



Recent ICES Inter-Benchmark Mackerel Report Shows Huge Upwards Revision in the Stock Size

The previous ICES assessment and advice issued at the end of September last year indicated that the stock had been falling from a peak in 2011 and that it was now below the reference points. The ICES recent inter-benchmark report finds this is no longer the case with the stock size still increasing in size until 2015 and remaining well above the reference points since then. The stock size in the report is estimated to be now at 4.16 million tonnes compared to 2.35 million tonnes in the advice issued last year (see figure one.) Furthermore, there has been a very large upwards revision on recruitment and a downwards revision in fishing mortality (see figure two.)

To monitor the development of the mackerel stock, the ICES assessment uses data from a number of sources including information on catches and also from a number of surveys. Surveys provide a wide variety of data including: an estimate of stock size from the egg survey that is carried out every three years; information on recruitment strength from annual groundfish surveys; and a summer trawl survey in northern waters. Another important source of information used by the assessment is from tagging experiments.

Each year, thousands of individual mackerel are tagged during their migration north to summer feeding grounds. Using detectors installed in processing facilities, catches are screened and the number of tagged fish counted. There are however, significant challenges when using this data. Factors such

as how fish that have been tagged mix with the rest of the population, how they respond to being tagged (a certain number are likely to die due to the tagging operation) and the efficiency of detection of tagged fish all require careful consideration. Additionally, if the information on numbers of tags caught is to be useful, it is very important that the total volume of fish scanned in the factory is known.

When running the annual assessment, there are a number of checks that are carried out by the scientists. One such check investigates the sensitivity of the assessment to each of the individual data sources. The result of an assessment should reflect the information available from all the sources of data and should not be overly dependent on one particular survey. In 2018, it was noted that the assessment had become

particularly sensitive to the tagging data. Despite extensive checks the working group found no error in the data or the assessment settings and so followed the procedure as agreed at the most recent benchmark in 2017. However, the group felt that additional work should be carried out and recommended an inter-benchmark, ideally before the 2019 assessment exercise. An inter-benchmark is an exercise that is designed to focus on a single issue of concern, as was the case here. This proposal requested by the Coastal States was supported by ICES and this work was completed at the end of March.

During the inter-benchmark, the tagging data was thoroughly reviewed. The most recent experiment started detecting tags in 2011 and with several years of data now available, it was possible to look into it in greater detail than previously. A number of things were noticed that indicate that there may be issues with the mixing of fish of certain ages and also that the scanned catch in the early years (where only Norwegian catch was scanned) was different from that in recent years, in terms of where the catch was taken. As a result, it was decided to trim some of the data out until a greater understanding of these issues is available. The majority of the tags detected are still included but when the trimmed data is included in the assessment the resulting revision in stock perception is substantial.

New perception in SSB: substantial upward revision



Figure 1 Increase in Mackerel SSB of 1.8Mt

F estimated lower, Recruitment estimated higher

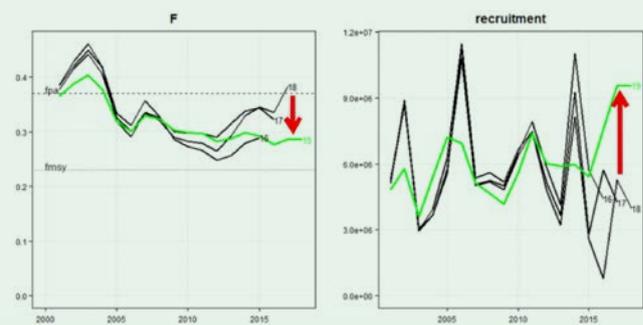


Figure 2 Fishing Mortality Decreased Recruitment Increased

Brexit, the decision of the United Kingdom to leave the European Union, was made by referendum on June 23, 2016. Nearly three years later the chaos of implementing that result has brought normal business to a virtual standstill. European citizens and British subjects are equally at a loss as to what will happen. The British Prime Minister, Theresa May, negotiated a Withdrawal Agreement with the EU in late 2018 but it would seem her own government were neither included in, nor agreed with, the details of that Agreement. There was little hope that the wider representative body of the British parliament could agree if the government itself did not.

It was expected that all necessary voting would have concluded by November 2018 which would ensure all legal adjustments on both sides could be completed by the deadline of March 29, 2019 – the date the UK would leave the EU; instead, the Agreement is not only not agreed, it has been defeated three times in the Parliament and Prime Minister May is desperately trying to hold her government together on a minute-by-minute basis with the aid of a flimsy extension of Article 50 to April 12. At that point, Theresa May will have to persuade the 27 EU heads of state to extend Article 50 again, agree to European parliament elections and, most likely, meet additional EU conditions or leave the EU without an agreement.

Leaving the EU without an agreement will have serious negative implications for the UK but it will also create a period of economic turmoil for the remaining EU members and particularly Ireland which has the only EU land-border with the UK. The impediments to trade, education, health services and social affairs will create as yet unknown harm but the damage to the Irish fishing industry could well be fatal.

Aware of the possible negative fall-out from a “No Deal Brexit,” in December 2018 the EU drew up a Contingency Action Plan of 14 measures to include areas such as financial services, air transport, customs, climate policy and the Peace Programme for Ireland-Northern Ireland. However, the single most drastic impact a No Deal Brexit will have in Ireland will be to the fishing industry and requires serious measures in place in advance of the curtain falling on access to traditional fishing grounds for the greater part of the Irish fishing fleet.

The EU has brought forward two short-term proposals to moderate the immediate impact of a “cliff-edge” scenario on April 13. One proposal concerns an amendment to the EMFF (EU Regulation No 508/2014) so as to provide financial mitigation measures for EU vessels impacted by a possible closure of UK waters as a result of UK withdrawal from the EU. In conjunction with the EMFF amendment, the Commission has proposed to amend EU Regulation No. 2017/2403 to authorise EU vessels access to UK fishing waters and vice versa. This amendment would depend entirely on a quid pro-quo arrangement with the UK and would only pertain until the end of 2019 (see Editorial, page four.)

FIPs (Fishery Improvement Projects) have been adopted by Bord Iascaigh Mhara (BIM) as key tools in achieving sustainability credentials for Irish fisheries in an ever more demanding marketplace. FIPs provide a platform for fishermen, seafood buyers and suppliers to develop a strategy to improve a specific fishery by considering better policies and management over a given time period.

Marine Stewardship Council (MSC) is currently the most highly regarded accolade for fishery sustainability but only certifies 10 per cent globally. The remaining 90 per cent, both fisheries and aquaculture, do not meet the inflexible criteria required for MSC though they may be healthy, sustainable stocks in their own right. The sort of obstacles such fisheries encounter could include: shared access, perhaps at international level; lack of effective Harvest Control Rules; new species or areas not formerly exploited; insufficient data collection systems or, in many cases, a combination of several of such factors. A FIP provides a structure for those who need to bring a fishery to a specification acceptable for MSC.

An influential and worthwhile FIP needs to be known and respected, if not globally, then certainly in target market areas. The FIP system favoured by BIM is that supported by Fishery Progress (www.fisheryprogress.org) which is a major player in this field with more than 50 per cent of global FIPs under its umbrella. Fishery Progress provides a complete A–Z package of how to set up a FIP from initial assessment to monitoring progress using its bespoke progress tracking database and tracking tools. The ready to download templates are user friendly and smooth the initial path where many attempts to set up FIPs fail. The organisation is overseen by an Advisory Committee made up from industry and environmental backgrounds which affords a reassuring balance to both fishing stakeholders and the conservation interest groups. The Advisory Committee is supported by a Reviewer and Technical Oversight group to ensure accuracy of data and reporting. Finally, and very importantly, the public face of Fishery Progress is called FishChoice (www.fishchoice.com) which, when and where required, provides a vital link between sustainable fisheries and markets.

The first FIP established by BIM was for brown crab in 2016. This species is non-quota which can create unplanned effort issues at peak demand times, for example, closure of the Biologically Sensitive Area (BSA) when the KwDays at Sea are exhausted; there are also seasonal issues regarding poor quality crab and the clawing of crab at sea or inappropriate locations ashore.

The committee members of the brown crab FIP are from the catching sector, processing, live exports, representatives of Producer Organisations, BIM and the Marine Institute. They have already initiated and supported actions to improve the future sustainability of brown crab in Irish waters.



Figure 1. Most Recent Irish Brown Crab FIP Status

The above image illustrates the current status of Irish brown crab as assessed by Fishery Progress. All FIPs can be viewed by logging on to the website and searching for the individual FIP.

Oireachtas Agrees Sea Fisheries Amendment Bill (Voisinage Arrangements)

Voisinage, the reciprocal arrangement between neighbouring countries facilitating shared usage of local resources, has been a controversial topic for Irish fisheries for a last two years. The regime in place since the fifties and written into the 1964 London Convention was agreed between the London and Dublin governments under the terms of the so-called London Fisheries Convention of 1964 and while the “gentleman’s agreement” provided some formal recognition of the shared reciprocal access to fishing waters, the fact remained there was no valid legal instrument, according to the Supreme Court judgement in Ireland, underpinning the arrangement.

The tacit understanding that the voisinage arrangement applied to small inshore fishing boats in both jurisdictions broke down with the development of the very successful mussel aquaculture sector from 2000 onwards in both Northern Ireland and the Republic.

The issues surrounding access to seed mussel led to friction and eventually recourse to legal actions. A Supreme Court judgement granted to a group of Irish mussel fishermen in 2016 found that Northern Ireland registered vessels had been unlawfully allowed to harvest mussel seed in Irish territorial waters as the original agreements were not legally adopted in Ireland by putting the arrangements through the Oireachtas. The implications of such a judgement were not confined to mussel dredgers; all Northern Ireland registered vessels, which by then were located in many ports around the coast and operating largely in shellfish and crustacean fisheries, could not lawfully fish in the Irish 0–6 nautical mile zone, but Republic of Ireland registered vessels could continue to access UK waters as before.

The situation was further complicated by the decision of the United Kingdom to leave the European Union following the Brexit referendum; as a consequence, the

then-UK Minister for the Environment, Michael Gove, gave notice of his intention to remove the UK from the London Fisheries Convention. This withdrawal requires a two-year time lag which would be completed on July 4, 2019 at which point the legal protection for Irish registered boats in the UK 0–6nm zone would cease to exist unless there is agreement otherwise. UK have indicated in writing that it was not the intention of the UK to renege on its arrangement regarding access to the 0–6nm zone by Republic of Ireland vessels in the event of leaving the London Convention.

In response to industry concerns, Minister for the Marine, Michael Creed TD, met representatives of the Producer Organisations, Processors and NIFF and assured them the proposed amendment would not give Northern Ireland vessels preferential treatment but would restore reciprocal opportunity for all fishermen on the island of Ireland and that the statements on assurances given in writing by the UK on arrangements 0–6 miles in the event of the UK leaving the London Convention would be put on the Dáil record. The amendment has now been passed by both Houses of the Oireachtas and is expected to signed into law by the President.

On March 11, 2016, the European Commission adopted a proposal to establish a new legislative framework for technical measures. Technical measures are rules that determine the conditions under which fishermen may fish, to limit unwanted catches and the impact of fishing on marine ecosystems. The proposal was intended to simplify the current system, to increase 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 CFP. Most in the fishing industry saw the original Commission's proposals as reasonable, balanced and sensible.

The Commission's proposal was principally structured around two types of measures:

- Common technical rules applying to all EU sea basins and of a permanent nature. They include provisions on prohibited gear and practices; protection of sensitive species and habitats; and restrictions on the use of towed gears and static nets including existing restrictions on the use of driftnets.
- Regional technical measures, applicable to a specific area, are set out in regional annexes. They define the minimum conservation reference sizes; the mesh sizes; the areas closed or restricted to fishing and mitigation measures for sensitive species. These are supplemented by general principles for regionalisation, allowing the Commission the power to establish regional measures, under multiannual plans and temporary discard plans, based on joint recommendations submitted by regional groups of Member States.

Following more than two and a half years of negotiation, on February 13, 2019, the Council and European Parliament reached a political agreement on a compromise text. While many of the main elements of the Commission's proposal were retained, according to EAPO and EUROPECHE, the compromise agreed has reintroduced a level of complexity and many prescriptive rules that had been removed in the Commission's proposal. This may create a degree of mistrust with the new rules amongst fishermen and create legal uncertainty that the original proposal had sought to remove. However, the fact that an agreement has been reached suggests that this compromise will now be adopted.

Specific elements of relevance to Irish fishermen are as follows:

- New mesh size rules will apply to demersal towed gear fisheries in the North Western Waters. A mesh size of 120mm will be the default in these fisheries. Derogations allowing the use of smaller mesh sizes are allowed in fisheries when catches of cod, haddock and saithe are below 20 per cent. This applies to directed fisheries targeting prawns, whiting and hake, megrim and monkfish where a mesh size of 80mm with a 120mm square mesh panel will apply. In beam trawl fisheries an 80mm codend will continue to be the baseline mesh size.
- These mesh sizes will apply in the absence of measures agreed at regional level. The changes to the technical measures will continue to

apply. Under this plan requirements to use selective gears were introduced into the Irish Sea from January 1, 2019 and for parts of the Celtic Sea from July 1.

- Mesh sizes for pelagic species and in gillnet fisheries remain as per the current Regulations. This includes restrictions on the use of gillnets below 200m.
- Detailed rules on the construction of fishing gears (e.g. twine thickness and codend circumference) will be defined in a series of Commission Regulations.
- Current Minimum Conservation Reference Sizes (previously known as minimum landing sizes) remain unchanged.
- Current closed areas to protect cod in the Celtic Sea and off Greencastle remain in place, as do the mackerel box off the south west coast of the UK, Rockall haddock box and the Porcupine Bank closure to protect prawns.
- Restrictions on the use of fishing gears in the West of Scotland area (ICES Area 6) have been largely removed, while many of the derogations in the Irish Sea cod box have also been removed.
- Obligation for Member States to introduce mitigation measures to avoid bycatch of seabirds, whales, dolphins and porpoises in all sea areas, when justified by scientific evidence.
- Introduction of quantitative indicators to determine the effectiveness of technical measures in reducing unwanted catches of juvenile fish, bycatch of marine mammals like whales, dolphins and porpoises, and marine seabirds, as well as indicators defining the impact on the marine habitat.
- Introduction of a reporting requirement every three years for Member States based on these quantitative indicators to monitor the effectiveness of technical measures in place. Introduction of a ban on the use of electric pulse fishing gear from July 1, 2021, ensuring a phasing-out period to allow the sector to adapt.

The provisional agreement will now have to be formally ratified by both the European Parliament and the Council before it comes into force. The Parliament will vote in plenary in April. If approved, it will be referred to the Council for final adoption. It will then enter into force following publication in the Official Journal of the European Union (see Editorial, page four.)

Auditing of food safety procedures and implementation of fishery regulations are a critical element of DG MARE function; every aspect of the catching and marketing of fish and fishery products comes under intense scrutiny at some time. The fishing industry in the north-west of Ireland, especially the port of Killybegs, has been the focus of such audits due to the high level of pelagic fishing and processing activity.

A draft report on the March 2018 audit (IE-D4-2018-01-A) carried out in Killybegs by the DG MARE Fisheries Control and Inspections is now available. The focus of this audit was to follow up on a previous audit and assess the systems in place to control the weighing of fish up to the first sale for pelagic fish and catches of tuna, in particular bluefin tuna.

The audit found that the dual role of SFPA officers as both seafood health and fisheries control had some negative implications but the benefits of having an overview of the entire chain from catching to processing and first sale contributed to an integrated control system. The auditors were satisfied that, overall, all pelagic vessels landing in Killybegs are inspected at least in part but there were a number of areas which did not comply with requirements. Individual vessel inspections are carried out on a risk assessment basis but the factors for determining such risk assessments are not recorded electronically nor are they readily available or shared within the SFPA. The existing systems are both ineffective and create additional administrative burdens on an already over-stretched staff.

The audit team found the enforcement and sanctioning system in Ireland is inadequate, with the apparent lack of follow up of suspected infringements. Due to all infringements falling into the purely criminal sanction system as available in Ireland, some transgressions are not considered to merit prosecution due to the excessive cost and length of procedures. An administrative sanction structure would be more appropriate and productive in such cases.

A Control Plan to facilitate weighing bulk landings of pelagic fish is available in Ireland and carried out at the eight processing plants in Killybegs. These operations are controlled by permits and supervised by SFPA under a range of measures including verification of the processing plant weighing systems and vessel storage capacity. There is an implication that the weighing on landing option could be enforced if inspectors had any doubts of the accuracy of the alternative systems. The audit team also voiced concerns regarding landings of mixed fish with no records of by-catches. This issue was highlighted previously, particularly with regards to landings to the fish-meal plant; this may be dealt with by a sample weighing plan in future.

The draft audit report drew attention to its concern regarding bluefin tuna. Firstly, there is a growing recreational industry on the Irish west coast which advertises angling trips targeting bluefin tuna. Some of this tuna is being landed and sold which is illegal for a number of reasons; bluefin tuna must be returned to sea alive when caught by angling and the recreational fishing sector cannot sell their catches.

The commercial sector has a five per cent by-catch limit for bluefin tuna. SFPA has already identified some cases in the albacore fishery where this limit has been exceeded in recent years. There are also complaints regarding breaches of reporting, particularly in Spain, where the SFPA is liaising with the authorities.

The audit has highlighted some weaknesses in the Irish control system. Communication between the Commission and the Irish authorities is ongoing to identify the most appropriate corrective measures to ensure that issues identified will be efficiently resolved (see Editorial, page four.)

Editorial



by Sean O'Donoghue

CHIEF EXECUTIVE, KFO



There is no doubt that the never-ending Brexit saga (see article page two) is the most challenging threat our fishing industry has ever faced. The March 29 deadline has been and gone, but we are no closer to certainty than we were almost three years ago. This is all the more disheartening when viewed against the huge effort the Irish Government authorities and industry associations have made to keep fishing high on the negotiating agenda. An orderly Brexit is imperative, otherwise we face chaos and conflict on the high seas in the very near future, not to mention the major conflict issues around exports and landings. We cannot countenance this happening and in the event of a "No Deal Brexit," we must at a minimum, maintain the existing access and quota sharing arrangements until the end of 2019 as covered in the recent Commission's proposal. The proposal by the EU Commission to amend the

EMFF and make funding available to those fishing industry operators affected by a No Deal Brexit is of little use as no additional funding is provided. A separate substantial emergency fund with the suspension of state aid rules is required in the event of a No Deal Brexit.

While we have made good progress to safeguard our members' livelihoods in a post-Brexit trade deal scenario, it is crucial that we not take our eye off the ball and continue to press Britain to maintain the current levels of reciprocal access to waters and markets, as well as sound science-based fisheries management. Our industry is in a very dangerous situation and we must strive might-and-main to avoid a No Deal Brexit as the outcome could only be negative.

On a more positive note, we welcome the report from ICES (see article front page) regarding the mackerel stock and the sustainability of the fishery. KFO was convinced the original scientific advice of a 68 per cent reduction issued last year by ICES was flawed and that opinion is now vindicated. The recent findings indicated a far larger stock size – 4.16 million tonnes as opposed to 2.35 million tonnes. ICES had previously stated the fishery was declining since 2011 which was completely at odds with the opinion of those on the ground. The new report shows a mackerel stock increasing in size until 2015 and still at a very high level across the reference points. The next crucial step is that ICES issues revised 2019 mackerel advice as a matter of urgency in light of this major upwards revision in the data.

The proposal regarding a new technical measures regulation is finally close to completion (see article page three) but the agreed compromise is, in my view, not satisfactory and has introduced an unnecessary layer of complexity that did not exist in the original Commission's proposal and will cause problems for fishermen on the fishing grounds. More importantly there is legal contradiction between the landing obligation in the CFP and catch composition rules in the new technical measures. It is not possible to comply with both. As part of EAPO we have called for a "time out" by the EP before the final vote in Plenary to consider this legal contradiction but this seems to fall on "deaf ears".

We now have a draft report on the Control Audit carried out in Killybegs last year. I consider there to be a robust pelagic weighing system in Killybegs and I do not accept the findings recorded in the report. Furthermore, unlike the Common Fisheries Policy, there is not a common justice policy so the European Commission is not in a position to dictate such a policy.

There are many critical issues facing the fishing industry at the moment but until Brexit has been concluded with a satisfactory outcome that maintains the current level of access to waters and resources in the context of the wider trade and economic relationship between the EU and the UK, it remains the focus of everyone's efforts and many other serious concerns will remain unresolved.

Important Dates April - June 2019

DATE	MEETINGS	VENUE
2 April	MSC CAB (Conformity Assessment Body) Meeting	London
4 April	SFPA Consultative Committee Meeting Whitefish & Quota Balancing meeting	Clonakilty
9 April	Marine Spatial Planning meeting	Dublin
10 April	SFPA Breakfast meeting SFPA/KFO meeting at KFO	Donegal Killybegs
15 - 16 April	Fisheries Council	Luxembourg
17 April	MS NWW High Level Group on Discards	Paris
24 April	Whitefish Monthly Quota Management Meeting	Dublin/Clonakilty
25 - 26 April	Pelagic Advisory Council (WG I, II and ExCom)	The Hague
07 - 09 May	Mackerel Workshop	Bremerhaven
14 May	Fisheries Council	Brussels
16-17 May	Markets Advisory Council (MAC)	Brussels
20-21 May	Coastal States Mackerel Meeting	London
21 - 23 May	Long Distance Advisory Council (LDAC)	Sopot, Poland
27 May	EAPO ExCom	Amsterdam
29 May	Industry/Science Partnership	Marine Institute
30 May	EMFF Operational Programme Monitoring Committee	Clonakilty
07 - 9 June	BIM National Seafood Conference & SEAFEST	Cork
09 - 10 June	Harvesting Our Ocean Wealth Conference & SEAFEST	Cork
10 - 14 June	ICES Adice Drafting Group Celtic Sea Stocks (ADGCS)	Copenhagen
14 June	KFO AGM	Killybegs
18 June	Fisheries Council	Luxembourg
20 June	Pelagic Advisory Council, FG Western Horse Mackerel	Amsterdam
26 - 27 June	EAPO AGM	Skagen

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