



BirdWatchIreland
protecting birds and biodiversity



An Taisce
The National Trust for Ireland



Coastwatch

Submission to the European Commission's Consultation on Fishing Opportunities for 2017

August 30th 2016

Contact: Siobhan Egan, BirdWatch Ireland segan@birdwatchireland.ie

Transparency Register ID: 601350822693-48

We welcome the Commission's Communication initiating a consultation on fishing opportunities for 2017¹. Setting correct fishing limits is fundamental to achieving the objectives of the Common Fisheries Policy (CFP), namely to end overfishing and to restore and maintain fish stocks above levels capable of producing the maximum sustainable yield (MSY). In addition, the Communication is intended to serve as an annual report to the European Parliament and the Council on the progress on achieving MSY and on the situation of fish stocks, in line with CFP Article 50. It is thus an important document to gauge progress towards the CFP's objectives.

The slow progress to end overfishing in the EU in line with the CFP is of significant concern. With more than 60% of assessed stocks outside safe biological limits and nearly half of stocks subject to overfishing², additional efforts are needed to restore stocks to healthy levels.

- We welcome the Commission's intention to propose total allowable catches (TACs) for 2017 in line with advice on MSY exploitation rates. In the most recent years analysed, progress towards ending overfishing has slowed down and was on average even reversed. With the 2015 deadline having passed, additional efforts are needed to set TACs not exceeding F_{MSY} . The Commission should therefore propose fishing opportunities below F_{MSY} as a matter of principle.
- We question the Commission's claim that the ranges for fishing mortality agreed in the Baltic multi-annual plan (MAP) will result in MSY in the long term. The International Council for the Exploration of the Sea (ICES) itself calculated the ranges on the basis that they deliver no more than 5% reduction in long-term yield compared with MSY and it is unclear how fishing above the F_{MSY} point value will contribute to restoring and maintaining fish populations above B_{MSY} levels in line with Article 2.2. **We urge the Commission to:**
 - **Only propose fishing opportunities not exceeding scientifically advised F_{MSY} point estimates;**
 - **Request scientific advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) if fishing above F_{MSY} levels is necessary for the achievement of the objectives in the case of mixed fisheries or to avoid serious harm to a stock caused by intra- or inter-species stock dynamics in case a member state requests making use of an exemption provided for in the Baltic MAP for stocks above the MSY $B_{trigger}$ reference point.**
 - **Request scientific advisory bodies to evaluate to what extent the agreed Baltic MAP will contribute to restoring and maintaining stocks above B_{MSY} levels.**
- ICES advice on the fishing mortality ranges in the Baltic MAP gave two options – a wider range including an “advice rule”, and a narrower range with no advice rule (see section 2.1 below). The Baltic MAP includes the wider range but does not explicitly mention the ICES

¹ [European Commission, “Communication From the Commission to the European Parliament and the Council: Consultation on the fishing opportunities for 2017 Under the Common Fisheries Policy” COM\(2016\) 396 final.](#)

² [Scientific, Technical and Economic Committee for Fisheries \(STECF\) Monitoring the performance of the Common Fisheries Policy \(STECF-16-05\).](#)

MSY rule in any of its articles. We therefore urge the Commission to propose more narrow values for ranges in the Baltic MAP Annex I in line with the ICES advice provided and Baltic MAP Article 3.4 and 4.6, or to ensure that the advice in line with the ICES MSY rule is not exceeded.

- We welcome the clear statement by the Commission that it expects member states concerned to provide tangible evidence of social and economic impacts in order to request any further delay to the 2015 deadline. We would welcome a clearer indication that such evidence must include information on how fishing mortality will be progressively and incrementally reduced in line with Article 2.2 so that it does not exceed MSY advice as soon as possible and by 2020 at the latest – and this information must be made public.
- We strongly advise the Commission to set out how the precautionary approach will be applied in a systematic, predefined, and transparent way. Earlier Communications by the European Commission – for example, the Consultation on Fishing Opportunities for 2011³ – included in its Annexes III and IV an overview on how the Commission intended to propose TACs. This could serve as an example for communicating how the Commission intends to apply the precautionary approach and to set fishing limits.
- We remain deeply concerned about the Commission’s intention to follow the 2013 agreement between the Commission and the Council to maintain TACs unchanged for four years for 26 stocks, unless perception of the stock changes significantly, as the agreement is not in line with the precautionary approach and the CFP.
- We welcome the clear statement by the Commission that any TAC adjustment in the context of the landing obligation should not jeopardise the MSY objective or increase fishing mortality. We also welcome the Commission’s intention to submit the method it used to calculate last year’s TAC adjustments to its Scientific, Technical and Economic Committee for Fisheries (STECF) for advice, yet remains concerned about the Commission’s intention to calculate TACs adjustments on the basis of extrapolation, in cases where no validated or complete discard data exist.

Reporting on the state of stocks:

- The Commission’s communication lacks clarity in its language, which might result in unintended confusion and discussions. In particular, the Commission should be specific on whether it is alluding to mortality rates (F_{MSY}), biomass levels (B_{MSY}) or yield when referring to “MSY”. Using clear language will help decision makers to better understand the CFP, to support more precise feedback and facilitate implementation.
- We welcome the integration of more information from STECF in the Annex of the communication as well as information on the “Economic performance of EU fleets and MSY”.

³ [European Commission, “Communication From the Commission to the European Parliament and the Council Concerning a Consultation on Fishing Opportunities for 2011 Under the Common Fisheries Policy” COM\(2010\)241 final.](#)

- The Commission's Communication lacks information about the state of fish populations in relation to biomass levels capable of producing MSY. Such information is a precondition to evaluating progress towards the CFP objective to restore and maintain populations of fish stocks above B_{MSY} levels.
- For numerous reasons, such as area mismatches or third countries' fishing interest in the stock, it is challenging to directly compare proposed TACs with available scientific advice. Pew therefore encourages the Commission to include in its proposals for TACs in 2017 the best available scientific advice corresponding to each proposed TAC.

Setting sustainable fishing limits

For stocks of particular Irish interest, we note that during last year's December Council, Ireland obtained a total quota tonnage 26 per cent above scientific advice ([New Economics Foundation, Feb 2016](#)). In the case of whitefish in the Irish Sea including cod, whiting and sole, fishing opportunities were provided despite scientific advice for no directed fisheries. Council increased the TAC for Irish Sea haddock by almost three times the advised landings, and added an additional quota to take account of the Landing Obligation, despite advice to cut the TAC by half. This is not cause for celebration, and is in direct conflict with ambitions of the reformed CFP to restore and maintain fish stocks above MSY as soon as possible. It also conflicts with national policy for the sustainable use of our marine resources ([Harnessing Our Ocean Wealth](#)).

In particular, for stocks of Irish interest;

- the increased 2016 quota for Nephrops in the Irish Sea came at the expense of whitefish 'choke' species where quota has been negotiated upwards despite the advice for a reduced or no TAC. The status of whitefish species including Cod, Whiting, Plaice and Sole remain alarmingly low.
- despite advice to cut the TAC for Irish Sea Haddock by half, Council increased the TAC by almost three times the advised landings, and added an additional quota to take account of the Landing Obligation.
- the quota for Celtic Sea Haddock is consistently set in excess of advice despite the lack of evidence to show that selectivity measures are effective. Again this additional quota also comes at the expense of the health and recovery of other stocks including Cod and Whiting for which higher quota are provided despite the scientific advice.

Of additional concern is that;

- Evidence of the success of selectivity measures for damaging fisheries is not available. Despite this, selectivity measures have been used as a bargaining chip for increased quota for both Haddock (Celtic Sea) and Nephrops (Irish Sea).
- Equally, the jeopardising of economic viability is cited by Ireland during the negotiations as justification for increased quotas and delaying achieving MSY, yet the evidence to support this claim beyond the projected changes in a single year's revenue is not provided. Delaying achieving MSY has significant economic, social and ecological consequences and Ireland has not as yet provided a robust justification for doing so. In particular, any justification for delaying fishing in line with scientific advice based on MSY approach, should include costs of delaying stock recovery in terms of the lost revenue from what would be healthier stocks and

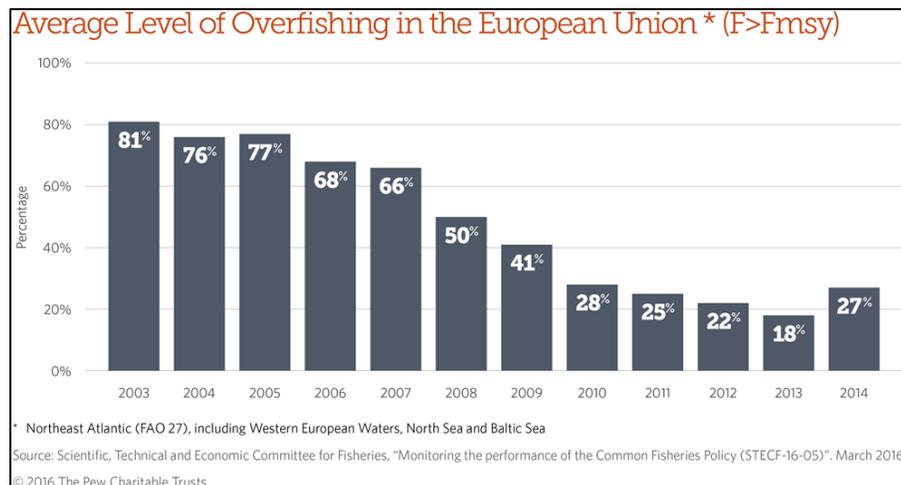
more diverse fisheries. There is also no form of longer term perspective included in the Sustainability Impact Assessments produced to inform the Irish position.

The negotiating position Ireland took appears to have ignored the science and the resulting TAC moved these stocks even further away from reaching the CFP's F_{MSY} objectives.

We urge the Commission to remain firm on setting standards and improving the performance of the Council in determining Fishing Opportunities for 2017.

Clear targets and timelines for setting sustainable fishing limits, and the recovery of fish stocks, were the cornerstones of the reform of the CFP. The annual setting of total allowable catches (TACs) as a limit on fishing mortality is closely related to the CFP objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing MSY. Setting fishing limits below MSY rates (F_{MSY}) aims to allow fish stocks to recover to biomass levels above those capable of producing MSY (B_{MSY}), notwithstanding other biological factors. During the time when the CFP reform was negotiated some progress has been achieved to set TACs not exceeding F_{MSY} .

Yet, despite the CFP requirement to achieve MSY exploitation rates by 2015 where possible, and on a progressive, incremental basis at the latest by 2020 for all stocks, this progress has first slowed down in recent years and subsequently on average even been reversed.⁴ This finding



from the Commission's Scientific, Technical and Economic Committee for Fisheries (STECF) is in contrast to the CFP's legal requirement. According to STECF more than 60% of stocks for which MSY analyses exist are outside safe biological limits. In order to allow them to recover to levels above those capable of producing the MSY, additional efforts are needed to end overfishing in line with the reformed CFP.

We urge the Commission to ensure Fishing Opportunities are set in line with the objectives of the CFP and we look forward to seeing the concerns above being addressed with utmost urgency.

⁴ Idem.