



THE
PEW
CHARITABLE TRUSTS

ANALYSIS OF TOTAL ALLOWABLE CATCHES IN EUROPE'S NORTH-WESTERN WATERS

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1. Background

The reformed Common Fisheries Policy (CFP) governing European Union fisheries entered into force in January 2014. It requires an end to overfishing, with legally binding targets and deadlines. Specifically, Article 2.2 requires 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”.

The December 2015 Fisheries Council decided on 2016 total allowable catches (TACs) for most fish stocks. This should have resulted in fisheries ministers agreeing to TACs that end overfishing, provided that the corresponding limits are respected. The CFP allows for postponing the 2015 deadline only in exceptional cases, when meeting it “would seriously jeopardise the social and economic sustainability of particular fleets” (Preamble 7).

This brief analyses progress made to end overfishing in the waters of north-western Europe, i.e., the North Sea, Irish Sea, Celtic Sea, and the waters west of Scotland and Ireland. For brevity, we shall refer to these waters from hereon as north-western waters.

2. European Commission 2016 TAC proposal

In November 2015 the European Commission proposed TACs for 2016 for a number of stocks that are not subject to negotiation with third parties or awaiting further scientific advice¹. Forty five of the proposed TACs were for fish stocks in north-western waters.

¹ European Commission [COM(2015) 559 final] Proposal for a Council Regulation fixing for 2016 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.

The TACs proposed for fish stocks in north western waters mainly fell into three categories:

- A. Twenty-four proposed TACs did not exceed the scientific advice on sustainable catches;
- B. Seventeen TACs exceeded the scientific advice, and can be divided into three groups:
 - The proposed TAC is greater than zero despite the advice for no directed fishing because biomass is assessed as depleted to the point that reproduction of the stock is impaired. This is the case for Irish Sea cod, and three TACs subject to the 2013 Council/Commission agreement on stocks “with a presumption of stability” – whiting in the Irish Sea and blue ling (III and II & IV).
 - The reduction proposed is smaller than advised. For example, dab & flounder in the North Sea; whiting to the West of Scotland and plaice in the Irish Sea
 - A “rollover” is proposed despite advice to reduce catches. This is for TACs subject to the 2013 Council/Commission agreement², including: tusk in the North Sea; Rockall cod and ling in the Kattegat.
- C. Four proposed TACs were based on no scientific advice.

See [Pew’s response to the Commission’s proposal](#).

3. Fisheries Council 2016 TAC decisions

The December 2015 Fisheries Council decided on 94 TACs for stocks in north-western waters, including stocks that are subject to negotiation with third parties.³ For almost all—90—scientific advice was available.⁴

The ninety TACs with scientific advice available fall into two categories:

- Forty seven TACs (52 percent) were set not exceeding scientific advice, including limits for boarfish, English Channel plaice and North Sea megrim. This compares to 39 out of 95 TACs (41 percent) in December 2014.
- Forty three TACs (48 percent) were set above scientific advice (compared to – 56 out of 95 TACs, or 59 percent, in December 2014), and they exceeded on average the advice by 88 percent⁵ (compared with 72 percent for those TACs set above scientific advice in the previous year).

² Commission and Council agreed in December 2013 on the desirability of maintaining TACs unchanged for 25 stocks unless scientific advice indicates a need for change.

³ Excluding skates and rays.

⁴ Council of the European Union, Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 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 Regulation (EU) 2015/104. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0072&from=EN>

⁵ Average percentage above scientific advice is underestimated since all TACs with advice for zero catch, but where a TAC was set, were considered a fixed value of 100% above advice.

Forty five TACs had specific advice on fishing rates that correspond to maximum sustainable yield (F_{MSY}), and fall into two categories:

- Twenty-seven TACs (60 percent of 45 TACs) were set by the Council not exceeding the F_{MSY} advice. These include TACs for several herring stocks, English Channel plaice and North Sea megrims. In December 2014 seven of these TACs were set above scientific advice.
- Eighteen TACs (40 percent of 45 TACs) were set by the Council above the F_{MSY} advice, including for northern hake, Celtic Sea cod, Celtic Sea haddock, Celtic Sea whiting, blue whiting, and mackerel. In December 2014 five of these TACs were set not exceeding the scientific advice.

Overall, among the ninety TACs with scientific advice, some decisions significantly diverge from the scientific advice:

- In six instances, TACs were set despite the advice being for no fishing: Irish Sea cod, Irish Sea sole, North Sea northern prawns and three TACs subject to the 2013 Council/Commission agreement on stocks “with a presumption of stability”: Irish Sea whiting, and blue ling (two TACs).
- For some TACs, the difference between the scientific advice and the fishing limit set is significant:
 - For whiting in IIIa Council set the TAC at almost eight times the landings advised.
 - 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 74 percent to take account of the Landing Obligation (LO).
- The 18 TACs in the region subject to the 2013 Council/Commission agreement on stocks “with a presumption of stability” were rolled-over, i.e. maintained at the same levels, regardless of the scientific advice.

Neither the Commission nor any member state publicly presented clear evidence of socio-economic impacts that would justify delays in reaching maximum sustainable yield by 2015, as required by the CFP⁶. In addition, it seems that information on “values around F_{MSY} ”⁷ was used to justify a TAC for North Sea sole exceeding the scientific advice.

4. Landing Obligation⁸

The Landing Obligation (LO) is being implemented gradually between 2015 and 2019. During 2016, the LO will apply to pelagic fisheries, and some parts of some demersal fisheries⁹. This means that some TACs (e.g. 20 pelagic TACs) cover stocks fully or almost fully subject to the

⁶ The Pew Charitable Trusts has submitted several access to information requests, but has not yet received documentation of socio-economic evidence justifying a delay in reaching MSY fishing mortality levels.

⁷ [EU request to ICES to provide \$F_{MSY}\$ ranges](#)

⁸ 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, northern prawn and sole VIIe stocks. When the LO is only applicable to a fraction of the fisheries exploiting the stock, the corresponding TAC was compared to landings advice after adjustments quantities agreed were removed.

⁹ The [Commission webpage](#) lists the fisheries subject to the landing obligation.

LO, some TACs cover stocks that are only partially subject to it, while some TACs remain unaffected.

There are 26 demersal TACs affected by the LO from 1 January 2016. Twenty-two of these had scientific advice on landings from which to calculate potential TAC adjustments to account for fisheries under the LO. Of these:

- Seventeen demersal TACs were 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 without the adjustments:
 - Ten TACs exceeded scientific advice before the adjustment was applied, on average by 29 percent;
 - Seven TACs did not exceed scientific advice before the adjustment was applied.
- Five demersal TACs partially subject to the LO did not include adjustments:
 - Two TACs followed scientific advice on total landings: haddock VIb, XII and XIV, and northern prawns IIIa;
 - Three TACs did not follow scientific advice on landings, exceeding it by: 3 percent for hake in the North Sea and hake in IIIa & subdivision 22-32, and by 41 percent for nephrops in IIIa & subdivision 22-32.

5. Conclusions

- The Commission proposal for 2016 fishing limits was a substantial improvement from the previous year in terms of following scientific advice. However, it was not sufficiently ambitious to end overfishing, even if adopted by the Council.
- Council subsequently agreed TACs that moved the detail in the proposal further away from the CFP's requirements. This included TACs that increase the rate of overfishing for some stocks.
- Overall, the number of TACs set above scientific advice decreased this year.
- However, where TACs were set above scientific advice, the extent of overfishing got worse.
- For those stocks with scientific advice on MSY, slight progress has been made towards achieving MSY mortality rates, but this progress is marginal, not the "progressive, incremental" change required by the CFP.
- Neither the Commission nor member states made public evidence of any socio-economic impacts that would justify delays in reaching maximum sustainable yield by 2015, as required by the CFP.
- Advice on "values around F_{MSY} "¹⁰, i.e. ranges as currently being discussed controversially in the Baltic MAP trilogue, seems to have been used for the first time to justify a higher than MSY TAC, for North Sea sole.
- The phasing in of the landing obligation fishery by fishery and the information given on "adjustments" does not allow for analysis of whether these adjustments were in line with scientific advice.

¹⁰ [EU request to ICES to provide \$F_{MSY}\$ ranges](#)

- The majority of the TACs that were increased to allow for the landing obligation had been set above scientific advice before being adjusted.

6. Recommendations

- The decisions on TACs for 2016 again demonstrate Council's reluctance to implement the CFP. The Council will need to make significantly more progress in setting TACs for 2017 in line with the CFP's requirements if it is to realise the benefits of ending overfishing.
- In turn, the Commission can play its part by making proposals for 2017 TACs fully in line with the CFP, and guiding ministers away from their serial short-termism.

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