

North Sea Advisory Council



NSAC Advice Ref.04-1718

Total Allowable Catches (TACs) and conditions for their removal

This paper was approved by the NSAC Executive Committee on the 19th June 2018.

- 1.1 This paper is part of the NSAC's advice on the implementation of the landing obligation. TAC setting has the potential to ease or exacerbate the problem of chokes in mixed fisheries. Reducing the number of stocks under TAC status is being actively discussed within the Commission and ICES at present. Against this background, it may be useful to receive a stakeholders' perspective on the issues involved.
- 1.2 NSAC members agree that a harvested species subject to any review of the TAC status should continue to be managed sustainably, in line with the CFP's objectives and that monitoring of these species is part of the ICES advice cycle.

2.0 Rationale for TAC setting

- 2.1 TACs are used in fisheries management for several reasons, including:
 - to constrain catches and limit fishing mortality thereby ensuring those species/stocks under TAC are fished sustainably;
 - to allocate a defined share of the resource between Member States; and,
 - to constrain access to certain fish stocks and/or areas.
- 2.2 In Northern Europe, scientific advice provided by the International Council for the Exploration of the Sea (ICES) represents the basis for TAC-setting.
- 2.3 For stocks where data allows for an analytical assessment to be performed, and an estimate of fishing mortality (F) and spawning stock biomass (SSB) to be calculated, the advice is based on the application of F_{MSY} (the fishing mortality expected to provide the maximum sustainable yield in the long term). This is the basis for setting the TACs for the main commercial stocks in Northern European waters.



- 2.4 For a number of stocks the available data is not sufficient to perform a full analytical assessment and provide MSY-based advice. For data-limited stocks, the assessment is based on the perception of stock trends or trends in landings and the advice is based on the ICES precautionary approach. It is often given as a relative change from the present catch or landings.
- 2.5 We are of the view that quantitative limits (TACs) remains the most direct and effective way to constrain fishing mortality on the main target stocks, although the application of TACs in mixed fisheries can be problematic, especially where TACs for bycatch species restrict fishing opportunities for target species.
- 2.6 Although TACs and quotas, supported by strong structural measures, now have a good track record in the North East Atlantic, there are a number of stocks primarily caught as bycatch in mixed fisheries where the benefits are less clear cut, or where TAC and quotas appear to have no impact in terms of constraining fishing mortality.

3.0 What are the drivers for TAC removal?

- 3.1 The implementation of the Landing Obligation has led to consideration of whether setting TACs for all species in EU mixed fisheries is the most effective way to manage all stocks. This has been driven by the fact that fishers find some non-target species difficult to select out, or avoid, and as a result they cause a 'choke' under the landing obligation that may prevent fishers catching their full quota allowance for targeted species. Such consideration was given to the TAC for dab and flounder, which upon request from member states and after consultation from ICES, was removed in 2017.
- 3.2 ICES and the European Commission have initiated an investigation into where it is most appropriate to apply TACs and where other, more flexible, approaches are more appropriate, particularly for stocks that are taken primarily as bycatch. The outcome of this analysis is likely to be influential in future TAC decisions.
- 3.3 ICES are also examining whether a full assessment for every species every year is necessary or desirable, given the scientific resources expended and the relatively low commercial value of the species concerned. A biannual assessment of fisheries and biomass trends, along with occasional benchmarks exercises might be sufficient. This strategy is already applied for deep sea species and elasmobranchs.
- 3.4 In 2018 the co-legislators have adopted a multi-annual plan for the North Sea, which differentiates between target and non-target species. Fishing mortality for target species will be controlled using F_{MSY} ranges, whilst bycatch species may be managed at sustainable levels through other approaches. Behind this approach is the recognition that achieving stable high average yields associated with fishing in line with F_{MSY} is largely an economic objective and that objective would not be achieved if uptake of primary quotas were obstructed by chokes of minor bycatch species in mixed fisheries. We recognise that even these bycatch species play an important role in the ecosystem and still need to be sustainably managed.



- 3.5 A further driver relevant to North Sea fisheries is whether the TACs historically set for political reasons to restrict access to certain fisheries are still appropriate; or whether TAC status could be removed while still ensuring the stocks are sustainably managed in line with CFP obligations.
- 3.6 Finally, fisheries management and the need to consider economic impacts of management sometimes requires trade-offs between different objectives, environmental, social and economic, to achieve a balanced and acceptable approach. This provides the back drop of a more analytical scrutiny of when and how TACs and quotas are used.

4.0 Considerations regarding TAC removal

- 4.1 The NSAC considers that a protocol should be developed to help guide the decision on whether a TAC should be retained or removed. As set out in section 6.20 of the NSAC's [14-1617 Managing the Fisheries within the Landing Obligation](#) advice, members agree that a decision to remove the TAC of any harvested species should not remove responsibility to manage these fisheries sustainably, in line with the CFP's objectives.
- 4.2 In this context, the NSAC has identified the following criteria to be applied to guide any TAC removal process:
- The European Commission (EC) should request that ICES evaluate the implications of removing a TAC for the achievement of the CFP's objectives. Any decision regarding a potential TAC removal needs to take into account ICES' findings, in particular regarding any conditions that need to be met in order to fulfil the CFP's objectives. The Commission and Council of Ministers should also consider the economic dimension of the MSY concept.
 - As well as balancing different objectives, the intention to implement an ecosystem-based approach to fisheries management will also seek to ensure, amongst other things that negative impacts of fishing activities on the marine ecosystem are minimised. Recognising that non-target species are an integral element of the marine ecosystem, the EC should seek ICES advice on the potential impacts of TAC removal on the food web and wider marine ecosystem.
 - There may be a justifiable case for removing TACs for by-catch species for which the TAC is not a constraint on fishing mortality. In those cases, it will be important to continue to monitor the stock closely. Other by-catch species for which the TAC is a constraint would require alternative effective measures to ensure that they remain within sustainable exploitation limits.
 - As the removal of TACs will remove the obligation to land catches, alternative measures should also be developed to reduce unwanted catches and waste in such fisheries. The Landing Obligation is currently driving improvements in selectivity. If this measure is to no-longer apply, fisheries should be provided with other incentives to improve performance.



- In cases where it is decided to remove a TAC, a proportionate scientifically validated, monitored and enforced management strategy should be in place to ensure the CFP's objectives can still be met. This should include appropriate safeguards that are responsive to stock biology, environmental fluctuations and climate change, and potential unanticipated changes in catching patterns following TAC removal. It should also consider the fact that it may not be biologically realistic to hold all harvested species at MSY simultaneously and that balanced trade-offs may be required. ICES or STECF should be requested to evaluate alternative management options and safeguards that will ensure that fishing mortality is maintained at levels consistent with the MSY objective. Where necessary alternative management measures and safeguards should be in place prior to the removal of the TAC, should this course of action be pursued.
- As we have indicated in 2.5 we are of the view that quantitative limits (TACs) remains the most direct and effective way to constrain fishing mortality on the main target stocks and certain bycatch stocks. The case is not so clear-cut for bycatch (non-target) stocks. Bycatch species under TACs can pose significant choke risks. There are however, likely to be alternative ways to ensure that when TAC status is removed from a bycatch species, it continues to be fished sustainably. Alternative measures could be used to ensure that fishing still takes place within CFP requirements. These could include:
 - > Selectivity measures
 - > Spatial measures
 - > Temporal measures
 - > Other
- Where a TAC is removed, the stock should continue to be monitored by ICES and a report on stock status should be prepared periodically to ensure the CFP's objectives continue to be met. This would require appropriate programmes of monitoring, ideally starting prior to TAC removal, with the aim of providing robust information on whether additional management measures (in the absence of a TAC) are needed. In cases where there is no scientifically defined limit, the EC and Member States should use other tools to address any risks, such as emergency measures, should a threat to the stock arise, taking account of the socio-economic consequences of such measures.
- Where scientific advice indicates that a stock is deteriorating as a consequence of the removal of the TAC, and alternative management measures prove to be ineffective at ensuring sustainability of the fishery, the Commission should swiftly reintroduce a TAC.

