

THE
PEW
CHARITABLE TRUSTS

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

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The Pew Charitable Trusts
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Summary

The Pew Charitable Trusts welcomes 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.

Pew is greatly concerned about the slow progress to end overfishing in the EU in line with the CFP. 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.

Concentrating on the waters of North-Western Europe, where Pew's effort to end European Union overfishing is currently focused, we would like to highlight the following key points:

Setting of fishing limits:

- Pew welcomes 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.
- Pew questions 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. Pew therefore urges 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.

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 \(STECF-16-05\).](#)

- 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 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.
- Pew strongly advises 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.
- Pew remains 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.
- Pew welcomes 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. Pew also welcomes 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

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.](#)

to “MSY”. Using clear language will help decision makers to better understand the CFP, to support more precise feedback and facilitate implementation.

- Pew welcomes 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”.
- 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.

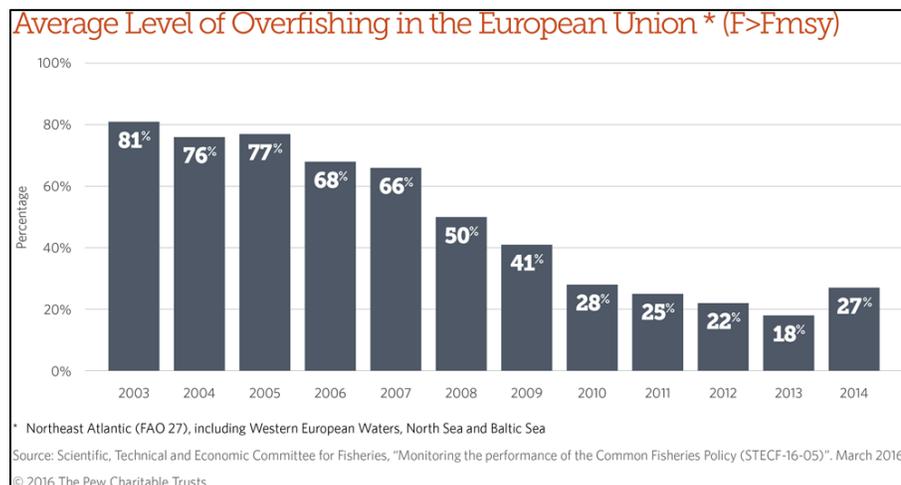
1. Introduction

The Pew Charitable Trusts welcomes the Commission’s Communication initiating a consultation on fishing opportunities for 2017.⁴ Setting correct fishing limits (TACs) 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 (B_{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 Maximum Sustainable Yield (MSY) and on the situation of fish stocks, in line with CFP Article 50. Pew is greatly concerned about the slow progress to end overfishing in the EU in line with the CFP. With more than 60% of assessed stocks outside safe biological limits⁵, additional efforts are needed to restore stocks to healthy levels. In this submission, we focused on the waters of North-Western Europe, where Pew’s effort to end European Union overfishing is currently centred.

2. Setting sustainable fishing limits

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.⁶ This finding



from the Commission’s Scientific, Technical and Economic Committee for Fisheries (STECF) is in

⁴ [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.](#)

⁵ [Scientific, Technical and Economic Committee for Fisheries \(STECF\) Monitoring the performance of the Common Fisheries Policy \(STECF-16-05\).](#)

⁶ Idem.

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.

2.1 Stocks under multiannual plans

The CFP requires, as a priority, the adoption of multiannual plans (MAPs) that should provide robust and lasting frameworks for fisheries management to achieve the CFP's objectives. On 15th March 2016, representatives of the Fisheries Council, Parliament, and Commission reached a provisional agreement for a multi-annual plan (MAP) for certain fish stocks in the Baltic Sea. While the agreed plan contains a number of requirements consistent with the CFP, it introduces, for the first time, "ranges" around the limit fishing mortality point agreed in the CFP. The plan thus potentially allows continued overfishing until and beyond 2020 and contradicts one of the key pillars of the CFP.

Pew questions the Commission's claim that the ranges will result in MSY in the long term. 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. Pew therefore urges the Commission to:

- Follow the scientific advice based on the ICES MSY advice rule and only propose fishing opportunities not exceeding scientifically advised F_{MSY} point estimates;
- 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, to request scientific advice from STECF if fishing above F_{MSY} levels is necessary to 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.
- Request scientific advisory bodies to evaluate to what extent the agreed Baltic MAP will contribute to restoring and maintaining stocks above B_{MSY} levels.

Moreover, when the Commission requested ICES to advise on ranges *around* F_{MSY} , ICES did so on the basis of two different approaches:

- a) Broader ranges for plans following the ICES MSY advice rule, i.e. requiring reducing F linearly towards zero when SSB is below MSY $B_{trigger}$.
- b) Narrower ranges for plans that would not have such a requirement.

ICES stated: *"Although the first often provides a wider F_{MSY} range, it requires the ICES MSY advice rule to be used."* The Baltic Sea MAP includes values around F_{MSY} computed on the basis of the first approach (Annex I), without specifying that it requires the ICES MSY advice rule to be used. We assume that the Commission will propose TACs in line with the ICES advice rule and urge the Commission to propose to adapt the values for ranges in the Baltic MAP Annex I, in line with the ICES advice. This would be in line with Baltic MAP Article 3.4 which asks that measures under this plan shall be taken in accordance with the best available scientific advice

and Baltic MAP Article 4.6 which stipulates that the Commission may as a matter of urgency submit a proposal for the revision of fishing mortality ranges when it considers on the basis of scientific advice that the ranges used do not correctly express the objectives of this plan.

Pew welcomes the Commission's intention to also propose fishing limits on the basis of MSY for stocks under existing multiannual plans that are no longer compatible with the MSY objective.

2.2 Stocks with MSY assessment

Pew welcomes the Commission's intention to propose TACs for 2017 in line with MSY exploitation rates (which we understand as not exceeding F_{MSY} and in line with the ICES MSY advice rule). With the 2015 deadline well passed, the Commission needs to be extra diligent to enable Council to set TACs not exceeding F_{MSY} .

We agree that only if this would imply very large annual reductions of fishing opportunities that would seriously jeopardise the social and economic sustainability of the fleets involved, would a delay in reaching the objective beyond 2017 (and not later than 2020) be acceptable, through a progressive, more gradual reduction of fishing opportunities. We welcome the clear statement by the Commission that it expects member states concerned to provide tangible evidence of such social and economic impacts. Yet, as highlighted in Pew's submissions to previous consultations on fishing limits⁷, it is essential that the Commission also clarifies by when such evidence needs to be submitted, and by whom it is validated. In addition, any request to delay the 2015 MSY deadline should include clear indication of how fishing mortality will be progressively and incrementally reduced in line with Article 2.2 to achieve the MSY objective as soon as possible and no later than 2020 – and this must be made public.

2.3 Other stocks

Pew agrees that proxies are a helpful tool for setting TACs when a full MSY assessment is unavailable. Yet, it must be made clear that the use of such proxies should not only avoid jeopardising the conservation objectives for the stock, but must also restore and maintain populations of harvested species above levels which can produce the MSY in line with Article 2.2 of the CFP.

Pew welcomes the Commission's clear intention to take the precautionary approach into account for stocks without reliable data to determine MSY proxies. It would be helpful if the Commission could make clear that such an approach will result in more precautionary fishing opportunities than F_{MSY} , as opposed to the so-called "precautionary fishing mortality rates" that are defined in the ICES framework for advice⁸, which are geared towards avoiding stock collapse, but not towards recovery of fish stocks in line with the CFP. This underlines the need to explain in more detail how the Commission intends to follow the precautionary approach.

⁷ http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/fishing-opportunities-2015/contributions/doc/pew_en.pdf.

⁸ [ICES Advice basis](#).

Earlier Communications – for example, the Consultation on Fishing Opportunities for 2011⁹ – included in its Annexes III and IV an overview on how the Commission intended to propose TACs, which could serve as an example for communicating how the Commission intends to apply the precautionary approach and intends to set fishing limits. Pew strongly supports setting out how the precautionary approach will be applied in a systematic, predefined, and transparent way.

For stocks with survey-assessed trends, or catch time series, ICES advice should not be considered on a case to case basis, but proposals and decisions should be made in accordance with the best available scientific advice in line with CFP Article 3(c).

Pew is concerned that the Commission's intention to follow the 2013 agreement between Commission and Council to maintain 26 TACs unchanged for four years unless perception of the stock changes significantly is not in line with the precautionary approach and the CFP. In case of limited information, the burden of proof is with decision-makers to demonstrate that TACs are precautionary. Insufficient scientific information should result in more precautionary TACs and in lower fishing mortality. Yet, it seems that the Commission has failed to propose a reduction of fishing limits even if scientifically advised. For instance, in the Commission's proposal for 2015, three TACs [whiting in VIIa (Irish Sea) and blue ling in III (Kattegat & Skagerrak), II and IV (Barents and North Sea)] were maintained, despite scientific advice for no fishing.

2.4 Adjustments to Total Allowable Catches (TACs)

The elimination of discards in line with the CFP shall be achieved through the landing obligation, discard plans and multi-annual plans. Tools to facilitate the elimination of discards are, for instance, increased selectivity, temporary or spatial closures, as well as enhanced quota flexibility and swaps. CFP Article 16.2 also determines that fishing opportunities shall take into account when a fish stock falls under the landing obligation.

We welcome the Commission's reiteration that TAC adjustments must not jeopardise the MSY objective or increase fishing mortality. This is a crucial consideration. Yet, Pew is concerned that TACs might be adjusted without robust scientific basis and in a non-transparent process. It is highly challenging to calculate possible adjustments in particular for stocks that are not entirely covered by the landing obligation. In addition, discard plans include numerous exemptions from the landing obligation, either through *de minimis* provisions, or on the basis of high survival.

Pew welcomes the Commission's intention to submit the method it used to calculate last year's TAC adjustments to STECF for advice. Pew remains concerned about the Commission's intention to calculate TAC "top-ups" when no validated or complete discard data are available without demonstrating how it will do so in a systematic, predefined, and transparent way. The Commission's assertion that this could be done on the basis of extrapolation is concerning, as such a course of action would not be in line with the precautionary approach.

⁹ 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, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0241&from=EN>.

3. Regional assessment

Pew's effort to end European Union overfishing is currently centered on the waters of North-Western Europe and the deep sea.

North Sea: We welcome the progress that has been made on sustainable fishing limits for some North Sea stocks. Yet, several of the stocks have still low biomass levels below B_{lim} or MSY $B_{trigger}$ and it remains unclear how far the stocks are away from the CFP objective to restore and maintain populations above levels capable of producing the MSY ($>B_{MSY}$). It is important that decision-makers do not slip back into overfishing these stocks, and that they bring to an end the overfishing of stocks that lack an MSY assessment.

North East Atlantic pelagic stocks: We applaud the Commission for continuously managing some pelagic stocks at sustainable levels. It is, however, crucial that stocks that are depleted and those which are overfished are allowed to recover from overexploitation. We urge the Commission to negotiate TACs with other Coastal States that bring overall fishing mortality for each stock below F_{MSY} and aim to restore and maintain populations above levels capable of producing MSY. For instance, in 2015 the European Union together with Norway and the Faroe Islands agreed on the management of mackerel in the Northeast Atlantic for 2016 and on a Long-Term Management Strategy for mackerel. According to this EU-Norway-Faroe Islands agreement, the total catch of Northeast Atlantic mackerel for 2016 should be 895 900 t, which exceeds ICES advice (based on the MSY approach) of no more than 667 385 t. In addition, the agreement states that *as a priority the long-term strategy shall ensure with high probability that the size of the stock is maintained above B_{lim}* – a management objective that clearly falls short of CFP requirements. The Long-Term Management Strategy for Mackerel also introduces an exploitation rate above F_{MSY} level to be used in the long term. This is a much less ambitious approach compared to the CFP.

West of Scotland, Irish Sea and Celtic Sea: We agree with the Commission's emphasis on the problems facing some stocks in this region, with slow recovery of several stocks hampered by overfishing. In advance of proposals for multiannual plans in western waters, it is crucial that TACs are set at levels that allow stock recovery, particularly if other ecosystem factors are potentially having an impact.

Deep-sea species: In 2016 the Council will set fishing opportunities for deep-sea stocks for 2017-18. Deep-sea stocks must be managed sustainably in view of the sensitive nature of these stocks and deep-sea marine ecosystems. Pew misses any reference by the Commission in regard to commitments undertaken in United Nations Resolutions 61/105 of 2006, 64/72 of 2009, 66/68 of 2011, and the 2008 International Guidelines for the Management of Deep-sea Fisheries in the High Seas of the Food and Agriculture Organization of the United Nations when proposing fishing opportunities for deep-sea stocks or confirmation that it will strictly apply the precautionary approach taking into account the stocks' particular characteristics.

We would note that the EU has committed to managing deep-sea fisheries as follows:

“Adopt conservation and management measures ... on the basis of stock assessments and the best available scientific information, to ensure the long-term sustainability of deep sea

fish stocks and non-target species, and the rebuilding of depleted stocks ... and, where scientific information is uncertain, unreliable, or inadequate, ensure that conservation and management measures are established consistent with the precautionary approach, including measures to ensure that fishing effort, fishing capacity, and catch limits, as appropriate, are at levels commensurate with the long-term sustainability of such stocks” and “not to authorize bottom fishing activities until such measures have been adopted and implemented” (paragraphs 119[d] and 120 of United Nations General Assembly Resolution 64/72).

Where the best scientific information available does not identify exploitation rates corresponding to the precautionary approach to fisheries management due to a lack of sufficient data concerning a certain stock or species, no fishing opportunities should be allocated for the fisheries concerned.

We would like to point out that many fisheries targeting deep-sea species are mixed-species fisheries with relatively large by-catches of non-target species and that setting TACs for target species should take account of the impact on by-catch species. As such, in setting the fishing opportunities for target deep-sea species, the Commission should ensure that such fishing opportunities will not undermine the long-term sustainability of non-target species and the rebuilding of non-target as well as target deep-sea fish stocks, and that by-catch is minimised to the maximum extent possible, including the prevention of by-catch of the most vulnerable species, such as deep-sea sharks.

4. Implementation of the landing obligation

Pew welcomes the report on implementation of the landing obligation, as required by Regulation 2015/812. The report generally paints a positive picture, concluding that the first stages of the landing obligation in 2015 were successfully implemented and that preparations for the 2016 phase went well, as are preparations for future roll-out. While this is positive news, Pew would like to draw attention to a few of the problems observed during implementation to date, only some of which are highlighted in the Commission’s accompanying working document¹⁰:

- The piecemeal basis for roll-out of the landing obligation, with different species covered in different fisheries and very few stocks covered in their entirety, makes decisions on TACs more complicated and potentially less effective. Pew would welcome clarity from the Commission on how partial TAC adjustments will be calculated and distributed.
- This piecemeal roll-out, and the number of exemptions allowed in discard plans, adds to the enforcement challenges making it harder to monitor compliance with the landing obligation, exacerbating the risks that a TAC may not reflect appropriately the amount of mortality in a fishery.

¹⁰ [SWD\(2016\) 199 final](#).

- These problems are likely to be reduced as roll-out of the landing obligation approaches completion by 2019, but it should also be noted that member states have chosen to recommend a phasing timetable that defers the majority of implementation until the later stages of roll-out. This timetable risks a “big-bang” with a great deal of disruption in 2018/2019, rather than the progressive phasing foreseen in the CFP.
- Advisory Councils and member states are putting significant, and productive, effort into overcoming the implementation challenges with practical solutions. As the Commission’s working document highlights, stakeholders are concerned that member states are not yet managing quota allocation and swaps in a way that helps implement the landing obligation effectively. Member states need to make more progress on using this key implementation tool.

5. Overall reporting on the state of stocks

Pew welcomes the Commission’s efforts to comply with Article 50 of the CFP to report annually to the European Parliament and the Council on the progress on achieving MSY and on the situation of fish stocks. We would like to comment on several aspects of this reporting:

Clarity of language: As in the previous communications under the CFP, the Commission lacks clarity in its language, which might result in unintended confusion and discussions within the consultation as well as the decision-making process for fishing opportunities for 2017.

- Generally, the consultation refers on numerous occasions to the notion of “MSY”. Yet, in the vast majority of cases it does not clarify further if the MSY refers to fishing mortality (F_{MSY}), biomass levels (B_{MSY}), or yield. Yet, it is important to clarify if MSY refers for instance to the objective to restore and maintain populations of harvested species above levels which can produce the MSY (B_{MSY}), or to achieving MSY exploitation rates (F_{MSY}) by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks. Using clear language will help decision makers to better understand the CFP and to support more precise feedback and facilitate implementation.
- When reporting on the state of stocks per region, the Commission uses a variety of inconsistent or undefined terms, such as “fished in accordance with MSY”, “fished sustainably”, “TAC reduced”, “continues on a growing trend”, “shown improvement” or “in poor shape”. Some of the reporting refers to the levels of mortality inflicted on a stock, while in other instances reference is made to the (biomass) status of the stock. This adds to the lack of clarity and potential confusion when reading the text.

Integration of STECF tables and information: Pew finds it positive that the Commission took note of the requests from last year’s consultation to include key information from the STECF monitoring report on the CFP implementation into its communication. It is essential that stakeholders have scientifically validated information and joint reference points when discussing progress of CFP implementation. Pew recommends that the Commission provide a full overview of stocks managed by means of TACs, detailing both the level of mortality in the last few years (above or below F_{MSY}) and the biomass status of the stock (above or below MSY $B_{trigger}$, in the absence of reliable information on B_{MSY} levels).

Information on economic performance of EU fleets and MSY: Pew welcomes the inclusion of information on the Economic performance of EU fleets and MSY and the illustration of experiences with moving to MSY mortality rates, which confirm the significant gains to be made from ending overfishing as soon as possible.

Missing information on B/B_{MSY}: Pew welcomes the Commission's request to STECF to report on "progress in achieving MSY objectives in line with CFP". Yet, STECF's response did not include information about the state of stocks in relation to the CFP objective to restore and maintain populations of fish stocks above biomass levels capable of producing MSY (B/B_{MSY}). The Commission should specifically ask STECF for this information as it is essential to evaluating progress towards the CFP core objective and to inform the Commission on whether there is a need to propose measures to enable further rebuilding.

Increasing transparency & accountability in the process of setting fishing limits: CFP Article 3(c) stipulates that the CFP shall establish measures in accordance with the best available scientific advice. For multiple reasons, such as area mismatches¹¹ or unknown shares of 3rd countries, it is often challenging to compare TACs and the best available scientific advice. To facilitate the decision making process and increase transparency and accountability we encourage the Commission to include in its proposals for fishing limits 2017 not only the proposed TAC in tonnes, but next to it also the corresponding available scientific advice in tonnage for that TAC, or to make that information easily available elsewhere.

Assessing progress towards ending overfishing: Pew is concerned that the Communication might be overly optimistic about the progress to end overfishing and urges the Commission to significantly increase its efforts to ensure fishing limits are set in line with the reformed CFP:

- While the Commission acknowledges that progress towards increasing the number of stocks fished in accordance with MSY has slowed down, it claims that "this might not necessarily be due to overfishing alone but also due to changing environmental conditions or other biological factors". Pew is concerned about this statement. Setting fishing limits is the responsibility of decision makers and therefore not directly dependent on environmental conditions or other biological factors. Indeed, the ecosystem and precautionary approaches as defined in the CFP require decision-makers to take other factors or uncertainties into account.
- Pew disagrees with the Commission's statement that "with continued reductions of fishing mortality across the board there are no indications that progress towards achieving the MSY 2020 target is being jeopardized". Firstly, the CFP objective is to end overfishing by 2015 and to delay that objective, while still making incremental progress, only in well-defined exceptional circumstances. Secondly, on average the level of overfishing has recently increased¹², illustrating that some fisheries are moving away from the CFP objective, rather than at least progressively and incrementally approaching it. Pew therefore asks the Commission to significantly increase its efforts and ambition to end overfishing in line with the CFP in all areas and not only in areas that show the slowest progress.

¹¹ See for instance: [Client Earth \(2015\) Comparing TAC and ICES advice areas](#).

¹² [STECF-16-05](#), Figure 10.

Stimulating public debate: Good governance, including transparency and stakeholder participation, is essential for enhanced fisheries management. We therefore propose the Commission to present its Communications on fishing opportunities for the following year to the European Parliament during public hearings and to encourage the Council to live stream the Ministers' exchange of views on the file in line with 2009/937/EU Article 8.

Analysis of consultation on fishing opportunities: In order to effectively analyse and use the input from stakeholders in the upcoming process of setting fishing opportunities for 2017, we ask the Commission to produce and share a written analysis of the submissions received.