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COMMUNICATION FROM THE COMMISSION
TO THE COUNCIL
concerning a consultation on Fishing Opportunities for 2013

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1. INTRODUCTION

This consultation document sets out the ideas of the European Commission concerning the ways in which total allowable catches (TACs) and effort levels should be fixed in European waters and for European fishers in 2013 and, for certain stocks, 2013-2014. Member States, Regional Advisory Councils (RACs) and the Advisory Committee for Fisheries and Aquaculture (ACFA) are invited to provide their views to the Commission for consideration before a final decision is taken on the Commission's proposals.

A new approach to setting TACs for stocks where full quantitative advice is not available is set out, based on obtaining qualitative advice and the use of less data-demanding assessment procedures in the provision of advice by scientific institutions (Section 4.1).

Recent information about the development of the Common Fisheries Policy over the last years is summarised, based on scientific advice on the state of exploited fish stocks in European and nearby waters and on economic data provided by Member States.

The aim of setting levels of TACs, quotas and fishing effort levels should remain to phase out overfishing. Overfishing poses a risk of commercial collapse. Ending overfishing means that as much or more fish could be caught with less fishing activity, less fuel burnt and smaller fishing gears. This means taking each year a proportion of the fish in the sea that is the right amount to let fish grow and reproduce at their most productive level under the prevalent ecological circumstances. Under these conditions, the long-term catches from fish stocks will be at their maximum sustainable yield level (MSY). In 2002, the European Commission and the Member States of the Union committed themselves to reach the objective of MSY by 2015. A plan for moving to MSY was set out by the Commission in 2006¹. In 2007, Member States in Council encouraged the Commission to work towards MSY and were mindful of the need to gather scientific advice, implement long-term plans with impact assessments, and consult stakeholders.

Achieving and maintaining MSY will bring significant benefits, and brings with it a change from fishing intensively on scarce resources to fishing better on larger stocks. The same or larger quantities will be caught, but with lower impact on the environment. Impacts of fishing on sea bottoms will be less, by-catches of vulnerable

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

organisms including porpoises, dolphins and other marine mammals will decrease, because the overall intensity of fishing will be less. Against a background of high fuel prices, fuel consumption should decrease significantly because it takes less fishing time to catch a tonne of fish from an abundant stock than from a scarce one. This will reduce carbon emissions as well as the fuel expenditure of vessel owners.

Another important benefit is that pressures to discard will decrease. Heavily-fished stocks are mostly made up of smaller and less valuable fish which are thrown back either because of their low value on the markets or because they are undersized and it is illegal to land them under the present rules. By reducing the rate of fishing, more fish will have a chance to grow to a valuable size and it will be much easier for fishermen to take catches of good-sized fish without taking the smaller fish.

In 2010 the International Council for the Exploration of the Sea (ICES) developed a new form of advice concerning TAC levels which will lead to MSY fishing by 2015. The Commission based its TAC proposals on this new approach in 2011. For 2013, ICES plans to develop the MSY framework further so as to provide a quantified advice for stocks for which it has hitherto been unable to provide such advice. This development will be based on more extensive use of assessment methods that are robust to missing information, and on greater and more systematic use of qualitative evaluations within a quantitative framework. The Commission welcomes this approach, which will greatly improve the information base upon which TAC proposals are made.

2. STATE OF FISH STOCKS

It is worrying that in European waters 65% of the stocks are not fully assessed and only 22% of stocks under TACs known not to be overfished (Annex I). Furthermore, the tendency over the past years has been that a decreasing proportion of stocks (from 47% in 2003 to 35% in 2012) can be classified according to safe biological limits. It is not clear how far this may be affecting the data (i.e. is it the stocks at highest risk that are no longer assessed?).

However, where the state of stocks has been assessed, they seem to be improving, albeit slowly: the proportion of overfished² stocks in the Atlantic and nearby seas fell from 32 out of 34 stocks in 2004 to 18 out of 38 stocks in 2011, i.e. from 94% to 47%. (see Annex I for details). Achieving MSY is a realistic and achievable goal. The new stocks that are no longer assessed as overfished include Iberian-Atlantic anglerfish, blue whiting, Celtic Sea sole, west of Scotland haddock, North Sea herring, North Sea plaice and Herring in the Gulf of Bothnia. For 2012 several TAC increases were possible, which will provide over €135m in additional income for fishermen. Fishing policies based on MSY are already starting to deliver more fish for consumers and potentially more jobs and more income for people working in the catching and processing sectors.

² "Overfished" means that the latest estimate of fishing mortality rate is higher than the fishing mortality rate that will deliver maximum sustainable yield in the long term.

Current knowledge on the state of fish stocks is summarised in Annex I and described briefly below on a regional basis³.

Northeast Atlantic Pelagic stocks: All the main pelagic stocks except mackerel are now fished at or within MSY fishing rates, and corresponding TACs have been set for 2012. The Union has undertaken numerous attempts to secure the agreement of Iceland and the Faroe Islands to join Norway and the EU in the sustainable management of mackerel. The total of the mackerel TACs fixed by the EU, Norway, Faroe Islands and Iceland in 2012 were 36% above the scientific advice (excluding Russian catches). The rate of fishing of mackerel is well outside sustainable limits and the stock will decline in future years if an agreement with Iceland and the Faroe Islands cannot be reached for the sustainable management of this stock. This failure to agree and the loss of proper management has led to the loss of certification as a sustainably managed stock by the Marine Stewardship Council.

In the **North Sea, Skagerrak and Kattegat** plaice, haddock, herring, Nephrops and sole (in the Skagerrak and Kattegat only) are fished in accordance with MSY fishing mortality rates. Other stocks are either in unknown state or are overfished. TACs exceeded scientific advice by 5% in 2012 compared with 11% in 2011, 17% in 2010 and 37% in 2009.

Many stocks in the **west of Scotland, Irish Sea and Celtic Sea** are small with uncertain assessments. ICES has reported problems with recording of catches and other data, including discards, for a number of stocks. Five stocks are so depleted that, according to scientific advice, catches should be reduced to the lowest possible level. Of 18 stocks where MSY assessments could be made, a third were overfished and 12 were fished at or below MSY targets. Celtic Sea herring and west of Scotland haddock have shown welcome improvements recently, but already high discards of cod, haddock and whiting will increase if intensive fishing with small mesh nets for Nephrops continues without the greater use of selective gear that will let small fish escape. The catch-composition rules that were introduced to protect this stock when it was at a low level have now been suspended⁴. Member States have committed to introducing more selective fishing gear to reduce discards.

Few assessments are available for the stocks in the **Bay of Biscay and Iberian-Atlantic Seas**. Southern hake are in better shape due to good recruitment of juveniles, but large over-quota catches were again taken in 2011, so the long-term sustainability of this stock is at risk and market prices are low. The Commission and Spain are working on an action plan to adapt the national catch and effort registration system to meet that challenge. Audits of the catch and effort registration system in other Atlantic Member States will be completed during summer 2012. Nephrops in the Cantabrian Sea are still subject to an advice to stop fishing.

³ A table of European quotas and relevant "traffic lights" can be read at http://ec.europa.eu/fisheries/documentation/publications/poster_tac2012_en.pdf.

A full analysis of the state of fish stocks can be found at www.ices.dk and <https://stecf.jrc.ec.europa.eu>

⁴ Commission Regulation (EU) No 161/2012 of 23 February 2012 on emergency measures for the protection of haddock stocks in waters to the west of Scotland. OJ L 52 pp.6-7, 24.2.2012

In the **Baltic Sea**, 5 out of 7 known stocks remain overfished. Only cod in the Eastern Baltic and herring in the Bothnian Sea are fished at maximum sustainable yield rates.

In the **Mediterranean**, 80% of the resources studied are overfished and some are at low levels (Annex Ib). The number and quality of assessments, though still geographically unbalanced and not regular over time have continued to increase, and now cover more than 100 stocks from 27 species; however only 63% of evaluated stocks have been classified according to MSY criteria. The status of 37 % of stocks remain unknown. As these assessments have begun only recently and not all of the stocks are assessed every year, it is not possible to use these data to look at the development of the state of the stocks over time.

In the **Black Sea**, the situation has not changed significantly. Sprat is in good condition based on recent strong recruitments and is fished sustainably while turbot is still highly overfished.

3. ECONOMIC ANALYSIS

Economic performance is expected to be poor in many sectors of the European fish catching industry, particularly the demersal sectors. There are two reasons for this.

Firstly, the continued poor state of many fish stocks means that catch rates are lower and costs associated with fishing – and notably fuel usage- have been higher than necessary. However, TAC increases worth at least €135m were already possible in 2012, indicating that the short-term negative economic and social impacts resulting from the transition to MSY could be less than was feared. The anticipated long-term positive gains from MSY are kicking-in earlier than expected. Nevertheless, the financial resilience of the sector is still presently quite low.

Secondly, fuel prices have climbed again to values close to the peak values reached in July 2008, and prices of fish in the main consumer markets fell slightly. Some offset of these stresses could be achieved by changing to more fuel-efficient propulsion and changes in fishing behaviour and fishing gear. Improvements in marketing strategies could also bolster the stability of the sector. However, it is the phasing out of overfishing that can make the biggest contribution to economic efficiency and stability in the face of challenges from higher costs and lower product prices.

The most recent employment figures available (for 2009) show that the total number of fishermen employed in the EU fishing fleet (excluding Greece, whose figures were not submitted) was 134,700 - a decrease of around 8% compared to 2005. Thus, employment in the sector continues to decrease. An improvement in the underlying state of fish stocks is essential to halt this declining tendency.

4. POLICY DIRECTIONS

4.1. Developments in scientific advice for stocks where information is incomplete

In 2011, quantified scientific advice about overfishing with respect to F_{msy} ⁵ (excluding deep-sea species) could be provided for 38 stocks out of 92 in the North-east Atlantic, i.e. 41% of stocks, though this advice covers most of the larger and commercially important resources. In total, 2 million tonnes of fishing opportunities are covered by this advice, out of 2.5 million tonnes total corresponding fishing opportunities (i.e. 80% of the catch tonnage is covered by advice). In the Mediterranean and Black Sea, out of 103 stocks investigated in 2011, advice about overfishing could be provided in 65 cases (63%).

In the Atlantic, North Sea and Baltic Sea, the number of stocks for which advice could be provided with respect to MSY rose from 34 in 2005 to 39 in 2010 and was 38 in 2012. There has been a slight declining trend in the proportion of stocks where a quantified analysis and forecast is available. The proportion of stocks where no scientific advice is available rose from 45% in 2003 to 52% in 2006 and then fell again to 36% for 2012.

The reasons for the absence of advice are various: missing or unreliable information on catches, incomplete surveys or poor sampling, or underlying uncertainties about the biology of the stock as well as lack of human resources in the scientific advisory process. Providing scientific data on fisheries according to the EU data collection framework⁶ is the responsibility of Member States, and these responsibilities in a number of cases are not met fully despite the available EU funding. In 2011, Member States were urged by the Commission and the Council to improve data availability for the stocks in Table 1. The results of this exercise will become apparent in the forthcoming advice of ICES, due in June 2012.

Table 1 – Stocks subject to a joint statement by Council and Commission on improving data availability in European waters of the Northeast Atlantic and Baltic Sea.

Stocks	Areas
Anglerfish	[North Sea and] West of Scotland
Anglerfish	Celtic Seas
Anglerfish	Bay of Biscay
Haddock	Celtic Sea
Horse mackerel	North Sea
Megrim	Celtic Sea

⁵ The rate of fishing that will achieve the highest levels of catch on average and for the long term.

⁶ Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy. OJ L 60, 5.3.2008, p. 1-12

Megrim	Bay of Biscay
Plaice	Irish Sea
Plaice	Celtic Sea (Area VIIIfg)
Plaice	Baltic Sea
Pollack	West Scotland
Pollack	Celtic Sea
Skates and Rays	West Scotland
Sprat	Channel
Sprat	North Sea
Whiting	Celtic Sea

Following additional scientific studies in 2012, it is expected that the scope of scientific advice will be extended to cover more, if not most, of the stocks. While in 2011 we had over 44 stocks for which the scientific assessments could not be completed, this figure is likely to decrease to about 10-12 in 2012. This will require the use of assessment methods and advisory procedures which are novel in European advice, but which have been well tried and tested elsewhere. It will allow case-specific considerations to be taken into account, as was recommended in the public consultations held in 2011.

The Commission looks forward to using this new advice to base its proposals on fishing opportunities for these resources in 2013 and, where applicable, 2014. However, where scientific advice is unavailable and uncertainty is greater it remains appropriate to use a more cautious approach to setting fishing opportunities, in accordance with the precautionary principle⁷.

Meanwhile, Member States should devote sufficient resources to deliver urgently the necessary information to allow the state of the stocks to be estimated. The Commission will continue to promote development of common standards and programmes for monitoring and assessing stocks in the Mediterranean and Black Seas, including those shared with non-EU countries. Expert working groups will be convened to focus on those stocks and areas which have received less scientific coverage to date.

4.2. Fishing effort

Fishing effort (limits on time at sea for fishing vessels) has been managed alongside TACs to reduce discards and illegal catches. Effort management is a conservation

⁷ Communication from the Commission on the precautionary principle. COM (2000) 1 final

measure used in several long-term management plans, e.g. for cod in the North Sea and Baltic Sea, the North Sea plaice and sole, the western Channel sole and the southern hake and Norway lobster stocks (Annex II).

Annex II shows a general, if irregular, trend towards decreasing fishing effort since 2003 or 2004 until 2010.

The total effort decreases are greatest for the Baltic Sea, the North Sea, the Kattegat, the Irish Sea, and the west of Scotland but slightly less in the Western channel. Only small decreases occurred in the Iberian-Atlantic area up to 2009. However, total effort increased slightly in the central Baltic Sea and beam-trawl effort also increased in the western Channel from 2010 to 2011.

Clearly, measures to reduce effort in this area have not yet been effective.

During 2012 the Commission will review effort management regimes implemented so far in the EU. This will include a public meeting to be held on 5 July 2012 and will examine a wide range of issues, as raised by science, Member States, stakeholders and industry with a view to moving forward on the issue of simplifying stock management to a great extent in a reformed Common Fisheries Policy.

5. MANAGEMENT BY MULTI-ANNUAL PLANS

The Commission has started preparations to replace current single-stock-based plans with multi-stock management plans. The first proposal to be presented will be a multi-species plan for the Baltic Sea, incorporating biological interactions such as predation and competition. Work is also underway on a mixed-fisheries plan for the North Sea, which will incorporate technical interactions, *i.e.* the way in which different fleets and fishing gears catch different mixtures of fish.

Mixed-fisheries plans for the Celtic Sea, Irish Sea and west of Scotland are to follow once the science is consolidated. Development of proposals to amend the current plans for sole in the Bay of Biscay and Southern hake and Norway lobster are scheduled but will depend on the availability of data on the fisheries concerned.

Plan proposals for anchovy in the Bay of Biscay, Baltic salmon and western horse mackerel have been adopted by the Commission between 2009 and 2011 and are under discussion in Parliament and in Council.

In the Mediterranean, effort will continue in consolidating the scientific advice on an increasing number of species and stocks to develop international long-term fisheries plans. According to the Mediterranean Regulation⁸, EU Member States should set up multiannual plans at a national level. Despite important delays, there has recently been progress in the implementation of this obligation, which is being closely monitored and supported. To further speed up this process, the Commission has already started precontentious procedures against several Member States, and this action will be further developed in 2012. Follow-up is also planned at the General Fisheries Commission for the Mediterranean concerning shared stocks.

⁸ Council Regulation (EC) No 1967/2006

These actions are expected to improve decision-making for the establishment of international multiannual plans.

6. WORKING METHOD FOR PROPOSING TACs

The following principles should apply:

Where long-term plans governing TACs or effort limits apply, these have to be followed. The Commission will also propose TACs or effort limits at levels consistent with Commission proposals for long-term management plans.

Where TACs and other measures have been agreed with third countries, these have to be implemented.

Where scientific advice is provided based on comprehensive data and quantitative analysis and forecasts according to the ICES "MSY framework" TACs should be set according to scientific advice. When such advice is available it should be directly used to fix levels of quotas or fishing effort, though a gradual implementation of this framework by 2015 could be accepted where this is compatible with the advice.

Where indicative scientific advice is provided based on qualitative analysis of available information (even if this is incomplete or incorporates expert judgement) this should be used as a basis for TAC decisions.

Where there is no scientific advice at all there is a need to follow the precautionary approach.

TACs for species not yet subject to TACs and quotas may be proposed in light of scientific advice signaling a consistent increase in landings. Candidate species in this regard include sea bass and red mullet. Guidelines for new and developing fisheries will be developed in accordance with the statement in the minutes of the 2010 and 2011 December Councils. Such guidelines will follow the principles and best practices and international standards for responsible fisheries. The development of allocation keys for these stocks will be necessary, based on track records, on the condition that such records have been established while fishing in full compliance with applicable (e.g. technical) conservation measures.

It is necessary to ensure the best fit between TAC regulatory areas and stock identity in order for fishing opportunities to meet the conservation and management status of the various stocks. The management of Norway lobster by functional units and the management of the two stocks of plaice in the Channel require consideration in this respect and the Commission would encourage Member States to support the necessary TAC rearrangement work required in these cases. It reserves the right to include such arrangements in its proposals and welcomes feedback from Member States and stakeholders specifically on this issue. In order to lay the foundation of stock-specific management for lemon sole, dab, flounder and witch in the North Sea, separate reporting of the landings of these species will be proposed.

7. DEEP SEA SPECIES IN THE NORTHEAST ATLANTIC

The state of many deep-sea stocks cause concern. Stocks of orange roughy, certain deep-sea sharks, red sea bream in the Bay of Biscay and roundnose grenadier are depleted. Advice for most stocks is that fisheries should either be reduced or not be allowed to expand unless they are known to be sustainable. In the case of faster-growing species such as tusk, ling, blue ling, red seabream and black scabbard, it may prove possible to identify reference points to allow management of the stocks on a long-term sustainable basis, but these are not presently available..

TACs for deep-sea species are fixed every two years, most recently for 2011 and 2012. The Commission will present a separate proposal concerning deep-sea fishing opportunities for the period 2013-2014 based on the working method described above.

8. TACs FIXED BY MEMBER STATES

Since 2011, TACs for 6 stocks have been "delegated" to the sole Member States fishing each of these stocks (Article 6 of Council Regulation No 57/2011 and of Council Regulation 43/2012). This has been done – subject to safeguards concerning good management - in cases where only one Member State has an interest in the fishery. Reporting by the Member States concerned under Article 6 has improved, though the quality of reports is uneven. In some cases, data on which to build advice on appropriate measures to manage the stocks is still lacking, and for these stocks additional caution is required. The Commission intends to propose the continued delegation of these TACs. There will be specific follow-up with the relevant Member States concerned as regards stocks for which further efforts are required.

9. SCHEDULE OF PROPOSALS

The tentative timetable of work could be as follows:

Fishing Opportunities Regulation	Advice Available	Commission Proposal	Possible adoption by Council
Deep-sea 2013-2014	June	mid-September	October
EU stocks in Atlantic and North Sea (no international negotiations or agreements)	June	September	November
International and joint stocks in Atlantic, North Sea, Antarctic and other areas	October-December	November	December
Baltic Sea	May	Early September	October
Black Sea	October	November	December

10. CONCLUSION

The Commission solicits the views of Member States, the RACs and ACFA concerning the approach set out in this Communication.

ANNEX Ia –North-East Atlantic and adjacent waters

Table 1. Scientific advice about the state of the stock	Number of fish stocks										
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Average
Outside safe biological limits	30	29	26	26	26	28	27	22	19	14	25
Inside safe biological limits	12	10	14	11	12	13	12	15	15	18	13
% of stocks inside safe biological limits	29%	26%	35%	30%	32%	32%	31%	41%	44%	56%	35%
The state of the stock is unknown due to poor data	48	53	53	57	58	55	57	60	61	60	56
% of stocks of known status	47%	42%	43%	39%	40%	43%	41%	38%	36%	35%	40%

Table 2. Scientific advice about overfishing	Number of fish stocks										
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Average
The rate of fishing on the stock is known compared to maximum sustainable yield rate			34	23	32	33	35	39	35	38	34
The stock is overfished			32	21	30	29	30	28	22	18	26
The stock is fished at the maximum sustainable yield rate			2	2	2	4	5	11	13	20	7
% of stocks overfished			94%	91%	94%	88%	86%	72%	63%	47%	79%

Table 3. "Emergency" scientific advice	Number of fish stocks										
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Average
Scientific advice to stop fishing	24	13	12	14	20	18	17	14	11	8	15

Table 4. Difference between TACs and sustainable catches	Number of fish stocks										
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	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Ave rage
Excess of TAC over sustainable catch (%)	46%	49%	59%	47%	45%	51%	48%	34%	23%	11%	41%

Table 5. Summary of the scientific advice about fishing opportunities	Number of fish stocks										
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Ave rage
Stocks where stock size and fishing mortality can be forecast	40	34	40	31	29	30	34	36	36	40	35
Stocks where a scientific advice concerning fishing opportunities is available	59	52	54	65	61	62	63	55	55	47	57
Stocks where no scientific advice is available	31	40	39	29	35	34	33	42	40	44	37

(*) Where one advice covers two TACs, it is not counted twice

ANNEX Ib –Mediterranean and Black Seas

Scientific advice about overfishing for the Mediterranean and Black Sea demersal and small pelagic stocks	no.	%
Stocks classified according to criteria (reference point agreed)	65	63,0
Other stocks not included due to poor data (reference point not yet agreed)	38	37,0
Stocks taken into account (out of 27 species)	103	100
Classified stocks:		
The stock is overfished (above Fmsy or proxy)	52	80,0
The stock is fished at or below the Fmsy or its proxy	13	20,0
Total stocks	65	100

ANNEX II –Fishing Effort
regulated under multi-annual plans, as reported by Member States to STECF
(information provided by the Joint Research Centre)

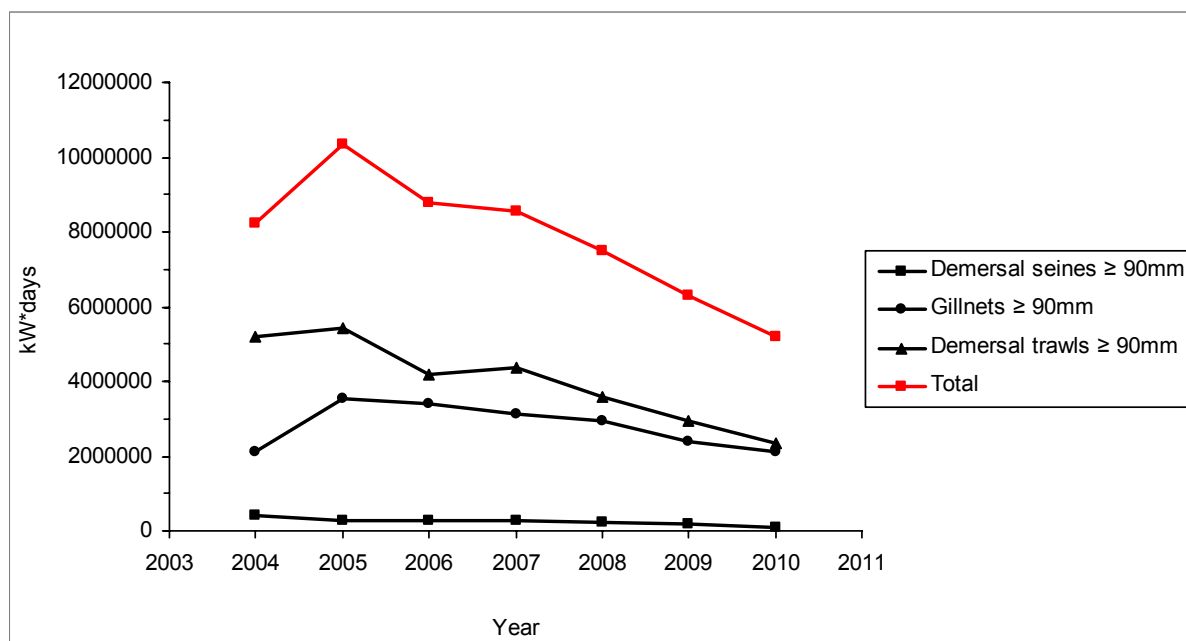


Figure 1. Regulated fishing effort in the western Baltic Sea

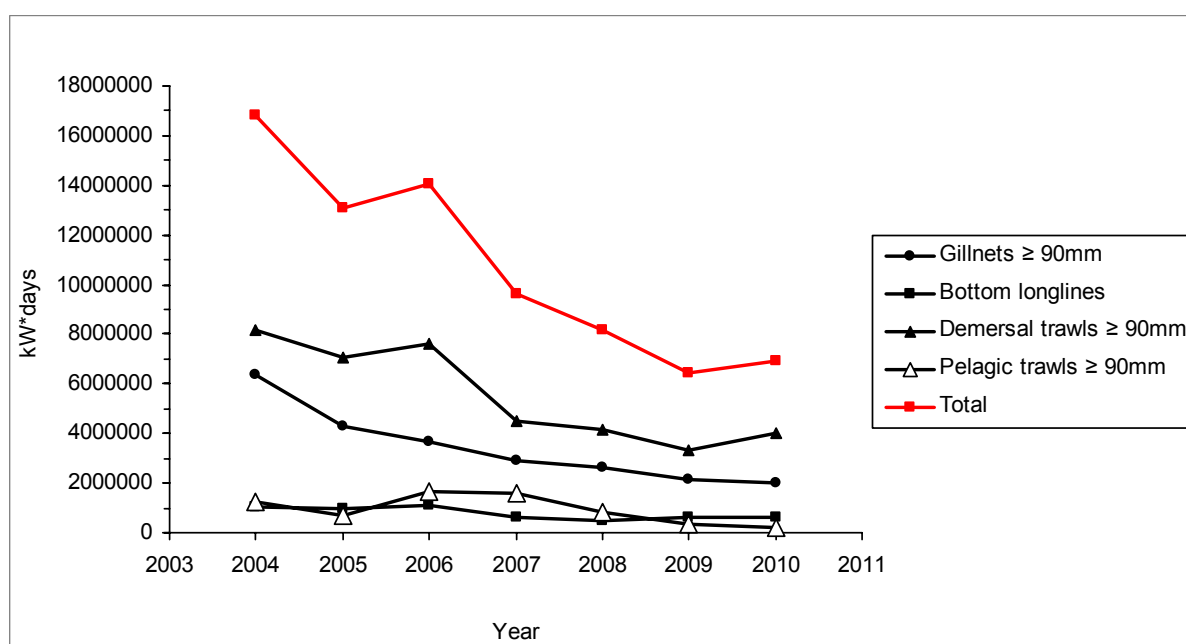


Figure 2. Regulated fishing effort in the central Baltic Sea

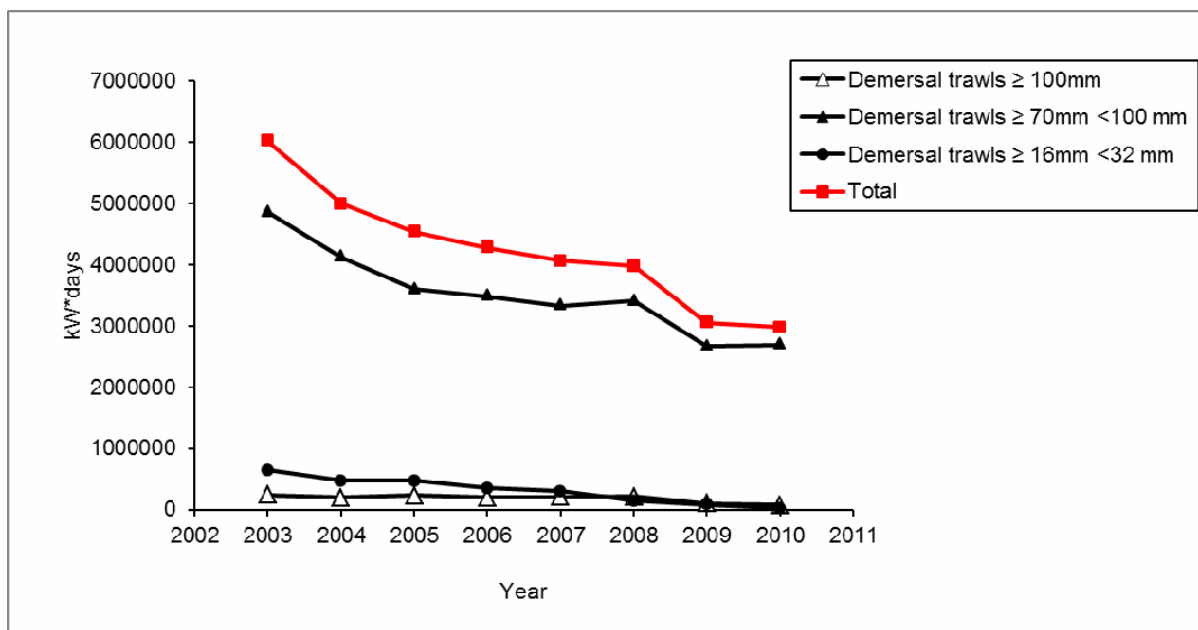


Figure 3. Regulated fishing effort in Kattegat

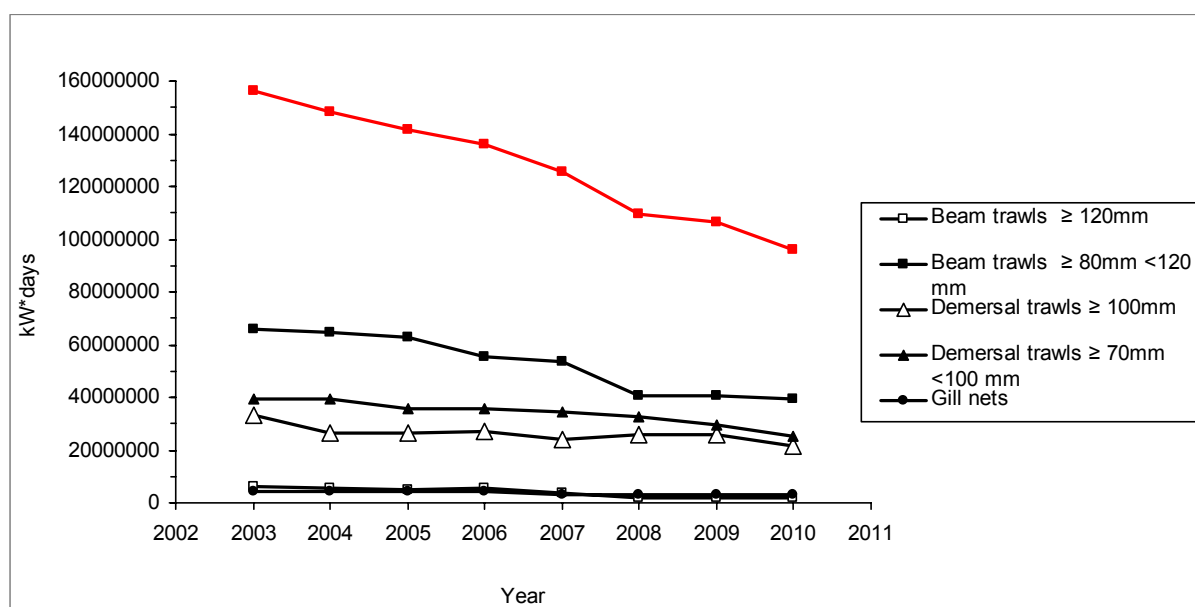


Figure 4. Regulated fishing effort in North Sea, Skagerrak and Eastern Channel.

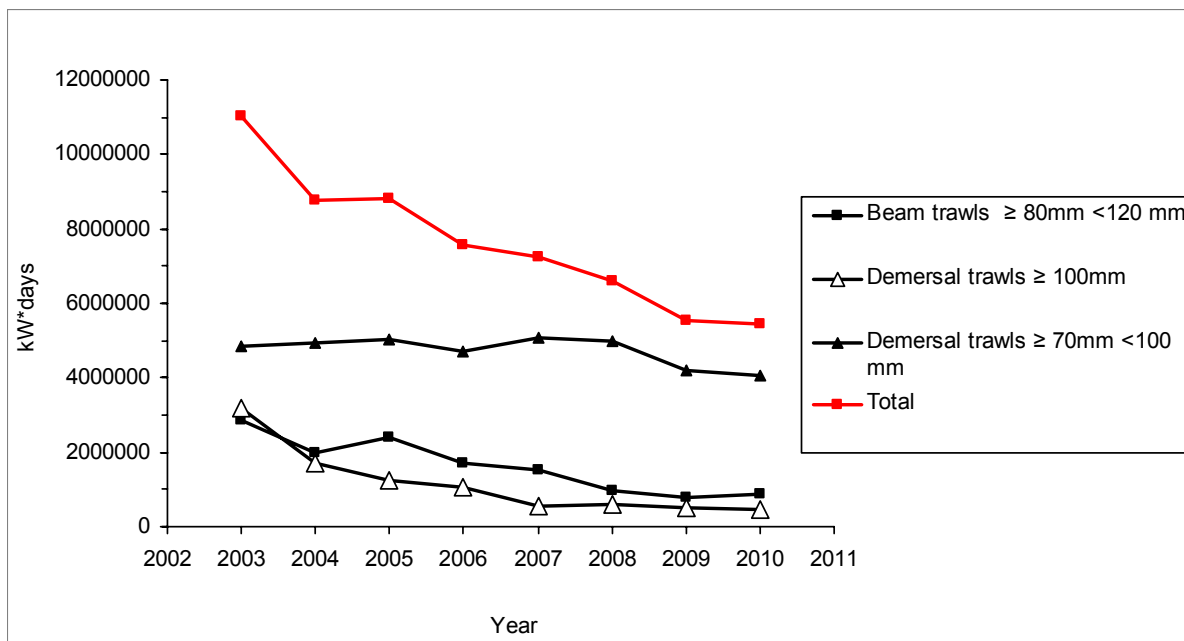


Figure 5. Regulated fishing effort in the Irish Sea.

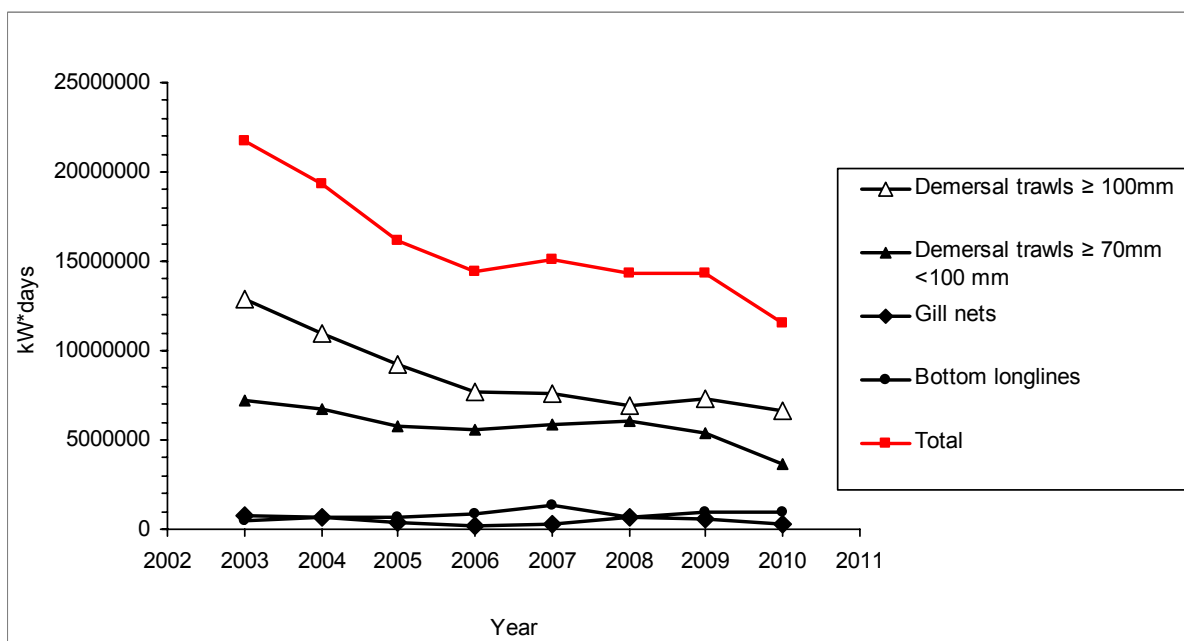


Figure 6. Regulated fishing effort in the west of Scotland.

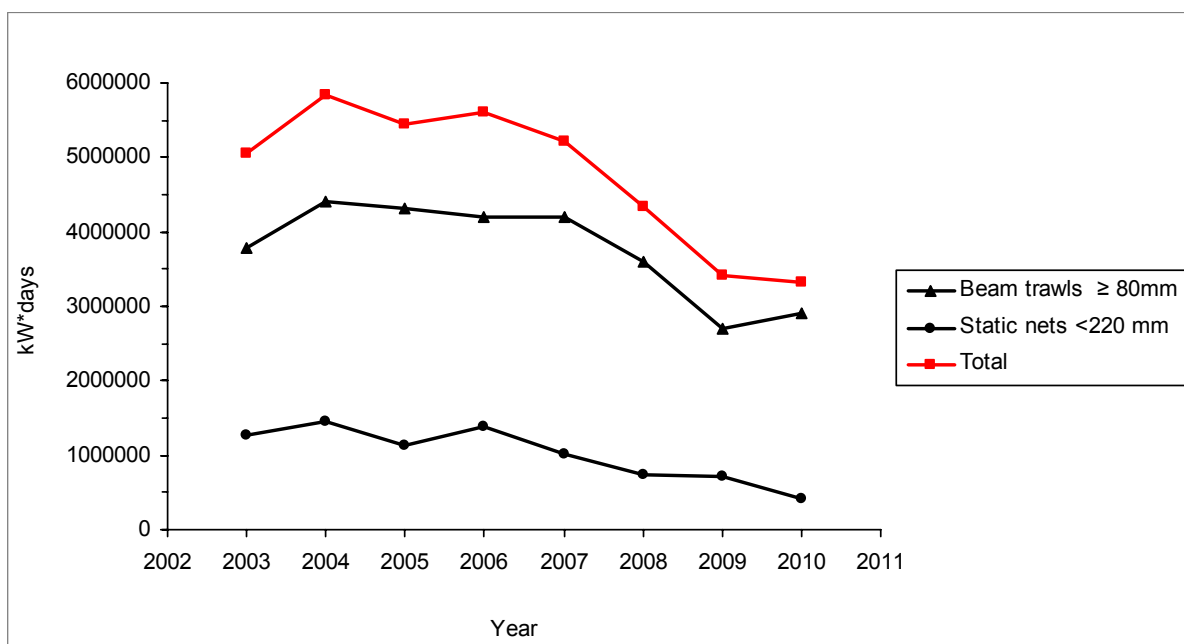


Figure 7. Regulated fishing effort in the western Channel.

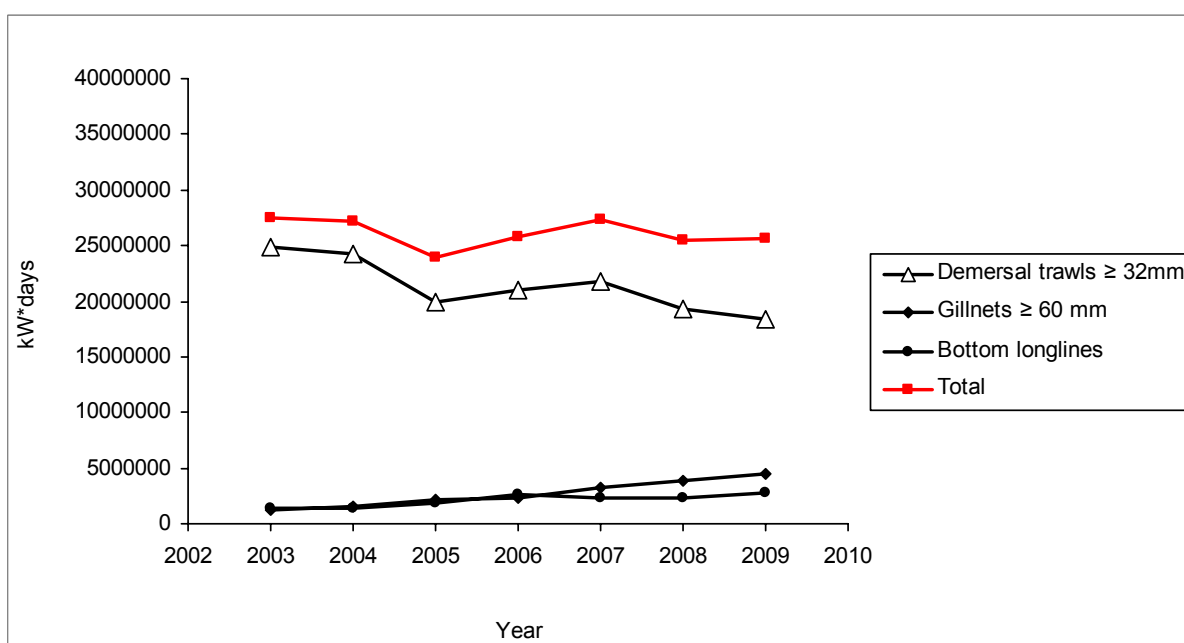


Figure 8. Regulated fishing effort in the Iberian-Atlantic waters.

Note: The different trend compared to last year is mainly due to improved data from Portugal. Spain has not submitted data for 2010, hence the data are only plotted to 2009.