

Reply to the Commission consultation on:

Fishing opportunities for 2016 under the Common Fisheries Policy

Submitting Organisation:

The Fisheries Secretariat

Identification number in the transparency register: 40048498591-70

Contact:

Edward Stern

The Fisheries Secretariat

Prästgatan 9

Stockholm 111 29

SWEDEN

Tel: +46 8 250 790

www.fishsec.org,

edward.stern@fishsec.org

Response to the Commission Consultation on Fishing Opportunities for 2016 under the Common Fisheries Policy

18 September 2015

We welcome the publication of the Commission's Communication on fishing opportunities for 2016 under the Common Fisheries Policy (CFP), COM (2015) 239. This Communication not only sets out the principles for the fixing of fishing opportunities for 2016, but also aims to fulfil the reporting obligation of the Commission pursuant to Article 50 of the CFP on the progress toward achieving Maximum Sustainable Yield (MSY) and the situation of the fish stocks. Below we provide comments on the proposal, firstly relating to the general approach and secondly on the state of stocks analysis, where data transparency is a major concern.

1. General Approach

In the communication, the Commission has listed a number of principles for fixing fishing possibilities for 2016, which will be applied in its proposals for fishing limits later this year. These principles 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:

- The Commission proposes to rebuild stocks **to** biomass levels capable of producing MSY, whereas the objective of the CFP according to Article 2 is restoring and maintaining populations **above** biomass levels capable of producing MSY.
- The Commission should propose fishing limits for 2016 **below** F_{MSY} , in order to achieve the mentioned MSY objective consistent with Article 2 of the CFP. For stocks well below biomass levels capable of producing MSY, fishing limits should be set accordingly to allow stocks to rebuild as fast as possible.
- Unfortunately, the Commission does not provide any indication of the biomass of the stocks in relation to biomass levels capable of producing MSY. Instead the Commission uses B_{PA} , a precautionary biomass level associated with recruitment failure. This makes it impossible to assess the progress towards the biomass objective of the CFP.
- There is specific reference to the possibility to delay MSY implementation 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. As the 2015 deadline

has now passed, any such delays must be clearly motivated and a plan for incrementally and progressively achieving F_{MSY} as soon as possible, and before 2020 in exceptional circumstances, must be agreed.

- We support the proposal to apply existing multiannual management plans if they are in line with the biomass objective of Article 2 and therefore set fishing opportunities **below** F_{MSY} .
- 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 example, the Commission applied a data limited approach “in line with ICES advice” to its proposed TAC for Eastern Baltic Cod for 2016. Whilst we appreciate the Commission’s proposed incorporation of a TAC reduction as a precautionary measure, the application of this reduction is inconsistent with ICES advice. To be in line with ICES advice, the TAC must be reduced by another 29%.
- 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 exploitation rates. This is crucial if the EU is to rebuild stocks to levels above those capable of producing MSY and adhere to the agreed timetable. However, owing to the current lack of effective monitoring and limited proof of compliance with the landing obligation, any increase in Total Allowable Catch (TAC) could potentially result in a further increase in both landings and discards.
- The Commission plans to propose TAC adjustments for stocks where catches are “predominantly” under the landing obligation. No explanation is provided as to what quantity of catches needs to be covered to qualify for this adjustment, with the obvious risk of increasing both landings and discards.
- We would like to emphasise the need to request appropriate scientific advice on a regular, recurring basis for the 26 stocks under a presumption of stability. Despite the Commission’s stated apparent low economic value for many of these stocks, the stocks may support important ecosystem functions and the resiliency of targeted species. Furthermore, a presumption of stability does not equate to meeting the precautionary approach in the CFP.
- Continual reference to the “MSY objective” throughout the report lacks clarity in many cases as to whether the Commission means biomass, yield, or fishing rate. The Commission needs to explicitly identify which reference limits and targets of the MSY objective is meant within the document.

The Communication also attempts to provide an overview of the state of stocks in EU waters. In addition to our concerns noted below, nearly half of the stocks in the northeast Atlantic and adjacent waters that were selected for the Communication are still overfished, and the proportion in the Mediterranean is a staggering 93%. We welcome the efforts outlined by the Commission to improve the situation of stocks in the Mediterranean. Scientific publications and Commission Communications have for several years highlighted that the situation in the Mediterranean is worse both in terms of data availability and stock status. Given that all stocks need to fulfil the objectives of the CFP by 2020 at the latest, urgent measures are necessary.

2. State of the stocks analysis: data quality and clarity

Relying on the recent STECF report 15-04¹, the Commission's proposal incorporates EU fish stock data to support statements on achieving the goals of the CFP. These data are poorly referenced, at times referring to data ranges outside those in the STECF report and at other times incorporating data from other un-referenced sources. The reader is unable to source or scrutinise the information given, leading to a non-transparent analysis. On several occasions the Commission appears to use incorrect values to those in the STECF report, including multiple values for the same statistical reference at different places in the proposal.

For transparency, scientific integrity and accuracy, any analysis on the state of stocks needs to be fully referenced and consistent with STECF and other sources.

The following particular data issues highlight our concern.

- In the Terms of Reference to STECF, the Commission requested stock biomass information related to Safe Biological Limits (SBL). This is potentially much lower than a biomass capable of producing MSY, instead a precautionary biomass level associated with recruitment failure. While ensuring stocks are above SBL is critically important to the precautionary approach, stock levels above SBL is not a sufficient condition to achieving either biomass or fishing effort in line with CFP article 2.2. Without data on stock growth to biomass levels capable of producing MSY, it is impossible to determine progress toward the most basic goals of the CFP.
- Despite the well written and referenced STECF report, covering the last decade of EU fishing with reliable data (2003-2013), the Commission provides data noted as 2015 without references to the data source, apparently excluding the STECF report's findings and time series. If the Commission has compiled data on 2014 ahead of

¹ Scientific, Technical and Economic Committee for Fisheries (STECF) - Monitoring the performance of the Common Fisheries Policy (STECF-15-04). 2015. Publications Office of the European Union, Luxembourg, EUR 27152 EN, JRC 95185, 36 pp.

released scientific advice, or assumptions about the result of the current year's fishing effort, these data should be referenced and available.

- Determining the number of stocks fished at or below F_{MSY} is difficult. STECF reported 32 stocks met the criteria in 2013, which was the last year with reliable data as of February 2015 when STECF compiled the data. In contrast to this, the Commission's proposal notes on pages 4 and 7 that 26 stocks meet this criteria in 2015, however on page 10 and on the first page of the proposal's annex the Commission states 32 stocks. On page 3 of the annex, a manual count of the listed stocks reveals only 31 meet the criteria. This is both inconsistent and not transparent.
- The data range referenced on page 7, for stocks at or below F_{MSY} for 2002-2015, exceeds the range and the regional summary figures in the STECF report, and no additional references are provided.
- The STECF report does not include any references to Mediterranean or Black Sea fishery data, and the Commission states on page 7 that "Comparable estimates [of fishing effort and biomass in relation to MSY] are not presently available for the Mediterranean Sea". Yet the commission's proposal and annex include data and summary statements on Mediterranean and Black Sea fishing rates and stock biomass. While we appreciate the additional challenges in monitoring and data collection in Mediterranean and Black Sea fisheries, the sources noted in the annex for these data are incomplete, making it difficult to corroborate the noted figures.
- The Commission noted improvement in stock levels in the Northeast Atlantic, North Sea and Baltic Sea in relation to safe biological limits for the years 2006-2014 from 11-21. The date range, region, and values of these data do not appear to match the STECF report. The most comparable statement to that in the proposal, looking at biomass improvement in Northern European waters including the Baltic Sea, Greater North Sea, and Western European waters from 2006-2013, is an increase from 15 to 20 stocks.
- Different total counts of those stocks with quantitative catch advice on fishing effort appear in the STECF report, totalling 62 stocks, and the Commission proposal, totalling 72 stocks.

These quality and clarity issues are non-transparent and leave the Parliament, Council, and stakeholder public unable to determine progress toward achieving the goals of the reformed CFP.