Sea … the future for European fisheries

Greenpeace submission: CFP reform

"The depleted state of many of the world's fisheries and the degraded nature of many marine ecosystems have been well documented. Because fisheries have not been managed in a way that contributes positively to sustainable development, the impact on the world's economies and sciences will be enormous both now, and probably even more importantly, well into the future. This situation will inevitably contribute to increased poverty, increased inequities and lack of opportunities for many of the world's fishers to make a decent livelihood. Poor management is depriving many regions and states of the potential social and economic benefits of fishing…There is obviously a need to improve the approach used in fisheries management so that potential social and economic benefits can be achieved."

[2003 FAO Technical Guidelines for Responsible Fisheries: The ecosystem approach]

Greenpeace European Unit: 983 290 9575 - 41

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Greenpeace is an environmental civil society organisation, which seeks to:

* protect biodiversity
* prevent pollution and abuse of the earth's ocean, land, air and fresh water
* end all nuclear threats
* promote peace, global disarmament and non-violence.

Greenpeace exists to expose environmental criminals, and to challenge governments and corporations when they fail to live up to their mandate to safeguard our environment and our future.

Greenpeace is committed to defending the health of the world's oceans and the animals, plants and peoples that depend upon them. We will investigate, expose and confront unsustainable fishing and other destructive activities, we will challenge governments to introduce and enforce laws to protect the ocean environment and challenge industry to end its role in ocean destruction. We will campaign for the establishment of large-scale marine reserves to conserve and restore ocean ecosystems and species. We support ecologically and socially responsible use of ocean resources, including the rights of fishing communities to sustainably derive their livelihood from the sea, and we champion responsible scientific research to enhance understanding and appreciation of oceans and their ecosystems.

In pursuing its mission, Greenpeace has no permanent allies or enemies. Greenpeace promotes open, informed debate about society's environmental choices. Greenpeace uses research, lobbying, and quiet diplomacy to pursue its goals, as well as high-profile, non-violent confrontation to raise the level and quality of public debate.

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Lobby register ID: 983 290 9575 - 41

Table of Contents

1. Without fish, there will be no fishing

Europe is faced with an untenable situation in which once rich and diverse fish populations have been decimated to a fraction of their original size and diversity. The consequence is an ecological, social and ultimately economic crisis. In addition to the impacts of overexploitation, Europe's oversized fishing fleets have afflicted calamitous damage to entire marine ecosystems by devastating vital habitats and by significantly altering important trophic relationships and consequently the functioning of marine food webs. Having depleted the marine resources of home waters, the EU's fishing operations have moved further afield into the waters of other countries and into the high seas. Europe's distant water fleets and seafood imports from around the world feed Europeans at the expense of poorer nations and with dire environmental consequences. Under these circumstances it is unreasonable to pursue a vision for Europe's fisheries that promises growing markets and demand for seafood products.

Rather than promote an increase in fish consumption, whether now or in future, the EU should set as its ultimate objective the achievement of healthy and resilient marine ecosystems and productive fish stocks (the latter being an integral and important part of marine biodiversity). This should be considered the premise for any future EU fisheries. In European waters, the reformed CFP must be aimed at achieving stock recovery and provide the tools to achieve a good environmental status under the Marine Strategy Framework Directive, in so far as it relates to the impact of fisheries and related management measures. In an international context, Europe must reduce its fisheries footprint (both in its catch and import sectors), ensuring that global fisheries provide healthy, high-quality, low-impact seafood and stable protein supplies to the millions of people that depend on them most. Given the scale of overcapacity in the EU fleet, which

according to the Commission can in many cases exert a fishing pressure on the stocks which is two to three times the sustainable level, and the severely depleted state of most fish stocks, the reformed CFP should commit Member States to achieving an overall EU fleet capacity reduction in the scale of 50% or more. Ultimately, the reformed CFP should establish a legal framework for the sustainable pursuit of fishing activities.

While total allowable catches, effort and fleet capacity must be reduced and wasteful and destructive fisheries eliminated, the yield per effort of fishing will increase as stocks recover and wasteful fisheries are abandoned. The new CFP should ensure that all fish taken is of high-quality and from low (environmental) impact and resource-efficient fisheries. Instead of promoting an increase in overall consumption, European citizens should be encouraged to eat sustainably, locally caught fish.

While fish protein is indeed an important part of many people's diets, it is relatively more important in less developed nations: the FAO estimates that "around 60% of people in many developing countries depend on fish for over 30% of their animal protein supplies, while almost 80% in most developed countries obtain less than 20% of their animal protein from fish".[1] The EU is currently taking more than its share, taking fish from the mouths of those that truly rely on fish as a basic source of protein.

Even at current levels of fish consumption, fisheries globally have reached a state of severe crisis. A recent study in the Canadian Medical Association Journal[2] therefore concludes that "the collapse of global fish stocks and its socio-economic effects are in-congruent with the current recommendations to consume more fish oils." The study further suggests that aquaculture products do not provide a sustainable solution, notably because most farmed fish in developed nations is fed on wild-caught fish.[3] The experts conclude that "until renewable sources of omega-3 fatty acids – derived from plant, algae, yeast or other unicellular organisms – become more generally available, it would seem responsible to refrain from advocating to people in developed countries that they increase their intake of omega-3 fatty acids through fish consumption."

Finally, and most importantly, fish are not 'just' food. A vision for future EU fisheries should first and foremost acknowledge that fish are a major and integral part of marine biodiversity. Fish are wild animals that play an essential role in maintaining the marine ecosystems and related

[1] http://www.fao.org/fishery/topic/12319/en

[2] Jenkins DJA, Sievenpiper JL, Pauly D, Sumaila UR, Kendall CWC, Mowat FM (2009). Are dietary recommendations for the use of fish oils sustainable? *Canadian Medical Association Journal* 180(6): 633–7. Accessed Dec 2009 at: http://www.cmaj.ca/cgi/content/full/180/6/633

[3] Allsopp M, Johnston J, Santillo D. (2008) Challenging the Aquaculture Industry on Sustainability. at Greenpeace Research Laboratories, University of Exeter, UK.

services that we in turn rely on. For instance, it has recently been shown that fish play a significant role in maintaining the delicate pH balance of our oceans, vital for the health of marine life. This in turn will determine the future ability of our oceans to act as a carbon sink. Keeping our seas and oceans alive will determine in large parts the level of concentration of CO_2 in the atmosphere and therefore the speed with which climate change will take effect.

We must realise that we have already committed ourselves to a reality of significant climatic changes in coming decades, as a result of greenhouse gasses already emitted into the planet's atmosphere. While it is beyond dispute that the health of our seas and oceans has first and foremost been compromised by the overexploitation of marine resources and marine pollution, projected changes in global atmospheric and sea surface temperatures as a result of past and present emissions will have severe additional impacts on marine ecosystems. These we can no longer avoid through mitigation.

We therefore must adapt our maritime policies in order to account for these negative effects and recover some of the ecosystem resilience we have lost as a consequence of overexploitation. In particular, this requires us to scale back the removal of biomass from marine ecosystems in a more drastic and precautionary fashion than fisheries management rules may otherwise dictate. Moreover, the reformed CFP must not be a barrier to the implementation of EU rules and regulations that aim to protect marine biodiversity. To the contrary, the CFP should facilitate and support marine conservation efforts. Member States must urgently meet their obligations for marine biodiversity protection under the Habitats and Birds Directives, the Water Framework Directive and the Marine Strategy Framework Directive, amongst others. Current delays and insufficiencies in implementation are unacceptable and should result in penalties and infringement procedures. For instance, a Member State that has not yet completed the designation of its network of marine Natura 2000 sites, should be penalised by way of withholding allocations of fishing quotas and/or fishing effort from that Member State under the CFP. The right to use marine resources, after all, is conditional upon meeting the conservation provisions set out in the UN Convention on the Law of the Sea.

Lastly, the fishing sector's own contribution to climate change is considerable, accounting for at least 1.2% of global oil consumption and emitting an average of 1.7 tonnes of CO_2 for each ton of fish landed.[4] In the context of efforts to keep climate change impacts to a minimum, the EU should therefore also ensure that the quantity of greenhouse gas emissions associated with its seafood consumption is kept below a defined level.

[4] Thrane, M. (2006), LCA of Danish Fish Products: New Methods and Insights. Int. J. LCA 11

In summary, some of the principle changes and policies that Greenpeace wishes to see in the up-coming reform of the CFP are:

- the introduction of legally binding, national or segment-based fleet adjustment targets to be implemented in the context of ecoregion-based fisheries management strategies with the aim to achieve a wholesale transformation of the EU's fishing fleets, from a fisheries production model that is dominated by large-scale, capital-intensive, destructive methods, to one based on smaller scale, community-based, labour-intensive fisheries using ecologically responsible, selective fishing technology and environmentally sound practices;
- a revised CFP objective – applying equally to the EU's internal and external dimension - that is aligned with the principle goals of stock recovery and the achievement of a good environmental status in EU waters (plus the equivalent of healthy ecosystems in non-EU waters), applying the ecosystem approach and precautionary principle, and minimising and, where possible, eliminating wider environmental impacts of seafood production, including the fishing sector's contribution to climate change;
- provisions to promote science-based decision-making, in particular the introduction of a legal cap on Total Allowable Catches at scientifically recommended levels;
- the establishment of long-term regional fisheries management, based on regional, multi-stock fisheries plans that would be integrated in the regional marine strategies that will be established pursuant to the Marine Strategy Framework Directive, and equivalent long-term, ecosystem based management of stocks outside EU waters;
- provisions that require and support the designation and protection of marine reserves as part of the regional fisheries management strategies, including through the delegation of relevant powers to regulate fisheries that impact on designated areas to the Member States;
- a new access allocation scheme, that ensures that access to fisheries resources and other privileges should only be granted to operators and Member States that can show compliance with the principles, objectives, standards and rules of the EU's fisheries and environmental legislation, while preferential access should be granted to those that, in addition, contribute above average benefits in terms of ecological sustainability and benefits to local communities or society as a whole; and
- provisions that promote transparency in data-handling and decision-making, accountability in fisheries policy and management, and traceability of seafood products, including through robust certification schemes and strong minimum standards for labelling and seafood certification.

The rest of the briefing provides further detail and aims to answer the specific questions contained in the Green Paper.

2. The EU needs a leaner and cleaner fleet

Overcapacity in the EU's fishing fleets is a principle driver of stock depletion and must be tackled resolutely. The Commission's Green Paper rightly presents fleet reductions as a premise for achieving sustainable EU fisheries. Consequently, the introduction of binding and time-bound national or segment-based fleet adjustment targets are not optional but a necessity. In addition to achieving quantitative fleet reductions, the EU needs to take forward a qualitative restructuring of its fleets. These two aims should be pursued hand-in-hand to ensure that the resulting smaller fleet is one that employs less destructive and more selective fishing practices, is more resource and energy efficient, and provides the highest benefits in terms of employment and support for the social fabric of coastal communities (i.e. lower risk employment, shorter fishing trips, etc).

Greenpeace seeks a substantial transformation of the EU's fishing fleets, from a fisheries production model that is dominated by large-scale, capital-intensive, destructive methods, to one based on smaller scale, community-based, labour-intensive fisheries using ecologically responsible, selective fishing technology and environmentally sound practices that take into account our incomplete understanding about the workings of complex ecosystems. Greenpeace has formulated criteria for sustainable fisheries, which can be found on:
http://www.greenpeace.org/raw/content/international/press/reports/citeria-sustainable-fisheries.pdf.

In summary, a sustainable fishery:

- is managed from an ecosystem perspective;
- has clear goals set for the establishment and protection of marine reserves, ideally as part of an ecosystem-based fisheries management plan;
- helps to protect sensitive species and habitats;
- maintains the stocks of all target species at a healthy level;
- uses selective fishing methods with the goal to minimise and where possible eliminate by-catch;
- maintains the biodiversity associated with the ecosystem in which the fishery operates;
- minimises energy use, chemical use and waste production in all its operations,
- operates in a socially and economically fair and responsible manner; and
- provides full traceability of all fish from the point of capture to the shelf.

In addition, it is important to note that it will also be necessary to reduce overall fishing effort as the area under marine protection increases, so as to avoid an increase in fishing pressure in areas outside marine reserves. It makes sense, therefore, to combine site designation schemes and efforts to reduce fleet capacity and fishing effort in a holistic regional strategy, not least

because any financial compensation that may be granted to fishermen because of reduced fishing opportunities would help to bring about both objectives. The tax payer would not have to pay twice. Greenpeace is therefore of the view that the EU should combine its efforts to achieve a halving of fleet capacity and the protection of 40% of EU waters in marine reserves. Member State should integrate national fleet capacity adjustment plans into their regional marine strategies, which will be drawn up under the Marine Strategy Framework Directive.

1. Should capacity be limited through legislation? If so, how?

Yes, Greenpeace is of the view that the EU should define legally binding, time-bound national or segment-based fleet capacity limits, based on an assessment of current and projected future fishing opportunities. Whereby fishing capacity is a measure of the catch capacity and engine and gear properties of a vessel.

Just as the EU has designed a set of public policies that apply national and industry based greenhouse gas emissions reduction targets, in order to stay below a 2° Celsius increase in the Earth's average surface temperature, these fleet adjustment targets should be couched in public policies that maintain the fleet at a reduced capacity and ensure a fleet that is less destructive and more resource and energy efficient (i.e. qualitatively improved). At the same time, the fleet should provide the highest possible employment and social benefits. Consequently, proportionally greater capacity reductions should be achieved within those fleet segments that:

- comprise comparatively larger and more powerful vessels;
- use destructive and/or non-selective fishing techniques;
- are least resource and energy efficient, including those that have high by-catch rates.

Moreover, scrapping schemes and the termination of licenses should also preferentially address vessels from operators that have persistently engaged in illegal, unregulated and unreported (IUU) fishing, as well as fleet segments that exert pressure on depleted stocks and/or areas that are ecologically significant or sensitive to the impacts of fishing. The resulting fleet should be a leaner and cleaner fleet.

The European Union should assess the maximum level of fishing capacity that corresponds with the fishing opportunities currently available to EU fishing vessels, also taking into account the impact on habitats, non-target species and the wider environment (incl. through emissions per unit effort) of operating the different fleet segments. In other words, the EU must consider fleet capacity (as a measures of catch capacity and engine and gear properties) in the context of its application.

In addition, it should forecast the precautionary maximum level of fishing capacity that corresponds to fishing opportunities likely to be available to EU fishing vessels in 2015 (and subsequently beyond 2015), based on current and projected fishing effort, exploitation rates, access to fishing grounds (in the context of spatial planning and protection) and projected gains in the catch efficiency of the fleet. When determining its present and future fishing opportunities in relation to shared fish stocks managed under the mandate of Regional Fisheries Management Organisations (RFMOs) or other arrangements, the EU must take into account the legitimate rights of other countries to develop their fishing fleets in a manner that does not contribute to overfishing. Consequently, the EU must be willing to decrease its fleet where others increase their legitimate share. Using the sums of these estimates, the EU should establish targets for the reduction of the fishing capacity of their fleets to be met by individual Member States by 2015, including interim targets for 2013 and 2014. At least in relation to European fisheries, these targets and underlying assessments should be based on the ecoregions as set out in the Marine Strategy Framework Directive.

Moreover, based on an assessment of the social, environmental and economic consequences of operating different fleet segments, the EU institutions should agree on the proportionate contribution of each segment to the overall capacity reduction. The basis for such an agreement should be an EU-level blueprint for the restructuring of the fleet, as well as specific national fleet adjustment plans.

Each Member State should be required to submit a national fleet adjustment plan to the European Commission, outlining how it intends to meet all interim and final fleet targets. The plans should contain a description of the current fleet and planned fleet adjustments, quantitative targets per fleet segment, justifications for the planned adjustments and a description of projected gains in catch efficiency as a result of technological improvements, a description of any incentive schemes implemented to support the restructuring process and the estimated cost of implementation of the plan. The Member States should provide all relevant stakeholders with an opportunity to contribute to the drafting of these plans. The plans and any supportive material should be publicly available in electronic format.

To avoid some of the failings of the EU's Multiannual Guidance Programmes, the new CFP should outline provisions that can be invoked when a Member State is found to fail its fleet adjustment targets to withdraw benefits or limit the capacity of the Member State to participate in related decision-making. In other words, the European Commission should be able to withhold funds, overall quota shares and/or units of fishing effort from a Member State that is failing to meet its fleet targets. These compliance provisions would not, of course, prejudice the

Commission's powers to open infringement procedures where a Member State fails to comply with EU laws.

Any capacity that is taken out of the national fleet as a result of national fleet adjustment plans should be scrapped or permanently assigned to a task other than fishing operations and supporting activities. For instance, vessels may not subsequently be use used as spotter or fisheries transport vessels, but could be used as patrol or scientific research vessels.

2. Is the solution a one-off scrapping fund?

Given the scale of overcapacity in the EU fleet and the severely depleted state of most fish stocks, it seems most efficient and effective to undertake immediate and swift cuts in fleet capacity. The aim must be to restructure the EU fleet as rapidly as possible to avoid prolonged periods of overexploitation and economic hardship. A one-off scrapping fund, if targeted at qualitative as well as quantitative adjustments in fleet capacity, can be a useful instrument to support the accelerated socio-economic transition that results from this initial fleet capacity cut. Any schemes established should meet the OECD principles and guidelines for decommissioning schemes. For instance, those vessel operators that benefit from a decommissioning scheme should bear part of the cost of such schemes.

However, scrapping schemes are certainly not the only or best way of supporting a transition from current fisheries management to a sustainably managed fishery. Priority should be given to re-directing public funding from direct aid to the sector to schemes that i) strengthen monitoring, enforcement and control in the fishery, ii) improve research, science-based management and conservation measures, iii) support co-operative management and assist coastal communities in managing maritime activities in ways that provide sustainable livelihoods now and into the future.

Moreover, emphasis should be given to schemes that ensure the long-term and ongoing adjustment of individual fleet segments in line with available resources.

3. 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?

Greenpeace is of the view that market-based instruments, such as transferable/tradeable quotas, are neither the be all and end all of fleet management, nor a substitute for public policies to manage access to resources. A meaningful and binding total allowable catch, a robust effort or

equivalent access regime and stringent fleet management, if applied and enforced properly, are in principle sufficient to address overfishing.

While market instruments, implemented within a tight legislative regime, may on occasions be employed as a tool to set certain incentives for quantitative fleet reductions, they are neither a guarantee for better management, nor able to ensure qualitative changes in fleet structure. Market-based instruments cannot therefore bring about the much needed transition towards a fleet that employs less destructive and more selective fishing practices, that is more resource and energy efficient, and provides the highest benefits in terms of employment and social welfare. In fact, if anything, market-based instruments have been shown to concentrate power and resources in the hands of a small number of large operators.

In driving capacity down and restructuring the EU fleet, the regulator – and not the market or industry – is responsible for ensuring that access to limited fisheries resources is managed in way that provides fair and widespread societal benefits and environmental protection. This responsibility cannot be abdicated. Decision-makers must require fleet restructuring on the basis of specific management objectives and apply criteria that:

- establish access to the resource on the basis of environmental and social considerations;
- prevent the concentration of ownership and creation of fishing cartels; and
- are aimed at an improvement in the monitoring, control and enforcement of the fleet.

Moreover, decision-makers may wish to apply common but differentiated targets to the fleets of different Member States, to reflect aspects of income, prosperity and community structure in local fishing communities. This would not be feasible under a system that delivers change simply based on quota trading between different countries or regions.

ITQs and equivalent systems can already be used by Member States today to set incentives for fleet restructuring. Greenpeace is not of the opinion that the use of rights-based management tools should be made mandatory, nor is it helpful or necessary to require an application at an EU-wide level. That said, any local, national or regional system that uses ITQs or equivalent tools should be complemented by legislation and guidance from the competent authorities to ensure that it is consistent with the management objectives and targets set for that fishery. For this purpose, it may be useful to provide EU guidance and minimum standards for the application of ITQs and equivalent tools. These should, in particular, ensure that the above three bullets are met and require that:

- preferential access to resources is provided to environmentally sound and socially equitable fishing operations that are contributing most benefits to society and local, coastal communities in particular;
- community-based allocation schemes for coastal fisheries are supported and quota transfers restricted where this is necessary to protect the interests of local, coastal communities;
- those operators that benefit from the schemes pay for all or at least parts of the costs;
- catch limits are adjusted regularly in line with scientific advice;
- all relevant stakeholders (incl. NGOs) can participate in the establishment and implementation of future schemes;
- the system is explicit about providing user privileges/permits (rather than rights) that can be revoked by the competent authority, and
- the system includes a sunset clause or periodic expiry, at which point the privileges will have to be redistributed or re-authorised following a performance review of the schemes under which they were allocated.

ITQs and related market-based systems are often misunderstood or misrepresented as private (property) rights (as implied in the term rights-based management), when in fact they are/should be limited access privileges/permits. This has been rightly recognised in e.g. the US Magnuson-Stevens Fisheries Conservation and Management Act (which establishes limited access privilege programmes). Appropriate classification as a privilege or permit is relevant i) in terms of determining the legal context within which ITQs and equivalent instruments apply (i.e. just like any permit or quota they are revocable and under the permanent control of fisheries managers) and ii) because it dispels the common claim that property rights institute stewardship amongst fishermen.

On the one hand, an individual allocation of access privileges can help to limit the 'race to fish' in any one fishing season, which in turn generally decreases directed effort, stabilises the supply of fish, and may decrease the potential for quota overruns in short and frantic fishing seasons. On the other hand, it has also been reported that a slower pace and prolonged fishing season places an additional burden on those responsible for monitoring and enforcement, which in turn might make it more difficult to prevent quota overruns. For instance, monitoring efforts may not be sufficiently consistent across the full length of time to determine who should and should not be fishing at any given time and place. As a consequence, at-sea enforcement costs can be significantly higher under ITQ systems.

In fact, one might distinguish between at least three aspects of efficiency: i) the time and resource efficiency of the process of change in the fleet structure and size, ii) the economic

efficiency of the resulting new fleet structure, and iii) the efficiency of the economic sector when considered in terms of value versus cost to society.

In terms of the efficiency of change in fleet structure and size, and the efficiency of resulting new fleet structure, a recent publication by D. W. Bromley draws relevant links between the debate on rights-based management and lessons learned in the recent financial crises: “The advocacy of individual fishing quotas - known as IFQs or ITQs - is the natural resource equivalent of economic deregulation dating back to the triumphalism of the 1990s when […] it was happily announced that 'markets had won'. In contrast to the emerging understanding in world financial affairs that 'the market' and its self-interested players cannot be trusted with the greater public good, quite the opposite ideology persists in fisheries policy—just leave it to the industry to bring about efficiency and rent maximisation.”[5] He further states that “fisheries policy makers have been deceived to believe that IFQs are private property rights, that private property is a reliable engine of stewardship, that fishermen cannot make money in the absence of IFQs, and that economic efficiency will be realised if some fishing capacity can be restricted in order to maximise the difference between total revenue and total cost in an industry.” In summary, ITQs will not lead to a leaner and cleaner fleet that is able to provide maximum benefits in terms of employment and support for the social fabric in coastal communities. The debate's current focus on this tool is a red herring, in so far as it does not inform the process of finding consensus on future goals of the CFP, nor on the solutions to current problems.

Whether access allocation schemes are linked to market-based or rights-based instruments or not, Greenpeace is of the opinion that access allocations should only be granted to operators that can show that they are complying with the rules and regulations of the CFP, and preferentially be given to those who can demonstrate that they are operating a more environmentally sound and/or socially more valuable fishery.

3. Ecological sustainability and social equity is the basis for sustained prosperity

4. 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?

The new Common Fisheries Policy should recognise that fishing activities are pursued within an ecosystem context and rely on wild populations of marine animals that are in turn an integral part

[5] Bromley DW (2009) *Abdicating responsibility: the deceits of fisheries policy.* Fisheries 34 (6); 280-90.Accessed Dec 2009 at: http://www.aae.wisc.edu/dbromley/pdfs/fisheriesifq.pdf

of the marine environment. Consequently, the revised CFP objective should be aligned with the principle goal of the EU Marine Strategy Framework Directive of achieving a good environmental status and must apply the ecosystem approach and precautionary principle. Moreover, the fishing industry, like any other economic sector, must minimise and where possible eliminate its impacts on the wider environment, including its contributions to climate change.

In other words, **the new CFP shall aim to ensure healthy marine ecosystems, including productive stocks, both within and beyond EU waters, by establishing a legal framework for the adoption of measures governing access to EU and non-EU waters and resources, and regulating the activities of EU-flagged vessels, EU-registered companies and EU citizens.** The CFP's objective must not be aimed at guaranteeing that fishing activities take place regardless of ecological baselines and limits, nor can we write policy to manage fish. We can only ever attempt to manage our (own) human activities and not the environment itself.

In respect of EU waters, the CFP shall contribute to the achievement or maintenance of good environmental status by 2020, pursuant to the EU Marine Strategy Framework Directive.

In pursuit of the above objectives, the EU institutions and the Member States shall apply an ecosystem approach and the precautionary principle, whereby the absence of adequate scientific information shall not be used as a reason for postponing or failing to take action aimed at achieving the objective of healthy seas. Moreover, the precautionary principle must trigger the application of additional management and control measures in relation to any fishing activity that may be authorised in the absence of sufficient data.

The ecosystem approach to fisheries management shall ensure that the impacts of fishing activities, including in combination with the impacts of other human activities, are kept within levels compatible with healthy marine ecosystems, including productive stocks. It should further ensure that the capacity of marine ecosystems to respond to human-induced changes is not compromised. In respect to EU waters, it should be implemented through regional fisheries plans, which should be integrated with the regional marine strategies that will be established pursuant to Marine Strategy Framework Directive. In respect to non-EU waters the EU should commit itself to promoting the establishment of ecosystem-based, long-term management strategies for stocks and species in international or third country waters. Moreover, the establishment of a network of marine reserves must provide the fundamental underpinning for this ecosystem approach, not least because no-take areas serve as an insurance policy against fisheries management failures. Further important benefits of marine reserves are outlined in section 7 of this document.

The EU institutions and Member States shall further aim to minimise and, where possible, eliminate impacts of the fishing sector on the wider environment, including through measures aimed at minimising the greenhouse gas emissions associated with seafood production.

5. 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 and other EU policies?

Yes, Greenpeace is of the opinion that sustaining jobs in the fishing industry is a desirable goal, so long as it is not pursued at the expense of ecological sustainability. More importantly perhaps, the future CFP must recognise that the social and economic hardship within the fishing sector on the one hand, and collapsing fish stocks on the other, are not two competing issues with separate solutions. The solution to one is in fact the answer to the other.

Access to and competition for resources and fishing grounds, including on the global commons, determines prosperity and consumption patterns around the globe. Consequently, Greenpeace insists that the above question cannot be answered simply in a European context.

Human society faces an environmental crisis that dwarfs the financial or economic downturns, past or present. Climate change and the overuse of and competition for natural resources have begun to affect the livelihoods of millions of people around the world. Every one of us, rich and poor, will be affected.

In Europe, competition for access to severely depleted fisheries resources means that many fishermen are not able to operate profitable businesses. Moreover, the rules that determine how access to shared resources is allocated rarely reflect social and ecological goals. In fact, those that are permitted and able to access less accessible fishing grounds often make unreasonable trade-offs between exploiting these resources and i) maintaining occupational health and safety, ii) safeguarding the long-term sustainability of the resource, and iii) minimising the environmental impact of their activities, including in terms of energy/fuel consumption.

Moreover, the exploitation and destruction of foreign fishing grounds by distant water fishing nations, like those of the European Union, and growing consumption of imported seafood in developed nations, risk depriving coastal communities of poorer nations of a vital source of food and local income. Ultimately, social and economic hardship in affected regions will lead to conflict and emigration, including to Europe. These consequences are already visible, but are set to increase as drought-inflicted crop failures push climate migrants towards the coasts, increasing

local dependence on wild-caught fish. In short, we are in the business of consuming livelihoods in Europe and elsewhere, and the consequence is a further downward spiral affecting prosperity in EU and non-EU countries.

Therefore, the new CFP should as a priority promote local, low impact, high value fisheries, as well as energy and resource efficient processing and marketing of ecologically sustainable and socially equitable seafood. As fish stocks recover, the catch per effort will increase; and as the EU shifts from fuel-intensive and non-selective fishing practices to greener alternatives, it will convert some of the fleet's horsepower to manpower. Consequently, investments in resource and energy efficient, ecologically acceptable fishing practices in Europe will allow us to sustain employment in the fishing sector in the long run. As a trade-off, fleet capacity and effort must be reduced in line with precautionary and scientific catch limits in order to recover and maintain the resources and regain profitability. The scientific advice on catch limits should become a ceiling.

In addition, the European Union should promote a general shift towards resource and energy efficient economies and renewable energy, thereby creating alternative employment also in coastal communities, e.g. in relation to the development of alternative offshore energy.

6. How can indicators and targets for implementation be defined to provide proper guidance for decision making and accountability? How should time-frames be identified for achieving targets?

Greenpeace is of the opinion that the accountability of in particular Member State governments and EU institutions must be strengthened. Therefore, the new CFP should spell out some specific areas of policy that will be regularly assessed in a form of compliance scorecard. Any Member State that is found failing any of the categories in this basic compliance check, should lose benefits or be restricted in their capacity to participate in related decision-making. In addition, the Commission would of course maintain its current powers to open infringement procedures.

Relevant categories/areas of policy which should be considered during regular compliance checks are:

- compliance with fleet adjustment targets;
- compliance with overall catch and effort allocations;
- compliance with regional fisheries plans;
- compliance with the Control and IUU Regulations;
- compliance with basic accounting methodologies, reporting and data handling rules;
- compliance with state aid and subsidy rules; and

- compliance with the implementation of the Marine Strategy Framework Directive, and Habitats and Birds Directives, where they relate to the marine environment.

This type of macro-level compliance monitoring and related performance-based access to resources and rights for Member States would compliment the results-based management of the fishing sector outlined in sections 4 of this document.

In terms of indicators, targets and time frames that relate to the state of fish stocks and the marine environment in European waters, the EU institutions and Member States should rely on those that have been or will be developed under the EU nature Directives, in particular the achievement of a good environmental status under the EU Marine Strategy Framework Directive. These in turn will build on schemes such as the Ecological Quality Objectives (EcoQOs) of OSPAR, indicators used by the European Environment Agency etc. With regards to the implementation of the CFP's external dimension, the EU should develop equivalent criteria with a view to complying with international commitments and conventions, not least UN Convention on the Law of the Sea (incl. Resolutions of the UN General Assembly), the UN Fish Stocks Agreement, the Convention on Biological Diversity, Regional Seas Agreements etc.

In relation to indicators and targets that relate to social and economic conditions, the EU should build on existing indices, such as e.g. rate of employment, but must compliment these by indices that consider:

i) the external impact of EU policies (i.e. on Communities and economies outside the EU);
ii) issues of equity, including inter-generational and inter-societal equity; and
iii) non-user values.

4. Establishing transparency and accountability

7. 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?

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8. 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?

Greenpeace agrees with the suggestion that the EU institutions should put more emphasis on establishing a robust legal framework based on clear principles, objectives, targets and timelines; and that some of the detailed, operational aspects of decision-making may in future be delegated to a lower level of decision-making (i.e. avoiding lengthy Council and European Parliament negotiations).

However, more important than the level of decision-making is that decisions are being taken in a transparent manner and that decision-makers, administrators, fisheries managers and operators can be held accountable for their action. In particular, decision-making processes in the Council of Ministers have, to date, been intransparent at best, and secretive, collusive and corrupt at worst.

While decision-making under the co-decision procedure is likely to become a little more transparent as a result of an exchange of documents and reasoning between the European Parliament, Council and Commission, the resulting processes may not be sufficiently open to strengthen the accountability of decision-makers at EU level. Greenpeace is of the view that a range of measures should be put in place to promote accountability, including by providing public transmissions of Council deliberations and votes, providing more widespread access to documents, instituting a more widespread use of public hearings (also in Council), establishing Member State compliance checks as outline in the previous section, promoting access to fisheries data and, perhaps most importantly, by penalising states for non-compliance.

In addition to instituting transparent procedures, Greenpeace is of the opinion that the following two principles should form the core of decision-making under the new CFP. Taking decisions in this context would strengthen transparency and would make much of today's detailed decision-making at EU level obsolete:

1. **science-based decision-making:** the EU should agree and adjust catch limits based on scientific advice and precautionary limits. The new Basic Regulation should establish a cap on the Total Allowable Catch (TAC) per stock at scientifically recommended levels, mirroring provisions of the US Magnuson-Stevens Act. Criteria on what constitutes sound scientific advice should be developed, particularly in relation to the application of the precautionary principle and ecosystem approach. This is particularly important in relation to data-poor fisheries and the impacts of climate change and other emerging issues. The scientific advice should provide answers to the question of how much could be caught without unacceptable risks to the exploited species or the marine ecosystem. The Commission could be tasked with adopting an annual or

multi-annual TAC at or below scientific recommendations, possibly leaving the Council to agree on national quota shares within the overall TAC;

2. **long-term regional management plans:** existing efforts to agree long-term management strategies for individual stocks should be extended and integrated into regional fisheries plans to be submitted as part of the regional marine strategies established pursuant to the Marine Strategy Framework Directive.

In answer to the question on decentralising decision-making, Greenpeace is not in favour of devolving decisions to some form of new regional authority, nor is Greenpeace in favour of placing more powers in the Regional Advisory Committees (RACs). Instead, RACs should be reformed or superseded by some form of regional seas maritime activities management committees, as outlined in a subsequent sub-section of this chapter. Greenpeace is of the view that the principle decision-making body – whether at EU, national or local level - should be subject to at least a minimum level of democratic oversight. In other words, it should be an EU institution (incl., where appropriate, a Comitology committee), a national government or a competent national authority, depending on the level of decision. So long as the policy framework has set clear principles, objectives, targets and time-frames, certain operational management choices may be delegated to individual operators and/or producers organisations and local, community-based fisheries management schemes (see subsequent section). In relation to fisheries control and enforcement, Greenpeace agrees with an extension of the mandate of the EU Fisheries Control Agency.

In terms of EU decision-making, Greenpeace is of the view that, in addition to the revised objectives and fleet targets outlined in previous sections, the EU should provide a catalogue of standards and targets as well as guidance for sustainable seafood production and imports. These should cover all relevant aspects of responsible fisheries and aquaculture, including for instance catch selectivity standards, maximum fuel consumption per unit catch, employment standards and criteria for preferential treatment of community-based production (as in local community and not European Community). Member States must apply these standards when drafting their national fleet adjustment plans and the regional fisheries plans that are to be developed and integrated into the regional marine strategies established pursuant to the Marine Strategy Framework Directive. The Commission should have the power to accept, amend or reject national proposals and plans.

In relation to imports, the European Union should apply these standards in a way that promotes rather than puts at a disadvantage seafood produced by local, sustainable and community-based

fisheries in exporting states. Relevant stakeholders should be consulted in the process of establishing and agreeing the catalogue of standards and targets and any eventual guidance documents, and should be actively involved in assessing and meeting the standards at the local level.

In terms of delegating powers to Member States, Greenpeace is of the opinion that Member States should be given the necessary fisheries management power to allow them to implement their site protection obligations under the Birds and Habitats Directives more directly and with more certainty. In practice, the associated impacts of fishing activities on habitats and species often require Member States to restrict or ban fishing activities in order to comply with the obligation to restore and maintain sites or populations of protected species to/at a favourable conservation status. However, under the current CFP, their powers to do so have significant limitations. In the context of the CFP reform, it is conceivable that entirely new and possibly more far-reaching provisions for the delegation of powers will be established. Greenpeace is of the view, however, that - at a minimum - Member States should be given powers to restrict or ban fishing activities that impact on designated areas, such as Natura 2000. Any conservation measures for the protection of species and habitats for which a particular site has been designated, and the related management of human activities, are inherently specific to local circumstances. Consequently, the Member States is best placed to decide which course of action is necessary to achieve or maintain the favourable conservation status of each of their site. In fact, if considered outside the context of exclusive competence, such a delegation of powers to regulate fishing activities that impact on designated areas would be consistent with the principle of subsidiarity.

Delegated powers of this nature would likely be defined in terms of what type of measure may be adopted by Member States, what maritime zones they may apply to and who or what would be subject to such measures. The provisions may also include certain procedural safeguards, such as those used in relation to the delegation of powers to manage fisheries in inshore waters contained in Article 9 of the current Basic Regulation. These enable the Commission to confirm, cancel or amend measures liable to affect foreign-flagged vessels; the resulting Commission Decision may in turn be referred to the Council by a Member State that is affected by the measures. There would be a need, of course, for any resulting measures to be compatible with the CFP's objectives. The delegated powers should apply to both foreign- and own-flagged vessels.

In terms of the detailed, operational aspects of decision-making, Greenpeace is of the view that the EU should require fishermen to take responsibility for their fishing activities. Based on the

principle of reversing the burden of proof, this will require a certain amount of flexibility and freedom in terms of applying technical solutions and promoting and rewarding initiative and responsible action.

9. How could the advisory role of stakeholders be enhanced in relation to decision making? How would ACFA and the RACs adapt to a regionalised approach?

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

Greenpeace agrees that fishermen should be held responsible for their action, and is of the opinion that good governance and a commitment to responsible fishing requires the EU to put greater emphasis on reversing the burden of proof. As a consequence certain operational aspects of fisheries management should be agreed and implemented at local, regional or national level (rather than EU level). Greenpeace is not, however, in favour of a decentralised policy-making, in so much as this would imply that principled, long-term decisions of a legal nature would be taken at regional or local level. Moreover, Greenpeace is of the view that, in certain circumstances, technical decisions relating to e.g. the use of gear or area closures may still better be taken at EU and national level.

Greenpeace is not, however, of the opinion that the new CFP should pursue a notion of "self-management". The 2008 Commission report on serious infringements of the CFP stated that "for most of the Member States, the number of breaches detected, when compared with the size of the fleet, highlights poor performance in control activities or even a lack of control in certain Member States." It further concludes "there is no real improvement in the level of compliance with CFP rules. In absolute terms, Member States have detected only 81 breaches fewer than in 2005." According to the report, the majority of serious infringements occurred in the storing, processing, placing for sale and transporting of fishery products not meeting the marketing standards in force (20%), unauthorised fishing (18%), falsifying or failing to record data (13 %) and the failure to comply with the rules on minimum size came fourth (10 %). In other words most infringements related to the catching, recording, handling and marketing of fish. Presumably, these are precisely the types of activities that would fall within the category of activities that would be devolved to "self-management", if suggestions in the Green Book and current debate were pursued. These statistics sadly show that parts of the fishing sector and some Member States are either unwilling or incapable of acting responsibly and therefore cannot be trust with self-management.

Instead of promoting "self-management", the new CFP could possibly define areas of "co-management". Co-management, in this context, would imply a more active engagement of competent authorities at a more local level. Emphasis should be put on reversing the burden of proof, on the use of environmental impact assessments and on results-based management. In short, access and rights to resources should only be granted, when an operator can show compliance with the principles, objectives, standards and rules of the EU's fisheries and environmental legislation. Incentives, such as preferential access schemes, should be created to reward initiatives that contribute above average benefits in terms of ecological sustainability and benefits to local communities or society as a whole. A devolution of greater responsibility to operators must go hand-in-hand with rigorous control and enforcement. Moreover, in applying co-management methods, the EU must ensure that scientific advice is being sought and adhered to.

All fisheries should be subject to strategic and environmental impact assessments. The strategic assessment would be undertaken as part of the regional fisheries plans, while the impact assessments should be performed by the competent authorities of the Member States, prior to licensing or re-licensing a fishing operation and/or providing access allocations.

As regards the Advisory Committee for Fisheries and Aquaculture (ACFA) and the Regional Advisory Committees (RACs), Greenpeace is of the opinion that these should be reformed and/or superseded by the following consultation and advisory fora:

- draft regional fisheries plans and any new legislative initiatives or equivalent should be submitted to **an open public consultation period**, whether they are being developed at European, regional or national level. This provides all stakeholders with essentially the same opportunity to comment on proposals and to submit information relevant to the process, without requiring anybody to commit time and resource to a continuous participation in (regional) consultation and advisory committees. Such consultations should always be announced in the same place (and in all relevant languages), they should normally include at least one public hearing, and be open for the same, pre-agreed period of time;

- at the regional seas level, **regional seas management committees** (RSMACs) should be formed that advise and inform, on an ongoing basis, regional maritime governance, whether this relates to national, EU, regional seas convention or international processes. These management committees could evolve out of the existing RAC system, but must reflect the wide spectrum of interests that relate to the marine environment and maritime activities in general. It would perhaps be useful to limit the number of seats per Committee to 15 or 30, including perhaps at least one representative from the relevant decision-making body

(assigned to attend meetings based on the most prominent issues on the agenda). Each sea would be filled with a delegate from the relevant interest groups, without necessarily agreeing any permanent members. The Committee would then be supported by a professional Secretariat and elected Chair. The RSMACs could in turn be mandated to host regional consultations and hearings, so long as it is guaranteed that relevant decision-makers attend the hearings.

11. 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 US has the reputation of having some of the best managed fisheries in the world, and some consider both the US and Norway as being most advanced in complying with the UN Code of Conduct for Responsible Fisheries.[6] However, there is significant room for improvement even in US and Norwegian fisheries management.

A table with three examples of fisheries that, in Greenpeace's view, are better managed than a lot of the rest can be found in the Annex.

5. Developing a culture of compliance

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

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

As with suggestions to improve governance and decision-making, Greenpeace is of the view that a culture of compliance only grows on a foundation of transparency and accountability. We propose that the EU:

i) increases the availability of and access to data, public participation and access to justice in environmental matters;

ii) improves the level of use of available data, in particular in relation to data on compliance;

iii) makes access to resources and other privileges conditional upon compliance with the rules and regulations of the CFP.

[6] Pitcher T, Kalikoski D, Pramod G, Short K (2008). Not honouring the code. Nature 457; 658–9.
Full report: Pitcher T, Kalikoski D, Pramod G, Short K (2008). Safe Conduct? Twelve years fishing under the UN Code. WWF, Gland, Switzerland. Accessed July 2009 at: http://assets.panda.org/downloads/un_code.pdf

For instance, the EU must extend the use and content of its fleet register, ensuring full transparency of the information available on vessels and operators. For instance, in addition to the information already available online, the register should include information on the companies, operators, captains and beneficial owners operating respective vessels. It should further provide information on any subsidies received by the vessel (amount and conditions for receiving subsidies), and identify the key target species, principal fishing grounds and any individual quotas for the vessel (if applicable). The EU should urgently start to use blacklists (as outlined in the IUU regulation) and its fleet register to distinguish publicly between legal and illegal operators. Moreover, the EU institutions and Member States should make use of this and similar tools (e.g. compliance scorecards) when taking decisions on e.g. subsidy allocation, distributing access allocations etc.

Secondly, Greenpeace agrees with proposals to extend the mandate of the EU Control Agency and demands that Member States strengthen their port and flag state enforcement and reporting of cases of non-compliance. More importantly perhaps, the new CFP should introduce stronger provisions to ensure compliance with EU fisheries and conservation rules at Member State level. As outlined elsewhere in this document, these should include provisions that could be described as 'macro cross-compliance' measures: i.e. if a Member State fails to comply with Community rules, the Commission should be able to withhold certain funds or rights from that Member State. As regards decentralised compliance schemes, it is helpful to introduce specific incentives, so that fishermen and vessel operators report infringements to the competent local enforcement agencies. In addition, Greenpeace also considers recent legislation on the traceability of fish as highly important and agrees with proposed prohibitions of transhipment at sea.

In terms of data collection systems, Greenpeace is of the view that everything caught should be recorded and, where applicable, counted against the quota. Greenpeace also supports efforts to increase surveillance at sea, including through patrols, observers on board and the use of video imaging etc.

14. Would you support creating a link between effective compliance with control responsibilities and access to Community funding?

Yes, both at the level of operators AND at the level of Member States compliance.

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

See answers on self-management vs co-management above. Also note answer on conditional access to resources and privileges.

6. A regime for small-scale coastal fleets

16. 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?
17. How could a differentiated regime work in practice?
18. How should small-scale fisheries be defined in terms of their links to coastal communities?
19. What level of guidance and level-playing field would be required at EU level?

As already outlined in previous sections, Greenpeace is of the opinion that the new CFP should ensure that sustainable, low-impact, smaller scale fisheries that contribute most benefits to local, coastal communities and society as a whole become the norm in terms of overall catch, and not the exception. While the majority of the EU fleet already consists of smaller-scale vessels, these fleet segments are almost always at a disadvantage in terms of i) the overall allocation of quota shares, ii) a representation of their interests at national, regional and EU level, and iii) access to other goods and services. In simple terms: the majority of the EU fleet currently takes the smallest share of the catch.

Aside from promoting a socially unjust and unsustainable allocation of common resources, current policies also fail to maximise societal benefits and ensure a rational use of raw materials. Greenpeace thus seeks a substantial transformation of the EU's fishing fleets, from a fisheries production model that is dominated by large-scale, capital-intensive, destructive methods, to one based on smaller scale, community-based, labour-intensive fisheries using ecologically responsible, selective fishing technology and environmentally sound practices. We believe that this can neither be brought about by a piecemeal adjustment of current policies, nor by side-lining small-scale and/or coastal operators into an economic and political niche or safe-heaven. Instead, we want the EU to commit to a fundamental rethink that puts environmentally sound practices and socially equitable, community-based production at the heart of its fisheries. This, as a matter of fact, would also be consistent with the spirit of FAO Code of Conduct for Responsible Fisheries (Art 6.18), which states that “recognising the important contributions of artisanal and small- scale fisheries to employment, income and food security, States should appropriately protect the rights of fishers and fish-workers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction “.

In terms of defining small, coastal and/or low-impact fisheries, Greenpeace is of the opinion that a one-size-fits-all definition is neither necessary nor feasible. If, under the new CFP, access to resources are provided on the basis of i) evidence of compliance; ii) strategic and individual environmental impact assessments; and iii) criteria that would grantee preferential access to those operators that operate in ways that provide greater benefits in terms of environmental protection and societal value; then the balance of production would automatically shift towards smaller-scale and community-based operations.

Nonetheless, it is possible and perhaps helpful – yet controversial - to note a number of general trends/factors (in no particular order):

- fishing vessels that are owned and operated by people that are based locally and active members of coastal communities, as well as vessels that are registered in a local port and land fish into local markets, contribute more to local communities and generally are of greater societal value;
- vessels operators and crews that return to port after a day's worth of fishing (say within a max. 18 to 24 hours) generally engage in less dangerous and higher quality employment, and may also provide lower-impact, higher value seafood;
- larger vessels often use less selective fishing practices and consequently produce higher by-catch rates;
- larger vessels often replace manpower by horsepower, i.e. they use less and often cheaper labour per unit catch;
- larger and more powerful vessels also often use comparatively more fuel per unit catch (provided one corrects engine efficiency standards), particularly if they engage in trawling;
- the larger and more powerful the vessel, the higher the financial investment and associated risk, which in turn increases the pressure to maintain short-term profit margins and secure full catch allowances (which, if considered within a certain fleet segment, may be an important factor to consider);
- etc.

In summary, Greenpeace is of the opinion that, if the interest representation and access allowances of community-based, smaller scale operators are strengthened, that the EU will be able to soften, as well as facilitate, the shift towards ecological sustainable fisheries impact. At the same time, it would gain in high quality produce and better quality employment.

7. Making the most of our fisheries

20. 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?

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21. 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?

Greenpeace is of the opinion that, in respect to EU waters, the new CFP should require Member States to develop and implement regional fisheries plans with short-term (2015), medium-term (2020) and long-term perspectives (2030 or 2050). These should become an integral part of the regional marine strategies that will be established pursuant to the Marine Strategy Framework Directive and put into operation fisheries management practices that are consistent with achieving a good environmental status in 2020. While achieving Maximum Sustainable Yield (MSY) would, at present, constitute an improvement for many or most European stocks, the new CFP must not establish MSY as the ultimate goal. The new regional plans would not necessarily replace individual stock recovery plans, but the individual plans will almost certainly require adjustments to ensure coherence and full compliance with regional, ecosystem-based management strategies.

As regards MSY, Greenpeace agrees with widespread opinion that the pursuit of MSY runs counter to the ecosystem approach to fisheries management. Moreover, the faith that the MSY concept places in the ability of science to determine sustainable catch levels has encouraged highly destructive industrial methods of harvesting, wholly incompatible with biodiversity conservation and long-term sustainability. In the interests of conservation and sustainable use, MSY-based management strategies should be avoided, also in the short-term. Instead, the new CFP would (straight away) require the establishment of ecosystem-based, multi-species, regional fisheries management strategies with the aim to achieve a good environmental status.

In any case, Greenpeace is of the view that MSY must never be interpreted as a target reference point. This would endanger stocks and be inconsistent with existing international and Community legislation. Instead of managing fisheries at the level of MSY, MSY should – if anything - be thought of as a threshold for fishing mortality, which must under no circumstances be reached.

Since states pledged to achieving MSY in 2002, at the World Summit on Sustainable Development, the European Union has advanced its fisheries and environmental legislation to require an ecosystem-based management of fishing activities and the achievement of a good environmental status in Europe's seas. The latter includes the target to maintain or restore all elements of marine food webs, to the extent that they are known, at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.

Moreover, at closer analysis, management at MSY would also be in conflict with the conservation and precautionary provisions contained in the 1995 UN Fish Stocks Agreement (FSA), which requires States to set targets for fisheries conservation and management consistent with the "precautionary approach" (Articles 5, 6 and Annex II). In setting precautionary targets, States are required to take into account the reproductive capacity and the resilience of each stock, the characteristics of fisheries exploiting the stock, as well as other sources of mortality and major sources of uncertainty (Annex II). In addition, States must assess and minimise the impact of fishing activities on non-target and associated or dependent species and their environment, protect biodiversity in the marine environment and protect habitats of special concern (Article 5 (f) and (g), Article 6). The combination of these and related provisions in the FSA, therefore, requires States, in most, if not all cases, to maintain the abundance of targeted fish stocks at levels well above that which would produce MSY.

To the extent the FSA refers to MSY, it is intended as an (absolute minimum) limit reference point. This is made explicit in Annex II, paragraph 7 of the FSA: "The fishing mortality rate which generates maximum sustainable yield should be regarded as a minimum standard for limit reference points". In other words, the FSA essentially sets MSY as the lowest possible minimum standard for maintaining or rebuilding fish stocks, in the event all else fails. In conclusions, the precautionary approach has effectively replaced MSY as the standard for fisheries conservation and management in both the 1995 UN Fish Stocks Agreement and the 1995 UN FAO Code of Conduct for Responsible Fisheries.

In fact, MSY is a largely outdated concept, which has been widely discredited as being a fundamentally flawed, high risk, (effectively) single-species management strategy which all too

often leads to overfishing. The MSY concept borrows heavily from economics. It assumes that a given natural resource biomass has the potential, at its optimum level, to generate maximum production surpluses (yields) which can be harvested without reducing the overall biomass' productivity. It further assumes a utopian steady state of production within certain parameters - much as capital held in a bank account supposedly produces steady and predictable levels of interest, which can be withdrawn and spent without eroding the amount of capital.

As P. A. Larkin pointed out, in his insightful critique published some 30 years ago, MSY assumes that all species produce an annual surplus and that if you take just that surplus you can go on harvesting it forever. Larkin demonstrated that MSY is incapable of capturing either the complexity of single species populations and their dynamics or the greater complexity of inter-species relationships in a fully functioning marine ecosystem. In addition, management at MSY essentially ignores the ecological role of species targeted by commercial fisheries.

In short, to determine MSY and subsequently maintain a stock at MSY requires an unrealistically detailed knowledge of life history of the target species in the wider ecosystem context, accurate stock assessments, complete fisheries data and a predictable environment. Especially in the face of climate change and related impacts this is impossible to achieve.

As outlined above, Greenpeace is further of the view that all fisheries should undergo a strategic impact assessment prior to being incorporated into the regional plans, and Member States would be required to align their national fleet adjustment plans with these regional strategies. In addition, the European Commission should assess and report on the EU's full, global ecological footprint in terms of its use of fisheries products, thereby estimating the cumulative impact of fisheries related activities on biodiversity and ecosystem services. This in turn should inform future policies on biodiversity and ecosystem protection and sustainable production and consumption of fisheries products.

22. 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?

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

Greenpeace is of the opinion that no single fisheries management tool provides the golden solution. The answer is in applying the right tool for the right task. Ultimately, a mix of management tools will be needed to achieve the revised objectives of the new CFP, which we

have outlined above. The practice of discarding – when fishermen throw unwanted fish and other sealife overboard after it has been killed in the process of fishing - is wasteful, damaging to marine life and consequently unsustainable. Greenpeace believes that the discarding of fish should be banned.

While there is no one size fits all panacea to all fisheries management challenges, it is certain that no multi-stock fishery in a given eco-region can be considered sustainably managed, until and unless it is managed on the basis of the precautionary principle and the ecosystem approach. Moreover, any regional fisheries management strategy must incorporate a network of fully-protected marine reserves to be robust in light of uncertainty and projected ecosystem changes. These are areas in which it is forbidden to fish or to practice any other extractive or destructive activity, in essence, national parks of the sea.

In fact, marine reserves are as old as fishing itself. The oceans seemed a limitless resource only because our catches were replenished from areas that we could not reach. Now that these technological limitations no longer exist, managers must purposefully create sanctuaries which can help replenish our oceans and seas. In summary, provided their establishment and protection meet a number of minimum standards, marine reserves can:

- safeguard species where and when they are aggregated or are otherwise particularly vulnerable to human impact, such as breeding sites, nursery grounds or migration bottlenecks.
- result in long-lasting and often rapid increases in the abundance, size, diversity, and productivity of marine organisms, in particular commercially exploited species.
- benefit fisheries in surrounding waters as a result of spillover of fish, larvae, and eggs across reserve boundaries.
- help to rebuild and maintain ecosystem functions and food webs, in particular where the reserve is designated to protect the life-cycle of important or vulnerable species, their spawning, nursery or feeding grounds and/or the integrity of predator and prey interactions.
- provide insurance against management failures, in particular in relation to failing fisheries management strategies, and
- serve as reference and control areas for ecosystem based management, allowing scientists and managers to monitor and compare e.g. aspects of ecosystem functions, predator/prey relationships, and recovery rates in unexploited areas vs exploited areas.

Although marine reserves cannot directly reverse the impacts of climate change, pollution or severe physical damage, they will help to strengthen the resilience of those ecosystems.

Consequently, they will boost the capacity of marine ecosystems to respond to human-induced changes.

In terms of regulating catch and effort limits, Greenpeace is in principle of the view that the conservation of fish stocks should be managed on the basis of Article 192 of the Treaty of the Functioning of the European Union, i.e. as part the EU's environment policy (ex 175 TEC). By shifting responsibility for the conservation of fish and fisheries resources into the field of environment policy, the EU would rightly recognise that fish are not simply a commodity but an integral and living part of marine ecosystems. Greenpeace is of the view that the EU would consequently be better placed to meet its biodiversity and conservation targets, and in doing so, would be able to ensure the availability of sustainable fisheries resources for this and future generations.

In practice, a shift in the legal basis would mean that decisions on the conservation of species, the recovery of fish stocks, the setting of scientifically-based catch limits, the protection of non-target species and in fact any measures that relate to fish before they are taken out of the water, would be taken by the Environment Council and the European Parliament on the basis of a Commission proposal (which in turn would be developed by DG Environment). Measures to ensure a common and stable market, the rational use of ports and the management of the fleet, etc. would remain under the Common Fisheries Policy.

However, Greenpeace is aware that this would be a policy change of significant magnitude, and that a paradigm change of this nature may be considered beyond the practicalities and objectives of a simple reform of the EU's fisheries policies. In preceding sections, we have therefore outlined, that the EU should instead ensure that its fisheries are managed on the basis of i) science-based decision-making, including a scientifically set ceiling on total allowable catches; ii) long-term regional management strategies with the aim to achieve a good environmental status, in so much as it relates to impacts caused by fishing; iii) a robust and legally binding fleet management system that is consistent with the available resources and takes into account the catch capacity and engine and gear properties of vessels; iv) a reversal of burden of proof; and v) the precautionary principle and ecosystem approach.

In terms of achieving spatial protection and consistency with the EU's nature conservation rules, the European Commission should scale up its pressure on Member States to ensure an accelerated implementation of the Birds and Habitats Directives and associated network of Natura 2000 sites. Moreover, as outlined above, the Commission should propose to delegate powers to regulate fishing activities that impact on designated areas and, in addition, may extend

measures for the application of no-take zones for the purpose of fisheries management. Furthermore, in line with the precautionary principle, all fisheries activities in designated marine SPAs, SCIs and SACs should be suspended until proof has been brought that fishing can take place without compromising the conservation objectives of respective sites. Individual zones in marine sites could then possibly be re-opened to fishing. This should be subject to an impact assessment that shows that the achievement of a favourable conservation status is not impeded by the fishing activity in question, and subject to putting in place of a regulatory management regime that ensures the maintenance of a favourable conservation status of the site, in line with the provisions of the Habitats and Birds Directives.

In order to eliminate the practice of discarding, the European Union should i) revise its rules, so that discarding is no longer an inevitable consequence of quota management, and ii) stop its fishermen from discarding fish. It should further adopt clear by-catch reduction targets, with the aim to progressively minimise and eliminate unwanted catches. In parallel, the EU should ban (as it has done) the practice of "high-grading" and any high-grading equipment on fishing vessels. The term "high-grading" describes the practice of some fishermen who throw good fish away just because they have caught bigger or better fish.

A discarding ban must further be reinforced by, at least, the following measures:

- an improved systems of enforcement and control, including at sea enforcement, observer schemes and a system of designated port with adequate shore-based facilities;
- efficient system of electronic reporting and (real time) subtraction/discounting of by-catch against quota allocations;
- the technical capacity to communicate and enforce real time closures and effort restrictions, coupled with a legal requirement to change fishing grounds when bycatch rates are too high;
- measures to achieve greater gear selectivity through modifications and switch in gear;
- a ban of non-selective and destructive gears, in particular in relation to bottom trawl fisheries;
- measures that prevent the creation of new markets for by-catch and avoid incentives that would lead to the targeting and marketing of e.g. undersized fish; and
- measures that prevent that existing legal markets are distorted by an influx of by-catch – in particular retailers and consumers must be able to tell legal from by-catch fish (e.g. they must be able to exercise a choice against undersized fish).

Bigger than the problem of discarding (and in many ways at its root) is "institutionalised" overfishing, and the use of non-selective and destructive gears tolerated under the CFP.

Greenpeace insists that any system that addresses discarding, must be complemented by measures that aim at the speedy implementation of ecosystem-based management and the full integration of environmental considerations into all aspects of fisheries management. Moreover, measures must be put in place to require the use of selective gears and prohibit fishing practices that are associated with high rates of collateral damage. Any catch limits must relate to all fish caught, rather than simply fish that is landed. It should also cover recreational catches taken from commercial species.

24. 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?

The principle of relative stability should, at least progressively, be replaced with a system that provides access to resources on the basis of providing evidence – at fishermen and Member State level - of sustainable, low-impact fisheries and of showing compliance with the new objectives of the CFP. The basic context for this is the UN Convention on the Law of the Sea, which provides for a conditional rather than an absolute right to fisheries resources. Consequently, the EU should no longer grant access to resources on the basis of historic shares, but on the basis that a Member State and operator meets conservation and sustainability goals.

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

Yes. However, it is important to bear in mind that the cumulative impact of small-scale fishing vessels can also have significant impacts on the marine environment. Consequently, the new CFP should guarantee i) that access to any waters and resources, including in the 12 nm zone, is provided only if the operator meets environmental and social criteria as outlined in preceding sections, and ii) that fishing activities are prohibited in designated marine reserves even within the coastal zone. Moreover, in the context of providing preferential access to small-scale, low impact fisheries, it may be preferable to agree the extent of the area reserved to socially and environmentally friendly small-scale fleets on the basis of local characteristics, rather than the fixed 12 nm rule.

8. Because we are greedy, and fish are tasty…

26. How could market mechanisms be used to encourage the development of fisheries that are market efficient as well as sustainably exploited?
27. How can the future CFP best support initiatives for certification and labelling?
28. How can traceability and transparency in the production chain be best supported?

29. How could the EU promote that fisheries products come from sustainably managed fisheries, providing a level playing field for all?

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

As stated in the introduction, the EU should not promote an increase in consumption of fish, whether now or in future. Instead the CFP should pursue stable and resilient marine ecosystems and healthy fish stocks, and reduce its fisheries footprint overall. Moreover, the EU should promote healthy, high-quality, low-impact seafood, in particular when it is locally caught, and safeguard stable protein supplies for the millions of people that depend on it most. Provided the EU can decrease discards and related wastage and restore European stocks to healthy levels, European citizens should be encouraged to choose locally caught and processed seafood products, rather than fish that has to be transported over large distances. However, overall consumption should not increase.

In short reply to the questions the above, Greenpeace is of the opinion that:

- traceability and data transparency requirements should be set out in legislation;
- all seafood should be labelled according to certain standards;
- the EU should develop a (minimum) standard for (eco-)labels or other seafood certification schemes (e.g. quality seals or local produce labels) that allows consumers and retailers to exercise their choice for sustainable and equitable seafood products
- equivalent standards are needed for imported products to prevent a displacement of demand towards cheap and unsustainable products from outside the EU.

To the contrary, the European Union should use its clout of being one of the largest single markets for fisheries products to demand and support sustainable fisheries in non-EU countries. To ensure a minimum sustainability and equity standard for all products, the EU should agree a catalogue of simple standards and targets as well as guidance for sustainable seafood production and imports. All marketed products in the EU would be expected to meet these standards and targets. Consistent with the rest of our proposals, Greenpeace is of the view that the EU should financially and structurally support small-scale, low-impact, socially valuable fisheries in other countries (incl. the transition towards such fisheries) with a view to sourcing its fish more sustainably and equitably. Fish caught and imported from non-EU countries should only be sourced from sustainable, well-managed fisheries that have been assessed to provide a surplus, after local needs and uses have been met.

While improving its sourcing policies, the EU must also work to reduce its often wasteful consumption of fish, so that it can stop using resources beyond its means. For instance, it is

often more nutritious and less wasteful to use fish for primary human consumption rather than as fish-meal fodder for farmed species.

A Commission proposal for the (eco-)labelling of seafood must ensure that (eco-)labelling standards are set high enough, so that consumers and retailers can rely on the label to exercise their choice for sustainable and equitable seafood products. Only a high standard for seafood (eco-)labels can re-build consumer trust in the sustainability of seafood products and support the transition towards an ecological sustainable fishery with societal benefits. Full transparency of decision-making and data handling, and traceability of seafood products from the point of capture to the end buyer are pre-requisites for the effectiveness of any label, as well as for consumer confidence. *Tracetracker* is one of the providers that offer an adequate traceability systems.

EU standards should ensure that labels identify, in particular, species sourced from healthy stocks, caught with sustainable fishing techniques from well-managed fisheries. They may further identify fish caught by small-scale local business etc. Labels must not be used to simply label a choice that is comparatively better than all the rest.

However, a professional and highly credible seafood certification builds on more than a robust standard. It should also provide:

- a fully verifiable chain of custody;
- adequate responses to current and emerging challenges that impact on marine ecosystems and fisheries, including by applying and promoting the principles of precautionary & ecosystem based fisheries management;
- means of involvement of a wide group of stakeholders in all the scheme's processes;
- fully transparency in decision-making and data handling;
- for independent assessment and monitoring of the scheme and its fisheries by external organisations;
- assurances and methodologies to guarantee that only accredits certification bodes which apply the scheme’s standards in a rigorous manner and undertake high quality and consistent assessments.

Certification schemes aside, Greenpeace is already today demanding the following standards from retailers and hopes that the EU can support retail leaders by providing legislation to ensure a level playing field:

All products made from wild caught species – whether the product is marketed in processed and unprocessed form - should, under all circumstance, be labelled with:

- the specific common names of each species contained in the product (e.g. not just ‘tuna’ but ‘skipjack tuna’);
- the scientific name (Latin species name) of each species contained in the product;
- the catch area, as defined by the Food and Agriculture Organisation (FAO) spelled out in words (not as a number), and the name of the stock where each species contained in the product came from (e.g. Georges Bank stock);
- the production method (‘wild caught’) for each species contained in the product; and
- the gear type (e.g. trawl) and exact fishing method (e.g. bottom otter trawl or mid-water trawl; purse seining or purse seine with fish aggregation device) used for each species contained in the product.

On request and/or on the retailer’s website the following information should be made available to consumers:

- the status of the stock, according to the advice provided by the scientific body that advises the management organisation in charge (e.g. ICES or GFCM for EU stocks managed). Where stock assessments have not been undertaken, this should also be indicated.
- the identification number (ID) and the flag state of the vessel that caught each seafood species contained in the product; and
- the port and country of landing as well as the country of processing for each seafood species contained in the product.

Moreover, all products made from farmed/ ranched species - whether the product is marketed in processed and unprocessed form - should, under all circumstances, be labelled with:

- the specific common names of each species contained in the product (e.g. not just ‘Cod’ but ‘Atlantic cod’).
- the full scientific name (Latin species name, e.g. Penaeus monodon instead Penaeus spp.), of each species contained in the product.
- whether the species is ‘naturally occurring’, a ‘domesticated breed’, an ‘introduced species’ in the area where it has been farmed, or a 'genetically modified species'.
- the country of origin for each species contained in the product; and
- the production method (‘farmed’ or ‘ranched’) for each species contained in the product.

On request and/or on the retailer's website the following information should be made available to consumers:

- name or identification number (ID) of farm/ ranch;
- information about the farming/ ranching method: whether it is extensive, semi-intensive, intensive; whether a closed or open system was used;
- the source of broodstock;
- chemical products (pharmaceutics, fertilizers, fungicides etc.) that have been used during the production process;
- composition of feed (species and agricultural sources) and percentage of fish meal and oil; and
- whether feed contained genetically modified organisms (if yes, list which).

Current labelling requirements in the EU only require the labelling of unprocessed seafood, with the species' common name, whether it originates from the wild or aquaculture production, and, if wild-caught, the FAO area or country of origin. Consequently, consumers are currently severely limited in making an informed choices. Improper labelling also often worsens the situation.

Crucially, it is not currently possible to verify basic facts, such as the precise species (never mind stock) and whether the seafood on offer has been legally caught. This is not acceptable, and therefore Greenpeace is of the opinion that the minimum standard must be revised to also require the labelling of processed seafood products AND to require - at least – the following information to be displayed on the label or packaging: i) the common name, ii) the exact (Latin) scientific name, down to species level, iii) the method of catch or production and vi) the area it was fished or raised in, as well as the stock from which it has come.

9. A wider environmental context

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

This question has been answered as part of the responses formulated in relation to previous and subsequent questions. In summary, the most important areas of overlap between the Marine Strategy Framework Directive and the CFP relate to:

- the overarching objective of the new CFP;
- good environmental status and the establishment of regional fisheries management strategies, targets and limit reference points;
- the integration of regional fisheries plans with the regional marine strategies; and
- the participation in and structural organisation of advisory committees and consultations.

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

Oceans and seas have been shown to warm up faster than land, which means that the effects of climate change will be felt earliest and strongest in the marine sphere. In addition to a rise in sea temperature, changes in salinity, stratification and oxygen levels are equally worrying, as are the impacts of ocean acidification.

While the climate change imperative dictates that we must drastically reduce greenhouse gas emissions and begin the wholesale transformation of Europe's energy and fuel-consuming sectors, the EU must also adapt its sectoral and nature conservation policies in order to account for the negative impacts of climate change to which we are already committed as a result of greenhouse gasses already emitted into the planet's atmosphere. In particular the oceans may make or break these human-made adaptation strategy. Greenpeace is therefore extremely concerned about the lack of emphasis on maritime adaptation policies contained in the Commission's recent Communication on climate adaptation.

Greenpeace wishes to emphasis that an effective EU strategy for climate adaptation which takes the marine environment into due consideration must entail the following:

- a clear objective to reduce overfishing, taking into account not only the removal of target species, but of non-target species as well;
- measures to ensure a shift from current fuel-intensive and destructive fishing methods such as bottom trawling (e.g. beam trawling, otter trawling and/or dredging) to more climate friendly, selective, low-impact fisheries;
- measures to ensure a reduction of fishing pressure and habitat destruction, including a reduction and restructuring of the current fleet, with a view to obtaining a fleet using low-impact and less fuel intensive fishing methods;
- a coherent network of marine reserves of sufficient size and geographic distribution to grant species a safe haven, where they can be protected from human pressures, and to rebuild the resilience of the marine ecosystem;

- a clear commitment not to displace fishing effort to other stocks/species or other parts of the world, as this would cancel adaptation efforts made at EU level; as well as
- specific measures leading to reductions in pollution, eutrophication, litter, etc.

In this respect, the Secretariat of the Convention on Biological Diversity (CBD) has advised that "genetically-diverse populations and species-rich ecosystems have a greater potential to adapt to climate change". To help reduce the negative impacts of global warming, it thus recommends that fishing nations reduce pressures on fisheries and associated ecosystems.

In this context, the value of marine reserves as an efficient tool to protect marine ecosystems and provide fisheries management benefits is widely recognised, provided their establishment and protection meet a number of minimum standards. For instance, in 2006, the European Commission's Joint Research Centre (JRC) advised that "protected areas contribute to the good health of the ecosystem which then could become relatively more resilient to environmental changes in comparison with those affected by additional anthropogenic pressure."[7] It consequently called for the creation of new marine protected areas in Europe, including fully protected no-take zones.

Greenpeace agrees with this, and asks the Commission to ensure that the new CFP contains provisions that require the protection of sufficiently large areas of Europe's regional seas. In fact, taking note of the recommendations outlined below, Greenpeace advocates that some 40% of marine areas globally should be designated as fully protected marine reserves. The EU should contribute to this effort by prohibiting destructive and extractive activities in 40% of its own waters. Consequently, the new CFP should - as a minimum - include provisions for the use of large-scale marine reserves as a mandatory component of regional fisheries plans, putting into operation ecosystem-based fisheries management.

A review of 40 studies into the coverage that is necessary to achieve conservation and fisheries management goals concluded that 20-50% of the ocean should be protected.[8] The World Parks Congress, in 2003, recommended that at least 20-30% of marine habitats be included in networks of marine reserves, while the UK Royal Commission on Environmental Pollution (RCEP), in 2004, called for 30% of the UK's EEZ to be designated as no-take zones. Likewise, the German Advisory Council on Global Change (WBGU) advised that at least 20–30% of the area of marine ecosystems should be protected in order to preserve diversity and strengthen

[7] Hoepffner N et al (2006) *Marine and Coastal Dimension of Climate Change in Europe*. A report to the European Water Directors. Institute for Environment and Sustainability. Joint Research Centre of the European Commission. Ispra (Va) Italy. Accessed Dec 2009 at: www.sahfos.ac.uk/climate%20encyclopaedia/pdfs/ccreport_final9.pdf
[8] Gell FR, Roberts CM (2003) Benefits beyond boundaries: the fisheries effects of marine reserves. *Trends in Ecology and Evolution* 18: 448-55 Accessed Dec 2009 at: http://assets.panda.org/downloads/benefitsbeyondbound2003.pdf

ocean resilience in light of climate change. In 2005, the United Nations Millennium Project called for 10% of the oceans to be covered by marine reserves in the short to medium term, with a long-term goal of 30%.

In June 2007, several hundred European scientists from 26 European states signed a statement affirming the need for marine reserves and urging governments to accelerate their implementation. The statement stresses that strict ocean sanctuaries, free of all extractive uses, are superior to protected areas in which extractive activities are permitted. The scientists state that such reserves are needed for conservation purposes, for the implementation of effective management of the sea, and have important benefits for our scientific understanding of the marine environment. The statement and list of signatories can be found on: http://www.york.ac.uk/depts/eeem/gsp/mem/marine_reserves_consensus.pdf .

Finally, given the importance of marine sanctuaries for the renewal and recovery of ocean resources, and considering that Member States are over eight years behind in implementing related commitments under the Habitats and Birds Directives, the new CFP should ensure that the adoption of regional fisheries plans and allocation of fishing opportunities is made conditional upon Member States complying fully with the aforementioned Directives. Furthermore, the failure to meet provisions and conservation objectives under these and other relevant Directives must ultimately end in infringement procedures, and where necessary adequate fines.

To tackle the growing emissions of carbon dioxide and of sulphur and nitrogen oxides from shipping and the EU's fishing fleets, the EU institutions should adopt strict fuel quality and minimum engine efficiency standards. Furthermore, the EU should set maximum levels of carbon emission per unit catch for all its fisheries.

10. Fishing for answers …

33. 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?

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

High-quality scientific research depends largely on the allocation of human resources and the availability of data and transparency of information management. In addition, it is important to

define a clear research and decision-making framework, including by defining precise policy and management objectives and by establishing rules on good practice. Scientists must be able to apply their expertise within a well-defined policy framework that should in turn be set in an ecosystem and precautionary context.

For instance, advice provided in an MSY-based management model will differ substantially from advice that aims to support fisheries management in the context of applying a minimum probability of overfishing or a high probability of stock rebuilding over a given period of time.

It is further crucially important to respect the scientific advice that is provided on this basis, by ensuring that it is adhered to during the decision-making process. As it stands, scientific recommendations, most notably the annual advice on mortality rates and catch limits, are most often ignored or dismissed. This has negative impacts on the reputation of fisheries scientists and obviously undermines the effectiveness of scientific recommendations. Making sure that decision-makers and fisheries managers follow scientific advice would boost the confidence and status of researchers and scientists, and improve the management. As stated above, Greenpeace demands that the new CFP sets the scientific recommendations as the legal limit to total allowable catches, mirroring provisions in the US Magnuson-Stevens Act.

In respect to the availability and quality of data, it is crucial that catch management and reporting requirements focus on catches and not on landings. Ultimately, it is only important what is taken out of the sea and not what is landed. To this end, fishermen should be encouraged to provide better data for stock assessments and other research. Operators that comply with good practice could be given preferential access to resources. Access to other data, not currently easily available, is equally important, such as access to VMS data and gear type used to determine the area and circumstances in which a catch has been taken.

The creation of a comprehensive and representative network of marine reserves throughout EU waters would also provide a network of scientific reference zones enabling the effects of management outside the reserves to be better measured and understood.

Finally, as already pointed out, the EU should implement provisions for greater transparency in its decision-making and data handling related to the CFP.

11. Structural policy and public financial support

35. 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?

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36. Should public financial support apply equally to all sectors (small and large scale)?

As stated above, it should be:

- limited to those Member States and operators that can show that they comply with the rules;
- preferentially given to community-based production schemes (as in local Community rather than European Community) and to those operators that show initiative in developing and conducting fishing operations that provide above average benefits in terms of environmental protection and support coastal communities and/or society as a whole.

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

No, as stated above.

38. 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?

Yes, in so much as this applies to permanent subsidies to the sector, and in particular to subsidies that contribute to access fishing capacity, overfishing and unsustainable fishing practices. However, during the transition from current to sustainable fisheries practices, aid may be given to support this transition. Moreover, regular social support scheme should be available to elevate social and economic hardship in coastal regions, and temporary aid schemes may be used to promote new and improved technologies. Support to assist certain fisheries related services, such as stock assessments, monitoring and control, and subsidies to support conservation schemes should continue, but should be granted on a case-by-case basis.

12. Stolen fish, stolen futures

39. 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?

No, there is no reason. The external dimension of the CFP should be based on the same or equivalent objectives, as outlined in preceding sections of this document. In particular, the EU should ensure that its external fleets operate under the same regulatory and compliance regime as its domestic fleets, and that its seafood imports meet equivalent environmental and social standards as its domestic production.

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

First and foremost, the EU must put its own house in order and ensure full compliance with already agreed principles and rules. At the same time, the EU must promote the adoption of measures at regional and international level that are equivalent to those principles, objectives and standards outlined throughout this document. Equally, it must provide a clear and transparent mandate to EU negotiators in international fora. This mandate must be consistent with the objectives of the CFP and wider EU acquis, and form the basis of the EU's negotiation mandate. It should be accessible to all parties and stakeholders involved, so that the EU and its negotiators can be held accountable during the negotiation.

Provided its own house is in order, the EU can and should lead by setting a good example through domestic action and, where appropriate, unilateral measures at international level. The most crucial areas in which EU action is required urgently are:

- the use of driftnets;
- the use of bottom contact gear generally and in particular in relation to deep-sea fisheries;
- the management of tuna fisheries and protection of bluefin tuna and other endangered species.

Greenpeace further supports EU initiatives towards the negotiation of a UN Implementing Agreement on the conservation and management of the marine environment in areas beyond national jurisdiction, and the application of impact assessment on high seas fisheries. To this end, Greenpeace has circulated a complete first draft of such an implementing agreement.

41. How can the EU cooperate with its partners to make RFMOs more effectively?

Most, if not all, existing RFMOs have had a very disappointing track record in managing their fisheries effectively and applying ecosystem-based fisheries management. RFMOs further seem to have severe problems in addressing the loss of sharks, albatrosses, marine turtles and other species impacted by fishing activities in their waters. The 1995 UN Fish Stocks Agreement (FSA) mandated RFMOs as the primary mechanism for managing and conserving high seas straddling

and highly migratory fish stocks. FSA Articles 5 and 6 are the legal cornerstones for applying the ecosystem approach and precautionary principle to fisheries management. Yet, States consistently fail to use RFMOs to implement the specific obligations they have under these Articles. Moreover, the FSA covers only straddling and highly migratory fish stocks, yet fishing nations have begun to also exploit discrete stocks in areas beyond national jurisdiction, such as orange roughy.

A further unresolved issue of the utmost importance in RFMOs is resources allocation in the context of diminishing resources and fleet overcapacity. Unless this is properly addressed, the persistent problems of overcapacity and overfishing will not be solved. The reality is such that few if any stocks, managed by RFMOs, allow for further entries into the fishery.

Currently, EU fleets have access to the biggest share of a number of those stocks, thereby potentially and often evidently preventing others from gaining access. The EU must recognise the legitimate interests of other nations and urgently address the issue of resource allocation in this context, including by decreasing its own fleet. At the same time, the EU must ensure that any capacity that exits a particular region does not shift the overcapacity problem somewhere else. Moreover, it is crucial that compliance loopholes linked to re-flagging practices are properly assessed and dealt with.

Greenpeace is of the view that RFMOs must be fundamentally changed so that they can effectively implement the ecosystem approach as mandated by the FSA. As Regional Ecosystem Maritime Management Organisations (REMOs), they must be given the functional ability and capacity as well as mandate to address the broader ecological impacts of human activities on the world's oceans. Ongoing reform processes must be strengthened and, parallel to the discussions on the UN Implementing Agreement, efforts must be extended with a view to revise the mandate and membership of RFMOs, so that they can fulfil the full spectrum of provisions for the marine conservation and management of human activities.

42. 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?

Fishermen should pay for access by means of access fees and thereby contribute to paying the cost of monitoring, surveillance and enforcement, and the gathering of data for stock management, traceability and vessel monitoring schemes. However, on an individual case basis, financial assistance and/or free access may be need or given to support the legitimate claims of fishermen in developing nations, in particular, if that is the case, where the country has not claimed an exclusive economic zone.

43. 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?

Greenpeace is of the opinion that:

i) many less developed countries do need assistance in the form of financial and know-how investment in their fisheries management, monitoring and enforcement capacities, and in terms of ensuring science-based decision-making and conservation initiatives; and

ii) the EU has a duty and interest in providing this assistance, with a view to ensure local food security, poverty alleviation and the sustainable use of these resources for this and future generations.

Greenpeace is further of the view that too little of the market value of fisheries resources taken from the waters of developing nations currently remains in those nations. Moreover, many of the past and present investment schemes, (vessel) technology transfers and joint-ventures have had negative consequences for local ecosystems and livelihoods.

As outlined elsewhere in this document, Greenpeace is of the view that the EU's external policies must share the same or equivalent principles, objectives, standards and targets as its domestic policies. This is also the case for projects and investment schemes that the EU, EU governments and EU-based companies engage in.

Any projects that are pursued in this manner should be conducted in the spirit of co-operation and solidarity, and should aim to meet the UN millennium goals.

44. 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?

Greenpeace is of the view that the current EU's Fisheries Partnership Agreements (FPAs) should, progressively, be discontinued and, where the EU cannot be self-sufficient, be replaced by sustainable sourcing agreements, possibly in the context of a different kind of wider partnership agreement. In other words, the EU should not define its external relations on the basis of access to third country waters and resources, but through its desire to alleviate poverty, ensure the protection of ecosystems and associated resources and promote sustainable fishing practices. In this context, the EU should help strengthen the fisheries management capabilities of

developing nations and support and encourage partner countries to pursue sustainable fishing practices. The goal must be to maintain local livelihoods, safeguard their rights to resources and achieve the greatest long-term social and economic benefits that can be supported without degrading local ecosystems and permanently depleting available resources. In so doing, the EU should promote and contribute appropriately to food security of local populations. Where possible, local companies should be built up with domestic (and not foreign/EU) capital or, where necessary and appropriate, development support. Joint ventures, as we know them today, should not be promoted, let alone subsidised or granted preferential access to the EU market, e.g. by being treated as Community-based production.

Greenpeace is in favour of efforts to increase regional co-operation and solidarity, and would like to see the European Union support regional approaches in the context of its external relations.

45. 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?

This questions inappropriately implies that there would be a continuation of current access arrangements for EU operators. In any case, if current access agreements continue, whether as an interim or permanently, then – YES - EU operators should cover the full costs of fishing activities in third countries, and corresponding fees should cover the value of the fish taken, the cost of monitoring, surveillance and control activities, the cost of stock assessment etc. In fact, the distant water fleet should not receive any direct or indirect subsidies.

46. Should aquaculture be included in future partnership agreements? How could the potential of small-scale fisheries in third countries for sustainability, ecological and social benefits be enhanced?

As outlined below, Greenpeace has serious misgivings about most, if not all, marine-based aquaculture production, unless it is contained in a closed system. We do not think that existing EU policies deal with the associated impacts of aquaculture adequately. Consequently, we do not think that aquaculture should be included in future partnership agreements. However, this is not to say that, provided EU internal and ultimately external policies towards aquaculture change, it should principally be excluded from a new type of sourcing and wider partnership agreement. If, in future, aquaculture was included in partnership agreements, it should be sustainable in the context of the criteria listed below, and should never be practised at the expense of local food security and ecosystem functions.

Greenpeace and the Environmental Justice Foundation have both documented the impacts of aquaculture, including in developing countries, showing cases of detrimental environmental destruction and revealing shocking human rights abuses e.g. in relation to tropical shrimp farming. The latter range from terrible working conditions to the loss of access to fishing grounds and food. See www.greenpeace.org/aquaculture_report

13. Aquaculture

47. 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?

Greenpeace is not of the opinion that aquaculture should form an integral part of the revised Basic Regulation. Practices and related management responses in the aquaculture sector are distinctly different to those of the catch sector, more akin in fact to agriculture practices. However, the aquaculture sector may merit a separate, targeted instrument to regulate related activities and set in place principles, objectives, standards and targets that are a match to those of the catch sector. In this case, such a new policy should promote ecologically sustainable and socially equitable production methods.

Greenpeace defines sustainable aquaculture as the production of seafood that:

i. does not result in negative environmental impacts in terms of discharges/effluents, does not require harmful habitat alterations, nor have impacts on local wildlife and wild populations of fish;
ii. does not rely on fish meal/oil or have fish oil/meal conversion ratios of less than one, or alternatively the feed has to originate from sustainable sources and/or is using alternative sources of omega 3 (algal derivatives, grape seed oils etc);
iii. does not deplete local resources and is energy efficient;
iv. does not threaten human health; and
v. supports the long-term economic and social well-being of local communities.

Due to associated impacts, aquaculture should be excluded from areas proposed or designated as marine reserves. As a first step, no new aquaculture projects should be permitted in these reserves and existing installations should be phased out as quickly as feasible. Any future maritime policy should take account of the above criteria and prohibit any unsustainable practices. For a full Greenpeace position on aquaculture and background material, please see www.greenpeace.org/aquaculture_report

Annex: Three above average examples of fisheries management

Fishery	Basic info	Why is this a good example?	Could be improved	Link to further info
the Norwegian spring spawning herring fishery	The Norwegian spring spawning herring (*Clupea harengus*) is a highly migratory 'straddling' stock found throughout large parts of the NE Atlantic. The herring is caught throughout the year along its migration path along the Norwegian coast and in the Norwegian Sea. The fishery in general follows the migration of the stock closely as it moves from the wintering and spawning grounds along the Norwegian coast to the summer feeding grounds in the Faroese, Icelandic, Jan Mayen, Svalbard, and international areas. The most intensive fisheries take place on the spawning grounds in February and in the wintering areas from September to January.	**Protected areas:** The Norwegian Marine Resources Act has some strong goals that require "a precautionary approach, in accordance with international agreements and guidelines" and "an ecosystem approach that takes into account habitats and biodiversity." In addition, Norway has developed clear goals set for implementing the use of a complex variety of marine protected areas (MPAs) as part of the management plan. considered for protection. **Stock management:** The fishing rate (or fishing mortality, F) has been maintained at a low level since the stock collapse in the 1970s and subsequent recovery by 1995. The target rate is below the precautionary level (Fpa) and the actual fishing rate has been below the precautionary level since 2003. The EU, Faroe Islands, Iceland, Norway, and Russia agreed in 1999 on a long-term management plan for the stock. It includes a recovery plan in the case of a decline of the stock below Bpa to ensure a safe and rapid recovery of the SSB to a level above Bpa. ICES describes the plan as precautionary and the target defined in the management plan as being consistent with high long-term yield and with a low risk of depleting the stock's production potential. Countries exploiting the stock have generally followed scientific advice in recent years. Even in 2006 when there was disagreement regarding the allocation of the quota and no total allowable catch (TAC) was agreed, the sum of the coastal states quotas did not lead to Fpa being exceeded. Norway has adopted various measures to avoid accidental overshooting of quotas in their pelagic fisheries. The main measure used is the so-called 'under-regulation' of the different group-quotas – the sum of the vessel quotas is set lower than the overall group quota. This is estimated on the basis of earlier overfishing at the vessel level.	Management is still based on a single-stock strategy.	http://www.sildelaget.no/Default.aspx

		Bycatch: A ban on discarding fish that are dead or dying was introduced in Norwegian fisheries legislation in 1988. The fishery follows the migrations of the adults through the year, so that juveniles are somewhat protected by avoidance, with additional protection provide through the minimum landing size for herring in the Norwegian fleet. The main bycatch of other fish in the Norwegian purse seine fishery consists of a small amount of large saithe that chase the herring migrations. The Norwegian fisheries inspection services can close areas if the intermixture of saithe is too high. **Monitoring & transparency:** Monitoring, control and surveillance (MCS) and data collection for fisheries in Norway is strong and fully transparent. MCS covers the entire production chain in Norway, from the point of catch to storage and export. The Coast Guard annually performs more than 1,800 inspections of Norwegian and foreign vessels operating in Norwegian waters. Vessels >24 m (15 m for EU vessels) must carry satellite transponders that allow their activities to be tracked at all times, all year round. Once catches have been landed, the landing data are cross-checked against the fishing rights of the vessel. This task is performed by the fishermen's own sales associations and the Directorate of Fisheries. All fish in Norway is sold through sales associations (six in total) that are owned by the fishermen. The sales associations, are responsible for collecting statistics for the catch and the first-hand sale of fish. This information is passed on to the Directorate of Fisheries, and forms the basis for quota control and fisheries statistics. Sales associations also perform some dockside inspections. The associations provide full transparency with regard to all data collected. All catches are reported while vessels are still at sea, and the vessel quotas and total catches for each vessel are all traceable		

		on the associations' public websites. Data such as bycatch can be provided on request.		
the US and Canadian Pacific coast Dungeness crab fishery	The fishery began in the mid to late 1800s. The current fishery extends from the Aleutian Islands of Alaska to Point Conception in California, and includes the states of Alaska, Washington, Oregon, and California, as well as Canada's British Columbia. The crabs are mainly found on sandy or muddy bottoms of intertidal shallows to depths of 230 metres and are fished with diving gear, crab ring nets, and crab pots.	Pots are size-selective. Egg-bearing females aggregate and bury themselves in sand so most do not enter pots. Any females or sub-legal males that do, can exit the pots through one of two legally required escape mechanisms on each pot. Sub-legal sized males make up the majority of the bycatch. Any crabs brought on deck that are not legal, must be released within 15 minutes of capture. Ghostfishing from lost pots and traps is minimised by means of mandatory biodegradable breakaway fasteners or "rot cords" on the lids that allow crabs to escape if pots are lost. In addition, states have lost gear removal programmes. Licence limitation programmes restrict the number of vessels in the fishery, and there is a moratorium on new licences which will lead to a reduction in capacity in the fishery. Washington and Oregon also limit the number of pots per vessel, and California is developing a pot limitation programme. Washington is also developing a licence buy-back scheme to further reduce the size of the fishery. Rather than managing stocks and catches by a total allowable catch and quota system, crabs are managed under the "3-s" principle of sex, size and season: Only mature males of 6¼ inches (159 mm) are harvested which allows sexually mature males to mate with females for 1–2 years before reaching legal fishing size. Females and soft-shelled (newly moulted) males must not be landed. Fishing seasons are set to avoid the primary moult period and the season can be delayed if pre-season testing shows that a good proportion of crabs have not yet hardened. Pot buoys must be tagged with department-distributed buoy tags which show the licence details of the fisher – this makes monitoring relatively easy. Fisherman are required to maintain logbooks and to keep landing tickets/receipts for specified periods, which include the full details of	Existing weaknesses in management relate to the lack of good data and stock assessments, and weaknesses in compliance with mandatory rules on biodegradable breakaway fasteners (so-called "rot cords")	http://www.neaq.org/conservation_and_research/projects/fisheries_bycatch_aquaculture/sustainable_fisheries/celebrate_seafood/ocean-friendly_seafood/species/dungeness_crab.php#fishery

		the vessel, date, fishing method, primary area of capture, volume of crabs and price. The three states, Washington, Oregon State and California coordinate their fisheries management efforts under a tri-state committee process and have agreed to develop consistent and complementary management actions. Management by the three states is very similar and relatively simple – it is based on licence limitations, restrictions on gear and landing sizes of crabs, and seasonal closures. All three states are currently reviewing potential MPA areas.		
Maldives **pole and line tuna fishery**	The Maldives pole and line fishery catches around 30% of the West Indian Ocean skipjack3 and is one of the best-known examples of a successful coastal state-run tuna fishing operation that has yielded impressive socio-economic benefits for the country.	The pole and line fishing method has negligible bycatch. (see also below) In the long-term, the production costs of pole and line are lower, and profit margins are higher than with purse seine. For example, the average cost of producing a ton of tuna caught with pole and line in the Eastern Pacific is about USD 479-525 per ton; whereas the average cost of producing a ton of tuna caught by a purse seiner in the Eastern Pacific is upwards of USD 900 per ton. Building a state of-the-art purse seine vessel costs around €25 million; and, even if completely controlled by the coastal state, still only provides 25-30 direct employment opportunities. A similar investment could build at least 20 pole and line vessels with freezing capacity that could directly employ up to 300 people. Pole and line skipjack also commands higher prices; in the Netherlands, for example, Maldivian pole and line skipjack in brine is sold for €1.90, whereas a similar tuna product caught with a purse seine can sell for a little as €0.80. In the UK market, the premium payable for pole and line caught skipjack can be up to 5%. This can be explained with the fact that the quality of pole and line caught skipjack is much higher than that of fish caught using other methods, as every fish caught is brought on board alive. Moreover, high histamine levels should not be a problem in pole and line caught tuna, provided the fishing boat does not catch more tuna than it is capable of chilling adequately.	Because the bait fisheries use tightly woven nets there is some bycatch of non-target reef species, usually somewhere between 0-30%. The impacts of the bait fishery on other reef-associated fish species also needs to be carefully regulated, as conflicts with the food needs of local communities have been reported in the past . They must also be monitored to ensure they do not use destructive methods that damage marine habitats .	http://www.greenpeace.org/international/press/reports/pole-line-case-study