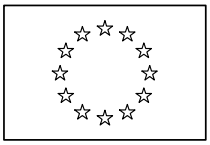

EUROPEAN COMMISSION

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COMMUNICATION FROM THE COMMISSION

Consultation on Fishing Opportunities for 2011

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1. INTRODUCTION

This is the fifth annual Communication of a series setting out the Commission's working method for proposing fishing opportunities (quotas and fishing effort) for European fishermen and in European waters. It is a basis for consultation with stakeholders and Member States.

The proposals follow seven guiding principles:

according to the main objectives of the Common Fisheries Policy (CFP)[1], fishing opportunities must be set at a level which ensures sustainable exploitation of resources in environmental, economic and social terms;

to ensure a stable and predictable framework for operators depending on fisheries and to avoid unnecessary quota changes, annual variations should be limited as far as practicable;

international commitments must be respected, including the commitment to rebuild stocks so that they reach their maximum productivity[2]. For 2011, the Commission intends to change the working method used for 2010 in order to attain the objectives agreed for 2015.

long-term plans in force must be implemented;

fishing on overexploited stocks should be reduced and depleted stocks should be rebuilt;

proposals are based on advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) (usually based on advice from the International Council for the Exploration of the Sea (ICES));

the precautionary approach must apply: absence of evidence is not evidence of sustainability.

2. NEW POLICY DEVELOPMENTS

By 2011, time is running out for reaching Maximum Sustainable Yield (MSY) targets by 2015. Many important stocks are now under long-term plans that have F_{msy} objectives. These plans should be implemented, and for both new plans and for

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1 Article 2 of Council Regulation (EC) No. 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy. OJ L 358 of 31.12.2002, p. 59.

2 Implementing sustainability in EU fisheries through maximum sustainable yield. Communication from the Commission to the Council and the European Parliament. COM (2006) 360 final.

existing plans that need revision to align their targets on MSY, the Commission will make appropriate F_{msy} –based[3] proposals.

For stocks for which no long-term plans have yet been proposed, it would be appropriate to move towards MSY by reducing fishing mortality in equal steps from the 2011 fishing year until the 2014 fishing year to F_{msy}, and exploiting stocks at F_{msy} in 2015 and thereafter. Starting in 2011, this means four equal steps.

In the context of a more regional approach to implementing the CFP, the Commission would like to consult interested parties on devolving the management of Total Allowable Catches (TACs) that concern only one Member State to that Member State, subject to long-term commitments on reporting requirements and good management practice.

Improved adaptation of TAC units to biological areas has been achieved in 2008 and 2009. For 2011, a separation of the TAC area for plaice in zones VIId and VIIe will be considered.

3. STATE OF RESOURCES

3.1. Overview

There are glimpses of good news concerning the state of fish stocks (Annex Ia).

- The number of stocks that are known not to be overfished has increased from 2 in 2005 to 11 in 2010.

- There were 20 stocks subject to an advice to stop fishing, by now these have decreased to 14.

- Stocks "outside safe biological limits" (but not subject to an advice to stop fishing) have diminished from 30 in 2003 to 22 in 2010.

- While total allowable catches (TACs) have still been set at much higher levels than those advised by scientists, this excess has decreased from around 47% to 34% in 2010.

However, there are more stocks (42, up from an average of 35) where scientists have not provided advice because of concerns about the quality of data or other reasons. These include megrims, cod and sole in the Celtic Sea and sole in the western channel, though progress has been made in the assessment of Nephrops stocks.

While there are signs of improvement, this is only a small start. Success in recovering stocks is far from guaranteed and efforts to eliminate overfishing have to be kept up.

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[3] The maximum sustainable yield rate of fishing (F_{msy}) is the intensity of fishing activity that will produce the highest yield from the stock in the long term, and without depleting the stocks' productive capacity in the short term.

3.2. Migratory Pelagic Stocks

The arrangements in place for mackerel in 2010 would allow catches nearly 40% higher than the sustainable catch which would have been set if the long-term plan agreed between the EU, Norway and Faroes in 2009 had applied. No agreement was reached between the EU, Norway, Faroes, Russia and Iceland concerning the out-take from this stock during 2010. While the stock is at a high level now, there is a risk of rapid depletion if management is not brought back into good order.

Stocks of blue whiting and North Sea herring are at low levels of recruitment, but the TACs have been adapted in consequence.

3.3. North Sea, Skagerrak and Kattegat

Progress has been better than elsewhere. The number of stocks outside safe biological limits has declined from 8 to 6, and there are now 5 stocks that are known not to be overfished compared to only 2 last year. TACs exceeded scientific advice by 17% for 2010 compared with 37% in 2009. However, the number of stocks for which scientists have not provided advice has increased from 10 to 11.

3.4. West of Scotland, Irish Sea and Celtic Sea

As in 2008 many stocks are depleted and there are widespread problems with recording of catches and other data such that the state of the resources could not be assessed in 29 out of 48 stocks. Out of 18 stocks where MSY could be assessed, 13 were overfished. Ten stocks were subject to a closure advice. There are signs of improvement: for instance, an increase for Celtic Sea herring. TACs exceeded scientific advice by 49%.

3.5. Bay of Biscay and Iberian-Atlantic Seas

Few assessments are available for the 17 stocks in this area. Only the Bay of Biscay sole is known to be inside safe biological limits. Four stocks are known to be overfished and two stocks (southern hake and anchovy) are known to be outside safe biological limits. TACs exceeded scientific advice by 55% on average. Three stocks are subject to a closure advice.

Southern hake TACs have been overshot and both fishing effort and fishing mortality have increased recently. The implementation of the management plan appears to have been insufficient to control catches or reduce fishing mortality.

3.6. Deep Sea species

Advice for most stocks is that fisheries should either be reduced or not be allowed to expand unless they are known to be sustainable. Some stocks, like orange roughy, should not be fished at all. For others such as tusk, ling and red seabream a development of fisheries towards long-term sustainable levels might be possible in the future, depending on the area fished. New biennial scientific advice is expected in summer 2010, covering the years 2011 and 2012.

3.7. Baltic Sea

Two stocks are fished at or below F_{msy} levels. The remaining 5 stocks are overfished. The average percentage by which the agreed TACs exceeded scientific advice is 16% for 2010 compared with 22% in 2009. The number of stocks for which scientists have not provided advice has decreased from 3 to 2.

3.8. Mediterranean Sea

Though scientific assessments of demersal and small pelagic stocks have been regularly carried out by *inter alia* the STECF and the Scientific Advisory Committee of the General Fisheries Council for the Mediterranean (GFCM-SAC) in the last decade, only in 2009 has STECF provided a synopsis of Mediterranean stocks in relation to biological reference points (Annex Ib).

Assessments for only 16 species out of 102 candidate species (not including the elasmobranches, tunas and tunas like species) are available. Within these 16 species, 42 biological stocks could be identified and assessed. A further 18 stocks could only be identified but neither the stock status nor the fishing pressure are yet known.

Of the 42 stocks where estimation could be made with respect to safe biological limits, 40% of stocks were inside safe biological limits and 60% were outside. Of 46 stocks where overfishing could be assessed with respect to MSY, 54% were overfished and 46% were not.

4. SETTING FISHING OPPORTUNITIES

4.1. Setting TACs

Overfishing and stock depletion are due in part to allowing too much catch and effort. The TACs (which do not restrict catches that are discarded) adopted by Council based on a Commission proposal have been about 48% higher than the sustainable catch (Table 4, Annex Ia). It is welcome that this figure has fallen to 34% for 2010, but more progress towards responsible fishing is needed. The reinforced move towards MSY policies (Section 2) should encourage and promote this change in practice.

Commission proposals have, in many cases, differed from scientific advice because the level of TAC change has been limited to a fixed percentage. In addition to known problems about enforcement, setting quotas at levels that are too high has contributed to keeping marine resources at low levels.

4.2. Fishing effort

Adaptations in fishing effort are required for several long-term plans (cod in the North Sea and the Baltic Sea, the North Sea plaice and sole, the western Channel sole and the Southern hake and Norway lobster stocks). Effort has reduced in most areas

since the plans were introduced, but this was not the case concerning effort in zones VIIIc and IXa, relevant to the southern hake and Nephrops[4] (Annex II).

For the North Sea plans concerning cod and flatfish[5] the transition from days at sea per vessel type to kilowatt-days per effort group should be completed during 2010. Some refinements may be necessary concerning the calculation of initial effort baselines. Effort deployed by some regulated gears and zones are affected by both plans. Applying the effort adjustment rules of the plans to gears affected by both plans has so far not caused major problems. The flatfish plan is under review in 2010, while the cod plan should be reviewed in 2011. Effort allocations for 2011 will follow the plans as in force.

For those stocks that are under plans which specify adjustment to effort levels on the basis of scientific advice, the Commission will, in the event that the specific advice is not available from STECF, make a proposal according to the best available approximation to the plan.

The Commission will consult stakeholders and Member States separately concerning the management of effort in the Celtic Sea.

Effort in the Baltic Sea shifted westward in recent years and by 2008 had decreased by 14% compared to 2002. There was a shift to unregulated gears targeting mostly pelagic species. Effort allocations for 2011 will follow the cod plan as in force. An evaluation of the Baltic cod plan[6] is foreseen late in 2010.

Decisions concerning fishing effort related to deep-sea species in the Northeast Atlantic will be based on the 2009 NEAFC recommendation in this respect, which concerns the years 2010, 2011 and 2012 and states that the effort deployed shall not exceed 65% of the highest level put into deep-sea fishing in previous years for the relevant species.

5. MANAGEMENT BY LONG-TERM PLANS

Long-term plans remain at the core of the Commission's policy; both Community Regulations concerning long-term plans and plans developed under international agreements must be implemented. Such plans have proven to be more effective in managing stocks and have improved decision making

No new plans came into force in 2009. For 2010 it is expected that:

- plans concerning anchovy and western horse mackerel should be adopted;
- plans concerning west of Scotland haddock and Celtic Sea herring should be proposed by the Commission;

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4 Council Regulation (EC) No 2166/2005 of 20 December 2005. OJ L 345, 28.12.2005, p. 5.
5 Council Regulation (EC) No 676/2007 of 11 June 2007. OJ L157 of 19.6.2007, p.1
6 Council Regulation (EC) No 1098/2007 of 18 September 2007. OJ L 248, 22.9.2007, p1.

- the revision of the plans concerning northern hake, Southern hake and Norway lobster and Bay of Biscay sole will continue during 2010;

- the multi-annual plan for cod in the Baltic Sea will be evaluated.

Work will also continue on bringing more stocks under long-term management, including salmon and pelagic stocks in the Baltic Sea and a few Mediterranean fisheries in 2010. Where, pending adoption of such plans, Council and Commission have declared specific intentions on harvest rules, these will be followed in Commission proposals.

6. CHANGES TO WORKING METHOD WHERE LONG-TERM PLANS ARE NOT YET IN FORCE

Some adaptations to the working method used previously are necessary in order to move towards F_{msy} (Annex III). For stocks which are overfished but are inside safe biological limits, adaptations of the TACs will be proposed such that MSY fishing mortality will be reached by 2015. The limit on TAC changes will be increased from 15% to 25% so as not to prejudice the attainment of the MSY objective.

For stocks which are overfished and are also outside safe biological limits, the existing rule will be modified so as to move towards the MSY objective by 2015. The 30% minimum decrease in fishing mortality would be retained where necessary.

Scientific advice on setting TACs for stocks where no catch options were available was requested in 2009. A full reply has yet to be received and the request set out in Annex IV is repeated and is addressed to both ICES and STECF (a small clarification is added to paragraph 1). In addition, an *ad hoc* procedure for TAC-setting for stocks where no advice is available ("Category 11") will be discussed with Member States, Regional Advisory Councils (RAC)s, ICES and STECF.

Member States should implement data cross-checking and improve data delivery. The Data Collection Framework (DCF)[7] will improve some of the data-related issues through the increase of species listed for mandatory data collection including surveys at sea. The current reform of the CFP control system should help address these shortcomings, providing for the improvement of the Vessel Monitoring System system and a faster and wider implementation of the electronic logbook.

Permissible fishing opportunities depend on the state of fish stocks, which are affected not only by catches taken and landed but also by catches taken and discarded. The Commission attaches high importance to discard reduction, as demonstrated and documented success in reducing discards can result in higher TACs. With this context, the Commission will examine the results of discard-reduction initiatives during 2010.

[7] Council Regulation (EC) No. 199/2008 of 25 February 2008. OJ L 60, 5.3.2008, p. 1.

7. SCHEDULE OF PROPOSALS

The timetable of work is foreseen as follows:

Fishing Opportunities Regulation	Advice Available	Commission Proposal	Possible adoption by Council
Black Sea	November	October (+)	December
Baltic Sea	May	early September	October
Deep-Sea	July	end September	November
Atlantic, North Sea and other areas	July(*)	end October	December

(+) completed in November

(*) completed in October

It is intended to discuss this present Communication with Member States at the June 2010 Council.

8. STAKEHOLDER DIALOGUE

The Commission attaches high value to stakeholder input concerning fishing opportunities. In last year's consultation, stakeholders identified the following main issues that should be taken into account in the fishing opportunities communication:

i) socio-economic analysis should be developed,

ii) other EU regulations and directives considered when setting fishing opportunities, and

iii) a regionalized approach when describing the state of the resource.

These remarks have been taken into account where possible. However, social and economic factors can only be addressed in the development of long-term plans, not in the context of annual advice.

RACs were consulted when designing management measures for specific stocks, such as the protection of Nephrops on Porcupine Bank. The North-Western WatersRAC (NWWRAC) suggested a seasonal closure, which was supported by STECF and consequently also by the Commission.

RACs have also drawn attention to poor data concerning many stocks. Good information about the fishery and the stocks is needed in order to provide credible advice. Stakeholders are encouraged to ensure full implementation of the existing

systems of catch reporting and data collection. To further this end, stakeholders will be invited to participate in data quality reviews.

Correct data are essential to make fisheries management work. With a sound basis in information, stakeholders will also be better able to advise the Commission concerning sustainable fishing practices.

9. CONCLUSION

The Commission solicits the views of Member States, RACs and the Advisory Committee for Fisheries and Aquaculture (ACFA) on the approach set out above for 2011 concerning the Commission's approach to meeting its responsibility to manage for sustainability according to the Common Fisheries Policy's objectives.

However, stakeholders' advice can only be used by the Commission when it is developed using an evidence-based approach to sustainable fishing; *i.e.* data are needed to support stakeholders' advice.

In order that the results of consultations can be used in time, the Commission requests that contributions concerning this Communication be finalised by 1 June 2010. A discussion at political level with Member States is foreseen to take place at the Fisheries Council on the 28-29 June.

ANNEX Ia – Stocks in the North-East Atlantic and adjacent waters

Table 1. Scientific advice about the state of the stock	No. of fish stocks								
	2003	2004	2005	2006	2007	2008	2009	2010	Average
Outside safe biological limits	30	29	26	26	26	28	27	22	27
Inside safe biological limits	12	10	14	11	12	13	12	15	12
The state of the stock is unknown due to poor data	48	53	53	57	58	55	57	60	55

	No. of fish stocks								
Table 2. Scientific advice about overfishing	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**Average**
The rate of fishing on the stock is known compared to maximum sustainable yield rate			34	23	32	33	35	39	33
The stock is overfished			32	21	30	29	30	28	28
The stock is fished at the maximum sustainable yield rate			2	2	2	4	5	11	4

	No. of fish stocks								
Table 3. "Emergency" scientific advice	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**Average**
Scientific advice to stop fishing	24	13	12	14	20	18	17	14	17

Table 4. Difference between TACs and sustainable catches	No. of fish stocks								
	2003	2004	2005	2006	2007	2008	2009	2010	Average
Excess of TAC over sustainable catch[8] (%)	46%	49%	59%	47%	45%	51%	48%	34%	47%

[8] Sustainable catch means the catch advised by ICES and STECF according to the precautionary approach.

Table 5. Summary of the scientific advice about fishing opportunities	**No. of fish stocks**								
	2003	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**Average**
Stocks where stock size and fishing mortality can be forecast	40	34	40	31	29	30	34	36	34
Stocks where a scientific advice concerning fishing opportunities is available	59	52	54	65	61	62	63	60	60
Stocks where no scientific advice is available	31	40	39	29	35	34	33	42	35

ANNEX Ib – Stocks in the Mediterranean Sea

Table 1 – Scientific advice about the state of the Mediterranean stocks	no.	%
Outside safe biological limits	17	28,3
Inside safe biological limits	25	41,7
The state of the stock is unknown due to poor data	18	30,0
Total stocks (of 16 species)	60	100

Species classified according to the above criteria	16	15,7
Other species not included for very poor data	86	84,3
Species taken into account	102	100

Table 2 - Scientific advice about overfishing for the Mediterranean stocks	no.	%
The stock is overfished	25	54,3
The stock is fished at the MSY rate	21	45,7
The rate of fishing is known compared to MSY rate	46	76,7
The rate of fishing is unknown compared to MSY rate	14	23,3
Total stocks (of 16 species)	60	100

Species classified according to criteria	16	15,7
Other species not included for poor data	86	84,3
Species taken into account	102	100

ANNEX II –Fishing Effort
regulated under multi-annual plans, as reported by Member States to STECF

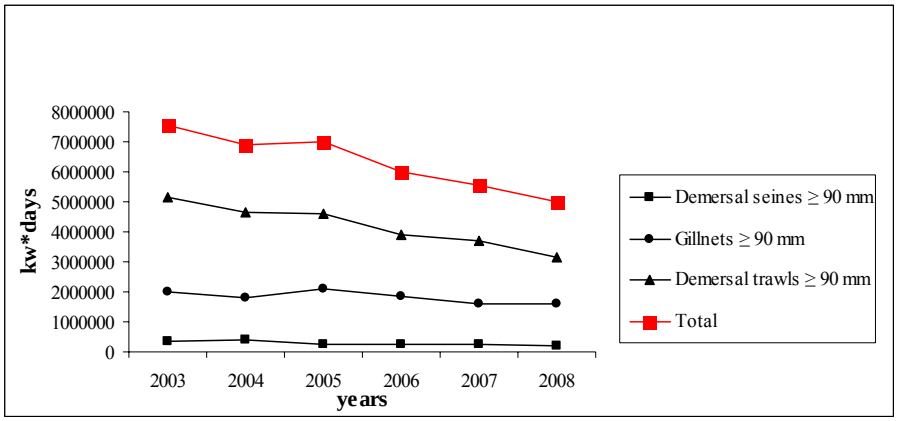

Figure 1. Regulated fishing effort in the Western Baltic Sea, (ICES subdivision 22 to 24).

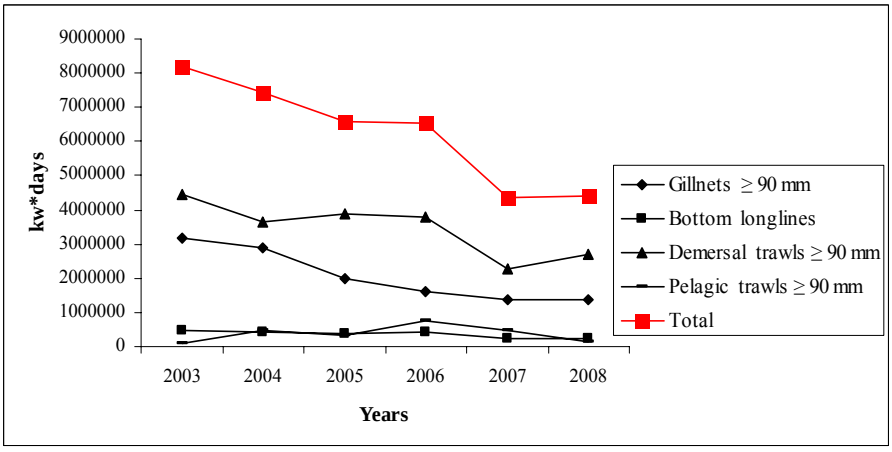

Figure 2. Regulated fishing effort in the Central Baltic Sea (Zones 25 to 28)[9].

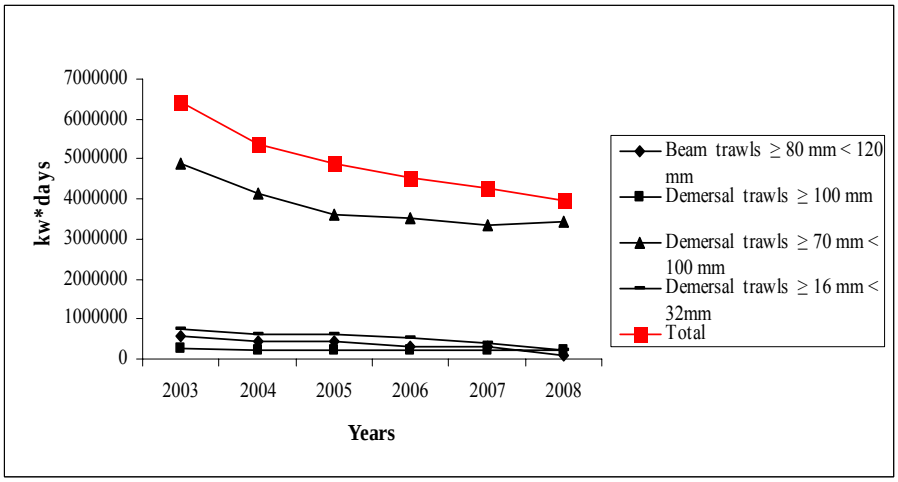

Figure 3 Regulated fishing effort in Kattegat (IIIaS).

[9] The figures include effort in areas where derogations apply (see Regulation 1268/2009).

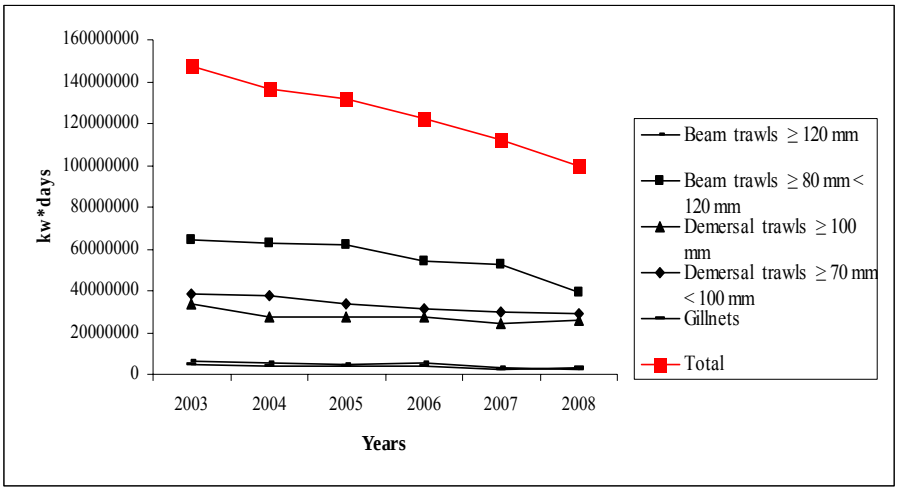

Figure 4. Regulated fishing effort in North Sea, Skagerrak and Eastern Channel (IV, IIIa and VIId).

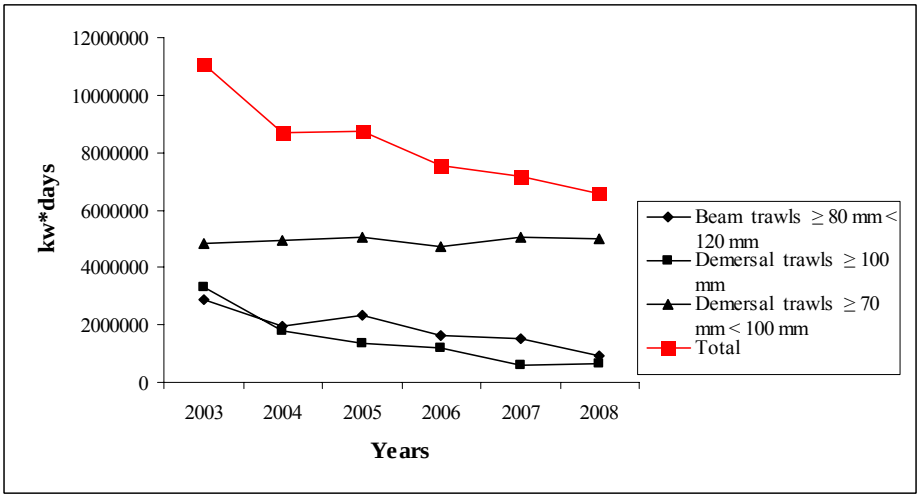

Figure 5. Regulated fishing effort in the Irish Sea (VIIaN).

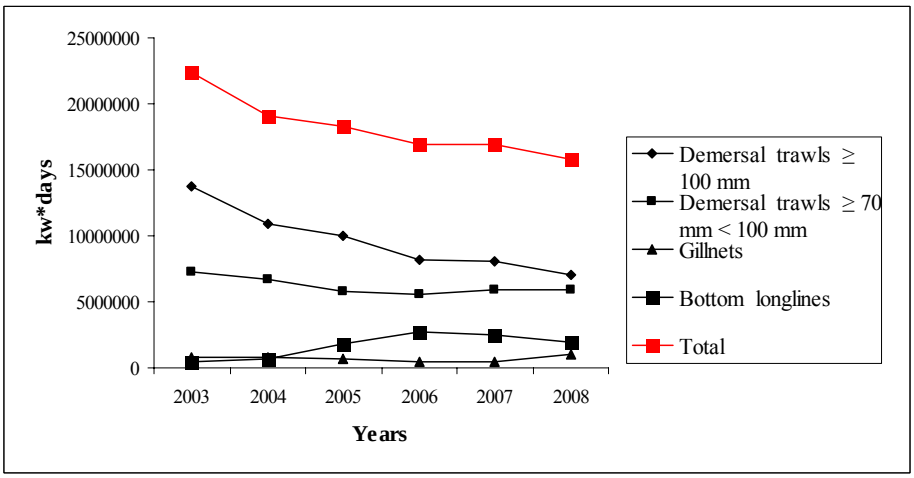

Figure 6. Regulated fishing effort in the West of Scotland (VI).

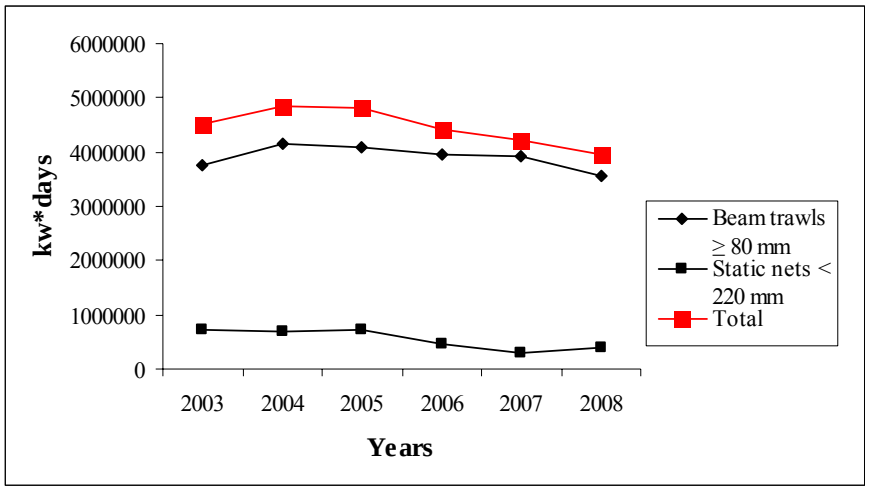

Figure 7. Regulated fishing effort in the Western Channel (VIIe).

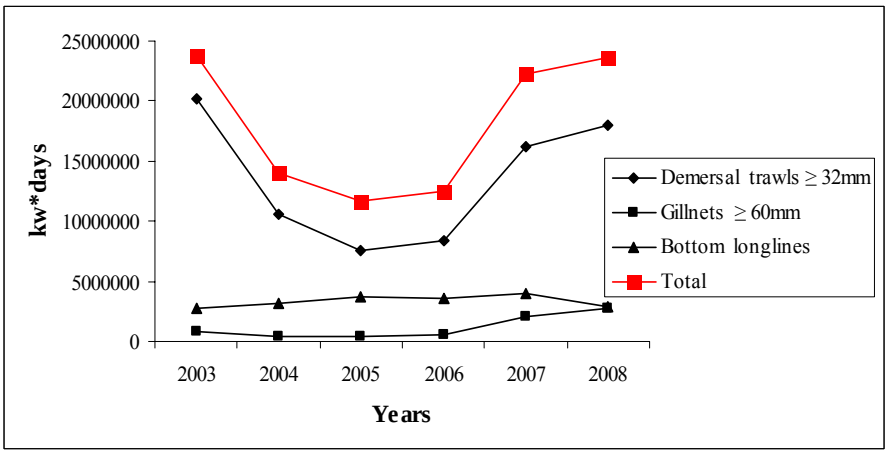

Figure 8. Regulated fishing effort in the Iberian-Atlantic Waters (VIIIc IXa).

ANNEX III - Rules for TACs

TAC decisions must be made on the basis of scientific advice, as provided by STECF that already considers biological, social and economic perspectives.

Different rules should apply according to the level of risk concerning each stock. Stocks are at high risk when they fall below the "precautionary level (B_{pa})"- the biomass where the future productivity of the stock risks becoming lower or when the fishing mortality rate is higher than the "precautionary rate" (F_{pa}). Fishing mortality rate (F) is the annual catch divided by the average size of the stock over the year.

If a stock is smaller than B_{pa} or is fished at a higher rate than F_{pa} it is "outside safe biological limits", and *vice versa*.

Where a TAC covers several species, the rule pertaining to species most at risk applies.

In the following table, changes with respect to rules used previously are marked in bold.

Category	Scientific advice	Action to take in setting TAC
1	Stock exploited at the maximum sustainable yield rate.	Aim to set the TAC to the forecast catch corresponding to the fishing mortality that will deliver the highest yield in the long term, but do not change the TAC by more than 25%.
2	Stock overexploited compared to maximum sustainable yield but inside safe biological limits.	Aim to set the TAC to the higher value of (a) to the forecast catch corresponding to taking the highest yield in the long term[10], or (b) **the catch corresponding to reducing the fishing mortality rate by one-quarter of the difference between the current fishing mortality and the rate that would provide the highest yield in the long term,** but do not change the TAC by more than **25%**.
3	Stock outside safe biological limits	**Aim to set the TAC to the highest value of (a) the forecast catch corresponding to taking the highest yield in the long term, or (b) the catch corresponding to reducing the fishing mortality rate by the larger value of** **(i) 30%** **(ii) one quarter of the difference between the current fishing mortality and the rate**

[10] As measured by the fishing mortality corresponding to a marginal yield of 10% of the marginal yield at fishing mortality close to zero ($F_{0.1}$).

		that would provide the highest yield in the long term **but do not reduce the TAC by more than 30% as long as fishing mortality will not increase.**
4	Stock is subject to long-term plan and scientists advise on the catch that corresponds to the plan.	The TAC must be set following the relevant plan. **This category overrides other categories.**
5	Stock is short-lived and a one-year forecast cannot be provided.	A provisional TAC is set and will be changed when new information is available during the year.
6*	State of the stock not known precisely and STECF advises on an appropriate catch level.	Aim to set the TAC according to STECF advice **but** do not change the TAC by more than 15%.
7*	State of the stock not known precisely and STECF advises to reduce fishing effort.	The TAC should be reduced by up to 15% and STECF should be asked to advise on the appropriate level of effort.
8*	State of the stock not known precisely and STECF advises the stock is increasing.	The TAC should be increased by up to 15%. No increase in fishing effort [§].
9*	State of the stock not known precisely and STECF advises the stock is decreasing.	The TAC should be decreased by up to 15%. Decrease fishing effort [§].
10	STECF advises a zero catch, a reduction to the lowest possible level or similar advice.	The TAC should be reduced by at least 25%. Recovery measures should be implemented including effort reductions and introduction of more selective fishing gear.
11	There is no STECF advice, or the state of the stock is not known precisely and STECF does not advise on whether the stock is increasing or decreasing.	TACs should be adjusted towards recent real catch levels but should not be changed by more than 15% per year **or** Member States should develop an implementation plan to provide advice within a short time. No increase in fishing effort [§].

* This rule may be subject to changes. The Commission has requested ICES to advice on possible new options as set out in Annex IV. The final rule to be applied will depend on the outcome of that advice.

[§] Where relevant.

ANNEX IV - Request to ICES for categories 6 to 9

For those stocks, excluding naturally short-lived species, where it is not possible to provide an advice based on a catch forecast in relation to precautionary limits, ICES has been requested to:

I) advise on a TAC corresponding to the application of the rule below;

II) evaluate the consequences of implementing the rule below with respect to the precautionary approach and compatibility with maximum sustainable yield;

III) if necessary, advise on an alternative rule and the corresponding TACs that would improve compatibility with the precautionary approach, with maximum sustainable yield, or with improved stability of TACs. This could be provided on a case-by-case basis.

Rule:

1. Where there is evidence that a stock is overfished with respect to the fishing mortality that will deliver maximum sustainable yield (or is depleted to a low level compared with historic levels), a reduction in TAC as needed to reach F_{msy}, but no greater than 15% would apply.

2. Where there is evidence that a stock is underfished with respect to the fishing mortality that will deliver maximum sustainable yield, an increase as needed to reach F_{msy}, but no greater than 15%, would apply.

3. The considerations in paragraphs 1 and 2 override subsequent paragraphs.

4. Where abundance information either indicates no change in stock abundance, is not available or does not adequately reflect changes in stock abundance, an unchanged TAC would apply.

5. Where ICES considers that representative stock abundance information exists, the following rule applies:

a. If the average estimated abundance in the last two years exceeds the average estimated abundance in the three preceding years by 20% or more, a 15% increase in TAC applies.

b. If the average estimated abundance in the last two years is 20% or more lower than the average estimated abundance in the three preceding years, a 15% decrease in TAC applies.

Where TACs have not been restrictive, and a reduction is required according to paragraph 1 or paragraph 5.b, ICES shall advise on an appropriate level of TAC reduction necessary to achieve the intended reduction in catches. ICES shall decide on an appropriate F_{msy} proxy in each case.