

Ms Charlina Vitcheva

Director General
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Rue de la Loi 200
1049 Brussels
BELGIUM

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Subject: Recommendations on 2023 fishing opportunities

Dear Ms. Charlina Vitcheva,

The Pelagic Advisory Council (PelAC) appreciates the opportunity to comment on the “*Communication from the Commission towards more sustainable fishing in the EU: state of play and orientations for 2023*” and to provide recommendations on Total Allowable Catches (TACs) in 2023 for stocks under its remit. The PelAC makes recommendations on the scientific advice for stocks in its remit when they become available. It has consistently done so since its inception.

Brexit

The Pelagic AC notes its surprise that Brexit is not explicitly covered in the 2023 Commission communication, given its impact on fisheries. The PelAC is of the view that a reference to Brexit and the management of EU-UK fisheries should be included.

The PelAC recalls that 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.

The PelAC questions the usefulness of the Commission TACs and quotas proposal coming out in October with all these pro memoria (p.m) for most of the stocks and before the EU/UK bilateral negotiations have concluded.

The PelAC would like to underline its serious concerns over the current situation in the Northeast Atlantic. It is the unanimous view of the PelAC that the Commission should take immediate action to stop the unilateral quota setting, jeopardizing the sustainable management of shared stocks.

Economic performance of the EU fleet

As mentioned in recommendations from previous years, the PelAC regrets that orientations for 2023 fishing opportunities build on economic data from 2021, thus making a comparison which is two years behind the year for which scientific advice is given. The PelAC underlines the urgent need for appropriate socio-economic future projections and calls for better alignment with scientific advice data and the future projections by STECF.





Furthermore, with regard to economic performance of the fleet, the PelAC underscores the value of understanding profitability in the long term.

Landing Obligation

As regards the Commission finding that unwanted catches remain high in mixed fisheries, the Pelagic AC queries whether the proportion of unwanted catches include species that are discarded under an exemption or whether these relate to undersized species that are landed. Furthermore, the PelAC questions whether the values presented are region-specific or combined.

Once again, the Pelagic AC wants to highlight the issue of the publication of the executive summary of the evaluation of compliance with the LO report of the mackerel fishery, on the EFCA website. The PelAC considers the refusal by the relevant regional MS groups to release the full report a breach of transparency. It does not allow for any response to the allegations made in the summary, nor does it give any explanation on the methodologies used. The PelAC has taken numerous actions over the course of 2021-2022 to call for the release of the full report (or removal of the summary on the EFCA website) and will continue to raise this topic with EFCA and the relevant Member State groups.

Energy transition

The Pelagic AC underlines the importance of ensuring the energy transition meets the needs of the fishing sector. The measures presented in the Commission communication appear disconnected from the loss of profitability by fishermen. Certain pelagic fisheries will not be able to continue their operations as a result of this loss in profitability, presenting an enormous challenge. From a practical point of view, vessels that have had to stop operating, are not easily able to restart again.

Role of science

The Pelagic AC notes that the policy statement does not reflect on the role of the scientific community, the quality of the scientific work and the Commission's priorities as an ICES client. Furthermore, the statement doesn't reflect the fact that for some stocks the quality of the science is not as reliable as one would hope for, subject to year-to-year changes in some instances, also in terms of F_{msy} values.

As a general principle, the Pelagic AC believes the CFP - being science based - should ensure the quality of the science that underpins scientific advice.

TAC proposals for 2023

The following section provides a detailed overview of TAC proposals for all stocks under the remit of the Pelagic AC and has been unanimously endorsed by the Executive Committee.

General Comments:

The Pelagic AC would like to draw attention to the specific ecological niches that pelagic species occupy in the Northeast Atlantic ecosystems, and the key role pelagic fish play in global food security.

Decision-makers should request ICES to investigate and incorporate ecosystem variables that may influence key life stages of pelagic species into their assessments (such as: the strength of the sub-polar gyre and the wind shear factor in the case of blue whiting; the status of sea surface temperature





for mackerel). Incorporating these factors into the assessments will increase the likelihood of managing the fisheries that depend on them in a way that is resilient to environmental changes.

As a general recommendation relevant to multiple stocks under its remit, the PelAC asks the Commission to request ICES to carry out a benchmark meeting as soon as possible that is jointly dedicated to the Western, Southern and North Sea horse mackerel stocks.

The Pelagic AC recognizes the progress made by ICES on improving quality assurance considerations in the ICES advice process, in accordance with its 2019 Advisory Plan. Nevertheless, the PelAC recommends the Commission to follow up with ICES on the previous PelAC recommendation to ensure ICES continues to implement a robust quality assurance system **throughout the entire advice process** (from data collection to the publication of advice). Part of the quality assurance process is the implementation of the Transparent Assessment Framework (TAF) for all assessed stocks. The PelAC recommends that all future advice issued by ICES clearly state in the top-line advice whether the advice has gone through the TAF process.

The PelAC looks forward to the ICES initiative to form a subgroup tasked with developing a method for incorporating stakeholder information into ICES advice. The PelAC asks the Commission to ensure the PelAC remains consulted by ICES as this process takes form.

Blue whiting

The Pelagic AC recommends following the ICES advice and setting the TAC for 2023 that does not exceed 1 359 629 tons.

The PelAC recommends the Commission to request ICES to perform a full Management Strategy Evaluation (MSE) of the revised Long-Term Management Strategy (LTMS) for blue whiting. This is particularly essential for the clause stating that when stock size deviates by more than 40% from the catch advice of the preceding year, that the catch constraints on annual TAC variation in the LTMS no longer apply.

The PelAC requests immediate action by the Commission to urge Coastal States to adopt a sharing arrangement for this stock, and to respect catch levels that allow compliance with MSY.

The PelAC recommends the Commission that any revision of the LTMS for blue whiting should ensure that the implementation of the revised LTMS is considered precautionary by ICES, in line with the internationally agreed objectives of fishing at or below levels that can produce MSY, but also aims to achieve long-term sustainable fisheries, taking an ecosystem-based approach to fisheries management and considers ecosystem and climate-driven changes in the productivity of blue whiting in the Northeast Atlantic.

In particular, the PelAC asks the Commission to bring the influence of the subpolar gyre and wind stress factor to the attention of ICES for consideration in future stock assessments.

The PelAC reiterates its concerns over the results of the 2019 hindcasting study conducted on blue whiting, flagging the potential problematic effects of the stabilizing bounds on the blue whiting stock, and asks the Commission to bring this forward in its discussions with the Coastal States.

Atlanto-Scandian herring

The Pelagic AC recommends following the ICES advice based on an agreed Long-Term Management Strategy and setting the TAC at 511 171 tons in 2023.

The PelAC recommends the Commission that any revision of the LTMS for Atlanto-Scandian herring should ensure that the implementation of the revised LTMS is considered precautionary by ICES, in





line with the internationally agreed objectives of fishing at or below levels that can produce MSY, but also aims to achieve long-term sustainable fisheries, taking an ecosystem-based approach to fisheries management that considers ecosystem and climate-driven changes in the productivity of Atlanto-Scandian herring in the Northeast Atlantic.

The PelAC again encourages the EU Commission and Member States to seek rapid agreement with all Coastal States on a sustainable long-term sharing arrangement for the stock. The current situation with no agreed sharing principles is not sustainable in the long-term.

North Sea horse mackerel

The Pelagic AC recommends the Commission to ask ICES to make optimal use of available data for this stock, and prioritize progressing this stock to a category 2, and eventually category 1 assessment.

Furthermore, the PelAC asks the Commission to discuss with ICES possibilities to issue one-year catch advice for this stock, rather than a two-year advice.

The PelAC recommends that bycatches and possible discards of North Sea horse mackerel in non-targeted fisheries are monitored closely and recorded, and that systems to validate these data are put in place as part of the implementation and evaluation of discard plans and the de-minimis provisions covered by those plans.

The PelAC recommends the continuation of ongoing genetic stock-ID work for this stock.

Finally, the PelAC does not issue a new TAC recommendation for this stock.

North Sea autumn spawning herring/3A

The North Sea autumn spawning herring is a key stock in EU fisheries and secures fishing opportunities for four different fisheries in the North Sea and in 3A. The Pelagic AC recommends following the ICES advice based on the MSY-approach and setting the 2023 TAC at 414 886 tons.

The PelAC urges that the EU, UK and Norway finalize work on developing a Long-Term Management Strategy that is in accordance with the CFP, the latest scientific advice and that can form the basis for future scientific advice. The PelAC underscores that the development of the LTMS should take into account the most recent stock dynamics, long-term stability and sustainability of the fisheries, as well as climate and ecosystem factors.

The PelAC notes that the report of the trilateral Working Group has not been released at the time of finalising the PelAC TAC recommendations, while it may contain relevant elements to comment on. The PelAC may send additional comments to the report findings separately upon the publication of the report.

The PelAC encourages the EU-Commission to explore all management measures in close consultation with all stakeholders, in cooperation with ICES and the relevant Coastal States, taking into account all relevant ecosystem components.

The PelAC remains concerned with the critical situation of the Western Baltic Spring Spawning (WBSS) herring stock, of which some is by-caught in fisheries under the remit of the PelAC. The PelAC recognises the BSAC advice on this stock and recommends to ask ICES to carry out a benchmark for the WBSS herring stock.

The PelAC requests that the EU-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.





The PelAC further encourages the EU-Commission to request from ICES an overview of possible 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 secure a balance between minimizing unwanted critical pressure on this stock, while allowing for sustainable exploitation of the North Sea herring stock.

Western Baltic spring spawning herring

Acknowledging the fact that the Western Baltic spring spawning herring stock falls under the competency of the Baltic Sea Advisory Council (BSAC), and recognizing the recommendation issued by the BSAC on this stock in June 2021, the Pelagic AC will not issue a TAC recommendation for this stock.

The PelAC refers to its recommendations on North Sea autumn spawning herring/herring in 3a for additional considerations concerning Western Baltic spring spawning herring.

Northeast Atlantic mackerel

The Pelagic AC requests **immediate action** by the Commission to urge Norway and the Faroe Islands to stop the massive overfishing of mackerel in the Northeast Atlantic stock, jeopardizing the sustainable management of the stock. Consequently, the PelAC urges the Commission to act decisively against this irresponsible behavior which is contrary to UN Convention on the Law of the Sea and particularly the 1995 Stradling Stocks Agreement, considered as IUU fishing, by using adapted instruments at its disposal.

The PelAC recommends following the ICES MSY-advice and setting the TAC for Northeast Atlantic mackerel in 2023 at 782 066 tons.

Against this background, the PelAC reiterates the urgent need for the European Commission and the Coastal States to adopt:

- A sharing arrangement respecting catch levels that allow compliance with MSY.
- A Long-Term Management Strategy (LTMS) deemed precautionary by ICES and in line with internationally agreed objectives of fishing below MSY levels, but also aims to achieve long-term sustainable fisheries, taking an ecosystem-based approach to fisheries management that considers ecosystem and climate-driven changes in the productivity of mackerel in the Northeast Atlantic.

The PelAC notes the level of uncertainty in the mackerel stock assessment, and suggests selecting a combination of F_{target} and B_{trigger} that gives additional stability to the catches in the medium and long term. The PelAC refers to the Management Strategy Evaluation conducted in 2020 that provides recent and long-term stock assessments as management options that are scientifically grounded and consistent with international objectives.

The PelAC asks the Commission to follow-up on its previous recommendation to ask ICES to include the recently published research [on mackerel fecundity](#) (T. Jansen et al. 2021) into the mackerel stock assessment. The PelAC recommends the Commission to raise this with ICES at the upcoming ICES workshop WKMAEVAL.

The PelAC is of the view there should be a mechanism in place at ICES that allows for incorporation of new data of urgent nature as it becomes available (such as the findings on mackerel fecundity), outside of the benchmark process. The PelAC asks the Commission to raise this point with ICES.





Additionally, the PelAC reiterates its previous recommendation requesting a review by ICES of the stock components and protection measures in place for this stock.

Finally, the PelAC asks the Commission to request ICES to carry out a benchmark meeting for Northeast Atlantic mackerel, as a matter of urgency.

Atlantic chub mackerel

The Pelagic AC has been following the Atlantic chub mackerel stock(s), as it is one of the species under its remit. 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 once again, that the European Commission include Atlantic chub mackerel into its [MoU with ICES](#), more specifically under the recurrent advice work package.

Western horse mackerel

As a matter of urgency, the PelAC requests the Commission to discuss the Western horse mackerel rebuilding plan, developed by the PelAC in 2020, with the UK in upcoming bilateral negotiations in November.

While recognizing the need to update the evaluation of the rebuilding plan on the recovery time of the ICES evaluated rebuilding plan, given the change in the perception of the stock that resulted from ICES 2023 TAC advice, the PelAC agrees in following the catch option TAC it generates for 2023, considering that relevant Member States and Coastal States put in place measures that limit target catches and reduce bycatch, and the vessels allowed to use quota are effectively monitored through a range of control measures.

The PelAC recommends the continuation and expansion of the ongoing stock-ID genetics work for this stock.

The PelAC requests that a benchmark meeting is organised as soon as possible by ICES, that is jointly dedicated to the Western, Southern and North Sea horse mackerel stocks.

Finally, future work on the rebuilding plan by the PelAC will also be informed by the socio-economic impact of an acute reduction in the TAC for 2023, over which stakeholders have voiced their serious concerns.

Southern horse mackerel

The Pelagic AC stresses the uncertainty in the Southern horse mackerel assessment due to lack of 2020-2021 survey data, in addition to other data issues encountered at WGHANSA in November 2021.

As such, the PelAC reiterates its recommendation to the Commission to expedite an inter-benchmark meeting by ICES as a matter of urgency, to resolve the data issues and uncertainty in assessment. The PelAC recommends that such a benchmark meeting should treat the three horse mackerel stocks: Western, Southern and North Sea, combined.

The PelAC asks the Commission to raise the compatibility of the work of WGHANSA and WGWIDE with ICES.





No recommendation on 2023 TAC figure will be issued.

Boarfish

The Pelagic AC recommends following the ICES advice based on the precautionary approach and to set the TAC in 2023 at 22 791 tons.

The PelAC requests the Commission to discuss with ICES to possibility of integrating new data as it becomes available within the 2-year advice period, and to provide an indication of how this new data would have affected the 2023 advice.

The PelAC recommends the Commission to discuss this possibility with ICES at the upcoming benchmark meeting in 2023.

Finally, the PelAC remains concerned with boarfish bycatches in demersal fisheries and recommends the Commission to address this issue with ICES.

Herring in ICES area 6a North

The Pelagic AC recommends following the ICES MSY-advice and setting the TAC in 2023 at 1 212 tons.

The PelAC recommends the Commission to ask ICES to undertake further work to progress the transition of the stock to a category 2, and eventually category 1 assessment.

To this end, the PelAC recommends the Commission to follow-up on the outcomes of the ICES benchmark meeting for this stock held in February 2022, as well as the outcomes of the 2023 work of the Herring Assessment Working Group (HAWG).

Finally, The PelAC recommends continuing the scientific sampling programme in area 6a North.

Herring in ICES area 6a South and 7b,c

The PelAC recommends following the ICES MSY-advice and setting the TAC in 2023 at 1 892 tons.

The PelAC recommends the Commission to ask ICES to undertake further work to progress the transition of the stock to a category 2, and eventually category 1 assessment.

To this end, the PelAC recommends the Commission to follow-up on the outcomes of the ICES benchmark meeting for this stock held in February 2022, as well as the outcomes of the 2023 work of the Herring Assessment Working Group (HAWG).

Finally, The PelAC recommends continuing the scientific sampling programme in area 6a South and 7b,c.

Celtic Sea herring

The PelAC recommends following the ICES advice and setting the TAC in 2023 at 0 tons.

Additionally, the PelAC recommends continuing the scientific sampling programme, at the appropriate times, in accordance with the ICES recommendation for a 2023 monitoring TAC that will ensure the continued scientific monitoring of the stock – 869 tons.

Furthermore, the mixing issue with Irish Sea herring needs to be addressed.





Irish Sea herring

No TAC recommendation on Irish Sea herring is issued, given the very limited EU share of the stock since Brexit.

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

Kind regards,

Sean O'Donoghue
Chairman Pelagic AC

