



Joint NGO priorities on the Multi-annual Plan for the North Sea

November 2016

We call on MEPs to support the Commission's proposal to:

- Ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the Maximum Sustainable Yield (MSY) (Articles 3(1), 8(1) and 8(2));
- Contribute to the elimination of discards by avoiding and reducing, as far as possible, unwanted catches (Article 3(2));
- Implement the ecosystem-based approach to fisheries management and ensure coherence with the objective of achieving good environmental status by 2020 in the Marine Strategy Framework Directive (MSFD) (Articles 3(3) and 3(4));
- Allocate fishing opportunities in accordance with the likely catch composition (Article 10(1)).

We call on MEPs to amend the proposal to ensure that:

- Recovery targets to restore stocks to levels above those capable of producing MSY apply to all harvested stocks, with corresponding safeguards and specific timeframes;
- Ranges of fishing mortality are limited to those that will meet the requirements in Article 2(2) of the Common Fisheries Policy (CFP) for all harvested stocks. For stocks with MSY-based reference points, this means that F_{MSY} should be the upper limit;
- The plan is coherent with the Birds and the Habitats Directives, including measures to minimise the impact of fishing on sensitive species and habitats;
- Measures to implement specific regional aspects of the landing obligation are set out in the plan;
- Effective and robust monitoring and enforcement of provisions are highlighted as key conditions for the successful delivery of North Sea Multi-annual Plan (MAP) objectives.

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MANAGEMENT TARGETS

The Commission proposes grouping stocks in seven categories, each with its own targets and considerations regarding fishing limits. We note that the CFP objective to restore and maintain fish stocks above levels capable of producing MSY applies to **all harvested species** and not just to a selected few. NGOs strongly oppose continued overfishing (i.e., fishing above the F_{MSY} point estimate), as doing so undermines the core objective of the CFP to end overfishing and contradicts international agreements.¹ The North Sea MAP should therefore be amended to stipulate that the fishing mortality of all stocks, regardless of their group, should be set at levels not exceeding F_{MSY} .

The CFP requires EU decision-makers to work towards the MSY objective in a progressive way, achieving it as soon as possible and no later than 2020. The CFP only allows for a delay in the adoption of fishing limits that would meet this objective in exceptional cases, when meeting it “*would seriously jeopardise the social and economic sustainability of particular fleets*” (CFP Recital 7). Therefore, any exceptions to setting sustainable exploitation rates should be duly justified and made available to the public with relevant socio-economic evidence and supported by relevant scientific evidence. It should also be demonstrated how sustainable exploitation rates will be achieved by the 2020 deadline.

The North Sea MAP proposal allows setting fishing mortality above the F_{MSY} point value (Art. 4) in certain circumstances. NGOs are of the opinion that, according to the CFP Art.2.2, there should not be any flexibility to the requirement to not exceed F_{MSY} , even where the stock is in a good condition. However, if such flexibility is retained then the circumstances in which it may be used must be restrictive enough to ensure the objective to restore and maintain fish stocks above levels that can produce MSY is still achieved. The setting of fishing limits above F_{MSY} must be explained by a reference to one or more of those circumstances, similar to the requirements in the Baltic MAP. The scientific advice/evidence mentioned in Article 4(4)a) and 4(4)b) needs to be peer reviewed by the Scientific, Technical and Economic Committee for Fisheries (STECF) and made publicly available before TAC decisions using column B of the Annex are agreed.

Additionally, the proposed North Sea MAP includes, for group 1 and 2 stocks, the upper values for ranges that the International Council for the Exploration of the Sea (ICES) computed for a plan that included a “harvest control rule” in line with the ICES advisory rule², i.e. predefined measures that will be taken once a stock’s biomass falls below certain levels. Yet, the proposed North Sea MAP lacks such harvest control rules. A plan without harvest control rules should incorporate the corresponding values advised by ICES (i.e. ranges without advice rule) which are lower, reducing the risks of overfishing.

¹ UN Agreement for the implementation of the provisions of the UN Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, Annex II: “The fishing mortality rate which generates maximum sustainable yield should be regarded as a minimum standard for limit reference points.”

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http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2015/Special_Requests/EU_FMSY_ranges_for_selected_NS_and_BS_stocks.pdf.

We furthermore propose adding a provision similar to Article 3(4) of the Baltic MAP³, which stipulates that measures under the plan shall be taken in accordance with the best available scientific advice. This is also in line with CFP Article 3(c).

STOCK RECOVERY OBJECTIVES

The recovery objectives should apply to all North Sea stocks, including those assigned to groups 6 and 7.

For stocks in groups 3 and 4 for which no MSY estimates are available, as well as for stocks in group 5, the proposed North Sea MAP stipulates that management shall be “in line with the precautionary approach”. It should be noted that the CFP refers to the precautionary approach to fisheries management as defined by the United Nations Fish Stock Agreement (UNFSA), which is much stronger than the “precautionary approach” as applied by ICES.

In order to provide advice for fisheries managers in relation to maintaining fish populations within safe biological limits, ICES has developed “precautionary reference points” (F_{PA} and B_{PA}) and advice rules. In practice, these reference points are what the Commission and Council normally refer to when they say they apply “the precautionary approach”. However, whilst the management application of precautionary reference points provides boundaries to ensure stocks remain within safe biological limits, this in itself is not a sufficient condition for restoring and maintaining fish stocks above levels capable of producing MSY, as required by Articles 2(2) of the CFP and 3(1) of the proposed MAP. ICES’ precautionary reference points should not be treated as management targets, including when setting fishing opportunities, because they will not, on their own, deliver the MSY objective. Therefore, the MAP must provide management measures based on the precautionary approach as defined in the CFP that will ensure at least a comparable degree of conservation of the relevant stocks as MSY targets, in line with CFP Article 9(2).

TIMEFRAME

The Commission’s proposal only requires the achievement of fishing rates not exceeding F_{MSY} by 2020 at the latest for groups 1 and 2. A clear deadline should be added to Article 3(1) requiring the achievement of the target exploitation rate the latest by 2020 for all stocks, with the commitment to work towards it on a progressive and incremental basis in line with the CFP.

ECOSYSTEM-BASED APPROACH AND ENVIRONMENTAL LEGISLATION

The proposed MAP falls short in respecting the obligation stated under Article 2(3) of the CFP to minimise the negative impact of fishing activities on the marine ecosystem. It should recognise that there are specific ecological problems in the North Sea and that there need to be appropriate targets and safeguards to ensure an ecosystem-based approach to North Sea fisheries.

³ Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007

We support the aim to achieve the MSFD objective of Good Environmental Status by 2020. Fisheries management measures should also be introduced to ensure the strict protection of species and habitats in line with the Birds and Habitats Directives. The plan should explicitly refer to these directives in its objectives.

Conservation measures under Article 9 of the Commission's proposal should aim to minimise and, where possible, eliminate the impact of fisheries on the ecosystem. Conservation- and technical measures must be introduced to implement the ecosystem-based approach to fisheries management, including in relation to management measures to protect seabirds and cetaceans, as well as to support the management of Natura 2000 sites. Furthermore, measures should include the identification and conservation of fish stock recovery areas, including spawning grounds and areas with evidence of concentrations of fish below minimum conservation reference sizes, in line with Article 10 of the CFP.

LANDING OBLIGATION

The landing obligation is intended to put an end to the wasteful practice of discarding unwanted fish, by avoiding and reducing unwanted catches in the first place. It is clear that there is a need for avoidance and selectivity measures alongside effective management of quota and documentation of the catch in order to ensure that member states have a clear understanding and data collection of what is being removed, as required under the CFP.

The requirement in Article 10(1)(f) of the CFP that multiannual plans shall include "objectives for conservation and technical measures to be taken in order to achieve the targets set out in Article 15, and measures designed to avoid and reduce, as far as possible, unwanted catches" demonstrates the co-legislators' intent for key elements for implementation of the landing obligation (currently set out in the North Sea discard plan) to be included in the multiannual plan for the region.

We further note that Recital 32 of the CFP specifies that the introduction of the landing obligation should not jeopardise the MSY objective nor lead to an increase in fishing mortality. The fixing of fishing limits and use of ranges in mixed fisheries must take this into account.

We welcome the proposed Article 10(1), which stipulates that member states shall ensure that the composition by species of the quotas available to vessels operating in mixed fisheries are appropriate to the likely composition of the catch.

EVALUATING AND ADAPTING THE PLAN

The plan includes a review clause, but does not include explicit detail on the reference points that would inform an evaluation of the MAP's effectiveness in delivering its objectives and those of the CFP. To ensure the MAP is kept up to date we propose that the European Commission is empowered to adopt delegated acts as a means of keeping fishing mortality and biomass reference points updated in line with new scientific evidence. The MAP should also facilitate the achievement of Good Environmental Status and this should also be considered in any evaluation of the plan's effectiveness.