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On the Communication from the Commission concerning a consultation on Fishing Opportunities for 2017 under the Common Fisheries Policy (COM(2016) 396 final).

The MARE Foundation, as a member of Seas at Risk, welcomes this Communication, in which the European Commission sets out principles for the fixing of fishing opportunities for 2017. It shows commitment to implement the reformed Common Fisheries Policy (CFP) and specifically its objective of biomass levels above B_{MSY} .

The Commission also reports on progress towards the CFP objectives since their adoption, and we hereby shortly comment on the Commission's interpretations:

- No progress has been achieved in increasing the number of stocks fished at or below F_{MSY} compared to the year before. In view of the requirement to achieve the MSY exploitation rate by 2015 (where possible) that has already been missed, the achievement of the 2020 requirement is increasingly under threat with every passing year.
- While the Commission highlights that Member States would have to provide "tangible evidence" to justify cases where reducing the exploitation rates would seriously jeopardize the social and economic sustainability of the fishing fleets, those cases are not "exceptional" when looking at recent December Council agreements.
- The Mediterranean is highlighted as facing significant challenges towards achieving both sufficient knowledge and data on the concerned stocks and the MSY objective. Both issues have been highlighted annually by scientists in the State of the Stocks seminar at least since 2012¹. The Commission has failed to address these issues for way too long which therefore now require higher efforts from all decision-makers and managers than if they had been tackled earlier.
- The amount of MSY-assessed stocks has actually decreased from 2013 to 2014. In view of the requirement for stocks to be fished below F_{MSY} in order to reach the objective of biomass levels above B_{MSY} , the knowledge and data on all stocks need to be improved to allow for the respective scientific bodies to provide decision-makers with the best available scientific advice. The MARE Foundation proposes to use the funds from European Maritime and Fisheries Fund to improve data collection and analysis.
- Several positive examples across EU waters highlight that once the MSY objective has been achieved, stocks can provide the fishing industry with a stable and increasing supply and lead to greater profitability. This should be highlighted as the best examples.
- The progress towards covering all species under the landing obligation is seriously slowing down. Several regions are including less species than necessary to avoid a so called 'big bang' in 2019 when all remaining species and fisheries have to fall under the landing obligation. In one region (South-Western Waters), the fishing sector even asks to include no additional species or fisheries in the 2017 discard plan.
- The outline on the landing obligation is missing one of the main objectives of reducing unwanted catches (CFP Art. 2.5a). Further, the consultations of Advisory Councils (ACs) by Member States is inconsistent across regions and in some cases not adequate, due to either

¹ http://ec.europa.eu/fisheries/news_and_events/events/20120926/index_en.htm



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late provision of documents or not inviting delegations of AC members to preparatory Member States meetings.

- The outcome on the discussions on the Baltic Multi-annual Plan (MAP) has raised significant concerns regarding the implementation of the MSY objective. TACs can be set above F_{MSY} if stock biomass is above $B_{trigger}$, the biomass level which triggers advice on a reduced fishing mortality relative to F_{MSY} .
- In addition, the MARE Foundation is concerned that in the MAP B_{lim} , the stock biomass level below which there may be reduced recruitment, has been used as the lower band conservation reference point and that when stocks are between B_{lim} and $B_{trigger}$ it is possible to set TACs at F_{MSY} rather than below, which would ensure stock growth. Research has shown that the socio-economic and environmental consequences of this mean that the Baltic Multi-annual Plan has not been based on the best available science.²
- The Commission states that the landing obligation in the Baltic has experienced “no serious difficulties”. This fails to reflect the reality. Illegal discarding has continued with Member States control efforts lacking. ICES has reported that scientific observers have been prevented from boarding vessels. The Baltic Sea Advisory Council has unanimously proposed that the existing prescriptive gear regulations, which contribute to unwanted catches of juveniles, are modified. Moreover, Member States have yet to invest adequately in storage and handling facilities.

² Möllmann et al. 2013 <http://icesjms.oxfordjournals.org/content/early/2013/08/24/icesjms.fst123>

and Svedäng and Hornborg, Waiting for a flourishing Baltic cod (*Gadus morhua*) fishery that never comes: old truths and new perspectives (2015) <http://icesjms.oxfordjournals.org/content/early/2015/06/17/icesjms.fsv11>