



Lessons From Implementation of the EU's Common Fisheries Policy

Mixed record highlights steps still needed to turn the tide towards better management

Contents

1 Overview

2 Summary of the Common Fisheries Policy

4 The lessons learned

1. **Good management works 4**

A deeper dive: Reductions in fishing pressure 5

2. **Decreased ambition since 2013 led to under-implementation 6**

A deeper dive: Moving goalposts 7

3. **Decisions often favoured maintaining the status quo rather than changing behaviour 8**

Case study: Limited implementation of the landing obligation 8

4. **EU decision-making remains siloed 10**

A deeper dive: Coherence with environmental policy aims often lacking 11

5. **Short-term thinking persists in EU management 12**

Case study: Council process for setting catch limits 12

6. **Clarity on progress is too often undermined by unclear and inconsistent reporting 13**

Case study: Limited European Commission reporting on stock recovery and exploitation rates 13

7. **Opaque decision-making hampers progress 15**

Case study: Council decision-making behind closed doors 15

8. **Stocks shared with non-EU countries present challenges in achieving CFP aims 17**

A deeper dive: Shared stocks and CFP implementation 17

18 Conclusion

19 Endnotes

The Pew Charitable Trusts

Michael Caudell-Feagan, *executive vice president and chief program officer*

Tom Dillon, *senior vice president, environment*

About this report

This report was compiled by project director Andrew Clayton of The Pew Charitable Trusts' ending overfishing in North-Western Europe project. It was edited by Erika Compart and Michael Remez. It was designed by Cara Bahniuk.

Acknowledgements

The Pew Charitable Trusts would like to express its thanks to those who have provided valuable thoughts, insights, and contributions to this report, as well as our ongoing work to end overfishing and improve the management of international fisheries.

Cover photo: Christian Aslund/EyeEm via Getty Images

Contact: Chloe Aust, communications manager

Email: caust@pewtrusts.org

Project website: pewtrusts.org/endoverfishing

The Pew Charitable Trusts is driven by the power of knowledge to solve today's most challenging problems. Pew applies a rigorous, analytical approach to improve public policy, inform the public, and invigorate civic life.

Overview

Under the European Union's current Common Fisheries Policy (CFP), 2020 had been targeted as the year to achieve a major change in fisheries management: sustainable exploitation rates in place for all stocks. Despite progress, the EU did not meet this goal.

The story of the policy's implementation begins in 2013, when, after decades of overfishing and ineffective fisheries management, the European Parliament and the EU's then-28 member state governments agreed on far-reaching reforms to the previous CFP.¹ These included setting sustainable catch limits with the objective to restore stocks, maintain healthy ecosystems and safeguard stable, profitable fisheries for the EU fleet. In 2014, the reformed CFP entered into force, with a focus on bringing fishing pressure in line with scientific advice. The policy required fisheries ministers to ensure sustainable exploitation rates "by 2015 where possible and on a progressive, incremental basis at the latest by 2020 for all stocks."

Now, after the 2020 deadline has passed, it's clear that the reforms have brought progress. But the data also shows that policymakers are still setting too many catch limits above the levels recommended by scientists, with decision-making suffering from a short-term approach and lower ambition than the policy requires.

In 2008, The Pew Charitable Trusts began working with 192 organisations in the OCEAN2012 coalition to ensure that a reformed CFP set ambitious, science-based and achievable objectives. In the years since the reforms came into force, Pew and several other groups have pushed to hold decision-makers accountable in the efforts to end overfishing in North-Western European waters and allow stocks to recover to healthy, productive levels.

This report presents eight key lessons learned from this work to help implement the EU's fisheries policy, each lesson augmented by a deeper look at a specific issue. The experiences in implementing the EU policy show that:

1. Good management works.

As the experience of fisheries managers around the world has shown, when steps are taken to safeguard the sustainability of stocks and fisheries for the long term, the results include environmental, economic and social benefits.

2. Decreased ambition since 2013 led to under-implementation.

Decision-makers approached implementation of most major pillars of the CFP pragmatically, too often showing less political will than needed to deliver the reforms as intended. This led to diminished expectations from stakeholders and EU institutions on what could be delivered, almost from the beginning.

3. Decisions often favoured maintaining the status quo rather than changing behaviour.

Despite ambitious CFP goals intended to change outcomes in the water, decision-makers often adjusted management measures to fit existing patterns of fishing - to the detriment of achieving the objectives.

4. EU decision-making remains siloed.

Fisheries policy processes often follow their own internal logic, so a focus on fisheries yields and economic outcomes may overlook other priorities, such as the urgent need to deliver on wider EU environmental requirements and commitments.

5. Short-term thinking persists in EU management.

A long-term perspective - one of the key aims of the 2014 CFP - often took a back seat to immediate political expediency. For example, fisheries ministers continued to set excessive catch limits on the basis that they were a "compromise" between short- and long-term aims or were necessary for unexplained economic reasons.

6. Clarity on progress is too often undermined by unclear and inconsistent reporting.

Rather than measuring progress against the aims of the CFP, official reporting often uses irrelevant or changing benchmarks, such as trend comparisons, which frequently do not correspond to the CFP's legal objectives. This confuses the public about the policy's progress and leads stakeholders to draw different conclusions on priorities.

7. Opaque decision-making hampers progress.

A lack of public communication on the scientific basis for European Commission proposals on management measures such as catch limits, and the rationale for legislators' subsequent decisions, too often prevented scrutiny of decision-making by stakeholders and EU institutions, and undermined trust in the process.

8. Stocks shared with non-EU countries present challenges in achieving CFP aims.

Jointly managed stocks require more complex decision-making than stocks that are managed by one entity. That increases the need for collaborative improvements, especially in the wake of the UK's departure from the EU.

To realise the ambitions set by legislators in 2013, EU policymakers need to take the final steps to implement the CFP in full. The health of marine ecosystems, European fisheries, and the communities that depend on them require the sustainable, ecosystem-based management approaches set out in the policy, without exceptions and loopholes. The findings in this review of progress can help guide decision-makers and stakeholders on the work that remains to fully implement the CFP, and in shaping future priorities for European fisheries.

Summary of the Common Fisheries Policy

The reformed CFP approved by EU policymakers in 2013 came into force the next year and established updated rules for conserving fish stocks and managing European fishing fleets. The CFP basic regulation,² agreed by the Council of the European Union and the European Parliament, articulates a range of objectives in its Article 2 and articulates principles of good governance in Article 3.

Overall, Article 2 spells out the broad goal to ensure that fishing activities are:

- Environmentally sustainable in the long term.
- Managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies.

The CFP sets objectives and principles in Articles 2 and 3 that can be grouped into five themes:

1. Fisheries management rules, benchmarks and reference points, including:

- Applying the precautionary approach to manage risk. (See Box 1.)
- Using reference points tied to maximum sustainable yield (MSY) (see Box 2) to require that:
 - Stock biomass for all harvested species be restored and maintained above levels that can produce MSY.
 - Total allowable catches (TACs) be set in accordance with MSY levels by 2015 where possible, and by 2020 at the latest for remaining stocks.
 - Management measures be set in accordance with the best available scientific advice.

2. Wider environmental aims, such as:

- An ecosystem-based approach to fisheries management.
- The need to be consistent with other EU environmental legislation, in particular the objective of achieving what is generally referred to as Good Environmental Status by 2020.³

3. Broader socio-economic aims, such as:

- Providing conditions for economically viable and competitive fishing and processing.
- Contributing to a fair standard of living for those who depend on fishing activities.
- Promoting coastal fisheries, “taking into account socio-economic aspects”.

4. Rules on a landing obligation to eliminate the discarding of fish back into the sea, to reduce unwanted catches and to gradually ensure that all catches are brought ashore. This approach requires fishers to bring their catches ashore in most cases and count the total against their quota allowances.

5. General policy aims, such as:

- The need for a long-term perspective as well as a regionalised approach to ensure less top-down decision-making.
- Appropriate involvement of stakeholders, in particular through advisory councils established for specific regions or sectors to allow stakeholders to provide fisheries management recommendations to the Commission and member state governments.
- An approach that takes into account the interests of consumers and fish producers.

Box 1: The Precautionary Approach

The precautionary approach is a globally recognised concept in environmental management that calls for certain actions when data may be limited. Article 6.2 of the United Nations Fish Stocks Agreement defines it as an approach in which “the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures”.⁴

Box 2: Maximum Sustainable Yield (MSY)

MSY refers to the largest average catch that can theoretically be taken from a stock without having an impact on the long-term size of the population.⁵ Managing fish stocks against MSY benchmarks is a key component of the CFP.

The lessons learned

Following a lengthy legislative process leading up to 2013, EU policymakers agreed ambitious goals and practical policy steps, most critically that all stocks would be fished at sustainable levels by 2020. Since the new policy took effect seven years ago, the EU has made significant progress in some areas, but much remains to be done, particularly in setting all catch limits no higher than the levels recommended in the best available scientific advice.

A variety of factors have influenced the policy process over the years – some procedural, some practical and some more a question of political will. These eight lessons learned portray the range of issues. In the sections that follow, each is detailed along with a case study or a deeper look at the detail.

1

Good management works

Science-based steps to safeguard the sustainability of stocks and fisheries for the long term in European waters have produced multiple benefits, just as they have for fisheries managers around the world in recent years. Where overfishing has been brought under control, stocks have recovered quickly. For example, North Sea plaice stocks were at healthy levels in 2020 after a decade of more cautious exploitation.⁶ Better management has led to higher yields and record-high profits for the fishing industry on an aggregate level.⁷ Such trends provide strong evidence to support continued improvement: The right decisions in line with scientific advice lead to positive outcomes.

Although progress has been made since 2013, it has been too slow overall to completely achieve the CFP's aims. The 2015 and 2020 Article 2 deadlines to achieve MSY exploitation rates have not been achieved "for all stocks" as required by the reformed policy. (See Figure 1.) The inability to meet the legal deadline, despite trend improvements, stands out as a major shortfall for the current CFP's implementation, echoing problems with earlier iterations⁸ and risking the credibility of future political commitments.



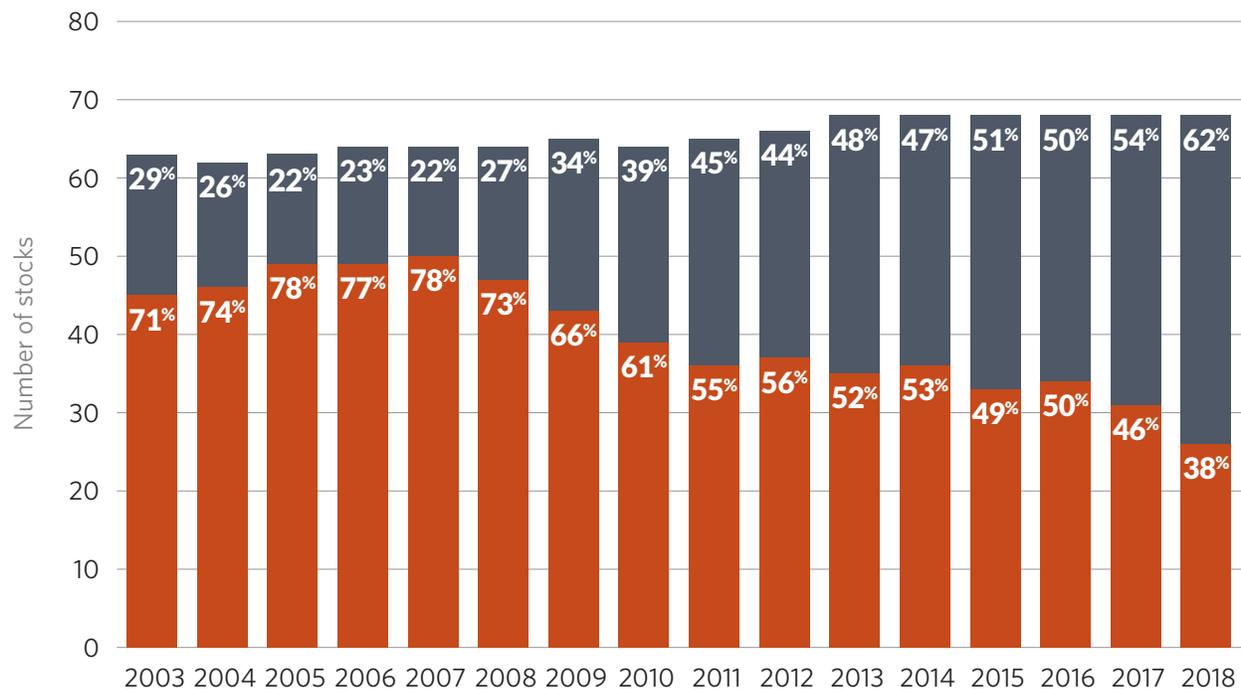
Catch on a vessel in northern European waters. Better management results in higher yields, but progress towards this goal has been slower than initially expected.

A deeper dive: Reductions in fishing pressure

The EU has reduced overall fishing pressure since the policy was reformed in 2013.⁹ Although many catch limits continue to be set in excess of scientific advice, on average the limits have been brought closer to the levels that scientists recommend. The proportion of assessed stocks fished at pressures higher than the legal benchmark dropped from 52% in 2013 to 38% in 2018, according to the 2020 official report by the Scientific, Technical and Economic Committee for Fisheries (STECF).¹⁰ (See Figure 1.) The committee provides expert technical advice to the Commission on fisheries issues.

Figure 1

Number of North-East Atlantic* Stocks Subject to Overfishing



■ Number of stocks not subject to overfishing (fishing ≤ F_{MSY})
 ■ Number of stocks subject to overfishing (fishing > F_{MSY})

*North-East Atlantic (Food and Agriculture Organization 27), including Western European waters, North Sea and Baltic Sea.

Note: F_{MSY} represents fishing mortality consistent with achieving maximum sustainable yield (MSY).

Source: Scientific, Technical and Economic Committee for Fisheries, "Monitoring the Performance of the Common Fisheries Policy (STECF-Adhoc-20-01)," April 2020

© 2020 The Pew Charitable Trusts

Embedding specific biomass targets and fishing pressure requirements in the CFP, with specific deadlines for the latter, has helped bring about this success. As a result, in 2020 the Commission, which is responsible for proposing legislation and overseeing implementation, expected that in that year "more than 99% of landings in the Baltic, North Sea and the Atlantic managed exclusively by the EU will come from sustainably managed fisheries".¹¹

Despite this success, measuring progress for a subset of EU stocks using a tonnage metric gives an incomplete picture. Such an approach does not account for data-limited stocks (i.e., those for which MSY data is not available) and excludes some important stocks (e.g., mackerel and blue whiting) that are shared with neighbouring, non-EU countries, such as Iceland and Norway.

Significantly, the CFP requires sustainable exploitation rates for all stocks, not just for those fished in large volumes. This is an important distinction because the size of a stock does not necessarily indicate its importance in terms of biodiversity. So the 99% figure, bolstered by a small number of well-managed, high-volume stocks, hides a large number of stocks that may be smaller by volume, but no less important, that are not being managed sustainably. Measuring progress at the stock level paints a less positive picture. (See Figure 1.)¹²

Despite these misgivings, it should be recognised that improved management has resulted in positive socio-economic impacts. In 2019, the Commission¹³ and STECF confirmed “continued ... record-high net profits”¹⁴ on aggregate across the EU fleet. Lower operational costs and the recovery of some stocks appear to be driving these trends, but the Commission also notes that “fleets targeting over-exploited stocks tend to register poorer economic performance.”¹⁵ That’s not a surprise because these populations have not had an opportunity to recover from overfishing.

The aggregate improvements, however, mask two underlying trends: a reduction in jobs across the sector, where employment in “full time equivalents (FTE) has been decreasing on average by 1.2% per year since 2008, partly due to the decrease in the fleet’s capacity”,¹⁶ and variation in profitability across different fleet segments (e.g., fishing technique or fishing vessel length categories), including lower profits in the smaller-scale fleet.¹⁷

2

Decreased ambition since 2013 led to under-implementation

After concluding an ambitious CFP reform in 2013, EU institutions approached implementation with less ambition. The pace of change slowed in the face of heavy lobbying from a range of stakeholders, including fishing industry organisations, and what often appeared to be diminished political will to deliver the reforms. Decision-makers repeatedly chose interpretations of legal provisions that had the effect of weakening the impact of CFP requirements and moulding policy to the status quo rather than driving needed behaviour changes.

Commission proposals on annual catch limits and longer-term legislation such as multi-annual plans (MAPs) have tended to pre-empt the Council’s diminished ambitions by proposing measures that fail to live up to the CFP’s requirements. The Council, consisting of representatives of the 27 member state governments, agrees legislation with the European Parliament – or, in the case of fishing limits, has the power to set these alone. Too often, it seemed the Commission, which starts the legislation process, would make proposals with the expectation that the Council would water them down. This allowed for levels of fishing in excess of scientific advice as well as exemptions that slowed changes in patterns of fishing behaviour. Such reduced ambition can be seen in the Commission’s reporting on progress (see Lesson 6), which has consistently introduced lower benchmarks to judge implementation success than those in the CFP.

Delivery of CFP aims also has often been undermined by the Council’s prerogative to set catch limits. (See Lesson 5.) The stock recovery objectives are unlikely to be achieved if excessive exploitation rates continue, or even if fishing pressure is kept at the maximum level advised by scientists. Such an approach leaves little room for uncertainty or error.

Throughout the seven years of CFP implementation, the Council has generally chosen the maximum level of catches advised by scientists, or levels in excess of this, with only a few examples of more precautionary catch limits. The Council has continued to choose excessive exploitation rates, with member state fisheries ministers adjusting their decision-making on annual catch limits only incrementally as deadlines came and went.

Members of the European Parliament, which decides on legislation in tandem with the Council, often attempted to hold the other EU institutions accountable for CFP implementation, for example in votes on the Baltic MAP in 2015, but in the end would not or could not prevent overfishing from continuing.¹⁸

Parliament does not have a direct say in annual decisions on catch limits, despite the involvement of members of the European Parliament (MEPs) in most other decision-making processes.¹⁹ As the co-legislator for most EU fisheries policies, including the CFP regulation, the Parliament could have played a more hands-on role, ensuring that the CFP's requirements were met.

A deeper dive: Moving goalposts

In the course of proposing and setting annual catch limits and other fisheries legislation, EU decision-makers have routinely chosen lower technical benchmarks and higher risks than foreseen in the CFP.

Contrary to the precautionary approach required by the policy, which calls for greater caution in decision-making when information is lacking, the Commission has tended to propose – and Council has often set – limits in excess of scientific advice for stocks with limited data or for which MSY advice is not available.²⁰ Another worrying development has been the removal of catch limits for several species since 2014 (for example, for dab, flounder, greater forkbeard and black scabbardfish).²¹ This has effectively reduced constraints on fishing pressure and exempted stocks from key CFP implementation requirements, such as the landing obligation. (See Lesson 3.) In some instances, it also has hindered the collection of data on catches of stocks because different reporting requirements may apply.

Policymakers also downgraded the technical benchmarks in tools intended to deliver long-term sustainability. The introduction of multi-annual plans for fisheries had been a key feature of reforms to promote regionalisation of the CFP and a longer-term view. As planned, the process would allow measures to be tailored for different sea regions for longer periods of time. But rather than shift perspective and ensure consideration of each region's needs, the MAPs too often became tools to avoid applying the policy's rules.

Decision-makers would legislate for exemptions, while omitting the ecosystem protections the MAPs were intended to include. After watered-down plans took effect, these laws were considered as equal to the CFP in day-to-day decision-making at working level, effectively amending it in practice. This meant legislators had reduced the ambitions that legislators announced in 2013 only a few years later, but with less public fanfare.

Instead of treating the required MSY exploitation rate as an upper limit, Council and Parliament legislators defined the requirement in MAPs to include “ranges” around it, including levels in excess of the highest rate compatible with achieving MSY. Too often, those negotiating the initial MAPs did not heed the warnings in scientific advice on range estimations²² that this approach would bring more risk and less productivity. But it soon became standardised in all regions, along with loopholes in successive MAPs, such as exemptions for some so-called “bycatch stocks” from the MSY aim altogether.²³

A 2019 analysis by Pew and other non-governmental organisations (NGOs)²⁴ of the Baltic Sea MAP, the first agreed by the Council and Parliament, shows how policy objectives were degraded in this initial plan and the impact of such reduced ambition on subsequent MAPs.²⁵ Despite resistance from some MEPs, the Parliament ultimately voted each time to agree with the Council's vision after securing some important – but limited –

improvements in the negotiations. As a result, each MAP introduced new flexibilities that made it more difficult to achieve the CFP's aims.

Often, the detailed measures these plans were intended to contain, tailored to the specifics of each fishery and region, were omitted or forgotten as the process unfolded. The remaining detail prioritised flexibility to increase fishing pressure over what should have been the overriding priority: setting sustainable catch limits with the objective to restore stocks, maintain healthy ecosystems and safeguard stable, profitable fisheries for the EU fleet. Such an approach led to troubling outcomes in the water, maintained status quo fishing practices and provided the flexibility to fish at higher rates that compromise sustainability. This set dangerous precedents for subsequent MAPs that compromised ambitions around fisheries management more broadly.²⁶

3

Decisions often favoured maintaining the status quo rather than changing behaviour

Policymakers intended that the reforms agreed in 2013 would transform EU fisheries management and change behaviour on the water, which would result in more sustainable and profitable outcomes. Although reductions in fishing mortality have in many cases started to realise such outcomes, decisions have too often been moulded to preserve the status quo rather than change it.

At the European level, ministers in the Council still take the scientific advice on annual catch limits and the Commission's proposals as a starting point for negotiations that then seek to maximise the tonnage of quota that each member state can "win" for its fleet in the short term. When the reforms have had an impact in the water – in reducing fishing pressure or requiring less wasteful practices – decision-makers have often sought loopholes to allow status quo activity to continue. This has included the introduction of new provisions to allow bycatch of depleted stocks at levels well above scientific advice, reinterpreting the legal requirements on fishing pressure to allow flexible ranges, and removing catch limits altogether. These end results have undermined implementation of the reforms and safeguards and brought new, unintended consequences.

At the national level, the allocation of quota tends to reinforce patterns of existing fishing activity rather than incentivise more sustainable practices. To a large extent, these trends reflect national policies and business decisions. Important CFP requirements that could have an impact on these socio-economic trends have so far been under-implemented. For example, Article 17 requires transparent environmental, social and economic criteria for the allocation of fishing opportunities within member states and allows incentives for lower-impact fishing, but a lack of transparency in decision-making persists, at the expense of social and environmental criteria.²⁷ This represents a failure by member state governments to take action at the national level after agreeing these reforms at the EU level and including the requirement in the CFP.

Case study: Limited implementation of the landing obligation

The landing obligation requires "all catches of regulated commercial species on-board to be landed and counted against quota".²⁸ Policymakers intended this requirement to be a fundamental and ambitious change from the previous CFP that would affect every facet of the policy's implementation.

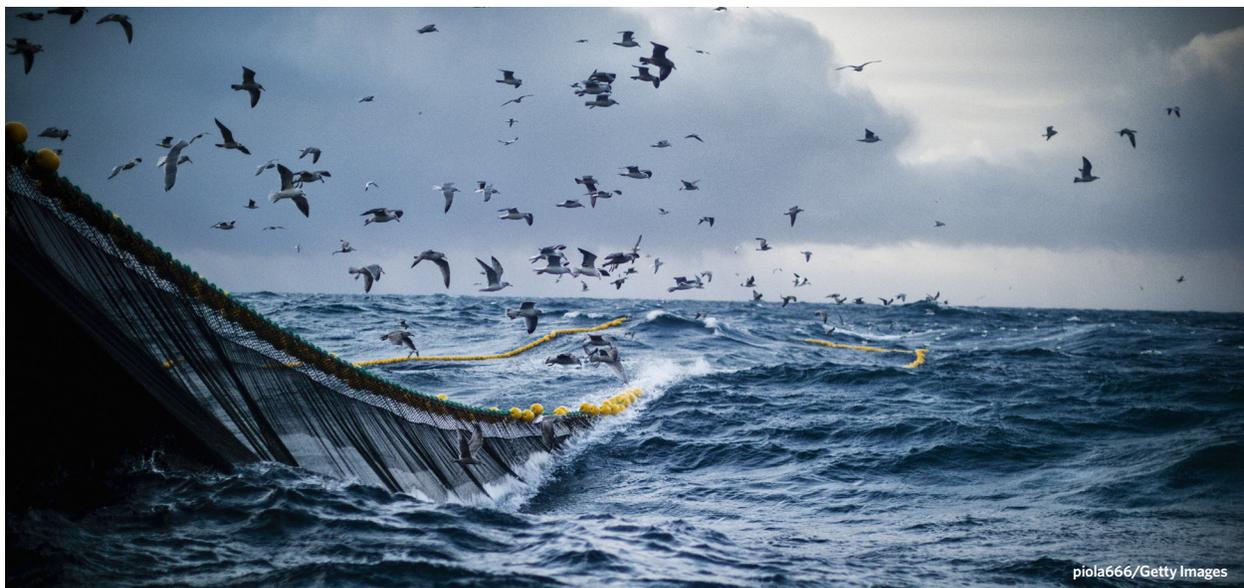
Under the previous CFP, fishers often discarded unwanted fish, dead or alive, in the sea for various regulatory or economic reasons. Sometimes fishers discarded small, less valuable fish of a species for which they had a quota,

hoping to later catch higher-value larger fish of that same species and to maximise the value of their quota. In other instances, fishers who had already exceeded their quota for a species may have discarded some they caught while fishing for other species.

The current landing obligation rules are intended to reduce, as much as possible, unwanted catch and the amount discarded from vessels. Policymakers made this motivation clear when they included in the introductory text to the CFP regulation the statement that “unwanted catches and discards constitute a substantial waste and negatively affect the sustainable exploitation of marine biological resources and marine ecosystems and the financial viability of fisheries”.²⁹ And the policy had been a top political priority for several countries in the CFP reform process.

Still, implementation did not flow smoothly. In many regions, member states developed regional “discard plans” that called for the Commission to backload the roll-out towards the end of the implementation period, which meant that only tentative progress was made in the early years. That left implementation for most stocks and fisheries to one “big bang” phase in 2019, which ensured that many difficult issues were not addressed until relatively late in the process, an approach that led to a more pronounced impact as fleets adjusted in the final year. In some instances, the perception of potential negative effects led ministers to decide to increase catch limits as a political “sweetener” to aid implementation.³⁰ Although the full landing obligation came into force on 1 January 2019 for all fisheries in all regions under the CFP,³¹ crucial supporting measures and changes in fishing activity had not fully materialised by the end of 2020.

With each phase of roll-out, the amount of unwanted or unintended catch became more visible and subject to new obligations that could not be ignored. Decision-makers began to see bycatch as a nuisance that risked getting in the way of economic returns. As a result, the number of exemptions and adjustments to catch limits grew. The extent of exemptions to discard plans, agreed regionally by member states, then made the rules more complex and hampered control by enforcement agencies such as the European Fisheries Control Agency (EFCA).³² Initially intended to be temporary, these discard plans effectively became permanent technical regulations. The changes made assessing total catches for stock assessments even harder. Coupled with increases in catch limits, the exemptions helped mould this reform to fit the current pattern of fishing activities,



Fishing nets in the North-Eastern Atlantic Ocean. EU fisheries management is changing slowly, but too many decisions still maintain the status quo.

rather than incentivising behaviour changes or the management of quota to result in more sustainable and less wasteful practices.

Non-compliance with the landing obligation in effect meant continued illegal discarding and compromised the integrity of stock assessments and catch decisions. It also risks undoing much of the progress made in bringing catches closer to scientific advice. These risks remain underappreciated and are not accounted for in EU decision-making on catches, which continues to assume full compliance with the landing obligation.

Requiring the use of new technologies can help. Without remote electronic monitoring (REM), such as cameras onboard vessels to control and prevent discarding, managers cannot accurately gauge how much discarding persists. Official reports conclude that compliance has been low,³³ which increases the need to mitigate the risk of excessive fishing mortality. Rather than setting precautionary catch limits, limits were often inflated, based on optimistic assumptions about the coverage of, and compliance with, the landing obligation.³⁴

This reality compromises another major CFP objective that should have been complementary—sustainable exploitation rates.³⁵ A significant amount of resources and political capital have been invested in securing exemptions from the landing obligation and quota flexibilities. If that effort had been invested in ensuring that the necessary tools were in place to improve monitoring and control, the EU would have better managed fisheries and would be closer to meeting the CFP's aims.

4

EU decision-making remains siloed

The CFP set several objectives to safeguard ecosystems and achieve “Good Environmental Status” as defined by the Marine Strategy Framework Directive (MSFD).³⁶ Such a status goes beyond fisheries productivity to more general ecosystem health. Still, despite these aims and explicit links, EU fisheries policy remains insufficiently geared towards delivering the objectives in practice. Scientists’ understanding of threats to biodiversity and the effects of climate change on European fisheries has advanced over the last seven years, highlighting a growing need for more precaution and ecosystem-based management, as recognised by the EU’s Green Deal and Biodiversity Strategy and predecessor directives.

During the same period, however, EU fisheries managers responsible for implementing the CFP have taken bigger risks with the functioning of ecosystems than were foreseen in 2013. Fisheries decisions frequently contradict the wider aims of EU policy. At the same time, the structures within the Commission, and reporting across and between institutions, can blur the role of fisheries management in meeting the EU’s ambitious environmental objectives.

Structural change, along with more democratic oversight and accountability from all three institutions, is needed to turn this around. The absence of both implementing steps and official reporting on the achievement of these particular objectives demonstrates the lack of priority given.

Many implementation decisions explicitly prioritise commercial value over other important considerations, such as ecosystem functioning, rebuilding of depleted stocks and conservation of all fish species. For example, introducing different objectives for less valuable “bycatch stocks” or even removing catch limits for data-poor stocks is driven by economics but directly conflicts with the CFP’s aims. Poor recruitment across many stocks – shortfalls in the expected addition of younger fish to the fishery – in recent years reflects uncertain or insufficiently understood ecosystem trends, such as higher-than-expected natural mortality. Failure to adopt

an ecosystem-based approach to fisheries management means that the combined effects of anthropogenic pressures like overfishing and climate change on marine food webs remain poorly understood and have not been given enough consideration in fisheries management decision-making.

The EU has persistently failed to bring coherence to decision-making in this regard. In individual member state ministries and in the Commission, fisheries officials too often do not work directly with those responsible for environmental policy. It has been routine and accepted that fisheries policies can work against the achievement of environmental objectives, even as political leaders bolster their environmental commitments in public and on the world stage.

EU fisheries policy must be embedded in the delivery of the EU's Green Deal,³⁷ Biodiversity Strategy³⁸ and other international commitments. The Commission's annual fisheries management proposals should set out explicitly how they help deliver on wider commitments and explain what will be done to reconcile fisheries policies that run counter to these other policies. The EU's Directorate-General for Environment and the European Parliament's Environment Committee must have a greater say in fisheries policy, with more opportunity to intervene when fisheries policy conflicts with other EU aims.



A haul being brought aboard in European waters. Siloed responsibilities have led to decisions that can contradict wider environmental aims to the detriment of fish stocks and ecosystems.

A deeper dive: Coherence with environmental policy aims often lacking

Each year, the Commission reports on indicators for economic performance, fishing pressure and stock recovery benchmarks, but it provides little information to the public on the policy's success in delivering several key metrics. Among those are:

- Compliance with the ecosystem approach in Article 2.3 of the CFP.
- Coherence with the MSFD objective of achieving Good Environmental Status in Article 2.5.j, for which the fisheries requirements have not been met.
- Establishment of fish stock recovery areas in Article 8 of the CFP.
- Conservation measures necessary for compliance with obligations under EU environmental legislation in Article 11 of the CFP.
- Incentivising fishing with reduced environmental impact in Article 17 of the CFP.³⁹

Although the responsibility to implement several of these measures lies with member states, the lack of clear reporting leaves NGOs⁴⁰ attempting to plug the information gap. The regionalised processes under which member states were supposed to agree conservation measures have almost entirely been focused instead on implementing measures for, and exemptions from, the landing obligation.

In specific cases, the Commission has used its powers under Article 12 to intervene where there is a severe threat to marine biological resources, or to drive improvements in technical measures for severely depleted stocks – for example, Celtic Sea cod in 2019 – usually in the face of opposition from the Council.⁴¹ Development of mixed fisheries advice by the International Council for the Exploration of the Sea (ICES) has allowed the Commission and the Council to move beyond single species considerations. (ICES is an intergovernmental marine science organisation that provides impartial evidence on the state and sustainable use of the seas and oceans.) Still, even in these cases, the scenarios that are consistent with the ecosystem aims of the CFP are generally overlooked in favour of options that deliver short-term economic returns for commercially important species.

5

Short-term thinking persists in EU management

Short-term economic and political goals have too often taken priority over a longer-term perspective – one of the key aims of the reformed CFP. Some of the excessive catch limits provide examples of this, with some cod stocks, such as North Sea cod,⁴² being overfished while heading towards collapse, and others, such as Eastern Baltic cod, continuing to be fished even after their populations had crashed.⁴³ When risky decisions led to foreseeable consequences in subsequent stock status, they were often greeted with surprise, dissatisfaction with the scientific process or requests for new guidance that maintained the same approach. Future decisions must account explicitly for their effects over a period longer than one year. If ministers in the Council are unwilling to do this, the Commission should publish impact assessments that look past single-year economic returns and consider wider EU policies and legislation.

Among the factors that appear to have hampered progress are the continued short-term focus of fisheries ministers in the Council when setting annual catch limits (see case study below); the opacity of the Council process (see Lesson 7), which is subject to heavy lobbying; and the continued use of socio-economic arguments as justification for overfishing.

In addition, policymakers too often used the flexibility in MAPs, the tools that should deliver a longer-term perspective, to make annual decisions focused primarily on short-term returns. Collectively, these factors amounted to a step backwards from previous long-term management plans that had delivered in practice and held ministers to their responsibilities to recover individual stocks.

Case study: Council process for setting catch limits

Despite proven improvements in returns from well-managed fisheries, industry leaders often warn of severe economic disruption⁴⁴ if the CFP is fully implemented. Such a short-term outlook is in turn reflected in the total allowable catch (TAC) decisions made by fisheries ministers who sit in the Council. The power to set such TACs allows them to agree decisively in one meeting, but often in a manner that does not reflect stock management that will lead to longer-term stability.

Making these decisions at a single annual meeting boosts the pressure on all decision-makers involved in the

competitive diplomatic process, especially for member states seeking to have their demands heard by the presidency and Commission. This reality encourages horse-trading and a race to the bottom – dynamics that routinely result in late-night meetings where complex last-minute decisions and deals are made that may conflict with the scientific advice. As a result, catch limit numbers tend to increase throughout the course of each Council meeting, rather than be brought closer to the science or the CFP legal requirement. This approach provides stakeholders, media and the public with little transparency on how decisions were reached.

Such short-term thinking also tends to put off remedial measures, meaning that when they are finally put in place they may be drastic and economically damaging in the longer term. Take, for example, deliberations over Baltic Sea cod stocks. Severe reductions proved necessary for 2020 TACs following years of counterproductive overfishing, even as CFP deadlines were looming. The issues were foreseeable and foreseen.⁴⁵

6

Clarity on progress is too often undermined by unclear and inconsistent reporting

The public does not get clear information on the CFP's performance. Rather than reporting against the policy's aims and objectives, the Commission continues to report against less relevant benchmarks – such as the “safe biological limits” criterion or trends over time – or it changes the benchmarks each year for reasons that remain unexplained.

For example, introduction of a “tonnage landings” criterion just before the 2020 deadline, despite such an approach contradicting the CFP's intent, seemed driven more by political expediency than as a test of whether the aim for sustainable exploitation rates for all stocks was met. Such decision-making can leave the public confused about whether the policy's shortcomings have been addressed. And the lack of information can prompt stakeholders to draw very different conclusions on priorities, reacting to decisions with competing perceptions of progress, and leaving them unwilling or unable to reach consensus on important management measures. The Commission must publish more precise official assessments of progress each year, based on the CFP's objectives, particularly in its 2022 review of CFP implementation.

Case study: Limited European Commission reporting on stock recovery and exploitation rates

The EU has published only limited information on progress in achieving the CFP's biomass stock recovery objectives in Article 2, making it difficult for stakeholders to assess the data gaps and how they might be filled. Independent scientists have attempted to plug these gaps, with analyses of progress⁴⁶ towards the CFP's objectives that paint a less positive picture than official Commission reporting. Tentative steps by the Commission towards providing some data through the STECF on the specific benchmarks in the legal objective came only recently⁴⁷ under pressure from NGOs, and the data cover only a small number of stocks. Pursuing specific goals, such as the CFP's biomass objective, is difficult if progress is not being measured routinely.

Where more sustainable management has been implemented, biomass has increased, both in the aggregate and in specific cases. However, this important lesson – and good news story – risks being lost in the patchy data published by the EU on biomass trends. Individual cases, such as cod in the Baltic⁴⁸ and Celtic⁴⁹ seas, also paint a troubling picture of once-productive stocks overfished until their foreseeable crash, followed by continued



Gian Luca Salis/EyeEm via Getty Images

Fishing gear on a vessel in port. Inconsistent benchmarks make it hard to track progress towards ending overfishing and can be confusing to the public.

exemptions to overfish now severely depleted populations. Exemptions and subtle changes to objectives for bycatch stocks then make it impossible to achieve CFP objectives, even if a shift in goals has never been formally announced.

To provide a full picture of the policy's performance, therefore, it is critical that the Commission should ask scientists to provide assessments of progress against the biomass objective. The current lack of clarity has had a practical effect, too: Rather than aiming to keep stocks at productive levels (i.e., higher biomass levels), some decisions have been based around riskier decision-making, with managers simply aiming to avoid stock collapse or, even worse, to maintain catches of stocks that are already dangerously depleted.

Separately, stakeholders have had widely contrasting perceptions of policy decisions that influence exploitation rates and fishing pressure, particularly the setting of annual catch limits. Take, for example, the reaction to the Council's 2020 catch limits. The Commission concluded they were a great success because of their focus on landings (see Lesson 1 – A deeper dive) and measures to limit damage for bycatch stocks.⁵⁰ Environmental NGOs, on the other hand, were more negative, focusing on specific CFP requirements, the failure to meet the 2020 deadline and the continued overfishing of depleted stocks.⁵¹ Large fishing industry organisations readily accepted the official optimism on progress.⁵²

Whether 2020 catch limits were in line with the scientific reference points required in the CFP should have been a matter of objective fact and law, not opinion. But because each constituency had a different perception of the original objective, the conclusions were different, leading to frustration among many close to the policy decisions – and confusion for the public.

EU citizens may not realise that policymakers have sometimes chosen risky levels of fishing that do not meet the legal mandate – and that can damage the ecosystem – when management measures or stock statuses are inappropriately presented as unavoidable biological trends rather than political choices. Clearer reporting against the democratically agreed objectives would aid accountability and build better understanding.

Opaque decision-making hampers progress

Decision-making that is democratically accountable, transparent and based on scientific evidence is a requirement that goes beyond the CFP's objectives. EU treaties require clear institutional responsibilities and accountability to EU citizens. In the context of the CFP's environmental provisions, the EU must apply the precautionary principle. (See Box 1.) The EU also has signed onto the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention, 1998).⁵³

Despite this, the process of decision-making under the CFP remains unnecessarily difficult to follow for both stakeholders and the public. These issues make it harder for those interested to clearly understand the rationale for specific decisions. These factors often foster mistrust among stakeholders. In some instances, the lack of accountability can lead to decisions that seem counter to CFP requirements, often with worse outcomes on the water.

The Council's behind-closed-doors decision-making may be the most harmful example of this, but improvements by each of the institutions are needed to achieve transparency and secure good policy outcomes. For example, the Commission has generally not published the rationale for its proposals on catch limits that exceed the scientific advice, nor clarified what the scientific advice actually is in cases where the basis for the published advice does not match the justification for a catch limit. In July 2020, however, the Commission announced⁵⁴ steps to improve the transparency of its proposals and associated processes around Council decisions on catch limits. It implemented these steps in late 2020, improving the process for 2021 catch limits.⁵⁵ In the European Parliament, voting is inherently more transparent, but accountability can become less clear as MEPs strike final deals with the Council on joint legislation, another process carried out behind closed doors.

Stakeholder processes sometimes worsen the transparency of decision-making rather than improve it. For example, Advisory Councils (ACs) organised by region or fisheries sector are intended to bring together industry representatives and other stakeholders to advise the EU institutions and member states. Their involvement can allow difficult implementation issues to be discussed openly and practical solutions proposed. Some ACs have good track records of providing useful advice, but others have been less successful, sometimes choosing not to provide any advice because consensus could not be reached or producing "lowest common denominator" texts that avoid controversy by removing substance.

Both of these outcomes risk hampering policymaking because they can result in decision-makers bypassing the AC process and listening more to individual interests' lobbying, or the obfuscation of key trade-offs and practicalities, which adds to the opacity of decisions made behind closed doors. By their nature, AC discussions are often contentious. Bringing advisory council procedures closer into line with the legal requirements of the CFP – for example, on the need for an impartial chair and the accurate presentation of minority positions – as well as ensuring that public funding is contingent on following these rules, would help make these processes more transparent.

Case study: Council decision-making behind closed doors

Despite the 2013 CFP reforms, Council decision-making remains nearly as opaque as it was before, with politicians taking technical decisions on the exploitation of fish stocks in late-night meetings behind closed doors. Discussions in the Council chamber are not recorded, but even if they were, most negotiations on catch limits are carried out through shuttle diplomacy among different delegation rooms in the Council building, a reality that frustrates any attempt to record positions. The competitive diplomatic process for each member state to

have its demands heard by the presidency and Commission encourages deal-making behind the scenes that often contradicts stated policy aims. Catch limit numbers tend to increase throughout the course of each Council meeting rather than gradually being brought closer to the science or the CFP legal requirement.

Until 2020, proposals on catch limits were frequently not published or were made public only after the Council process had been completed. Gauging the extent to which these proposals match scientific advice requires investigative work by outside observers. Mismatches between catch limit areas or stocks and the scientific advice, and complex landing obligation adjustments, make it difficult if not impossible to compare two publicly available numbers to assess whether science is being followed, but observers are asked to take it on trust that all decisions are “in line with the latest scientific advice”.⁵⁶

Box 3. Ombudsman Exposes CFP Opacity

Following years of transparency failings⁵⁷ around the Council's setting of total allowable catches for certain fish stocks, the European Ombudsman opened an investigation in 2019 that found that the Council's opaque decision-making constituted what the office called maladministration.⁵⁸ The Ombudsman concluded that “the Council has failed fully to grasp the critical link between democracy and the transparency of decision-making regarding matters that have a significant impact on the wider public. This is all the more important when the decision-making relates to the protection of the environment”. It is not surprising that this conclusion arose from a complaint by an environmental NGO (ClientEarth) rather than an institutional impetus to improve accountability.

All of this leaves the public unable to judge the merits of positions taken by member state governments because these positions are generally secret. Individual member states in turn reject attempts⁵⁹ to assign responsibility for overfishing on the basis that decisions were driven by others. Furthermore, this limitation tends to receive limited scrutiny or media reporting when communicating the outcome, leaving official press releases unchallenged. An investigation by the European Ombudsman in 2019 highlighted many of these same issues.⁶⁰ (See Box 3.)



A haddock caught in a net off the coast of Scotland. A lack of transparency in decision-making about fisheries can be confusing for the public and lead to outcomes that run counter to the aims of the CFP.

Stocks shared with non-EU countries present challenges in achieving CFP aims

Fish caught by EU fishers move between EU and non-EU waters, such as those of Norway, the Faroe Islands and now the UK – so-called third countries that make their own fisheries management decisions. Data from the Commission, and observers such as the New Economics Foundation, shows that stocks shared with such countries are more likely to be overfished.⁶¹ That reality indicates that the process of agreeing on sustainable limits can be more difficult when third countries are involved in decision-making.

Overcoming obstacles to sustainable management when working with non-EU countries is critical, particularly post-Brexit, with the EU and UK negotiating new joint management arrangements. Governance of widely distributed stocks in the North-East Atlantic is complex and requires stable collaboration based on shared principles of sustainability and science-based decision-making to secure good management and to allow the EU to meet its CFP commitments.⁶² The EU must show leadership in international negotiations to bring management of shared stocks in line with shared commitments and to ensure that third countries are scrutinised on their policies.

A deeper dive: Shared stocks and CFP implementation

The ongoing overfishing of pelagic stocks in the North-East Atlantic, due in part to disagreements over shares of catch between the EU and third countries, highlights the difficulties in ensuring sustainable management without more robust international frameworks and the important role for the EU in continuing to work towards improvements in critical regional fisheries management organisations. These international bodies are made up of countries that share a practical interest in managing and conserving fish stocks in a particular region,⁶³ in this instance the North-East Atlantic Fisheries Commission (NEAFC).

Both the EU and the UK must heed the lessons of decades of history under this CFP and its predecessors to avoid short-term decision-making and the unsustainable practices that have hampered fisheries management during that period. This is particularly important in light of the UK's positions on post-Brexit management, which have signalled a lower degree of ambition⁶⁴ on sustainability safeguards. The UK's domestic fisheries bill⁶⁵ potentially undermines the requirement to fish sustainably. In addition, its approach to negotiations on the joint future EU-UK framework⁶⁶ included language suggesting scientific advice could be traded off against other factors such as "socio-economic aspects", although the framework agreement reached by the EU and UK in December 2020 included strengthened sustainability safeguards.

The Commission's role in negotiating fisheries management measures on behalf of the EU with third countries also lacks transparency. Industry stakeholders are invited to attend talks as part of the EU delegation, but other stakeholders, such as NGOs, often are prevented from attending. The reasons for this remain unclear despite repeated requests for a justification. Commission negotiators have instead made attempts to improve the flow of information – for example, briefing non-industry stakeholders outside of the EU/Norway talks – but it remains unacceptably difficult for organisations to access these important negotiations or participate in development of the EU's mandate for these talks. Improving the management, accessibility and transparency of these negotiations must be a critical priority, given that fish remain a public resource.

Conclusion

The reformed CFP has led to improvements in EU fisheries management – including reductions in overfishing and recovery of certain stocks – that have benefited biodiversity, other stocks and fishers. The long-term trends are mostly positive. But what appears to be a reduction in political will since the agreement went into effect has led to under-implementation of some of the specific policies the CFP required across the board, and this shortfall has delayed the potential benefits of the policy.

Failure to meet the key deadlines agreed in EU law in 2013 – not least the deadline to end overfishing by 2020 – represents opportunities not fully grasped to benefit the seas and the communities that depend on them.

Short-term political expediency appears to have led decision-makers to aim lower than the CFP requires, moulding management measures to existing fishing practices instead of changing them. EU institutions too often treat fisheries policy as disconnected from environmental policies and exempted from sustainability commitments. Decisions made in this fisheries “silo” and full assessments of progress are not always openly communicated, making inconsistencies with other EU policies hard for the public to understand. And the transparency gap gets exacerbated in the context of the EU’s international joint management with other states.

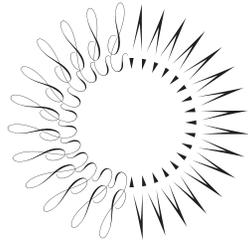
Some serious problems persist that contradict the EU’s stated ambitions. These should be urgently addressed to complete implementation of the CFP before the Commission is required to assess its performance in 2022 and before policymakers consider further reforms. Full implementation of the policy and achievement of the CFP’s objectives can be delivered only if all EU institutions fulfil their roles to the extent required by treaties and the full body of EU fisheries law.

Endnotes

- 1 The Pew Charitable Trusts, “Common Fisheries Policy Reform in the European Union,” <https://www.pewtrusts.org/en/projects/archived-projects/common-fisheries-policy-reform-in-the-european-union>.
- 2 European Union, “Regulation (EU) No. 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, Amending Council Regulations (EC) No. 1954/2003 and (EC) No. 1224/2009 and Repealing Council Regulations (EC) No. 2371/2002 and (EC) No. 639/2004 and Council Decision 2004/585/EC,” *Official Journal of the European Union* L 354, 28.12.2013 (2013): 22-61, <http://data.europa.eu/eli/reg/2013/1380/oj>.
- 3 European Commission, “Commission Decision (EU) 2017/848 of 17 May 2017 Laying Down Criteria and Methodological Standards on Good Environmental Status of Marine Waters and Specifications and Standardised Methods for Monitoring and Assessment, and Repealing Decision 2010/477/EU,” *Official Journal of the European Union* (2017), <http://data.europa.eu/eli/dec/2017/848/oj>.
- 4 United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995), https://www.un.org/Depts/los/convention_agreements/texts/fish_stocks_agreement/CONF164_37.htm.
- 5 European Commission, “CFP Reform: Maximum Sustainable Yield,” accessed Aug. 28, 2020, https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/msy_en.pdf.
- 6 International Council for the Exploration of the Sea, “Plaice (*Pleuronectes Platessa*) in Subarea 4 (North Sea) and Subdivision 20 (Skagerrak)” (2019), <http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2019/2019/ple.27.420.pdf>.
- 7 European Commission, “Communication From the Commission to the European Parliament and the Council on the State of Play of the Common Fisheries Policy and Consultation on the Fishing Opportunities for 2020” (2019), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019DC0274&from=EN>.
- 8 European Commission, “Reform of the Common Fisheries Policy” (2009), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0163:FIN:EN:PDF>.
- 9 The Pew Charitable Trusts, “EU Fisheries Management Still Not in Line With Scientific Advice Despite 2020 Deadline” (2020), <https://www.pewtrusts.org/en/research-and-analysis/articles/2020/09/02/eu-fisheries-management-still-not-in-line-with-scientific-advice-despite-2020-deadline>.
- 10 Scientific, Technical and Economic Committee for Fisheries, “STECF & Common Fisheries Policy,” European Commission, <https://stecf.jrc.ec.europa.eu/index.html>.
- 11 European Commission, “Communication From the Commission to the European Parliament and the Council Towards More Sustainable Fishing in the EU: State of Play and Orientations for 2021” (2020), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:248:FIN>.
- 12 The Pew Charitable Trusts, “EU Fisheries Management Still Not in Line With Scientific Advice.”
- 13 European Commission, “Communication From the Commission to the European Parliament and the Council Towards More Sustainable Fishing in the EU.”
- 14 Ibid.
- 15 Ibid.
- 16 Ibid.
- 17 European Commission, “EU Fleet Maintains High Profits Mainly Thanks to Sustainable Fishing Methods” (2019), https://ec.europa.eu/fisheries/press/eu-fleet-maintains-high-profits-mainly-thanks-sustainable-fishing-methods_en.
- 18 The Pew Charitable Trusts, “Fit for Purpose? An Assessment of the Effectiveness of the Baltic Sea Multi-Annual Plan (BSMAP)” (2019), <https://www.pewtrusts.org/-/media/assets/2019/09/baltic-map-review-final.pdf>.
- 19 European Union, “Consolidated Version of the Treaty on the Functioning of the European Union,” *Official Journal of the European Union* C 326 26.10.2012 (2012), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>.
- 20 The Pew Charitable Trusts, “EU Fisheries Management Still Not in Line With Scientific Advice.”
- 21 The Pew Charitable Trusts, “Analysis of Fisheries Council Agreement on Deep-Sea Fishing Opportunities for 2019 and 2020” (2019), http://www.pewtrusts.org/-/media/assets/2019/analysis_of_fisheries_council_agreement_on_fishing_opportunities_for_deep_sea_stocks_2019-2020.pdf.
- 22 International Council for the Exploration of the Sea, “6.2.3.1 EU Request to ICES to Provide F_{msy} Ranges for Selected North Sea and Baltic Sea Stocks” (2016), https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2015/Special_Requests/EU_FMSY_ranges_for_selected_NS_and_BS_stocks.pdf.
- 23 The Pew Charitable Trusts, “Fit for Purpose?”

- 24 Ibid.
- 25 Ibid.
- 26 Ibid.
- 27 G. Carpenter and R. Kleinjans, "Who Gets to Fish? The Allocation of Fishing Opportunities in EU Member States" (New Economics Foundation, 2017), <https://neweconomics.org/uploads/files/Carpenter-Kleinjans-Who-gets-to-fish-16.03.pdf>.
- 28 European Commission, "Discarding and the Landing Obligation," https://ec.europa.eu/fisheries/cfp/fishing_rules/discards_en.
- 29 See Recital 26 of European Union, "Regulation (EU) No. 1380/2013 of the European Parliament," *Official Journal of the European Union* L 354, 28.12.2013.
- 30 L. Borges, "The Unintended Impact of the European Discard Ban," *ICES Journal of Marine Science* fsaa200 (2020), <https://doi.org/10.1093/icesjms/fsaa200>.
- 31 The Pew Charitable Trusts, "Fit for Purpose?"
- 32 European Fisheries Control Agency, "Compliance Evaluation," <https://www.efca.europa.eu/en/content/compliance-evaluation>.
- 33 Ibid.
- 34 L. Borges, "The Unintended Impact of the European Discard Ban."
- 35 The Pew Charitable Trusts, "Recovering Fish Stocks and Fully Implementing the Landing Obligation: Managing Fishing Mortality to Meet CFP Objectives" (2018), <http://image.pewtrusts.org/lib/fe8215737d630c747c/m/1/NGO+Position+Recovering+fish+stocks+and+fully+implementing+the+Landing+Obligation.pdf>.
- 36 European Union, "Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008: Establishing a Framework for Community Action in the Field of Marine Environmental Policy (Marine Strategy Framework Directive)," *Official Journal of the European Union* L 164 25.6.2008 (2008), <http://data.europa.eu/eli/dir/2008/56/oj>.
- 37 European Commission, "A European Green Deal," https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en.
- 38 European Commission, "EU Biodiversity Strategy for 2030," https://ec.europa.eu/environment/nature/biodiversity/strategy/index_en.htm.
- 39 European Union, "Regulation (EU) No. 1380/2013 of the European Parliament," *Official Journal of the European Union* L 354, 28.12.2013.
- 40 WWF, "Evaluating Europe's Course to Sustainable Fisheries by 2020," Dec. 11, 2018, <https://www.wwf.eu/?uNewsID=339493>.
- 41 European Council, Council of the European Union, "2020 Fishing Opportunities in the Atlantic, North and the Mediterranean Seas: Council Secures Agreement," news release, Dec. 18, 2019, <https://www.consilium.europa.eu/en/press/press-releases/2019/12/18/2020-fishing-opportunities-in-the-atlantic-north-and-the-mediterranean-seas-council-secures-agreement/#>.
- 42 International Council for the Exploration of the Sea, "Cod (*Gadus Morhua*) in Subdivision 21 (Kattegat)" (2020), <http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2020/2020/cod.27.21.pdf>.
- 43 The Pew Charitable Trusts, "Fit for Purpose?"
- 44 Europeche, "EU Fishing Sector Demands Realism and Flexibility in Face of the Imminent Arrival of the 'Perfect Storm,'" news release, Feb. 21, 2018, <http://europeche.chil.me/post/eu-fishing-sector-demands-realism-and-flexibility-in-face-of-the-imminent-arriva-196034>.
- 45 The Pew Charitable Trusts, "After All-Night Meeting, EU Council Sets Catch Limits Too High," Nov. 15, 2017, <https://www.pewtrusts.org/en/research-and-analysis/articles/2017/11/15/after-all-night-meeting-eu-council-sets-catch-limits-too-high>.
- 46 R. Froese et al., "Progress Towards Ending Overfishing in the Northeast Atlantic," *Marine Policy* (2020), <https://doi.org/10.1016/j.marpol.2020.104282>.
- 47 Scientific, Technical and Economic Committee for Fisheries, "Monitoring the Performance of the Common Fisheries Policy, (STECF-Adhoc-19-01) Version 1.2" (2019), https://stecf.jrc.ec.europa.eu/reports/cfp-monitoring/-/asset_publisher/oz5O/document/id/2484866.
- 48 BirdWatch Ireland, "The Sad Story of European Cod," Dec. 12, 2019, <https://birdwatchireland.ie/the-sad-story-of-european-cod/>.
- 49 Ibid.
- 50 European Commission, "AGRIFISH Council 16-17 December 2019 Brussels," https://ec.europa.eu/commission/commissioners/2019-2024/sinkevicius/announcements/press-statement-agrifish-council-16-17-december-2019-brussels_en.
- 51 F. Harvey, "EU Ministers Opt to Continue Overfishing, Despite 2020 Deadline," *The Guardian*, Dec. 18, 2019, <https://www.theguardian.com/environment/2019/dec/18/eu-ministers-opt-to-continue-overfishing-despite-2020-deadline>.
- 52 Europeche, "Fisheries Council Secures Sustainable Catch Limits for 2020," news release, Dec. 18, 2019, <http://europeche.chil.me/post/fisheries-council-secures-sustainable-catch-limits-for-2020-278327>.

- 53 United Nations Economic Commission for Europe, "Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, done at Aarhus, Denmark on 25 June 1998" (1998), <https://www.unece.org/env/pp/treatytext.html>.
- 54 European Commission, "Commissioner Sinkevičius Announces More Transparency on Its Proposals for Fishing Opportunities" (2020), https://ec.europa.eu/fisheries/press/commissioner-sinkevi%C4%8Dius-announces-more-transparency-its-proposals-fishing-opportunities_en.
- 55 European Commission, "Deep-Sea Fisheries: Commission Proposes Measures to Conserve Stocks in the North-East Atlantic," news release, Oct. 22, 2020, https://ec.europa.eu/fisheries/press/deep-sea-fisheries-commission-proposes-measures- conserve-stocks-north-east-atlantic_en.
- 56 European Council, Council of the European Union, "Baltic Sea: Council Agreement on 2020 Catch Limits," news release, Oct. 15, 2019, <https://www.consilium.europa.eu/en/press/press-releases/2019/10/15/baltic-sea-council-agreement-on-2020-catch-limits/>.
- 57 Y. Bendel, "Overfishing in the Darkness" (Transparency International, 2016), <https://transparency.eu/wp-content/uploads/2016/10/21-09-2016-Fishing-report-web.pdf>.
- 58 European Ombudsman, "Decision in Case 640/2019/TE on the Transparency of the Council of the EU's Decision-Making Process Leading to the Adoption of Annual Regulations Setting Fishing Quotas," April 29, 2020, <https://www.ombudsman.europa.eu/en/decision/en/127388>.
- 59 G. Carpenter, "Landing the Blame: Overfishing in the Northeast Atlantic 2020" (New Economics Foundation, 2020), <https://neweconomics.org/2020/03/landing-the-blame-overfishing-in-the-northeast-atlantic-2020>.
- 60 European Ombudsman, "Decision in Case 640/2019/TE."
- 61 G. Carpenter and R. Kleinjans, "Landing the Blame: Overfishing in EU Waters 2001-2015" (New Economics Foundation, 2015), <https://neweconomics.org/uploads/files/Landing-the-Blame-full-report.pdf>.
- 62 The Pew Charitable Trusts, "A Path to a New Fisheries Management Agreement Between the EU and the UK," June 18, 2020, <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2020/06/a-path-to-a-new-fisheries-management-agreement-between-the-eu-and-the-uk>.
- 63 The Pew Charitable Trusts, "FAQ: What Is a Regional Fishery Management Organization?" Feb. 23, 2012, <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2012/02/23/faq-what-is-a-regional-fishery-management-organization>.
- 64 The Pew Charitable Trusts, "Will the UK Deliver on Its Post-Brexit Fishing Promises?" Feb. 24, 2020, <https://www.pewtrusts.org/en/research-and-analysis/articles/2020/02/24/will-the-uk-deliver-on-its-post-brexit-fishing-promises>.
- 65 UK Parliament, "Beyond the Common Fisheries Policy: Scrutiny of the Fisheries Bill" (2019), <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvfru/1722/172208.htm>.
- 66 UK Parliament, "Draft Working Text for a Fisheries Framework Agreement Between the United Kingdom of Great Britain and Northern Ireland and the European Union" (2020), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/886009/DRAFT_Fisheries_Framework_Agreement.pdf.



THE
PEW
CHARITABLE TRUSTS

pewtrusts.org