

Ms Lowri Evans
European Commission
Directorate General - Mare
Office J-99; 0/07
B-1049 BRUSSELS
Belgium

Pelagic RAC
Treubstraat 17
PO Box 72
2280 AB Rijswijk
The Netherlands

Tel: +31 (0)70 336 9624
Fax: +31 (0)70 399 3004
E-mail: info@pelagic-rac.org
<http://www.pelagic-rac.org>

Date: 10 April 2012
Our reference: 1112PRAC39/AC
Subject: All stocks in the remit of the PRAC

Dear Ms Evans,

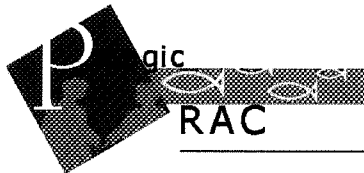
At the latest Working Groups meeting on 8 February, the Pelagic RAC evaluated its role in 2011 in terms of recommendations made and if and how these crystallized into concrete results. Based on those deliberations as well as in response to your letter dated 22 March 2012 in reply to the PRAC's recommendations made in autumn 2011, with this letter the PRAC would like to address a number of issues in relation to the stocks in the remit of the PRAC. This letter was unanimously agreed by the Executive Committee through written procedure.

1. Western Baltic herring

The management of this stock remains a worry to the PRAC. For a number of years now, the Commission has had the development of a LTM plan for this stock on its agenda, unfortunately without concrete results so far. In September 2011, the PRAC wrote to you the following:

The PRAC would like to emphasise that the development and implementation of a LTM plan based on the principles recommended by the PRAC and BSRAC last year should be speeded up and that TAC setting should be based on this LTM plan. The Commission published a non-paper to the purpose of developing a LTM plan on 17 March 2010, after which a two month consultation period followed. At present, 1,5 years later, no Commission Proposal for LTM plans for stocks in the Baltic has been published yet. The PRAC would kindly like to request a meeting with relevant DG Mare representatives to facilitate an exchange of views / information.

The PRAC acknowledges that the management of this stock is complex due to it mixes with North Sea herring in area IIIa and fishing opportunities in this area are shared with Norway and the PRAC accepts that devising a LTM plan is an extremely challenging task. It is now becoming increasingly complicated (amongst others because of the continuation of a flexibility arrangement of 50% into area IV with Norway). The PRAC has itself experienced this in its involvement in the scientific case study under the auspices of the GAP2 project, which was designed exactly for this purpose, i.e. to develop a LTM plan. The PRAC is keen for this scientific project to be succesful, as well as to improve and rationalise the management situation for this stock to ensure recovery to its full potential while safeguarding that fair arrangements are made on how to distribute fishing opportunities among different areas and thus different industry stakeholder groups. **The PRAC therefore would like to request you to facilitate - in the short term - the**



above mentioned meeting, which did not take place in 2011, possibly in the margins of the upcoming seminar organised by EU and Norway in Svalbard early May. Considering the topic of the seminar (LTM plans) and the participant parties (EU and Norwegian managers as well as stakeholders) such a meeting, which would allow an exchange of views among all relevant parties on the objectives for the management of this stock, would be both feasible and highly appropriate. The PRAC furthermore suggests that the coordinator responsible for the work on this stock in the GAP project, who incidentally is also one of the two chairs of the HAWG of ICES, Lotte Lotte Worsøe Clausen, is also invited to this meeting.

2. North Sea herring

The TAC for 2012 agreed between EU and Norway was in line with the PRAC's advice to move away from the current LTM plan and make a considerable step towards Fmsy. The PRAC is very pleased about this development, considering that it gives recognition to the statements made by the PRAC over the past two years that the LTM plan is failing in delivering maximum yields in the long term.

As you are aware, ICES has conducted a benchmark assessment for this stock in February 2012, which has produced an amendment to the assessment of this stock. The PRAC was closely involved in this 5-day workshop and understands that the main consequence due to this amended assessment is the general level of assumed natural mortality, which will have the effect of revising the historic SSB levels substantially upward, as well as the historic fishing mortality levels substantially downwards.

In the past, ICES has based its TAC advice on the current LTM plan. The backbone of this LTM plan – the HCR – works with reference points which are based on the previous perception of the stock (derived from the assessment used up until last year). Consequently, the currently used HCR is not suited to the new assessment, meaning that it is extremely important to initiate the development of a new HCR to be included in the LTM plan. However, since the HAWG of ICES has already met this year and the advice drafting group meets in early May, a new or revised LTM plan will not be addressed in the context to this year's advice, which is very unfortunate. As a result, this year's ICES advice for a TAC for 2013 will exist in somewhat of a 'vacuum' in the absence of appropriate reference points (e.g. a target F) and due to the substantial change in perception of the stock and fishery. As a result, the advice will bear no relation to previous year's advices from ICES.

The PRAC therefore urgently requests you to initiate the process of evaluation of new HCRs to be included in a renewed LTM plan, based on new reference points as soon as possible. In addition to the above, ICES – based on its evaluations in 2011 - considers that it is better to have a management plan that is able to be responsive to large changes in the biology of the stock or assessment uncertainty. **The PRAC thus furthermore recommends that different stabilising mechanisms to reduce year-to-year fluctuations in the TAC should again be taken into account in this evaluation as well.**

In anticipation of the benchmark assessment, EU and Norway already agreed in December 2011 that the LTM plan should be evaluated in 2012. The PRAC is pleased that you reiterate this agreement in your letter of 22 March, thereby acknowledging the importance of this evaluation too.

The PRAC, for the above explained reasons not only finds it extremely important that this evaluation is conducted, but wishes to urgently request the Commission to send as soon as possible – together with Norway – the special request to ICES to ensure that enough time is allowed to ICES to organise a collaborative iterative process among scientists, managers and stakeholders to conduct the evaluation. The PRAC furthermore recommends that the specific issues as well as a number of particular HCRs – as stipulated in annex 1 - are included in the special request to ICES.

3. West of Scotland herring

The PRAC takes note of the Commission proposal regarding the amendment of Council Regulation No 1300/2008 establishing a multi-annual plan for the West of Scotland herring stock and the fisheries exploiting that stock. The PRAC is disconcerted that the Commission has not sought the opinion of the PRAC in this matter; especially since it is clearly stipulated in article 8 - *Evaluation and review of the multi-annual plan* – of the regulation that: *"The Commission shall request, each year, advice from STECF and the Pelagic Regional Advisory Council on the achievement of the targets of the multi-annual plan"*. Moreover, the genesis of the plan has come from a PRAC initiative. **The PRAC therefore first of all would like to request you to explain the reasons for not having consulted the PRAC when proposing an amendment to the plan.**

Furthermore, **on the content of the proposed changes by the Commission, the PRAC would like to inform you of its views – which were adopted by consensus** - by reference to a letter that was sent to the Rapporteur on the issue in the European Parliament Fisheries Committee, Mr Struan Stevenson. See annex 2.

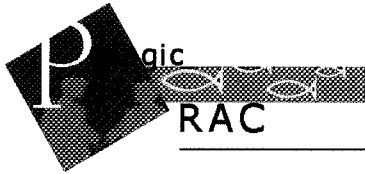
4. Herring in VIaSouth and VIIbc

The PRAC submitted to the Commission a proposal for a rebuilding plan for this stock by means of a letter addressed to you dated 26 September 2011. The PRAC in that letter requested that the proposal be submitted to STECF for evaluation in order to be investigated as a basis for TAC setting from 2012 onwards. However, the proposal was only submitted by the Commission to STECF in the week of its meeting, i.e. between 17-21 October, which made it impossible for STECF to conduct a proper evaluation of the PRAC's proposal. The PRAC very much regrets the delay in the Commission's response.

In the mean time, based on informal contact between members of STECF and the PRAC, the PRAC has been made aware of a number of difficulties in relation to the proposed rebuilding plan, which need to be resolved, and for this reason, the PRAC aims to submit an amended proposal after its July meeting. Hopefully, with your help, this proposal can be submitted in time to the appropriate forum (perhaps in this case ICES) in order to be evaluated and before setting the TAC for 2013.

5. Celtic Sea herring

With the same letter dated 26 September, the PRAC put forward a proposal for a LTM plan for Celtic Sea herring. The PRAC requested that the proposed plan – developed by the Celtic Sea Herring Management Advisory Committee (CSHMAC), comprised of Irish industry together with scientists from the Marine Institute (Ireland) – was submitted to STECF for evaluation. The PRAC proposal, however, was never submitted to STECF, as far as the PRAC is aware. The PRAC finds it quite upsetting that the RAC's proposal was not followed up on.



The PRAC would like you to consider the following. The currently agreed rebuilding plan clearly stipulates that it should have been superseded by a LTM plan when the SSB would be above Bpa for three years in a row. This criterion was known to be likely met in 2011, when the ICES advice on this stock was published in June 2010. It was at that time already that the CSHMAC commenced with its work to develop the proposal for a LTM plan. When a year later, in July 2011 it indeed was confirmed that the SSB had remained above Bpa and the criterion thus was officially met, the analytical work was largely conducted by the CSHMAC and the proposal was nearly finished, resulting in the CSHMAC having ensured an extremely efficient and timely process. This allowed the PRAC to submit it to the Commission in September 2011, allowing for sufficient time to be evaluated and regarded in the context of TAC setting for 2012. **The PRAC therefore would like to request you to clarify the reasons for not submitting this plan to STECF or ICES for evaluation**, and thereby undoing the efforts by the CSHMAC and the PRAC to be as efficient as possible and having missed the opportunity to conclude the process in time for TAC setting for 2012.

In addition, you note in your letter of 22 March that you hope that the PRAC will involve itself actively in the analysis by ICES and STECF currently underway. In response to that, the PRAC would like to request you to please clarify if the currently underway analytical work by ICES then indeed includes an evaluation of the proposal by the PRAC. If not, **the PRAC urgently requests the Commission to still submit the plan (see annex 3) to ICES as soon as possible**, in order to allow for evaluation of the plan well in time before TAC setting for 2013.

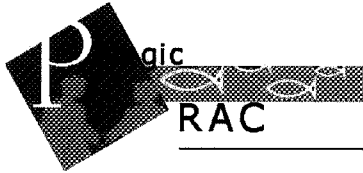
In relation to your comment made on the issue of possibly needing to take into account mixed fisheries management in this context, the PRAC would like to emphasise that this is very unlikely to be a relevant issue for this stock, considering that it is an exclusively single species fishery. However, if the Commission insists to pursue it, **the PRAC strongly recommends that the Commission would leave it to ICES to judge if and how it would be appropriate to take mixed fisheries management into account in relation to a LTM plan for this stock.**

Irish Sea herring

The PRAC is pleased to inform you that it has agreed with WWF to organise a joint one-day workshop dedicated to discussing the management of this stock in July, under the auspices of the GAP2 project. The aim of this workshop will be to start preparing a LTM plan for this stock, by bringing together all relevant stakeholders in the fishery, the relevant scientists from the Northern Irish scientific institute (AFBI) and a number of additional relevant experts to allow for an exchange of information and views. The PRAC is hopeful to be able to submit a proposal for a LTM plan, in time before TAC setting for 2013. Please note that during the benchmark meeting of ICES (WKPELA), which took place after the PRAC's meeting on 8 February, an assessment was developed for this stock, which will greatly benefit the possibilities for developing a LTM plan, which is very good news indeed. The workshop in July will take this recent work by ICES into account. The PRAC will be pleased to inform you about progress on this throughout the year.

North East Atlantic herring

The PRAC is content with the TAC having been agreed among the Coastal States, in line with the advice from ICES and the recommendation of the PRAC. The PRAC is furthermore specifically pleased with the fact that:



"The Delegations agreed to establish a Working Group to review the long-term management arrangement for the Norwegian Spring-Spawning (Atlanto-Scandian) herring stock. The Working Group shall prepare a report on possible modifications of the management arrangement, taking into account methods and approaches currently applied by ICES when advising on stock exploitation, and present the report to the Coastal States before 1 June 2012.

The Coastal States shall submit a request to ICES, which will evaluate the consistency of possible modifications of the long-term management arrangement, including notably the maximum sustainable yield for the stock. The results of this analysis shall be presented at the next consultations of the Coastal States on the management of the herring stock for 2013".

In relation to the special request to be sent to ICES, the **PRAC reiterates its recommendation that such a request should include investigation of the HCR to see if the target F could be increased, considering that F_{MSY} has been estimated by ICES at 0,15. The PRAC furthermore strongly recommends that the Coastal States ensure that in relation to evaluating this LTM plan a participatory process is organised by ICES, with the involvement of all relevant stakeholders.**

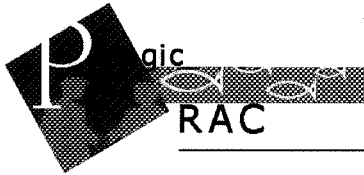
North East Atlantic Mackerel

Considering the fact that the PRAC has not provided an advice on a TAC for this stock, since the Coastal States management agreement broke down, the PRAC has no new input to be provided at this point. However, the PRAC is content that the EU and Norway have together agreed quota based on the upper limit of the F-range stipulated in the LTM plan, in line with the recommendation by the PRAC.

Western horse mackerel

The PRAC is pleased that the TAC has been agreed based on the LTM plan developed by the PRAC, despite the fact that ICES based its advice on the MSY framework instead. The PRAC finds it very unfortunate that ICES felt compelled to do so, due to an objection to the LTM plan as a basis for advice by Norway. The PRAC would like to inform you that this matter was elaborately discussed at the MIRAC meeting (coordination between ICES and all RACs) in January 2012, during which ICES noted that it would reconsider its procedure in relation to this issue. **The PRAC recommends that the Commission seeks contact with ICES as well to ensure satisfactory arrangements in the future, in which third countries' commentary to the management of EU fish stocks are considered redundant, unless in exceptional cases an objection is based on the fact that the ICES advice would be in clear conflict with general scientific principles agreed between the EU and the relevant third country.**

In addition, the PRAC would like to note that it has received information from the European Parliament on the ongoing discussions between the European Parliament and the European Council for the purpose of implementing the LTM plan in conformity with the Lisbon Treaty. The PRAC is of the understanding that the Council has proposed to delete the HCR as developed by the PRAC from the LTM plan altogether, while the Parliament is in favour of retaining it. **The PRAC recommends that the Commission does everything in its power to ensure that the HCR developed by the PRAC is retained.** For your information, annex 4 provides an elaborate explanation of the PRAC's reasons for urgently requesting to retain the principles as well as the HCR which were included in the proposal by the PRAC submitted to the Commission in 2006. The PRAC



furthermore would like to draw attention to the ICES report (from WKWHMMP) which prepared a response to the special request which the Commission made on the 23rd of November 2011, as well as the advice based on this report publically available from the 2nd of April 2012. The report provides very relevant information on some specific issues in relation to the LTM plan for Western horse mackerel and should be regarded in the context of the above mentioned debate.

North Sea horse mackerel

The PRAC would like to express its disappointment about the reduction of 5% in TAC for this stock. The PRAC requests the Commission to urge ICES to optimize the utilization of the current knowledge base by exploring possibilities of using a trends based methodology for the assessment rather than to try to do an analytical assessment which has not proven to be feasible. The PRAC furthermore would like to inform you that it will hopefully be able to submit a concrete proposal for the long term management for this stock in the course of 2012.

Southern horse mackerel

The PRAC is content with the 2012 TAC set for this stock, which was in line with the PRAC recommendation. It should be noted however that it was unfortunate that due to a change in timing of the Council for agreeing this TAC, of which the PRAC was unaware, there was no opportunity for the PRAC to adopt a recommendation for this stock within a relevant timeframe. It would be useful if the Commission would inform the RACs of such changes in the future. The PRAC furthermore would like to inform you that it will hopefully be able to submit a concrete proposal for the long term management for this stock in the future.

Blue whiting

The PRAC is content and relieved that the international survey for this stock in 2011 was conducted much more successfully than previously in 2010. In 2010, when it had failed to cover the distribution area of the stock, the resulting assessment had produced an inappropriate TAC advice (virtually closing the fishery in 2011). The PRAC had been quite upset that the Coastal States had felt compelled to implement this suggested action without hesitation. The PRAC is pleased that ICES has recognised this 2011 mishap and has removed the 2010 survey data point from the time series. The currently agreed TAC for 2012, which was in line with the PRAC's recommendation fortunately corrects last year's mistake.

However, the PRAC remains convinced that the survey for this stock is extremely sensitive to for instance whether conditions meaning that mishaps such as in 2010 may occur again. The current LTM plan, which does not have a stabilising mechanism included to alleviate year-to-year TAC changes, is thus specifically badly suited for the management of this stock. As you are aware, the PRAC for this reason established a Focus Group for the purpose of investigating possible amendments to the current LTM plan. The PRAC is pleased to inform you that it will meet, probably for the final time, on 19 April in Copenhagen (kindly hosted by ICES at its headquarters) to discuss the results of Management Strategy Evaluations of several alternative HCRs. The PRAC furthermore plans to make a recommendation on the preferred HCR to be taken forward for incorporation in the LTM plan after its Working Group and Executive Committee meeting in July.

In relation to the issue of stock structure, which you raise in your letter of 22 March, the PRAC would like to note that the WKPELA which conducted the benchmark assessment concluded that there is no scientific evidence in support of multiple stocks with distinct spawning locations or timings. Based on the best evidence available, the emerging picture is one of a single stock whose large scale spatial spread varies as a function of hydrographic conditions and total abundance. As a result, the group decided to recommend that blue whiting in ICES subareas I-IX, XII and XIV is regarded as a single stock for assessment and management purposes. This decision was unanimously considered to be appropriate by the independent reviewers who felt that the decision was based on a thorough review of the best available science.

North East Atlantic boarfish

The PRAC is pleased about the fact that the TAC was set based on the ICES advice and in line with the PRAC's recommendation. The PRAC was furthermore pleased to be able to inform you that the Irish and Danish industry who conducted the first scientific survey for this stock in 2011 were planning to be repeating their endeavour in 2012. Since the PRAC is of the opinion that this arrangement does not foresee in a structural solution and it is therefore of the utmost importance that this stock is included in the Data Collection Framework, the PRAC was utterly surprised, but at the same time very pleased to read in your letter of 22 March that the stock indeed already has been included in the DCF in 2012. The PRAC is very thankful to the Commission for this swift action. Furthermore, the PRAC would like to inform you that the respective industries as well as the PRAC itself will be as actively engaged with scientists in developing the survey, an assessment and a LTM plan for this developing fishery as soon as possible.

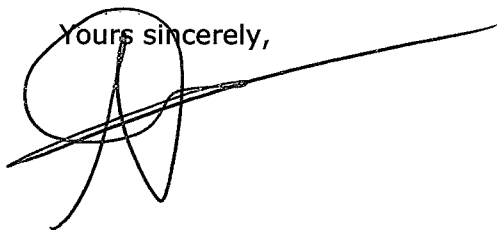
Evaluation of functioning of NEAFC by 2013

The PRAC has taken note that a performance review of NEAFC will be carried out in 2013 to assess the functioning of the organisation. According to the report of its 30th annual meeting, it was agreed by consensus that:

"The results should be finalised in time to be presented to the Annual Meeting in 2013. The mandate, criteria, procedures and other administrative details would be finalised at the Annual Meeting in 2012".

The PRAC recommends that stakeholder involvement in the management of relevant fish stocks is included as an evaluation criterion in this assessment. The PRAC therefore would like to request the Commission to show initiative in ensuring the inclusion of this criterion in preparation to the annual meeting in 2012.

Yours sincerely,



Ms Aukje Coers
Executive Secretary
Pelagic RAC

Annex 1: Special request to ICES on the evaluation of all elements of the North Sea herring LTM plan to be conducted in a collaborative iterative process among scientists, managers and stakeholders

In view of ICES recently having completed a benchmark assessment for the North Sea herring stock, ICES is requested by the EU and Norway to evaluate, by 31st of October 2012, the harvest rule included in the currently agreed management plan as well as a number of possible alternatives, in relation to meeting the objectives of the management plan.

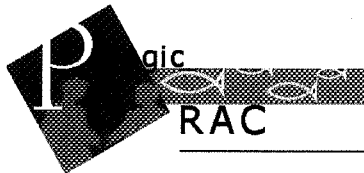
In addition, ICES stated in its advice in 2011 that it is better to have a management plan that can respond to large changes in the biology of the stock. In order to address this issue, ICES is requested to explore different mechanisms to attenuate inter-annual TAC variations.

ICES is requested to evaluate the impact the following options would have on the performance of the plan in relation to its objectives (consistency with a precautionary approach, assurance of a rational exploitation pattern and provision for stable and high yields):

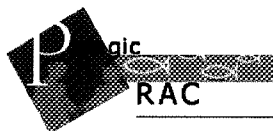
1. Changing the target fishing mortality for 2 ringers and older, for example by exploring a range of 0.20 to 0.35;
2. Changing the trigger point below which the target F is reduced to protect the stock, for example by exploring a range of 1.0 to 2.0 million tonnes;
3. Introducing a second trigger point at a high(er) level of SSB, above which the target F is increased linearly for the purpose of avoiding undesirable density dependence effects;
4. Changing the mechanisms to attenuate inter-annual TAC variations, for example by;
 - a. Basing the TAC advice on the average of (the TAC resulting from the HCR without TAC constraint) and (the TAC in the current year)
 - b. Exploring different TAC constraints, for example 15 to 30%
 - c. Applying a TAC constraint when fishing mortality is inside a predefined range, but removing the constraint when it is outside the predefined range. This will depend on the target F selected under point 1, and the percentage selected under point 4a. The predefined range could for example be "target F plus and minus 0.05".
 - d. Not applying the constraint above as well as below the SSB trigger point (e.g. possible application of the rule only above the trigger point).
5. Changing the target fishing mortality for 0-1 ringers, for example by exploring a range of 0.02 to 0.10;
6. Specifying whether a rule to limit inter annual variations (as under 4) in the by-catch quota is appropriate,

ICES is requested to advice for each of the HCRs evaluated, whether the design is appropriate for providing for fisheries consistent with MSY.

ICES is requested to prepare a response to this request in a collaborative iterative process among scientists, managers and stakeholders, in which the participants are at liberty to add to these options as they see fit. For instance the numerically defined explorative ranges should be regarded indicative and to be amended when appropriate.



Annex 2: Letter to Mr Struan Stevenson (rapporteur EP PECH)



Mr Struan Stevenson MEP
European Parliament
ASP 12 G 302
Rue Wiertz
B-1047- Brussels

Pelagic RAC
Treubstraat 17
PO Box 72
2280 AB Rijswijk
The Netherlands

Tel: +31 (0)70 336 9624
Fax: +31 (0)70 399 3004
E-mail: info@pelagic-rac.org
<http://www.pelagic-rac.org>

Date: 13 March 2012
Our reference: 1112PRAC33/AC
Subject: Management of herring in VIaNorth
CC: Secretariat of Fisheries Committee of the European Parliament (by e-mail)

Dear Mr Stevenson,

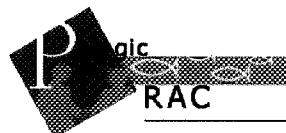
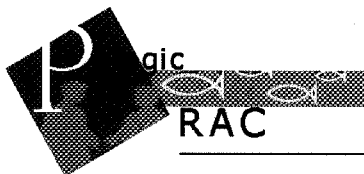
Thank you for the opportunity to respond to the Commission proposal regarding amending Council regulation No 1300/2008 establishing a multi-annual plan for the West of Scotland herring stock and the fisheries exploiting that stock. The Pelagic RAC Executive Committee had the opportunity to discuss the proposal in detail during the meeting held on 6 February. Members expressed concern that the Commission had not sought the opinion of the RAC in this matter; especially as the genesis of the plan came from a RAC initiative and overtime developed in close cooperation with ICES.

During the meeting the Commission representative – Ms Fuensenta Candela – explained that the current plan was ratified before the Treaty of the Functioning of the European Union (TFEU) entered into force. Under Lisbon, non essential changes to the plan cannot be made solely by the Council, therefore, the Commission are seeking through the TFEU, delegated powers to amend certain articles of the plan. On enquiry, Ms Fuensenta Candela also confirmed that amendments to the plan could also be legislated by "Ordinary Legislative Procedure". However, the plan is still deemed to be legal as it currently stands, which would be the case until modification is required.

The Pelagic RAC reflected that stock exploitation on the basis of maximum sustainable yield is the key management objective of the current plan. Fishing mortality has remained close to MSY since the adoption of the long term plan. Although in its infancy, the plan appears to have stabilised the stock and provided a degree of TAC stability to those fleets fishing West of Scotland herring.

Articles 1 and 2

By amending articles one and two of the current plan the Commission seeks to expand the geographical area of application to encompass the entire VIa area. An assumption is made that if the stock migration changes, it would move in a Southerly direction. However, it's known that West of Scotland herring migrate into the North Sea for a



period of time during the year, so the rationale that permanent migration would be in one direction is weak. Currently, under article 1, the area where the VIa North fishery is undertaken is clearly defined, outlining the exact area in VIa where this plan is applicable. The Commission proposal will, by default, include the VIa South herring fishery. The current plan was never devised to manage two fisheries; it was created to manage the fishing activity of the vessels participating in the VIa North fishery. It is too simplistic to assume that the VIa North herring plan would suit the needs of the VIa South herring fishery. Moreover, the Pelagic RAC is not aware of ICES providing advice on that basis. The Pelagic RAC therefore advises that no change should be made to the geographical area applicable to this management plan.

Article 7

Changes proposed under article 7 outline how revision of fishing mortality levels and associated biomass levels would be undertaken in light of new scientific advice supporting change. No provision is foreseen for stakeholder input to this process. Usually when scientific advice is sought on amendments to key elements of a LTMP, the scientific community will offer a range of adaptive options to achieve a particular goal. In the new collaborative framework instigated by the Commission, it's only right that the main stakeholder group - the Pelagic RAC - must be consulted on any potential changes proposed to this article.

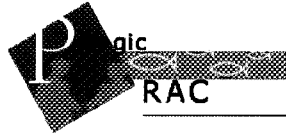
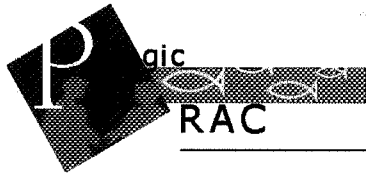
Article 8

The Pelagic RAC agrees that there should be a procedure for evaluating the plan's performance, and concur that a periodical review every four years is prudent. Currently the Commission are obliged to seek advice from STECF and the Pelagic RAC regarding how well the plan is achieving its target objectives. To ensure this process is transparent and accountable the Pelagic RAC must be included in the consultation procedure.

Article 9

The Commission seek to introduce a new article 9a which describes the conditions under which the delegated powers should be granted. Whilst it seems clear that legislative changes will have to be made to the West of Scotland herring plan to comply with the TFEU, the Pelagic RAC would like to express caution against adopting Commission delegated powers as proposed, as these may not provide the necessary checks and balances required to deliver good governance.

However, given the ongoing dispute between the Council and the European Parliament, the Pelagic RAC acknowledges that legislation on long term management plans by co-decision is not an ideal solution.



In summary the Pelagic RAC urges that the geographical scope of the current plan should remain unchanged (articles 1 and 2) and that reference should be made to consultation with the Pelagic RAC (articles 7 and 8). The Pelagic RAC offers no opinion on whether delegated acts or co-decision should be the preferred legislative vehicle.

If you have any questions, please do not hesitate to contact the secretariat.

Yours sincerely,

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

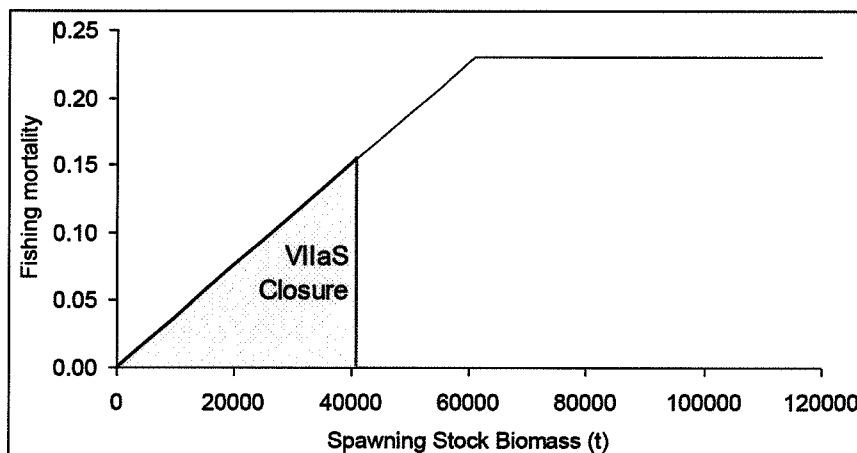
Ms Aukje Coers
Pelagic RAC secretariat

Annex 3: Proposal for a LTM Plan for Herring in the Celtic Sea and Division VIIj

1. Every effort shall be made to maintain a minimum level of Spawning Stock Biomass (SSB) greater than 41,000 t, the level below which recruitment becomes impaired.
2. Where the SSB, in the year for which the TAC is to be fixed, is estimated to be above 61,000 t (B_{trigger}) the TAC will be set consistent with a fishing mortality, for appropriate age groups, of 0.23 (F_{target}).
3. Where the SSB is estimated to be below 61,000 tonnes, the TAC will be set consistent with a fishing mortality of:

$$\text{SSB} * 0.23 / 61,000$$

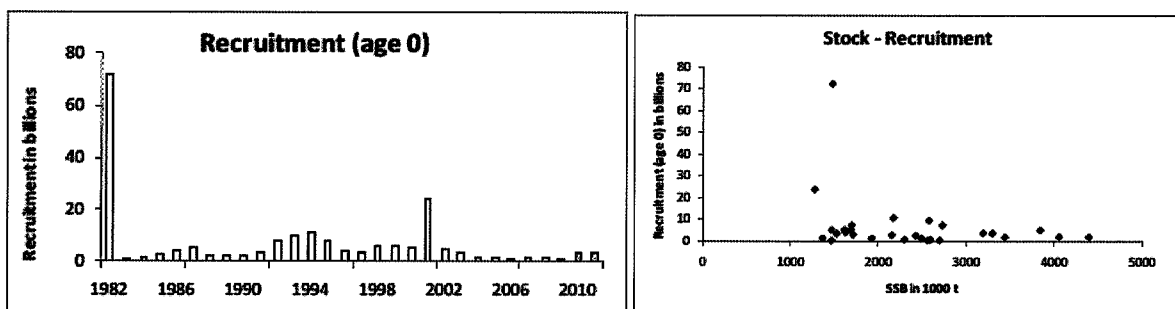
4. Where the rules in paragraphs 2 and 3 would lead to a TAC which deviates by more than 30 % from the TAC of the preceding year, the TAC will be fixed such that it is not more than 30 % greater or 30 % less than the TAC of the preceding year.
5. Where the SSB is estimated to be below 41,000 tonnes, Sub-Division VIIaS will be closed until the SSB has recovered to above 41,000 tonnes.
6. Where the SSB is estimated to be below 41,000 tonnes, and Sub-Division VIIaS is closed, a small-scale sentinel fishery will be permitted in the closed area. This fishery will be confined to vessels, of no more than 50 feet in registered length. A maximum catch limitation of 8% of the Irish quota will be exclusively allocated to this sentinel fishery.
7. Notwithstanding paragraphs 2, 3 and 4, if the SSB is estimated to be at or below the level consistent with recruitment impairment (41,000 t), then the TAC will be set at a lower level than that provided for in those paragraphs.
8. No vessels participating in the fishery, if requested, will refuse to take on-board any observer for the purposes of improving the knowledge on the state of the stock. All vessels will, upon request, provide samples of catches for scientific analyses.
9. Every three years from the date of entry into force of this Regulation, the Commission will request ICES and STECF to review and evaluate the plan.
10. This arrangement enters into force on 1st January, 2012.



Annex 4: Motivation for retaining the HCR developed by the PRAC in the LTM plan for Western horse mackerel

When the LTM plan was developed by the PRAC, the major problem at hand was (and remains) twofold: (1) that this stock produces pulse recruitment events and (2) that the only independent data source available is the egg survey.

Pulse recruitment events are quite unique in that they do not occur with many fish stocks. As a result, no useful stock-recruitment relationship can be found, which usually is at the basis of any F-based LTM plan (see graphs below from ICES Advice 2011). In 1982 and 2001 (to a lesser extend) such pulse recruitments occurred.



Since the only independent data source available to ICES is the tri-annual egg survey, such pulse-events are usually missed and the only way that scientists can observe that it has happened, is a number of years later, when this cohort (the extremely large year class) starts to show up in the catches. Let's say for instance that fishermen generally mostly catch 4-8 year old fish. The year after the event, they may suddenly start having larger amounts of juvenile horse mackerel in their catches. Four years after the event, they will catch relatively many 4 year olds. The year after that, 5-year olds, etc. until the cohort is 'exhausted'. However, at the time that this happens, there is no independent data source available to scientists to verify whether a sudden increase in abundance of fish of a certain age is actually caused by an increase of abundance of fish of that age in the sea. For many other fish stocks, scientists carry out a survey, where they sample catches themselves as well, which they do in a very strictly standardised way. This way, they will know that a sudden change they find, actually represents a change in the stock. And so they obtain objective information on the abundance of such strong cohorts as well as the general age composition of the stock.

With fishermen, things are different. They do not fish in a standardised way and they may use different fishing grounds from year to year. Fish may sometimes congregate by age. In other words, there may be areas where you would predominantly find juvenile fish and other areas where you would find mostly older fish. This means that if in a certain year, fishermen suddenly land much more younger fish, this could be because a pulse recruitment event has happened, but it could also be because they incidentally have gone to fish in an area where there just happened to be very many young fish.

Consequently, scientists conducting the assessment cannot do anything other than assume that the latter has happened, since they have no independent data source to verify the actual age composition of the stock. They thus assume that there was a change in the behaviour (the selectivity) of the fleet. This can have major implications for how the assessment model consequently estimates how big the stock is and what the fishing mortality has been. As a result, the perception of the stock and fishery may be

rescaled each year. These are merely numerical changes and it is important to note that in *relative* terms, such changes could be dealt with. However, it is exactly this issue that becomes a major problem when you attempt to establish biomass or fishing mortality reference points, because reference points are not usually flexible and are not re-evaluated and revised often.

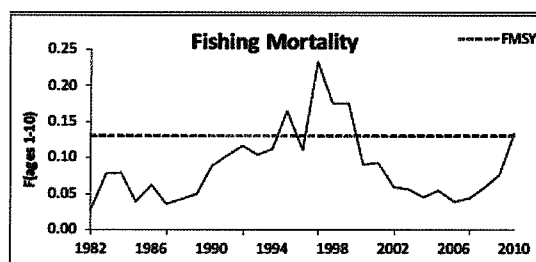
Using the MSY approach

There is general consensus in the EU that for the implementation of MSY, an approach focussed on fishing mortality and (in any case initially) not on stock biomass should be taken. There are different ways of estimating F_{msy} values and it is imperative to regard the value in that context. In short, ICES can calculate a proxy through a Yield Per Recruit (YPR) analysis or derive an estimate from stochastic simulations by evaluation of a HCR. The latter method is much more robust to different circumstances and takes account of uncertainty and risk and thus provides a much more reliable reference point. The value of 0,13 for horse mackerel was calculated through a YPR analysis, which delivered the *proxy* for F_{msy} (see ICES advice and the table below) and as such thus cannot be considered an appropriate basis for TAC setting.

Yield and spawning biomass per Recruit F-reference points (2011):

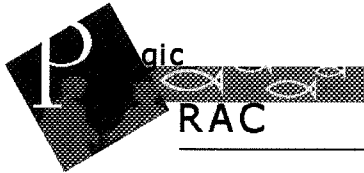
	Fish Mort Ages 1-10	Yield/R	SSB/R
Average last 3 years	0.09	0.04	0.34
F_{max}^*			
$F_{0.1}$	0.13	0.05	0.24

[*] F_{max} not well defined.



In addition, what has made it possible in the first place to conduct a YPR analysis that the last pulse recruitment event occurred in 2001, which means that that particular cohort had been fished for 9 years already, resulting in a situation which is relatively stable at the moment. Having fished the particular cohort for 9 years lead it being 'blended' in to the bigger picture. After 2001, as far as anyone can tell, no pulse recruitment event has occurred again. Consequently, the 0,13 may carefully be considered as an appropriate proxy *at present*, but it can be expected to be subject to change in the future.

A second important issue to consider is whether the value of 0,13 would be precautionary to use for TAC setting. The results of the evaluations by ICES in WKWHMMP provide some insight in this (the draft report does not specifically highlight this issue, but this was confirmed by Ciaran Kelly). A number of HCR types (the HCR developed by the PRAC, but varying the numerical values in it) were evaluated and some were concluded to be precautionary, while others were not. However, *none of them resulted in an average fishing mortality close to 0,13*. This suggests that an F-based HCR should operate with a target-F value well below 0,13 if it is to be precautionary. This is also supported by the stock review report by STECF (STECF 11-18) in which STECF considers: "that the management plan provides a better estimate of MSY for this stock than the MSY proxy suggested by ICES. The management plan F takes account of the uncertainty in estimating the state of the stock, which was not included in the estimate of the MSY proxy. The management strategy evaluations carried out included evaluations of higher F_s including values close 10 the proposed MSY proxy and concluded that they carried risks that exceeded precautionary levels".



Another very simple check one could do is to regard the average fishing mortality at which the fishery has been conducted in the past and compare this to the value of 0,13. This clearly shows that the realised fishing mortality has generally been well below 0,13 (see graph above), suggesting that moving to MSY by using 0,13 as a basis for TAC setting would result in a rather dramatic general increase in fishing mortality.

The advantage of the HCR developed by the Pelagic RAC

Going back to the problem of instability in the assessment because of the lack of a scientific survey, the huge advantage of the HCR is that it functions without absolute reference points in terms of biomass and fishing mortality.

The HCR developed by the Pelagic RAC avoids the instability issue altogether by not using F as a basis for setting the TAC, but rather relate the TAC advice to the TAC of the previous year. At the same time, changes in the TAC are based on expected developments in stock abundance, informed by a trend in the egg survey. By calculating the trend in the egg survey over the last three survey points (i.e. nine years), changes are made rather gradually and so stability is provided to a system that would otherwise be extremely variable. The fact that in addition the TAC is set for three years at the time, provides an additional basis for stability per three years. However, the latter is not the primary tool for providing stability in the management of the stock. Rather, it is the general method used that provides stability in a very elegant way, which could not be achieved otherwise.

The biomass reference, which is usually used in determining risk to the stock is defined as 130% of the SSB in 1982. The ICES advice indeed indicates that Blim is not defined. Usually, risk is calculated as the chance that SSB will decline below Blim within a certain forecast time period. Because of the rescaling of the assessment, it is not very useful to use a Blim as an absolutely estimated value. Thus, defining this biomass reference point in a relative way with each rescaling, the value of this reference point changes accordingly, allowing the HCR to be evaluated (as compliant with the precautionary approach).

Having chosen this approach which provides for a high degree of stability means that a compromise needed to be made on the level of long term yields. The Pelagic RAC has made the informed decision to give priority to ensuring stability in the catches over the possibility of having higher long term yields. This choice was not made lightly, but rather was the result of a series of discussions in a number of meetings over the course of approximately a year. It would be quite upsetting and discouraging in fact to the members of the Pelagic RAC if the outcomes of the current debate between the Parliament and the Council would prove those efforts to have been in vain. If this would indeed be the case, the RAC cannot but wonder why in fact it was established by the EU institutions in the first place and what is meant, when again and again the RACs are encouraged to work on LTM plans.