COUNCIL OF THE EUROPEAN UNION

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INTRODUCTORY NOTE

from:	General Secretariat of the Council
to:	Coreper (Part 1) / Council
No. Cion prop.:	9888/10 PECHE 109 - COM(2010) 241 final
Subject:	Communication from the Commission – Consultation on Fishing Opportunities for 2011

I. INTRODUCTION

1. The Communication from the Commission on Fishing Opportunities for 2011 was submitted to Council on 18 May 2010. The Working Party on Internal Fisheries Policy discussed this Communication at its meeting on 27 May 2010.

II. MAIN POINTS OF THE PROPOSAL

2. This Communication sets out the general approach to be taken by the Commission in formulating its proposals for fishing opportunities in 2011. It outlines the state of the stocks, the need to reduce capacity, the Commission's continued commitment to long-term plans and possible new rules governing TAC setting for categories 6 to 9 (see Annex II).

More importantly, the Communication also includes, for stocks for which no long-term plans have yet been proposed, the urgent need, in order to meet the 2015 target agreed in Johannesburg, to move towards maximum sustainable yield levels (MSY) by reducing fishing mortality in equal steps from 2011 until 2014. In order to reach the MSY target, the limit on TAC changes will be increased from 15% to 25%.

3. Scientific advice concerning most stocks will be available from STECF in July and Commission proposals are scheduled for September as regards the Baltic Sea and the deep-sea species and for October as regards all other areas.

4. Proposed "Rules for TACs" are outlined in Annex I.

III. TOPICS FOR DISCUSSION

5. The Presidency considers it important at this juncture to have an exchange of views at Council on this Communication.

ANNEX I

Rules for TACs

Category	Scientific advice	Action to take in setting TAC
1	Stock exploited at the maximum sustainable yield rate.	Aim to set the TAC to the forecast catch corresponding to the fishing mortality that will deliver the highest yield in the long term, but do not change the TAC by more than 25%.
2	Stock overexploited compared to maximum sustainable yield but inside safe biological limits.	Aim to set the TAC to the higher value of (a) to the forecast catch corresponding to taking the highest yield in the long term[1], or (b) **the catch corresponding to reducing the fishing mortality rate by one-quarter of the difference between the current fishing mortality and the rate that would provide the highest yield in the long term,** but do not change the TAC by more than **25%**.
3	Stock outside safe biological limits	**Aim to set the TAC to the highest value of (a) the forecast catch corresponding to taking the highest yield in the long term, or (b) the catch corresponding to reducing the fishing mortality rate by the larger value of** **(i) 30%** **(ii) one quarter of the difference between the current fishing mortality and the rate that would provide the highest yield in the long term** **but do not reduce the TAC by more than 30% as long as fishing mortality will not increase.**
4	Stock is subject to long-term plan and scientists advise on the catch that corresponds to the plan.	The TAC must be set following the relevant plan. **This category overrides other categories.**

[1] As measured by the fishing mortality corresponding to a marginal yield of 10% of the marginal yield at fishing mortality close to zero ($F_{0.1}$).

5	Stock is short-lived and a one-year forecast cannot be provided.	A provisional TAC is set and will be changed when new information is available during the year.
6*	State of the stock not known precisely and STECF advises on an appropriate catch level.	Aim to set the TAC according to STECF advice **but** do not change the TAC by more than 15%.
7*	State of the stock not known precisely and STECF advises to reduce fishing effort.	The TAC should be reduced by up to 15% and STECF should be asked to advise on the appropriate level of effort.
8*	State of the stock not known precisely and STECF advises the stock is increasing.	The TAC should be increased by up to 15%. No increase in fishing effort [§].
9*	State of the stock not known precisely and STECF advises the stock is decreasing.	The TAC should be decreased by up to 15%. Decrease fishing effort [§].
10	STECF advises a zero catch, a reduction to the lowest possible level or similar advice.	The TAC should be reduced by at least 25%. Recovery measures should be implemented including effort reductions and introduction of more selective fishing gear.
11	There is no STECF advice, or the state of the stock is not known precisely and STECF does not advise on whether the stock is increasing or decreasing.	TACs should be adjusted towards recent real catch levels but should not be changed by more than 15% per year **or** Member States should develop an implementation plan to provide advice within a short time. No increase in fishing effort [§].

* This rule may be subject to changes. The Commission has requested ICES to advice on possible new options as set out in Annex IV. The final rule to be applied will depend on the outcome of that advice.

[§] Where relevant.

ANNEX II

Request to ICES for categories 6 to 9

For those stocks, excluding naturally short-lived species, where it is not possible to provide an advice based on a catch forecast in relation to precautionary limits, ICES has been requested to:

I) advise on a TAC corresponding to the application of the rule below;

II) evaluate the consequences of implementing the rule below with respect to the precautionary approach and compatibility with maximum sustainable yield;

III) if necessary, advise on an alternative rule and the corresponding TACs that would improve compatibility with the precautionary approach, with maximum sustainable yield, or with improved stability of TACs. This could be provided on a case-by-case basis.

Rule:

1. Where there is evidence that a stock is overfished with respect to the fishing mortality that will deliver maximum sustainable yield (or is depleted to a low level compared with historic levels), a reduction in TAC as needed to reach F_{msy}, but no greater than 15% would apply.

2. Where there is evidence that a stock is underfished with respect to the fishing mortality that will deliver maximum sustainable yield, an increase as needed to reach F_{msy}, but no greater than 15%, would apply.

3. The considerations in paragraphs 1 and 2 override subsequent paragraphs.

4. Where abundance information either indicates no change in stock abundance, is not available or does not adequately reflect changes in stock abundance, an unchanged TAC would apply.

5. Where ICES considers that representative stock abundance information exists, the following rule applies:

a. If the average estimated abundance in the last two years exceeds the average estimated abundance in the three preceding years by 20% or more, a 15% increase in TAC applies.

b. If the average estimated abundance in the last two years is 20% or more lower than the average estimated abundance in the three preceding years, a 15% decrease in TAC applies.

Where TACs have not been restrictive, and a reduction is required according to paragraph 1 or paragraph 5.b, ICES shall advise on an appropriate level of TAC reduction necessary to achieve the intended reduction in catches. ICES shall decide on an appropriate F_{msy} proxy in each case.