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Assessing whether TACs are being set to achieve MSY

The difficulties and how they can be overcome

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1 Introduction

The reformed Common Fisheries Policy (CFP) includes the fundamental objective to progressively restore and maintain fish stocks above biomass levels capable of producing the maximum sustainable yield (MSY;¹ Article 2(2) of the CFP Basic Regulation²). For the purpose of achieving this 'MSY objective', the MSY exploitation rate shall be achieved on a progressive, incremental basis by 2020 at the latest. Moreover, the CFP must apply the precautionary approach to fisheries management, and measures should be taken in accordance with the best available scientific advice (Article 3(c) of the CFP Basic Regulation).

The main instrument regulating fishing mortality in European fisheries management is the annual TAC and Quota Regulation, in which Total Allowable Catches (TACs) are set by the Council of Ministers following the publication of the European Commission's TAC proposals. In order for TACs to be in line with the CFP's objectives and requirements outlined above, they need to be proposed and set at levels which are 1) at least moving towards MSY-based exploitation rates (so that they will be achieved by 2020 at the latest), and 2) in line with the precautionary approach where data are more limited and no MSY-based stock assessment is available. To determine whether this is actually the case, it is essential to compare both the Commission's TAC proposals and the final TACs set by the Council with the scientific catch or landings advice provided by the International Council for the Exploration of the Sea (ICES).³

Every year NGOs comment on the extent to which the TAC proposals and final TACs are in line with the scientific advice, based on such comparisons. ClientEarth's analysis of TACs for the Northeast Atlantic has identified a range of issues which hamper this essential analysis. These issues make it difficult for external stakeholders to monitor whether the proposed and set TACs are in line with the legal requirements. However, trying to work around these issues to provide analysis and oversight of these political decisions is not the responsibility of external stakeholders; as the Guardian of the Treaties, it is for the Commission to demonstrate that the TACs that are proposed and set are meeting the requirements of the CFP Basic Regulation and contributing to achieving its objectives.

This briefing presents an overview of the barriers to monitoring the progress of TACs towards achieving the MSY objective, and their compliance with other requirements of the CFP. For each of the four main sections, we include specific recommendations for how these barriers can be overcome. Generally speaking, greater transparency regarding information and considerations involved in TAC-setting will enable civil society to support the EU institutions where they take decisions in line with the law, and to hold them to account where they fail to do so. In addition to the present briefing, we have produced three briefings presenting a more in-depth discussion of related issues. These consider mismatch between TAC areas and scientific advice,⁴ implications of the landing obligation for TAC-setting⁵ and issues for reporting on progress towards MSY.⁶

1 ClientEarth (2015). Maximum Sustainable Yield in the Common Fisheries Policy, Legal briefing, September 2015.

<http://www.documents.clientearth.org/library/download-info/maximum-sustainable-yield-in-the-common-fisheries-policy/>

2 Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy

3 ICES' advice can be found on <http://www.ices.dk/community/advisory-process/Pages/Latest-Advice.aspx>

4 ClientEarth (2016). Mismatch between TACs and ICES advice. Briefing, December 2016. <http://www.documents.clientearth.org/library/download-info/comparing-total-allowable-catch-decisions-and-ices-advice-areas-pdf/>

5 ClientEarth (2016). Quota top-ups and monitoring progress of TAC decisions towards MSY. Briefing, December 2016.

<http://www.documents.clientearth.org/library/download-info/quota-top-ups-and-monitoring-progress-of-tac-decisions-towards-msy-why-top-up-calculations-are-both-crucial-and-challenging/>

2 General concerns of transparency

Transparency is a fundamental component of democracy and good governance. It is essential for monitoring the implementation of legislation and ensuring compliance with it. Civil society and the public play an important role in monitoring authorities and encouraging them to comply with transparency requirements, including access to information. Two crucial elements of transparency of particular relevance to TAC decisions are 1) availability of information (upon request or published, electronically or otherwise) and 2) accessibility of information, including it being available in an accessible format. This includes, but is not limited to, reporting by the European Commission and the Member States.

There are various provisions on transparency that are relevant for fisheries-related information and decision-making. These include general provisions in overarching legislation (such as the Treaty on European Union (TEU),⁷ the Treaty on the Functioning of the European Union (TFEU),⁸ the Access to Information Regulation⁹ and the Aarhus Convention¹⁰) as well as fisheries-specific rules in the CFP. For an in-depth analysis of transparency requirements for European fisheries management with detailed consideration of applicable legislation, please read our briefing on transparency in the CFP.¹¹

As the above briefing shows, these transparency requirements must result in fisheries data and information on fisheries management being accessible to the public. In particular, there needs to be increased transparency regarding the information used by the Commission and Council when proposing and setting TACs and the way in which they use it. This includes scientific advice and other considerations taken into account throughout the decision-making process, such as estimated economic or social impacts. Transparency has already improved greatly throughout the CFP reform, but our TAC analysis has highlighted some shortcomings that still need to be addressed. These refer to the following aspects which we explain further and provide recommendations for in the following sections:

- Data and information used by the Commission in the preparation of its TAC proposals (see section 2.1),
- The decision-making process in the Commission and during Council meetings where Ministers agree the TACs for the following year (see section 2.2),
- The availability and accessibility of information on the final TAC decisions, both by the Commission and the Council (see section 2.3).

6 ClientEarth (2016). Reporting on progress of TAC decisions and the state of fish stocks towards MSY. Briefing, December 2016. <http://www.documents.clientearth.org/library/download-info/reporting-on-progress-of-tac-decisions-and-the-state-of-fish-stocks-towards-msy-why-it-is-important-and-how-to-improve-it/>

7 Consolidated Version of the Treaty on European Union (Treaty of Maastricht), 7 February 1992, Official Journal of the European Communities C 326/13; 26 October 2012 (<http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:12012M/TXT>)

8 Consolidated Version of the Treaty on the Functioning of the European Union (Treaty of Lisbon), 13 December 2007, Official Journal of the European Communities C 326/47; 26 October 2012 (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>)

9 Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L145, 31.05.2001, p. 43.

10 UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, on 25 June 1998.

11 ClientEarth (2015). Transparency in the Common Fisheries Policy. Briefing, November 2014 (updated in August 2015). <http://www.documents.clientearth.org/library/download-info/transparency-in-the-common-fisheries-policy/>

2.1 Data and information used

It is not always clear what data and information, other than scientific advice produced by ICES, the Commission uses in the preparation of its TAC proposal, and where this information comes from. When the relevant information and data are available, they are frequently not provided in an accessible and usable format (e.g. a spreadsheet that can be edited as opposed to a PDF file). These two issues are particularly apparent in relation to the following:

- In many cases, there is a mismatch between the TAC area and the area for which ICES provides scientific advice. Information on how this is addressed and what additional data were used in preparation of the proposal is not publicly available (see section 3).
- Information on additional data or considerations (other than ICES advice and data covered by the previous point) taken into account in the preparation of the TAC proposal and the final TAC decisions is often also incomplete, most notably with regard to data used in the calculation of quota top-ups (see also section 4).
- The Commission's methodology for calculating quota top-up quantities is not publicly available in a sufficiently detailed format. This makes it difficult for civil society to assess whether the proposed top-up amounts are appropriate and justified (see section 4).
- An official up-to-date database on scientific advice on catches and landings, and the corresponding proposed and set TACs does not exist yet.

This lack of data and information makes it difficult to assess whether TACs are in line with scientific advice and with the CFP's requirements, particularly the MSY objective.

2.2 Decision-making process

The decision-making process regarding TACs is still not as transparent as it should be, both in terms of TACs proposed by the Commission and the final TACs agreed by the Council. Despite the Commission's efforts to improve transparency and its continued ambition to propose TACs in line with MSY,¹² it still does not provide justification as to why it has proposed individual TACs above scientific advice. The decision-making process for TAC setting is even more opaque due to the Council of Ministers' closed-door negotiations.¹³ This closed-door approach also applies to those TACs that are subject to negotiations with third countries.

The lack of transparency at various levels of decision-making makes it difficult to understand and assess the validity of the reasoning for delays to setting TACs in line with the MSY objective. Transparency in this regard is instrumental so that decision-makers can demonstrate that they are implementing the CFP effectively. It is also crucial to enable the public to hold decision-makers to account, particularly when decisions are not in line with the CFP.

¹² COM/2016/0396 final, Communication from the Commission to the European Parliament and the Council: Consultation on the fishing opportunities for 2017 under the Common Fisheries Policy.

¹³ Carpenter, G., Kleinjans, R., Villasante, S., O'Leary, B. C. (2016). Landing the blame: the influence of EU Member States on quota setting. *Marine Policy* 64, pp. 9-15. DOI: 10.1016/j.marpol.2015.11.001

2.3 Availability of information on decisions

In addition to the issues outlined above in relation to the transparency of decision-making processes, communication of the final decisions is also frequently inadequate. There is usually a delay of several weeks between the final decision and when it is published in its official version. This hampers a timely assessment of, and response to, the decisions made. Moreover, the information is often either not provided in an accessible and usable format (e.g. a spreadsheet that can be edited as opposed to a PDF file) or it is incomplete. This applies to both the Commission's TAC proposal and the official TAC Regulation.

For example, the Commission's proposal often contains a large number of TACs marked '*pm*' (*pro memoria*) or 'not relevant' instead of a proposed TAC amount; this is either because the relevant information has not yet been evaluated or because the TACs are subject to negotiations with third countries. However, even once the Commission has proposed these TACs, the TAC proposal is not updated. The proposed '*pm*' TACs and the final top-up percentages and quantities are not officially published by the Commission but only available upon request¹⁴ or referenced in documents such as the Outcome of the Council meeting.¹⁵ The TAC Regulation itself only contains the final TACs (without indication of the included top-up percentage), meaning the suitability of the top-ups cannot be assessed without additional information.

Finally, there is no official and comprehensive account of results of negotiations with third countries.¹⁶ For most TACs subject to such negotiations, the official TAC Regulation contains only the EU part of the quota and '*pm*' or 'not relevant' entries for the overall TAC. Sometimes it is not even apparent from the Regulation alone which countries are involved.¹⁷ In these cases it is unclear what the overall TAC, which includes third countries, was, and this makes it impossible to judge whether that TAC is in line with scientific advice, let alone MSY.

This situation makes it difficult for stakeholders to quickly and comprehensively respond to decisions taken by the Commission and the Council, and to hold them to account when TACs are not in line with the CFP's requirements and objectives. Likewise, the lack of transparency with regards to the Commission's initial proposal prior to negotiations with third countries makes it difficult to support the Commission where it is working towards achieving the MSY objective.

2.4 Recommendations

- The Commission should make the process it uses to match TAC- and advice-units that do not cover the same area, and any additional data used in this process, publicly available. This is the most basic information needed to compare TACs to the corresponding scientific advice and ultimately determine whether or not they are in line with the MSY objective. For as long as the Commission continues not to report on the alignment of TACs with scientific advice on what corresponds to MSY, making this information publicly available remains particularly important.

14 Ref. Ares(2016)542872 - 01/02/2016, European Commission response to Access to Information request submitted by Pew Charitable Trusts on 4 January 2016 (registered on 5 January 2016 as RefGestDem No 2016/105 and 106) regarding TAC adjustments due to the landing obligation; first response sent on 1 February 2016, second response sent on 9 February 2016.

15 Council of the European Union (2015). Outcome of the Council meeting. 3437th Council meeting, Agriculture and Fisheries. 15276/15. Brussels, 14 and 15 December 2015. http://www.consilium.europa.eu/en/meetings/agrifish/2015/12/st15276_en15_pdf/

16 Carpenter et al (2016), see footnote 13 for full reference details.

17 This is the case for example for some stocks fished in international waters, like cod in ICES subarea I and division IIb (COD/1/2B.) for which the overall TAC was 'Not relevant' in the 2016 TAC Regulation and no third countries were specified so that is unclear who else is involved in this fishery.

- Both the Commission and the Council should clearly explain additional considerations and reasoning behind proposing or setting TACs above scientific advice. Discussions in Council meetings on fishing opportunities, and third country negotiations, should become more transparent. The justification for setting TACs above advice and those driving such decisions should then be made public once negotiations are completed.
- In order to facilitate the assessment of TACs shared with third countries, an official, centralised database should be set up, containing the final overall TACs. TAC proposals should be officially updated and 'pm' entries replaced by the proposed TACs once all data have been evaluated and negotiations completed. The proposed and final top-up percentages and quantities should be published rather than only being available on an *ad hoc* basis in documents not officially published by the Commission. The official TAC Regulation (or at least the final TAC figures) should be made publicly available much sooner after December Council than is currently the case.

3 Mismatch between TACs and scientific advice

As can be seen above, one of the key difficulties in assessing whether TACs are in line with MSY is the area mismatch between TACs and scientific advice, particularly given the lack of publicly available information on how this is considered in TAC decision-making. While both the proposed and final TACs refer to the same management units, in the majority of cases comparing them to the scientific advice is much less straightforward. The main reason is that the management units for which the TACs are set do not always correspond to the stock units for which ICES provides its scientific advice. Such 'mismatch' between TAC- and advice-units occurs in relation to both the area and the species covered, either separately or in combination. This makes it difficult to establish whether fisheries management is moving towards MSY, or even applying the precautionary approach in line with scientific advice.

We have identified only 31 out of 112 comparisons of TACs and scientific advice for which the TAC- and advice-units are directly comparable in terms of both area and species.¹⁸ That means that over 70% of these comparisons were subject to some sort of area mismatch, with the TAC area being either larger or smaller than the advice area, or with only a partial overlap between them (see our briefing on mismatch between TACs and scientific advice for further details).¹⁹ The spatial mismatch issues can only be resolved by using additional data, e.g. on catches in those parts of the area where the TAC- and advice-units overlap. Without access to such additional information it is impossible to determine with certainty whether the large number of TACs subject to area mismatch allow for catch levels that exceed the advice or not.

However, the Commission has not made information on its process for matching TAC- and advice-units publicly available, providing information only sporadically when requested. Until it does so, stakeholders will face obstacles in holding decision-makers to account for setting TACs subject to area or species mismatch above sustainable levels. Our briefing on mismatch between TACs and ICES advice provides a more detailed discussion of how the different mismatch scenarios affect the possible conclusions about TAC levels in relation to scientific advice, and what additional data are needed to address this.²⁰

¹⁸ This analysis covers all Northeast Atlantic, North Sea and Baltic Sea stocks for which both TACs and scientific advice are available, and is based on the TAC Regulations and scientific advice for 2016.

¹⁹ ClientEarth (2016). Mismatch between TACs and ICES advice. See footnote 4 for full reference details.

²⁰ *Ibid.*

3.1 Recommendations

- The information needed to compare TACs with scientific advice, including data on proportions of catches within and outside areas where TAC and advice overlap, is currently not readily available to the public. This situation needs to change in order to enable stakeholders 1) to identify cases where the TAC was proposed and/or set above scientific advice and 2) to hold decision-makers to account for setting TACs at levels not in line with the CFP's requirements (i.e. above exploitation levels that would allow stocks to recover and be maintained above levels that can produce MSY). The Commission should therefore make its process for matching TAC- and advice-units publicly available, and address any remaining mismatch issues as soon as possible. It should also make all additional data used to split advice and/or TAC values for matching purposes publicly available in an accessible and usable format, such as a spreadsheet that can be edited.
- In the long-term, the best way to address both species mismatch issues and spatial mismatch issues, would be to align the management areas for which TACs are set with the areas for which ICES provides stock-based scientific advice. Doing this will be central to achieving sustainable exploitation levels for all stocks.²¹

4 Landing obligation concerns

The reformed CFP includes an obligation to land all catches of quota stocks (or stocks managed by landing sizes). This 'discard ban' is being phased in throughout EU waters, and as a result TACs are changing from regulating landings to regulating catches - becoming true 'TACs'. In terms of assessing whether TACs are in line with scientific advice, this means that TACs now need to be compared to the advice for catches and not for landings.

Until the landing obligation fully applies from 2019 onwards, catches of many stocks only have to be landed if taken by certain fleet segments, i.e. they are only partially under the landing obligation. Therefore, the TAC needs to be 'topped-up' by adding the amount of discards that that fleet segment, or those fleet segments, used to contribute to total discards. However, the need to calculate these quota 'top-ups' or 'uplifts' further contributes to the difficulties of comparing TACs to the relevant scientific advice, primarily because:

- For many stocks, discard information is not available, and thus ICES cannot quantify the corresponding catch advice which is crucial for calculating the appropriate quota top-up.
- The calculation of quota top-ups and incorporation of exemptions from the landing obligation require a wide range of additional data apart from the advice provided by ICES and data compiled by STECF. Some of these are not currently readily accessible to the public, making it difficult to assess whether the proposed top-up amounts do not exceed the amounts that were previously discarded and now have to be landed. This is exacerbated by the lack of transparency regarding the Commission's methodology for calculating quota top-ups and the resulting quantities, as highlighted in sections 2.1 and 2.3 of this briefing.

²¹ For example, ICES' advice for the various functional units of Norway lobster in the North Sea has recommended repeatedly that in order to ensure sustainable exploitation of the relevant stocks '*management should be implemented at the functional unit level*' (see for example ICES' advice for 2017 for Functional Unit 7 of Norway lobster in ICES Division 4.a, <http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/nep-7.pdf>)

For a more in-depth discussion of issues associated with the calculation of quota top-ups, please refer to our briefing on implications of the landing obligation for TAC-setting.²²

4.1 Recommendations

- The problem of insufficient discard information can primarily be addressed by the Member States, through greater investment in data collection, particularly with regard to unwanted catches.
- The Commission should make its methodology for calculating quota top-ups, the calculations themselves and all additional data and information used therein, publicly available in an accessible and usable format, for instance in a spreadsheet that can be edited. The proposed and granted top-up percentages and quantities should also be published in an official document and/or spreadsheet that can be edited.

5 Other concerns

The lack of transparency and accessibility of information, particularly regarding how the issue of a mismatch between TACs and scientific advice is incorporated into decision-making (see section 3) and regarding the quota top-ups (see section 4), are clearly central issues when it comes to assessing whether TAC decisions are in line with the MSY objective. However, there are a range of other issues that hinder the evaluation of whether TACs are being proposed and set at sustainable levels.

5.1 Limitations of scientific advice

Most of the obstacles to monitoring progress towards MSY, that are not directly linked to a lack of transparency, are primarily rooted in limitations of the scientific advice itself, as well as the format in which it is provided.

- Despite improvements over the past years, the data needed to model and determine reliable MSY reference points for fishing mortality and stock biomass are not available for every stock. As a consequence, MSY-based advice can only be provided for a limited number of stocks and progress towards achieving the MSY objective cannot yet be evaluated for all stocks.
- Assessing the status of stocks in relation to their MSY biomass reference point (B_{MSY}) is not currently possible for most cases, as the relevant reference values are not available. This makes it difficult to conclude whether any apparent progress in TAC-setting (or other management measures) has in fact restored stocks to MSY biomass levels.
- ICES currently publishes its catch and landings advice and the associated levels of fishing mortality and predicted biomass as part of stock-specific advice sheets in PDF format.²³ An official database of this information (for example as a comprehensive spreadsheet that can be edited) does not seem to exist, making an overarching assessment of TACs in relation to the underlying advice difficult for stakeholders.

²² ClientEarth (2016). Quota top-ups and monitoring progress of TAC decisions towards MSY. See footnote 5 for full reference details.

²³ ICES' advice can be found on <http://www.ices.dk/community/advisory-process/Pages/Latest-Advice.aspx>

For a more detailed discussion of these issues, please refer to our briefing on issues related to reporting on progress towards achieving the MSY objective.²⁴

5.2 Reporting on progress towards MSY

Under Article 50 of the CFP Basic Regulation, the Commission is required to report annually 'on the progress towards achieving maximum sustainable yield and on the situation of fish stocks'. Since 2015, the Commission has also published a list of 'EU fisheries in the Atlantic, North Sea and Baltic in line with maximum sustainable yield (MSY)' on an annual basis.²⁵ Multiple NGOs and other stakeholders, including for example national administrations of Member States,²⁶ are also assessing progress towards achieving the MSY objective. While this represents a positive step towards improved transparency, and helps to inform the general public, we have identified a number of shortcomings that still need to be addressed.

- TACs are the main fisheries management tool used to limit fishing mortality in European fisheries management. However, the Commission's annual report does not currently include an evaluation of the level of TACs in relation to scientific advice based on MSY.
- Reports on progress towards achieving the MSY objective often use different approaches and are not always based on the same type of information: some reports refer to the stock status in terms of biomass or to the level of fishing mortality, whereas others compare TACs to MSY-based scientific advice. These differing approaches are subject to different limitations and assumptions, and can lead to different conclusions.
- Some approaches to reporting, including the Commission's lists of EU fisheries 'in line with maximum sustainable yield', base their conclusions solely on the EU contribution of fishing activities, even though many stocks are shared with third countries. This may generate the false impression that a stock is fished in line with MSY overall, although the sum of EU and non-EU fishing levels may still exceed sustainable levels.

The variable and sometimes conflicting conclusions of some reports make it difficult for stakeholders to draw firm conclusions about what is actually being achieved (or not) through fisheries management decisions. Please refer to our briefing on issues related to reporting on alignment of TAC-setting with scientific advice and progress towards achieving the MSY objective for a more in-depth discussion of this topic.²⁷

5.3 Recommendations

- The limitations of the scientific advice provided by ICES can best be addressed through improved data collection. This would help ICES conduct more robust stock assessments and increase the number of stocks with MSY reference points and associated MSY-based catch and landings advice.
- ICES should provide an official database with all catch and landings advice and current

²⁴ ClientEarth (2016). Reporting on progress of TAC decisions and the state of fish stocks towards MSY. See footnote 6 for full reference details.

²⁵ European Commission: EU fisheries in the Atlantic, North Sea and Baltic Sea in line with maximum sustainable yield (MSY). Published online for 2015 and for 2016. Note that as of November 2016 these lists appear to no longer be available online.

²⁶ For example, George Eustice (the UK Minister of State, Department for Environment, Food and Rural Affairs) reported on 12 January 2016 on the number of stocks of UK interest which were 'fished at, or below, maximum sustainable yield' in 2015 as well as additional such stocks for 2016 (https://www.theyworkforyou.com/wrans/?id=2016-01-06_21320.h&s=%22fish%22#q21320.r0)

²⁷ ClientEarth (2016). Reporting on progress of TAC decisions and the state of fish stocks towards MSY. See footnote 6 for full reference details.

fishing mortality and biomass estimates in an easily accessible format, such as a spreadsheet that can be edited. This would significantly facilitate monitoring of progress of TAC-setting towards achieving the MSY objective.

- The Commission's report on progress towards achieving MSY and the state of fish stocks under Article 50 of the CFP Basic Regulation should also include a comparison of TACs with scientific advice, at least where MSY-based advice is available. In general, anyone reporting on progress towards achieving MSY (including the Commission, NGOs and national administrations of Member States) should clarify what information the respective conclusions are based on (i.e. stock status regarding biomass, fishing mortality or TACs). It should also be made clear that stocks which are shared with third countries can only be considered fished in line with MSY if the overall TAC - including the EU-proportion and that of third countries - is in line with MSY-based scientific advice.

6 Conclusion

In order to ensure that European fisheries management is sustainable and that policy decisions are taken in line with the law, it is crucial to monitor whether TACs are in line with the CFP's requirements, in particular the progress towards achieving the fundamental MSY objective. Comprehensive and reliable TAC analyses comparing the proposed and final TACs with the underlying scientific advice provided by ICES are a vital element of this monitoring process.

However, there are a range of obstacles to such analyses, making effective monitoring difficult. Many of these problems are related to a lack of transparency regarding data and other information used throughout the decision-making process. Mismatch between the areas for which TACs are set and the areas for which the scientific advice is provided is a particularly prevalent example. The majority of Northeast Atlantic TACs are subject to such mismatch issues, while the data needed to solve them are not readily available to the public.

The phased introduction of the landing obligation and the associated calculation of appropriate 'top-up' amounts to account for the now landed, previously discarded, catches adds a further level of complexity to the monitoring process. Limitations of the scientific catch and landings advice, such as MSY-based reference points not yet being available for all stocks, represent an additional challenge that can best be addressed through improved data collection. We also highlight the crucial role that clear and comprehensive reporting, particularly from the Commission, plays with regard to the reliable monitoring of the situation of fish stocks and progress towards achieving the MSY objective.

In conclusion, this briefing has highlighted the importance of greater transparency in relation to the data and information used to propose and set TACs, the decision-making process, and the evidence and rationale that supports the resulting decisions. The improved transparency advocated for in this briefing would allow stakeholders to gain a better understanding of the decision-making process, and contribute to more effective oversight of this process. It would also allow the Commission to more easily demonstrate that decisions in European fisheries management, including TAC-setting, are taken in line with the CFP's requirements and objectives. Finally, it would also allow stakeholders to better support the Commission and the Council where they have proposed and set TACs in line with the law, and hold them to account where they have failed to do so. These improvements in transparency should therefore be implemented as a priority.

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