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European Commission
DG Maritime Affairs and Fisheries
CFP Reform
B-1049 Brussels

Dear Colleagues,

Reform of the CFP: Seafish response to the European Commission

Introduction

1. Seafish is a cross-border statutory agency fostered by the Fisheries Departments of the UK administrations. Its statutory remit is to serve the interests of the entire UK seafood industry from all aspects of catching through the supply chain to the best interests of consumers. We can therefore contribute a very broad perspective on the CFP built upon a base of expertise in many areas. Whilst we have no responsibility for fisheries management our client groups are clearly interested in the outcomes of management. This response to the Commission's request for contributions towards the reform process builds upon the strategic view we have developed of the evolving relationship between natural resource harvesting and environmental protection. In the UK we have initiated a number of seafood industry-centred conservation schemes and we are keen to see the industry develop its role as stewards of the marine environment. We will readily provide further information on any of the points below on request.
2. Seafish has already provided evidence to the Scottish enquiry into fisheries management and a detailed response to the UK lead fisheries department (Defra) as a contribution to a 'UK view' of this policy reform.

Broad impressions of the Green paper

3. The paper is an interesting analysis and it candidly identifies five main areas of 'structural failing' – areas where Europe's own policies have not delivered their intended outcomes. These are self-evidently true in general terms but in these statements, as in much that follows, the analysis is flawed; and a large part of that failing is in over-generalisation. We know that there is overcapacity in Europe but the degree to which capacity exceeds stock levels varies hugely between regions, fleets and fisheries, both between and within, Member States. In some places there has been substantial

decommissioning, in others very little. We know that there are problems with industry compliance in Europe and with the proportionality of penalties following convictions but the Commission itself publishes data describing how these phenomena vary by region and these reveal very clear trends. The picture is far from uniform across Europe.

4. The lack of candour in describing the detail of these problem areas inevitably colours the types of solutions proposed. They also are over-generalised and fail to make clear the need for regional-, cultural- and fishery-specific factors to be taken into account. This appears to us to be one powerful argument for decentralising management that is not specifically recognised in the Green Paper.
5. The Paper also seems disingenuous in revisiting well-trodden paths and asking for views when many studies have already been undertaken, and many commitments made, to the solutions requested. As examples, our commitments to the UN Codes of Conduct on Responsible Fishing and Ecolabelling Guidelines seem pretty unambiguous along with the CBD, Bern Convention, OSPAR, the Maastricht Treaty and many more. There is no shortage of ideas and initiatives; perhaps greater leadership and political will are what's lacking? A draft roadmap leading from the *status quo* to the 2020 vision would have been useful in giving consultees a more holistic view of the Commission's thinking than is presented in the various sections of the Green Paper.
6. The general tone of the Green Paper also seems unnecessarily gloomy. It asks at one point (in #4.4) "are there any examples of good practice in particular fisheries that should be promoted more widely". There are very many, from the UK and elsewhere, and recognising this fact in the introductory sections would do much to lift the general impression of Euro-meltdown in fisheries!
7. Our own long-term vision, and that from the Commission, are very similar and we would not want to disagree with any of the sentiments expressed.

The failures and successes of the CFP

8. In addition to the 'Big Five', some further failings of the CFP are significant: one is the continuing failure to quantify the mortality of marine species – both target and non-target – that results from fishing activities. Without sound data on so-called 'unaccounted mortality' we will always struggle to manage stocks effectively. Another is the failure in building confidence, communication and consensus so that the industry becomes an integral part of the continuing cycle of management, harvesting and assessment.
9. As noted above, the failure, in areas like overcapacity, to explain how the problem is defined, where it exists and how it is quantified also seriously undermines the search for appropriate solutions.

10. The failure to co-ordinate the reviews of the CFP and Common Market Organisation makes no sense and undermines attempts at creating a 'joined-up' approach to management.
11. Initiatives from the 2002 CFP review that have produced some success include the establishment of the RACs. These bodies however have mixed success and it appears that a more systematic evaluation of the strengths and weaknesses of each, and the concept in general, followed by a rather more whole-hearted commitment to their resourcing than was evident in the recent funding review, would be valuable. These observations feed into the structural failing of 'a framework that gives insufficient responsibility to industry'.
12. The longer-term perspective underpinning the introduction of recovery and management plans was welcome but their subsequent inflexibility, when they needed to be sensitive and adaptive, was uncomfortable. Because of this some worked well, others haven't to date.
13. Integrating environmental and fisheries management was an inevitable, but still welcome, development.
14. Dropping MAGPs as guidance for National fleet structural policy was welcome although evidence for the broad success of national ceilings seems unclear given the continuing problems of overcapacity in many areas.
15. The increased use of days at sea as a means of effort control has been appropriate for some fleet sectors – particularly those that are relatively more efficient – less so for others.
16. Regulation of Buyers and Sellers (ROBS) and IUU fishing within Europe seems to have been very successful, but the ways in which these measures will deal with internationally traded products is still hopefully open to some amendment.

Addressing overcapacity

17. We have been involved in many EU-supported research projects. Wherever these have dealt with quantifying capacity – by establishing some link between vessel/gear combinations and catch profile – success has been very limited. It follows that if we cannot sensibly define capacity then we are limited in the ways in which can legislate to limit it. Measures that ban some generic category of technology mainly serve to build inefficiency into the fleet. Whilst this may have some attractions for the so-called 'artisanal' fleets, such an approach has no place in the offshore sector except where some fishing methods may be deemed to have impacts that are incompatible with conservation imperatives.
18. The use of property rights in fisheries management was the focus of a conference in 1999 later written up as FAO Fisheries Technical Papers 404/1 and 404/2. This exhaustive review of historical experience and possible

forward approaches has stood the test of time and its findings are very much still current. Given the wealth of material available describing the means of achieving social and economic objectives, protecting communities and preventing over-aggregation of fishing rights we are puzzled that the Green Paper raises all the same issues again. The work has already been done and the debate should really focus on how to pick from the available tools in order to deliver the desired management outcomes. The two main preconditions for introducing any formal rights-based system are that there must be:

- precautionary 'sunset' clauses to limit the duration of schemes, and
- central coordination of entitlement conditions and trading to prevent over-aggregation and ensure equitable conditions across Europe.

Focusing policy objectives

19. Defining objectives in policy areas that may be in conflict is a complex and time-consuming exercise. We commend the approach being taken by the UK administrations via the introduction of the Marine Acts and their variants. The processes set out through these pieces of legislation involve the negotiating of overarching policy statements, and consensus-building for a series of increasingly detailed regional and area management plans. The only shortcoming with this approach is the potential conflicts of timescale between externally-set schedules – for example OSPAR and N2K commitments – and the need to ensure confidence and capacity building in an industry which, at the grass roots, is still coming to terms with the need for, and implications of, change.
20. The types of alternate employment opportunities available to those currently in the catching sector, and the balance between economic efficiency and social benefits, will depend upon the implementation of a range of policy strands. They will also be influenced strongly by the ways in which relationships develop between industry, statutory conservation advisors and scientists. Sound, conservation-orientated, spatially-based management of the marine environment has to involve fishermen. Given the general paucity of good survey data on which to base MPA site designation, good fishermen's knowledge of seabed conditions, the distribution of habitat types and so on should become indispensable – especially when the timetable to implement MPA networks is so tight. If a relationship based on mutual trust and cooperation can develop then the result should be a substantial increase in the use of fishing vessels for survey work, for environmental sampling and monitoring, and for a range of related activities.
21. Indicators and targets can be direct or indirect, sometimes amounting to proxies. The increasingly sensitive indicators describing stock status being developed by ICES should be supported and incorporated into the management framework.
22. Indicators are being developed by ICES under contract to the Commission to inform the definition of 'good environmental status' under the Marine Strategy Framework Directive. These are likely to result in much better informed

debate about the desirable size spectra of fish within catches and the extent to which size-and species-selective fishing is assumed to be 'a good thing'.

23. Levels of non-target mortality should be used as an indicator of success because they reflect not only good practice by fishermen and managers but also a better understanding of the range of sources of fishing-induced mortality – for example discarding, escape mortality, seabird and other predation, stress-related disease, etc.
24. Energy use by the fleet – or the balance between static and mobile gears used – can be a proxy for seabed impacts in some circumstances. The proportion of the fleet or fisheries audited and certified to robust conservation performance standards can indicate profound changes in the way that fishermen perceive and comply with a range of environmental priorities.

Focusing the decision-making framework on core long-term principles

25. The key point from the Commission concerns the current inability to separate policy from implementation. The Green Paper describes how the minutiae of management has to be decided at the highest level leading to alienation between 'Brussels' and 'the managed'.
26. It seems clear that, legally, executive power cannot be devolved, but decentralised decision-making within a framework set at the centre is both feasible and desirable. The US system of Fishery Management Councils (FMCs) operates on this basis to federally-set National Standards. The FMCs propose consensus management plans to the Secretary for Commerce who almost invariably endorses them, unchanged.
27. Moving the RACs to this sort of position would take some years and require very significant structural adjustment. The commissioning and funding of research, for example, would have to move towards the RACs to a considerable extent because this is part of the whole process of empowering the fishing/seafood industry and providing the means by which it can exercise new responsibilities. Where RACs work well they can take, and have already demonstrated, a strategic, regional seas or sectoral perspective on forward planning and management needs.
28. These changes link to later points on data quality because industry, through a new generation of 'fisheries dependent' data can help to provide a range of insights into the dynamics of the marine environment. Having industry-generated data interpreted and acted upon by an RAC brings industry fully into taking responsibility for its own future and long-term planning.
29. This is an area where there is an urgent need for a review of the current performance and potential roles of RACs, POs and other entities and an examination of how new responsibilities could be allocated.

Encouraging the industry to take more responsibility in implementing the CFP

30. Responsibilities and rights are natural bedfellows. Management has failed the industry and industry, in turn, has found little in common with what management has delivered. No consensus = low compliance, and the difficulties of resolving the conflicts in this equation have resulted in an ascending spiral of cost and complexity as management has been imposed on unwilling participants.
31. Managing through a system that combines incentives, sanctions, engagement, peer pressure, stewardship, transparency and accountability, and the influence of the supply chain is important. If this is accepted then having the Green Paper putting a number of different policy areas into their own boxes is not helpful. It reinforces the silo mentality that has, historically, done so much damage to the management process and its results.
32. A coherent, regionalised system would draw upon points 25-29 above and involve industry stewardship in the provision of environmental, catch and stock data, and industry involvement in sensitive, adaptive management with a strong precautionary element. Good models for this approach can be drawn from fisheries like those for Alaska pollock, West Australian lobster and Namibian hake.
33. We live in an era where funding will be tight for the foreseeable future and the fishing industry constantly queries the validity of 'scientific' data and the recommendations that are built upon it. In these circumstances it makes sense to use the fleet in a structured way to be a sampling mechanism for the marine environment. In other countries (for example the US, Australia and New Zealand) fishermen are trained as data collectors whether this is catch and discard sampling or some other environmental observations such as water temperature related to catch profiles, wildlife seasonality and distribution, or fish maturity at size.
34. Moving down this road raises awareness amongst fishermen that they can be professionals in more than catching fish and can show other stakeholders that fishermen can be stewards, contributing to a better understanding of the marine environment and how it is changing. An underpinning vocational training framework would be critical in delivering this new *modus operandi*.
35. Such partnerships between industry and science, facilitated by inshore fisheries management groups, POs and RACs, could become an extremely cost-effective means of improving the science base upon which fisheries – and environmental – management is based. This approach has been successful elsewhere. The new generation of video monitoring cameras can also add an extra level of confidence in the data generated by fishermen as well as improving discard monitoring.

36. A key point here, as with the Commission's previous, problematic plans for a discard ban, is that there has to be a scientific consensus as to the type and quality of data to be collected and a European consensus to standardise data quality and integrity. Without these safeguards, issues of compliance and conservation performance against targets may become intractable.
37. As pointed out in #5 above, a major failure of the CFP to date has been the failure to build confidence, communication and consensus so that the industry becomes an integral part of the continuing cycle of management, harvesting and assessment.

A differentiated fishing regime to protect small-scale coastal fleets?

38. The Green Paper floats the idea that the inshore and offshore sectors could be managed differently. The inshore fleet could trade on its strengths of community, niche marketing, tourism, etc and be managed with a strong social emphasis; the offshore fleet would become much smaller, economically efficient and competitive. It might also operate under a system of tradeable fishing rights, often known as individually traded quotas or ITQs.
39. Introducing such a radically different regime offers a number of interesting possibilities but would have some fairly profound implications. One concerns the derogation from the principle of equal access, and the resultant limited access and coastal management regimes that all coastal states operate. Another is the degree of autonomy that could be exercised by Member States, and a third is the principle of relative stability.
40. Soundings across Europe indicate strong support for the derogation on access to coastal areas to be made effectively permanent. The form this should take is up for debate but the principle of 'baselines' has first to be established. Then, a minimum Member State exclusive zone would have to extend at least 3 miles from baselines, preferably at least 6 miles and ideally 12 miles – that is, the extent of territorial seas. Within this zone the Member State would have exclusive competence, and the derogation enabling this arrangement should be automatically renewed every 10 years except in extreme circumstances. There are clearly implications in terms of existing historical access rights but it should be possible to negotiate for these within the general framework of relative stability.
41. Detailed access arrangements, between 'small' and 'large' vessels in each Member State's fleet, and for other Member States' vessels would have to be at the discretion of each Member State or administration. As an example Scotland's territorial sea covers a very large area because of its many islands and these waters provide important resources for many relatively large vessels.
42. Defining 'scale', as in large- and small-scale fishing vessels would, inevitably, be complex; whether the task should be left to the discretion of Member States is a moot point.

43. Concerning property or fishing access rights, there is some evidence that they can positively affect fisheries management and the return from the resource, but this is always at some cost. Most commonly smaller and economically weaker operators are squeezed out and there may be impacts upon fishing communities. Without appropriate safeguards relative stability will be affected and fishing opportunities will gravitate to those with ready access to capital. If the Commission is minded to explore this as a future option then it is essential that concepts like community-owned quotas are considered in order to ensure the security of fishery-dependent areas.

Making the most of our fisheries

44. There seems to be an inevitability about the introduction of MSY but we have to be clear how it's defined and used. Experience in the USA has shown how a purely prescriptive approach can fail and, in that jurisdiction, result in management tied up in litigation. There have been plenty of previous warnings about the dangers of regarding fishing mortality as the only significant variable and expecting all species to be at MSY simultaneously. The concept of optimising yields over a running long-term average is critical along with accommodating other, mainly environmental, variables.

45. Increasing the social and economic benefits that flow from fisheries must start from the premises in #30 above *et seq.* It is also critically dependent upon a better understanding of all the impacts of fishing, including knowing how many fish are killed. The current trials with onboard CCTV systems – and experience from the west coast of North America – has shown how effective such systems can be in monitoring, and discouraging, discarding and high grading.

46. Other sources of fishing mortality must also be quantified, however. A very real concern with the Commission's previous plan to ban discarding was that new, and untested, technical devices would rapidly be introduced to release fish from fishing gears. Many devices and procedures used to release fish before landing on deck are lethal to the fish concerned because of the stresses and physical damage that they suffer. There is compelling evidence – mainly from Norwegian research – that the majority of pelagic fish that are released through meshes or by slipping die shortly thereafter. EU-supported work such as Project Survival has shown the vulnerability of small fish in terms of very high post-escape mortality. There is an urgent need to address the issues of 'unaccounted mortality' if we are to have greater confidence in our stock assessments and optimise the social and economic benefits that we derive from them.

47. Increased flexibility in quota swaps and other short-term mechanisms could play an important part in reducing high grading and discarding.

Trade and markets – from catch to consumer

48. The UK has developed what is probably the most advanced integration of production standards and supply chain feedback in Europe, if not the world. Here we are taking the concept of 'good manufacturing practice' and

increasingly applying it to capture fisheries. Codifying 'good practice' gives buyers a very important tool in building up a comprehensive product specification.

49. We also recognise that, for reasons of complexity or poor stock status, many European fisheries are very unlikely to attain full sustainable ecolabel certification. The Responsible Fishing Scheme (RFS) aims to incorporate fishery-specific best practice into an audited certification of vessel operations. Whilst the scheme has only recently emerged from infancy it has been enthusiastically taken up by the main players in processing, retail and food service and now nearly 50% of our fleet is within the scheme. RFS certification is becoming a condition of supply to many seafood buyers.
50. The RFS makes no claim of indicating sustainability but it does raise awareness of many issues at grassroots level, raises standards generally and has the potential to contribute to the conservation performance of the fleet. Whilst the current auditing system cannot ensure compliance there are areas, like the Shetlands, where 'critical mass' has been achieved, the scheme is an important marketing tool, and peer pressure for compliance is correspondingly high.
51. So the means of achieving much of this supply chain influence on management is already apparent in the UK. Here responsible sourcing policies, supported by labelling operations like the MSC and the RFS, and independent auditing by retailers are a real force for change. The values underpinning these initiatives are all based on the relevant FAO Codes and Guidelines. It hasn't been necessary to incorporate them into any statutory framework to date and the best role for the Commission is to set generic standards. It is encouraging to see that the above schemes, sometimes modified, are now available and being applied in developing economies so there is some confidence that equitable, non-discriminatory trade conditions can be achieved.

Integrating the CFP in the broader maritime policy context

52. The RFS will be expanded to include a wider range of environmental issues. Amongst these should be the potential to fish in areas deemed sensitive under national or European legislation and designated as an MPA of some kind. Modified fishing gears and/or operations will be defined so that the conservation status of sites will not be affected. Similarly, the widespread adoption of vessel tracking (using cheap mobile phone technology) should make it possible for well targeted fishing operations to be carried out in the less sensitive areas of a designated site and for compliance to be easily monitored.
53. Integrating the CFP with broader policy streams is a complex area given the current precedence of the CFP and the implications that this has for the creation and management of MPAs. It may also link to the inshore access derogation noted above so that Member States might be able to undertake inshore spatial planning autonomously leaving the designation of 'offshore' zones to a regional seas approach. Any significant change here will affect the

status quo and the ways in which our UK Marine Policy Statement is articulated as well as the subsequent Marine Plans. This is a debate that needs to be conducted urgently and openly so that the implications of change are made clear to all stakeholders, particularly those who make a living from the sea.

The knowledge base for the policy

54. as noted in #32 above, “a coherent, regionalised system would draw upon points 25-29 above and involve industry stewardship in the provision of environmental, catch and stock data, and industry involvement in sensitive, adaptive management with a strong precautionary element.” Good quality, industry-generated data is the single most significant contribution that could be made to improve the quality of our knowledge base. Comprehensive whole-catch sampling and monitoring, relating catch profiles to temperature and other variables, and other environmental observations could see the industry develop a new identity as environmental stewards in much the same way as has happened with farmers.

Costs

55. The structural adjustments described above, and a more strongly expressed commitment to the RACs, would require significant transitional funding support. That said, a management regime that is far more inclusive and consensually based would be expected to result in far better compliance levels than the *status quo* and require less ‘hidden subsidies’ in the longer term.

We trust that you will find these observations useful. Should you wish to follow up any of the points made, obtain references, etc, we would be very happy to oblige.

Yours sincerely



P H MacMullen
Head of Environmental Responsibility
Seafish

*supporting the seafood industry for a sustainable,
profitable future*

18 Logie Mill, Logie Green Road, Edinburgh EH7 4HS
t: 0131 558 3331 f: 0131 558 1442 e: seafish@seafish.co.uk w:
www.seafish.org SIN: <http://sin.seafish.org>