North Western Waters Regional Advisory Council

Response to the Communication from the European Commission
Fishing Opportunities for 2011

July 2010

The principal point addressed in this response to the communication relates to the new policy development of seeking to reach Maximum Sustainable Yield (MSY) for all stocks by 2015.

It is noted that the legislative responsibility for achievement of MSY for every stock by 2015 comes from the following wording from the Declaration agreed at the Johannesburg Summit on Sustainable Development: "*To maintain or restore stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015*"[1]. Many stocks within an ecosystem will interact with themselves and each other, greatly complicating the choice of fisheries management figures to be applied. In deciding for each stock what this will mean in practical terms, a range of choices will therefore apply.

The industry fears that the choice which appears to be most precautionary – that involving the lowest level of fishing – is likely to be the one made. Instead of moving from the precautionary approach to one based on MSY for designation of reference points, the likely practical outcome is a severe reinforcement of the first.

This is unhelpful for several reasons:

- Assessment of the socio-economic effects on all catchers of the 2011 proposals made under the new principal for every stock is clearly impossible. However, it is possible to make the observation that radical reductions applied across the board will have an acute socio-economic effect, again across the board.

[1] Point 31 of the Implementation Plan adopted at the World Summit on Sustainable Development, Johannesburg, 2002; also quoted in Communication from the Commission to the Council and the European Parliament - Implementing sustainability in EU fisheries through maximum sustainable yield {SEC(2006) 868}:

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0360:FIN:FR:HTML

The absence of any socio-economic assessment at all makes it most difficult to offer rational advice about whether equal steps towards MSY, or any other choice, would be the most appropriate.

The underlying problem is actually the lack of data on which to make such choices: this really must be addressed most urgently and work has been initiated by the NWWRAC in this field through the idea of a regional task force to address data deficiencies for fish stocks. This forum would involve Commission, and Member States representatives together with stakeholders and scientific and economic experts to identify data gaps and build initiatives to improve data collection and its integration into future scientific assessments.

But there is not only a clear need to improve data collection but also it is imperative to allocate more funding and resources to allow the scientists to analyze the data collected. The processing and analysis of new data takes a considerable amount time for scientific researchers so they cannot be available soon for the policy-makers and managers. This results that, for certain fish stocks, there will be a long time before having precise and accurate information relevant for the estimation of MSY and the situation of the stocks in relation to the agreed reference points.

- The concept of greater catch per unit effort and much lower effort fishing under "MSY" is superficially attractive, but the consequences of this, some of which are unintended, must be kept in view.

    - For stocks categorised under the terms of the consultation as 2 and 3 - a significant number – the proposed reduction in TACs will be very much larger than in previous years.

    - The application of such reductions could create the conditions for an increase in discarding in mixed fisheries without further measures, and a possible incentive for misreporting. This would be in contradiction with the aims of reduction and even elimination of discards; and the promotion of a culture of compliance and a "level playing field" as stated under the Council Regulation on control in force.

      This makes the development and use of selective gear important, as well as the use of seasonal and real-time area closures, but these measures can not produce in themselves the whole answer.

Furthermore, the exploitation pattern is modified by the technical measures, and a modification within the exploitation pattern will modify the MSY reference points.

Transitional periods may be crucial to ensure compliance, and it is important that the efficacy of such measures is examined. On the first years of application of the MSY concept, it is advised that the STECF carries out a special evaluation on the socio-economic consequences of the implementation of such objectives.

The question as to whether MSY can be achieved for all stocks at the same time has been asked. This has been answered as yes, demonstrated on the western seaboard of the United States using in fully documented fisheries the stock in the worst biological state at any point in time as the "lowest common denominator". This may not be a universally realistic solution, particularly for European mixed fisheries.

Indeed, the lack of sound scientific evidence for assessing many stocks, together with the absence of estimation models to analyze a group of stocks, means that in practice an integrative advice is not achievable with the current available means. If assessment is being given individually for each stock, even if in the context of an ecosystem approach, policy choices should not be founded on a narrow application of this approach unless there is a clear methodology and well-defined set of objectives behind it.

In relation to the later, it is worthy of note that there are environmental factors (e.g. natural mortality due to pollution, stock cannibalism or predation, increases in water temperature) and concurrent exploitation activities (such as extractive ones or renewable energies) other than fishing that can also have a considerable influence and impact on the stocks' recovery or prevent the achievement of desired levels for some stocks.

In conclusion, the legislative requirement to achieve MSY is recognised. Lack of precision in defining what this actually means provides a strong incentive for Commission proposals, given a range of choice, to be at the precautionary end of the range.

If this is applied in proposals for 2011 across all stocks there is an industry concern that it will create a commercial crisis across the European industry and in the markets currently served by it. There has been no socio-economic impact work done to quantify this.

The industry members of the North Western Waters RAC therefore recommend that a precise definition of the concept of MSY and its reference values are set; that a gradual and realistic process of adoption and implementation of MSY is tailored to the specificities of each of the stocks involved; and reiterates that socio-economic impact work is urgently required before a highly significant change in policy direction is imposed.