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NSAC Advice Ref. 10-2526
NSAC Advice on the revision of the North Sea Multiannual Plan

*This paper was approved with consensus by the NSAC Executive Committee on 1 July 2026
via written procedure.*

Executive Summary

- The proposed revision of North Sea Multiannual Plan offers a unique opportunity to strengthen the coherence, effectiveness and legitimacy of EU fisheries management.
- NSAC recommends the removal of the 5% rule to improve legal clarity and restore consistency with the long-term objectives of the MAPs.
- NSAC advises a transition towards explicit jointly-set Harvest Control Rules supported by Management Strategy Evaluations.
- Such long-term management strategies would provide a more robust, transparent and predictable framework for achieving sustainable fisheries management while balancing conservation objectives with socio-economic realities and ensuring greater consistency in the management of shared stocks.

1 Background

The EU Common Fisheries Policy (CFP) aims to ensure that marine biological resources are exploited in a way that restores and maintains fish stocks above levels capable of producing Maximum Sustainable Yield (MSY). To achieve this objective, the EU adopted a series of Multiannual Plans (MAPs), including regulations (EU) [2016/1139](#), [2018/973](#) and [2019/472](#), which provide the framework for the long-term management of key fish stocks in the Baltic Sea, the North Sea and the Western Waters.

The MAPs introduced target fishing mortality ranges (FMSY ranges) intended to provide flexibility while ensuring the achievement of MSY objectives. However, several years of implementation have revealed shortcomings in the current legal framework, particularly regarding the interaction between the so-called "5% rule" and the broader objectives of long-term stock management. The revision of the MAPs would therefore represent an important opportunity to improve both the effectiveness and the coherence of EU fisheries management.



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The North Sea Advisory Council provided advice on the proposed North Sea Multiannual Plan (MAP)¹ in 2017, prior to its final publication in 2018. The advice stressed, among other issues, the plan's geographical scope, socio-economic considerations, treatment of stocks, alignment with the Technical Measures Framework, scientific underpinning, enhanced data collection and knowledge-base, information processing and modelling. In May of 2023, NSAC submitted further advice² collating experience and views of the North Sea demersal fisheries organizations and other stakeholders on the implementation of the North Sea MAP.

On 26th of May 2026, the Commission launched a [call for evidence](#) on the revision of the fisheries management rules under the "Omnibus" initiative. For the three Northern multiannual plans (Western Waters, North Sea and Baltic Sea), the aim is to enhance legal certainty and find a new balance supporting the long-term health and recovery of fisheries and fish stocks.

With this advice, NSAC members provide their position on the Commission's proposal to amend the MAP for the North Sea concerning Article 4(6), commonly referred to as the "5% rule."

2 Inconsistencies created by the current 5% rule

The FMSY ranges established under the MAPs are designed to achieve MSY. In accordance with Articles 2(2) of Regulations (EU) 2016/1139 and 2019/472, and Article 2(1) of Regulation (EU) 2018/973, these ranges are calculated so that:

- long-term yield is reduced by no more than 5% compared with MSY,
- the probability of the stock falling below Blim remains below 5%.

These provisions are long-term in nature and are based on the principle that sustainable fisheries management should be evaluated over multiple years rather than on an annual basis.

However, Articles 4(6) of Regulations (EU) 2016/1139 and 2018/973, and Article 4(7) of Regulation (EU) 2019/472, introduce an additional requirement stating that fishing opportunities shall, in any event, be fixed so that there is less than a 5% probability of spawning stock biomass falling below Blim.

In practice, this second "5% rule" operates as a short-term annual constraint and may override the broader management framework established by the MAPs. As a result, the same numerical threshold (5%) is used to pursue two fundamentally different objectives:

- a long-term management objective embedded in the definition of FMSY ranges;
- an annual TAC-setting constraint applied independently of the long-term management strategy.

This creates a conceptual inconsistency within the MAPs and undermines their fundamental purpose as multiannual management instruments.

¹ <https://www.nsrac.org/wp-content/uploads/2020/06/12-1617-NSAC-Response-to-the-NS-MAP.pdf>

² https://www.nsrac.org/wp-content/uploads/2023/05/09-2223-NSAC-Advice-on-Multiannual-Management-Plan_NS-MAP.pdf

3 Legal uncertainty and contradictory management requirements

The interaction between the 5% rule and other MAP provisions has generated significant legal uncertainty. In particular, situations arise where applying the 5% rule would require TAC reductions exceeding 20% compared with the previous year. In such cases, the different provisions of the MAPs may lead to conflicting outcomes without providing an explicit mechanism for resolving those conflicts.

On one hand, the safeguard provisions of the MAPs require managers to adopt appropriate remedial measures, selected on a case-by-case basis according to the nature, severity, duration and recurrence of the situation.

On the other hand, strict application of the 5% rule may effectively force fishery closure regardless of whether such a measure is considered proportionate or appropriate under the safeguard provisions.

The removal of the annual 5% rule would therefore improve legal clarity and restore consistency within the regulatory framework.

4 Towards greater stability and predictability for the sector: a more balanced and flexible application of MSY-based management

A more balanced consideration of conservation and socio-economic sustainability could enhance the effectiveness and acceptability of the management framework. A system that imposes significant TAC variations without adequately considering underlying stock dynamics risks undermining stakeholder confidence and the long-term viability of fishing-dependent communities.

Multiannual plans were designed to provide greater flexibility in the short term and increased predictability over the medium to long term, thereby supporting the economic viability of fishing businesses, encouraging generational renewal, and contributing to EU food security. In practice, however, these objectives have not been achieved. MAPs' implementation has continued to rely largely on annual, single-species considerations, with limited scope for socio-economic factors, resulting in continued and often significant fluctuations in fishing opportunities.

The introduction of MSY ranges represented a positive step towards flexibility. Greater use of this flexibility, already embedded within MSY ranges, would support a more balanced approach, combining effective conservation with improved socio-economic stability and predictability for the fishing sector.

5 Ensuring consistency in the management of shared stocks

The EU is currently subject to constraints under the MAPs that are not necessarily applied by other parties exploiting the same shared stocks. For many North Sea and Western Waters stocks, management outcomes depend not only on EU decisions but also on the actions of neighboring coastal states. In practice, the EU is often the only party legally bound by the



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detailed provisions of the MAPs, creating an uneven regulatory framework. This situation places EU under more restrictive mandates than their international counterparts and may lead to unequal treatment among fleets exploiting the same biological resources.

The revision of the MAPs should therefore go beyond addressing the issue of the annual 5% rule and promote a fisheries management framework based on explicit HCRs agreed by all parties sharing responsibility for the stock. Such an approach would help ensure level playing field and that all participants around the negotiating table operate under the same management framework and objectives.

Current MAP provisions operate largely on a stock-by-stock and year-by-year basis. However, fish stock dynamics are inherently multiannual, driven by recruitment, natural mortality, environmental variability and ecosystem interactions. Effective fisheries management should therefore be evaluated over multiple years rather than through annual TAC decisions alone.

Explicit, jointly-set HCRs, scientifically tested and validated through management strategy evaluations (MSE) before adoption, would improve transparency and predictability, facilitate the evaluation of long-term conservation outcomes and socio-economic trade-offs, and strengthen the link between scientific advice and management decisions.

6 Conclusion

The current revision of MAPs offers a unique opportunity to strengthen the coherence, effectiveness and legitimacy of EU fisheries management.

The annual 5% rule has generated legal inconsistencies, constrained decision-making, and produced disproportionate socio-economic consequences. NSAC recommends its removal as this would restore consistency with the long-term objectives of the MAPs and with the safeguard mechanisms already embedded in the regulations.

At the same time, the revision should promote a transition towards explicit HCRs supported by MSE. Such an approach would provide a more robust, transparent and predictable framework for achieving sustainable fisheries management while balancing conservation objectives with socio-economic realities and ensuring greater consistency in the management of shared stocks.

The NSAC wishes to thank the Commission and North Sea Member States for considering our recommendations on the Commission's proposal to amend the MAP for the North Sea in relation to the "5% rule." NSAC members remain available for any further deliberations on the North Sea MAP.