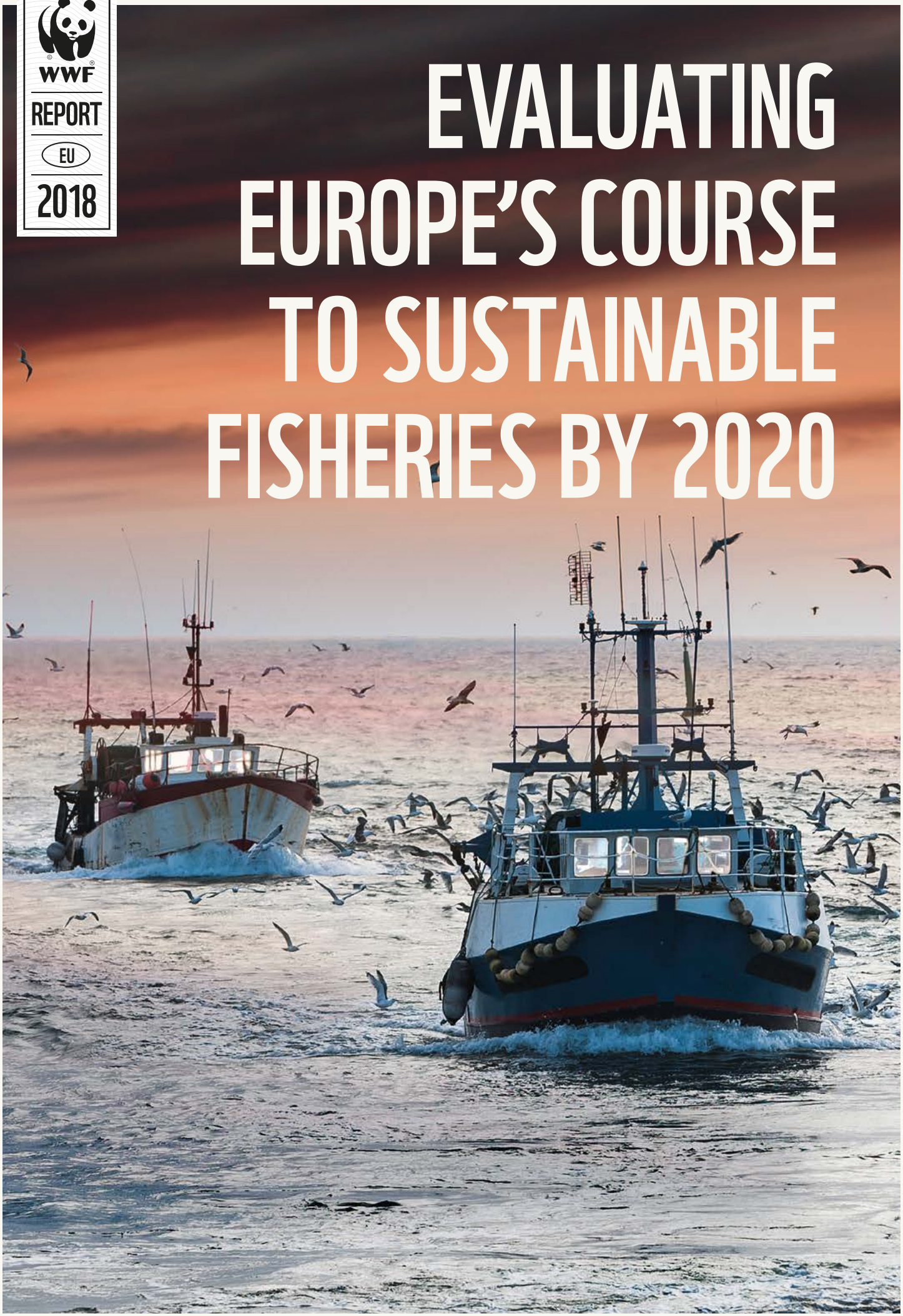
WWF

REPORT

EU

2018

EVALUATING EUROPE'S COURSE TO SUSTAINABLE FISHERIES BY 2020



EXECUTIVE SUMMARY

Progress with implementation of the latest Common Fisheries Policy has been slow to rebuild fish stocks, protect marine ecosystems and secure the long-term livelihoods of communities that depend upon fish populations.

CONTEXT AND PROGRESS MEASUREMENT

As highlighted in WWF's Living Planet Report (2018)[1], our ocean remains in crisis and the situation desperately needs change in order to reverse the trend of global biodiversity decline. The European Union's (EU) fisheries footprint spans our planet. With active fishing in every ocean and with the highest number of seafood imports, it is the world's largest seafood market. Recognising that a healthy ocean increases resilience and creates more stable conditions for the viability of the fisheries sector, Europe has a long-established Common Fisheries Policy (CFP) which governs all European fisheries in the waters of EU Member States (MS), in international waters and through fishing agreements in non-European waters around the world.

Following the most recent reform in 2013, the CFP now aims to make fisheries environmentally, economically and socially sustainable. The CFP defines the sustainable management of marine ecosystems and fish stocks. It is based on scientific evidence for a concrete biological understanding of the state of stocks, and refers to socio-economic data before establishing fisheries catch quotas. Successive to this, an accountable, transparent and fair set of rules for fishers must be enforced by promoting a culture of compliance and by applying deterring sanctions for wrongdoers.

Five years on from the adoption of the reformed CFP and in preparation for the next policy reform, this report presents European and MS decision makers with a comprehensive and evidence-based critique on the implementation of a set of key Articles of the CFP. With examples of best practices from diverse areas of the EU, WWF presents its recommendations for how to achieve sustainable fisheries in European Seas by 2020.

The most critical obligations from the CFP Basic Regulation have been identified, including how the discard ban and the Landing Obligation (LO) are being – or failing to be - implemented across the different European sea basins and by the 23 MS with fisheries activities (henceforth identified as marine MS).

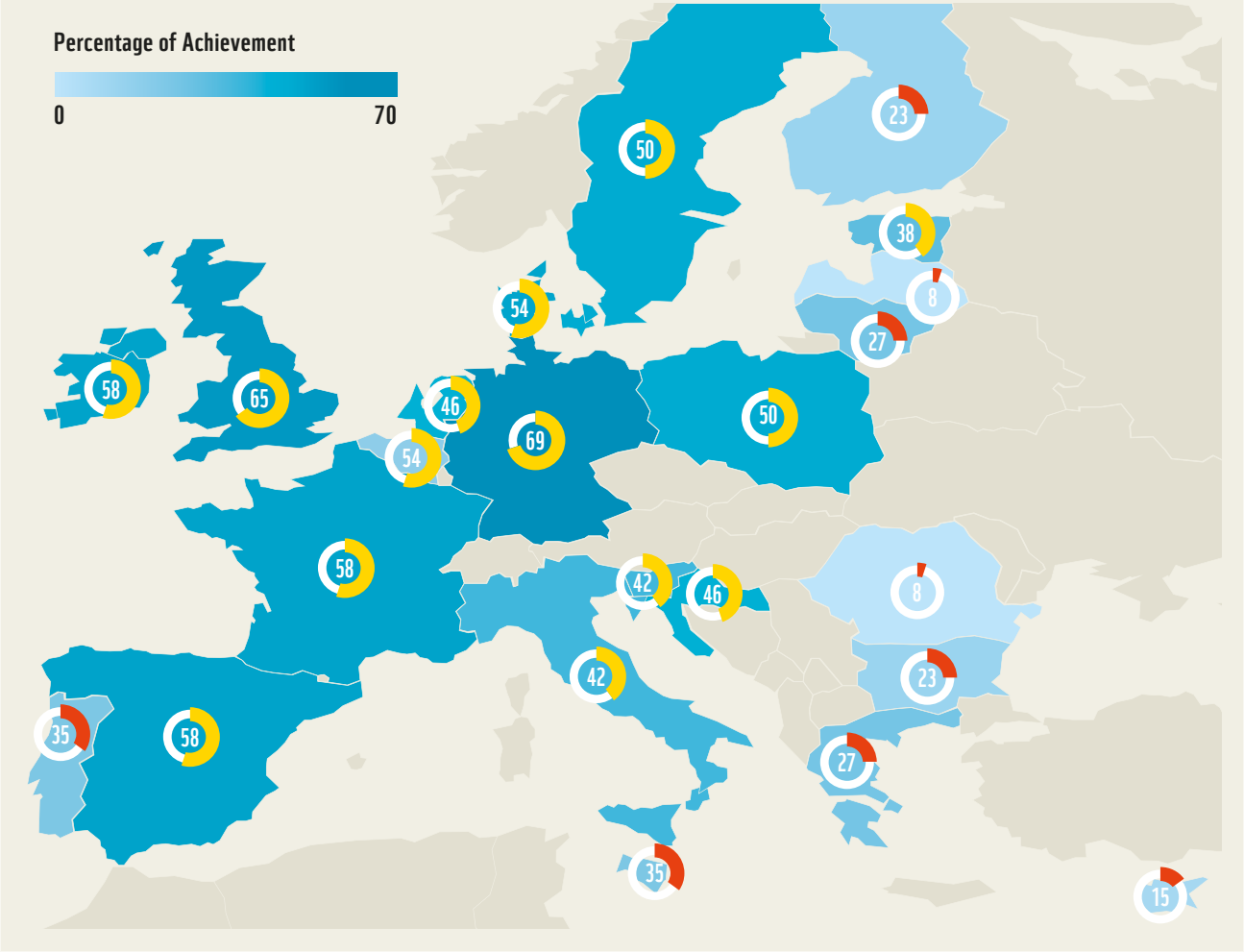
National marine strategies have, thus far, generally failed to include clear, concrete objectives that fall in line with the CFP. Member States miss the mark on provisions for sustainable and viable fishing, healthy marine ecosystems and biodiversity conservation. Securing comprehensive implementation of the EU's commitments to environmental protection and implementing effective measures to address the wider management of the seas, such as **achieving Maximum Sustainable Yield (MSY) exploitation rate and Good Environmental Status (GES) by 2020,** must be priorities for all MS. However, the actions necessary to achieve the CFP's objectives are not being prioritised and are therefore not on track for delivery in 2020.

1 WWF. 2018. Living Planet Report - 2018: Aiming Higher. https://wwf.panda.org/knowledge_hub/all_publications/living_planet_report_2018/

Overall, MS efforts to implement the CFP are deeply unsatisfactory. Only one out of 46 CFP actions assessed has been accomplished by all MS; namely, establishing an administrative system for registering fishing vessels. Of the 46 actions assessed, half (24) have been partly accomplished and the others are yet to be undertaken.

For actions related to **measures for the conservation and sustainable exploitation of marine biological resources,** implementation is inconsistent and 'on-going' with the Netherlands, Germany, the UK and Denmark having made progress, but substantial improvements are still needed to deliver robust marine biodiversity conservation. The lack of accurate reporting remains a key issue. Difficulties experienced by MS in **monitoring discarded catches** are of major concern and indicative of significant compliance challenges. Similarly, delivery on **control and enforcement** actions was weak across the board. A very limited use of the European Maritime and Fisheries Fund (EMFF) has been reported between 2014 and 2018 for both the **Landing Obligation** and for **control measures**, highlighting a lack of effort by MS to use available resources. Progress has been made on the **regionalisation** process with the establishment of additional Advisory Councils, although good practices and a balanced representation of stakeholders are not entirely achieved.

Overall score of CFP implementation by EU Member State



Whilst this report focuses primarily on the progress made by each MS to deliver robust fisheries policies in line with the CFP objectives, **several CFP Articles have been assessed by sea basin** in order to examine how MS have combined their efforts to promote and drive CFP implementation and innovation in their respective regions.

Finally, a rating of the **actions of the European Commission** shows encouraging efforts. The European Commission has achieved nearly half of the implementation actions for the CFP, earning 47% of the maximum possible score.

Achieved action (%) committed to by the European Commission (EC)

		%
Articles 9 & 10	Proposed multiannual plan	37.5
	Adopted multiannual plan	25
	Objectives consistent with the CFP	0
	Quantifiable targets	100
	Clear time frame	60
	All bycatch & target species	40
	Ecosystem-based approach	0
Article 22	Publicly available reports	0
	European Parliament	100
Article 24	Fleet register	100
	Publicly available reports	100
	Implementing acts	0
Articles 25, 26 & 27	Annual reports	0
Article 43	Establishment of new Advisory Councils	75
	Transparency of rules and procedures	70
Article 44	EC consultancy with Advisory Councils	100
	EC responding to Advisory Council advice	100
	Justification of decisions	0
Article 50	Annual report on achieving Maximum Sustainable Yield	100

AVERAGE PERCENTAGE OF ACHIEVEMENT 47

Recommendations

WWF calls upon European Union Ministers to urgently take the crucial steps necessary to deliver the CFP objectives by 2020 and secure thriving coastal communities, resilient fish populations and comprehensive protection for the EU's threatened marine ecosystems.

The following actions are identified as priorities without hierarchy. WWF appeals to all CFP implementing States and organisations to:

- Harmonise **fisheries monitoring** and optimise **data exchange systems** to improve data collection and scientific evaluations of the ecological and economic effects of fisheries management.
- Establish **transparency and accountability** with robust reporting and control mechanisms to increase trust between all stakeholders across the seafood supply chain.
- Apply the **precautionary approach** consistently to ensure marine ecosystems remain healthy and thus able to adapt to environmental changes and fisheries extraction.
- Align annual **fishing opportunities** with **scientific recommendations** to restore and maintain fish populations above Maximum Sustainable Yield (MSY).
- Accelerate implementation of **ecosystem-based management** by designing more fish stock recovery programmes to strengthen implementation of all EU environmental legislation.
- Develop **robust multiannual plans** with clear time frames and an ecosystem-based approach founded on the best available scientific evidence to achieve MSY exploitation rate by 2020.
- Develop **inclusive and transparent management plans** with cross-sector, multi-stake-holder coordination, clear definitions of expected outcomes and enforcement of timely sanctions to **nurture a culture of compliance.**

Key CFP Articles implementation score by EU Member State*

* Detailed analysis is available in the Technical Annex

	Article 2		Article 11	Article 14	Article 15		Article 22	Articles 25, 26 & 27	Articles 36, 37 & 39	Total achievement (average %)
	Percentage 2015	Percentage 2018	Number of Joint Recommendations	Relative Achievement (%)	Used EMFF (%)	Species under LO in 2019 (%)	Relative Achievement (%)	State of Implementation	State of Implementation	
BELGIUM	24	46	1	31	14.1	83	57	☹	☹	54
BULGARIA	14	9	0	15	7	22	29	☹	☺	23
CYPRUS	0	13	0	15	5.2	34	0	☹	☺	15
GERMANY	23	25	6	92	8.5	39	57	😐	☺	69
DENMARK	23	27	6	84	12.8	48	29	☹	☺	54
ESTONIA	25	2	0	46	7.5	3	86	☹	😐	38
SPAIN	14	45	0	100	6.4	27	71	☺	☹	58
FINLAND	25	24	0	0	7.5	4	43	☹	😐	23
FRANCE	20	43	1	46	7.4	51	71	☹	☺	58
GREECE	0	13	0	15	4.4	47	57	☹	😐	27
CROATIA	10	5	0	84	5.7	28	57	😐	☺	46
IRELAND	19	67	0	92	7.9	45	42	😐	😐	58
ITALY	4	6	0	53	6.3	33	71	☹	😐	42
LITHUANIA	25	0	0	15	8.1	5	42	☹	☹	27
LATVIA	25	2	0	15	4.2	15	14	☹	😐	8
MALTA	N/A	13	0	61	0.6	14	100	☹	😐	35
NETHER-LANDS	24	53	1	46	29.6	53	14	☹	☹	46
POLAND	25	23	1	15	6.3	39	57	😐	☺	50
PORTUGAL	14	46	0	0	3.5	23	86	😐	☹	35
ROMANIA	14	9	0	15	0.8	7	29	☹	☹	8
SWEDEN	20	17	5	23	8.4	47	43	☹	☺	50
SLOVENIA	10	5	0	69	1.8	57	43	😐	😐	42
UNITED KINGDOM	22	49	1	100	15.7	46	71.4	😐	☹	65

COMMON FISHERIES POLICY GENERAL PROVISIONS

ARTICLE 2: OBJECTIVES

Since the 1970s, fleets are fishing further, deeper and finding fish more easily due to technological advances, leading to overfishing in European waters. Article 2 sets out the primary objectives of the CFP, including several operating principles, such as the restoration of all EU stock biomass levels above Maximum Sustainable Yield (MSY) by setting fishing mortality rates at or below MSY level (≤ F_{MSY}) by 2015 where possible, and across the EU by 2020 at the latest.

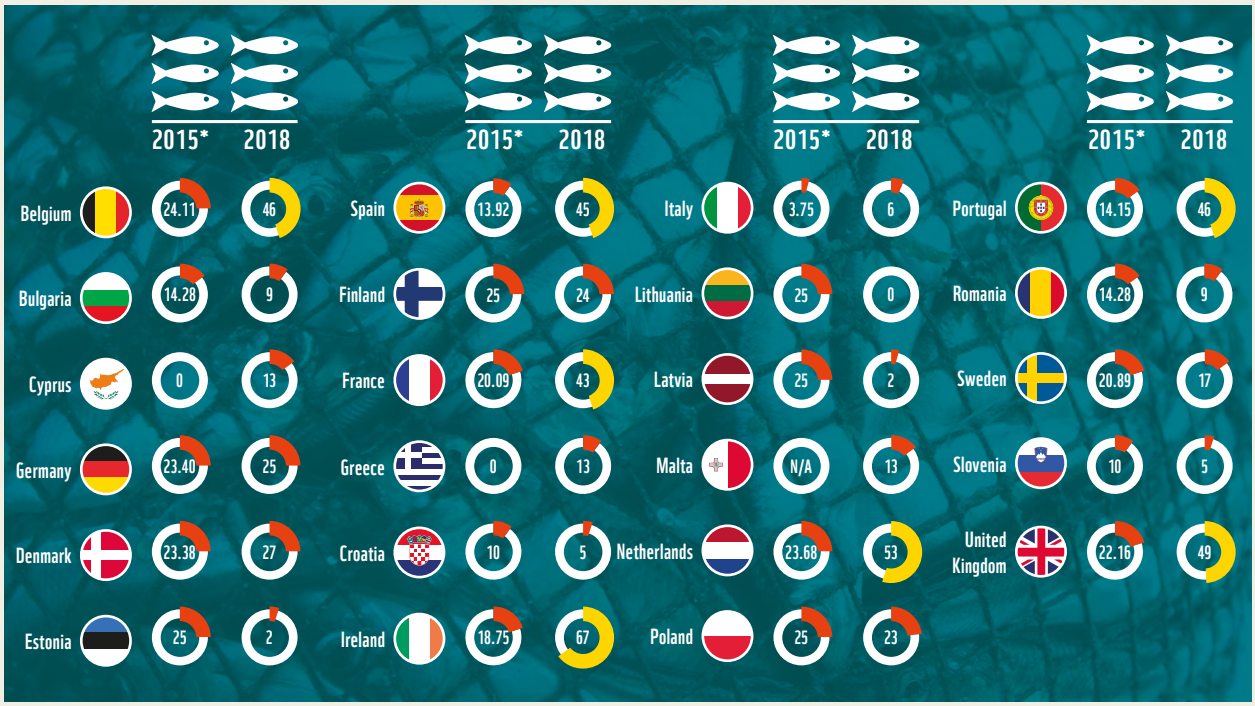
WWF analysed publicly available data[1] for 397 fish stocks in all EU sea basins. Numerous scientific reviews were used for methodological sources (detailed in the Technical Annex). For each EU Member State in 2015 and 2018, WWF evaluated whether fish stock biomass were above sustainable levels (i.e. above MSY) and harvested with fishing mortality at or below F_{MSY}.

In 2018, many stocks remained below sustainable levels, especially in the Baltic Sea (Denmark, Germany, Finland, Poland and Sweden). Five years into CFP implementation, only one MS, Ireland, earns a score over 50% for improving sustainable management of fish stocks between 2015 and 2018. Reporting issues combined with overfishing hamper the scores of most MS on their efforts to meet the 2020 deadline for all fish stocks and ensure the long-term sustainability of fisheries.

1 Baltic Sea, North Sea and Western Waters, ICES database http://standardgraphs.ices.dk/stockList.aspx. Mediterranean Sea, STECF 2017 stock assessment reports https://stecf.jrc.ec.europa.eu/documents/43805/1674827/STECF+17-15+-+Med+stock+assessments+2017-p1.pdf. https://stecf.jrc.ec.europa.eu/documents/43805/1674828/STECF+17-15+-+Med+stock+assessments+2017-p2.pdf Black Sea, STECF 2017 stock assessment report https://stecf.jrc.ec.europa.eu/documents/43805/1797670/STECF+17-14+-+Black+Sea+assessments+2017.pdf and for 2015 https://stecf.jrc.ec.europa.eu/documents/43805/1208033/STECF+15-16+-+Black+Sea+assessments.pdf

Sustainably managed fish stocks (%) by EU Member State in 2015 & 2018

(Detailed analyses available in the Technical Annex)



In the analyses for 2015, scores were allocated depending on the % of the stocks harvested by each MS in Figure 3**, that is with biomass above B_{MSY} and fishing mortality under F_{MSY}. In the analyses for 2018, the allocated scores were: +3 points for stocks for which F_{MSY} was achieved by 2015, +2 points if achieved by 2018, and 0 points if F_{MSY} was still not achieved in 2018.

* % of stocks with F≤ F_{MSY} and B > B_{MSY}

** Froese et al. 2018

WWF RECOMMENDS TO:

- Follow advice that is based on best available scientific evidence when setting fishing opportunities and apply the precautionary approach when fish stock data is lacking;
- Set fishing opportunities that are aligned with sustainable levels (i.e. based at or below F_{MSY}) and which follow International Council for Exploration of the Sea (ICES) MSY rule when reference points for the relevant species are available;
- Encourage inclusive, multi-stakeholder participation in long-term management and adopt multiannual plans (MAPs) fully in line with CFP objectives established in Article 2; establish fish stock recovery areas to protect nursery and spawning grounds;
- Increase transparency through robust data collection and reporting whilst ensuring full compliance with monitoring, control and surveillance measures;
- Establish technical measures to improve the selectivity of fishing gear in order to reduce the fishing footprint and negative impacts on marine ecosystems;
- Fully implement Article 15 (the Landing Obligation) and apply sanctions for non-compliant vessels.

MEASURES FOR CONSERVATION & SUSTAINABLE EXPLOITATION

ARTICLE 8: FISH STOCK RECOVERY AREAS

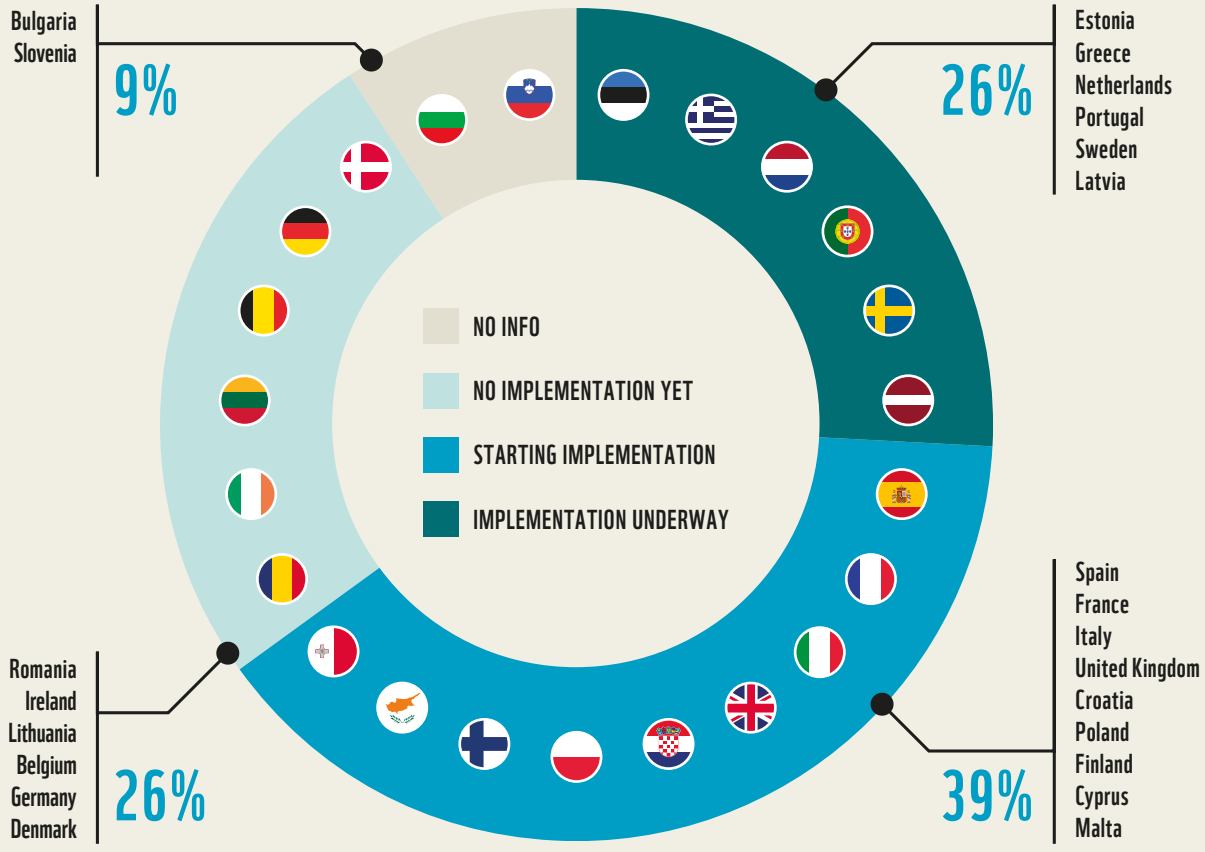
To implement the ecosystem-based approach to fisheries management, Article 8 of the CFP binds EU Member States (MS) and the European Commission (EC) to establish fish stock recovery areas, i.e. areas essential to the fish life cycle based on their biological sensitivity, including spawning grounds.

In April 2017 at the European 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 (JR) to establish fish stock recovery areas from MS."[1] There is no evidence that this situation has changed since 2017.

In several MS, spatial management measures to restrict fishing activities have been in force for over 10 years, but limited information on their enforcement and achieved results is available. Denmark, Belgium and Germany present the worst cases, with no form of fishery recovery areas established. The General Fisheries Commission for the Mediterranean and Black Sea (GFCM) advocates for regulation or restriction of demersal fisheries in the high seas. Since 2006, three areas have been established in the Mediterranean Sea to protect vulnerable marine ecosystems and three further areas adopted to protect essential fish habitats; however these spatial management efforts have no information to support their enforcement. At MS level, fish stock recovery areas are legal tools to develop a network that provides effective protection for vulnerable marine ecosystems and essential fish habitats. At the EC level, multiannual plans for fisheries which are currently being developed must guarantee the establishment of fish recovery areas.

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

State of implementation of fish recovery areas in the EU



WWF RECOMMENDS TO:

- Establish effective management measures with comprehensive monitoring of fish stock recovery areas by promoting data collection and scientific evaluation of the effectiveness of both management plans and locations of recovery areas;
- Leverage traditional ecological knowledge to identify critical fish areas; collaborate with key stakeholders to identify and approve these areas and develop rules to increase compliance;
- Properly assess future fish stock recovery areas and their coherence with the multiannual plans, aiming to rebuild critical fish populations and contribute to the delivery of Article 2 objectives;
- Ensure synergies within the implementation of the CFP, Habitats Directive, Birds Directive, Marine Strategy Framework Directive (MSFD) and other relevant environmental tools like the Water Framework Directive to achieve greater biodiversity and habitat recovery.

ARTICLE 9 & 10: MULTIANNUAL PLANS

Articles 9 and 10 set the principles, objectives and content of multiannual plans (MAPs) which are the primary tool enabling 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 this approach are to be included for some of the stocks covered by an adopted MAP.

This analysis examines whether sustainability 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.

The MAP process started slowly: in 2014, the Baltic Sea was the first region to be considered for a new fisheries management framework and adoption of this first MAP occurred two years later in 2016. In July 2018, the North Sea MAP was adopted. Other MAPs currently under review include the MAP for small pelagic fisheries in the Adriatic Sea (proposed February 2017), the demersal Western Mediterranean MAP (proposed March 2018), and the demersal Western Waters MAP (proposed March 2018).

Disappointingly, none of the MAP proposals from the European Commission have presented an ecosystem-based approach or objectives consistent with CFP Article 2, as they allow for higher fishing levels than those permitted under the CFP sustainable yield objective, despite the risks articulated by scientific evidence. MAP development to date has progressively weakened the CFP objectives by promoting an upper range of F_{MSY} (i.e. fishing opportunities above MSY) and only applying this to limited target species.

MAP achievement (%) by sea basin & by the European Commission

WWF RECOMMENDS TO:

- Maintain the sustainability objectives agreed in the CFP and ensure ambitious actions to deliver these objectives on time and for all fish stocks;
- Prioritise full fisheries recovery in all MAPs by protecting juvenile fish and by applying science-based exploitation rates;
- Guarantee an integrated ecosystem-based management approach to allow stocks to replenish and secure the long-term livelihoods of fishers.

ARTICLE 11: COMPLIANCE WITH EU ENVIRONMENTAL LEGISLATION

Article 11 ensures that conservation measures adopted by each MS for its national waters are aligned with measures adopted under EU environmental legislation such as the Habitats Directive[1], the Birds Directive[2] and the Marine Strategy Framework Directive (MSFD)[3].

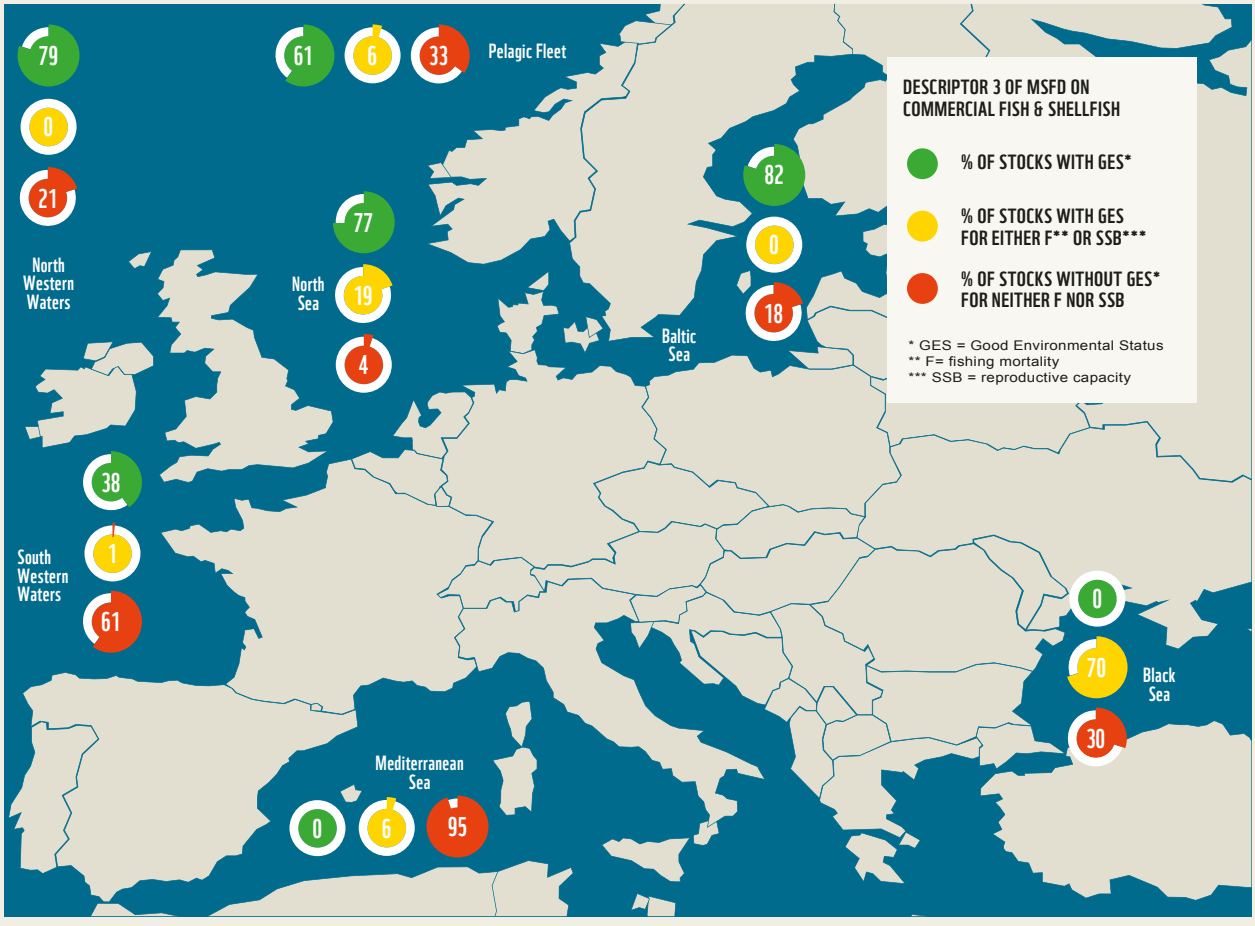
EU environmental objectives also align closely with the United Nations Sustainable Development Goals (SDGs), internationally agreed in 2015. SDG 14, a goal dedicated to the ocean, requires conservation and sustainable use of the ocean, seas and marine resources. One of the targets to achieve this goal 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. The EU has obligations under both the Convention on Biological Diversity (Aichi Target 11) and SDG 14 to protect 10% of its marine areas in an ecologically coherent network by 2020.

Based on up-to-date postings from the EC website[4], WWF analysed MS submissions of Joint Recommendations (JRs) to introduce conservation measures and deliver sound fisheries management in Marine Protected Areas. Germany and Denmark have submitted six JRs, Sweden submitted five and Belgium, France, the UK, the Netherlands and Poland each submitted one JR.

Using the 2018 European Environment Agency (EEA)[5] assessment on the Good Environmental Status (GES) of Europe's sea basins, WWF conducted additional analyses on MSFD descriptor 3: "Safeguarding healthy commercial fish and shellfish". It found that almost three quarters (74%) of the assessed fish and shellfish stocks in Europe's seas are not in GES when assessing both the level of fishing mortality and reproductive capacity. These percentages vary considerably between MSFD regions — from 67-88% of stocks meeting at least one of the GES criteria in areas of the North-East Atlantic and the Baltic Sea, to only 4% and 13% in the Mediterranean Sea and the Black Sea, respectively.

1 Habitats & Species Directive & SACs (Directive 92/43/EEC, Article 6)
2 Birds Directive & SPAs (Directive 2009/147/EC, Article 4)
3 MSFD (Directive 2008/56/EC, Article 13(4))
4 https://ec.europa.eu/fisheries/cfp/fishing_rules_en
5 https://www.eea.europa.eu/data-and-maps/indicators/status-of-marine-fish-stocks-3/assessment

Percentage of fish stocks with Good Environmental Status



The prosperous coexistence of Marine Protected Areas (MPAs) and fisheries

Having fisheries management measures in conservation areas ensures an appropriate balance between sustainable exploitation of resources and the need to conserve important marine habitats. The involvement of local and regional stakeholders in Advisory Councils with compulsory consultation has also helped to shape legislation in an open and transparent way.

Today, in the Baltic Sea, fisheries management measures to protect the marine environment are connected with seven Danish Natura 2000 sites, limiting fishing activities with fishing gear that makes contact with the sea bed near reefs.

Observed trend reversals such as the return of top predators, recovering fish stocks, and increased water quality was achieved by implementing a regional cooperative governance structure with integrated management of watersheds and sea.

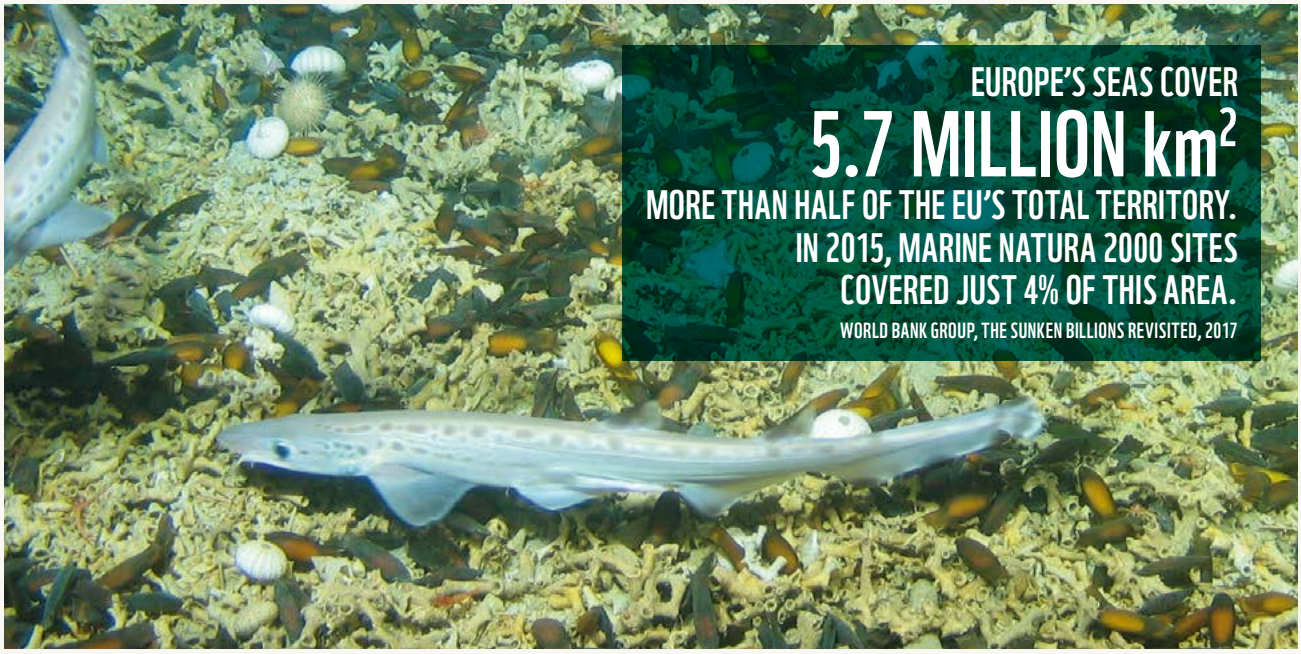
Further work is needed to achieve the 2020 objectives of GES in all EU waters and to effectively protect and manage at least 10% of EU marine areas. Careful attention must be paid to environmental and socio-economic impacts of ocean activities. Timely consultation processes are needed to reach agreement between fishers, environmental stakeholders and the different MS concerned.

The EC is empowered to intervene should MS be unsuccessful in agreeing on conservation measures. In the Mediterranean Sea and Black Sea, there is an urgent necessity to do so as there is currently little likelihood that the 2020 CFP objectives will be met. In the North-East Atlantic Ocean and Baltic Sea, continued efforts are required to meet the 2020 objective of sustainable exploitation of fish and shellfish stocks.

WWF RECOMMENDS TO:

- Urgently develop more JRs, as at this crucial stage of achieving effective protection and management of at least 10% of EU coastal waters by 2020 (CDB Aichi Target 11, SDG 14.5), MS should not depart from scientific best practices and global standards for MPA requirements;
- Bring fisheries and environmental sectors together at regional and national levels where competencies for fisheries and environment are generally separated;
- Develop inclusive, multi-stakeholder management committees with a voluntary partnership between fishers, scientists, marine managers and environmental groups to collaboratively and measurably improve biodiversity and socio-economic conditions;
- Follow guidelines from the EC for MSFD implementation[1]; follow recommendations from the North Sea Advisory Council[2] on consultation procedures by MS for drawing up JRs under Article 11 of the CFP.

1 http://mcc.jrc.ec.europa.eu/dev.py?N=18&O=291&titre_chap=MCC%20activities&titre_page=MSFD%20implementation
2 http://nsrac.org/advice-approved/



ARTICLE 14: UNWANTED CATCHES

Article 14 refers to voluntary measures developed by MS to avoid or minimise unwanted catches, that is, species accidentally caught in addition to the ones being targeted. This supports Article 15 on the Landing Obligation (LO) as it allows MS to investigate fisheries practices and their associated discard "rates" of bycatch.

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[1] to assess the implementation of Article 14.

Spain and the United Kingdom have provided detailed information to the questionnaire on the avoidance measures and their uptake by several of their fleet segments. In addition, Germany and Ireland have developed a discard atlas to help identify the species which post a challenge under the LO. Unfortunately, other MS provide only limited information and very little detail on the fishing gear or implementation effort for Article 14.

Avoidance and minimisation of unwanted catches by EU Member State

	ES	UK	DE	IE	DK	HR	SI	MT	IT	EE	FR	NL	BE	SE	BG	CY	GR	LT	LV	PL	RO	FI	PT
Avoidance measures through spatial or temporal catches*	2	2	2	2	2	2	1	1	2	-1	2	1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-2
Description of the fisheries to which these measures apply to*	2	2	2	2	1	2	1	1	1	1	-2	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-2	-2
Uptake of these measures by fleet segments*	2	2	1	1	2	2	2	1	-1	1	-2	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-2	-2
Discard atlas**	2	2	2	2	1						3	2	2	1									1
Total	**8**	**8**	**7**	**7**	**6**	**6**	**4**	**3**	**2**	**1**	**1**	**1**	**-1**	**-2**	**-3**	**-3**	**-3**	**-3**	**-3**	**-3**	**-3**	**-5**	**-5**

* +1 for yes by question and bonus +1 by question if positive and justified/detailed response, -1 for no and -2 when no answer was provided (e.g. Portugal).

** 1 point by sea basin where a discard atlas was drafted

WWF RECOMMENDS TO:

- Hold official and transparent meetings between national fisheries authorities and all stakeholders to inform and ensure close cooperation to resolve management issues;
- Organise frequent public information meetings on the importance of minimising and avoiding unwanted catches in major fishing harbours; provide regularly updated guidelines and information in key fishing publications and online;
- Increase the use of the European Maritime and Fisheries Fund (EMFF) to support trial and adoption of new technologies that will increase transparency (e.g. Fully Documented Fisheries, Remote Electronic Monitoring/CCTV camera systems) and selectivity;
- Organise regular updates of the discard atlas (first and last version was published in 2014) to inform stakeholders and decision makers of the discard changes after the full implementation of the LO;
- Ensure that findings from projects to manage catch selection and minimise discards are applied when appropriate.

1 https://www.asktheeu.org/en/request/access_to_member_state_documents_2

ARTICLE 15: LANDING OBLIGATION

Article 15 introduces the Landing Obligation (LO), requiring fishing vessels to retain and land all catches by specific fisheries[1] to eliminate discarding, the wasteful practice of returning unwanted catches to the sea, whether dead or alive. The CFP enabled MS to progressively phase-in the LO, with full implementation mandatory across the EU as of 1 January 2019. Whilst the LO coverage of fish stocks with Total Allowable Catches (TACs) will theoretically reach 100% for 2019, this level of coverage will not actually be achieved due to: **1.** shared stocks with non-EU countries where the LO does not apply; and **2.** many of the TACs being subject to exemptions. For years, EU fisheries have operated on the basis of a landed quota which resulted in high levels of discarding. Since 2014, specific funds in the EMFF were allocated to help MS transition towards full implementation of the LO via increased use of selective fishing gear and the development of monitoring and compliance mechanisms.

Based on the recent EC communication on the state of play of the CFP[2], two quantitative criteria have been examined to determine how much the MS have progressed towards fully implementing the LO: how much of the EMFF has been used since 2014* and what level of LO achievement is expected for 2019**. While the CFP has no absolute requirement for MS to spend a specific amount on support towards LO, some MS have used the EMFF for LO implementation and committed to investing in technological research to assist fishers in developing more selective fishing gear.

Although the Baltic Sea MAP was the first to be implemented, the Baltic MS are not investing in the LOs implementation. The percentage of species under the LO for 2019 remains below 50% for most MS, with the exception of Belgium, the Netherlands, Slovenia and France. Since 2016, Belgium, the Netherlands, Denmark and Sweden have shown the highest rates of catch landings under the LO. They are joined by France, the UK, Ireland, Greece and Slovenia in 2018, all with at least 40% of landings under the LO. Currently, some MS do not have a plan for landing more than 25% of their catches under the LO in time for 2019, a clear failure to meet the implementation deadline.

1 All species under catch limits and in the Mediterranean Sea under minimum sizes, fished either in EU waters or by EU vessels outside of EU waters, except in waters under the jurisdiction of a third country.

2 http://nsrac.org/wp-content/uploads/2017/01/Fishing-Opportunities-2019.pdf. Exhaustive list of Commission Delegated Regulations available in the Technical Annex.
SWD(2017) 256 Commission Staff Working Document and State of Play of the Common Fisheries Policy and Consultation on the Fishing Opportunities for 2018 COM(2017) 368
"Evaluation of Member State's Annual Reports on the Landing Obligation (for 2017)", dated March 2018, DG MARE Contract No. ARES(2018)1564295
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

Scores on the implementation of the Landing Obligation

* For further information on Criterion 1 & 2, please see Technical Annex	BE	NL	DE	DK	FR	SE	UK	IE	ES	IT	LT	PL	SI	BG	CY	EE	FI	GR	HR	LV	MT	PT	RO
% of EMFF for LO	14.1	29.6	8.5	12.8	7.4	8.4	15.7	7.9	6.4	6.3	8.1	6.3	1.8	7.0	5.2	7.5	7.5	4.4	5.7	4.2	0.6	3.5	0.8
Criterion 1*	2	2	2	2	1	2	2	2	1	1	2	1	0	1	0	1	1	0	0	0	0	0	0
% of species under LO in 2019	83	53	39	48	51	47	46	45	27	33	5	39	57	22	34	3	4	47	28	15	14	23	7
Criterion 2*	2	2	1	1	2	1	1	1	1	1	0	1	2	0	1	0	0	1	1	0	0	0	0
Score	**4**	**4**	**3**	**3**	**3**	**3**	**3**	**3**	**2**	**2**	**2**	**2**	**2**	**1**	**1**	**1**	**1**	**1**	**1**	**0**	**0**	**0**	**0**

Tools and strategies: by fishers, for fishers

The original intention of the LO is to reduce unwanted catches. Despite numerous projects undertaken to investigate it, the LO continues to be viewed as a major challenge by many fishers.

Many research projects involving fishers have been developed to determine practical solutions, such as the Minidisc project[1] which tested less restrictive technical rules so that fishers could freely choose and develop alternative fishing gear. This aimed to optimise annual catch value while reducing discards. The study included 14 demersal fishing vessels, operating in the North Sea, Skagerrak and the Baltic Sea. The best results were observed in the Baltic Sea, where relaxing technical rules led to major improvements in fishing patterns.

Another example is the Minouw project[2], which crosses over seven EU countries to test technological solutions that enable and incentivise fishers to avoid unwanted catches. The project combines the use of monitoring and tracking tools (e.g. identification of juveniles or spawning aggregations by time and area) with a participatory approach by all stakeholders to collect data, engage in research and identify technological solutions, as well as monitor fishing activity. Results included a clear demonstration of how the use of a 'guarding net' in trammel net fisheries leads to a decrease in bycatch as well as to an increase in the catch of some of the target species.

1 http://orbit.dtu.dk/en/projects/minimising-discards-in-danish-fisheries-minidisc-39020(ef6da026-df16-4d99-8c66-604f9a086d24).html

2 http://minouw-project.eu/

Referencing the delegated acts and Joint Recommendations from 2017 to 2019, the provisional number of high-survivability and *de minimis* exemptions[1] were analysed by sea basin. In most sea basins, the number of exemptions requested by MS and granted by the EC increased by 300% between 2017 and 2019. Few MS have used inter species quota flexibility, which allows fishers to exchange quotas between species in order to actively adapt their fishing management systems, limit fishing beyond set quotas and ultimately reduce discards.

While the requests for more exemptions indicate that the MS are acting towards the inclusion of more fish stocks for the full implementation of the LO, the range and details of those exemptions vary between sea basins and indicate that little effort has been made to increase fishing selectivity. There is also an observed tendency to change *de minimis* exemption requests to high survival exemption requests for 2019. Further data and studies are required to avoid exemptions being granted based on extrapolated survivability results from one regional study to other areas.

To WWF's knowledge, no major implementation issues have been reported so far by any MS to either the EC or to the Scientific, Technical and Economic Committee for Fisheries (STECF). However, phasing-in implementation of the LO has not resulted in a reduction in discards, nor have there been significant changes in fishing practices to elevate the fleet to a more sustainable level.

Landing Obligation exemptions

Sea basin	EU Member States	All exemptions granted for 2018	All exemptions requested for 2019	Increase in number of exemptions granted in 2018 vs. requested in 2019
North Sea	UK, FR, BE, NL, DE, SE, DK	13	22	69%
North Western Waters	IE, FR, UK, NL, ES, BE, DK, DE	9	18	100%
South Western Waters	PT, FR, ES	4	16	300%
Baltic Sea	DK, DE, SE, FI, PL, EE, LV, LT	1	0	-100%
Mediterranean Sea	SP, FR, IT, GR, HR, SI	15	14	-6%
Black Sea	RO, BG	1	1	0%

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.

WWF RECOMMENDS TO:

- Adopt monitoring systems (including Remote Electronic Monitoring) in order to understand activities at sea and provide accurate information on levels of fishing mortality, whilst providing incentives for compliance;
- Adopt measures to improve selectivity of fishing gear; make this a conditional requirement for MS being granted *de minimis* exemptions; and share data and information between stakeholders on an ongoing basis to support *de minimis* exemptions;
- Support fully documented fisheries with Remote Electronic Monitoring as a foundation for a results-based management system that focuses on impact and controllability, where fishers are fully accountable for their catches – the data collected can also be used to accurately inform stock assessments;
- Ensure data associated with implementation of the LO informs annual fishing opportunities.

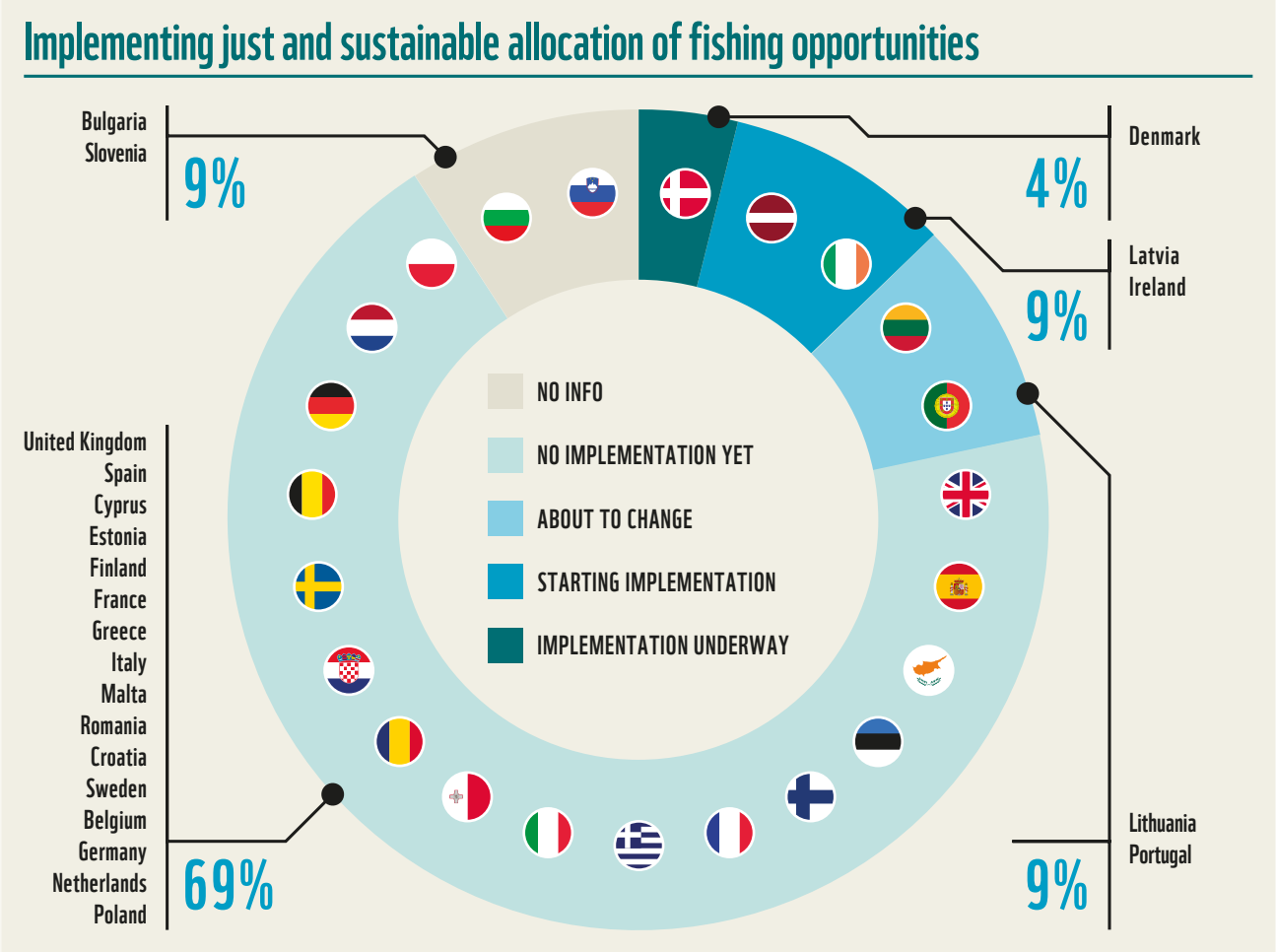
1 *De minimis* exemptions allow operators to discard 5 to 7% of catches in fisheries where increasing selectivity is either too difficult or expensive; high-survivability exemptions temporarily allow operators to throw back fish that have a high chance of surviving. Combined *de minimis* exemptions present an issue, if a big target stock is merged with a small stock in a *de minimis* exemption, the percentage of the granted exemption can be a large part of the small stock. Finally, 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 with the same fishing gear.

ARTICLE 17: ALLOCATION OF FISHING OPPORTUNITIES

Article 17 identifies the criteria MS use in allocating fishing opportunities. Transparent and objective criteria should take into account environmental, social and economic influences. MS should also incentivise national fishing fleets to deploy selective fishing gear or adopt fishing techniques with reduced environmental impact.

In most MS, the current allocation is based on historical catches and thus favours industrial scale fishing rather than local, low impact practices. Some MS are currently considering changes to their allocation systems, such as Denmark, Lithuania and Portugal. However, no clear mention of environmental considerations could be found in the documents available to public scrutiny. A companion report from the New Economic Foundation[1] provides more in-depth analyses on allocation criteria. It highlights the difficulties of accessing consistent information on the topic and how efforts in transparency and good governance have been lacking so far in the implementation of this Article.

Five years on from the adoption of the reformed CFP, the EC should have more evidence of Article 17's implementation performance, especially as allocation criteria must be transparent. One of the most potentially transformational elements of the CFP seems to have been completely watered down in its implementation.



WWF RECOMMENDS TO:

- Set fishing limits aligned to scientific evidence that will allow stocks to recover above sustainable levels;
- Include clear environmental, compliance and socio-economic criteria in allocation systems to favour the most sustainable fishing practices; measure progress toward these criteria and make this information publicly available;
- Reserve a percentage of quotas and fishing effort for best practitioners within a fishery to incentivise greater compliance[2].

1 https://neweconomics.org/uploads/files/Carpenter-Kleinjans-Who-gets-to-fish-16.03.pdf

2 Recently, a Catalonian governance decree has established voluntary measures for a fund of 10% of days at sea to be allocated among vessels scoring as environmental and socio-friendly.

MANAGEMENT OF FISHING CAPACITY

ARTICLES 22 & 24: FLEET CAPACITY AND REGISTERS

According to Article 22, EU Member States (MS) are to identify overcapacity and to adjust the size and nature of their fishing fleets to match 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; this report is submitted to the European Commission (EC). The EC then develops guidelines indicating relevant parameters to identify overcapacity and helps submit MS action plans to achieve balance.

The evaluation of this Article examined information submitted by MS to the EC in 2017 to assess the annual capacity of all EU fleet segments in 2016[1].

As early as 2011, the European Court of Auditors[2] 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. Further, experts from the Scientific, Technical and Economic Committee for Fisheries (STECF) were unable to determine whether MS efforts to reduce fleet overcapacity would be sufficient to bring the fleet in balance with fishing opportunities.

1 https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018SC0329&qid=1532867521847&from=EN
2 https://www.eca.europa.eu/Lists/ECADocuments/SR11_12/SR11_12_EN.PDF

Evaluation of EU fishing fleet capacity and register

	MT	EE	PT	ES	IT	UK	FR	BE	PL	DE	GR	HR	FI	IE	LT	SE	SI	DK	BG	RO	LV	NL	CY
Article 22																							
Clear targets in action plan*	2		2	2	2	2	2		2	2	2	1					2		1	1			
Evaluation of action plan**	0		-1	-2	-2	-2	-2	0	-2	-2	-1	-1	-3	-3	-3	-3	-3	-3	-3	-3	-3	-3	-3
% fleet out of balance***	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
Score	**1**	**0**	**0**	**-1**	**-1**	**-1**	**-1**	**-2**	**-2**	**-2**	**-2**	**-2**	**-3**	**-3**	**-3**	**-3**	**-3**	**-4**	**-4**	**-4**	**-5**	**-5**	**-6**

EUROPEAN COMMISSION	
Article 22	
MS reports made publicly available	0
Report from EC to EP & Council	1
Article 24	
EC maintaining a EU fishing fleet register	1
Register publicly available	1
EC adopting implementing acts	0
Score	**3**

* 1 point if action plan was only amended, 2 points if a new action plan was submitted

** 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

STECF Expert Working Group activity for fleet capacity in year 2016:
https://stecf.jrc.ec.europa.eu/ewg1708
Link to STECF 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/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 evaluation from p 135 to p 150

*** -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

Disappointingly, newer national reports cannot be found on the EC website. A report from FishSec[1] provides more in-depth analyses on fleet capacity and highlights discrepancies between the Staff Working Document from the EC and national reports provided by MS on the number of imbalanced fleet segments, with significant consequences for the drafting of action plans.

Regarding Article 24, the EU fleet register seems to be fully functional and regularly updated with information publicly available for all MS. However, decision makers and stakeholders do not currently receive adequate information 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 unlikely to deliver the essential capacity reductions.

WWF RECOMMENDS TO:

- Improve information collection and exchanges as the European Fisheries Control Agency and the EC do not currently have access to data regarding the EC fleet's fishing effort or on its capacity (on a continuous basis); provide more frequent information to the EC and the European Fisheries Control Agency to monitor fishing fleet capacity and ensure action plans are updated more frequently to address fleet capacity imbalance;
- Mandate the continuous monitoring of engine power for vessels categorised as being at medium, high and very high risk of non-compliance in order to systematise control of their fishing capacity;
- Align fishing opportunities and fleet capacity with fish stock resources availability as stated by the best available scientific evidence.

1 https://www.fishsec.org/app/uploads/2018/10/Fishsec_capacity_report_2018_final.pdf

SCIENCE-BASED FISHERIES MANAGEMENT

ARTICLES 25, 26, 27 & 50: DATA COLLECTION AND RESEARCH

Article 3 includes decision making on fisheries management and conservation measures that is based on the best available scientific advice. Articles 25, 26 and 27 refer to the wide range of fisheries data that EU Member States (MS) must collect, manage and make available for the development of scientific advice that supports effective fisheries management; and Article 50 refers to the annual reporting of the European Commission (EC) to the European Parliament (EP) and Council on achieving Maximum Sustainable Yield (MSY) and the state of fish stocks. 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 coordinate their fisheries research innovation and scientific advice programmes with other MS, in close cooperation with the EC and involve, where appropriate, the relevant Advisory Councils. MS must report annually on the implementation of their National Programmes while the Scientific, Technical and Economic Committee for Fisheries (STECF) evaluates MS Annual Reports.

Examining the presence or absence of National Programmes and Annual Report submissions has been the basis for analysing these Articles. However, a more in-depth assessment on the details of National Programmes and Annual Reports was not possible, as most reports remain unavailable to public scrutiny. Such an assessment would 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 programmes (Article 27).

Annual reporting by EU Member States and the European Commission

	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 2017*	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**	+1	-1	+1	-1	-1	-1	-1	+1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1
Score	**2**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**-2**	**-2**	**-2**	**-2**	**-2**	**-2**	**-2**	**-2**	**-2**	**-2**	**-2**	**-2**	**-2**	**-2**	**-2**

EUROPEAN COMMISSION	
Article 50, Annual report on MSY fish stocks	+1
Score	**1**

1 point if an Annual Report was submitted, 1 point if not

* For years 2015 and 2016 – 20 reports available (missing Bulgaria, France, Greece)

** No report in 2017 from any MS, 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 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 sought consultation from or been presented to Advisory Councils. There are likely to be significantly more projects, particularly addressing issues surrounding the Landing Obligation (LO).

Given the implementation of the LO, the risks of illicit behaviour increasing on the water are even higher as the potential for less data being made available means less confidence in assessments. 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. Vessel Monitoring Systems (VMS), Remote Electronic Monitoring (REM)). This, in turn, provides the much needed level playing field, whilst simultaneously delivering valuable information and data for both science and compliance purposes.

Filling the data gaps from insufficient monitoring and control at sea has not been given enough attention, and all decision makers should push for an effective at-sea monitoring programme. There is also an excellent opportunity for the fishing sector to take a proactive role in designing at-sea monitoring in collaboration with legislators and scientists.

Finally, 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[1], therefore future national programmes must urgently address the current systematic lack of data collection for recreational fishers to ensure this catch is included in fisheries assessments.

1 Radford et al. 2018 https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0201666

WWF RECOMMENDS TO:

- Adopt effective at-sea monitoring programmes and fully document fisheries with VMS and REM (amongst other tools) for enforcement and data collection purposes;
- Develop a common database of best practices to facilitate exchange of results, such as co-surveillance schemes which can be developed (using low-cost technologies and resources) to reduce fisheries footprint and applied to all types of fisheries across the EU and abroad;
- Establish a recreational fishing license scheme and ensure that recreational fishers are made aware of the legislation and the scientific rationale behind it, so that catches of species under conservation measures are reported.

New technologies to support sustainable fisheries

In terms of technological tracking devices to monitor and control fisheries activities, incentivising data collection and compliance has been encouraged in several MS.

- In Estonia, the application "Perk" has been launched by the Ministry of Rural Affairs to increase swift reporting of catch data and fishing activity reporting for coastal and inland fishers. The application has motivated fishers to transition more quickly from paper-based monthly reporting to electronic daily reporting, which has improved quota monitoring and control activities.
- In Croatia, all purse-seine or trawl fishing vessels, even small boats under 12 meters in length, are required to use VMS through which tracking data is available in real time on a national website. VMS are excellent tools to control efforts in terms of "time at sea" and activities across areas.
- In Spain, over 1,500 boats under 12 meters in length are equipped with the low cost "green box"[1] tracking systems that use a GPS connection linked to an electronic navigational chart/plotter*. These green boxes are mandatory in fishing reserves and for some specific fisheries. Tracked data can be cross-checked with spatio-temporal measures in place, against landings of caught fish and compared to market figures. While such a scheme is already in place in Andalusia, it could be adapted in line with the Landing Obligation to enforce discard plans.

There is an urgent need for means to facilitate the exchange of results of these successful practices in a common EU database. It is critical that MS share and learn from these best practices and that decision makers, fishers, and other key stakeholders work together to find and agree the best way to ensure maximum compliance to the CFP.

* http://www.juntadeandalucia.es/organismos/agriculturapescaydesarrollorural/areas/pesca-acuicultura/slsepa.html

EXTERNAL POLICY

ARTICLES 29, 30, 31 & 32: EXTERNAL DIMENSION

In addition to being the world's largest seafood market, the EU is also one of the most important players in international fishery activities in external waters. In 2017, WWF[1] urged the EU to fulfill its obligations under the CFP and on sustainable development in order to provide a leadership role on ocean governance.

From 2014, the CFP includes rules framing good governance and mutual benefits for fisheries under bilateral agreements outside EU waters. In all international fisheries organisations where the EU is active, the EU must support the best available scientific advice and transparency in the allocation of fishing opportunities (Article 29) and strengthen compliance and the fight against illegal, unreported and unregulated (IUU) fishing (Article 30). Articles 31 and 32 define bilateral Sustainable Fisheries Partnership Agreements (SFPAs) between the EU and non-EU coastal States that include close monitoring, as well as technical and financial support in exchange for fishing rights. In November 2018, seven tuna and two mixed-species SFPAs were in force, with a geographical scope covering the African coasts, the Indian Ocean, the Pacific Ocean and Greenland. Northern agreements also cover reciprocal quota exchange arrangements and the joint management of shared stocks with Norway and the Faroe Islands.

In addition to the CFP, Regulation 2017/2403[2] on the sustainable management of the external fishing fleet sets out rules for issuing and managing fishing authorisations for EU vessels conducting operations in waters of a third country, whether it be under public or private agreement, under the auspices of a Regional Fisheries Management Organisation (RFMO) to which the EU is a contracting party, in or outside EU waters, or on the high seas. The EU, as a member of six tuna and 11 non-tuna RFMOs, is in a position to encourage fisheries measures that ensure sustainable fishing practices worldwide.

In all SFPAs, the EU has included provisions on human rights and working standards. However, in a few SFPAs, nothing is said about possible consequences for violations of human rights; and in only two partnership agreements are violations of working standards a potential trigger for suspension.

Regarding good governance, SFPAs are publicly available, promote some transparency and are evaluated in publicly available reports. Nevertheless, once signed, information on SFPA implementation is scarce, as Joint Committee meetings are not open and the reports on implementation are not available to the public.

1 WWF, June 2017. Is Europe ready to lead on international fisheries governance? https://www.wwf.org.uk/updates/europe-ready-lead-international-fisheries-governance

2 Regulation (EU) 2017/2403 on the sustainable management of external fishing fleets https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32017R2403

WWF ENCOURAGES THE EUROPEAN COMMISSION TO:

- Include translation of critical CFP objectives, including plans for reduction of discards and sustainability principles in all future SFPAs;
- Adopt both a precautionary approach and an ecosystem-based approach to fisheries management: these are currently absent in all SFPAs;
- Extend good governance practices in all future SFPAs, including accountability of States and evaluative reviews of SFPA practices;
- Ensure the non-discriminatory treatment of the EU fleet vis-à-vis other foreign fleets; all technical measures that are applied to the EU fleet must be applied equally to all foreign industrial fleets;
- Guarantee transparency and inclusivity of stakeholders in all partner countries when negotiating/re-negotiating agreements, especially regarding the use of technical support;
- Promote and provide transparency on economic, scientific and technical cooperation in the fisheries sector between EU and local companies in all SFPAs.

By achieving its objectives under the CFP – including its external dimension – the EU will be in a position to deliver on its ambition and commitment to lead on international fisheries and will also further advance the UN Sustainable Development Goals.

CONTROL & ENFORCEMENT

ARTICLES 36, 37 & 39: CONTROL, INSPECTION AND DATA COLLECTION

Articles 36, 37 and 39 define the objectives to be achieved, as well as the expert group and data collection schemes required for control and inspection of CFP implementation. Unfortunately, little data is available on how Articles 36, 37 and 39 are being implemented besides one European Commission (EC) website[1]. As an indicator of EU Member State (MS) effort on control, inspections and enforcement, WWF has analysed the amount of the European Maritime and Fisheries Fund (EMFF) used in operations on implementing the EU's control, inspections and enforcement system.

Number of EMFF operations used for control, inspections and enforcement

	SE	DE	DK	HR	FR	CY	PL	BG	GR	SI	FI	EE	MT	LV	IT	IE	RO	PT	UK	NL	BE	LT	ES
Number of operations*	450	182	141	70	50	33	20	20	16	15	15	12	11	10	10	10	7	6	6	6	3	2	2
Score**	**2**	**2**	**2**	**2**	**2**	**2**	**2**	**2**	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

* https://cohesiondata.ec.europa.eu/funds/emff

** +2 for the upper third, +1 for the middle, 0 for the last third
Very low rates of inspections have been undertaken in different sea basins by MS, regardless of EMFF funded inspection. See Technical Annex for more information

Although there is no requirement for MS to spend any specific amount of the EMFF on control, there is a wide variation in the amount of operations undertaken by MS. In addition, only 28% of the amount granted to control in the EMFF had been used by the end of 2017, highlighting the urgent requirement to accelerate implementation of the control Articles of the CFP.

ARTICLE 38: PILOT PROJECTS ON NEW CONTROL TECHNOLOGIES

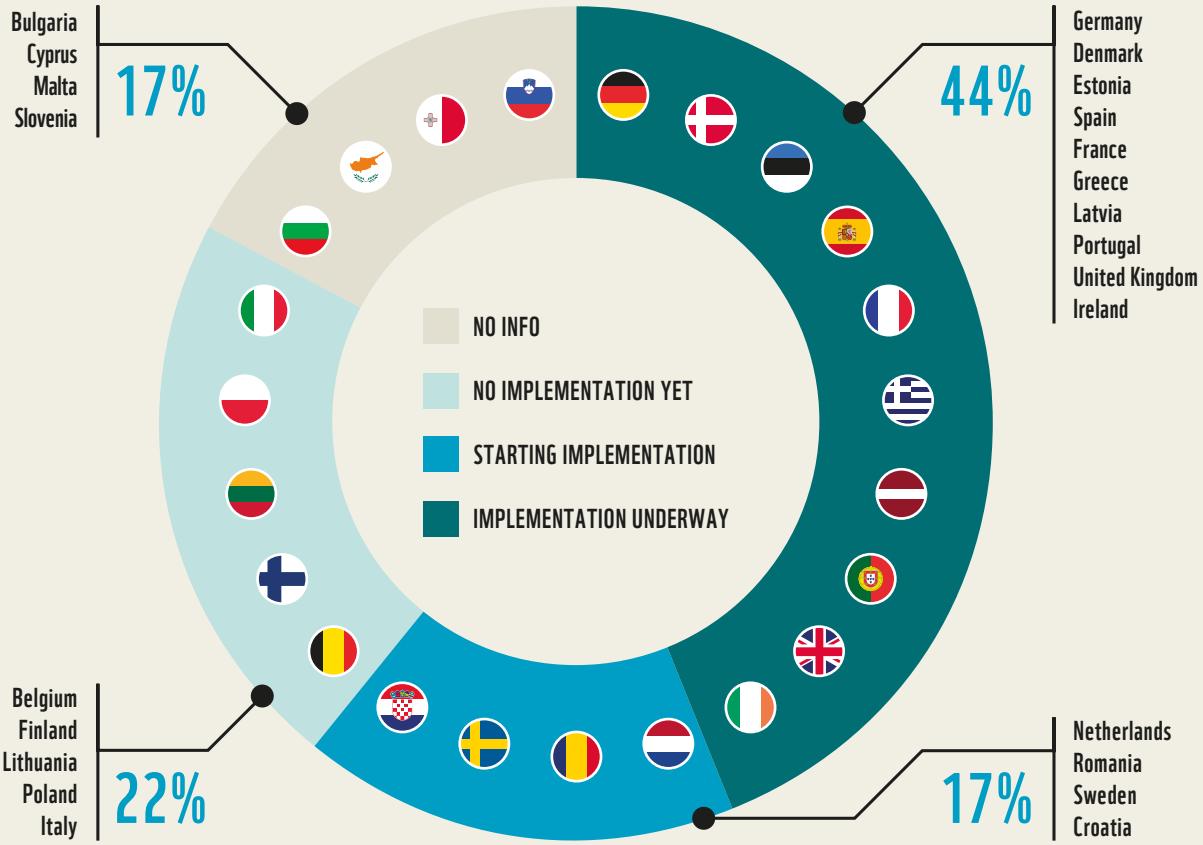
Article 38 refers to the EC and the MS that may carry out pilot projects on new control technologies and systems for data management. As limited information on pilot projects and no systematic assessment of MS efforts with respect to pilot projects have been identified, marine experts from WWF European National Offices gave their insights on the implementation of Article 38 in their respective MS.

Globally, the perception on the existence and success of pilot projects on control and enforcement technologies is good across MS. A list of pilot projects can be found in this report's Technical Annex. Most projects had preliminary tangible results towards MS commitment to develop a culture of compliance, eliminate illegal, unreported and unregulated (IUU) fishing and support the development of control systems. Control and inspection are essential elements for trust-building and successful conservation and management measures. Most projects cited were multi-national, highlighting how important cooperation is between neighbouring countries as a precondition for a culture of compliance within a sea basin. Furthermore, many marine officers highlighted the importance of control as a basis for a strong culture of compliance, as otherwise law-abiding fishers lose good will when "cheater-fishers" are neither caught nor sanctioned.

Many projects focus on capacity building, data exchange, joint inspections at sea and the use of new technologies (e.g. drones). To WWF's knowledge, however, no pilot project has tackled the difficult issues of common implementation of rules and infringement procedures.

1 https://cohesiondata.ec.europa.eu/funds/emff

Pilot projects on new control technologies and data management systems



WWF RECOMMENDS TO:

Develop further pilot projects – with the use of EMFF – to:

1. Demonstrate successful cooperation between all stakeholders;
2. Demonstrate the economic and social benefits of sustainable fisheries management;
3. Minimise the impact of fishing activities on sensitive species and habitats.

Out of Control

The European Court of Auditors, in its 2017 report on fisheries controls[1], noted that all the MS it visited – France, Spain, Italy and the UK (Scotland) – provided information for the EU Fishing Fleet register. However, a significant number of discrepancies were found between the register and source documents of vessels in three of the four MS investigated. For France, there were data discrepancies in 45% of the cases tested. For Italy, 19 vessels were missing from the EU register but were included in the national register, whilst nine vessels were included in the EU register but missing from the national register; for 46 vessels, differences were noted between both registers. For Scotland, 60% of cases which tested vessel capacity in the fleet register did not correspond to the capacity shown in the vessel registration documents – in most cases, the capacity recorded in the fleet register exceeded that shown in the underlying documents by an average of 30%.

Although the report only considered four MS, they represent more than half of total EU fleet capacity and nearly half of the catches. Checking fleet registers and performing the required verifications of engine power on half of the fleet has clearly shown that the EU does not yet have an effective fisheries control system in place. The MS did not sufficiently verify the accuracy of their fleets' capacity nor the information on the vessels in the fleet registers.

1 https://www.eca.europa.eu/Lists/ECADocuments/SR17_8/SR_FISHERIES_CONTROL_EN.pdf

ADVISORY COUNCILS

ARTICLES 18, 43, 44 & 45: REGIONALISATION

The Advisory Councils (ACs) and the regionalisation process – the decentralisation of some decision-making to the EU Member States (MS) fishing in a particular marine area – are defined by Articles 43, 44 and 45 of the CFP. As MS can only be observers in the Advisory Councils, this analysis has focused on the Advisory Council activities.

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.

To test this hypothesis, analyses were conducted on both the structure and operation of the 11 Advisory Councils using publicly available data from Advisory Council websites. The European Commission (EC) was also evaluated for its consultation with and delivery to the Advisory Councils.

Advisory Councils: structure and operation

	North Sea	Pelagic	Aqua-culture	Market	North Western Waters	Medi-terranean	Baltic Sea	Black Sea	Long-Distance	South Western Waters	Outermost Regions*
Article 43											
Establishment of new AC			1	1				1			0
Transparency and rules of procedure	1	1	1	1	0	1	1	1	0	0	
Article 44											
Coordination on common topics	1		1	1	1	1			1		
Advice for Joint Recommendations	1	1			1						
Advice sent to EC and high-level groups	1	1			1		1				
Article 45											
60 / 40 membership in ExCom and GA	0	0	0	0	0	0	0	0	0	0	
Environmental NGO as Vice Chair	1	1	1	1	1	1	1	0	1	1	
Current work programme online	1	1	1	1	1	1	1	1	0	0	0
AC performance review		1									
Total	**6**	**6**	**5**	**5**	**5**	**4**	**4**	**3**	**2**	**1**	**0**

EUROPEAN COMMISSION	
Article 43	
Establishment of new AC	3
Rules of procedure online	7
Article 44	
Consultation of AC	1
EC response to AC advice	1
Justification for not following AC advice	0
Total	**12**

1 point if an action was completed or achieved by an AC

0 points if an action remained incomplete or unachieved by an AC

* The Outermost Region Advisory Council was founded in November 2018, after this report's assessment and analysis period; this AC is not included.

Although the consultation process between the ACs and the EC seems smooth, it remains difficult to quantify whether AC advice has been built into future decision making by the EC.

Generally the 60/40 split between industry and Other Interest Groups (OIG), as required by the CFP, is achieved in the Executive Committee but not in the General Assembly. Weighting the votes between the ExCom and General Assembly, as recently adopted at the Aquaculture AC, could be a way to overcome this representation issue, particularly in those ACs that have a higher industry representation in the General Assembly. Increasing Non-Governmental Organisation (NGO) representation would also increase the likelihood of discussing marine conservation issues and put the CFP's sustainability objectives higher in the ACs' work programmes and agendas. Advisory Councils without an NGO chair can also lead to insufficient involvement of the OIG and NGOs in stakeholder consultation and decision making.

To prevent the impression amongst stakeholders that the EC continues to act in a top-down manner, the EC must be clear and transparent that it is receiving advice from ACs rather than from regional MS groups. These changes will increase trust between the EC, OIG, NGOs and industry representatives, leading to better advice drafting and better CFP implementation.

WWF RECOMMENDS TO:

- Ensure that the EC monitors AC functionality, particularly in regard to the 60/40 split between industry and OIGs in the Executive Committee and the General Assembly to encourage more solutions-focused and proactive approaches; the EC must also interject when necessary;
- Ensure greater EC scrutiny over Joint Recommendations to ensure that CFP objectives are achieved;
- Ensure that all ACs focus on achieving the objectives of the CFP and have this clearly stated in their status which is publically available, with rules of procedures and work programmes regularly updated on AC websites;
- Ensure that all ACs have clear protocols for the development and presentation of advice, with an impartial rotating Chairman and Secretariat to promote respect and compliance, and an annual AC performance review to determine contributions to CFP implementation.

Advisory Council and EC cooperation to make CFP reality

Among the different actions driven by ACs that have been listed by WWF marine officers, two best practice examples include the following:

- In October 2014, a dialogue process between scientists and stakeholders of the Pelagic Advisory Council (PelAC) and the South Western Waters Advisory Council (SWWAC) developed a long-term management strategy for southern horse mackerel (Trachurus trachurus). In October 2017, a proposal including management objectives, Total Allowable Catches (TAC) setting options and catch stability levels was sent to the European Commission with a request that this be scientifically assessed. The International Council for the Exploration of the Sea (ICES) evaluated the proposed plan as precautionary, as the probability of a depleted stock was less than 5% over the entire simulated period and the long-term equilibrium catches were very close to Maximum Sustainable Yield (MSY). By involving stakeholders from the beginning of the process, the acceptability of and compliance to such a management plan is likely to be far higher.
- The Mediterranean Sea Advisory Council (MedAC) supported a dedicated working group to establish a trans-national co-management governance tool in heavily fished areas. The 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 to the life cycle of both benthic and demersal species, as it is one of the few deep sea areas between Italy and Croatia. It hosts vulnerable marine ecosystems and 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. The MedAC supports long-term stakeholder involvement for effective participatory governance based on co-management where MedAC mediation has helped to properly set up rules and responsabilities.

THE WAY FORWARD

WWF calls on EU Ministers and the European Commission to heed the findings of this report and intensify their efforts for achieving sustainable fisheries in European Seas.

WWF recommendations for accountability, transparency and effective management presented in this report must be integrated into both the EU and national legislative agendas to safeguard thriving marine ecosystems, prosperous coastal communities and contribute to global food security.

Marine ecosystems may be resilient to some environmental changes and fish stocks renewable to some degree, but without proper protection and effective management systems, Europe risks severe ecosystem damage. This includes, but is not limited to, fish stock depletion, habitat loss and bycatch of endangered species - all potentially contributing to local extinctions. Fishing is one of the greatest pressures that will prevent the EU from achieving its goal of Good Environmental Status, the CFP objectives for sustainably managed fisheries and SDG14 targets by 2020.

Europe's history of fishing beyond sustainable levels has made it more challenging to reach the objective of healthy fish and shellfish populations. The situation is improving, albeit with strong regional differences. In the North-East Atlantic Ocean and the Baltic Sea, some fish and shellfish stocks have shown clear signs of recovery since the early 2000s, but further efforts are needed to secure long-term healthy fish populations in these regions. However, in the Mediterranean and Black Seas, the situation remains critical given the prevalence of overfishing and the significant lack of reporting on fishing activities at sea. Given this context, neither the CFP objective of healthy fish populations nor the goal of Good Environmental Status are likely to be met for all European seas by 2020. Further collective action is urgently required.

Healthy, resilient and productive marine ecosystems are vital to both marine life and to people whose livelihoods depend on a sustainable Blue Economy. In 2018, European fisheries are facing unprecedented challenges, including the destruction of marine habitats, high levels of overfishing, continued illegal activities and poor management of the fisheries sector. This destructive trend of our past must urgently be reversed, especially in coastal communities where fisheries contribute to those populations' livelihoods and, in some cases, food security. Europe's position as a leading maritime power, together with its domestic and international commitments on sustainable development makes it a natural leader on global fisheries governance.

With great urgency, the speed of CFP implementation must increase significantly and be of much higher priority to Member States in the immediate future. Sustainable fisheries management can and should contribute not only to socio-economic benefits for fishers, the seafood supply chain and coastal communities, but also to global food security.

LIMITATIONS AND PERSPECTIVES

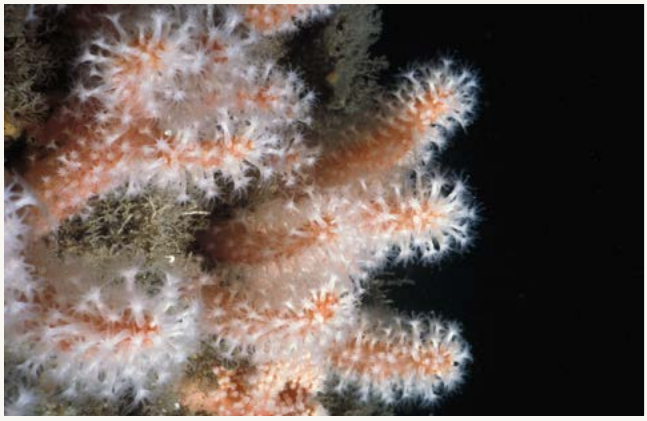
The selection of measurable CFP actions presented in this report are based on WWF's view of their direct relevance to marine conservation and do not provide a full performance assessment of the European Commission and EU Member States. Many CFP recommendations and directions are not readily measurable because they fail to identify responsible parties or to call for specific actions and deadlines. As a result, WWF excludes a number of decisions and recommendations from consideration in this evaluation.

EU Member States report on their implementation efforts using various methods, information and formats, making it difficult to compare performance. This WWF scorecard assessment relies on publicly available information that is accessible to Non-Governmental Organisations. To accommodate differences between EU Member States and sea basins, WWF has conducted some assessments using a reduced methodology to enable a proportional comparison of scores.

Finally, WWF does not evaluate CFP implementation in terms of food safety, human health, culture, economic development and social issues. WWF encourages other parties to undertake such analyses and would gladly share lessons learned in designing this evaluative report.

REFERENCES

All sources and references are listed in the online Technical Annex.




WWF is one of the world's largest independent conservation organisations, with over five million supporters and a global network active in more than 100 countries. WWF's mission is to stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature, by conserving the world's biological diversity, ensuring that the use of renewable natural resources is sustainable and promoting the reduction of pollution and wasteful consumption.

The European Policy Office contributes to the achievement of WWF's global mission by leading the WWF network to shape EU policies impacting on the European and global environment.

The WWF European Policy Office is grateful to the numerous anonymous fisheries experts who provided insightful comments on this report and supporting documents. We also wish to thank WWF marine officers from across the EU for their assistance to gather data and evaluate analyses in this report. Finally, we extend our sincerest gratitude to Nicolas Fernandez Muñoz and Sebastijan Raljević for their presence at the launch event of this report at the European Parliament in December 2018.

For further information on this report and the WWF European Policy Office's ocean policy work, see www.wwf.eu/what_we_do/oceans or contact:

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Layout: bitter grafik, Hamburg
Printed by Albe De Coker, Antwerp

Published in December 2018 by WWF – World Wide Fund For Nature (formerly World Wildlife Fund), Brussels, Belgium.

This programme is implemented with the support of the European Union.
The contents of this publication are the sole responsibility of WWF and can in no way be taken to reflect the views of the European Union.

AN ANALYTICAL ASSESSMENT OF CFP IMPLEMENTATION

100% RECYCLED

2020

Deadline to achieve Maximum Sustainable Yield, Good Environmental Status and four SDG 14 targets

84,420

In 2015, the EU fishing fleet had 84,420 vessels

1/46

Only one out of 46 CFP actions assessed in this report has been accomplished by all EU Member States

74%

Almost three quarters of assessed fish and shellfish stocks in Europe's seas are not in Good Environmental Status impacting delivery of the Marine Strategy Framework Directive

WWF

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To stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature.

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