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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 2020**

{SWD(2019) 205 final}

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 2020

1. INTRODUCTION

This Communication gives an overview of the state of play of the Common Fisheries Policy (CFP) and includes the main orientations for the shaping of Commission proposals on fishing opportunities for 2020.

The principal objective of fisheries management under the CFP is to ensure high long-term fishing yields (Fmsy) for all stocks at the latest by 2020. Achieving this objective will also contribute to achieving good environmental status in European seas by 2020¹ and to minimising the negative impact of fishing activities on marine ecosystems.

2. PROGRESS IN IMPLEMENTING THE CFP

Steady progress in implementing the CFP continues to be made:

- Pressure on fish stocks shows an overall downward trend in the Northern Atlantic and adjacent areas. The number of total allowable catches (TACs) in line with the maximum sustainable yield exploitation rate (Fmsy) further increased to 59, corresponding to 3 additional TACs compared to 2018, representing 78% of all TACs of Fmsy-assessed stocks.
- The spawning stock biomass continues to increase in these areas and is now 36% higher than in 2003. The number of stocks inside safe biological limits has almost doubled, from 15 in 2003 to 29 in 2017.
- Healthier stocks have also boosted the economic performance of the EU fleet, bringing in EUR 1.3 billion net profits in 2017.
- However, further significant efforts are needed in order to make sure that CFP objectives are met, notably to ensure that all stock are rebuilt and managed at MSY levels.

2.1. Progress in achieving Fmsy

In the **Northern Atlantic and adjacent areas**, pressure on fish stocks (F/Fmsy) shows an overall downward trend over the period 2003-2017, with the median fishing mortality stabilised at 1.0. The F/Fmsy indicator for the **Mediterranean and Black Seas** has remained at 2.2, i.e. the exploitation remains well above the Fmsy target.

¹ Directive 2008/56/EC, OJ L 164, 25/06/2008, p. 19-40.

TACs are one of the main fisheries management tools. In the **Northern Atlantic and adjacent areas**, the Commission proposed TACs in line with or below Fmsy for 2019, for all the 76 TACs, for which Fmsy advice was available. This was not possible for 5 TACs for which the International Council for the Exploration of the Seas (ICES) gave 0 TAC advice, because doing so would have led to choke situations with serious socioeconomic impacts, and where it was decided to maintain by-catch TACs at low levels. The Council set 59 TACs in line with Fmsy, which corresponds to 3 additional TACs compared to 2018.

Of the expected landings in the **Baltic Sea**, 95% come from TACs set in line with Fmsy and 4% from TACs in line with precautionary advice. Of the expected landings (for the Fmsy-assessed stocks managed by the EU alone) in the **North Sea, Skagerrak and Kattegat**, 99.7% come from the TACs set in line with Fmsy; in the **North Western and South Western Waters** this figure is 94% and 90% respectively.

For **deep-sea stocks**, fishing opportunities were set in November 2018 for 2019 and 2020. They account for less than 1% of all landings in the EU. All deep-sea stocks are assessment-limited. The relevant Council decisions on deep-sea fishing opportunities are now more closely based on scientific advice than in previous years.

For **stocks subject to consultations with the Coastal States**,² only the blue whiting TAC for 2019 was in line with the long-term management strategy for this stock, and with ICES Fmsy advice. The EU-Norway negotiations led to a less ambitious result in terms of conservation, as only 9 out of 17 TACs were set in line with Fmsy – fewer than for 2018.

In the **Mediterranean Sea**, 35 out of the 40 stocks assessed were exploited beyond sustainable levels in 2017, with, on average, fishing around 2.2 times higher than their respective Fmsy. Recent data suggest that there has been a decreasing trend in the average F/Fmsy rate since 2011. This could indicate a small improvement in exploitation³. In the **Black Sea**, 6 out of the 8 assessed shared stocks remain overfished, with the exception of sprat and rapa whelk.

2.2. Biomass trends

In the **Northern Atlantic and adjacent areas**, the number of stocks within safe biological limits has almost doubled, from 15 in 2003 to 29 in 2017 (an increase of 2% from 2016), with the largest increase in the Bay of Biscay and the Iberian waters – from 2 to 8 stocks within safe biological limits. The overall biomass volume has continued to develop positively, increasing by around 36%.

In the **Mediterranean and Black Seas**, the 2016 spawning stock biomass showed no significant increase compared to 2003. The Black Sea turbot stock shows an increasing trend in biomass and a decrease in overfishing.

² Norway, Iceland and the Faeroe Islands.

³ This result is preliminary and subject to additional scientific monitoring in the years to come (source: STECF-Adhoc-19-01).

2.3. The state of the EU fleet

The EU fleet capacity continued to decrease. In December 2018, the EU fleet register (including outermost regions) contained 81,644 vessels, with an overall capacity of 1,533,180 in gross tonnage (GT) and 6,075,634 in kilowatts (kW). This is a decrease of 1.32% since the previous year in terms of the number of vessels, GT (2.46%) and kW 2.61%. However, a significant number of fleet segments (190 out of the 255 assessed) continue not to be in balance with their fishing opportunities.

That said, the **economic performance** of the EU fleet continued to register record-high net profits of EUR 1.3 billion in 2017. Continued improvements are mainly the result of high average fish prices (more value for fewer fish landed) and continued low fuel prices. The improvement in some important stocks, coupled with technological advances, have also contributed to the improvement in performance. Although the figures are not yet available for 2018 and 2019, similar results are expected, despite a slight increase in fuel prices.

Positive economic trend is observed in a number of fleets targeting stocks exploited sustainably (such as haddock, megrim and plaice in the Irish Sea; herring, Northern hake and sole in the Eastern and Western English Channel; anglerfish in the Bay of Biscay), which tend to improve their profitability and salaries. Conversely, fleets targeting overexploited stocks tend to register poorer economic performance.

Total **employment** in the EU fleet in full time equivalents (FTE) has been decreasing on average 1.3% per year since 2008, partly due to the decrease in the fleet's capacity. However, the average FTE wage⁴ has been increasing 2.7% per year. The average annual FTE wage is EUR 24,800. Increase in employment in a number of fleets in the North Sea and Atlantic, as opposed to other regions, now seems to be consolidating.

An important step in **improving working conditions** in the EU fleet was taken with the implementation of the International Labour Organization Work in Fishing Convention C188 into EU law,⁵ as agreed by the EU social partners. Member States must obey the new rules by 15 November 2019. Recently, the Commission called again on Member States to ratify the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (ratified so far by only 10 Member States).⁶

2.4. Progress with decentralised fisheries management

2.4.1. Multiannual plans

The **Multiannual Plans (MAPs)** are co-decided acts that provide, among other aspects, the timeline for the implementation of the MSY objective and some flexibility tools for managing the fisheries.

The recent adoption of the **MAP for demersal stocks in Western Waters** is a key development in the implementation of the CFP as a central tool for fisheries management. It will help ensure sustainable fisheries in the long term, and completes the

⁴ Gross wage (i.e. total remuneration before taxes and other deductions).

⁵ Council Directive (EU) 2017/159 of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organization.

⁶ COM/2019/157 final.

series of MAPs for the North Sea and the Baltic Sea. This year the Commission will report on the implementation of the Baltic MAP.

Another achievement is the adoption, in 2019, of the first **Mediterranean Sea MAP**. It applies to fisheries exploiting demersal stocks in the western Mediterranean and establishes a mandatory reduction of 10% of the fishing effort, which will apply from 1 January 2020, and provides that Fmsy should be achieved in the area by 2025 at the latest. By contrast, there has been no progress on the MAP for small pelagic species in the Adriatic.

2.4.2. Delegated acts adopted in the context of regionalisation

Regional Groups have played an important role in the **phasing-in of the landing obligation**, by submitting joint recommendations to the Commission. On the basis of these recommendations, the Commission adopted 4 (new) discard plans before the end of 2018.

Delegated acts transposing joint recommendations on the **conservation measures for Natura 2000 sites** and other protected areas, under Article 11 of Regulation 1380/2013, have taken longer to materialise and only cover certain areas in the North Sea and the Baltic Sea. Additional joint recommendations are expected this year, but further progress is needed.

2.4.3. Stakeholder involvement

Advisory Councils (ACs), as the main stakeholder organisations established under the CFP, are playing a greater role in the regionalisation process. In 2018, the 10 existing ACs submitted 73 recommendations to the Commission, compared to 64 in 2017. Examples of how their recommendations contributed are provided in the staff working document accompanying this Communication.

2.5. The landing obligation

On 1 January 2019 the landing obligation fully entered into force. The Commission received reports from 18 Member States and the European Fisheries Control Agency, as well as letters from 5 ACs on the implementation of the landing obligation in 2018. It appears that the stakeholders acknowledge the importance of making sure everyone follows the rules so that the landing obligation is properly implemented. However, reporting on discards is insufficient, which makes for a discrepancy between the discard estimates. The Commission remains fully committed to addressing these shortcomings with the Member States and the ACs.

In 2018, all regional groups looked into ways of addressing **potential choke situations**. The Member States, the Commission and other stakeholders have worked together to come up with possible solutions, which will be tested in 2019. For example, commitments by certain Member States to swap certain quotas, or agreements on by-catch only TACs accompanied by by-catch reduction measures. The Commission will ask STECF to assess the measures proposed by Member States to further reduce discards and will follow up these cases from a control perspective.

In general, the number of projects funded by the **European Maritime and Fisheries Fund (EMFF)** has increased. Member States have spent EUR 40 million of EMFF

support (of the total amount of EUR 89 million committed, an increase on the planned potential commitment of EUR 49 million⁷) on the implementation of the landing obligation.⁸ However, overall support remains low, with EUR 89 million committed compared to EUR 1.5 billion available under Union Priority 1.⁹

Concerning **market outlets for unwanted catches**, operators reported that industrial (i.e. non-food) uses are not adequate outlets for undersized fish. The small quantities landed, and their unpredictability, do not fit the non-food industries' business model, coupled by the disproportionate logistical costs of collection. Any development of alternative food outlets can only be envisaged provided they do not create a market incentive or benefits for the supply chain operators. Various alternative outlets, of which donations to food banks are one possibility, continue to be considered.

Regarding **control and enforcement**, compliance with the landing obligation remains weak. Member States have a responsibility to ensure the control, enforcement and inspection of all CFP-related activities, including the landing obligation. Commission audits and other EFCA initiatives indicate a general lack of compliance, compounded by difficulties in effectively controlling compliance by conventional means. Innovative control tools based on remote electronic monitoring (REM) systems would help, as set out in the Commission's proposal for a new fisheries control system.¹⁰ In addition, in January 2019, new Specific Control and Inspection Programmes¹¹ entered into force, covering all fisheries subject to the landing obligation. The Commission will continue to pay close attention to proper implementation and enforcement of the landing obligation by the Member States and promote the use of REM systems.¹²

2.6. Specific efforts to address the situation in the Mediterranean and Black Seas

The EU, on its own and with its international partners, has done a lot to improve the situation of stocks in the Mediterranean and Black Seas.

At **EU level**, significant progress is expected in 2019, with the implementation of the MAP for demersal stocks in the western Mediterranean and the STECF review of existing national management plans, to ensure compliance with the CFP objectives.

At **international level**, taking into account the shared nature of most fish stocks, the EU has done a lot to promote multilateral cooperation in the competent regional fisheries management organisations (RFMOs), the General Fisheries Commission for the Mediterranean (GFCM) and the International Commission for the Conservation of Atlantic Tuna (ICCAT). With the adoption of the MedFish4Ever (March 2017)¹³ and the

⁷ FAME Support Unit, AT01.2 ad-hoc consultancy Landing Obligation Final Report (AT1.2 5/5), Version 1.0, February 2018.

⁸ EMFF Infosys database. Reference period 1-1-2015 to 31-12-2018.

⁹ Union Priority 1: Promoting environmentally sustainable, resource-efficient, innovative, competitive and knowledge-based fisheries.

¹⁰ COM/2018/368 final.

¹¹ Commission Implementing Decision (EU) No 2018/1986 OJ L 317, 14.12.2018, p. 29.

¹² Technical guidelines and specifications for the implementation of REM in EU fisheries, EFCA, 2019, <https://www.efca.europa.eu/sites/default/files/Technical%20guidelines%20and%20specifications%20for%20the%20implementation%20of%20Remote%20Electronic%20Monitoring%20%28REM%29%20in%20EU%20fisheries.pdf>.

¹³ <https://www.actu-environnement.com/media/pdf/news-28756-declaration-malte-surpeche-mediterranee.pdf>

Sofia (June 2018) Declarations, there is a detailed work plan to rebuild Mediterranean fish stocks, in close collaboration with the Barcelona Convention, and Black Sea fish stocks, to protect the region's ecological and economic wealth and boost the sustainable development of aquaculture for the next 10 years. This is complemented by the regional plan of action for sustainable small-scale fisheries (September 2018).¹⁴

In 2018, the **GFCM** adopted 11 recommendations¹⁵ proposed by the EU. Further work will be required in 2019 to strengthen these actions. The High-Level Conference in June in Morocco, to assess progress made in implementing the Medfish4Ever Declaration, will give impetus to this.

ICCAT has endorsed the EU-led plan to manage bluefin tuna now that the stock has recovered, thanks to 10 years of recovery measures. The plan facilitates access of coastal vessels (excluded for more than a decade from the fishery) and reinforces control measures to further strengthen traceability, in particular of farmed live bluefin tuna. Given the alarming situation of the stock, at the EU's behest, ICCAT adopted a recovery plan for Mediterranean swordfish, which applies until 2031.

2.7. International ocean governance

Since it was adopted in 2016,¹⁶ the 50 actions in the ocean governance agenda are being implemented,¹⁷ with some of them already being completed.

Key achievements in improving the international ocean governance framework include the endorsement of the FAO Voluntary Guidelines on the marking of fishing gear (July 2018)¹⁸ and the signature of the Agreement to prevent unregulated fishing in the High Seas of the Central Arctic Ocean (October 2018).¹⁹ The EU took a leading role throughout these processes.

The EU promotes the CFP principles in its work with partner countries and RFMOs. It has signed/reached agreement on ocean partnerships with China (June 2018)²⁰ and Canada.²¹ Under Sustainable Fisheries Partnership Agreements, EU fleets access external fishing grounds in 11 partner countries under controlled and sustainable conditions. Structural support provided under these agreements reinforces the governance of fisheries in those countries, including through support for scientific and control capacities as well as for the artisanal fisheries sector. The EU continues to play a prominent role in **RFMOs**,²² crucial governance tools to promote the sustainability of stocks and the ecosystem-based approach, underpin sound scientific advice, uphold the adoption of relevant monitoring, control and surveillance measures, support regular performance

¹⁴ www.fao.org/gfcm/meetings/ssf2018/rpoassf/en/

¹⁵ They concern further emergency measures on small pelagic species in the Adriatic, a multi-annual plan for eel, two multi-annual plans for deep-water shrimps in the Ionian and the Levant Seas and further joint control and inspection plans covering the entire Mediterranean and the Black Seas.

¹⁶ Joint Communication *International ocean governance: an agenda for the future of our oceans*, SWD(2016) 352 final.

¹⁷ Joint report *Improving International Ocean Governance – Two years of progress*, JOIN/2019/4 final.

¹⁸ www.fao.org/3/MX136EN/mx136en.pdf

¹⁹ https://ec.europa.eu/fisheries/eu-and-arctic-partners-enter-historic-agreement-prevent-unregulated-fishing-high-seas---frequently_en

²⁰ Also covers cooperation on IUU fisheries.

²¹ Expected to be signed in the course of 2019.

²² The EU, represented by the Commission, plays an active role in 6 tuna organisations and 11 non-tuna organisations across all oceans.

reviews and combat illegal, unreported and unregulated (IUU) fishing. In this context, the Commission will propose and defend EU positions to ensure the management of relevant stocks corresponds to the Fmsy objective.

The Commission lifted its **IUU yellow card** in January 2019 for Thailand, because the country upgraded its fisheries governance in line with its international commitments. The IT system (CATCH) was launched in May 2019, to support the effective implementation of the EU IUU Catch Certification Scheme.

To tackle the **marine litter** problem, the EU has passed the Single Use Plastics Directive and the new Port Reception Facilities Directive. In this context, the Commission proposal for a new fisheries control system envisages establishing an EU-wide mandatory digital reporting system to help retrieve lost gears.

3. PROPOSALS FOR 2020 FISHING OPPORTUNITIES

2020 will be the first year when all stocks are to be managed in line with the maximum sustainable yield target, as set out in the Basic Regulation.²³ It will also be the first time most stocks covered by the Fishing Opportunities Regulation fall under a MAP. If the UK leaves the EU without an agreement on 31 October 2019, or before, as agreed by the European Council,²⁴ the EU and the UK will have to consult each other on the joint management of the stocks they share.

3.1. Overall objectives of the fishing opportunities proposals for 2020

The main objective of the Commission's proposals will be to reach Fmsy for all Fmsy assessed-stocks by 2020. The proposals will also continue to look at ways of facilitating the effective implementation of the landing obligation.

While the poor status of some stocks is also the result of environmental factors (such as pollution and degradation of water quality), which need to be addressed separately, it continues to be necessary to limit fishing pressure on such stocks too.

3.2. Key steps towards setting the next fishing opportunities

The basis for the Commission's proposals for fishing opportunities will be **ICES scientific advice**, issued in several parts. The Commission intends to cover as many stocks as possible in its initial proposals. However, because ICES issues its advice late in the year, from October to December, the North Sea and Atlantic proposal will continue to contain fishing opportunities in *pro memoria* (pm) for the late advice stocks.

The Commission invites **Member States and stakeholders** to start working early, based on the publicly available scientific advice, instead of waiting for the Commission proposals. Stakeholders will also have the opportunity to make recommendations on fishing opportunities through their respective AC and Member States.

²³ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the CFP, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

Taking the above consultations into account, the Commission will draw up 3 proposals: 1 for the Baltic Sea (August), 1 for the Mediterranean and Black Seas (September) and 1 for the Atlantic and North Seas (October). They will be discussed in separate Council meetings – the October Council for the Baltic Sea and the December Council for the other 2 proposals.

The implications of the UK's withdrawal for setting fishing opportunities will be reviewed in the light of the latest developments.

3.3. Setting fishing opportunities for different sea basins

Fishing opportunities for stocks in the **Baltic and North Seas and Western Waters** will be set on the basis of the relevant MAPs, which define Fmsy ranges of mortality and therefore offer a degree of flexibility under specific conditions. ICES is requested to give advice that makes it possible to assess the need for and possibility of using this flexibility. The upper range of Fmsy values can be used to propose TACs only if, based on scientific advice, the setting of fishing opportunities in accordance with the Fmsy ranges would be either necessary to achieve the objectives set out in the relevant MAP in the case of mixed fisheries, or to avoid serious harm to a stock caused by intra- or inter-species stock dynamics, or to limit high fluctuations between the years.

In the context of the full implementation of the **landing obligation**, the Commission intends to propose the fishing opportunities for the Baltic, Western Waters and the North Sea in accordance with ICES catch advice, while deducting the *de minimis* or high survivability allowances where appropriate.

To continue facilitating the full implementation of the landing obligation, it is important to use all mitigation tools available, including any ICES advice on the mixed fisheries approach where appropriate. In this context, progress made by the Member States with regard to the by-catch reduction measures (commitment undertaken by the relevant Member States in the context of the solutions for 2019 for the 5 stocks with 0 TAC advice) will be evaluated.

For Fmsy-assessed stocks subject to consultations with **non-EU countries**, the Commission will aim for an agreement in line with the long-term management strategies and Fmsy advice.

For **RFMO-managed stocks**, the Commission will set fishing opportunities based on the decisions of RFMOs.

According to the recently adopted **Western Mediterranean Sea MAP**, for 2020 the Council shall set a maximum allowable fishing effort corresponding to a reduction of 10% compared to the baseline, based on the data to be provided by the Member States. Based on the scientific advice available, fishing opportunities for the Mediterranean Sea will also include GFCM measures already in force (small pelagic species and eel) and other measures to be adopted at the annual sessions in 2019.

The outcome of the negotiations for establishing a regional (GFCM) permanent quota allocation scheme for **Black Sea** turbot will be transposed into the fishing opportunities. For sprat, the Commission will again propose autonomous quotas.

4. CONCLUSION

Progress in implementing the CFP continues, with fishing pressure in the Northern Atlantic and adjacent areas continuing to decline and the number of TACs set in line with Fmsy increasing. Healthy stocks have helped boost the economic performance of the EU fleet, with record profits recorded in 2017.

Many stocks remain overfished and/or outside safe biological limits and it is clear that efforts by all actors will need to be intensified to meet CFP objectives, considering in particular that 2020 is the first year when all stocks with an Fmsy assessment should be managed at Fmsy.

The situation in the Mediterranean and Black Seas remains worrying. Further concerted efforts are required to achieve the 2020 Fmsy objective in the context of the GFCM Strategy and the 2018 Sofia Ministerial Declaration. The Commission will work closely with all stakeholders for prompt implementation of the Western Mediterranean MAP.

The effective control and enforcement of the landing obligation is of paramount importance. To complement Member States' efforts, the Commission will continue working closely with the co-legislators in order to reach an agreement as swiftly as possible on the proposal for a new fisheries control system.

PLANNED WORK SCHEDULE²⁵

When	What
May/June/October	Stock advice from ICES
June-September	Public consultation on the Communication
End August	Commission adoption of the fishing opportunities proposals for the Baltic Sea
Mid-September	Commission adoption of the fishing opportunities proposal for the Mediterranean and Black Seas
October	Council meeting on the fishing opportunities for the Baltic Sea
End October	Commission adoption of the fishing opportunities proposal for the Atlantic/North Sea
December	<p>Council meeting on the fishing opportunities proposal for the Atlantic/North Sea</p> <p>Council meeting on the fishing opportunities proposal for the Mediterranean and Black Seas</p>

²⁵ For RFMO-managed stocks in EU waters and certain non-EU waters, fishing opportunities are adopted after the annual meeting of the RFMOs, through periodic revisions of the Council regulation setting the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU fishing vessels, in certain non-EU waters.