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Our reference: 2122PAC07
Subject: Consultation on TACs 2022

Dear Ms. Charlina Vitcheva,

The Pelagic Advisory Council (PelAC) appreciates the opportunity to comment on the “Communication from the Commission Towards more sustainable fishing in the EU: state of play and orientations for 2022” and to provide recommendations on Total Allowable Catches (TACs) in 2022 for stocks under its remit. The PelAC makes recommendations on the scientific advice for stocks in its remit when they become available. It has consistently done so since its inception.

Landing Obligation

Once again, the Pelagic AC wants to highlight the issue of the publication of the executive summary of the evaluation of compliance with the LO report of the mackerel fishery on the EFCA website, without releasing of the full report on the topic. For the PelAC, this is a breach of transparency and does not allow for any answer to the allegations made in the summary nor gives any explanation on the methodology used. The PelAC has taken numerous actions over the course of 2021 to call for the release of the full report (or removal of the summary on the website) and will continue to raise this topic with EFCA.

Economic performance of the EU fleet

The PelAC regrets that orientations for 2022 fishing opportunities build on economic data from 2020, which is two years behind in comparison to the year for which scientific advice is given. The PelAC underlines the urgent need for appropriate socio-economic future projections and calls for better alignment with scientific advice data and the future projections by STECF.

The PelAC appreciates the Commission’s support in requesting that STECF include a pelagic chapter in the 2020 STECF Annual Economic Report. However, the PelAC regrets this decision was subsequently



discontinued for the 2021 report. The PelAC recommends the Commission to continue including such a chapter in subsequent AERs, in order to give a more accurate overview of the performance of the different fleet segments.

The PelAC recalls its position in relation to the new control regulation proposal regarding fleet capacity. In the context of pelagic fisheries, it is not meaningful to quantify capacity solely in kW and GT nor is capacity expressed in kW and GT the best indication of (pelagic) fishing effort. The Pelagic AC recommends that this be rectified in future proposals and suggests following article 22 of the CFP as the way forward. The Pelagic AC wants to draw attention in this context to the problem of improving safety and labor conditions on board being made impossible by capacity limits.

Brexit & changed process 2022 fishing opportunities

The Pelagic AC acknowledges that following Brexit, a large majority of stocks will now be managed with third countries, and appreciates the Commission's efforts to ensure negotiations reach high sustainability standards and alignment to maintain a level playing field. However, the PelAC would like to underline its serious concerns over the current situation in the Northeast Atlantic. It is the unanimous view of the PelAC that the Commission should take immediate action to urge Norway and the Faroe Islands to stop the unilateral quota setting, jeopardizing the sustainable management of shared stocks.

The PelAC questions the usefulness of the Commission TACs and quotas proposal coming out in October with all these pro memoria (p.m) for most of the stocks and before the EU/UK bilateral negotiations have concluded.

Furthermore, the PelAC is concerned about the functioning of the ACs impacted by Brexit from 2021 onwards and urges the Commission to ensure that stakeholder engagement and advice remain central to all future management and governance structures being developed as the new relationship between the EU and UK takes concrete form. The PelAC requests to be kept informed and consulted as a stakeholder advisory body on the progress made in the newly formed Specialized Fisheries Committee. More specifically, the PelAC asks to be consulted on discussions with regards to the development of remedial measures on stocks for which a zero-TAC applies.

Finally, the changed process for negotiating TACs brought about by Brexit calls for the need to develop a clear procedural roadmap, that will enable ACs to streamline their working processes according to these new procedures and timelines, and adequately contribute advice.

Role of science

The Pelagic AC notes that the policy statement does not reflect on the role of the scientific community, the quality of the scientific work and the Commission's priorities as an ICES client. Furthermore, the statement doesn't reflect the fact that for some stocks the quality of the science is not as reliable as is desirable, subject to year-to-year changes in some instances, and also in terms of F_{msy} values.

As a general principle, the Pelagic AC believes the CFP - being science based - should ensure the quality of the science that underpins scientific advice.

TAC proposals for 2022

This section provides a detailed overview of TAC proposals for all stocks under the remit of the Pelagic AC and has been unanimously endorsed by the Executive Committee.

General Comments:

First, in 2020, the *information from stakeholders* section of the ICES advice has been taken out of the truncated advices. This exceptional change occurred because of the COVID-19 situation that did not allow for ICES to fully carry out its usual procedure. In 2021, ICES announced it would remove this section from its advice sheets moving forward, until a robust formal procedure for incorporating information flow from stakeholders is developed that can feed stakeholder information into the ICES advice system ICES in a systematic fashion. The PelAC understands ICES is currently working on such a procedure, and commends it for that. It will also remain an item on the PelAC agenda. The PelAC would appreciate the Commission support in having the PelAC be actively consulted in this process by ICES.

Second, the PelAC and particularly its industry stakeholders, have been working actively on large-scale genetics projects on stock identification. The collection and analysis of genetic data need to be included in the scope of Data Collection Framework (DCF). Moreover, research financing from different sources should be made available to support this type of research that - until now with the exception of the EASME project for herring in 6a and 7b,c – has been funded by the industry.

Third, in 2019 the Pelagic AC commissioned work from an external consultant to evaluate the PelAC's two-tier management plan proposal for blue whiting by way of a hindcasting exercise. This hindcasting work found that the current implementation of the -20%/+25% TAC stabilizing bounds could be problematic in terms of securing sustainable management of the stock in the long term. The result from this work done on blue whiting raises issues in relation to the use of TAC stabilizing bounds in general. The Pelagic AC recommends that the Commission raises this issue with ICES as well as Coastal States, and the use of other stabilizing mechanisms in general for further evaluation.

Finally, the PelAC believes it is essential that ICES considers ecosystem and climate-driven changes in their evaluations of prospective Long-Term Management Strategies (LTMSs), but also in stock assessments and in the production of advice. This is an essential step to achieve ecosystem-based fisheries management of the pelagic stocks in the Northeast Atlantic.

Blue whiting

The PelAC recommends managing the blue whiting stock based on an agreed Long-Term Management Strategy and setting the 2022 TAC at 752.736 tons.

The PelAC requests immediate action by the Commission to urge Coastal States to adopt a sharing arrangement for this stock and to respect catch levels that allow compliance with the LTMS.

The PelAC is concerned with the issues raised by ICES in the advice for 2022 regarding the effects of unilateral quotas, and the risk that the implementation of the current Long-Term Management Strategy agreed by Coastal States may no longer be precautionary. The PelAC recommends the Commission to request ICES to perform a Management Strategy Evaluation of a revised LTMS for blue whiting.

This process should ensure that the implementation of the revised LTMS is considered precautionary by ICES, in line with the internationally agreed objectives of fishing below levels that can produce MSY by 2015, but also aims to achieve long-term sustainable fisheries, taking an ecosystem-based approach

to fisheries management that considers ecosystem and climate-driven changes in the productivity of blue whiting in the Northeast Atlantic.

The PelAC reiterates its concerns over the results of the 2019 hindcasting study conducted on blue whiting, flagging the potential problematic effects of the stabilizing bounds on the blue whiting stock, and asks the Commission to bring this forward in its discussions with the Coastal States.

Atlanto-Scandian herring

The PelAC recommends following the ICES advice based on an agreed Long-Term Management Strategy and setting the TAC at 598.588 tons in 2022.

The PelAC again encourages the EU Commission and Member States to seek rapid agreement with all Coastal States on a sustainable long-term sharing arrangement for the stock. The current situation with no agreed sharing principles is not sustainable in the long-term.

North Sea horse mackerel

The PelAC recommends the Commission to ask ICES to make optimal use of available data for this stock, and prioritize progressing this stock into a category 2, and eventually category 1 assessment.

Furthermore, the PelAC asks the Commission to discuss with ICES possibilities to issue one-year catch advice for this stock, rather than a two-year advice.

Finally, the PelAC recommends that bycatches and possible discards of North Sea horse mackerel in non-targeted fisheries are monitored closely and recorded, and that systems to validate these data are put in place as part of the implementation and evaluation of discard plans and the de-minimis provisions covered by those plans.

North Sea autumn spawning herring/3A

North Sea autumn spawning herring is a key stock in EU fisheries and secures fishing opportunities for four different fisheries in the North Sea and in 3A. The PelAC recommends following the ICES advice based on the MSY-approach and setting the 2022 TAC at 532.183 tons.

The PelAC urges that the EU, UK and Norway finalize work on developing a Long-Term Management Strategy that is in accordance with the CFP, the latest scientific advice and that can form the basis for future scientific advice. The PelAC underscores that the development of the LTMS should take into account precautionarity, the most recent stock dynamics, long-term stability and sustainability of the fisheries, as well as climate and ecosystem factors.

The PelAC is concerned with the critical situation for the Western Baltic Spring Spawning (WBSS) herring stock, of which a substantial part is by-caught in fisheries under the remit of the PelAC. The PelAC requests that the EU-Commission, Member States and ICES evaluate the effects of special management measures introduced in both herring and industrial fisheries in 3A in 2021 in order to minimize the risk of unavoidable bycatches of WBSS herring.

The PelAC encourages the EU-Commission to request from ICES an overview of possible further temporal and spatial management measures options for the directed herring fisheries in the North Sea and 3A and related fisheries with unavoidable by-catches of WBSS herring, in order to reduce critical and unwanted pressure on these stocks.

Finally, the PelAC encourages the EU-Commission to explore these management measures in dialogue with the PelAC, in cooperation with ICES and the relevant Coastal States, and on the basis of scientific advice, taking into account the dynamics of both the WBSS and the North Sea autumn spawning herring.

Western Baltic spring spawning herring

The PelAC recognizes the recommendation issued by the BSAC on this stock in June 2021.

In accordance with the previous recommendation on North Sea autumn spawning herring, the PelAC reiterates its recommendation to request from ICES an overview of possible further temporal and spatial management measure options for the directed herring fisheries in the North Sea and 3A and related fisheries with unavoidable by-catches of WBSS herring, in order to reduce critical and unwanted pressure on these stocks.

The PelAC urgently recommends the EU-Commission to request ICES to conclude on guidelines for evaluating rebuilding plans to enable rapid expedition of the rebuilding plan for Western Baltic spring spawning herring.

Northeast Atlantic mackerel

The PelAC recommends following the ICES MSY-advice and setting the TAC in 2022 at 794.920 tons.

The PelAC requests immediate action by the Commission to urge Norway and the Faroe Islands to stop the massive overfishing of mackerel in the Northeast Atlantic stock, jeopardizing the sustainable management of the stock. Consequently, the PelAC urges the Commission to act decisively against this irresponsible behavior which is contrary to UN Convention on the Law of the Sea and particularly the 1995 Stradling Stocks Agreement, considered as IUU fishing, by using adapted instruments at its disposal. Therefore, the PelAC reiterates the urgent need for the European Commission and the Coastal States to adopt a sharing arrangement to respect catch levels that allow compliance with MSY.

The PelAC reinforces the need for the EU and Coastal States to adopt a Long-Term Management Strategy that is considered precautionary by ICES, in line with the internationally agreed objectives of fishing below levels that can produce MSY by 2015, but also that aims to achieve long-term sustainable fisheries taking an ecosystem-based approach to fisheries management that considers ecosystem and climate-driven changes in the productivity of mackerel in the Northeast Atlantic.

Considering the most recent ICES advice and the level of uncertainty in the assessment, the PelAC suggests selecting a combination of F_{target} and B_{trigger} that gives additional stability to the catches in the medium and long term. The PelAC refers to the Management Strategy Evaluation conducted in 2020 that provides recent and long-term stock assessments as management options that are scientifically supported and consistent with internationally agreed objectives.

The PelAC recommends asking ICES to include recently published research [on mackerel fecundity](#) (T. Jansen et al. 2021) into the mackerel stock assessment.

The PelAC recommends asking ICES to seek a resolution of assessment issues when a new year data set is included in the assessment.

Additionally, the PelAC recommends a review by ICES of the stock components and protection measures in place for this stock.

Furthermore, the PelAC would appreciate the Commission support in having the PelAC actively consulted by ICES in the process of developing a formal method for incorporation stakeholder information to ICES advice.

Finally, in July 2021 the PelAC has conveyed a general request to ICES to incorporate information to the ICES advice sheets for all stocks as to whether a stock has passed through the Transparent Assessment Framework (TAF). ICES has yet to take a final decision in this regard and the PelAC would appreciate the Commission's follow-up with ICES on this issue.

Atlantic chub mackerel

The Pelagic AC has been following the Atlantic chub mackerel stock(s), as it is one of the species under its remit. More recently, the publication of the WKCOLIAS report has highlighted that the catches of this species have increased, while the uncertainty about the status of the stock(s) remains and the fishery continues to be unregulated, apart from technical measures. The PelAC agrees with the WKCOLIAS conclusions that additional science and management measures are required in order to avoid unsustainable levels of fishing. Therefore, the PelAC recommends that the European Commission include Atlantic chub mackerel into its MoU with ICES, more specifically under the recurrent advice work package.

Reference documents:

WORKSHOP ON ATLANTIC CHUB MACKEREL (SCOMBER COLIAS) (WKCOLIAS) - [Report](#)

[EU-ICES Grant Agreement](#)

Western horse mackerel

The Pelagic AC recommends the Commission to discuss the rebuilding plan catch option with the UK in the upcoming bilateral negotiations in November.

Should the plan not be accepted by the UK, the PelAC recommends following the ICES MSY advice and setting the 2022 TAC at 71.138 tonnes.

Should the UK accept the rebuilding plan, the PelAC recommends careful examination of the phasing-in and implementation of the rebuilding plan catch options.

The PelAC recommends the continuation and expansion of the ongoing stock-ID genetics work for this stock.

Finally, the PelAC requests that a benchmark meeting for Western horse mackerel is organised as soon as possible.

Southern horse mackerel

The Pelagic AC will set up a meeting on short notice (before the end of 2021) with scientists and interested stakeholders, to examine what additional parameters, if any, in the current management strategy might require amending other than changes to reference points by ICES.

Based on the outcome of this meeting, the PelAC recommends that the Commission submit to ICES the management strategy with any amendments agreed at the meeting and including the changes to reference points by ICES, for re-evaluation by ICES as a matter of urgency.

Finally, the PelAC stresses the uncertainty in the Southern horse mackerel assessment due to lack of 2020-2021 survey data. The PelAC is concerned about robustness of the ICES MSY advice with the changed reference point leading to a large year-to-year increase.

Boarfish

The PelAC recommends following the ICES advice based on the precautionary approach and to set the TAC in 2022 at 22.791 tons. The PelAC recommends that a benchmark is carried out in 2022.

The PelAC is concerned with boarfish bycatches in demersal fisheries and recommends the Commission to address this issue with ICES.

Herring in ICES area 6a and 7b,c

The PelAC recommends following the ICES advice and setting the TAC in 2022 at 0 tons.

The PelAC recommends continuing the scientific sampling programme in both 6a North and 6a South, 7b,c in accordance with ICES catch scenarios to provide minimum level of catches needed to provide sufficient data for ICES.

The PelAC recommends the Commission to follow-up on the outcomes of the benchmark meeting for this stock planned early February 2022.

Finally, the PelAC recommends the Commission to decide on a funding mechanism for future continuation of genetic sampling and to pursue the uptake of the genetic sampling methods under the Data Collection Framework (DCF).

Celtic Sea herring

The PelAC recommends following the ICES advice and setting the TAC in 2022 at 0 tons.

Additionally, the PelAC recommends continuing the scientific sampling programme, at the appropriate times, in accordance with the ICES recommendation for a 2022 monitoring TAC that will ensure the continued scientific monitoring of the stock – 869 tons.

Furthermore, the mixing issue with Irish Sea herring needs to be addressed.

Irish Sea herring

No TAC recommendation on Irish Sea herring is issued, given the very limited EU share of the stock since Brexit.

In case you have any questions, please do not hesitate to contact the Secretariat.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Jesper Raakjær'.

Jesper Raakjær
Chairman Pelagic AC