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**COMMUNICATION FROM THE COMMISSION TO COUNCIL**

**Fishing Opportunities for 2008  
Policy Statement from the European Commission**

# COMMUNICATION FROM THE COMMISSION

## Fishing Opportunities for 2008 Policy Statement from the European Commission

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## 1. INTRODUCTION

Commission Communication No. COM(2006)246 "Improving consultation on Community fisheries management" set out a new working method for deciding on annual fishing opportunities. As part of that approach the Commission sets out its views concerning fishing opportunities for 2008. As before, fishing opportunities in the Northeast Atlantic Ocean and the Baltic Sea are the main subjects of this Policy Statement.

The Commission reaffirms its commitment to management under long-term plans. New plans will be developed and existing plans will be implemented and reviewed. For stocks not under long-term plans, generic rules are developed. The Commission has also presented a Communication on "Implementing sustainability in EU fisheries through maximum sustainable yield (MSY)" in 2006<sup>1</sup> and will, during 2007, consult stakeholders and seek scientific advice about managing fisheries so that they can achieve cost reductions, higher catches and improved revenue. This approach will guide the development of future long-term plans.

While long-term plans with MSY objectives are developed, fishing opportunities should correspond either to maintaining stocks within these safe biological limits, to bringing stocks that are outside safe limits towards or inside such limits (though this can be done progressively), but they should not correspond to a worsening of the situation by moving away from safe limits. Also, fishing opportunities should not be set that correspond to moving away from MSY objectives.

The Commission also reaffirms its commitment to consulting stakeholders and Member States about setting fishing opportunities. This consultation should take place about the long-term methods and rules to be used, and will include an examination of the likely effects of the proposed approach including economic and social aspects. In 2006, the first "Policy Statement" was published too late in the year for an effective consultation process to take place before the December Council. Nevertheless, the rules and guidelines set out in that Communication were used by the Commission in formulating its proposals. Many of the resulting figures were acceptable to Member States in Council. In 2007 the Policy Statement is presented much earlier and the Commission expects that stakeholders and Member States will engage in a constructive debate on methods for setting fishing opportunities based on good science, and having regard for economic and social consequences.

The Commission is seeking scientific advice about the long-term effects of implementing the "Policy Statement" rules. Its approach may be modified as a result of the advice it receives, as well as in response to contributions from Member States and stakeholders. However, when making its proposal, the Commission intends to keep to agreed long-term approaches unless there are serious and unexpected new elements in the scientific advice provided for 2008.

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<sup>1</sup> To implement obligations undertaken by the Community in the 2002 World Summit on Sustainable Development; COM(2006) 360

The "Policy Statement" rules should conform to other Community policies such as the Action Plan on Fisheries Biodiversity and the proposed Marine Strategy. While the latter is still under discussion, it is anticipated that similar objectives should be reached through these approaches.

## **2. TAKING STOCK**

### **2.1. CFP Reform**

As part of the preparation of the 2002 reform of the Common Fisheries Policy, the Commission concluded<sup>2</sup> that many stocks were outside safe biological limits, were too heavily exploited, or had low quantities of mature fish. This resulted largely from setting annual catch limits above those proposed on the basis of scientific advice, and from fleet management plans with less ambitious targets than was needed. This was made worse by poor enforcement of regulations and led to a precarious situation in the industry and to reduced profitability. Stakeholders were not sufficiently involved in the management of the Common Fisheries Policy. The TACs alone were insufficient conservation instruments because of discarding, high-grading and non-respect. There was also concern about scientific advice concerning ecosystems, data collection and sampling, and the adequacy of scientific resources, putting more of the science in the public domain, and better analysis in support of decision-making. The economic and social dimensions were increasingly regarded as a cause of concern.

Substantial changes were made in the 2002 reform. The Regional Advisory Committees were created. The Commission intensified consultations with stakeholders and incorporated substantial elements of stakeholder advice into its proposals, and paid more attention to social and economic consequences. More stocks were brought under long-term plans. Effort management was more widely introduced as an additional conservation tool. Significant efforts were made to improve control and enforcement. The Commission took up a key demand from stakeholders – to limit TAC variations to 15% - throughout its TAC and quota policy. Due attention has been paid to the views of Member States in Council, and the adoption of a fishing opportunity in Council has only very rarely been made without the agreement of the Member State concerned. Some Member States have made significant improvements in their control and enforcement systems.

### **2.2. Scientific advice and TAC decisions 2003-2007**

Before considering decisions for 2008 it is worth briefly reviewing recent policy developments. Long-term management arrangements for northern hake, Biscay sole, North Sea haddock, mackerel and saithe have brought benefits to the industry and better order in stock management. The Northern hake appears to have recovered and returned within safe biological limits, and it has been possible to make increases in the TACs for sole in the Bay of Biscay and in the Western channel while still reducing fishing mortality. However, the recovery measures and the recovery plan for cod have not brought the improvements that were expected.

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<sup>2</sup> Green Paper. The future of the Common Fisheries Policy. Luxembourg, Office for Official Publications of the European Communities, 2001. ISBN 92-894-0904-5. 47pp.

The Commission has reviewed scientific advice and decisions since 2002 (Panel 1):

**Panel 1. Summary of scientific advice and TAC decisions since 2002<sup>3</sup>**

	2003	2004	2005	2006	2007
<b>Measures of the provision of advice</b>					
TACs with full assessment and forecast tables (*)	40	34	40	31	29
TACs with a relevant quantitative advice	60	53	55	66	62
TACs with no advice	31	40	39	29	35
(*) Where one advice covers two TACs, it is not counted twice					
<b>Measures of the state of the stocks</b>					
Stocks with a zero-TAC advice	24	13	12	14	20
Stocks outside SBL	30	29	26	26	26
Stocks inside SBL	12	10	14	11	12
Stocks with status unknown wrt SBL	49	54	54	58	59
TACs where status is known wrt F MSY			34	23	33
TACs where fishing is above FMSY			32	21	30
TACs fished within Fmsy			2	2	3
<b>Measures of the Annual Decisions (Raw)</b>					
Average deviation from the advised catch (%)	42%	48%	57%	47%	43%
<i>For stocks which were assessed in 2007 :</i>					
Average change in F if the TAC is taken (%)	-11%	-19%	-4%	-5%	-4%
F relative to Fpa if the TAC is taken (%)	101%	90%	99%	101%	101%

This table illustrates some recent trends. For example, scientists are moving away from providing advice based on short-term forecasts.

The number of forecasts has decreased from 40 to 29, though scientists still provided about the same number of catch advices. This could be due either to worsening data, or to better knowledge about the limitations of the data. Scientists have been turning to simpler principles in giving advice, such as that it is not desirable to increase the fishing on a stock if it is not known whether such an increase would be sustainable. This is consistent with the precautionary approach as included in the Common Fisheries Policy's objectives, and serves as a suitable basis for TAC proposals.

The number of stocks at risk appears neither to be decreasing nor increasing. About four-fifths of stocks remain outside known safe biological limits. The number of stocks where a zero catch is advised is roughly stable at about 13<sup>4</sup>. TAC decisions have been on average substantially higher than the annual catches advised by scientists, although the percentage is variable among different stocks. This has led to very small decreases in the impact of fishing. Only three stocks under TACs (North Sea haddock, North Sea saithe and megrims in the Bay of Biscay) are exploited consistently with the commitments made at the UN World Summit on Sustainable Development in Johannesburg in 2002 about MSY. Continuing to set TACs at much

<sup>3</sup> The technical basis for this table is available on request from the Commission services.

<sup>4</sup> Excluding stocks for which a closure was advised on a mixed-fishery basis in 2002 and not counting the new advice about depleted shark, skate and ray stocks that was issued in 2006

higher levels than advised means that fisheries have been taking a high risk. And all the more so as many of these TACs are substantially overshoot due to insufficient enforcement.

### **2.3. Economic aspects**

Economic aspects of the fisheries have also changed. Higher nominal prices were attained by several fisheries products in 2006. Prices of some important species remain similar or lower and showed considerable short term volatility in EU markets. Other factors, such as the cost structure of each fleet, have had a big impact in the economic performance in the period.

There have been different trends in the economic performance of the EU fisheries among fleets, countries and regions depending on the economic net balance of trends in prices, landings, operational costs (especially fuel costs), fixed costs and overall economic productivity. These economic differences are explained by different capital intensity, economic structure, activity and behaviour of local fish markets.

The trawl fishing fleet, which has high fuel consumption, has suffered the highest economic deterioration in recent years due to the higher fuel costs, whereas vessels using less fuel- intensive methods have showed a relative improvement in their accounts.

The latest economic data suggest that productivity is recovering in some EU fleets. Coupled with more positive price developments in some markets, this might be encouraging and raise some expectations for an overall improved economic performance. All this will have to be examined more in detail to assess the different trends among fleets, countries and regions.

### **2.4. Fishing effort**

Since the reform, fishing effort limitations have been fixed for western waters<sup>5</sup>, for deep water species<sup>6</sup> and for recovery stocks<sup>7</sup>.

According to data provided by Member States to STECF the overall fishing effort deployed in 2005 compared to 2000 had diminished by about 15% in the Kattegat, by about 20% in the North Sea, Skagerrak and eastern Channel, by about 35% to the West of Scotland and also by about 35% in the Irish Sea. There have been changes in the type of fishing gear used, with decreases in effort using large-mesh trawls (over 100mm) and increases in effort using smaller-mesh trawls (70-99mm) (Panel 2).

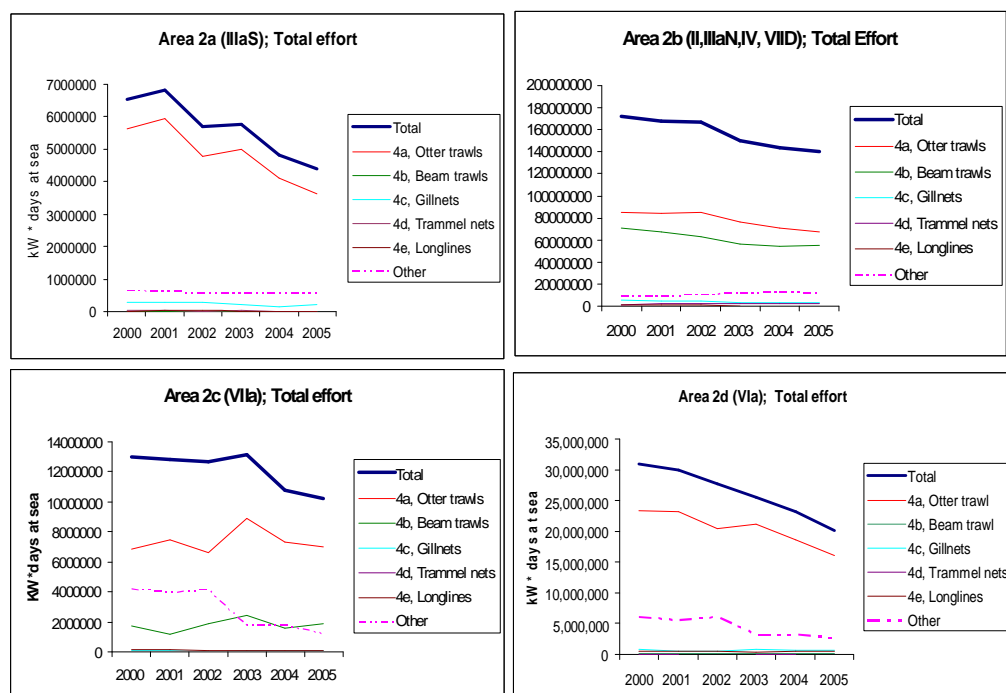
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<sup>5</sup> Regulation (EC) No 1954/2003

<sup>6</sup> Regulation (EC) No 2340/2002 and subsequent adaptations

<sup>7</sup> Set out in the annual TAC and quota regulations since 2003, and for 2007 in Annex II of Regulation (EC) No. 41/2007

**Panel 2.** Effort deployed ( $kW \cdot \text{days at sea}$ ) by group of fishing gears. Top row: left, Kattegat Right, North Sea and Skagerrak. Bottom row,. Left, Irish Sea. Right, West of Scotland. Source: STECF.



Despite these declining trends in total fishing effort there has been an increase in the effort deployed using smaller-mesh gear (70-89mm). This may have caused more small cod to be caught. Scientific advice is being sought on this question.

The declining effort shown above may not be directly linked to reductions in days-at-sea under Annex II of the "fishing opportunities" Regulation. Those decreases began well before the introduction of the days-at-sea limits, and no change in the rate of decline occurred when the regime began. Also, according to the data provided by Member States only 72% of the fishing effort allowed was actually deployed in 2006, which would indicate that, on average, the regime did not constrain the activity of the fleet.

This shows that the contribution of the days-at-sea limits to stock recovery is not yet sufficient. The system has also proved difficult to manage by both Member States and the Commission. It has been criticised as overcomplicated, non-transparent and difficult to monitor. There is also some overlap with other effort regimes.

However, the effort management system has led to a better understanding of the operation of fishing fleets, which in some cases has stimulated the use of more selective devices, and which may serve as a basis for further improvements.

## 2.5. Results

Overall, since 2002:

- the stocks are not showing a tendency to recover or to increase inside safe biological limits – rather, the industry continues to be in a high-risk situation. The situation is worse for demersal stocks, and better for small pelagic stocks;
- while economic performance has been deteriorating in recent years, certain improvements in productivity and price increases for some species might be encouraging;
- the days-at-sea system has often no limiting effect on the overall effort deployed: the complexities and costs in terms of management seem disproportionate.

### **3. MOVING FORWARD**

Clearly the conservation status of European stocks has not yet improved as much as needed. In order to move stocks inside safe biological limits and improve the long term economic prospects, serious efforts need to be continued both in TACs and in effort management. Rules concerning effort management should be simplified and made more effective in controlling fishing. These improvements should be achieved through a cooperative approach, where consultation with the stakeholders will be essential, as is improved compliance with fishing opportunity regulations.

This approach should also ensure that measures to be taken by Council can take due account of specific situations of the fishing industry in different parts of the EU.

In any event, and in order to comply with the principles of the Common Fisheries Policy, the Commission requires that its proposal for fishing opportunities and the management of stocks leads to a reduction in the number of stocks outside precautionary limits. Where fishing mortality exceeds precautionary limits, fishing opportunities should be set that reduce the fishing mortality towards those limits. The Commission would strongly encourage Council to take decisions that would not result in an increase of the number of stocks beyond safe biological limits.

Further long-term recovery and management plans need to be developed and existing ones revised, where necessary, for fish stocks which need to be brought or maintained within safe biological limits. More efforts are needed to ensure that scientific advice is available in time and that it serves as a reliable scientific basis for the decisions to be taken within the CFP.

The Commission is committed to improving the assessment of social and economic impacts of the decisions to be taken. Stakeholder consultation should contribute to these assessments. The Commission will also seek scientific advice on socio-economic aspects in support of its final proposals.

For 2008 the Commission intends to prepare two proposals for regulations concerning fishing opportunities: one concerning stocks in the Baltic Sea to be presented in September 2007, and another for the stocks in other areas, in November 2007.

No new proposal concerning deep-sea stocks is foreseen as Council Regulation (EC) No 2015/2006 concerning fishing opportunities for deep sea species covers 2008.

The Commission has already set out the principles concerning fishing opportunity proposals in its previous "Policy Statement" Communication. These principles and rules applied when preparing the fishing opportunities proposal for 2007 remain valid for 2008. However, there are some additional questions to be raised with stakeholders and Member States. These are set out below.

### **3.1. Setting TACs for stocks for which there is no quantitative forecast in relation to precautionary limits**

#### *3.1.1. Stocks where an advice is provided by scientific agencies*

Scientific agencies are giving advice in a less quantitative fashion using precautionary criteria, with phrases such as "effort should be reduced substantially" without a clear quantification. Advice phrased in this way will have been provided after consideration of the trends in the data and of the results of modelling exercises even though these may not have been presented. Such advice should be taken as seriously as advice given where the results of a mathematical model is presented to managers. To do otherwise would be to create an unwise constraint on the advice provided by scientists: it would not be right to require scientists to present a mathematical model in order to have their advice taken seriously. Additionally, valuable but non-quantified statements about the state of a fish stock have to be translated into practical measures. Taking these points into consideration, the Commission considers that the following guidelines should apply:

- a) where there is an advice by STECF to limit catches at a particular level, this should be treated in the same way irrespective of whether this is accompanied by a catch forecast table – the rule of moving the TAC towards the advised catch level in steps of no more than 15% per year should be followed taking into account the need of the particular type of fishery concerned and the relevant social and economic considerations;
- b) where there is an advice to reduce effort, STECF should be asked to measure effort levels and to advise on the level of appropriate effort, and while such studies are being carried out, the TACs should be reduced by up to 15%;
- c) where there is a non-quantified indication that stock sizes are improving due to good recruitment, a 15% increase in the TAC should be applied; conversely where there is a non-quantified indication that a stock is at high risk or declining due to weak recruitment, a decrease of up to 15% should apply taking into account the need of the particular type of fishery concerned and the relevant social and economic considerations;
- d) where there is a very strong – but non-quantified – indication that a stock is depleted and an advice for a zero catch or a reduction to the lowest possible level is provided, the Commission will propose a reduction that is as large as is compatible with any mixed fisheries considerations and with relevant social and economic considerations. If a recovery plan is in force concerning the stock, the best possible approximation to the recovery plan rules will be proposed in the light of the existing scientific knowledge. In any event, the proposed reduction will be no less than the reduction implied by general principles outlined above.

The Commission intends to ensure that any proposed level of TAC will not affect the sustainable exploitation of the stock concerned. The Commission invites stakeholders and Member States to improve the data concerning the stocks they exploit, as well as concerning economic performance; and to comment on the implementation of scientific advice according to the above guidelines.

### 3.1.2. *Stocks where no scientific advice is available*

For a number of stocks no biological advice or information is available from STECF. In these cases, the precautionary approach, as incorporated in the Common Fisheries Policy<sup>8</sup>, can be applied without reference to scientific advice. In these cases, the guiding principle can be that no expansion of the fishery should be foreseen because there are no scientific data showing that such an expansion could be sustainable. Where current TACs are substantially higher than the real recent catches, they would be adapted towards the real catches at a rate of 15% per year.

## 3.2. **Setting TACs for stocks outside safe biological limits**

Recent experience (see 2.5.) shows that decisions made concerning fishing opportunities after consulting stakeholders have not in general resulted in improvements in stock status with respect to precautionary reference points. The fishing industry is continuing in a high risk situation concerning many stocks.

The 15% limit on TAC reductions may be problematic in such cases. For example, the a 15% limit on TAC reductions would not have prevented the decline of the West of Scotland cod.

That stock fell outside safe biological limits in 1985 and thereafter the stock size fell by about 10% per year. If the TAC had been reduced by 15% in each year during that period, fishing mortality would have reduced by only 5% annually. This is too slow to ensure a safe recovery of a stock. In such cases, larger reductions than 15% per year are likely to be needed in order to gain significant improvements in the fishery.

In order to return such stocks to within safe limits, fishing opportunities should be set that will reduce fishing mortality, which may mean reducing TACs by more than 15%. Whereas in the "Policy Statement" for 2007 it was envisaged not to propose fishing opportunities that would result in further deteriorations in stock status, a more positive approach could be needed, e.g. leading to movements towards safe biological limits at a reasonably rapid rate.

***The Commission invites stakeholders to give their opinion on methods to reduce long-term risks by alternative methods for setting fishing opportunities, and specifically by allowing for more rapid recovery for stocks outside safe biological limits, a reduction in the number of stocks outside safe biological limits and a reduction in fishing mortality rates where these exceed precautionary rates .***

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<sup>8</sup> Article 2 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy. OJ L 358 p. 59 of 31.12.2002.

### **3.3. Setting TACs for cod stocks covered by the cod recovery plan**

For 2008, the Commission will propose fishing opportunities for cod stocks that are consistent with the provisions of the recovery plan if STECF is able to measure stock size and fishing mortality to allow the direct application of the plan.

As of 2006, there had been no detectable reduction in cod mortality in most areas and no significant recovery of the stock. Management arrangements in 2007 have been similar to those in place since 2004, and this is likely to continue into 2007. The cod conservation measures will be reviewed in 2007. While no new regulation will be proposed concerning cod recovery until 2008, lessons learned in the review process will be taken into account when making proposals for fishing opportunities concerning cod for 2008.

Conservation measures for Celtic Sea cod will be proposed that are comparable and proportionate to those applicable to the other cod stocks pending the inclusion of this stock in the cod recovery regulation.

*A specific consultation exercise will be held concerning cod recovery measures, building on the results of the symposium on cod recovery held in Edinburgh (March 2007). The lessons learned will be used when making the 2008 fishing opportunities proposal in the framework of the existing plan, as well as in its future revision.*

### **3.4. Fishing Opportunities as regards Effort management**

The Commission will propose adjustments to the permissible effort levels in accordance with the long-term management and recovery plans in force.

The Commission will start a debate in 2007 to investigate, together with all relevant stakeholders and Member States, how to simplify, improve, and consolidate the existing effort regimes. This will start with a discussion on the definition of effort and capacity indicators (COM(2007)39), taking account of the cod recovery symposium. The results will guide the Commission in establishing common rules covering existing effort regimes. This will improve enforceability and efficiency, so helping cod recovery. The debate will also guide possible proposals to be made in 2007 setting out transitional measures applicable in 2008.

*Stakeholders and Member States are invited to take part in this debate actively.*

## **4. TECHNICAL MEASURES**

The number of technical measures included in the annual "fishing opportunities" regulations will be reduced by moving measures to three other regulations.

A proposal concerning conservation and enforcement measures in the NAFO area is to be adopted by the Council in May 2007. Technical measures for fisheries in Atlantic waters are currently being reviewed, and a proposal revising Council Regulation (EC) No 850/98 will be presented in the autumn of 2007. The Commission will also propose a regulation concerning technical measures

recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) in the first half of 2007.

A review of measures concerning deep-sea gill nets will be carried out as part of the general review of technical measures. Transitional measures may be proposed in the "Annex III" for 2008.

The Commission will discuss the implementation of fisheries management measures in the Mediterranean Sea with stakeholders and Member States. Where there is agreement that an early adoption of measures would be beneficial, the Commission may propose such measures in "Annex III".

A separate Communication addresses the issue of discard reduction in depth<sup>9</sup>. If appropriate some initial measures to reduce discards may be proposed in the "Annex III" also.

## **5. OTHER ISSUES**

Member States undertook to provide data on spurdog catches in 2007. Based on these, the Commission will propose one or more TACs and allocations to Member States in order to protect this depleted stock.

The Commission will work on a long-term plan for the northern hake stock in 2007, including an impact assessment and consultations with stakeholders. The long-term plan should be compatible with the decision taken at the 2002 World Summit on Sustainable Development concerning maximum sustainable yield.

Concerning porbeagle, the Commission will, after consultation with Member States, propose a recommendation to the International Council for the Conservation of Atlantic Tunas in 2007. Corresponding measures will be proposed as part of the "fishing opportunities" for 2008.

## **6. CONCLUSION**

Stakeholders and Member States are invited to make a detailed examination on the issues raised. In order that the results of consultations can be used in time, the Commission requests that contributions be finalised by 31st. July 2007.

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<sup>9</sup> A policy to reduce unwanted by-catches and eliminate discards in European fisheries. COM(2007) 136 final.