



Environmental Pillar

ENVIRONMENTAL PILLAR SUBMISSION
SUSTAINABILITY IMPACT ASSESSMENT
OF FISHING OPPORTUNITIES FOR 2021

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Environmental Pillar Submission on Fishing Opportunities for 2021

A consultation response from the Environmental Pillar in response to Minister McConlogue's Sustainability Impact Assessment of the International Council for the Exploration of the Sea's (ICES) advice on fishing opportunities for 2021, relevant to "Council Regulation fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters¹."

The EU has failed to fully implement the Common Fisheries Policy. The positive environmental and socio-economic benefits of sustainable fisheries management remain within reach. Decisive action must now to be taken by EU and Irish leaders to ensure that the promise of the Common Fisheries Policy is fulfilled without further delay.

Introduction

This submission is on behalf of the Environmental Pillar - an organisation comprising 26 environmental NGOs working to represent the views of the Irish environmental sector. We welcome the opportunity to provide input into Minister McConlogue's Sustainability Impact Assessment of fishing opportunities for 2021, as part of the Department of Agriculture, Food and the Marine's annual public consultation. We trust that our views will be taken into consideration by Minister McConlogue during the upcoming AGRIFISH Council negotiations on fishing opportunities. We look forward to the opportunity to table our recommendations before the Minister in the coming days.

We recognise the unprecedented situation that has been created this year by Covid19 and Brexit. Brexit has resulted in only two EU stocks with an Irish relative stability share being subject to a Commission proposal. Ireland has a proud track record of facilitating public consultation on fishing opportunities and we welcome the Ministers decision to go ahead with the public consultation in this new format. Furthermore, we welcome the Ministers decision to use the ICES scientific advice as the basis for the Sustainability Impact Assessment. We have long advocated that the best available scientific advice from ICES should form the basis of both the Commission's proposal and the Irish government's position on Total Allowable Catches (TACs) and Quotas. This is even more relevant given that the deadline to fully implement the Common Fisheries Policies Maximum Sustainable Yield obligation must apply to all stocks in 2020. According to the European Commission the reasons for, and objectives of, their proposal are that *"All fishing opportunities regulations must limit the harvesting of the fish stocks to levels that must be consistent with the overall objectives of the Common Fisheries Policy (CFP)."* Unfortunately, the Commission's proposal falls short of this objective as they have again proposed TACs that are in excess of ICES advice.

The Irish Government has repeatedly committed to meeting the CFP's 2020 legal deadlines^{2,3}, which is further underpinned by its international legal commitments to end overfishing under the United Nations Law of the Sea Convention⁴, the United Nations Sustainable Development Goals⁵ and the Marine Strategy Framework Directive⁶. The objectives of setting fishing limits not exceeding the Maximum Sustainable Yield by 2020 and ending discarding by 2019 are complementary measures designed to restore the EU's marine environment, improving the status of fish

¹ [European Commission \(2020\) COM\(2020\) 668 final Council Regulation fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters](#)

² Irish Government (2020) Programme for Government – Our Shared Future <https://bit.ly/3j6s2rk>

³ Irish Government (2012) Harnessing Our Ocean Wealth – An Integrated Marine Plan for Ireland <https://bit.ly/2rBHFAM>

⁴ United Nations (1982) United Nations Law of the Sea Convention <https://bit.ly/303AX5V>

⁵ United Nations (2015) Transforming our world: the 2030 Agenda for Sustainable Development <https://bit.ly/2U4kTNk>

⁶ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) <https://bit.ly/3gQnbJO>

stocks as well as ensuring a sustainable and profitable fishing sector moving forward⁷. It remains a legally binding obligation to achieve the MSY exploitation rate for all stocks by 2020 at the latest. We are aware that the Irish Government's failure regarding the MSY objective are currently the subject of a court case.

The evidence clearly indicates that it is in the best interests of all stakeholders that fish stocks are managed sustainably, meaning that the biomass of fish stocks are restored to levels that can support MSY. Ending overfishing of all harvested fish stocks is critical for the conservation and restoration of the marine environment. Ensuring that MSY is an upper limit for fishing mortality is one of the cornerstones of sustainable fisheries management, upon which many stakeholders, especially coastal communities, and the broader blue economy depend. In view of the Government's declaration of a biodiversity and climate emergency it is appropriate that fisheries management and marine conservation are further integrated through the adoption of an ecosystem-based approach.

Common Fisheries Policy Implementation

Environmental Pillar members, BirdWatch Ireland have published an analysis of the implementation of the Common Fisheries Policy in their recent report [Common Fisheries Policy 2020 – A Discarded Opportunity](#)⁸. Many of the findings of their assessment and recommendations are outlined in this submission.

Implementation of the MSY Obligation

Despite the CFP's legal deadline to end overfishing, many of the Total Allowable Catch (TAC) limits exceed the best available scientific advice, facilitating overfishing in 2020. According to an analysis by The Pew Charitable Trusts, fisheries ministers set 46 percent (51 of 110) of the TACs analysed exceeding scientific advice⁹.

Ireland's role in the EU's failure to end overfishing is supported by BirdWatch Ireland's own analysis of the subset of TACs of which Ireland has a share. They calculate that 51 percent (23 out of 45) exceeded scientific advice for 2020. When just the subset of TACs which Ireland has a share of greater than 40 percent is taken into consideration the number exceeding scientific advice increases to 62 percent (8 out of 13). Ireland has a role in managing a high proportion of the most overfished stocks in the North East Atlantic. For example, there are eight stocks which Ireland has a share of that scientists have advised no fishing for in 2020¹⁰.

BirdWatch Ireland's analysis of the EC General Secretariats records¹¹ of Member States positions going into the 2019 EU fisheries negotiations found that of the 20 TACs which Ireland made a comment on, 65 percent (13) were set exceeding scientific advice. There was a pattern of Ireland arguing against following the scientific advice for stocks with low or zero catch advice (11 out of 20). BirdWatch Ireland's analysis of past EC General Secretariats records show that Ireland has been guilty of:

- Calling for a TAC roll-over to avoid cuts resulting from ICES advice (including non-statement stocks).
- Calling for overfishing of bycatch stocks to avoid choke / under exploitation of target stocks
- Calling for TAC deletion
- Using short-term socio-economic impacts as an excuse to justify overfishing

⁷ Joint NGO Position (2018) Recovering fish stocks and fully implementing the Landing Obligation <https://bit.ly/2WCOorTM>

⁸ Kelly (2020) Common Fisheries Policy 2020 – A Discarded Opportunity <https://bit.ly/3lBs8ls>

⁹ The Pew Trusts (2020) Analysis of Fisheries Council agreement on fishing opportunities in the north-east Atlantic for 2020 <https://bit.ly/3g8weVK>

¹⁰ Herring 5b, 6b & 6aN; Herring 7bc, 6aS; Herring 7h-k; Cod 6a, 5b; Cod 7b-c, e-k, 8, 9 & 10 & 34.1.1; Whiting 7a; Blue Ling 2 & 4; Plaice 7hjk

¹¹ This document produced by the General Secretariat of the Council is a comprehensive account of the stock specific positions expressed by Member State delegations in the lead-up to the December AGRIFSIH Council negotiations.

In addition, the New Economics Foundation¹² analysis of all TACs adopted at the EU AGRIFISH Council between 2001 and 2020, ranked Ireland second worst behind Spain when it comes to the average percentage by which TACs were set above scientific advice. From 2001 to 2020 Ireland set TACs 24 percent above advice, or 765,000 tonnes of fish. These findings suggest that the stocks over which Ireland has a greater influence are managed less sustainably than the average across the region.

The EU has failed to meet the CFP’s legal obligation to achieve the maximum sustainable yield exploitation rate for all stocks by 2020 at the latest and the Irish Government have played a significant role in that outcome through the positions they have taken in negotiations.

MSY Obligation – To progressively restore and maintain populations of fish stocks above biomass levels capable of producing the maximum sustainable yield ($SSB \geq BMSY$), the maximum sustainable yield exploitation rate ($F \leq F_{msy}$) shall be achieved at the latest by 2020 for all stocks.

Implementation of the Landing Obligation

Despite the gradual implementation period provided by the CFP to allow the fishing industry and Member States time to adapt, there is widescale non-compliance with the Landing Obligation¹³. The European Commission launched an audit series in 2020 to evaluate the measures adopted by a number of Member States, including Ireland, to ensure control, enforcement and inspection of activities relevant to the Landing Obligation and to ensure the full documentation of all fishing trips and relevant data. The preliminary findings of these audits indicate extensive unreported illegal discarding.

This is supported by the European Fisheries Control Agency’s (EFCA) compliance evaluation reports on the implementation of the Landing Obligation, which found that non-compliance was widespread in specific fisheries during recent evaluation periods in the North Sea and North Western Waters¹⁴. Observer data from the International Council for the Exploration of the Seas (ICES), and last-haul analysis by the EFCA, indicate large discrepancies between what is reported and what is observed. In fact, ICES continue to produce advice based on the assumption that discarding continues¹⁵. In the absence of effective control measures, fishers are incentivised to continue discarding to avoid exhausting quota on low-valued fish which would result in direct economic trade-offs. This may also lead to the early closures of a fishery once a limiting quota is used up, the so-called “choke” effect¹⁶

According to the Commission, these ongoing failures pose a significant risk to the long-term sustainability objectives of the CFP, especially when the capacity of the Member States’ fleets and the biological status of certain stocks are taken into consideration. Ireland’s failure to ensure the control and monitoring of the Landing Obligation must also be viewed in the context of broader failings in fisheries control. A recent Commission audit¹⁷ highlighted “*severe and*

¹² NEF (2020) Landing the Blame: Overfishing in the Northeast Atlantic 2020 <https://bit.ly/3hKVh1y>

¹³ European Commission (2020) Commission Staff Working Document - Accompanying the document

Communication from the Commission of the European Parliament and the Council - Towards more sustainable fishing in the EU: state of play and orientations for 2021 {COM(2020) 248 final} <https://bit.ly/393gK2A>

¹⁴ EFCA (2020) Evaluation suggests non-compliance with the Landing Obligations in certain fisheries in the North Sea and North Western Waters <https://bit.ly/3eAqdzr>

¹⁵ ICES (2019) Celtic Seas ecoregion – Fisheries overview, including mixed-fisheries considerations

¹⁶ Van Helmond et al., (2019) Electronic monitoring in fisheries: Lessons from global experiences and future opportunities

¹⁷ Audit reference number: IE-D4-2018-01-A

significant weaknesses in the Irish control system” including “*the lack of effective enforcement and sanctioning of noncompliance.*” We welcome the recent steps taken by the Minister to implement a penalty point system for fisheries-related serious infringements. We hope that similar steps will be taken over the coming year to address the outstanding compliance issues across the sector.

Another issue emanating from the non-implementation of the LO is that fishing quotas have been significantly increased to facilitate its implementation but there has been no decrease in the volume of fish being discarded, which in turn is providing a platform for overfishing throughout the region and undermining science-based fisheries management decisions. Research has shown that TACs have increased by an average of 36 percent above pre-landing obligation levels annually since 2015, and that this increase climbed even further recently – reaching 50 percent in 2019-2020, including a 60 percent rise for demersal fish species¹⁸.

There is sufficient evidence to suggest that the Landing Obligation has not been fully implemented in Irish waters and illegal discarding continues despite the CFP’s 1st January 2019 legal deadline. Illegal discarding and TAC increases will contribute to contribute to overfishing, preventing or delaying the positive environmental and socio-economic benefits that will accrue as stocks recover.

Landing Obligation – All catches of species which are subject to catch limits and caught in EU waters or by EU vessels shall be brought and retained on board the fishing vessels, recorded, landed and counted against the quotas where applicable. Except for some limited exemptions¹ the implementation of this Landing Obligation shall apply to all species across all ICES Areas on the 1 January 2019 at the latest

Summary

Progress has been made in the management of some commercially important stocks of relevance to Ireland. This is reflected in the annual monitoring reports carried out by the Scientific, Technical and Economic Committee for Fisheries (STECF) on the performance of the CFP¹⁹. This highlights the many positive benefits of sustainable fisheries management. The reform of the CFP has in general delivered decreasing trends in fishing pressure, resulting in healthier stocks, with increasing fishing and socio-economic opportunities for those fishers targeting those stocks. These positive environmental and economic benefits²⁰ will continue to accrue as stocks recover.

However, STECF has also highlighted the shortcomings in the speed and scope of CFP implementation¹⁷. Progress has been too slow and inconsistent. In three out of five regions the decreasing trend in exploitation has been reversed (Baltic Sea and Celtic Sea) or stalled (NE Atlantic widely distributed stocks) in the recent years. 32 percent (14 of 44) of fully assessed stocks within the NE Atlantic ecoregions remain outside of safe biological limits, while 38 percent are overfished (26 of 68).

¹⁸ Borges, L. (2020) The unintended impact of the European discard ban, ICES Journal of Marine Science, IN PRESS, DOI: 10.1093/icesjms/fsaa200

¹⁹ Scientific, Technical and Economic Committee for Fisheries (STECF) – Monitoring the performance of the Common Fisheries Policy (STECF-Adhoc-20-01). Publications Office of the European Union, Luxembourg, 2020, ISBN 978-92-76-18115-6, doi:10.2760/230469, JRC120481

²⁰ Scientific, Technical and Economic Committee for Fisheries (STECF): The 2019 Annual Economic Report on the EU Fishing Fleet (STECF 19-06), Carvalho, N., Keatinge, M. and Guillen Garcia, J. editor(s), EUR 28359 EN, Publications Office of the European Union, Luxembourg, 2019, ISBN 978-92-76-09517-0, doi:10.2760/911768, JRC117567

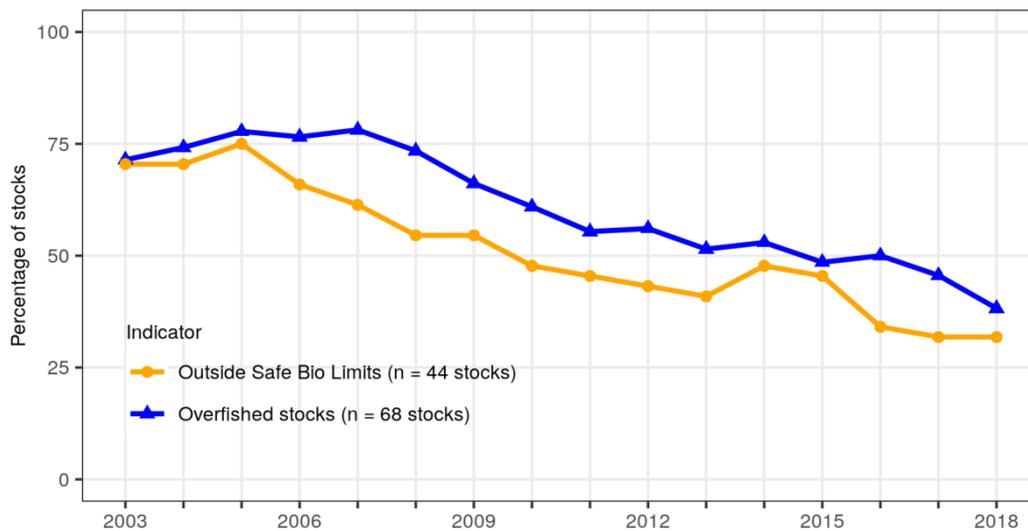


Figure 1. Trends in stock status in the Northeast Atlantic 2003-2018. Two indicators are presented: blue line: the proportion of overexploited stocks ($F > F_{MSY}$) within the sampling frame (62 to 68 stocks fully assessed, depending on year) and orange line: the proportion of stocks outside safe biological limits ($F > F_{pa}$ or $B < B_{pa}$) (out of a total of 44 stocks)¹⁷.

Much of the debate against setting fishing limits with FMSY as an upper limit has in the past focused on the short-term economic cost of reducing fishing pressure, rather than on the medium to long-term economic benefits of reaching MSY. This is clearly apparent in the Irish Governments submissions to the European Commission’s proposals on fishing opportunities over recent years. The Irish Governments economic arguments are based on the annual ‘Sustainability Impact Assessments’ prepared by BIM²¹. Past assessments calculated the cost of the proposed TACs within the Commission’s proposal on the basis of volume (tonnes), value (€) and direct income²². This approach fails to consider the medium to long term economic gains resulting from managing stocks at or below MSY. According to the New Economics Foundation⁹ this line of argument is methodologically weak as it omits cost reductions, quota uptake, and price elasticities. It also fails to consider the cost of losses in natural capital, stock resilience or management scenarios such as choked fisheries.

Fish are one of Ireland’s and the EU’s greatest renewable resources, if they are managed correctly. Aside from their innate value as living things and fundamental components of marine ecosystems fish can provide multiple benefits to society in the form of food, revenue and jobs. Overfishing results in smaller catches, lower revenues and fewer jobs. In Ireland, the collapse of important demersal and pelagic stocks in the inshore has had serious consequences for the inshore sector which make up over 80% of Irish registered vessels. This has contributed to the number of sea fishing vessels under 12m declining by 17% between 2012 and 2017²³. The inshore sector is now heavily dependent on a small number of crustacean and shellfish stocks that are being targeted all year round. The further collapse of any of these stocks would be disastrous for the fishing sector. The economic benefits relative to 2012-14, of rebuilding EU fish stocks to MSY could provide Ireland with an additional 200,000 tonnes of fish landings annually. This would generate an additional €270 million in earnings potentially supporting 2,200 new jobs²⁴.

The focus of national policy should shift away from targeting the maximum economic return and instead should move towards a system that works to achieve the greatest social and environmental benefits. Practically this would

²¹ BIM (2013) Fisheries TAC’s and Quotas 2013 Sustainability Impact Assessment <https://bit.ly/2zcfERw>

²² DAFM (2018) Fisheries TAC’s and Quotas 2018 Sustainability Impact Assessment

²³ Marine Institute (2018) Fishing patterns and value of landings for vessels, greater than 15m in length, with higher than average fishing activity in waters inside 6nm, Fisheries Ecosystems Advisory Services

²⁴ NEF (2017) A Fair Fishing Deal for Ireland – How to Manage Irish Fisheries in the Public Interest <http://bit.ly/2zpe4NY>

mean prioritising the recovery of inshore stocks through stock recovery plans, technical measures, and spatial and temporal closures. This approach should be developed in tandem with the expansion of Ireland's network of Marine Protected Areas. Win-win scenarios should be identified such as the incorporation of juvenile fish nursery grounds and important spawning habitats into MPAs. The economic benefits of rebuilding fish stocks will accrue even in the short-term due to the increased profitability of greater catches and the reduced costs of catching more abundant stocks³¹. The sooner we fully implement the CFP and transition to an ecosystem-based approach to fisheries management the sooner we can enjoy the economic benefits.

Recommendations

1. Set sustainable fishing limits

The International Council for the Exploration of the Sea (ICES's) scientific advice identifies the upper limits within which Total Allowable Catches (TACs) should be set to ensure compliance with the CFP. Stocks for which enough data is available on their status and their exploitation, are subject to the highest category of advice which is based on the Maximum Sustainable Yield (MSY) approach.

For data limited stocks ICES provide advice based on the Precautionary Approach (PA). The PA is based on the best available peer-reviewed science and is a comprehensive framework that manages the risk of overfishing taking into consideration the uncertainty associated with data limited stocks. Managing uncertainty in TAC setting by following ICES PA advice is consistent with the CFPs requirement to follow the Precautionary Approach to fisheries management, as defined in the United Nations Fish Stocks Agreement (UNFSA).

Regarding TAC setting there is a clear bias towards maximising the short-term economic return of commercially important stocks at the expense of the sustainable management of less commercially important stocks; which may be bycatch and/or subject to data-limited precautionary approach (PA) advice²⁵. This is the case for a large proportion of the 35% of assessed stocks in the North East Atlantic which remain outside of safe biological limits¹². Out of the stocks that have an Irish share and are only subject to PA advice 82 percent (9 out of 11) have 2020 fishing limits set in excess of the ICES precautionary advice. This bias is also reflected in the way that the Marine Institute are reporting on the sustainability of stocks of Irish interest. For example, the Irish Stocks Book²⁶ which underpins the Sustainability Impact Assessment that is presented to the Oireachtas omits the 35 percent (26) of stocks that are not subject to full MSY assessment. Many of the least sustainably managed stocks are data-limited stocks, who due to factors such as overfishing and illegal discarding may have insufficient sampling data and missing information to allow MSY assessments. The fact that these stocks are not included in the sustainability assessment distorts the perception of the sustainability of fisheries management. According to the Marine Institute,²⁷ under the Marine Strategy Framework Directive (which mirrors the CFPs 2020 MSY obligation), only 20 percent (18 of 92) of commercial fish stocks analysed in 2019 met the criteria for achieving Good Environmental Status (GES). In addition, commercial fish species are only a small sub-set of marine biodiversity. The failure to report on the conservation status of habitats and species which are negatively impacted by fishing activities further creates an incomplete picture of the sustainability of Irish and EU fisheries management.

²⁵ Client Earth (2019) Taking stock - are TACs set to achieve MSY? <https://bit.ly/2NMGdEn>

²⁶ Marine Institute (2019) The Stock Book 2018: Annual Review of Fish Stocks in 2019 with Management Advice for 2020 <https://bit.ly/35m83x3>

²⁷ Irish government (2020) Marine Strategy Framework Directive 2008/56/EC Article 17 update to Ireland's Marine Strategy Part 1: Assessment (Article 8), Determination of Good Environmental Status (Article 9) and Environmental Targets (Article 10) <https://bit.ly/2P5aG09>

Fishing with MSY as a target will only result in a stocks biomass being at the level that will deliver the maximum sustainable yield (BMSY) on average due to natural fluctuations in abundance. To prevent stocks becoming depleted MSY should be treated as an upper limit rather than a target.

- ✓ **In 2020 TACs should be set not exceeding ICES advice on the basis of the ICES MSY approach or, in the absence of defined FMSY reference points, not exceeding the ICES Precautionary Approach advice.**
- ✓ **ICES catch advice for stocks subject to the MSY and precautionary approaches should be treated as an upper limit for fishing mortality rather than a target.**
- ✓ **The Ministers SIA should include an assessment of all stocks and non-commercial habitats and species which are impacted by commercial fishing.**

1.1 Mixed Fisheries Advice & the use of F ranges

In mixed fisheries, differences in the productivity and mortality levels of the different stocks, mean that in order to restore and maintain the biomass levels of all harvested stocks at levels capable of producing MSY, the mortality of the most vulnerable stock must dictate the TACs of the least limiting stocks. This means that in certain cases it will be necessary to set the TACs for more abundant stocks below the MSY advice. Likewise using FMSY ranges provided for by the Western Waters MAP must not result in the over-exploitation of the more limiting stocks. In this context ICES mixed fisheries advice where available, should be used to ensure that the individual TACs set in a mixed fishery are compliant with the MSY obligation.

In a mixed fisheries context creative and innovative solutions are required involving spatial and temporal management, technical measures, and in some cases balancing short- and long-term socio-economic trade-offs¹⁵. Progress has been made in advancing our understanding of chokes and several measures were proposed by the DiscardLess project including technical gear modifications, electronic monitoring and potential avoidance measures informed by advanced knowledge on the spatial distributions of choke species and unwanted catches. Moreover, the STECF²⁸ has identified a range of measures, which could improve selectivity regarding stocks identified as ‘high risk chokes’ by the NWWAC choke identification tool¹⁵. It has more recently also referred back to a number of existing studies regarding relevant selectivity and avoidance measures as part of its evaluation of the bycatch reduction plan developed by the regional North Western Waters Member State Group.²⁹ These options remain valid and should be implemented as a matter of urgency.

28 Scientific, Technical and Economic Committee for Fisheries (STECF) – Technical Measures – Improving selectivity to reduce the risk of choke species (STECF-18-02). Publications Office of the European Union, Luxembourg, 2018, ISBN 978-92-79-79382-0, doi:10.2760/41580, JRC111821; <https://bit.ly/2CZZI64>

29 Scientific, Technical and Economic Committee for Fisheries (STECF) – 61st Plenary Meeting Report (PLEN-19-02). Publications Office of the European Union, Luxembourg, 2019 p.102 onwards. <https://bit.ly/2NZAOKk>

- ✓ **We advocate that the most sustainable mixed fisheries scenarios from the perspective of the most limiting bycatch stocks are adopted by the Council.**
- ✓ **Supporting measures aimed at minimizing the misalignment between activity and stock shares for the fleets, such as changes in gear selectivity, spatiotemporal management measures, or reallocation of stock shares, should also be considered.**

1.2 Bycatch TACs

To avoid high risk choke situations arising from zero catch advice in certain mixed fisheries the Council have since 2018 adopted bycatch TACs. In return the concerned Member States committed to the development of bycatch reduction plans and to the implementation of full catch documentation for all relevant stocks from 2019³⁰. The Member States of the NWW regional group committed to developing these bycatch reduction plans by 30th April 2019 in close collaboration with the NWW Advisory Council (NWWAC).³¹ NGO's supported this approach in 2019 on the understanding that:

1. Effective bycatch reduction plans would be developed which would progressively restore the stocks concerned while also ensuring full catch documentation.
2. Any such measures allowing the overfishing of zero and low quota stocks would be illegal under the CFP in 2020.

The bycatch reduction plans (BCReP) developed by the NWW Member State Group³² have been evaluated by the STECF in July 2019³³. STECF found that the bycatch reduction plan "*Does not fulfil the commitments made by the Member States as it does not contain any elements to ensure reduced by-catches of the relevant stocks over and above the measures already included in the discard plan*". The proposal made by the NWW Member State Group was not fit for purpose. The plan lacked well-defined objectives to be reached over finite timescales, or clearly defined biological reference points. The plan also lacked the necessary steps to ensure the implementation of full catch documentation as is required from 2019 onwards. The first paragraph of the draft plan reads "*NB: Should one of these TACs fall under a normal TAC from 2020 or afterwards it then would not be bound to such BCReP.*" This clearly indicates from the outset that these plans aren't intended to recover the stocks concerned but rather to facilitate the ongoing exploitation of target stocks.

As far as we are aware, work on the BCReP has not progressed, apart from the adoption of Celtic Sea remedial measures introduced through last year's TAC Regulation and the NWW MSG current work on a Joint Recommendation on the same topic.

In the case of West of Scotland Cod, despite having zero catch advice, fishing mortality has been increasing since 2016, with a significant increase in fishing mortality in 2019. This is in part due to the use of a bycatch TAC in combination with illegal discarding. Based on the failure of Member States like Ireland to fulfil their commitments

³⁰ Recital 8 of Council Regulation (EU) 2019/124, stating that "all vessels benefitting from these specific TACs should implement full catch documentation as from 2019".

³¹ Statement of the North Western Waters regional group made at December Council 2018.

³² By-catch reduction plan (BCReP) in the North Western Waters. 2019-06-04 version. Draft received on 12 June 2019.

³³ STECF (2019) - 61st Plenary Meeting Report (PLEN-19-02).

and considering the CFPs MSY 2020 deadline we do not consider the use of bycatch TACs as a credible option moving forward.

- ✓ **Stock recovery plans should be developed to effectively reduce bycatches and set the relevant stocks on a pathway to recovery above levels capable of producing MSY**
- ✓ **All of the fisheries which catch the relevant stocks should be subject to robust monitoring and control including full catch documentation in 2021.**

2. Improve Data Collection

According to STECF¹⁷, sufficient data is only available to determine the compliance with the CFP for 24 stocks across the whole NE Atlantic in 2018. In addition, Ireland's Marine Institute³⁴ found that the fishing mortality status of 28 percent (23 of 81) of stocks was unknown in 2019, and the biomass of 40 percent (32 of 81) of stocks was also unknown. However, the fact that a stock does not have sufficient data to allow for a full analytical assessment of their state and exploitation does not free Member States from the obligation to meet the MSY objective for all stocks.

Improved data collection and the development of MSY proxy reference points³⁵, in tandem with a Precautionary Approach¹⁹ to fisheries management, would help ensure that stocks which are not currently subject to MSY assessments meet the CFP's objectives. Improved data collection would also improve our understanding of the health of stocks and marine ecosystems, informing sustainable fisheries management.

The NWWAC provided consensus advice on Fishing Opportunities for 2021 highlighting that the lack of data for certain stocks is negatively impacting on stock assessments and management. For example, a number of stocks were subject to benchmarks in 2020, however a lack of data feeding into these benchmarks has contributed to the advice category being downgraded, with potential impacts on the advised catches and the resulting fishing opportunities.

Considering this, the NWWAC would made the following recommendations which we support:

- ✓ **Managers should improve data collection to inform the science, fisheries management, and ensure compliance with the CFP.**
- ✓ **Member States should support ICES in the development of MSY proxy reference points for data deficient stocks.**

3. Rebuild Depleted Stocks

Managers have not taken the necessary steps to reduce fishing mortality and proactively rebuild come overfished stocks. Both the EU Commission and Council have in many cases failed to accept the short-term socio-economic impacts of reducing fishing pressure to realise longer term benefits. Predictably this has resulted in the collapse of numerous stocks and fisheries closures. This situation has been made worse by a series of measures that have been developed to maintain the status quo. For example, the use of TACs to cover bycatch of stocks with zero catch advice

³⁴ Marine Institute (2019) The Stock Book 2018: Annual Review of Fish Stocks in 2019 with Management Advice for 2020 <https://bit.ly/35m83x3>

³⁵ ICES (2018) ICES reference points for stocks in categories 3 and 4 <https://bit.ly/2WZojfb>

(bycatch TAC)³⁶, using Multi Annual Plans to allow fishing mortality above MSY (F ranges) and TAC adjustments to account for the LO have all been used to maintain the fishing mortality of bycatch stocks at levels that do not impact on the landings of target species.

Approaches that entrench overfishing are incompatible with the CFP's objective of restoring the biomass of bycatch stocks to levels capable of producing MSY. Not only has the failure of the EU Commission and Council prevented the recovery of these stocks, but in the case of Celtic Sea Cod,³⁷ the stocks have gone from an advised TAC of 10,200 tonnes in 2013, to zero TAC advice in 2020.

- ✓ **Stock recovery plans should be developed to effectively reduce fishing mortality, putting overfished stocks on a pathway to recovery above levels capable of producing MSY.**
- ✓ **Managers should follow the best available advice from ICES and STECF on fisheries management. This should include following mixed fisheries advice scenarios that ensure the sustainable management of all stocks in a mixed fishery.**
- ✓ **Managers should implement measures aimed at minimizing the misalignment between fishing activity and stock shares for the fleets, such as changes in gear selectivity, spatio-temporal management measures, or reallocation of stock shares, should also be implemented.**

4. Fully Implement the Landing Obligation

The EU is not the first to establish a discard ban with similar initiatives having been taken place in Norway, Iceland, Chile and New Zealand^{38 39}. Internationally, discard bans have been most beneficial when they support the effective implementation of fishing limits, reduce fish mortality and increase stock biomass^{27 28}. Implementation has been most effective when unwanted catch is pre-emptively avoided using methods such as real time closures⁴⁰ and selective fishing gear⁴¹. An effective system of measures to ensure monitoring and control are essential to the implementation of a discards ban³⁰. Given the *“severe and significant weaknesses in the Irish control system”* including *“the lack of effective enforcement and sanctioning of noncompliance”*¹⁶ the deficiencies in Irish control and enforcement clearly go beyond the discards ban.

According to the Commission, Member States still rely on conventional controls such as inspections at sea, inspections at the landing site, and aerial surveillance, which are *“ineffective at ensuring control and enforcement of the landing obligation at sea and are limited in promoting a culture of compliance among all operators and fishermen”*¹³. The ongoing deficiencies in traditional control measures pose a serious risk to the objectives of the CFP. In its proposal for a revised Fisheries Control System⁴², the Commission has supported the use of the Remote Electronic Monitoring

³⁶ EU standing request on catch scenarios for zero TAC stocks 2020; cod (*Gadus morhua*) and whiting (*Merlangius merlangus*) in Division 6.a (West of Scotland), and whiting in Division 7.a (Irish Sea) <https://bit.ly/2ZMoZNI>

³⁷ Cod (*Gadus morhua*) in divisions 7.e–k (western English Channel and southern Celtic Seas) <https://bit.ly/3jiT3rT>

³⁸ Guillen, J., Holmes, S. J., Carvalho, N., Casey, J., Dörner, H., Gibin, M., ... & Zanzi, A., 2018 A Review of the European Union Landing Obligation Focusing on Its Implications for Fisheries and the Environment. *Sustainability*, 10(4), 900.

³⁹ Joint NGO Position, 2018 Recovering fish stocks and fully implementing the Landing Obligation Managing fishing mortality to meet CFP objectives <https://bit.ly/3fPDgOU>

⁴⁰ Rihan et al., 2017 North Western Waters Choke Species Analysis NWW Member States & NWW Advisory Council

⁴¹ Gullestad, P., Blom, G., Bakke, G., & Bogstad, B. 2015. The “Discard Ban Package”: Experiences in efforts to improve the exploitation patterns in Norwegian fisheries. *Marine Policy*, 54, 1-9.

⁴² COM (2018)368 final.

(REM) tools, such as closed-circuit television and sensor data, and has called on Member States and the industry to take part in trials of REM tools. The use of REM has already been proven to be superior to conventional controls in terms of its cost-effectiveness, its potential coverage, and enhanced registration of fishing activity and location⁴³.

- ✓ **Managers should invest in cost-effective at-sea monitoring and control systems such as REM, to ensure the full implementation of the Landing Obligation, delivering benefits such as transparency, improved data collection and enhanced compliance.**
- ✓ **All fisheries which are deemed to be at high risk of discarding should be subject to robust monitoring and control, including full catch documentation in 2020.**

5. NWWAC Fishing Opportunities Advice 2021

The North Western Waters Advisory Councils submission to the European Commission on Fishing Opportunities for 2021 adopted some significant consensus positions that are worth highlighting.

The Landing Obligation: The NWWAC agrees that compliance with the LO and agreed Total Allowable Catch (TAC) levels must be ensured. Lack of compliance with the LO, as recognised in the Commission’s communication on fishing opportunities and other reports, remains a concern. The NWWAC acknowledges that reporting of exempted quantities discards is still up for improvement and that this should be taken into account in the assessments. The NWWAC members therefore highlight the need to consider a precautionary approach in the absence of full compliance with the LO and agreed TAC levels.

Ecosystem Based Fisheries Management: The NWWAC recognises that there are many pressures on the marine environment, for example climate change, pollution and unsustainable fishing, which pose a synergistic threat to marine ecosystems and their ability to deliver ecosystem services such as commercial fisheries and climate mitigation. Ensuring sustainable fisheries, including the setting of TACs in line with the best available scientific advice, and considering ecosystem dynamics, is essential to maintain and restore healthy and productive ecosystems which are resilient to other stressors such as climate change and can continue to deliver essential ecosystem services.

The NWWAC urges the Commission and the Member States to carefully explore the mixed fisheries advice provided by ICES and identify how it could be used in the decision-making to safeguard the less abundant stocks while avoiding choke situations.

Quality assurance of the scientific assessment: Improved data collection and the development of MSY proxy reference points, in tandem with a precautionary approach to fisheries management as per the CFP, would help to ensure that stocks which are not currently subject to MSY assessments meet the CFP’s objectives. Improved data collection would also improve our understanding of the health of stocks and marine ecosystems, informing sustainable fisheries management.

Bycatch TACs: The setting of bycatch TACs for zero catch advice stocks may prevent these stocks from rebuilding or potentially increase fishing mortality, particularly if their use is not fully monitored. Therefore, it is essential that reliable data collection and monitoring is ensured. The NWWAC recognises that if the choke issues are to be resolved, concrete efforts to recover these bycatch stocks need to be prioritised. An important part of this would be to address data gaps and ensure proper monitoring. This is crucial not just to provide for healthy, diverse and

⁴³ Van Helmond, A. T., Mortensen, L. O., Plet-Hansen, K. S., Ulrich, C., Needle, C. L., Oesterwind, D., ... & Olesen, H. J. (2020). Electronic monitoring in fisheries: Lessons from global experiences and future opportunities. *Fish and Fisheries*, 21(1), 162-189.

resilient ecosystems that can withstand additional challenges posed for example by climate change, but also to prevent such bycatch stocks from continuing to limit targeted and mixed fisheries, or to even allow them to be rebuilt to levels which can sustain fisheries in the future.

6. Covid 19 – a sustainable recovery

The fishing industry has been impacted by the COVID-19 crisis and we recognize the hardship this has caused for some segments of the national fleet and the broader seafood industry. To help those affected, and to avoid future over-exploitation as a means to compensate for lost earnings, we urge governments to focus on the implementation of fiscal policies to support industry through this difficult time. Such measures require the use of public funds to support an industry reliant upon a commonly owned resource. Civil society must be given equal access to the stakeholder process to ensure fair, equitable and transparent decisions are made.

- ✓ **Financial support should focus on measures such as temporary tie-up schemes which have the potential to provide environmental co-benefits, while also not undermining the ongoing recovery of seafood markets.**
- ✓ **Any use of inter-annual flexibility should be made on the basis of the best available scientific advice and should be consistent with the existing legal framework and compatible with the objectives of the CFP.**

7. Stock Specific Recommendations

Please find below our stock specific recommendations for fishing opportunities and management in 2021.

	ICES stock	TAC 2020	2021 ICES Advice	TAC Change %	Env Pillar Advice ≤	Comments
West of Scotland	Cod 6a	1,279	0	-100	0	Follow ICES MSY approach. Stop using a bycatch TAC which is resulting in an increase in fishing mortality. Recovery plan required to reduce bycatch and boost recruitment. Implement full catch documentation / REM Relevant TACs in the mixed fisheries should be precautionary
	Cod 6b	74	14	-81	14	Follow ICES PA approach (ICES Cat-6). Improve data collection. Recovery plan required to reduce bycatch and boost recruitment. Implement full catch documentation / REM Relevant TACs in the mixed fisheries should be precautionary
	Haddock 3a,4,6a*	35,653	69,280	72	69,280	
		3,973				
		707				
	Haddock 6b	10,472	6,239	-40	6,239	
	Whiting 6a	937	0	-100	0	Follow ICES PA approach (ICES Cat-5). Recovery plan required to reduce bycatch and boost recruitment. Implement full catch documentation / REM improve data collection. Relevant TACs in the mixed fisheries should be precautionary
	Plaice 6	658	No advice	NA	No advice	
	Sole 6	57	No advice	NA	No advice	
	Anglerfish 3a,4,6*	14,085	17,645	-20	17,645	
		7,971				
	Megrim 4,6a	5,901	7,300	-11	7,300	
Megrim 6b	2,922	512	-11	512		
Saithe 4,6,3a*	8,280	65,687	-26	65,687		
	79,813					
	880					

Irish Sea	Cod 7a	257	93	-64	93	Follow ICES PA approach (ICES Cat-3). Improve data collection. Recovery plan required to reduce bycatch and boost recruitment. Implement full catch documentation / REM Relevant TACs in the mixed fisheries should be precautionary
	Haddock 7a	3,156	3,371	7	3,371	
	Whiting 7a	721	0	-100	0	Follow ICES MSY approach. Stop using a bycatch TAC which is resulting in an increase in fishing mortality. Recovery plan required to reduce bycatch and boost recruitment. Implement full catch documentation / REM Ensure the other target stocks have TACs and management measure that are consistent with the recovery of Whiting 7a.
	Plaice 7a	2,790	2,846	2	2,846	
	Sole 7a	457	768	68	768	The fishery has gone from a bycatch of Ray to actively targeting it over the space of one year. F MSY should be an upper limit.
Celtic Sea	Cod 7e-k	805	0	-100	0	Follow ICES MSY approach. Stop using a bycatch TAC which is resulting in an increase in fishing mortality. Recovery plan required to reduce bycatch and boost recruitment. Implement full catch documentation / REM Relevant TACs in the mixed fisheries should be precautionary
	Haddock 7b-k	10,859	18,382	69	18,382	Take Celtic Sea mixed fisheries consideration into account - ensuring the TAC for TAC of Cod 7e-k is inline with the CFP obligations.
	Whiting 7bk	10,863	5,261	-12	5,261	Take Celtic Sea mixed fisheries consideration into account - ensuring the TAC for TAC of Cod 7e-k is inline with the CFP obligations.
	Whiting 7d		4,311		4,311	
	Plaice 7bc	74	19	-74	19	Follow ICES PA approach (ICES Cat-6). Improve data collection.
	Plaice 7fg	2,003	1,911	-5	1,911	
	Plaice 7hjk	67	0	-100	0	Follow ICES Precautionary approach. Bycatch reduction plan required. Implement full catch documentation / REM Relevant TACs in the mixed fisheries should be precautionary
	Sole 7bc	42	19	-55	19	Follow ICES PA approach (ICES Cat-6). Improve data collection.
	Sole 7fg	1,652	1,413	-14	1,413	
	Sole 7hjk	329	213	-35	213	Follow ICES PA approach (ICES Cat-3). Improve data collection.
	Hake Northern*	3,403	98,657	-13	98,657	Follow ICES MSY approach.
		3,940				
		63,325				
		42,235				
	Black anglerfish 7,8	35,299	15,551	13	15,551	
	White anglerfish 7,8	9,008	34,579	13	34,579	
	Megrim 7b-k,8abde	18,732	19,184	NA	19,184	Two separate stocks which should be managed using single-species TACs. Follow the UNFSA Precautionary Approach to fisheries management. Improve data collection
Pollack 6,7*	238	3,360	-73	3,360	Follow ICES PA approach (ICES Cat-4). Improve data collection.	
	12,163					
Saithe 7-10	3,176	No advice	NA	No advice		
Nephrops	Nephrops 6 no FU	Area 6+	209	-6		
	Nephrops FU11		3,852			
	Nephrops FU12		5,772			
	Nephrops FU13		5,132			
	Nephrops 7 no FU	Area 7+	150	7		Ensure that the TAC and management of Nephrops in FU 7 is consistent with the recovery of Whiting 7a and Cod 7a
	Nephrops FU14		991			
	Nephrops FU15		9,919			
	Nephrops FU16		3,290			
	Nephrops FU17		436			
	Nephrops FU19		439			
	Nephrops FU20-21		1,430			
	Nephrops FU22		1,371			
			16,815			

Pelagic / widely distributed	Albacore tuna NEA	33,600	37,801	13	37,801	
	Blue whiting NEA*	2,500	929,292	NA	929,292	The fishery is underpinned by the 2014 good yr class but this is passing out of the fishery. MSY must be an upper limit.
		44,757				
		326,484				
	Boarfish 6,7,8	19,152	19,152	0	19,152	
	Herring 1,2*	385,008	651,033	24	651,033	Concern about decline in SSB and increase in F. MSY must be an upper limit.
		8,954				
		385,008				
	Herring 6a,7bc*	1,360	0	-100	0	Recovery plan required. Enhanced at-sea monitoring and data collection. Ensure a monitoring TAC is consistent with the short-term rebuilding of the stock.
		3,480				
	Herring 7aN	8,064	7,341	-9	7,341	Recovery plan required. Enhanced at-sea monitoring and data collection. Ensure a monitoring TAC is consistent with the short-term rebuilding of the stock.
	Herring 7a5,7g-k	869	0	-100	0	Recovery plan required. Enhanced at-sea monitoring and data collection. Ensure a monitoring TAC is consistent with the short-term rebuilding of the stock.
	Horse mackerel NS	13,763	14,014	2	14,014	
	Horse mackerel W*	11,179	81,376	-1	81,376	The fishery is heavily dependent on 1982 yr class. MSY must be an upper limit.
		70,617				
20,396						
Ling NEA*	4,237	18,516	-29	18,516	Follow ICES PA approach (ICES Cat-3). Improve data collection.	
	1,350					
Mackerel NEA	922,064	852,284	-8	852,284	Recruitment down in 2020. MSY must be an upper limit. A stable sharing arrangement must be established.	
Spurdog/ dogfish NEA	0	0	0	0	A threatened and declining species according to OSPAR. Landing of bycatch should be part of a management plan, including close monitoring of the stock and relevant fisheries. Work with the industry to promote real-time reporting and real-time spatial closures to avoid congregations.	

Conclusion

The Irish Government has repeatedly committed to the full implementation of the Common Fisheries Policy. The positive environmental and socio-economic benefits of sustainable fisheries management remain within reach. Decisive action must now be taken to ensure that the promise of the reformed Common Fisheries Policy is fulfilled without further delay. In view of the Government's declaration of a biodiversity and climate emergency it is appropriate that fisheries management adopts an ecosystem-based approach moving forward. As an island nation we have an unprecedented opportunity to grow our blue economy, creating more jobs in coastal communities while delivering a healthy marine environment that is resilient to the mounting pressures of biodiversity loss, climate change and pollution. This is an opportunity we cannot afford to ignore any longer.