This briefing highlights some of the important issues in the December 2012 fisheries negotiations at which decisions on fishing quotas and limits on fishing time will be made for 2013.
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EXECUTIVE SUMMARY

Since 1983, the main instrument of the Common Fisheries Policy has been to set Total Allowable Catches (TAC), for certain species in specific sea areas, which fix the total amount of fish that can be landed by the fleets of the EU Member States each year.

TACs are set in an annual cycle culminating in the December Fisheries Council. The publication of scientific advice by the International Council for the Exploration of the Sea (ICES) in June and September is the starting point for a series of autumn negotiations at which TACs, quotas, and fishing effort limits are set for the following year.

The advice from ICES suggests the following changes for key stocks for the Scottish fleet:

- Implementation of the existing cod management plan would lead to a large decrease in North Sea cod TAC and effort.
- An increase is proposed for North Sea haddock, and whiting and herring.
- An increase is proposed for West of Scotland Nephrops (langoustine) and a cut to North Sea Nephrops.
- The advice for West of Scotland cod remains at zero TAC.
- A decrease is proposed for West of Scotland haddock following the large increase in TAC last year.
- No fishing is proposed for Rockall haddock due to extremely low recruitment.
- A decrease is proposed for the monkfish TAC for both the West of Scotland and North Sea.
- A decrease is proposed for mackerel because of the high catch in recent years resulting from the dispute with the Iceland and the Faroes.
- A move to an analytical assessment of megrim suggested there is a need for a rebalancing between the catch rates in the West of Scotland and those in the North Sea. The re-assessment of the stock has resulted in a proposal for a large decrease in TAC in the West of Scotland and a large increase in the North Sea.

Resolution of the following issues is regarded as high priority by the Scottish Government:

**TAC and effort reductions according to the cod recovery plan**

A substantial decrease in TAC and effort is proposed following the cod recovery plan. The cod TAC has to be agreed between the EU and Norway; effort is solely an EU decision. A review of the plan has been held up by an institutional disagreement between the Council of Ministers and the European Parliament. Further reductions in quota could lead to increased discards given the stock is showing some signs of recovery. This could impact the effectiveness of the conservation credit scheme and catch quota scheme. The Scottish Government is supporting a Council proposal which if agreed at the December negotiations, would allow a halt to effort cuts.
Mackerel dispute

The mackerel dispute between the EU and Norway on one side and the Faroes and Iceland on the other continues. In 2012 Iceland and the Faroes declared unilateral quotas of around 145,000t each, meaning the total catch exceeds the scientific advice by more than 40%. If such additional removals were to continue, the sustainability of the stock would be threatened and there is a high risk the stock could fall below safe limits as early as 2014. ICES have already advised a 15% reduction in TAC (and 42% reduction in catch) for 2013. The actions of Iceland and the Faroes have been condemned by the Scottish Government and the European Commission. In September 2012, the European Parliament and Council of the European Union adopted a regulation to allow the EU to ban imports from fishery products from any country failing in its international obligations to manage stocks according to the maximum sustainable yield (MSY). So far, the Commission has not put in place sanctions. The Scottish Government is calling on the Commission to use the new powers in the regulation should no agreement on mackerel be reached.

West of Scotland

A reduction of 48% TAC for West of Scotland haddock has been recommended. The Scottish Government believes that instead the reduction should be limited to 25% following the Long Term Management Plan (LTMP) for the stock.

There have also been calls for more flexibility to allow transfer of monkfish quota between the North Sea and the West of Scotland (monkfish flexibility). The Scottish Government is also calling for a transition period for rebalancing megrim quota between the North Sea and West of Scotland (the rebalancing will result in a decrease in West of Scotland quota).

Finally, the Scottish Government is arguing against large cuts for certain stocks where data is uncertain. No catch is proposed for Rockall haddock, however, recent surveys suggest recruitment is improving and Scottish Government hope that avoidance measures will allow a small fishery to continue. A decrease in 20% is proposed for pollack because of lack of data on the fishery. While this is not a high value fishery in Scotland, the Scottish Government believes the cut is unnecessary and could result in higher discards.
LIMITING CATCHES UNDER THE COMMON FISHERIES POLICY

Conservation policy is the most important pillar of the Common Fisheries Policy (CFP) (see Marsden (2011) for more detail on the CFP). Since 1983, the main instrument of the conservation policy has been to set annual Total Allowable Catches (TACs) which fix the total amount of fish that can be landed by the fleets of the EU Member States each year. TACs are set for certain areas of sea, called ICES areas, which are identified with roman numerals. The most important areas for the Scottish fleet are ICES area IV, the North Sea, and ICES area VIa, the West of Scotland. The TAC for each stock is shared out in quotas which limit the amount of fish that can be landed by Member States. Quotas are shared out according to the principle of “relative stability”. This principle guarantees Member States a fixed percentage of a quota in a certain area from one year to the next which is based on historic fishing activity. Member States which have not fished in areas historically do not receive quotas for those areas. The process for setting TACs is outlined in the next section.

Quotas work relatively well when fishermen can catch one species at a time – herring or mackerel are examples of fisheries like this. Quotas have proved a less successful means of managing mixed fisheries when fish of several different species are caught in the same fishery. A good example of this is provided by the demersal fishery of the North Sea where each haul will bring up a mixed bag of different species. The main commercial species in the fishery: cod, haddock, whiting, Nephrops, monkfish, saithe, plaice, and sole are caught in different proportions on different fishing grounds at different times of year. If a fisherman’s quota for one species is used up, they are allowed to carry on fishing for other species, but any fish they catch for which they do not have quota must be dumped over the side, and very few discarded fish survive. This can mean more fish are caught than the population can sustain and if this happens repeatedly then the population of that species can decline. Fishermen also discard fish for other reasons, e.g. they may discard small fish if they catch larger fish on subsequent hauls (high-grading). Some information on discards is available to scientists, e.g. from sampling on-board fishing vessels, and these data are now increasingly used in assessments, so that quotas take account of total removals from a stock, instead of just the quantities landed.

These problems have led scientists to advocate for many years that quotas should either be accompanied by, or replaced, with controls on fishing effort, for example limiting the number of days that fishermen are allowed to be at sea. Controls on fishing effort were introduced following reforms of the CFP in 2002. Since the reform of the CFP in 2002, the EU has begun to take a longer-term approach to fisheries management by managing fisheries under long term plans. Two types of plans are being implemented based on the state of the stocks in question. Recovery plans are designed to help rebuild threatened stocks while management plans aim to maintain stocks at safe biological levels. The plans contain a formula for calculating TACs on the basis of scientific advice on the state of the stock. EU law requires that recovery plans must also include limits on fishing effort.

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1 ICES areas can be further subdivided, so for example, area IVa is the North North Sea. The Scottish fleet also fishes in ICES area VIb Rockall
2 When quotas were first introduced a reference period from 1973-78 was used to establish Member States shares in quotas
3 demersal species live close to the sea bottom, e.g. cod, haddock, whiting. Pelagic species live in the mid water e.g. herring, mackerel. Benthic species live on the bottom e.g. flatfish, Nephrops.
4 The full scientific name for this species is Nephrops norvegicus, common name: Norway lobsters or langoustines
5 Scientists from Marine Scotland monitor discards on sampling trips onboard Scottish fishing vessels. ICES has complained about the fact that some countries refuse to provide it with data on discards.
6 Unless it can be shown that effort restrictions are not needed for stock recovery.
From a Scottish perspective, the most important of these has been the plan to recover cod stocks, which is now supplemented by a long-term management plan. In 2003, limits on the number of days at sea which could be spent fishing for vessels over 10 metres in length that were using fishing gear likely to catch cod were introduced. The long-term management plan also limits fishing effort. The Scottish Government has developed a scheme called “Conservation Credits” which implements the cod recovery plan in Scottish waters and which intends to reward Scottish fishermen with additional effort or days-at-sea where they can demonstrate that they are fishing in a manner which is likely to have a less severe impact on cod.

The Common Fisheries Policy is being reformed and substantial changes are expected to come into effect in 2013. The European Commission proposals for the new regulations were published on 13 July 2011. The Agriculture and Fisheries Council and the European Parliament’s Fisheries Committee have published initial views on the proposals and should agree the new policy in spring 2013. More information on the proposals is available in SPICe briefing SB11-70 (Marsden 2011).
PROCESS FOR SETTING QUOTAS

TACs are set on an annual cycle, culminating in the December Fisheries Council in Brussels. This annual cycle is shown in the diagram below.

Source: Scottish Government (2010)

EUROPEAN PARLIAMENT’S ROLE

The entry into force of the Lisbon Treaty in December 2009 has changed the content of the autumn fisheries negotiations. The Treaty means that fisheries decisions must be made through the “ordinary legislative process” i.e. it gives the European Parliament co-decision powers over EU fisheries law. The only exceptions to the co-decision power are decisions on the fixing and allocation of fishing opportunities, which the Council will continue to decide upon alone, on the basis of a Commission proposal. This is taken to mean TACs, quotas, and any associated effort limits.

In the past, the annual TAC regulations have in practice dealt with much more than the fixing and allocation of fishing opportunities – they have included a great deal of so called “associated measures” - detailed technical measures such as area closures and fishing gear regulation. The ratification of the Lisbon Treaty means the European Parliament has a role in deciding on such measures. The European Commission accounted for this in 2009 when drawing up proposals for TACs and quotas by removing all measures not strictly related to the establishment of fishing opportunities from its proposal for TACs and quotas, and the Commission’s proposal for quotas for 2012 are similarly limited in its subject matter.

There is a dispute between the Commission and the Parliament about the Parliament’s powers in relation to Long-Term Management Plans (LTMP). New LTMP are not likely to be adopted until this dispute is resolved, probably after the introduction of the new CFP in 2013.
KEY DATES IN THE 2012 NEGOTIATIONS

Fishing quotas for the Scottish fleet are set during several weeks of negotiations. These include external negotiations about fish stocks which are shared with non-EU Member States including Norway, Iceland and the Faroes, as well as negotiations between EU Member States which culminate in the December Fisheries Council. Following the 2002 CFP reforms, Regional Advisory Councils were established to advise the European Commission on fisheries management. RACs are composed of representatives of the fishing industry, and other groups with an interest in the CFP, such as environmental NGOs. The following table shows some of the key dates in the autumn fisheries negotiations in 2012.

Table 1 – important dates in fishing negotiations during 2012

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 June</td>
<td>The European Commission (2012) published its annual policy statement outlining the general approach to setting fish quotas for 2012</td>
</tr>
<tr>
<td>8 June</td>
<td>ICES (2012) issued its scientific advice for most North Sea and West of Scotland fish stocks of interest to the Scottish fleet</td>
</tr>
<tr>
<td>28 September</td>
<td>ICES advice on pelagic stocks, including mackerel</td>
</tr>
<tr>
<td>22-24 October</td>
<td>Negotiations on mackerel (Commissioner and ministers from EU, Norway, Faroes, Iceland)</td>
</tr>
<tr>
<td>22-23 October</td>
<td>Fisheries Council meeting in Luxembourg</td>
</tr>
<tr>
<td>23 September</td>
<td>European Commission proposal on fishing opportunities for 2012 (EU waters)</td>
</tr>
<tr>
<td>19 November</td>
<td>European Commission proposal on fishing opportunities for 2012 (external negotiations)</td>
</tr>
<tr>
<td>5-9 November</td>
<td>Scientific, Technical and Economic Committee for Fisheries (STECF) plenary meeting</td>
</tr>
<tr>
<td>12-16 November</td>
<td>North East Atlantic Fisheries Convention (NEAFC) negotiations on fisheries in NE Atlantic in international waters beyond the 200 mile limit.</td>
</tr>
<tr>
<td>19-20 November</td>
<td>1st round of EU/Norway negotiations on North Sea shared stocks, including key shared stocks, such as cod, haddock, whiting, saithe and herring</td>
</tr>
<tr>
<td>3-7 December</td>
<td>2nd round of EU/Norway negotiations</td>
</tr>
<tr>
<td>18-20 December</td>
<td>EU Fisheries Council meeting to decide on fishing opportunities for 2013.</td>
</tr>
</tbody>
</table>
UK QUOTAS IN RECENT YEARS

Fishing quotas are allocated to Member States and it is up to Member States how they allocate quotas to their fishing fleets. In the UK quotas are allocated to producer organisations. Quotas for boats under 10m and for boats which are not members of producer organisations are managed by fisheries departments. To illustrate how quotas have changed, the table below shows the UK quotas for the seven most important quota species for the Scottish fleet in the waters of most importance to it over the last ten years.

Table 2 – UK quotas for selected species, 2002-12 (tonnes)

<table>
<thead>
<tr>
<th>Species</th>
<th>North Sea</th>
<th>West of Scotland</th>
</tr>
</thead>
<tbody>
<tr>
<td>cod</td>
<td>203772</td>
<td>10696</td>
</tr>
<tr>
<td>haddock</td>
<td>59805</td>
<td>33257</td>
</tr>
<tr>
<td>whiting</td>
<td>19608</td>
<td>7257</td>
</tr>
<tr>
<td>monkfish</td>
<td>9205</td>
<td>6245</td>
</tr>
<tr>
<td>Nephrops</td>
<td>13885</td>
<td>14005</td>
</tr>
<tr>
<td>herring</td>
<td>38101</td>
<td>56818</td>
</tr>
<tr>
<td>cod</td>
<td>2974</td>
<td>508</td>
</tr>
<tr>
<td>haddock</td>
<td>10996</td>
<td>5304</td>
</tr>
<tr>
<td>whiting</td>
<td>2457</td>
<td>1032</td>
</tr>
<tr>
<td>monkfish</td>
<td>1572</td>
<td>1220</td>
</tr>
<tr>
<td>Nephrops</td>
<td>11102</td>
<td>11043</td>
</tr>
<tr>
<td>herring</td>
<td>17728</td>
<td>17728</td>
</tr>
<tr>
<td>mackerel</td>
<td>187596</td>
<td>187596</td>
</tr>
</tbody>
</table>

Sources: Marsden (2011). Scottish Government pers. comm..
Notes: 1. West of Scotland haddock quota does not include Rockall haddock - in 2012 UK quota for Rockall haddock was 2660 tonnes.
2. Mackerel is UK quota for whole of North East Atlantic stock

The Scottish fishing fleet also has an interest in stocks of plaice, sole, saithe, megrim, and ling among the demersal species (i.e. bottom dwellers) and blue whiting among the pelagic species (i.e. fish that live mid-water between the bottom of the sea and the surface). Lobsters, crabs and scallops which are particularly important for inshore shellfish fisheries, are not regulated by quotas. The Scottish fleet has only very small quotas for industrial species (i.e. fish that are used to make animal food, mainly fishmeal) such as sandeel and sprat.
ICES APPROACH TO SCIENTIFIC ADVICE

The International Council for the Exploration of the Sea (ICES) advice is informed by three approaches to fisheries management:

- The ecosystem approach, which seeks to take into account the impact of fisheries on the marine ecosystem, and interactions between fish stocks and the marine ecosystem.

- The precautionary approach, which seeks to manage the uncertainty of scientific assessment of fish stocks to avoid the risk that they will collapse i.e. decline to a commercially unexploitable level.

- The maximum sustainable yield (MSY) approach. Maximum sustainable yield is a broad conceptual objective aimed at achieving the highest yield possible over the long term (an infinitely long period of time). It is non-specific with respect to: (a) the biological unit to which it is applied; (b) the models used to provide scientific advice; and (c) the management methods used to achieve MSY. The MSY concept can be applied to an entire ecosystem, an entire fish community, or a single fish stock.

For many stocks, ICES has established reference points for spawning stock biomass and fishing mortality, below which it is thought the stock is at risk of collapse. The diagram below shows stocks categorised according to these reference points following ICES advice in 2012.

ICES (2012) has set out in more detail in an introductory section of ICES June 2012 advice how these three approaches are incorporated into its advice.
One of the commitments of the World Summit on Sustainable Development which the EU Member States signed up to was to: “Maintain or restore stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015” UN (2005). The MSY approach is becoming increasingly incorporated into ICES advice, as fisheries managers, ICES’ clients, seek to meet this commitment. The Commission has proposed that the commitment to reach MSY by 2015 should be included in the new basic CFP regulation (European Commission 2011d).

In 2012, ICES has taken a new approach to “data poor” stocks to allow advice to be given on stocks for which full estimations of MSY are not possible:

“Of the more than 200 stocks for which ICES provides advice, ICES (2012a) determined that 122 do not have population estimates from which catch options can be derived using the existing MSY framework. These cases have been labelled as “data-limited”. Up to and including 2011, ICES provided qualitative advice regarding the future exploitation of such stocks for which there is either limited knowledge about their biology or lack of data about their exploitation. Advice recipients have, however, expressed a strong interest in ICES developing quantitative advice based on the information available. In 2012, ICES has therefore developed a framework for quantitative advice regarding such stocks. This framework will, as other advice approaches, be refined in the future. […]

The starting point for this analysis is therefore a categorization of the stocks according to the data and analyses that are available. The categorization of stocks is intended to reflect the decreasing availability of data, and thus the conclusions on the fishing pressure and state of the stock are likely to be less certain as one goes down the categories.

ICES has ranked stocks as follows:

- Category 1 – data-rich stocks (quantitative assessments)
- Category 2 – stocks with analytical assessments and forecasts that are only treated qualitatively
- Category 3 – stocks for which survey-based assessments indicate trends
- Category 4 – stocks for which reliable catch data are available
- Category 5 – data-poor stocks
- Category 6 – negligible landings stocks and stocks caught in minor amounts as bycatch

This has allowed quantitative advice to be provided for many more stocks than in previous years.

The 2012 advice also takes into consideration more on dynamic ecosystems, considering not only the direct effects on fishery targets, but also the impacts on biodiversity, marine ecosystem structure, functioning, and marine habitats. For example, the effects of multi-species fisheries catching non-target stocks and the interactions between different species are considered. This allows, for example, Mixed-fisheries advice for the North Sea to be produced.
COMMISSION RESPONSE TO THE ADVICE

In previous years, the Commission used a scale of 11 categories to describe the state of fish stocks and how much the catch could be increased or decreased. In 2011, they proposed that there should be just two categories: 1) There is scientific advice for the stock, or 2) there is not. This led to proposals for significant decreases in TAC for all species where advice was judged to be “data poor” even where the best available evidence suggested that the stock was not decreasing.

This year, following ICES work on data poor stocks, the Commission proposed a different approach (European Commission 2012a):

“Where scientific advice is provided based on comprehensive data and quantitative analysis and forecasts according to the ICES “MSY framework” TACs should be set according to scientific advice. When such advice is available it should be directly used to fix levels of quotas or fishing effort, though a gradual implementation of this framework by 2015 could be accepted where this is compatible with the advice.

Where indicative scientific advice is provided based on qualitative analysis of available information (even if this is incomplete or incorporates expert judgement) this should be used as a basis for TAC decisions.

Where there is no scientific advice at all there is a need to follow the precautionary approach.” The Commission has proposed that this should be a 20% reduction in TAC.

ICES ADVICE ON QUOTAS FOR 2013

The table below shows implications of the ICES advice for the quota for the main stocks of interest to the Scottish fleet for 2013. It also indicates the relative value of these stocks by showing the value of landings by Scottish boats in 2011, the most recent year for which the Scottish Government provides data, and shows the UK’s quota for 2012.

Table 3 – ICES advice for 2012 and comparisons with 2011 (figures in tonnes)

<table>
<thead>
<tr>
<th>Stock</th>
<th>Where decided</th>
<th>Value 2011 (£m)</th>
<th>UK quota for 2012</th>
<th>UK quota implied by ICES and/or long term management plan for 2012</th>
<th>Likely proposed % change in TAC for 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>NS cod</td>
<td>EU Norway</td>
<td>22.3</td>
<td>10,351</td>
<td>-20</td>
<td>*</td>
</tr>
<tr>
<td>NS haddock</td>
<td>EU Norway</td>
<td>25.9</td>
<td>25,386</td>
<td>+15</td>
<td>*</td>
</tr>
<tr>
<td>NS whiting</td>
<td>EU Norway</td>
<td>9.1</td>
<td>10,539</td>
<td>+11</td>
<td>*</td>
</tr>
<tr>
<td>NS Nephrops</td>
<td>Dec Council</td>
<td>41.5</td>
<td>18,994</td>
<td>Per functional unit</td>
<td>-21</td>
</tr>
<tr>
<td>NS monkfish</td>
<td>Dec Council</td>
<td>20.4</td>
<td>7,455</td>
<td>-20</td>
<td>-20</td>
</tr>
<tr>
<td>NS megrim</td>
<td>Dec Council</td>
<td>4.5</td>
<td>1,775</td>
<td>Revise TAC areas (-10 overall)</td>
<td>+53</td>
</tr>
<tr>
<td>NS herring</td>
<td>EU Norway</td>
<td>7.7</td>
<td>57,836</td>
<td>Min +15</td>
<td>*</td>
</tr>
<tr>
<td>WoS cod</td>
<td>Dec Council</td>
<td>0.2</td>
<td>0</td>
<td>No direct fishery</td>
<td>0</td>
</tr>
<tr>
<td>WoS haddock</td>
<td>Dec Council</td>
<td>1.8</td>
<td>4,683</td>
<td>-48 / LTMP -25</td>
<td>-48</td>
</tr>
<tr>
<td>Rockall haddock</td>
<td>Dec Council</td>
<td>2.7</td>
<td>2,660</td>
<td>No direct fishery</td>
<td>*</td>
</tr>
<tr>
<td>WoS whiting</td>
<td>Dec Council</td>
<td>0.1</td>
<td>176</td>
<td>-20 catches</td>
<td>-20</td>
</tr>
<tr>
<td>WoS Nephrops</td>
<td>Dec Council</td>
<td>38.5</td>
<td>13,758</td>
<td>Functional unit</td>
<td>+18</td>
</tr>
</tbody>
</table>
The main points from the ICES advice are:

- Implementation of the existing cod management plan would lead to a large decrease in North Sea cod TAC.
- An increase is proposed for North Sea haddock, and whiting and herring.
- An increase is proposed for West of Scotland Nephrops (langoustine) and a cut to North Sea Nephrops.
- The advice for West of Scotland cod remains at zero TAC.
- A decrease is proposed for West of Scotland haddock following the large increase in TAC last year.
- No fishing is proposed for Rockall haddock due to extremely low recruitment.
- A decrease is proposed for the monkfish TAC for both the West of Scotland and North Sea.
- A decrease is proposed for mackerel because of the high catch in recent years resulting from the dispute with Iceland and the Faroes.
- An increase is proposed for blue whiting following the substantial increase last year.
- A move to an analytical assessment of megrim suggested there is a need for a rebalancing between the catch rates in the West of Scotland and those in the North Sea. The re-assessment of the stock has resulted in a proposal for a large decrease in TAC in the West of Scotland and a large increase in the North Sea.
QUESTIONS OF PARTICULAR IMPORTANCE FOR SCOTLAND

COD RECOVERY PLAN

During 2008, a long-term management plan was agreed for cod stocks, supplementing the recovery plan which had been in place since 2004 (Regulation 1342/2008). The plan requires fishing mortality on cod to be reduced in stages until it is at or below a target level. It contains rules for setting cod TACs to reduce them to a level corresponding to this target fishing mortality. TAC cuts must be applied until the long-term phase of the plan is reached. This implies a reduction in effort ceilings of 18.2% in 2012 and 22.2% in 2013 compared to the preceding year. Further annual reductions of 10% in TAC must be applied to achieve a fishing mortality in 2013 equal to 35% of mortality in 2008. This would lead to a TAC reduction of more than 20%. The management plans limit annual TAC variations to 20% (ICES 2012). TAC for North Sea cod is decided at the Norway-EU fisheries negotiations.

The plan also requires fishing effort using specific fishing gears in specific areas, including the North Sea and West of Scotland, to be managed. Limits on fishing by individual vessels by calendar days have now been replaced by limits on kilowatt days – kilowatt days = engine power (kW) x calendar days. A vessel’s engine power affects e.g. the size of net that a vessel can tow and haul, and hence the vessel’s catching capacity. The plan requires the Council to take an annual decision on these kilowatt day limits, which are included in the TAC and quota regulation, decided at the December Fisheries Council.

For the West of Scotland, the plan required that kilowatt days be reduced by 25% per year whilst the stock remains below a particular size (known as a biomass limit value). For the North Sea, the plan required a 25% reduction in kilowatt days in 2009, and a reduction of 10% per year thereafter until a target lower fishing mortality and stock biomass are reached. Neither the West of Scotland stock nor the North Sea stock have met the targets in the plan, and so the plan would imply further reductions in kilowatt days for 2013.

The table below shows the kilowatt days allocated to the UK from 2008-2011. For 2013 the plan would suggest a further cut of 25% for West of Scotland whitefish and 10% for North Sea whitefish and Nephrops.

**Table 4 - Kilowatt days (’000) for regulated gears in the Cod Recovery Zone by area and gear type 2008-2012**

<table>
<thead>
<tr>
<th>Year</th>
<th>Whitefish trawlers</th>
<th>Nephrops trawlers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North Sea</td>
<td>West of Scotland</td>
</tr>
<tr>
<td>2008</td>
<td>12,176</td>
<td>1,990</td>
</tr>
<tr>
<td>2009</td>
<td>12,246</td>
<td>2,229</td>
</tr>
<tr>
<td>2010</td>
<td>10,443</td>
<td>2,361</td>
</tr>
<tr>
<td>2011</td>
<td>9,995</td>
<td>2,101</td>
</tr>
</tbody>
</table>

Source: Scottish Government (2012)

The cod recovery plan is under review; however a dispute over whether plans are need to be agreed by the European Parliament as well as the Council of Ministers has delayed any agreement on a new plan. The European Commission brought forward a proposal in September 2012 for a new plan (European Commission 2012d). This proposed a number of changes including giving Council the power to stop further effort cuts. The regulation however would
have to be agreed through the “ordinary legislative process” between the Council and the European Parliament and implementation might have been delayed beyond the start of 2013 meaning that effort cuts would continue. The Cyprus presidency brought forward an alternative proposal focusing on stopping effort cuts. The presidency argues that this can be decided at the December fisheries Council as part of the TAC negotiations without the need for the involvement of the Parliament.

The Scottish Government believes that it is unacceptable that TAC and effort cuts should continue in 2013 when the plan is under review and is therefore supporting the Cyprus presidency proposals and pushing for an agreement at the December Council. While cod is still well below target biomass levels, ICES advice shows there has been a slight increase in biomass over the last few years. The concurrent decrease in TAC could result in higher levels of cod being caught and then discarded.

**Conservation Credits**

The Scottish Government has sought to mitigate the impact of the reductions in fishing time required by the long-term cod management plan by introducing “Conservation Credits”. A number of measures have been introduced which are intended to reduce cod catches such as using particular fishing gear and avoiding particular areas. A system of real time closures is used to reduce catches of juvenile cod. Fishermen who adopt these measures receive additional fishing time. The greater the number of conservation methods used, the more days at sea can be topped up. This scheme comes under Article 13 of the regulation on the long term cod plan (Council Regulation 1342/2008), which allows Member States to allocate fishing effort above the minimum set out, where vessels participate in additional cod avoidance activities.

As described above, if cuts to effort are continued, this impacts on the possibility of offering fishermen additional days at sea which would mean that the scheme is either less attractive to fishermen or fewer can enter it.

**Catch quota**

In 2010, Defra and Marine Scotland introduced a voluntary pilot Cod Catch Quota Scheme (CCQS), where participating vessels must retain on board and land all cod that is caught, regardless of size and marketability. Participating vessels are granted an extra amount equal to 12% of the TAC for cod (the estimated size of discards prior to introduction of the scheme). Fisheries are “fully documented” – CCTV and Remote Electronic Monitoring equipment must be installed to ensure fishermen comply with the terms of the scheme. Following the 2010 trials involving 17 Scottish vessels, an expanded 23 vessel scheme started in early 2011.

There are a number of concerns about a continued scheme in 2013. Further reductions to effort and TAC for cod could mean that there is not enough additional quota and effort to allocate to participating fishermen. In addition the Commission has proposed making changes to the rules of the scheme including a ban on the leasing of cod quota between vessels in the scheme and those who are not participating. The Scottish Government is concerned that this would act as a disincentive for fishermen to take part in the scheme.
MACKEREL

Mackerel are a migratory, widely dispersed pelagic species. The populations of the NE Atlantic are dispersed from the western coastal waters of Morocco, around the west coasts of Spain, Portugal, France, Ireland, Britain, the Faroes and Norway and into the Barents Sea. The stock is seen as having three spawning components: the southern component spawns in Spanish and Portuguese waters, the western component spawns in the Bay of Biscay and around Ireland, and the third component spawns in the North Sea.

For the last ten years catches of mackerel have been agreed through coastal state negotiations between three parties: the EU; Norway; and the Faroes. The stock has been successfully managed through these agreements.

Historically Iceland has fished a small amount of mackerel, around 2,000 tonnes a year on average. In recent years, Iceland has reported increased mackerel migrating into its waters, perhaps linked to ocean warming, changing distribution of food sources, or just an expansion in the stock meaning it needs to move further west to find food. Iceland has substantially increased its catch of mackerel, to 116,000 tonnes in 2009, 130,000 tonnes in 2010, 147,000 tonnes in 2011 and 145,000 in 2012.

The Faroes has historically taken a small share of the mackerel quota set by the three coastal states, around 5%. In 2010, following the actions of Iceland, it unilaterally increased its quota to 85,000 tonnes in 2010 and 150,000 tonnes in 2011 and 2012.

The UK has the largest share of the mackerel quota of the EU Member States, at 152,000 tonnes, mainly fished by Scottish boats, and it is the most valuable species to the Scottish fishing industry, with landings by Scottish boats in 2011 worth £163m. The Scottish mackerel fishery received Marine Stewardship Council (MSC) certification in 2008. In early 2011, a Scottish Government objection to the MSC certification of Faroese mackerel was upheld (Scottish Government 2011). However, this did not prevent loss of the Scottish MSC certification as the stock as a whole was judged as being overfished.

The actions of Iceland and the Faroes have been greeted with dismay by Scottish mackerel fishermen, as increasing catches of mackerel without a scientific basis for doing so places the future sustainability of the stock at risk. The increased mackerel catches are already having an impact and ICES has recommended a 15% reduction in TAC.

While the Scottish Government recognise that Iceland does have a right under international law to a share of the stock found in its waters in higher numbers than before, it believes Iceland’s method of asserting this right is unacceptable. The Scottish Government has been vocal in criticizing the actions of Iceland and the Faroes, and in pressing for the EU to take action to resolve the situation. The Cabinet Secretary for Rural Affairs and the Environment, Richard Lochhead MSP, spoke on behalf of the UK delegation on the issue at the Agriculture/Fisheries Council of the 27 September 2010, the first time a Scottish Minister has spoken on behalf of the UK on fisheries (Scottish Government 2010c).

In July 2011, a joint statement was issued by Maria Damanaki, European Union Commissioner for Maritime Affairs and Fisheries, and Lisbeth Berg-Hansen, Minister of Fisheries and Coastal Affairs of the Kingdom of Norway:

"We are deeply concerned about the irresponsible actions of Faroe Islands and Iceland in setting excessive unilateral quotas for their 2011 mackerel fisheries."
We are also deeply concerned about the Faroe Islands chartering foreign vessels to catch their unilateral quota in a clear move away from responsible, modern fisheries management.

These unilateral mackerel quotas far exceed their traditional level since 1999 and they overshoot the total catch recommended by scientists for the whole of the European fishery by almost 50%. Such an excessive exploitation poses a threat to the health of that important fish stock and it violates our common interest in a sustainable fishery.

We are committed to cooperating closely to avert further damage for the mackerel stocks in the North Atlantic, caused by the unilateral actions of Iceland and the Faroe Islands. The European Union and Norway are examining all possible options for stopping this damaging exploitation. We intend to coordinate our actions.

We call on Iceland and the Faroe Islands to return to the negotiating table with a constructive approach and to agree on common fishery arrangements for 2012 that are responsible and sustainable. "European Commission and Norway (2011).

In September 2012, the European Parliament and Council of the European Union adopted a regulation on certain measures in relation to countries allowing non-sustainable fishing for the purpose of conservation of fish stocks (Council of the European Union 2012). If a country fails in its international obligations to manage stocks according to the maximum sustainable yield (MSY), the regulation allows the EU to threaten an import ban on any fishery product coming from that country that swims in the same ecosystem. The regulation was drafted as a response to overfishing of mackerel by Iceland and the Faroe Islands, but will be applicable also to other nations. So far, the Commission has not put in place sanctions. The Scottish Government is calling on the Commission to use the new powers in the regulation should no agreement on mackerel be reached.

Talks between fisheries ministers from Norway, Iceland and the Faroe Islands with the European Commissioner Maria Damanaki failed in September (BBC News 2012). It is unlikely that further talks will take place before next year.

Table 5 – ICES estimates of mackerel catches in 2012

<table>
<thead>
<tr>
<th>Description</th>
<th>Tonnes</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU quota and Swedish quota</td>
<td>398.575</td>
</tr>
<tr>
<td>EU deduction (DE+LT+PL+UK overcatch in 2011)</td>
<td>-6907</td>
</tr>
<tr>
<td>UK-Ireland payback</td>
<td>-18,222</td>
</tr>
<tr>
<td>Spanish payback</td>
<td>-5500</td>
</tr>
<tr>
<td>Norwegian quota</td>
<td>181,095</td>
</tr>
<tr>
<td>Russian quota</td>
<td>62,072</td>
</tr>
<tr>
<td>Discards (Previous years estimate)</td>
<td>9012</td>
</tr>
<tr>
<td>Icelandic quota</td>
<td>145,000</td>
</tr>
<tr>
<td>Interannual quota transfer 2011-201 (Iceland)</td>
<td>5,811</td>
</tr>
<tr>
<td>Faroese quota</td>
<td>148,375</td>
</tr>
<tr>
<td>Interannual quota transfer 2011-2012 (Faroe Islands)</td>
<td>3,000</td>
</tr>
<tr>
<td>Greenland quota</td>
<td>5,410</td>
</tr>
<tr>
<td>Expected overcatch</td>
<td>2,414</td>
</tr>
<tr>
<td>Total expected catches in 2011 (including discards)</td>
<td>930,135</td>
</tr>
</tbody>
</table>

Source: ICES (2012)
The total estimated catch of 930,135 tonnes in 2012 was clearly much higher than the ICES advice which was for a catch of between 586,000 and 639,000 tonnes. ICES advises that between 497,000 and 542,000 tonnes of mackerel should be caught in 2013.

WEST OF SCOTLAND

A number of reductions in TAC have been proposed on the West of Scotland. A reduction of 48% of haddock TAC has been recommended. The Scottish Government believes that instead the reduction should be limited to 25% following the LTMP. Last year there was a significant increase in haddock TAC and the catch composition rules which had previously prevented it being landed were abandoned.

Scientists consider that the megrim found in the North Sea and the West of Scotland are part of the same stock. A move to an analytical assessment of megrim suggested there is a need for a rebalancing catches in the West of Scotland and those in the North Sea. The re-assessment of the stock has resulted in a proposal for a large decrease in TAC in the West of Scotland and a large increase in the North Sea. Taking into consideration other reductions in TAC in the West of Scotland, the Scottish Government is arguing for a transitional period where the rebalancing would be phased in over three years. This would mean that the west coast TAC would be reduced by around 20% and North Scotland TAC would increase by 15% in 2013.

The Scottish Government is also arguing for an increase in “monkfish flexibility”. This allows transfer of monkfish quota between the North Sea and West of Scotland. Currently 5% of quota can be transferred to the West of Scotland and caught there. The Scottish Government would like this to be increased to 10%. They believe this would increase the opportunities open to West Coast fishermen and could cut down on misreporting.

Finally, the Scottish Government is arguing against large cuts proposed for certain stocks where data is uncertain. No catch is proposed for Rockall haddock, however, recent surveys suggest recruitment is improving and Scottish Government hopes that avoidance measures will allow a small fishery to continue. A decrease in 20% is proposed for pollack because of lack of data on the fishery. The Scottish Government believes this is unnecessary and could result in higher discards.

GLOSSARY

ICES – International Council for the Exploration of the Sea

LTMP – Long Term Management Plan

MSY – Maximum Sustainable Yield

STECF – Scientific, Technical and Economic Committee on Fisheries, a committee of experts from EU Member States which advises the European Commission

TAC – Total Allowable Catch, the total amount of fish which can be removed from a stock in a year. Due to the problem of discarding, the TAC is effectively a Total Allowable Landing.
SOURCES


European Commission (2012b) *Proposal for a Council Regulation fixing for 2013 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements.* Available at: [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52012PC0608:EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52012PC0608:EN:NOT)


Scottish Government a *Real Time Closures* [Online]. Available at: http://www.scotland.gov.uk/Topics/marine/Sea-Fisheries/17681/closures


Scottish Government c *West of Scotland Management* [Online]. Available at: http://www.scotland.gov.uk/Topics/marine/Sea-Fisheries/19213/wosfish

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SB 11-84 Sea Fishing Quotas for 2012
SB 10-63 Sea Fishing: Quotas for 2011
SB 09-74 Sea Fishing: Quotas for 2010
SB 08-58 Sea Fishing: Quotas for 2009
SB 07-52 Sea Fishing: Quotas for 2008

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