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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

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

1. INTRODUCTION

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

Article 349 of the Treaty on the Functioning of the European Union (TFEU) recognises the "structural social and economic situation" of these outermost regions, "compounded by their remoteness, insularity, small size, difficult topography and climate, economic dependence on a few products, the permanence and combination of which severely restrain their development". It provides for the adoption of specific measures in Union legislation and policies to help them address these challenges, including "fisheries policies".

In 2022, the Commission adopted a communication for the Union's outermost regions ([1]), setting out a new strategy for these regions, reaffirming the Commission's commitment to reflecting their specific characteristics in proposals for Union legislation and policies, including in the field of the Common Fisheries Policy (CFP).

By comparison with the Union fishing fleet as a whole, the number of vessels in the fishing fleet of the outermost regions is small, predominantly artisanal and family-owned therefore characterized by heterogenous fishing strategies, energy intensive, and operating in particularly challenging oceanic and meteorological conditions, strongly affecting the average vessel use. These fleets are composed largely of vessels under 12 metres in length with low engine power, limited range, and higher operating costs due to remoteness, dependence on imported fuel and equipment. Moreover, they have more limited access to private funding and restricted infrastructure, affecting the overall profitability of those fisheries and therefore forcing fishermen into multi-activity to offset the lack of income, in turn affecting the vessel use rate. They operate on narrow coastal shelves, often in competition with migratory species or neighbouring fleets, and within socio-economically vulnerable contexts where fisheries play a key role in local employment, food), and community stability. In addition, the fish stocks targeted in the outermost regions are more diverse and multispecies in nature than those targeted by the fishing fleet of the rest of the Union.

Given these particular structural and ecological features conventional EU stock assessment methodologies, which have been designed mainly for single-species and data-rich fisheries, as well as vessel use assessment methodologies, which have been designed for fisheries less exposed to extreme weather events and profitable and funded enough to allow fishermen to rely solely on their fishing activity, may require adaptation to adequately reflect the realities of the outermost regions. Methodological adaptations also need to take into account the fact that the situation is compounded in many cases by the nature of the fishing vessels, which are among the oldest and smallest in the Union and which are less equipped to diversify their target fish stocks, spread more widely and evenly across fishing grounds in order to avoid

([1]) COM(2022) 198 final

overconcentration of fishing operations close to the coastline, as well as to collect and transmit data on their fishing activities.

Data on these fisheries are comparatively limited, and fewer stock assessments are conducted, which hampers Member States' capacity to report on the balance between fleet capacity and fishing opportunities in accordance with the Guidelines for the analysis of the balance between fishing capacity and fishing opportunities adopted by the Commission under Article 22(2) of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy (([2])) (hereinafter 'COM (2014) 545 final'). Furthermore, to capture better the diverse nature of the fishing activities by the outermost regions' fleets, an increased level of fleet sub-segmentation may be required, beyond what is set out in the Data Collection Framework (DCF) ([3]).

This Communication takes into account the above-mentioned factors that differ significantly from those in the rest of the Union and, in line with the priorities set out in the 2022 Communication on outermost regions ([4]), it establishes specific guidelines for assessing fleet segment balance for vessels of less than 12 metres in length in the outermost regions. It adapts certain elements of COM(2014) 545 final to the structural social and economic situation and compounding factors of the outermost regions in line with art 349 TFEU, and replaces COM (2024) 223 final, under the conditions laid down by Section 3 of this Communication.

In view of the expiry of COM (2024) 223 final, and following the commitment outlined in the European Ocean Pact ([5]), the Commission invited Member States with fleets in outermost regions to submit scientific evidence for amending the guidelines, and consulted its scientific body, the Scientific, Technical, and Economic Committee for Fisheries (STECF) ([6]).

This Communication provides alternative methods (compared to what is set out in COM (2014) 545 final) which the Member States concerned may apply for the preparation of certain indicators for fleet segments consisting of vessels of less than 12 meters in length in the outermost regions. These alternative methods are based on an elaboration of COM (2014) 545 final and COM (2024) 223 final and take into account (1) additional scientific analysis and recommendations provided by the STECF in relation to Member States' annual fleet reports, and (2) information specific to the outermost regions, as provided by the Member States concerned ([7]).

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

([2]) COM (2014) 545 final

([3]) Council Regulation (EC) No 199/2008 of 25 February 2008, concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy, OJ L 60, 5.3.2008.

([4]) COM(2022) 198 final

([5]) COM(2025) 281 final

([6]) STECF 25-18 and STECF PLEN 25-02

([7]) In particular STECF PLEN 25-02

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

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

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

The Member States may prepare their fleet report on the basis of any of the alternative methods set out in this Communication for the fleet segments concerned, only if they justify the need to do so in the light of the specific situation of the fleet segment concerned and the particular constraints that segment is under, due to its location in an outermost region. The explanations should be provided in annex to the fleet report.

According to COM (2014) 545 final, where the indicators suggest a situation of imbalance for one of the fleet segments concerned, but a Member State considers that nevertheless the fleet segment in question is in balance with resources (or *vice versa*), the Member State is expected to provide supporting analysis allowing the Commission and the STECF to fully understand and take into account the reasons justifying its position when concluding on the balance. This should apply both when the indicators are prepared in accordance with the methods set out in COM (2014) 545 final and when they are prepared using the alternative methods set out in this Communication.

2.1. Data parameters and fleet segmentation

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

In line with the advice of the STECF, for vessels of less than 12 metres in length in the outermost regions, indicator calculation may be further disaggregated by sub-segmentation at the most appropriate level ([8]). In principle, sub-segmentation will help to ensure that the indicator values for sub-segments are more representative than at a more aggregated segmentation. In cases in which a sub-segmentation is provided, this should be in addition to the DCF, not instead of it. Furthermore, all supporting data for the calculations in the fleet report should also be provided in annex to the fleet report according to the same, uniform sub-segmentation.

2.2. Biological indicators

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

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

2.2.1. Sustainable harvest indicator

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

- F and Fmsy values may be derived, in order of priority, from: (a) national assessments subjected to peer review, where the peer reviews are either publicly accessible or are provided as an annex to the fleet report; (b) national assessments not (yet) subjected to peer review, where the national assessments are provided as an annex to the fleet report, for peer review. The stock assessments should be based on the most recently available data reflecting the current status of the fish stocks. Considering that annual data is not always available on every stock, Member States should ensure that the stock assessments included are based on the most recently available data and are not older than three years prior to the reference year. However, the exact timeline may vary depending on the life history of the stocks, meaning that for some species with longer life cycles, slightly older assessments up to five years old may still be relevant; the SHI indicator may be presented together with the actual coverage percentage and the number of stocks used to compute the value;
- estimates of F and Fmsy from one or more representative target species in the fishery can be used; in this context, assessments based on the productivity of species groupings may also be presented and used.

Regardless of the simplification applied by the Member State, it is imperative that all necessary data be provided in annex to the fleet report to ensure full transparency and allow for further scrutiny by the STECF.

2.2.2. Stocks at risk indicator

In line with COM (2014) 545 final Member States are requested to count the number of stocks currently assessed as being at high biological risk that "are exploited" by the fleet segment in question. COM (2014) 545 final also clarifies that, in this context, "exploited by" means that the stock(s) at high risk each make up more than 10% of the catches of the fleet or that the fleet takes more than 10% of the catches of the stock.

Based on the advice of the STECF and taking into account the special situation of fleet segments consisting of vessels of less than 12 meters in length in the outermost regions, COM (2024) 223 final enabled Member States to use, on a temporary basis, an alternative threshold value to define whether stock(s) at high risk are "exploited by" the fleet segments in question ([9]). Following the expiry of COM (2024) 223 final, that alternative threshold should be adjusted to better reflect the idiosyncratic features of these fleet segments described in section 1 of this document and capture their impact on the stocks concerned.

Therefore, Member States may consider, for fleet segments consisting of vessels of less than 12 metres in length in the outermost regions, that a stock at high risk is "exploited by" a fleet segment if each stock makes up more than 20% of the catches of the fleet segment, and if the fleet segment takes more than 10% of the catches of the stock. Member States should submit detailed data and explanations of the calculations applied as well as the scientific reasons for the

([9]) STECF PLEIN 24-01

application of this alternative threshold value in an annex to the fleet report for further scrutiny by the STECF.

For shared stocks with third countries notably those managed by Regional Fisheries Management Organisations (RFMOs), Member States and the STECF will use international catch data for the calculation of the stock at risk (SAR) indicator, where available. For shared stocks where such international data is not available, the EU catches, complemented by any relevant information and data, will be applied to the SAR calculation. Stocks for which, according to the relevant RFMO, the status is not overfished or not subject to overfishing will not be classified as "stock at risk".

2.3. Vessel utilisation indicator

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

Recognising the unique characteristics of the outermost regions' fleets, including their variability in fishing activity levels, Member States should continue to have the possibility to calculate an alternative version of this indicator, including, if duly justified, adapted at the segment level, that is based on theoretical, rather than actual, maximum activity level and taken into account in the balance assessment. This value should be determined by each Member State using an expert judgement and available information, taking into account natural, technical and social conditions, relevant to the particular situation of the fleet in the outermost regions. This possibility is afforded to the Member States because the observed maximum number of days at sea within a fleet segment for each reference year could be limited by external factors, so this number may not reflect the true technical capacity of this fleet. Examples of external factors can be economic, environmental and social, as defined under section 12.2 of COM (2014) 545 final. As observed in Section 1, fleet segments consisting of vessels of less than 12 metres in length in the outermost regions are particularly exposed to such external factors.

Where Member States can justify the use of this version of the indicator as set out in section 12.2 of COM (2014) 545 final, this may be reflected in the choice of indicator VUR*nn*. The grounds for the choice of *nn* should be provided along with all data required for the calculations in an annex to the fleet report. To enable the identification of VUR trends, Member States applying a VUR*nn* version of the technical indicator are encouraged to maintain the same threshold across multiple years, which will help reduce the influence of extreme values. In any case, when setting or adjusting their *nn* threshold, Member States must provide a clear justification for the decision.

In order to address accuracy issues resulting from an overly small reference sample, the balance assessment of segments consisting of fewer than ten vessels shall be based on the version of the indicator that yields the highest value, considering the minimum reference value of 0.7 set out in section 12.3 of COM(2014) 545 final.

2.4. Additional indicators

For fleet segments consisting of vessels of less than 12 metres in length in the outermost regions, the Number of Overexploited Stocks (NOS) indicator and the Economic Dependency Indicator

(EDI) may be provided as additional biological indicators and calculated according to STECF advice ([10]).

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

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

3. FINAL CONSIDERATIONS

These guidelines shall apply for the preparation and the assessment of the national reports to be submitted by the Member States by May 2026 in accordance with Article 22(2) of 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. However, they shall also apply to the assessment of the national reports submitted by the Member States by May 2025 if those reports already contain assessments or information that allow for a more favourable balance assessment of the respective fleet segment than under the COM (2014) 545 as supplemented by COM (2024) 223 final. The Commission will continue to work with STECF, in particular the STECF Expert Working Group on the outermost regions, to address the issues specific to the outermost regions.

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