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Consultation on Fishing Opportunities for 2010

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COMMUNICATION FROM THE COMMISSION

Consultation on Fishing Opportunities for 2010

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1. INTRODUCTION

Each year, the European Union decides on the fishing opportunities – the quotas of fish and the allowable fishing effort - for European fishermen and in European waters. These decisions are made on the basis of a proposal from the European Commission.

The Commission's proposal must be formulated in accordance with a number of guiding principles. First, in accordance with the main objectives of the Common Fisheries Policy (CFP)¹, annual fishing opportunities must be set at a level which ensures sustainable exploitation of resources in environmental, economic and social terms. Secondly, to ensure a stable and predictable framework for operators depending on fisheries, annual variations should be kept within pre-determined limits. Thirdly, international commitments must be respected, including the commitment to rebuild stocks so that they reach their maximum productivity². Finally, in line with the approach agreed in the Communication on "Improving consultation on Community fisheries management" of 2006, stakeholders must be involved at an early stage in the discussion of fishing opportunities.

In line with the new working method proposed in 2006, this paper sets out the Commission's intentions for its proposals for total allowable catches (TACs) and fishing effort for 2010 to meet its commitment to sustainable fisheries. The state of resources remains worrying. Several stocks are still exploited beyond sustainability. Fishing opportunities have been set at levels too high for stocks to be sustainable. Nevertheless, several long-term plans have been implemented successfully, generating signs of stock recovery.

The Commission seeks the views of stakeholders on the rules set out in this paper and invites Member States and the industry to suggest improvements. Further consultations will be planned concerning the improvement of the other aspects of fisheries management during 2009. The general approach proposed in this Communication, namely in its Annex II, may nevertheless be revised in light of scientific advice when it is provided and, for that reason, the Commission does not exclude changes in its proposals for fishing opportunities for 2010.

2. STATE OF RESOURCES

In many sectors, conservation policy is not delivering sustainability. Most demersal stocks have declined and are not at sustainable levels, being exploited outside safe biological limits. However, many pelagic stocks are fished sustainably.

Scientific agencies assess each year whether the stocks are at risk of their future reproduction being compromised, *i.e.* whether they are outside "safe biological

¹ Article 2 of Council Regulation (EC) No. 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy. OJ L 358 of 31.12.2002, p. 59.

² Implementing sustainability in EU fisheries through maximum sustainable yield. Communication from the Commission to the Council and the European Parliament. COM (2006) 360 final.

limits". Largely because of inaccurate catch reports, the state of some 59% of stocks is unknown. Of those stocks for which the state is known 69% are at high risk of depletion, and only some 31% of stocks are known to be fished sustainably. In 86% of stocks, overfishing is so serious that more fish would be caught if there was less fishing. This number is way above the situation outside the EU where the global average is 28% of stocks being overfished³. Some 18% of stocks are in such bad state that scientists advise that there should be no fishing (see tables in Annex I).

Despite substantial efforts, there are only limited signs of stock recovery or of reductions in overfishing since 2003. Fisheries management in the European Union is not working as it should and the objective of achieving long-term sustainability is not being reached. Therefore, an overall reform of the CFP has been launched with the Green Paper.

3. FISHERIES PERFORMANCE

While there are examples of EU fleets that are profitable, the majority of Europe's fishing fleets are either running losses or returning low profits. This overall poor performance in particular demonstrates a situation of chronic overcapacity of which overfishing is both a cause and a consequence. In this respect, the fleet still has to be adapted in size to avoid overfishing under normal economic conditions, thereby ensuring the full activity for the vessels.

Overall, the EU fishing fleet experienced modest profits between 2003 and 2007. However, many of the profitable fleet segments have relied in additional revenues from direct subsidies (EU and national state aid⁴), estimated to be in the range of between 10% and 20%. If these were deducted, profitability across many fleets would probably have been negative, or at best around zero, over the whole period.

The latest projections for 2008-09 indicate a deterioration in economic performance of the fleet:

- Fishing opportunities are decreasing for a number of key stocks which will limit the earnings potential of large sectors of the EU fleet.
- The fuel crisis in 2008 raised operational costs significantly and raised serious concerns about the future structure of the EU fleet, particularly for vessels that are fuel inefficient. While pressure from high fuel costs has diminished dramatically since last summer (marine diesel prices in EU harbours were around €75 cents/litre in July 2008 and dropped to around €36 cents/litre in February 2009), the long term expectations are that fuel prices will rise again.
- The global economic crisis in 2009 seems to be affecting both access to credit and demand for seafood, and thus fish prices. This is impacting a harvest sector which has already been unable to benefit economically from the steady growth of fish demand in the EU over the past decade. In spite of declining landing volumes for

³ FAO (2009). The state of world fisheries and aquaculture 2008. Food and Agriculture Organization of the United Nations. Rome.

⁴ Tax exemptions (e.g. fuel) and subsidized national social schemes not included.

most stocks, first sale prices for many important species have stagnated or even declined. For example, North and Baltic Sea cod prices have seen a year on year decline of some 20-30% in February (dropping from average prices of €3.00-3.50 to €2.20-2.75 per kg). According to Globefish-FAO, demand and prices have collapsed in major markets for whitefish in recent months. In 2009, the markets for high value species such as cod and tuna are likely to be particularly affected. Conversely, low value pelagic species are expected to fair much better, as are many crustaceans and salmon.

4. PRINCIPLES FOR 2010

The Commission remains committed to fishing opportunities that are sustainable according to scientific advice and, for depleted stocks, will allow a high chance of stock recovery.

Fishing opportunities should be set:

- according to long-term plans;
- respecting relevant international agreements, including the commitment to rebuild stocks so that they reach their maximum productivity (MSY);
- and respecting the objectives of the Common Fisheries Policy, and especially respecting the need to reduce fishing on overexploited stocks and to rebuild depleted stocks.

The Commission attaches the highest importance to the respect of these principles. These are explained in more detail below.

5. FISHING OPPORTUNITIES DECIDED UNDER THE CFP

5.1. Setting TACs

Overfishing and stock depletion is due in part to setting levels of TACs and effort that are too high. The TACs adopted by Council based on a Commission proposal have been on average about 48% higher than the catches that, according to scientific agencies, would be sustainable in accordance with the precautionary approach (Table 4, Annex I)⁵ The Commission proposal has, in many cases, differed from scientific advice because the level of TAC change is limited to a fixed percentage (see Annex II), to account for the request of stability by the industry. In addition to known problems about enforcement, setting quotas at levels that are too high has contributed to keeping marine resources at low levels.

5.2. Setting fishing effort

Fishing effort has been managed alongside TACs in order to reduce discarding, to reduce the opportunity for illegal, unreported and unregulated (IUU) catches, and to

⁵ For this calculation, a TAC set when scientific advice is for a zero catch has been counted as a 100% excess.

stimulate a reduction of overcapacity. Effort management is also a conservation measure where the forecasts used to propose TACs are unavailable. It forms part of the long-term plans for cod in the North Sea and Baltic Sea, North Sea plaice and sole, western Channel sole, southern hake and Norway lobster stocks.

The adoption, in December 2008, of the long-term plan for cod stocks has brought significant changes to the way in which effort is managed and should serve as an example to further improve effort systems applicable for other species or in other areas.

The effort management system based on kW-day ceilings in place lets Member States decide on a balance between fleet capacity and fishing opportunities. It also lets Member States fine-tune allocations of kW-days to encourage more selective fishing. During 2009, the Commission will follow closely how Member States put the new system into operation in order to ensure that it will be properly implemented. The kW-day ceilings for 2010 will be adapted based on scientific advice according to the harvest control rules established in the respective long term management plans. The shift to the kW-days system of the effort scheme under the southern hake and Norway lobster, and western Channel sole management plans is foreseen to take place after those plans have been reviewed in 2010.

6. IMPLICATIONS OF THE LISBON TREATY

While the decision to ratify the Lisbon Treaty has not been taken by all Member States, the Commission considers it necessary to prepare for the eventuality of the Treaty coming into effect before the entry into force of the fishing opportunities regulations for 2010.

The Lisbon Treaty establishes co-decision as the main decision-making procedure for matters falling under the CFP. An exception is foreseen in Article 43(3) of the Treaty as regards measures "on the fixing and allocation of fishing opportunities". These measures are to be adopted by the Council, on a proposal from the Commission, without the involvement of the Parliament. It therefore become important to distinguish clearly between measures which can be considered to be concerned with the fixing and allocation of fishing opportunities and those which, on the contrary, must be adopted via co-decision.

It is therefore necessary to examine thoroughly the recurrent content of the yearly Council regulations on fishing opportunities in order to see which of their provisions can be included in a measure based on Article 43(3).

This scrutiny exercise is currently being carried out by the Commission. It intends to include in its proposals for fishing opportunities regulations for 2010 only those provisions which are functionally linked to the fixing and allocation of fishing opportunities. This will lead to the exclusion of all those technical and control provisions which do not meet this criterion, as well as provisions concerned with the implementation in Community law of rules adopted by Regional Fisheries Management Organisations.

In this respect, the proposed Control Regulation and Technical Measures Regulation will be of particular importance: once adopted, these regulations will provide for

permanent provisions, thus replacing the transitional measures currently applied annually through annexes of the annual fishing opportunities regulations.

7. MANAGEMENT BY LONG-TERM PLANS

Long-term plans remain at the core of the Commission's policy. Existing plans must be implemented, including internationally-agreed plans. Such plans have proven to be more effective in managing stocks and have helped to improve the decision making, both in procedural aspects as well as the final outcome. Since 2002, management plans have been developed for many stocks: 41% of pelagic stocks (41% of catches) and 29% of demersal stocks (44% of catches) are now under long term plans.

Work will continue on bringing more stocks under long-term management, including the pelagic stocks in the Baltic Sea and a few Mediterranean fisheries. Specific plans will be proposed in 2009 for northern hake, western horse mackerel, Bay of Biscay anchovy and Baltic salmon. Where, pending adoption of such plans, Council and Commission have declared specific intentions on harvest rules, the declarations will be followed by establishing the 2010 fishing opportunities for the species concerned, and will subsequently be implemented in Commission proposals (e.g. Celtic Sea herring and west Scotland haddock).

In addition, the Commission is reflecting on a possible different legal structure for the next long-term plans, one possibility could be that many different stocks would be brought under long-term management in a single Regulation.

8. WORKING METHOD WHERE LONG-TERM PLANS ARE NOT YET IN FORCE

Where long-term plans are not yet in place, TAC decisions are taken on the basis of annual scientific advice from ICES and STECF, the latter including biological as well as socio-economic aspects. Rules have been developed⁶ for TAC setting so that fair treatment is assured and as much stability as possible is provided to the industry. These rules will continue to apply, but with some changes as required by the latest scientific advice.

In 2008 STECF reported⁷ on the likely outcome of the rules in the Commission's Policy Statement. The advice was broadly supportive in that TACs set according to categories 1 till 3 (stocks with analytical assessment) often lead to stock rebuilding and recovery. STECF however pointed out one serious shortcoming: for stocks for which an analytical assessment is not available (categories 6 to 9 and 11) setting a TAC in line with a trend in catch per unit of effort (cpue) will not maintain a healthy stock and was not recommended. In addition, STECF stated⁸ later that in the case of the Western Baltic spring spawning herring stock in Division IIIa and Subdivisions

⁶ Fishing Opportunities for 2008. Policy Statement from the European Commission. Communication from the Commission to the Council. COM(2007) 295 final.

⁷ STECF (2008). Report of the Subgroup on Stock Reviews on Harvest Control Rules (SGRST-08-02). 83 pp.

⁸ STECF (2008). 29th Plenary Meeting Report (PLEN-08-03). 67 pp.

22-24, applying the rule of category 3 would not improve the situation of this stock. In light of these conclusions, a change to category 3 is necessary.

Following from a Council and Commission Declaration, the management of stocks where ICES is not able to provide a catch option table is being re-examined. The Commission intends to develop a new rule concerning stocks in categories 6 to 9 and has formulated a request to ICES on this topic (see Annex III). Following the ICES and STECF response on this matter, the Commission will decide whether to base its TAC proposals for such stocks in 2010 on the existing rule, on the new rule detailed in Annex III, or to use other alternative rules that may have been suggested by ICES or STECF. The RACs are invited to present their advice on these new management options for stocks without a quantified assessment. STECF will be asked to evaluate the biological, social and economic effects of these different options and changes.

Referring now specifically to stocks where scientific advice is lacking (category 11). Scientific agencies have only been able to forecast the size of fish stocks, fishing mortality rates and catch levels for about 35% of stocks (Annex I), because of inaccurate data from the fishing sector on landings, as well as problems in obtaining discards and effort data. This problem seems to be getting worse: poor data leads to poor decisions, which in turn means poor conservation status and depleted stocks. Thus if data is not improved, then a precautionary approach will be followed and consequently more stringent rules will be applied. This is also the case when two or more stocks, with different scientific advices (and thus categories), are managed together and a common TAC is set.

Member States are reminded to implement data cross-checking and to improve data delivery. The Data Collection Framework (DCF)⁹ will improve some of the data-related issues, namely through the increase of species listed for mandatory data collection (including surveys at sea). Furthermore, the current reform of the CFP control system should address these shortcomings, providing for the improvement of the VMS system and a faster and wider implementation of the electronic logbook. The Commission will continue to follow up these matters closely during 2009.

9. DISCARDS

Discarding of marine organisms (some of it of marketable fish) is a major problem in European waters. The Commission has made clear its intention to eliminate this undesirable practice¹⁰. Achieving this objective requires changes in Community legislation as well as changes in fishermen's behaviour. In 2009, significant steps are being taken to address the problem of discards: a highgrading ban has been put in place in the North Sea and Skagerrak, effort has been further reduced in the context of multiannual plans and there are on-going pilot studies on how to reduce discards further. For 2010, more significant steps should be taken, as such:

⁹ Council Regulation (EC) No. 199/2008 establishing 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.

¹⁰ A policy to reduce unwanted by-catches and eliminate discards in European fisheries. Communication from the Commission to the Council and the European Parliament. COM(2007) 136 final

- Reducing fishing effort as agreed in the context of multiannual plans; this is a fundamental step to reduce discards, as it reduces discarding of *all species* (including non-commercial) caused by several reasons (e.g. low or no market value, highgrading and quota exhaustion). Reducing fishing effort on overexploited stocks will moreover increase population sizes and the average size of fish and so decrease discarding of undersized fish.
- A general highgrading ban, i.e. the prohibition to discard any marine organism that is caught in a fishing operation and brought on board a fishing vessel that can be legally landed, should be implemented in all areas.
- Pilot studies - research studies on specific issues that relate to a discard ban should be encouraged, such as survival of discarded species, improving gear selectivity, economic impacts of a discard ban, possible uses of unwanted organisms, etc.
- Fishing permits – Member States are urged to give fishing permits only to vessels with an allocation of fishing opportunities in the form of quotas for the species that are likely to be caught in the fishery in question.

9.1. Guidelines for discard pilot studies

In 2009 the number of initiatives to study specific issues that derive from a discard ban are expected to increase, creating the need for common rules to be set. These will ensure a level playing field between studies, a common approach between geographical areas, but also that the discards project related objectives are met. The rules for discard pilot studies thus include:

- That all catches of regulated species are counted against quotas;
- That positive incentives for the vessels engaged in the pilot study are made only at Member State level within the quota and effort limitation allocated to the Member State;
- The obligation to carry on board observers/Electronic Monitoring (EM) in at least 50% of fishing trips of the vessels engaged in the pilot study;
- The possible revision of technical measures;
- That results are scientifically analysed;
- A reporting obligation to the Commission of the project results in a scientific report for inclusion in the website (open to the general public).

10. SCHEDULE OF PROPOSALS

10.1. Mediterranean Sea and the Black Sea

In the Mediterranean, the only TAC at present is that for Bluefin Tuna established by ICCAT, which also set up a recurrent closed season (1 October - 30 November) for

fisheries fishing for swordfish. The Black Sea is covered by a specific TAC & quota Regulation since 2008. The TAC setting for 2010 will follow the rules in Annex II, and additional species or technical measures may be included.

The Commission considers that implementation of the Mediterranean regulation is still less than satisfactory, even in those parts eliciting a bottom-up approach like the national management plans and the provision of relevant information to establish a network of fishing protected areas. Work will continue to prepare Community long-term management plans and to promote this approach, together with other conservation actions and specific measures on monitoring and control within the General Fisheries Commission for the Mediterranean (GFCM). STECF will continue to be promoted as the appropriate international scientific platform to support the contribution of the European scientists to the strengthening of the scientific basis for sustainable fisheries management in the region and to enhance scientific contributions to the Scientific Advisory Committee of GFCM.

10.2. Baltic Sea

The Commission will present its proposal concerning 2010 TACs for Baltic stocks in September 2009. The Council will be invited to adopt the proposal in October. ICES advice will be available on the 29th of May, while STECF will provide its advice by the 19th June. The RAC is invited to provide advice to the Commission by the end of June.

10.3. Atlantic, North Sea and International Waters

Scientific advice concerning most demersal stocks will be available from STECF in mid July. The Commission proposal will be published in October, to allow as much time as possible for consultation on the Commission's proposal. The Commission will inform stakeholders of the outcome of the rules set out in this document, according to the latest scientific advice at a meeting to be convened before the end of July 2009.

The timeline for the autumn round of decision-making will be maintained since the advice for the large pelagic shared stocks will only be available in October. This will be needed before a full package of fishing opportunities can be negotiated. The proposal will thus contain many elements on which decisions have not yet been taken and no specific figures can be presented.

10.4. Timetable

The timetable foreseen is as follows:

Fishing Opportunities Regulation	Date of Commission Proposal	Possible date of adoption by Council
Black Sea	September	October Council
Baltic Sea	September	October Council
All other areas	October	December Council

11. STAKEHOLDER DIALOGUE

The Commission attaches high value to stakeholder input throughout the process leading to the establishment of annual fishing opportunities. Feedback on this document can be seen as the starting point for that dialogue in the annual regulatory cycle. The various Regional Advisory Councils, as well as the Advisory Committee on Fisheries and Aquaculture have conveyed such feedback with a focus on the need for the Commission to factor in socio-economic factors when making its proposals. In addition, the sector has consistently reiterated the value of maintaining a reasonable degree of stability in the TAC levels, while having varying views on the merits of individual TAC setting rules.

The Commission has consistently maintained in its dialogue with stakeholders on the above essential points that the establishment of fishing opportunities is the core element of a policy that includes various different tools to address the economy of the fishing and processing sector. The Commission strives to have a comprehensive approach to the use of all such tools, and remains attached to the essential principle that adequate management of the resource base for the fishing activity is a pre-requisite for an economically resilient sector. On the other hand, the Commission warmly welcomes the readiness of stakeholders, as conveyed by the RACs and ACFA feedback, to engage in industry-science partnership to address data-poor situations and thus contribute to making the management regime more robust.

12. CONCLUSION

The Commission solicits the views of Member States and stakeholders on the approach set out above.

It will value highly the advice of the Regional Advisory Councils and the Advisory Committee for Fisheries and Aquaculture. Taking account of this advice will help the Commission meet its responsibility to manage for sustainability according to the Common Fisheries Policy's objectives.

The Commission takes a responsible approach to management for sustainability: absence of evidence is not evidence of sustainability.

Stakeholders' advice can only be used by the Commission when it is developed using an evidence-based approach to sustainable fishing; i.e. data are needed to support stakeholders' advice.

Good information about the fishery and the stocks is needed in order to provide credible advice. Stakeholders are encouraged to ensure full and effective implementation of the existing systems of catch reporting and data collection. These are essential to make fisheries management work. With a sound basis in information, stakeholders will also be better able to advise the Commission concerning sustainable fishing practices.

The Commission will pursue specific technical follow-up (and especially concerning effort management systems) with Member States and stakeholders from the second quarter of 2009.

In order that the results of consultations can be used in time, the Commission requests that contributions concerning this Communication be finalised by **31 July 2009**. A discussion at political level with Member States is foreseen to take place at the Fisheries Council on the 22-23 June.

ANNEX I

Table 1. Scientific advice about the state of the stock	Number of stocks						
	2003	2004	2005	2006	2007	2008	2009
Outside safe biological limits	30	29	26	26	26	28	27
Inside safe biological limits	12	10	14	11	12	13	12
The state of the stock is unknown due to poor data	48	53	53	57	58	55	57

Table 2. Scientific advice about overfishing	Number of stocks						
	2003	2004	2005	2006	2007	2008	2009
The rate of fishing on the stock is known compared to maximum sustainable yield rate			34	23	32	33	35
The stock is overfished ¹¹			32	21	30	29	30
The stock is fished at the maximum sustainable yield rate			2	2	2	4	5

Table 3. "Emergency" scientific advice	Number of stocks						
	2003	2004	2005	2006	2007	2008	2009
Scientific advice to stop fishing	24	13	12	14	20	18	17

Table 4. Difference between TACs and sustainable catches	2003	2004	2005	2006	2007	2008	2009
	Excess of TAC over sustainable catch (%)	46%	49%	59%	47%	45%	51%

Table 5. Summary of the scientific advice about fishing opportunities	Number of fish stocks						
	2003	2004	2005	2006	2007	2008	2009
Stocks where stock size and fishing mortality can be forecast	40	34	40	31	29	30	34
Stocks where a scientific advice concerning fishing opportunities is available	59	52	54	65	61	62	63
Stocks where no scientific advice is available	31	40	39	29	35	34	33

¹¹ also termed "overexploited"

ANNEX II - Rules for TACs

TAC decisions must be made on the basis of scientific advice, as provided by STECF that already considers biological, social and economic perspectives.

Different rules should apply according to the level of risk concerning each stock. Stocks are at high risk when they fall below the "precautionary level (B_{pa})"- the level where the future productivity of the stock risks becoming lower. Another marker of high risk is when the fishing mortality rate is higher than the "precautionary rate" (F_{pa}). Fishing mortality rate is the annual catch divided by the average size of the stock over the year.

If a stock is smaller than B_{pa} or is fished at a higher rate than F_{pa} it is "outside safe biological limits", and *vice versa*.

Category	Scientific advice	Action to take in setting TAC
1	Stock exploited at the maximum sustainable yield rate.	Aim to set the TAC to the forecast catch corresponding to the fishing mortality that will deliver the highest yield in the long term, but do not change the TAC by more than 25%.
2	Stock overexploited compared to maximum sustainable yield but inside safe biological limits.	Aim to set the TAC to the higher value of (a) to the forecast catch corresponding to taking the highest yield in the long term ¹² , or (b) fishing at an unchanged mortality rate, but do not change the TAC by more than 15%.
3	Stock outside safe biological limits	Aim to set the TAC to the forecast catch that will result in a 30% reduction in fishing mortality rate, but do not reduce the TAC by more than 20% as long as fishing mortality will not increase.
4	Stock is subject to long-term plan and scientists advise on the catch that corresponds to the plan.	The TAC must be set following the relevant plan.
5	Stock is short-lived and a one-year forecast cannot be provided.	A provisional TAC is set and will be changed when new information is available during the year.
6*	State of the stock not known precisely and STECF advises on an appropriate catch level.	Aim to set the TAC according to STECF advice but do not change the TAC by more than 15%.

¹² As measured by the fishing mortality corresponding to a marginal yield of 10% of the marginal yield at fishing mortality close to zero ($F_{0.1}$).

7*	State of the stock not known precisely and STECF advises to reduce fishing effort.	The TAC should be reduced by up to 15% and STECF should be asked to advise on the appropriate level of effort.
8*	State of the stock not known precisely and STECF advises the stock is increasing.	The TAC should be increased by up to 15%.
9*	State of the stock not known precisely and STECF advises the stock is decreasing.	The TAC should be decreased by up to 15%.
10	STECF advises a zero catch, a reduction to the lowest possible level or similar advice.	The TAC should be reduced by at least 25%. Recovery measures should be implemented including effort reductions and introduction of more selective fishing gear.
11	There is no STECF advice.	TACs should be adjusted towards recent real catch levels but should not be changed by more than 15% per year or Member States should develop an implementation plan to provide advice within a short time.

* This rule may be subject to changes. The Commission has requested ICES to advise on possible new options as set out in Annex III. The final rule to be applied will depend on the outcome of that advice.

ANNEX III - Request to ICES for categories 6 to 9

For those stocks, excluding naturally short-lived species, where it is not possible to provide an advice based on a catch forecast in relation to precautionary limits, ICES has been requested to:

- I) advise on a TAC corresponding to the application of the rule below;
- II) evaluate the consequences of implementing the rule below with respect to the precautionary approach and compatibility with maximum sustainable yield;
- III) if necessary, advise on an alternative rule and the corresponding TACs that would improve compatibility with the precautionary approach, with maximum sustainable yield, or with improved stability of TACs. This could be provided on a case-by-case basis.

Rule:

1. Where there is evidence that a stock is overfished with respect to the fishing mortality that will deliver maximum sustainable yield, a reduction in TAC as needed to reach Fmsy, but no greater than 15% would apply.
2. Where there is evidence that a stock is underfished with respect to the fishing mortality that will deliver maximum sustainable yield, an increase as needed to reach Fmsy, but no greater than 15%, would apply.
3. The considerations in paragraphs 1 and 2 override subsequent paragraphs.
4. Where abundance information either indicates no change in stock abundance, is not available or does not adequately reflect changes in stock abundance, an unchanged TAC would apply.
5. Where ICES considers that representative stock abundance information exists, the following rule applies:
 - a. If the average estimated abundance in the last two years exceeds the average estimated abundance in the three preceding years by 20% or more, a 15% increase in TAC applies.
 - b. If the average estimated abundance in the last two years is 20% or more lower than the average estimated abundance in the three preceding years, a 15% decrease in TAC applies.

Where TACs have not been restrictive, and a reduction is required according to paragraph 1 or paragraph 5.b, ICES shall advise on an appropriate level of TAC reduction necessary to achieve the intended reduction in catches. ICES shall decide on an appropriate Fmsy proxy in each case.