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NWWAC ADVICE

Addressing Choke Risk in NWW after exemptions

13 January 2025

1) Background

The issue of choke species has been identified by the North Western Waters Advisory Council (NWWAC) and the North Western Waters Member States Group (NWW MSG) as a continuing obstacle to the implementation of the Landing Obligation (LO). Extensive work has been completed by the NWWAC to identify the key choke species and potential mitigation measures in addition to the measures set out Article 15 of the Common Fisheries Policy (CFP). The views of the NWWAC have been presented annually since 2018, with the latest advice sent to the Commission on 9 December 2022¹.

The NWWAC acknowledges the Commission adopted a Delegated Act supplementing Regulation (EU) 2019/472 of the European Parliament and of the Council. This Delegated Act details measures for the implementation of the landing obligation for certain fisheries in Western Waters over the period 2024-2027² in August. However, the NWWAC contends that the discard plan alone will not fully mitigate the identified choke risks for fisheries in 2025. Even with additional measures that may be included in the annual Fishing Opportunities Regulation, choke risks remain for many stocks, threatening early closure of multiple fisheries.

In developing this advice for 2025, the members of the NWWAC considered the issue further in the regional working groups and in plenary sessions. NWWAC members discussed updates to the choke “traffic light” spreadsheet considering the ICES advice for 2025 and the Delegated Act adopted by the Commission.

Following preparation by a dedicated Focus Group, the present document has been circulated to the Horizontal Working Group of the NWWAC for review. The advice was approved by the NWWAC Executive Committee on 10 January 2025.

2) General remarks

The NWWAC recognises that the existing measures in the Discard Plan for 2024-2027 are needed and have been helpful in avoiding choke situations in the NWW.

However, the NWWAC would like to highlight and recall the **major challenges in implementing the LO**, which remain relevant as follows:

¹ NWWAC 2022 advice addressing choke risk in NWW after exemptions

² <https://webgate.ec.europa.eu/regdel/#/delegatedActs/2055?lang=en>



- The implementation of single species TACs in mixed fisheries (e.g. cod, haddock, whiting 7b-k) and coverage of non-target species (e.g. Plaice 7hjk);
- Zero catch advice;
- Stocks for which Member States have no quota but have known bycatch;
- Highly depleted stocks with low rebuilding potential due to other impacts than fishing effort, such as climate change (e.g. West of Scotland and Celtic Sea cod);
- Lack of data, particularly on unwanted catches;
- Unintended consequences of management measures, e.g. displacement of effort;
- Incongruence with the Technical Measures Regulation, for example in relation to Article 27 on catch compositions.

The NWWAC refers to its letter sent to the Commission on 13 June 2023³, identifying several **scenarios where the implementation of the landing obligation is impracticable** and where the AC considers alternative approaches are needed. The AC believes that this year's initiative by the Commission on the evaluation of the CFP, including a review of the LO, is a good opportunity to rethink a European strategy to discards. The NWWAC continues to engage with the Commission and the NWW MS on such discussions. Similarly, the discussions ongoing in the UK in relation to reforming the management of discards, following a consultation launched in August 2023 to which the NWWAC provided input⁴, is another important element to consider in this debate, given the need for coherence in managing fisheries between European and UK waters.

North Western Waters demersal fisheries are highly dynamic, variable and have a mixed nature. There are clear signals that the ecosystem is changing due to climate change, resulting in distributional shifts in fish species and lower recruitment. This will potentially exacerbate current choke risks and create new choke situations not originally forecasted.

It is accordingly inevitable that different stocks will have divergent levels of abundance which hampers mixed fisheries management. The NWWAC recognises that TACs are the most direct way of limiting fishing mortality in commercial fisheries, but a **single species TAC management principle in mixed fisheries can be problematic**, especially where TACs for unavoidable species restrict fishing opportunities for target species. Indeed, **the zero-catch advice for several stocks continues to pose significant challenges and an ecosystem-based approach would be more appropriate for mixed fisheries management.**

As already mentioned in previous AC advice, first and foremost unwanted catches should be avoided, and secondly survivability should be maximised. Additionally, setting **TACs at levels to account for unavoidable bycatches remain essential to addressing choke risks for stocks, particularly those with zero-catch advice.**

Apart from considerations around the setting of fishing opportunities, it remains clear that the implementation of the CFP in a mixed fisheries context requires a combination of management

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

⁴ [NWWAC response to UK public consultation on a discards reform](#)

measures including spatial and temporal management, technical measures and exemptions. In many cases it also requires a certain amount of flexibility to balance short- and long-term socio-economic trade-offs. In the lead-up to the full implementation of the LO significant progress was made in advancing our understanding of chokes, and several measures were identified, including technical gear modifications to improve selectivity and potential avoidance measures informed by advanced knowledge on the spatial distributions of choke species and unwanted catches. The NWWAC recommends **evaluating the effectiveness of measures currently in place** before introducing new ones and increase the complexity of the system.

The NWWAC also highlights the **socio-economic challenges faced by the fishing industry** in complying with the landing obligation while fishing opportunities for some stocks are decreasing. The financial and practical impacts on fishers should not be overlooked. Balanced policies are needed that support both environmental objectives and the economic realities of the fishing communities. While measures aiming to increase selectivity might be environmentally beneficial, they are often impractical without the financial support to adapt to their usage.

It is important to recognise that mitigating the choke risks for certain stocks may have knock-on effects on other stocks. In some cases, increases in selectivity mean a reduction of catch per unit effort resulting in more effort required to catch available quota. The **impact of effort displacement** from fisheries needs to be considered as this may have implications for other stocks where the choke risk is currently low. This should be taken into account when setting fishing opportunities and other management measures.

Some stocks represent a high choke risk to individual Member States due to a lack of quota. This issue was addressed by the establishment since 2019 of a **pooling system for quota exchanges** for Member States with no quota to cover unintended bycatch. This is an important mechanism which should be maintained.

3) Approach taken

To aid the discussions on the choke issues, the NWWAC has developed a “traffic light” spreadsheet that indicates severity of potential choke risks year-on-year.

To assess the choke risk for each stock from 1 January 2025 onwards, the spreadsheet considers the ICES Advice for 2025, the feedback on the outcome of the December 2024 Fisheries Ministers Council and the exemptions included in the relevant Discard Plan 2024-2027.

Each stock is classified as a “high”, “moderate” or “low” risk:

- “High risk” – catches are well in excess of current fishing opportunities and even with all the available mitigation tools applied there is a high risk of choke for multiple Member States.
- “Moderate risk” – catches are in excess of fishing opportunities for one or more Member States and the risk of choke is significant for these Member States but mitigation tools



potentially can solve the problem.

- “Low or no apparent risk” – catches are in line with fishing opportunities and the risk of choke is low or there is no apparent risk with the mitigation tools available.

Additional mitigation measures are proposed to reduce the choke risk where relevant.

As with the previous choke analysis, it is important to note that whenever a stock is classified as “moderate” or “low” risk, this stock may be “high risk” to an individual Member State. Stocks may have specific issues unique to that Member State which may not be immediately solvable with the tools available or the Member State involved is reliant on swaps⁵ (i.e. in cases where a Member State has no quota for a species but has reported catches). In addition, it must be noted that the NWWAC believes that not all high-risk stocks can be addressed via TAC and quota management in combination with the other measures (included those referred to earlier) and will need to be assessed to avoid unnecessary obligatory cessation of fisheries.

4) Choke risk in the North Western Waters

The information presented below explains the choke risk analysis carried out by the members of the NWWAC through the choke “traffic light” spreadsheet. The spreadsheet is attached as annex to this advice.

⁵ See page 4 of this document mentioning the pooling system as described in Article 8 of the Regulation on Fishing Opportunities for 2020



- **Celtic Sea**

There are 9 high risk stocks, 3 moderate and 3 low risk choke stocks.

High risk	
	<p>The choke risk for haddock 7b-k continues to be high, due to the 44% reduction in haddock advice for 2025, which was translated into a 23% reduction in the TAC agreed in the EU-UK negotiations. This will potentially create a serious mismatch with the technical measures in place, particularly the raised fishing line requirement which will not be viable economically if there is not enough TAC for the target species, in this case haddock. This issue is further described in the recent NWWAC advice on Technical Measures in the Celtic Sea⁶. Moreover, anomalies have been identified in the scientific assessment over the last years, specifically in relation to recruitment levels. It is vital that the ICES advice reflects recruitment properly and timely. The issue related to the assessment and advice for haddock 7b–k, including rectangles 33E2 and 33E3 in division 7a, needs to be urgently addressed. This should be considered when setting TACs, as a consistent portion of the 7a catch is part of the division 7b–k stock.</p>
	<p>The choke risk for whiting 7bc,e-k is high, based on ICES advice for a zero TAC advice for the 7bc,e-k stock. Furthermore, the de minimis exemption in place for bottom trawls and seines only covers the 7e part of the stock. Improvements in selectivity introduced for 2020 may help but will not completely solve the choke risk. Information on the uptake by vessels of the new selectivity measures introduced in the Celtic Sea is needed to assess their impact on the stock. This is also relevant to the measures introduced by the United Kingdom from September 2021 (panel in west side of 7e and increased mesh size in east side of 7e). Moreover, the NWWAC recommends further work is carried out to better understand stock status in the Celtic Sea, because of climate change. The NWWAC reiterates the possible stock identity issues, between the Celtic Sea stock (7bc and 7e-k) and the North Sea stock that includes 7d. ICES currently considers that these whiting stocks are separated by the boundary between 7d and 7e. Migrations between these stocks should be studied further and a benchmark of the two stocks scheduled.</p>
	<p>With a reduction of 72% in the scientific advice, which has been followed by the EU and the UK in setting the 2025 TAC, the choke risk for plaice in 7f,g remains high, despite the survivability exemption in place. The stock seems to be far more abundant when observed at sea than identified by ICES. The existing TAC is unlikely to be sufficient to cover the total unavoidable catches. A thorough review is needed of the distinction between</p>

⁶ NWWAC advice on Technical Measures in the Celtic Sea ([link](#))



	<p>what is noted at sea and what is reported by science. Without the exemptions in place, the Belgian fishery would be unable to operate sustainably.</p>
	<p>The choke risk for sole 7f,g remains high for several MS even with exemptions in place. Mismatch between fishers' observations at sea and scientific advice has been largely noted similarly to plaice 7f,g for this stock as well.</p>
	<p>The choke risk for cod 7e-k remains high. The influence environmental conditions may have on this stock is still uncertain and needs to be further examined. As mentioned in the NWWAC advice on Technical Measures in the Celtic Sea, it is necessary to ask ICES for in-depth expertise on Celtic Sea cod recruitment processes, to assess the feasibility of the recovery of the stocks. It is important that the stock assessment considers ocean warming and whether the habitat is still suitable for the cod stock in the Celtic Sea, and consequently the viability of the fishery in the future. Information on the uptake by vessels of the new selectivity measures introduced in the Celtic Sea is needed to assess their impact on the stock.</p>
	<p>Despite existing exemptions which are absolutely needed, the choke risk for sole 7h,j,k continues to be high. More work is needed to address data limitations, especially on the biological aspect of this stock. In a recent letter⁷, the NWWAC has requested that this stock is prioritised for a benchmark aiming for improving the assessment, moving away from category 5.</p>
	<p>Choke risk for plaice 7h,j,k has increased to high because of the very low TAC agreed at the December Council and the increased activity in the area, possibly because of displacement issues.</p>
	<p>Choke risk for pollack in area 6 and 7 continues to be high. The zero-catch advice, which has been translated into a further 17% decrease in the TAC for 2025, creates a severe choke situation for all stocks caught in the mixed demersal fisheries in the Celtic Sea, Channel, Irish Sea and West of Scotland as well as some pelagic fisheries where pollack can be a bycatch. A benchmark was carried out for this stock in 2023 (WKWEST) that resulted in a revised perception of the stock. However, the NWWAC notes that, as part of the advice, ICES recommends further work to be carried out to improve the assessment. The NWWAC questions the quality of the data used in the assessment, which are based on very few samples, a lack of information on the population structure and the contribution of recreational fisheries to the overall catches. We appreciate that the stock is to be benchmarked again in 2025. The NWWAC also wishes to reiterate a previously raised concern on the assessment of this stock over such a wide area (both areas 6 and 7). The NWWAC questions whether this is in fact one stock and would request ICES consider the stock dynamics to assess whether there are multiple stocks.</p>

⁷ [NWWAC advice on stocks to prioritise for benchmark workshops by ICES](#)



Medium risk	
	<p>Choke risk for hake 6 and 7 continues to be moderate. The NWWAC notes that following the last benchmark, only females are considered when setting biomass reference points in the assessment. The NWWAC is concerned that this might not be the appropriate way forward.</p>
	<p>Choke risk for boarfish 6-8 has been classified as moderate considering that France has no quota for this stock. The continuation of the de minimis exemption for bottom trawls in ICES divisions 7b-c and 7f-k helps reduce the risk of choke in certain cases. Member States can rely on swaps when they have zero quota for this stock. For consistency, the exemption should include ICES division 7e.</p>

Low risk	
	<p>It is essential to maintain the survivability exemption to continue to class skates and rays in 6 and 7 as low risk. In the ICES advice for skates and rays the precautionary buffer of -20% is applied to some stocks which are deemed to be data deficient. The precautionary buffer has been applied to these stocks previously in 2018, therefore the advice since then has been -20%. A precautionary buffer should be applied once and not repeatedly which would eventually reduce these fisheries to zero catch advice.</p>
	<p>Choke risk is low for black-bellied & white anglerfish in areas 7 and 8.</p>
	<p>Megrim in area 7 continues to present a low or no apparent choke risk.</p>
	<p><i>Nephrops</i> continues to present a low or no apparent risk to become choke species. Risk is likely to be higher for Irish vessels targeting <i>Nephrops</i> in Functional Unit 16. To this end Ireland has implemented a seasonal closure for Irish vessels in addition to the current EU closure in May. The Irish fishery is now effectively limited to six-months to optimise quota usage.</p>

- West of Scotland

There are 2 high choke risk stocks remaining, 2 moderate and 10 low risk.

High risk	
	<p>Cod 6a remains a high-risk stock. The NWWAC is concerned over the potential choke risk associated with ICES recommendation for a severe reduction in cod catch limits. This has been translated by the December Council to a 20% reduction in the TAC. ICES advice is based on</p>



	assumptions about the mixing of three cod sub-stocks (Southern, Northern, and Viking) in the North Sea and surrounding waters, with the most significant reductions aimed at protecting the weakest Southern sub-stock. However, the assumption of uniform mixing results in unjustified proportional reductions applied to all sub-stocks, including those that are recovering well. An alternative approach of managing each sub-stock individually with separate TACs should be considered, rather than applying a blanket reduction.
	Cod in 6b remains a high-risk stock. This is currently assessed as a category 6 stock as a data-poor stock, with ICES applying the precautionary approach. At the December Council, a rollover TAC of 74 tons was agreed, with 18 tons allocated to EU waters (-10%). Data collection should be enhanced to improve knowledge on the stock to transition the stock to a category 3 assessment. To address the choke risk, ICES should be requested to reconsider the relevance of applying advice for category 6 stocks in situations where such advice does not reflect the reality observed on the fishing grounds. Alternative management approaches should be considered for this and other stocks in a similar position.

Medium risk	
	For haddock in 6a, choke risk has increased to medium following a 5% decrease in TAC.
	Choke risk for ling 6 - 9, 12, 14, 3a, 4a remains moderate. These stocks are both complex to manage, as there mostly aren't fisheries targeting them and they mainly constitute a bycatch issue.

Low risk	
	Choke risk for whiting 6a decreased to low. Selectivity has been improved and catches of whiting below MCERS are now very low. Given the inexplicable difference in stock status between the 6a and North Sea whiting stocks, the NWWAC recommends that also for whiting West of Scotland and North Sea the stock area is reviewed.
	The positive evolution of the TAC means the choke risk for anglerfish in area 6 improves to low.
	The choke risk for haddock 6b improves to low, as TAC for 2025 has been increased by 150%. Lack of access inside 12 miles of Rockall for EU vessels may reduce landings and thus reduce the choke risk. This only impacts Ireland as no other Member State has reported catches of haddock in 6b.
	With the continuation of the high survivability exemptions, the choke risk for <i>Nephrops</i> is likely to remain low.
	Blue ling, tusk 6a and 6b, saithe 6a, megrim 6 and silver smelt 5b, 6a are classified as low risk choke stocks.



- Channel

There are 4 moderate and 7 low choke risk stocks.

Medium risk	
	For cod 7d, choke increased to medium due to a 20% reduction in TAC for 2025.
	Considering the exemption in place, sole in 7d is classified as being a moderate risk choke species . Concerns exist regarding the high discard rates: work on improving selectivity should be prioritised to avoid catch of juvenile fish. Consideration should be given to improving knowledge on survival rate on bigger vessels in areas that go beyond the coastal fringe.
	For sole in 7e, the choke risk continues to be moderate even with de minimis and survivability exemptions in place.
	Choke risk is medium for lemon sole in 7d . While the TAC is sufficient, it is also transferable to the North Sea, which can create difficulties for the Belgian fleet.

Low risk	
	Whiting in 7d is considered a low-risk choke species . The ICES advice for another large increase in catches has been translated into a 46% increase in the TAC. Uptake of the TAC remains low. The NWWAC is doubtful regarding the seemingly sharp stock boundary between this stock and the Celtic Sea whiting stock, which has been given a zero-catch advice in area 7bc, e-k for the last two years in opposition to large increases in the advice for whiting North Sea and 7d.
	Brill 7d,e and witch 7d have been added to this analysis following the TAC alignment obligation under the TCA between the EU and the United Kingdom and are classified as low risk .
	The choke risk for plaice in 7d and in 7e is low thanks to the high survivability exemption in place.
	It is essential to maintain the survivability exemption to continue to class skates and rays in 7d as low risk , particularly due to the negative scientific advice for some species in this composite stock and in light of the TCA-based quota transfer to the UK. In the ICES advice for skates and rays the precautionary buffer of -20% is applied to some stocks which are deemed to be data deficient. The precautionary buffer has been applied to these stocks previously in 2018, therefore the advice since then has been -20%. A precautionary buffer should be applied once and not repeatedly which would eventually reduce these fisheries to zero catch advice.
	Sprat in 7d,e is considered a low risk species .



- **Irish Sea**

There are 2 high risk stocks, 2 medium and 2 low risk stocks.

Overall, the NWWAC identifies technical measures as best way to avoid choke in Irish Sea fisheries and recommends continuing work to improve technical measures.

High risk	
	<p>Cod continues to be a high-risk choke species in 2025. The NWWAC notes that cod stock in the Irish Sea has remained at very low level for more than 30 years, with less and less unwanted catches, reducing the choke risk despite the zero catch advice. This decline reflects broader concerns, potentially linked to climate change, which underscores the need to review reference points for stock assessments. The AC wonders how recovery could occur if there is no stock currently present. In any case, any recovery or migration of cod into the area could quickly reintroduce a choke issue, emphasizing the importance of understanding and managing migratory behaviours and environmental factors driving these changes. Without active spawning or a resident population, the prospects for natural recovery remain uncertain. Discard information remains very imprecise and greater effort is needed to improve discard reporting.</p>
	<p>Whiting 7a remains a high-risk stock. Improving selectivity for juvenile whiting in fisheries where unwanted catches are highest remains a priority (<i>Nephrops</i> fisheries). Whiting in the Irish Sea is one of the most worked on stocks regarding selectivity, yet measures introduced seem to have been ineffective. In the ICES advice sheets, catches are identified almost as high as the stock biomass which is questionable. The NWWAC also recommends that, given the high number of unwanted catches, below minimum size landings be marketed for non-human consumption.</p>
Medium risk	
	<p>The choke risk for sole 7a is medium because of the de minimis exemption in place.</p>
	<p>For plaice, high survivability exemptions in beam trawl and seine fisheries remain necessary, but due to a further 21% TAC reduction and 30% for EU because of a so-called Top-Down approach, choke risk is increased to medium. This stock remains a bycatch with no directed fisheries in the Irish Sea, but TAC in 2025 will not be sufficient to cover expected catches.</p>



Low risk	
	<p>Choke risk for <i>Nephrops</i> in the Irish Sea remains low in 2025. However, it is important to consider that Ireland’s uptake has been increasing in the past years and caution is needed as advice for <i>Nephrops</i> in sub-area 7 is for a 12% decrease in landings across all the Functional Units. In particular, ICES has recommended a 14% reduction in landings for Functional Unit 15, due to lower observed abundance. The AC points out that extensive survey activity related to Offshore Renewable Energy (ORE) development has taken place in the Irish Sea in recent years, yet the potential impacts of this survey work have not been assessed. Fishers have reported anecdotal evidence of significantly reduced <i>Nephrops</i> catches for extended periods following such surveys. Therefore, an assessment of the impacts of past survey activities should be conducted before any further survey work is undertaken.</p>
	<p>For haddock 7a, the technical measures introduced in 2022 should keep the choke risk at low level.</p>

5) Pelagic bycatch in demersal fisheries

Bycatches of pelagic species such as herring, mackerel, horse mackerel, boarfish and greater silver smelt in NWW demersal fisheries could lead to choke issues in 2025. Given the lack of accurate catch data of such catches, the NWWAC is not able to assess whether these bycatches present a significant choke risk. Some stocks already benefit from exemptions that can partially solve any potential choke situations. Therefore, these exemptions remain very important for demersal fisheries. Other measures could be needed for some stocks but given the differences in quota allocations and level of activity in the different demersal fisheries, it appears to the NWWAC that STECF and Member States should be asked to evaluate whether these bycatches require further measures.