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Cc to:

- Charlina Vitcheva, MARE AC Team (DG MARE, European Commission)
- Scheveningen and NWW HLGs

Date: 7 July 2023
PelAC reference: 2223PAC76
Subject: PelAC advice on CFP Package

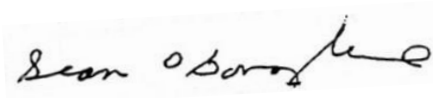
Dear Ms. Beekman,

In response to the release of the Commission 'CFP Package' on 21 February 2023, the Pelagic Advisory Council submits for your consideration in Annex I, its comments and recommendations to the Package documents (limited to the CFP communication, the marine Action Plan and the Energy Transition initiative), which have been unanimously endorsed by the Executive Committee.

We hope you find these recommendations useful for your further reflections and discussions on these documents. Please note that we will forward these recommendations to the two other regional MS groups relevant to the PelAC (the South Western Waters and the Scheveningen regional groups), in parallel.

In case you have any questions, please do not hesitate to contact the Secretariat.

Kind regards,



Sean O'Donoghue
Chairman Pelagic AC





Annex I

Recommendations on the Commission CFP Package

July 2023

Introduction

The Pelagic Advisory Council (PelAC) wishes to comment on the Commission's CFP Package published on 21 February 2023. Under the auspices of the Executive Committee, the PelAC has set up a CFP Package Focus Group, specifically to discuss the documents between the members of the PelAC. The Focus Group met online on 10 May 2023 to discuss the three documents relevant to the PelAC (the communication on the CFP, the marine Action Plan and the initiative on Energy Transition) and to develop an agreed response. This recommendation is the result of this interaction.

The PelAC submits its unanimous views taking a pelagic fisheries perspective. As such, the response is based on a selection of sections and actions in the documents, deemed most relevant for pelagic stocks that fall under remit of the PelAC. The PelAC hopes that this advice will help to inform the Member States on the further implementation of the actions set out in the documents and provide material for further reflections.

Further to these recommendations, the PelAC refers to its letter ([reference 2223PAC71](#)) submitted to the Commission on 23 May 2023 in relation to the stakeholder event on Energy Transition planned for 16 June 2023, for additional consideration to the comments issued below on the Initiative on Energy Transition.

General remarks

The PelAC has submitted very detailed recommendations in light of the Commission public consultations on the Fisheries Action Plan in December 2021, as well as the review of the CFP in March 2022. These PelAC recommendations ([references 2122PAC18](#) and [2122PAC23](#)) serve as a basis for our commentary on the CFP Package documents below. A large number of these recommendations have unfortunately not been considered in the CFP Package documents, so relevant previous recommendations will be reiterated in the context of the CFP Package document, as deemed appropriate.

Specifically, a number of these recommendations were considered fundamental in the context of the revision of the CFP, so it was particularly disappointing these were not reflected on in the CFP Package documents. For example, none of the Commission Package documents mention the fact that the EU has lost 40% of its waters as a result of Brexit, nor on the implications this has on the management of (shared) stocks under the CFP. In its 2022 recommendations issued in light of the consultation of the review of the CFP, the PelAC highlighted the importance of the fundamental change brought about by Brexit on the landscape and dynamic of the CFP since the regulation came into force. The new reality of Brexit impedes the EU from setting and achieving its former objectives in the same manner. The PelAC also recommended the Commission to prioritise with its UK counterparts how cooperation concerning scientific work, data collection and analysis will take form. Any successful evaluation of the current CFP needs to take Brexit fully into account and capture its repercussions¹.

¹ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf





Similarly, the PelAC is also disappointed that the long-standing recommendation on regionalisation, has not been touched upon. Since the CFP came into force, the PelAC has continuously raised the issues related to the current regionalisation set up, whereby the PelAC needs to follow the work of three different regional groups. The PelAC finds it crucial that any improvement in the current regionalisation framework of the CFP calls for the formation of a pelagic MS subgroup dealing exclusively with pelagic stocks, to ensure a level playing field in the management of pelagic stocks across the three sea-basins. This recommendation will be reiterated in detail in [Chapter 1.3](#) of the CFP document.

The PelAC notes that several actions of the Communication on the CFP, the marine Action Plan and the Initiative on Energy transition, imply an additional workload from the Advisory Councils while there is no mention of additional resources. For the last number of years, the PelAC has continuously requested the possibility for ACs to have direct access to capital funding from the EMFAF, to carry out research projects. This would fully enable the ACs to carry out their advisory role as envisaged under the CFP. Noting the workload increase expected as a result from the ambitions outlined in the Package documents, the PelAC considers this recommendation increasingly valid, also in the context of resources, to ensure ACs can continue to contribute meaningfully to new initiatives and structures set out in the documents. Equally, this recommendation was stressed repeatedly in the 2022 submission, and the PelAC is disappointed this point was not addressed in the various financial sections in the three documents.

As a general remark to the CFP Package, the PelAC welcomes the Commission's aspirations, and notes that calls are often made to Member States and other institutions. The PelAC in turn, calls on the Commission to highlight how it sees its own role in delivering on these aspirations, particularly in the coordination of the actions set out in the document.

The PelAC comments and recommendations below, follow the actions framed in the text boxes in the Package documents, in principle on a paragraph-by-paragraph basis. For ease of reading, the PelAC introduces an Executive summary of the main highlights of the detailed recommendations, referencing the detailed recommendations for additional information.





Executive Summary of the detailed recommendations on the CFP Package

Document 1: The CFP Today and Tomorrow: a Fisheries and Oceans Pact towards sustainable, science-based, innovative and inclusive fisheries management

The PelAC recommendations issued under [Chapter 1.1](#), comment on the actions outlined in the section ‘Empowering people in fishing and aquaculture communities’ in the CFP communication. The PelAC supports the Commission’s intent to conduct an EU-wide participatory foresight project on “Fishers of the Future” and requests that Advisory Councils are actively involved and engaged in this process. In addition, the PelAC asks for additional clarity with regard to implementation of the project, and how the roll-out of the project as well as the engagement process will take form. Finally, the PelAC points out that the project was foreseen to kick-off in spring of 2023, and asks if the envisaged timeline for this process is still applicable. For more details, please see the recommendations under [paragraph 1.1.1](#).

In [Chapter 1.2](#), the PelAC comments on the section ‘contributing to the protection of the planet’. In the context of the action with respect to MSY, the PelAC is particularly disappointed that the key recommendation from the PelAC submission in 2022 with regard to Brexit, has not been touched upon. Since Brexit, most of the EU’s TAC and quota stocks are now jointly managed through bilateral, trilateral or Coastal States (CS) consultations. While the objective to reach MSY for all stocks is a key objective of the CFP, the TCA between the EU and UK does not reflect this objective as being binding on the UK side (see [paragraph 1.2.1](#) for more detail). The PelAC advises the Commission to adapt and reinforce its efforts in upholding the MSY-objective, acknowledging the changed TAC-setting landscape where third parties do not necessarily adhere to the same principles. In turn, the PelAC is supportive of the Commission’s intent to further develop the ecosystem-based approach to fisheries management, and refers to key discussion points that emerged from the PelAC workshop on EAFM in 2023, as well as recalling previous recommendations in light of this theme submitted in 2021, such as the advice to consider the outcomes of the ICES WKIRISH workshops and addressing interlinkages between NS herring and unavoidable bycatches of Western Baltic spring spawning herring, as approaches for the further implementation of the EAFM. See our recommendations under [paragraph 1.2.2](#) for more detail. The PelAC regrets none of these recommendations were mentioned in the CFP Package documents. Finally, under [paragraph 1.2.3](#) the PelAC supports the actions calling for a rapid implementation of the Single-Use Plastics Directive, as well as encouraging fishers to continue collection of marine litter and use of biodegradable elements in fishing gear.

With regard to the second section on ‘increasing selectivity of fishing gear and implementing the landing obligation, the PelAC asks for clarification on the action calling MS and ACs to provide the Commission with key data for the evaluation of the landing obligation, in terms of the specific type of data that ACs are expected to deliver, see [paragraph 1.2.4](#). Further, under [paragraph 1.2.5](#) the PelAC recalls that many recommendations with regard to challenges in relation to the landing obligation have been submitted in 2022 following the consultation on the review of the CFP, and is disappointed these have not been reflected upon. The PelAC reiterates the most pertinent recommendations such as the need for better enforcement by MS, the choke mitigation tool, and the role of ACs. See [paragraph 1.2.5](#), for additional detail.

[Chapter 1.3](#) covers the Commission communication section in relation to improving the CFP governance. The primary PelAC recommendation in this respect, is a long-standing recommendation that also formed part of the 2022 submission on the review of the CFP, calling for a regional subgroup of MS dealing exclusively with pelagic stocks. As mentioned in the general comments above, this is a key improvement area as far as the PelAC is concerned, and it is disappointing that this





recommendation has not been taken onboard. See [paragraph 1.3.1](#) for more detail. In the context of implementing governance actions, the PelAC questions to what extent article 18 of the CFP on regionalisation needs to be modified to reflect the TCA agreement and if the Regional Members States Groups can still operate as prior to Brexit (see [paragraph 1.3.2](#)). Finally, under [paragraph 1.3.3](#) the PelAC indicates that it will not comment on matters related to quota allocation, as has been long standing practice, and recalls the recommendation issued in light of the 2022 review of the CFP consultation, on the need to consider the balance of the environmental, social and economic objectives of the CFP, which have not been addressed.

[Chapter 1.4](#) of the detailed recommendations covers the section on ‘adapting to shifting fisheries interests beyond EU-waters’. In this section, the PelAC considers the Joint Communication on Climate Change, Environmental Degradation, Security and Defence to be relevant, but is unclear on its specific purpose. The PelAC asks when this Communication is expected and what is the envisaged timeframe. As no mention is made to the PelAC recommendations from the 2022 submission on pollution and climate change, these have been reiterated in this section, see [paragraph 1.4.1](#) for more details.

The PelAC further notes that while this section touches upon Brexit and the changes in the fishing relations between Coastal States, it is disappointing that this section does not reflect on the impacts of Brexit on the CFP and its full repercussions on management of joint stocks, as the PelAC recommended in 2022. In addition, while this section covers the international dimension, it does not touch upon the importance of ensuring a level playing field in the application of the CFP rules to third country vessels operating in EU waters, and recalls this key recommendation issued in 2022. See [paragraph 1.4.2](#) of the detailed recommendations for further information.

[Chapter 1.5](#) covers the paragraph in the Commission communication on ‘CFP tapping the potential of sustainable innovation and investment’. While the PelAC supports the Commission calls to MS to increase transparency and flexibility in the management of fishing capacity, it is disappointing that the various recommendations on fishing capacity issued in 2022 have not been taken onboard. The PelAC reiterates these recommendations, see [paragraph 1.5.1](#) for more details. In turn, the PelAC welcomes the envisaged establishment of the Energy Transition Partnership (ETP), and voices a keen interest to contribute actively to this forum. The PelAC calls for further details as to how this Partnership is expected to operate and how the PelAC can contribute (see [paragraph 1.5.2](#)).





Executive Summary of the detailed recommendations on the CFP Package

Document 2: EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries

Chapter 2.1 of the marine Action plan covers the PelAC recommendations on the paragraph on ‘making fishing practices more sustainable’. In general, the PelAC considers both subsections (action to improve fishing selectivity and reduce the impact of fisheries on sensitive species, as well as action to reduce the impact of fishing on the seabed) to apply to demersal fisheries to a large extent, and calls on the Commission and MS to not lose sight of pelagic fisheries in these discussions. Paragraph 2.1.1 comments on this in the context of the calls to MS on the development of natural mortality thresholds and adoption of measures to implement them. On the natural mortality thresholds, the PelAC also recommends that these are built on a robust scientific basis allowing for a balanced approach between protection and sustainable development of fishing activities and recommends increasing the continuous acquisition of data concerning the conservation status of populations (distribution, abundance, dynamics).

Furthermore, the PelAC refers to a large number of recommendations issued in 2021 in light of the Fisheries Action Plan consultation, with regard to selectivity and reducing impacts of bycatch of sensitive species. See paragraphs 2.1.2 and 2.1.4 for additional detail. These recommendations demonstrate that there are noteworthy efforts taking place at the level of pelagic fisheries sector, that can be taken into account in the context of selectivity. The PelAC is therefore disappointed these recommendations have not been reflected upon, resulting in an underemphasis of pelagic fisheries in the marine Action Plan. The PelAC also highlights previous recommendations on habitat protection as well as the internship project being carried out in 2023 on the mapping of essential fish habitats, which is expected to form a basis on future discussions in the context of designating MPAs. See paragraph 2.1.5 for additional detail.

In this same section, the PelAC comments on the action proposed by the Commission to ask the STECF for advice on evaluating the ‘optimum sizes of fish’ to be caught in fishing gear, in order to obtain the ‘highest long-term yield’. The PelAC is confused by the use of the terms ‘optimum sizes of fish’ and the ‘highest long-term yield’, and seeks clarification on what is meant by them (paragraph 2.1.6).

In relation to the action where the Commission plans to assess, in the context of the report on implementation of the Technical Measures Regulation, the catching, retaining, transshipping, landing and selling of species threatened with extinction or in ‘unfavorable conservation status’ under the Habitats Directive, the PelAC is disappointed no reference is made to the existing conflicts in the legislation with the catch composition rules under the Technical Measures regulation and the rules pertaining to the Landing obligation. See the details of this recommendation under paragraph 2.1.7. The PelAC also considers the above-mentioned recommendations from 2021 on selectivity to apply to the action calling for implementing rules under the TM regulation to improve selectivity (paragraph 2.1.8). Finally, with regard to the final action in this subsection, the PelAC refers to previous recommendations on the MSFD and on the need to ensure consistency between the CFP and other environmental Union policies, see paragraph 2.1.9 for additional detail.

Chapter 2.2 covers the PelAC recommendations on the section ‘Securing a fair and just transition for all’. The PelAC does not comment on the actions felt relevant to demersal fisheries, but considers it important that a similar workshop as envisaged for MS to guide and promote the use of funding





to implement this action plan, should be organized for Advisory Councils as well. It's important that such a workshop gives pelagic fisheries their due attention as well (see [paragraph 2.2.2](#)). The PelAC also recalls its previous recommendation on ensuring access for ACs to capital funding from the EMFAF, as mentioned in the general remarks above, see [paragraph 2.2.3](#) for additional detail.

[Chapter 2.3](#) covers the section on strengthening the knowledge base of the marine action plan. In the detailed recommendations, the PelAC recalls its extensive track record in contributing to science and scientific discussions concerning the management of the stocks under its remit. The PelAC also reiterates detailed recommendations submitted in this regard in 2022, highlighting the PelAC involvement in genetics and in high level discussions with ICES to improve the quality of the science. Given these positive contributions to science and the knowledge base of relevant stocks, the PelAC considers it crucial that ACs are involved in strengthening the knowledge base, research and innovation of fish stocks under their remit. See [Chapter 2.3](#) for further details. In addition, the PelAC encourages the action relating to promoting the use of funding for advice, research and innovation and supports the research areas covered by this paragraph. The PelAC considers it vital that ongoing research in the field of on genetics stock-ID should be added to this list as well (see [paragraph 2.3.1](#)). The PelAC is disappointed these recommendations from previous submissions were not reflected upon in the marine Action Plan.

In relation to gathering EMODnet's seven thematic areas (of bathymetry, geology, seabed habitat, chemistry, biology, physics and human activities) on a single-entry portal, the PelAC considers that 'biology' mentioned in this list should cover fish stock biology and their dynamics, and recalls previous recommendations to the Commission on ensuring the quality of science as an ICES client. See [paragraph 2.3.2](#) for further details. The PelAC supports the paragraph on the Commission's plans to develop an interactive platform on selective and innovative fishing gear, sharing knowledge and good practices, and asks to be involved as this platform is prepared and developed (see [paragraph 2.3.3](#)). In relation to the final action in this section on the Commission's intent to develop scalable solutions designed to conserve fisheries resources and protect marine ecosystems, the PelAC once again finds that much of the of research and innovation focus covered by the marine Action Plan is attached to demersal fisheries. The PelAC wishes to see continued knowledge and innovation on areas of interest to pelagic fisheries as well, and underlines the importance of not overlooking the pelagic segment in the implementation of the actions in this section and the marine Action Plan document overall (see [paragraph 2.3.4](#)).

[Chapter 2.4](#) covers the PelAC recommendations section on monitoring and enforcement, and recalls a large number of previous recommendations submitted in 2022 on the review of the CFP, in the context of monitoring and enforcement. Particularly, the PelAC reiterates pertinent recommendations on monitoring and enforcement of the landing obligation, the enforcement of CFP rules to non-EU vessels that operate in EU waters, the conflicts that exist from a control point of view on the implementation of the catch composition rules of the Technical Measures regulation and the rules pertaining to the landing obligation, and finally, the control and enforcement of capacity rules. See [paragraph 2.4.1](#) for the details, and the PelAC notes its disappointment that these recommendations have not been reflected upon in this document. With regard to the joint deployment plans by EFCA and the alignment of EFCA's work programme to the objectives of the marine Action plan set out in the final action of this section, the PelAC further recalls its recommendation from the 2022 consultation on review of the CFP on the need to ensure that future results of evaluation of





compliance with the landing obligation reports are disseminated transparently by EFCA and the High Level Member State Groups: either reports are published in full, or not at all. See [paragraph 2.4.2](#) for more details.

Finally, [Chapter 2.5](#) covers the PelAC recommendations on the section on governance, stakeholder involvement and outreach. Once again, the PelAC notes that most of the paragraphs under this heading apply to demersal fisheries. As a general comment, the PelAC recognizes the importance of the focus on demersal fisheries and their impacts on habitats, but reiterates that pelagic fisheries should not be overlooked in these discussions. The PelAC adds that while the pelagic fisheries segment in the EU accounts for fewer vessels in number, the segment generates by far the largest volumes in catches. The PelAC feels that appropriate balance must be sought in the Commission CFP Package documents, that reflect the importance of fisheries segments proportionally.

With regard to the establishment of a joint special group for Member States to support the Commission in implementing the action plan and monitoring its progress, the PelAC reiterates its long-standing recommendation to ensure a Member State subgroup is established that deals specifically with pelagic stocks managed across all regions, as mentioned in the general comments. Moreover, the PelAC considers that the 'stakeholder observers' to the forum should include Advisory Councils (PelAC included), as ACs have been set up under the CFP with the objective of transmitting stakeholder views on matters pertaining to fisheries management (see [paragraph 2.5.1](#)).





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Document 3: The Energy Transition of the EU Fisheries and Aquaculture sector

The PelAC makes a few general remarks as regards this communication. The PelAC commends the Commission for taking this initiative and shares the aspirations set out in the document. The PelAC is committed to engaging with the Commission on this transition moving forward, while being at the forefront of developments in this arena. The PelAC refers to the virtual workshop on Energy transition in the pelagic fisheries sector held in April 2023, which has paved the way for future discussions on this topic at the PelAC. The PelAC expects to deliver more detailed advice on how this transition could take form, under what conditions and what timeframe. As such, Member States can expect a more detailed PelAC advice on Energy transition at a later stage in 2023 or 2024. The PelAC will limit its response to the Communication initiative on Energy Transition as part of the CFP Package to general comments and macro-level issues such as lack of financial resources.

While the PelAC fully supports the aspirations outlined in the Commission initiative, it finds the communication short on specific actions and lacking provision on the very large financial resources required to carry the energy transition other than using existing funding mechanisms. The PelAC would have considered an implementation roadmap useful to structure the delivery of the aspirations set out in the document, and would like to see the investments in terms of funding and R&D that is needed to make this transition a reality better presented in the document.

The PelAC also comments to the specific sections in the Commission communication. For example, under [Chapter 3.1](#), the PelAC asks for an opportunity to convey the messages from the PelAC with regard to this topic, and asks to ensure ACs form part of the new Energy Transition Partnership (ETP), to voice and structure input from stakeholders in the fishing and aquaculture sectors. The PelAC also underlines that any roadmap delivered for the ETP contains concrete measures as well as timelines.

[Chapter 3.2](#), on closing the gaps in technology and R&I, the PelAC underlines that the magnitude of the funding required go well beyond what the EMFAF can offer, as mentioned in the general comments. The PelAC also asks for clarification as regards the nature and purpose of the envisaged user-friendly web tool to assess the impacts of fuel prices on fleet and sector performance, as well as clarification for the term 'living labs'. See [Chapter 3.2](#) for more details.

While it is an important element to be considered, at this stage the PelAC cannot comment on [Chapter 3.3](#) on developing skills and a workforce trained and ready for the energy transition, in the absence of discussions on this topic at PelAC level.

[Chapter 3.4](#), covering the paragraph on improving the business environment and raising awareness of financial opportunities, the PelAC reiterates once more the inadequacy of the EMFAF to provide funding for the transition of the entire EU fleet to zero-low carbon emissions envisaged. If this transition is to take place realistically in the foreseeable term, the PelAC stresses the need for more flexibility in existing funding mechanisms, to allocate funding across Member States more efficiently. In the PelAC workshop on Energy transition, the presentation on by Union des Armateurs à la Pêche de France (UAPF) estimated that a figure between €22-36 billion would be needed to finance the





energy transition in the entire EU fisheries fleet for vessels above 12 meters². See [paragraph 3.4.1](#) for details.

The PelAC would welcome and support the development of a guide and database mentioned by the Commission, to increase awareness of other funding opportunities, as well as the Commission's aspiration to explore how to further channel and accelerate lending in the area of clean-energy technology; and continue mobilizing private financing to support the development and adaptation of new clean-energy technology in vessels and aquaculture sites, with the EIF and EIB (see [paragraphs 3.4.2 and 3.4.3](#)). The PelAC also supports the paragraph calling on MS to use the flexibility within their fishing-capacity ceilings, in cooperation with the sector, to facilitate reallocation of capacity to where it is needed to enable the uptake of technologies for the energy transition on vessels. However, the PelAC is disappointed the Commission does not address the key limitations that exist in relation to the capacity ceilings in the CFP, as pointed out several times in the 2022 recommendations, nor how the funding could be provided. Finally, the PelAC also recalls key recommendations issued in 2022 on reducing emissions, see [paragraph 3.4.4](#) for further details.

Under [Chapter 3.5](#), covering the section on the energy transition in an international context, the PelAC reiterates its recommendation repeated several times in this document in the interest of preserving a level playing field, to ensure that any new rules or ambitions instilled upon EU fisheries apply equally to non-EU vessels.

² Presentation UAPF at PelAC workshop on Energy transition: <https://www.pelagic-ac.org/wp-content/uploads/2023/03/6.-Concluding-summary-Pelagic-sector-by-J-Jourdain-approved.pdf>





Detailed recommendations

Document 1: The CFP Today and Tomorrow: a Fisheries and Oceans Pact towards sustainable, science-based, innovative and inclusive fisheries management

1.1 Empowering people in fishing and aquaculture communities

- 1.1.1 The PelAC supports the Commission's intent to conduct an EU-wide participatory foresight project on "Fishers of the Future" and the associated actions outlined in the document. The PelAC requests that Advisory Councils are to be actively involved and engaged in this process.

The PelAC notes the lack of clarity with regard to implementation of the project, and asks how the roll-out of the project as well as the engagement process will take form. In addition, pointing out that the project was foreseen to kick off in spring of 2023, the PelAC asks if the envisaged timeline for this process is still applicable.

1.2 Contributing to the protection of the planet

Protecting marine ecosystems and resources

For the purposes of this section, the PelAC will only comment on the paragraphs that are relevant to pelagic fisheries in the context of the marine Action Plan.

- 1.2.1 In relation to the second paragraph calling on MS to ensure the MSY objective is reached in all sea-basins, the PelAC recalls its recommendation from 2022 on the review of the CFP concerning the impacts of Brexit, as highlighted in the general comments above.

Since Brexit, most of the EU's TAC and quota stocks are now jointly managed through bilateral, trilateral or Coastal States (CS) consultations. While the objective to reach MSY for all stocks is a key objective of the CFP, the TCA between the EU and UK does not reflect MSY as a binding objective on the UK side. In the TCA, the wording of Article 494.2 states "*the parties share the objectives*" without mentioning that the UK is legally bound to MSY unlike the Commission with the CFP objective in article 2. Furthermore, the key article (is 494.3) in the TCA states: "*The Parties shall have regard to the following principles*" and while this covers amongst other principles "*applying the precautionary approach to fisheries management*", there is no mention of MSY in the principles to be followed. While article 495 covers 8 definitions, including of "*the precautionary approach*", there is no definition for MSY. This leads the PelAC to deduce that MSY is not a binding principle for the UK.

The PelAC finds it disappointing that this recommendation has not been taken onboard by giving this change its due reflection in the Package documents. The PelAC advises the Commission to adapt and reinforce its efforts in upholding the MSY-objective, acknowledging the changed TAC-setting landscape where third parties do not necessarily adhere to the same principles.

As a strong supporter of the MSY objective and the positive impacts it has brought about on fish stocks since the CFP came into force, the PelAC calls on the Commission and Member States to reinforce this objective by reminding other CS that the MSY objective forms part of the UN Fish Stocks Agreement³, which other CS have ratified.

³ https://www.un.org/depts/los/convention_agreements/convention_20years/1995FishStockAgreement_ATahindro.pdf





In this context, the PelAC recalls its previous recommendation in relation to the MSY principle, submitted in 2022 in light of the consultation on the review of the CFP:

“Further, the PelAC considers the CFP objective of managing all stocks at MSY-level another example of a CFP objective contributing to positive change on the status of fish stocks. The objective has proven to have accelerated fishing at levels within safe biological limits in a majority of cases. The PelAC considers its involvement in the development of long-term management strategies and recovery plans for the stocks under its remit as a key complementation to this objective, and in line with the CFP objective to manage fisheries sustainably over the long term. We therefore recommend the Commission to continue supporting the PelAC in this work, by bringing agreed plans for jointly managed stocks forward to other third countries, and to seek support for following such plans by ICES in its headline advice⁴.”

In addition, the PelAC reiterates the following recommendation submitted in light of the same consultation, reflecting on the MSY objective in a changed negotiation process in light of Brexit:

“The PelAC is confident the EU will maximise efforts to align its positions with the CFP objectives. However, the PelAC is more concerned with the final outcomes of these negotiations, as these are not in the hands of the EU only. Current practice demonstrates core CFP principles are not always respected. In the case of mackerel in the Northeast Atlantic, the PelAC is of the view that the EU should act decisively against unilateral quota setting by other Coastal States jeopardising the sustainability of the stock, by using adapted instruments at its disposal.⁵”

1.2.2 The PelAC strongly supports the following paragraph announcing increased Commission efforts on developing scientific support for the ecosystem-based approach to EU fisheries management (EAFM). The PelAC has continuously advised the Commission to further develop the ecosystem-based approach in numerous past recommendations, such as the annual TAC recommendations. In these recommendations the PelAC underlines the need to move beyond single-species management of stocks and to further develop the uptake of ecosystem considerations and climate driven changes in fisheries advice, as well as management strategy evaluations.

In the context of progressing the implementation of the EAFM, the PelAC refers to the workshop on EAFM it has organised on 23 February 2023 in the Netherlands. During this workshop, different scientific case studies were presented as examples of how the EAFM could be implemented, and discussions were held on how the application of EAFM could be taken forward in a pelagic fisheries context. A key discussion point that emerged in the workshop was the need for a common understanding of the underlying definition of EAFM set by the FAO: as an integral approach to managing fisheries that takes into account the knowledge and uncertainties of biotic, abiotic and human components of ecosystems and their interactions⁶. During this workshop, the PelAC established that the application of the FAO definition of EAFM could widely differ, which highlights the importance of agreeing that EAFM is not a one-dimensional concept. The PelAC stresses that any approach to implement the EAFM needs to take into account the full three-dimensional definition. The PelAC also underlines the importance of approaching EAFM from a holistic point of view: by not just addressing the impacts of fisheries on the ecosystem, but to manage the broader impacts from all marine activities on the entire ecosystem (including fishery resources) through this concept as well.

⁴ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf

⁵ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf

⁶ <https://www.fao.org/documents/card/en/c/cb3669en>





More specifically, the PelAC recalls its recommendations in relation to EAFM submitted in its response to the consultation on the Fisheries Action Plan in 2021:

“While the applicability of the EBAFM has proven challenging in Europe, the ICES WKIRISH workshops aim to incorporate ecosystem information into the ICES single-species stock assessment process for the Irish Sea, and are producing promising results. The PelAC believes the Commission should take this work into consideration as it may serve as an example of how the Ecosystem approach could be further operationalised and applied to other European fisheries as well.

Addressing the interlinkages between North Sea and Western Baltic spring spawning herring, serves as another example that would benefit from taking a broader ecosystem approach to management. The PelAC reiterates its previous recommendation on North Sea and Western Baltic spring spawning herring, reminding the Commission that a substantial part of WBSS herring is by-caught in fisheries under the remit of the PelAC. The PelAC recommends the Commission, Member States and ICES evaluate the effects of special management measures introduced in both herring and industrial fisheries in 3A in 2021 in order to minimize the risk of unavoidable bycatches of WBSS herring⁷.”

In addition, the PelAC reiterates its recommendations on EAFM issued in light of the consultation on the CFP review from 2022:

“From an alternative angle, the PelAC feels it is equally important to better understand collateral impacts of other marine activities on fisheries and the marine environment (e.g. sand and gravel extraction), as well as those of land-based activities (e.g. agriculture and industry). The PelAC therefore recalls its 2021 recommendation on the fisheries action plan the on the need for further understanding on collateral impacts:

‘The latest ICES advice for North Sea herring calls for measures to protect the stock’s spawning habitats. The PelAC underlines the importance of protecting essential spawning grounds for pelagic species, and reiterates its previous recommendation, encouraging the EU Commission to request from ICES an overview of possible further temporal and spatial management measures options for the directed herring fisheries in the North Sea and 3A and related fisheries with unavoidable by-catches of WBSS herring, in order to reduce critical and unwanted pressure on these stocks.

In addition, the PelAC reminds the Commission of two recommendations issued by the Pelagic AC in 2020 ([references 1920PAC87](#) and [2021PAC06](#)) requesting non-recurrent advice from ICES on the impacts of seismic and marine wind energy activities on fish stocks and spawning areas. The ICES advice on NS herring further strengthens the need for increasing the knowledge base for this field, based on which appropriate management measures can be developed that protect essential spawning areas.⁸”

The PelAC is disappointed that none of these recommendations were touched upon in the CFP document.

1.2.3 The PelAC supports the paragraphs calling on Member States to ensure a rapid implementation of the Single-Use Plastics Directive, as well as encouraging fishers to continue collection of marine litter and use of biodegradable elements in fishing gear.

Increasing selectivity of fishing gear and implementing the landing obligation

⁷ <https://www.pelagic-ac.org/wp-content/uploads/2021/10/2122PAC18-Letter-to-COM-FAP-Questionnaire.pdf>

⁸ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf





- 1.2.4 In relation to the first paragraph calling on MS, ACs and POs to provide the Commission with key data for the evaluation of the landing obligation, the PelAC requests clarity on the specific type of data that ACs are expected to deliver.
- 1.2.5 In the context of the second paragraph setting out the Commission's intent to carry out an evaluation of the landing obligation to better inform policymakers on the effectiveness, efficiency, coherence, relevance and EU added value of the measures in place, the PelAC recalls its recommendations on the landing obligation submitted in 2022 for the consultation on the review of the CFP, which have been selected, collated and listed below, as deemed most relevant in light of this paragraph.

Recommendations in the context of meeting the objectives of the landing obligation:

“The main conclusion from the STECF study on the implementation of the landing obligation released in 2021, is that ‘control and enforcement of the landing obligation remain challenging, that Member States have not adopted the necessary control measures and that significant undocumented discarding of catches still occur⁹.’

This observation is in line with the perceptions of the Pelagic AC members around the implementation of the landing obligation. Moreover, discarding in pelagic fisheries is very low overall, thereby limiting the sector's influence over the successful implementation of the landing obligation.

Since the new CFP came into force, the PelAC has communicated a number of issues surrounding the implementation of the landing obligation.

We refer to our previously submitted recommendation on chokes in 2018, where the PelAC raises an important challenge posed by the landing obligation: the risk of fisheries closing prematurely due to bycatches of demersal fish in pelagic fisheries, and vice versa if no or not sufficient quota is available¹⁰.”

Recommendations in the context of innovative tools to address challenges in implementation:

“Choke mitigation tool

In 2018, the Pelagic AC adopted the choke mitigation tool developed by the NWWAC and the North Western Waters Member State Group (and later adopted by the PelAC), which helps in quantifying and identifying category 3 choke situations relevant to pelagic fisheries. Category 3 choke situations arise when there is insufficient quota at EU level within the relevant sea basin to cover current catches or catches cannot be otherwise reduced, e.g. by increasing selectivity or avoidance. Category 3 chokes are the most severe choke situations and require prioritising in the regional discard plans¹¹. The choke mitigation tool was shared with the Commission and Member State groups in 2018 and has supported the PelAC in identifying potential choke situations impacting pelagic fisheries, and flagging these to relevant Member State groups so that solutions could be found¹²”.

In relation to the role of ACs in relation to implementing the landing obligation:

⁹ https://ec.europa.eu/oceans-and-fisheries/news/landing-obligation-first-study-implementation-and-impact-discards-2021-08-27_en

¹⁰ <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1718-PAC105-Choke-mitigation-tool.pdf>

¹¹ <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1718-PAC105-Choke-mitigation-tool.pdf>

¹² <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1718-PAC131-Recommendation-on-choke-situations.pdf>





“In relation to the implementation and control of the landing obligation, the Pelagic AC will fulfil its role by continuing to advise the European Commission, Member State groups and Member States on issues that may arise in relation to the specificities of pelagic fisheries that the regulation as a whole may not have taken into account.

The PelAC will continue advising MS groups on potential choke situations (both demersal bycatches in pelagic fisheries and vice-versa) and to propose solutions on avoiding closing down fisheries prematurely. The PelAC will also continue offering recommendations and advice on appropriate revisions of regional discard plans, as well as on monitoring and control tools such as the gramme size recommendation.

For a comprehensive account of challenges in relation to the landing obligation with regard to the specific case of pelagic fisheries, we refer to the extensive set of recommendations submitted in 2014¹³ for further reference, which we will attach along with this PelAC response as an Annex. These recommendations may have become even more relevant now that the landing obligation has been in force in the last years¹⁴.”

The PelAC notes that none of these recommendations were reflected in the CFP communication. Other recommendations pertaining to the landing obligation submitted in light of the 2022 consultation, will be reiterated further on in the context of the sections on selectivity and control & enforcement of the marine Action Plan. The PelAC encourages MS to review all the recommendations relevant to the landing obligation from the 2022 PelAC submission, as, disappointingly, these recommendations have not been reflected upon in the Commission communication.

1.3 Improving the CFP governance

1.3.1 With regard to the second paragraph calling on MS regional groups to better involve stakeholders, particularly ACs, to the regional organisations, the PelAC is disappointed that there is no reference to its long-standing request for the regional Member State groupings to form a subgroup that deals exclusively with pelagic stocks, which was articulated numerous times, particularly in its recommendations for the review of the CFP consultation of 2022.

The PelAC considers the lack of such a subgroup a key improvement area for the regionalisation to ensure a level playing field across the different sea basins fishing the same pelagic stocks. As such, the PelAC reiterates its recommendation from 2022:

“From a pelagic point of view, the process of regionalization has been challenging. The disperse nature of pelagic stocks makes it necessary to apply regionalization at the appropriate scale. However, the Member State groups have failed to follow this logic and as a result, the PelAC must follow and engage in the work of three different regional groups. The PelAC request to Member State groups to form a regional subgroup dealing exclusively with pelagic stocks has been denied for several years. This poses risks to the achievement of a level-playing field between different fleets operating in the same way and catching the same stocks in different regions. At the same time, while improvements in collaborating with the groups have been made over recent years, interactions and coordination between Member State groups remain challenging. The Pelagic AC therefore reiterates its request to

¹³ <https://www.pelagic-ac.org/wp-content/uploads/2022/01/20140429-PRAC-land-obl-recom.pdf>

¹⁴ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf





urge MS groupings to deal with pelagic stocks separately in a joint sub-group with other regional groups fishing the same stocks¹⁵.”

1.3.2 In the context of implementing governance actions, the PelAC questions to what extent article 18 of the CFP on regionalisation needs to be modified to reflect the TCA agreement and if the Regional Members States Groups can still operate as prior to Brexit.

In addition, the PelAC recalls its recommendation issued in 2022 in light of the review of the CFP:

“The Specialised Committee on Fisheries raises the question regarding the scope of the current regionalisation framework and how the role of Member States will come into play. The SCF will deal with matters currently not covered by the Member State groups. The PelAC raises the question how the process of regionalisation envisaged in the current CFP will be affected by the new governance structures as a result of Brexit.¹⁶”

1.3.3 The PelAC upholds a long-standing principle in its working practice to refrain from commenting on matters related to quota allocation and associated politics. As such, the PelAC will not comment on the paragraphs related to the allocation of fishing opportunities by Member States.

In the general context of governance, the PelAC reiterates the following recommendation from the 2022 CFP consultation, which are still considered relevant but unfortunately have not been reflected upon:

“Finally, the PelAC wishes to point out that difficulties may arise in balancing the environmental, social and economic objectives set out by the CFP. We recommend the Commission to carefully consider potential conflicts that can arise between these objectives when implemented, hindering a successful delivery of the CFP. As an example, we refer to our recommendations on the revision of the control regulation developed in July 2019, where the PelAC draws attention to the problem in relation to creating improvements for safety and labour conditions on board vessels being made impossible by capacity limits set out in the CFP¹⁷. Any further conflicts between environmental, social and economic objectives have not been widely discussed to date at the level of the PelAC.¹⁸”

1.4 Adapting to shifting fisheries interests beyond EU-waters

1.4.1 The PelAC considers the Joint Communication on Climate Change, Environmental Degradation, Security and Defence relevant, but is unclear on its specific purpose. The PelAC asks when this Communication is expected and what is the envisaged timeframe.

In the context of this action, the PelAC recalls its recommendations from the 2022 submission on the review of the CFP as regards the effects of pollution as well as climate change, noting these haven't been touched upon in the documents:

On pollution:

¹⁵ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf

¹⁶ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf

¹⁷ <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1819PAC78-To-COM-recommendation-Control-Regulation-proposal.pdf>

¹⁸ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf





“Given the nature of pelagic fish stocks located in the far seas, the impacts of pollution are difficult to quantify for these stocks. However, the PelAC considers it important that scientific assessments are carried out to provide insights of such impacts. While measuring effects on pelagic stocks, we consider it key to gain better understanding of the impacts on early life stages of pelagic species, and subsequently on the entire food web.¹⁹”

On climate change:

“The most immediate one is the natural disappearance or changes in migration of certain stocks, as a result of changing temperature and ocean productivity.

Dealing with migratory (widely distributed) stocks, largely jointly managed with third countries, the PelAC’s main concern in relation to climate change are the ramifications of potential changes in migration patterns on the international management of jointly managed pelagic stocks. Given the current tensions between the EU and Coastal States and ongoing disputes over unilateral quota-setting, the PelAC fears further worsening of these tensions, jeopardising the sustainable management of the stocks under its remit.

Furthermore, the PelAC is concerned over the impacts of climate change on the food chain of key fish species, and what this will mean for future abundances. For pelagic species in particular, changes in life cycles (spawning and maturation) and smaller sizes of individuals which occur as the water warms. Fish tend to mature earlier and be smaller in warmer waters leading to issues for stock management.

Another challenge is pushing through technical measures and quota limitations which have the goal of preventing overexploitation, even though warming waters are one of the possible reasons for the decline or stock modification of species. The overall objectives of the CFP will only be met if the impacts of climate change and others are correctly assessed and considered in the management measures that are applied.²⁰”

1.4.2 The PelAC notes that while this section touches upon Brexit and the changes in the fishing relations between Coastal States, it is disappointing that this section does not reflect on the impacts of Brexit on the CFP and its full repercussions on management of joint stocks, as the PelAC recommended in 2022.

Further, the PelAC is of the view that while this section covers the international dimension, it does not touch upon the importance of ensuring a level playing field in the application of the CFP to third country vessels operating in EU waters. The PelAC finds it crucial that the Commission continues efforts to seek level playing field in its implementation of the CFP, and recalls the recommendation on the importance of ensuring a level playing field in the reporting requirements and infringements processes to both EU and non-EU vessels operating in EU waters, issued in the 2022 in light of the CFP consultation which have not been addressed in this section:

“As previously stated in its July 2019 recommendations on the proposal for a revision of the fisheries control regulation, the PelAC insists that relevant control and enforcement provisions (including control of the landing obligation provisions) are extended to third country vessels that operate in Union waters, to ensure level playing field:

[Extract PelAC recommendation July 2019]:

¹⁹ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf

²⁰ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf





“Article 9: With regard to making available vessel position (VMS) data, the wording in paragraphs 4 and 6 are inconsistent and ambiguous in terms of the applicability of the same requirements to third country vessels or EU vessel operating in third country waters. The Pelagic AC is of the opinion third country vessels should operate in the same way as Union vessels when operating in Union waters, and that data should be reported to third countries in the same way. The text should reflect the current situation.

Article 91a: Finally, the Pelagic AC would further like to stress the need for an equitable level of sanctioning for infringements applicable to third countries, like Norway and the Faroe Islands, operating in EU waters.²¹”

1.5 The CFP tapping the potential of sustainable innovation and investment

1.5.1 With regard to the first paragraph calling on MS to increase transparency and flexibility in the fishing capacity management, the PelAC is disappointed its recommendation regarding the limitations of the CFP capacity ceilings conflicting with other CFP objectives issued in light of the 2022 consultation on the review of the CFP, has not been addressed. The PelAC refers to [paragraph 3.4.4](#) of Chapter 3.4 of the Energy transition document for a complete reiteration of this recommendation.

Additionally, the PelAC wishes to see added emphasis on capacity reporting by Member States, which to date remains low. The PelAC can help contribute to capacity reporting, but it is difficult to improve if no or incomplete reporting takes place at MS level.

In this context, the PelAC recalls its recommendations in the 2022 response to the CFP review consultation, that to the regret of the PelAC have not been addressed in the CFP communication:

“In terms of the effectiveness of the CFP regulation in achieving a stable and long-term balance between fleet capacity and available fishing opportunities, the Pelagic AC reiterates comments made in its previous recommendation on fishing capacity provided in the context of the proposal for revision of the fisheries control regulation in 2019:

[Extract PelAC recommendation 2019]:

“Measuring fishing capacity has always been, and still is, very elusive and difficult to quantify, because a vessel’s capacity strongly depends on non-numeric factors, such as electronic equipment and knowledge of the fishing grounds. Nevertheless, the monitoring of fishing capacity is of importance, especially where species are not under the TAC regulation, which does not apply to the stocks under the remit of the Pelagic AC at present, and policy makers agreed on two easily quantifiable criteria to determine a fleet’s fishing capacity: vessel engine power in kW and gross tonnage (GT).

Furthermore, the European Court of Auditors in its [2011 report](#) pointed out that: ‘There are examples of fleets which represent exceptions to these general problems, whose capacity in terms of GT and kW greatly exceeds that necessary to harvest the available quota (for example certain large-scale pelagic fisheries in the north-east Atlantic) but which can operate profitably while targeted fish stocks remain within sustainable limits.’ A more recent special report from the [Court of Auditors from 2017](#) has expressed criticism towards Member States for not properly enforcing the rules in the Control

²¹ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf





regulation in relation to monitoring, verification and licensing of engine power. The Pelagic AC would like to further highlight the need for proper enforcement of the current rules.

Recognizing the need to maintain the balance between fleet capacity and fishing opportunities, the Pelagic AC recommends that adjustments and management of the capacity as set out in article 22 of the CFP is the way forward.”²²

1.5.2 The PelAC welcomes the establishment of the Energy Transition Partnership (ETP), and has a keen interest to contribute actively to this forum. The PelAC would appreciate further details as to how this Partnership is expected to operate and how the PelAC can become involved.

²² https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf





Detailed recommendations

Document 2: EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries

2.1 Making fishing practices more sustainable

Action to improve fishing selectivity and reduce the impact of fisheries on sensitive species

- 2.1.1 In relation to the first paragraphs calling on Member States to develop natural mortality thresholds of incidental catches of sensitive species, and to adopt measures to implement these thresholds, the PelAC considers that these issues apply to pelagic fisheries to a lesser extent than demersal fisheries. However, PelAC recommends that these thresholds be built on a robust scientific basis allowing for a balanced approach between protection and sustainable development of fishing activities. The PelAC recommends increasing the continuous acquisition of data concerning the conservation status of populations (distribution, abundance, dynamics).
- 2.1.2 With regard to the next paragraph calling on Member States to adopt measures to minimise bycatch of sensitive species, the PelAC recalls its recommendations issued in 2021 in light of the public consultation on the EU Fisheries Action Plan:

“The PelAC refers to its previous recommendation issued January 2021 ([reference 2021PAC13](#)) and reiterates its comments on the Technical Measures regulation (EU) 2020/967, of 3 July 2020, laying down detailed rules on the signal and implementation characteristics of acoustic deterrent devices as referred to in Part A of Annex XIII of said Regulation. This implementing regulation repeats an older Council Regulation (EC) No. 812/2004, which specifies the technical characteristics of pingers as bycatch mitigation measures. Whilst it is acknowledged that this previous Council Regulation established the possibility of a two-year derogation to allow the temporary use of acoustic deterrent devices that do not fulfil the specifications as outlined in Annex II of the Regulation, provided that they have been proven successful in reducing incidental catches of cetaceans, the PelAC believes that this implementing regulation should be updated. Updating the implementing regulation would allow for the consideration and inclusion of technical progress in the area of acoustic deterrent design and implementation.

The PelAC also suggests that specifications for acoustic deterrents may be included in separate tables for bottom-set gillnets, entangling gears, pelagic trawl gears and any other relevant gears.

Separately, in the context of preserving sensitive species, the PelAC recommends further developing reporting requirements on sensitive species bycatches. Current legislative provisions (EU 2019/1241 article 11.2) set out the requirements for fishermen to immediately release, unharmed, any sensitive species bycatch back to the sea²³. If bycatches are caught dead, no reporting requirement applies. Stricter reporting requirements could help improve the collection of bycatch data.

Finally, bycatch of sensitive species has been identified as a core theme by the PelAC Ecosystem Focus Group and will pursue further work on this arena. In part through involvement in the stakeholder advisory board of the recently submitted proposal to EU-LIFE for the CIBBRiNA bycatch project. The PelAC believes this project will generate useful data to progress its efforts on this theme. The PelAC

²³ “When caught, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly released.”





*further plans to undertake an exercise to gain further insight into the population status of key sensitive species, in order to help determine the extent of the impact of pelagic fisheries on these species.*²⁴

2.1.3 The PelAC will not comment on the paragraphs relating to the protection of European eel as the species falls outside of its remit.

2.1.4 With regard to the paragraph calling on MS for the implementation of additional measures to boost selectivity based on work by STECF and other institutions such as ICES, the PelAC recalls its recommendation issued in 2022 in light of the consultation on the review of the CFP:

Further, on the topic of selectivity in section 3.1.1.3.1 of the 2014 recommendations concludes:

“The conclusions from past and current research efforts combined with the reported low discard rates by ICES and STECF in pelagic fisheries indicate that with the state of the art technology selectivity in pelagic fisheries cannot be increased much further at the moment. However, as technology advances selectivity might be increased in the future and this issue should be revisited again once progress has been made.”²⁵

In addition, the PelAC recalls its recommendation issued in 2021 on the consultation on the Fisheries Action Plan:

“In terms of selectivity, one of the key differences between demersal and pelagic fisheries is that pelagic vessels possess the acoustic technology onboard to identify fish from the vessel before deciding on a haul. Most of the selectivity therefore takes place onboard. The PelAC believes optimising acoustic technologies are useful innovations to better distinguish between fish species present in an area, thereby enhancing selectivity.

In addition, the PelAC strongly recommends the Commission to consider genetic research as a prime example of innovation in the context of selectivity. The Pelagic AC, and particularly its industry members, have a long track record of involvement and investment in genetic stock-ID research conducted to identify stocks, such as work involving 6a 7bc herring²⁶ and Atlantic horse mackerel²⁷. The PelAC believes that expanding on this existing work, especially through genome sequencing of new species, can in the future play an important role in distinguishing between populations to a very fine level and ultimately serve as a tool for pelagic fishermen to target areas and species more selectively.²⁸

2.1.5 With regard to the next paragraph calling on MS to create and manage MPAs ensuring strict protection of spawning and nursery areas, the PelAC recalls its recommendation from the 2021 Fisheries Action Plan consultation on the need to protect delicate spawning habitats of herring stocks:

²⁴ <https://www.pelagic-ac.org/wp-content/uploads/2021/10/2122PAC18-Letter-to-COM-FAP-Questionnaire.pdf>

²⁵ <https://www.pelagic-ac.org/wp-content/uploads/2022/01/20140429-PRAC-land-obl-recom.pdf>

²⁶ Farrell, E. D. et al. Farrell, E. D., N. Campbell, J. Carlsson, A. Egan, M. Gras, S. M. Lusseau, C. P. Nolan, S. O'Connell, M. O' Malley and E. White (2021). Herring in Divisions 6.a, 7.b and 7.c: Scientific Assessment of the Identity of the Southern and Northern Stocks through Genetic and Morphometric Analysis. Final Report European Commission. Service Contract EASME/EMFF/2017/1.3.2.1/SI2.767459: 251 pp.

²⁷ Fuentes-Pardo, A. P., M. Pettersson, C. G. Sprehn, L. Andersson and E. D. Farrell (2020). Population structure of the Atlantic horse mackerel (*Trachurus trachurus*) revealed by whole-genome sequencing, EDF, July 2020.

²⁸ <https://www.pelagic-ac.org/wp-content/uploads/2021/10/2122PAC18-Letter-to-COM-FAP-Questionnaire.pdf>





“The latest ICES advice for North Sea herring²⁹ calls for measures to protect the stock’s spawning habitats. The PelAC underlines the importance of protecting essential spawning grounds for pelagic species, and reiterates its previous recommendation, encouraging the EU-Commission to request from ICES an overview of possible further temporal and spatial management measures options for the directed herring fisheries in the North Sea and 3A and related fisheries with unavoidable by-catches of WBSS herring, in order to reduce critical and unwanted pressure on these stocks³⁰.

In addition, the PelAC reminds the Commission of two recommendations issued by the Pelagic AC in 2020 ([references 1920PAC87](#) and [2021PAC06](#)) requesting non-reccurrent advice from ICES on the impacts of seismic and marine wind energy activities on fish stocks and spawning areas. The ICES advice on NS herring further strengthens the need for increasing the knowledge base for this field, based on which appropriate management measures can be developped that protect essential spawning areas³¹.”

In addition, the PelAC wishes to point out that given the importance of the topic of preserving spawning habitats as identified by the Ecosystem Focus Group, it has initiated a collaboration with Wagenignen University for an MSc thesis intersnship project that looks into the mapping of essential habitats for herring and mackerel stocks. The final report is expected in June 2023 and the PelAC hopes to use the insights gathered from this thesis to inform future work in the context of preserving habitats that are essential for key life stages of pelagic stocks.

These past recommendations demonstrate there are noteworthy efforts taking place at the level of pelagic fisheries, that are appropriate in the context of selectivity and sensitive species bycatch. As such, the PelAC is disappointed these recommendations have not been reflected upon, resulting in an overemphasis of demersal fisheries over the marine Action Plan document.

2.1.6 The next paragraph announces the Commission’s intent to ask the STECF for advice on evaluating the ‘optimum sizes of fish’ to be caught in fishing gear, in order to obtain the ‘highest long-term yield’. The PelAC is confused by the use of the terms ‘optimum sizes of fish’ and the ‘highest long-term yield’, and seeks clarification on what is meant by them. It is unclear why the Commission uses the term ‘highest long-term yield’ as it is not aligned with the widely accepted ‘maximum sustainable yield’ concept. The PelAC wonders if the Commission is introducing a new concept. The same question applies to the term ‘optimum size of fish’, as this is a new term. Does the Commission refer to the minimum conservation reference size, or a separate term? Finally, the PelAC asks why STECF will be asked to provide this advice.

2.1.7 In relation to the following paragraph on the Commission’s endeavour to assess, in the context of the report on implementation of the Technical Measures Regulation, the catching, retaining, transshipping, landing and selling of species threatened with extinction or in ‘unfavorable conservation status’ under the Habitats Directive, the PelAC is disappointed no reference is made to the existing conflicts in the legislation that exist between the catch composition rules under the Technical Measures regulation and the rules pertaining to the

²⁹ <https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2021/2021/her.27.3a47d.pdf>

³⁰ <https://www.pelagicac.org/media/pdf/2122PAC07%20PelAC%20Consultation%20on%20fish%20opport%202022.pdf>

³¹ <https://www.pelagic-ac.org/wp-content/uploads/2021/10/2122PAC18-Letter-to-COM-FAP-Questionnaire.pdf>





Landing obligation. As such, the PelAC reiterates its long-standing recommendation on this point, as submitted in 2022 in response to the CFP review consultation:

“A second challenge in implementing the CFP are the conflicts that exist between the CFP and other relevant legislation, resulting in uncertainty, unclear expectations and jeopardising the level playing field. As an example, we refer to our recommendation sent in June 2019 where the PelAC raised the question over how the catch composition rules in the Technical Measures regulation should be interpreted in conjunction with the rules pertaining to the landing obligation under the CFP, as these seem to contradict each other:

[Extract PelAC recommendation June 2019]:

“Article 27 of the new Technical Measures regulation ((COM(2016)0134 – C8-0117/2016 – 2016/0074(COD)) provides for maximum percentage of species allowed so as to qualify for the specific mesh sizes set out in Annexes V to VII. However, the new regulation makes it clear such percentages shall be without prejudice to the obligation to land catches in Article 15 of Regulation (EU) No 1380/2013.

The Pelagic AC wishes for clarification on the use of the maximum percentages as the landing obligation requires all TAC and quota species to be landed. The question arises what specific purpose the catch composition rules serve in light of the landing obligation? The members of the Pelagic AC would therefore appreciate guidance from the Commission in this respect, and to ask for a written confirmation of the correct interpretation of the catch composition rules that are to apply given that the rules are without prejudice to the EU landing obligation³².”

The PelAC cannot overemphasize the importance of getting this issue resolved and as such, is disappointed this was not touched upon by the CFP Package documents.

2.1.8 With regard to the Commission’s intent to prepare the adoption of implementing rules under the Technical Measures Regulation to improve the selectivity of fishing gears by 2024, the PelAC reiterates its recommendation regarding the improvement of acoustic technology as a tool to optimize selectivity in pelagic fisheries, as reiterated in [paragraph 2.1.4](#).

2.1.9 The final paragraph regarding the use of the CFP tools to propose limits for the incidental catches of the species covered by the threshold values, as soon as they are provided under the MSFD, the PelAC reiterates its recommendation issued in 2021 in light of the public consultation on the review of the MSFD. The PelAC encourages more frequent exchanges and information sharing on this policy file between the Commission and fisheries stakeholders:

“One key recommendation from the Pelagic AC for improvement would be, to reflect on what can be done to enhance the engagement of stakeholders in the field of (pelagic) fisheries to the MSFD. Please note this recommendation applies both to the Commission and the Member States, but also to the PelAC itself – where our members have agreed on the need for an internal reflection. This reflection will encompass two dimensions: identifying the elements where pelagic fishery activities, integrated with other EU sectorial marine policies, affect the ‘good environmental status’ of marine ecosystems,

³² <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1819PAC72-To-COM-catch-composition-rules-TM-reg.pdf>





and separately identifying the descriptors, pressures and impacts which have implications for the health of fish stocks on which they depend.³³

In addition, the PelAC also recalls its recommendation issued in 2022 on the consultation on review of the CFP regarding the need to ensure consistency of the CFP with other environmental Union policy files, which has not been followed up on in the CFP Package documents:

“From a Pelagic AC perspective, it is also unclear how the CFP will come into play when broad environmental policy files such as the Farm to Fork Strategy, the Biodiversity Strategy (specifically the Action plan to conserve fisheries resources and protect marine ecosystems) and the Marine Strategy Framework Directive will become further implemented. In our view this needs some careful consideration moving forward. The PelAC recommends the Commission to carefully consider how the CFP can become better integrated with other relevant policies, following the principles of good governance³⁴.”

Action to reduce the impact of fishing on the seabed

The PelAC considers that this section predominantly applies to bottom-contact fisheries. Therefore, the PelAC will not comment on these paragraphs, as these fisheries fall outside the PelAC’s area of competence.

2.2 Securing a fair and just transition for all

Action to achieve a fair and just transition and maximise the use of available funds

- 2.2.1 The PelAC considers that the first paragraph calling on Member States to take financial measures to support the use of less damaging fishing techniques and help fisheries transition to more selective fishing practices, applies essentially to bottom-contact fisheries and will therefore not comment.
- 2.2.2 The next paragraph regarding the organisation of a workshop in 2023 for Member States to guide and promote the use of funding to implement this action plan, the PelAC considers it important that such a workshop dedicated to Advisory Councils would be organized as well. In addition, such a workshop should give pelagic fisheries their due attention as well.
- 2.2.3 With regard to the following paragraph on the Commission’s intent to work closely with MS to encourage delivery of the actions set out in the marine Action Plan when implementing the EMFAF, the PelAC reiterates its recommendation on access for Advisory Councils to capital funding of the EMFAF, as previously reiterated under the CFP communication document.

2.3 Strengthening the knowledge base and research and innovation

Action to strengthen the knowledge base, research and innovation

As a general remark on this section, the PelAC wishes to highlight its extensive track record of contributing to science and discussions within ICES concerning the knowledge and the management of stocks under its remit. As an example, the PelAC has been successful in getting key issues on the ICES agenda such as the improvement of quality assurance in scientific assessments and advice, as well as developing a mechanism to incorporate stakeholder perceptions in the ICES advice process.

³³ https://www.pelagic-ac.org/wp-content/uploads/2022/01/2122PAC08-PelAC-response-MSFD-Questionnaire_Final.pdf

³⁴ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf





The PelAC has also held key fundamental discussions with ICES on approaches for conducting management strategy evaluations during the workshop on Long-Term Management Strategies held in March 2022.

In this context, the PelAC reiterates its recommendation issued in 2022 under the review of the CFP consultation:

“The PelAC reiterates its emphasis on the need for a robust quality assurance process throughout the entire advice process, to gain more stability in the assessments. Recognizing ICES’s progress in developing the TAF (Transparent Assessment Framework) system, the PelAC underlines the need for the TAF system to be applied to all stocks, bearing a clear indication in the advice sheets.”³⁵”

In addition, recalling its recommendation on the Fisheries Action Plan (2021), the PelAC reiterates that it has been at the forefront of developing genetic stock-ID tools and research, which it considers a prime example of innovation:

“The Pelagic AC, and particularly its industry members, have a long track record of involvement and investment in genetic stock-ID research conducted to identify stocks, such as work involving 6a 7bc herring³⁶ and Atlantic horse mackerel³⁷. The PelAC believes that expanding on this existing work, especially through genome sequencing of new species, can in the future play an important role in distinguishing between populations to a very fine level.”³⁸

The work on has been instrumental in ensuring the herring stocks in 6a North and 6a South 7bc could be assessed under separate assessments. In addition, the PelAC has successfully brought genetic sampling forward for inclusion in data collection plans under the DCF Framework. The PelAC is a firm believer these genetic tools will ultimately serve to strengthen stock assessments and getting a better grasp on population boundaries.

Given these positive contributions to science and the knowledge base to the stocks under its remit, the PelAC considers it crucial that ACs are involved in strengthening the knowledge base, research and innovation of relevant fish stocks, and finds it regrettable that these contributions have not been recognized in the marine Action Plan.

2.3.1 The PelAC encourages the paragraph relating to promoting the use of funding for advice, research and innovation and supports the research areas covered by this paragraph. The PelAC considers it vital that ongoing research in the field of on genetics stock-ID should be added to this list as well.

Finally, as stated in its 2022 recommendation on the review of the CFP, the PelAC highlights the example of the Danish excluder device once more as example of innovation to boost selectivity:

³⁵ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf

³⁶ Farrell, E. D. et al. Farrell, E. D., N. Campbell, J. Carlsson, A. Egan, M. Gras, S. M. Lusseau, C. P. Nolan, S. O'Connell, M. O' Malley and E. White (2021). Herring in Divisions 6.a, 7.b and 7.c: Scientific Assessment of the Identity of the Southern and Northern Stocks through Genetic and Morphometric Analysis. Final Report European Commission. Service Contract EASME/EMFF/2017/1.3.2.1/SI2.767459: 251 pp.

³⁷ Fuentes-Pardo, A. P., M. Pettersson, C. G. Sprehn, L. Andersson and E. D. Farrell (2020). Population structure of the Atlantic horse mackerel (*Trachurus trachurus*) revealed by whole-genome sequencing, EDF, July 2020.

³⁸ <https://www.pelagic-ac.org/wp-content/uploads/2021/10/2122PAC18-Letter-to-COM-FAP-Questionnaire.pdf>





*“The PelAC considers the Danish project exploring the potential of a bycatch reduction device, termed “excluder”, as an alternative to a traditional rigid sorting grid (mandatory in the small-meshed Norway Pout (*Trisopterus esmarkii*) trawl fishery in the North Sea) as a positive example of innovation in avoiding discards. The device proved effective in terms of improved sorting and target species catch³⁹. Such innovations could be further extrapolated or adapted to other types of fisheries or bycatches.”⁴⁰*

2.3.2 In relation to the paragraph regarding the gathering of EMODnet’s seven thematic areas of bathymetry, geology, seabed habitat, chemistry, biology, physics and human activities on a single-entry portal, to improve visibility and user friendliness, the PelAC considers that ‘biology’ mentioned in this list should cover fish stock biology and their dynamics.

Secondly, the PelAC reiterates recommendation on TACs for 2022 and notes that the role of the scientific community, the quality of the scientific work and the Commission’s priorities as an ICES client could be further strengthened. For some stocks, the quality of the science is not as reliable as is desirable, subject to year-to-year changes in some instances, and also in terms of Fmsy values. As a general principle, the Pelagic AC believes the CFP - being science based -should ensure the quality of the science that underpins scientific advice.⁴¹ It is surprising no mention of this long-standing recommendation has been made in the marine Action Plan.

2.3.3 The PelAC supports the paragraph on the Commission’s plans to develop an interactive platform on selective and innovative fishing gear, sharing knowledge and good practices, and asks to be involved as this platform is prepared and developed.

2.3.4 In relation to the final paragraph in this section on the Commission’s intent to develop scalable solutions designed to conserve fisheries resources and protect marine ecosystems, the PelAC once again finds that much of the of research and innovation focus covered by the marine Action Plan is attached to demersal fisheries. The PelAC wishes to see continued knowledge and innovation on areas of interest to pelagic fisheries as well, and underlines the importance of not overlooking the pelagic segment in the implementation of the actions in this section and the marine Action Plan document overall.

2.4 Monitoring and enforcement

Action to improve implementation, monitoring and enforcement

2.4.1 In relation the paragraph on stepping up the implementation and enforcement of environment and fisheries rules, the PelAC recalls its recommendations issued in 2022 on the review of the CFP, particularly on monitoring and enforcement of the landing obligation.

The PelAC refers to its 2022 recommendations on the review of the CFP consultation, suggesting possible tools in the context of control and enforcement of the landing obligation, such as the gramme size recommendation and the choke mitigation tool.

In addition, the PelAC reiterates its recommendation issued in 2022 on the CFP review consultation, that enforcement at the level of MS needs to be improved, as mentioned in [paragraph 1.2.5](#) of this

³⁹ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0246076>

⁴⁰ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf

⁴¹ <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2122PAC07-PelAC-Consultation-on-fish-opport-2022.pdf>





advice, covering the CFP communication⁴². The PelAC recalls its recommendations in the 2022 review of the CFP consultation outlining issues in a control and enforcement context of the landing obligation:

“Another challenge the pelagic industry faces under the landing obligation are the discard reporting requirements, which are impossible to apply during the fishing trip by one specific subsegment of the pelagic industry, RSW vessels. The 2014 PelAC recommendation on the landing obligation explains that for these vessels discards and bycatch can only be detected at factory level. This information can only be provided once the catch has been sorted in a factory. This process also challenges the application of the provision of discarding of species below MCRS for this vessel segment⁴³.”

In addition, in the context controlling the landing obligation requirements, we remind the Commission of our recommendations developed in 2019 for the revision of the control regulation, where in applying proposals controls of the logbook requirements, the PelAC offered further explanations why small bycatches cannot be accurately quantified until the fish is sorted at the factory level:

[Extract PelAC recommendation July 2019]:

“It should be noted that in pelagic fisheries fish is pumped from the net directly into the tank at an average speed of 15 tons/minute. Large bycatch (such as some of the ETP species) cannot enter the pump. With random sampling, an estimate of small bycatches cannot be given with accuracy until the fish is sorted at the factory. Quantifying accurately individual species of bycatch on a haul by haul basis is therefore not possible in the case of pelagic fisheries. The information can be provided at factory level (depending on the vessel type either on land or on the vessel itself), but not from the fish tank. Data from the random sampling can also be made available to ensure fully documented fisheries⁴⁴.”

Additional recommendations on the enforcement of CFP rules to non-EU vessels that operate in EU waters (reiterated in detail under [paragraph 1.4.2](#) of Chapter 1.4 the CFP document), control and enforcement of capacity rules (covered in [Chapter 1.5](#) of the CFP document) and the recommendation highlighting the conflicts in the catch composition rules in the TM regulation and the CFP (reiterated in detail in [paragraph 2.1.7](#) of Chapter 2.1 of the marine Action plan) apply to this section as well. Again, it is disappointing these recommendations have not been reflected upon in this context.

2.4.2 With regard to the final paragraph on the joint deployment plans by EFCA, and the alignment of EFCA’s work programme to the objectives of the marine Action plan, the PelAC further recalls its recommendation from the 2022 consultation on review of the CFP on the need to ensure the evaluation of compliance with the landing obligation reports are disseminated transparently by EFCA and the High Level Member State Groups:

“Finally, a significant recent challenge in implementing the control regulation was the recent publication of the executive summary by EFCA on compliance with the LO in mackerel fishery. The summary states the level of compliance is low, but the PelAC members have no way of verifying what these claims are based on. In the spirit of maximising compliance, the PelAC urges the Commission to discuss with EFCA the release the full report as a matter of urgency so all parties including the PelAC,

⁴² https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf

⁴³ <https://www.pelagic-ac.org/wp-content/uploads/2022/01/20140429-PRAC-land-obl-recom.pdf>

⁴⁴ <https://www.pelagic-ac.org/wp-content/uploads/2022/01/1819PAC78-To-COM-recommendation-Control-Regulation-proposal.pdf>





can study where problems are found and discuss how further improvement in compliance can be realised^{45, 46}

Since 2020, the PelAC has requested the release of the full report the summary is based on, so its members can examine the data behind the conclusions presented publicly, or to remove the summary from the website entirely. The PelAC has decided to move on from this issue and concentrate instead on ensuring that what happened with the previous report is not repeated with future evaluation compliance with the discard plan in the mackerel fishery reports i.e. if the report is to be published it must be the full report.

2.5 Governance, stakeholder involvement and outreach

Improving governance, stakeholder involvement and outreach

Once more, the PelAC notes that most of the paragraphs under this heading apply essentially to demersal fisheries. As a general comment, the PelAC recognizes the importance of the focus on demersal fisheries and their impacts on habitats, but reiterates that pelagic fisheries should not be overlooked in these discussions.

Further, the PelAC underlines that while the pelagic fisheries segment in the EU accounts for fewer vessels in number, the segment generates by far the largest volumes in catches. The PelAC feels that appropriate balance must be sought in the Commission CFP Package documents, that reflect the importance of fisheries segments proportionally.

2.5.1 With regard to the paragraph on the establishment of a joint special group for Member States, with stakeholders as observers, specifically tasked with providing support to the Commission in implementing the action plan and monitoring its progress, the PelAC reiterates its long-standing recommendation to ensure a Member State subgroup is established that deals specifically with pelagic stocks managed across all regions, as mentioned in [paragraph 1.3.1](#).

In addition, the PelAC considers that the ‘stakeholder observers’ to the forum should include Advisory Councils (PelAC included), as ACs have been set up under the CFP with the objective of transmitting stakeholder views on matters pertaining to fisheries management.

⁴⁵ <https://www.pelagic-ac.org/wp-content/uploads/2022/01/2021PAC08-Letter-to-COM-on-EFCA-and-transparency.pdf>

⁴⁶ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf





Detailed recommendations

Document 3: The Energy Transition of the EU Fisheries and Aquaculture sector

The PelAC welcomes the Commission communication on the Energy Transition in the fisheries and aquaculture sectors, and commends the Commission for taking this initiative. The PelAC shares the aspirations set out by the Commission and is committed to engaging with the Commission on this transition moving forward, while being at the forefront of developments in this arena. While the PelAC fully supports the aspirations it finds the communication short on specific actions and lacking in provision on very large financial resources required to carry the energy transition other than using existing funding mechanisms.

To this end, the PelAC has organised a virtual workshop on 20 April 2023 to bring together Commission, stakeholders and experts for a first exchange on what would be needed to make this transition happen in the pelagic sector. This exchange has paved the way for future discussions at the PelAC on this topic moving forward, which are expected to result in a detailed advice for the Commission and MS on how this transition could take form, under what conditions and what timeframe. The workshop also sought to identify the needs and major gaps in R&I that need to be addressed for this transition to become a reality.

The PelAC notes that it will limit its response to the Communication initiative on Energy Transition as part of the CFP Package to general comments and macro issues such as lack of financial resources. The PelAC deems it appropriate to dedicate more time to this file, to give it its due reflections and discussions. As such, Member States can expect a more detailed PelAC advice on Energy transition at a later stage in 2023 or early 2024.

General Comments Energy Initiative document

As regards the Commission communication, the PelAC has a few general comments to make:

First, the PelAC finds that the Commission document tends to be high in aspiration but lacking in detail around the implementation. The PelAC would have considered an implementation roadmap useful to structure the delivery of the aspirations set out in the document.

Secondly, the PelAC feels the Commission document does not fully recognize the financial magnitude the energy transition of the entire fisheries and aquaculture sectors would entail. The PelAC would like to see the investments in terms of funding and R&D that is needed to make this transition a reality, better presented in the document.

PelAC response to sections of the Energy Initiative document

3.1 Improve the governance framework and coordination and cooperation between stakeholders

3.1.1 In relation to the first paragraph announcing the Commission's intent to organize a conference on Energy Transition bringing together all stakeholders to kick-off the energy transition, the PelAC refers to its letter ([2223/PAC71](#)) requesting for a speaking slot at future stakeholder events or conferences. The PelAC is keen to play an active role at these events to ensure key messages acquired through the PelAC workshop on Energy Transition in April 2023 can be transmitted to Commission and Member States.





- 3.1.2 With regard to the setup of the Energy Transition Partnership (ETP), a new multi-stakeholder platform, the PelAC underlines the importance of ensuring the Advisory Councils become members of this partnership, as key vehicles to voice and structure input of stakeholders in the fisheries and aquaculture sectors.
- 3.1.3 Finally, with regard to the following paragraphs on the engagement of stakeholders in the ETP and the collection of views and best practices to feed into the ETP's declaration and roadmap, the PelAC considers it essential that such a roadmap contains concrete measures as well as timelines.

3.2 Closing the gaps in technology and knowledge through R&I

- 3.2.1 In relation to the first paragraph regarding the Commission's intent to launch an EU-wide study on the available technologies for the energy transition in the fisheries and aquaculture sector and their respective costs and benefits to gain better understanding of the costs, benefits, investment needs, and potential for synergies by design, the PelAC emphasizes that major project funding would need to be made available to implement the transition as set out in the communication. The PelAC underlines that the magnitude of the funding required go well beyond what the EMFAF can offer.
- 3.2.2 With regard to the next paragraph on the Commission's intent to launch a user-friendly web tool to assess the impacts of fuel prices on fleet and sector performance, as part of the EU Blue Economy Observatory, the PelAC is unclear what exactly is meant by such a web tool. If this web tool refers to a real time evaluation of fuel prices and fleet performance, as opposed to STECF's AER which has a two-year time lag, the PelAC highly welcomes this initiative. If not, the PelAC asks for clarification on the nature of this tool as well as its purpose.
- 3.2.3 In the fourth paragraph in this section, the PelAC asks clarification what is meant by 'living labs'.

3.3 Develop skills and a workforce trained and ready for the energy transition

At this stage the PelAC cannot comment on this section in the absence of discussions on this topic at PelAC level.

3.4 Improve the business environment and raise awareness of financing opportunities

- 3.4.1 With respect to the first paragraph setting out the Commission's intent to support MS to translate the commitments of their EMFAF programs into concrete investments for the energy transition in the sector, the PelAC underlines the inadequacy of the EMFAF to provide funding for the entirety of the transition of the entire EU fleet to zero-low carbon emissions envisaged. If this transition is to take place realistically in the foreseeable term, the PelAC stresses the need for more flexibility in existing funding mechanisms, to allocate funding across Member States more efficiently.

The PelAC notes that in the PelAC workshop on Energy transition, the presentation on by Union des Armateurs à la Pêche de France (UAPF) estimated that a figure between €22-36 billion would be





needed to finance the energy transition in the entire EU fisheries fleet for vessels above 12 meters⁴⁷.

- 3.4.2 With regard to the paragraph stating the Commission's intent to develop a guide and database on the wide range of EU funding and financing instruments, the PelAC notes the lack of visibility of the funding possibilities outside of EMFAF that the fisheries sector could tap into in the context of contributing to the Energy transition. Therefore, the PelAC would welcome and support the development of the guide and database mentioned by the Commission, to increase awareness of other funding opportunities.
- 3.4.3 The PelAC supports the Commission's commitment to explore how to further channel and accelerate lending in the area of clean-energy technology; and continue mobilizing private financing to support the development and adaptation of new clean-energy technology in vessels and aquaculture sites, with the EIF and EIB.
- 3.4.4 The PelAC welcomes the paragraph calling on MS to use the flexibility within their fishing-capacity ceilings, in cooperation with the sector, to facilitate reallocation of capacity to where it is needed to enable the uptake of technologies for the energy transition on vessels. However, the PelAC is disappointed the Commission does not address the key issues that exist in relation to this pointed out several times in the 2022 recommendations on the review of the CFP consultation, nor how the funding could be provided. The implementation of more energy efficient technologies requires additional space onboard vessels, which are hindered by the capacity ceilings set out in the CFP. As explained in previous recommendations as regards capacity in this document, there is a need to address the conflicts that exist with regard to implementing energy efficiency improvements onboard vessels and the CFP's capacity ceilings, as well as the recognition for the use of gross tonnage as a measure for capacity.

In this context, the PelAC recalls its recommendation on reducing emissions as issued in the recommendations in 2022 on the review of the CFP consultation, which has not been reflected in the Energy transition initiative to the disappointment of the PelAC:

“Decarbonizing the EU fishing industrial sector is a fundamental objective of the EU Green Deal. Without ignoring the interest that there would be in addressing this issue for the fisheries sector, there are currently different capacities for adaptation that oppose the shipping and fisheries sectors, firstly with regard to the evolution of their greenhouse gas (GHG) emissions (recall a constant decrease since then in GHG emissions from the EU fisheries sector, which had reached, at a constant perimeter of Member States, 40% in 2016)⁴⁸.

Nevertheless, in order to go beyond an objective that would already be achieved if it were distributed equitably by sector, wanting to ensure a complete energy transition of the EU fisheries sector requires that the Commission's strategy for a blue economy be able to accompany the sector in this transition. The EU fleet is large (and old) and could not be replaced in the short term, even if the profitability of the MS flags allowed it. The main obstacle for fishing vessels is the lack of alternative mature technologies or technologies adapted to the size and diversity of fishing vessels. What can be deployed

⁴⁷ Presentation UAPF at PelAC workshop on Energy transition: <https://www.pelagic-ac.org/wp-content/uploads/2023/03/6.-Concluding-summary-Pelagic-sector-by-J-Jourdain-approved.pdf>

⁴⁸ https://ec.europa.eu/oceans-and-fisheries/index_en





for shipping vessels cannot necessarily be deployed on fishing vessels. This transition to new propulsion technologies requires, in particular, more space on board (storage for LNG, hydrogen, etc.) and the current limitations on the capacity of fishing vessels provided for in the CFP hinder this progress or limit investment in the construction of a more efficient fishing vessel.

It should be recalled that the capacity framework in the CFP was originally designed to provide a global framework for the evolution of capacity to reflect fishing capacity, not GHG emissions from fishing vessels. It is therefore not possible today for a shipowner to replace a vessel that is often old with a larger vessel but with the same storage capacity, i.e. "fishing", which prevents any attempt at intermediate evolution towards other fuels, even if the fishing possibilities still the same (TAC, quota for one stock). A 55 meters fishing vessels which fishes 100 tons of NEA mackerel will fish 100 tons if he replaces is older fishing vessels by a new 60 meters vessels. This is why R&D projects supported by EU funds to adapt EU fishing vessels must also be in line with the ambition of the EU Green Deal and adapt the current management capacities framework.⁴⁹"

3.5 The energy transition in an international context

While supporting the Commission's aspirations as regards raising the ambitions at international level and promoting the uptake of best practices, the PelAC reiterates its recommendation repeated several times in this document in the interest of preserving a level playing field, to ensure that any new rules or ambitions instilled upon EU fisheries apply equally to non-EU vessels.

⁴⁹ https://www.pelagic-ac.org/wp-content/uploads/2022/04/2122PAC23-PelAC-Consultation-Review-CFP_2022.pdf

