

European Association of Fish Producers Organisations
Association Européenne des Organisations de Producteurs dans le secteur de la pêche



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Letter by e-mail attachment to:

NWW Member States Group - p/a Belgian Chair – Ms. Barbara ROEGIERS

CC: DG MARE – Unit C1 – Ms. Maja KIRCHNER, Mr. Jonathan SHRIVES.

EAPO19-23

Oostende, 30 September 2019

Dear Ms. Roegiers,

Subject: By-Catch Reduction Plan

In a recent letter the European Commission urged the North Western Waters Member States Group to submit no later than October the 11th of 2019 a revised by-catch reduction plan (BCReP).

Based on the review done by the STECF Plenary, the European Commission indicated that the proposed BCReP does not fulfil the commitment made by the Member States in their statement from the last December Council to solve choke situations for stocks with zero catch advice.

Two main points are invoked to be improved in the BCReP :

- Member States do not propose control measures, especially for full catch documentation for vessels benefitting from by-catches TACs;
- No new technical measures were presented to increase selectivity of gear or to consider spatio-temporal avoidance schemes.

Regarding the control issue, EAPO wants to highlight that the statement from the last December Council does not make any reference to full catch documentation. This is just quoted in recital 8 of the Council Regulation fixing opportunities for 2019. It appears very clear from juridical point of view that a recital can't introduce any new legal obligation in a regulation. Moreover, the landing obligation is fully operational since the 1st of January 2019 and all skippers have to fulfil the full declaration of all TACs species. So, data of real catches from sensitive stocks included in the BCReP will be available from ERS standards.

On the technical measures EAPO does not share the analysis from STECF and the European Commission that no new selective gears were presented. The BCReP is based on the discard plan in the 2019 joint recommendation which makes compulsory more selective gears in the Irish Sea from the 1st of January and in the Celtic Sea from the 1st of July 2019 and on the new technical measures regulation which was implemented in August. These new

regulations aiming at an increased selectivity are in force since a few months and their efficacy to reduce by-catches of sensitive stocks can't already be evaluated.

It has to be noted that whilst STECF has pre-evaluated the measures based on the discard plan, the new baselines from the technical measures regulation, issued from inter-institutional discussions, were not. However, the implementation of these regulations will result in large increase in mesh size, especially for trawlers operating in the Celtic sea Protection zone (from 80 mm to 100 or 110 mm, depending on fisheries – see table below). Also some selective devices have become mandatory, e.g. square mesh panels. STECF concludes “that measures mentioned in the BCRéP are likely to reduce by-catches of the relevant species”, and some trials show that unwanted catches (and marketable fish) would be substantially reduced. So, it is particularly clear that new measures included in the BCRéP – even if they are already included in regulation – which are applied since mid 2019, are efficient to reduce fishing mortality to stocks with zero TAC advice.

| | Species | Minimum Mesh Sizes | New technical measures regulation 1241/2019 | Joint recommendation | BCRP (new) |
|--|---|------------------------------------|---|--|--|
| VIII-k (outside Celtic Sea Protection Zone and Hake Box) – Trawls and seines | All demersal species except Nephrops (max. 30% cod, haddock & saithe & max. 20% hake) | 80mm | 80mm + 120mm smp (max 20% cod, haddock, saithe) | | 80mm + 120mm smp (max 20% cod, haddock, saithe) |
| | Demersal (no restrictions) | 100mm | 100mm | | 100mm |
| | Nephrops (min. 30% & max. 20% hake) | 70mm+80mm smp 80mm+80mm smp | 80mm + 120mm smp 80mm + grille | | 80mm + 120mm smp 80mm + grille |
| Inside Hake Box: – Trawls and Seines | All demersal species (no restrictions) | 100mm | 100mm | | 100mm |
| Celtic Sea Protection zones – Trawls and Seines | All demersal species except whiting & Nephrops (max. 30% cod, haddock & saithe & max. 20% hake) | 80mm+120mm smp | | 110mm+120mm smp 100mm T90 100mm+160mm smp | 110mm+120mm smp 100mm T90 100mm+160mm smp |
| | All demersal species (no restrictions) | 100mm+120mm smp | | 110mm+120mm smp 100mm T90 100mm+160mm smp | 110mm+120mm smp 100mm T90 100mm+160mm smp |
| | Whiting (min 55 %) | | | 100mm + 100mm smp 90mm T90 80mm + 160mm smp 80mm + 100mm cylinder | 100mm + 110mm smp 90mm T90 80mm + 160mm smp 80mm + 100mm cylinder |
| | Hake, anglerfish, megrim (55%) | 100mm+120mm smp | | 100mm + 100mm smp 90mm T90 80mm + 160mm smp 80mm + 100mm cylinder | 100mm + 110mm smp 90mm T90 80mm + 160mm smp 80mm + 100mm cylinder |
| | Nephrops (min 30% & max. 20% hake) Nephrops (min 30% & max. 20% hake) | 70mm + 120mm smp 80mm+120mm smp | | 80mm + 300mm smp 80mm + selectra 80mm + grille 100mm + 100mm smp | 80mm+ 300mm smp 80mm+selectra 80mm+grille 100mm + 110mm smp |
| Celtic Sea Protection zone east of 8 ° west | All demersal species except whiting & Nephrops (max. 30% cod, haddock & saithe & max. 20% hake; max. 55% whiting) | 80mm+120mm smp | | | |
| | Demersal species except Nephrops with min. 55% whiting | 100mm+100mm smp | | | |
| | Nephrops (min 30% & max. 20% hake) | 70mm+120mm smp 80mm+120mm smp | | | |

EAPO therefore recommends to assess the application of these technical measures improving gear selectivity in due time and certainly before the implementation of any new regulation.

Keeping in mind the broad objective of the BCRéP, to limit as far as possible the amount of by-catches, it should not be forgotten that the Industry can have a huge responsibility, by providing a full picture of the situation, in order to make clear for every skipper concerned, that it is of his interest to limit his catches to unavoidable ones. In that sense, the decrease of landings, in 2019, for the 5 stocks concerned has to be considered as the results of such involvement.

EAPO also wants to highlight that the state of the stocks covered by the BCRéP, especially cod stocks in west of Scotland and Celtic sea are depleted, but it is unclear to what extent other external factors have an impact: predation, climate change, water quality... These are elements contributing to doubts about the quality of the assessments and quantification of sustainable fishing pressure. In that context, it will be very important to consider the results of the upcoming ICES Benchmark (WKCELTIC) as soon as they will be delivered.

For plaice in 7hjk there is equally a question about the quality of the assessment based on the limited amount of data available from a limited amount of sources. It is also important that the question about the stock identity will be addressed by ICES and STECF. The possibility

appears that catches in 7h should be linked with the stocks of 7e, 7f & 7g. More flexibility between these stocks could be considered.

Generally EAPO recommends that ICES provides advice to the Commission on the volume of unavoidable bycatch in these fisheries as it was provided in 2018.

Based on all these elements EAPO wants to highlight:

- The BCRéP is a tool to solve the choke species issue for stocks with zero catch advice;
- Technical measures proposed in the BCRéP, even if already included in other regulation, improve significantly the selectivity and would reduce fishing mortality for the stocks concerned;
- There are some uncertainties in the stock identity and assessments for some stocks and it is important that ICES/STECF improves these points and that the European Commission takes these results into consideration for its proposals to adapt fishing mortality.

EAPO wishes to work closely with the European Commission and the North Western Waters Member States Group to solve the choke species issue in mixed fisheries, especially within the multi-annual management plan in which all measures must be concentrated.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'P. Visser', with the name 'Pim Visser' written in a smaller font below it.

Pim Visser,
President