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Proposal for a Council Regulation fixing for 2026, 2027 and 2028 the fishing opportunities for certain fish stocks applicable in Union Waters and, for Union vessels, in certain non-Union waters

To whom it may concern,

We ask that Minister Dooley advocates for setting fishing opportunities in a way that promotes a healthy ocean that can support thriving and environmentally sustainable fisheries and coastal communities. To do this we must put an end to overfishing, restore and maintain fish populations and fully apply the ecosystems based approach to fisheries management. We strongly recommend that TACs are set well below the maximum catch level advised by ICES in its single-stock advice in order to improve the resilience of fish populations and ecosystems.

Precautionary Approach

By taking a precautionary approach in the setting of fishing opportunities it offers the opportunity to maximise stock and ecosystem health during the climate change crisis we are currently in. Ireland has already experienced extreme marine heatwaves in the past few years (with a projected increasing frequency of these occurring across Europe) and it's imperative we have healthy fish populations that can withstand change in these uncertain times. Fish populations can also help contribute to healthy oceanic carbon sequestration to mitigate against the impacts of climate change. Unfortunately, illegal, unregulated and unmonitored fishing still occurs and we must factor in these catches in the setting of TACs. We should also provide a buffer in the case of unfavorable, unexpected changes in the status of fish populations. This will help to facilitate long-term market stability by avoiding large fluctuations in TACs between years (1).

A study published in Science in 2024, based on an investigation of 230 fisheries around the world, found that "populations of many overfished species are in far worse condition than has been reported" (2) , showing that "current stock assessment models overestimate productivity and recovery trajectory", particularly for overfished stocks.(3) Celtic Sea cod is one example of this phenomenon, where biomass increases for



depleted stocks do not materialise as projected, and/or the stock situation in hindsight turns out to be worse than previously assumed.(4,5) The issue of such “phantom recoveries” has also been confirmed for example for Western Baltic cod, with biomass having repeatedly been overpredicted.

These examples support the recommendations to set fishing opportunities below scientific advice to mitigate the risk posed by potentially overly optimistic stock assessments. This may require a decrease in fishing opportunities in the short-term but is key to future proofing the sustainability, profitability and productivity in the long term.

- 1) Froese et al. (2025) highlight that “as long as the stock size fluctuates above the legally required minimum level (BMSY), the TAC can remain stable and close to MSY, giving a strong incentive for fishers to keep stocks large and healthy and providing the often-asked for planning security in the fishing industry”. Froese, R; Steiner, N; Papaioannou, E; MacNeil, L; Reusch, T B H; Scotti, M (2025). Systemic failure of European fisheries management. *Science* 388(6749), pp. 826-828. DOI: 10.1126/ science.adv4341. May 2025.
- 2) Edgar, G (2024). Investigation reveals global fisheries are in far worse shape than we thought – and many have already collapsed. 23 August 2024. <https://theconversation.com/investigation-reveals-global-fisheries-are-in-far-worse-shape-than-we-thought-and-many-have-already-collapsed-237306>. The underlying study is: Edgar et al. (2024). Stock assessment models overstate sustainability of the world’s fisheries. *Science*, 385(6711), pp. 860-865. <https://www.science.org/doi/10.1126/science.adl6282>
- 3) Froese, R & Pauly, D (2024). Taking stock of global fisheries. Current stock assessment models overestimate productivity and recovery trajectory. *Science*, 385(6711), pp. 824-825. <https://www.science.org/doi/10.1126/science.adr5487>. This article highlights that, while “hindsight historical last biomass estimates were more or less accurate for sustainably fished stocks”, “[f]or stocks that were overfished, however, historical biomass estimates were substantially overestimated compared with more recent assessments”, and “rising trends in biomass reported for overfished stocks were often inaccurate, resulting in so-called phantom recoveries for stocks where actual biomass was fluctuating at a low amount or even declining”. The paper concludes that the “main reason for



- the overestimation of recent biomass is the tendency of standard models to overestimate productivity at depleted stock levels. That tendency is apparent at the low range of biomass (typically between 20 and 40% of maximum biomass) predicted as sufficient to support maximum sustainable catches”.
- 4) For example, the stock size estimates for Celtic Sea cod for the years 2015 to 2022 based on the more recent ICES advice from 2024 were consistently lower than the estimates from the advice provided two years earlier, in 2022. For example, the 2022 SSB estimate from the 2024 advice was only 835 t, compared to the 2022 SSB estimate of 1196 t from 2022 advice. This indicates that based on the more recent assessment this stock was actually in worse shape in 2022 than what was estimated at the time. Moreover, the forecast in the advice from 2022 projected the stock to increase by 101% to a 2024 SSB of 2120 t assuming a catch of 424 t in 2023 (based on the FMSY catch scenario, which is the closest to the actual catch of 457 t later reported for 2023). However, based on the more recent 2024 advice, the stock instead actually decreased by 30% from 835 t in 2022 to an all-time low of 585 t in 2024 (which is 72% less than the 2120 t projected for 2024 two years before), indicating that the initial outlook from the assessment in 2022 was too optimistic. ICES (2024). Cod (*Gadus morhua*) in divisions 7.e-k (eastern English Channel and southern Celtic Seas). ICES Advice: Recurrent Advice. Report.
<https://doi.org/10.17895/ices.advice.25019234.v1>. ICES (2022). Cod (*Gadus morhua*) in divisions 7.e–k (western English Channel and southern Celtic Seas). ICES Advice: Recurrent Advice. Report.
<https://doi.org/10.17895/ices.advice.19447898.v1> , Table 9, SSB Value for 2022 in both advice sheets, and Table 2 in the advice from 2022. The 2023 catch of 457 t is based on the sum of the landings and discards specified for 2023 in Table 9 of the 2024 advice.
 - 5) Also note that ICES found part of its “Advice Rule” which guides the production of ICES advice on fishing opportunities to not be precautionary for depleted stocks. It has proposed a way to address this, which still seems to be under discussion at the time of writing this briefing series.

Shortcomings in scientific advice and the need for data collection

The current ICES advisory framework is not designed to support rapid stock recovery by safeguarding ecosystems. It does not contain a recovery target or timeframe to prevent fish populations from falling outside safe biological limits in the short or mid term. Setting



TACs at or - as is often still the case - even above such advised catch levels is not in line with: the MSY objective of the EU's Common Fisheries Policy (CFP); the UK Fisheries Act's precautionary objective of recovering and maintaining all stocks above levels capable of producing MSY; or the precautionary and ecosystem-based approach. We ask that the Minister call on the rest of the EU and the UK to work alongside ICES to address the concerns highlighted and to ensure that ICES advice aims for rapid recovery above sustainable levels for fish populations, taking into account the ecosystem approach and ensuring a healthy size and age structure within these populations. We ask that Ministers request ICES to provide clarifications of shortcomings in the advisory approach and address issues as well as provide interim recommendations on how the current advice can meet all relevant legal requirements. Until this happens it is the fisheries Ministers responsibility to integrate the necessary additional precaution into decisions.

We ask that information for data limited populations be addressed as a matter of urgency. When only landing information is available this is not enough information to know how the population is doing. Precautionary advice is then given but this is criticised by industry and generally exceeded. Celtic sea pollack (6) and Irish sea cod (7) should serve as a cautionary tale of the consequences of ignoring precautionary advice. Pollack was subject to precautionary advice of 3360 t from 2019 to 2023 which was exceeded substantially in all years (the sum of the two relevant TACs was 12560 t in 2019, 12401 t in 2020, 9610 t in 2021, 8168 t in 2022 and 6535 t in 2023). The ICES advice for 2025 confirms that the stock is at the lowest level ever recorded. For cod this species was subject to precautionary advice between 2020 and 2022 which has been exceeded (TAC of 257 t versus advice of 116 t in 2020; 206 t vs. 93 t and 74 t in 2021 and 2022). ICES advice now confirms this population is below biological limits since 2021.

Transparency in negotiations

The continued lack of transparency around key negotiations is unfair to all stakeholders involved. It's impossible to know who is pushing for the continued overfishing of species and on what basis they are arguing for this. Decision makers should be held accountable for decisions made which affect the environment and economy and do not uphold the law and scientific advice. We ask that documents are published with the records of negotiations.

We also believe that it is important for the Irish fishing industry to receive a fair share of quota allocations at EU level. Currently this does not appear to be the case and is having a knock on effect across all demographics in the fishing industry and the wider marine



environment. At national level we call for full implementation of Article 17 of the Common Fisheries Policy so that small scale fishing communities receive a fair share of the quota (most of which is reserved for larger vessels). Ireland is currently drafting legislation on how to effectively protect the marine environment through a marine protected area

legislative framework. One of the issues in protecting our seas is unsustainable fishing. Some fishing communities are forced into relying more so on non quota species due to not receiving enough quota for other species. If this results in the unsustainable fishing of non quota species, this will hugely hinder efforts to protect the marine environment using the ecosystems based approach. In order to prevent this, quotas need to be fought for at EU level and shared more fairly across all fishing sectors with smaller inshore vessels and island communities prioritised. Small scale fishing has a huge cultural significance in Ireland and this is something we cannot afford to lose.

For a more detailed analysis of the points mentioned above and with further references please see the attached briefing.

<https://www.clientearth.org/media/ugtemqcb/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-1-cover-briefing-key-recommendations-on-setting-fishing-opportunities-1.pdf>

Le meas,

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