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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

First report on the implementation of the multiannual plans for the North Sea and Western Waters and the fisheries exploiting those stocks and on the delegation of powers conferred to the Commission by these multiannual plans and by the Deep-Sea Access Regulation

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1 EXECUTIVE SUMMARY

The implementation of the multiannual plans (MAPs) for the North Sea and the Western Waters, of Regulations (EU) 2018/973 and 2019/472 of the European Parliament and of the Council[1] has contributed to a decrease in fishing pressure.

The MAPs are a **helpful tool in implementing the common fisheries policy (CFP)**[2], notably in setting fishing opportunities. They set out rules for regionally-adapted fisheries management. For fish stocks with a data-rich (or maximum sustainable yield (MSY)) assessment, the MAPs allow the use of upper limits when setting total allowable catches (TACs), providing **flexibility for healthier stocks**. For stocks that have so few fish in the sea that they are below dangerous minimum levels, the MAPs create a **safety net**.

The Commission considers that certain **decisions taken by the Council for stocks for which the Council had to reduce TACs and take additional remedial measures** were made possible thanks to the framework put in place by the MAPs which **combines a safety net and flexibility**. Without a MAP in place, it may have been difficult for the Council to agree on remedial measures to recover weak stocks, and TACs would most likely have been set at a higher level. The MAPs have ensured that, today, all fisheries are either managed in line with MSY or that remedial measures are put in place to bring them back to MSY. Only healthier stocks can be the basis for the long-term profitability of the fishing industry and ancillary sectors. The MAPs have also provided flexibility for healthier stocks by allowing the use of the upper F_{MSY} range under certain conditions.

The Commission concludes that the **MAPs provide a stable long-term instrument to implement the CFP** in the North Sea and Western Waters since they offer **less uncertainty when setting TACs**, ensure the adoption of **remedial measures for stocks under pressure** (including in the case of a fishing closure), make the **TAC-setting process more transparent** for stakeholders and EU Member States, and **allow the fishing industry to better plan their fisheries**.

[1] Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).

Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 83, 25.3.2019, p. 1).

[2] Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

2 INTRODUCTION

The European Parliament and the Council adopted the multiannual plans (MAPs) for demersal stocks in the North Sea and for demersal and deep-sea stocks in the Western Waters in 2018[3] and 2019[4] respectively. This report provides a first overview of the progress made for the stocks and fisheries exploiting those stocks. This report also covers the reporting obligation on the delegation of powers conferred to the Commission by Article 16 of the North Sea MAP, Article 18 of the Western Waters MAP, and Article 17 of the 'Deep-Sea Access Regulation'[5].

The MAPs' overall goal is to help achieve the objectives of the common fisheries policy (CFP) and of Regulation (EU) No 1380/2013 of the European Parliament and of the Council (CFP 'Basic Regulation')[6], and, in particular, to improve fishers' economic base to boost their incomes and their companies. The MAPs help to ensure that fishing can continue and fish stocks remain above levels that can produce the maximum sustainable yield (MSY). The MAPs also help to eliminate discards by reducing unwanted catches and enable an ecosystem-based approach to fisheries management. The MAPs cover black scabbardfish, roundnose grenadier, seabass, cod, megrims, anglerfish, haddock, whiting, hake, blue ling, Norway lobster, red sea bream, plaice, pollack, sole, saithe and northern prawn. Based on the best available scientific advice, the MAPs establish the target fishing mortality with upper and lower ranges of F_{MSY}[7], which are consistent with achieving MSY. The MAPs also empower the Commission to adopt delegated acts for by-catch stocks, exemptions from the landing obligation and technical measures.

The MAPs were first applied for the fishing season beginning on 1 January 2019 for demersal stocks in the North Sea, and the season beginning on 1 January 2020 for demersal and deep-sea stocks in Western Waters.

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[3] Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).

[4] Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 83, 25.3.2019, p. 1).

[5] Regulation (EU) 2016/2336 of the European Parliament and of the Council of 14 December 2016 establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic and repealing Council Regulation (EC) No 2347/2002 (OJ L 354, 23.12.2016, p. 1).

[6] Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the common fisheries policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

[7] 'range of F_{MSY}' means a range of values provided in the best available scientific advice, in particular from ICES or a similar independent scientific body recognised at EU or international level, where all levels of fishing mortality within that range result in maximum sustainable yield (MSY) in the long term with a given fishing pattern and under current average environmental conditions without significantly affecting the reproduction process for the stock in question. It is derived to deliver no more than a 5% reduction in long-term yield compared to the MSY. It is capped so that the probability of the stock falling below the limit spawning stock biomass reference point (Blim) is no more than 5%, as defined in Article 2(2) of Regulation (EU) 2019/472 and Article 2(1) of Regulation (EU) 2018/973.

Of the fishing opportunities for 2020, 62 of the 78 total allowable catches (TACs) were set in line with F_{MSY}[8]. Therefore, more than 99% of landings in the Baltic, North Sea and the Atlantic managed exclusively by the EU came from sustainably managed fisheries[9]. The number of TACs managed under both MAPs and set in line with MSY and precautionary advice continued to increase between 2019 and 2024.

3 DEVELOPMENTS IN RELEVANT AREAS

This first report presents developments in the implementation of relevant areas of the MAPs and is based on:

(1) a targeted consultation[10];

(2) the latest advice from the International Council for the Exploration of the Sea (ICES) on the relevant stocks in the North Sea and Western Waters[11];

(3) the latest scientific assessments by the Scientific, Technical and Economic Committee for Fisheries (STECF) on measures identified by Member States to implement the landing obligation[12];

(4) the first and second reports[13] on the implementation of the Technical Measures Regulation[14]; and

[8] 'F_{MSY}' is the value of the estimated fishing mortality that with a given fishing pattern and under current average environmental conditions gives the long-term MSY.

[9] Communication from the Commission to the European Parliament and the Council. Towards more sustainable fishing in the EU: state of play and orientations for 2021 (SWD(2020) 112 final), p. 2.

[10] The consulted stakeholders were the North Sea Member States Group (Scheveningen Group), the North Western Waters Member States Group, the South Western waters Member States Group, the North Sea Advisory Council, The North Western Waters Advisory Council, the South Western Waters Advisory Council, the Pelagic Advisory Council and the Long Distance Advisory Council, the International Council for the Exploration of the Sea, who replied that they could not participate in such survey, the Scientific, Technical and Economic Committee for Fisheries, the National correspondents and the chairs of the Regional Coordination Groups (Data Collection Framework), the Commission Expert Group for Fisheries and Aquaculture, the Fisheries attachés, the Marine Strategy Framework Directive experts, the Marine expert group.

[11] Available at https://www.ices.dk/advice/Pages/Latest-Advice.aspx.

[12] Scientific, Technical and Economic Committee for Fisheries (STECF) - Evaluation of Evaluation of joint recommendations on the landing obligation, technical measures, and conservation measures necessary for compliance with obligations under Union environmental legislation (STECF-24-04). Publications Office of the European Union, Luxembourg, 2024, https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf_24-04_review-jrs-on-lo-tm-and-cm.

[13] Report from the Commission to the European Parliament and the Council. Implementation of the Technical Measures Regulation (Article 31 of Regulation (EU) 2019/1241) (COM/2021/583 final). Report from the Commission to the European Parliament and the Council. Implementation of the Technical Measures Regulation (Article 31 of Regulation (EU) 2019/1241) (COM/2024/349 final).

[14] Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

(5) information held by the Commission.

It aims to draw conclusions at the 5 and 4-year mark into the implementation of the North Sea and Western Waters MAPs.

The report focuses on developments since 2019 and 2020 respectively in five main areas, namely: (i) fishing opportunities since 2019 and 2020; (ii) developments in the implementation of both the MAPs in the EU-United Kingdom (UK), EU-Norway (NO) and EU-NO-UK consultations; (iii) mixed fishery considerations in the North Sea and Western Waters; and (iv) socio-economic developments/considerations.

Information on the landing obligation and the minimisation of unwanted catches, the ecosystem-based approach to fisheries management and regional cooperation under the regionalisation policy can be found in the accompanying staff working document (SWD (2024) 218 final).

3.1 FISHING OPPORTUNITIES SET SINCE 2019 AND 2020

This section describes developments in a number of fish stocks and fisheries. The graphs in figures 1 and 2 show developments in fish stocks whose management is shared with the UK, which before the UK's withdrawal from the EU on 31 January 2020 were solely managed by the EU. The graphs also cover certain stocks whose management is shared with Norway. The advice received from ICES has varied over the years. For some stocks that previously received 'precautionary advice', the Commission received 'MSY advice', while for other stocks that had previously received MSY advice, ICES provided precautionary advice . For the stocks managed by the EU on its own in 2020, all three of the three fishing opportunities were set at MSY in the Skagerrak / Kattegat / North Sea, which was also the case in 2024.

In 2020, all five of the five fishing opportunities were set at MSY in the Western Waters while in 2024, ten of the eleven fishing opportunities were set at MSY. This increase was thanks to the significant efforts of fishers and Member States in the management of fish stocks.

The graph below (Figure 1) shows the increase of stocks with MSY advice, in particular in 2020-2024 since the start of application of the MAPs.

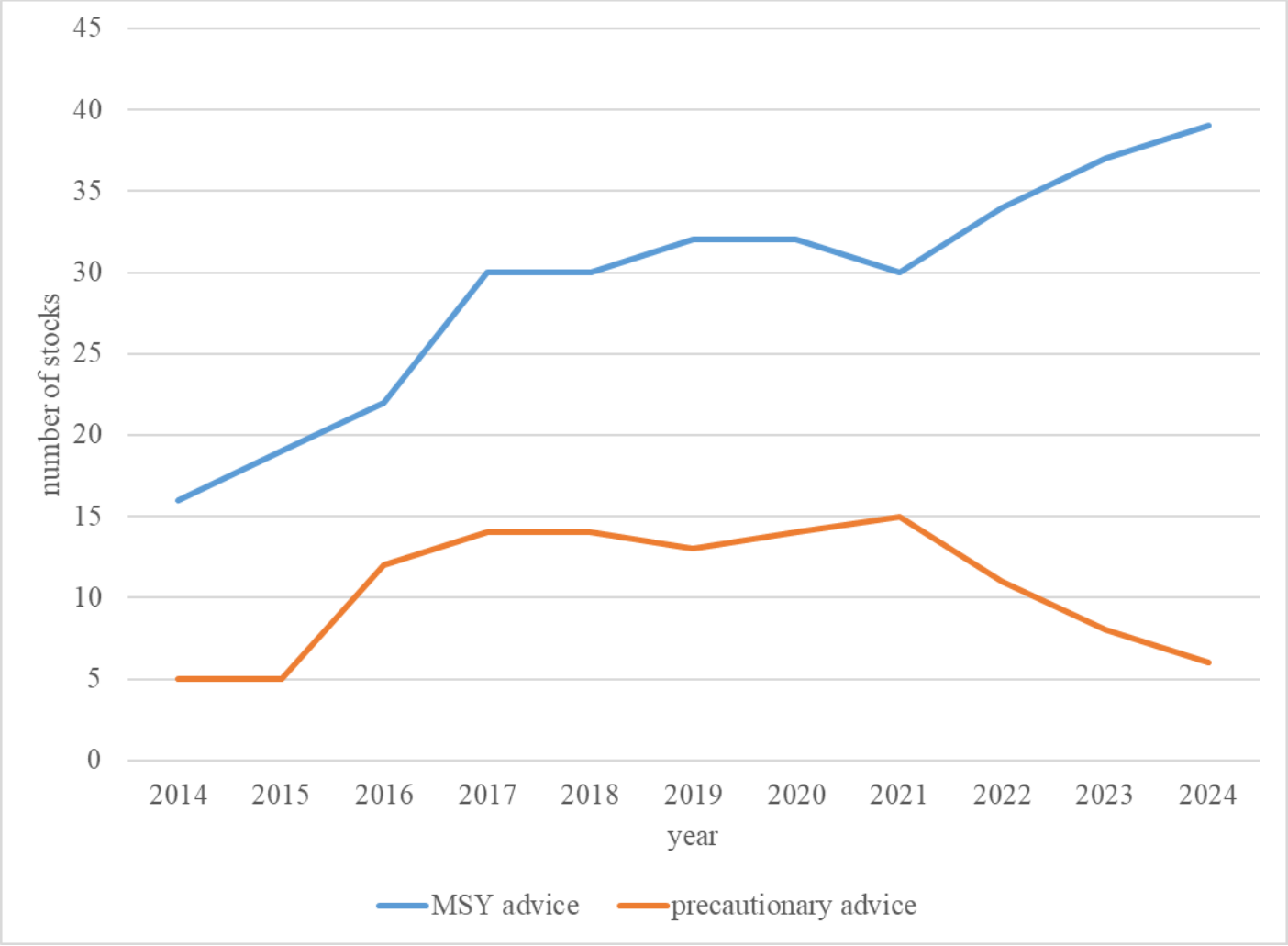


Figure 1: number of target stocks in the North Sea and the Western Waters MAPs receiving MSY advice and precautionary advice since the Basic Regulation started to apply (Source: data extracted from ICES advice).

The graph below (Figure 2) shows how – since the implementation of the Basic Regulation and the implementation of both MAPs – ICES has issued an increasing amount of MSY advice for MAPs target stocks in the South Western Waters, the North Western Waters and the North Sea. This is one positive effect of having the MAPs in place, as it has become a common goal to improve scientific advice, especially for the target stocks under the MAPs, but also for the by-catch stocks. Such an improvement was also possible thanks to the commitment of fishers to deliver better data to inform the scientific process.

Some fluctuations in the overall number of stocks that received MSY advice may be detected (e.g. South Western Waters), which may be due to a benchmark process revising or updating the basis of the advice. However, overall, we can conclude from the graph below that MSY advice has increased over time.

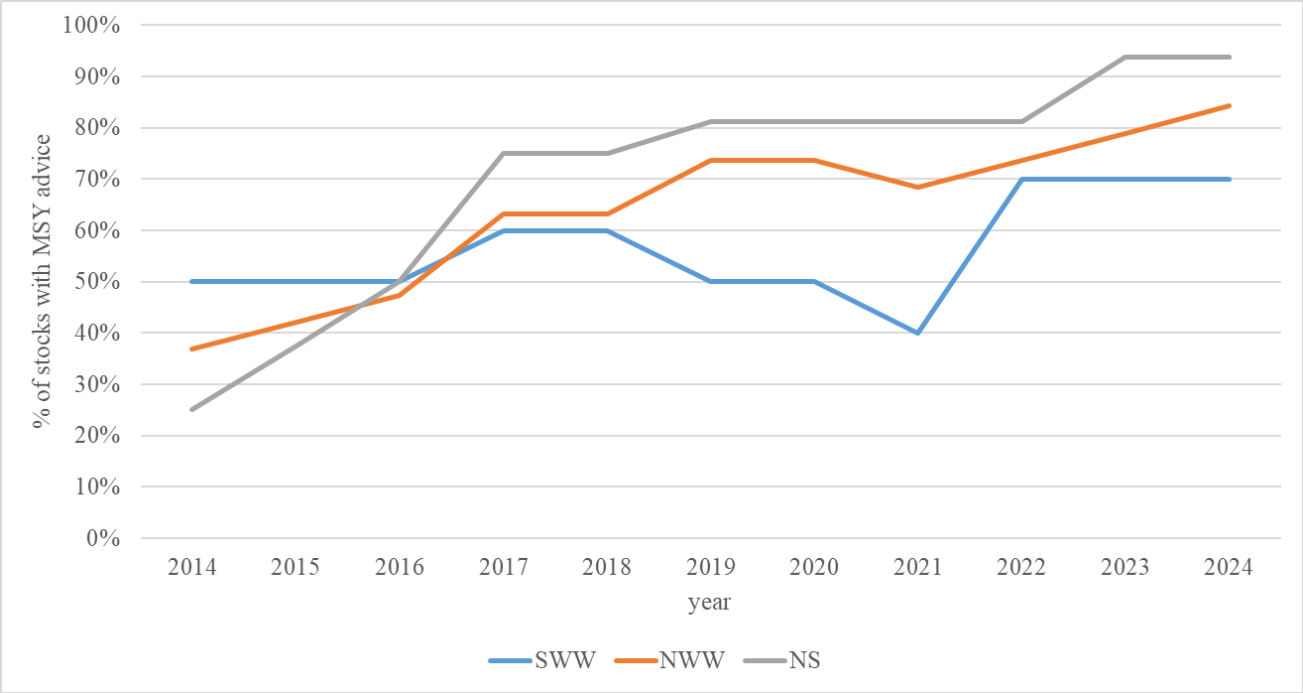


Figure 2: percentage of target stocks in the North Sea and Western Waters MAPs (including South Western Waters (SWW), North Western Waters (NWW) and the North Sea (NS)) receiving MSY advice over time (Source: data extracted from ICES advice).

In the TAC-setting exercises, conducted since the MAPs entered into force in 2019 and 2020, many TACs were set in line with MSY. Moreover, on precautionary advice, the Commission has proposed TAC levels that over the years, and in particular since 2019, have become progressively closer to the levels advised by ICES.

Since the Basic Regulation entered into force in 2014, the number of fishing opportunities set by the Council has increased. This is in line with scientific advice for the target stocks under the MAPs (see Figure 3). This number has continued to grow since the MAPs for 2019 and 2020 started to apply. Prior to 2019 and 2020, the Commission proposed and/or the Council decided to

set the TACs above the levels proposed in the scientific advice for a number of precautionary advice target stocks. Since 2020, however, the number of such cases has decreased and they only occur to take relevant stock-specific factors into account. The graph below (Figure 3) shows this development for all target stocks under the North Sea and Western Waters MAPs.

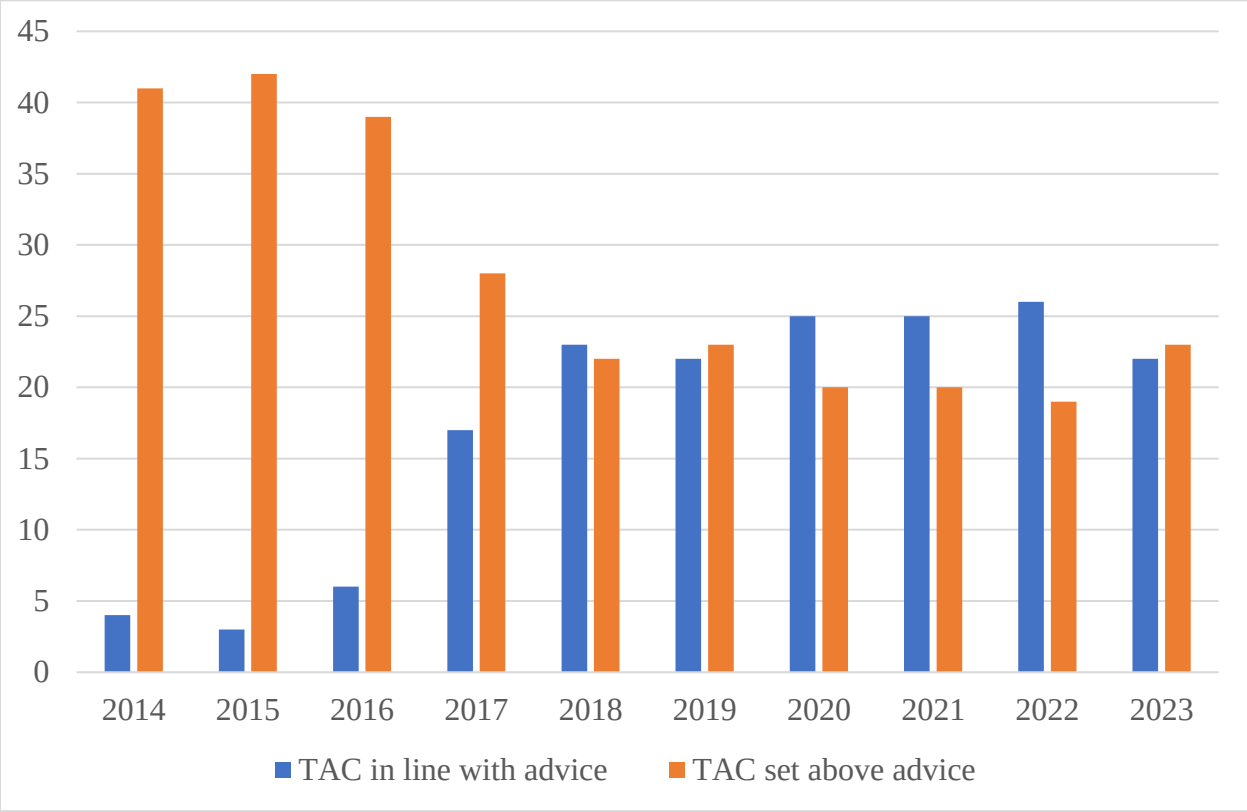


Figure 3: number of TACs set in line with the scientific advice (blue bar) compared to TACs set above the scientific advice (orange bar) since the Basic Regulation entered into force. Only the target stocks under the North Sea and Western Waters MAPs are considered.

The graph below (Figure 4) shows how the TACs set in line with the scientific advice have changed over time since the Basic Regulation started to apply in three sea basins, namely: (i) the North Sea; (ii) North Western Waters; and (iii) South Western Waters. Only the target stocks under the North Sea and Western Waters MAPs are considered.

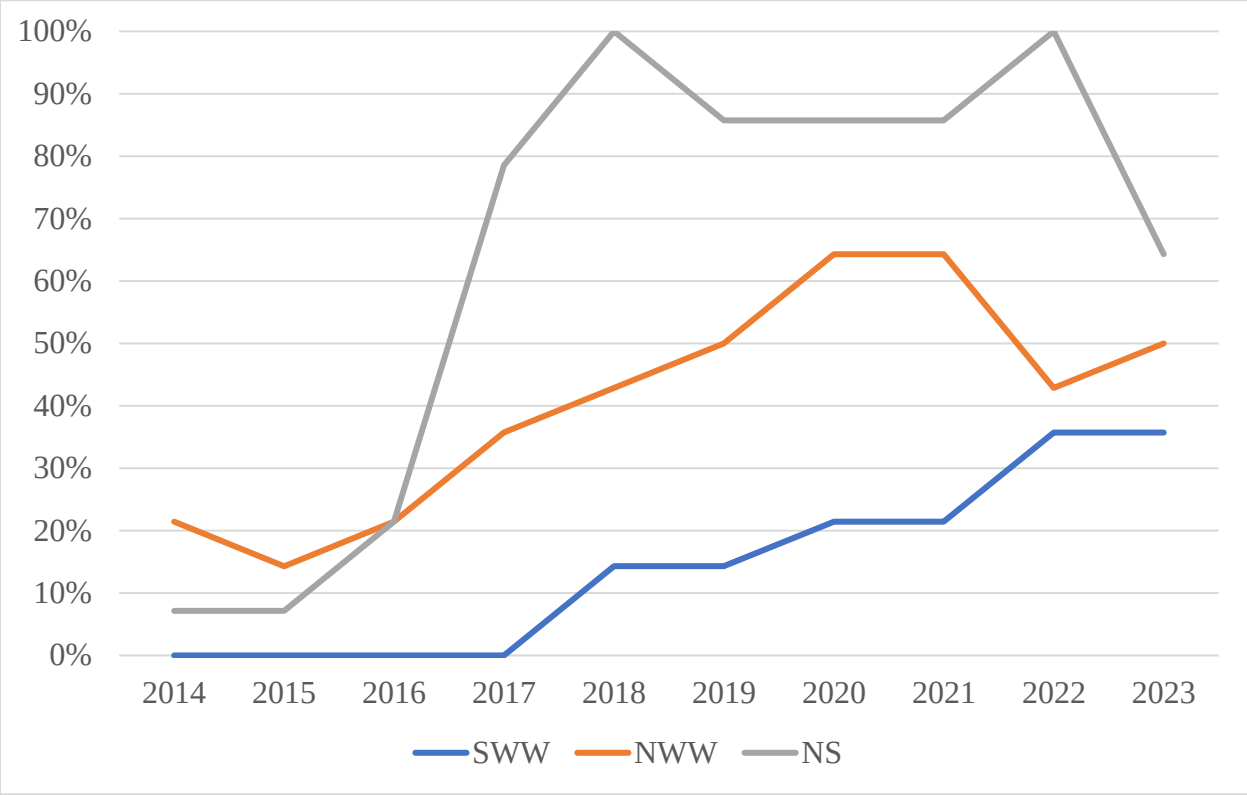


Figure 4: TACs set in line with the scientific advice since the Basic Regulation started to apply in: (i) the North Sea (NS); (ii) North Western Waters (WW); and (iii) South Western Waters (SWW). Only the target stocks under the North Sea and Western Waters MAPs are considered.

The graph below (Figure 5) shows that for many fish stocks the fishing pressure has dropped since the North Sea and the Western Waters MAPs began to apply in 2019 and 2020. Today, therefore, fewer stocks are below 'Blim'[15] and biomass indicators are available for more stocks. This is again thanks to the commitment of fishers and Member States to continuously improve the delivery of data that contributes to the scientific process.

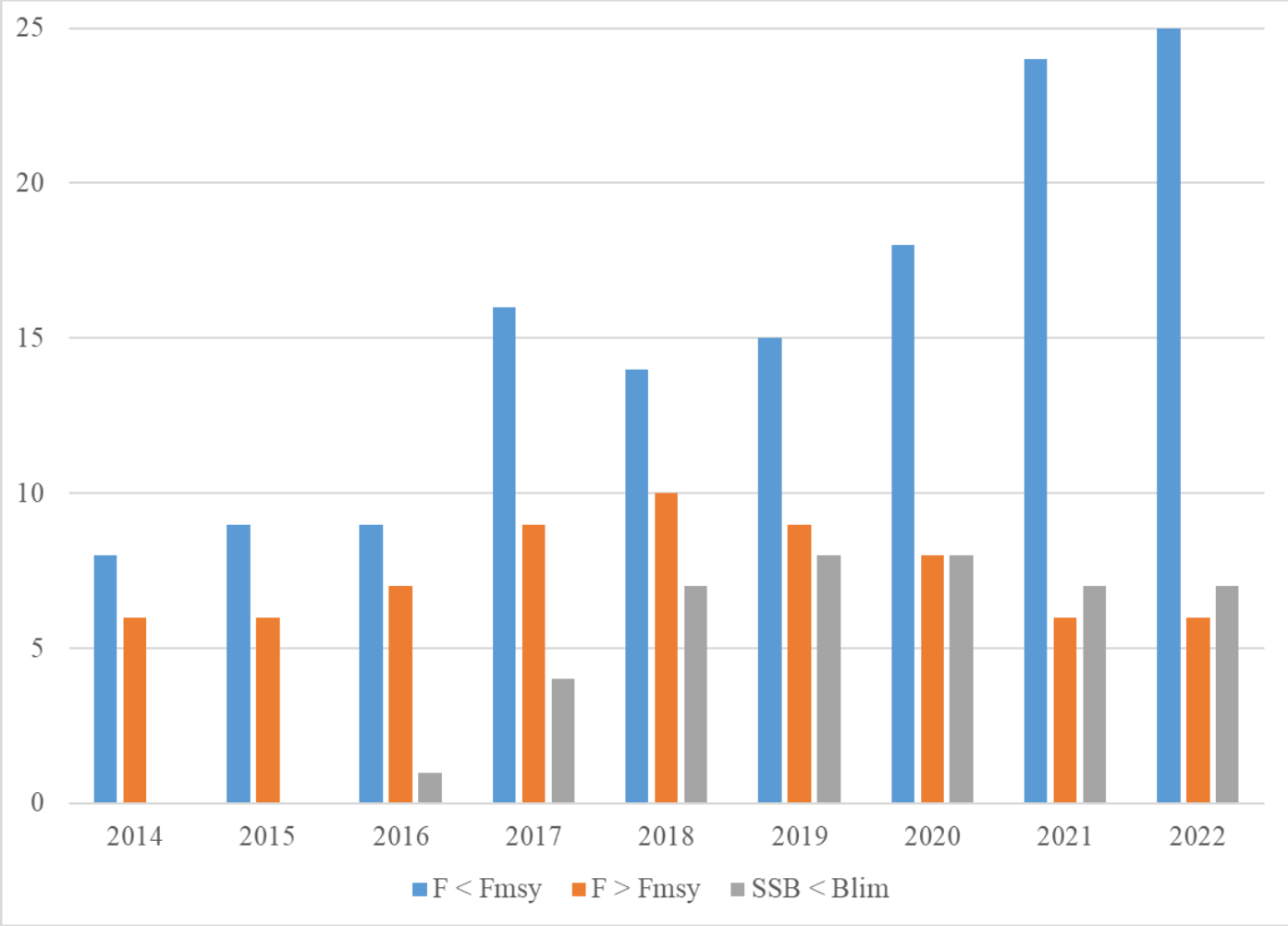


Figure 5: status of the target stocks under the North Sea and Western Waters MAPs since the Basic Regulation started to apply. SSB means 'spawning stock biomass'.

EXAMPLES OF POSITIVE DEVELOPMENTS

The MAPs continue to contribute to positive developments for a number of fisheries, which began with the reformed CFP (2013). These fisheries saw the TACs levels increase, and over time they could rely on healthier stocks (Figure 5). Key examples include: (i) Norway lobster in the Irish Sea and Celtic Sea (an increase of more than 12% between 2020 and 2024); (ii) whiting in the North

[15] 'Blim' means the spawning stock biomass reference point provided for in the best available scientific advice, […], below which there may be reduced reproductive capacity as defined in the North Sea and Western Waters MAPs.

Sea (an increase of 346% between 2019 and 2024); (iii) haddock in the North Sea (an increase of 250% between 2019 and 2024); (iv) plaice in the North Sea (an increase of almost 9% between 2019 and 2024); (v) and haddock in Skagerrak (an increase of 250% between 2019 and 2024).

These results could not have been achieved without fishers and other stakeholders committing to managing their fish stocks, which are ultimately their source of income, responsibly. Improvements were also due to the active involvement of the Advisory Councils in the regionalisation process.

The below chapters on the North Sea, Skagerrak-Kattegat and on the Iberian Sea provide an overview of the developments in these sea basins.

NORTH SEA AND SKAGERRAK-KATTEGAT

From the first year of application of the North Sea MAP, fishing opportunities for haddock in the Skagerrak and Kattegat increased by 250% between 2019 and 2024.

IBERIAN SEA AND THE USE OF THE MSY UPPER RANGE FLEXIBILITY

In the mixed whitefish fishery of southern hake, anglerfish and megrim, ICES recognised southern hake to be the limiting factor and assessed it as being in a good state[16] (including above the MSY $B_{trigger}$)[17]. This meant that the legal conditions set out in Article 4(5) of the Western Waters MAP for the use of the MSY upper range were met. To give fishers more flexibility and allow them to better use their quotas for the other whitefish species, the Commission proposed for 2020, 2022, 2023 and 2024 to set the TAC for southern hake in the MSY upper range. The Council agreed to these proposals. However, for 2021, the TAC was set in line with the precautionary advice. Then in 2022 the TAC reverted to the MSY upper range after a benchmark was established[18].

Fishing opportunities for Iberian whitefish stocks of anglerfish, megrim and Norway lobster caught together with southern hake in a mixed whitefish fishery have also increased on the whole since 2022.

As part of the stakeholder consultation carried out for the preparation of this report, the French National Committee for Maritime Fisheries and Aquaculture (Comité national des pêches maritimes et des élevages marins, CNPMEM) confirmed that the MAPs allow for flexibility in setting fishing opportunities, especially in mixed fisheries to avoid choke situations. However, the Committee regretted that the flexibility was not used during the TAC- and quota-setting exercise at the Council. The South Western Waters Advisory Council (SWWAC) would favour a wider use of upper MSY ranges for economic reasons. Some scientists who responded to the consultation

[16] ICES. 2023. Iberian Waters mixed-fisheries considerations. In Report of the ICES Advisory Committee, 2023. ICES Advice 2023, https://doi.org/10.17895/ices.advice.24212058.

ICES. 2024. Hake (*Merluccius merluccius*) in divisions 8.c and 9.a, Southern stock (Cantabrian Sea and Atlantic Iberian waters). In Report of the ICES Advisory Committee, 2024. ICES Advice 2024, https://doi.org/10.17895/ices.advice.25019306.

[17] MSY $B_{trigger}$ is the biomass level below which management action is to be taken to allow a stock to rebuild above the level capable of producing MSY in the long term.

[18] ICES. 2023. Benchmark workshop on anglerfish and hake (WKANGHAKE; outputs from 2022 meeting). ICES Scientific Reports. 5:17. 354 pp. https://doi.org/10.17895/ices.pub.20068997.

believe that the effect is neutral and that F_{MSY} ('MSY point') should be the objective for setting the TAC and not the MSY ranges.

The CNPMEM, the North Western Waters Advisory Council (NWWAC), the North Western Waters Member States Group, two members of the STECF and the regional coordination group for data collection found that the implementation of the North Sea and the Western Waters MAPs helped increase the number of TACs managed in line with MSY.

The Commission finds that the MAP rules have provided some flexibility on managing stocks for which ranges have been provided. A good example is southern hake in the Bay of Biscay and the Iberian Sea presented above. Reacting to the view of the CNPMEM, who would like to see more flexibility in the Council negotiations, the Commission pointed out that it already makes full use of the flexibility given by the MAPs for all cases in the Atlantic Sea basin in its proposals for fishing opportunities. In other words, all TACs are proposed either at MSY point or, where the legal conditions are met, the Commission proposes the TAC at MSY upper level.

3.1.1 LIMITATIONS

<u>BAY OF BISCAY FISHERIES</u>

The sustainable management by fishers, scientists and Member States of the Bay of Biscay stocks ensures stable fishing opportunities, which in turn provides a good economic basis for coastal communities in this region. However, in the last 3 years, there has been a sharp drop in fishing opportunities in this sea basin for certain stocks. The first drop occurred in 2022 when the TAC for sole in the Bay of Biscay had to be lowered by 36% to reduce the fishing pressure and keep the stock in line with MSY. The Council agreed to the Commission's proposal for this reduction. The TAC was then increased by 20% in 2023.

In 2023, ICES was able to provide MSY advice for pollack in the Bay of Biscay and Iberian waters. The advice was to decrease the three TACs by 53%, which had to be implemented entirely (although it represented only a 4% decrease compared to the previous ICES advice). Pollack is a by-catch stock under the Western Waters MAP, for which Article 5(3) on 'choke species' requires that the difficulty to fish all stocks at MSY at the same time is taken into account, especially in situations where that leads to a premature closure of the mixed fishery. It became clear that the TAC for this stock had to either be set in line with the newly assessed MSY value or a choke evaluation had to be carried out by STECF for 2024 based on the relevant data submitted by those Member States that claimed a severe decrease of pollack would cause such a choke situation for their fleets. The decision was taken to reduce the TAC by 35% in 2024 as STECF confirmed the risk of a choke situation for other healthier fisheries, where pollack is either a by-catch or where it is caught together with other healthier stocks in a mixed fishery.

For other fisheries in the Bay of Biscay, the Commission also had to propose significant reductions for the fishing year 2024 in line with ICES advice, namely a 41% reduction for whiting, a 14% reduction for Norway lobster, a 7% reduction for sole and a 22% reduction for southern seabass,

in order to keep these fisheries sustainable and in line with MSY. The Council agreed to the Commission's proposal in all cases.

Sole and Norway lobster fisheries were managed sustainably in line with MSY in previous years, while pollack and whiting fisheries - species newly assessed at MSY - encountered major reductions in their TACs. Fishers questioned whether other factors outside of fishing had impacted these stocks negatively and claimed that the MAPs are too focused on a short-term delivery instead of applying gradual decreases. On this topic, the Commission notes that ICES highlighted in its latest ecosystem overview the proportional increase of natural mortality in fish stocks in the ecoregion, due to factors other than fishing – whose pressure has constantly been reduced since the 1990s – and those other factors are mainly predation and climate change[19]. It is normal to have variations in stock size and in their biological parameters, which then lead to certain decreases or increases in the relevant quotas.

The Commission acknowledges the continued efforts of both the fishing sector and stakeholders to reduce the pressure on fish stocks and to follow scientific advice. The MAPs require that TACs are set in line with MSY each year and do not allow for a step-wise approach, which would enable gradual decreases in stocks that have previously been managed sustainably at MSY level.

3.2 STOCKS JOINTLY MANAGED WITH COASTAL STATES IN THE NORTH EAST ATLANTIC AND, IN PARTICULAR, WITH THE UNITED KINGDOM AND NORWAY IN MIXED FISHERIES

While the MAPs continue to provide a useful basis to set EU positions in annual consultations with non-EU countries on jointly managed stocks, in particular in situations where ICES issues zero-catch advice, the actual level of the TAC is subject to consultations. The report however also covers the application of the MAPs before the UK's withdrawal from the EU.

For hake, northern stock (Greater North Sea, Celtic Seas, and the northern Bay of Biscay), the development of the stock shows that it has recovered since the early 2000s and has also expanded its distribution, becoming more prominent in the North Sea than previously. The hake stock was benchmarked in 2022.

The TAC, negotiated with the UK, is set using the ranges of the Western Waters MAP. The TAC is set at MSY point. However, the EU has made use of the provisions under the MAP to limit reductions to 20% in the MSY upper range in cases where the advice was for an even greater reduction in 2022. Northern hake is also part of the negotiations with Norway.

The NWW AC regrets that the MSY ranges have not been used in setting fishing opportunities for the North Western Waters. The Commission believes that ranges have been used, where the legal conditions for their use were fulfilled.

[19] ICES. 2022. Bay of Biscay and the Iberian Coast ecoregion – Ecosystem overview. In Report of the ICES Advisory Committee, 2022. ICES Advice 2022, Section 6.1, https://doi.org/10.17895/ices.advice.21731579.

Under the Trade and Cooperation Agreement[20], the EU and the UK can consider developing multi-year strategies for conservation and management together, which would be the basis to set both the TACs and other management measures. Such strategies are the subject of ongoing discussions in the Specialised Committee on Fisheries.

3.3 MIXED FISHERY REALITY IN THE NORTH SEA AND WESTERN WATERS

The EU waters of the North Sea and Western Waters are characterised by a mixed fishery reality, where fisheries target commercially-valuable and healthier fish stocks such as Norway lobster in the Kattegat, haddock in the Celtic Sea, haddock in the West of Scotland and northern hake. These fisheries, however, have unavoidable by-catches of other fish stocks that can sometimes be under a much higher pressure than the healthier target stocks. Examples include unavoidable by-catches of ailing Celtic Sea cod and whiting in the healthy haddock fishery in that sea basin, ailing red sea bream as a by-catch of the healthy northern hake fishery caught with longliners in the Celtic Sea and of ailing cod as an unavoidable by-catch of Norway lobster in the Kattegat.

These are just some examples that illustrate the mixed fisheries reality in European waters. In such a mixed fisheries environment, Articles 4 and 5 of the North Sea and Western Waters MAPs apply to 'choke species' and provide for the need to take into account the difficulty to fish all stocks at MSY at the same time. However, measures do need to be taken to decrease, as much as possible, unavoidable by-catches. By including specific measures to decrease such by-catches, the multiannual plans have contributed to achieving this objective (see examples below).

The North Western Waters Member States Group recognises that the North Sea MAP was beneficial in avoiding choke situations by managing mixed fisheries.

Some concrete examples on how mixed fisheries have been managed are given below for various sea basins.

3.3.1 KATTEGAT

Examples of measures under the North Sea MAP to protect certain stocks in the Kattegat include the proposal to set the TAC for Norway lobster in the Skagerrak and Kattegat in the MSY lower range, in line with Article 4(4) of the North Sea MAP, in order to keep unavoidable by-catches of Kattegat cod in the Norway lobster fishery to a minimum. The Council agreed to the Commission's proposals only in 2020, 2022 and 2024. However, it set the TAC in the MSY lower range in all the other years as well.

Remedial measures for Kattegat cod have also been in place since 2020. They include the introduction of more selective gears for bottom trawls, allowing the fishing of Norway lobster with the Seltra or Swedish grid only, coupled with a maximum of 1.5% limited by-catch allowance of

[20] Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (OJ L 149, 30.4.2021, p. 10).

cod. In addition, to encourage vessels to use remote electronic monitoring to monitor compliance effectively with the landing obligation, EU vessels participating in a Member State project for fully documented fisheries, may instead use gears in line with the Technical Measures Regulation.

The benefit of these measures is that the target fishery on Norway lobster has been able to continue, while measures for the by-caught cod have been put in place. In this respect, ICES cannot estimate the proportion of the mortality that is linked to fishing (and therefore not natural), or migration to the North Sea after using the Kattegat as a nursery ground). ICES advice and technical service also refer to the need to use more selective gears.

3.3.2 CELTIC SEA EXAMPLES

Measures in the Western Waters MAP to protect by-caught stocks in the Celtic Sea include proposing the TAC for haddock in the MSY lower range based on Article 4(3) of the Western Waters MAP, in order to keep unavoidable by-catches of cod and whiting in the haddock fishery - both target stocks under the Western Waters MAP - to a minimum. The Council agreed to the Commission's proposal for 2020, which was the last year before the UK's withdrawal from the EU. For 2021, the Council set provisional TACs and there was a subsequent agreement on the TACs with the UK in the second half of 2021. As of 2021, these stocks have been negotiated under the EU-UK consultations.

Additional remedial measures for Celtic Sea cod and whiting, both target stocks under the Western Waters MAP, were proposed by the Commission for 2020 under the Fishing Opportunities Regulation based on Article 8 of the Western Waters MAP. They include intrinsically linked technical measures and a by-catch quota for cod in the Celtic Sea at a level which would provide protection to by-catch stocks, while still allowing the target fishery on haddock to continue. In terms of the TAC, the Commission proposed an 88% decrease in line with the MSY point and ICES advice rule. As this would have given a low TAC of 189 tonnes for cod, which would have choked other whitefish fisheries in the Celtic Sea, the Council decided to not follow the Commission's proposal for the TAC and instead set the TAC at 805 tonnes to avoid an early choke situation of other whitefish fisheries in the Celtic Sea. This TAC still allowed for a substantial increase in the biomass. The Council also introduced more selective fishing methods for the whitefish fisheries in the Celtic Sea intrinsically linked to the Fishing Opportunities Regulation for 2020. Without those intrinsically linked measures, the TAC would have had to be lower. The measures in that Regulation have subsequently been replaced by a delegated act[21] based on a joint

[21] Commission Delegated Regulation (EU) 2021/2324 of 23 August 2021 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards technical measures for certain demersal and pelagic fisheries in the Celtic Sea, the Irish Sea and the West of Scotland (OJ L 465, 29.12.2021, p. 1).

Commission Delegated Regulation (EU) 2022/2588 of 20 October 2022 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards technical measures for certain demersal and pelagic fisheries in the Celtic Sea, the Irish Sea and the West of Scotland (OJ L 338, 30.12.2022, p. 44).

Commission Delegated Regulation (EU) 2024/492 of 30 November 2023 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards the prolongation of technical measures for certain demersal and pelagic fisheries in the Celtic Sea, the Irish Sea and the West of Scotland (OJ L, 2024/492, 13.2.2024, ELI: http://data.europa.eu/eli/reg_del/2024/492/OJ).

recommendation from the North Western Waters Member States Group (NWW MSG) adopted in 2020, which contains other more selective fishing methods.

Another example in the Celtic Sea is red seabream, which is an unavoidable by-catch in the northern hake fishery caught with longlines. ICES advised zero catches for this stock, since they considered it to be depleted[22]. However, this would have meant a choke situation for the northern hake fishery. Therefore, a low TAC exclusively for by-catches was set for 2023 and 2024 in order to keep the northern hake fishery open in this sea basin and to protect as much as possible the by-caught red seabream. Furthermore, the NWW MSG agreed on a joint recommendation to implement minimum conservation reference sizes for red seabream caught in commercial and recreational fisheries and closed areas in order to better protect red seabream spawners and juveniles. Based on this joint recommendation, the Commission adopted a technical measure in the form of a delegated act for 2023, which was extended to 2024[23].

One industry organisation (CNPMEM) has criticised the MAP as being too rigid on the list of target stocks and has stated that there is no clear criteria on what makes a target stock.

It is important to note that in the discussions on the MAPs, the Commission proposed that the co-legislators delegate powers to the Commission to amend the lists of target stocks. However, the co-legislators did not agree with the Commission's proposal, and decided to retain their power to amend the list of target stocks.

3.4 Court of Justice Judgment in Case C-330/22

In its judgment of 11 January 2024[24], the Court of Justice of the European Union (the Court) confirmed the validity of the Fishing Opportunities Regulation for 2020[25], insofar as it set four TACs exclusively for unavoidable by-catches above ICES zero-catch advice. The Court held that the Council had a margin of discretion to set those TACs for by-catch stocks above scientifically recommended levels in order to reconcile the objective of continuing mixed fisheries with achieving a good biological status for the stocks concerned. At the same time, the Court ruled that, for stocks listed as 'target' under the MAPs, the obligation to reach and maintain MSY after 2020 'applies strictly and without exception'.

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[22] ICES. 2022. Blackspot seabream (*Pagellus bogaraveo*) in subareas 6-8 (Celtic Seas, the English Channel, and Bay of Biscay). In Report of the ICES Advisory Committee, 2022. ICES Advice 2022, https://doi.org/10.17895/ices.advice.19453802.

[23] Commission Delegated Regulation (EU) 2023/56 of 19 July 2022 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards specific technical measures for red seabream (*Pagellus bogaraveo*) in ICES subareas 6 to 8 (OJ L 5, 6.1.2023, p. 1).

Commission Delegated Regulation (EU) 2024/491 of 30 November 2023 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards the prolongation of specific technical measures for red seabream (*Pagellus bogaraveo*) in ICES subareas 6 to 8 (OJ L, 2024/491, 13.2.2024, ELI: http://data.europa.eu/eli/reg_del/2024/491/oj.

[24] Judgment of 11 January 2024, *Friends of the Irish Environment (Possibilités de pêche supérieures à zéro)*, C-330/22, EU:C:2024:19.

[25] Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 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 (OJ L 25, 30.1.2020, p. 1).

4 ECOSYSTEM-BASED APPROACH

Article 2(3) of the Basic Regulation states that the CFP must implement the ecosystem-based approach to fisheries management to reduce negative impacts of fishing activities on the marine ecosystem. Article 3(3) of the MAPs provide that the MAPs must be coherent with EU environmental law and in particular with the objective of achieving good environmental status by 2020 as required by the Marine Strategy Framework Directive (MSFD)[26]. The MSFD provides 11 qualitative descriptors for determining good environmental status. The MAPs aim to ensure that the conditions of descriptor 3 (as the one most relevant for fisheries management) are met and contribute to meeting the other relevant descriptors in proportion to the relative role played by fisheries.

Descriptor 3 is directly linked to the fixing of fishing opportunities. It reads 'the populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.' Fishing activities have an impact on the descriptors relating to: (1) biological diversity; (4), the food web; (6) sea-floor integrity; and (10) marine litter. The contribution of fishing to the other descriptors is at best indirect and/or not substantial[27].

ICES indicates that fishing mortality has been in constant decline since the 1990s and now stands on average below F_{MSY}[28].

Fisheries have the potential to catch protected species, such as seabirds and marine mammals[29]. The 2013 CFP reform offered new ways for stakeholders and Member States of a particular region to work together to agree on bespoke measures for their sea basins.

5 LANDING OBLIGATION

A key objective of the reformed CFP (2013) is to implement the landing obligation and gradually eliminate discards by avoiding and reducing unwanted catches. The landing obligation applies to species managed by a TAC, which has been in force since January 2019.

On the landing obligation, stakeholders responding to the consultation reported that while there is evidence for a reduction in discards, the landing obligation has not met its objective, and the main

[26] Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for the community action in the field of marine environmental policy (OJ 164, 25.6.2008, p. 19).

[27] The other descriptors are: (2) introduction of non-indigenous species; (5) human-induced eutrophication; (7) hydrographical conditions; (8) level of contaminants in the sea; (9) level of contaminants in fish and seafood; (11) introduction of energy including underwater noise.

[28] ICES. 2022. Bay of Biscay and the Iberian Coast ecoregion – Fisheries Overview. In Report of the ICES Advisory Committee, 2022. ICES Advice 2022, Section 6.2. https://doi.org/10.17895/ices.advice.21641396.

[29] ICES. 2022. Bay of Biscay and the Iberian Coast ecoregion – Ecosystem overview. In Report of the ICES Advisory Committee, 2022. ICES Advice 2022, Section 6.1, https://doi.org/10.17895/ices.advice.21731579.

challenge remains to make the landing obligation workable under the legal framework while encouraging a change in fishing patterns towards further selectivity. Despite this, considerable efforts have been made by the fisheries sector since the landing obligation was introduced to understand and then implement this policy, to actively engage with research institutes to develop ways of avoiding and reducing unwanted catches, and to improve their general knowledge of these species (including survivability).

On a positive note, stakeholders confirm that the landing obligation has stimulated scientific research to develop more selective gears and fishing patterns. However, for the mixed demersal fisheries, stakeholders believe that there will be a limit to the degree of selectivity.

The Commission considers that the ongoing problem of discards is a control and enforcement issue to be addressed within the EU's fisheries control system. The MAPs were not designed to resolve that problem.

6 REGIONAL COOPERATION

Regional cooperation is one of the central strands of the CFP. Its main goal is to take better account of the differences between the various sea basins and to integrate stakeholders more into fisheries management, making use of their knowledge and experience. Ultimately, a more direct involvement of stakeholders in the formulation and implementation of management measures will lead to a greater sense of shared ownership and commitment to compliance with the measures. Through regional cooperation, stakeholders with a direct management interest can support the adoption of conservation measures, such as MAPs and discard plans. This is achieved mostly by means of advisory councils and Member States' groups.

The stakeholder consultation provided useful feedback on how regional cooperation under the MAPs works in practice. It revealed the commonly held view that the MAPs provide the necessary legal framework to enable regional cooperation. For instance, the NWWAC and the STECF members had a positive perception on the increasing cooperation among relevant stakeholders[30]. Over time, the joint recommendations provided gradually more technical evidence and practical knowledge, as well as bespoke sea basin measures. The Member States regional groups could also benefit from a greater involvement of stakeholder and scientists. In this sense, the Fisheries and Oceans Pact announced in the 2024 CFP report[31] calls on Member States to make progress on CFP governance for the benefit of all stakeholders concerned and society at large.

[30] Two Members of the STECF replied to the stakeholder consultation.

[31] Communication from the Commission to the European Parliament and the Council. Sustainable fishing in the EU: state of play and orientations for 2025 (COM/2024/235 final).

7 SOCIO-ECONOMIC DEVELOPMENT

7.1 NORTH SEA

Based on the 2023 STECF annual economic report on the EU fishing fleet[32], no Member State fleet is entirely dependent on the region for its fishing activity. Based on the value of landings, the North Sea and the East Atlantic is a key fishing region for Denmark (86% of total landings), the Netherlands (83%), Germany (61%), Sweden (70%) and Belgium (32%).

7.2 NORTH WESTERN WATERS (NWW)

According to the STECF report, based on the value of landings, the French and Irish fisheries have the highest level of landings in the NWW. However, Ireland has the highest total percentage of national landed value from the region at 90% indicating their high dependency on this area (97% of the days-at-sea take place in these waters). Belgium (54%) and France (29%) also have a high dependence on the area in terms of days-at-sea. While Ireland and Belgium have high dependency, the highest share of fishing is carried out by France and Ireland.

7.3 SOUTH WESTERN WATERS (SWW)

According to the STECF report, the main fleets operating in the region were the Spanish, French and Portuguese fleets. Besides those, six more EU fleets operated in the region in 2021: Belgium, Germany, Denmark, Ireland, Lithuania and the Netherlands, but their fishing activity in the region was limited (the total effort share of these Member States was 0.16% and landings were 1.12% in value and 2.23% in weight of the region totals). Based on the value of landings, Spain produced the most from the region, followed by Portugal and France. Spain has the highest total percentage of national landed weight from the region (51%), followed by Portugal (32%) and France (15%). Portugal is the country that most depends on these waters: 98% of the Portuguese fleet effort occurs in the SWW, producing 85% and 82% of the total value and weight of landings, respectively.

8 DELEGATION OF POWERS CONFERRED TO THE COMMISSION BY THE NORTH SEA AND WESTERN WATERS MAPS AND BY THE DEEP-SEA ACCESS REGULATION

The North Sea and Western Waters MAPs delegate to the Commission the power to adopt delegated regulations for stocks covered by the MAPs following changes in the geographical distribution of the stocks (Article 1(1) of the North Sea and Western Waters MAPs), remedial measures (Article 8 of the MAPs), technical measures (Article 9 of the MAPs), implementation of the landing obligation (Article 11 of the North Sea MAP and Article 13 of the Western Waters

[32] Scientific, Technical and Economic Committee for Fisheries (STECF) - The 2023 Annual Economic Report on the EU Fishing Fleet (STECF 23-07), Prellezo, R., Sabatella, E., Virtanen, J., Tardy Martorell, M. and Guillen, J. editor(s), Publications Office of the European Union, Luxembourg, 2023, https://publications.jrc.ec.europa.eu/repository/handle/JRC135182.

MAP), and limits regarding the total capacity of the fleets of Member States concerned (Article 14(2) of the Western Waters MAP).

To date, the Commission has never used those powers, except to implement the landing obligation. For technical measures, the empowerment has been superseded since 2019 by the more specific one laid down in Article 15 of the Technical Measures Regulation. Regarding the implementation of the landing obligation, the Commission has adopted eight delegated regulations under the North Sea MAP and nine under the Western Waters MAP.

The Deep-Sea Access Regulation (Article 9(7)) delegates to the Commission the power to amend the list of vulnerable marine ecosystems (VME) indicator species. However, to date, the Commission has never used that empowerment.

9 GLOSSARY

AC: Advisory Council

CFP: Common fisheries policy

CNPMEM: Comité National des Pêches Maritimes et des Élevages Marins

FMSY: Fishing mortality consistent with maximum sustainable yield

ICES: International Council for the Exploration of the Sea

MSG: Member States Group

MAP: Multiannual plan

MSY: Maximum sustainable yield

NWW: North Western Waters

NWWAC: North Western Waters Advisory Council

SSB: Spawning stock biomass

STECF: Scientific, Technical and Economic Committee for Fisheries

SWW: South Western Waters

SWWAC: South Western Waters Advisory Council

TAC: Total allowable catch