

Task Force on multiannual plans

Final report April 2014

Introduction

1. The inter-institutional Task Force on multiannual plans, established following an exchange of letters between the Lithuanian Minister Mr *Jukna*, the Chairman of the Committee on Fisheries Mr *Mato*, and Commissioner *Damanaki* in July and August 2013, and confirmed through statements made by the European Parliament, the Council and the European Commission when adopting the new Regulation on the Common Fisheries Policy, started its work on 23 September 2013 based on the terms of reference attached as **Annex 1**. In the Task Force, representatives from the European Parliament, the Council and the European Commission convened in order to
 - a) address inter-institutional issues and agree a way forward to facilitate the development and introduction of multiannual plans under the terms of the Common Fisheries Policy and
 - b) examine the multiannual plans issues and explore the options to help find an appropriate way forward.
2. The Task Force has met ten times.¹
3. The Task Force based its deliberations on informal discussion documents submitted by the Commission services to facilitate the dialogue. The delegations of the three institutions reported individually to their respective institutions on the progress of the Task Force's work. An interim report was submitted on 28 November 2013.
4. This final report gives an account of the Task Force's work and is drawn up for the three institutions' consideration.

Inter-institutional issues

5. At the outset of the Task Force's work, the delegations of the three institutions took stock of the inter-institutional issues and in particular of the respective positions of the European Parliament and the Council.

¹ 23 September ; 3,15, 23 October; 28 November 2013; 21 January; 13, 27 February (per videoconference); 11 March (per videoconference); 2 April 2014.

6. Since 2009, several proposals for multiannual plans or amendments to existing plans have not progressed due to differing interpretations of Article 43 of the Treaty by the two Co-legislators.

General considerations

7. While it was recalled that views diverged on the interpretation of the legal framework, all delegations recognised the importance of working together towards finding a pragmatic way forward. In this respect the new Common Fisheries Policy confirms the crucial function of multiannual plans which are indispensable for the sustainable management of fisheries, achieving the objectives of the Common Fisheries Policy and for ensuring legal certainty and longer term perspectives for fishermen.
8. The Task Force organised its work in incremental steps of increasing complexity, first concentrating on multiannual plans for single stocks, then discussing multiannual plans for fisheries exploiting two stocks, then on multiannual plans covering multiple species and fisheries.
9. The adoption by the Co-legislators of each multiannual plan needs to provide a robust and lasting framework for fisheries management. Plans need to be based on the best available scientific advice, allow for adaptations to changes in scientific advice and in the nature of the fishery concerned, and provide flexibility for taking annual decisions on fishing opportunities.
10. Elements of plans that are not directly related to the inter-institutional focus of the work have been broached without going into the specific detail. This concerns for instance elements such as the identification of "target species" and "secondary species", the choice of scientific conservation reference points, specific control and technical measures, and the scope for regionalised decision-making under a multiannual plan. In this context, the Task Force underlined the huge challenge in terms of preparation, scope and detail of future plans which results from the new Regulation on the Common Fisheries Policy (Regulation (EU) No 1380/2013). The Task Force furthermore stressed the need for coordination and dialogue, and a clear process with regard to third countries in case the potential exploitation strategy concerns a stock that is jointly managed or could be jointly managed.

Elements for multiannual plans

11. The elements of a multiannual plan were first discussed in respect of a single stock multiannual plan. For illustrative purposes, the Commission delegation provided an outline of

a structure of a possible plan conceived after the example of Atlantic horse mackerel
(Annex 2).

12. The plans should contain a general objective in accordance with Article 2(2) of Regulation (EU) No 1380/2013, supported by scientific advice and which appears achievable through management measures. High and stable yields should be part of this general objective, which would be reflected in annual decisions by the Council on fishing opportunities based on the most recent scientific advice, keeping within the remit of the plan, and avoiding as much as possible large fluctuations in catches. The general objective should be made operational in the plan through the common detailed elements.
13. Following the discussions, a consensus emerged with regard to common elements of future multiannual management plans. These are
 - an MSY target which is in conformity with the objective of Article 2(2) of Regulation (EU) No 1380/2013, and a timeline;
 - a conservation reference point to trigger safeguards and an appropriate procedure for their implementation;
 - a mechanism for adapting to unforeseen changes in the scientific advice; and
 - a review clause.

According to the various possibilities identified by the Task Force, there does not seem to be a generic way of formulating any of these elements. Nevertheless, for each of them, a number of options and criteria have been mentioned. The final choice among the available options and criteria will have to be made by the Co-legislators according to the needs of the specific fisheries and stocks.

14. The elements of the plan would more specifically be as follows :

a) MSY target

Concerning the target that corresponds to the MSY objective, the scientific bodies should normally be asked to give a range of F_{msy} -values, which would then be fixed, based on this advice, by the Co-legislators in the plan. F_{msy} ranges allow for an MSY-based management for a large number of stocks, and appear more robust to changes in the scientific advice. The Council would adopt measures on the fixing and allocation of fishing opportunities on an annual basis, based on scientific advice and in such a way as to achieve the objectives of the plan.

15. The Task Force also acknowledges that estimates or proxies may be used in order to achieve the objectives of the plan, where the scientific advice is not sufficient to establish an MSY range based on a complete stock assessment.
16. The Co-legislators should also set the timeline for achieving the target, in cases where it has not already been reached.
 - b) *Safeguards*
17. The Task Force considers that the Co-legislators should supplement the MSY target related to fishing mortality with safeguard provisions linked to a trigger reference point. In principle, the selected trigger value and the consequences need to be decided case by case, but normally it should relate to the stock biomass. These are safeguard provisions and not reference points to be used for the long-term management of the stock concerned.
 - c) *Adaptations and review clause*
18. With respect to adaptations to changing scientific advice or changes in the nature of the fishery, the Task Force sees the need to strike a balance between the stability that the plan intends to provide, and the flexibility to react to changes in the underlying science. If essential elements of the plan were affected, a formal amendment of the plan should take place.
19. Finally, concerning the review clause, the Task Force generally welcomes a link to “benchmark” assessments carried out by the scientific community.

Specific elements of two-stock plans

20. If the plan is to manage a fishery that targets two stocks at the same time, differences in conservation status may produce a mismatch in the fishery, and this may be especially important where a landing obligation applies: the early exhaustion of the quotas for one species could "choke" the further pursuit of the fishery. This situation requires careful attention. Among other instruments available to deal with this issue, the plan adopted by the Co-legislators could address this problem in three ways: staggering of the end dates for achieving the MSY target; adopting alternative specific conservation measures under the conditions specified by Regulation (EU) No 1380/2013; and fixing overlapping Fmsy-ranges for the two species, so that Council, when it fixes fishing opportunities, would seek to "optimise" the combination of exploitation levels of the two stocks. A discussion paper on two stocks fisheries plan is attached as **Annex 3**, inspired by the example of the North Sea sole and plaice fishery.

Specific elements of mixed fisheries' plans

21. The Task Force considers that mixed fisheries plans are confronted with the same problem as two-stock plans, but with added complexity (see discussion document in **Annex 4**). It will be one of the key tasks for the Co-legislators to identify, based on the best available scientific advice, the key species which "drive" the fisheries (fishermen behaviour), and which should be managed according to the MSY objective. If these species, for example, are exploited by fleets with different exploitation patterns, specific technical measures might be needed for one fleet, but not necessarily for the other. The development of such technical measures would be a matter for regionalisation.
22. With regard to by-catch species, the Co-legislators will have to determine, taking account of the available scientific advice, whether these are sufficiently covered through the management measures according to MSY for the key species, or whether they would need specific (alternative) conservation measures. The development of such conservation measures would be a matter for regionalisation, again based on scientific advice. If over time by-catch species turn into target species, due to changing preferences in the fleets, the Co-legislators would have to incorporate the by-catch species into the management according to MSY, through an amendment to the plan and based on scientific advice.

Next steps

23. This report is addressed to the three institutions which are represented in the Task Force. The Task Force considers that the key elements developed in this report are an appropriate basis for a pragmatic way forward towards the development and implementation of multiannual plans to implement the new Common Fisheries Policy.

2 April 2014

4 Annexes

TERMS OF REFERENCE OF THE INTERINSTITUTIONAL TASK FORCE ON MULTIANNUAL PLANS

1. Purpose

- 1.1 To address inter-institutional issues and agree a way forward to facilitate the development and introduction of multi-annual plans under the terms of the Common Fisheries Policy.
- 1.2 To examine the multi-annual plans issues and explore the options to help find an appropriate way forward.

2. Composition

The Task Force comprises:

- 2.1 The delegation of the European Parliament, led by the 1st vice-president of the Committee for Fisheries Mr Struan STEVENSON. 1 MEP per political group and additional staff.
- 2.2 The delegation of the Council of the European Union, led by Mr Arnas VINIŅAS, Ambassador at large, Deputy Permanent Representative to the EU (LT), and Mr Andreas PAPASTAVROU, Minister Plenipotentiary, Deputy Permanent Representative to the EU (EL).
- 2.3 The delegation of the European Commission, led by the Director for policy development and coordination in the Directorate General for Maritime Affairs and Fisheries Mr Ernesto PENAS LADO.

3. Working method

The task force meets regularly, on average once or twice per month. Its deliberations shall be based on informal discussion documents submitted by any of the constituent delegations. Delegations will keep their own minutes.

4. Reporting

The delegations report individually to their respective authorities on the outcomes of the Task Force's work. The Task Force shall draw a report on its work and results for the respective authorities.

5. Timing

The task force shall start its deliberations after the kick-off meeting on 23 September 2013, with a view to having outcomes of discussions by early year 2014.

6. Hosting of meetings

The hosting of the Task Force meetings shall rotate between the European Parliament and the Council of the European Union.

Example of hypothetical plan for fisheries targeting one stock z in a large management area

Background

This example is based on one widely distributed stock, which is fished mainly as target species.

Limited by-catches of this species take place in some fisheries targeting other species.

Stock z is a well-known stock, with abundant time series on stock development and catches and relatively limited discards (data are included for a number of fleets catching the species z, but they are not complete). However, absolute estimates of the stock size are largely uncertain. The only fishery-independent information is a measure of egg production from 3-yearly egg surveys. No safeguard values have been assigned to traditional stock assessment parameters (Blim, Bpa, Flim, Fpa).

Due to this situation, this example builds on scientific knowledge and advice based on MSY (fishing mortality) and the biological stock indicator related to egg survey results.

Outline

Based on the above, the following is the outline of a multiannual plan to manage the fisheries exploiting stock z.

1. Subject matter: the plan covers stock z in ICES areas Aa-b, Ba-c, Ca-d.
2. Scope: the plan applies to all fishing vessels operating in the areas and (targeting), (catching), (included in the specific list of vessels in Annex to the plan).
3. Objectives:
 - a. To contribute to the objectives of the CFP, in particular ensuring environmentally sustainable activities in the long term consistent with achieving economic, social and employment benefits, and contributing to the availability of food supplies.
 - b. To restore and maintain fish stocks above levels capable of producing MSY in accordance with the CFP. To this effect, the plan shall include targets to ensure fishing exploitation rates corresponding to MSY within an established timeline.
 - c. To contribute to the ecosystem-based approach to fisheries management through minimization of negative impacts of fishing activities on the marine ecosystem.
 - d. To contribute to the gradual elimination of discards by avoiding and reducing as far as possible unwanted catches.

4. General principles:
 - a. precautionary principle applies.
 - b. account of regional specificities, through regionalized approach with appropriate involvement of stakeholders.
 - c. measures shall be established based on the best available scientific advice taking into account levels of discarding of the species, in accordance with the conservation targets and providing for achieving Fmsy for the stock within the timeline of this plan.
5. Conservation target and timeline: Fmsy in year AAAA. Fmsy is considered to be within a range from 0.xx-0.yy
6. Conservation reference point and safeguard
 - a. Conservation reference point(s) shall be used to trigger safeguard measures that ensure a rapid return of the concerned stock to within precautionary values.
 - b. In absence of conservation reference points expressed in stock size, scientific advice shall provide a recruitment-related egg count trigger point based on the periodic egg surveys.
7. Specific conservation measures: the example would not require specific conservation measures to address specific problems in the fisheries, relating to achieving MSY. In cases where this would be required, the plan could include the principles for such measures and regionalization (point 10).
8. Monitoring: ICES will be requested to present annual overviews of the development of fishing mortality and other relevant biological indicators, including related to the conservation reference point.
9. Review: COM may propose a review of exploitation and conservation reference parameters on the basis of periodic benchmark exercise by ICES.
10. Regionalization: description of regionalization procedure, including indication of the measures for regionalization and procedures in conformity with Article 18 CFP.

The two stocks fishery plan

1. Introduction

The Task Force agreed to an interim report with a consolidated agreement on setting and achieving sustainable exploitation levels in future single-stock management plans. The next step, as identified in the report, is the analysis of elements of possible future plans that are more complex than single stock plans, involving more than one stock.

This paper builds on the discussions and conclusions of the work of the Task Force so far, moving from single-stock management to multi-stock or mixed-fisheries management. This paper follows the logic of earlier papers, and identifies the additional elements for further discussion concerning fisheries that exploit simultaneously two stocks. More complex situations involving more than two stocks will be analyzed later.

2. Specific characteristics of a fishery exploiting more than one stock in the fishery

The stocks involved may be different (in size and composition, in geographical distribution within the management area, in volumes caught), and sometimes the level of scientific knowledge about the stocks differs. The fishery may be fully mixed (targeting both species) or targeting one of the species with the other species as by-catch. Differences can also occur in economic importance between the two species (due to differences in their value or in the overall catch levels).

3. Basic principles for the two stocks fishery plan

Based on the conclusion of the Task Force for single stock plans:

- A plan for this fishery would include the objective of high and stable yields by introducing an MSY target for each stock considered, based on scientific advice and normally expressed in numerical targets, as fishing mortality rates. As with single-stock plans, the Co-legislators would establish the MSY target based on scientific advice (normally expressed as a range, or as a point value, or under an alternative expression). The plan would not necessarily pursue a combined single MSY target, since this may result in unwanted effects (such as a tendency to target especially the more valuable species, with a consequent risk of overexploiting it).
- The plan would set the deadline for reaching the target for the stocks involved within the boundaries set out by the CFP (in the case where the exploitation of a stock is not yet at MSY level), and the confirmation that management measures should aim to maintain over time exploitation rates at the levels corresponding to MSY.

- The plan could contain a review clause (every x number of years) that could be synchronized with the periodic benchmarking process run by scientists. This would ensure that possible changes in F_{msy} targets and parameters are introduced into the plan accordingly. The plan's targets should also be adaptable to important changes in scientific advice. The plan would also contain an additional conservation reference point (normally the precautionary stock size) to trigger safeguards to ensure that remedial action is taken where this is needed. These trigger safeguards (and the reference points therewith related) would be identified for each individual stock. Actions to remedy the situation for one of the two stocks would, normally affect the exploitation of the other stock involved, unless measures that allow for more selective and thus more targeted fishing would suffice.

4. Specificities of a two-stock situation

The conservation status of the two stocks concerned may differ significantly, and the resulting different levels of fishing opportunities may produce a mismatch in the fishery, with quota for one species being exhausted when the quota for the other species is still available. This can result in either overfishing one stock or alternatively under-exploiting the other stock. Such consequences are considered undesirable.

Three tools can be identified that contribute to resolve this challenge.

Firstly, it may be even more appropriate than for single stock plans to apply *F_{msy}* expressed in ranges for each of the stocks. This may help reconcile differences in the 'targets' between the two stocks in the fishery, and give room to optimize the combination of fishing mortalities in light of natural stock developments and the possible mismatches mentioned above.

- No reductions would be required as long as the fishing mortality of both stocks falls within their combined MSY ranges.
- When one of the two stocks is fished above its MSY point range, the fishing mortality for that stock should be reduced within the agreed deadline. The fishing mortality for the other stock that is still within its MSY range may reduce as well, but it would continue to remain within its MSY range. Using the flexibility of the ranges can help find optimized combinations of exploitation levels.
- When both fishing mortalities are outside the range, there is a need for a combined downward adjustment to meet the target fishing mortalities by the agreed deadline; in that case the overall exploitation rate will be reduced with positive effects for both stocks.

Secondly, different starting points in the exploitation rates for the two stocks (compared to the agreed MSY targets) can produce differences in the additional effort needed to achieve the MSY targets. This could lead to choosing *different end dates for reaching MSY between the two stocks*, always remaining within the timeline set by the CFP. Some extra time to achieve the target for the stock in worse shape can effectively avoid in some cases possible mismatches in fishing opportunities.

Thirdly, the CFP provides for a tool to cater for the situation where scientific advice indicates specific problems in relation to achieving MSY for both stocks. In these cases the plan could foresee the *adoption of specific alternative conservation measures*. These measures would help to dissociate the catches in the fishery concerned. While these measures would not necessarily lead by themselves to achieving MSY for both stocks in the described situation, they would help to reduce the fishing pressure on the stock for which MSY is more difficult to achieve. These measures could include temporal and/or spatial restrictions to fishing (for instance specific moving on provisions), and fleet-related measures (such as ring fencing of fleet segments targeting the stock most under pressure). The Co-legislators have the choice between fixing the characteristics of these measures and their details in the plan itself, and empowering Member States to do this through regionalization.

The mixed fisheries plan

1. Introduction

This issues paper builds on the discussions and conclusions of the Task Force so far. It follows the logic of earlier papers, and identifies the additional elements for further discussion concerning fisheries that are fully mixed, exploiting a mixture of target and non-target species. The focus of this issues paper is on the inter-institutional issues under discussion.

2. Specific characteristics of mixed fisheries

Stock features may vary widely (in size and composition, in geographical distribution, in volumes caught). Differences in economic importance are likely between target species and by-catch species. Scientific knowledge and understanding may also differ between the stocks in the fishery, as the fishery often involves stocks of minor (economic) importance. Finally, there may be situations in which the target species are multiple and may change during the year.

There are two broad categories of mixed fisheries situations:

a) Mixed fishery with one/two target species

A limited number of species determines the behaviour of the fisherman. A number of associated non-targeted species are also caught in the fishery. This type of fishery would normally be carried out by a rather homogeneous fleet. An example of this fishery is the flatfish fishery in the North Sea, where two species determine the fishing activity, and other flatfish such as dab, flounder, turbot, skates and rays are caught in association with the target species.

b) Mixed fishery composed of different fisheries with different target species, including in the Mediterranean

In these fisheries we find a combination of fisheries, each with different (combinations of) target species (such as a fleet segment targeting sole/plaice, another fleet segment targeting haddock/cod, another fleet segment targeting nephrops) and with different by-catches of associated, non-targeted species such as other flatfish, other roundfish, etc. This type of mixed fishery is in effect a composite mixture of different fisheries: the various fleet segments have overlapping compositions in terms of species in the catches (a certain species may be targeted in one fleet segment, and be a by-catch for another fleet segment, and vice versa).

The two categories may have different levels of complexity in management, especially when it comes to the diversity of drivers for fishermen's behaviour. Combinations of fishing pressure on one and the same species which is partly fished as target species and partly not, may also require specific management strategies, with related needs for technical measures for the different fleet

segments. However, in the context of the institutional issue under discussion, the plans could apply the same set of basic principles and pursue similar solutions in relation to achieving the objectives of the plan.

3. Basic principles for mixed fisheries plans

Based on the conclusions of the Task Force on single-stock plans and analysis of two-stock plans:

- The plan for mixed fisheries would include the objective of high and stable yields, by introducing MSY targets as the expression of long-term sustainable exploitation for the relevant stocks. This would normally be expressed in numerical targets, and be based on scientific advice. The plan establishes the MSY targets.
- The plan would set the deadlines for reaching the targets for the stocks involved within the boundaries of the CFP (for stocks for which the target has not yet been achieved) and the confirmation that management measures should aim to restore and maintain the MSY objective over time.
- The plan would contain a review clause (every x number of years) which could be synchronized with periodic bench marking processes run by scientists. This would allow for changes in MSY targets and parameters to be introduced into the plan. The targets should also be adaptable to important changes in scientific advice. Finally, the plan should contain safeguard triggers to ensure that remedial action is taken in case of unforeseen events.

4. Specificities of mixed fisheries

As the *target species* are the driver(s) of the fishery, the plan would establish science-based MSY targets to achieve high and stable yields for all these target species. It is appropriate to express MSY in ranges for each of the stocks as provided by science. Differentiation of end dates for reaching the MSY target (within the CFP timeline) can allow for more tailor-made adaptation in situations where exploitation rates are different compared to the prospective agreed MSY targets. As has been analysed for two-stock situations, this introduces room to optimize the combination of fishing mortality levels in light of natural stock developments, to avoid possible mismatches which may stem from the differences in conservation status of the concerned stocks, and to ensure stability of catches over time.

Safeguard triggers (and conservation reference points) would be applied for target species. These would normally be expressed as a reference stock size (or other expressions when science is not in a position to indicate the reference stock size) which indicates the need for remedial action in cases where the real stock size falls below the reference size.

For *by-catch stocks* science may not be in a position to fully assess all of them individually and produce MSY targets. Where this is the case, we already receive meaningful scientific advice on many of these by-catch stocks. Science is in a position to give indications on whether the exploitation levels for the target species allow achieving the sustainable exploitation for these by-catch stocks simultaneously. In other words, scientists will be providing MSY advice for the main target species that incorporates the required considerations on by-catch species. As long as scientists are in a position to give this indication, there would be no further need for explicit MSY targets in relation to these by-catch species. In cases where scientists are not in a position to give this indication and warn about risks of overexploitation of some of the by-catch species, then the plan would contain the principle of the need for specific alternative conservation measures for the stocks concerned, which will be specified under regionalisation (these could include technical measures, closures and other measures to avoid by-catches of the species concerned).

Science would continuously monitor the development of these by-catch stocks through catch data and periodic surveys. The knowledge of fishing pressure and trends, of catch compositions, of stock development trends and of recruitment, in combination with clearly established safeguards triggers in the multiannual plans (for instance Bpa, where available) for these by-catch stocks would trigger alert messages. These will necessitate specific remedial action or, in line with the principle contained in the multiannual plan, specific alternative conservation measures which can be specified under regionalisation.

It is also possible that a by-catch species turns over time into a target species, driving (at least partially) the fishery. Science would respond to such developments by carrying out MSY-related assessments and advising for a specific MSY target for this species. This would normally be part of a benchmarking process for the fishery, and as a result the newly targeted species would then be integrated into the plan, with its specific MSY target, deadline (within the CFP deadline) and related conditions.