



Joint NGO priorities on the Multi-annual Plan for Western Waters

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We call on MEPs to support the Commission's proposal to:

- Ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the Maximum Sustainable Yield (MSY) (Articles 3.1, 7.1 and 7.2);
- Contribute to the elimination of discards by avoiding and reducing, as far as possible, unwanted catches (Article 3.2);
- Implement the ecosystem-based approach to fisheries management and ensure coherence with the objectives of the Marine Strategy Framework Directive (MSFD), particularly achieving Good Environmental Status (GES) by 2020, and the Birds and Habitats Directives (Articles 3.3 and 3.4).

We call on MEPs to amend the proposal to ensure that:

- Recovery targets to restore stocks to levels above those capable of producing MSY apply to all harvested stocks, with corresponding safeguards and specific timeframes;
- Ranges of fishing mortality are limited to those that will meet the requirements in Article 2.2 of the Common Fisheries Policy (CFP) for all harvested stocks. For stocks with MSY-based reference points, this means that F_{MSY} should be the upper limit;
- Measures to reduce or eliminate specific regional impacts of the fisheries on seabirds, marine mammals, and habitats are explicitly set out in the plan;
- Measures to implement specific regional aspects of the landing obligation are explicitly set out in the plan;
- Effective and robust monitoring and enforcement of provisions are highlighted as key conditions for the successful delivery of Western Waters Multi-annual Plan (MAP) objectives.

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SCOPE

The scope of this proposal includes a larger area and more species than any of the previous MAP proposals. Nevertheless, Article 1 omits a number of key species which are caught by trawl fisheries within these sea basins, such as skates and rays. Landings amount to considerable volumes, for example for cuckoo ray¹, blonde ray², shagreen ray³, small eyed ray⁴, spotted ray⁵ or thornback ray⁶, and the International Council for the Exploration of the Sea (ICES) clearly states for several of them that “Although not usually targeted, it is one of the important components of the [...] fishery” as well as “Although not subject to target fisheries, it can be a relatively important by-catch of [...] fisheries”. Also ling, saithe and tusk are missing in the MAP and we therefore recommend including these mentioned species in the scope of the proposed MAP.

Attached to the proposal for a Western Waters MAP is a proposal for a revision of the Baltic Sea MAP. Given the spirit of the CFP of adapting fisheries management, including Multi-annual plans, to regional circumstances and given that the Baltic Sea is a very different sea region from the Atlantic Western Waters, a revision of the BS MAP does not enter into the geographical scope of the WW MAP and should be the result of a separate process. In addition, we seriously question the meaningfulness and coherence with the CFP of the proposed revision to derive F_{MSY} ranges on the basis of “5% reduction in the long-term yield”, because this is a lower benchmark than Maximum Sustainable Yield.

MANAGEMENT TARGETS

The Commission proposes different management measures when stocks are fished as by-catch, especially regarding fishing limits. We note that the CFP objective to restore and maintain fish stocks above levels capable of producing MSY applies to **all harvested species** and not just to selected ones. NGOs strongly oppose continued overfishing (i.e., fishing above the F_{MSY} point estimate), as doing so undermines the core objective of the CFP to end overfishing and contradicts international agreements.⁷ The Western Waters MAP should therefore be amended to stipulate that the fishing mortality of all stocks, regardless of their group being target or by-catch, should be set at levels not exceeding F_{MSY} .

The Western Waters MAP proposal allows setting fishing mortality above the F_{MSY} point value in certain circumstances (Article 4). According to the CFP Article 2.2, there should not be any flexibility to the requirement to not exceed F_{MSY} , even where the stock is in a good condition. However, if such flexibility is retained, then the circumstances in which this flexibility may be used must be restrictive enough to ensure the objective to restore and maintain fish stocks above levels that can produce MSY is still achieved. The setting of fishing limits above F_{MSY} must be explained by a reference to one or more of those circumstances, similar to the requirement in the Baltic MAP. The scientific advice/evidence

¹ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/rjn-678abd.pdf>

² <http://ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/rjh-pore.pdf>

³ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/rjf-celt.pdf>

⁴ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/rje-7fg.pdf>

⁵ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/rjm-7aeh.pdf>

⁶ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/rjc-pore.pdf>

⁷ UN Agreement for the implementation of the provisions of the UN Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, Annex II: “The fishing mortality rate which generates maximum sustainable yield should be regarded as a minimum standard for limit reference points.”

mentioned in Article 4.5(a) and 4.5(b) needs to be peer reviewed by the Scientific, Technical and Economic Committee for Fisheries (STECF) and made publicly available before TAC decisions are agreed.

Additionally, the proposed Western Waters MAP foresees for the stocks in Article 1 upper values for ranges calculated by ICES. ICES outlines in its advice⁸ that “to derive the value of the cap on F_{MSY} upper, the ICES MSY advice rule (AR) is used, which requires a linear reduction of F towards zero when SSB is below $MSY B_{trigger}$ ”. Yet, the proposed Western Waters MAP lacks such harvest control rules.

STOCK RECOVERY OBJECTIVES

The CFP’s objective to restore and maintain harvested species above levels capable of producing MSY applies to all stocks. Therefore, recovery objectives under the MAP should apply to all Western Waters stocks without differentiating between those caught as target and as by-catch. The proposal foresees under Article 5 that by-catch stocks shall be managed under the precautionary approach. The proposal refers to the precautionary approach to fisheries management as defined in the CFP. However, the use of precautionary reference points as management targets will deliver a higher fishing pressure and lower biomass than the levels that are required by the CFP and are necessary to achieve Good Environmental Status. Merely aiming to prevent the collapse of by-catch stocks is therefore insufficient to meet the requirements of the CFP and of existing environmental legislation, and is not appropriate.

SAFEGUARD PROVISIONS

In accordance with Article 10 of Regulation (EU) No 1380/2013, multi-annual plans shall contain safeguard mechanisms to ensure that management targets are met and to face unforeseen developments. While the proposal considers specific provision for the implementation of safeguards (Article 7), they are not robust enough to ensure the rapid recovery of the stock, especially in cases when the stock is below the B_{lim} . In addition, the currently proposed safeguards are exclusively linked to biomass targets of the targeted stocks, neglecting the application of these provisions to by-catch stocks, or when the exploitation rate of targeted stocks are having an adverse impact on by-catch species or ecosystem.

ECOSYSTEM-BASED APPROACH AND ENVIRONMENTAL LEGISLATION

The proposed MAP falls short in respecting the obligation stated under Article 2.3 of the CFP to minimise the negative impact of fishing activities on the marine ecosystem. It should recognise that there are specific ecological challenges in Western Waters and that there need to be appropriate targets and safeguards to ensure an ecosystem-based approach to fisheries in the region.

⁸ http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2018/Special_requests/eu.2018.04.pdf

In line with Article 8 of the CFP, the plan should establish appropriate conservation measures and protect essential fish habitats and fish stock recovery areas, such as spawning and nursery grounds and concentrations of juveniles (fish below minimum conservation reference sizes).

We support the aim to achieve the MSFD objective of Good Environmental Status by 2020. Fisheries management measures should also be introduced to ensure the strict protection of species and habitats in line with the Birds and Habitats Directives. We therefore fully support the references to these directives in the objectives of the proposal.

However, these objectives are not supported by any provisions in the MAP. The proposal fails to mention species and habitats that are currently impacted by fisheries in the region, such as the Balearic shearwater (critically endangered) and the Black-legged Kittiwake (vulnerable). By-catch continues to impact populations of common dolphins in trawls and harbour porpoises in static nets throughout the region, as well as localised impacts to porpoises in Beach seines and static gear off the Iberian Peninsula and to bottlenose dolphins off Andalusia. The proposal should contain specific measures to address the impact of fishing activities on these species and habitats. Some of these measures are already in place, such as dedicated observer monitoring, acoustic devices to deter porpoises and provisions foreseen in the seabird action plan⁹ to tackle by-catch, in particular measures for longline vessels (e.g. scaring devices, increasing sink rate of hooks, night setting) as well as temporal/spatial measures (e.g. closures). For this MAP to be the framework for the sustainable exploitation of stocks and marine ecosystems as foreseen in the CFP, these measures need to be integrated in the MAP.

LANDING OBLIGATION

The landing obligation is intended to put an end to the wasteful practice of discarding unwanted fish, by avoiding and reducing unwanted fishing mortality in the first place. There is a need for avoidance and selectivity measures alongside effective management of quota and documentation of the catch in order to ensure that member states have a sufficient data collection provision in place to record of what is being removed, as required under the CFP.

Article 10.1(f) of the CFP requires that multi-annual plans shall include “objectives for conservation and technical measures to be taken in order to achieve the targets set out in Article 15, and measures designed to avoid and reduce, as far as possible, unwanted catches”. This requirement demonstrates the co-legislators’ intent to include key elements for implementation of the landing obligation (currently set out in respective discard plans for north- and southwestern waters) in the multi-annual plan for the region.

We further note that Recital 32 of the CFP specifies that the introduction of the landing obligation should not jeopardise the MSY objective nor lead to an increase in fishing mortality. The fixing of fishing limits and the use of ranges in mixed fisheries must take this into account, e.g. by setting the fishing limits for the most abundant stocks in the mixed fishery at a level lower than the maximum advised in the single species advice for those stocks, so as to safeguard the most vulnerable or least abundant stocks in the mixed fishery.

⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52012DC0665>

NEPHROPS MANAGEMENT

The management of Norway lobster (*Nephrops norvegicus*) differs significantly from the management of demersal fish species. ICES provides advice per Functional Unit (FU), while the annual decisions on fishing opportunities result in TACs for greater areas, often comprising several FUs. Norway lobster are burrowing species and do not move across and between areas in the same way as fish stocks. Adding up all the advised fishing opportunities to make up one TAC may therefore jeopardise populations in some overfished units where no fishing should take place. ICES highlights this in its advice at least since 2013, stating that “To protect the stock in these functional units, ICES advises that management should be implemented at the functional unit” and that “The overriding management consideration for these stocks is that management should be at the functional unit (FU) rather than the ICES division level”.^{10,11,12,13,14}

We therefore recommend the deletion of Article 9.3 of the proposal, to ensure that the management regime for Nephrops follows the best available scientific advice.

EVALUATING AND ADAPTING THE PLAN

The proposed MAP includes a requirement for the Commission to report on the implementation of the plan every five years. However, the proposal does not include explicit detail on the reference points that would inform an evaluation of the MAP’s effectiveness in delivering its objectives and those of the CFP. The MAP should also facilitate the achievement of Good Environmental Status and this should also be considered in any evaluation of the plan’s effectiveness.

We therefore recommend including detailed reporting requirements in the MAP with regard to its reference points and to the achievement of Good Environmental Status.

¹⁰ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/nep-25.pdf>

¹¹ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/nep-2627.pdf>

¹² <http://ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/nep.fu.2829.pdf>

¹³ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/nep.fu.30.pdf>

¹⁴ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/nep-31.pdf>