

Ms Charlina Vitcheva

Director General
Directorate General Maritime Affairs
and Fisheries
Rue de la Loi 200
1049 Brussels
BELGIUM

Date: 5 October 2023
Our reference: 2324PAC04
Subject: Recommendations on 2024 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 2024”* and to provide recommendations on Total Allowable Catches (TACs) in 2024 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.

Landing obligation

In its Communication, the Commission reiterates that Member State action to monitor and enforce the landing obligation remains low. The Commission attributes this finding to the use of mostly traditional monitoring techniques, which are insufficient. In this regard, the PelAC welcomes the recent adoption of the long awaited revision of the control regulation. The PelAC will examine the new regulation in detail and determine what new approaches would be best fitted to monitor the compliance with the landing obligation of pelagic fisheries.

In this regard, the PelAC feels it is important to discuss with EFCA the outcomes of evaluation of compliance reports with the landing obligation as they become available. The PelAC is anxious to avoid repeating the same situation as in 2020, when EFCA only published an Executive Summary of the report findings on the mackerel fishery. The PelAC calls on Commission support the PelAC in ensuring the relevant High Level Groups either publish future reports in full, or not at all. The PelAC also asks Commission support to ensure dialogue with EFCA and the PelAC is maintained on outcomes of evaluation of compliance reports with the landing obligation.





Economic performance of the EU fleet

In previous responses to Commission communications on fishing opportunities from previous years, the PelAC has repeatedly highlighted that the economic orientations build on economic data that are two years behind, thus having a two-year time lag with respect to the year for which scientific advice is given. The PelAC recognizes that in this year's communication, the two-year time lag is partially resolved as an outlook is provided for 2023. However, since the scientific advice is given for 2024, the PelAC continues to underline the importance of ensuring better alignment between the scientific advice data and future projections by STECF for the economic analysis of the fleet.

The Communication mentions that the peak in fuel price reached in summer 2022, which followed the earlier interruption due to the COVID-19 outbreak and the market disruption caused by Russia's military aggression against Ukraine, resulted in the EU fishing fleet making an overall loss for the first time since 2008. While prices have gradually fallen to €0.8 – 0.9 per litre in the first quarter of 2023, the Communication states: *“current fuel prices, which remain 70% higher than 2021 prices, would generate very small to no net profit on average in 2023”*. The PelAC notes a substantial change in the value of the break-even point for fuel to €1.17 per litre of fuel as estimated in last year's STECF Annual Economic Report which has not been changed – a very steep increase from €0.60 per litre from the Commission's estimation in 2022 for a break-even fuel price of €0.6- 0.7 per litre, as communicated in its response to a [letter from EAPO](#) last year, used as the standard within the EU. Therefore, the PelAC requests that the STECF report is updated with this revised figure as published by the Commission last year as it makes a significant difference on the profitability of the fleet.

Management of shared stocks

As repeatedly communicated, the PelAC remains concerned about the current situation in the Northeast Atlantic in the absence of sharing arrangements between Coastal States for the management of widely distributed stocks. The PelAC recognizes these concerns are well reflected in the Communication this year. The PelAC also praises the Commission's endeavour to improve the cooperation and climate of the consultations with third parties. Nevertheless, the PelAC continues to emphasize its unanimous view that the Commission should take immediate action to stop unilateral quota's which exceed scientific advice and jeopardizes the sustainable management of shared stocks. This is even more important as again for 2023 Norway and the Faroe Islands have continued to operate on the basis of excessive, unjustified unilaterally set quotas, leading to further overfishing and putting the sustainability of the mackerel stock in question.

The PelAC welcomes the Commission aspirations with regard to reaching the objective of MSY in its discussions with third parties on shared stocks and recognizes the Commission reflects the changed landscape in the negotiations now that the UK is a third party. However, while there is a mention of agreements reached on zero catch options with the UK, it remains unclear how the Commission intends to accommodate zero catch options within bilateral agreements with the UK moving forward. The PelAC would appreciate more clarity on this point.

Long-term management strategies

The PelAC underlines the importance of establishing long-term management strategies (LTMS) for fish stocks and notes it has a strong track record of contributing to the development of such plans for the stocks under its remit since its inception. The PelAC recognizes that in the Communication, the Commission aspires to move to a multiannual TAC system and invites Member States to propose lists





of priority EU-only stocks for which 2-year TACs are recommended. The PelAC encourages these developments.

Ecosystem-approach to fisheries management

The PelAC has repeatedly recommended stronger uptake of ecosystem and climate considerations in EU fisheries management in its annual TAC recommendations over recent years. The PelAC has also repeatedly recommended the Commission to progress the roll-out and gradual implementation of the ecosystem-approach to fisheries management (EAFM). As such, the PelAC welcomes the Commission announcement to base proposals for fishing opportunities on scientific advice including ecosystem considerations, and considers it an important step to move forward in implementing EAFM.

However, the PelAC notes that the Commission does not elaborate on the socio-economic and governance aspects of EAFM and underlines the importance of ensuring the full-dimensional definition of EAFM as set by the FAO is taken into account. Implementing EAFM needs to consider socio-economic aspects as well as ecological sustainability aspects.

Given the complexities involved in the integration of EAFM within ICES advice, the PelAC would consider it useful if training opportunities on the EAFM concept would be provided by ICES to both DG MARE and Advisory Council members, to improve the general understanding and ensure alignment between all parties' understanding of the concept. The PelAC reiterates its request submitted with other ACs in [its joint letter](#) in May 2023, asking for a future opportunity for an ICES training on EAFM open to ACs.

Moreover, it would be equally useful to receive explanations by ICES on the recent inclusion of conservation aspects into ICES advice, to better understand exactly what ICES is giving advice on. The PelAC would appreciate Commission support to set up such exchanges with ICES as well as ACs.

Role of science

The PelAC 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 PelAC believes the CFP – being science based – should ensure the quality of the science that underpins scientific advice.

Make marine areas and EU fisheries fit for future

The Commission concludes its 2023 communication with an important reference in its final paragraph to the need for a greater commitment to make marine areas and European fisheries fit for future. The PelAC re-emphasizes the importance of these commitments, and underlines that pelagic fisheries are well placed for the transition to stronger levels of sustainability, which will hopefully also improve the economic and social conditions of EU fisheries.

TAC proposals for 2024

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





General comments

The PelAC is concerned with the consistent catches made in excess of the ICES advice for TACs, as is the case for Northeast Atlantic mackerel, blue whiting and Atlanto-Scandian herring, and the fact that this overshoot is currently not considered in the evaluation that generates the F_{MSY} reference point or the long-term management strategy (LTMS) that are currently in place.

One way this issue can be addressed is to request to ICES that future LTMS evaluations requests that utilize management strategy evaluation (MSE) include a set of robustness/sensitivity scenario tests that account for plausible implementation errors, such as catches made in excess of the advised TAC from the HCR.

Blue whiting

The PelAC recommends the Commission to urgently table a proposal at upcoming Coastal States consultations to request ICES to perform a MSE of the revised LTMS for blue whiting.

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

The PelAC raises its serious concerns over the impacts of current TAC overshooting on the precautionary nature of the LTMS in place for this stock in light of this year's ICES advice. The advice highlights that the underlying evaluation for the plan did not include consistent TAC overshoots, thus posing an increased risk for the stock falling below B_{lim} when advised catches are not adhered to. Moreover, the advice warns of a possible period of low recruitment in the years ahead. In light of this, the PelAC urgently recommends the Commission to encourage Coastal States to revisit the management plan currently in place for this stock and to ask ICES what revisions would be necessary to avoid the scenario of the stock falling below B_{lim} .

When revising the LTMS of blue whiting, the PelAC recommends the Commission to ask ICES to undertake a MSE process that would generate scenarios that visualise the impacts of current TAC overshoots.

The PelAC recommends the Commission that any revision of the LTMS for blue whiting should ensure 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 blue whiting in the Northeast Atlantic. Particularly, this LTMS revision should also aim to secure the stock's role in maintaining healthy food webs in the ecosystem, consistent with the ecosystem-based approach.

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.

Finally, the PelAC recommends following the ICES advice and setting the 2024 TAC at 1 529 754 tonnes.

Atlanto-Scandian herring

The PelAC again encourages the Commission and Member States to seek a 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.

The PelAC is seriously concerned over the impacts of current TAC overshooting. In light of this, the PelAC urgently recommends the Commission to encourage Coastal States to revisit the management





plan currently in place for this stock and asking ICES what revisions would be necessary to avoid the scenario of the stock falling below B_{lim} .

When revising the LTMS of Atlanto-Scandian herring, the PelAC recommends the Commission to ask ICES to undertake a MSE process that would generate scenarios that visualise the impacts of current TAC overshoots.

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. Particularly, this LTMS revision should also aim to secure the stock's role in maintaining healthy food webs in the ecosystem, consistent with an ecosystem-based approach.

The PelAC recommends following the ICES advice based on an agreed Long-Term Management Strategy and setting the TAC at 390 010 tonnes in 2024.

North Sea autumn spawning herring

The PelAC recommends following the ICES advice based on the MSY-approach and setting the 2024 TAC at 532 166 tonnes.

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 (e.g. food web dynamics).

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

Although biomass is developing on a positive path, 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 ICES to carry out a benchmark for the WBSS herring stock.

The PelAC requests that the Commission, Member States and ICES evaluate the effects of special management measures introduced in both herring, sprat and Norway pout fisheries in 3A in 2023 in order to minimize the risk of unavoidable bycatches of WBSS herring.

The PelAC further encourages the 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 North Sea herring, sprat and Norway pout stocks.





Northeast Atlantic mackerel

The PelAC reiterates once again its plea for 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 Straddling Stocks Agreement, considered as IUU fishing, by using adapted instruments at its disposal, such as selected commercial measures.

The PelAC recommends following the ICES MSY-advice and setting the TAC for Northeast Atlantic mackerel in 2024 at 739 386 tonnes.

However, the PelAC raises its serious concerns over the risk of the stock falling below B_{lim} in the long term, as a result of the issue pointed out by ICES in its 2024 advice, indicating that sum of the unilateral quotas for mackerel and the resulting catches have exceeded the scientific advice by on average 44% since 2010, and this may lead to an increased risk for the stock to fall below B_{lim} and loss of catch in the long term. The PelAC underlines the importance that this signal be addressed.

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

- A sharing arrangement between as many parties as possible 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, selecting a combination of F_{target} and $B_{trigger}$ that gives additional stability to the catches in the medium and long term and taking an ecosystem-based approach to fisheries management that considers ecosystem and climate-driven changes in the productivity of mackerel in the Northeast Atlantic. Particularly, this LTMS should also aim to secure the stock's role in maintaining healthy food webs in the ecosystem, consistent with the ecosystem-based approach. 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 notes the organization of a new benchmark for this stock in 2025.

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 is of the opinion that the subject of climate change and ecosystem shifts affecting mackerel and fishing patterns should be incorporated into the benchmark on mackerel, and asks the Commission to raise this issue for pelagic stocks.

The PelAC notes that new insights at ICES level with regards to conservation measures and the relevance of the North Sea component to the Western stock, and asks the Commission to establish how this finding can be reconciled with the Technical Measures regulation to assure coherence. Specifically, this development removes the justification for having two minimum conservation reference sizes (MCRS) for mackerel. The PelAC asks the Commission how this can be addressed and to request input from ICES what an appropriate MCRS for mackerel should be.





Moreover, acknowledging that the WKEVALMAC workshop concluded that NEA mackerel is a single stock with no separate spawning components, PelAC recommends that, in the near future, ICES is requested to propose and evaluate additional management measures that can have positive impacts on the conservation of the stock. The PelAC commits to engage in the exercise of proposing such possible additional management measures.

Atlantic chub mackerel

The PelAC 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.

General comments on the 3 horse mackerel stocks

The PelAC notes the organization of a benchmark meeting in the first half of 2024 which will deal with the three horse mackerel stocks together (Western, Southern and North Sea). The PelAC requests that this benchmark meeting is organized as soon as possible in 2024 in order to benefit from its results for the next stock assessment.

The PelAC has been at the forefront of genetics for many years and underlines the urgency of taking this information onboard. In addition, it recommends the set up of a stock-ID task force within ICES to ensure and secure the genetic information gets through the system.

The PelAC notes the significant advances in the genetic stock identification of horse mackerel as detailed in the 2023 ICES WGWIDE report. Particularly, analyses undertaken indicated that the Southern stock area contained at least two populations, one which was the same as the Western population and one in the south of the area which was a distinct Southern population. Analyses also indicated that the current delineation of the North Sea stock appears to be inappropriate in Division 4.a and that there was significant mixing with the Western population in Division 7.d. Given that the Western stock area extends into Division 9.a, 4.a in all quarters and 7.d, it is likely that the recruitment, biomass and catch of the Western population are underestimated. It is critical that the genetic sample collection and genetic stock identification analyses are made a priority across the three stocks.

The PelAC stresses the importance of the results of the benchmark, which will clarify the distribution of individuals and enable PelAC to carry out the various tasks, in particular those detailed in its recovery plan for Western horse mackerel or the management plan for Southern horse mackerel.

In this context, the PelAC requests the Commission to ensure that any changes following the change in the perception of these stocks that result from this benchmark are adopted without delay.

Western horse mackere

The PelAC recognizes the need to update the evaluation of the PelAC recovery plan and recommends that the re-evaluation is done urgently after the benchmark so that the plan can provide a possible catch option for future years.





Considering the different options on spawning biomass for 2025 included in the ICES advice for 2024 which result in an increasing of biomass, and taking into account that relevant Member States and Coastal States put in place measures that limit target catches and reduce bycatch, including that vessels allowed to use quota are effectively monitored through a range of control measures, the PelAC wishes to point out that the decision to set a by-catch TAC for western horse mackerel for 2023 has led to unforeseen practical problems in implementation by Member States, undermining the level playing field for EU industries fishing this stock, as highlighted in the PelAC recommendations included in its letter to the Commission sent in July 2023 ([2223PAC75](#)).

North Sea horse mackerel

The PelAC recommends agreeing with the UK to follow the ICES advice, in line with the precautionary approach, and setting a TAC for 2024 at 9 730 tonnes.

In the context of the benchmark meeting in the first half of 2024 and the possible consequences for the stock evaluation, the PelAC asks to seek agreement between the EU and the UK to adjust the agreed TAC in 2024 following the TAC option this revision may generate.

The PelAC recommends that by-catches 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.

Southern horse mackerel

The PelAC stresses the uncertainty in the Southern horse mackerel assessment due to lack of survey data for recent years, in addition to other data issues encountered at WGHANSA in November 2022.

The PelAC notes the significant difference between current catch levels and the new ICES advice and expresses its concerns about the model for the stock, hence the need to benchmark the stock as for other horse mackerel stocks in the first half of 2024.

Given this uncertainty, as in previous years, no recommendation on the TAC figure for 2024 will be issued by the PelAC.

Boarfish

The PelAC recommends following the ICES advice based on the MSY-approach and to set the TAC in 2024 at 27 349 tonnes.

[The 2018 ICES advice basis](#) indicates that the bi-annual advice for the stock could be revisited once new knowledge emerges regarding the stock which may justify a revision of the interval for advice. On the basis of developments in science, the observed strong year classes and high abundance estimates in current scientific surveys with regard to boarfish, the PelAC recommends the Commission to address with ICES the possibility to issue a 1-year advice for this stock.





The PelAC recommends the Commission to ask ICES to take this possibility onboard at the upcoming benchmark meeting for this stock in 2024. In the event that the 2024 boarfish benchmark assessment does not lead to a transition of boarfish to a category 1 assessment, then the PelAC recommends the Commission to request ICES to undertake, as part of that benchmark, the analyses required to determine if it is appropriate to provide an annual category 3 advice for boarfish.

Herring in 6a North

The PelAC recommends following the ICES MSY-advice and setting the TAC in 2024 at 1 454 tonnes.

There is evidence that autumn-spawning herring in 6a North are genetically the same population as the North Sea autumn-spawning stock (NSAS). As a matter of urgency in the coming year, the PelAC recommends the Commission to ask ICES to carry out further work to evaluate the current view that NSAS and 6a North herring stocks should continue to be assessed separately.

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 6a South 7bc

The PelAC recommends following the ICES MSY-advice and setting the TAC in 2024 at 2270 tonnes.

There is evidence that autumn-spawning herring in 6a North are genetically the same population as the North Sea autumn-spawning stock (NSAS). As a matter of urgency in the coming year, the PelAC recommends the Commission to ask ICES to carry out further work to evaluate the current view that NSAS and 6a North herring stocks should continue to be assessed separately.

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 7bc.

Celtic Sea herring

The PelAC recommends following the ICES advice and setting the TAC in 2024 at 0 tonnes.

Additionally, the PelAC recommends continuing the scientific sampling programme, at the appropriate times, in accordance with the ICES recommendation for a 2024 monitoring TAC that will ensure the continued scientific monitoring of the stock – 869 tonnes.

The recently completed AFBI herring stock identification project undertaken by Swansea University which developed a genetic assignment model to distinguish between Irish and Celtic Sea herring, revealed that the samples from the Irish Sea Herring Acoustic Survey comprised a significant





proportion of herring from the Celtic Sea¹. This indicates that Celtic Sea herring are migrating out of the Celtic Sea for a part of the year and are being surveyed and likely fished as part of the Irish Sea stock. The PelAC recommends the Commission to address the urgency of this finding with ICES and ensure ICES secures continuation of this work.

Irish Sea herring

In light of the new evidence that emerged from the AFBI herring stock identification project, which indicated a significant proportion of Celtic Sea herring seasonally migrating into the Irish Sea¹, the PelAC recommends the Commission to urgently continue work that addresses the mixing issue between Irish and Celtic Sea herring.

The PelAC recommends following the MSY advice and setting the 2024 TAC at 7 279 tonnes.

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

Kind regards,

Sean O'Donoghue
Chairman Pelagic AC

¹ Gwilliam, M., Farrell, E., Davies, C.E., Franconi, N., Blow, G., Consuegra, S. and Clarke, D. 2020. Identification of Herring Stocks. DAERA - AFBI 2022 - 3849352 – FINAL REPORT. Swansea University, 40 pp. 56

