



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

Brussels,
DG MARE

Ms. Verena Ohms
Pelagic RAC Secretary
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The Netherlands

Subject: All stocks in the remit of the PRAC

Reference: Your letter 1112PRAC39/AC dated April 17, 2012 (Ares 467974)

Dear Ms. Ohms,

Thank you for the PRAC's letter in relation to the stocks in your remit. This is a very timely opportunity to receive your itemized opinion as we make further analysis in alignment with the ICES advice before drawing the proposals for fishing opportunities for next year.

Let me go through the major points on stocks you have indicated:

1. Western Baltic Herring

Last spring, ICES confirmed that it would be possible to develop the scientific basis for a multi-species plan for the stocks of cod, herring and sprat in the Baltic Sea. Following this, in June 2011 on the basis of MS's request, the Commission agreed that the existing cod management plan in the Baltic would be replaced by a multi-species plan, including all stocks of cod, herring and sprat in the Baltic Sea, and accounting, where possible, for the interactions between the stocks, such as the predation of cod on sprat and herring. This plan will supersede the management plan for the Baltic pelagic stocks that was under development. It is anticipated that the Baltic plan will include a harvest control rule for setting the overall TAC for the Western Baltic herring stock, but there will still be a need to agree how part of this TAC will be subject to joint management with Norway. Work is underway on the Baltic plan and PRAC will be included in any future consultation on this issue.

2. North Sea Herring

As regards North Sea herring, we recognise that, although the plan has worked well in ensuring sustainability, it has not succeeded in its objective to maximise long term yields. The EU and Norway had already agreed to review this plan in 2012, and met last week in Kirkwall to discuss options in the light of the ICES benchmark assessment and to agree a joint request to ICES to fully evaluate those options. The request includes a revision of the current precautionary and management reference points, an evaluation of alternative TAC stability mechanisms, the impact of possible changes in fishing mortality on juveniles and the impact of an inter-annual quota flexibility of 10%. We hope to receive a response from ICES in October, to be used as the basis for further discussions with stakeholders and with Norway. The aim would be to agree on the most appropriate revisions to the plan during the annual consultations with Norway in November and December.

3. West of Scotland Herring

The Commission proposal you refer to in your letter seeks to align the West of Scotland herring management plan (Council Regulation (EC) No 1300/2008) with the Treaty on the Functioning of the EU (TFEU), in particular to ensure the plan can be updated if advice indicates different reference points are appropriate. Following the adoption of TFEU the co-legislators cannot delegate the power to amend these elements to the Council. The proposal follows Article 290 of TFEU in that the Commission is delegated the power to amend these non-essential elements if required to on the basis of scientific advice. Indeed, the parameters concerned are based on scientific advice and do not influence either the policy for the stock nor the objective of the plan. Given the fact that this amendment does not entail any change in approach to the management of the stock, it has been a matter of informing the RAC but not of consulting it.

The PRAC points out that the proposal includes, however, a change in the definition of the area, which would go beyond the mere alignment of the text with the TFEU. I can inform you that the intention of the proposed amendment is not to change the geographical scope, as also indicated by the Commission to the EP plenary of 14 June.

4. Herring in division VaS and VIIbc

We take note of the intention of the PRAC to submit an updated proposal for a management plan after its 11 July meeting, addressing the shortcomings detected by STECF in the PRAC proposal. This will take place after ICES has delivered its advice for 2013. It should be possible to consult STECF on such a plan with a view to its November plenary, but the proposal for fishing opportunities 2013 will have been already tabled. Even so, we will see whether the opinion of the STECF could possibly be taken into account in the further process.

5. Celtic Sea Herring

The PRAC proposal for a management plan has been submitted to ICES by the Irish Authorities at the end of May. In relation to the part of the request that deals with any possible adjustments to the harvest control rule that ICES would see fit to recommend, the Commission has suggested to invite ICES to comment on alterations to this rule, or propose alternative

rules, that could provide improvements in terms of ensuring low risk, better compliance with MSY objectives and better stability for the industry.

The request to ICES and the comments submitted by ourselves are such that there seems to be no need for the Commission to make another submission to ICES for the assessment of the proposed rule. Clearly, we will consider the advice issued in respect of this request, provided that ICES and STECF confirm that the proposed rule is precautionary and effective in leading the stock to MSY in 2015.

On the matter of whether or not this stock will be taken into consideration in a mixed fisheries context, we take note of the position expressed by the PRAC that it should be best to leave to ICES to judge this. We agree with this position inasmuch as the advisory bodies are best placed to deploy the expertise necessary to determine the scope of mixed fisheries management in biological terms, but also in terms of technical interaction between fisheries sharing the same geographical region. Currently, we are envisaging that STECF will help us map these areas and the interactions in place. This will be part of their terms of reference for the July Plenary. Further on, the Commission will have to discuss with each relevant RAC, and in some cases with more than one, how to go about defining the areas and material scope of the future mixed fisheries plans, in light of the scientific advice emanating from both ICES and STECF. At that point, our services will involve the PRAC, and where appropriate the NWWRAC from scratch on the identification of options for the management of Celtic Sea Stocks. We understand that this work is a medium-term project and that in the meantime it will be beneficial to use the best means available to manage the stock. Therefore the assessment of a single-stock management approach for Celtic Sea Herring as proposed by the PRAC and the Irish authorities is a positive development at this time.

6. Irish Sea Herring

We welcome your initiatives to improve the management of this stock. We note your intention to take into consideration all the outcomes of the benchmarking exercise carried out by the relevant ICES Working Group (WKPELA) last February. We would draw your attention in particular to two issues stemming from this work that may be important to bear in mind considering options for future management: (i) the degree of juvenile mixing from Celtic Sea Herring that has been observed and its implication for the assessment of the stock, and (ii) the opportunity to set a F_{msy} target as the central element for the management of the stock, rather than the precautionary considerations in which the current TAC is based.

7. North East Atlantic Herring

The Coastal States have now agreed on a request for advice from ICES. The Coastal States will evaluate this advice in October and determine whether to adjust the harvest control rule in the plan.

8. Western Horse Mackerel

I take note of your request to seek contact with ICES in relation to comments by third countries on the management of EU stocks. This is, however, a matter internal for ICES that must be addressed by that organisation in accordance with its internal rules. I am not without

knowing that Norway believes this stock to be also located in its waters. Only the ICES experts can sort out the question of the geographical distribution based on scientific data for this stock. I am glad that the PRAC raised this issue with ICES at the MIRAC meeting early this year. I can assure you that we will be following closely the development of the advice this year, and will make sure that delivery of advice follows the Memorandum of Understanding between the Commission and ICES in all respects.

As for the proposed regulation establishing the multiannual management plan for this stock, I thank the PRAC for the support it offers to the Commission. We hope that the co-legislators will continue dialogue and reflection on this proposal. The Council must now take a decision to complete the first reading phase and we favour the passage to second reading as an incentive for this dialogue to reactivate. However, the decision lies indeed in the hands of the Council. Let me assure you that we will continue to raise the matter with the Council Presidency and offer the Commission's assistance towards finding a solution for this deadlock which not only affects horse mackerel, but all stocks under management plans.

9. North Sea Horse Mackerel

I look forward to receiving the PRAC's proposal for the management plan for this stock in the course of 2012.

10. Southern Horse Mackerel

I note the PRAC's satisfaction regarding the TAC adopted for this stock and its intention to work towards proposing a management plan for this stock in the future.

11. Blue Whiting

We welcome the outcomes from the benchmark assessment conducted by the relevant ICES working group (WKPELA). By unanimity, the working group decided to recommend assessment of blue whiting in ICES Subareas I-IX, XII and XIV as a single stock. According to these results it is not our intention to recommend a differentiated management of this stock.

The PRAC has made a recommendation to the Commission for an amendment to the current harvest control rule contained in the long-term management plan. This proposed change has been included in a request made to ICES for subsequent evaluation. We hope to see the results prior to the October 2012 Coastal State consultations.

12. Boarfish

We welcome the initiative taken by the Danish and Irish industries to carry out surveys for this fishery again in 2012. It has, however, not been possible for the Commission to amend the Data Collection annexes to include this species in the data collection framework this year. We are looking into this issue and will keep the PRAC up to date on options and possibilities. In any case, we intend to put the matter on the agenda of the forthcoming regional coordination meeting with the data collection correspondents in the Member States, to check what progress can be made in the meantime with data collection for this stock, as national institutes are indeed already collecting data.

13. Evaluation of functioning of NEAFC by 2013

I take note of the PRAC's concerns with regard to the performance review of NEAFC to be carried out in 2013. The Commission fully supports this process and will endeavour to ensure that appropriate consultation is carried out during the review.

I would like to thank the PRAC for their constructive approach and look forward continuing the cooperation.

Yours sincerely,



Lowri EVANS