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**Subject: Douglas Bank herring closure and recommendations on mackerel and herring stocks**

Dear M. McSween,

Thank you very much for your recommendations on the Douglas Bank closure and on pelagic stocks.

### 1) Douglas Bank herring closure

It is with interest that I have read the joint paper from the Northern Ireland Department of Agriculture and Rural Development and the Fish Producers Organisations as endorsed by the pelagic RAC.

The Douglas Bank closure for herring is about 35 years old. The measure has been eased at several occasions, both in terms of timing and in terms of territory. In the latest decade, the closure has been incorporated into the 850/98 technical regulation. It is foreseen that this closure should be part of the regional (pelagic) Regulation on technical measures. I would like the discussion on the future of the Douglas Bank closure to be conducted in the context of this draft Regulation.

I can agree with the following elements of the initiative:

- It is probable that the Douglas Bank closure has resulted in increased mortality on smaller fish; this would be a negative effect of the closure.
- The interest of fishermen to target aggregated higher value fish is a reasonable cost-benefit concern.

I appreciate the willingness expressed in the document to organise and/or take part in juvenile discard sampling, acoustic surveys, programme of increased observer coverage.

Less clear from the presentation is the question of whether the sector would also take a share in the costs of these campaigns.

Concerning the preconditions for a possible lifting of the closure, the document refers to 2007 STECF advice (no overfishing, TAC-setting in compliance with management considerations, effective control of the fishing mortality). The criteria mentioned therein, and the working group document referred to, provide a suitable basis for the future discussion. In this context, I would like to highlight the following:

- TACs and catches on the VIIa North herring stock are relatively stable since 20 years. Stock status is not known, neither is known a precautionary or MSY fishing mortality. The stock is believed to be at low size levels, more particularly not above Bpa.
- The TAC has been set in accordance with scientific advice for a number of years. However, there was a discrepancy between scientific advice and the 2008 TAC. In its most recent decision, the pelagic RAC recommends following the scientific advice for 2009.
- With regard to control of fishing mortality, there are several aspects:
  - The document refers to the fact that there are only two vessels operating in the fishery which would be easy to control. It is not clear from this how the entry to the fishery of additional vessels, once the fishery has become more attractive, can be prevented. You will recall that before the closure of the Douglas Bank, vessels suffering from the North Sea herring collapse had entered the Irish Sea herring fishery.
  - Concerning the quality of control systems in Northern Ireland, the Commission regularly undertakes inspection missions to Member States in order to evaluate the control system in place. The results of those visits will have to be analysed in order to start a discussion on the necessary control assurance.
  - The SGMOS (0703) working group report underlines the importance that the variety of individual spawning grounds has on the overall robustness of the stock towards local environmental change, and warns that lifting a protection zone for spawning aggregations entails the risk of local overfishing. The monitoring and management of fishing effort should therefore be particularly sensitive to trends within the area covered by the Douglas Bank closure. I take from the document's part on scientific surveys that the initiators are aware of this important issue.

## **2) Recommendations mackerel and herring stocks**

DG MARE was well aware of your discussions and approvals concerning the mackerel and herring stocks when entering into Coastal state and Norway negotiations and formulating TAC proposals 2009 to the European Commission. I am particularly grateful for your extensive work concerning the envisaged management plans on herring in the North Sea and on the Northeast Atlantic mackerel.

### ***North East Atlantic Mackerel management plan***

The Pelagic RAC discussion on a preferred option has fed into the negotiations with Coastal States which were closed, concerning this plan, on October 31 2008. The elements retained by the Parties are very similar to the pelagic RACs preferred ones, as follows:

1. When the SSB is above 2,200,000 tonnes, the TAC shall be fixed according to the expected landings, as advised by ICES, on fishing the stock consistent with a fishing mortality rate in the range of 0.20 to 0.22 for appropriate age groups as defined by ICES;
2. When the SSB is lower than 2,200,000 tonnes, the TAC shall be fixed according to the expected landings, as advised by ICES, on fishing the stock at a fishing mortality rate determined by the following: Fishing mortality  $F = 0.22 * SSB/2,200,000$ ;
3. Notwithstanding paragraph 2, the TAC shall not be changed by more than 20% from one year to the next, including from 2009 to 2010;
4. In the event that the ICES estimate of SSB is less than 1,670,000 tonnes, the Parties shall decide on a TAC which is less than that arising from the application of the elements above;
5. The Parties may decide on a TAC that is lower than that determined by the element above.

The parties agreed that NEAFC should consider the organisation of a coordinated scientific survey programme in order to provide a comprehensive overview of seasonal distribution and migration of the mackerel stock in the Northeast Atlantic, with participation by all interested states. The parties also noted that in 2009 Norway will invite all interested parties to a scientific workshop on the distribution, migration and general biology of the mackerel in the Northeast Atlantic.

Furthermore, it was agreed that the Working Group of Control Experts should be mandated to develop recommendations to minimise slipping and high grading in the mackerel fisheries, as well as technical measures to eradicate discards. In particular, the Working Group of Control Experts should give priority to developing a proposal for a possible prohibition on the carrying on vessels of equipment, which could permit the discarding of mackerel at the time the catch is taken on board. In particular, the Working Group should make recommendations on the specification of water separators, pipes, conveyor belts, pumps and chutes (water drainage system) and other relevant installations, including installations that can be used to empty tanks containing such fish directly into the sea or which could potentially be used to discard fish into the sea after sorting. The parties requested that the Working Group report be presented to Coastal States no later than 31 May 2009.

With regard to the follow-up of mackerel fishing possibilities with NEAFC parties mid of November, in particular with Russia, I refer you to representatives of the pelagic RAC who were present during the negotiations.

Finally, I should also inform you that Norway and the Faroes have made declarations to unilaterally create additional TACs for them after the Community will have decided on the mackerel TAC in VIIIc and IXa.

### ***Herring North Sea***

Negotiations with Norway have started after the pelagic RACs advice on management options for a new long-term management plan for the North Sea herring stock. So far, Norway has not stated serious reserves towards applying the Option 2 (according to order of options in the ICES advice); TAC 2009 discussion so far has not produced inconsistency with the RACs position.

### ***Herring VIa(North)***

The Presidency is working on a compromise that should allow for closing this file after the European Parliament's Resolution, this means in December Council.

Please be also informed that we asked ICES for a clarification of their SSB prediction 2009 where an error came into the advice's tables. Please get into contact with Unit C2 or consult the ICES website for further information.

### ***Herring VIa South***

I welcome the pelagic RACs efforts aiming to shed light on possible management options for this stock.

### ***Herring Celtic Sea***

A rebuilding plan for the Celtic Sea herring does unfortunately not have priority in DG MARE's work for 2009.

### ***Herring IIIa and subdivision 22-24 (Western Baltic)***

Referring to your request for an explanation of the TAC mechanism, I would like to advise as follows:

The vessels fishing for herring in the North Sea, Skagerrak and Western Baltic are categorised into five fleets:

**Fleet A:** Directed herring fisheries in the North Sea, made up of purse-seiners and trawlers. Bycatches in industrial fisheries by Norway are included.

**Fleet B:** Herring taken as bycatch in the North Sea under EU regulations.

**Fleet C:** Directed herring fisheries in IIIa, made up of purse-seiners and trawlers.

**Fleet D:** Bycatches of herring in the small-mesh fisheries in IIIa.

**Fleet F:** All herring fisheries in Subdivisions 22–24.

The same vessel may belong to more than one fleet. For example, a trawler operating in the North Sea and belonging to fleet A could, if it moved to IIIa, also belong to fleet C.

In Division IIIa, the herring available to fleets C and D is a mixture of spring spawning herring from the western Baltic (WBSS) and autumn-spawning herring from the North Sea (NSAS). The appropriate TAC level for the mixture must therefore take into account the status of both stocks.

The first step in the process is to decide how the TAC for spring spawners will be split between Subdivisions 22-24 and Division IIIa. It is established practice now to allocate 50% of the TAC to each of the two areas.

An alternative scenario could for example be based on historic catch levels in the two areas. ICES estimated that fleets C and D took 37.1% and 3.4% of the total catches of WBSS in 2007, respectively, meaning that 40.5% were taken in division IIIa. Taking an average of these proportions over a number of years could be used as an alternative scenario of splitting the TAC decided for WBSS between Subdivisions 22-24 and Division IIIa.

Once the level of the resulting TAC for Division IIIa has been calculated, it is divided between fleets C and D according to their relative share of the WBSS catches in previous years. For 2009 it is proposed to use the ICES estimate of the share of the catches in 2007, namely 92% for fleet C and 8% for fleet D.

Finally, the TAC for Division IIIa is calculated by adding the projected catches of NSAS by fleets C and D. These projections are done by ICES using the estimated proportions of NSAS and WBSS in the catches of fleets C and D in previous years. For 2007, ICES estimated that 61% of the catches of fleet C and 40% of the catches of fleet D were made up of WBSS.

In case you need further details, do not hesitate to contact us.

### ***Herring Irish Sea***

The Commission concurs with your view.

Yours sincerely,



Fokion Fotiadis