SUMMARY OF PUBLIC CONSULTATION

Introduction

Council Regulation (EU) No 1380/2013 on the new Common Fisheries Policy (CFP), establishes new objectives and means for sustainable fisheries, including the objective of maintaining populations of harvested species above levels that can produce the maximum sustainable yield and achieving an exploitation rate consistent with this objective as soon as possible and at the latest by 2020 for all stocks.

The new CFP also introduces a landing obligation, which means that unwanted catches of species that are subject to quotas can no longer be discarded, and objectives that contribute to achieving "good environmental status" (GES) as required by Directive 2008/56/EC (the Marine Strategy Framework Directive, or MSFD).

The introduction of the landing obligation represents a fundamental shift in the way in which fisheries are managed. In the North Sea demersal fisheries, several species are usually caught together in the same net. The management plans currently in place were conceived when there was no landing obligation. This limits their effectiveness, because under the previous CFP, fishing could continue in these mixed fisheries even if the quota for one or more of the species concerned was exhausted. The unwanted catches would simply be discarded. Indeed, there was a legal obligation to discard catches in excess of quota, and also to discard any fish that were below the minimum landing size. This will no longer be the case. Under the landing obligation, the fishery should be stopped whenever the quota for any one of the species in the mixture is exhausted. Moreover, all under-sized fish must be landed and counted against the quota.

In line with the principles and objectives set out in Articles 9 and 10 of the Basic Regulation (Council Regulation (EU) No 1380/2013), and to the extent possible, multi-annual plans should become the main repository for all of the elements and instruments necessary for the management of the fisheries and stocks that a plan encompasses. This ambition would need to take into account the developments regarding the landing obligation and technical conservation measures which are underway in a parallel process to development of this proposal. It could be envisaged that recommended measures or approaches resulting from those developments be incorporated into any multi-annual plan, through regionalisation.

A new multi-annual plan for the North Sea would aim to fulfil the objectives of the new CFP i.e. to achieve an exploitation rate consistent with maximum sustainable yield (MSY), to ensure high and stable yields for the industry, while taking into account mixed-fisheries interactions. It would respond to the challenges under the landing obligation, and would seek a results-based approach by enabling tailor made management measures to be produced in close consultation with fishers and Member States. It would also contribute to the objectives of the Marine Strategy Framework Directive, achieving high long-term yields while maintaining productive and healthy fish stocks within functioning marine ecosystems.

The views of stakeholders and the public in general were sought through a public consultation on the best way forward to modernise and rationalise multi-annual plans in the context of the new CFP. This document reports on the outcome of this consultation.

The overview of the contributions presented is based on the written contributions received. It is neither intended to draw conclusions regarding the options proposed nor does it represent the position of the Commission. It will support the preparation of the Impact Assessment report, which in turn will be the basis for developing the Commission's proposal for a new multi-annual plan for North Sea fisheries.

Contributions received
The public consultation took place between 9 February and 4 May 2015, with a total of 25 written contributions received. Individual contributions are available on the dedicated website to this consultation\(^1\).

Table AI.1 provides a summary of the submissions by stakeholder grouping.

### Table AI.1. Breakdown of contributions to the Public Consultation on North Sea multi-annual plans

<table>
<thead>
<tr>
<th>Stakeholder Group</th>
<th>Number of contributions</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory Councils</td>
<td>1 (4%)</td>
<td>MED AC, SWW AC, NS AC, NWW AC, BS AC</td>
</tr>
<tr>
<td>Member States administrations</td>
<td>4 (16%)</td>
<td>Ministries, Local government</td>
</tr>
<tr>
<td>Civil society organisations</td>
<td>9 (36%)</td>
<td>Environmental NGOs</td>
</tr>
<tr>
<td>Industry/interest groups</td>
<td>9 (36%)</td>
<td>Fishermen's representative organisations, , consumer groups, European transport workers federation, anglers organisations, fisheries consultants</td>
</tr>
<tr>
<td>General Public</td>
<td>2 (8%)</td>
<td>Citizens with differing backgrounds (e.g. retired fisherman, anglers, member of NGO)</td>
</tr>
</tbody>
</table>

### General comments

The majority of contributors think that the current North Sea long term management plans need to be replaced as they have become outdated due to the introduction of the landing obligation. Member States' and industry's contributions strongly criticise the current effort-based regime that does not incentivise fishermen to fish more selectively. The majority of stakeholders state that a mixed-fisheries multi-annual approach is the right way forward. Contributors from Member States' administrations and the fishing industry would like to see simple, non-prescriptive regulation—an EU framework including strategic objectives and general principles with detailed rules drawn up through the regionalised model. A new mixed-fisheries multi-annual plan is seen as an opportunity to improve the management of North Sea fisheries.

Almost all NGO contributors highlight that the precautionary approach and the ecosystem-based approach should be respected in all new MAPs. With respect to the way that TACs will be set in the future, almost all NGOs state that $F_{MSY}$ must be an upper limit and not a target value. NGOs strongly argue against $F_{MSY}$ ranges where the upper bound of the range is above $F_{MSY}$. NGOs also want biomass reference points which trigger previously agreed reductions in $F$ to be included into the plan.

### Implementation of the landing obligation

There is general agreement from all contributors that the implementation of the landing obligation will present a major challenge for the fishing industry. Some industry contributors challenge the usefulness of the landing obligation. While sharing the point of view that the landing obligation will present an important challenge for fishermen, NGO contributors also emphasise the environmental and economic opportunities that a successful implementation of the landing obligation might present. One NGO points out that the implementation of the landing obligation not only poses a challenge to the fishing industry but also to MS as a new approach to quota allocation within MS is needed.

Area coverage

There is general agreement that the plan must make suitable provision for consistency with other area plans to ensure consistency of objectives. There are divergent views whether stocks that are not predominantly fished in the North Sea should be covered by the proposed North Sea plan or not. All Member States that participated in the consultation recommend that the plan covers ICES areas IIIa, IV and VIIId. However, some contributions from the fishing industry object to the inclusion of IIIa and VIIId if this leads to the inclusion of additional stocks other than straddling stocks that are also present in the main basin of the North Sea (area IV).

Major stocks to be included in the plan

The most frequently mentioned additional major stock to be included in the plan was monkfish. Clarity over approaches for co-management with Norway was also mentioned (by NSAC and Member States). Many industry contributors agree with the list of stocks presented in the consultation document. In addition to monkfish, a stock that is mentioned in several industry contributions is megrim. A couple of other fishing industry contributors individually suggest adding other stocks, e.g. sea bass or brown shrimp. NGO contributors emphasise that the MSY objective should be applied to all harvested species. One NGO contribution mentions lemon sole, brill and turbot as drivers of fishermen's behaviour which therefore might be considered as major stocks.

By-catch species to be covered by the plan

With respect to by-catch species, where by-catches are significant or where interactions are important, technical measures through regionalisation are considered appropriate by the majority of industry contributors, the NSAC and Member States, using an adaptive and incremental approach and monitoring the situation to determine the most at-risk species. Many NGOs again emphasise that the CFP's MSY objectives should apply to all species. Some NGOs give special mention to the protected zero-TAC species porbeagle and spurdog, which need special protection as they still can be discarded in the future.

Ecosystem considerations

For ecosystem considerations, many industry and Member State contributors feel that existing legislation already takes the ecosystem into account. There was recognition that some stocks may need to be exploited more lightly than F_{MSY} to achieve MSFD Descriptor 3.

However, NGO contributors agree on the need to include ecosystem considerations when drafting the multi-annual plan. They see a need in respecting the MFSD objectives when adopting fisheries legislation and also refer to article 2(3) of the Basic Regulation of the CFP which foresees an ecosystem-based approach. Some NGOs want very concrete objectives to be achieved like the improvement of the state of specific Natura 2000 sites.

One Member State and one NGO state that the multi-annual plan should be developed incrementally and that ecosystem considerations might be added after evaluation of the new plan or when scientific advice evolves.

Regionalised technical measures

For technical measures, Member States and fishing industry ask the Commission to coordinate the elaboration of the multi-annual plan and future framework for technical measures to avoid duplication. One Member State highlighted that they should be broadly formulated to avoid excluding possible instruments for future management. All technical measures should be dealt with through regionalisation alone.

The AC, Member States and industry highlighted a wide range of technical measures including selectivity improvements, spatial / temporal closures, limitations or prohibitions on
the use of certain fishing gears and activities, MCRS and combinations of measures where necessary.

One industry interest group suggested new technologies like sorting fish in the water prior to bringing them on board and leaving behind the unwanted catch.

Additionally, many NGOs underline the need for broad consultation and effective regionalisation when developing new technical measures. Several NGOs propose temporal, real-time and permanent closures in order to protect juveniles and/or vulnerable species. Some NGOs refer to the possibility of creating fish stock recovery areas as defined in Article 8 of the Basic Regulation. Many NGOs suggest introducing measures for higher selectivity of fishing gear. Some NGOs want best practices on handling unwanted catches (e.g. of vulnerable species like sharks and rays) to be promoted, in order to achieve higher survival rates.

Two NGOs suggest other concrete measures like obligatory by-catch reduction devices, move-on rules, obligatory CCTV in cod ends, improved monitoring and reporting requirements and the limitation of fishing licences to certain areas.

**Citizen's contributions**

Two responses were received from members of the general public. One respondent is a retired fisheries scientist. His contribution emphasizes the need to set F below $F_{MSY}$ and suggests working on defining a general rule for defining such an F value like 75 or 80 percent of $F_{MSY}$ instead of setting F arbitrarily below $F_{MSY}$. He also points out the need to reduce fishing below the F value foreseen in the plan if scientific data indicate that the size of the spawning stock has fallen below some threshold value.

The other respondent is the Chief Executive of a regional processors' association who contributed on his own behalf. He strongly criticises the landing obligation and emphasises the need to leave more decisions to the individual fishermen. He also asks to add crab, squid and lobster to the list of main target and bycatch species.

A word cloud indicating the 100 most frequently used words and phrases in the combined responses to the public consultation from all contributors is illustrated in Figure AI.1.
Figure A1.1. Word cloud to show the 100 most frequently used words and phrases in the combined responses to the public consultation from all contributors.