BRIEFING SERIES: Recommendations to the EU and the UK on the setting of fishing opportunities

Depleted stocks with zero or very low catch advice

Briefing 9 of 11 **July 2025**

About this Briefing Series

This Briefing Series, supported by the 29 undersigned organisations, is designed to assist the responsible decision-makers in the European Union (the European Commission, the Council of the EU and the Member States) and the United Kingdom (the UK Government and devolved administrations) in managing fishing opportunities in a way that:

- Finally ends overfishing,
- Significantly contributes to restoring and/or maintaining all fish stocks above healthy levels and to minimising levels of incidental catches, and
- Safeguards marine ecosystem functioning and resilience, also in light of mounting pressures like climate change.

The Series consists of 11 Briefings covering the following topics related to the setting of fishing opportunities:[1,2]

- 1. Cover Briefing: Key recommendations on setting fishing opportunities
- 2. Context and legal framework
- 3. "Best available" is not good enough - addressing shortcomings in the current scientific advice
- 4. Shared fish stocks
- 5. Fishing opportunities in an ecosystem context
- 6. Mixed fisheries considerations
- 7. The fishing effort regime in the Western Mediterranean Sea
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- 9. Depleted stocks with zero or very low catch advice (this briefing)
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In order to ensure that fishing opportunities support thriving fisheries while safeguarding ocean health, resilience and productivity, we call on decision-makers to follow all of our recommendations across the entire Briefing Series.

About this Briefing

Many fish populations caught in EU and UK fisheries are severely depleted, and limited effort has so far been made to effectively promote recovery, while Total Allowable Catches (TACs) continue to exceed scientific advice. This failure to prioritise rebuilding is not only at odds with the EU's and UK's shared legally binding objectives regarding stock recovery, ecosystem-based management and Good Environmental Status (GES). It is also perpetuating a vicious cycle in which mixed fisheries are eternally overshadowed by "choke" risks, created and continued by overfishing of depleted stocks in order to avoid short-term quota cuts or closures (also see Briefing 6).

This Briefing provides recommendations for how EU and UK decision-makers should put stock recovery at the heart of their fisheries decisions to finally escape this dilemma, by:

- Requesting scientific advice that is explicitly geared towards rebuilding stocks above sustainable levels, and preventing them from falling below them (also see Briefing 3);
- Setting catch limits for depleted stocks in line with, i.e. not exceeding, scientific advice;
- Adopting and implementing effective rebuilding plans;
- Ensuring full catch documentation particularly where "bycatch TACs" are used; and
- Setting TACs for more abundant target stocks in mixed fisheries below their single-stock advice to safeguard depleted stocks caught as bycatch.

The problem: Many fish populations remain in a dire state

The scientific advice published by the International Council for the Exploration of the Sea (ICES) over the years highlights the continued severely depleted status of a number of key fish populations, many of which are jointly managed by the EU and the UK. Examples of shared depleted stocks include Celtic Sea and Irish Sea cod and whiting, herring in the Irish Sea, Celtic Sea and southwest of Ireland, Celtic Sea pollack, and as of 2024 also eastern Channel common sole.[3] EU-only examples include Eastern and Western Baltic cod and Western Baltic spring-spawning herring.[4] All of these stocks are below the biomass limit reference point (B_{lim}), and for all of them except sole the ICES advice from 2024 is for zero catch. With

1 Over the years, the NGOs working on fishing opportunities have been providing a range of annually updated recommendations for different sea basins and groups of species. Many of our key recommendations and concerns are cross-cutting and do not change from year to year. For 2025 onwards, we have consolidated these points into this Briefing Series which is intended to remain valid for years to come. The Series will be complemented by bespoke regionally or topically specific recommendations as appropriate and current scientific state of the art findings.
2 Cross-references will be included throughout the text using the relevant Briefing numbers. Full references to all Briefings are listed in ANNEX 1.
3 ICES advice from 2025 for the referred depleted stocks: Celtic Sea cod, Celtic Sea whiting, Irish Sea cod, Irish Sea whiting, herring in the Irish Sea, Celtic Sea and southwest of Ireland, Celtic Sea pollack, eastern English Channel common sole. Note that based on the ICES advice from 2024, Celtic Sea pollack was still estimated to be below B_{lim}, whereas based on the more recent advice from June 2025, it is estimated to be between B_{lim} and B_{pa}, albeit still very close to B_{lim} (the Spawning Stock Biomass estimate for 2025 was 13357 t, i.e. less than 4% above the B_{lim} of 12890 t).
4 ICES advice from 2025 for the referred depleted stocks: Eastern Baltic cod, Western Baltic cod, Western Baltic spring-spawning herring.

climate change also likely to be affecting the resilience of some fish populations,[5,6] effective efforts to recover these stocks are needed more urgently than ever.[7]

We are extremely concerned that limited effort has been made by all parties involved to apply effective recovery measures while Total Allowable Catches (TACs) continue to exceed scientific advice. Both the EU and UK are legally obliged under their respective domestic legislation to restore and maintain all populations of harvested species above biomass levels capable of producing the Maximum Sustainable Yield (MSY) and to minimise negative impacts on marine ecosystems, while achieving Good Environmental Status (GES) by 2020.[8,9,10] These fundamental requirements are unaffected by the ruling of the Court of Justice of the European Union (CJEU) in 2023, and that of the High Court in 2024, as outlined in Briefing 2: the discretion that these courts concluded the European Council and the UK Secretary of State respectively have with regards to the setting of fishing limits does not remove the obligation to recover fish populations and to safeguard ecosystem health. Moreover, these stocks are a public resource and recovering them is a necessity to contribute to a healthy resilient marine ecosystem and to provide long-term benefits to dependent coastal communities.

The solution: Prioritising stock recovery to escape the "choke" dilemma

It is high time to break the vicious cycle of overfishing already depleted "bycatch" stocks in order to avoid short-term fisheries closures or quota cuts, thereby preventing stock recovery and trapping fisheries in a suboptimal situation, perpetually overshadowed by choke risks.[11] The fact that most depleted fish populations have been in a dire state for many years and in some cases are now at or near the all-time low, is undeniable proof that this approach has failed to rebuild struggling stocks. Repeating it year after year but expecting different results has no rhyme or reason. Instead, the EU and the UK must now urgently prioritise recovery of all stocks that are below sustainable levels, by setting TACs accordingly and developing effective rebuilding plans and measures.

As already highlighted in Briefing 1, the findings published in Science in 2024,[12] that current scientific stock assessments tend to overestimate productivity and recovery trajectory,[13] further underpin the need for additional caution if population rebuilding efforts are to be successful. **Relying on so-called "phantom**

5 Drinkwater, KF (2005). The response of Atlantic cod (*Gadus morhua*) to future climate change. ICES Journal of Marine Science, Volume 62, Issue 7, 2005, Pages 1327–1337. https://doi.org/10.1016/j.icesjms.2005.05.015.

6 Moll, D; Amsus, H; Blöcker, A; Böttcher, W; Conradt, J; Färber, L; Funk, N; Funk, S; Gutte, H; Hinrichsen, H-H; Kotterba, P; Krumme, U; Madiraca, F; Meier, HEM; Meyer, S; Moritz, T; Otto, SA; Pinto, G; Polte, P; Riekhof, M-C; Sarrazin, V; Schwermer, H; Scotti, M; Voss, R; Winkler, H; Möllmann, C: A climate vulnerability assessment of the fish community in the Western Baltic Sea. Nature, Scientific Reports 14, Article 16184. 13 July 2024. https://www.nature.com/articles/s41598-024-67029-2.

7 Sumaila, UR and Tai, TC (2020). End Overfishing and Increase the Resilience of the Ocean to Climate Change. Frontiers in Marine Science. https://doi.org/10.3389/fmars.2020.00523.

8 Key provisions on the EU side are the objective in Article 2(2) of the Common Fisheries Policy Basic Regulation (Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy), "*of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield*" and the requirement in Article 2(3) to "*implement the ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised*". Also see Briefing 2 for further details on relevant legal provisions and context.

9 Key provisions on the UK side are the sustainability, precautionary and ecosystem objectives in Articles 1(2), 1(3) and 1(4) of the UK Fisheries Act, echoing similar wording as is used in the CFP Basic Regulation.

10 The requirement to achieve Good Environmental Status (GES) by 2020 applies to both the EU and the UK, and is contained in the EU's Marine Strategy Framework Directive (MSFD) and the UK's Marine Strategy Regulations 2010, respectively.

11 The term "choke" refers to a situation where no quota is available for one or more "choke" stocks, even though quotas for other more abundant stocks caught together in the mix have not been fully exhausted yet. Setting and respecting TACs set based on the scientific advice for "choke" stocks (which are often depleted and subject to zero-catch advice) can thus "choke" mixed fisheries that target more abundant stocks while also catching the unwanted "choke" species as bycatch. The term "choking" in this context means that fishers have to stop fishing, even though they still have quota for some of the stocks they are catching.

12 Edgar, G (2024). Investigation reveals global fisheries are in far worse shape than we thought – and many have already collapsed. 23 August 2024. https://theconversation.com/investigation-reveals-global-fisheries-are-in-far-worse-shape-than-we-thought-and-many-have-already-collapsed-237306. The underlying study is: Edgar et al. (2024). Stock assessment models overstate sustainability of the world's fisheries. Science, 385(6711), pp. 860-865. https://www.science.org/doi/10.1126/science.adl6282.

13 There are several European examples of this phenomenon, such as Celtic Sea cod and Irish Sea whiting, see for example footnote 15 in Briefing 1 of this Series. Also see a study by Froese et al. (2025) who confirmed this phenomenon of repeated biomass overprediction for Western Baltic cod. Froese, R; Steiner, N; Papaioannou, E; MacNeil, L; Reusch, T B H; Scotti, M (2025). Systemic failure of European fisheries management. Science 388(6749), pp. 826-828. DOI: 10.1126/science.adv4341. May 2025. See figure on p. 827, showing "*examples of previous unrealistic estimates and forecasts made by ICES in 2015 and 2018 to 2021*".

recoveries" that in hindsight, based on more recent information, turn out not to have materialised,[14] risks perpetuating or exacerbating an already precarious situation. More explicitly, as Froese & Pauly (2024) put it, "*managers need to be aware of the difficulties of predicting the status of an invisible resource and should apply their common sense when repeatedly confronted with phantom recoveries of a depleted resource*."[15]

Managing mixed fisheries involving stocks subject to zero or very low catch advice presents a number of challenges. However, there are steps that can be taken to reduce unwanted catches, minimise the impacts of fishing on depleted stocks and prioritise their rapid recovery. With specific regard to low or zero catch advice stocks, we provide the following recommendations below, complementing those presented in Briefing 6 regarding mixed fisheries.

Recommendations regarding depleted stocks with zero or low catch advice

- **Request ICES to provide advice geared towards rapid rebuilding of all stocks that are below MSY $B_{trigger}$,** to support the setting of future catch limits at or below levels that aim for recovery within no more than twice the time needed for recovery in the absence of fishing (T_{MAX}/T_{MIN} <= 2, as suggested by ICES WKREBUILD2).[16] Where such bespoke rebuilding-focused advice is not yet available and the EU and/or the UK are, as in previous years, considering the use of bycatch TACs despite zero or very low catch advice from ICES, they could at least aim for a minimum increase in biomass to be defined based on the specific stock situation and available catch options and their corresponding biomass projections.[17] See Briefings 1 and 3.
- **Follow the scientific advice on fishing opportunities provided by ICES and set catch limits for depleted stocks accordingly.** The EU and the UK should prioritise the recovery of depleted stocks over short term profit maximisation, as this is in the long-term interest of both the marine environment and coastal communities.
- **Prioritise the recovery of depleted stocks particularly in cases where "bycatch TACs" are adopted**, and do not allow catches unless and until the relevant management authority has put in place an effective rebuilding plan or a multi-year management strategy with clear recovery targets, timeframes and bycatch reduction strategies, including spatial measures (such as temporary and permanent closures) and selective gears, to achieve them. Such rebuilding plans and remedial measures (reflecting the findings of ICES WKREBUILD2)[18] should be implemented for all populations below MSY $B_{trigger}$, include strong safeguards to prevent future population declines or stagnation below MSY $B_{trigger}$, and be subject to close monitoring and enforcement using REM with cameras.
- **Ensure that fisheries using "bycatch TACs" are fully documented using REM** (supported by observer coverage as appropriate), and strong remedial measures are in place. This is particularly crucial in light of long-standing concerns about the lack of compliance with the landing obligation, as

14 Froese, R & Pauly, D (2024). Taking stock of global fisheries. Current stock assessment models overestimate productivity and recovery trajectory. Science, 385(6711), pp. 824-825. https://www.science.org/doi/10.1126/science.adr5487. This article presents a perspective on the above-mentioned paper by Edgar et al. (2024) published in the same Science issue. It highlights that, while "*hindsight historical last biomass estimates were more or less accurate for sustainably fished stocks*", "*[f]or stocks that were overfished, however, historical biomass estimates were substantially overestimated compared with more recent assessments*", and "*rising trends in biomass reported for overfished stocks were often inaccurate, resulting in so-called phantom recoveries for stocks where actual biomass was fluctuating at a low amount or even declining. In other words, overfished stocks that were in urgent need of catch reduction and rebuilding were instead displayed by models as increasing in biomass. [...] On the basis of these data, fishery managers could reasonably conclude, albeit incorrectly, that the stock was recovering and able to support even higher catch levels*." The paper concludes that the "*main reason for the overestimation of recent biomass is the tendency of standard models to overestimate productivity at depleted stock levels. That tendency is apparent at the low range of biomass (typically between 20 and 40% of maximum biomass) predicted as sufficient to support maximum sustainable catches*".

15 *Ibid.*

16 ICES (2023). Workshop on guidelines and methods for the design and evaluation of rebuilding plans for category 1-2 stocks (WKREBUILD2). ICES Scientific Reports. Report. https://doi.org/10.17895/ices.pub.24763293.v2.

17 In the absence of ICES advice that is explicitly geared towards stock rebuilding over a particular timeframe, the EU and UK negotiation teams could review the available catch options in the ICES single-stock advice sheet, and for example base TACs on the scenario corresponding or closest to the mid-point between the biomass increase projected for zero catch and that for $F_{MSY\ lower}$ or $F_{MSY\ lower}$ × SSB 2025/MSY $B_{trigger}$, or set them halfway between the corresponding catch options.

18 WKREBUILD2, see footnote 16 for full reference.

well as indications in the ICES advice for several depleted or struggling stocks that the relevant TACs have regularly been overshot in the past (e.g. for cod in the North Sea and Celtic Sea).

- **Prioritise the recovery needs of these stocks in management measures for mixed fisheries** by ensuring that catches under no circumstances exceed the scientific advice, rather than allowing the full exploitation of the possible fishing opportunities of healthy stocks in the same fishery.[19] As highlighted in Briefing 6, this means setting TACs for the more abundant stocks caught in the same fisheries (such as Norway lobster in the Irish Sea, demersal stocks in the Celtic Sea or plaice in the Baltic Sea) below their single-stock advice in order to safeguard depleted stocks (such as Irish Sea and Celtic Sea whiting and cod and cod in the Baltic Sea).[20]
- **Request ICES to provide additional mixed fisheries scientific catch scenarios focusing on options which allow vulnerable stocks to rebuild**, in order to inform fisheries management of the actions and/or reductions in TACs for healthy stocks which would be required. Evaluation of such scenarios could present options which avoid immediate fisheries closures while still allowing depleted stocks to recover within an ambitious timeframe.

Environmental organisations remain committed to the objectives of the Common Fisheries Policy, the UK Fisheries Act, the Marine Strategy Framework Directive and the UK's Marine Strategy Regulations 2010, as well as the Trade and Cooperation Agreement and other international agreements. We will continue to scrutinise the progress in ending overfishing and boosting long-term population and ecosystem health and resilience as we urge the European Commission, the Council of the EU, the Member States, the UK Government and devolved administrations to finally deliver the EU's and UK's transition to truly sustainable fisheries. This Briefing Series provides a clear and comprehensive list of recommendations on how to get there.

19 ClientEarth (2020). Ask the right question, get the right answer: Scientific advice for bycatch or non-targeted stocks that have zero catch advice. July 2020.
20 Note that based on the ICES advice released in June 2025, the third and final of the three stocks in the Celtic Sea mixed gadoid fishery, haddock, which in previous years was the only remaining target stock in this mixed fishery, is now also subject to zero-catch advice, like cod and whiting. ICES (2025). Haddock (Melanogrammus aeglefinus) in Divisions 7.b-k (southern Celtic Seas and English Channel). ICES Advice: Recurrent Advice. Report. https://doi.org/10.17895/ices.advice.27202608.v1. According to the Celtic Sea mixed fisheries considerations for 2025, cod and whiting are "*caught by almost all fisheries operating with demersal gears*". ICES (2024). Celtic Sea mixed-fisheries considerations. ICES Advice: Recurrent Advice. Report. https://doi.org/10.17895/ices.advice.26763910.v1.

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ANNEX 1 - FULL REFERENCES TO ALL BRIEFINGS IN THIS SERIES

This Briefing Series is supported by 29 organisations, including environmental NGOs and recreational representatives. Briefing 3 is additionally supported by the Low Impact Fishers of Europe (LIFE), European Anglers Alliance (EAA), Baltic Salmon Fund and Baltic Salmon Rivers Association. Briefing 7 about fisheries management in the Western Mediterranean Sea features fewer logos than the rest of the series since not all of the NGOs signatory to the Briefing Series are active in the Mediterranean.

Briefing 1: Cover briefing: Key recommendations on setting fishing opportunities. Briefing 1 of 11 in the Briefing Series "Recommendations to the EU and the UK on the setting of fishing opportunities". July 2025. https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-1-cover-briefing-key-recommendations-on-setting-fishing-opportunities/

Briefing 2: Context and legal framework. Briefing 2 of 11 in the Briefing Series "Recommendations to the EU and the UK on the setting of fishing opportunities". July 2025. https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-2-context-and-legal-framework/

Briefing 3: "Best available" is not good enough - addressing shortcomings in the current scientific advice. Briefing 3 of 11 in the Briefing Series "Recommendations to the EU and the UK on the setting of fishing opportunities". July 2025. https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-3-addressing-shortcomings-in-the-current-scientific-advice/

Briefing 4: Shared fish stocks. Briefing 4 of 11 in the Briefing Series "Recommendations to the EU and the UK on the setting of fishing opportunities". July 2025. https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-4-shared-fish-stocks/

Briefing 5: Fishing opportunities in an ecosystem context. Briefing 5 of 11 in the Briefing Series "Recommendations to the EU and the UK on the setting of fishing opportunities". July 2025. https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-5-fishing-opportunities-in-an-ecosystem-context/

Briefing 6: Mixed fisheries considerations. Briefing 6 of 11 in the Briefing Series "Recommendations to the EU and the UK on the setting of fishing opportunities". July 2025. https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-6-mixed-fisheries-considerations/

Briefing 7: The fishing effort regime in the Western Mediterranean Sea. Briefing 7 of 11 in the Briefing Series "Recommendations to the EU and the UK on the setting of fishing opportunities". July 2025. https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-7-the-fishing-effort-regime-in-the-western-mediterranean-sea/

Briefing 8: Landing obligation challenges. Briefing 8 of 11 in the Briefing Series "Recommendations to the EU and the UK on the setting of fishing opportunities". July 2025. https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-8-landing-obligation-challenges/

Briefing 9: Depleted stocks with zero or very low catch advice. Briefing 9 of 11 in the Briefing Series "Recommendations to the EU and the UK on the setting of fishing opportunities". July 2025. https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-9-depleted-stocks-with-zero-or-very-low-catch-advice/

Briefing 10: Stocks not managed by a Total Allowable Catch. Briefing 10 of 11 in the Briefing Series "Recommendations to the EU and the UK on the setting of fishing opportunities". July 2025. https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-10-stocks-not-managed-by-a-total-allowable-catch/

Briefing 11: Deep-sea stocks. Briefing 11 of 11 in the Briefing Series "Recommendations to the EU and the UK on the setting of fishing opportunities". July 2025. https://www.clientearth.org/latest/documents/joint-briefing-series-recommendations-on-fishing-opportunities-briefing-11-deep-sea-stocks/