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European Commission – Directorate General for Maritime Affairs and Fisheries
"CFP Reform"
B-1049 Brussels
BELGIUM

Dear Sir

Reform of the Common Fisheries Policy

The Scottish Pelagic Fishermen's Association represents the interests of all of Scotland's fleet of 25 pelagic vessels at regional, national and European level. The Association is in active membership of the Pelagic RAC. We are pleased to take the opportunity to offer the European Commission our comments on the Green Paper on Reform of the Common Fisheries Policy.

The Association notes and generally concurs with the 'Vision for European Fisheries by 2020' set out by the Commission in the Green Paper. The Vision is a challenging objective for the Common Fisheries Policy overall, however we already recognise much of the Vision in the Scottish pelagic fisheries as the fleet segment has: already consolidated, without state intervention, in line with the available fishing opportunities; stocks are fished in accordance with long-term management plans with high levels of compliance, and industry has shown leadership and taken bold steps to achieve independent certification to evidence that stocks are being harvested responsibly and sustainably. Substantial change has taken place under the existing Common Fisheries Policy, mostly for the better, and there is no need therefore for further radical amendment.

Fleet capacity

It is accepted that there may well be over-capacity problems in some segments of certain Member State fleets and that this is a matter for the Common Fisheries Policy to address. Where chronic over-capacity exists in one fleet this brings with it implications and threats to all the other Member State fleets' engaged in prosecuting the same fisheries. The Commission should also be vigilant and ensure that over-capacity is not brought into the Community fleet through the accession of new Member States.

Pelagic fisheries target only one species at a time, they are seasonal and are linked closely to annual migration patterns. The fish are targeted to maximise the quality and nutritional value sought by the market. The Scottish pelagic fleet does not spend 12 months of the year at sea because there is no need to. Because of their single-fishery nature, the pelagic fisheries can be effectively controlled by quotas and the relatively small number of vessels involved in pelagic fisheries and even less outlets (processing factories) mean that output controls are appropriate. Strict, rigorous controls at the point of landing are necessary in the case of pelagic fisheries to ensure that quotas are adhered to.

The number of registered Scottish pelagic vessels has reduced by one third from 37 to 25 since 2002. Owners have invested substantial sums in acquiring the fishing entitlement of those who have chosen to leave the industry as fishing opportunities have been amalgamated to keep the remaining fleet viable. It is noticeable that similar action does not appear to have been taken in some other Member States to match their fleets to available fishing opportunities, while some others are heavily dependent on Fisheries Partnership Agreements (FPAs) to keep their fleets at sea and this could have serious repercussions should some of those FPAs not be renewed.

Annual fishing plans are prepared by the Scottish fleet and although vessels spend a good part of the year in port, there is no case for saying that any excess fleet capacity is having a detrimental effect on fish stocks as quotas are being adhered to.

Policy objectives

The CFP should have twin ecological/socio-economic objectives and these objectives should be incorporated into long-term management plans for stocks. All of the main stocks prosecuted by Association members are either already subject to long-term management arrangements or are in the process of having plans developed. All of these plans have either been agreed or reviewed in recent years and the harvest control rules contained in the plans are used to keep stocks within certain ecological boundaries. The long-term plans reduce the likelihood of political "horse trading" influencing the setting of Total Allowable Catches (TACs). The Association agrees that, wherever possible, a long-term approach should be taken to managing Europe's fisheries.

Although industry has been consulted to some extent on these management arrangements in the past, it is fair to say that there has been little emphasis placed by managers on the socio-economic factors with economic impact analysis documents rarely discussed. The adoption of parameters within the management plans to restrict

increases and decreases in the TACs, usually to within 15%, was welcomed by industry. The stability that this offers industry should not be underestimated and there may be some scope for this principle to be developed further. Another area that could be considered within management plans is the most appropriate quota year for particular stocks as some such as mackerel are ill-fitting with migratory patterns and do nothing to aid management.

There are some coastal communities in Scotland which are so heavily fishery-dependent that there are no alternative maritime industries which would sustainably fill the void should they fail. The Scottish pelagic industry covers three such areas; Fraserburgh, Peterhead and Shetland and the close links between the catching, processing and ancillary sectors create a strong employment synergy which remains crucial to the economic wellbeing of the localities.

Decision-making

Of the comitology and regional management decision-making options offered by the Commission, the most obviously attractive to industry would be regional management. There are a number of difficulties that regional management presents to the European pelagic industry however. As mentioned earlier in this paper, pelagic stocks are migratory and can straddle the boundaries of fisheries maps. Obviously, any devolved management structure for the pelagic fisheries would therefore have to mirror the approach taken with the Pelagic RAC and be defined on stocks rather than geography. Devolving further responsibility to Member States also only works if each Member State takes its responsibility seriously and can evidence their actions and after decades of the CFP there, regrettably, remain plenty of recent examples of this not being the case. There clearly remain deeply engrained philosophical differences across the Member States to fisheries management and it is difficult to see how internal re-organisation of the decision-making structures is going to change this.

A secondary headache in the pelagic scene is how to make meaningful changes to the decision-making framework when there is so much third country involvement in managing the extremely important straddling stocks. In the opinion of the Association, the interaction with other Coastal States is critical to the future management of pelagic fisheries and is more important than tinkering with internal structures. Unless a new internal system can be clearly defined which can convince stakeholders of improved decision-making in relation to pelagic fisheries, there is little point in forcing through change and the *status quo* is therefore favoured in our case.

Industry responsibility

The principle of co-management is of interest to industry and should be encouraged. There may well be a future for a results-based management approach to allow industry to maximise returns from the available resource while having to demonstrate that they act responsibly. If this route is taken however, fishermen must have a say in the target setting and targets must be measurable and realistic. Devolving more responsibility to the Producers' Organisations and Associations may be one way of achieving this. There has been a definite trend in fisheries in recent years towards independent accreditation

of fisheries to well-managed and sustainable standards and this is certainly one means by which industry can evidence results.

The Association is opposed to a Community rights-based management approach. Various quota management systems have evolved throughout Member States and the diversity of approach should be allowed to continue. There is no need for a 'one size fits all' approach. The Fixed Quota Allocation (FQA) system adopted within the United Kingdom has, for example, worked well within most segments and certainly has worked in the pelagic segment. It has allowed sufficient flexibility to allow the industry to self-adjust to changing fishing methods and fluctuating fishing opportunities.

The subject of cost recovery permeates the Green Paper. Profitable businesses pay tax to the exchequer. There are a number of examples throughout Europe of direct subsidies to industry, the best known being in agriculture. The pelagic fishing fleet does not seek direct subsidies. The paper raises the subject of indirect subsidies and uses no duty on marine fuel as an example. Why should the European fishing fleets be placed at a disadvantage to third country fishermen and other food producers by being asked to pay duty on fuel? Fish is a crucially important and affordable source of protein to the growing world population and no production disincentives should be introduced.

Fish quotas in the United Kingdom are regarded as being a national asset and the management costs of those assets should be met from national resources, including the taxes paid by fishing businesses and the individuals who make a living from the industry.

The suggestion of incentivising good practice is interesting. The primary incentive to fishermen would be the receipt of additional quota allocation and the obvious question would be – where would the quota come from? The long-term sustainability of fisheries for the benefit of future generations is the greatest incentive on offer to any fisherman. Conversely, the inequitable application of penalties for bad behaviour is an unparalleled disincentive to fishermen and is unfortunately the current position within Europe. Fixing this would, in contrast, be a fine incentive.

Culture of compliance

It is widely accepted that TACs and quotas are appropriate for the management of pelagic fisheries. Pelagic controls have been enhanced greatly in recent years, including the pelagic weighing Regulation and are now accepted as being effective in most instances. It is most unfortunate however that this particular Regulation was not applied evenly across the entire Community when it was introduced and this inconsistency has not helped the Commission in dealing with accusations of over-fishing in the southern component mackerel fisheries.

The UK and Irish pelagic fleets have been subject to payback of quota following investigations into over-quota landings several years ago and we are watching with interest to see whether this approach, which has been described as a precedent for dealing with over-fishing, is going to be adopted in future cases. The early indications do not appear to be encouraging and the Commission will need to stiffen its resolve if fishermen across the Community are going to be assured that there is ever going to be a level playing field of control and enforcement. Whatever enforcement mechanisms

are chosen, they must be applied across all fleets evenly and the Community Fisheries Control Agency should be used to ensure that this is the case. This includes the ability of fleets to carry either single or multi-area licences when fishing. It is not unreasonable for access to Community funding to be linked to Member State compliance and control responsibilities.

Also required is confidence that third country fishermen fishing in Community waters are being monitored and controlled effectively. Community fishermen must not be placed at a competitive disadvantage in their own waters. Although reporting and control systems have been established for Norwegian vessels fishing blue whiting west of Ireland and Scotland, the system requires review to ensure that it is working effectively. We very much welcome the recent introduction by the Commission and Member States of controls for Norwegian vessels fishing mackerel in our waters and see an effective deterrent to Norwegian mis-reporting of mackerel and horse mackerel catches as important for a number of reasons.

Management regimes

The Green Paper suggests that small-scale coastal fleets should be managed under different regimes to other fleets. No definition of "small scale" is offered however. The Association does not support this approach. Member States need to apply the same fisheries management principles across all fleets. Managing coastal fleets on purely social objectives would be a mistake because fish stocks need to be managed taking account of all mortality and the catch from a large number of small vessels can mount up. There have been examples in the past of managers having their "fingers burnt" by failing to limit access to inshore fisheries. Trends developed whereby offshore fishermen sold their large vessels and quota and re-entered the industry by acquiring a small vessel to fish a share of inshore quota pools controlled by national administrations. Many inshore fishermen do it as a hobby and are not financially dependent on it. In many fishing communities it is the offshore fleet which is responsible for job creation and holding the socio-economic fabric together. The relative importance of inshore and offshore fleets will depend on geographical areas and although there is, of course, a place for both, they must be licensed, managed (including fleet capacity) and controlled under the same principles.

Maximising fisheries

There is widespread agreement that discarding of fish is wasteful and should be avoided. Large scale discarding does not take place in all fisheries. The problem is not the same for single species pelagic fisheries as it is for mixed demersal fisheries and therefore different solutions need to be found. These solutions should be driven by industry using the knowledge and experience of practical fishermen. A good example of industry taking the initiative on a discard related matter is the sampling of mackerel shoals by jigging introduced across the Scottish pelagic fleet in 2008 to avoid catching juvenile fish. The discard problem can only really be addressed properly if the same measures are introduced across all fleets and the European pelagic industry is involved in discussions to try and find, wherever possible, a common approach.

As mentioned above, output controls (quota management) work in single species pelagic fisheries and there is no need to move away from stock specific management plans for pelagics. Maximum Sustainable Yield (MSY) may be a laudable aim; however it is unrealistic to get each and every stock up to MSY level at the same time. We know that as some stocks thrive others suffer from natural predation and that climate change can have a significant effect on stock status.

Relative stability and access

The Green Paper focuses on the perceived downsides of relative stability. This Association does not agree that relative stability has been a failure. The Scottish pelagic fleet can evidence high levels of utilisation of quotas received and some use is made of domestic and international swaps to ensure that quotas of the main target species are maximised. This brings benefit to the local processing industry which has built up markets in certain species.

The Scottish pelagic industry has taken steps to match the fleet to available fishing opportunities which may not have been replicated in some Member States. Member States who have failed to manage their fleets properly should not use relative stability as an excuse. The principle of using the present relative stability allocation keys to allocate Community quotas must remain in order to sustain the dependent fishing communities although we are willing to consider ways in which the international quota swap system may be improved.

The historic rights of offshore fleets to fish within 12 nautical miles should be retained. Our members have a history of fishing within 12nm at certain times of the year in certain fisheries, particularly herring, with no recent instances of gear conflict. Our members have shown that they can fish harmoniously with their inshore colleagues.

The knowledge base

It is the view of the Association that the relationship between the scientific fraternity and the fishing industry has steadily improved during the past decade. Within Scotland, we enjoy an open and productive interaction with Marine Scotland Science and we have also been impressed with the changes made to the committee framework at ICES as it has encouraged industry input and established a genuine two-way communication making ICES more accountable and more transparent.

The Pelagic RAC has played an important part in building relationships between industry and scientists and the fruits of this are now evident as projects to increase the knowledge database are facilitated by the RAC. Nationally, there have already been a number of successful science/industry collaborations and these types of partnership projects have further potential in tackling discard and other issues.

Funding

The Scottish pelagic industry believes in market forces being allowed to dictate fleet size without state intervention. Grant aid to build or renew vessels should be phased out completely across the Community. The European Fisheries Fund (EFF) should however provide support for the fisheries seeking accreditation against well-managed and

sustainable criteria. As both small and large scale fisheries are important to communities across the European Community, there should be no distinction between them as far as funding is concerned. Indirect support should continue to the Community fishing industry as these functions exist to protect the national assets of Member States and the introduction of cost-recovery measures would undermine the competitiveness of the industry.

External dimension

The North East Atlantic Fisheries Commission (NEAFC) is the Regional Fisheries Management Organisation (RFMO) of relevance to the fisheries prosecuted by the Scottish pelagic fleet. NEAFC works quite well and has been able to secure important agreements for management of our pelagic stocks in international waters. The Commission may however wish to give consideration into increasing transparency and encouraging industry input into NEAFC activities by establishing a stakeholder advisory body.

Two of our member vessels have invested a considerable amount of time, effort and money in recent years establishing viable fisheries in Morocco. This has included fishing under the EU/Morocco Fisheries Partnership Agreement (FPA) and our members were willing to fish the opportunities paid for by the Community in 2007 and 2008 when no other Member State fleets showed any interest. It is regrettable therefore that this effort and co-operation with the European Commission has not been properly recognised in 2009 as repeated requests for an additional quota allocation were turned down. This is particularly galling when it is almost certain that there will once again be an underutilisation in the current years' quota.

Under the terms of the EU/Morocco FPA, 20% of catches must be discharged into Moroccan ports. This ensures that the economic benefits of the agreement are shared by giving the Moroccan processing industry raw material and meeting the Community objective of 'seeking to strengthen partner countries' capacity to ensure sustainable fisheries in their own waters'. Our members have invested in shore-side infrastructure and discharge 100% of their catches fresh into Moroccan ports when fishing under the agreement and the Commission must ensure that this condition is adhered to by all fleets if there is to be a genuine effort by the Community to fight against poverty. There must now be a strong case for a share of the fishing opportunities bought under the EU/Morocco FPA to be "ring-fenced" for the use of the Community RSW tank fleet as this would help ensure higher uptake of quotas leading to better use of Community funds.

There is certainly no scope for an added cost burden to be placed on Community fleets fishing under Fisheries Partnership Agreements such as Morocco as the present arrangements only allow for marginal profitability in high risk ventures.

Concluding remarks

Although there is always scope for change within any management system, change should take place for the right reasons and not for the sake of change itself. The pelagic stocks are in relatively good shape and the fleets are mostly well matched to

the existing fishing opportunities because fishermen have themselves taken action to position themselves for the future. Improvements in the management of the pelagic fisheries are possible, however wholesale change is unnecessary as industry, scientists and managers are already working closely together to secure a long-term sustainable future.

We trust that the above comments will prove useful in the present review of the Common Fisheries Policy and that they will be given due consideration when the Commission takes this process to the next stage.

Yours faithfully


Derek Duthie
Chief Executive