

Landing the blame: overfishing in the Northeast Atlantic 2016

Uncovering the EU Member States most responsible for setting fishing quotas above scientific advice

Fisheries ministers risk damaging our natural resources beyond repair by consistently setting fishing limits above scientific advice. This is our second year running a series of briefings to identify which Member States are standing in the way of more fish, more profits, and more jobs for European citizens.

Food for an additional 89 million EU citizens. An extra €1.6 billion in annual revenue. Over 20,000 new jobs across the continent. Far from being a pipe dream, all of this could be a reality if we paid more attention to one of Europe's most significant natural resources – our seas.¹ If EU waters were properly managed – with damaged fish stocks rebuilt above levels that could support their maximum sustainable yield (MSY) – we could enjoy their full potential within a generation.²

Fishing limits vs. scientific advice

Every year, fisheries ministers have an opportunity to make this a reality when they agree on a Total Allowable Catch (TAC) for each commercial fish stock. Scientific bodies, predominantly the International Council for the Exploration of the Sea (ICES), provide information about the state of most stocks and recommend maximum catch levels.³ But for many years, this scientific advice has not been respected.

Last year, our historical analysis of agreed TACs between 2001 and 2015 concluded that, on average, 7 out of every 10 TACs were above

the limits advised. While the percentage by which TACs were set above advice declined throughout this period (from 33% to 7%), the proportion of TACs set above advice did not.⁴

The reformed Common Fisheries Policy (CFP) that entered into force in 2014 aims to restore and maintain populations of fish stocks above levels capable of supporting the MSY. The corresponding exploitation rate was to be achieved by 2015 where possible and by 2020 at the latest for all stocks.⁵ Following scientific advice is essential if we are to achieve this goal, end overfishing, and restore fish stocks to healthy levels.

Agreements behind closed doors

The negotiations over TACs are held by the Agricultural and Fisheries configuration of the Council of Ministers. These negotiations are not public, only their outcomes. This lack of transparency means it is difficult to identify those ministers who ignore scientific advice and give priority to opaque, short-term interests, risking the health of fish stocks. This briefing, a continuation of NEF's *Landing the*

Blame series,⁶ reveals which Member States and ministers are behind decisions that go against the EU public's collective interest. It analyses the outcome of the negotiations and estimates which Member States end up with a higher share of stocks fished above scientific advice. The key assumption is that these Member States are the main drivers of overfishing, either because they are actively pushing for fishing limits to be set above scientific advice or they are failing to prevent it.

Atlantic results

In the December 2015 negotiations, ministers set the TACs for the majority of commercial EU fish species for 2016 – a critical moment with significant implications for European fishers' livelihoods and the sustainable management of the natural resource. An analysis of 111 TAC decisions made (or confirmed) at this meeting, including 29 species fished in the waters of north-western Europe – from Portuguese waters to the Arctic Sea, was completed. It shows that where comparable scientific advice was available, 68 TACs were set above advice, amounting to over 332,000 tonnes of excess quota. This is continuing the trend of permitting overfishing in EU waters with Atlantic TACs set 13% above scientific advice on average – the same percentage as the 2015 TACs.

For the 2016 TACs, Ireland, Spain, and Sweden top the league table of Member States with the highest percentage of their TAC in excess of scientific advice (Table 1). These Member States were involved with TAC decisions that allow fishing at 26%, 24%, and 23%, respectively, above levels that scientists have determined to be consistent with the sustainable management of these fish stocks.

The UK, Denmark, and Spain are the worst offenders in terms of the total tonnage of fish quota set above advice – the same three Member States that received the most excess TAC between 2001 and 2015.⁴ Ministers representing these Member States have consistently received the largest TAC increases above scientific advice in terms

Table 1. The overfishing league table

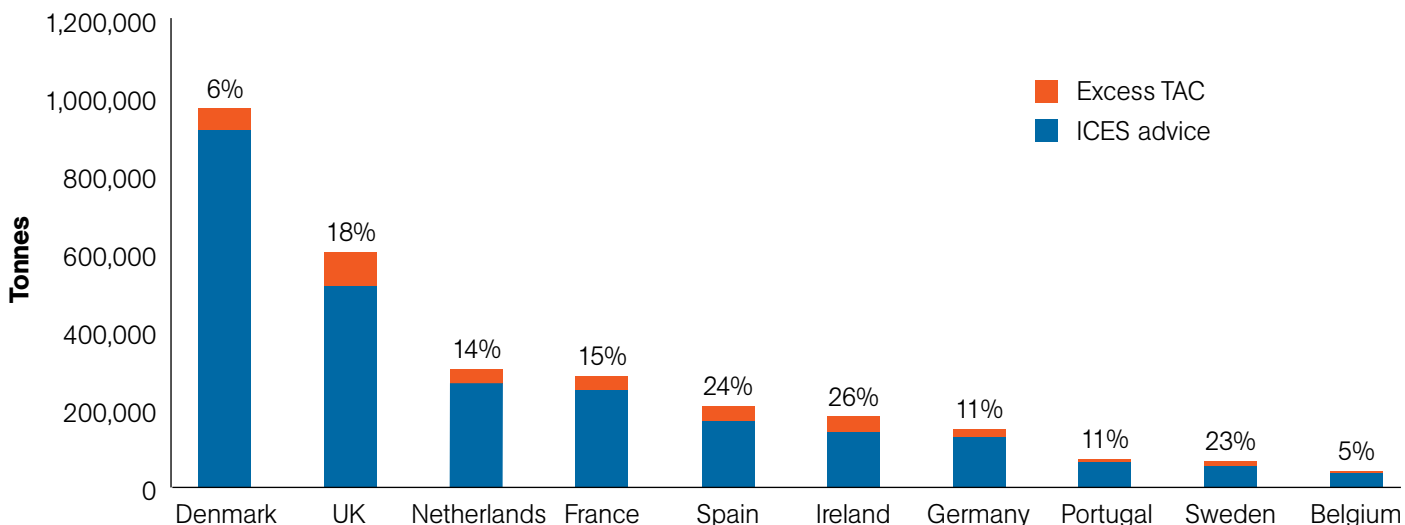
Member State	Minister / representative	Excess TAC	
		Tonnes	%
Ireland	Simon Coveney	38,115	26%
Spain	Isabel García Tejerina	40,416	24%
Sweden	Sven-Erik Bucht	12,750	23%
United Kingdom	George Eustice	90,158	18%
France	Alain Vidalies	36,715	15%
The Netherlands	Martijn Van Dam	37,849	14%
Portugal	Ana Paula Vitorino, José Apolinário	7,658	11%
Germany	Christian Schmidt, Robert Kloos	14,172	11%
Denmark	Eva Kjer Hansen	52,114	6%
Belgium	Joke Schauvliege	1,808	5%

* Member states with fewer than five comparable TACs have been excluded as their summary statistics are disproportionately affected by outliers.

of tonnes and are therefore the most responsible for impeding the transition to sustainable fisheries in the EU.

Analysing total advice and excess TAC by Member State illustrates that excess TAC is not just a function of the total amount of fishing a Member State carries out (Figure 1). If that were the case, then each Member State's excess total TAC would be proportional to their total advice. Instead, what we see is that Denmark has a smaller excess TAC than the UK, and Spain and Ireland have received more excess TAC than the Netherlands and France, despite having lower advised TAC limits. Although this doesn't in itself prove that the worst-offending Member States are pushing for higher quotas, it is consistent with this thesis.

Figure 1. Total excess TAC by EU Member State



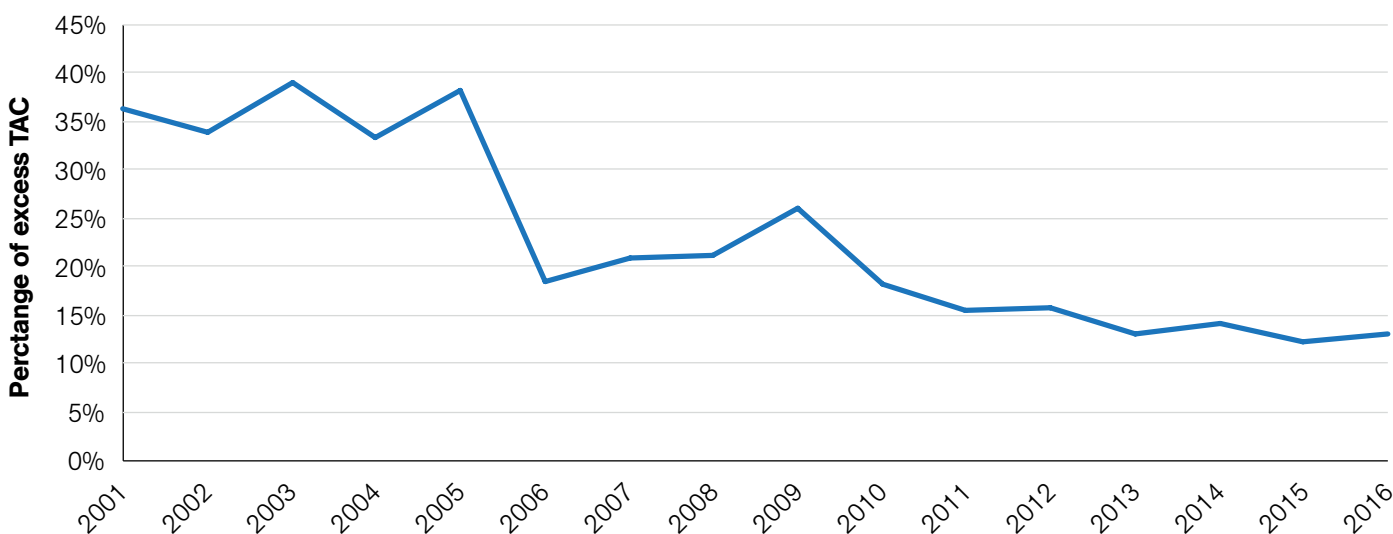
2016 in context

The long-term trend is for a decreasing amount of excess TAC (Figure 2). Unfortunately, 2016 sees a small increase (+1%) in excess TAC after comparing Baltic, Deep Sea, and Atlantic TACs with scientific advice. This is particularly troubling as the CFP’s 2015 goal for limiting fishing

exploitation rates has now passed and the policy requires a progressive reduction to the 2020 deadline.⁷

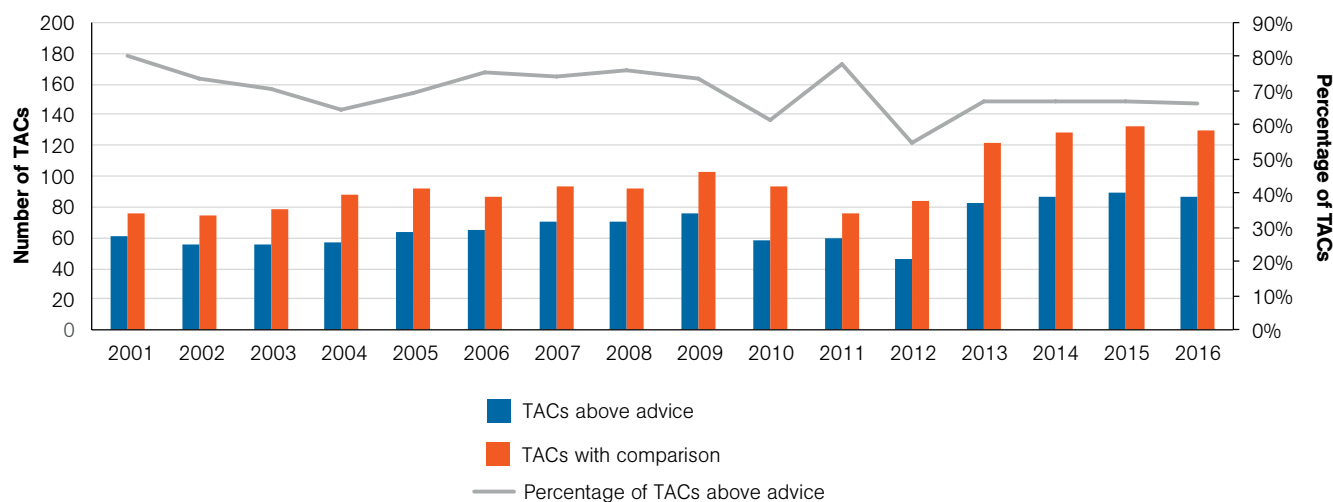
The number of TACs and the percentage of TACs above advice declined slightly in the 2016 agreements but still remain alarmingly high

Figure 2. Historic TACs above advice in all European waters.



Note: Some updates to the historical time series have been made. The most significant change is that the estimate of the EU share of blue whiting TAC in the years where an agreement wasn’t reached has been recalculated as 20.9% to reflect the 2006 agreement.

Figure 3. Number of TACs above ICES advice.



(Figure 3). In order for the CFP's objectives to be fulfilled, excess TACs must decline to zero by 2020, but this is unlikely to happen if little progress is made on a yearly basis.

The full ICES and Council dataset used for the analysis in this briefing is available online on the NEF website for download and further analysis.

Discussion

The 2016 results show little progress towards fishing in line with scientific advice. As long as ministers delay bringing fishing rates to sustainable levels, stocks will not deliver optimally, costing revenue and jobs in the long run.

Third country agreements

As the Annex to this report shows, blue whiting and mackerel accounted for the most tonnage of quota set above scientific

advice. These stocks are among the largest in EU waters and are decided during negotiations with third countries (non-EU countries including Iceland, Norway, Russia, and the Faroe Islands). The 2016 agreements for these stocks, as in other years, produced TACs well above ICES advice. In the case of blue whiting, no TAC agreement was reached with third countries and the parties set their own TACs unilaterally for 2016.

Analysing the 2016 results for the Northeast Atlantic, TACs where third countries have a large share (>33%) have an excess TAC that is 25% higher than scientific advice (Table 2).

Despite not being directly involved in these international negotiations, individual EU Member States still influence the outcomes. The European Commission negotiates on

Table 2. TACs above ICES advice based on third country share.

Division	Excess TAC (tonnes)	Excess TAC (%)
Large third country share (>33%)	236,307	25%
Small third country share (<33%)	169,796	8%

behalf of Member States in close consultation with national governments who have officials present on their behalf and who can signal disapproval if the outcome is inconsistent with scientific advice. If an international TAC has been set above advice, the Council also has an opportunity to set a lower TAC for the EU.

Rather than seizing these opportunities to push for adherence to scientific advice, ministers representing Member States affected by the third country agreements largely stated after the negotiations with third countries concluded that the Commission had represented their interests on catch levels well (see text box). Not knowing what is said during these third country negotiations, it is reasonable to apply the same methodology as the TACs where there is no third country share.

Many of the same patterns in the results can be found even without these significant third country stocks. For example, Ireland tops the 2016 Atlantic league table and it also holds the largest share of the TAC for EU-controlled TACs that were set significantly above scientific advice, such as plaice, cod, and sole in the Irish Sea. Likewise, Spain, second in the 2016 Atlantic league table, holds the largest share of the TAC for EU-controlled TACs that were set significantly above scientific advice, such as the southern stock

of hake and Norway lobster in the Bay of Biscay.

Quota top-ups

For 2016, a number of stocks that came under the landing obligation (LO) for the first time received quota top-ups in order to account for their increased landings. The reasoning behind this approach is that additional fish which would have died at sea as discards are now being landed and counted against quota, while not changing fishing mortality on the whole. Our analysis, however, shows that 12 of the 19 TACs newly under the LO were already above scientific advice before the quota top-up was added, not only for landings, but also for catches. This means that quota top-ups have been added to TACs with excess amounts above advice such that no top-up was actually required.

Limits vs catches

It should be noted that the amount of fish caught is rarely the entirety of the agreed quota. For economic and biological reasons, fishing may fall under the quota whereas illegal, unreported, and unregulated fishing may push fishing pressure above the agreed limit. Rather than analysing fishing pressure, this series of briefings specifically analyses the policy intent of the Council of Ministers.

*"I welcome the outcome of the international mackerel negotiations today, which Ireland not only hosted but was also a central participant as the second largest EU quota holder."*⁸

*"There is an issue here in relation to blue whiting even though the outcome in terms of catch isn't that bad an outcome."*⁹

Simon Coveney, Minister for Ireland

*"Two important stocks for these fleets, such as mackerel and blue whiting have had remarkable results."*¹⁰

Isabel García Tejerina, Minister for Spain

*"Mackerel is the UK's most valuable stock and Friday's agreement represents a good deal for the UK, and particularly Scottish fishermen."*¹¹

George Eustice, Minister for the UK

A lack of transparency and data limitations

Under Article 3 of the reformed CFP, 'transparency' is mentioned as one of the CFP's principles of good governance, yet the secretive negotiations in setting TACs and poor data availability undermine this, making the process less open to scrutiny. This study is therefore also limited in what it can achieve as data shortages prevent a comprehensive analysis. Member States that top the league table for excess TAC should therefore be major advocates of increased transparency if judging performance by outcomes is insufficient.

Data on international TAC agreements are difficult to find, making it hard to properly apportion responsibility of overfishing. Also, the Commission and Council have not released their methods for calculating quota top-ups that have been included to respond to the LO. Some of the data that should be used to calculate quota top-ups are available in reports from the Scientific, Technical and Economic Committee for Fisheries (STECF) but as a full methodology is still missing, estimating whether the top-ups were calculated correctly would be prone to error.

One particularly difficult issue is retrieving the TACs from third country agreements. As a result, TACs had to be assembled from press releases after the negotiations concluded but a more official and finalised source would aid this important analysis. The Commission's online page for these agreements is incomplete in its coverage.¹²

Matching ICES and TAC zones is also a perennial issue that results in difficulties for civil society to properly hold representatives to account.¹³

Using data compiled from *Landing the Blame: Overfishing in EU Waters 2001–2015*, the third country share of TACs was calculated by taking an average of the difference between total TAC and EU TAC in years where both were reported.

Changes from the 2015 series

A couple of methodological changes made for this briefing differ from last year's report *Landing the Blame: Overfishing in Northern European Waters*. For one, the results are now reported as excess TAC in tonnes of fish, as before, but also as a percentage. This is to account for the fact that some Member States are much larger fishing nations, so the result in tonnage may not reflect what is said in the Council meetings. The quantity of tonnage is still important, as the amount of fishing above advice is the ecological issue at hand.

Another change in this year's series is that the results are only presented as an excess above TAC with no 'net' amount or positive deductions because of TACs set below advice. This is because ICES advice should be interpreted as an upper limit rather than as a target that *should* be reached. These two changes were also applied, and described in more detail, in *Landing the Blame: Overfishing in EU Waters 2001–2015*.

The landing obligation

The LO – part of the reformed CFP – requires vessels fishing certain stocks to land all their catches in an effort to reduce waste and unaccounted fish mortality. 2016 is the second year of its implementation, with a number of demersal species being covered for the first time. ICES-advised fishing limits are usually given in terms of landings but for stocks that are under the LO they need to be given as a catch value. Additionally, some vessels under the LO are given exemptions that allow them to discard given quantities of fish if it is not practically feasible to reduce discards or when discarded fish are likely to survive.

This presents data issues as catch advice needs to be used only for those stocks and vessels under the LO and further adjustments have to be made to the advice where exemptions apply. This is unfortunately quite difficult because easily

accessible data on vessel types and discards are not available and the Commission does not provide information on how it carries out calculations in proposing TACs.

Our approach for this briefing is to correct for the LO using the best available data and when judgment is required to err on the side of the appropriate top-up calculation (a more conservative excess TAC result). For pelagic stocks under the LO, we have used catch advice. This is conservative as some discarding will occur by vessels with exempt gear types or in non-target fisheries. Catch advice was further adjusted in accordance with the *de minimis* discard exemptions. For demersal stocks, the Council published the extent of the quota top-ups for TACs where the discard ban applied.¹⁴ For this study, these top-ups were reversed to allow the TACs to be compared directly to landings. This is equivalent to comparing the TACs with adjusted advice but avoids having to make the advice calculations.

2016: Time for a change

Fisheries ministers will meet again later in 2016 to set fishing limits for commercial fish stocks in European waters. It is crucial that these agreements are sufficiently ambitious to end overfishing (i.e. follows scientific advice) and that any delays in reaching maximum sustainable yield past 2015 consistent with CFP Article 2.2 are justified to the public with evidence of socioeconomic impacts by the European Commission and Member States. This was not the case in 2015. NEF will keep a close eye on the negotiations and will replicate this analysis to identify which Member States are delaying the transition to sustainable fisheries in the EU.

Endnotes

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ANNEX - Atlantic TACs compared to scientific advice (tonnes)

Species	Scientific advice (tonnes)	TAC agreed by ministers (tonnes)	Excess TAC (tonnes)	Excess TAC (%)	Ireland	Spain	Sweden	United Kingdom	France	The Netherlands	Portugal	Germany	Denmark	Belgium
Pollack	6,832	15,887	10,140	148%	758	155	0	1743	7189	0	2	0	0	293
Blue whiting	127,778	240,071	112,293	88%	11483	23766	3668	19756	10376	18132	3967	5801	15344	0
Dab and flounder	10,484	18,434	7,950	76%	0	0	3	685	85	4926	0	1221	814	217
Lemon sole and witch flounder	3,959	6,391	2,432	61%	0	0	4	1486	99	302	0	46	363	132
Mackerel	324,592	443,789	119,197	37%	20369	9064	1447	56462	4613	9392	1872	6269	8999	152
Greater silver smelt	13,062	5,434	4,301	33%	304	0	0	240	7	3422	0	328	0	0
Norway lobster	55,991	66,023	10,035	18%	1529	336	835	3129	1657	55	0	8	2440	107
Northern prawn	13,569	9,494	2,446	18%	0	0	73	538	0	17	0	0	1818	0
Whiting	30,909	35,393	5,567	18%	1090	341	86	531	2655	20	0	1	810	34
Ling	27,967	14,228	4,222	15%	226	846	4	1730	953	2	2	102	338	19
Common sole	19,411	22,085	2,921	15%	107	2	0	211	1327	859	0	67	39	308
Anglerfish	57,555	62,707	5,152	9%	299	436	0	709	3232	47	26	41	0	364
Megrim	27,014	29,272	2,258	8%	304	714	0	407	783	1	3	0	0	46
Hake	101,943	109,820	7,877	8%	87	4034	7	300	1720	14	1516	7	135	16
Cod	54,058	57,244	3,186	6%	324	235	89	970	899	0	235	215	148	44
Sprat	481,836	365,934	23,803	5%	0	0	6372	290	39	39	0	38	17022	3
Plaice	157,094	143,813	4,694	4%	566	34	157	193	149	571	34	15	2935	42
Haddock	63,742	61,433	2,310	4%	665	0	0	745	872	0	0	1	0	27
Anchovy	24,497	25,000	503	2%	0	452	0	0	50	0	0	0	0	0
Herring	493,592	466,615	869	0%	0	0	4	16	4	4	0	4	832	4
Horse mackerel	202,869	202,489	165	0%	5	1	1	19	6	47	0	7	78	0
Saithe	29,597	29,597	0	0%	0	0	0	0	0	0	0	0	0	0
Blue ling	5,050	4,746	-	0%	0	0	0	0	0	0	0	0	0	0
Tusk	11,943	1,222	-	0%	0	0	0	0	0	0	0	0	0	0
Norway pout	195,000	129,000	-	0%	0	0	0	0	0	0	0	0	0	0
Turbot and brill	5,133	4,488	-	0%	0	0	0	0	0	0	0	0	0	0

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