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10 Requirements for a Reform of the Common Fisheries Policy

Pro Wildlife is a Germany-based charity dedicated to the conservation of wild animals and their habitat worldwide. One of our focal points is to identify and document threats to the survival of wild species through international commercial trade. We are committed to enhancing, promoting and strictly enforcing national and international legislation for the conservation and protection of species. Pro Wildlife is very much concerned about the status of marine fish stocks and the impact of over-fishing on marine ecosystems. We therefore welcome the European Commission's critical analysis in its Green Paper. We urge the EU not to repeat past mistakes, but to ensure that environmental objectives and the precautionary and ecosystem based approach are given highest priority. Marine ecosystems are among those showing the highest degree of biodiversity. The United Nations have declared 2010 the International Year of Biological Diversity. During its discussions and negotiations on the CFP reform the EU should pay tribute to this and act in a precautionary manner.

Preamble

80 percent of the fish populations worldwide are either fully exploited, over-exploited or have already collapsed[1]. It must be feared that the world's increasing human population and its increasing demand for animal protein will even increase pressure towards unsustainable catch quotas – a trend that has already been scientifically documented[2]. Against this background the current EU Common Fisheries Policy (CFP) needs a fundamental reform to reduce current fishing volumes to a sustainable level, to allow exploited species to recover and to stabilize the marine ecosystem in its complexity. The reform of the CFP is a unique chance to achieve this goal within EU waters and beyond. It is clear: **Without fish, there will be no fishermen.**

For a future sustainable EU fishery it is needed that:

1. **Scientific data – not economic interests – must be the basis for setting TACs**
2. **Economic Incentives for Ecological Responsibility are essential**
3. **Bycatch must be reduced and must not be discarded**
4. **Subsidies: The irresponsible and uneconomic policy has to find an end**
5. **Enforcement must be enhanced and penalties increased**
6. **Sustainability obligations for imported fish and for external fleet activities shall be established**
7. **Reduction of fleet overcapacity and fishing pressure must be a top priority**
8. **Responsibility assignment in the EU's Fisheries Policy must be clearly defined**
9. **Consumers must be better informed**
10. **Ecological criteria for aquaculture are overdue**

[1] *FAO (2009): The State of World Fisheries and Aquaculture 2008. FAO Fisheries Department, Rome (Italy).*

[2] *Coll et al. (2008): Ecosystem overfishing in the ocean. Plos one. 3(12), Dec.. www.plosone.org/article/info:doi/10.1371/journal.pone.0003881*

1. Scientific data – not economic interests – must be the basis for setting TACs[3]

→ Item 4.2 of the Green Paper

The EU has regularly ignored recommendations by the *International Council for the Exploration of the Sea* (ICES) to reduce catch quota on an ecologically sustainable level and to set an interim zero quote for those stocks that are heavily over-exploited and need a chance to recover. Instead, due to high pressure from the fisheries' industry irresponsibly high quotas have been set, which have caused deterioration of an increasing number of fish stocks, threatening the marine productivity and the livelihood of coastal communities. Accordingly, future catch quota shall be set only scientifically-based and following the precautionary approach (in line with the UN Fish Stocks Agreement from 1995[4]) to prevent an over-exploitation of fish stocks and to allow a recovery for those stocks, which have already been depleted. In that context, Maximum Sustainable Yield MSY should only be considered an interim target to achieving abundance, as stated in the UN Fish Stocks Agreement. More conservative and precautionary objectives of fisheries management must be developed to achieve sustainable fisheries. An operationalised precautionary approach needs to be complemented by the ecosystem-based approach, as described in the Marine Strategy Framework Directive[5]. This means to not only consider the impact of offtakes on targeted species but on all components of the complex marine ecosystem and interactions between them[6, 7, 8, 9] as well as the impact of habitat degradation through e.g. climate change[10], pollution[11] or over-fertilization.

The fishing sector often argues that socio-economic aspects, which are by no doubt an important topic, shall be at least given the same priority than to ecological aspects. However, this is not prospective: **Without fish there will be no more fishing!** If the plundering of fish stocks will be continued following the "business as usual" principle, the fisheries industry as a whole will face in the medium-term unsolvable problems.

In 91 percent of EEZs worldwide it is tried by economic and political pressures to achieve higher quotas than the scientific advice recommends[12]. Regrettably, this is also the case for the EU, as the Fisheries Council is often ignoring scientific advice for sustainable quotas. However, at the last EU Council of Fisheries Ministers' meeting in mid December 2009 scientific advice was given more emphasis than in the past and quotas for several over-exploited fish stocks for 2010 were reduced. Furthermore, fishing for porbeagle and for spiny dogfish have been closed, while giving a 10 percent bycatch quota for the latter one to avoid discard. This decision is the only logical consequence of the EU, which has proposed to include the two shark species in Appendix II of CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora), meaning a worldwide restriction of international trade. The forthcoming CITES Conference of the Parties in March 2010 is dominated by marine issues, reflecting the overexploitation of the marine habitat – and at least four of the fish species on the agenda are affecting EU Fisheries: spiny dogfish, porbeagle, blue-finned tuna (for which even a total trade ban is proposed), and oceanic white-tip shark.

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3 *TAC = Total Allowable Catch*

4 *available at www.fao.org/fishery/topic/13701/en*

5 *Directive 2008/56/EC of the European Parliament and of the Council of 17th June 2008 establishing a framework for community action in the field of marine environment policy (Marine Strategy Framework Directive).*

6 *Bascompte et al. (2005): Interaction strength combinations and the overfishing of a marine food web. PNAS 102(15): 5443-5447.*

7 *Scheffer et al. (2005): Cascading effects of overfishing marine systems. Trends in Ecology and Evolution 20(11): 579-581.*

8 *Daskalov et al. (2007): Trophic cascades triggered by overfishing reveal possible mechanisms of ecosystem regime shifts. PNAS 104(25): 10518-10523.*

9 *Jackson et al. (2001): Historical overfishing and the recent collapse of coastal ecosystems. Science 293: 629-638.*

10 *Möllmann et al. (2008): Effects of climate and overfishing on zooplankton dynamics and ecosystem structure: regime shifts, trophic cascade, and feedback loops in a simple ecosystem. ICES Journal of Marine Science 66: 109-121.*

11 *Collins et al. (1998): Fishery-pollution interactions: A modelling approach to explore the nature and incidence of economic damages. Marine Pollution Bulletin 36(3): 211-221.*

12 *Mora et al. (2009): Management Effectiveness of the World's Marine Fisheries. PLOS Biology 7(6): 1-11. Available at www.plosbiology.org*

2. Economic incentives for ecological responsibility are essential

→ Item 4.4 of the Green Paper

Presently, within the EU allocation of access to fisheries is mainly politically motivated but often neglects ecological aspects. The CFP reform offers a chance for a radical turn forwards to sustainable fishing activities by making an ecologically responsible behaviour a precondition for the access to fish resources:

- Fishermen, who use selective fishing gear with a minimum bycatch and/or less destructive practices (see also section 3), shall be henceforth prioritised when access is allocated.
- Similarly, fishermen using vessels and fishing techniques with low energy consumption should be preferred when allocating access to fishing rights. Passive fishing gear and practices such as gillnets and entangling gets, lines and traps are usually less energy intensive than active dragged fishing gears. Among the fishing gears, trawling utilizes maximum energy in terms of energy spent per unit quantity of catch and offers greater scope for energy conservation practices. In contrary, access for fishermen violating EU fishing regulations should be reduced or – in severe or repeated cases – even deferred. The reduction of quota in cases of non-compliance is already common practice in other forums[13], such as ICCAT[14] or NAFO[15], to which several EU member states are contracting Parties. This option is already given within the EU through COM(2003)344[16], but should be enhanced and more strictly applied (see also section 5).

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3. Bycatch must be reduced and must not be discarded

→ Item 5.2 of the Green Paper

TACs do not reflect the whole loss of biomass due to fishing activities. Bycatch is on average 10 percent, but may account for up to 400 percent of the total catch (e.g. some shrimp fisheries), with a severe impact on the marine ecosystem, e.g. by reducing prey or by removing immature specimens, which have not yet been able to reproduce. Accordingly, **increasing selectivity of fishing gear must be one of the top priorities** to stop the annual waste of millions of undesired marine specimens, including immature individuals of target species.

In the recent past an increasing number of **new techniques** have been tested and led to remarkable results: Appropriate mesh size, nets with escape panels, filtering grids and grid devices are known to significantly reduce bycatch, as well as the right timing and choice of fishing sites[17]. Use of reflecting nets[18, 19] and in some cases[20] also of acoustic deterrent devices (known as "pingers") are able to reduce the incidental catch of marine mammals, whereas shrimp trawlers that use turtle excluder devices are known to have less bycatch of sea turtles. In long-line fisheries, the use of circle hooks, underwater setting of the line, night setting and bird scaring devices have decreased the incidental take of sea birds and other non-target species. However, such techniques and their implementation must be further enhanced, e.g. through research and training.

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[13] *Altherr (2006): Non-compliance within the IWC: Requirements for an effective IWC Compliance Review Committee. Report of Pro Wildlife and OceanCare. Munich/Germany, Wädenswil/Switzerland. Available at: www.prowildlife.de/sites/default/files/CRC-report-final.pdf*

[14] *International Commission for the Conservation of Atlantic Tunas*

[15] *Northwest Atlantic Fisheries Organisation*

[16] *COM(2003)344 final: Compliance with the rules of the common fishery policy "Compliance work plan and scoreboard". Brussels, 11th June.*

[17] *Report from the Commission to the Council on the selectivity in trawl fisheries for cod in the Baltic Sea. Com(2008)870, Brussels December 16th 2008.*

[18] *Trippel et al. (2003): Nylon barium sulphate gillnet reduces porpoise and seabird mortality. Marine Mammal Science, 19(1): 240-243*

[19] *Bardino et al. (2009): Testing effectiveness of Barium Sulphate Gillnets to mitigate the bycatch of Franciscana dolphins (Pontoporia blainvillei) in Argentina: Preliminary results from a Second Field Trial. Report to Pro Wildlife.*

[20] *See http://cetaceanbycatch.org/pingers_effectiveness.cfm*

With regards to the **fishing industry's responsibility** it has to be critically proven, whether it itself will be able within a defined period to voluntarily apply and enhance selective gear in all of its activities and hereby shows its capability to take responsibility for sustainable fishing activities. In case the fishing industry might fail or is not cooperative the use of more selective fishing gears must be stipulated with new regulations.

Furthermore, a **discard ban is urgently needed** The total catch must be landed and registered to collect data on the total offtake of biomass and species affected as a basis to estimate the impact on the marine food web. Undersized specimens must be taken into account for the quota to receive a realistic picture of the total off-take and its impact on stocks. Unwanted or nonmarketable species should be used for the production of fish meal. This could also reduce industrial fishing activities for fish meal production only.

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4. Subsidies: The irresponsible and uneconomic policy has to find an end

→ Item 4.1 of the Green Paper

Within the period 2000-2006 the EU still has granted subsidies of more than 480 million Euros for the construction of new vessels and more than 227 million Euros for increasing processing capacities, amounting to 707 billion Euros for expanding fleet capacity.[21]. This absurd subsidies policy in the EU fishery's sector must be ceased to reduce the overcapacity of the EU fishing fleet. There should not be public aid available for the new build or modification of vessels in the future. Another needed cross-off item is the present **fuel tax exemption**, which allows even highly unprofitable and ecologically disastrous fishing techniques such as high sea bottom trawling to continue (see also section 2) and which stimulates the maintaining of large, energy intensive fleets.

*In early December it has become known that the EU within the period 2000-2008 has given a total of **34.5 million Euros to subsidize the Mediterranean tuna fishing fleet**[22]. With €23 million the construction of new boats was funded, an additional €10.5 million were given to modernize existing vessels, whereas only €1 million was used to decommission vessels, with a focus on small-scale local boats. The impact of this irresponsible subsidies policy comes to the fore by e.g. the recent collapse of the blue-finned tuna, for which now a total commercial trade ban through the Convention on International Trade in Wild Fauna and Flora (CITES) is proposed and might be the only chance for recovery.*

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5. Enforcement must be enhanced and penalties increased

→ Item 4.5 of the Green Paper

According to Mora *et al*. (2009)[23] only in 17% of EEZs worldwide a proper enforcement is reality, including adequately equipped management authorities, patrolling of fishing grounds and tough infringements. Worldwide in only 5% of the EEZ's a very good implementation with low poaching and a sound enforcement can be observed. The EU in this analysis has only been given a middle-rate judgement. To achieve a better implementation the CFP reform needs to strengthen control and enforcement. The only recently adopted

[21] *Eurostat (2008): Fakten und Zahlen über die GFP: Eckdaten der gemeinsamen Fischereipolitik.*

[22] *Pope, F. (2009): `Hypocritical´ EU gives €34.5 million to fleets fishing tuna to extinction. Artikel in der TIMES vom 4. Dezember.*

[23] *Mora et al. (2009): Management Effectiveness of the World's Marine Fisheries. PLOS Biology 7(6): 1-11. Available at www.plosbiology.org*

regulations to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing[24] as well as the regulation on strengthening control of the Common Fisheries Policy[25] have the potential to significantly improve the current control system if they are going to be properly implemented. However, additional measures are also needed. In 2010, the EU is introducing a pilot projects, which entitles crews that install closed circuit television (CCTV) cameras at their vessels, to receive a 5% plus to their quota. In general, we welcome the introduction of such cameras as a useful method to control discards and catch volumes. Pro Wildlife urges the EU to make this method obligatory, if it has stood the test in practice. However, additional quota shall not be given beforehand, but only if crews have proven compliance and if for such extra quotas an extra quota has been reserved before. In addition to cameras the presence of independent observers is urgently recommended for vessels of a minimum of 15 meters to prevent manipulations and to ensure controls in cases of malfunction.

Higher penalties: So far, sanctions within the EU are insufficient and heterogeneous. Therefore the new CFP should ensure that in the future fishermen, who exceed quotas, catch in protected areas or with prohibited fishing gear or do other activities in violation of EU fishing regulations, face stricter penalties, to achieve a deterrent effect. Apart from higher fines a reduction or even withdrawal of access to fishing rights shall be practiced (see also section 2). These penalties need to be further increased and harmonised within the EU to ensure a fair and equal treatment of fishermen in all member states.

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6. Sustainability obligations for imported fish and for external fleet activities shall be established

→ Item 5.5 of the Green Paper

The EU is not only an important producer, but also the world's largest importer of fish products[26]: Presently, annual imports of fishery products amount to 10.6 million tonnes. So far, requirements for fish products imported into the EU are mainly limited to hygienic aspects[27]. The new CFP, if in the future really demanding sustainable fishing activities within EU waters, therefore should also establish obligations for sustainability for imported fish products and from those that have caught by the external EU fleet. Otherwise European fishermen, acting in line with future restrictive and ecologically-based fishing regulations, would be disadvantaged. The EU therefore should define and determine appropriate obligations for the import of sustainably caught fish products.

Regarding bilateral fisheries partnership agreements between the EC and third countries it must be ensured through the CFP reform, that the **external fleet of the EU will also be committed to the same principles, standards and criteria.** This is especially vital as the vessels of the external fleet are significantly larger and more powerful than their counterparts in the internal fleet, according to an analysis of the Commission[28], and therefore have an even higher potential for overexploiting marine resources. Furthermore, their activities must not have a negative impact to local fisheries on site, e.g. through extensive bycatch, destructive fishing methods and over-exploitation. Repeatedly, the negative impacts of EU fishing activities on the livelihood in devel-

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[24] *COMMISSION REGULATION (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing*

[25] *Proposal of the Commission for a Council Regulation concerning the conservation of fisheries resources through technical measures. COM(2008) 324 final. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0324:FIN:EN:PDF*

[26] *Eurostat (2008): Fakten und Zahlen über die GFP: Eckdaten der gemeinsamen Fischereipolitik.*

[27] *DG Health and Consumer Protection, EU Commission (undated): EU import conditions for seafood and other fishery products. http://ec.europa.eu/food/international/trade/im_cond_fish_en.pdf*

[28] *EU Commission (2008): Study on the European external fleet. Contract FISH/2006/02, Final Report. January.*

oping countries have been *en detail* documented[29, 30,31, 32] , including the stimulation of bushmeat hunting in West and Central Africa due to shortage of fish as protein resource[33, 34, 35].

7. Reduction of fleet overcapacity and fishing pressure must be a top priority

→ Item 4.1 of the Green Paper

By enhancing vessels' equipment, e.g. through high-tech methods such as sonar, communication and navigation equipment, technical progress alone is increasing the fishing capacities by between three and five percent a year. Therefore, a reduction of fleet capacities must not only affect the number of boats but also the vessel type and the efficiency of fishing gear.

According to Mora *et al.* (2009)[36] in only 20 % of EEZs worldwide fleet size is quantified and regulated. However, this does not automatically mean a reduction of landings: Especially more wealthy countries including EU member states, which have better controls of fleet size, often have modernized vessels with significantly higher fishing capacities. Accordingly, the EU should find effective ways to reduce fleet capacity, e.g. through cancelling of subsidies (see section 4), giving limited access (see section 8) or by urging its member states to reduce number of registered vessel.

The **temporary and geographic limitation of fishing activities** may not only be necessary for the recovery of fish stocks but in addition will indirectly stimulate the reduction of fleet capacity and fishing pressure. Furthermore, appropriate measures should be chosen to prevent that **sorted out vessels** might be sold to regions outside the EU as this only exports the problem of over-exploitation to other countries and regions.

8. Responsibility assignment in the Fisheries Policy must be clearly defined

→ Item 4.3 of the Green Paper

At present, the EU Council is taking all decisions at the highest political level, and when it comes to the setting of TACs scientific advice is often sacrificed to economic pressure from influential fishing nations. This is a main reason for the over-exploitation of many commercially targeted fish stocks. The CFP therefore should clearly allocate different issues to different decision-making forums.

a) **What are the overarching goals and objectives?** The highest decision making bodies, i.e. the Council of Ministers and the European Parliament should in future agree on political long-term goals and objectives for sustainable fisheries management. This should include for instance, the target level of abundance, the acceptable risk of overfishing, timing for re-building of over-fished stocks etc.. Both forums should regularly

[29] *Avril, H. (2009): West Africa: Foreign Vessel Fishing Practices Threaten the Environment. August 6th. www.mathaba.net/0_index.shtml?x=621386*

[30] *Kaczynski and Fluharty (2002): European policies in West Africa: who benefits from fisheries agreements? Marine Policy 26(2): 75-93.*

[31] *Gorez (2009): The future of Fisheries Partnership Agreements in the context of the Common Fisheries Policy reform. Coalition for Fair Fisheries Arrangements (CFFA). Presentation to the European Parliament Development Committee, September 2d 2009.*

[32] *Swedish Society for Nature Conservation (2009): To draw the line – EU fisheries agreements in West Africa, Stockholm, Sweden. Available at www.naturskyddsforeningen.se/upload/Foreningsdokument/Rapporter/engelska/To draw the line.pdf*

[33] *Fa et al. (2003): Bushmeat and food security in the Congo Basin: linkages between wildlife and people's future. Environm. Conserv. 30 (1): 71-87*

[34] *Brashares et al. (2004): Bushmeat Hunting, Wildlife Declines, and Fish Supply in West Africa. Science 306(5699): 1180 – 1183.*

[35] *Brown (2005): Policy incoherence: EU fisheries policy in Senegal. Human Development Report 2005/29. Available at: http://hdr.undp.org/en/reports/global/hdr2005/papers/HDR2005_Oli_Brown_29.pdf*

[36] *Mora et al. (2009): Management Effectiveness of the World's Marine Fisheries. PLOS Biology 7(6): 1-11. Available at www.plosbiology.org*

review the outcome and implementation of the CFP and may decide on further corrections to ensure the long-term goals and objectives.

b) **What to catch?** Once goals and objectives are set, TACs should be determined by the scientific advice of ICES and other relevant scientific bodies.

c) **How to catch?** More regionalised bodies should decide on implementation questions, such as how to meet certain targets, such as lower levels of bycatch, less impact on the marine habitat or the elimination of overcapacities. The Commission should supervise implementation and enforcement of the CFP.

d) **Who may catch?** Allocation of access to the fishing grounds should not be mainly based on historic fishing patterns or the ability to raise finance. Instead, the degree to which fishing operations contribute to achieving the objectives of the future CFP should determine the allocation of access to the recourses. Criteria for the allocation of access, such as destructiveness of fishing gear and practices and fuel consumption, should be agreed at EU level. These criteria should be operationalised at a more decentralised level in order to provide preferential treatment to those fishermen with verifiable ecologically-responsible fishing activities (see section 2).

e) **What else?** Appropriate bodies and member states should conduct information campaigns for consumers, promoting the consumption of sustainably produced fish products.

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9. Consumers must be better informed

→ Item 5.4 of the Green Paper

An increasing number of consumers is worried about the status of fish stocks and is looking for sustainably produced fish products. Consumers do not only have the right to know what fish species they buy, but also how the fish was caught, in which waters and in which condition the exploited stock is. However, apart from some eco-certified products, such as the Marine Stewardship Council (MSC), this information is hardly provided. Other consumer groups so far are not even aware of the alarming situation of many commercially exploited fish stocks. They need to be encouraged to choose ecologically justifiable fish products to contribute to the protection of the marine ecosystem and to possibly provide price premiums to those who fish in a more responsible manner.

The EU and its member states shall therefore establish measures to ensure transparency of the origin of fish products through backtracking mechanisms. It should also conduct a comprehensive campaign to inform consumers about the worrying situation of commercially-used fish stocks, the impact of over-fishing for the marine ecosystem, sustainably-produced alternatives and the need of a fundamental reform of the EU's CFP.

The forthcoming Year of the Biological Diversity 2010 would be a good opportunity to communicate these messages and to create better understanding and acceptance in the public. Additionally, the EU should establish an eco-labelling process for fish products. Doing this the EU should find ways to minimise the risks of mislabelling[37, 38]. With these measures the EU would also encourage the fishing industry to invest in more gentle fishing methods as this is increasingly wanted by the consumer market.

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[37] *Logan et al. (2008): An impediment to consumer choice: overfished species are sold as Pacific red snapper. Biological Conservation 141(6): 1591-1599.*

[38] *Von der Heyden et al. (2009): Misleading the masses: Detection of mislabeled and substituted frozen fish products in South Africa. ICES Journal of Marine Science: Journal du Conseil, doi: 10.1093/icesjms/fsp222*

10. Ecological criteria for aquaculture are overdue

→ Item 5.9 of the Green Paper

At present, the aquaculture industry of the EU produces a total of 1.3 million tonnes of fishery products a year. An increasing relevance in the future is not only to be expected but also necessary with regards to the serious conservation status of many wild fish stocks and the growing demand. However, aquaculture often has a negative impact on the environment and, accordingly, conditions for aqua-farms must be defined as part of the CFP reform.

Such conditions shall, as a minimum, include requirements for location of the farm (e.g. not in ecologically sensitive areas), feeding practice (preference for plant feeding species, no fish meal made from over-exploited stocks), stocking densities (to minimise the outbreak and transmission of diseases), medical treatment (no preventative use of antibiotics and other medicine), use of chemicals (e.g. pesticides, disinfectants), prevention of escapes (especially when non-native species are farmed), refilling of stocks (i.e. use of wild specimens should be prevented and, if necessary at all, shall be counted against the TAC for the species concerned), assurance of appropriate water quality within the aqua-farm and assurance of closed water systems (to prevent e.g. over-fertilization of waters nearby)[39]. These conditions should be completed by establishing regulations for supervision.

Pro Wildlife urges the European Parliament and the Council of Ministers to be courageous and to seek for a fundamental transformation of the CFP into a future-oriented sustainable fishing policy. This might be the last chance to prevent a total collapse of fisheries.

[39] *See also Greenpeace (2008): Challenging the aquaculture industry on sustainability. Technical overview. Available at www.greenpeace.to/publications/Aquaculture_Report_Technical.pdf*