17 September 2015

Dear Mr Aguiar Machado

Re: In support of setting fishing opportunities for 2016 at sustainable levels

In response to the Commission’s consultation on fishing opportunities for 2016, we are writing to support the Commission’s ambition to propose fishing opportunities that are in line with maximum sustainable yield (MSY) or appropriate proxies by 2016, as required by the Common Fisheries Policy (CFP; EU Regulation No 1380/2013; Article 2(2)).

We represent businesses in the UK seafood supply chain and rely on environmentally sustainable, and profitable, fisheries. Healthy fisheries not only provide us with the raw material we need, but they are the foundations of the economic and social pillars of sustainability for our industry. In 2014, the UK fish processing industry provided 19,511 full-time jobs, and total purchases of seafood were estimated at £6.2 billion in 2013. As responsible seafood businesses, we must have a sustainable resource in order to provide job opportunities and contribute to economic growth. This is essential for our long-term business plans and a prerequisite for a sustainable business model.

We are united under the Sustainable Seafood Coalition (SSC). We are working towards the vision that all fish and seafood sold in the UK comes from sustainable sources. We have created two voluntary codes of conduct on responsible sourcing and harmonised environmental labelling. A key commitment in the SSC sourcing code is that we use a risk assessment approach in sourcing seafood. Three of the four considerations in relation to wild capture fisheries are: the legality of the fishing operation; the biological status of the stock; and fishery management practices and compliance. For EU fisheries, whether these considerations will have a low, medium or high risk outcome is largely dependent on how the CFP is implemented.

Under the CFP, the legally mandated objective for fisheries management is to manage stocks sustainably, meaning the impact of fishing will allow stocks to recover and be maintained above levels that can produce MSY. This is crucial for our purposes. In particular, we support that:

- fisheries management must aim to recover or maintain stocks to biomass levels above that which would produce MSY;
- your proposal for next year’s fishing opportunities should adopt the appropriate MSY-based fishing mortality rates, where it is possible to do so, as required by the CFP; and
• in mixed fisheries it must be ensured that all stocks are managed according to the MSY objective, meaning some stocks may need to be underexploited to avoid overexploitation of other stocks.

We welcome the positive developments made in some areas of fisheries management in the EU. For example the generally increasing number of stocks with full MSY assessments and quantitative advice, and the generally decreasing proportion of assessed stocks that are overfished. We are pleased to see in your communication\(^1\) that fishing has generally progressed towards MSY in the Northeast Atlantic, North Sea and Baltic Sea since 2006. Key features of the trends between 2006 and 2014 in those waters are:

• the stocks number inside safe biological limits has risen from 11 to 21; and
• the stocks number with quantitative catch advice rose from 59 to 72.

However, recently, between 2013 and 2014:

• the number of stocks within safe biological limits decreased from 24 to 21; and
• the number of stocks where their status relative to reference points was unknown due to poor data increased from 41 to 47.

We are concerned to note that last year, the Commission proposed Total Allowable Catches (TACs) for eight stocks that were over 50% higher than scientific advice (Table 1). For example, for whiting in Area IIIa, the Commission’s proposal was almost five times higher than scientific advice (ICES advised 212 tonnes, the Commission proposed 1,031 tonnes). The Council then set TACs for three of these stocks in line with the Commission’s proposal, and even higher than the proposal for four stocks.

These data do not seem to align with the legal requirement in Article 2(2) of the CFP that “the CFP shall apply the precautionary approach to fisheries management... [and that] maximum sustainable yield exploitation rates shall be achieved by 2015 where possible...”. For the sake of our businesses and as part of our commitment to responsible seafood sourcing, we encourage the Commission to propose TACs in line with the CFP’s requirement to achieve MSY exploitation rates for as many stocks as possible in 2016. For stocks where this is not possible, the Commission should show how this will be reached incrementally and progressively by 2020.

Effective implementation and adherence to these requirements will lead to sustainable fisheries, and would be considered as lower risk in our assessments. It should also lead to more stable and predictable catch limits, which is good for businesses like ours that rely on a constant supply of fish.

As the authority responsible for proposing fishing opportunities, we call on you to adhere to MSY-based exploitation rates for as many stocks as possible in your proposal this year. We, or some representatives of this group, would be happy to come and meet with you to discuss any of the issues touched on in this letter.

\(^1\) Communication from the Commission to the European Parliament and the Council: Consultation on the fishing opportunities for 2016 under the Common Fisheries Policy
Yours sincerely

Katie Miller, SSC Coordinator, ClientEarth

on behalf of the following members: British Retail Consortium (BRC), Direct Seafoods, Harbour Lights, Icelandic Seachill, M&J Seafood, Marks and Spencer, Morrisons, New England Seafood, River Cottage, Sainsbury's, Sustainable Restaurant Association, The Co-operative Food, Waitrose.
Table 1: Comparing scientific advice in 2014 for fishing opportunities in 2015 shows the Commission proposed TACs (in tonnes) 50% greater, or more, than scientific advice for at least eight stocks. The final TACs agreed by Council were then higher than the proposal for four stocks, in line with the proposal for three stocks, and lower than the proposal for one stock.

<table>
<thead>
<tr>
<th>Species (common name)</th>
<th>ICES fishing zone</th>
<th>Scientific advice</th>
<th>Commission proposal</th>
<th>Council TAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haddock</td>
<td>VIIa - Irish Sea</td>
<td>425</td>
<td>945</td>
<td>1,181</td>
</tr>
<tr>
<td>Whiting</td>
<td>IIIa – Skagerrak and Kattegat</td>
<td>212*</td>
<td>1,031</td>
<td>1,050</td>
</tr>
<tr>
<td>Plaice</td>
<td>IIIa - Skagerrak</td>
<td>6,287</td>
<td>10,056</td>
<td>10,056</td>
</tr>
<tr>
<td>Plaice</td>
<td>VIIa - Irish Sea</td>
<td>394*</td>
<td>976</td>
<td>1,098</td>
</tr>
<tr>
<td>Plaice</td>
<td>VIIb, VIIc – West of Ireland</td>
<td>30*</td>
<td>74</td>
<td>74</td>
</tr>
<tr>
<td>Pollack</td>
<td>VI and VII – Celtic Sea and West of Scotland</td>
<td>4,200*</td>
<td>11,193</td>
<td>13,892</td>
</tr>
<tr>
<td>Sole</td>
<td>VIIh, VIIj and VILk – Celtic Sea, South and Southwest of Ireland</td>
<td>225*</td>
<td>382</td>
<td>382</td>
</tr>
<tr>
<td>Cod</td>
<td>25-32 – Eastern Baltic Sea</td>
<td>29,085</td>
<td>52,747</td>
<td>51,429</td>
</tr>
</tbody>
</table>

* Agreed advice from both ICES and STECF. For the other cases in this table we have referenced the higher of ICES or STECF advice, to be conservative in our comparison with the Commission’s proposal.