

Mr. Virginijus Sinkevičius
Commissioner for Environment, Oceans and Fisheries
European Commission

Subject: NGO recommendations to the EU on the setting of fishing opportunities for 2022

6 September 2021

Dear Commissioner Sinkevičius,

Like every busy autumn, soon you will be back at the negotiation table in the Agrifish Council, and with the UK and other coastal states to decide on the future of our fisheries. In September, consultations with the UK will resume with a view to establish over 70 catch limits for shared stocks. In October, you will set EU fishing opportunities in the Baltic Sea,ⁱ where overfished populations are not improving, and the cod crisis continues. In December, you will finalise decisions on the Northeast Atlantic waters, where the rate of overfishing increased from 38% to 43%, according to the most recent report from the EU's Scientific, Technical and Economic Committee for Fisheries (STECF).ⁱⁱ In line with the Western Mediterranean Multiannual Planⁱⁱⁱ you will also need to further reduce fishing effort in the Mediterranean Sea, which remains in dire condition with 83% of assessed stocks subject to overfishing.

Despite the increase in fleet profitability^{iv} and overall reduction in overfishing brought about by the Common Fisheries Policy (CFP) in the last decade, the EU still failed to fulfil its legal obligation to end overfishing in all its waters and missed the deadline to harvest all stocks sustainably by 2020.^v

Persistently poor political decisions drive overfishing and block sustainable fisheries management. **Fisheries are dependent on a healthy environment and long-term socio-economic losses will outweigh short-lasting gains if the Commission and the Council continue to exceed scientific advice when setting catch limits.** There is no more margin of error with accelerating climate change and biodiversity loss. Overfishing and destructive fishing practices have been the main cause of marine biodiversity loss for the last 40 years and now we also know that they critically undermine the resilience of fish and other wildlife to the impacts of climate change and their capacity to mitigate it.^{vi}

We urge you to:

- **Not exceed the best available scientific advice** provided by the International Council for the Exploration of the Sea (ICES), regardless of whether it is based on the Maximum Sustainable Yield (MSY) approach or on the data-limited precautionary approach.^{vii}
- **Provide a “climate buffer”** and improve population resilience by setting Total Allowable Catches (TACs) below the maximum catch advice for species particularly vulnerable to the impacts of climate change and to account for an ecosystem-based approach.

- **Factor in ICES mixed fisheries considerations** to ensure that all stocks are restored and/or maintained above biomass levels capable of producing the MSY. Where the mixed fisheries approach supports a reduction in single species TACs below the MSY advice to safeguard the more vulnerable stocks caught in the fishery, this should be followed.
- **Put in place effective bycatch reduction** or rebuilding plans, and diligently control fisheries using remote electronic monitoring with cameras (REM) in the case of TACs with zero catch advice.
- **Implement the landing obligation.** Set TACs lower than the recommended ICES maximum catch advice, to ensure that non-compliance does not lead to fishing mortality beyond sustainable levels.^{viii} If quota adjustments are granted to account for previous discards, Member States should make them accessible only to vessels which demonstrate full compliance. Use full catch documentation, such as on-board observers or REM, to ensure a proper control of the fishing activity.
- **Fully implement the Western Mediterranean MAP** and set annual fishing days in line with the scientific advice to achieve the MSY exploitation rate. Mediterranean Member States should also tackle overcapacity in the fleet, improve control of engine power to prevent fraud which seriously undermines the fishing effort regime, adopt bottom-trawling closures to protect fish nurseries and juveniles, and enhance data collection.
- **Increase transparency** of decision-making and apply the recommendations of the European Ombudsman for the Council.^{ix} Transparency principles should also be applied to the European Commission's negotiations with the UK, Norway, and other coastal states, in line with the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.^x

The implementation of the CFP is a mission not yet accomplished.^{xi} The Member States and the Commission must decisively improve and speed it up if the EU is to respect its own law and international commitments, as well as deliver on the European Green Deal and Biodiversity Strategy and build back better after the Covid-19 crisis. Environmental organisations will continue to scrutinise the progress in ending overfishing and urge the EU to transition to fully sustainable and transparent fisheries.

Please find our specific recommendations attached. We look forward to meeting you and your services to discuss them in detail.

Yours sincerely,



Pascale Moehrle
Executive Director, Oceana in Europe

On behalf of:

BirdWatch Ireland, Bund für Umwelt und Naturschutz Deutschland (BUND), ClientEarth, The Danish Society for Nature Conservation, Deutsche Umwelthilfe (DUH), Des Requins et Des Hommes (DRDH), Ecologistas en Acción, The Fisheries Secretariat, FNE, Fundació ENT, Dutch Elasmobranch Society, North Sea Foundation, Oceana, Our Fish, Sciaena, Seas At Risk.



ⁱ Please see specific NGO recommendations on the setting of [fishing opportunities in the Baltic Sea](#).

ⁱⁱ STECF (2021) [Monitoring the performance of the Common Fisheries Policy](#). STECF confirms yet again that many stocks remain overfished and/or outside safe biological limits, and that progress achieved is too slow to ensure that all stocks are fished at or below FMSY.

ⁱⁱⁱ The Western Mediterranean plan was [approved by the Council in 2019](#), but Spain, France and Italy resist implementing it.

^{iv} Communication from the Commission to the European Parliament and the Council (2021). [Towards more sustainable fishing in the EU: state of play and orientations for 2022](#). “Overall, the EU fleet remained profitable in 2020, reporting healthy gross and net profit margins of around 26 % and 14 % respectively or close to €1.5 billion of gross profits and €800 million of net profits. This indicates a remarkable resilience, thanks to a combination of low fuel prices and the sector’s efforts in previous years to achieve MSY.”

^v R. Froese et al (2020). [Progress Towards Ending Overfishing in the Northeast Atlantic](#). *Marine Policy*.

Also see The Pew Charitable Trusts (2020) [EU Fisheries Management Still Not in Line With Scientific Advice](#) and [Analysis of Fisheries Council agreement on fishing opportunities in the Northeast Atlantic for 2020](#).

^{vi} IPCC (2019) [Special Report on the Ocean and Cryosphere in a Changing Climate](#). IPBES (2019) [Global Assessment Report on Biodiversity and Ecosystem Services](#).

^{vii} Deprioritising less economically important and/or less comprehensively assessed stocks goes against the CFP’s principles, which require the same policy response and objectives for all harvested species and demand an ecosystem-based approach. This also shows that the European Commission and Council have fallen short of EU obligations relating to the application of the precautionary principle as required under Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), and of international commitments under the United Nations Fish Stocks Agreement (UNFSA) and Sustainable Development Goal 14.

^{viii} ClientEarth, 2020. [Setting Total Allowable Catches \(TACs\) in the context of the Landing Obligation](#).

^{ix} European Ombudsman, [“Recommendation of the in case 640/2019/FP on the transparency of the Council of the EU’s decision-making process leading to the adoption of annual regulations setting fishing quotas \(total allowable catches\)”](#) (2019). Also see: [Transparency International, “Overfishing in the Darkness”](#) (2016).

^x UNECE. 1998. Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ([Aarhus Convention](#)).

^{xi} For more aspects of the CFP implementation, please see the NGO policy paper [“Common Fisheries Policy: Mission Not Yet Accomplished”](#) (2021). NGOs identify there nine specific challenges (overfishing, especially in the Mediterranean Sea, the landing obligation, harmful impacts of fishing, the transition to low-impact fisheries, harmful subsidies, regionalisation, the external dimension, and climate change) and propose a list of actionable solutions.

Also see Pew’s [“Lessons From Implementation of the EU’s Common Fisheries Policy”](#) (2021).