

## **Annex 1: On the Communication from the Commission concerning a consultation on Fishing Opportunities COM (2012) 278 final**

We welcome the recent communication (COM(2012)278) in which the European Commission sets out principles for setting Total Allowable Catches (TACs) and effort levels for 2013. The communication shows a clear commitment to sustainable fishing opportunities in line with scientific advice.

Over the past years, there has been a gradual increase in the proportion of stocks (for which sufficient data is available) that shows signs of recovery, and this trend is continuing. For some of those rebuilt stocks, increased catches were possible already in 2012, indicating that the recovery of stocks to levels supporting Maximum Sustainable Yield (MSY) and the long-term positive gains from such management does not always take many years to achieve. This shows that rebuilding populations to levels above those that can deliver MSY is the best way to secure a sustainable future for both the marine environment and the European fishing industry.

While management of stocks for which full scientific assessments are available is improving, we are increasingly concerned about the data poor or data limited stocks. The Commission communication shows that while the situation for stocks where sufficient data exists is improving, the overall quality and coverage of data is declining. Today, 65% of stocks are not fully assessed and fewer stocks can be classified according to “safe biological limits” than in 2003.

### **Basic principles for proposing TACs for 2013**

The Commission is suggesting a number of principles as a basis for proposing TACs for 2013, with a different approach to data limited stocks than last year. Essentially, four 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 have been agreed with third countries, these must be adhered to.
2. For stocks where scientific advice is available based on comprehensive data and quantitative analysis and forecasts according to the ICES “MSY framework”<sup>1</sup>, this should be used to fix quotas and/or fishing effort, though a gradual implementation of this framework by 2015 could be accepted.
3. For stocks where indicative scientific advice is available based on qualitative analysis of available information, this should be used as a basis for TAC decisions.
4. For stocks where there is no scientific advice at all, the precautionary approach should be followed.

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<sup>1</sup>The 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.

*Overall, we support this approach for fixing fishing opportunities for 2013, which shows a commitment to long-term management, an honouring of international agreements and a willingness to include all stocks in the MSY framework by using qualitative analysis for data limited stocks. However, it is unclear how the precautionary approach for stocks where there is no scientific advice at all will be implemented.*

### **Agreed Long-Term Management Plans**

We support the general approach to follow long-term management plans when setting TACs or effort limits. However, the agreed long-term management plans do not necessarily comply with the overarching objectives set out in the Common Fisheries Policy and binding international agreements, such as ecosystem-based management and the target to rebuild stocks to levels above MSY by 2015.

The current impasse between the Council and the European Parliament on division of responsibilities with respect to the management plans prevents the urgently needed revision of several existing management plans, as well as the adoption of additional management plans.

Moving towards true ecosystem-based management will require consideration of a wider range of factors than currently used in single species management. Therefore, multispecies management may be the preferred option in areas where stocks interact and overlap to a large extent. One example is the Baltic Sea and its stocks of sprat, herring and cod, where some initial suggestions for multispecies management have been made. It is of paramount importance that the current and proposed objectives for the CFP, as well as EU legislation regarding protection of the marine environment, guide this work and that multispecies management also aims to achieve MSY for all stocks, as well as dealing with species interactions.

*We call on the Council and the Parliament to resolve the impasse on division of responsibilities with respect to the management plans as soon as possible, in order to avoid further detrimental delays in the long-term, sustainable management of European fisheries.*

*In principle, we welcome efforts to shift from single-stock management to multi-species management as this is most likely necessary to achieve ecosystem-based management. However, these plans have to be consistent with the overall management objectives for EU fisheries, including targets to rebuild stocks to levels above MSY, which is likely to result in lower fishing mortality levels.*

### **Applying the MSY framework**

The EU has committed itself to restore (or maintain) all fish stocks to levels that can produce the maximum sustainable yield (MSY) by 2015 where possible. This target was confirmed and its importance re-iterated at the Rio+20 conference<sup>2</sup> in June this year, where it was agreed to aim at “achieving these goals in the shortest time feasible, as determined by their biological characteristics”, making the statement stronger and more ambitious than the wording agreed by the EU Fisheries Council in its general approach at much the same time.

The international objective to reach biomass levels above MSY by 2015 has partially been implemented by the EU since 2010, when ICES started providing its advice for MSY or the so-called MSY transition scheme, aimed at setting mortality levels in line with MSY (FMSY) by 2015. This approach has shifted the baseline from biomass levels to mortality rates, delaying EU implementation of its international commitments.

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<sup>2</sup>The future we want. United Nations Conference on Sustainable Development. United Nations A/CONF.216/L.1. Rio +20. [https://rio20.un.org/sites/rio20.un.org/files/a-conf.216l-1\\_english.pdf.pdf](https://rio20.un.org/sites/rio20.un.org/files/a-conf.216l-1_english.pdf.pdf)

Not even the scientific advice on FMSY has always been adhered to in the negotiations about EU fishing opportunities, but the situation has improved slightly and some stocks have been rebuilt already. Implementation of this internationally agreed goal must not be further delayed because of recent political discussions regarding the reform.

In addition it should be noted that due to natural fluctuations, data errors and flaws in models, the UN Fish Stock Agreement requires a precautionary approach, regarding biomass levels that can produce MSY (BMSY) a limit rather than a target, and aims to achieve BMSY stock levels by setting lower mortality rates ( $<FMSY$ ).

*We call on Ministers to follow the ICES advice for direct application of FMSY when setting the fishing opportunities for 2013. This would bring about a faster recovery of European fish stocks than the alternative "MSY transition scheme", allowing more stocks to reach biomass levels consistent with MSY by 2015 and as a result boost future catches and support the EU fishing sector in securing its healthy future.*

### **New qualitative advice for data poor stocks**

For stocks where insufficient data are available, the setting of fishing opportunities should be based on proxies for MSY, as is already the case in the United States, New Zealand and Australia. We note that the International Council for Exploration of the Sea (ICES) has developed a similar framework for European fish stocks in 2012<sup>3</sup>. This framework foresees six categories of stocks with decreasing data availability, to which an increasing precautionary margin is applied in the advice on catches. Additionally, a restriction on changes in catch levels of  $\pm 20\%$  is applied in the advice for data limited stocks to take the greater uncertainties in the stock estimates, trends and forecasts into account.

We note with surprise the decline in the proportion of stocks where a quantified analysis and forecast is available. Where data collection routines are established through national and regional sampling programs these need to be continued, and data have to be collected and submitted as requested. Otherwise, data series will not be consistent over time and cannot optimally contribute to long-term scientific assessments.

*While the framework developed by ICES still needs to be applied and possibly improved, we support the underlying principle to use all data available in order to establish advice within an MSY framework for as many fish stocks as possible, as well as applying a greater precautionary margin with decreasing data availability.*

*To improve data availability, we call again on Member States to comply with the obligations set out in the data collection framework regulation<sup>4</sup>. We also call on the Commission to make use of the provisions to suspend and/or recover Community financial assistance in case of non-compliance.*

### **Stocks without scientific advice**

In its communication, the Commission proposes that the precautionary approach is used for stocks for which no scientific advice is available. It is, however, unclear exactly what this entails. Last year, the Commission proposed substantial cuts across the board of 25% for data poor stocks, partially in order to ensure sustainable management in the face of uncertainty, partially – most likely – to send a strong signal to Member States that they needed to improve on data collection and reporting, or it would have consequences.

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<sup>3</sup> Accessible at

[http://www.ices.dk/committe/acom/comwork/report/2012/2012/General\\_context\\_of\\_ICES\\_advice\\_2012.pdf](http://www.ices.dk/committe/acom/comwork/report/2012/2012/General_context_of_ICES_advice_2012.pdf)

<sup>4</sup> European Commission. OJ L 60/1, 05.03.2008: Council Regulation (EC) no.199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy

*We did not support last year's cuts across the board, but the wording this year leaves too much open to speculation. A clarification on how the precautionary approach will be applied is needed ahead of the beginning of negotiations on specific stocks.*

### **Fishing for deep-sea species**

The Commission correctly spells out that the status of many deep-sea stocks is a cause for concern. This year, the fishing opportunities for 2013 and 2014 will be agreed for a number of deep-sea stocks, and it can be expected that in that same period the renewed access regime will be adopted.

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 misreporting or non-reporting of catches is very likely. Most of the deep-sea species are taken in a mixed fishery with high levels of discards, in which faster growing species are taken together with more vulnerable, slow growing ones.

Many of the European deep-sea stocks are straddling into the high seas, and it is important to manage them in coherence with international agreements. In this context, we would like to highlight that the UN General Assembly resolution 64/72 (paragraph 119(d)) from 2009 clearly indicates that the catches of deep-sea species should be regulated on the basis of stock assessments, the best scientific information available and the precautionary approach, including measures to ensure that fishing effort, fishing capacity and catch limits are at levels commensurate with the long-term sustainability of such stocks.

*Given the extreme vulnerability of many deep-sea species and considering international commitments with regard to deep-sea fisheries in the high seas, we would like to see a 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 of the stock nor the impact of fishing on the stock is known. Until reliable stock assessments have been conducted, or qualitative advice has been produced based on the new ICES framework for data limited stocks that enables the setting of fishing limits, and other measures are in place that ensure long-term sustainable exploitation, no fishing on these stocks should be allowed.*