



WWF Response to the 2009 Green Paper : Reform of the Common Fisheries Policy



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WWF Response to the Reform of the Common Fisheries Policy Green Paper 2009

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Executive Summary

WWF believes there is hope that sustainable fisheries management can be achieved in European fisheries. Our vision is one of healthy marine ecosystems supporting abundant fish stocks which in turn provide sustainable livelihoods for fishing industries and fisheries dependent communities around the world. We therefore welcome this opportunity to present our views on the Common Fisheries Policy (CFP) reform. In our response we propose that the revised CFP Regulation establishes a mandatory requirement for all European fisheries to operate according to ecosystem based Long Term Management Plans (LTMPs) by 2015. The Regulation should standardise these by setting out minimum criteria that all plans need to meet, including balanced stakeholder groups that will develop the plans for European Parliamentary and Council approval, thus delegating more responsibility to the industry and other stakeholders. Adopting this approach will allow the EU to address its environmental commitments under the Marine Strategy Framework Directive (MSFD) as well as institute a sound model for the regionalisation of the CFP and the much needed devolution of decision making. **This approach addresses the five main structural failings identified in the green paper in the following way:**

A deep rooted problem of overcapacity. WWF agrees that without tackling overcapacity all other initiatives will be undermined. One of the criteria we recommend for the LTMPs is an assessment of capacity, and where overcapacity is identified within the fishery, a capacity reduction strategy must be agreed and implemented.

Imprecise policy objectives resulting in insufficient guidance for decisions and implementations. LTMPs will provide clear management strategies for all fisheries, setting unambiguous, timebound targets and harvest control rules as well as strategies for addressing ecosystem impacts.

A decision making system that encourages a short term focus. LTMPs will establish management in a long term framework and stakeholders should be incentivised by the benefits that such a management strategy should deliver, maximising returns over time.

A framework that does not give sufficient responsibility to the industry. The balanced stakeholder groups that we propose to agree and implement the LTMPs have the industry as key players co-managing the fishery alongside government managers, scientists, control agencies and environmental interests. Industry will have significantly increased responsibilities if they choose to engage in these fora effectively.

Lack of political will to ensure compliance and poor compliance by the industry. Through the use of more inclusive stakeholder groups to develop and deliver LTMPs, the provision of rights based management, and the use of appropriate incentives there should be greater compliance by industry as the rules will be largely of their own making. Sufficiently harsh penalties for non compliance will also play a key role.

Our approach of adopting effective ecosystem based LTMPs alongside improved control and compliance, and standardisation of procedures such as penalties and data collection, across the EU should set us on a firmer footing towards the more economically desirable prospect of sustainable European fisheries. We advocate that the same approach should govern EU fleet activities wherever they fish and should guide EU external relations with third countries, in Regional Fisheries Management Organisations and in Fisheries Partnership Agreements.

Fleet Overcapacity

It is vital that a balance is achieved between fisheries resources and fleet capacity if the productive potential of Europe's marine waters is to be realised. As the Green Paper rightly states, the future CFP must have in-built mechanisms to ensure that the size of the European fleets is adapted and remains proportionate to available fish stocks, and that this is a prerequisite for all other pillars to work. Overcapacity must be addressed as a priority.

A fundamental change in how we manage Europe's fishing fleets is needed and key to this will be that all European fisheries are managed according to ecosystem based Long Term Management Plans (LTMP) which adhere to strict criteria established in the reformed Regulation. Adopting such an approach will provide the framework not only for setting and achieving sustainability goals but also for the new regionalisation of the CFP.

We set out our model for LTMPs later in this document (in answer to questions 8 & 9); one of the elements that WWF believes must be incorporated into each Plan is an assessment of capacity within the fishery and where overcapacity is identified, a **capacity reduction strategy** should form part of the formal LTMP, with co-ordination at Regional level for implementation at Member State level. Balancing capacity to resources will in essence become one of the targets of the LTMPs; targets will be time limited, and penalties will be incurred for failure to fulfil.

There is a need to establish a common definition of capacity to avoid using crude physical attributes that cannot and do not provide genuine measures of fleet capacity. For example, vessels of similar size may deploy very different levels of fishing power, depending on the gear used. Similarly, engine size may be highly relevant in some cases (e.g. trawl fisheries) and less so in others.

FAO defines fishing capacity as: *The amount of fish (or fishing effort) that can be produced over a period of time (e.g. a year or a fishing season) by a vessel or a fleet if fully utilized and for a given resource condition. Full utilization in this context means normal but unrestricted use, rather than some physical or engineering maximum.* The FAO definition combines two basic and complementary approaches to managing fishing capacity: 'input based' and 'output based'. Input based measures consider production factors used to harvest fish, such as the number of vessels active in a fishery or the level of effort they apply (days at sea, number of traps deployed, etc).

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

Limits on capacity should be contained in legally binding measures. As outlined above WWF believes that balancing capacity to available resources should form one of the mandatory targets in a formal LTMP, as specified in the Regulation. Each LTMP will have the requirement to assess capacity as part of the overall descriptor of the fishery (Member States should be required to provide the necessary fleet information in a consistent manner). Where overcapacity is identified a capacity reduction strategy must be developed as part of the LTMP.

It will be necessary for the assessment to be carried out at fishery level which will be Regional in most cases. Where there is only one Member State prosecuting a fishery it will be at Member State level. A capacity reduction strategy will need to be agreed at this level, agreeing targets and timelines for reduction. It is likely that the details for meeting targets will then be implemented at Member State level.

Where overcapacity is not identified, the assessment can be used to meet the legal requirement for a strategy – ie. it can be demonstrated that there is no need for a capacity reduction strategy in that instance. Member States failing to provide information should face meaningful penalties, such as financial sanctions and/or a quota decrease or zero quota.

The appropriate level of capacity is closely linked with the status of stocks; as stocks improve or decrease the capacity limit can therefore vary. Legislative tools to limit capacity will need to be carefully structured so that they are not too rigid to react to resource fluctuations.

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

A one-off scrapping fund would not solve the problem of overcapacity. In the first instance there are indications that Member States would be unwilling or unable to meet match funding required for such a scheme even if it were available, and secondly it is unclear whether the right vessels would be removed from the system.

In July 2008, the EU adopted an emergency package of measures to tackle the fuel crisis in the fisheries sector - the Fleet Adaptation Scheme (FAS) - which was primarily an *ad hoc* special, temporary regime derogating from some provisions of the European Fisheries Fund (EFF) regulation for a limited period (up to the end of 2010). The FAS constituted an experiment in the feasibility of a one-off scrapping fund and the results suggest that the scheme was not successful as Member States failed to use the FAS to restructure their fleets due to the high initial costs.

However at Member State level capacity reduction measures such as transferable fishing rights have been implemented in Scotland and Denmark at minimal governmental cost. This has freed resources for subsequent sectoral research and innovation investment¹. France and Italy are also starting to reduce their fleets significantly. Italy is dismantling purse seine vessels: 19 in 2009 giving a 28 % capacity reduction, and 12 more in 2010 representing a 24% capacity reduction.

WWF believes that the approach of a capacity reduction scheme within an LTMP will provide a more flexible, realistic and effective way forward for Member States to reduce overcapacity, more in line with the Danish and Scottish examples. It may be helpful for Community money to be made available to support individual capacity reduction strategy objectives **where these are demonstrably in line with sustainability targets.**

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

The use of rights based management tools is already a fact of life throughout the European Union, taking many different forms. A recent evaluation found that all coastal Member States have already implemented some type or types of RBM.²

¹ MRAG, IFM, CEFAS, AZTI Tecnatio & PoIEM (2009). An analysis of existing rights based management (RBM) instruments in Member States and on setting up best practices in the EU, Final Report. London: MRAG

² MRAG, IFM, CEFAS, AZTI Tecnatio & PoIEM (2009). An analysis of existing rights based management (RBM) instruments in Member States and on setting up best practices in the EU, Final Report. London: MRAG

If properly designed, RBM schemes can be successful at providing long-lasting cost-effective solutions to the overcapacity problem, while enhancing economic efficiency, assisting wealth creation, and enhancing the overall environmental performance of a fishery. Such an approach can also provide for a solution to phase out dependency on subsidies and in return achieve a balanced fleet.

WWF believes that transferable rights could form one of the tools within a Long Term Management Plan (LTMPs), and that where any rights based system is developed, it should be done within the context of the LTMP.

A complicating factor, potentially limiting the application of a consistent rights-based approach is within a LTMP comprising several Member States with different RBM systems. In this situation, we would envisage that the fundamentals of the rights based system (basic mechanism, legality, security) are agreed as a priority in the drafting of the plan by the authorities in agreement with stakeholders, but over time the rights-based approaches of the various Member States will evolve to complement one another and the LTMP itself. The advantages of such a system are that any disagreements or conflicts between systems can be dealt with at the conception stage of the LTMP, and through negotiation between the stakeholder constituents.

In accordance with our views of how the inshore zone should be managed, WWF supports tailoring RBM schemes that grant fair and equitable user rights to local and sustainable coastal fleets, and that encourage the allocation of such shares for minimally destructive vessels. Such preferential treatment must not however be to the detriment of the target stocks, the wider marine environment or the overall objectives of the LTMP.

One example of tailoring a scheme in such a way is the Cape Cod Hook Fishermen who adopted a community ownership model. To prevent large industry take over of their tradeable quota shares they established a Trust which runs a non-profit permit leasing business that buys quota, aggregating it and associated permits into a pool, and leases quota at affordable rates to qualifying Cape Cod fishers, prioritising local and sustainable fishers who comply with monitoring and regulations.

WWF supports the idea of promoting rights based management systems on the level of a community, cooperative, or nominated representatives of a group, which then allocates and monitors use of the resource.

A second example is the Spencer Gulf Prawn Fishery in South Australia which uses Individual Transferable Quotas (ITQs). Both have explicitly defined user rights and in both cases, security of access to the resource and responsibilities of use are clearly defined and legally binding, which has been shown to further long-term sustainable use.

The effectiveness of any rights-based management systems will depend on the model used, the institutional approach (market versus community-based), how rights are specified, the conditions under which they can be transferred, the duration of the use-rights, and the basis for allocating of the rights. Key to any RBM scheme will be legal basis of the scheme and the security of the right/access.

WWF supports the requirement to review RBM programs after an appropriate time and refine

them, if necessary, to meet the goals for the fishery or region. The review period will be specific to the fishery or fisheries under the management regime and should enable MS governments in conjunction with the Regional body to alter/adjust their fisheries management priorities.

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

Decisions about the allocation of fishing rights is a matter of decision for national governments rather than the EU. Since this is the case, the Common Fisheries Policy, which addresses EU fisheries law, does not directly control — either to limit or to promote — Member States' use of RBM tools.

There has been concern that the benefits of a rights based system would be undermined if some fleets in a region had it and others did not. However as noted in answer to question 3 we believe there is scope for a means of harmonisation through the LTMP process.

Under a system whereby all fisheries are subject to ecosystem based LTMPs we envisage that a rights based management scheme could be co-ordinated at a Regional level in order to standardise the approach taken by different Member States targetting the same stock.

Focusing the Policy Objectives

WWF strongly advocates that the EU move as rapidly as possible to an Ecosystem-Based Fisheries Management (EBFM) system, given the failure of the current single-species management model to deliver on conservation goals and the need to address wider ecosystem impacts of fishing activities.

There are many interpretations of ecosystem-based management approaches and different terms in different socio-political and cultural contexts worldwide. However, OSPAR, HELCOM and the EU Marine Strategy Framework Directive (MSFD), based on a recommendation by ICES, consistently define EBM as *“the comprehensive integrated management of human activities based on the best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of marine ecosystems, thereby achieving sustainable use of ecosystem goods and services and maintenance of ecosystem integrity”*.³

With respect to achieving EBM, the best approach is often to start with societal objectives (e.g., as reflected in relevant policies - in an EU context these will be the CFP and MSFD commitments), and then to assess the greatest threats to achieving those objectives. With current management practices, fisheries will often emerge as being a source of important objectives and also the source of a number of different threats (over-exploitation of target species, impacts on conservation species, impacts on critical habitats, etc.). As long as those threats are not swamped by impacts from other sectors, they will be mitigated at least by taking action in the fisheries sector, with or without collaboration with other sectors⁴. So it is important that the CFP adopt as strong an Ecosystem-Based Fisheries Management (EBFM) approach as possible as the delivery on EBM by the CFP alone can be considerable, regardless of action by other sectors.

³ http://ec.europa.eu/maritimeaffairs/msp/020709/verreet_en.pdf
& http://www.ospar.org/content/content.asp?menu=00180302000066_000000_000000

⁴ Rice et al (2009) Managing ecosystems, managing fisheries: how do ebm and ebfm relate? MEAM Vol 2, No 2 (dec08-feb 09)

For the purposes of the CFP reform EBFM would represent a significant step in the right direction; as it presents a more holistic approach to secure healthy and sustainable fisheries that restore and conserve fish populations.

5. 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?

As the Green Paper notes, today ecological, economic and social considerations are all given equal weight in the CFP. The Council of Ministers, reaching decisions under the framework of the current Policy, considers itself free to set TACs and quotas that place short term socio-economic concerns ahead of ecological considerations – in effect spending long term capital assets rather than living off the interest that would be accrued by sustainably managing the resource. Analysis shows that the Council of Ministers routinely over-ride the ecological advice provided by the Commission in setting catch limits⁵ (and the European Commission’s proposals are frequently watered down versions of the scientific advice they received from ICES) resulting in quotas constantly being set on average 40% over scientific advice.

The CFP should reflect the fact that without a healthy marine ecosystem, a thriving fishing industry cannot exist; fisheries are dependent on fish, fish are dependent on functioning ecosystems. There is ample evidence that, in fisheries that have been subject to a more rigorous prioritisation of ecological sustainability, recovery has been attainable. For example, in the US, their fisheries legislation⁶ requires regional fisheries management councils to set annual catch limits no higher than the levels of allowable biological catch established by their scientific and statistical committees, to ensure overfishing does not occur, by no later than 2010 for fisheries subject to overfishing and by 2011 for all other fisheries. In 2008, the US reported a significant increase in stocks rebuilt. Overall, US results are far better than the EU’s with 16% of stocks subject to overfishing in 2008 and 23% in an overfished state, compared to 88% in the EU.⁷

WWF calls for a prioritization of the pillars to enable a recovery of marine ecosystems and related priority fish stocks. In policy terms this would mean that Ministers are only able to set harvest targets within harvest strategies that include biological limits based on the precautionary principle outlined by the scientific advice.

The current objective states *“the Common Fisheries Policy should therefore be to provide for sustainable exploitation of living aquatic resources and of aquaculture in the context of sustainable development, taking account of the environmental, economic and social aspects in a balanced manner,”* (EC 2371/2002). Apart from giving precedence to ecological considerations, a clarification of economic aspects could also improve the CFP. Evidence shows that, over the medium to long term, allowing European and global fisheries to recover would result in a far more profitable industry. One study identified that allowing European fish stocks to recover to MSY levels could generate 400,000 tonnes of additional catch.⁸ The World Bank & FAO report, “Sunken billions” concluded that globally economic losses in marine

⁵ WWF, 2007. Mid-Term Review of the EU Common Fisheries Policy

http://assets.panda.org/downloads/wwf_cfp_midterm_review_10_2007.pdf

⁶ Magnuson-Stevens Fishery Conservation and Management, amended 2007

⁷ 2008 Status of US Fisheries, Report to Congress, NMFS, May 2009, www.nmfs.noaa.gov/sfa/status_of_fisheries/sosmain.htm

⁸ MRAG, 2009. Studies supporting reform of the Common Fisheries Policy, A vision for European fisheries post 2012. A report for WWF by MRAG

fisheries resulting from poor management, inefficiencies, and overfishing add up to a staggering US\$50 billion per year⁹

In addition, current economic analyses usually fail to account for the other ecosystem services provided by a healthy marine ecosystem, such as climate regulation, tourism values, etc.¹⁰ By broadening the definition of economic benefits associated with sustainable fisheries and healthy oceans, the CFP would be able to more adequately consider and 'trade-off' both the net benefits and losses of different levels of marine ecosystem functioning.

As the Green Paper notes, economic and social viability over the long run can only result from restoring productivity. To give guidance in the short term, priority must be given to ecological sustainability. Clear and transparent standards for fish stock abundance and timetables for restoration of that abundance must be specified in the CFP and made binding on the European Parliament and Council of Fisheries Ministers in their decision making practices.

6. 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?

It is clear that current fisheries resources will not support present levels of employment in the catching sector and that addressing overcapacity will mean losing jobs. This is a fact and one that needs to be managed in order to minimise hardship on fisheries dependent communities.

Alternative forms of employment could be achieved through Regional Development Strategies where they can identify more readily the infrastructure development needed to manage employment or unemployment in communities dependent on fishing. In support of this we believe that EFF funds should remain available for the sector and concentrated on Axis 4 investments addressing the development needs of economically depressed fishing communities through promotion of such alternatives as ecotourism and integrated coastal livelihood and management programmes.

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

Clear targets for fisheries management are essential and at the highest level there are some obvious commitments that Member States need to be guided by and build into the new Regulation. For example there are requirements under the Marine Strategy Framework Directive (2008/56/EC) to:

- Achieve and/or maintain good environmental status (GES) following the qualitative descriptors (listed in Annex 1) in the marine environment by the year 2020 at the latest, and;
- To achieve Maximum Sustainable Yield Targets and other management objectives towards ecosystem level sustainability by 2015¹¹ (as an intermediate goal towards

⁹ WB-FAO, The Sunken Billions - The Economic Justification for Fisheries Reform, http://www.globefish.org/files/Sunken%20Billions%20Report%20Advance%20Edition_659.pdf

¹⁰Millenium ecosystem assessment. Current state and trend assessments, chapter 18 marine systems <http://www.maweb.org/en/Condition.aspx#download>

¹¹ Under the EU Sustainable Development Strategy *Objective 3: Improving management and avoiding overexploitation of renewable natural resources such as fisheries, biodiversity, water, air, soil and*

higher precautionary biomass levels compatible with GES in 2020) as practical targets for decision making and accountability.

These should form the high level objectives that will guide the development of ecosystem based LTMPs and that within each LTMP there will be a series of indicators and interim targets established that will track progress and assist in delivering these. LTMPs should establish the timelines within which the targets should be met.

The balanced stakeholder groups that we recommend formulate plans should include scientists as well as managers, industry and environmental interests which should help in arriving at targets based on best scientific advice and that make all stakeholders accountable for tracking and achieving them.

It is likely that a raft of targets will be established in order to meet high level objectives. For example, identifying critical or sensitive habitat impact and how this can be avoided by the fishery, capacity reduction where it is identified as a problem, and discard and bycatch minimisation.

The GES process will start to roll out during the period of the reform. Detailed indicators must be rolled out by 2010 and an initial assessment of the state of the seas to be completed by 2012. The results of this work will inform the LTMPs and the move towards good environmental status.

Focusing the decision-making framework on core long-term principles

- 8. 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?**
- 9. 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?**

Reform of the governance structure for the CFP will be vital. In line with an ecosystems based approach there needs to be a shift towards a fisheries management policy where outcome-based macro level objectives are set centrally and are then delivered at a regional and Member State level and where clear accountability mechanisms are built into the system. This approach would reduce dependency on the Council for annual fishery management decision making and provide stakeholders with a greater sense of ownership for the management of fisheries.

Of the options considered in the Green Paper we therefore favour the one whereby actual management takes place at a Regional and Member State level but is based on standardised

atmosphere, restoring degraded marine ecosystems by 2015 in line with the Johannesburg Plan (2002) including achievement of the Maximum Yield in Fisheries by 2015.

decisions and principles agreed at Community level. Critical to this approach will be to achieve principles which have environmental sustainability as a priority and are based on sound science.

The key to delivering decentralization of decision making and providing the way forward on long term sustainability is a **mandatory** requirement for all European fisheries to be managed according to Long Term Management Plans (LTMPs). The new Regulation should make this a mandatory requirement by 2015. By committing to this the next step will be establish what the management unit of the plans will be and this in turn will guide the regionalisation process.

The swift and systematic adoption of well designed LTMPs will allow Member States to manage EU fisheries on a multi annual basis, in line with the precautionary principle and an ecosystems based approach. In turn, this will contribute to achieving good environmental status (GES), as required under the Marine Strategy Framework Directive (MSFD).

Instead of LTMPs being developed largely on a single stock basis these plans need to address either a fishery or a particular area. This will ensure that stakeholders who have an interest in the fisheries within that area or fishery can contribute to their management. Recent research has confirmed that the most effective way to achieve sustainable fisheries is with science-based LTMPs arrived at via open and transparent stakeholder processes.¹² As discussed above, we are supportive of the transition to a system whereby the European Council, Parliament and Commission set overall objectives for ecosystem health and stock abundance based on the latest science, and those objectives are translated by Regional and Member State stakeholder bodies into LTMPs that can deliver on the overall objectives. Objectives should be revised and prioritised to be clear, straightforward and consistent. Well-defined and prioritised objectives contribute to long-term management by producing clear guidelines, which make the process and outcome of implementation more consistent.

The revised CFP Regulation needs to establish:

- A **mandatory requirement** for all European fisheries to be managed by LTMPs by a certain date (we suggest 2015).
- The high level **sustainability objectives** of the plans such as achievement of MSY by 2015 (and MEY by 2020) and a commitment to fulfilling the relevant MSFD goals.
- Establish **clear criteria** for what elements need to be included in the development and implementation of plans.
- Clear **accountability** for failure to develop plans within the required time and penalties for failure to comply with plans once agreed.

Key to the success of the plans will be the criteria and their implementation. These would include:

1. Plans are fisheries based or region based instead of stock specific. This is a major change from what is happening at present, and will be one of the main issues to address but is essential if we are to take an ecosystems approach.
2. Balanced stakeholder group(s) need to be established, as well as a means of co-ordination at a Regional level. Plans need to be agreed, implemented and reviewed by

¹² Camilo Mora, R. Myers, M. Coll, S. Libralato, T. Pitcher, R. Sumaila, D. Zeller, R. Watson, K. Gaston, B. Worm, «Management Effectiveness of the World's Marine Fisheries,» *PLoS Biol* 7(6):e1000131.doi:10.1371/journal.pbio.1000131 .

- these balanced stakeholder groups, which should include government managers, scientists, industry (processors as well as catching sector), control agencies and NGOs.
3. Description of the fishery(ies) – this should include vessels, gear, species, economics (revenue, management costs), employment as well as any recreational interests.
 4. Plans are ecosystem based – they need to introduce impact assessments (taking account of a wider range of impacts on target and non target species (including non fish species) and habitat, as well as the impact of other fisheries/activities on the target species within a fishery).
 5. Management is based on total removal rather than landings.
 6. Analysis and risk assessment are used to address data poor fisheries and allow precautionary quotas to be set.
 7. Clear targets and timelines are set, and unambiguous harvest control rules, to determine catch level or effort, are established.
 8. The plans will need to establish targets other than simply stock and will be informed by the impact assessment process. These could include, discard and bycatch minimisation plans, habitat protection strategies.
 9. The fishery should also be assessed for overcapacity which if identified should require a strategy to bring it into line with resources. Detailed capacity reduction would likely be delivered at Member State level. A marketing strategy (which would help maximise economic return) would also be useful at Member State level.
 10. Effective monitoring and control requirements.
 11. Formal penalties for failure to comply. These need to be standardised across Member States, consistent with the EU's new Control Regulation where applicable.
 12. Triggers for fisheries, which would warn when management has to shift from rebuilding to recovery mode, are established in the plan.
 13. Formal periodic review and ability to adapt or be flexible in face of new data.

There would need to be a regional body that had an overview of the region to ensure that the plans within any one region were compatible and together would not result in an area becoming over exploited. Once agreed at a Regional level LTMPs would be submitted to the Commission who would likely seek initial scrutiny jointly by STECF, a DG Environment equivalent and possibly an evolved form of the RACs.

The Commission will need to feel confident that agreed plans meet the Regulation criteria and stand a good chance of meeting the targets. They will also have the right to take action where there is failure to meet the criteria, or where plans are not forthcoming in line with required deadlines. The final approval of an LTMP will of necessity remain with the Parliament and Council under the Treaty although this approval would be expected to be routine under the proposed scheme

If approved it is then incumbent on the Member States to implement the plan with stakeholders at the fishery level. At this level there will be the need to create Member State Co-management Committees (CCs) for each LTMP. Composition of the CC needs to include relevant industry representatives (incl catch sector and processors), national decision-makers, national/regional scientists, control authorities & environmental interests including NGOs. It will be this body that is responsible for the day to day implementation of the plan.

The whole system will be transparent – this will be enabled by the full description of the fishery required to guide the development of the plan – and based on sound science. Periodic performance reviews of LTMPs against common standards would be carried out by STECF &

DG Environment, with participation of scientists involved in CCs, and, as a result, mandatory adjustments could be requested of CCs.

It should be noted that there may be instances where a fishery is only prosecuted by one Member State in which case the Member State in question would fulfil the role of both developing and implementing the plan. The plan would still need to demonstrate its compatibility at a Regional level and be signed off by the Commission, Parliament and Council.

Diagram 1 provides a visual map of this new regionally based governance structure.

WWF believes that an effective marketing strategy should form a key component of sustainable fisheries management. This should maximise economic return and factor in continuity of supply resulting in the much desired end point of removing less from the sea but achieving more money for what is removed. A marketing strategy may be most appropriate at a Member State level as markets will vary between Member States and there may be competition between Member States. As such we would not envisage that this is a mandatory requirement but would like to see such an approach being adopted at implementation level.

In future LTMPs it would be useful to look at the concept of biomass removal to allow a more comprehensive ecosystem approach but given current data and resources this may be beyond the capabilities of this reform process timeframe. It should however be something that is planned for in future management.

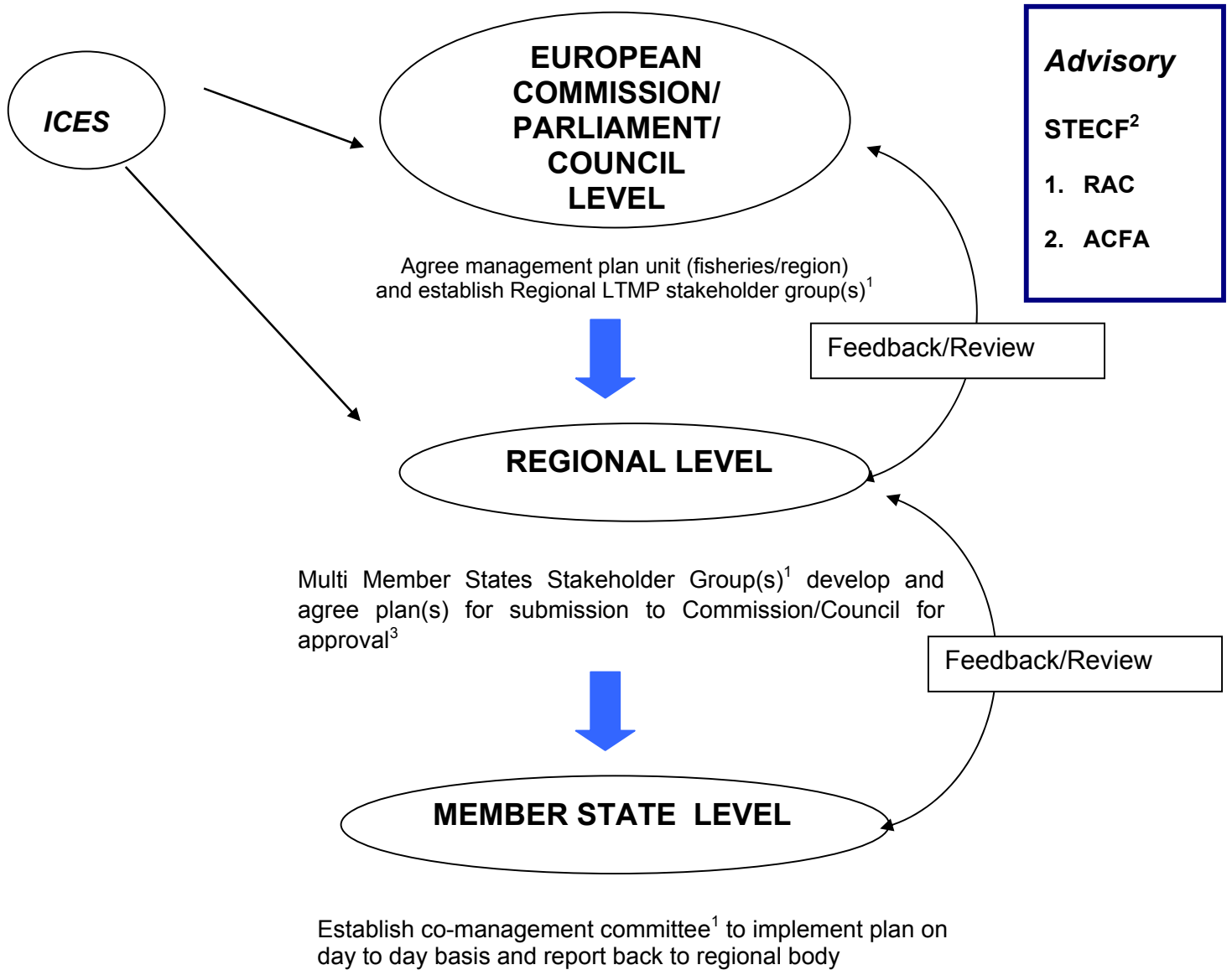
Adopting an effective framework such as this alongside strong criteria to guide the development and delivery of LTMPs maximises the chances of meeting MSFD commitments. The criteria are essential if this is to work and without them there is a very real chance of failure.

It is also key that strong and clear accountability measures are built into the Regulation. Member States failing to agree effective LTMPs for their fisheries must face meaningful penalties, such as financial sanctions and/or a quota decrease or in extreme cases, zero quota. As in the US system failure of the regional body to put forward a plan meeting statutory requirements results in the Federal fisheries director stepping in to develop a plan, failure by Member States to meet the deadline could result in the Commission imposing an LTMP for that particular fishery as an emergency measure.

For more detail on our Long Term Management Plans proposal we append our paper on this topic. It can also be found at the following link:

http://www.panda.org/what_we_do/how_we_work/policy/wwf_europe_environment/initiatives/fisheries/publications/?179101/2012-Common-Fisheries-Policy-Reform-Long-Term-Management-Plans-and-Regionalisation-of-EU-Fisheries

DIAGRAM 1: FRAMEWORK FOR IMPLEMENTING LTMPs AND DELIVERING REGIONALISATION



¹ Mixed stakeholder group (government, scientists, fisheries, processors, control, NGOs)

² Currently there is no ICES advice for the Mediterranean. Main guidance on Mediterranean for Commission comes from STECF

³ It is likely that this will be multi Member State but in some instances where only one Member State prosecutes the fishery then it will develop the plan to implementation level, ensure compatibility at Regional level and submit directly to Commission.

10. 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?

History has demonstrated that key to effective fisheries management is the inclusion of fisheries stakeholders. WWF views effective and **balanced** stakeholder participation to be critical to the success of the development and implementation of LTMPs for all fisheries.

It is likely to work best when no one interest group is overly dominant, which is the case with the current RACs where a two thirds industry to one third other interests balance exists. WWF see LTMPs being developed by stakeholder groups more mixed than the RACs. At Regional level this needs to include Member State representatives, control agency representatives, scientists with appropriate knowledge of the fishery (possibly 2-3 for the plan regardless of number of MS), a limited number of key catching sector representatives (3-4 max for each MS), environmental interests (1-2 for each MS, in reality likely to be less given available capacity). At this level the fundamental components of the plan(s) for shared stocks will be developed and agreed.

This does not mean that there is no role for RACs but simply that in their current form we do not believe they should be considered the appropriate stakeholder group for development of plans. Instead it is likely that RACs will continue to play an advisory role to both LTMP Regional stakeholder groups and/or the Commission on aspects of management through the process of plan review.

These LTMP stakeholder fora will facilitate a much more effective form of engagement for all concerned because they will be fishery focussed and all members will therefore have the long term interest in the same fishery as their central concern. A more mixed group should be possible to achieve at different scales, regardless of how big or small, which is a vital consideration given the aspiration that all European fisheries are covered by LTMPs. Some key elements will be essential to enhance the role of stakeholders in any fora and these include.

- Fair representation
- Transparency
- Good access to science
- Training in fisheries management
- Provision of incentives to stakeholders
- Holding stakeholders accountable for meeting their management responsibilities.
- Access to environmental justice
-

With respect to RACs and their ongoing advisory role, WWF have identified a number of actions to improve the way they function and arrive at decisions and recommendations¹³. We recommend that these improvements be undertaken without delay as the RACs will play an important continuing role during the 2010-2012 period.

With respect to ACFA it may be that its role will become redundant over time given the key requirement to have scientists and managers actively participating in the new stakeholder bodies. It is hard to say but if the new system arose as we describe it we would not envisage fighting to retain ACFA as yet another advisory body in the process as we feel the new structure would have good checks and balances built in.

¹³ WWF, 2009, How to improve the Regional Advisory Councils. <http://www.panda.org/eu/fisheries>

From the perspective of environmental justice there is a need for explicit recognition that the role played by stakeholder groups in decision-making processes gives them, and their constituent members, the right to challenge the legality of the acts and omissions of the EC institutions in the European Courts of Justice.

Encouraging the industry to take responsibility in implementing the CFP

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

As outlined above we believe that the adoption of LTMPs and the stakeholder groups required to establish and implement them provide stakeholders with greater responsibilities for the fisheries they are involved with, and the management process.

Using this model the central (Brussels) governmental role is to provide long-term policy and outcome-based targets with the Regional and Member State levels responsible for the development of technical means to meet them. The decision-making process becomes more flexible and responsive to local conditions, and enables active stakeholder engagement in local policy and technical implementation decision processes. This would allow different regions to utilize different tools, better suited to their circumstances.

WWF believes that the development of this kind of framework approach and building strong partnerships between industry, management and science are important to generate confidence in management, and to encourage a better culture of compliance. Once such a framework is in place the role of the Council and Parliament in approving management plans should be one of routine oversight, rather than micromanagement.

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

A system of participatory governance or co-management is an institutional context that, if well designed, can allow fishermen to participate in fisheries management decision making. It can be a successful dynamic partnership using the capacity and interest of user-groups and be complemented by enabling legislation and other administrative requirements¹⁴. Fishermen can be part of the decision making process and work with Member States and other stakeholders to ensure that long-term management objectives are met. It can also improve fisher support, for outcomes, confer legitimacy on the regulations and foster compliance, which may also reduce monitoring and surveillance costs^{15,16}. Co-management is a means of building trust and empowering stakeholders to participate in the shared governance of fisheries. For more information on the Co-management Committees please refer to Question 9 on Decentralization.

¹⁴ Nielsen J.R. and T. Vedsmund. 1997. Fishermen's organizations in fisheries management: perspectives for fisheries co-management based on Danish fisheries. *Marine Policy*, 21: 277-288

¹⁵ Schumann, S. 2007. Co-management and consciousness: fishers assimilation of management principles in Chile. *Marine Policy*, 31: 101-111.

¹⁶ Kuperan, K., N.M.R. Abdullah, R.S. Pomeroy, E.L. Genio and A.M. Salamanca. 2008. Measuring transaction costs of fisheries co-management. *Coastal Management*, 36: 225-240.

It has been shown that stakeholder compliance with decisions in which they played little or no role has been mixed at best¹⁷ and that key to sustainable fisheries management is the effective engagement of fisheries stakeholders. We believe this needs to be on a balanced basis and that stakeholders should include government managers, environmentalists, scientists and industry (both catch sector as well as market players to try and improve some of the economic returns of fishing).

Existing Producer Organisations (POs) are not homogenous in how they operate in relation to their members. In some instances it may make sense for POs to act as management bodies whilst in others it won't and some may be able to transform themselves into becoming a suitable co-management partner.

It is clear that there is a need for the appropriate level of representation at the local and regional stakeholder level which can talk on behalf of the catching sector. Without achieving this there is a high risk that plans will flounder due to lack of support on agreed management.

WWF welcomes industry's role being extended beyond that of just quota allocation where this is done within the structure of a co-management body. In Scotland the Conservation Credits Scheme (CCS) was launched in February 2008 with its overarching aim being to improve fisheries management in Scotland by adopting best practices in stock conservation, and supporting (and ensuring) the future economic prospects of fishing communities. It is run by the Scottish Government Marine Directorate (SGMD) and advised by a 25 member steering group with members from industry, science and an environmental NGO. The Steering Group, which meets monthly to assess the progress of the CCS, also provides a forum for government, science, industry and NGOs to discuss proposed measures, conferring a degree of ownership over the process and outcomes and thus a level of buy-in from the fishing sector and others. The CCS is based on strong conservation orientated objectives. As the name implies, it credits fishermen for adopting conservation measures with a currency of real value to them – additional days at sea, and the possibility to operate under the more flexible conditions of "hours-at-sea".

In Galicia, the EU's largest fishing region, successful participatory co-management schemes are being adopted in the design, management and monitoring of fishing reserves or long-term management plans with strong conservation and management objectives. This new participatory model, initially adopted in the small fishing community of Lira, is being followed by dozens of fishermen organisations in Galicia and the rest of Spain and supported by NGOs like WWF.

A planning process for any participatory or co-management scheme is essential to guarantee the success of the scheme. Ensuring an appropriate suite of conditions and a robust process will increase the likelihood of success, and lessons should be learnt from other similar schemes¹⁸.

¹⁷ MRAG, 2009. Studies supporting reform of the Common Fisheries Policy, A vision for European fisheries post 2012. A report for WWF by MRAG

¹⁸ Chuenpagdee, R. and Jentoft, S. 2007. Step zero for fisheries co-management: What precedes implementation? Marine Policy, 31: 657–668.

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

Self-management by the catching sector is not an aspiration shared by WWF for the new governance system. WWF believes a system of co-management is more appropriate and that this should be delivered by the new stakeholder groups of the LTMPs. These will include a balance of catching and processing industry representatives as well as government managers, scientists and environmental NGOs.

With such a mix of stakeholders represented both at Regional and Member State level we believe that a balanced set of objectives and targets can be agreed, as well as a means of achieving them. All stakeholders should share the common goal to achieve a rebuilding of the fishery, minimise the environmental impact of the fishery, and ultimately witness an improvement in the economic return from the fishery, and overall health of stocks and their supporting ecosystem.

Key to the functioning of the LTMPs will be a robust set of monitoring and control criteria appropriate to the fishery. Incentives should be an option within LTMPs to assist with compliance. However there will also be the need for clear penalties for failure to comply (reverting to centralised management with lower, more precautionary TACs) to be established at Community level and standardised across Member States.

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

At present fisheries enforcement represents a substantial financial burden on Member States. In several Member States it has been estimated that the cost of fishing to the public budget exceeds the total value of the catches¹⁹. A considerable proportion of that cost is spent on control and enforcement.

Moreover, many European fleets operate at a loss, crippled by the costs of fuel and reduced fishing opportunities, and kept afloat by inappropriate subsidies. Adaptive measures such as reducing fleet size and a move towards less fuel-intensive practices are a first step towards increased resilience. However, actions must go further including: harmful subsidies to be eliminated and the resources redirected from fishing capacity to improved management, oversight and research. Any funds used for buyback or decommissioning must be linked to substantial, permanent reductions in overcapacity.

There is also a clear argument for the industry themselves bearing some of the cost of these adjustments. As an example, at present in the UK the Seafish Industry Authority, which works across all sectors of the seafood industry to promote quality, sustainable seafood, is funded from a statutory levy on all fish, shellfish and seafood products landed, imported or cultivated in the UK. Of an annual budget of around £11 million just under 80% is from levy. The rest comes from grant funding and consultancy work. The levy is due on all first-hand purchases of sea fish, shellfish, and sea fish products including fishmeal landed in the United Kingdom or from any UK registered fishing vessel owner, fish and shellfish farmer, grower or cultivator who lands product in the United Kingdom for subsequent sale direct to a foreign customer, or who trans-ships

¹⁹ Commission of the European Communities. 2009. Green paper: Reform of the Common Fisheries Policy.

product within British fishery limits.

A similar system could, and arguably should, be set up whereby fisheries pay a levy on fishing opportunities to support the costs of control and enforcement and other management.

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

The assumption of responsibility for some of the management by the industry implies a commitment to better management principles. Such responsibility should not be given unless this commitment is clear. These principles lie at the core of an ecosystem-based fisheries management approach which itself rests on the principle of stakeholder involvement in objective setting and achievement. These principles are then operationalised through long-term management plans with criteria relating to each principle. The MSC's Principles and Criteria for Sustainable Fishing, being based on the FAO's Code of Conduct for Responsible Fisheries are a useful starting point. It may also be necessary to ensure that any such industry given responsibility are themselves structured into formal industry associations with such principles themselves enshrined in the association statutes.

16. 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?

There are a number of examples across European fisheries, five of which have been highlighted in the WWF "Net Gains" film. These include initiatives in the UK, Greece, Spain and Denmark, adopting a range of measures including using onboard surveillance cameras to control discards and the uptake of selective fishing.

Another example is the Scottish Conservation Credits Scheme. In December 2007 Member States were given the flexibility to run their own days at sea scheme as a pilot ahead of future EU-wide implementation of "effort pot" schemes, the Scottish Government took up this opportunity and in February 2008 launched the Scottish Conservation Credits Scheme (CCS), which is explained in answer to Question 12.

Effective monitoring and control will be key for the success of any plan. Stakeholder participation and agreement over targets is key to achieving compliance with any management plan. That said it is well recognised that incentives can be an effective means of improving compliance and as such should be considered as options to be built into management plans.

Developing a culture of compliance

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

In order to improve data collection and ensure coherence for enforcement, WWF proposes the following measures and issues are addressed:

1. Increase Transparency

There is a lack of transparency and common approach in Member State reporting to the Commission on national fleet and fisheries²⁰. A harmonised system from which consistent data can be used by both Eurostat and DG MARE but also between Member States is recommended²¹. An appropriate regional and global network to manage data should be designed and constructed to improve the exchange of information.

2. Harmonize measures

WWF stresses the need for setting up concrete and efficient standardized actions and procedures at sea and on land between Member States to improve the culture of compliance and data collection. This standardization should be coordinated by the Common Fisheries Control Agency (CFCA) and collected and managed appropriately. A general short-coming is that some controlling obligations e.g. prior notification at arrival to port is not the same in all fisheries area. This is costly for both authorities and industry to handle parallel systems and should be addressed to make the obligations standard across all Member States and fisheries areas.

According to the Commission's analysis of the EU fisheries, 80% of the fleet are represented by vessels under 15 m²². It is crucial that such a large proportion also be included in modernised surveillance standards to eliminate any loopholes in the system.

3. Catch and landings data

To be effective, the EU's overarching data management system needs to be able to collect, compare and verify input-output data. Currently this is a lengthy process involving multiple Member States' controlling authorities. The electronic logbook should have a batch number tracker device to enable real-time data review and crosschecking with Vessel Monitoring Systems (VMS), to detect and minimise tampering of VMS at sea. All reported information from vessels must be electronically transmitted to a common database and accessed by Member States abiding by these CFP regulations. Buyer registration and submission of electronic sales note should also be an integral component to reporting and cross checking systems.

The data collection on the measure of fish catches is based, in most cases, on Total Allowable Landings in which no account is taken of discards. In 2006, ICES estimated that total removals amounted to around three times the reported landings suggesting either under-reporting of landings or a substantial problem with continuing discards²³

The accurate and timely reporting of both catch and landings data (which should be linked with effort data) is feasible for all boats >15m. The introduction of electronic recording and reporting system (ERS) that has been agreed and implemented by the European Commission throughout the EU fleets will greatly increase the speed and accuracy of data reporting, and enable more efficient monitoring of catches by fisheries officers. The time interval leading up to the implementation of the system (>24m by Jan 2010 and >15m by July 2011) should ensure that this recommendation is implemented under the current plans of the Commission.

²⁰ COM (2008) 670 - Reports from Member States on behaviours which seriously infringed the rules of the Common Fisheries Policy in 2006

²¹ WWF (2008). Position paper; Control and Enforcement proposal, http://www.fishsec.org/downloads/1192830458_12534.pdf

²² European Commission (2008), Facts and Figures on the CFP

²³ ICES (2006). Report of the Working Group on the Assessment of Northern shelf Demersal stocks, 9-18 May (CM 2006/ACFM:30)

4. Observer coverage

For a change in the management system to be successful, sufficient enforcement and observer coverage is needed. WWF believes that there is a clear need for the use of on-board observers and video surveillance technologies (such as Closed Circuit Television - CCTV systems) to become a standard component of European fisheries management. This could be seen as a way of increasing surveillance and baseline data, particularly if integrated with Vessel Monitoring Systems (VMS). In addition, the use of e-logbooks would complement an observer programme. The Danish example of trialling an Electronic Monitoring System on fishing vessels appeared to deliver sufficient reliability of the catch documentation and collection of pertinent at-sea commercial fishery data²⁴.

WWF recommends that CCTV become a mandatory requirement across fleets alongside an agreed level of spot checking by onboard observers across the fleets.

5. Policing capabilities and forensic accounting worthy of the EU

Intelligence, allied to online access for sales notes, can be complemented by a team of forensics accountants, with the capacity to identify any unusual behaviour. Forensic accountants have been used in the UK and Ireland as *ad hoc* measures, but increasingly inspectorates are developing their own in house forensic capacity comprising accountants, data analysis and investigative skills. The EU through the CFCA should systematically develop and employ these policing techniques.

18. 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?

European Commission's role

WWF supports the Commission's suggestion to take a more pro-active role to ensure Member States abide by the CFP rules as proposed in the Commission's proposal on the reform of the community control system²⁵.

Member States' role

Member States must take more responsibility for their industries behaviour and ensure legal measures are adequate as deterrents. WWF has strongly supported the Control Regulation's provision requiring harmonization of penalties across member states.

Coordinated action across Member States and the EC

By allowing direct intervention and penal actions through the option as a last resort the restriction of fishing opportunities Member States are obliged to improve their own compliance systems. However this may limit the Member States' willingness to ensure transparency or sharing electronic data. Therefore, spot check audits by Commission inspectors should be carried out at timely intervals. The Commission Inspectors initiatives carried out in 2005-2006 in the Baltic region comparing control and enforcement systems for the Baltic cod fishery²⁶ obliged the nations to reassess their surveillance and enforcement strategies. Fisheries control

²⁴ Jørgen Dalskov & Lotte Kindt-Larsen National (2009). Institute for Aquatic Resources Technical University of Denmark, Fully Documented Fishery, Mid-term status report.

²⁵ COM (2008) 721 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy

²⁶ European Commission, DG MARE (2007). Evaluation report of Catch Registration in Baltic Sea Member States 2005-2006.

information builds mainly on how the management regulations are stipulated. It is vital that these are outlined in a way that makes it possible to control and for the industry to comply as well as Member States to control and cross-check.

Cross-national Coordination

The centralised planning and harmonisation of monitoring control and surveillance between countries in Joint Deployment Plans (JDPs) have demonstrated that increases in Monitoring, Control and Surveillance (MCS) activity are useful for many reasons, including cost savings through increased efficiency, training and transfer of skills and experience. Cross-national inspection agreements can improve the level of compliance by Member States in regional waters. Given that inspection at sea in many Member States is ineffectual, expensive and not organized, it remains crucial to coordinate available MCS resources to maximize their utility. Regional cooperation will decrease national costs and improve resource efficiency systems at sea, as well as build trust among enforcement agencies. Some effective cross-national tactics include:

- Regional information sharing in real-time – information such as VMS/VDS, e-logbook, landing information could be held centrally for a region
- Multi-lateral agreements on patrolling and inspection throughout a region
- Regional observer and inspector training and deployment programmes

The Community Fisheries Control Agency's (CFCA) adoption and implementation of JDPs have proven successful in pooling resources from neighbouring Member States in regional fisheries cross border inspections²⁷. These campaigns have improved dialogue between Member States on management level as well as increase the presence of inspection and in detecting infringements that were otherwise difficult to detect. For instance the CFCA's JDP in the North Sea detected the use of illegal gear attachments (i.e. small mesh blinders in the cod end) on many of their deployments 2007-2008²⁸. Increases in number and intensity of inspections can increase compliance greatly within a number of fisheries²⁹

The Future Role of the CFCA

The CFCA can be more effective once harmonized data collection and reporting are in place. CFCA or a body of the Commission must also achieve third party control to audit and thus ensure Member States adequately plans its national control resources and activities according to CFP rules and regulations.

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

Control, enforcement and an effective penalties system are central elements of all fisheries management. Currently the European Community dedicates 46 million Euros to control and enforcement, while 837 million Euros are spent on structural assistance for fisheries³⁰. The majority of the Community fishing fleet is dependent on funding through the European Fisheries Fund as well as additional funds and subsidies. The EC should not tolerate the use of these funds for the purpose of sustaining non-compliant activity. By and large, with some exceptions, the measures taken by Member States since the last reform in 2002 have not been effective in

²⁷ https://www.fiskeriverket.se/download/18.efdc1411fa22aacf0800046/arsredovisning_2008.pdf

²⁸ http://www.cfca.europa.eu/northsea/index_en.htm.

²⁹ MRAG (Marine Resources Assessment Group) Ltd. (2008). Analysis of Policy to Combat IUU, A report for WWF Sweden.

³⁰ European Court of Auditors. Special report No 7/2007.

encouraging the development of higher levels of compliance^{31,32,33}

The CFP should include clear legal guidelines that subsidies are to be used to achieve sustainable fisheries practices. WWF's view is that private enterprises and individual vessels found to have committed infringements should be barred from benefiting from public assistance or subsidies for at least the period of the operational programme of the fisheries fund. Removal from the list of eligible beneficiaries should also be made mandatory so that taxpayers do not subsidise vessels and operators convicted of non-compliant activities. Moreover, those vessels should not receive taxpayers' support and vessels that have received taxpayers' money during the operational programme period should be required to repay that money. Any such funds should be re-invested in MCS.

20. 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?

It is clear that there is a strong need to develop a culture of compliance among all stakeholders. This is not a simple task but WWF believes that it will be made easier by the adoption of

- i) standardised control and enforcement systems across the EU,
- ii) appropriate incentives for compliance built into effective long term management plans, and where this fails,
- iii) clear and stringent penalties for lack of compliance

Member States and the European Commission need to create, fund and implement an effective legal framework for the fishing industry to secure full traceability and help ensure their long term future. As discussed in the previous section, harmonized data collection and management are essential to an effective EU-wide system. A regime of exchanging trustworthy documentation connected to the actual flow – and trade – of fish and fish products should be established, including mandatory compliance checks on legal documentation all along the value chain. With this focus, products derived from IUU fishing can be isolated from the regular market. A new mandatory system for traceability and a provision for buyers of fish and fish products to ensure that their fish and fish products come from legitimate sources should be established.

WWF considers that the fishing and processing sectors can do more to reduce IUU fishing and comply with the CFP rules. Examples exist where the catching and processing sectors have invested in and introduced systems that confirm where their fish comes from and that it has been caught from the permitted area, in the right way and within the quota levels.

Scotland is an example where an industry led buyers and sellers registration scheme aimed at eliminating “black fish” (fish from unreported landings) from the supply chain along with increased land-based inspection has achieved spectacular reductions in unreported landings³⁴.

³¹ MRAG (2009) Studies supporting reform of the Common Fisheries Policy; A vision for European fisheries post 2012. A report for WWF by MRAG

³² WWF (2008). Lifting the lid on Italy's Bluefin tuna Fishery,

http://www.panda.org/about_our_earth/blue_planet/publications/?uNewsID=147103

³³

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/06/13&format=HTML&aged=0&language=EN&guiLanguage=en>

In the South Georgia Patagonian Toothfish fishery, the use of a range of at sea and onshore technological solutions has resulted in a significant reduction in IUU fishing. These include real time catch recording, vessel monitoring systems, bar coding, fish box identifiers and readers, combined with tougher administrative procedures. Similar measures in a Scottish *Nephrops* fishery have resulted in, among other things, improved quality, higher value landings and less incentive to illegally fish³⁵.

Both Denmark and Ireland are examples where Member States combine traceability with fisheries control policy as an effective measure of both eliminating IUU but also improved data collection from the supply chain. Sales and producer organisations have proven to be effective direct control of fisheries. Industry can coordinate with control authority through forensic investigation, processing observers or other coordinated action within the marketplace.

In Norway, sales organisations are used as a third body of direct control with fisheries are included as a required measure in their legal framework. They carry out registration and control of catches and landings (quantity and species). All catches must be sold through these organisations and all landings must be weighed and recorded on the sales notes³⁶.

Along with their suppliers, seafood companies have developed and implemented voluntary, market-based schemes to remove IUU fish from the supply chain. Important best market practices include eco-labelling certifiable products, catch and trade documentation schemes, maintaining a fish transaction data base, publishing lists of good and bad entities, setting corporate standards and audit procedures and partnering with the Marine Stewardship Council (MSC) or other independent organizations to maintain credibility.

All of these voluntary schemes contribute to improved performance, but cannot substitute for institutional reform to ensure that laggards comply with the law. Effective compliance will be attained only when fisheries crimes receive the level of attention and resources that they merit.

Levels of penalties against participants in IUU fishing activities and criminal networks should be substantial enough to act as deterrents. Effectiveness of any system depends on the ability to share the information. Regional networks with specific legal framework outlining the responsibilities of the regional Member States obligations can ensure compliance specifically for high-risk IUU fisheries.

A differentiated fishing regime to protect small-scale coastal fleets

21. 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 the sector?

WWF understands the reason for the Commissions thinking on this point but are not convinced of the approach. Particularly in northern European waters the distinction of communities being

³⁴ Scottish Fisheries Protection Agency (2007). Annual Report and Accounts 2006-2007, Edinburgh: The Stationary Office.

³⁵ Ocean Resource Conservation Associates (2006) A report to WWF Sweden on traceability and Baltic Sea cod fisheries.

³⁶ WWF Norway (2008) Management and Technical Measures in the Norwegian Cod and Groundfish Fisheries. http://assets.wwf.org.uk/downloads/norwegian_cod_fishery_report.pdf

dependent on small scale coastal vessels may not always be appropriate. For example some coastal communities may be very dependent on some large vessels operating far from their home port but which are reliant on processing facilities etc in the local region while smaller vessels may not be so vital for the overall survival of the community.

A better approach is that of operating according to Long Term Management Plans (LTMPs). As stated earlier we believe that all fisheries in Europe's waters should be managed through ecosystem based LTMPs, which should rely on two related pillars: 1) the right ecosystem-based fisheries management (EBFM) tools, to enable co-management and ecosystem sustainability, and 2) adequate rights-based management (RBM) tools, to ensure fishing capacity remains within limits compatible with sustainable exploitation of the stocks and economic profitability. This general scheme could be applied to any fishery, irrespective of its scale. This is particularly true for biological and ecological standards applicable to LTMPs, which should be the same EU-wide and for all fisheries (large and small scale).

As stated earlier fishing access rights can be subject to trading restrictions to ensure that some 'community vital' vessels participate in the fishery as long as such conditions are not to the detriment of the target stocks, the wider marine environment or the overall objectives of the LTMP. In addition, harmful subsidies could be redirected to programs that transition unsustainable employment out of the fish harvesting or processing sectors thus mitigating some of the social hardship of a transition to sustainability.

22. How could a differentiated regime work in practice?

23. How would small-scale fisheries be defined in terms of their links to coastal communities?

24. What level of guidance and level playing field would be required at EU level?

WWF disagrees with the principle that one should differentiate management regimes between large-scale and small-scale fleets by focusing on capacity adjustment and economic efficiency for the former and social objectives for the latter. On the contrary, WWF believes that balanced capacity, economic efficiency, social aspects and ecological sustainability, should all underpin the management of any fishery in Europe's waters, irrespective of the scale. However key to management must be the sustainability of the stock otherwise the other aspects will be unable to be met. WWF supports EFF investments in making small scale fisheries more ecologically and economically stable but does not believe that Europe can afford to sacrifice sustainability principles for short term economic gains in small scale fisheries any more than in larger scale ones.

Small-scale fisheries, which can be less energy-intensive than larger-scale ones and can produce a very high-quality product, highly prized by the market, can, and should, be economically profitable - particularly in the current environment of rising fuel prices. To achieve this, the new CFP should reward them by dropping any fuel subsidies (such as the current *de minimis* regulations), which result in coastal fisheries being out competed by frequently more unsustainable and energy-intensive fisheries like those employing trawls. Instead, public aid should be focussed on improving the effective marketing and selling of the product in order to achieve maximum return for the product, provide higher profit margins for fishermen, based on quality over quantity and sustainability. By doing this the current dependence on overfishing to keep breaking even should be minimised and the position should be reached whereby fishermen are removing less from the sea but earning more.

To achieve this objective it will be important to enhance the value of fishing products through traceability and labelling improvements, and to minimise the number of steps in the supply chain between net and plate. WWF France launched a project along with the Prud'homie of Saint-Raphaël which illustrates how such improvements can work in practice. This project, co-financed by Axis 4 of EFF, aims to protect the marine environment of the VAR by getting better value for the fishermen refocusing attention on artisanal fishery as the centre of coastal activities.

Similar strategies are also being developed in Galicia, where fishermen-owned direct selling enterprises improve fishermen's incomes in order to reduce fishing pressure and encourage better practice. Commercialisation improvement strategies are often linked to sustainability and social-oriented programmes run by the own fishing sector³⁷

While no different ecological or management standards should be adopted for small or larger fleets, it will be necessary to apply flexible approaches to meet these objectives as in many Member States management necessities are clearly different between small and larger fleets.

Making the most of our fisheries

The Green Paper highlights discards, one of the most wasteful problems facing European fisheries. As a means of combating discards WWF advocates the use of Bycatch Quotas. Experience from around the world suggests that this policy can be particularly effective in mixed fisheries which are a key component of European fisheries.

Most EU fisheries outside the Mediterranean are managed by setting total allowable catches of which each Member State get a national quota. In practice the uptake of this quota is measured only by landed catch, paying little attention to the levels of fish discarded. Other fisheries management regimes use quotas which limit the **total** amount of the species or population that can be caught, regardless of whether the catch is subsequently landed or discarded. These can be termed "Absolute Catch Limit" (ACL). For an absolute limit on the amount that can be caught incidentally in fisheries targeting other species, the term "Total Allowable Bycatch" (TAB) is used. TABs can be a proportion of the ACL that is caught in non-directed fisheries. Where fisheries are primarily managed by quota, ACLs and TABs will allow accounting for all fishing mortality (Ward, 2008). In essence these "Total Allowable Bycatch" (TAB) quotas would be considered a cut-off value, above which a fishery would be closed. In fisheries with mixed fleets, the TAB can be divided by fleet category and managed on that basis.

Where fisheries are not managed by quotas, emphasis should be made in the improvement of technical measures, establishment of an allowed percentage of the total catch for bycatch, and in the avoidance of certain vulnerable or sensitive areas by time/area closures.

Several groundfish fisheries in Alaska have incorporated bycatch limits as a fundamental component of their management system. In Alaska, ACLs are set for many groundfish species which are caught in a multi-species flatfish fishery, including yellowfin sole, rock sole, flathead sole, Alaska plaice, Pacific cod, and pollock. Fishers have to declare a target species, but in some of these fisheries the target species makes up less than half of the catch. All fish caught are counted towards the ACL for that species and comprehensive observer coverage is used to

³⁷ <http://www.fundacionlonxanet.org>

enforce this (100 % observer coverage on vessels over 49 m, and 30% per quarter for smaller vessels). Also, the total amount of groundfish removed from the system is capped at under 2 million tonnes³⁸.

WWF believes that such an approach should be incorporated into the reformed CFP within the long term management plan framework. Such an approach offers a practical means of addressing the chronic problem of discarding in EU waters. Incentives should be made available to make this operational and additional funding to support the management of such an approach. Factors that generally improve the success of bycatch limits, which are in place currently in other fisheries globally, include high observer coverage and other measures to reduce bycatch. Other key components, such as in-season management, a strong regulatory basis for management, and appropriate quota setting and enforcement are factors which complement fisheries management system, ensuring it delivers on its sustainability objectives.

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

It is clear that management of EU fisheries needs to move away from stock plans to fisheries plans. This is something which has the support of the industry³⁹. With respect to the specifics of how we see LTMPs being developed please refer to the answer to questions 8 & 9 for this question. This sets out how WWF envisages that the adoption of mandatory ecosystem based LTMPs will not only provide the framework for managing fisheries on a sustainable basis but it will also provide the framework for much needed regionalisation of the CFP.

26. 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?

The CFP should ensure that its stocks are at or above MSY as soon as possible. While some stocks are already at MSY for many this will require recovery and/or LTMPs for each fishery, with a mandatory requirement for stocks to be fished at a level not exceeding MSY in the short-term. If a stock is in a critical state and therefore subject to recovery mode management this will necessitate lower levels of exploitation.

There is growing agreement that Fmsy (the fishing mortality that delivers maximum sustainable yield) should be considered an upper limit rather than a management target reference point. However with so many EU fisheries so far from MSY WWF believes that this represents an acceptable working short to medium term goal. For long term management and for fisheries which are below or at MSY the alternative targets of F0.1 (a more precautionary lower exploitation level based on yield per recruit analysis) and Fmey (the fishing mortality that delivers maximum economic yield) are preferable because they are generally lower risk in terms of over-exploitation than Fmsy and result in higher stock sizes and greater profitability than when stocks are fished at Fmsy or similar proxy⁴⁰.

³⁸ Witherell, D., C. Pautzke, and D. Fluharty, 2000. An ecosystem-based approach for Alaska groundfish fisheries. ICES J Mar Sci, 57: p. 771-777.

³⁹ NSRAC Draft Nephrops LTMP paper, April 2009, http://www.acsfilmfest.co.uk/nsrac/wp-content/uploads/2009/08/wd20090714_Draft_Nephrops_LTMP.pdf

⁴⁰ MRAG, 2009. Studies supporting reform of the Common Fisheries Policy. A vision for European fisheries post 2012. A report for WWF by MRAG

WWF recommends an interim short to medium target of Fmsy ie. that MSY be achieved by 2015 for overfished stocks and that for those stocks below or at MSY then both MEY and F0.1 should be the target by 2015. For all fisheries the aim should be to have them operating according to MEY in conjunction with F0.1 by 2020 unless GES standards dictate a more abundant target in a particular location. The reformed CFP should include a specific mandate to this effect. Requests to ICES for advice on removals should be designed with these targets in mind.

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

In 2006, the Commission proposed the adoption of MSY as a target for all European fisheries, and that this should be expressed in terms of target fishing rate rather than biomass. Means of achieving MSY need to be clearly identified in the LTMP for the fishery in question alongside expected timeframes. Within the targets unless it can be demonstrated that the fishery is discard free then a discard reduction plan needs to be incorporated.

The interpretation and perception of MSY needs to be changed and clarified, particularly within the context of LTMPs. Ultimately achieving the MSY commitment for each species within a multiple species fishery will present a challenge as it is unlikely that MSY will be possible to achieve for all species within any mixed fishery simultaneously. It is therefore likely that a compromise will be required to maintain the fishery at an environmental and economically sustainable level. Assessments of all species impacted will be needed as well as effort levels in order to deliver the optimal scenario. Within this context MSY should be established as a limit, not a target, and only as a short-term intermediate management goal, with strong management mechanisms in place to ensure this limit is not exceeded.

For purposes of managing a fishery both with respect to MSY and addressing discard levels there is an urgent need to base management on what is being removed from the sea in the first instance, ie to set quotas on the basis of what is removed rather than landed. The recent statement by Danish, German UK and Scottish fisheries Ministers to start accounting for all fish removed with the adoption of onboard CCTV cameras is a clear and welcome contribution to this approach⁴¹. In mixed species fisheries, WWF believes that a bycatch quota system should be established for the fishery under its LTMP. Please see our introduction to this section where we explain this further.

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

As outlined in answer to questions 8 & 9 WWF strongly believes that the way forward is in the adoption of mandatory ecosystem based Long Term Management Plans (LTMPs) for all EU fisheries. These will provide a clear framework for managing fisheries on a sustainable basis as well as a framework for the much needed regionalisation of the CFP.

LTMPs will have the flexibility to use a range of management tools including effort and catch limitations depending on the local conditions of the fishery. Moreover they will drive capacity

⁴¹ <http://www.scotland.gov.uk/News/Releases/2009/10/08161207>

reduction at the fishery with the accountability measures that we recommend. For further details please see the WWF discussion paper on LTMPs and regionalisation⁴².

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

A management system which limits catches rather than landings would go a long way to reducing discarding. Such a system would encourage operators to minimise the removal in the first instance of non target species or species for which there are lower removal rates.

Supporting such an approach would be the adoption of discard reduction strategies within LTMPs. An assessment of the fishery would be a key element of a LTMP and would assess discard levels as well as impacts of the fishery on other non target species and habitats.

If discarding is not revealed as a problem then of course no strategy is required. However, where discarding is revealed then a strategy for discard mitigation will need to form one element of the plan. Discard reduction targets and timelines should be established and a means of meeting these clearly set out. Appropriate tools will include area avoidance at pre-agreed times (known aggregating areas such as nursery, feeding etc) or in real time – ie. when juveniles or undersized individuals are identified, use of alternative gear, or adoption of bycatch quotas for some critical species where appropriate.

A Total Allowable Catch (not landings) system is fully compatible with a rights-based approach which incorporates transferable quotas, not least because it would allow operators to obtain additional quota from the market place, which would allow them to continue fishing when under the current situation they would either discard and/or high-grade to maximise the value of the quota. Equally, a rights-based system should encourage a long-term interest in the resource, encouraging the use of selective fishing practices.

Equally important is the implementation of effective verification schemes such as on board observers or Closed Circuit TV (CCTV). WWF supports shifting the burden of proof to the fishing sector to demonstrate compliance with discard bans, rather than specifying precise verification methods, to encourage continued innovation. Effective monitoring and control will be key for the success of any plan and again could be achieved in a number of ways. As well as CCTV, designated landing areas, radioing ahead landings, electronic logging, onboard observers can all play a role. Stakeholder participation and agreement over targets is key to achieving compliance with any management plan. Incentives can also be a means of improving compliance.

Relative stability and access to coastal fisheries

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

Relative stability is intended to ensure that each Member States' share of each Community quota remains constant over time. However 25 years on it is clear that it has resulted in some

⁴² [http://www.panda.org/what we do/how we work/policy/wwf europe environment/initiatives/fisheries/publications/?179101](http://www.panda.org/what_we_do/how_we_work/policy/wwf_europe_environment/initiatives/fisheries/publications/?179101)

negative consequences for environment sustainability as outlined in the Green paper (TACs being set too high, high discard rates). Moreover, it also limits the ability to use market based allocation of fishing opportunities as a mechanism to rationalize fishing capacity and create incentives for economic efficiency and conservation⁴³. The implementation of Rights Based Management (RBM) across the Community would imply a relaxation of relative stability.

The basic principle of relative stability is not necessarily a bad thing, in part because it gives security to fleets that they will have access to a proportion of the resource. However, its main weakness is inflexibility, particularly in view of changing stock dynamics in terms of available biomass and temporal migration. The system needs to be adapted to be dynamic in relation to the economic and biological environment, which is continually changing.

Other parts of the world have shown that a market-based approach is capable of dealing with these fluctuations in a way, which does not result in unwanted externalities e.g discards or overcapacity in relation to the available resource. WWF believes there needs to be a way to limit the influence of relative stability over policy making in general. Most of the industry supports relative stability because it gives the fleet long-term security in the proportion of the resource which is available to it. WWF is of the opinion that this security could be replaced by the allocation of formal fishing rights and the requirement for long-term management plans driven by sustainability criteria. Controls on the proportion of rights which can be held by an enterprise or Member State could be imposed to allay concerns of monopolising rights. Equally, controls to prevent rights leaving a regional area could also be introduced to prevent rights being held by states with no cultural link to the fishery.

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

WWF believes that the current access restrictions within the 12nm zone, namely “*to restrict fishing to fishing vessels that traditionally fish in those waters from ports on the adjacent coast*” have been beneficial in allowing Member States to manage their inshore fleets and waters.

However efforts to manage the inshore zone sustainably can be compromised by the inability of Member State legislation to be applied equally to all vessels fishing within the area. This can be considered reverse discrimination on the local industry as it often prevents additional fisheries conservation measures being applied and has potential to undermine initiatives which offer wider marine environmental benefits, such as the establishment of marine protected areas.

WWF can see the merit in retaining historic rights, but with the explicit revision that Member States fisheries and conservation legislation be applicable to all vessels, regardless of country of origin (registration). Equally, we believe that there is a strong case to review the continuation of historic rights in their present form. Where Member States no longer use the rights, we suggest that the rights are reviewed, without prejudice, and relinquished unless a sufficient case for maintaining them, based on current use can be provided. As it stands, in many areas there is significant latent capacity which could potentially be applied on inshore fisheries, with significant consequences on the marine environment and the resident industry.

Equally, the nature of the rights should be explicitly defined, so that new fisheries cannot be established under the guise of existing fisheries. In all cases fisheries within the inshore zone must operate under a LTMP (see answer to questions 8 & 9) either independently, or as part of

⁴³ Sissenwine, M. & Symes, D. (2007) Reflections on the Common Fisheries Policy. Report to the General Directorate for Fisheries and Maritime Affairs of the European Commission.

a wider regional plan, depending on the scale and definition of the fishery. We do not however see the justification for this right to be reserved exclusively for small scale fishing vessels – whatever the precise definition of this is - as explained in answer to question 21.

We believe that size is not necessarily a useful descriptor for management purposes, and that vessels of all size should be subject to basic minimum requirements for management and control purposes. It is the overall impact of the fishing operation which is important, not the size of vessel used whilst undertaking that activity. That said, the ecological importance of the inshore area, means that policy should at the very least encourage, if not stipulate the use of low-impact methods, so that the ecological role of the inshore zone is protected.

Trade and Markets

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

WWF supports the Green Paper statement that the *“EC should aim to promote that fisheries products come from sustainably managed fisheries to ensure a level-playing field on the EU market”*. We also believe it is essential for buyers to be confident that the products they buy were harvested legally.

Both of these can be achieved by providing a means to identify such a product through the use of a reputable, independent, third party **certification** process that incorporates traceability as a tool tracking the fish from net to plate. Such an eco-label can effectively stimulate the development of environmentally responsible and traceable fisheries, and is a smart way of utilising consumer awareness and market incentives to promote sustainable fisheries. But two fundamental principles must apply:

- Consumers are properly informed and trust the legitimacy of the label
- The integrity and credibility of the certification scheme/process is well recognized, i.e., it is based on the environmental recommendations of the FAO Code of Conduct for Responsible Fisheries, and adheres to the FAO Guidelines for the Eco-labelling of Fish and Fishery Products from Marine Capture Fisheries (including procedures for independent accreditation) and is compliant with International Social and Environmental Accreditation and Labelling Alliance (ISEAL).

At present the most credible independent, third party eco-label for wild fisheries and the only one that is both FAO and ISEAL compliant is that of the Marine Stewardship Council (MSC). See more on this in answer to question 33.

In those European countries where frozen fish products have a predominant market share, retailers are major drivers in the seafood market. Their criteria/demand for the attributes of a certain product such as quality or price cascades down the supply chain. In some Member States sustainability is already a significant sourcing criterion, and the amount of independent third party-certified fish/seafood products continues to rise in response to retailers' demands. However the understanding of fisheries management and sustainable fishing practices at the retail level is not high, and certainly not uniform across the EU. Developing a better understanding of fisheries is one means with which to change the market. **Educating purchasers** about the unique characteristics of wild caught products and the need for sustainable harvesting techniques would help buyers to understand and embrace the importance of rejecting IUU products and supporting eco-labels.

WWF recognises that not all fisheries may be able to meet the requirements of an eco-label in the short term but this should be the aspiration of any fishery in the medium to long term. In the meantime buyers should be able to purchase products with the certainty that they are at least legally harvested. This will require that all products on the market place are subject to **full traceability**. Traceability is more important than ever to processors and retailers. See answer to question 35.

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

WWF recognizes the usefulness of sustainably sound third party audited eco-labelling schemes to create market-based incentives for the establishment of sustainable fisheries world wide. This was one reason why WWF, along with Unilever, co-founded, the Marine Stewardship Council (MSC) in 1997. Interest and confidence in the MSC has grown dramatically in recent years and it is now certifies 7% of the world catch for human consumption, with up to 5% pending in the certification process. The certification process is scientific, independent and transparent and is gaining greater recognition within the EU as the key sign of sustainably produced fish products.

However, there are other less rigorous self declared, vague and meaningless green claims or logos, with little information, control or verification to back them up, on fish and fisheries products across Europe. These pose a threat to the integrity and success of eco-labels as a means of identifying a sustainably caught product. To combat this there must be a **minimum set of criteria** which any eco-label needs to meet before being allowed onto the EU market place. This should have at the very least the need for fisheries to operate according to the FAO's Code of Conduct for Responsible Fishing and their Guidelines for eco-labelling of marine capture fisheries.

To maximise the number of certified vessels/fisheries, CFP policy needs to technically **support the ability of fisheries to meet certification** requirements. On a basic level this will require that unsustainable quotas are not set for fish stocks and that scientific advice is followed. Management practices should be able to address any negative impacts identified within fisheries. The adoption of well managed ecosystem based Long Term Management Plans as outlined earlier should address this concern. These will allow more flexibility of management within a fishery and should ensure that only sustainable levels of fish are being removed.

Another area that needs to be addressed is adequate **incentives** for EU vessels to achieve certification. Ultimately, incentives will come from the market place with a premium payment for certified product (or the inability to sell an uncertified product). Should a vessel wish to seek certification (which can be costly) there would be merit in providing some form of financial support through the EFF (or forthcoming equivalent). Member States should also support the certification process. This could include assisting with data collection processes, assessment of the state of fisheries, and promoting certification systems with consumers.

Denmark, the Netherlands, Germany and the UK have all made **government policy commitments** to support the Marine Stewardship Council in particular. In Scotland the government has funded a partnership project with the MSC in order to make it easier for Scottish fisheries to attain MSC certification. Over half of all Scottish fisheries by value are now either MSC-certified or in the full assessment process and many more are on the road to achieving what the Scottish Cabinet Secretary refers to MSC as the "the gold standard of sustainability". He noted that "this is hugely encouraging as the future health and viability of our

fisheries is dependent on our stocks being harvested in a responsible manner”⁴⁴. Such an example should be followed elsewhere and supported by the CFP to ensure that CFP rules do not present management barriers to vessels undergoing certification.

Non-European countries including New Zealand, Canada and Australia also have either specific grant facilities to support eco-certification and/or related legislation that encourages fisheries to improve performance to such an extent that they are able to seek eco-certification. Following the Communication on eco-labelling⁴⁵, further action is underway in the EU to ensure a similar continuous improvement approach and that the EFF was available in particular for fisheries readying for eco-certification, given it is both FAO and ISEAL compliant.

34. How can traceability and transparency in the production chain be best supported?

Traceability and transparency in the production chain can be best supported through:

- **Better declaration of origin and catching method** – FAO fishing areas are not useful as they are vast areas and can include several different stocks of the same species which are not differentiated in the documentation. An on-product declaration needs to be fish stock level based and inform consumers about where and how the fish was caught.
- **Full traceability from net to plate.** Traceability systems are normally a “one-up one-down” system whereby any actor in the chain must be able to identify where they got their products from and who they sold them to. This is not sufficient for a transparent production chain as it does not provide sufficient reassurance to prove supplies are from responsible sources⁴⁶. Leading processors, such as Youngs or FINDUS, have already moved far beyond the EU's one-up – one-down scheme in order to satisfy themselves and their customers needs for sustainability and legality.

The Commission should re-visit the traceability regulations and lead the way and work with other major importers (such as the US and Japan) to promote a globally harmonized documentation and traceability system that can come on line as rapidly as possible. One idea would be to begin with the tuna trade where the EU plays a leading role, given that the five tuna RFMOs have already voiced a commitment to harmonized documentation⁴⁷. Such an initiative would render the market less open to IUU products and simplify the work of well-intentioned retailers.

Genetic technology now exists which can distinguish between the eight tuna, *Thunnus*, species from samples of processed tissue. This means that the activity of mislabeling species, often used to get products from IUU sources through the market, can now be successfully detected. A WWF study using data samples obtained from the Japanese market, helped develop this technology and demonstrate its merit⁴⁸ and has been welcomed by the Japanese authorities.

Again it is worth noting that part of MSC certification process is the requirement for full

⁴⁴ <http://www.msc.org/newsroom/msc-news/archive-2009/2018blue-seas-thinking2019-as-cabinet-secretary>

⁴⁵ Launching a debate on a Community approach towards eco-labelling schemes for fisheries products" (COM final (2005)275)

⁴⁶ MRAG (Marine Resources Assessment Group) Ltd. (2008). Analysis of Policy to Combat IUU, A report for WWF Sweden.

⁴⁷ <http://www.tuna-org.org/Documents/TRFMO2/12%20ANNEX%205.4%20ENG.pdf>

⁴⁸ <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0007606>

traceability with third party audits that verify the traceability system is robust at every level of the supply chain. Thus promoting and supporting such certification will assist in achieving the goal of overall traceability and transparency

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

See response to question 33.

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

Traceability and legality are the main issues throughout the supply chain, if the Producing Organisations such as the AIPCE (the EU Fish Processors and Traders Association) commits to sourcing only legal and traceable fish there could be a leverage.

Integrated Maritime Policy

37. In which areas do the fishing industry interact closely with other sectors? Where specifically is integration within the IMP required?

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

The current situation of overlapping and often conflicting interests in, and uses of, the sea and the lack of common understanding, communication and coordination have failed to deliver sustainable European Seas. Instead conflicts between different interests regularly arise such as between fisheries and nature conservation commitments or fisheries and offshore wind farm developments. This can only be abated through coordinated, cross-sector and trans-boundary planning, management and action.

The European Community is clearly committed to adopting an ecosystem approach to managing the marine environment⁴⁹ as a whole and the Marine Strategy Framework Directive (MSFD), the marine environmental pillar of the Integrated Maritime Policy (IMP), provides the framework for integrating this approach across sectors. It does this by setting conditions for marine ecosystems and their fish stocks and fish habitats to achieve good environmental status by 2020.

The CFP, as the management framework for fisheries, one of the most dominant maritime sectors, therefore has a substantial role to play in meeting the MSFD targets, and must ensure that these commitments are clearly integrated in the new Regulation. It must address the ecological and socio-economic issues and impacts associated with fisheries by adopting ecosystem based fisheries management (as explained in our intro to the *Focusing Policy Objectives* section).

⁴⁹ The Convention on Biological Diversity commits Member States to protect the full range of biodiversity within their jurisdiction and control, including the marine environment. Many EU Member States have reiterated that commitment in the context of regional seas Conventions, especially the OSPAR Convention for the Protection of the North East Atlantic.

Increasingly, EBM in practice, at an operational level, is being accepted as being area based, requiring marine spatial planning (MSP) tools to give it full effect. Clearly, this relates to all sea users, including shipping, oil and gas, mineral extraction, telecommunications, fishing, recreation etc. One of the critical tools available to protect the maritime resource base for all uses and users, is that of marine protected areas (MPAs). Currently, the primary mechanisms for identifying MPAs in European waters are the Habitats Directive and the Birds Directive, and more specific protocols or guidelines of the four regional seas Conventions.

In order to be truly effective and to maximize benefits, it is now recognised that MPAs should be developed and designated as components of integrated networks, rather than stand-alone sites and should be seen as an essential component of ecosystem-based management of human activities in the marine environment. MPAs alone, however, will not ensure that the resource base for maritime uses is adequately safeguarded. They will not for example, deliver the sustainable management of many highly mobile species, commercially targeted fish stocks and incidentally impacted species, although they may have a role to play.

Current and future uses of the sea need coordination in planning and day-to-day management with all sectors involved so as to avoid conflicts between different uses. Furthermore, there is a need to allocate the most suitable locations for each of the various uses and consider the best timing for each activity. This creates a need for *spatial planning and management* of uses and for agreement on regulations of intensity of use (or non-use) of sea areas.

With regard to the CFP, it is vital to establish a reliable and swift Community mechanism to provide for best fishing practices and management measures within Member States' marine Natura 2000 sites. Restricting certain potentially damaging activities in highly sensitive sites or on sensitive species will be an essential component of delivering ecosystem-based management in Europe's seas. WWF believes that the answer lies in the adoption of LTMPs and that the principle of assessing the environmental impact of fisheries should be a mandatory requirement within each plan. The results of this assessment will be critical in guiding the management strategies needed within the plan. For example where a Natura 2000 site has been identified there needs to be agreement in the plan over management of that area, what levels of fishing activity, using what gear, would be permitted, if any. If a fishery is identified as adversely impacting a sensitive or critical habitat, or vulnerable species then likewise there needs to be a means of addressing this impact identified within the plan.

The principles developed by the European Commission during 2009⁵⁰ should be further developed and adapted to the specific conditions within each of the EU defined regional seas e.g. the Baltic Sea, Mediterranean, North Sea etc.

To assist in the delivery of this for management to be truly ecosystem-based the science base should be expanded to address the ecosystem impacts of fishing. At present, there is already a wealth of fragmented ecosystem advice from ICES available to EU institutions and regional seas bodies, including measures to mitigate habitat impact from demersal gear, fisheries management in MPAs, gear modifications, effort management, closures etc.⁵¹ However this component of advice, going beyond stock assessment, TACs and quotas, is driven by single requests and remains a piecemeal approach. It should be translated into management and

⁵⁰ http://ec.europa.eu/maritimeaffairs/spatial_planning_en.html The road map on maritime spatial planning

⁵¹ <http://www.ices.dk/advice/icesadvice.asp>

LTMPs through management based on reference points or ecological indicators of ecosystem impact (some are available in the scientific literature, such as OSPAR EcoQOs, or emerging right now, such as GES indicators under the MSFD).

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

The CFP must be strongly integrated with the MSFD and other relevant European policies and agreements under the Regional Seas Conventions and EU Regional Strategies.

Management should be established within ecosystem based LTMPs where goals and targets for fisheries are clear, timebound, sustainable, and take account of the goals and targets for other maritime uses and the protection of marine ecosystems.

The CFP need to apply an ecosystem based approach as the key underlying principle of the policy and aim to achieve the following:

- “good environmental status” in the entire marine space – as required by the EU Marine Strategy Framework Directive
- “good ecological status” in coastal waters as required by the Water Framework Directive
- “favorable conservation” status within protected areas – as required by the EU Habitats and Birds Directive.

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

One management response to the environmental uncertainty that exists in marine systems is to reduce fishing pressure-induced stress on fish populations and marine ecosystems and to adopt a real time monitoring system which would allow the management to be appropriately adjusted.

There would be significant environmental gains from such a policy shift. The application of lower fishing effort targets will increase stock sizes, increase the size of fish in the target stock and increase the overall weight of catch, while allowing ecosystems to build resilience against impacts such as climate change.

Such management measures can be incorporated into the long term management plans outlined earlier in this response.

Scientific Advice (Further improving the management of EU fisheries & The knowledge base for the policy)

41. 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?

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

Sound scientific advice must be at the core of the new CFP. It will be essential for stock

assessment and undertaking impact assessments, as well as establishing, assessing and reviewing targets and informing stakeholders when making decisions within LTMPs. All management decisions should be guided by the best scientific information available.

There should be an EU system established to **review data requirements** and to **prioritise the most critical needs**. These should be prioritised under the Research and Technological Development (RTD) Framework Programmes. Timely delivery and publication of the outcomes of completed research funded or carried out by the EC is also essential.

Cost-sharing for regional/fisheries based collection programmes should be established to allow maximum use of existing data and minimum duplication of effort in collection of data.

Stakeholder knowledge is a valuable resource that can be better harnessed by the increased involvement of stakeholders in the LTMP co-management groups. Such contributions should be scientifically validated and more use should be made of **science and industry partnerships** to generate data. Designing scientifically-based standard protocols to gather and process specific data gathered from stakeholders themselves will be a way to expand the knowledge base for management in data-poor contexts, while minimizing costs and increasing stakeholder responsibility.

The Commission should formally undertake an assessment of **the manner in which ICES advice is requested**, to determine whether better questions can be posed for purposes of developing and implementing ecosystem based management for fisheries

There is a need to harmonize the process which generates scientific advice for fisheries management in Europe, to **ensure same standards apply to all regional seas**. For example, Atlantic fisheries have a clear process based on ICES delivering timely advice. Mediterranean fisheries on the other hand have only fragmentary information generated on an opportunistic basis. Responsibility to obtain scientific advice is shared between the regional fisheries body – the GFCM, which is far from being fully operational and includes non-EU countries - and the STECF. Mediterranean fisheries urgently need a systematic process for scientific advice comparable to that supporting fisheries in the Atlantic. WWF supports the formal creation of a Mediterranean scientific council (similar to ICES) to provide science based ecosystem assessments for the Mediterranean Seas.

A major challenge within EU fisheries management is either lack of data or large degrees of uncertainty in the data that does exist. In many cases the cost of collecting detailed scientific information for scientific assessment will be prohibitive. Where fisheries remain data poor only the most precautionary exploitation or removal rates should be established. A tool which could be used to determine whether the more costly option of scientific data collection is required is that of **Productivity and Susceptibility Analysis (PSA)**. This can be used to assess fishery species or stocks based on comprehensive screening of risk for a set of predetermined measurable attributes. If the analysis shows that there is considerable risk of depletion then the more costly collection of scientific data can be considered. If the PSA does not indicate risk of depletion then managers can adopt the use of risk assessment for the fishery to determine exploitation levels.⁵²

⁵² Smith, E.J. Fulton, A.J. Hobday, D.C. Smith and P. Shoulder, 'Scientific tools to support practical implementation of ecosystem based fisheries management', ICES Journal of Marine Science, Vol. 64, 2007, pp. 633 - 639.

Risk assessments are deployed successfully by countries like Australia, Canada and the US and look at a variety of risks within the fishery which assist in setting a precautionary harvest control rule. Basic life history information such as longevity of species, reproductive capacity etc, taken alongside other biological information relating to the fishery can be used to provide estimates of how they may be exploited and determine a sufficiently precautionary buffer to help ensure that overfishing does not occur even in the absence of detailed information. Such an approach should be considered for EU fisheries.

As important as generating good science is that policy is based on science. LTMPs subject to rigorous common standards and strict adherence to scientific advice will contribute to depoliticizing decision-making and place science at the core of the CFP. The reformed CFP should establish a specific deadline for adoption of comprehensive LTMPs for all EU fisheries.

Structural Policy and Financial Support

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

44. 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?

Currently the impact of the EFF is mainly determined by Member States' national strategic plans and operational programmes, and by the project proposals from various fisheries stakeholders. The opportunities offered by the EFF must be used to support improvements that lead to more sustainable fisheries practices. One means of achieving this would be to prioritise funding to enable fisheries to meet the range of targets that will be identified within a LTMP. These could include reduction of discards, capacity reduction, minimising habitat impacts, and will have a clear time-bound goal.

Regardless of whether this is the chosen approach the Commission needs to give stronger guidelines to Member States on the priorities for funding as well as impose conditions, and where necessary penalties, for the accidental or deliberate misuse of such payments. EU resources should be directed towards resources and technologies that will enable fisheries to be sustainably managed in a global marketplace: focussed scientific research, use of selective gear, support for third party audited certification such as MSC, efficient and harmonized catch documentation and improved compliance technology.

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

Coherence between CFP funds and EU expenditure for development aid should be a high priority. Please see response to question 56.

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

WWF strongly supported the provisions in the recently adopted Control regulation which called for the elimination of EU financial support for vessels that violated control rules, and similar sanctions for Member States that fail to implement and enforce the control rules. Cross

compliance measures are a very effective means of incentivising Member States to implement CFP policies.

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

In times of economic crisis it is even more important that we ensure the investments we make for the future will enhance, rather than diminish, our potential for sustainable growth. Safeguards are needed to prevent the EU from succumbing to the temptation to throw resources at a short term crisis that will undermine policy objectives. For example, in July 2008, the European Commission decided to compensate fishermen for their higher fuel costs caused by the spike in oil prices, contributing 600 million Euros per year in addition to the EFF. These types of subsidies have a distorting effect on the fishing fleet, making the business of fishing look more profitable than it really is.

Rather than create a 'safety valve' for emergency funding we should concentrate on creating a profitable and resilient industry. Member states need to review the 'crisis' situation, avoid 'short-term expedient responses and consider long term implications. For example, it was lamentable to witness the EU approve handing out fuel subsidies even when they fly in the face of progressive policies to promote sustainability or combat climate change. In 2008, at a time when the European Union was developing policies and regulations to, *inter alia*, reform environmentally harmful subsidies to meet biodiversity targets in its 6th Environmental Action Programme and continuing to move to meet its climate change commitments under the Kyoto Protocol, it approved *de minimis* regulations to provide aid in the fisheries sector. This policy incoherence makes little sense and illustrates the challenge posed by fisheries subsidies.

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

NO RESPONSE.

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

Some research activities can play a positive role in achieving sustainable fisheries, such as subsidies to support research (including research conducted by fishing enterprises as a public service) aimed at facilitating or improving fisheries management (data collection, monitoring or stock sampling); conserving other marine resources that may be affected by fishing; or the development (as opposed to adoption or deployment) of environmentally preferable fishing gear or techniques. These can be provided as part of government management functions to the sector or can be part of the public-private partnership.

50. 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. Over the short term, transitional subsidies should help the sector to adapt to structural changes with strategies to support coastal communities' economic diversification and alternative livelihoods. Transitional subsidies should also support management improvement with fishing reserves, certification, management plans, measures to mitigate impacts on habitats and species.

External Dimension

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

The simple answer to this is no. Indeed there is every reason why responsible and sustainable fisheries should be the objective that governs the actions of EU vessels regardless of where they fish.

EU Member States need to take full responsibility for meeting such ambitions – by extending the principles of sustainable and responsible fisheries internationally, promoting fair and sustainable fishing agreements in global and regional conventions and organisations in order to govern the activities and behaviour of the EU distant water fleet and reflect this through fisheries partnership agreements.

This must be within the objectives of the International Maritime Policy on good governance of the sea and the sustainable development of coastal regions. Coherence with other EU policies must be ensured within the CFP. In the case of the external component, the EU development and environment policies have a particular role to play. It is crucial that the objectives of the external dimension be reviewed and redefined so that they meet the needs of the 21st Century.

At the heart of external dimensions must be sustainability and respect for the principles of the FAO Code of Conduct for Responsible Fishing.

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

A future CFP should continue to promote responsible and sustainable fisheries in international fora such as the UN General Assembly and FAO, as part of the EU's overall responsibility and effort to achieve better global governance of the seas. The EU needs to exert a strong pro-sustainability influence in matters such as the Law of the Sea, the protection of vulnerable marine ecosystems from destructive fishing practices and also in the negotiations to develop an international agreement on marine genetic resources beyond national jurisdiction.

Absence of EU vessels from a fishery should not be seen as an excuse not to influence Regional Fisheries Management Organisations (RFMOs). Even in the absence of fishing interests, many international partners have demonstrated the ability to influence global fisheries governance as well as have an active presence in international fora. The importance of the EU market, and its dependence on imports, in world trade of fisheries products provides sufficient legitimacy for its action in regional and other multilateral fora.

53. How can the EU cooperate with its partners to make RFMOs more effective?

Under the present system of ocean governance, Regional Fisheries Management Organisations (RFMOs) are considered to be the best instruments for fisheries governance in particular for straddling and highly-migratory fish stocks in the Exclusive Economic Zones (EEZs) and in the high seas. In addition to being bound to their convention and mandate—which includes a general objective to conserve and sustainably manage relevant stocks—RFMOs are generally recognized as the most appropriate bodies for the implementation of all relevant international laws, agreements and commitments relating to sustainable fisheries throughout the high seas⁵³.

⁵³ WWF, "Tuna in Trouble: The Challenges Facing the World's Tuna Fisheries (2007)

Their performance is variable and the extent to which RFMOs appropriately discharge their obligations is becoming a matter of growing concern.

As a prominent and powerful member of nearly every RFMO the EU should i) adopt a consistent vision and negotiating position in all RFMOs, and ii) assume a leadership role in encouraging fellow partners to adopt best practice.

Among the areas we believe **EU leadership** is required we highlight the following:

1. The resolution of issues surrounding the allocation of participatory rights. RFMO contracting parties need to include a commitment to resolve allocation disputes by the use of independent arbitrators and to the establishment of agreed, transparent, and consistent processes which give special recognition to developing states and accommodate new entrants. Failure to resolve this issue frustrates securing agreement on a whole suite of other management and conservation issues.

2. Once allocations are made, RFMOs must ensure that their Monitoring, Control and Surveillance (MCS) and compliance and enforcement measures are adequate and sufficient to ensure compliance with these allocations by Member States exclusion of fishing effort by non-members. Appropriate sanctions for non-compliance and free-loading are also essential.

3. Membership should fully reflect the full range of interested states, including those with interest in conservation of living marine resources, coastal, fishing, port and market states and those responsible for nationals involved in fisheries activities. RFMO contracting parties need to introduce mechanisms to identify all potential member states; encourage them to join; facilitate full membership of all such states; and to provide assistance where necessary to developing states to facilitate their full and active membership and, subsequently, to improve their capacity to meet RFMO obligations.

4. Protection of Vulnerable Marine Ecosystems (VMEs). The EU is responsible for 95% of the High Seas bottom trawl catch⁵⁴, which is considered highly damaging to VMEs. In 2006 the UN General Assembly (UNGA) passed a Resolution seeking to improve the governance and management arrangements for controlling bottom trawling. If the Resolution were implemented to the letter, bottom trawling can only legitimately continue if it is conducted in compliance with regional management arrangements, and be shown to pose no significant threat to VMEs. This reversal of the burden of proof is a historic development but the level of progress on implementing the Resolution varies greatly from RFMO to RFMO.

5. The development and application of ecosystem-based fisheries management (EBFM) strategies, including sustainability of target species. RFMO contracting parties need to base catch limits on precautionary reference points for all target stocks and, where stocks are over-fished, management strategies must include rebuilding targets and measures to assess progress towards them. Ideally the EU should promote that RFMOs develop LTMPs for all fisheries in line with CFP requirements.

6. Addressing discard levels of target and non target species and bycatch mitigation of non target species as a key component of EBFM. RFMO contracting parties need to include a

⁵⁴ Gianni, M. (2004). *High seas bottom trawl fisheries and their impacts on the biodiversity of vulnerable deep-sea ecosystems: options for international action*. IUCN, Gland, Switzerland.

commitment: to the immediate implementation of precautionary management and mitigation measures to avoid the bycatch of turtles, small cetaceans, seabirds, and sharks; reduce discarding; to the establishment and adequate resourcing of stock and ecosystem data collection; and to the establishment of advisory processes to support conservation. In the case of sharks there is an urgent need to identify whether fisheries related mortality is targeted or bycatch and appropriate management taken.

The EU must take measures to meet the terms of the Resolution and halt the degradation of marine ecosystems from destructive fishing even if this is done unilaterally. This includes the requirement to conduct assessments of the environmental impacts of fishing in the High Seas, to ensure no significant adverse impacts occur, prior to licensing such activities, and according to the agreed international guidelines from the FAO.

54. 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?

Yes. Finance is vital to enable effective management, surveillance and research of fishing managed by RFMOs. Such costs should be met by the users and not by the public purse.

55. 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?

If the EU is going to allow and encourage its fishers to operate in developing countries then this should be subject to careful, clear and public rules and conditions. Such arrangements should be designed to ensure that EU efforts, resources and money genuinely encourage development of participation in regional fisheries by local communities and people who are nationals of developing countries rather than by companies established in such countries merely to facilitate the redeployment of displaced EC nationals.

Fishing should be subject to the same management objectives set out in the CFP including the requirement to prosecute fisheries according to a long term management plan. This provides a strong governance framework for all fisheries and would benefit external agreements.

WWF advocates that the EU should use its development aid to help build capacity in partner countries and help them maximise the return they receive for their fish resources. For example, the EU should provide technical and financial assistance to partner countries to meet the EU's IUU and sanitary requirements for their products; in addition, fostering MSC certification of small scale fisheries could significantly improve the marketability of developing nations' products on the European market

56. 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?

WWF believes that EU external development policy must be guided by, consistent with and enhanced by a reformed CFP. The Commission's Communication on 'Policy Coherence for

Development⁵⁵, should aid the implementation of a sustainable fisheries policy given the linkage between development policy and FPAs in order to improve the management of fisheries resources in third country's waters. In particular, FPAs should be established only as temporary arrangements representing a preliminary phase of a development strategy aimed at helping coastal states develop the capacity to conserve and sustainably use the living marine resources of their territorial waters and EEZs. They should not be established as standing arrangements aimed at facilitating ongoing extraction of such resources by distant water EU fleets.

WWF believes that any fishing by Member State fleets in distant waters should be subject to the same management objectives set out in the CFP including the requirement to prosecute fisheries according to a long term management plan and with due regard to wider environmental impacts.

Current FPAs should be subject to continuous assessment that would include examining alternative forms of arrangements with third countries that would better meet the needs of our industry, those of our partners and the marine environment they exploit. The introduction of regional forms of cooperation would be worth exploring, adopting the development of long term management plans; establishing effective stakeholder groups to agree targets and priorities for the fishery to ensure the sustainable exploitation of resources.

Scientific analysis and research capacity must improve to allow assessment of the conservation status of the stocks targeted under FPAs and determine sustainable catch levels. The use of risk assessment should be promoted to generate precautionary quotas where fisheries are data poor. Funding for this could be considered from EU funds.

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

The EU has a responsibility in terms of its market footprint and its continued consumption to ensure that the affected global fish stocks and marine ecosystems are managed sustainably – it also has a critical self-interest in the continuing health of these ecosystems and the stocks they sustain.

A transparent and efficient impact assessment is one of the basic elements of an effective LTMP. The creation of effective stakeholder groups for the development of long term management plans for any fishery subject to a FPA should include local and EU stakeholders as well as scientists with knowledge of the fishery, alongside local country government managers and control agencies (where these exist). Forming such a co-management structure would ensure increased transparency in all areas of management for the fishery.

Transparency of information is key in fisheries management. Improved knowledge and sharing of information by all users is critical. Such stakeholder fora will facilitate this. Results of pertinent research should be made easily accessible to producer countries and should have both technical and non-technical portals so decision-makers and non-specialists can understand what the data mean.

Adequate technical and financial resources should be made available to developing country partners to meet the requirements of developing and implementing stakeholder led long term

⁵⁵ SEC(2005) 455

<http://europapoort.eerstekamer.nl/9345000/1/j9vvyg6i0ydh7th/vgbwr4k8ocw2/f=/vh0kbknh8gxz.pdf>

management plans.

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

The model we propose for LTMPs provides a framework for better resource and fleet management. The resulting stakeholder groups would facilitate transparency, co-ordination, build and improve marine science, stock assessment, vessel monitoring schemes, catch certification schemes and other best practice fisheries management arrangements. This comes back to improving capacity, both financial and technical, for development of the fisheries sector and of fisheries management in these countries.

In support of this approach EU Member States could implement an improved and transparent inter-agency coordination (including regular exchange of information on technical assistance). This would help facilitate developing country involvement in monitoring, control and surveillance (MCS) and compliance and enforcement processes, especially where regional cooperation and coordination is warranted. If aid and capacity building processes are linked to regulatory ones, EU member states can internally ensure that both developing country and importing country perspectives can be included.

Support through development cooperation could focus on: improving scientific capacity to review stock status and to provide advice on management stocks; and, developing technical expertise for market access and development, e.g. processing process operations that will meet EU import requirements and market standards. Noting concerns about the disparities in negotiating strength, private or governmental support could be provided to developing countries that sought to strengthen their negotiating capacity.

In line with basic standards of good governance, state to state or state to private party agreements should be published in a timely manner, i.e. no later than entering into force to enable independent tracking, monitoring and evaluation. Encouraging transparency about the use of funds obtained from access agreements, as well as transparency about the agreements themselves, would support good governance of the sector as well as information on how funds benefit the development objectives and strategies of the partner country. This could be developed in a similar process to the Extractive Industries Transparency Initiative.

It is also essential that companies and trawlers that fish on EU quota in distant waters should be obliged to act transparently, co operate with authorities and lay open all their activities and data. EU should also take measures to control its own vessels even when they are acting outside EU waters (VMS recorder/ Camera on boards, satellite etc)

59. 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?

Payments for foreign access have had a sad history of negative impacts on fisheries and developing country fishing communities. Access payments have also been a critical source of hard currency for many host countries. WWF strongly supports the right of all countries, especially developing countries, to receive international payments for foreign access to their fisheries. However WWF has worked for years to help ensure that access arrangements promote sustainable fisheries and provide fair returns to host countries. We also call for increased transparency of access arrangements, many of which are multi-million dollar deals that are kept all but secret, despite their direct impact on international fish trade.

Subsidies to EU domestic fleets to support the purchase of foreign access rights should not be allowed. More often than not, these subsidies are used for capital or operating costs to specific industries on terms better than could be obtained on the open market. These types of payments for fisheries access confer real domestic commercial advantages with strong potential to distort trade and have often been associated with the overexploitation of host country resources or with the irresponsible exportation of excess fishing capacity into foreign waters (or both) (See UNEP case study on Argentina and access arrangements 2001; CFFA (2003)). Nonetheless, there are public 'fisheries management' services that can be allowed to be paid from the EU budget. These include paying for costs to support stock assessments, regulatory enforcements, licensing etc. Management of fisheries particularly in third countries are commonly underfunded. One of the many reasons that fisheries management is so often poor is that the resources necessary to support it are not forthcoming. EU aid to pay for the costs of improving fisheries management could be part of the access payment to fish package.

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

Given the ecosystem dynamics of the marine environment it cannot be assumed that just because you don't fish directly on stocks exploited by local fisheries you are not affecting these fisheries.

Ideally EU fleet should only target fish stocks that can not be exploited by local fisheries. However wherever they do fish we believe LTMPs should be developed and all removal is agreed according to a set of clear objectives based on sustainable targets.

We believe the support of such an approach with appropriate resourcing where it is required for developing country participation will go a long way towards addressing some of the critical problems that currently exist in EU distant water fisheries.

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

If the intention of the EU is to manage its fleets sustainably then yes. An appropriate structure for EU fleets fishing in third countries is needed urgently in order to develop and agree clear sustainable targets with stakeholders and address the environmental impacts of the fishery in question. Developing LTMPs with appropriate stakeholder management groups would provide such a structure.

EU funding should be considered in order to facilitate the effective engagement of the partner country stakeholders. Such funding should not be available to the EU partners.

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

Within the development of an LTMP WWF suggest that the fishery in question undertake an environmental assessment and that management strategies are developed to address any issues raised as potential threats to either the target of non target species and habitats. Part of this assessment is also capacity and how this can be matched to the available resources.

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

The adoption of the LTMP approach could be promoted with third country partners. Resources to support development of this approach could be made available from EU external development funds.

As noted earlier fostering Marine Stewardship Council (MSC) certification of small scale fisheries could significantly improve the chances of their products on the European market. The MSC has developed a Fisheries Assessment Methodology which they use to assess fisheries where data is sparse⁵⁶. This can be used to show stakeholders what some of the options are.

Aquaculture

64. 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?

WWF believes that aquaculture should not form a fundamental pillar of the CFP. There are few similarities between the methods needed to effectively manage the production of aquaculture products and those needed to sustainably manage capture fisheries.

Aquaculture is a large and growing sector and we believe it merits specific management under a separate European instrument, one which aims to sustainably manage the production of EU aquaculture products and the sale of aquaculture products in European markets. Such an instrument should address the impact of aquaculture activities in the marine environment (spatial planning, seabed impacts, nutrient loading, chemical use, introduction of non native species and potential genetic weakening of wild species) and ensure their integration with current marine environmental commitments. It should also seek to agree common production and labelling standards that can be standardised at a global scale.

65. Should aquaculture be included in future partnership agreements?

No. As stated in answer to question 83 we believe that aquaculture should be managed under a separate legal instrument which addresses the sustainable production of farmed products.

Where partnership agreements are developed we believe it more appropriate for aquaculture matters to be drawn up under a separate agreement.

This document was compiled with contributions from WWF's team of fisheries experts in many of Europe's most important fishing nations. It represents WWF's views at the time of writing, many of which we will develop further over coming months. We would welcome any comments. WWF hopes this submission will assist in moving European fisheries policies towards sustainability. Should you require more information on our thinking or wish to discuss this please contact us.

⁵⁶ Marine Stewardship Council Fisheries Assessment Methodology and Guidance to Certification Bodies including default assessment tree and risk based framework. (2009). MSC

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WWF's mission is to stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature, by:

- conserving the world's biological diversity
- ensuring that the use of renewable natural resources is sustainable
- promoting the reduction of pollution and wasteful consumption