



WWF

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ANNEX

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# EVALUATING EUROPE'S COURSE TO SUSTAINABLE FISHERIES BY 2020

Five years after the reformed Common Fisheries Policy (CFP) has entered into force, the marine team of WWF has developed a global view of its implementation across the 23 marine European Member States<sup>1</sup> (MS). The 28-page report evaluates the most relevant obligations stemming from the CFP, such as how the landing obligation is being dealt with by MS. The report, including a scorecard, was developed to prove to European and national decision-makers the flaws and slow progress of MS in delivering and implementing the set objectives of the CFP. It also gives recommendations on a way forward to improve the poor status of fish stocks and meet the CFP objectives.

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<sup>1</sup> 23 EU marine MS: Belgium\*, Bulgaria\*, Croatia\*, Cyprus, Denmark\*, Estonia, Finland\*, France\*, Germany\*, Greece\*, Ireland, Italy\*, Latvia\*, Lithuania, Malta, the Netherlands\*, Poland\*, Portugal\*, Romania\*, Slovenia, Spain\*, Sweden\*, the United Kingdom\*.

*\*indicates the presence of one of the 17 national WWF national offices.*

The scorecard report aims to provide detailed information to decision-makers of the European Commission (EC), the European Parliament (EP) and at Council level on how to better and further improve CFP implementation. It will also be used simultaneously at national level by WWF National Offices towards decision-makers and related sectors within fisheries and seafood industry. It also provides international decision-makers with a description of the current state of fisheries regulation in the European Union (EU).

In addition to assessing national actions to implement the CFP, WWF also scores the EC performance, including how the adopted multi-annual plans (MAPs) deliver to sustainable objectives. This aims to illustrate the successes in some MS and/or the lack of compliance in others, as well as the lack of coherence when comparing with the sustainable objectives embedded in the CFP.

## DEVELOPING WWF'S VIEW ON EUROPEAN SUSTAINABLE FISHERIES

### **A brief history of the Common Fisheries Policy**

The Basic Regulation of the CFP is a set of rules for sustainably managing European fishing fleets. Designed to manage a common and public natural resource over the long term, the CFP insures the European fishing activities do not threaten the fish population size and productivity and do not negatively impact marine ecosystems. It also ensures equal access for all European fishing fleets to EU waters and fishing grounds and allows fishers to compete fairly. On top of its four main policy areas (Fisheries management, International policy, Market and trade policy and Funding of the policy), the CFP also includes rules on aquaculture and stakeholders' involvement.

The CFP was first introduced in the 1970s and went through successive revisions, the most recent of which took effect on 1 January 2014. Between 2011 and 2014, WWF, in collaboration with several European NGOs, developed a campaign around 5 main asks to be included in the CFP reform: regionalisation, multi-annual plans, external dimension, landing obligation and data collection. The reform process resulted in a great success, as clear legal obligations stipulate that, between 2015 and 2020, catch limits should be set to sustainably manage fish stocks in the long term. The 2014 CFP reform has also changed the way in which the CFP is managed, giving EU countries greater control at national and regional levels.

### **Methodology & Data availability**

In July 2018, a scoping study was undertaken to determine the report viability in identifying original data availability, robustness and uniformity. By data, it is implied all quantitative and sound information related to (but not limited to): Data & Transparency, Compliance, EU leadership on ocean governance, Landing Obligation, Maximum Sustainable Yield, MAPs, and Regionalisation.

In addition, the scoping study has aimed to identify possible data/information sources for the development of quantitative parameters that can be used in a scoring system. It is to be noted that data published after this report's assessment and analysis period (for instance Discard Plans published in November 2018) could not be included in this report.

Regarding the choice of indicator for each of the articles of the CFP, it was entirely driven by data availability: for quantitative analyses, the scoring can only rely on robust, publicly available data and uniformly available across all marine EU MS. For instance, for the Landing Obligation the report looks into three quantitative criteria in order to evaluate its implementation in terms of finance, ambition and collaboration within sea basins.

The scoping study resulted in the identification of four categories of CFP articles<sup>2</sup>, for which the evaluation was either qualitative or quantitative (i.e. with a scoring system):

- Articles 2, 11, 14, 15, 22-24, 25-26-27 and 36-37-39 where data is sufficiently robust and uniform for most marine MS as well as Articles 9-10 and 18-43-44-45 where data is sufficiently robust and uniform for most sea-basins. This data was analysed quantitatively with a scoring system (details below) and the results come in the form of tables;
- Articles 9-10, 22, 24, 25-26-27, 43, 44 and 50 that enlist actions for the EC. This data was analysed quantitatively with a scoring system (details below) and the results come in the form of tables;
- Articles 8, 17 and 36-37-39 where additional data was gathered from a questionnaire filled in by WWF national experts and other fisheries representatives/experts. This data was analysed qualitatively and presented in the form of pie charts in the CFP report;
- Articles 11, 14-15, 25-26-27, 29-30-31-32, 36-37-39 and 18-43-44-45 for which syntheses were developed as data is sufficiently available only for few marine MS or groups of MS. This data was analysed qualitatively and presented in topical boxes.

### CFP articles where data is sufficient for most marine MS to quantitatively score their actions to implement the CFP

For each chapter of the CFP scorecard report, there are actions related to specific CFP articles. The actions' achievements have been assessed by quantitative parameters (e.g. which % of EMFF is used by a MS to support small-scale fishers?) or by answering yes/no questions (e.g. has the MS developed a national programme for data collection?).

A scoring system was developed (see details below page XX of this document) for Articles 2, 11, 14, 15, 22-24, 25-26-27 and 36-37-39 where data is sufficiently robust and uniform for most marine MS to assess quantitatively the achievement of the actions to which the MS committed in the CFP.

Similarly, a scoring system was developed for Articles 9-10 and 18-43-44-45 where data is sufficiently robust and uniform for most sea-basins and Advisory Councils.

The table below presents the list of actions that have been evaluated and scored for the MS, the sea-basins and the Advisory Councils based on the CFP Basic regulation. When “no” is noted, it is as WWF evaluated that the action was not relevant for MS competencies, respectively sea-basin or Advisory Council.

		MS	Sea Basin	Advisory Council
Article 2	2015	evaluated		
	2018	evaluated		
Articles 9&10	proposed MAP	no	evaluated	
	adopted MAP	no	evaluated	
	consistent objective	no	evaluated	
	quantifiable target	no	evaluated	
	clear time frame	no	evaluated	
	bycatch/target	no	evaluated	
	Ecosystem Based Approach	no	evaluated	
Article 11	JR number	evaluated	no	
	GES green	no	evaluated	

<sup>2</sup> One article can actually belong to several categories (depending on the data available)

	GES yellow	no	evaluated	
	GES red	no	evaluated	
Article 14	avoidance measures	evaluated	no	
	fisheries segment	evaluated	no	
	uptake	evaluated	no	
	discard atlas	evaluated	no	
Article 15	%EMFF	evaluated	no	
	%species under LO	evaluated	no	
	%increase exemptions	evaluated	evaluated	
Article 22	report public	no	no	
	action plans	evaluated	no	
	steef eval	evaluated	no	
	report to ep	no	no	
	% active fleet	evaluated	no	
Article 24	fleet register	no		
	publicly available	no		
	implementing acts	no		
Articles 25,26&27	annual reports	evaluated		
	national programmes	evaluated		
	annual report MSY	no		
Articles 36, 37 & 39	Number of operations	evaluated		
Article 43	Establishment of new AC	no		evaluated
	availability rules	no		evaluated
Article 44	EC consulting	no		no
	coordination	no		evaluated
	consultation JR	no		evaluated
	advice sent to EC	no		evaluated
	EC answer	no		no
	justification	no		no
Article 45	60/40 at ExCom & GA	no		evaluated
	Existence of an NGO chair	no		evaluated
	working programme	no		evaluated
	performance review	no		evaluated

## Articles where data is sufficient to quantitatively evaluate and score the implementation actions by the European Commission

A scoring system was developed to evaluate the actions to be taken by the European Commission to implement the Articles 9-10, 22, 24, 25-26-27, 43, 44 and 50 of the CFP. The quantitative assessment of the achievement of those actions to which the EC committed in the CFP relies on publicly available data (mentioned in footnotes along the CFP report and in the present Technical Annex).

The table below presents the list of actions that have been evaluated and scored for the EC based on the CFP Basic regulation. When “no” is noted, the action was not relevant for the competencies of the EC.

		EC
Articles 9&10	proposed MAP	evaluated
	adopted MAP	evaluated
	consistent objective	evaluated
	quantifiable target	evaluated
	clear time frame	evaluated
	bycatch/target	evaluated
	EBA	evaluated
Article 22	report public	evaluated
	action plans	no
	stecf eval	no
	report to ep	evaluated
	% active fleet	no
Article 24	fleet register	evaluated
	publicly available	evaluated
	implementing acts	evaluated
Articles 25,26&27	annual reports	evaluated
	national programmes	no
	annual report MSY	evaluated
Article 43	Establishment of new AC	evaluated
	availability rules	evaluated
Article 44	EC consulting	evaluated
	coordination	no
	conculstation JR	no
	advice sent to EC	no
	EC answer	evaluated
Article 45	justification	evaluated
	60/40 at ExCom and GA	no
	Existence of an NGO chair	no
	working programme	no
	performance review	no

## Articles 8, 17 and 36-37-39 where a questionnaire completed available data

*The results of the analyses on this data are presented in the form of pie charts in the CFP report.*

Listed below are articles of the CFP for which publicly available data is very limited and national expertise has been crucial to complete the CFP report dataset. The questionnaire was sent to all WWF marine officers in the 17 EU offices and to fisheries experts (e.g. scientific experts, stakeholders from Advisory Councils) in the MS where WWF does not have marine officers, that is Cyprus, Estonia, Ireland, Latvia, Lithuania, Malta and Slovenia.

- Article 8: Are you aware of the existence of no-take or areas with restricted fishing activities in your MS? Are you aware of **areas with measures of temporary or spatial closure for fishing activities** in your MS? (Yes or No). If yes, have those measures been in place for less than five years? More than five years? More than 10 years?
- Article 17: Are the **criteria for the allocation of fishing opportunities** publically available in your MS? (Yes or No) If yes, are the criteria favouring low-impact fishers? (Yes or No) Are you aware of changes to come in the allocation system? (Yes or No)
- Article 38: Are they **pilot projects on new control technologies and data management systems** in your MS? (Yes or No) If yes, are the results of those projects perceived as successful? (Yes or No)

## Good practices examples highlighted in topical boxes

*Six topical boxes present syntheses of the state of CFP implementation and actions undertaken in some MS and regions of the EU.*

The data comes from different sources such as public reports (see details below in this document) and answers to the questionnaire sent to EU fisheries experts that also included a more opened question to identify good practice examples in MS. Those good practices examples are highlighted in the topical boxes to facilitate their propagation and adaptation in other MS.

- Open question: Are you aware of **good practice examples** in your MS related to transposition to national laws, stakeholders' engagement or ecosystem-based approach? For instance, fishers taking progressive measures within their sector to meet more sustainable ecosystem-based management fisheries? a co-management system? If yes, what type of example?

1) Article 11, a topical box presents actions undertaken in some MS to comply with Union environmental legislation.

2) Articles 14-15, a topical box presents solution-oriented research projects on discards and selectivity that have been developed by some MSs (e.g. Discardless<sup>3</sup>, Minouw<sup>4</sup>).

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<sup>3</sup> <http://www.discardless.eu/>

<sup>4</sup> <http://minouw-project.eu/>

3) Articles 25-26-27, a topical box presents a list of incentives for data collection and compliance schemes to develop technological tracking devices to monitor and control fisheries activities in various MS.

4) Articles 29-30-31-32: a topical box assesses whether CFP principles and objectives are incorporated into the active sustainable fisheries partnership agreement protocols in force with third countries (7 tuna agreements, two mixed agreements). This box is based on WWF UK report<sup>5</sup> from 2017.

5) Articles 36-37-39 for control & enforcement articles, a topical box presents a summary of the European Court of Auditors report<sup>6</sup> on Control of fisheries in France, Italy Scotland and Spain. This box highlights the importance of proper reporting and transparency and the lack of compliance for parts of the CFP in those four MS.

6) Articles 18-43-44-45 for regionalisation articles, a topical box presents actions driven by Advisory Councils that have been listed by stakeholders members of Advisory Councils to be good practice examples.

## SUMMARY OF THE QUANTITATIVE SCORING SYSTEM

**The scorecard relies on the assessments of actions that can be delivered at an EU level, at regional level or by Member States (MS).** Assessment at national level focuses on achievement or non-achievement of actions by individual MS. Assessments based on regional activities (e.g. MAPs, Advisory Council) mostly result in the same score for each MS of the sea-basin. Finally, assessments of delivery or progress at the EU level also result in the same score for each MS. If an action delivered at EU level might be achieved, all MS would be rewarded with the same scoring. Identically, if an action is not achieved, all MS would not be rewarded any point. Summing the scores at national, regional and European levels thus results in differences between MS.

There are various ways in which scores can be allocated. The authors have decided to address scoring for each individual assessment (i.e. by action) separately. The simplest scoring system is +1 for achieving an action and zero for non-accomplishment. In addition, negative points were allocated when no information was reported.

The main scorecard of the CFP report (page 5) summarises the percentage of achievement of all the actions expected from each MS. Each individual MS has a total score achievable (see details below for each of the articles) and an actual score achieved which is then presented as a percentage in the main scorecard (page 5 of the CFP report). In this way it does not matter if the total scopes achievable are different for individual MS.

Percentages have been calculated as the rate between the amount of points obtained divided by the maximum score each MS could have reached if it had achieved all actions it committed to in the CFP. It has to be seen as a relative percentage of achievement as some MS have achieved more than others and thus the maximum score was based on the sum of points reached for each action by the MS.

**This results in a traffic light system: red for less than 33% of achievement, yellow for 34% to 66% of achievement and green for more than 67% of the actions achieved.**

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<sup>5</sup> [Is Europe ready to lead on international fisheries governance?](#)

<sup>6</sup> [EU fisheries controls : more efforts needed](#)

# FINAL SCORING TABLES FOR THE MEMBER STATES

The table on the next page presents the scores allocated to the MS for each of the actions to which they committed in the CFP. The average percentage of achievement of each MS is calculated in the right column of the table. It has to be seen as a relative percentage of achievement, since some MS have achieved more than others and thus the maximum score was based on the sum of points reached for each action by the MS.



	Art.2	Art. 11	Art. 14	Art. 15	Art. 22	Art. 25,26&27	Art. 36, 37 & 39	MS points	Maximum Score Possible	Relative % of achievement
BE	1	1	0	8	4	0	0	14	26	53,84615
BG	0		0	2	2	0	2	6	26	23,07692
CY	0		0	2	0	0	2	4	26	15,38462
DE	0	2	2	6	4	2	2	18	26	69,23077
DK	0	2	2	6	2	0	2	14	26	53,84615
EE	0		1	2	6	0	1	10	26	38,46154
ES	0		2	4	5	4	0	15	26	57,69231
FI	0		0	2	3	0	1	6	26	23,07692
FR	0	1	1	6	5	0	2	15	26	57,69231
GR	0		0	2	4	0	1	7	26	26,92308
HR	0		2	2	4	2	2	12	26	46,15385
IE	1		2	6	3	2	1	15	26	57,69231
IT	0		1	4	5	0	1	11	26	42,30769
LT	0		0	4	3	0	0	7	26	26,92308
LV	0		0	0	1	0	1	2	26	7,692308
MT	0		1	0	7	0	1	9	26	34,61538
NL	1	1	1	8	1	0	0	12	26	46,15385
PL	0	1	0	4	4	2	2	13	26	50
PT	1		0	0	6	2	0	9	26	34,61538
RO	0		0	0	2	0	0	2	26	7,692308
SE	0	2	0	6	3	0	2	13	26	50
SI	0		1	4	3	2	1	11	26	42,30769
UK	1	1	2	6	5	2	0	17	26	65,38462

# FINAL SCORING TABLE FOR THE EUROPEAN COMMISSION

The table below presents the details of the points allocated to the EC for each of the actions to which the EC committed in the CFP. The average percentage of achievement of the EC is calculated at the bottom of the table.

		European Commission	Points for Achieved Actions	Maximum achievable score possible	percentage of achievement
Articles 9&10	proposed MAP	evaluated	3	8	37.5
	adopted MAP	evaluated	2	8	25
	consistent objective	evaluated	0	5	0
	quantifiable target	evaluated	5	5	100
	clear time frame	evaluated	3	5	60
	bycatch/target	evaluated	2	5	40
	Ecosystem Based Approach	evaluated	0	5	0
Article 22	report public action plans	evaluated	0	1	0
	STECF evaluation	<b>no</b>			
	report to EP	evaluated	1	1	100
	% active fleet	<b>no</b>			
Article 24	fleet register	evaluated	1	1	100
	publicly available	evaluated	1	1	100
	implementing acts	evaluated	0	1	0
Articles 25,26&27	annual reports	evaluated	0	1	0
	national programmes	<b>no</b>			
	annual report MSY	evaluated	1	1	100

Article 43	establishment AC	evaluated	3	4	75
	availability rules	evaluated	7	10	70
Article 44	EC consulting	evaluated	1	1	100
	coordination	<b>no</b>			
	consultation JR	<b>no</b>			
	advice sent to EC	<b>no</b>			
	EC answer	evaluated	1	1	100
	justification	evaluated	0	1	0
Article 45	60/40 at ExCom & GA	<b>no</b>			
	NGO chair	<b>no</b>			
	work programme	<b>no</b>			
	performance review	<b>no</b>			
<b>total:</b>			31	65	47,69231

# ADDITIONAL METHODOLOGICAL DETAILS BY ARTICLE

## Article 2, objectives

We evaluate the number of stocks above MSY and progress to achieving  $F_{MSY}$  at a regional level. The present analysis provides an assessment covering six European sea-basins (Baltic Sea, North Sea, North Western waters, South Western waters, Mediterranean Sea and Black Sea) with scores allocated to MS within each regional sea-basin.

Based on article 4.22 of the CFP Basic Regulation, a 'Member State having a direct management interest' means a Member State which has an interest in fishing opportunities, or one that has an active fishery in the exclusive economic zone of the Member State concerned, or, as is the case in the Mediterranean Sea, a traditional fishery on the high seas". For a given stock, "having access" is understood in WWF scorecard report as (i) coastal areas of the MS that are included in the area of the stock and (ii) where fishers from several MSs go and target stock S.

In order to compare the states of fish stocks of 2015 and 2018, results from 2 separate analyses were combined. **It is to be noted that no MS has reached sustainable management of all its harvested stocks in 2015 nor in 2018. The given score for this article provides an estimate of which MS are likely to be on the good way to achieve the MSY objective by 2020.**

*For the year 2015*, the database developed by Froese et al. 2018<sup>7</sup> was used to determine which percentage of the stocks harvested by each MS was harvested with biomass levels above  $B_{MSY}$  and fishing mortality at or under  $F_{MSY}$  (in the green, as in Figure 3 of Froese et al. 2018,). The database is available in the supplementary material in the annex of the publication, and the R script to analyse the data is available on request (to [acdragon@wwf.eu](mailto:acdragon@wwf.eu)).

Ecoregion	Nb of stocks in Green (see Figure 3 in Froese et al. 2018)	Nb of stocks in Yellow	Nb of stocks in Red	Total	% green	%yellow	%red	Last Year of Data
Adriatic Sea	3	1	26	30	10	3.33	86.67	2015
Aegean Sea	0	4	38	42	0	9.52	90.47	2014
Balearic	0	1	21	22	0	4.54	95.45	2014
Black Sea	1	0	6	7	0	14.28	85.71	2014
Cyprus	0	0	10	10	0	0	100	2014
Ionian Sea	0	4	27	31	0	12.90	87.09	2014
Lions Gulf	0	1	14	15	0	6.66	93.33	2014
Sardinia	0	0	19	19	0	0	100	2014
Wide ranging	6	4	30	40	15	10	75	2015

<sup>7</sup> Status and rebuilding of European fisheries, Marine Policy 93 (2018) 159–170

Azores	0	1	1	2	0	50	50	2015
Baltic Sea	5	3	12	20	25	15	60	2015
Barents Sea	8	0	2	10	80	0	20	2015
BoB & Iberian coast	4	7	18	29	13.79	24.13	62.06	2015
Celtic Sea	12	8	24	43	27.9	18.6	55.81	2015
Faroes	1	1	4	6	16.66	16.66	66.67	2015
Greater North Sea	9	10	26	45	20	22.22	57.77	2015
Greenland Sea	1	2	4	7	14.28	28.57	57.14	2015
Iceland Sea	4	5	5	13	30.76	38.46	38.46	2016
Norwegian Sea	0	1	1	2	0	50	50	2015
Rockall	0	1	3	4	0	25	75	2015

The table above presents the list of ecoregions that were used to attribute the stocks harvested by the MS. The sum of all “green” stocks was evaluated as the percentage on the sum of all stocks targeted by a given MS.

*For the years 2018*, however, no complete database was available for all stocks across all EU sea-basins. The authors have thus combined the information available from the Fixfish<sup>8</sup> database to the information from the most recent assessments of 2018 provided by ICES and STECF stock assessment using  $F_{MSY}$  or the Precautionary Approach (PA) as reference points, with PA largely used for stocks with limited data. It is to be noted that for the Mediterranean and the Black Seas, STECF reports were not available after 2017<sup>9</sup>. This assessment is based on the assumption that shared stocks in a sea-basin are equally accessed and harvested by all MS in the sea-basin. WWF is aware of the complexity of assessing the states of fish stocks and provides with this analysis a first –voluntary simplistic view of the states of fish stocks based on the current available data at the date of the writing of this report.

To simplify the analyses, ten representative fish stocks were selected for each sea-basin in order to cover the most important volumes of catches and the full range of species harvested in the sea-basin. It is to be noted that for the Black sea, the 2017 STECF report presented only nine fish stocks, which were thus all selected for our analyses.

By MS and by fish stock, allocated scores were: +3 points for stocks for which  $F_{MSY}$  was achieved by 2015, +2 points if achieved by 2018, and 0 point if  $F_{MSY}$  is still not achieved in 2018. In the event of reporting issues, 2 points were deducted from the MS score for year 2018 and 1 point for year 2015.

By fish stock, the traffic light scoring system is similar to many WWF consumer seafood guides previously developed. These guides support consumers to make environmentally responsible seafood choices ([WWF's seafood guides](#)). Unfortunately, no or little data was available respectively for Cyprus or Malta.

Given that MS do not harvest the same sea basins nor target similar fish stocks, the maximum amount of points (3 points multiplied by amount of fish stocks targeted) was calculated and used to derive the percentage of points achieved ( $100 * \text{total of point by MS} / (3 * \text{number of fish stocks targeted by the MS})$ ).

The details of the analyses for this part are summarised in an Excel document available on request ([acdragon@wwf.eu](mailto:acdragon@wwf.eu)) and the final score used for the relative percentage of achievement is provided in the table below.

<sup>8</sup> <http://www.fishfix.eu/about-us.html>

<sup>9</sup> In July 2018, at the time of the scoping study and our analyses, a [report from STECF](#) on evaluating the fishing effort in the Western Mediterranean Sea had not been made available.

**A point was given to score MS that have increased their percentage of healthy fish stocks between 2015 and 2018 and that have reached a score above 33% in 2018.**

	BE	BG	CY	DE	DK	EE	ES	FI	FR	GR	HR	IE	IT	LT	LV	MT	NL	PL	PT	RO	SE	SI	UK
Percentage 2015	24.11	14.28	0	23.40	23.38	25	13.92	25	20.09	0	10	18.75	3.75	25	25		23.68	25	14.15	14.28	20.89	10	22.16
Percentage 2018	46	9	13	25	27	2	45	24	43	13	5	67	6	0	2	13	53	23	46	9	17	5	49
SCORE	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	1	0	0	0	1

**The score for Article 2 is used for the calculation of the percentage of achievement in the main scorecard.**

**Data sources:**

- European-wide report:

<https://stecf.jrc.ec.europa.eu/documents/43805/2092142/STECF+18-01+adhoc+-+CFP+Monitoring+2018.pdf>

- Greater North Sea report:

[http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/GreaterNorthSeaEcoregion\\_FisheriesOverviews\\_December.pdf](http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/GreaterNorthSeaEcoregion_FisheriesOverviews_December.pdf)

- Database from ICES:

<http://www.ices.dk/marine-data/Documents/CatchStats/OfficialNominalCatches.zip>

<http://standardgraphs.ices.dk/stockList.aspx>

**Article 8, fish stock recovery areas**

In the context of the ecosystem approach to fisheries management, Article 8 of the CFP requires MS and the EC to establish fish stock recovery areas, i.e. areas essential to the fish life cycle based on their biological sensitivity, such as spawning areas.

In April 2017 at the E. Parliament, Commissioner Vella commented on Article 8 “*there are currently no such areas established in EU waters. To date, the EC has not received any joint recommendations on the establishment of fish stock recovery areas from MS. Furthermore, MS have not informed the EC of any actions to identify such areas, nor of any measures under consideration.*”<sup>10</sup>:

The situation has not changed since 2017 and there has been neither joint recommendation by MS nor action adopted by the EC to implement Article 8. In order to assess the existence of temporary protection measures of marine habitats, marine experts in the WWF European Network have contributed their knowledge on existence of areas in which fishing activities are spatially and/or temporary restricted in their respective marine MS. When no data was available, no scoring was given such as for Bulgaria or Slovenia.

The table below presents a summary of the answers to the question sent to fisheries experts across the EU MS on restricted fishing activities in their respective MS.

	E	G	N	P	S	L	E	F	I	U	H	P	F	C	M	R	I	L	B	D	D	B	S
	E	R	L	T	E	V	S	R	T	K	R	L	I	Y	T	O	E	T	E	E	K	G	I
Existence of no-take or areas with restricted fishing activities? yes/no	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	n	n	n	n	n		
	s	s	s	s	s	s	s	s	s	s	s	s	s	s	s	s	o	o	o	o	o		
Temporary closure of areas yes/no	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y		y	y					
	s	s	s	s	s	s	s	s	s	s	s	s	s	s	s	s	s	s					n
Existence for less than 5 years (+1)/ more than five (+2)/ more than 10 years (+3)																							
	3	3	3	3	3	3	2	2	1	1	1	1					1						
Groups of MS	Implementation underway											Starting implementing					No implementation yet			No info			

Depending on the answers to the question, the MS belong to one out of the four groups, displayed in the pie chart on page 8 of the CFP report: “implementation underway”, “starting implementing”, “no implementation yet”, and “no information”.

<sup>10</sup> <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2017-000640&language=EN>



## Article 9&10, multi-annual plans

Articles 9 and 10 set the principles, objectives and content of Multi-Annual Plans (MAPs) which are the main tool allowing for CFP implementation at regional level. The CFP established the ecosystem-based approach as one of its policy pillars (Art. 2.3) and specific conservation measures based on the ecosystem approach are to be included for some of the stocks an adopted MAP covers.

This analysis examines whether sustainable principles are accurately reflected in the MAPs to the standard they should be in all legal acts of EU sea basins. Each region is measured against the setting of fishing quotas, regulation of the quantity of fish taken from the sea and inclusion of conservation measures.

	Baltic	N S	W W	Adriatic	West.M ed	Central Med. (GSA 15,16, 19,20)	East. Med (GSA 22,23, 25)	Black	EC
Proposed MAP			1	1	1				3
Adopted MAP	1	1							2
Objectives consistent with Article 2	0 <sup>11</sup>	0	0	0	0				0
Quantifiable Targets	1	1	1	1	1				5
Clear time-frame	1	1	1	0	0				3
Equal management of bycatch & target species	1	1	0	0	0				2
Ecosystem-based Approach	0	0	0	0	0				0
Score	4	4	2	2	2				15

The MAP process started rather slowly: in 2014, the Baltic Sea was the first region to be considered for a new fisheries management framework, with adoption of the MAP in 2016. In July 2018, the North Sea demersal MAP was then adopted and other MAPs are currently under review at the E. Parliament and Council, including the MAP for small pelagic fisheries in the Adriatic Sea (proposed in February 2017), the demersal Western Mediterranean MAP (proposed in March 2018), and the demersal Western Waters MAP (proposed in March 2018).

Disappointingly, none of the MAP proposals from the E. Commission present an ecosystem-based approach nor objectives consistent with Article 2 of the CFP as they allow for higher fishing levels than those permitted under the CFP. MAPs development has weakened progressively the CFP objectives in allowing first FMSY upper range and then in applying only to target species. In order to have MAPs ensuring that fishing is carried out at sustainable levels, it is essential that the E. Commission sets the right example by:

- sticking to the objectives agreed in the CFP;
- following the best available scientific advice to keep fisheries exploitation below MSY levels;
- prioritizing full stock recovery in all MAPs by protecting juvenile fish (e.g. delineation of fish stock recovery areas) and by applying science-based exploitation rates;
- guaranteeing an integrated ecosystem-based management approach will allow stocks to replenish and secure long-term livelihood of fishers.

<sup>11</sup> Although article 3 of the Baltic MAP quotes Art 2.2. of the CFP, the "upper MSY ranges" in the annex 1 makes the entire Baltic MAP contradicting the CFP objective.

## Article 11, compliance with Union environmental legislation

Article 11 ensures that conservation measures adopted by each MS for its national waters are aligned with (i.e. at least as strict as) measures adopted under EU environmental legislation, such as the Habitats Directive<sup>12</sup>, the Birds Directive<sup>13</sup> and the Marine Strategy Framework Directive (MSFD)<sup>14</sup>. Safeguarding healthy commercial fish and shellfish populations is the third of the eleven descriptors identified in the MSFD for achieving Good Environment Status (GES), an objective directly related to the CFP objectives. Other MSFD descriptors on biodiversity (1), food chains (4) and seafloor integrity (6) are also fundamental for the ocean's health and achieving GES.

EU environmental objectives also directly relate to the United Nations Sustainable Development Agenda on which the international community agreed in September 2015. A dedicated goal to the Oceans (SDG14) requires to conserve and sustainable use the oceans, seas and marine resources by 2030. One of the targets set to achieve this goal is the sustainable management and protection of marine and coastal ecosystems by strengthening their resilience and taking action for their restoration by 2020 at the latest. Furthermore, the World Conservation Congress in 2016<sup>15</sup> also encouraged IUCN State and Government Agency Members to designate and implement at least 30% of each marine habitat in a network of highly protected MPAs and other effective area-based conservation measures, with the ultimate aim of creating a fully sustainable ocean, at least 30% of which has no extractive activities, subject to the rights of indigenous peoples and local communities.

At national level, the scoring for Article 11 was limited by the amount of robust data available for all marine MS. The score attributed to MS is based on the up-to-dated information available on the EC website<sup>16</sup>: MS submission of Joint recommendations (JR) to introduce conservation measures and deliver sound management of fisheries in marine protected areas. It is to be noted that the scoring does not reflect the content of the JRs. This analysis is not on the quality of the fisheries management measures proposed in the JRs in the regions but limited to the number of JR actually prepared and submitted by the MS.

	BE	DE	DK	FR	NL	PL	SE	UK
Joint Recommendation number	1	2	2	1	1	1	2	1

**The score by MS for the existence of JRs (not on their content) for implementing Article 11 was integrated in the final calculation of the relative percentage of achievement.**

At regional level, WWF has used similar methodological details for the map illustrating of Article 11 than to those in <https://www.eea.europa.eu/data-and-maps/indicators/status-of-marine-fish-stocks-3/assessment>

According to Descriptor 3 in MSFD, three criteria apply to determine whether a fish or shellfish stock will achieve GES:

- *Sustainable exploitation*: sustainably exploited stocks are stocks for which fishing mortality (F) is at or below levels that deliver Maximum Sustainable Yield (MSY), i.e.  $F \leq F_{MSY}$ . Thus, only if a value of F and  $F_{MSY}$  is available is the stock assessed against this criterion considered, and only if  $F \leq F_{MSY}$ , is the stock considered to have achieved GES.
- *Reproductive capacity*: in the ICES area, the criterion for reproductive capacity ( $SSB > SSB_{MSY}$ ) is modified for pragmatic reasons into  $SSB > MSY$  Btrigger. SSB is consistently provided as part of the ICES stock assessments, i.e. North-East Atlantic and Baltic Sea,

<sup>12</sup> Habitats & Species Directive & SACs (Directive 92/43/EEC, Article 6)

<sup>13</sup> Birds Directive & SPAs (Directive 2009/147/EC, Article 4)

<sup>14</sup> MSFD (Directive 2008/56/EC, Article 13(4))

<sup>15</sup> <https://portals.iucn.org/congress/motion/053>

<sup>16</sup> [https://ec.europa.eu/fisheries/cfp/fishing\\_rules\\_en](https://ec.europa.eu/fisheries/cfp/fishing_rules_en)

but not for the most part by STECF assessments, i.e. involving the Mediterranean Sea and Black Sea stocks. Similar to the above, a stock is considered to have been assessed against this criterion if SSB and a good proxy for SSBMSY are available and only when  $SSB > SSBMSY$  is the stock considered to have achieved GES.

- *Healthy age and size structure*: here the assumption is that a stock with sufficient old and large fish is healthy and that more older/larger fish increase its health. However, this criterion is not sufficiently developed and no threshold for GES is known for this criterion. Therefore it is not included.

The map illustrates the following regional table filled in based on four assessment categories:

- Not: no sufficient information available to assess the status;
- F: Status assessed based only on F and FMSY;
- SSB: status assessed based only on (SSB) and SSBMSY (or some proxy i.e. MSY Btrigger);
- F & SSB: status assessed based on both the F and SSB criteria.

Note that in this assessment, WWF could not include the third GES criterion of age and size structure of populations, as this cannot be assessed at present.

	Ba ltic	Bl ack	M ed	N S	N W W	Pelagic	SW W
						= Barents & Norwegian sea, Iceland & Greenland, oceanic NE Atlantic	
Article 11 Descriptor 3 of MSFD on commercial fish & shellfish F= fishing mortality / SSB = reproductive capacity							
% of stocks with GES for both F & SSB	82			7 7	79	61	38
% of stocks with GES for either F or SSB		70	6	1 9		6	1
% stocks without GES for neither F nor SSB	18	30	9 4	4	21	33	61
Number of stocks (as for 2016)	8	8	2 7	2 7	34	8+17+3	14

## Article 14, unwanted catches

Article 14 refers to voluntary measures developed by MS to avoid or minimise unwanted catches, that is species accidentally caught different to the ones being targeted. It supports Article 15 on the Landing Obligation (LO) as it allows MS to investigate fisheries practices and their associated discard “rates”. The MS may also produce an Atlas of the discards in their national waters to show the level of discards in each of the fisheries covered by the LO, to document the current knowledge of how much discards are generated in EU sea basins and to assemble information on strategies to mitigate discards.

In 2016, the EC addressed a questionnaire to all MS on the implementation of the LO and on the avoidance and minimisation of unwanted catches. WWF analysed the responses to these questions<sup>17</sup> to assess the implementation of Article 14.

For each MS, the present report analyses the answer to each of the three following questions<sup>18</sup>:

1. Have you initiated, supported, participated in or implemented any measures and/or studies relating to the avoidance of unwanted catches through spatial or temporal changes to fishing behaviour (for example, studies/pilots on real time closures)?
2. Which fleet segments/fisheries do these measures and/or studies apply to?
3. What has the uptake of these measures and/or studies been in the fleet segments/fisheries to which they are applicable? Please provide the number and proportion of vessels in the segment/fishery.

Points were given to MS based on the following system:

+1 for yes by question and bonus +1 by question if positive and justified/detailed response

-1 for no

-2 when no answer was provided (e.g. Portugal)

In addition, the data on discard atlas has also been included by sea basin and then reallocated by MS.

Discard Atlas were produced in 2014 for the North, North Western and South Western Waters but no discard atlas was found for the Mediterranean, the Baltic, the Black Seas not for the pelagic and outer-most region fleets. +1 by atlas.

For each MS, points were also given for the existence of discard atlas (1 point by atlas by sea basin).

NS	UK, FR, BE, NL, DE, SE, DK
NWW	IE, FR, GB, NL, ES, BE, DK, DE
SWW	PT, FR, ES
Baltic	DK, DE, SE, FI, PL, EE, LV, LT
Med	SP, FR, IT, GR, HR, SI
Black	RO, BG

**The score by MS, as indicated in the table page 12 of the CFP report and later used in the calculation of the relative percentage of achievement, was then given as follow: 2 points for the MS having achieved over 66% of the actions, 1 point for the MS having achieved and reported some actions and zero point for the other MS.**

<sup>17</sup> [https://www.asktheeu.org/en/request/access\\_to\\_member\\_state\\_documents\\_2](https://www.asktheeu.org/en/request/access_to_member_state_documents_2)

<sup>18</sup>

[https://www.asktheeu.org/en/request/access\\_to\\_member\\_state\\_documents\\_2?unfold=1#incoming-13336](https://www.asktheeu.org/en/request/access_to_member_state_documents_2?unfold=1#incoming-13336)

## Article 15, landing obligation

Article 15 introduced the Landing Obligation (LO), requiring fishing vessels to retain and land all catches of certain fisheries<sup>19</sup> so as to eliminate discarding, the wasteful practice of returning unwanted catches to the sea, whether dead or alive. The CFP has provided the groundwork for MS to progressively phase-in the LO, with full implementation becoming effectively mandatory across the EU as of 1 January 2019. For years, EU fisheries have operated on the basis of a landed quota which resulted in high levels of discarding across fleets. Since 2014, specific funds in the EMFF were allocated to help MS in the transition towards a full implementation of the LO with increased use of selective fishing gears and the development of monitoring and compliance mechanisms.

Based on the recent EC communication on the state of play of the CFP<sup>20</sup>, WWF analysed three criteria to determine how much the MS have progressed towards fully implementing the LO. First, two quantitative criteria were investigated: how much EMFF has been used and what is the LO coverage expected for 2019. Finally, using the delegated acts and joint recommendations (JR) for years 2017 to 2019, a third criterion was investigated: the provisional number of high-survivability and *de minimis* exemptions<sup>21</sup> by sea-basin. This shows the coverage of stocks falling under the Landing Obligation as updated from the number of stocks requested in JRs to those granted in the respective discard plans for 2018 as the discards plans for 2019 are not published yet<sup>22</sup>.

**The score by MS, as indicated in the table page 13 of the CFP report and later used in the calculation of the relative percentage of achievement, was then given based on the two quantitative criteria as follow:**

- **Criterion 1: 2 points for the MS having used above 8% of the EMFF devoted to the full implementation of the Landing Obligation;**
- **Criterion 2: 2 points for the MS planning to have over 50% of the species under the Landing Obligation in their waters, 1 point for the MS planning to have over 25% of the species under the Landing Obligation in their waters and zero point for the other MS.**

It is to be noted that the points here **do not represent a good achievement** (especially for criterion 1) but were however distributed in order to keep consistency with the other analyses and scores of the articles in the report.

Future analyses could also include other criteria, for instance based on an analysis of the documents requested by ClientEarth to the EC<sup>23</sup>:

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<sup>19</sup> All species subject to catch limits and in the Mediterranean Sea also under minimum sizes, caught either in EU waters or by EU fishing vessels outside of EU waters, except in waters under the national jurisdiction of a third country.

<sup>20</sup> <http://nsrac.org/wp-content/uploads/2017/01/Fishing-Opportunities-2019.pdf>

<sup>21</sup> There are two types of exemptions: *de minimis* exemptions allow operators to discard 5 to 7 % of catches in those fisheries where increasing selectivity is either too difficult or too expensive ; high-survivability exemptions temporarily allow operators to throw back fish that have a high chance of surviving.

Combined *de minimis* exemptions present the issue of having higher amount than single species *de minimis* and the amount is taken off the TAC which might affect MSs who don't actually plan to use the exemption.

High survivability exemptions also present a high-risk of post-discard predation and the quantities of dead high survival discards can actually represent more dead fish than a *de minimis* exemption for the same species and fishing gear.

<sup>22</sup> The European Commission's discard plans for 2019 were published in November 2018, after this report's assessment and analysis period; this data is thus not included in this report.

<sup>23</sup> [https://www.asktheeu.org/en/request/access\\_to\\_member\\_state\\_documents\\_2](https://www.asktheeu.org/en/request/access_to_member_state_documents_2)

- Changes to quota management system (+1 if positive change, 0 if no change and -1 if negative change)
- Steps to ensure adequate understanding among stakeholders (+1 if positive change, 0 if no change and -1 if negative change)
- Information provision to fishers (+1 if positive change, 0 if no change and -1 if negative change)
- New control / monitoring tools (by new tool, +1 if positive change, 0 if no change and -1 if negative change)
- Provision of funding under EMFF for onboard modifications, port-side infrastructure, marketing and processing (+1 if positive change, 0 if no change and -1 if negative change)

### **Sources**

- Criterion 1:

SWD(2017) 256 final Commission Staff Working Document Accompanying the document Communication for the Commission on the State of Play of the Common Fisheries Policy and Consultation on the Fishing Opportunities for 2018 (COM(2017) 368 final)

- Criterion 2:

"Evaluation of Member State's Annual Reports on the Landing Obligation (for 2017)", dated March 2018, DG MARE Contract No. ARES(2018)1564295. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018SC0329&qid=1532867521847&from=EN>

- Criterion 3:

Table 4.3.1. Number of recommendations by type and region evaluated by EWG 18-06, p 18 from <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

Commission Delegated Regulation (EU) 1396/2014

Commission Delegated Regulation (EU) 2015/2438; Commission Delegated Regulation (EU) 2015/2439 ; Commission Delegated Regulation (EU) 2015/2440

Commission Delegated Regulation (EU) 2016/2374; Commission Delegated Regulation (EU) 2016/2375 ; Commission Delegated Regulation (EU) 2016/2250

Commission Delegated Regulation (EU) 2017/86

Commission Delegated Regulation (EU) 2018/44; Commission Delegated Regulation (EU) 2018/45 ; Commission Delegated Regulation (EU) 2018/46 ; Commission Delegated Regulation (EU) 2018/153 ; Commission Delegated Regulation (EU) 2018/211 ; Commission Delegated Regulation (EU) 2018/153

**Article 17, allocation of fishing opportunities**

Article 17 identifies the criteria MS shall use in allocating fishing opportunities. Environmental, social and economic criteria shall be transparent and objective. MS shall also incentivise national fishing fleet to deploy selective fishing gears or adopt fishing techniques with reduced environmental impact.

As no European online database exists that would support an assessment of Article 17, marine experts assessed the allocation of fishing opportunities in their respective marine MS. The table below presents a summary of the answers to the question sent to fisheries experts across the MS on restricted fishing activities in their respective MS.

	PT	LT	DK	LV	IE	CY	EE	ES	FI	FR	GR	IT	MT	RO	HR	SE	BE	DE	NL	PL	SI	BG
Perceived as transparent ?	no		yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes		no	no	no	no	no		
favouring low-impact fishers ?	no		yes	yes	yes	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no		
changes to come in the system?	yes	yes	yes					yes														
Group of MS	About to change		Implementation underway	Starting implementation	No implementation yet																	No info

Depending on the answers to the question, the MS belong to one of the five groups, displayed in the pie chart page15 of the CFP report: “about to change”, “implementation underway”, “starting implementing”, “no implementation yet”, and “no information”.



## **Exhaustive list of information and website references by MS:**

### Belgium

Allocation of fishing opportunities is managed by a working group of ‘the Rederscentrale’. Information on how decisions are made are not public available. The decisions themselves are published on

[https://www.rederscentrale.be/swfiles/files/20180701%20Overzicht%20quotamaatregelen%202018\\_33.pdf](https://www.rederscentrale.be/swfiles/files/20180701%20Overzicht%20quotamaatregelen%202018_33.pdf)

### Croatia

Little transparency and public scrutiny but ICCAT criteria for allocation of Bluefin tuna and swordfish fishing opportunities are publicly available.

More details on <https://www.iccat.int/Documents/Recs/compendiopdf-e/2015-13-e.pdf> and recent legislation <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R2107&from=EN>

In the Mediterranean Sea, an EU proposal for the establishment of a Fisheries Restricted Area in the Jabuka/Pomo Pit was adopted by the General Fisheries Commission for the Mediterranean in October 2017. The Jabuka Pit area is crucial in the life cycle of benthic and demersal species, as it is one of the few deep sea areas between Italy and Croatia. It hosts vulnerable marine ecosystems and the most important nursery and spawning grounds for key fish species. The EU proposal creates three fishing areas in the Pit, one closed to all demersal fisheries (bottom trawling, set longliners, traps) and two others where fishing efforts are to be significantly restricted. Long-term stakeholder involvement should be further developed for an effective participatory governance based on co-management to properly set up rules and responsibilities.

### Cyprus

Same as for Croatia, ICCAT criteria should determine the allocation of Bluefin tuna fishing opportunities.

### Denmark

Various schemes and criteria are explicitly stated on the fisheries minister website, some mechanisms to allocate quotas to coastal fishermen (not necessarily low impact but based on vessel size) and some more recent ones favouring low impact fishermen. However, a recent study highlighted the absence of transparency and the monopoly of quota allocation between some parts of the fishing sector.

### Estonia

Estonia’s system of individual transferable quotas (ITQ) and effort (ITE) has been in place since 2001. Main criteria are stated in the Fishing Act which details can be found here <https://www.riigiteataja.ee/en/eli/529112017002/consolide>.

### Finland

Allocation criteria set up by one local authority is south-west Finland (<https://www.elykeskus.fi/en/web/ely-en/>) that controls all commercial fishing for whole the Finnish EEZ in the Baltic Sea. A priori no obvious mechanism to favour low-impact fishers. Information on the quota process can be found:

[http://www.sakl.fi/images/2016/Kaupallisen\\_kalastuksen\\_toimijakohtaiset\\_kiinti%C3%B6t\\_eduskunta\\_FINAL2\\_1.pdf](http://www.sakl.fi/images/2016/Kaupallisen_kalastuksen_toimijakohtaiset_kiinti%C3%B6t_eduskunta_FINAL2_1.pdf)

Information on the national implementation of CFP can be found here: <http://www.sakl.fi/images/2016/sk20161048.pdf>

### France

Public criteria published for some species (Bluefin tuna for instance <https://www.legifrance.gouv.fr/eli/arrete/2018/2/8/AGRM1802683A/jo/texte>) but a priori no obvious mechanism to favour low-impact fishers.

### Germany

There are no publicly available information on allocation criteria. Furthermore, although Germany has been asking for derogations during TAC negotiations, there has been no public communication on the “socio-economic evidence” that would justify those derogations.

### Greece

Fishing allocation criteria are published online here <http://www.alieia.minagric.gr/node/9>  
However, no mechanism seems to exist to favour low impact fishers.

### Ireland

No individual quotas, allocation partly based on historical catches combined to specific schemes (some extra quotas for more selective gears, for monkfish). Changes are expected after 2019 (e.g. penalty if you overland your monthly quota). Information is partly available here <https://www.agriculture.gov.ie/seafood/sea-fisheriespolicymanagementdivision/>

### Italy

National decree was issued in April 2018. Fishing opportunities are allocated according to historical catches

[https://www.pescaricreativa.org/docs/lexit/ripartizione\\_quote\\_tonno\\_2018\\_2020.pdf](https://www.pescaricreativa.org/docs/lexit/ripartizione_quote_tonno_2018_2020.pdf)

### Latvia

Criteria for the allocation of fishing opportunities is mentioned in the Fishing Regulation and Cabinet of Ministers Regulation No. 918 “*Regulation for water bodies and lease of industrial fishing rights and the use of fishing rights procedure*”. Fishing opportunities are established based on (1) the type of fishing for commercial or individual consumption, (2) current fishing opportunities for fisher, and (3) the effectiveness in the previous year, including overall fishing opportunity volume, number of fishers, advantages of local municipality fishers and other similar factors. In addition, when a contract is made for the lease of fishing rights for the next period, an examination is carried out to see whether the fishers has made any violations in previous years, which has enough legal basis to terminate the lease of fishing rights. Similarly the Fishing Regulation for coastal fishers, who are seen as low-impact fishers, guarantees particular fishing opportunity volume that has been laid out in the regulation as a percentage for each fish species based on the total allowable catches for Latvia.

### Lithuania

This task is delegated to Fisheries Service. Information on national fishing opportunities from the TACs set by the Council of fisheries ministers is always available (<http://zuv.lt/index.php?1406726939>). However, allocation of this quota between fishing companies is very shady and this information seems not to be publically available. The Lithuanian coastal fisheries (Low impact fisheries) receive 5% and an additional 5% is sold at auctions. At the moment there are contracted scientists by the ministry to evaluate the fishing opportunities in the coastal area.

More information is available here:

[http://zum.lrv.lt/uploads/zum/documents/files/LT\\_versija/Veiklos\\_sritys/Mokslas\\_mokymas\\_ir\\_konsultavimas/Moksliniu\\_tyrimu\\_ir\\_taikomosios\\_veiklos\\_darbu\\_temos/%C5%BDem%C4%97s%20%C5%ABkio%20ministerijos%202018%20metais%20i%C5%A1%20%C5%BDem%C4%97s%20%C5%ABkio%2C%20maisto%20%C5%ABkio%20ir%20kaimo%20pl%C4%97tros%20skatinimo%20programos%20priemon%C4%97s%20%2C%2CParama%20taikomiesiems%20tyrimams%20vykdyti%20i%C4%97%C5%A1%C5%B3%20finansuojami%20moksliniai%20tyrimai%20bei%20taikomoj.pdf](http://zum.lrv.lt/uploads/zum/documents/files/LT_versija/Veiklos_sritys/Mokslas_mokymas_ir_konsultavimas/Moksliniu_tyrimu_ir_taikomosios_veiklos_darbu_temos/%C5%BDem%C4%97s%20%C5%ABkio%20ministerijos%202018%20metais%20i%C5%A1%20%C5%BDem%C4%97s%20%C5%ABkio%2C%20maisto%20%C5%ABkio%20ir%20kaimo%20pl%C4%97tros%20skatinimo%20programos%20priemon%C4%97s%20%2C%2CParama%20taikomiesiems%20tyrimams%20vykdyti%20i%C4%97%C5%A1%C5%B3%20finansuojami%20moksliniai%20tyrimai%20bei%20taikomoj.pdf)

### Malta

Same as for Croatia and Cyprus, ICCAT criteria should determine the allocation of Bluefin tuna fishing opportunities.

### Netherlands

No information on the allocation criteria in the Netherlands.

### Poland

No information on the allocation criteria in Poland.

### Portugal

Allocation criteria are based on historical rights, but a new point system is being implemented to favour low-impact fishers. The new system is not effective yet and it is not clear when it will be nor whether information will be made publicly available.

### Romania

There are six published criteria that have been decided in 2016. However, none of the criteria is referring to the low or high impact of fishers on the marine environment.

[http://www.anpa.ro/wp-content/uploads/file/Legislatie%20/Ordine%202016/ORDIN%20nr\\_%20807%2013\\_05\\_2016.pdf](http://www.anpa.ro/wp-content/uploads/file/Legislatie%20/Ordine%202016/ORDIN%20nr_%20807%2013_05_2016.pdf)

#### Spain

Some information is made publicly available, for instance proposal of Royal Decree for bluefin tuna that include explanations and criteria used in the allocation, which is improving substantially but not enough the access of quota to small-scale fishers.

Spanish law refers to Art 17 of the CFP and historical and technical criteria among others. Socio-economic criteria are also mentioned, such as employment and working conditions, but those criteria may no be taken into account for quotas allocation.

<https://www.boe.es/buscar/act.php?id=BOE-A-2001-6008>

However, no information is available on how these criteria are set, and why the environment and the impacts of fishing activities are not being taken into account.

#### Sweden

Transparent information regarding the different systems existing in Sweden for the allocation of fishing opportunities. Mostly, the allocation of fishing opportunities is based on historical fishing levels and region. Everyone is allowed to fish until the quota is reached. However, for pelagic fisheries, there is the system of individual transferable quotas (ITQ) which was implemented in 2009. For demersal fisheries, a system of individual fishing quotas was implemented in January 2017 where fishers can transfer their right to fish to other fishers, but there is no market where quotas are sold and bought such as for the pelagic fishery. Finally, the shrimp fishery has fishing opportunities allocated based on the size of the boat.

Systems favouring small-scale fisheries have been implemented, however, the driver has been socio-economic, rather than environmental.

#### United Kingdom

The allocation of fishing opportunities within the UK is based on Fixed Quota Allocations and is set out in the UK Concordat:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69547/pb13771-fish-concordat.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69547/pb13771-fish-concordat.pdf)

This is due for renewal however the UK fisheries Minister and Welsh Fisheries Minister are postponing signing the agreement – likely keen to see the outcome of Brexit.

<https://www.gov.scot/Topics/marine/Sea-Fisheries/context/Concordat>

This method of allocating fishing opportunities does not favour low-impact/smaller vessels but the vessels/organisations who own the biggest shares of quota.

<https://www.gov.uk/government/news/fishing-quota-register-provides-greater-transparency>

### **Articles 22&24, fleet capacity and registers**

According to Article 22, MS are to identify overcapacity and to adjust the size and nature of their fishing fleets to their fishing opportunities. Article 22 also refers to the annual reporting activity of MS' on the balance between the capacity of their fleets and their fishing opportunities that is submitted to the EC. The E. Commission is to develop guidelines indicating relevant parameters to identify overcapacity and help submit MS action plan to achieve balance.

The evaluation of this article examined information submitted by MS to the E. Commission in 2017 that assess the annual capacity of all EU fleet segments in 2016<sup>24</sup>. An updated report will be made available in December 2018, covering year 2017.

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<sup>24</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018SC0329&qid=1532867521847&from=EN>

	EC	MT	EE	PT	ES	IT	UK	FR	BE	PL	DE	GR	HR	FI	IE	LT	SE	SI	DK	BG	RO	LV	NL	CY
Art.22																								
MS reports made publicly available	-1																							
MS action plan against overcapacity with clear targets and time-frame <sup>25</sup>		2		2	2	2	2	2		2	2	2	1					2		1	1			
STECF evaluation of the action plan content <sup>26</sup>		0		-1	-2	-2	-2	-2	0	-2	-2	-1	-1	-3	-3	-3	-3	-3	-3	-3	-3	-3	-3	-3
Report from EC to EP & Council	+1																							

<sup>25</sup> 1 point if action plan was only amended, 2 points if a new action plan was submitted

<sup>26</sup> STECF Expert Working Group activity for fleet capacity in year 2016: <https://stecf.jrc.ec.europa.eu/ewg1708>

Link to STECF Excel table [https://stecf.jrc.ec.europa.eu/c/document\\_library/get\\_file?uuid=858ede8e-43e9-4f79-956c-9cb43fc90f17&groupId=43805](https://stecf.jrc.ec.europa.eu/c/document_library/get_file?uuid=858ede8e-43e9-4f79-956c-9cb43fc90f17&groupId=43805)

<https://stecf.jrc.ec.europa.eu/documents/43805/1453963/STECF+16-18+-+Balance+capacity.pdf> p10

[https://stecf.jrc.ec.europa.eu/c/document\\_library/get\\_file?uuid=a67ec92f-506a-446c-af1e-2703016a79f7&groupId=43805](https://stecf.jrc.ec.europa.eu/c/document_library/get_file?uuid=a67ec92f-506a-446c-af1e-2703016a79f7&groupId=43805) evaluation from p 135 to p 150

Scoring is 0 if no comment from STECF EWG, -1 if STECF gives other recommendations on top of what is planned by the MS, -2 if STECF unable to determine if action plan is sufficient, -3 if no new data to support action plan

% of active fleet segments assessed out of balance <sup>27</sup>		80	40	83	72	94	63	55	100	100	100		100	25	46	33	43	100	80	100	100	100	100	
		-1	0	-1	-1	-1	-1	-1	-2	-2	-2	-3	-2	0	0	0	0	-2	-1	-2	-2	-2	-2	-3
Art.24																								
EC maintaining a EU fishing fleet register	+1																							
Register publicly available	+1																							
EC adopting implementing acts	-1																							
Score	1	1	0	0	-1	-1	-1	-1	-2	-2	-2	-2	-2	-3	-3	-3	-3	-3	-4	-4	-4	-5	-5	-6

<sup>27</sup> -3 for lack of data, -2 for 100% out of balance, -1 for more than 50% out of balance, 0 for less than 50% out of balance

Already in 2011, the European Court of Auditors<sup>28</sup> had highlighted the urgent need for the European fishing fleet to change its structural overcapacity that ultimately leads to overfishing. Action plans have been drafted by some MS to reduce their fleet capacity by the number of vessels, by tonnage or by power, but updates to those action plans are rare despite being required annually. STECF experts were mostly unable to determine whether the MS efforts to reduce fleet overcapacity would be sufficient in speed and amplitude.

Disappointingly, the newer national reports cannot be found on the E. Commission website. A companion report from FishSec<sup>29</sup> provides more in-depth analyses on fleet capacity and highlights discrepancies between the Staff Working Document from the E. Commission and national reports provided by MS on the number of fleet segments being in imbalance, which has significant consequences for the drafting of action plans. For instance for Poland, 48% of the fleet was scrapped in 2008 and FishSec analyses report that some parts of the Polish fleet is

balanced  
([https://www.fishsec.org/app/uploads/2018/11/FishSec\\_summary\\_Poland\\_final-1.pdf](https://www.fishsec.org/app/uploads/2018/11/FishSec_summary_Poland_final-1.pdf)).

Regarding Article 24, the EU fleet register seems to be fully functional and regularly updated with all information publicly available for all MS. However, decision-makers and stakeholders do not seem to currently receive adequate information from MS and the E. Commission about overcapacity which hampers the overcapacity reduction process.

It is a matter of urgency that a robust EU-wide system identifies and addresses fleet overcapacity. In the absence of sufficient monitoring and control, the CFP's system is in all probability not delivering the intended capacity reductions. Therefore, WWF urges the MS to:

- improve the information collection and exchanges as the European Fisheries Control Agency and the E. Commission do not currently have access to data on a continuous basis on the E. Commission fleet's fishing effort nor on its capacity;
- mandate the continuous monitoring of engine power for vessels categories of medium, high and very risk of non-compliance to systematise the control of their fishing capacity;
- align fishing opportunities and fleet capacity with fish stocks resources availability stated by the best available science.

### **Articles 25, 26 & 27, data collection and research**

CFP Article 3 includes decision-making on fisheries management and conservation measures based on the best available scientific advice as a principle. In addition, Articles 25, 26 and 27 refer to the scientific base required for fisheries management. MS must collect, manage and make available a wide range of fisheries data needed for scientific advice. The data is collected on the basis of National Programmes in which the MS indicate which data is collected, the resources they allocate for the collection and how data is collected. MS shall coordinate their fisheries research innovation and scientific advice programmes with other MS, in close cooperation with the E. Commission, in the context of the EU research and innovation frameworks, and involve, where appropriate, the relevant Advisory Councils. MS must also report annually on the implementation of their National Programmes and the Scientific, Technical and Economic Committee for Fisheries (STECF) evaluates the Annual Reports.

Examining the presence or absence of National Programme submissions and the Annual Report submissions has been the basis for analysing these articles. However, a more in-depth assessment of the detail of National Programmes and Annual Reports to consider if data collection activities are coordinated with other MS (Article 25.5), whether appropriate scientific bodies and STECF are consulted (Article 26) and whether national programmes include fisheries and aquaculture research and innovation programmes (Article 27) was not possible as most reports remain unavailable to public scrutiny.

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<sup>28</sup> [https://www.eca.europa.eu/Lists/ECADocuments/SR11\\_12/SR11\\_12\\_EN.PDF](https://www.eca.europa.eu/Lists/ECADocuments/SR11_12/SR11_12_EN.PDF)

<sup>29</sup> not public yet, will add reference in November once the report is out

	EC	ES	DE	HR	IE	UK	PL	PT	SI	BE	BG	CY	DK	EE	FI	FR	GR	IT	LT	LV	MT	NL	RO	SE
Annual reports (published in 2017, data from 2016) <sup>30</sup>	-1	1	1	-1	1	1	1	1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1
National Programmes <sup>31</sup>		+1	-1	+1	-1	-1	-1	-1	+1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1
Article 50, Annual report from the EC addressing progress on achieving MSY and on fish stocks	+1																							
Score	0	2	0	0	0	0	0	0	0	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2

<sup>30</sup> Nota Bene, for years 2015 and 2016 – 20 reports available (missing Bulgaria, France, Greece)

<sup>31</sup> No report in 2017 from any MS, so scoring on reports published in 2016 with data from 2015. For year 2015 only Spain provided a national programme and for year 2014 all 23 MS provided a national programme.

Since 2014, all EU marine MS have collected and reported detailed quantitative fishing data once; however, no MS except Spain has actually provided an annual report detailing its national programmes for 2017. As a stakeholder attending several Advisory Councils, WWF is aware of a number of research and innovation programmes (e.g. DiscardLess, Minouw, Mareframe) which have been presented to/consulted Advisory Councils. There are likely to be a much larger number of projects, particularly addressing issues surrounding the LO. Indeed, given the advent of the LO, the risks for illicit behaviour increasing on the water, are even higher as the potential for less data being made available meanings less confidence in assessments. It is thus vital that administrative requirements be met for enforcement and data collection purposes. The whole process of data gathering and fully documented fisheries must now speed up. WWF believes that the introduction of modern technologies can be effectively deployed and contribute to the harmonisation of data collection and control procedures (e.g. VMS system, REM), providing the much needed level playing field while, at the same time, deliver valuable information and data for both science and compliance purposes.

Successful co-surveillance and more holistic schemes have been developed for all types of fisheries across the EU and abroad, often based on low-cost technologies and resources. WWF recommends that means to facilitate the exchange of results of these successful practices should be made available in a common EU database. Filling in the data gap from the insufficient monitoring and control at-sea has not been given enough effort nor attention on the political side so far and all decision-makers should push for an effective at-sea monitoring program. There is also a strong opportunity for the fishing sector to take a proactive role in designing monitoring at sea hand-in-hand with the legislators and the researchers.

Recreational fishing is estimated to account for more than 10% of the total fish catch in the Mediterranean Sea and more than 50% of the catch for the Baltic cod<sup>32</sup>. Future national programmes must deal urgently with this systematic lack of collected data. WWF recommends that recreational fishing licensing should be a solid process that ensures that recreational fishers are made aware of the legislation, as well as the scientific rationale behind it, and report catches of species under recovery and/or conservation measures.

### Article 38, pilot projects on new technologies and data management systems

The table below presents a summary of the answers to the question sent to fisheries experts across the EU MS on the existence of pilot projects in their respective MS.

	D	D	E	E	F	G	L	P	U	I	N	R	S	H	B	F	L	P	I	B	C	M	S
	E	E	E	E	R	R	V	T	K	E	L	O	E	R	E	I	T	L	T	G	Y	T	I
Existence of pilot project new tech / data management (yes if at least one still ongoing)	y	y	y	y	y	y	y	y	y	y	y	y	y	y	n	n	n	n	n				
Perceived as successful?	e	e	e	e	e	e	e	e	e	e									n				
Group of MS	Implementation underway											Starting implementation			No implementation yet			No information					

<sup>32</sup> Radford et al. 2018 <https://doi.org/10.1371/journal.pone.0201666>



Depending on the answers to the question, the MS belong to one of the four groups, displayed in the pie chart page22 of the CFP report: “implementation underway”, “starting implementing”, “no implementation yet”, “no information”.

Exhaustive list of information and website references:

#### Belgium

No pilot project seems to have been developed yet in Belgium. However, there are small-scale experiments to facilitate data management on board but nothing official yet.

#### Croatia

No info is shared publicly by the ministry but it has come to our knowledge that the ministry in Croatia intend to improve the control of fishing activities with drone use. However, it is not clear when it will be functional, nor whether any data management system is being developed in association.

#### Cyprus

We are not aware of any pilot project which might be linked with Article 38 of the basic regulation.

#### Denmark

There have been extensive projects related to CCTV monitoring of fisheries. The ones based on discards are published and other spin-off projects have focused on using this technology to monitor bycatch of harbour porpoises (and to a lesser extent seabirds). This porpoise bycatch monitoring is currently being used to determine if a risk based model can be used to mitigate bycatch of porpoises as part of Natura 2000 habitats directive implementation (I co-authored this one in my previous employment). The reports are available here:

CCTV, discards etc Report from the DK trial:  
[http://orbit.dtu.dk/files/106860381/Publishers\\_version.pdf](http://orbit.dtu.dk/files/106860381/Publishers_version.pdf)

CCTV on gillnet vessels: [http://orbit.dtu.dk/files/10394119/REM\\_on\\_gillnet\\_vessels.pdf](http://orbit.dtu.dk/files/10394119/REM_on_gillnet_vessels.pdf)

CCTV monitoring of cetacean bycatch: <http://orbit.dtu.dk/files/51206505/no19p075.pdf>

Interesting here is that CCTV actually documents that porpoises fall out of nets before fishers see them, i.e. leading to underreporting

High risk areas for cetacean bycatch: <https://www.int-res.com/abstracts/meps/v555/p261-271/>

#### Estonia

Ministry of Rural Affairs has launched the PERK project, which is an application for coastal and inland fishers to collect catch data and increase fishing activity reporting. This would allow swift data reporting to different authorities. In addition, the application is meant to motivate more fishers to transition faster from paper-based monthly reporting to electronic daily reporting, which is expected to improve quota monitoring and inspection activities.

#### Finland

A priori, in Finland, no new innovative approach for data collection. However, for control, all marine salmon need to be tagged (tail or back) since 2017. It was before only compulsory on commercial salmon. There is currently a legislative proposal for salmon in river and mouth areas that should all be tagged.

#### France

At least one project has come to our attention. Project ObServe, scientific and statistical data monitoring program on purse seine and line tuna fisheries in the Indian and Atlantic oceans, 2016-2018, <http://www.ob7.ird.fr/observe-project.html>

#### Germany

Projects have been developed like the Fish'EM project, part of the joint [AutoMAT](#) project « Development of innovative and non-invasive monitoring systems for fisheries research ».

<https://www.thuenen.de/en/of/projects/fisheries-management/development-of-an-electronic-monitoring-system-to-controll-fisheries-fishem/> - Development of an Electronic Monitoring System to controll fisheries (Fish'EM) : The purpose of the project was to evaluate and further develop possibilities for the determination of reliable discards by means of electronic monitoring, to test the feasibility of a management approach

using a reversal of the burden of proof, and to evaluate different incentives to fulfil the observation by electronic monitoring.

#### Greece

Since July 2013, the Cyclades LIFE Project has been developing a novel surveillance system utilizing innovative technological means. It includes a fully operational radar system, a high-definition, wide-coverage, camera, an IT and a telecommunications Command Center and potentially an un-manned aerial survey system (drone). All the above need to be fully functional and closely monitored by WWF Greece surveillance team, that is also responsible for the monitoring of the area in close collaboration with the Hellenic Coast Guard Authorities. This collaboration is based on a MoU between WWF Greece, the Hellenic Coast Guard and the Ministry of Environment, which has been signed in the course of the CYCLADES Life project, and that specifies each body's responsibilities and foresees the future sustainable operation of the system.

<http://cycladeslife.gr/en/>

#### Ireland

Some projects from BIM on inshore sector , see website [www.sfpa.ie](http://www.sfpa.ie) (e.g. last haul analysis, traceability application)

Other national and European projects developed by the Marine Institut [www.marine.ie](http://www.marine.ie) with mapping of discard abundance, dedicated inshore actions (e.g. electronic logbook).

#### Italy

Within the Minouw project, there was the development of a smartphone application, freely distributed to fishers to report their catches in real time. However, fishers did not want to use it as it was not mandatory, so that the progress cannot be considered a success.

#### Latvia

In relation to wild capture fisheries and fish products, which are used for individual consumption, based on EU requirements Latvia has implemented an electronic traceability systems and by using a QR code the information that is collected at the moment of capture reaches the end-user. Electronic traceability is based on the national information system for “*Integrated control and information systems for fisheries in Latvia*” and is monitored by the Ministry of Agriculture. This system ensures all fisheries-related document electronic monitoring and control opportunities, mutual inspections and other functions. More information can be found here: <https://www.zm.gov.lv/zivsaimnieciba/statiskas-lapas/zvejas-produktu-izsekojamiba?nid=2637#jump>

#### Lithuania

No confirmed project has come to our knowledge.

#### Malta

We are not aware of any pilot project which might be linked with Article 38 of the basic regulation.

#### Netherlands

In the NL, there are pilot sociological projects of self-controlling. Projects between the fishers and the government where the fishers gather their own data and sanction other fishers themselves. This has been a controversial project as it is a governmental prerogative to sanction and fine.

#### Poland

We are not aware of any pilot project which might be linked with Article 38 of the basic regulation.

#### Portugal

In a co-management project “Copesca” starting in 2019, it is being discussed how to implement new ways to re-inforce the surveillance. How to use the fishers, how to use drones, how to use more people helping? The project relies on multi-stakeholder collaborations and will involve experimental measures.

Another project in South Portugal, involves GPS tracking of barnacle catches and fishers to better understand the spatial distribution of the fishery.

#### Romania

Two projects have been developed on acquisition of control equipment (to measure the mesh eye size and for control and surveillance) and one project was developed for data collection. All the project are financed by Operational Program for Fishery and Maritime Affairs and have been launched in 2018. The results are not published yet.

<http://www.ampeste.ro/popam-2014-2020/lista-beneficiarilor-popam-2014-2020/611-lista-beneficiarilor-popam-2014-2020-la-data-de-31-august-2018.html> (row 161, 162, 170)

#### Spain

To our knowledge no new pilot project has been recently developed. However, in collaboration with other stakeholders, WWF has started working on Green Box data and other data sources (e.g. logbook and landings data) in order to characterize fishing in specific areas such as National parks and areas proposed as fishing reserve or Natura 2000 sites. That is very helpful to identify most "profitable" areas and think in different scenarios for time-space management considering also economical earnings.

More information is available in Spanish here:

[http://soldecocos.org/index.php?option=com\\_content&view=article&id=26&Itemid=291](http://soldecocos.org/index.php?option=com_content&view=article&id=26&Itemid=291)  
<http://franciscosobrado.maps.arcgis.com/apps/MapJournal/index.html?appid=ad1c2496c68e4234b9e866822e1a806e>

#### Green Box Andalusia

<http://www.juntadeandalucia.es/organismos/agriculturapescayderosrollorural/areas/pescaacuicultura/slsepa.html>

<http://www.juntadeandalucia.es/organismos/agriculturapescayderosrollorural/areas/pescaacuicultura/slsepa/paginas/caja-verde.html>

#### Sweden

SwAM has developed a traceability system for seafood products that complements and is compatible with EU's traceability system for food safety. Mandatory use of the system applies to all companies that buy or sell seafood by January 2019. Information on fishing vessel or production site, date of catch/harvest, and fishing gear should be entered into the system. So far companies decide themselves to what extent they want to share this information with their consumers.

Link: <http://www.mynewsdesk.com/se/havochvatten/pressreleases/hav-infoer-nytt-system-att-spaara-fiskeri-och-vattenbruksprodukter-underlaettar-foer-konsumenter-som-vill-goera-medvetna-val-2119690>

#### United Kingdom

Marine Management Organisation (MMO), on behalf of the Department for Environment, Food and Rural Affairs (Defra) has been running the Fully Documented Fishery scheme with industry in England since 2011. These schemes are voluntary and vessels opt into the schemes. There are currently three schemes running: one in the North Sea focusing on cod, one in the Western English Channel focusing on dover sole, another in the Western English Channel focusing on haddock. The MMO also gathers data on the discards of other fish species in the trials. <https://marinedevelopments.blog.gov.uk/2017/03/20/fully-documented-fishery-discards-quota-fish-cctv/>

Marine Scotland has been running a Fully Documented Fisheries (FDF) scheme aimed at monitoring catches of Saithe and Monkfish. Info under January 2017 and February 2017 headings:

<https://www.gov.scot/Topics/marine/Sea-Fisheries/discards/activities/2017>  
some additional info on Page 2:  
<http://www.ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/acom/2017/WGNSSK/10%20WGNSSK%20Report%20-%20Section%2008%20Haddock%20in%204,%203aN%20and%206a.pdf>

There's also the Sustainable Fisheries for Wales Project <http://fisheries-conservation.bangor.ac.uk/wales/index.php.en>

## **Articles 43, 44 & 45, regionalisation**

The Advisory Councils and the regionalisation process, or decentralisation of some decision-making to the MS fishing in a particular marine area, are defined by Articles 43, 44 and 45 of the CFP. As MS are only observers in the Advisory Councils, the present analysis focuses on the Advisory Councils activities.

Very limited data is available to evaluate the activities of the respective high-level regional groups, such as Scheveningen group and BaltFish, which was thus not included in the present report. Further investigations would be required to evaluate the level of, or lack of, transparency in high-level MS groups e.g. with timely invitation to meetings including prior provision of draft documents for AC discussion, with timely access to agenda and detailed reasons for divergence from AC consensus recommendations, where such divergence exists.

Based on Articles 43, 44 and 45 of the CFP, regionalisation represents a much needed change in governance with enhanced stakeholder responsibility. It relies on two main features: 'moving down' towards lower politico-administrative levels and 'moving out' towards genuine stakeholder involvement. Expectations have been that decentralised decision-making with more stakeholder participation would resolve some of the challenges of CFP implementation. Article 43(1) of the Basic Regulation stipulates for instance that "Advisory Councils shall be established... to promote a balanced representation of all stakeholders... and to contribute to the objectives [of the CFP]".

Based on publicly available data from the Advisory Councils respective websites, analyses were conducted on both structure and operation of the 11 Advisory Councils to test this hypothesis. The E. Commission was also evaluated in terms of consulting with and delivering to the Advisory Councils.

The table below presents the detailed scoring of each of the actions from the Articles 43, 44 & 45 for the European Commission and all Advisory Councils.

	North Sea Advisory Council	Pelagic Advisory Council	Aquaculture Advisory Council	Market Advisory Council	North Western Waters Advisory Council	Mediterranean Advisory Council	Baltic Advisory Council	Black Advisory Council	Long Distance Advisory Council	South Western Waters Advisory Council	Outermost regions AC	EC
<b>Article 43</b>												
establishment of new ACs			1	1				1			0	3
availability of rules of procedure on the AC website	1	1	1	1	0	1	1	1	0	0		7
<b>Article 44</b>												
EC consulting ACs												1
Coordination of different ACs on common interest topics	1		1	1	1	1			1			
AC providing advice to improve joint recommendations	1	1			1							
AC advice sent to the EC and to the high-level groups	1	1			1		1					
EC answering within 2 months to AC advice												1
justification for not following AC advice sent to relevant AC by the EC												0
<b>Article 45</b>												
composition of Membership (60 / 40 split achieved) in the ExCom and GA	0	0	0	0	0	0	0	0	0	0		
environmental	1	1	1	1	1	1	1	0	1	1		

NGOs appointed to Vice Chair roles													
availability of a current work programme on the AC website	1	1	1	1	1	1	0	1	0	0	0		
AC performance review		1											
<b>Total</b>	<b>6</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>0</b>		<b>12</b>

The current interpretation of regionalisation prepares the ground for enhanced stakeholder responsibility, with two MAPs being already adopted and three more underway, which will further strengthen regionalisation in a future reform of the CFP.

Although the consultation process between the ACs and the E. Commission seems rather smooth, it remains difficult to quantify whether AC advice has been taken into account by the E. Commission or not.

Generally the 60/40 split is achieved in the Executive Committee but not in the General Assembly of any of the AC that remain industry-dominated. Weighing the votes in the ExCom and General Assembly, as recently adopted at the Aquaculture AC, could be a way to overcome this representation issue. Increasing NGOs representation would also increase the likelihood of having marine conservation issues and put the CFP's sustainability objectives higher in the ACs' work programmes and agendas. Having no NGO chair can also lead to insufficient involvement of the NGOs in decision making in the AC.

The impression among stakeholders sometimes remains that the E. Commission acts in a top-down manner, receiving advice from regional MS groups rather than from AC. Improving the AC's working conditions and the effectiveness of AC work will result in increasing trust between the E. Commission, NGOs and industry representatives.

Nota Bene: The Outermost Region Advisory Council was founded in November 2018, after this report's assessment and analysis period; this AC is thus not included in the present report.

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