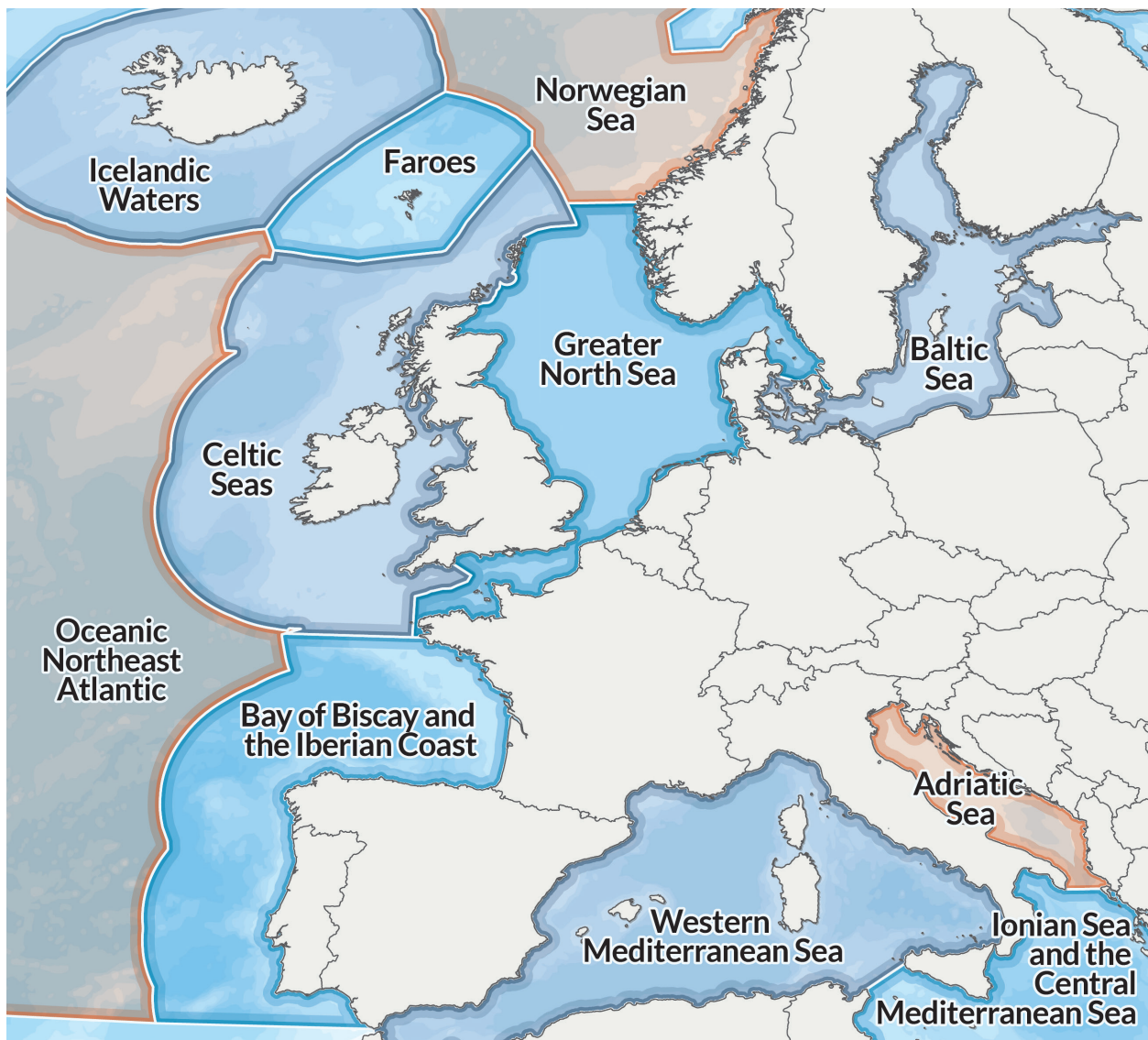


EU Fisheries Management Still Not in Line With Scientific Advice Despite 2020 Deadline

Assessment shows ministers must do more to end overfishing

European Sea Regions



Source: International Council for the Exploration of the Sea, Marine Data—ICES Ecoregions (2019), accessed 11 July 2019, <http://gis.ices.dk/sf/>

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After decades of overfishing and ineffective fisheries policies, the European Parliament and the European Union's then-28 Member State governments agreed in 2013 on far-reaching reforms to the EU's Common Fisheries Policy (CFP). The goal: to make fishing sustainable by setting objectives to restore stocks, maintain healthy ecosystems and safeguard stable, profitable fisheries for the EU fleet.

The CFP required ministers to ensure sustainable exploitation rates "by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks."¹ Now, with the 2020 deadline for ending overfishing passed, it's worth asking whether these aims have been achieved and whether fisheries ministers are responsibly using one of the key tools of the CFP: the setting of Total Allowable Catch (TAC) limits at meetings of the EU's Agriculture and Fisheries (AGRIFISH) Council.

Brexit

The United Kingdom's exit from the EU on 31 January 2020 brings unprecedented changes in the management of fish stocks in the north-east Atlantic Ocean.²

A considerable proportion of fishing grounds, previously managed under the CFP, will now be managed by the UK within its Exclusive Economic Zone. The UK will no longer take part in annual AGRIFISH Council meetings but instead negotiate separately with the EU and other coastal states with which it shares stocks, such as Norway, also not an EU member.³

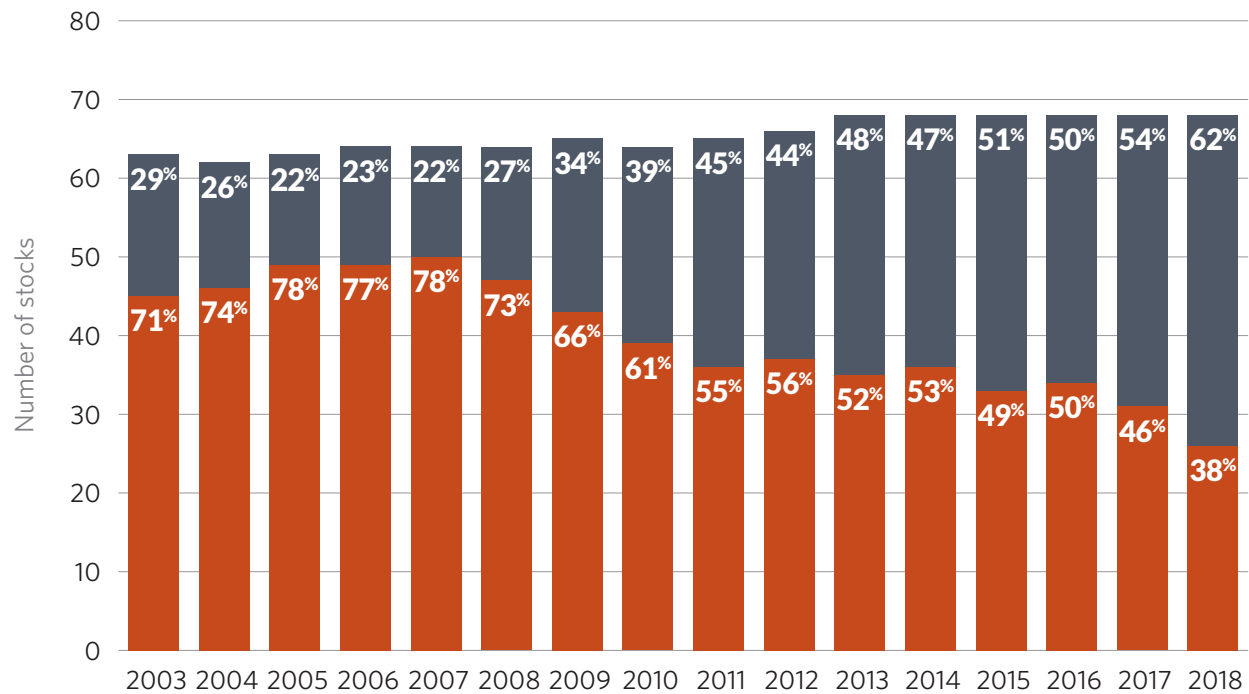
Any new joint management framework must have sustainability and the best available science at its core. In addition, international negotiations must be carried out transparently and with the involvement of all stakeholders in proposals and decisions.

Official figures show that fishing pressure is still too high

The EU Commission's Scientific, Technical and Economic Committee for Fisheries (STECF) analyses fishing pressure each year in the north-east Atlantic, comparing it with the levels allowed in the CFP. The committee continues to observe a large proportion of stocks being fished in excess of allowable levels.

Figure 1

Number of North-East Atlantic* Stocks Subject to Overfishing



■ Number of stocks not subject to overfishing (fishing $\leq F_{MSY}$)
■ Number of stocks subject to overfishing (fishing $> F_{MSY}$)

*North-east Atlantic (Food and Agriculture Organization 27), including Western European waters, North Sea and Baltic Sea.

Note: F_{MSY} represents fishing mortality consistent with achieving maximum sustainable yield (MSY).

Source: Scientific, Technical and Economic Committee for Fisheries, "Monitoring the Performance of the Common Fisheries Policy (STECF-Adhoc-20-01)," April 2020

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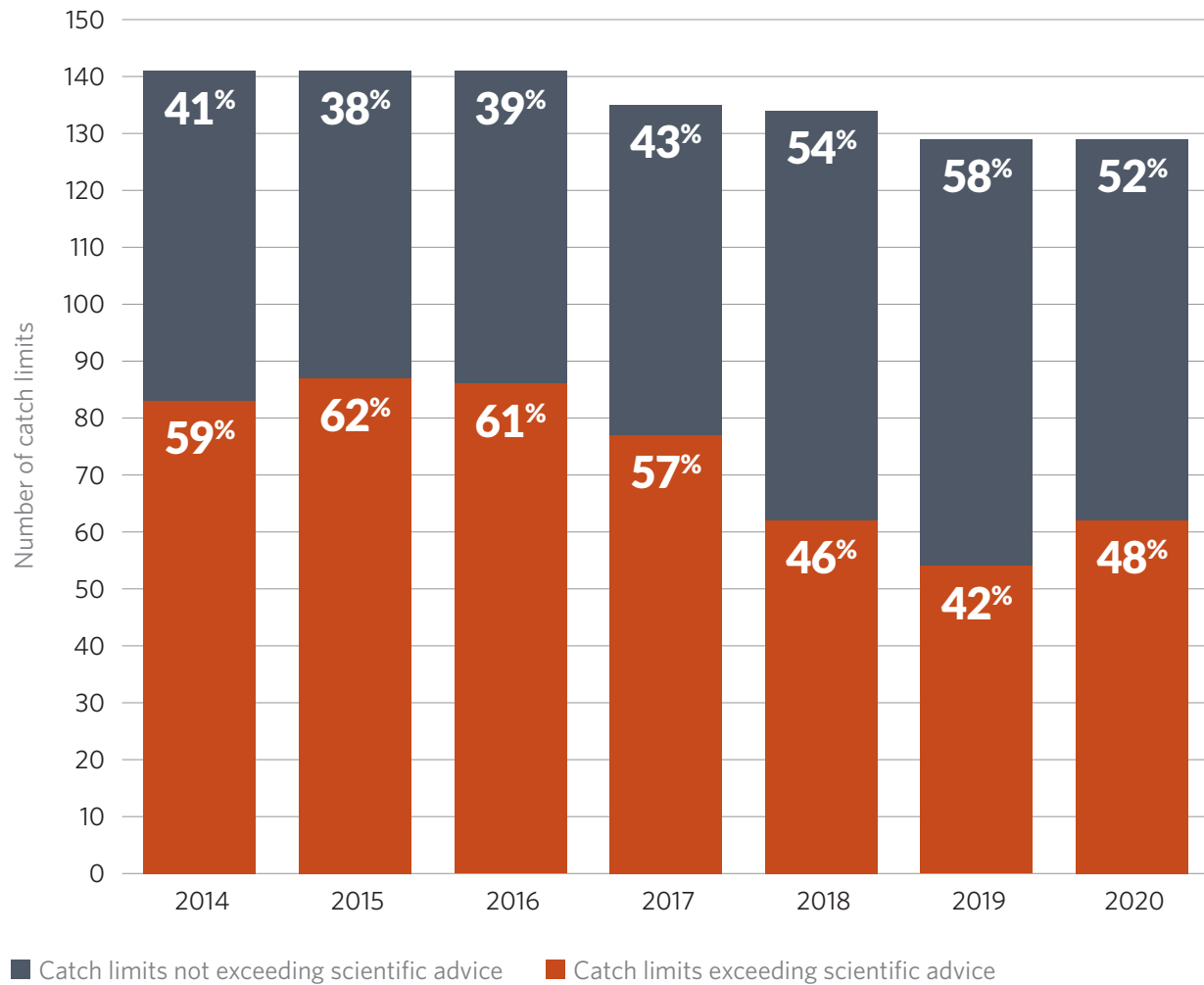
The data for other regions paints an even worse picture. In the Mediterranean Sea, the vast majority of stocks are overexploited.⁴

Pew analysis shows that catch limits still too high despite 2020 deadline

Each year since the revised CFP came into force in 2014, The Pew Charitable Trusts has compared the decisions⁵ by fisheries ministers on catch limits in the north-east Atlantic with the available scientific advice. Although the proportion of limits set in excess of scientific advice has fallen in recent years, the EU still failed to meet the CFP's deadline to end overfishing by 2020. Indeed, more catch limits set for 2020 exceeded scientific advice than in 2019 (48% versus 42%).

Figure 2

How the AGRIFISH Council's Catch Limits for North-East Atlantic, Baltic Sea and Deep Sea Stocks Compare With Scientific Advice



Source: Pew Charitable Trusts analysis of [FishFix TAC table](#) (2020) - Baltic Sea, Deep Sea and North-East Atlantic (Annex IA) TACs, Version March 13, 2020

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Our analysis demonstrates that the main tool available to correct the excessive fishing pressure shown in the official data—the setting of TACs—is being used to allow overfishing to continue. EU fisheries managers' decisions prevented them from achieving the policy's objectives and meeting the 2020 deadline.

Precautionary Approach vs. Maximum Sustainable Yield

The EU's Common Fisheries Policy requires a precautionary approach to fisheries management, as defined in the United Nations Fish Stocks Agreement (UNFSA). The CFP also mandates that decision-making on management measures—including catch limits—be in line with the best available scientific advice.⁶

Using the precautionary approach requires more cautious decision-making, especially when scientific information on the maximum sustainable yield (MSY) is lacking or uncertain. MSY refers to the largest average yield, or catch, that can theoretically be taken from a stock without having an impact on the long-term size of the population. Together, they can ensure healthy fish populations.⁷

Scientific advice from the International Council for the Exploration of the Sea (ICES) takes into consideration UNFSA requirements and provides a precautionary approach framework for scientific advice on catch limits when data is limited and stock status in relation to achieving MSY is uncertain.

A Pew analysis of TACs set for 2020 covers a greater number of stocks than the report by STECF, including those without MSY estimates. The review shows that:

- Sixty-two (48%) of all 129 TACs—for the Baltic Sea, the deep sea and the north-east Atlantic—were set above scientific advice.
- A large proportion of the TACs that were set above advice (43 out of those 62) had advice based on the ICES precautionary approach for data-limited stocks. This category of advice is less likely to be followed than more comprehensive advice.

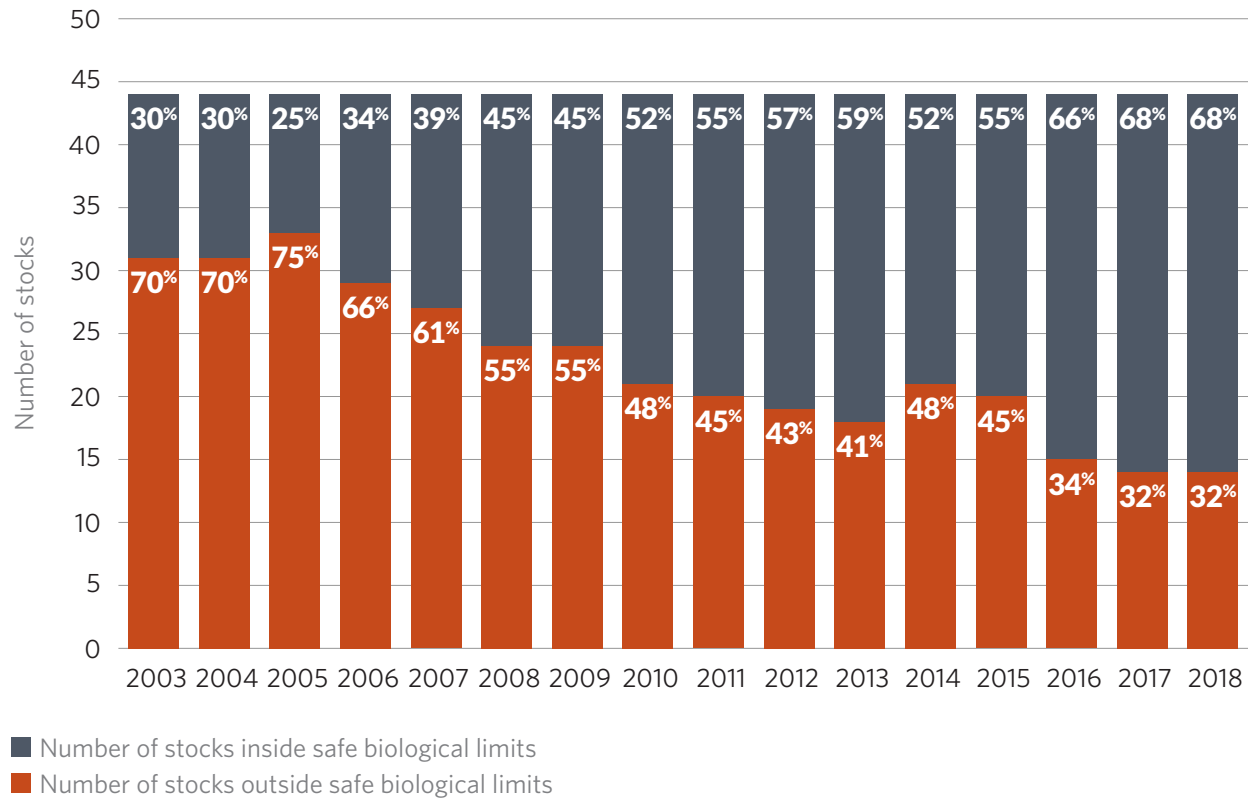
Progress to recover stocks is slow—or unknown

This pattern of underimplementation is mirrored in a failure to also achieve the CFP's stock recovery objectives, exacerbated by a lack of official information on progress on those goals. Specifically:

- Very few stocks are known to have been restored above the levels required in EU law.⁸ A 2017 Pew Charitable Trusts-commissioned report, "Taking Stock,"⁹ concluded that from 24% to 56% were still below the levels required by the CFP.
- The Commission reports annually¹⁰ on how this objective is being met but uses outdated policy benchmarks from the old CFP (2002)—such as number of stocks inside and outside safe biological limits, or biomass levels compared with 2003—instead of comparing levels with those required under the current CFP. This makes progress towards the CFP objectives hard to verify.

Figure 3

Number of North-East Atlantic* Stocks Inside or Outside Safe Biological Limits



*North-east Atlantic (Food and Agriculture Organization 27), including Western European waters, North Sea and Baltic Sea.

Source: Scientific, Technical and Economic Committee for Fisheries, "Monitoring the Performance of the Common Fisheries Policy (STECF-Adhoc-20-01)," April 2020

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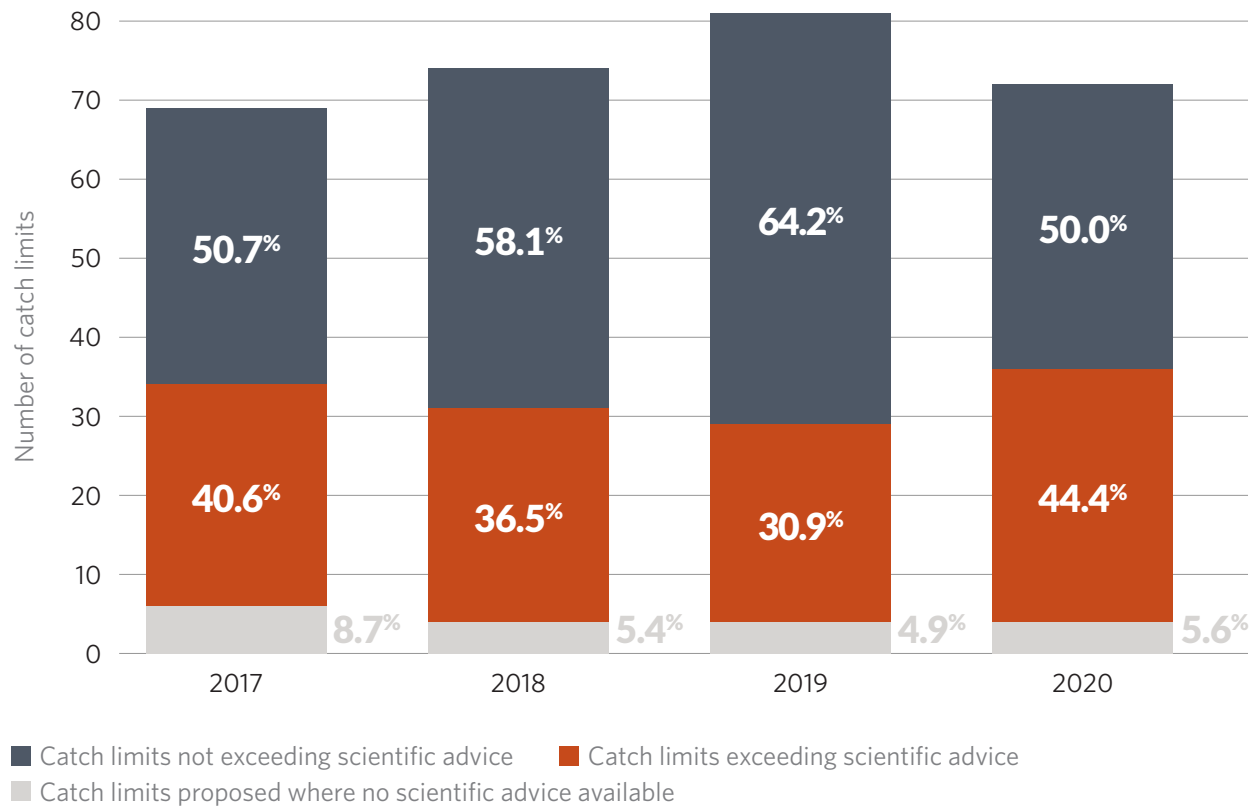
The important role of the EU Commission

Aside from reporting on progress, the Commission is responsible for proposing the catch limits each year, along with other important pieces of legislation under the CFP. The Commissioner and fellow officials also participate in the Council process, helping ministers to agree on catch limits, often adjusting proposals to secure a deal.

The Commission can guide ministers towards responsible fisheries management by proposing catch limits in line with what scientists advise. However, the Commission often proposes limits in excess of the published scientific advice without fully explaining how it arrived at those limits; the Commission says it bases its proposals on data from the International Council for the Exploration of the Sea (ICES), but the proposed limits are regularly higher than what ICES recommends. The proportion of limits in excess of the scientific advice has dropped over time until 2020, when 44% of limits were proposed above advice. Many of these are for stocks without MSY advice and where precautionary scientific advice should be followed.

Figure 4

How the European Commission’s Proposed Catch Limits for North-East Atlantic Stocks Compare With Scientific Advice



Note: The inclusion of four catch limits for which no scientific advice is available as a separate category here results in small differences in percentages compared with the [source analysis](#) by The Pew Charitable Trusts in 2020, which focuses only on catch limits with scientific advice.

Sources: Pew Charitable Trusts [analysis](#) of the European Commission’s opening December Council TAC proposals (for north-east Atlantic—Annex IA) versus scientific advice on TACs, where available; based on [FishFix TAC table](#) in 2016-20

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Transparency of Council decision-making

The lack of clarity in the Commission’s proposal process is overshadowed by the opacity of the process that fisheries ministers of the now-27 EU Member States follow to reach decisions in the Council. Ministers rarely set catch limits lower than what the Commission has proposed and often increase limits beyond what scientists advise is sustainable. These decisions are made behind the closed doors of the Council building, often in all-night sessions that are not open to the public, and with little or no justification provided when limits are set too high. In 2016, Transparency International [investigated Council decision-making](#)¹¹ on catch limits and recommended significant improvements, very few of which have been acted upon.

In May 2019, the European Ombudsman—the independent and impartial body that holds the EU’s institutions and agencies to account—announced an [investigation](#)¹² into the lack of transparency associated with the

“famous all night meetings” of ministers agreeing on fishing limits. After making recommendations to improve the transparency of the process to decide catch limits, the Ombudsman ultimately confirmed a finding of maladministration¹³ in April 2020, expressing disappointment that Council decision-making contravened a key democratic standard.

Reasons to end overfishing

Despite these obstacles and the failure to meet the 2020 deadline, all parties must continue working to achieve the requirements of the CFP. Sustainable fisheries management is good for fish stocks, the marine environment, jobs, seafood industry profits, food security and consumers. EU decision makers were legally obliged to end overfishing, and they have the tools to do so. It’s not too late, but they must follow the science to safeguard Europe’s fish stocks for generations to come.

Endnotes

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- 3 R. Doering et al., “Research for PECH Committee – Common Fisheries Policy and Brexit” (2017), http://www.europarl.europa.eu/RegData/etudes/STUD/2017/601981/IPOL_STU%282017%29601981_EN.pdf.
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For further information and resources, please visit:
pewtrusts.org/cfp2020

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Project website: pewtrusts.org/en/projects/ending-overfishing-in-northwestern-europe

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