

ADVISORY COMMITTEE ON FISHERIES AND AQUACULTURE (ACFA)

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ACFA¹ OPINION ON THE COMMISSION GREEN PAPER CONCERNING THE REFORM OF THE CFP (COM(2009)163)

To prepare this opinion, ACFA organised its work in the following way: the ad hoc group on the reform met four times, on 13/05, 8/09, 22/10 and 17/11/2009, in order to examine the contents of the Commission Green Paper in the light of questions of relevance to the Committee, except those which are specifically covered by the ACFA groups 2 and 3. Groups 2 (aquaculture) and 3 (markets and commercial policy) met on 13 and 15/10/2009 respectively.

I. General comments

ACFA takes note of the Commission Green Paper which represents an interesting basis for starting the CFP reform discussions and influencing the related decision-making process as much as possible. Mindful that it already adopted a position on the subject prior to the publication of the Green Paper, (EP(09)10final/SP(09)607:2 of 3 March 2009 remained unanswered), ACFA welcomes the fact that the Commission does not in principle have any preconceived ideas about the ways and means of reforming the CFP, that it has no no-go areas and it is open to any discussions.

Most stakeholders in ACFA consider that the Commission once again describes the situation in an insufficiently balanced way. Stock overexploitation and fleet overcapacity do exist to varying degrees depending on the marine regions and fish species in Europe, but this does not involve only a quantitative problem ("too many ships for not enough fish"), as the Commission underlines, but also a qualitative problem specific to the various fisheries. Member States should report more adequately on their efforts to achieve sustainable balance between fishing capacities and available resources in order to find an appropriate answer to the problem of overcapacity. Providing data on the bio, economic and social conditions for each fishery is a minimum required to enable a sound assessment of overcapacity levels.

Since aquaculture was treated more specifically in a separate Communication, its position and consideration within the Green Paper was minimised; nonetheless, it remains an integral component of the CFP. Aquaculture's development in Europe in the last decade has stagnated while growth in third countries has been impressive. The reformed CFP should provide an enhancing environment to give a revitalising framework for European aquaculture.

1) See annex

The CFP reform in 2002 ushered in changes that resulted in a number of positive signs:

- Stakeholders in fisheries and aquaculture now have more influence on the development and management of policy-making, via ACFA and through the RACs in particular, even if more efforts have to be made to involve them in all the stages of policy-making;
- Some important stocks are now covered by long-term management plans;
- Several Member States have reduced the size of their fleet, thus endeavouring to match them more effectively to the current resource situation. However this has led in some cases to the situation where many boats have been scrapped and where the desired and targeted reductions of capacity have not been achieved.
- There is a gradual move towards a more simplified and more coherent policy.

Nonetheless, there is still a great deal to be done as regards coherence in policy-making: whereas the control system has been reformed rapidly, it is particularly regrettable that the CMO reform eagerly awaited by some stakeholders was deferred. In terms of the regulatory system decided upon, the future CFP must take more account of the signals produced by the rapidly developing market, such as for instance, the will and the capacity to supply the market with fish and seafood provided from sustainable and fair fisheries and aquaculture. In relation to the Commission's vision concerning European fisheries in 2020, ACFA is in favour of a balanced objective for the CFP guaranteeing a viable and profitable fisheries and aquaculture sector providing healthy, high-quality food for consumers based on the responsible management of the marine environment in line with global and regional commitments.

II. Specific comments

A. OVERCOMING THE FIVE STRUCTURAL FAILINGS OF THE POLICY

1. *Addressing the deep-rooted problem of fleet overcapacity*

ACFA first of all wishes to draw attention to how much the fleet overcapacity situations vary within the various regions and fisheries of the EU Member States, making it impossible to formulate a one-fits-all solution to the problem, which has an economic basis and is both quantitative and qualitative (fishing techniques, etc.).

It is necessary to ascertain the reasons for overcapacity, to explore possible links with the market policy and to solve this problem by way of Community legislation, mindful that in certain cases, the market forces can represent a key criterion to be taken into account. Given that most of the data available is obsolete or lacking as in the case of many small-scale fisheries which are not well documented, ACFA urges Member States to comply with their reporting requirements on the state of the fleet in the different fisheries in relation to the available fishing resources so as to guide the necessary adjustments of the fleet. ACFA would welcome a study per marine region and fleet segment, identifying other criteria than the sole gross tonnage and power to measure and define capacity.

On the basis of a fishing fleet capacity adjustment plan, a Community decommissioning fund managed by a central administration and made available to economic operators on a voluntary basis, would be desirable over a transitional period, the provisions of the EFF and of Regulation (EC) n°744/2008 being too binding at administrative level and often difficult to put into practice. In order to ensure the elaboration and adequate implementation of the capacity reduction programmes, all measures put forward should include a socio-economic and environmental impact assessment. Accompanying measures to be discussed with stakeholders should also be foreseen in order to minimize the negative effects on the social fabric of coastal communities and to ensure environmental sustainability.

Fishing right ownership for the benefit of fishing communities in the future CFP is in principle a positive concept according to ACFA, which nevertheless is divided on the advisability of relying on transferable fishing rights. Some of its members fear these being concentrated for the benefit of powerful companies, at the risk of eliminating inshore and small-scale fisheries.

In any event, the choice of one or the other management system should be left up to the Member States as well as any possible safeguard measures to be put in place. The NGOs support the allocation of fishing opportunities based on social and environmental criteria.

2. Focusing the policy objectives

It seems that the Commission has already made its choice concerning the strategic objectives since it uses the term "prioritised" in the statement of the question. ACFA recommends a balance between the three sustainability objectives in the long run, even if, in the short run, it is useful to separate the social and economic dimensions from the ecological one. It is pointed out that it is impossible to achieve social or economic sustainability in the fisheries sector without ecological sustainability. All three aspects are, in any case, essential and it is imperative that the ecological objective is firmly-grounded or the precautionary approach is duly taken into consideration. Furthermore, STECF does not appear to sufficiently fulfil socio-economic issues and needs to be restructured so as to play a more relevant and proactive role. It should be noted that the social objective missing at the time of the 2002 reform is still absent in the present Green Paper, which should seek to protect as far as possible, employment and decent working conditions for both small-scale and industrial fisheries and aquaculture.

The fisheries sector has already undergone several restructuring exercises under the current CFP and the Commission even considers that "bringing and keeping the capacity of the fishing fleets in line with fishing opportunities will inevitably lead to less overall employments in the catching sector" (see contents of the 2nd§ of point 5.1 in the Green Paper). In this respect, it should be stressed that the Commission is reassessing the social framework for a higher level of jobs and a higher level of quality in the EU. The Commission also states, in an impact analysis of its proposal for reforming the CFP control system that "if measures are taken (...), the net additional profits (...) would be accompanied by a net increase in the number of jobs, with as many as 4,000 new jobs in all the subsectors".

In any event, if one wishes to guarantee appropriate food security in the EU, it is worth maintaining employment and making sure a reasonable size of the European fleet is preserved. Furthermore, in order to encourage the recruitment of young people, which, in the opinion of ACFA, has to be one of the priorities of the future CFP, it is also important to encourage multi-purpose maritime training and to establish training schools, as these are sorely lacking in several regions or Member States of the EU. In this context, it is regrettable that the STCW-F Convention has still not been ratified by a sufficient number of countries to enter into force. A similar position exists for aquaculture and the processing industry, where the considerations of generational change and facilitating entry into the profession also underline the need for Europe-wide training and support actions.

The role of the seafood chain in providing valuable and skilled employment in rural and coastal areas needs recognition and their additional contributions to diverse upstream and downstream sectors require accurate quantification for inclusion within measurable indicators.

Indicators and targets for implementation of the CFP should be defined on a scientific basis and in close consultation with the stakeholders. Targets need to be reviewed at regular intervals because nothing stays the same in the oceans, with many factors having an influence on the stock situation. Their implementation therefore has to be adapted accordingly. The measures arising from the CFP (TAC and quotas, acceptable fishing effort, etc.) have an effect on the fish stock situation and on the sector's economy, an effect which is measurable and, consequently, makes it possible to check the status of the CFP completion process.

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

With the entry into force of the Lisbon Treaty, the Council and the European Parliament should confine themselves to adopting general policy and framework regulation principles, objectives and targets. The CFP management powers should largely be transferred towards decentralised executive bodies, established by marine region, whose members should include the appropriate representatives of all the stakeholders. Any decentralised or regional management should allow for separate arrangements for pelagic fisheries.

The current approach of shifting centralised micro-management at the highest political level towards a decentralised system seems to be heading in the right direction. This nevertheless involves meeting a major challenge, involving institutional and cultural changes, which will probably require a transitional period to ensure a smooth implementation process. It will also be advisable to avoid disparities within the EU (different measures for similar fisheries in various maritime regions) and to provide an appropriate control system. Decentralisation on technical matters is potentially a useful way to de-politicise decisions that should to be taken at regional or local level.

In any event, ACFA considers the work of both ACFA and the RACs has to be coordinated and above demarcated, with ACFA being the only formal body for consulting the fisheries and aquaculture sector stakeholders at European level for all horizontal questions. In order to rationalize the present consultation process in the framework of the CFP reform, ACFA proposes the following model:

- For micro-management issues, keeping and expanding the RACs to scientists as providers of information and national administrations as active members in order to avoid the creation of new and redundant bodies, overloaded annual calendar of meetings and ensure the availability of civil servants and staff of the organisations concerned at the meetings;
- For macro-management issues and the general guidance of the policy, keeping and expanding ACFA to one representative per RAC as observer, in order to formalise the access of representatives of these bodies at Community level for horizontal matters of common interest.

The Commission is currently making an evaluation of the operation and advisory role of ACFA. Broadly in agreement with short and long-term actions planned to strengthen the operation of ACFA and satisfied with the openness of Commission services during its meetings, ACFA calls for its opinions to be taken into account on a regular basis, or at the very least that the Commission should react in some way or voice its criticism as is the case for the RAC which systematically obtain a detailed reply to their positions. The decision on creating the ACFA fails to make any provision in this respect, so it is advisable to remedy this shortcoming. ACFA and RACs should keep their advisory role in the future decision-making framework.

RACs make little to no contribution to aquaculture and ACFA remains the only efficient forum for the profession to contribute to the decision-making framework. In matters concerning aquaculture, the role of ACFA could be reinforced in a pro-active manner, including the dissemination of its work to other European bodies (e.g. the European Parliament, the ESEC, the CoR...)

4. Encouraging the industry to take more responsibility in implementing the CFP

As a pre-requisite to the fishing industry's increased role in the implementation of the CFP and its full involvement in the decision making process, it must be granted responsibilities in relation to the use and management of a public resource insofar as it can prove its capacity to implement sustainable fishing activities. Examples have shown that by making fishing operators more responsible, the results of the policy can be quite positive (management of fisheries access, increased market role for the POs, imposing penalties, blue contracts, etc.). In addition, in response to the Commission's 2008 guideline document for concrete environmental initiatives to be taken by the fisheries sector and the "guardians of the sea" development project, ACFA proceeded that year to describe a whole series of experiments and initiatives illustrating the role and responsibilities fishing operators assume in terms of protecting the marine environment often at their own initiative. Voluntary activities supporting sustainable fisheries clearly beyond legal requirements, should be supported, e.g. by means of co-financing or by giving preferential quota allocation.

POs are the basic components of the CMO, whose decentralised operation they are responsible for. In the light of an ever-more concentrated demand, focusing the supply structure within these organisations is more than ever necessary to strengthen the producers' market position. In spite of the possible problems involved in compliance with the European competition rules, their role needs to be developed (organisation and management of fisheries activities, powers to penalise uneven practices under the catch plans, etc.). The PO model needs to be applied everywhere and uniformly, while it is also necessary that other forms of associations should take on the activities that they carry out in accordance with Community legislation. The aquaculture sector has regularly voiced its concern that the concept of the POs and the tools available to them require further reflection and adaptation to the structure and realities of the aquaculture profession.

Involving a primary economy, the catching sector is already burdened with numerous costs related to the use of a public resource not subject hitherto to a paying right. Neither industrial nor small-scale fisheries are in a position to pay fishing rights at a time when it is in crisis, when subsidies and partnership agreements under their current form in the fisheries sector are being questioned. The catching sector therefore considers that it should not take more financial responsibility by paying for rights or sharing management costs.

5. *Developing a culture of compliance*

In reply to the question on how data collection systems can be improved, one must insist on the fact that research work and data collection systems have to continue developing in order to improve the scientific knowledge of the sector but data collection is an expensive and intricate process. Hence the need to act at these two levels.

ACFA is surprised that the Commission is querying the rules compliance implementation mechanisms, insofar as the recently adopted Council Regulation establishing a Community control system for ensuring compliance with the CFP rules already envisages a number of such mechanisms . In any event, if the aim is to promote a culture of compliance stakeholders have to be involved in the development of the policy and be convinced that the imposed rules are appropriate. Thus, the rules in force will be understood better, will be accepted and will be duly complied with. Assessments of the socio-economic impact of the adopted measures also have to be considered.

B. FURTHER IMPROVE FISHERIES MANAGEMENT IN THE EUROPEAN UNION

1. A differentiated fishing regime to protect small-scale coastal fleets?

An adaptation of overall fleet capacity must be accompanied by socio-economic impact evaluations, on the basis of which supporting measures should be planned for all fleet segments. In doing this, particular attention should be paid to small and medium-sized enterprises. In order to take into account the importance of small-scale fishing in maintaining the coastal communities, several areas could be explored: encouragement of micro-credits, training for fishermen's spouses in management, information technology, regulatory framework concerning fishing/tourism, promoting the sector's image by developing tourist circuits in the ports, developing local gastronomy, creation of cultural centres (fishing museums, etc.).

The ACFA agrees that it is important to support sustainable coastal and small-scale fishing across Europe because of their importance in maintaining the social fabric and cultural identity of coastal communities and because of their potential in delivering sustainable fisheries. It also must be ensured that recreational fishing does not enter into direct or indirect competition with coastal and small-scale fishing.

Before commenting on the advisability of a differentiated management arrangement between two fleet segments and before examining its operation, it is advisable to agree on a precise and realistic definition of the concepts of industrial (or deep-sea) and small-scale fishing in Europe. Given its variety, the characteristic features of small-scale fisheries may vary from region to region and these variations should be taken into account in the policy. Therefore, an exhaustive study on the different traditions existing all around Europe and their environmental and socio-economic characteristics, including the impact of the Natura 2000 legislation on small-scale fisheries, would be recommended in order to replace the present gross tonnage and vessel length criteria used to define technical conservation measures.

From a socio-cultural point of view, the ACFA considers that the maintenance and promotion of small-scale coastal fishing fall under the responsibility of Member States and not under European policy. This being said, it is up to the EU to ensure equally competitive conditions for the various fleet segments. If a management system based on transferable rights had to be chosen in one or another Member State (the Commission is invited not to intervene in the choice and establishment of these), restrictions should be designed so as not to undermine the rights and viability of coastal and small-scale fishing.

2. Making the most of our fisheries

The ACFA is in favour of long-term management plans for European fisheries, based on solid and regularly-updated scientific opinions rather than by reacting with short-term measures. They should be mandatory and address either a fishery or a particular area. Conceived by the new CFP, these plans should envisage flexibility across years for quota utilisation.

The MSY objective for 2015 constitutes an international political commitment and currently not a legally binding act. Therefore, it should not be seen as an ultimate target but as a reference limit for fisheries management. In any case, alternative timelines based on biological realities need to be established in cases where the target set cannot be reached by 2015. In the sense that the methods of its implementation can be interpreted in various ways and that it can be difficult to achieve in mixed fisheries, it is advisable to implement this objective in an operational manner, to base it on scientific data and to measure the socio-economic consequences that it entails.

The ACFA points out its strong interest in carrying out a comparative and exhaustive study of the various fishing management systems and of the TACs and quotas existing in all EU Member States with maritime frontage, making it possible to assess their adequacy for fisheries. A system of catch limitation is appropriate for pelagic fishing, while an independent evaluation of other management systems (fishing limitations, etc.) would identify the best option to be retained for mixed fisheries.

The ACFA favours a maximum and progressive reduction of discards, fishery by fishery and in all maritime regions, through pilot projects involving the sector instead of opting immediately for a total ban. An idea to be considered could consist in establishing quotas of caught fish (instead of quotas of fish unloaded in the ports) and to increase the catch limits by adding an average estimate of the discards. As a matter of fact, this would also be a key element to obtain relevant and timely advice of quality. It should also be considered what will be done with landed unwanted by-catches.

3. Relative stability and access to the coastal fisheries

Relative stability still constitutes today one of the essential pillars of the CFP since its creation in 1983. As indicated by the Commission, this principle presents both advantages and disadvantages. It is not perfect but rather than discarding it, it would be more judicious to increase its flexibility by using for instance, mechanisms of quota swaps on an annual basis between operators in several EU Member States, in order to encourage the full use of the TACs and to meet the needs of the changes that have occurred since the establishment of the first criteria. Contrary to the Commission's opinion, the ACFA considers that these swaps are no complex practices, they enable optimizing fishing activities, contribute to reducing discards and should be further supported. The adequacy of such trade mechanisms should also be examined as regards European non Community countries (reciprocity Northern agreements). Considering the above, a large majority of the ACFA considers that it is not advisable to alter the principle of relative stability. The NGOs as well as part of the ACFA members do not agree that allocation of fishing rights be based on historical catches. Rather social and scientifically supported environmental criteria should be used as a base to allocate fishing rights promoting sustainable fishing.

ACFA believes that the current methods of access to the waters located within the 12 nautical miles zone of Member States should not be called into question, although it is necessary to agree on the definition of the concept of coastal and small-scale fishing fleet at European level. When necessary, and in particular not to undermine the rights and viability of coastal and small scale fishing in case transferable fishing rights mechanisms are implemented, consideration should be given to an extension of this zone, according to the NGOs.

The NGOs feel that the 12 nautical miles zone should be strengthened by reserving space for fisheries developed according to long term management plans and fitting sustainable development criteria (using environmentally friendly fishing techniques, low use of fossil energy, providing jobs of good quality, etc.) in a way that provides important social, cultural and economic contributions to the local communities. It must be noted that the inshore area is vital for marine biodiversity conservation and in terms of a carbon sink, as it is the most intensely used and most polluted marine area. It is therefore important to connect activities in the coastal zone with conservation initiatives, taking account of all activities having an impact in that area.

4. Trade and market – from catch to consumer

As the study on the supply and marketing of fishery and aquaculture products in the European Union indicates (DG MARE, May 2009), there are four main challenges in terms of trade and markets:

1. Ensure a balanced supply of the Community market.
2. Improve competitiveness of Community production, in terms of fishing and aquaculture activities as well as in marketing and processing.
3. Protect the interests of European consumers and meet their expectations
4. Help to improve knowledge about fishery and aquaculture products markets

It is therefore necessary to have the broadest possible approach as to the analysis of the reform. All efforts are currently being focused on primary production, not the market as a whole. It is important to look at the market and respond to market signals, not forgetting that the EU market is a part of a wider international market and that food security also requires consideration.

In the Green Paper, the economic importance of the processing industry to the market is understated: its contribution to the EU market is very significant taking into account that it represents 130.000 employees, 4.000 enterprises and a production value of around 20 billion € (Eurostat figures). Therefore, for the sake of the social and economic sustainability, assuring sufficient supplies for this industry is vital.

The EU market for seafood is growing and is being provided by EU fisheries and aquaculture at 35% and by imports at 65% (DG MARE Study on the supply and marketing). Consequently for further growth the supply from both EU and third countries has to be assured. Indeed, certain parts of the processing industry will only remain in the EU for as long as imports are available.

When considering the market it is necessary to analyse both prices and production costs and to bear in mind that fishery and aquaculture products have to compete with other protein sources. Reform of the CFP must consider not only prices for primary producers but also their costs. For example, fleet overcapacity may lead to relatively high production costs. On the other hand, additional non-CFP legislation also directly affects aquaculture and processing costs.

Structural funds must not distort the market, nor prevent normal market forces from delivering efficiencies to the catching sector. Structural policy must also be compatible with the CFP's other aims, particularly the sustainable exploitation of fish stocks. Furthermore it should stimulate innovation. As industrial-scale aquaculture becomes an increasingly important market supplier, adequate focus needs to be given to this, as opposed to the promotion of niche activities (e.g. organic, private labels...).

According to most members of the ACFA, Market regulation (EC) n° 104/2000 needs to be changed as the key elements of the CMO (i.e. (1) finding a balance between supply and demand, (2) stabilising prices in order to help support producer's incomes and (3) improving the general competitiveness of the Community fleets on the world markets) have not been achieved.

The existing market mechanisms under the CMO do not always reflect reality sufficiently (price fixing rules, for example) and must be simplified, or even revised (market intervention, certain coefficients and percentages). Should these mechanisms be applied, current representative data should be used. Moreover, rules relating to POs are not adapted to the aquaculture sector. Finally, the current price reductions are unacceptable and emergency measures need to be foreseen in the CMO.

The auction process provides an appropriate forum in the establishment of fish prices and a possible interface between catcher and buyers. The ACFA believes that, by building upon the expertise that exists, it should be possible (after some initial research, piloting and study) to develop new mechanisms on sales and supply networks.

To promote the consumption of more fishery products as healthy food, it is important to set up a promotion mechanism for sustainable fishery and aquaculture products at the European level, through transnational campaigns encouraging the consumer to move towards these high quality products. Moreover, similar to the financial mechanisms and instruments existing for agriculture, it would be advisable to allow the promotion of specific regional or local products in the rest of the EU, with the aim in particular of increasing consumption of high quality fish.

Due to the importance attached to sustainable production throughout Europe, national and Community authorities should in the future - as the ACFA has already asked - maintain the current EFF provisions with regards to economic incentives for the implementation of eco-labels. ACFA is of the opinion that the CFP should support third party certification and labelling initiatives by proposing a clear framework of minimum standards. This will enhance informed consumers' choices and provide further market stimulus.

The ACFA attaches great importance to the marking and labelling of fishery and aquaculture products for traceability, transparency and food security purposes with regard to the consumers who increasingly wish to know the origin of the products they are buying, the production method (wild/farmed, sustainability conditions) and the nutritional elements. Properly enforced IUU, Control and Food-Law Regulations would allow operators to meet these requirements.

This is all the more true and essential for the prevention of fisheries and aquaculture products being provided in Europe from third countries under unacceptable social, economic, environmental and sanitary conditions. It is of the utmost importance to prevent the distortion of competition for EU fishermen, fish and mollusc farmers, traders and processors and possibly draw the prices for Community fish higher, to their benefit. The new Community instrument intended for preventing, discouraging and eradicating IUU fishing which will soon be implemented will certainly contribute to encouraging the procurement of products that conform with the rules of the CFP. Increased consistency between Community policies concerning fishing, trade and development is crucial if one wishes to promote fishery and aquaculture supplies from sustainable production.

POs and inter-professional organisations play an essential role in the CMO through fisheries management. Matching supply with demand more effectively would better satisfy market requirements in terms of supply quantity, quality and regularity. They must also, thanks to the instrument that the operational programmes constitute, aim to increase product quality, in health and nutritional and environmental terms and to organise supplies to enable efficient chain management

The main role of trade policy is to ensure stable supply of fishery and aquaculture products to the EU markets so as to allow the processing industry to seek alternative supplies when community output is lacking.

5. Integrating the common fisheries policy in the broader maritime policy context

There is close interaction between the fisheries and marine aquaculture sectors and other maritime activities in fields as varied as protected marine areas, oil and gas extraction, exploration and drilling activities, maritime wind farms, etc., which requires spatial planning and management of the seas and oceans in order to avoid any potential conflicts of interest. The framework directive on the strategy for the marine environment, directives on "habitats" and "birds", although not strictly covered by the CFP, incorporates aspects within the framework of which it is advisable to ensure an integrated approach for the management of marine resources under the Integrated Maritime Policy.

The CFP was conceived with the aim of guaranteeing the exploitation of live aquatic resources within the necessary conditions of sustainability at the economic and environmental levels as well as for social matters. It would therefore only be fair that, in the future, the fisheries and aquaculture sectors continue to access the maritime space by regulatory means, their activities contributing to the economy of the EU and offering the population healthy, nutritious products of high quality. Guaranteeing their access must happen via the development of a policy aiming at equitable balance between the legitimate needs of all activity sectors. For that purpose, it is essential to establish a constructive dialogue at inter-institutional level in the Member States on the one hand (Ministries for fisheries, transport, environment, energy, etc.) and with stakeholders in the economic activity sector concerned on the other. Fishermen have indeed the feeling that they are constantly losing fishing grounds, whereas other industries (wind farms, for instance), progress rapidly. It is therefore required that "integration" for fisheries does not mean "loss" of fishing opportunities. Marine aquaculture feels that it should have recognition as an equal rights user of the maritime resource.

In order to ensure consistency between the framework directive on the strategy for the marine environment and the implementation of the future CFP, the ACFA asks to be consulted by any body that would be devoted to this policy, so that it may express an opinion when proposals for regulations are formulated.

Within its action plan of October 2007, relating to an integrated maritime Policy for the EU, the Commission indicated a desire to develop an adaptation strategy for climate change, with particular attention to coastal regions. The ACFA asks to be consulted before any action, also taking into account activities currently undertaken in the Member States. It also stresses the need to maintain fisheries and aquaculture in the future EU research framework programmes in order to support initiatives in this area.

6. The knowledge base for the policy

High quality scientific research work is of primary importance if one wishes to found political decisions on solid bases. However, as stated by the Commission, 59% of the stocks remain unknown for the scientists and the precautionary approach is being used repeatedly to compensate this shortage. Moreover, it is advisable to go beyond questions related to biology and demography of the fish species and investigate the state of the marine ecosystem and climate change, as well as to develop research on socio-economic aspects relating to fisheries. In this context, the existing structures (ICES – STECF) require assessment and the 100% confidence in the ICES advices needs to be addressed. In order to meet such objectives, additional financial and human resources are required.

The coordination of research programmes within the EU is necessary due to the number and the diversity of research projects undertaken thanks to Community funds. Naturally, this falls under Commission responsibility which could consider it convenient to aim towards an integrated European strategy for research. Considering the above and the importance of ensuring a healthy marine environment so as to meet the expectations of citizens, ACFA proposes the creation of a European Agency for Marine Research including a department on socio-economic assessments. The recent initiatives by sector stakeholders for a European technological platform for aquaculture on the one hand (an established platform) and for fishing on the other (platform under establishment) and the Commission support for these make it possible to hope that concrete research projects, mobilising available resources and associating the stakeholders could be undertaken to increase the competitiveness of the sector.

Increased collaboration between the fishermen, who have experience with the marine environment and detailed knowledge of the stocks and behaviour of fish, and the scientists is proving to be more than ever necessary. In this context, sector professionals propose the creation of a network of marine research workers (national centres, universities, independent research workers, etc.) who would comply with precise requests for stock evaluation or of contamination of these (marine pollution, algae, etc) in such a way that legislation is based on coherent opinions. The network could also develop and manage a data base centralising all the reports produced at local, national and regional level.

Fishermen should be encouraged to provide better data for stock assessments and other research activities by means of preferential access to fishing resources or financial support.

7. Structural policy and public financial support

The scope of the future EFF and the specific budgetary commitments should make it possible to cover all relevant areas of the reformed CFP. It should in particular offer measures to support and develop partnership relations between scientists and stakeholders in order to improve the credibility and the quality of scientific reports, and initiatives for marine environment protection, in particular those taken by the fisheries sector (cf. the development project "Keepers of the sea" regarding which the ACFA has stated its opinion).

A reorientation of the EU financial resources will be a function of the possible new objectives assigned to the future CFP. The current provisions of the EFF already allow reprogramming of the funds, by an adaptation of the operational Member State programmes, as was the case, for example, to counter the effects of the fuel crisis in fisheries.

Thanks to its audit and control tools and its evaluation and monitoring committees, the Commission, in cooperation with the Member States, constitutes the principal guarantor of the overall coherence and synergy necessary between the funds arising from the CFP and the other Community instruments.

The pillars of the future CFP will probably be extremely similar to the current principles and which are stated in the 1st Article of the basic regulation instituting the CFP. They necessarily stipulate coherent measures via coordination mechanisms, if they are to relate to a common policy. In principle, each Member State establishes strategic objectives containing its long-term vision for policy development in the fishing and aquaculture sectors. It is therefore theoretically logical to think that government aid will be subject to the fulfilment of these aims. For more clarity it is advisable in any case, to agree on what one understands by "achievement of strategic objectives" (degree of achievement, nature of the objectives, who evaluates them and how, etc).

There are an increasing number of support actions that require to be addressed at the European level, including, as an example, the concept of transnational promotion actions. The reformed CFP should provide facilitative measures to enable the use of EFF funding for such actions of common interest.

In July 2008, the EU Council adopted temporary derogations from the EFF regulations to respond to the economic consequences generated by the crisis in the sector. Despite the divergent views within ACFA regarding the relevance implementing such a package, it must be remembered that Member States did not use or very rarely used this complex and bureaucratic instrument. The rules must at all costs be simplified so as to make them more accessible, the same as encouraging the reprogramming of the EFF funds and a facilitated utilisation of them.

Public financial support must be granted in the same way to all sectors, with particular attention to coastal and small-scale fishing and aquaculture activities, in order to ensure equitable treatment. The EFF itself must not continue to distinguish between regions covered by or outside the convergence objective, as adjustment needs of the fisheries and aquaculture sector are required all over Europe, irrespective of macro-economic criteria regarding economic and social cohesion.

Subsidies in the fisheries sector should be studied on a case by case basis and with flexibility, particularly if this involves helping the fishermen to adopt more selective fishing techniques, to support them in steps towards more sustainable fishing, in safety initiatives, in measures aiming to recover resources (temporary biological halt), or finally, in measures of common interest, etc.

The Environmental NGO's consider that in the past, public aid has failed to help the fisheries sector become more sustainable and has contributed to a large extent to the problem of over-fishing, According to them this was recognised by the World Summit on Sustainable Development in Johannesburg and by the WTO where fisheries subsidies are currently under negotiation. In line with the negotiating mandate agreed by WTO ministers in Hong Kong, the Environmental NGO's believe that the EU should make sure that subsidies do not contribute to overcapacity and overfishing.

Some members of ACFA consider it unacceptable for a Member State to have access to EU funding withdrawn for a whole sector in case of non-compliance with CFP rules. This would mean that all operators within it would be penalised due to a few administrations or operators failing to comply with regulations. Others believe that public aid should be given to Member States on condition that they adequately implement the CFP.

8. The external dimension

The objective of the external dimension, as well as that of the CFP, should be to promote responsible and sustainable fisheries and aquaculture, and, within this framework, to enable profitable EU sector operations with the aim to supply the EU Market with high quality products. This can be achieved through reciprocal or partnership agreements, allowing commercial activities in a framework where the establishment of responsible and sustainable fishing is possible in partner countries.

It is imperative for the EU to strengthen its role and its credibility on the international scene by ensuring an active presence and participation in international fora (UN, FAO) and in all the RFMOs, thereby encouraging a good governance of the international fisheries, in particular to fight against IUU fishing and to manage capacity. Sufficient financial and human resources are necessary for such cooperation.

It is our opinion that fishermen should not have to pay for the right to fish in the high-seas under the governance set up by the RFMOs, for the reasons previously explained (access to a public resource, etc). If such a question would be raised in future, it would have to be settled in the context of the internal rules of the RFMO's.

Achievement of goals such as investment promotion, job creation or good governance promotion could be improved through a better coordination between services and programmes in the fisheries and aquaculture area. An inter-service mechanism should be put in place to monitor how these various instruments can improve policy coherence for development, which is a legal obligation for the EU.

Moreover, the organisation of technical meetings between fishing sector stakeholders (catching, processing sectors, etc.) of certain third countries and of interested EU Member States would be an additional positive initiative to encourage dialogue on how to ensure sustainable fisheries operations (cf. Forum for the partnership in the "Fisheries" sector between the EU and the Islamic Republic in Mauritania organised in February 2000 and 2004).

Before addressing the question of fishing partnership agreements (FPAs), ACFA underlines the importance of maintaining in the future bilateral fisheries agreements on shared stocks between the EU and third countries (reciprocity Northern agreements) as these provide additional fishing opportunities and economic income to EU operators.

It seems very clear that the Commission wants to call into question current FPA's under the future CFP, as, in particular, it considers that they require an intensive follow-up, that they are sometimes difficult to implement and that the use of provided assistance is slow or even non-existent. The large majority of the ACFA considers that FPAs enable not only Community companies to maintain jobs in Europe, to reach the resource surpluses available, thus to supply the Community market with protein-rich products beneficial for health, but also that they contribute to the support and development of the fisheries sector in the partner country in particular thanks to the capacity building of the local crew members. By creating jobs in third countries, the European companies combat poverty and slow down migration towards the EU. It is also important to make sure that the EU financial compensations paid for the FPAs are duly used by the third countries authorities for the purposes fixed by the Agreements. Moreover, the recourse to third countries manpower should rely on social dialogue principles (fair labour and working conditions).

ACFA feels it is essential to maintain fisheries partnership framework with developing countries to provide a platform for a dialogue regarding the way in which the EU can meet partner country priorities for the sustainable development of its fisheries sector in line with the EU commitments for policy coherence for development. Through such dialogue, the EU should promote transparency and stakeholder participation, two important aspects recognised by the code of conduct for responsible fishing of the FAO. Such framework should address issues such as fisheries management, food security, support for the integrated development of coastal communities, sustainable fish trade, etc.

In order to strengthen transparency and effectiveness of scientific research, in particular in the RFMO scientific committees, the ACFA recommends increased dialogue between fishermen and scientists, as their opinions can often diverge, as well as greater trans-national collaboration, in particular with the FAO. Moreover, stakeholder participation in the bodies of work of the current structures (ICES, STECF), even as observers, appears essential to the ACFA.

Joint ventures can be considered as an appropriate tool for third country fishing sector development if they meet the following conditions: not creating or contributing to local overcapacity, using selective gears, less fuel, providing local high-quality jobs, not coming into competition with local small-scale sector, etc.

ACFA requests that there should be a distinction between the costs of access for the long distance EU fleet (which, on the long term, should be covered by shipowners and represent a fair part² of the value of the catches) and the sector support provided to the third country through FPAs. Such support should be coherent with EU development policy objectives, in particular poverty alleviation.

Technical assistance and the training of administrative staff in fishery management can contribute to increasing management capacities in developing countries. The organisation of workshops encouraging experience sharing between EU and developing countries' administrations can also contribute to this objective.

Strengthened cooperation between the varied forms of support, the numerous partners in the sector and the development strategies of the coastal states must be achieved through harmonisation of the various actions of Commission DGs other than the DG on Fisheries and Maritime Affairs. It is our opinion that these actions fall under the responsibility of the Commission.

Aquaculture could be included where necessary in the FPAs, given that the CFP provides coherent measures explicitly concerning this sector. This being said, one should define what kind of aquaculture should be taken into consideration.

Whether they are located in Europe or in third countries, the nature of small scale fisheries is such that they play an important role given the social and environmental profits they offer, without speaking about the advantages that they offer in terms of employment and regional planning. For example, small scale fisheries are often designated to supervise protected marine areas. As a consequence, it is advisable to encourage them, for example, by giving priority to the subject of access to the resource to certain companies according to sustainable development criteria to be identified with all parties concerned (cf. results-based management). These criteria could include, for example, the use of selective fishing techniques, economical in fuel, etc.

2) For example the "Forum Fisheries Agency" is fixing 5-6% of the value of the catches as a fair reference price for the tuna license in the Western and Central Pacific.

9. Aquaculture

Aquaculture development in Europe has stagnated, with identifiable individual sub-sector decline, in recent years while the rest of the world, including neighbouring countries, has seen strong development. In light of the increase in overall demand for fish and seafood intended for human consumption, it has a crucial role to play in the future CFP, particularly as it is so economically and socially important within the EU. European aquaculture benefits from numerous advantages, such as advanced research and innovation, qualified managers, fish and mollusc farmers, a strong potential market and a low carbon footprint. The image of both the sector and the product should be enhanced in the new CFP which should ensure that European aquaculture remains competitive, that the consumption of seafood is increased and that the management of coastal and rural areas allows the development of sustainable aquaculture. All these reasons led the ACFA to draft a statement recently on 17/06/2009 (AQ(09)4011) on the Communication from the Commission to the Council and European Parliament entitled: "Building a sustainable future for aquaculture - A new impetus for the Strategy of Sustainable Development of European aquaculture" (COM(2009)162). This statement contains the following nine objectives and instruments which should be implemented in the short term according to the ACFA³:

- Simplification of the legislative environment and the reduction of the administrative burden at EU level – immediate discussion with producer representative organisations, such as the FEAP, to identify the key obstacles in this area and prepare an action plan.
- Evaluation, adaptation or elimination of Community legislation that has unforeseen cumulative and/or contradictory effects (e.g. legislation on aquatic animal health and water resource use).
- Establishing and improving pro-active public information programmes regarding the European aquaculture sector.
In so doing, the Commission should also plan to ensure effective and appropriate labelling, ensure a level playing field between EU and third country production in the area of labelling, traceability, application and enforcement of environmental regulations in third countries, appropriate and truthful labelling of country of origin and regulations regarding thawing and refreezing of fish.
- Ensure the compatible implementation of environmental legislation such as Natura 2000 with the socio-economic sustainability of communities dependent on aquaculture production.
- Ensure that the Marine Strategy Framework Directive, the reform of the CFP and the implementation of the WFD are compatible with the developmental aims of the Aquaculture Strategy. These related legislative instruments and policies should be screened to ensure that they promote the highest quality of waters to guarantee both the health of farmed fish and shellfish and provide for safe and high quality products. This should apply in particular to the requirements for the Quality of Shellfish Waters (EC 79/923) which has been subsumed into the WFD.
- Develop with the industry a set of objectives for future Financial Instruments and outline priorities for public finance, including capital investment in areas such as increased competitiveness, improving employment and economic sustainability of rural areas, environmental management, marketing etc.
- Amend the CMO to ensure that rules and regulations relating to Producer Organisations are appropriate and workable for the aquaculture sector.

3) Not participating in the deliberations of the ACFA "Aquaculture" Working Group, the development NGOs abstain on this subject.

- To maximise the potential for innovation and practical R&D which will involve the best use of public funds in R&D, the Commission must fully engage with industry and the European Aquaculture Technology and Innovation Platform.
- Immediately call for a meeting of Member States to implement the plan of enforcing the objectives of the 2007 “Availability Task Force” on Veterinary medicines with a clear timetable and plan of action to ensure the appropriate and sustainable availability of medicines for fish welfare, environmental and food security purposes.

ACFA is the only formal consultation body of stakeholders in the fisheries and aquaculture sector at European level. It consists of the representatives of the following organisations at European level:

Professional Organisations:

Fishing Enterprises:

1. Private Shipowners (Europêche)
2. Co-operative Shipowners (COGECA)
3. Producer Organisations (EAPO)
4. Aquaculture Companies: stock breeders of molluscs, shellfish and fish (FEAP, EMPA, COPA/COGECA)

Companies on downstream:

5. Processing (AIPCE)
6. Traders (CEP)

Organisations of Workers:

7. Employed fishermen of these companies (ETF)

Non-professional organisations concerned by the CFP:

8. Consumers
9. Environment
10. Development

Additional information on ACFA's functioning can be obtained on "DG Fisheries and Maritime Affairs" website.
