

Against this background, the Commission's suggestion of a closed area or areas in the North Sea appears disproportionate to the actual effort reduction required.

6. Introduction of a Closed Area also has to take account of biodiversity. Scientific evidence from the 2001 closure (6) showed that diverted effort had an adverse impact on benthic biodiversity in areas that, hitherto, had been relatively unexploited. This is an area where the industry is already attracting (unfair) criticism, and managers should not be adding to the problems.

7. It is also clear that the definition and design of a closed area and of the mechanisms necessary to enforce and monitor such an arrangement are complex matters. This is a subject which has benefited from substantial academic study, all of which points to the conclusion that the success of closed areas and marine protected areas (MPAs) depends crucially on the close involvement of stakeholders in the specification of the designated area and on broad stakeholder support for the stated objectives and operating mechanisms employed⁽⁸⁾. Planning and preparation on the scale required would involve many months of detailed work. Such a complex undertaking can hardly be introduced through an Annex to the TAC and Quota regulation without adequate notice or consultation. The Commission should be aware, already, of the risks in such a procedure in view of the substantial remedial adjustments required for Annex XVII and Annex V in 2003 and 2004 respectively. Similar errors in any area closure could result in an actual increased level of cod mortality due to displacement of fishing effort to even more vulnerable habitats. This is particular risk for juveniles according to the Commission's Meeting for the scientific evaluation of cod related measures in May 2003. Clearly area closures would be inappropriate as well as being disproportionate for this stock in this area.

8. The concept of a partially closed or restricted access area in the North Sea is not ruled out in principle. Indeed the North Sea RAC has adopted a priority commitment to examine the usefulness of area, seasonal and real-time, closures along with the possibilities and limitations of MPAs, in the coming year. On the basis of information currently available,

however, it is not clear that a closed area would be the appropriate instrument to secure recovery of a highly mobile species such as cod over such a large area as the North Sea.

9. If the Commission is minded to proceed with area closures then it should only do so on the basis of clearly defined purposes and objectives within a carefully designated area. It is further recommended that any such area closure is monitored and evaluated to demonstrate the contribution to stock recovery and other impacts on the wider environment. Measures to offset the effects of displaced fishing effort that will arise must be applied at the same time as the closures. At the very least the Commission should demonstrate through detailed risk analysis how many vessels will be affected and how this has been calculated, given that effort levels are likely to fluctuate throughout the year.

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Socio-Economic Considerations

10 While there would be a high level of uncertainty as to the effectiveness of a closed area, in biological terms, the economic effect on fishing industries and communities which depend on the North Sea roundfish fishery are clear; to the extent that fishermen could not readily convert to other fisheries (and the opportunities are severely limited) much of the industry would close down, with devastating effects on employment in related sectors and on fisheries-dependent communities.

11. Any management measure to protect depleted fish stocks must involve striking a balance between an acceptable level of risk in relation to the stock and a reasonable level of risk in relation to the fishing industry and dependent communities. A significant closed area in the North Sea would not achieve this balance as it would mean an unacceptable level of risk to the industry and communities without any certainty of positive results in relation to the conservation of the stock.

Adjustment and Refinement of Existing Measures

12. To the extent that the ICES assessment of fishing effort on North Sea cod is dependent on assumptions about high levels of unallocated catch, an adjustment of the management regime to address this specific issue would be a more appropriate response than the indiscriminate application of area closures. The RAC would be very willing to liaise with EU and national authorities to improve the quality and reliability of landings data.

13. Additional controls of cod landings might merit examination and reinforced controls might help to provide assurance there are not high levels of unreported landings. Controls on associated species fisheries may also benefit from review and assessment but the simplistic notion of parity in TAC reductions between cod and associated stocks should be discontinued. At all events the existing haddock management regime should be abandoned. The effect of this measure has been counterproductive due to the absence of any clear incentive to avoid cod in favour of associated species. Consideration should now be given to real time or forward-looking schemes to avoid incidental cod by-catch in associated fisheries. The current retrospective measure of basing fishing time allowances on past performances is mistaken. Such an approach succeeds only in reinforcing the fishing patterns that require to be changed. Days in harbour might be proposed in proportion to actual landed cod catches or days at sea could be granted in proportion to elective cod catch targets.

14. It is noted that the ICES stock assessments confirm the steady improvement in the cod stock, albeit from a low base. The ACFM report also emphasises the healthy state of the haddock stock. Fishermen's reports of significant improvement in the whiting stock are also borne out in the assessment and this outcome is most likely due to the introduction of 120mm mesh nets in much of the North Sea fishery. This state of affairs reinforces the case for modest adjustments to the management regime rather than radical change. It also confirms that substantial and valuable demersal fishing opportunities are available alongside a gradual, managed recovery in the cod stock.

Observations on Roundfish TACs

15. Whilst there are welcome signs of improvement in a number of stocks, caution must remain an important influence in setting catch limits. It is noted that catch limits have been set under the EU-Norway agreement in accordance with middle range targets of existing management plans. It is noted also that the reduction in saithe TAC exceeds the agreed limit of + or – 15% for TAC changes regarding species within safe biological limits. The outcomes are listed below.

Species	TAC 2004	Provisional 2005
Cod	27,300	27300
Haddock	77,000	66000
Whiting	16,000	28,000
Saithe	190,000	145,000

Monkfish

16. Monkfish is in a different situation from the main roundfish stocks. It is known to be a highly dispersed stock, and the level of scientific information on the state of the stock is at best sketchy with a very low confidence in its reliability. Accordingly ICES maintains that the available data will not support a TAC calculation and instead advises that the fishery should be allowed to continue within current effort, but that fishing effort should not be allowed to increase. Strenuous efforts should be made to gather high quality catch and effort data for the future.

17. STECF has advised that a new, less restrictive TAC be set somewhere above the current TAC and below the non-restrictive TAC set in 1999, conditional on restrictions to enforce current effort levels. A coordinated logbook system to monitor catches and effort, as well as joint surveys designed by scientific institutes and involving industry, should be implemented.

18. The current TAC is clearly inconsistent with the abundance of the stock as experienced by fishermen. Maintaining a highly restrictive TAC in these circumstances results in discarding and provides an incentive for unreported landings, all of which discredits fisheries management in the eyes of fishermen and of the public, as well as undermining the data on which proper fisheries management depends.

19. This year's ICES advice made use of fishermen's data for the first time, and STECF has explicitly proposed joint surveys involving industry. These approaches, coupled with a more realistic TAC, offers a positive way forward for the future.

References

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2. Council Regulation 2371/2002
3. Council Regulation 2287.2003
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5. Horwood J. 2004: UK effort 1997-2003 & 2004 North Sea and West of Scotland. Document to the Working group on the assessment of Demersal Stocks in the North Sea and Skaggeak, September 2004.
6. Dinmore and others: Impact of large-scale area closure on patterns of fishing disturbance and the consequence for benthic communities. ICES Journal of Marine Science 60 (2003) 371-380.
7. Bottom Trawl Surveys 2004
8. MPA Science (WWF/SAR to select)
9. UK Landings Statistics
10. STECF Report November 2004

Demersal Working Group Members

Barrie Deas (Chair)	National Federation of Fishermen's Organisations
Hamish Morrison (Rapporteur)	Scottish Fishermen's Federation
Geert Meun	Stichting van de Nederlandse
Johan K Nooitgedagt	Stichting van de Nederlandse
Chris Darby	The Centre for Environment, Fisheries and Acquaculture Science
Carol Phua	Seas At Risk
Helen Davies	WWF
Marc Ghiglia	Union des Armateurs a la Peche de France
Ian Gatt	Scottish Fishermen's Federation
Bertil Adolfsson	Sveriges Fiskares Riksförbund
Michael Andersen	Danmarks Fiskeriforening
Niels Wichmann	Danmarks Fiskeriforening
Xavier Harlay	Cooperatives Maritimes Etaploises