



Killybegs Fishermen's  
ORGANISATION LTD.

03<sup>rd</sup> October 2022

## **Killybegs Fishermen's Organisation (KFO) Submission Regarding Sustainability Impact Assessment of Commission's Proposals for Fishing Opportunities in 2023 and ICES Advice 2023**

The "COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL towards more sustainable fishing in the EU: state of play and orientations for 2023", the accompanying Commission Staff Working Document and the ICES Advice document have been made available to enable interested parties submit their Sustainability Impact Assessment (SIA) regarding the 2023 Fishing Opportunities. However, as yet, the EU Commission has not produced proposals for the 2023 TACs and Quotas so, in their absence, KFO is making its submission to the Department of Agriculture, Food and the Marine for the attention of the Minister for Agriculture, Food and Marine based on the ICES scientific advice for those stocks of interest to Ireland and made available over past months. ICES has yet to provide advice for a number of keys stocks of interest to Ireland, including angler fish in 6a and the nephrops stocks.

Previously this SIA would have been submitted closer to the finalisation of the international negotiations but has been brought forward by approximately two months to facilitate the increased complexity created by Brexit and the resultant Trade and Cooperation Agreement (TCA). Going forward, Fishing Opportunities will be made against a completely different backdrop due to this new environment. The Ireland-UK shared stocks which have historically been negotiated within the EU will be subject to EU-UK negotiations. Other stocks of very important value to Ireland, mackerel, blue whiting and Atlanto-Scandian herring, fall into the coastal states category. Hopefully, the completion of the SIA in advance of these negotiations will inform the Minister regarding the needs of industry in advance of final negotiations in December and result in final and definitive agreements before January 1<sup>st</sup> 2023.

The Communication reports on the progress made towards sustainable fishing in the EU and the good progress made in the achievement of  $F_{msy}$  with results indicating a reduction in the average fishing mortality ratio and an increase in biomass in stocks in the Northeast Atlantic over the period 2003 – 2020. These positive results can be attributed to a total of fifty-two species. *'In 2020, overall fishing pressure in EU waters continued to decrease, and the status of stocks to improve. It is particularly welcome to see that, thanks to the efforts made by the*

*sector, in 2020 the overall fishing mortality ratio fell below 1 in the North East Atlantic for the first time.'*

The Communication reviews the balance between fishing capacity, which is decreasing, and fishing opportunities, the sector's socioeconomic performance and the landing obligation implementation. The Commission will base its 2023 Fishing Opportunities on the ICES and STECF scientific Advice, on the decisions taken during bilateral negotiations with third countries, on the decisions taken by RFMOs in 2022 and on a socio-economic analysis.

The bilateral consultations with the UK have become a key step towards setting Fishing Opportunities for the 75 shared fish stocks, whose majority are of interest to Ireland. It is of vital importance that stakeholder participation in future management and governance structures be established for partnership working with the UK. In particular, the KFO acknowledges that, in line with the EU-UK Trade and Cooperation Agreement, the Specialised Committee on Fisheries (SCF) addresses issues including quota swaps, non-quota species and technical measures. We urge the Minister and the Commission to plan to ensure that stakeholder engagement and advice is central to all future management and governance structures being developed as the new relationship between the EU and UK continues to evolve.

## **General Issues**

### **1. CFP Objectives**

The Commission's proposals focus on the biological objectives of Article 2.2 of the CFP which states:

**Article 2.2:** *"The CFP shall apply the precautionary approach to fisheries management and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.*

*In order to reach the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield, the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks."*

The proposals disregard those other objectives of the CFP dealing with economic, social and employment benefits, and contributing to the availability of food supplies as stated in Article 2.1 of the CFP. The Commission has an obligation to promote all the CFP objectives and not rely on the Council of Fisheries Ministers to address these equally crucial issues but continues to ignore this in its proposals.

**Article 2.1:** *“The CFP shall ensure that fishing and aquaculture activities are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies.”*

## **2. Commission’s Approach for setting fishing opportunities 2023**

The Commission’s usual approach for setting fishing opportunities has had some disruption in recent years. The 2022 process was setback by the delays and difficulties presented with the implementation of the TCA and Covid which had major impacts on normal negotiations and face-to-face meetings.

Fishing opportunities for 2023 have been disrupted by the invasion of Ukraine by Russia with resultant unsustainable fuel prices, supply chain difficulties and low consumer confidence.

As usual, the Commission has produced an annual communication; *Towards more sustainable fishing in the EU: state of play and orientations for 2023* (COM (2022) 253). The annual Communication provides an overview of the state of the stocks based on scientific advice and explains the procedure for establishing fishing opportunities. The International Council for the Exploration of the Sea (ICES) provided its annual advice on a number of fish stocks covered by this proposal and where data was deemed to be insufficient advice is precautionary.

## **3. Progress in achieving $F_{MSY}$ and biomass trends**

The Commission’s Communication to the European Parliament and the Council *“Towards more sustainable fishing in the EU: state of play and orientations for 2023”* in June of this year clearly indicates managed stocks are in a healthy state. (see extract below)

*“In 2020, overall fishing pressure in EU waters continued to decrease, and the status of stocks to improve. It is particularly welcome to see that, thanks to the efforts made by the sector, in 2020 the overall fishing mortality ratio fell below 1 in the North East Atlantic for the first time.”*

It is critical that Coastal States, e.g Norway, Faroes, Iceland, Greenland and Russia, do not unilaterally increase their quotas as they have done in 2021 and 2022. (see below under Mackerel).

## **4. The Landing Obligation**

The KFO supports increased focus on the development of improved selective fishing gear and the use of gear technology, which KFO has been proactively supporting, and use of quota exchange mechanisms and points out that catch data collection and reporting remain key elements of meeting the MSY objectives which underpin the Landing Obligation. The KFO considers the focus must be on avoidance, minimisation and selectivity rather than landing dead fish.

The most critical aspect of the Landing Obligation is the threat of bringing the fishing of healthy sustainable stocks to a halt in advance of their quota being used by the unavoidable catch of species with zero TAC. The KFO fully supports the same approach from 2022 regarding by-catch provisions for zero stocks and adopting the same methodology as agreed for 2022 for such stocks in 2023. The strategy of low-level TACs for by-catches only, thus allowing depleted stocks to be re-built, has been critically important in keeping an array of sustainable fisheries viable and must be maintained.

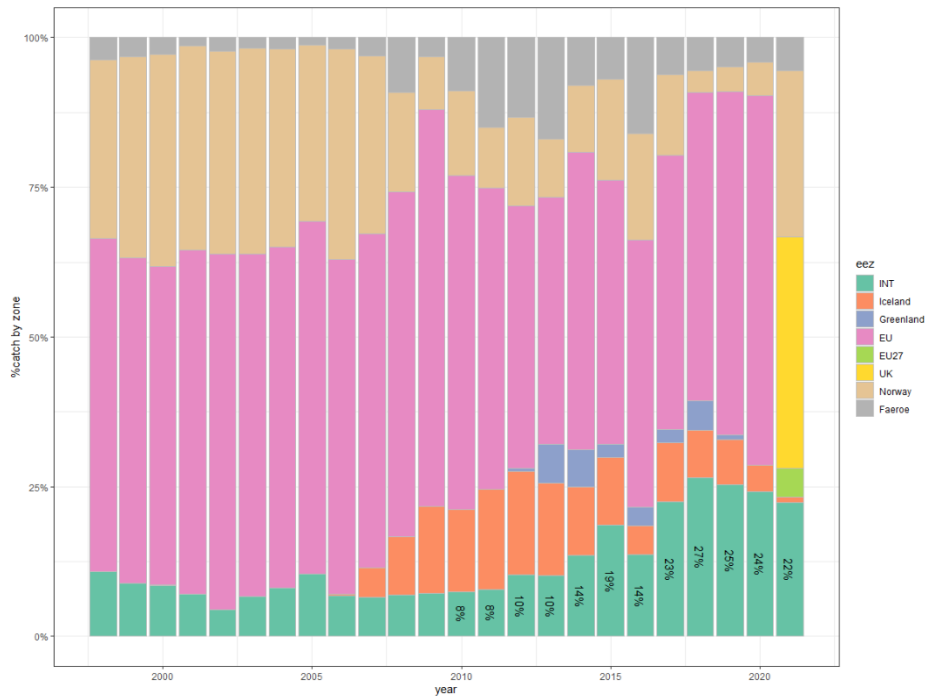
## 5. Quality Assurance of ICES Advice

The KFO appreciates the positive initiative taken by ICES in developing an Advisory Plan with a Priority list which begins with “**Assuring quality** - *Assure that quality encompasses the entire process from data collection to the publication of objective and independent advice.*” (Advisory Plan, ICES, 2019) and the effort ICES has made in addressing quality assurance in stock assessments. Nevertheless, the KFO continues to witness a lack of consistency in the advice for several stocks as outlined in the paragraphs below and highlights the critical need for quality assurance across all assessments in accordance with the ICES advisory plan and the quality assurance framework (QAF). The implementation of the Transparent Assessment Framework (the TAF System) across all assessed stocks should be a priority and the KFO is of firm view that the headline of the advice, in each ICES stock assessment advice sheet, should indicate whether or not stock in question has gone through the TAF system or not.

## 6. Stock Issues – ICES Advice for 2023 TACs

### 1. Pelagic Stocks

- a. **Mackerel (mac.27.nea):** ICES advises that catches in 2023 should be no more than 782,066t. Norway and the Faroe Islands decided again this year to unilaterally increase their mackerel quotas. The result of this will be that the ICES 2022 TAC will be overshoot by 42%. In light of this, the KFO requests immediate action by the Minister and the Commission to insist Norway and the Faroe Islands stop the massive overfishing of mackerel in the Northeast Atlantic, which is jeopardizing the sustainable management of the stock. It is critical that the COM act decisively against this irresponsible and reckless behaviour. Therefore there is an urgent need to adopt a sharing arrangement amongst the coastal states. The graph below shows catches in international waters is high and increasing. KFO is of a firm view that the management of fishing in international waters should be limited to a maximum of 10% of overall catches.



- b. **Northwest Herring (her.27.6aS7bc).** Following a comprehensive industry-science partnership project the assessment for herring in Divisions 6.a, 7.b-c was benchmarked in 2022 and for the first time since 2014 the two herring stocks (her.27.6aS7bc and her.27.6aN) are again assessed separately. Genetic stock identification has enabled the splitting of primary survey index (Malin Shelf Herring Acoustic Survey), which has shown that the existing geographic delineation of the stocks was inappropriate and the assumption that the 6.a.S, 7.b-c was the smaller stock was incorrect. ICES advises that catches for Northwest Herring (her.27.6aS7bc) in 2023 should be no more than 1,892t. This is based on a category 3 assessment as the recent restrictive monitoring TACs and short time series caused issues with the development of a category 1 assessment during the benchmark. However, the SSB is estimated to be in the region of at least 190,000t and developing a category 1 assessment should be a priority.
- c. **6aN Herring (her.27.6aN):** Following a comprehensive industry-science partnership project the assessment for herring in Divisions 6.a, 7.b-c was benchmarked in 2022 and for the first time since 2014 the two herring stocks (her.27.6aS7bc and her.27.6aN) are again assessed separately. ICES advises that catches of 6aN Herring in 2023 should be no more than 1,212t. This is based on a category 3 assessment and the most recent biomass index indicates an estimated SSB of 43,886t. It should be noted that the assessment is based only on the autumn spawning 6.a.N herring and there is no assessment of the spring spawning 6.a.N herring. There is evidence that autumn-spawning herring in 6.a North are genetically the same population as the North Sea

autumn-spawning stock. Therefore the appropriateness of assessing this as a separate stock is doubtful.

- d. **Celtic Sea Herring (her.27.irls):** ICES advises that there should be zero catches in 2023. There are recognised but unquantified levels of migration of Celtic Sea herring into the Irish Sea where they may be caught as part of the Irish Sea herring fishery and also surveyed as part of that stock. Therefore this stock is potentially incurring a high F despite there being only a monitoring fishery in the Celtic Sea. Genetic research is underway to confirm this issue and once results are available the management of this stock and the her.27.nirs should be reconsidered.
- e. **Irish Sea Herring (her.27.nirs):** ICES advises that catches in 2023 should be no more than 7,309t. The assessment of this stock is very uncertain and the 14% reduction is in contrast to the 15% increase advised in 2022. It is also recognised that both the catches and acoustic survey indices contain an unknown amount of herring from other stocks i.e. the Celtic Sea herring. Genetic research is underway to resolve this issue and the stock should be benchmarked when the results are available.
- f. **Boarfish (boc.27.6-8):** ICES advises that catches should be no more than 22,791t in both 2022 and 2023. The stock is estimated to have been increasing since 2016 with increased recruitment seen in the acoustic and IBTS surveys in recent years. This stock needs to be moved from ICES Category 3 to Category 1 as soon as possible. An ICES benchmark is planned for quarter 1 2023, with data collation meetings starting in October/November 2022. As there was no new assessment this year and given the increasing stock size the KFO consider that the TAC for 2023 should be increased by 20% in line a category three assessment increase.
- g. **Western Horse Mackerel (hom.27.2a4a5b6a7a-ce-k8):** ICES advises that there should be zero catch in 2023. Though F has been decreasing in recent years it is just above  $F_{MSY}$ . In recent years each new assessment results in a consistent downward revision in previous estimates of absolute level of SSB and an upward revision of previous estimates in F. There is an urgent need to benchmark the assessment and central to this is the question of stock identification. As illustrated with the Northwest herring, inaccurate delineation of stocks for stock assessment can confound the development of reliable estimates of stock abundance. There are known issues of mixing with the North Sea horse mackerel stock between divisions 7.e and 7.d. There is also a known issue with the delineation of the stocks in division 4.a, where they are considered part of the North Sea stock in Q1 and 2 and part of the Western stock in quarters 3 and 4. There is no scientific basis for this delineation. The southern border of the Western stock is also likely to extend into the Southern

stock area. Industry funded genetic research is ongoing to resolve this. The three horse mackerel stocks should be benchmarked together.

- h. **Blue whiting (whb.27.1-91214):** ICES advises that the catches in 2023 should be no more than 1,359,629t, which is an 81% increase on the 2022 advice. The KFO is encouraged to see that the recent signs of strong recruitment in the stock are now being reflected in the upward SSB trend and subsequent advice. It is imperative that this positive trend is not compromised by unsustainable fishing by non-EU nations. The relative proximity of Ireland to the main fishing grounds makes landings into Ireland attractive for foreign vessels.

## 2. Demersal Stocks Area 6

- a. **Whiting in 6a (whg.27.6a):** The ICES advice for 2023 is 4,155t. The whiting in 6.a benchmark in 2021 has significantly changed the perception of the stock. KFO welcomes the move from category 5 to category 1. It is good news that the experience of fishers on the ground is reflected in the science.
- b. **Cod in 6a (cod.27.6a):** ICES issued zero catch advice for cod in division 6a. The management measures taken so far around this stock need to be questioned and evaluated, as they have not resulted in a recovery of the stock. A strong focus needs to be placed on rebuilding this stock, which takes into account the potential consequences of other aspects like climate change and predation. The 2020 benchmark for 6.a cod identified significant stock identification issues concerning this and adjacent cod stocks. In response to this the ICES Workshop on Stock Identification of West of Scotland Sea Cod (WK6aCodID) was convened in 2021 to review existing data. The workshop concluded that there were multiple subpopulations of cod in division 6.a and recommended to combine the North Sea and West of Scotland cod assessments in a future benchmark. The also noted that future work applying full genome sequencing with full site and temporal replicates would provide in-depth information regarding subpopulations at finer geographical scales and the stability of these structures across time. This is particularly relevant to cod in the Irish waters of Division 6.a as they received relatively little attention during the workshop. It is imperative that the Commission's approach of setting low-level TACs for by-catches only is maintained as part of the 2023 TACs and Quota to avoid the premature closure of a vast array sustainable fisheries.
- c. **Haddock in 6a (had.27.46a20):** ICES advice for Haddock in 4,6a,20 is 137,058t, which is a 6.5% increase on the advice for 2022. Haddock in division 6.a is assessed as one single stock with the North Sea and Skagerrak (4, 20), with 10% of the TAC being allocated to division 6a. Note that the three areas are considered separately in terms of management. Last year ICES advice

increased by 86% increase which if implemented would have resulted in a 154% increase in TAC. However the TAC was only increased by 5%. The full scientific advice was not followed due to the North Sea tri-lateral negotiations between the EU, the UK and Norway agreeing a lesser increase for the North Sea which had a knock-on effect of also a lesser increase in 6.a. KFO is requesting that this is not repeated for 2023 and 6.a is treated differently to the North Sea if the decision in the tri-lateral negotiations is to again revert to a lower increase than advised.

- d. **Anglerfish in 6a (anf.27.3a46):** The KFO is concerned that the Anglerfish in Area 6 is still a Category 3 ICES assessment which in KFO's view is leading to decreases in the stock. It is imperative that this is moved to Category 1 ICES assessment similar to Anglerfish in Area 7. There are significant issues with species and stock identification with these stocks, which should be the focus of extensive genetic stock identification research following whole genome sequencing approaches.

### 3. Demersal Stocks Celtic Sea

- a. **Northern Hake (hke.27.3a46-8abd):** The ICES Advice for 2023 is 83,130t, which is an 11% increase on 2022. This in contrast to the 24% reduction in the advice that was seen in 2022. This stock was benchmarked in 2022 and the new assessment estimates a 70% larger stock size over time. The SSB estimates made prior to 2022 included males and females while estimates in this assessment are female only.
- b. **Cod, Celtic Sea (cod.27.7e-k):** The ICES advice is for zero catch. It is imperative that the Commission's approach of setting low-level TACs for by-catches only is maintained as part of the 2023 TACs and Quota to avoid the premature closure of a vast array sustainable fisheries.
- c. **Anglerfish, Celtic Sea (ank.27.78abd and mon.27.78abd):** Anglerfish in area 7 are assessed as separate species with separate advice for each but are managed under a single TAC (ANF/07). The combined ICES advice is showing a 10% increase which is welcome. This is largely due to the 28% increase in advice for the Black-bellied anglerfish. It should be noted the anglerfish in Area 7 is Category 1 unlike anglerfish in Area 6
- d. **Whiting, Celtic Sea (whg.27.7b-ce-k):** The ICES advice for 2023 is 1,715t, which is a 61% reduction in the 2022 advice. There is an urgent need to improve the biological data available for this and other whiting stock assessments by undertaking stock identification research to understand the connectivity between the stocks.
- e. **Plaice, Celtic Sea 7fg (ple.27.7fg):** ICES advises that catches should be no more than 402 tonnes in each of the years 2023 and 2024. This is a 77% reduction on the 2022 advice. It should be noted that the method for



providing advice has changed in 2022 following new ICES guidelines, and advice is now based on a new data limited rule.

#### 4. Demersal Stocks Irish Sea

ICES has issued reports on the ecosystem-based management approach for stocks in the Irish Sea. The KFO is convinced that such an approach should be adopted for the stocks in the Irish Sea which would resolve the significant difficulties we have when addressing mixed fisheries assessment and management.

- a. **Whiting, Irish Sea (whg.27.7a):** The ICES advice is for zero catch in 2022 and 2023. It is imperative that the Commission's approach of setting low-level TACs for by-catches only is maintained as part of the 2023 TACs and Quota to avoid the premature closure of a vast array sustainable fisheries.
- b. **Cod, Irish Sea (cod.27.7a):** The ICES advice is for zero catch in 2023. The assessment was benchmarked in 2022 and changed from category 3 to category 1. There remains known yet unresolved issues of stock identification and mixing with cod in 6.a and cod in the Celtic Sea. KFO is concerned regarding the zero advice which could have major implications for the mixed fisheries early closure. The eco-system approach to fishery management should be used to address this issue.
- c. **Haddock, Irish Sea (had.27.7a):** The ICES advice is for a 13% reduction in catch to 2,648t in 2023. The KFO is concerned regarding the reduction as the fishing pressure is declining and has been below  $F_{MSY}$  since 2012. ICES estimated catches have been below advice since 2017 when the abundance was at the highest in the time series. These are all positive indications for the status of the stock and as such the effect of the relatively low catch on the assessment model output should be considered.

In conclusion: -

The TCA will have a major effect on TACs and quotas going forward and it is essential that Irish stakeholders and their representatives have input to EU/UK negotiations.

The KFO has been at the forefront of requesting the development of the ICES quality assurance framework. In this regard the full implementation of the ICES 2019 Advisory Plan on quality assurance which encompasses the entire process from data collection to the publication of objective and independent advice is essential. Part of the quality assurance process is the implementation of the ICES Transparent Assessment Framework (TAF) for all

assessed stocks. All future advice issued by ICES should state clearly in the first line of the advice whether the advice has gone through the TAF process.

As shown with the recent genetic stock identification research on the herring in divisions 6.a, 7.b-c, the ICES Workshop on Stock Identification of West of Scotland Sea Cod and ongoing genetic work on Irish Sea and Celtic Sea herring and also anglerfish there are issues with the current delineation of a many of the stocks assessed by ICES. Most stock delineations are based on political or geographical features that align with ICES divisions and which simplify data collection. However, in the many instances these artificial divisions do not align with biological populations and hence make accurate assessment impossible. These situations can be identified and where appropriate rectified through the application of modern genetic techniques, i.e. whole genome sequencing based stock identification. The need for the roll out of these methods should be highlighted at national and EU level and should be prioritised as without accurate input data to the assessments it is not possible to determine sustainable exploitation rates.

All possible routes must be explored to ensure the reckless and irresponsible actions of Norway and the Faroe Islands in setting unjustified huge mackerel autonomous quotas are stopped.