

# Towards a new EU Common Fisheries Policy (CFP)

## The view of the EUCC Marine Team

***The European Commission** has started a review of the Common Fisheries Policy to make it more efficient in ensuring the economic viability of the European fleets, conserving fish stocks, integrating with the Maritime Policy and providing good quality food to consumers. The review was launched at an informal Council meeting on 29 September 2008 on basis of a working paper by the Commission with an initial analysis and discussion of some options for reform.*

*The review will be led by DG MARE. It will be based on an analysis of the achievements and shortcomings of the current policy, and will look at experiences from other fisheries management systems to identify potential avenues for future action. On 22 April 2009, the Commission adopted a "Green Paper on a reform of the Common Fisheries Policy" to trigger and encourage public debate and to elicit views on the future CFP. The Commission will use the results of the broad public consultation to enrich and validate its analysis and evaluation of options for a reform. After the public debate the Commission will develop a proposal to be presented to the Council and the European Parliament.*

***The Coastal & Marine Union (EUCC)** has created the EUCC Marine Team as a platform for knowledge sharing in the field of marine management and maritime planning at EU-level. The Team's thematic group on Sustainable Fisheries prepared a draft position statement with the following broad suggestions to improve the new Common Fisheries Policy. First, the main points are summarised in the form of a list of essentials; some of them are elaborated upon in the more detailed text.*

*The EUCC Executive Committee is very pleased to submit this position paper as a contribution to the Consultation on the reform of the Common Fisheries Policy.*

## Essentials

1. To redress the balance within the triple-P triangle of "people, planet, profit" the new CFP should give priority to the ecosystem commitments the EU has subscribed to (MSY status of its fish stocks and the targets of the Marine Strategy Directive or even more conservative goal, for example 0.1, until the damaged stocks rebound). The EU should apply similar criteria in its dealings with third countries;
2. A rigorous catch allocation regime should be the result;
3. The great variety of fishing conditions within the EU justifies decentralisation (in the framework of a stringent set of rules) of many policy decisions to a regional level;
4. To ensure maximum compliance the fishing industry should, to the maximum extent, participate in stock-assessment and decisions on implementation; Governments in turn should assure the transparency in policy setting;
5. Where possible a conditioned self-management by the sector should be supported;
6. This approach must be backed up by sanctions in case of under-performance;
7. The CFP should financially support certification schemes and marketing of certified fish; it should make promotion budgets available to the producers involved;
8. Successful ecosystem-oriented developments under the new CFP should be met with appropriate flexibility from the side of environmental authorities and organisations;
9. In the same spirit, designation and management of MPAs should keep in mind the interests of all parties involved;
10. Financial support under the new CFP should concentrate on stock research, cross-sector research development, development of suitable fishing equipment, support to regionalised decision making, self management, certification (e.g. MSC) and market promotion of certified fish. Support to a sustainable development of aquaculture should be considered (research on fish-feed, waste) as well as for re-orientation to it of "decommissioned" sea fishers;
11. As the European fish market becomes more oriented to the consumption of sustainably caught fish, a mechanism has to be developed that imports from third countries are also certified and sustainably caught;
12. A ban on on-board discards and high-grading should be imposed. Awareness campaign should be organized. Compliance could be monitored using onboard-TV cameras, as is already the case in several European fisheries.
13. A greater selectivity of the nets, particularly those for trawling, should be introduced to reduce the amount of under-size discards brought on board; even if it often does not reduce the actual mortality, the practice will prevent removal of biomass from deep, oligotrophic bottoms;
14. Fuel subsidies must be phased out;
15. The way out of the tragedy of the commons is the implementation, or a clearer attribution of, property rights (partial or full) to the users of the resources;
16. Fishermen should be made responsible for their actions and the incentive system should be switched: if you want to keep fishing then comply with the regulations, switch on the VDS and VMS, otherwise risk losing your fishing license for good depending upon the gravity of the infringement;
17. If transferable quotas are introduced, the rights should be allocated based on the present sustainability performance and not on the historic data. If you fish sustainably you get the rights. In fact, if rights are based on the past performance, those that had the biggest catches (arguably the least sustainable) will get the largest quotas. In particular, quota-reduction can be applied as an administrative sanction on infringement of fishing-related regulations. Conversely, selective fishing (for example, less damaging to the habitat) could be rewarded by allowing a quota increase from a national reserve retained on a member state's share of the Total Allowable Catch (TAC).
18. Simplify the regulations; make them understandable and easy to use. Under the current CFP, regulations are cumbersome, fuzzy and difficult to understand and implement;

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19. Agree on long term management plans for significant stocks and where appropriate, allowing for long term quotas so fishermen can plan accordingly, protect the resource, and use it wisely;
20. The new fisheries policy should address the issue of game fisheries which in some recorded cases are worth 10 times more than the commercial fisheries; also the impact of game fisheries to the ecosystems is still unclear;
21. The new CFP needs to pay more attention to the by-catch of air-breathing animals (mammals, turtles, sea birds), in particular small cetaceans, for which fishing remains the greatest threat to their survival in European waters.

### Elaboration on the essentials

Being one of the early organisations that espoused the concept of *integrated coastal management*, EUCC has tried to integrate a balanced development of coastal zones with health of the marine environment.

It therefore welcomed the concept of an Integrated Maritime Policy, advocated by DG Mare, which aims to engage coastal communities in their full diversity to responsible management of marine and coastal resources. The Triple-P triangle of "*people, profit, planet*", in whatever way reworded, still offers substantial elements of guidance for such a policy.

The Common Fisheries Policy has focused from its very beginning on exploitation of the marine environment, be it in a responsible manner as possible. The carrying capacity of fish stocks were in this respect a key pre-requisite. Stock viability, however, often had to yield to the short term earning capacity of the industry.

The perspective of economic sustainability ("profit") tended to outweigh the factor of environment ("planet"). Substantial over-fishing has been the result.

For 30% of the stocks biological safety limits have been exceeded to the extent that their regeneration is in doubt. For 88%, fishing pressure still needs to be reduced to reach the management status of *maximum sustainable yield* (MSY) which the EU committed itself to attain by the year 2015.

Public awareness ("people") has helped, at least in a number of EU member states, re-balance policy perceptions in the direction of the factor environment ("planet").

The ecosystem approach defined by FAO in 2003 stresses the need for a fisheries management that does not jeopardise the options of future generations and therefore has to reduce the impact of fishing on the ecosystem to much lower, acceptable levels. This approach was reinforced subsequently by the EU *Marine Strategy Directive*, aiming at a good environmental status of EU marine waters, and the offshore implementation of the *Habitats Directive* that seeks so protect representative marine ecosystems.

In the view of EUCC both directives are necessary elements to redress the balance within the Triple-P triangle and if applied with appropriate measure also contribute to the economic sustainability of the industry.

At the same time, and for good measure, it may be useful to remember that the fishing industry supplies society with a much wanted type of animal protein. Its income, however, faces erosion as a result of fuel cost and price pressure from imports, often with a less than charted ecological footprint. Fishermen moreover have to contend with increasing spatial competition from other users of the sea or seabed and are likely to be the first to have to support nature compensation measures. By their trade, finally, they serve as eyes and ears on the seas and could, if committed to the purpose, give an early warning on illegal or undesirable human behaviour.

The first mentioned factor should be taken into consideration under the new CFP, aquaculture being one of the remedies to help (growing) demand and supply to a better balance. The last

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two elements, space/eyes-ears, should be taken into account as part of the Integrated Marine Policy.

The commitment to restore fish stocks by 2015 to the level of maximum sustainable yield (MSY) and the task consigned in the Marine Strategy Directive to ensure a good environmental condition for the EU-marine habitat by 2021 will put the new CFP under significant pressure. The obligation to put management plans under the scrutiny of strategic environmental assessments (SEA directive 2001) may in addition take away much needed operational flexibility.

If the stated objectives are to be achieved, such *flexibility* would seem to be of paramount importance.

If the fisheries industry undertakes to reduce the impact on seabed and non-targeted species and assumes a key role in bringing fish stocks to MSY-level, environmental authorities and organisations should keep track of progress but also hold back on action until a mid-term review, around say 2016/17 or unless no progress at all is being perceived.

Marine protected areas (MPAs) should in practice be designated and managed with the interest in mind of all parties involved; respect for protection measures finds its basis in the uniqueness of the habitat concerned and the conviction that no alternative options are readily available. If a large proportion of EU-waters is in practice unfished\*, MPAs in the minor part of relevant fishing grounds require the kind of justification that also make fishermen accept them. (\* Image project-presentation at NSRAC Excom June 2009)

To comply with the MSY and ecosystem-approach the fishing industry will have to submit itself to a *rigorous but adaptive system of TACs and quotas*.

Preferably on a multi-annual and multi-species basis, fisheries rather than individual stocks should be addressed where possible. Such a rigorous quantity-based system has to rely on *scientific data that meet universal trust*. Mechanisms need to be devised to involve the fishing industry in collecting and evaluating such data (e.g. benchmark workshops in ICES; projects like Jakfish). Discards and accidental by-catch are in this context a most disturbing phenomenon. They blur the key estimates on fish mortality, let alone the sheer waste and negative impression left with the general public. Moreover, trawling with low-selectivity gear removes biomass from fishing grounds which are often oligotrophic, thus reducing the feed for the bottom-dwelling species. A *ban on on-board discards* as practiced in Norway should be considered as a serious option; such a total ban will also eliminate the practice of on-board high-grading.

Equally more attention should be given to the development of more selective and less habitat-disturbing *fishing equipment*. Under the new CFP collective funding should be available for *research* in this field. Also the mechanism of joint programming between member states could help in this respect.

Compliance with rules in the end depends more on the conviction on those who the rule seeks to address than on top-down promulgation and efforts of inspection. This pleads for close *involvement of the fisheries industry* in management and control and to a fair extent in rule-making itself. Of course principles and broad guidelines of the fisheries policy need to be defined through the inter-institutional interaction that will follow from the Lisbon Treaty (Commission-proposal; co-decision by Council and Parliament).

Given the variety of habitats and fishing environments in the enlarged Union, a *regionalised model of decision-making* should be pursued for the concrete implementation of the basic principles and guidelines.

In such devolution to regions, the commission should play a leading role, jointly with representatives of the member states immediately concerned and the relevant regional advisory committees (RACs).

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Rules of implementation, to a fair degree co-defined by the fishing industry itself (given its input in the RAC), stand a better chance to be followed at sea than top-down legislation decreed, in usually unintelligible language, after the December marathon Fisheries Council. If their industry has taken part in collection and evaluation of scientific data, as well as in defining the practical way in which the goals of MSY and the marine directive are to be obtained, chances are that local producer groups of fishers can be trusted to manage the implementation process and ensure compliance with the limits that they entail.

*Self-management or fishing rights*, already practiced and showing positive results in some countries, should be encouraged under the new CFP. Peer pressure is a potentially powerful and yet under-exploited tool. In order to be taken seriously, it should imply an open channel with control authorities and sanctions imposed by the group when required. For the groups that appear to fail to the task, an *effort regime of days at sea* could be applied. In many situations this is the only cost-effective and enforceable means. The requested days at sea must be allocated in a productive season, not in the middle of the winter gales. For groups that succeed, an effort regime might well be considered superfluous.

The powerful incentive for sustainable fishing should be sought in the *marketing* of its harvest. Although general demand for fish and fish-products is continuously rising, market price is often determined by low-priced imports. On the other hand there is a trend in quality restaurants and supermarkets to present fish (products) that respond to the consumer concern about sustainability and fish stock depletion. This trend should be supported in the new CFP by subsidising *certification* (e.g. MSC) efforts and supporting suppliers of certified fish with *budgets for promotion*.

Since the ban on on-board discards will still bring unwanted species on the deck, an effort must be made to find a way to utilise all the catch; niche markets, new recipes, newly transformed products, etc. should be studied and encouraged (today's by-catch is tomorrow's catch).

The *new fisheries fund* after 2013 should first of all aim at financing the research on rehabilitation of stocks and marine habitat in general and on innovation of fishing techniques serving that purpose. It should, under certain conditions, invest in the strengthening of RACs and in the creation of producers' organisations and groups of fishermen for the purpose of self management. It should support certification and the promotion of certified products. It might also consider supporting the development of sustainable aquaculture (e.g. through research on fish feed and waste) and possibly facilitate a transition to it, for example, by training sea fishers to master other jobs.

As to notions like "relative stability" and the fishing regime in the 12-mile zone, some periodic update might be attempted: revision of rights in function of regular swap-practices; allotment of the 12 miles should primarily go to coastal fishers, with gradual phasing out (perhaps with compensation) of fishermen from elsewhere. The discussion on such streamlining should, however, not take up too much energy.

Much more effort, on the other hand, should be generated to arrive at streamlined and quickly applicable sanctions. Uniform administrative sanctions may offer the best chance.

### **Small cetaceans, turtles and seabirds by-catch**

The new European Common Fisheries Policy needs to pay more attention to the problem of by-catches of air-breathing animals (mammals, turtles and seabirds), especially the by-catch of small cetaceans which remains the greatest threat to their survival in European waters. Efforts should be made to prioritise the issue of by-catch, increase research and development in this area (e.g. research on "pingers" – or rather the new generation Dolphin Savers - and



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continued trials of alternative gear and methods). Every effort needs to be made to reduce by-catches towards zero as quickly as possible. Collection of data and monitoring on by-catch (the incidental capture and killing of cetaceans, turtles and seabirds) is an important part of the process.

The dialogue should be encouraged between fisheries sectors and organisations like ASCOBANS, in order to aid the progress towards by-catch mitigation measures. Co-operation between international agreements and organisations, such as, for example, ASCOBANS and the European Union institutions should be maintained and enhanced. Regional organisations can directly contribute to EU consultation exercises and commenting on proposals.

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