

ROADMAP

TITLE OF THE INITIATIVE:

Proposal for a Regulation of the European Parliament and of the Council establishing a multiannual plan for the stock of herring in the Celtic Sea (2010/MARE/033)

Type of initiative 2010 CWP Annex II

Lead DG/contact person/details: DG MARE C2

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Initial IA screening & planning of further work

A. Context and problem definition

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

It is a responsibility of the European Union (EU) to decide annually on permissible levels of catches from fish stocks in European waters. Prior to 2002 such decisions were taken only on an annual basis. Under such a process, decisions could only be taken under a short time-frame and hence no proactive, long-term planning was possible. On this account the Common Fisheries Policy (CFP) led to depletion of many fish stocks as short-term catch considerations predominated over biological sustainability.

In 2002 the CFP was reformed and the possibility to manage under EU legislation for the long term was introduced. Many stocks were gradually brought under long-term plans in the period from 2003 to the present.

The stock of herring in the Celtic Sea had fallen to a low level in 2008 but is now much more abundant.

The Commission has given priority to bringing stocks under long-term management beginning with the most depleted stocks and the most economically important ones. The benefits of this approach can now be extended to other stocks, in order to improve management for stability and sustainability.

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

There have not been any initiatives in EU legislation concerning this stock other than the annual fixing of Total Allowable Catches (TACs). While the fishery is subject to EU-wide technical measures regulations, such measures cannot be used as conservation instruments for a pelagic fish stock.

The Implementation Plan agreed at the World Summit on Sustainable Development (Johannesburg, 2002) as agreed by Member States and further addressed by the Commission¹ is very relevant in making a choice of conservation objective.

¹ Communication from the Commission to the Council and the European Parliament - Implementing sustainability in EU fisheries through maximum sustainable yield (COM(2006)360; SEC(2006)868).

What are the main problems identified?

The stock had declined to a low level in 2007 leading to an advice that there should be no fishing unless a rebuilding plan were put in place. While management measures were being considered, the TAC was reduced by 55%. A good recruitment appeared and the state of the stock improved very significantly in 2009, allowing a resumption of the fishery at previous levels in 2010.

The "bust and boom" that occurred for this stock can be attributed to inappropriate management which allowed the stock size to fall to a low level from 1997 to 2004, associated with a period of high fishing mortalities (range 0.5 to 0.9). In this period the stock fell from 51 000t to 24 000t.

The quality of information about the stock and the fishery has now improved, and scientific advice about long-term management of the fishery is available. It indicates that a long-term fishing mortality rate of 0.19 would be appropriate and sustainable. Therefore the implementation of a long-term plan to avoid the high-risk and unstable management of the past now appears feasible.

Who is affected?

Mainly coastal pelagic fishing vessels from Ireland and the Netherlands are affected and associated onshore processing and distribution activities.

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

Under Article 3, 1 (d) of the TFEU the EU has exclusive competence for the conservation of the marine biological resources under the Common Fisheries Policy, managed directly through EU regulations. Therefore the subsidiarity principle does not apply.

(ii) Why can the objectives of the proposed action not be achieved sufficiently by Member States (necessity test)? n/a**(iii) As a result of this, can objectives be better achieved by action by the Community (test of EU Value Added)? n/a****B. Objectives of EU initiative****What are the main policy objectives?**

The general objective of the Common Fisheries Policy, to which the management plan should comply, is to provide for sustainable environmental, economic and social conditions (Article 2.1 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy²).

The specific objective of the management plan is to ensure conformity with the objectives agreed by Member States at the UN World Summit on Sustainable Development (Johannesburg, 2002) and in particular the exploitation of the stocks consistently with high and sustainable yield (Maximum Sustainable Yields or MSY).

Quantifying the objectives: Sustainable exploitation of the stock of herring in the Celtic Sea.

Recent advice from the International Council for the Exploration of the Sea indicates that it would be appropriate to exploit this stock at a fishing mortality of 0.19 in order to achieve maximum sustainable yields. This value is considered precautionary and likely to deliver high long-term yields and a low risk to the spawning stock biomass.

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

No.

² OJ L 358 of 31.12.2002, p.59.

C. Options

(i) What are the policy options?

The options are still being developed. In order to achieve the policy objectives mentioned above, the Commission considers different options appropriate to set up a legislative framework.

Possible options are the following:

- Option 1: Continuation of the status quo, i.e. ad hoc decision-making on an annual basis.
- Option 2: Direct implementation of scientific advice concerning a long-term plan.
- Option 3: Establishment of a long term management plan with various sub-options to be defined on the basis of the scientific advice.

(ii) What legislative or 'soft law' instruments could be considered?

The only appropriate legislative instrument is one decided at a higher operational level than the annual Regulation deciding on the fishing opportunities (this is because the annual fishing opportunities must be constrained according to conservation objectives as modified by economic and social considerations). In practice, a Regulation of the Council and the European Parliament is necessary.

(iii) Would any legislative initiatives go beyond routine up-date of existing legislation?

Yes. A new Regulation would be required, if it is decided to move beyond ad-hoc annual decision-making.

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

No.

Explain how the options respect the proportionality principle

The proposal concerns a field of exclusive EU competence (Article 3 TFEU, Paragraph 1(d)).

The CFP foresees regulations as key instrument for implementing conservation measures. As the options are still more concretely to be defined, the proportionality of the content 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?

Further advice is being sought on the economic and conservation effects of the various scenarios. Current perceptions are as follows:

Option 1: A continuation of the "status quo".

If annual decision-making is not improved, there is a risk of a return to the poor decision-making that was evident in the past, with a consequent high risk for the stock and the fishers that depend upon it.

Options 2 and 3: Implementation of a long-term plan developed by the fishing sector concerned and endorsed in conservation terms by the relevant scientific committees. Advice is being sought on economic, social and environmental aspects of the various options but is not available at this time.

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?

Direct impacts on the EU-budget are not expected. However, there could be some impacts on the uptake of co-financing programmes already agreed, such as where fleet capacity adjustments.

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

(i) If it is decided to propose a long-term plan, the proposal would simplify the management of this stock as a single policy decision would replace a series of ad hoc annual decisions.

(ii) There is no significant additional administrative burden on Member States as the implementing instrument (the setting of annual fishing opportunities) would remain unchanged.

(iii) There are no impacts concerning third countries. Only Member States fish this stock.

E. Planning of further impact assessment work

When will the impact assessment work start?

The Scientific, Technical and Economic Committee for Fisheries (STECF) has been tasked with preparing for the impact assessment and was expected to report soon after 30 April 2010.

Due to the lack of cost and earnings data from Ireland and some manpower difficulties associated with STECF completion of this task has not been possible and it has been substantially delayed.

Drafting the Impact Assessment will begin as soon as possible after completion of the STECF report.

(i) What information and data are already available?

A scientific advice concerning long-term management has already been provided by the International Council for the Exploration of the Sea (ICES). See the following link:
<http://www.ices.dk/committe/acom/comwork/report/2009/2009/her-irls.pdf>

(ii) Will this impact assessment build on already existing impact assessment work or evaluations carried out?

Yes, see (i).

(iii) What further information needs to be gathered?

Information on employment, capital investment, fleet size, and the economic dependence of the fishing fleets concerned on the stock.

(iv) How will this be done (e.g. internally or by an external contractor) and by when?

Consultation of the STECF - see previous box.

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

Biological risk analysis based on known response of the fish stock to exploitation and known biological parameters. Complementary analysis of economic and employment impacts based on available data on fleet characteristics and reported catches.

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

Stakeholders have been consulted via the Pelagic Fisheries Regional Advisory Council.
A further consultation will take place on the basis of the completed IA.

Scientific experts of ICES have also been consulted.

Economic analysis has been requested of STECF.