

North Sea Advisory Council



NSAC Advice Ref.12-1617

NSAC Response to the Multi-Annual Plan for the North Sea

This advice was approved by the NSAC Executive Committee via a written procedure on the 19th June 2017.

This is not consensus advice. A minority position is presented in section 3.7.

1.0 Background and Introduction

- 1.1 In 2015 NSAC provided '[Advice on a Mixed Fishery Plan for the North Sea](#)'. In it, the AC stated that it “accepted the need to explore a mixed fishery approach to management, and recognises that the current single stock regulatory approach has its limitations, especially in respect of the requirement to meet the landings obligation within a TAC management system. However, the current system does provide some safeguards for fishing businesses. Any mixed fishery approach that is adopted should be as simple as possible and not too prescriptive, at least at the outset; whilst incorporating the requirements set out in the CFP Basic Regulation.” This NSAC position has not changed since 2015.
- 1.2 In the same advice NSAC asked to be involved throughout any discussions on the proposals and their future development to help ensure: (1) that the required actions are practical and make sense to fishers, (2) the expected future outcomes, in terms of social, economic, and environmental impacts are achieved and (3) the new multi-annual plan for the North Sea would aim to fulfil the objectives of the CFP. These positions informed key principles identified by the AC as necessary for a future NSMAP, which continue to be important and applicable now there are NSMAP proposals. These key principles are;
 1. Recognise the need to manage the fisheries in line with MSY objective of the CFP.
 2. Pay attention to the objective for Member States to achieve Good Environmental Status (GES) by 2020 under the Marine Strategy Framework Directive (MSFD).



3. Include provisions that ensure coherence with the landing obligation.
4. Ensure that any negative impacts of fishing activities on the marine ecosystem are minimised by adopting an ecosystem approach to fisheries management.
5. Provide scope for a regional approach to management.
6. Ensure that there is sufficient scope to review and revise the plan at appropriate stages, in the light of new scientific evidence; and avoid the problems of rigidity and inflexibility encountered with the Cod Management Plan.
7. Begin with a relatively simple approach, building the plan incrementally to incorporate more species and broader ecological considerations over time as necessary and in accordance with scientific advice.
8. Recognise the diversity of the mixed fisheries that are targeting the main species in the North Sea, and consequently recognise that trade-offs will have to be adopted, driven not only by scientific considerations.

2.0 Changes since 2015

- 2.1 Since we provided advice in 2015 significant changes have taken place. The cod plan has been removed, the risk associated with choke species has become a clear reality, the Baltic MAP has been adopted after very difficult negotiations and there will be changes in the approach to technical measures which can be seen from the ongoing discussion on the Commission proposal on a Technical Conservation Measures regulation.
- 2.2 In addition, NSAC notes that, in its current stage of development, the ICES mixed fisheries advice cannot be considered as full management advice, but as an evaluation of a limited number of scenarios. These scenarios are currently not sufficient to give a comprehensive view of all the trade-offs possible and how mixed fisheries can be managed as a whole. There is a need to define specific objectives for mixed fishery management that ICES can evaluate, similar to the current reviews of single species harvest rules. For example, there may be a need to revisit and adjust the harvest rules once the impact of the landing obligation is identified.
- 2.3 Considering the changes and progression in implementation since NSAC's 2015 advice, we have developed further key principles to supplement or expand upon those outlined in that advice and in section 1.2. However, before considering these NSAC believes it is necessary to revisit the purpose of multiannual plans.
- 2.4 Article 9 of the CFP Basic Regulation requires Multi-Annual Plans (MAPs) to be adopted as a priority and outlines their objectives. While not itself legally binding, Recital 24 of the CFP outlines further what a MAP should do. It states: "*Multiannual plans should, where possible, cover multiple stocks where those stocks are jointly exploited. The multiannual plans should establish the framework for the sustainable exploitation of stocks and marine ecosystems concerned, defining clear time-frames and safeguard mechanisms for unforeseen developments. Multiannual plans should also be governed by clearly defined management objectives in order to contribute to the sustainable exploitation of the stocks and to the protection of the marine*



ecosystems concerned. Those plans should be adopted in consultation with Advisory Councils, operators in the fishing industry, scientists and other stakeholders having an interest in fisheries management.”

- 2.5 Article 9 of the CFP highlights that MAPs ‘shall contain conservation measures to restore and maintain fish stocks above levels capable of achieving maximum sustainable yield in accordance with Article 2(2).

The NSAC also highlights that the MAP must achieve the CFP’s objectives as a whole, which includes the objective in Article 2(1) regarding the achievement of economic, social and employment benefits.

- 2.6 The NSMAP must also constitute / provide the following:
1. A fishing strategy that prioritises fishing at sustainable levels.
 2. Recognise that the plan regulates fishing activity, which is an economic activity that provides income and sustains the livelihoods of numerous people in coastal areas and beyond those directly involved in the actual fishery.
 3. A guide and framework for annual TAC setting that can also be applicable in the context of international negotiations over shared stocks.
 4. A framework that is not only coherent with, but facilitates the implementation of the landing obligation and reduces potential for chokes, including through the use of F ranges.
 5. A framework that can help to manage the gap between single species stock assessments and underdeveloped mixed fisheries advice.
 6. A framework that provides a genuine opportunity for stakeholders to influence policy.

3.0 Further considerations

- 3.1 Whilst we do not propose to comment on every element of the Commission’s proposal, the Council’s position and the European Parliament’s report, it is our view that there are strengths and weaknesses in each of these and we recommend that during the decision-making process the parties refer to the principles set out in this paper, which represent consolidated stakeholder knowledge and expertise.

Baltic MAP

- 3.2 We recognise the blueprint of the Baltic Plan in the Commission proposal. The Baltic situation, although complex in its own right, not only differs greatly from the North Sea situation, but can in relation to the North Sea situation be characterised as ‘less complex’. These differences mean it is not an appropriate model for the North Sea.

Geographical scope of the North Sea MAP

- 3.3 It is understood that the mixed fishery plan will cover the North Sea and the Skagerrak. However, it will be important to ensure that the plan is compatible with plans in adjacent



areas, which share the same stocks. Although the plan for the North Sea must concentrate on that core area for jurisdictional reasons, there needs to be coherence with plans for other areas. For the North Sea those areas include:

- Eastern Channel
- Kattegat
- West of Scotland

- 3.4 The focus in developing a plan has to be on the North Sea but the provisions must fit with plans for other management areas. Some fish stocks, such as saithe, are managed at scales larger than the North Sea, and fishers themselves may operate over several areas. There are some species such as cod and whiting where scientific assessments straddle management boundaries between the North Sea and Eastern Channel and similarly for West of Scotland. This will have a bearing on how the MAP is applied to these stocks. We recognise that straddling stocks are an important dimension to manage, although the NSAC is not putting forward specific advice at this stage.
- 3.5 NSAC would like to highlight the importance of a shared approach and framework for annual TAC setting discussions between Council and third countries. Annual TAC negotiations could become more difficult and uncertain with the introduction of new management tools such as the use of F ranges. With regard to annual TAC negotiations of jointly managed stocks in the North Sea there needs to be clarity if Norway (as well as the United Kingdom after Brexit) is to accept such principles and avoid inconstant management.

Socio-economic considerations

- 3.6 Given the importance of introducing a fisheries management plan for the North Sea that achieves the right balance between biological, economic and social criteria, the NSAC urges the trilogue partners during discussions to continue to take into account the STECF report '[Evaluation of the multi-annual plan for the North Sea demersal stocks \(STECF-15-04\)](#)'. Should any further socio-economic or environmental advice become available during the discussions the NSAC would welcome sight of this. It is important that the plan accommodates for flexibility in light of changes in socio-economic and environmental circumstances. The NSAC recognises that it is not unknown for extraordinary biological conditions to arise which would mean that if followed, the MAP, as currently drafted, could lead to adverse socio-economic impacts on elements of the fleet.
- 3.7 To address this type of extraordinary circumstance, and in order to be compliant with Article 2.1 of the CFP (1380/13) it will be important that the provisions of the MAP should include a *force majeure* measure through which the TAC for the affected stock could be set at levels that depart from the strict terms of the MAP. Such a provision should only be used with the following caveats:
1. The status of the stock should not be allowed to worsen
 2. That there should be a high probability, based on scientific stock projections, that the status of the stock will improve in the following year



A minority position has been taken by other interest group members¹ who do not support this position if it means delaying the Article 2.2 requirement to achieve the maximum sustainable yield exploitation rate by 2020 at the latest for all stocks. This would conflict with Principle 1 as set out in paragraph 1.2 of this advice paper.

Treatment of stocks

- 3.8 In NSAC's 2015 advice we highlighted that in order for the plan to be clear and workable an incremental approach beginning with a limited number of species was needed. However, the Commission's proposal, European Parliament and Council approach appear to have departed from these principles.
- 3.9 The Commission proposed seven groups, the first Group 1 demersal stocks, Group 2 Nephrops with the remaining groups including demersal stocks not subject to catch limits and prohibited species. The Presidency compromise document has introduced a vastly different approach, in effect splitting the stocks into two categories – stocks that are to be managed by means of F ranges and bycatch stocks to be managed in line with the precautionary approach.
- 3.10 NSAC is of the view that if grouping is to be used in the plan then this must be done in a clear way and must be workable in the context of mixed fisheries, rather than in effect layering single species plans. The NSAC has concerns about the Commission's NSMAP proposal, with its seven groups, in this regard but recognises that the grouping approach of the Council also raises questions of clarity. If a grouping approach is to be used in the NSMAP it must be in line with the CFP's objective to restore and maintain populations of harvested species above levels that can produce MSY and the safeguards and timescales in the plan must correspond to this. The current approaches of both the Commission and the Council do not meet this requirement and this should be addressed.

Alignment with the Technical Measures Framework

- 3.11 There is a real need for coherence in relation to the Multi Annual Plan and the Technical Measures. The NSMAP should recognise the need to reduce the capture of unwanted species. In this regard the NSMAP should work alongside the technical measures framework once it is adopted, as well as agreements reached at regional level under this framework.

Taking into account the most up-to-date scientific advice

- 3.12 The NSMAP should be adaptable and capable of responding to changes in stocks and additional scientific evidence. To ensure that the NSMAP is kept up to date the European Commission should be empowered to adopt delegated acts to ensure that the plan is in line with current scientific advice. The process of receiving this scientific advice, the advice itself and the way in which it is reflected in any updates must be transparent and open to public scrutiny.

¹ Client Earth, Dutch Elasmobranch Society, European Defense Fund, Marine Conservation Society, Oceana, Seas at Risk, Stichting Birdlife Europe, WWF



4.0 Incorporating measures for secondary species

- 4.1 Management measures are also required for non-target and/or non-commercial species in mixed fisheries. Adaptive changes to fishing patterns may go some way towards improving selectivity and/or catch composition; however, it is unlikely that vessels will always be able to avoid all unwanted catches.
- 4.2 It is clearly undesirable that a major fishery should be closed due to the poor status of a minor or by-catch species. This is why having good management measures in place for these stocks is required.
- 4.3 Although it may not be possible to have full analytical assessments of all species caught in commercial fishing activities, the objective of the reformed CFP to restore and maintain populations of harvested species above levels that can produce MSY still applies to all harvested stocks, and will be important for achieving GES under the MSFD. Descriptor 3 for achieving or maintaining good environmental status requires that F values are equal to or lower than F_{msy} , the level capable of producing Maximum Sustainable Yield (MSY).
- 4.4 Management of all species by Total Allowable Catches (TACs) may not be the most effective way of achieving the requirements of EU fisheries and environmental legislation (i.e. the CFP and MSFD) and/or may have undesired consequences regarding the exploitation of the main commercial species. It will be important to continue to explore alternative measures for reducing the capture of secondary species and unwanted by-catch. There are several measures that might be adopted through regionalisation:
1. Selectivity improvements that are economically viable: endangered, threatened and protected species with high vulnerability to fishing may benefit from changes to fishing gear design and/or avoidance measures to help prevent unwanted catches. It will be important to further develop spatial and temporal management.
 2. Best practice in terms of trawl duration, holding tanks and handling protocols should be applied to ensure maximum survival for the species that must or may be returned to the sea.
 3. A combination of measures may be required, such as seasonal or real-time closures and specifications on gear type. If the state of the stocks relative to precautionary/conservation reference points or ranges indicate that additional measures are necessary, there should be an agreed framework in place so that these can be introduced quickly.
 4. It would be sensible to take STECF's views in advance on the consequences of removing TAC status from any species. Under the CFP any decision to remove TACs should still adhere to CFP requirements.

5.0 Enhanced Data collection / knowledge

Data collection

- 5.1 Mixed fisheries plans will only be as good as the data and advice they are based on. A strong knowledge base built on sufficient scientific data is key to the success of the plans. It is therefore important to continue building on the improved collaboration and



understanding between fishermen and scientists that has emerged in recent years. The involvement and commitment of fishermen in data collection is of great importance to collect sufficient data to build this knowledge base upon.

- 5.2 There is concern among scientists about the impact of the landings obligation on the quality and relevance of their assessments, and whether there will continue to be sufficient quantitative scientific data to support a new mixed fishery plan for the North Sea. More commitment and better involvement of fishermen in data collection, together with improved monitoring and data collection technology, would help to secure data quality and continuous improvement.
- 5.3 In order to define objectives and constraints for both target and secondary species it is important to have good quality data for both of these groups. Prioritisation of species for increased data collection efforts should be based on a framework taking into account both economic and ecological importance of the different demersal species.

Information processing and modelling

- 5.4 The North Sea Multiannual Plan could and should benefit from mixed fisheries models such as are currently under development at ICES (WGMIXFISH). These models can be used to generate advice under different scenarios and NSAC should be involved in establishing these scenarios. These models should be developed further with the aim to improve predictions for primary stocks and to incorporate secondary (non-target) stocks. Over time these models should include relative stability in such a way that shifts in relative landings can be incorporated.
- 5.5 While these models are evolving they need to be constantly evaluated against reality. Moreover, model development depends on good quality input data. Therefore, the issue of model development cannot be viewed separately from that of monitoring and data collection.

6.0 Conclusions

- 6.1 Whilst the North Sea MAP would have been an opportunity to transition from a single species to a multi-species based management system the legislative bodies appear to have fallen short of this approach. However, as stated above we urge legislators to reflect on the principles set out above when finalising the MAP. This will help overcome shortcomings of previous fisheries legislation and increase the prospect of a workable and successful NS MAP.
- 6.2 Although the drafting process on the North Sea MAP is advanced the NSAC recommends that the legislative parties use the opportunity the trilogue process presents to evaluate elements of the plan in light of the guiding principles presented in this advice.

