

## 11.2.1.8 Clarification of 2010 TAC Advice relative to TAC rules of Com (2009) 224

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**Subject: 'Setting TACs when the state of the stock is not known precisely'**

Dear Patrick

This letter and the attached document concerns catch advice when the state of the stock is not known precisely. Such stocks were referred to as category 6 stocks in a paper drafted by the Commission in early 2009. The category 6 classification of stocks was replaced by categories 6–9 in the EC communication titled "Consultation on Fishing Opportunities for 2010" [Com (2009) 224]. The EC communication asked ICES to evaluate a rule for setting TACs when the state of the stock is not known precisely.

After consultation with the ICES Advisory Committee (ACOM), I have come to the conclusion that ICES should not offer advice on the rule contained in the EC communication. The attached document is a clarification of the relationship between the TAC rules in the aforementioned documents and ICES 2010 catch advice, and it explains the reason that advice on these rules is not given.

Please contact me and/or the ICES Secretariat if you would like to discuss this matter or if DG Mare seeks further clarification.

Sincerely,



Michael Sissenwine  
ACOM Chair

## Background

The EC communication titled “Consultation on Fishing Opportunities for 2010” [Com (2009) 224] gives rules for setting TACs (Annex 2 of the EC Communication) according to 9 stock categories. Some of these rules apply to stocks where it is not possible to provide advice based on a catch forecast in relation to precautionary limits, except for naturally short-lived species. The communication also asks ICES to evaluate an alternative rule (Annex 3 of the EC Communication) with respect to the precautionary approach and compatibility with maximum sustainable yield (MSY). The rule applies to stocks where the state of the stock is not precisely known. The rules in the Annex titled “EC TAC Rules.”

## Clarification of ICES 2010 TAC advice

ICES provided the information necessary to apply the rules in Annex 2 of Com (2009) 224 as part of its presentation of catch options. However, options corresponding to Annex 2 of Com (2009) 224 are not necessarily ICES advice as the rules have not been evaluated relative to the precautionary approach.

## Consideration of the request to evaluate the TAC rule in Annex 3

ICES has not evaluated the TAC rules in the EC Communication [Com (2009) 224]. The ICES Advisory Committee (ACOM) discussed the EC request to evaluate the rule during the ACOM consultation in September 2009. The general conclusion from the discussion was that it was not feasible to provide useful advice on the rule at this time. Therefore, this communication is a clarification of the reasons why ICES is presently NOT giving advice on the rule.

It is a trivial matter to conclude that the rule is not universally (in all cases) precautionary and is not universally compatible with MSY. For example, if fishing mortality is much greater than  $F_{MSY}$ , the maximum reduction in TAC allowed according to the rules may not be large enough to halt a decline in the stock and/or reduce the fishing mortality to  $F_{MSY}$ . Furthermore, since a stock may be stable with a fishing mortality rate different from  $F_{MSY}$ , not changing the TAC when a stock is stable is not necessarily compatible with MSY. There are many other scenarios where application of the rule will not be precautionary and/or incompatible with MSY. Conversely, there are many scenarios where the rule will be consistent with the precautionary approach and MSY.

Models could be developed to evaluate the performance of the rule for a matrix of stock conditions, fishing histories and intensities, and population dynamics parameters. Such an approach could provide guidance when the rule is—and is not—consistent with the precautionary approach and MSY. This approach could also provide insights into alternative rules that might generally perform better or better in specific scenarios. However, such a modelling approach would be demanding in terms of scientific expertise and workload. This evaluation requires a targeted research commitment on the performance of generic TAC rules where information is limited. Without such an effort, it is not feasible for ICES give useful advice on the rules in Annex 3 of Comm (2009) 224. Also, the results of such a study might only be of limited use as the population dynamics of stocks where the TAC rule(s) would be applied will be poorly known. Therefore, even if we know the exact situations where the rules should (and should not) be used, we might not know which situation is the present one.

ICES could advise on modifications of that would make them more precautionary, but ICES could not address tradeoffs (for example, the sacrifice in yield or TAC stability that is necessary to reduce risk to the reproductive capacity of the stock). Advice of this nature would be trivially obvious (e.g., a larger TAC reduction for a declining stock is more precautionary). Without addressing tradeoffs, such advice is unlikely to be useful.

The lack of an evaluation of the rule does not necessarily mean that rules should not be used. The existence a rule will help to achieve some consistency in TAC setting and also makes the management system more predictable. For many scenarios, the rules seem sensible. However, it should be understood that application of the proposed rule is not always precautionary and/or consistent with MSY. This shortcoming will be particularly critical (and perhaps counterproductive) if the rule is applied to stocks that have been severely overfished and/or depleted.