



## OCEANA'S CONTRIBUTION TO THE PUBLIC CONSULTATION ON FISHING OPPORTUNITIES FOR 2018

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### Status of European Fisheries

#### Overall description

Management objectives, provisions and a time-frame to facilitate the responsible exploitation of natural marine resources are clearly stated in the Common Fisheries Policy<sup>1</sup> (CFP). However, there is still a significant gap between sustainable European Union fisheries management on paper and the actual management of fisheries in our seas.

The communication on fishing opportunities from the European Commission<sup>2</sup> shows that for many stocks fishing mortality rates are still above the levels required to meet sustainable objectives. Certainly according to the most recent report on the performance of the CFP by the Scientific, Technical and Economic Committee for Fisheries<sup>3</sup> (STECF), based on 2015 data, the present state of EU fish stocks is rather bleak and the progress achieved so far is too slow to ensure that all harvested fish stocks will be sustainably managed by 2020.

**Since the adoption of the current fisheries framework regulation in 2013, no decisive improvements** towards sustainable exploitation of fish resources **have been made**. Despite the clear legal obligation to phase out overfishing by 2015 (in exceptional cases by 2020 at the latest), progress is still far behind its goal. As such, in European North East Atlantic waters the ratio of overfished stocks has only been reduced by 1%, from 42% in 2013 to 41% in 2015<sup>3</sup>, while in the Mediterranean the overfishing rate is kept at alarming values of over 90%, with stocks of species like hake, red mullet, monkfish and blue whiting exploited at levels up to six times higher than sustainable levels<sup>2</sup> and average catches being around 178% larger than scientific advice<sup>4</sup>.

The status of fish stocks is not only contrary to the commitments of the CFP, but also prevents the achievement of Good Environmental Status of European seas, as requested in the Marine Strategy Framework Directive<sup>5</sup>, and hampers the good socio-economic performance of the fishing activity. In fact, according to a recent study<sup>6</sup>, if well-managed, European fish stocks have the potential to produce over 57%, or 5 million tonnes more sustainable fish annually. But to achieve that, overfishing must stop.

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<sup>1</sup> Regulation (EU) No 1380/2013 on the Common Fisheries Policy.

<sup>2</sup> Communication from the Commission, COM (2017) 386 final, on the State of Play of the Common Fisheries Policy and Consultation on the Fishing Opportunities for 2018.

<sup>3</sup> Monitoring the performance of the Common Fisheries Policy (STECF-17-04).

<sup>4</sup> Cardinale M., Scarcella G. (2016) Mediterranean Sea: A Failure of the European Fisheries Management System. *Frontiers in Marine Science* Vol. 4 doi: 10.3389/fmars.2017.00072

<sup>5</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy.

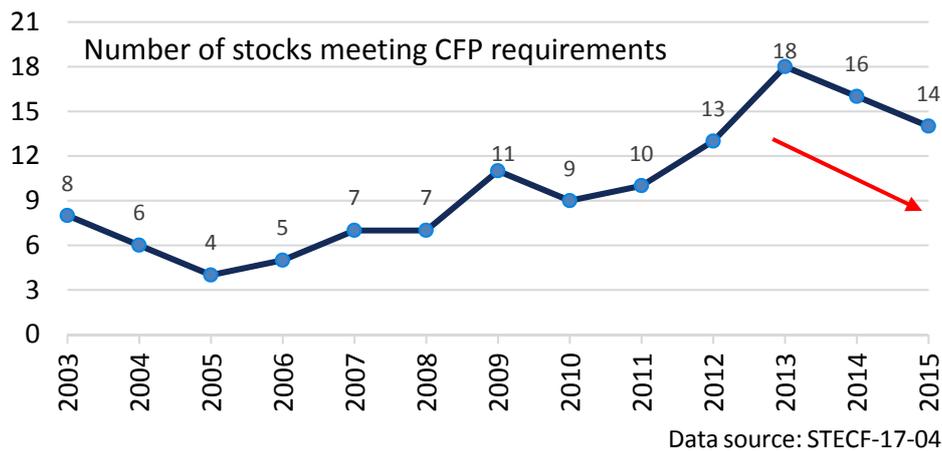
<sup>6</sup> Froese, R. et al (2016) Exploitation and status of European stocks. Updated version. World Wide Web electronic publication. <http://oceanrep.geomar.de/34476/>

## Lights and shadows of Atlantic stocks

Over the past decade, the overall status of the North-East Atlantic fish stocks has reflected a positive recovery trend. This has been the direct result of the reduction in fishing mortality rates towards  $F_{msy}$  and thus narrowing the gap between scientific advice and adopted catch limits.

Nevertheless, although the recent overall positive trend has led to a mean value of fishing mortality ( $F/F_{msy}$ ) of around 1.1<sup>3</sup>, there are many fish stocks for which **fishing mortality exceed sustainable levels (around 40% of the stocks)**. Moreover, other stocks, despite being exploited at sustainable levels, present biomass levels in a difficult state ( $B \ll B_{msy}$ ). As such, only 14 stocks are currently considered to be in line with the CFP objectives, a number that inexplicably has decreased since the adoption of the framework regulation (see graph below). Further efforts and improvements are needed to phase out overfishing from Atlantic waters. Some indicators on the status of the NE Atlantic reflected in the STECF report<sup>3</sup> include:

- 41% of the stocks are overfished.
- Mean value of fishing mortality shows an overall reduction trend over the last few years.
- Number of stocks outside safe biological limits remaining high.
- Overall biomass of stocks shows a positive trend.
- **Number of stocks inside CFP commitments is only 14.**



## Critical status of Mediterranean fish stocks

The status of the fish stocks in the Mediterranean Sea is deplorable and shameful. **Overfishing is rampant, affecting over 90% of stocks<sup>7</sup>**. Fishing mortality in the Mediterranean has been poorly regulated through limits on the total level of fishing effort and technical measures. These have proven to be ineffective as fishing mortality has remained high for most of the stocks assessed<sup>2,4,8,9</sup>. **Oceana therefore calls for a revision of the current inefficient regional management regime.**

Furthermore, the plans adopted so far since the Catania process – i.e. the multiannual management plan for the fisheries exploiting European hake and deep-water rose shrimp in the Strait of Sicily<sup>10</sup> and the recovery plan of Mediterranean swordfish<sup>11</sup> – have not yet been properly

<sup>7</sup> Communication from the Commission, COM (2015) 239 final. Consultation on the fishing opportunities for 2016 under the Common Fisheries Policy.

<sup>8</sup> Vielmini I., Perry A. L., Cornax M. J. 2017. Untying the Mediterranean Gordian Knot: A Twenty First Century Challenge for Fisheries Management. *Frontiers in Marine Science* Vol. 4 doi=10.3389/fmars.2017.00195.

<sup>9</sup> Scientific, Technical and Economic Committee for Fisheries (STECF) – 55th Plenary Meeting Report (PLEN-17-02); Publications Office of the European Union, Luxembourg; EUR XXXXX EN; doi:XXXXXX.

<sup>10</sup> Recommendation CM-GFCM/40/2016/4 Establishing a Multiannual Management Plan for the Fisheries Exploiting European Hake and Deep-Water Rose Shrimp in the Strait of Sicily (GSA 12 to 16).

<sup>11</sup> Recommendation by ICCAT [16-05] replacing the recommendation [13-04] and establishing a multi-annual recovery

implemented by the Mediterranean EU Member States.

These circumstances undermine not only the objectives and binding commitments of the CFP but also any possibility of recovery in the short-term. This unacceptable situation is reflected throughout the whole region for all stocks exploited by EU fleets within EU waters and for stocks that are shared with non-EU Mediterranean countries<sup>12</sup>.

Oceana considers that **serious progress** and commitments **should be made** by the EC and MS to change this situation, firstly ensuring the **enforcement of the multiannual plan adopted** and then speeding up the process for **adopting new science-based plans** to restore stocks. This requires measures, such as a **strong reduction in the fishing mortality** rates of demersal species - as advised by the STECF<sup>8</sup> and GFCM<sup>13</sup> - and the **setting of catch limits**<sup>4</sup>, among many others. The alternative would be losing the Mediterranean resources and its related fisheries forever.

## Multiannual Plans

The sustainable exploitation of fish resources is more feasible to attain through multiannual plans (MAP) that contain clear roadmaps to achieve sustainable and specific targets. The scope, in terms of area, species, objectives and targets of the new MAPs, according to the CFP, is more ambitious than for previous ones. MAPs therefore have the potential of being the legal framework for exploiting fish stocks sustainably and efficiently.

### North Sea MAP

The North Sea hosts several of Europe's most important fishing grounds with annual catches of 1.3 million tonnes. However, nearly half of the North Sea stocks (47%) are still overfished<sup>3</sup>, including haddock and whiting. If North Sea stocks are managed sustainably, i.e. are based on scientific recommendations, the stocks have the potential to produce an additional 1.45 million tonnes of fish annually<sup>6</sup>.

Currently the proposal<sup>14</sup> for a North Sea MAP for demersal species is being negotiated. The proposal allows for setting fishing mortalities above levels that can produce MSY. Oceana has persistently advocated for setting fishing opportunities according to the best available scientific advice, and for protecting fish stock recovery areas to rebuild fish stocks rapidly. The new long-term plan for the North Sea is an opportunity to achieve the needed predictability for fishermen, as well as the full abundance of fish, but only under the conditions that TACs are based on science, full fish stock recovery is prioritized, and overfishing ends.

### Mediterranean MAPs

*EU waters MAPs:* Despite the current dire situation, no management plan has been adopted to restore Mediterranean stocks targeted by the EU feet operating in EU Mediterranean waters. Also, no emergency measures to reverse this worrying situation have been put in place while MAPs are being developed. So far only two plans are in the pipeline: one for small pelagic stocks in the Adriatic Sea<sup>15</sup> and one for the Western Mediterranean<sup>16</sup>. These both need to be **effective at recovering overfished stocks** and, as a bare minimum, **adhere to the best available scientific advice**. Their main objectives should be ending overfishing in the region and engineering the full recovery of fish stocks. They should mark a milestone for a new, more efficient management regime in the Mediterranean Sea.

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plan for Mediterranean Swordfish.

<sup>12</sup> FAO (2016b). The State of Mediterranean and Black Sea Fisheries. General Fisheries Commission for the Mediterranean. Rome, 152.

<sup>13</sup> 19<sup>th</sup> session of the Scientific Advisory Committee (SAC). GFCM. Ljubljana, Slovenia, 16-19 May 2017.

<sup>14</sup> COM (2016) 493 final on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks.

<sup>15</sup> COM (2017) 0097 Proposal for a Regulation of the European Parliament and of the Council establishing a multiannual plan for small pelagic stocks in the Adriatic Sea and the fisheries exploiting those stocks.

<sup>16</sup> EC Multiannual-plans [https://ec.europa.eu/fisheries/cfp/fishing\\_rules/multi\\_annual\\_plans\\_en](https://ec.europa.eu/fisheries/cfp/fishing_rules/multi_annual_plans_en)

In particular, a **TAC system** should be implemented for small **pelagic stocks in the Adriatic Sea**, as repeatedly advised by **scientists**<sup>17</sup> and supported by the **fishing sector**<sup>18</sup>. This is the **only way to reduce fishing mortality and restore key commercial stocks**. Regarding the **Western Mediterranean MAP**, stock exploitation levels are very high and concentrated on juveniles. As reported by STECF, over-exploitation is severely undermining the potential yield that could be obtained from these stocks and is likely to maintain the **biological risk of collapse** at high levels<sup>19</sup>. Therefore, as advised by STECF<sup>7</sup>, a TAC system should be put in place for the considered stocks. Also, the plan should be comprehensive and regulate small-scale and recreational fisheries. Details on Oceana's position can be consulted in the submitted contribution<sup>20</sup>.

Shared stock MAPs: As previously mentioned, the MAPs adopted in 2016 - the multiannual management plan for the fisheries exploiting European hake and deep-water rose shrimp in the Strait of Sicily and the recovery plan of Mediterranean swordfish under the RFMOs – respectively under GFCM and ICCAT – have represented a preliminary key step in the implementation of the CFP and the Catania process. However, so far, **this progress is merely reflected on paper as no effective implementation and enforcement is yet in place**.

The plans adopted under GFCM and ICCAT are binding. However, EC and MS are delaying their implementation under the bureaucratic excuse of the need for a transposition. This attitude goes counter to the RFMOs recommendations and risks both undermining the objectives and commitments undertaken by the EU as leading actor in RFMO and promoter of the above-mentioned plans, and jeopardizing the stocks and the fisheries involved.

### **The Pros and Cons of the Landing Obligation**

The landing obligation represents a fundamental shift in the management of EU fisheries, including the setting of fishing opportunities. Fishing opportunities must reflect real catches, rather than just landings. To attain this, it is necessary to include in calculations discards from the fleets affected by the landing obligation, which are sometimes difficult to estimate.

The final aim of the landing obligation is to reduce the rates of unwanted catches and move toward more environmentally friendly and selective fishing practices. However, despite the many initiatives to improve selectivity, the direct implementation, through the provisions of discard plans, only leads to the discarding in ports of what previously was discarded at sea.

It is crucial to progressively include additional stocks/fisheries in the regional discard plans to facilitate the identification of potential problems and solutions before the final deadline. Also, it is essential to move forward with designing of a tough control system to guarantee that the landing obligation provisions are properly enforced.

There are already certain provisions, flexibility measures and exemptions (such as: inter-annual quota flexibility, inter-species flexibility, or the high survivability and *de minimis* exemptions, see Art. 15 of the CFP<sup>1</sup>) available to facilitate the implementation of the landing obligation. Complementary measures like quota swapping between Member States could also be a useful tool to enhance and overcome some inevitable problems, like the ones affecting the choke species.

Oceana denounces that in recent years certain measures, like the reduction or elimination of Minimal Conservation Reference Sizes (putting at serious risk the protection of juveniles), or the

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<sup>17</sup> Scientific, Technical and Economic Committee for Fisheries (STECF) – 54th Plenary Meeting Report (PLEN-17-01); Publications Office of the European Union, Luxembourg; EUR 28569 EN; doi:10.2760/33472.

<sup>18</sup> Pesceinrete.com “Quote in Adriatico per i piccoli pelagici, un'occasione da non perdere” 29<sup>th</sup> of June 2017 <http://www.pesceinrete.com/php/news/11163-scognamiglio-quote-in-adriatico-per-i-piccoli-pelagici-un-occasione-da-non-perdere.html>

<sup>19</sup> Scientific, Technical and Economic Committee for Fisheries (STECF) –Western Mediterranean Multi-annual Plan STECF-15-09. 2015. Publications Office of the European Union, Luxembourg, EUR XXXX EN, JRC XXXX, XXX pp.

<sup>20</sup> <http://eu.oceana.org/en/publications/reports/oceana-contribution-european-commissions-public-consultation-multiannual-plan-0>

exclusion of certain stocks from the TACs management system, are not the best management measures to help make compatible the responsible exploitation of fish resources and the aim of the landing obligation. To truly advance with the proper implementation of the landing obligation, other conservation measures, like the protection of Fish Stock Recovery Areas, i.e. areas where there is clear evidence of heavy concentrations of fish below minimum conservation reference size— also defined as Essential Fish Habitats (EFH), will help by reducing unwanted catches.

Oceana wants also to stress that more transparency on the methodology and data used to calculate TACs uplifts (adjustments) would be convenient, particularly due to the implementation of the landing obligation, and other accompanying mechanisms including the *de minimis* exemptions.

### **Oceana's recommendations for setting fishing opportunities in 2018**

Oceana welcomes most of the proposals made by the EC for the setting of the fishing opportunities for 2018 and considers them suitable to move fishing mortality rates towards sustainable levels. In particular, Oceana supports the Commission's commitment to propose catch limits by applying the MSY-approach, or the precautionary approach in cases where the former fails, and to keep landing obligation adjustments in line with scientific advice.

Oceana calls on the Commission—as the guardian of the Treaties—to ensure that the Council endorses a proposal in line with the adopted CFP commitments. There are only two years left for the Commission and the Council to fulfil the legal obligation to meet MSY in 2020.

The withdrawal of the UK from the European Union also complicates the outlook of overcoming overfishing in European waters and provides further uncertainty. In these adverse circumstances, the Commission must do its utmost to firmly lead the implementation of the CFP and boldly restore sustainability to its natural resources, for the sake of its obligation and the next generations of Europeans.

Oceana's specific recommendations are:

- Catch limits for stocks non-managed through MAP
  - In all possible cases, catch limits should be set to restore and/or maintain fish stocks above levels that can produce the maximum sustainable yield. This includes stocks for which there are proper MSY assessments or a MSY proxies.
  - A delay in exploiting the fish stocks at FMSY beyond 2018 may only be acceptable if otherwise the social and economic sustainability of the fleets involved, would seriously be jeopardized. In these cases, Member States should provide:
    - the scientific socio-economic evidence ahead of the Council negotiations, and this evidence be made publicly accessible, and
    - a detailed action plan with timeframes about when these stocks are expected to achieve MSY.
  - For stocks for which advice on MSY levels is not available, fishing opportunities should be set according to the precautionary approach, and if unavailable, according to a data limited stock assessment.
  - Data limited stocks assessments should preferably be used to keep or reduce fishing opportunities catch levels.
  - Roll-over agreements shall not be applied if there is a scientific assessment recommending a reduction in catches.
  - Apply emergency measures, including closing fisheries, to stocks which are already known to be unable to achieve the MSY objective by 2020.
  - Fishing opportunities need to apply an ecosystem-based approach to fisheries management

- Catch limits for stocks managed through MAP
  - Applying MAPs only when they are consistent with the CFP objectives, in particular with the MSY objective.
  - In cases where management objectives of MAPs are inconsistent with the CFP, or where MAPs are poorly implemented and not providing positive results, fishing opportunities should be set on the basis of MSY, ignoring current MAP provisions.
  - MAPs should implement the ecosystem-based approach to fisheries by protecting fish stock recovery areas such as spawning and nursing grounds (CFP Art. 8) to restore abundance.
  - For the implementation of MAPs with fishing mortality ranges, the adopted fishing mortality should never exceed the FMSY.
- Catch limits for stocks affected by the landing obligation
  - By no means should the landing obligation be used as an excuse to remove TACs, reduce or remove MCRS, or to postpone the MSY 2020 deadline.
  - TAC adjustments due to the discard ban implementation should never imply a fishing mortality above those recommended by scientists according to the corresponding approach (ie. MSY or precautionary).
  - No uplift should be adopted when discards are impossible to quantify and scientists cannot provide estimates based on real catches.
  - For stocks affected by a *de minimis* exemption, the percentage of authorised discards should be discounted from the uplift, as these discards will not count against the quota. There is a need to confirm that the *de minimis* exemption is being used before extending that measure by one more year.
  - For species affected by the high survival exception, no uplift should be adopted. Management according to expected landings should continue as discards of these species will continue to be allowed.
- Oceana's recommendation regarding Mediterranean stocks.
  - Strong reduction in the fishing mortality rates.
  - Implement catch limits.
  - Ensure proper implementation of the shared stocks plans adopted so far.
  - Propose science-based multi-annual management plans for EU stocks in the shortest term possible.
  - If MAPs are not fully adopted and implemented by 2018, consider emergency measures, including closures to fisheries, so as to ensure the restoration of stocks by 2020.
  - Implement ecosystem based management which includes protection of EFH and prioritizing access to fishing grounds of less impactful fishing gears over destructive fisheries (i.e. bottom trawling).