



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.9.2006
COM(2006) 499 final

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

**Fishing Opportunities for 2007
Policy Statement from the European Commission**

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1. INTRODUCTION

Commission Communication No. COM(2006)246 "Improving consultation on Community fisheries management" sets out a new working method for the European Community to decide on annual fishing opportunities. As part of this new approach it is foreseen that the Commission will set out in the first half of each year its intentions concerning its proposals for TACs and quotas for the following year in the form of an annual policy statement. In order to achieve broad involvement of stakeholders at all stages of fisheries policy development and implementation, the Commission presents in this document its intentions in proposing fishing opportunities for 2007.

No specific figures are proposed for TACs or quotas at this stage, because quantitative stock assessments and forecasts will not be available for many stocks until the latest survey data are analysed in the third quarter. This Communication, therefore, sets out the views of the Commission in the absence of scientific advice on the state of the stocks for 2007. Therefore, the statements made in this Communication will be restricted to questions of principle concerning the setting of TACs and effort levels. These principles will then be applied when the definitive scientific advice becomes available. However, should unforeseen circumstances arise when the definitive advice is provided, the Commission may formulate its proposals on the basis of such advice.

Forecasts cannot be made two years ahead for the many species where catches depend heavily on the abundance of the immediately recruiting year classes. Where fish stocks are more appropriately exploited (such as many pelagic species) an earlier discussion on TACs might be held in future years. This paper sets out basic principles for proposing TACs and associated conditions for 2007 based on the results of scientific assessments and forecasts that will become available during 2006.

1.1. Guiding principles for decision-making under the Common Fisheries Policy

Annual fishing opportunities should be set in accordance with the objectives of the Common Fisheries Policy¹, that is, to achieve the exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.

The Community should aim to meet these objectives by the progressive implementation of an ecosystem based approach to fisheries management, contributing to efficient and economical fishing activities and providing a fair standard of living for those who depend on fishing activities.

Economic and social sustainability depends on biological sustainability: there are no fisheries where there are no fish. The Commission therefore places biological sustainability at the heart of decision-making in fisheries.

However, the Commission does not always directly translate scientific advice on sustainability into proposals for regulations, for two reasons. Firstly, scientific forecasts are at times quite uncertain and their direct application would result in

¹ Article 2, para. 1 of Regulation 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, O.J. L 358 31.12.2002, p.59

substantial changes in fishing opportunities from one year to the next, which could often be greater than those necessary to achieve the needed conservation benefits. The second reason is of a political nature. Although many fish stocks are depleted or overfished, the Commission and Member States have considered that it is acceptable to take a relatively high biological risk by allowing more fishing than is sustainable in the short term, in order to maintain a certain continuity of fishing activity. Remedial measures to redress overfishing should be implemented gradually, provided that fishing mortality is steadily and gradually reduced.

1.2. International commitments

In addition to commitments under the Common Fisheries Policy, EU decisions on annual fishing decisions should take account of international policy commitments, such as the obligation to rebuild stocks to levels at which a maximum sustainable yield can be taken.² While the implementation of this commitment is still under discussion and is the subject of a separate Commission Communication³, it is necessary to take steps to ensure that some progress is made towards this political commitment, or at least that Community decisions do not contradict it.

In some regional fisheries management organisations, as well as in some bilateral and multilateral contexts, some long-standing commitments have been developed to which the Community has subscribed. Examples include the effort reductions concerning deep-sea species agreed at the North-East Atlantic Fisheries Commission, the recovery arrangements concerning Greenland Halibut adopted in the Northwest Atlantic Fisheries Organisation, and the long-term management arrangements subscribed to by the European Community and Norway. Decisions made by the Community concerning fishing opportunities should respect such commitments.

1.3. Further specific commitments

In addition to these long-standing commitments, the Commission and the Council have recently made a number of declarations that are relevant to fishing opportunities in 2007. These include:

- the Council's statement of December 2005 inviting the Commission to propose a reduction in fishing effort on deep-sea species in line with the Community's international commitments and to propose a multiannual strategy to progressively reduce effort to a sustainable level;
- the Council's statements of December 2005 and 2004 reaffirming the Council's commitment to sustainability and to further annual adjustments in the direction indicated by scientific advice in order to bring all stocks within safe biological limits.

2. PROPOSALS FOR FISHING OPPORTUNITY REGULATIONS FOR 2007

For 2007 the Commission intends to prepare three separate proposals for "fishing opportunities" regulations. Proposals concerning deep-sea fisheries and for fish

² UN World Summit on Sustainable Development, Johannesburg, September 2002.

³ COM(2006).

stocks in the Baltic Sea will be presented in September 2006. They will take into account the advisory report from ICES published in June 2006 and the STECF opinion on it, as well as subsequent consultations with stakeholders. Fishing opportunities concerning the remaining stocks will be covered by a proposal to be presented in late November 2006.

3. PRIORITY FOR LONG-TERM PLANNING

Managing fisheries requires taking decisions that balance immediate benefits against longer-term benefits. The appropriate way to do this is through the development of long-term plans wherein long-term goals are defined and a way to reach those goals is set out. Recovery plans are a special case of long-term plans where the immediate goal is to rebuild stocks to safe biological levels. As a priority, long-term plans must be implemented on an annual basis. Where recovery plans, long-term plans or management plans are adopted in Community legislation, they should be followed on an annual basis and TACs will be proposed that correspond to these plans. The same is true of long-term management arrangements developed with third countries, such as Norway.

The Commission will continue the development and proposal of long-term management arrangements.

4. A CONSISTENT BASIS FOR DECISION-MAKING CONCERNING TACS

Advice to the Community on biological sustainability is provided by the Scientific, Technical and Economic Committee for Fisheries (STECF). This Committee may use information from relevant regional scientific organisations as appropriate, in particular, the International Council for the Exploitation of the Sea (ICES). The Commission therefore relies heavily on scientific advice provided by that Committee on the fishing opportunities consistent with biological sustainability.

Management measures should be in proportion to the biological risk involved. They should also be equitable with respect to various stakeholders and fishing communities. The Commission has therefore classified stocks into a small number of categories after considering the level of biological risk that is perceived by STECF. For each of these categories, similar management measures are proposed. The main categories are discussed in turn below.

For all stocks in a category, the Commission intends to propose fishing opportunities based on the guidelines described in each section, subject to any mixed fishery interactions. In some cases it will be necessary to make an adjustment to fishing opportunities on account of the conservation needs of another stock that is caught in the same fishery, for example in the plaice and sole fishery in the North Sea and the fisheries for southern hake and *Nephrops* (See section 5.5). Mixed fisheries catching herring and sprat will continue to be managed on the basis of a by-catch limit.

As a general rule, the Commission attempts to stabilise fishing opportunities by limiting changes in TACs to no more than 15% from one year to the next. This may not be possible in cases where particularly stringent and urgent conservation

measures are needed to save a fishery from collapse, but this is an exceptional occurrence. Should the definitive scientific advice recommend particularly stringent and urgent conservation measures to save a fishery from collapse, the Commission will formulate its proposals taking into account such advice.

4.1. Stocks exploited consistently with maximum sustainable yield

Description: These are fish stocks where the annual fishing mortality rate is assessed as being consistent with that delivering the highest long-term yield. For these stocks the fishing mortality should be kept close to current levels, but the TAC would not be changed by more than 15% from one year to the next.

Community stocks likely to be concerned: plaice in Area VII, megrims in VIIIc and IXa.

Fishing possibility for 2007 : a TAC set :

- to the forecast catch established by STECF as corresponding to an F_{msy} ⁴ proxy, but not more than 15% higher or lower than the TAC in 2006.

Comments : herring in IV and IIIa, saithe in IV, VI and IIIa(N), and haddock in IV and IIIa would also have been placed in this category but are subject to a joint management plan with Norway which will have a similar effect (arrangements for North Sea haddock are under review in 2006).

4.2. Stocks overexploited with respect to maximum sustainable yield but inside safe biological limits

Description : this category covers stocks that are not at risk of depletion due to recruitment failure in either the short or the long term but are exploited with a fishing mortality that is higher than F_{msy} . It also includes those stocks which are inside safe biological limits but for which it is not yet possible to identify the fishing mortality in relation to that delivering the highest yield, and those stocks that are overexploited with respect to maximum sustainable yield but for which safe biological limits have not yet been defined. For these stocks, fishing mortality should not increase and the TAC should be kept within 15% bounds. An increase in fishing mortality would be in contradiction to both the Johannesburg Implementation Plan and the precautionary approach.

Community stocks likely to be concerned : whiting VIIe-k, herring in the Baltic Sea, sole in IIIa, anglerfish in VIIIc and IXa, herring in the Baltic Sea Management Unit 3, sprat in Baltic Sea subdivisions 22-32.

Fishing possibility for 2007 : TAC set :

- to the forecast catch established by STECF as corresponding to the higher value of (a) an F_{msy} proxy or (b) unchanged fishing mortality, but :
- not more than 15% higher or lower than the TAC in 2006.

⁴ The fishing mortality that, in the long term, will result in the maximum sustainable yield from a stock.

4.3. Stocks outside safe biological limits

Description: this category covers stocks that are at risk of depletion due to recruitment failure in either the short or the long term: either fishing mortality is above F_{pa} or the stock size is below B_{pa} , or both⁵. This category also includes species for which few data are available but where there are strong indications based on life-history parameters and fishery characteristics that current levels of fishing are unsustainable.

However, three separate special sub-categories are defined. Firstly, species with such a short life-cycle that an in-year adaptation of fishing opportunities is necessary. Secondly, species with such a long life-cycle that they are highly vulnerable to exploitation and special measures are necessary, i.e. deep-sea species. Thirdly, stocks that are so far outside safe biological limits that recovery measures are necessary are placed in a separate category. (Measures addressing stocks in these categories are described in Sections 5, 4.5, 5.3 and 4.4 respectively).

Community stocks likely to be concerned : sole in VIId, demersal elasmobranchs in IV, IIIa and VIId (thornback ray, common skate, Angel shark), anglerfish in VIIb-k and VIIIab, megrims in VIIb,c,e-k and VIIIabd, plaice in VIIfg, plaice in VIIe, sole in VIIfg, Celtic Sea herring, herring in VIaS and VIIbc, herring in Baltic Sea Divisions 25-29 and 32 (excl. Gulf of Riga).

Fishing possibility for 2007 : TAC set :

- as a general rule, to the forecast catch established by STECF as corresponding to bringing the stock inside safe biological limits in 2008, but no more than 15% higher or lower than the TAC in 2006,

- however, the TAC will in no case be set at a level that will lead to an increase in fishing mortality nor to a decrease in spawning biomass, even if this means a bigger reduction in the TAC than 15% (doing so would be counter to the Council and the Commission's commitments on the gradual approach to sustainability, see section 1.3).

4.4. Stocks subject to long-term plans

Description: this category includes stocks under long-term management arrangements, including recovery plans for the stocks at highest biological risk, i.e. stocks which are (or have recently been) at very high risk of suffering reduced reproductive capacity. Where the Commission has proposed or the Council has adopted a recovery plan or long-term plan, the Commission will propose a TAC that is consistent with that plan. Similarly, where the Community has entered into long-term management arrangements with third countries, those arrangements will usually govern the choice of TAC.

Community stocks concerned: cod in areas VIIa, VIa(N), IV, IIIa(N) and IIIaS(Kattegat); Northern and southern stocks of hake; sole in VIIIab and sole in

⁵ The fishing mortality (F_{pa}) and spawning stock biomass (B_{pa}) that the International Council for the Exploration of the Sea advises as consistent with the precautionary approach.

VIIe; Norway lobster in VIIIc and IXa; cod in the Baltic Sea (Divisions 22-24 and 25-30); plaice and sole in IV.

Shared stocks concerned: saithe in IV, IIIa and VI; haddock in IV and IIIa, potentially plaice in IV; herring in IV, VIIId and IIIa.

Fishing possibility for 2007: Fishing opportunities should be set in accordance with the relevant recovery plans (or, where recovery plans are not yet adopted by the Council) in accordance with the Commission's proposals.

Comment: Where scientific advice is insufficiently complete to allow the recovery plan to be applied quantitatively, as is likely in the case of several cod stocks, another approach would have to be followed. The cod case is discussed in section 5.1.

4.5. Naturally short-lived species

Description: some stocks of small-sized fish are subject to high levels of natural mortality such that the fished stock is mostly constituted of a single year-class. Managing such species requires rapid in-year decision-making, where the annual fishing opportunities are adapted according to the strength of the incoming year-class.

Community stocks likely to be concerned: sandeel in IV, anchovy in VIII, anchovy in IX, sprat in IV, Norway pout in IV and IIIa

Fishing possibilities for 2007:

For **sandeel in the North Sea**, the Commission will again propose to repeat the in-year assessment and review procedure as adopted for 2006 (Annex IId of Regulation 51/2006), subject to possible improvements after consultation.

For **anchovy in the Bay of Biscay**, the Commission will propose an initial TAC based on maintaining the spawning stock size at a precautionary level (B_{pa}) at spawning time in 2007, with an in-year re-examination of the TAC based on spring survey data.

For **anchovy in IX**, the Commission will propose a TAC at the same level as that adopted for 2006 unless a conservation problem arises later in 2006.

For **sprat in the North Sea**, the Commission will propose to continue the in-year review of fishing possibilities based on spring survey data. To that end, a TAC for 2007 will be proposed at the same level as that adopted for 2006 after the in-year review, but this will be subject to a further in-year review in 2007.

For **Norway pout**, the stock assessment is more dependent on autumn survey data and the Commission will base its TAC proposal more directly on the advice received in the autumn. An in-year review during 2007 may also be included in the proposal.

4.6. **Stocks whose status is unknown but which are not at high biological risk**

Description: for many stocks a deterioration in the accuracy of commercial catch data has led to high uncertainty about the state of the resources, to the extent that they cannot be assessed. Some other stocks - usually of minor economic importance - are little studied and may be caught either as by-catches in other fisheries or in fisheries of local importance only. Pending better knowledge of the state of such stocks, some interim guidelines should apply.

Community stocks likely to be concerned: whiting in IIIa, whiting in IV and VIId, plaice in IIIa, plaice in VIId, all stocks of horse mackerel, sandeel in IIIa, cod in VIIe-k, haddock in VIIe-k, plaice VIIh-k, plaice VIIbc, all stocks of pollack.

Fishing possibility for 2007: Consistent with the precautionary approach, the Commission will propose measures to prevent the expansion of fisheries in situations of high uncertainty. Where recent catch levels by all Member States are substantially lower than corresponding quotas (and there is no evidence that expansion of a fishery would be sustainable) the Commission will propose a reduction in TACs towards recent catch levels. This reduction will be proposed at a rate of 20% per year, though where scientific agencies propose a different approach (such as a recent average historic catch level) this will be taken into account.

5. **SPECIAL CASES**

5.1. **Cod stocks covered by the cod recovery plan**

As of December 2005, there had been no detectable reduction in cod mortality in most areas and no significant recovery of the stock. As management arrangements have not been greatly more stringent in 2005 or 2006 than in 2004, the Commission anticipates that this situation is likely to continue into 2006. The existing cod conservation measures should therefore be reviewed, and should be strengthened while the review process is underway.

For 2007 the Commission will propose fishing opportunities for cod stocks that are consistent with the provisions of the recovery plan if STECF is able to provide quantitative estimates of stock size and fishing mortality to allow the direct application of the plan. If no such estimates are available, the Commission will propose a reduction of 25% in both TAC levels and in all types of fishing effort that catches cod, and will require stronger safeguards concerning cod conservation when considering derogations to the days-at-sea régime.

The review process will begin in 2006 with a new evaluation by STECF of the development of fishing effort, catches, and discards.

5.2. **Cod stocks in the Baltic Sea**

Concerning stocks of cod in the Baltic Sea, the Commission will shortly present its proposal for the recovery and long-term management of these two stocks. While this is under discussion (and to be consistent with that proposal), the Commission will

propose TACs for 2007 corresponding to the higher of a) 10% reduction in fishing mortality and b) 15% limit on TAC changes.

5.3. Deep-sea species

For deep-sea species, a separate proposal will be presented in September 2006. The Commission supports a progressive approach to returning stocks to sustainable conditions based on scientific advice. However, for deep-sea stocks the scope for graduality is limited because of their vulnerability to over-fishing and the very slow rates of stock recovery.

The scientific advice for these stocks has been consistent, namely that current exploitation rates should be significantly reduced and that new fisheries should not be allowed to develop unless supported by data to show that they are sustainable.

The extent to which TACs and fishing effort should be reduced depends on the stocks concerned. For some, for example blue ling and deep-water sharks, there should be no targeted fishery at all and by-catches should be kept to a minimum. For others, such as roundnose grenadier, scientists have been advising reductions in effort of about 50%.

For 2007 the Commission will propose substantial reductions in the TACs for deep-sea species with a view to bringing fishing mortality down to sustainable levels as rapidly as possible. The TAC reductions will not be limited to 15% per year but will be as large as thought necessary to achieve target levels of fishing mortality within a period of three years. The Commission believes that reducing the TACs more gradually than this would carry an unacceptable risk of long-term damage to the deep-sea ecosystem.

5.4. Mixed Fisheries

Although some fisheries are highly targeted activities that make “clean” catches of a single species, many fisheries take a mixture of several species. Quantifying these interactions is still a developing science, but some mixed fisheries are so well understood that it is clear that ignoring these interactions would clearly be incompatible with responsible fisheries management.

Examples include the flatfish fishery in the southern North Sea, (where most plaice are caught as a by-catch in the beam-trawl sole fisheries for sole), the mixed fishery for hake and *Nephrops* in the Iberian Atlantic area, and the mixed fisheries for sprat and herring in the North Sea and in the Skagerrak and Kattegat (managed by a herring by-catch quota).

For the flatfish fishery and the hake and *Nephrops* fishery the Commission's proposals concerning TACs, quotas and effort will conform to the relevant Council Regulation (or Commission proposal, if the Regulation is not yet adopted). The Commission will propose that herring and sprat fisheries continue to be managed with a by-catch quota.

5.5. Nephrops stocks

Advice is provided every two years for *Nephrops* stocks. Apart from the *Nephrops* in IXa which is covered by the Southern Hake and *Nephrops* recovery plan, the Commission will for 2007 propose the same TACs for *Nephrops* as were adopted for 2006.

5.6. Blue whiting

The Commission has begun an exchange of views with Member States on the allocation of blue whiting. The TAC proposal for this species will reflect the application of the Coastal State agreement on multi-annual management concerning this stock, and an allocation of the TAC will be proposed that takes account of the discussion with Member States.

5.7. New TACs

Occasionally scientific advice highlights a conservation need for new species at relatively short notice. The Commission will follow up this advice and consult relevant Member States and interested parties, particularly on the issue of allocation. Further discussion will be held concerning bass and porbeagle in 2006. The Commission will not propose new TACs unless a prior discussion has been held.

6. TECHNICAL MEASURES

A review of technical measures for fisheries in Atlantic waters began in 2005 and is not likely to be completed by 2007. Therefore the Commission intends to prolong the transitional technical measures defined in Annex III of Regulation No 51/2006, subject to revision and updating.

7. EFFORT MANAGEMENT

Annual changes to permissible fishing effort are required by several recovery plan regulations. The Commission will propose adjustments to the number of permissible days-at-sea in Annex II of the "fishing opportunities" regulation as follows:

Annex IIa (Cod recovery): Days-at-sea to be adapted in line with the approach outlined in Section 5.1., i.e. according to the requirements of the cod recovery plan. Should scientific advice fail to indicate a recovery of the cod, a minimum 25% reduction in days-at-sea should apply. The Southern hake and *Nephrops* recovery plan (Council Regulation 2166/2005) requires a 10% reduction in days-at-sea for the relevant gear types and areas.

The Commission proposal concerning a recovery plan for Western channel sole (COM(2003) 819) is still under discussion. Unless the discussion is finalised prior to the end of 2006 with a different conclusion, the Commission will also propose the 10% reduction in fishing effort that is included in this proposal.

The results of these calculations for 2007 are set out below.

Annex IIb (Southern hake and Nephrops): 216 days-at-sea for gear groups 3.a.i. to 3.c. (10% reduction from 240 days-at-sea in 2006). The Commission will review the conditions for the scope of the regulation to ensure that all the vessels developing the major part of fishing mortality on southern hake are included.

Annex IIc (Western Channel sole) : 194 days-at-sea for gear groups 3.a. and 3.b. (10% reduction from 216 days-at-sea in 2006) Fishing with static nets of mesh size over 120mm when less than 100Kg of sole are taken will continue to be unlimited.

A report to be submitted to the Council and the European Parliament on the effectiveness the existing effort regime applicable for deep-sea stocks is being prepared by the Commission services. A new effort management regime for deep-sea stocks will be proposed in the light of the conclusions of that report.

8. CONCLUSION

The Commission will continue to work on the development of long-term plans, which should be the main instrument for developing fisheries policy. Those plans which are adopted should be applied. While further plans are being developed, this Communication provides management guidelines for the stocks that are not yet covered by them. The purpose of the Commission's approach is to provide as much stability as possible for the fishing sector, while ensuring that stocks rebuild or maintain their productive potential.

While this policy approach is applicable to Community stocks, similar principles should guide the Community's actions in Regional Fisheries Organisations and in bilateral agreements. Here too, the development of long-term management measures should be a priority.