



***Response of the Federation of Irish Fishermen to the  
Green Paper on Reform of the Common Fisheries  
Policy***

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## Executive Summary

The Green Paper on reform of the Common Fisheries Policy was adopted by the European Commission on 22 April 2009 and it marks the opening of the consultation process which will lead to the introduction of a new CFP in 2013. The Commission intends to initiate “whole-scale and fundamental reform” and identifies structural failings, management of fisheries, the market, the role of scientific advice and how the CFP is funded as the areas where these reforms will be focused.

In Ireland, the Minister for Fisheries, Tony Killeen TD, has appointed Dr Noel Cawley, Seafood Strategy Implementation Group, to oversee and co-ordinate the response and input from the Irish stakeholders. The Federation of Irish Fishermen (FIF), which represents 90% of Irish fishermen, has conducted a series of internal and national meetings, including hosting a major Seminar open to all stakeholders, feels it is in a position to respond in a rational, critical manner and represent the reactions and aspirations of the Irish fishing industry to this very important Green Paper.

The FIF feel it is vital that Ireland use the experience gained from two previous CFP reviews which would indicate that a committed team effort from the stakeholders, the government and the various state agencies is essential. Fresh thinking is also called for and the FIF is taking the view that a more viable Irish fishing industry needs to look beyond narrow national interests and form beneficial alliances with like-minded and supportive neighbouring EU fishing nations. Above all, the Irish stakeholders need to have a very clear blue-print of their industry for the next decade, have very clear objectives with simple and effective rules to reach those objectives and actively participate in operating those rules.

**Imprecise Policy Objectives:** The EU Commission feels there is a difficulty in implementing all elements – biological, economic and social – of the CFP in a balanced manner at all times and indicates that, long-term, favouring biological needs of fisheries at the expense of short-term economic and social hardship might be an option. The FIF would point out that all policies must be dealt with in the context of **(1) the Treaty of Rome and subsequent Treaties which underpin the basic tenets of even-handed regional development and (2) The Hague Agreement of 1976 which specifically underlines the right of Ireland to “secure the continued and progressive development” of its fishing industry.**

The FIF call for the Hague Agreement to be re-visited and its Resolution to be enshrined and enhanced in future CFPs. Policies need to have clear objectives which integrate biological, economic and social principles with clear and simple rules enforced uniformly in all Member States. The fishing industry needs to be fully involved at all stages in the decision-making process.

The FIF is completely opposed to **Maximum Sustainable Yield (MSY)** being included as an over-arching policy objective but considers it should be dealt with as a fishery management issue on a case by case basis.

**Fleet Over-Capacity:** Over-capacity varies from fishery to fishery and cannot be dealt with as an over-all policy issue – all the factors, including the socio-economic drivers, must be taken into account to enable a more precise definition of the over-capacity and its causes. **Scrapping vessels on its own is insufficient to solve the**

**problem without a clear understanding of the economic drivers of over-capacity. Therefore, it is imperative to set out a clear definition in relation to over-capacity from the outset.**

**The Market – from catch to consumer:** The Common Organisation of the Market (COM) has failed to achieve its objectives as evidenced by the lowest prices to fishermen for decades and growing imports from outside the EU. The fishing industry finds it difficult to reconcile low prices with a growing EU seafood market.

The FIF see a radical overhaul of Regulation 104/2000 as a basic requirement for the revised CFP but as an immediate remedial measure call for short-term amendments to the Regulation to deal with the immediate and urgent issues of prices, unfair competition and the current inadequate price support mechanism. Producer Organisations could and should make a major contribution in this area but their role must be supported appropriately. Labelling of fish and fish products is an essential requirement both in terms of quality and traceability. Consumers are an important driver in the marketplace and it is essential that the dialogue between the fishing industry and consumers be developed.

**Decision-making:** Regionalisation has been identified by the Commission as a possible means of improving the decision-making process going forward. Devolved governance has many attractions but the structure of the management bodies needed to carry out this function require very careful consideration. The FIF does not envisage ramped up Regional Advisory Councils as being suitable for this task but would favour enhancing their advisory role. Management of pelagic fisheries is a particular challenge in this context due to their widely distributed nature and joint stock management with third countries. There is a strong case to be made for greater involvement of industry in the various layers of management already in existence.

**Industry Responsibility:** The EU Commission admits that a greater role for the industry would have many positive results and would envisage a combination of responsibilities and rights to bring this about. The FIF see this as an excellent opportunity to further the concept of self-management by the fishing industry and point to areas where Producer Organisations are already very successfully managing quota, data collection, etc.

**Culture of Compliance:** The top-down approach to enforcement of regulations has proved to be, for the most part, inadequate. The Irish fishing industry sees this review as an opportunity to standardise Member States compliance and enforcement regimes, introducing a system of administrative sanctions rather than the criminal sanction system currently used in Ireland with uniform and transparent application of rules across the EU.

**Improved Management of EU Fisheries: Inshore fisheries** form an important part of the Irish fishing industry but, due to their artisanal nature, are environmentally low-impact and should continue to be managed on a national basis. Inshore fisheries have a high socio-economic profile in remote coastal areas and as such, require support by developmental EU frameworks.

**Effort** – The FIF is vehemently opposed to Effort as the only management system. Ireland has many examples of the incongruity and hardship caused by inappropriate effort controls already in place.

**TAC & Quotas and Relative Stability** – The FIF admits that the mechanism referred to as Relative Stability for sharing out Total Allowable Catch annually is not a perfect system but has potential for adjustment which would better reflect the needs and usages of Member States. The percentage of the TAC which Ireland receives has long been a source of grievance since the industry feels a share amounting to approximately 16% does not adequately reflect Ireland’s geographical share of approximately 42% of ICES Areas VI and VII which are the most highly productive fishing areas in the entire EU waters. The FIF would like to see a more imaginative approach to utilising TAC and quota and itemises several ways in which this could be achieved.

**Discards** – Making it obligatory to land everything that is caught is not the answer to the problem of discards. The FIF supports reducing landings of unwanted fish to lowest possible levels but calls for rational debate to identify the various components of discards and a concerted effort from the industry, fishery managers, NGOs and the Commission to find appropriate solutions.

**Access** – The Irish industry wants retention of the current access arrangements regarding the 6 and 12 mile limits and calls for safeguarding the existing Irish Conservation Box.

**3<sup>rd</sup> Country Agreements** – The FIF calls for the Northern Agreements to be revisited and the method for devising the swaps restructured to reflect the contribution of quota from those countries benefitting from such Agreements.

**Integrated Maritime Policy (IMP)** - The FIF is very happy to be fully committed to an Integrated Maritime Policy provided it is a two-way process particularly when sites are being considered for conservation purposes.

**Scientific Research and Advice** – Scientific research and advice has long been a source of friction and distrust within the fishing industry. There are several routes to be followed to improve this situation:

- Every fishing vessel is a potential scientific platform – tap into this immeasurable source of data and knowledge
- Biologists need to update their approach/skills in providing more relevant and timely data
- Restructure STECF – provide an integrated advice system which addresses socio-economic issues in addition to basic biological and sustainability demands.

**Funding** – The reformed CFP must provide (including Articles dealing with this aspect) specific provisions relating to funding all aspects of the CFP including the relevant EFF provisions, and include specific Articles dealing with all funding aspects.

## Introduction

On 22 April 2009, the European Commission adopted a Green Paper on reform of the Common Fisheries Policy (CFP) where it identifies areas and issues which need reviewing. The previous reform of the CFP, which became effective in 2003, aimed to incorporate environmental safeguards and encourage long-term rather than short-term planning but fell far short of its objectives. The Commission identifies five structural deficiencies as the root causes of such failures:

- A deep-rooted problem of fleet overcapacity
- Imprecise policy objectives resulting in insufficient guidance for decisions and implementation
- A decision-making system that encourages short-term focus
- A framework that does not give sufficient responsibility to the industry
- Lack of political will to ensure compliance and poor compliance by the industry

In addition to listing these five basic problems, the Green Paper itemises several other contentious areas such as small scale inshore fisheries, TAC and Quota systems, discards, access arrangements and rights, integrated maritime policy, the role of scientific advice, funding, external fisheries, including their associated relationships and responsibilities, and aquaculture. All in all, there are five major structural deficiencies, nine other areas to be addressed and a total of sixty-five questions posed.

Ireland had put considerable effort into previous CFP reviews but the outcome never met expectations which led the Federation of Irish Fishermen<sup>1</sup> (FIF) to think a new approach was needed when structuring a response. Among the questions which need to be answered are why, after two major reforms and constant on-going updates to regulations, are there so many unworkable areas within the CFP? The FIF felt that there was an opportunity presented by this CFP Review to engage the stakeholders with new concepts and ideas and identified previous lack of success as due to a lack of unified approach within Ireland and failure to engage with fellow Member States when completing the package of submissions.

The FIF, and its constituent Producer Organisations, have held several internal working meetings since the publication of the Green Paper which culminated with a major workshop-style seminar in early October attended by several major industry figures from neighbouring EU fishing nations, to examine the issues and find the solutions and feels it is in a position to present a rational response on behalf of the Irish fishing industry. At the outset of this process, the FIF asked the members of the Irish fishing industry to approach this review by posing three basic questions:

- What changes do we want?
- What are the purpose/benefits of changes?
- How do we achieve these over next three years?

The stakeholders pointed out on several occasions that Ireland had been involved in two previous CFP reviews and the lessons learnt indicated a need for a fully committed team effort from the fishing industry, the Minister for Fisheries, his Department (Department of Agriculture, Fisheries and Food), Bord Iascaigh Mhara

and the Marine Institute. The overall aim should be to reform the CFP by enacting simple, clear and effective rules with active involvement of the industry at all stages. The feed-back from the fishing industry, as expressed through the consultation process instigated by the FIF, was varied but several clear themes emerged as the process evolved. There was concern voiced over:

- The Hague Agreement
- Regionalisation
- Industry Self-Management and Control
- Effort
- TACs & Quota
- The Market
- Scientific Research
- Fleet Capacity
- Funding

Several of these concerns mirrored the issues which had been raised in the Green Paper but not always from the same perspective. The FIF also felt that there were many other elements contained within the CFP – Access Rights, Acts of Accession, Scientific Advice, 3<sup>rd</sup> Country Agreements, Technical Conservation, etc, which also needed consideration and there was no reason Member States should not address areas of concern even if they had not been highlighted in the Green Paper.

## **Fleet Over-Capacity**

The EU Commission views “over-capacity” as a deep-rooted structural defect of the CFP and would go so far as to identify “too many vessels after too little fish” as the fundamental cause of the current poor economic performance, weak enforcement and overexploited resources. Regulating over-capacity has been addressed by various means in the past, most notably expensive publicly-funded scrapping schemes, but it has never been eliminated as the fleet adjusts to the available resources in a relatively short time.

The Green Paper presents a series of alternatives, from over-all legislation limiting capacity to allowing each individual Member State decide, and suggests transferable rights, with appropriate safeguards, or a one-off scrapping scheme as possible solutions.

The FIF views this simplistic over-view of the problem of over-capacity as part of the problem. In the past, across the board reductions in capacity by removal of vessels through scrapping schemes have not worked because over-capacity is not uniformly spread over the total European fleet. Over-capacity is linked to individual fisheries and regions and must be addressed on a focused basis. It is not simply a matter of too many vessels, the socio-economic factors influencing the behaviour of fishing fleets is very firmly entwined in the problem and must be dealt with concurrently.

There is an onus on individual Member States to match the fishing capacity of their fleets to their available fishing opportunities but economic weakness and low profitability are major drivers of over-fishing. To tackle over-capacity on a rational basis and achieve a long-term, self-adjusting, positive outcome requires a holistic approach which would involve in-depth analysis of individual fleet segments and their

target fisheries. The socio-economic drivers pertaining to those fleet segments need to be identified and, where necessary, addressed as urgently as stock protection. Over-capacity needs to be very precisely defined and its relevance as an economic input to the fishery identified – the same force which drove over-fishing in the first place then becomes the balancing mechanism for natural rationalisation with more profitable vessels continuing to fish and feed into the shore-based ancillary infrastructure.

## **Policy Objectives**

How does the CFP bridge the gap between lofty aspirations and day-to-day workable regulations? The current CFP has an over-arching objective of “conservation, management and exploitation of living aquatic resources” which has been translated into a working model based on three pillars: ecological, economic and social balance. There is no difficulty taking a long-term view and few would disagree with the contention that all three elements are of equal importance but the Commission have a problem in the short-term where a conflict arises as to which pillar – sustainable fish stocks versus the combined socio-economic well-being of fishing communities – should have priority.

How can the reformed CFP address the issue of working towards sustainable fisheries while at the same time maintaining the socio-economic fabric of fishing communities? Is the solution to transfer redundant fishermen to other activities within the maritime domain and how can the CFP measure, in a meaningful way, the impact of its policies on these three elements such that, long-term, it achieves the target of balanced ecologically, economically and socially sustainable fisheries?

The FIF would draw the attention of the EU Commission to the Treaty of Rome, and subsequent Treaties, which has as a basic tenet the commitment of the European Union to the development of all regions. In Ireland, fishing communities are a vital component in the continued existence of life in coastal regions and are already under considerable pressure due to existing policies.

## ***The Hague Agreement***

The Hague Agreement was negotiated against a backdrop of radical changes in fishing limits in the 1970s. In advance of the 1973 accession of Ireland, the United Kingdom and Denmark to the European Economic Community, the existing Member States introduced new regulations to establish a structural policy<sup>2</sup> and organisation of the market<sup>3</sup> as a forerunner of a CFP. Regulation 2141/70 introduced the concept of equal access to a common resource which granted unlimited access to the fishing fleets of Member States to the waters of other Member States and limited the use of conservation measures to those agreed by the Council of Ministers. This was in contravention of the London Convention of 1964 where coastal states had agreed to a 12 nautical mile limit with allowances for traditional fisheries in particular areas and for particular species. The candidate states were opposed to the principle of equal access and succeeded in negotiating a 10 year derogation which allowed an exclusive 6 mile limit and a 6-12 mile zone restricted to vessels which had fished there traditionally.

Ireland and the United Kingdom were anxious to establish a 50 mile restricted zone but this was ruled to be in contravention of Community law. It was essential to put an access arrangement in place before the 10 year derogation ran out at the end of 1982 because at that stage the original principle of equal access to a common resource

would be re-asserted and Member States would fish unrestricted to the Irish shoreline. In addition, Spain and Portugal were negotiating their accession to the European Community which, seeing the scale of the total Iberian fishing industry, would leave Ireland in a very weak bargaining position.

On the international front, many countries during the course of the United Nations deliberations leading to the Convention on the Law of the Sea (1973 – 1982) declared 200 nautical mile exclusive economic zones. The European Community was aware of the complications this would create for Member States but had no choice but follow suit and also declare a 200 mile limit on behalf of the Community. In 1976 The Hague Agreement sought to address the resulting issues with:

- The Hague Resolution of November, 1976 which states “as to secure the continued and progressive development of the Irish fishing industry on the basis of the Irish Government’s Fisheries Development Programme for the development of Coastal Fisheries” and reinforces the right, indeed the duty, to continue to protect and nurture Irish coastal fishing communities.
- The European Community created a 200 mile exclusive zone in line with fellow members of the United Nations
- The coastal states retained the 6 and 12 mile limits as already agreed
- The system of dividing the Total Allowable Catch (TAC) was devised - Hague Preferences or Relative Stability

The FIF would call for the Hague Agreement to be re-visited and its Resolution be enshrined and enhanced in future CFPs.

Against this historical background the FIF believes that policy objectives must be allowed to develop from a national viewpoint and the major message which emerged from the Irish industry-wide consultation was the need for this current CFP review to step back and examine the case for

- Clear objectives which integrate ecological, economic and social principles
- Simple, clear and effective rules with enforcement policies standardised across member states
- Active involvement of the industry in the decision making process

At all levels policies which promote ecological, economic and social principles are desirable but those policies must be structured such that the economic and social parameters are measured scientifically in the same way as biological indicators and targets. The stakeholders must have an input in developing relevant, measurable performance indicators and receive updates on the progress of management plans which incorporate all three components with options to alter plans to meet changing circumstances.

### ***Maximum Sustainable Yield (MSY)***

The FIF is completely opposed to MSY being included in the Green Paper as an overarching policy objective.

In 2002 the EU committed to the outcomes of the World Summit on Sustainable Development in Johannesburg which established a deadline of 2015 to reach a previously declared objective of attaining MSY. However, since it is impossible to

fish all species at MSY, the CFP should not include MSY as a stand alone policy objective but as a goal to be achieved by different fisheries for different species in over-all long-term management plans. The necessary implementation measures to achieve MSY in different regions must take into account the socio-economic implications for affected fishing communities and must be designed to afford the industry reasonable and smooth transition to a system of lower fishing mortality, reduced fishing effort, reduced discards and higher profitability.

### ***The Market – from catch to consumer***

The Common Organisation of the Market (COM) seeks to find a balance between supply and demand, stabilise prices in order to guarantee a minimum income for fishermen and improve the general competitiveness of the Community fleets on the world markets – this has not been achieved and will not be achieved in the near future. Europe imports nearly 65% of its fish and fish product requirements, but far from the European fishermen getting premium prices, the market share for wild caught fish from EU fleets is being eroded; at present, first point of sale prices are at a 20 year low for many species. It is very difficult to reconcile such low prices with a growing EU seafood market.

**Role of reformed Market Policy:** There are many global factors at play here and the EU must take action to protect European fishermen with a radical overhaul of Regulation 104/2000<sup>4</sup> - this is a key requirement for the revised CFP. This Regulation is not achieving its objectives, namely to balance supply to demand, stabilise prices, guarantee fishermen a minimum level of income and promote general competitiveness of the Community fishing fleet on world markets. At a minimum FIF would urge immediate action on:

- Current low prices – short term amendments to the COM are urgently required and delays are unacceptable
- Controls on imports prices
- An EU labelling programme for seafood, differentiating transparently between wild and farmed seafood, imported and EU sourced seafood.
- No increase in zero rated tariffs
- A proper price support mechanism
- Provision of emergency measures

**Role of the Producer Organisation:** There is an important role for Producer Organisations (PO) but this role must be enhanced with appropriate funding to ensure they can meet their commitments. POs can enhance the COM by:

- Quota Management
  - Strengthen and enhance their role in the COM
  - In Ireland initiate this role
- Actively market their member's fish
- Align supply with demand
- Promote quality, provenance and eco-labelling
- Initiate and drive dialogue with the consumer

Producer Organisations must be supported by the CFP to be more pro-active in marketing their own member's fish and use their inter-branch organisations to fit supply to demand. At the same time they must direct the dialogue with the consumer by being aware of consumer demands and trends and tailor promotional and labelling activities accordingly. The proximity of the PO to the catching sector leaves it in the best possible position to drive this strategy.

**Role of the Consumer:** Regulation 2371/2002<sup>5</sup> of December 2002 affirms “the Common Fisheries Policy shall cover conservation, management and exploitation of living aquatic resources, aquaculture, and the processing and marketing of fishery and aquaculture products where such activities are practised .....”. The consumer is now an important factor in fisheries management with consumer choice leaning more and more towards environmental and ecological concerns. Future CFP policy objectives need to provide for increased dialogue between the fishing industry, markets and consumers and satisfy the public demand for traceability, transparency and nutritional content by promoting eco-labeling and regional identity of fish and fish products

Currently the market is at the mercy of fish and fish products imported from third countries where prevailing production conditions and costs bear little or no resemblance to those in the EU – this uncompetitive market is completely unacceptable and must be addressed immediately. The CFP must make the “catch to consumer” route transparent and credible.

## **Decision-making**

The current decision-making framework does not differentiate between principles and implementation; all decisions from the profound to the trivial are processed at the highest level, which leads to a very inflexible and cumbersome system and is responsible for the sometimes cynical perception afforded centralised “Brussels” governance. This situation will be exacerbated in the future when the terms of the Lisbon Treaty dictate that all fisheries decisions, with the exception of setting annual TAC and quota, will be subject to the co-decision procedure. The Commission believes that the CFP should be brought into line with other EU policies with a clear hierarchy between fundamental principles and technical implementation.

The Green Paper puts forward some options, such as:

- Delegate detailed management to the Commission in consultation with the Member States and the European Parliament.
- Specific regional management solutions to be implemented by Member States subject to Community standards and controls

## **Regionalisation**

Regional management might not always be feasible for individual Member States as shared eco-systems very often extend over wide geographical and political areas but such arrangements would have the advantage of being simpler and cheaper, more sensitive to local conditions and would give greater responsibility to the fishing

industry. Greater proximity of management to fisheries and an increased role for stakeholders in more localised management structures creates a greater sense of ownership which has many positive effects such as increased responsibility on the part of stakeholders.

### **Regional Management Bodies and Regional Advisory Councils (RACs)**

A devolved governance structure has many attractions but must be approached with caution; care needs to be taken that the central approach is not merely replicated on a regional basis. The scope, function, powers and administration of new regional management bodies needs to be fully assessed to ensure there is an integrated, streamlined flexible system capable of making decisions and meeting the needs of the fishing industry going forward. If such entities are not truly devolved management bodies the CFP is merely creating another expensive layer of bureaucracy. The realisation of regional management is not an instant fix for current problems – it is essential to work within a realistic schedule which would give sufficient time for all levels to adapt. There are also legal implications which have to be taken into consideration to ensure there is no conflict with existing Treaty conditions.

The composition of regional management bodies requires careful consideration and one possible option is a management body drawn from those Member States relevant to the fisheries, the Commission and relevant stakeholders. FIF is strongly of the view that a regional structure is not appropriate when dealing with pelagic species due to their widely distributed nature and joint stock management with third countries. The FIF does not consider “re-vamped” RACs as suitable management bodies but would recommend enhancing their advisory role. The Pelagic RAC should be renamed to the Pelagic Advisory Committee (PAC) to reflect that it is not a regional advisory body. In addition to routine fishery management involvement, the industry must be actively involved as observers at levels such as:

- Council - Working Groups (in the case of specific issues)
- Parliament – Fisheries Committee
- EU Commission – Management Committee
- Independent Bodies e.g. ICCAT when/if sitting with decision-making remit.

### **Industry Responsibility**

Reform of the CFP is of little benefit if it fails to motivate the catching sector, the processing and the seafood chain as well as consumers. To date there has been little incentive for the fishing industry to play a constructive role in the CFP because it has so little input but the EU Commission envisages considerable changes in this area. Involving the fishing industry would have two main thrusts: responsibilities and rights.

Responsibility would be given to industry by way of setting essential standards or required outcomes and allowing the industry to develop the best solutions economically and technically to achieve the required benchmark. Results-based management and reversal of the burden of proof by a responsible industry will in return be rewarded by an increased management role. Likewise, where the industry is given certain rights it can demonstrate its ability to use this capability to operate fisheries more effectively by managing surplus capacity, effort and quota more

efficiently. There is a net gain to both the fishing sector and management administrations.

In practical terms, how can greater industry involvement be brought about?

The FIF see this as an excellent opportunity to further the concept of self-management by industry. In countries where POs are involved in management plans and quota management there have been very good results with improved relationships between fishermen and managers, improved compliance and fisheries management systems. This approach has been undertaken successfully in other parts of the world and could be introduced on a phased basis to ensure minimum disruption. The areas in which the FIF envisage playing a greater role would be:

- Reversal of burden of proof with industry taking greater responsibility for information gathering under the Data Collection Regulation<sup>6</sup>
- Incentives to be used to reward good practice
- POs to play a key coordination and management role as has been demonstrated in other management functions
- Facilitating a high level of voluntary compliance as a result of the greater concept of ownership and direct responsibility by catchers
- Promoting sustainable stocks as a result of better managed fisheries

The FIF fully accepts that such functions would be subject to audit at all appropriate levels but sees self-management, and varying degrees of co-management, as a vital component in eliminating any real or perceived lack of responsibility on the part of the fishing industry.

## **Culture of Compliance**

The EU Commission is dismayed by the report of the Court of Auditors which found that fisheries control generally has been weak, penalties are not dissuasive and inspections are not frequent enough to encourage compliance. Failure to fulfil basic conservation and control responsibilities or non-compliance does not exclude Member States from funding and there is a growing perception that enforcement is not applied uniformly throughout the EU.

Despite posing a number of questions on how the situation could be improved, the Commission has proceeded without full stakeholder consultation by putting new control measures in place. How relevant can these measures be in a new CFP framework or is this merely a superficial exercise in the interval?

Nobody would deny that compliance is needed for a variety of reasons, many of which have a direct positive effect on market and prices, but there is a perception in the industry that compliance is a wholly negative experience; this is not surprising when we consider that the CFP encompasses 624 EU Acts covering aspects such as conservation, structural measures, market organisation and state aid. There is obviously a very great need for simplification and rationalisation of the rules and regulations to create legislation that is understandable and enforceable. The Irish industry sees this review as an opportunity to standardise Member State compliance and enforcement regimes, introducing a system of administrative sanctions rather than the criminal sanction system currently used in Ireland with such negative implications.

When writing new regulations it is important to ensure that the legislation does not have an effect opposite to what is intended and that there is even and fair application of the CFP within the EU regarding:

- Penalties applied
- Enforcement systems in place
- Reward for compliance built into legislation rather than punishment for non-compliance.

As already discussed under the heading of Industry Responsibility, self-management has a key role to play in developing voluntary compliance by demonstrating the benefits of fishery management through information and discussion, engaging the stakeholders in the development of legislative framework which is relevant and practical and making sure that compliance is rewarded.

## **Improving the Management of EU Fisheries**

### ***Inshore Fisheries***

Inshore fisheries form a substantial segment of the fleet in many Member States but are located primarily in the 6 and 12 mile coastal zones. They are frequently of major importance in remote fishing communities but due to their artisanal nature usually have lower environmental interactions than those of larger scale fisheries.

In Ireland, inshore fisheries consist of a mixture of whitefish, pelagic and shellfish; there is robust national management of the species concerned and minimal effect on non-target species or the eco-system. In view of their unique nature, temporal-spatial activity and lesser impact on the biological component of the CFP there is no reason why the sustainable development of these fisheries cannot be allowed to continue under present national management arrangements, supported where necessary through the socio-economic and developmental EU frameworks.

In Ireland the inshore fishery grounds are shared with fleets with traditional rights from other EU countries.

### ***Effort***

The FIF is vehemently opposed to Effort as the only management system.

Existing Effort regimes have had a very negative effect to date on several Irish fisheries. Under the Western Waters Regulation<sup>7</sup>, Days at Sea allocations for the >15 metre crab fleet have created major problems for this non-quota fishery and have forced vessels to re-locate to other regions such as the North Sea. In the meantime, their home ports which had built up a substantial infrastructure to service this fishery have been deprived of the landings necessary to sustain onshore handling and processing. In areas of high unemployment this is a very serious consequence of management by Effort Control.

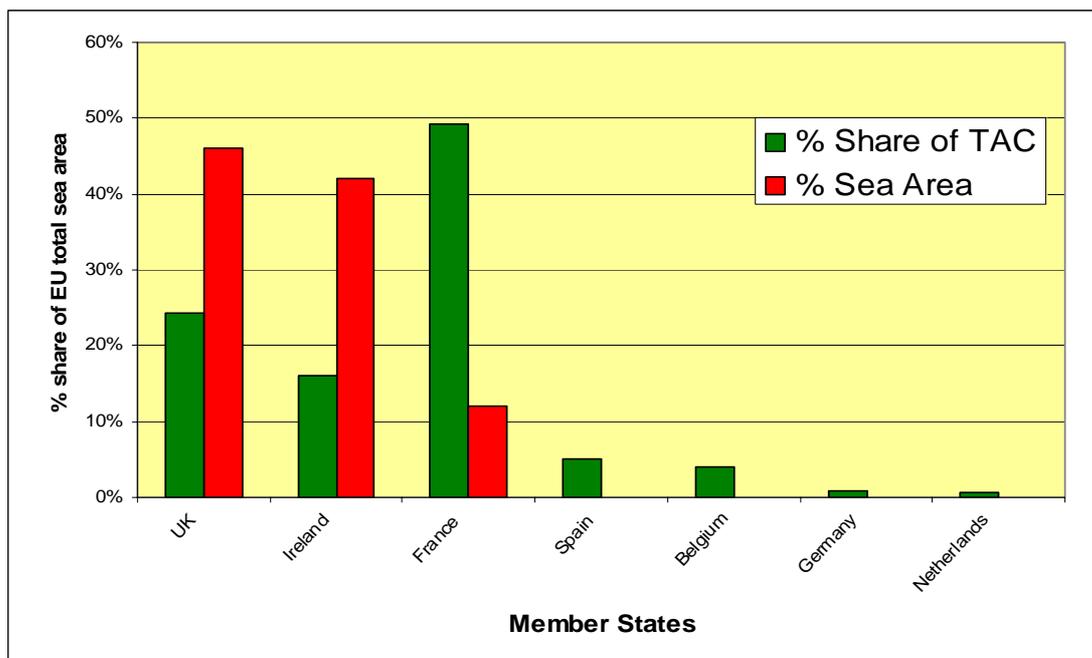
Days at Sea is also causing great difficulty for vessels affected by the Cod Recovery Plan in both VIa and VIIa and >10m crab fishery in the Biological Sensitive Area. This is a prime example of a situation where a devolved management body could manage the stocks to meet overall criteria with minimum impact on the fleet.

Effort control is particularly unsuitable for managing pelagic fisheries.

### **TAC & Quotas and Relative Stability**

The Total Allowable Catch (TAC) is the total amount of fish of a particular species which, in the view of the available scientific advice provided annually by ICES to the EU Commission, can be safely removed from a fishery without compromising its sustainability. The TAC is allocated to the various Member States in the form of a Quota using the share out mechanism referred to as Relative Stability. Management of its national quota is the responsibility of the Member State but is complicated by the fact that several Member States may share fishing waters and each nation must manage its own quota within those waters. The coastal state responsible for control has very little information regarding the activities of the non-national vessels which makes rational control and enforcement very difficult. In addition to managing quota, Member States must also ensure that quota is used within the framework of effort control which may take several forms such as limitations on KW Days and various technical conservation measures.

The Commission feels that Relative Stability may have outlived its usefulness after twenty-five years and no longer provides Member States with a share of the quota which reflects the actual needs and uses of their fleets. It reduces flexibility, drives demand for greater TAC and contributes to discards; for these reasons the Green Paper suggests either a major overhaul with increased flexibility or the complete scrapping of Relative Stability.



**Fig 1. EU Member State's share of the sea area and EU Demersal TAC in ICES Areas VI & VII**

Relative Stability as it exists and the percentage of the TAC which it receives is a serious grievance within the Irish fishing industry and a source of considerable dissatisfaction year after year. Ireland's share of Community waters in ICES areas VI and VII (these are the main areas fished by Irish vessels accounting 90 % of Irish catches) amounts to some 42% of the total, yet Ireland receives approx 16% of the total demersal TAC (Fig 1) in contrast to other EU countries whose share of the same demersal TAC is disproportionately larger than their share of the same waters. The FIF feels strongly that adjustments can be made to the TAC for a number of both whitefish and pelagic species and the uptake of the TAC, such as it is, may be utilised in a more imaginative way. It suggests several ways in which this could be done:

- Hague preferences
- Coastal States preference
- Extra quota as incentive for higher standards and compliance
- Quota uptakes from previous years
- Innovative swapping mechanism
- Change management areas e.g. Celtic Sea cod

The FIF admits that Relative Stability is not the perfect system due to the changes which have taken place in fishing patterns and target fish species over the past twenty-five years but feel there is potential to adjust Relative Stability to meet today's needs. It would suggest a new and innovative approach to quota swaps between Member States would help solve many of the disadvantages mentioned in the Green Paper.

## ***Discards***

There is an overly simplistic approach taken on discards with this very complex problem being summed up by one sentence "The future CFP should ensure that discarding no longer takes place". This question needs considerable rational debate before putting in place workable and appropriate regulations. The FIF supports reduction of unwanted fish to the lowest possible levels but wishes to point out the need to distinguish the various levels at which the problem of discards needs to be approached:

- Over-quota discards
- Juvenile discards
- High-grading discards
- Unmarketable species discards
- Rubbish

Making it obligatory to land everything that is caught is not a solution – in fact it will probably create even greater environmental problems. The market is already under severe pressure and unreasonable demands being created by the inflexible discards policy being advocated will only have a further negative effect.

This is clearly a case where the RACs could play an important role by providing a forum where a sensible policy can be developed. The industry, fishery managers, NGOs, Member States and the Commission need to work together to find some mechanism to solve this problem.

## **Access**

The Irish fishing industry does not wish to see any change to the current access arrangements regarding the 6 and 12 nautical mile zones. It also feels it is imperative to safeguard the new Irish Conservation Box (Western Waters regulation).

## **3<sup>rd</sup> Country Agreements**

3<sup>rd</sup> Country Agreements entered into between the EU and non-EU countries fall into two categories: Northern Agreements and Southern Agreements. The critical difference is that Northern Agreements involve exchange of quota while Southern Agreements are in exchange for financial payments. In this review of the CFP the EU Commission concerns itself solely with Southern Agreements and the influence the CFP can have on improving the fishery sustainability and the socio-economic conditions of the partner country.

The Irish fishing community is more concerned with the Northern Agreements since, by and large, they have a considerable negative effect here. The FIF calls for Northern Agreements to be re-visited and the method for devising the swaps restructured since Ireland has very little benefit but does lose fishing opportunities in its own zone. Quota used in these swaps should come from the allocation of those countries which participate in the Agreements and should not have a negative affect on Ireland.

## **Integrated Maritime Policy (IMP)**

Fisheries are a pivotal component of the maritime system and far from being the destructive force as often portrayed by the environmental lobby, have contributed largely to making the coastline the desirable recreational ground it is today. It is essential that the fishing industry be fully engaged with the IMP if only to make the case that integration works both ways – fisheries must have a significant input on all developments – environmental, technical, and industrial, power generation etc.

The FIF is very happy to be fully committed to an Integrated Maritime Policy provided it is a two-way process. In particular, FIF would call for full consultation with the various bodies concerned when sites are being considered for conservation purposes.

## **Scientific Research and Advice**

Scientific research and the advice given by the scientific community on fisheries management has long been a source of friction and distrust within the industry. The confrontational nature of this area must be addressed and the positive contribution of all stakeholders, including both biologists and fishermen, must be structured to provide a long-term sustainable and economic industry. Improved industry-science partnerships are key to this process.

**Every fishing vessel is a potential scientific platform:** The contribution of fishermen to the body of scientific knowledge is immeasurable and has been ignored for too long; the opportunity now presented for incorporating both the expertise and good-will of this important sector must be grasped and utilised with the introduction of a framework which can collect and integrate data from this source with more traditional approaches. When decisions are being made on applying the eco-system approach to fisheries management, fishermen should be consulted and allowed have a real input. The success of recent projects under the Science/Industry Partnership schemes in Ireland would indicate that this is an area which will be immensely valuable going forward and used as template in the broader European fisheries context.

**More relevant and timely data:** The approach of the scientific community to how it does its business with regard to fisheries management needs to be examined. ICES itself has gone a long way to modernising its structures with the introduction of ICES Advisory Services but there is a fundamental core outlook which needs to be addressed and the buy-in of the scientists as individuals is crucial. Biologists need to incorporate additional technical skills such as information technology and mathematical modelling to compensate for difficulty in obtaining data and to shorten assessment/reporting times.

**A restructured STECF with a specific social and economic dimension:** The transfer of information at all levels needs to be addressed. Currently, ICES makes recommendations based on the scientific assessment of the biological data; where insufficient data is available, which is frequently, ICES favours the precautionary approach. This results in closures and restrictions which are completely unjustified in the eyes of fishermen who do have substantial data but no means of having it included in the official assessments. STECF (Scientific, Technical and Economic Committee for Fisheries) is the body within the Commission which theoretically assesses the ICES recommendations but it is widely felt that the STECF endorses the ICES stand without question and thus ignores the fundamental economic and social concerns. There is a widely held view amongst the industry that STECF needs to be re-structured to provide an integrated advice system, which addresses not only biological data but also the possible socio-economic implications of changes in fishery management. Stakeholders should have representation on the STECF which should be re-vamped under a new management entity.

**Better feedback and dissemination of information:** New information and the results of research projects which are of interest to and impact upon the livelihoods of fishermen, needs to be available in a user-friendly format which is both easy to access and reasonably comprehensible to the average interested stakeholder. Where such information and results are of immediate and crucial importance there should be a mechanism for rapid and widespread dissemination. The recently established European Fisheries Technology Platform is one such forum that could be promoted to fulfil this function in collaboration with STECF.

## **Funding**

Reform of the CFP will require specific budgetary commitments to support those areas which need to be addressed. Where sustainability is being addressed it is possible and likely that there will be negative social and economic implications which must be brought into balance. The state of the market for European fish is a major factor - new innovative price support mechanisms must be used to restore stability and profitability while protecting the market share for capture fishery products sourced from EU waters.

The reformed CFP must provide specific provisions relating to funding all aspects of the CFP including some of the existing EFF provisions (this covers COM), incorporate all existing EFF provisions and include specific Articles dealing with all funding aspects. The commitment to funding e.g. the COM needs to be reiterated.

## **A Vision for Irish Fisheries**

The Federation of Irish Fishermen also has a vision for the future – an Irish fishing industry which is fully compliant with each and every fisherman having a stake in the industry and having confidence in the scientific advice (biological, social and economic); the rules and regulations have come from the bottom up and make sense because the experience of the man on the deck has been given credence and it has been reflected in long-term management plans which are flexible enough to adapt to changes – environmental, ecological, economic and social. The fisherman can expect a reasonable return on his time and investment and can plan his business over several years and young people growing up in coastal communities see fishing as the career of choice.

In this future Irish fishing industry the skills and innovation of the stakeholders will be recognised by their central participation in local and regional management of the resource. Where problems arise they will be resolved through effective consultation at the required level.

### **Footnotes:**

1. The Federation of Irish Fishermen (FIF), which was established in 2007, is the umbrella organisation for the four Fish Producer Organisations (PO) in Ireland and, as such, represents more than 90% of the over twelve metre Irish fishing fleet. The four POs are; Killybegs Fishermen's Organisation Ltd (KFO), Irish South & West Fish Producers Organisation Ltd (IS&WFPO), Irish Fish Producers Ltd (IFPO) and Irish South & East Fish Producers Ltd (IS&EFPO)
2. Regulation (EEC) No. 2141/1970 of the Council of 20 October 1970 laying down a common structural policy for the fishing industry
3. Regulation (EEC) No. 2142/1970 of the Council of 20 October 1970 on the common organisation of the market in fishery product.
4. Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products.
5. Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy
6. Council Regulation (EC) No 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy.
7. Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95

