



**Surveillance Report  
Hastings Fleet NE Atlantic Mackerel Fishery**

Certificate No.: MML-F-009

**Intertek Moody Marine**  
June 2011

Authors: A Hough, J Nichols, J Andrews

**Intertek Moody Marine**  
Merlin House  
Stanier Way  
Wyvern Business Park  
Derby. DE21 6BF  
UK  
Tel: +44 (0) 1332 544663  
Fax: +44 (0) 1332 675020

## 1.0 GENERAL INFORMATION

**Scope against which the surveillance is undertaken:** MSC Principles and Criteria for Sustainable Fishing as applied to the Hastings Fleet North East Atlantic Mackerel Fishery

**Species:** Mackerel (*Scomber scombrus*)

**Area:** Within the Eastern English Channel (ICES Division VIIId) and specifically between Beachy Head and Dungeness and offshore to the six mile limit.

**Method of capture:** Drift-nets

|                                    |  |                            |     |
|------------------------------------|--|----------------------------|-----|
| <b>Date of Surveillance Visit:</b> | 19/20 May 2011   |                            |     |
| <b>Initial Certification</b>       | Date: 16 September 2005  | Certificate Ref: MML-F-009 |     |
| <b>Surveillance stage</b>          | 1st  | 2 <sup>nd</sup>            | 3rd |
|                                    |  |                            | 4th |
| <b>Surveillance team:</b>          | Lead Assessor: A Hough<br>Assessor(s): J Nichols, J Andrews      |                            |     |
| <b>Company Name:</b>               | Hastings Fishery Management Group                                |                            |     |
| <b>Address:</b>                    | The Fishmarket<br>Rock-a-Nore Road<br>Hastings, East Sussex, UK. |                            |     |
| <b>Contact 1</b>                   | Joy Collins  |                            |     |
| <b>Tel No:</b>                     |  |                            |     |
| <b>Fax No:</b>                     |  |                            |     |
| <b>E-mail address:</b>             |  |                            |     |

## 2.0 RESULTS, CONCLUSIONS AND RECOMMENDATIONS

### 2.1 Introduction

This fishery was certified in September 2005. Following certification of the fishery, we are now continuing the process of annual surveillance audits of the fishery. These audits have two principal functions:

1. To review any changes in the management of the fishery, including regulations, key management or scientific staff, or stock evaluation
2. To evaluate the progress of the fishery against any Conditions of Certification raised during the Main Assessment

The client's response to the Conditions of Certification was set out in an Action Plan. For each condition, the report sets out progress to date. This progress has now been evaluated by the Moody Marine assessment team ('Observations' and 'Conclusion') against the commitments made in the Action Plan. This assessment includes a re-evaluation of the scoring allocated to the relevant Performance Indicators in the original MSC assessment. Where the requirements of a condition are met, the Performance Indicators are re-scored and if the score is 80 or more, then the condition is closed.

It should be noted that the Hastings fleet pelagic fishery is small and has an exceedingly low impact on the overall NEA Mackerel stock.

Information regarding this years audit has been collected from meetings with HFMG and Sussex IFCA, together with stock assessment information from ICES.

| Item | Comments     |
|------|--------------|
| 1    | Stock status |

ICES currently uses the term "Mackerel in Northeast Atlantic" to define the mackerel present in the area extending from ICES Division IXa in the south to Division IIa in the north, including mackerel in the North Sea and Division IIIa. The spawning areas of mackerel are widely spread, and only the stock in the North Sea is sufficiently distinct to be clearly identified as a separate spawning component. Tagging experiments have demonstrated that after spawning, fish from Southern and Western areas migrate to feed in the Norwegian Sea and the North Sea during the second half of the year. In the North Sea they mix with the North Sea component. Since it is currently impossible to allocate catches to the stocks previously considered by ICES, for practical reasons all mackerel in the Northeast Atlantic are considered to comprise a single stock (i.e. the mackerel in the Northeast Atlantic mackerel stock). Catches cannot be allocated specifically to spawning area components on biological grounds but by convention, catches from the Southern and Western components are separated according to the areas in which these are taken.

To keep track of the development of spawning biomass in the different spawning areas, mackerel in the Northeast Atlantic stock are divided into three area components: The Western Component is defined as mackerel spawning in the western area (ICES Divisions and Subareas VI, VII, and VIII a,b,d,e). This component currently accounts for 78% the entire Northeast Atlantic stock. The Southern Component is defined as mackerel spawning in the southern area (ICES Divisions VIIIc and IXa). Separate biomass indices for the southern and western components are calculated from the triennial egg surveys of those areas and for the North Sea component from a separate triennial egg survey.

Although the North Sea component has been at an extremely low level since the early 1970s, and is still considered to be severely depleted, ICES considers that the North Sea spawning component

does still exist as a discrete unit. This component spawns in the North Sea and Skagerrak (ICES Subarea IV and Division IIIaN). The triennial egg survey in 2005 indicated a small increase in the SSB of the North Sea component to 220,000t compared with 2002. A further egg survey was carried out in 2008 which indicates a 40% reduction in egg production (ICES, 2009). The next North Sea egg survey is scheduled for 2011. The client fishery in ICES Division VIIId is based entirely on the western component of the stock.

#### The 2009 Quotas.

Before discussing the fishery in 2009 it is necessary to point out that Iceland unilaterally declared an autonomous quota of 112,000t. Norway and the Faroese also declared a unilateral quota of 35,819t in the northern waters of Sub-area IV and Divisions IIa and Vb. These quotas were outside the Coastal States and internationally agreed quota of 605,000t. A fixed quota of 1,865t was also allocated to Sweden to be fished in divisions IIIa and IVa,b.

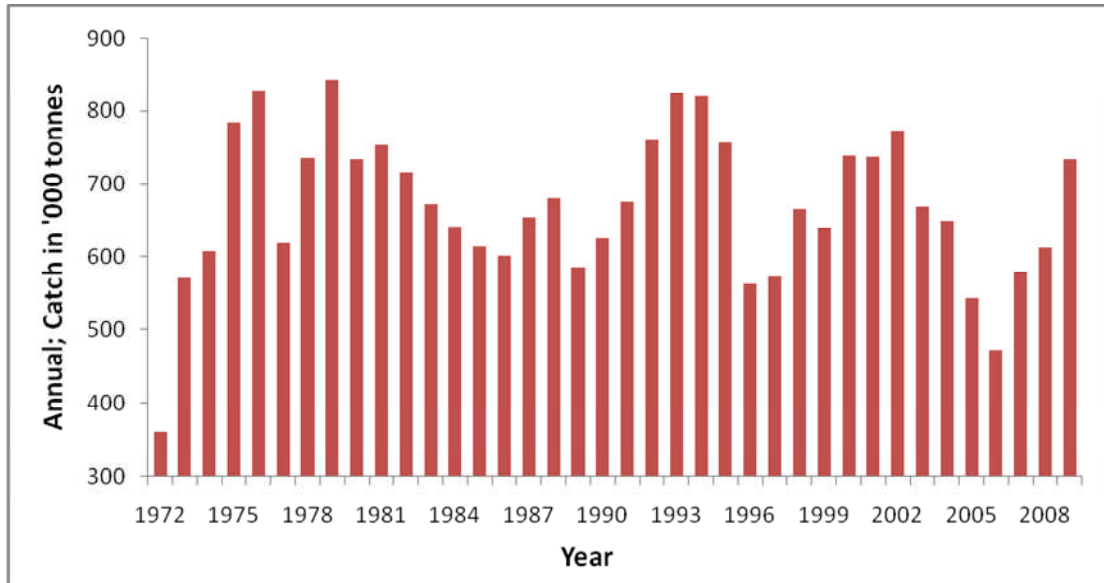
The total declared quota for 2009 of 642,684t was made up of:

- |   |          |
|---|----------|
| • Coastal States allocation (EU, Norway, Faroes)<br>IIa, IIIa, IV, Vb, VI, VII, VIII, XII, XIV. | 511,287t |
| • NEAFC allocation<br>International waters of IIa, IV, Vab, VI, VII, XII, XIV                   | 57,884t  |
| • Norway / Faroes (northern area, unilateral declaration)<br>IIa, IV, Vb                        | 35,819t  |
| • EU / Norway. Fixed quota to Sweden<br>IIa, IV, Vb   | 1,865t   |
| • EU Southern area<br>VIIIc, IXa  | 35,829t  |

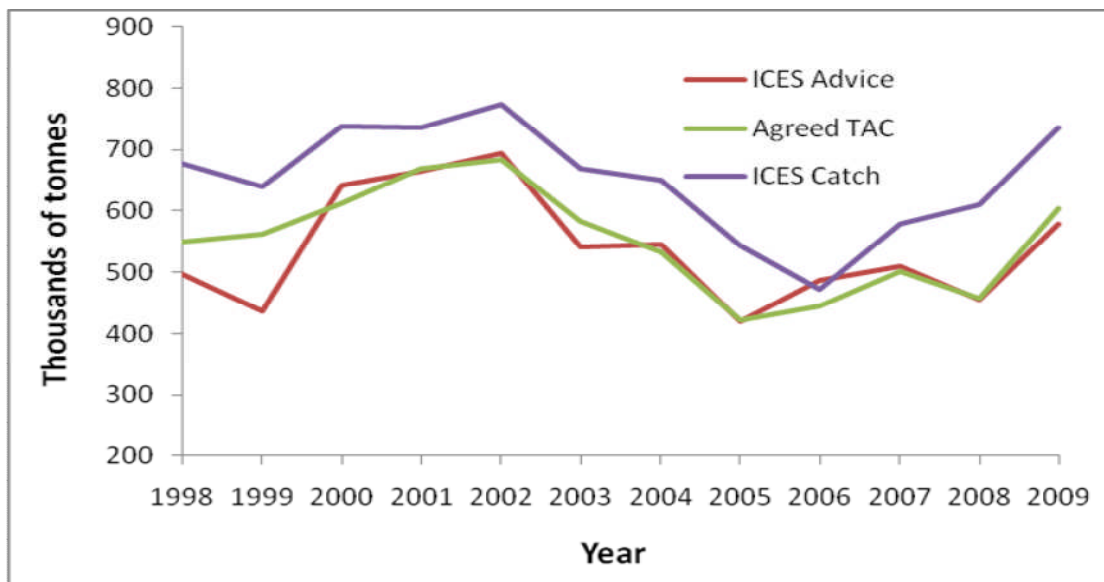
#### The fishery in 2009

Both catch and survey data in recent years has indicated that the stock has expanded north-westwards during the summer feeding migrations. This could be the consequence of changes in food availability, linked to increased water temperature and/or increased stock size. This has led to significant catches being taken in Icelandic waters, an area where almost no catches have been previously reported. In 2009, catches in this area constituted approximately 17% of the total reported landings. In the Icelandic and Faroese fisheries, in the north-western part of the distribution area, mackerel have been taken together with herring. This has been less of an issue in 2010 because of horizontal segregation of the shoals.

The total catch of North east Atlantic mackerel in 2009, estimated by the ICES working group, was 734,889 t, which was 123,826t higher than in the previous year (Figure 1) and the largest annual catch since 2002 (ICES, 2010a). This catch represents an overshoot of the total declared TAC for 2009 of 20,000t. However in this context the Icelandic quota (112,000t) should be disregarded and the total catch, in reality, represents an overshoot of the agreed TAC (642,684t) of 92,205t. This continues the practice of substantially overshooting the TAC in this fishery in recent years (Figure 2)



**Figure 1. Annual catch (ICES) of North East Atlantic mackerel in thousands of tonnes over the period 1972 to 2009.**



**Figure 2. The ICES advice, the agreed annual TAC and the ICES estimated annual catch, in thousands of tonnes, over the period 1998 to 2009.**

Catches in the southern area increased dramatically in 2009 to 107,748t compared with of 59,859t in 2008 and the previously historical high of 62,834t in 2007. This continues the practice in this area of substantially exceeding the area TAC (35,829t in 2009). Catches from the northern North Sea, 234,140t, were similar to the 2008 catch (230,237t). Catches in the western area increased by 55,000t in 2009 to 229,297t. A total of 163,000t was taken in the NEAFC International waters, which was an increase of 15,000t compared with 2008. The majority of this catch was taken by Icelandic vessels (71%). For the first time there were reported catches from Division XIVa by Russia (10,000t) and Faroes (3,000t).

As in 2008 there was again some minor misreporting of catches taken in Division IVa into Division VIa. Because of more effective monitoring and enforcement in recent years this practice has been almost eliminated.

**Summary of catches (includes discards) for NEA mackerel in 2009.**

| <i>Div: VI</i>           | <i>Div: VII,<br/>VIIIa,b,d,e</i> | <i>Sub-area IV &amp;<br/>Div:IIIa</i> | <i>Sub-areas I,II,V</i> | <i>Div: VIIIc &amp;<br/>IXa</i> |
|--------------------------|----------------------------------|---------------------------------------|-------------------------|---------------------------------|
| Western area<br>136,723t | 92,674t                          | 234,140t                              | 163,604t                | Southern area<br>107,748t       |

Only four countries, (Germany, Ireland, Netherlands and UK) of the thirteen countries taking part in the fishery supplied any information on discarding and slippage although deliberate discarding and slippage is illegal in the Norwegian, Russian and Faroese fleets. Information from ICES working group members suggests that most mackerel discarding in 2009 resulted from the inadvertent capture of mackerel in other fisheries plus some discarding and slippage of 'small' mackerel. As a consequence of this, and other problems across the fleets, the best estimates of the catch, by ICES, are likely to be underestimates.

The major sources of potential error are:

- Unrecorded discard and slippage for high grading.
- Underreporting of catches (confidential information suggests that this could be substantial.
- Reliance on log book data (could generate errors of around 11% since 2004) NB it is most unlikely that log book records will be underestimates of catch
- The precision of records in non-EU log books

It has been estimated that unaccounted mortality in the mackerel fishery could be 1.7 to 3.6 times the actual catch (Simmonds et al 2010)

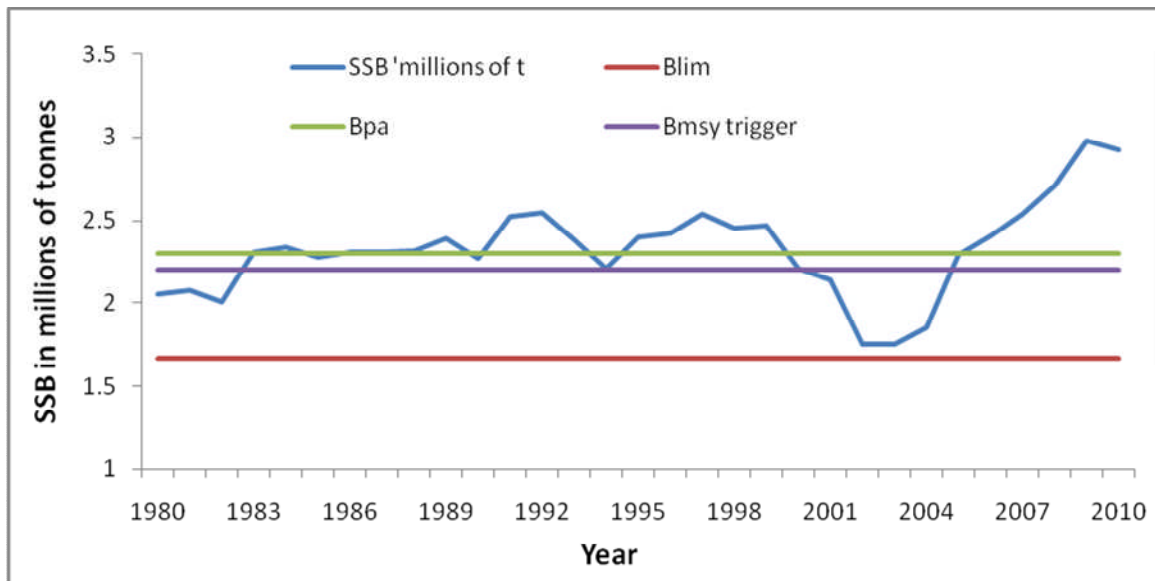
Stock assessment

The 2010 assessment of the state of the stock at spawning time in 2009 (ICES, 2010a) was an update assessment, the last benchmark assessment having been carried out in 2007. The Working group continued to use the ICA model with the SSB estimates from the triennial egg survey as a tuning index.

The triennial egg survey of the western and southern areas was carried out between January and July 2010. The provisional results were made available to the working group for use as an index in the assessment process. All the egg samples have been fully analysed but the fecundity data require some further investigation. In the western area there was a significant increase in survey coverage with the addition of surveys further north by Icelandic and Faroese vessels although egg production in this area was low. Total egg production in the western area was  $1.54 \times 10^{15}$  stage I eggs, a 21% increase over the 2007 survey. In the southern area stage I egg production was  $4.33 \times 10^{14}$  which was a 28% increase over the 2007 value. The resultant estimates of spawning biomass from the egg survey were 3,226,382t in the western area and 907,158t in the southern area. This compares with values of 2,590,000t and 667,909t for the western and southern areas respectively in 2007.

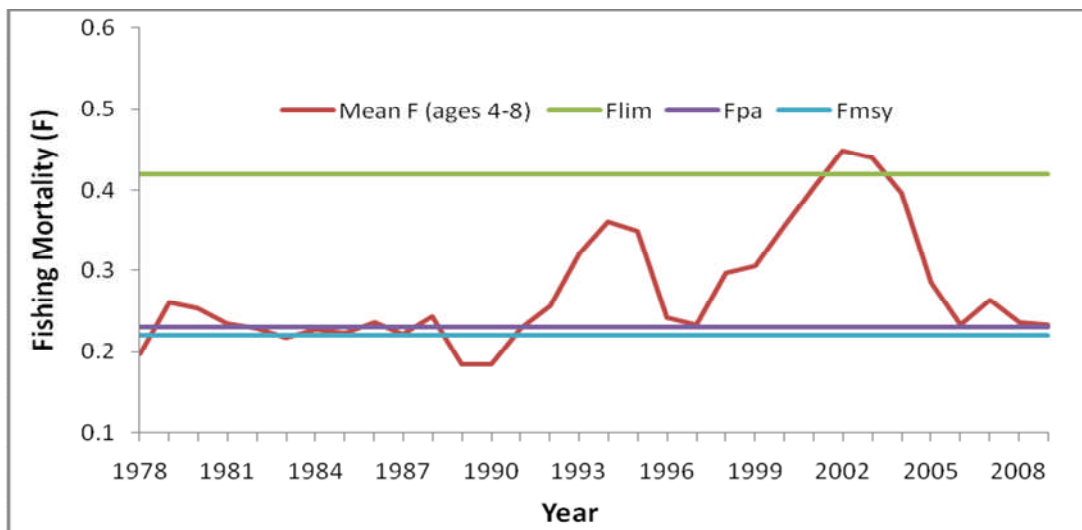
The new data used in the update analytical assessment of the stock were the 2010 egg survey index, updated mean weight at age and an updated maturity ogive.

The estimated SSB in 2009, from the assessment, was approximately 3.0 million tonnes which is now well above Bpa and continues the trend of increasing stock size since it reached a historic low in 2002 (Figure, 3).



**Figure 3. Spawning stock biomass of North east Atlantic mackerel, in millions of tonnes, over the period 1980 to 2009 with a projected value for 2010. The current management plan levels for Blim, Bpa and Bmsy trigger are also shown.**

The fishing mortality, in 2009 was estimated at F 0.233 (ages 4-8 years) only just above Fpa 0.23 (Figure, 4). Fishing mortality was high throughout most of the 1990's reaching an historic peak of F 0.45 in 2002 but has been steadily reduced since then. The general unreliability of catch data does generate problems in relation to the robustness of the stock assessment and the overall perception of fishing pressure on the stock but is not thought to affect the estimate of total fishing mortality.



**Figure 4. Annual fishing mortality (F ages 4-8 years) of North east Atlantic mackerel over the period 1978 to 2009 showing the management plan F values for Flim, Fpa and Fmsy**

The North East Atlantic mackerel assessment suffers from having only two input sources; the catch at age data from the fishery and the triennial egg survey estimate of SSB, which is not age disaggregated. The triennial egg survey is the only fishery independent data source at present and has been running regularly since 1977. There are other surveys including acoustic and aerial surveys but none of them are sufficiently robust at present to be included in the assessment

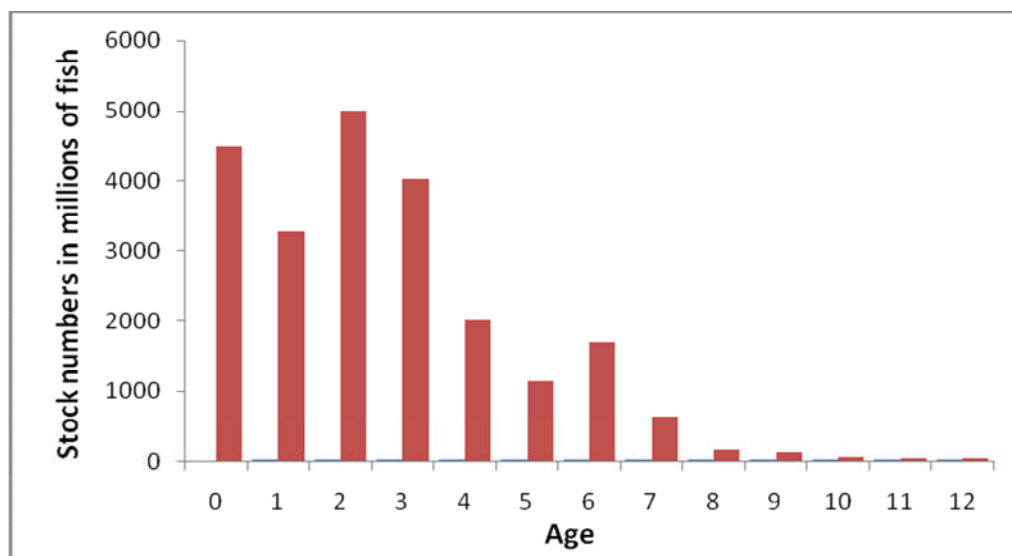
process. An extensive tagging programme has been carried out annually, at spawning time, by Norway, in the western area except in 2005 and 2010. The estimated biomass from the tagging data for the years 1986 - 2008 varies between 2.8 and 9.9 million tons. The results show a decline in the biomass from the early 1990s until 1998 after which the biomass increases again. The tagging data give estimates that are between 1.1 and 3.8 times the ICES official SSB estimate based on the ICA model. There are indications that the stock is being overexploited due to the high unaccounted mortality in the fishery. Based on egg surveys and the tagging experiments it has been estimated that the actual catches might be 1.7 - 3.6 times higher than the official Working group estimate from the ICA modelling. The assessment working group, WGWIDE, has now recommended applying this time series of tagging data as additional fishery independent information for tuning the NEA mackerel stock assessment. Due to the considerable changes in migration pattern of NEA mackerel observed in later years and to improve the time series WGWIDE further recommends that tagging/screening has to be continued on an international basis.

Estimates of recruitment show that the 2002 year class is well above average and that the 2004 to 2006 year classes are above the geometric mean for the time series and that the 2007 year class is about average. Information on the size of the 2008 and 2009 year classes is insufficient for inclusion in predictions and the time series geometric means are used instead.

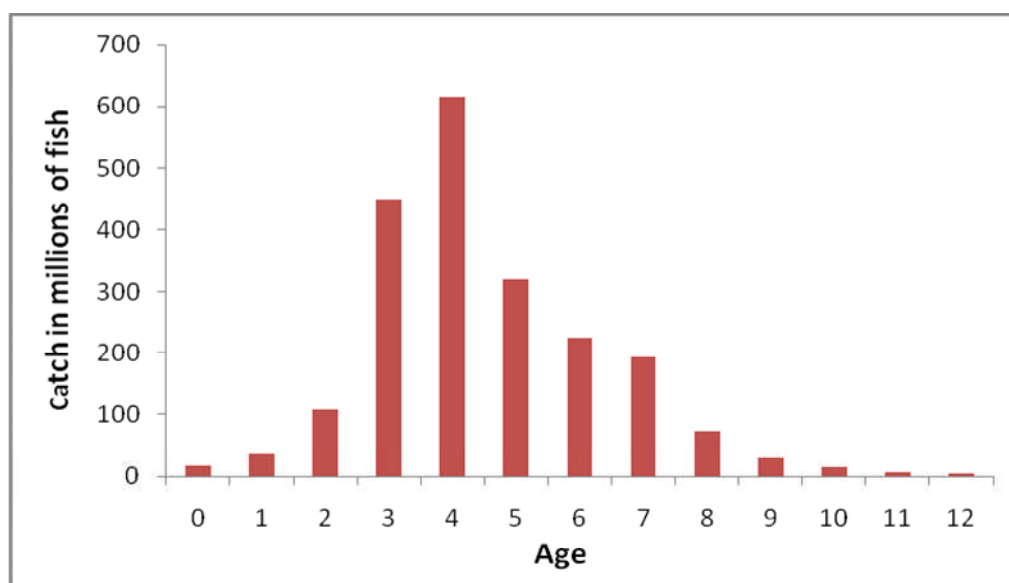
The age structure of the population can be a useful indicator of the status of a fished stock taking into consideration the age at first maturity. When there are a large number of mature year classes, well represented in the population, this can be an indication that the stock, and the fishery on it, is sustainable. Such an age structure provides resilience to the effects of naturally fluctuating recruitment.

Figure 5 shows the population age structure for the NEA mackerel stock. This clearly indicates a reasonable although not exceptionally good age structure with only the age 4 and above being fully mature and just 58% of the age 2, and 86% of the age 3, mature.

Figure 6 shows the age structure of NEA mackerel in the landings in 2009. This shows that most of the landed mackerel are mature.



**Figure 5. Millions of fish at each age in the North-east Atlantic mackerel stock in 2009.**



**Figure 6. The landings of North-east Atlantic mackerel in 2009 as millions of fish in each age group.**

The assessment working group noted some significant deficiencies in age sampling in 2009. These were mainly in the ‘freezer trawler fleets’ of the Netherlands, Germany and France in ICES Division IVa and VIa in the fourth quarter of the year and VIIb and VIII in the first quarter of the year. They also noted that there was no sampling by Spain in quarter four and no sampling at all in Sub-Area III.

#### Management Advice

In 2008 ICES evaluated the following proposed **Management plan** for mackerel in the Northeast Atlantic:

1. For the purpose of this long-term management plan, “SSB” means the estimate according to ICES of the spawning stock biomass at spawning time in the year in which the TAC applies, taking account of the expected catch.

2. When the SSB is above 2,200,000 tonnes, the TAC shall be fixed according to the expected landings, as advised by ICES, on fishing the stock consistent with a fishing mortality rate in the range of 0.20 to 0.22 for appropriate age groups as defined by ICES.

3. When the SSB is lower than 2,200,000 tonnes, the TAC shall be fixed according to the expected landings as advised by ICES, on fishing the stock at a fishing mortality rate determined by the following:

*Fishing mortality  $F = 0.22 * SSB / 2,200,000$*

4. Notwithstanding paragraph 2, the TAC shall not be changed by more than 20% from one year to the next, including from 2009 to 2010.

5. In the event that the ICES estimate of SSB is less than 1,670,000 tonnes, the Parties shall decide on a TAC which is less than that arising from the application of paragraphs 2 to 4.

6. The Parties may decide on a TAC that is lower than that determined by paragraphs 2 to 4.

7. The Parties shall, as appropriate, review and revise these management measures and strategies on the basis of any new advice provided by ICES

ICES concluded that the plan is precautionary under the assumption that the TAC equals the total removals from the stock. The plan was agreed by Norway, Faroe Islands and the EU in October 2008.

As a result of the revised management plan some of the Reference points changed. Current **Reference points** are now:

Blim 1.67mt: The spawning biomass above which reduced recruitment has not been observed

Bpa 2.3mt: Unchanged + B loss raised by 15%

Flim 0.42: Floss- the fishing mortality likely to lead to stock collapse

Fpa 0.23: – Flim x 0.55

Target F between 0.2 and 0.22

Target B > 2.2 million tonnes

The 2008 Coastal States Management Plan (above) is aimed at precautionary exploitation and stability of catches. The TAC advice for 2009 was for a total catch of 642,685t based on the precautionary approach fishing mortality of F 0.23. This **did** take into account the unilateral TAC declared by Norway and the Faroese of 36,000t and 1,865t allocated to Sweden **but not** the expected catches by Iceland. The actual total catch in 2009, as estimated by the assessment working group, was 734,889 t which continues the worrying trend, since 2007, of catches considerably in excess of the ICES advice, which was based on the management plan. This situation is expected to continue in 2010. The absence of effective international agreements on the exploitation of the stock (between all nations involved in the fishery) is a cause of continued concern and prevents adequate control of the exploitation rate.

Because the agreed management plan has not been followed in recent years, the assessment working group carried out an estimation of the expected catch in 2010 (Table below). The estimation of the catch is composed of the declared quotas, inter-annual transfer of quotas not fished in 2009 to 2010, discards, estimated overshoot of catches, and quota payback. The total estimated catch of 930,000t in 2010 will result in an estimated fishing mortality of F 0.31. This is well above that stipulated in the current management plan i.e. well above Fpa.

| <i>National allocations</i>                                | <i>Declared quotas (tonnes)</i> |
|--|---------------------------------|
| <i>EU</i>  | 367,014                         |
| <i>EU transfer from 2009</i>                               | 7,352                           |
| <i>UK / Ireland TAC payback</i>                            | -18,222                         |
| <i>Norway</i>  | 181,000                         |
| <i>Transfer to Norway from 2009</i>                        | 69,000                          |
| <i>Discards (based on 2009 estimate)</i>                   | 12,854                          |
| <i>Expected overcatch (based on 2009 estimate of 7.6%)</i> | 50,683                          |
| <i>Russia</i>  | 45,321                          |
| <i>Iceland</i>   | 130,000                         |
| <i>Faroes</i>  | 85,000                          |
| <b><i>TOTAL</i></b>  | <b>930,002</b>                  |

#### Advice for 2011

The ICES ACOM advice for 2011 (ICES, 2010b) is based on the estimated catch of 930,000t in 2010 as detailed above and geometric mean recruitment (1972-2007) for 2010. This would result in a fishing mortality of F 0.31 in 2010 and an SSB at spawning time in 2010 of 2.93 million tonnes.

The assessment working group in 2010 carried out analyses using a standard package (plotMSY) in an attempt to derive an FMSY estimate for the stock based on the assessment of status of the stock in 2009. They concluded that the structure of the stock and recruitment data for this stock do not lead to any clear definition of an optimum yield fishing mortality level (FMSY). As a result it was considered that the simulation studies used previously for defining the target mortality rate for the agreed management plan ( $F = 0.2$  to  $0.22$ ), and the corresponding spawning stock biomass trigger level (2.2 million tonnes), were appropriate for the definition of a preliminary long term targets. The agreed management plan has been designed to maximise yield while maintaining low risk to the stock. Hence, the values 0.20 to 0.22 are retained as the range for FMSY, and MSY biomass trigger is set at 2.2 Mt.

The ICES Advisory Committee (ICES, 2010b) has produced a range of advice for managers based on the MSY approach; the Transition scheme towards an MSY framework; the Precautionary Approach; and the agreed Management Plan.

This provides a range of potential TACs for 2011 from 592,000t to 672,000t.

#### MSY approach

Following the ICES MSY framework implies fishing mortality to be reduced to 0.22 (FMSY), resulting in a total catch of 646 000 tonnes in 2011. This is expected to lead to an SSB of 2.75 million tonnes in 2012.

Following the transition scheme towards the ICES MSY framework implies fishing mortality to be reduced to 0.23 (Fpa), resulting in a total catch of 672 000 tonnes in 2011. This is expected to lead to an SSB of 2.72 million tonnes in 2012.

#### PA approach

The fishing mortality in 2011 should be no more than Fpa corresponding to total catches of 672 000 tonnes in 2011. This is expected to maintain SSB above Bpa in 2012.

#### Management Plan

Following the management plan (agreed by EU, Norway and Faroese in 2008) for 2011 implies a TAC between 592 000 and 646 000 tonnes in 2011 which would lead to a catch reduction of between 31% and 36% compared to the estimated catch of 930,000t in 2010.

The ACOM advice continues to contain the strong recommendation that the ICES Divisions IVb,c and IIIa remain closed to mackerel fishing to aid the recovery of the North Sea spawning stock. This also helps protect juvenile mackerel of western origin which are numerous in the divisions IVb,c during the second half of the year. This closure does of course generate discarding of mackerel in other central and southern North Sea fisheries. Further measures to assist the recovery of the North Sea spawning component are that there should be no fishing for mackerel in Division IVa during the period 15 February–31 July and the maintenance of the 30 cm minimum landing size at present in force in Sub-area IV.

No TAC was formally agreed for any areas for the 2011 fishery because of the unresolved problems with the unilateral actions of Iceland and The Faroe Islands.

Allocations were made for NEA mackerel in ICES sub areas and divisions IIIa/IV and the Baltic:

- EU 20,000t
- Norway 169,000t

With added zonal maxima.

Remaining areas VI, VII, VIIIa,b,d,e

- EU 258,684t
- Norway 14,050t

Fishing in IVa confined to 1Jan to 15 February 2011 & 1 September to 31 December 2011.

Southern area VIIIc IX & X

- EU 29572t (Spain, Portugal and France)

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| <b>Conclusion</b> | <p>The stock remains well above its precautionary biomass level (Bpa) and Bmsy trigger level. Catches remain higher than required by Fmsy, but a condition (below) is in place to address this issue.</p> <p>No stock or management-related PIs are therefore re-scored during this surveillance.</p> |
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| Item              | Comments   |
|-------------------|--|
| 2                 | <b>MSC Condition for all NE Atlantic Mackerel Fisheries</b>  |
| <b>Background</b> | <p>Significant problems have recently been encountered with the management of the North East Atlantic mackerel fishery. As several fisheries prosecute this fishery, a harmonised condition has been agreed by all involved. The background to this new condition is set out in the text below, which is copied from a statement agreed between the MSC and Certification Bodies in February 2010.</p> <p><b>“Revised proposal for Mackerel harmonisation</b><br/> <i>The ICES advice for NEA mackerel releases in autumn 2009 clearly shows substantial catches in excess of scientific advice and the harvest control rule, with countries, notably Iceland, catching significant quantities of mackerel outside of the coastal states agreement.</i></p> <p style="padding-left: 40px;"><i>“Catches in 2007 and 2008 have been considerably in excess of the ICES’ advice. The absence of effective international agreements on the exploitation of the stock (between all nations involved in the fishery) is a cause of concern and prevents control of the exploitation rate of the stock. According to the short-term forecast, the total estimated catch in 2009 (551,000t compared to a TAC of 431,000t) results in an estimated fishing mortality of 0.31, which is above that stipulated in the management plan (and above Fpa)”.<br/> ICES NEA Mackerel advice, October 2009</i></p> <p><i>The situation appears sufficiently serious to require that a harmonised approach be taken by all Certification Bodies undertaking audits or new assessments relating to this stock. A strong and unified position for all certified fisheries may help stimulate constructive negotiation and discussion across all countries exploiting the shared resource.</i></p> <p><i>Although a number of previous assessments have referred to the threat of unilateral action outside of the coastal states and NEAFC agreement, it is only now that the scale of the potential problem has become clear – and the potential impact on the stock projected.</i></p> <p><i>At the meeting it was agreed that:</i></p> <ul style="list-style-type: none"> <li>• <i>The situation is serious, warranting harmonised action, in the form of certain unified conditions being placed on all certified fisheries.</i></li> <li>• <i>The management of the NEA mackerel stock and fisheries is a matter for agreement between all countries exploiting this straddling stock. No such agreement currently exists – and this state of affairs can be shown to pose a real threat to the sustainable management of this fishery in the near future. Therefore the focus of MSC conditions should be on ensuring the management system works.</i></li> <li>• <i>It will take time to resolve the situation with high-level negotiations. Fortunately the stock status is, for the time being, reasonable. It was therefore agreed that a sensible deadline for any new harmonised MSC condition should be the end of 2011, prior to the 2012 season. This should allow enough time for the situation to be resolved before stock status falls below Bpa - a situation that would require a rebuilding plan to be developed and agreed.</i></li> </ul> <p>[...]</p> <p><i>There may need to be some flexibility between CBs / fisheries on the exact scoring / PIs to be addressed in the context of any harmonised condition, due to the differences in existing scoring and/or the differences caused by use of alternate assessment trees (and weighting in earlier versions of the AT). The impact of changes / new conditions is not intended to cause any of the mackerel fisheries to fail at this time, but rather to place a condition that will trigger suspension of all certifications if it is not met within a fixed time-frame.</i></p> <p><i>The overall binding principle (i.e. not yet phrased in MSC scoring guidepost</i></p> |

*terminology) is that all CBs should notify their clients of the following harmonised condition, and incorporate this condition into assessments (into ongoing or new assessments, or into the next surveillance audit, as appropriate):*

*A condition should be placed on all fisheries to ensure that an agreement is in place and working in time for the 2012 fishing season, which ensures that the sum of all catch allocations for 2012 is equal to or less than the TAC set for 2012, and that the TAC is set in line with the agreed harvest control rule and in accordance with scientific advice. A failure to reach such an agreement and the prospect of on-going unilateral action means that all fisheries would lose certification (at the same time) in January 2012.”*

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|----------------------|---|
| <b>Item 2 (cont)</b> |   |
| <b>Response</b>      | <p>We therefore note the need to award a score of less than 80 for one of the Principle 3 Performance Indicators as part of the harmonisation process. After careful consideration, the team conclude that it is most appropriate to review the scoring of PI 3.2.2. Our rationale is that the problems with the Coastal States Agreement prevent the decision making process from “responding to serious and other important issues”; and that the decision making process can no longer apply the precautionary approach because of the unilateral action of Iceland outside the decision making process.</p> <p>It is therefore proposed that the score previously awarded to PI 1.1.4.1 and 3A.3.2 is reduced to 70. This reduces the score awarded for Principle 1 to 84.5 and Principle 3 to 89.0.</p> <p>The text of the new condition is set out below.</p> <p><b><u>Condition: Harvest Strategy, Harvest Control</u></b></p> <p>Elements of the harvest strategy work together to achieve the management objectives reflected in the target and limit reference points and decision-making processes respond to serious and other important issues in a transparent, timely and adaptive manner.</p> <p><u>Relevant Performance Indicators:</u> 1.2.2, 3.2.2</p> <p><u>Timelines:</u> The condition should apply from the start of certification, and must be addressed by 31<sup>st</sup> December 2011 – in time for the 2012 fishing season.</p> <p><u>Suggested Action:</u> Clear, significant progress must be shown in setting catch allocations between all relevant nations and the parties to the NEA mackerel management plan, to enable the conclusion to be drawn that “<i>elements of the harvest strategy work together towards achieving management objectives</i>”. Resolution of this problem will also provide evidence that “decision-making processes respond to serious and other important issues in a transparent, timely and adaptive manner”.</p> <p>This will be evidenced by the sum of the catch allocations to all relevant fishing nations being equal to or less than the agreed TAC, and the TAC being in line with the harvest control rule. This situation must be reached in time for the 2012 NEA mackerel fishing season (i.e. by 31/12/2011), indicating that the decision-making has proven adaptive and timely and that the harvest control rule is being implemented as intended, as part of an overall coherent management strategy. If a transition TAC is agreed in the short term which exceeds the target defined by the management plan, it will be necessary to check that the transition TAC is precautionary as defined by ICES or inferred from projections.</p> <p>The harvest strategy and fishery decision-making processes will not meet future objectives unless <u>all</u> countries exploiting the shared NEA mackerel stock <u>work together</u> in the implementation of the harvest control rule, and that this be achieved in a timely manner. Decision making processes must be adaptive to new management pressures.</p> <p>The stock status is currently above the precautionary level, but if current fishing patterns are continued is likely to fall below <math>B_{pa}</math> in the short-term. Only a short window of opportunity exists for an agreement to be reached before the stock is likely to decline. The short-term predictions suggest that the stock will still be above the SSB precautionary level even if there is a high fishing mortality until 2011. Thereafter, without a strong recruitment, it is likely that the stock will be at significant risk of falling below the precautionary level.</p> <p><u>Consultation with relevant entities:</u> It is understood that high level meetings have been taking place between the main NEA mackerel fishing nations (EU, Norway,</p> |

|  |   |
|--|---|
|  | Faeroes and Iceland) with the intention of achieving a formal agreement of quota allocations. |
|--|---|

|                           |  |
|---------------------------|--|
| <b>Client Action Plan</b> | n/a  |
| <b>Observations</b>       | The client (HFMG) cannot reasonably be expected to influence international fishery management, but has shown support to other, larger, MSC certified fisheries. This is considered appropriate under the circumstances   |
| <b>Conclusions</b>        | <p>The client is taking action to address this issue. It is presently impossible to judge whether the deadline date of 31<sup>st</sup> December 2011 will be met. However it is clear that MSC mackerel clients are using all available avenues to achieve a solution, so progress with this condition can be considered to be “<b>on target</b>” at present.</p> <p>Recent discussion between affected CBs in relation to this issue has led to production of the following agreed text.</p> <p>The existing situation surrounding the North East Atlantic Mackerel Fisheries has been documented in recent surveillance audit reports; in summary, the inability of all states targeting North East Atlantic Mackerel to agree on quota allocations within the TAC compromises the management system such that the MSC standard is not fully met.</p> <p>The facts considered by all affected CBs (Intertek Moody Marine, Det Norsk Veritas and Food Certification International) and assessment teams in respect to this situation, and resulting actions, are as follows:</p> <ol style="list-style-type: none"> <li>1. The decision of the Independent Adjudicator (IA) in the case of the Faroese mackerel fishery was that this fishery should not be certified as there was not <i>"an agreed TAC allocation key for all the coastal states..."</i>. Normally under MSC TAB Directive 15 v2 (Harmonisation of assessments), this harmonisation directive would require that all certificates for fisheries operating on the same stock would be withdrawn at the next audit. The IA also noted that <i>"this decision only concerns the fishery in question and does not directly apply to other certified fisheries subject to the same harmonised condition. It has been no part of this process to consider the wider position in relation to those other fisheries..."</i>.</li> <li>2. MSC have clarified in this situation that <i>"MSC is not assuming that the failure of the Faroes fishery will automatically and immediately result in the failure of the other fisheries due to harmonisation"</i>.</li> <li>3. In this circumstance, the CBs affected have agreed that the existing harmonised condition would continue to apply until the currently agreed date (31/12/11).</li> <li>4. If the existing Harmonised Condition is not resolved within the specified timeframe (i.e. by 31/12/11), then each CB concerned will necessarily notify all clients concerned of a harmonised intention to initiate suspension of certificates related to this fishery within 90 days (by 30/3/12).</li> <li>5. If the issue is not resolved within this time, then all certificates will be suspended for a further period of 90 days (until 29 June 2012). If the issue is not resolved at this time, then all certificates will be withdrawn.</li> </ol> <p>The effect of this is that mackerel caught before 30 March 2012 (with relevant CoC to confirm date of capture) can still be marketed as MSC-certified. Mackerel caught while a certificate is suspended cannot be marketed as MSC-certified, but lifting of the suspension would mean immediate reinstatement of the certificates. If certificates are withdrawn (at 29 June 2012) then fisheries would need to be recertified to allow resumption of use of the MSC ecolabel on NEA mackerel.</p> |

|          |  |
|----------|--|
| <b>3</b> | <b>Any complaints against the certified operation; recorded, reviewed and actioned</b>   |
|          | <p>At-sea and shore-based inspections are carried out by SIFCA officers. For Hastings, this may comprise 1 at-sea inspection and an average of 12 shore-based inspections per annum. No specific problems were identified in Hastings and no warnings or prosecutions were issued to Hastings-based fishers in 2010 or 2011.</p> <p>No other complaints have been received in relation to the Hastings Fishery.</p> <p>An incident of setting static nets in inshore waters has been traced to recreational fishers.</p>   |
| <b>4</b> | <b>Any relevant changes to legislation or regulation.</b>  |
|          | None, although consultation is currently underway on the reform of fishery management, including the issue of quota allocation to under 10m vessels.   |
| <b>5</b> | <b>Any relevant changes to management regime.</b>  |
|          | <p>Shortly before the audit, we were informed of the death of Steve Potter, former liaison officer with Hastings BC. His inputs to the MSC programme here will be sadly missed. He has been ably replaced by Joy Collins.</p> <p>The only other significant change in the management regime is the establishment of Sussex IFCA. Sussex SFC transferred to Sussex IFCA on 1 April 2011, the transfer involved some changes in the boundaries of the IFCAs. All previous bye-laws remain, and the areas affected by the bye-laws are unchanged (i.e. same as SFC boundaries). This is relevant to Hastings, as some bye-laws affected Rye Bay.</p> <p>Governance of IFCAs extended beyond previous SFC to include wider academic, nature conservancy, Environment Agency etc membership. IFCA officers also given wider and greater powers in relation to enforcement and nature conservation issues.</p> |
| <b>6</b> | <b>Overall Conclusions</b>   |
|          | <p>Progress against the conditions is satisfactory and will be determined based on actions at Coastal States level.</p> <p>No changes in management have taken place that would detrimentally affect the performance of this fishery against the MSC standard and the fishery continues to meet the requirements of the MSC Standard.</p> <p>MSC Certification should therefore continue. The fishery is appropriately placed to continue with MSC re-assessment.</p>  |

**Information Sources:****Meetings**

19 May 2011 – Hastings FMG (Joy Collins, Yasmin Ornsby, Paul Joy)

19 May 2011 – Sussex IFCA (Belinda Vause)

20 May 2011 – Hastings FMG (Joy Collins, Yasmin Ornsby, Paul Joy)

**Reports etc**

Introducing the Hastings FLAG

HFMG Minutes

DEFRA consultation document on Reform of the English Fisheries Management Arrangements

ICES 2009. Report of the Working Group on Widely Distributed Stocks (WGWISE) ICES CM 2009/ACOM:12  
563pp

ICES 2010a. Report of the Working Group on Widely Distributed Stocks (WGWISE) ICES CM 2010/ACOM:15  
612pp

ICES 2010b. ICES (ACOM) Advice Book 2 section 6.4.2 (pp27-44)

Simmonds, E. John. Enrique Portilla, Dankert Skagen, Doug Beare and Dave G. Reid. 2010. Investigating agreement between different data sources using Bayesian state-space models: an application to estimating NE Atlantic mackerel catch and stock abundance. ICES Journal of Marine Science. Advance Access published March 26, 2010 16pp.

**Standards and Guidelines used:**

1. MSC Principles and Criteria for Sustainable Fishing
2. MSC Fishery Certification Methodology Version 6. September 2006
3. TAB Directives - all



## MSC Interview Record

### IMM Attendees

Lead Auditor/Coordinator: A Hough

Team Members: J Nichols

### Stakeholders:

#### Affiliation

1. Hastings FMG

#### Representatives

Joy Collins, Yasmin Ornsby, Paul Joy

**Location:** Hastings

**Date:** 19/20 May 2011

### 1. Introduction. MML Lead Auditor to introduce MSC assessment to Stakeholders, including

- Fishery Unit of Certification (and client)
- Assessment Team
- Intertek Moody Marine as independent CB accredited to carry out MSC assessments
- Purpose of meeting – information collection and identification of issues relevant to fishery assessment
- MSC Principles & Criteria and Assessment Process being followed; FAM Assessment Tree
- RBF (if applicable)
- That stakeholder comments may be non-attributable if required

### Comments:

The status of the assessments were discussed, including current surveillances, forthcoming re-assessment and status of harmonised conditions for herring and mackerel.



## 2. Status

What is the nature of the organisations interest in the fishery (e.g. client / science / management / industry / eNGO etc)

Client

## 3. IMM Questions

Assessment team questions for stakeholder response

All conditions of certification were discussed for Dover sole fisheries, and herring and mackerel harmonisation conditions. Also any complaints and changes in management. All are reported in surveillance report.

## 4. Stakeholder Key Issues

What, if any, specific substantive issues or concerns are identified regarding the fishery? (P1 – P2 – P3)

What information is available to allow us to determine the status of the fishery in relation to each issue?

Issues raised are reported in 2011 surveillance report

## 5. Other issues

(e.g. any other stakeholders we should contact, any written submissions to follow?)

None.



## 6. Closing

IMM Lead Auditor:

- Summary of key points – stakeholder to confirm in writing (sign if hard copy)
- Are comments to be attributed?
- Timescale for completion, including further opportunities for stakeholder input

Confirmed

IMM Lead Auditor

Stakeholders



## MSC Interview Record

### IMM Attendees

Lead Auditor/Coordinator: A Hough

Team Members: J Nichols

### Stakeholders:

#### Affiliation

1. Sussex IFCA
2. MSC

#### Representatives

Belinda Vause  
Claire Pescod

**Location:** Shoreham

**Date:** 19 May 2011

### 1. Introduction. MML Lead Auditor to introduce MSC assessment to Stakeholders, including

- Fishery Unit of Certification (and client)
- Assessment Team
- Intertek Moody Marine as independent CB accredited to carry out MSC assessments
- Purpose of meeting – information collection and identification of issues relevant to fishery assessment
- MSC Principles & Criteria and Assessment Process being followed; FAM Assessment Tree
- RBF (if applicable)
- That stakeholder comments may be non-attributable if required

### Comments:

Sussex IFCA have management role for inshore fisheries in Sussex district (formerly Sussex Sea Fisheries Committee).



## 2. Status

What is the nature of the organisations interest in the fishery (e.g. client / science / management / industry / eNGO etc)

Inshore Fishery Managers

## 3. IMM Questions

Assessment team questions for stakeholder response

**Various aspects of the management of fisheries in Sussex, particularly Hastings were discussed.**

### **Compliance**

At-sea and shore-based inspections are carried out by SIFCA officers. For Hastings, this may comprise 1 at-sea inspection and an average of 12 shore-based inspections per annum. No specific problems were identified in Hastings and no warnings or prosecutions were issued to Hastings-based fishers in 2010 or 2011.

No other complaints have been received in relation to the Hastings Fishery.

### **Changes to management**

Sussex SFC transferred to SIFCA 1 April 2011, the transfer involved some changes in the boundaries of the IFCA's. All previous bye-laws remain, and the areas affected by the bye-laws are unchanged (i.e. same as SFC boundaries). This is relevant to Hastings, as some bye-laws affected Rye Bay.

Governance of IFCA's extended beyond previous SFC to include wider academic, nature conservancy, Environment Agency etc membership. IFCA officers also given wider and greater powers in relation to enforcement and nature conservation issues.

### **Marine Protected Areas (MCZs)**

There are no voluntary closed areas within the SIFCA district.



Under Marine Bill, establishment of MCZs required. In England this is proceeding through a consultative process (Balanced Seas) Relevant to Hastings, an potential MCZ has been identified in the area East of Beachy Head; this area has been biotope mapped. MCZs to be proposed to Secretary of State in Feb 2012 and then to have management plans in place within 4 years. Hastings has been awarded FLAG (Fishery Local Action Group) status and funding, in part this is being used to map the MCZ.

#### **Benthic habitat information**

Significant recent mapping and data synthesis of benthic habitat data within the district, including Hastings area, undertaken (MALSF Synthesis study on eastern English channel, Feb 2011). Data on habitats also supplemented by underwater photography.

#### **Other Issues**

Landings data to be obtained from MMO.

#### **4. Stakeholder Key Issues**

What, if any, specific substantive issues or concerns are identified regarding the fishery? (P1 – P2 – P3)

What information is available to allow us to determine the status of the fishery in relation to each issue?

No specific concerns, Supportive of Hastings MSC status.

#### **5. Other issues**

(e.g. any other stakeholders we should contact, any written submissions to follow?)

None



## 6. Closing

IMM Lead Auditor:

- Summary of key points – stakeholder to confirm in writing (sign if hard copy)
- Are comments to be attributed?
- Timescale for completion, including further opportunities for stakeholder input

Confirmed

IMM Lead Auditor

Stakeholders