

# Pelagic AC

## Explanatory note – TAC reduction calculations horse mackerel

September 2019

Following the Working Group II meeting in July 2019, the Commission and the Pelagic AC members involved in the drafting of the Pelagic AC note on TAC reduction calculations in relation to de minimis exemptions, discussed the basis of the figures used for the TAC reductions for horse mackerel and came to a common understanding on the methodology applied by the Commission.

Pelagic AC representatives: Sean O'Donoghue, Gerard van Balsfoort, Jérôme Jourdain, Anne-Marie Kats.

Commission representative: Jonathan Shrives.

### Main outcomes WebEx discussion

*North Sea horse mackerel*

**In the case of North Sea horse mackerel quota (in divisions 3.a, 4.b–c, and 7):**

**According to the ICES advice in 2017:**

- Total catches should be no **more than 17 517 tons** in each of the years 2018 and 2019
- Discards rate (average 2015-2016): 13,35% ; leading to discard estimate: **2338 tons**
- Wanted catch (Landings): **15 179 tons**
- Discarding in the target pelagic fisheries is considered negligible

The ICES discard rate of **2338 tons** used by the Commission corresponds to 13.35% of the TAC as quoted in the ICES advice sheet.

The Commission assumed this rate came from the pelagic fleet, but ICES confirmed this figure is based almost entirely on discard figures from the French demersal fleet operating in the Channel. The Commission looked at combined amounts of pelagic discards, which is a theoretical figure, and agreed it was unrealistic.

Therefore, the status quo discards were applied across all demersal TACs and capped (i.e. 2338 tons were deducted from the TAC = **15 179 tons**).

**Regardless of where the 2338 ton figure came from (demersal or pelagic fisheries), according to the Commission it would have been deducted. But knowing it is a figure coming from the demersal fleet helps in the discussion with STECF to reflect their numbers more accurately with the discard figures by ICES. For demersal discard numbers, STECF relies on absolute data coming from observers resulting in an under-recording problem.**

**The Commission expects to repeat the same exercise for 2020 but now understanding the ICES discard estimate is based on pelagic discards in demersal fisheries.**

Some highlights discussion points between PELAC/Commission on NS horse mackerel:

- The Pelagic AC follows the rationale for this method, but pointed out this decision is related to the 2018 situation. For 2019, the figure is not correct. According to the Pelagic AC, the actual discard rate for 2019 is **451 tons** (STECF figure corresponding to discard possibilities according to NWW demersal discard plan) rather than **2338 tons**. The 2338 tons figure was relevant for 2018 because the demersal discard plans were not fully enforced. They came into force along with the landing obligation in January 2019.

*NB. The 451 ton figure comes from the Scheveningen regional group: 7% of horse mackerel TAC in demersal fisheries according to STECF data.*

- The Commission sees this figure as theoretical: some fisherman discard more than the allowed de minimis amount. If data shows discards are higher, this will be taken into account. Where there is no data available, a precautionary approach is applied.
- The Pelagic AC has problems with this assumption. There is a principle issue on how this is applied: If 7% of a figure is accounted, the rest will be landed. It seems as though a double standard is applied when assumed that more discards occur than the de minimis exemption allows.
- When it comes to figures that only apply for vessels under 25 meters: If the data doesn't distinguish between the two vessel types, the Commission applies the data to the whole fleet because there's no other way of accounting for it.

**For the 2020 TAC, the Pelagic AC is of the opinion the reduction should be calculated based on the 7% de minimis because of the implementation of the landing obligation in 2019.**

The Commission underlined that this exercise was very useful to better understand assumptions behind the data. Clarity regarding the demersal figures is important to streamline more accurate data with STECF. It may now have been that deductions were underestimated. The approach will be different for next year with better estimates for demersal discards.

*Western horse mackerel*

**In the case of Western horse mackerel quota** (management unit : subarea 8abde and divisions 2a, 4a; 5b, 6a, 7a-c, 7e-k, 12, 14)

**According to the ICES advice in 2018 for this management unit<sup>1</sup> :**

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<sup>1</sup> COM choose to exclude division 8c to calculate the deduction from the de minimis:

Total catch / Wanted TAC / Unwanted =

- JAX2A-14 (without 8c): 125 387t / 119 118t / 6 269t
- JAX08c: 19 850t / 18 857t / 992t
- ICES advice 2018 (hom.27.2a4a5b6a7a-ce-k8): catches in 2019 should be no more than 145 237 tons.

- Total catch should be no **more than 125 387 tons** (excluding area 8c)
- Unwanted catch (discards) = 6 269 tons (according to Commission note Annex 1)
- Wanted catch (Landings) = **119 118 tons**
- Total catch should be no more **than 19 850 tons** (area 8c)
- Unwanted catch (discards) = 992 tons
- Wanted catch (area 8c): **18 858 tons**
- Discarding in demersal fisheries considered negligible

For Western horse mackerel there are two issues: one is the issue relating to subarea 8c. The second is the application of the combined de minimis for pelagic fisheries.

#### *Subarea 8c*

Scientifically, 8c part of the Western area, but it seems to be excluded in the deduction. This appeared to lead to an overestimate because 8c was left out. The deduction should have been taken off all of area 8: ICES does not differentiate between 8c and the rest of the Western stock, but there's a differentiation in the TAC/quota regulation.

The Commission applied the 5% discard rate according to the ICES advice sheet to both areas: 6269 tons corresponds to 5% discard rate according to ICES for the Western area excluding 8c. The same percentage was applied to 8c: 992 tons was taken off from 19 850 tons (accounting for 8c). The percentage comes from the same advice.

**This results in the same deduction as if the 5% discard rate were applied to the entire Western area (incl. 8c). The Commission deducted around 7000 tons for the entire stock (6269 t + 992 t).**

The Pelagic AC pointed out another issue, relating to the 3928 ton discard figure in the ICES advice sheet (table 8). According to ICES, discards are negligible. When ICES advice states that discards are negligible, it usually refers to 5% discards. But in this case ICES provided an actual discard figure in table 8: 3928 tons.

**ICES worked out discards as a percentages of catches. Catches were around 80.000 tons in 2017 to which the 5% was applied, based on realized catches and not the TAC.**

Table 9 in the ICES advice sheet gives the catches in each of the areas. Given that the landing obligation is now in full force, ICES should have discard figures for each of the areas. A significant amount of the 3928 ton figure relates to demersal catches. That would account for the de minimis for all the plans for 2020.

- ➔ The Pelagic AC requested a breakdown of the discards per area from ICES.

#### *Combined de minimis pelagic discards in pelagic fisheries*

The question is how to account for combined de minimis exemptions in pelagic fisheries. The Commission doesn't know how to get data from pelagic discards, and asked for help from the Pelagic AC to generate the data.

**According to the Pelagic AC, pelagic discards in pelagic fisheries are very small, certainly less than 1%. This is especially the case for horse mackerel. Even when it is a bycatch, it is kept onboard because there usually is quota for it. It is the demersal fisheries that generate the discards. The 3928 ton figure represents mostly demersal figures, so the discard plans come into play where a maximum of 7% can be discarded.**

This raises the question: why have an exemption if there are no catches?

Furthermore, the Commission caps the number if the combined de minimis generates too large a number, so the combined de minimis is not used if the ICES figure is significantly less. The same methodology will be applied again in 2020 if the demersal figures from ICES are significantly lower.

In the longer term, the Pelagic AC should discuss the revision of the pelagic discard plans and consider whether the current combined de minimis levels should remain combined.

The Commission believes the best option would be a single stock de minimis exemption:

- No more higher figures than actual discards
- Accurate way to generate data

Some other discussion points on Western horse mackerel:

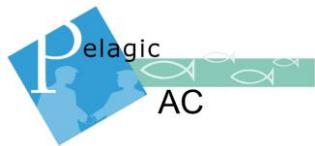
- The Commission understands that the majority of discards are generated by demersal fisheries and not pelagic. The figures from ICES and STECF will now agree on this. The demersal discards will go up, and the Commission prudently deducted in the way it did even though the figures did not come from pelagics.
- The Pelagic AC foresees another issue when ICES gives its 2020 advice for Western horse mackerel: it will assume a discard rate of 3928 tons, but this cannot be. This would mean the Member States are acting illegally.
- The Commission indicated the deduction of 3928 tons will be done to make sure the stock is harvested sustainably.
- According to the PELAC, it's not right to allow for 7% de minimis and assume the 93% will also be discarded.

### **Conclusion:**

After this discussion, there is now a better understanding on the basis of the calculations and where the discard figures come from. The majority of discards come from demersal fisheries and through this exercise more alignment is expected between STECF and ICES discard figures.

Better data for pelagic discards is still a concern, and some work for the Pelagic AC remains to compare its calculations with the new Commission proposal for 2020.

The main discussion item that remains for the Pelagic AC relates to the continuation of the combined de minimis exemptions for pelagic discards.



### **Going forward:**

The Commission expects to produce a similar non-paper based on new work that STECF is doing. There were problems in the data last year which will be fixed this year. This data is expected to be submitted to the Commission by mid-September 2019. The calculations on the TAC will not be released externally before the TAC proposal is published on October 31<sup>st</sup>, as the Commission will first deal with the figures in the expert working group. The public report that STECF will bring out will not be available until the STECF plenary.

Agreed actions based on the discussion with PELAC:

- Commission agreed to ask ICES and STECF to break down discards by the different areas for Western horse mackerel.
- Commission will communicate the date for the STECF plenary to the Pelagic AC, and find a way for the STECF report to be circulated to the Pelagic AC secretariat once published.
- Once the Commission document comes out, the Pelagic AC will look into the calculations again. The PELAC will need to prepare its own calculations before the end of October in order to make the comparison as soon as the proposal comes out.
- The Pelagic AC should discuss the revision of the pelagic discard plans and decide on a position with regard to the combined de minimis exemptions for pelagic species.