Lack of ambition will compromise D3 GES and objectives of the CFP

We would like to bring to your attention two issues that are of particular importance regarding Descriptor 3 and the objective to reach Good Environmental Status (GES) for commercially exploited fish stocks. We are concerned about 1) the current lack of ambition to achieve biomass levels that are able to produce Maximum Sustainable Yield (BMSY) and 2) the failure of the parties involved in this process to recognize the importance of achieving a healthy size and age distribution of fish stocks. These objectives are clearly addressed in the Commission Decision on EU criteria and methodological standards on good environmental status of marine waters (2010/477/EU; EU criteria 3.2 and 3.3, respectively).

1) EU Criterion 3.2: Bpa insufficient target for BMSY

It is stated in the Commission Decision on EU criteria and methodological standards on good environmental status of marine waters (2010/477/EU) that BMSY is to be used as one of the indicators to ensure GES for commercial fish stocks, i.e. fish biomass which is able to produce MSY (EU criterion 3.2 Reproductive capacity of the stock). The International Council for the Exploration of the Sea (ICES) has been given the task to advice on how to define this indicator, which is very challenging as many EU fish stocks have been overexploited for decades.

For the majority of the EU stocks, the biomass levels corresponding to BMSY are therefore unknown. Estimations of BMSY, so called proxies, are used in the absence of other data. ICES has recently suggested that the precautionary spawning stock biomass level (Bpa), a minimum biomass limit that triggers action to avoid impaired recruitment, should be used as proxy for BMSY. However, in its annual advice, ICES uses this precautionary level (Bpa) within its MSY framework as a proxy for MSY B trigger, which they define as *"a biomass reference point that triggers a cautious response"* - and not the biomass level which is able to produce MSY (BMSY).

By proposing that BMSY is equal to B_{pa}, ICES is mixing up **minimum biomass limits** that trigger action to avoid recruit impairment (Bpa) or a biomass below B_{MSY} (MSY B trigger) with a **biomass target** which was agreed by the EU co-legislators. This is in flagrant conflict with one of the main objectives of the Common Fisheries Policy (Art. 2.2), which shall aim 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."*

In other parts of the world, methods to estimate BMSY for overfished or data poor stocks have been developed, such as the 40 % biomass of the estimated unfished stock size for groundfish used by the National Ocean and Atmospheric Administration (NOAA) in the US[1]. The same proportion of unfished populations is also used as a default value for BMSY in Australia, according to the harvest strategy policy of the Australian government[2]. Notably, biomass targets in Australia are set at more ambitious levels

1 http://www.nmfs.noaa.gov/sfa/NSGtkgd.pdf

2 Rayns, N. 2007. The Australian government's harvest strategy policy. ICES Journal of Marine Science, 64: 596–598.

than BMSY, referred to as Btarg. Btarg is approximately 1.2 times BMSY and also larger than biomass estimates producing maximum economic yield.

If Bpa is used as an estimation of BMSY, the ambition and even the possibility to achieve healthy fish stocks will be lost. We therefore ask you to ensure that better proxies for the biomass levels which are able to produce MSY (BMSY) are developed for EU fish stocks.

2) EU Criterion 3.3 on healthy size and age distribution

We would like to highlight that for decades scientists have strongly challenged the concept of MSY as the *single* valid management objective from an economical as well as biological point of view[3]. Although the achievement of MSY is a step in the right direction for the recovery of European fish stocks, it will not guarantee that stocks are maintained in a healthy condition.

Healthy fish stocks are typically characterized by a varied age class range often with a relatively high proportion of sexually mature, older and larger individuals. Such population characteristics are important for the resilience of the stock to natural variability and human induced pressures, as well for the resilience of the whole ecosystem, since different sizes and ages of fish have different ecological functions. The best current example of the shortcomings of only focusing on MSY is the Baltic Sea cod stocks. The Eastern stock is estimated to be recovering from a low individual count in early 2000 and has been fished at MSY for several years. However, the stock now consists of more or less only small or very small individuals – clearly far from a healthy stock – because management has not addressed the objective of a healthy size and age distribution.

The EU criterion 3.3 Population age and size distribution tends to be neglected in the Member States' definition of GES and setting of targets. Member States argue that there is not enough scientific knowledge and information available to define an age and size distribution which is indicative of a healthy stock. At recent ICES meetings on descriptor 3 (Copenhagen, March 2014 and the WS In Brussels 3-4 of April)[4], scientists expressed that fish stocks have to be exploited at MSY for a number of years in order to predict what healthy size and age distributions really are. Although we acknowledge that there is a need for better data related to criterion 3.3, it should be stressed that methodologies for defining this objective already exist, even when there is insufficient data for many stocks.

If the MSFD is to fulfil its overarching objectives, as well as bring added value to current environmental management and to safeguard the future health of European fish stocks, objectives of the EU criteria under Descriptor 3.2 and 3.3 must be fully addressed. The criteria could also serve as a useful tool for the guidance of future management measures, such as improved selectivity of fishing gears and temporal and spatial fishing closures.

[3] Holt, Sidney (2007): A briefing paper for the WWF European Policy Office. Available online at: http://assets.panda.org/downloads/briefing_for_wwf_new_policy_objectives_and_management_procedures_for_eu_fisheries.pdf

[4] https://circabc.europa.eu/sd/a/d875d4e9-64e6-4ee9-9400-7656d275bc1d/Draft%20recommendations%20for%20the%20assessment%20of%20MSFD%20Descriptor%203.pdf