

Procedure file

Basic information		
CNS - Consultation procedure Regulation	2003/0318(CNS)	Procedure completed
Fisheries resources: recovery of Southern hake and Norway lobster stocks		
Amending Regulation (EC) No 850/98 1996/0160(CNS) Repealed by 2018/0074(COD)		
Subject 3.15.01 Fish stocks, conservation of fishery resources		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		28/07/2004
		PSE MIGUÉLEZ RAMOS Rosa	
	Former committee responsible		
	PECH Fisheries		20/01/2004
		NI SOUCHET Dominique F.C.	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	Former committee for opinion		
	ENVI Environment, Public Health, Consumer Policy	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2702	20/12/2005
	Agriculture and Fisheries	2685	24/10/2005
	Agriculture and Fisheries	2611	18/10/2004
European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries		

Key events			
23/12/2003	Legislative proposal published	COM(2003)0818	Summary
28/01/2004	Committee referral announced in Parliament		
16/09/2004	Committee referral announced in Parliament		
18/10/2004	Debate in Council	2611	Summary

15/03/2005	Vote in committee		Summary
16/03/2005	Committee report tabled for plenary, 1st reading/single reading	A6-0051/2005	
14/04/2005	Results of vote in Parliament		
14/04/2005	Debate in Parliament		
14/04/2005	Decision by Parliament	T6-0130/2005	Summary
20/12/2005	Act adopted by Council after consultation of Parliament		
20/12/2005	End of procedure in Parliament		
28/12/2005	Final act published in Official Journal		

Technical information

Procedure reference	2003/0318(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 850/98 1996/0160(CNS) Repealed by 2018/0074(COD)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/6/21132; PECH/5/20549

Documentation gateway

Legislative proposal	COM(2003)0818	23/12/2003	EC	Summary
Document attached to the procedure	SEC(2003)1481	23/12/2003	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A6-0051/2005	16/03/2005	EP	
Text adopted by Parliament, 1st reading/single reading	T6-0130/2005 OJ C 033 09.02.2006, p. 0495-0558 E	14/04/2005	EP	Summary
Commission response to text adopted in plenary	SP(2005)2124	19/05/2005	EC	
Follow-up document	COM(2011)0260	12/05/2011	EC	Summary

Additional information

European Commission	EUR-Lex
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Final act

[Regulation 2005/2166](#)
[OJ L 345 28.12.2005, p. 0005-0010](#) Summary

Fisheries resources: recovery of Southern hake and Norway lobster stocks

COMMISSION'S IMPACT ASSESSMENT

For further information regarding the context of this issue, please refer to the summary of the Commission's initial proposal for a Regulation establishing measures for the recovery of the Southern hake stock and the Norway lobster stocks in the Cantabrian Sea and Western Iberian waters (ICES divisions VIIIc and IXa) - COM(2003) 818 final.

1- POLICY OPTIONS AND IMPACTS: Given the endangered status of the Southern hake and Norway lobster stocks, and given that TAC and technical measures (mesh sizes, minimum landing sizes, etc) alone have not been sufficient to protect these stocks, there is no alternative than reinforcing existing measures with a reduction of the fishing effort (i.e. of the number of fishing days) as well as the catches of the vessels catching them. There are, however, questions as to the timeframe over which the recovery of these stocks should take place since the negative impacts of these reductions could be felt over a number of years.

Comparing various alternatives would require complex bio-economic simulations taking into account the dynamics of stock recovery which are way beyond the remit of this assessment. Furthermore, the heterogeneity of the fleet concerned and the lack of detailed information on their economic performances would not allow for a detailed economic comparison of such options. Therefore, the only alternative policy option to which this proposal could be compared with, is that of keeping the existing policy, thus of running the very serious risk of a complete collapse of the relevant fisheries within the short to medium term, with disastrous socio-economic consequences, as illustrated by the closure of the cod fishery in Newfoundland.

IMPACTS :

Fishing fleets likely to be affected are: Fishery fleets based in Spain, Portugal and France are likely to be affected by this proposal. These include: Spanish bottom trawlers (bakka), certain Spanish pair trawlers, certain Spanish small-scale coastal fishery, Spanish vessels participating in mixed demersal fisheries off the Gulf of Cadiz, Portuguese mixed fishery (except in Sesimbra), Portuguese vessels with a special licence to catch Norway lobster, either with trawls or with pots and French vessels, mostly trawlers, gill-netters and, to a smaller extent, longliners, registered in the administrative area of Bayonne. It is thus clear that the number of fleets likely to be affected by these measures is quite high and that they are extremely heterogeneous in terms of capacity and crew size.

Socio-economic impacts: To comply with the proposed new measures, the fishing vessels concerned will have to reduce the number of fishing days they can catch S. hake and N. lobster in the designated areas, and their catches thereof. Thus, they will have to adapt their fishing practices either by stopping fishing altogether for a number of days, or by moving to fishing grounds outside the designated areas and/or by switching to fishing gear which would generate no by-catches of S. hake and N. lobster. In addition, for control purposes, fishermen will have to store separately their catches from recovery stocks which will generate some additional work, and practical difficulties on-board vessels with insufficient storage facilities (especially smaller-scale fishing vessels).

The proposed measures will thus affect a range of stake holders, first and foremost the catching sector (fishermen, whether deck hands, officers or skippers, and vessels owners), and, to a lesser extent, the ancillary activities including the seafood trade and the processing industries (depending on their degree of reliance on local supplies and the availability of alternative/competing supply sources) as well as some of the input supplying industries (shipyards, shipchangers, etc).

Mid and long term impacts of the rebuilding of the stocks: Available biological evidence suggests that the short term reduction in the value of the landings, should be compensated for when considering the cumulative value of these catches over the mid term (5 to 10 years), because the benefit of sparing younger age classes of S. hake will be rapidly obvious.

Environmental impacts: Since the regulation will result in a decrease of fishing pressure of the fleets operating in the designated areas, it should have a positive effect for the target species, as well as for other commercial and non-commercial species which are caught with the recovery species. Also, given that some of the fishing operations are realised with heavy towed gear which produces large alterations in the bottom communities and habitats, it is expected that these alterations will be substantially reduced, especially in where fishing for N. lobster will be restricted or forbidden. This should contribute to rebuilding of biodiversity.

Impacts outside the European Union: It is not expected that this proposal would have significant impacts outside the Union, either on the candidate countries and/or other countries (external impacts) given that the stocks concerned are not shared with non European countries. Indirect effects due to the transfer of fishing effort to alternative fishing grounds in Moroccan waters are also unlikely since the termination of the relevant EU fisheries agreement, although some entrepreneurs may be able to negotiate private access for a fee. Lastly, some of the vessels scrapped from the EU fleet may be definitively exported to third countries thus contributing to the renewal of the local fishing fleets.

2- FOLLOW-UP : The essential task of the competent authorities of the Member States is likely to consist of determining the historical rights of the vessels which have harvested recovery stocks in the designated area over the reference period, and more importantly in finding a system to allocate the corresponding reductions in fishing effort. Member States are given full leeway for establishing these schemes according to what is considered at a national or sub-national level, as the most appropriate way to achieve the proposed catch and effort reductions. Criteria on which they may establish such schemes include their detailed knowledge of the relevant fisheries, existing structures and fisheries organisations, cost efficiency, regional development objectives, etc.

Fisheries resources: recovery of Southern hake and Norway lobster stocks

PURPOSE : to amend regulation 850/98/EC and to establish a plan for the recovery of the southern hake and Norway lobster stocks in the Cantabrian Sea and western Iberian Peninsula. PROPOSED ACT : Council Regulation. CONTENT : Recent scientific advice from the International Council for the Exploration of the Sea (ICES) has indicated that the Southern hake and Norway lobster stocks in ICES divisions VIIIc and IXa have been subjected to levels of mortality by fishing which have eroded the quantities of mature individuals in the sea to the point at which the stocks may not be able to replenish themselves by reproduction and that the stocks are therefore threatened with collapse. The objective of this recovery plan is to ensure the recovery of the stocks to within safe biological limits within a time frame of five to ten years. This proposal is written in six chapters: Chapter I sets out which stocks are covered by this proposal and lays down the criteria for reaching the objectives of the plan. Chapter II sets out for the southern hake stock what the maximum fishing mortality rate should be to ensure its recovery within the chosen time frame. The total allowable catch will then be calculated based on this. For Norway lobster the total allowable catch will

be set such that the resulting reduction in fishing is equivalent in relative terms to that of southern hake. Scientists have indicated that while the estimated relative development in the size of the southern hake stock is accurate the estimates of the absolute sizes of this stock are uncertain. No estimates for absolute stock sizes are available for the Norway lobster stocks. Scientists have therefore advised that biomass reference points should not be used as targets for recovery and instead suggested to express the recovery targets in terms of fishing mortality rates. The fishing mortality reference point $F_{0.1}$, which is based on yield per recruit criteria and therefore robust to changes in absolute estimates of stock size, has been chosen as recovery limit. $F_{0.1}$ is sufficiently low to give, if achieved, a high probability of recovery. The target mortality rates will be achieved by reducing the fishing effort gradually over time and setting the TACs so that recovery is likely to be achieved within the same time scale as that proposed for the cod recovery plans, namely around five to ten years. In any case, $F_{0.1}$ is a limit, not a target. This means that recovery can be achieved, and the recovery plan finalised, when the stocks are considered to be within safe biological limits, regardless of whether the limit of $F_{0.1}$ has been reached. The chapter also sets out the details of the principle that the largest annual change, upwards or downwards, in any TAC from one year to the next should not be greater than 15% after the first year of implementation of a recovery plan. On the first year, these limits are increased to 25% to allow for a possible higher first recovery step. Chapter III contains the Commission's proposals for the management of a fishing effort limitation scheme - i.e. restricting the time that the fishing vessels concerned may spend fishing to correspond with the TAC's. The system is the same as proposed in the cod recovery plan giving flexibility to Member States in management and allocation of fishing effort to individual fishing vessels. The system works as follows: - first the overall historical fishing effort of all vessels catching southern hake and/or Norway lobster is calculated; - then the reduction in fishing effort, relative to the effort in the reference period, required to match the selected TAC is calculated and allocated to Member States in proportion to each Member State's share of the total landings of Southern hake and taking into account differences in catchability. Member States will distribute these effort limits, expressed in kilowatt-days, among their vessels. They will be fully transferable and usable at any time throughout the year. Chapter IV provides for measures in relation to improved monitoring, inspection and control for the vessels covered by the effort management system. These measures include details of prior notification, the requirement to land sole in designated ports and stowage and transport conditions. Chapter V outlines the technical measures that will be implemented to supplement those above such as closed areas and the enhancement of gear selectivity in the main fisheries. The conservation merit of existing national measures has been considered. The measures implemented by this Regulation for the recovery of southern hake and Norway lobster stocks directly affect those fishing for associated species in relation to the proposed effort limitation scheme. It should be noted that, although no direct reference is made in the Regulation, there will also be consequences in relation to the Total Allowable Catches for other species and stocks associated with these stocks.?

Fisheries resources: recovery of Southern hake and Norway lobster stocks

The Council held a policy debate on the basis of a questionnaire drawn up by the Presidency on two proposals establishing measures for the recovery of Southern Hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula, and for the recovery of sole stocks in the Western Channel and Bay of Biscay. The Council instructed Coreper to continue its work on this matter.

Fisheries resources: recovery of Southern hake and Norway lobster stocks

The committee adopted the report by Rosa MIGUÉLEZ RAMOS (PES, ES) substantially amending the proposal under the consultation procedure:

- MEPs inserted a reference to the socio-economic measures needed to lessen the impact on the fishing industry of plans to restrict fishing capacity;
- whereas the Commission proposal was geared to a stock-recovery objective which takes fishing mortality as its reference point, the committee preferred a model based on biomass recovery scales over a 10-year period. In the case of hake stocks, this would mean reaching a spawning stock biomass of 35 000 tonnes of hake during two consecutive years or increasing the quantities of mature individuals within 10 years to 35 000 tonnes or more. In the case of Norway lobster MEPs advocated rebuilding the stocks "to within safe biological limits" within a period of 10 years;
- the provisions contained in Chapter III on the calculation of the fishing effort limit had become obsolete and should be deleted. The committee proposed a new Article 7a replacing this chapter by a more appropriate system based on a calculation of total allowable catches (TACs) complemented by a fishing effort limitation scheme based on geographical areas and categories of fishing gear. Member States would receive Community funding for temporary or definitive cessation measures to achieve the objectives of the plan;
- the minimum quantity laid down for mandatory weighing should be increased from 50kg to 300 kg in the case of hake and from 50kg to 150 kg in the case of Norway lobster, to avoid disproportionate costs for stakeholders;
- the Gulf of Cadiz should be excluded from the regulations, given the lack of reliable data on stocks in this area.

Fisheries resources: recovery of Southern hake and Norway lobster stocks

The European Parliament adopted a resolution drafted by Rosa MIGUÉLEZ RAMOS (PES, ES) by 478 votes in favour to 48 votes against with 35 abstentions. The principal amendments were as follows:

- a new recital states that the adoption of the measures needed for the recovery of these stocks makes it necessary to adopt socio-economic measures to mitigate the impact on those affected by measures to restrict fishing capacity. It is therefore necessary to make provision for sufficient appropriations in the Community budget to deal with this situation.
- the Gulf of Cadiz is excluded from the legislation in respect of Southern hake stock and Norway lobster;
- the rebuilding of stocks to safe biological limits is more closely defined: as regards Southern hake, reaching a spawning stock biomass of 35 000 tonnes of hake during two consecutive years, according to the available scientific reports, or increasing the quantities of mature individuals

within a period of ten years so that values are reached equal to or higher than 35 000 tonnes; as regards other stock, it means rebuilding the stocks concerned to within safe biological limits within a period of ten years.;

- the fishing mortality rate is set at 0.27;
- Member States should have flexibility in applying the fishing effort reduction;
- the limits beyond which fish must be officially weighed are increased to 300 Kg and/or 150 Kg of Norway lobster;
- Chapter III and parts of Chapter V are deleted as is the annex;
- the Commission is required to submit a report after two years to the European Parliament and the Council setting out the conclusions relating to the application of the recovery plan for the Southern hake and Norway lobster stocks, including socio-economic data linked to the plan.

Fisheries resources: recovery of Southern hake and Norway lobster stocks

PURPOSE : to establish measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation 850/98/EC for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

LEGISLATIVE ACT : Council Regulation 2166/2005/EC.

PURPOSE : to recall, the Southern hake and Norway lobster stocks in ICES Divisions VIIIc and IXa have been subjected to levels of mortality by fishing which have eroded the quantities of mature individuals in the sea to the extent that these stocks may not be able to replenish themselves by reproduction, and as result are threatened with collapse. Measures should be taken to establish multi-annual plans for the recovery of these stocks. The objective of the plans should be to rebuild these stocks to safe biological limits within 10 years. This is the aim of this Regulation.

More specifically, the recovery plan shall aim to rebuild the stocks concerned to within safe biological limits, in keeping with ICES information. This shall mean:

- as regards the Southern hake stock, reaching a spawning stock biomass of 35000 tonnes during two consecutive years, according to the available scientific reports, or increasing the quantities of mature individuals within a period of 10 years so that values are reached equal to or higher than 35000 tonnes. This figure shall be adjusted in the light of new scientific data from the STECF;
- as regards the Norway lobster stocks, rebuilding the stocks to within safe biological limits within a period of 10 years.

More specifically, the Regulation provides for the introduction of annual total allowable catches (TACs) for Southern hake and Norway lobster as well as the limitation of the fishing effort-measured as the sum, in any calendar year, of the products across all relevant vessels of their installed engine power measured in kw and their number of days fishing ? in specified areas of the Cantabrian Sea and Western Iberian Peninsula. As regards setting the total allowable catches (TACs) , each year, the Council shall decide by qualified majority on the basis of a proposal from the Commission on a TAC for the following year for the stocks concerned.

Furthermore, amending Regulation 850/98/EC, the Regulation establishes geographically and temporarily limited (1 June to 31 August and 1 May to 31 August respectively) prohibitions of fishing with gears targeting Norway lobster - notably creels as well as bottom trawls or similar towed nets operating in contact with the bottom of the sea.

The Commission shall submit a report to the European Parliament and the Council setting out the conclusions relating to the application of the recovery plan for the stocks concerned, including available socioeconomic data linked to the plan. This report shall be submitted by 17 January 2010.

ENTRY INTO FORCE : 17 January 2006.

Fisheries resources: recovery of Southern hake and Norway lobster stocks

In accordance with Council Regulation (EC) No 2166/2005, the Commission presents a report setting out the conclusions relating to the application of the recovery plan for the stocks and the fishing sector concerned, including available socio-economic data linked to the plan.

This report is mainly based on the evaluation study undertaken in October 2010 by the Scientific, Technical and Economic Committee for Fisheries (STECF) sub-group on management objectives and strategies (SGMOS 10-06) and endorsed by the STECF 35th plenary meeting held in November 2010. Other elements, such as recent relevant scientific/technical information by both ICES and the STECF, and the conclusions of a study on the management of the effort regime in EU Member States were also taken into account.

The recovery plan has the objective of bringing the spawning stock biomass of hake above 35000 tonnes by 2015 and to reduce fishing mortality to $F_1 = 0.27$. As regards Norway lobster, the objective is to rebuild the stock to within safe biological limits within a period of 10 years. The main elements of the plan are a 10% annual reduction in F and a 15% constraint on TAC changes between years, following the relevant scientific advice from the STECF () and ICES.

There are indications that the southern hake and Norway lobster plan has not been effective mainly due to implementation failures. According to ICES in 2010, after four years following the implementation of the plan in 2006, the fishing mortality rate (F) for hake is nearly three times the target ($F_{max} = 0.27$). In this context, the TACs for hake have not been fully enforced. Landings in 2010 are estimated by ICES scientists to exceed the TAC by 2.2 times. As the recruitment seen in 2007 was unusually high, this represents a missed opportunity to rebuild

the hake stock to a sustainable level within the foreseen timeframe. In case recruitment declines again to previously observed levels, a longer transitional period or steeper reduction in catches to achieve F_{msy} by 2015 will be necessary.

The effort regime has not been effective in reducing fishing pressure on both stocks. Whilst nominal fishing effort for the regulated gears under the plan has declined, effective effort increased mainly due to both effort transfers to gears that catch more hake per unit effort and to a

significant number of vessels not being subject to effort restrictions. The effort exerted on Norway lobster stocks has been partially reduced due to a shift of effort to the shrimps' fishery rather than as a result of effort reductions imposed by the plan itself.

The lack of implementation of the plan during the period 2006-2010 reduced the net present profits by 20% relative to a scenario where the plan would be fully implemented since 2006. In order to have a better understanding of the economic consequences of the plan, it would be necessary to analyse it more in context, notably taking into account the other species caught by the relevant fleets in the same or different fisheries.

In the context of a possible revision of the plan in 2011, the current failure to achieve the target reduction of fishing mortality needs to be addressed. Besides implementation issues that need to be urgently resolved, the effort regime must also be improved. It is appropriate to introduce an effort regime that takes account of the fleet segments engaged in the fishery, whether with active or passive gears, and possibly enlarge the application of the effort regime to the Gulf of Cadiz and to smaller vessels. Discard practices need to be thoroughly assessed to quantify its impact on fishing mortality. The introduction of seasonal and real-time closures would also be an effective means to control fishing pressure, in particular on spawning grounds. The management of the Norway lobster stocks by FU (Functional Unit) would better respond to the conservation measures required for each stock unit. The inclusion of other species such as anglerfish in the plan would be appropriate to minimise the impact of this mixed fishery on certain other stocks. The objective of the plan may be revised in light of the most recent scientific advice.