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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 30 July 2009

to: Mr Javier SOLANA, Secretary-General/High Representative

Subject: COMMISSION STAFF WORKING DOCUMENT

Accompanying document to the Proposal for a Council Regulation establishing
a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries
exploiting that stock

SUMMARY OF THE IMPACT ASSESSMENT

Delegations will find attached Commission document SEC(2009) 1077 final.

Encl.: SEC(2009) 1077 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.7.2009
SEC(2009) 1077 final

COMMISSION STAFF WORKING DOCUMENT

Accompanying document to the

Proposal for a

COUNCIL REGULATION

**establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries
exploiting that stock**

SUMMARY OF THE IMPACT ASSESSMENT

{COM(2009) 399 final}

{SEC(2009)1076 final}

SUMMARY OF THE IMPACT ASSESSMENT

The Impact Assessment concerns a draft proposal that would set long-term management objectives and implementing methods concerning a fishery for anchovy (*Engraulis encrasicolus*) in the Bay of Biscay. This short-lived pelagic species is of great socioeconomic importance for a number of ports and fishermen on the Cantabrian Coast of Spain and the French Atlantic Coast.

The scope of the proposal is of medium importance, covering up to 50 million EUR in terms of catch value. Approximately 300 vessels and some 3000 at-sea jobs and about 16,000 tonnes of fish catch for human consumption were involved in fishing for anchovy in 2004 before the fishery was closed. These figures illustrate the effect of the proposal, which is intended to deliver stability and sustainability to the fishery. Two fleets operating in the area are Spanish purse seiners and French purse seiners and pelagic trawlers. The stock is susceptible to large inter-annual fluctuations in abundance caused mainly by variations in recruitment, driven by environmental factors. Recruitment of young fish into the fishery has been very low since 2001. Recruitment of the 2004 year class was particularly low, which resulted in a decline of the stock and led to the closure of the fishery in the second half of 2005. The fishery has remained closed ever since.

The proposal covers the conditions for re-opening the fishery, and its subsequent management, as a function of the size of the stock. It is intended by DG MARE as a further step in steering decision-making under the Common Fisheries Policy (CFP) towards a long-term framework that is compatible with international obligations and with the CFP objectives themselves. In spring 2009 the fishery is closed following scientific advice that estimates the stock's biomass as being below limit values (B_{lim}). Only when the fishery is safe to re-open, could a long-term plan be applicable to determine the rates of fishing that can take the stock from recovery to maximum sustainable yield. It is, however, important to stress that the proposal assessed in this report does not aim at achieving a high level of biomass but rather at finding the best way to manage the risk of the fishery needing to be closed again.

The impact assessment has been preceded by thorough scientific evaluation by relevant scientific and Stakeholder Committees.

Under the CFP several operational elements can be considered in achieving a sustainable management of a fishery. These are:

- setting a fixed TAC;
- introducing technical measures, including time/area closures to protect mature fish (spawners) and/or juvenile fish;
- introducing provisions on capacity and effort to adapt them to catch possibilities;
- incorporating economic instruments, i.e. market measures;
- encouraging a better cooperation between interested parties.

Due to specific needs of this short-lived species and given the fact the fishery has been closed for a number of years, putting a management plan in place was selected as the most feasible

alternative to the current annual decision-making system. Effort control on pelagic species is ineffective and therefore a harvest rate based management approach to setting the TAC was selected as preferable in managing anchovy to an effort limiting regime. Complementary measures, like those described above, can be used to further improve the plan but they will not be discussed in this report. In order to include different components and to take into account both technical and capacity issues in the fishery, two main options and three additional sub-options have been tested:

- Option 1 – No policy change;
- Option 2 – Long-term plan with 3 alternative sub-options;

2.1. Rule A - a strategy with relatively higher TAC levels but higher collapse risks;

2.2. Rule B - a strategy with relatively lower TAC levels and lower collapse risks;

2.3. Rule C - a strategy being a compromise between options A and B.

Further analysis indicated that a system based on a TAC set mid-year according to the June scientific advice, with a harvest rule establishing the annual TAC level automatically would be the preferred management option for the stock. The system would also include provisions on a closure when biomass is below a certain threshold. Details of consultation processes, options and impacts are provided.