



Council of the
European Union

102644/EU XXVII. GP
Eingelangt am 01/06/22

Brussels, 1 June 2022
(OR. en)

9483/22

PECHE 177
UK 95
N 39

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	1 June 2022
To:	General Secretariat of the Council
No. Cion doc.:	COM(2022) 253 final
Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Towards more sustainable fishing in the EU: state of play and orientations for 2023

Delegations will find attached document COM(2022) 253 final.

Encl.: COM(2022) 253 final



Brussels, 1.6.2022
COM(2022) 253 final

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

Towards more sustainable fishing in the EU: state of play and orientations for 2023

{SWD(2022) 157 final}

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

Towards more sustainable fishing in the EU: state of play and orientations for 2023

1. INTRODUCTION

This Communication provides further details on the status of European fisheries and offers orientations for the Commission's proposals and consultations with third countries on fishing opportunities (FOs) for 2023 that would aim at further strengthening the recovery of some stocks and maintaining healthy stocks at maximum sustainable yield (MSY) level.

Fisheries have continued growing in sustainability overall, thanks to the efforts made by the sector not only to further improve the stocks situation, but also to keep sustainable stocks in a good condition. This has led to even more stocks being brought to sustainable levels, with very good results especially in the North East Atlantic.

Internationally, the EU continued in 2021 to be a key driver for further progress in regional fisheries management organisations (RFMOs). However, further efforts are needed, in particular in the Mediterranean Sea, where the situation continues to be of concern and in the Baltic, which saw a reverse of recent improvements, due to other pressures on the environment and marine ecosystems.

Since February this year, Russia's military aggression against Ukraine has impacted fisheries from several perspectives, especially in the Black Sea. The evolving security situation in the Black Sea has resulted in a disruption of fishing activities, with a temporary ban of fishing activities for security reasons in certain Member States' waters, such as Romanian waters bordering Ukraine in Danube Delta, while Member States and other riparian countries at regional level have issued security warnings to the sector. In addition, Russia's military aggression has led to disruptions in trade flows, to impact on the provision of scientific advice and certain negotiations at international level, and to increased energy prices requiring the use of European Maritime, Fisheries and Aquaculture Fund (EMFAF) crisis measures to support the significant market disruption in the sector. This shows the importance of further growing in resilience to ensure food security in Europe, and of meeting the Green Deal objectives, especially through further innovation and energy transition.

2. PROGRESS IN ACHIEVING SUSTAINABLE FISHING IN THE EU

2.1. BIOMASS TRENDS AND FISHING PRESSURE

Ensuring that fishing activities are sustainable requires catching no more fish than can be reproduced again each year. A stock is fished sustainably at MSY when the ratio between the actual fishing mortality (F) and the fishing mortality at MSY (F_{MSY}) is below or equal to 1.

In 2020, overall fishing pressure in EU waters continued to decrease, and the status of stocks to improve. It is particularly welcome to see that, thanks to the efforts made by the sector, in 2020 **the overall fishing mortality ratio fell below 1 in the North East Atlantic for the first time**. However, certain other stocks remain overfished and/or outside safe biological limits, which calls for further progress to reach the objectives of the common fisheries policy (CFP). In the Baltic Sea, the positive trend in recent years has reversed due to the dire environmental situation and past overfishing. This has led to a habitat loss for a number of fish stocks, to decreases in the amount of fish in the sea and to smaller sizes for Baltic cod and now also other Baltic stocks. In the Mediterranean Sea, for EU and shared stocks, regulated under the western Mediterranean (West Med)¹ multiannual plan (MAP) and General Fisheries Commission for the Mediterranean (GFCM), steps in the direction of the MSY objective were observed, with a decrease of the fishing mortality ratio below 2 for the first time since 2003.

2.2. FISHING OPPORTUNITIES ESTABLISHED FOR 2022

The FOs established for 2022 are an important step in terms of sustainable fisheries management.

In the **Atlantic, Baltic Sea and the Skagerrak/Kattegat**, FOs are mainly defined as catch limits through total allowable catches (TACs).

In those areas, for **stocks managed only by the EU**, catch limits were set in line with MSY for all stocks where this ratio was available, except for Western Baltic herring, where other stringent measures were taken in line with the Baltic MAP. Additional protective measures were also taken for stocks in difficult situations, such as the Kattegat cod, Eastern Baltic cod and Western Baltic cod. Overall, Baltic Member States and stakeholders recognise the need for action to rebuild important commercial fish stocks in the Baltic Sea and are doing their part to achieve this objective.

For stocks shared with the UK, both parties agreed catch limits, within the deadline set by the Trade and Cooperation Agreement (TCA²), in line with MSY for most stocks where this advice was available. Only for 4 stocks (where the advice was 0 catches) was a different decision made, with both parties agreeing on a low catch limit covering only bycatches, to prevent choking of the mixed demersal fisheries. For one stock, they agreed on a small TAC to allow data collection to continue.

¹ Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 (OJ L 172, 26.6.2019, p. 1-17).

² Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ST/5198/2021/INIT (OJ L 149, 30.4.2021, p. 10–2539).

Regarding **stocks shared trilaterally with Norway and the UK**, the three parties agreed to pursue the further recovery of North Sea cod by continuing remedial measures and by setting the TAC below the scientific advice for several other stocks that interact with cod in mixed fisheries. The herring TACs were set below the scientific advice. The only MSY assessed **stock shared bilaterally with Norway** was set at MSY level.

Regarding the **stocks** of mackerel, blue whiting and Atlanto-Scandian herring, the coastal states³ agreed to set overall TACs at MSY level. Discussions on sharing arrangements are on the agenda in 2022, to avoid overfishing occurring in the absence of sharing arrangements.

In the Mediterranean and Black Seas, characterised by multispecies fisheries and many stocks shared with third countries, while fishing mortality got closer to the sustainable level for some stocks, with 7 having reached Fmsy in 2020, many stocks are still fished above sustainable levels. Vigorous conservation efforts need to continue to reach the MSY objective by 2025, in particular by applying the West Med MAP and the new 2030 Strategy of the GFCM⁴. Indeed, FOs for 2022 implement a substantial package of measures adopted in 2021 by the GFCM.

In light of the aim under the **West Med MAP** to achieve MSY for all demersal stocks by January 2025 at the latest, the FOs set out an integrated and global approach, building on various management tools and introduce an incentive mechanism allowing for increased fishing activity to reward the use of more selective gear and efficient closure areas. Member States are encouraged to establish measures to benefit from this mechanism. In addition, the Council adopted maximum catch limits for the most overfished deep-water shrimps and effort ceilings for longliners.

Intensive work under the **GFCM**, supported by the EU's consistent position in RFMOs, led to the adoption of significant decisions. A GFCM long-term management plan for small pelagics in the Adriatic was agreed to provide high long-term yields consistent with MSY, with reduced catch limits in 2022 for anchovies and sardines, and a freeze of capacity for pelagic trawlers and purse seiners. The GFCM also decided to implement a ground-breaking multi-annual plan for demersal stocks in the Adriatic establishing a maximum capacity limit for both bottom and beam trawlers, to achieve the MSY target in 2026 for all key stocks. It also adopted harvest limits for red coral, a cap on fishing effort for common dolphinfish in international waters of the Mediterranean, for deep water shrimps in the Ionian Sea, Levant Sea and the Strait of Sicily, catch limits for the blackspot seabream and decided to continue measures to protect the European eel. For Black Sea species, TACs were set for turbot under the GFCM plan and an autonomous quota was set for sprat.

³ Coastal States in the Northeast Atlantic for the relevant stocks are the European Union, United Kingdom, Norway, Iceland, Faroe Islands, Greenland, and Russian Federation

⁴ <https://www.fao.org/gfcm/2seas1vision/GFCM2030Strategy/es>

3. STATE OF THE EU FLEET

The CFP also covers the management of the size of fishing fleets to ensure that their catch capacity is in balance with the productive potential of the fish stocks. Excess fishing capacity is ecologically and financially undesirable, putting stocks at risk of overexploitation, burning fuel for no good purpose and reducing profitability.

Member States must keep fleets within national ceilings of vessel capacity (gross tonnage (GT)) and engine power (kW). They must act to reduce the capacity of fleets that are not in balance by preparing annual reports on the biological and economic sustainability of fleets, and where there is evidence of an imbalance, they have to present action plans to redress this within a clear time-frame. Any capacity that is withdrawn with public aid may not be replaced.

Compared to 2020, the number of vessels, GT and engine power were reduced slightly by 0.07%, 0.1% and 0.1%, respectively. As a result, in December 2021, the EU registered fleet (including that active in the outermost regions) consisted of 74380 vessels of 1,320,362 GT and 5,304,015 kW.

Member States indicate in their 2021 reporting that they are maintaining fleets below the ceilings, thus respecting the requirements set out in Article 22 of Regulation 1380/2013. However, serious concerns exist on the accuracy and reliability of engine power declarations by Member States as well as regarding the data underpinning the national reports and the existence or accuracy of Member States action plans required under Article 22 of the CFP Regulation.

The reports demonstrate that there are significant gaps in the provision of biological data in the outermost regions and in the eastern Mediterranean basin, and of economic indicators. Bulgaria, Cyprus, Spain, France, Greece, Ireland, Italy, Malta, Portugal and Sweden all had segments containing 50 or more vessels for which either biological or economic data were not available. For Cyprus, France, Ireland and Sweden this exceeded 200 vessels.

As regards the action plans, these do not always seem sufficient to address the imbalances. This is of particular concern in the Baltic where the decrease in FOs is likely to create further imbalances and in the Mediterranean where stocks are fished at 1.94 times the MSY rates and where including more specific targets in the action plan could provide a basis for making full use of the EMFAF funds.

Permanent cessation of fishing activities being one of the tools supported by the EMFAF for eliminating structural fleet overcapacity, the Commission calls on Member States to align EMFAF programmes under preparation for 2021-27 with their fleet management policy.

In parallel, the Commission is contacting relevant Member States and requesting them to address the issues in each particular case.

4. ECONOMIC PERFORMANCE

After several years of affordable prices, **fuel prices** have increased sharply since March 2022, doubling compared to the average price in 2021. The EU fishing fleet was paying around €1.1-1.2 per liter of fuel in mid-March 2022.

Pending the report from the Scientific, Technical and Economic Committee for Fisheries (STECF) on the economic performance of the EU fishing fleet (expected in July 2022), early estimates show that if energy prices remain at the current level, the EU-27 fishing fleet would overall lose €0.3 billion in operating profit in 2022.

However, impacts of energy price increases vary significantly across the different EU fishing fleets and fishing gears. About 40% of the small-scale fleet, 66% of the large-scale fleet and 87% of the distant-water fleet would not be profitable if energy prices remain at the current level for the rest of 2022. Fleet segments using fuel-intensive gears such as trawling would be among the most affected.

These estimates will be addressed further in the July STECF report, which will feed into the decisions for 2023 FOs.

In addition, in response to the crisis, the Commission took quick action on 25 March 2022 by triggering the **EMFAF crisis mechanism**, enabling Member States to provide EMFAF support to cater for the significant market disruption caused by the crisis. This can be combined with the other crisis packages available to mitigate the impact of the crisis, in particular the Temporary Crisis Framework on State aid measures. The possibility to carry over up to 10% of any unused quotas to next year also remains valid. Furthermore, on 13 April 2022, the Commission proposed a legislative amendment to the European Maritime and Fisheries Fund (EMFF), which would allow for additional crisis measures.

5. LANDING OBLIGATION

The landing obligation aims at increasing selectivity and reducing levels of unwanted catches, by ensuring all catches are landed.

Advice by STECF and ICES (International Council for the Exploration of the Sea) indicates that **levels of unwanted catches remain high** in many mixed demersal fisheries in EU waters (between 20-30% in the Greater North Sea, Celtic Seas and Bay of Biscay & Iberian Coast). Moreover, reports by Member States continue to provide only limited information on the socio-economic impacts of the landing obligation.

With reference to the 9 delegated regulations specifying the details of implementing the landing obligation, the STECF observes that the impacts of such exemptions on fishing mortality are poorly understood given the level of reporting of catches discarded under exemptions. The Commission will therefore work with Member States regional groups on a **review of all existing exemptions** to the landing obligation in 2023.

The **EMFF** and the **EMFAF** – with a high rate of public aid – provide support for implementing the landing obligation. In that context, in 2020 Member States spent more than €86 million to support measures related to the landing obligation, more than in any previous year. While support for technical measures to help improve selectivity continued to grow, a detailed analysis also shows that most of the financial support was dedicated to research supporting exemptions and to IT system upgrades facilitating more effective quota use. Although numerous gear innovation projects and trials were conducted, in many instances the uptake by the fleets is not as widespread as may have been expected. The STECF also pointed out that Member States seemed to focus more on adopting exemptions than on improving selectivity.

This is why the Commission continues to encourage Member States to **make better use of the funds to ensure further innovation and actual use of more selective fishing gear and methods**, to improve controls, and to obtain some value from unwanted catches (without creating a structured market for such catches).

Control and enforcement of the landing obligation remain problematic. The findings of the audits launched by the Commission in 2020 show that the Member States audited have not adopted the necessary measures to ensure effective control and enforcement of the landing obligation and significant undocumented discarding of catches by operators. This is corroborated by other reports, including 3 compliance evaluations carried out by the European Fisheries Control Agency (EFCA). However, STECF points to the progress in pilot projects on Electronic Monitoring systems by Member States as a positive and innovative step that will help effective implementation of the landing obligation. Given the importance of monitoring and enforcing the landing obligation for the success of the CFP, the Commission launched in 2021 **infringement procedures** against Spain, France, Belgium, Ireland and the Netherlands for failing to take appropriate measures to ensure control, enforcement and inspection of the landing obligation and to ensure detailed and accurate documentation of catches. Failure to take appropriate measures in those areas has ramifications with regard to the potentially large quantities of unreported or misreported catches.

The Commission also continues to work with the co-legislators on reaching an agreement on a revised **fisheries control system**⁵, notably to mandate the use of remote electronic monitoring tools that are the most effective and cost-efficient means to monitor the landing obligation. Catch data collection and reporting also remain key for the quality of scientific advice and thus the achievement of MSY.

⁵ Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control (COM/2018/368 final, 30.5.2018).

6. MAIN MESSAGES AND ORIENTATIONS FOR 2023 FISHING OPPORTUNITIES PROPOSALS

6.1. Key steps towards setting the next fishing opportunities

Like in previous years, the Commission will base its 2023 FO proposals on the ICES and STECF scientific advice, on the decisions taken during bilateral negotiations with third countries, on decisions taken by the RFMOs in 2022 and on a socio economic analysis. While the scientific advice may be delayed for few stocks, due to the impacts of Russia's invasion of Ukraine on ICES activities, this is not expected to affect the timing of the relevant Council meetings. The Commission will cover as many stocks as possible in its initial FO proposals.

The Commission invites Member States and stakeholders to consider the scientific advice as soon as it is publicly available. Stakeholders can also make recommendations through Advisory Councils, national authorities and individually.

The Commission will conduct various consultations with the UK, Norway and Coastal States between October and December 2022, with the aim of concluding in time to process the outcome into the December AGRIFISH Council.

As well as setting FOs, the Commission will work throughout the year to achieve progress on sharing arrangements for widely distributed stocks with third countries where currently no such arrangements exist, to ensure the sustainable exploitation of shared stocks.

6.2. Setting fishing opportunities for different sea basins

For **stocks managed only by the EU in the Baltic Sea, Skagerrak/Kattegat and south-western waters**, the Commission will propose to further maintain/reduce fishing mortality in line with the MSY level when this advice is available. Where management plans enable more flexibility to set catch limits, the Commission may propose to use the upper range of MSY levels for healthy stocks, on the condition that the scientific advice considers it necessary to achieve the objectives under the MAP for mixed fisheries. For stocks where the scientific advice is zero catch or where the biomass has decreased so much that they are below a safe limit, remedial measures under the relevant MAPs will be proposed to rebuild the stocks. Further attention will be devoted to getting full MSY scientific evaluation for other key stocks as soon as possible.

In the context of the landing obligation, the *de minimis* or high survivability allowances will be deducted from the STECF advice where appropriate. The Commission will also evaluate Member States' progress in implementing current by-catch reduction measures.

For **stocks shared with third countries** (UK, Norway, Coastal States), the number of TACs set in line with the scientific advice has increased in 2022, both for stocks with MSY advice and for those receiving precautionary advice. For 2023, the EU will build on the 2022 exercise and continue to pursue sustainable TACs in line with the scientific advice, as provided for under the CFP and the TCA. The Commission will seek to start the consultations, notably with the UK and with Norway, as early as possible in the autumn, subject to the availability of the scientific advice.

The EU has also pushed to initiate quota sharing consultations for 3 widely distributed stocks (mackerel, blue whiting, Norwegian spring-spawning herring) shared with other coastal states. For mackerel, consultations have been advancing since March 2022, whereas parties concerned agreed that consultations on blue whiting and the herring should accelerate from September onwards. The Union has called on all parties to enable a sustainable compromise that does not jeopardise the legitimate interests of the Union and its industry.

For the **Mediterranean and Black Seas**, it is essential that Member States continue their efforts towards achieving the objectives of the West Med MAP and GFCM and to adopt and implement ambitious operational programmes for the EMFAF for developing accompanying measures. The FO proposal will aim at further implementing the West Med MAP, including further reductions and the development of management tools to achieve MSY by January 2025 at the latest for all stocks, on the basis of a holistic approach over 2 years.

While the implementation of the West Med MAP has been evaluated annually by the STECF since its adoption, the Commission will launch the preparatory work to report by July 2024 on the results and impact of the plan on the stocks concerned, and on the fisheries exploiting those stocks, in accordance with requirement under the MAP.

Beyond the implementation of the West Med MAP, which is crucial for the future of Mediterranean fleets, the management of shared stocks is also necessary to secure a level playing field between all fishers in the Mediterranean Sea. The Commission, with the support of Member States, will therefore continue being proactive in the GFCM. In that spirit, the FO 2023 proposal will also cover GFCM measures extending those already in force and include additional measures to be adopted at the November GFCM annual session. For Black Sea species, TACs and quotas for turbot will be proposed in accordance with the GFCM decision of November 2022.

In addition, given the critical state of the European eel stock, the Commission is exploring how to address the latest ICES advice on zero catches⁶ and follow up on Member States' progress in implementing Eel Management Plans and measures under the Eel Regulation⁷.

Finally, the GFCM is currently working on possible management measures to be taken, based notably on the results of a recently finalised research programme on European eel⁸. In this regard, a dedicated advice on managing European eel in the Mediterranean Sea will be adopted by the GFCM scientific body in June. It will inform decision-making on possible management approaches in the EU.

⁶ ICES advice of 4 November 2021: [ele.2737.nea \(ices.dk\)](https://www.ices.dk/news/2021/11/04/ICES-advice-on-zero-catches): "ICES advises that when the precautionary approach is applied, **there should be zero catches in all habitats in 2022**".

⁷ Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17–23).

⁸ <https://www.fao.org/gfcm/technical-meetings/detail/en/c/1507967/>

7. CONCLUSION

In 2021, fisheries in the EU continued growing in sustainability in 2021, with the exception of the Baltic Sea where some previously important commercial stocks are declining, due to the environmental situation in the Baltic Sea. Further efforts are also needed, notably in the Mediterranean Sea. With its proposals for FOs for 2023, the Commission will aim at further pursuing stocks recovery and consolidating the stocks already at sustainable levels.

Beyond the state of fisheries resources, attention must also be given to the wider marine ecosystems. In that spirit, the Commission is preparing an Action Plan to conserve fisheries resources and protect marine ecosystems. It will aim at further protecting sensitive species and habitats, with measures supported by an improved knowledge base, enhancing synergies between fisheries and environmental stakeholders, and supporting the sector to ensure a fair and just transition. Such support will remain key in the coming months and years to ensure fisheries' resilience in particular in the context of the Russia's military aggression against Ukraine and the ecological and climate crisis.

The Commission will further look into the CFP implementation in a report to be adopted by the end of the year.

The Commission invites Member States, Advisory Councils, stakeholders and the public to provide feedback on this Communication by 31 August 2022.

PLANNED WORK SCHEDULE⁹

When	What
May-November 2022	ICES scientific advice
June-end August 2022	Public consultation on the Communication
End August 2022	Commission adopts the FOs proposal for the Baltic Sea
September-December 2022	Annual consultations on FOs with the UK, with the UK and Norway, and with Norway
Mid-September 2022	Commission adopts the FOs proposal for the Mediterranean and Black Seas
October 2022	Council meeting on FOs for the Baltic Sea Coastal States consultations on widely distributed stocks in the north-east Atlantic
End October 2022	Commission adopts the FOs proposal for the Atlantic/North Sea
7-11 November 2022	GFCM annual session
2 December 2022	STECF stock assessment and management advice
December 2022	Council meeting on FOs for the Atlantic/North Sea Council meeting on FOs for the Mediterranean and Black Seas

⁹ For RFMO-managed stocks in EU waters and certain non-EU waters, FOs are adopted after the annual meeting of the RFMOs, through periodic revisions of the Council regulation setting the FOs