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COMMISSION STAFF WORKING DOCUMENT

Accompanying the document

Communication from the Commission to the European Parliament and the Council

"Towards more sustainable fishing in the EU: state of play and orientations for 2022"

{COM(2021) 279 final}

This staff working document accompanies the Communication ‘Towards more sustainable fishing in the EU: state of play and orientations for 2022’. It looks in greater depth at:

1. the state of stocks;
2. specific actions in the Mediterranean and Black Seas;
3. the balance between fleet capacity and fishing opportunities;
4. the socio-economic performance of the EU fishing fleet;
5. progress in implementing the landing obligation;
6. the role of recommendations by Advisory Councils in EU decision-making; and
7. the actions taken under the EU’s International Ocean Governance Agenda

1. The state of stocks

Monitoring results of the common fisheries policy progress report

Each year, the Commission requests the Scientific, Technical and Economic Committee for Fisheries (STECF) to assess progress in achieving the maximum sustainable yield exploitation rate (F_{MSY}) in line with the objectives of the common fisheries policy (CFP)¹. The exploitation rate relative to F_{MSY} is calculated by three bodies: the STECF, the International Council for the Exploration of the Sea (ICES) and the General Fisheries Commission for the Mediterranean (GFCM).

In line with recommended best practice, all historic data series have been updated. This means that some new methods have been introduced, new science taken into account, and new data added. Information in this section is generally based on data collected in 2019 and analysed and published in 2020. It therefore reflects the state of stocks of fish measured in the sea in 2019 as an outcome of the set of management measures implemented (setting TACs, capacity management, technical measures, landing obligation, etc., including effort management where applicable).

The main findings as well as the graphs of the STECF technical report² are summarised below.

¹ Article 50 of the Common Fisheries Policy (CFP; Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013) stipulates: “The Commission shall report annually to the European Parliament and to the Council on the progress on achieving maximum sustainable yield and on the situation of fish stocks, as early as possible following the adoption of the yearly Council Regulation fixing the fishing opportunities available in Union waters and, in certain non-Union waters, to Union vessels.”

² STECF Ad Hoc 21-01: *Monitoring the performance of the Common Fisheries Policy (WP)*. ISSN 2467-0715
The information provided in this staff working document is a selection of the most relevant findings of the STECF report and therefore not an exhaustive reproduction of the whole report.

1.1 Trends in fishing pressure (ratio of F/F_{msy})

1.1.1 Northeast Atlantic

In the Northeast Atlantic, the fishing pressure shows an overall downward trend over the period 2003-2019 (Figure 1). In the early 2000s, the median indicator of fishing mortality was more than 1.7 times larger than F_{MSY}, but this has reduced and since 2011 stabilised below 1.2, getting close to 1 in 2019 (see figures 2, 3 and table 1).

For 12 stocks located outside EU waters, in the ICES areas, but jointly managed with other international partners, the positive overall trend observed in EU waters until 2014 is confirmed, with the median value of the F/F_{msy} indicator closely tracking that produced for EU waters. After 2014, the indicator seems to show an increasing number of stocks exploited above F_{msy}, especially for one of the stocks. However, the STECF notes that the indicator for ICES area stocks outside EU waters is based on comparatively few stocks and that uncertainty around the actual value of the estimate (confidence interval) is high. This makes the results unstable from year to year, and should therefore be interpreted with care.

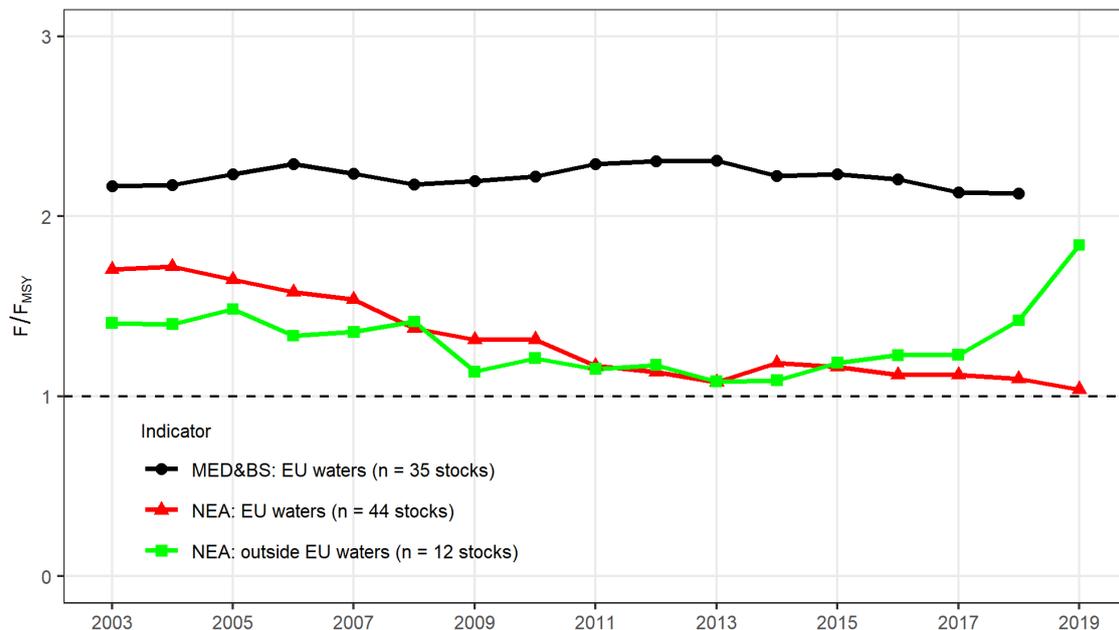


Figure 1: Trends in fishing pressure (Northeast Atlantic area and Mediterranean and Black Seas), 2003 - 2019

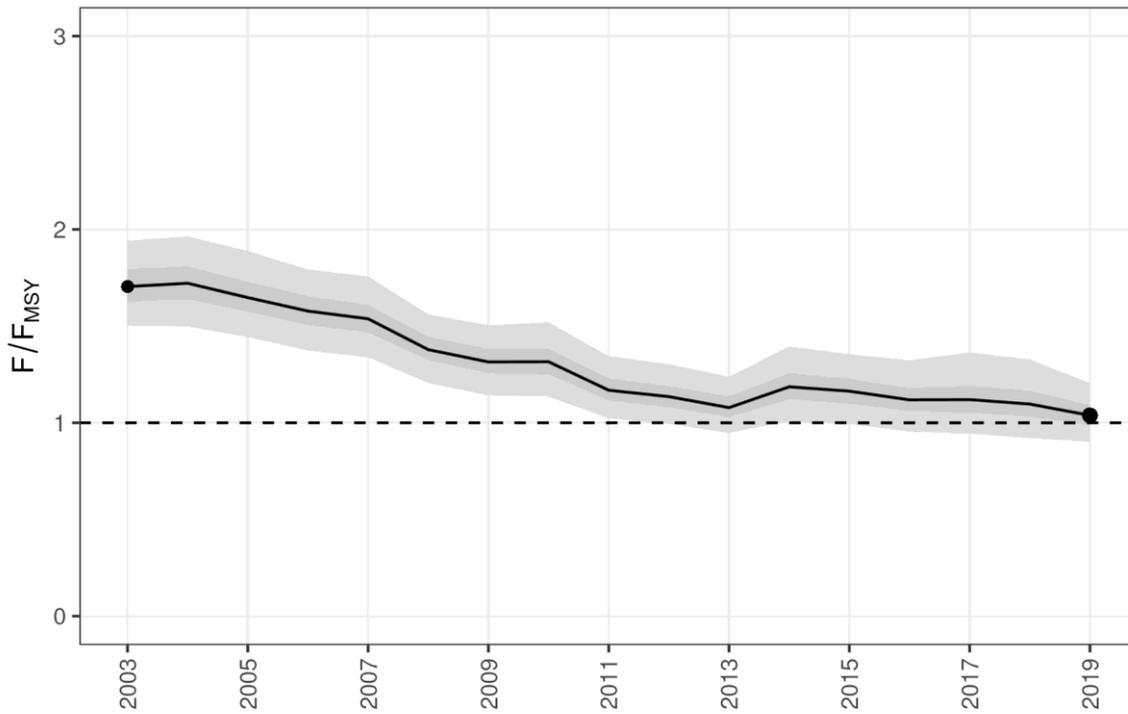


Figure 2: Trend in F/F_{MSY} in the northeast Atlantic area, 2003 – 2019³

³ Trend in F/F_{MSY} (based on 44 stocks). Dark grey zone shows the 50% confidence interval; the light grey zone shows the 95% confidence interval.

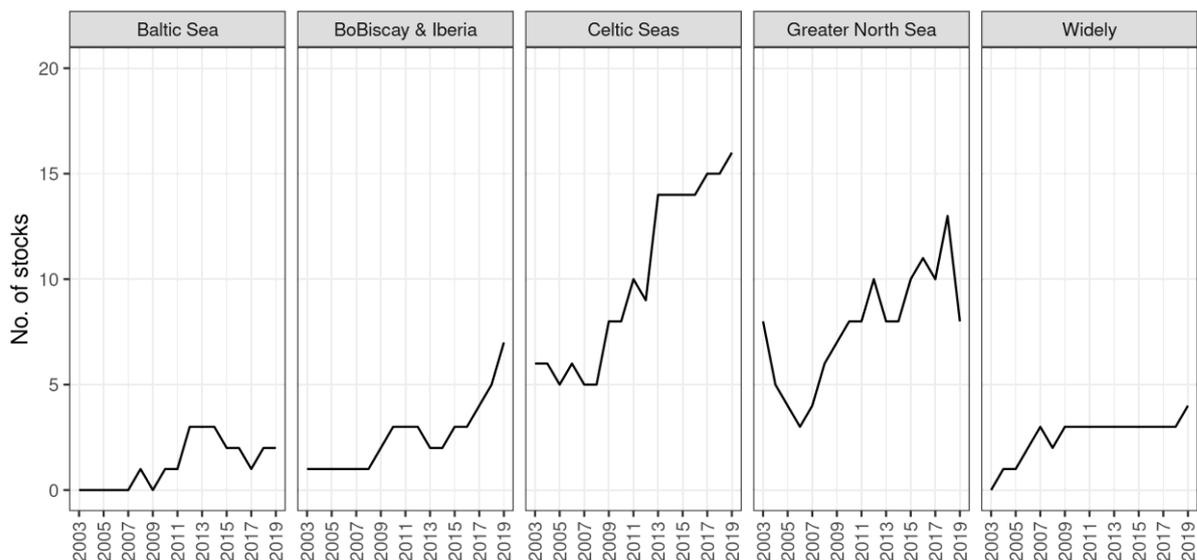


Figure 3: Number of stocks by year for which fishing mortality (F) did not exceed F_{MSY} , 2003 – 2019

EcoRegion	2003	2004	2005	2006	2007	2008	2009	2010	2011
ALL	15	13	11	12	13	15	20	23	25
Baltic Sea	0	0	0	0	0	1	0	1	1
BoBiscay & Iberia	1	1	1	1	1	1	2	3	3
Celtic Seas	6	6	5	6	5	5	8	8	10
Greater North Sea	8	5	4	3	4	6	7	8	8
Widely	0	1	1	2	3	2	3	3	3
	2012	2013	2014	2015	2016	2017	2018	2019	
ALL	28	30	30	32	33	33	38	37	
Baltic Sea	3	3	3	2	2	1	2	2	
BoBiscay & Iberia	3	2	2	3	3	4	5	7	
Celtic Seas	9	14	14	14	14	15	15	16	
Greater North Sea	10	8	8	10	11	10	13	8	
Widely	3	3	3	3	3	3	3	4	

Table 1: Number of stocks by ecoregion for which fishing mortality (F) did not exceed F_{MSY} , 2003 - 2019

1.1.2 Mediterranean and Black Seas

For the Mediterranean and Black Seas, the fishing pressure has remained at a very high level during the whole 2003-2018 period. After the observed peak between 2011-2013 where F/F_{MSY} has reached its highest historical level, there has been a slight improvement in terms of fishing pressure (see figure 8). Nevertheless, the value of F/F_{MSY} has still been around

2.1 in recent years indicating that the stocks are being exploited on average at rates well above the FMSY objective contained in the CFP (see figure 4).

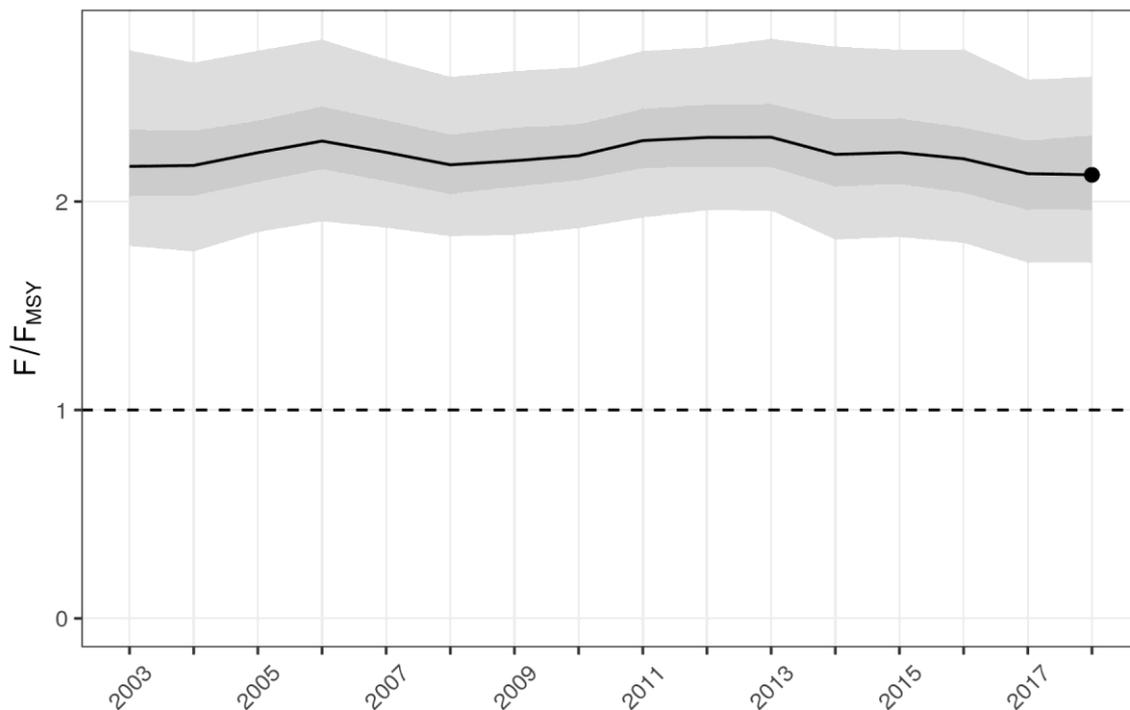


Figure 4: Trend in F/F_{msy} in the Mediterranean and Black Seas, 2003 – 2018⁴

1.2 Stock status

1.2.1 Northeast Atlantic

The status of the stocks in the Northeast Atlantic (both EU and non-EU waters) has significantly improved since 2003 (Figure 5) but many stocks are still overexploited. Information was available to assess time-trends in the fishing mortality rate with respect to the MSY rate from 65 stocks. Among the stocks which are fully assessed, the proportion of overexploited stocks has decreased from around 75% to close to 40% over the last ten years. However, in 2019, the proportion of overexploited stocks has increased slightly. The proportion of stocks outside safe biological limits, computed for the 42 stocks for which both reference points are available, follows the same decreasing trend, from 75% in 2003 to around 30% in 2018, but has increased again substantially in 2019.

⁴ Trend in F/F_{MSY} (based on 35 stocks). Dark grey zone shows the 50% confidence interval; the light grey zone shows the 95% confidence interval.

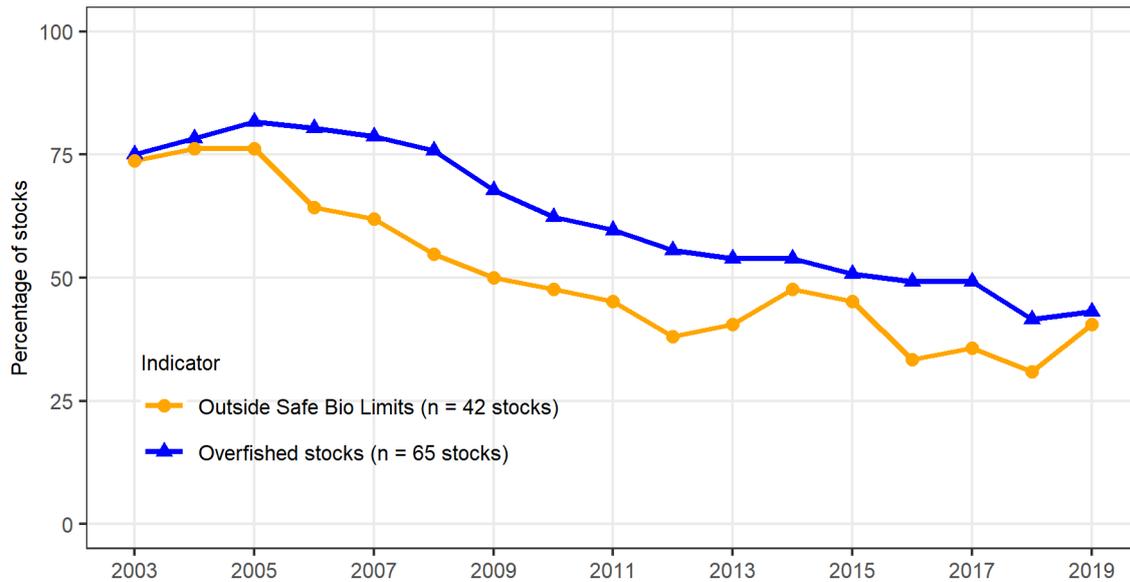


Figure 5: Trends in stock status in the northeast Atlantic area, 2003-2019⁵

1.2.2 Mediterranean and Black Seas

In the Mediterranean and Black Seas, during the period 2003-2009 the number of stocks assessments available increased from 19 up to 35. The number of stock assessments has been stable until 2017 decreasing to 26 in 2018 and 23 in 2019. In the Mediterranean and Black Seas, the number of stock assessments data publically available vary year to year. In addition, not all stock assessment extend back to the early part of the time series. This drop in available stock assessment is largely driven by the lack of updated Black Sea assessments in 2019-20 and the non availability of other GFCM Mediterranean assessments.

The STECF Black Sea assessment Expert Working Group (EWG) has not been planned since 2017 as the EU share of Black Sea stocks is around 4% and it was deemed more appropriate to perform the assessments at GFCM level. For this, the GFCM BlackSea4Fish Project (EUR 1 million per year) was launched and from 2021 it will anticipate the stock assessments to July instead of September. Due to Covid-19 pandemic the GFCM Scientific Advisory Committee (SAC) of 2020 could not meet to validate the stock assessments performed in 2019. Additionally, for other stocks, STECF was tasked to focus more on stocks under management plans and GFCM has focused on key priority stocks. At the same time, the different calendar for the provision of advice under the GFCM framework means that the latest stock assessments become publically available only later in the year, and the 2020 GFCM stock assessments were therefore unavailable for the present analysis. For this reason, updated figures for the proportion of stocks fished above F_{msy} are not sufficiently reliable to be presented.

⁵ Two indicators are presented: blue line: the proportion of overexploited stocks ($F > F_{MSY}$: stock overexploited compared to maximum sustainable yield) within the sampling frame (out of a total of 65 stocks) and orange line: the proportion of stocks outside safe biological limits SBL ($F > F_{pa}$ or $B < B_{pa}$) (out of a total of 42 stocks).

1.3 Trends in biomass

1.3.1 Northeast Atlantic

There has been improvement in the Northeast Atlantic area with the biomass generally increasing since 2007 (EU waters only), in particular for data limited stocks (ICES category 3 stocks). For fully assessed stocks, it was 35% higher in 2019 than in 2003 (median value, Figure 6).

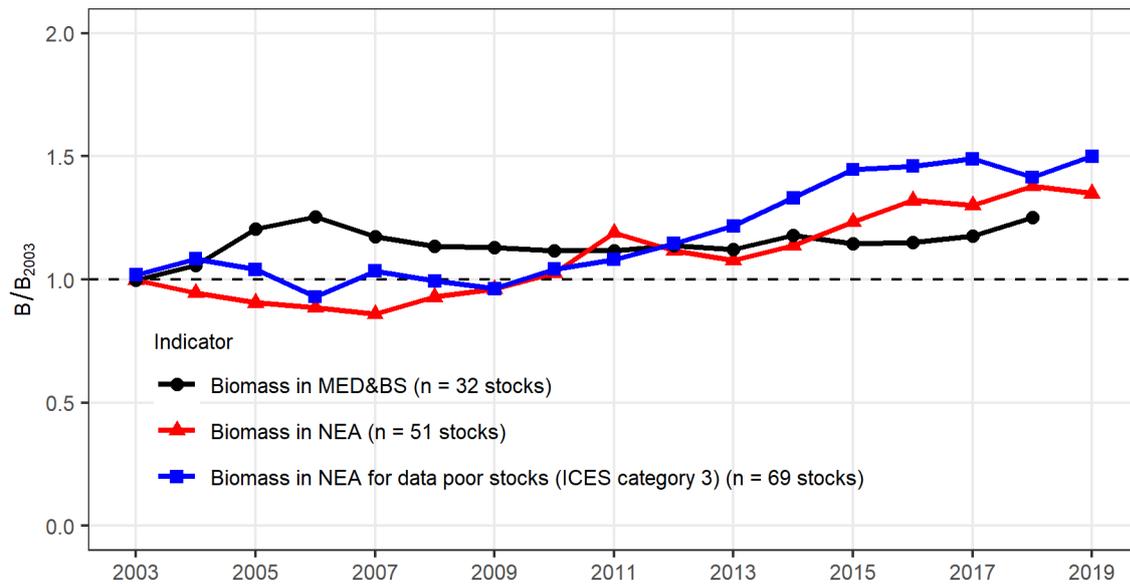


Figure 6: Trends in the indicators of stock biomass⁶

⁶ Three indicators are presented: one for the NE Atlantic EU waters (51 stocks considered, red line); one for the Mediterranean & Black Seas (32 stocks, black line); and one for data limited stocks (ICES category 3, 69 stocks, blue line).

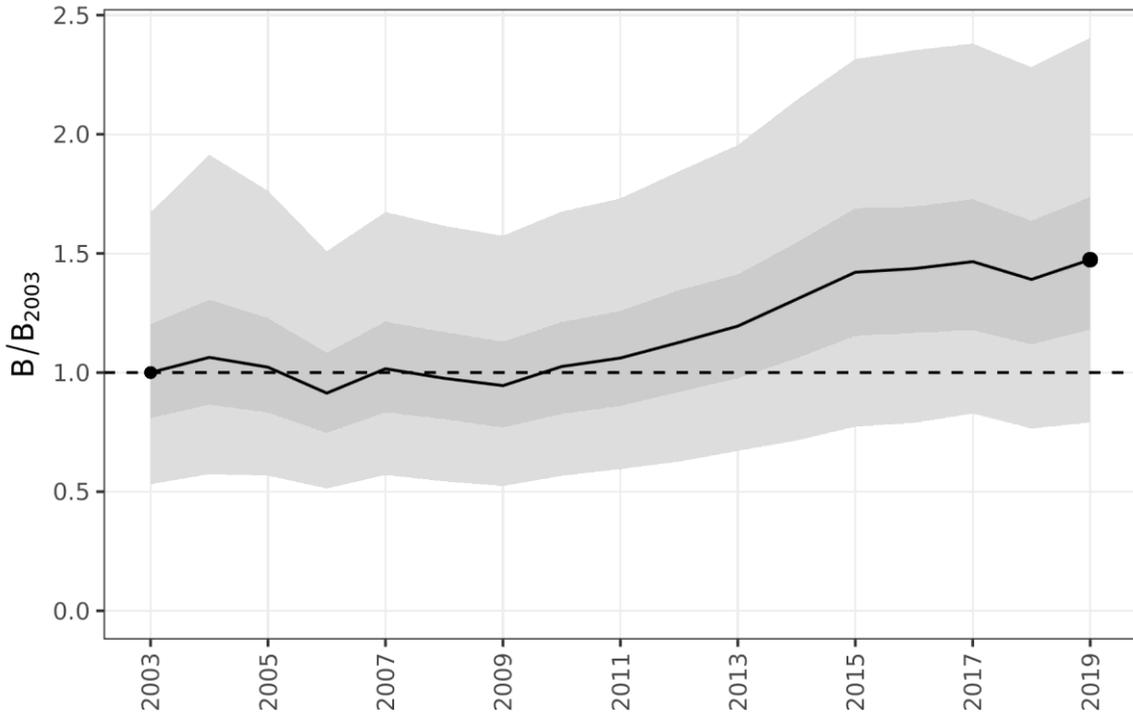


Figure 7: Trend in biomass or abundance indices relative to 2003 for data limited stocks (ICES category 3) (based on 69 stocks)⁷

⁷ Dark grey zone shows the 50% confidence interval; the light grey zone shows the 95% confidence interval.

1.3.2 Mediterranean and Black Seas

In the Mediterranean and Black Seas, biomass increased at the beginning of the time series, but declined after 2006. Since 2015 there has been an increase in biomass. STECF notes there is large uncertainty around this indicator, which is due to opposite trends in biomass in the West Mediterranean (increasing) and in the Central Mediterranean (decreasing).

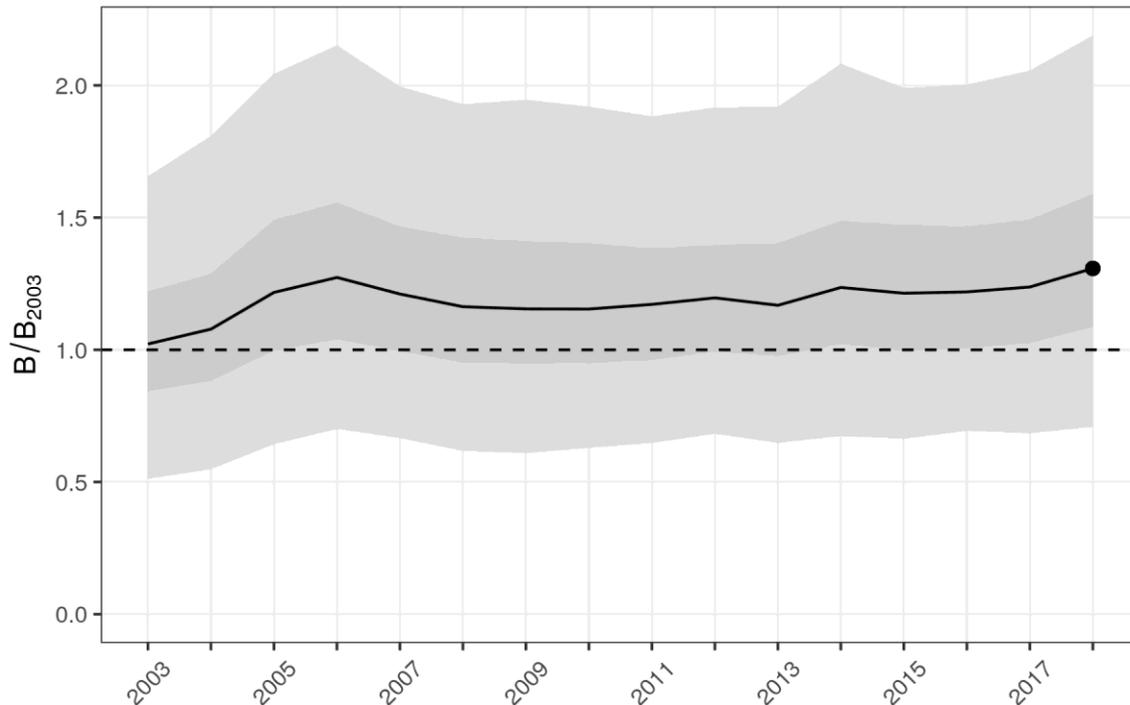


Figure 8: Trend in spawning stock biomass (SSB) relative to 2003 (based on 32 stocks)⁸

1.4 Coverage of scientific advice

The STECF notes that 156 TACs (combination of species and fishing management zones) were in place in 2019 in the EU waters of the Northeast Atlantic. The STECF underlines that in many cases, the boundaries of the TAC management areas are not aligned with the biological limits of stocks used in ICES assessments. The STECF considered a TAC to be “covered” by a stock assessment when at least one of its divisions match the spatial distribution of a stock for which reference points have been estimated from an ICES full

⁸ Dark grey zone shows the 50% confidence interval; the light grey zone shows the 95% confidence interval.

assessment. Based on this indicator, 53% of the 156 TACs are covered, at least partially, by stock assessments that provide estimates of FMSY (or a proxy), 48% by stock assessments that have Bpa, with only 19% covered by stock assessments that provide estimates or proxies of B_{MSY} .

For the Mediterranean and Black Seas, during the period 2003-2009 the number of stocks assessments available increased from 19 up to 35. The number of stock assessments has been stable until 2017 decreasing to 26 in 2018 and 23 in 2019.

	ICES Stock Category						Total
	1	2	3	4	5	6	
Arctic Ocean	8	0	4	0	0	0	12
Azores	0	0	2	0	1	0	3
Baltic Sea	8	0	8	1	1	0	18
BoBiscay & Iberia	12	0	20	0	9	5	46
Celtic Seas	25	0	16	2	13	10	66
Greater North Sea	22	0	18	4	7	3	54
Iceland, Greenland and Faroes	14	1	9	0	1	1	26
Widely	7	0	8	0	4	12	31
Total	96	1	85	7	36	31	256

Table 2: Total number of stocks assessed by ICES for different stock categories in different areas. Note that not all of these stocks are considered of EU relevance (STECF 15-04) and as such, numbers are higher than those used in the CFP monitoring analysis

EcoRegion	2003	2004	2005	2006	2007	2008	2009	2010	2011
ALL	60	60	60	61	61	62	62	61	62
Baltic Sea	7	7	7	7	7	7	7	7	7
BoBiscay & Iberia	8	8	8	8	8	8	8	8	8
Celtic Seas	18	18	18	19	19	20	20	19	20
Greater North Sea	21	21	21	21	21	21	21	21	21
Widely	6	6	6	6	6	6	6	6	6
	2012	2013	2014	2015	2016	2017	2018	2019	
ALL	63	65	65	65	65	65	65	64	
Baltic Sea	7	7	7	7	7	7	7	7	
BoBiscay & Iberia	8	8	8	8	8	8	8	8	
Celtic Seas	21	23	23	23	23	23	23	22	
Greater North Sea	21	21	21	21	21	21	21	21	
Widely	6	6	6	6	6	6	6	6	

Table 3: Number of stocks in the ICES area for which estimates of F/Fmsy are available by ecoregion and year, 2003-2019

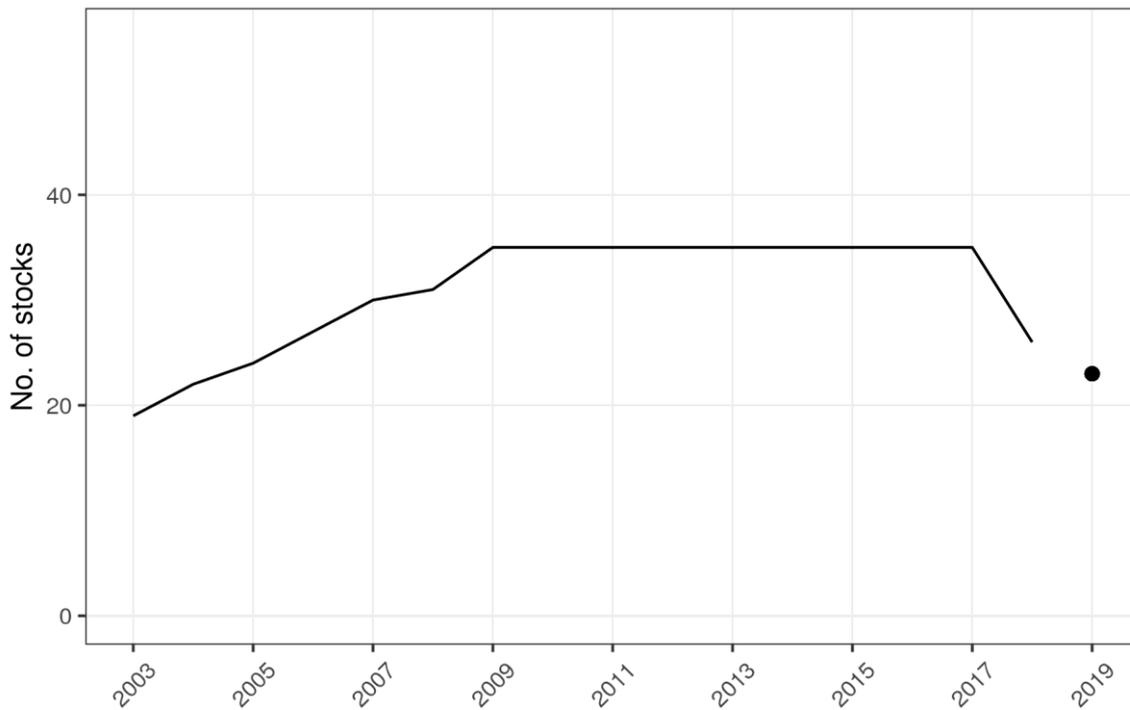


Figure 9: Number of stock assessments available in the Mediterranean and Black Sea. The totals include stocks in GSAs 1, 5-7, 9, 10-19, 22-23, 25 and 29

2. Specific actions for the Mediterranean and Black Seas

The EU continued working, including with its international partners, to improve the situation of stocks in the Mediterranean and Black Seas.

At EU level

2020 was the first full year of implementation of the 2019 multiannual plan for the Western Mediterranean (West Med MAP)⁹, with in particular its objective for a first 10% effort reduction. Different technical meetings with the Member States concerned took place to facilitate the implementation of the plan.

Work continued also on the alignment of national management plans under the Mediterranean Regulation¹⁰ to the objectives of the CFP.

⁹ Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 (OJ L 172, 26.6.2019, p. 1).

¹⁰ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11–85).

In 2020, the Commission presented for the second time a stand-alone proposal for fishing opportunities in these two sea basins¹¹, comprising the continued implementation of the West Med MAP and the implementation of measures adopted at the 2018 and 2019 annual sessions of the GFCM.

Based on the Commission proposal, the Council adopted a regulation fixing the fishing opportunities for 2021 in the Mediterranean and Black Seas¹². This was an important step in our efforts towards ensuring the sustainability of stocks: for the second time, a proposal bringing together fishing opportunities for both the Mediterranean and the Black Sea was put forward.

Within the framework of the GFCM

Due to the COVID-19 pandemic, the multilateral work on new GFCM measures ground to a halt in 2020 as all meetings, including the 44th annual session, were postponed to 2021. However, 2020 was the first year of implementation of the ambitious measures adopted in 2019, including the multiannual management plan for demersal stocks in the Adriatic Sea¹³ which establishes unprecedented measures in the region: a progressive fishing effort reduction, minimum conservation reference sizes (MCRS), fleet capacity freeze, full monitoring of effort quota consumption and a pilot inspection scheme. In particular, 2020 was the first year of effort reduction under the plan. Other important GFCM measures were implemented for the first time, including a freeze of the level of catches and a decrease of fishing effort under the updated management plan for blackspot seabream in the Alboran Sea¹⁴, and a TAC with allocation scheme between contracting, non-contracting parties and observers under the Black Sea turbot multiannual management plan¹⁵.

Furthermore, preparatory work on the future GFCM Strategy continued. The GFCM, in cooperation with the EU, organised on 3 November 2020, the High-level virtual conference *Building together a new strategy for Mediterranean and Black Sea fisheries and aquaculture*. On this occasion, more than 20 Ministers met to share views on how to ensure the sustainability of fisheries and aquaculture in the Mediterranean and the Black Sea. This event was an opportunity for ministerial level participants to reiterate their commitment to the reform of fisheries governance in the Mediterranean and the Black Sea.

Main achievements:

- implement at least 7,5% reduction of the fishing effort for demersal stocks in the Western Mediterranean Sea, in the framework of the West Med MAP; additional

¹¹ Proposal for a COUNCIL REGULATION fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (COM/2020/377 final).

¹² Council Regulation (EU) 2021/90 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 31, 29.1.2021, p. 1–19).

¹³ Recommendation GFCM/43/2019/5 on a multiannual management plan for sustainable demersal fisheries in the Adriatic Sea (geographical subareas 17 and 18).

¹⁴ Recommendation GFCM/43/2019/2 on a management plan for the sustainable exploitation of blackspot seabream (*Pagellus bogaraveo*) in the Alboran Sea (GFCM geographical subareas 1 to 3).

¹⁵ Recommendation GFCM/43/2019/3 amending Recommendation GFCM/41/2017/4 on a multiannual management plan for turbot fisheries in the Black Sea (GFCM geographical subarea 29).

commitments from France and Spain to reduce the bycatch of juveniles and spawners and a commitment from Italy to reduce by 10% its fishing effort.

- continued protection of the European eel, with a 3 month closure period;
- the implementation of the GFCM ground-breaking multi-annual plan for demersal stocks in the Adriatic establishing an overall reduction of 12% in the fishing effort for OTB¹⁶ and a 16% overall reduction for TBB¹⁷;
- continued implementation of the GFCM emergency measures for small pelagic species in the Adriatic, with the further reduction of catch limits as well as the establishment of a capacity limit for the fleets concerned;
- implementation of a cap on the number of vessels and limits for the harvested quantities of red coral;
- implementation of a cap on fishing effort for common dolphinfish in international waters of the Mediterranean, for deep water shrimps in the Ionian Sea, Levant Sea and the Strait of Sicily;
- implementation of catch limits for blackspot seabream in the Alboran Sea;
- setting fishing opportunities for the Black Sea, including an autonomous quota for sprat, as in previous years, and the TAC for turbot agreed in 2019 at GFCM, including a management mechanism and a closure period
- within the framework of the International Commission for the Conservation of Atlantic Tunas (ICCAT), rollover of the TAC for Eastern bluefin tuna for two years.

3. Report on the balance between fishing capacity and fishing opportunities

In line with Article 22(4) of Regulation 1380/2013 (the CFP Regulation¹⁸), the Commission must report annually to the European Parliament and to the Council on the balance between fishing capacity and fishing opportunities, taking into account the assessment by the STECF¹⁹.

This report assesses the annual capacity of all EU fleet segments based on the information included in the Member States' reports submitted to the Commission in 2020²⁰. These reports must follow the 2014 Commission Guidelines²¹ and, for the fleet segments for which structural overcapacity has been identified, they must contain an action plan. The action plan must set out the adjustment targets, tools and a clear time-frame for its implementation.

¹⁶ FAO gear classification.

¹⁷ FAO gear classification.

¹⁸ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

¹⁹ See: <https://stecf.jrc.ec.europa.eu/reports/balance>

²⁰ Article 22(2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

²¹ Guidelines for the analysis of the balance between fishing capacity and fishing opportunities according to Article 22 of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy, COM(2014) 545 final.

The submission of the annual fleet reports is an *ex ante* conditionality under the European Maritime Fisheries Fund (EMFF)²². Not submitting the annual fleet report and/or failing to implement the action plan could result in a proportionate suspension or interruption of relevant EU financial assistance to the Member States for the fleet segments concerned as provided by the EMFF Regulation²³.

3.1. Member States' annual reports and action plans

All 22 coastal Member States submitted their reports for 2019 to the Commission²⁴. Eleven national reports included a new or a revised action plan²⁵. Since the entry into force of the 2013 CFP Regulation, only 3 Member States never reached the conclusion that one or several of their fleet segments demonstrated an imbalance and therefore did not submit any action plans²⁶.

To address situations of imbalance, Member States proposed a variety of management tools in their action plans, including:

- *fleet measures* (ban of new vessels, fleet conversion, reduction of the fishing capacity, temporary cessation of activities and modernisation of fishing fleet);
- *technical measures* (monitoring of landings, more selective or energy-efficient gear, permitting schemes for certain fisheries, space and time-related fishing restrictions);
- *economic measures* (support for the development of marketing initiatives or assistance to improve competitiveness).

Some Member States with fisheries in the Baltic Sea included permanent cessation as a measure in their action plan, as foreseen in the Baltic Sea multi-annual plan²⁷ to reduce fishing capacity for Eastern Baltic cod, Western Baltic cod and Western Baltic herring.

3.2. STECF assessment

Following the request by the Commission, the STECF carried out an assessment for each of the Member States' fleets with a view to:

²² See Annex IV of Regulation (EU) No 508/2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.05.2014, p. 1).

²³ Articles 100 and 101 of Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

²⁴ Reports and action plans can be found at: https://ec.europa.eu/oceans-and-fisheries/fisheries/rules/fishing-fleet-capacities_en

²⁵ Croatia, France, Germany, Italy, Latvia, Lithuania, Malta, Poland, Romania, Spain. Sweden presented an action plan early 2021 in order to take measures for the Baltic Sea.

²⁶ Estonia, Finland and the Netherlands.

²⁷ Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).

- providing an overview of whether, according to the Commission Guidelines fleet segments can be considered in or out of balance with their fishing opportunities;
- assessing whether the fleet reports submitted by the Member States provide a sound and comprehensive analysis of balance between fleet capacity and fishing opportunity of all EU fleet segments.
- comparing its own calculations with the equivalent values and trends in the fleet reports submitted by the Member States, highlighting and, where possible, explaining any discrepancies.
- commenting on whether the measures in the new or revised action plans are appropriately targeted, timebound and are likely to contribute to redressing the imbalance in the fleet segments concerned.

The data used to compile the various indicators were collected under the Data Collection Framework (DCF)²⁸. All balance indicators provided and used in the STECF EWG 20-11 were calculated in accordance with the 2014 Commission Guidelines, which provide a common approach for estimating the balance over time between fishing capacity and fishing opportunities.

The STECF confirms that in general, the national fleet reports from Member States were in line with the Commission guidelines and that the discrepancies between outcomes in calculations did in most cases not lead to a different outcome in terms of status of the fleet segment concerned (in or out of balance). Only two national reports (France and Italy) could not be compared with the STECF calculations due to the use of different fleet segmentations. In this regard, the STECF points out that, while acknowledging the fact that another segmentation can be used for the purpose of fisheries management, it would still be important to relate these national segments with those required by the Commission guidelines.

STECF also notes, as in previous years, that in some national reports, the rationale for concluding whether a fleet segment is deemed to be in or out of balance with fishing opportunities is not clear and in other cases such an assessment is on the basis of a single indicator value. The STECF recalled that while Member States are best placed to provide an assessment of whether a fleet segment is in or out of balance with fishing opportunities, such an assessment cannot be made solely on the basis of a single indicator value. The Commission has again drawn the Member States' attention to the need to follow the Commission's 2014 guidelines in this regard.

From a regional perspective, STECF²⁹ notes that for the **North Atlantic Ocean**³⁰, 69% of the 125 fleet segments for which the Sustainable Harvest Indicator (SHI)³¹ could

²⁸ Regulation (EU) 2017/1004 of the European Parliament and the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (OJ L57, 20.06.2017, p. 1).

²⁹ STECF PLEN 20-03.

³⁰ This includes the UK fleet.

³¹ The Sustainable Harvest Indicator is the main biological indicator being used for assessing balance of a fleet segment. It reflects the extent to which a fleet segment is dependent on overfished stocks. "Overfished" means in this context that a stock is fished above Fmsy.

be calculated were out of balance. 38% of these segments present an improving trend and 11% are worsening. For the remaining segments, no trend could be calculated or obtained. The economic indicators suggest that most of the segments are in balance and present a positive trend. For technical indicators of most of the segments no clear trends could be calculated or obtained.

For the **Mediterranean and Black Seas**, STECF underlines that all but one of the 65 fleet segments for which the SHI could be calculated were out of balance. 20% of them present an improving trend and 25% are worsening. For the remaining segments, no trends could be calculated or obtained. The economic indicators suggest that most of the segments are in balance and present a positive trend. Even though the technical indicators such as the vessel utilisation ratio appear to be out of balance, STECF points out these are unlikely to provide reliable information given that this sea basin is composed mainly by small scale fleets where operators are often part-time, seasonal or occasional fishers.

As regards the **other fishing regions** (external fleet and outermost regions) where 2 out of the 11 fleet segments for which the SHI could be calculated were out of balance, STECF underlines the fact that the number of fleet segments for which calculations are made is small. Furthermore, STECF notes that for these fleet segments no trend could be established for either of the three groups of indicators. STECF also points out that it is currently impossible to fully assess the situation in the outermost regions considering the lack of data, especially the general absence of stock assessments and/or catch data.

Active fleet segments with sustainable harvest indicator out of balance (2018 values)*							
Member States	Total number of active fleet segments	Number of fleet segments assessed (including clustering)	Number of assessed fleet segments out of balance	Percentage of assessed fleet segments out of balance (%)	Area 27 Atlantic Northeast	Area 37 Mediterranean and Black Sea	Other fishing regions
BE	10	2	1	50	1	-	-
BG	24	18	18	100	-	18	-
HR	28	12	12	100	-	12	-
CY	7	-	-	-	-	-	-
DK	19	12	7	58	7	-	-
EE	6	3	3	100	3	-	-
FI	8	3	3	100	3	-	-
FR	119	26	17	65	16	-	1
DE	22	8	7	88	7	-	-
GR	23	3	2	67	-	2	-
IE	30	11	6	55	6	-	-
IT	25	16	16	100	-	16	-
LV	3	2	1	50	1	-	-
LT	11	5	4	80	3	-	1
MT	19	1	1	100	-	1	-
NL	25	6	3	50	3	-	-
PL	18	2	2	100	2	-	-
PT	58	9	6	67	6	-	-
RO	6	6	6	100	-	6	-
SI	10	-	-	-	-	-	-
ES	87	20	20	100	11	9	-
SE	24	17	10	59	10	-	-
Total	582	182	145		79	64	2

Table 4: Active fleet segments with sustainable harvest indicator out of balance

* Sustainable harvest indicator assessment by STECF 20-11. In case of CY and SI, the SHI indicator could not be used meaningfully for any of the segments (indicator values based on stocks that comprise less than 40% of the total value of landings by those segments).

Considering the action plans, the STECF concludes that the information provided by the Member States was generally not sufficiently detailed regarding the precise measures to be implemented or their objectives and targets for reducing the perceived imbalance in the fleet segments concerned. STECF also considers that the Member States should supply the necessary data and analyses that demonstrate the likely effectiveness of the proposed measures in achieving the objectives and targets. The Commission has written to the Member States to emphasise the need to provide more detailed, targeted and timebound action plans, specifying the objectives of the measures proposed for each of the segments identified as being out of balance. This would allow for a better monitoring of the effectiveness of these action plans.

In general terms, the Commission expects the STECF to further enhance its assessment of the soundness of national fleet reports and action plans in the forthcoming period.

Finally and in line with previous recommendations by STECF, the Commission also requested STECF to assess the robustness and sensitivity of four indicators³² currently not foreseen by the Commission guidelines. Based on the work carried out, the STECF concludes that the biological indicators (SHI and stocks at risk (SAR)) as currently foreseen in the guidelines should be kept but points to the need for Member States to calculate these indicators using the same method and input data. The STECF recognises the value of the two alternative indicators NOS and EDI for the purpose of fleet management and considers that they could be included in the guidelines, in case these were to be revised. Alternatively, STECF indicates that it could calculate these indicators as part of the annual exercise and Member States could apply the indicators to manage their fleet.

3.3. The capacity of the EU fishing fleet

The number of vessels in the EU fleet continued to decline, however the capacity of the fleet (outermost regions excluded) slightly increased. In December 2020, the EU fleet register (outermost regions excluded) contained 70 756 vessels with an overall capacity of 1263967 in gross tonnage (GT) and 4897641 in kilowatts (kW). This is a reduction compared to the previous year of 0.4 % in terms of number of vessels but an increase of 0.6 % in GT and 0.4 % in kW.

The accuracy of the information recorded in the EU fleet register has been enhanced following the 2017 Commission Regulation on the Union fishing fleet register³³, which has introduced a procedure that guarantees the update of the EU fleet register in real time. It gives the Commission the possibility to check the correctness and correspondence between data submitted by Member States and vessel data already registered. However, six Member States³⁴ are still not in a position to submit their data in real time but only on a monthly basis and/or they cannot yet send snapshots (data for a set of vessels) requested by the Commission. Since February 2020, a new application of the EU fleet register has become publicly available on the Commission's Europa website³⁵.

The veridicity of the data recorded in the EU fleet register remains also of concern due to the widespread non-compliance with declared engine power³⁶. This not only undermines control effort regimes, but also raises questions about the overall compliance of the Member States with the fishing capacity ceilings established by the CFP Regulation.

³² Number of overfished stocks (NOS), Economic dependency indicator (EDI), Number of stocks at risk (NSR) and Restricted Sustainable harvest indicator (SHI_R).

³³ Commission Implementing Regulation (EU) 2017/2018 of 6 February 2017 on the Union fishing fleet register (OJ, L 34, 9.5.2017, p.9).

³⁴ Bulgaria, Cyprus, Italy, Latvia, Malta and Slovenia.

³⁵ <https://webgate.ec.europa.eu/fleet-europa>

³⁶ Study on engine power verification by Member States: <https://op.europa.eu/s/oQKG>

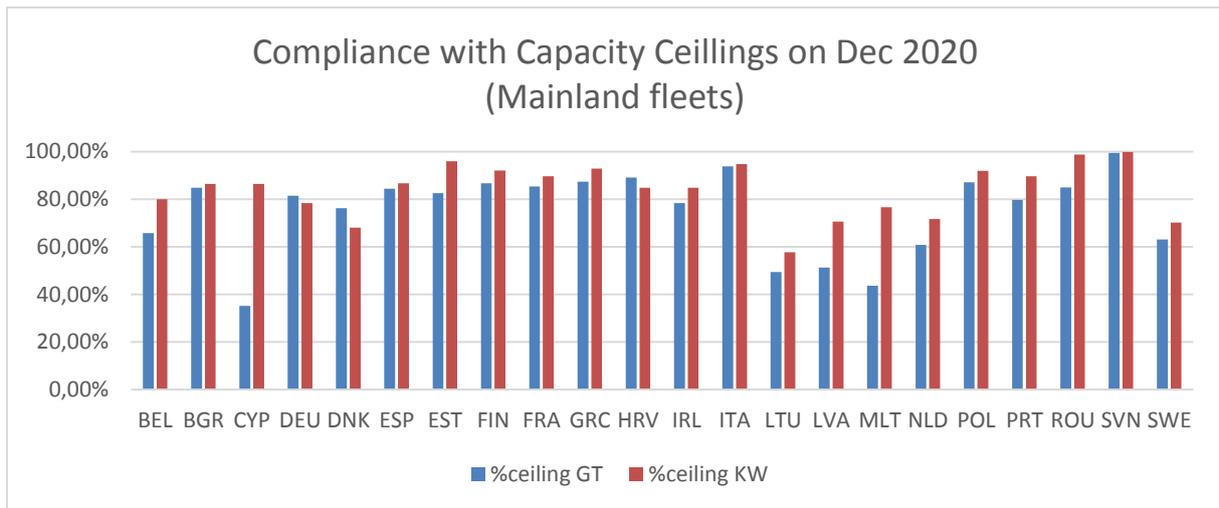


Figure 10: Compliance with capacity ceilings based on the Union fleet register (effective capacity as percentage of capacity ceiling by Member State (Mainland fleets), situation on December 2020)

The fleet in the outermost regions has seen a reduction in the number of vessels and overall capacity. Between December 2019 and December 2020, the number of vessels decreased by 20 vessels to a total of 3998 (figure 11). The capacity in GT decreased by 547 to a total of 56960 GT (figure 12). The capacity in kW decreased by 3721 kW to a total of 394 609 kW (figure 13).

Number of vessels in outermost regions (December 2020)

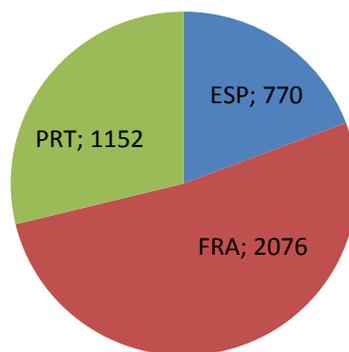


Figure 11: Number of vessels in outermost regions (situation on December 2020)

Total GT in the outermost regions
(December 2020)

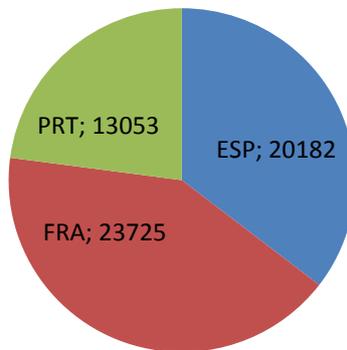


Figure 12: Total GT in the outermost regions (situation on December 2020)

Total kW in the outermost regions
(December 2020)

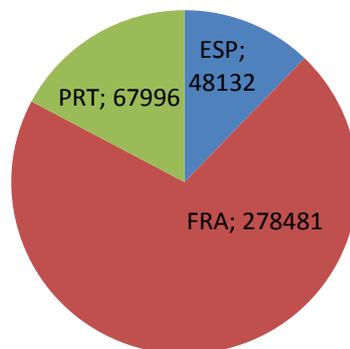


Figure 13: Total KW in the outermost regions (situation on December 2020)

3.4. CONCLUSIONS

In 2020, all coastal Member States complied with their obligation to report information on the capacity and the balance of their fleet segments with fishing opportunities. However, some Member States will need to readjust their reporting to better comply with the Commission's guidelines and address discrepancies between their national reports and the findings of the STECF. Eleven Member State presented a new or revised action plan with a large variety of measures to address overcapacity, but more needs to be done to make the action plans more specific, timebound and objective driven.

The overall capacity of the EU fleet (outermost regions included) continued to decrease in number of vessels. However, the overall capacity (in GT and kW) of the EU mainland fleet (outermost regions excluded) somewhat increased. In December 2020, the fishing capacity of the EU fleet as a whole (outermost regions excluded) was 22% below the capacity ceilings for gross tonnage and 14% below the engine power ceilings.

Nevertheless, a particular attention needs to be paid to the fleets of some Member States, especially in the Mediterranean and Black Seas, of which the capacity is very close to the ceilings. Capacity measures can be of a particular relevance for countries and regions where conservation and management measures are not (yet) effective enough to regulate the use of fishing capacity through enforceable input and output measures.

4. Economic performance of the EU fishing fleet

The analysis presented in this part of the document are based on the latest available data, from 2018.

4.1. Economic performance: main trends

The amount of Gross Value Added (GVA) and gross profit generated by the fleet in 2018 was EUR 3.8 billion and EUR 1.5 billion, respectively. By Member State, projected results for 2019 and 2020 indicate that all the national fleets generate gross profits.



Figure 14: Trends on revenue and profits for the EU-27 fishing fleet

Source: MS data submissions

4.1.1. The impacts of the COVID-19 pandemic

The COVID-19 outbreak has had significant socio-economic impacts on the EU fisheries sector. The lockdown and subsequent economic crisis caused by the COVID-19 have presented a situation of: i) weaker demand due to lower purchasing power, difficulties in the continuity of buying seafood products (demand shifted from perishable to preserved products), and the closure of HORECA channels, with the subsequent drop in some first sale prices; ii) slowdown of international trade; iii) a decrease in fishing activity, partly because of

the declining demand but also due to health measures (need to maintain the safety distance between crew members at sea); and iv) increase in the cold storage and processing of seafood.

Economic analysis indicates a 17% decrease in the landed value and 16% drop in GVA of the EU capture fisheries for 2020 compared to 2019 mainly due to the **COVID-19 pandemic**. Despite this, the EU fleet as a whole continues to be profitable with gross and net profit margins of 26% and 14%, respectively. This indicates a notable resilience of the EU fleet, which is the result of the efforts made by the sector in previous years to achieve sustainable fishing in growing number of stocks in conjunction with low fuel prices.

Estimates show that the small-scale coastal fleet sees the GVA and gross profits reduced by about 20% and the large-scale fleet by about 10% compared to 2019. Thus, it seems that the small-scale coastal fleet has been more impacted by the COVID-19 than the large-scale fleet because their production tends to be products with a higher value that often are sold to restaurants. With the closure of restaurants, and sometimes the reduction of tourism, there was an important decrease in demand.

4.1.2. Employment and wages

The sector directly employed 146 906 fishers, corresponding to 105 851 Full-Time Equivalents (FTEs) in 2018. These values follow a similar trend as the capacity indicators. The Spanish fleet employed 23% of the total, followed by the Italian (19%) and Greek (15%) fleets.

Average annual wage per FTE was estimated at EUR 24 287, a reduction compared to 2017. Remarkable, is the big dispersion of this indicator along the different Member States, ranging from EUR 1 400 for Cypriot fishers to EUR 135 500 for Belgian fishers. Nowcast results for 2020 indicate a decrease of 14% in FTE in 2020 compared to 2019.

4.1.3. Effort and fuel consumption

The EU fishing fleet spent almost 6.2 million days-at-sea (-3% compared to 2017) and consumed 2.0 billion litres of fuel (-2%), meaning that on average each vessel spent around 104 days-at-sea (-0.5%) and consumed 34 204 litres of fuel (+0.4%) in 2018, roughly unchanged compared to 2017. For the EU fleet in 2018, this roughly translates into an average fuel consumption of 328 litres per day-at-sea at an average cost of EUR 182 (EUR 0.55 per litre).

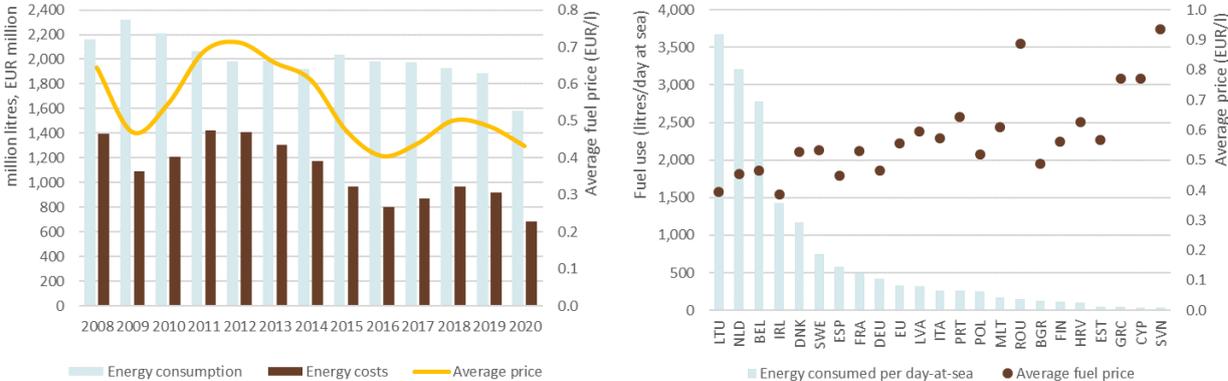


Figure 15: Trends on fuel use, costs and average price for the EU-27 and by Member State fleet

Source: MS data submissions

- The EU fleet has become more fuel efficient over the years, yet shows less efficiency in some more recent years. This is largely a result of higher fuel prices in 2017 and 2018. In 2018, fuel costs as a proportion of revenue were estimated at 15%, up two percentage points compared to 2017 and three percentage points compared to 2016. Improvement in fleet performance can largely be attributed to lower fuel prices. However, it is noteworthy that fuel intensity – the amount of fuel consumed per landed tonne – has declined, stabilising since 2014 at around 445 litres per tonne landed.
- With the decrease in the volume of landings and the marginal increase in fuel consumption in 2018, the amount of fuel consumed per landed tonne increased 1% compared to 2017; reaching 432 litres per tonne.

4.2. EU fleet performance by scale of operation

The EU **small-scale coastal fleet (SSCF)** represents the most significant part of the EU fishing fleet in number of vessels and jobs. The EU SSCF numbered 44 702 vessels in 2018, employed 67 760 fishers; comprising 76% of the active EU fleet and 50% of the engaged crew. While the EU SSCF as a whole was profitable, four Member State SSCF suffered gross losses and eight suffered net losses in 2018.

The EU **large-scale fleet (LSF)** totalled 14 047 vessels in 2018 and employed 61 000 fishers, 24% and 45% of the total EU, respectively. This fleet contributed 79% in landings in weight and 70% to the value of these landings of the total EU. Overall performance of the EU fleet is largely driven by the performance of the LSF. The LSF was profitable in 2018 but GVA decreased by 7%, gross profit by 12% and net profit by 17%; a continuation of the downward trend observed in 2017.

The **EU Distant-water fleet (DWF)**, was profitable, with a GVA estimated at EUR 387 million (10% of the EU total) and gross profit at EUR 161 million (11% of the EU total). Net profit was EUR 60 million (8% of the EU total).

4.3. EU fleet performance by main fishing region

Fleet performance varies greatly by main fishing region and type of fishing activity. The Mediterranean fleet obtained the highest revenues (EUR 1.98 billion) and profits, followed by the South Western Waters, North Sea & Eastern Arctic and North Western Waters fleets; all with revenues ranging between EUR 1.1 billion and EUR 1.2 billion in 2018.

By fishing activity, the Baltic Sea SSCF was the only regional fleet to collectively perform at a loss in 2018, similar to the situation observed in 2017 while in 2016, this segment made gross profits but suffered net losses.

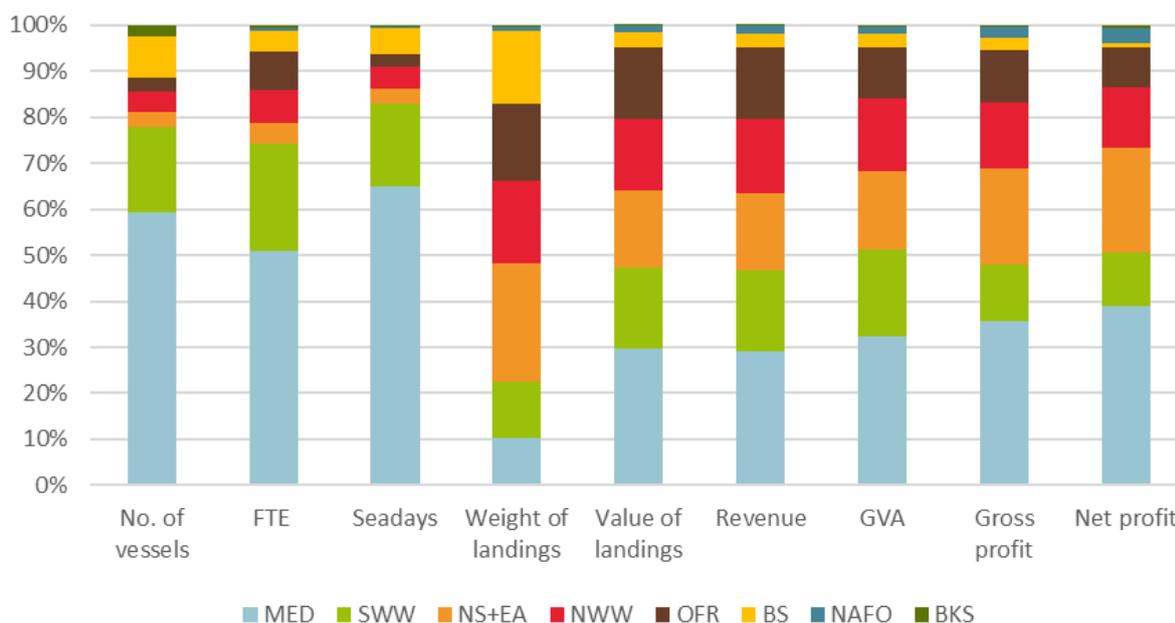


Figure 16: Shares of main indicators by fishing region. *Source: MS data submissions*

- **North Sea and Eastern Arctic**

Member States' fleets operating in the North Sea & Eastern Arctic (NSEA) region in 2018 numbered 2 065 vessels, a slight decrease (-1%) from 2017, and employed almost 4 500 FTE. The revenue generated was EUR 1.1 billion, 77% of which was provided by three Member States: Denmark (35%), the Netherlands (31%) and Germany (11%).

The overall performance of the EU fleets operating in the NSEA region was positive in 2018, with some deterioration compared to 2017. GVA produced by the fleets was estimated at about EUR 643 million (-6% compared to 2017). The fleets made EUR 314 million in gross profit (-10%) and EUR 179 million in net profit (-16%).

- **Baltic Sea**

Eight Member States were actively involved in Baltic Sea fisheries in 2018: Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, and Sweden. These fleets numbered 5 290 vessels, a slight decrease (-1%) from 2017, and employed 4 265 FTE. The revenue generated amounted to EUR 215 million, 74% of which was provided by four Member States: Poland (22%), Sweden (22%), Finland (17%) and Denmark (13%).

Overall, the performance of the fleet was positive in 2018, with some deterioration compared to 2017. GVA was estimated at EUR 110.2 million (-5% compared to 2017). The fleets made EUR 42 million in gross profit (-8%) and EUR 6.7 million in net profit (+20%). Net profit improved compared to 2017, as a result of lower or even negative opportunity costs of capital for several fleet segments. All Member State fleets with the exception of Germany and Denmark generated net profits in 2018; an improvement on 2017, where four national fleets suffered net losses.

- **North Western Waters**

The main Member State fleets in the North Western Waters (NWW) in terms of revenue are the French, Irish, Spanish and Dutch. Belgium, Denmark and Germany also have quite a substantial amount of production while Portugal and Lithuania have low activity. Overall, the fleet comprised 2 525 active vessels in 2018, employing 7 025 FTE. The revenue generated amounted to EUR 1.1 billion, 83% of which was provided by three Member States: France (47%), Ireland (25%) and Spain (11%).

The fleet as a whole was profitable, but deteriorated compared to 2017: GVA was estimated at EUR 595 million (-5% compared to 2017), gross profit was EUR 216 million (-10%) and net profit EUR 103.5 million (-20%).

- **South Western Waters and CECAF – Madeira & Canaries**

The main Member States' fishing fleets in the Southern Western Waters (SWW) are the Spanish, French and Portuguese, combined producing 99% of the revenue in 2018. The most important species include hake, albacore, anchovy, sardine and common octopus. The fleet numbered 10 730 vessels and employed over 22 640 FTE in 2018.

Overall, the fleet was profitable but generally deteriorated compared to 2017: revenue amounted to EUR 1.2 billion and GVA was estimated at EUR 714 million. Gross profit at EUR 182 million and net profit at EUR 92.5 million, were lower than in 2017, -22% and -36% respectively. Only the three main Member State fleets generated gross and net profits.

By fishing activity, the SSCF generally performed better than in 2017 and generated EUR 278 million in revenue (+1% increase relative to 2017), EUR 196 million in GVA (-2%), EUR 68 million in gross profit (+12%) and EUR 48 million in net profit (+19%). Contrariwise, the LSF saw performance deteriorate, generating EUR 915 million in revenue (-10%), EUR 518 million in GVA (-15%), EUR 116 million in gross profit (-33%) and EUR 47 million in net profit (-55%).

- **Mediterranean Sea**

After continued improvement in performance since 2015, the Mediterranean Sea fleet reached a point of stagnation in 2018. Overall, the fleet comprised around 34 900 active vessels and employed 49 810 FTE. The revenue generated amounted to almost EUR 2.0 billion, 94% of which was provided the fleets of four Member States: Italy (55%), Greece (21%), Spain (10%) and France (8%).

Overall, the fleet was profitable with mixed results compared to 2017: while revenue increased by about 3%, GVA estimated at EUR 1.2 billion and gross profit EUR 538 million decreased by around 2%. Net profit at EUR 306 million increased slightly. All Member State fleets generated gross profits while Cyprus was the only one to suffer net losses in 2018.

- **Black Sea**

Two Member States are involved in the Black Sea fisheries: Bulgaria and Romania. The Bulgarian fleet makes up 90% of the EU fleet capacity in the region. The Black Sea fishery is

highly dependent on a few commercially important stocks: sea snails, sprat, turbot, red mullet and mackerel. The main fishing gears used are set gillnets, pelagic trawls, purse and beach seine, pots and traps.

Overall, the fleet comprised around 1 340 vessels and employed 681 FTE. The revenue generated amounted to EUR 11.9 million, 66% of which was produced by the Bulgarian fleet.

After the visible improvement of the regional fleet's performance in 2015 to 2017, there was some deterioration in 2018. Revenue decreased by 11% compared to 2017; this was due to the SSCF, which saw revenue drop by 24%. GVA (EUR 8.3 million), gross profit (EUR 6.3 million) and net profit (EUR 5.9 million) followed similar trends with reductions of 17% and 18%, respectively for the gross and net profits, compared to 2017.

- **EU Outermost Regions (OMR)**

Combined, the OMR fleet numbered 2 818 active vessels in 2018; 6.5% less than in 2017. With 1 608 vessels, the French fleet was the most numerous, accounting for 57% of the active fleet. The Portuguese fleet comprised 620 vessels (22%) and the Spanish fleet 590 vessels (21%). Collectively, these vessels employed 3 213 FTE and landed 42 777 tonnes of seafood valued at EUR 148.5 million (excluding Saint Martin) in 2018.

The economic performance of the OMR fleets deteriorated in 2018 compared to 2017. However, overall, they were profitable. Excluding Mayotte, St Martin and Martinique, the OMR fleet generated a revenue EUR 118.8 million in 2018, a 20% decrease compared to 2017 (EUR 148.5 million).

5. Implementation of the landing obligation

In line with Article 15(14) of the Regulation on the CFP, the Commission reports annually on the implementation of the landing obligation of the year prior to the report based on information transmitted by the Member States, the Advisory Councils and other relevant sources to the Commission. This reporting is included since 2016 in the Commission's annual Communication submitted every June on the State of Play of the CFP and Consultation on the Fishing Opportunities. The Commission's Communication in 2021 covers the implementation of the landing obligation in 2020.

This legal obligation of the Commission to annually report on the implementation of the landing obligation does not apply anymore as of this year. However, as the landing obligation is a key element in the CFP to contribute to its objectives of sustainable fisheries, it was decided to continue the annual exercise. In order to facilitate the reporting, and in line with the outcome of STECF EWG 16-04, in 2017 Member States were invited on a voluntary basis to complete questionnaires seeking more detailed information on the impact of the landing obligation and national steps taken to assist with its implementation. In 2018 and 2019, Member States were asked to update the information provided as appropriate with additional questions on control and enforcement. The questionnaire continues to help structure the responses provided by the Member States and the quality of information provided has

improved. The questionnaire follows a similar approach each year to ensure comparability of replies. Still, where relevant, questions were updated in view of the available scientific advice and STECF 20-03 recommendations.

Reports covering 2020 implementation were received from 17 Member States, two Advisory Councils (referring to previous recommendations given), as well as the European Fisheries Control Agency (EFCA). The report of Germany was received in May 2021 and could therefore not be taken in the analysis of this staff working document. No reports were received from Croatia, Ireland, Malta, Cyprus, United Kingdom and Romania.

Table 5 shows the responses received from Member States by sea basin. Generally, Member States that responded followed the questionnaire although the level of detail provided varied widely. Many of the reports tended to repeat information provided for earlier years (2016-2019). It is underlined that the Baltic Sea is best covered this year.

Member States	NWW	SWW	North Sea	Baltic	Mediterranean	Black Sea
Belgium	Yes	Yes	Yes			
Bulgaria						Yes
Croatia					No	
Cyprus					No	
Denmark			Yes	Yes		
Estonia				Yes		
Finland				Yes		
France	Yes	Yes	Yes		Yes	
Germany			No	No		
Greece					Yes	
Ireland	No					
Italy					No	
Latvia				Yes		
Lithuania				Yes		
Malta					Yes	
Netherlands	Yes		Yes			
Poland				Yes		
Portugal	Yes	Yes				
Romania						No
Slovenia					Yes	
Spain	Yes	Yes			Yes	
Sweden			Yes	Yes		
United Kingdom	No	No	No			

Table 5: 2020 reports received (in 2021) by region (blanks indicate no activity in that sea basin)

A key requirement in the review of the 2020 questionnaire responses was to indicate where there was evidence of adaptation, development or change from the previous submissions, indicative of progress towards implementation of the landing obligation. Table 6 provides a general indication of the extent to which the Member State reports have changed since the initial submission covering 2016.

Member States	2016	2017	2018	2019	2020
Belgium					
Bulgaria					
Croatia					
Cyprus					
Denmark					
Estonia					
Finland					
France					
Germany					
Greece					
Ireland					
Italy					
Latvia					
Lithuania					
Malta					
Netherlands					
Poland					
Portugal					
Romania					
Slovenia					
Spain					
Sweden					
United Kingdom					

Table 6: Extent to which reports have been changing by Member States (Source: STECF 21-01)

Key:

	2016	>2017
	No Report	No Report
	No information	No change
	Slight information	Slight change
	Medium level of information	Medium change
	Significant information	Significant change

*The 'No Change' category also includes responses where there were only minor changes

As with previous years, care is required in interpreting year-on-year change, since the composition of respondents in the different areas has changed. It is also important to

recognise that changes reported in a questionnaire do not necessarily imply a successful outcome for the landing obligation. Similarly, failure to respond or reports showing no change do not necessarily mean an unsuccessful outcome. To be able to give the best picture of implementation, the Commission has used other sources of information aside from the reports, such as the draft report³⁷ ‘Securing the objectives of the landing obligation under Article 15 of the CFP’, a motion for a European Parliament Resolution on securing the objectives of the landing obligation.

Progressive changes in reports might be interpreted as good engagement with the landing obligation process and an expression of intent. Judgment on the success of the landing obligation will rely on adequate data on reductions in discards and unwanted catches and a transparent system for ensuring that all catches are accounted for. Up until 2019, Member State reports contained few of these data. By providing specific table formats for 2020, with question 7, 8, 16 and 18, the aim was to receive more quantitative data from the Member States. Although some Member States³⁸ filled in the tables and a comprehensive overview was given of quantities discarded under exemptions – and below the minimum conservation reference size (MCRS), the main conclusion is that it remains a challenge to monitor and control accurate documentation at sea – regarding discard data.

The main identified risks to the inaccurate documentation and the weak compliance are related to the misreporting of discards made by operators; illegal discards of species with no exemptions available; and landings of specimen below MCRS. STECF re-iterates (PLEN 21-01) the need to maintain and improve the collection and reporting of catch (landings, unwanted catch and discards) data as pointed out by EWG 20-04. This remains a major weakness because if the data reported do not reflect the actual removals, this will have a significant impact on the quality of scientific advice and may compromise the achievement of the MSY objective. There is evidence from previous STECF evaluations and from ICES that levels of unwanted catches remain high in many mixed demersal fisheries in EU waters. According to STECF, Member States seem more intent in adopting exemptions to allow the discarding of a level of unwanted catches rather than improving selectivity. The uptake of more selective gears, while increasing, remains slow and STECF observes that the progression from trialling selective gears to adoption into legislation remains a lengthy process. This is vital as the objective of the landing obligation is to eliminate discards and avoid, and reduce, as far as possible, unwanted catches, by increasing selectivity.

STECF acknowledges that the Member States reports for 2020 show a renewed focus on selectivity trials, which is positive. However, STECF re-iterates that while extensive work continues to be carried out on selectivity, for some regions, this work remains largely uncoordinated and not necessarily targeted at the right fisheries. The STECF advises a review of the work completed to identify what works and what does not, along with detailing fisheries for which *de minimis* or survivability exemptions are already in place and where improving selectivity may reduce the need for such exemptions.

³⁷ https://www.europarl.europa.eu/doceo/document/PECH-PR-659055_EN.pdf

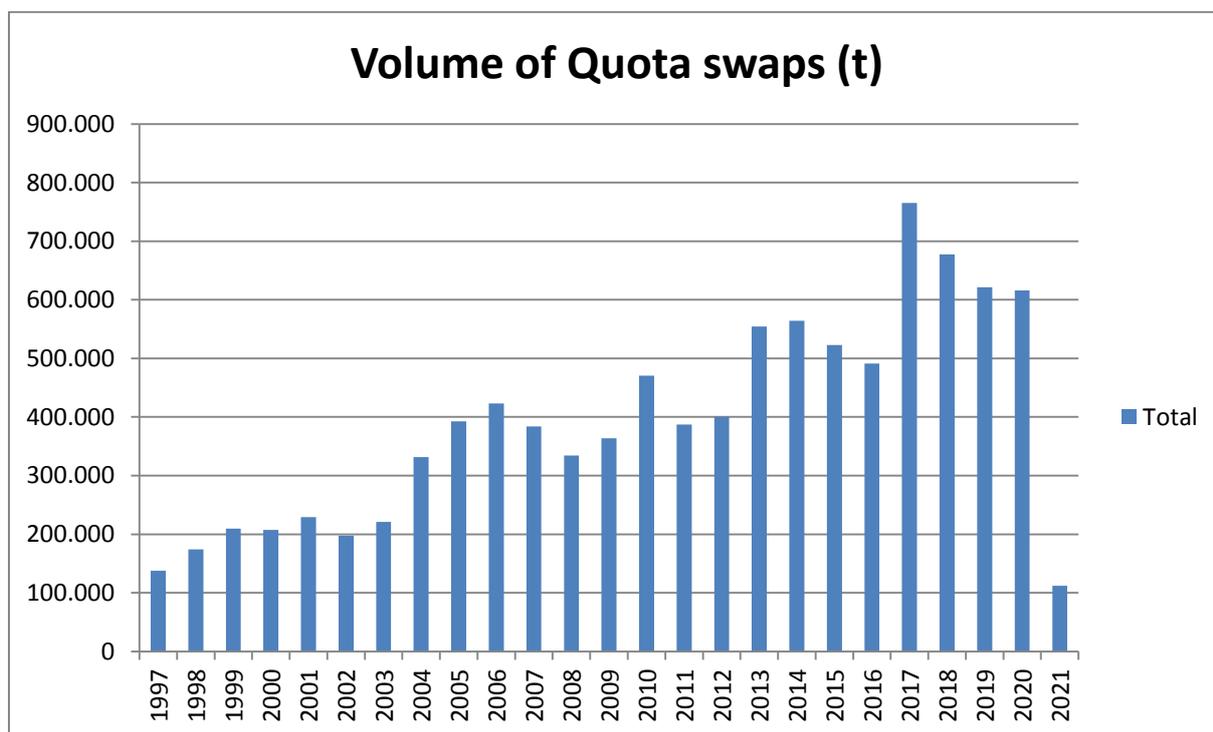
³⁸ Question 7 & 8 (discards under exemptions): LT, NL, PL, ES, SE; Question 16 (<MCRS catches and its outlet): DK, EE, ES, GR, LT, LV, NL, SE; Question 18 (infringements): DK, ES, NL, PL, SE, PT

5.1 Quota management

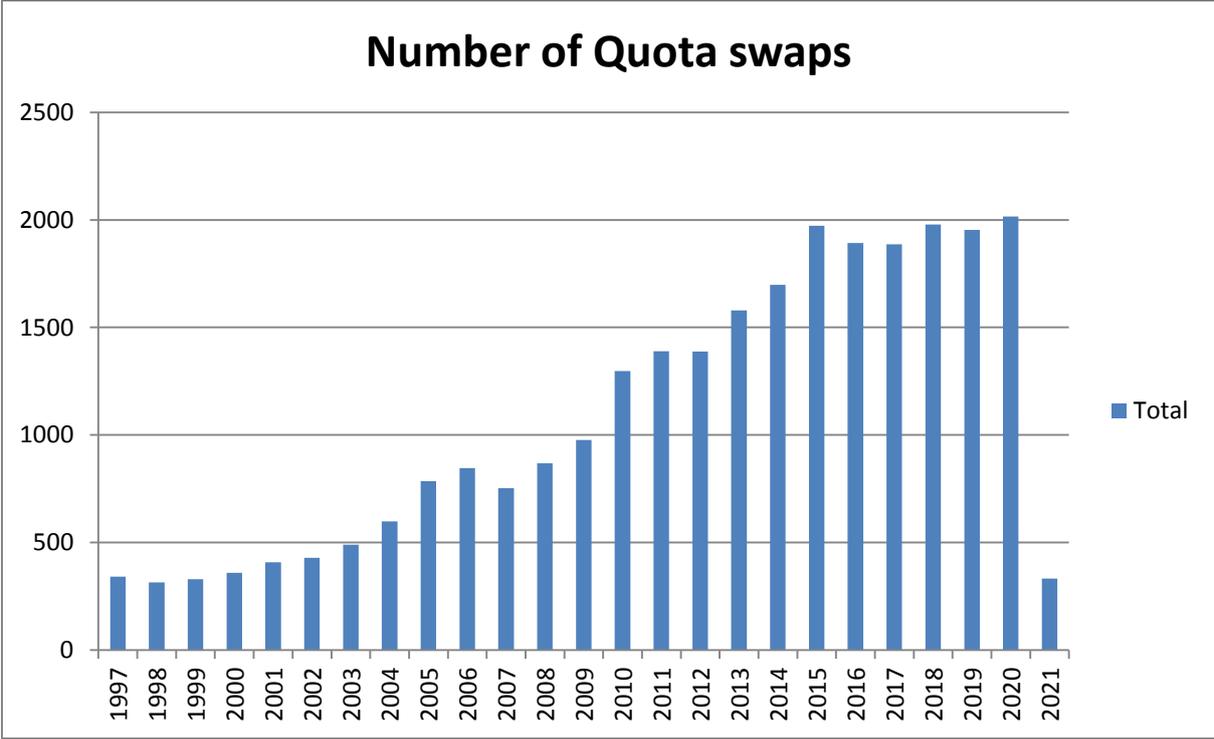
Changes in quota management and re-allocation (still) seems to be one of the most effective and used tools to facilitate the implementation of the landing obligation. Member States continue to adapt their quota management to facilitate the implementation of the landing obligation. There is evidence of limited changes to the quota management systems in Member States. Several Member States with Individual Transferable Quota (ITQ) systems have adapted them to the landing obligation, including the use of bycatch and over shoot quotas to cover unintended catches and prevent “choke” situations. Most Member States continue to use inter annual flexibility but there are very few reported instances of the inter species flexibility mechanism being used.

There is no evidence of any significant increases in quota swapping between Member States, and this is confirmed by the Commission’s QUOTA database (Figures 17a-b and 18a-b). However, it remains an important mechanism, and there are specific cases where Member States report that quota swaps have helped to avoid choke situations.

To increase transparency and facilitate the swapping, the Commission publishes the quota swaps list per year on a publicly available website³⁹. The file for the current year is updated on a weekly basis.

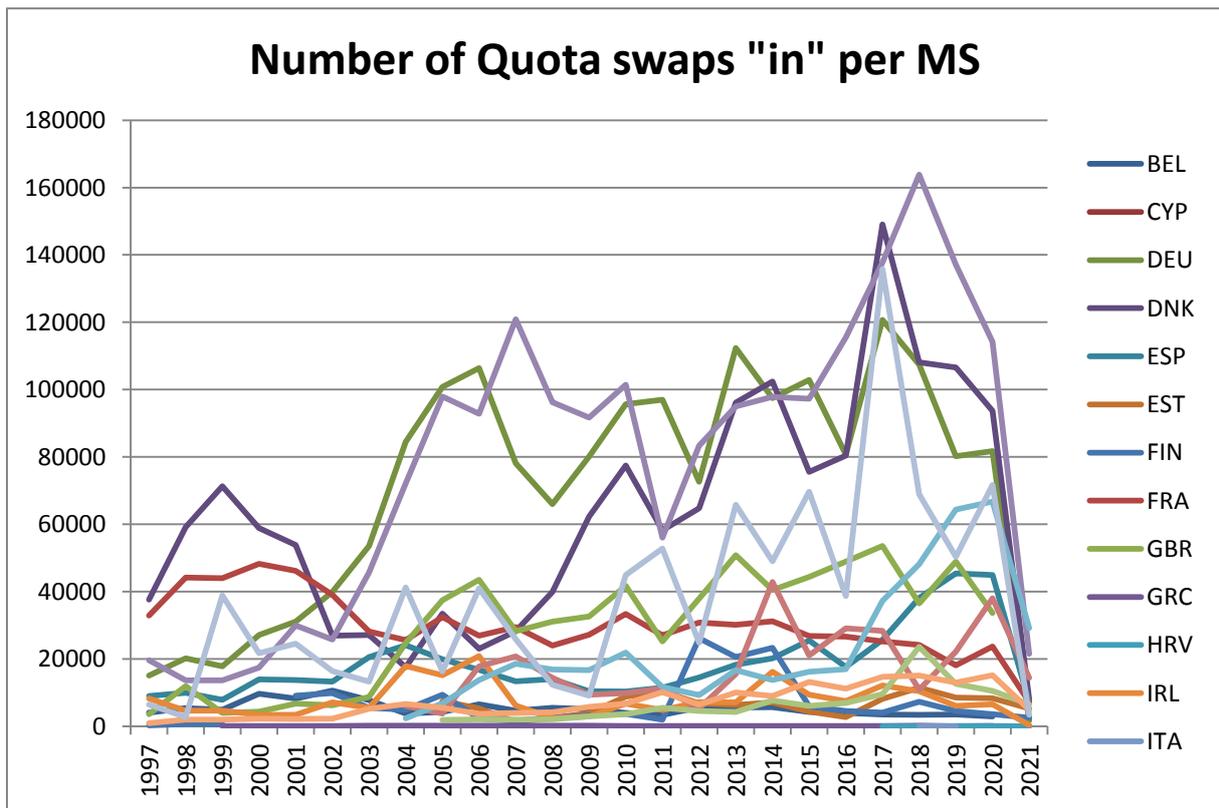
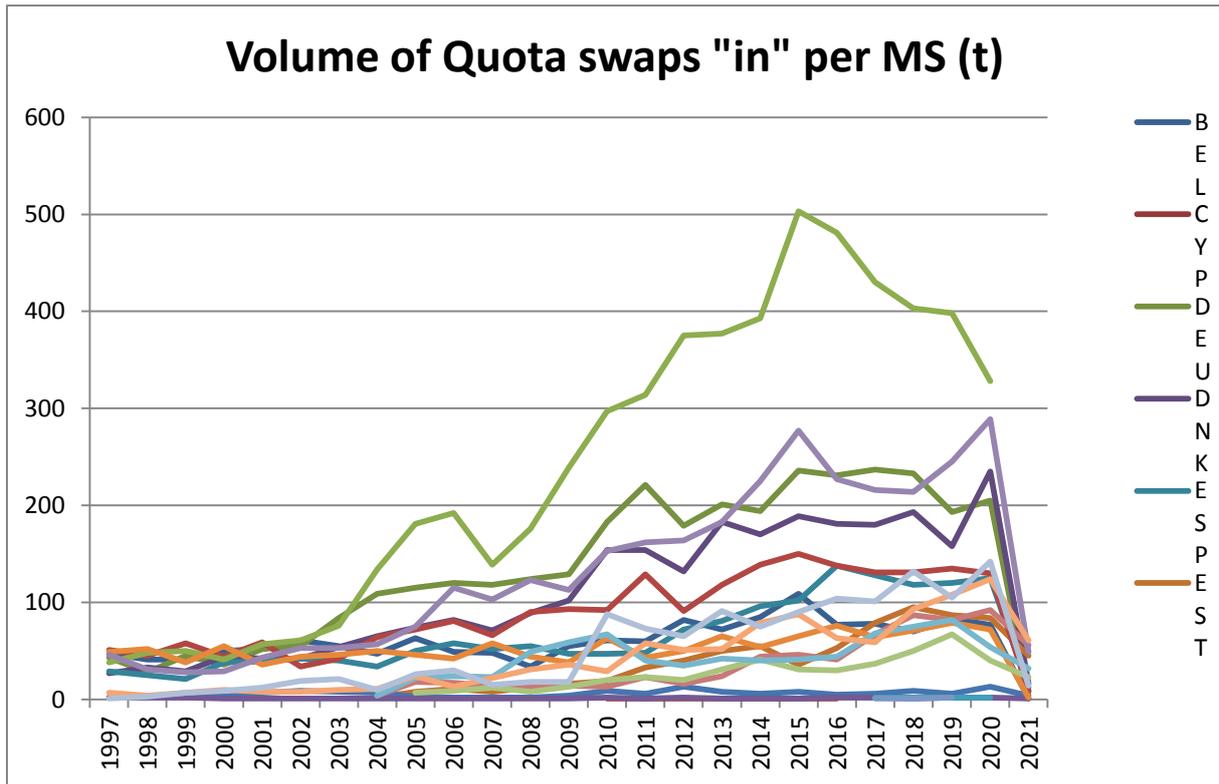


³⁹ After notifying the Commission, the Member States may exchange all or part of the fishing opportunities allocated to them (Article 16(8) Common Fisheries Policy Regulation). The quota swaps are published every year by the Commission on https://ec.europa.eu/fisheries/cfp/fishing_rules/tacs_en



Figures 17a - b: 1997 - 2021 quota swaps⁴⁰

⁴⁰ Source: Directorate-General for Maritime Affairs and Fisheries, European Commission (QUOTA). The year 2021 is not yet completed.



Figures 18a – b: Number and volume of quota swaps per Member State 1997 - 2021⁴¹

⁴¹ Source: Directorate-General for Maritime Affairs and Fisheries, European Commission (QUOTA). The year 2021 is not yet completed.

5.2 Sea basins implementation

Delegated Regulations specifying the details of implementation of the landing obligation

To ensure successful and feasible implementation, exemptions from the obligation are provided under Article 15(4) of the CFP Regulation. In addition to prohibited species and predator damage exemptions, the landing obligation does not apply to: (i) high survivability exemptions, for which scientific evidence demonstrates high survival rates; and (ii) *de minimis* exemptions of up to 5% of the total annual catches either because scientific evidence demonstrates that increases in selectivity are difficult to achieve or in order to avoid disproportionate costs of handling unwanted catches. Article 15(5) of the CFP Regulation stipulates that the details of the implementation of the landing obligation shall be specified in multiannual plans. For those sea basins with no multiannual plan, Article 15(6) CFP, prior the submission of a joint recommendation by the Member States concerned, empowered the Commission to adopt delegated acts laying down specific discard plans, containing the exemptions. Discard plans could be adopted for an initial period of three years, that could be renewed for another three years, as agreed upon by the co-legislators⁴², because multiannual plans were not in place everywhere when the discard plans were reaching their initial expiration date. Most of those discard plans have reached the total period of 6 years by the end of 2020, or will reach the total period of 6 years by the end of 2021. Details on the implementation of the landing obligation are now specified in the multiannual plans, in line with Article 15(5) of the CFP Regulation.

Currently the landing obligation is fully in force and multiannual plans are adopted for most waters. The Western Waters⁴³, the North Sea⁴⁴, the Baltic⁴⁵ and the western Mediterranean multiannual plans⁴⁶ empower the Commission to adopt delegated acts specifying the details of implementation of the landing obligation for all species under the landing obligation, including the *de minimis* and high survivability exemptions and technical measures aimed at increasing gear selectivity or reducing or, as far as possible, eliminating unwanted catches. Where those delegated acts include technical measures, these should be in full coherence with the objectives of the Technical Measures Regulation⁴⁷, which provides in its Article 15 the possibility for adopting delegating regulations aiming to amend, supplement, repeal or derogate from the technical measures set out in the Annexes to that Regulation. The suggested measures within the joint recommendations should take into account the best available

⁴² Regulation (EU) 2017/2092 of the European Parliament and of the Council of 15 November 2017 amending Regulation (EU) No 1380/2013 on the Common Fisheries Policy (OJ L 302, p. 1).

⁴³ Article 13, Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008

⁴⁴ Article 11, Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008

⁴⁵ Article 7, Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007

⁴⁶ Article 14, Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014

⁴⁷ Regulation (EU) 1241/2019 of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, p. 105)

scientific advice as well as include scientific evidence for the basis of the exemptions and will be submitted by the Commission to STECF for assessment.

In 2020, the following delegated regulations specifying the details of implementation of the landing obligation are in place:

1. Commission Delegated Regulation (EU) 2020/2015 of 21 August 2020 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023
2. Commission Delegated Regulation (EU) 2020/2014 of 21 August 2020 specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023
3. Commission Delegated Regulation (EU) 2020/2012 of 5 August 2020 amending Delegated Regulation (EU) 2018/161 establishing a de minimis exemption to the landing obligation for certain small pelagic fisheries in the Mediterranean Sea, as regards its period of application (2021 – 2023)
4. Commission delegated regulation (EU) 2020/4 of 29 august 2019 amending delegated regulation (EU) 2017/86 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea
5. Commission Delegated Regulation (EU) 2018/306 of 18 December 2017 laying down specifications for the implementation of the landing obligation as regards cod and plaice in Baltic Sea fisheries
6. Commission Delegated Regulation (EU) 2020/2237 of 13 August 2020 amending Delegated Regulation (EU) 2020/3 as regards the derogation for the minimum conservation reference size of Venus shells (*Venus* spp.) in certain Italian territorial waters
7. Commission Delegated Regulation (EU) 2018/211 of 21 November 2017 establishing a discard plan as regards salmon in the Baltic Sea

It should be noted that in 2020, the COVID crisis impacted the timing and preparation of some of the scientific efforts and led Member States' regional groups to face very difficult circumstances when preparing the joint recommendations on the implementation of the landing obligation and the technical measures.

Mediterranean

Mediterranean fisheries display a high diversity of species and fishing methods with landings in some areas being predominantly small pelagic species while demersal species represent higher market values. Most Mediterranean stocks are exploited by local fleets, unlike Atlantic stocks, that are characterized with catch volumes generally smaller than hold capacity of fishing boats. The implementation of the landing obligation is thus not affecting much the carrying capacity for target species, nor the economics of Mediterranean fisheries.

Within this context, the most recent steps of the implementation of the landing obligation focused on the improvement of data collection and the adoption of discard plans for small pelagics and demersals. Further work is on-going to strengthen scientific monitoring of the landing obligation and its exemptions.

5.3 Control and enforcement

The European Commission has a responsibility to control and evaluate the application of the rules of the CFP by Member States (Article 96(1) of Council Regulation (EC) No 1224/2009)⁴⁸. In fulfilling this role, the Commission launched an audit series in 2020 to evaluate the measures adopted by Spain, France, Belgium, Ireland and the Netherlands to ensure control, enforcement and inspection of activities relevant to the landing obligation and to ensure the full documentation of all fishing trips and relevant data. Member States were selected on the basis of those having access to by-catch quotas as provided for by Council Regulation (EU) 2019/124. The audit series was completed in November 2020 and to date final audit reports are at various stages of completion.

The findings of the audits indicate that the landing obligation is not effectively controlled and enforced and that quantities recorded as discarded and the landed quantities of catches below the MCRS are very low. This information differs from scientific data and indicates extensive unreported discarding. This latter finding is also supported by various reports, including three EFCA compliance evaluation reports⁴⁹ on the implementation of the landing obligation, which all found that non-compliance with the landing obligation was widespread in specific fisheries during the evaluation periods (2015/2016-2017) in the North Sea and North Western Waters.

The reporting of discards by fishermen continues to be very low and underrepresents the actual quantities discarded. Quantities recorded as discarded under *de minimis* provisions are in general significantly below permitted thresholds. The registration of landed catches below the MCRS is very low, indicating that such catches are illegally discarded at sea rather than avoided through more selective fishing practices. More Member States (Cyprus, Denmark, Finland, Germany, Greece, Ireland, the Netherlands, Portugal and Spain) than in previous years provided quite detailed information on below MCRS catches for 2019, while others provided no data, claiming there were still difficulties in recording such catches in the electronic recording system (ERS). Despite the better reporting of catches discarded under exemptions and landings of catches below MCRS, which is evidenced by the Member States' reports for 2019 and 2020, it is extremely doubtful that they reflect the true quantities being caught. Observer data from ICES and last-haul analysis by EFCA⁵⁰ indicate large discrepancies between what is reported and what is observed. Member States should ramp up efforts to ensure better reporting of such catches. The landing obligation requires a paradigm shift in terms of control and enforcement and requires the introduction of modern control technologies such as remote electric monitoring (REM) tools incorporating closed circuit television (CCTV) and sensors. The fact that fishing activities by the vast majority of Union fishing vessels currently take place without effective control remains a serious issue for the successful implementation of the landing obligation.

⁴⁸ OJ L 343, 22.12.2009, p. 1.

⁴⁹ Link to executive summaries: <https://www.efca.europa.eu/en/content/pressroom/evaluation-suggests-non-compliance-landing-obligations-certain-fisheries-north-sea>.

⁵⁰ Last haul analysis is a method of estimating representative size – and species distribution – of the catch of a fishing fleet based on the contents of trawls which are hauled in the presence of inspectors at sea.

In general, the EFCA highlights that their activities to promote an effective and efficient implementation of the landing obligation were impacted by the COVID-19 situation during 2020. Member States report similar difficulties as well as with on board sampling and the carrying out of research work and pilot studies relating to implementation of the landing obligation because of COVID-19.

Member States still rely on conventional/traditional controls such as inspections at sea, inspections at landing, data analysis and aerial surveillance which are ineffective at ensuring control and enforcement of the landing obligation at sea and are limited in promoting a culture of compliance among all operators and fishermen. The essential role of effective enforcement should be acknowledged in light of the strong incentives for non-compliance and the generally poor levels of ‘buy in’ by the fishing industry. Traditional controls cannot reliably detect illegal and unreported discarding and cannot ensure compliance with the conditions and thresholds associated with exemptions such as the survivability and *de minimis* exemptions. This failure is very serious in the context of monitoring compliance with the landing obligation and for ensuring that all catches are documented in accordance with European Union legislative requirements. This deficiency poses a significant risk to the long-term sustainability objectives of the CFP, especially when the capacity of the Member States’ fleets and the biological status of certain stocks are taken into consideration⁵¹.

Effective control and enforcement is essential to the success of the landing obligation. The Commission supported the use of the REM tools, incorporating closed-circuit television and sensor data, in its proposal for a revised Fisheries Control System⁵². In recognition of the value of REM controls, in 2019 EFCA published their *Technical guidelines and specifications for the implementation of Remote Electronic Monitoring (REM) in EU fisheries*⁵³ to facilitate the harmonised adoption of REM controls by Member States. The absence of meaningful control measures in 2021 is disappointing, considering the time afforded to Member States’ control authorities to apply effective controls since the phasing-in period that started in January 2015.

As a result of the failure to adopt the necessary means, such as REM, to ensure control and enforcement of the landing obligation, indications point towards widespread non-compliance and prolific, undocumented illegal discarding of catches. This represents a significant risk which is emphasized by the STECF as it is vital to maintain and improve the collection and reporting of catch (landings, unwanted catch and discards) data. If the data reported do not reflect the actual removals, this will have a significant impact on the quality of scientific advice and may compromise the achievement of the MSY objective. Monitoring all catches

⁵¹ For example, Lisa Borges 2020 paper on *The unintended impact of the European discard ban* (<https://academic.oup.com/icesjms/article/78/1/134/6026103>).

⁵² Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control (COM(2018)368 final, 30.5.2018).

⁵³ <https://www.efca.europa.eu/en/content/technical-guidelines-and-specifications-implementation-remote-electronic-monitoring-rem-eu>

using onboard measures such as REM have shown to be an effective way to monitor the landing obligation to generate catch evidence for science and compliance.

5.4 Socio-economic effect and safety issues

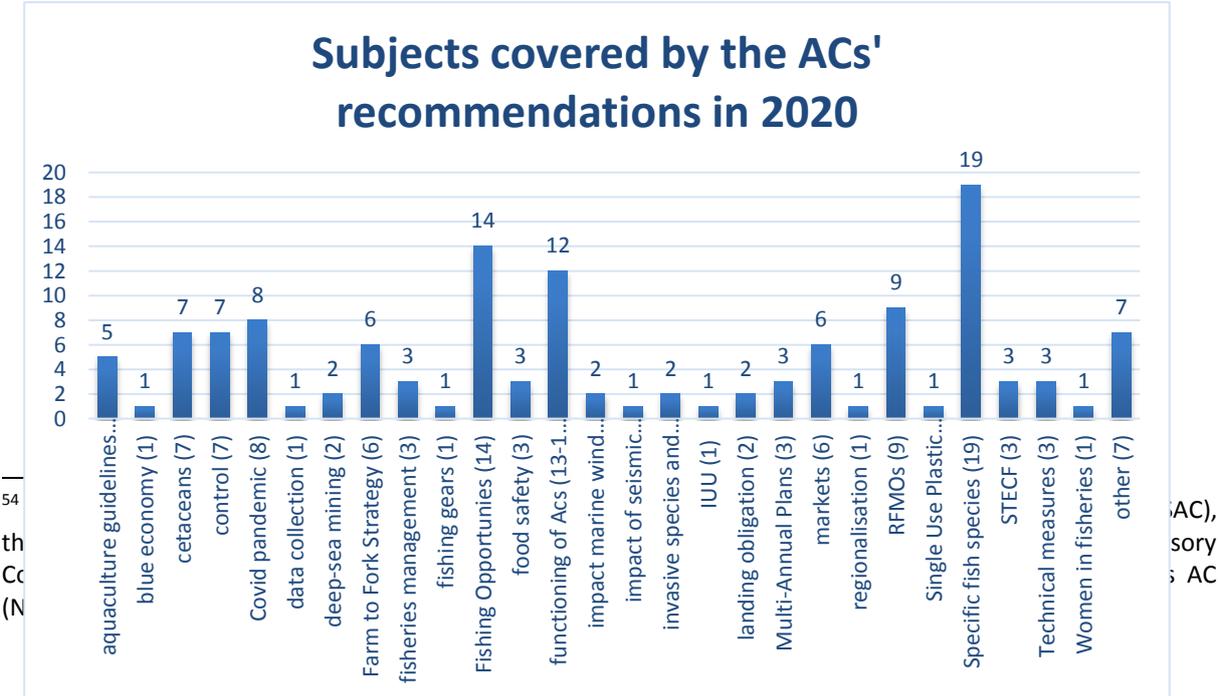
Most Member States report that it remains difficult to assess the socio-economic impacts of the landing obligation, indicating that problems remain minimal across sea basins. As stated in 2019, the general conclusion of Horizon2020 projects was that while there were initial short-term negative economic impacts, in the longer term these were more positive. This is consistent with the fact that recent trends in the economic performance of many EU fleets have been generally positive before the impacts of the COVID-19 outbreak in 2020. The STECF notes that it is not possible currently to assess information on socio-economic impacts of implementation of the landing obligation as, to date, Member States have not reported on such impacts.

There was again no clear evidence of the landing obligation causing safety issues on board fishing vessels and reports from Member States were identical to the previous years in that no incidents or issues were recorded.

6. **The role of Advisory Councils in 2020**

2020 was marked by the start of the functioning of the CC RUP, the Advisory Council for the outermost regions, which was the last one to be set up. In 2020, there were 11 Advisory Councils⁵⁴, which submitted 128 advices to the Commission, versus 72 in 2019, representing nearly a doubling compared to 2019.

These recommendations were related to a large range of subjects on CFP-related issues, the Covid pandemic, the aquaculture guidelines, environmental specific issues or the blue economy.



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Figure 19: Subjects covered by the Advisory Councils' recommendations in 2020

Each Advisory Council produced from 2 to 19 individual advices. 2020 was also characterised by an increase in the number of joint recommendations, which were often led by the NWWAC. The advice on blue economy in particular was signed by all the ACs, while the advice on Single Use Plastics Directive and the Fishing for Litter Scheme was signed by 8 ACs. The activity of the CC RUP, which became operational only in March 2020 was really impressive with 6 advices.

The recommendations are split as follows by individual ACs:

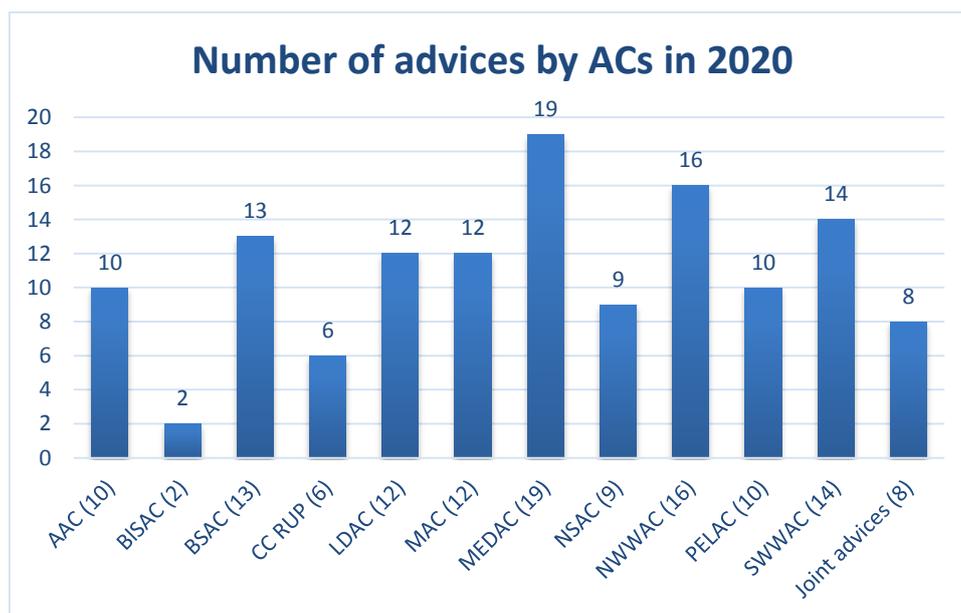


Figure 20: Number of advices by Advisory Councils in 2020

6.1. Contribution of the Advisory Councils in the context of the COVID-19 crisis

In 2020, the outbreak of the COVID-19 pandemic severely affected the fishing and aquaculture sectors, leaving fishers at dock and leading to socio-economic effects on the whole value chain. Sustaining business operations at the backdrop of the crisis became a top priority in order for the sector to safeguard its immediate viability and preserve activity in local communities. In this context, advice from the Advisory Councils helped identify most urgent actions to be undertaken by the Commission to alleviate the impact of the pandemic on the sector. 7 recommendations from 4 different Advisory Councils (LDAC, MAC, MEDAC, SWWAC) were prepared in this regard.

Most of these contributions called for emergency measures to ensure the safety of employees on board and in the value chain as well as to ensure the short-term financial viability of fishing and processing undertakings. They informed the Commission on the needs of the sector in relation to specific issues such as state aids, temporary cessation of activities or compensations for revenue losses. They guided the Commission in the amendment of the EMFF Regulation and implementation of targeted EMFF and common market organisation (CMO) measures in the framework of the “Coronavirus Response Investment Initiative Plus”.

6.2. Recommendations by Advisory Councils on aquaculture

In 2020, DG MARE received 4 recommendations from the AAC **on the preparation of the aquaculture guidelines**, 3 general and one on shellfish. These recommendations identified priorities and actions to be carried out by involved partners as well as specific proposals such as a pledge for fish welfare to be considered broadly in the Guidelines or the overall support to the idea of EU aquaculture sector being carbon neutral by 2050 and the encouragement to widen the scope of indicators in terms of data and monitoring and of indicators on environmental performance. The Commission took into consideration all these proposals in the preparation of the new Strategic Guidelines. While the AAC recommended also to review guidelines every 18 months in order to better adapt priorities to challenges, the Commission explained that 18 months was not sufficient to see the results of the actions proposed, and proposed instead an assessment every 3 years. The proposals on shellfish-specific guidelines were also very relevant and are all incorporated to the work on the new Strategic Guidelines.

6.3. Recommendations by Advisory Councils on the landing obligation

In 2020, Advisory Councils were also asked to contribute to **the Annual report on the implementation of the landing obligation** in 2019, the first year when this important provision of the CFP Regulation applied to all fisheries. 3 ACs (MAC, NWWAC and SWWAC) fed into the drafting of the report⁵⁵. Responses received highlighted again the problem of choke species causing the premature closure of fisheries, which they identify as the biggest challenge in implementing the landing obligation. Feedback received by EFCA in relation to its participation in ACs meetings confirmed the utility of ACs meetings to keep the EFCA staff informed of the main issues of concern for the stakeholders⁵⁶.

In relation to the landing obligation, the ACs were also involved in the preparation of joint recommendations for two **discard plans** adopted in 2020. NWWAC, PELAC and SWWAC were consulted on 2 joint recommendations from Belgium, Spain, France, Ireland, the Netherlands and Portugal for a discard plan for certain fisheries in Western Waters, which served as a basis for adopting Commission Delegated Regulation (EU) No 2020/2015⁵⁷. NSAC and PELAC were consulted on a joint recommendation from Belgium, Denmark, France, Germany, the Netherlands and Sweden for a discard plan for certain fisheries in the North Sea, leading to the adoption of Commission Delegated Regulation (EU) No 2020/2014⁵⁸. In addition, ACs were consulted on the amending of existing discard plans and exemptions to the landing obligation. These include the amending of Commission Delegated Regulation (EU) 2020/3 as regards the derogation for the minimum conservation reference size (MCRS) of Venus shells in certain Italian territorial waters, for which MEDAC supported the extension of the MCRS derogation until 31 December 2022, which was finally granted by the amending act.

6.4. Recommendations by Advisory Councils on by-catches of cetaceans

⁵⁵ STECF (2020) Evaluation of Member States' Annual Reports on the Landing Obligation (for 2019) [URL](#)

⁵⁶ See EFCA (2020) 2019 Annual Report [URL](#)

⁵⁷ Commission Delegated Regulation (EU) 2020/2015 of 21 August 2020 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023 (OJ L 415, 10.12.2020, p. 22–38).

⁵⁸ Commission Delegated Regulation (EU) 2020/2014 of 21 August 2020 specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023 (OJ L 415, 10.12.2020, p. 10–21).

In 2020, 5 recommendations were also received from ACs on **by-catches of cetaceans** (2 from BSAC, 1 from NWWAC and 2 from SWWAC). The Commission recognised the intensive of the BSAC on the issue of bycatch of the critically endangered Baltic Proper harbour porpoise. The recommendations received from the NWWAC and SWWAC on the issue of incidental by-catches of small cetaceans in the North Western Waters and Bay of Biscay were also very useful for the Commission in its assesment. On the issue of bycatch of cetaceans and other protected and sensitive species, the Commission encourages a regional approach and a close cooperation between the ACs, the Member States and their fisheries and environmental authorities, as well as with the respective high level Member States' groups.

6.5. Recommendations received in the context of the European Green Deal

In the context of the European Green Deal, the Commission launched in 2020 a consultation on the blue economy, in order to identify ways to make the EU's 'blue economy' more sustainable. The goal of this communication is to aid economic recovery and tackle climate change, by promoting sustainable products and services that preserve the marine environment and maintain ocean health. The advice drafted by all the ACs⁵⁹ in December 2020 in reply to this consultation was very useful in the context of the preparation of the Communication in this subject⁶⁰.

Still in relation to the Green Deal, DG MARE received 6 letters on the Farm to Fork Strategy in 2020, which all confirmed the ACs support to this strategy. Several recommendations received on health and food safety issues or on labelling of fish-products were not directly under DG MARE remit and transferred to concerned DGs.

A multi-AC Advice on the implementation of the Single Use Plastics Directive and Fishing for Litter, involving 8 ACs, was also received, which recommendations were very useful for several work streams of DG MARE, but also other services such as DG ENV, DG MOVE and EASME.

Finally, it is worth mentioning 2 joint recommendations received in 2020 on newly raised issues that are the impact of seismic activities and of wind energy on fisheries. While the ACs requested to ask for an ICES advice, which did not fit into the scope and timeframe of the cooperation between DG MARE and ICES, other solutions to tackle these issues were proposed in order to pursue the reflexions on these subjects.

6.6. Contributions of Advisory Councils on fishing opportunities for 2021

The Commission paid great attention to the recommendations of Advisory Councils on fishing opportunities when elaborating in 2020 its proposals for 2021.

The Commission did its proposal on fishing opportunities for 2021 **in the Atlantic and North Sea** in October 2020⁶¹. In order to take the underutilization effects of Covid-19 into account, as recommended by NSAC and PELAC and requested by Member States, the Commission agreed to ask ICES early in 2021 to examine whether for any stocks within safe biological

⁵⁹ With the exception of the AAC.

⁶⁰ Not published yet.

⁶¹ Proposal for a Council Regulation fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (COM/2020/668 final).

limits, a low uptake of the quota in 2020 justifies an increased TAC in 2021, this in view of a possible in-year amendment of the TACs for such stocks.

In accordance with the advice from the North Sea AC to put in place remedial measures for the recovery of North Sea cod, the Commission proposed to continue existing safeguard measures to ensure that the amount of cod in Kattegat recovers to safe levels, and set a fishing quota for by-catches only. Fishers in the area were also invited to use selective gears that reduce or avoid cod by-catches, or electronic monitoring to prevent illegal discards.

In view of the Brexit and taking on board the concerns expressed by the NSAC, NWWAC and PELAC on its consequences, the Commission proposal also incorporated in 2020 the Total Allowable Catches that will be decided in cooperation with non-EU countries, such as the United Kingdom and Norway, or through Regional Fisheries Management Organisations (RFMOs).

The advice from the CC RUP on Fishing Opportunities however, which proposed to allocate TACs at outermost regions level, could not be retained as related to issues to be fixed at national level.

In the Baltic Sea, the most TACs were set at the upper FMSY range of the Baltic Sea Multi-Annual Plan, generally in accordance with the NGOs minority position of the BSAC. However, the proposal by some NGOs to set quotas at the lower FMSY range was not retained, in accordance with economic and social considerations. As the situation of the Eastern Cod stock has not improved, the Commission proposed to continue with a by-catch quota, as proposed by the BSAC, but reduced this by-catch quota by 70%, based on scientific advice, while maintaining all the accompanying measures.

For the Mediterranean and Black Sea, the Commission proposed fishing opportunities which incorporate the ambitious measures agreed at GFCM level, including an autonomous quota for sprat⁶². The proposal made by the MEDAC to wait for a further assessment on the socio-economic consequences of COVID-crisis on demersal fisheries in the Western Mediterranean Sea and in the Adriatic Sea before setting fishing opportunities was not retained as the Commission considered that implementing the EU legislation, including the West Med MAP, remains essential for the fish stocks to recover and for the communities to secure a long-term livelihood in the Mediterranean. While the Commission was very aware of the impact of the Covid pandemic on the coastal communities in the Mediterranean Sea, it reacted promptly in April 2020 by the adoption of an emergency fund⁶³ to help the sector and marine communities to adapt, recover and evolve in the face of the existing difficulties related to Covid as well as to the poor state of the stocks in the Mediterranean Sea.

6.7. Functioning of the ACs

Already initiated in 2019, the discussion on the improvement of the functioning of the Advisory Councils further unfolded in 2020, with 12 recommendations produced in this regard. Most recommendations were sent to the Commission in the run-up to the inter Advisory-Councils meeting organised in January 2021, an event largely dedicated to discussing ways to improve the functioning of the Advisory Councils and making sure they fully play their role of consultation bodies as enshrined in the CFP Regulation.

⁶² Proposal for a Council Regulation fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (COM(2020) 377 final).

⁶³ SURE - European instrument for temporary Support to mitigate Unemployment Risks in an Emergency.

Advice received from stakeholders in this context allowed for the identification of shortcomings in the functioning of the Advisory Councils, including issues linked to the balanced representation of all interests, the impartiality of the chairs and secretariats and the relations with Commission services. Most importantly, Advisory Councils, through their recommendations, suggested solutions to overcome the challenges faced and put forward good practices that already proved beneficial in several ACs. The input received helped reflect on ways forward, from concrete actions to be implemented by both Advisory Councils and the Commission in the amendment of Delegated Regulation (EU) No 2015/242⁶⁴. It was also the basis for adopting new internal procedures for dealing with recommendations from the Advisory Councils, with a view to enhancing and streamlining the cooperation between the Commission and the ACs and ensure a better framing of recommendations within the CFP scope.

6.8. Consultations initiated by the Commission

While the Advisory Councils are invited to constantly provide their input to public consultations launched by the Commission⁶⁵, they were in 2020 more specifically invited to contribute to specific files such as Endocrine Disruptors, the European Union's Generalised Scheme of Preferences (GSP), a Climate Adaptation Strategy, harmonized standards for circular design of fishing gear or the revision of the geographical indications' system. The diversity of the subjects on which they were consulted shows how much the Advisory Councils' advice is essential in the development of the policy.

6.9. Conclusion

Despite challenging circumstances, Advisory Councils in 2020 kept playing their role of key stakeholder consultation bodies in the midst of the crisis. Fully grasping the opportunities offered by online digital meetings, they kept working towards issuing advices and coordinating their positions, although improvements are needed in some cases on the achievement of consensus. Recommendations received helped in particular assessing the impact of the pandemic on the sector, identifying mitigation measures and ultimately reflecting on the post-covid perspective for the sector.

7. International ocean governance

In February 2021, the Commission actively participated, on behalf of the EU, in the virtual meeting of the 34th FAO Committee on Fisheries (COFI) and endorsed the FAO Declaration on Fisheries and Aquaculture Sustainability, which acknowledges the achievements of the fisheries and aquaculture sectors since the endorsement of the FAO Code of Conduct for Responsible Fisheries 25 years ago. On that occasion, the Commission also stressed the vital contribution of the sector to the global economy and to global food and nutrition security, promoted a post-COVID recovery based on strengthened sustainability and resilience, and

⁶⁴ Commission Delegated Regulation (EU) 2015/242 of 9 October 2014 laying down the rules on the functioning of the Advisory Councils under the Common Fisheries Policy (OJ L 41, 17.2.2015, p. 1–4).

⁶⁵ <https://ec.europa.eu/info/law/better-regulation/have-your-say>

called on collective momentum in tackling the challenges and opportunities to secure the long-term sustainability of the sector. The Commission, on behalf of the EU, also took part in the decision to develop guidelines on the regulation, monitoring and control of transshipment operations for adoption at the next COFI in 2022, as well as to progress on developing Sustainable Aquaculture Guidelines. Both could be important soft international law instruments to advance EU interests on aquaculture and fisheries worldwide under the European Green Deal.

In relation to Regional Fisheries Management Organisations (RFMOs), our activity in 2020 shows that the EU continues to be a key driver for progress in RFMOs. This is despite the fact that RFMOs are international organisations where, with limited exceptions, decisions are normally taken by consensus and that the EU only has a certain leverage to influence the decisions taken. We have continued to make progress in 2020 in the implementation of RFMO decisions into Union law with the advancement of the legislative work for several organisations, including the ICCAT, the Inter-American Tropical Tuna Commission (IATTC), Northwest Atlantic Fisheries Organization (NAFO), the Indian Ocean Tuna Commission (IOTC), the Western and Central Western Pacific Fisheries Commission (WCPFC) and the North East Atlantic Fisheries Commission (NEAFC).

The COVID-19 pandemic heavily impacted the work of RFMOs in 2020. The majority of the RFMO's annual meetings were held in a virtual format through videoconference, electronic correspondence, or a combination of both. Their agendas were, for the most part, limited to the essential elements for the functioning of the organisation, including fishery measures expiring in 2020. Some RFMOs, however, managed to undertake more substantial discussions through virtual meetings than others. This was the case, for example, of the NAFO where a key achievement in 2020 was the endorsement of the EU proposal concerning the TAC of cod 3M based on scientific advice. For what concerns ICCAT, new proposals for the Northern shortfin mako were examined. The EU proposal to reduce mortality of shortfin mako could unfortunately not be adopted, despite offering increased conservation benefits, nor could its proposal to enhance existing measures until more comprehensive measures could be adopted. However, some EU achievements in the framework of ICCAT took place, including ensuring the application of the existing harvest control rules for Northern albacore resulting in the increase of the TAC by 12.5% for 2021, as well as the rollover of the TAC for Eastern bluefin tuna for two years.

In general, the conclusion is that virtual meetings do not represent a real substitute for the normal decision-making process in RFMOs as they are not compatible with discussing complex matters by a large number of participants scattered across different continents and time zones.

In 2021, due to the COVID-19 pandemic, it cannot be excluded that the functioning of several RFMOs will continue being impacted, and affecting the scientific advice available for fisheries managers. To deal with some of the leftover items from last year plus items arising this year and building on the lessons learnt in 2020, some RFMOs have already adopted very ambitious programmes of inter-sessional and preparatory meetings in 2021 to be able to

address all the pending issues. It is also expected that, subject to progress in the rollout of the national vaccination programmes, some of the existing restrictions might be revisited later in the year, which could facilitate RFMO in-person meetings.

Nevertheless, in the face of the pandemic related pressures in 2020, the EU contributed to maintaining the implementation of the international rules-based system for the management of fisheries. We worked in RFMOs with other like-minded countries to develop common principles to ensure that RFMO exhausted all alternatives before resorting, as last option, to the derogation of the existing rules. Targeted derogations were developed in a transparent way through international collaboration and compatible with RFMO measures and international law. And in general, exceptions, when necessary, were to be justified and of temporary nature, with a specified timeframe for expiry and related specifically to the COVID-19 situation.

Despite the challenges noted above, overall most of the stocks managed by RFMOs are generally in good shape. Of the total commercial tuna catch worldwide, 87% came from stocks at healthy levels of abundance. All skipjack stocks are in good shape and yellowfin has moved from uncertain to healthy in the Eastern Pacific Ocean. The notable exceptions are Atlantic Ocean bigeye currently overfished and subject to overfishing, and shortfin mako shark, both under the purview of the ICCAT, and yellowfin in the Indian Ocean managed by the Indian Ocean Tuna Commission (IOTC) for which there is already an ambitious work-programme in place for 2021 to address the identified issues.

In 2020, the activities aiming to fight illegal, unreported and unregulated (IUU) fishing have also been impacted by COVID-19 and the related travelling restrictions impeding fieldwork. Moreover, BREXIT had provoked additional challenges regarding the implementation of the EU instruments to fight against IUU fishing.

Despite the particular challenges, significant progress in our fight against IUU fishing took place summarised in the report⁶⁶ on the implementation of the IUU regulation over the last five years. The EU continued its cooperation with and support provided to third countries through virtual dialogues and IUU Working groups.

The EU continued its actions also at regional level through input to RFMO processes, updating the EU's IUU vessels list, implementing the EU funded programme PESCAO in West of Africa, supporting ASEAN initiatives to fight IUU fishing and cooperating with EU NAFVOR in the Indian Ocean. Guidance and cooperation with EU Member States was strengthened regarding controls of imports of fishery products and further investments were made concerning the digitalisation of the catch certification scheme. The EU actively engaged in the WTO negotiations on fisheries subsidies to seek strong disciplines regarding IUU fishing. In 2020, the EU indeed continued playing a prominent role in the WTO negotiation to prohibit harmful fisheries subsidies, presenting proposals and trying to contribute to a consensus. The WTO agreement is a political priority for the EU but it could not be concluded in 2020, as envisaged in sustainable development goal (SDG) 14.6, mainly due to the Covid pandemic which did not allow for physical meetings. The EU's goal is to reach an ambitious

⁶⁶ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2020:0772:FIN:EN:PDF>

agreement at the latest by the 12th Ministerial Conference (MC12), which was rescheduled to 30 November – 3 December 2021⁶⁷.

Within the framework of the sustainable fisheries partnership agreements (SFPAs), the Commission maintains a political dialogue on fisheries related policies with third countries concerned, in coherence with the CFP principles and commitments under other relevant European policies. In addition, SFPAs provide a financial contribution whose aim is to support the sustainable development of the fisheries sector in the partner countries and contribute to better governance of their fisheries. That includes notably improvement of scientific and technical knowledge of relevant fisheries, contribution to control and surveillance, fight against illegal, unreported and unregulated fishing and support for better global governance of fisheries.

The current 12 active SFPAs have been successful in fostering better governance of fisheries at global level and contributing to the sustainable development of the fisheries sector in partner countries. These agreements have also contributed to economic activity and job creation both in the EU and in partner countries. As for the latter, SFPAs have been contributing positively to the development of the fisheries sector and to sustainable fisheries management. A significant part of the total EU budget for SFPAs has been devoted to the concrete projects funded under sectoral support and related mostly to control and surveillance capacities, small port infrastructures, and the support to small-scale fishermen. At the same time, they contributed to eliminating illegal fishing and providing good framework conditions for local fishermen, thus also contributing to food security. Concrete projects financed include for example the supply of fishing equipment for small fishermen, including localisation and safety kits, the reinforcement of sanitary control capacity in ports, landing facilities with storage and ice facilities, financing the acquisition of patrol boats and their maintenance, training of fisheries inspectors and observers, etc.

Efforts will continue to ensure timely renewal of SFPAs in order to ensure the continuity of fishing activities under SFPAs, and to maintain, or even extend where relevant, the network of SFPAs in the Atlantic, Indian and Pacific Oceans. In 2021, the Commission will conduct a global evaluation of the SFPAs to obtain an overall assessment of their features, performance and synergies with other policies. This evaluation will contain a specific focus on the sectoral support provided for by SFPAs and will provide input to the 2022 report on the functioning of the CFP.

⁶⁷ https://www.wto.org/english/thewto_e/minist_e/mc12_e/mc12_e.htm