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Reporting on progress of TAC decisions and the state of fish stocks towards MSY

Why reporting is important and how it can be improved

Contents

1	Introduction	3
2	Limitations of scientific advice	4
2.1	Catch and landings advice	4
2.2	Stock assessments	5
2.3	Recommendations	5
3	The Commission's Article 50 report	6
3.1	Lack of reporting on progress of TAC-setting towards MSY.....	6
3.2	Limited scope of the report	7
3.3	Lack of clarity and misleading wording	7
3.4	Recommendations	8
4	Other reports related to monitoring progress towards MSY	8
4.1	Recommendations	10
5	Conclusion	11

1 Introduction

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

Reporting on the situation of fish stocks and their exploitation therefore plays a crucial role in monitoring to what extent European fisheries management is meeting these requirements and making the necessary progress towards achieving the MSY objective. Comprehensive monitoring and reporting have to reliably assess this with regard to both the management actions taken and the resulting situation in terms of stock biomass and fishing mortality.

The main instrument regulating fishing mortality in European fisheries management is the annual TAC and Quota Regulation, in which Total Allowable Catches (TACs) are set by the Council of Ministers following the publication of the European Commission's TAC proposals. In order for TACs to be in line with the CFP's objectives and requirements outlined above, they need to be proposed and set at levels which are 1) at least moving towards MSY-based exploitation rates (so that they will be achieved by 2020 at the latest), and 2) in line with the precautionary approach where data are more limited and no MSY-based stock assessment is available. Monitoring in this regard usually assesses whether TACs are proposed and set in line with the scientific catch or landings advice provided by the International Council for the Exploration of the Sea (ICES).³ This scientific advice is based on stock assessments which provide an insight into the status of stocks, both in terms of their biomass and the fishing mortality they are subject to. Monitoring in this regard, in turn, provides an indication whether the management actions taken, including TACs, are effective.

Reports on both of these aspects (the level of TACs and the situation of stocks in terms of biomass and fishing mortality) are regularly prepared by a range of stakeholders including the European Commission, NGOs and national administrations. This includes the Commission's mandatory annual report on the situation of fish stocks and progress towards MSY as required by Article 50 of the CFP Basic Regulation and a range of other, voluntary reports that vary in terms of the approach and format used, as well as the scope, purpose and target audience.

The diversity of assessment and reporting methods relying on different types or subsets of the available data sometimes causes different reports to come to different conclusions. As a result, the overall conclusion of the various reports about the actual situation of stocks and progress towards achieving the MSY objective can be unclear or ambiguous.

As the Guardian of the Treaties, the Commission has to demonstrate that decisions in European fisheries management, including TAC decisions, are taken in line with the CFP's requirements

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

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

2 Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

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

and objectives. Reliable, unambiguous and comprehensive reporting is crucial to effectively monitor to what extent this is the case. This briefing presents an overview of issues related to current reporting and makes recommendations for how this could be improved. The recommended changes would make it easier for civil society to support the EU institutions where they take decisions in line with the law, and to hold them to account where they fail to do so.

In addition to the present briefing, we have also produced three other closely related briefings about barriers to monitoring progress of TACs towards achieving the MSY objective and their compliance with other requirements of the CFP. The first one of these provides an overview of these obstacles,⁴ whereas the other two focus specifically on issues related to mismatch between TAC areas and the areas for which scientific advice is given,⁵ and to implications of the landing obligation for TAC-setting, respectively.⁶

2 Limitations of scientific advice

Some of the issues in monitoring and reporting on progress of European fisheries management towards achieving the MSY objective and its compliance with other requirements of the CFP are rooted in certain limitations of the underlying scientific advice. This section provides an overview of these limitations and how they could be addressed or at least appropriately considered.

2.1 Catch and landings advice

Monitoring progress of TACs towards achieving the CFP's MSY objective requires the availability of scientific advice for catch levels that are in line with MSY. However, despite improvements over the past years, such MSY-based advice is not available for all stocks. For 2016, ICES provided MSY-based advice for 62 out of the over 200 stocks subject to TAC management in the Northeast Atlantic, North Sea and Baltic Sea. The advice basis can change over the years as better data become available, eventually enabling an MSY-based assessment for stocks that previously lacked sufficient data. Despite these improvements, monitoring of progress since the reformed CFP came into force in 2014 is limited to the subset of stocks for which MSY-based advice has been available throughout the whole time-series. This applies to only 38 out of the 62 stocks for which MSY-based advice was provided for 2016. This number is even further decreased by the range of issues related to area mismatch between TACs and scientific advice.⁷ Hence a conclusion about progress of TAC-setting towards MSY since 2014 currently has to be based on a fairly small proportion of the stocks, unless further information is provided to resolve the above-mentioned mismatch issues.

For a further 102 stocks, ICES currently advises based on the ICES precautionary approach, and for the remainder (those stocks subject to management plans aside) based on the 'approach to data-limited stocks'; for these cases we can only assess if the TACs follow scientific advice, but not whether they are in line with the MSY objective.

4 ClientEarth (2016). Assessing whether TACs are being set to achieve MSY. Briefing, December 2016.

<http://www.documents.clientearth.org/library/download-info/difficulties-in-monitoring-progress-of-tac-decisions-towards-msy-and-how-to-address-them/>

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

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

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

7 ClientEarth (2016). Mismatch between TACs and ICES advice. See footnote 5 for full reference details.

2.2 Stock assessments

Another issue refers to the monitoring of progress towards achieving the MSY objective in terms of the actual stock status rather than TAC-setting. While ICES provides reference values for fishing mortalities in line with MSY (F_{MSY}) for most stocks with MSY-based advice, proper reference values for the corresponding MSY biomass (B_{MSY}) are usually not available. Instead, ICES uses a different reference point, MSY $B_{trigger}$, as a kind of proxy for B_{MSY} . This is considered the lower bound of spawning stock biomass fluctuation around B_{MSY} ,⁸ and usually set at the reference point related to the precautionary approach (B_{pa}). It is thus difficult to assess the current situation of European fish stocks against the biomass component of the MSY objective, apart from evaluating the direction of trends.

Moreover, the considerable time-lag between data collection and their inclusion in stock assessments means that even the most recent stock assessments do not allow for reliable conclusions about the current stock status at the time of reporting. For example, the time-series presented in STECF's latest assessment from 2016 stop in 2014.⁹

Last but not least, the format in which ICES' advice is currently provided to the public is not conducive for an overarching assessment by third parties of TACs in relation to the underlying advice: while a database on the underlying stock assessment results can be downloaded as an Excel spreadsheet,¹⁰ catch and landings advice (as well as information on current fishing mortality and biomass levels) need to be individually compiled from stock-specific advice sheets in PDF format.¹¹ Public access to an official database of all catch and landings advice provided by ICES could tremendously facilitate future TAC analyses by interested third parties.

2.3 Recommendations

- Member States should help address the data limitations outlined in this section through greater investment in data collection, particularly with regard to unwanted catches. This would enable ICES to provide MSY stock assessments and both landings and catch advice for as many stocks as possible, which is essential to assess to what extent TAC-setting complies with the MSY objective.
- ICES should provide an official database with all catch and landings advice and current fishing mortality and biomass estimates. This would significantly facilitate monitoring of progress of TAC-setting towards achieving the MSY objective. With the Commission's help this could be extended to include the corresponding proposed and set TACs.
- While monitoring progress towards achieving the CFP's fundamental MSY objective is crucial, the other stocks for which MSY advice is not yet available must not be neglected. Therefore, the extent to which TACs for stocks without MSY estimates are proposed and set in line with scientific advice based on the ICES precautionary approach or its approach for data-limited stocks must also be monitored until the data needed for MSY-based stock assessments become available.

8 ICES (2016): Introduction to ICES advice, http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/Introduction_to_advice_2016.pdf
9 Scientific, Technical and Economic Committee for Fisheries (STECF) - Monitoring the performance of the Common Fisheries Policy (STECF-16-05) - CORRIGENDUM to STECF-16-03. 2016. Publications Office of the European Union, Luxembourg, EUR 27758 EN, JRC 100945, 60 pp.

10 ICES database on stock assessment graphs, searchable by species, ecoregion and assessment year, <http://standardgraphs.ices.dk/stockList.aspx>
11 <http://www.ices.dk/community/advisory-process/Pages/Latest-Advice.aspx>

3 The Commission's Article 50 report

Under Article 50 of the CFP Basic Regulation, the Commission is required to report annually 'on the progress towards achieving maximum sustainable yield and on the situation of fish stocks'. This report is part of the Commission's annual communication to the European Parliament and the Council on fishing opportunities for the following year.¹² It is largely based on an annual review of the status of stocks prepared by the Scientific, Technical and Economic Committee for Fisheries (STECF).¹³ While the Commission's report represents a positive step towards improved transparency and we note several improvements in the most recent report compared to previous reports,¹⁴ a number of issues still need to be addressed (see our response to the Commission's consultation on fishing opportunities for 2017 for details).¹⁵

3.1 Lack of reporting on progress of TAC-setting towards MSY

Importantly, despite TACs being the main tool used to limit fishing mortality in European fisheries management, the Commission does not currently report on the level of TACs in relation to scientific advice based on MSY. Instead, it focuses on some elements of STECF's evaluation, such as fishing mortality in relation to F_{MSY} and the proportion of stocks within and outside safe biological limits. While monitoring of these aspects plays an important role for assessing to what extent the management actions taken (including TACs) are effective, it does not allow for any conclusion whether TAC-setting, i.e. management itself, is making the legally required progress towards achieving the MSY objective.

An 'indicator for the difference between agreed TACs and advised catches' as recommended by STECF¹⁶ for inclusion in the Commission's report would remedy this by enabling a quantification of the overshoot (or undershoot) of agreed TACs compared to the best available scientific advice regarding sustainable catch limits. Note that the prevalent issue of mismatch between the management areas for which TACs are set and the stock areas for which scientific catch advice is provided (see our briefing on this topic)¹⁷ urgently needs to be addressed in order for such an indicator to be comprehensively applied to all stocks and the corresponding TACs.

Moreover, there is still a relatively long delay between the collection of data and the Commission's report, so that the results of stock assessments used for the newest report from 2016¹⁸ are still based on data collected two years ago. The report therefore does not allow for an assessment of the current *status quo*; hence we would have to wait until 2022 to know whether the MSY objective was achieved by the 2020 deadline. It is thus all the more important to also report on the level of TACs in relation to the level that scientific advice indicates corresponds to MSY, as this information is always available for the current year.

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

13 STECF-16-05, see footnote 9 for full reference details.

14 COM/2016/0396 final, see footnote 12 for full reference details.

15 ClientEarth (2016). ClientEarth's response to the Commission's communication concerning a consultation on fishing opportunities for 2017 under the CFP. August 2016. <http://www.documents.clientearth.org/library/download-info/clientearth-response-to-the-commissions-communication-concerning-a-consultation-on-fishing-opportunities-for-2017-under-the-cfp/>

16 STECF (2014). Reporting needs under the new Common Fisheries Policy (STECF-14-32), p. 7.

https://stecf.jrc.ec.europa.eu/documents/43805/850765/2014-12_STECF+14-23+-+Reporting+needs+under+new+CFP_JRC93936.pdf

17 ClientEarth (2016). Mismatch between TACs and ICES advice. See footnote 5 for full reference details.

18 STECF-16-05, see footnote 9 for full reference details.

3.2 Limited scope of the report

The lack of reporting on the level of TACs in relation to MSY-based scientific advice aside, the report's assessment of the state of fish stocks itself is incomplete: 1) it focuses on stocks with MSY advice, which is just a small subset of overall stocks, and 2) it reports primarily on the level of fishing mortality, without sufficient evaluation of biomass levels, although the latter are also explicitly addressed as part of the MSY objective Article 2(2) of the CFP Basic Regulation.

The first of these two points is due to the sampling frame set by STECF in its 16-03 report¹⁹ being limited to data-rich stocks with MSY estimates. This may seem reasonable as progress towards MSY in terms of fishing mortality or biomass cannot be quantified where the relevant MSY reference points are not yet available. However, the MSY objective refers to all harvested species, and reporting on progress towards this objective thus needs to cover all of these stocks and not just those with MSY estimates.

Moreover, the Commission's report does not provide any concrete information on where stocks are in relation to spawning stock biomass (SSB) levels that can produce MSY, as the Commission did not request this information from STECF. This information is essential for assessing whether the Article 2(2) objective of restoring and maintaining populations of fish stocks above biomass levels capable of producing the MSY is being met; the evaluation is inherently incomplete without this and reporting on the number of '*stocks within safe biological limits*' alone, as defined in Article 4(1)(18) of the Basic Regulation,²⁰ is insufficient, especially if this is still limited to those stocks for which MSY-based reference points are available.

For stocks without such MSY estimates, reporting on progress in relation to other reference points, for example precautionary or limit reference points, or on the alignment of TACs with scientific advice, would at least provide an indication whether the trend is going in the right direction (i.e. whether biomass is increasing) or not.

3.3 Lack of clarity and misleading wording

Clearer referencing of data and the provision of full time-series in the Commission's most recent report represent major improvements compared to previous reports in which the source of the presented information was often ambiguous.²¹ However, as we demonstrate in our response to the Commission's consultation on fishing opportunities for 2017, the report in its present form is still misleading at times.²² In particular, it still often selectively presents individual values from specific years out of context, and generates the false impression that progress towards achieving MSY has continued in 2014, by using figures from an outdated STECF assessment which had been corrected in the meantime. This makes it difficult for the reader to gain a reliable and comprehensive overview of both long-term trends and changes in the most recent years.

For example, the report often uses unclear or ambiguous wording, such as '*fished sustainably*', '*showing improvement*' or '*substantial reduction of the fishing opportunities*', which in isolation

¹⁹ *Ibid.*

²⁰ 'a stock with a high probability that its estimated spawning stock biomass at the end of the previous year is higher than the limit biomass reference point (*Blim*) and its estimated fishing mortality rate for the previous year is less than the limit fishing mortality rate reference point (*Flim*)'

²¹ ClientEarth (2015). ClientEarth's response to the Commission's communication concerning a consultation on fishing opportunities for 2016 under the CFP. September 2015, <http://www.documents.clientearth.org/library/download-info/clientearths-response-to-the-commissions-communication-concerning-a-consultation-on-fishing-opportunities-for-2016-under-the-cfp/>

²² ClientEarth (2016). See footnote 15 for full reference details, pp. 7-9.

and without further definition or data to support them is not informative in relation to progress towards achieving the MSY objective. Moreover, the Commission reports on a mix of different aspects, such as fishing mortality and TACs, sometimes without clearly specifying which of these aspects the resulting statements refer to and without comparison to the relevant reference values.²³ It is therefore difficult to determine what information such statements are actually based on, or refer to, and whether they are true.

3.4 Recommendations

- The Commission's report on progress towards achieving MSY and the state of fish stocks (under Article 50 of the CFP Basic Regulation) should also include a comparison of TACs with scientific advice, at least where MSY-based advice is available. This has been suggested by STECF for inclusion in the Commission's report, and is an important indicator of whether TAC decisions are being taken in line with the MSY objective in Article 2(2) of the CFP Basic Regulation.
- As Article 2(2) of the CFP Basic Regulation covers all harvested species, the Commission's report should reflect this to the extent possible by reporting on progress in relation to other reference points, for example precautionary or limit reference points, where no MSY estimates are available. This would at least provide an indication whether the respective trends are going in the right direction, while the concrete fishing mortality and biomass levels in relation to MSY-based reference points cannot yet be determined.
- In order for the report to be comprehensive and unambiguous, it should not only focus on progress in terms of fishing mortality, but also assess progress of biomass levels towards achieving the MSY objective. Whilst we acknowledge that B_{MSY} reference points are not available for most stocks, we recommend that progress of SSB towards other relevant reference points ($MSY B_{trigger}$ or B_{pa}), or at least trends in relation to B_{lim} where no other reference points are available, are included in the Commission's report.
- Generally, the Commission's report should be consistent in using values taken from the most up to date assessments to more accurately reflect the situation. In addition, it should report explicitly both on long-term trends and changes in the most recent years. This would avoid the presentation of individual values from specific years out of context, which runs the risk of misrepresenting the situation in relation to MSY.
- Overall, the wording used in the report should be consistent and unambiguous, with clear specification about what a particular statement is based on and refers to, i.e. fishing mortality, biomass or the level of TACs in relation to scientific advice. This recommendation also applies to all other reports (see section 4) related to progress towards achieving the MSY objective and/or alignment of TACs and stock status with scientific advice.

4 Other reports related to monitoring progress towards MSY

In addition to its legally required report under Article 50 of the CFP Basic Regulation (see section 3), the Commission has since 2015 also annually published a list of '*EU fisheries in the*

²³ For example, '*Anglerfish is fished sustainably and in good shape.*' (p. 7). Here, it is unclear which stock exactly the statement refers to, and whether it is based on fishing mortality or biomass or both, and in relation to which reference point(s).

Atlantic, North Sea and Baltic in line with maximum sustainable yield (MSY).²⁴ Multiple NGOs and other stakeholders, including for example national administrations of Member States,²⁵ are also reporting or commenting on progress towards achieving the MSY objective, and/or on alignment of TACs with scientific advice.

Such reports play a crucial role in informing the general public about progress of European fisheries management towards achieving the MSY objective and alignment of proposed and set TACs with scientific advice. However, the diversity of data and methods used in the underlying analyses as well as the sometimes different scope, purpose and target audience of these reports can lead to different conclusions. Inconsistent messaging of different reports makes it difficult for third parties to gain a clear overview of the situation. Improved clarity of individual reports about the respective scope, data and method used as well as underlying assumptions could effectively address the following problems.

First, while some reports focus on monitoring the management level by assessing the appropriateness of proposed or set TACs in relation to scientific advice,²⁶ others are instead based on an evaluation of the actual stock status in terms of fishing mortality and/or biomass. Statements like '*in line with MSY*' can therefore refer either to the management intention (when talking about alignment of TACs with MSY-based scientific advice), or to the actual exploitation and biomass status of the stocks (when talking about alignment of fishing mortality or biomass with the respective reference points). As a consequence, the TACs or stocks considered '*in line with MSY*' can differ between reports, depending on the respective focus.

This is for example the case for the list of '*stocks fished in line with MSY*' produced by the UK's Department for Environment, Food and Rural Affairs (Defra)²⁷ and the Commission's list of '*EU fisheries in the Atlantic, North Sea and Baltic in line with maximum sustainable yield (MSY)*'.²⁸ These lists are not entirely the same, despite their similar-sounding description. This is at least in part due to differences in the methodology used: Defra's list is based on a comparison of the fishing mortality associated with the respective TAC (based on the catch options table in the ICES advice) with the corresponding F_{MSY} reference point. The Commission's list, in turn, does not specify what information (i.e. actual stock status or level of set TACs in relation to MSY-based advice) it is based on, but it appears to be the result of a direct comparison of EU-TACs with the underlying MSY-based scientific catch and landings advice.

Second, the Commission's annually published list is partially misleading in the following ways: 1) it does not explain which fisheries are no longer considered to be in line with MSY (but previously were) and reasons for this change, and 2) the conclusion in terms of MSY is based solely on EU fisheries, even though the list also includes stocks that are shared with third countries; this may generate the false impression that a stock is fished in line with MSY even though overall fishing levels, including third countries, may still exceed sustainable levels.²⁹

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

25 For example, list of '*stocks fished at, or below, maximum sustainable yield*' in 2015 and 2016, prepared by the UK Department for Environment, Food and Rural Affairs (Defra) and provided by George Eustice as a response to a parliamentary question on 12 January 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-01-06/21320/>

26 Carpenter, G., Kleinjans, R., Villasante, S. and O'Leary, B. C. (2016). Landing the blame: the influence of EU Member States on quota setting. *Marine Policy* 64: 9-15.

27 List of '*stocks fished at, or below, maximum sustainable yield*' in 2015 and 2016 provided by Defra, see footnote 25 for full reference details.

28 European Commission: EU fisheries in the Atlantic, North Sea and Baltic Sea in line with maximum sustainable yield (MSY), January 2015 and 2016

29 For example, the sum of EU-TACs for 2016 referring to North Sea cod (COD/03AN., COD/2A3AX4 and COD/07D.) of 40491 t is indeed in line with MSY-based ICES landings advice for the stock (<http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2015/2015/cod-347d.pdf>). However, the TAC COD/04-N. allows for an additional catch of 382 t by Swedish vessels in Norwegian waters, which was not considered in the Commission's list.

Third, it is also important to note that the biomass of a stock may still be below MSY levels or even below the biomass limit reference point B_{lim} , although the fishing mortality is at or below F_{MSY} .³⁰ Therefore, the conclusion that such a stock is '*fished in line with F_{MSY}* ', while technically correct, may generate the false impression that the stock is simultaneously '*sustainably fished*', i.e. at or above the MSY biomass level. This potential for misunderstandings could most effectively be addressed by either reporting both on fishing mortality and biomass, or including an explicit explanation of the limitations in terms of the possible conclusions.

Finally, different reports usually refer to individual TACs or stocks based on a combination of the species and area descriptions instead of using unambiguous labels. This failure of most reports to use agreed labels in this regard makes it difficult for third parties to compare lists of TACs or stocks considered to be '*in line with MSY*' presented in different reports.

4.1 Recommendations

- Any report on progress towards achieving the MSY objective, the situation of fish stocks, and/or the alignment of TACs with scientific advice should clearly specify the relevant parameters it is based on. This is crucial to enable the reader to appropriately interpret the presented results and avoid misunderstandings. Details should include:
 - The scope in terms of the area covered, and whether it refers exclusively to European fisheries or includes those of third countries exploiting the same stocks;
 - The subject of the report, i.e. whether it refers to the proposed and/or set TACs (i.e. the management level), or to the situation of the stocks regarding fishing mortality and/or biomass (i.e. the stock status level), or to a combination of both;
 - The method used to identify TACs or stocks considered to be '*in line with MSY*';
 - The scope in terms of stocks covered in relation to the available scientific advice, e.g. whether stocks without MSY-based advice are included or not;
 - The purpose, i.e. whether it purely assesses the alignment of TACs with scientific advice, or also their compliance with the CFP's requirements and objectives.
- While the Commission's annually published list of EU fisheries in line with MSY can help inform the general public about progress towards achieving the MSY objective, a number of shortcomings still need to be addressed to make it reliable and unambiguous. The Commission should clearly specify what information and method this list is based on (i.e. TACs or stock status in terms of fishing mortality or biomass). It should also clarify that stocks which are shared with third countries may still be overfished overall even though the Commission considers the EU proportion of fishing to be in line with MSY. Moreover, the annual update of the list should not only highlight new stocks (or TACs) that were added since the previous year, but also specify those which are no longer considered to be in line with MSY, in order to provide a comprehensive, unbiased overview.
- Generally, all TACs and stocks listed in reports on progress towards MSY should clearly be labeled using the unambiguous TAC codes used in the TAC Regulations (e.g. PLE/07A. for Irish Sea plaice), and the stock codes used in the PDF titles of the ICES advice (e.g. ple-iris for Irish Sea plaice), respectively. This would considerably facilitate comparisons between the results of different reports in terms of which TACs

³⁰ For example, for herring in areas VIa, VIIb and c the current F is far below F_{MSY} for 2016, whereas the SSB for 2016 is still below B_{lim} (i.e. outside safe biological limits) based on ICES advice from 2016 for 2017 (<http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/her-67bc.pdf>).

or stocks are considered to be '*in line with MSY*' or '*fished in line with F_{MSY}* '.

- Finally, all reports should be clear about the limitations of the respective methods used and conclusions drawn, for example where the respective analysis refers to fishing mortality alone without reference to biomass levels. This would avoid misrepresentation and misunderstandings and enable the reader to appropriately interpret the presented results, and gain a more comprehensive and nuanced overview of the situation.

5 Conclusion

In order to ensure that European fisheries management is sustainable and that policy decisions are taken in line with the law, it is crucial to monitor whether TACs as well as the resulting stock situation in terms of exploitation rates and biomass levels are in line with the requirements of the CFP. Clear and comprehensive reporting on progress towards achieving the fundamental MSY objective, as well as alignment of TAC decisions with the precautionary approach and the best available scientific advice, is an essential element of this monitoring process.

Relevant reports are regularly prepared by the European Commission, national administrations and stakeholders. However, these reports mostly do not share the same scope, purpose and assessment methodology and rely on different types or subsets of the available data. Therefore, they often produce discrepant and ambiguous results. This makes it difficult for third parties to gain a comprehensive and reliable overview of the situation of stocks and progress of TAC decisions towards achieving the MSY objective and meeting the CFP's other requirements.

In this briefing, we recommend a range of improvements to current reporting in order for the various reports to more effectively contribute to the monitoring process. All reports should specify clearly the scope, data and assessment methodology used and any associated limitations regarding conclusions drawn. This includes, for example, a clear indication whether they refer to the management level (i.e. TAC decisions), or to the situation of the stocks (i.e. biomass levels and/or fishing mortality). In general, the language used must be unambiguous to avoid misinterpretation, and any examples should be presented within the wider context rather than in isolation as this may otherwise lead to selective, biased statements. The Commission's report under Article 50 in particular should cover all harvested stocks (including those without MSY-based advice), including at least a trends-based assessment of progress in relation to other reference points where MSY estimates are not yet available. Moreover, it should refer not only to the situation of fish stocks in terms of exploitation levels, but include an assessment of the progress of biomass levels as well as TAC decisions towards achieving the MSY objective.

In conclusion, this briefing has highlighted the importance of reliable, unambiguous reporting on progress towards achieving the MSY objective and on alignment of TAC decisions with the precautionary approach and the best available scientific advice. The suggested improvements would allow stakeholders to gain a clearer, more comprehensive and nuanced overview of progress already made and still pending. Our recommended changes to the Commission's Article 50 report in particular would allow the Commission to more easily demonstrate that decisions in European fisheries management, including TAC-setting, are taken in line with the CFP's requirements and objectives. Finally, this would also allow stakeholders to better support the Commission and the Council where they have proposed and set TACs in line with the law, and hold them to account where they have failed to do so. These improvements in reporting should therefore be implemented as a priority, both by the Commission and other stakeholders.

Jenni Grossmann
Science and Policy Advisor
+44 (0)30 3050 5943
jgrossmann@clientearth.org
www.clientearth.org

Liane Veitch
Fisheries Project Lead
+44 (0)20 3030 5956
lveitch@clientearth.org
www.clientearth.org

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Brussels
Rue du Trône 60
5ème étage
1050 Bruxelles
Belgique

London
274 Richmond Road
London
E8 3QW
UK

Warsaw
ul. Żurawia 45
00-680 Warszawa
Polska

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