

**RECOMMENDATION No 2/2023 OF THE SPECIALISED COMMITTEE ON FISHERIES  
ESTABLISHED BY ARTICLE 8(1)(q) OF THE TRADE AND COOPERATION  
AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC  
ENERGY COMMUNITY, OF THE ONE PART, AND THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART,**

**of 24 July 2023**

**as regards the alignment of management areas for Lemon Sole, Witch, Turbot and Brill**

THE SPECIALISED COMMITTEE ON FISHERIES,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ("the Agreement"), and in particular Article 504 thereof and Article 508(2)(d),

Whereas:

- (1) Article 504(1) of the Agreement provides that the United Kingdom and the Union (each a "Party", together "the Parties") shall request advice from the International Council for the Exploration of the Sea ('ICES') on the alignment of the management areas and the assessment units used by ICES for the stocks marked with an asterisk in Annex 35.
- (2) Those stocks are: (i) lemon sole and witch (North Sea), L/W/2AC4-C; (ii) plaice (English Channel), PLE/7DE; (iii) turbot and brill (North Sea), T/B/2AC4-C; and (iv) whiting (Celtic Sea), WHG/7X7A-C.
- (3) Article 504(2) of the Agreement provides that within six months of receipt of the advice the Parties shall jointly review the advice and shall jointly consider adjustments to the management areas of the stocks concerned, with a view to agreeing consequential changes to the list of stocks and shares set out in Annex 35.
- (4) The Parties noted the conclusion of such joint requests to ICES for the four stocks at the Specialised Committee on Fisheries meeting of 20 July 2022. Moreover, on 16 December 2022, ICES issued its advice for two of the four stocks: (i) lemon sole and witch (North Sea); and (ii) turbot and brill (North Sea).
- (5) At present, lemon sole and witch, L/W/2AC4-C, and turbot and brill, T/B/2AC4-C, are both managed under a combined TAC whereas ICES provides advice on a species level, and the geographical scope of these management areas for lemon sole, witch and brill under the Agreement is narrower than the ICES advice areas:
  - For lemon sole, the ICES advice area covers the North Sea (ICES area 4), the Skagerrak (ICES area 3a) and the Eastern Channel (ICES area 7d),
  - for witch, the ICES advice area covers the North Sea (ICES area 4), the Skagerrak (ICES area 3a) and the Eastern Channel (ICES area 7d),

- for brill, the ICES advice area covers the North Sea (ICES area 4) and the English Channel (ICES area 7d and area 7e).
- (6) In its advice of 16 December 2022, ICES advised that for all four stocks (lemon sole, witch, turbot and brill), management should be using a single-species TAC covering the stock distribution area.
  - (7) In its annual stock advice of 30 June 2022 for lemon sole, witch, turbot and brill, ICES similarly advised that management should be implemented at the species level in the entire stock distribution area. ICES advises that management of these species under a combined species TAC prevents effective control of the single-species exploitation rates and could lead to the overexploitation of either species.
  - (8) Article 508(2)(d) of the Agreement provides that the Specialised Committee on Fisheries may adopt recommendations in relation to cooperation on sustainable fisheries management under Heading Five (Fisheries) of the Agreement.
  - (9) The Parties recognise that it may be appropriate to have more than one TAC for each species in order to set sustainable fishing opportunities.
  - (10) The Parties further recognise the importance of responsible international fisheries management, including that TACs should take account of other coastal state catches.
  - (11) The Parties note the potential challenges for the management of these stocks that may arise from moving to single species TACs which follow the ICES advice area, including the application of the landing obligation, and recognise the potential role for inter-area flexibility between TACs for the same species and the use of quota exchanges for mitigating such risks.

HAS ADOPTED THIS RECOMMENDATION:

#### *Article 1*

The Specialised Committee on Fisheries recommends that the Parties, in future annual consultations under Article 498 of the Agreement, manage lemon sole and witch (North Sea), L/W/2AC4-C, and turbot and brill (North Sea), T/B/2AC4-C, at a single species level by setting out the maximum amount of each species that can be caught under each TAC.

#### *Article 2*

The Specialised Committee on Fisheries recommends, with a view to ensuring the full stock area is under TAC management, that the Parties in future annual consultations establish TACs pursuant to Article 498(3) of the Agreement as listed in Annex 1 to this recommendation.

The Specialised Committee on Fisheries recommends that the Parties' shares of the TACs for the stocks listed in Annex 1 to this recommendation be allocated between the Parties in accordance with the quota shares set out in Annex 1 to this recommendation. In line with responsible international fisheries management, the Specialised Committee on Fisheries recommends that the Parties account for third country catches when setting the TACs in line with Annex 1.

*Article 3*

The Specialised Committee on Fisheries recommends that overall fishing opportunities for the stocks concerned are apportioned across the relevant TACs in line with Annex 2 to this recommendation, based on official landings for the period 2011-2020.

*Article 4*

Noting that the ICES catch advice applies to all ICES areas covered by the TACs referred to in Article 1 and 2 for lemon sole, witch and brill, the Specialised Committee on Fisheries recommends that geographic flexibility between Area 3a and Area 4 apply at a rate of 100% in both directions and between Area 4 and Area 7d at a rate of 100% in both directions.

Done at Brussels and London, 24 July 2023

*For the Specialised Committee on Fisheries*

*The Co-Chairs*

Eva Maria CARBALLEIRA FERNANDEZ

Mike DOWELL

## Annex 1

### TACs and respective UK and EU TAC shares

No.	Common Name	ICES Areas	TAC share* (%)	
			UK	EU
1	Lemon Sole (3a)	Union waters of 3a	0.00%	100.00%
2	Lemon Sole (Eastern Channel)	7d	18.77%	81.23%
3	Witch (3a)	Union waters of 3a	0.00%	100.00%
4	Witch (Eastern Channel)	7d	0.00%	0.00%
5	Brill (3a)	Union waters of 3a	0.00%	100.00%
6	Brill (English Channel)	7d and 7e	38.66%	61.34%

\*The Specialised Committee on Fisheries recommends that the TAC figure to be apportioned between the UK and EU equates to the headline TAC minus third country catches. The Specialised Committee on Fisheries recommends that third country catches be set at 0.72% of the total catch for lemon sole, 6.21% for witch, 0.55% for brill and 0.67% for turbot. These are derived from historic landings data.

## Annex 2

### Percentage apportionment of the total agreed TAC covering the ICES biological stock area to the new TAC areas

	3a	4	7d	7e
<b>Lemon Sole</b>	9.10%	83.38%	7.52%	N/A
<b>Witch</b>	44.40%	55.60%	0.00%	N/A
<b>Brill</b>	6.04%	64.20%	29.76%	
<b>Turbot</b>	N/A	100.00%	N/A	N/A