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Delegations will find attached document COM(2024) 223 final.

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

Guidelines for the analysis of the balance between fishing capacity and fishing opportunities for fleet segments consisting of vessels of less than 12 metres in length in the outermost regions according to Article 22 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy

1. INTRODUCTION

The European Union has nine outermost regions, located far away from the European continent in the Atlantic and Indian oceans, the Caribbean Sea, and Latin America: French Guiana, Guadeloupe, Martinique, Mayotte, Réunion and Saint-Martin (France); Azores and Madeira (Portugal); Canary Islands (Spain).

Article 349 of the Treaty on the Functioning of the European Union (TFEU) recognises the special characteristics and constraints of these outermost regions. This includes their remoteness, insularity, small size, difficult topography and climate, and economic dependence on a small number of sectors, including fisheries and provides for specific measures in Union legislation and policies to help them address these challenges.

In 2022, the Commission adopted a communication for the Union's outermost regions[1], setting out a new strategy for these regions, which shows the Commission's commitment to reflecting their specific characteristics in proposals for Union legislation and policies.

By comparison with the Union fishing fleet as a whole, the number of vessels in the fishing fleet of the outermost regions is small. The nature of the fish stocks targeted from the outermost regions is in many cases different from and more varied than those targeted by the fishing fleet of the rest of the Union. Catch composition by the largely artisanal fishery can be highly varied and multi-species in its nature. There is comparatively less data available on a wider variety of stocks, and comparatively fewer stock assessments are conducted. The situation is compounded in many cases by the nature of the fishing vessels, which are among the smallest in the Union and, due to their age, and additional safety and security concerns in some outermost regions, are often not as well equipped as other vessels to capture data on their fishing activities, data which is required for the Member States to prepare their annual national report on the balance between the fishing capacity of their fleets and their fishing opportunities. The report should be prepared in accordance with the *Guidelines for the analysis of the balance between fishing capacity and fishing opportunities adopted by the Commission under Article 22(2) of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy*[2] (hereinafter 'COM (2014) 545 final'). Furthermore, in order to capture the diverse nature of the fishing activities by the outermost regions' fleets, an increased level of fleet sub-segmentation may be required, beyond what is set out in the Data Collection Framework (DCF)[3].

[1] COM(2022) 198 final

[2] COM (2014) 545 final

[3] 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.

The above range of considerations makes it impossible in many cases to conduct a balance assessment for these fleets in accordance with COM (2014) 545 final.

Taking into account all those aspects described above that differ significantly from those of the rest of the Union, including the structural constraints of the outermost regions, the specifities of vessels and fisheries, the availability of data, the geopolitical and securtiy situation in some outermost regions, and multispecies fisheries and their artisanal nature, and in line with the Communication of 2022 on outermost regions[2], this Communication establishes specific guidelines for the assessment of balance in fleet segments consisting of vessels of less than 12 metres in length in the outermost regions by supplementing specific elements of COM (2014) 545 final in respect of those fleet segments.

The balance assessment for those fleet segments in the outermost regions should remain based on the biological, economic and vessel use indicators set out in COM (2014) 545 final. Specifically, both biological indicators (SHI and SAR), both economic indicators (RoI, CR/BER), and one of the vessel use indicators (either VUR, VUR220, or a Member State defined VURnn) should be in balance.

However, this Communication provides alternative methods which the Member States concerned may apply for the preparation of certain indicators for fleet segments consisting of vessels of less than 12 metres in length in the outermost regions. These alternative methods are based on an elaboration of COM (2014) 545 final, and take into account (1) additional scientific analysis and recommendations provided by the Scientific, Technical and Economic Committee for Fisheries (STECF) in relation to Member States' annual fleet reports, and (2) information specific to the outermost regions, as provided by the Member States concerned[4].

In all cases, including when applying these guidelines, Member States should present all necessary data and explanations to justify their choices and to allow for further analysis and scrutiny by the STECF as necessary.

2. ALTERNATIVE METHODS FOR FLEET SEGMENTS CONSISTING OF VESSELS OF LESS THAN 12 METRES IN LENGTH IN THE OUTERMOST REGIONS

COM(2014)545 final applies to all vessel segments as a basic rule.

The guidelines in this Communication introduce alternative methods for fleet segments consisting of vessels of less than 12 metres in length in the outermost regions that may be applied for the preparation of data parameters, biological indicators, vessel use indicators and additional indicators, as set out below.

The Member States may prepare their fleet report on the basis of any of the alternative methods set out in this Communication for the fleet segments concerned, only if they justify the need to do so in the light of the specific situation of the fleet segment concerned and the particular

[4] In particular STECF PLEN 24-01

constraints that segment is under, due to its location in an outermost region. The explanations should be provided in annex to the fleet report.

2.1 Data parameters and fleet segmentation

In order to have standardised analyses, to facilitate comparisons and to avoid duplication of work, in accordance with COM(2014) 545 final, data parameters should be calculated according to data collected under the DCF.

For vessels of less than 12 metres in length in the outermost regions, indicator calculation may be further disaggregated by sub-segmentation at the most appropriate level[5]. In cases in which a sub-segmentation is provided, this should be in addition to the DCF, not in replacement. Furthermore, all supporting data for the calculations in the fleet report should also be provided in annex to the fleeet report according to the same, uniform sub-segmentation.

2.2 Biological indicators

In line with COM(2014) 545 final, both biological indicators (sustainable harvest indicator and stocks at risk indicator) should be in balance as part of demonstrating the balance of a fleet segment.

2.2.1 Sustainable harvest indicator

For fleet segments concerning vessels of less than 12 metres in length in the outermost regions, the calculation for the sustainable harvest indicator (SHI) as explained in section 10.1 of COM(2014)545 final may be simplified in one of the following ways:

- F and Fmsy values may be derived, in order of priority, from: (a) national assessments subjected to peer review, where the peer reviews are either publicly accessible or are provided as an annex to the fleet report; (b) national assessments not (yet) subjected to peer review, where the national assessments are provided as an annex to the fleet report, for peer review ;

- the indicator may be presented together with the actual coverage percentage and the number of stocks used to compute the value;

- estimates of F and Fmsy from one or more representative target species in the fishery can be used; in this context, assessments based on the productivity of species groupings may also be presented and used.

[5] Member States should make best use of the economic data call's submission form columns ACTIVITY, GEAR or FISHERY

Regardless of the simplification applied by the Member State, all necessary data should be provided in annex to the fleet report to allow for further scrutiny by the STECF.

2.2.2 Stocks at risk indicator

In line with COM (2014) 545 final, for the calculation of the stocks at risk (SAR) indicator, Member States should count the number of stocks currently assessed as being at "high biological risk" that are exploited by the fleet segment in question.

Based on STECF advice, it is considered that the threshold values established in COM (2014) 545 final, which define whether stock(s) at risk are "exploited by" the fleet in question, could be modified[6]. Pending further assessment by the STECF and considering the special situation of fleet segments consisting of vessels of less than 12 metres in length in the outermost regions, an alternative threshold could be set in the future for those fleet segments.

In the meantime, considering, on the one hand, the conclusions of the STECF on the threshold value for the SAR[6] and, on the other hand, the special situation of fleet segments consisting of vessels of less than 12 metres in length in the outermost regions, it is appropriate to enable the Member States to use, on a temporary basis, an alternative threshold.

Therefore, based on the available technical information on the application of the SAR indicator in fisheries of the outermost regions, Member States may consider, for fleet segments consisting of vessels of less than 12 metres in length in the outermost regions, that a stock at risk is "exploited by" a fleet segment if the stock makes up more than **20%** of the catches of the fleet segment, or if the fleet segment takes more than 10% of the catches of the stock. Member States should submit detailed data and explanations of the calculations applied as well as as the scientific reasons for the application of this alternative threshold value in an annex to the fleet report for further scrutiny by the STECF.

2.3 Vessel utilisation indicator

In line with COM (2014) 545 final, the vessel utilisation indicator is the average, for each fleet segment, of the ratio of the effort actually deployed to the maximum effort that could be exerted by the fleet.

Member States should have the possibility to use a version of this indicator that is based on theoretical, rather than actual, maximum activity level. This value should be determined by each Member State using an expert judgement and available information, taking into account. natural, technical and social conditions. This possibility is afforded to the Member States because the observed maximum number of days at sea within a fleet segment for each reference year could be limited by external factors, so this number may not reflect the true technical

[6] STECF PLEN 24-01

capacity of this fleet. Examples of external factors can be economic, environmental and social, as defined under section 12.2 of COM(2014) 545 final. As observed in Section 1, fleet segments consisting of vessels of less than 12 metres in length in the outermost regions are particularly exposed to such external factors.

Where Member States can justify the use of this version of the indicator as set out in section 12.2 of COM(2014) 545 final, this may be reflected in the choice of indicator VUR*nn*. The grounds for the choice of *nn* should be provided along with all data required for the calculations in an annex to the fleet report.

2.4 Additional indicators

For fleet segments consisting of vessels of less than 12 metres in length in the outermost regions, the Number of Overexploited Stocks (NOS) indicator and the Economic Dependency Indicator (EDI) may be provided as additional biological indicators and calculated according to STECF advice[7].

Social indicators that can help illustrate the wider socio economic conditions in which the fleet operates may also be presented. This gives Member States an opportunity to provide additional illustrations of the situation of their fleet segments, consisting of the smallest and potentially most vulnerable vessels and businesses.

These additional indicators are not considered as alternative indicators and do not form part of the fleet balance calculation.

3. FINAL CONSIDERATIONS

These guidelines, specific to fleet segments consisting of vessels of less than 12 metres in length in the outermost regions, will remain applicable pending the provision of further advice by the STECF on the indicators employed in the fleet-balance calculation and their appropriate thresholds, in particular from the STECF Expert Working Group on the outermost regions. They may in any case not be applied after the preparation of Member States' fleet reports due by 31 May 2025.

[7] For the calculation of these indicators, please consult STECF reports STECF-PLEN-24-01 and STECF-15-02 pp 76-78, taking n=10%