



LANDING THE BLAME

OVERFISHING IN THE DEEP SEA 2017-2018

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.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), provide information about the state of most stocks and recommend maximum catch levels.³ But for many years, this scientific advice has not been heeded.

Our historical analysis of agreed TACs for all EU waters between 2001 and 2016 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 37% to 13%), the proportion of TACs set above advice did not.^{4,5}

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.⁶ 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. 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,⁷ 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 actively pushed for fishing limits to be set above scientific advice, or they failed to prevent such limits being put in place.

THE DEEP-SEA TACS FOR 2017 AND 2018

Unlike the TACs for the Baltic Sea, the North Sea, and the Northeast Atlantic, which are set annually, TACs for the deep sea are set for a two-year period. For this briefing, both years are averaged, although full tables are available in the Annex.

TABLE 1. THE OVERFISHING LEAGUE TABLE.

MEMBER STATE	MINISTER/ REPRESENTATIVE	EXCESS TAC (TONNES)	EXCESS TAC (%)	TACS (#)
Spain	Isabel García Tejerina	2,393	64%	15
United Kingdom	George Eustice	555	27%	16
Ireland	Michael Creed	174	18%	11
Portugal	Ana Paula Vitorino	1,161	17%	10
Germany	Christian Schmidt	30	8%	9
France	Alain Vidalies	456	4%	17
Sweden	Sven-Erik Bucht	25	∞	1
Denmark	Esben Lunde Larsen	474	4746%	2
Poland	Marek Gróbarczyk	503	81%	4
Latvia	Jānis Dūklavs	31	13%	2
Lithuania	Albinas Zananavicius	3	3%	4
Estonia	Marko Pomerants	1	1%	3

Analysis of the 21 deep-sea TACs shows that 13 TACs were set above scientific advice for 2017 and 12 TACs for 2018. Some of the excess TAC goes to nearly all Member States with some amount of deep-sea fishing: Denmark, Estonia, France, Germany, Ireland, Latvia, Lithuania, Poland, Spain, Sweden, and the United Kingdom.

Table 1 allocates the excess TAC (TAC set above scientific advice) to each Member State and minister/representative present during the TAC negotiations. An extra column has been added to indicate the number of TACs for each Member State as some are involved in very few TAC decisions (and very small quantities). The table is then split by those Member States with at least five deep-sea TACs. This is important to not overattribute the results from a small number of decisions for a minor party.

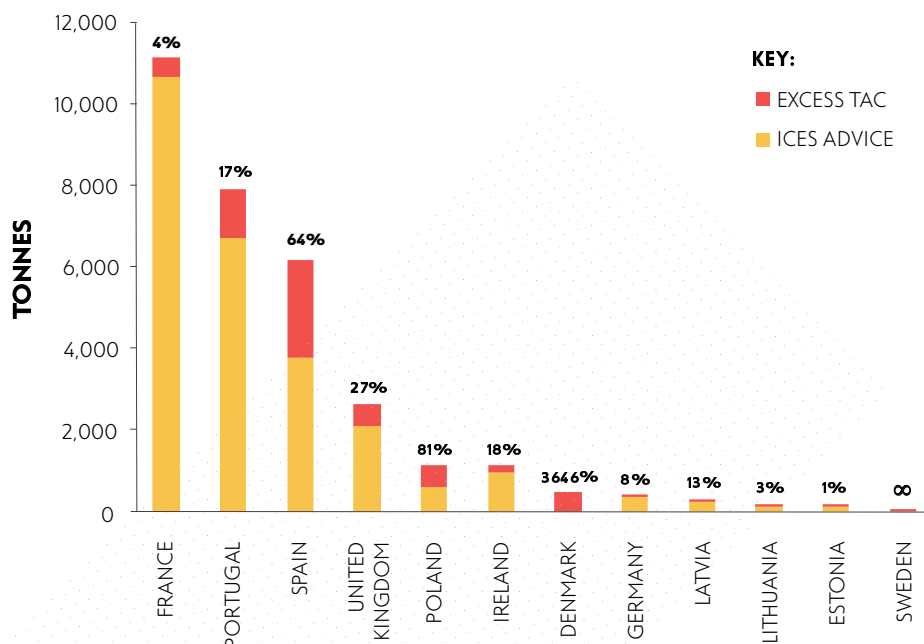
Of the Member States with at least five TACs, Spain tops the league

table with 2,393 tonnes of TAC above scientific advice – equal to 64%. This excess TAC comes from several species, including grenadiers, forkbeards, and red seabream. Spain also topped the most recent league table for TACs in the North Sea and the North Atlantic and all EU waters over the past 16 years.^{8,9} Other Member States, particularly the UK, Ireland, and Portugal, also hold large amounts of excess TACs (17–27%).

Most of the deep-sea TACs that have been set are reductions from previous years, but in very few cases are deep-sea stocks rising to healthy levels and as a result scientific advice remains low. It would be premature to raise TACs, especially given the MSY timetable of 2015 where possible and 2020 at the latest.

The full ICES and Council dataset used for the analysis in this briefing is available online at the New Economics Foundation website for download and further analysis.

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



DISCUSSION

There are several issues related to the deep-sea TAC negotiations that are worth describing in detail.

The vulnerable nature of deep-sea species

Deep-sea species are generally slow-growing and late-maturing with a low reproductive rate. This means that they are particularly vulnerable to overfishing, especially where scientific information is limited. For years, marine biologists have used a general guideline that 'we shouldn't eat fish that are as old as our grandmothers.'¹⁰

Some particularly troubling aspects of this round of TACs is that after several years of zero TACs, a limit of 10 tonnes has been set in two areas for deep-sea sharks. This is even though ICES advice was for a continued moratorium on the fishery and that several of the deep-sea shark species are listed as endangered or critically endangered by the International Union for Conservation of Nature. These endangered species are now at increased risk of bycatch in non-selective fisheries.

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.'¹¹ Delays to MSY after 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).¹²

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 deep-sea TACs for 2017 and 2018 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.^{13,14} Socio-economic evidence is particularly important for deep-sea species as they represent a low catch value for most fleets and thus a small, short-term economic cost to following advice.

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

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

Data on international TAC agreements are difficult to find, making it hard to properly apportion responsibility of overfishing. Matching ICES and TAC zones is also a perennial issue that results in difficulties for civil society to properly hold representatives to account.¹⁵

**ONLY ONE MORE CHANCE
TO GET IT RIGHT**

The 2020 deadline to achieve MSY for all commercial fish stocks is fast approaching. Setting fishing limits above scientific advice will not help bring an end to overfishing and neither will making decisions without transparency and accountability. As deep-sea TACs are set biennially, there is only one more chance, come 2018, to get it right.

ANNEX 1: 2017 TACS AND ICES ADVICE

DEEP-SEA 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	France	Germany	Ireland	Latvia	Lithuania	Poland	Portugal	Spain	Sweden	United Kingdom
Alfonsinos (III, IV, V, VI, VII, VIII, IX, X, XII, & XIV)	280	280	0	0	0	0	0	0	0	0	0	0	0	0	0
Black scabbardfish (I, II, III, & IV)	366	9	0	0	0	0	0	0	0	0	0	0	0	0	0
Black scabbardfish (V, VI, VII, & XII)	2,802	2,954	152	0	1	122	2	4	6	0	0	0	9	0	9
Black scabbardfish (VIII, IX, & X)	2,726	3,330	604	0	0	5	0	0	0	0	0	597	2	0	0
Deep-sea sharks (V, VI, VII, VIII, & IX)	0	10	10	0	0	4	0	1	0	0	0	2	1	0	2
Deep-sea sharks (X)	0	10	10	0	0	0	0	0	0	0	0	10	0	0	0
Deep-sea sharks (XII)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forkbeards (I, II, III, & IV)	22	33	11	0	0	3	3	0	0	0	0	0	0	0	5
Forkbeards (V, VI, & VII)	1,433	2,166	733	0	0	129	4	94	0	0	0	0	212	0	294
Forkbeards (VIII, & IX)	189	285	96	0	0	5	0	0	0	0	0	4	87	0	0
Forkbeards (X, & XII)	38	58	20	0	0	3	0	0	0	0	0	14	0	0	3
Grenadiers (I, II, IV)	65	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Grenadiers (III)	0	278	278	263	0	0	1	0	0	0	0	0	0	14	0
Grenadiers (Vb, VI, VII)	3,052	3,052	0	0	0	0	0	0	0	0	0	0	0	0	0
Grenadiers (VIII, IX, X, XII, XIV)	1,243	2,623	1,380	0	0	46	9	2	16	2	310	0	991	0	4
Orange roughy (I, II, III, IV, V, VIII, IX, X, XII, & XIV)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Orange roughy (VI)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Orange roughy (VII)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Red seabream (IX)	138	174	36	0	0	0	0	0	0	0	0	8	28	0	0
Red seabream (VI, VII, & VIII)	0	144	144	0	0	6	0	4	0	0	0	0	116	0	14
Red seabream (X)	400	517	117	0	0	0	0	0	0	0	0	115	1	0	1
	12,754	15,933	3,591	263	1	322	19	105	21	2	310	749	1,447	14	332

ANNEX 2: 2018 TACS AND ICES ADVICE

DEEP-SEA 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	France	Germany	Ireland	Latvia	Lithuania	Poland	Portugal	Spain	Sweden	United Kingdom
Alfonsinos (III, IV, V, VI, VII, VIII, IX, X, XII, & XIV)	280	280	0	0	0	0	0	0	0	0	0	0	0	0	0
Black scabbardfish (I, II, III, & IV)	366	9	0	0	0	0	0	0	0	0	0	0	0	0	0
Black scabbardfish (V, VI, VII, & XII)	2,802	2,600	0	0	0	0	0	0	0	0	0	0	0	0	0
Black scabbardfish (VIII, IX, & X)	2,726	2,997	271	0	0	2	0	0	0	0	0	268	1	0	0
Deep-sea sharks (V, VI, VII, VIII, & IX)	0	10	10	0	0	4	0	1	0	0	0	2	1	0	2
Deep-sea sharks (X)	0	10	10	0	0	0	0	0	0	0	0	10	0	0	0
Deep-sea sharks (XII)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forkbeards (I, II, III, & IV)	22	29	7	0	0	2	2	0	0	0	0	0	0	0	3
Forkbeards (V, VI, & VII)	1,434	1,928	494	0	0	87	3	63	0	0	0	0	143	0	198
Forkbeards (VIII, & IX)	189	254	65	0	0	4	0	0	0	0	0	3	59	0	0
Forkbeards (X, & XII)	39	52	13	0	0	2	0	0	0	0	0	9	0	0	2
Grenadiers (I, II, IV)	65	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Grenadiers (III)	0	223	223	211	0	0	1	0	0	0	0	0	0	11	0
Grenadiers (Vb, VI, VII)	3,120	3,120	0	0	0	0	0	0	0	0	0	0	0	0	0
Grenadiers (VIII, IX, X, XII, XIV)	1,243	2,099	856	0	0	28	6	1	10	1	192	0	615	0	2
Orange roughy (I, II, III, IV, V, VIII, IX, X, XII, & XIV)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Orange roughy (VI)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Orange roughy (VII)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Red seabream (IX)	138	165	27	0	0	0	0	0	0	0	0	6	21	0	0
Red seabream (VI, VII, & VIII)	0	130	130	0	0	5	0	4	0	0	0	0	104	0	13
Red seabream (X)	400	517	117	0	0	0	0	0	0	0	0	115	1	0	1
	12,823	14,433	2,224	211	0	134	12	69	10	1	192	412	946	11	223

ENDNOTES

- 1 Carpenter, G. & Esteban, A. (2015). Managing EU fisheries in the public interest. London: New Economics Foundation. Retrieved from: <http://www.neweconomics.org/publications/entry/managing-eu-fisheries-in-the-public-interest>
- 2 Crilly, R. & Esteban, A. (2012). No catch investment. London: New Economics Foundation. Retrieved from: <http://www.neweconomics.org/publications/entry/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. & Kleinjans, R. (2015). Landing the blame: Overfishing in EU waters 2001–2015. London: New Economics Foundation. Retrieved from: <http://www.neweconomics.org/publications/entry/landing-the-blame>
- 5 Carpenter, G. & Kleinjans, R. (2016). Landing the blame: Overfishing in the North Atlantic 2016. London: New Economics Foundation. Retrieved from: <http://www.neweconomics.org/publications/entry/landing-the-blame>
- 6 European Commission. (2013). The Common Fisheries Policy. Retrieved from: http://ec.europa.eu/fisheries/cfp/index_en.htm
- 7 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-overfishing-in-the-baltic-sea>
- 8 Carpenter, G. & Kleinjans, R. (2016). Landing the blame: Overfishing in the North Atlantic 2016. London: New Economics Foundation. Retrieved from: <http://www.neweconomics.org/publications/entry/landing-the-blame>
- 9 Carpenter, G. & Kleinjans, R. (2015). Landing the blame: Overfishing in EU waters 2001–2015. London: New Economics Foundation. Retrieved from: <http://www.neweconomics.org/publications/entry/landing-the-blame>
- 10 Goudarzi, S. (2007). Caution: Don't eat fish as old as your grandmother. LiveScience. Retrieved from: <http://www.livescience.com/4383-caution-eat-fish-grandmother.html>
- 11 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>
- 12 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>
- 13 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. Available at: <http://www.sciencedirect.com/science/article/pii/S0308597X1630149X>
- 14 Benson, A. et al. (2016). An evaluation of rebuilding policies for US fisheries. Retrieved from: <http://journals.plos.org/plosone/article?Id=10.1371/journal.pone.0146278>
- 15 Grossman, J. (2015). Fishing limits: when politics and science don't match up. Client Earth. Retrieved from: <http://www.blog.clientearth.org/fishing-limits-politics-science-dont-match/>

NEW ECONOMICS FOUNDATION

LANDING THE BLAME:
OVERFISHING IN THE
DEEP SEA 2017-2018

WWW.NEWECONOMICS.ORG

info@neweconomics.org

+44 (0)20 7820 6300

@NEF

WRITTEN BY:

Griffin Carpenter

Registered charity number 1055254

© 2016 The New Economics Foundation