NEW ECONOMICS FOUNDATION

LANDING THE BLAME
OVERFISHING IN THE BALTIC SEA 2020

UNCOVERING THE EU MEMBER STATES MOST RESPONSIBLE FOR SETTING FISHING QUOTAS ABOVE SCIENTIFIC ADVICE

Fisheries ministers are risking the sustainability of fish populations by consistently setting fishing limits above scientific advice. This is our sixth 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 populations 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 populations. Scientific bodies, predominantly the International Council for the Exploration of the Sea (ICES), are commissioned to provide information about the state of most populations and advise on maximum catch levels.[3]

Yet overfishing continues as this scientific advice has not been heeded. Our historical analysis of agreed TACs for EU waters between 2001 and 2018

TABLE 1. THE OVERFISHING LEAGUE TABLE.

Member State	Minister/Representative	Excess TAC (Tonnes)	Excess TAC (%)
Germany	Julia Klöckner	2,526	17.1%
Denmark	Mogens Jensen	1,949	6.6%
Lithuania	Evaldas Gustas	488	3.3%
Poland	Anna Moskwa	3,122	3.1%
Sweden	Jennie Nilsson	2,529	2.5%
Latvia	Jānis Grasbergs	1,197	2.3%
Estonia	Mart Järvik	870	1.5%
Finland	Jari Leppä	439	0.4%

shows that, on average, two-thirds of TACs were set above scientific advice. While the percentage by which TACs were set above advice declined throughout this period (from 42% to 8% in all EU waters), 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 fish populations above levels capable of supporting MSY. It mandated a corresponding exploitation rate to be achieved by 2015 where possible and by 2020 at the latest for all populations.[5] Following scientific advice is essential to achieve this goal, end overfishing, and restore fish populations 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 populations. This briefing, a continuation of the *Landing the Blame series*,[6] reveals which Member States and ministers are behind decisions that go against the EU's long-term interests. To reach this conclusion, it analyses the outcomes of the negotiations and calculates 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. A Freedom of Information Request revealed that the results of the *Landing the Blame* series corresponded remarkably well with the Member State positions heading into the Council negotiations.[7]

THE BALTIC 2020 TACS

During the October 2019 negotiations, ministers agreed fishing limits for 10 Baltic Sea populations of herring, cod, salmon, plaice, and sprat. This was the fourth 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.

Most TACs were reduced from previous years, with the exception of one increase and one rollover. Our analysis reveals that six Baltic 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 allocates the excess TAC to each Member State and notes the minister/representative present during the TAC negotiations.[9] Mirroring last year's report, Germany once again tops the league table, this year with 17% of its TAC above scientific advice – more than 2,500 tonnes. This excess TAC is largely

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

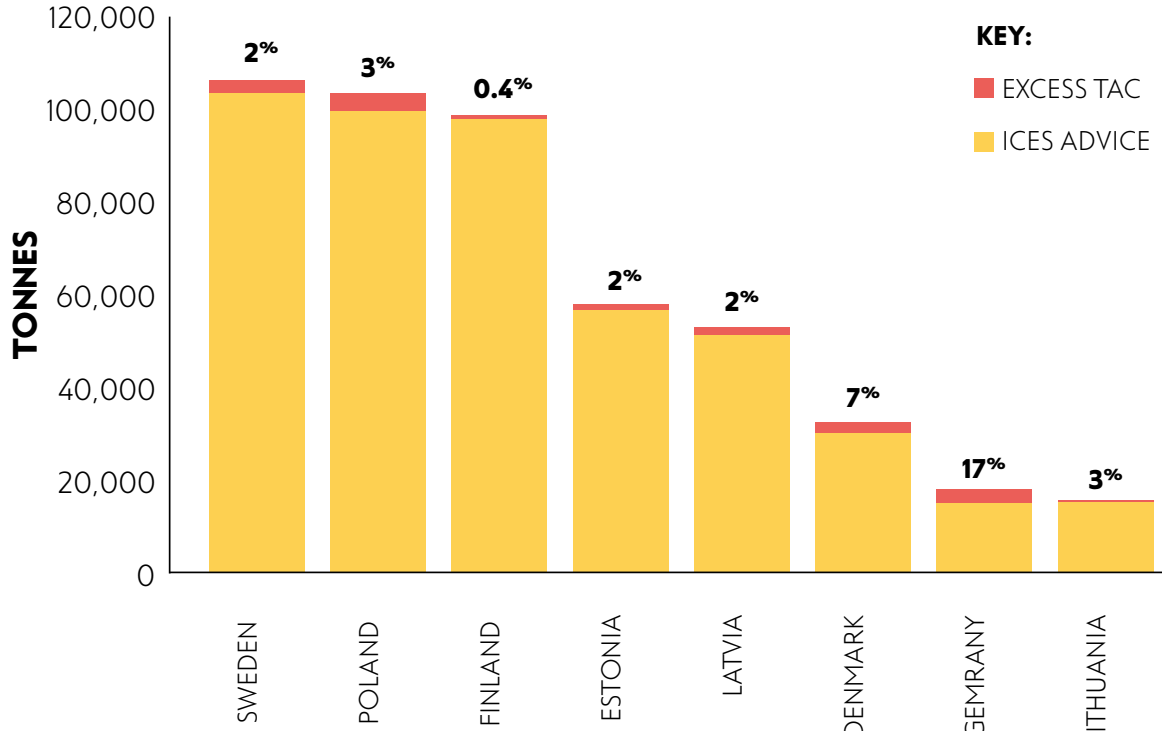
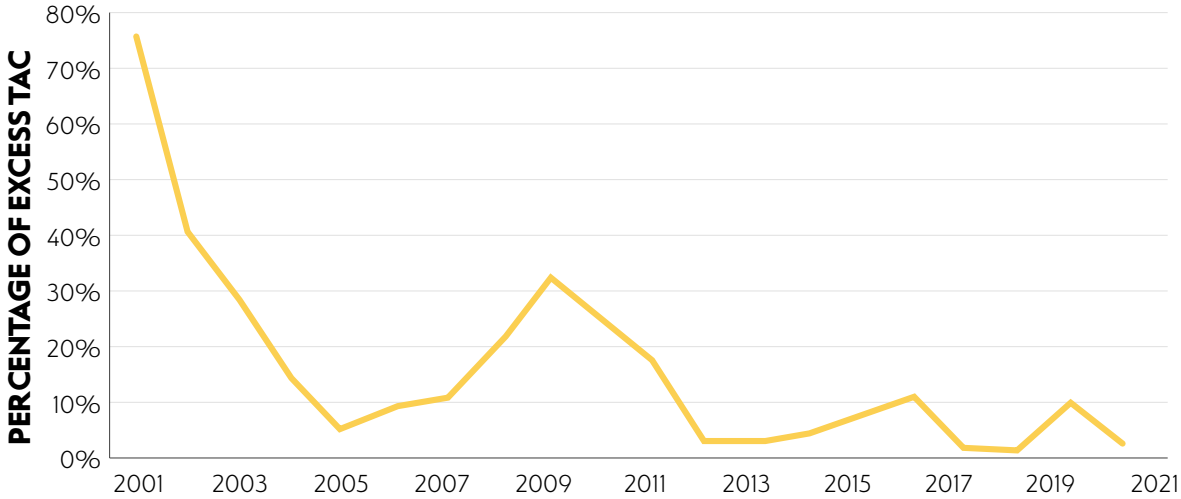


FIGURE 2. EXCESS TAC IN THE BALTIC SEA 2001–2020.



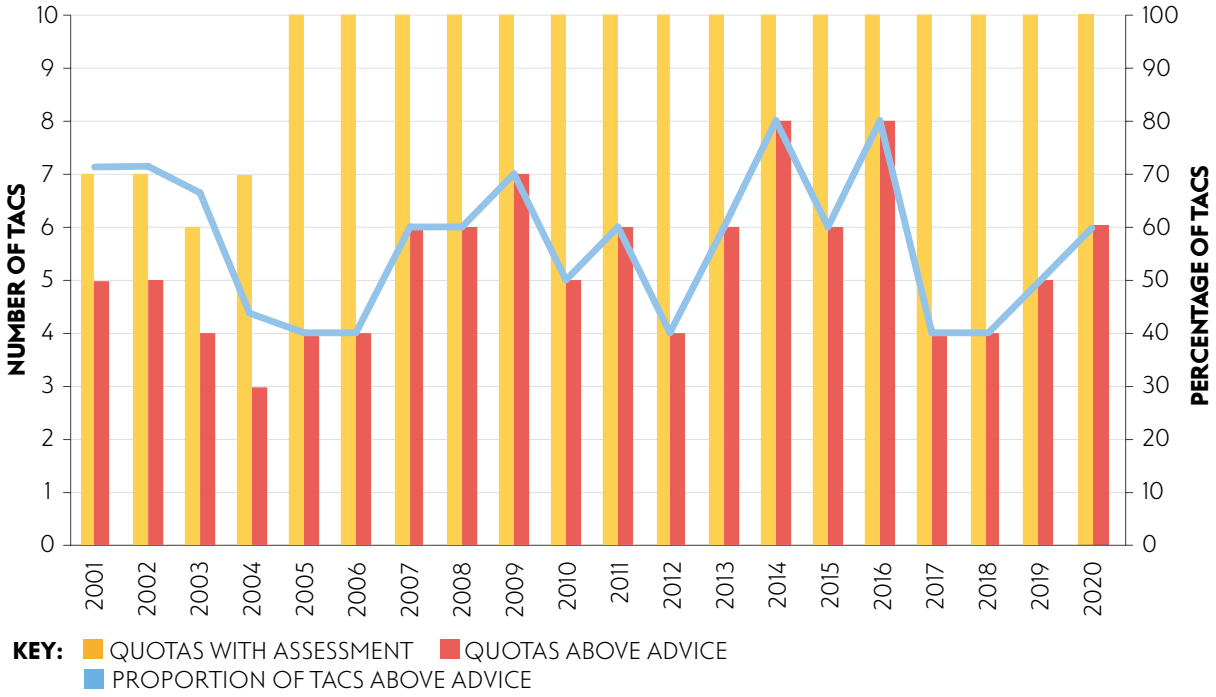
due to Western Baltic herring and Eastern Baltic cod. Germany has been in the top three spots in our analysis of Baltic Sea TACs since 2016.[10,11,12,13]

The other Member States also set excess TAC for 2020, some with greater quantities than Germany due to their larger presence in the Baltic Sea, and greater targeting of large pelagic fish populations (Figure 1).

2020 IN CONTEXT

Over time, the percentage of excess TAC set during the Baltic Sea negotiations has decreased from 76% in 2001 to 3% in 2020 (Figure 2). The excess TAC has been relatively low since 2012, which is a very positive sign, although a few large pelagic populations drive the trend.

FIGURE 3. NUMBER OF TACS ABOVE ICES ADVICE.



In contrast, the number of TACs set above scientific advice has increased for the second year in a row, as six out of 10 TACs are still set above scientific advice (Figure 3).

The TACs set this year will apply through to the 2020 deadline, after which fishing all populations at MSY will be a legal requirement. It is now extremely unlikely that this milestone will be reached given that over half of Baltic TACs and two-thirds of deep sea TACs for 2020 have been set above scientific advice.[14] This constitutes bad environmental policy with adverse economic effects and a risk to the credibility of EU policy in fisheries and beyond.[15] If the 2020 goal is to be achieved for all fisheries, it will be despite – and not because of – the Baltic TACs analysed in this briefing.

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.[16]

DISCUSSION

There are several issues related to the Baltic TAC negotiations that are important to analyse in further 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 Sea MAP seeks to add some long-term guidance to the quota-setting process and remove some of the political nature.[17] One aspect of this plan is the establishment of F_{MSY} ranges* 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 Sea MAP that "catches higher than those corresponding to FMSY…can only be utilized under conditions specified in the MAP."[18] These conditions were not met for any of the Baltic TACs for 2020.

* F_{MSY} is the fishing mortality (the amount of fish removed) consistent with achieving maximum sustainable yield.

MEMBER STATE JUSTIFICATIONS

Prior to the negotiations, German Minister Julia Klöckner referred to the Commission's TAC proposal as "a drastic proposal that will lead to a dramatic situation for some German fishers and their families in the Baltic Sea".[19] However, the ministry did not point to any evidence for this socio-economic argument in their official position.[20] After the conclusion of the Baltic TAC negotiations, the German Ministry of Food and Agriculture celebrated: "We have achieved a lower reduction in herring and cod quota in the Western Baltic than proposed by the Commission."[21] This sentiment was echoed by Denmark's minister Mogens Jensen, who called the outcome "a good balance".[22]

Germany and Denmark rank first and second in this year's Baltic overfishing league table (Table 1). That the ministers of these countries were opposed to the Commission's proposal lends support to the methodology of this paper's analysis, which assumes that those leaving the negotiations with excess TAC are also those advocating against scientific advice during the negotiations.

SOCIO-ECONOMIC EVIDENCE

That TACs should be set in line with scientific advice is clear from the text of the CFP. Article 2 states: "The maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive and incremental basis at the latest by 2020 for all populations."[23] Delays to MSY beyond 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).[24]

It is therefore possible that some increases of fishing limits above scientific advice are justifiable for socio-economic reasons, as is apparent from the comments from fisheries ministers. To date, however, the Council has produced no evidence documenting socio-economic necessity in support of their decisions, and the 2020 Baltic Sea TACs were no exception.

Sometimes Member States conduct their own impact assessments, such as a study commissioned by the Danish Ministry of Food and Agriculture to assess the financial consequences of Baltic quota reductions for cod and herring.[25] However, the study's cost-benefit analysis of lower quotas was one-sided in that it did not assess the future benefits derived from letting fish populations recover to MSY levels – the entire purpose of the TAC-setting process. Moreover, the methodology of the Danish study likely overstated the negative financial consequences of closing the fishery.[26] Studies that capture both costs and benefits consistently show that a faster transition to sustainable fishing is better with a higher net present value the longer fish populations are producing MSY.[27,28] Greater benefits have also been found from fishing in the lower end of F_{MSY} ranges compared to the upper end.[29,30,31]

MANAGING A JUST TRANSITION

The dearth of evidence and the lack of balanced impact assessments are a problem for two reasons. First, as the 2020 CFP deadline is now upon us, there is insufficient evidence as to why TACs continue to be set above advice. Second, Baltic fish populations suffer multiple pressures including overfishing, agricultural runoff, ocean heating, and acidification. Fishing pressure is a factor that fisheries ministers can control directly to make fish populations more resilient. The process of reducing fishing pressure should be an evidence-based, just transition.[32] Ministers have a range of policy options available to determine how the impact of this transition is felt by fishers, for example through changes to quota allocation or fishing labour policies.[33] There are also funds available to fishers affected by the near-closure of Eastern Baltic cod to commercial fishing through the European Maritime and Fisheries Fund.[34]

LIMITS VS CATCHES

The agreed TAC is rarely is the precise amount of fish caught. For economic and biological reasons, reported commercial fishing may fall under the TAC limit whereas illegal, unreported, and unregulated fishing may push fishing pressure above the agreed limit. Large-scale misreporting of commercial fish landings means quota regulations may not always be followed, even in reported commercial fisheries.[35] 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

Article 3 of the reformed CFP mentions transparency as one of the CFP's principles of good governance. However, closed-door negotiations and poor data availability undermine this principle and make the process difficult to scrutinise. This study is therefore also limited in what it can achieve, as data shortages prevent a comprehensive analysis.

An investigation by the 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.[36] 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).[37] With the lack of transparency around the Council meetings, it is unknown whether this practice has continued.

Following a complaint by the environmental NGO Client Earth, the European Ombudsman has recommended that the European Council should publish documents relating to the TAC negotiation proactively.[38] The Council must respond to this request by the end of January 2020. In the meantime, Member States that top the league table for excess TAC but feel that judging performance by outcomes is insufficient should be major advocates of increased transparency.

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.[39] 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 practised.

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 damage needs to be clarified.

Data on international TAC shares (ie, Russian shares of the TAC) are inferred for this comparison but these shares are not published anywhere, for example on the Commission's online page for international agreements (which is also incomplete in its coverage).[40]

Matching ICES and TAC zones is also a perennial issue that should be resolved. [41]

These required inputs for determining TACs from ICES advice should be made publicly available in the interests 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 TACS MEET THE OVERFISHING DEADLINE

Fisheries ministers will meet again in December to set fishing limits for fish populations in the Northeast Atlantic and North Sea fish populations. It is crucial that these agreements are sufficiently ambitious to end overfishing (ie, that they follow scientific advice).

Fishing in accordance with MSY by 2020 is a legally binding commitment that Member States made in the reformed CFP. As this report shows, the 2020 Baltic TACs have failed to meet this goal. Environmental lawyers are now considering legal action.[42]

This analysis will be replicated after the December Council meeting to identify which Member States are delaying the transition to sustainable fisheries in the EU.

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)	3,065	3,806	741	323	7	6	158	27	17	87	115
Cod (25-32)	0	2,000	2,000	459	45	35	183	171	113	529	465
Herring (22-24)	0	3,150	3,150	442	0	0	1,738	0	0	410	560
Herring (25-27, 28.2, 29 & 32)	153,770	153,384	0	0	0	0	0	0	0	0	0
Herring (28.1)	34,445	34,445	0	0	0	0	0	0	0	0	0
Herring (30-31)	65,018	65,018	0	0	0	0	0	0	0	0	0
Plaice (22-32)	6,894	6,894	0	0	0	0	0	0	0	0	0
Salmon (22-31)*	282	390	108	22	2	28	2	14	2	7	30
Salmon (32)*	42	44	2	0	0	2	0	0	0	0	0
Sprat (22-32)	203,027	210,147	7,120	702	816	368	445	985	356	2,090	1,358
Total	**466,543**	**479,277**	**13,121**	**1,949**	**870**	**439**	**2,526**	**1,197**	**488**	**3,122**	**2,529**

*A weight of 4.5 kg is used to convert the number of salmon into a comparable tonnage.

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