

## RESPONSE TO EUROPEAN COMMISSION GREEN PAPER

### REFORM OF THE COMMON FISHERIES POLICY

#### SUMMARY

The Environment Agency is a key player in the marine environment in England and Wales and has been actively involved in many aspects of UK marine legislation. The Environment Agency supports reform of the Common Fisheries Policy and recommends:

- That the needs of the Water Framework Directive in the inshore zone should be taken into account
- That provisions for the inshore zone are consistent with the ecosystem approach
- Greater use of controls on fishing effort as against dependence on catch quotas
- Support for schemes to improve habitat that can enhance fish production and offer opportunities for fisheries diversification – including coastal realignment projects and reducing barriers to migratory fish.

#### 1.0 INTRODUCTION

1.1 The Environment Agency makes a significant contribution to the sustainable management of coasts, seas and estuaries in England and Wales. Its wide remit enables an integrated approach to protection of the marine environment. Most responsibilities relate to the marine environment in the zone where the land meets the sea. Responsibilities include:

- regulating activities in controlled waters
- establishing and enforcing environmental standards
- compliance monitoring
- flood risk management

The Environment Agency manages migratory fisheries out to six miles. These include salmon, sea trout, eel, lamprey and smelt fisheries.

1.2 The Environment Agency is the competent authority for several EC Directives including Water Framework Directive (WFD), Bathing Waters Directive, Shellfish Waters Directive, Nitrates Directive and the Urban Waste Water Treatment Directive in England and Wales. We are also a competent authority for the Habitats Directive.

1.3 We responded to the 2002 Reform of the Common Fisheries Policy (CFP), supporting the measures proposed. In 2003 we responded to an EU consultation on aquaculture, supporting the development of a sustainable aquaculture sector. Since 2002, we have developed the following general position on marine fisheries. We support:

- Promotion of a healthy fish resource, available equally to all users, with maximal associated benefits for society and the economy
- Holistic integrated and inclusive management based upon the ecosystem approach to management
- Inclusion of the recreational sea angling community in the management process
- Sustainable well regulated exploitation based on sound science
- Effective, robust, integrated enforcement
- Greater integration of fisheries and environmental policy
- Greater emphasis on stock and habitat protection and enhancement measures
- Greater emphasis on measures which tend to reduce and restrict unsustainable fishing and illegal landings
- Greater emphasis on the application of effort controls to marine fisheries management. These may include limitations on fishing methods and the temporary closure of fishing grounds to protect spawning and nursery grounds
- The promotion of branded, local, high value, low impact fisheries.

1.4 We have recently provided a short response to the Commission proposal on the review of the fisheries control regulation. We have also recently provided a response to the Defra Discussion Paper *Achieving Sustainable Fisheries through CFP Reform*, which is designed to help shape responses in the UK to the questions posed in the Green Paper.

1.7 We are an active partner in the Sustainable Access to Inshore Fisheries project which seeks to address measures which could be applicable in England in the context of the proposals made in the Green Paper.

## **2.0 ENVIRONMENT AGENCY RESPONSE**

2.1 We welcome the chance to respond to the Green Paper consultation. We support the vision set out in Section 1 of the Paper and the desire to seek reform.

2.2 Our comments focus on those aspects of CFP reform that impact on the inshore sector and those elements of the consultation where most of our interests lie.

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

2.3 Whatever approach is taken on fleet capacity, there should not be a significant further shift of effort onto the inshore sector. Added pressure in this area could limit

the delivery of Good Ecological Status (GES) under the WFD in the zone close inshore (to one nautical mile).

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

- 2.4 A framework of common standards at European level seems appropriate. However, we believe that there should also be scope for some standards, where most relevant to be established at regional and local level. These could be set by Member States taking into consideration European obligations such as the WFD and the Marine Strategy Framework Directive (MSFD).

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

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

- 2.5 The Integrated Maritime Policy, and its environmental pillar the MSFD, demands that future fisheries management operates within a much more integrated and inclusive marine management structure. This process has been seen in the UK with the establishment of the Marine and Coastal Access Act, 2009. This sets out the arrangements, within which priority setting and long-term sustainability of both fisheries and the broader marine environment should be set.

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

- 2.6 One means to promote the ecosystem approach in the inshore zone is to stimulate the development of local high value branded sustainable fisheries which provide the fishermen with better income. Development of, and diversification into businesses related to recreational sea angling and green tourism will also be positive. There is a case to offer support to marketing and business development to progress such opportunities.

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

- 2.7 The target for most fish stocks should be to maintain biomass at a level to support maximum sustainable yield as the upper limit of exploitation, while eliminating discards and ensuring a low ecological impact of the fisheries.
- 2.8 Indicators for wider ecosystem health are being developed under the MSFD and OSPAR. Fisheries targets under the CFP should be compatible with these so that fisheries management can be demonstrated to be contributing to wider marine policy. In England & Wales we are working with marine fishing interests to ensure that fishing in the inshore zone contributes to GES under the WFD. Indeed, the new Inshore Fisheries & Conservation Authorities set up in England by the 2009 Act will be co-deliverers of the Directive. Principal issues will be about reducing fishing related pressures on the sea bed in estuaries and the first mile of the inshore area. This complements good fisheries management since these areas are key juvenile marine fish nursery grounds as well key migratory corridors and important areas for local biodiversity.

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

2.9 We supported the proposals for change to the Fisheries Control Regulation this year, which should contribute to marine fisheries management within an eco-system approach and to future compliance with both the WFD and the MSFD. This aligns with the principles of Better Regulation. We also supported the proposed measures to extend Vessel Monitoring Systems (VMS). It is essential to have more comprehensive data on vessel movements, fishing activity and landings if we are to effectively manage the marine environment.

### ***Which enforcement mechanisms would in your view best ensure a high level of compliance?***

2.10 We want regulation that:

- protects the environment
- allows regulators (including the Environment Agency) to have a balanced, proportionate, risk-based response;
- drives environmental improvements
- rewards good performance
- provides reassurance that tough action will be taken on those who fail to meet acceptable standards
- gives a good customer service

But does not:

- hamper businesses' ability to grow and innovate, and
- does not create unnecessary administrative burdens.

2.11 Our experience in delivering better regulation shows the following can be effective in securing compliance:

- Using advice and guidance to help people comply
- Assessing and reporting on the burdens of regulation and targeting the highest areas for reduction and seeking business's views when implementing new regimes
- Issuing permits and other documents, such as guidance, quickly, consistently and at low cost, for example by standardising and simplifying where possible and using IT solutions;
- Using charging schemes which reflect risk-based regulation
- Equipping staff with the skills and capacity to deliver effectively on the ground.

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

- 2.12 We favour mechanisms that help support the development of a sustainable inshore small-scale fleet, operating at a level proportionate with available fish stocks, and operating under effort controls. We believe there could be value in encouraging diversification in these areas, possibly into sustainable aquaculture as well as supporting growth areas such as recreational sea angling and green tourism. Further support could be targeted towards marketing to help the development of local high value branded products. The stimulation of local fisheries will also help reduce sea-miles, which will make an important contribution to climate change in the coming years.
- 2.13 We support the suggestion that, although overall standards would have to be EU-wide, specific decisions concerning small-scale fleets should be taken as close as possible to the coastal community.

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

- 2.14 We support the reduction of all discards by whatever methods are appropriate. The current situation is inconsistent with the principles of sustainable management and has a negative impact on customers of fisheries products. From our own experience of managing migratory fisheries, we recommend a stronger adoption of effort controls, such as method limits, close seasons and times and gear specification. Rigorous application of technical measures and tracking of all vessels operating would be essential elements of any workable and sustainable management regime.

## **Section 5.3 Relative Stability and access to coastal fisheries**

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

- 2.15 We want to see productive inshore fisheries that operate in a way that protects the environment and supports environmental objectives.

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

- 2.16 We support the options outlined in this section of the Green Paper. As described above, under 5.1, at least as far as small-scale local fisheries are concerned, effective marketing support is an important component. This will help the development of local high value branded products. Initiatives like the Marine Stewardship Council certification could play a part in this.
- 2.17 Within our own management of migratory fisheries in estuaries and the coastal zone, this year we introduced mandatory carcass tagging for all salmon and sea trout caught in the licensed net and trap fisheries. Whilst this measure aims to aid our enforcement against illegal fishing, we have also highlighted the potential benefits to our licensees in using the tags as a “local wild-caught” marketing label.

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

- 2.18 We support the arguments for the integration of the future CFP within the Integrated Maritime Policy and the ecosystem approach to management, being implemented

through MSFD. Furthermore we agree with what is said about the relationship between the CFP and resilience to climate change, marine spatial planning and coastal tourism. We agree that there is a strong overlap of interests between the various maritime sectors, including fisheries, in terms of surveillance, data, knowledge and research.

- 2.19 One omission is the failure to mention the implications of the Water Framework Directive. Inside the coastal boundaries for this Directive (one nautical mile in England and Wales). WFD will overlap with MSFD.

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

- 2.20 Current fisheries research is focused on assessing stocks of the most important commercial species. Adoption of the ecosystem approach will require a broader base, including improved knowledge of the effects of fishing on the marine ecosystem and non-target species and the impacts of other users on the marine resource. We support the recent publication of the Communication on a European Strategy for Marine and Maritime Research as an important first step in integrating the needs of fisheries managers in wider marine research.
- 2.21 Research and monitoring is expensive and time consuming. The resources available to conduct such works in each organisation are limited. However, there are significant synergies which can be harnessed through collaboration. In England, the bodies involved in marine and migratory fisheries management are now engaged in a new Technical Advisory Group to help facilitate data sharing, collaboration and the development of common sampling methodologies. A number of successful fisheries/science partnerships are operating in the UK today, using fishing vessels as the research platforms.
- 2.22 We are engaged in a project with the Sea Fisheries Committee off the Sussex coast to improve our understanding of the impacts of marine fisheries on the sea bed, through a combination of the Vessel Monitoring System, vessel sightings, landings data and sea bed mapping. Through this mechanism we will be jointly able to assess sustainable fisheries management while complying with European requirements, such as GES under the WFD.

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

- 2.23 We make two recommendations on this topic:
- We believe European Fisheries Fund (EFF) and other funds could help support the adoption of more sensitive fishing methods. The work we are engaged upon to help the fishing sector contribute to WFD objectives will require the adoption of more sensitive fishing methods and practices; and
  - To meet the challenges brought by climate change, including sea level rise and increased storminess, we are building new managed coastal realignments. Although the primary function is reducing flood risk, we can design these areas as valuable new wildlife habitats and as marine fish nursery areas. They can also provide important other functions such as carbon sequestration and nutrient cycling. They can be designed to have after uses which may include provision of recreation, biodiversity or even shellfish aquaculture. We can now require developers to create new such habitats as offsetting measures under WFD as well as compensatory habitat under the Natura 2000 process. Some of

these habitat creation schemes could qualify for some element of structural funding support such as EFF. The Fund could also help with other forms of habitat creation, such as securing the passage of migratory species including salmon and eels.

## **Section 5.9 Aquaculture**

- 2.24 We support the development of sustainable aquaculture in appropriate circumstances. However, we must fully apply the lessons learnt on issues such as effective pollution control and the escape of alien species to the wild. The conjunction of managed realignments and changing climate may offer opportunities for new shellfish aquaculture in particular locations. The establishment of such enterprises may reduce the pressure on wild capture shellfisheries. In some instances, a local shift from capture to sustainable culture could be a measure to meet WFD objectives. We note that a shift towards shellfish culture would be more sustainable in the long-term. Existing fin fish farming is continuing to add pressure on our seas through the need to source feed.
- 2.25 Aquaculture tends to be site specific. There are national and local controls in place now to provide a consistent and sustainable approach to aquaculture developments and management. The industry will be subject to marine spatial planning and will have to achieve compliance under MSFD, WFD and other regulations as appropriate.

## **FURTHER INFORMATION**

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**December 2009**