



Final Agreement Reached on New Control Regulation Five Years After Initial Commission Proposal

On May 31, the Council, the Commission, and the European Parliament finalised the agreement on the revision of the Control Regulation five years after the initial Commission proposal. The Council and EU Parliament will now have to formally adopt the agreed text which will be completed over the coming months.

There are a number of important changes which may have a significant impact on Irish fishing vessels. The list below is not exhaustive and only covers some key changes since about 70 per cent of the existing control rules have been changed. Once the final legal text is available the KFO will be issuing more detailed information.

Entry Into Force

- General rule: 24 months after the entry into force of the Regulation which is likely but not certain to be January 1, 2024;
- Article 14 Margin of Tolerance six months after the entry into force of the Regulation;
- Remote Electronic Monitoring (REM) Article 13 four years after the entry into force of the Regulation; and
- Vessel Monitoring System (VMS) Article 9 from the date of entry into force of the Regulation – derogations for vessels below 12 meters.

Margin of Tolerance (MOT) – Article 14

The provisions on the margin of tolerance in logbook estimates of quantities of fish retained on board are amended to address the challenges of accurately estimating on-board catches, by species, in case of smaller quantities of catches, of unsorted landings from small pelagic fisheries, industrial fisheries and tropical tuna purse seine fisheries. The Commission may, at the request of one or more Member States, ask EFCA to develop harmonised technical guidelines on best practices for the estimation of catches on board. A key change here is the 10 per cent margin of tolerance for small pelagics in designated ports where the 10 per

cent tolerance will be calculated against whole catch on board, not by individual species.

Remote Electronic Monitoring – Article 13

For the purpose of monitoring and control of the landing obligation, Member States shall ensure that Union catching vessels of 18 meters' length overall or more, flying their flag, which pose a high risk of non-compliance with the landing obligation have installed on board an operating REM system. The assessment of the risk of non-compliance with the landing obligation shall be carried out in accordance with the implementing acts adopted under Article 95. The REM system shall be able to effectively monitor and control compliance with the landing obligation, shall include CCTV and may include other instruments and/or equipment. The master shall ensure that the data from the REM systems are made available to competent authorities. The competent authorities of the flag and coastal Member States responsible for fisheries control shall have equal access to those data, without prejudice to the relevant rules on the protection of personal data.

Weighing of Fishery Products – Article 60

All products should as a general rule be weighed per species upon landing so as to ensure accurate reporting of the catches. Sample weighing, weighing on board or weighing after transport should only be allowed under strict conditions. After the adoption of sampling plans, control plans and common control programmes by the Commission, it should be possible for Member States to allow fishery products to be weighed in accordance with those sampling plans, control plans or common control programmes.

Continuous Monitoring of Engine Power – Article 39

The new control rules provide the possibility to effectively control the engine power of certain catching vessels which pose a high risk of non-compliance with the rules of the common fisheries policy concerning engine power or which operate in specific areas, for example, by way of devices which monitor the engine power on a continuous basis. Furthermore, the provisions concerning the verification of the tonnage of catching vessels for the purposes of capacity controls should be simplified.

Vessel Monitoring System – Article 9

Consideration - To further facilitate the use of tracking systems for small-scale vessels, based on the request of one or more Member States, the Commission should develop a tracking system for vessels of less than 12 meters' length overall. Member States should be able to exempt certain small-scale vessels from the tracking obligation during a limited period, in order to allow sufficient time to prepare for the use of new tools for those vessels.

Separate Stowage of Demersal Catches Subject to Multiannual Plans – Article 44

In order to facilitate the control of the implementation of multiannual plans, catches of demersal stocks subject to such plans should be stowed separately, so that the different stocks caught are easily identifiable on board the fishing vessel for inspection purposes.

Sanctions for Serious Infringements – Article 91a

Without prejudice to other sanctions applied in accordance with this Regulation and national law, Member States shall ensure that a serious infringement that has led to obtaining fishery or aquaculture products shall be punishable by administrative financial penalties.



European Bottom Fisheries Alliance (EBFA) Organises Day of Europe

In early May, fishers across Europe protested against the EU policies that are putting the future of the sector at risk. In particular, the European Commission's "Action Plan to protect marine ecosystems" that aims to prohibit bottom fishing in 30 per cent of our seas and the Nature Restoration Law. The call from the European Bottom Fishing Alliance (EBFA) and the European Transport Workers' Federation (ETF), supported by Europêche, EAPO and Cogeca, culminated on May 9 with the Day of Europe. Instead of celebrating the historical unity of the peoples of Europe and social prosperity, fishers sounded the horns of their vessels, as a call of distress, to voice that the fishing fleet is gradually disappearing. The sector expects that this joint call is seriously taken on board by EU policymakers and stops the very policies that are triggering this crisis.

In an unprecedented manner, fishers, including KFO vessel owners, and fishing communities across Europe have expressed their worry through local actions in ports and at sea. The goal: sending a clear message to the EU authorities that bottom fishing is on the brink of collapse. If the European Commission action plan and the Nature Restoration Law is implemented as proposed, Europe risks losing 25 per cent of its seafood production, 7,000 vessels and 20,000 fishermen and women.

The sector recalls the enormous progress made in the last 20 years on the protection of the marine environment and the recovery of fish stocks. By way of example, almost 100 per cent of the landings from EU-managed stocks in the North Atlantic are sustainable; greenhouse gas emissions have been cut by 40 per cent; thousands of square kilometers have been closed to bottom fishing and 28 per cent of the fishing fleet has disappeared due to restrictions and fishing capacity adjustments. The activity of some European bottom trawlers (days at sea) had already been reduced by 30 per cent in the last four years which, in addition to further area closures, is driving many businesses below their breakeven point. But in the eyes of the Commission, this is not good enough.

According to the sector representatives: *"Fishers and their communities have spoken loud and clear. We cannot further tolerate policies from the European Commission that put our way of life and future generations in danger."* He continued: *"EU policies are bringing the sector to its knees. If we continue like this, we will only be able to consume seafood products from third countries, whose environmental and social standards are almost always lower than those of the EU. It is time for the EU to rethink where it wants the seafood to come from. The sector would like to remind the Commissioner of his mandate to maintain the profitability of the fleet and to maximise food production in the EU, as clearly stated in the founding treaties of the EU."*

ICES Advice for 2024 Issued for Certain Stocks

On June 30, ICES released the catch advice for some of the Celtic Sea, West of Scotland, Irish Sea and North Sea stocks for 2024. The table below shows the 2024 advice.

The herring advice for 6.a.S, 7.b-c is for a 20 per cent increase due to the restrictive nature of the category 3 advice. It is hoped that it will soon be possible to move to a category 1 assessment for this important stock, which will facilitate catch advice being set in line with the actual biomass of the stock. The Celtic Sea herring advice is for zero catch for the fifth year running and hopefully the monitoring TAC will be applied again in 2024 to enable collection of essential scientific samples. It will be important to include genetic sampling in this as there is evidence of mixing between the Celtic and Irish Sea herring, which when addressed could change the perception of these stocks.

In terms of the demersal stocks the advice for the stocks west of Scotland and Ireland is mixed. The

most significant news was the recent amalgamation of the 6.a cod with the North Sea cod, which will mean an end to the zero catch advice in 6.a. The 2024 advice release has been delayed until September 19 though. The haddock advice has increased again and coupled with the increase in megrim will bring some relief. The advice for the Irish Sea and Celtic Sea stocks is largely negative across all the species with cuts in cod, haddock, plaice and sole and a surprise zero catch advice for pollock.

The advice for the other pelagic stocks, mackerel, Horse Mackerel, blue whiting and Atlanto Scandia Herring will be issued by ICES on September 29 and advice for monkfish and *Nephrops* on October 31.

ICES Issues 2024 Advice for Some Stocks

Species	Stock	Divisions	2024 advice TAC tonnes	% Change from 2023
Anglerfish (black)	Celtic Seas, Bay of Biscay	7, 8.a-b,d	≤ 25,579	+9
Anglerfish (white)	Celtic Seas, Bay of Biscay	7, 8.a-b,d	≤ 35,502	+3
Cod	west of Scotland	6.a	*	*
Cod	Rockall	6.b	11	-21
Cod	Irish Sea	7.a	**	**
Cod	western English Channel and southern Celtic Seas	7.e-k	0	0
Haddock	North Sea, west of Scotland, Skagerrak	4, 6.a, 20	≤ 149,024	+9
Haddock	Irish Sea	7.a	≤ 2,263	-15
Haddock	southern Celtic Seas and English Channel	7.b-k	≤ 8,252	-31
Hake	North Sea, Celtic Seas, northern Bay of Biscay	3.a, 4, 6, 8.a.b.d.	≤ 72,839	-12
Herring	northwest and west of Ireland	6.a.S, 7.b-c	≤ 2,270	+20
Herring	west of Scotland	6.a.N	≤ 1,454	+20
Herring	Irish Sea, Celtic Sea and southwest of Ireland	7.a.S, 7.g-h, j-k	0	0
Herring	Irish Sea	7.a.N	≤ 7,279	-0.4
Megrim	northern North Sea, West of Scotland	4.a, 6.a	≤ 7,900	+10
Plaice	Irish Sea	7.a	≤ 1,902	-7
Plaice	west of Ireland	7.b-c	≤ 15	-21
Plaice	Bristol Channel, Celtic Seas	7.f-g	≤ 402	0
Plaice	Celtic Sea South, southwest of Ireland	7.h-k	≤ 132	0
Pollock	Celtic Seas and the English Channel	6-7	0	-100
Saithe	North Sea, Rockall, west of Scotland, Skagerrak, Kattegat	3.a, 4, 6	≤ 73,815	+25
Sole	west of Ireland	7.b-c	≤ 15	-21
Sole	Irish Sea	7.a	0	-100
Sole	western English Channel	7.e	≤ 1,057	-24
Sole	Bristol Channel, Celtic Sea	7.f-g	≤ 1,267	-5
Sole	Celtic Sea South, southwest of Ireland	7.h-k	≤ 170	-20
Whiting	west of Scotland	6.a	≤ 3,879	-7
Whiting	Irish Sea	7.a	0	-
Whiting	southern Celtic Seas and western English Channel	7.b-c, e-k	0	-

*The 6.a cod have been combined with the North Sea cod

**No advice released yet for Irish Sea cod

The Seafood/ORE Working Group, chaired by Captain Robert McCabe, was established in May 2022 to facilitate discussion on matters arising from the interaction of the seafood and offshore renewable energy industries, to promote and share best practice and to encourage liaison with other sectors in the marine environment.

The Seafood/ORE Working Group has now published a Summary Guidance which provides Offshore Renewable Energy projects and seafood stakeholders with guidance on how to engage and co-exist in a meaningful and constructive manner throughout the lifecycle of an ORE Project. The document also covers relevant State and Semi-State bodies. The Summary Guidance is based on a number of principles:

- Early and on-going engagement;
- Communication – sharing of information honestly, openly and transparently;
- Co-operation – acknowledging mutual expertise and the importance of each other's industry to Ireland's economy, coastal communities and wider society to achieve outcomes of benefit to all sectors;
- Co-existence – encouraging the principle of seafood and offshore renewable industries working side-by-side and co-existing in a manner that respectfully shares the marine space; and
- Co-operate to determine the impact, effect and opportunities that ORE proposals may have on seafood activity and work together to avoid, minimise or mitigate any negative impacts.

The Summary Guidance deals with existing situations which have posed significant obstacles to meaningful engagement between the parties up to now, such as the Phase 1 projects. Those parties affected are advised to engage as soon as possible with suggestions on procedures and timelines to follow. Such meetings should be arranged prior to applications for planning to enable agreement on acceptable location and extent of projects and how to avoid, minimise and mitigate impacts on existing seafood activity. Phase 2 and 3 projects will be dealt with under a new regime where ORE proposals will be confined to ORE Designated Areas. This does not remove the need for early and open consultation between proposers and existing seafood entities but the consultation opportunities should be more evident with seafood interests being already identified. At this stage, the development of Designated Maritime Area Plans (DMAPS) should provide more clarity for all stakeholders. Since engagement between all parties is the cornerstone of the Seafood/ORE Working Group, the Summary Guidance provides practical advice on the methods of engagement, such as the need for well-organised meetings which

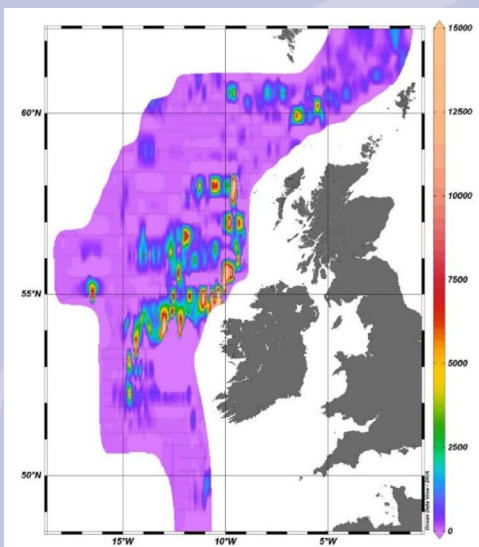
should include an agenda, a rapporteur and agreed actions at such meetings. The role of Fisheries Liaison Officer (FLO) working on behalf of ORE proposals is well defined and supported by a lengthy FLO's Best Practice list which could be critical to better outcomes for all concerned. It was evident from the outset that productive engagement of all parties needed to find a balance between protecting seafood interests, responding to the global climate emergency and the requirement to deliver the State's legal obligations for reductions in carbon emissions as set out in the Climate Action Plan 2023. The seafood industry is a vital part of our economy and an established part of the existing culture of Ireland's coastal communities. The ORE industry will play a vital role in Ireland's actions to address the climate emergency and to achieve energy security and independence. The necessary balance has been achieved through meaningful engagement between the sectors on the basis that both the Seafood and ORE industries can co-exist in the long term. Mutual respect, best endeavours to reach agreement, and recognition of the importance of both sectors, are critical in delivering effective engagement.

International Blue Whiting Survey Shows Large Blue Whiting Stock

The annual International Blue Whiting Spawning Stock Survey (IBWSS) took place off the west coast in March and April again this year. The co-ordinated survey comprised four fisheries research vessels from Ireland, The Netherlands, Faroe Islands and Spain, and a chartered commercial vessel from Norway. The weather conditions were mixed compared to 2022 and the start was delayed by four days in the southern area. Despite this, the total area surveyed increased by 17 per cent on 2022 and acoustic sampling effort increased by 48 per cent. There was some reduction in biological sampling due to a technical issue on the *Celtic Explorer* but other vessels were able to compensate for the reduction in sampling capacity.

The estimated total stock biomass (TSB) of blue whiting for the 2023 survey was 2.5 million tonnes, which was an 8 per cent decrease from the 2022 survey. The spawning stock biomass (SSB) was estimated at 2.3 million tonnes representing a spawning stock number (SSN) of 27.5×10^9 individuals. This was a 1 per cent decrease in the observed SSB and a 15 per cent increase in the SSN compared to last year and was driven by recruitment of the 2021-year class to the spawning stock. The 2020-year class is now considered fully recruited to the spawning stock.

In summary, the blue whiting stock is still in a healthy state though it will be a couple of years before the large number of small fish in the stock are large enough for the human consumption market, which is an important consideration in Killybegs.



International Blue Whiting Spawning Stock Survey (IBWSS) 2023

KFO Review of the ICES VME Advice Identifies Significant Issues and Unsupported Closures

On September 15th 2022, the European Commission published an Implementing Regulation (2022/1614) which closed 87 areas in EU waters to bottom fishing. The closures were based on the ICES VME Advice issued in January 2021. The fishing industry has major concerns about the VME process and advice, regarding a number of key macro-areas:

1. Lack of transparency and review of the ICES VME Database and assessment;
2. Errors in the VME dataset and VME Portal; and
3. Validity of the assessment approach.

Having conducted a thorough analysis of the basis of the ICES VME Advice in ICES Division 6.a (report link at the end) these macro-areas have been fully confirmed and nine key issues identified:

1. A lack of transparency in the assessment process on which the advice is based;
2. Errors in ICES VME Database and VME Map Portal;
3. Lack of support for the current delineation of five out of nine polygons in the study area;
4. Inconsistencies between the VME Index layers in the 2021 and 2023 VME advice;
5. Inappropriate definition of the depth zones that are the foundation of the assessment;
6. Inappropriate delineation of VME Habitats at the c-square resolution level;
7. Potential confounding of the VME Confidence Index;
8. Questionable exclusion of the VME Confidence Index; and
9. Biasing of the VME Index due to the exclusion of absence data.

The KFO requests that ICES retract its advice and perform a full and transparent review. In the interim period the European Commission should suspend the enforcement of the closed areas listed in the September 2022 Implementing Regulation (2022/1614). It is evident that the delineation of a significant proportion of the VME closed areas in ICES Division 6.a are not supported by any scientific evidence.

Finally, it is important to stress that the KFO recognises the need for conservation and restoration of sensitive marine habitats and ecosystems. This is important not only for addressing the biodiversity crisis but also for supporting sustainable fisheries which are critical for food security. The KFO acknowledges that there is a need for areas to be closed to mobile, contact-bottom gears but these areas need to first be identified based on robust scientific evidence, which is currently not the case. Where data is lacking, then resources should be focused on collecting real empirical data to fill those gaps. There is an increasing focus on putting significant resources into creating increasingly complex models to fill the place of real data. This often leads to vast extrapolation of underlying data, the development of inappropriate and ineffective management measures and the loss of trust and confidence in the scientific advice. This trend must be reversed and more resources focused on basic data collection and biological research.

The full KFO Review of the VMEs can be found at: https://kfo.ie/wp-content/uploads/2023/06/KFO_review_of_VME_advice_and_closures_21062023.pdf.

Editorial



by Sean O'Donoghue

CHIEF EXECUTIVE, KFO



Five years after the initial Commission proposal, the new Control Regulation has been finalised. The Council and EU Parliament will now have to formally adopt the agreed text which will be completed over the coming months. There are a number of important changes which may have a significant impact on Irish fishing vessels. The list (on page one) is not exhaustive and only covers some key changes since about 70 per cent of the existing control rules have been changed. Once the final legal text is available we will be issuing more detailed information.

The actions of the EU Commission in September 2022 which closed 87 areas in EU waters, with serious direct effect on Irish and other European seafood operators, was, in effect, a closure of fishing grounds which had been classified as Vulnerable Marine Ecosystems (VMEs). Subsequently, it became clear that this was an action which was carried out without the necessary prior scientific investigation to ensure the actions were justified. The article in this issue of the Killybegs Fishermen's Organisation

newsletter, "KFO Review of the ICES VME Advice identifies Significant Issues and Unsupported Closures" (page three) examines the process which was followed and identifies a number of very basic errors which must be remedied and systems put in place to prevent similar events in future.

The Commission produced its report on the CFP in February this year. The Commission's CFP Communication estimates that the current CFP legal framework is fit for purpose, and that no reform is required but rather further implementation is needed. We totally disagree with this and as outlined in some detail in the August 2022 report of the CFP Review Group, recommend there is an urgent need for a full review of the CFP. The KFO was very much party to the CFP Review Group recommendations, and we will be demanding that the Minister and the Government follow through on their endorsement of the CFP Review Group recommendations.

On June 30, ICES released the catch advice for some of the Celtic Sea, West of Scotland, Irish Sea and North Sea stocks for 2024 - see ICES Issues 2024 Advice for Some Stocks article (page two) where Dr Ed Farrell provides some background information and see also additional information on the international blue whiting spawning survey which appears to be in a healthy state.

We are pleased to highlight the progress being made by the Seafood/ORE Working Group which has published a Summary Guidance for the stakeholders, both those in the Offshore Energy sector and the seafood industry. This development is a hugely significant forward step for all concerned and particularly coastal communities. The seafood industry is a vital part of our economy and an established part of the existing culture of Ireland's coastal communities. The ORE industry will play a vital role in Ireland's actions to address the climate emergency and to achieve energy security and independence. The necessary balance has been achieved through meaningful engagement between the sectors on the basis that both the Seafood and ORE industries can co-exist in the long term.

With regard to the Pelagic Bar scheme, I am glad to say after a very strong and concerted effort by the KFO, including a number of meetings with Minister McConalogue, the long-awaited pelagic scheme for losses under Brexit seems to have moved forward and it is expected payment will be made before the end of year.

The KFO AGM was held on June 1. After the AGM the Board of Directors met to elect a Chairman and co-opt Directors to the Board. The new Board of Directors is: Ciaran Doherty (Chair); Pete McBride (Vice-Chairman); Cathal Boyle; Cyril Harkin; Pauric Conneely; Tony Byrne; Eamon McGuinness; Jens Bach; Michael Callaghan, and Marc Gallagher.

Important Dates July - September 2023

DATE	MEETINGS	VENUE
Jul 3	MAC ExCom	Virtual
Jul 3 - 6	NWWAC General Assembly, ExCom, WGs	Ghent, Belgium
Jul 6 - 7	PelAC Meetings	Utrecht
Jul 13	NWWAC Focus Group Landing Obligation	Virtual
Jul 18	Seafood/ORE Working Group	Custom House & Virtual
Jul 19	QMAC	Virtual & Clonakilty
Jul 19	Commission ACs meeting ICES Advice	Virtual
Jul 25	Fisheries Council	Brussels
Aug 23-29	ICES WG WIDE	Copenhagen
Sept 5 - 7	ADGWIDE	Virtual
Sept 6-7	Coastal States Atlanto Scandia herring	London
Sept 13	NWWAC Geographic WGs	Virtual
Sept 14	PelAC Ecosystem FG	Virtual
Sept 18 - 19	Fisheries Council	Brussels
Sept 19 - 20	MAC WGs/GA	Brussels
Sept 19	ICES Advice on 6.a/North Sea Cod	Copenhagen
Sept 20 - 22	EAPO AGM	Amsterdam
Sept 26	NWWAC Horizontal WG	Virtual
Sept 26-28	Mackerel Coastal States	London
Sept 27	NWWAC General Assembly, ExCom	Virtual
Sept 29	ICES Advice on Widely Distributed Stocks (Pelagic)	Copenhagen

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