



LANDING THE BLAME

OVERFISHING IN THE BALTIC 2017

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 third 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 commercial fish stocks. 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 heeded.

Our historical analysis of agreed TACs for all EU waters between 2001 and 2016 shows that, on average, 7 out of every 10 TACs were set above scientific advice. While the percentage by which TACs were set above advice declined throughout this period (from 37% to 13%), the proportion of TACs set above advice did not.^{4,5}

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 MSY. The corresponding exploitation rate was to be achieved by 2015 where possible and by 2020 at the latest for all stocks.⁶ 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 EU Council of Ministers. These negotiations are not

public, only their outcomes. This lack of transparency means that ministers are not on the hook when they ignore scientific advice and give priority to short-term interests that risk the health of fish stocks. This briefing, a continuation of the Landing the Blame series,⁷ reveals which Member States and ministers are behind decisions that go against the EU's long-term interests. This conclusion is reached by analysing the outcomes of the negotiations and calculating which Member States end up with TACs above scientific advice. The key assumption is that these Member States are the main drivers of overfishing, either because they were actively pushing for fishing limits to be set above scientific advice, or they failed to prevent such limits being put in place.

THE BALTIC 2017 TACS

During the October 2017 negotiations, ministers agreed fishing limits for ten Baltic Sea stocks of herring, cod, salmon, plaice, and sprat. This was the first year for TACs set under the Baltic Multi-Annual Plan (MAP) – a new management scheme designed to move TAC-setting away from a political process and towards rule-based decision-making.⁸ Importantly, the Baltic MAP is also a test case for other areas of European Waters that are currently discussing MAPs of their own.

TABLE 1. THE OVERFISHING LEAGUE TABLE.

MEMBER STATE	MINISTER/REPRESENTATIVE	EXCESS TAC (TONNES)	EXCESS TAC (%)
Denmark	Esben Lunde Larsen	3,113	6%
Latvia	Jānis Dūklavs	2,613	4%
Germany	Christian Schmidt	1,397	4%
Estonia	Marko Pomerants; Clyde Kull	1,855	3%
Lithuania	Albinas Zananavicius	427	2%
Poland	Marek Gróbarczyk	2,037	1%
Sweden	Sven-Erik Bucht	2,003	1%
Finland	Kimmo Tiilikainen	145	0%

Analysis of the ten Baltic TACs shows that four TACs were set above scientific advice. Some of the excess TAC goes to all eight EU Baltic nations: Denmark, Germany, Estonia, Finland, Lithuania, Latvia, Poland, and Sweden.

Table 1 allocates the excess TAC (TAC set above scientific advice) to each Member State and minister/representative present during the TAC negotiations. Denmark tops the league table with 3,113 tonnes of TAC above scientific advice – equal to 6%. This is largely due to the Western Baltic cod TAC, which was set 252% above advice. Denmark also topped the league table for the 2016 Baltic TACs.

The other Member States have very small amounts of excess TACs, ranging from 0 to 4%, despite four out of ten TACs set above scientific advice. This is largely due to the decisions made for sprat and herring (pelagic

species) that have very large quantities in tonnes and therefore dominate the calculation over cod and salmon (demersal species) that are much smaller in quantity. Similarly, part of the reason for the lower percentages in 2017 is simply that the Baltic cod stocks are in such poor shape that the large deviation from scientific advice is still a small amount of quota tonnage.

A Freedom of Information Request revealed that this table corresponds remarkably well with the Member State positions heading into the Council negotiations.⁹ Germany, Estonia and Latvia all advocated for exceeding scientific advice for some TACs, Denmark advocated for significant departure from scientific advice, while Finland and Poland advocated for following scientific advice with the latter noting that a differential approach should be used for different gear types.

FIGURE 1. EXCESS TAC IN THE BALTIC SEA BY EU MEMBER STATE.

2017 in context

The percentage of excess TAC set during the Baltic negotiations declined in 2017 (Figure 2). The overall percentage has been relatively low since 2012, although again, large pelagic stocks drive the trend.

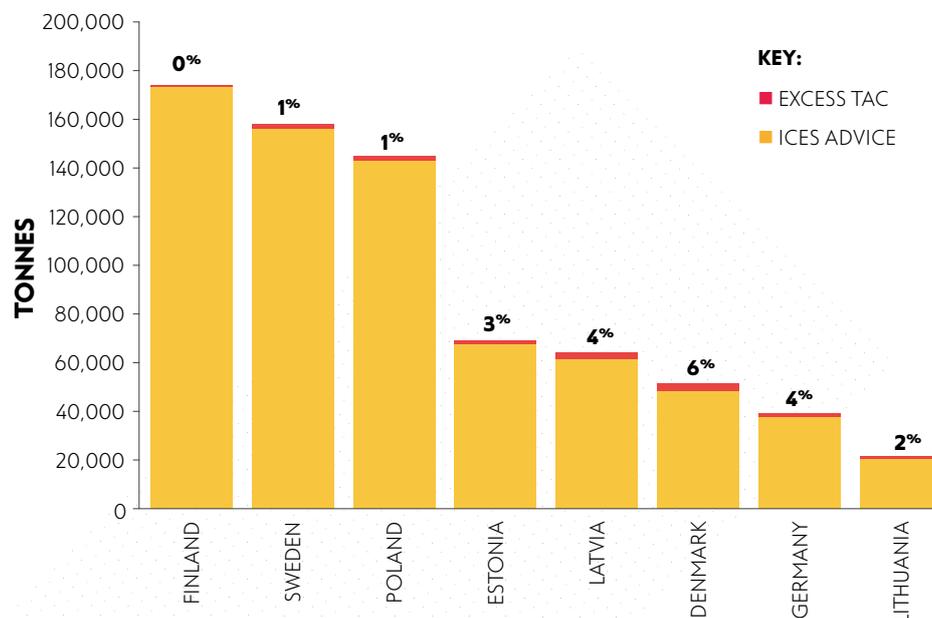


FIGURE 2. EXCESS TAC IN THE BALTIC SEA 2001–2017.

The number of TACs set above scientific advice also declined with the 2017 Baltic TACs, as four out of ten TACs are still set above advice (Figure 3). For the CFP’s objectives to be fulfilled, excess TACs must decline to zero by 2020 at the latest, but this is unlikely to happen if little progress is made on a yearly basis and a sharp cut or closed fishery is required in the final year.

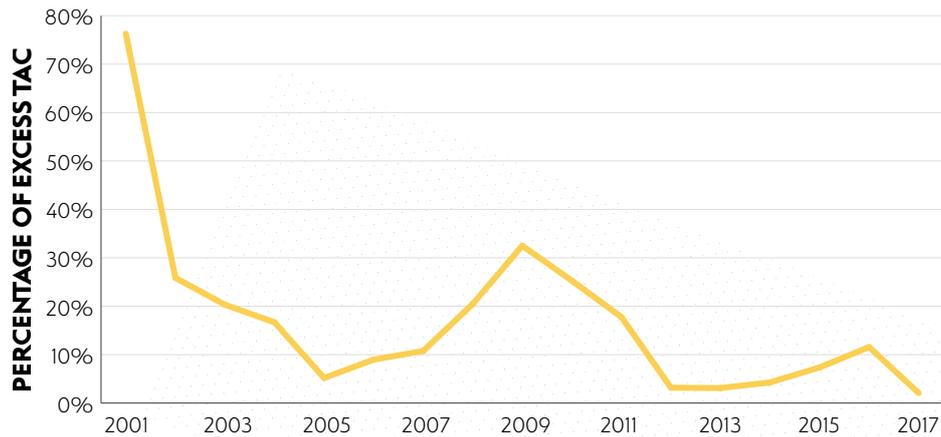
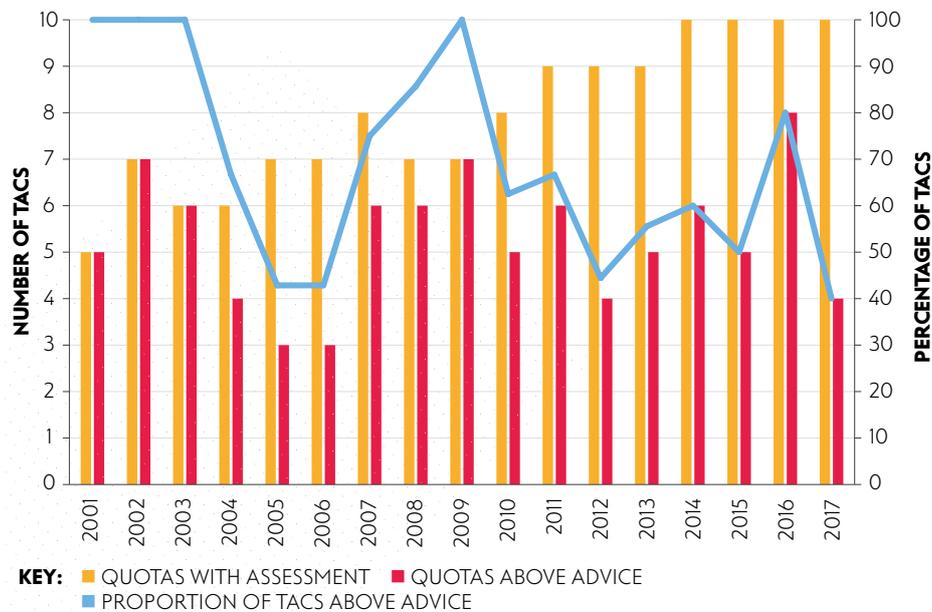


FIGURE 3. NUMBER OF TACS ABOVE ICES ADVICE.

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



DISCUSSION

There are several issues related to the Baltic TAC negotiations that are worth describing in detail.

The Baltic Multi-Annual Plan

In July, 2016, a Multi-Annual Plan (MAP) was set in place after a long period of negotiation. The Baltic MAP seeks to add some long-term guidance to the quota-setting process and remove some of the political nature.¹⁰ One aspect of this plan – the establishment of FMSY* ranges for TACs with values above and below the standard ICES point value advice – was invoked for Gulf of Riga herring. In the Council decision on Baltic TACs, it stated that this decision over Gulf of Riga was necessary to avoid serious harm to the stock caused by intra-species dynamics. No evidence was provided at the time but a Freedom of Information Request revealed an ad hoc submission from Estonia that did not go through peer review and did not go through the ICES process.¹¹ This failure to fully implement the Baltic MAP is particularly troubling, as other regions, starting with the North Sea, are considering similar plans that may be just as prone to misuse.

Socio-economic factors

That TACs should be set in line with scientific advice is clear from the text of the CFP. Article 2 states that ‘the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive and incremental basis at the least by 2020 for all stocks.’¹² Delays to MSY past 2015 should only be allowed ‘if achieving the exploitation rates by 2015 would seriously jeopardise the social and economic sustainability of the fishing fleets involved’ (Recital 7).¹³

While the scope of the analysis conducted here is to find where scientific advice has not been followed, there is the possibility that some of these increases can be justified for socio-economic reasons. To date however, the Council has produced no documents documenting socio-economic necessity in support of their decisions, and the Baltic 2017 TACs were no exception.

ICES advice for an 87% reduction in TAC for Western Baltic cod attracted a lot of discussion about socio-economic impacts.[†] However, not only is the legal burden of proof with the Council if scientific advice is to be exceeded, so is the economic one. Studies of fish stock recovery pathways show that the faster the transition to sustainable fishing the better, as the net present value is higher the greater the number of years producing MSY.^{14,15}

There are many factors contributing to the troubling state of the Western Baltic cod stock, but one clear factor is that scientific advice has not been followed in recent years. This practice has resulted in a downward spiral where a large reduction is proposed, advice is not followed, the stock does not improve, and another large reduction is proposed the following year.

In the lead up to the Council negotiations, the University of Copenhagen and Bælternes Fiskeriforening produced documents on the socio-economic effects of large Western Baltic cod TAC reductions, but neither document analysed alternative pathways to MSY, so it is unclear if an alternative TAC for 2017 would ultimately lead to a higher or lower socio-economic impact.^{16,17}

* FMSY is the fishing mortality (the amount of stock removed) consistent with achieving maximum sustainable yield.

† The transfer of cod in area 24 from the Eastern to the Western stock has been accepted for this analysis, although the biological basis for this decision has been questioned.

These studies did call attention to the disproportionate impact on the small-scale fleet, and the Baltic Sea Advisory Council noted that quota allocation (a decision made by Member States internally) could help in easing the socio-economic impact of a TAC reduction.¹⁸ In addition, there are policies available such as the de minimis rules to compensate vessels during TAC reductions.

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.

A LACK OF TRANSPARENCY

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 principle and make 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 the 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. Matching ICES and TAC zones is also a perennial issue that results in difficulties for civil society to properly hold representatives to account.¹⁹

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 have 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.²⁰

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.

NEXT UP: DEEP SEA AND NORTH ATLANTIC

Fisheries ministers will meet again in November to set fishing limits for deep sea fish stocks and in December for the North Atlantic stocks (including the North Sea). It is crucial that these agreements are sufficiently ambitious to end overfishing (i.e., follow scientific advice) and that any delays in reaching MSY past 2015 consistent with CFP Article 2.2 are justified to the public with evidence of socio-economic impact. Despite improvements in reducing the amount of excess TACs, this was not the case for the 2017 Baltic TACs. This analysis will be replicated after the deep sea and North Atlantic Council meetings to identify which Member States are delaying the transition to sustainable fisheries in the EU.

ENDNOTES

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ANNEX

Baltic TACs compared to scientific advice				Excess TACs by Member State							
Fish stock (ICES fishing zone)	Scientific advice (EU share)	TAC agreed by Council	Excess TAC	Denmark	Estonia	Finland	Germany	Latvia	Lithuania	Poland	Sweden
Cod (22-24)	1,588	5,597	4,009	1,751	39	34	855	145	94	468	623
Cod (25-32)	24,927	30,857	5,930	1,362	133	104	542	507	334	1,568	1,380
Herring (22-24)	28,401	28,401	0	0	0	0	0	0	0	0	0
Herring (25-27, 28.2, 29 & 32)	191,129	191,129	0	0	0	0	0	0	0	0	0
Herring (28.1)	27,429	31,074	3,645	0	1,683	0	0	1,962	0	0	0
Herring (30-31)	140,998	140,998	0	0	0	0	0	0	0	0	0
Plaice (22-32)	7,862	7,862	0	0	0	0	0	0	0	0	0
Salmon (22-31)*	461	432	0	0	0	0	0	0	0	0	0
Salmon (32)*	40	47	7	0	1	6	0	0	0	0	0
Sprat (22-32)	281,344	260,993	0	0	0	0	0	0	0	0	0
Total	708,108	697,390	13,591	3,113	1,855	145	1,397	2,613	427	2,037	2,003

NEW ECONOMICS FOUNDATION

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THE BALTIC 2017

WWW.NEWECONOMICS.ORG

info@neweconomics.org
+44 (0)20 7820 6300
@NEF

WRITTEN BY

Griffin Carpenter

Registered charity number 1055254
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