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PelAC reference: 2122PAC23

Subject: Pelagic AC contribution to public consultation on review of the CFP

Dear Ms. Charlina Vitcheva,

Thank you very much for the opportunity to share our commentary to the Commission's consultation on the review of the Common Fisheries Policy (CFP). I am pleased to submit in Annex I the Pelagic AC recommendations which have been unanimously endorsed by the Executive Committee.

In addition, we wish to draw attention to the joint-AC letter (reference 2122PAC22) sent on 07 March 2022, for general comments with regard to the process of targeting ACs in public consultations and the subsequent weighting of AC responses.

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

Kind regards,



Jesper Raakjær  
Chairman Pelagic AC



# Annex I

## Recommendations on the Commission consultation on the review of the CFP

March 2022

### Introduction

The Pelagic AC (PelAC) welcomes the opportunity to comment on the Commission's consultation on the review of the Common Fisheries Policy (CFP). The PelAC has set up a CFP review Focus Group, specifically to discuss this consultation between the members of the Pelagic AC. The Focus Group met on February 2<sup>nd</sup> 2022 to discuss the consultation questionnaire and to develop an agreed response. This recommendation is the result of this interaction.

The Pelagic AC submits its unanimous views taking a pelagic fisheries perspective. As such, the response is based on a selection of sections and questions in the consultation questionnaire considered most relevant for this sub-sector. The PelAC hopes that this advice will help to inform the Commission consultation and provide useful material for further reflection.

### General remarks

The Pelagic AC wishes to make a few general remarks as regards the consultation and its format:

In light of the assurances made at the Inter-AC meeting on 19 January 2022 regarding the format and timeline for Advisory Councils to respond to public consultations, the Pelagic AC suggests that this arrangement be formalised so that the engagement of the ACs in these consultations is fully transparent, specifically regarding any deadlines.

As an advisory body set up by the EU tasked with delivering on the CFP objectives by advising on fisheries management measures on behalf of stakeholders, the PelAC would have thought it line with these objectives to have been consulted directly for input on such a key policy-file such as the review of the CFP. The PelAC is of the opinion that merely responding through the public online questionnaire limits its ability to provide thorough consensus input, and to make full use of the ACs as a unique entity of the CFP.

Furthermore, the PelAC refers to the joint-AC letter (reference 2122PAC22) submitted on March 07 2022 signed by ten ACs regarding the contributions from ACs to public consultations, for further general comments in relation to the targeting of ACs and the consideration of AC responses on consultations covering key policy files such as the review of the CFP.

### Detailed recommendations

#### *Part I: General aspects – Overall functioning of the CFP*

**Question 1:** What are the specific fisheries conservation and management measures introduced by the CFP Regulation that work well and contributed to real change and/or progress in terms of sustainable EU fisheries?





Firstly, the PelAC wishes to underline the importance of Brexit which has fundamentally changed the landscape and dynamic of the CFP since the regulation came into force. The new reality of Brexit impedes the EU from setting and achieving its former objectives in the same manner. Any successful evaluation of the current CFP thus needs to fully take this development into account and capture its repercussions.

In terms of successful elements introduced by of the CFP, the PelAC considers the establishment of the Advisory Councils in 2002, unifying stakeholders and tasked to advise the Commission and Member States on fisheries management, a key instrument to shape the delivery of the CFP. A system that is informed by the balanced views of industry and other interest groups, is one that is more reflective of the needs of its users, whilst maximising support for new policies by those most affected by their outcome. This will continue to be the case in the post-Brexit landscape, so the PelAC reiterates its previously submitted recommendation urging the Commission to ensure that stakeholder engagement and advice remains central to all future management and governance structures being developed as the new relationship between the EU and UK takes concrete form. More specifically, the ACs collectively wish for consultation on relevant matters in the new structure of the Specialised Committee on Fisheries<sup>1</sup>.

The PelAC continues its collaboration with industry scientists from the UK on jointly managed stocks such as West of Scotland herring. PelAC discussions strongly benefit from this involvement, as it helps build trust and transparency on matters of mutual interest. In light of Brexit, we recommend the Commission to step up efforts to seek involvement of stakeholders from other third countries into discussions on fisheries management measures that affect the EU.

Further, the PelAC considers the CFP objective of managing all stocks at MSY-level another example of a CFP objective contributing to positive change on the status of fish stocks. The objective has proven to have accelerated fishing at levels within safe biological limits in a majority of cases. The PelAC considers its involvement in the development of long-term management strategies and recovery plans for the stocks under its remit as a key complementation to this objective, and in line with the CFP objective to manage fisheries sustainably over the long term. We therefore recommend the Commission to continue supporting the PelAC in this work, by bringing agreed plans for jointly managed stocks forward to other third countries, and to seek support for following such plans by ICES in its headline advice.

**Question 2: For the areas fished by vessels from your country, region or sea basin, do you believe that the objective has been achieved?**

As a general remark, the PelAC regrets that this question does not allow for further elaboration on the selected answer. In our view, this is a core question in relation to the implementation of the CFP, and would benefit more additional reasoning behind opinions presented. This question serves as an example why the Pelagic AC feels the questionnaire format is not always an appropriate vehicle to gather views from stakeholders.

For each of the options presented the PelAC considers that the objectives have been reached 'partly'. For 5(b) the PelAC is of the view that the objectives have not been reached at all. As this topic falls within the competence of the MAC, we refer to the comments issued by the MAC to this question.

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<sup>1</sup> [https://www.pelagic-ac.org/wp-content/uploads/2022/01/2021PAC18-InterAC\\_COM-Letter-on-stakeholder-participation.pdf](https://www.pelagic-ac.org/wp-content/uploads/2022/01/2021PAC18-InterAC_COM-Letter-on-stakeholder-participation.pdf)





#### **Question 4: What are the key challenges in implementing the CFP?**

The Pelagic AC feels that Brexit is the most important challenge that the implementation of the CFP is faced with, which includes the setup and overall functioning of the newly formed Specialised Committee on Fisheries. The PelAC foresees challenges in the way collaboration between the EU and the UK is maintained, notably in the context of science. The PelAC recommends the Commission to prioritise with its UK counterparts how cooperation concerning scientific work, data collection and analysis will take form. As a general principle, the Pelagic AC believes the CFP - being science based – should ensure the quality of the science that underpins scientific advice<sup>2</sup>.

Furthermore, as stated in its recommendation for 2022 TACs, as well as under question 1, the PelAC is concerned about the functioning of the ACs impacted by Brexit from 2021 onwards and thus reiterates its plea to the Commission to ensure that stakeholder engagement and advice remain central to all future management and governance structures being developed between the EU and UK<sup>3</sup>. Specifically, the PelAC requests to be kept informed and consulted as a stakeholder advisory body on relevant discussions in the Specialized Committee on Fisheries. For instance, the PelAC would appreciate being consulted on discussions with regards to the development of remedial measures on stocks for which a zero-TAC applies. Finally, the changed process for negotiating TACs brought about by Brexit calls for the need to develop a clear procedural roadmap, that will enable ACs to streamline their working processes according to these new procedures and timelines, and adequately contribute advice<sup>4</sup>.

A second challenge in implementing the CFP are the conflicts that exist between the CFP and other relevant legislation, resulting in uncertainty, unclear expectations and jeopardising the level playing field. As an example, we refer to our recommendation sent in June 2019 where the PelAC raised the question over how the catch composition rules in the Technical Measures regulation should be interpreted in conjunction with the rules pertaining to the landing obligation under the CFP, as these seem to contradict each other:

[Extract PelAC recommendation June 2019]:

*“Article 27 of the new Technical Measures regulation ((COM(2016)0134 – C8-0117/2016 – 2016/0074(COD)) provides for maximum percentage of species allowed so as to qualify for the specific mesh sizes set out in Annexes V to VII. However, the new regulation makes it clear such percentages shall be without prejudice to the obligation to land catches in Article 15 of Regulation (EU) No 1380/2013.*

*The Pelagic AC wishes for clarification on the use of the maximum percentages as the landing obligation requires all TAC and quota species to be landed. The question arises what specific purpose the catch composition rules serve in light of the landing obligation? The members of the Pelagic AC would therefore appreciate guidance from the Commission in this respect, and to ask for a written confirmation of the correct interpretation of the catch composition rules that are to apply given that the rules are without prejudice to the EU landing obligation<sup>5</sup>.”*

From a Pelagic AC perspective, it is also unclear how the CFP will come into play when broad environmental policy files such as the Farm to Fork Strategy, the Biodiversity Strategy (specifically the

<sup>2</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2122PAC07-PelAC-Consultation-on-fish-opport-2022.pdf>

<sup>3</sup> [https://www.pelagic-ac.org/wp-content/uploads/2022/01/2021PAC18-InterAC\\_COM-Letter-on-stakeholder-participation.pdf](https://www.pelagic-ac.org/wp-content/uploads/2022/01/2021PAC18-InterAC_COM-Letter-on-stakeholder-participation.pdf)

<sup>4</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2122PAC07-PelAC-Consultation-on-fish-opport-2022.pdf>

<sup>5</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1819PAC72-To-COM-catch-composition-rules-TM-reg.pdf>





Action plan to conserve fisheries resources and protect marine ecosystems) and the Marine Strategy Framework Directive will become further implemented. In our view this needs some careful consideration moving forward. The PelAC recommends the Commission to carefully consider how the CFP can become better integrated with other relevant policies, following the principles of good governance.

Finally, the PelAC wishes to point out that difficulties may arise in balancing the environmental, social and economic objectives set out by the CFP. We recommend the Commission to carefully consider potential conflicts that can arise between these objectives when implemented, hindering a successful delivery of the CFP. As an example, we refer to our recommendations on the revision of the control regulation developed in July 2019, where the PelAC draws attention to the problem in relation to creating improvements for safety and labour conditions on board vessels being made impossible by capacity limits set out in the CFP<sup>6</sup>. Any further conflicts between environmental, social and economic objectives have not been widely discussed to date at the level of the PelAC.

**Question 5: Are the principles of good governance described in Article 3 of the CFP Regulation, sufficiently implemented in fisheries management under the CFP?**

**If partly or not, what are the key challenges for implementing good governance as described in Article 3 of the CFP Regulation. What are possible solutions to improve governance in the existing framework?**

**b) Taking into account regional specificities through a regionalised approach.**

Answer: Partly

The PelAC considers this objective to have been partly implemented with success. From a pelagic point of view, the process of regionalization has been challenging. The disperse nature of pelagic stocks makes it necessary to apply regionalization at the appropriate scale. However, the Member State groups have failed to follow this logic and as a result, the PelAC must follow and engage in the work of three different regional groups. The PelAC request to Member State groups to form a regional subgroup dealing exclusively with pelagic stocks has been denied for several years. This poses risks to the achievement of a level-playing field between different fleets operating in the same way and catching the same stocks in different regions. At the same time, while improvements in collaborating with the groups have been made over recent years, interactions and coordination between Member State groups remain challenging. The Pelagic AC therefore reiterates its request to urge MS groupings to deal with pelagic stocks separately in a joint sub-group with other regional groups fishing the same stocks<sup>7</sup>.

**c) Establishment of measures in accordance with best available science**

Answer: Partly

The Pelagic AC reiterates recommendation on TACs for 2022 and notes that the role of the scientific community, the quality of the scientific work and the Commission's priorities as an ICES client could

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<sup>6</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1819PAC78-To-COM-recommendation-Control-Regulation-proposal.pdf>

<sup>7</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1314PRAC29-Member-State-group-for-pelagic-fisheries.pdf>





be further strengthened. For some stocks, the quality of the science is not as reliable as is desirable, subject to year-to-year changes in some instances, and also in terms of Fmsy values<sup>8</sup>.

The PelAC underlines the need for ICES to adopt a robust quality assurance program throughout the entire advice system to gain more stability in the assessments as well as integrating the ecosystem-based fisheries management as required by Art. 2 of the CFP in the advice development.

#### **d) A long-term perspective**

Answer: Partly

Since its inception, the PelAC devotes significant time and effort developing management and recovery plans for the stocks under its remit. Nevertheless, over recent years the Commission has denied the uptake of such agreed plans as the top-line ICES advice in some instances (e.g. management strategy Southern horse mackerel, recovery plan for Western horse mackerel).

In addition, no response from the Commission was received on the PelAC recommendation issued in 2019 regarding the management of blue whiting in the context of long term management. The Pelagic AC had commissioned external work to evaluate the PelAC's two-tier management plan proposal for blue whiting by way of a hindcasting exercise. This hindcasting work found that the current implementation of the -20%/+25% TAC stabilizing bounds could be problematic in terms of securing sustainable management of the stock in the long term. The result from this work done on blue whiting raises issues in relation to the use of TAC stabilizing bounds in general. The Pelagic AC recommended that the Commission raises this issue with ICES as well as Coastal States, and the use of other stabilizing mechanisms in general for further evaluation<sup>9</sup>.

In the absence of follow-up to such requests, it is difficult for the PelAC to understand the reasoning behind such decisions. The PelAC would appreciate more systematic feedback from the Commission in such cases. In light of the above, the PelAC considers this principle of good governance to be partly implemented.

#### **f) Appropriate involvement of stakeholders, in particular Advisory Councils, at all stages – from conception to implementation of measures.**

Answer: Partly

As explained under b) the new framework of regionalisation has brought about new challenges for the PelAC. Before the CFP reform of 2013, the PelAC maintained a very productive working relationship directly with Commission representatives. Since the regionalisation provisions came into force under the new CFP, the PelAC was directed instead to three different regional groups, making it more difficult to convey positions and ensure level playing field on the management of pelagic stocks between the groups. The PelAC therefore considers that in this respect, appropriate involvement of ACs at all stages has partially been achieved.

#### **h) Consistency with other Union policies**

Answer: No

We refer to our previous answer under question 4, highlighting the PelAC concerns over conflicts or unclear alignment of the CFP regulation with other Union policies.

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<sup>8</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2122PAC07-PelAC-Consultation-on-fish-opport-2022.pdf>

<sup>9</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1920PAC05-PELAC-Consult-fish-opport-2020.pdf>





## j) Coherence internal and external dimension CFP

Answer: Partly

As previously stated in its July 2019 recommendations on the proposal for a revision of the fisheries control regulation, the PelAC insists that relevant control and enforcement provisions (including control of the landing obligation provisions) are extended to third country vessels that operate in Union waters, to ensure level playing field:

[Extract PelAC recommendation July 2019]:

*“Article 9: With regard to making available vessel position (VMS) data, the wording in paragraphs 4 and 6 are inconsistent and ambiguous in terms of the applicability of the same requirements to third country vessels or EU vessel operating in third country waters. The Pelagic AC is of the opinion third country vessels should operate in the same way as Union vessels when operating in Union waters, and that data should be reported to third countries in the same way. The text should reflect the current situation.*

*Article 91a: Finally, the Pelagic AC would further like to stress the need for an equitable level of sanctioning for infringements applicable to third countries, like Norway and the Faroe Islands, operating in EU waters<sup>10</sup>.”*

### **Part II: Fisheries management measures for conserving and sustainably exploiting marine biological resources**

#### **Landing Obligation**

##### **Question 8: To what extent (scale 1 to 5) is the objective of eliminating discards met?**

The Pelagic AC considers that the objective of eliminating discards has been met moderately – to poorly. The main conclusion from the STECF study on the implementation of the landing obligation released in 2021, is that *“control and enforcement of the landing obligation remain challenging, that Member States have not adopted the necessary control measures and that significant undocumented discarding of catches still occur<sup>11</sup>.”*

This observation is in line with the perceptions of the Pelagic AC members around the implementation of the landing obligation. Moreover, discarding in pelagic fisheries is very low overall, thereby limiting the sector’s influence over the successful implementation of the landing obligation.

##### **Question 9: What challenges do you experience in implementation and control of the landing obligation? You may select more than one.**

- **‘Increased selectivity is hard to attain in specific fisheries (name the fisheries)’:**

In 2014, the Pelagic AC produced a lengthy position paper detailing the specific case of pelagic fisheries and how this interacts with the implementation of the landing obligation.

In the context of selectivity, an example is provided to illustrate how selectivity may pose discarding issues in pelagic fisheries:

<sup>10</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1819PAC78-To-COM-recommendation-Control-Regulation-proposal.pdf>

<sup>11</sup> [https://ec.europa.eu/oceans-and-fisheries/news/landing-obligation-first-study-implementation-and-impact-discards-2021-08-27\\_en](https://ec.europa.eu/oceans-and-fisheries/news/landing-obligation-first-study-implementation-and-impact-discards-2021-08-27_en)





[Extract PelAC recommendation 2014]

*“The mackerel fishery of the Spanish fleet is mainly concentrated from February until April when the fish moves along the coast. During these months and beyond there is a huge concentration of mackerel off the coast of Cantabria and mackerel is caught as bycatch in other pelagic fisheries because it mixes with e.g. horse mackerel. Furthermore bycatch of juvenile mackerel sometimes constitutes a problem. For the amount of mackerel biomass the quota is relatively low which results in mackerel being a choke species.”*

Further, on the topic of selectivity in section 3.1.1.3.1 of the 2014 recommendations concludes:

*“The conclusions from past and current research efforts combined with the reported low discard rates by ICES and STECF in pelagic fisheries indicate that with the state of the art technology selectivity in pelagic fisheries cannot be increased much further at the moment. However, as technology advances selectivity might be increased in the future and this issue should be revisited again once progress has been made.<sup>12</sup>”*

- **Please specify “Other”:**

Since the new CFP came into force, the PelAC has communicated a number of issues surrounding the implementation of the landing obligation.

We refer to our previously submitted recommendation on chokes in 2018, where the PelAC raises an important challenge posed by the landing obligation: the risk of fisheries closing prematurely due to bycatches of demersal fish in pelagic fisheries, and vice versa if no or not sufficient quota is available<sup>13</sup>.

Another challenge the pelagic industry faces under the landing obligation are the discard reporting requirements, which are impossible to apply during the fishing trip by one specific subsegment of the pelagic industry, RSW vessels. The 2014 PelAC recommendation on the landing obligation explains that for these vessels discards and bycatch can only be detected at factory level. This information can only be provided once the catch has been sorted in a factory. This process also challenges the application of the provision of discarding of species below MCRS for this vessel segment<sup>14</sup>.

In addition, in the context controlling the landing obligation requirements, we remind the Commission of our recommendations developed in 2019 for the revision of the control regulation, where in applying proposals controls of the logbook requirements, the PelAC offered further explanations why small bycatches cannot be accurately quantified until the fish is sorted at the factory level:

[Extract PelAC recommendation July 2019]:

*“It should be noted that in pelagic fisheries fish is pumped from the net directly into the tank at an average speed of 15 tons/minute. Large bycatch (such as some of the ETP species) cannot enter the pump. With random sampling, an estimate of small bycatches cannot be given with accuracy until the fish is sorted at the factory. Quantifying accurately individual species of bycatch on a haul by haul basis is therefore not possible in the case of pelagic fisheries. The information can be provided at factory level (depending on the vessel type either on land or on the vessel itself), but not from the fish tank. Data from the random sampling can also be made available to ensure fully documented fisheries<sup>15</sup>.”*

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<sup>12</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/20140429-PRAC-land-obl-recom.pdf>

<sup>13</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1718-PAC105-Choke-mitigation-tool.pdf>

<sup>14</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/20140429-PRAC-land-obl-recom.pdf>

<sup>15</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1819PAC78-To-COM-recommendation-Control-Regulation-proposal.pdf>







As said, the PelAC has been challenged by the new regionalisation process under the new CFP with the need to cooperate with three separate regional groups on the development and revisions of regional discard plans. As mentioned under question 5 b) and f), the PelAC reiterates the need to deal with pelagic stocks under one regional subgroup to ensure level playing field in the different sea basins fishing the same pelagic stocks.

The PelAC reiterates its previous comments under question 5 j) on the achievement of level playing field, which is an important challenge in implementing and controlling the landing obligation, both within and outside the EU<sup>16</sup>.

Further, as mentioned under questions 4 and 5 h), an important challenge for the PelAC has been understanding the correct application of the catch composition rules (correct mesh sizes) of the Technical Measures regulation and how this comes into play when all catches need to be landed under the landing obligation<sup>17</sup>.

Finally, a significant recent challenge in implementing the control regulation was the recent publication of the executive summary by EFCA on compliance with the LO in mackerel fishery. The summary states the level of compliance is low, but the PelAC members have no way of verifying what these claims are based on. In the spirit of maximising compliance, the PelAC urges the Commission to discuss with EFCA the release the full report as a matter of urgency so all parties including the PelAC, can study where problems are found and discuss how further improvement in compliance can be realised<sup>18</sup>.

### **Question 9a: Which good practice or innovative tools could address these challenges in implementation and control?**

#### Choke mitigation tool

In 2018, the Pelagic AC adopted the choke mitigation tool developed by the NWWAC and the North Western Waters Member State Group (and later adopted by the PelAC), which helps in quantifying and identifying category 3 choke situations relevant to pelagic fisheries. Category 3 choke situations arise when there is insufficient quota at EU level within the relevant sea basin to cover current catches or catches cannot be otherwise reduced, e.g. by increasing selectivity or avoidance. Category 3 chokes are the most severe choke situations and require prioritising in the regional discard plans<sup>19</sup>. The choke mitigation tool was shared with the Commission and Member State groups in 2018 and has supported the PelAC in identifying potential choke situations impacting pelagic fisheries, and flagging these to relevant Member State groups so that solutions could be found<sup>20</sup>.

#### Gramme size recommendation

In addition to other mandatory tools to improve control given an adequate risk assessment, such as REM, the Pelagic AC has already stressed the importance of the mandatory requirement to be included in the EU fishing logbook of mackerel gramme sizes per haul basis, in its previous recommendation from February 2018:

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<sup>16</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1819PAC78-To-COM-recommendation-Control-Regulation-proposal.pdf>

<sup>17</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1819PAC72-To-COM-catch-composition-rules-TM-reg.pdf>

<sup>18</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2021PAC08-Letter-to-COM-on-EFCA-and-transparency.pdf>

<sup>19</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1718-PAC105-Choke-mitigation-tool.pdf>

<sup>20</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1718-PAC131-Recommendation-on-choke-situations.pdf>





[Extract from PelAC recommendation February 2018]:

*“The Pelagic AC considers the haul by haul collection and transmission of real-time gramme size data an effective tool in securing both real time, at sea and at landing, monitoring of fishing operations. Collection of and collection protocols for registering gramme size data provide the essential tool for risk analysis and risk profiling. The Pelagic AC recommends that a risk-based system centered around the collection and haul by haul transmission of gramme size information should be mandatory for all fleets involved, both EU third and country vessels operating in Union waters<sup>21</sup>.”*

**Question 9b: What further pilot projects should be conducted to explore methods for avoiding, minimising or eliminating unwanted catches?**

The PelAC considers the Danish project exploring the potential of a bycatch reduction device, termed “excluder”, as an alternative to a traditional rigid sorting grid (mandatory in the small-meshed Norway Pout (*Trisopterus esmarkii*) trawl fishery in the North Sea) as a positive example of innovation in avoiding discards. The device proved effective in terms of improved sorting and target species catch<sup>22</sup>. Such innovations could be further extrapolated or adapted to other types of fisheries or bycatches.

**Question 9c: Which incentives in the CFP regulation are most relevant and successful?**

The Pelagic AC considers that the avoidance and reduction (as far as possible) of unwanted catches is the most successful incentive.

**Question 9b: What further pilot projects (if any) should be conducted to explore methods for avoiding, minimising or eliminating unwanted catches?**

In its response to the Commission consultation on the ‘Action plan to conserve fisheries resources and protect marine ecosystems’, the PelAC underlined two key innovative areas that should be prioritised when exploring methods for increasing selectivity/minimising unwanted catches in the context of pelagic fisheries:

[Extract PelAC recommendation 2021]:

*“In terms of selectivity, one of the key differences between demersal and pelagic fisheries is that pelagic vessels possess the acoustic technology onboard to identify fish from the vessel before deciding on a haul. Most of the selectivity therefore takes place onboard. The PelAC believes optimising acoustic technologies are useful innovations to better distinguish between fish species present in an area, thereby enhancing selectivity.*

*In addition, the PelAC strongly recommends the Commission to consider genetic research as a prime example of innovation in the context of selectivity. The Pelagic AC, and particularly its industry members, have a long track record of involvement and investment in genetic stock-ID research conducted to identify stocks, such as work involving 6a 7bc herring<sup>3</sup> and Atlantic horse mackerel. The PelAC believes that expanding on this existing work, especially through genome sequencing of new*

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<sup>21</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1718-PAC102-Revision-of-the-Control-System.pdf>

<sup>22</sup> <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0246076>





*species, can in the future play an important role in distinguishing between populations to a very fine level and ultimately serve as a tool for pelagic fishermen to target areas and species more selectively<sup>23</sup>”.*

**Question 9d: How do you see your role and the role of other stakeholders in implementing and monitoring the landing obligation?**

In relation to the implementation and control of the landing obligation, the Pelagic AC will fulfil its role by continuing to advise the European Commission, Member State groups and Member States on issues that may arise in relation to the specificities of pelagic fisheries that the regulation as a whole may not have taken into account.

The PelAC will continue advising MS groups on potential choke situations (both demersal bycatches in pelagic fisheries and vice-versa) and to propose solutions on avoiding closing down fisheries prematurely. The PelAC will also continue offering recommendations and advice on appropriate revisions of regional discard plans, as well as on monitoring and control tools such as the gramme size recommendation.

For a comprehensive account of challenges in relation to the landing obligation with regard to the specific case of pelagic fisheries, we refer to the extensive set of recommendations submitted in 2014<sup>24</sup> for further reference, which we will attach along with this PelAC response as an Annex. These recommendations may have become even more relevant now that the landing obligation has been in force in the last years.

**Scientific Advice**

**Question 10: Do you see a need to further strengthen the scientific basis for fisheries management? (You may tick more than one)**

- **‘Yes, we need more precise measurements of fish stocks’**

Under question 5 c) the Pelagic AC noted that for some stocks the quality of the science is not as reliable as it should be, subject to year-to-year changes in some instances, and also in terms of Fmsy values and ecosystem-based fisheries management. The PelAC reiterates its emphasis on the need for a robust quality assurance process throughout the entire advice process, to gain more stability in the assessments. Recognizing ICES’s progress in developing the TAF (Transparent Assessment Framework) system, the PelAC underlines the need for the TAF system to be applied to all stocks, bearing a clear indication in the advice sheets.

In 2021, the PelAC sent a recommendation to the Commission highlighting its involvement in a large-scale genetic research project focused on stock identification, the recently concluded EASME-funded project 'Herring in Divisions 6.a, 7.b and 7.c: Scientific Assessment of the Identity of the Southern and Northern Stocks through Genetic and Morphometric Analysis'. For the sake of continuity of the data flow, the PelAC believes it is vital that the methods used for genetics sampling and analysis are included in the scope of the Data Collection Multi-Annual Programme that is currently under development. The Pelagic AC is of the firm view such advances in research are at the forefront of

<sup>23</sup> <https://www.pelagic-ac.org/wp-content/uploads/2021/10/2122PAC18-Letter-to-COM-FAP-Questionnaire.pdf>

<sup>24</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/20140429-PRAC-land-obl-recom.pdf>





innovation, and would ultimately serve to strengthen stock assessments and get a better grasp on stock boundaries<sup>25</sup>.

Moreover, research financing from different sources should be made available to support this type of research that – until now with the exception of the EASME project for herring in 6a and 7b,c – has been funded by the industry.

- **‘Yes we need more coverage of collateral impacts of fishing’**

To better understand the impacts of fishing on sensitive species populations, the PelAC reiterates previous positions conveyed in light of the ‘Action Plan to conserve fisheries resources and preserve marine ecosystems’, and calls for further strengthening of data collection to better understand the impacts from fisheries on different species at population level<sup>26</sup>.

The Danish Excluder device example mentioned under 9 b) as well as the application of ‘pingers’ on freezer-trawlers are examples of innovations to reduce unwanted collateral impacts of fishing which should be further encouraged. In order to be able to fully evaluate the effectiveness of such voluntary measures such as pingers, the PelAC reiterates its recommendation issued in January 2021 on the Technical measures regulation:

[Extract PelAC recommendation January 2021]:

*“The PelAC would like to comment on the COMMISSION IMPLEMENTING REGULATION (EU) 2020/967, of 3 July 2020, laying down detailed rules on the signal and implementation characteristics of acoustic deterrent devices as referred to in Part A of Annex XIII of the Technical Measures Regulation. This implementing regulation repeats an older Council Regulation (EC) No. 812/2004, which specifies the technical characteristics of pingers as bycatch mitigation measures. Whilst it is acknowledged that this previous Council Regulation established the possibility of a two year derogation to allow the temporary use of acoustic deterrent devices that do not fulfil the specifications as outlined in Annex II of the Regulation, provided that they have been proven successful in reducing incidental catches of cetaceans, the PelAC believes that this implementing regulation should be updated. Updating the implementing regulation would allow for the consideration and inclusion of technical progress in the area of acoustic deterrent design and implementation<sup>27</sup>.”*

From an alternative angle, the PelAC feels it is equally important to better understand collateral impacts of other marine activities on fisheries and the marine environment (e.g. sand and gravel extraction), as well as those of land-based activities (e.g. agriculture and industry). The PelAC therefore recalls its 2021 recommendation on the fisheries action plan the on the need for further understanding on collateral impacts:

*“The latest ICES advice for North Sea herring calls for measures to protect the stock’s spawning habitats. The PelAC underlines the importance of protecting essential spawning grounds for pelagic species, and reiterates its previous recommendation, encouraging the EU Commission to request from ICES an overview of possible further temporal and spatial management measures options for the directed herring fisheries in the North Sea and 3A and related fisheries with unavoidable by-catches of WBSS herring, in order to reduce critical and unwanted pressure on these stocks.*

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<sup>25</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2021PAC16-Letter-to-COM-DCMAP.pdf>

<sup>26</sup> <https://www.pelagic-ac.org/wp-content/uploads/2021/10/2122PAC18-Letter-to-COM-FAP-Questionnaire.pdf>

<sup>27</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2021PAC13-Letter-to-COM-Technical-Measures-Regulation-Questionnaire.pdf>





*In addition, the PelAC reminds the Commission of two recommendations issued by the Pelagic AC in 2020 (references 1920PAC87 and 2021PAC06) requesting non-recurrent advice from ICES on the impacts of seismic and marine wind energy activities on fish stocks and spawning areas. The ICES advice on NS herring further strengthens the need for increasing the knowledge base for this field, based on which appropriate management measures can be developed that protect essential spawning areas.<sup>28</sup>*

- **‘Yes we need more coverage of science advice (more fleets, more areas, more species)**

The PelAC reiterates its recommendation for 2022 TACs to highlight the importance of including Atlantic chub mackerel in its MoU with ICES:

[Extract PelAC recommendation 2021]:

*“The Pelagic AC has been following the Atlantic chub mackerel stock(s), as it is one of the species under its remit. More recently, the publication of the WKCOLIAS report has highlighted that the catches of this species have increased, while the uncertainty about the status of the stock(s) remains and the fishery continues to be unregulated, apart from technical measures.*

*The PelAC agrees with the WKCOLIAS conclusions that additional science and management measures are required in order to avoid unsustainable levels of fishing. Therefore, the PelAC recommends that the European Commission include Atlantic chub mackerel into its MoU with ICES, more specifically under the recurrent advice work package.”*

- **‘Yes, we need a better survey of fishers’ opinions’**

In 2020, the ‘information from stakeholders’ section of the ICES advice has been taken out in the truncated advices. This exceptional change occurred because of the COVID-19 situation that did not allow for ICES to fully carry out its usual procedure. In 2021, ICES announced it would remove this section from its advice sheets moving forward, until a robust formal procedure for incorporating information flow from stakeholders is developed that can feed stakeholder information into the ICES advice system in a systematic fashion.

In 2021, the PelAC wrote to the Commission on this subject explaining its concerns over this decision. According to ICES, the decision was made in light of a more fundamental discussion within ACOM on how stakeholder information feeds into ICES advice. Currently, there is no effective mechanism for introducing either stakeholder information or stakeholder concerns into the ICES advice system. The “stakeholder information” section in ICES advice sheets has been in place for years, and offers stakeholders an opportunity to informally reflect perceptions of the situation at sea.

In the case of mackerel (2018), stakeholders’ views have proven to be especially important in flagging issues in the assessment. In the end, these views were more reflective of the realities at sea than the assessment results in question<sup>29</sup>. The PelAC understands ICES is currently working on developing such a procedure, and commends it for that. It will also remain an item on the PelAC agenda. The PelAC would appreciate the Commission support in having the PelAC be actively consulted in this process by ICES<sup>30</sup>.

- **“Other”**

<sup>28</sup> <https://www.pelagic-ac.org/wp-content/uploads/2021/10/2122PAC18-Letter-to-COM-FAP-Questionnaire.pdf>

<sup>29</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2021PAC17-Letter-to-COM-on-Stakeholder-Info.pdf>

<sup>30</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2122PAC07-PelAC-Consultation-on-fish-opport-2022.pdf>





The PelAC believes it is essential that ICES considers ecosystem and climate-driven changes in their evaluations of prospective Long-Term Management Strategies (LTMSs), but also in stock assessments and in the production of advice. This is an essential step to achieve ecosystem-based fisheries management of the pelagic stocks in the Northeast Atlantic<sup>31</sup>.

As mentioned in its response to the consultation on the Fisheries Action Plan in December 2021, the PelAC recommends the Commission to further develop the Ecosystem-based approach to fisheries management (EBAFM) when moving forward with the implementation of the CFP.

[Extract PelAC recommendation 2021]:

*“While the applicability of the EBAFM has proven challenging in Europe, the ICES WKIRISH workshops aim to incorporate ecosystem information into the ICES single-species stock assessment process for the Irish Sea, and are producing promising results. The PelAC believes the Commission should take this work into consideration as it may serve as an example of how the Ecosystem approach could be further operationalised and applied to other European fisheries as well.*

*Addressing the interlinkages between North Sea and Western Baltic spring spawning herring, serves as another example that would benefit from taking a broader ecosystem approach to management. The PelAC reiterates its previous recommendation on North Sea and Western Baltic spring spawning herring, reminding the Commission that a substantial part of WBSS herring is by-caught in fisheries under the remit of the PelAC. The PelAC recommends the Commission, Member States and ICES evaluate the effects of special management measures introduced in both herring and industrial fisheries in 3A in 2021 in order to minimize the risk of unavoidable bycatches of WBSS herring<sup>32</sup>.”*

Finally, with its track-record of involvement in numerous research projects (such as acoustics, genetics) the PelAC repeats its plea to ensure ACs have direct access to capital funding from the EMFAF to facilitate engagement in future relevant research projects that contribute in achieving the objectives of the CFP<sup>33</sup>.

**Question 11: Do you see any opportunity to use new technologies or know any good practices (e.g. in governance) or innovations that could help improve data collection and help deliver best available scientific advice?**

As previously mentioned under Question 10, further implementation of the ICES TAF system across all stocks and indicating in advice sheets if advice underwent the system, is an example of good practice that in our view will help deliver best available scientific advice.

Furthermore, the PelAC refers to its answer under question 9 b), explaining that further optimisations in the field of acoustic technology and genetics are key innovation fields to strengthen data collection and help deliver best available scientific advice in pelagic fisheries.

### ***Management of fishing capacity***

**Question 13: Is the current annual assessment and reporting provided for by Article 22 of the CFP Regulation effective in achieving a stable and long-term balance between the capacity of national fleet segments and the fishing opportunities available to them?**

<sup>31</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2122PAC07-PelAC-Consultation-on-fish-opport-2022.pdf>

<sup>32</sup> <https://www.pelagic-ac.org/wp-content/uploads/2021/10/2122PAC18-Letter-to-COM-FAP-Questionnaire.pdf>

<sup>33</sup> [https://www.pelagic-ac.org/wp-content/uploads/2022/01/1920PAC15-Joint-advice-to-COM-EMFF-ACs-research\\_sgnd.pdf](https://www.pelagic-ac.org/wp-content/uploads/2022/01/1920PAC15-Joint-advice-to-COM-EMFF-ACs-research_sgnd.pdf)





In terms of the effectiveness of the CFP regulation in achieving a stable and long-term balance between fleet capacity and available fishing opportunities, the Pelagic AC reiterates comments made in its previous recommendation on fishing capacity provided in the context of the proposal for revision of the fisheries control regulation in 2019:

[Extract PelAC recommendation 2019]:

*“Measuring fishing capacity has always been, and still is, very elusive and difficult to quantify, because a vessel’s capacity strongly depends on non-numeric factors, such as electronic equipment and knowledge of the fishing grounds<sup>34</sup>. Nevertheless, the monitoring of fishing capacity is of importance, especially where species are not under the TAC regulation, which does not apply to the stocks under the remit of the Pelagic AC at present, and policy makers agreed on two easily quantifiable criteria to determine a fleet’s fishing capacity: vessel engine power in kW and gross tonnage (GT).*

*Furthermore, the European Court of Auditors in [its 2011 report](#) pointed out that: “There are examples of fleets which represent exceptions to these general problems, whose capacity in terms of GT and kW greatly exceeds that necessary to harvest the available quota (for example certain large-scale pelagic fisheries in the north-east Atlantic) but which can operate profitably while targeted fish stocks remain within sustainable limits<sup>35</sup>. A more recent special report from the [Court of Auditors from 2017](#)<sup>36</sup> has expressed criticism towards Member States for not properly enforcing the rules in the Control regulation in relation to monitoring, verification and licensing of engine power. The Pelagic AC would like to further highlight the need for proper enforcement of the current rules.*

*Recognizing the need to maintain the balance between fleet capacity and fishing opportunities, the Pelagic AC recommends that adjustments and management of the capacity as set out in article 22 of the CFP is the way forward.”*

There still seems to be no way to simplify the entry/exit mechanism at EU level as there is no "true" measure of fishing capacity other than vessel size and engine power.

While the EC considers the current entry/exit system to be an appropriate tool to prevent an increase in fishing capacity, particularly in contexts where conservation and management measures are not sufficiently effective in regulating the use of fishing capacity through licensing and management measures, the question remains what to do once an increase in capacity has been observed, in particular, if this increase is due to technological improvement or if the national implementation rules may lead to inconsistencies with the rules on safety and working conditions? The PelAC refers to questions 36 and 38 for further background.

## **Part VI: Regional cooperation on conservation management measures – Regionalisation**

### **Overview of Regionalisation**

**Question 18: To what extent (1 to 5) have the changes to a more regionalised approach to EU decision and policy making improved the CFP’s implementation?**

- *On collecting data on commercial fish stocks – moderately (3)*

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<sup>34</sup> Ernesto Penas Lado (2016). The Common Fisheries Policy: The Quest for Sustainability. Wiley-Blackwell.

<sup>35</sup> European Court of Auditors (2011). Special Report No 12: Have EU measures contributed to adapting the capacity of the fishing fleets to available fishing opportunities?

<sup>36</sup> European Court of Auditors (2017). Special Report No 8: EU fisheries controls: more efforts needed





- *On monitoring incidental catches of sensitive species and impacts on habitats – poorly (2)*
- *On implementing the landing obligation – poorly (2)*
- *On implementing the technical measures – poorly (2)*
- *On implementing Natura 2000 areas and other measures under Habitats Directive – moderately (3)*
- *On implementing measures under the Marine Strategy Framework Directive – moderately (3)*

**Question 19: Would you see the need for further improving the decision-making process?**

Yes.

**Please specify examples of good practice and possible governance improvements within existing legislative framework:**

In 2009, the Pelagic AC developed an extensive position paper in light of the CFP reform, where it envisaged a number of possible structures and scenarios for the future role and function of the PelAC, which included various options in the context of regionalisation. These ranged from the PelAC becoming a decision-making body that delivers binding advice, to a scenario of full decentralisation of the management system. We refer to this position paper for the full background detailing the possible formats as well as their pros and cons<sup>37</sup>.

In terms of regionalisation, while the PelAC emphasised its wish to keep to status quo and not move to a more decentralised approach in the case of pelagic fisheries, it insisted in this paper that *“it is imperative to keep the pelagic stocks together. In that case a separate entity should be created, to specifically deal with pelagic issues, to which the PRAC would be providing its advice. In this case, sensibly, also a dedicated unit on pelagics should be established within DG Mare.”*

In 2012, the PelAC submitted a recommendation on Consultation on future role, composition and funding of ACs which we reiterate for reconsideration of the Commission:

[Extract PelAC recommendation 2012]

*“The Pelagic AC is not based on regional dimension, but on discrete set of pelagic stocks. Though some smaller stocks could be managed at regional level, but for the main pelagic stocks regionalisation requires cooperation with Third countries. If regionalisation is pursued at this level, it must happen at a level that encompasses all fisheries involved in a particular stock, i.e. at a ‘higher’ level which means including Third countries as ‘co-owners’ of the TAC. The Pelagic RAC does, however, remain convinced that it can play a unique role in advising upon the implementation of LTMPs which will continue to be a core activity for the Pelagic AC.*

*There is no doubt that ACs should have a say in the identification of research priorities. If policy is to be effective then there needs to be more emphasis on bottom up instead of top-down policy making. ACs are excellently placed to identify gaps in current scientific research that may inhibit their new advisory functions and inform and evaluate the subsequent monitoring processes.*

*There needs to be a greater cooperation and closer relationship between stakeholders and scientists. This could be facilitated by AC representatives participating in ICES meetings and vice versa. The industry also has to consider ways of acquiring data to improve scientific evaluations and with the current financial constraints on scientific funding it may be that the provision of real time data can help overcome some of the existing problems in the lack of data for a number of stocks.*

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<sup>37</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/0910PRAC18-Position-paper-on-CFP-reform-AS-PRINTED.pdf>







*It would be beneficial for ACs to be involved in the design of control measures because the industry representatives know about the practical implications of such measures and it is only possible to give advice on a policy which is known to be controllable<sup>38</sup>.”*

On the subject of regionalisation, the PelAC feels that the recommendations have not been considered to a satisfactory level. Brexit offers the opportunity to involve the ACs more effectively. Due to Brexit and the setup of the SFC, the governance systems will completely change and the ACs wish for a continued active role. We reiterate our comments under question 1 urging the Commission to ensure stakeholder engagement remains central to new governance structures being established by the EU and UK.

**Question 20: How can regionalisation feed into consultations with neighbouring third countries where necessary to take effective measures for stocks of common interest? Please give examples of good practice that you have encountered.**

Due to Brexit, the resulting trilateral and bilateral consultations has become a highly complex process that now includes an additional third country dimension. In our view the setup of the Specialised Committee on Fisheries can become a key improvement in negotiations with third countries – if the continued involvement of the ACs in this process is assured.

The Specialised Committee on Fisheries raises the question regarding the scope of the current regionalisation framework and how the role of Member States will come into play. The SCF will deal with matters currently not covered by the Member State groups. The PelAC raises the question how the process of regionalisation envisaged in the current CFP will be affected by the new governance structures as a result of Brexit.

#### **Part V: External dimension**

##### **Scientific international ocean governance agenda**

**Question 24: To what extent (1 to 5) is the EU position in its negotiations with third countries like Norway or the UK aligned with the CFP principles?**

At this point in time, it is very unclear how the new negotiations with third countries will impact the EU’s commitment to align negotiations with the CFP objectives. While the Specialised Committee on Fisheries is set up, it is not yet operational and for the ACs it is still unclear how it will function.

The PelAC is confident the EU will maximise efforts to align its positions with the CFP objectives. However, the PelAC is more concerned with the final outcomes of these negotiations, as these are not in the hands of the EU only. Current practice demonstrates core CFP principles are not always respected. In the case of mackerel in the Northeast Atlantic, the PelAC is of the view that the EU should act decisively against unilateral quota setting by other Coastal States jeopardising the sustainability of the stock, by using adapted instruments at its disposal<sup>39</sup>.

#### **Part VII: Structural policy and support: EU funding**

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<sup>38</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1213PRAC11-Consultation-on-the-future-role-of-the-ACs.pdf>

<sup>39</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2122PAC07-PelAC-Consultation-on-fish-opport-2022.pdf>





**Question 26: How do you see the role of public investment encouraging innovation and strengthening resilience in fisheries and aquaculture, in particular at local level?**

The PelAC has repeatedly called for direct access to capital funding from the EMFF to facilitate its involvement in relevant (research) project. Currently the EMFAF only provides funding to the ACs for administrative purposes. It does not provide funding for ACs to carry out markets, technical, scientific, and economic projects of direct relevance to the ACs to fully enable the ACs to fulfil its advisory role as envisaged under the CFP. In 2019, 5 other ACs supported this same request. There is a broad view amongst ACs that direct funding from the EMFAF should be made possible<sup>40</sup>.

This will need an amendment of the current provisions for grant payments, but it is essential for ACs to enable them to carry out research projects in a quick and effective way, and maximise their potential in the provision of advice to policy makers.

**Part VIII: Blue Economy**

**Question 28a: In what way do you see synergies between the different human activities at sea, specifically between those activities falling under the CFP Regulation and the Maritime Spatial Planning Directive?**

Recalling its recommendation to request ICES for more scientific work on impacts from seismic and windfarm activities, the PelAC is of the view that synergies between different human activities could exist, but there is a need to better understand the impacts of other human activities at sea on the different life stages of fish, to ensure delicate spawning/nursery areas of key pelagic stocks are not negatively affected<sup>41&42</sup>.

**Question 29: Is the current legislative framework sufficient to ensure that maritime space is used in such a way that helps achieve the objectives of the European Green deal?**

As mentioned under questions 4 and 5 h), the PelAC considers there is a lack of integration between the CFP and other policies such as Biodiversity Strategy, MSFD and Farm to Fork, and would welcome improvement in this area.

The PelAC reminds the Commission to follow up on our joint requests with other ACs (NWWAC and NSAC) for non-recurrent advice by ICES on wind farm and seismic activities on different life stages of fish, as more understanding and knowledge on the impacts of these activities is needed to ensure proper alignment of the CFP with objectives of the Green Deal.

**Question 30: what kind of impact have you experienced as a result of spatial planning initiatives or other human activities?**

The PelAC refers to the 2021 ICES advice for North Sea herring, which calls for measures to protect the stock's spawning habitats from other human activities: *“Activities that have a negative impact on*

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<sup>40</sup> [https://www.pelagic-ac.org/wp-content/uploads/2022/01/1920PAC15-Joint-advice-to-COM-EMFF-ACs-research\\_sgnd.pdf](https://www.pelagic-ac.org/wp-content/uploads/2022/01/1920PAC15-Joint-advice-to-COM-EMFF-ACs-research_sgnd.pdf)

<sup>41</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1920PAC87-NWWAC-PELAC-submission-for-ICES-NR-request-Seismic.pdf>

<sup>42</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2021PAC06-NWWAC-PELAC-NSAC-submission-for-ICES-NR-request-Wind-Energy-developments.pdf>





*the spawning habitat of herring should not occur unless the effects of these activities have been assessed and shown not to be detrimental (ICES, 2003; 2015)<sup>43</sup>.”*

Given the importance of North Sea herring, the PelAC insists this call by ICES on impacts of other human activities should be followed-up on.

**Question 31: What is the impact of pollution on the fishing and aquaculture community?**

Given the nature of pelagic fish stocks located in the far seas, the impacts of pollution are difficult to quantify for these stocks. However, the PelAC considers it important that scientific assessments are carried out to provide insights of such impacts. While measuring effects on pelagic stocks, we consider it key to gain better understanding of the impacts on early life stages of pelagic species, and subsequently on the entire food web.

Reiterating relevant sections in its recommendation for 2022 TACs, the PelAC underlines the importance of protecting essential spawning grounds for pelagic species, and reiterates its previous recommendation, encouraging the Commission to request from ICES an overview of possible further temporal and spatial management measures options for the directed herring fisheries in the North Sea and 3A and related fisheries with unavoidable by-catches of WBSS herring, in order to reduce critical and unwanted pressure on these stocks.

Finally, the PelAC believes it is essential that ICES considers ecosystem and climate-driven changes in their evaluations of prospective Long-Term Management Strategies (LTMSs), but also in stock assessments and in the production of advice. This is an essential step to achieve ecosystem-based fisheries management of the pelagic stocks in the Northeast Atlantic<sup>44</sup>.

**Part XI: Climate change**

**Question 36: What challenges do you face or are aware of in relation to climate change in EU fisheries and EU aquaculture?**

The most immediate one is the natural disappearance or changes in migration of certain stocks, as a result of changing temperature and ocean productivity.

Dealing with migratory (widely distributed) stocks, largely jointly managed with third countries, the PelAC's main concern in relation to climate change are the ramifications of potential changes in migration patterns on the international management of jointly managed pelagic stocks. Given the current tensions between the EU and Coastal States and ongoing disputes over unilateral quota-setting, the PelAC fears further worsening of these tensions, jeopardising the sustainable management of the stocks under its remit.

Furthermore, the PelAC is concerned over the impacts of climate change on the food chain of key fish species, and what this will mean for future abundances. For pelagic species in particular, changes in life cycles (spawning and maturation) and smaller sizes of individuals which occur as the water warms. Fish tend to mature earlier and be smaller in warmer waters leading to issues for stock management.

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<sup>43</sup> <https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2021/2021/her.27.3a47d.pdf>

<sup>44</sup> <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2122PAC07-PelAC-Consultation-on-fish-opport-2022.pdf>





Another challenge is pushing through technical measures and quota limitations which have the goal of preventing overexploitation, even though warming waters are one of the possible reasons for the decline or stock modification of species. The overall objectives of the CFP will only be met if the impacts of climate change and others are correctly assessed and considered in the management measures that are applied.

Finally, some members from the PelAC have expressed concerns in relation to overcoming conflicts with other CFP objectives when efforts to reduce emissions are developed. As an example, in Denmark the industry is faced with the challenge that the development of more energy-efficient alternative engines often require more space onboard vessels. However, more space is constrained by the capacity ceilings in the CFP, but also conflicts with improved working conditions for more space onboard.

**Question 38: How can the fisheries sector and the aquaculture sector further reduce their emissions? Are there any good practices/innovations that could help you overcome the challenges you mentioned above?**

Decarbonizing the EU fishing industrial sector is a fundamental objective of the EU Green Deal. Without ignoring the interest that there would be in addressing this issue for the fisheries sector, there are currently different capacities for adaptation that oppose the shipping and fisheries sectors, firstly with regard to the evolution of their greenhouse gas (GHG) emissions (recall a constant decrease since then in GHG emissions from the EU fisheries sector, which had reached, at a constant perimeter of Member States, 40% in 2016)<sup>45</sup>.

Nevertheless, in order to go beyond an objective that would already be achieved if it were distributed equitably by sector, wanting to ensure a complete energy transition of the EU fisheries sector requires that the Commission's strategy for a blue economy be able to accompany the sector in this transition. The EU fleet is large (and old) and could not be replaced in the short term, even if the profitability of the MS flags allowed it. The main obstacle for fishing vessels is the lack of alternative mature technologies or technologies adapted to the size and diversity of fishing vessels. What can be deployed for shipping vessels cannot necessarily be deployed on fishing vessels. This transition to new propulsion technologies requires, in particular, more space on board (storage for LNG, hydrogen, etc.) and the current limitations on the capacity of fishing vessels provided for in the CFP hinder this progress or limit investment in the construction of a more efficient fishing vessel.

It should be recalled that the capacity framework in the CFP was originally designed to provide a global framework for the evolution of capacity to reflect fishing capacity, not GHG emissions from fishing vessels. It is therefore not possible today for a shipowner to replace a vessel that is often old with a larger vessel but with the same storage capacity, i.e. "fishing", which prevents any attempt at intermediate evolution towards other fuels, even if the fishing possibilities still the same (TAC, quota for one stock). A 55 meters fishing vessels which fishes 100 tons of NEA mackerel will fish 100 tons if he replaces is older fishing vessels by a new 60 meters vessels. This is why R&D projects supported by EU funds to adapt EU fishing vessels must also be in line with the ambition of the EU Green Deal and adapt the current management capacities framework.

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<sup>45</sup> [https://ec.europa.eu/oceans-and-fisheries/index\\_en](https://ec.europa.eu/oceans-and-fisheries/index_en)

