



FOOD CERTIFICATION INTERNATIONAL LIMITED.  
Findhorn House, Dochfour Business Centre, Dochgarroch, Inverness IV3 8GY,  
Scotland, UK  
Tel: 00 44 (0)1463 223 039 Fax: 00 44 (0)1463 246 380  
[www.foodcertint.com](http://www.foodcertint.com)

## MSC Sustainable Fisheries Certification Programme

Assessment of the Scottish  
Pelagic Sustainability Group  
North Sea Herring Fishery:

1st Annual audit – Public Surveillance Report

1<sup>ST</sup> JULY 2009

prepared for:

Scottish Pelagic Sustainability Group  
Ltd

by:

Food Certification International

## Contents

|                                                                                 |    |
|---------------------------------------------------------------------------------|----|
| 1. Introduction                                                                 | 1  |
| 2. Changes in circumstance or practice                                          | 2  |
| 3. Progress in meeting the conditions of certification (see Appendix 1)         | 4  |
| 4. Progress in taking forward any assessment team recommendations               | 7  |
| 5. Any consequential re-scoring of Performance Indicators                       | 8  |
| 6. Conclusions                                                                  | 13 |
| Appendix 1 - Conditions and Recommendations (from the Public Assessment Report) | 15 |
| Appendix 2 – Client Action Plan                                                 | 18 |
| Appendix 3 – Listing of consultees and documents referred to                    | 19 |
| Annex 1 – SPSG vessel list – June 1 <sup>st</sup> 2009                          | 20 |
| Annex 2 - Advice sought from ICES on the management of North Sea herring        | 22 |
| Annex 3 – Pelagic RAC recommendation on management of the NS herring stock      | 24 |
| Annex 4 – Outcome of 2008 EU-Norway Agreement                                   | 25 |

## Assessment data sheet

|                                      |                                                                                                                                                                                                                                                                                      |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Certified Fishery</i>             | SPSG North Sea Herring Fishery                                                                                                                                                                                                                                                       |
| <i>Fishery Management Agency</i>     | Marine Scotland Sea Fisheries Policy under the EU Common Fisheries Policy                                                                                                                                                                                                            |
| <i>Species</i>                       | North Sea herring ( <i>Clupea harengus</i> )                                                                                                                                                                                                                                         |
| <i>Fishing method</i>                | Pelagic trawl                                                                                                                                                                                                                                                                        |
| <i>MSC Registration No.</i>          | F-FCI-00002                                                                                                                                                                                                                                                                          |
| <i>Certification Date</i>            | 9 <sup>th</sup> July 2008                                                                                                                                                                                                                                                            |
| <i>Certification Expiration Date</i> | 8 <sup>th</sup> July 2013                                                                                                                                                                                                                                                            |
| <i>Certification Body</i>            | Food Certification International Ltd<br>Findhorn House, Dochfour Business Centre, Dochgarroch,<br>Inverness, Scotland IV3 8GY<br>tel: +44(0)870 2862860<br>e-mail: melissa.mcfadden@foodcertint.com<br>web: <a href="http://www.foodcertint.com">www.foodcertint.com</a>             |
| <i>Certificate Holder</i>            | Scottish Pelagic Sustainability Group Ltd<br>1 Firthside Street, Fraserburgh, Aberdeenshire AB43 9AR<br>tel: +44(0)1346 510 714<br>e-mail : spfa@btconnect.com<br><a href="http://www.scottishpelagicsg.org">http://www.scottishpelagicsg.org</a><br>contact person: Mr Derek Duthie |
| <i>Surveillance Team</i>             | Crick Carleton, Dr Paul Medley & Tristan Southall                                                                                                                                                                                                                                    |
| <i>Surveillance Stage</i>            | 1 <sup>st</sup> Annual Surveillance - 2009                                                                                                                                                                                                                                           |
| <i>Surveillance Date</i>             | Monday 18 <sup>th</sup> – Tuesday 19 <sup>th</sup>                                                                                                                                                                                                                                   |

# 1. Introduction

## 1.1 Purpose

The purpose of the annual Surveillance Report is fourfold:

1. to establish and report on whether or not there have been any material changes to the circumstances and practices affecting the original complying assessment of the fishery;
2. to monitor the progress made to improve those practices that have been scored as below “good practice” (a score of 80 or above) but above “minimum acceptable practice” (a score of 60 or above) – as captured in any “conditions” raised and described in the Public Report and in the corresponding Action Plan drawn up by the client;
3. to monitor any actions taken in response to any (non-binding) “recommendations” made in the Public Report;
4. to re-score any Performance Indicators (PIs) where practice or circumstances have materially changed during the intervening year, focusing on those PIs that form the basis of any “conditions” raised

## 1.2 Recapitulation of original assessment

The assessment of the SPSG trawl fishery for herring from the North Sea herring stock was undertaken between May 2007 and January 2008, and the fishery was certified on the 9<sup>th</sup> July 2008.

The certificate covers the activities of the member vessels of the Scottish Pelagic Sustainability Group, exploiting aggregations of herring in the North Sea in ICES Divisions VIa & b. Current membership numbers 23 vessels<sup>1</sup>, as listed in **Annex 1**.

The original scoring of this fishery is shown in abbreviated form in the following graphic, where figures in red denote where one or more of the Performance Indicators under any one set of sub-criteria scored below 80 but above 60.

As a result of the assessment, a number of conditions of certification were raised by the assessment team, and maintenance of the MSC certificate is contingent on SPSG moving to comply with these conditions within the time-scales set at the time the certificate was issued. In addition, three recommendations were made which, whilst not obligatory, the client is encouraged to act upon within the spirit of the certification. These conditions and recommendations are shown at **Appendix 1** to this note. The client’s Action Plan is shown at **Appendix 2**.

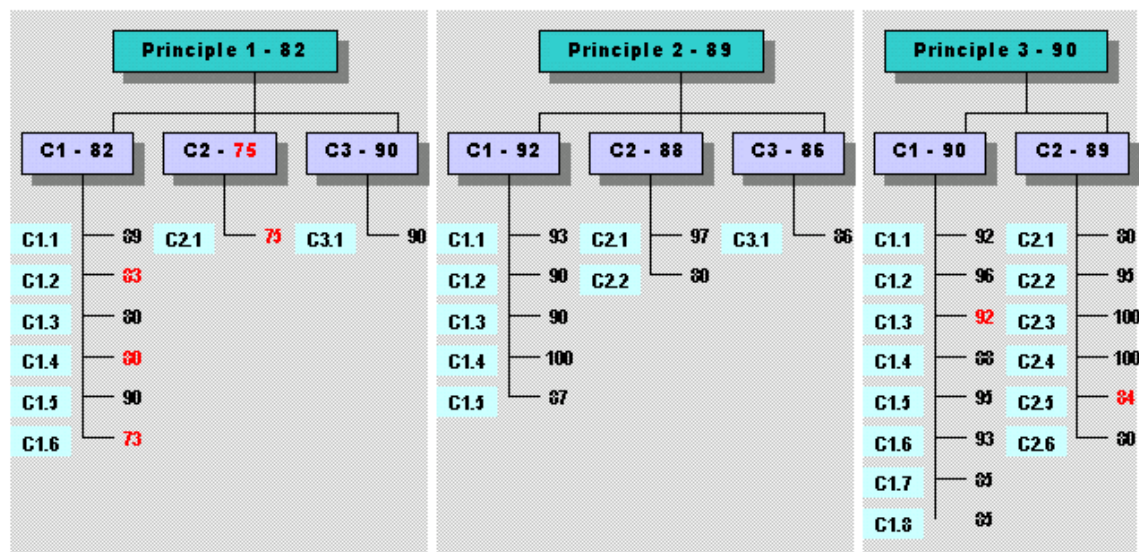
In summary, outstanding concerns relate to:

- stock status and the impact of an extended period of poor recruitment;
- a recent history of setting fishing targets for the fishery as a whole at or beyond the upper range of what might be considered precautionary;
- unexplained levels of fishing mortality in the fishery as a whole – associated with a degree of under-reporting and possible slippage related mortality – whilst recognising that there is no evidence that the client has contributed to such under-recording;
- some lack of transparency in the reporting of bycatch in the fishing of North Sea herring;
- less than full participation in the collation and submission of length and weight data on herring catches by **all** countries involved in this fishery.

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<sup>1</sup> At the time of the surveillance visit management of the vessel *Altaire* was in the process of being transferred to Interfish, Plymouth; once this process has been completed, the vessel will no longer be in membership of the SPSG, and thus no longer covered by this MSC certificate.

Fig 1 - Allocation of weighted scores at sub-criteria, Criteria and Principle levels



### 1.3 Process

Crick Carleton and Tristan Southall met with the client, stakeholders and fishery managers during a site visit on the 18<sup>th</sup> & 19<sup>th</sup> May 2009. Paul Medley, a member of the original assessment team, contributed advice with respect to changes in the status of the stock and stock management.

Details of meetings held, consultees and documents referred to are listed in **Appendix 3**.

## 2. Changes in circumstance or practice

### 2.1 Certified North Sea herring fisheries

At the time of this Surveillance Report, five North Sea herring fisheries have been certified, and one is in the final stages of assessment:

- Hastings fleet pelagic herring and mackerel fishery – certified **October 2005**
- Pelagic Freezer-Trawler Association North Sea herring – certified **May 2006**
- Astrid Fiske *maatjes* North Sea herring fishery – certified **June 2008**
- SPSG North Sea herring fishery – certified **July 2008**
- Norwegian North Sea and Skagerrak Herring Fisheries – certified **April 2009**
- Danish Pelagic Producers Organisation North Sea herring – final report and determination issued **May 2009**

Each of the latter four assessments has raised conditions that require:

- the standard recording of instances of slippage
- extension of the practice of recording of instances of slippage to other fisheries exploiting North Sea herring
- development and implementation of appropriate stock rebuilding or sustainable harvest strategy.

## 2.2 Stock status

The scoring of this fishery took place in early 2008 based on the 2007 Report of the ICES Herring Assessment Working Group for the Area South of 62° N (HAWG). At this time the Dutch Pelagic Freezer-Trawler Association (PFA) North Sea herring fishery certificate was in its second year of operation. In response to continued poor recruitment to this stock indicated in the 2007 HAWG report, and in conformity with the requirements of the MSC Assessment Methodology in the case of stocks being found to be below  $B_{pa}$ , this client group (PFA) was in the process of making a request to the Dutch Fisheries Research Institute (IMARES – the Institute for Marine Resources & Ecosystem Studies) for the provision of advice on a stock re-building programme. In the expectation that such a re-building programme would soon be drafted, a condition was raised that SPSG should actively support any such re-building programme. As it was, this proposal was overtaken by events, as described below.

The 2008 ICES advice stated that:

*“Based on the most recent estimates of SSB and fishing mortality, ICES classifies the stock as being at risk of having reduced reproductive capacity and at risk of being harvested unsustainably. SSB in autumn 2007 was estimated at 0.98 million t, and is expected to remain below  $B_{pa}$  (1.3 million t) in 2008.  $F_{2,6}$  was estimated at 0.33, well above the target. All year classes since 2002 are estimated to be among the weakest since the late 1970s.”*

In addition to this an ICES Workshop was held in 2007 to specifically review the spawning biomass limit reference point for North Sea autumn spawning herring (ICES WKREF 2007). This concluded that the current level ( $B_{lim}$  800,000t) should be maintained. In general WGRES concluded that moving to a target F based management would probably remove the importance of  $B_{lim}$  in a management context. This plan implied a 49% reduction in the TAC relative to 2007, corresponding to a total catch of North Sea autumn spawners of 200,000t (fleets A-D) and a fleet A catch of about 175,000t (in practice the 2009 TAC was set at 171,000t).

The Workshop report also stated that the distance between a management reference point (trigger or  $B_{pa}$ ) and  $B_{lim}$  defines a risk and should be evaluated in the context of harvest control rules in consultation with stakeholders and managers. This statement, plus on-going concern about the condition of the stock and how an, at that time, worsening condition could be better managed, the European Commission made a request to ICES in early 2008 seeking specific advice on this topic. The EC requested ICES to re-examine the North Sea herring management plan, particularly in the context of the reference points in use, the harvest control rule employed, and efforts to bring about the rebuilding of the stock (see **Annex 2**). A meeting was scheduled to address this issue (Workshop on Herring Management Plans – WKHMP). From this meeting ICES concluded that the fishing mortality rate resulting from the current rule was in the long run (with or without a 15% constraint on change on TAC) too high, and the rule was not precautionary under the current recruitment regime. ICES recommended that the rule be revised. Based on examination of a series of six options, three options were not considered to be consistent with the management plan. The remaining three were considered compatible with the management plan, and presented to managers for consideration. These options were considered ‘precautionary’ because the risk of SSB falling below  $B_{lim}$  (800,000t) in the medium term is less than 5% when:

- There are no year to year restrictions on changes in the TAC
- Current low levels of recruitment continue
- Implementation is constrained to give less than a 10% TAC overshoot.

These proposed HCRs were communicated to the EC and, through them, to the Pelagic Regional Advisory Council (RAC), of which the Scottish pelagic industry is a party. The Pelagic RAC, by a process of consensus, elected to support the second of the three proposed HCRs (see **Annex 3**), viz.:

*“The simulations show that the performance of the current harvest rule is no longer precautionary in the present situation of reduced recruitment. A further reduction in recruitment, higher overfishing,*

or less reliable assessments will all lead to a risk of SSB falling below  $B_{lim}$ , which is incompatible with the precautionary approach. Therefore, ICES considers that the fishing mortality rate resulting from the current rule is too high and recommends that the rule be revised. The required reduction can be obtained by changing the rule in one of three options:

1. by directly reducing the target  $F_{2-6}$  from 0.25 to 0.20 and  $F_{0-1}$  from 0.12 to 0.05;
2. by increasing the trigger point from 1.3 Mt to 1.5 Mt and reducing  $F_{0-1}$  from 0.12 to 0.05;
3. by reducing the fishing mortality on juveniles to 0.

*“Below the trigger biomass, the three options use the same declining rate of fishing mortality as in the agreed EU-Norway management plan.*

*“The first two options are indistinguishable for advice when SSB is below 1.3 Mt.”*

This was taken forward by the EC to the 2008 EU-Norway negotiations, where it was accepted (see **Annex 4, clauses 2, 3 & 4**) by both negotiating parties.

On balance, there has been little change in stock condition since the time of the original assessment – stock biomass is considered to still be below  $B_{pa}$ , and recruitment continues to be poor. Nonetheless, this condition – to be formally verified on publication of the latest HAWG report (arising from the meeting convened in April 2009) – is considered to be a slight improvement on the prognosis made in the 2008 report, with the decisions on a revised HCR made as part of the 2008 EU-Norway Agreement considered compatible with the precautionary approach. In this regard the stock is considered to be stable, but remains in need of rebuilding.

The relevant Total Allowable Catch (TAC) for North Sea herring has been set in recent years as follows:

| year | TAC      | % change from previous year |
|------|----------|-----------------------------|
| 2006 | 454,751t |                             |
| 2007 | 341,063t | 25%                         |
| 2008 | 201,227t | 41%                         |
| 2009 | 171,000t | 15%                         |

### 3. Progress in meeting the conditions of certification (see Appendix 1)

**Condition 1: Record all incidences of slippage.**

**Suggested Action:** There is concern about the possibility that slippage related mortality in both target and non-target species may be higher than currently assessed. SPSG vessels should record all slippage.

**Timelines:** The condition should apply from the start of certification. Recording of slippage should be in place as from the start of certification and evidence of this should be provided at the time of the first surveillance visit. Evidence of support for the study of slippage survival rates and observer coverage of the Scottish fishery should be provided for the second surveillance visit.

**Relevant Performance Indicators:** 1.1.2.1, 2.1.2.2, 3.B.1.1, 3.B.6.1

The SPSG has liaised with Marine Scotland Research (formerly FRS) to establish the best method of capturing relevant data on slippage. Together they have drawn up a form to be completed by each vessel on a per trip basis. At the end of each fishery (North Sea herring, Altanto-scandian herring, mackerel, blue whiting, etc.) the form is submitted to the SPSG.

At the time of the surveillance visit the team was able to examine submissions from six vessels participating in the North Sea herring fishery. Each of these vessels submitted a form that indicated that there had been no events of discarding or slippage during the last North Sea herring fishery. Forms have not been submitted by the other SPSG members participating in this fishery.

Evidence provided by the skippers, scientists and control agency suggested that there was little to no slippage associated with this fishery, and that the records returned on the appropriate forms were as expected from this fishery.

The SPSG and its members actively participate in ongoing scientific observer coverage of its activities, including observer coverage of the North Sea herring fishery.

**Status of condition ('on target', 'ahead of target' or 'behind target'):** Behind target. Remedial action must be undertaken by the client to ensure within the next 4 months that all SPSG member vessels have and continue to submit slippage reporting forms on a per trip basis as required by the Condition. The client must provide written confirmation to FCI within 4 months that this remedial action has been completed.

**Condition 2: Active support for research into the survival rates of slipped fish provided.**

**Suggested Action:** If research on slippage survival rates is undertaken, full co-operation and support should be given to researchers by SPSG. In addition, the SPSG should actively promote and support such initiatives, through the Scottish Government and the Pelagic RAC (Regional Advisory Council).

**Timeline:** Evidence of positive support by SPSG for research into the survival rates of slipped fish should be provided by the time of the first surveillance visit.

**Relevant Performance Indicators:** 1.1.2.1, 2.1.2.2, 3.B.1.1, 3.B.6.1.

The SPSG has approached Marine Scotland Research to establish if there is any on-going research into the survival of herring and other species slipped in the process of fishing using pelagic trawl nets, and to make Marine Scotland Research aware that SPSG welcomes the opportunity to participate in any such research. At the time of the surveillance visit no new research has been identified.

SPSG members based in the Shetland Islands have been actively collaborating with researchers at the North Atlantic Fisheries College under Fishery Science Partnership funding looking into the potential use of flexible grids in reducing the capture of small fish in its pelagic fisheries (similar research has been undertaken by the Norwegians and Irish). This research is mainly focused on the mackerel fishery, but may also have relevance to other pelagic fisheries such as North Sea herring.

**Status of condition ('on target', 'ahead of target' or 'behind target'):** on target

**Condition 3: Annual verification available that the fishery makes no contribution to the overshoot of the TAC.**

**Suggested Action:** SPSG must clearly demonstrate that its vessels do not contribute to overshoot of the TAC. During the period of certification, the total landings should be equal to or lower than the quota allocated to the client (including additional or reduced allocations resulting from quota swaps), which can be checked during the surveillance and this should be verified by monitoring and surveillance data from the Scottish Fishery Protection Agency.

**Timeline:** The condition should apply from the start of certification and be on-going until such time as the overshoot of TAC is no longer a problem within the North Sea herring fishery as a whole.

**Relevant Performance Indicators:** 1.1.4.3

Marine Scotland Sea Fisheries Policy has provided figures confirming that UK vessels landed a total of 25,208t of North Sea herring in 2008 against a quota allocation of 25,299t.

14,464t of this was landed into Scottish ports, and 10,743t was landed into ports outside the UK (mainly Denmark, Holland and Norway).

15,675t of North Sea herring (62%) was landed by vessels in membership of the Scottish-based POs of SFO, Shetland FPO, Klondyke and Lunar.

**Status of condition ('on target', 'ahead of target' or 'behind target'):** on target

**Condition 4: Active support for a North Sea herring stock rebuilding plan provided.**

**Suggested Action:** The current harvest control rule has a number of problems and has been identified as only marginally effective in meeting management objectives. In particular, the current rule will not allow the stock to rebuild to above the trigger point, which is effectively the current target.

Any precautionary rebuilding plan (new harvest control rule) developed by scientists meeting management objectives (which specifically state that the TAC should be set at a precautionary level) should be supported by the SPSG. SPSG can demonstrate support through the Pelagic RAC minutes and through writing to managers – the Scottish vessels are a significant constituency of the overall fishery and therefore carry a strong influence at negotiations. This should be used to support this condition. The plan should be considered as compatible with the principles and criteria during the surveillance.

**Timeline:** A rebuilding plan for the North Sea herring stock is expected to be drafted (by harvesters and/or scientists) within the period of this certification. The SPSG will be expected to put its full weight behind such a plan, and to promote its adoption at an industry-wide level. Evidence that this has been done should be provided at the surveillance audit immediately following publication of the rebuilding plan.

**Relevant Performance Indicators:** 1.1.4.2, 1.1.4.3, 1.1.6.1, 1.1.6.2, 1.2.1.1, 3.A.3.4.

As described in the section on stock status and management above, work has been undertaken to revise and improve the basis of management of this stock. Nonetheless, taking into consideration that, despite this being one of the most intensely studied stocks in the world, there is no clear explanation for the extended period of poor recruitment to this stock, scientists and managers are still not in a position to recommend any actions likely to bring about the rebuilding of this stock in the short to medium terms, and are of the view that the *status quo* should be maintained.

Notwithstanding this, however, the relevant ICES Working Group did, at the request of the EU, examine and advise on Harvest Control Rules that would be expected to represent a more appropriate, responsible and precautionary approach to managing fishing in the context of current stock status. The proposed HCRs were presented to the Pelagic RAC for consideration in September 2008, and by consensus one HCR was recommended by the P-RAC, and subsequently adopted by the EU and Norway within the 2008 EU-Norway Agreement (see **Annexes 2, 3 & 4**).

SPSG members play a significant role in the affairs of the Pelagic RAC. The Scottish Pelagic Fishermen's Association (SPFA) Ltd sits on the Executive Committee of the RAC, and the RAC has been chaired since its inception by Iain MacSween, Chief Executive of the SFO, and a Board Member of the SPSG.

SPSG members are also actively represented on the General Assembly of the Pelagic RAC through the Scottish Pelagic Fishermen's Association (SPFA) Ltd, The Herring Buyers Association Limited, Scottish Fishermen's Organisation Ltd, Shetland Fish Producers' Organisation, Shetland Fishermen's Association, and the Scottish Fishermen's Federation. All of these organisations have been party to the decision to adopt the new Harvest Control Rule.

**Status of condition ('on target', 'ahead of target' or 'behind target'):** on target

**Condition 5: Active lobbying and support for the setting of TACs within the boundaries of the harvest control rule, with fishing mortalities set significantly above the target, undertaken.**

**Suggested Action:** The decision makers have shown that they may not keep to the decision rule, but set the TAC such that the fishing mortality is significantly higher than the target. This is not consistent with the MSC Ps&Cs and has undermined confidence in the decision making process. Ongoing surveillance is required to ensure that the TAC is not set to override the harvest control rule with fishing mortalities set above the target, particularly as the SSB approaches the limit. In order to maintain MSC certification the SPSG should therefore actively canvas for TACs to be set at or below the agreed target.

**Timeline:** SPSG should show evidence that it has canvassed for action through correspondence with the Scottish Government and the Pelagic RAC. This condition applies throughout the period of certification.

**Relevant Performance Indicators:** 1.1.4.2, 1.1.4.3, 1.1.6.1, 1.1.6.2, 1.2.1.1, 3.A.3.4.

The SPSG has canvassed for the setting of more precautionary TACs that fully conform with the boundaries described in the Harvest Control Rule, and has done so through direct representation to the Pelagic RAC. The SPSG has not engaged in correspondence with the Scottish Government or Pelagic RAC in this regard, relying instead on direct representation to these bodies.

Through the negotiation of the EU-Norway Agreement the North Sea herring TAC for 2009 was set at 171,000t. This TAC was considered to be in compliance with scientific advice, and within the Harvest Control Rule that forms a part of the EU-Norway Agreement. This is considered to be appropriate, responsible and precautionary, with a low risk of causing the stock to fall below  $B_{lim}$ . Though it is also recognised that this is unlikely in itself to bring about a rebuilding of the stock; this will in part require a change in the level of recruitment to the stock – which is not considered a fishery management related issue.

**Status of condition ('on target', 'ahead of target' or 'behind target'):** on target

## 4. Progress in taking forward any assessment team recommendations

**Recommendation 1: Endangered, threatened and protected species** - SPSG vessels should record all vessel interactions with any seabirds and marine mammals. Contact should be made with SMRU to find out how such information may be recorded and what other help might be provided.

The SPSG has not specifically taken action in respect of this recommendation, but it would be very straightforward for it to issue instructions to its skippers to record such events on the same form as is used to record incidences of slippage and/or discarding.

**Status of recommendation ('on target', 'ahead of target' or 'behind target'):** behind target

**Recommendation 2: Written operating procedures** – SPSG should formally place on record current vessel operating guidelines in the form of a Vessel Operating Manual to incorporate, the founding principles of the SPSG as detailed at <http://www.scottishpelagicsg.org/>. This should also include procedures to be applied to address the conditions of certification, detailed above. This should include details in respect of the identification of herring shoals – and communication in event of slippage, the recording of the occurrence and nature of slipping, and the recording of any interaction with Protected, Endangered or Threatened species.

Whilst the SPSG has issued instructions to its skippers on the recording of incidences of slippage and discarding, it has not as yet made progress in the more formal capture of operating procedures within a manual format. Work to achieve this is programmed to take place during 2009/10 under the guidance of Jess Sparks, Technical Manager, Seafood Scotland.

**Status of recommendation ('on target', 'ahead of target' or 'behind target'):** behind target

## 5. Any consequential re-scoring of Performance Indicators

Those Performance Indicators where a score of less than 80 has been allocated are:

| PI      | Sub-criterion                                                                                                                                       | Performance Indicator                                                                                                                                  | Basis of scoring                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |    |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 1.1.2.1 | There should be sufficient information on the target species and stock separation to allow the effects of the fishery on the stock to be evaluated. | Are all major sources of fishery related mortality recorded/ estimated, including landings, discards, incidental mortality and mortality of juveniles? | <p>Catches are recorded adequately for stock assessment. There are significant gaps in data provided on landings and discards, which are corrected as far as possible by the working group. The landings from the directed catches (Fleet A to which the fishery to be certified belongs) are well recorded and covered (national and EC sea fisheries statistics) but there is a continued level of under-reporting and mis-reporting attributable to fleet A. The stock assessment model requires catch-at-age data. Length, weight and age readings in 2006 decreased from 2005.</p> <p>Although most categories of fleet, nation, area and quarter were covered, the coverage of sampling does not meet levels specified by the EU. The catch of France, UK/England and Wales, Sweden, UK/Northern Ireland, the Faroe Islands and Belgium from the North Sea has not been sampled (HAWG07 Pg. 87 Table 2.2.12).</p> | 75 |
|         |                                                                                                                                                     |                                                                                                                                                        | <p><b>The SPSG and its members actively participate in the catch sampling and observer programmes of Marine Scotland Research, and these fully comply with EU and ICES requirements. Landings are also sampled by research and control service personnel. The Scottish fleet and industry is compliant with relevant data provision, but weaknesses in sampling from other relevant fishing nations remain. Score remains unchanged.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |    |
| 1.1.4.3 | There is a well-defined and effective harvest strategy to manage the target stock                                                                   | Are appropriate management tools specified to implement decisions in terms of input and/or output controls?                                            | <p>While the management system to control harvest exists, the recent evidence suggests that the system will not be effective in ensuring the stock does not become depleted in future.</p> <p>There are three causes:</p> <ul style="list-style-type: none"> <li>The harvest control rule (HCR) is not necessarily consistent with the current levels of recruitment. The projections show that the +/-15% TAC change rule (rule 6) in the harvest control rule is not precautionary when there is a prolonged downturn in recruitment (ICES 2005, ICES 2008) and that under this HCR the stock will not rebuild to a biomass above the precautionary level (HAWG07, Pg180, Figure 2.8.1, ICES 2008).</li> <li>The management decision-makers consider the rule as a guide rather than a robust method to</li> </ul>                                                                                                    | 70 |

|         |                                                                      |                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |    |
|---------|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|         |                                                                      |                                                                                                                                                      | <p>set TACs. Consequently, this has led to setting the TAC above the target fishing mortality as biomass has declined. The way the HCR is used in practice cannot be subject to accurate simulations and therefore cannot be tested. (HAWG07 Annex 5: Technical Minutes (Pg 537) states that "The large overshoot of F is explained with the fact that managers have agreed on too high TACs in recent years. This should be interpreted as an implementation error of the Management Plan.")</p> <ul style="list-style-type: none"> <li>The official landings have exceeded the TAC by between 2% and 6% during 2001-2006 overall, although the TAC overshoot by Fleet A has been much worse (HAWG07 Sect. 2.7.3.1 Pg 63). This overshoot of the TAC needs to be taken account of in the way the HCR is implemented and administered.</li> </ul> <p>Concerning the implementation of the TAC, from the simulations the HAWG07 found that (Section 2.8.3 Pg 66) "the current management rule is not robust to implementation error in terms of overfishing of the quotas beyond the level that is estimated at present. Hence, either the enforcement has to be stronger than in the past, or an even more conservative harvest rule has to be applied in order to safeguard against depleting the stock.</p> |    |
|         |                                                                      |                                                                                                                                                      | <p>The agreed change in the HCR ratified in the 2008 EU-Norway agreement is to be welcomed as an improvement in the management of this stock, and there appears to have been greater credence given to scientific advice evident in the setting of the 2009 TAC. Nonetheless, for the fishery as a whole it is still early days in the implementation of these changes, and there is still some concern about overfishing of quotas. On balance it is considered too early in the application of this new management regime to warrant the re-scoring of this PI to "good practice" or above.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |
| 1.1.6.1 | The stock(s) is/are at appropriate precautionary reference level(s). | Is the stock(s) at or above reference level for SSB? [If below SG80 then Criterion 2 must be scored; if SG80 or above, then Criterion 1 is complete] | The spawning stock biomass (SSB) in 2006 is estimated at 1.2 million tonnes, below the Bpa (1.3 million tonnes), but above Blim (0.8 million tonnes) (HAWG07). Therefore the stock is above the limit but below the precautionary level.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 75 |

|         |                                                                                                       |                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |    |
|---------|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|         |                                                                                                       |                                                                                                                                                    | <p>The spawning stock biomass (SSB) in 2007 is estimated at 0.98 million tonnes, below the <math>B_{pa}</math> (1.3 million tonnes) but above <math>B_{lim}</math> (0.8 million tonnes) (HAWG08). Therefore the stock is above the limit but below the precautionary level. Informal evidence from the 2009 meeting of HAWG suggests that SSB remains broadly stable. Score remains unchanged.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |    |
| 1.1.6.2 | The stock(s) is/are at appropriate precautionary reference level(s).                                  | Is the stock(s) at or above reference level for F? [If below SG80 then Criterion 2 must be scored; if SG80 or above, then Criterion 1 is complete] | <p>The effective target fishing mortality is at or below 0.25 (the actual F in 2006 was 0.35 which is well above <math>F_{pa}</math> for adults aged 2-6, although pressure on juveniles was well below target F). Whilst there is no specific <math>F_{lim}</math> the specified target in the EU/Norway agreement is 0.25. A maximum <math>F_{lim}</math> is effectively not applied.</p> <p>The failure to comply with the precautionary management rule in setting the TAC in 2007 has resulted in a fishing mortality that is higher than the target. This is a matter of concern with the current low recruitment.</p> <p>Although the result of maintaining the present fishing mortality at around the current level (0.35) has not been examined in detail, it is clear that if it is not reduced it will lead to a substantial reduction in SSB to a level below <math>B_{lim}</math> in the near future.</p> | 70 |
|         |                                                                                                       |                                                                                                                                                    | <p>For 2008 the TAC was set at an <math>F_{2-6}</math> of 0.25 in compliance with the HCR.</p> <p>The newly agreed HCR (2008/2009) incorporates management by target F, with <math>F_{2-6}</math> set at 0.25, and <math>F_{0-1}</math> set at 0.05. Modelling of this HCR, inclusive of staged reductions at SSB below the trigger level (SSB of 1.5 million tonnes) (clause 3 of the EU-Norway Management Plan) indicated that it substantially lowered the likelihood of SSB falling below <math>B_{lim}</math>.</p> <p>The above is an improvement on conditions applying in 2007/2008, but the stock remains below the reference level for F. This does not warrant re-scoring; score remains unchanged.</p>                                                                                                                                                                                                       |    |
| 1.2.1   | If the stock is below the precautionary reference point, are measures to rebuild the stock specified? |                                                                                                                                                    | <p>Although the rebuilding measures through reduction in exploitation exist in the current harvest control rule, even if they are applied, the medium term population projections suggest that the stock will not rebuild to above <math>B_{pa}</math> (HAWG07 Fig. 2.8.1) unless there is a substantial increase in recruitment or a complete ban on directed fishing for herring (although this is unrealistic in the present situation).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 75 |

|        |                                                                                                                      |                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |    |
|--------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|        |                                                                                                                      |                                                                                  | The measures taken in agreeing and implementing a new HCR on the advice of ICES are considered to reduce the likelihood of SSB falling below $B_{lim}$ , but without a substantial increase in recruitment they are on their own unlikely to result in the rebuilding of this stock. Until such time as there is clear understanding of the underlying cause of this period of poor recruitment it is considered by ICES that the most responsible action is to maintain the <i>status quo</i> rather than seek to devise a rebuilding plan on less secure foundations. Score remains unchanged.                                                                                                                                                                                                                  |    |
| 3A.3.4 | Does the management system contain clear short and long-term objectives?                                             | Do objectives and operational procedures follow the precautionary approach?      | The decision rules seek to be precautionary to meet the objective of $B_{pa}$ . TAC advised cuts, based on the harvest control rule, appear to be precautionary (certainly more than in previous years). However, there is considerable scope for increased precaution in the setting of F.<br><br>This has particular relevance in relation to the +/-15% rule, which does not follow best scientific advice and has been shown not to be precautionary, albeit the 15% change can and has been overridden. A more significant issue is the implementation, which often parts from the harvest control rule established under the EU-Norway agreement. The decision process lacks transparency and precise reasons for the departure from the HCR are not given, but have clearly not always been precautionary. | 70 |
|        |                                                                                                                      |                                                                                  | The outcome of the 2008 EU-Norway Agreement, plus the adoption of a new HCR for 2009/2010, mark substantial improvements on the situation evident at the time of original assessment – both in terms of precaution and adherence to best scientific advice. But decision-making in the context of the new HCR has yet to be fully tested (more than one year's decision-making). On this basis it is considered inappropriate to rescore this PI at this time; score remains unchanged.                                                                                                                                                                                                                                                                                                                           |    |
| 3B.5.2 | Fishing operations are conducted in compliance with the management system and legal and administrative requirements. | Do fishers comply with management system, legal and administrative requirements? | This fishery has had a history of non-compliance although major efforts have been made to improve MCS systems and SFPA are confident that this has improved compliance. Although there is a clear system in place which is implemented and incorporates legal and administrative requirements - this is not documented as a formalised code of conduct.                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 70 |
|        |                                                                                                                      |                                                                                  | Members of the SPSG continue to comply in all material aspects with input and output controls applying to this fishery, and catch within the quota allocated to this fleet. This has been stated in interviews with the management of the SPSG and with skippers, and corroborated in                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |

|  |  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
|--|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |  |  | <p>discussions with officers from Marine Scotland Compliance, Marine Scotland Research, and Marine Scotland Sea Fisheries Policy. Discussions have also been held with Marine Scotland Compliance with respect to the inspection regime applied to this fishery, and the service's satisfaction with the compliance so recorded, and the general continued good behaviour of this fleet.</p> <p>It remains the case that a clear system is in place that is implemented and incorporates legal and administrative requirements – but that this has not yet been documented as a formalised code of conduct. Drafting of an appropriate Manual of Operating Procedures is scheduled to be undertaken in the coming 12 months. Until this is achieved it is considered appropriate to hold the score for this Performance Indicator as is.</p> |  |
|--|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

## 6. Conclusions

### 6.1 Stock status and a rebuilding plan

There have been positive underlying changes in the management of the North Sea herring stock and fishery since the time of the assessment of the SPSG North Sea herring fishery. These changes strengthen the sustainability credentials of this fishery and, critically, changes in the management plan and Harvest Control Rule have put the management of this fishery on a recognised precautionary footing. But the continuing depressed level of SSB and poor recruitment, even though there are good signs that these may be considered to be stable and that management is considered to be precautionary, warrant continued vigilance.

In this regard we are of the view that **Condition 4 - Promote rebuilding of the stock to an agreed target reference point** has been technically complied with, but its intent has not been met – as indicated by the retention of scores below “good practice” (i.e. below 80). Accordingly we are of the view that this Condition should be continued, not least because in the absence of improved recruitment to the stock the current management plan will not result in a rebuilding of the stock.

### 6.2 TAC setting and overfishing of Total Allowable Catch

The 2009 TAC was set within the limits of the HCR then operating, which is considered positive. The new HCR is considered to provide improved precaution in the setting of TACs for 2010 and onwards – which augurs well for the future. **Condition 5 - The overall TAC should not be set to override the harvest control rule with fishing mortalities set significantly above the target** is thus complied with, but will continue to remain in force for the duration of the certificate.

The Scottish fleet fishing North Sea herring has been found for 2008 to have been fishing within the national quota allocation (including adjustment for international swaps). Accordingly the first half of **Condition 3 - Ensure that the fishery makes no contribution to the overshoot of the TAC** has been complied with. But, at a stock level, there is still some evidence of mismatch between official landings and estimated unallocated landings which is of continued concern – the second part of the condition. Accordingly this condition remains in operation.

### 6.3 Recording of slippage and support for research into the survival rates of fish so slipped

The SPSG has instituted reporting procedures for recording incidences of slippage and discarding. This has been in operation since the outset of this year (2009), but to date only six vessels of complied with reporting requirements. The form can also be used for recording of interaction with Endangered, Threatened and Protected (ETP) species, but is not being so used at present.

The returns that have been received record no incidences of slippage. This result has been broadly corroborated by reports from Scottish scientists as falling within what might be expected for this fishery. Nonetheless, it is expected that all skippers should routinely complete and submit these forms to the SPSG at the end of each fishery.

On the basis of the above, satisfactory progress has been made in initiating the routine recording of slippage, but comprehensive uptake has still to be achieved. On this basis, progress in respect of **Condition 1 – Record all incidences of slippage** remains behind-target, and further progress will be expected at the time of the second surveillance visit, including the recording of interactions with ETP species.

The management of SPSG has engaged in discussion with Marine Scotland Research on the matter of research into the survival of fish that are slipped during fishery operations. The SPSG has been informed that no research is currently underway or planned, but that the offer of support by SPSG members in any such research has been recorded and welcomed. On this basis, compliance with

**Condition 2 - Active support for research into the survival rates of slipped fish provided** has been achieved, but that monitoring of this situation will be continued to the second surveillance audit.

## 6.4 Progress in implementing recommendations

SPSG has instructed its skippers to record all interaction with ETP species. As with slippage, skippers report no interaction with ETP species during the 2008 North Sea herring season. Fleet-wide compliance with this instruction has yet to be achieved. Evidence of this will be reviewed during the second surveillance visit.

Little progress has been made in the documenting of a Vessel Operating Manual, but it has been indicated that progress on this matter is expected during the coming year. Progress in this matter has a direct bearing on future re-scoring of Performance Indicator 3B.5.2.

## 6.5 Summary and conclusions

The SPSG North Sea herring fishery remains compliant with its MSC certification, and satisfactory and timely progress has been made by SPSG and its members, and by the managers of the North Sea herring stock / fishery, in working to improve standards and practices and to close out the conditions applied to this certification.

Whilst the North Sea herring stock biomass remains below  $B_{pa}$  and recruitment remains poor, stock scientists believe that the actions they and industry have taken to manage both the stock and the fishery are responsible and precautionary, and that there is a low risk of the stock falling to or below  $B_{lim}$ . There is still, however, need to carefully monitor the expected slow rebuilding of this stock. On this basis it would be premature to re-score any of the relevant Performance Indicators at this time. A similar argument applies in respect of PI 3A.3.4.

In respect of PI 3B.5.2 the basis for re-scoring is in the hands of the SPSG. In this regard the SPSG should be encouraged to re-frame and add to much that is already captured in the SPSG Sustainability Policy through the development a formal code of conduct as a clear and concise Vessel Operating Manual, together with mechanisms for monitoring compliance with this manual.

## Appendix 1 - Conditions and Recommendations (from the Public Certification Report<sup>2</sup>)

**Condition 1: Record all incidences of slippage.**

**Relevant Performance Indicators:**

1.1.2.1 – [SG80] - Landings should be accurately recorded. Discards and incidental mortality are well estimated. Mortality is well estimated. Mortality on juveniles is monitored and recorded separately.

2.1.2.2 – [SG80] - Information is available to allow estimates of discard and slippage to be calculated and interpreted, sufficient to allow inclusion in stock modelling.

3.B.1.1 – [SG80] - Measures have been implemented to reduce the major impacts on non-target species and inadvertent impacts on target species and there is some evidence that they are having the desired effect.

3.B.6.1 – [SG80] - Fishery operatives are regularly involved in the collection and recording of catch, discard and other information.

**Timelines:** The condition should apply from the start of certification. Recording of slippage should be in place as from the start of certification and evidence of this should be provided at the time of the first surveillance visit. Evidence of support for the study of slippage survival rates and observer coverage of the Scottish fishery should be provided for the second surveillance visit.

**Suggested Action:** There is concern about the possibility that slippage related mortality in both target and non-target species may be higher than currently assessed. SPSG vessels should record all slippage.

The SPSG should consult with the Scottish fisheries research services as to what information is required, but it is likely to include estimated quantity of fish by species, reason for slipping, and the condition of the school to give an indication of likely mortality.

**Condition 2: Active support for research into the survival rates of slipped fish provided.**

**Relevant Performance Indicators:**

1.1.2.1 – [SG80] - Landings should be accurately recorded. Discards and incidental mortality are well estimated. Mortality is well estimated. Mortality on juveniles is monitored and recorded separately.

2.1.2.2 – [SG80] - Information is available to allow estimates of discard and slippage to be calculated and interpreted, sufficient to allow inclusion in stock modelling.

3.B.1.1 – [SG80] - Measures have been implemented to reduce the major impacts on non-target species and inadvertent impacts on target species and there is some evidence that they are having the desired effect.

3.B.6.1 – [SG80] - Fishery operatives are regularly involved in the collection and recording of catch, discard and other information.

**Timeline:** Evidence of positive support by SPSG for research into the survival rates of slipped fish should be provided by the time of the first surveillance visit.

**Suggested Action:** If research on slippage survival rates is undertaken, full co-operation and support should be given to researchers by SPSG. In addition, the SPSG should actively promote and support such initiatives, through the Scottish Government and the Pelagic RAC (Regional Advisory Council)..

<sup>2</sup> [http://www.msc.org/track-a-fishery/certified/north-east-atlantic/spsg-north-sea-herring/assessment-downloads-1/SPSG\\_NS\\_Herring\\_PublicCertificationReport\\_July08.pdf](http://www.msc.org/track-a-fishery/certified/north-east-atlantic/spsg-north-sea-herring/assessment-downloads-1/SPSG_NS_Herring_PublicCertificationReport_July08.pdf)

**Condition 3: Annual verification available that the fishery makes no contribution to the overshoot of the TAC.**

**Relevant Performance Indicators:**

1.1.4.3 – [SG80] - Management tools, appropriate to the species and fishery, have been specified to implement decisions of input and/or output controls. The effectiveness of the management tools is actively monitored, and evidence exists to show that tools are effective.

**Timeline:** The condition should apply from the start of certification and be on-going until such time as the overshoot of TAC is no longer a problem within the North Sea herring fishery as a whole.

**Suggested Action:** SPSG must clearly demonstrate that its vessels do not contribute to overshoot of the TAC. During the period of certification, the total landings should be equal to or lower than the quota allocated to the client (including additional or reduced allocations resulting from quota swaps), which can be checked during the surveillance and this should be verified by monitoring and surveillance data from the Scottish Fishery Protection Agency.

**Condition 4: Active support for a North Sea herring stock rebuilding plan provided.**

**Relevant Performance Indicators:**

1.1.4.2 – [SG80] - Clear decision-making rules are fully implemented and documented. Decision rules have been tested against likely future factors affecting abundance.

1.1.4.3 – [SG80] - Management tools, appropriate to the species and fishery, have been specified to implement decisions of input and/or output controls. The effectiveness of the management tools is actively monitored, and evidence exists to show that tools are effective.

1.1.6.1 – [SG80] – The stock is above the precautionary level.

1.1.6.2 – [SG80] – Fishing mortality is below the pre-cautionary reference level.

1.2.1.1 – [SG80] – Appropriate rebuilding measures are being implemented to promote recovery within reasonable time frames. Measures have been tested and can be shown to be rebuilding the stock.

3.A.3.4 – [SG80] - Key objectives and procedures explicitly implement a precautionary approach.

**Timeline:** A rebuilding plan for the North Sea herring stock is expected to be drafted (by harvesters and/or scientists) within the period of this certification. The SPSG will be expected to put its full weight behind such a plan, and to promote its adoption at an industry-wide level. Evidence that this has been done should be provided at the surveillance audit immediately following publication of the rebuilding plan.

**Suggested Action:** The current harvest control rule has a number of problems and has been identified as only marginally effective in meeting management objectives. In particular, the current rule will not allow the stock to rebuild to above the trigger point, which is effectively the current target.

Any precautionary rebuilding plan (new harvest control rule) developed by scientists meeting management objectives (which specifically state that the TAC should be set at a precautionary level) should be supported by the SPSG. SPSG can demonstrate support through the Pelagic RAC minutes and through writing to managers – the Scottish vessels are a significant constituency of the overall fishery and therefore carry a strong influence at negotiations. This should be used to support this condition. The plan should be considered as compatible with the principles and criteria during the surveillance.

**Condition 5: Active lobbying and support for the setting of TACs within the boundaries of the harvest control rule, with fishing mortalities set significantly above the target, undertaken.**

**Relevant Performance Indicators:**

1.1.4.2 – [SG80] - Clear decision-making rules are fully implemented and documented. Decision rules have been tested against likely future factors affecting abundance.

1.1.4.3 – [SG80] - Management tools, appropriate to the species and fishery, have been specified to implement decisions of input and/or output controls. The effectiveness of the management tools is actively monitored, and evidence exists to show that tools are effective.

1.1.6.1 – [SG80] – The stock is above the precautionary level.

1.1.6.2 – [SG80] – Fishing mortality is below the pre-cautionary reference level.

1.2.1.1 – [SG80] – Appropriate rebuilding measures are being implemented to promote recovery within reasonable time frames. Measures have been tested and can be shown to be rebuilding the stock.

3.A.3.4 – [SG80] - Key objectives and procedures explicitly implement a precautionary approach.

**Timeline:** SPSG should show evidence that it has canvassed for action through correspondence with the Scottish Government and the Pelagic RAC. This condition applies throughout the period of certification.

**Suggested Action:** The decision makers have shown that they may not keep to the decision rule, but set the TAC such that the fishing mortality is significantly higher than the target. This is not consistent with the MSC Ps&Cs and has undermined confidence in the decision making process. Ongoing surveillance is required to ensure that the TAC is not set to override the harvest control rule with fishing mortalities set above the target, particularly as the SSB approaches the limit. In order to maintain MSC certification the SPSG should therefore actively canvas for TACs to be set at or below the agreed target.

## Recommendations

In addition to the above Conditions, it is also considered that there are areas of performance that the team would like to see improvements in, despite the fact that they relate to Performance Indicators where the client vessels scored 80 or better.

The assessment team has made a number of recommendations. These are not required to maintain certification but would improve the performance of the fishery against the MSC Principles and Criteria. Accordingly, the action taken and timescales are at the discretion of the client.

Recommendations are made in respect of:

- **Endangered, threatened and protected species** - SPSG vessels should record all vessel interactions with any seabirds and marine mammals. Contact should be made with SMRU to find out how such information may be recorded and what other help might be provided.
- **Written operating procedures** – SPSG should formally place on record current vessel operating guidelines in the form of a Vessel Operating Manual to incorporate, the founding principles of the SPSG as detailed at <http://www.scottishpelagicsg.org/> . This should also include procedures to be applied to address the conditions of certification, detailed above. This should include details in respect of the identification of herring shoals – and communication in event of slippage, the recording of the occurrence and nature of slipping, and the recording of any interaction with Protected, Endangered or Threatened species.

## Appendix 2 – Client Action Plan

The Scottish Pelagic Sustainability Group (SPSG) has drawn up the following action plan in response to the points raised in this assessment, and paying particular attention to requirements laid down as conditions of this assessment, as well as the recommendations shown in Section 9 of the report.

One of the conditions applying to the certification of the Pelagic Freezer-Trawler Association (PFA) North Sea herring fishery is that the PFA should seek development of a recovery plan/scenario which would return the stock to Bpa over a reasonable time frame. The SPSG will liaise with PFA to see how this task is progressing. Furthermore, SPSG will evidence its support for any plan developed by reputable scientists provided SPSG is fully consulted during its preparation.

During the first year of application of this certificate, SPSG, on behalf of its participating vessel owners / skippers, will enter into discussions with Fisheries Research Services (FRS) staff with a view to:

- drawing up and agreeing any necessary reporting formats for the recording of information on the nature and incidence of the slipping of catches;
- drawing up and agreeing any necessary reporting formats for recording any and all interaction with endangered, threatened and protected species.

By the time of the first surveillance audit, SPSG will present to the Certification Body evidence that fishing members are recording all occurrences of slipping. By the time of the second surveillance visit SPSG will demonstrate that the nature and incidence of any slipping of catches is being routinely recorded by the skippers, and that the nature and incidence of any and all interaction with endangered, threatened and protected species is also being routinely recorded by skippers.

By the time of the first surveillance audit SPSG will also provide the Certification Body with evidence that it has promoted to the Scottish Government Marine Directorate and Pelagic RAC the setting of an annual TAC for North Sea herring which does not override the harvest control rule or set fishing mortalities above target. In addition, SPSG will provide evidence of requests to these bodies promoting the regular sampling of North Sea herring catches by all national fleets and provision of such information to national fisheries laboratories.

SPSG will also provide the Certification Body at the time of each surveillance audit with evidence that its catches of North Sea herring are at or below the level of its catch entitlements, including relevant national quota entitlement and any additional quota added through national and/or international swaps.

By the time of the second surveillance audit, SPSG will also provide the Certification Body with a copy of a Vessel Operating Manual to incorporate, amongst others: procedures to be applied in respect of the identification of herring shoals and communication in the event of slipping, the recording of the occurrence and nature of slipping, and the recording of any interaction with endangered, threatened or protected species.

**Agreed by Derek Duthie on behalf of SPSG**

## Appendix 3 – Listing of consultees and documents referred to

### Consultees

- Derek Duthie – Secretary, SPSG,
- Alex Wiseman – vice chair SPFA, and skipper, Kings Cross
- Andrew Whyte – skipper, Forever Grateful
- Mark Buchan – skipper, Quantus
- Stolle Hansen – skipper, Taits”,
- Davy Hutchison – skipper, Charisma
- Brain Isbister – Shetland Fish Producers Organisation
- David Terry – Area Manager, NE Scotland, SFPA
- Colin Faulkner – Policy Manager – Marine Scotland Sea Fisheries Policy
- Damian Gillett – International negotiations - Marine Scotland Sea Fisheries Policy
- Craig Davis - Science Observer Programme - Marine Scotland Research

### Documents referred to

- ICES HAWG 2007 Report
- ICES HAWG 2008 Report
- ICES WKHMP 2008 Report
- 2008 EU-Norway Agreement
- Pelagic RAC correspondence with EC on preferred revised Harvest Control Rule.

### Stakeholders

A total of 36 stakeholder organisations and individuals having relevant interest in the SPSG NSH assessment were identified and consulted during this surveillance audit. The interest of others not appearing on this list was solicited through the postings on the MSC website.

Annex 1 – SPSG vessel list – June 1<sup>st</sup> 2009

| Vessel Name      | PLN   | Administrative Port | Homeport             | FPO                               | overall length | engine size | VCU   | year |
|------------------|-------|---------------------|----------------------|-----------------------------------|----------------|-------------|-------|------|
| Antares          | LK419 | Lerwick             | Whalsay And Skerries | Shetland FPO Ltd                  | 64.4           | 2,280       | 1,863 | 1996 |
| Zephyr           | LK394 | Lerwick             | Whalsay And Skerries | Shetland FPO Ltd                  | 64.4           | 2,280       | 1,863 | 1996 |
| Adenia           | LK193 | Lerwick             | Whalsay And Skerries | Shetland FPO Ltd                  | 61.9           | 4,320       | 2,780 | 2003 |
| Antarctic II     | LK145 | Lerwick             | Whalsay And Skerries | Shetland FPO Ltd                  | 61.9           | 4,320       | 2,780 | 2004 |
| Charisma         | LK362 | Lerwick             | Whalsay And Skerries | Shetland FPO Ltd                  | 70.7           | 6,000       | 3,725 | 2003 |
| Research W       | LK62  | Lerwick             | Whalsay And Skerries | Shetland FPO Ltd                  | 70.7           | 7,680       | 4,481 | 2003 |
| Altaire          | LK429 | Lerwick             | Northmavine          | Shetland FPO Ltd                  | 76.4           | 6,485       | 4,065 | 2004 |
| Unity            | FR165 | Fraserburgh         | Fraserburgh          | Scottish Fishermen's Organisation | 44.9           | 2,398       | 1,573 | 1989 |
| Sunbeam          | FR487 | Fraserburgh         | Fraserburgh          | Scottish Fishermen's Organisation | 56.2           | 2,949       | 1,973 | 1999 |
| Forever Grateful | FR249 | Fraserburgh         | Fraserburgh          | Scottish Fishermen's Organisation | 64.0           | 3,036       | 2,102 | 2001 |
| Resolute         | BF50  | Fraserburgh         | Gardenstown          | Scottish Fishermen's Organisation | 64.0           | 4,063       | 2,660 | 2003 |
| Krossfjord       | BF70  | Fraserburgh         | Peterhead            | Scottish Fishermen's Organisation | 57.6           | 4,874       | 2,913 | 1996 |
| Ocean Venture    | FR77  | Fraserburgh         | Fraserburgh          | Scottish Fishermen's Organisation | 61.5           | 5,012       | 3,067 | 2003 |
| Challenge        | FR226 | Fraserburgh         | Fraserburgh          | Klondyke                          | 65.0           | 5,110       | 3,158 | 2004 |

|             |       |             |             |                                   |      |       |       |      |
|-------------|-------|-------------|-------------|-----------------------------------|------|-------|-------|------|
| Taits       | FR227 | Fraserburgh | Fraserburgh | Klondyke                          | 70.6 | 5,234 | 3,273 | 2000 |
| Enterprise  | FR365 | Fraserburgh | Aberdeen    | Northern Ireland FPO Ltd          | 58.6 | 6,210 | 3,615 | 1998 |
| Chris Andra | FR228 | Fraserburgh | Fraserburgh | Klondyke                          | 71.2 | 6,000 | 3,725 | 2006 |
| Christina S | FR224 | Fraserburgh | Fraserburgh | Scottish Fishermen's Organisation | 72.0 | 5,999 | 3,743 | 2007 |
| Kings Cross | FR380 | Peterhead   | Peterhead   | Lunar Group                       | 70.0 | 4,372 | 2,982 |      |
| Pathway     | PD165 | Peterhead   | Peterhead   | Lunar Group                       | 66.6 | 5,060 | 3,243 | 2003 |
| Quantus     | PD379 | Peterhead   | Peterhead   | Scottish Fishermen's Organisation | 65.5 | 5,772 | 3,527 | 2008 |
| Lunar Bow   | PD265 | Peterhead   | Peterhead   | Lunar Group                       | 69.3 | 6,000 | 3,705 | 2008 |
| Prowess     | CY720 | Stornoway   | Stornoway   | Scottish Fishermen's Organisation | 60.2 | 2,250 | 1,675 | 1988 |

## Annex 2 - Advice sought from ICES on the management of North Sea herring

### EC request on management plan for North Sea herring

ICES has received the following request from the European Commission (EC-DG FISH 27.03.2007-02) on the management of North Sea herring:

*Evaluate the management plans agreed between Norway and the European Community concerning herring of North Sea origin:*

i) *With particular respect to :*

- 1) *achieving the highest yields long-term from these stocks;*
- 2) *ensuring conformity with the precautionary approach;*
- 3) *achieving yields as stable as possible, consistent with achieving a high yield from the stocks and achieving conformity with precautionary principles.*

ii) *provide recommendations on any appropriate alterations to the target fishing mortality rate(s) (para. 2), the rule concerning stability of TACs (para 5), or the degressive rate of fishing mortality at lower stock sizes (para. 3).*

iii) *Consider what (if any) limits on TAC variations could be applied to the TAC for herring by-catches in the North Sea*

iv) *Advise on the circumstances in which para. 6 should apply, and the action to be taken in such circumstances.*

v) *comment on any other pertinent aspect of the management plan.*

### ICES response

ICES held a Workshop on Herring Management Plans (WKHMP) in February 2008 (ICES CM 2008/ACOM:27).

The simulations show that the performance of the current harvest rule is no longer precautionary in the present situation of reduced recruitment. A further reduction in recruitment, higher overfishing, or less reliable assessments will all lead to a risk of SSB falling below  $B_{lim}$ , which is incompatible with the precautionary approach. Therefore, ICES considers that the fishing mortality rate resulting from the current rule is too high and recommends that the rule be revised. The required reduction can be obtained by changing the rule in one of three options:

4. by directly reducing the target  $F_{2-6}$  from 0.25 to 0.20 and  $F_{0-1}$  from 0.12 to 0.05;
5. by increasing the trigger point from 1.3 Mt to 1.5 Mt and reducing  $F_{0-1}$  from 0.12 to 0.05;
6. by reducing the fishing mortality on juveniles to 0.

Below the trigger biomass, the three options use the same declining rate of fishing mortality as in the agreed EU-Norway management plan.

The first two options are indistinguishable for advice when SSB is below 1.3 Mt.

The element of the rule constraining the inter-annual variation in TACs appears to work under the assumptions of continued low recruitment, once the TAC has already been substantially reduced so that the fishery is already operating at a low exploitation rate. Currently this is the case. Therefore ICES considers that a 15% permitted change in TAC is currently within the acceptable precautionary range. However, ICES considers the 15% rule is not sufficiently flexible under conditions of sudden

environmental change causing changes in productivity. Under such circumstances this TAC constraint rule may need to be suspended.

ICES did not consider the application of limits on variation in the TAC for herring bycatches in the North Sea.

The 2008 ICES assessment shows that there is still reduced recruitment, and it is likely that the recruitment is as low as in the late 1970s. This suggests that the equilibrium biomass under the proposed management rule may in fact be slightly lower than the 1.1 Mt estimated by the study group and may give an equilibrium SSB of approximately 950 000 tonnes. This estimate is based on only six years of data from the current productivity regime. In view of the poor understanding of the reasons for the reduced recruitment, the future consequences for the stock are unknown if the stock is maintained too close to, or falls below,  $B_{lim}$ . On these grounds, ICES considers the current management plan no longer precautionary and recommends a revision of the management rule based on the options above.

## Annex 3 – Pelagic RAC recommendation on management of the NS herring stock

### Pelagic RAC recommendations

Having considered the ICES Working Group report on the long term management plan for this stock, in which ICES proposes three options for amendment of the management plan in order to make it precautionary, the Pelagic RAC recommends that:

The Commission will seek an amendment to the management plan by following option two suggested by ICES in their report, i.e. to:

- Accept the proposed new HCR which incorporates:
  - An increased SSB trigger point of 1.5 Mt;
  - A target  $F_{2-6}$  of 0.25 above the trigger;
  - A target  $F_{0-1}$  of 0.05 and;
  - A 15% limit on IAV in TAC.

Furthermore, in accordance with this option for amendment of the management plan the TAC for 2009 should be set in line with the ICES advice, i.e. incorporating a decrease of 15%.

### DG MARE response

Negotiations with Norway have started after the pelagic RACs advice on management options for a new long-term management plan for the North Sea herring stock. So far, Norway has not stated serious reserves towards applying the Option 2 (according to order of options in the ICES advice); TAC 2009 discussion so far has not produced inconsistency with the RACs position.

### 2009 North Sea herring Area IVa&b quota (all figures expressed in tonnes)

|     |                 |         |
|-----|-----------------|---------|
| TAC | IVa,b,c         | 171,000 |
|     | IVa&b           | 147,433 |
|     | Norway          | 49,590  |
|     | EC              | 97,843  |
|     | Denmark         | 23,475  |
|     | Germany         | 14,762  |
|     | France          | 10,072  |
|     | The Netherlands | 22,519  |
|     | Sweden          | 1,740   |
|     | United Kingdom  | 25,275  |

## Annex 4 – Outcome of 2008 EU-Norway Agreement

### Annex IV of the 2009 EU-Norway Agreement - Long-Term Management Plan for Herring of North Sea Origin And Allocation of Catches

The Parties agreed to continue to implement the management system for North Sea herring, which entered into force on 1 January 1998 and which is consistent with a precautionary approach and designed to ensure a rational exploitation pattern and provide for stable and high yields. This system consists of the following:

1. Every effort shall be made to maintain a minimum level of Spawning Stock Biomass (SSB) greater than 800,000 tonnes ( $B_{lim}$ ).
2. Where the SSB is estimated to be above 1.5 million tonnes the Parties agree to set quotas for the directed fishery and for bycatches in other fisheries, reflecting a fishing mortality rate of no more than 0.25 for 2 ringers and older and no more than 0.05 for 0 - 1 ringers.
3. Where the SSB is estimated to be below 1.5 million tonnes but above 800,000 tonnes, the Parties agree to set quotas for the direct fishery and for bycatches in other fisheries, reflecting a fishing mortality rate on 2 ringers and older equal to:
  - $0.25 - (0.15 * (1,500,000 - SSB) / 700,000)$  for 2 ringers and older, and
  - no more than 0.05 for 0 - 1 ringers
4. Where the SSB is estimated to be below 800,000 tonnes the Parties agree to set quotas for the directed fishery and for bycatches in other fisheries, reflecting a fishing mortality rate of less than 0.1 for 2 ringers and older and of less than 0.04 for 0-1 ringers.
5. Where the rules in paragraphs 2 and 3 would lead to a TAC which deviates by more than 15 % from the TAC of the preceding year the parties shall fix a TAC that is no more than 15 % greater or 15 % less than the TAC of the preceding year.
6. Notwithstanding paragraph 5 the Parties may, where considered appropriate, reduce the TAC by more than 15 % compared to the TAC of the preceding year.
7. Bycatches of herring may only be landed in ports where adequate sampling schemes to effectively monitor the landings have been set up. All catches landed shall be deducted from the respective quotas set, and the fisheries shall be stopped immediately in the event that the quotas are exhausted.
8. The allocation of the TAC for the directed fishery for herring shall be 29 % to Norway and 71 % to the Community. The bycatch quota for herring shall be allocated to the Community.
9. A review of this arrangement shall take place no later than 31 December 2011.
10. This arrangement enters into force on 1 January 2009.