

Non-Paper

Managing Fish Stocks without Catch Option Tables

1. Introduction

This document sets out a possible new approach concerning the setting of TACs in cases where scientific advice on an appropriate catch level is provided, but a quantified stock assessment calculation is not available, usually for reasons of uncertain data quality.

In its latest "Policy Statement" Communication¹ the Commission set out its approach to setting TACs where "the state of the stock is not known precisely and STECF advises on an appropriate catch level". In such cases, the Commission proposed to "aim to set the TAC according to STECF advice but not to change the TAC by more than 15%". This rule was used by the Commission when making its annual TAC proposal for 2009.

In many stocks (See Annex I) in this "Category 6" grouping, STECF (following ICES) recommended appropriate catch levels at figures corresponding to recent average catches. The reasoning has been that such catch levels had been apparently unproblematic and could therefore continue, but should not be exceeded. This is not necessarily correct, however. To guarantee continuation of catches at the present level can only be guaranteed if quotas for individual Member States are set at the level of recent catches. Setting TACs equal to the sum of catches of Member States does not yield this result except in the rare cases where all Member States have the same rate of consumption of their quota.

For the third year in a row, this approach has been unacceptable in principle to most Member States. The reasons publicly advocated centre on :

- an incentive may be created for the industry to catch all of a TAC for fear of it being reduced;
- the infeasibility of using a catch management system to fix catches at an unchanged level, because it is impossible to manage fishing so as to end the year at exactly 100% quota utilisation;
- the inappropriate creation of a "ratchet" mechanism that would inexorably decrease many TACs, because any TAC that is undershot would be reduced, and such TAC reductions can never be recovered.

A further possible difficulty is that for Member States having a large quota consumption rate, reducing a quota below their expected catches would oblige them to obtain transfers from other Member States.

Conversely, it has been argued that it is inappropriate to fix fishing opportunities that allow a significant increase in catches so long as such an increase has not been evaluated as sustainable. This argument derives from the implementation of the precautionary approach, which is a fundamental principle of the Common Fisheries Policy.

To address this issue, the Commission and Council agreed to examine options for the management of fish stocks where scientific advice is currently provided without a short-term

¹ Fishing Opportunities for 2009. Policy Statement from the European Commission. Communication from the Commission to the Council COM(2008) 331 Final.

quantitative forecast of the consequences of alternative catches. This examination is to be held jointly with ICES and STECF. Subsequently, the Commission envisages proposing a remedial course of action, with a view that the Council decides on this course of action prior to 31 December 2009. This paper is intended to prepare that debate.

2. Basic principles and objectives

A number of basic obligations must be respected. While the implementing methods are more difficult to define in the absence of a catch option table, the following key ideas should apply.

2.1. Conformity with MSY. Compliance with the WSSD implementation plan is an important objective, and where data permit, steps should be taken to manage fisheries in this direction. Assessments that stocks are overfished must therefore lead to reductions in catches until stocks rebuild, though these reductions can be gradual.

2.2. Precautionarity. Increases in fishing opportunities in the absence of scientific assessments about sustainability are incompatible with the precautionary principle. However, the concern that quota management is not a precise enough instrument to fix catches accurately and reliably each year has to be recognised. An appropriate margin could be maintained between an advised catch level and a TAC where the intention of the advised catch level is intended merely to allow the continuation of current levels of fishing activity. Such a margin should be very moderate, perhaps 15%.

2.3 Stability. Maintaining stability in fishing activity can be consistent with the precautionary approach. This stability is not necessarily achieved by fixing a TAC at a level of recent historic catches. There is a balance to be found between two considerations:

- Maintaining a TAC unchanged may correspond to a stable pattern of fishing activity, so TACs should not be changed unless there is a need to do so;
- Conversely, maintaining a TAC well above the level of historic catches could leave open an undesirable possibility for an expansion of fishing. However, there are doubts about the extent which such expansion opportunities really exist.

Fishing opportunities should in principle be as stable as possible.

2.4 Appropriateness. Despite the absence of a full assessment and catch option table, information may often be available concerning :

- The overall state of the stock, with respect to long-term indicators of overfishing such as F_{max} , or historic catch levels;
- The recent development of the stock with respect to the most recent years of survey data.

Other considerations should be borne in mind such as the technical interactions (mixed fisheries) and the management regimes under which the main fisheries are conducted. For example, when fixing the TACs for various North Sea flatfish, account should be taken of the expected activity of vessels under the multi-annual plan for North Sea plaice and sole.

3. Towards a workable system.

A simple management procedure that reconciles these objectives can be outlined as below. This could be seen as substituting an *ad hoc* advice based on expert knowledge with a simple harvest rule. However, an evaluation and an advice concerning such simple rules will be requested of the scientific agencies. The intention is not, therefore, to obviate scientific advice on these stocks but instead that it should be presented within a scientifically-agreed framework and takes account of survey data when this is appropriate.

1. Where there is a scientific advice that a stock is overfished with respect to Fmsy, the TAC should be reduced by (at least) 15%. Conversely, where there is scientific advice that a stock is underfished with respect to Fmsy, the TAC should be increased by 15%.

2. Where representative survey data are available, the TAC would be increased by 15% when the average catch rate (catch per unit effort, cpue) in the last two annual surveys is 20% or more higher than the average cpue in the preceding three surveys if the TAC is restrictive; and the TAC would be reduced by 15% when the average cpue in the last two annual surveys is 20% or more lower than the average cpue in the preceding three surveys. If the TAC is not restrictive, then a further 10% reduction should be made.

This simple rule of thumb leads to TAC increases when stocks become more abundant and *vice versa*, but at a moderate rate and with due regard for the limited precision of survey measures of stock abundance. By "restrictive" it is meant that quota utilisation has been less than 85% in each of the preceding three years and for all Member States holding more than 5% of the quota.

3. Where survey data indicate no change in stock abundance greater than that set out in paragraph 2, are not available or do not adequately reflect changes in stock abundance, the TAC should remain unchanged unless there has been evidence that the TAC has not been restrictive.

The approach outlined here will not lead to good fisheries management unless paragraph 1 becomes operational. Failing this, it should allow fishing activity to be managed broadly in line with trends in stock abundance as detectable in survey information so that fishing mortality is held roughly stable while more information is obtained to allow management towards MSY to be developed. As such, this approach should be seen only as an interim solution.

4. Next Steps

The Commission welcomes initial comments from RACs, Member States, ICES and STECF by 13 February 2009. Thereafter, for 2010, the Commission will request ICES and STECF to evaluate and to present advice according to the schema provided in Section 3 (modified, if necessary, according to suggestions received) in addition to the usual criteria. It will also invite ICES, STECF and the RACs to propose on their own initiative and to evaluate alternative rules of this type, *inter alia* with respect to the effect of implementing such a rule for the exploited stocks in the long term.

The Commission will then adapt its rules for proposing TACs based on scientific advice ("Policy Statement" or similar Communication) and will invite Member States both to follow this methodology and to adopt the corresponding TACs.

ANNEX I : "Category 6" stocks in 2008

<u>Species</u>	<u>Latin name</u>	<u>Zones</u>
Greater silver smelt	<i>Argentina silus</i>	EC and international waters of I and II
Greater silver smelt	<i>Argentina silus</i>	EC waters of III and IV
Greater silver smelt	<i>Argentina silus</i>	EC waters of V, VI and VII
Tusk	<i>Brosme brosme</i>	EC and international waters of I, II and XIV
Tusk	<i>Brosme brosme</i>	EC waters of III
Tusk	<i>Brosme brosme</i>	EC waters of IV
Tusk	<i>Brosme brosme</i>	EC and international waters of V, VI and VII
Herring	<i>Clupea harengus</i>	VIIa
Herring	<i>Clupea harengus</i>	30
Herring	<i>Clupea harengus</i>	31
Anchovy	<i>Engraulis encrasicolus</i>	IX and X; EC waters of CEFAC 34.1.1
Megrim	<i>Lepidorhombus spp.</i>	VI; EC waters of Vb; international waters of XII and XIV
Megrim	<i>Lepidorhombus spp.</i>	VII
Megrim	<i>Lepidorhombus spp.</i>	VIIIabde
Megrim	<i>Lepidorhombus spp.</i>	VIIIc IX and X; EC waters of CECAF 34.1.1
Anglerfish	<i>Lophiidae</i>	EC waters of IIa and IV
Anglerfish	<i>Lophiidae</i>	VI; EC waters of Vb; international waters of XII and XIV
Anglerfish	<i>Lophiidae</i>	VII
Anglerfish	<i>Lophiidae</i>	VIIIabde
Blue ling	<i>Molva dypterygia</i>	EC and international waters of VI and VII
Ling	<i>Molva molva</i>	EC and international waters of I and II
Ling	<i>Molva molva</i>	IIIa; EC waters of IIIbcd
Ling	<i>Molva molva</i>	EC waters of IV
Ling	<i>Molva molva</i>	EC and international waters of V
Ling	<i>Molva molva</i>	EC and international waters of VI, VII, VIII, IX, X, XII and XIV
Norway lobster	<i>Nephrops norvegicus</i>	IIIa; EC waters of IIIbcd
Norway lobster	<i>Nephrops norvegicus</i>	EC waters of IIa and IV
Norway lobster	<i>Nephrops norvegicus</i>	VI; EC waters of Vb
Norway lobster	<i>Nephrops norvegicus</i>	VII
Norway lobster	<i>Nephrops norvegicus</i>	VIIIabde
Plaice	<i>Pleuronectes platessa</i>	VIIde

Plaice	<i><u>Pleuronectes platessa</u></i>	VIIIjk
Greenland halibut	<i><u>Reinhardtius hippoglossoides</u></i>	EC waters of IIa and IV; EC and international waters of VI
Common sole	<i><u>Sole solea</u></i>	VIIbc
Common sole	<i><u>Sole solea</u></i>	VIIIjk