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Date: 10 June 2010
Our reference: 0910PRAC82/AC
Subject: Response to Policy Statement on fishing opportunities 2011
CC: Ms Isabelle Viallon (by e-mail)

Dear Mr Fotiadis,

Thank you for providing us with the opportunity to comment on the Commission's Policy Statement document on fishing opportunities for 2011. Despite the short time frame for consultation, we are in a position to provide some comments.

Structure and approach of the document

The Pelagic RAC recognises that the Commission has restructured the document and reconsidered the manner of communicating on the state of the resources. Especially separating the descriptions of the status of the stocks region-by-region makes the document clearer. While this has a potential to benefit the effectiveness of the communication, the Pelagic RAC is disappointed that the section on migratory pelagic stocks suggests a generally negative situation.

In line with ICES moving forward with implementing MSY by focusing mainly on fishing mortality and consciously not setting specific biomass targets but trigger biomass levels, the PRAC recommends that the Commission adopts a similar approach when making its proposals for 2011 and describing the state of the stocks. The section on pelagic stocks could then state that out of the five widely distributed stocks, only one is currently being overfished: the North East Atlantic mackerel stock. For this, the reasons can only be found *outside* the EU. Considering that this document is a communication by the European Commission, it could thus have sufficed to state that *"the stock is in good shape and EU quota are set based on a LTM plan agreed between EU, Norway and Faroese Islands, which was tested as sustainable by ICES. However, there is a risk of depletion of the stock due to entry of new fleets in the fishery and additional quota being set outside the agreement"*.

Regardless of the size of SSB, which might fluctuate due to natural circumstances, North Sea herring, blue whiting, Atlanto Scandian herring and Western horse mackerel are all being fished sustainably in relation to precautionary limits. The latter two stocks, which clearly are in good shape, are not mentioned at all. If the Commission deems it appropriate to conclude that *"progress has been better than elsewhere in the North Sea, Skagerrak and Kattegat, because the number of stocks outside safe biological limits has declined from 8 to 6"*, surely the Commission could then also formulate a statement on the generally very positive situation in pelagic fisheries on widely distributed stocks.

The Pelagic RAC would furthermore like to note that no percentage is mentioned regards the TACs being set in relation to scientific advice, which is the case in all other sections for specific regions. The Pelagic RAC dedicates much time and effort on the development, fine-tuning and adoption of LTM plans. Although there might be exceptional cases, the TACs are generally being set in accordance with these LTM plans. In other words, the percentage of excess TAC in comparison to the scientific advice should be close to zero. The Pelagic RAC is of the strong opinion that this is well worth mentioning!

Finally, in relation to the regional approach suggested by the Commission to consider the option of devolving management of TACs that concerns only one Member State to that Member State, the Pelagic RAC would like to express its support, because this might resolve some problems in (some of the) smaller Western herring stocks.

Assessment data availability and quality

The Pelagic RAC agrees with the Commission on the need to address and approve assessment data availability and quality. This is why, during 2009, the Pelagic RAC had proposed two initiatives on this very issue, attempting to initiate progress. The Commission might imagine the RAC's disappointment when both the recommendation to facilitate a herring sentinel fishery for data collection (in VIa South and VIIC,d) as well as a broad research proposal by three national scientific institutes together with the Pelagic RAC¹ were answered by the Commission with a negative response. The Commission furthermore states that stakeholders' advice can only be used when it is evidence based. The Pelagic RAC itself does not, however, have the means to create this evidence base, and is therefore extremely frustrated when it is denied opportunities to obtain this in collaboration with ICES, national scientific institutes or STECF² again and again. The Pelagic RAC looks forward to receiving invitations for data quality reviews and is hopeful that future initiatives will reap better results.

Long Term Management plans

The Pelagic RAC is happy to see that more attention is given to Long Term Management (LTM) plans. However, it is disappointed to see that the Commission does not have the ambition to prepare a proposal for pelagic stocks in the Baltic sea during 2010. Considering that the Western Baltic Spring Spawning stock is caught in a mix with North Sea herring in area IIIa by Pelagic RAC members, this is a relevant issue for the Pelagic RAC. Taking note of the alarming developments in the WBSS herring stock, it would seem appropriate to proceed with the implementation of a LTM plan as soon as possible. Similarly, the Pelagic RAC is disappointed that the implementation of the LTM plan for Western horse mackerel has been delayed as much as it has. Hopefully this process will indeed be finalized this year as suggested in the document. The Pelagic RAC would much appreciate if the Commission could provide some detailed information on the current state of play regarding this matter.

¹ Tender prepared for DG MARE Studies and Pilot projects for carrying out the Common Fisheries Policy. MARE/2009/03. Lot 3: Joint data collection between the scientific community and the fishing sector in European pelagic fisheries

² The recent rejection by the Commission to request STECF to consider the North Sea herring situation is another example of this.

The implementation of MSY

In general, the Pelagic RAC is approving of ICES moving towards the implementation of MSY. The Pelagic RAC appreciates that ICES chose to focus on fishing mortality, rather than setting specific biomass targets. However, a number of issues are still unclear. It is for instance not clear whether ICES will be able to make estimations of (proxies of) F_{msy} for all stocks and on which criteria their appropriateness will be judged. It is the understanding of the Pelagic RAC that several methodologies can be used to this end and there is not one unambiguous answer to which is the absolute best. In addition to this, the Pelagic RAC strongly advocates that F_{msy} values, however estimated, should be revised continuously, as new information comes to light and when changes in the environment occur. Obviously, this should be the case *both* when a possible reduction or a possible *increase* could be advocated for.

It is not explained how stocks managed with a LTM plan will be dealt with in the context of an MSY framework. Will these be re-evaluated in the near future and if so how? The Pelagic RAC is of the opinion that all widely distributed stocks are managed in compliance with the MSY concept, considering that their LTM plans were developed based on optimizing yield and minimizing risk to the stock in the long term. Finally, the communication is also unclear how category 11 stocks should be dealt with. The Pelagic RAC recognizes that the Commission has held two consultation rounds on this issue, last year and in April of this year respectively, but as far as the RAC is aware, that is as far as the process has progressed. The Pelagic RAC would appreciate it if the Commission could provide some more detailed explanation on this issue.

Socio-economics

On the issue of socio-economics, the Pelagic RAC had commented in recent years that it was of the opinion that it would be valuable to see these addressed in the Policy Statement document. The Pelagic RAC is disappointed that no attempt is made to incorporate the technical and economics issues that fall under the remit of STECF notwithstanding the difficulty in doing so. Surely at a minimum it should be possible to give a general impression of the state of the fishery in socio-economic terms, in a similar fashion as is done for the state of the stocks in biological terms.

If you have any questions, please contact the secretariat. Looking forward to your response,

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Aukje Coers', with a long horizontal line extending to the right from the end of the signature.

Ms Aukje Coers
Pelagic RAC secretariat