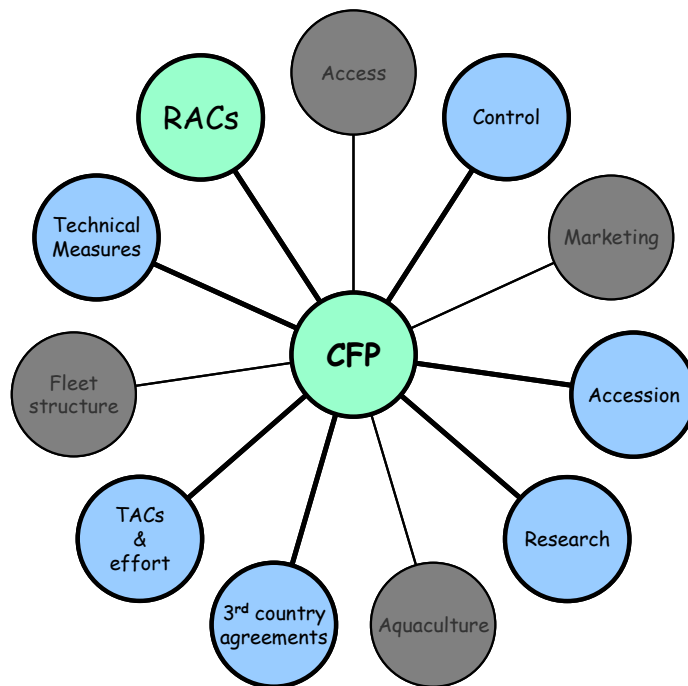


Pelagic Regional Advisory Council position paper on
the reform of the CFP and its governance system
including the future of the RAC

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1. Summary

First of all, the Pelagic RAC (PRAC) would like to emphasise that pelagic fisheries are just different from other fisheries. So they should be treated differently from other fisheries. The fish targeted by the industry in the PRAC form a distinct group of species, which behave in a different manner from many other commercially targeted fishes. This consequently means that research, policy and control require a unique approach. This is also why, at all stages of the CFP reform process, pelagics should be separately addressed. Both in terms of the objectives and measures in the CFP, as well as in addressing the governance system and the future role of the RACs in that governance system. The PRAC reiterates that it feels that it is functioning well, but that at the same time management of the pelagic stocks could be improved with a strengthened stakeholder advisory role.

The pelagic stocks are in general good shape and Long Term Management (LTM) plans are in place for all major stocks. Many stocks in other types of fisheries need rebuilding, and the main aim is first and foremost to reduce fishing mortality. For pelagic stocks, the current focus is on improving the performance of LTM plans that are already implemented. The PRAC feels that there is great potential to strengthen its effectiveness by being given more responsibility, in relation to defining and providing the scientific knowledge base. Access to funding specially allocated to this purpose is essential in realising this.

The effectiveness of the PRAC as an advisory body is as much dependent on its own capabilities and the quality of its advice as on the willingness and possibilities of the receivers to follow it. It is thus very relevant to the RAC how the EU organises its governance system. The Commission's Green paper makes suggestions on (1) the devolution of management responsibilities to stakeholders and (2) a possible decentralisation of the management system. Regarding the former, the PRAC feels that the RACs could not have a role in the implementation of management, and the Commission should focus on devolving responsibilities to the POs and other industry groupings where possible. Regarding the latter, the pelagic sector should be left out of a decentralisation altogether, or, a separate pelagic entity should be established, on the condition that it would have fully devolved power, e.g. by having a mandate to negotiate with third countries. In no case should the management of the pelagic stocks be scattered among or across the remits of several different regional entities.

This paper furthermore explores a third option: (3) a combination of the previous two suggested changes, which might be realised through the establishment of Regional Management Organisations, incorporating stakeholders. In the light of this, it is concluded that in no case should the stakeholder advisory function be incorporated into

such regional management organisations, if this would mean that only a small number of stakeholders could be incorporated, as an alternative to having the RACs.

Finally, a fourth option is explored: (4) a supra-centralisation of the pelagic stakeholder advisory role, through the establishment of a stakeholder lead advisory body under the auspices of a 'neutral' organisation such as NEAFC. Since the RAC is an EU-based body, while the five major stocks in the remit of the PRAC are jointly exploited with non-EU countries, its advice has not been taken on board by managers on a number of occasions. This is likely because the advice is not directed at all competent authorities and because it is not underwritten by all relevant stakeholders. It is clear to the PRAC that this situation will not change as a result of the reform of the CFP, but that it needs to be resolved in a wider context. Therefore, the establishment of a stakeholder lead advisory body under the auspices of a 'neutral' organisation such as NEAFC would seem appropriate.

1.1. Recommendations

On the governance of fisheries management:

- pelagics should be left out of a decentralisation;
- pelagic stocks should in no case be scattered in the remits of several different regional entities;
- the stakeholder advisory function should in no case be included into regional management bodies, if it means that only a small number of stakeholders could have a seat, and it would replace the RACs in their current composition;
- only under strict conditions (e.g. have fully devolved power to negotiate with 3rd countries) should a separate decentralised entity be created to specifically deal with pelagic issues;
- responsibilities in terms of the implementation of management should not be devolved to RACs, i.e. RACs should keep a purely advisory role;
- however, RACs should be given responsibility in terms of deciding on (part) of the research agenda;
- EU should take the initiative to establish, together with other competent authorities, a stakeholder advisory body for pelagics under the auspices of a 'neutral' organisation.

On other, general, issues:

- catching capacity and economical viability are different concepts per definition and the Commission should carefully distinguish between them ;
- the CFP's objectives should be prioritised on a temporal scale and they should not include MSY;
- LTM plans need to be easily adjustable and the PRAC needs additional access to funding to be involved in these complex processes;
- the creation of a culture of compliance is dependent on having a level playing field among all stakeholders (within EU as well as between EU and non-EU countries);
- the system should move towards setting TACs for more than one year;
- scientists should be enabled to innovate the simulation models used for assessments and evaluation of management LTM plans.

2. Introduction

Recently, the European Commission published its Green paper¹; thereby launching the discussion on the reform of the CFP by 2012. Managers, politicians, the scientific community, the fishing industry and NGOs in the field of marine conservation are contemplating the future of the CFP. But it is not only the CFP's objectives, measures and control system that are up for discussion. In addition, alternative governance systems of the CFP are being considered². Decisions will be made for instance on whether or not the management system should be decentralised and how an increased role for stakeholders in the process could be realised. To be able to make informed decisions on a policy that is as broad as the CFP is, it is imperative to first address the specific situations and priority management tasks on a differentiated fishery-by-fishery basis.

2.1. Objectives and scope of this paper

This paper sets out to provide a response to the Commission's Green paper, while mostly focussing on exploring several possible operational changes to the CFP's governance system. Subsequently, it focuses on how the Regional Advisory Councils (RACs) are affected by those changes. This paper by the Pelagic Regional Advisory Council (PRAC), takes its approach from pelagic fisheries throughout, and thus consequently investigates possible future roles for the PRAC. It will consider the unique situation of the pelagic fleet, the general state of the pelagic stocks and the specific management tasks that have priority in pelagic fisheries. We argue that of the three policy areas of the CFP – conservation and sustainability; market organisation; and fleet structure – the only remaining real challenges in relation to pelagic fisheries management, are to be found in the first policy area. The pelagic fleet has undergone a major structural adjustment already and overcapacity is not considered a problem. In addition, market organisation is regarded by most stakeholders as a mostly set framework, which defines the conditions in which the industry operates, and if stakeholders were to be involved in the design of it at all, then it should not be up to the RACs, but to the Producer Organisations (POs). In the light of this, the PRAC has, since its establishment, exclusively dealt with what it was mainly established for: conservation and sustainability issues related to the stocks. In consistence with that this paper focuses on those issues.

2.2. Five structural failings?

Before going into the main topic of this paper, the governance of the CFP and the future role of the RACs, this section comments on the five, by the Commission identified, structural failings of the CFP, mostly in relation to pelagic fisheries.

2.2.1. Overcapacity

The PRAC feels that defining overcapacity as a discrepancy between the catching capacity and availability of natural resources is too simplistic and does not address the actual core issue: economical viability of the fleet. Due to a rather rigorous restructuring of the pelagic fleet, it is generally economically viable. But at the same time, having a large catching capacity is a necessity for the pelagic fleet in order to utilise its quota as most pelagic fisheries are highly seasonal and it allows fishermen to land their catches maintaining the best possible quality. It also ensures flexibility between years to adapt to changes in quota. It is important to emphasise that technical catching capacity and economical viability are different concepts per definition. Having catching overcapacity may (partly) inhibit some fishing fleets from being profitable, but not necessarily so. The Commission should thus, at all times, carefully distinguish between catching overcapacity and economic overcapacity.

2.2.2. Objectives of the CFP

The objective of striving for economic, ecological and social sustainability can be interpreted in many different ways and the Commission asks in its Green paper how the objectives in these three fields could be prioritised. The PRAC feels that the most sensible way to consider priorities is on a temporal scale. Without compromising on absolute ecological targets, the realisation of social and economic targets can be maximised by setting a longer time frame for allowing to reach the ecological targets. In other words, moving toward long term management should also incorporate weighing economic benefits of reaching targets over different time spans.

In relation to the question of whether or not MSY should be defined as an objective, the PRAC would like to emphasise that MSY reference points should be treated as signposts indicating the direction in which gains can be made rather than as definitive targets for fisheries. In other words, the PRAC fully agrees with the Commission's viewpoint on this, as was communicated to the PRAC in September 2009³. The PRAC believes that MSY cannot be considered as the optimal target for all stocks.

Even in single species fisheries such as in pelagic fisheries it is not certain what MSY actually means in terms of output. Existing interactions among different species in a certain marine area mean that trade-offs are an inevitable feature of fisheries management. Predation by other (commercially exploited fish) species becomes an increasingly important factor in the determination of a stock's growth potential as stocks grow larger. The maximisation of the output of some stocks would thus inevitably result in a lower harvest rate potential for other stocks. Stating that all stocks are to be simultaneously managed according to a theoretically calculated maximum output is no basis for a rational policy making process as it cannot be achieved. Particularly not when these theoretical objectives are calculated on the basis of single stock performance, while

ignoring these interactions. The Commission needs to be clear about this in the policy setting framework and this would require an in-depth discussion, involving experts and stakeholders, on how to implement the ecosystem approach, before setting the objectives rather than after.

In addition, it remains unclear how to operationalise the concept of MSY. A heated debate among leading scientists during an ICES workshop in December 2009⁴, illustrated that this issue is still highly controversial. In any case it is clear to the PRAC that ensuring a long term, maximal sustainable yield should be realised by focussing on the fishing mortality (F) and not by setting a biomass target. The size of a stock is not solely constrained by the level of fishing, but also by all other natural circumstances, which together determine the carrying capacity of the environment. Therefore, identifying targets in terms of stock biomass is not only very difficult, but it is also impossible to determine whether they are achievable.

Finally, the PRAC is of the opinion that LTM plans can very well be developed, tested by ICES as sustainable in the long term, and work effectively without defining absolute values for MSY reference points.

2.2.3. Long-term principles

LTM plans are in place for all major pelagic stocks. In addition, for four relatively small stocks, a LTM plan is either in place or currently being developed. The PRAC has taken initiative, or worked together with the Commission and (ICES) scientists on the development or refinement of all of them. The PRAC feels that it is important that LTM plans are seen as a 'work in progress'. Circumstances change and new information becomes available continuously. This is why LTM plans should be easily adjustable. The PRAC sees it as one of its highest priorities to work on the improvement of the performance of LTM plans. Such a process requires thorough scientific support. Running simulations and comparing results of several different Harvest Control Rules in a participatory process between scientists and stakeholders is a much more elaborate task than asking ICES whether one HCR is precautionary or not. The PRAC is hopeful that the Commission, one way or another, is able to provide the RACs with the needed funding to facilitate this (see also chapter 6).

2.2.4. Responsibility of the industry to implement the CFP

The PRAC feels that there cannot be a role for the PRAC in the implementation of management, because it is not the appropriate stakeholder forum. Responsibility as meant here can only be carried by industry stakeholders and this discussion should thus be left between the Commission and the POs or other industry groupings. Notwithstanding this, the PRAC feels that there is potential to strengthen the

effectiveness of the RAC by giving it responsibility in relation to defining and providing the scientific knowledge base (see also chapter 4).

2.2.5. Culture of compliance

First and foremost, the PRAC feels that a Culture of Compliance benefits from having a 'Level Playing Field' established among different stakeholder groups. The Commission should do everything in its power to realise this internally (within the EU) and externally (among Coastal States). It is imperative that the future control and enforcement system properly addresses the external dimension. A situation as currently exists with the mackerel and horse mackerel management, where otherwise generally effective LTM plans are jeopardised by additional fishery outside the management framework, should at all times be avoided. Furthermore, in matters of accession of new member countries to the EU, this is an extremely important issue as well. A culture of compliance hugely benefits from the knowledge that the same rules apply to everyone and these rules should thus be non-negotiable by accessing countries.

3. The importance of a stakeholder lead advisory body on pelagics

First and foremost, pelagic fisheries are just different. The fish targeted by the industry in the PRAC form a distinct group of species, which behave in a very different manner from other commercially targeted fishes. This consequently means that research, policy and control require a unique approach. This is perhaps the most important reason for needing a stakeholder lead advisory body, which is dedicated to exclusively advise on pelagic fisheries, because the stakeholders are able to bring unique experience and expertise to the table.

Second, the economic importance of the pelagic fishing industry is considerable. In 2009, the total value of first-hand sold pelagic fish by EU fishermen was over € 600 million. And since pelagic fish are an important product category for processors, the total value of the pelagic fisheries across the chain should not be underestimated.

Last but not least, the pelagic stocks are generally in good shape and LTM plans are in place for all major stocks. This is why the management of pelagic stocks is in a different stage to many other fish stocks across Europe. While many other stocks need rebuilding, and the main aim accordingly is to reduce fishing mortality, the current focus for pelagic stocks is to improve the performance of LTM plans already implemented.

3.1. Uniqueness of pelagic fisheries

Pelagic fisheries are typically single species fisheries, due to the biological nature of the targeted species which group into schools, most often without mixing with other species. This facilitates fishermen to manage the up-take of their quota per species rather precisely and means that by-catches of unwanted species is relatively low. In addition, since pelagic fishing takes place in mid-water, bottom habitat disturbance is nil.

The introduction of Individual Transferrable Quota (ITQs), in one form or another in most countries, has resulted in a considerable consolidation of most fleets on a national level, resulting in a fleet consisting of relatively few but large vessels. (Exceptions to this general trend can be found in Ireland and some small artisanal fleets in Spain and France). These large vessels, which make up the majority of the fleet, have an extensive action radius, enabling them to steam further away from their landing ports, turning fishing grounds into international residences where vessels flying different flags fish side by side. In line with the vast investments that have to be made for obtaining and maintaining the vessels, company managers / owners need to consider long term performance of their vessels and need to make plans accordingly. Fishing time is largely made up of the time searching for the fish schools and consequently no clear relationship between fishing effort and catches can be described for pelagic fishing.

Because of this unclear relationship, pelagic fisheries thus cannot be managed with an effort regime.

3.2. Economic importance of the pelagic fleet

The stocks in the remit of the PRAC can be divided into two groups: (1) the five major, widely distributed stocks and (2) the seven relatively small stocks (see table 1). The five largest stocks, are likely among the most elaborately researched stocks for which ICES provides advice. The data are comparatively certain and long time series on stock performance are available. The stocks in the second group are relatively data poor.

This difference has undoubtedly to do with sheer volume of the stocks and the number of stakeholders profiting from them. The first group represents 93% of the pelagic quota (of the stocks within the remit of the PRAC) in terms of quantitative outtake and approximately 97% in terms of first hand sale economic value.

Another important difference between these two groups in terms of stock management is that the former are all stocks which are jointly exploited with non-EU countries while the latter are mostly autonomous stocks, solely exploited by EU countries (the only exception being the small Western Baltic herring stock, which is jointly exploited with Norway). When we only consider the EU owned quota, the first group still represents ± 80% and 93% of the caught quantity and first hand sale value respectively.

The PRAC deplores that the Commission's Green paper mainly focuses on the Southern third country agreement, since it is clear that the Northern third country agreements are an extremely important aspect for the PRAC.

Table 1: Overview of the relative importance of different stocks within the remit of the Pelagic RAC. S = shared management; A = autonomous management by EU. 1 = EU; 2 = Norway; 3 = Faroe Islands; 4 = Iceland; 5 = Russia. In grey are the five major stocks, as describe in group 1. Note that the provided first-hand value figures are calculated as quota quantities multiplied by crude estimations of average prices in 2009. These figures by no means provide a realistic reflection of the actual turn-over of the fleet, but instead should merely be considered as an indication of the relative values for the different stocks. *Note that the Western horse mackerel stock is migratory and resides in Norwegian waters part of the year where it is being targeted by Norwegian vessels. Management of the stock, however, is currently solely dealt with by EU managers.

		TAC 2009 (tons)	EU quota share (2009)	Value first-hand		S / A	(Jointly) exploited by
				Stock	EU- share		
				€ (millions)	€ (millions)		
Herring	Atlanto-Scandian	1.643.000	106.959	575	37	S	1,2,3,4,5
	Western Baltic	37.722	32.190	6	5	S	1,2
	North Sea	171.000	121.410	60	42	S	1,2
	VIa South	9.314	9.314	3	3	A	1
	VIa North	21.760	21.760	7	7	A	1
	Irish Sea	4.800	4.800	2	2	A	1
	Celtic Sea	5.918	5.918	2	2	A	1
NEA mackerel		605.000	385.803	665	424	S	1,2,3
Horse mackerel	Western stock	170.000	170.000	43	43	A/S*	1,2
	North sea	39.309	39.309	6	6	A	1
	Southern stock	57.750	57.750	9	9	A	1
Blue whiting		606.237	162.913	120	33	S	1,2,3,4
North sea sprat		170.000	170.000	26	26	A	1

3.3. The current biological state of the pelagic stocks

Figure 1 shows that the five major stocks in the remit of the PRAC are currently in reasonably good shape. The graphs on the left show the developments of SSB in relation to the precautionary reference point B_{pa} as it is currently defined by ICES. It is clear that there have been major variations in stock size during the last 25 years, but the stocks have been inside safe biological limits a large part of the time.

Note that the recent decline in the size of the North Sea herring stock was caused by reduced recruitment of the stock, due to unknown reasons. At the time that the recruitment first showed signs of impairment, in 2002, the stock size was larger than it had been in decades and fishing mortality was relatively low. The decline thus most certainly was unrelated to overfishing or any lack of management effort whatsoever. One might even argue that variations in stock size (and consequently in TACs) in general can often be ascribed to variations in recruitment or other natural phenomena. This is one of the main challenges in pelagic fisheries management: dealing with these variations and with uncertainties in science and fine tuning the LTM plans accordingly.

Another aspect worth mentioning is that for the five stocks long term management (LTM) plans are already in place. Out of the five, North Sea herring was the first stock for which a LTM plan was developed and implemented in 1995. Atlanto-Scandian herring, North East Atlantic mackerel and blue whiting followed in 1999 (former two) and 2005 respectively. For Western horse mackerel, a LTM plan is currently under consideration, but de facto in force since 2008. The arrows in the graphs on the left in figure 1 indicate the years of implementation of the plans.

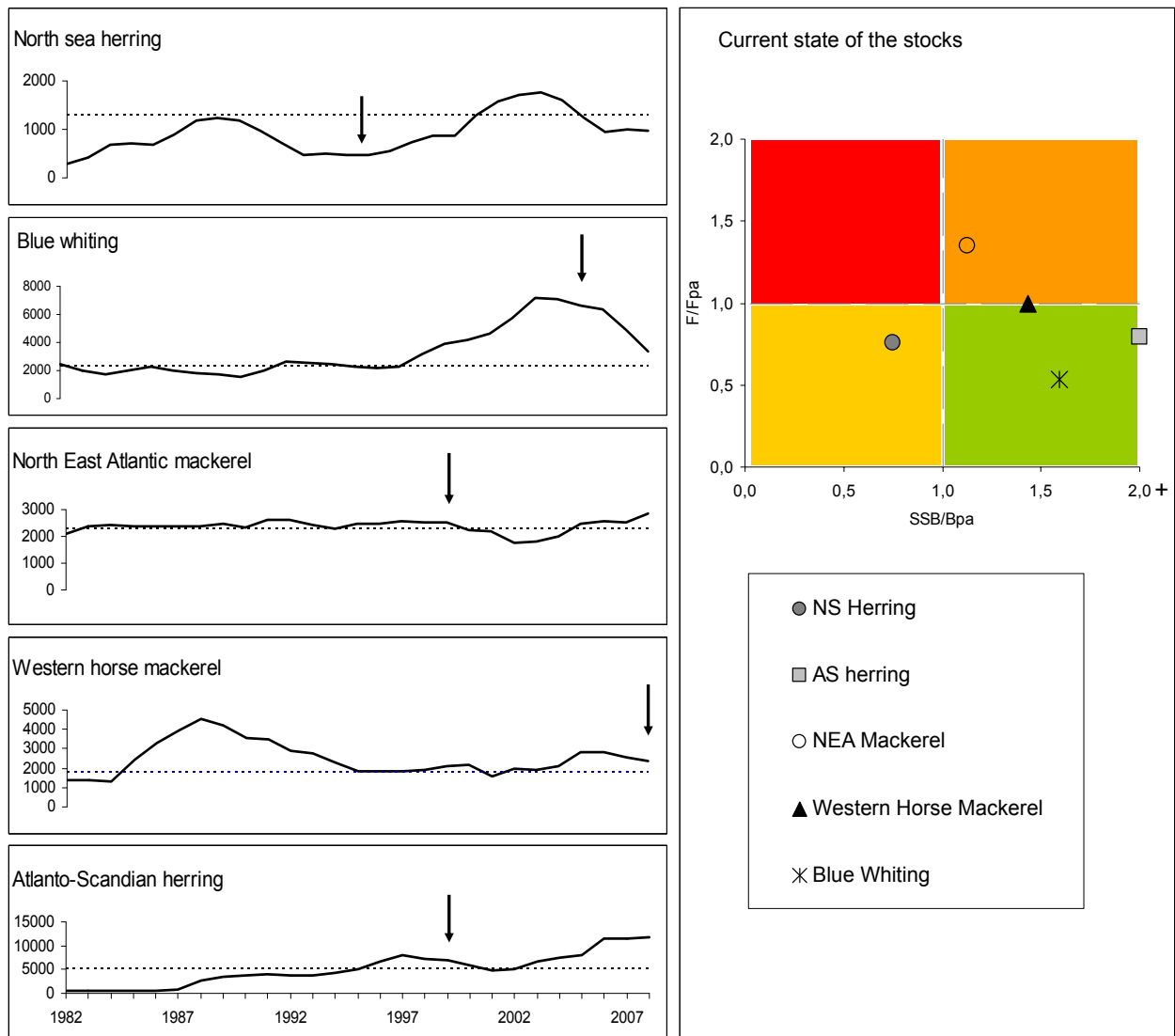


Figure 1a: The development of SSB for the five major stocks over the last 25 years. The striped lines indicate the levels of B_{pa} ; the arrows indicate the moment of implementation of a LTM plan.

Figure 1b: Kobe plot showing current exploitation rates and stock statuses in relation to precautionary reference points, based on most recent estimations by ICES. Note that we assumed that fishing mortality is at or below F_{pa} for the Western horse mackerel stock. For this stock no F reference point is defined, but considering that SSB has been around B_{pa} since the mid nineties (with exception of the year 2001) and well above B_{pa} during recent years with stable catches, there is no reason to assume that F is currently above F_{pa} .

4. Governance structures and the stakeholder role

Currently, the European Commission (in practice DG Mare), the European Council of Ministers and, with the Lisbon Treaty implemented, the European Parliament are the main receivers of RAC advice. The effectiveness of the PRAC as an advisory body is as much dependent on its own capabilities and the quality of its advice as the willingness and possibilities of the receivers to follow it. It is thus very relevant to the PRAC how the EU organises its governance system. This section explores four possible changes to the system, and their consequential implications for the PRAC.

Figure 2 below, shows, from a PRAC perspective, how these changes could be operationalised. The first two changes are inspired by suggestions in the Commission's Green paper, i.e. (1) the devolution of management responsibilities to stakeholders and (2) a decentralisation of the management system. Furthermore a third option is explored: (3) a combination of the previous two suggested changes, which could most likely be realised through the establishment of Regional Management Organisations, incorporating stakeholders. And finally a fourth option: (4) a supra-centralisation of the stakeholder advisory role in pelagics, through the establishment of a stakeholder lead advisory body under the auspices of a 'neutral' organisation such as NEAFC.

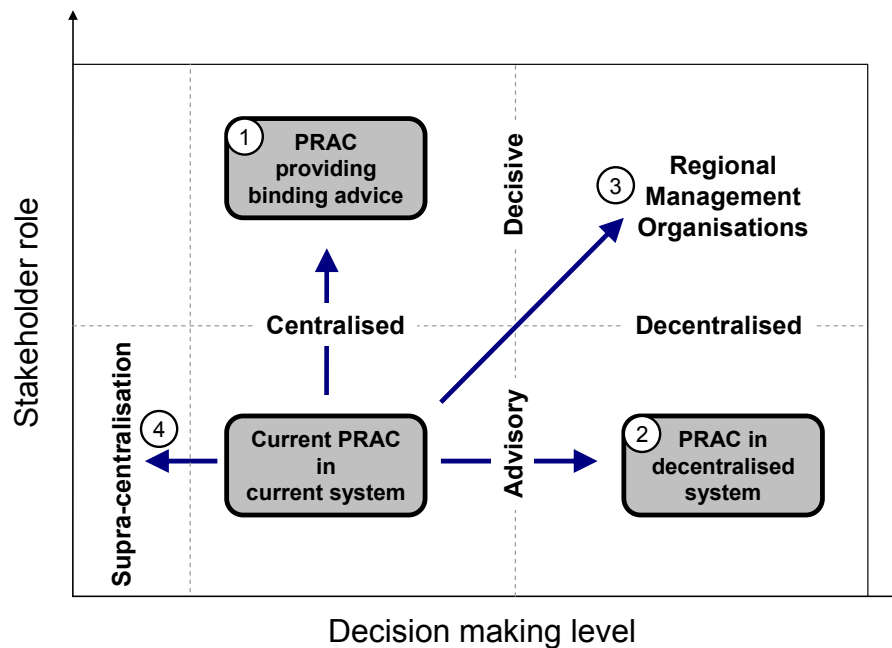


Figure 2: Four possible changes in the governance system of the CFP. One and two discuss the position of the PRAC itself, while three and four discuss possible changes outside of the RAC framework, but relevant to the pelagic stakeholders still⁵.

To clarify the discussion, the paper distinguishes among four levels in fisheries management: (A) setting management objectives, (B) defining and providing the knowledge base, (C) deciding upon management measures and (D) ensuring the practical implementation of management decisions. This nomenclature will be used here, with reference to levels A, B, C and D. When discussing the four changes to the governance system, these levels are important to keep in mind, because they likely require to be dealt with at different governance levels or with different priorities in the involvement of certain groups (managers, industry, NGOs, scientists, etc).

4.1. Devolution of management responsibilities

In the section on the five structural failings of the CFP, the Green paper speaks of encouraging the industry to take responsibility and of implementing a Results Based Management system. Although the Green paper focuses on the role of the POs, some have suggested a role for the RACs. To envisage an enhanced role for the RACs in terms of becoming directly engaged in management decisions is difficult, but through a creative thought experiment, it is not impossible. Imagine that, the RAC's composition stays as it is, but when the RAC gives advice in consensus on behalf of both the 1/3 and the 2/3 groups, its advice is binding to managers to follow up on one way or another. This would imply that in certain cases, stakeholders could fully determine which measures would be decided upon (level C) in order to reach certain management objectives, which would likely still be set by managers (level A). In theory, the PRAC would be supportive of this, because it could impose taking a tailor-made approach more often in issues that need it. Designing Technical Conservation Measures forms a very suitable example. However, at the same time, the PRAC sees major obstacles to how this could work in practice.

4.1.1. The composition and operation of the PRAC

The PRAC reiterates that it feels that it is well-functioning within the present organisational set-up⁶. One of its strengths is considered to be the possibility for all EU stakeholders to become member and have an active role in the discussions. In the Executive Committee many stakeholder groups are represented. This might be different if the PRAC were to obtain decisive power. Member States might demand to be able to determine the membership composition in order to secure representation and large stakeholder groups might argue for an allocation of seats, differentiated based on the level of interests in a certain fishery. In short, the issue of representation and participation, including the 1/3 – 2/3 rule, might be re-addressed such that a power struggle arose over the membership seats; while at present the composition of the RAC is rather elegantly being decided upon by the RAC itself. Also, when the RAC would be given decisive power, this would give more power to the individual member, which might

sooner persuade a member that is not fully dedicated to the RAC to veto a decision and thereby undermine the entire operating process. In general, the RAC is of the opinion that working on a basis of unanimous consensus is an important strength in its current operation, especially considering that participation by NGOs in the PRAC is on a somewhat fragile basis, due to limitations of time and resources on their behalf.

4.1.2. Joint stock management

Most importantly, the PRAC cannot see how the word 'binding' can have a meaning in a context where management decisions are being decided upon in collaboration with non-EU countries. As observed earlier, all major pelagic stocks are joint stocks, and such a system could thus not work for the majority of the work of the PRAC. Indeed, it might even weaken the position of EU negotiators, if RACs would have the opportunity to provide binding advice, because it would leave them less scope for manoeuvring in negotiations when bound by advice from the PRAC, or any other RAC. The PRAC is therefore of the opinion that it could not have a formal role in the decision making process on management measures (level C), and should be maintained as it is, in terms of its advisory role. When it comes to the practical implementation of management (level D), the RAC as an organisation is not suitable to carry out such tasks and the Commission should continue to focus on the POs. In this context, it is also worth noting that almost all pelagic fisheries are de facto managed through ITQ schemes, partly managed by the POs, so that the implementation of a major management task is already directly devolved to the fishing industry.

4.1.3. Devolving decisive power on the research agenda

Notwithstanding the argumentation above, the PRAC feels that there is potential to strengthen the effectiveness of the RAC by being given more responsibility in relation to defining and providing the scientific knowledge base (level B). With reference to the self-evaluation that the RAC submitted in February, the RAC reiterates that it is inhibited in liaising with independent scientific experts on a continuous basis, primarily due to budgetary constraints. Momentarily, the PRAC is dependent on the willingness of scientists to work with the RAC on an ad hoc and voluntary basis. This makes the basis for collaborations vulnerable and frustrates continuity and long-term planning, and thus the quality of the RAC's advice.

In addition, the RAC is very eager to be able to independently task scientific experts (biological, economic or social) to carry out (pilot) studies that are of specific interest to the pelagic stakeholders. In other words, the RAC strongly advocates to be given responsibility to decide on (part of) the fisheries research agenda. Access to funding specially allocated to this purpose is essential for realising this.

4.2. Decentralisation of management system

Another possible way forward for the governance of the CFP as suggested in the Green paper is to move away from a system where all management decisions are taken at the highest, most central political level. First of all, it has been discussed whether the word *regionalisation*, which is most often used in this debate, is the correct one. But considering that pelagic fisheries cannot be regionalised, as most of the stocks are highly migratory and their distribution areas span huge areas (making the operational region: Europe), the PRAC agrees that it is more appropriate to speak of a possible *decentralisation*. At this point of juncture the PRAC stresses that a decentralisation, to all appearances, will not serve the pelagic sector and the PRAC would prefer to maintain its role in advising the Commission, the Council of Ministers and the European Parliament, i.e. to maintain a status quo. However, should the decision be to include pelagic stocks in a decentralisation, then it is imperative to keep the pelagic stocks together. In that case a separate entity should be created, to specifically deal with pelagic issues, to which the PRAC would be providing its advice. In this case, sensibly, also a dedicated unit on pelagics should be established within DG Mare.

In the next three paragraphs, three scenarios are explored. In them, a recent presentation by David Symes at a Nordic Council of Ministers' Conference, titled "Regionalising the Common Fisheries Policy: What kind of Institutional Solution?", and his equally titled paper⁷, are used as a reference to provide a framework for the discussion.

4.2.1. Scenario 1: excluding pelagics

The PRAC can relate to the idea that for some fisheries, which have a regional focus, e.g. demersal fisheries in the North Sea or the Baltic Sea, it could be beneficial to have a dedicated forum for authorities to focus on their targeted fish stocks. But considering that the majority of the pelagic stocks are so widely distributed, and are jointly exploited by a great number of stakeholders from many countries, the PRAC cannot envisage how that could work for the pelagic sector. Therefore the PRAC prefers that the Commission would exclude pelagics from a decentralisation.

4.2.2. Scenario 2: including pelagics

If the commission would be determined to realise a decentralisation in general, then most likely, Symes' model C, the administrative solution would be opted for: Establishing a standing conference of MS administrators meeting at regular intervals with their advisers to interpret and implement Community policy, without intervention from Commission or Council. In that case, the RACs would be maintained and would be advising these decentralised entities rather than the centralised EU institutions. This scenario, with a dedicated pelagic entity established, could only be beneficial when:

1. Such a decentralised entity has devolved powers from the Council of Ministers and the European Parliament. Otherwise, the decentralised entity only adds another bureaucratic layer to the decisions making process, which is already very complex in the pelagic sector, considering the joint management with non-EU countries. For example, the pelagic entity should be made responsible for the negotiations with third countries. To remain within the legal framework of the Treaties the PRAC is conscious that devolving powers to such an entity will require considerable skilfulness on behalf of those tasked to design the legal framework which should enable this.
2. The PRAC could be renamed as Pelagic Advisory Council (PAC) to reflect that it is not providing advice on a regional basis (in order to more clearly distinguish its function in comparison to other RACs), but at all times it should be maintained in its current organisational set-up and function.

In this scenario, the PRAC foresees a closer cooperation between stakeholders and managers which would strengthen the role of the stakeholders. And despite the fact that the major stocks are joint stocks, the PRAC sees potential in this scenario, because some examples can be thought of that could greatly benefit from being able to take a tailor-made approach more often (e.g. Technical Conservation Measures). However, the PRAC feels that this should be seen as a package deal, and if the two conditions cannot be met, from a pelagic point of view, the PRAC would favour a status quo situation and would urge the Commission to focus on other ways of improving the governance system.

4.2.3. Scenario 3: incorporating stakeholders in decentralised entities

The option of establishing dedicated RMOs with a permanent secretariat (after the American model) which would incorporate the function of stakeholder involvement into a decentralised entity is also addressed, because it is put forward by David Symes as the most beneficial form of a decentralisation (model D). However, because the consequence would likely be that the RACs are dismantled and (some) stakeholders are amalgamated into the Regional Management Committees, the PRAC is not in favour of this. In any case, a situation should be avoided where only a very limited number of seats for stakeholders are available and not the broad membership as the RAC currently has.

4.3. Supra-centralisation of stakeholder advice

The PRAC has been in existence for four years. During those four years, the PRAC experienced that the Commission and the Member States are generally positive about the recommendations given. However, the end result was not always in line with what the PRAC advised, mostly when decisions were not an exclusive EU competence, but had to

be negotiated with 3rd country administrations, because they related to jointly exploited (and managed) stocks. Third country administrations are likely not to regard the advice from the PRAC as the EU does. The first and foremost reason for this is likely to do with not feeling 'ownership' of the process of preparing that advice. Since the RAC is an EU-based body, 3rd countries are not inclined to accept the advice, as would probably also be the case if, the other way around, a 3rd country based stakeholder advisory body gave an advice based on experience and views solely of 3rd country stakeholders: the EU would not feel inclined to pay much attention to it.

It is the view of the PRAC that this situation will not change as a result of the reform of the CFP. This problem needs to be resolved in an international context. Since four of the five major stocks in the remit of the PRAC are jointly management with 3rd countries that are contracting parties to NEAFC, establishing a stakeholder lead advisory body under the auspices of NEAFC would have great potential. The PRAC sees this as a major step forward in bridging the gap of trust between the parties. Considering the good experience of its internal functioning, the PRAC feels that the composition could be following the template of the RACs. It would be open for membership for representatives from stakeholders of all the contracting parties, so that hopefully all contracting parties would feel an ownership in the process of preparing advice, and would thus feel more inclined to accept it.

5. Collaboration with scientific experts

If stakeholders are to do a good job in their advisory role in the RAC, it is extremely important to have easy access to expert advice of all sorts (from economic, social and ecological experts). This access, or involvement, should go further than having experts come to RAC meetings to explain the outcomes of their scientific process. Maybe even more importantly so, the stakeholders should be involved as early as possible in the process of formulating research questions. Asking the RACs to provide input on what ICES is to evaluate is an important example of this. The Commission should furthermore, in relation to all expert bodies, consider how they can be better structured and coordinated in order to be most effective. The role of STECF should, for example, be specifically evaluated as its work seems to overlap much with the work of ICES. When it comes to advice from economic experts, the PRAC feels that more attention should be given to business economics approaches, rather than focussing entirely on bio-economics as presently done.

5.1. Collaboration with fisheries biologists

The PRAC feels that the collaboration between the RAC members and biology experts can and should be strengthened still. Moving beyond the implementation of a simple and crude LTM plan that purely aims at protecting the survival of the stock, towards one that also optimally performs from a social and economic point of view will profit from a thorough participatory modelling process between scientists and stakeholders. The development of the Western horse mackerel plan and the preparation for a proposed amendment to the mackerel plan⁸ are two examples of how the PRAC successfully did this. Such an approach, where scientists are asked to evaluate a set of different Harvest Control Rules, should be the standard approach.

Having LTM plans in place should, at least partly, make the annual political hassle of setting a TAC redundant. The PRAC advocates that when LTM plans are in place they should be used to set the TAC, and suggests that management should altogether move towards setting TACs for more than one year, so that any required discussions should only take place bi- or tri-annually. This of course needs to be built into the scientific process, because rather than making a projection for one year, scientists would need to consider a longer period. To the PRAC stakeholders, this would be genuine long term management, in contrast to the current situation, where long term predictions are considered only once: at the time of developing a LTM plan. A huge benefit of being able to set the TAC for several years is that the catching sector and even more the processing industry is provided with some much wanted certainty and stability, at least within those years. It is clear to the PRAC stakeholders that it is feasible to apply this principle, as the

horse mackerel management plan forms an excellent example. Currently, the PRAC, together with the Baltic Sea RAC, is also considering this approach in the development of a LTM plan for Western Baltic herring.

Another priority issue, in the view of the PRAC, is to make more effort to find ways of incorporating all available data in the assessments. With regard to data collected by Member States under the Data Collection Regulation, all data should be compatible by ensuring that the same methodologies are used across different Member States. In addition, data collected by fishermen should be used in the assessment process as well. Especially with smaller, data poor stocks, there is a great potential for improving the quality of assessments in that way. In order to incorporate such data, the development of more novel modelling tools are needed, because currently this is often inhibiting scientists from using that information.

In fact, in general, the PRAC feels that the EU, in comparison with Australia and the USA for example, is relatively 'old-fashioned' when it comes to the models that are used in many stock assessments. The PRAC urges the Commission to be more innovative in the tools used by scientists and development of participatory modelling should be given high priority on the research agenda.

Finally, the PRAC would like to make some general comments in relation to the much advocated 'ecosystem approach'. The PRAC acknowledges that trying to apply this approach to pelagic fishes is more complicated than applying it to localised, non-migrating species, because the latter form key components of more 'closed', and thus simpler, systems. The PRAC finds it difficult to define what it comprises. Therefore, momentarily, the PRAC does not have a strong position on the issue, but it is currently contemplating how to address it (possibly by organising a dedicated seminar in the course of 2010).

6. Literature

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