

Association des
Organisations Nationales
d'Entreprises de Pêche de
l'UE



Association Européenne des
Organisations de Producteurs
dans
le secteur de la pêche


european agri-cooperatives



European Transport
Workers' Federation

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Opinion of the fishing companies and trade unions represented in ACFA on the Commission's Communication "Consultation on Fishing Opportunities for 2010" (COM (2009) 224)

1. The above-mentioned organizations welcome the Commission's Communication since it allows them to express the point of view of the fishermen-ship owners they represent before the formal proposals that the Commission will present in the autumn regarding TAC and quotas and fishing effort for 2010. They invite the Commission to take the same consultative approach also in other fields, notably as far as the negotiations with Norway are concerned, due to their growing impact on the activities of some segments of the EU fleet.
2. At first, in the **introduction**, the Commission lays out a worrying state of the resources. The reference to the maximum sustainable yield is excessive as the objective has to be reached by 2015 and not 2010, objective which provides for a wide range of possible interpretations as to the implementation and which, in addition, can be difficult to reach in certain fisheries.
3. The Commission then depicts in a too pessimistic and negative way, the **state of the resources**. This has a negative impact on the image of the sector and creates confusion among the public opinion. We welcome the fact that the Commission admits that 59% of the stocks remain unknown for the scientists, by lack of sufficient or exact data on the catches. The considerations expressed regarding the depletion of certain stocks and over fishing, are therefore founded on only 41% of the stocks. This way of exploiting statistics is not perceived as solid and correct (see for instance footnote 5 at the bottom of page 6). Moreover, it is not fully appropriate to make comparisons with the global situations, as reporting methods outside the EU are not always reliable and in any case not fully comparable with those used within the EU. In respect of pelagic stocks, the timing of advice in October is far too late to allow meaningful stakeholder input. Generally speaking, the sector is concerned about the excessive use of the precautionary approach when no scientific data are available.
4. The above-mentioned organizations request the status of observer in the meetings of the **STECF** as a narrower collaboration and closer dialogue should be created between fishermen and scientists. In this context, they welcome the recent report by the European Parliament on the applied research in the CFP and hope to be heard soon on this matter within the framework of a hearing within the new Fisheries Committee.
5. The Commission is also pessimistic as to the **economic profitability of the sector** of which the situation continues to degrade for different reasons. First of all, when talking about economic performance, the Commission should not take a holistic approach, as not all the segments of the fisheries sector are in a difficult economic situation. Secondly, the current economic crisis has a considerable impact on the market. Paradoxically, the volumes produced in Europe drop,

demand generally stagnates and in spite of all this, prices at the first sale stagnate or drop. The Commission is invited to seek solutions to this problem, especially in the frame of the CMO. Regarding this point, the industry has not been pleased to learn that the long expected CMO reform has been postponed. Moreover, reflections on the economic status of the sector should be accompanied by considerations on the sector's employment and on its socio-economic relevance in certain coastal areas.

6. Although the term "**extractive**" has sometimes been used in the past to qualify the fishing sector, the above-mentioned organizations invite the Commission to forsake such an adjective for the fisheries sector which is a primary sector. "Extractive" activities are linked to the exploitation of mineral deposits and there can be no confusion with fish, which is a renewable resource, contrary to gold and oil.
7. Regarding the new **effort management system** based on the ceilings expressed in KW-days, aimed at freezing the evolution of the fleet, it is regrettable that the possibility to carry out a change towards the use of fishing gears that are more selective and less energy-consuming is not taken into consideration. As it is drawn up, Annex II of the TAC and quota regulation goes against such a development. We further wish to point out that effort limitation systems based on KW-days have a very negative impact on working condition and safety at sea. The above-mentioned organizations also stress that it is not reasonable to start speculating on fishing effort in 2010, when negotiations within Member States for the management in 2009 are in progress. In any case, in the current debate, a management system based on TAC and quotas should be favoured, according to the sector. They urge the Commission to carry out an assessment of the effort management system currently in place, which should take into account the above-mentioned problematic dimensions.
8. The above-mentioned organizations are worried by the **implications of the Treaty of Lisbon** on the fisheries sector. If on the one hand, co-decision means a significant progress on the way to a more democratic and transparent decisional process, which is a positive thing in principle, the system may on the other hand, extend the whole procedure disproportionately to the detriment of the sector when it is required that a crucial regulation or an urgent amendment of a technical measure comes into force. Consequently, the hypothesis of using the derogation foreseen in article 43 of the Treaty generates different reactions among the industry which is willing to discuss this matter with the Commission. We seek a clear statement from the Commission in relation to the legal status of all the technical annexes in the TAC and quota regulation, assuming the Treaty of Lisbon is adopted.
9. Regarding the issue of **managing stocks according to long-term plans**, the Commission is reflecting about the idea to submit the management of various different stocks in a single regulation. Having no information on the type of legal framework that would be retained in such a case, we cannot express an opinion on the matter.
10. **Discards** is a difficult issue that worries both Commission and industry as it requires an equal treatment among the different regions. The above-mentioned organizations are in favour of a progressive reduction of discards to a maximum possible level, fisheries per fisheries, to be accompanied by corrective interventions on the market, as well as by allocation of supplementary quotas and compensations. They wish to launch as soon as possible an in-depth debate with the Commission, on the issue of discards.
11. Subject to the declarations that will be made on 23 July next by ICES regarding the state of the fish stocks in the different regions, we welcome in principle the Commission's will to **dialogue**

with stakeholders. We hope that the Commission will understand the need to take into account the socio-economic parameters when drafting its proposals and the commitment of the sector to maintain a reasonable degree of stability in the TAC level, in particular, the importance of sticking to the maximum inter-annual variation of 15% upwards and downwards in the level of TAC (the maximum upwards corresponding to what the market can bear, the maximum downwards corresponding to what the industry can bear In terms of gradual variation).

12. In the **conclusion of the Communication**, it is quite surprising to notice that the Commission reverses the burden of proof onto stakeholders. Their opinion can only be taken into account if it is based on convincing elements. We consider it is not coherent to declare on the one hand that measures can be adopted on the basis of the precautionary approach and on the other hand that they only can be based on convincing elements provided by stakeholders given that these can have divergent opinions and be affected in different ways by the socio-economic consequences of the said measures. We believe that, except in exceptional cases, scientific data on stocks and those registered by observers on board must constitute the starting point and indispensable reference point for the adoption of measures.
 13. As regards Annex II of the document (rules applicable to TAC), we share the Commission's concern to apply different rules according to the level of risk of each stock. By creating a certain way of systemising the adoption of decisions, the Commission reduces the possibility of the industry to closely take part in the management decisions.
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NGOs Opinion on the Communication from the Commission: Consultation on Fishing Opportunities for 2010

I. GENERAL CONSIDERATIONS

We welcome the European Commission's communication¹ in support of any move to increase transparency and eliminate political horse trading in setting TACs (Total Allowable Catches) and quotas. Although the document is a making progress in improving the current situation, we would like to propose several improvements to ensure that the European Commission proposals are able to deliver in the current objectives under the Common Fisheries Policy and re-evaluate the application of the gradual approach (limitation of between 15-25% in quotas reduction) when European fish stocks are in such a dire state. Under the principle for setting fishing opportunities, the Commission outlined the following principles to be adhered to:

- according to long-term plans;
- respecting relevant international agreements, including the commitment to rebuild stocks so that they reach their maximum productivity (MSY);
- and respecting the objectives of the Common Fisheries Policy, and especially respecting the need to reduce fishing on overexploited stocks and to rebuild depleted stocks.

II. GAPS

Missing in the list above is the integration of current Community directives and regulations, such the Marine Strategy Framework Directive, the Strategic Environmental Assessment Directive and the EU's Sustainable Development Strategy. Fisheries in Europe are currently managed purely through a sectoral approach, regardless of the good intentions of the Maritime Policy. Critical for the improvement of this condition, the effective integration of already existing targets under Community law. We recommend the setting of TACs and quotas to take into account the requirements stipulated under the Marine Strategy Framework Directive (2008/56/EC). This aims to achieve and maintain good environmental status (as listed in Annex 1) in the marine environment by the year 2020 at the latest, and to achieve Maximum Sustainable Yield Targets by 2015².

Applying the gradual approach to TACs and quotas and effort reduction (limiting them to mainly 15%) does have the serious downside in delaying the profitability of the sector in the longer term. As necessary adjustment of TACs to stock depletion is missing, the productivity of the stock is significantly reduced in longer term as shown in the flatfish non-paper produced by the European Commission³. It also puts the biological integrity of targeted and by caught fish stocks and ecosystem robustness of marine ecosystem at great risk of permanent collapse.

III. Request to ICES for categories 6 to 9

¹ COM(2009) 224: Communication from the Commission: Consultation on Fishing Opportunities for 2010.

² Under the EU Sustainable Development Strategy *Objective 3: Improving management and avoiding overexploitation of renewable natural resources such as fisheries, biodiversity, water, air, soil and atmosphere, restoring degraded marine ecosystems by 2015 in line with the Johannesburg Plan (2002) including achievement of the Maximum Yield in Fisheries by 2015.*

³ http://www.ccr-s.eu/transfert-pdf/InterRAC_LTMSeminarSeptember09/EC%20flatfish%202004.pdf

The Policy Statement states that many fish stocks are managed under data deficient conditions, and proposes measures that could be adopted for these stocks in the future⁴. Overall, we believe this approach is positive in the sense that it provides a clear process to operate within a data-poor context. However, that said, any data-poor management has to be adaptive and precautionary, and in this regard we have the following reservations:

- 1) The reference point, FMSY, is taken as a target, rather as a limit that shouldn't be reached. Although at the Johannesburg summit it is agreed that MSY should be taken as a target, it is well known that setting MSY as a target reference point often leads to overfishing. A much more precautionary target reference limit should be used.
- 2) Another issue of concern is that the management strategy proposed is symmetric, meaning same reduction or increases are to be applied either in case of overfishing (right side of the curve – see figure 1) or underfishing (left side). This contrasts with the dynamics of real fisheries, which show very different situations on the two sides of the production curve (underfished and overfished sides). Indeed, it is much easier for the fisheries system to go towards overfishing than towards the opposite sense after overfishing has been reached. From this it derives that the proposed symmetry of a constant increase either for underfishing or overfishing is not precautionary and might easily result in overfishing.
- 3) Besides, the basic system proposed is very rigid and not adaptive. Rates of TAC increase/decrease should be different depending on the situation of the stock, even with respect to MSY (whether it is very close or very far).
- 4) The Commission rightly identifies the failure to provide reliable data on landings and discards as an obstacle to the accurate assessment of fish stocks, thereby aggravating the uncertainty inherent to fisheries management. The precautionary approach provides that lack of accurate data should result in stricter catch limits. Incentives could also be provided to those operators who provide accurate data on catches and discards by granting them preferential access to fish quotas.

In summary, this new rule the Commission submitted to ICES is welcome but still needs adjustments to ensure the management scheme is both precautionary and adaptive, and integrates already existing EU policy and law.

⁴ Request to ICES for categories 6 to 9.

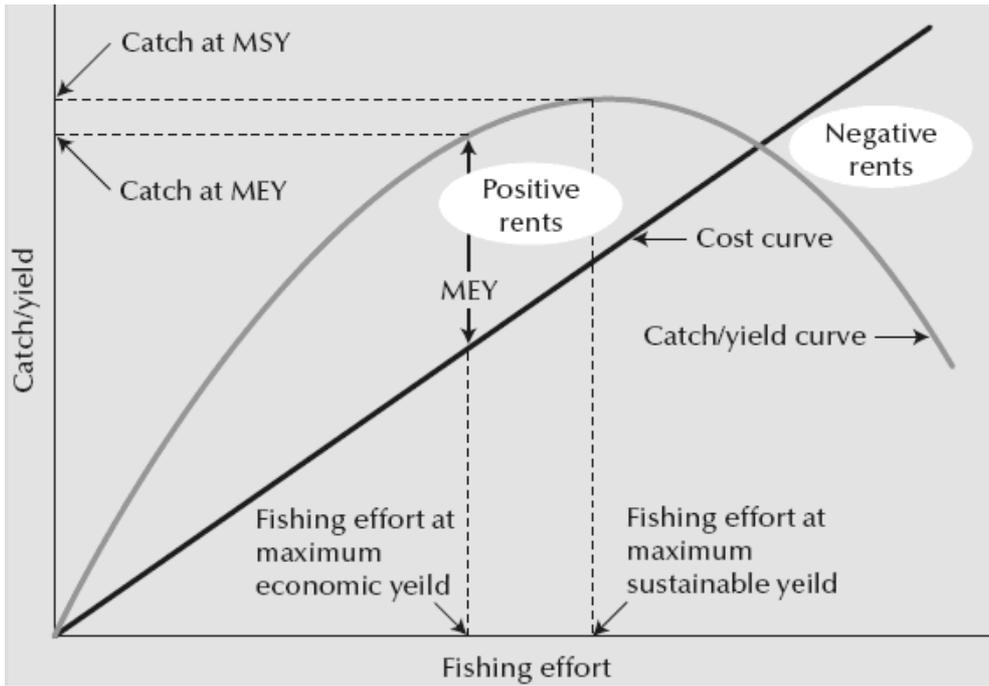


Fig 1: Maximum Sustainable Yield (MSY) and Maximum Economic Yield (MEY)

Submitted by:

Birdlife International, Coalition for Fair Fisheries Agreements (CFFA), North Sea Foundation, Pew Environment Group, Seas at Risk, World Wide Fund for Nature (WWF).