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## NWWAC ADVICE

### **On the Communication from the Commission “Sustainable fishing in the EU: state of play and orientations for 2024” COM(2023) 303**

**08 August 2023**

#### **1. Background**

The North Western Waters Advisory Council (NWWAC) exchanged views with reference to the ICES presentation of scientific advice for fish stocks in the North Western Waters (NWW) for 2024 and the Communication COM(2023) 303 from DG MARE at the meetings of the NWWAC Working Groups and Executive Committee in Ghent on 3-5 July 2023.

Having collected the main inputs from these discussions, the NWWAC Focus Group Landing Obligation addressed in more detail the content of COM(2023) 303 and the implications for each NWW stock where fishing opportunities are going to be set for 2024 according to the scientific advice and the Common Fisheries Policy.

This resulted in the development of this advice which represents the NWWAC’s main contribution to the Commission for their work towards proposing the fishing opportunities in the North Western Waters for 2024 to the Council.

Given that ICES will issue advice for a number of stocks in autumn, the NWWAC will consider options on how to discuss the remaining stocks and complete these recommendations.

#### **2. Progress in achieving sustainable fishing in the EU**

The NWWAC recognises and welcomes the long-term progress made overall towards more sustainable EU fisheries reflected in the Commission’s Communication COM(2023) 303. This is especially true in the Northeast Atlantic EU waters, where the overall fishing mortality ratio has continued to decrease, reaching its lowest value in 2021, and trends in biomass show a general increase over time since 2003 (+39%). We are especially pleased to hear that the Commission reports that most of the stocks this AC deals with have reached a healthy status and are being managed sustainably.

However, the NWWAC would like to point out that the positive communication from the Commission on the status of the stocks in the NWW is not adequately reflected in the ICES catch advice for 2024. The AC understands that for many stocks a retrospective analysis was applied to the advice which downgraded their health status and this is often in contrast to what fishermen experience on the ground. Specific examples will be provided under paragraph 8 of this document. **Overall, the NWWAC believes that the quality of the scientific advice needs to be improved and continues to highlight the**



**critical need for quality assurance across all stock assessments.** We greatly appreciate the effort ICES has made in addressing this issue, including the adoption of a new Advisory Plan in 2019<sup>1</sup>. We also note that, as part of their quality assurance system, ICES has established the Transparency Assessment Framework (TAF). However, the AC believes that **more effort is needed to achieve the full implementation of the ICES quality assurance system.**

Moreover, **the NWWAC strongly recommends that information on quality assurance for each stock assessment is provided with more transparency.** In particular, we suggest that information on whether a stock has gone through the whole quality assurance system or simply through TAF is included in the ICES advice sheet. This should be located at the top of the advice page in a very simple and direct format, for example with a coding system. This general question is affecting stocks in all areas in the NWW and therefore will not be repeated in the following paragraphs looking into the NWW regions specific issues.

The NWWAC takes into consideration the Western Waters Multi-Annual Plan (MAP). In this respect **the AC recommends to also consider the MAP  $F_{MSY}$  ranges to accurately reflect the balance with F as established via the scientific models. The NWWAC recommends that this is considered in the EU-UK consultations on future fishing opportunities.**

The NWWAC also acknowledges that for stocks shared with the UK, both parties agreed catch limits in line with MSY for most stocks where this advice was available and within the deadline set by the Trade and Cooperation Agreement (TCA). **The NWWAC recommends continuing to pursue a level playing field between the EU and UK industries when aiming for high standards to ensure sustainable exploitation of resources.**

### 3. State of the EU fleet

Referring to the EU fleet capacity and its balance with fishing opportunities, the Communication COM(2023) 303 reports that there continue to be concerns (1) on the accuracy and reliability of engine power declarations by Member States as well as (2) regarding the data underpinning the national reports and (3) the existence or accuracy of Member States action plans required under article 22 of the CFP Regulation. **When considering the implementation of article 22, the AC questions the relevance of the basis used to set vessel capacity ceilings (gross tonnage (GT)) and engine power (kW).** In order to adjust fleets' fishing capacity to their fishing opportunities, the focus should not be on vessels size, but on whether the different fleet segments have enough potential to use their fishing opportunities to ensure the supply to the EU food production value chain and to be economically viable. This potential has also been impacted by the UK's departure from the EU, resulting in EU fleet segments which were in line with article 22 prior to Brexit now falling foul. This consequently led to the implementation of decommissioning schemes impacting EU fleets and ultimately also hampering EU food security. Fishing capacity rules should be adapted to reflect the reality of the sector, allowing to improve safety, working conditions and environmental sustainability taking into account the decarbonisation objective. The NWWAC will further elaborate on this topic when producing advice on

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<sup>1</sup> ICES. 2019. Advisory Plan. <http://doi.org/10.17895/ices.pub.5468>



the Commission's Communication on the Energy Transition of the EU Fisheries and Aquaculture sector (COM(2023) 100).

#### 4. Socio-Economic Performance

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, *“current fuel prices, which remain 70% higher than 2021 prices, would generate very small to no net profit on average in 2023”*. The NWWAC 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 – a very steep increase from 0.60 € per litre previously used as the standard within the EU. Therefore, the AC urgently requires an explanation for such change as it makes a significant difference on the profitability of the fleet.

The NWWAC thanks the Commission for acknowledging the difficulties brought on by the increasing operational costs and the prompt reaction demonstrated by adopting a Temporary Crisis Framework to enable Member States to use the flexibility foreseen under state aid rules. However, **we noticed a lack of coherence across Member States in the implementation of such a framework, with some national governments failing to take adequate action to use the possible financial aid**. This jeopardises the level playing field and creates competitiveness issues for the sector. Therefore, **the NWWAC recommends carrying out an analysis of the implementation of these funding opportunities**.

**The NWWAC repeatedly highlighted the urgent need for alignment of the report on the state of the EU fleet (STECF Annual Economic Report) with the scientific advice on Fishing Opportunities**, as the former provides information two years behind in comparison to the year for which scientific advice is given. We appreciate that our concerns have been taken on board, as STECF experts have been working on a nowcasting exercise for 2023. However, **the NWWAC believes that a permanent change is needed in this system** to ensure that the information on the economic performance of the fleet is aligned with the catch advice.

#### 5. Landing Obligation

The NWWAC recognises that in Article 14 of the CFP selectivity is a key issue and continues to work actively on putting forward suggestions to achieve this. Indeed, we frequently stipulated that avoidance and minimisation of unwanted catches are baseline tools to achieve the selectivity objective. When using the Landing Obligation (LO), avoiding choke issues remains one of the biggest challenges in the mixed and dynamic NWW fisheries.

The **zero-catch advice for several stocks in the NWW**, namely cod 6a, cod 7a, cod 7b-k, pollack 6-7, sole 7a, whiting 7a and whiting 7b-k, continues to pose significant challenges to the implementation of the landing obligation.



The NWWAC notes that for several zero catch advice stocks, advice based on MAPs is available. The AC understands that ICES also has other advice requestors than the EU who do not use MAPs. **Considering the post-Brexit context, the NWWAC would appreciate if the Commission could provide clarity on how the EU intends to address zero TAC advice in the consultations with the UK**, given that the TCA include specific provisions for dealing with them. Most of the NWW stocks are shared between the EU and the UK, and therefore **the NWWAC recommends that the EU in the bilateral consultation convinces the UK to look beyond the headlines of the ICES advice for each shared stock.**

Whilst the NWWAC appreciates the management principle used the preceding years, it is acknowledged that setting bycatch TACs for zero catch advice stocks is not addressing the MSY objective. However, for stocks where such advice is new, **the NWWAC considers it worthwhile to have a closer look at the quality of the advice and to take into account the uncertainties so that a potentially unnecessary excessive socio-economic impact can be avoided.** In other circumstances the NWWAC fully accepts that directed fishery on stocks with repetitive zero-catch advice remains prohibited, but in order to address the choke risk of prematurely closing fisheries the NWWAC sees no other solution than setting a bycatch TAC. At the same time, when avoiding premature closing of fisheries, measures enabling the rapid rebuilding of the relevant stocks should also be considered. As mentioned earlier, generally, first and foremost unwanted catches should be avoided, and secondly survivability should be maximised, but bycatch TACs remain the only option to address choking by zero-catch advice stocks in 2024.

In April 2023, the NWWAC provided advice<sup>2</sup> on the draft Joint Recommendation (JR) prepared by the NWW Member States Group (MSG) addressing the exemptions to the LO. The JR was finally submitted to the European Commission in May 2023. In the NWWAC advice on this JR, we advised retaining the existing exemptions to avoid the implementation of the LO becoming impracticable and we believe that the JR adequately reflects that. In the meantime, **the AC has developed further advice<sup>3</sup> identifying scenarios where the implementation of the LO is impracticable** and where alternative approaches are needed. **We look forward to the Commission's specific feedback** on these scenarios and would appreciate the possibility of a further debate on the overall matter.

However, it is important to point out that the schedule for exemption requests is not consistent with the one for setting Fishing Opportunities for the following year. As a consequence, more time is needed for the sector to adapt to zero TACs.

In addition, **the NWWAC approves of the quota-exchange pool as mentioned in the Fishing Opportunities Regulations since 2019 to cover unavoidable bycatches by Member States that have no quota for such stocks.** This both covers stocks in mixed fisheries for which certain Member States have no quota and stocks with zero catch advice for which – as described above – catch provisions must be considered to avoid premature closures of mixed fisheries.

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<sup>2</sup> [NWWAC advice on the 2023 Joint Recommendation Discard Plan](#)

<sup>3</sup> [NWWAC letter to DG MARE on difficulties with the landing obligation](#)



Ultimately, the NWWAC recognises that if the choke issues are to be resolved in the long-term, all stocks need to achieve a healthy state. An important part of this would be to address data gaps and ensure proper monitoring<sup>4</sup>.

The AC plans on further updating the Choke Identification Tool<sup>5</sup> and evaluating the mitigation measures included in the JR for 2024 to assess whether these recommendations to resolve choke issues in the NWW should be the subject of future advice. This topic will be examined separately if an NWWAC advice to the Commission on “Addressing choke risk in the NWW after exemptions” is considered to be required and useful.

The management of the landing obligation in the NWW will also be impacted by the establishment of new TACs in the Channel following work in the Specialised Committee on Fisheries (SCF) according to the TAC alignment obligation under the TCA between the EU and the United Kingdom. These include lemon sole in 7d, witch in 7d and brill in 7de.

## 6. Main messages and orientations for 2024 fishing opportunities proposals

As a consequence of Brexit, the bilateral consultations with the UK have become a key step towards setting Fishing Opportunities for 75 shared fish stocks, whose majority are in the NWW. **The NWWAC wishes to emphasise the vital importance of stakeholder participation in future management and governance structures to be established for working in partnership with the UK.** In particular, the NWWAC acknowledges that in line with the TCA, the SCF addresses issues including quota swaps, non-quota species and technical measures, with Technical Working Groups discussing these issues more in detail and setting the roadmaps for the SCF.

**There are several elements to be addressed in the context of the SCF** that have implications for NWW stocks, including:

- **TAC alignment** and in particular the establishment of new TACs in the Channel, as already mentioned earlier in this document;
- The **management of non-quota stocks**. In particular, the NWWAC is aware of the ongoing work to develop a joint management strategy for scallop in the Channel;
- The implementation of **technical measures**, especially in the Celtic Sea.

The NWWAC stands ready to continue the good cooperation with the Commission and the other ACs through the “Inter-AC Brexit Forum”<sup>6</sup> to ensure and strengthen stakeholder engagement in the

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<sup>4</sup> The OIG wishes to add specifically that this should include the recording of protected species in bycatch records whether released or discarded.

<sup>5</sup> The NWWAC, in co-operation with the NWW Member States Group (MSG), has developed a comprehensive tool (Choke Identification Tool), which serves to identify the choke risks at fishery level.

<sup>6</sup> In February 2022, the NWWAC joint forces with the Pelagic, Long Distance, North Sea and Market Advisory Councils on the topic of Brexit and established the “Inter-AC Brexit Forum”, a platform for AC-Commission communications related to the EU and UK discussions in the SCF.



context of the execution of the TCA, particularly the work of the SCF and of the Technical Working Groups on these topics.

## 7. NWWAC comments to the ICES advice for 2024

First of all, the NWWAC acknowledges and thanks ICES for their physical presence at NWWAC plenary meetings in July 2023 and for presenting the scientific advice for 2024 with detailed elaboration on how the assessment was carried out and advice was obtained.

7.1 As already mentioned in paragraph 2 of this advice document, the NWWAC notes that advice based on MAPs is available, also for several zero catch advice stocks, however it was not used as the headline advice. The NWWAC would appreciate clarification on why the Commission is not including in the Memorandum of Understanding with ICES to prioritise MAP-based advice over the general volatile MSY-principle. As stipulated earlier, **the NWWAC recommends that the Commission does not only look at the headline advice but takes into account the whole advice sheet as this provides more potential to consider socio-economic implications of the TAC-setting.**

7.2 The lack of data for certain stocks is negatively impacting stock assessments and management, with potential impacts on the catch advice and the resulting fishing opportunities. The ICES Advisory Plan also recognises this as a quality assurance issue. In this regard, **it is essential to consider partnerships between scientists and fishers as one of the main tools to boost data availability.** Industry surveys and non-quantifiable information are an important part of this process. The NWWAC is willing to continue its collaboration with ICES in this remit, and specifically following the progress of the outcomes of the 2023 Implementation of Stakeholder Engagement Strategy (WKSTIMP).

7.3 The NWWAC reiterates **issues relating to stock identification** and how uncertainty around the degree at which two or more stocks of the same species are mixed, may frustrate the stock assessment process. Mixing can also lead to problems with the setting of limit reference points and issues around management decisions due to mismatch between stock and TAC management areas. Currently, members are especially concerned about **cod in 7a, haddock in 7a, haddock in 7b-k, sole in 7h-k<sup>7</sup> and plaice in 7h-k.** In light of this, the NWWAC would like to make the following recommendations:

- Managers should **ensure that the implementation of the Data Collection Framework is completed** in order to improve data collection to inform science as a robust basis for sustainable fisheries management in line with the CFP.
- Genetic research should be used as a tool for informing fisheries managers in relation to stock structure and mixed-stock fisheries and for addressing management issues

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<sup>7</sup> The NWWAC would like to point out that work is in progress for the specific case of sole in 7h-k thanks to an ILVO-industry partnership project on genetic data collection. Initial results are expected in the autumn.



brought about by the mismatch between stock and TAC management areas. **The NWWAC strongly reiterates its recommendation that genetic data is integrated into the Data Collection Framework<sup>8</sup>.**

- **The gathered information should be used quickly**, without waiting for five years data, to improve the assessment and move away from categories 5 and 6 as soon as possible.

**7.4 The NWWAC would also like to propose that the stability clause used for category 3 stock is applied to other categories** as well to mitigate fluctuations in the advice over the years.

**7.5 The NWWAC welcomes ICES's initiative to include conservation status advice** in the fishing opportunities advice sheet. **However, it is important to make clear in the advice sheet that these refer to pressures other than fishing related.** We note that advice on conservation status is only to be given where clear, demonstrable management action can be recommended for any non-fisheries anthropogenic pressure, or clear demonstrable sensitivity to climate change.

In this regard, the NWWAC wishes to mention **cod in the Celtic Sea and how climate change is challenging its preservation.** This is explained in detail in a letter<sup>9</sup> sent by the NWWAC to DG Mare in May 2023. **The NWWAC recommends that climate impacts on this stock are properly quantified and considered in the ICES advice.** The NWWAC believes that this will contribute to the understanding of the future viability of cod fisheries in the Celtic Seas and allow for the suitable and adaptive alignment of fisheries management measures.

**7.6 Finally, the AC notes that information on the difference between the TAC and the scientific advice is no longer included in the catch options table and recommends that this extra column is reintroduced.** It is also important that historical information on the advice itself is included in the advice sheet to ensure that changes in the advice are properly explained.

## **8. NWWAC main messages and orientations for 2024 fishing opportunities proposals**

### **8.1. Ecosystem Based Fisheries Management**

The NWWAC recognises that there are many pressures on the marine environment, for example climate change, pollution and other consequences of human activities, which pose a synergistic threat to marine ecosystems and their ability to deliver services such as food production and climate impact mitigation. Ensuring sustainable fisheries, including the setting of TACs in line with best available

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<sup>8</sup> [NWWAC letter to the COM requesting for genetic studies to be integrated into the Data Collection Framework, February 2020](#)

<sup>9</sup> [NWWAC letter to DG MARE on climate change implications in the scientific assessment for cod stocks in the Celtic Seas ecoregion](#)



scientific advice and considering ecosystem dynamics, is essential to maintain and restore healthy and productive ecosystems which are resilient to other stressors such as climate change.

**The NWWAC advises that the Commission makes use of all available scientific information on ecosystem-based management when preparing for a mandate for the bilateral consultation with the UK and when proposing TACs for 2024 to the Council.** In particular, DG MARE should consider the definitions of ecosystem-based management provided by ICES and by the Food and Agriculture Organisation, which take into account the human, socio-economic dimension of this approach and involves strong stakeholder participation.

The NWWAC highlights the significant advances made throughout the WKIrish process. More specifically, **the NWWAC recommends that ecosystem-based fishing mortality reference points (F<sub>Eco</sub>) are incorporated as an option in the catch scenario table for each stock.**

Finally, the AC wishes to confirm a specific point on climate change, advising that **the setting of fishing opportunities should consider possible changes in catch composition due to stock migration and new species arriving in the NWW.**

## 8.2. Skates and Rays

Following an in-person workshop in Brussels on 09 February 2023, the dedicated Focus Group established jointly with the North Sea Advisory Council has submitted advice<sup>10</sup> to support the Commission and the Member States on managing skates and rays. In particular, the advice proposes several recommendations in terms of harmonisation on setting TACs, the establishment of sub-TACs for certain species, research priorities, best practices and socio-economic impacts.

We thank DG MARE for the prompt response<sup>11</sup> to this advice. In this response the NWWAC notes that the EU and the UK intend to agree on a common approach to the setting of group TACs in time for the next annual consultations. The two Parties also intend to prepare a roadmap to set out the additional management elements that should be considered when developing medium- to long-term alternatives to the current group TACs. We appreciate seeing that the AC's recommendations will feed into these reflections. Whilst realising that ICES advice on elasmobranch species is only planned in the autumn, **the NWWAC is keen to discuss this advice and progress the individual action points in cooperation with the Commission and the NWW Members States Group where needed.**

In the meantime, **in relation to the setting of fishing opportunities for 2024, the NWWAC recommends not to apply the precautionary buffer.**

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<sup>10</sup> [NWWAC/NSAC advice on skates & rays management](#)

<sup>11</sup> [Commission Response to joint NWWAC/NSAC Advice on Skates & Rays Management](#)





### 8.3. West of Scotland

- 8.3.1. **The NWWAC recommends that a benchmark is carried out urgently for anglerfish in the West of Scotland** with the aim of increasing the quality of the assessment to category 1, as is the case for the anglerfish stock in ICES areas 7 and 8abde.
- 8.3.2. The NWWAC notes that **haddock in 6a** is assessed in combination with haddock stocks in subarea 4 and subdivision 20 and that the TAC is running less than the advice for the past years. In particular, the 2023 TAC was 135% lower than the scientific advice for that year. This is a significant discrepancy between the scientific advice and the management advice. Considering that advice for 2024 is 17% higher than last year's advice, NWWAC members wonder where the stock size would be at this stage if managers had followed the scientific advice. **The NWWAC therefore recommends setting the TAC closer to the scientific advice.**

### 8.4. Celtic Sea

- 8.4.1. The NWWAC notes that several Celtic Sea stocks have a low assessment category which leads to less quota every year. The TAC-setting in many cases is based on landings data only and these are going down, also through fishers' efforts to avoid catching these stocks. According to their category, these stocks fall under the Precautionary Approach (PA) principle which leads to a 20% decrease in the advice every three years, gradually making it impossible for fishers to maintain their activity in the area. Therefore, **the NWWAC highlights the urgency of collecting data on such stocks to improve the assessment.** Where there are difficulties with gathering data with traditional methods, **fishers' input must be considered in the provision of the information needed.** Specifically for sole 7hjk, new data will enable to establish that a PA is not correct or necessary.
- 8.4.2. **NWWAC members are concerned about the zero catch advice for pollack in subareas 6 and 7 and about the dramatic change in terms of perception for this stock.** Questions arise around the quality of the model and of the data used. We acknowledge that a benchmark was carried out for this stock in late 2021 (WKWEST), but we believe that the assessment should be revisited. The stock was revised from category 5 to category 2 with ICES using a landing-based model taking into consideration "*the bigger the landings, the healthier the stock*". However, the assessment lacks data on recreational catches and predation, whose contribution to mortality should not be disregarded. Catch rates should be used as an indicator of the health of the stock. Moreover, the NWWAC notes that, in its latest report<sup>12</sup>, the ICES Working Group for the Celtic Sea Ecoregion advised for a precautionary approach and a catch advice of no more than 589

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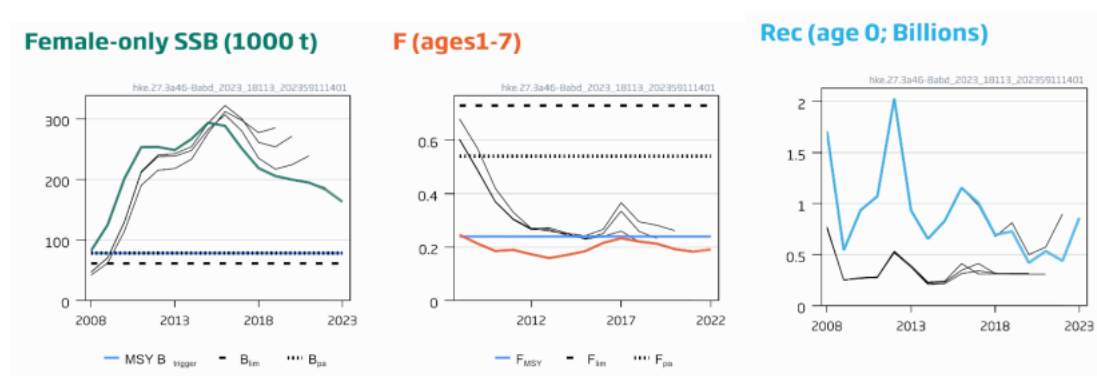
<sup>12</sup> ICES 2023. Working Group for the Celtic Seas Ecoregion (WGCSE). ICES Scientific Reports. 5:32. 958 pp. <https://doi.org/10.17895/ices.pub.22268980>



tonnes in each of the years 2024 and 2025. The AC would appreciate clarification on why the recommendations of the Working Group weren't followed in the preparation of advice. Overall, **the data used in the assessment and the assessment model should be challenged and questioned**, and measures are needed to better manage the stock. **The NWWAC also wishes to reiterate a previously raised concern on the assessment of this stock, namely the vastness of the whole areas 6 and 7** which is likely to create issues following the combination of all the possible pollack stocks in the area.

8.4.3. Regarding **hake in areas 6 and 7**, the NWWAC acknowledges that last year's assessment was characterised by a substantial change following a benchmark. However, last year's advice also mentioned that *"the new assessment tends to revise historical SSB downwards and F upwards when a new year of data is added. If this pattern continues, this may result in an inflated advised catch"*. The AC is concerned that this potential future inflation of the advice indicates a mistake in the assessment and would like to draw attention on a retrospective issue in relation to stock size. The NWWAC points out the importance of including information from fishers in the assessment as it could help having less fluctuations in the scientific advice.

Furthermore, the NWWAC highlights that Figure 2 in the advice sheet<sup>13</sup> showing historical assessment results includes information from the situation before and after the benchmark, comparing elements that shouldn't be considered in the same way. **The AC recommends that this is rectified urgently to avoid having misleading graphs in the advice.** The NWWAC also notes that **following the benchmark, in the new assessment only females are taken into account when setting biomass reference points.** The NWWAC is concerned that this might not be the appropriate way forward.



**Figure 2** Hake in subareas 4, 6, and 7 and in divisions 3.a, 8.a-b, and 8.d, Northern stock. Historical assessment results. The reference points and assessment results were revised following a benchmark in 2022, and only assessment results from the last 2 years should be compared to the reference points indicated. Final-year recruitment assumption included for each line.



- 8.4.4. The NWWAC would also like to underline the **importance of urgently addressing the issue related to the assessment and advice for haddock 7b–k, including rectangles 33E2 and 33E3 in division 7a**. This should be considered when setting TACs, as a consistent portion of the 7a catch is considered to be part of the division 7b–k stock, and efforts to examine stock’s genetics should be prioritised to solve this issue.  
**Members are also concerned about the large decrease in advice for this stock and highlight a mismatch between the available quota and the fish on the ground as observed by fishers**. The management of this stock is very complex, as this species is characterised by rapid stock size blooms and decreases. Moreover, it is caught in a mixed fishery with cod and whiting, which gives it enormous choke potential.
- 8.4.5. ICES recommends separating the TAC for **black-bellied and white anglerfish**. However, the AC points out that it is very difficult to distinguish between these two species when they are landed. Therefore, **we question how the landing of these two species would be taken into account and how the data would be assessed**.
- 8.4.6. Regarding **whiting in 7bc and 7e-k**, the NWWAC points out that no biomass decrease has been witnessed by fishers in the Western Channel, similarly to what is noticed in the North Sea and in the Eastern Channel. Therefore, **the AC recommends that further work is carried out to better understand stock fluctuations in the Celtic Sea**. These might be linked to a stock identity issue, given that the scientific advice currently considers that whiting stocks are separated by the boundary between 7d and 7e. Even if the distinction between the two stocks seems documented, migrations between these stocks and the local dynamics should be studied and taken into account.
- 8.4.7. For **sole 7fg**,  $F$  is slightly below  $F_{MSY}$  and  $SSB$  is remaining substantially above  $MSY B_{TRIGGER}$ , albeit slightly decreasing. Headline advice is given on the  $F = F_{MSY}$  basis, but **other advice lines enable a management decision taking into account further socio-economic aspects and accepting a positive evolution of the TAC**. This would be more in line with what fishers notice at sea and would be compensating the missing info in the assessment, even considering that this stock is in category 1.
- 8.4.8. For the data poor **plaice stock in 7fg** the TAC in 2023 was reduced by 77% and despite the inconsistency with the observations of fishers, ICES has not organised a new assessment in 2023. **Last year the NWWAC unsuccessfully recommended to avoid TAC movements of this size and asked DG MARE in its considerations to apply the stability clause limitation**, even if the condition based on poorly available data is not fulfilled. **The NWWAC again advises DG MARE to take this into consideration**, as it remains unacceptable to disregard the unavoidable catches of this stock in mixed fisheries.



## 8.5. English Channel

- 8.5.1. **The NWWAC wishes to reiterate its recommendation regarding 7d whiting, which in the assessment is considered one stock with whiting North Sea but managed under a common TAC with whiting 7bc and 7e–k.** Management of this stock should be implemented at the stock level to ensure that fishing opportunities are in line with the scale of the resource for each of the stocks. However, as already mentioned above, before any alignment of the management area with the assessment area, the sometimes very significant socio-economic consequences must be assessed. In this case, information is needed on the local dynamics of whiting stocks, particularly in the Western Channel.
- 8.5.2. As already mentioned in paragraph 5, the NWWAC is aware that the **SCF is going to work on the establishment of new TACs in the Channel following the TAC alignment obligation** under the TCA. These include lemon sole in 7d, witch in 7d and brill in 7de. We also note that while the TAC for plaice in the Channel is managed as one stock, ICES provides advice separately for 7d and 7e and recommends splitting the TAC. First of all, **the NWWAC would appreciate if the Commission could clarify how stakeholders, and ACs specifically, will be consulted on these matters. Secondly, the AC recommends taking into account socio-economic impacts when new TACs are introduced, as well as consequences of new TACs in respect of the landing obligation.**
- 8.5.3. In the specific case of **plaice in the Channel**, the AC notes in the assessment that mature individuals from plaice 7e and from the stock in Subarea 4 migrate to 7d in the first quarter. **This migration must therefore be taken into account when determining fishing opportunities.** Moreover, the -50% advice for plaice 7d is an example of the huge consequences of retro-active revision of indicators and of the **necessity to expand the stability clause to more categories.**
- 8.5.4. **The NWWAC recommends that ICES looks at trends for brill separately in the different areas in the assessment,** as trends are not the same in the Skagerrak, North Sea and Channel.
- 8.5.5. **For sole in 7d and in 7e, the NWWAC** notes that factors such as predation and food availability are impacting recruitment and **recommends that these non-fisheries related aspects are taken into account in future assessments and setting of TACs.** Retro-active corrections are contributing to the negative advice, but missing data should be considered to hamper the fluctuation of these TACs.
- 8.5.6. Regarding **seabass**, the NWWAC notes that the advice is based on a vast area where differences and fluctuations might occur in the different catch areas. We appreciate that a benchmark is planned, focusing on stock identification. **The AC supports this initiative and believes that a more refined and accurate approach would be useful** to ensure a more efficient and sustainable management of this stock.



## 8.6. Irish Sea

8.6.1. **The NWWAC would like to reiterate its concerns regarding several stock identity issues,** as already mentioned in the Irish Sea paragraph in the NWWAC advice on Fishing Opportunities 2020<sup>14</sup> and in a letter sent to the Commission in October 2020<sup>15</sup>, particularly between the Irish Sea and the Celtic Sea. This might have a **relevant influence on the validity of the stock boundaries for cod, whiting and haddock and therefore, according to the NWWAC and as frequently recommended, it is vital to address this through scientific analysis examining stocks' genetics.**

**The NWWAC specifically notes the case of 7a haddock,** which accounts for 102% of the reported landings in the statistical rectangles 33E2 and 33E3 traditionally included in the Celtic Sea management area. This should be considered when setting TACs for haddock in 7a and 7b–k, since changes in the TAC for the 7a stock may have implications for the fishing pressure on haddock in divisions 7b–k. This is a clear example of a stock where an identification genetic study is urgently needed. **The AC is also concerned about a possible retrospective bias, particular in the stock size, for haddock 7a.** Since the last one happened in 2017, the NWWAC advises that a benchmark for this stock is organised to address these issues.

8.6.2. **In relation to Irish Sea whiting, the NWWAC highlights the tremendous effort from the sector regarding implementation of avoidance measures in the *Nephrops* fishery.** The SSB for this stock continues to be extremely low, fishing pressure is also very low since this is not a targeted fishery and recruitment is also down. Yet, the advice sheet shows over a thousand tonnes of this fish being caught as bycatch every year. With the stock biomass being estimated so low, an explanation is needed on how this is possible. Furthermore, **the AC highlights the need to review the technical measures introduced in 2019 for the *Nephrops* fishery** and to evaluate their efficiency in reducing whiting bycatch.

8.6.3. While in 2018 ICES established that a zero catch advice **for sole 7a** is not necessary, **the NWWAC is surprised that the advice for 2024 is again a -100% TAC change.** This is based on retro-actively corrected data sourced by the results of a UK Beam Trawl Survey for a specific age category and a revised weight at age. Since 2019 TACs have been set much more in line with what fishers notice at sea, as also established in a fisheries-science partnership. As the fishing activity consistently was kept into the MSY-based set TAC, **the AC is concerned that this year's advice indicates a flaw in the assessment and recommends that this is properly considered in the benchmark planned to start this autumn.** It will be important to consider the full quality and quantity of all available data

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<sup>14</sup> [NWWAC Response to the Consultation on Fishing Opportunities for 2020, September 2019](#)

<sup>15</sup> [NWWAC letter to the Commission regarding TAC setting for cod, haddock and whiting in Irish Sea statistical rectangles, 33E2 and 33E3, October 2020](#)



to confirm the category 1 status of this stock. Not taking into account the flaw or the doubtful retro-active corrections, the NWWAC finds it relevant to again refer to the other than headline advice, which includes a catch scenario that would lead the stock to  $B_{lim}$  in 2025, even if this advice still is considered excessive in line with stability requirements. Therefore further explanation is required regarding the scientific advice on why the sole 7a SSB for 2025 is projected at such a low level. It should also be clarified in the advice sheet whether there are other elements contributing to the advised reduction. In anticipation of all this, **the NWWAC recommends tampering the reduction and until this stock is benchmarked, not to affect the catch opportunities of the fishers seeing a much more positive state of the stock.**

#### 8.7. Joint-Recommendation NWWAC-PelAC on Greater silver smelt in areas 6 and 7

Following the newly established [Gentlemen's Agreement between the NWW and Pelagic ACs](#) agreed on 31 March 2022, both ACs acknowledge that any recommendation on Greater silver smelt in areas 6 and 7 falls under the direct competence of the NWWAC in accordance with Annex III of the CFP. The NWWAC proposes the following recommendation for this stock, which is endorsed by the Pelagic AC and the result of a joint exercise, whereby the NWWAC advises on bycatch issues and the PelAC advises on the directed fishery.

- *Greater silver smelt in subareas 7–10 and 12, and in Division 6b*

**The NWWAC/PelAC recommend following the precautionary approach (87 tonnes).**

The NWWAC/PelAC note the high discard rate (82%) in the ICES advice in these areas and ask whether these discards relate to pelagic or demersal fisheries. The NWWAC/PelAC recommend that the Commission examines this figure more closely with ICES.

- *Greater silver smelt in divisions 5b and 6a*

**The NWWAC/PelAC recommend following the ICES MSY advice (17 695 tons).**

The NWWAC/PelAC note that since 2016 unilateral quotas are set by the Faroe Islands and EU/UK separately, and the sum exceeds the recommended catches. The NWWAC/PelAC underline the vulnerability of greater silver smelt as a deep-sea, slow-growing species, and call on the EU Commission and the Council to prevent overfishing of the stock and reach an agreement on this shared stock.

In addition, in the context of improved management of the directed fishery, the PelAC will be examining the possibility of developing a management strategy for area 5b and 6a, associated with developing measures to improve the reference data issue of the stock in the area 6b and 7. Therefore, **The NWWAC and PelAC underline the need for genetic analyses to be undertaken** in order to ensure better identification of the stocks and of their distribution.

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