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Subject: Recommendation on potential solutions to choke situations in pelagic fisheries

Dear Mr Machado,

I am pleased to submit to you in Annex I the Pelagic AC's recommendation on potential solutions to choke situations in pelagic fisheries. This recommendation has been unanimously endorsed by the Executive Committee.

In case you have any questions, please do not hesitate to contact the Secretariat.

Kind regards,

A handwritten signature in blue ink that reads 'Jesper Raakjær'.

Jesper Raakjær
Chairman Pelagic AC



Annex I: Recommendation on potential solutions to choke situations in pelagic fisheries

25 May 2018

Introduction

When the landing obligation enters into full force on January 1st 2019 there is a risk that within a very short time fisheries will be closed due to unwanted bycatch of pelagic stocks in demersal fisheries and vice versa if no or not sufficient quota is available.

To identify and quantify such choke situations the NWW AC has developed the so-called choke mitigation tool in close collaboration with the NWW regional group. This tool has subsequently been adopted by the Pelagic AC to identify choke situations relevant to pelagic fisheries. The detailed analysis is available in the attached excel files:

- “Demersal catches in pelagic fisheries” and
- “Pelagic catches in demersal fisheries”

Each potential choke situation is categorised according to the following definitions based on those developed at the Member States workshop on ‘Access to Quota’ (14 -15 April 2016, Edinburgh):

Category 1: Sufficient quota is available at Member State level.

The choke is due to the distribution of quota within the Member State, such that a region or fleet segment does not have enough quota. This situation may be resolved by the Member State itself

Category 2: Sufficient quota is available at EU level but insufficient quota exists at Member State level.

The choke is due to the distribution of quota between Member States and may be resolved between Member States in a regional context.

Category 3: Insufficient quota exists at EU level.

The choke is due to insufficient quota within the relevant sea basin to cover current catches or catches that cannot be otherwise reduced (e.g. by selectivity or avoidance), resulting in the total cessation of fishing of the flag vessels of a Member State or Member States.

Category 3 chokes are the most severe choke situations and have to be a priority in the regional discard plans. Solutions have to be found to these chokes to avoid the premature closure of many fisheries without jeopardising the overall objectives of the CFP and those of the landing obligation in particular.

Category 3 stocks

The Pelagic AC has identified the following stocks as category 3 stocks meaning that catches exceed the TAC with multiple Member States impacted.

Demersal bycatch in pelagic fisheries:

- Haddock in area 7b-k
- Whiting in area 7e-k

- Whiting in area 6
- Hake in area 2 and 4
- Whiting in area 2 and 4
- Saithe in area 2 and 4
- Whiting in area 3a

Pelagic bycatch in demersal fisheries:

- Horse mackerel in area 4 b,c and 7d
- Herring in area 6a and 7b,c

De minimis exemption

In 2014 the Pelagic AC produced an extensive recommendation on the implementation of the landing obligation in pelagic fisheries¹. This recommendation included a *de minimis* of up to 5% to be applied upon *landing* the catch. The rationale is that onboard RSW vessels any kind of potential bycatch will not be discovered until the sorting and grading is done at the factory ashore.

Unfortunately, the Member States regional groups did not follow the Pelagic AC's recommendation for granting such a *de minimis* exemption. However, the Pelagic AC re-emphasizes the value of such a *de minimis* exemption in absence of others viable solutions in solving the category 3 choke situations that will occur in pelagic fisheries once the landing obligation enters into full force.

Boarfish closures in the North Western Waters

On the 6th of May 2016 and again on the 5th of April 2017 the Pelagic AC has submitted a recommendation to the NWW regional group requesting the implementation of the boarfish closures, as foreseen in the management strategy for boarfish, through the pelagic discard plan for the NWW. This approach had been suggested by the Commission which confirmed that the pelagic discard plan would be an appropriate instrument to implement such closures. Unfortunately, for reasons unknown to the Pelagic AC, the NWW regional group never followed-up on this recommendation.

Informal discussions over the last year indicated that the reason the NWW regional group did not implement the seasonal closure was in relation to the starting date of the 31st of March and that by moving the starting date for the closure to the 15th of March the NWW regional group would be amenable to include the seasonal closure in its pelagic discard plan. We therefore amended our management strategy to reflect this new closure date of the 15th March and we urged the NWW regional group again to implement the new boarfish closure in the NWW pelagic discard plan. An appropriate recommendation has been submitted to the group on the 25th of October 2017. To the strong disappointment of the Pelagic AC no sort of acknowledgement or any other form of communication has been received from the NWW group following this recommendation. The Pelagic AC therefore, again, urges the NWW regional group to implement the boarfish closures immediately as this can mitigate some of the bycatch issues for this stock.

¹ <http://www.pelagic-ac.org/media/pdf/20140429%20PRAC%20land%20obl%20recom.pdf>

Other solutions

As detailed above and in the attached excel files, the Pelagic AC has identified a limited number of problematic choke situations (category 3). These category 3 cases require tailored monitoring and management measures. Below are some recommendations on how to achieve this

Recommendations:

- Full documentation of catches must be used to demonstrate industry efforts to reduce unwanted catches, to assess the effectiveness of mitigation measures and identify new ones, as well as to inform scientific assessments. If necessary, these actions must be undertaken with support from the European Maritime and Fisheries Fund (EMFF). The emphasis must be on fully exploring all practicable methods for the avoidance, minimisation and elimination of unwanted catches in each specific fishery.
- Member States must invest in cost-effective at-sea monitoring and control systems to ensure transparency, contribute to a culture of compliance, and deliver environmental benefits stemming from the landing obligation.
- These recommendations must be implemented in 2018 and 2019, with a view to achieving F_{MSY} by 2020. This requires that any continued discarding (e.g. due to the granting of exemptions) be accurately reported and counted against the relevant Total Allowable Catches (TAC).