

Multiannual plan for North Sea demersal fisheries

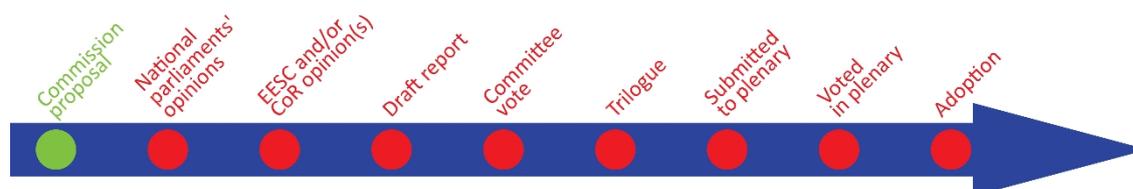
OVERVIEW

On 3 August 2016, the European Commission tabled a legislative proposal for a multiannual plan to manage some fisheries in the North Sea. This plan would cover demersal species (i.e. species living close to the sea bottom) in the EU waters in the North Sea and some adjacent maritime areas. These stocks are exploited by various fishing fleets using various fishing gear but often catching different species together (mixed fisheries). These demersal fisheries, conducted by several thousand EU vessels, represent over 70% of the EU catches in this area.

After recent adoption of a plan concerning the Baltic Sea, this multiannual plan for North Sea demersal fisheries is the second management plan proposed by the European Commission since the reform of the Common Fisheries Policy agreed at the end of 2013. Such multiannual tools are essential for the sustainable exploitation of marine resources and offer better predictability on catches allowed to fishermen over time. They also set a framework for improved cooperation between the concerned Member States at sea regional level. The European Parliament is now to start the examination of the proposal.

Proposal for a Regulation of the European Parliament and of the Council on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008.

<i>Committee responsible:</i>	Fisheries (PECH)	COM(2016)493
<i>Rapporteur:</i>	Ulrike Rodust (S&D, Germany)	3.08.2016
<i>Shadow rapporteurs:</i>	Jens Gieseke (EPP, Germany) Peter Van Dalen (ECR, Netherlands) Nils Torvalds (ALDE, Finland) Anja Hazekamp (GUE/NGL, the Netherlands) Linnéa Engström (Greens/EFA, Sweden)	2016/0238 (COD) Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly ‘co-decision’)
<i>Next steps expected:</i>	Presentation and first exchange of views in the PECH Committee	



Introduction

The adoption of multiannual plans is a priority under the Common Fisheries Policy (CFP), reformed by the European Parliament and the Council in 2013. On 3 August 2016, the European Commission [presented](#) a proposal for a regulation establishing a multiannual plan to cover the conservation of demersal stocks and the management of demersal fisheries in the North Sea and adjacent areas.

This proposal ([COM\(2016\) 493](#)) for a multiannual plan for some stocks at a maritime regional level is the second tabled by the Commission since the CFP reform. The first multiannual plan under the new CFP, concerning some stocks in the Baltic Sea, was adopted in July 2016 (regulation (EU) [2016/1139](#)), after the European Parliament endorsed, in June, the outcome of lengthy trilogue negotiations.¹

Context

Multiannual plans for the conservation of fish stocks and the management of fisheries exploiting these stocks are essential tools to ensure sustainable utilisation of marine biological resources. By setting long-term approaches, such plans also increase predictability for fishermen's activities over time. The first [multiannual plans](#) for given fish stocks were developed progressively in the pursuit of the previous CFP review of 2002. Such plans were, however, put in place following different approaches and with diverse types of measures.

The new '[CFP Basic Regulation](#)' ([No 1380/2013](#)) has revised the basis for this policy. It provides that 'the CFP shall apply the precautionary approach to fisheries management, and shall aim to ensure exploitation of living marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield' (MSY). To reach this objective, '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'.

Regarding multiannual plans, the new CFP Basic Regulation provides that such plans should cover, where possible, multiple stocks and fisheries (notably in the case of mixed fisheries or where the dynamics of stocks relate to one another) and that they must include, among other things, time-framed and quantifiable targets such as fishing mortality rates (F) and/or spawning stock biomass.²

These quantifiable targets have been among the key elements of rather lengthy negotiations on the first proposal for a multiannual plan tabled in 2014 concerning Baltic stocks. Discussions centred notably on the value(s) to be set for fishing mortality and biomass levels and the associated measures, in consideration of the new MSY objective of the CFP. Debates also focused on possible powers to delegate to the Commission, in consideration of regional cooperation and possible joint recommendations from the Baltic fishing states. These debates also linked with a long lasting controversy on the respective competences of the Council and the European Parliament in deciding on some elements of multiannual approaches to fisheries management, in view of their possible implications for the Council's decisions in fixing annual Total Allowable Catches.³

The reformed CFP also establishes a phased-in obligation to land all catches of species that are subject to catch limits and or size limits. For the North Sea, this obligation started on 1 January 2016 for several fisheries and it will apply to all fisheries as from 2019.

One of the main measures to manage fish stocks consists of setting maximum catch limits. The Council thus fixes **catch limits** annually as Total Allowable Catches (TACs) for about thirty species of fish and crustaceans in the North Sea, distributed in many more stocks. Each TAC is shared among Member States in the form of quotas. Current TACs and quotas in the North Sea are established within [Council Regulation \(EU\) 2016/72](#), fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks (applicable in Union waters and, for Union fishing vessels, in certain non-Union waters). As an illustration, this regulation establishes TACs for nine different cod stocks. One TAC covers sub-area IV (North Sea) plus the Union waters of division IIa and a small part of division IIIa, while separate cod TACs are set individually for the Skagerrak, the Kattegat and the Easter Channel (VIId). As another example for Nephrops, one TAC covers the Union waters of zone IIa and zone IV together, and another TAC is set for zone IIIa plus the Baltic Sea (namely subdivisions 22-32).

Depending on where and what they fish for, fishermen are also subject to specific **technical rules**. A large set of technical rules applicable in the North Sea are established under [Regulation No 850/98](#) for the conservation of fishery resources through technical measures for the protection of juvenile marine organisms. These rules set, among other things, specifications on the gear that may be used and provide for minimum size limits for about twenty demersal species of fish, shellfish and crustaceans. Specimens of species subject to catch limits must be landed but those which are undersized cannot be used for direct human consumption.⁵

Two **existing multiannual plan** regulations also apply to some North Sea fisheries. The first concerns **sole and plaice** ([Reg. No 676/2007](#)). The second ([Reg. No 1342/2008](#)) establishes a long-term plan for four **cod stocks**, one of these stocks covering the North Sea, the Skagerrak and the Eastern Channel. These regulations set mortality rate levels and spawning biomass for the stocks concerned. They establish a procedure for the setting of annual TACs, including maximum limits for inter-annual variation of fishing possibilities. In addition, they put a supplementary regime of fishing effort limitation in place, through a days at sea regime, for the fisheries concerned.⁶

Preparation of the proposal

The European Commission organised two workshops with stakeholders in 2014 concerning multiannual management of fisheries in the North Sea. Stakeholders also provided their views under the auspices of the [North Sea Advisory Council](#), and notably its [mixed fisheries focus group](#). The preparation of this initiative furthermore included an internet-based [public consultation](#) on this [issue](#) between February and May 2015. The scientific background to this public consultation included evaluations by the Scientific and Technical and Economic Committee for Fisheries ([STECF](#)) of the existing multiannual plans applicable to some North Sea fisheries, namely for cod ([STECF-11-07](#)) and for sole and plaice ([STECF-14-03](#)). It also comprised wider STECF recommendations made in 2012 on possible area-boundaries for management purposes, considering the delimitations of different stocks and the zones covered by different fisheries ([STECF-12-14](#)).

In parallel to this consultation, the European Commission services requested additional input from STECF in assessing a draft design (by DG MARE) for a multiannual plan concerning some North Sea demersal stocks. This evaluation ([STECF-15-04](#)) was reviewed by a STECF Plenary in April 2015, which underlined its main recommendations and conclusions on both the values and limits of this draft plan ([PLEN-15-01](#)). The European Commission also asked the International Council for the Exploration of the Sea ([ICES](#)) to

provide advice on ranges of fishing mortality rates in line with MSY (F_{MSY}) for some selected North Sea stocks. This [ICES advice](#) of March 2015 was updated most recently in June 2016.

In addition, in the impact assessment report ([SWD\(2016\)272](#)) accompanying the legislative proposal, the European Commission services refer widely to preparatory studies performed in relation to the CFP reform in general (notably on landing obligation, MSY based management and on mixed fisheries quota management), issues which are not sea-region specific. In this regard, it can be noted that the problems to be addressed by this legislative initiative are not defined solely from a North Sea point of view. According to the summary by the Commission Services on the main issues at stake (see section 3.8), the 'main problems, for decades, in the North Sea demersal fisheries have been overfishing and discarding', however, 'the current management plans have failed to solve these problems satisfactorily...'. Beyond this observation, it is further stated that 'the [CFP] Basic Regulation promises to solve the problems of overfishing and discarding more effectively. However, this regulation is too strict as it leads to under fishing and imposes a landing obligation even in situation where such an obligation is disproportionate'. In this context, this initiative for a North Sea multiannual plan is presented as a way to 'alleviating negative economic and social consequences for the fishing industry in the coming year' in relation to the new CFP Basic Regulation.

The changes the proposal would bring

The main elements of this regulation as proposed would consist of:

- Managing fisheries for some identified stocks based on defined conservation reference points, namely **fishing mortality** targets in line with the MSY objective (by 2020 at the latest) and **levels of biomass**. This would concern seven demersal fish stocks in the main North Sea basin (zone IV) but also in some adjacent zones. For sole, this plan would cover two different stocks (see table 1). It is also proposed to set conservation reference points for different stocks (so-called functional units) of Nephrops in parts of zones IV and IIIa⁷ (though a unique TAC would be set for zones IV plus IIa as a whole, without differentiation between the different functional units).

Table 1 – Fish stocks managed based on Fmsy and biomass levels

Species	Stock area (grey cells)			
	Division VIId (Eastern Channel)	Division VIa (West of Scotland)	Subarea IV (North Sea)	Division IIIa (Skagerrak & Kattegat)
Cod		-		IIIa West only
Haddock	-			IIIa West only
Plaice	-	+ division VIb		
Saithe	-	-		-
Sole	-	-		-
Sole	-	-	-	+ subdivisions 22-24
Whiting		-		-

NB: Each line corresponds to one stock.

- Setting provisions for regional cooperation between Member States and delegating powers to the Commission to adopt any joint recommendation by concerned Member States for fisheries [technical measures](#), concerning the conservation of any demersal stock covered by the regulation. These stocks would not only be those identified above and managed on the basis of Fmsy and biomass limits, but also a high indefinite number

of demersal species/stocks,⁸ categorised in different groups depending on other types of measures applied to them (notably if they are subject to catch limits or not).⁹

- Further delegating powers to the Commission to adopt exemptions or some other provisions related to the landing obligation, when recommended jointly at regional level by Member States concerned.
- Setting some additional control and enforcement provisions (designated port, prior notification for landing, logbook) as well as providing for regular five-yearly evaluations of this multiannual plan.
- Repealing the two existing multiannual plan regulations: for North Sea plaice and sole; and concerning four cod stocks (including North Sea cod).

Stakeholders' views

Most [contributions](#) to the internet-based consultation expressed support for a multiannual approach. A number of comments referred to the possible scope of the plan. Some contributors considered that the North Sea plan should also cover the Eastern Channel (zone VIId). Monkfish, megrim, seabass and brown shrimp were mentioned among the major species/stocks that should also be managed, based on defined reference points. The NGOs insisted that that mortality ranges should be capped at FMSY as a maximum upper limit. A number of stakeholders also referred to the need to coordinate long-term management of North Sea shared stocks with Norway. The North Sea Advisory Council, which groups a number of different stakeholder representatives, saw the introduction of mixed fishery plans as a major step forward. Beyond its [general advice](#) provided at that time, it also considered it should to be closely involved in further discussions.

The STECF, in its [general position](#) taken in 2015, was of the view that a multiannual plan for the North Sea would improve fisheries management, noting for example that an FMSY range approach confers flexibility and helps to reconcile difficulties arising in the mixed fishery context. However, it also highlighted a number of shortcomings, notably on the difficulties to evaluate the impact of the landing obligation on the likely performance of the plan and on whether managing only a few species that drive the fisheries would adequately allow management of by-catch species. It also insisted that persistent fishing at the upper limit of the FMSY range across a range of stocks may not be precautionary and may have broader ecosystem impacts, particularly if mixed fisheries are involved.

Comparative elements

In its [press release](#), the Commission presented its proposal for the North Sea as building on the political compromise reached earlier this year by the European Parliament and the Council on the Multiannual plan for the Baltic Sea (see context). In some aspects – such as the setting of ranges of fishing mortality rates around FMSY, the proposed provisions based on spawning stock biomass levels or regular reviews of the plan – the proposal for the North Sea plan mirrors the agreed Baltic plan (see Regulation [2016/1139](#)). However, in some other dimensions, the approaches proposed for this multiannual fisheries plan in the North Sea are not fully comparable to those agreed in the Baltic plan.

It is first relevant to note that the Baltic Sea and North Sea ecosystems, as well as the fisheries taking place in these two regions, are not fully comparable. The Baltic ecosystem can be considered 'rather simple' and the diversity of fish species in the Baltic Sea is 'rather limited'. In the North Sea, also much more open to adjacent marine areas, the number of exploited species is much higher, and fisheries are more diverse and complex, compared to the Baltic Sea.

However, it can also be noted that, in its impact assessment report, the Commission identified and presented the problems related to fisheries in the North Sea under quite different perspectives when compared to the problems that the Commission presented and considered necessary to look at when tabling its previous proposal for a multiannual multispecies Baltic plan. For future North Sea fisheries management, the Commission services placed particular emphasis on the need to reduce a risk of under-fishing and under-exploitation of fish stocks, while when justifying the proposal for a Baltic multiannual plan, more emphasis was placed on the particular need to ensure sustainable fishing and take into account a broader ecosystem approach.¹⁰

The Baltic plan focuses on both demersal and pelagic species, and notably takes into account the fact that the major species concerned are reciprocal predators and that the level of fishing of a given stock may therefore have an impact on the fishing possibilities for the other interacting stocks. The North Sea plan as proposed covers only demersal species. Moreover, long-term management based on defined conservation reference points would cover six fish species and one crustacean species, while demersal fisheries regularly catch about 30 different species in the concerned areas. The proportion of stocks subject to catch limits and managed along MSY-based quantitative reference points is thus rather low.

Regarding the proposed delegation of powers, the North Sea plan would allow the Commission to adopt specific conservation measures, based on regional recommendations among a possibly varying list of concerned Member States for different groups of a possibly high number of species. In the Baltic plan as agreed, such possibilities only apply in respect of by-catches of identified demersal fish species in fisheries targeting the stocks subject to management reference points.

Legislative process

The European Parliament Committee on Fisheries (PECH) is responsible for considering the proposal (rapporteur: Ulrike Rodust, S&D, Germany). A presentation of the proposal and first exchange of views is due to take place in PECH on 11 October 2016.

Sources

[Multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks](#), European Parliament, Legislative Observatory (OEL).

Endnotes

- ¹ See the [briefings](#) on EU legislation in progress concerning the Baltic plan proposal ([2014/0285\(COD\)](#)).
- ² The Maximum Sustainable Yield (MSY) concept on which the new CFP builds is defined as 'the highest theoretical equilibrium yield that can be continuously taken on average from a stock under existing average environmental conditions without significantly affecting the reproduction process'. MSY roughly corresponds to the largest catch of a fish stock that can be taken over an indefinite period without harming it and if other conditions, notably environmental ones remain constant. The MSY approach is largely about defining where the stock should be and managing fisheries accordingly, in order to exploit the stock on a maximised but sustained pattern over time (in a stable ecosystem). In the EU, MSY is classically expressed in terms of **fishing mortality rate (F)**, i.e. an expression of the level (intensity) of fish removed by fishing. F can subsequently be translated into amounts of fish which can be harvested (Total Allowable Catches). When fishing mortality remains close to a given value (symbolised by **F_{MSY}**), the overall average catch taken from the stock remains close to the maximum possible without harming the future of the stock. In circumstances where the level of a stock is too low, the ability of the remaining fish to continue to reproduce efficiently is itself significantly affected and there is a high risk of collapse, even if fishing is stopped. The precautionary approach aims at keeping away from such high risks, notably by setting levels of **spawning stock biomass** (weight of sexually mature fish in a stock) in respect of which safeguard measures should be taken to reduce fishing mortality.
- ³ The entry into force of the Lisbon Treaty in December 2009 extended the ordinary legislative procedure to almost all regulatory measures concerning the exploitation of marine living resources under the Common Fisheries Policy

(Article 43(2) [TFEU](#)). However, some competences, particularly for 'fixing and allocating fishing opportunities' remain within the remit of the Council only (Article 43(3)) – See the [Baltic plan briefing](#) for more details.

- 4 By differentiation, species which live in the middle of the water column (up to close to the surface) and with limited biological interaction with the sea bottom are called pelagic species.
- 5 In the [reformed CFP](#), all catches of species that are subject to catch limits (TACs) must be retained on board and landed (discard ban). This obligation is applicable progressively and will cover all fisheries as from 1 January 2019. In the North Sea, the landing obligation is [in place](#) since 1 January 2016 for saithe, haddock, Nephrops, common sole, plaice, hake and Northern prawn. Except for this latter, these species are also subject to size limits (now known as 'minimal conservation reference size'), and undersized specimens must be landed but cannot be used for direct human consumption (as a way to reduce their commercial value).
- 6 These limits to efforts are defined by the Council within the annual 'TACs & quotas regulation' (see [Reg. 2016/72](#)).
- 7 In the particular case of Nephrops which burrows into muddy seabed, scientists do not refer to stocks but rather to functional units, i.e. populations which can be separated depending on the distribution of areas with specific sediment in which this species lives. Scientists have identified nine different functional units for Nephrops in the North Sea (sub-area IV) and two others in the Kattegat and Skagerrak (division IIIa).
- 8 The drafting of some definitions may lead to possible different interpretations on the scope of species/stocks concerned. As an example, the definition of 'demersal species' is notably made by reference to 'round fish and flat fish', a distinction which is not of further use in the regulation. However, this 'morphological' reference is often used primarily for bony fishes, and this may trigger debate on whether skates and rays or demersal sharks would be excluded or not from the scope of species covered by the regulation. Similarly, the referencing of geographical coverage is not consistent across the text, particularly when using the term 'North Sea' without an associated indication of the exact ICES zone concerned, leading to possible different interpretation on the exact area concerned.
- 9 It should be noted that a species/stock may change group category depending on a decision taken by the Council (within the annual TAC and quotas regulations notably) or on the way some fishing restrictions on fishing opportunities would be formulated therein. Deciding that a given stock/species should be subject to a zero catch limit (annual zero TAC level) or should rather be subject to a yearly fishing prohibition provision may also have different legal (and hence practical) consequence for the fishing activities concerned, particularly in regard of the landing obligation established in the reformed CFP Basic Regulation.
- 10 See also the [executive summary of the impact assessment](#) accompanying the legislative proposal, in which the first listed objective of the initiative shall be '*to reduce the risk of under fishing*'. '*Removing the days at sea regime*', i.e. changing the existing management system in place appears as the last listed objective. By comparison, when assessing the problems and [impacts for a Baltic Sea plan](#) along the CFP reform, the Commission also considered that the fishing effort regime in place for Baltic cod was unnecessary. The Commission services were nevertheless of a more general view that the management regime in place had not allowed sufficient predictability concerning the proper conservation of the stocks. They also highlighted that the main management tool for pelagic stocks of annual TACs and quota setting had contributed to excessive fishing levels and did not guarantee that fishing mortality was consistent with the MSY objective. The Commission therefore saw a need to improve the management of the Baltic Sea basin by moving forward on a multispecies approach, taking the biological interactions between species into greater account. These different considerations have not been given similar emphasis when assessing management of North Sea fisheries.

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