



LONG DISTANT FLEET ADVISORY COUNCIL

Reference: R-03-15/WG2

ADVICE ON STOCK ASSESSMENT AND FISHING OPPORTUNITIES FOR 2016 IN NORTH WEST ATLANTIC REGULATORY AREA (NAFO)

Date of Adoption: 18 September 2015

1. GENERAL OVERVIEW / PRELIMINARY CONSIDERATIONS

Similarly to last year's advice, before going into detailed comment of each of the species' scientific assessments, we would like to present a more generalist approach in terms of analysis of the quota consumption and the output generated from the NAFO regulated waters by the different Contracting Parties fleets. This general overview, as in previous years, stresses the relevance of the fishing ground for the EU fleet and vice versa, i.e. the economic weight of the EU fleet when compared to the activities of the rest of the fleets present in NAFO waters. It is often foregone that the EU comprises a fleet with nine different Member States flags.

As organisation representing both the fishing industry and other stakeholders, the LDAC is aware of its leading role-setting example, its responsibility towards a transparent and strict level of compliance of the NAFO management rules. The LDAC is also aware that it is necessary to take into consideration the views of those operators having an effective and direct interest in the fishery and a real socioeconomic stake in the fishing ground, as decisions made will have an economic impact in their activities. Situations as those lived in the annual meeting last year in Vigo with the cod and the witch flounder fisheries are a clear example of the consequences of management decisions.

In view of the above, the LDAC would like to present a picture of the historical evolution and current situation of the catches and allocation of quotas between NAFO Contracting Parties (henceforth, CP) in the last two years (2013 and 2014).

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2. COMPARATIVE CATCH/QUOTA DATA OF STOCKS OPEN TO FISHING IN 2013 AND 2014

2013

NAFO		CATCHES OF STOCKS OPEN TO FISHING							2013	
Species		Stock	EU	CAN	RUS	FAR	NOR	USA	OTH	Total
Species managed by quotas	G. Halibut	2+3	6,835	6,389	1,469	199				14,892
	Cod	3M	8,567		896	3,145	1,256			13,864
	Redfish	3M	5,712		1,812	73				7,597
		3O	6,341	1,450						7,791
		3LN	1,500	2,729	1,791					6,020
	Skates	3LNO	3,816	21	392					4,229
	White hake	3NO	57	110	18					185
	Yellowtail F	3LNO	806	7,918	172		1,073			9,969
Shrimp	3L	764	6,095		592			92	7,543	
By-catch	SA 3	3,417	1,189	786		21	113		5,526	
Total catch CP			37,815	24,451	8,786	4,009	1,277	1,186	92	77,616
Catches with quota			34,398	23,262	8,000	4,009	1,256	1,073	92	72,090
Total quotas held			36,260	40,321	21,207	3,519	1,401	165	6,85	109,723
Utilisation rate			95%	58%	38%	114%	90%	651%	1%	66%
Ratio over the total			49%	32%	11%	5%	2%	2%	0%	100%
Ratio without Canada			71%		17%	8%	2%	2%	0%	

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2014

NAFO		CATCHES OF STOCKS OPEN TO FISHING							2014	Catches		
Species		Stock	EU	CAN	RUS	FAR	NOR	USA	OTH	Total	EU %	Util. %
Species managed by quotas	G. Halibut	2+3	6,664	7,114	1,456				87	15,321	43.5%	99,2%
	Cod	3M	7,979	226	950		1,348			10,503	76.0%	72,3%
	Redfish	3M	5,107		1,342					6,449	79.2%	99,2%
		3O	5,978	34	1,271					7,283	82.1%	36,4%
		3LN	2,272	1,498	2,062					5,832	39.0%	83,3%
	Skates	3LNO	4,298	2	160					4,460	96.4%	63,7%
	White hake	3NO	195	32	27			19		273	71.4%	27,3%
	Witch Flounder	3NO	267	9	57					333	80.2%	33,3%
	Yellowtail F	3LNO	306	6,802	85			769	6	7,968	3.8%	46,9%
	Shrimp	3L	83	1,759					92	1,934	4.3%	
By-catch	SA 3	3,868	2,711	446			13	188	0	7,226	53,5%	
Total catch CP			37,017	20,187	7,856	0	1,361	976	94	67,491	54.8%	
Catches with quota			33,149	17,476	7,410	0	1,348	788	185	60,356	54.9%	
Total quotas held			36,563	35,374	21,778	3,351	1,276	69	6,684	105,095	34.8%	
Utilisation rate			90.7%	49.4%	34.0%	0,0%	105.6%		2.8%	57.4%		
Ratio over the total			54.9%	29.0%	12.3%	0,0%	2.2%	1,3%	0.3%			
Ratio without Canada			77.3%	--	17.3%	0,0%	3.1%	1,8%	0.4%			

Some conclusions:

- Out of the ten considered commercial stocks, the EU leads the production on seven.
- If we take into account the three largest contracting parties, the EU is the only one that fully utilizes its quotas, with Canada leaving one in two kilos and Russia almost two in three unfished. The full exploitation of the quotas should be a management objective of the CPs and the utilisation rates will have to be taken into consideration and play a role in absorbing or mitigating the detrimental socioeconomic impact of future conservation measures.
- EU catches represent 55% of the total, up to 6% more from last year (49%). If we exclude the only relevant Coastal State, Canada, the EU share rises to 77% of total catches, compared to 71% of the previous year; and all these despite holding only 35% of the total quota (33% in the previous year).
- US catches are possible through a yearly non-compensated transfer of 1.000 tons from the Canadian quota.
- A caveat of the utilisation rates calculated here is the continued uncertainty in catch reporting data, which has been noted by the NAFO SC as problematic in ensuring accuracy in catch estimates. Given that the ad hoc Joint Working Group on Catch Reporting (WG-CR) has only been in place for one year, and that collection of tow-by-tow data has also only been agreed in 2014, utilisation rates should be revisited on a regular basis.

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3. MANAGEMENT STRATEGY EVALUATION (MSE) FOR GREENLAND HALIBUT (GHT) 2+3KLMNO

G. HALIBUT (GHT)		SA 2+3	TAC 2013	15.510	TAC 2014	15.441	-0,4%	TAC 2015	15.580	0,90%			
CP	EU	CAN	CUB	FAR	SPM	ISL	JAP	KOR	NOR	RUS	UKR	USA	OTH
2013	Quota	6,738	5,741	199	188		1,178			1,466			
	Catch	6,835	6,389	199	0	469	0			1,469			
	Used	101%	111%	100%	0%		0%			100%			
2014	Quota	6,708	5,715	199	187		1,173			1,459			
	Catch	6,664	7,114	0	87		0			1,456			
	Used	99%	124%	0%	47%		0%			100%			
2015	Quota	6,768	5,766	201	189		1,183			1,473			
	Share	44%	37%	1%	1%		8%			9%			

It seems reasonable to continue to apply the current HCR unaltered and without paying too much attention to the renewed calls to activate or “switch on” the exceptional circumstances clauses. These stems from the Canadian Spring campaign in 3LNO witch seems to point to some breaking of the lower limits of B_{lim} (in the XSA but not in the SCAA) for a second year on a row. It might have been a mistake to weight equally the campaigns in the HCR, when real coverage of the species is very dissimilar. The Autumn Canadian Campaign, covering the whole GHL area, keeps raising the biomass estimations with the fishing operations also pointing in the same direction.

As a general comment, relating to all of the species, it is becoming more and more necessary to resolve the catch estimate conundrum of every year. Despite that many members of the NAFO Scientific Council acknowledge the positive change in the situation, the respective WG and the SC are still pointing to the lack of this data as the main reason for failing to give robust advice and evaluation. In the case of the GHL this is also the main reason given to determine whether current circumstances are exceptional or not, thus giving room for discretion and leaving it subject to the Fisheries Council to reach a decision.

It is fundamental to find a permanent solution to this issue, but it is equally fundamental to respect the method and provide an adequate timeframe for analysis. An illustrative example is that this is the first year with compulsory tow-by-tow reporting and its influence should be studied before new variables are brought in.

Recommendation: the LDAC advices to maintain the application of the current HCR foregoing unmotivated calls for the application of the exceptional measures clause.

4. ASSESSMENTS REQUESTED BY THE FISHERIES COMMISSION

4.1 - COD 3M

COD		3M	TAC 2013	14,113	TAC 2014	14,521	2,9%	TAC 2015	15,580	7,29%			
CP	EU	CAN	CUB	FAR	SPM	ISL	JAP	KOR	NOR	RUS	UKR	USA	OTH
2013	Quota	8,049	113	522	3,145				1,305	913			56
	Catch	8,567			3,145				1,256	896			
	Used	106%	0%	0%	100%				96%	98%			
2014	Quota	8,281	116	537	3,245				1,343	940			58
	Catch	7,979	226		0				1,348	950			
	Used	96%	195%		0%				100%	101%			
2015	Quota	7,867	110	511	3,083				1,276	893			55
	Share	57%	1%	4%	22%				9%	6%			0,4%

On its first biannual evaluation of the 3M cod, it will likely be the cornerstone of a future HCR. The SC argues again a lack of independent catch estimates for the 2011-2012 period that hinders their confidence in the advice. B is well above B_{lim} and close to historical maximums with stock increasing to restore at B_{msy} . This can be an example of a successful recovery for a fishery that was closed for 14 years and has only been reopened since 2010, if fishing pressure is adopted accordingly.

As outlined by the SC, it is obvious that some relevant problems still remain in the fishery, namely the current F values which are above F_{msy} and not sustainable over the longer term; the catch estimate confidence; and the very high proportion of small and immature individuals in the catch composition. The recovery has been mostly made at the cost of the fleets, and they continue to make efforts to improve the fishery exploitation in areas such as gear selectivity, technical measures, reporting, etc. Before the FC endorses drastic measures it should consider the success of these measures as well as the positive impact they could have on the biomass.

F_{lim} is clearly too low. The SC and FC focus on its report on the success of the Barents Sea due to the implementation of restrictive measures, but does not seize the vast difference between the values of F_{lim} on both sides (a good argumentation on this matter can be found on the 2014 edition of the present document). Before any blunt decision is taken, the new tow-by-tow reporting and the desired adoption of sorting grids should be properly evaluated and studied, along with their impact on the biomass projections.

On the latter, the fleet represented in the LDAC favours the implementation and an impact assessment of the use of the sorting grids. This decision could be immediately applied for many vessels that operate on both NAFO and the Barents Sea and are already equipped with these devices. In this scenario, it should be possible to set up an evaluation survey or campaign yielding relevant data available for next NAFO annual meeting.

The main challenge in the years to come will be the establishing of an HCR -or a similar management tool. Several options have been considered but a strong single recommendation seems to fail to come through. An HCR should be a method able to reconcile the conservation measures with the socioeconomic viability of the fleets, reassuring the future of the stock but at the same time giving a certain degree of stability to the fleets, as well as reaction time to adapt to the new measures. In this manner, an HCR should work according to a mechanism that allows short-term smooth corrections, either positive or negative - and steeping them as



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necessary if the scenario calls for it. In any case huge variations in quotas are neither effective nor acceptable. Another main factor is the starting point for the HCR. It is the view of the LDAC that the starting point should be, within the HCR, the closest possible to the present situation (“status quo”) that can be subsequently corrected by the HCR itself.

This is why revising possible variables, such as discards, catch estimation rates and size composition are so relevant before adopting a HCR. Even more when the possible solutions to these problems are being tested. This process is key in the socioeconomic acceptability and buy in of any proposed HCRs.

The diverse political background of this stock is quite obvious, with some CPs clearly pushing for strong reductions on the TAC, or even asking to close the fishery again. As pointed out in the above general analysis of the quotas and their utilization, some CPs are very active when they have no invested economic interests nor quota, but advocate the opposite for other fisheries which they ask to reopen and are still under B_{lim} .

The NAFO Fisheries Commission has to carry out its duty of following scientific advice and promote responsible fisheries management, but the EU as CP can never forget the obligations laid out in the EU Treaties establishing principles of socioeconomic sustainability and responsibility.

Recommendations:

- 1. To seek a stable TAC leverage for the next two years (2016 and 2017) based on the average of the proposed TACs by the SC. This will continue to allow the stock growth reflecting the biomass state and low historical mortality.**
- 2. To endorse the adoption of selectivity measures (e.g. sorting grids) and the study of their impact.**
- 3. To continue the efforts of the establishment of a proper HCR that respects status quo and socioeconomic viability.**

4.2 – REDFISH 3M

RED FISH		3M	TAC 2013			6,500	TAC 2014			6,500	0%	TAC 2015		6,700	0%
CP	EU	CAN	CUB	FAR	SPM	ISL	JAP	KOR	NOR	RUS	UKR	USA	OTH		
2013	Quota	7,813	500	1,750	69	69	400	69		9,137		69	124		
	Catch	5,712			73					1,812					
	Used	73%	0%	0%	106%	0%	0%	0%		20%		0%			
2014	Quota	7,813	500	1,750	69	69	400	69		9,137		69	124		
	Catch	5,107								1,342					
	Used	65%								15%					
2015	Quota	7,813	500	1,750	69	69	400	69		9,137		69	124		
	Share	39%	3%	9%	0,3%	0,3%	2%	0,3%		46%		0,3%	1%		

With a biomass on relatively high levels since the 1990s, the fact that recruitments have not been high in the last four years can be somewhat overlooked against the lowest fishing mortality levels of the time series. SC proposes 7,000t for 2016.

The LDAC is aware of the different voices and views around the way the TAC is distributed and how this particularity of the stock influences the fishing strategies of the fleets involved. NAFO in general and the fisheries in the 3M area in particular have improved vastly on its management and fleet consolidation on the past years. A lot of this success can be attributed to a clear system of quota allocation to the different Contracting Parties and, within those Parties, to the different vessels. This clarity allows for an effective control, a transparent management and, very importantly, a stable and predictable scenario for fishing operators. It is also true that, in this scenario, the 3M Redfish fishery presents itself as an exception. Although this is not a conservation issue, as TAC is respected, it is quite a relevant management issue.

The majority of the EU vessels have adapted their fishing strategies in the past years to a mixed exploitation of their trips, seeking the right catch composition and the best times of year to combine the highest possible CPUE rate and the best quality of the fish. But this strategy is conditioned by the need to be on the fishing ground on the first weeks of the two fishing periods only to defend the possibility of extracting their respective Redfish 3M quota..

The LDAC is mindful that the solution to this problem is neither easy nor straightforward. Converging the reference TAC used for the allocation key and the real TAC would create other problems, namely a great deficit of quota for the EU fleet. This debate should be first at the EU level seeking internal consensus before discussing it with the different Contracting Parties.

Adding to the problems and unbalances that an effective reduction of quota would create amongst EU Member States, we have to keep in mind the plausible role of choke species that Redfish 3M could have, depending on the implementation of EU landing obligation and NAFO's future own measures on discards. The matter will be addressed in the next meeting of the LDAC Working Group 2 (October 2015).

The fleet has suggested that a plausible intermediate measure could be to forego the current two periods and merge then onto only one straddling the best fishing season for this stock, which is June-July. This change

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would probably reduce the by-catches currently present in these months when the targeted fishery is closed, as well as eliminate the fishery in a period when the average size is smaller (January). Probably the quota set aside for by catches (200 tons) should also be recalculated.

A very good reflection on the matter can be found in last year's edition of this document. Below is the updated table indicating the deficit in quotas for the EU compared with the surplus from Russia in 2014.

REDFISH		EUROPEAN UNION				RUSSIA			
Year	Real TAC	Ref. quota	7,813	39.07%	Missing	Ref. quota	9,137	45.69%	Excess
		Catch	Used	Real quota		Catch	Used	Real quota	
2008	5,000	5,783	74%	1,953	-3,830	1,215	13%	2,284	1,069
2009	8,500	7,473	96%	3,321	-4,152	0	0%	3,883	3,883
2010	10,000	7,105	91%	3,907	-3,199	927	10%	4,569	3,642
2011	10,000	6,734	86%	3,907	-2,828	0	0%	4,569	4,569
2012	6,500	5,170	66%	2,539	-2,631	1,711	19%	2,970	1,259
2013	6,500	5,712	73%	2,539	-3,173	1,812	20%	2,970	1,158
2014	6,500	5,107	65%	2,539	-2,568	1,342	15%	2,970	1,628
TOTAL		Deficit with actual quota			-22,380	Surplus with actual quota			17,207

Recommendation:

1. To maintain the management model for this redfish stock, whose biological results are positive
2. To set out a moderate increase of the TAC, as the status of the resource allows so, inserting the proposal into a broader negotiation package that does not harm essential values.

4.3 – WHITE HAKE 3NO

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WHITE HAKE		3NO	TAC 2013		1,000	TAC 2014		1,000	0%	TAC 2015		1,000	0%
CP	EU	CAN	CUB	FAR	SPM	ISL	JAP	KOR	NOR	RUS	UKR	USA	OTH
2013	Quota	588	294							59			59
	Catch	57	110							18			
	Used	10%	37%							31%			
2014	Quota	588	294							59			59
	Catch	200	32							27			
	Used	34%	11%							46%			
2015	Quota	588	294							59			59
	Share	59%	29%							6%			6%

The stock was initially regulated by a TAC of 8,500t in 2005. The EU, taking into account the high levels of catches by its fleet in 2002 and 2003, has the largest share of the TAC. The stock behaves atypically, because the availability of white hake for commercial catches is highly dependent on strong recruitments in the previous 2 to 3 years. Catches have been insignificant in the last decade, both in the regulatory area and inside Canada's zone.

Further reducing the TAC would create an increase in by-catches and discarding, as the TAC already leaves small room for the different CPs and even more for the EU fleets. The LDAC would back a prohibition for targeted fishing to this stock, unless there is an upsurge in the stock as it has happened in the past. This could be covered by the already existing footnote no 27 of the quota chart of the SC report.

Recommendation: To maintain the status quo including the footnote no 27 of the quota chart of the SC report.

4.4 – COD 3NO

The stock continues its recovery with the spawning biomass already reaching 64% of B_{lim} in 2014, an increase since the last 2011/2013 survey. An open fishery seems still quite far to be achieved, but it would be justified to revise the allowed by-catch levels to 2,500 kg or 10%, whichever is the greater.

The Baltic States (i.e. Estonia, Latvia and Lithuania) holds historical rights for the stock. The direct fishery should be reopened in 2017 given the spawning biomass has reached B_{lim} .

NGOs do not agree with the request to increase the allowed by-catch levels but to follow the scientific advice by the SC and keep bycatch levels of cod fisheries targeting other species at the lowest possible level.

4.5 – YELLOWTAIL FLOUNDER 3LNO

Y. FLOUNDER		3LNO	TAC 2013			17,000	TAC 2014			17,000	0%	TAC 2015		17,000	0%
CP	EU	CAN	CUB	FAR	SPM	ISL	JAP	KOR	NOR	RUS	UKR	USA	OTH		
2013	Quota	16,575			340								85		
	Catch Used	806 48%	7.918		0%					172					
2014	Quota	16,575			340								85		
	Catch Used	306 41%	6.802		1,8%	6				85					
2015	Quota	16,575			340								124		
	Share	98%			2%								1%		

Since the EU holds no quotas for this fishery, the only concern is to maintain the by-catch possibilities so as not to hinder the normal exploitation of other fisheries in the area. Given the by-catch levels of the EU fleet in past years, this should not be problem. If the TAC is increased based on the current indicators, for consistency other stocks should probably follow this approach.

4.6 – CAPELIN 3NO

It is recommended to closely monitor Canada's fishery activity in 3K and 3L with the awareness that this is the first species in NAFO falling under the EU discard ban.

The Baltic States (i.e. Estonia, Latvia and Lithuania) holds historical rights for the stock. The direct fishery should be reopened in 2017 given the spawning biomass has reached B_{lim} .

5. STOCKS THAT ARE MONITORED, BUT NOT ASSESSED

5.1 – Stocks with directed fishing activity

5.1.1 – REDFISH 3LN

RED FISH		3LN	TAC 2013	6,500	TAC 2014	7,000	7,7%	TAC 2015	9,790	39,86%			
CP	EU	CAN	CUB	FAR	SPM	ISL	JAP	KOR	NOR	RUS	UKR	USA	OTH
2013	Quota	1,185	2,769	637						1,870			39
	Catch	1,500	2,729							1,791			
	Used	127%	99%	0%						96%			
2014	Quota	1,276	2,982	686						2,014			42
	Catch	2,272	1,498							2,062			
	Used	178%	50%							102%			
2015	Quota	1,986	4,430	1,019						2,292			63
	Share	20%	45%	10%						23%			1%

It is a surprise to see that the big push from Canada last year to increase the quotas in the area has been met with a reduction of catches on their side. It is therefore unclear what Canada's position on the matter will be or whether this demand will continue. In any case, the EU continues to fish this stock above its current possibilities through quota transfers and swaps with other CPs. The fleet of some Member States could be hindered in their operations should this transfers be less available in the future.

5.1.2 – REDFISH 30

RED FISH		30	TAC 2013	20,000	TAC 2014	20,000	0%	TAC 2015	20,000	0%			
CP	EU	CAN	CUB	FAR	SPM	ISL	JAP	KOR	NOR	RUS	UKR	USA	OTH
2013	Quota	7,000	6,000				150	100		6,500	150		124
	Catch	6,341	75							1,450			
	Used	91%	0%				0%	0%		22%	0%		
2014	Quota	7,000	6,000				150	100		6,500			124
	Catch	5,978	34							1,271			
	Used	85%	1%				0%	0%		20%	0%		
2015	Quota	7,000	6,000				150	100		6,500			124
	Share	35%	30%				1%	0,5%		33%	0%		1%

Since the establishing of reference points is expected only for June 2016, the logical action would be to maintain the current TAC until the information is available. The LDAC would also like to continue with the proposal raised at the Annual Meeting last year by Canada on the possible aggregation of redfish stocks 30 and 3LNO in one single biological unit, given that there is apparently no genetic difference between these 2 redfish stocks, comprising deep- sea components (*mentella*) and mid-water components (*fasciatus*).

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In fact, catch reports are made jointly because their features are not easy to be distinguished. The quotas of the Contracting Parties, holding fishing rights on these redfish populations, in a united stock would be the sum of quotas 3O and 3LN.

5.1.3 – AMERICAN PLAICE 3M

No quantitative assessment until June 2017, continue with the closure.

The Baltic States (i.e. Estonia, Latvia and Lithuania) holds historical rights for the stock. The direct fishery should be reopened in 2017 given the spawning biomass has reached B_{lim} .

5.1.4 – AMERICAN PLAICE 3LNO

No reference points established yet, continue with the closure.

5.1.5 – THORNY SKATE 3LNO

SKATES		3LNO	TAC 2013	6,500	TAC 2014	7,000	7,7%	TAC 2015	7,000	0,00%			
CP	EU	CAN	CUB	FAR	SPM	ISL	JAP	KOR	NOR	RUS	UKR	USA	OTH
2013	Quota	4,408	1,167							1,167			259
	Catch	3,816	21							392			
	Used	87%	2%							34%			
2014	Quota	4,408	1,167							1,167			259
	Catch	4,298	2							160			
	Used	98%	0%							14%			
2015	Quota	4,408	1,167							1,167			259
	Share	63%	17%							17%			3%

According to the Scientific Council analysis of the existing data, past measures adopted on this stock seem to have worked correctly. Without any significant change in the scientific recommendation done for the 2015-2017 period, management should not change either. Quotas have to be maintained at the same level so as not to reduce the EU fleet catches further. The LDAC agrees with the Scientific Council's recommendation that catches remain stable and do not increase. The Fishing Commission should not change its practice of combining this recommendation with the reality of the quota distribution among Contracting Parties and its respective exploitation.

Reducing the TAC to the level of catches would not be desirable, as it would impact the fleets that participate in the fishery and its conservation only to increase the economic gain of the non-participating fleets. This proposal seem only to be tabled for those stocks where the EU has very significant catches compared to the void numbers of other CPs. These efforts should always be met by the EU with the proposal to accept only if the different CPs bring their own quotas within the TAC to their real level of catches, this is that they relinquish their rights and so meeting the objective of their own proposal.

5.1.6 – WITCH FLOUNDER 3NO

Although last year’s opening of the stock to fishing was considered to be done too early by both the LDAC and the Commission, as the stock biomass was still below B_{lim} , however this year the case seems to be different with biomass at 81% B_{msy} . Since B_{lim} is set at 30% B_{msy} , it is safe to assume that the biomass has well surpassed the critical point. More relevant data will be available with the outcome or results provided by both the Spanish and Canadian Spring campaigns.

The Baltic States (i.e. Estonia, Latvia and Lithuania) holds historical rights for the stock. The allocation key for this stock should be in line with other NAFO stocks, such as the Greenland halibut, starting no later than 2018.

As this stock is newly reopened fishery the acceptance risk level should be conservative. FC should accept the catch level proposed by the NAFO SC.

Recommendation: To follow the scientific advice and the outcome of the scientific campaigns published by SC in June 2015 before confirming an increase of TAC of 2200 tons for both years (2016 and 2017).

5.2 - STOCKS WITHOUT DIRECTED FISHING OR WITH LOW PRODUCTIVITY

Species	Stock	Comments / Recommendation
Cod	2J+3K	Propose the assessment to be back in the competence of the Scientific Council.
Squid	SA 2+3	Stock in a cycle of low productivity. Maintain TAC at 34,000 t

5.3 SHRIMP STOCKS

Background

For the last two decades the 3M shrimp stock in NAFO is the most important single one in terms of fishing opportunities, number of EU vessels and employment created. More than 30 vessels were engaged in the NAFO shrimp fishery in the last two decades employing close to 1000 seamen. Estonia has the largest fleet but Lithuania, Latvia, Poland, Spain and Portugal were also active during this period.

A moratorium has been used for many collapsed fisheries globally in the past, but never on the North Atlantic shrimp stocks in the high seas except for the NAFO stocks. Shrimp fishing differ from other fisheries in the high seas because there is literally no by-catch due to the obligatory use of sorting grids.

Norway, a pioneer in North Atlantic trawl shrimp fishing, has never reduced its effort based shrimp allocation for its high seas fleet since 1970. During times of low stock situation the fishing effort has gone down because of economical reasons. Iceland, Canada and Greenland have never set a total moratorium on domestic northern shrimp stock in the high seas.

The EU fishing sector represented in the LDAC thinks that a moratorium should not be considered as a reservation measure for shrimp in the high seas. If a stock is in low state the catch effort will immediately follow as NAFO records shows. A small biomass of a given shrimp stock should be dealt with by issuing a small TAC. Moratorium would be like “turning off the lights and closing the door”. The stakeholders cannot see what is the state of the stock and both scientists and policy makers do not get timely feedback such as CPUE data, etc. In view of the above, it is important to allow for minor scale fishing effort for 3M shrimp.

5.3.1 3LN shrimp

During the International Cold Water Prawn Forum (ICWPF), held in London November 21 2013, Professor Michaela Aschan at the Arctic University of Norway stated that only one “*Pandalus Borealis*” shrimp stock exists in Canadian waters. The shrimp biomass found north of 3L area, all solely caught in Canadian waters only, is quite significant and the annual catch have been well above 100.000 tons in recent years. This information is important as it questions the idea of a moratorium set on shrimp in 3LN in 2015.

5.3.2 3M shrimp

The stock situation is not as well known as it could because there is a lack of feedback from fishing vessels. The area has been fully closed for shrimp fishing for 5 years and the stock seems to remain in low levels. If there are no signs of recovery it is clear the regression of the stock could not be connected to a lower or modest fishing effort, but more likely would be connected to an increase of the cod biomass in the region.

The only information available for the last five years has been the annual survey mainly focusing on the ground fish in 3M. The annual survey is not comprehensive enough in terms of information on shrimp fisheries.



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Recommendation for 3M and 3LN shrimp: The LDAC asks NAFO SC to improve the knowledge of the shrimp stock in 3M by initiating additional scientific surveys focusing on shrimps in the area, taking into account the particular requirements such as “shifting of biomass” within the zone and changes over time in the “soft-shell season”. It further asks the SC to evaluate the long-term effect of an experimental fishery (300-500 tones) on the stock including a scientific observer for data sampling. At last we ask the SC to advise if a scientific sampling is likely to increase the knowledge about the stock, given the fact there has been a moratorium in place for five years.

6. OTHER ASPECTS OF INTEREST

6.1 - Selectivity measures on Cod and Redfish in Flemish Cap (3M)

The issue was addressed on both the Scientific Council and the Working Group held on Halifax past mid-July. The intent is to reduce the high catches of small and immature cod individuals as well as to reduce unwanted catches of redfish and by catch in general and subsequent discarded fish.

Recognizing the problem highlighted by the median size of the caught cod verging on the minimum size, we think that management strategies implemented elsewhere with success should be tried and studied. The use of selective grids is the easiest and most obvious solution to try, given its success in the Barents Sea. Moreover, a significant share of the fleet operates on both sides of the Atlantic and are already equipped and trained to work with the grids, so it should be very easy a survey to set up. The industry represented in LDAC has indicated its support and availability for such surveys. The outcome of a survey measuring the impact of the adoption of the grids is of the most importance for future decision taking on the broader management side. More so on the establishing of the future HCR on cod in 3M, since a success in reducing the share of small and immature cod individuals would surely have an impact on the reference points that will condition the evolution of catches under a harvest control rule.

Recommendation: The LDAC suggests setting up a survey to assess the effectiveness of the use of selective grids, and the industry represented in LDAC has indicated its support and availability for carrying out such surveys on their boats.

6.2. – Vulnerable Marine Ecosystems (VME)

The LDAC acknowledges and praises the fact that protection of VME has been at the forefront of NAFO's priorities since the adoption of the UNGA Resolution 61/105 in 2006, and since that time NAFO leading the way in area closures, VME identification and more importantly having mapped most of its regulatory area through the NEREIDA research programme. All these milestones have been met through the effort and dedication of the Organization, CPs and stakeholders, clearly showing what an RFMO can do for the protection of the seas.

This record, impressive as it may be, is now under pressure. The protection of VMEs and the success of area closures are clearly hampered by the proliferation of oil and gas exploration activities, and the questions remain on how these activities are affecting the fishing resources in the area and to what extent are the scientific surveys also affected by the impact of these new activities.

NAFO must address this situation immediately. Legitimacy and credibility could be undermined if fishing activities are displaced for VME protection but there is room for these new extractive activities. NAFO should therefore undertake to assess the impact of all economic activities within its remit, both in absolute terms and on those relative to the fisheries. CPs should uphold closures for all economic activities and not only fishing, in accordance with the precautionary approach.

The most reliable way to assess the impacts and risks of these activities, as well as determine its boundaries and limits, is to stand on the best available scientific and technical knowledge acquired by the CPs and the Organization in the course of the last 65 years, since the inception of ICNAF. A wider debate could also be whether RFMOs should act as guardians of the marine resources and environment under their jurisdiction and not restrict its area of competence merely for fishing activities.

In the meantime, NAFO must endeavour to continue with the protection of VMEs, and the correspondent measures to be adopted. The LDAC is supportive of the continued efforts in this direction, although it is concerned on the ongoing debate on the threshold (weight) indicators for the presence of VMEs. It is the opinion of the LDAC that these indicators have to be based on the outcomes of the experimental campaigns and surveys and not adjusted arbitrarily. Sometimes indicators also are helpful precisely to highlight that there is nothing significant to indicate. For this type of scheme to work and be respected, all closures and alteration of the indexes have to come from very clear scientific evidence and process and engaging in an open and transparent consultation with stakeholders.

Another arising debate on this matter is whether areas closed for VME protection should be excluded from the scientific campaigns and surveys. This is a very simplistic and potentially dangerous approach, as it would entail revising all the historical time series adjusting for the absence of those now closed areas. Protecting the integrity of scientific data should be a priority. Comparing the impact of a scientific campaign with the normal fishing activity would not be a very smart or wise approach. It is also not advisable to decide to reduce the knowledge on areas that were closed because of their protection needs, as we would not be able to learn about the role that the impact of the new oil and gas activities will have in these areas in the future.

The LD AC supports the examination of the impact of removing the VME areas from the survey, including any practical cases that the CPs might bring to the table as relevant for the discussion.

DIVERGING POSITION: STATEMENT FROM NGOs (Coordinated by Seas at Risk)

The NGOs are concerned that not all areas where VMEs are known or likely to occur have been closed to bottom fishing as is clear from the failure of the Commission to act on the full set of area closure recommendations as advised by the Scientific Council in 2014. Moreover, NGOs are concerned that information and analysis by the Scientific Council should require more and/or larger area closures to protect VMEs than have been recommended by the SC thus far. In addition, we would note that impact assessments have not been completed for the bottom fisheries in the NAFO Regulatory Area in spite of the clear commitment to do so by 31 December 2008 contained in UNGA resolution 61/105 and the emphasis in UNGA resolution 64/72, paragraph 119(a) adopted in 2009 committing States individually and through RFMOs “to ensure that vessels do not engage in bottom fishing until such assessments have been carried out”. We urge the EU to ensure that all information and measures necessary to conduct robust impact assessments by 2016 – the date set by NAFO parties to comply with the provisions of the UNGA resolutions in this regard – be completed by NAFO parties. Finally, we urge the EU to ensure that NAFO closes the loophole that allows for ‘exploratory’ deep-sea fishing on seamounts in the Regulatory Area, including mid-water trawling that impacts the seafloor, and fully closes all seamounts in the NAFO RA to bottom or near bottom fishing.

UNGA resolution 61/105, paragraph 83:

(a) To assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is assessed that these activities would have significant adverse impacts, they are managed to prevent such impacts, or not authorized to proceed;

(b) To identify vulnerable marine ecosystems and determine whether bottom fishing activities would cause significant adverse impacts to such ecosystems and the long-term sustainability of deep sea fish stocks, inter alia, by improving scientific research and data collection and sharing, and through new and exploratory fisheries;

(c) In respect of areas where vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, are known to occur or are likely to occur based on the best available scientific information, to close such areas to bottom fishing and ensure that such activities do not proceed unless conservation and management measures have been established to prevent significant adverse impacts on vulnerable marine ecosystems;

UNGA 64/72, paragraph 119:

(a) Conduct the assessments called for in paragraph 83 (a) of its resolution 61/105, consistent with the Guidelines, and to ensure that vessels do not engage in bottom fishing until such assessments have been carried out;

(b) Conduct further marine scientific research and use the best scientific and technical information available to identify where vulnerable marine ecosystems are known to occur or are likely to occur and adopt conservation and management measures to prevent significant adverse impacts on such ecosystems consistent with the Guidelines, or close such areas to bottom fishing until conservation and management measures have been established, as called for in paragraph 83 (c) of its resolution 61/105;

6.3. The landing obligation in international fishing grounds. The case of NAFO

First of all, it must be noted that fishing in the EEZ of third-country waters is excluded from the enforcement of the landing obligation, as the countries themselves are the ones that have the sovereignty to regulate their fisheries and therefore, without prejudice for the Commission and within the framework of its mutual relationships, it is their decision to endeavour or promote regulations to reduce discards in such waters.

As a consequence of the above, only the European flag long distance fleet represented in the LDAC that fishes in international waters should in principle be affected by such regulations.

The first date for the implementation of the LO for the LDAC fleet in international waters was the 1st of January of 2015, and it only affected some large pelagic stocks, given that the small pelagic in international waters of the North Atlantic (i.e. blue whiting, mackerel and jack mackerel) are the competence of the Pelagic AC; and albacore and Bluefin tuna stocks in the Atlantic and Mediterranean, are under the scope of work of the SWWAC, and the MEDAC respectively.

For all the above, for the LDAC, the sole species in this group that was subject to quotas was the capelin, for whose fisheries the LO is applicable since that date. For the case of the Mediterranean, the regulation on minimum size for swordfish originating in CGPM has not been taken into account by the European Commission for the enforcement of the LO.

The second important date shall be, in this case for demersal species, as from the 1st of January of 2017, for those species that define the fishery, and before the 1st of January of 2019 for the remainder of species.

The activity of demersal fleets is distributed in three zones: NEAFC, NAFO and Southwest Atlantic (SWA). The latter may be considered as not affected, due to the fact that there are no species there that are subject to catch limits there.

It is considered that in NEAFC important problems may arise for the Community fleet fishing in international waters, as this RFMO considers as regulated species in the Regulatory Area only six stocks: three are demersal (haddock, redfish and blue ling) and three are pelagic (herring, mackerel and blue whiting). However, TAC and quota regulations often define quotas by also including international waters, whereby, in a literal interpretation, they might consider many other species to be also subject to catch limitations and this might affect fisheries such as that of Hatton Bank.

On the other hand, cod fleets are not expected to have much of a problem to comply with the LO in NEAFC RA, other than what they already suffer with the by-catch of haddock, given that for some time now they are enforcing the Norwegian regulations, and they are also landing at the port their other significant by-catch, plaice.

In the NAFO area, the current regulations are based on limiting by-catches to a certain percentage, and the obligation is to discard the surplus (Article 6 CEM); and likewise, discard per size is mandatory (Article 14 CEM). The Commission is working on it and has done so in the Working Group created to revise these regulations.

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Nevertheless, it is necessary to note that any measures that modify only partially the system prevailing in this and other RFMOs, based on rigid quotas that are distributed as a result of a political compromise – where there are practically no swaps between the EU and other countries–, serious problems may arise with the “Choke” species, that may block the catches of the principal quotas. In such environments, the flexibilities and exemptions provided for under the Regulation are not enforceable, nor will there be a general quota revision in order to take into account previous amounts of discard rates, NAFO regulations will prevail over those of the EU and therefore a transliteration of the EU practices without a particular adaptation would not work. Problems are partially hidden today due to the fact that discards are not currently being reported, and therefore, the sole rigorous information existing in this respect is that of the scientific observers, which they themselves acknowledge to be insufficient. The data collection on discards should therefore be improved.

The problem of discards has a twofold cause: the commercial high-grading of catches and the lack of quotas. Often both reasons overlap, because when there is a scarce quota for an inevitable by-catch, it is common practice to try to use it rationally, first discarding those species of lesser market value.

The Administrations of the concerned Member States must work to draft specific EC Delegated Acts for the RFMOs, at least for these two areas (NAFO and NEAFC), which may come into force before the 1st of January of 2017, and clarify the problems by means of rules and exceptions that may enable to maintain the current fisheries, seeking to reconcile the following three principles:

1. Respecting the EU's international obligations, giving priority to international regulations.
2. Providing legal certainty to EU operators.
3. Bringing forward a regulatory framework in which they may work in a level playing field with the non-EU fleets.

-END-

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