



THE  
**PEW**  
CHARITABLE TRUSTS

## PEW RECOMMENDATIONS FOR CERTAIN FISHING OPPORTUNITIES IN THE NORTH-EAST ATLANTIC FOR 2017

24 NOVEMBER 2016

### Summary

At their meeting in Brussels on 12<sup>th</sup> and 13<sup>th</sup> December 2016, fisheries ministers must match the ambition they demonstrated in the reform of the CFP and set fishing limits that will end overfishing as required by the law. Specifically, ministers must:

- Support Total Allowable Catches (TACs) that do not exceed scientific advice;
- Repeal the joint statement by the Council and the Commission "*Ad Specific Data Limited Stocks*"<sup>1</sup> (fixing TACs at the same levels until the end of 2018) and support necessary TAC reductions to end overfishing;
- Set individual TACs lower than the scientifically advised maximum levels to account for mixed fishery interactions, for example for stocks in the Celtic Sea mixed whitefish fishery;
- Reduce TACs and/or introduce management measures for stocks with no scientific advice to reduce the risk of over-exploitation;
- Make public the methodology used to calculate the landing obligation TAC adjustments, ensuring they do not increase fishing mortality or jeopardise the achievement of the CFP's objectives to end overfishing;
- Make public any socio-economic evidence used to justify delays in ending overfishing in 2017.

### 1. Background

The Common Fisheries Policy (CFP) which entered into force on 1 January 2014 includes a requirement to end overfishing, with legally binding targets and deadlines. The CFP establishes in Article 2(2) that "*in order to achieve the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing the maximum sustainable yield, the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks*".

At the December Council, EU fisheries ministers will decide upon Total Allowable Catches (TACs) for most fish stocks in the North-east Atlantic and adjacent waters for 2017. The CFP requires ministers to agree TACs that will end overfishing. The legislation stipulates that a deferral of the 2015 deadline is allowed only in exceptional cases when meeting it "*would seriously jeopardise the social and economic sustainability of the fishing fleets involved*" (CFP Recital 7).

### 2. European Commission proposals for north-east Atlantic TACs in 2017

The European Commission has proposed sixty-nine TACs for fish stocks in northern waters<sup>2</sup> and southern waters<sup>3</sup> of the north-east Atlantic, which are not subject to negotiation with third countries

<sup>1</sup> Council document PECH 491, 15502/15 REV1.

<sup>2</sup> 51 in Northern waters: Atlantic Ocean west of Scotland and Ireland, and adjacent waters including the Irish, Celtic and North seas.

<sup>3</sup> 18 in Southern waters: Bay of Biscay, Portuguese waters, Azores grounds and Union waters of CECAF.

or awaiting further scientific advice<sup>4</sup>. Overall, the Commission has followed the scientific advice for around half (35 out of 69) of the proposed TACs, a marginal improvement on last year's proposal (33 out of 66).

For the vast majority of those TACs for which advice on maximum sustainable yield (MSY) exploitation rates was available, the Commission proposes fishing limits in line with the scientific advice provided by the International Council for the Exploration of the Sea (ICES) (23 out of 29). However, there are three clear instances where the Commission has proposed TACs exceeding scientific advice for stocks where MSY fishing limits are recommended, namely *herring* in areas 6a(South), 7b and 7c; *herring* in areas 5b, 6b and 6a(North); and *common sole* in areas 8ab. There are three further instances where it appears<sup>5</sup> the Commission has proposed TACs exceeding MSY advised mortality rates (*hake* in areas 6, 7, 5b, 12 and 14; *hake* in areas 8abde; and *megrims* in areas 8abde). Due to missing information on how the Commission is matching the proposed TACs with the scientific advice<sup>5</sup> it is difficult to assess the extent to which the advice has been followed and to ascertain whether the Commission's proposals are adequate to fully meet the objectives of the CFP.

For a further twenty-two TACs the Commission has proposed fishing limits that exceed the scientific advice, without providing the required evidence that ending overfishing in 2017 would seriously jeopardise the social and economic sustainability of the fleets involved (CFP Recital 7). Sixteen of these TACs are subject to a previous political joint statement by the Council and the Commission "*Ad Specific Data Limited Stocks*"<sup>6</sup>, which fixes TACs at the same levels until the end of 2018, unless the perception of the status of these stocks changes significantly.

There are fifty-three TACs where no proposal has been published. These are described as "*pm*" (*pro memoria*) because they are shared with third countries and consultations are yet to conclude, or because the scientific advice was not received at the time the proposal was created, or because the Commission's evaluation of that advice is still ongoing. For some of these the Commission has since made proposals (non-papers) to Council without making them publically available. This makes it even more difficult to analyse the fishing opportunities for 2017 in a comprehensive manner.

### 3. Other issues in the Commission proposal relevant to setting sustainable catches in 2017

Pew notes a number of issues in the Commission proposal relevant to setting sustainable catch limits.

- ***TAC adjustments to account for the landing obligation***

The Commission has confirmed in its proposal on fishing opportunities that it will propose TAC adjustments for stocks which become subject to the landing obligation in 2017. It highlights that these adjustments will be calculated on the basis of the data submitted by EU member states. Pending the submission of such data a decision was taken by the Commission to include in the proposal TACs without adjustments. The adjustments will be added once the data enabling their calculation is provided.

Pew is concerned about the lack of peer review and scientific scrutiny when calculating the TAC adjustments late in the process. The Commission has not made clear the deadlines for submission of member state data, data evaluation, and the corresponding scientific advice on the level of TAC adjustments that are justified to stay within the scientifically advised catches.

Moreover, it should be transparent how TAC adjustments are calculated, taking into consideration

<sup>4</sup> COM(2016) 698, Proposal for a Council Regulation fixing for 2017 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. [Articles](#), [Annex I](#), [Annex II-VIII](#)

<sup>5</sup> For many stocks there are mismatches between the geographic areas used by ICES in its assessment of a fish stock and the areas covered by a TAC. In these cases Pew assesses whether TACs are set exceeding or not exceeding the scientific advice based on assumptions about how the Commission has arrived at the proposed TAC from the scientific advice, for example how scientific advice on catches for stocks are apportioned to TAC areas and whether overall the proposed TACs exceed the total catch advice for the stock. As such, sometimes it is not clear how the Commission have calculated their proposed TAC but it would appear based on our assumptions that the proposed TAC exceeds the scientific advice.

<sup>6</sup> Council document PECH 491, 15502/15 REV1.

whether a stock is fully or partially under the landing obligation (i.e. if the obligation applies only to some areas, some fishing gears, and/or if exemptions are applied). We urge the Commission to make the methodology and proposed TAC adjustments for each applicable TAC publically available before the December Council. Following the December Council it should be made clear how TAC adjustments were finally calculated and applied for each TAC. The agreed TAC including any potential adjustment should under no circumstances exceed the scientifically advised catches and should provide an incentive to fish more selectively.

- **TACs subject to the joint statement on data-limited stocks**

In 2014 the Council and Commission agreed to fix certain TACs at the same levels until the end of 2018 unless the perception of the status of any of these stocks changes significantly according to scientific advice (joint statement by the Council and the Commission "*Ad Specific Data Limited Stocks*"). Pew would like to highlight that for a total of eighteen<sup>7</sup> out of twenty-six TACs covered by the agreement the scientific advice is for a reduction in catches. Pew views the agreement as a barrier to ending overfishing, allowing TACs to be continually set higher than the scientific advice. We therefore welcome that the Commission has for the first time acknowledged scientific advice that requires a reduction in two TACs covered by the agreement - sprat in the Channel (areas 7de) and plaice in the Celtic Sea and South-West of Ireland (areas 7hjk). Yet, the proposed TACs still exceed the scientific advice for those stocks. In order to make continued progress towards ending overfishing all TACs covered by the statement should be set not exceeding the levels advised by ICES for 2017.

- **Irish Sea fisheries and zero TACs**

Pew is concerned about the continued slow recovery of demersal stocks in the Irish Sea. Pew welcomes that the Commission proposed a zero TAC for Irish Sea sole as scientifically advised. Yet, Pew notes that the Commission does not propose TACs for Irish Sea cod and haddock, although scientific advice is available for both of these stocks and the TACs are only of EU interest. In addition, the Commission's proposed TACs for Irish Sea whiting and plaice both exceed the scientific advice. Given plaice and sole are caught in the same fishery, the high plaice TAC raises concerns about how the zero catches for sole can be achieved.

#### 4. Pew recommendations to fisheries ministers on the proposed TACs for the north-east Atlantic

- A. Fisheries ministers should adopt the thirty-five<sup>8</sup> proposed TACs which do not exceed the scientific advice on sustainable catches<sup>9</sup>.
- B. Fisheries ministers should set fishing limits not exceeding the scientific advice for the twenty-eight TACs for which the Commission's proposal exceeds the advice, including those subject to the previous political agreement on data limited stocks. These can be summarised as follows:
  - Instances in which a proposed TAC is greater than zero despite scientific advice for zero catch or no directed fisheries and minimisation of bycatch. This is the case for *herring* in areas 6a(South), 7b and 7c\*; *herring* in areas 5b, 6b and 6a(North)\*; and three TACs subject to the joint statement by the Council and the Commission "*Ad Specific Data Limited Stocks*",

<sup>7</sup> These include: *Whiting* in the Irish Sea (area 7a); *blue ling* in areas 2 & 4; *blue ling* in area 3; *greater silver smelt* in areas 3 & 4; *cod* in areas 6b, 5b, 12 & 14; *ling* in areas 3a-d; *plaice* in areas 7bc; *plaice* in 8, 9, 10, & CECAF 34.1.1; *pollack* in areas 6, 5b, 12 & 14; *pollack* in area 8c; *pollack* in area 9, 10 & CECAF 34.1.1; *common sole* in areas 7bc; *common sole* in areas 7hjk; *sole* in 8cde, 9, 10, & CECAF; *sprat* in areas 7de; *plaice* in areas 7hjk.

<sup>8</sup> These include: *greater silver smelt* in areas 5-7; *tusk* in the Kattegat and certain EU waters in the Baltic; *tusk* in area 4; *boarfish* in areas 6-8; *herring* in the Irish Sea (area 7a)\*; *herring* in areas 7ghjk\*; *cod* in areas 6a and 5b\*; *cod* in areas 7bc,e-k, 8, 9 and 10\*; *megrims* in areas 4 and 2a\*; *megrims* in areas 5b, 6, 12 and 14\*; *megrims* in area 7\*; *megrims* in areas 8c, 9, 10 and CECAF<sup>8</sup> 34.1.1; *anglerfish* in area 7; *anglerfish* in areas 8abde; *anglerfish* in area 8c, 9, 10 and CECAF 34.1.1\*; *haddock* in areas 6b, 12 and 14\*; *haddock* in areas 7b-k, 8, 9, 10\*; *whiting* in areas 6, 5b, 12 and 14\*; *hake* in the Kattegat and certain EU waters in the Baltic\*; *hake* in areas 4 and 2a\*; *hake* in areas 8c, 9, 10 and CECAF 34.1.1\*; *norway lobster* in the Kattegat and certain EU waters in the Baltic\*; *norway lobster* in areas 4 and 2a; *norway lobster* in area 8c; *norway lobster* in areas 9, 10 and CECAF 34.1.1; *plaice* in the Kattegat\*; *plaice* in areas 7de\*; *plaice* in areas 7fg; *turbot & brill* in areas 4 and 2a; *common sole* in the Kattegat and certain EU waters in the Baltic\*; *common sole* in the Irish Sea (area 7a)\*; *common sole* in area 7d\*; *common sole* area 7e\*; *common sole* in areas 7fg\*; *horse mackerel* in area 9\*.

<sup>9</sup> \*Catch limits associated with  $F_{MSY}$  have been defined for 29 of the 69 proposed TACs, these are marked with an asterisk (\*).

including: *whiting* in the Irish Sea (area 7a); *blue ling* in areas 2 and 4; *blue ling* in area 3.

- Instances where the proposed TAC reductions are lower than advised. This is the case for *cod* in the Kattegat; *megrims* in areas 8abde\*; *whiting* in areas 8 and 9a; *hake* in areas 6, 7, 5b, 12 and 14\*; *hake* in areas 8abde\*; *lemon sole & witch* in area 4 and 2a; *plaice* in the Irish Sea (area 7a); *pollack* in area 7; *pollack* in areas 8abde; *common sole* in areas 8ab\*; and two TACs subject to the joint statement by the Council and the Commission "Ad Specific Data Limited Stocks", including: *sprat* in areas 7de and *plaice* in areas 7hjk.
- Instances where a "rollover" of a TAC is proposed, despite scientific advice to reduce catches. This is the case for TACs subject to the joint statement by the Council and the Commission "Ad Specific Data Limited Stocks", including: *greater silver smelt* in areas 3 and 4; *cod* in areas 6b, 5b, 12 and 14; *ling* in areas 3a-d; *plaice* in areas 7bc; *plaice* in 8, 9, 10 and CECAF 34.1.1; *pollack* in areas 6, 5b, 12 and 14; *pollack* in area 8c, *pollack* in area 9, 10, CECAF 34.1.1; *common sole* in areas 7bc; *common sole* in areas 7hjk; *sole* in 8cde, 9, 10, and CECAF.

C. Fisheries ministers should follow the precautionary approach to fisheries management for six TACs which have been proposed based on no scientific advice. These include: *anchovy* in area 8, *anchovy* in areas 9, 10 and CECAF 34.1.1 and four TACs subject to the joint statement by the Council and the Commission "Ad Specific Data Limited Stocks", including: *herring* in areas 7ef; *saithe* in areas 7, 8, 9, 10 and CECAF 34.1.1; *plaice* in areas 6, 5b, 12 and 14; *common sole* in areas 6, 5b, 12 and 14. Ministers should ensure that in absence of scientific advice on sustainable catch limits suitable conservation and management measures are taken to improve data collection and prevent over-exploitation, for instance by means of a TAC reduction. If or when scientific advice becomes available then the TACs should be set not exceeding that advice.

The CFP entered into force in 2014, with a clear timeframe to achieve the maximum sustainable yield exploitation rate by 2015 where possible and, on a progressive, incremental basis at the latest by 2020. By now, the 2020 deadline is only three years away and it is high time for Council to make greater progress towards ending overfishing.

**For more information, please contact:**

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