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North Western Waters Regional Advisory Council

South Western Waters Regional Advisory Council

JOINT OPINION

Analysis and evaluation of the Proposal for a Council Regulation

Establishing a long-term plan for the northern stock of hake

And the fisheries exploiting that stock

August 2009

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Analysis and evaluation of the Proposal for a Council Regulation establishing a long-term plan for the northern stock of hake and the fisheries exploiting that stock

1. BACKGROUND

Following publication of the proposal of regulation COM (2009) 122 final¹, the members of the Executive Committee of the NWWRAC agreed to set up a focus group to study and discuss the contents of this document². At this meeting, held on 17 June in Santiago de Compostela³, it was decided to draw up a document of recommendations based on the best available scientific information and reviewed by correspondence once the ICES advice on the state of the stocks for 2009 would be disclosed. This opinion has been adopted by consensus both by the members of the focus group and the Executive Committees of NWWRAC and SWWRAC, respectively.

2. BIBLIOGRAPHY

- **Document A:** “ICES Advice 2009, Book 9. 9.4 Widely Distributed and Migratory Stocks. 9.4.1 Hake in Division IIIa, Subareas IV, VI, and VII, and Divisions VIIIa,b,d) (Northern stock).”

<http://www.ices.dk/advice/icesadvice.asp>

- **Document B:** “Working Group on the Assessment of Southern Shelf Stocks of Hake, Monk and Megrim 2009.” ICES. 2009. Report of the Working Group on the Assessment of Southern Shelf Stocks of Hake, Monk and Megrim (WGHMM), 5-11 May 2009, ICES Headquarters, Copenhagen. D. Lindemann. 537 pp.

<http://www.ices.dk/workinggroups/ViewWorkingGroup.aspx?ID=126>

¹ Link within NWWRAC website:

http://www.nwwrac.org/admin/publication/upload/COMM_PDF_COM_2009_0122_F_EN_PROPOSITION_DE_REGLEMENT.pdf

²Direct Link:

http://www.nwwrac.org/admin/publication/upload/MINUTES_NWWRAC_EXECUTIVE_COMMITTEE_PARI_S_210409_EN.pdf

³ Meeting report:

http://www.nwwrac.org/admin/publication/upload/MEETING_REPORT_NWWRAC_FOCUS_GROUP_HAKE_SANTIAGO_170609_EN.pdf

- **Document C:** “REPORT OF THE SUB-GROUP MEETING ON BALANCE BETWEEN RESOURCES AND THEIR EXPLOITATION (SGBRE-07-03) OF THE THE SCIENTIFIC, TECHNICAL AND ECONOMIC COMMITTEE FOR FISHERIES NORTHERN HAKE LONG-TERM MANAGEMENT PLANS. LISBON, 4-8 JUNE 2007”.

- **Document D:** NORTHERN HAKE LONG-TERM MANAGEMENT PLAN IMPACT ASSESSMENT (SGBRE-07-05) SUBGROUP ON BALANCE BETWEEN RESOURCES AND THEIR EXPLOITATION (SGBRE), OF THE SCIENTIFIC, TECHNICAL AND ECONOMIC COMMITTEE FOR FISHERIES (STECF) STECF OPINION BY CORRESPONDENCE 08. JANUARY 2008.

3. ICES AND STECF CONSIDERATIONS ON THE STATE OF THE STOCKS, MANAGEMENT OPTIONS AND RACs ASSESSMENT

The ICES review group considers the Working Group 2009 Report to be “*of high quality and a suitable basis for providing advice*” (Doc B, pg. 517)

The ICES Report indicates that “*SSB and fishing mortality estimates from the assessment indicate that the stock can be considered to be at full reproductive capacity and harvested sustainably. SSB is estimated to be slightly above Bpa in 2009, and F has been around Fpa since 2001.*” (Doc B, pg. 3) (Doc A, pg. 1) The NWWRAC and the SWWRAC are satisfied with the confirmation of the validity and consistency of the data on 2008, which reinforce the preliminary conclusions adopted by the NWWRAC focus group.

The ICES also states that “*The forecast methods and results are very good, giving a clear indication of likely short-term outcomes and probable long term equilibria for a broad range of F. Adequate results are presented for the formulating of advice*” (Doc B, pg. 519)

In relation to this statement, while not evaluating the requirements set down for the management plan, the report adds, “*Applying a fishing mortality of $F = 0.25$ (Fpa) as defined in Article 5.2 of the recovery plan is expected to lead to an SSB of 171 200 t in 2011, with estimated landings of 55 200 t in 2010. This implies an increase in TAC of 7%*” (Doc A, pg.1)

The ICES spawning stock biomass estimates coincide with perception of NWWRAC and SWWRAC that there are sustainable levels of abundance of this species in the sea.

The members of NWWRAC and SWWRAC support the ICES proposal to organise a benchmark seminar in 2010 in order to improve the available data for assessing this stock and reduce the sources of uncertainty identified in the reports (Doc B, pg. 129, Doc D – Pag 6⁴). The members of NWWRAC and the SWWRAC offer their full support and collaboration in the effort to achieve these aims.

Finally, it is worthy to note that neither ICES nor STECF have yet evaluated if the long term management plan proposed by the Commission is precautionary both from a biological and socioeconomic perspective. It is feared that if this plan is adopted prior to its scientific evaluation, it might cause serious interferences or distortions with advice for this stock in future. It might be also possible that changes or adjustments in reference points might be set by ICES, if both reviews and improvements in basic data (such as rate of growth of hake) and new methods of evaluation were considered for incorporation at the forthcoming ICES benchmark workshop to be held in February 2010.

Therefore, the NWWRAC and the SWWRAC request that the proposal of regulation establishing a LTMP for Northern Hake is subjected with urgency to a scientific and socio-economic evaluation from ICES and STECF prior to its adoption and entry into force. In any case, the adoption of this proposal of regulation should be postponed until the outcomes and conclusions of the ICES benchmark workshop are known.

⁴ The simulations showed that improving the exploitation pattern by reducing catches of smaller sized Hake could lead to better long-term yields. Without such an improvement in exploitation pattern, the overall reduction in F required to achieve the same long-term economic benefits would be much greater.

4. COMMENTS SPECIFICALLY CONCERNING THE ARTICLES OF THE PROPOSAL FOR A COUNCIL REGULATION – COM (2009) 122 final

- Article 6. Total forecast removal

The members of NWWRAC and SWWRAC question whether the F_{max} value of 0.17 is realistic and whether too short a period is being set for reaching MSY levels. The members suggest that the Commission consider the possibility of establishing a higher coefficient (0.20-0.23) that would allow sustainable exploitation levels to be reached by 2015. The members of NWWRAC and SWWRAC believe that it is essential to know the reasons for setting F at 0.17 as ICES sets F_{max} at 0.18 in its 2009 report, and also deem important to take into account the possibility of looking at alternative scenarios that could lead to sustainable stock exploitation levels operating at a higher F_{max} coefficient.

- Article 7 Calculation of TACs

NWWRAC and SWWRAC would like clarification of the meaning of the phrase “*other relevant sources of hake mortality*” used in section 1 and an indication of how these will affect the calculation of TACs.

In particular, the members request that an explanation be inserted in the final text, detailing the process of identifying and calculating or quantifying these sources, together with the body charged with this task, since the concept is ambiguous in its current rendering in the draft regulation. The final text must also clearly indicate how discards will be integrated into the calculation of TACs.

In general, the members of NWWRAC and SWWRAC would like to see greater transparency in the future decision-making process used to determine TACs for northern hake and the criteria on which these decisions are based.

NWWRAC and SWWRAC point out their conviction that, on the basis of the evolution of the stock since the 1990s following STECF advice (Doc C – page 4)⁵, the MSY target would be reached by 2015 with a 5% annual reduction in fishing mortality. The proposal of the Commission is therefore deemed as non appropriate, as in case it would be applied immediately, it would mean in practical terms an automatic reduction in TAC of 10% by 2010.

⁵ STEFC comments and Conclusions:

- STECF notes that there is little difference, in terms of long-term yields, between F_{max} and F_{sq} (which is close to F_{pa}) scenarios.
- STECF notes that a 5% decrease in F would lead to F_{max} before 2015 without significant loss in yields at short term.

Hence, the members of NWWRAC and SWWRAC request an immediate revision (or as soon as possible) by ICES or STECF, of the following parameters before this Regulation is adopted and comes into force: value of Fmsy; socio economic consequences of applying this model of calculating the TAC proposed by the Commission.

Figure 1. Table of correspondences between a reduction in F (2009-2010) and a reduction in TAC (2009-2010) (Source: Doc B - ICES)

Reference F	Catch in weight	Variation Quota 2009-2010	Variation Quota %	Variation F	Variation F %
0,1479	34.884	- 16.616	-32,3%	- 0,1021	-40,8%
0,1726	40.040	- 11.460	-22,3%	- 0,0774	-31,0%
0,1972	45.028	- 6.472	-12,6%	- 0,0528	-21,1%
0,2219	49.853	- 1.647	-3,2%	- 0,0281	-11,2%
0,2465	54.521	3.021	5,9%	- 0,0035	-1,4%
0,25	55.200	3.700	7,2%	-	0,0%
0,2712	59.038	7.538	14,6%	0,0247	9,9%

Alternatively, the NWWRAC and SWWRAC members suggest the Commission to adopt a more gradual and less traumatic transition for the sector following the scenarios foreseen by STECF, consisting in the aforementioned annual reduction of 5% and further development of technical measures to improve sustainable exploitation of the fishery.

This approach would yield the following F targets for 2010-2016:

Figure 2. Proposed 5% reduction for a transition from Fpa = 0.25 to Fmsy = 0.18

YEAR	F
2010	0.238
2011	0.226
2012	0.214
2013	0.204
2014	0.193
2015	0.184
2016	0.175

Lastly, the Commission is asked to take into account when assessing this proposal the positive impacts on fishing effort for this stock as result of the fleet reduction plans currently in place in the Member States following Regulation 744/2008 and application of the fleet adjustment plans due to the temporary or permanent cessation of vessels.

- Article 8 Procedure for setting TACs in data poor conditions

NWWRAC and SWWRAC express their disagreement with points a) and b) of this article because they propose without a previous evaluation of biological and socioeconomic impact scenarios of a drastic reduction in TACs that would jeopardise the economic viability of many floats. The members are unanimously against the stipulation of these levels of reduction since, in the event of uncertainty or poor quality data on this stock, STECF should identify the weaknesses in the process of data collection and analysis sufficiently in advance so that they can be rectified and their impact minimised in years to come.

- Article 9 Adaptation of measures

NWWRAC and SWWRAC request the Commission to establish a short and concrete deadline to review the biological reference points/levels so they can be included in the final text.

- Article 12 Weighing of hake first landed and Article 13 Prohibition of transshipping

NWWRAC and SWWRAC warn that the proposed measures on unloading and transport between Member States (on-board weighing equipment, unloading declarations and unloading at designated ports...), will condition and seriously affect the practical operation, the quality of the fishing products and the cost-efficiency of fishing vessels.

- Article 14 Prior notification and Article 15 Designated ports

The members of NWWRAC and SWWRAC request the revision and possible deletion of these provisions given that the electronic fishing logbook comes into force on 1 January 2010, which is understood to provide sufficient guarantees for conveying reliable and up-to-date data on the volume of hake caught in real time.

In the requirements for prior notification of unloading, there is confusion over the distinction established in articles 14 and 15 (1 tonne for “ordinary” ports and 2 tonnes for designated ports). The members of both RACs consider that this would give certain ports priority over others, distorting competition and having a negative impact on business for many. They also consider the figure of 50 kilos established in article 14.1c) very low considering the total volume of landings.

- Article 16 Margin of tolerance in the estimation of quantities reported in the daily fishing logbook

The members of NWWRAC and SWWRAC unanimously agreed that the 5% margin of tolerance in the management plan (in line with the General Control Regulation) is impossible in practice. This position has been expressed on many occasions in previous opinions on the general proposal for a Control regulation⁶.

An increase in this percentage is requested to no less than 12% in any event. The sector offers its collaboration with the performance of observation campaigns with experts and Commission representatives on board to obtain more details.

- Article 17 Separate stowage of hake and Article 18 Transport of hake

On the requirements for weighing and transporting hake, the members demand that hake is allowed to be transported to another Member State without weighing it at first landing, in line with paragraph two of article 12, i.e. following inspection and sealing of the fish, it may be transported directly to avoid the loss of quality and hence its economic value as a result of various associated activities (landing, weighing, removal of ice and handling of cargo, road haulage...)

- Article 19 National control action programmes and Article 20 Inspection benchmarks

The members of NWWRAC and SWWRAC are confident that the national governments of the Member States will introduce the necessary measures for application of these provisions.

However, in relation to article 20, they request modification of the statement in point 2 of Annex II on the strategy to adopt specific inspection benchmarks: “*Inspection and surveillance of fishing activities shall concentrate on vessels likely to catch hake*”. In this case, they requested removal of the term “*likely*” as it could give rise to discretionary interpretations of the article and create legal insecurity.

⁶ COM(2008) 721 final - Proposal for a Council Regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy