

Joint NGO Reaction

Commission's proposal on targets under art. 4 of the Technical and Conservation Measures Regulation

July 2018

We call on decision-makers **support, subject to amendments**, the Commission's proposal of June 2018 which introduces a new quantitative target to reduce unwanted catches of juveniles. In order for a robust target, the following amendments need to be made:

- Ensure that the target provides the right incentives to the Member States by making its achievement mandatory;
- Enlarge the scope to cover all relevant commercial species and stocks;
- Introduce a clear, ambitious timeline within which the targets should be achieved in light of the relevant scientific advice;
- Ensure that minimum conservation reference sizes (MCRS) are based on size at first maturity.

Introduction

Technical measures are rules for where, when and how fishing may take place. They are fundamental for regulating the impact of fishing activities on the stocks and the wider marine ecosystem. Adopting an ambitious and robust regulation to conserve the marine environment through fisheries technical measures is one of the crucial instruments for European fisheries management and the implementation of the Common Fisheries Policy (CFP). We believe that the overarching focus of the new technical measures should be on improving fishing selectivity to avoid and reduce unwanted catches, and on minimising environmental impacts of fishing.

A key aspect of the Commission's proposal (COM(2016)0134) was the introduction of quantitative targets relating to, among others, the levels of unwanted catches – the proposal stated that catches of fish below minimum conservation reference size (MCRS) should be no more than 5%. We believe that **introducing quantitative targets is an essential element to ensure that baseline measures and any subsequent regional proposals deliver what the technical conservation framework sets out to achieve**. The EU wide target proposed by the European Commission was, however, removed by co-legislators under the argument that the 5% target was not scientifically justified. The European Commission is now proposing an alternative approach to address co-legislators' concerns, which is expected to achieve similar results: "Selectivity Performance Indicators".

Commission's proposal: Selectivity Performance Indicators

The European Commission is proposing to replace the 5% target with "selectivity performance indicators" which will monitor the progress in key stocks towards reducing unwanted catches of juveniles. The indicator will be established and agreed for each stock in line with scientific advice – ICES for the North East Atlantic and Baltic, and STECF for the Mediterranean. Such performance indicators would be based on the scientifically established "optimal exploitation pattern", which represents the average length at which the fish should be sustainably caught. This optimal selectivity length can be contrasted with the average length of fish caught now, therefore providing two values: "where we are now" and "where we would like to be". The objective for Member States will be to adapt the regional technical measures and change mesh sizes to achieve this "optimal exploitation pattern" for key stocks and species.

A selectivity performance indicator is therefore a concept which can be translated per key stock into a metric which Member States can use as reference when implementing the technical measures and which enables them to monitor selectivity and to measure progress over time.

NGO Recommendations

While the NGOs are still of the view that other aspects of the proposed technical measures need to be addressed before the framework is adopted, we welcome the Commission’s attempt to introduce new quantitative indicators, based on scientific advice, to reduce unwanted catches of juveniles and ensure that the technical measures deliver what they aim to achieve. While the new proposal is not an EU wide target, it still aims to achieve the same result: to quantify the effectiveness of the technical measures adopted. We continue to have concerns about how a clear link between any specific management measures and the achievement of the target can and will be demonstrated. **However, should the co-legislators accept the Commission’s proposal, they must address the following before they adopt this approach:**

- The target is currently phrased in a way which means the achievement of selectivity performance indicators is not mandatory. We believe that technical measures must provide the right incentives for national authorities to take action and achieve the objectives of the regulation. Without a legally binding requirement to achieve the targets we risk not making enough progress to protect juveniles and ultimately stocks.
- Under the Commission’s proposal, only the most important stocks with the highest levels of unwanted catches would have a target to reduce bycatches, leaving several important commercial stocks without any target. There is however not any clarity on where the limit for “the most important stocks” should be drawn. In the practical example provided by the Commission’s Service Non Paper, for instance, a target to achieve optimal exploitation for saithe would not be introduced despite its ranking in the third position on the overall contribution to the level of unwanted catches. We consider that a target to achieve optimal exploitation cannot be left to political discussions and should be set for all commercial species.
- The proposed target would help to measure progress over time but there is not a single reference to a specific date by when the target should be achieved. We believe that concrete timelines and deadlines are essential to provide legal certainty and ensure that the target is achieved within an appropriate period of time. Such timelines must be ambitious and strictly follow scientific advice on selectivity performance indicators provided by STECF and ICES.
- In addition to adjusting exploitation patterns to avoid catches of immature individuals in accordance with the best available scientific advice, it would be necessary to also ensure that MCRS are added to the proposal based on size at first maturity, and that MCRS that are lower than the size at first maturity are increased to this threshold. Whenever possible, MCRS should be kept consistent across sea basins in accordance with the most precautionary size (not altered to adapt to regional market preferences) in order to prevent enforcement problems.

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