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OurRef: L.6
Your Ref:
Date:

Dear Sirs

CFP GREEN PAPER CONSULTATION

We respond to the above in our capacity of a public organisation responsible for the management of inshore fisheries and the marine environment around South Wales (UK), a role that we have played since 1894. (See www.swsfc.org.uk).

That position is one of mainly managing shellfish, and one of relative success in that stocks are stable.

The failure of the CFP is one of managing principally finfish. This presents a challenge because finfish often move over a wide area and are subject to high fishing intensity by a number of National fleets. Often, however, those finfish are dependent upon inshore nursery and spawning areas.

A(38) of the Treaty of Rome (1958) gives rise to an aspiration of 'equal access to fishing grounds and markets'. In our submission we make a strong case that the overriding objective must be ecological sustainability.

To achieve that will require that the coastal areas derogation to be maintained, and if possible, extended from 6 to 12 nmiles. Failing this, the ability of member states to manage all fishing activity within its existing 12nm zone placing restrictions upon all vessels on an equal and non discriminatory basis.

We have made this latter point within the 2002 CFP Review, but it was not taken forward on the basis that Regional Advisory Councils would be established on a regional basis. We maintain that inshore waters are so important that they merit consideration as a special case. (As identified in the enclosed Annex 1).

Furthermore we agree entirely with the views of distinguished commentators (attached as Annex 2).

We see the key points to delivery of true 'ecological sustainability' as being:

- a) Sustainable exploitation of target species, with acceptable levels of disturbance to the wider environment.
- b) Balancing fishing capacity with fishing opportunity.
- c) Long term planning.

This will giving rise to d) Economic viability.

Conversely, overexploited stocks with high levels of co-lateral damage, managed for short term imperatives, are not going to have long term economic viability.



Decentralisation and the involvement of local fishermen with local management, putting fish stock sustainability first is the only practical way in which this will be delivered. Decentralisation will allow the EU CFP to concentrate on the broader offshore picture.

Fishing vessel effort controls (i.e. acceptable fishing capacity) might be better applied as a combination of vessel size and characteristics, fishing efficiency, days at sea or gear controls. A decentralised service will be better able to deliver a refined service which, through acting in combination, actually delivers conservation objectives. In many cases small – scale inefficient fishing may deliver better conservation practice and support more jobs. “small is beautiful”.

Such a policy also requires:

- ♦ Member states to lay down management plans and for these plans to interrelate e.g. RAC with Inshore)
- ♦ and to monitor progress (through stock surveys, collation of accurate landing statistics and enforcement regimes), reporting) through member states to the EU on a regular basis. Such reports should detail positive and negative elements and in the case of the latter, determine a plan of remedy.
- ♦ EU aid targeted at projects which will deliver ‘better management’, more and better monitoring and (for the industry) which bridges the gap between the ‘short term pain’ that restrictive regulations create to the delivery of ‘long term gain’.

Yours faithfully

P J COATES
Director

Encs: Annex A – Inshore Fisheries
Annex 2 - Commentary

CFP Green Paper

It is possible to write reams on the subject. The specific questions asked are searching ones.

Concentrating on our particular area of interest and expertise:

- The Commission must promote decentralisation to Regional managers wherever possible or practical and should provide an overall framework, within which there is considerable latitude to operate.
- The inshore (defined < 12nm) has particular *characteristics* * that lend itself to local / regional management in a particular fashion which may differ to other parts of the sea under more usual EU / CFP control.
- Fishing effort requires capping and is a function of vessel capacity (vessel size, engine power), fishing & technological efficiency, amount & size of gear fished, and days applied (at sea).
- Common rules need to apply to all fishers that fish within the 12nm zone, regardless of Nationality. The (practical) inability to apply these to historical users who fish alongside the UK inshore fleet is one of the biggest causes of failure of the CFP as it relates to the better management of the important inshore zones.
The 2002 CFP Review ignored submissions on this but must not do so this time.
Fishers of the host member state cannot be expected to eg return undersized fish / shellfish if vessels owned by other member states follow up behind legally mopping up the fish that are returned ahead of them by the host fishermen. In such circumstances legislators will not introduce conservation policy that prejudices the interest of their constituents and the lowest common denominator will apply. The playing field needs to be “level” and set on the basis of long term conservation policy.
- Fishery & marine environmental management must be based on good scientific information. Fishermen must be part of the process so as : a) to gain relevant and accurate information b) they are engaged with and party to the management actions that arise which, after all, are there to protect their best long term interests.
- Fishermen must be part of the decision making process, alongside other stakeholders.
- Regional Advisory Councils are too remote to cover the inshore sector as defined. Regional managers should be established by member states (< 12nm waters) in accord with each countries own management mechanism.
- Regional managers, ought to be given the latitude to introduce a broad range of practices so long as these further the CFP objectives
- Each Regional management body shall report biannually (5 yearly even with an interim report) to the Commission on what it has achieved (or failure to achieve and the reasons for this). That report shall comprise sections on inputs (ie fishing effort) outputs (eg landings , catch per pot), stock & environmental parameters (biological survey), compliance & monitoring wrt targets. The report will also flag up matters where progress beyond the Regional waters is inhibited because of actions that fall to others (member states or the Commission) or due to other factors (eg legislation, marketing etc).
- Compensation and subsidy have a role in promoting good conservation practice and flexible management that has in its best interests the management of inshore fisheries and the marine environment. Such practice can be supported within the inshore zone under the guidance of the Inshore Regional manager and need not have unfair or discriminatory effect upon the fishers of other member states, or produce an uneven playing field.

- Positive reports shall result in positive feedback by the Commission in the shape of latitude to apply management action more flexibly (for instance allow the use of electric current to support better selectivity, reduce minimum sizes to avoid overstocking, selective fishing in closed areas etc) and EFF etc grant aid or subsidy so long as a level playing field (eg on EU marketing) is maintained. Fishers and managers will be expected to react positively to such initiatives.
- Penalties can be applied for industry misdemeanours in a manner of forms including administrative eg loss of fishing opportunity, fixed penalty or criminal.
- CFP management must look at the whole picture Eg – Whilst fishing pair trawlers on spawning offshore bass might tick a “carbon reduction” box, it nevertheless damages dolphins, overwhelms the markets with poor quality fish that frequently fetch low prices, fish which otherwise would have spawned and which (with their offspring) will be worth far more if caught over a period of time dispersed through inshore waters by commercial & recreational fishermen. Policy under the CFP need to account for such benefits, difficult as they may be to apportion.
- Recreational fishers have their own perspectives and provide social & economic benefits. They must therefore be engaged in the management etc processes. The CFP has thus far been slow to recognise this. Inshore areas are again the areas of their interest and Regional management is again the means by which their interests can be incorporated.
- Regional & RAC management allows appropriate solutions to local or regional issues, freeing up the Commission to concentrate on the bigger picture “with a hand on the tiller”, and matters like marketing and intervention. The key point being that the Commission should concentrate on promoting positive results not, not the precise way in which these might be achieved.
- The CFP should be modified so as to allow the above solutions to be allowed to be piloted; Wales & England being 2 such pilot areas with others upon application.
- Fishing areas must to be recognised in planning policy. Too often fishermen are left to fish in the gaps created by a patchwork of other developments
- Aquaculture (husbandry) and “wild” fishing (hunting) needs must be more closely aligned. There is huge merit in introducing mechanisms that foster greater integration. Eg ocean ranching, restocking of vulnerable life stages, habitat enhancement.

***Characteristics of inshore areas and their fisheries**

- * *Nursery / spawning areas and areas of high conservation value*
- * *Areas of high human activity for a large range of (often conflicting) purposes.*
- * *Higher proportion of shellfish rather than fin fish. These survive discarding well and lend themselves to particular management techniques like Minimum size and technical conservation measures or even quota.*
- * *Gear tows are short and in shallow water (therefore the survivability of discards is better)*
- * *The vessel fleet comprises small boats that have little capacity to move fishing areas.*
- * *Therefore communities are more highly dependant upon and rely upon their local environs which it is in their best interest to protect.*
- * *Weather, other developments, military firing areas, EU Special Areas of Conservation etc all have a huge impact on inshore vessel fishing effort. Fishing capacity / potential is therefore more highly limited than for bigger vessels offshore.*
- * *Quality of fish landed is better (due to methods, shallow water, short trips, day sailings etc)*
- * *Rules that apply eg days at sea restriction, quota, landing recording requirements or automated vessel monitoring cannot be applied to vessels of < 10m length, let alone < 8m. Nor need they be.*
- * *Rules need to be more flexible in such circumstance.*

P J Coates

Director

South Wales Sea Fisheries Committee

● CFP 2012 REFORM



Nils-Roar Hareide

First thoughts on the CFP review from Seafish (UK)

Sarah Horsfall and Philip MacMullen provide us with insight on possible reactions from the fishing industry to the proposed CFP reforms

An effective reform of the CFP must successfully engage with the fishing industry

The next review of the Common Fisheries Policy (CFP) is just beginning with the Commission having published its Green Paper. This acts both as an admission of the failures of the policy to date and a means of flying a wide range of policy options aimed at righting those failures. Here we set some of them against the broad aims of the policy in the context of the UK industry.

The CFP has its roots in Article 38 of the Treaty of Rome (1958) and the most important principles were equal access to fishing grounds and markets. Prior to joining in 1971 the UK enjoyed control of 70% of what then became European stocks. Much of the anti-CFP opinion in the UK derives from this perceived loss of control over what was then a substantial national asset.

The principle of equal access has never been fully enforced. The need to the social and economic interests of coastal communities resulted in a coastal access derogation. Sensitivity over the interests of fleets that had evolved through a pattern of historical access to certain stocks also led to the principle of 'relative stability' being established.

The CFP refers to sustainable exploitation of resources, the precautionary principle, efficiency and the viability of the sector. But these are ill-defined aims. The very different circumstances and aspirations of member states, have historically led to tensions. Decision-making is complex and the Lisbon Treaty will give Council and Parliament an equal say in fishing matters. Nothing distinguishes policy and principle from detail and implementation so both may soon be debating technical minutiae. Adaptation and change are both highly political and very time consuming.

In recognition of the inevitable problems raised by trying to micromanage fisheries from the centre, the 2002 reform enabled a degree of decentralisation through the establishment of the Regional Advisory Councils (RACs). Ten years on these offer a series of lessons in how the process of decentralisation can work effectively as well as the problems that can arise.

Given the current politicisation of fisheries management, however, we must work harder at trying to set up effective regional structures that can deal with increasingly complex management demands. As well as fisheries these will include spatial management and the requirement for 'good environmental status' for all our regional seas. More involvement of the fishing industry in all the issues that arise from these demands is imperative. Properly organised, the industry can contribute enormously to data collection, good stewardship and a better understanding of the changing dynamics of the marine environment.

One criticism of the Green Paper as it's presented is that it fails almost completely to recognise where good practices have been demonstrated. In this respect the UK industry now boasts many examples such as voluntary stock conservation initiatives, the adoption of more selective fishing practices and the highest audited supply chain standards. Our regulators are also focused on high levels of compliance with exemplary penalties being handed out for infringements of fisheries regulations.

Strengthening member states' management powers in their coastal (12 mile) zones should be a priority of the CFP reform. A formal devolution of powers would enable each state to find its own answer to the sometimes conflicting needs of its various user

groups. Such decentralisation should also confer management controls over non-nationals who have historical interests in another state's waters - essential to ensure equitable treatment for all.

Interestingly, the Commission seems to be hinting at such an arrangement with its plans for a 'two sector fleet' model. This would clearly differentiate between an inshore sector which could adopt a more artisanal approach to management, and the offshore sector that would be guided more by economic forces of efficiency and property rights.

This will almost certainly open up a complex debate on the ownership structure of our fishing fleets and how we can best meet the twin challenges of conservation and food security that are rapidly rising up the political agenda; but that's a debate for another time.

Mechanisms that strengthen the role of the industry within an appropriate, decentralised decision-making framework would lead to a more effective system which would not only be more sensitive and flexible, but far more cost effective. The industry needs a clear, effective, efficient and proportionate piece of legislation which protects both its own interests and the wider environment.

Titles
Seafish, the authority on seafood, does not represent the fishing industry but is developing a position on the CFP reforms.
For further information please contact Seafish directly through Phil MacMullen, Manager (Marine Technology)
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Delegating responsibility – but to whom?

David Symes of the University of Hull takes a closer look at the way in which the Green Paper looks to shape the regionalisation of fisheries management rights through increased delegation and in process warns against the threat of conflicting interests between those who favour an orthodox centralist approach and the modernisers calling for increased delegation of powers to the regional level

Despite early indications that regionalising fisheries management would be at the heart of CFP reform in 2012, the Green Paper is somewhat more circumspect. It offers little by way of perspective on either the significance, role or institutional arrangements for regionalisation.

✓ Delegating responsibility to the regions is a courageous move and a necessary one. Not only would it bring decision making closer to those most closely affected, tapping directly into the reserves of local ecological knowledge and experience held by the fishing industry, and provide much needed relief from the burden of micromanagement presently borne by the Commission. It would also create a more appropriate framework for developing the ecosystem based approach to fisheries management and for engaging with the EU's Integrated Maritime Policy. Other reforms identified in the Green Paper could be better implemented through a system of regional management. It is hard, for example, to see the ideas of objectives-led management and granting industry greater responsibility for initiating conservation measures and developing tactical fishing plans making much headway without a regional framework in place. To this extent, regionalisation is clearly central to the reform agenda.

Where the regional project risks losing its way is over the question of organisation. Here the Green Paper is especially cautious. It refers only to delegating responsibilities to member states, either through closer collaboration between the Commission, European Parliament and member states using the comitology procedure which offers little improvement on the current situation, or at the level of the regional sea where member states would work together to achieve an agreed approach. Developing an appropriate form of regional management organisation, identifying which member states should be included and how membership might be structured, as well as deciding the range of its delegated responsibilities, will require a good deal of careful thought.

The detailed architecture may vary from one region to another. Some might argue for an upgrading of Regional Advisory Councils. But the more likely form is one that brings together administrators, scientists, industry representatives and other stakeholders in a co-management approach. However the details are worked out, a crucial issue will be deciding where legal competence for framing regional regulations should lie – with Brussels, member states or the regional authorities – and therefore how much political intervention in matters of regional management can be expected and from what quarters.

There are dangers in moving from a two-tier to a three-

tier mode of governance. Serious weaknesses occur in the current system due to 'implementation drift' where decisions made in Brussels are redefined and modified at member state level to suit local agendas. Such problems could be exacerbated by the inclusion of a third, regional level of decision making.

In the debate over reforming the CFP, delegating responsibility to the regions is bound to court controversy. Opposition could come from the higher echelons in Brussels – the College of Commissioners, for example – construing regionalisation as a dangerous precedent that threatens the authority of EU institutions. It is more likely to emerge at grass roots or member state level over the risk to relative stability, the mechanism that allegedly holds together the fragile compromise that is the CFP.

Ultimately there is the potential for an unbridgeable cleavage to emerge between those who favour the orthodox, centralist approach to the CFP and the modernisers – perhaps along similar lines to the Friends of Fishing v Friends of Fish that threatened to disable the reform process in 2002. For all its inherent risks, defeat over regionalisation could have severe consequences. It could seriously weaken the chances of implementing the package of reforms in the Green Paper. At best this could delay and at worst undermine the goal of sustainable fisheries in European waters by 2020. This cannot be allowed to happen.

For further information, contact David Symes at Department of Geography, University of Hull on dg@dgsymes.karoo.co.uk



Delegating more power over fisheries management to the regional level is a key component of the Green Paper