



Very Good Progress Made on Fisheries BREXIT Negotiations



Negotiator, Michel Barnier and the UK Secretary of State for Exiting the European Union, David Davis MP, on March 19. This announcement on the transition period is an important step forward. It gives the Irish fleet certainty until the end of 2020 and allows time to negotiate a post-Brexit fisheries relationship which is in the interest of both sides.

Draft guidelines for negotiations were published by the European Council in early March which were received very favourably by both Irish and European fishing industries and were approved by the EU27 heads of state on March 23. The critical wording: *"Trade in goods, with the aim of covering all sectors, which should be subject to zero tariffs and no quantitative restrictions with appropriate accompanying rules of origin. In this context, existing reciprocal access to fishing waters and resources should be maintained,"* was reassuring particularly when taken with the previous transitional guidelines: *"Specific consultations should also be foreseen with regard to the fixing of fishing opportunities (total allowable catches) during the transition period, in full respect of the Union acquis."*

KFO is particularly pleased that the guidelines adopted by the EU27 make specific reference to fisheries by stating in paragraph 8.i: *"In the overall context of the FTA, existing reciprocal access to fishing waters and resources should be maintained."* This is exactly what had been requested in terms of linkage with wider trade negotiations and the maintenance of reciprocal access to fishing waters and resources.

There has been encouraging progress recently and the way is open to further negotiations but there is always a danger these talks will fail. The effort from all parties, industry and government has been exemplary so far but must be maintained until a satisfactory outcome is assured.

French Ambassador, Stéphane Crouzat meets KFO CEO, Sean O'Donoghue to discuss shared concerns and negotiating positions for their respective fishing industries in Brexit negotiations.

Since June 23, 2016, when the United Kingdom voted to leave the European Union, there has been a great deal of uncertainty regarding the future of many Irish enterprises and none more so than that of the Irish fishing industry. A large proportion of Irish fishing effort and the value of fish caught and landed lies within the UK EEZ which accounts for almost 33 per cent of North East Atlantic waters, so being excluded would have a disastrous effect. The initial negotiations did not offer much hope of a satisfactory outcome, but KFO lobbied strongly to keep fishing at the top of any bargaining agenda.

Realising that the EU27 fishing countries, particularly those fishing in UK waters, needed to speak with one voice, the fishing representatives, including KFO, came together under the banner of European Fisheries Alliance (EUFA) to protect the industry. All internal and historic grievances were set aside while EUFA engaged with EU heads of government, Task Force 50 headed up by Michel

Barnier and the European Commission. The position taken was that fisheries must be included in the negotiation mandate to guarantee mutual access to traditional fishing grounds, preservation of the current distribution of TAC and quotas and, critically, maintaining the existing trading arrangements.

An agreement in principle on a transition period was announced by EU Chief

Limited Success with Trials to Reduce Bycatch of Whiting in the Irish Sea *Nephrops* Fishery

The western Irish Sea (Functional Unit 15, Division 7a) is an economically important area for Irish *Nephrops* trawlers contributing approximately 25 per cent of national landings. The *Nephrops* fishery accounts for most whiting catches in ICES Division 7a, most of which are below the minimum conservation reference sizes (MCRS ≥ 27 cm). Given the low whiting quota (46 tonnes for Ireland in 2018) and relatively high catch estimates (~217 tonnes for Irish vessels in 2016), whiting has major potential to choke the Irish Sea *Nephrops* fishery.

BIM has carried out trials of a range of technical measures aimed at reducing whiting catches while maintaining the economic viability of the Irish Sea *Nephrops* fishery. Such measures include: increased codend mesh size; large square mesh panels; and rigid sorting grids. Results have generally demonstrated reductions of whiting catches with varying effects on catches of *Nephrops*.

It has proven particularly difficult to reduce catches of whiting less than 20cm using these measures. The Swedish grid is effective in reducing catches of very small whiting, but also eliminates most of the commercial fish catch, reduces *Nephrops* catches and is associated with handling difficulties.

BIM and the fishing industry recently tested a range of additional measures which aimed to improve the efficiency of a 300mm square mesh panel (SMP) using guiding panels; to improve codend mesh size selectivity by reducing codend circumference; and reduce the quantity of whiting entering the trawl using counter herding devices such as “floating” Dyneema bridles and scaring ropes. Unfortunately, these measures failed to sufficiently reduce catches of < 20 cm whiting.

BIM's most recent trial in the Irish Sea *Nephrops* fishery compared catches from 80mm and 90mm mesh size codends. Results showed substantially less whiting < 20 cm in the 90mm codend but catches of *Nephrops* across all size ranges were reduced by 33 per cent. BIM previously assessed an 80 to 90mm increase in codend mesh size in the Irish Sea during 2015 which demonstrated similar reductions in <20 cm whiting and a 10 per cent loss in > MCRS *Nephrops*. Differences in results between the 2015 and 2018 trials may be explained by differences in the test gears and catches. The 2018 trial used a 300mm SMP and 90mm mesh in the extension piece as well as the codend. The 2015 trial used a 120mm SMP with the mesh size increase restricted to the codend. Increased mesh size along the extension piece in the 2018 trial may explain the substantial reductions in *Nephrops* in that trial. The most recent results suggest that an increase in codend mesh size to 90mm is not economically feasible with the gear currently employed by the Irish fleet.

While good progress has been made in developing technical solutions to address a range of challenges posed by the landing obligation, reducing whiting catches in the Irish Sea *Nephrops* fishery is an ongoing problem. BIM remains committed to working with industry in trying to develop technical solutions to address this issue. Full reports on the work conducted to date are available at: www.bim.ie/our-publications/fisheries

Revision of the Control Regulation

In 2015 the EU Commission launched a process to simplify the EU Fisheries Control System (*Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy*) to render it more effective and efficient. The objectives included strengthening enforcement provisions, ensuring better quality and sharing of fisheries data and information, reducing the administrative burden and improving collaboration with other relevant policies.

The Commission launched a consultation process with stakeholders (December 2015 – March 2016); member States submitted Five-Year Reports; there was an external consultant's report; and workshops with the European Parliament, Advisory Councils, NGOs and industry associations. The Commission evaluation reported that, in general, the MSs had implemented the main provisions with positive impacts in the key areas but there remained significant anomalies in such areas as the development of a level playing field, a culture of compliance and issues concerning simplification of

the rules and reduction of the administrative burden.

Following a final workshop on November 16, 2017, the North Western Waters Advisory Council (NWWAC) made a number of points regarding the policy options being proposed, many of which are very relevant to the Irish fishing industry. The NWWAC pointed out the difficulties which arise around the issue of penalty points since each MS can vary its definition of infringements and calls for unequivocal criteria to define such infringements and several other related issues which create unnecessary legislative problems for the Irish industry largely due to lack of clarity or a level playing field.

The NWWAC response deals with several other issues, such as control and monitoring vessels <12m; control of recreational fishing; weighing and transport concerns; electronic logbooks, and calls for a standardised stowage plan to be developed which takes account of safety and stability issues. There is insufficient space to cover all aspects of this important response here but it can be found in its entirety at [NWWAC Response to EC proposals on EU Control System](#).

Continued Success of Herring and Horse Mackerel Industry-Science Surveys in the North West

The Marine Institute conducted a pelagic acoustic survey on industry vessels for herring and horse mackerel in the North West area 6a,7b in November, for a third year. This industry survey is an important opportunity to gain additional information on the stocks and the continuation of these surveys, particularly the development of a time-series, will support better assessments. A similar survey has been conducted in 6a North.

NW herring and horse mackerel acoustic survey

In November 2017 an acoustic survey of herring and horse mackerel in 6aS/7b was carried out on the pair trawl vessels MFV *Eilean Croine* S238 and MFV *Sparkling Star* D437. This survey is the second in a time series that has potential to be developed into a long-term index of spawning/pre-spawning herring and horse mackerel in 6aS/7b, for use in stock assessments in the future. A Simrad ES-38B (38 kHz) split-beam transducer mounted on a towed body and deployed from the MFV *Eilean Croine* was calibrated prior to the survey near Rathmullan Pier in Lough Swilly, Co. Donegal. Over the following 10 days, a total of 1,482nmi of cruise track over 27 individual transects was completed. Parallel transect spacing was set at 7.5nmi for the offshore area, and 3.5nmi for Donegal Bay (see figure one). Vessels taking part in the monitoring fishery were active in Lough Swilly during the survey period and so an additional mini survey was carried out in Lough Swilly where large herring marks (e.g. > 2nmi long, 200m wide and ~18m deep) were recorded. A series of strong herring marks were also recorded in Bruckless Bay and Inver Bay with smaller marks detected in Killala Bay. There were very few herring marks offshore during the survey.

Herring samples from the monitoring fishery were obtained from vessels fishing in Lough Swilly,

Bruckless Bay and Inver Bay during the survey. These herring were dominated by three-year-old fish in all hauls sampled (32 per cent of the total number). The total stock biomass (TSB) survey estimate of herring for the combined 6aS/7b area was 40,646 tonnes (Lough Swilly = 12,098 tonnes, Donegal Bay = 23,157 tonnes, and the remaining NW area = 5,391 tonnes). This is considered to be a minimum estimate of herring in the 6aS/7b survey area at the time of the survey.

Horse mackerel were distributed throughout the survey area, but particularly in the area to the north and west of Tory Island. Four hauls of horse mackerel were taken for biological analysis. The horse mackerel length distribution was dominated by a mode at 24cm, corresponding to three-year-old fish which made up approximately 67 per cent of the total by number. A smaller mode was recorded at 30cm. The TSB estimate of horse mackerel for the total surveyed area was 68,079 tonnes, and is considered to be a minimum estimate in the survey area. Horse mackerel are a widely distributed stock, therefore the stock was not contained by this survey.

Should a survey be conducted in 2018 it is likely that shifting the time forward will be considered to allow better containment. Ideally, for an acoustic survey, the fish are located further offshore than has been the case in 2016 and 2017. This will require the planning and procurement processes to commence earlier than in previous years. Additionally, a suitable source of funding will have to be identified.

The 6aS/7b monitoring fishery in 2017 was successful in that scientists obtained samples of herring from more than 30 individual landings. This provides comprehensive information on the age structure of the catch, a key source of information for the assessment.

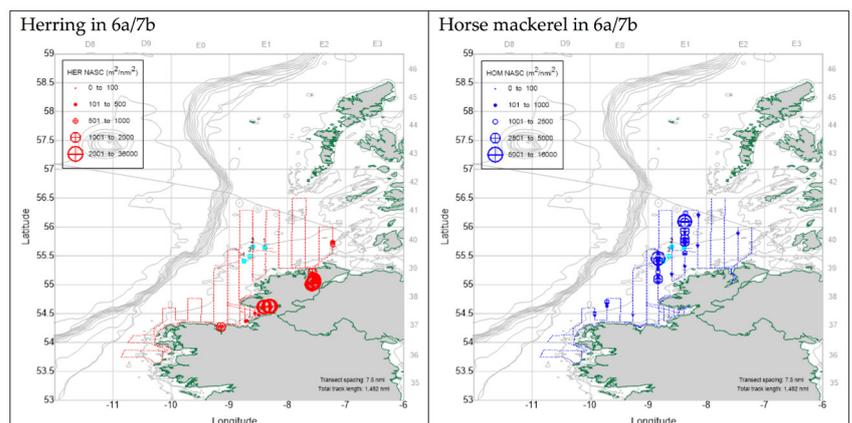


Figure 1: Acoustic values (NASC) of herring (left) showing the large aggregation in Lough Swilly and Donegal Bay. Acoustic values of horse mackerel (right) showing the distribution throughout the area to the north and west of Tory. Survey track is also shown.

Pelagic Advisory Council (PELAC) Adopts Proposals for Herring Fishery Rebuilding in ICES Areas 6a and 7bc

The PELAC Focus Group tasked with a re-building plan for herring in ICES Areas 6a and 7bc has recently produced a revised recovery plan which was adopted by PELAC at its meeting on March 1. PELAC is satisfied that this plan meets the ICES precautionary requirements issued following the ICES evaluation late in 2017. The ICES advice since 2016 has been for a zero TAC and the development of a rebuilding plan but allowed for a scientific monitoring TAC of 5,800 tonnes (4,170 tonnes in 5b, 6b, 6aN and 1,630 tonnes in 6aS-7bc) in 2016, repeated in 2017 and 2018, to continue to monitor and provide feedback on progress.

According to the most recent scientific assessment, the present low stock size of herring in 6a-7bc is most likely caused by poor recruitment affecting productivity, since fishing mortality has been very low in recent years. It should be noted that the scientific advice is not in a position to separate the two stocks so is giving a combined stock advice. A large genetics project is underway which is hoped can provide a mechanism to separate the two stocks. Environmental factors, particularly temperature increases, have a major negative effect on herring productivity and this may be worsened by other influences such as increased predation. Thus, managing fishing mortality alone may not necessarily result in a quick recovery of the stock. The rebuilding plan defines its target, i.e. the end of the plan, as that point where the biomass is greater than B_{lim} , the biomass limit below which recruitment would be in danger, for three consecutive years and forecast to be above B_{lim} again in Year Four.

The PELAC Area 6a-7bc herring rebuilding plan aims to:

- Recover stock levels to the appropriate minimum biomass reference points as quickly as possible.
- Improve the knowledge base for herring in Area 6a-7bc utilising the monitoring quota allocated, to determine the status of the stocks and the

ability to discriminate between the '6a North stock' and the '6a South-7bc stock'.

- Provide the data and analyses undertaken during such monitoring to relevant scientific expert groups for use in benchmarking the assessments methods being currently used and as a time series for future assessments.
- Determine appropriate biological reference points for the different stock components.
- Establish agreed harvest control rules to be used as the basis for future TAC setting.

To achieve its objectives the PELAC has produced a detailed monitoring plan which will be closely co-ordinated between the scientific institutes and management and stakeholder organisations from those countries which have an interest in the fishery. The monitoring plan will endeavour to collect data in a way that ensures it provides consistent continuation of the long-term catch at age data. PELAC proposes that vessels participating in the scientific survey will be permitted to catch herring in specified areas for the purpose of taking scientific data and those vessels will be granted derogation from the landing obligation while carrying out such surveys.

There has already been significant work carried out on the herring fishery using genetic tools. KFO has previously been a leader in employing genetic markers to differentiate between stock components. This approach has and is being used for herring in 6a, 7bc which is now funded under a Commission small-and medium-size enterprise project and is expected to provide major advances in the crucial differentiation between the 6a North and 6aSouth-7bc herring stocks. At the same time, standard fishery research activities, such as acoustic surveys, will continue to play a part in reaching the defined target.

Draft Technical Measures Regulation in a Shambles

"COUNCIL REGULATION (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms," amended and updated many times, has been the set of rules by which European fisheries have operated for 20 years. There was consensus that they needed a complete overhaul and in March 2016 the Commission proposed a new legislative framework intended to simplify the current system, to increase its flexibility through a regionalised approach adapted to the specificities of each EU sea basin and to optimise the contribution of the technical measures to the objectives of the Common Fisheries Policy. The new proposed framework was structured principally around two types of measures until it was significantly changed for the worse by Council and Parliament:

- The common technical measures which apply to all EU sea basins such as provisions on prohibited gear and practices, protection of certain species and habitats, data collection and reduction of discards, etc.
 - The regional technical measures which are contained in Annexes specific to that area.
- There followed a series of reports, appraisals, briefing documents and workshops both at EU

and Member State level. Finally, in May 2017, the Fisheries Council agreed on a general approach as the basis of negotiations and the EU Parliament voted in favour of the proposal with numerous amendments in February of this year. Such are the amendments by both Institutions to the initial proposal that there is concern at industry and other levels that the proposal has become neither simple nor flexible and is possibly unworkable. The proposal has now entered the trialogue stage where the differences in opinion, and the very lengthy list of amendments which have accrued, will be discussed by the Council and the European Parliament. A measure of the concern is the fact that seven MEPs, from varying political backgrounds, have voiced their fears in a letter to Commissioner Vella and urged him to withdraw the proposal rather than risk the outcome of what they see as potentially damaging the CFP. Similarly, the North Western Waters has voiced disquiet to the Fisheries Committee fearing the proposal has become so detailed it undermines the original regional flexibility which is at the core of a positive workable regulation. This draft technical conservation regulation has strayed far from a simplified list of rules for operating the European fishing industry which was originally proposed.

Now is time to plan EU Funding for Fisheries and Maritime Sectors post-2020

An important conference "Beyond 2020: Supporting Europe's Coastal Communities" was held in Tallinn, Estonia, in October last. It included an in-depth evaluation of previous funding such as the EFF (2007-2014) and the current EMFF. Results would indicate that changing circumstances provide new challenges which must be met with flexible but focused solutions. It is vital that the possibility of such challenges and the ability to meet them is an integral part of the post-2020 EMFF which should also work in close co-operation with other financial instruments and funds.

DG MARE intends presenting a proposal for the next Multiannual Financial Framework as soon as next May which provides a very limited window to consider how EMFF post-2020 can improve the implementation of financial measures to support CFP objectives.

The Markets Advisory Council (MAC) was not in a position to avail of current funding but has made some significant observations regarding future financial support. The MAC is not associated with any particular sea-basin or region which gives it the advantage of a more inclusive view of the needs of the industry particularly at the all-important Marketing and Processing coal-face. The MAC sees the role of Producer Organisations (POs) as crucial to future sustainable fisheries management, including research and certification, as they form a link between the fishing fleets, the markets and regulatory agencies. POs are compelled to draw up Production and Marketing Plans (PMPs) which are fundamental to the operation of the CFP and must have adequate financial support. Member States should also make sure PMPs are adequately financed ensuring a sufficient endowment. POs are also in a position to provide inter-regional dialogue with fellow POs which is often a gap no other agency can bridge; this is a crucial role in areas of traceability of fishery products, route to market and generally improved communication.

Currently the EMFF does not provide for different allocations of support on a geographical basis but it has become increasingly evident that the challenges each EU sea basin and fishery are facing vary significantly; more targeted solutions and investment are needed with both financial support and management measures tailored to the specific issues in those areas as suggested by the MAC. The starting point for this approach would need to be a comprehensive analysis of the strengths and weaknesses in terms of biological and environmental pressures in individual regions. Based on the logic of such an approach, DG MARE are looking for input from all stakeholders on their perception of the main challenges in their sea basin and how the post-2020 EMFF can be adapted to tackle those challenges.

Editorial



by Sean O'Donoghue

CHIEF EXECUTIVE, KFO



KFO was delighted to receive the French Ambassador, M. Stéphane Crouzat, (see page one) at our headquarters in Killybegs on the occasion of his visit to the area. Currently we face many challenges in common with France as it, too, would have very significant problems if its fishing fleets were excluded from UK waters.

After months of uncertainty and concern for the future of our industry, the end of March 2018 may well be remembered as one of the most significant periods for the Irish fishing industry. On Monday, March 19, EU Chief Negotiator, Michel Barnier and the UK Secretary of State for Exiting the European Union, David Davis MP, announced the agreement in principle on a transition period which will last until the end of 2020 and maintain all existing provisions during that period. Fishing issues being included in the transitional period up to the end of 2020 is extremely important as it creates time and space to adapt to changes and explore other options.

This important agreement was followed on Friday, March 23, by the approval of

the Brexit negotiating guidelines by the EU27 heads of state.

The outcome was a complete vindication of KFO's decision to join our European colleagues under the European Fisheries Alliance as it was essential for the fishing industry to show a united front when insisting on the linkage with wider trade negotiations and the maintenance of reciprocal access to fishing waters and resources

We now stand ready to support the European Commission and the EU27 during the next phase of negotiations on the future framework. Maintaining reciprocal access to waters and resources as agreed in the guidelines on March 23 should be at the heart of the post-Brexit relationship in fisheries, given the historic ties and inextricable links between our countries and industries. I would like to acknowledge the role played by the Irish Government as well as our Minister Michael Creed and his officials in reaching this particular agreement.

The long-awaited overhaul of the technical measures regulation (850/98) may take longer than supposed (see page three)

The replacement regulation was to provide simplification and flexibility, especially when it came to adapting rules for specific areas and scenarios. During its journey through the negotiating system, the level of amendment has rendered it unworkable and there have been recommendations from a number of stakeholders, including MEPs, to scrap this version entirely. I would agree with them – this draft is not fit for purpose.

The Control Regulation has also been evaluated (see page two) based on a number of performance criteria; DG MARE judged that, by and large, MS had implemented the main provisions with positive results but there was still progress to be made. The NWWAC has responded to the policy proposals from the Commission with a number of observations and suggestions; Ireland is not the only country to find the anomalies of this Regulation impossible to deal with and the Advice being put forward by the NWWAC needs to be implemented to create an equitable, level playing field with workable unambiguous definitions of what constitutes an offence.

The current review (see page three) of post-2020 EMFF requirements is on-going but here, as with many EU Commission consultation processes, there has been inadequate time for all sectors to give opinion. The Markets Advisory Council (MAC) has some fresh views and encouraging suggestions for future funding of Producer Organisations input at many levels.

Once again we have had some valuable feedback from our scientific colleagues with their updates on recent Acoustic Surveys and Gear Trials and thank you for those contributions.

Earlier this month I had the sad duty along with with Pauric Connelly, KFO board member, of attending a commemorative ceremony to mark the first anniversary of the loss of Coast Guard Rescue Helicopter 116 following a crash that resulted in the deaths of the four crew members. The ceremony took place at Blacksod close to where the tragedy occurred and on behalf of KFO and myself, I extend our deepest sympathies to the families, friends and colleagues of Dara Fitzpatrick, Mark Duffy, Ciarán Smith and Paul Ormsby.

Important Dates April - June 2018

DATE	MEETINGS	VENUE
April 5	European Fisheries Alliance meeting	Brussels
April 11	Pelagic Focus Group Western Horse Mackerel	The Hague
April 12	Pelagic Advisory Council (WG I, II and ExCom)	The Hague
April 13	Advisory Councils Brexit Workshop	The Hague
April 16-17	Fisheries Council	Luxembourg
April 17	Long Distance Advisory Council	Brussels
April 25	Industry-Science Partnership Meeting	Marine Institute
April 30- May 4	Pelagic AC and Mid-Atlantic Fisheries Management Committee Meeting	Boston, USA
May 3	EMFF Operational Programme Monitoring Committee	Clonakilty
May 14	Fisheries Council	Brussels
May 23-24	Markets Advisory Council (MAC)	Brussels
May 24	Whitefish Monthly Quota Management meeting	Dublin/Clonakilty
May 26	KFO AGM	Killybegs
June 5-7	Pelagic AC and Mid-Atlantic Fisheries Management Committee Meeting	Hirsthals, Denmark
June 12-15	ICES ADGCS	Copenhagen
June 18-19	Fisheries Council	Luxembourg
June 29	ICES Advice issued Celtic Sea and North Sea fish stocks	Copenhagen
June 29	BIM National Seafood Conference Seafest	Galway
June 30	Harvesting Our Ocean Wealth Conference Seafest	Galway
June 29-July 1	SeaFest	Galway