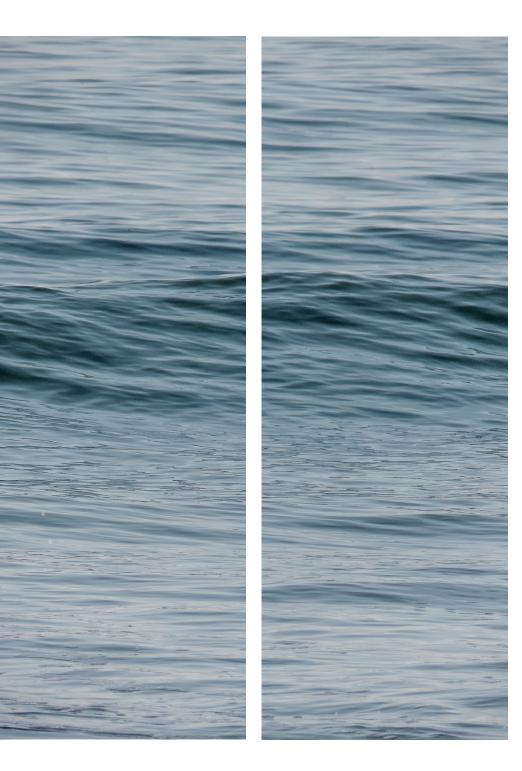
COMPARISON OF EUROPEAN COMMISSION COMMUNICATIONS ON EU FISHERIES "IN LINE WITH MAXIMUM SUSTAINABLE YIELD"

FROM 2015 TO 2019

JUNE 2019



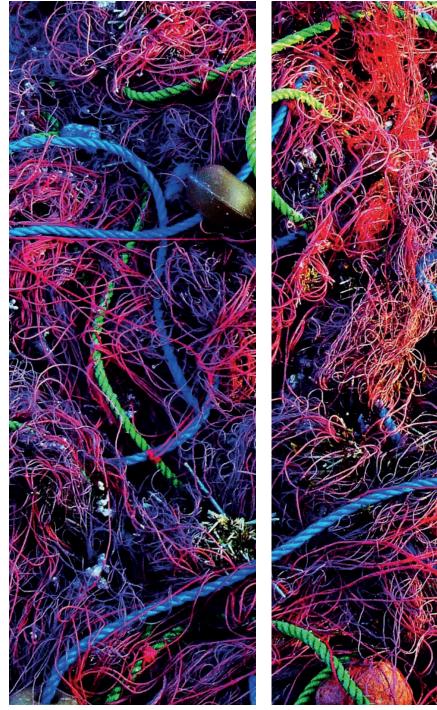


BACKGROUND

The Common Fisheries Policy (CFP) requires that the maximum sustainable yield (MSY) exploitation rate be achieved by 2015 where possible, and on a progressive, incremental basis at the latest by 2020 for all fish stocks, to allow them to recover to sustainable levels. Since the CFP entered into force in early 2014, what progress has been made to set fishing limits in line with the scientific advice on MSY fishing rates?

Following the decisions by EU fisheries ministers at their December meetings in 2014, 2015, 2016, 2017 and 2018, the European Commission published communications listing which stocks fished in the North East Atlantic, North Sea and Baltic Sea it considers would be harvested "in line with maximum sustainable yield (MSY)" for the following year, provided that the corresponding fishing limits (Total Allowable Catches (TACs)) were respected (See Commission documents "in line with MSY" for **2015**; **2016**; **2017**; **2018** and **2019**).

This document compares the different communications, raises a number of concerns, draws conclusions and makes specific recommendations to the European Commission on how to improve the reporting on progress towards ending overfishing. As in previous editions¹, the document ends with a detailed overview illustrating which TACs the Commission reported as being "in line with MSY" in the different years.



^I See Fundació ENT, Sciaena and Ecologistas en Acción comparison "in line with MSY" for **2016**, **2017** and **2018**.

MAIN FINDINGS

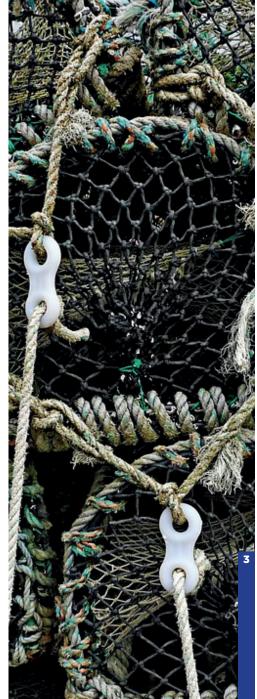
The number of TACs being "in line with MSY" has been overestimated by the European Commission each year (see table below for more details):

- * The overall number of TACs set in line with MSY according to the Commission would be: **36** for 2015 TACs, **38** for 2016 TACs, **47** for 2017 TACs, **53** for 2018 TACs and **59** for 2019 TACs.
- * According to our analysis, the overall number of TACs set in line with MSY would be: **30** for 2015 TACs, **29** for 2016 TACs, **37** for 2017 TACs, **50** for 2018 TACs and **49** for 2019 TACs.

| This detailed analysis also indicates that the progress towards ending overfishing has actually been reversed in the last year, showing an alarming lack of progress taking into account the EU's own legally binding deadline for achieving sustainable fishing limits for all fish stocks by 2015, when possible, and by 2020 at the latest.

Overall, the Commission has to increase transparency and incorporate in its communication substantial improvements in order to allow to evaluate the real number of TACs set "in line with MSY" and to illustrate trends that are important to judge progress made towards ending overfishing.





OBSERVATIONS

According to the different communications of the European Commission, **68** TACs have been set "in line with MSY" at least once between 2015 and 2019.

Multiple TACs that were reported as being in line with MSY in 2015, 2016, 2017 or 2018 are no longer in that category in 2019.

9 TACs^{II} that were considered as being in line with MSY in 2018 are no longer in that category in the Commission's 2019 list (a worrying increase compared with last year, where **5** TACs lost their MSY status in 2018).

Furthermore, our analysis indicates that **4** TACs^{III} should not feature as in line with MSY in 2019 as EU Fisheries Ministers agreed to set TACs exceeding scientific advice in relation to MSY for 2019.

In addition, there are **5** TACs^{IV} that should not be classified as being in line with MSY in 2019 due to only partial or no MSY advice on catch available from ICES for stocks covered by a TAC, or because the stock does not correspond to a TAC or a stock area.

Therefore, a minimum of **9** TACs should not be considered to be "in line with MSY" in 2019 (see table below for more details).

According to the Commission **13** new TACs are in line with MSY in 2019. However, when comparing against earlier Commission communications, **4** out of those 13 TACs^{**v**} had already been listed at least once in the previous year. A further TAC^{**v**} should not be listed as new, as it has not been set "in line with MSY" advice. Lastly, one more TAC^{**v**} has not been considered to be managed under a "traditional" TAC and we propose its deletion from the Commission list. As a consequence, our analysis indicates that only **7** TACs^{**v**} (out of 13) can be truly considered new in the 2019 list (see table below for more details).

This "two steps forward, one step back" trend, which appears in our analyses for each year, raises deep concerns in terms of the "progressive, incremental" trajectory towards MSY exploitation rates required by the CFP. Footnotes corrections: The Commission mentioned in its 2018 communication 3 TACs that had already been in line with MSY in 2017, although those 3 TACs^{IX} did not appear in the 2017 list. In the 2017 communication the Commission mentioned as a footnote 2 TACs^X that did not appear in the document but were considered in line with MSY in 2016. While EC communications for 2015, 2016 and 2019 did not contain any footnotes.

Taking into account the footnotes corrections mentioned in 2018 and 2017 Commission list, the overall number of TACs set in line with MSY according

Y Haddock in Celtic Sea, Bay of Biscay, Portuguese Waters, Union waters of CECAF; Herring in Celtic Sea, South West of Scotland; Plaice in Union waters of the Norwegian Sea and the North Sea not covered by Skagerrak and Kattegat; and Plaice in Kattegat.

^{vi} Hake in Bay of Biscay - South, Portuguese waters, Azores grounds, Union waters of CECAF (this also applies for Haddock in Celtic Sea, Bay of Biscay, Portuguese Waters, Union waters of CECAF mentioned in the previous footnote).

VII Nothern Seabass in Celtic Sea, Channel, North Sea, Irish Sea, Southern North Sea.

******* Anglerfish in Celtic Sea, Irish Sea; Anglerfish in Bay of Biscay...; **Cod** in Baltic Sea – Western; **Plaice** in Skagerrak; Plaice in Baltic Sea: 22-32; Sole in Irish Sea; and **Whiting** in North Sea, Union waters of Norwegian Sea.

^{IX} Sandeel in Union waters of Norwegian Sea; Kattegat and Skagerrak; North Sea; Haddock in the north-west Coast of Scotland and north Ireland or west of Scotland; and Haddock in the Irish Sea.

^x Herring in Union, Faroese, Norwegian and International waters of Barents Sea and Norwegian Sea, Spitzbergen, and Bear Island; and **Haddock** in EU and international waters of Rockall, north of Azores and east Greenland.

[&]quot; Cod in West of Ireland, Porcupine Bank, Western English Channel, Bristol Channel, Celtic Sea...; Cod in North Sea, Union waters of Norwegian Sea; Cod in Eastern English Channel; Cod in Skagerrak; Herring in Baltic Sea: Western (22-24); Herring in Skagerrak and Kattegat (directed); Herring in Union, Faroese, Norwegian and International waters of Barents Sea...; Herring in North Sea, Eastern English Channel and EU waters of Norwegian Sea; and Herring in Southern North Sea, Eastern English Channel (directed fishery).

[&]quot;Haddock in Celtic Sea, Bay of Biscay, Portuguese Waters, Union waters of CECAF; **Hake** in Bay of Biscay - South, Portuguese waters, Azores grounds, Union waters of CECAF; **Herring** in Baltic Sea: Central (25-29, 32); and **Salmon** in Baltic main basin.

IV Sandeel in Union waters of Norwegian Sea; Kattegat and Skagerrak; North Sea; Megrim in the Irish Sea (7a); Megrim in the Bay of Biscay; Norway lobster in the Norwegian Sea (EU waters) & North Sea (EU waters); and Norway lobster in the Faroes Grounds (EU and international waters), Rockall, etc.



to the Commission would be **36** for 2015 TACs, **38** for 2016 TACs, **47** for 2017 TACs, **53** for 2018 TACs and **59** for 2019 TACs.

But, as from previous years, we consider that the numbers reflected in all these communications, including the one from 2019, are not fully correct and some TACs should be removed from the Commission's list because:

- * Some fishing limits have been set above scientific advice on MSY or above the precautionary approach advice;
- * ICES considers the available information as inadequate to evaluate the status of some stocks in relation to MSY; and/or
- * Some of the TACs listed do not correspond to a TAC or a stock area.

Taking into account these three points and some other corrections (see table below for more details), about **49** TACs (out of 59) included in the 2019 Commission list could be considered as being set "in line with MSY" in 2019.

In contrast, we consider that there are some missing TACs from the 2019 list given by the Commission that should be listed as "in line with MSY"^{XI}. Findings which have partially been included in the detailed table below.

| In any case, taking into account the footnotes corrections mentioned previously, as well as our corrections, the overall number of TACs set in line with MSY would be according to our analysis 30 (out of 36) for 2015 TACs, 29 (out of 38) for 2016 TACs, 37 (out of 47) for 2017 TACs, 50 (out of 53) for 2018 TACs and 49 (out of 59) for 2019 TACs^{XII}.

| Therefore, our analysis indicates that the number of TACs being "in line with MSY" has been overestimated by the Commission each year. Furthermore, this analysis also shows that the progress towards ending overfishing has actually been reversed in the last year.

Overall, we consider that the methodology and the communication used by the Commission are not clear, making it very difficult to know the real number of TACs set "in line with MSY". This poses a challenge in terms of transparency, as it hinders stakeholders from assessing progress towards achieving the CFP's MSY objective.



^{x1} For example, we would consider that some TACs associated with **Blue whiting** and **Greenland halibut** stocks appear to be missing in the list while they seem to be set "in line with MSY" for 2019.

XII For the total counting we have considered the 4 TACs of northern **hake** which are represented in a single row in EC communication.

CONCERNS

| The CFP requires MSY exploitation rates to be achieved on a progressive, incremental basis. Therefore it is of great concerns that a large number of TACs that had already been set in line with MSY have been later set above the scientific advice, i.e. resuming overfishing.

The communications published by the Commission look only at individual years without illustrating developments and trends that are important to judge progress made towards ending overfishing.

The lists provided by the Commission should mention the total number of TACs decided by ministers in a given year. This would allow a better evaluation of progress in setting fishing limits in line with MSY, in particular as the number of stocks with scientific advice for MSY catch limits varies from one year to another.

Besides the above observations, the Commission defines **4** TACs in 2019 as "in line with MSY" and hails them as a success, although their fishing limits were set above scientific advice on MSY or the precautionary approach. Therefore, the following TACs should not be listed in the 2019 Commission's list:

- * **Haddock** in the Celtic Sea, Bay of Biscay, Portuguese Waters, Union waters of CECAF.
- * **Hake** in the Bay of Biscay South, Portuguese waters, Azores grounds, Union waters of CECAF.
- * Herring in the Baltic Sea: Central (25-29, 32).
- * Salmon in the Baltic main basin.

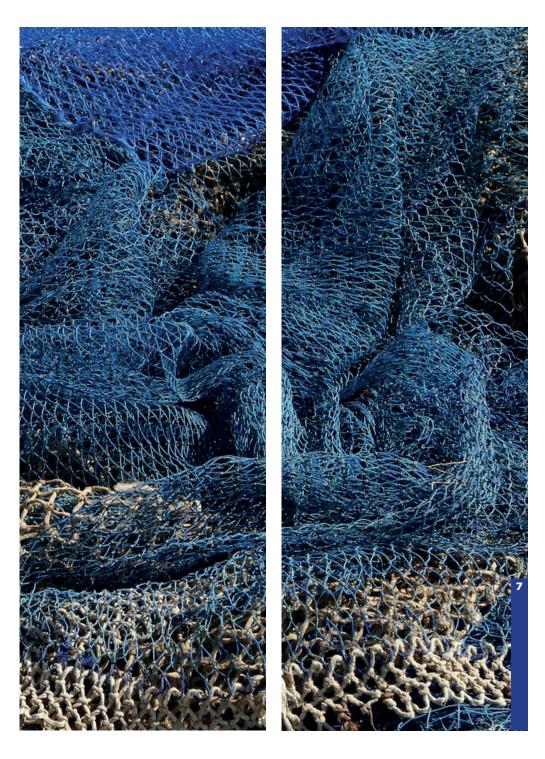
Furthermore, there are **5** additional TACs that should not be classified as being "in line with MSY" in 2019 due to only partial or no MSY advice on catch available from ICES for stocks covered by a TAC or because the stock does not correspond to a TAC or a stock area (see footnote iv).



The table below highlights that the Commission has hailed the setting of several TACs in line with advice in previous years, when the TACs were actually set above scientific advice on MSY or the precautionary approach, or had insufficient information to be considered a TAC at MSY. As a consequence, only **49 of the 59 TACs** included in the Commission list can be considered to be set in line with MSY in 2019. This means that the number of TACs touted as set in line with MSY is overestimated in each year and that progress to end overfishing is too low.

Finally, with the full implementation of the Landing Obligation in 2019, the Commission has no longer proposed adjustments to fishing opportunities, but this year TACs have been set using the total catch advised by ICES, instead of the landings recommendations, while the Landing Obligation is still under-implemented. This is a critical decision as it assumes that the Landing Obligation is fully applied and all catches are landed and effectively monitored.

Furthermore, some TACs have been subject to exemptions from the Landing Obligation, but have also been set using the total catch advised by ICES without any deductions for allowed discards. Knowing the lack of control and monitoring of many fisheries, it increases our concerns about how the Commission and the Member States are ensuring that fishing mortality is not increasing and that the CFP goals will be reached before the end of this year.



RECOMMENDATIONS

We welcome that the European Commission is measuring the progress made by EU Fisheries Ministers towards setting TACs in line with CFP requirements, even if strong concerns about the methodology remain.

The Commission should be specific about its definitions and methodology, provide the overall number of TACs set and report on several years to allow identification of trends.

The Commission should also be very clear when a given TAC has been set following scientific advice or specifically MSY advice (i.e. it requires MSY reference points or proxies).

Taking into account the inconsistencies of the Commission's lists we would recommend amending these documents and improving communication in order to reflect the real number of TACs set in line with MSY.

In addition, we encourage the European Commission to increase the transparency and the public information provided, e.g. regarding the numbers of TACs established following scientific advice (whether it is provided by ICES on the basis of MSY or the precautionary approach) and fully in line with the requirements of the CFP; methodologies used for matching scientific advice with TAC areas, as well as the information related to all 'non-papers' with additional TAC proposals; and access to the reports containing socio-economic evidence used to justify further delays in reaching MSY exploitation rates for certain TACs.

As the CFP 2015 deadline to end overfishing has passed, and the 2020 one draws near, the comparison of the Commission communications must illustrate the need for EU fisheries ministers to significantly increase their efforts to end overfishing in line with the reformed CFP to propose all fishing opportunities for 2020 not exceeding the scientific advice and ensuring that the precautionary approach, as defined in the CFP, is also applied.

Besides this, and taking into account the Landing Obligation context, we request the Commission to not increase or adjust TACs upwards as it would compromise the MSY objectives, as increasing TACs without an effective implementation of the Landing Obligation (even if they are set in line with MSY catch advice) can translate in overfishing.



COMPARISON TABLE

"TACs in line with MSY"



					LIST		
	COMMON NAME	CATCH AREAS	2015	2016	2017	2018	2019
1	Anglerfish	Celtic Sea, Irish Sea					New
2	Anglerfish	Bay of Biscay - North, Central, Off Shore and West of Bay of Biscay					New
3	Anglerfish	Bay of Biscay - South, Portuguese Waters, Azores Grounds, CECAF 34.1.1	•		•	•	•
4	Blue Ling	EU and international waters of Faroes Grounds, Rockall, Northwest Coast of Scotland and North Ireland, the Northwest Coast of Scotland and North Ireland also known as the West of Scotland; Irish Sea, West of Ireland, Porcupine Bank, Eastern and Western English Channel, Bristol Channel, Celtic Sea North and South, and Southwest of Ireland - East and West	8	8	•	•	•
5	Cod	Irish Sea				•	•
6	Cod	Baltic Sea -Western					New
7	Cod	West of Ireland, Porcupine Bank, Western English Channel, Bristol Channel, Celtic Sea, South-West of Ireland, Bay of Biscay, Portuguese Waters, Azores Grounds, Union waters of CECAF	×2	8		•	



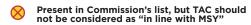
¹ TAC absent in the Commission list but we consider as being "in line with MSY".

² The TAC has been set above ICES MSY advice or above ICES precautionary approach. Therefore this TAC cannot be listed as being "in line with MSY".





- Absent in Commission's list, but TAC should be considered as "in line with MSY"
- New TAC listed by the Commission as in line with MSY for first time in 2019



	COMMON NAME	CATCH AREAS	2015	2016	LIST 2017	2018	2019
8	Cod	North Sea; Union waters of Norwegian Sea; that part of 3a not covered by the Skagerrak and Kattegat		•		•	
9	Cod	Eastern English Channel		•		•	
10	Cod	Skagerrak		•		•	
11	Haddock	EU and international waters of Rockall, North of Azores and East Greenland	\bigotimes	3	•	•	
12	Haddock	Irish Sea			2,4	•	•
13	Haddock	North Sea, Norwegian Sea (EU waters)		×	•	•	•
14	Haddock	Kattegat and Skagerrak, Union waters of subdivisions 22-32	•	×	•	•	•
15	Haddock	Northwest Coast of Scotland and North Ireland or West of Scotland	•	×	4	•	•
16	Haddock	Celtic Sea, Bay of Biscay, Portuguese Waters, Union waters of CECAF			•		8 ² New
17-20	Hake	Overall northern stocks (4 stocks)		×	•	•	•
21	Hake	Bay of Biscay - South, Portuguese waters, Azores grounds, Union waters of CECAF					× New



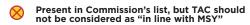
³ According to the Commission, the TAC was set in line with MSY in 2016, but it was not included in the previous edition of the document (Council of December 2015).

⁴According to the Commission, the TAC was set in line with MSY in 2017, but it was not included in the previous edition of the document (Council of December 2016).





- Absent in Commission's list, but TAC should be considered as "in line with MSY"
- New TAC listed by the Commission as in line with MSY for first time in 2019



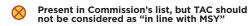
	COMMON NAME	CATCH AREAS	2015	2016	LIST 2017	2018	2019
22	Herring	Irish Sea	•	•	•	•	•
23	Herring	Celtic Sea, South West of Scotland	•	•	•		New
24	Herring	Baltic Sea: Western (22-24)	•	•	•	•	
25	Herring	Baltic Sea: Central (25-29, 32)		•	•	•	2,5
26	Herring	Baltic Sea: Riga (28.1)			×2	•	•
27	Herring	Baltic Sea: Bothnian (30-31)	•		•	•	•
28	Herring	Skagerrak and Kattegat (directed)	×2	•		•	
29	Herring	Union, Faroese, Norwegian and International waters of Barents Sea and Norwegian Sea, Spitzbergen, and Bear Island	•	3	•	•	
30	Herring	North Sea, Eastern English Channel and EU waters of Norwegian Sea	•	•	•	•	
31	Herring	Southern North Sea, Eastern English Channel (directed fishery)	•	•	•	•	
32	Horse Mackerel	Portuguese waters	•	•	•	•	•

⁵ The TAC has been set above the level advised by ICES and above the corresponding FMSY by using the upper range of FMSY (MSY F_{upper}). Therefore, this TAC cannot be listed as being "in line with MSY".





- Absent in Commission's list, but TAC should be considered as "in line with MSY"
- Absent from the European Commission's annual list "TACs in line with MSY"
- New TAC listed by the Commission as in line with MSY for first time in 2019



		COMMON NAME	CATCH AREAS	2015	2016	LIST 2017	2018	2019
33		Horse Mackerel	Norwegian Sea, Northern North Sea; Rockall, the Northwest Coast of Scotland and North Ireland also known as the West of Scotland; Irish Sea, West of Ireland, Porcupine Bank, Eastern and Western; English Channel, Bristol Channel, Celtic Sea North and South, and Southwest of Ireland - East and West; Bay of Biscay (North, Central, Offshore, West); EU waters of Faroes Grounds, North of Azores, East Greenland	•	•	•	•	•
34		Horse Mackerel	Bay of Biscay - South	•	•		•	•
35		Megrims	Norwegian Sea (EU waters), North Sea (EU waters)		•		•	
36	-	Megrims	Union and international waters of Faroes Grounds; Rockall, Northwest Coast of Scotland and North Ireland, the Northwest Coast of Scotland and North Ireland also known as the West of Scotland; interna- tional waters of North of Azores and East Greenland	•	•	•	•	•
37		Megrims	Irish Sea ⁶				2,7	8
38		Megrims	Bay of Biscay - North - Central - Offshore and West				2,7	×′
39		Megrims	Bay of Biscay - South, Portuguese Waters, Azores Grounds, CECAF 34.1.1				•	
40		Northern Prawn	Skagerrak and Kattegat	×2	•	•		
41		Northern Prawn	EU waters of Norwegian Sea and North Sea	×2				



⁶ Megrim in the Irish Sea (7a) does not correspond to a TAC or a stock area. As from previous years we assume the Commission is referring to the TAC in the Celtic Sea (west and south-west of Ireland, area 7b-k).

⁷ This is a combined TAC and according to ICES in this area the state and exploitation status of the four-spot megrim (L. boscii) are presently unknown. Therefore this TAC cannot be listed as being "in line with MSY".





- Absent in Commission's list, but TAC should be considered as "in line with MSY"
- New TAC listed by the Commission as in line with MSY for first time in 2019



	COMMON NAME	CATCH AREAS	2015	2016	LIST 2017	2018	2019
42	Northern Seabass	Celtic Sea, Channel, North Sea Irish Sea, Southern North Sea					New
42	Norway lobster	Norwegian Sea (EU waters), North Sea (EU waters)	\bigotimes	\bigotimes	\bigotimes	\bigotimes	\bigotimes
43	Norway lobster	Faroes Grounds (EU and international waters), Roc- kall, Northwest Coast of Scotland and North Ireland (also known as the West of Scotland)	\bigotimes	\bigotimes	\bigotimes	2,9	\bigotimes
44	Norway lobster	Skagerrak and Kattegat, Union waters of subdivisions 22-32	•	8 ²	•	•	•
45	Norway lobster	Celtic Sea, Irish Sea				•	•
46	Norway lobster	Bay of Biscay - North - Central - Offshore and West			•	•	•
47	Norway pout	Skagerrak and Kattegat; EU waters of Norwegian Sea and North Sea			•	•	•
48	Plaice	Eastern English Channel, Western English Channel	•	•	•	•	•
49	 Plaice	Union waters of the Norwegian Sea and the North Sea not covered by Skagerrak and Kattegat	•		8 ²		New
50	Plaice	Kattegat	⊗	•	•	\bigotimes^1	New

⁸ Even if some measures have been put in place for Northern Seabass, it is not officially managed under a TAC. In addition, among other considerations, it has not been possible to verify if its fishing limit has been set according to ICES advice. Therefore, for the purpose of this analysis, Northern Seabass has not been considered as a TAC and we propose its deletion from the Commission list.

⁹ Some Functional Units are considered undefined by ICES or have no MSY advice. Therefore this TAC cannot be listed as being "in line with MSY".







- Absent in Commission's list, but TAC should be considered as "in line with MSY"
- New TAC listed by the Commission as in line with MSY for first time in 2019



	COMMON NAME	CATCH AREAS	2015	2016	LIST 2017	2018	2019
51	Plaice	Skagerrak			8 ²		New
52	Plaice	Irish Sea				•	•
53	Plaice	Baltic Sea: 22-32		×2	8 ²		New
54	Saithe	Skagerrak and Kattegat, North Sea, EU waters of Norwegian Sea, Sound, Belt Sea			•	•	
55	Saithe	Rockall, Northwest Coast of Scotland and North Ireland also known as the West of Scotland; EU and international waters of Faroes Grounds, North of Azores and East Greenland	•	•	•	•	•
56	Salmon	Baltic main basin		•	•	×2	×2
57	Sandeel	Union waters of Norwegian Sea; Kattegat and Skagerrak; North Sea			4,10	×10	×10
58	Sole	Irish Sea	×				New
59	Sole	Western English Channel	•			•	
60	Sole	Skagerrak and Kattegat, Sound, Belt Sea, Union waters of Subdivisions 22-32	•	•		•	•

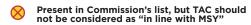
¹⁰ According to ICES, fishing mortality reference points with respect to MSY are undefined in some sandeel areas (e.g. sandeel in area 7 - northern North Sea, Shetland). Therefore, we do not consider this TAC should be listed as being "in line with MSY".







- Absent in Commission's list, but TAC should be considered as "in line with MSY"
- New TAC listed by the Commission as in line with MSY for first time in 2019



		CATCH AREAS	2015	2016	LIST 2017	2018	2019
61	Sole	Eastern English Channel				•	•
62	Sole	Bristol Channel and Celtic Sea North				•	•
63	Sole	Bay of Biscay - North and Central					•
64	Sole	Norwegian Sea (EU waters), North Sea (EU waters)			×2		•
65	Sprat	Baltic Sea: 22-32	×2		•	•	•
66	Sprat	Norwegian Sea (EU waters), North Sea (EU waters)	•	•	•	•	
67	Whiting	North Sea; Union waters of Norwegian Sea			×2		New
68	Whiting	West of Ireland, Porcupine Bank, Eastern English Channel, Western English Channel, Bristol Channel, Celtic Sea North, Celtic Sea South, South-West of Ireland - East, South-West of Ireland – West	•	×2	•	×2	•





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