



Towards sustainable European fisheries

Contribution to the Commission's
consultation on the reform of the Common
Fisheries Policy

December 2009

Introduction

Seas At Risk welcomes the European Commission's analysis of the problems underlying the current Common Fisheries Policy (CFP), the initiative to launch a reform process, and the opportunity given to stakeholders to contribute to a fundamental reform of the CFP.

In Seas At Risk's opinion, the Commission's matter-of-fact analysis of the causes which have led to the failure in achieving the goals set for the Common Fisheries Policy (CFP) in 2002 is largely accurate. Overexploitation of resources, with 88% of European stocks overfished and 30% outside biological limits, an unprofitable and subsidy-dependent sector, and decreasing levels of employment show that the policy has failed to achieve environmental, economic and social sustainability. In addition to that, the current CFP is complex to administer, difficult to enforce, and much too costly in relation to the economic gains generated by the sector.

The Green Paper identifies 5 main causes for these failures: the overcapacity of the EU fleet, imprecise policy objectives with no clear hierarchy among them, a decision-making system that favours short-term considerations, the lack of responsabilisation of the industry, and the lack of political will to enforce the policy, allied to the poor compliance by the industry.

Seas At Risk thinks this reform process is an opportunity not to be missed, and has engaged actively during 2009 to contribute to a reform of the CFP which puts sustainability first. In addition to its role as a technical and political platform for its members, Seas At Risk has organised a conference on the specific issue of capacity reduction and fleet restructuring and commissioned a report on climate friendly, low impact fisheries. The proceedings from the conference and the executive summary of the report have been submitted to the public consultation separately.

Seas At Risk is a founding and steering group member of OCEAN2012 (www.ocean2012.eu), a coalition dedicated to ensuring that the reform of the CFP stops overfishing, ends destructive fishing practices, and delivers fair and equitable use of healthy fish stocks. OCEAN2012 has submitted a detailed response to the Green Paper, to which Seas At Risk obviously subscribes. Nevertheless, there are some particular issues which are closer to Seas At Risk's heart, and this submission serves to analyse some of them in greater detail, or to stress the reasons why Seas At Risk finds them crucial.

Seas At Risk is an association of non-governmental organisations working to protect and restore to health the marine environment of European Seas and the wider North East Atlantic. It uses its unique membership base and long-standing expertise to advocate policy change within international, political and regulatory forums. More information can be found at www.seas-at-risk.org.

1. Policy objectives

As the Green Paper notes, the current CFP gives equal weight to ecological, economic and social considerations. While these objectives are not incompatible in and of themselves, the lack of prioritisation among the three aspects of sustainability leads to conflicting objectives in the short term.

The CFP should reflect the fact that without a healthy marine ecosystem, a thriving fishing industry cannot exist; fisheries are dependent on fish, and fish are dependent on functioning ecosystems. Therefore environmental objectives must be enshrined in the new Basic Regulation and be given priority over all other objectives as a prerequisite to achieving social and economic sustainability.

Precautionary approach and ecosystem-based approach

In order to ensure environmental sustainability, the precautionary approach and the ecosystem-based approach, mentioned in the current CFP, must underpin any future policy. In particular, they must be defined in an operational manner and be applied routinely in fisheries management.

The precautionary approach is referenced in a number of international agreements, including the Convention on Biological Diversity and the 1995 UN Fish Stocks Agreement¹, both of which were ratified by the EU, and should therefore be applied in all relevant policy areas. The UN Fish Stocks Agreement states that the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures. It also includes a concise description of how the precautionary approach should be applied to fisheries management (Article 6 and Annex II).

2

Because the effects of fishing go far beyond commercially exploited species, its impact on all components of the marine ecosystem – target and non-target species, associated or dependent species, as well as the marine habitat – needs to be considered. Applying an ecosystem-based approach also means that the impact of other human activities, including habitat destruction, climate change and pollution, needs to be considered when taking management decisions. Current scientific knowledge is not sufficient to predict the consequences of our activities in marine ecosystems; therefore an adaptive approach to fisheries management is needed. The ecosystem-based approach is described in the Marine Strategy Framework Directive of June 2008²; see also section 4.

¹ United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

² Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy

Beyond Maximum Sustainable Yield

If environmental objectives are given priority, input and/or output limits must be aligned with the biological limits of the marine ecosystem, with the aim of keeping both target and non-target species at levels ensuring their long-term abundance and the retention of their full reproductive capacity. This would minimise the risk of stock depletion or collapse, ensure that the fish stocks are maintained as a functioning part of the ecosystem and reduce management costs.

The EU is currently using an exploitation rate associated with the maintenance or restoration of stocks to levels that can produce the maximum sustainable yield (MSY) as a management target for fisheries, in accordance with the Johannesburg Declaration of 2002 (although setting a target of an "MSY fishing mortality" (F_{msy}) by 2015 will not deliver stocks to MSY levels in 2015 but only later). However, in fisheries science, there is a growing consensus that the exploitation rate that achieves MSY should be re-interpreted as an upper limit rather than a management target. Therefore, MSY should only be considered an intermediate target to achieving abundance, and alternative objectives of fisheries management must be developed that are more conservative and precautionary in nature.

There have been a number of efforts to compile different indicators for fisheries management, as well as for the wider marine environment. Some worth mentioning are the OSPAR work on Ecological Quality Objectives³, the EU 6th Framework project INDECO⁴ – Development of Indicators of Environmental Performance of the Common Fisheries Policy – and the European Environment Agency's (EEA) use of indicators in evaluating the state of different sectors⁵. Targets and indicators must also be developed under the MSFD by 2012 (see section 4). It is important to note that some of these processes are running in parallel; therefore cooperation is needed at each stage to ensure coherence in the final result. The information and experience from these different processes should be put to use in selecting an appropriate set of indicators that will help guide both decision-making and evaluation of objectives, targets and timeframes.

2. Capacity reduction and fleet restructuring

The Green Paper rightly identifies overcapacity as one of the main drivers of overfishing, and establishes linkages between overcapacity, low economic resilience, discards and overfishing. Between 1983 and 2009, a succession of publicly-funded decommissioning programmes delivered little effective reduction in fishing mortality.

3

http://www.ospar.org/documents/DBASE/Publications/p00318_EcoQO%20brochure%20Towards%20a%20Healthy%20North%20Sea.pdf

⁴<http://www.ieep.eu/projectminisites/indeco/index.php>

⁵<http://themes.eea.europa.eu/indicators/>

Currently, the amount of overcapacity is largely unknown, despite international and European obligations to assess it. Progress on how to measure overcapacity has been made with the Commission's guidelines from 2008 for an improved analysis of the balance between fishing capacity and fishing opportunities, but there is still a need to discuss how capacity and/or overcapacity could be better measured.

However, any discussion about how to further improve measuring fishing capacity should not delay a much-needed assessment of overcapacity in the different fisheries. Such an assessment is a prerequisite for a more specific diagnosis of capacity in each fishery and would help to provide guidance on the necessary adjustments.

Quantitative and qualitative reduction of capacity

It is important that overcapacity is not exclusively limited to a 'size' problem (*'too many boats chasing too few fish'*), as is stated in the Green Paper. The quantitative "one size fits all" solutions applied in the past frequently resulted in many smaller boats being scrapped, whilst the overall fishing capacity hardly decreased. Overcapacity is also a qualitative problem, as different fleet segments and gears have different impacts on the marine environment, different fuel requirements, deliver different quality of fish and result in different social outcomes. What is needed now is a frank discussion about what kind of fleet the EU should have in the future and which instruments would be most effective in achieving such a transition.

4

These issues were addressed in the conference "Towards sustainable European fisheries: the double challenge of restructuring and reducing the fleet" that Seas At Risk organised on 21 October 2009. Seas At Risk submitted the proceedings of this conference to the stakeholder consultation.

Conclusions of the conference included:

- We need better data on capacity and over-capacity, and better ways of characterising fleets in terms of their sustainability in the broadest sense – i.e. social and environmental as well as economic.
- Rights-based management can be successful in giving the industry more flexibility, but only under the right conditions. It is not by itself a silver bullet to address the problem of over-capacity and may not be the best choice in all circumstances. Markets need to be well designed – preferably by experts and in such a way that they achieve a set of objectives as defined in national or EU law, i.e. not markets for markets sake, but markets to achieve a broader societal purpose. Rights can be individual or group and can be over catch, effort, or area. The choice depends on the circumstances. There are many examples of successes and failures to learn from.
- Legally-binding targets on Member States (for quantitative and qualitative capacity reduction) are also necessary as a supplement to rights-based approaches or to kick-start them.

Tools to achieve reduction of capacity

Seas At Risk believes that legislation should be put in place obliging fisheries management bodies to meet capacity reduction targets within a clear timeframe, with serious sanctions for non-compliance.

Reduction targets should be based on both quantitative and qualitative aspects to achieve a sustainable fishing fleet. Different instruments could support such policy measures, such as transitional aid. In addition, priority access to resources based on environmental and social criteria, as outlined in Section 3, would create an incentive for a more sustainable fleet reduction.

One-off scrapping funds can be a useful short-term tool to facilitate transition to a rights based management (RBM) system, but it does not address the root of the problem of overcapacity.

Rights Based Management

RBM can contribute to the transition to a sustainable fleet. The term Rights-based Management (RBM) covers "any system of allocating fishing rights to fishermen, fishing vessels, enterprises, co-operatives or fishing communities". The rights are essentially economic instruments designed to give fishing businesses more control over their investment and running costs, by allocating them a share of the resource to exploit. There are many types of RBM and most Member States have already implemented some kind of RBM approach. While for large scale industrial fisheries ITQs could be an effective tool, community or group rights would probably be more adequate for small scale fisheries as it is a tool that helps in taking account of social aspects or when transactions costs and complexity of fishery prohibit individual rights. RBM can only be a tool for capacity reduction if the rights are transferable.

5

For any RBM approach to be effective, it needs to be applied within a framework that:

- includes a specific set of management objectives;
- sets criteria for access to resources based on environmental and social considerations (preferential access for environmentally friendly fishing techniques and for the operators that are contributing most to coastal community development);
- includes provisions on social equity, such as initial allocation and restrictions on quota transfers - one way of allocating could be through auctions: market designers can help define the set-up to ensure social and ecological aspects are taken into account;
- restricts concentration of ownership or creation of fishing monopolies or cartels;
- involves all affected stakeholders in its design and implementation;
- provides for cost recovery, i.e. those who benefit from the rights also pay for the costs;
- provides for adequate enforcement;
- ensures regular reviews against pre-determined objectives;

- includes adaptive management, meaning that changes must be made if objectives are not being met (this would require monitoring of both short and long term impact);
- limits the duration of the rights - though the duration of rights should be long enough to allow fishers to have a profitable business and be able to plan their operations with a long-term perspective; and
- includes a sunset provision/exit strategy (allowing for performance review and, if needed, the possibility to reclaim the right).

3. Allocation of fishing opportunities

Relative stability vs sustainability criteria as a basis for allocation of quotas

The system of allocation of fishing quotas using the method known as “relative stability” is widely acknowledged as a key driver of the overexploitation of resources. Relative stability, by basing the calculations only on historical catches, does not take environmental and social performance into account. Worse, it is a disincentive for the reduction of catches, since fishermen who do not use up all their quota in one year may see their quota reduced in subsequent years as a result.

In principle-centred decision-making, the current quota allocation regime (relative stability) should be replaced by a system that contributes to environmental sustainability, a more equitable distribution of access to the available fishing resources, and a culture of compliance. The right to fish should be granted to those who contribute to the overarching objectives of the CFP.

Seas At Risk would like to see a fundamentally different, principle based approach to the allocation of fishing opportunities under the revised CFP. Quotas would be allocated to fishermen who could prove that they comply with a series of sustainability criteria, including:

- Selectivity: different fishing methods result in different amounts of bycatch which are (currently) often discarded. Fishers using fishing methods with low bycatch should be given priority access to the available resources;
- Environmental impact: the impact of different gears and practices on the environment vary widely, for example damage to the sea bed and pollution. Fishers using less destructive fishing methods should be given priority access;
- Energy consumption: some gear and vessel types require enormous amounts of energy compared to the fish they catch, most notably some types of trawlers and seiners. Fishers using vessels and fishing methods consuming less energy per tonne of fish caught should be given priority access;
- Employment and working conditions: fishing methods that provide more employment should be favoured, as long as they are also less damaging for the environment, and should be given priority access.

- Working conditions should comply with relevant international standards, notably the 2007 ILO Work in Fishing Convention;
- Quality of product: the gear type used affects the quality of the fish caught. Fishers using gear types providing the best quality fish should be given priority access;
 - History of compliance: past compliance with the rules of the CFP by fishers as well as Member States should be considered when allocating access to fishing rights.

Moving from relative stability to criteria-based allocation of resources is admittedly not politically straightforward. Seas At Risk suggests that the move could be made in a progressive manner: the system of relative stability could be kept for a specified time, but a small percentage of the TAC could be allocated to a pool, the access to which would be based on sustainability criteria. This would ensure that each Member State would retain a proportion of the TAC in line with their historical catches, but that fishing enterprises would compete among each other for access to the resources allocated to the pool – in practice, fishing enterprises would have to compete to be more sustainable than their counterparts.

The proportion of resources allocated to the “sustainability pool” could then increase progressively, year after year, until a point was reached when most if not all resources would be allocated to the pool and ascribed to the best performing fleets.

Environmental impact and energy consumption

While each of the above-mentioned criteria could be subject to extensive analysis, Seas At Risk would like to focus on the second and third criteria on the list: environmental impact and energy consumption.

Increasing levels of man-made greenhouse gases are leading to global climate change with catastrophic long-term implications for the marine environment. Stopping the rise in temperatures requires action by all industries including fishing. By taking the right action now, the fishing industry can lower its fuel costs, reduce its greenhouse gas emissions, and decrease the damage it inflicts on marine ecosystems.

The use of large amounts of fuel in fisheries results in considerable emissions of greenhouse gases. Fisheries account for at least 1.2 percent of global oil consumption: an average of 1.7 tonnes of CO₂ are emitted for each ton of live-weight landed fish⁶. In commercial fisheries, fuel is used for activities such as onboard processing, refrigeration, and freezing, but in general the most fuel consuming activity is vessel propulsion. Due to current levels of overfishing, vessels have to go further and fish deeper than ever before in order to catch fish, thus spending ever greater amounts on fuel. With current high fuel prices fuel can constitute up to 60% of fishing costs in some fisheries.

⁶Thrane, M. (2006) LCA of Danish Fish Products: New Methods and Insights. Int. J. LCA 11.

For fisheries on the same stock, different techniques can be used. A significant reduction of greenhouse gas emissions can be achieved by switching from fuel-intensive techniques such as dredging, bottom trawling and beam trawling, to alternative techniques that use less fuel. Generally speaking, the most fuel-intensive fishing practices not only contribute most to climate change but are also often the most damaging to seabed habitats and reef formations. Beam trawling and other bottom trawling techniques are examples of the most fuel intensive fishing techniques and are well known for the detrimental impact they have on seabed life.

A shift to less fuel-intensive and low-impact fishing methods and gears provides a more sustainable long-term solution than simply using more energy efficient engines. These would initially reduce fuel consumption but in the longer term worsen the situation by contributing to an increase in fishing effort, leading to further depletion of fish stocks. This would result in fishers having to go further to find fish and in doing so use more fuel per kilo of landed fish, leading to a destructive cycle of depleted fish stocks, increasing CO2 emissions and the destruction of marine life.

Seas At Risk has commissioned a report on climate friendly, low impact fisheries (the executive summary is submitted separately to the consultation process), to try and find out which fishing methods and gears have the highest environmental impacts (in terms of direct impacts on species and habitats) and the highest CO2 emissions. In addition to that, the report explored the reasons why fishermen do not shift to environment friendlier gear, and finished by identifying some policy measures which could promote such a shift.

The main conclusions of the report are as follows:

On environmental impacts and energy consumption:

- In terms of direct environmental impacts (by-catch and habitat impacts), dredges and trawls have generally the highest impact, followed by nets and seines, followed by lines and traps. The direct impacts of beam trawls and mechanised dredges on habitats are highlighted as particularly severe. The exception is impacts on vulnerable species such as birds and cetaceans, where pelagic gears have more severe impacts than demersal towed gears.
- Fuel use (and consequently greenhouse gas emissions) varies considerably depending on the fishery. In terms of carbon emissions, demersal trawls have higher impacts than passive gears (nets, traps, handlines) in most cases. Mobile gears are variable – seiners generally being more efficient than longliners. Small vessels are usually (but not always) better than medium and large vessels.
- Well-managed stocks lead to efficient fisheries, while depleted stocks lead to high carbon emissions. Fishing on depleted fish stocks requires more fuel per kilo landed fish than fishing on abundant fish stocks, because low fish abundance forces fishers to search longer and use heavier gear to catch the fish. If fish stocks were allowed to recover, less fuel would be needed to catch the

same amount of fish. In addition, enhancing fish abundance will allow fish populations to become more resilient to the impacts of climate change.

- Desirable changes to fisheries to reduce both direct impacts and carbon emissions are somewhat similar in most cases: essentially a move from active to mobile or passive gear – and more specifically a move away from heavy trawls and dredges. A move away from larger offshore vessels towards smaller onshore vessels is also usually beneficial.

On hurdles to change:

- The main hurdles faced by fishermen regarding technical changes such as modifications to vessels or gear to improve efficiency and reduce by-catch are education, cost, logistics and practicality – i.e. not generally policy related. The hurdles are not significant where technical changes provide both environmental and economic improvements, and where fishermen have the flexibility (economic and in terms of planning) to implement them.
- In some cases, however, technical changes that result in increased efficiency may threaten the resource base, while in other cases technical changes (such as by-catch reduction devices) may lead to the fishery operating less efficiently – policy makers need to understand and react to these trade-offs.
- When more significant changes to fisheries are proposed (such as a change in gear type), more significant policy hurdles also exist: these include issues around the management system (quotas vs. effort management), by-catch and discards, gear conflicts, markets, spatial planning, hidden subsidies, reduction in effort or export of effort to third countries, and political will.

On policy proposals:

- A change in fishing methods and gears can be promoted by removing environmentally harmful fuel subsidies and phasing out fuel tax exemption for fisheries, while at the same time providing financial and other incentives for alternative fishing techniques. The European Fisheries Fund could be used to facilitate the shift to new gear, and special quota or fishing zones for less fuel intensive low-impact fisheries could be allocated.
- Policy-makers could do more to provide an environment in which fishermen are free to experiment and innovate – and are guided to experiment and innovate in the desired direction. This might entail precise policy objectives and targets, more constructive and more inclusive dialogue with the industry, dissemination of best practice, a regulatory environment more conducive to long-term planning and technical support.
- More emphasis on spatial planning, zoning and closed areas (permanent and/or temporary);
- For technical changes, it would be hugely beneficial to review best practice operations across EU fisheries (or even more widely) followed by a dissemination of information about how fishermen can

reduce their carbon emissions and direct environmental impacts. This could usefully take the form of a central data repository that is open to all. Rising fuel prices give fishermen a significant incentive to participate in this process. This process should also reveal the regulatory obstacles to implementation of best practice, which can then be dealt with.

- Balancing policy between fleet sectors: We note above that in general, the small-scale fleet in the EU has lower environmental impacts per unit of catch than the large-scale / offshore fleet. This is because the small-scale fleet has lower carbon emissions and because it tends to use more benign gears. However, from a policy
- perspective, the large-scale fleet is much easier to deal with: it is easier to engage with, easier to manage, and easier to enforce. Compliance with regulations is therefore higher. Various policy initiatives, such as decommissioning, Regional Advisory Councils, quota distribution, Individual Transferable Quotas and other rights-based systems have tended on balance to favour the large-scale fleet. In particular, we note that the quota distribution system in many (perhaps most) Member States has not been good for the profitability of the small-scale fleet and has in addition led to a significant amount of discarding, high-grading or landing of 'black fish'. A lower-impact future for EU fisheries will require policy-makers to shift the balance towards the small-scale fleet, making more of an effort to engage with this group and adapting the management system to better reflect their operational requirements.

Examples of climate friendly, low impact alternatives:

Norway lobster fishery

The fuel needed to catch and land a kilo of Norway lobster can be reduced from 9 litres to 2.2 litres by switching from conventional trawl fisheries to creel (trap) fisheries. Such a switch would also significantly reduce the by-catch of non-target species and impacts on the seabed and provide the consumer with a Norway lobster that hasn't been squashed in a trawlers net and is thus of a better quality.

Danish flatfish fishery

In the Danish flatfish fishery the amount of fuel per kg of caught fish could be reduced by a factor of 15 by switching from beam trawling to the Danish seine. The Danish seine is a semi-passive fishery which has less impact on the seabed than beam trawling.

Swedish cod fishery

In Sweden cod is caught both in trawls and with gillnets. During trawling over 4 times more fuel is used per kilogram landed cod than during gillnet fishing.

4. Marine Strategy Framework Directive and Integrated Maritime Policy

Achieving GES: a joint effort

The current CFP has made no real attempt to implement an ecosystem-based approach, but the future of fisheries relies on its successful application. The MSFD provides a starting point in committing Member States to achieving GES by 2020. The Directive specifically mentions the need for coherence with the CFP (and other EU policies). In order for the Member States to implement the MSFD, its requirements need to be integrated into all relevant policy areas. The future CFP must therefore be formulated and applied in a way that it delivers the fisheries-related aspects of GES, thus contributing to the achievement of overall GES by 2020.

In order to comply with the provisions of the Directive, fisheries will have to comply with each and every descriptor. This includes not only the biodiversity-related descriptors of GES, but also the descriptors on, for example, quantities and properties of marine litter (lost fishing gear, fishing equipment thrown overboard) and on underwater noise (using sonar to locate schools of fish, for example). Information must be given to fishers on these legal requirements. The future CFP will have to adopt technical measures to ensure that the MSFD provisions are complied with.

It should be emphasised that while the criteria for interpretation of the descriptors will be set at EU level (in 2010), the targets and indicators of Good Environmental Status will be set at Member State or possibly regional level (by 2012). However, overarching fisheries-related targets should be set by the CFP (at EU level).

In addition to that, impact assessments for each fishery must be conducted, in order to explore its effects on biological diversity, food webs and sea floor integrity for example. If any fishery is shown to have a negative impact according to these criteria, it must cease operations and measures must be taken to eliminate these impacts before the fishery is allowed to continue (reversal of the burden of proof similar to the one adopted by the Regulation on Vulnerable Marine Ecosystems in areas beyond national jurisdiction).⁷

The role of the Integrated Maritime Policy

By considering all maritime activities under a single integrated framework, the IMP will be instrumental in the application of the ecosystem-based approach to the management of human activities, as provided for by the MSFD. Therefore, any developments, in the context of the CFP or of any other policy area, must contribute to, and not hamper, the achievement of GES by 2020.

⁷ EC 743/2008: Council Regulation on the protection of vulnerable marine ecosystems in the high seas against the adverse impacts of bottom fishing gears.

In order to do that, the implementation of the IMP must integrate environmental considerations across sectors, contributing to the compliance with Article 11 of the Treaty of Lisbon. The fishing industry interacts with several other sectors: fishing activities are highly mobile and therefore interact with most users of the maritime space, from aquaculture to (renewable or non-renewable) energy production, cables, shipping lanes and ports, as well as marine protected areas. On land, fishing activities are part of the socio-economic fabric of the regions where they take place and often contribute to trade, tourism and cultural heritage, among others.

Considering all these interactions, the need to integrate fisheries-related considerations within the IMP is self-evident. Such integration can bring benefits to fisheries, the environment, and the people who rely on them.

A truly integrated maritime policy should take into account the importance and the impacts of fishing activities in the marine sphere and contribute to sound conditions for coastal fishers who fish in a responsible manner. This would provide high quality products and contribute to the heritage and tourism potential of coastal regions, while ensuring that fishing activities do not have a negative impact on ecosystems. The IMP should also ensure that such sustainable fishing activities do not get displaced or replaced by other maritime developments.

Finally, the IMP can contribute to solving conflicts of use between fishing and other activities for marine space. Marine spatial planning is a key tool for ensuring that economic activities take place in the most suitable marine areas, while allowing for the protection of biodiversity through spatial measures. The latter are mentioned under the MSFD as a tool contributing to the achievement of GES:

*"Programmes of measures established pursuant to this Article shall include spatial protection measures, contributing to coherent and representative networks of marine protected areas, adequately covering the diversity of the constituent ecosystems, such as special areas of conservation pursuant to the Habitats Directive, special protection areas pursuant to the Birds Directive, and marine protected areas as agreed by the Community or Member States concerned in the framework of international or regional agreements to which they are parties."*⁸

In order to ensure that marine spatial plans are complete and adequate, involving all stakeholders, a transparent debate from the inception is key. It is important to include fishers, as well as all other relevant stakeholders, in the debate so that decisions are not taken without their input. Fishers have considerable knowledge of the marine space and can make a valuable contribution to marine spatial planning processes.

The MSFD foresees a regional approach to the implementation of its provisions, encouraging co-operation between Member States and third countries sharing the same marine basin. Therefore, a more regionalised

⁸ Article 3 §4 Marine Strategy Framework Directive

CFP, with differentiated provisions according to the bio-geographical characteristics of the different European sea basins, could contribute to simplify the policy, make it more understandable to stakeholders, and assist in the application of an ecosystem-based approach to the management of fisheries in Europe's regional seas. The role of the RACs under such a regionalised structure need to be suitably adapted to reflect effective stakeholder participation and transparency, and perhaps new management bodies will be needed.