

FISHERIES

BalticSea2020

**BALTICSEA 2020 POSITION ON THE REFORM OF
THE COMMON FISHERIES POLICY**



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BalticSea2020 Position on the Reform of the Common Fisheries Policy¹

Introduction

Europe's seas can return to abundance if politicians and regulators allow them to. A reformed Common Fisheries Policy can be the backbone for a sustainable and prosperous fishery by providing:

1. the ecosystem approach as the core principle for the CFP
2. Maximum Sustainable Yield (MSY) as a limit value
3. long term management plans
4. a discard ban with a catch quota management system
5. regional fisheries management in the EU.

BalticSea2020 welcomes the ambition of the Commission. The Commission's proposal provides constructive solutions to several problems identified during the consultation period and Baltic Sea 2020 supports many of these changes. This position paper considers these key issues in the Commission's proposal, and makes recommendations to improve the proposal when needed, with a view to contribute to future profitable fisheries and well functioning ecosystems in Europe.

Ecosystem Approach

Fish play an important role for the structure and functioning of the marine ecosystems. Fisheries management is therefore influencing not only the fish populations but rather the functioning of the whole ecosystem. An example of this is the Baltic Sea where science has shown that excessive fisheries on the main predator (cod) in the 1980s led to an increased stock of pelagic species (herring and sprat). The subsequent increased feeding on zooplankton by pelagic species meant that phytoplankton was not grazed upon which led to massive phytoplankton blooms (Casini et al. 2008). The algae blooms that lead to anoxic, dead bottoms (45% of Baltic proper), ruin beaches and can be dangerous to public health are a direct consequence of changing the marine ecosystem (Fig 1 and 2, annex 1).

¹ Common Fisheries Policy (repeal. Regulations (EC) No 2371/2002, (EC) No 199/2008, (EC) No 639/2004 and Decision No 2004/585/EC; amend. Regulation (EC) No 1954/2003).
Rapporteur:Ulrike Rodust.

Yet the present CFP proposal does not contain a clear operational implementation of the ecosystem approach concept. It is first of all important to ensure that objectives set out in regional and multiannual plans are not in conflict with other environmental objectives.

Such provisions would give an overarching legal framework for the ecosystem approach. The Marine Strategy Framework Directive (Directive 2008/56/EC) is particularly important in this context as it has a defined methodology for defining and delivering on the ecosystem approach.²

Implementing a MSY target

An important concept in the Commission's proposal is the limit value of Maximum Sustainable Yield (MSY) as an overall target for the CFP. The concept of Maximum Sustainable Yield (MSY) has been both accused of leading to bankrupt fishing industries and to a sea overflowing with fish. Some even say it can never be achieved in reality. However the facts are quite different. Today, there are 19 EU fish stocks at MSY level. These fisheries benefit from sustainable and profitable fisheries and MSY is therefore a model Baltic Sea 2020 wants to become the rule and not the exception.

EXAMPLE FROM THE BALTIC SEA

BalticSea2020 has reviewed the management of two cod stocks that has been restored from outside safe biological limits to the level of MSY and how this affected the industry. The report concludes that the transition to MSY neither induced a dramatic cut in quotas nor forced the fishing fleet out of business. Instead the transition to MSY ensured a stable year-to-year production, in conjunction with doubled catch quotas and revenues. (For more information see "The effect of following scientific advice", BalticSea2020.
www.balticsea2020.org/images/Bilagor/follow%20sci%20advice.pdf).

² See Directive 2008/56/EC, Art 9(3), and Commission Decision 2010/477/EU on criteria and methodological standards on good environmental status of marine waters.

The MSY can be expressed as either the amount of fishing (fishing mortality) that will lead to a stock size of MSY or the size of the stock per se. The level of fishing that will lead to a stock size of MSY can be implemented at the next quota revision – and therefore something that is indeed doable. It is more difficult to foresee when the size of the stock will reach MSY and it is therefore wise to have a later date where additional measure should be applied if the stock size of MSY has not been reached.

MSY is evidently a very real and reachable stock status that benefits both the fishing industry and the functioning of the ecosystem.

Long term plans & Priorities

The concept of MSY can be delivered by way of long-term management plans and by focusing on the core objective of a healthy marine environment. Long-term management plans, if followed year on year, have a track record of restoring fishing stocks. The cod stock recovery in the Baltic has come about in part due to the management plan being followed. Whilst there has been pressure to defer or change the plan each year, Baltic fishing Ministers feel compelled to follow the plan.

Priorities

Secondly, fisheries management has suffered from a lack of legal support to prioritize between biological, social and economic aspects of the management. There has been an ingrained belief that the marine environment should not be taken into account, or is of lesser importance to other criteria. This poor management has led to declining fish stocks, declining jobs in the fishing catching sector and processing sector, and a deteriorating marine environment. This false belief is a root cause of the decline in Europe's fisheries, where today Europe needs to import 60% of its fish. If politicians constrain themselves to follow long-term management plans and place fish stock recovery as their primary objective, other key social goals will happen far quicker.

This needs to be reflected in the legal instruments to support sustainable and profitable fisheries

Discard ban

The discard ban is based on a system to incentivise the fishermen NOT to catch unwanted fish. By counting all catches of the species of concern against the quota, catching small individuals with a low market price will reduce the potential value of the catch compared to landing large individuals. As a result the industry is incentivised to improve selectivity to only catch individuals with a high market prize (normally larger individuals).

Eradicating discards will also automatically benefit the industry by making the quota for discards available for inclusion in the catch quota thereby increasing the quotas. Also, sustainability criteria applied by many processors mean they can only buy from fisheries with a sustainable discard policy. Discard schemes are in operation today in European waters. Norway has one. If a discard ban similar to the Norwegian system were used in the EU section of the North Sea it is likely it would substantially improve fisheries profitability and stock status in the North Sea (Diamond and Beukers-Stewart, 2011). Denmark, Sweden and Norway adopted a discard ban on 23rd November for their co-managed Skagerrak fisheries. The discard ban comes into force on 1st January 2013. Denmark has significantly reduced discards in their North Sea fisheries, even within the restraints of the existing CFP.

Discard ban and tradable quotas

In mixed fisheries where all catches are counted against the quota (discard ban or CQM) it is necessary to have a quota for all regulated species caught. It is also necessary to have a sufficiently balanced set of quotas to be able to adjust fishing patterns not to exceed any of the quotas but still be able to use all quotas. The industry is able to adjust fishing patterns to a high degree to avoid catches of unwanted species and sizes. However, a system of tradable quotas adds substantial flexibility for the industry. This has been implemented in Denmark with very good results.

In conclusion

We strongly support a system which is based on a discard ban and that all catches of regulated species are counted against the quota. However, to facilitate the transition but still keep the

incentives to reduce discards we also propose some alternatives to full documentation and discard ban.

Regionalisation

The reform should put an end to fishing quotas being decided by fishing ministers in the early hours of late December. Politicians are often ill equipped to make decisions about the appropriate fishing net size, and these are decisions that should come up from the regional level. Ministers and MEPs should be left to agree targets and dates for recovery of fish stocks and leave the operational details to people who know how to bring these targets about.

This bottom up approach has worked in the Baltic with the Baltic Sea RAC and the Baltic governmental regional fisheries forum – BALTFISH, delivering innovative and effective mechanisms to bring this about. Another example is the EU-Norway Agreement where the fisheries and regionalization is about a bottom up approach with regionally developed harvest rules.

The co-decision process of the European Parliament (EP) and the Council is also likely to add substantial delays, motivating an efficient process for the operational management. In order to reach a common understanding of the objectives in a region, cooperation within the region is crucial. Regionalisation based on initiatives from member states in a region is therefore preferable to secure compliance.

Delegated acts

The system of delegated acts that has been proposed by the Commission to handle the operational management means that so called “non-essential elements of the management” can be delegated to Member States.

BalticSea2020 consider that the Commission should have a safeguard power to verify that plans, commonly agreed and put forward at the regional level, are in fact followed up on. If they are not, the Commission’s emergency powers should be exercised to save stocks and secure long term profits for the industry.

For elements where delegated acts have been implemented, co-decision by the Council and the EP is not necessary: by implementing the regionalisation system proposed, all countries in a region would negotiate the changes needed after which they would be implemented nationally. This would provide an opportunity for regions like the Baltic who want to make faster progress to deliver stock improvement to handle the operational details regionally without going through a top down Brussels directed approach.

This grants a substantial opportunity for Member State in a region to influence negotiations as compared to if these negotiations were performed in the Council and the European Parliament.

Of course, Member States and interested parties will need to put resources into developing good proposals. This is happening in some regions through the RACs and other bodies, like BALTFISH and the Scheveningen group. Well prepared plans that stand a good chance of success can take time and resources to develop, but are usually better designed and have a better chance of success than top down imposed plans or plans developed by way of political horse-trading.

Other important concepts in the proposal

Transferable Fishing Concessions

Overcapacity reduces profitability of the fishing industry and thereby their possibility to take responsibility for impacts of their fishing activities according to the polluter pays principle. Overcapacity also introduces a political pressure to increase quotas. The present CFP has had a top-down control of capacity – a strategy that has completely failed. TFCs have the potential to move the regulation of capacity to the local level where capacity is realized, increasing profitability and decreasing political pressure to increase quotas.

Subsidies

Subsidies that directly support the industry or indirectly help vessels to stay in operation are increasing capacity with harmful effects on profitability of the industry. We encourage the will to address and limit the negative impacts of subsidies and promote a phasing out of all harmful subsidies. (See also Contribution to the discussion on the reform of the CFP – elimination of subsidies in fisheries, BalticSea2020,

<http://www.balticsea2020.org/english/images/Bilagor/elimination%20of%20subsidies%20to%20fisheries.pdf>).

References

- Casini, M., Lövgren J., Hjelm J., Cardinale M., Molinero J-C., Kornilovs G. 2008. Multi-level trophic cascades in a heavily exploited open marine ecosystem. *Proceedings of the Royal Society*. 275: 1793-1801.
- Diamond B. and Beukers-Stewart B.D., 2011. Fisheries discards in the North Sea: Waste or resources or a necessary evil? *Reviews in fisheries science*, 19(3): 231-245.

Recommendations for Amendments

Below follows some suggestions for amendments that we think can take care of most of the concerns that have been raised on the CFP proposal. They should be regarded as proposals to base further discussions on rather than the perfect solution.

(Proposed amendments marked in **bold**)

Ecosystem Approach

Text

Article 2(3): The Common Fisheries Policy shall implement the ecosystem-based approach to fisheries management to ensure that the impacts of fishing activities on the marine ecosystem are limited **and that the marine ecosystems reaches good environmental status by 2020.**

Explanation

Article 9(3), Directive 2008/56/EC, the Marine Strategy Framework Directive, provides for the establishment of ‘good environmental status’ (Art. 3(5)) of Europe’s marine waters. Community and Member States actions should be coherent with their existing legal obligations.

Text

New Article 12 (3): **Member States shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest.**

Explanation

The framework for incorporating environmental requirements needs to be broader than the three Directives mentioned in the proposal. Fishing has a major influence on the status of the marine environment. Legal requirements under Art.1 (1) Directive 2008/56/EC, Marine Strategy Framework Directive to deliver good environmental status by 2020 should be taken into consideration by Member States in fisheries matters and the setting of multiannual plans.

Multiannual plans

Text

Article 9 (3): Multiannual plans shall, where possible, cover either fisheries exploiting single fish stocks or fisheries exploiting a mixture of fish stocks, taking due account of interactions between stocks and fisheries. **Multi – species multiannual plans should be developed as a priority.**

Explanation

The possibility to include multi species plans should be explicitly made reference to. An ecosystem approach needs to take into account various stock interactions and allow the restoration of the marine environment, rather than a stock by stock approach.

Text

Article 9(4): Multiannual plans shall be based on the ~~precautionary approach~~ **precautionary principle...**

Explanation

The “precautionary approach” is not defined, whereas the “precautionary principle” is and the latter term should therefore be used throughout.

Text

New Article 11 (C) (iv) *population structure.*

Explanation

The importance of population structure (age and length) for the sustainability and resilience of fish populations is well known. It is also a parameter that can be used for data poor stocks. It is therefore important that population structure is a target property of the new CFP regulation.

Text

New Article 11 (k) If plans are not met, Member States shall take new and additional measures within a specified time to meet agreed targets.

Explanation

A new point on additional measures that will be taken if the first set of measures is not achieving and a deadline for these measures. (see also amendments for MSY by 2015, Article 2(2))

Text

Article 11(h): minimization of impacts of fishing on the eco-system based on Annex 1 under Directive 2008/56/EC/.

Explanation

11(h). The ecosystem approach is meant to be an integral part of the CFP. It is still only mentioned in general terms and 11(h) is an example of this. In order to implement the ecosystem approach 11(h) would need to be expanded to an article on the minimisation of impacts of fishing on the ecosystem, along the lines of article 11 with provisions for objectives, targets, timeframes, measures, indicators and safeguards. However, since these are a part of the Marine Strategy Framework Directive (MSFD) which is also based on regions we propose making use of this framework.

MSY by 2015

Text

Article 2(2): The Common Fisheries Policy shall apply the **precautionary principle** to fisheries management, and shall ~~aim~~ **to ensure fisheries mortality levels** of regulated stocks that restores and maintains populations above levels which can produce the maximum sustainable yield, by 2015. **.If stock size has not reached the level of Maximum Sustainable Yield by 2020, additional measure shall be applied.**

For stocks where MSY cannot be defined, the precautionary principle shall be applied and fisheries mortality levels set to obtain sustainable stock characteristics.

Explanation

Three issues needs to be dealt with regarding Article 2(2). It needs to acknowledge the fact that many stocks will not reach Bmsy by 2015 even if all fishing is stopped.. Secondly there need to be provisions for if targets are not reached. Thirdly there are many stocks for with MSY will be difficult to define and for those there need to be a clear strategy. BaltciSea2020 here propose to look at other stock parameters to assess stock situation and design measures accordingly.

Text

Article 10(2): ~~For stocks in~~ cases where the determination of a fishing mortality rate that restores and maintains stocks above levels capable of producing maximum sustainable yield is not possible, multiannual plans shall provide for precautionary measures ensuring a comparable degree of conservation of the relevant stocks

Explanation

Article 10(2): For clarification it is proposed that the paragraph is rephrased as “For stocks where the determination...”

Regionalisation

What measures can be delegated to member states? This is very unclear in the present proposal. The reasons behind the separation of conservation and technical measures (Articles 7, 8 and 14) are also unclear. If articles 7 and 8 are for definition only, this should be clarified. A list of measures that could be empowered to member states within the concept of a multiannual plan should instead be made clear.

Text

Article 17(1): In a multiannual plan established pursuant to Articles 9, 10 and 11 Member States may be authorised to adopt **technical measures as listed in Article 8** in accordance with that multiannual plan, which specify the conservation measures applicable to vessels flying their flag in relation to stocks in Union waters for which they have been allocated fishing opportunities.

Explanation

This states that Member States can be empowered to adopt measures according to an adopted multiannual plan. The concept is clear and useful but it is not clear what measures are intended. This needs to be clarified. If the intention is technical measures as listed under article 8 it should be clearly referred to.

Text

Article 21, *Technical measures*. In a technical measures framework established pursuant to Article 14 Member States may be authorised to adopt measures, in accordance with that framework, which specify the technical measures applicable to

vessels flying their flag in relation to stocks in their waters for which they have been allocated fishing opportunities. Member States shall ensure that such technical measures:

Explanation

Here it is clarified that the technical measures intended for empowerment to Member States S are those listed under Article 14. However it is not clear how these relate to Article 8 (Technical measures). If technical measures as defined in Article 8 are intended to be part of Article 14 it should be clearly referred to.

Catch Quota Management (discard)

Text

Article 3(a) eliminate unwanted catches and gradually ensure that all catches are landed;

Explanation

3(a) is formulated as a long term target and complemented by article 15 for implementation. The CFP needs to broaden its scope to impacts of fisheries also on non-commercial species. The long term target for the elimination of unwanted catches must therefore apply to all species

Text

Article 5(11): 'catch limit' means a quantitative limit on landings catches of a fish stock or group of fish stocks over a given period;

Explanation

Provide a system for a fully documented fishery that allows the introduction of discard bans on key stocks, such as cod in the Baltic, and then ensure that all fish caught is accounted for and taken off the quota.

Text

Obligation to account for and land all catches

Article 15 (1). All catches of the fish stocks subject to catch limits caught by Union fishing vessels shall be counted against Member States quotas and landed. The following timeframe applies:

(a)

(b) ...

(c) ...

New (d). For Other stocks managed by TAC /Quotas:

- the deadline for catch quota management is to be decided by the Council.
- the deadline for the requirement to land is to be decided by the Council but exceptions are allowed on one of the following conditions:
 - I. All discarded catches count on the quota (*strong incentive not to discard. To the extent there are survivors it will benefit the stock and thus all fishermen*).
 - II. Discarded catches count on the quota with an amount equal to the estimated mortality (*balanced incentive to discard and the fisher does not pay on his quota for survivors but only for the dead fish*).
 - III. Discard bans on other stocks can be introduced and run in tandem with catch quota management.

New (f). Protected species (fish mammals a.o) managed by TAC/Quotas:

- the deadline for catch quota management is to be decided by the Council.
- The Council shall decide the deadline for the handling of protected species so that they are released immediately and if possible alive on condition that:
 - I. All discarded catches count on the quota
 - II. Discarded catches count on the quota with an amount equal to the estimated mortality

Explanation

These amendments open for inclusion of other regulated species in the catch quota system and for a transitional system that reduce the impact on the industry but keeps the incentive to reduce by-catches and discards.

Text

Article 15 (4). Member States shall ensure that Union fishing vessels flying their flag are equipped to ensure full documentation of all fishing and processing activities for the purpose of monitoring compliance with the obligation to **count and land** all catches.

Member States may refrain from requiring full documentation for vessels below 15 m provided:

- I. That the quota availability for vessels or fleets covered by the exemption is reduced with an amount based on a maximum estimate of discards in the relevant fishery³. A monitoring programme is established for the relevant fisheries to ensure best available data on discards
- II. That STECF validate that the conditions for exempting vessels or fleet do not increase fishing mortality above the set catch limit.

The Commission may exempt vessels or fleets (all sizes) from full documentation for a limited period provided:

- III. Same as above 1-2 (*give time for Member States to implement the system*).

Explanation

These amendments provide a transitional system that reduces the impact on the industry but keeps the incentive to improve documentation.

³ In by catch fisheries it is thus necessary for the Member States to set aside quotas for by-catches to be counted against.

Illustrations of Ecosystem effects

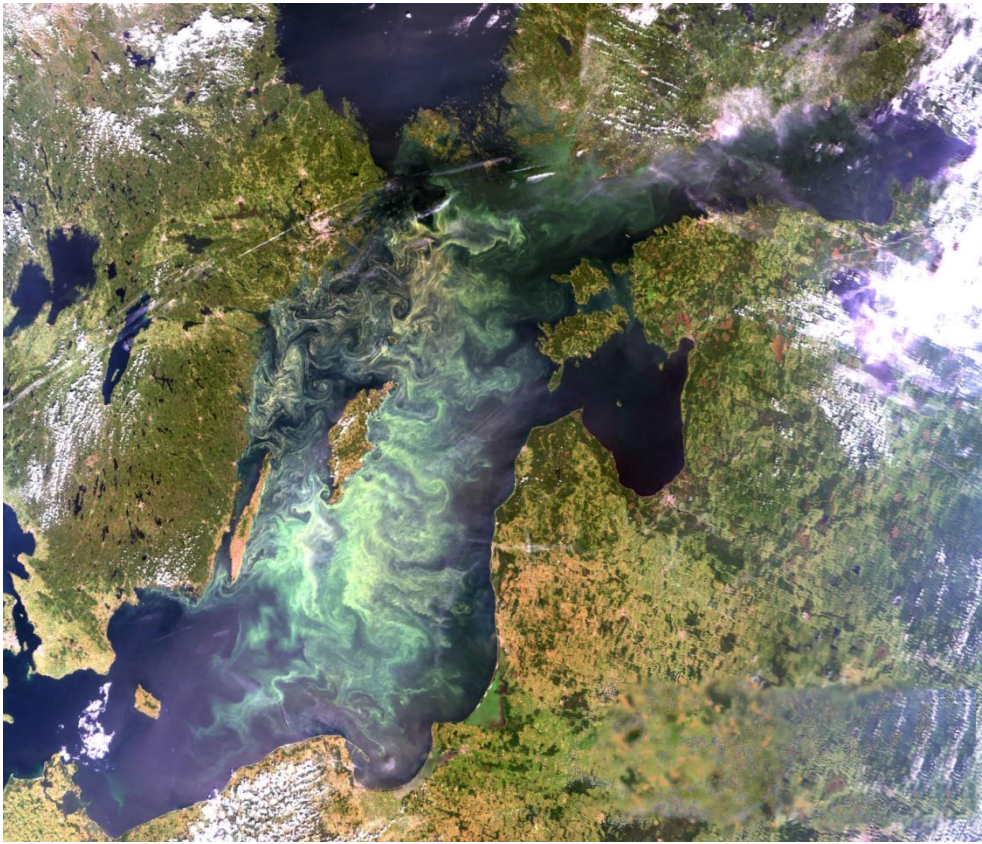


Figure 1. Massive algal bloom in the Baltic Sea. Courtesy of Swedish Meteorological and Hydrological Institute.



Algal bloom in Stockholm, Baltic Sea.



a.



b.

Figure 2.

- a. A bottom suffering from excessive nutrients with impaired visibility due to algal blooms and filamentous algae overgrowing macro algae in the Baltic Sea
- b. A healthy bottom from a less affected area in the Baltic Sea