



COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND
THE EUROPEAN PARLIAMENT**

Improving the monitoring of industrial fishing within the EU

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1. INTRODUCTION

This Communication is the result of an analysis conducted by the Commission on the preparation of a report to the Council and the European Parliament with reference to Council Regulation (EC) No 1434/98 of 29 June 1998 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption¹. According to Article 4 of this Regulation, the Council shall decide, on the basis of a Report and a proposal from the Commission, on any necessary adjustments to the Regulation before 31 December 2002. For various reasons, particularly the large number of recovery plans to prepare, it has not been possible to meet the deadline of 31 December 2002, but the issue of monitoring industrial fishing still remains important.

The conclusions drawn by the Commission in respect of the monitoring of the herring fisheries covered by the 1998 Regulation apply equally to other industrial fisheries. The Commission has therefore decided to make a more general communication on the need for improved monitoring of all industrial fisheries.

2. BACKGROUND: REGULATION OF INDUSTRIAL FISHERIES FOR HERRING

In 1977 the biological situation of the herring stocks in Community waters gave rise to serious concerns. Since industrial fishing was perceived as an important contributor to this situation and in the absence of management measures such as TACs, the Council adopted Regulation (EEC) No 2115/77 of 27 September 1977 prohibiting the direct fishing and landing of herring for industrial purposes other than human consumption². The purpose of this Regulation was to ensure that herring catches were reserved for human consumption. It prohibited fishing of herring for industrial purposes other than human consumption in all Community waters as well as landings of herring for such purposes in the Community, irrespective of where it was caught.

With the improvement of the biological situation of the herring stocks in many areas, together with the development in fisheries management measures, such as the TAC and Quota system and technical conservation measures, the ban on industrial fishing was revisited in 1998. The result of these deliberations was that the Council replaced the 1977 Regulation with Regulation 1434/98. This Regulation sets out the conditions for landings of herring for industrial purposes and established the following rules for unsorted landings:

Outside the Baltic Sea (Regions 1 and 2), herring caught when fishing with nets with a minimum mesh size less than 32 mm (in Sub-areas VIII and IX 40 mm) may not exceed between 5 and 20% by weight of the total catch, depending on the area and target species. In addition to the maximum by-catch percentages a separate by-catch quota for herring is established each year in the TAC and Quota Regulation.

¹ OJ L 191, 7.7.1998, p. 10.

² OJ L 247, 28.9.1977, p. 2.

In the Baltic Sea, there is a division between the waters east and west of 16°E, respectively. To the west of this line, a by-catch rule for herring of 20% of the total catch applies when fishing with nets having a mesh size less than 32 mm. To the east of the line, the catches may consist of up to 45% herring when fishing with a mesh size less than the minimum mesh size allowed for the directed herring fishery. This minimum mesh size varies between different parts of this area, from 32 mm to 16 mm.

In its Communication on the reform of the Common Fisheries Policy (“Roadmap”)³, the Commission stated that industrial fishing will be subject to conservation and management measures in the same fashion as other kinds of fishing. It was also noted that the Commission would request ICES to evaluate the impacts of industrial fishing on marine eco-systems. Such a study was received from ICES in June 2003, concerning industrial fishing on sandeel, sprat, Norway pout and blue whiting in the North East Atlantic. Industrial fishing in the Baltic Sea was not included in the evaluation and ICES has therefore been requested to include this element in its advice in 2004. The results of the ICES study show that the impact on the marine eco-systems is relatively small in comparison with the effects of the fishing for human consumption.

3. CURRENT SITUATION

3.1. State of the herring stocks

3.1.1. Herring stocks in Regions 1 and 2

The International Council for Exploration of the Sea (ICES) provide assessments for six herring stocks of importance for Community fishermen in Region 1 and 2:

- Atlanto-Scandian herring;
- Western Baltic, Skagerrak and Kattegat herring;
- North Sea herring;
- herring West of Scotland;
- Irish Sea herring; and
- herring in Divisions VIa (south) and VIIb,c.

The general picture of the state of these herring stocks is positive. Except for the herring in Divisions VIa (south) and VIIb,c the stock sizes have been increasing in recent years and are at relative safe levels. The stocks in the North Sea and West of Scotland are at or close to record high levels.

³ COM(2002) 181 final.

3.1.2. *Herring stocks in the Baltic Sea*

ICES assesses Baltic herring as five stock units: Sub-divisions 22-24, Sub-divisions 25-29 and 32, Gulf of Riga, Sub-division 30, Sub-division 31.

The biological situation varies sharply between the different Baltic stocks. The Gulf of Riga stock and the stock in Sub-division 31 are assessed by ICES to be within safe biological limits, while fishing mortality is too high on the other stocks. The situation is especially serious for the central stock (Sub-divisions 25-29 and 32). The stock has declined to a historic low and ICES in its advice for 2004 recommends a reduction in fishing mortality of more than 50%.

3.2. **Industrial landings**

Industrial fisheries within Community waters can be characterised as single species fisheries with by-catches of other species. The main target species are blue whiting (North Sea, west of Scotland, Ireland, around the Faroes and towards Iceland), sandeel (North Sea and Skagerrak), Norway pout (North Sea and Skagerrak) and sprat (North Sea, Skagerrak, Kattegat and the Baltic Sea). Industrial catches are landed unsorted.

North Sea: The industrial landings from the North Sea have over the last 20 years been relatively stable between 1 and 1.5 million tonnes per year although they have fallen off sharply in 2003. The industrial species account for app. 95% of the landings with sandeel being the most important species. Landings of herring as a by-catch have been between 20,000 and 25,000 tonnes (2%) in recent years.

Skagerrak and Kattegat: Total industrial landings have been between 50,000 and 150,000 tonnes in recent years of which herring has constituted between 5,000 and 18,000 tonnes. The main target species are sandeel and sprat.

Baltic Sea: The Commission has no information on quantities landed for industrial purposes in the Baltic Sea. The official reported landings of sprat and herring were 354,000 tonnes and 339,000 tonnes respectively in 2001. According to ICES the industrial landings of sprat have increased markedly during the last decade. Most sprat is taken in mixed pelagic fisheries together with herring and the industrial landings of sprat may include relatively large quantities of herring.

Blue whiting: Most of the blue whiting caught in ICES Sub-areas II, III, IV, V, VI and VII are landed for industrial purposes. Total landings have increased in recent year to more than 1.5 million tonnes. There is almost no information on the catches of other species in the blue whiting fisheries.

3.3. **Management and control**

It is essential for conservation purposes that the TACs and quotas set for each stock are respected. Apart from the importance of monitoring that TACs and quotas are not overshot, it is essential that correct data are forwarded to the scientific community in order to have realistic stock assessments and thereby trustworthy forecasts and advice for catch levels in coming years.

The system for conservation and management of fishery resources by TACs and quotas was established in 1982 (Council Regulation (EEC) No 170/83⁴) and continues to apply under Council Regulation (EC) No 2371/2002⁵. Council Regulations (EEC) No 2057/82⁶, 2241/87⁷, and 2847/93⁸ have subsequently provided for the monitoring of landings.

A basic requirement for all fisheries, according to Article 15 in the Control Regulation (Regulation (EEC) No 2847/93) is for Member States to report landings to the Commission on a stock by stock basis for each stock or group of stocks subject to TACs and quotas, thus ensuring that landings of each species are counted against the appropriate TAC/quota. However the yearly TAC and Quota Regulations have included provisions on industrial fishing under which such catches are not to be counted against any quota or a Community share, in the same fashion as catches taken during scientific investigations. These provisions are clearly out of date and should disappear from future TAC and Quota Regulations in order to guarantee that all catches, whether for industrial purposes or for human consumption, are counted against the appropriate quota.

Having established this general principle, when it comes to the industrial landings there is a control problem which arises from the conflict between, on the one hand, the obligation to report landings stock by stock and, on the other hand, the practice of landing unsorted species caught in a mixed fishery. In order to fulfil their reporting obligations, Member States must determine the catch composition of such landings which would typically be done by installing a sampling system.

The situation in this regard differs between areas.

In the North Sea, the Skagerrak and the Kattegat, the unsorted landings of herring for industrial purposes do not give rise to this kind of problem. Almost all industrial catches from the area are landed in Denmark. Denmark has installed a sampling system for landings from this area which, although not directly linked to catch statistics, is linked to quota management by way of the separate by-catch quota for herring which limits the overall catches of herring. When this by-catch quota has been exhausted, unsorted landings (industrial landings) are no longer allowed.

However, for by-catch species other than herring there do not exist similar by-catch quotas and landings of these species in the industrial fisheries are only regulated by the by-catch percentages laid down in the technical measures Regulation (Council Regulation (EC) No 850/98⁹).

⁴ OJ L 24, 27.1.1983, p. 1.

⁵ OJ L 358, 31.12.2002, p. 59.

⁶ OJ L 220, 29.7.1982, p. 1.

⁷ OJ L 207, 29.7.1987, p. 1.

⁸ OJ L 261, 20.10.1993, p. 1.

⁹ OJ L 125, 27.4.1998, p. 1.

In the Baltic Sea, all the Member States concerned have a sampling system in place. However, apart from the fact that Community inspections have shown weaknesses in the way the sampling is conducted, it seems clear that these sampling systems are not linked to quota management.

The lack of proper control and monitoring of the catch composition of unsorted landings from the Baltic means that herring by-catches are counted against the sprat quota rather than the herring quotas. This practice is not in conformity with Council Regulation (EEC) No 2847/93 and it undermines the conservation of the herring stocks, since catches may be substantially higher than the established TACs, and it also compromises the management of the fisheries since the data used for scientific assessment of the state of the stocks is based on incorrect landing data.

In waters outside the North Sea and the Baltic Sea, unsorted landings are in general not sampled. A significant part of the landings by Community vessels takes place in third countries (Norway, Faroe Islands and Iceland).

4. FUTURE MANAGEMENT AND CONTROL

If TACs are set according to sound biological criteria and if they are enforced properly, the use of fish once landed is an economic issue and not a conservation issue. If it turns out to be economically more profitable to use a certain species for industrial purposes than for human consumption, this should in principle not be a conservation issue. However, proper management of both industrial fishing and fishing for human consumption and, in particular effective control of landings from both fisheries, must be the basis for future sustainable exploitation of any stock that, like herring is used for both industrial purposes and human consumption. The experience with the implementation of the conditions for limited landing of herring for industrial purposes from the North Sea, the Skagerrak and the Kattegat has shown that by-catches of herring (and other species) and landings thereof can be regulated and monitored appropriately; almost all these landings have been subject to the special monitoring system applicable in Danish ports.

Similar control and monitoring arrangements should cover all by-catches of TAC and quota species in industrial fisheries.

However, other Member States than Denmark as well as Denmark with respect to landings from outside the North Sea, the Skagerrak and the Kattegat, have not applied the same or similar conditions for monitoring industrial landings.

The establishment of a level playing field for the fishing industry will be crucial for transparent and effective monitoring of industrial landings throughout the Community.

It is important that the control and monitoring system not only covers industrial landings of herring but includes all by-catch species taken in industrial fisheries. To ensure efficient control and monitoring of by-catches in industrial landings the Commission proposes to pursue the following options:

A. Management measures

1. Specific quotas for by-catches of the most important “human consumption” species;
2. If one or more of the by-catch quotas are exhausted industrial landings from the area concerned will no longer be allowed.

B. Control and monitoring

1. All quantities landed to be weighed according to a common weighing methodology;
2. Unsorted landings to be sampled in accordance with a common methodology;
3. Landings by species to be estimated on the basis of sampling results;
4. Strict enforcement of the obligation to report catches against the right quota;
5. Prior notification of landing by all vessels engaged in industrial fishing;
6. Introduction of designated port schemes for industrial fisheries in all relevant Member States;
7. Data on landings, sales and where appropriate sampling results of each TAC and quota species in the catch and VMS to be accessible to inspectors from all Member States and scientists;
8. Adoption of a specific monitoring programme to guide inspection and surveillance.

In addition, the Commission takes the view that the problems described in Chapter 3 above for the Baltic Sea are serious and that immediate action is needed to ensure that the TACs for herring are not overshoot due to lack of proper monitoring of industrial landings. Landings for industrial purposes should therefore not be allowed until a Member State can provide sufficient guarantees that there are control and sampling systems in place and that these systems will ensure a proper management of the respective quotas.

In order to avoid that herring continue to be caught in a situation where the herring quota has been exhausted unsorted landings should be disallowed as soon as the herring quota has been taken.

The Commission intends to have a discussion with Member States and the EP in 2004 and will afterwards come forward with necessary proposals.