

Brussels, 7 June 2024 (OR. en)

10679/24 ADD 1

PECHE 218

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	7 June 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2024) 139 final
Subject:	COMMISSION STAFF WORKING DOCUMENT Accompanying the document COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Sustainable fishing in the EU: state of play and orientations for 2025

Delegations will find attached document SWD(2024) 139 final.

Encl.: SWD(2024) 139 final



Brussels, 7.6.2024 SWD(2024) 139 final

COMMISSION STAFF WORKING DOCUMENT

Accompanying the document

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

Sustainable fishing in the EU: state of play and orientations for 2025

{COM(2024) 235 final}

This staff working document accompanies the Communication 'Sustainable fishing in the EU: state of play and orientations for 2025'. It looks in greater depth at:

- 1. the state of fish stocks;
- 2. the balance between fleet capacity and fishing opportunities;
- 3. the socio-economic performance of EU fishing fleets;
- 4. progress in implementing the landing obligation;
- 5. the work of advisory councils and their role in EU decision-making;
- 6. action taken under the EU's international ocean governance agenda.

Following dialogue in the wake of the publication of the fisheries and oceans package¹ the Commission decided to launch an evaluation of the Regulation on the common fisheries policy ('CFP Regulation')². The evaluation will build on the fisheries and oceans package and subsequent dialogue. It will take stock of how the Regulation has performed, its instruments and measures and how it addresses the objectives of ensuring environmentally and economically sustainable fisheries.

1. THE STATE OF FISH STOCKS

Monitoring the results of the common fisheries policy progress report

Each year, the Commission calls on the Scientific, Technical and Economic Committee for Fisheries (STECF) to assess the progress made in achieving the maximum sustainable yield (MSY) exploitation rate in line with the objectives of the CFP. Article 50 of the CFP Regulation states that:

The Commission shall report annually to the European Parliament and to the Council on the progress on achieving maximum sustainable yield and on the situation of fish stocks, as early as possible following the adoption of the yearly Council Regulation fixing the fishing opportunities available in Union waters and, in certain non-Union waters, to Union vessels.

The current and historic fishing mortality rates (F_Y , F in each year) relative to the fishing mortality rate that would produce the highest long-term yield (F_{MSY}) were calculated by two scientific bodies: the International Council for the Exploration of the Sea (ICES) and the

¹ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_828

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, 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, pp. 22-61).

General Fisheries Commission for the Mediterranean (GFCM). The rates were then compiled and tabulated by the STECF in their 75^{th} Plenary Report (STECF-24-01)³. The corresponding biomass value, B_{MSY} , is the average biomass of fish in the sea that would be expected if a stock is fished at F_{MSY} for an extended period. Both the F/F_{MSY} rates and the biomass values are calculated using reported catches. Misreporting of catches will result in errors in both parameters, with errors being greater for biomass values⁴.

As applied by the STECF, , historic and current fishing mortality values have been expressed as a ratio of the F_{MSY} value for each stock. By doing so, this makes it possible to compare all stocks at the same scale with a fishing mortality ratio equal to 1 for all stocks fished at F_{MSY} .

Therefore, this section focuses on the fishing mortality ratio indicator and the biomass⁵ indicator. More information on other indicators, such as safe biological limits, can be found in the STECF 24-01 ad hoc report *Monitoring the Performance of the Common Fisheries Policy*⁶.

Regarding progress made in the achievement of F_{MSY} in line with the CFP, the latest results indicate a reduction in overall fishing mortality and a general increase in stock biomass in the North-East Atlantic⁷ (both EU and non-EU waters) over the period 2003-2022. Among the stocks which were fully assessed, the proportion of overexploited stocks (i.e. $F > F_{MSY}$) decreased from around 72% (2003-2008) to 30% in 2022 and fishing mortality rates declined from 53% above F_{MSY} to 42% below F_{MSY} . The situation with regard to stocks in the Mediterranean and Black Seas remains challenging but is improving. Here, the annual fishing mortality estimates were almost double the F_{MSY} in 2007 but have fallen significantly since then, to reach 20% above F_{MSY} in 2021.

1.1 Trends in fishing pressure (F/F_{MSY} ratio)

Figure 1 below presents the trends in F/F_{MSY} over the time period 2003-2022 for the North-East Atlantic (in EU and non-EU waters) and 2003-2021 for the Mediterranean and Black Seas.

7 In this section, 'North-East Atlantic' refers to stocks in area 27 of the Food and Agriculture Organisation (FAO), and 'Mediterranean and Black Seas' refers to stocks in FAO area 37.

³ https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf plen 24-01.

⁴ Patterson, K. R. 1998. Assessing fish stocks when catches are misreported: model, simulation tests, and application to cod, haddock, and whiting in the ICES area, ICES Journal of Marine Science, 55: 878-891.

⁵ Quantity of adult fish in a stock that can reproduce.

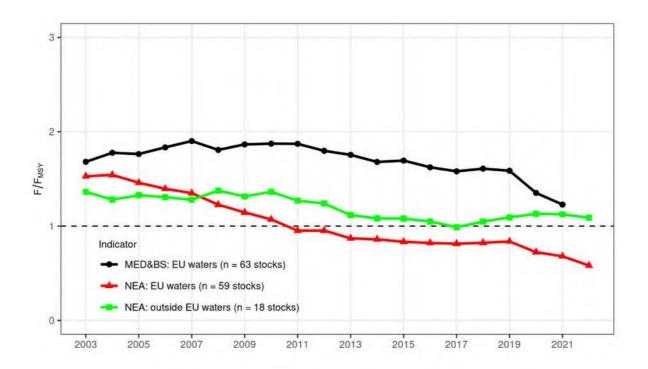


Figure 1: Trends in fishing pressure 2003-2022. Three model-based indicators (F/F_{MSY}) are presented (all using the median value of the model). The red line indicates the trends for 59 stocks located in EU waters in the North-East Atlantic. The green line indicates trends for an additional set of 18 stocks also located in the North-East Atlantic but in non-EU waters and the black line indicates the trends for 63 stocks⁸ in the Mediterranean and Black Seas. Trends are medians of bias-corrected estimates from STECF/JRC models.

1.0.1. Stocks of EU interest in the North-East Atlantic, the North Sea and adjacent waters, including the Baltic Sea.

In 2003, most stocks (70%) were overfished and the average (median) rate of fishing was 53% above MSY. The situation improved rapidly thanks to action to restrict fishing effort, improve monitoring and to set total allowable catches (TACs) in line with scientific advice. By 2022, the average rate of fishing was well within the sustainable rate and only 30% of stocks were overfished. The reduction in fishing pressure in 2020 and 2021 coincided with the start of COVID-19 restrictions (Figure 3).

Overall, fish stock biomass increased by some 37% over the period 2003-2022.

 $^{^{8}}$ For STECF-Adhoc-23-01, there was data available for 58 Mediterranean and Black Sea stocks, of which one (sardine in GSA 7) had no F estimates. Therefore, that stock was used for the B/B2003 indicator (N=58 stocks) but not for the F/F_{MSY} indicator (N=57 stocks).

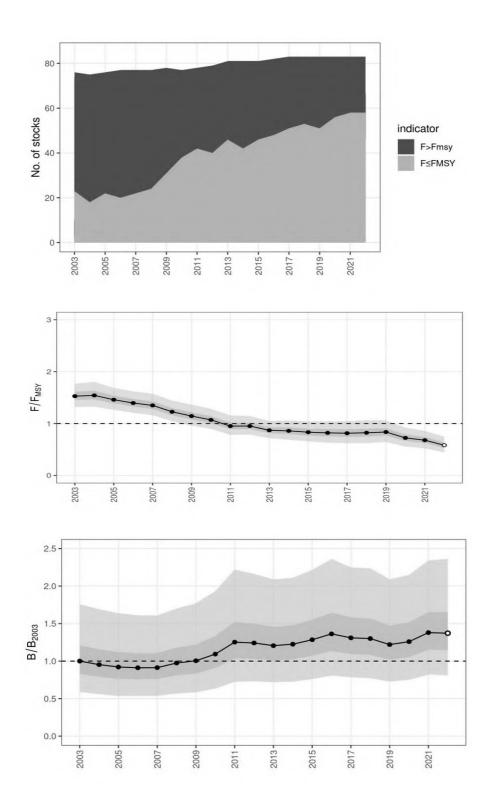
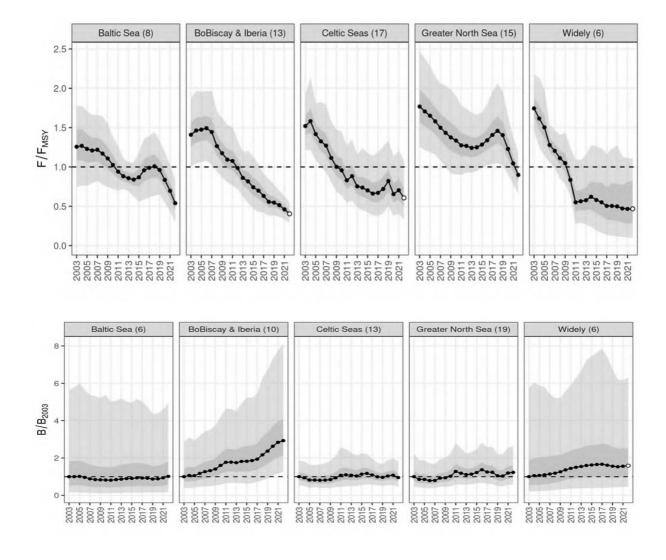


Figure 2: Overall development of fishing mortality and biomass in the North-East Atlantic. Top panel: number of stocks fished in excess of F_{MSY} (black) or fished at or under F_{MSY} (grey). Middle panel: average F/F_{MSY} trend based on 59 stocks. Bottom panel: trend in spawning stock biomass relative to 2003. Dark

grey and light grey areas show the 50% and 95% confidence intervals of the average, based on the 59 assessed stocks.

There are differences in trends between areas. Fishing mortality fell fastest in the Bay of Biscay and in widely distributed stocks. Those same stocks also recovered fastest (Figure 2). In the Baltic Sea, where unfavourable environmental conditions⁹ have weakened the stocks' resilience to fishing, no significant recovery has yet been observed, and some fish stocks have even deteriorated further. In the North Sea, primary production¹⁰ was reported to have decreased by around one quarter, possibly affecting the rebuilding of fish stocks.



⁹ For more information on key signals within the Baltic Sea environment and ecosystem, see

 $^{^{10}}$ The productivity of phytoplankton and algae that serves as food for zooplankton and then eventually the commercial fish stocks and other ecosystem components.

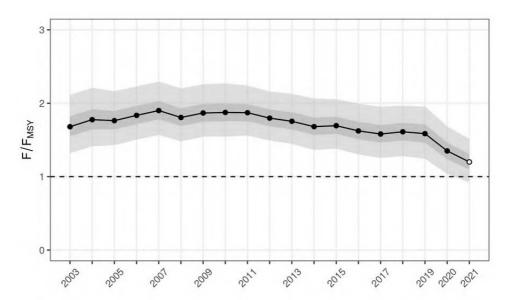
Figure 3: Upper trends in the average (median) F/F_{MSY} (top panel) and biomass (B/B2003) (bottom panel) over the period 2003-2022 in each of the North Atlantic sea areas.

1.1.2 Stocks in the Mediterranean and Black Seas

In 2022, the number of fish stocks assessed by the GFCM rose to 58 from 39 in 2021. Data quality had increased significantly. The additional stocks, many of which had lower fishing mortality rate estimates, led to some changes in the overall perception of stock status. The new estimates showed F/F_{MSY} peaked at close to 2.0 in 2007, gradually declining from this point onwards, and at a faster rate in 2020 and 2021 which coincided with COVID-19 restrictions (Figure 3). The value for 2022 was estimated at 1.2 which is the lowest ever but still 20% above F_{MSY} .

There are different trends in F/F_{MSY} in each region (Figure 4), with an irregular trend in the Black Sea, a stable trend in the central Mediterranean, a sharp decline in the eastern Mediterranean since 2008, and a smaller decline in the western Mediterranean. All areas showed a sharp drop in 2020 and 2021.

Stock biomass has increased gradually in the western Mediterranean, hand in hand with a decrease in fishing mortality. The decrease in F/F_{MSY} in the Black Sea also appears to be associated with an increase in biomass. For the central and eastern Mediterranean, it is unclear at present whether the changes in biomass and fishing mortality are related.



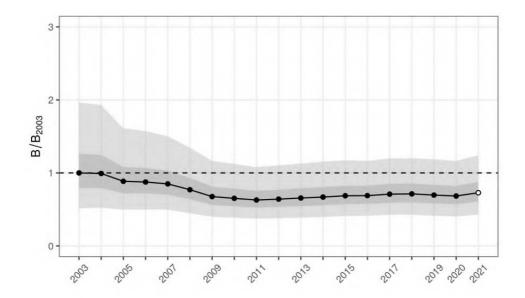
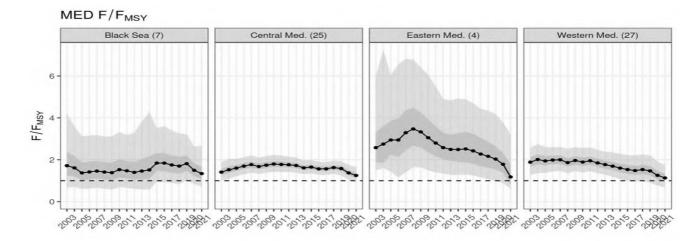


Figure 4: Overall trend in fishing mortality and biomass in the Mediterranean basin. Top panel: average F/F_{MSY} trend. Bottom panel: trend in spawning stock biomass relative to 2003. Dark grey and light grey areas show the 50% and 95% confidence intervals of the average, based on 58 assessed stocks.



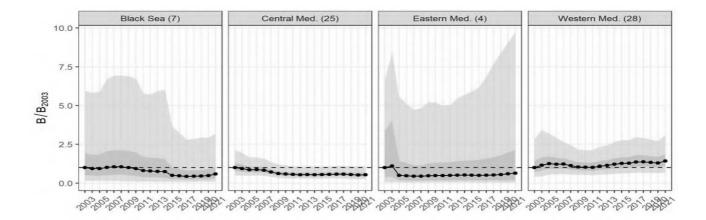


Figure 5: Trends in the average (median) F/F_{MSY} (top panel) and biomass (B/B2003) (bottom panel) over time in each of the Mediterranean sea areas.

Regarding European eel, the Council implemented in EU law a decision adopted by the GFCM in 2023 to consolidate existing measures (i.e. 6-month closure periods and a ban on recreational fishing) and further measures to reduce the fishing mortality of glass eel in all habitats including freshwater habitats.

2. REPORTING ON THE BALANCE BETWEEN FISHING CAPACITY AND FISHING OPPORTUNITIES

In line with Article 22(4) of the CFP Regulation, the Commission must report annually to the European Parliament and the Council on the balance between fishing capacity and fishing opportunities¹¹.

Coastal Member States report annually on potential imbalances, following Commission guidelines¹². For the fleet segments for which overcapacity has been identified, they are required to submit an action plan with adjustment targets, tools and a clear implementation time frame, in line with Article 22 of the CFP Regulation.

A detailed analysis of the biological sustainability, economic parameters, vessel usage and national fleet reports is provided below. The Annex shows the fleets where there is an imbalance between fisheries resources and the fleet's fishing capacity. It also shows where inadequate monitoring and data collection prevented conclusive results from being obtained.

¹¹ See: https://stecf.jrc.ec.europa.eu/reports/balance.

¹² Guidelines for the analysis of the balance between fishing capacity and fishing opportunities according to Article 22 of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy (COM(2014) 545 final).

2.1 Member States' annual reports and action plans and the STECF's assessment

All 22 coastal Member States submitted their 2023 reports to the Commission¹³. The STECF examined these reports comprehensively, together with the available information on the sustainability of fisheries resources, economic parameters and vessel activity. The STECF then issued a report¹⁴, in line with the Commission guidelines, providing details and their analysis.

A summary of the indicators calculated for each fleet segment is provided in the Annex. It also indicates the Member States that have submitted action plans and the fleet segments identified by Member States as having overcapacity. The calculation of the indicators and the corresponding thresholds signalling potential overcapacity presented here are described in full detail in the Commission guidelines and the STECF report.

Information is provided for each fleet segment separately. A fleet segment is a group of vessels of a defined length (e.g. 6-12 metres), operating in a set area (e.g. the North-East Atlantic) and using the same principal type of gear (e.g. beam trawl). In the Annex, the area code NAO means North Atlantic Ocean, including the North Sea, Celtic Sea and Baltic Sea, MBS means the Mediterranean and Black Seas, and OFR means other fishing regions. Gear codes are as set out in Annex XI to the applicable Commission Implementing Regulation¹⁵.

Two biological indicators (stocks at risk (SAR) and sustainable harvest indicator (SHI)) have been set. The SAR is a measure of whether a fleet segment catches significant quantities of stocks that are at high biological risk after being depleted to a low level. In the Annex, a SAR in red means that at least 10% of the catches of the segment are taken from a stock at high biological risk.

The SHI measures whether a fleet depends on stocks that are overfished with respect to the MSY (see Annex) for a significant part of its income. A SHI in red means that a fleet segment relies, on average, on stocks that are fished above MSY for its income.

The following three economic indicators are used.

¹³ Reports and action plans: https://ec.europa.eu/oceans-and-fisheries/fisheries/fishing-fleet-capacities en.

¹⁴ STECF, Assessment of balance indicators for key fleet segments and review of national reports on Member States efforts to achieve balance between fleet capacity and fishing opportunities (STECF-23-13), Publications Office of the European Union, Luxembourg, 2023.

¹⁵ Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

- 1. If the return on investment is less than zero and less than the best available long-term risk-free interest rate, this is flagged in red to indicate long-term economic inefficiency. If data on intangible costs (e.g. quota leasing) are not available, return on fixed and tangible assets can be used instead.
- 2. If the current revenue is less than break-even revenue, this is flagged in red to indicate a short-term economic inefficiency.
- 3. Vessel-use indicators are flagged in red if more than 20% of the fleet segment recurrently demonstrates less than 70% of its potential workable activity, which could indicate an imbalance in capacity. Other reasons could also affect this parameter, such as unexpected events and emergencies.

In many cases, biological information (such as the state of the exploited resource) or economic information was not available for certain fleet segments. These are listed in Table 1.

	Fleet segments with no	with no	Number of vessels with	
	biological indicators	economic indicators	no biological indicators	no economic indicators
BEL	3	3	11	11
BGR	0	8	0	17
CYP	0	1	0	1
DEU	7	7	19	19
DNK	0	0	0	0
ESP	0	16	0	65
EST	2	3	7	13
FIN	3	3	12	12
FRA	3	52	3	228
GRC	6	6	20	20
HRV	1	8	1	22
IRL	0	8	0	32
ITA	0	9	0	134
LTU	0	4	0	7
LVA	0	0	0	0
MLT	9	9	63	63
NLD	16	16	41	41
POL	7	11	21	25
PRT	7	7	14	14
ROU	0	2	0	33
SVN	7	7	24	24
SWE	0	16	0	429

Table 1: Numbers in bold indicate fleet segments where a lack of biological or economic information prevented the calculation of biological or economic indicators and where more than 50 vessels were affected by a lack of data reporting

2.2 The EU fishing fleet's capacity

The number, gross tonnage and power of vessels in the EU fleet have all followed a downward trend in recent years (latest data from 2023) (Figures 6 and 7). In December 2023, the EU fleet

register (which includes the outermost regions) listed 71 608 vessels corresponding to 1 305 115 gross tonnage (GT) and 5 226 554 kilowatts (kW) of installed power¹⁶.

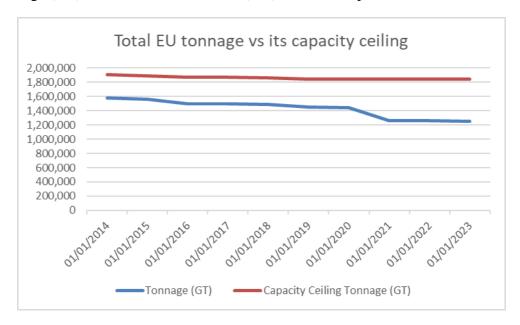


Figure 6: Tonnage capacity trend (GT) of the EU fishing fleet between 2014 and 2023

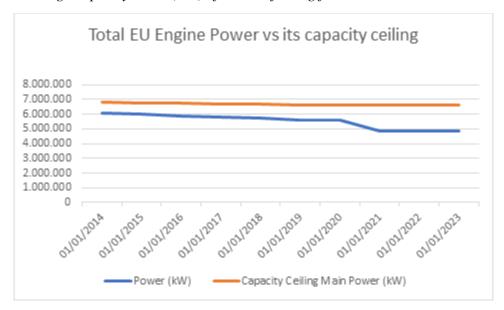


Figure 7: Capacity trend (kW) of the EU fishing fleet between 2014 and 2023

¹⁶ EU fleet register. Data extracted in March 2024 and includes data as at 31 December 2023.

A study¹⁷ was initiated in January 2018 to assess the engine power verification systems implemented in coastal Member States, completed in June 2019. The results of the physical verifications carried out during the study indicated non-compliance across coastal Member States, areas and vessel types. The study found levels of non-compliance indicating a systematic lack of a culture of compliance at operator level across the fishing sector with regard to engine power limitations. The study also indicated that there were significant differences among coastal Member States in the level of progress and quality of implementing the sampling plan to verify engine power and the systems in place to certify and effectively verify engine power physically. In addition, the study indicated that certification systems do not always generate reliable engine power figures for registration purposes and that certification does not guarantee that certified engine power will not be exceeded.

In October 2019, the Commission initiated a series of informal discussions with several Member States to address issues related to their engine power verification and certification systems. While progress has already been made by the Member States concerned, the Commission will continue monitoring the implementation of engine power verification rules in Member States.

In December 2023, all coastal Member State fleets were under their respective capacity ceilings (Figure 8). However, it has come to the Commission's attention that declarations on engine power are increasingly becoming subject to complaints, allegations or similar submissions. This raises concerns about the accuracy and reliability of coastal Member State declarations.

¹⁷ Directorate-General for Maritime Affairs and Fisheries (European Commission), Roos Diesel Analysis B.V., *Study on engine power verification by Member States*, final report, ISBN 978-92-76-08327-6, DOI 10.2771/945320, Luxembourg, Publications Office of the European Union, 2019.

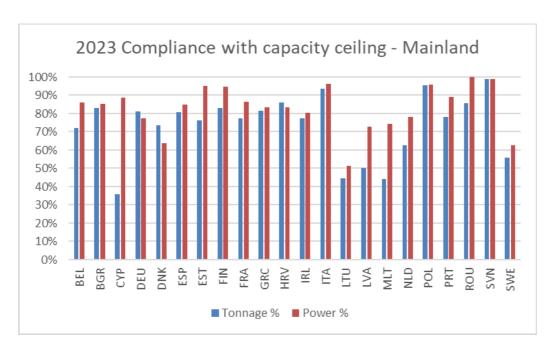


Figure 8: Effective capacity as a percentage of the capacity ceiling by Member State in December 2023: mainland fleets only

The fleet in the outermost regions has seen a reduction in the number of vessels and gross tonnage capacity (Figures 9 and 10). Between December 2021 and December 2022, the number of vessels decreased by 13 to a total of 3 937. Fleet capacity in GT decreased by 1 167 GT to 55 647 GT. Fleet capacity in kW increased marginally by 2 125 kW to 394 363 kW.

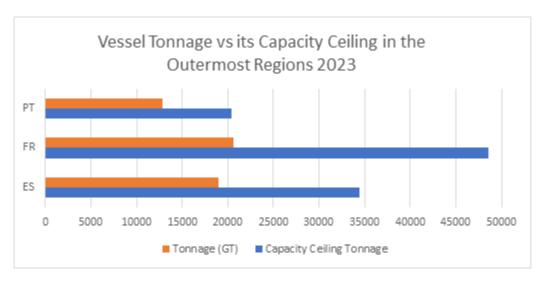


Figure 9: Vessel tonnage vs its capacity ceiling in the EU outermost regions (2023)

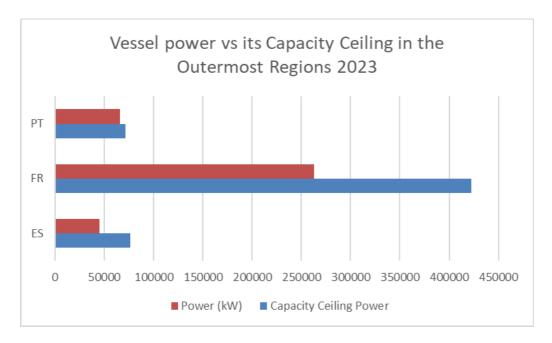


Figure 10: *Vessel power vs its capacity ceiling in the EU outermost regions (2023)*

2.3 Main conclusions by coastal Member State¹⁸

Each year, the STECF issues advice on the balance between fleet capacity and fishing opportunities for the different fleet segments and on the quality of the coastal Member States' assessments provided in their national fleet reports and, where relevant, action plans. Therefore, the STECF conclusions sometimes differ from those of the coastal Member States, as summarised below, based on the indicators calculated by STECF. In the summaries which follow, the Commission has drawn conclusions and inferences from the STECF calculations.

Belgium had 2 fleet segments (totalling 42 vessels) with red biological indicators and another 2 segments (totalling 22 vessels) with red economic indicators, which points to an imbalance. Belgium considers that its fleet is in balance with fishing opportunities and has not submitted an action plan.

Bulgaria had 13 fleet segments (totalling 586 vessels) with at least one red biological indicator. Of these 13 segments, 6 were exploiting stocks at risk and 4 were operating unprofitably. There were 3 fleet segments not in balance, while 6 were in balance for all economic indicators. Economic information was lacking for 10 segments, while information about sustainable harvesting was lacking for a number of fleet segments. **Bulgaria has submitted an action plan**

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¹⁸ Red or green indicators are references to the Annex and mean that the indicators as assessed in STECF-23-13 possibly indicate an imbalance (red) or no imbalance (green). A further explanation is given in the STECF report. If Member States have not submitted an action plan, this means they consider their fleets to be in balance.

to tackle overcapacity in 15 fleet segments. Overcapacity will be addressed by support measures (e.g. investments, marketing, compensation) rather than withdrawal of fleet capacity.

Cyprus had 3 fleet segments with red economic indicators and 4 segments with a red biological indicator. **Cyprus has submitted an action plan** concerning overcapacity in one of these fleet segments comprising 4 vessels (out of a total fleet of 853) for action by 2025. It will tackle the overcapacity by permanently withdrawing two vessels or by modifying fishing gear.

Germany had 7 fleet segments with at least one red biological indicator and 12 with at least one red economic indicator. **Germany has submitted an action plan** covering 9 fleet segments totalling 165 vessels. The report shows that seven segments have red biological indicators and two have red economic indicators. For two other segments, indicators were not available.

Denmark had 11 fleet segments with at least one red biological indicator and 13 segments with at least one red economic indicator. Out of 1 592 vessels, 407 were inactive. In 2022, Denmark **submitted an action plan** indicating the need for a vessel scrapping scheme for the Baltic Sea (33 vessels) in order to reduce the capacity of smaller-length vessel segments and vessels affected by the UK's withdrawal from the EU (30 vessels).

Spain had 41 fleet segments with at least one red biological indicator and 25 fleet segments with at least one red economic indicator. **Spain submitted an action plan** for the period 2023-2025 for the 13 fleet segments not in balance with fishing opportunities, which included segments in the outermost regions. The plan proposes a number of measures to help tackle the imbalance in the fleet segments and has a target date of 2025. The plan focuses primarily on a wide variety of technical measures, in particular tonnage and engine power reduction.

Estonia had 4 fleet segments with at least one red biological indicator and 1 segment with three red economic indicators. Estonia has a fleet of 1 954 vessels, of which 650 are inactive. Estonia has **not submitted an action plan**, despite the indications of overcapacity.

Finland had 5 fleet segments with at least one red biological indicator and 3 segments with at least one red economic indicator. For three segments, all biological and economic indicators were lacking. Finland has **not submitted an action plan**, despite the indications of overcapacity. It expects capacity to fall systemically through the use of transferable quotas, which were introduced in 2017. Finland has not fixed objectives for achieving capacity reductions.

France had 45 fleet segments with at least one red biological indicator and 22 fleet segments with at least one red economic indicator. France **submitted an updated action plan** including all nine fleet segments operating in the Mediterranean. Unlike previous years, the action plan now includes an additional 17 fleet segments from its outermost regions. In its action plan, France includes technical measures including temporary closures and capacity reduction. The

majority of the technical indicators for France showed an imbalance (red), about half of the available biological indicators were in balance (green), while most of the economic indicators showed fishing activity to be profitable (green).

Greece had 21 fleet segments, of which 3 had at least one red biological indicator. However, biological indicators were only available for 14 segments. There were 7 segments with at least one red economic indicator. **Greece has not yet presented an action plan** despite the indications of overcapacity.

Croatia had 21 fleet segments with at least one red biological indicator and 10 segments with at least one red economic indicator. Croatia submitted an update to its action plan to tackle overcapacity. The majority of Croatia's fleet segments appear to be out of balance with fishing opportunities. Measures proposed by Croatia include capacity reductions, effort limits, closed areas and decommissioning certain types of fishing gear.

Ireland had 11 fleet segments with at least one red biological indicator and 3 segments with at least one red economic indicator. 10 segments had no available economic indicator. **Ireland** has not presented an action plan despite the indications of overcapacity.

Italy had 19 fleet segments with at least one red biological indicator and 3 fleet segments with at least one red economic indicator. Italy has presented an action plan to tackle the overcapacity in its fleet. It did not identify any structural overcapacity for 2022. Italy's action plan presents different measures to reduce fishing effort, e.g. continuing previous measures and permanently ceasing activity. However, the information presented in the Italian fleet report was insufficient to quantitatively assess whether the proposed measures in the action plan would result in a reduction in fishing mortality of relevant target species or the extent to which it will remedy any potential imbalance between capacity and fishing opportunities in Italian fleet segments.

Latvia had 3 fleet segments with at least one red biological indicator. No fleet segments had red economic indicators. **Latvia has submitted an action plan** concerning 1 fleet segment that in 2022 comprised 32 vessels out of a total fleet of 313 vessels. That segment now comprises 29 vessels out of a total fleet of 325 vessels. The segment had a red biological indicator.

Lithuania had 6 fleet segments with at least one red biological indicator and 2 fleet segments with at least one red economic indicator. Lithuania **submitted an action plan** with a target date of 2023. The action plan covered 4 of the aforementioned 8 segments and comprised 9 vessels out of a total fleet of 141 vessels. It has not submitted an updated or a new action plan.

Malta had 9 fleet segments with at least one red biological indicator and 4 segments with at least one red economic indicator. Malta has submitted an action plan which is largely a

statement of intent to improve monitoring by adopting new regulatory frameworks and by rolling out equipment to register fishing vessel activity and monitor catches.

The Netherlands had 4 segments with red biological indicators and 6 segments with red economic indicators, out of a total of 27 segments. Despite the indications of overcapacity, the Netherlands did not submit an action plan. Biological and economic indicators were lacking for 15 segments.

Poland had 8 fleet segments with at least one red biological indicator and 4 fleet segments with at least one red economic indicator. Poland **submitted an action plan** concerning 8 segments. However, it did not indicate a specific timeframe for implementation, only that the plan is to be implemented over a 3-5 year time period.

Portugal had 6 fleet segments with at least one red biological indicator and 12 segments with at least one red economic indicator. Portugal **submitted an action plan** due to the imbalance observed in vessel-use indicators and economic indicators for the fishing fleet operating with hooks, particularly in the case of larger length-class vessels. The action plan was extended until the end of 2025 and includes permanent cessation of activity by 16 vessels. The action plan is clear, targeted and limited in time.

Romania had 5 fleet segments with one red technical indicator and 1 fleet segment with one red biological indicator. Romania submitted an action plan which seems to be a continuation of the action plan from 2022. The action plan proposes broad economic and technical measures with unclear objectives. The time frame for implementing the action plan runs until 2027.

Slovenia had 10 fleet segments totalling 137 vessels. For 7 segments, no economic or biological indicators were available. Despite the indications of overcapacity, **Slovenia did not submit an action plan**.

Sweden had 1 220 segments with at least one red biological indicator. 14 segments had a red economic indicator. **In 2021, Sweden submitted an action plan** covering 17 fishing vessels targeting cod across 5 segments. The action plan expired in 2022, however no new or revised action plan has been submitted.

There were significant gaps in the provision of biological and economic indicators. Bulgaria, Cyprus, Spain, France, Greece, Ireland, Italy, Malta, Portugal and Sweden all had segments totalling 50 or more vessels for which either biological or economic data were not available. For Cyprus, France, Ireland and Sweden, the numbers exceeded 200 vessels.

The Commission has written to these Member States about the need to improve data collection in order to comply with Article 22 of the CFP Regulation. The Commission also asked Member States to submit further details on their fishing fleets in order to build a clear picture of the situation in their fleets. In particular, this is intended to further the work on energy transition and tackle the health and safety concerns highlighted in the fisheries and oceans package¹⁹, while stressing the need to improve data collection,

The Commission will launch an evaluation of the common fisheries policy and a study of the fleet to underpin this evaluation.

2.4 Financial support from the European Maritime, Fisheries and Aquaculture Fund for the structural adaptation of fishing fleets

Certain segments of the fishing fleet are subject to overcapacity, resulting in the overexploitation of marine biological resources. If there is structural overcapacity, the profitability of the fleet is low because too many vessels are chasing too few fish. To avoid this, it is necessary to structurally adapt the fishing fleets concerned.

The European Maritime, Fisheries and Aquaculture Fund²⁰ (EMFAF) can grant, under specific conditions, financial compensation to fishers if they permanently cease fishing activities. The fishing capacity eliminated thanks to this support is then permanently removed from the fleet. Permanent cessation can happen by scrapping a fishing vessel or decommissioning it and retrofitting it for other activities. However, any conversion to recreational fishing must not lead to increased pressure on the marine ecosystem.

Member States have submitted their EMFAF programmes for 2021-2027. These programmes are multiannual strategic roadmaps for public investment, underpinned by an analysis of the strengths, weaknesses, opportunities and threats. They set out tailor-made measures to respond to the specific challenges identified by Member States to the common EU priorities for marine biodiversity, maritime policy and sustainable fisheries and aquaculture. The Commission adopted the programmes²¹ after an in-depth assessment which took into account, among other things, the balance between fleet fishing capacity and available fishing opportunities, as reported on annually by coastal Member States in line with Article 22(2) of the CFP Regulation.

¹⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Energy Transition of the EU Fisheries and Aquaculture Sector (COM(2023) 100 final).

²⁰ Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund (OJ L 247, 13.7.2021, p. 1).

https://oceans-and-fisheries.ec.europa.eu/funding/emfaf-programmes-2021-2027 en

2.5 Conclusion

In 2023, all coastal Member States complied with the obligation to report on the capacity and balance of their fleet segments with fishing opportunities. However, some Member States will need to adjust their reporting to better comply with the Commission's guidelines and tackle discrepancies between their national reports and the STECF's advice. 12 Member States submitted new or revised action plans encompassing many different measures to tackle overcapacity. However, more needs to be done to make the action plans more specific, time-bound and objective-driven.

The overall capacity of the EU mainland fleet (i.e. excluding the outermost regions) has remained relatively stable. Only minor changes were observed compared to the previous year, namely -0.44%, -0.52% and -0.1% in the number of vessels, tonnage and power, respectively.

Nevertheless, a greater focus is needed on the fleets of some coastal Member States, especially in the Mediterranean and Black Seas, where capacity is very close to the ceilings. Capacity measures can be particularly important for countries and regions where conservation and management measures are not (yet) effective enough to regulate input and output measures, such as effort limits or TACs.

3. SOCIO-ECONOMIC PERFORMANCE: EU TRENDS AND RESULTS BY FLEET CATEGORY

According to the latest available STECF annual economic report for 2023²², the EU fleet directly employed 121 917 fishers in 2021, corresponding to 81 747 FTE. The average annual wage (including crew wages and unpaid labour) per FTE was estimated at EUR 26 387, ranging from EUR 122 104 for Belgian fishers to EUR 2 289 for fishers in Cyprus.

The EU fleet spent over 5.5 million days at sea and consumed almost 1.8 billion litres of fuel in 2021. Total reported landings amounted to 3.57 million tonnes of seafood (a decrease of 9.5% compared to 2020), corresponding to a value of EUR 6 billion. Landings per day at sea for the EU fleet as a whole were estimated at approximately 0.64 tonnes per day, again a reduction in volume since 2020.

Revenue (gross value of landings plus other income) amounted to almost EUR 6.2 billion, up 5% on 2020. Other income accounted for 3.4% of this revenue. The gross value added (GVA), gross profit and net profit generated by the fleet were EUR 3.3 billion, EUR 1.2 billion and EUR 0.5 billion, respectively. GVA and gross profit remained stable in 2021 compared to 2020. However, net profit increased by 23%. GVA to revenue was estimated at 53.7% (55.9% in 2020), gross profit margin at 19.1% (down marginally from 20.2% in 2020), and net profit as a proportion of revenue at 9.1% (up from 7.8% in 2020). In terms of economic performance at Member State level, four of the 22 Member States analysed generated a net loss, namely

²² STECF 23-14, <u>Economic and Social analyses - European Commission (europa.eu)</u>.

Cyprus, Greece, Germany and France (down from five in 2020, i.e. Cyprus, Estonia, France, Finland and Germany). None of the Member States analysed incurred a gross loss in 2021.

The socio-economic performance is presented below by fleet category:

Small-scale coastal fleet (SSCF). Gross and net profits generated by the SSCF in 2021 returned to pre-pandemic levels, recovering from an abrupt decline in 2020. The SSCF in the Mediterranean recorded the largest recovery along with, to a lesser extent, other regions such as the South-Western Waters and North-Western Waters. Taking into account the trend in gross and net profit, there are still regions that, despite the improvement in 2021, continue to show a negative trend compared to 2018, such as the Black Sea, North Sea, Eastern Arctic and the 'other fishing regions' area. Crew in the SSCF (59 948) represented 49% of total EU employed crew and 40% (33 052) of all FTEs. Total employed crew decreased by 7% and FTE by 8% in 2021 compared to the average for the period 2018-2020. The Mediterranean accounted for the highest number of FTEs, followed by the South-Western Waters and the Baltic. However, the Baltic saw the largest reduction (-20%) in FTEs of all regions in the EU in the period 2018-2021.

The EU large-scale fleet (LSF) comprises all fishing vessels over 12 metres using static gear and all fishing vessels using towed gear operating predominately in EU waters. In 2021, it comprised 12 704 vessels and employed 55 217 fishers, corresponding to 23% and 45% of the total active EU fleet respectively. The LSF fleet produced 74% of landings by weight and 67% of landings by value of the total EU fleet. The LSF was profitable in 2021 but while GVA remained similar to 2020, gross profit fell by 10% and net profit by 12.5% compared to the previous year. The LSF in all Member States made a gross profit in 2021, but four Member States, namely Cyprus, Germany, Finland and Slovenia, made a net loss. The LSF accounted for 45% of employed crew (55 217) and 51% of FTEs (41 903) of the EU fishing fleet. GVA was estimated at around EUR 2 242 million (67% of the EU total) and gross profit at around EUR 789 million (67% of the EU total). Estimated net profit was EUR 343 million (68% of the EU total). Compared to 2020, gross profit decreased by 10% and net profit by 12.5%. Labour productivity (GVA per FTE) was estimated at EUR 53 500, similar to 2020 levels. All productivity indicators decreased significantly over the period 2015-2020.

The EU distant-water fleet (DWF) comprises fishing vessels over 24 metres in length flying the flag of a Member State and fishing predominately in non-EU waters. The DWF represents 0.4% of EU active vessels and 1% of fishing effort (fishing days), producing 19% of all EU landings by weight (686 908 tonnes) and 17% by value (EUR 1 036 million). In 2021, according to the above-mentioned STECF report, the DWF comprised 242 fishing vessels active in distant waters (Spain 81%, France 8%, Portugal 6%, Italy 2%, Lithuania 2% and Poland accounting for one vessel) with a capacity of 252 511 GT (19.2% of the EU total) or 344 591 kW (6.6% of the EU total). Over the years, the number of DWF vessels has decreased (from 288 in 2013 to 242 in 2021). However, catches and landings have not fallen to the same extent, down by 2.4% against the average for the period 2013-2020. The DWF accounts for

5.5% of employed crew (6 752) and 8.3% of FTEs (6 792) of the EU fishing fleet. GVA was estimated at around EUR 398 million (12% of the EU total) and gross profit at around EUR 168 million (14% of the EU total). Estimated net profit was EUR 95 million (19% of the EU total). Compared to 2020, gross profit and net profit had increased. Gross profit almost doubled while net profit went from negative to positive. Labour productivity (GVA per FTE) was estimated at EUR 58 600. In 2021, the average salary of an FTE in the DWF was EUR 33 900 per year. All productivity indicators decreased significantly over the period 2013-2021. GVA decreased by 3% and gross profit by 15%. This fleet also saw a decrease in GVA to revenue and gross profit margin (2.9% and 29%, respectively) compared to 2013 levels.

Energy will remain one of the major cost items for the EU fishing fleet in 2024, with many EU fishing vessels vulnerable to the cost of fossil fuels due to their high energy intensity. The Energy Transition Communication²³, published in February 2022, therefore proposes several measures to help the sector accelerate its energy transition and reach the objective of climate neutrality by 2050. The main actions proposed include the creation of an Energy Transition Partnership for EU fisheries and aquaculture, a financing guide²⁴ for stakeholders and Member States on how best to use funding from the European Maritime, Fisheries and Aquaculture Fund (EMFAF) and other funds to help achieve the energy transition, and a study on technologies geared towards energy transition in the fishing sector which will soon be published.

3.1 National fisheries profiles and social indicators

The latest STECF report on social data in fisheries²⁵ contains important information related to national fisheries profiles and the development of additional social indicators.

National fisheries profiles collate quantitative and qualitative social data for each Member State. They provide historical background and specific contextual information, and emphasise the most salient social, institutional, and legal aspects related to fisheries in each country. As such, they are a key tool to understand the wider social context of fisheries. Three initial profiles were prepared as proof of concept and an additional nine profiles are planned based on the revised template and guidelines provided by the STECF in its report. This means 12 Member States will be covered by the end of March 2024. The Commission intends to make the plans fully accessible to all in the course of 2024.

²³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Energy Transition of the EU Fisheries and Aquaculture sector (COM/2023/100).

²⁴https://blue-economy-observatory.ec.europa.eu/guide-and-tool-financing-energy-transition-fisheries-and-aquaculture en

²⁵ <u>Scientific Technical and Economic Committee for Fisheries (STECF) – Social Data in Fisheries (STECF 23-17)</u>

Regarding social indicators, the STECF produced a detailed analysis of the seven policy priorities identified by the Commission as essential to understanding the social reality of fishers: state of play, assessment of conservation and management measures, dependency, mobility, immaterial value, generational renewal, and engagement and compliance. For each priority, the STECF identified the associated social concepts, the potential indicators, the data availability and collection method, and the level of granularity of the data required. Given the broad scope of the policy priorities, the STECF concluded that the list of potential indicators was too long to allow the Expert Working Group to operationalise them into concrete data calls²⁶. It therefore suggested that the Commission engage in discussions with the wider stakeholder community to prioritise and identify the most relevant policy questions.

The Commission sent a survey on this matter to Member States and advisory councils (ACs), as well as the ICES and STECF secretariat, with a deadline of 15 April 2024.

4. IMPLEMENTATION OF THE LANDING OBLIGATION

The objective of the landing obligation is to avoid wasting resources through discards by encouraging fishers to fish more selectively and actively avoid unwanted catches. For that purpose, it requires all catches to be landed.

The landing obligation has been in place since 2015 and fully applicable since 2019. Reporting is based on information sent by Member States, advisory councils and other relevant sources to the Commission. Reports on implementing the landing obligation were first produced in 2015. Since 2016, this reporting has been included in the Commission's annual communication on the CFP. This staff working document covers implementation of the landing obligation in 2023.

Since 2021, the Commission has no longer been under a legal obligation to annually report on the implementation of the landing obligation. However, as the landing obligation is key to the CFP objectives, the Commission decided to continue annual reporting.

For 2023, reporting on the landing obligation was based on: (i) progress with EMFAF measures addressing the landing obligation; (ii) discussions in the advisory councils; (iii) control and enforcement, including annual reporting by the European Fisheries Control Agency (EFCA); and (iv) studies conducted in previous years as extensively described in Section 3.3. of the Communication on the functioning of the CFP²⁷. Looking ahead, in 2024 and 2025 the reports should focus on the ongoing evaluation of the landing obligation.

²⁶ See page 3 of STECF Report 23-17.

4.1 Implementation of measures at sea basin level

Delegated regulations specifying details for implementing the landing obligation

To ensure successful and feasible implementation of the landing obligation, Member States may develop joint recommendations in consultation with the advisory councils. They may agree to submit these recommendations to the Commission with specific implementation provisions which the Commission must adopt by means of delegated acts. Before adopting the delegated acts, the Commission must submit the joint recommendations to the STECF for assessment as the suggested implementation provisions should take into account the best available scientific advice and include it as the basis for exemptions to the landing obligation.

The delegated acts provide some flexibility where unwanted catches are very difficult to avoid or lead to disproportional costs, or where species have a high survivability rate. Exemptions from the landing obligation are set out in Article 15(4) of the CFP Regulation²⁸. In addition to the exemptions for prohibited species and predator-damaged fish, the landing obligation does not apply to the following cases:

- (i) High survivability cases, for which scientific evidence demonstrates high survival rates of discarded species.
- (ii) Up to 5% of the total annual catches (*de minimis*), either because scientific evidence demonstrates that increases in selectivity are very difficult to achieve or to avoid disproportionate costs for handling and sorting unwanted catches. These exemptions were put in place by the co-legislators to tackle the specific problems of (mostly) mixed fisheries²⁹ in achieving the objectives of the CFP Regulation and to avoid the phenomenon of choke species.

likely to be caught in the same fishing operation, Article 4(1)(36) of the CFP Regulation.

²⁸ Additionally, Article 15(2) of the CFP Regulation empowers the Commission to adopt delegated acts for the purpose of implementing international obligations into EU law, including exemptions to the landing obligation. ²⁹ 'Mixed fisheries' means fisheries in which more than one species is present and where different species are

The Western Waters³⁰, the North Sea³¹, the Baltic³² and the western Mediterranean³³ multiannual plans allow for delegated regulations to be adopted specifying details for implementing the landing obligation for species subject to catch limits and, in the Mediterranean, also species subject to minimum conservation reference sizes, and covering the *de minimis* and high survivability exemptions and technical measures aimed at increasing gear selectivity, reducing unwanted catches and eliminating discards. The landing obligation has been fully in force since 2019 and multiannual plans have been adopted for most waters. This represents a shift from granting exemptions to the landing obligation under the CFP via temporary discard plans³⁴ to a more stable approach with multiannual plans as a legal basis.

In 2023, the following delegated regulations specifying details for implementing the landing obligation were in place:

- 1. Commission Delegated Regulation (EU) 2023/2623 of 22 August 2023 supplementing Regulation (EU) 2019/472 of the European Parliament and of the Council by specifying details of the landing obligation for certain fisheries in Western Waters for the period 2024-2027;
- 2. Commission Delegated Regulation (EU) 2023/2459 of 22 August 2023 supplementing Regulation (EU) 2018/973 of the European Parliament and of the Council by specifying details of the landing obligation for certain fisheries in the North Sea for the period 2024-2027;
- 3. Commission Delegated Regulation (EU) 2021/2065 of 25 August 2021 establishing a discard plan for turbot fisheries in the Black Sea, as amended by Commission Delegated Regulation (EU) 2022/2287 of 12 August 2022;

³⁰ Article 13 of Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 83, 25.3.2019, p. 1).

³¹ Article 11 of Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).

³² Article 7 of Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).

³³ Article 14 of 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).

³⁴ Article 15(6) of the CFP Regulation.

- 4. Commission Delegated Regulation (EU) 2023/2462 of 22 August 2023 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council by specifying details of the landing obligation for certain demersal stocks in the western Mediterranean Sea:
- 5. Commission Delegated Regulation (EU) 2021/2066 of 25 August 2021 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council regarding details of implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea for the period 2022-2024;
- 6. Commission Delegated Regulation (EU) 2023/2918 of 22 August 2023 supplementing Regulation (EU) No 1380/2013 of the European Parliament and of the Council as regards the establishment of a de minimis exemption to the landing obligation for certain demersal fisheries in the Adriatic and south-eastern Mediterranean Sea;
- 7. Commission Delegated Regulation (EU) 2023/2460 of 22 August 2023 supplementing Regulation (EU) No 1380/2013 of the European Parliament and of the Council as regards the establishment of a de minimis exemption to the landing obligation for certain small pelagic fisheries in the Mediterranean Sea;
- 8. Commission Delegated Regulation (EU) 2018/306 of 18 December 2017 laying down specifications for the implementation of the landing obligation as regards cod and plaice in Baltic Sea fisheries.

In 2023, the Commission asked the STECF to review and evaluate the Member States' joint recommendations which would continue to apply to the implementation of the landing obligation beyond 2024. The purpose of doing so was to ensure that all requested exemptions undergo an updated assessment. The STECF drew conclusions on the individual exemptions and made general observations focusing on key issues such as the process and methodology used to carry out the evaluation. The STECF also commented on how to undertake future reviews when requested by the Commission. This review³⁵ has been an important input into follow-up work to improve data (requirements) and gain insight into the implementation status.

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³⁵ STECF 23-04 and 23-06.

Quota management

In previous years, Member States reported that the most important management measures to help prevent choke situations³⁶ and successfully implement the landing obligation were quota swaps; inter-species and inter-annual flexibility provided for by CFP Regulation. These tools remain important but no significant trend can be detected in quota swapping between Member States. This is confirmed by the Commission's QUOTA database (Figures 11, 12, 13). To increase transparency and facilitate swapping, the Commission publishes the quota swaps list every year on a public website³⁷. Figures for the current year are updated weekly.

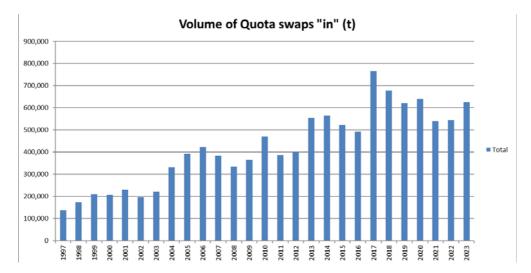


Figure 11: *Volume of quota swaps 'in' (t)*

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³⁶ 'A species for which the available quota is exhausted (long) before the quotas are exhausted of (some of) the other species that are caught together in a (mixed) fishery' (Zimmermann et al. 2015).

³⁷ After notifying the Commission, Member States may exchange all or part of the fishing opportunities allocated to them (Article 16(8) of the CFP Regulation). The quota swaps are published every year by the Commission at .

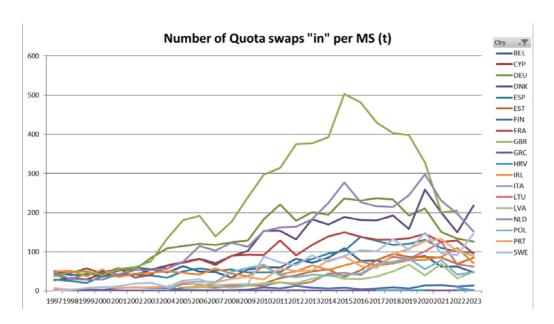


Figure 12: *Volume of quota swaps 'in' by Member State (t)*

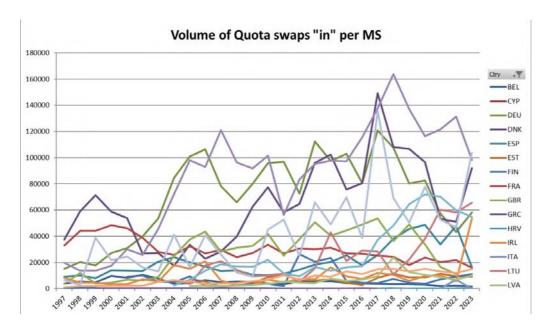


Figure 13: Number of quota swaps 'in' by Member State

4.2 Control and enforcement

As reported in previous years, one of the main risks associated with the landing obligation is the illegal and undocumented discard of catches subject to the landing obligation during fishing activities at sea. There are incentives for non-compliance³⁸ which need to be tackled through effective control and enforcement.

However, Member States mainly use traditional control tools, such as inspections at sea, landing inspections, data analysis and aerial surveillance. These tools on their own are not enough to effectively monitor and control the discard of catches during fishing activities at sea. For example, inspections at sea only provide a snapshot of compliance at the time of monitoring and do not cover fishing activity before or after an inspection. Landing inspections do not cover illegal discards during fishing activities at sea and aerial surveillance does not provide sufficient evidence of compliance or non-compliance³⁹Data analysis may indicate a lack of discard reporting but does not confirm it at individual vessel level.

The inadequacy of these conventional control methods has been highlighted in several reports, including several evaluation reports by the European Fisheries Control Agency (EFCA). According to the EFCA, remote electronic monitoring (REM) tools are very well suited to controls of catch registration and illegal discard at sea. This has also been confirmed by several trials conducted by Member States⁴⁰ and fisheries around the world, which have pointed out that these modern control technologies are scalable and effective measures for control and enforcement of the landing obligation during fishing activities at sea.

In order to effectively monitor compliance with the landing obligation, the European Parliament and the Council recently adopted new EU rules which require EU vessels of 18 metres or more in length that pose a potential risk of non-compliance to install on-board REM systems, including closed-circuit television (CCTV) cameras, within the next 4 years. However, the new rules do not mandate the use of cameras on board fishing vessels of less than 18 metres in length overall and or on those perceived to pose a low risk of non-compliance. It is unclear how those vessels, which account for a significant proportion of the EU fleet, will be monitored or how compliance with the landing obligation will be ensured.

In addition to the issue of illegal and undocumented discard during fishing activities at sea, the landing obligation requires 'detailed and accurate documentation of all trips' and catches to be 'counted against the quotas where applicable'. The weighing and registration of landed catches is essential in this regard and effective monitoring of quota uptake is fundamental to the success

³⁸ The main risks include illegal and undocumented discarding to avoid 'choke' situations, maximise profit ('high-grading') and reduce the costs associated with the handling and storage of low-value catches.

³⁹ This is compounded by the significant number and complexity of the *de minimis* and high survivability exemptions. Aerial surveillance cannot reliably identify species, size and condition, so it cannot confirm non-compliance; it is also greatly impaired by poor weather and bad visibility (including periods of darkness).

⁴⁰ Several Member States have agreed to participate in an EFCA-coordinated REM pilot project to learn best practice on REM controls (one or two vessels per Member State). Denmark uses REM in the nephrops fleet operating in the Kattegat and the Netherlands is conducting a fully documented fisheries scheme on a few vessels in the North Sea. Neither project is being used for control and enforcement purposes.

of the CFP. However, verification conducted by the Commission over the years has shown that Member States do not always ensure that catches are weighed in accordance with EU rules and that there is often significant misreporting of the actual quantities landed. The problem has been identified in several sea basins but is especially serious in the Baltic Sea where major shortcomings have recently been confirmed in those Member States with the largest quotas. Shortcomings in implementing EU rules on weighing and catch registration contributes to overfishing, plays a significant role in the decline of Baltic Sea stocks and jeopardises the status of stocks in other sea basins.

Improper implementation of the landing obligation poses a significant risk to achieving the objectives of the CFP and undermines the accuracy of catch data (landings, unwanted catch, and discards) and reporting. Data and accurate reporting are crucial for the quality of scientific advice and therefore for achieving the maximum sustainable yield.

European Fisheries Control Agency (EFCA) last haul inspections

In 2023, the EFCA continued to focus on assisting Member States and the Commission in monitoring, control and enforcement of the landing obligation. A risk assessment regarding non-compliance with the landing obligation was conducted, as in previous years, as part of the joint deployment plans (JDP).

EFCA last haul verifications⁴¹ have contributed to a level of monitoring of compliance with the landing obligation, either in relation to illegal discards or to the recording of legal discards covered by exemptions. While such verification during sea inspections is not effective in detecting possible infringements related to illegal discards – since fishers are unlikely to discard fish subject to the landing obligation in the presence of inspectors – they are instrumental in monitoring compliance levels with the provisions of the landing obligation. Moreover, this verification may also help to raise awareness among fishers regarding the provisions of the landing obligation and associated reporting requirements.

The need for alternative control tools such as the REM as an effective operational solution for monitoring compliance with the landing obligation and identifying illegal practice was emphasised in 2023. During the course of the year, the EFCA REM Working Group discussed topics such as data protection issues, tender and procurement, the installation of REM systems, and the development of operational guidelines for implementing REM in NAFO fisheries. The EFCA will continue to assist Member States in preparing for implementation of REM and in identifying the best possible strategies for monitoring compliance with the landing obligation.

⁴¹ Last haul: verification of the catch composition of the last haul during sea inspections.

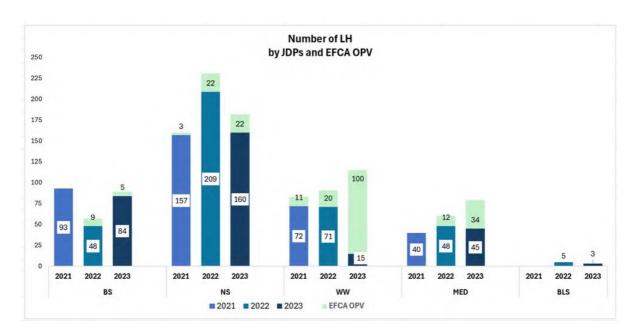


Figure 14: Number of last haul inspections by joint deployment plan in 2021-2023



Figure 15: Number of last haul inspections in 2023 by joint deployment plan

5. THE WORK AND ROLE OF ADVISORY COUNCILS IN 2023

5.2 Advisory councils' recommendations in 2023 and how these were taken on board

In 2023, the advisory councils (ACs) submitted 128 recommendations to the Commission, exceeding the 126 submitted in 2022. As in previous years, they covered a broad range of subjects (Figure 16), which indicates the extent to which the large number of files has an impact on fisheries and aquaculture.

The number of recommendations varied considerably between ACs. Recommendations were evenly spread across the different ACs although most were received from the Market Advisory Council (MAC) and the North-Western Waters Advisory Council (NWWAC) and only one from the Black Sea Advisory Council (BISAC), which mainly sent recommendations to Member States and not to the Commission. As in previous years, joint recommendations were also submitted to the Commission by the Member States who consulted the ACs.

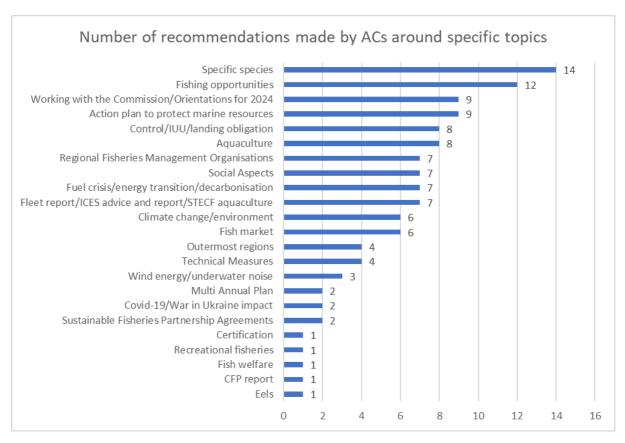


Figure 16: Number of recommendations received by the Commission on specific topics

As described below, these recommendations were essential in shaping policy. The Commission took the recommendations on board to a great extent.

1) Recommendations on the Mediterranean and Black Seas

In 2023, the Commission received advice from the **Mediterranean Advisory Council** (MEDAC) on topics such as fishing opportunities, implementation of the EU Western Mediterranean multiannual plan, implementation of GFCM multiannual plans, implementation of the landing obligation in the Mediterranean Sea and contributions to EU proposals to the GFCM.

In the EU proposals for GFCM recommendations, the Commission incorporated parts of all MEDAC advice on new multiannual plans, new fisheries restricted areas in the Mediterranean Sea, and measures on red coral and non-indigenous species. The Commission promoted in all the GFCM proposals the need for a regional level-playing field, as requested by MEDAC.

In preparing the annual fishing opportunities proposal for the Mediterranean and Black Seas, the Commission took into account parts of MEDAC advice, including implementation of the compensation mechanism under the Western Mediterranean multiannual plan, notably by proposing to increase the level of compensation and include additional technical criteria.

The Commission also received advice from the **Black Sea Advisory Council** (BISAC) on topics such as the decarbonisation of fishing activities in the Black Sea, challenges in research and innovation in aquaculture, non-indigenous species, recreational fisheries, maritime special planning and the certification of fish and fisheries products. The Commission incorporated parts of these recommendations into the proposals for GFCM recommendations, most notably on decarbonisation, recreational fisheries and non-indigenous species.

2) North-East Atlantic and North Sea – shared fish stock management

In 2021, the North-Western Waters Advisory Council (NWWAC), the North Sea Advisory Council (NSAC) and the Pelagic Advisory Council (PELAC) decided to set up an inter-AC forum to deal with the consequences of the UK's withdrawal from the EU. The Commission met with this forum's members on six occasions in 2022 to discuss all the agenda items of the Specialised Committee on Fisheries (SCF) under the EU-UK Trade and Cooperation Agreement and debrief on annual consultation outcomes. For the SCF in particular, this has helped prepare stakeholder involvement on a number of important files to be discussed with the UK.

In addition, the joint advice of the NWWAC and the NSAC on skate and ray management was followed up by the Commission's regular attendance at focus group meetings to prepare the terms of reference for the STECF EWG in 2022 and work with the UK in the SCF. A dedicated NWWAC/NSAC stakeholder workshop was organised on the future management of skate and ray in Brussels on 9 February 2023. This has helped steer the scientific and management debate, in particular on the issue of how to manage group skate and ray TACs and assess possible alternatives. This has been a major and sensitive topic in the last three rounds of annual EU-UK consultations, and stakeholder input to the process has been of great value.

NWWAC advice on the seabass tool was followed up with specific discussions between the Commission and the focus group on how to improve the current tool. This helped inform the EU position when drafting joint terms of reference for ICES, agreed by the EU-UK SCF.

Other NWWAC advice provided feedback on technical measures for Celtic Sea cod. This feedback is being taken into consideration in the ongoing discussions with the UK aimed at introducing co-agreed measures. The Commission will continue to engage with the NWWAC on this topic.

The PELAC proposal for a rebuilding plan for western horse mackerel was taken into consideration during the annual consultation with the UK for 2023. It was instrumental in setting up fishing opportunities for this species for 2023.

The NWWAC gave advice on the draft joint recommendation for the delegated regulation specifying the details for implementing the landing obligation and advice on choke situations after exemptions. This advice was important and helped ascertain the main priorities of and concerns raised by Member State stakeholders about the extensive list of proposed *de minimis* and high survivability exemptions. In some cases, the information is helpful in subsequent stages of this process, in particular during interaction and technical meetings with the STECF experts responsible for evaluating the exemptions in the joint recommendation. On choke risks, the advice included a comprehensive list of key choke species, based on the 'choke mitigation tool', by sea basin, fishing area, species and TACs. This useful information further confirms the high degree of complexity in mixed fisheries and the importance of some *de minimis* and high survivability exemptions to help avoid choke risks in those fisheries.

The NSAC letter on the technical regulation for Norwegian waters pointed out the failure to consult and notify the EU before the announcement and entry into force of the beam trawl ban in those waters. The NSAC regretted that stakeholders affected by the measure had not had the chance to suggest alternatives to the ban. The Commission conveyed this position to Norway on several occasions.

3) South-Western Waters

The South-Western Waters Advisory Council issued advice on the limitation of variations in fishing opportunities for certain stocks over the years. The stocks concerned were shared stocks managed by the EU.

4) Baltic Sea

The Commission proposal on fishing opportunities for 2023 took into account the part of the Baltic Sea Advisory Council (BSAC) recommendation on Riga herring and Gulf of Finland salmon. The BSAC also adopted a white paper entitled *Implementation and revision of the CFP with a Baltic perspective*, and a recommendation on how to implement the ICES advice on eels.

There was also a good example of AC and Member State cooperation when a dialogue between the BSAC and BaltFish (a Member State Regional Group for the Baltic) was established as part of the discussions on a joint recommendation on conservation measures for some areas in German waters. Germany, which led the joint recommendation, participated in several meetings with industry members of the BSAC, which disagreed with the envisaged measures arguing they were unnecessary. BaltFish and Member States took the time to respond to the BSAC comments and described the management measures in detail. The BSAC also commented on the draft joint recommendations from BaltFish for high survivability exemptions to the landing obligation for plaice and salmon.

5) Aquaculture

The Aquaculture Advisory Council (AAC) submitted 14 recommendations on aquaculture in 2023. In doing so, the AAC continued to support implementation of the Strategic guidelines for aquaculture, in particular in relation to work related to environmental performance, climate change adaptation and mitigation, decarbonisation and good husbandry practices. In addition, the AAC proposed to set up a system for regularly monitoring the progress and impact of the Strategic guidelines and Member State Multiannual National Strategic Plans for Aquaculture. Based on this proposal and discussions with the AAC and Member States, DG MARE plans to launch a yearly survey for this purpose. The AAC also provided valuable input on the development of the EU-wide communication campaign on aquaculture, currently being developed by DG MARE.

6) Market

In 2023, the MAC sent recommendations on a number of topics related to market policy, market intelligence, consumption patterns, and the sustainability of fishery and aquaculture products on the EU market. The recommendations covered studies suggested for inclusion in the work programme of the European Union Market Observatory for Fisheries and Aquaculture Products, and disturbances on the market for fishery and aquaculture products due to Russia's full-scale invasion of Ukraine.

7) Communication on the functioning of the CFP

Seven recommendations were received on the annual communication and orientations for 2024 and the fisheries and oceans package⁴².

8) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. EU action plan: protecting and restoring marine ecosystems for sustainable and resilient fisheries

Nine recommendations were received on the marine action plan⁴³. Recommendations covered the Mediterranean Sea, the Baltic Sea and the North-East Atlantic.

9) Energy transition of the EU fisheries and aquaculture sector⁴⁴

In 2023, the Commission discussed the energy transition with ACs. The Commission received several recommendations on energy transition from a number of ACs. The Commission launched the Energy Transition Partnership for EU fisheries and aquaculture on 16 June 2023 and looks forward to continuing this work.

10) Maritime spatial planning and the Marine Strategy Framework Directive

In 2023, BISAC and BSAC made three recommendations on the impact of offshore renewable energy on fisheries.

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⁴² Communication from the Commission to the European Parliament and the Council, *The common fisheries policy today and tomorrow: a Fisheries and Oceans Pact towards sustainable, science-based, innovative and inclusive fisheries management,* (COM/2023/103 final).

⁴³ COM(2023) 102 final.

⁴⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *On the Energy Transition of the EU Fisheries and Aquaculture sector* (COM(2023) 100 final).

5.2 Conclusion

As reported in previous years, the ACs are the Commission stakeholders' forum and a vital part of policymaking under the CFP. Their recommendations are of the utmost importance to the Commission as they enable EU and national policymakers to draw on local knowledge and experience. They also build collaboration and trust between all those involved.

Advice by ACs is an important input to policymaking and the development and implementation of measures, even though not every recommendation leads to a change in legislation. Conservation measures need to be adopted taking into account the available scientific, technical and economic advice. This advice includes reports drawn up by the STECF and other scientific advisory bodies, recommendations from advisory councils and joint recommendations from Member States under Article 18 of the CFP Regulation. Some recommendations may have already been addressed through EU legislation or initiatives; others may have been considered but are not yet visible in legislation.

AC recommendations may lead to different outcomes, such as contributing to research and policy documents or to scientific advisory bodies' terms of reference. They may also trigger the launch of a study on a specific issue. Above all, AC meetings and recommendations make it possible to discuss and get a better understanding of the issues at stake and involve stakeholders in policymaking. Dialogue with stakeholders is enshrined in the CFP Regulation, as part of the principles of good governance under Article 3. It has proven to be essential to achieving the objectives of the CFP. Considering the diverse nature of EU waters and the increased regionalisation of the CFP, ACs enable the CFP to draw on the knowledge and experience of all stakeholders. Involving stakeholders, in particular ACs, at all stages – from conception to implementation of the measures – is provided for as a guideline for the CFP under Article 3.

6. International ocean governance

The EU has committed to taking an even more active role in international ocean governance and in implementing the UN 2030 Agenda and its Sustainable Development Goal (SDG) 14 'life below water' by:

- 1. strengthening international ocean governance framework at **global**, **regional** and **bilateral** levels:
- 2. making ocean **sustainability** a reality by 2030 by taking a coordinated and complementary approach to common challenges and cumulative impacts;
- 3. making the ocean a **safe** and **secure** space as competition in international waters and challenges to the rules-based multilateral order are growing;

4. building up international ocean **knowledge** for evidence-based decision-making that results in action to protect and sustainably manage the ocean.

In 2022, a Joint Communication on international ocean governance was published, focusing on safe, secure, clean and sustainably managed oceans. The Communication on international ocean governance⁴⁵ focuses on safe, secure, clean and sustainably managed oceans. It contributes to the EU's implementation of the UN 2030 Agenda for Sustainable Development, in particular SDG 14 'life below water'⁴⁶ and delivers on the blue part of the European Green Deal⁴⁷, demonstrating the EU's strong engagement on oceans.

As the CFP is an exclusive competence of the EU, the Commission represents the EU in international negotiations on issues falling under the CFP at multilateral, regional and bilateral levels.

The EU made it a priority to adopt the agreement on the biodiversity of areas beyond national jurisdiction⁴⁸. The agreement now needs to be implemented and ratified. EU ratification is currently underway. Once in force, the agreement will allow for marine protected areas to be designated, help set global guidelines and standards for conducting environmental impact assessments and encourage mutual support between different international frameworks and bodies with ocean-related competence.

The World Trade Organisation (WTO) negotiations on fisheries subsidies also reached a successful outcome in March 2024 with strong disciplines prohibiting subsidies, in particular on IUU fishing but also regarding high seas and overfished stocks. The EU played a prominent role in these WTO negotiations to prohibit harmful fisheries subsidies. Negotiations are due to resume on additional disciplines on overfishing and overcapacity as well as specific rules for the poorest nations, and the EU intends to continue playing a leading role.

In addition, the Commission actively contributed, on behalf of the EU, to the successful development and endorsement of the Food and Agriculture Organisation (FAO) Voluntary Guidelines on Transhipment. Transhipment operations, if insufficiently regulated, monitored and controlled, can increase the risk of fish stemming from IUU fishing entering the food supply chain, thus undermining sustainable and responsible fisheries. The guidelines aim to support conservation and management measures and improve implementation of international

⁴⁷ https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal en

⁴⁵ Joint Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Setting the course for a sustainable blue planet - Joint Communication on the EU's International Ocean Governance agenda*, (JOIN(2022) 28 final).

⁴⁶ https://www.un.org/sustainabledevelopment/oceans/

⁴⁸ United Nations Conventions on the Law of the Sea implementing agreement on biodiversity beyond national jurisdiction.

instruments to combat IUU fishing, such as the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing. The EU has also been encouraging the creation of an intergovernmental science-policy interface for ocean sustainability, aimed at establishing an Intergovernmental Panel for Ocean Sustainability. It obtained the inclusion of the ocean in the Global Stocktake at the UNFCC COP 28.

At regional level, the Commission always takes advantage of its participation in relevant organisations to promote the EU biodiversity strategy and the objectives and principles of the CFP. The Commission's messages focus on the sustainability of stocks, the promotion of science and science-based management decisions, the eradication of IUU fishing and the creation of a level-playing field.

In practical terms, the Commission's work in RFMOs in 2023 has led to the adoption of comprehensive management measures for both North and South Atlantic blue shark in the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the approval of provisions on non-entangling and biodegradable fish aggregating devices (FADs) in the Inter-American Tropical Tuna Commission. This is the very first time an RFMO has adopted a binding measure to gradually introduce fully biodegradable FADs

The EU continued to promote a culture of compliance within RFMOs, tabling proposals to improve monitoring and control, and to combat IUU fishing, and taking an active role in the compliance committees of RFMOs. This led to the adoption in 2023 of EU proposals to establish a vessel monitoring system and to tighten transhipment procedures under the Southern Indian Ocean Fisheries Agreement, and on electronic monitoring within the Indian Ocean Tuna Commission and ICCAT.

In line with the EU biodiversity strategy and implementation of the **Convention on Biological Diversity** (CBD), the North-East Atlantic Fisheries Commission agreed to report to the CBD the vulnerable marine ecosystems areas of the North-East Atlantic which were closed to bottom fisheries as other effective area-based conservation measures (OECMs). OECMs are geographically defined areas – other than protected areas – which are governed in ways that achieve positive and sustained long-term outcomes for the conservation of biodiversity.

RFMOs are, however, multilateral international organisations where decisions are usually taken by consensus. Final outcomes very often reflect a compromise and the EU has limited leverage to obtain certain outcomes. This was apparent, for example, at the Commission for the Conservation of Antarctic Marine Living Resources where the proposals from the EU and its Member States to create two new marine protected areas did not find the necessary consensus despite the efforts made. The same is also true of the Commission's continued efforts to push for the two Atlantic regional fisheries bodies to be upgraded to fully fledged RFMOs and secure

EU membership to the Bering Sea Convention. Unfortunately, no tangible progress was achieved in 2023 on either point due to a lack of consensus. Moreover, as there is seemingly no clear appetite in either of these regional fisheries bodies to upgrade their status, the Commission may reassess the weight given to this objective, also in view of other priorities.

Nevertheless, in 2023 the Commission did manage to progress with implementation of the Agreement to prevent unregulated high seas fisheries in the central Arctic Ocean. A scientific cooperation framework was adopted by the deadline set in the Agreement. The groundwork was laid to accelerate ongoing action to adopt a future measure on exploratory fisheries aimed at improving our knowledge of the region based on sound scientific research.

In 2023, progress was also made in integrating into EU law RFMO conservation and management measures and decisions.

The revision of the EU fisheries control system was successfully concluded at the end of 2023⁴⁹. The amendments to the IUU Regulation adopted as part of this revision introduced legal provisions **requiring the use** of **CATCH**, an IT system implementing the EU catch certification scheme. EU importers and Member State authorities will be required to use CATCH from 10 January 2026. CATCH is an EU-wide real-time IT system allowing all information, data and documents to be centrally managed. The aim is to **improve the effectiveness of the EU catch certification scheme** and enable **electronic submission** of catch certificates and documents accompanying the fishery products imported into the EU. This will harmonise the scheme and enhance import controls.

The amendments to the IUU Regulation also made changes to the content of the catch certificate and accompanying documents. The aim is to **improve traceability and controls of fishery products** destined for the EU market by collecting additional information necessary to correctly identify fishery products, related fishing activities and trade flows. The requirement to issue a processing statement was also extended to improve traceability of all consignments entering the EU.

Although the use of CATCH will be mandatory only for EU operators and Member State authorities, it will also be possible for third-country operators and authorities to create, validate, and transfer catch certificates and related documents directly within the system.

The Commission also strengthened guidance and cooperation with Member States on checks of fishery product imports imported into the EU. Moreover, the Commission continued to

⁴⁹ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L 202302842

interact with and support a number of non-EU countries⁵⁰ in achieving **fundamental reform** of their **fisheries control systems** through field visits, online meetings and IUU working groups. In addition, the EU was the principal donor to the FAO's Global Capacity Development Programme to help third countries implement the Agreement on port state measures.

The EU also provided support to Africa and the Indo-Pacific region to contribute to the development and management of sustainable fisheries. This included support to build the countries' capacity to combat IUU fishing. In particular, the EU committed: EUR 35 million to Pacific ACP states under the Pacific-European Union Marine Partnership, EUR 28 million to the Indian Ocean region under the ECOFISH programme, and EUR 16.5 million to West African nations under the Improved regional fisheries governance in western Africa project.

Sustainable fisheries partnership agreements (SFPAs) helped to provide a regulated framework for the EU long-distance fishing fleet and supported its competitiveness. They also helped to ensure the sound use of fisheries resources of third countries. In addition, SFPAS helped the Commission maintain a political dialogue on fisheries policies with those third countries, in accordance with CFP principles and commitments under other EU policies. There are 14 SFPAs in force. A new Agreement and Protocol with Madagascar and a new Protocol with Kiribati were signed and entered into provisional application in 2023. Preparatory work also started on possible upcoming negotiations. More specifically, several *ex ante* and *ex post* evaluations of SFPAs and their implementing protocols were completed (for Angola, Morocco, Cabo Verde, Guinea-Bissau and Côte d'Ivoire) or launched (for Senegal, the Cook Islands, and São Tomé and Principe).

Joint committee meetings were held with partner countries throughout the year to monitor implementation of the protocols, in particular regarding the sectoral support funds granted through the protocols. Overall, these agreements have contributed to economic activity and job creation in the EU and the partner countries. SFPAs have also been contributing positively to the development of the fisheries sectors, coastal communities and sustainable fisheries management.

A significant part of the total EU budget for SFPAs was devoted to projects funded under sectoral support, relating mostly to scientific research, control and surveillance capacity, small port infrastructure, and support to small-scale fishers. Those projects also contributed to eliminating IUU fishing and providing good framework conditions for local fishers, which leads to better food security. The financed projects included projects for supplying fishing equipment to small-scale fishers (including localisation and safety kits), improving capacity for sanitary

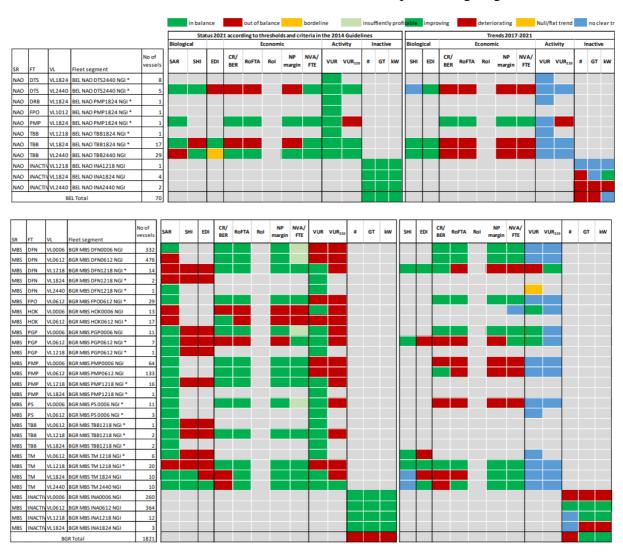
 $^{50 \}underline{https://oceans-and-fisheries.ec.europa.eu/system/files/2023-11/illegal-fishing-overview-of-existing-procedures-third-countries_en.pdf.}$

control in ports, landing facilities with storage and ice facilities, financing the acquisition of patrol boats and their maintenance, and training fisheries inspectors and observers.

The Commission will continue working to renew the SFPAs in good time to ensure the fishing activities covered by them continue and to maintain or even grow the network of SFPAs in the Atlantic, Indian and Pacific Oceans.

Annex 1 Summary of indicators calculated for each fleet segment (situation in December 2023)

The area code NAO means North Atlantic Ocean, including the North Sea, Celtic Sea and Baltic Sea. MBS means the Mediterranean and Black Seas, and OFR means other fishing regions. Gear codes are as set out in Annex XI to the Commission Implementing Regulation⁵¹.



⁵¹ Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

