



Killybegs Fishermen's
ORGANISATION LTD.

02nd October 2023

Killybegs Fishermen's Organisation (KFO) Submission Regarding Sustainability Impact Assessment of Commission's Proposals for Fishing Opportunities in 2024 and ICES Advice 2024

The "COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Sustainable fishing in the EU: state of play and orientations for 2024", the accompanying Commission Staff Working Document and the Marine Institute summary of the ICES Advice document have been made available to enable interested parties submit their Sustainability Impact Assessment (SIA) regarding the 2024 Fishing Opportunities. However, as yet, the EU Commission has not produced proposals for the 2024 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 the past months. ICES has yet to provide advice for a number of key stocks of interest to Ireland, including 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). Fishing Opportunities are now made against a completely different backdrop due to this new environment. The Ireland-UK shared stocks which have historically been negotiated within the EU are 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 in both the EU/UK bilateral and Fisheries Council and result in final and definitive agreements before January 1st 2024.

The report notes that sustainable fishing means catching no more fish than stocks can reproduce each year. A stock is fished sustainably at MSY when the ratio between actual fishing mortality (F) and fishing mortality at MSY (F_{MSY}) is below or equal to 1.

The report states: "Thanks to the investments made by fishers and national administrations and the commitment from the European Parliament, Council and Commission to manage

fisheries responsibly, fishing has become more sustainable and far fewer stocks are now overfished in the EU. In 2003, most stocks of interest to the EU were heavily overfished and the median fishing mortality in the Northeast Atlantic was 1.68 F_{MSY} . The rate has since fallen, reaching the lowest value in 2021 at 0.76”

This is good news that the stocks in the Northeast Atlantic are now fished sustainably.

The Communication reviews the balance between fishing capacity, which is decreasing, and fishing opportunities, the sector’s socioeconomic performance and the landing obligation implementation. It notes that energy is one of the major cost items in the EU fishing fleet. The peak in fuel prices had a high impact on the socio-economic performance of the EU fishing fleet in 2022. This impact follows the earlier interruption due to the COVID-19 outbreak in 2020 on positive economic performance trends; and the market disruption caused by Russia’s military aggression against Ukraine. It is estimated that for the entire EU fishing fleet, a 10 eurocent increase in the price of fuel reduces annual gross profit by €185 million (or 16% of 2020 annual gross profit). In several fleet segments using fuel-intensive gear, energy costs may represent up to half of the total value of landings. As a result, the EU fishing fleet made an overall loss for the first time since 2008.

The Commission will base its 2024 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 2023 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 the management and governance 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 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 have and continue to 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 have to date disregarded 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 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 2024

The Commission will base its 2024 proposals for fishing opportunities on the scientific advice issued by the ICES and STECF, including ecosystem considerations, on the decisions taken during international negotiations with third countries, on decisions taken by the RFMOs in 2023 and on a socio-economic analysis. As usual, the Commission has produced an annual communication; *Towards more sustainable fishing in the EU: state of play and orientations for 2024* (COM (2023) 303). 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 *“Sustainable fishing in the EU: state of play and orientations for 2024”* in June of this year clearly indicates managed stocks are in a healthy state.

“Thanks to the investments made by fishers and national administrations and the commitment from the European Parliament, Council and Commission to manage fisheries responsibly, fishing has become more sustainable and far fewer stocks are now overfished in the EU.”

It is critical that the Coastal States, e.g Norway, Faroes, Iceland, Greenland and Russia, do not yet again unilaterally increase their quotas as they have done in 2021, 20022 and 2023. (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 2023 regarding by-catch provisions for zero stocks and adopting the same methodology as agreed for 2023 for such stocks in 2024. 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 a quality assurance across the entire process and the Transparent Assessment Framework (TAF) 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 entire quality assurance process and the TAF system or not.

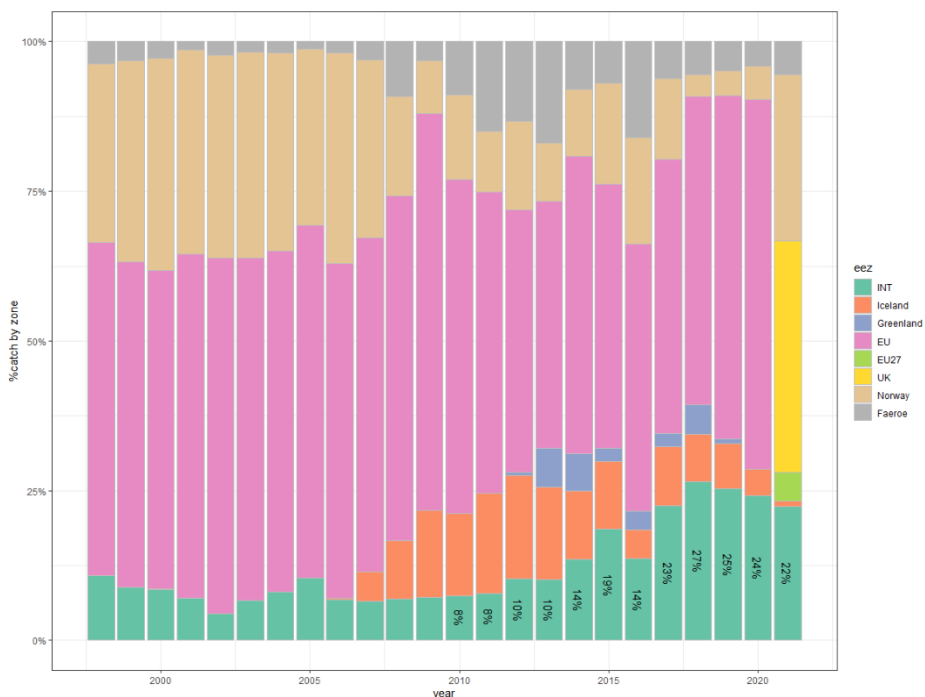
6. Stock Issues – ICES Advice for 2024 TACs

1. Pelagic Stocks

- a. **Mackerel (mac.27.nea):** ICES advises that catches in 2024 should be no more than 739,386t. Norway and the Faroe Islands decided again this year to unilaterally increase their mackerel quotas by c. 55% compared to levels

commensurate with the most recent Coastal States mackerel sharing arrangement. The result of this will be that the advised ICES 2023 TAC will be overshoot by 47%. Had the ICES advice been followed for the past number of years then there would be a 10-20% increase in the 2024 advice rather than a 5% decrease. In light of this, the KFO repeats its request for 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. There is an urgent need to adopt a sharing arrangement amongst the coastal states.

The graph below, which the KFO also presented last year, shows that the catches in international waters are high and increasing. In order to attempt to catch and justify their unwarranted unilateral quota, the Faroe Islands has been fishing mackerel on the summer feeding grounds in the international zone, when the fish are in poor condition after the spawning migration. Up to 2/3 of the total Faroese (but also Icelandic) mackerel catches are estimated to have been turned into fishmeal and -oil. This was further facilitated by Norway, where much of this fish was landed with permission of the Faroese government between 26 July and 31 August. This is a wasteful practice that will have a long-lasting and damaging effect on the mackerel stock. 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).** ICES advises that catches for Northwest Herring (her.27.6aS7bc) in 2024 should be no more than 2,270t. This is a 20% increase on the 2023 advice and 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 147,000t and developing a category 1 assessment should be a priority. The KFO requests that the Minister calls on the Marine Institute to prioritise this task and focus significant efforts on this before the next ICES Herring Assessment Working Group in March 2024.
- c. **6aN Herring (her.27.6aN):** ICES advises that catches of 6aN Herring in 2024 should be no more than 1,454t. This is based on a category 3 assessment and the most recent biomass index indicates an estimated SSB of 33,283t. It should be noted that the assessment is based only on the autumn spawning 6aN herring and there is no assessment of the spring spawning 6aN herring. There is also significant evidence that autumn-spawning herring in 6a 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 and this should be revised in a future benchmark of the North Sea herring stock.
- d. **Celtic Sea Herring (her.27.irls):** ICES advises that there should be zero catches in 2024. It is known that Celtic Sea herring and adjacent populations migrate to the Irish Sea and mix with the Irish Sea stock. Therefore this stock is potentially incurring a high F despite there being only a monitoring fishery in the Celtic Sea. Recent genetic analyses of the 2021 and 2022 Irish Sea Acoustic Survey samples indicated mixing of populations primarily in the area to the west of the Isle of Man. This included immature and mature individuals. The management of this stock and the Irish Sea stock (her.27.nirs) should be reconsidered and the Marine Institute should allocate resources to the genetic stock identification work on these stocks.
- e. **Irish Sea Herring (her.27.nirs):** ICES advises that catches in 2024 should be no more than 7,279t. The assessment of this stock is very uncertain and the assessment likely overestimates the Irish Sea stock due to the presence of herring from other stocks in survey and commercial catch data. It has been proven that both the catches and acoustic survey indices contain an unknown amount of herring from other stocks i.e. the Celtic Sea herring. The stock assessment should be benchmarked to resolve these issues.
- f. **Boarfish (boc.27.6-8):** ICES advises that catches should be no more than 27,349t in both 2024 and 2025. The stock is estimated to have been increasing since 2016 with increased recruitment seen in the acoustic and IBTS surveys in recent years. The stock is now estimated to be at its highest biomass level since

2012. This stock needs to be moved from ICES Category 3 to Category 1 as soon as possible. The stock was considered by the ICES SPiCT benchmark (WKBMSYSPICT2) in 2023, though an accepted SPiCT assessment could not be achieved. There is a proposal to include this stock in the horse mackerel benchmark in Q1 2024 and the KFO is requesting that this request is made a priority by the Minister. If an acceptable category 1 assessment is not achieved then a request should be made to move the category 3 advice from biennial to annual advice for this stock as biennial advice is not appropriate given the large increases in biomass each year.

- g. **Western Horse Mackerel (hom.27.2a4a5b6a7a-ce-k8):** ICES advises that there should be zero catch in 2024. There is an urgent need to benchmark the assessment and it has been proposed that this will take place in conjunction with the North Sea and Southern horse mackerel in Q1 2024. Central to the benchmark is the question of stock identification and the genetic evidence that the current delineation of the three stocks is inappropriate. There are proven issues of mixing with the North Sea horse mackerel stock between divisions 7.e and 7.d. There is also a proven issue with the delineation of the stocks in division 4.a, where they are considered part of the North Sea stock in quarters 1 and 2 and part of the Western stock in quarters 3 and 4. There is no scientific basis for this delineation and there is new genetic evidence that indicates all the fish in division 4.a are western horse mackerel, regardless of quarter. The southern border of the Western stock also likely extends into the Southern stock area. These issues need to be addressed during the benchmark and a longer plan developed to realign the stock areas with the underlying populations. The KFO is requesting that the Minister call on the Marine Institute to prioritise this.
- h. **Blue whiting (whb.27.1-91214):** ICES advises that the catches in 2024 should be no more than 1,529,754t, which is a 12.5% increase on the 2023 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. However the KFO again stresses that it is imperative that this positive trend is not compromised by unsustainable fishing by non-EU nations.
- i. **Atlanto-Scando Herring (her.27.1-24a514a):** ICES advises that the catches in 2024 should be no more than 390,010t, which is a 24% decrease on the 2023 advice. This significant decrease is due to a lack of recruitment in the stock since 2016 and large-scale overfishing by non-EU nations. There has been no sharing agreement by the Coastal states for the past ten years and as such the total catch has exceeded the advice in these years.
- j. **Sprat (spr.27.67a-cf-k):** ICES advises that the catch should be no more than 2,240t in each of years 2024 and 2025. There is no assessment for this stock largely due to the fact that the stock structure of sprat populations in this

ecoregion is not clear. ICES is unable to identify appropriate assessment units for sprat in this area, and the relationship with sprat in divisions 7.d and 7.e is also unknown. A genetic stock identification project is underway to resolve these issues.

2. Demersal Stocks Area 6

- a. **Whiting in 6a (whg.27.6a):** ICES advises that the catches in 2024 should be no more than 3,879t, which is a 7% decrease on the 2023 advice. Close attention should be given to this stock as it is locally important to the fisheries off the northwest.
- b. **Cod in 6a (cod.27.6a):** The Sustainability Impact Assessment consultation paper incorrectly lists 6a Cod as a zero catch advice for 2024 in Table 1. The 2020 benchmark for 6a 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 6a and recommended to combine the North Sea and West of Scotland cod assessments in a future benchmark. In 2023 the benchmark workshop on Northern Shelf cod stocks (WKBCOD) revised the North Sea and 6a Cod assessments, which resulted in a single assessment covering the two areas and comprising three 'substocks': the Northwestern, Viking and the Southern with a combined 2024 catch advice of 22,691t. The 6a Cod is now part of the Northwestern substock with catch advice of 13,529t. It is imperative that a fair proportion of the new TAC is allocated to 6a and that Ireland ensures it receives a fair share of this. The KFO calls on the Minister to work with the Commission to achieve this. As highlighted by the KFO on several occasions and now finally recognised in the ICES advice there is an urgent need to develop the genetic stock identification for these cod stocks. The Marine Institute should be involved in this work to ensure it is performed to the same high standards set for the Northwest Herring genetic project.
- c. **Haddock in 6a (had.27.46a20):** ICES advice for Haddock in 4,6a,20 is 149,024t, which is an 18% increase on the reissued advice for 2023. Haddock in division 6a 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. Similar to the situation in 2022, in 2023 the TAC was set lower than the full scientific advice 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 6a. KFO is requesting that this is not repeated for 2024 and 6a 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):** ICES advised that the catches be no more than 9,881t in each of the years 2023 and 2024. 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.
- e. **Megrim in 6a (lez.27.4a6a):** ICES advises that the catches in 2024 should be no more than 7,900t, which is a 10% increase on the 2023 advice. The KFO supports this advice.

3. Demersal Stocks Celtic Sea

- a. **Northern Hake (hke.27.3a46-8abd):** The ICES Advice for 2024 is 72,839t, which is an 12% decrease on 2023. Over the past few years the advice has fluctuated by 10-20% annually. ICES notes that there is no survey available that covers the entire stock distribution area and changes in the spatial distribution of the stock may increase the uncertainties in the assessment. Efforts should be made to improve the data and decrease the annually increasing uncertainty in the assessment.
- b. **Cod, Celtic Sea (cod.27.7e-k):** The ICES advice is for zero catch again in 2024. It is imperative that the Commission's approach of setting low-level TACs for by-catches only is maintained as part of the 2024 TACs and Quota to avoid the premature closure of a vast array of sustainable fisheries. The NWWAC noted in its 9th May 2023 letter to the Commission that the ICES assessment for cod stocks in the Celtic Seas ecoregion does not take into account the proven negative impact of rising sea temperatures on Cod reproduction and productivity. It recommended that DG MARE request ICES to consider in the assessment how ocean warming is affecting cod survivability in the Celtic Seas habitat as this will contribute to the understanding of the future viability of cod fisheries in the Celtic Seas and allow for the suitable and adaptive alignment of fisheries management measures. The KFO supports this recommendation and suggests that the Marine Institute take a leading role in this work given the importance to the Celtic Sea fisheries.
- c. **Whiting, Celtic Sea (whg.27.7b-ce-k):** The ICES advice for 2024 is for zero catch. The KFO reiterates that 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. It is imperative that the Commission's approach of setting low-level TACs for by-catches only is maintained as part of the 2024 TACs and Quota to avoid the premature closure of a vast array of sustainable fisheries.

- d. **Haddock, Celtic Sea (had.27.7b-k):** ICES advises that the catches in 2024 should be no more than 8,252t, which is a 31% decrease on the 2023 advice. The last significant recruitment was in 2018, since which recruitment has been poor. This is a worrying situation and coupled with the zero catch advice for cod and whiting will have a significant impact on the Irish vessels operating in this area. This socio-economic consequences should be taken into account in deciding on the TAC as is required under the CFP.
- e. **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 5% increase which is welcome. It should be noted the anglerfish in Area 7 is Category 1 assessment unlike anglerfish in Area 6.
- f. **Plaice, Celtic Sea (ple.27.7fg, ple.27.7h-k, ple.27.7bc):** There was no new advice for Plaice in 7fg or 7h-k, which last year received biennial advice for significant decreases. This year ICES advises that catches in 7bc should be no more than 15 tonnes in each of the years 2024, 2025, 2026. This is a 77% reduction on the 2022 advice. There is no assessment of this category 6 stock and limited data collection. The basis for this huge reduction is very dubious. A strategic approach is needed to develop the Plaice assessments, which should in the first instance investigate stock identification and the appropriateness of the current stock delineation.
- g. **Sole, Celtic Sea (sol.27.7fg, sol.27.7h-k, sol.27.7bc,):** ICES advises that the catches of sol.27.7fg in 2024 should be no more than 1,267t, which is a 5% decrease on the 2023 advice. Decreases of 20% and 21% have been advised for the 7h-k and 7bc stocks, respectively. Sole is likely to become a choke species in these areas. As with the plaice stocks there is significant uncertainty in the sole stock identification and assessments. CEFAS is conducting a stock identification project on the sole stocks and it is important that Ireland plays a role in this work.

4. Demersal Stocks Irish Sea

- a. **Whiting, Irish Sea (whg.27.7a):** The ICES advice is for zero catch in 2024 and 2025. It is imperative that the Commission's approach of setting low-level TACs for by-catches only is maintained as part of the 2024 TACs and Quota to avoid the premature closure of a vast array of sustainable fisheries.

- b. **Cod, Irish Sea (cod.27.7a):** The ICES advice for 7a Cod was delayed and not released with the other Irish Sea advice. It is expected to be released in October. There remains known yet unresolved issues of stock identification and mixing with cod in 6a and cod in the Celtic Sea.
- c. **Haddock, Irish Sea (had.27.7a):** The ICES advice is for a 15% reduction in catch to 2,263t in 2024, which is similar to the 13% reduction advised in 2023. As noted last year 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 now has a major effect on TACs and quotas and it is essential that Irish stakeholders and their representatives have meaningful 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 implementation of a quality assurance across the entire process and the Transparent Assessment Framework.

As shown with the recent genetic stock identification research on the herring in divisions 6a, 7b-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 and not continued for a fourth year in 2024. Doing so will undoubtedly put the sustainability of the mackerel stock in jeopardy