

## **Response to the Green Paper on reform of the Common Fisheries Policy (Com(2009) 163)**

**From the UK's statutory nature conservation agencies (Joint Nature Conservation Committee, Natural England, the Countryside Council for Wales and Scottish Natural Heritage)**

### **Summary**

The UK's statutory nature conservation agencies are interested in fisheries policy because we wish to see sustainable use of marine resources and a profitable and flourishing fishing sector, while at the same time ensuring that any side effects of fishing activity are minimised and at the very least sustainable. The agencies recognise that fisheries policy and management is very complex and that decisions in nearly all areas of fisheries may have environmental consequences.

We are disappointed at the limited consideration of the marine environment in the Green Paper. A clean and healthy marine environment is critical for fisheries, and equally fishing has much responsibility to help ensure that marine ecosystems are sustained. The links between the Common Fisheries Policy and, in particular, the Marine Strategy Framework Directive (MSFD) are not explicit. In addition, no analysis of whether further CFP reform is needed to help support Member states obligations under the Natura directives is presented.

We believe that all actions under the Common Fisheries Policy must be compatible with Member State obligations to achieve Good Environmental Status under MSFD. There are only limited and currently rather ad-hoc tools in use to limit the environmental impact of fisheries. We believe that the introduction of strategic environmental assessment or a similar mechanism (e.g. a fisheries-ecosystem plan) uniformly throughout EU fisheries would benefit both fisheries and the environment. Certification schemes could both benefit from, and could support, such environmental assessment.

The Agencies believe that the European fleet overall is too large to be profitable and the size of the fleet has been a driver of excessive pressure on fish stocks. Some sectors, such as the pelagic fleet, are currently profitable despite being larger than necessary to harvest the stock sustainably. We recommend that fleets that are currently over-capacity and unprofitable should be reduced in size and that controls on numbers of days at sea are a suitable control on fishing effort. We note also that downward pressure on fleet activity will be needed so long as further technical advances to make fishing more effective continue. We suggest that public funds should not be used alone for any decommissioning but that vessels remaining in the sector should also bear some or even most of the cost.

We believe that the current policy setting and management mechanisms in the Common Fisheries Policy are not fit for purpose. Detailed decision-taking on relatively minor aspects of fisheries management should not be at Council (or Parliament) level. These high level bodies should be responsible for setting overall policy and harvest objectives and should also debate and decide upon the balances between social, economic and environmental sustainability. The Marine Strategy Framework Directive calls for Good Environmental Status to be achieved at the regional seas level; co-ordination and agreement by Member States at this level will be required for this Directive. Given the close links to the Common Fisheries Policy, we recommend that it too be managed at the Regional Seas level. We understand that full devolution of power from Council is not possible but feel sure that some form of practical working at this spatial scale is possible.

The Green Paper addresses the distinction between small- and large-scale fisheries. We can see value in such a distinction, but note that this is not simple in practice. In order for appropriate distinctions to be made, we consider the definition of fishery scale probably needs to be made at a regional, national or local level, rather than centrally.

## Introduction

This is a response from the UK's statutory nature conservation agencies (Joint Nature Conservation Committee, Natural England, the Countryside Council for Wales and Scottish Natural Heritage). Our roles in relation to fisheries are to advise on their nature conservation implications in various parts of UK waters. However, we note that many aspects of fisheries can have direct or indirect implications for fisheries and adjustments in any areas of fishery policy may have effects on the environment. Thus our response is wider than purely on these environmental aspects. We have attempted to focus on a UK level response for issues that require a CFP level action. The questions in the Green Paper are addressed in turn below. We would be very happy to elaborate any issues further.

### Section 4.1. Addressing the deep-rooted problem of fleet overcapacity

One of the fundamental requirements for addressing capacity reduction is to define precisely what is meant by capacity. The Commission has chosen to use numbers of vessels and kW in various places in the legislation. Member States in their turn have tended to use whatever measure best indicates a large-scale reduction. From the environmental perspective, a critical measure is effort reduction at sea – capacity is one part of this, with “time (days) fishing” being the other. From an economic perspective, it is plain that too many tied up vessels is an uneconomic use of resources and, in unprofitable fisheries, the pressure to use these vessels is one of the drivers of decisions that lead to over-fishing. In some cases, particularly in well-managed and profitable fisheries, overcapacity is not necessarily a major problem. An economically-viable fleet is often also an environmentally-sustainable fleet. We are strong supporters of input controls. The issue of “technical creep” also requires to be addressed. If legislation is used, there is a need to take account of technical creep through regular, periodic reductions in capacity – i.e. capacity would continue to be required to be reduced even if a transition to a sustainable fleet size was undertaken as a one-off exercise.

*Should capacity be limited through legislation? If so, how?*

It is evident that the previous attempts to limit capacity have failed. We have no reason to disbelieve the overall estimates of 2-3% decommissioning of capacity per year, but note that it is likely that technical developments have increased capacity by 4-5% per year. We acknowledge that these are averages and some fleets have decommissioned in excess of the average. Nevertheless in many cases, the targets for decommissioning appear to have been less than required. Capacity adjustment (reduction) is required under the legislation (2371/2002) but this is a responsibility of the individual Member States and it is this process, rather than the legal requirement, that appears not to have been fully successful.

Member States have generally used publically-funded decommissioning schemes to reduce fleet capacity. It appears that the effect of many of these schemes has been to reduce “latent” (unused) capacity with the consequence that the total amount of fishing at sea has not decreased nearly as rapidly. There also appears to be nothing preventing decommissioning funding finding its way back into the fisheries sector to help modernise the remaining vessels.

We consider that fuel subsidies should also be banned as these run completely counter to pressures to reduce fleet capacity.

*Is the solution a one-off scrapping fund?*

A one-off scrapping fund might be successful in the initial phase of fleet reduction, but technical creep, if not addressed, would erode the benefits of this first step. As noted above, scrapping funds can be seen as a subsidy to the fishing sector – the benefits of such scrapping are reaped primarily by those vessels that remain in the sector (as well as there being environmental benefits). This would imply that the vessels

remaining in the sector should be funding at least some if not most of the decommissioning costs on the basis of future profits from a restored stock and larger quotas.

The issue of 'technical creep' needs to be addressed. If legislation is used, then this would need to be progressive legislation – i.e. the capacity would continue to be required to be reduced even if a transition to a sustainable fleet size was undertaken as a one-off exercise.

*Could transferable rights (individual or collective) be used more to support capacity reduction for large-scale fleets and, if so, how could this transition be brought about? Which safeguard clauses should be introduced if such a system is to be implemented? Could other measures be put in place to the same effect?*

Transferable rights could be used to support capacity reduction in large-scale fleets. Some fleets (e.g. pelagic, *Nephrops*) may be better adapted to this already. A safeguard that would be needed would be to prevent excessive transfer of effort between the small-scale/inshore and large-scale/offshore fleet sectors. It would also be important to avoid allocation of more fishing capacity rights than are currently utilised.

*Should this choice be left entirely to Member States or is there a need for common standards at the level of marine regions or at EU level?*

A common standard at the marine region level would be appropriate if other management is at this level also (see later). Any common standard would need a mechanism to ensure that it was enforced. In addition, since fishing is one of the main human pressures on the marine environment, management of capacity at a regional scale may help Member States achieve Good Environmental Status under the Marine Strategy Framework Directive and their obligations under the Birds and Habitats Directives.

#### **Section 4.2. Focusing the policy objectives.**

*How can the objectives regarding ecological, economic and social sustainability be defined in a clear, prioritised manner which gives guidance in the short term and ensures the long-term sustainability and viability of fisheries?*

Setting of policy objectives will be done at the highest level – council and parliament. It will be necessary to ensure that any targets that are set are consistent with other EU policies, for example, achieving Good Environmental Status as required by the Marine Strategy Framework Directive.

It is important that objectives take into consideration biodiversity as well as exploited stocks and, as such, they will be fisheries management plans that take account of environmental effects and nature conservation objectives, rather than single-stock management plans. Suitable account needs to be taken of the precautionary principle.

The following mechanisms are important in achieving a balance of objectives:

- Recovery Plans
- Management Plans
- Strategic Environmental Assessment
- Marine Planning

*Should the future CFP aim to sustain jobs in the fishing industry or should the aim be to create alternative jobs in coastal communities through the IMP {Integrated Maritime Policy} and other EU policies?*

It will not be possible to create and maintain sustainable employment in the fishing industry without ensuring that the resources are sustainably managed. In some cases, ensuring that stocks are sustainably and profitably exploited and that fisheries do not have a detrimental effect on the wider marine environment will require reductions in fleet capacity with consequent loss of employment. Maintaining an

unprofitable industry would not be beneficial to the coastal community or to the environment. In some European fisheries, low profitability has made the profession unattractive to the local workforce and consequently vessels have had to employ significant numbers of low paid migrant workers from outside the EU. This is likely to provide little benefit to the coastal community and may artificially maintain unprofitable industries with high incentives to fish unsustainably.

A distinction could be made between the large scale offshore industry where the principal benefit comes from the value of the catch and the small scale, inshore industry where benefits may include social and amenity value of maintaining an active fishing fleet in remote communities. Particular social benefits may derive from niche fisheries such as that for line-caught sea bass and albacore. In some such cases, it may be possible to maintain employment levels without unduly impacting fish stocks or the marine environment.

Schemes under which alternative employment can be encouraged would clearly be desirable but this is outside our area of expertise.

*How can indicators and targets for implementation be defined to provide proper guidance for decision making and accountability? How should timeframes be identified for achieving targets?*

Indicators for fisheries management can serve two distinct functions: to tell us that something is right or wrong with an ecosystem ('audit' function) and to tell us what is wrong and what action needs to be taken to rectify it ('control' function). Indicators need to be easily measured and understood, sensitive and based on understandable cause-effect relationships. Indicators with strong control function are preferable for fisheries management.

Current targets for fisheries management are defined mainly in terms of single species mortality rates and stock biomass. For stocks in which biomass and mortality can be estimated with reasonable confidence, there is an explicit link between management actions and the change in indicator state (i.e. it is relatively easy to calculate the Total Allowable Catch (TAC) that would correspond to a particular target mortality for a given stock size). This strong control function makes these indicators attractive for management and it seems inevitable that they will continue to play an important role in management plans. However, for many of the most vulnerable stocks (eg. deep-water species, elasmobranchs) reliable estimates of biomass and mortality are frequently lacking. In these cases simple indices of exploitation (e.g. catch per unit effort (CPUE)) can be used as indicators of biomass. However, these indicators do not perform an effective control function as the relationship between catch and mortality is unlikely to be known and response to management measures would be expected to be slow and difficult to observe. For such fisheries, more work will be required to identify a suite of indicators that can minimise risk in management. A suite of indicators would be of benefit in most multispecies fisheries.

The target for fish stocks, in most cases, will be to maintain biomass at the level which could theoretically produce maximum sustainable yield ( $B_{msy}$ ). This does not necessarily imply that catches can be maintained at constant MSY levels as fluctuations in the environment and stock dynamics could dictate much lower catch levels (see section 5.2).

Indicators for wider ecosystem health are currently being developed under the Marine Strategy Framework Directive and OSPAR. Targets under the CFP should be compatible with these to ensure that fisheries management is contributing towards wider marine policy. Timeframes will vary depending on the predicted response times of ecosystems and stocks. Scientific advice should be developed on a case by case basis to determine realistic timeframes. Socioeconomic factors should be taken into consideration only where there is no significant risk of stock collapse or serious environmental degradation.

### **Section 4.3. Focusing the decision-making framework on core long-term principles.**

*How can we clarify the current division of responsibilities between decision-making and implementation to encourage a long-term focus and a more effective achievement of objectives? What should be delegated to the Commission (in consultation with Member States), to Member States and to the industry?*

It is plain that the current division of responsibilities is not working. The poor division of responsibilities is one of the fundamental reasons why Europe's fish stocks are in a poor state generally. At present there is insufficient focus at the elected political level on the degree of risk that politicians wish to take with fish stocks and the environment and too much focus at that level on the short-term consequences for individual fishermen of those decisions. This has led to considerable political trading of fishing opportunities that in turn leads to over-risky decisions and to stocks in poor states. Tactical short-term decisions should not be taken at the level of Council.

A more sensible decision-taking structure would be that Council and Parliament should decide on the long-term goals for fish stocks and agree harvest control rules for each fishery. Such rules could include the division of quota should it be desirable to move away from relative stability. It would be expected that such goals and rules would respect international Agreements and Conventions (e.g. the Maximum Sustainable Yield (MSY) target) and help to achieve the aims of other Community policies. The long-term goals and rules would be based on scientific advice and also stakeholder perceptions and inputs.

Decisions taken at the full Council level would then be passed to a regional subset of Council for further adaptation and decision at the regional level. This would assist in the further integration of marine management at this level. The regional seas being used under the Marine Strategy Framework Directive (MSFD, Directive 2008/56/EC) to help achieve Good Environmental Status would be suitable regions for the devolution of decision-making. Structures to ensure regional coherence between Member States will be needed under MSFD, so adding fisheries issues to these or establishing parallel systems would be appropriate. The geographic extent of these would be approximately the same as that of the (geographically-bound) Regional Advisory Councils (RACs) and would echo the current structures within DG Mare.

Once such higher level goals and rules had been agreed, we would expect the short-term decisions to be derived by the Commission relatively automatically from the harvest control rules. Such decisions would be informed by scientific information on fish stocks. It would be expected that stakeholder information would be built into the scientific evaluation where possible and relevant (as through the current 'benchmarking' workshops organised by the International Council for the Exploration of the Sea (ICES)).

The current derogations from the Policy should continue. This includes fleet management activities and control in Member State waters. Trading of quota between Member States should also continue.

Industry should be given the responsibility of achieving tactical targets. To an extent they already have such responsibility through Producer Organisations for local division of fishing opportunities. The current illustration from the North Sea of the variety of ways of avoiding capture of cod in order to implement the cod recovery plan illustrates good co-operation with fisheries managers and the taking of responsibility for achieving targets. Future similar targets might include meeting targets for reduction of bycatch of other species, including non-commercial species such as porpoises and dolphins.

*Do you think decentralised decisions on technical matters would be a good idea? What would be the best option to decentralise the adoption of technical or implementing decisions? Would it be possible to devolve implementing decisions to national or regional authorities within Community legislation on principles? What are the risks implied for the control and enforcement of the policy and how could they be remedied?*

As noted above, an objective-setting approach, rather than a detailed technical approach, to higher level decision-making is required. There is no reason why Ministers from the Black Sea should be involved in decision-making on the Baltic Sea (or vice versa).

We would expect decisions on tactical year-to-year issues to be taken by a regional subset of Council, perhaps the same regional fora that will be needed to implement the Marine Strategy Framework Directive. These bodies could also be responsible for ensuring the integration of the requirements of the Marine Strategy Framework Directive and the Common Fisheries Policy. The bodies could also help Member States meet their obligations under the Natura Directives.

It therefore follows that the decentralisation of decisions on technical matters is essential. Decisions on precisely how to meet (and to demonstrate achievement of) relevant objectives should be at the level of the fishing industry – perhaps working through the RACs (as appropriate).

There plainly would be some risks in ensuring that standards were maintained in such a devolved system, but ultimately the role of standard setting and maintenance rests with the Council and Parliament.

*How could the advisory role of stakeholders be enhanced in relation to decision-making? How would ACFA {Advisory Committee on Fisheries and Aquaculture} and the RACs adapt to a regionalised approach?*

The Regional Advisory Councils are, by definition, regional, whereas ACFA has tended to advise on 'horizontal' pan-European issues. The advice being asked of both ACFA and the RACs is nevertheless often similar and there are overlaps in the memberships of the Executive Committees of the RACs and of ACFA. ACFA membership includes sectors such as aquaculture that are not well represented in the RACs. We consider there should be clearer distinction between the advice asked of each, with ACFA consulted over horizontal issues and RACs on more region specific matters as outlined below.

The RACs should be a suitable way for regional stakeholders to provide advice on the decisions needed to manage the CFP. Each of the RACs though are at differing stages of 'maturity' – the most advanced of the RACs were established early in the past ten years and were often founded on pre-existing initiatives. The RACs have tended to be dominated by catching sector interests and their agenda. In a future where the CFP is more integrated into general marine management, this may no longer be appropriate. Stakeholder input should give a more balanced societal input and not be dominated by those who wish to make a profit from the exploitation of the marine environment. A better balance should lead to enhanced influence on decisions. The RACs could also become part of the collective decision-making on implementation of tactical decisions. For example, the North Sea cod recovery plan identifies the need to reduce overall cod mortality and especially non-landed catch (discards). RACs could help achieve agreement among various fishing groups, take decisions as to how best this could be done and monitor/report on the results of the decisions to which they had significant advisory input..

As noted above, the integration of the various policies and Directives of the European Union is required at the Regional Sea level. This would imply that the RACs should either be mirrored by further bodies representing other stakeholders (e.g. shipping, mineral extraction, etc) or that the RACs should expand their membership and remit. There are arguments for and against both of these options; but on balance the option of widening the remit of the RACs is preferred as this will encourage integration of decision-making rather than the current sector-based decisions. This option might require a recasting of the makeup of the RACs in order to prevent them becoming too large to function effectively.

At present the RACs are sometimes supported by scientists under funding from individual Member States. If the roles of RACs are to be enhanced, then this position should be reviewed – possibly RACs could 'purchase' time from Member State scientists, or in some cases hire their own staff.

ACFA should continue to advise on horizontal issues – there seems no need for their role to be regionalised as this would lead to greater duplication of the role of the RACs.

#### **Section 4.4. Encouraging the industry to take more responsibility in implementing the CFP.**

*How can more responsibility be given to the industry so that it has greater flexibility while still contributing to the objectives of the CFP?*

Results based management and the closely related “maximum acceptable impact” approach is evident in some of the recent thinking of the Commission (eg. the 2007 communication on discard reduction). In this approach, objectives are first set by the traditional fisheries managers (Council and Parliament) and the industry given responsibility to find the technical solutions to achieve the desired outcomes and to demonstrate their effectiveness. This provides a very promising model for wider fisheries management and one which we recommend for wider application. We also believe that the burden of proof should fall on industry and not the public purse.

The fishing industry does not currently have access to the level of scientific and technical expertise required for many fisheries management decisions. In order to give the industry adequate opportunity to develop management structures and capability and to demonstrate commitment to sustainable management, responsibilities should be introduced progressively. For example, the industry could initially be given responsibility for achieving a few specific objectives (e.g. bycatch reduction) and through this work develop the experience and technical expertise to take on further management responsibilities.

*How could the catching sector be best structured to take responsibility for self-management? Should the POs be turned into bodies through which the industry takes on management responsibilities? How could the representativeness of POs be ensured?*

The geographical range of Producer Organisations (POs) in their current form is too small to allow effective management of fisheries at stock or eco-region level. Where vessels belonging to a number of POs in several Member States exploit the same fisheries, it would be necessary for the relevant POs to work very closely together to ensure that management is coordinated and suitable structures for this cooperation would need to be developed.

Representation would be a particular issue for POs, particularly in relation to small scale inshore fisheries which frequently perceive themselves as being under-represented by the major fishermen’s organisations. This concern would be partly addressed if separate management regimes were to be put in place for artisanal/inshore and industrial/ offshore fisheries (see our response to section 5.1).

*What safeguards and supervisory mechanisms are needed to ensure self-management by the catching sector does not fail, and successfully implements the principles and objectives of the CFP?*

Responsibility for management would need to be closely coupled with an obligation for effective monitoring. Industry management bodies should be required to produce detailed management plans, monitoring schemes and regular reports to demonstrate progress towards targets. These plans and reports would be subject to independent peer-review. Community funding and delegation of further responsibility to regional management bodies should be contingent on achievement of targets.

*Should the catching sector take more financial responsibility by paying for rights or sharing management costs, e.g. control? Should this only apply to large-scale fishing?*

Attaching financial value to fishing rights should, in theory, provide an incentive to good husbandry of resources. As a general principal, the costs of managing fisheries should be internalised. This should

engender a sense of ownership and hence responsibility. An additional benefit may be that the overall cost of management could be reduced.

*When giving more responsibility to the industry, how can we implement the principles of better management and proportionality while at the same time contributing to the competitiveness of the sector?*

In many cases better management and long term competitiveness of the sector would go hand in hand: larger stocks fished by a reduced capacity fleet would be better managed and would result in a more competitive industry. The problem really lies in ensuring that the industry would genuinely be managing for maximum competitiveness rather than for the short term survival of the greatest number of their members.

*Are there examples of good practice in particular fisheries that should be promoted more widely? Should incentives be given for the application of good practices? If so, which?*

The cod avoidance measures applied within the Scottish whitefish fleet in the context of the Conservation Credits scheme can be seen as an example of good practice that could usefully be adapted to other situations. The incentives in this case are extra days at sea and care must be taken to ensure that the environmental costs of the incentives do not outweigh the benefits. A further example of good practice is the practice of the Scottish pelagic fleet that pre-samples schools of mackerel using jigging gear before deciding whether to deploy nets. This ensures that only wanted fish are caught and thus avoids discarding catches of undersized fish.

The principle of Conservation Credits (i.e. some form of 'access to resource' reward in return for 'good practice') could be applied for biodiversity conservation reasons, for example to support voluntary fishing measures within designated sites. Market based certification schemes provide an appropriate mechanism for incentivising good practice (see section 5.4).

#### **Section 4.5. Developing a culture of compliance**

We are highly supportive of the Commission's case "for an urgent and comprehensive reform of the CFP control system" as outlined in COM (2008) 718 final and welcomed the revised proposal for a Council regulation establishing a Community control system for ensuring compliance with the rules of the CFP. It is encouraging to see that some of the proposed measures are being tested (e.g. real time closures, improved observer coverage, video monitoring). However, we consider the development of a 'culture of compliance' to be a move to a culture where those complying can understand and see the benefits of their actions, including to themselves.

*How can data collection systems be improved in the short and medium term to ensure coherent information for enforcement purposes?*

Improved data collection systems may help to improve compliance so long as any data that are collected are open and available. Transparency in the system will help others not only to believe there is a level playing field, but allow stakeholders to check that others are complying.

In terms of the collection systems relating to vessels, we support the proposed measures to extend Vessel Monitoring Systems (VMS) and consider compliance will be encouraged if the systems applied are seen to be proportionate (e.g. as proposed to extend VMS to much smaller vessels using mobile gear as they have greater potential for impact). Despite the added costs of administering such a scheme it is essential to know the activities of vessels if sensitive habitats are to be conserved. VMS or other tracking devices fitted to European fishing vessels should be tamper proof, permanently switched on when at sea, and the degree of sampling (pinging) should match the management need. Such requirements need to build upon the recent amendments made to the CFP Control Regulation. By clearly indicating how such systems will help



fisheries and fishers themselves, this will in turn help improve compliance, for example by allowing conditional access to Marine Protected Areas by those vessels using tracking devices. Any developments that might bring down the cost of administering such schemes would be very helpful and perhaps the EU control agency, through sharing technological innovations, could progress facilitation of an EU wide system to reduce the costs to individual countries and fishers.

Ideally catch records should indicate total catch, including that part that is discarded (and not just commercially important species), the type of gear used and the exact location of each haul. Such recording could be facilitated by the use of electronic log books. Until catches can be accurately estimated there will always be a tendency to under report and over catch, better compliance may be achieved through education over the importance of monitoring all catches. The better use of enforcement technology to collect data using video monitoring and observers might facilitate more accurate estimation of discard rates and hence enable better estimates of catches as opposed to landings. Should discarding bans be introduced in future, then technology such as video systems would be required to help compliance.

Tracking devices would further facilitate the gathering of real time spatial data and would assist fishers in complying with restrictions on geographic areas or gear deployment.

*Which enforcement mechanisms would in your view best ensure a high level of compliance: centralised ones (eg direct Commission, national or cross-national controls) or decentralised ones?*

Overall, the Buyers and Sellers regulation (derived from Article 22 of Council regulation 2371/2002) has produced very considerable improvements in fisheries compliance and this is an example of a centralised, cross-national control. In the UK there has been considerable devolution, so there is effectively considerable decentralisation of fisheries governance. While standard approaches are always welcome, decentralised approaches can lead to better tailored enforcement and greater compliance in some circumstances.

*Would you support creating a link between effective compliance with control responsibilities and Community funding?*

We would support creating a link between effective compliance and control responsibilities, but in terms of linking with Community funding, as stated in the consultation, checks also need to be made to ensure the Member States are not issuing funds to sectors of the industry that do not have good compliance records.

*Could increasing self-management by the industry contribute to this objective? Can management at the level of geographic regions contribute to the same end? What mechanisms could ensure a high level of compliance?*

It is assumed that 'this objective' relates to the development of a culture of compliance. Self-management by the industry is essential and must include individuals, Producer Organisations and Regional Advisory Councils. While much progress has been made towards building trust between fishers from neighbouring Member States through the establishment of RACs, many still believe there is not a level playing field. Compliance is likely to be higher when fishermen feel they are not being discriminated against. The Commission and national authorities will have to contribute to the process of encouraging involvement. As indicated above, more transparency will help, and as suggested in the proposed Control regulation, better harmonisation of administrative sanctions must be applied across the EU and reform and empowerment of the Community Fishery Control Agency (CFCA) will help.

Many mechanisms to ensure a high level of compliance have been proposed in the control regulation, in particular we support:

- The need for sufficient deterrent - there has to be sufficient reason to comply with rules and where penalties are low, there is little incentive to comply for those already intent on breaking

the rules. This would not be unreasonable as those who wish to act responsibly and comply will not be adversely affected by higher penalties.

- The notion of a penalty point system, ultimately leading to withdrawal of a fishing permit / rights.
- The need to avoid complex regulation (as outlined in COM (2008) 718 final).

### **Section 5.1. A differentiated fishing regime to protect small-scale coastal fleets?**

The definition of 'small-scale' is very important in the identification of a differentiated fishing regime that actually brings benefits to both the environment and coastal communities. For example, small-scale boats (of a physically small size) can have large-scale environmental impacts. In the UK, we have some <10m vessels that qualify as "under tens" but have the power and gear of 17m beam trawlers. Whilst the principle of the proposal for differentiating the fleet to support a low-impact inshore sector is broadly welcome, it must be done on the basis that the criteria applied to define "small-scale" are in accordance with the required shift of the inshore fleet towards sustainability. An underlying principle that needs to be adhered to is the recognition that the inshore sector is still at overcapacity, and any moves to differentiate the fleet must help address and not exacerbate that state. Indeed, "protecting small-scale coastal fleets" must result in a reduction of the impact inshore fishing currently has on the marine environment.

*How can overall fleet capacity be adapted while addressing the social concerns faced by coastal communities taking into account the particular situation of small- and medium-sized enterprises in this sector?*

Some small-scale fisheries have a societal value in maintaining coastal communities that goes beyond their simple economic value. As discussed in our response to sections 4.1 and 4.2, it would be desirable to take this into consideration when adapting fleet capacity to match available resources.

In particular, the use of market mechanism such as ITQs to effect fleet capacity reduction has the potential to impact severely on small-scale coastal fisheries exploiting TAC regulated species. This problem could be addressed by allowing small-scale fleets to operate outside the ITQ market, possibly fishing under some sort of dedicated inshore quota. This would require a clear definition of what qualifies as a "small-scale" vessel or fishery. There are many different ways in which this could be defined and it is likely that it would differ between regions.

However, it is important to recognise that inshore fisheries are not immune from problems of excess capacity and technical creep in their own right. Experience in some parts of the EU has shown that, as the effects of decommissioning and restrictive TACs have reduced the size of the offshore fleet, many fishermen have moved into the less heavily regulated smaller boat/inshore sector. This has led to excess capacity on a local scale resulting in reduced economic returns and increased environmental pressure. Capacity reduction may therefore be equally required in the inshore sector and it is unrealistic to suppose that this can be done without some impact on coastal communities.

*How could a differentiated regime work in practice?*

A differentiated management for small-scale coastal fisheries regime is clearly desirable for the reasons described in the green paper. However, it would be very hard to make such a system work if small and large-scale fleet segments were fishing on the same grounds but subject to different regulations. Hence, we would regard it as essential that some degree of spatial separation is maintained between small-scale inshore and large-scale offshore fleet components. To a certain extent, this is achieved by the existing derogations within 12 nautical miles which create a *de-facto* differentiated management regime for small-scale inshore fisheries. This arrangement allows management decisions affecting small-scale fisheries to be taken at an appropriate local level and we see no reason why these derogations should not be retained or, where appropriate, strengthened. However, between 6 and 12 nautical miles, the existence of historical

fishing rights constrains the decision making powers of local fisheries managers. We would like to see more authority given to member states to manage fisheries within this zone without direct reference to the Commission.

With the exception of stocks that have localised or purely coastal distribution, catch and effort limitations will still have to be set at a regional level. It would therefore be appropriate for local, inshore fisheries managers to participate to a certain extent in the regional fisheries management process. Many of the stocks exploited by small scale fleets are not currently regulated by TACs and it would be beneficial if the EU were to provide guidelines and technical support for the management of these stocks.

*How should small-scale fisheries be defined in terms of their links to coastal communities?*

Due to the wide variance in the nature of national fleets and fishery types in European waters, it seems unlikely that one definition can be applied everywhere, even within a Member State. Such definitions would though be useful and are best defined at a regional sea or Member State level rather than at the level of the Commission or Council/Parliament. In line with our recommendations relating to the development of regionalisation, we suggest that the new regionalised governmental/administrative level would deal with such issues as opposed to it falling to the entire Council of Ministers.

*What level of guidance and level-playing field would be required at EU level?*

The EC should provide guidance in the following:

- (a) *Guidelines* as to how Regional Management Organisations / Member States should be putting in place appropriate controls and potentially limits on *non-quota* species such as scallops.
- (b) We recommend that the issue of the inclusion of recreational fisheries in the CFP be examined. Such fisheries vary widely within the EU and in some areas are a major form of fish stock exploitation, and source of environmental impact. Impact on the stocks of quota species should be formally assessed and taken into account in management.

## **Section 5.2. Making the most of our fisheries**

*How can long-term management plans for all European fisheries be developed under the future CFP? Should the future CFP move from management plans for stocks to fisheries management plans?*

It is essential that fisheries management plans should be considerably more than simple harvest control rules and should include, to the greatest extent possible, full consideration of technical interactions, bycatch issues and the wider ecosystem effects of fisheries. Strategic Environmental Assessment (SEA – see Section 5.5) would be a useful tool in identifying elements that need to be included in plans.

If the model of regional management outlined above is followed, responsibility for developing fisheries management plans would lie with the regional managers. Such plans would require thorough peer review by ICES and/or the EU Scientific, Technical and Economic Committee for Fisheries (STECF) to ensure that they are capable of meeting the high level objectives of the CFP.

Single species management has obvious shortcomings which could be addressed through multi-species management at fishery or eco-region level. However, the science required to underpin multi-species fisheries management plans in most cases not adequately robust. It is therefore inevitable that single stock catch limits will remain at the heart of management plans for most fisheries for the foreseeable future.

*Should we consider reforming the CFP in two steps, with specific measures to move to MSY prior to 2015 followed by measures to maintain MSY as the upper exploitation level after that date?*

Response to the CFP Green Paper from the UK's statutory nature conservation agencies

Early definitions of MSY assumed that, once a stock was at the biomass that would theoretically produce maximum sustainable yield ( $B_{msy}$ ), constant maximum yields could be maintained indefinitely. It has more recently been shown that, due to fluctuations in the environment and population dynamics, the amount of fish that can be taken without depleting the stock can vary considerably from year to year. This assumption of constant maximum yield has historically led to the collapse of several fisheries. It is important to recognise that maintaining stocks at MSY levels does not imply constant high yields, but rather that catches should be managed to ensure that the stock remains at a level with low risk of collapse and the ability to produce high yields in appropriate environmental conditions.

The aim of having all stocks at  $B_{msy}$  by 2015 is unattainable. For the least productive stocks, even complete cessation of fishing would not allow recovery to  $B_{msy}$  within that timeframe. For such stocks, it will be necessary to set a more appropriate timeframe.

Assuming that the most productive stocks in mixed fisheries reach  $B_{msy}$  by 2015, it will still be necessary to retain measures aimed at restoring the less productive species. This may be incompatible with taking the largest possible catches from the fishery.

*How could the MSY commitment be implemented in mixed fisheries while avoiding discards?*

In order to reduce discards, there has been recent pressure to introduce true Total Allowable Catches in mixed fisheries (in other words to be able to land all that is caught) and to ban certain discards. This might reduce discards, but we note that there would likely be some unwanted consequences. The consequence depends on how total catch would then be regulated:

- a) if fisheries ceased as soon as the first TAC for a species within the fishery was reached, then some species would not be fully exploited; this would create an incentive to fish illegally and discard catches of the species whose TAC had been reached.
- b) if fisheries are allowed to continue until the TAC of another species is reached, then inevitably some species would be over-fished

It is unclear as to how the proponents of this type of fishing propose to deal with this issue – especially those fishers whose fishing opportunities might be reduced should option a) be chosen (which would be the logical option under the precautionary principle).

The safest way to avoid discarding in a mixed fishery would be to restrict effort to levels required to maintain the population of the species with the lowest capacity to recovery from fishing (the least productive species) at  $B_{msy}$ . However, as noted above, this would imply managing the more productive stocks at well below MSY resulting in considerable loss of catches. In some circumstances, appropriate technical measures could allow greater catches of the more productive species without the risk of overfishing the less productive.

*What should the main management system be for Community fisheries and to which fisheries should it apply? Catch limitations? Fishing effort management? A combination of the two? Are there any other options?*

As with many aspects of European fisheries policy, what works in one situation will not necessarily work in another. The most appropriate management system should be determined on a regional or fishery basis.

It is widely accepted that in many mixed fisheries effort limitation provides a better basis for managing total outtakes from the system while minimising discarding. However, there is a danger under purely effort based management that selective targeting of the species that give highest returns may lead to over fishing of these species. It would therefore be necessary to maintain catch limits in addition to effort controls. In some single species fisheries where highly aggregating behaviour results in a poor relationship between effort and catch, it may be preferable to manage by catch limits alone.

Response to the CFP Green Paper from the UK's statutory nature conservation agencies

*What measures should be taken to further eliminate discards in EU fisheries? Could management through transferable quotas be useful in this regard?*

Rather than eliminating discards *per se*, the aim of the policy should be to eliminate unwanted catches. Technical measures may provide solutions to unwanted catch but, if imposed from above, can often be negated by fishermen modifying gear or fishing practices. Technical measures are more likely to achieve the desired results when they are developed in cooperation with the industry. The maximum acceptable impact approach is very promising as a way of achieving this. Where the cause of discarding is a mismatch between catching capacity and available fish, transferable quotas have the potential to redress this balance and reduce discarding.

### **Section 5.3. Relative stability and access to coastal fisheries**

*How could relative stability be shaped to better contribute to the objectives of the CFP? Should it be dismantled or if not should it become more flexible and if so, how? How could such alternatives be set up?*

Relative stability is a very useful mechanism for reducing discussion and conflict at annual negotiations on allowable fishing opportunities. We judge that relative stability has probably reduced the number of over-risky decisions on TACs. Relative stability is though founded on the premise of a relatively constant mix of species in any one area and does not allow for directional change in the abundance and distribution of stocks over time. Relative stability may constrain the adaptations necessary in response to large scale changes in the physical and biological environment in the sea. We would thus suggest that a formal periodic mechanism be established to review the allocation formula used to describe relative stability. Such a mechanism could also be used to formalise existing, relatively permanent quota swaps if Member States so desired.

*Should access to the 12 nm zone be reserved for small-scale fishing vessels?*

There can be no universally acceptable answer to this question. The complex geography of Europe's western seaboard means that the 12nm zone includes some relatively deep and exposed areas that would probably not be fishable by small inshore vessels. Conversely, there are areas in which small inshore vessels fish up to and beyond the 12nm limit. This is a decision that could therefore only be taken at a regional, national or local level.

### **Section 5.4. Trade and markets – from catch to consumer**

*How could market mechanisms be used to encourage the development of fisheries that are market efficient as well as sustainably exploited?*

Certification schemes, by providing price premiums for sustainably caught fish, may help to offset the costs incurred by fishermen in achieving sustainability. The aim of fisheries management under the CFP should be to ensure that all fisheries are harvested sustainably (i.e. to establish a common baseline standard for ecological sustainability, as well as stock sustainability). If this could be achieved, in principle there should be no need for further market-based measures to ensure sustainability. However, as we have already indicated the target of all stocks to be at MSY by 2015 is unachievable. Therefore to expedite achievement of truly sustainable fisheries exploitation, certification schemes can play a role by providing price premiums for sustainably caught fish and/or providing access to markets.

*How can the future CFP best support initiatives for certification and labelling?*

As described above, certification can bring benefits, but current schemes would need to undergo review to ensure they meet the standards required to achieve Good Environmental Status. There are currently a

plethora of schemes that claim to assure either sustainability (of which there are many varying definitions) or that the fish were “responsibly” caught. The consumer is undoubtedly confused and a strategic steer could help provide clarity and ensure such schemes facilitate the stimulation of sustainable European fisheries. Taking fisheries through certification is expensive, and small-scale artisanal fisheries may be disadvantaged unless they could have preferential support via the financial instruments available.

*How can traceability and transparency in the production chain be best supported? How could the EU promote that fisheries products come from sustainably managed fisheries, providing a level playing field for all?*

Transparency is required throughout the production chain, but especially at the final point of sale for the consumer. Components of “traceability” have at least been partially implemented via the Registered Buyers and Sellers scheme.

*How can the POs better work to match production with market needs? Which new market based policy instruments could be implemented through POs? How can fishermen improve their position towards processing and distribution?*

POs are well placed to participate in and benefit from certification schemes. Structural funding could be used to assist with the costs of certification. However, many small inshore fishermen are not PO members and lack the infrastructure and funding required in order to complete the assessment procedures which may make certification unattainable for these fisheries. Alternative mechanisms should be sought to assist non PO fisheries to achieve certification.

*What is the role of trade policy in balancing the interests of producers, consumers and our relations with exporting countries?*

All fishery products on sale in the EU should be caught sustainably and trade policy should support this goal.

## **Section 5.5. Integrating the Common Fisheries Policy in the broader maritime policy context**

*In which areas does the fishing industry interact closely with other sectors? Where specifically is integration within the IMP required?*

The interaction of most significance to us is that which exists between fishing and the maintenance of environmental quality (and in our case the conservation of biodiversity). In terms of integration with the Integrated Maritime Policy (IMP), this has been reflected in the Marine Strategy Framework Directive (see below). Given the balance of competence between Member States and the Community there is a clear need for the CFP to address the objectives of the MSFD in order for good environmental status to be achieved.

Further, the interactions between fisheries and other industry sectors such as aquaculture and renewable energy point strongly towards the need for the more integrated management foreseen by the IMP. However, these interactions can also have implications for biodiversity conservation. For example, both aquaculture and renewable energy developments can and will compete with fisheries for space at sea. The result can be the displacement or concentration of fishing activity into other areas thereby potentially increasing the environmental effects of fisheries.

The farming of predatory fish species (such as salmon) provides a second level of interaction with capture fisheries, namely the requirement for feed derived from fish, fish meal and fish oil. This interaction can have implications for biodiversity, the best example being the fisheries for small fish such as sandeel and

sprat. These fisheries can affect 'table' fish species, seabirds and marine mammals as many of these predators are dependent on these small species of fish for prey.

All of these interactions underline the requirement for Strategic Environmental Assessment (SEA) as a tool in implementing the integrated management envisaged in IMP and MSFD. SEA is a staged process that starts with descriptions of the environment and the activity that is (proposed to) take place in it – the descriptions include environmental, social and economic factors. The process then examines the interactions of these two, and proposes any mitigation that is possible should there be a negative interaction. Finally a list of issues that require a societal or management choice is produced. The SEA process is open, public and consultative. SEA provides a robust and structured mechanism to analyse and address the biodiversity issues arising, whether these come from fishing directly or from interactions between fishing and other industry sectors (see below also). The agencies are not proposing that fisheries be included in the statutory SEA process under the relevant Directive, but that this process or something analogous would be a very useful tool for resolving issues between fisheries, biodiversity interests and other sea users. Strategic Environmental Assessments need not be conducted every year – a longer time scale compatible with, for instance, the period of a stock management plan, or the six-yearly reporting cycle of the Marine Strategy Framework Directive would be more appropriate and less bureaucratically burdensome.

*How can the future CFP contribute to the continued access to fisheries, including both fishing fleets and aquaculture, to marine species, within an integrated spatial planning framework?*

The CFP can provide a framework within which fisheries access is facilitated. This needs to be closely aligned to the monitoring of fishing activity so that the tools used to control fisheries (including cost effective vessel tracking systems and retrospective data loggers) can also be seen to be used to benefit fishers. Marine Spatial Planning on an EU scale is covered by the Integrated Maritime Policy and is delegated to Member States working together to enact; an equivalent system of delegation should apply under the CFP.

Within any marine planning system, fishing should play a very significant part (on account of the variety of sectors accessing the temporal and three dimensional spatial aspects of the marine environment). However, it is essential that fisheries do not unduly damage the ecosystem on which the fisheries depend. It is therefore essential that fishing patterns are mapped, including the inter-year variability in these patterns. Some RACs have started to implement mapping schemes that should continue, and be supported. Most forms of fishing, if appropriately managed, can be compatible with environmental needs. The main interaction that can be addressed through spatial planning is that with seabed habitats and species that are sensitive to various fishing activities. Interactions with mobile species (such as marine mammals, turtles, birds and sharks) are less easily addressed due to their mobility.

*How can the future CFP best ensure consistency with the Marine Strategy Framework Directive and its implementation?*

It is essential that the mechanisms governing the CFP are compatible with Member States obligations under the Marine Strategy Framework Directive, particularly that to achieve (or maintain) Good Environmental Status (GES) by 2021. GES will be defined using a number of descriptors, several of which may be directly affected by fishing activities. Since the regulation of fisheries is within the competence of the European Union, it is essential that any measure being considered be evaluated for its compliance with the achievement of GES and if necessary modified. In addition, further fisheries measures may be required to meet GES obligations. It should be explicitly stated within the revised CFP that all measures taken should be at least compatible with achieving and maintaining GES, better still be designed to help achieve GES.

GES will be assessed also on a regional seas basis. This adds to the need to regionalise CFP management and preferably to ensure that regional boundaries are the same or at least consistent.

*How can the future CFP support adaptations to climate change and ensure that fisheries do not undermine the resilience of marine ecosystems?*

Climate change will lead to reductions in productivity of some stocks and change the geographical distribution of others. Adapting to this will require flexibility in fisheries policy. To a certain extent, the current CFP structure, and in particular relative stability, has acted to constrain flexibility in exploitation patterns. A structure based on transferable quotas may allow greater flexibility.

By giving primacy to ecological sustainability, decision-making in a reformed CFP should result in fishing have less of an environmental impact. However, it is essential that CFP objectives are more closely aligned with those of the Marine Strategy Framework Directive and the CFP must actively help deliver Good Environmental Status. As noted above, Strategic Environmental Assessment will be an important tool in achieving this.

An area in which the CFP will need to directly facilitate this is by ensuring the delivery of nature conservation objectives for specific marine areas (e.g. marine protected areas). The implementation of the Habitats and Birds Directives in the offshore environment has provided some experience of the use of fisheries management measures to further the conservation of Natura 2000 sites. If the onus of proof switches (as described in the Green Paper) then in principle it should be easier to progress fishery restrictions to protect features of nature conservation interest. The CFP will in future need to be able to meet Member State obligations to achieve Good Environmental Status under the Marine Strategy Framework Directive, including within the network of marine protected areas envisaged by that Directive.

#### **Section 5.6. The knowledge base for the policy**

*How can conditions be put in place to produce high-quality scientific research regarding fisheries in the future, including in regions where it is currently lacking? How can we best ensure that research programmes are well coordinated within the EU? How can we ensure that the resources are available and that young researchers are educated in this area?*

Fisheries research at present is focused strongly on assessing stocks of the important target species. If the ecosystem approach to fisheries management is to be achieved, considerably more research will be required on the effects of fishing on marine ecosystems and non-target species, including the combined effects exerted by the combination of different fishing activities and other uses of the sea. Research and monitoring funded at Member State level will inevitably focus disproportionately on stocks of greatest economic interest to their national fleets. Small (but often vulnerable) stocks and the wider environment will rarely figure prominently in these priorities. The role of community funding should be to redress this balance. ICES/STECF should be given the task of regularly reviewing research requirements and priorities and this used as a basis for funding.

*How can the resources available best be secured and utilised to provide relevant and timely advice?*

ICES has developed an effective and responsive advice generating structure and it would be wise to retain this. However, the success of the ICES advisory process depends on enthusiastic participation of Member States at every level. The EU should ensure as far as possible that Member States comply with the terms of the Data Collection Framework.

*How can we better promote stakeholder involvement in research projects, and incorporate stakeholder knowledge in research-based advice?*



Closer involvement of stakeholders in the management process will promote greater understanding of the need for good quality scientific advice that reflects their experience. A good model for this type of cooperation can be seen in the fisheries/science partnerships currently operating in the UK.

### **Section 5.7. Structural policy and public financial support**

*What should be the top priorities for future public financial support and why? What changes can the sector not manage to bring about on its own and therefore require public financial support?*

At present the European fishing sector probably has greater subsidy in relation to its net value than any other sector. This is not healthy and essentially means that the consumer is paying twice for the supply of fish as food. We believe that, as far as possible, the costs associated with industry management and research should be internalised by the industry. This will imply a considerable tightening in supervision of the subsidy system operated by many Member States.

In addition, as pointed out in the Green Paper, financial support is still leading to over-capacity (by aiding the increase in efficiency in the industry). The greatest changes required in fisheries management are reduction in capacity (in many sectors). This has in the past been centrally-funded, but as noted earlier in this response, much of these subsidies have leaked back into the fishing sector and have led effectively to publicly funded modernisation with reduced overall effect on capacity. In addition, due to the level of underused capacity, much publicly-funded fleet reduction has been of latent rather than used capacity. A system of fully-marketable transferable quota would give a greater incentive for industry-funded decommissioning.

One area that has received insufficient funding has been undertaking environmental assessments, particularly by managers and regulators. In other marine sectors, managers are responsible for Strategic Environmental Assessments. While the relevant European Directive does not cover all fisheries activities, the principle of understanding the environmental implications of management decisions should be adhered to in the fisheries sector. UK has funded a pilot SEA of a series of inshore shellfish fisheries off the east coast of England. The results of this SEA have yet to be used in management but the principle has been demonstrated to work. Public funding of this work is justified as it is a responsibility that should accompany management decision-taking. We recommend that Strategic Environmental Assessment be built into the Common Fisheries Policy and that a series of pilot Assessments be undertaken to better refine best practice in relation to the environmental assessment of fisheries. We would envisage that either a fishery (e.g. mackerel, mixed demersal) or a region (e.g. southern North Sea, Bay of Biscay) or a combination (e.g. scallop fisheries in region) would be assessed on a 6-10 year cycle. These times scales would match those of reporting under the MSFD or the review cycle of the CFP. We would be happy to further refine these ideas, but would not wish to finalise any recommendations without further discussion with the industry and regulators.

No other sector has the scale of publicly-funded scientific and management support as is received by the fishing sector. This indicates a need to simplify both the science support and management structures. Science support costs might be diversified by ensuring that scientific activities support all needs for marine management and not be focussed on detailed surveys to establish the state of individual fish stocks with high precision. The example given above of the application of SEA in the fisheries sector is an example of this – research and survey for SEAs of other marine activities was used in undertaking the SEA for the inshore shellfish fishery described above, and no doubt the reverse would be true too.

*How can we change the focus of EU financial resources to promote innovation and adaptation to new policies and circumstances? Does any new policy area require funding? Should public financial support be focused on specific transitions such as eliminating discards in the fishing industry?*

Public funds should be used for the public good, not solely for the good of an industry sector. Industries should be responsible for ensuring that their environmental footprint is within limits acceptable to society. If society changes its standards for assessing the acceptability of the environmental footprint, then it would be reasonable for public funding to be available to help in the transition from the current state to a future more acceptable state.

*How can synergy and coherence of possible CFP funds with other EU and national instruments be ensured?*

Synergy and coherence at the EU level are best achieved by ensuring first that underlying policies are fully compatible and then ensuring that those administering and executing those policies are working together. To a large extent the latter is a matter of bureaucratic organisation. At a national level it is important that instruments do not conflict with or undermine CFP objectives; it is important that Member States are held to account to achieve those objectives.

*How can a synergy between the pillars of a future CFP be achieved? Should public assistance be conditional on Member States' achieving policy objectives?*

Public assistance should be completely conditional on meeting policy objectives. The present system by which gross and deliberate evasion of Member State responsibilities goes seemingly unnoticed is very unfair on Member States who do take their responsibilities seriously and runs completely counter to the underlying principles of the European Union. Some Member States supply adequate statutory data and information on their fisheries, while others do not; others ignore fines imposed for infractions (and are allowed to pay just a fraction of the original sum) while others deliberately do not enforce requirements to end the use of certain fishing gears and practices. At the same time these Member States have received very large European subsidies. Public funding should not be provided when a Member State owes money due to an infraction.

*How can EU financial resources be developed to provide the flexibility needed to respond swiftly when a crisis occurs?*

It is unclear as to why EU financial resources should be used to respond to a crisis in an industry sector. A better managed, more robust sector would be much better placed to cope with crises, the recent 'fuel crisis' was an example where certain Member States used public resources to maintain an excessively large unprofitable sector, rather than take the opportunity to reduce fleet capacity.

*Should public financial support apply equally to all sectors (small and large scale)? Should the European Fisheries Fund continue to distinguish between convergence and non-convergence regions?*

It is unclear as to why EFF is distinguishing between convergence and non-convergence regions as there is no clear difference in needs for fisheries management or of fishing between these types of region. The social function of supporting regional development and convergence should rest with the public funds devoted to this purpose.

*Should indirect support such as services related to fisheries management (access, research, control) continue to be provided free to all sectors of the industry?*

The fisheries sector receives a great deal of indirect support that is not available to many other food producing sectors. This alone is anti-competitive and can be argued to be against some of the underlying principles of the EU. There are other fisheries in the world where both enforcement and research is funded by the fishery – in these cases the fishers effectively own the fishery and it is in their interest to ensure that the stocks are understood properly and that fishing is occurring on a sustainable basis for the long term.

*Should permanent fisheries subsidies be phased out, maintaining, on a temporary basis, only those aimed at alleviating the social impacts of the restructuring of the sector?*

There should be no permanent subsidies within the fishing sector. A better balance in the sector between capacity and stocks would be more profitable to the industry and should better enable it to operate without subsidy. While specific comments on the social dimension are outside our remit, we recognise there may be pressures to include such in which case it would be helpful to ensure these were strictly time limited.

## **Section 5.8. The external dimension**

*The core objective of the CFP is to promote responsible and sustainable fisheries. Is there any reason why the external dimension of the CFP should be driven by different objectives?*

The core objective has to be the same for all parts of the EU fleet; responsible and sustainable fisheries are the only guarantee towards long-term profitability for the sector. The EU has a responsibility to ensure that EU fishermen behave consistently within and outside EU waters – the same basis must be used across all fleets in terms of sustainable exploitation of resources, the precautionary principle and integration of environmental protection. Arguably, the behaviour of fishermen (real or perceived) outside EU waters plays an important role in shaping the international image of the EU and thus in ensuring the long-term exploitation of resources in foreign EEZs.

*How could the EU strengthen its role on the international stage to promote better global governance of the sea and in particular of fisheries?*

The guidelines produced by FAO on various aspects of international fishery policy (code of conduct for responsible fishery, on effort reduction, on seabird by-catch mitigation, on sharks, on deep-sea fishing) are of paramount importance. The EU should be consistent to provide support for the development of these guidelines and most importantly to ensure they are implemented across its own fleet.

In addition to the EU being an important fishing partner, it has a very large and expanding market. While the EU has to ensure effective control of its vessels abroad, it can also contribute through market forces towards eliminating Illegal Unregulated and Uncontrolled activity. In this respect the work done towards ensuring traceability of imported fish has been a very welcome improvement and all efforts towards identifying IUU should be sustained.

*How can the EU cooperate with its partners to make {Regional Fisheries Management Organisations} RFMOs more effective?*

The involvement and leadership shown recently by the EU in the Kobe process is a clear sign of the commitment of EU to improve effectiveness among tuna RFMOs. Support for these efforts should be sustained.

*Contrary to the current free access principle in international waters, should fishermen pay for the right to fish in the high seas under the governance provided by RFMOs?*

The governance provided by RFMOs is at times hindered by lack of data and analysis on available resources and fishing patterns. Fishermen could be asked to pay a fee that would be used to fund research into ensuring stock sustainability and effort monitoring.

*How can objectives such as investment promotion (creation of joint-ventures, transfer of know-how and technologies, investments and capacity management for the fishing industry ...), creation of jobs (on vessels,*

*in ports, in the processing industry) or promoting good maritime governance be pursued in the framework of future international fisheries agreements?*

The new Fisheries Partnership Agreements (FPA) have moved a long way towards improving maritime governance and local work opportunities in comparison to previous agreements. While it is still too early to judge on their individual success (or otherwise), it is appropriate to advocate for a greater involvement by DG-Development and DG-Trade. FPA include elements which are specifically related to fishery policy objectives (e.g. fishing opportunities, long-term sustainability of fish stocks and habitats, transparency in exploitation of fishing resources, fight against IUU, local fisheries management) and others that relate only to development and trade policies objectives (e.g. food security, value-added processing, coastal community development, international trade). As such, FPAs should be seen as a great opportunity to enhance coherence across EU policies with the collaboration of all parties involved, both at the level of the Commission, Council and Parliament.

*Are the FPAs the best instrument to achieve sustainability beyond EU waters or should they be replaced by other forms of cooperation? Should the regional perspective be explored and either substitute or complement a streamlined bilateral one?*

Fishing by EU fleets in the EEZ of third countries should only take place on available surplus (as defined by article 62 of UNCLOS). Thus, sustainability is not achieved through an FPA, rather it is the foundation on which fishing opportunities should be agreed. When surplus is available, the EU must ensure that fishing practices carried out during the agreement are coherent with the EU objectives of avoiding overexploitation of stocks and of mitigating overall fishing impacts (i.e. by-catch and habitat degradation). While this is true in principle, it is hard to assess at present how this is put into practice.

We therefore recommend the use of Strategic Environmental Assessments or similar, as advocated for other fisheries (see section 5.7). Such SEA would have to be carried out at a regional scale relevant to the stocks (and fisheries) concerned, especially in the case of trans-boundary / migratory stocks (tuna, sardine etc.) where surplus in one country EEZ might represent fishing opportunities for an adjacent country along the migration route rather than an actual surplus for a foreign fleet.

Once a regional SEA has been carried out, fishing opportunities can be subdivided for each country to provide the basis for FPAs as agreed at present with individual countries. An advantage of current FPAs is the flexibility they offer to suit requirements of different countries. However, FPAs with a regional perspective could also be envisaged, especially in light of the fact that many development programmes are also regional in perspective.

It is essential that the EU assesses the ecological impact of the EU fleet working in non-EU waters. We would envisage regional SEAs being carried out on a 5-10 year cycle or to co-incide with the renewal period of the FPAs.

*How could we make scientific research to assess the sustainability of fish stocks and the control of the fishing activity more transparent and efficient?*

Strategic Environmental Assessments requires scientific information on the state of fish stocks, fishery distribution in time and space, location of sensitive habitats and species and understanding of the impacts on habitats and species. The SEA process would enable the EU external fleet to review publicly its activities in terms of location and seasonality of effort, landings, by-catch etc. While each Member State must be responsible for providing information, the responsibility of carrying out the review and making decisions must lie with the EU. This process does not aim to minimise the work carried out by the Joint Committee within each FPA, rather to support it; it is paramount that the EU remains responsible for its fleet actions, without relying on partner monitoring capabilities.

*How can we assure better cooperation and compliance with new regulations in developing countries?*

Enforcement capabilities are being improved in developing countries and these will have an impact on all fleets. However, the ultimate responsibility for compliance of EU fleets must remain with the EU. Different surveillance tools can be employed depending on the fishery and countries involved; VMS, frequent reporting requirements and the option of 100% observer coverage (as currently occurring in NAFO region) could also be useful components.

*Should EU operators cover all the costs of their fishing activities in third country waters or should the Community budget continue to support part of these costs?*

FPAs aim to ensure that fishing opportunities are maximised for EU vessels while at the same time ensuring coherence with EU development strategies. The Community budget should continue to support the developmental part of the cost. In doing this, vessels owners will in effect obtain a subsidy as well as a very much welcomed level of security through FPAs; in exchange it is paramount that they should ensure that all their responsibilities are fulfilled. Within some logical limits, the proportion of costs supported by Community budget should be made dependent on performance of the EU operators to in meeting their responsibilities.

*How could we contribute to increasing the fisheries management capabilities of developing countries, e.g. through targeted assistance?*

The current FPAs attempt to provide targeted assistance in some cases and their effectiveness should be reviewed at the end of the agreements. In many cases though, financial contribution is not enough, rather technical support and expert advice should be provided along with financial contributions.

Fisheries management capabilities would also benefit from more direct information on EU vessels effort. In this respect, VMS data should be provided in a timely manner to third parties and not just to the flag state and the data should be cross-checked with vessel logbooks. In addition, VMS in real time can offer a tool to combat IUU and this should be supported.

The obligation should rest with the EU to ensure that VMS data are analysed and inferences drawn to assess fishing pressure, potential interactions between EU vessels and local fleets etc. Once again, we stress the value of an SEA.

*Should the integration of European fishing fleets and interests in third countries be actively pursued as an objective of the external dimension of the CFP with a view, in particular, to support the development of the concerned partner countries?*

We consider this to be outside our expertise

*How can we reinforce the synergies between the different forms of support and the different partners in the fisheries sector reinforced and the development strategies of coastal states?*

We consider this to be outside our expertise.

*Should aquaculture be included in future partnership agreements?*

We consider this to be outside our expertise.

*How could the potential of small-scale fisheries in third countries for sustainability, ecological and social benefits be enhanced?*

The biggest gain for small scale fisheries in third countries would be to ensure that large-scale fisheries, especially from the EU do not compete with them for fish stocks or markets. The mixed FPAs of Mauritania, Morocco and Guinea-Bissau may raise particular concerns, especially in the case of shrimp trawlers. Conflict can rise not only as a consequence of EU vessels catching the same stock as the local fleet, but more indirectly through the ecological impacts that some fishing activities might have on local habitats and on non-target species. We recommend the use of SEA or similar techniques before FPAs are entered into, with particular emphasis on the need to take account of the interests of small scale fisheries.

#### Section 5.9. Aquaculture

*What role should aquaculture have in the future CFP: should it be integrated as a fundamental pillar of the CFP, with specific objectives and instruments, or should it be left for Member States to develop on a national basis? What instruments are necessary to integrate aquaculture into the CFP?*

Although interactions exist between capture fisheries and aquaculture (see response to Section 5.5 above) there is not, in our view, a particularly strong biodiversity rationale for incorporating aquaculture within the CFP. In most cases, the interactions between aquaculture and the environment are covered by existing aspects of Community policy. The CFP addresses the management of industrial species while the Water Framework Directive, Strategic Environmental Assessment Directive and Marine Strategy Framework Directive address relevant aspects of environmental quality and marine resource planning from our perspective.