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Maria Damanaki
Commissioner for Fisheries and Maritime Affairs
European Commission
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Dear Commissioner

Reform of the Common Fisheries Policy

As you will be aware, we have been taking a great deal of interest in the process of reforming the Common Fisheries Policy since our own report on the subject in 2008. We were very pleased at the overall outcome of negotiations on the reform which, we believe, set a genuine framework for a sustainable and decentralised policy. You personally have played a pivotal role in delivering that outcome, for which we warmly congratulate you.

At this stage, of course, a political deal on framework of legislation has been agreed, but the reality is that this deal will be challenging to implement. We have spent some time over the last few weeks taking evidence and considering the issues relating implementation of the landings obligation (the "discard ban") in particular.

We have spoken with the UK Fisheries Minister, the UK's National Federation of Fishermen's Organisations, Seafish (UK) and scientists from the Universities of Liverpool and Aalborg.

The danger

We would agree with the UK Minister's assertion that "the problem that happens currently over the horizon at sea [must not] be transferred to a landfill site". Wastage at sea, in other words, must not become wastage on land. That is the danger and it is why effective implementation of the discard ban is now required. We are supportive of the principles adopted by the Council and Parliament, now enshrined in legislation, but we have substantial concerns about implementation. We set these out below.

(1) Regionalisation

Fundamental to the application of the discard ban will be the new regionalised approach to fisheries management. Much of the detail required to apply the ban will be resolved at a regional level by Member States working together, hopefully in effective collaboration with

stakeholders and scientists. It cannot, of course, be taken for granted that this approach will bear fruit, and effort will be required to ensure success.

The previous reform of the Common Fisheries Policy introduced the concept of Regional Advisory Councils (RACs). Some have been slow to get off the ground and others have found their views ignored. Now known as Advisory Councils (ACs), there is a clear need for the new regionalised approach to include genuine engagement with them, including a commitment to that engagement from all Member States involved in any region and from the Commission. Some of the ACs have been more successful than others and we take the view that the Commission has a valuable role to play in sharing best practice and helping all of the ACs to build on that success.

We see funding as a potentially significant obstacle to the success of regionalisation, both funding for the ACs and funding for activities by Member States.

We consider it incumbent on the Commission to assess the likely cost implications for the ACs and the Member States of the regionalised approach. At the earliest possible opportunity, we recommend that the Commission publish a specific Communication on the funding of regionalisation.

We would welcome your views on the most effective funding model for the ACs, including whether Union financial assistance might be increased to support the ACs given the reliance on regionalisation in the reformed Common Fisheries Policy and the importance of ensuring that they are supported by well resourced Secretariats.

(2) Exclusion for high survival species

Clearly, the new Regulation sets the principle of a discard ban, but permits a degree of flexibility as well as exclusions. An important exclusion is that for high survival species, which you described as “scientifically sanctioned survivability flexibility”. The complexity of this phrase encapsulates the complexity of its implementation.

We understand that this is far from simple as rates of survivability will depend on a variety of factors, including the timeframe over which a fish is deemed to have survived and weather patterns at the time of capture. We understand that comparisons cannot even be drawn between one species and a related species.

Some of the issues relating to the development of science in this area and others are explored below. Our view is that this aspect of the Regulation requires a substantial amount of work before it can be implemented. We would not want this challenge to delay the entry into force of the discard ban but, until it is resolved, the danger of requiring fish to be landed that would otherwise survive is clearly a high one.

(3) Research

Research to support the exclusion for high survival species is just one example of the type of research required to support the discard ban. Of equal importance will be research to support governance arrangements, such as real time closures, aimed at avoidance of the capture of unwanted fish.

We were told that the capacity exists within the marine science community, in collaboration with social and political scientists, but that there is a resourcing issue. This could, it was suggested, be overcome by a combination of a levy on industry, similar to that already in place for the UK agricultural sector, and effective deployment of public funding.

It was suggested to us that, historically, there has been a “bifurcation of marine science”, at least in the UK, with separate funding for blue sky research and for applied research, but with little linkage between the two. Some form of levy on industry might help to engage the industry further in the type of basic and applied research projects that would be helpful. We would welcome your view on the possibility that additional research capacity might be part-funded through a levy on industry.

In terms of how public funding can assist, it was unclear to us and to our witnesses what options there will be to fund fisheries science projects under Horizon 2020. Any clarity that you are able to offer would be extremely helpful. It would be particularly useful to know whether Horizon 2020 funding could promote research activities on commercial vessels, working in partnership with the industry.

Ultimately, effective engagement between the industry and scientists is crucial. We welcome the great strides that have been made to improve this and would emphasise the importance of full inclusion of scientists within the regional management model, working with both the ACs and the Member States.

(4) Knowledge transfer

In contrast to the agricultural industry, where the availability of advice on basic aspects of the Common Agricultural Policy is obligatory, the fishing industry does not have the same access to comprehensible advice. Knowledge transfer in the industry is, it seems, an under-examined area and one that would benefit from some examination if the discard ban is to be successful. This relates not only to the communication of science to fishers, but the communication of information from fishers to scientists, as also within the fishing industry itself across the EU. We would welcome your views on this issue and would recommend that the Commission undertake an examination of knowledge and innovation in the sector, with a view to setting out an action plan applicable across the EU.

(5) Compliance and enforcement

Rules will be of little benefit without some form of enforcement mechanism. We are persuaded, though, that a focus should be placed on compliance. The most effective way to ensure effective compliance with the reformed Common Fisheries Policy, including the discard ban, will be to ensure that the industry is fully engaged with identification of management measures and objectives, including the recognition that compliance is important to their futures and those of their children. This emphasises once again the importance not only of regionalisation but also of knowledge transfer.

Looking at enforcement of a discard ban, there are clearly a range of measures that can be deployed, such as CCTV and observers. We see significant potential in a risk-based approach, using a small sample of a fleet to set a reference level of catch composition.

(6) Withdrawal of measures deemed incompatible with the landing obligations

A proposal is expected from the Commission in the autumn to repeal certain technical conservation measures that are deemed incompatible with the discard ban, such as minimum landing sizes, catch composition rules and regulations on mesh and twine dimensions.

Looking further forward, a revised Technical Conservation Measures Regulation will be proposed next year. We heard from industry that this should be results-based rather than prescriptive, allowing fishers to decide for themselves how, for example, to incorporate the discard ban into their business models.

One witness noted that effort restrictions – i.e. days-at-sea restrictions – could have unintended consequences for the discard ban as they may restrict the ability of vessels to change their fishing grounds at short notice in order avoid certain species and catch others. Your view on that matter would be welcome, and how it might be resolved.

(7) Seafood supply chain

The UK Minister told us that “all the power here [...] is with the retailers”. We would agree that implementation of the discard ban relies to a large extent on the development of value throughout the seafood supply chain, particularly by broadening the species that are sold for human consumption. Retailers, notably supermarkets, are clearly central to that objective, which must include recognition that behavioural change among consumers is a challenging task and not one that can be delivered through a promotional campaign lasting only a few weeks. In evidence to us, Seafish¹ made a number of interesting comments:

- first time mothers and primary school children are important targets for campaigns;
- consumers tend to be more adventurous with seafood choices away from their homes due partly to a lack of awareness of how to prepare a variety of species of fish in the home;
- a problem in the past has been inconsistent supply of certain species of fish, resulting in reluctance by the food service sector to place those species on menus for long-term contracts; and
- the introduction of the discard ban may lead to an increased supply of fish (due to quota increases to reflect amounts originally landed as well as those discarded), potentially allowing a more consistent and reliable supply of fish.

While much of this work is for Member States, we would welcome any views that you may have on how the consumption of a wider variety of species can be promoted and what role the Commission can play.

(8) Non-quota species

The landings obligation only applies to quota fish and we therefore note that ongoing work may be required to assess the discarding of non-quota fish and possible future regulatory framework to support restrictions on the discarding of such species. This will, naturally, relate to the development of markets for those species.

¹ The Non-Departmental Public Body with primary responsibility in the UK to promote seafood.

Conclusion

The successful inclusion of a discard ban within the reform of the Common Fisheries Policy represents, as one witness described it, "the biggest change to the CFP for 20 years". It is a welcome change, but one that will require a great deal of collaborative effort to make it work.

The lines of action that, in our view, are urgently required to support the discard ban are set out below:

1. Funding of the regionalised approach is commensurate with the objectives enshrined in the Common Fisheries Policy reform, including both funding for Member States activities and funding for the ACs.
2. A stronger commitment to marine research, including greater possibilities for fishermen to be directly involved in the process. This will include the need to ensure that ACs have access to funding to promote research relevant to their regions.
3. A specific example of an area where research will be urgently required at a regional level is that of survivability. Currently, the science is simply not there to support the legislation. This means that there is a loophole in the law, which could be used to avoid compliance. Alternatively, fish will be required to be landed that would otherwise have survived if they had been discarded.
4. All existing rules and regulations, including effort restrictions, must be reviewed in order to ensure that they are compatible with the discard ban.
5. The consumption of a wider variety of species must be promoted to avoid waste.

We look forward to your comments.

I am copying this letter to Richard Benyon MP, Minister for Natural Environment, Water and Rural Affairs, Mr William Cash MP, Chair of the European Scrutiny Committee, Sarah Davies, Clerk to the European Scrutiny Committee and Paul Hardy, Legal Adviser to the European Scrutiny Committee,



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Lord Boswell
Chairman of the European Union Committee