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Dear DG Maritime Affairs and Fisheries,

Thank you for the opportunity to respond to the consultation on the reform of the Common Fisheries Policy. I provide my credentials for making comment below, followed by my response.

### **Credentials**

I am a professional marine scientist and conservationist with over 25 years experience implementing UK and European marine nature conservation legislation. During the 1980s I was responsible for steering the Skomer Marine Nature Reserve (MNR), one of the UK's three MNRs, through its protracted pre-designation public consultation, and for designing and managing fisheries impact assessments to inform the justification of new management measures. I was manager of this MNR, the most actively managed and monitored of the UK's MNRs, from the time of its designation in 1990 until 1998.

From 1998 until early retirement from the Countryside Council for Wales (CCW, the statutory nature conservation body in Wales) in 2006, I was a senior marine conservation officer with responsibilities for delivering CCW's obligations for European marine sites (Special Areas of Conservation and Special Protection Areas designated under the EC Habitats and Birds Directives respectively), for domestic designated marine sites, and for providing advice and consultation responses across the full range of developments and other proposals, including fisheries developments, in the marine environment of SW Wales.

I have substantial experience in development and implementation of marine biological and environmental monitoring, and in design and implementation of impact assessments, including fisheries impacts.

Since taking early retirement from CCW I have continued to work in both the development of European marine sites, and as an independent consultant specialising in marine environmental monitoring. I am currently the Carmarthen Bay & Estuaries European Marine Site Officer and recently completed a year as officer for the Pembrokeshire Marine Special Area of Conservation.

Throughout this time, I have frequently witnessed marine nature conservation objectives being frustrated by the lack of appropriate fisheries management measures. All too often the reason for this lack is blamed on the CFP: either that member state domestic measures could not be applied to vessels from other member states so they would be of no benefit, or that measures applied within territorial waters would be discriminatory against the member state's fishing industry and therefore would be unfair and / or *ultra vires*. I firmly believe that the CFP in its current form is having a negative impact on marine biodiversity and habitat conservation.

### **Response to the consultation**

I do not respond to the questions posed in the Green Paper systematically but provide general comment and identify critical specific shortcomings.

The robust assessment of the failings of the CFP in its current form is very welcome and I concur with the assessments wholeheartedly. However, whilst many of the points are made honestly and very frankly, the seriousness of several, particularly environmental, issues is severely minimised and accorded insufficient importance. As well as wider environmental issues being minimised, several key references to fisheries and fisheries management are also underrated, for example: overfishing is not restricted to the last few decades; it has certainly got more severe, but there are examples going back centuries; TACs have not been “sub-optimal” (5.2, para 1), they have been disastrous.

Whilst the paper correctly identifies ecological sustainability as a basic premise for the economic and social future of European fisheries (4.2) and that the future CFP must support an ecosystem approach to management of the marine environment (5.5), it fails to adequately identify that a healthy and robust marine ecosystem is of far wider fundamental and irreplaceable importance to humanity, for example in providing the essential services of gas and nutrient cycling and climate control, than simply underpinning marine fisheries. Even so, the total reliance of the commercial fishing sector on healthily functioning marine ecosystems is not sufficiently explicit. It is critical that these fundamental concepts are known and understood by policy-makers at all levels

There is no suggestion anywhere in the paper of a need for closed areas – either for strictly fisheries management purposes or for wider marine biodiversity and habitat conservation; this is a significant shortcoming. The absolute need for closed areas, perhaps rotational for fisheries, but definitely permanently closed areas for biodiversity and habitat conservation must be acknowledged, and commitments to deliver and safeguard them must be embedded in the future CFP.

To contribute to the delivering the biodiversity and habitat objectives of closed areas (which will also, of course, directly and indirectly benefit fish stocks), management of these areas, whether designated under European (*eg* marine *Natura 2000* sites) or member state domestic legislation, must not be impeded or hindered by the CFP. The CFP must enable member states to introduce and apply the necessary management measures to the fishing fleets of all member states within its territorial waters and areas beyond territorial limits where the jurisdiction for implementing wider conservation measures extends.

Reform of the CFP must integrate and align with member state obligations under other European legislation; it must enable fisheries management measures to be applied to, for example, achieve Good Environmental Status under the Marine Strategy Framework Directive, Favourable Conservation Status the Habitats and Birds Directives, and the European Biodiversity Action Plan to halt the loss of biodiversity by 2010 and beyond. The CFP must acknowledge the duty to further the biodiversity and habitat objectives and plans of all member states and include policy commitments to ensure that appropriate and sufficient fisheries management measures are introduced and enforced.

Reform of the CFP must also enable individual member states to meet their domestic commitments and responsibilities to the wider environment and biodiversity. The current CFP is a barrier to implementing UK legislation with respect to commercial fish species. This legislation enables the listing of species which are either already endangered or near-endangered such that it is unlawful to intentionally kill, injure or take; possess; sell or offer for sale those species. It has been used to protect terrestrial, benthic marine and non-fish marine vertebrates species (*eg* cetaceans) but, despite certain commercial fish and shellfish species satisfying the criteria for listing (*eg* skates and rays, crawfish [*Palinurus* sp]), the CFP is considered to make their listing unviable since other member states have rights or derogations to fish within the 6-12 miles zone of UK territorial waters. The need to respect the principle of non-discrimination therefore prevents necessary conservation on both fisheries and biodiversity conservation grounds.

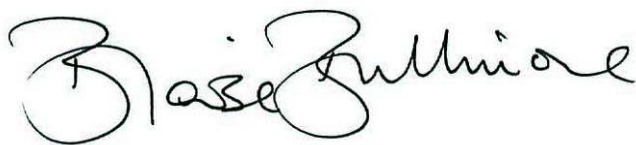
Whatever management mechanisms are eventually decided upon, the high level principles must enable member states to adequately control ALL vessels within their territorial (0 – 12 mile) sea, without discrimination.

The issue of climate change is identified at several points in the paper, but it is not integrated with the need for minimisation of fisheries contributions to climate change (and ocean acidification). Further, the coming challenge of peak oil is not mentioned at all (indeed, the references to “high volatility” and “external shocks” of oil prices make the paper appear naïve to the issue). It is critical that future management takes account of, and strives to minimise the impact of fisheries on climate and consumption of fossil fuels as well as directly on fish stocks and marine ecosystems. The most fuel-intensive fishing methods are not “increasingly hard{er} to justify” (Introduction para 6), they are impossible to justify in the context of climate change and peak oil. This yet is a further example of the critical need for the CFP to integrate with wider European environmental policies.

Despite Maximum Sustainable Yield (MSY) being a fundamentally flawed concept, I acknowledge that it is so globally embedded as a fundamental fisheries management aspiration that arguing against it is a waste of time. Nevertheless, the CFP needs to adopt an ecosystem approach which is not limited maintenance of MSY; MSY should be considered as an absolute minimum goal. Targets to restore fish populations above MSY would be more beneficial to ecosystem health and functioning, to marine ecosystems that are better placed to cope with the yet unknown impacts of climate change on fish populations, and would demonstrate real commitment to delivering a genuine ecosystem approach to management.

I reiterate my agreement with the remaining assessments in the paper – especially sections 3, 4 and 5.7. The reformed CFP must be robust in addressing the shortcomings and failures of the current Policy. It must leave no room for member states to avoid their duties and obligations, and no loopholes for them to continue the attrition of fish stocks or the marine environment for short-term socio-political gain.

Yours sincerely

A handwritten signature in black ink that reads "Blaise Bullimore". The signature is written in a cursive, flowing style with a large initial 'B'.

Blaise Bullimore