

## **JOINT NWWAC and NSAC ADVICE**

### **Management measures for sea bass for 2019**

### **19 September 2018**

#### **Background**

The NWWAC and NSAC organised a joint Focus Group meeting on 21<sup>st</sup> August to discuss the COM request on potential measures to take in 2019 in both commercial and recreational fisheries to aid the recovery of seabass stocks (Ares(2018)3121296). The advice presented below was finalised by correspondence and approved by the Executive Committees of the NWWAC and NSAC by written procedure. The main document outlines a consensus opinion of the Executive Committees of the NWWAC and NSAC. The European Anglers Alliance, who are a member of the NWWAC Executive Committee, do not support the position presented below.

#### **Problem**

ICES has conducted analytical assessments of seabass stocks in Divisions 4.b–c, 7.a, and 7.d–h (central and southern North Sea, Irish Sea, English Channel, Bristol Channel, and Celtic Sea), which show that spawning stock biomass (SSB) has been declining since the mid 2000s, whilst fishing mortality (F) has increased. To aid stock recovery, EU-wide measures have been introduced since 2015 to reduce exploitation, and now essentially prohibit directed fishing for seabass, except with hooks and lines. Recreational fisheries were restricted to daily bag limits, but in 2018, are not permitted to retain any seabass.

The quality of the 2017 ICES assessment was questioned due to the lack of MSY reference points and lack of data on discard levels and recreational catches. Following a request by the COM, ICES conducted a benchmark assessment on seabass in February 2018. The ACs are of the view that the benchmark assessment better reflects the status of the Northern seabass stock (ICES advice, June 2018).

## Landing Obligation

The ACs understand that member states and the Commission met earlier in the year to discuss the way forward on seabass in 2019. There was an acknowledgement that as seabass in the North Sea and North Western Waters have been under a prohibition on catches since 2016, this would have implications on whether seabass would be subject to the landing obligation in 2019. A number of derogations from the prohibition apply by gear-type, with specific conditions attached. The ACs share the view that these specific conditions do not equate to "catch limits" as defined in the landing obligation and synonymous with quota limits. It follows that bass should not be subject to the landing obligation in 2019.

Until this view is confirmed by the Council of Ministers, it would be wise for the ACs to continue to provide advice on the implications should it be decided that seabass is subject to the landing obligation. Our advice is therefore informed accordingly.

The management measures introduced for seabass have reportedly resulted in changes in fishing behaviour to avoid catches of bass, but the ACs acknowledge that this is unlikely to be across the board and some fishers may have not complied with recent regulations. Despite this, it is believed that the majority of catches since 2017 have been unavoidable bycatches. Industry members have reported that the stricter measures imposed in 2018 have led to greater levels of seabass discards. ICES assumed discards data suggest a decline over the last three years, including 2018, but note that this may be substantially underestimated. Without further improved avoidance efforts, the situation is expected to worsen in 2019 as the stronger 2013 and 2014 year classes recruit to the fishery. Subsequently this may lead to increased catches with the same level of fishing effort.

If the COM were to consider the LO should apply to seabass, the following problems should be taken into account:

- Seabass may become a choke species and prematurely close many demersal fisheries in the North Western Waters and North Sea targeting other species. Additionally, as seabass is not managed under a TAC and quota, certain mitigation tools are not available, as they are for TAC & quota stocks.
- If the landing obligation also applied to the recreational fisheries, catches of seabass would have to be landed and recorded by recreational anglers.
- The long-standing conservation measures which ban commercial fishing for seabass in Ireland and are implemented under national legislation would contravene the Landing Obligation and would have to be rescinded as they would be incompatible with European legislation.
- All catches of seabass will have to be landed and catches exceeding the catch limit may not be sold for human consumption, which could be misunderstood by fishermen and the public.
- Whether the LO applies or not to seabass from January 2019, it will be important for fishers and commercial buyers to have clear guidance and legal certainty of the rules.

Options for mitigating the choke risk of seabass in the fisheries appear to be limited. The ACs concluded that:

- Quota flexibilities do not apply;
- Interspecies flexibility does not apply;
- Research trials<sup>1</sup> and technical development work have taken place assessing various gear adaptations, including the avoidance of known seabass “hotspots”, which have reportedly reduced the “unwanted” catches of seabass. However, the ACs consider that further advances in selectivity or further reduction of the bycatch of the magnitude required to mitigate the choke risk, seem unlikely in the near future;
- Avoidance measures on seabass aggregation have been the main tool to minimise commercial catches of seabass. Seabass have a wide distribution and are highly migratory, depending on season, water temperature and population size, which limits the scope for using area closures beyond known nursery sites<sup>2</sup>, but real time information, collated and made available to the fishery, could enable fishers to more effectively avoid areas in which seabass are aggregating.
- High survival in some gears (e.g. hook and line) and *de minimis* exemptions are unlikely to present a sufficient solution, in this case;

The OIGs note that the LO applies to all species subject to catch limits in 2019, and bass is subject to catch limits. However, we also recognise that this bass stock is currently prohibited under the TAC & quota regulation (EU 2018/120) with landings only currently permitted under derogations to this. Whether or not seabass is exempt from the LO in 2019, the OIG members believe concrete measures are needed to improve selectivity and avoidance and remote electronic monitoring (such as CCTV) should be applied across all Member States and on all vessels that are identified by control experts (EFCA) as being of medium, high or very high risk of either noncompliance with the landing obligation, or non-compliance with requirements to avoid prohibited species or stocks such as seabass.

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<sup>1</sup> For Example: Reis, E. G. and Pawson, M. G., 1992. "Determination of gill net selectivity for bass (*Dicentrarchus labrax* L.) using commercial catch data". *Fisheries Research*, 13: 173-187.

<sup>2</sup> Pawson, M. G., Pickett, G. D. and Smith, M. T., 2005. The role of technical measures in the recovery of the UK seabass (*Dicentrarchus labrax*) fishery 1980 - 2002. *Fisheries Research*, 76, 91 - 105.

## Proposal for commercial fisheries

Based on the results of the benchmark assessment, which indicates that the stock is no longer declining, and the F has been reduced to a level below  $F_{MSY}$  due to the management restrictions that have been put in place since 2015, the ACs' view is that the ban on directed fishing for seabass should continue. Derogations should be put in place for specific fisheries in 2019. These management measures should be accompanied with additional measures that aim to improve avoidance of bycatch of seabass combined with enhanced monitoring and data collection on seabass catches.

Based on the observation that the total catch in 2017 (total landings + discards + recreational removals) is of the same volume as the removal possibilities recommended by ICES for 2019, the ACs' proposal for 2019 is based on the management measures applied in 2017. Some flexibilities are included to reduce discards, and take into account the real individual catch levels registered in 2017.

The table below outlines proposed derogations for specific fisheries, but it is important to note that the total catch aimed for should be less than 1789 tonnes advised by ICES to account for non-compliance which is likely to occur in some fleets as noted in 2016 NSAC advice<sup>3</sup> and reiterated in this advice. The proposed measures below should also be evaluated by STECF to ensure alignment with the total catch aimed for.

	Metiers	2017 Measures	2018 Measures	2019 Proposals
Professional fishing onboard	Hook and line	February-March ban 10 t/year Capacity ceiling	February-March ban 5 t/year Capacity ceiling	February-March ban Min 6.5 t/year Capacity ceiling
	Set net	250 kg/month Capacity ceiling	February-March ban 1.2 t/year Capacity ceiling	February-March ban 3 t/year (i.e. 0.25 t × 12) Capacity ceiling
	Bottom Trawl net and seine	3 % total catch/day 400 kg/month	February-March ban 1% total catch/day 100 kg/month (trawl net) 180 kg/month (seine)	3% total catch/trip 4.8 t/year (i.e. 0.4 t × 12)

<sup>3</sup> <http://www.nsrac.org/wp-content/uploads/2016/12/3-1617-20161208-Sea-bass-Mgmt-in-the-N-Sea.pdf>

The 2019 ACs' proposals for trawl net and seine metiers are:

- **Lifting the ban on catches in February and March:** The unavoidable catches do not cease during this period. Due to the ban on directed fisheries, this measure is redundant and does not contribute to the recovery of the stock;
- **Maintaining individual vessel landing limits, set according to a percentage of total catch (by weight),** to ban any targeted fishing practices. The limit is set on a trip basis, which provides more flexibility for fishermen and is easier to monitor;
- **Setting, in addition, an annual individual vessel landing limits (by weight),** further increasing flexibility and consistency, considering the diversity of situations in the stock area.

The 2019 ACs proposal for professional hook and line metiers and set net fisheries are:

- **Continuation of the ban on catches in February and March;**
- **Maintaining the annualised individual maximum yearly landing restrictions per vessel** and overall capacity restrictions and the restrictions on the number of vessels using these gears based on the past catch records for set net, and hook and line metiers.

A derogation for small-scale commercial hook and set net fisheries operating from the shore has been discussed. The ACs recognise that there are uncertainties regarding the number of fishermen and metiers involved, and what level of catch volume is retained. Given the importance of the seabass fishery, the ACs will continue discussions on these and other seabass fisheries and will inform the Commission of any additional advice.

Data deficiency remains an issue, as highlighted by the ICES benchmark assessment. Initiatives have taken place in different Members States to collect more detailed commercial catch data. The ACs recommend that such initiatives should be encouraged.

The proposed management measures should be accompanied with additional measures that aim to improve avoidance of bycatch of seabass combined with enhanced data collection. A non-exhaustive list of additional measures could be:

- Similar to the spurdog bycatch programme<sup>4</sup>, fishermen could adapt their fishing patterns to avoid seabass catches by using a real-time reporting system. By providing by-catch reports on a regular timeframe (e.g. daily reports) on a grid reference system, advisory maps are produced. Using a 'traffic-light' system to inform fishers of areas where there is a risk of encountering this species, fishermen can make better informed decisions on their fishing behaviour.

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<sup>4</sup> Spurdog (picked dogfish) by-catch avoidance programme, [Link](#)



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- Industry have to support and be involved in scientific programs of knowledge acquisition on the seabass ecology (CBASS and the EMFF funded follow-on led by Cefas, BARGIP, BARFRAY<sup>5</sup>) and on the follow-up of the stock (NOURDEM<sup>6</sup>).

### **Proposal for recreational fisheries**

In 2017, ICES estimated that the fishing mortality on seabass due to recreational fisheries in 2015 was as high as that due to commercial fisheries. ICES had advised that, when the precautionary approach is applied, there should be zero catch (commercial and recreational) apart from a daily bag limit of one-fish for recreational anglers, who operate catch and release in January to June. At the latest benchmark meeting, the catch data for recreational fisheries have been updated and estimates of mortality after release were considered to be relatively low – just 5%. The ACs recommend that catches for recreational fisheries should resume and be allowed up to a daily bag limit of 1 fish for personal consumption.

### **Control and enforcement**

The ACs highlight that regardless of the efforts to restore seabass stock to sustainable levels, efforts to reduce the bycatch of seabass are undermined if there is insufficient control and enforcement. The latest ICES advice makes a number of assumptions based on full compliance with management measures introduced in recent years, but anecdotal information suggests full compliance is highly unlikely. There remains a strong need for Member States to further support robust surveillance and enforcement of seabass fisheries management measures and the need for 2019 measures and catch limits to factor in a buffer so that the scientifically-advised limit of 1789 tonnes is not exceeded in practice.

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<sup>5</sup> BARFRAY: Delimitation of stocks and spawning-nursery relationships affecting recruitment.

<sup>6</sup> NOURDEM: Annual monitoring of the abundance of seabass juvenile on French nursery (including the estuary of the Seine river)