Outcome and Attendance at December 2018 AgriFish Council

Thank you for your letter of 9th January. I apologise for the delay in replying.

Outcome of the annual fisheries negotiations

2019 is the first year of the full implementation of the landing obligation, and the focus of much of the December 2018 AgriFish Council was on the need to find practical solutions to mitigate the potential for bycatch stocks to choke economically important fisheries in Western Waters. A compromise was reached, although work will need to continue during 2019, including further improvements to selectivity. Member States committed to produce a bycatch reduction plan by 30 April 2019 which my officials will be working on with industry and other stakeholders over the forthcoming weeks.

I have set out below details on outcomes for key priorities for the UK.

Celtic Sea stocks (cod, haddock and plaice)

There was an underlying push during Council to find a practical solution that allowed total allowable catches (TACs) for bycatch stocks to be set in line with science while preventing them from choking economically important mixed fisheries. The scientific advice for zero catches for Area 7bc, e-k cod and 7hjk plaice would have resulted in an immediate choke for the Celtic Sea mixed fishery. The Commission proposed a Union bycatch only TAC attempting to balance the risk of choke with the state of the stock as well as provide a solution for Member States with no relative stability share. This approach was not acceptable to other Member States who viewed the proposal as undermining relative stability. As a result, a pool solution was agreed in which all Member States with an allocation contribute a fixed percentage (6% for Celtic Sea cod and plaice) to a pool for quota exchanges. This was combined with an increase in the overall TAC proposed by the Commission, though still within the maximum sustainable yield (MSY) ranges, to further mitigate the high risk of choke.

The UK expects that the operation of the pools will be kept under review by the North West Waters High Level Group. Member States also committed to producing a discard reduction plan by 30 April 2019 with the objective of implementing measures which will further cut the
catch of unwanted bycatch species. My officials are presently working to develop such measures and will be conferring with industry and other stakeholder shortly.

In addition, the UK made a statement at Council proposing a horizontal review of the implementation of the landing obligation in 2019 in order to improve its operation in year if needed.

The other key choke risk within the Celtic Sea is Area 7b-k haddock. This TAC was set towards the upper limit of the MSY range (+21%) as a result of pressure from other Member States. This will make the achievement of MSY for this stock by 2020 very challenging.

Irish Sea (7a) whiting

A pool approach (with a 6% contribution) was also applied for Irish Sea whiting with a modest TAC increase from the original Commission proposal. The UK had particular concerns regarding the setting of the TAC for 7a whiting given the very high risk of choke posed by whiting within the Irish Sea nephrops fishery, as well as uncertainty regarding the predicted level of catches in 2019. The UK therefore secured a statement from the Commission calling for an urgent review of the available scientific advice on the level of unavoidable bycatch for this stock. My officials have written to the Commission to ask them to instigate this review.

West of Scotland whiting and cod

A similar pool arrangement was agreed for West of Scotland whiting and cod with contributions of 3% and 6% respectively. The TACs set were at a level somewhat higher than the original Commission proposal to further mitigate the high risk of choke in the West of Scotland mixed fishery which arises primarily from the previous high rate of discards. The UK also invoked Hague Preference on both stocks; in the case of whiting we invoked for the first time to ensure we have sufficient quota to mitigate against a choke from developing in a key mixed fishery for the UK.

Northern hake

As you have already noted, a TAC increase of +37% for North Sea hake was proposed which will offset a choke risk to the North Sea mixed demersal fishery. This increase was confirmed at Council. A TAC increase of +27% for Western hake was also confirmed.

North Sea ling

We secured a 5% increase in the TAC for North Sea ling in 2019. The latest scientific advice indicates that the biological stock is in a healthy condition, with fishing pressure below its MSY. In addition, the flexibility mechanism to transfer quota from the Western ling TAC to the North Sea was increased from 15% to 35%. This helps mitigate a risk of choke to the mixed fishery in the North Sea posed by a reported increasing prevalence in catches of ling there.
Eastern Channel (7d) sole

A TAC decrease of -24% was confirmed. This means the stock will continue to be fished at its MSY. The Defra Group will be working with our industry in 2019 to mitigate the impact of the cut, particularly on the inshore fleet, and to develop better science about the condition of the sole stock within English waters during 2019.

North Sea cod

As part of EU–Norway negotiations, the high risk of choke posed by direct implementation of the advice for North Sea cod for a 47% cut in the TAC was mitigated by moderating the scale of the TAC reduction while still ensuring that the sustainable stock biomass can reach its MSY by 2020. A TAC cut of -35% for cod was agreed. The TAC for cod in the Eastern Channel (7d), which is the same biological stock, was cut by 1% and flexibility to fish 5% of the TAC for North Sea cod in 7d was introduced. This will help mitigate the risk of increased abundance of cod in the early weeks of the year from choking economically important year round fisheries such as those for 7d sole.

North Sea whiting

A TAC cut of -22% was applied to North Sea whiting which means this stock will be fished at its MSY in 2019. A de minimus exemption for bottom trawls, seines or beam trawls across ICES area 4 was confirmed.

North Sea herring

A similar approach to TAC setting for North Sea cod was also agreed in the annual negotiations for North Sea herring due to the concerns of some Member States regarding the significant economic consequences of the cut of 51% recommended by ICES. A cut of 33% was agreed. The agreement does not afford increased access to UK waters for Norwegian vessels.

Area 7 nephrops which encompasses the Irish Sea

The TAC for nephrops was set in line with the Commission proposal, but accepting concerns from the UK about the application of survivability criteria to the TAC, the Commission also agreed to seek further advice from ICES on this matter.

Sea bass in 4b and c (North Sea) and subarea 7 (Channel, Celtic and Irish Seas)

On sea bass, there were no major changes from the Commission’s proposed precautionary approach to continue to restrict catches, although some adjustments to provide a limited degree of extra flexibility on retaining bycatches were achieved for trawls, seines and fixed gillnets, with a small increase for directed fishing using hook and line (an annual increase of half a tonne for authorised vessels). Although we aimed to achieve a better balance of bass fishing opportunities between recreational and commercial sectors by providing scientific assessments to support the case for a higher daily limit for anglers to retain bass catches,
the outcome remained as proposed, at one fish per angler a day over a seven month season from April to October.

Other stocks of interest to the UK

In the North Sea TAC cuts were applied to North Sea haddock (-31%) and North Sea nephrops (-10%). There were increases in the TAC for North Sea anglerfish (+25%) and North Sea saithe (+16%).

In Area 7, TAC increases were confirmed for 7e sole (+3%), 7 megrim (+47%), Western skates and rays (+5%), 7d skates and rays (+10%) and 7fg plaice (+406%) – 7fg plaice has come under the landing obligation for the first time in 2019. In the Irish Sea the TACs for cod (+16%), haddock (+17%) and herring (-2%) were set in line with the scientific advice.

In the West of Scotland the TACs for haddock (+31%) and anglerfish (+25%) were also set in line with the scientific advice. There were also significant increases for saithe (+24%) and nephrops (+24%) though these levels differed from the advice. For mackerel a reduction of -20% was agreed in line with the “TAC constraint” approaches agreed through coastal state negotiations. This is less than the TAC reduction recommended by ICES scientific advice.

Stocks at MSY

The number of stocks fished at their MSY has fallen. Of all the quotas which were set using the ICES MSY approach, and for which the UK has an interest, 59% were set in line with MSY for 2019 (29 of 49), compared with 69% (31 of 45) in 2018.

- Quotas which have improved to be MSY compliant for 2019 include Irish Sea sole, 7fg sole, North Sea whiting, North Sea plaice and 7b-k whiting.
- MSY compliant fishing levels are maintained for 22 quotas, including Irish Sea cod and haddock and North Sea haddock.
- For ten stocks previously fished at MSY, including cod, sole and herring in the North Sea, the quotas agreed will mean fishing will exceed MSY levels in 2019.

The fall in the number of stocks fished at their MSY needs to be seen in the context of 2019 being the first year of the full implementation of the landing obligation, as our fleet adjusts its practices to avoid unwanted catches of bycatch species from closing economically important mixed fisheries while further discard reduction measures are developed and implemented.

Attendance at Council

You asked whether my absence from the December Council could have limited the effectiveness of the UK’s role. I was not able to attend Council because I was required in Parliament to see through the Fisheries Bill. I am sure you will agree that the Bill is a landmark piece of legislation that will help build a sustainable, profitable industry for future generations of UK fishermen as we leave the EU and become an independent coastal State. I was fully involved in all the preparations for December Council and was in close contact with Lord Gardiner, who represented the UK at Council, and officials in Brussels throughout the negotiation process. Lord Gardiner achieved the best deal possible for our fishing
industry across the UK at a very challenging Council, working closely with ministers from the Devolved Administrations during negotiations.

GEORGE EUSTICE MP