

Let's get the numbers right: What proportion of fish stocks are sustainably managed in the EU?

"It is expected that in 2020 more than 99% of landings in the Baltic, North Sea and the Atlantic managed exclusively by the EU will come from sustainably managed fisheries."

European Commission (DG MARE), 16 June 2020¹

This figure sounds like good news. The problem is that it is not. In fact, it is alarming: like saying that 99% of the food on sale in our shops is safe, or 99% of our emails are being delivered to the right recipient. What is going on in that 1% is vital. Moreover, what the Commission considers '100%' covers only part of the picture.

Accepting this 99% figure means accepting a flawed narrative that overfishing in the European Union (EU) is no longer an issue. This narrative, in turn, provides an excuse for decision-makers to shirk a key legal obligation: to take the necessary steps to maintain and restore all harvested fish stocks (i.e. the stocks from which fishers fish) above sustainable levels, as required by EU law (the Common Fisheries Policy, or CFP). Progress has been made; but DG MARE's reporting must recognise the remaining shortcomings in fisheries management. Otherwise, the temptation is too great not to take action to fully address overfishing.²

¹ European Commission (2020), Communication from the Commission to the European Parliament and the Council, Towards more sustainable fishing in the EU: state of play and orientation for 2021, COM (2020) 248 Final, p. 2.

² See also a short video on the topic: <https://our.fish/news/video-endoverfishing-dont-greenwash-it/>.

Why is the 99% figure misleading?

There is good news: in recent years, progress towards fishing at sustainable levels has been made in the EU. However, there is a lot to do to ensure that the objectives of the CFP are achieved.³ In particular, Article 2(2) of the key piece of CFP legislation, the CFP Basic Regulation,⁴ sets a deadline to exploit all harvested fish stocks sustainably (in technical terms: at or below Maximum Sustainable Yield (MSY) exploitation rates) by 2020. It has not been met. EU decision-makers have set more and more catch limits ("total allowable catches", or TACs) in line with scientific advice, but have not gone far enough. So they missed the 2020 deadline. But, like an unpaid bill, that missed deadline does not go away. Setting sustainable limits remains a legal obligation for 2021 and the years to come.

This is why the repeated use of the 99% figure by DG MARE in its public communications is misleading:

1. The scope of the reporting is too narrow, excluding stocks without MSY advice and stocks shared with non-EU countries.

- The 99% figure focuses only on stocks for which scientific advice based on MSY is available. For many stocks, though, data about the state of the stock is limited, so scientists give "precautionary advice". This means that the (often unknown) status of these stocks is not reflected in DG MARE's 99% statistic. In simple terms, what DG MARE considers '100%' excludes a large part of the stocks subject to the EU's sustainability rules.
- Moreover, the 99% figure only encompasses stocks that are exclusively managed by the EU, excluding several stocks that are shared with third countries such as Norway or Iceland. Shared stocks are often more prone to overfishing than stocks managed by one party,⁵ so their exclusion from the statistics makes the result look better. This issue will be exacerbated after Brexit, as the majority of stocks fished in the EU are shared with the UK. So those stocks would then be excluded from DG MARE's 99% statistic. Yet the sustainability requirements of the CFP apply to all stocks fished by the EU (whether shared with other countries or not), and appropriate reporting is crucial for measuring progress in their management.

2. The 99% figure focuses on the volume of landings rather than the number of stocks.

Landing volumes are important when talking about the seafood market; but when it comes to biodiversity, the number of stocks, and the state of each stock individually, is what counts. That is why EU legislation (the CFP Basic Regulation) tells EU decision-makers to focus on fish stocks, not volumes. Counting kilos instead of species gives healthy stocks with large landings a disproportionately large influence on the resulting statistic; smaller, depleted stocks with smaller landings are essentially ignored. That is counterintuitive: the most sensitive stocks are already depleted, so the worse things get, the smaller they will get, until 100% of landings are "sustainable" because we have fished the other stocks out of existence. This focus on landing volumes hides the fact that 38% of stocks are still overfished, 32% to a point outside safe biological limits, according to an official advisory body to the Commission.⁶ The requirements to maintain or restore stocks above sustainable levels and not to

³ See for example: Grossmann J. (2019), Taking Stock - Are TACs set to achieve MSY?, ClientEarth, 63p., available at: <https://www.documents.clientearth.org/wp-content/uploads/library/2019-11-14-taking-stock-are-tacs-set-to-achieve-msy-ce-en.pdf>.

⁴ Regulation (EU) n° 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.

⁵ New Economics Foundation (2020). Landing the blame: Overfishing in the Northeast Atlantic 2019, p. 7. https://neweconomics.org/uploads/files/NEF_LTB_ATLANTIC_2019.pdf. For the 2019 TACs, 32% of those subject to the coastal states agreement exceeded scientific advice, compared to 6% for EU-only stocks.

⁶ STECF (2020), *Monitoring the performance of the Common Fisheries Policy*, STECF-Adhoc-20-01, p.6.

exceed sustainable exploitation rates applies to each fish stock individually. Reporting focused on biodiversity must reflect that.

3. The 99% figure flies in the face of an ecosystem-based management approach to fisheries.

Article 2(3) of the CFP Basic Regulation requires the EU to take an integrated, sophisticated approach to management of the sea. All stocks contribute to the functioning of a healthy and diverse marine environment. Reporting only on stocks in good shape and which therefore provide large volumes of landings, while dismissing smaller, depleted stocks, does not reflect the need to rebuild those vulnerable stocks to ensure that marine ecosystems are sustainable in the long-term.

Has the MSY objective been reached?

In the same communication, DG MARE claims that *"in the Northeast Atlantic, [...] the median fishing mortality ... has now stabilised at around 1.0. [...] It [...] means that the maximum sustainable yield (MSY) objective has been broadly attained"*. In plain English, when the fishing mortality F is at or below F_{MSY} (i.e. F/F_{MSY} is at or below 1.0) for a particular stock, that is a good thing: it means that fishing for that stock is sustainable. However, even speaking 'broadly', DG MARE's conclusion here is misleading for two reasons:

- In fact, this 'median fishing mortality' indicator gives only a model average across the stocks included in DG MARE's evaluation (which are not even all the harvested stocks, as required by the CFP). **So on average, fishing is 'around' sustainable levels, but does not mean that all stocks are exploited at or below sustainable levels.** Yet the CFP MSY objective applies to all harvested stocks, not just the average. So as long as there is even just a single stock left that is overfished (F/F_{MSY} greater than 1.0), the legally binding MSY objective has not been met.
- **The legally binding MSY objective is not only about setting catch limits (TACs) in line with scientific advice on the MSY exploitation rate, but ultimately about the obligation to restore and maintain fish stocks above sustainable levels (i.e. which can produce MSY).** Focusing only on the fishing mortality does not take into consideration this legally binding obligation to restore species above sustainable biomass levels and keep them there, and therefore does not allow for a conclusion that *'the MSY objective has been broadly attained'*.

How do we ensure that reporting is not misleading?

The average citizen, indeed even many law- and policy-makers, do not understand the scientific details behind the figures. That makes it crucial for DG MARE to count what counts. That means using appropriate indicators when reporting on the progress of the implementation of the CFP and not drawing misleading conclusions. It also means explicitly recognising the limitations of individual indicators. This is the only way to ensure decision-makers easily confused by unfamiliar scientific and statistical concepts will understand that strong action is urgently needed to manage fisheries in the EU better, and swiftly tackle shortcomings. To this end, we recommend that the reporting:

- Does not include misleading wording or figures that paint an inaccurate picture of the progress made in reaching the CFP objectives to end overfishing;
- Covers all harvested stocks. If it is not possible to integrate all stocks, the reporting should indicate clearly which stocks are not covered in the analysis and what proportion of overall stocks they account for. To the extent possible, progress reports for these stocks should be reflected using other available data;
- Focuses on stock numbers instead of on volumes of landings;

- Integrates further data on the obligation to restore fish stocks to sustainable levels and keep them there, and to implement an ecosystem-based approach to fisheries management.⁷

Another part of the Commission - the Directorate General for Environment (DG ENV) – seems to see things quite differently from DG MARE. In a recent report on progress towards achieving 'Good Environmental Status' under an EU legal standard (Marine Strategy Framework Directive Descriptor 3) looking at commercially-exploited fish and shellfish stocks, DG ENV presents a more comprehensive and balanced picture of the situation.⁸ For example, DG ENV focuses on the number of stocks, explicitly includes in the grand total those stocks whose situation is unknown or was not assessed (rather than excluding them from the statistics), and clearly recognises the limitations of the reporting.⁹ DG ENV's approach should serve as a role model for improving DG MARE's reporting on the situation of fish stocks and progress towards achieving what EU law requires: sustainability.

⁷ More detailed recommendations on reporting can be found [here](#).

⁸ SWD(2020) 61 final, Part 2/3. Commission Staff Working Document: Review of the status of the marine environment in the European Union. Towards clean, healthy and productive oceans and seas. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1593252168774&uri=CELEX:52020SC0061> See e.g. Figure 16

⁹ *Ibid.*, p. 36.

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