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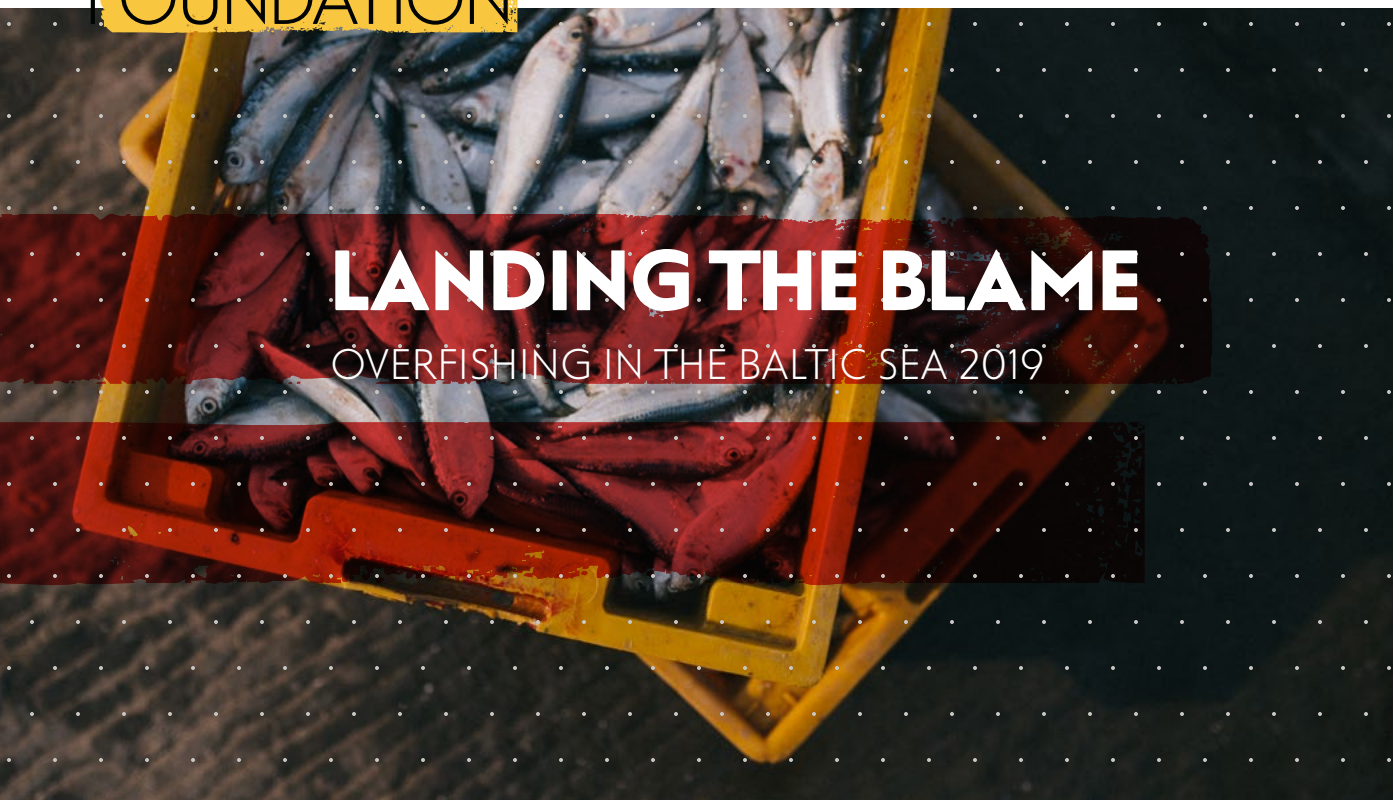


LANDING THE BLAME

OVERFISHING IN THE BALTIC SEA 2019

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

Fisheries ministers are risking the sustainability of fish stocks by consistently setting fishing limits above scientific advice. This is our fifth 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), are commissioned to provide information about the state of most stocks 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 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 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.[5] Following scientific advice is essential if we are to achieve this goal, end overfishing, and restore fish stocks to healthy levels.

AGREEMENTS BEHIND CLOSED DOORS

The negotiations over TACs are held by the Agricultural and Fisheries configuration of the 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,[6] 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. 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]

TABLE 1. THE OVERFISHING LEAGUE TABLE.

MEMBER STATE	MINISTER/ REPRESENTATIVE	EXCESS TAC (TONNES)	EXCESS TAC (%)
Germany	Hermann Onko Aeikens	6,332	28.6%
Sweden	Sven-Erik Bucht	16,053	13.6%
Denmark	Eva Kjer Hansen	4,963	11.1%
Poland	Anna Moskwa	13,082	11.0%
Lithuania	Giedrius Surplys	1,719	9.3%
Estonia	Siim Kiisler	4,137	6.8%
Finland	Jari Leppä	7,765	6.6%
Latvia	Jānis Dūklavs	2,051	3.5%

THE BALTIC 2019 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 third 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.

Analysis of the ten Baltic TACs for 2019 reveals that five 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 the minister/representative present during the TAC negotiations.[9] Germany tops the league table with 29% of its quota above scientific advice – equal to over 6,000 tonnes. This is largely due to Western Baltic herring and Eastern Baltic cod. Germany ranked in the top three spots for our analysis of the 2016, 2017, and 2018 Baltic Sea TACs.[10,11,12]

The other Member States also set a large amount of excess TAC for 2019, some with greater quantities than Germany due to their larger presence (and greater targeting of large pelagic fish stocks) in the Baltic Sea (Figure 1).

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

2019 in context

The percentage of excess TAC set during the Baltic Sea negotiations increased in 2019 (Figure 2) to 10%. The overall percentage has been relatively low since 2012, which is a very positive sign, although large pelagic stocks drive the trend.

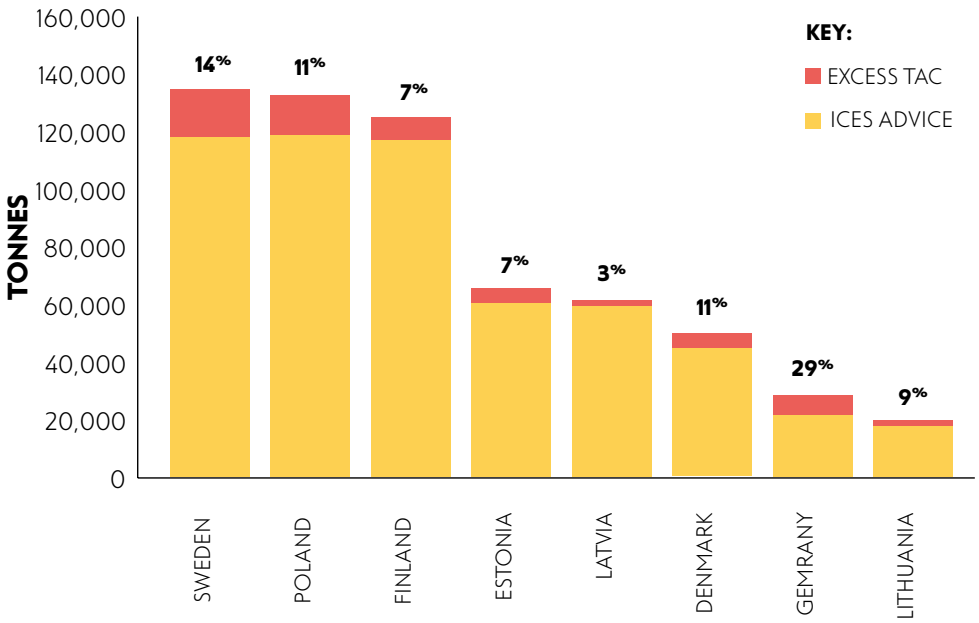


FIGURE 2. EXCESS TAC IN THE BALTIC SEA 2001–2018.

The number of TACs set above scientific advice increased slightly from the 2018 Baltic Sea TACs, as five out of ten TACs are still set above advice (Figure 3). For the CFP's objectives to be fulfilled, excess TAC 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.

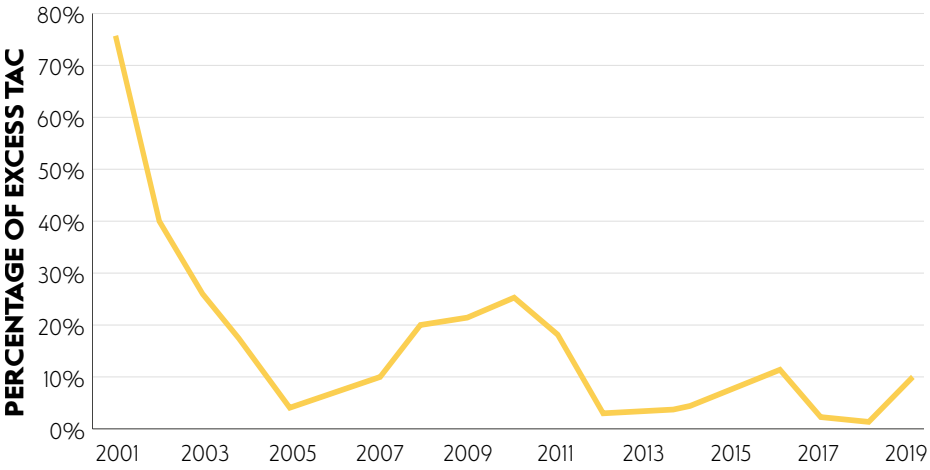
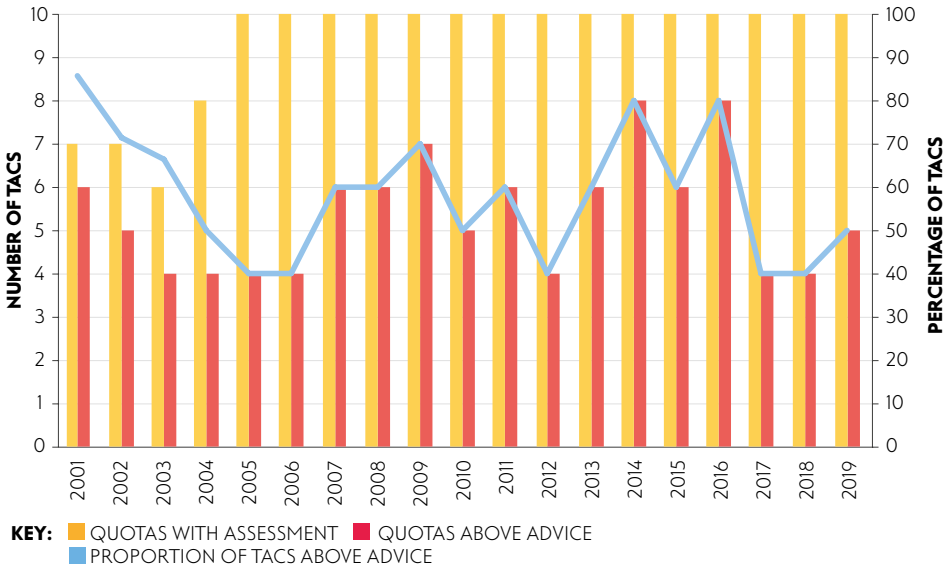


FIGURE 3. NUMBER OF TACS ABOVE ICES ADVICE.

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.[13]



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 Sea MAP seeks to add some long-term guidance to the quota-setting process and remove some of the political nature.[14] 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 F_{MSY}… can only be utilized under conditions specified in the MAP."[15] With this consideration, F_{MSY} is used as the relevant advice, as described in the Baltic Sea MAP. There was one exception made to the F_{MSY} point value for the 2019 Baltic Sea TACs where the advice states that for Western Baltic cod "ICES suggests to use the $F_{MSYlower}$ value in the MAP when setting the TAC." This is a more precautionary approach as, despite a year of good recruitment, the Western Baltic cod stock is still in a precarious state. Environmental NGOs and angling groups recommended an even lower level for Western Baltic cod (a 20% increase from 2018 levels) citing Article 4(3) of the Baltic Sea MAP where fishing opportunities can be set outside of F_{MSY} ranges.[16]

Member State justifications

In comments about the agreed TACs, the German delegation stressed that there were industry interests to consider alongside sustainability. "The decision taken by the EU Fisheries Ministers ensures that both the sustainability goal and the difficult situation facing German Baltic Sea fishermen have been taken into account."[17] This was echoed by Denmark minister Eva Kjer Hansen, who called the outcome "a sensible compromise, which both seeks to continue the sustainable development of the Baltic Sea fisheries and the interests of the industry."[18]

The Swedish position in the Baltic Sea TAC setting is more difficult to discern. Swedish Minister for Rural Affairs Sven-Erik Bucht made comments to the effect that Sweden was not to blame for the outcomes: "This is a compromise of course. We are 28 countries. Sweden is the country that is most restrictive." However, in the same response the Minister commented that all outcomes were all "within the scientific recommendations" and a "real success".[19] It cannot be discerned what compromise was required if the Minister believes, contrary to the analysis here, that scientific advice was adhered to in the agreed TACs.

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 least by 2020 for all stocks."[20] 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).[21]

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, as is

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

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 2019 Baltic Sea TACs were no exception.

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.[22,23] Greater benefits have also been found from fishing in the lower end of F_{MSY} ranges compared to the upper end.[24,25,26]

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 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.[27] 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).[28] With the lack of transparency around the Council meetings, it cannot be said whether this practice has continued.

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.[29] 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 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.[30] 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.[31]

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: DEEP SEA TACS MEET THE OVERFISHING DEADLINE

Fisheries ministers will meet again in November to set fishing limits for deep sea fish stocks and 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 TAC, this was not the case for the 2019 Baltic TAC. 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.

As the deep sea TACs are set biannually, the November Council can no longer delay and must set TACs based on scientific advice to end overfishing for 2020. While there are voices calling for the deadline to simply be postponed beyond 2020, this constitutes bad environmental policy with adverse economic effects and a risk to the credibility of EU policy in fisheries and beyond.[32] For the future of sustainable fisheries and the meaning of EU policy, there is a lot at stake.

ENDNOTES

1 Carpenter, G. & Esteban, A. (2015). *Managing EU fisheries in the public interest*. London: New Economics Foundation. Retrieved from: https://neweconomics.org/2015/03/managing-eu-fisheries-in-the-public-interest

2 Crilly, R. & Esteban, A. (2012). *No catch investment*. London: New Economics Foundation. Retrieved from: https://neweconomics.org/2012/09/no-catch-investment

3 International Council for the Exploration of the Sea. Latest Advice. Retrieved from: http://www.ices.dk/community/advisory-process/Pages/Latest-Advice.aspx

4 Carpenter, G. (2018). *Landing the blame: Overfishing in the Atlantic 2018*. London: New Economics Foundation. Retrieved from: https://neweconomics.org/2018/03/landing-blame-overfishing-atlantic-2018

5 European Commission. (2013). *The Common Fisheries Policy*. Retrieved from: https://ec.europa.eu/fisheries/cfp_en

6 Esteban, A. & Carpenter, G. (2014). *Landing the blame: Overfishing in the Baltic Sea*. London: New Economics Foundation. Retrieved from: http://www.neweconomics.org/publications/entry/landing-the-blame

7 Freedom of Information Request by The Pew Charitable Trusts.

8 Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007. Retrieved from: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R1139&from=EN

9 Council of the European Union. (2017). Agriculture and Fisheries Council participants. Council of the European Union. Retrieved from: http://www.consilium.europa.eu/media/22101/09-agri-participants.pdf

10 Carpenter, G. (2015). *Landing the blame: Overfishing in the Baltic Sea 2016*. London: New Economics foundation. Retrieved from: https://neweconomics.org/2015/11/landing-the-blame-4

11 Carpenter, G. (2016). *Landing the blame: Overfishing in the Baltic Sea 2017*. London: New Economics foundation. Retrieved from: https://neweconomics.org/2016/12/landing-the-blame

12 Carpenter, G. (2017). *Landing the blame: Overfishing in the Baltic Sea 2018*. London: New Economics foundation. Retrieved from: https://neweconomics.org/2018/03/landing-blame-overfishing-atlantic-2018

13 New Economics Foundation. (2018) Landing the blame database. London: New Economics Foundation. Retrieved from: https://neweconomics.org/campaigns/landing-the-blame

14 Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No. 2187/2005 and repealing Council Regulation (EC) No. 1098/2007. Retrieved from: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R1139&from=EN

15 International Council for the Exploration of the Sea. (2017). Latest advice. Copenhagen: International Council for the Exploration of the Sea. Retrieved from: http://www.ices.dk/community/advisory-process/Pages/Latest-Advice.aspx

16 The Pew Charitable Trusts, Coalition Clean Baltic, European Anglers Alliance, Finnish Association for Nature Conservation, Fisheries Secretariat, Oceana, Our Fish, Seas at Risk, WWF Baltic Ecoregion Programme (2018). Joint NGO recommendations on Baltic Sea fishing opportunities for 2019. Retrieved from: https://eu.oceana.org/en/publications/reports/joint-ngo-recommendations-baltic-sea-fishing-opportunities-2019

17 Federal Ministry of Food and Agriculture (2018). EU Ministers agree on fishing quotas in the Baltic Sea for 2019. Federal Ministry of Food and Agriculture. Retrieved from: https://www.bmel.de/EN/Forests-Fisheries/Fisheries/_Texte/Fangquoten-Ostsee-2019.html

18 FiskeriTidende.dk (2018). Minister: Aftale om næste års fiskekvoter for Østersøen er godt nyt for fiskerne. FiskeriTidende 15 October 2018. Retrieved from: http://fiskeritidende.dk/minister-aftale-om-naeste-aars-fiskekvoter-for-oestersoeen-er-godt-nyt-for-fiskerne/

19 Ekuriren (2018). Bucht nöjd med nya fiskekvoter i Östersjön. Ekuriren 15 October, 2018. Retrieved from: https://www.ekuriren.se/nyheter-fran-tt/tuff-trata-om-torsk-i-ostersjon/

20 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. Retrieved from: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:354:0022:0061:EN:PDF

21 Client Earth. (2015). Maximum Sustainable Yield in the Common Fisheries Policy. London: Client Earth. Retrieved from: http://documents.clientearth.org/wp-content/uploads/library/2015-09-08-maximum-sustainable-yield-in-the-common-fisheries-policy-ce-en.pdf

22 Guillen, J. *et al.* (2016). Sustainability now or later? Estimating the benefits of pathways to maximum sustainable yield for EU northeast Atlantic fisheries. *Marine Policy* 72: 40-47. Retrieved from: http://www.sciencedirect.com/science/article/pii/s0308597x1630149x

23 Benson, A. *et al.* (2016). An evaluation of rebuilding policies for US fisheries. PlosOne. Retrieved from: https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0146278

24 Thorpe, R.B., Jennings, S., & Dolder, P.J. (2017). Risks and benefits of catching pretty good yield in multispecies mixed fisheries. *ICES Journal of Marine Science 74*(8): 2097-2106. Retrieved from: https://academic.oup.com/icesjms/article/74/8/2097/3787892

25 ICES. (2015). EU request to ICES to provide FMSY ranges for selected North Sea and Baltic Sea stocks. ICES. Retrieved from: https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2015/Special_Requests/EU_FMSY_ranges_for_selected_NS_and_BS_stocks.pdf

26 Scientific, Technical and Economic Committee for Fisheries. (2015). Evaluation of multi-annual plan for the North Sea demersal stocks. Luxembourg: Publications Office of the European Union. Retrieved from: https://stecf.jrc.ec.europa.eu/documents/43805/969556/2015-05_STECF+15-04+-+NSMAP_JRCxxx.pdf

27 Corporate Europe Observatory. (2017). Fishing for influence. Brussels: Corporate Europe Observatory. Retrieved from: https://corporateeurope.org/power-lobbies/2017/05/fishing-influence

28 *Ibid*.

29 FIS. (2017). Pew deems some Council's 2018 Baltic catch limits'unjustified'. FIS. Retrieved from: http://www.fis.com/fis/worldnews/worldnews.asp?monthyear=10-2017&day=10&id=94159

30 European Commission. (2017). Bilateral agreements with countries outside the EU. Retrieved from: http://ec.europa.eu/fisheries/cfp/international/agreements/index_en.htm

31 Grossman, J. (2015). Fishing limits: when politics and science don't match up. London: Client Earth. Retrieved from: http://www.blog.clientearth.org/fishing-limits-politics-science-dont-match/

32 Carpenter, G. (2018). Crunch time to end overfishing in the EU. EUObserver. Retrieved from: https://euobserver.com/opinion/143050

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)**	12,054	9,515	0	0	0	0	0	0	0	0	0
Cod (25-32)**	11,372	24,112	12,740	2,927	285	224	1,164	1,088	717	3,369	2,965
Herring (22-24)	0	9,001	9,001	1,262	0	1	4,966	0	0	1,171	1,601
Herring (25-27, 28.2, 29 & 32)	136,099	170,360	34,261	754	3,849	7,513	200	950	1,000	8,536	11,459
Herring (28.1)	31,044	31,044	0	0	0	0	0	0	0	0	0
Herring (30-31)	88,703	88,703	0	0	0	0	0	0	0	0	0
Plaice (22-32)	10,122	10,122	0	0	0	0	0	0	0	0	0
Salmon (22-31)*	310	410	100	21	2	26	2	13	2	6	28
Salmon (32)*	42	44	1	0	0	1	0	0	0	0	0
Sprat (22-32)	270,772	270,772	0	0	0	0	0	0	0	0	0
Total	**560,519**	**614,083**	**56,103**	**4,963**	**4,137**	**7,765**	**6,332**	**2,051**	**1,719**	**13,082**	**16,053**

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

** The transfer of cod in area 24 from the Eastern to the Western stock has been accepted for this analysis.

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