



North Sea Foundation response to the Green Paper Reform of the Common Fisheries Policy



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1. About the North Sea Foundation

The North Sea Foundation (NSF) is an independent Dutch environmental NGO that advocates the protection and sustainable use of the North Sea marine ecosystem. For most users and the government, it is the major contact within the NGOs on North Sea issues. The NSF focuses its activities on four main areas, namely: Fisheries & Seafood, Shipping, Sustainable Energy and Marine Protected Areas. The NSF has a reputation of advocacy, based on knowledge and expertise. We take the societal role of human activities into account by seeking dialogue with government and users. For example, from the start of their existence, the NSF has had an active role in two Regional advisory Councils: senior fisheries expert Christine Absil is vice chair of the North Sea RAC Executive Committee, and member of Management Committee and Executive Committee of the Pelagic RAC.

Next to advocacy and dialogue, the NSF also seeks to educate the public on the threats to seas and oceans and to equip them with tools that will bring about change for more sustainable use of them. One of the major activities on Fisheries & Seafood since 2004 is the production of a seafood sustainability card, and an online seafood sustainability database www.goedevis.nl. The supporting sustainability assessments are shared with WWF international. Like its counterpart in the UK www.fishonline.org, the website is increasingly being used by consumers as well as players in the seafood supply chain, from retailers to wholesalers and producers as a basis for their seafood buying choices. The increased awareness on seafood sustainability issues has brought about a serious interest in independent labeling by all Dutch fisheries.

2. Introduction to the response

Below, you will find the input of the North Sea Foundation to the Green paper. The North Sea Foundation is member of the **Ocean2012** coalition, and consequently underlines the input from Ocean2012. North Sea Foundation has also contributed to the input from the North Sea RAC and the Pelagic RAC to the consultation. Therefore, in this response we will not replicate what has been written elsewhere, but merely focus on regionalisation, selfmanagement, and trade & markets, where we can give our views, based on our particular experience.

On a national level, we have also given a joint response with WWF and Greenpeace to the official Dutch input to the Green paper consultation. The translation of this response can be found in Annex 1.

3. Response

The primary purpose of the reformed CFP emerging in 2012 must be to secure environmentally and socially sustainable fisheries in Community waters and wherever else EU fleets are active. In order to reach this, environmental objectives must be enshrined in the new Basic Regulation and be given priority over all other objectives as a prerequisite to achieving social and economic sustainability.

The EU has set Maximum Sustainable Yield (MSY) as a management target for fisheries. The Johannesburg Declaration of 2002 called for fish stocks to be allowed to increase to the level at which they could produce MSY by 2015. The way this MSY should be approached has been well described in the contribution to the consultation by Sidney Holt.

The focus in our response to the Green Paper will be on Chapter 4.3: Decision making framework, 4.4: Encouraging the industry to take more responsibility in implementing the CFP, and on Chapter 5.4 Trade and markets – from catch to consumer.

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

Do you think decentralised decisions on technical matters would be a good idea?

What would be the best option to decentralise the adoption of technical or implementing decisions?

Would it be possible to devolve implementing decisions to national or regional authorities within

Community legislation on principles? What are the risks implied for the control and enforcement of the policy and how could they be remedied?

The ideas put forward by David Symes in a recent paper¹ are very much in line with the thoughts of the NSF. If member states are able to establish an effective Regional Management Organisation, then the devolvement of implementing decisions to national/regional authorities would be well feasible in our opinion. At least, this looks to be the case in the North Sea region. Any RMO should have close interaction with the North Sea RAC. For the Pelagic RAC, the setting is more complicated due to the nature of pelagic stocks. The response of the Pelagic RAC elaborates on this particular feature.

With regard to control and enforcement of the policy, indeed there is a risk that policy is not enforced or controlled properly on a regional scale. There will be a task for the Community Fisheries Control Agency to check on the performance of member states and RMOs. In general, much more use can be made of modern techniques, such as electronic logbooks and remote observation through camera's when enforcement is concerned. These are cheaper and more effective ways to check compliance than observers or incidental controls by enforcement officers. Moreover, they enable fishermen to provide evidence that avoidance and behavioural changes are having an impact. In addition, they enable better effort registration, and possibly access to additional quota, e.g. the amount that currently is being denominated as discards. Promising results are being obtained with experiments in Denmark and Scotland.

How could the advisory role of stakeholders be enhanced in relation to decisionmaking? How would ACFA and the RACs adapt to a regionalised approach?

The NSF has been an active member of both the North Sea RAC and the Pelagic RAC. Our experience in these RACs is that parts of the fishing industry are well able to advise along the objectives of the CFP. However, some parts still are rather focused on short term objectives, or don't share the same ideas on sustainability as other stakeholders such as NGOs, scientists, or authorities.

The advisory role of stakeholders in relation to decision making could be enhanced by allowing the RACs functioning to improve. In our view, elements contributing to improvement will be

-Improved access to technical and scientific support

¹ Regionalising the CFP: putting it all together. Paper by David Symes, Nov 2009. See annex 2

- Facilitating participation by NGOs by reducing capacity hurdles.
- Enabling more non-fisheries interests (environmental NGOs, but also consumer organizations, or even the retail sector) to participate
- Compulsary training of members of the Executive Committee. Elements of the training could be fishery science, fishery management techniques, legal issues, personal and professional behaviour, rules of procedure.

The RACs could adapt to a regionalized approach along the lines described by David Symes (see annex 2).

With respect to ACFA it looks as if its role in the future will be limited to those issues that are typically more horizontal, i.e. trade and markets, and aquaculture. To have yet another body dealing with fisheries resources (currently working group I) seems unnecessary.

4.4. Encouraging the industry to take more responsibility in implementing the CFP

How could the catching sector be best structured to take responsibility for selfmanagement? Should the POs be turned into bodies through which the industry takes on management responsibilities? How could the representativeness of POs be ensured?

With respect to selfmanagement, the Netherlands has some experience. However, the results have been mixed: the Dutch so-called *Biesheuvelgroepen* have been praised on their effective management of quota-uptake. Whether the quota management has been effective due to these groups, or due to the fact that catch opportunities have decreased at the same time remains to be seen. However, any self-management or self-control beyond quota management (notably the control on engine capacity), has proven notoriously difficult, even though in theory these co-management groups are well fitted for this.

From our work with parts of the Dutch fishing sector to guide them in the process towards Marine Stewardship Council (MSC) certification, it is our experience that it is very much depending on the (part of the) sector whether it is able to take on responsibilities that come with sustainable fisheries.

In the end, the way the sector is structured will not be determining the success or failure rate of any selfmanagement. We believe that a system where the rate of failure or success is linked to access rights, can be effective. In this way, pro-active fishermen are encouraged, and similarly, where performance of (a group of) fishermen is lacking, their access to fishing rights or subsidies could be limited. In any case, the burden of proof of good behaviour should be with the industry, rather than the authorities.

5.4 Trade and markets – from catch to consumer

In a number of European countries, particularly in North West Europe, the demand for guarantees on the sustainable origin of fisheries products in the form of certification, better labeling and traceability, has increased dramatically over the past three years. This trend will not reverse, as retailers are increasingly aware of the sustainability issues in fisheries.

In countries such as the Netherlands this increased awareness has resulted in a demand from the retail to have 100% of the fresh fish MSC certified by 2012. This bold statement

has triggered the entire catching sector to try and get prepared for this certification, where before, the major part of the industry didn't show any interest in improving on sustainability. The Netherlands can therefore be seen as an example of a country where market demands are fundamental in the transition to sustainable fisheries.

Reaching sustainability through market and consumer demands such as in the Netherlands is a relevant addition, but cannot be a replacement for a drastic reform and improvement of fisheries policy. Above all, increasing market pressure does not require a revision of the CFP, apart from improved rules on traceability. Also, a model that is successful in the Netherlands and Germany doesn't necessarily translate to countries like Spain and Portugal.

Responsibility for sustainability cannot be put entirely with the fishermen. The task for the authorities remains to set a clear framework, and not to leave fisheries management to the opinion of the market or the consumer. This clear framework is also a requirement for successful independent labeling: one of the major hurdles in an independent labeling process can be the lack of efficient management.

Other (economic) factors are also supporting transition in fisheries: the increasing fuel price is triggering the replacement of fuel intensive catch techniques, and the competition from much cheaper supplies from aquaculture (tilapia and pangasius) force substantial parts of the industry to rethink their position. Arguing that frozen products enjoy low energy and transport costs because their prices do not factor in the cost of their carbon footprint do not uphold: recent studies² have shown that in many examples, the carbon footprint of frozen products, even when they have been caught in other parts of the world, may be many times lower than fresh products caught locally.

A high quality product such as fresh locally caught fish should be able to gain added value by smart positioning on the market. European fisheries should focus on the supply of exclusive sustainable products that fit the niches in the consumer market, rather than trying to compete with bulk markets. Such products will have the support from environmental NGOs, and will consequently find a position on the market without huge marketing budgets.

² <http://www.ecotrust.org/lca/>

Annex 1

Joint reaction from WWF Netherlands, Greenpeace Netherlands and North Sea Foundation to the Dutch position paper on the CFP: FISH, AS SUSTAINABLE CAPITAL

European seas are in an untenable situation where once rich sealife and large fish populations have been decimated to only a fraction of their original size and diversity. Too many ships chasing too few fish, too high catch quota, large amounts of bycatch of undersized fish and harmful catch techniques that destroy habitats, and consequently the fundamentals of the food chain, that are at the basis of this. The result is an ecological, social and economical crisis in this sector. The reform of the CFP in 2012 can enable Europe to turn the tide, and to choose for recovery of European seas and sustainable fisheries with a future.

The Dutch vision document FISH, AS SUSTAINABLE CAPITAL, describes a fishery in 2020 where vulnerable and precious marine ecosystems are being protected. Fish stocks are healthy and have a balanced age structure. The fishermen use the most sustainable techniques available. WWF Netherlands, Northsea Foundation and Greenpeace Netherlands support this vision, but in the document it is not clear how it should be reached. A reaction on each of the three focal points is given below.

Focal point 1: sustainable use of the ecological capital

Just like the European Commission and the Dutch minister, the NGOs consider ecological sustainability the basic condition for an economically and socially responsible future of fisheries. To guarantee ecological sustainability, a network of closed areas is necessary, where nature can recover and will be protected.

For the NGOs it is essential that fisheries policy is integrated with other legal instruments on nature and environment, such as the Habitat Directive and the Marine Strategy Directive, in order to enable member states to designate protected areas swiftly, and reach Good Environmental Status in their waters by 2020. The future fisheries policy should be formulated and applied in such a way that the fisheries-related aspects of the Good Environmental Status can be implemented. The vision document can be much clearer on the implementation of the GES, which is being elaborated as part of the MSD.

The NGOs are of the opinion that for all commercial fisheries in Europe, catch advice from scientific bodies should be followed. In addition, long term management plans for regional fisheries have to be established, based on the ecosystem approach. These should be part of the regional strategies that are being established for the MSD. Already in 2002, Europe has committed itself to the establishment of these plans for all commercial fish stocks by 2015. These management plans have to be designed in such a way that fish stocks can recover or remain at a healthy level in line with the latest scientific information.

The NGOs wholeheartedly support the plea in the Dutch vision document to eliminate bycatch and discarding of unwanted fish and other species. Concrete ways to work towards this would be banning of unselective and destructive gear, subtracting bycatch from allocated quota, and the establishment of catch quota instead of landing quota.

Focal point 2: stronger market forces

Focus on the added value of fish products is a step in the right direction, as Europe should focus on the consumption of high quality local and sustainably caught seafood products. Reaching sustainability through the market and consumer is a necessary addition, but cannot be a replacement for a drastic reform and improvement of fisheries policy. Responsibility for sustainability cannot be put entirely with the fishermen. The task for the authorities remains to set a clear framework, and not to leave fisheries management to the opinion of the market or the consumer.

A prerequisite for a sustainable supply of seafood is clear rules on transparency (on seafood products as well as decision making) and traceability, that apply to all seafood products from within and outside Europe and entering the European market.

Focal point 3: Adjust decision making to long term goals

Like the vision document, the NGOs acknowledge the necessity for regionalisation. Indeed, the centralistic policy has turned out to be one of the causes of the failing of the current CFP. However, regionalisation should have a clear goal. Long term management plans are a good way to formulate clear goals on a regional level.

The vision document gives a lot of responsibility to the Regional Advisory Councils in a revised CFP. However, the RACs as they currently function will not yet be able to take on a larger responsibility. Non-fisheries interests have been under-represented in the RACs, so fisheries interests have dominated so far in most cases. As long as the various stakeholders in a RAC don't have a shared vision on essential concepts like a definition on sustainability, it is not very easy to reach good proposals. At least, that is our experience so far, and this is also underlined by the Dutch vision document. Next to this, there are not enough guarantees that the various stakeholders in the RACs can provide sufficient capacity.

The NGOs underline the vision on 'results based management': the European authorities and member states of (marine) regions will establish the goals and conditions, and how the timeframe and evaluation should look like. The NGOs are of the opinion that the fisheries sector should be accountable for their responsibility, by reversing the burden of proof when it concerns good behaviour, and for example by linking the results to access to fishing rights. However, a high level of 'self-management' cannot be the case yet, taken into account the conclusions of the European Commission on the current bad compliance with the CFP by the sector and the largely insufficient control and enforcement by member states.

Overcapacity

The Dutch vision document pays little attention to one of the most important problems with the European fisheries fleet: overcapacity. If this is not going to be tackled, all other initiatives will be undermined. Therefore, it is necessary for each fishery to formulate both qualitative as quantitative capacity and effort limitations. This can be done as part of long term management plans. The targets should be limited in time and legally binding. The reduction of the fleet and effort should not lead to replacement of capacity to other fisheries, in Europe, or elsewhere.

Annex 2

Regionalising the CFP: putting it all together

David Symes

Having attended meetings in London, Brussels, Copenhagen and Edinburgh over the past few weeks – all concerned wholly or in part with regionalising the CFP – I have attempted to pull together some common denominators and to use these to set out a general proposal for a regionalised CFP in 2013.

Function The agreed purpose of regionalisation is to create the most appropriate form of fisheries management that will bring about sustainable fisheries across the very diverse common pond. This can be achieved, as the Green Paper insists, by establishing a clear hierarchy of decision making between the European institutions (Commission, Council and Parliament) and the MS through which detailed decision making, currently exercised by the Commission, is delegated to MS collectively at the regional level.

The European institutions would remain responsible for developing Community policy *viz* i) defining the principles and standards to be adopted in fisheries management throughout the EU fishing zone; ii) developing clear biological and ecological objectives for EU fisheries management; iii) describing a broad, long term strategy, including the setting of key reference points, milestones and end targets; and iv) monitoring and assessment of progress. The Commission will also remain responsible for setting multi-annual TACs (or equivalents), negotiating with third countries and developing priorities for the European Fisheries Fund post 2013.

MS, acting collaboratively and individually, will undertake responsibility for operationalising and implementing Community policy through a) development of regional strategies for fisheries management; b) long term stock recovery and management plans; c) approval of fishing plans (FPs) proposed by the industry; d) enactment of appropriate legislation; and e) monitoring and assessment of a) to d).

Scale Europe's regional seas (Baltic, North and Mediterranean), together with the north western and south western waters, as presently used in the geographical designation of RACs, provide a useful framework for regionalising the CFP, ie for translating Community policy into regional strategies and long term management plans, and for advancing the notion of an ecosystem based approach to fisheries management.

For highly migratory pelagic species, management plans will need to be formulated across two or more regions, while in the development of other management plans it may be necessary to organise these at a sub-regional scale. As far as possible, the boundaries for fisheries regions should be coherent with those used for other marine/maritime management purposes.

Organisation Regional management organisations (RMOs), established at the instigation of MS, will need to satisfy four main criteria. They must i) be efficient and effective in their use of scarce financial, human and scientific resources; ii) provide sufficient opportunity for stakeholders to exert their knowledge and experience; iii) be capable of reacting in a quick and timely fashion to changing circumstances; and iv) be able to realise binding agreements among participating MS as to the actions required.

Although their detailed architecture may vary from region to region, the model that best satisfies the four criteria is one where a strengthened RAC directs its advice to a standing conference of MS fisheries administrations responsible for preparing the regional strategies and stock recovery and management plans and for monitoring their progress. While this model falls a little short in terms of 'good governance' (eg transparency, stakeholder participation in final decision making), it is likely to prove the more pragmatic, effective and

timely form.

There are, at this stage, some doubts as to whether the fishing industries will be in a position to undertake responsibility for generating multi-annual or annual FPs, or indeed whether such plans should be organised at the species, fishery, sector, region or MS levels. It will be the RMO's responsibility, in consultation with the RAC and industry organisations, to determine how best to organise FPs so as to avoid the potentially dysfunctional effect of a proliferation of plans submitted by a diverse array of 'self-defining groups'.

Procedures The procedure outlined in the appendix to the Inquiry's Interim Report on the Future of the CFP† appears to risk not only delay in the implementation of Community policy but also a recurring cycle of political intervention. Initially, it may be considered necessary for the regional strategy to be approved by the European institutions, though this should be done on the presumption of assent, except where there is evidence that the strategy is in breach of Community policy (principles, standards, objectives or targets). Thereafter, the implementation process should, as far as possible, be self-regulating and subject to harvest rules that provide for automatic changes in level of fishing activity.

Time scales It seems logical for the system of regionalising the CFP, as outlined above, to be phased in over a period of three to four years *viz*
2012 agreement on a new basic Regulation setting out the framework for regionalisation.
2013 establishment of the RMO, strengthening of the RAC, engagement with best available science and memoranda of agreement between the key partners (RAC, RMO, scientific establishment and MS).
2014 agreement between MS on regional strategy and major long term management plans
2015 (or later) introduction of industry generated FPs.

David Symes
November 2009

† *Footnote* The system outlined in the IFFM Interim Report envisages a multi-stage policy circuit involving: i) formulation of Community policy (Commission); ii) adoption by Council and Parliament; iii) translation into regional strategy etc (RMO); iv) approval of strategy etc by Commission, Council and Parliament; v) implementation of management plans (MS); vi) monitoring, assessment and enforcement of plans etc (MS).