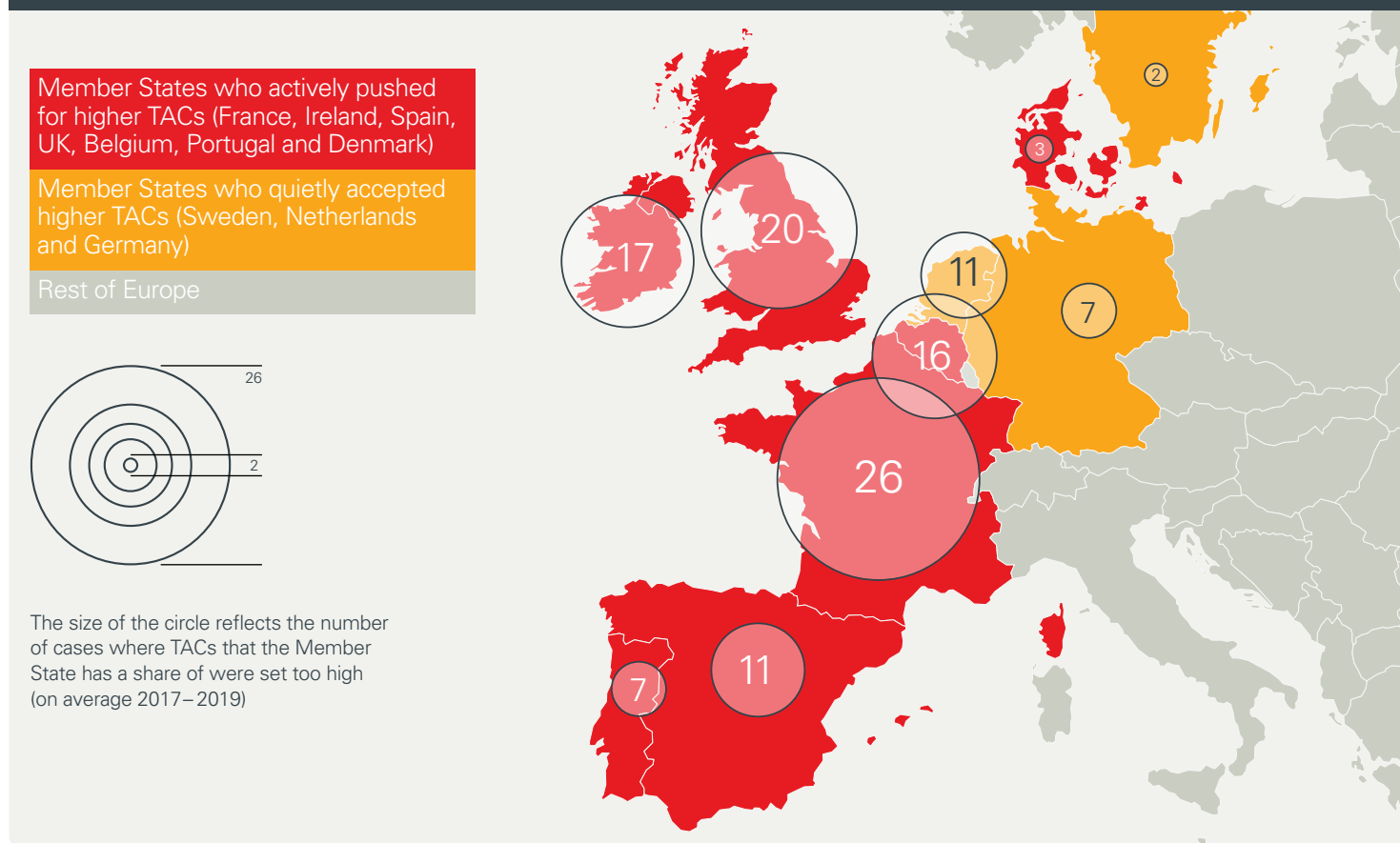


Crunch time: act now to end overfishing in the EU by the 2020 deadline

Figure 1: Number of cases by Member State where Total Allowable Catches (TACs) were set above scientific advice, with or without active push¹



The upcoming December Council is the key opportunity for the European Commission, the Council of European fisheries ministers and individual Member States to show that they are serious about ending overfishing, by setting sustainable fishing limits in line with science and the law.

The objective of ending overfishing by 2020 and restoring all stocks above healthy, productive levels was a cornerstone of the reform of the Common Fisheries Policy (CFP) in 2013.

Now, five years later, ClientEarth's [report](#)² on the setting of Total Allowable Catches (TACs) in the Northeast Atlantic³ assesses whether decision-makers are on the right track, and which key issues they must address before the deadline bites.

So far, the performance of the Council, and particularly of certain Member States, has been disappointing.

Some vocal Member States like France, Ireland, Spain, Belgium, the United Kingdom, Portugal and Denmark have successfully pushed for fishing limits beyond sustainable levels in the last three years, while others have failed to stop them (**Figure 1**). When TACs are set above scientific advice, all Member States are to blame, either directly (if they actively pushed for this), or indirectly (if they quietly accepted it).

Last year, the Council still set more than half of the assessed TACs above scientific advice, instead of taking long-overdue steps to allow depleted stocks to recover.

¹ This information is based on an analysis of documents about Member State comments during the December Council processes 2017 to 2019, received in response to ClientEarth's Access to Information Requests.

² ClientEarth (2019). Taking stock – are TACs set to achieve MSY? November 2019. <https://www.documents.clientearth.org/library/download-info/taking-stock-are-tacs-set-to-achieve-msy>.

³ The report focuses on a subset of TACs set for 2015 to 2019 during the December Council process, i.e. excludes stocks shared with third countries, Deep-Sea stocks and Baltic stocks.

So how can decision-makers start to right past wrongs? Here are our recommendations:

1. Follow scientific advice and restore all stocks in line with the Common Fisheries Policy's requirements

Despite the imminent deadline, progress towards setting sustainable TACs to end overfishing has been far too slow: several stocks have remained at dangerously low levels for years. Yet, many of the proposed TACs are still too high, and the Council frequently exceeds the Commission's proposal even further, particularly for data-limited stocks (**Figure 2**).

This goes against the precautionary approach, a crucial cornerstone of international environmental law, as well as the key objective of the CFP to fish ALL harvested stocks sustainably, and restore them above healthy and productive levels capable of producing the Maximum Sustainable Yield (MSY).

2. Properly implement, monitor and control the landing obligation

Since the landing obligation, or 'discard ban', fully came into force in 2019, TACs are now set based on the assumption that all catches will be landed. However, compliance remains poor, and the various exemptions can turn into dangerous loopholes, if they are not reliably monitored and factored into the TAC-setting.

Failing to properly control and enforce the landing obligation while basing TACs on total catches leads to overfishing if unreported discards beyond the agreed TACs continue.

3. Improve transparency of the TAC-setting process

The ongoing lack of transparency and accountability of the TAC-setting process prevents the public from engaging properly in the process. This makes it easier for ministers to set unsustainable TACs behind closed doors.

The European Ombudsman recently agreed with ClientEarth's concerns, urging the Council to publish all relevant files as soon as they are circulated to the Member States, ahead of December Council.

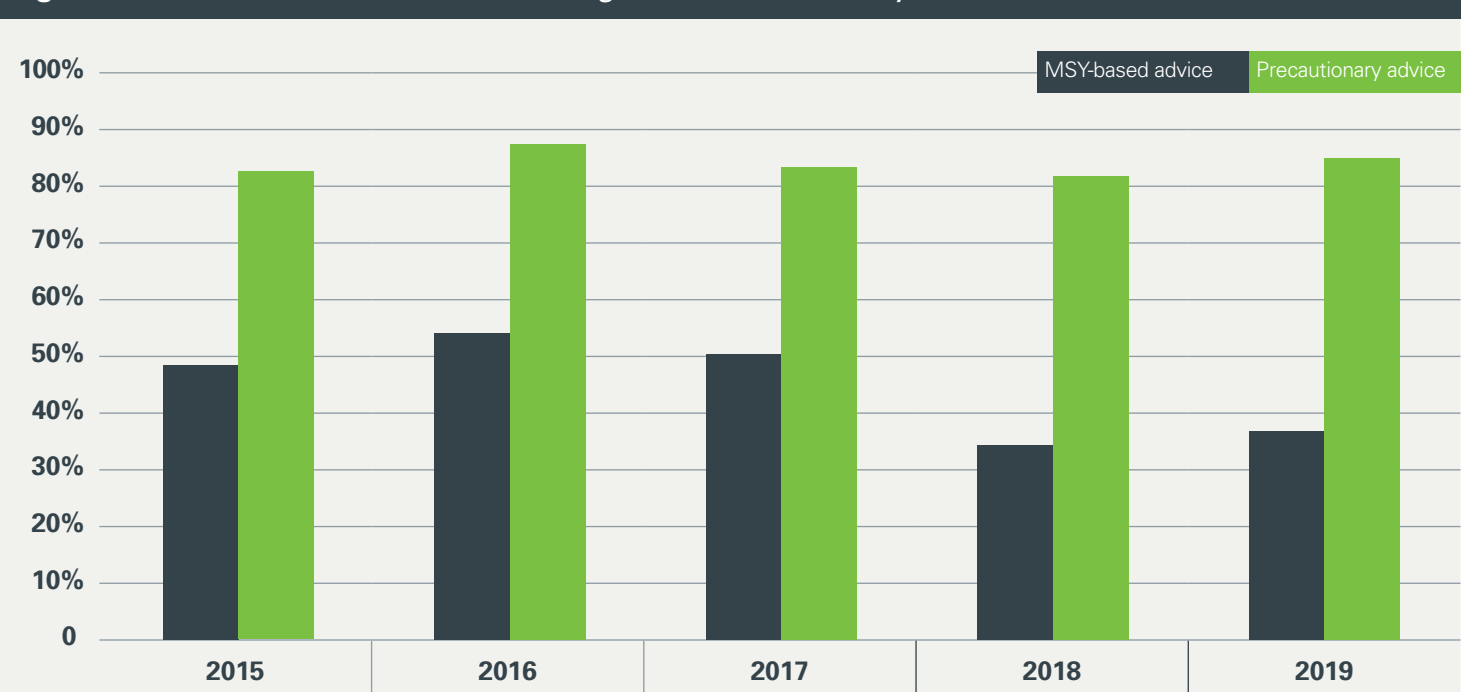
4. Ensure reliable reporting on progress towards ending overfishing

Certain elements of the Commission's reporting have been misleadingly positive, suggesting that the EU's work to end overfishing is nearly done. As ClientEarth's [report](#) shows, this is not the case, and decision-makers must urgently face the remaining challenges rather than resting on their laurels.

EU decision-makers have so far failed to beat the 2020 deadline, but it is not too late to meet it by setting sustainable TACs in line with science and the law in 2019.

The Commission, the Member States and the Council should now focus all their strength on this final push to end overfishing, and Members of the European Parliament can play a crucial role in keeping them in check.

Figure 2: % of number of TACs exceeding scientific advice, by advice basis



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