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EUROPEAN COMMISSION

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COMMUNICATION FROM THE COMMISSION
concerning a consultation on Fishing Opportunities

1. INTRODUCTION

This consultation paper explains the progress achieved in the Common Fisheries Policy over the last years and sets out a way forward for the next years. The purpose is to consult on the ways in which total allowable catches (TACs) should be fixed for fisheries in European waters and for European fishers. European citizens, Member States, Regional Advisory Councils (RACs) and the Advisory Committee for Fisheries and Aquaculture (ACFA) are invited to comment.

The aim of setting levels of Total Allowable Catches (TACs) and quotas and the fishing effort levels for European fisheries for 2012 should be to phase out overfishing. Overfishing does not necessarily mean that a stock is at risk of extinction or collapse - it simply means that as much fish or even more could be caught with less fishing activity. This means taking each year a proportion of the fish in the sea that is the right size to let fish grow and reproduce at their most productive level. Under these conditions, the long-term catches from fish stocks will be at their maximum sustainable level (MSY). Fishing too hard means the fish will be caught too soon and too small and using too much fuel. The European Commission¹ and the Member States of the Union have committed themselves to reach the objective of MSY fishing, by 2015.

Fish stocks in European waters are improving. The proportion of overfished stocks in the Atlantic and nearby seas fell from 32 out of 34 stocks in 2004 to 22 out of 35 stocks in 2010, i.e. from 94% to 63%. (see Annex I for details). This progress is good news as it demonstrates that determined action makes a difference. Now stocks of sole in the Skagerrak, Kattegat, and Baltic Sea, in the western Channel, in the Celtic Sea; North Sea haddock, Rockall haddock, herring in the North Sea, the west of Scotland and the Celtic Sea, saithe in the North Sea and west of Scotland, megrims off Spain and Portugal and North Sea Nephrops are known not to be overfished. However, the state of deep-sea resources is a cause for concern.

In the Mediterranean Sea 82% of known stocks are overfished. The percentage of overfished stocks is still too high and there can be no room for complacency: more efforts are needed to phase out overfishing.

Setting TACs and quotas remains an essential conservation tool. Recent analysis indicates that there is no evidence that significant reductions in the overcapacity of the EU fleet have been made².

The move to MSY should bring significant benefits, and will mean a change from fishing intensively on scarce resources to fishing lightly on larger stocks. The same

¹ Implementing sustainability in EU fisheries through maximum sustainable yield. Communication from the Commission to the Council and the European Parliament. COM (2006) 360 final.

² Report on Member States' efforts during 2009 to achieve a sustainable balance between fishing capacity and fishing opportunities. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. COM(2011)

or larger quantities should be caught, but with lower impact on the environment. Impacts of fishing on sea bottoms will be less, by-catches of vulnerable organisms including porpoises, dolphins and other marine mammals will decrease, because the overall intensity of fishing will be less. Fuel costs will decrease significantly because it takes less fishing time to catch a tonne of fish from an abundant stock than from a scarce one. This will reduce carbon emissions as well as the fuel expenditure of fishing vessels.

Another important benefit is that pressures to discard will decrease. Heavily-fished stocks are mostly made up of smaller and less valuable fish which are thrown back either because of their low value on the markets or because they are legally undersized. Phasing out overfishing will be an important contributor to reducing discards. Further specific regulation concerning discards is foreseen in the context of the reform of the Common Fisheries Policy.

Phasing out overfishing will improve the state of resources and lower the impact on the environment. It will also improve the economic profitability of the catching sector. Profitability projections for certain fleet segments under long term management plans show encouraging signs of improvement in their economic performance.

2. STATE OF RESOURCES

In 2010 the International Council for the Exploration of the Sea (ICES) developed a new form of advice concerning TAC levels which will lead to MSY fishing by 2015. The Commission welcomes this new advice and intends to base its TAC proposals on it.

Current knowledge on the state of fish stocks is summarised in Annex Ia and described briefly below³.

MSY TACs have been set for Atlanto-Scandian herring, blue whiting and North Sea herring, which are well-managed now. However, the Union has been unable to secure the agreement of Iceland and the Faroe Islands to join in the management of mackerel. The total of the TACs fixed by the EU, Norway, Faroe Islands, Iceland and Russia in 2010 were 63% above the scientific advice. Although mackerel are now abundant, the rate of fishing is well outside sustainable limits and a stock decline is likely in future years if international management is not agreed.

In the North Sea, Skagerrak and Kattegat all known stocks except plaice, haddock and herring are overfished with respect to MSY. TACs exceeded scientific advice by 11% in 2011 compared with 17% in 2010 and 37% in 2009.

Many stocks in the west of Scotland, Irish Sea and Celtic Sea are still overfished and stock sizes are small. ICES has reported many problems with recording of catches and other data.. Eight stocks are so depleted that, according to scientific advice, they

³ A table of European quotas and relevant "traffic lights" can be read at http://ec.europa.eu/fisheries/documentation/publications/poster_tac2011_en.pdf. A full analysis of the state of fish stocks can be found at www.ices.dk and <https://stecf.jrc.ec.europa.eu>

should not be caught. Of 14 stocks where MSY assessments could be made, eight stocks were found to be overfished. TACs exceeded advice by 42% in 2011. Celtic Sea herring and haddock are doing well, but discards of haddock and whiting will increase if intensive fishing with 80mm nets for Nephrops continues without the use of fishing gear that will let small fish escape. The fishing industry and the Member States concerned should develop and introduce more selective fishing gear.

Few assessments are available for the stocks in the Bay of Biscay and Iberian-Atlantic Seas. Southern hake are abundant due to good recruitment of juveniles, but ICES reports that large over-quota catches were again taken in 2010, so the long-term sustainability of this stock is at risk. Nephrops in the Cantabrian Sea are still subject to an advice to stop fishing.

While no precise assessments are available, the state of many deep-stocks cause concern. Stocks of orange roughy, certain deep-sea sharks, and red sea bream in the Bay of Biscay and roundnose grenadier are depleted. Advice for most stocks is that fisheries should either be reduced or not be allowed to expand unless they are known to be sustainable. For faster-growing species such as tusk, ling, blue ling, red seabream and black scabbard, a development of fisheries towards long-term sustainable levels might be possible in the future. For 2011, no separate regulation on fishing opportunities will be proposed as the regulation adopted in 2010 covers both 2011 and 2012 .

In the Baltic Sea, 4 out of 6 known stocks are overfished. Cod in the Eastern Baltic and herring in the Bothnian Sea are well-managed.

In the Mediterranean, most (82%) of the resources are overfished and some are depleted to low levels (Annex Ib).

In the Black Sea, the situation has not changed significantly. Sprat is in a good condition based on recent strong recruitments and is fished sustainably while turbot is overfished.

3. ECONOMIC ANALYSIS

It is not yet possible to compile a full overview that includes all sectors of the EU fleet, due to incomplete datasets from some Member States. Greece and Spain did not deliver any 2008 economic data. Belgium, Bulgaria, Denmark, Greece, Ireland, Latvia, Portugal, Romania, Slovenia and Spain delivered incomplete data for the period 2002-2008. These data deficiencies seriously compromise the evaluations of the overall economic performance of the EU fishing fleet.

Annual Economic Report 2008 data show that the economic profitability of the EU catching sector is weak and has been slowly deteriorating over the last few years.

Profit before taxes was around 6%, including direct subsidies (around 3.8% excluding subsidies). The economic crisis appears to have had some negative impact on first sale prices of fish for many species as current prices are still about 10% below 2007 prices.

The two most important cost components are fuel (23% of total costs on average) and wages (around 28%). Fuel consumption varies widely, with trawlers – in particular beam trawlers – using most. High fuel prices mean that, even if many fleets adapted their fishing behaviour to save fuel, the impact of fuel prices on costs is increasing. In many fleet segments, increasing fuel costs are leading to lower crew shares and lower wages.

Around 10% to 20% of fleet segments generate negative cash flow, meaning that income was not enough to cover short-term operational costs. When capital costs are included, this indicates that 30% to 40% of the fleet segments have negative long-term profitability.

Beam trawlers are making significant losses. Demersal trawlers and seines do slightly better, moving between positive and negative profit levels depending on first sale prices of fish and fuel costs. Dredge segments performed better than other mobile gear segments. All the static gear segments are profitable.

Profitability projections for certain fleet segments under long term management plans are slightly better.

The processing sector is generally profitable. Many coastal areas, traditionally dependent on local landings, are specialising now in the processing of imported fish. Imports account now for more than 65% of total EU consumption of seafood.

4. POLICY DIRECTIONS

4.1. Absence of scientific advice

Scientific advice about overfishing is missing for about two-thirds of the TACs. In most cases this is because of missing information on catches, incomplete surveys or poor sampling, though there are cases where the underlying biological issues present difficult scientific challenges. Providing scientific data on fisheries is a responsibility of Member States, and these responsibilities in a number of cases are not met fully.

In other areas of human activity (as well as in fisheries in other parts of the world) there is an obligation to obtain adequate assessments of the intended impact of an activity before it can start. Recent practice in fisheries has fallen well short of this standard. This should be redressed. If stocks are fished in ignorance about their status with respect to overfishing, then overfishing will never be phased out.

While so little is known about many stocks⁴, more cautious TACs should be set where uncertainty is greater.

Immediate redress would cause serious disruption if fishing were to be prohibited on all stocks whose status is currently unknown. Instead, four courses of action should be proposed.

⁴ COM (2000) 1 final

- When scientific advice on overfishing is unavailable, a reduction of 25% in the TAC and/or in the fishing effort levels should be proposed, unless scientific advice indicates that a bigger reduction is necessary because of short-term risks to the stock.

- Member States should devote sufficient resources and urgently deliver the necessary information to allow the state of the stocks to be estimated.

- Scientific agencies will be tasked with supporting the resolution of these problems as a matter of urgency, bearing in mind that the knowledge base must be provided by the Member States.

- Indicators from commercial fisheries and from the scientific surveys should be developed to provide some robust rules to guide fisheries towards sustainable exploitation of resources even in data-poor situations.

4.2. Fishing effort

Fishing effort (limits on time at sea for fishing vessels) has been managed alongside TACs to reduce discards and reduce the opportunity for illegal catches. Effort management is an important conservation measure used in several long-term management plans, e.g. for cod in the North Sea and Baltic Sea, the North Sea plaice and sole, the western Channel sole and the southern hake and Norway lobster stocks (Annex II).

Total fishing effort, as measured in Annex II, concerning cod stocks west of Scotland and the North Sea has not decreased, and the effort deployed using gillnets (>60mm mesh size) and bottom longlines in the Iberian-Atlantic area has increased. This situation needs to change as the management plans for both cod and hake in these areas foresee that fishing effort and fishing mortality should decrease and not increase. Measures will be proposed to ensure that the effort deployed in bottom longline and static net fisheries for southern hake will decrease.

Effort management arrangements are complicated and need careful analysis. To that end, the Commission will ask interested parties to raise any difficulties with effort management systems by 1 September so that proper attention can be given to the subject before the end-year decisions are taken.

If problems concerning effort management systems are raised after that date, the Commission will defer a any proposal on changing the system until a thorough assessment can be carried out in the following year. Meanwhile, the effort levels will have to be adapted as required by the plans.

5. MANAGEMENT BY MULTI-ANNUAL PLANS

Several of the current management plans were developed to recover stocks from depleted conditions rather than with the objective of managing them towards good stock conditions. Therefore, plans should be revised to phase out overfishing by 2015.

Currently the following plans are under review: Western channel sole, Cod stocks, Sole and plaice stocks in the North Sea, haddock, herring, saithe in the North Sea, Southern hake and nephrops, Bay of Biscay sole.

The Commission will work on a new proposal for Northern hake if the science is consolidated, and may take a multi-species approach, as hake is taken in a mixed fishery including anglerfish.

Some plans appear to be already consistent with MSY targets:

- North Sea haddock (Accepted in bilateral consultations with Norway)
- West of Scotland herring
- North Sea herring
- Atlanto-Scandian herring (Accepted by the relevant Coastal States)
- Blue whiting (Accepted by the relevant Coastal States)

Plans concerning anchovy in the Bay of Biscay and horse mackerel are still under discussion in Parliament and in Council. Further plans concerning for example pelagic stocks in the Baltic Sea are under development.

In the Mediterranean, effort will continue on developing international long-term plans for relevant fisheries. According to the Mediterranean Regulation⁵, EU Member States should set up multiannual plans at a national level. Progress has started on this and will continue.

6. WORKING METHOD FOR PROPOSING TACs

Where long-term plans exist governing the TACs or effort levels exist, these have to be followed. This is the best approach to sustainability in the long-term. Also, where TACs and other measures have been agreed with third countries, these have to be implemented.

TACs should be set according to scientific advice based on comprehensive data and quantitative analysis and forecasts according to the "MSY framework". When such advice is available it should be directly used to fix levels of quotas or fishing effort, though a gradual implementation of this framework by 2015 could be accepted where this is compatible with the advice.

Where there is no scientific advice, or where the data available are inadequate to calculate the size of the stock and the appropriate catch, there is a need to be more careful. As set out in section 4.1, a 25% reduction in TAC should be applied and Member States should take urgent steps to identify the appropriate fishing rate.

⁵ Council Regulation (EC) No 1967/2006

7. SCHEDULE OF PROPOSALS

Timing of the individual proposals differs among the regions. TAC decisions for most EU stocks have in recent years been taken in December on the basis of proposals published in mid to late October. For the Atlantic, North Sea and other areas an earlier proposal and an earlier decision would be possible if these decisions were taken separately from the transcription of the fishing possibilities accepted in consultations with Norway and other third countries.

If such a new structure of proposals is adopted, the timetable of work could be as follows:

Fishing Opportunities Regulation	Advice Available	Commission Proposal	Possible adoption by Council
Black Sea	October	November	December
Baltic Sea	May	early September	October
Exclusive EU stocks in Atlantic, North Sea and other areas	June(*)	September	November
Shared stocks in Atlantic, North Sea, and internationally-managed stocks in the Antarctic and other areas	October(*)	November	December

(*) Initial ICES advice for many stocks in June, further elements added in July. Advice for pelagic and widely-distributed species provided in October

8. CONCLUSION

The Commission solicits the views of European citizens, European Parliament, the Member States represented at Council, the RACs, the ACFA and concerning the approach set out herein to manage for sustainability according to the Common Fisheries Policy's objectives.

ANNEX Ia –North-East Atlantic and adjacent waters

Table 1. Scientific advice about the state of the stock	Number of fish stocks									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	Average
Outside safe biological limits	30	29	26	26	26	28	27	22	19	26
Inside safe biological limits	12	10	14	11	12	13	12	15	15	13
The state of the stock is unknown due to poor data	48	53	53	57	58	55	57	60	61	56

Table 2. Scientific advice about overfishing	2003	2004	2005	2006	2007	2008	2009	2010	2011	Average
The rate of fishing on the stock is known compared to maximum sustainable yield rate ⁶			34	23	32	33	35	39	35	33
The stock is overfished			32	21	30	29	30	28	22	27
The stock is fished at the maximum sustainable yield rate			2	2	2	4	5	11	13	6

Table 3. "Emergency" scientific advice	Number of fish stocks									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	Average
Scientific advice to stop fishing	24	13	12	14	20	18	17	14	11	16

Table 4. Difference between TACs and sustainable catches	Number of fish stocks									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	Average
Excess of TAC over sustainable catch ⁷ (%)	46%	49%	59%	47%	45%	51%	48%	34%	23%	47%

Table 5. Summary of the scientific advice about fishing opportunities	Number of fish stocks									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	Average
Stocks where stock size and fishing mortality can be forecast	40	34	40	31	29	30	34	36	36	34
Stocks where a scientific advice concerning fishing opportunities is available	59	52	54	65	61	62	63	55	55	58

⁶ The maximum sustainable yield rate of fishing (F_{msy}) is the intensity of fishing activity that will produce the highest yield from the stock in the long term, and without depleting the stocks' productive capacity in the short term.

⁷ Sustainable catch means the catch advised by ICES and STECF according to the precautionary approach, including implementation of a long-term plan where this is precautionary.

Stocks where no scientific advice is available	31	40	39	29	35	34	33	42	40	36
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ANNEX Ib –Mediterranean and Black Seas

1 - Scientific advice about the state of the stock size (SSB) in the Mediterranean and Black Sea	no.	%
Stocks classified according to the above criteria (reference point agreed)	1	0,9
Other stocks not included due to poor data (reference point not yet agreed)	110	99,1
Stocks taken into account (out of 19 species)	111	100
Classified stocks:		
Reduced reproductive capacity	1	100,0
Full reproductive capacity	0	0,0
Total stocks	1	100

2 - Scientific advice about overfishing for the Mediterranean and Black Sea stocks	no.	%
Stocks classified according to criteria (reference point agreed)	61	55,0
Other stocks not included due to poor data (reference point not yet agreed)	50	45,0
Stocks taken into account (out of 19 species)	111	100
Classified stocks:		
The stock is overfished (above Fmsy or proxy)	50	82,0
The stock is fished at or below the Fmsy or its proxy	11	18,0
Total stocks	61	100

ANNEX II –Fishing Effort
regulated under multi-annual plans, as reported by Member States to STECF
(information provided by the Joint Research Centre)

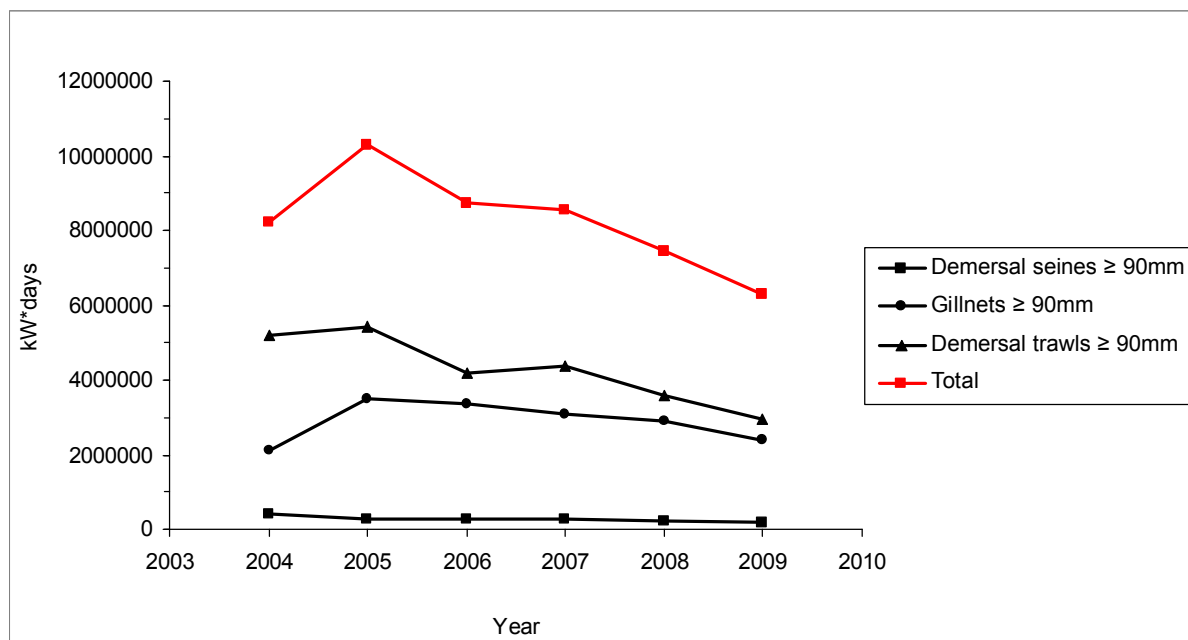


Figure 1. Regulated fishing effort in the Western Baltic Sea

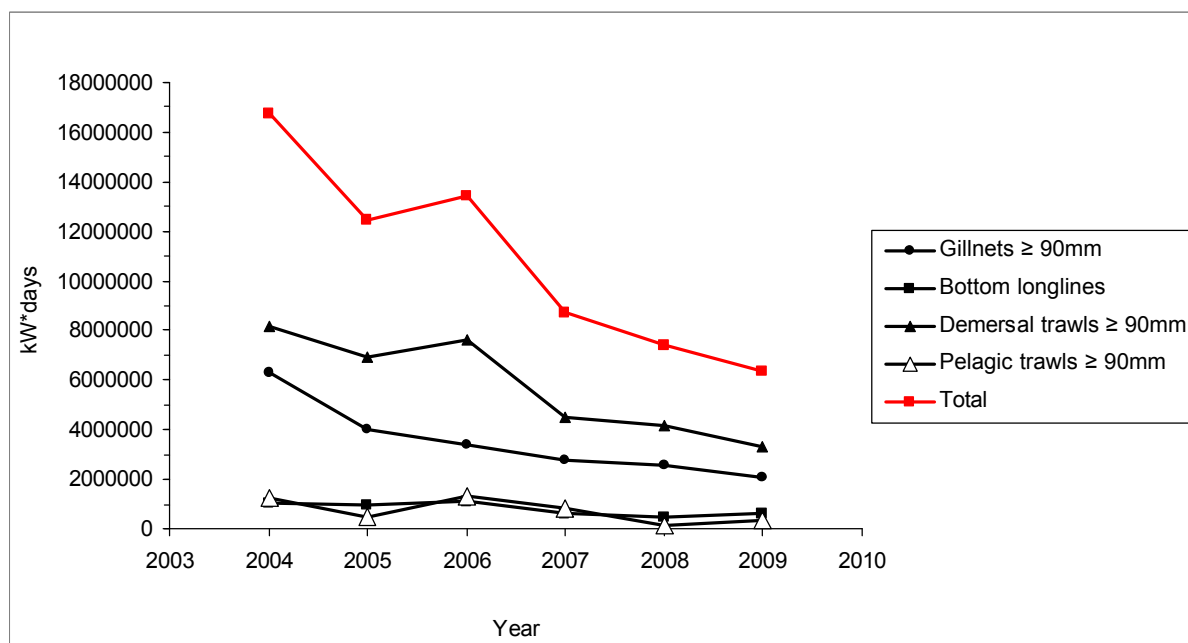


Figure 2. Regulated fishing effort in the Central Baltic Sea

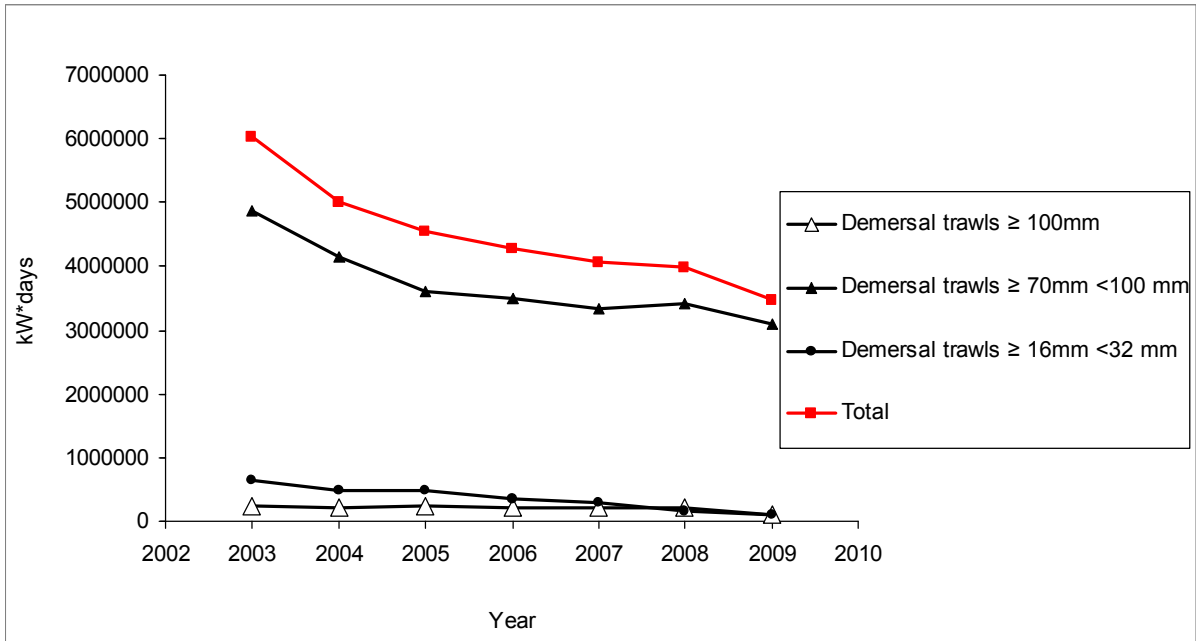


Figure 3. Regulated fishing effort in Kattegat

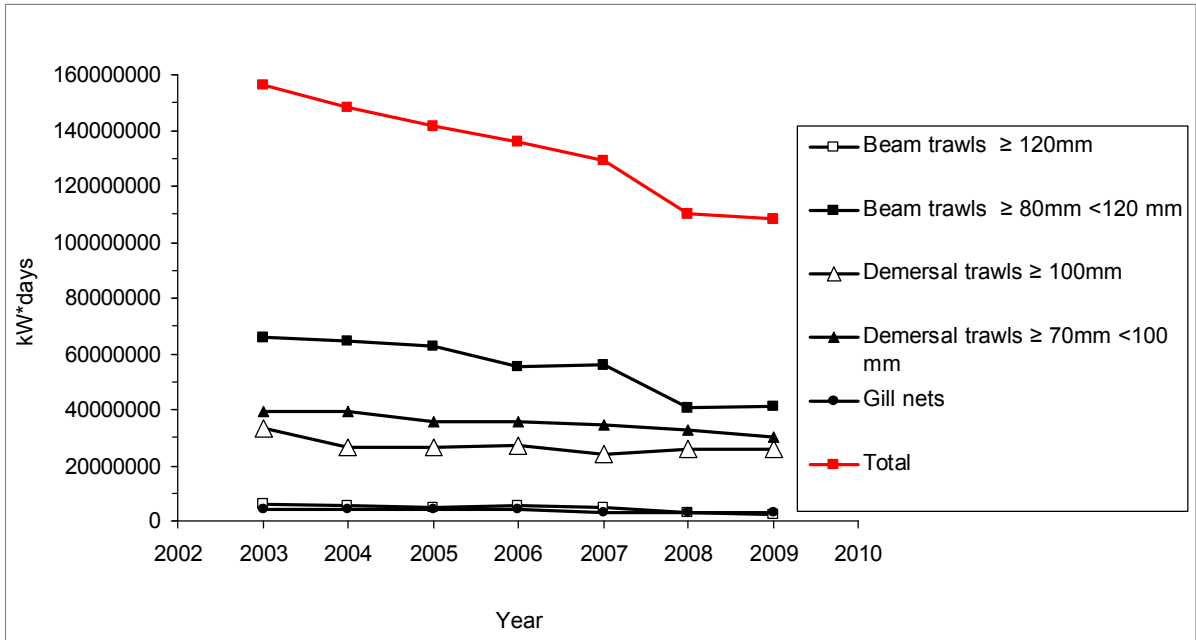


Figure 4. Regulated fishing effort in North Sea, Skagerrak and Eastern Channel.

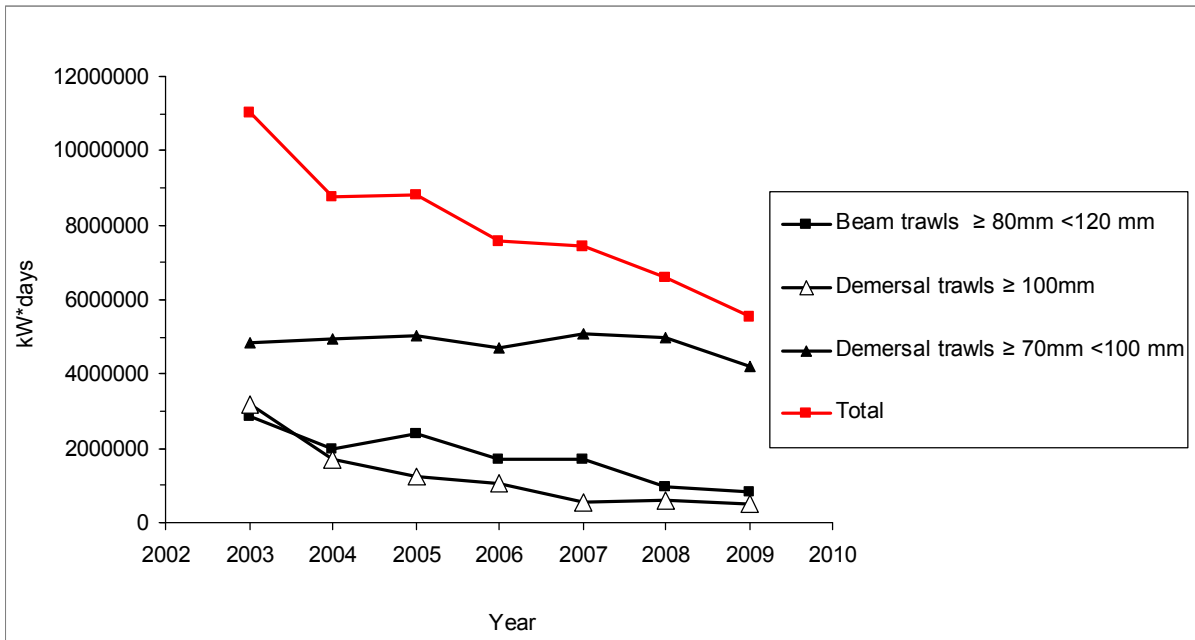


Figure 5. Regulated fishing effort in the Irish Sea.

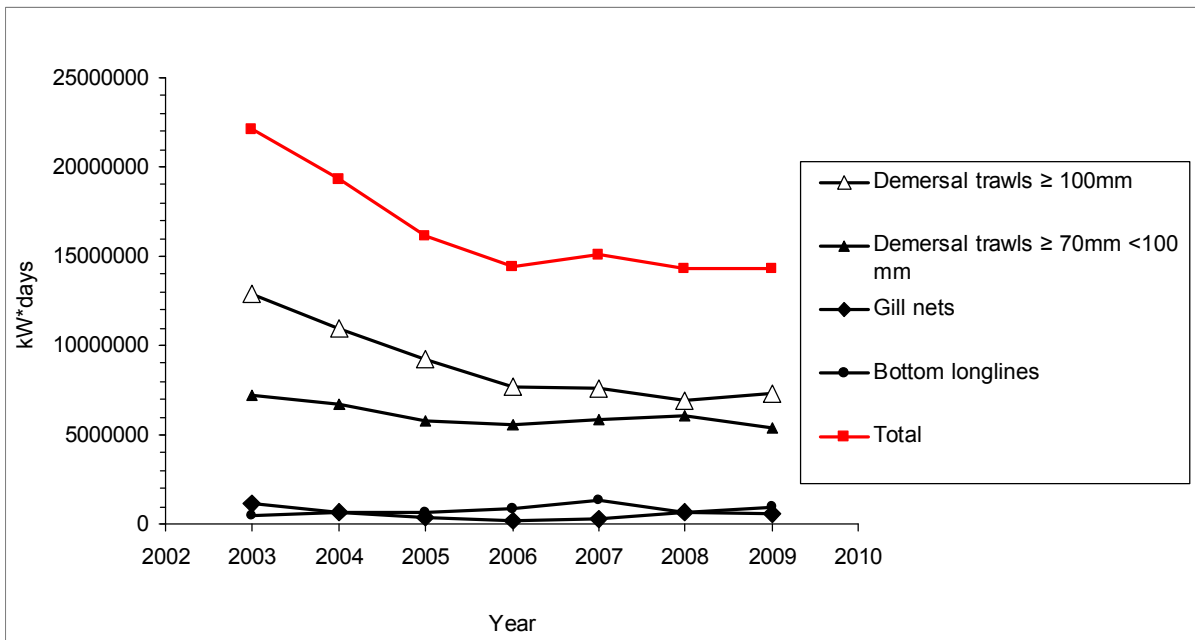


Figure 6. Regulated fishing effort in the West of Scotland.

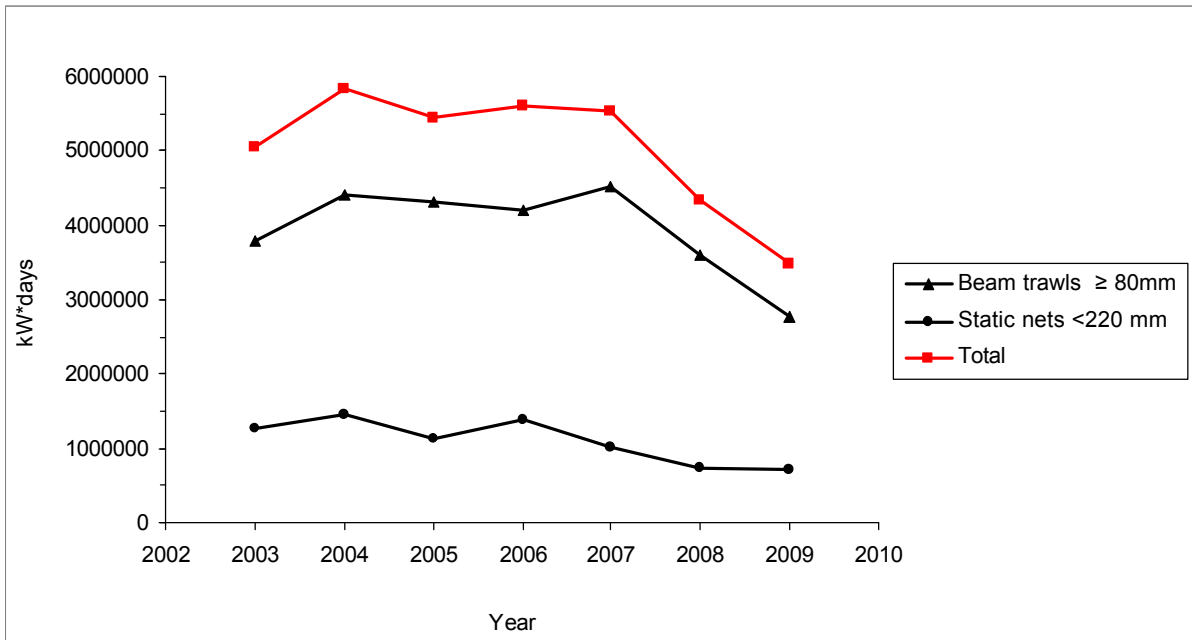


Figure 7. Regulated fishing effort in the Western Channel.

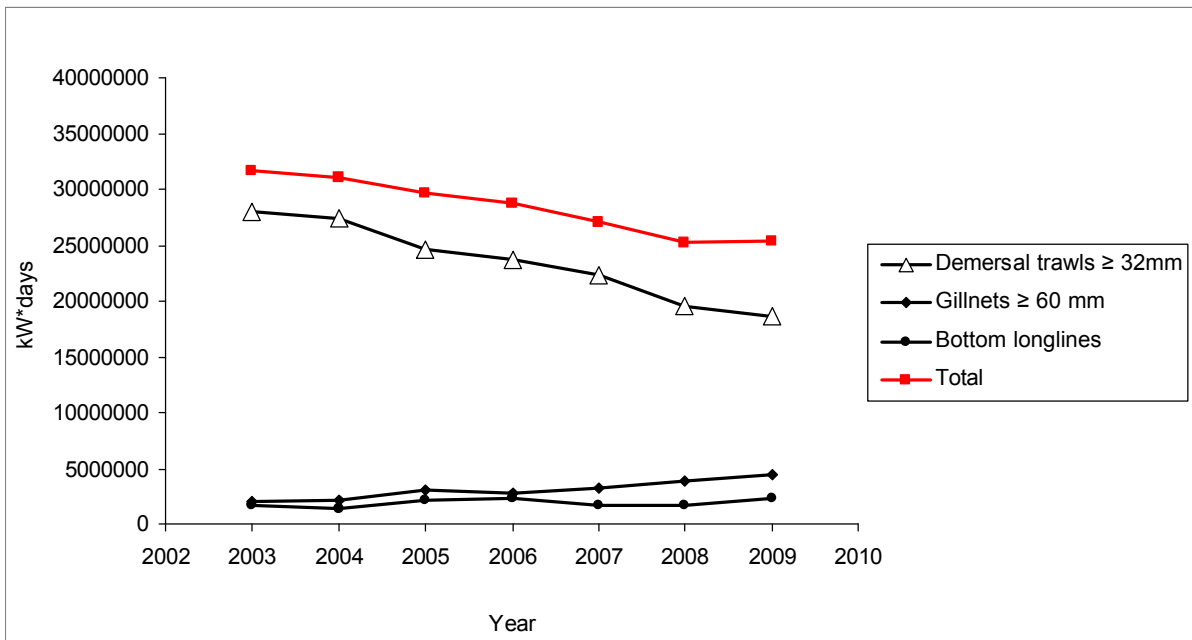


Figure 8. Regulated fishing effort in the Iberian-Atlantic waters.

Note: The different trend compared to last year is mainly due to improved data from Spain.