

# LANDING THE BLAME

## OVERFISHING IN THE BALTIC 2018

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# LANDING THE BLAME: OVERFISHING IN THE BALTIC 2018

## **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.<sup>1</sup> 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.<sup>2</sup>

## **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.<sup>3</sup> But for many years, this scientific advice has not been heeded.

Our historical analysis of agreed TACs for all EU waters between 2001 and 2017 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 42% to 7%), the proportion of TACs set above advice did not.<sup>4,5,6</sup>

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.<sup>7</sup> 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 are. 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,<sup>8</sup> 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 have been actively pushing for fishing limits to be set above scientific advice, or they have failed to prevent such limits being put in place. Last year a Freedom of Information Request revealed that the results of the *Landing the blame* corresponded remarkably well with the Member State positions heading into the Council negotiations.<sup>9</sup>

## THE BALTIC 2018 TACS

During the October 2018 negotiations, ministers agreed fishing limits for ten Baltic Sea stocks of herring, cod, salmon, plaice, and sprat. This was the second 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.<sup>10</sup> Importantly, the Baltic MAP is also a test case for other areas of European Waters that are currently discussing MAPs of their own.

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

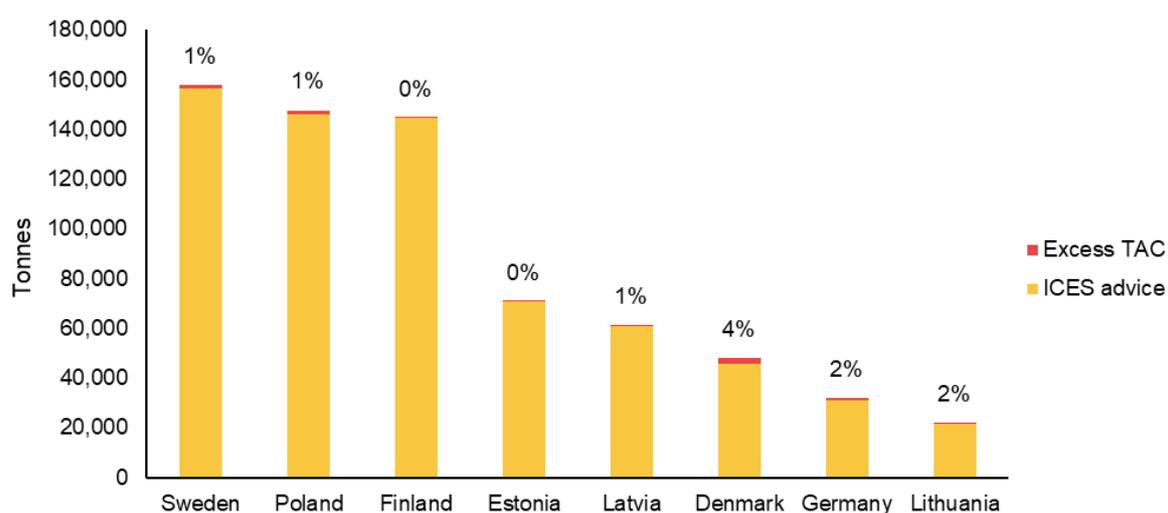
**Table 1. The overfishing league table.**

Member State	Minister/Representative	Excess TAC (tonnes)	Excess TAC (%)
Denmark	Karen Ellemann	1,962	4.3%
Germany	Hermann Onko Aeikens	614	2.0%
Lithuania	Rolandas Taraškevičius	339	1.6%

Poland	Marek Gróbarczyk	1,714	1.2%
Sweden	Sven-Erik Bucht	1,449	0.9%
Latvia	Jānis Dūklavs	516	0.9%
Estonia	Siim Kiisler	136	0.2%
Finland	Jari Leppä	115	0.1%

Table 1 allocates the excess TAC to each Member State and minister/representative present during the TAC negotiations.<sup>11</sup> Denmark tops the league table with 1,962 tonnes of quota above scientific advice – equal to 4.3%. This is largely due to Eastern Baltic cod and plaice. Denmark also topped the league table for the 2016 and 2017 Baltic TACs.<sup>12,13</sup>

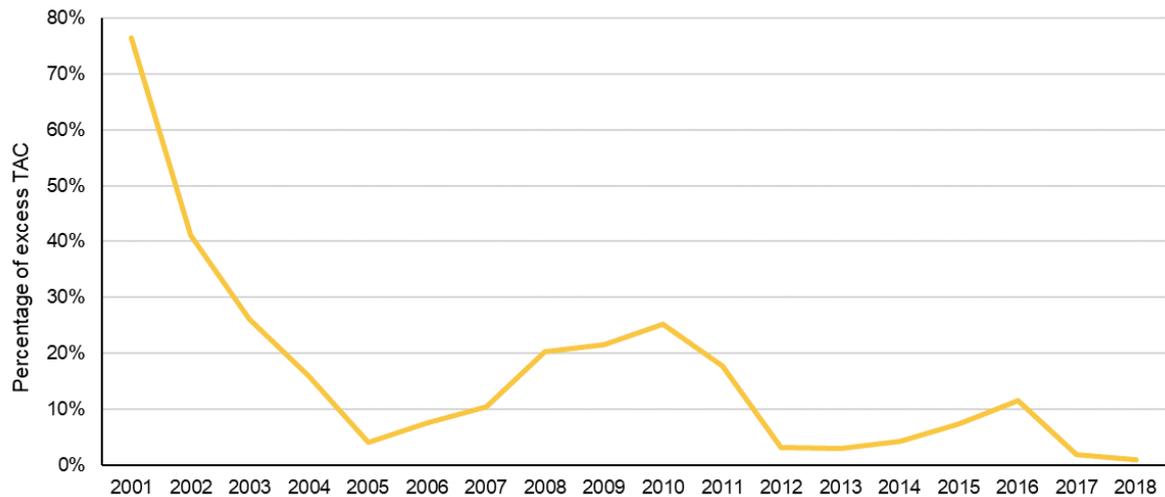
The other Member States have very small amounts of excess TACs, ranging from 0 to 4%, despite four out of ten TACs set above scientific advice. This is largely due to the decisions made for sprat and herring (pelagic species) that have very large quantities in tonnes and therefore dominate the calculation over cod and salmon (demersal species) that are much smaller in quantity. Similarly, part of the reason for the lower percentages in 2018 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.



**Figure 1. Excess TAC in the Baltic Sea by EU member state.**

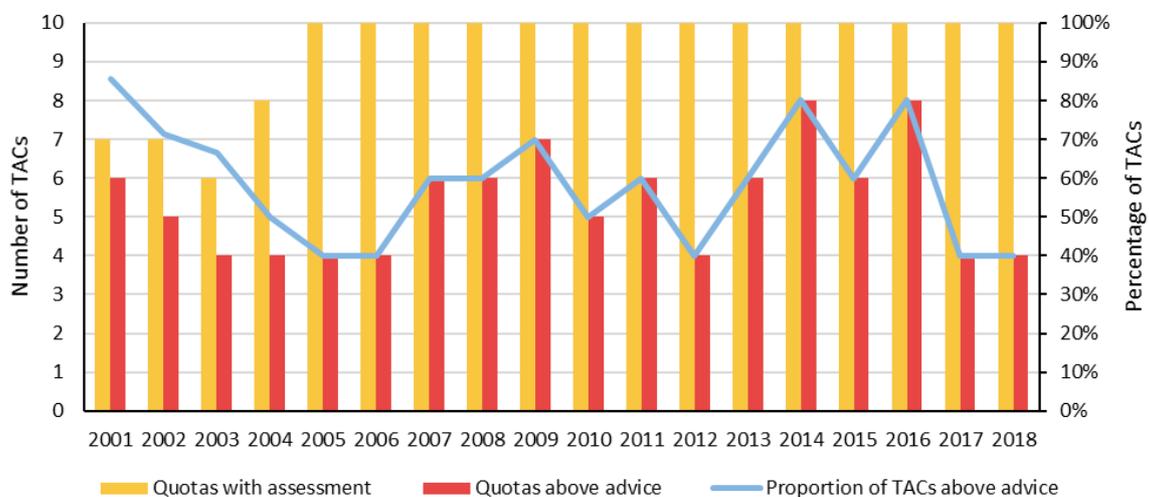
## 2017 IN CONTEXT

The percentage of excess TAC set during the Baltic negotiations declined in 2018 (Figure 2). The overall percentage has been relatively low since 2012, which is a very positive sign, although again, large pelagic stocks drive the trend.



**Figure 2. Excess TAC in the Baltic Sea 2001–2018.**

The number of TACs set above scientific advice held steady with the 2018 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.<sup>14</sup>

## 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.<sup>15</sup> One aspect of this plan is the establishment of  $F_{MSY}$  ranges<sup>1</sup> for TACs with values above and below the standard ICES point value advice. In the advice where ranges are provided, ICES has restated the intent of the new Baltic Multiannual Plan (MAP) that “catches higher than those corresponding to  $F_{MSY}$ ...can only be utilized under conditions specified in the MAP.”<sup>16</sup> With this consideration,  $F_{MSY}$  is used as the relevant advice, as described in the Baltic MAP.

### 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.’<sup>17</sup> 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).<sup>18</sup>

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 2018 TACs were no exception.

The ICES advice for low cod TACs raised concerns 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.<sup>19,20</sup> Greater benefits have also been found from fishing in lower end of MSY ranges compared to the upper end.<sup>21,22,23</sup>

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<sup>1</sup>  $F_{MSY}$  is the fishing mortality (the amount of stock removed) consistent with achieving maximum sustainable yield.

## **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 IN COUNCIL MEETINGS**

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 that top the league table for excess TAC should therefore be major advocates of increased transparency, if judging performance by outcomes is insufficient.

Earlier this year, an investigation by Corporate Europe Observatory revealed some that fishing industry lobbyists have used press passes to access the EU Council building during crucial ministerial negotiations on fishing quotas.<sup>24</sup> Perhaps not surprisingly, the fishing industry lobbyists were representing fleets from Member States near the top of the *Landing the blame* league table for the Northeast Atlantic TACs (Spain and the Netherlands).<sup>25</sup> With the lack of transparency around the Council meetings it cannot be said whether this practice has continued. There have even been reports from the 2018 Baltic Council meeting that Danish fishing industry lobbyists were part of the official Danish delegation.

## **A LACK OF TRANSPARENCY IN TAC DETERMINATION FROM ICES ADVICE**

Mirroring the difficulties with transparency around the Council negotiations is the issue of how the TACs were determined – despite the insistence of ministers that the decisions were made according to scientific advice and policy agreements.<sup>26</sup> Ideally this exercise of comparing ICES advice and TACs should be a straightforward process that can be easily scrutinised. This is possible with the right request to ICES, but is currently far from what is practiced.

For the two salmon TACs, it is unclear how the final TACs were derived from the ICES advice. Unreported and misreported catches should be deducted alongside the third country share, but it appears that this did not take place. The issue of unwanted catches due to seal damages needs to be clarified.

Data on international TAC agreements are difficult to find, making it hard to properly apportion responsibility for overfishing. 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.<sup>27</sup> 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.

Matching ICES and TAC zones is also a perennial issue that could and should be resolved.<sup>28</sup>

All of these required inputs for determining TACs from ICES advice should be made publicly available in the interest of transparency and access to information by any stakeholder. This is the only way for civil society to properly hold representatives to account.

## **NEXT UP: NORTHEAST ATLANTIC**

Fisheries ministers will meet again in December for the Northeast 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 2018 Baltic TACs. This analysis will be replicated after the Council meeting for the Northeast Atlantic stocks to identify which Member States are delaying the transition to sustainable fisheries in the EU.

# ANNEX

## BALTIC TACS COMPARED TO SCIENTIFIC ADVICE (TONNES)

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)**	6,066	5,597	0	0	0	0	0	0	0	0	0
Cod (25-32)**	22,369	28,388	6,019	1,383	135	106	550	514	339	1,592	1,401
Herring (22-24)	17,309	17,309	0	0	0	0	0	0	0	0	0
Herring (25-27, 28.2, 29 & 32)	237,299	229,355	0	0	0	0	0	0	0	0	0
Herring (28.1)	28,999	28,999	0	0	0	0	0	0	0	0	0
Herring (30-31)	95,566	84,599	0	0	0	0	0	0	0	0	0
Plaice (22-32)	6,272	7,076	804	576	0	0	64	0	0	121	44
Salmon (22-31)*	394	410	16	3	0	4	0	2	0	1	4
Salmon (32)*	39	45	6	0	1	5	0	0	0	0	0
Sprat (22-32)	262,310	262,310	0	0	0	0	0	0	0	0	0
Total	676,623	664,088	6,845	1,962	136	115	614	516	339	1,714	1,449

\*A weight of 4.5 kg is used to convert salmon into comparable units.

\*\*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.

## ENDNOTES

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