

Evaluation of EU Commission consultation on fishing opportunities for 2015 under the Common Fisheries Policy

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Report details

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Executive Summary

The European Commission's public consultation on fishing opportunities for 2015 generated widespread interest from a range of stakeholders: the fishing sector, public authorities, scientific bodies, fisheries advisory councils, citizens and NGOs. There were 60 submissions made.

This is an analysis of the submissions made to the consultation. They demonstrate that stakeholders are concerned by overfishing and that most of them have a good understanding of the issues at stake, including of the objective to recover fish stocks to levels above those capable of producing the maximum sustainable yield (MSY). Many submissions include tangible suggestions on how to overcome the challenges of implementing the reformed Common Fisheries Policy, (CFP) without delay.

While the nature of the submissions reflects the background and interest of the individual stakeholders, a number of positions are shared by several, namely:

- Support for the objective to progressively restore and maintain populations of fish stocks above biomass levels capable of producing MSY - no submission questioned this objective of the CFP.
- A request for information on the state of stocks in relation to the biomass that enables a stock to deliver the maximum sustainable yield, B_{MSY} - no submission requested this not be calculated and such values not be provided.
- Stick to the 2015 deadline to achieve MSY exploitation rates. Only two submissions questioned the feasibility of the 2015 deadline.
- Stricter guidelines for any requests to delay meeting the 2015 MSY deadline and for implementation of the precautionary approach.
- Concerns about the interpretation of the precautionary approach and how it is applied to the fixing of the fishing opportunities.

As the European Commission (DG Mare) drafts the communication on Fishing Opportunities for 2016, it should:

- Request and publish information from the International Council for the Exploration of the Sea (ICES), the scientific advisory body for advice on stock status and catch options to the EU, about the state of fish populations in relation to biomass levels capable of producing MSY.
- Clarify the process to request a delay to the 2015 deadline for MSY exploitation rates including: who must provide what evidence, by when, and by whom it is validated; is this information made publically available; and does it need to include an indication of how fishing mortality will be progressively and incrementally reduced.
- Clarify the interpretation of the precautionary approach, including the agreement between the Commission and Council to keep certain TACs stable.

1 Background

The 2015 fishing opportunities were the first to be fixed under the reformed CFP, which entered into force on 1 January 2014.¹ According to Article 16 (4) of the CFP, fishing opportunities shall be fixed in accordance with Article 2 (2), which specifies use of the precautionary approach and ensuring exploitation rates according to the MSY. The MSY exploitation rate *“shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks.”*

Since 2008, the European Commission publishes an annual communication on fishing opportunities. The communication provides an overview of the state of the resource and outlines the rules and principles the European Commission intends to follow for proposing Total Allowable Catches (TACs) and fishing effort limitations for the following year.

In 2014 the Directorate General for Maritime Affairs and Fisheries (DG MARE) launched a public consultation based on the communication via the DG MARE website for the second time after a first public consultation in 2011. The objective of the consultation was to *“allow all European citizens to express an opinion on the way in which levels of fishing effort and fishing quotas are set according to the new Common Fisheries Policy and in relation to scientific advice about sustainable fishing.”*²

While all submissions were made public the Commission did not conduct any evaluation or make any public response. So, upon the request of The Pew Charitable Trusts, the Ecologic Institute has prepared this analysis of the submissions made.

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy.

² http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/fishing-opportunities-2015/index_en.htm accessed on 5 February 2015.

2 Methodology

The analysis followed a three step approach.

First, an evaluation template (see Annex) was developed covering:

- Affiliation of body making the submission;
- Position on implementation of the MSY objective; and
- Position on implementation of the precautionary approach.

The second step reviewed the submissions based on the evaluation template. Submissions were categorised by EU member state and affiliation. Positions on the MSY objective and the precautionary approach were categorised as either “positive” or “negative”. Where a reference to the MSY objective or the precautionary approach was made but not in response to a related question, submissions were categorised based on an interpretation of the overall content or categorized as “unclear.” Submissions which made no reference to the MSY objective or the precautionary approach were categorized as “no answer.”

The third step analysed submissions quantitatively, including establishing correlations between contributors’ affiliation and positions.

3 Results

3.1 Analysis of submissions

In total there were 60 submissions made to the consultation. Submissions were made by international bodies, EU member states bodies and by citizens.

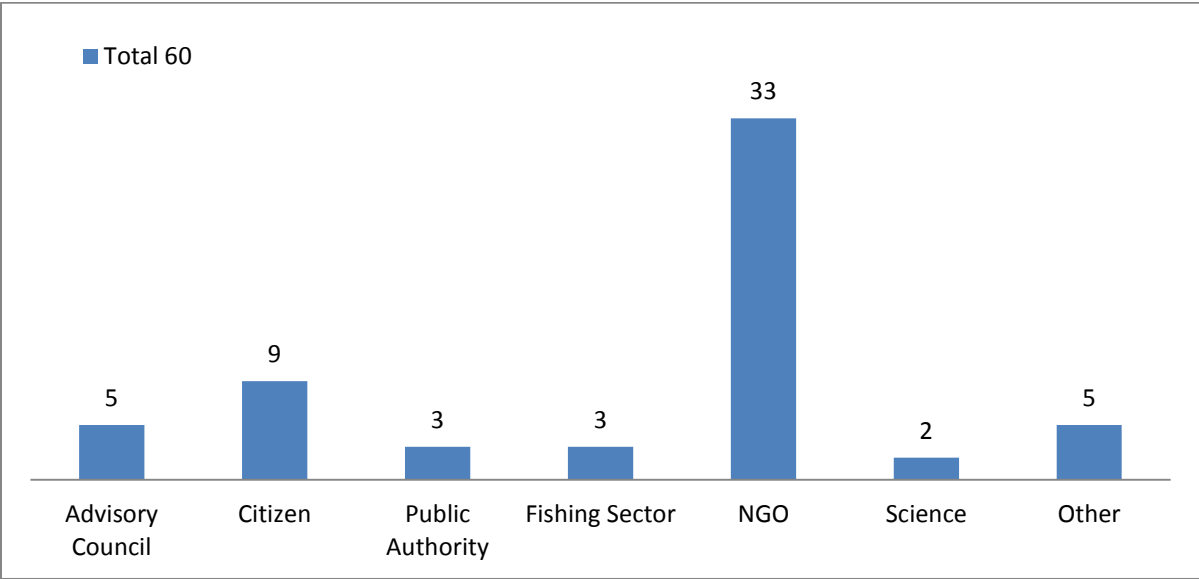


Figure 3-1. Submissions by affiliation

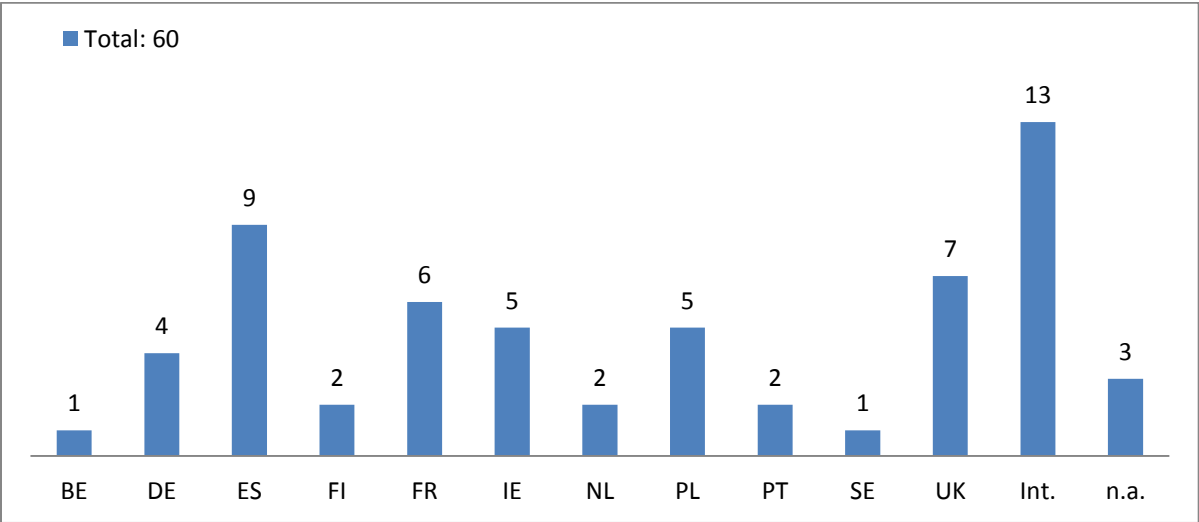


Figure 3-2. Submissions by Member State

3.2 Analysis of submissions received

Forty-nine of the submissions refer to the MSY objective or the precautionary approach in response to the questions analysed. A further eleven do not respond to the questions analysed but eight of them highlight overfishing as a threat to the marine environment or call for conservation minded catch limitations. Only three submissions focus on the socio-economic impacts of overfishing or the ineffectiveness of management measures for the fishing sector. Four of the five submissions made by advisory councils include responses on behalf of individual member groups. Nevertheless, these submissions were submitted and therefore considered as being on behalf of all advisory council members.

	Advisory Council	Citizen	Public Authority	Fishing Sector	NGO	Science	Other	Total
Full response					11 (33%)	1 (50%)	1 (20%)	12 (21%)
Partial response	5 (100%)	1 (10%)	3 (100%)	1 (33%)	21 (64%)	1 (50%)	4 (80%)	36 (60%)
No response		8 (90%)		2 (67%)	1 (3%)			11 (19%)
Total	5	9	3	3	33	2	5	60

Table 3-1. Rate of response per submitting body

3.2.1 Question 1: B_{MSY} objective

Does the submission take a position on the CFP's objective to progressively restore and maintain populations of fish stocks above biomass levels capable of producing MSY?

Forty-four of the submissions mention the B_{MSY} objective. Thirty-three of these are in favour of the CFP objective to progressively restore and maintain fish stocks above biomass levels capable of producing MSY (B_{MSY}). Eleven are unclear. Seven of these unclear submissions either refer to the objective without taking a specific position or refer solely to MSY without stating a position regarding biomass or mortality or the use of the terms “above” or “at.” Only one submission expresses concern about the feasibility of implementing the objective. No submission expresses a position against the objective.

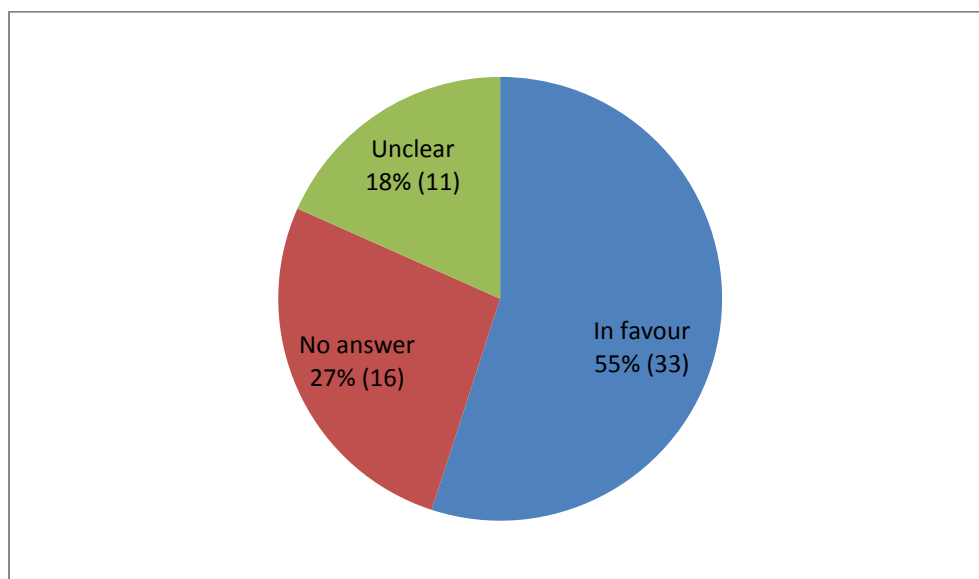


Figure 3-3. Position on the objective to manage stocks above B_{MSY}

	Advisory Council	Citizen	Public Authority	Fishing Sector	NGO	Science	Other	Total
In favor	1 (20%)		1 (33%)		26 (79%)	2 (100%)	3 (60%)	33 (55%)
No answer	1 (20%)	8 (90%)	2 (67%)	2 (70%)	3 (9%)			16 (27%)
Unclear	3 (60%)	1 (10%)		1 (30%)	4 (12%)		2 (40%)	11 (18%)
Total	5	9	3	3	33	2	5	60

Table 3-2. Position per submitting body

The objective to restore and maintain stocks above B_{MSY} has the strongest response and is identified as a critical element of stock management by the majority of submissions. It features in the submissions of a majority of the NGOs, from science, from one advisory council and from one public authority body. One submission from a scientist states that fishing pressure needs to be kept below F_{MSY} in order to reach B_{MSY} and highlights the economic benefits derived from this approach once the target has been reached due to reduced costs of fishing on increased stock abundance. The same submission also highlights a method for estimating B_{MSY} based on catch and resilience.³

³ http://www.fishbase.de/rfroese/CatchMSY_Final.pdf

3.2.2 Question 2: Information on stock status

Does the submission ask for information on the state of fish populations in relation to biomass levels capable of producing the MSY?

Thirty-nine of the submissions raise the issue of information on stock status in relation to B_{MSY} . Thirty-five of these made specifically ask that such information be requested. Four submissions are unclear, referring to information as an issue but either without requesting more or specifying what are the needs in relation to B_{MSY} . Twenty-one submissions do not raise the issue.

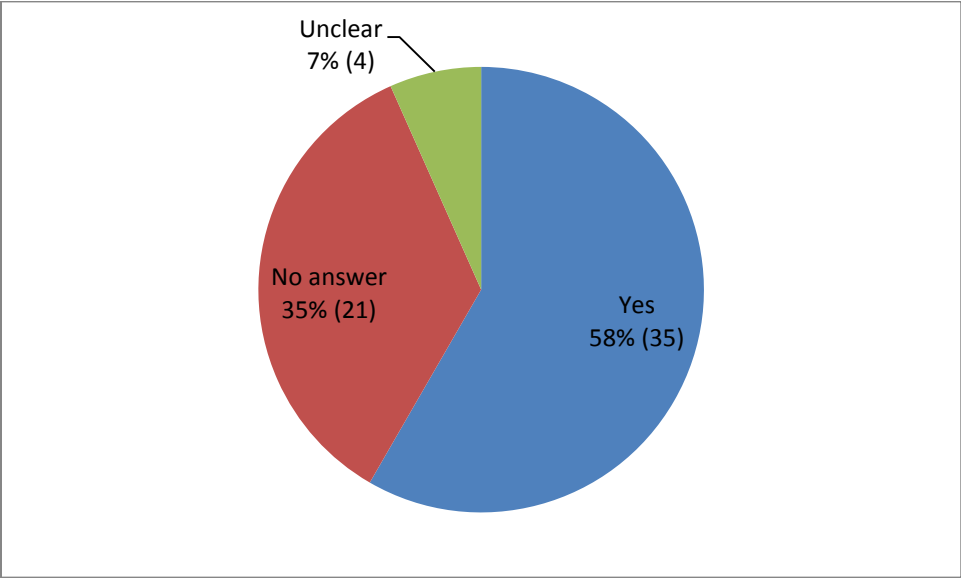


Figure 3-4. Request for biomass data in relation to MSY

	Advisory Council	Citizen	Public Authority	Fishing Sector	NGO	Science	Other	Total
Yes	2 (40%)			1 (33%)	25 (76%)	2 (100%)	5 (100%)	35 (58%)
No answer	1 (20%)	9 (100%)	3 (100%)	2 (67%)	6 (18%)			21 (35%)
Unclear	2 (40%)				2 (6%)			4 (7%)
Total	5	9	3	3	33	2	5	60

Table 3-3. Position per submitting body

The majority of submissions which reference biomass levels of stocks in relation to the MSY level stress the importance of this data and highlight that without it, it will not be possible to evaluate whether the CFP is meeting its objectives. Several of these submissions also request that this data be included in the Commission’s annual fishing opportunities communication.

3.2.3 Question 3A: Delay of FMSY to 2020

Does the submission support the delay of setting TACs in line with MSY to 2020, only in exceptional cases?

Thirty-seven out of the submissions make reference to delaying the achievement of MSY exploitation rates by 2015. Thirty-one of them support delaying the 2015 deadline only in exceptional cases. Two do not support any delaying, while the remaining five are unclear, noting the issue without stating a clear position.

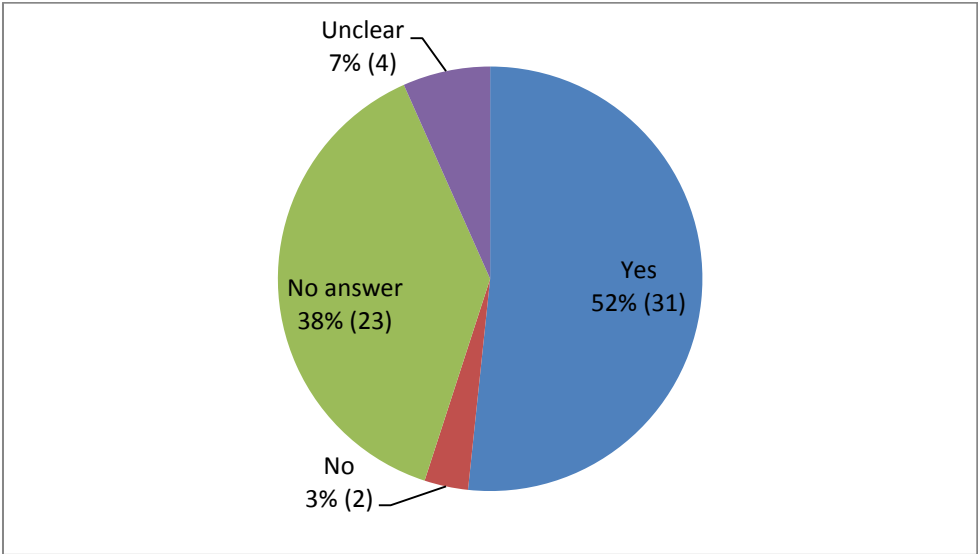


Figure 3-5. Position on delaying the MSY by 2015 deadline only in exceptional cases

	Advisory Council	Citizen	Public Authority	Fishing Sector	NGO	Science	Other	Total
Yes	2 (40%)				23 (70%)	1 (50%)	5 (100%)	31 (52%)
No	1 (20%)		1 (33%)					2 (3%)
No answer		9 (100%)	2 (67%)	2 (67%)	9 (27%)	1 (50%)		23 (38%)
Unclear	2 (40%)			1 (33%)	1 (3%)			4 (7%)
Total	5	9	3	3	33	2	5	60

Table 3-4. Position per submitting body

A majority of submissions emphasises keeping to the 2015 deadline with delays only in exceptional cases. Submissions against the prioritisation of 2015 contain statements indicating current or short-term socio-economic concerns as being a priority.

3.2.4 Question 3B: More guidance on delay requests

Does the submission ask for more guidance about the requests for delays?

Thirty-eight of the submissions received make explicit requests for greater guidance on the process for requesting a delay of the 2015 deadline. Twenty-nine of them ask for the type of information that needs to be provided, by whom and by when. Twenty-seven state that all requests for delay should be made publicly available. Twelve ask for details of the procedure of control and validation for any delay. And twenty-two submissions do not mention the issue.

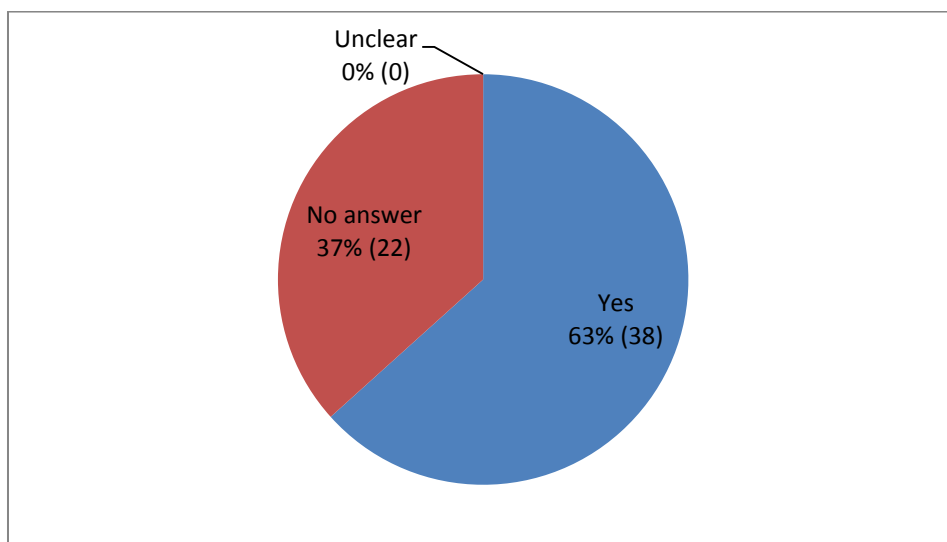


Figure 3-6. Call for more information on requesting a delay of the 2015 deadline

	Advisory Council	Citizen	Public Authority	Fishing Sector	NGO	Science	Other	Total
Yes	3 (60%)		1 (33%)		28 (85%)	1 (50%)	5 (100%)	38 (63%)
No answer	2 (40%)	9 (100%)	2 (67%)	3 (100%)	5 (15%)	1 (50%)		22 (37%)
Unclear								
Total	5	9	3	3	33	2	5	60

Table 3-5. Position per submitting body

Further guidance on the process for requesting a delay is a significant concern in all submissions, except those from the fishing sector. The majority of submissions even specify what the process should involve and what information should be submitted to request a delay. The majority opinion is that requests should be dealt with by a clearly defined and transparent process.

3.2.5 Question 3C: Timetables for FMSY 2020

Does the submission ask for timetables, intermediate steps and/or plans on how to achieve the FMSY objective by 2020 at the latest, in case the 2015 target is not met?

Twenty-six submissions raise the issue of timelines to achieve MSY exploitation rates. All of them ask for clear plans (e.g. via timelines or roadmaps) on how the objective will be met. Thirteen of these submissions request that such plans, once submitted should be made public.

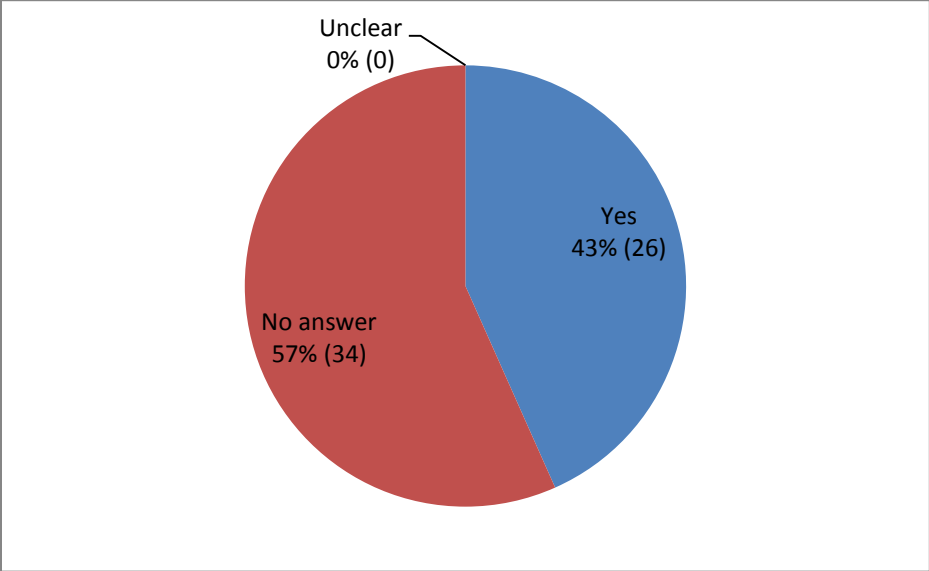


Figure 3-7. Request for plans for achieving F_{MSY} in the case of a requested delay

	Advisory Council	Citizen	Public Authority	Fishing Sector	NGO	Science	Other	Total
Yes	1 (20%)				22 (67%)	1 (50%)	2 (40%)	26 (43%)
No answer	4 (80%)	9 (100%)	3 (100%)	3 (100%)	11 (33%)	1 (50%)	3 (60%)	34 (57%)
Unclear								
Total	5	9	3	3	33	2	5	60

Table 3-6. Position per submitting body

NGOs are the main group who asks for clearly defined plans for reaching MSY exploitation rates for stocks where it cannot be achieved by 2015. However, all submissions expressing an opinion on the issue strongly support clear timelines for reaching MSY exploitation rates after 2015 without delay.

3.2.6 Question 4: Implementation of PA

Is the submission concerned that the agreement between the Commission and Council on the desirability of maintaining TACs for 25 stocks unless scientific advice indicates a need for change is not in line with the precautionary principle?

Thirty-nine submissions mention the precautionary approach, 18 of them expressing serious concern with the agreement between the Commission and Council to maintain, or “roll over” certain TACs and whether that conforms to the CFP. Only one submission supports the agreement. The remaining 20 submissions refer to the precautionary approach but not specifically in relation to the agreement. Twenty-one submissions do not refer to the agreement between the Commission and Council or the precautionary approach.

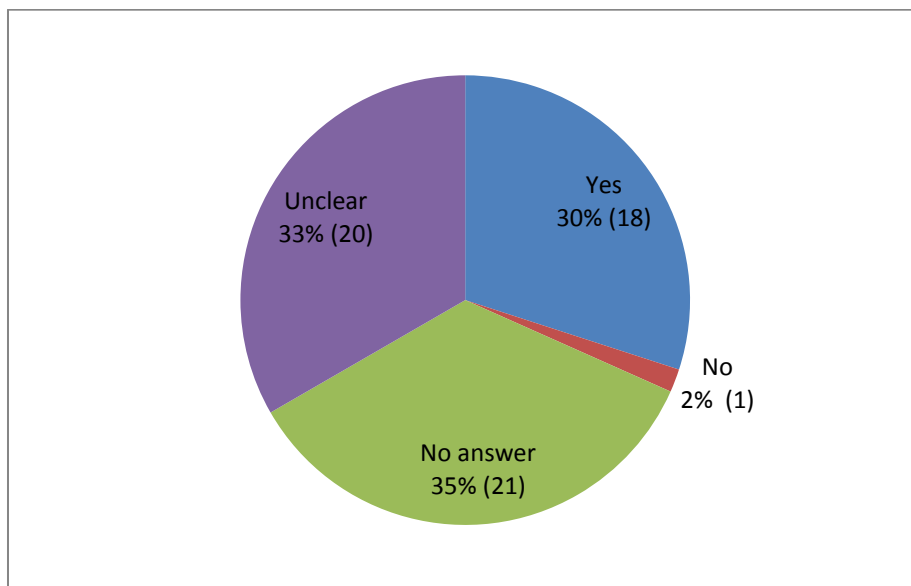


Figure 3-8. Concern with the roll-over agreement for 25 stocks in relation to the precautionary approach

	Advisory Council	Citizen	Public Authority	Fishing Sector	NGO	Science	Other	Total
Yes			1 (33%)		14 (42%)	1 (50%)		18 (30%)
No				1 (33%)				1 (2%)
No answer	2 (40%)	8 (90%)	2 (67%)	2 (67%)	6 (18%)	1 (50%)	2 (40%)	21 (35%)
Unclear	3 (60%)	1 (10%)			13 (39%)		3 (60%)	20 (33%)
Total	5	9	3	3	33	2	5	60

Table 3-7. Position per submitting body

Half of the submissions give an opinion on the precautionary approach. Several refer to the section on “*Stocks without scientific advice*” in the Communication on Fishing Opportunities for 2015 asking for clarification of what is meant by following the precautionary approach in a “*systematic, predefined and transparent way.*” One fishing sector submission cites the Commission and Council agreement as a reasonable solution in light of the limited information available on the stocks and their low relevance to the fishery.

Conclusions

The consultation received a good response from a wide range of stakeholder groups. NGOs, the fishing sector, public authorities, science, advisory councils and citizens all seized the opportunity to contribute, demonstrating a keen appreciation for the opportunity to participate in the consultation. However, it should be noted that NGO's made up over half of the submissions.

The analysis of those submissions demonstrates that stakeholders are concerned about overfishing. They are well aware of the B_{MSY} objective and they have suggestions about how the CFP could be effectively implemented.

As might be expected, the submissions reflect the interests of the submitting body and their respective affiliations. Despite this, several positions were shared such as the need for information on biomass levels in relation to the B_{MSY} target and further guidance on the request for delays.

The main positions expressed in the consultation are:

- Fishing opportunities should be set according to Article 2.2 of the CFP, with the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing MSY.
- The Commission's communication should include 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 levels capable of producing the MSY.
- The Commission should accept delays beyond 2015, but no later than 2020, only to ensure the social and economic sustainability of the fishing fleets involved is not seriously jeopardised. However, it is essential that the Commission clarifies who must provide what evidence in such requests, by when, and by whom it is validated, and that they make this information publically available.
- Any request to delay the 2015 MSY exploitation rate deadline should include a clear indication of how fishing mortality will be progressively and incrementally reduced – and this should be made publically available.
- Further clarification on the interpretation and the implementation of the precautionary approach is needed.

Annex: Evaluation template

General information

Organization:

Affiliation⁴:

Country:

Language:

Question 1

As re-confirmed in the Commission's Communication, fishing opportunities must be set according to Article 2.2 of the CFP, with the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing MSY.

Does the submission take a position on the CFP's objective to progressively restore and maintain populations of fish stocks **above** biomass levels capable of producing MSY?

- In favour / Against /Unclear /No answer
- [Only if needed: any additional information that should be highlighted? Answer as text]

Question 2

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 levels producing the MSY.

Does the submission ask for information on the state of fish populations in relation to biomass levels capable of producing the MSY?

- Yes / No / Unclear/ No answer
- [Only if needed: any additional information that should be highlighted? Answer as text]

Question 3

The Commission expressed the intention to propose TACs in line with MSY advice and only to accept delays beyond 2015, but not later than 2020, to ensure that the social and economic sustainability of the fishing fleets involved is not seriously jeopardized.

A: Does the submission support the delay of setting TACs in line with MSY to 2020, only in exceptional cases described above?

- Yes / No / Unclear/ No answer
- [Only if needed: any additional information that should be highlighted? Answer as text]

⁴ NGO, Fishing Sector, Government, Advisory Council, Science, Citizen, Others.

B: Does the submission ask for more guidance about the requests for delays? (Examples of questions: Who needs to provide information? What kind of information? By when should the information be provided? When will these requests be made available to the public?)

- Yes / No / Unclear / No answer
- [Only if needed: any additional information that should be highlighted? Answer as text]

C: Does the submission ask for timetables, intermediate steps and/or plans on how to achieve the MSY objective by 2020 at the latest, in case the 2015 target is not met?

- Yes / No / Unclear / No answer
- [Only if needed: any additional information that should be highlighted? Answer as text]

Question 4

In December 2013, the Commission and Council agreed on the desirability of maintaining TACs for 25 stocks that are presumed to be stable, unless scientific advice indicates a need for change. It is not clear how this agreement relates to the precautionary approach as contained in the CFP.

Is the submission concerned that the agreement between the Commission and Council on the desirability of maintaining TACs for 25 stocks unless scientific advice indicates a need for change is not in line with the precautionary principle?

- Yes / No / Unclear / No answer
- [Only if needed: any additional information that should be highlighted? Answer as text]