

Stockholm & Brussels, 4 July, 2014

To: The Fisheries Ministers of the EU Member States

Re: Input to the EU Fisheries Council Meeting, 14 July 2014

Dear Minister XX,

On behalf of the Fisheries Secretariat (FISH) and Seas At Risk (SAR), we send you our thoughts regarding the Communication from the Commission concerning a consultation on Fishing Opportunities for 2015 (COM(2014)388). We ask you to consider our views during your discussions at the upcoming Council meeting.

We welcome this communication, in which the European Commission sets out principles for the fixing of fishing opportunities for 2015. It shows a clear commitment to implement the reformed Common Fisheries Policy (CFP) and specifically its MSY objective.

In the communication, the Commission has listed a number of principles for fixing fishing possibilities for 2015, which will be applied in its proposals for fishing limits later this year. They are largely based on the level of information available for the stocks, and divided into two main categories: 1) stocks with full assessments and MSY estimates and 2) other stocks. In general, we support the proposed principles, but would like you to consider the following points:

- FMSY can be set by 2015 for all stocks under full assessment, as well as for stocks with MSY proxies, whereas it will take many stocks time to rebuild to biomass levels capable of producing MSY. Therefore, this autumn the Commission should propose and the Council agree on fishing limits for 2015 at or below FMSY, depending on whether the stock is in need of rebuilding.
- There is specific reference to the possibility to delay MSY implementation in 2015 if it could “seriously jeopardise the social and economic sustainability of the fishing fleets”. However, the Commission does not attempt to specify what would define “seriously jeopardise”. This is a great weakness that needs to be addressed. Any such delays must be clearly motivated and a plan for achieving FMSY by 2020 at the latest must be agreed.
- We support the proposal to manage all stocks under existing multiannual management plans in line with the MSY objective and set fishing opportunities at FMSY from 2015.
- While we welcome the use of the precautionary approach for several categories of data limited stocks without MSY estimates, the Commission states that it will do so in “a systematic, predefined and transparent way” but provides no explanation of how it will be done. This needs to be clarified before proposals are published.
- For deep-sea stocks, we welcome the commitment to following the precautionary approach and the UNGA Resolutions, thereby ensuring that catch limits are compatible with the long-term sustainability of stocks. We would like to remind you that the 2009 UNGA Resolution clearly states that when the scientific information available does not make it possible to

identify such sustainable exploitation rates, no fishing opportunities should be allocated for the fisheries concerned.

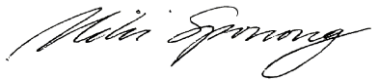
- In the context of the landing obligation, we applaud the clear statement that adjustments of fishing opportunities to account for fish previously discarded will not be done at the cost of reaching MSY. This is crucial if the EU is to rebuild stocks to MSY levels and adhere to the agreed timetable.

The Communication also attempts to provide an overview of the state of stocks in EU waters. While assessments are now available for more stocks, particularly in the Mediterranean, it also shows that the great majority of stocks in EU waters remain overfished and that even in the North-East Atlantic stocks did not improve much over the past few years. In addition, it is clear that while the co-legislators were discussing the new objectives of the CFP, the Council was ignoring these same ambitions in its quota setting. The difference between scientific advice and the agreed TACs actually increased sharply over the past 2 years.

- We therefore want to end by urging the Commission and the EU Member States to stand firm and implement the new objectives of the CFP by proposing and agreeing sustainable fishing limits for 2015 that will restore and maintain populations above biomass levels capable of producing MSY.

See Annex 1 for more detailed comments on the communication.

Yours sincerely,



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Annex 1: On the Communication from the Commission concerning a consultation on Fishing Opportunities for 2015 under the Common Fisheries Policy

We welcome the recent communication (COM(2014)388), in which the European Commission sets out principles for the fixing of fishing opportunities for 2015. It shows a clear commitment from the Commission to implement the reformed Common Fisheries Policy (CFP) and specifically its MSY objective. It also provides an outline of key elements of future multi-annual management plans, as well as guidance on how total allowable catches (TACs) will be set under the new landing obligation.

The Communication also attempts to provide an overview of the state of stocks in EU waters. While assessments are now available for more stocks, particularly in the Mediterranean, it also shows that the great majority of stocks in EU waters remain overfished and that even in the North-East Atlantic stocks did not improve much over the past few years. The data presented shows that while the co-legislators were discussing the new objectives of the CFP, the Council was ignoring these same ambitions in its quota setting.

Principles for fixing fishing opportunities for next year

In the introduction to the Communication, the Commission clearly sets out the overarching ambitions:

“Fishing opportunities must be set according to Article 2(2) of the CFP, and with the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield (MSY). The MSY objective is to be achieved by 2015 where possible and on a progressive, incremental basis at the latest by 2020 for all stocks. This objective will also contribute to achieving good environmental status by 2020 as provided for by the Marine Strategy Framework Directive2 (MSFD) and the CFP.”

The Commission commits to tabling proposals for fishing limits in 2015 that will bring the overall fishing mortality (F) to levels required to allow stocks to rebuild to biomass levels that produce maximum sustainable yield (MSY) in the shortest possible time-frame. It also hints that further rebuilding of stocks will take place in the future.

- **This is very welcome, as MSY is aimed at maximising yield and has been heavily criticised for being less than optimal both from a profitability point of view and for the marine environment. It is most definitely not a conservation tool, even if it is a step in the right direction for the EU’s largely overfished stocks.**

Essentially, the Commission then creates two overarching categories for the fixing of fishing opportunities, including 5 subcategories under Other stocks:

1. Stock with full assessments and for which there are MSY estimates
2. Other stocks

The categories are roughly comparable with the six categories used by ICES, but grouped differently.

- It would have been useful if the Commission had provided further reference to ICES work on stock categories, as this is the main basis for EU advice on fishing opportunities, particularly regarding stocks for which the precautionary approach will be applied. In ICES's own documents regarding the general context of advice, it is explained that when limited data call for a precautionary approach, it implies that the exploitation rates advised will be more conservative than FMSY (ICES, 2013).

1. Stocks with full assessments

For stocks under full assessment, MSY exploitation rates (FMSY) are to be reached by 2015 *where possible* [our italics]. Only if achieving MSY by 2015 would "seriously jeopardise the social and economic sustainability of the fishing fleets involved" would a delay "be acceptable."

Contrary to recent years, the Commission clearly states that in cases where an existing multiannual management plan does not comply with the MSY objective, the plan will be disregarded and fishing opportunities in line with MSY will be proposed.

The Commission also promises to examine the added value of fishing effort limitations in addition to TACs, in an effort for simplification, and that management instruments which provide no added value in terms of reaching the new objectives would be removed.

- FMSY can be set by 2015 for all stocks under full assessment, as well as for stocks with MSY proxies, whereas it will take many stocks time to rebuild to biomass levels capable of producing MSY. Therefore, the Commission and the Council should be setting fishing limits for next year at or below FMSY, depending on whether the stock is above biomass levels capable of producing MSY or in need of rebuilding to MSY levels.
- The Commission (and the preamble of the basic regulation EC 1380/2013) does not attempt to specify what would define "seriously jeopardise the social and economic sustainability of the fishing fleets" and subsequently delay a direct application of FMSY. This is a great weakness that could jeopardise the entire quota negotiations this autumn. Any such delays must be clearly motivated and a plan for achieving FMSY by 2020 at the latest must be agreed. One way to handle this would be to task ICES with providing something similar to the MSY transition option used before the reform.
- We greatly welcome the decision to manage all stocks under existing multiannual management plans in line with the MSY objective, but some clarification is needed on how this will be done. Will all other management measures in these "inapplicable" [COM wording] plans be moot as well, or would they still apply while a revised plan is being drafted?
- We also welcome a review of the use of effort limitations in addition to TACs. As it is a measure that has caused much grief in the fishing sector, it would be good to find out how effective it is.

2. Other stocks

a) FMSY by 2015 for stocks with data available to determine MSY proxies

According to the Commission, for stocks which are analytically assessed and for which MSY proxies are provided, even if a “full assessment” is not possible, fishing opportunities should be set at FMSY by 2015.

b) Precautionary approach for stocks with quantitative advice indicating trends

For these, less data-rich stocks, MSY assessment is not possible and no advice on FMSY will be provided. The Commission intends to apply the precautionary approach on a case-by-case basis. These stocks will also be reviewed to see if assessments can be improved to provide MSY proxies.

c) Roll-over TACs for stocks which are presumed stable

Based on a decision last year, fishing opportunities should remain stable – i.e. unchanged TACs – for data-limited stocks that appear to the best available knowledge to be stable. These 25 stocks are supposedly “taken only as bycatch or with low levels of quota uptake” and of “low economic importance”.

- **The Commission does not provide a list or reference of which 25 stocks this agreement covers, but we know from last year that some of them are managed under management units that differ from the scientific advice given by ICES. NGOs have repeatedly asked the Commission to adjust and align management areas for these stocks, in order to facilitate better management and assessment against the CFP objectives.**
- **Though the majority of these stocks are caught at very low levels and are reasonably in line with available scientific advice, the Council did set quotas considerably higher than the scientific advice for some of these stocks last year, including sole and sprat. In these cases, a roll-over of the TAC is not acceptable if the scientific advice differs.**

d) Precautionary approach for stocks without scientific advice

Where no scientific advice is available, the Commission will propose TACs in line with the precautionary approach “in a systematic, predefined and transparent way”.

- **While we welcome the use of the precautionary approach, the Commission provides no explanation of what this systematic, predefined and transparent way of setting TACs would be. This needs to be clarified, and not just for this category of data-limited stocks but for all stocks for which the precautionary approach will be applied.**

e) Management of deep-sea stocks in line with the precautionary approach and UNGA

Fishing opportunities for deep-sea stocks are set biannually – so this year’s proposal will be for 2015 as well as 2016. A proposal for a new access regime for EU deep-sea fisheries¹ is also on the table and has been the focus of much discussion in the Council Working Group recently.

In the communication on fishing opportunities for 2015, the Commission states that proposals for deep-sea stocks will need to follow the precautionary approach, and be in line with commitments

¹Proposal for a regulation of the European Parliament and of the Council establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002 (COM(2012) 371).

under a number of recent UNGA resolutions and the FAO International Guidelines on management of deep-sea fisheries in the High Seas. For most deep-sea fisheries, stock projections are not available due to a lack of data and the ICES advice is that the fisheries should be reduced or not allowed to expand.

- **We welcome the commitment to following the precautionary approach and the UNGA Resolutions. In the UNGA Fisheries Resolutions, the application of a precautionary approach includes measures that ensure catch limits compatible with long-term sustainability of stocks. The 2009 UNGA Fisheries Resolution states clearly that when the scientific information available does not make it possible to identify such exploitation rates, no fishing opportunities should be allocated for the fisheries concerned.**
- **We remind the Commission, that the ecosystem-based approach to fisheries management is also enshrined in the CFP and that many non-target species are taken as bycatch in these fisheries, with significant impacts on these non-target species, as well as on the wider deep sea environment, as a result. Ways to minimise bycatch and prevent catching the most vulnerable species also need to be considered when setting fishing opportunities.**

On management through multiannual plans

The resolution of the inter-institutional deadlock on management plans enables the EU to move forward again with this corner stone of long-term fisheries management. The long-standing dispute has delayed the revision of many existing plans and hindered the development and adoption of new ones. We welcome the resolution of the deadlock and the agreement to make the MSY objective a central element of the plans. The commitment to manage all stocks in mixed fisheries according to MSY is also extremely important.

- **On a more critical note, however, it is unclear what is intended with the proposal to express the MSY objective in ranges, and whether this relates to ranges of FMSY. If so, any FMSY ranges provided in scientific advice must not jeopardise the objective of rebuilding stocks to biomass levels capable of producing MSY.**
- **While multiannual management plans need to be flexible enough to be adaptable and take account of new information and trends, it is – in our view – not advisable to allow flexibility in the annual decisions on fishing opportunities beyond the previously used ± 15 per cent, unless extreme measures are necessary to reach the MSY objective. If this envisaged flexibility enables decision-makers to stray from the objectives of the CFP, MAPs will not provide the significant improvement to the management of European fisheries that was envisaged.**

Fixing of fishing opportunities under the new landing obligation

As part of the new CFP, an obligation to land all catches will be implemented gradually across the EU. This will entail a move from landing quotas to catch quotas, and changes in the way that the scientific advice is provided are already being made. For stocks under the landing obligation from 2015, ICES is now providing advice on total catches, including best estimates on discarding.

The Commission sets out some important principles related to fixing fishing opportunities in this paper, particularly related to the so-called “bonus quotas” – the addition of the estimated discard to the otherwise advised TAC. It makes clear that such an addition can only be made if it does not jeopardize reaching the MSY objective.

- **We applaud the clear statement that adjustments of fishing opportunities to account for fish previously discarded will not be done at the cost of reaching MSY. This is crucial if the EU is to rebuild stocks to MSY levels and adhere to the agreed timetable.**

How to improve the current state of EU fish stocks

With a few exceptions, the Communication reveals a continuously grim picture of the status of fish stocks in European waters. Even in the North-East Atlantic, the situation has deteriorated somewhat recently after years of gradual improvement. In last couple of years, the difference between scientific advice and the Council agreements on TACs has actually increased, with the Council adopting TACs 35 per cent higher than advised for last year. This took place during a time when the Council and the European Parliament were discussing a new CFP intended to improve the status of European fish stocks.

On the other hand, the Communication clearly shows that an improvement of fish stocks can be achieved by moving towards MSY, leading to higher incomes for the fishing sector. The examples provided show that MSY management can improve profits even with increasing fuel prices.

- **We want to end by urging the Commission and the EU Member States to stand firm and implement the new CFP objectives by proposing and agreeing sustainable fishing limits for 2015 that will restore and maintain populations above biomass levels capable of producing MSY.**