



BREXIT – What does it mean for Irish Fishing Industry?

On June 25, 52 per cent of the UK electorate voted to leave the European Union; this has precipitated a situation which has never existed before and, despite the assurances of the supporters of "brexit," a chasm of uncertainty stretches into the future. While the vote to leave came as something of a shock, it was the expected verdict of the UK fishing community.

Since the UK and Ireland joined the European Economic Community in 1973 management of fisheries has been a cause of dissatisfaction for many Member States (MS); the nature of the stocks, the varying degrees of traditional exploitation of those stocks, and the relative economic importance to the individual countries have all played a part in how agreement was reached. The EU, which superseded the EEC in 1993, has been managing access to fishery resources by the MS with the overarching Common Fisheries Policy (CFP) which was agreed for the first time in 1983. The CFP is implemented through a variety of regulations most notably Total Allowable Catches (TAC) and quotas and relative stability. The most recent agreed CFP in 2013 has put a huge emphasis on the Landings Obligation and Maximum Sustainable Yield. The body of legislation which this process has created is enormous and the task of dismantling the UK component and re-negotiating the UK-EU relationship is daunting.

The BIM Conference held recently in Galway was attended by Barrie Deas, CEO of the National Federation of Fishermen's Organisations (NFFO) in the UK. He joined Dr Cecil Beamish, DAFM, and Sean O'Donoghue of KFO for an industry briefing on the current situation and possible effects on Ireland's position following this re-negotiation. He outlined the UK position as being one of moving away from centralised control but retaining quotas; they aim to re-negotiate new access arrangements from a position of strength and while TACs are an option, technical measures would be a

matter for the UK to determine. Regional management with a strong input from the fishing industry would be the aim of a post-CFP regime.

The resolution of issues regarding shared management of fish stocks, shared fishing grounds, the future of regional advisory councils, quota swaps, relative stability and the Hague Preferences are but a few of the topics which will create enormous difficulties in the near future. It seems likely that the UK will opt for a Norway-style model of future relationship with the EU. Under the present EEA agreement, Fisheries is excluded except for trade issues. This implies the UK will participate as a coastal state with full negotiating rights when it comes to mackerel, blue whiting and Atlanto Scandia herring coastal states negotiations while Ireland will be dependent on the EU to protect its interests. This could be an area where Ireland will lose its share of quota regarding important pelagic species and great care will be required to protect Ireland's interests. In addition to the coastal states negotiations it is most likely that a bilateral agreement will be required with the UK similar to the existing EU/Norway bilateral agreement. As Ireland has in the region of 30 shared stocks with UK, this bilateral agreement will be extremely important to us and we will be again dependant on the EU to protect our interests in the bilateral negotiations. In this regard the EU will be negotiating not only on behalf of MSs in Western Waters but also the North Sea and Channel and there is a real danger we could lose out to these areas.

Safety Tonnage Court Battle Finally Resolved in Favour of Irish Fishermen

On June 14 last, the Grand Chamber of the European Court of Justice (ECJ) ruled to reject an appeal brought by the European Commission to annul an earlier decision by the General Court in 2014 in favour of KFO members' Irish safety tonnage applications.

This long-running legal battle has been back and forth between the Commission and the European Court of Justice for nearly 15 years but the applicants can now be assured of a final positive outcome with this finding. The Court ruling also notes that the applicants have the right to bring an action for damages against the European Union as a result of its appeal being based on the illegality of the Commission's initial decision. The Commission cannot appeal this decision as last week's ruling is by the ECJ Grand Chamber, the equivalent of a Supreme Court.

Safety tonnage relates to the volume of the vessel and not to the tonnes of fish it can carry. Safety tonnage covers enhanced safety measures aboard the fishing vessel such as shelter decks, raised wheelhouses, increasing the freeboard and improvements to crew accommodation.

Congratulations were extended by Pat the Cope Gallagher T.D. who, as MEP during several years of the dispute, had made representations on behalf of the safety tonnage applicants. He now urges the Commission to accept the ECJ ruling and resolve the issue to the satisfaction of the applicants without further delay.

New Commission Proposal for Technical Conservation Measures

In March the European Commission issued its long-awaited proposal to overhaul the technical measures legislation relating to how, when and where fishermen operate in EU waters of the North East Atlantic, North Sea, Black Sea, Mediterranean and Baltic Seas. Up until now, these rules have been decided at EU level through an often lengthy process, and over the years this regulatory structure has become highly complex. This proposal is the Commission's attempt to simplify this process and introduce flexibility to allow the development of rules much more quickly to react to changes in fisheries and also to allow the customising of technical measures to different sea basins through the regionalisation process contained in the new Common Fisheries Policy (CFP.)

The proposal is split into two parts. The main part of the proposal sets the EU-wide objectives, targets, common standards and rules, such as prohibited fishing methods, general gear use, and measures to protect sensitive species. The second part of the proposal contains a series of regional Annexes which establish baseline technical measures for each region/sea which can then be further adapted by interested Member States under the regionalisation process. These measures would be included in long-term multi-annual plans as and when these were developed.

The overall approach adopted by the Commission seems sensible but as with any proposal of this nature, the "devil is in the detail." The proposal is predicated on multi-annual plans containing regionally specific technical measures to be adopted quickly. However, experience with the first of these plans for the Baltic would suggest this is over optimistic. This proposal took more than 18 months to negotiate, in a region where the fisheries are relatively straightforward. In North Western waters where the fisheries are more complex, agreeing such plans is likely to be even more difficult.

On this basis, the regional annexes are likely to be the rules for the foreseeable future to come and therefore require careful examination. The relevant annex setting the rules that would apply to Irish fisheries maintains many of the existing measures in place and includes some positive amendments. It simplifies the mesh rules and removes several closed area relating to herring which are outdated and redundant. It also, importantly for fishermen in the North-west, proposes to remove the "French line" and most of the highly restrictive measures that went with it. However, in simplifying the mesh size rules, it does propose to increase mesh sizes used in demersal fisheries. The standard mesh size across the whole of the North Western waters would become 120mm with derogations to use smaller mesh sizes in directed fisheries for prawns, whiting and hake. In the prawn fishery, a mesh of 80mm with a 120mm square mesh panel will have to be used; while when targeting hake or whiting, a 100mm codend with a 100mm square mesh panel would become the standard gear. Mesh sizes for pelagic fisheries remain unchanged.

The European Parliament and Council are now discussing the proposal. On the Council side, Member States, including Ireland, have generally welcomed this proposal and the move to increase regionalisation, with much-needed simplification of the current legislation. The European Parliament has been more guarded in the approach, in particular questioning the extent to which technical measures should be set regionally. Negotiations will continue over the coming months and, based on negotiation of previous proposals to reform technical measures, are likely to run well into 2017 before agreement on the final regulation is reached.

Triennial International Mackerel Egg Survey Well Underway

The International mackerel and horse mackerel egg survey (MEGS) takes place every three years, and is being run again this year. The surveys are carried out by nine laboratories from eight participating countries between mid-January and the end of July. This year the survey programme is broken up into seven time periods from January to July, and will encompass 23 separate surveys. Each lab is assigned a period and survey area by the survey coordinator. At this stage most surveys have finished, only three more remain to be completed. The 2016 survey programme has been adjusted based on results of the 2013 MEGS survey and also the surveys conducted in collaboration with the pelagic industry between December 2014 and March 2015.

So far in 2016 MEGS has had to deal with a number of unexpected events. The Danish pelagic industry had hoped to participate on the survey in period three (March). However, due to difficulties in getting a vessel they were unable to do so. Instead, Scotland extended their period two survey and managed to cover the area. In period four, the German research vessel suffered a winch failure and had to withdraw for repairs. This time the Netherlands, and Scotland again, managed to extend their survey areas so that gaps in coverage were avoided. The Scottish and Dutch pelagic industry contributed to surveys in April and May.

Currently Ireland and the Netherlands are nearing completion of their period six

surveys, with the Faroes having finished theirs at the beginning of June. In period seven (July), Scotland will carry out a final survey, covering an area from Brest, in France, to west of the Hebrides. This year MEGS have also been asked by the pelagic industry to carry out an additional survey in August, to check if horse mackerel spawning may be extending past its nominal cut-off date of July 31. Ireland plans to carry out this survey on a commercial vessel.

The spring mackerel migration was delayed slightly in 2016 compared to recent years. The fish stayed north of Scotland a few weeks longer than recent years, and once they started moving their speed was slower than expected. As a result of this slow start, the February surveys ensured the start of spawning was adequately monitored, something which hasn't happened for a couple of recent survey years.

At present, survey participants are finalising their data before sending it to the survey coordinator for compilation. The coordinator will estimate the egg production of mackerel and horse mackerel over the entire survey period and area. Combining these figures with the fecundity of the females and sex ratio of the population gives an estimate for the spawning stock biomass. This preliminary biomass data will be presented to WGwide by the end of August for use in the stock assessment process. The final survey results will be produced by WGMEGS in April 2017.

University College Cork and the Marine Institute Conduct Killer Whale Research

Róisín Pinfield from University College Cork is studying the killer whales, or Orca, that forage around the pelagic trawlers during the Northeast Atlantic mackerel fishing season, as part of her PhD. The Irish Research Council and the Marine Institute are jointly funding the three-year project. The main aim of the research is to use a combination of photographs, biopsy skin sampling and haul details to address a number of key questions in relation to abundance, population structure, diet and feeding strategies of this aggregation of killer whales (for more information

<http://www.kfo.ie/kfo-news.html>). The success of the project is heavily reliant on the goodwill of the skippers to allow Róisín and her research assistant to board their vessel. Róisín would like to put a call out to any of the fishermen involved in the mackerel fishery for a berth on their vessel for a trip this winter. Any information regarding the killer whales, questions or queries are welcomed and can be directed to R.Pinfield@ucc.ie or 087 1210121. Please note that all research activities are covered by University insurance.

"Fishing Profitably with Zero Discards"

Topical Debate at BIM Seafood Conference

A break-out session on the implementation of the Landings Obligation (LO) was a key item for the BIM National Seafood Conference held in Galway on June 30. Policy, gear technology and the bottom-line reality for the industry were debated by an expert group under the guiding hand of Michael Keatinge, BIM.

The discussion was held against the backdrop of the rapidly approaching deadline in January 2019 for final implementation of all aspects of the LO. Sean O'Donoghue, KFO, explained that while no fisherman wanted to land discarded fish, the legislation is such that on January 1, 2019, all TACs and quotas species must be landed, which for example would lead to closure of the mixed demersal fishery in the Celtic Sea by March 1 due to no available cod quota. This "choke" effect -- where the species with the quota that is filled soonest prevents further fishing for another species -- is one of the most serious threats to the survival of the fishing industry.

Sean O'Donoghue advocates a combination of minimisation and avoidance techniques with development of appropriate fishing gear in combination with a more flexible approach to quota management. He was supported in his views by Barrie Deas from the UK's National Federation of Fishermen's Organisations who felt the agriculture sector dealt with its issues more successfully through better grass-roots level engagement. Ronan Cosgrove, BIM, dealt with some of the recent gear trials, which illustrated the significant reductions in discards that can be achieved with relatively simple adjustments to gear. For instance, in a Nephrops fishery with an

18 per cent discard rate, increasing the mesh size from 70mm to 80mm resulted in a 45 per cent reduction in under Minimum Landing Size prawns; there was no economic loss to the operator over the season as there was 100 per cent take-up of quota and better prices for large prawns.

The final summing-up by rapporteur Dominic Rihan, BIM, reiterated the problems identified by industry in both Ireland and the UK as being: "choke" species; more funding needed for gear development to enhance minimisation and avoidance strategies; more sophisticated quota management; and a greater role for industry in developing policy.

ICES Issues Advice for Demersal and Certain Pelagic Stocks for 2017

The ICES Advice on Bay of Biscay, Celtic Sea and North Sea fish stocks was released on June 30. This includes the main demersal and herring stocks of interest to Ireland in ICES Sub-area VI and VII. This year, advice for haddock in VIa & IV will be delayed until the autumn. Advice on monkfish in VI and Nephrops stocks will also be in the autumn as usual.

West of Scotland & Rockall Stocks (VIa and VIb)

The advice for VIa cod, Northwest herring and VIa whiting remains unchanged compared to last year when zero catch was advised. The advice for Rockall haddock is positive with a 28 per cent increase in the TAC being advised. The advice for saithe is also for a large TAC increase of 62 per cent.

Celtic Sea VIIb-k

The advice for Celtic Sea cod is for a very large TAC reduction; ICES advises that landings in 2017 should be no more than 1,447 tonnes (-68 per cent on the 2016 TAC of 4,565 tonnes). The reason for this large reduction is that recent year classes are very weak, with the exception of the 2013 year class which now constitutes the majority of the landings. The advice for haddock in the Celtic Sea is for a seven per cent TAC increase. Similarly, the advice for whiting is likely to lead to an increase in the order of 10-20 per cent depending on the top ups agreed for vessels covered under the landings obligation. The advice for Megrim in VII is a 32 per cent decrease relative to the 2016 TAC. Large reductions are also advised for plaice (-36 per cent) and sole (-42 per cent) in VIIhjk.

For herring in the Celtic Sea, ICES give advice to fish

at FMSY which equates to a five per cent TAC increase. However, following the Celtic Sea Herring Long-term Management Plan would result in a six per cent decrease in TAC.

Irish Sea

In the Irish Sea the situation for cod, sole and whiting remains unchanged with zero catch advised for many years now. There are some indications that cod are starting to recover. The advice for haddock is that the stock is still increasing, but because some fleets are covered under the landings obligation and the TAC was increased by 40 per cent last year, how this will translate into a TAC remains to be seen. A ten per cent decrease is advised for Irish Sea herring.

NW Herring

There are two components to ICES advice for herring in VIa and VIIb,c :

1. ICES issued advice on April 29 relating to scientific monitoring of the fishery and a rebuilding plan for the stock which ICES still considers to be two separate stocks, but it is not currently possible to segregate them in commercial catches or surveys, and
2. The June 30 ICES advice for 2017 recommending a zero TAC and development of a stock recovery plan.

There is detailed advice given regarding the scientific monitoring programme. ICES advises that the relevant time frame for these fisheries-dependent data collection is August and

September 2016 in Division VIa North; late November 2016 to mid-January 2017 in Division VIa South; and November 2016 in divisions VIIb and VIIc. The appropriate geographic scope of data collection is the active general spawning and pre-spawning areas.

ICES advises that the number of samples to be collected in a monitoring fishery is 46 and that these samples could be obtained through a catch of 4,840 tonnes. The catches in the monitoring fishery would be associated with a very low fishing mortality F (approximately 0.02), which is lower than any previously observed value (0.063 in 2005). The proposed monitoring fishery would result in coverage from a range of areas and provide appropriate sampling precision from as wide a set of age classes as possible.

A specific sampling programme is needed to ensure that samples of the appropriate number and geographic/temporal distribution will be collected from this proposed monitoring fishery catch. In addition, given that the estimate of the advised catch for the monitoring fishery is based on average catch per haul (80 tonnes per haul in divisions VIa South, VIIb, and VIIc and 120 tonnes per haul in division VIa North), the quota allocation scheme may need to be adjusted to ensure that the number of samples can be collected without exceeding this catch. Based on previous sampling analyses, the number of samples in areas VIa South, VIIb and VIIc required to provide a valid data set would be 17 samples, which would amount to 1,360 tonnes out of the overall amount of 4,840 tonnes.

Editorial

by Sean O'Donoghue

CHIEF EXECUTIVE, KFO



To say we are entering a phase of unprecedented turmoil would be an understatement; in addition to a number of contentious issues such as implementing the Landings Obligation, EU proposals on technical measures and MSY targets, we have the unexpected bombshell of the UK voting to leave the EU. Ireland's position on the EU fisheries share-out scale was arrived at over many complex and various negotiations and is probably not the most advantageous for an island country surrounded by the most productive fishing grounds in Europe (see page one).

The decision by the UK to leave the EU has created a situation which, if not handled with the utmost care by the Irish authorities, could worsen Ireland's position. This country has not fared well in previous re-alignments under the Common Fisheries Policy; access to fishing grounds, quota swaps, relative stability and the Hague Preferences are at risk while the UK negotiates a withdrawal and a new trading relationship. We have no way of knowing how the Advisory Councils will function going forward with the loss of a major player such as the UK and Ireland's position regarding pelagic fish quota, particularly mackerel, could be seriously undermined. To ensure our continued and increased exploitation of one of our most valuable natural resources it is essential we do not let this European upheaval worsen our position regarding access to our marine resources.

The recent ruling of the European Court of Justice rejecting the Commission's appeal relating to safety tonnage applications was very good news and a significant victory for Irish fishermen (see page one.) A number of KFO members had been fighting this case for nearly 15 years following the initial EU Commission rejection of their safety tonnage applications. I must congratulate them on their tenacity and courage in persevering in the face of the many setbacks and the enormity of the task. I must also commend the legal team of DP Barry & Company Solicitors, Eileen Barrington SC and Noel Travers SC whose professional work and support brought about this excellent conclusion.

ICES issued its advice for demersal and herring stocks for 2017 on June 30 (see page three.) A good deal of the ICES advice was as expected but we are surprised at the very high reduction for Celtic Sea cod by 68 per cent on this year and consider something must be amiss with this advice. Likewise the reduction of 32 per cent advised for megrim in area VII seems incredible given the nature of the fishery on the ground. The increase for Rockall haddock and saithe in area VI does concur with our view of the fishery on the ground.

We are not surprised at the advice for zero TAC for herring in areas VIa, VIIIb and VIIIc but welcome the opportunity to participate in the scientific monitoring programme. KFO continues to support the effort to differentiate this mixed stock by genetic marker techniques which should produce valuable information in this regard in the near future.

It is always important to point out that valuable as it is, ICES advice is not the European Commission proposal for 2017; those proposals will be available in November.

The recent BIM National Seafood Conference, held in Galway, afforded all stakeholders an excellent opportunity to assess the current status of the Landings Obligation. The headlong speed with which the no-discard policy is being implemented is worrying and will have a catastrophic impact on the fishing industry at all levels. The successful strategies of avoidance and minimisation can be demonstrated repeatedly but are not being promoted and adopted as they should be to make a difference.

The fishing industry recently had the pleasure of meeting our new Minister of Agriculture, Fisheries and the Marine, Michael Creed TD; he discussed a wide range of topics which have been a cause for concern to industry in recent times. Minister Creed has demonstrated a pragmatic and common sense approach with his timely dealing with the very contentious issue of penalty points. Hopefully his dealing with the fishing industry will continue in this positive vein. We wish him well with the many serious concerns confronting the fishing industry in coming days.

Important Dates July - Sept 2016

Jun 30 - Jul 3	BIM National Seafood Conference/ Harnessing Our Ocean Wealth Conference /Seafest	Galway
Jul 5	Pelagic Advisory Committee Landing Obligation Workshop	Brussels
Jul 5	NWWAC assesment ICES Scientific Advice	Edinburgh
Jul 6	NWWAC assessment of EC Proposals on Technical Measures	Edinburgh
Jul 6	NWWAC, WG 1,2, 3 & 4	Edinburgh
Jul 7	NWWAC, WG for Landings Obligation, ExCom	Edinburgh
Jul 12	Pelagic AC, WG 1& 2, ExCom	Peterhead
Jul 13	Pelagic AC Workshop	Peterhead
Jul 18	Fisheries Council	Brussels
Jul 21	Monthly Whitefish Quota Management Meeting	Dublin/Clonakilty
Aug 6	Blessing of the Fleet	Killybegs
Sep 5	SFPA Consultative Committee Meeting	Galway
Aug 31- Sept 6	ICES WG WIDE (Pelagic Stocks)	Copenhagen
Sep 14	NWWAC, General Assembly, ExCom, WGs	Dublin
Sept 14/15	ICES Advice Drafting Group Pelagic Stocks	Copenhagen
Sept 20/21	NEAFC WG on Allocation Criteria	London
Sept 22/23	NEAFC Framework Negotiation	London
Sep 30	ICES Advice (Pelagic Stocks) Published	Copenhagen

New Board May 2016

The KFO held its Annual General meeting on May 20, 2016 in Bruach na Mara. After the AGM the Board met to elect a Chairman and co-opt Directors onto the Board. The new Board of Directors is as follows:

Michael Cavanagh, Chairman
 Pete McBride, Vice-Chairman
 Cathal Boyle
 Jens Bach
 Eamonn McGuinness
 Ciaran Doherty
 Pauric Conneely
 Tony Byrne
 Eamonn McHugh

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