

## ROADMAP

Title of the initiative: **Proposal for a Regulation of the European Parliament and the Council on a multiannual plan for the Southern hake and Nephrops stocks (2010/MARE/026)**  
(Please note that anglerfish may be incorporated in the plan following scientific advice)

Type of initiative (CWP/Catalogue/Comitology): 2010 CWP  
Lead DG/contact person/details: MARE-C2  
Expected date of adoption of the initiative (month/year): 2011  
Date of modification:  
Version No: 2

### Initial IA screening & planning of further work

#### **A. Context and problem definition**

(i) What is the political context of the initiative?

The objective of the CFP (Common Fisheries Policy) is to provide for sustainable exploitation of living aquatic resources in the context of sustainable development, taking into account of the environmental, economic and social aspects in a balanced manner. This objective is more effectively achieved through a multi-annual approach to fisheries management, involving multi-annual management plans for stocks at or within safe biological limits. For stocks outside safe biological limits, the adoption of multi-annual recovery plans is an absolute priority. The 2002 CFP reform included for the first time this possibility to manage under EU legislation for the long-term. Many stocks were then gradually brought under long-term plans in the period from 2003 onwards. Today, however, the EU has dropped this distinction between recovery and management plans and refers only to "long-term" or "multi-annual" plans. Whatever the situation of the stock, the goal is ultimately to reach maximum sustainable yield by setting an appropriate exploitation rate.

There are explicit management objectives for the Southern hake and *Nephrops* established under Regulation (EC) No 2166/2005<sup>1</sup> establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian Peninsula by January 2006. The recovery plan has the objective of bringing the spawning stock biomass of hake above 35000 tonnes within 10 years and to reduce fishing mortality to 0.27. The main elements of the plan are a 10% annual reduction in F (fishing mortality) and a 15% constraint on TAC change between years.

(ii) How does this initiative relate to past and possible future initiatives, and to other EU policies?

This initiative follows the objective of the CFP above-mentioned. In addition, it also follows the conservation (i.e. measures required to maintain or restore natural habitats and the populations of species of wild fauna and flora) objectives laid down in EU environmental legislation as well as the objective to achieve the stock maximum sustainable yield by 2015, as agreed by the Member States at the 2002 UN World Summit on Sustainable Development. The initiative is similar in principle to other Regulations concerning plans that govern the annual setting of Total Allowable Catches, for example concerning cod, North Sea flatfish and several others.

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<sup>1</sup> Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

What are the main problems identified?

Regulation (EC) No 2166/2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks foresee the obligation for the Commission to review the effectiveness of the multi-annual management regime for this stock. Preliminary evaluation of the recovery plan by ICES (International Council for the Exploration of the Sea) indicated that the proposed F (fishing mortality) level might be insufficient to rebuild the stock within 10 years.

At the present stage, on the basis of scientific advice from both ICES and the STECF (Scientific, Technical and Economic Committee for Fisheries), the Commission will soon evaluate the impact of the recovery measures on the stocks concerned and the fisheries on those stocks with a view to propose additional and/or alternative measures (as appropriate) in order to ensure the recovery of these stocks and their future exploitation consistent with Maximum Sustainable Yield (MSY).

In addition to this, and due to the nature of this mixed fishery, it may be appropriate to include anglerfish in the plan, as recommended by the Council in December 2009. The Commission should therefore envisage the improvement of this plan and its conversion, from a recovery plan into a multi-annual management plan.

Who is affected?

These stocks are exploited in a mixed fishery by Spanish and Portuguese trawlers and artisanal fleets. The economic activity involves not only fishermen but also the processing industry as well as the distribution chain.

(i) – (iii) Is EU action justified on grounds of subsidiarity?

The proposal falls in a field of exclusive competence for the EU (Articles 3.1(d) and 28 to 44 of the Treaty on the Functioning of the European Union). Therefore the subsidiarity principle does not apply.

## **B. Objectives of EU initiative**

What are the main policy objectives?

Whatever the situation of the stock, the objective is to achieve the maximum sustainable yield by 2015, as agreed by the Member States at the 2002 UN World Summit on Sustainable Development. In pursuing the objectives mentioned, the exploitation of the resources concerned shall provide sustainable economic, environmental and social conditions.

Do the objectives imply developing EU policy in new areas or in areas of strategic importance?

The objective implies reviewing and improving existing legislation and therefore the development of EU policy in new areas is not foreseen.

## **C. Options**

(i) What are the policy options? (ii) What legislative or 'soft law' instruments could be considered? (iii) Would any legislative initiatives go beyond routine up-date of existing legislation?

The Commission is presently analysing possible options.

Does the action proposed in the options cut across several policy areas or impact on action taken/planned by other Commission departments?

The scope of this revision is limited to the revision of the existing Southern hake and Norway lobster recovery plan taking into account the possible inclusion of anglerfish due to the nature of the mixed fishery. It concerns mainly the CFP. However, DG ENV will be particularly associated with conservation and environmental status issues. The initiative is also closely linked to the Integrated Maritime Policy of the EU, for which DG MARE is also responsible.

Explain how the options respect the proportionality principle.

The CFP foresees regulations as key legal instrument for implementing conservation measures. As the options are still under development, the proportionality of each option will be addressed in the planned impact assessment.

#### **D. Initial assessment of impacts**

What are the significant impacts likely to result from each policy option (cf. list of impacts in the Impact Assessment Guidelines pages 32-37), even if these impacts would materialise only after subsequent Commission initiatives?

The Commission is presently analysing possible options.

Could the options have impacts on the EU-Budget (above 5 Mio €) and/or should the IA also serve as the ex-ante evaluation, required by the Financial Regulation?

The Commission is presently analysing possible options.

Could the options have significant impacts on (i) simplification, (ii) administrative burden or on (iii) relations with third countries?

(i) The Commission is presently analysing possible options.

(ii) and (iii): at the present early stage it is not possible to provide information on impacts on the administrative burden neither on the relations with third countries.

#### **E. Planning of further impact assessment work**

When will the impact assessment work start?

The impact assessment will start in July 2010 when it is foreseen that the relevant scientific advice will become available.

(i) What information and data are already available? (ii) Will this impact assessment build on already existing impact assessment work or evaluations carried out? (iii) What further information needs to be gathered? (iv) How will this be done (e.g. internally or by an external contractor) and by when?

(v) What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

(i) The biological/mathematical model that will be used by ICES to advice on biological reference points is already available.

(ii) The impact assessment will take into account already existing scientific information.

(iii) + (iv) The following information is not yet available:

- ICES evaluation of the current recovery plan, in particular concerning the harvest control rules together with advice on new biological reference points.
- STECF SGMOS effort group advice on the effort regime, pending the submission of data by the Spanish authorities.
- STECF report on the evaluation of the plan.
- STECF-SGMOS impact assessment.
- Stakeholders' consultation.

(v) A bio-economic model will be used by the STECF and the principle of proportionality will be respected.

Which stakeholders & experts have been/will be consulted, how and at what stage?

The consultation process will include stakeholders from both the Member States and the Regional

Advisory Councils (RACs). Experts from the STECF and ICES have been asked to provide scientific advice.

The scientists (STECF and ICES) will be involved in the early stages of the plan's revision by advising on biological reference points, harvest control rules, effort limitations and the socio-economic impact of options. A second step will associate informally the RACs to help defining options. Later, after the impact assessment, both the RACs and the Member States will be formally consulted on the options proposed.