

Annex 1: On the Communication from the Commission concerning a consultation on Fishing Opportunities COM (2011) 298 final

At the Fisheries Council meeting on 28th June, Ministers will discuss ways to fix fishing opportunities for 2012 based on suggestions in the European Commission's communication (COM(2011)298).

We welcome the communication, in which the Commission sets out principles for setting Total Allowable Catches (TACs) for 2012 and proposes a number of steps for dealing with 'data poor' stocks. In addition, the Commission outlines a revised schedule for proposals and decisions on fishing possibilities.

State of resources

The outlook for fisheries presented by the Commission is largely similar to last year. While some progress has been made, a majority of European stocks is still classed as overfished. Significant efforts to reduce fishing pressure will be necessary in order to fulfil the EU's international commitment of exploitation at Maximum Sustainable Yield (MSY) by 2015. Since 2010, the Commission classifies any stocks fished above this level as 'overfished'.¹

A large number of EU stocks are still overfished and for many others the status is unknown. This is simply not acceptable and further steps must be taken to ensure more long-term and comprehensive stock management.

Basic principles for proposing TACs for 2012

The Commission is suggesting a more limited number of principles as a basis for proposing TACs for 2012. Essentially, three rules for setting TACs for 2012 are outlined:

1. For stocks managed under a long-term plan, or for which TACs and other management measures are agreed with third countries, these must be adhered to.
2. For all other stocks, when scientific advice is available within the "MSY framework"², this will be used to fix quotas and/or fishing effort, following the transition scheme to reach MSY by 2015.
3. If there is no scientific advice on appropriate catch levels, or if data on the size of the stock is inadequate, a 25% reduction in the TAC and/or fishing effort should apply. In addition, Member States should take urgent steps to obtain the necessary information to address the knowledge gaps.

¹Before 2010, the Commission considered stocks to be overfished if they were fished above levels set according to the precautionary approach, which aims at preventing collapse of stocks rather than keeping them at long-term sustainable levels. Generally, management aiming for MSY will result in lower fishing mortality rates.

²The MSY framework was first applied by ICES in 2010, with advice based on a five-year transition scheme in order to reach MSY by 2015.

We support this simplification of fixing fishing opportunities, which shows a commitment to long-term management, an honouring of international agreements and takes a precautionary approach when there is uncertainty.

However, the Commission makes no distinction between the different categories of “data poor” stocks that exist; for some we may have a reasonable level of knowledge but insufficient information to calculate MSY, for others there is very limited information indeed. So while we recommend following the Commission’s proposal, some further distinctions would have been useful for the third category.

1. Management by multi-annual plans

Multi-annual management plans are generally considered a good way of managing fisheries sustainably³, where long-term Harvest Control Rules (HCRs) are used rather than annual decisions on fishing limits by EU Ministers. It is essential that the Commission and the Council continue to adhere to the existing management plans, as anything else would put the whole approach into question.

Multi-annual plans were earlier assessed against the Precautionary Approach. With MSY now clearly the target for EU fisheries management, the HCRs of a number of existing multi-annual management plans will have to be adjusted. However, some of the current multi-annual management plans have been assessed as inconsistent with both the precautionary and the MSY approach and/or have failed to meet the objectives.

In addition to HCRs, effort management is an important part of several management plans. For several stocks with multi-annual management plans, for example southern hake and some of the cod stocks, effort has not been sufficiently reduced due to implementation errors such as the use of inappropriate effort indicators, contributing to their failure.

There is a clear need for multi-annual management plans to be reviewed and adapted in a timely manner. Unfortunately, this is not happening today – partially due to a disagreement between the Fisheries Council and the European Parliament on the implementation of co-decision under the Lisbon Treaty in relation to HCRs. Therefore, ineffective plans have been maintained despite their weaknesses.

We strongly urge the Council to do its utmost to resolve the disagreements surrounding LTMPs, in order to ensure good management of stocks. Multi-annual management plans with inadequate targets and/or where objectives are not being met need to be revised as soon as possible. Also, as part of CFP reform, simpler and faster ways need to be found to revise plans in the future.

2. Following scientific advice

In order to address the current overfishing and rebuild stocks – a prerequisite for more profitable fisheries – it is imperative that the Commission’s proposed fishing limits are in line with scientific advice, and that the Council follows them.

With only three years left to reach the target of MSY, proposals on fishing opportunities are likely to include some severe restrictions. Another serious obstacle to implementation is that many of the EU’s assessed stocks still lack a defined fishing mortality target in line with MSY (F_{MSY}), and continue to be managed under the precautionary approach. The main reason for this is that two thirds of stocks are considered ‘data poor’ which does not allow MSY values to be calculated. Overall, only 35 of the EU stocks have a defined F_{MSY} target.

³LTMPs consistent with the MSY approach include North Sea haddock (bilateral Norway), West of Scotland herring, North Sea herring, Atlanto-Scandian herring (NEAFC Coastal States) and blue whiting (NEAFC Coastal States).

Finally, while management aiming for MSY is a significant step forward in the EU, we do not think it is sufficient as a long-term target. The concept of MSY has been subject to harsh criticism from the scientific community, because it puts stocks at too much risk and is single-species oriented.

TACs set in excess of scientific advice dropped again from 2010 to 2011, but 23 percent are still too high. There is an urgent need to align TACs with the scientific advice for all stocks and to fulfil the international commitment to MSY by 2015.

We recommend that the MSY transition scheme is respected and applied, so that necessary reductions can be made gradually, unless a direct reduction to MSY is advised by ICES. If not, larger and more drastic cuts will be needed in the future, as we approach 2015.

We also propose that management measures for mixed fisheries should be based on the most vulnerable population.

Although we support the commitment that all stocks are exploited at Maximum sustainable yield (MSY) by 2015, we insist that MSY should not be considered the ultimate target, but only constitute an intermediate target for stocks that are overfished. More precautionary targets, such as Maximum Economic Yield (MEY) should already be considered for stocks that are close to or at MSY today.

3. Addressing the absence of scientific advice

An important part of the Communication is focused on how to deal with “data poor” stocks. Scientific advice about overfishing is currently missing for over 60 percent of the stocks with TACs – in this case meaning that MSY targets and reference points cannot be calculated. Member States have a responsibility to provide scientific data on fisheries but several countries are failing to fulfil their obligations under the Community framework for the collection, management and use of data in the fisheries sector, and this has continuously hindered quality assessments.

In the communication, the Commission is taking a new, more precautionary approach to management when facing scientific uncertainty, whether it is due to a lack of knowledge concerning stock status or catch levels. By proposing significant reductions (-25 %) in fishing opportunities for data poor stocks, until the situation is rectified, it is taking actions that can be considered both stick and carrot in one, but further steps are likely to be needed in order to address data deficiencies.

There is no scientific advice at all for a large number of stocks, and therefore no proper regulation of fishing. In some cases, this may be addressed through further revisions of the framework for data collection and/or more funding for assessment of stocks.

However, traditional age-based full stock assessment is very time consuming and costly. Other ways of managing data poor stocks may be considered, using less demanding methods involving scoring and weighting factors such as vulnerability (productivity & susceptibility). This results in greater margin of error, and more precautionary limits, but may be a cost effective way to better regulate fishing activity. It is an approach used in other countries, for example Australia, New Zealand and the USA.

We support the Commission’s move to address the issue of how to manage ‘data poor’ stocks. We recommend the reasons behind the failures in providing scientists with valid data are considered:

- *Where funds are the issue, mechanisms should be introduced under the new financial instrument, to divert public funds for the purpose of collecting and enhancing fisheries data.*
- *Where the issue is simply institutional failure, that any weaknesses are addressed within a specified timeframe beyond which sanctions should be imposed such as fines, quota and/or funding cuts.*

- *To manage data deficiencies in a cost effective manner and also fill the current gaps, scientific advice should – where possible – be provided using a risk-assessment approach which considers data quality and vulnerability of the stock.*

The case of deep-sea fisheries

While fishing opportunities for deep-sea stocks are regulated bi-annually and not up for decision this year, we would still like to make a few comments, considering the paragraph in the Commission’s communication. Being long-lived with low fecundity, the majority of deep-sea species are very vulnerable to overfishing. In addition to the limited knowledge of these stocks, ICES has highlighted that significant mis-reporting or non-reporting of catches is very likely.

The Commission lists a number of species that are considered to be relatively “faster-growing” including tusk, ling, blue ling, red seabream and black scabbard, suggesting that they may sustain long-term fishing. However, there is a lack of data for these stocks, making it difficult to determine targets for long-term sustainable fishing. Moreover, these faster-growing deep-sea species are taken in mixed fisheries together with more vulnerable, slow-growing ones. Management measures for mixed fisheries should be in line with targets for catch or by-catch of the most vulnerable species.

We would like to see a progressive phase out of catches (i.e. quotas set at zero) for deep-sea species for which no catch limits have been established and/or for which neither the status nor the structure of the stock is known, until reliable stock assessments have been conducted and measures are in place that ensure long-term sustainable exploitation.

The limitations of effort management

In addition to the ongoing consultation on Fishing Opportunities, the Commission will also consult interested parties on effort management arrangements up until 1 September 2011.

Effort management is used in a number of long-term management plans, together with fishing quotas, and the combination of these two types of management can be effective. However, it is also used as the sole way of limiting fishing for a number of stocks, predominantly in the south and then it can be more problematic. Effort limits can be set in a number of different ways, but is essentially regulating days at sea for a certain amount of fishing capacity (commonly a function of tonnage, engine power and time). Seasonal and temporal closures to protect spawning aggregations or high numbers of juveniles can be seen as a type of effort management. Most commonly, it is a measure taken to restrict the “input” – the effort deployed – and a way to regulate against the effects of chronic overcapacity.

We believe effort management to be problematic for a number of reasons, including:

1. Accurately measuring capacity has proven problematic, and the indicators most commonly used – tonnage (GT) and engine power (kW) – do not produce a reliable estimate. In addition, when fishing limits are set in effort (e.g. kWdays) rather than landings (TAC), it is still necessary to convert the effort into likely fishing mortality caused by that level of activity. This introduces a further source of error and, for that reason, management by TACs is a better alternative.
2. Also, fishing effort limits does not necessarily tackle the root problem of overcapacity, but may gradually reduce profitability of the vessels taking part in a fishery as they get fewer and fewer days at sea.

Effort management is often suggested as the solution to mixed fisheries, where individual TACs may run out sooner than the others, causing widespread discarding. If this is the case, it is important that management measures are guided by the weakest population. Pure effort systems

may also lead to a race to fish and to less selective gear being used, thereby contradicting other management measures used.

Southern hake is an example of a fishery in which bad effort management has resulted in incredible TAC overshoots repeated over many years. The overall deployed effort has remained at 25–30 million kWdays since the recovery plan was first applied in 2005. However, this measurement is flawed, as effort in this fishery has shifted from ‘regulated’ to ‘derogated’ gears (which are not restricted under the plan), resulting in increasing catches with derogated gears. ICES has warned that the long-term sustainability of the stock is at risk if this continues. This example shows the importance of getting effort management right in order for it to limit fishing opportunities in practice.

We welcome the Commission consultation on this important issue. In general, we believe the setting of catch limits is a more precise and effective tool. When effort management is used, it needs to be carefully tailored to the specific fishery and the long-term effects on the sector need to be considered.

Changes to the TAC setting calendar

Finally, the Commission also proposes a number of changes to the timetable for proposals and decisions that result in next year’s fishing limits. If this is agreed, decisions on TACs for “exclusive EU stocks” in the Atlantic, North Sea and other areas would be taken in November. This would considerably reduce the pressure on the December Council and allow operators more planning time. The December Council would then only have to deal with stocks dependent on agreements with Norway and other third countries.

We welcome and support the proposed changes to the timetable of work.