

Stockholm & Brussels, 9 December, 2014

To: The Fisheries Ministers of the EU Member States

**Re: Input to the EU Fisheries Council meeting, 15–16 December 2014**

Dear Minister,

On behalf of the Fisheries Secretariat (FISH) and Seas At Risk (SAR), we send you our recommendations regarding the Commission proposal for a Council Regulation fixing for 2015 the fishing opportunities for EU stocks in Atlantic waters (COM(2014)670). We ask you to consider our views during your discussions at the upcoming Council meeting.

We welcome the Commission proposal which is largely in line with scientific advice, but it really could have been stronger in its commitment to achieve  $F_{MSY}$  by 2015 and stock recovery.

This will be the first time that Atlantic and North Sea stocks are being managed under the reformed Common Fisheries Policy (CFP) with its MSY objective. Unfortunately scientific advice based on MSY is available for less than half of the 47 stocks you will be discussing. It will also be the first time that pelagic stocks fall under the landing obligation.

It is your responsibility to ensure that these two fundamental targets for 2015 – achieving  $F_{MSY}$  by 2015 and successful implementation of the landing obligation for pelagic stocks – are achieved. The extent to which this happens will be a measure of the Council's commitment to the recently agreed targets and, ultimately, sustainable and more profitable fisheries.

Regarding the fixing of fishing opportunities for 2015, we call on you to:

- Follow the available MSY advice and ensure an end of overfishing by 2015 in line with the CFP objective, even when this results in great quota reductions. A TAC higher than the one corresponding to  $F_{MSY}$  can only be considered in cases where clear arguments are provided showing that a TAC at  $F_{MSY}$  for 2015 would seriously jeopardise the social and economic sustainability of the fleets involved in that fishery.
- Follow the Commission proposals for pelagic stocks and do not increase the TACs to compensate for estimated discards, as this would undermine the objective of the landing obligation to avoid the catch of unwanted species.
- Follow scientific advice for data limited stocks without MSY assessment, or the more precautionary proposals from the Commission for some stocks.
- Review the Council Decision from 2013 in which 26 stocks are subject to TAC roll-over, as many of these TACs are not in line with the new CFP objectives.
- Establish individual TACs for each species or species group based on the advice provided by ICES, and specifically for different species of skates and rays.

We also recommend that you:

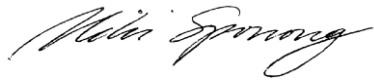
- Improve data collection in order to ensure a reduction in the number of stocks for which assessments are affected by data gaps
- Introduce bycatch reduction measures for demersal fisheries with particularly high discard levels in 2015, in order to facilitate a successful implementation of the landing

obligation for these stocks in January 2016. Also ensure that the reporting requirements for catches and discarding already in place are followed.

- Align the management units for the TACs with the units used in the scientific advice, which will significantly facilitate MSY-based management of these stocks.

*See Annex 1 for more detailed comments on the fishing opportunities for Atlantic stocks for 2015.*

Yours sincerely,



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Dr Monica Verbeek  
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Seas At Risk (SAR)

**Annex 1: On Council Regulation fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters and repealing Council Regulation (EU) No 779/2014 (COM(2014)670)**

We welcome the Commission proposal which is largely in line with both scientific advice and international and EU commitments to sustainable management of fisheries resources. It could, however, have been more ambitious, particularly in relation to data limited stocks and for stocks where the scientific advice is to close all targeted fisheries.

At the upcoming meeting on 15–16 December, the Fisheries Council will agree on fishing opportunities in 2015 for EU stocks in Atlantic waters. For the first time, Atlantic TACs will be agreed under the new Common Fisheries Policy (CFP), and the landing obligation will be applied to some Atlantic species. These two aspects – achieving  $F_{MSY}$  by 2015 and successful implementation of the landing obligation for pelagic stocks – will be the measure of the Council’s commitment to the recently agreed targets and, ultimately, sustainable and more profitable fisheries.

GENERAL COMMENTS ON THE PROPOSAL

**The application of the Maximum Sustainable Yield objective**

The reformed CFP revised the long-term targets for EU commercial fish stocks – importantly “*progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield*” (Art. 2.2).

Rather than focusing on avoiding an undesired outcome – as is the case with the precautionary approach – the Maximum Sustainable Yield (MSY) framework strives at achieving a desired outcome: a high sustainable long-term yield. As a first step, an exploitation rate in line with MSY management ( $F_{MSY}$ ) should be achieved by 2015.

This year, the Commission proposes TACs for 47 stocks, not including stocks subjected to TAC roll-over, late advice or to negotiation with third countries. **Scientific advice based on MSY is available for less than half of these stocks**, including stocks for which scientific assessment areas and TAC units do not completely overlap.

*Stocks with advice based on MSY*

We welcome the Commission’s commitment to setting fishing opportunities in line with  $F_{MSY}$  in 2015 for stocks for which such scientific advice is available. Achieving the MSY objective will benefit many fleets in the medium and long term. As the Commission outlined in its communication in July (COM(2014)388), the current management of several stocks according to MSY (such as plaice in the North Sea and sole in the North Sea and western channel) has meant more stable profits for fishing operators, even considering the higher fuel costs caused by increased landings.

***We urge ministers to follow the Commission proposal for all stocks for which the proposed TAC is in line with  $F_{MSY}$ .***

*Data limited stocks*

For the majority of the stocks covered in the proposal, the scientific advice is based on qualitative assessments. This is due to a lack of scientific data across the EU, which makes it difficult to assess whether fish stocks are in fact improving; major efforts should therefore be undertaken to improve the underlying data.

For stocks for which no advice on  $F_{MSY}$  or proxies is available, additional precaution should be taken when setting the TACs in line with scientific advice in order not to jeopardise the achievement of the CFP objectives for all EU stocks.

***We urge ministers to – at very least – follow scientific advice for data limited stocks, as well as to improve data collection and reporting in order to reduce the number of stocks affected by data gaps.***

*Roll-over of TACs*

The proposal also lists a large number of stocks (26) for which a roll-over in the TAC is applied, based on a Council Decision in 2013. The Council Decision defines these stocks as of low economic value and/or data-limited, and has essentially fixed the TAC for 5 years (including 2014), regardless of the scientific advice.

For some of the stocks, the quotas were set considerably higher than advised by ICES already in 2013, and a continued application of a roll-over TAC would be in breach with the CFP objectives. For these cases, the roll-over exercise should not apply and quotas should be set following scientific advice, leading towards achieving the MSY objective following the CFP.

***We ask you to review the 2013 decision in order to ensure these stocks are also managed in line with the MSY objective. At the very least, the TACs of sole in Bay of Biscay and Atlantic Iberian waters (VIIIcde) and sprat in the Celtic Sea and West of Scotland (VIIde) should be reduced in line with scientific advice, given their current poor status.***

Finally, while we recognise that the Commission proposal takes great steps towards achieving MSY and urge Ministers to support it, many stocks still need to be brought in line with MSY advice.

We would also like to emphasise that the ultimate aim is to “*ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield*” (Art. 2.2), which requires that stocks are fished below  $F_{MSY}$ . Fishing at  $F_{MSY}$  by 2015 (and by 2020, where justified by socio-economic reasons) is only the first step.

**Implementation of the landing obligation**

Under the new CFP, the EU will gradually shift from landing quotas to catch quotas as it applies the new landing obligation. This will also gradually change the way scientific advice is provided. From 2015, the landing obligation applies to most of the Baltic fish stocks, as well as all pelagic stocks in EU waters.

*Pelagic stocks*

For pelagic stocks, therefore, the International Council for Exploration of the Sea (ICES) has provided advice on total catches as well as the best estimates of discarded catch, where available. We welcome the fact that the Commission proposal does not generally increase the advised TACs for these stocks by adding the estimated discards. Such a move would be especially detrimental if the respective stock is not yet managed according to MSY. It would also undermine one of the main objectives of the landing obligation: to create incentives to avoid the unwanted catches in the first place.

It is our view that such an increase of the TAC to compensate for estimated discards under the landing obligation (quota uplift) should only be considered if it does not jeopardise reaching the MSY objective.

***We call on ministers to support this approach and not increase quotas by adding the estimated occurring discards.***

*Demersal stocks*

From 2016 the landing obligation will be applied to demersal fisheries, many of which generate higher levels of discards and some very high. In order to reduce this waste and improve stock management, these fisheries require greater efforts to minimise the unwanted catches.

The problem is particularly severe in some areas, such as in the Irish Sea (VIIa: haddock, cod and sole), Celtic Sea and west of Scotland (VIIb-k, VIII, IX, X, CECAF 34.1.1 (EC): haddock) and in the Kattegat (IIIa: cod), for which ICES also stresses that measures to reduce discards are needed. Considerable discarding is also taking place in other demersal fisheries, although the amounts cannot be quantified due to poor reporting (e.g. in anglerfish or hake fisheries).

***Introducing measures to reduce unwanted bycatch in these fisheries in 2015 will facilitate a successful implementation of the landing obligation from January 2016. It is equally important to ensure that data on current discarding is improved, by properly implementing the reporting requirements already in force under the EU control regulation and achieving fully documented fisheries as set out in the basic regulation (Arts 15.1 and 15.5 c ii).***

**Coherence of management units and assessment areas**

For many stocks, the assessment areas used in the scientific advice, which are based on biological considerations such as species distribution and reproduction, do not concur with the management units to which the TACs apply. This makes projections on exploitation rates as well as the application of the MSY approach difficult, as the scientific advice for stocks within the same management unit may vary greatly. It also reduces the accuracy of the estimates of stock development and status of stocks.

We are aware that changes to the management units are complex and requires significant effort. However, it is ultimately necessary in order to live up to the CFP objectives.

***We therefore ask the Council to work with the Commission to align the current management units with the assessment areas used in the scientific advice.***

## SPECIFIC COMMENTS ON STOCKS

In this section we discuss different categories of stocks for which we provide specific recommendations to illustrate our general comments.

### **Stocks for which great reductions in the TAC are needed to achieve $F_{MSY}$**

In some cases, following the MSY advice results in great reductions in the TAC and the Commission has endorsed this in its proposal. This is necessary in order to achieve the objectives of the CFP and will, depending on the stock, in the mid-term lead to higher catches and higher catch per unit of effort (CPUE) in the respective fisheries, contributing significantly to the financial sustainability of those fisheries.

Stocks for which a great reduction in TAC is proposed are:

- Sole in Skagerrak, Kattegat, and the Belts (IIIa, IIIbcd (EC), Eastern Channel (VIIId) and the Celtic Sea (VIIIfg),
- Herring in the Celtic Sea and south of Ireland (VIIghjk);
- Cod in the Celtic Sea (VIIb,c,e-k, VIII, IX, X, CECAF 34.1.1 (EC));
- Haddock in the Celtic Sea (VIIb-k, VIII, IX, X, CECAF 34.1.1 (EC)); and
- Megrim in Bay of Biscay and Atlantic Iberian waters (VIIIc, IX, X, CECAF34.1.1 (EU))

***For these stocks we urge ministers to follow the Commission proposal, which is in line with the scientific advice and the  $F_{MSY}$  target for 2015.***

### **Stocks with a proposed TAC higher than the MSY advice**

For one stock – sole in the Bay of Biscay (VIIIab) – the Commission proposes a higher TAC than the scientific advice based on MSY. For this stock there is a management plan in place which aims to gradually decrease fishing mortality by applying a fixed TAC, in order to reach  $F_{MSY}$  in 2015–2020.

According to the reformed CFP, a delay in achieving  $F_{MSY}$  by 2015 would only be acceptable if clear arguments are provided showing that applying MSY advice will “seriously jeopardise the social and economic sustainability of the fishing fleets involved” (EC Regulation No 1380/2013, recital 7). As no such arguments have been provided, it is difficult to understand the reason for the Commission proposal for a TAC of 3 420 tonnes – a harvest rate of just below  $F_{pa}$  – particularly in light of the wording in its communication on fishing possibilities for 2015 earlier this year (COM(2014)388), which indicates that MSY management takes precedent over existing management plans.

***We therefore urge ministers to limit the TAC for sole in the Bay of Biscay (VIIIab) to 2 407 tonnes, which is in line with scientific advice and the  $F_{MSY}$  target for 2015.***

### **Stocks currently fished at $F_{MSY}$**

The long term objective of the CFP is to restore and maintain populations of fish stocks to above biomass levels capable of producing maximum sustainable yield. For stocks already fished at  $F_{MSY}$  for several years which are not at  $B_{MSY}$ , this long term objective can

be achieved by setting TACs below  $F_{MSY}$  – although the Commission proposes TACs similar to the previous year. This is the case for sole in VIIe.

***We ask ministers to consider a TAC lower than 851 tonnes ( $F_{MSY}$ ) for sole in VIIe in order to achieve the long term objective of biomass levels above  $B_{MSY}$ , or otherwise support the Commission proposal.***

### **Data limited stocks with proposed TACs in line with scientific advice**

For a considerable number of stocks,  $F_{MSY}$  cannot be estimated due to a lack of data. For those stocks where no MSY or proxy-based advice is available, precaution should be applied when fixing the TACs. The best available scientific advice must be followed in order to not jeopardise the achievement of the overall CFP objectives. For several of these stocks the Commission proposes TACs which are in line with the scientific advice.

These stocks includes:

- Greater silver smelt in the Northeast Atlantic (V, VI, VII EU + internat. waters);
- Boarfish in the Northeast Atlantic (VI, VII, VIII EU); and
- Plaice in the Eastern channel (VIIde) and the Celtic Sea (VIIfg).

***We urge ministers to adhere to the Commission proposal which is line with the scientific advice when fixing TACs for these stocks.***

### **Stocks with proposed TACs lower than scientific advice**

In some cases, the Commission has proposed a more precautionary TAC than advised, taking into account the low quality of data underpinning the scientific advice or the large amounts of discards occurring in certain fisheries. The more moderate exploitation levels proposed by the Commission should be adhered to.

These stocks are:

- Plaice in the Irish Sea (VIIa);
- Cod in the Celtic Sea (VIIb,c,e-k, VIII,IX,X,CECAF 34.1.1 (EC));
- Horse mackerel (IX), (IIa, IVa, VI, VII, VIIIabde, EU waters of Vb, XII, XIV, VIIIc);
- Nephrops (VIIIabde); and
- Whiting (VIII).

***We urge ministers to follow the Commission proposals for these stocks.***

### **Stocks for which no directed fisheries are proposed**

For some stocks with a negative development the Commission proposed no commercial exploitation, in line with the scientific advice on the basis of MSY or the precautionary approach.

The Commission proposes no directed fisheries for the following stocks:

- Cod west of Scotland and parts of the Faroe Plateau ecosystem (VIa, Vb); and
- Herring in parts of the Celtic Sea and West of Scotland (VIaS, VIIbc).

***We urge ministers to support the Commission proposal and not allow any commercial fisheries targeting these stocks.***

### **Stocks with proposed TACs despite advice to close all directed fisheries**

For some other stocks, however, the Commission has ignored the available scientific advice, and has proposed TACs even though the advice is to close all directed fisheries and minimise bycatch and discarding.

For the following stocks, the Commission has gone against the scientific advice to close all directed fisheries:

- Nephrops in North Galicia and Cantabrian Sea FUs 25 and 31 (VIIIc);
- Cod in Kattegat (IIIa);
- Cod in the Irish Sea (VIIa);
- Whiting in (Vb, VI, XII, XIV);
- Sole in the Irish Sea (VIIa); and
- Blue ling in international waters north of Azores (internat. waters of XII).

***We urge the ministers to close all directed fisheries on these stocks in line with the scientific advice.***

### **Stocks with a mismatch of units of scientific advice and management units**

For several stocks there is the mismatch between the scientific assessment areas and the management units (see General comments, page 3). This makes sustainable management more difficult and may result in local mismanagement and overexploitation of stocks such as megrims.

For species such as nephrops, the scientific advice per functional unit (FU) is based on the fact that these are burrowing species and cannot be treated as fish stocks that potentially move through a certain area. Simply adding up all the advised fishing opportunities to make up one TAC may therefore jeopardise populations in some overfished units where no fishing should take place. In other cases, there is not only a mismatch between management areas but also that one TAC is set for two different species, as for example with anglerfish.

Examples of stocks for which there is a considerable incoherence between assessment areas and management units are:

- Anchovy in IX, X, CECAF 34.1.1;
- Megrim in IIa (EU), IV (EU), VIIIc, IX, X, CECAF 34.1.1 (EU), VII and VIIIabde;
- Anglerfish in VIIIc, IX, X, CECAF 34.1.1, VII and VIIIabde;
- Whiting in VIII, Vb, VI, XII and XIV;
- Haddock in VIIb-k, VIII, IX, X and CECAF 34.1.1 (EU);
- Hake in VIIIc, IX, X, CECAF 34.1.1 (EU) and overall northern TACs (IIIa/IIa and IV/Vb, VI, VII, XII and XIV/VIIIabde);



- Cod in VIa, Vb and VIIb,c,e-k, VIII, IX, X and CECAF 34.1.1 (EU);
- Nephrops in IIa, I, X and CECAF 34.1.1; and
- Pollack in VII.

*We ask the Council to work together with the Commission to align the management units with the assessment areas used in the scientific advice.*

**Reject combined TAC for different species of skates and rays**

All skates and rays species are managed in each of their respective management units under one combined TAC. While the status of some species is improving, many others are threatened or almost extinct. ICES provides advice on 11 ray and skate species and species groups.

*We urge you to establish individual TACs for each species or species group based on the advice provided by ICES.*