

Analysis of Total Allowable Catches in the north-east Atlantic for 2018

20 February 2018

Background

The Common Fisheries Policy (CFP) entered into force on 1st January 2014 and includes a requirement to end overfishing, with legally binding targets and deadlines. The CFP establishes in Article 2(2) that *“in order to achieve the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing the maximum sustainable yield, the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks”*.

At the Fisheries Council on 11th to 13th December 2017, EU fisheries ministers decided upon Total Allowable Catches (TACs) for most fish stocks in the north-east Atlantic for 2018. This should have resulted in Council agreeing to TACs that end overfishing, because the CFP allows for postponing the 2015 deadline only in exceptional cases, when meeting it *“would seriously jeopardise the social and economic sustainability of the fishing fleets involved”* (CFP Recital 7) and requires all overfishing to end in 2020 without exception. With the 2015 deadline passed and 2020 only two years away, Council needed to make substantial progress towards ending overfishing in 2018 by setting TACs not exceeding scientific advice.

This document analyses the Council decisions on 109 TACs set in north-western European waters for 2018 and the extent to which these decisions contribute to ending overfishing by not exceeding the scientific advice on fishing limits.

Summary

In November 2017 Pew analysed the European Commission proposal on TACs for 2018, published on 7th November 2017. The analysis found that 58 percent of the TACs proposed by the Commission (43 of 74) did not exceed the scientific advice¹. This was a small improvement on the previous year’s proposals where just over half of the TACs proposed did not exceed scientific advice. We note that even if the Commission proposal were adopted by the Council in full, it would have been insufficient to end overfishing in 2018.

During the December Council fisheries ministers continued to agree TACs for 2018 that were above the scientific advice. 44 percent of TACs analysed (48 of 109) were set exceeding the scientific advice. This is a reduction from 54 percent (60 of 111) set exceeding advice in 2017, and 57 percent set exceeding advice in 2016² (Figure 1).

¹ See [Pew response to Commission Proposal](#). Figures based on analysis of the original proposal (7th November 2017), excluding any subsequent non-public proposals made in Council Working Group ‘non-papers’.

² Based on [Pew analysis of Total Allowable Catches in the north-east Atlantic for 2017](#). In 2018 the analysis excludes *Dab* and *flounder* in areas 2a and 4, because the TAC was removed in early 2017; and, *Anchovy* in areas 9, 10 and CECAF 34.1.1, because ICES could not give advice on catches.

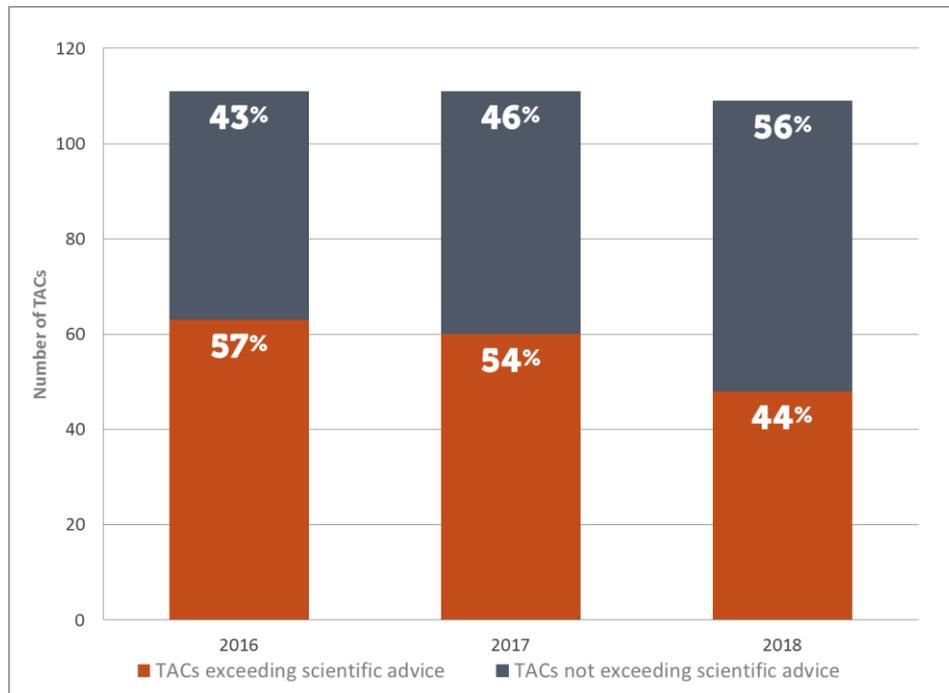


Figure 1 – How TACs set by the Council in north-western European waters compare with the scientific advice on fishing limits (2016-18).

Fisheries ministers made good progress in terms of the percentage of TACs set at or below advice in relation to the Maximum Sustainable Yield (MSY) exploitation rates. Of the TACs where scientific advice on MSY exploitation rates was available, 72 percent (52 of 72) were set not exceeding the scientific advice for 2018, compared to 55 percent in 2017³.

Where the scientific advice on fishing limits was not followed, neither the Commission nor any member states publicly presented socio-economic evidence to justify further delay in reaching MSY exploitation rates.

Despite the progress made compared to previous years, the outcome of the December Council continues to highlight fisheries ministers’ reluctance to end overfishing. With only two TAC cycles remaining before the CFP’s 2020 deadline is reached, this analysis highlights the importance of progressive proposals on fishing limits from the Commission in 2018 and 2019, and the need for the Council to make significant progress in setting TACs in line with the CFP’s requirements for 2019 and 2020 if the EU is to realise the benefits of ending overfishing.

Lack of transparency continues to make it difficult to analyse the extent to which the Council set fishing limits in line with the scientific advice. Examples of insufficient transparency include: lack of public information on TAC adjustments (“top-ups”) to account for the landing obligation (LO), and incomplete information on how the Commission transforms scientific advice on fishing limits into TACs (e.g. stock and TAC area mismatch). To determine if the TACs adjusted to account for the LO were in line with scientific advice, it was necessary to make assumptions about the level of ‘adjustments’ and area mismatches. The analysis nevertheless indicates that fishing opportunities for some TACs, either subject to or partially subject to the LO, were set at levels that exceed scientific advice.

³ [Pew analysis of Total Allowable Catches in the north-east Atlantic for 2017.](#)

1 European Commission proposals on north-east Atlantic TACs for 2018

Under Article 43(3) of the Treaty of the functioning of the European Union, fishing opportunities are proposed by the European Commission and agreed by the Council by qualified majority vote. On 7th November 2017 the Commission proposed⁴ 74 TACs for fish stocks in northern waters⁵ and southern waters⁶ of the north-east Atlantic⁷.

58 percent of TACs proposed (43 of 74) did not exceed the scientific advice on fishing limits⁸. However, for 27 TACs the Commission proposed fishing limits that exceeded the scientific advice. The Commission proposal was a small improvement on the previous year's proposal (27th October 2016), where just over half of the TACs proposed (35 of 69) did not exceed the scientific advice⁹.

For the vast majority of TACs with scientific advice on the MSY exploitation rate, the Commission proposed fishing limits not exceeding the scientific advice. Nevertheless, there were several instances where the Commission proposed TACs exceeding the scientific advice for stocks where MSY fishing limits were recommended, these included: *herring* in areas 6a (south), 7b and 7c¹⁰; *herring* in areas 5b, 6b and 6a (north); *megrims* in area 7; *megrims* in areas 8abde; and *common sole* in area 7a.

For a further 45 TACs, no proposal was published by the Commission on 7th November. These were described as "pm" (*pro memoria*). Reasons that TACs were not proposed included: they are for stocks shared with third countries and consultations were yet to conclude; because the scientific advice had not been received at the time the proposal was created; or because the Commission evaluation of the scientific advice was still ongoing.

Between the publication of the proposal on 7th November and the Council meeting on 11th to 13th December, the Commission presented additional TAC proposals, methodologies for adjustments to account for the LO, and proposed measures for European seabass stocks and the endangered European eel. These proposals were presented to Council as "non-papers" and were not made available to the public until after the decisions on fishing opportunities for 2018 had been made.

In summary, the Commission proposal on fishing limits for 2018 proposed many TACs exceeding scientific advice, including for several stocks with scientific advice on the MSY exploitation rate. Even if the Commission proposal were adopted by the Council in full, it would have been insufficient to end overfishing in 2018. The Commission continues to provide insufficient public information on their full proposals, contributing to the overall lack of transparency in the TAC setting process. See [Pew's response to the Commission's proposal](#) for a more detailed analysis and our recommendations.

⁴ COM(2017) 645, Proposal for a Council Regulation fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters. [Articles](#), [Annex I](#), [Annex II-VIII](#).

⁵ 58 in northern waters: Atlantic Ocean west of Scotland and Ireland, and adjacent waters including the Irish, Celtic and North seas.

⁶ 16 in southern waters: Bay of Biscay, Iberian waters, Azores grounds and Union waters of CECAF.

⁷ For some TACs the Commission made further proposals to Council through "non-papers" without making them readily available on the Council website until after the decisions on fishing opportunities for 2018 had been made (e.g. [14317/17](#) - Regulation on Atlantic and North Sea TACs and Quotas for 2018 non-paper with updates). This lack of accessibility prevents stakeholders from conducting analyses of the Commission's proposals in a comprehensive manner.

⁸ See [Pew response to Commission Proposal](#). Figures based on analysis of the original proposal (7th November 2017), excluding any subsequent non-public proposals made in Council Working Group 'non-papers'.

⁹ In many cases it can be difficult to assess the extent to which the Commission's TAC proposals follow the scientific advice. For many stocks there are mismatches between the geographic areas used by ICES in its assessment of a fish stock and the areas covered by a TAC. In these cases Pew assesses whether TACs are set exceeding or not exceeding the scientific advice based on assumptions about how the Commission has arrived at the proposed TAC from the scientific advice, for example how scientific advice on catches for stocks are apportioned to TAC areas and whether overall the proposed TACs exceed the total maximum catch advice for the stock.

¹⁰ ICES advice for 2018 is for a zero TAC and for a discontinuation of the scientific monitoring TAC advised upon by ICES in 2016.

2 Fisheries Council TAC decisions for 2018

Based on the Commission proposal, at the Fisheries Council on 11th to 13th December 2017 EU fisheries ministers decided upon 143 TACs in the north-east Atlantic¹¹, including stocks that are subject to negotiations with third parties.

119 of the 143 TACs are within the scope of this analysis¹². Scientific advice on fishing limits was available for 109¹³ out of the 119 TACs. This section analyses the Council's decisions on those 109 TACs.

The 109 TACs for which scientific advice was available fall into two categories (see Figure 1):

- 61 TACs (56 percent) were set not exceeding scientific advice.
- 48 TACs (44 percent) were set exceeding scientific advice.
 - For several TACs the fishing limits set are significantly higher than the scientific advice. These include *whiting* in areas 6, 5b, 12 and 14 (~19 times the advice), *whiting* in area 3a (~6 times the advice), *sprat & associated bycatches* in area 3a (~4 times the advice), *pollack* in area 7 (~3 times the advice), and *cod* in the Kattegat (~2.5 times the advice).
 - 9 TACs were set despite scientific advice for zero catches: *herring* in areas 5b, 6b and 6a (north); *herring* in areas 6a (south) and 7bc; *northern prawn* in areas 2a and 4; *picked dogfish*¹⁴ in areas 1, 5-8, 12 and 14; and, *common sole* in area 7a. This also includes 4 TACs subject to a joint statement by the Council and the Commission agreeing to maintain TACs unchanged unless the perception of the status of these stocks changes significantly (i.e. "statement stocks")¹⁵: *whiting* in area 7a; *blue ling* in area 3; *blue ling* in areas 2a and 4; and *plaice* in areas 7hjk.
 - 15 TACs for "statement stocks" had scientific advice to reduce catches compared to the TACs set for 2017. 13 of these TACs were maintained at the same levels, whilst *greater silver smelt* in areas 3 and 4 was increased by 20 percent and another TAC (*sprat* in areas 7de) was only reduced by 20 percent instead of the 43 percent advised by ICES.

72 out of the 109 TACs had specific advice on fishing rates that correspond to MSY ($F_{MSY}/F_{MSY\ proxy}$), and fall into two categories:

- 52 TACs (72 percent of 72 TACs) were set not exceeding advice¹⁶. 17 of these 52 TACs had been set exceeding advice for 2017. These include *cod* in areas 2a, 3a and 4; *cod* in area 7d; *cod* in the Skagerrak; *cod* in area 7a; *cod* in areas 7bc,e-k, 8, 9, 10 and CECAF 34.1.1; *megrims* in area 8c, 9, 10 and CECAF 34.1.1; *haddock* in area 7a; *whiting* in areas 2a and 4; *ling* in areas 3a-d; *plaice* in area 7a; *turbot & brill* in areas 2a and 4; *common sole* in areas 2a and 4; *common sole* in area 7d; *common sole* in areas 7fg; *common sole* in areas 8ab; *horse mackerel* in areas 2a, 4a, 5b, 6, 7a-c, 7e-k, 8abde, 12 and 14; and *horse mackerel* in area 8c.

¹¹ [Annex IA](#) –Council Regulation (EU) 2018/120 of 23 January 2018 - fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Council Regulation (EU) 2017/127.

¹² Northwestern European waters. This excludes some TACs from Annex IA of the TAC regulation which are not in EU waters (e.g. Barents Sea and Icelandic waters), are in Greenland and ultra-peripheral waters (e.g. Madeira waters), and/or are grouped TACs as 'others' or 'industrial' species.

¹³ This excludes TACs for *skates and rays* (x5) and *anchovy* in areas 9, 10 & CECAF 34.1.1 – where scientific advice was published by ICES but advice on the catch limits associated with the TAC was not determinable. This also excludes TACs for *herring* in area 7ef; *plaice* in areas 5b, 6, 12 and 14; *saithe* in areas 7, 8, 9, 10 and CECAF 34.1.1; and *common sole* in areas 5b and 6, where no scientific advice on catch limits is provided by ICES.

¹⁴ ICES advise that there should be no targeted fisheries and that any possible provision for the landing of bycatch should be part of a management plan, including close monitoring of the stock and fisheries. Our analysis assumes this means zero catches, however, there is some ambiguity introduced in the ICES advice around annual catch levels that may allow the stock to increase at a rate close to that estimated with zero catches.

¹⁵ Council document PECH 491, 15502/15 REV1. Joint statement by the Council and the Commission "Ad Specific Data Limited Stocks", which fixes TACs at the same levels until the end of 2018, unless the perception of the status of these stocks changes significantly.

¹⁶ For stocks subject to the Landing Obligation, total TACs agreed were compared to catch advice when the LO covers all the fisheries exploiting that stock. This is the case for pelagic species; *northern prawn* in areas 2a and 4 and area 3a; *Norway lobster* in area 3a, areas 8abde, areas 8c, 9, 10 and CECAF; *haddock* in areas 2a, 3a, 4, areas 5b and 6a, areas 6b, 12 and 14. When the LO is only applicable to a fraction of the fisheries exploiting the stock, the corresponding TACs have the top-up (adjustment) quantities removed and are compared to the ICES landings advice. Estimated top-up quantities applied to TACs by the Council are based on best available information. The Commission has not published tonnages of the TAC top-up (adjustments) agreed by Council since setting fishing opportunities for 2018.

- 20 TACs (28 percent of 72 TACs) were set exceeding advice. These include TACs for *herring* in areas 6a (south), 7b and 7c; *herring* in areas 5b, 6b and 6a (north); *herring* in areas 7ghjk; *haddock* in areas 7b-k, 8, 9 and 10; *whiting* in areas 7b-k, 8, 9 and 10; *whiting* in area 7a; *hake* in areas 8c, 9, 10 and CECAF 34.1.1; *lemon sole & witch* in areas 2a and 4; *ling* in area 4; *ling* in areas 6-10, 12 and 14; *Norway lobster* in areas 5b and 6; *plaice* in the Skagerrak; *plaice* in areas 2a and 4; *plaice* in areas 7hjk; *mackerel* in areas 2a, 3a-c and 4; *mackerel* in areas 5b, 6, 7 and 8abde; *mackerel* in areas 8c, 9, 10 and CECAF 34.1.1; *common sole* in area 3a; *common sole* in areas 7hjk; and *common sole* in area 7a.
 - 5 of the 20 TACs appear to have been set not exceeding advice for 2017, meaning a step backward in terms of sustainable management and meeting the CFP's objectives¹⁷.
 - 5 of the 20 TACs had advice for zero catches in 2018 which was not followed¹⁸.

In summary, 44 percent of TACs set by Council for European stocks in the north-east Atlantic region (48 of 109) exceeded the scientific advice on fishing limits; this is a reduction from the 54 percent that exceeded the scientific advice in 2017. Of the TACs where scientific advice on MSY exploitation rates was available, 28 percent (20 of 72) were set exceeding the scientific advice for 2018, compared to approximately 45 percent in 2017. We conclude therefore that there has been some incremental progress towards the Article 2(2) MSY objective of the CFP when compared to previous years. However, where the scientific advice on fishing limits was not followed, neither the Commission nor any member states publicly presented socio-economic evidence to justify further delay in reaching MSY exploitation rates.

3 Transparency issues hindering full accountability on TAC setting

Pew notes a number of important transparency issues that continue to impede an assessment of the extent to which Council sets fishing limits in line with the scientific advice.

a. TAC adjustments (“top-ups”) to account for the landing obligation

The LO is being implemented gradually between 2015 and 2019. During 2018 the LO will continue to apply to all pelagic fisheries, and to additional components of specific demersal fisheries. This means that for some TACs (i.e. 28 pelagic TACs) the LO covers all fisheries, but for some TACs the LO covers only some fisheries.

The information provided by the Commission and Council on TAC adjustments is insufficient to comprehensively analyse whether these adjustments and associated TACs were set in line with scientific advice. In particular for TACs partially subject to the LO further information would be required to assess if the TACs (including adjustment) are above scientific advice. Pew's assessment of whether TACs are set in line with scientific advice is made on the basis of data obtained through an access to information request made after the Council¹⁹.

Pew is concerned about the lack of peer review and scientific scrutiny when calculating the TAC adjustments. Moreover, it should be transparent how TAC adjustments are calculated, taking into consideration whether a stock is fully or partially under the landing obligation (i.e. if the obligation applies only to some areas, some fishing gears, and/or if exemptions are applied). We urge the Commission to make the methodology and proposed TAC adjustments for each applicable TAC publically available before the December Council. Following the Council meeting, it should be made clear how TAC adjustments were finally calculated and applied for each TAC. The agreed TAC including any potential adjustment should under no circumstances exceed the scientifically advised maximum catches and should provide an incentive to fish more selectively.

¹⁷ *Herring* in areas 7ghjk; *haddock* in areas 7b-k, 8-10; *whiting* in areas 7b-k, 8-10; *Norway lobster* in areas 5b and 6; *common sole* in area 3a.

¹⁸ *Herring* in areas 6a (south), 7b and 7c; *herring* in areas 5b, 6b and 6a (north); *whiting* in area 7a; *plaice* in areas 7hjk; and, *common sole* in area 7a.

¹⁹ Non-papers ST 14915 2017 (24 November) and ST 15422 2017 (5 December): *Updates to Commission proposal COM(2017) 645 for a Council Regulation fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters.*

b. Stock and TAC area mismatch

For many stocks there are mismatches between the geographic areas used by ICES in its stock assessments and the areas covered by a TAC²⁰. Unfortunately, this means that it is not always possible for stakeholders to ascertain to what extent scientific advice has been followed for some TACs. Pew would welcome improved transparency on how the Commission arrives at the proposed TAC from the scientific advice, for example, how scientific advice on catches for stocks are apportioned to TAC areas, and how total catch advice is respected in relation to the LO and the adjustments made.

4 Specific provisions undermining sustainable fishing

Pew is concerned about decisions made during the Fisheries Council which could undermine the sustainability of several stocks in 2018.

a. Landing obligation adjustments (“top-ups”) and scientific advice

As stated in Section 3 (above), it is not possible to fully analyse the extent to which TACs set by Council and subject to the landing obligation (LO) follow the scientific advice. However, the following analysis indicates that for some TACs subject to the LO, fishing opportunities exceed the scientifically advised levels and that for some other TACs partially subject to the LO, this might also be the case.

There are 45 TACs for demersal stocks under the LO in 2018. Of these:

- 10 demersal TACs are subject to the LO, covering all the relevant fisheries, and were not partially adjusted to account for the LO. It is therefore possible to assess whether these TACs are in line with scientific advice on total catches:
 - 9 TACs were set not exceeding scientific advice on total catches.
 - 1 TAC was set exceeding scientific advice on total catches: *northern prawn* in areas 2a and 4.
- 24 demersal TACs are subject to the LO, but covering only some fisheries, and were partially adjusted to account for the LO. Based on the information available it is not possible to assess whether these adjustments are in line with scientific advice. Therefore it is only possible to analyse TACs after the adjustments²¹ are removed:
 - 17 TACs appear to have been set not exceeding the scientific advice on total landings before the adjustments (“top-ups”) were applied.
 - 7 TACs appear to have been set exceeding scientific advice on total landings before the adjustments (“top-ups”) were applied.
- 8 demersal TACs are subject to the LO, but covering only some fisheries, and did not include adjustments:
 - 3 TACs were set not exceeding scientific advice on total landings: *hake* in area 3a, *hake* in areas 2a and 4, and *common sole* in areas 8ab.
 - 1 TAC was set exceeding scientific advice on total landings: *anglerfish* in areas 8abde.
 - 4 TACs were set exceeding scientific advice on total catches, and all are part of the “statement stocks” agreement: *common sole* in areas 7bc, *common sole* in areas 7hjk, *plaice* in areas 8, 9, 10 and CECAF 34.1.1 and *sole* in areas 8cde, 9, 10 and CECAF 34.1.1.
- 3 demersal TACs are subject to the LO but do not have any scientific advice and are part of the “statement stocks” agreement: *plaice* in areas 5b, 6, 12 and 14; *saithe* in areas 7, 8, 9, 10 and CECAF 34.1.1; and, *common sole* in areas 5b, 6, 12 and 14.

²⁰ See for instance - [Client Earth, 2016. Mismatch between TACs and ICES advice.](#)

²¹ Data on adjustments are from Council Working Party non-papers ST 14915 2017 (24 November) and ST 15422 2017 (5 December): *Updates to Commission proposal COM(2017) 645 for a Council Regulation fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters.*

b. TACs subject to the joint statement on data-limited stocks

In 2013 the Council and Commission agreed to fix 26 TACs at the same levels until the end of 2018 unless the perception of the status of any of these stocks changed significantly according to scientific advice (joint statement by the Council and the Commission "Ad Specific Data Limited Stocks"²²).

The agreement has served as a barrier to ending overfishing for several years, allowing TACs to be continually set higher than the scientific advice (see Section 2). Pew welcomes the end of the period of applicability of the agreement, and urges the Commission and the Council to make continued progress towards ending overfishing by setting all TACs hitherto covered by the statement not exceeding the maximum levels advised by ICES for future years.

c. TAC footnotes – ‘bycatch provisions’

For several years, certain TACs have included footnotes allowing for bycatches of a specified quantity (in percentage, i.e. 2% or 5%) of non-target species (e.g. whiting, mackerel, haddock and boarfish) to be caught in pursuit of the target TAC.

The Commission continued to propose ‘bycatch allowance’ footnotes for several TACs in 2018²³. The proposed ‘bycatch allowance’ footnotes now refer to the interspecies flexibility provision of the CFP (Article 15(8) of Regulation (EU) No 1380/2013). This specifies that bycatches of species counted against the quota pursuant to Article 15(8) shall, together, not exceed 9% of the quota. Article 15(8) also requires the associated non-target stocks to be within safe biological limits. This is an improvement on the ‘bycatch allowance’ footnotes agreed for 2017, which did not require stocks of non-target species to be inside safe biological limits, as the law requires.

The Council accepted the Commission proposal but the regulation does not make clear how the proposed ‘bycatch allowance’ provisions will work in practice (i.e. recording and monitoring of catches) and what safeguards are in place to prevent an increase in fishing mortality on the non-target stocks above maximum scientifically advised levels. As far as Pew can assess, the footnotes include no requirement to deduct catches from the TACs set for the non-target species, and this potentially risks increasing fishing mortality on those non-target stocks above scientifically advised levels, whilst pursuing the target fisheries. This risks worsening the status of those non-target stocks and undermining the objective of achieving MSY fishing rates for these stocks. STECF highlighted these risks in their evaluation of the ‘bycatch allowance’ provisions for 2017²⁴ and in their previous evaluation of the potential impact of the interspecies flexibility provisions in the CFP (Article 15(8))²⁵.

d. Conservation measures for European eel

According to ICES advice, catches of *European eel* should be reduced to zero, or as close to zero as possible in order to restore the stock and achieve the CFP’s objectives. The Commission proposed to add the critically endangered European eel stock to the prohibited species list in order to further protect it from commercial and recreational fishing activities. This would have prohibited the targeting of adult eel in marine waters all year round.

However, the Council only introduced a provision to temporarily prohibit commercial catches of European eel (≥12cm in length) in EU waters of the north-east Atlantic and Baltic Sea for a consecutive 3 month period between 1st September 2018 and 31st January 2019, to be determined by each Member State

²² Introduced in December 2012 for 21 TACs - [5315/13](#). Expanded in December 2013 to 26 TACs - [5232/14](#).

²³ *Sandeel* in areas 2a and 4; *sprat* in area 3a; *sprat* in areas 4 and 2a; *horse mackerel* in areas 4b, 4c and 7d; *horse mackerel* in areas 2a, 4a, 5b, 6, 7a-c, 7e-k, 8abde, 12 and 14; and *Norway pout* in areas 3a, 4 and 2a.

²⁴ “there is potential to significantly increase the mortality on non-targeted bycatch species to levels inconsistent with achieving F_{MSY} and to the extent that stock biomass could be reduced below safe biological limits”
<https://stecf.jrc.ec.europa.eu/documents/43805/1780485/STECF+PLEN+17-02.pdf>

²⁵ “the provision offers a way of transferring quota from low value/high volume species to low volume/high value species, this potentially provides helpful economic benefits but carries the risk of elevated mortality on the non-target species”
<https://stecf.jrc.ec.europa.eu/documents/43805/610582/STECF+13-23+-+Landing+obligation+in+EU+Fisheries+-+p1.pdf>

before June 1st 2018. The rationale for the closed periods is to protect spawners during their migration, but no explanation was provided on why a full prohibition would have been ineffective to achieve this.

Prior to the December Council Pew urged ministers to adopt the Commission proposal by adding European eel to the prohibited species list and to introduce measures that encourage avoidance, reliable catch documentation, and improve the survivability of released eel. In Pew's view, the decision by Council to introduce a 3 month prohibition does not go far enough to protect the critically endangered eel population. Because member states are afforded flexibility to define when they will apply their closed period, there is no guarantee of co-ordinated closures and the protection of eel from commercial extraction.

e. Conservation measures for the northern European seabass stock

According to ICES advice there should be zero catch (commercial and recreational) of *European seabass* from the northern stock (Celtic Sea, Channel, Irish Sea and southern North Sea) in 2018. The Commission highlighted that the stock continued to decline despite the conservation measures implemented in previous years, indicating that those measures have not delivered the desired reduction in fishing mortality (17% instead of the expected 50%)²⁶. In response, the fishing mortality on the northern stock should be significantly decreased in 2018 to promote a recovery of the stock's biomass.

For commercial fisheries, the Council decided upon a prohibition of fisheries for seabass, including a 2 month closure (February and March) to protect spawning aggregations, and further constraints on the derogated catch limits for unavoidable bycatches of seabass using certain types of fishing gears (trawls, seines, fixed gill nets, hooks and lines) in January and between 1st April and 31st December. Further restrictions on recreational fishing for the northern stock were also put in place, with only catch-and-release fishing now being allowed throughout the year.

Pew welcomes further conservation measures for the northern stock. However, it remains to be seen if the agreed conservation measures will actually deliver the reductions in fishing mortality advised by ICES. The efficacy of these measures relies on full implementation and effective monitoring, control and enforcement, and concerns remain about the capacity of national authorities to implement these measures and monitor their application.

Conclusions

Pew draws the following conclusions on the setting of north-east Atlantic fishing limits for 2018:

- There are transparency issues that make it difficult to analyse the extent to which the Council set fishing limits in line with the scientific advice.
- The Commission proposal on fishing opportunities (7th November 2017) was a continued improvement on previous proposals, but was insufficient to end overfishing, even if it were adopted in full by the Council.
- Fisheries ministers continued to agree a significant number (44 percent) of TACs for 2018 that exceeded the scientific advice. However, this was a reduction compared to last year (54 percent).
- Fisheries ministers made good progress on the number of TACs set at or below advice in relation to the MSY exploitation rates. However, for the 20 TACs set exceeding that scientific advice neither the Commission nor any member states publicly presented evidence of socio-economic impacts which is required to justify postponing the deadline to achieve MSY exploitation rates.
- The analysis indicates that for some TACs fully subject to the LO, fishing limits exceed the scientifically advised levels and that for some other TACs partially subject to the LO this might also be the case.

²⁶ [Council Regulation \(EU\) 2018/120 of 23 January 2018 - fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Council Regulation \(EU\) 2017/127.](#)

- The ‘bycatch provisions’ footnotes risk increasing the fishing mortality on the relevant non-target species above the scientifically advised levels of catches for those stocks.
- A 3 month temporary closed period does not go far enough to protect the critically endangered European eel, where scientific advice was to reduce catches to zero, or as close to zero as possible.
- Conservation measures for the northern European seabass stock have been enhanced for 2018 but it remains unclear whether the measures agreed will actually deliver the reductions in fishing mortality advised by ICES. The efficacy of these measures relies on full implementation and effective monitoring, control and enforcement.

Recommendations

Pew issues the following recommendations to improve the setting of north-east Atlantic fishing limits in future years:

- With only two TAC cycles remaining before the CFP’s 2020 deadline is reached, the Council must make significant progress to set TACs for 2019 and 2020 in line with the CFP’s requirements if it is to realise the benefits of ending overfishing²⁷.
- The Commission should play its part by making proposals for 2019 and 2020 TACs fully in line with the CFP, and guiding ministers away from their serial short-termism.
- The Commission should improve transparency of TAC setting. This includes publishing details on the methodologies for TAC ‘adjustments’ and for matching scientific advice with TAC areas, and publishing all “non-papers” with additional TAC proposals.
- The Council should publish any socio-economic evidence used to justify delays in reaching MSY, and live stream at least the initial exchange of views on the setting of fishing opportunities.
- The Commission should seek a scientific assessment of the impacts of the ‘bycatch provisions’ on the sustainability of the non-target stocks and assess the footnotes’ overarching compatibility with setting fishing limits not exceeding the rate that can produce MSY for those stocks as required by the CFP.
- Additional conservation measures should be developed for European eel and seabass in order to further reduce fishing mortality in line with scientific advice and restore those stocks above levels capable of producing MSY, as required by Article 2(2) of the CFP.

For more information, please contact:

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²⁷ World Bank. 2017. *The Sunken Billions Revisited: Progress and Challenges in Global Marine Fisheries*. Environment and Development. Washington, DC: World Bank. © World Bank.