



Brussels, 2.6.2015  
COM(2015) 239 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT AND THE COUNCIL**

**Consultation on the fishing opportunities for 2016 under the Common Fisheries Policy**

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## Consultation on the fishing opportunities for 2016 under the Common Fisheries Policy

### INTRODUCTION

This Communication sets out the principles for the Commission proposals for fishing opportunities for 2016. Member States, Advisory Councils, stakeholders and the public are invited to reflect on the policy orientations set out in this Communication, and to provide recommendations and suggestions to the Commission by 1 October 2015.

The fishing opportunities for 2016 will be fixed under the objectives of the new Common Fisheries Policy (CFP), in particular the objective of bringing the impact of fishing fleets on the stocks (fishing mortality) in the shortest feasible time frame to the levels required to allow stocks to rebuild to biomass levels that can produce maximum sustainable yield (MSY). This will contribute to achieving the good environmental status in European seas by 2020<sup>1</sup> and to reducing the impact of fishing on the marine ecosystem. The Commission will base its proposals for the fishing opportunities on the available biological advice<sup>2</sup>. Where no such advice is available, the Commission will apply the precautionary approach in line with the CFP objectives.

2016 is the year in which the landing obligation for demersal fisheries in the North Sea and in the Atlantic European Union (EU) waters comes into force, bringing an important part of the EU fleet in the North East Atlantic under the obligation to bring and retain on board, and to land all catches. Fishing opportunities for stocks falling under the landing obligation are to be fixed taking into account catches rather than landings, based on biological advice and in the understanding that this should not jeopardise the MSY objective or increase the fishing mortality.

Overfishing is prevalent in the Mediterranean and Black Seas. The Commission is actively pursuing to reverse this situation, through improved knowledge about the resources and management measures, both with Member States, stakeholders and at the international level.

Under Article 50 of the CFP the Commission is obliged to report annually to the European Parliament and the Council on the progress on achieving MSY and on the situation of fish stocks. This Communication reports on that progress.

### MSY AND INTERPLAY WITH MULTIANNUAL PLANS

After the reform of the CFP, a Task Force was set up to solve the inter-institutional deadlock on multiannual plans. The Task Force finalized work in April 2014 and concluded with a

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<sup>1</sup> As required under the Directive 2008/56/EC of 25 June 2008, the Marine Strategy Framework Directive

<sup>2</sup> From ICES and where applicable from STECF and SAC (Scientific Advisory Committee of the GFCM)

framework to facilitate the development and introduction of multiannual plans under the CFP. The new generation of multiannual plans should include targets for MSY (with deadlines) for the stocks that define the fisheries. The plans may, in addition, introduce ranges of exploitation rates (fishing mortalities) considered to be in accordance with MSY.

On the basis of the Task Force conclusions, the Commission has tabled a proposal for a multiannual plan covering Baltic Sea fisheries<sup>3</sup> which includes proposed target values and deadlines for achieving MSY. Other proposals are under discussion with stakeholders for a North Sea demersal mixed-fisheries plan, and a western-waters demersal mixed fisheries plan. A multiannual plan for the Atlantic pelagic fisheries is under consideration. In preparation of its proposals for these plans, the Commission has requested the International Council on Exploration of the Seas (ICES) to provide MSY ranges for the stocks concerned where fishing opportunities are fixed by the Council for use in the management of mixed fisheries under plans. ICES has provided such ranges for an important number of stocks<sup>4</sup>.

The Commission is particularly concerned about the situation in the Mediterranean Sea. Concrete measures are needed to achieve MSY. The Commission intends to address this situation, starting with the stocks exploited (almost) exclusively by EU fleets. In 2015/2016 the Commission intends to propose EU multiannual plans in the Mediterranean Sea in line with the MSY objective including deadlines: a plan for anchovy and sardine in the northern Adriatic Sea and a plan for demersal species in the north-western Mediterranean Sea. Discussions with Member States and stakeholders on other EU multiannual plans have started (e.g. demersal species in the Adriatic Sea and small pelagics in the north-western Mediterranean Sea). The Commission has also carried out a review of national management plans<sup>5</sup> to assess if they reflect adequately the MSY objective. Approximately half of the national plans are based on a (proxy) MSY objective – mainly those adopted in 2013 and 2014. Plans without MSY parameter were mainly adopted on the basis of the precautionary approach. The Commission will ask the Scientific, Technical, Economic Committee on Fisheries (STECF) for a review, and to provide as a matter of priority MSY estimates for all known stocks. The Commission will then liaise with the relevant Member States to ensure that national management plans are adapted quickly where this is needed (to include the MSY objective with a deadline).

For stocks that are shared with third countries (e.g. demersal stocks in the Strait of Sicily, small pelagic and demersal stocks in the Ionian and Aegean Seas) the Commission will promote appropriate actions at the level of the General Fisheries Commission for the Mediterranean (GFCM).

In the Black Sea the Commission continues to work with the relevant Member States and at GFCM level on measures to address issues of mostly unrecorded fishing in the context of the flatfish turbot fisheries.

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<sup>3</sup> COM(2104) 614 final of 6 October 2014

<sup>4</sup> ICES Special Request Advice, 31 March 2015

<sup>5</sup> Adopted under Article 19 of Regulation (EC) No 1967/2006.

## **2016 PROPOSALS FOR TOTAL ALLOWABLE CATCHES (TAC)**

### Stocks with MSY assessment

For the 2016 TAC proposals the Commission intends to continue using the available point values for MSY, and it will continue to refer to these point values until new multiannual plans are agreed and in force.

The significant progress Council achieved in the setting TACs in line with MSY (from 5 in 2009 to 36 for 2015), has contributed to increasing the number of stocks that are fished at levels corresponding to MSY (26 stocks in 2015). A notable example is the Baltic Sea, where the Council recently has moved to setting TACs in line with MSY, resulting in a move from 0 to 3 (out of 6 MSY-assessed) stocks being fished at MSY in recent years.

It is necessary to continue along this path for 2016 and 2017, and to create the conditions for achieving MSY as soon as possible, by 2020 at the latest. Therefore, the Commission intends to propose TACs in line with achieving MSY in 2016. Only if this would imply very large annual reductions of fishing opportunities that seriously jeopardise the social and economic sustainability of the fleets involved, would a delay in reaching the objective beyond 2016 (and no later than 2020) be acceptable, through a more gradual reduction of fishing opportunities to achieve MSY timely.

The Commission continues to follow the evolution of the state of the stocks in all the EU sea basins, giving particular attention to stocks not yet fished in accordance with MSY, and examine developments of these stocks, to ensure MSY by the deadline. The introduction of more selective fishing practices may facilitate this.

Where existing multiannual plans are consistent with MSY, they should be applied. Where these plans have become incompatible with the CFP (e.g. because an objective other than MSY is included or has been reached), the Commission intends to adopt proposals for TACs on the basis of MSY.

For (MSY-assessed) stocks shared with third countries the Commission intends to seek agreement with our partners on the same approach. For stocks managed through Regional Fisheries Management Organizations (RFMOs) the Commission intends to follow the approach as laid down by Council in negotiation directives for RFMOs which stipulate following the same standards and principles as in the EU, and to promote where relevant close cooperation with Regional Seas Conventions to improve data and scientific advice.

### Other stocks

For stocks where MSY assessment and estimates are not available, the Commission will consider approximate parameters. The TAC proposals will be based on the available biological advice, and without jeopardising the conservation needs of the stocks. The following cases are identified.

### *Stocks with data available to determine MSY proxies*

For these data-rich, analytically assessed stocks with trend forecasts, generally a proxy for MSY is available with quantitative catch advice. The Commission approach for proposals for setting the TACs will be similar as for stocks with full MSY assessment.

### *Stocks with survey-assessed trends or with catch time series to develop MSY proxies*

In absence of MSY assessment, advice is quantitative with proposed catch limits. The Commission intends to use the ICES advice on these stocks and consider the situation on a case-by-case basis, taking into account the precautionary approach.

### *Stocks with a presumption of stability*

Council and Commission have agreed in earlier years on maintaining TACs unchanged for 26 stocks unless biological advice calls for adjustment. Generally, these are stocks exploited as by-catches only, with low levels of quota uptake, of low economic importance, and with limited information on stock status. The Commission intends to continue with this approach, taking into account possible ICES indications for review.

### *Stocks without biological advice*

In absence of biological advice the precautionary approach should be followed in a systematic, predefined and transparent way, in line with Article 2(2) of the CFP. ICES is working to further develop tools to fill existing gaps.

### TACs and the obligation to land all catches

In 2016 the landing obligation will come into force for determined demersal fisheries in the North Sea, north-western and south-western Atlantic waters. A considerable number of fishermen will be affected for the first time by the landing obligation.

Member States are co-operating at regional level to implement the landing obligation, developing regional joint recommendations for a discard plan (which may then be transposed under defined conditions into Commission Regulations applicable for all vessels concerned). Compared to the 2015 landing obligation, Member States have more liberty regarding the phasing in of the landing obligation (starting in 2016 for species which define the fishery, until end 2018 for the other species in the fishery).

For the fisheries concerned the fixing of the TAC shall take into account the change to reflect catches instead of landings. In practice, ICES advice should be based on catches (including catches formerly discarded that now have to be landed) and no longer on landings.

TAC adjustments form part of the overall package of measures to implement the landing obligation in the identified fisheries. In particular provisions in the applicable discard plan may affect the need and magnitude of the TAC adjustments. For instance, the introduction of a *de minimis* provision a fishery may reduce the need for TAC adjustments. Improved quota management at national level (including adjusted quota swapping strategies) and the use of the inter-species quota flexibility may also affect the TAC adjustments. The Commission, in proposing the TAC adjustments, will consider these elements on a case-by-case basis.

Discard data are historically not always complete, and it may not always be possible for ICES to provide advice on specific figures. In those situations, rather than introducing mechanical policy criteria such as a fixed ceiling on TAC adjustments, the Commission asks ICES to assess as much as possible the total historic take-out, introduce newly available (validated) data, and make extrapolations where this is necessary and methodologically acceptable.

The Commission intends to propose TAC adjustments for stocks which are included in the landing obligation in 2016. Where catches from the same stock must be landed in the fisheries brought under the landing obligation in 2016, but other catches from the same stock can still be discarded (caught in fisheries coming under the landing obligation between 2017 and 2019), the Commission intends to propose TAC adjustments where catches from a stock are *predominantly* under the landing obligation. There is no need for adjustments of TACs in 2016 for stocks for which the landing obligation enters into force in later years.

Where TAC adjustments are envisaged for stocks jointly managed with international partners (third countries, RFMOs), adjustments are subject to consultation and negotiations with these partners.

ICES was requested to include the available discard data as much as possible in the relevant stock assessments and catch forecasts. ICES will use validated data. However, the assessment of the situation (for which TAC adjustments are justified) can only be finalised once the joint recommendations for the discard plans are finalised and submitted to the Commission.

Generally the TAC adjustments need to remain compatible with achieving MSY and they should not increase fishing mortality rates.

## **DEVELOPMENT OF STATE OF STOCKS**

### **Progress in achieving MSY**

This Communication is the tenth annual policy statement on fishing opportunities. 2006, the year of the first Commission Communication, was also the year in which the Commission announced for the first time its intention to introduce MSY for TAC setting<sup>6</sup>.

In response to the reporting obligation (Article 50 of the CFP) the Commission has asked STECF to develop a new methodology to report on the progress in achieving MSY<sup>7</sup>. This method allows for time series to measure the progress. It provides indications on numbers of stocks fished in line with MSY, and on relevant biomass parameters. It covers more stocks than included in past time series. To avoid confusion, the previous time series are no longer updated<sup>8</sup>. Annex I provides the first overview under the new methodology.

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<sup>6</sup> COM(2006) 360 final

<sup>7</sup> Reporting needs under the new CFP (STECF-14-23), December 2014.

<sup>8</sup> The previous time series can be found in the 2014 Communication COM(2014) 388 final.

Comparable estimates are not presently available for the Mediterranean Sea. The Commission is continuing work on this topic with STECF and expects improvements particularly to introduce MSY estimates, in the near future.

## **Regional Assessment**

Fishing has generally progressed towards MSY (fishing at or below MSY) in all areas of the Northeast Atlantic, North Sea and Baltic Sea since 2006. Some key features of the trends between 2006 and 2014 in those waters are:

- the stocks number fished at MSY increased from 2 to 26<sup>9</sup>.
- the stocks number inside safe biological limits has risen from 11 to 21.
- the stocks number with quantitative catch advice rose from 59 to 72.

Currently, on average many important pelagic stocks and stocks in the North and Baltic Seas are close to MSY, with less progress in the demersal fisheries in the western EU waters (see Annex I, Table 3<sup>10</sup>). This may be linked to consistently setting higher TACs (than proposed) in some of the sea basins. The new reporting methodology also seems to indicate that the trend of strong progress may be slowing down.

In the Mediterranean and in the Black Sea, stocks are largely overfished and/or in a bad state, in particular stocks exploited mainly or exclusively by EU operators.

## **Mediterranean Sea and Black Sea**

In the Mediterranean Sea, certain fish stocks are mostly exploited by EU fishing vessels, while others are jointly exploited with non-EU countries. Overall, of all stocks assessed in the Mediterranean and the Black Seas (EU and shared stocks together) only 8,6 % are exploited in accordance with MSY levels (Annex II). Despite recent improvements, the number of stocks with unknown status remains large. The Commission is working on improved data collection for all relevant stocks, and has requested STECF for advice on new stocks.

The EU fish stocks are mainly located in the North-Western Mediterranean (*i.e.* Northern Spain, Balearic Islands, Gulf of Lion, Corsica and Sardinia, Ligurian and Tyrrhenian Seas) and in the Central Mediterranean (*i.e.* Northern Adriatic). Based on 2013 data, 96% of the EU fish stocks are exploited at levels above MSY<sup>11</sup>. For stocks such as hake, red mullet, black-

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<sup>9</sup> Data used between 2002 and 2015

<sup>10</sup> From the STECF report "Monitoring the performance of the Common Fisheries Policy" (STECF-15-04) - JRC scientific and policy reports, in press 2015.

<sup>11</sup> With an average ratio of current fishing compared to fishing at MSY of  $F_{curr}/F_{msy}=3.32$

bellied anglerfish and blue whiting current fishing mortality rates have been more than six times higher than MSY. Only 4% of the EU fish stocks are exploited at levels close to MSY<sup>12</sup>.

Stocks shared with third countries are mainly located in the Western (*i.e.* Alboran Sea and Algerian coast), Central (*i.e.* Strait of Sicily, Malta Island, South Adriatic, and Ionian Sea) and Eastern Mediterranean Sea (*i.e.* Aegean Sea, Crete and Cyprus Islands, and the Levantine Sea), and in the Black Sea. Based on 2013 data, 91% of these stocks are exploited at levels well above MSY<sup>13</sup>. Only 9% of these stocks are exploited at levels close to MSY<sup>14</sup>. Actions are being prepared both at EU and international level for concrete measures towards MSY targets.

Partly due to the sharing of stocks with third countries, the Black Sea still shows challenges of governance and resource management. The Commission works with Member States and the GFCM on improvements.

### **Baltic Sea**

Determined actions in setting fishing opportunities during recent years have turned around the situations of stocks: none of the stocks was fished at MSY in 2006, this year TACs for the herring (4) and sprat (1) stocks are set at levels corresponding to MSY. Fishing opportunities for western cod are set with a view to reaching MSY by 2016 (in two equal steps). For other stocks TACs are in line with the precautionary approach (plaice and eastern cod where no biological advice is available), or with the proposed management plan (salmon).

### **North Sea, Skagerrak and Kattegat**

Demersal stocks of saithe, plaice and haddock are fished at levels corresponding to MSY, as are Nephrops in the Skagerrak, the Fladen grounds, the Firth of Forth and the Moray Firth. North Sea sole is fished just at MSY. All other stocks are either fished above MSY, or have no full assessment.

Fishing mortality of North Sea cod was reduced (but is still above MSY); the stock size is increasing but is only slightly above the limit biomass (and distant from the precautionary level). Discard rates have declined but are still around 25% of landings. In the Kattegat and Skagerrak, the stocks of cod (Kattegat) and sole are at very low levels and further measures in addition to restricted fishing opportunities may be needed.

### **North-east Atlantic pelagic stocks**

Most herring stocks (North Sea, west of Scotland, Irish Sea and Celtic Sea) are fished in correspondence with MSY. For 2015 TAC have been set in line with MSY for these stocks. The situation is also positive for southern horse mackerel and the TAC continues to allow fishing at levels corresponding to MSY in 2015. For some stocks the situation has improved, for instance western horse mackerel (it was fished above MSY but the 2015 TAC is in line

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<sup>12</sup> one stock of sardine (located in the South of Sicily) and one stock of deep-water rose shrimp (distributed in the Ligurian and North Tyrrhenian Sea)

<sup>13</sup> with an average ratio of current fishing compared to fishing at MSY of  $F_{curr}/F_{msy}=2.42$

<sup>14</sup> two stocks of sardine (Northern and Southern Alboran Sea), one of sprat (Black Sea) and one of Norway lobster (South of Sicily and Malta Island)



with MSY). Herring is fished above MSY in the northwest of Ireland and there are indications of horse mackerel being fished above MSY in the North Sea and eastern Channel

Based on the recent agreement among the Faroe Islands, Norway, and the EU for sustainable management of mackerel, the EU has advocated a 2015 TAC in line with MSY but Norway could not agree to a TAC lower than that corresponding to  $F_{PA}$  (fishing mortality at precautionary approach level). For the blue whiting stocks the Coastal States agreed on a TAC below MSY, but no agreement was reached on a revised quota sharing arrangement. Subsequently the EU fixed its 2015 TAC share based on a hypothetical TAC figure that is below MSY, and based on its 2014 share of the stock.

### **Iberian-Atlantic area and the Bay of Biscay**

The southern hake stock continues to grow, but is still fished above MSY, as is the megrim stock. Southern anglerfish is in good state and fished sustainably. Norway lobster (in the Cantabrian Sea and northern Iberian Peninsula) are still depleted, in contrast with the south where the stock size is either stable or increasing.

Anchovy in the Bay of Biscay is fished sustainably with a stock size above the recent average and with full reproductive capacity. The fishing mortality of sole has increased recently, in response additional control actions were agreed with the concerned Member States. Generally only a limited number of stock assessments are available for the Bay of Biscay and Iberian-Atlantic Seas.

### **West of Scotland, Irish Sea and Celtic Sea**

Haddock stocks west of Scotland and in the Irish Sea are showing improvement, but cod and whiting remain at low levels with high fishing mortality and discard levels. Technical measures are developed jointly by Member States and industry to reduce cod mortality and to avoid unwanted catches (e.g. in the Irish Sea), and further examination of the situation is underway. There is no analytical assessment for several stocks (data limitations, or low catches), and additional efforts are required to improve their data status.

In the Celtic Sea fishing opportunities were reduced in response to the disappearing effect of some recent high recruitments of young fish. MSY advice (for the first time in 2014) for cod and whiting has been the basis for a substantial reduction of the fishing opportunities. Haddock has experienced a period of reduced recruitment, and discarding is identified as a problem. The Commission has amended the 2012 implementing regulation (on use of a square mesh panel for certain fleets catching whitefish in the Celtic Sea) to further increase selectivity and decrease discards. The majority of the Nephrops stocks are now subject to biological advice based on the MSY approach. The Porcupine bank nephrops continues to be managed with a sub-TAC and seasonal closure .

Several stocks, such as sole in the Western Channel, cod in the Irish Sea and Nephrops in parts of area IX are at worryingly low levels.

### **Atlantic sea bass**

Atlantic sea bass (southern North Sea and the Channel, towards the Celtic Seas and the Atlantic) is in a very poor state. Commission emergency measures in January 2015 to protect the spawning aggregations introduced closure of the fishing for sea bass with pelagic trawls, and Council has introduced limits for recreational fishermen in all EU waters. Additional management measures have been proposed by the Commission in 2015 (monthly catch limits for various sea bass impacting fisheries and an increase in mesh size). The Commission will

propose measures for the sustainable management of the sea bass stock in the context of a proposal for a western waters multiannual plan.

### **Deep-sea species**

Fishing opportunities for deep-sea stocks are fixed under a two-yearly cycle, and the next ICES advice is expected in 2016 (TACs for 2017 and 2018). The Commission is monitoring the Member States' commitments for management measures for red seabream, and has facilitated cooperation with third countries (in ICES area IX). This should deliver better insight into the stock state and its exploitation pattern, with a view to agreeing with third countries management measures to halt the further decline and to ensure sustainable management of the stock.

### **Economic performance of fleets and MSY**

Fishing at levels that correspond to MSY creates the prospect of stock recovery to levels that could deliver high yields. A notable example of increased returns from fishing at MSY is the haddock fisheries in the north-east Atlantic: the fleets with the greatest dependency on haddock stocks have significantly increased their profitability<sup>15</sup>, with net profits doubling between 2008 and 2012, and a gross value added increase of nearly €20 million. Increased landings (in weight) came hand in hand with improved average salaries and maintenance of jobs. The example of North Sea Nephrops fisheries also shows improved economic performance (2009-2012)<sup>16</sup>. Graphic presentations of examples are included in Annex III.

### **CONCLUSION**

Substantial progress has been made in moving towards the MSY objective, currently 32 stocks (out of the MSY assessed total of 62) are being fished at or below MSY in the Atlantic EU waters, the North Sea and the Baltic Sea.

Pelagic fisheries in the Atlantic, and generally demersal fisheries in the North Sea and the Baltic Sea have improved their performance. The situation in parts of the western waters is still cause for concern.

The Commission will continue to monitor developments in all areas and intends to provide proposals for the fishing opportunities in line with the ambition of a timely achievement of MSY for all stocks concerned. With the aim of ensuring as much stability as possible, the Commission intends to propose stable TACs for an identified set of stocks, unless the advice points to the need for review.

The situation in the Mediterranean Sea is very different: very slow progress, both in the knowledge about the resources, and in the sustainable exploitation of stocks. This worrisome situation is very similar for stocks that are exploited exclusively by Member States' fleets and for stocks shared with third countries. The Commission intends to intensify the efforts on the areas that show the slowest progress.

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<sup>15</sup> Despite a 30% increase in fuel costs between 2008 and 2012

<sup>16</sup> Observation based on 2014 Annual Economic Report on the EU Fishing Fleet (STECF-14-16)

## **SCHEDULE**

The planned timetable of work is as follows.

| <b>Regulation</b>                            | <b>ICES advice</b>    | <b>Commission proposal</b> | <b>Council</b> |
|--|-----------------------|----------------------------|----------------|
| Baltic Sea                                   | Late May              | August                     | October        |
| Atlantic, North Sea,<br>other (non-EU) areas | Late June (& October) | October                    | December       |
| Black Sea                                    | Late October          | November                   |                |