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

Towards more sustainable fishing in the EU: state of play and orientations for 2022

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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

Towards more sustainable fishing in the EU: state of play and orientations for 2022

1. INTRODUCTION

This Communication reports on the progress made towards sustainable fishing in the EU and reviews the balance between fishing capacity and fishing opportunities, the sector's socio-economic performance and the landing obligation implementation.

It then presents the main orientations that will shape the Commission's proposals and consultations with third countries on fishing opportunities for 2022.

2. PROGRESS ON SUSTAINABLE FISHING

In the **north-east Atlantic**, the fishing pressure decreased and fish stocks grew in 2003-2019. To ensure healthy fish stocks for future generations, the fishing mortality indicator ratio (used to measure the fishing activity sustainability) cannot be higher than 1, i.e. we catch no more fish than the fish stocks can reproduce again each year. In the early 2000s, the median indicator of fishing mortality was more than 1.7 times larger than MSY, but this has reduced and since 2011 stabilised below 1.2, getting close to 1 in 2019.

For stocks managed only by the EU in the Atlantic, Baltic Sea and the Skagerrak/Kattegat, good progress continued with the adoption of fishing opportunities for 2021. Total allowable catches (TACs) were set at maximum sustainable yield (MSY) for all fish stocks with MSY advice, except for Western Baltic herring. Here the EU implemented very stringent measures in line with the Baltic multiannual plan (MAP)¹. For two TACs previously set at MSY (Southern hake in the North East Atlantic and salmon in the Baltic), the International Council for the Exploration of the Sea (ICES) did not provide MSY advice, so these stocks are not included in this year's analysis.

The number of TACs (12 out of 21) set by the Council in line with ICES² precautionary advice also increased greatly. And additional measures for Kattegat cod, Western Baltic herring and Eastern Baltic cod³ were taken.

¹ 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 (OJ L 191, 15.7.2016, p. 1).

² 'ICES Advice on fishing opportunities, catch, and effort', 2020.

³ Regulation (EU) 2020/1781 of the European Parliament and of the Council of 25 November 2020 amending Regulation (EU) 2016/1139 as regards fishing capacity reduction in the Baltic Sea, and Regulation (EU) No 508/2014 as regards permanent cessation of fishing activities for fleets fishing for Eastern Baltic cod, Western Baltic cod and Western Baltic herring (OJ L 400, 30.11.2020, p. 1–6).

This shows that the EU keeps its ambitions on sustainable fishing for EU-only managed stocks. We strive to achieve the same high standard for **stocks negotiated with third countries**.

For the shared stocks of mackerel and Norwegian spring-spawning herring, relevant coastal states agreed on TAC levels following MSY advice. For blue whiting coastal states followed the long-term management strategy for TAC setting. For none of these TACs fishing within the agreed TAC levels is assured as no quota sharing arrangements are in place any longer for any of the three TACs. The EU will step up efforts to address the issue in the coastal states setting. On mackerel and herring, the EU respects the former share under the latest sharing arrangements.

The EU, Norway and the UK agreed to set TACs for **North Sea** herring, plaice, whiting and saithe in line with the ICES MSY advice. For haddock, the TAC was set below ICES advice to limit the impact on cod which is depleted and taken in the same fishery. For cod, while the EU sought to follow ICES advice, in the context of the overall compromise on TAC consultations only a TAC agreement at levels (slightly) above the MSY single point advice was possible. Parties agreed to continue with additional remedial measures. TACs for the Skagerrak broadly resemble those for the North Sea, and for shrimp and whiting the EU and Norway agreed to follow the ICES advice.

The EU addressed a Note Verbale to Norway expressing its disagreement with the Arctic cod quota established by Norway which is below the traditional EU share for this stock, below the unilateral quota adopted by the EU and not mirrored for Norwegian / Russian vessels. The EU requested Norway to withdraw discriminatory provisions and expressed preparedness to take appropriate remedial countermeasures to secure its legitimate rights.

With the **UK's** departure from the EU, the number of TACs solely managed by the EU in the Atlantic, Baltic Sea and Skagerrak/Kattegat shrank drastically to only 35 TACs (10 in the Baltic, 4 in the Skagerrak/Kattegat and 21 in the Atlantic).

The Trade and Cooperation Agreement (TCA) with the UK was concluded in late 2020⁴. This did not leave enough time for concluding EU-UK consultations on fish quotas for 2021. Also, consultations between the UK, Norway and the EU and between the EU and Norway were challenging and up until the moment of adoption of this policy statement not yet concluded. Pending agreement on the shared stocks, provisional TACs, based on scientific advice, were set for the period to 31 March 2021. These were subsequently extended to 31 July 2021⁵, while the conclusions of other consultations (EU-UK-NO, EU-NO, coastal states) were fed

⁴ Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ST/5198/2021/INIT (OJ L 149, 30.4.2021, p. 10–2539).

⁵ Council Regulation (EU) 2021/703 of 26 April 2021 amending Regulations (EU) 2021/91 and (EU) 2021/92 as regards certain fishing opportunities for 2021 in Union and non-Union waters ST/701/2021/INIT (OJ L 146, 29.4.2021, P.1).

into the TAC Regulation for the whole year. For some stocks with specific circumstances (0-TAC advice, mixed fisheries and choke situations (where the available quota for a species is exhausted (long) before those for other species caught together in a mixed fishery) scientific advice was followed to the extent and in accordance with the requirements of the applicable EU legislation⁶. Other exemptions to the approach relate to the fishery seasonality, mainly for pelagic stocks. Related remedial measures required under the MAPs (e.g. for cod and whiting stocks in the Celtic Sea) were also rolled over from 2020⁷.

In the Mediterranean and Black Seas, the fishing mortality indicator ratio dropped to around 2.1. Although this is still more than twice above sustainable levels, there has been slight improvement. Vigorous conservation efforts need to continue, notably with the implementation of the western Mediterranean (West Med) MAP⁸ and the MedFish4Ever⁹ and Sofia Declarations¹⁰. The impact of management measures taken in 2019 and 2020 will appear in next year's data, as monitoring indicators cover the period to 2018.

The adoption of the stand-alone 2021 Fishing Opportunities Regulation¹¹ for these sea basins is an important step towards sustainable fisheries management. It transposes a substantial package of measures adopted in 2018 and 2019 by the General Fisheries Commission for the Mediterranean (GFCM), and continues the West Med MAP implementation.

The first 2 years' implementation of the West Med MAP saw a cumulative 17.5% reduction in fishing effort, and further work to consolidate and develop closure areas securing reduced bycatch of juveniles and spawners, ensure better gear selectivity and collect data on recreational fisheries. The Commission targets further reduction of fishing efforts in line with scientific advice to reach MSY by 1 January 2025 at the latest.

Intensive work under the GFCM, driven by the EU's consistent position in regional fisheries management organisations (RFMOs) led to the adoption of the MAP for demersal fisheries in the Adriatic¹², which involved a 12% effort reduction for otter trawlers and a 16% effort reduction for beam trawlers in the first 2 years. Management of Adriatic small pelagic stocks continued with a 15% decrease in catch over 3 years. Fleet capacity limits were introduced for demersal and small pelagic species and fishing capacity for deep-water shrimps was frozen in the Levant and Ionian Sea. Harvest limits were set for red coral and implementation of

⁶ See footnote 6

ST/7401/2021/INIT (OJ L 146, 29.4.2021, p. 1–69).

⁷ Council Regulation (EU) 2021/92 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 31, 29.1.2021, p. 31–192).

⁸ Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 (OJ L 172, 26.6.2019, p. 1–17).

⁹ Malta MEDFISH4EVER Ministerial Declaration (30 March 2017).

¹⁰ Sofia Ministerial Declaration (7 June 2019).

¹¹ Council Regulation (EU) 2021/90 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 31, 29.1.2021, p. 1–19).

¹² Recommendation GFCM/43/2019/5 on a multiannual management plan for sustainable demersal fisheries in the Adriatic Sea (geographical subareas 17 and 18).

measures for European eel continued. For Black Sea species, TACs were set for turbot under the GFCM plan and an autonomous quota was set for sprat.

In the north-east Atlantic (EU waters only), the biomass has generally increased since 2007 and in 2019 was on average around 35% higher than in 2003¹³ for fully assessed stocks. In the Mediterranean and Black Seas, biomass grew since 2015.

3. STATE OF THE EU FLEET

The number of vessels in the EU fleet continued to decrease. The EU fleet register (outermost regions excluded) listed 70 756 vessels - a reduction of 0.4%. Overall, the capacity of the EU fleet in both gross tonnage and engine power remains below fishing capacity ceilings set by the CFP Regulation¹⁴ but the capacity of some national fleets, especially in the Mediterranean and Black Seas, is very close to the ceilings. The Commission will continue to monitor this situation closely considering the observation of a small increase in both gross tonnage and engine power¹⁵. The analysis of the balance between fishing capacity and fishing opportunities shows that in all sea basins a significant number of fleet segments are still probably not in balance with the fishing opportunities. In 2018 for the entire EU fleet, of the 182 fleet segments assessed, 145 were not in balance according to one of the key biological indicators (the sustainable harvest indicator). For the segments with identified structural overcapacity, the Commission reminded Member States of their obligations to establish an action plan.

As regards **economic performance**, the COVID-19 outbreak and the resulting decline in demand and disruptions in the supply chain interrupted the positive trends seen in recent years. Estimates suggest that the economic performance of the EU fleets declined in 2020, with falls of 17% in landed value, 19% in employment and 29% in net profits compared to 2019.

The Commission provided **rapid support** to the sector through amendments to the European Maritime and Fisheries Fund (EMFF) to allow for compensations payments. 136 million in 22 Member States were planned for Covid-19 support measures under EMFF. 61% of the funds was spent on temporary cessation support, 17% on compensation to aquaculture producers and 14% on support to the processing sector. Over 8 200 operations were selected, from the diversification of a marine plant farm into producing hand sanitiser to innovative fish delivery

¹³ 2003: reference year.

¹⁴ 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, p. 22).

¹⁵ Study on engine power verification by Member States: <https://op.europa.eu/s/oQKG>

services via vending machines and online tools. A temporary State aid framework and support from the European Regional Development Fund was also made available.

Overall, the EU fleet remained profitable in 2020, reporting healthy gross and net profit margins of around 26 % and 14 % respectively or close to €1.5 billion of gross profits and €800 million of net profits. This indicates a remarkable resilience, thanks to a combination of low fuel prices and the sector's efforts in previous years to achieve MSY. This is a clear illustration of the benefit of an EU blue economy driven by sustainability. The EU fleet reached levels of relative profitability, before the pandemic, above those in other blue economy sectors such as coastal tourism.

In particular, socio-economic data suggest that the **economic performance and salaries of EU fishers tend to improve where fleets depend on stocks that are caught sustainably and tend to stagnate where stocks are overfished or overexploited.**

There are marked differences in performance across fleet categories and fishing regions. Fleet segments operating in the Atlantic and North Sea registered higher economic performance than those in the Baltic and the Mediterranean, where numerous stocks still face overfishing or overexploitation issues.

4. LANDING OBLIGATION

Control and enforcement remain challenging. First results of audits launched by the Commission in 2020 show that the Member States for which audits reports have been completed have not adopted the necessary measures to ensure control and enforcement of this obligation and show significant undocumented discarding of catches by operators. This is corroborated by other reports, including 3 compliance evaluations by European Fisheries Control Agency (EFCA)¹⁶. The Commission is weighing possible options to follow up on the audits' results.

Remote electronic monitoring tools are the most effective and cost-efficient means to monitor the landing obligation. The Commission supported the use of such modern control tools in its proposal for a revised fisheries control system¹⁷ and will continue working with the co-legislators to reach an agreement.

Catch data collection and reporting also remain key for the quality of scientific advice and thus the achievement of the MSY objective.

To guarantee a better compliance with the landing obligation in mixed fisheries, the Fishing Opportunities Regulation allows for introducing a quota-exchange pool to cover unavoidable

¹⁶ See accompanying staff working document.

¹⁷ Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control (COM/2018/368 final, 30.5.2018).

by-catches by Member States that have no quota¹⁸. Member States' regional groups managed to implement this quota-exchange mechanism successfully.

Detailed arrangements for implementing the landing obligation have to be specified either under MAPs or, in their absence, in temporary discard plans. Most of these discard plans came to the end of their 6-year duration in 2020. These provisions are gradually shifting from discard plans to specifications adopted under the MAPs. Under both frameworks, a total of **7 Delegated Regulations** specifying arrangements for implementing the landing obligation were in place in 2020¹⁹.

The Commission welcomes the Member States' increased focus on projects on improving **selective fishing techniques** to reduce and eliminate unwanted catches as far as possible. At the end of 2020, Member States selected 4 110 operations with a total EMFF funding of €147.4 million committed for the landing obligation (compared to 2 957 operations and €116.6 million last year). Similar projects were also funded under Horizon 2020. However, as noted by the Scientific, Technical and Economic Committee for Fisheries (STECF), selectivity has still not improved in certain fisheries. The uptake of more selective gears, while on the rise, remains slow and the move from trialling selective gears to adoption into legislation remains a lengthy process. Further efforts are required from Member States to reduce unwanted catches, especially through improvement of selective fishing techniques, in line with the EU biodiversity strategy for 2030²⁰. The European Maritime Fisheries and Aquaculture Fund (EMFAF) can support such investments.

5. MAIN MESSAGES AND ORIENTATIONS FOR 2022 FISHING OPPORTUNITIES PROPOSALS

5.1 Key steps towards setting the 2022 fishing opportunities

The Commission will base its proposals on ICES scientific catch advice, published in May / June and partly updated after the autumn surveys at sea. Advice for large pelagic stocks will be issued in September and STECF scientific advice for the Mediterranean / Black Seas in the fall. The Commission will cover as many stocks as possible in its initial proposals.

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

For stocks managed with international partners and fishing opportunities on which scientific advice arrives later in the year, proposals will continue to include fishing opportunities in *pro memoria*. Opportunities for stocks managed with the UK and with UK and Norway will also be presented in this way, subject to timing and outcome of those consultations.

¹⁸ Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 25, 30.1.2020, p.1).

¹⁹ See list in the accompanying staff working document.

²⁰ https://ec.europa.eu/environment/strategy/biodiversity-strategy-2030_en

However, timing and form of the advice may be affected by the COVID pandemic impact on scientific advice delivery and continuity in data submission.

The main novelty this year is that a large majority of Atlantic and North Sea stocks will no longer be decided upon by the EU exclusively, following the TCA with the UK.

Seeking high levels of alignment with international partners on fishing opportunities and related measures with high sustainability standards will be key to ensure sustainable exploitation of resources and pursue a level playing field for the EU industry given the strong interlinkages between fleets in the waters concerned.

The TCA provides a strong basis for fish stocks sustainable management. The EU will seek to realise that ambition in consultations on fishing opportunities and through the Specialised Committee on Fisheries established under the TCA. The TCA implementation will be guided by the EU positions in the Specialised Committee, among others in developing by 1 July 2021 the guidelines to be followed when setting provisional TACs for ‘special stocks’, i.e. stocks for which ICES advises a zero TAC; stocks caught in a mixed fishery if that stock or another stock in the same fishery is vulnerable; or other stocks which the Parties consider require special treatment.

Consultations with the UK and Norway will take place between September and November, aiming for a timely conclusion ahead of the December Council where the Commission hopes to include the results into the 2022 TAC Regulation. Should no agreement with the UK be reached by 20 December 2021, the TCA provides for each Party to set provisional TACs applying from 1 January at the level advised by ICES, with TACs for special stocks set in accordance with the guidelines to be adopted by the Specialised Committee on Fisheries by 1 July 2021.

The Commission aims to adopt 4 proposals for fishing opportunities in 2022, for discussion in separate Council meetings as detailed in the work schedule at the end of this Communication.

5.2 Objectives of 2022 fishing opportunities

For stocks in the **Baltic Sea, Skagerrak/Kattegat and south-western waters** where management remains an exclusive EU decision²¹, the Commission proposal will aim at further maintaining/reducing fishing mortality in line with MSY for MSY-assessed stocks and to fully implement management plans that set MSY ranges of mortality.

The Commission will propose to use either the MSY point value or the MSY range indicated by ICES provided that corresponding MAPs offer this degree of flexibility²². The upper range of MSY values can be used to propose TACs for healthy stocks, on the condition that scientific advice deems it necessary to achieve the MAP objectives for mixed fisheries²³. Another aim will be to rebuild targets stocks for which ICES recommends no catches, with

²¹ In the Baltic, consultations with the Russian Federation have been conclusive on the quota sharing for the stocks concerned, and the EU decided to take decisions unilaterally for a long period of years.

²² ICES is requested to give advice making it possible to assess need for and possibility of using this flexibility.

²³ To avoid serious harm to a stock caused by intra- or inter-species stock dynamics or to limit wide fluctuations between years.

remedial measures under the MAPs. Further attention will be devoted to getting full MSY scientific evaluation for these stocks as soon as possible.

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

For the **Mediterranean and Black Seas**, the proposal for the Fishing Opportunities Regulation will aim at further implementing the West Med MAP, including further reductions to achieve MSY by January 2025 at the latest. It will cover GFCM measures extending those already in force²⁴ and include additional measures adopted at the 44th GFCM annual session. The Adriatic will feature prominently in the 2022 fishing opportunities.

For shared resources and stocks also exploited by third countries, the Commission will engage with those third countries on behalf of the EU to ensure ambitious sustainable fish quotas under relevant international instruments (TCA, EU-Norway Agreement of 1980²⁵, future EU-UK-Norway Agreement²⁶, UNCLOS).

For stocks managed by **RFMOs**, the Commission will propose fishing opportunities based on RFMOs' decisions. Main objectives of the EU participation in RFMOs are to promote fish stocks' conservation and sustainable management, science-based decisions and strengthen RFMO's performance.

Overall, while the poor status of some stocks is also the result of other factors that must be addressed like climate change and pollution, fishing pressure still needs to decrease. Together with scientists, the Commission will further speed up work on the ecosystem effects of fishing, to feed those factors into fisheries management.

6. CONCLUSION

Fisheries in the EU grow in sustainability. Healthy stocks further contribute to the sector's socio-economic performance, which stayed profitable despite the COVID-19 outbreak impacts.

However, EU fisheries resources need further protection. This is key both to increase food systems sustainability and to ensure a sustainable revenues source for EU fishers. Despite improvements in all sea basins, more efforts are needed, especially in the Mediterranean and Black Sea with exploitation rates twice as high as sustainable levels. The Commission will also propose by end 2021 an Action Plan to conserve fisheries resources and protect marine ecosystems.

²⁴ Council Regulation (EU) 2021/90 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 31, 29.1.2021, p. 1-19).

²⁵ The EU and Norway engaged in preliminary talks on a new fisheries agreement, based on the COUNCIL DECISION of 26 February 2021 authorising the opening of negotiations with the Kingdom of Norway for a new Agreement on fisheries between the European Union and the Kingdom of Norway (not published).

²⁶ Based on the Council Decision of 25 January 2021 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland and with the Kingdom of Norway for a fisheries agreement (not published)

With the departure of the UK from the EU, a large majority of fishing opportunities in the Atlantic and North Sea have become a joint responsibility of the EU with the UK, Norway and coastal states. This will involve significant changes this year in the process for setting fishing opportunities, with international consultations becoming the standard for a large number of TACs. Building on the sustainability ambitions enshrined in the TCA, the Commission will seek to continue managing sustainably shared resources and will continue working to minimise differences in management regimes that would affect fishing opportunities and fleets' operations.

The Commission will also further pursue efforts to contribute to ambitious sustainability targets in RFMO decision-making.

We invite Member States, Advisory Councils, stakeholders and the public to provide feedback on this Communication by 31 August 2021.

PLANNED WORK SCHEDULE

When	What
May/June/October	ICES stock advice
June- August	Public consultation
1 July	Deadline in the TCA for the Specialised Committee on Fisheries under the EU-UK TCA to agree guidelines for ‘special stocks’
August	Commission adopts the fishing opportunities (FO) proposal for the Baltic Sea
September	Commission adopts the FO proposal for Mediterranean / Black Seas
October	STECF stock assessment / effort advice Council meeting: FO for Baltic Sea Commission adopts the FO proposal for Atlantic/North Sea
September - December	Annual consultations on FO with UK, with UK and NO, with NO
November	GFCM annual session
December	Council meeting: FO for Atlantic/North Sea and for Mediterranean/Black Seas