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

**on the State of Play of the Common Fisheries Policy and Consultation on the Fishing
Opportunities for 2019**

{SWD(2018) 329 final}

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1. INTRODUCTION

This Communication gives an overview of the state of play of the Common Fisheries Policy (CFP). It presents progress towards F_{MSY} (i.e. the fishing mortality that produces the maximum sustainable yield), changes in the state of stocks, efforts to reverse the situation in the Mediterranean and Black Sea, the state of the EU fleet, progress in terms of governance, the phasing-in of the landing obligation and the external dimension of the CFP¹. It also sets out the principles intended to underpin the Commission proposals on fishing opportunities for 2019. Member States, Advisory Councils (ACs), other stakeholders and the public can provide suggestions on these policy directions.

Under the CFP, the fishing pressure on stocks concerned should be aligned as soon as possible, and by 2020 at the latest, to the objective of restoring and maintaining stocks to levels that can produce maximum sustainable yield (MSY). Achieving this objective will also contribute to achieving good environmental status in European seas by 2020² and to minimising the negative impact of fishing activities on marine ecosystems.

2. PROGRESS IN IMPLEMENTING THE CFP

There continues to be significant progress in implementing the CFP:

- **Meeting the F_{MSY} objective.** In the ICES area³, the fishing pressure shows an overall downward trend and the relevant indicator (F/F_{MSY}) is now stabilized at around 1, which means that over all stocks, on average, the exploitation levels are close to F_{MSY} . In parallel, the number of total allowable catches (TACs)⁴ set in line with F_{MSY} further increased in 2018 from 44 to 53, representing 69% of the F_{MSY} assessed TACs in the ICES area.
- **Rebuilding stocks.** Since 2013 the Spawning Stock Biomass (SSB) has been increasing in the ICES area and in 2016 was on average around 39% higher than in

¹ The full reports on the implementation of the landing obligation, on the balance between fishing capacity and fishing opportunities and on progress with F_{MSY} and the state of the stocks, required under Articles 15(14), 22(4) and 50 of Regulation (EU) No 1380/2013 of 11 December 2013 (OJ L 354 of 28.12.2013), are included in the Staff Working Document accompanying this Communication.

² Directive 2008/56/EC, OJ L 164, 25/06/2008, p. 19-40.

³ Area FAO 27, i.e. North-East Atlantic and adjacent seas.

⁴ TACs or fishing opportunities are catch limits expressed in tonnes or numbers and set for most commercial fish stocks.

2003, whereas the proportion of stocks outside safe biological limits decreased from 65% in 2003 to around 30% in 2016.

- **Improving the state of the stocks in the Mediterranean and Black Sea.** Although the situation in the Mediterranean and the Black Sea remains very worrying, significant steps are being taken to combat overfishing at all levels.
- **Increasing overall socio-economic performance.** The economic performance of the EU fleet continues to improve, with €1.3 billion net profits in 2016.
- **Better balancing fishing capacity and fishing opportunities.** The capacity of the EU fleet continued to decrease. It is now almost 20% below the capacity ceilings for tonnage and more than 13 % below the capacity ceilings for engine power.
- **Progressing with Multiannual Plans (MAPs).** After the Baltic MAP entered into force⁵ and the North Sea MAP was agreed⁶, the Commission proposed two new MAPs: one for demersals in the Western Mediterranean⁷ and one for demersals in Western Waters⁸. Work also continues on the Adriatic MAP proposed last year⁹.
- **Phasing-in of the landing obligation.** On 1 January 2019, the landing obligation will enter into force for all species subject to catch limits and in the Mediterranean also for all species subject to minimum conservation reference size. The Commission is working together with Member States and stakeholders to facilitate the full implementation of the landing obligation.
- **Promoting the EU principles of fisheries management at the international level.** The EU is in the lead in advocating and rolling out sustainable fisheries at the international level, as shown by the success of the last edition of Our Ocean Conference hosted by the EU.

2.1. Progress in achieving F_{MSY}

The Scientific, Technical and Economic Committee for Fisheries (STECF) has computed the trends in fishing pressure (F/F_{MSY})¹⁰.

According to STECF, in the **ICES area**, fishing mortality is decreasing steadily and the indicator value in 2016 was close to 1 (compared to 1,5 in 2003), which means that over all stocks exploitation levels are, on average, close to F_{MSY} . In the **Mediterranean and Black Sea**, the trends in F/F_{MSY} show a median level that varies slightly, staying at around 2.3 from 2003 to 2015, with no decreasing trend.

In the ICES area, the Commission proposed TACs in line with or slightly below F_{MSY} for 2018 for all the 76 TACs with F_{MSY} advice. The Council set 53 TACs in line with F_{MSY} : 29 in Western Waters (plus 1 in deep sea stock), 17 in the North Sea and 7 in the Baltic Sea.

⁵ Regulation (EU) 2016/ of 6 July 2016 (OJ L 191, 15.7.2016, p. 1)

⁶ COM/2016/0493 final - 2016/0238 (COD)

⁷ COM/2018/0115 final - 2018/050 (COD)

⁸ COM/2018/0149 final - 2018/074 (COD)

⁹ COM/2017/097 final - 2017/043 (COD)

¹⁰ STECF-Adhoc-18-01.

In terms of volume:

- In the **Baltic Sea**, TACs were set based on the Baltic MAP. 95% of the expected catches come from TACs set in line with F_{MSY} and 4% from TACs with precautionary advice.
- In the **North Sea, Skagerrak and Kattegat**, for the F_{MSY} assessed stocks managed by the EU alone, 99.7% of the expected landings come from TACs set in line with F_{MSY} .
- In the **North Western and South Western Waters**, for the F_{MSY} assessed stocks managed by the EU alone, this figure is 94% and 90% respectively.

For the first time, the Council also agreed a three-month closure of eel fisheries to protect spawners. Furthermore, the Commission and Member States made a political commitment to reinforce the implementation of the Eel regulation and evaluate its effectiveness¹¹.

For **deep-sea stocks**, fishing opportunities were set in November 2016 for 2017 and 2018 and make up less than 1% of all landings in the EU. Deep-sea stocks are data or assessment limited, with the exception of Roundnose grenadier in North Western Waters, the TAC of which was set at F_{MSY} .

For **stocks subject to Coastal States consultations** only 1 out of 10 TACs with F_{MSY} advice is in line with F_{MSY} , namely Atlanto-scandian herring representing 4% of the landings of all Coastal States TACs in terms of volume. Achieving F_{MSY} by 2020 for all Coastal States stocks is therefore a challenge.

In the **Mediterranean Sea**, out of 47 stocks, only around 13% (6 stocks) are not overfished: red mullet in GSA 10 (South Tyrrhenian Sea), GSA 17-18 (Adriatic Sea) and GSA 22 (Aegean Sea); European anchovy in GSA 22 (Aegean Sea); deep-water rose shrimp in GSA 9 (Ligurian and North Tyrrhenian Sea); and common cuttlefish in GSA 17 (Northern Adriatic Sea). In the **Black Sea**, 5 out of the 6 assessed stocks remain overfished, with the exception of sprat. It is clear that further efforts are required to achieve the 2020 F_{MSY} objective in these sea basins as outlined below under 2.3.

2.2. Biomass trends

STECF has also calculated the evolution of SSB since 2003¹².

In the ICES area, SSB has generally been increasing over this period and in 2016 was on average around 39% higher than in 2003. The percentage of stocks within safe biological limits is also increasing. In 2018, 81% of the fishing opportunities are expected to come from stocks within safe biological limits, 11% from stocks outside

¹¹ Council Regulation (EC) 1100/2007 of 18 September 2007 (OJ L 248, 22.9.2007, p. 17). The roadmap of the evaluation was published on April 2018: http://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-1986447_en

¹² STECF-Adhoc-18-01.

them, and 8% from stocks with precautionary advice, for which we do not know whether or not they are within safe biological limits.

For the Mediterranean and the Black Seas, SSB has remained essentially unchanged since 2003. However, these results should be taken with caution, as there is a high level of uncertainty.

2.3. Specific actions for the Mediterranean and the Black Seas

The European Commission has taken significant steps to tackle overfishing in the Mediterranean and Black Sea, both at the EU level and with its international partners.

At the **EU level**, one of the Commission's priorities is to further align the national management plans adopted under the Mediterranean Regulation¹³ with the CFP. In 2017, five national management plans were reviewed and updated in line with STECF advice. These include plans for fisheries conducted with boat seines, shore seines, gangui and small purse seines in Croatia, France, Greece and Spain. This process will accelerate in 2018.

Better enforcement and control is also a priority in these sea basins. In 2017, the Commission extended the scope of the specific control and inspection programme (SCIP) for the Mediterranean to cover the hake and deep-water rose shrimp in the Strait of Sicily¹⁴. The number of joint campaigns coordinated by the European Fisheries Control Agency has also substantially increased¹⁵.

For progress in EU MAPs, see below, section 2.5.1.

At the **international level**, the Commission's aim is to translate the political commitments of the 'Malta MedFish4Ever Declaration'¹⁶ into concrete actions.

Within the framework of the **General Fisheries Commission for the Mediterranean and Black Sea (GFCM)**, in 2017 important measures proposed by the EU were agreed:

- a MAP for turbot in the Black Sea;
- a regional plan of action to combat illegal, unreported, and unregulated fishing (IUU);
- an international joint inspection and surveillance scheme outside the waters under national jurisdiction of the Strait of Sicily;
- a regional adaptive management plan for the exploitation of red coral in the Mediterranean; and
- a fisheries restricted area in the Jabuka/Pomo Pit in the Adriatic Sea.

¹³ Council Regulation (EC) No 1967/2006 of 21 December 2006 ([OJ L 36, 8.2.2007, p. 6](#)).

¹⁴ Commission Implementing Decision (EU) 2018/17 of 5 January 2018 ([OJ L 4, 9.1.2018, p. 20](#)).

¹⁵ From 482 inspections in 2014 – on bluefin tuna – to 2,855 inspections in 2017 –dedicated to bluefin tuna, swordfish, albacore, small pelagics in the Adriatic Sea and demersal species in the Strait of Sicily).

¹⁶ Malta MedFish4Ever Ministerial Declaration. Ministerial conference on the sustainability of Mediterranean fisheries ([Malta, 30 March 2017](#)).

In 2018, the most important milestone will be the adoption of the **Sofia Declaration** by Black Sea riparian States as a follow-up to the Bucharest Declaration endorsed in 2016. The Commission will also aim to reach agreement on a regional management plan for European eel and conservation measures for demersal fisheries in the Central-Eastern Mediterranean, key commercial species such as rapana whelk, as well as small pelagic species in the Adriatic, as there is no EU MAP in place.

The EU work within the framework of the **International Commission for the Conservation of Atlantic Tunas (ICCAT)** has also started to pay off: the reported high biomass levels of bluefin tuna in the Eastern Atlantic and the Mediterranean made it possible to increase TACs for 2018-2020¹⁷ in line with scientific advice. This also paved the way for a new management framework, moving from a rebuilding plan to a management plan, allowing small-scale fisheries to return to fishing, while keeping strict rules of control. For Mediterranean swordfish, the recently adopted recovery plan sets a TAC of 10,500 tonnes from 2017 and a linear reduction of 3% per year until 2022. In 2017, ICCAT also adopted a freeze of the fishing capacity for vessels exploiting Mediterranean albacore¹⁸.

2.4. The state of the EU fleet

The capacity of the EU fleet continued to decrease. In December 2017, the EU fleet register contained 82,912 vessels with an overall capacity of 1,487.983 in gross tonnage (GT) and 5,763.933 in kilowatts (KW). This is a reduction of 1.45% since last year in terms of number of vessels, 6.54% in KW and 9.59% in GT. However, a number of fleet segments are not in balance with their fishing opportunities.

The economic performance of the EU fleet improved once again and net profits amounted to EUR 1.3 billion in 2016. The EU fleet landed around 5 million tonnes of seafood with a reported landed value of EUR 7.7 billion. Gross valued added and gross profit (all excl. subsidies) generated by the EU fleet (excl. Greece) were EUR 4.5 billion and EUR 2.1 billion, respectively. In terms of net profit margin, it was 17%, significantly higher than the margin in 2015 (11%). Projections for 2017 and 2018 suggest positive economic results.

Regarding social sustainability, total employment in the EU fleet in full time equivalent (FTE) has been decreasing on average 1.3% per year since 2008, partly because of the decrease in the capacity of the EU fleet. However, the average wage per FTE, has been increasing on average 2.7% per year. The average annual wage per FTE is EUR 24,800.

A major development in improving working conditions in the EU fleet is the successful transposition of the International Labour Organisation (ILO) Work in Fishing Convention C188 into EU law as agreed by the EU social partners¹⁹. This Convention creates a single and coherent instrument for improving the living and working conditions on board fishing vessels. However, only a few Member States have ratified the

¹⁷ ICCAT Recommendation 17-07 amending Recommendation 14-04.

¹⁸ ICCAT Recommendation 17-05 establishing management measures for the stock of Mediterranean albacore.

¹⁹ Directive 2017/159 of 19 December 2016 (OJ L 25, 31.1.2017, p. 12).

international conventions relevant for fisheries²⁰ and transposition of these standards into EU law is still not complete. Ensuring decent work, health and safety conditions on board fishing vessels is high on the Commission's agenda.

2.5. Governance

2.5.1. Progress with MAPs

The recent adoption of a MAP for demersals in the North Sea is an important development that will help ensure sustainable fisheries in the long term. This is the second MAP agreed after the Baltic MAP in 2016. By contrast, the European Parliament and the Council have not yet reached an agreement on the MAP for sardines and anchovies in the Adriatic Sea proposed by the Commission in 2017 and the prospects of a swift adoption are slim. The Commission is working closely with all parties concerned to facilitate discussions so that measures can be put in place as soon as possible to protect these stocks in critical state.

In March 2018, the Commission proposed two new MAPs: one **for fisheries exploiting demersal stocks in the western Mediterranean Sea** and one **for demersal species in Western Waters**. Reaching agreement on these proposals is important for the achievement of F_{MSY} and the full implementation of the landing obligation.

2.5.2. Regionalisation and stakeholder involvement

The 2013 reform of the CFP introduced regionalisation: where regionalisation applies, Member States concerned may submit joint recommendations for the adoption of Commission delegated acts. The new generation of MAPs also contains provisions on regionalisation, which allow Member States and stakeholders to work together on tailor-made management measures that suit their sea bassins.

Regionalisation has played an important role in the phasing-in of the landing obligation. In contrast, joint recommendations on conservation measures for Natura 2000 sites and other protected areas under Article 11 CFP have been less forthcoming and only cover certain areas in the North Sea and the Baltic. To help Mediterranean Member States better understand the advantages of putting in place conservation measures under the CFP, a dedicated workshop on this topic took place in Zadar in October 2017. Member States and stakeholders need to do more in this respect. To facilitate their tasks the Commission will issue a guidance document on the shaping of delegated acts under Article 11 CFP. Furthermore, earlier this year, the Commission reported on the exercise of delegated powers under the CFP²¹.

Regionalisation has also reinforced the role of the ACs, the main stakeholders organisations established under the CFP. Member States have to consult the ACs when shaping their joint recommendations. As result, the number of the ACs' recommendations increased again from 56 in 2016 to 64 in 2017.

²⁰ Convention C188 Work in Fishing, ILO 2007; STCW-F Convention, IMO 1995; Cape Town Agreement on the implementation of the Torremolinos Protocol on the safety of fishing vessels, IMO 2012.

²¹ COM/2018/079 final.

The expertise of the ACs is crucial for the successful implementation of the CFP. The Commission and Member States build on their analysis to prevent or at least mitigate choke situations within the framework of EU rules in place. ACs can also develop sustainable management strategies, such as the two management strategies for sole in the Bay of Biscay and the Eastern Channel, which produced fisheries in line with F_{MSY} leading to increased quotas for fishermen.

2.6. The Landing Obligation

The phasing-in of the landing obligation further progressed in 2018. Pelagic fisheries and fisheries in the Baltic and Black Sea are already fully under the landing obligation. For demersal fisheries, there has been an overall increase of the scope of the landing obligation in volume from 35% to 44% since last year: this corresponds to 34% in the North Sea, 51% in North Western Waters and 65% in South Western Waters. In the Mediterranean, around 66 % of the total landings are currently under the landing obligation. This figure amounts to around 94% for small pelagic species, 24% for demersal species and 71 % for mollusc bivalves. In the Black Sea, since 2017, the landing obligation covers all catches of the species subject to TAC, i.e. sprat and turbot.

Pursuant to the provisions of the Basic Regulation, as of the 1 January 2019, the landing obligation will apply to all catches of species under catch limits and, in the Mediterranean, also to catches of species under minimum conservation reference sizes. In order to facilitate the full and timely implementation of the landing obligation, all existing flexibilities under the CFP should be fully used.

Based information available, so far, there have been no choke situations that occurred as a result of the landing obligation. Nevertheless, the F_{MSY} objective 2020 and the full application of the landing obligation are a challenge, therefore Member States and the ACs are encouraged to continue their work, in particular to identify the cases for which there is enough fish in the system and therefore swapping can prevent choking. Member States should also consider if their internal rules could be improved. The use of the European Maritime and Fisheries Fund to support the implementation of the landing obligation remains very low with only EUR 49 million earmarked for measures linked to the landing obligation²².

The Commission is fully committed to working with Member States and the ACs to facilitate the implementation of the landing obligation. The recent amendment of Article 15.6 CFP to enable the renewal of the discard plans for an additional period of three years is a token of this commitment²³. The European Parliament and the Council should use this additional period to reach an agreement on the MAPs recently proposed by the Commission, as MAPs are a useful tool for addressing potential choke situation. The Commission will continue to assist to further explore possibilities, in particular concerning choke situations, within the limits of EU rules in place and based on specific examples presented by the Member States.

²²These measures include: support in equipment improving selectivity of fishing gears; on board or in equipment that eliminates discards; investments in fishing ports, auction halls, landing sites and shelters; marketing measures aimed at finding new markets and improving the conditions for the placing on the market of fishery products, including unwanted catches landed.

²³ Regulation (EU) 2017/2092, OJ L 302, 17.11.2017, p. 1.

Regarding enforcement and control, it is becoming increasingly clear that traditional means of control, such as inspections at sea and aerial surveillance, are less effective than continuous remote electronic monitoring technologies (REM), such as closed circuit television (CCTV) and sensors. In the absence of an agreement at the regional level and in order to ensure a level playing field, the Commission recently engaged in discussions with Member States and EFCA to address this issue in the SCIPs adopted under the Control Regulation²⁴.

2.7. The broader context: International Ocean Governance and the Our Ocean Conference 2017

In 2017, the EU hosted the fourth edition of the Our Ocean Conference with great success, as it resulted in 433 tangible commitments amounting to EUR 7.2 billion in financial pledges and 2.5 million km² of additional Marine Protected Areas.

In the framework of the Joint Communication on international ocean governance, the Commission's work at the international level further focuses on:

- Actively promoting sustainable fisheries management outside EU waters through Regional Fisheries Management Organisations (RFMOs);
- Supporting better coordination between RFMOs and regional seas conventions and cooperation with global organisations;
- Combating IUU fishing and strengthening the sustainable management of ocean resources through our bilateral IUU dialogues and Working Groups. The entry into force of the Port States Measures Agreement (PSMA) in June 2016, the adoption of the Food and Agriculture Organisation (FAO) Voluntary Guidelines on Catch Documentation Schemes in July 2017 and the launching of the first working version of the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels in April 2017 are significant developments in this area;
- Closing gaps in the international framework. Reaching an international agreement that prevents unregulated commercial fishing in the Arctic high seas represents a key achievement in this area;
- Developing sustainable fisheries and aquaculture and building capacity in the sector through EU-funded support programmes with regional entities and countries in the Pacific, Western Africa and Indian Ocean. In 2017, two new regional programs, PESCAO (Western Africa) and PEUMP (Pacific), were adopted;
- Improving the governance of the fisheries sector and the sustainable development of local fisheries through Sustainable Fisheries Partnership agreements (SFPAs).

The new Regulation on the sustainable management of external fishing fleets²⁵, which entered into force on 12 December 2017, aims to strengthen the EU's role as a key global actor in fisheries, ocean governance and the fight against IUU.

²⁴ Council regulation (EC) No 1224/2009 of 20 November 2009 (OJ L 343, 22.12.2009).

²⁵ Regulation (EU) 2017/2403 of 12 December 2017 (OJ L 347, 28.12.2017, p. 81).

3. PROPOSALS FOR 2019 TACS

TAC setting for 2019 will be characterised by three landmarks: the fast approaching F_{MSY} 2020 objective, the full implementation of the landing obligation as of 2019 and fishing opportunities based on MAPs for the Baltic Sea and the North Sea. All three landmarks are equally important for stakeholders and Member States alike and need to be factored in during the TAC setting exercise to ensure coherence.

3.1. Overall objectives of the Fishing Opportunities proposals in 2019

The Commission's main objective is to achieve significant further progress towards reaching F_{MSY} as this is the last year before the F_{MSY} objective of 2020. For the F_{MSY} assessed stocks managed by the EU alone the Union has made important progress, as explained above.

However, ensuring that all TACs are at F_{MSY} at all times is a challenge. Both for biological and socio-economic reasons it may not be possible to have all stocks fished at F_{MSY} simultaneously. Therefore, preserving the F_{MSY} objective of the CFP is a continuous endeavour.

3.2. How to reach our objectives – the process from science to negotiation of fishing opportunities

The basis for the Commission's proposals for fishing opportunities will be the scientific advice by the International Council for the Exploration of the Sea (ICES), which arrives in several parts²⁶. The Commission intends to cover as many stocks as possible in its initial proposals. In the particular case of the North Sea and Atlantic proposal, because of the late advice releases from October to December, the proposal will however continue to contain fishing opportunities in *pro memoria* for the late advice stocks.

An important feature in the process is the stakeholder consultation, which plays a crucial role. The Commission invites Member States and stakeholders to start their work early based on the ICES advice, which is publicly available, rather than awaiting for the Commission's proposals. The stakeholders will then have the opportunity to make recommendations on fishing opportunities to the Commission, notably via the respective ACs, and to share their views with Member States. At this stage, stakeholders should also consider the socio-economic impact of the ICES advice.

Taking the above consultations into account, the Commission will draw up its proposals. There will be four proposals, covering respectively the Baltic Sea (September), the deep sea stocks (September), the Atlantic and North Sea (November) and the Black Sea (November), to be discussed in three separate Council meetings.

The Commission will explain and discuss the proposals with Member States in the run-up to and at the relevant Council meetings. During the discussions, the Commission will

²⁶ End of May 2018 for all Baltic stocks, beginning of June for deep-sea stocks, end of June 2018 for 61 stocks in the North Sea, Bay of Biscay and the Celtic Sea and between October and December 2018 for further stocks in the North Sea and Atlantic.

assess, based on solid economic analysis provided by the Member States, whether or not achieving exploitation rates in line with F_{MSY} in 2019 would seriously jeopardise the social and economic sustainability of the fishing fleets involved²⁷. For the better organisation of these discussions, the Commission invites Member States to prepare their socio-economic considerations in due time based on the ICES advice and to consult their stakeholders. For a meaningful assessment of socio-economic considerations, Member States should send their submissions to the Commission at the latest two months before the relevant Council meeting.

As the TAC proposals are due to be adopted before the withdrawal of the UK, no change in the decision-making process is envisaged for 2018. The current provisions of the draft withdrawal agreement as agreed at negotiators' level on 19 March 2018 provide for a transition period, according to which Council decisions on fishing opportunities for 2019 should apply to the UK in full for the whole of 2019. These provisions are however subject to formal approval of the Withdrawal Agreement in its entirety by both the Union and the UK and until such time there is no legal certainty about their implementation.

3.3 Setting the Fishing Opportunities for different types of stocks

Fishing opportunities for stocks *in the Baltic and North Sea* will be set in the context of the relevant MAPs, which define F_{MSY} ranges of mortality and therefore offer a degree of flexibility. The Commission aims to anticipate better the need to use this flexibility and is currently working with ICES to receive information on the existence of mixed fisheries and intra/inter-species dependencies as part of their yearly advice. If this advice becomes available in time, the Commission intends to use the whole range of F_{MSY} values to propose TACs, where this is justified because of inter-/intra-species or mixed fisheries situations as set out in the MAPs.

When drawing up the proposals, it is also important to take into account that as of 2019 fishing opportunities will be proposed in the context of the full implementation of the landing obligation. Whereas in previous years, the Commission proposed top-ups after the initial Commission proposal, as of this year the Commission intends to propose for the Baltic and the North Sea the ICES landings advice for F_{MSY} ranges, while deducting the *de minimis* allowances where appropriate. The same will also apply for *the Atlantic*. In order to facilitate the full implementation of the landing obligation in 2019, it is important to use all mitigation tools available, including any ICES advice on the mixed fisheries approach where appropriate.

Concerning the scientific advice, it should be pointed out that ICES undertakes *benchmarks* of stocks every few years. Where such benchmarks result in very significant differences in advice for 2019 compared to ICES's advice for 2018 the Commission intends to consider capping large variations on a case-by-case basis in order to phase in the advice and to buffer its impact on TAC setting, whilst respecting the legal framework in place.

Some *MAPs adopted before the 2013 CFP* are no longer compatible with the objectives of the new CFP, for example because they include a less ambitious objective. This is the

²⁷ CFP Basic Regulation, Recital 7.

case for southern hake and nephrops. In such cases, the Commission intends to propose TACs that achieve F_{MSY} in 2019, while taking into account any ICES advice on mixed fisheries.

For F_{MSY} -assessed stocks subject to consultations with *non-EU country partners, in the context of the EU-Norway and the Coastal States Consultations*, the Commission continues to seek agreement with them while trying to advance the achievement of F_{MSY} .

Next to F_{MSY} assessed stocks, the Commission proposal will also cover a few stocks, where ICES will use trend forecast models, and deliver quantitative catch advice based on F_{MSY} proxy. For these stocks, the Commission intends to follow the same approach as for MSY assessed stocks.

Finally, for a number of *stocks exploited as by-catches only*, such as the so-called statement stocks, the Commission receives precautionary advice from ICES. This is the case for by-catches taken under the Baltic Sea and North Sea plan but also for by-catches in the Atlantic. Sometimes these by-catch TACs have low levels of quota uptake. Their economic importance is low and information on their status is limited. The Commission will assess the best approach for the future taking into account: ICES advice; the fact that they represent only 5% of landings under TACs and; the need to avoid choke situations for economically important target fisheries.

As regards eel, a stock in critical condition, the Commission intends to include appropriate measures for all sea basins in its proposal for fishing opportunities in the Atlantic and North Sea based on the latest scientific advice. The Commission will reassess the situation next year taking into account the results of the evaluation of the Eel Regulation, the findings of Member States' reports on the implementation of their eel management plans and the results of the implementation of the temporary closure put in place.

Fishing opportunities for stocks under the purview of Regional Fisheries Management Organisations will be transposed based on their decisions, as usual.

4. CONCLUSION

Overall, the European Union is making progress in implementing the CFP with a growing number of TACs in line with F_{MSY} . However, this is no time for complacency. We need to continue moving in this direction as 2020 is approaching rapidly.

In the Mediterranean and the Black Sea, the situation remains worrying. The EU is taking the lead to reverse this, including with its international partners. The Commission will do its utmost to facilitate a fast and meaningful agreement on the two new MAPs proposed, for pelagics in the Adriatic and demersals in the Western Mediterranean. Member States should also step up efforts to ensure that their national management plans under the Mediterranean Regulation are in line with the new CFP.

The full implementation of the landing obligation also presents challenges, both for mitigating potential choke situations and for ensuring harmonised implementation at sea through appropriate enforcement and control tools. With the EU fleet being largely

profitable, now is the time to ensure that the necessary measures are in place to ensure a sustainable and competitive future for the EU fisheries sector.

SCHEDULE

The planned work schedule is as follows:

When	What
May/June/October/December	Stock advice from ICES
June – September	Public consultation on the Communication
14 September	Seminar on the state of the stocks with stakeholders
September	Adoption of TAC proposals for the Baltic Sea
October	Adoption of TAC proposals for Deep Sea Council on TACs for the Baltic Sea
November	Adoption of TAC proposals for the Atlantic/North Sea/Black Sea Council on Deep Sea TACs
December	Council on TACs for the Atlantic/North Sea/Black Sea