



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels,
D(2012)

Opinion

Title

DG MARE - Impact Assessment on a European Plan of Action for reducing incidental catches of seabirds in fishing gears

(draft version of 03 February 2012)

(A) Context

This impact assessment concerns a proposal aiming to reduce the incidental catches of seabirds in fishing gears. This is within the framework of an International Plan of Action for Reducing the Incidental Catches of Seabirds in Longline Fisheries, adopted in 1999 by the UN Food and Agriculture Organisation Committee on Fisheries. The European Commission, in fulfilment of its responsibilities as a contracting party of international organisations acting in the context of the International Plan of Action, is committed to developing a Plan of Action for EU vessels fishing in EU and non-EU waters. It is estimated conservatively that the EU fishing fleet is responsible for the death of c. 200,000 seabirds annually in EU and external waters.

(B) Overall assessment

The report should be significantly improved in several important aspects. Firstly, the evidence base to demonstrate the unsustainability of current fishing practices for seabird populations should be considerably strengthened, and the findings of the MRAG study should be clearly presented. The report should further refine the objectives by proposing a clear timeline for action, and targets for the reduction of bycatches. Secondly the report should present a more detailed analysis and comparison of the various options, and clearly present the different views of stakeholders. Thirdly it should provide a more substantiated analysis detailing regional and social/employment impacts, and an assessment of the impacts on SMEs. Finally, the report should clarify the future monitoring and evaluation arrangements and should ensure that all relevant stakeholders have been properly consulted.

Given the nature of these recommendations, the Board asks DG MARE to submit a revised version of the report, on which it will issue a new opinion.

(C) Main recommendations for improvements

(1) Strengthen the evidence base in support of further EU action. The report should provide a clearer overview and identify the overlaps with other EU initiatives such as the Birds and Habitats Directives, and other measures already in place at national level. It should clearly situate the measures discussed within the overall CFP policy, and discuss whether any lessons can be learned from the experiences in implementing the Regulation on bycatch of cetaceans, and also from successful examples in other world regions. It should also provide a more in-depth analysis of mitigation measures which have proved successful in reducing the incidence of bycatch such as the measures for the conservation of Antarctic Marine Living Resources and should discuss the feasibility of their application in the EU. Based upon a clearer mapping of existing measures, the report should then further demonstrate the scale and extent of the problem. It should discuss the significance of the Potential Biological Removal (PBR) rate figures provided for the viability of seabird populations, by showing as far as possible whether bycatch, when coupled with other factors leading to seabird mortality, can lead to a decline in seabird populations. Based upon a fuller interpretation of the data, the report should then try to identify which species in particular are at risk of depletion. It should indicate the geographical distribution of these threatened species and present the areas and fisheries identified as having high levels of incidental catches. Where there is a shortfall in data, this should be indicated and should be clearly reflected in the objectives of the report, which should be revised to include a clear timeline for action and clear operational targets.

(2) Improve the options design. The report should provide a more complete set of options and a clearer explanation of each of the options. Under option 2 ('Action Plan'), it should explain at what stage in the data gathering/monitoring exercise, further binding measures may be introduced and upon what basis. The report should provide a clearer idea of the processes behind the formulation of possible binding measures and indicate how/whether stakeholders will be involved in this process. It should then further explain if priority will be given to threatened species or to specific regions and on what basis these regions would be designated. Moreover the report should consider variants for option 2 by differentiating and assessing alternative combinations of the various option components. For instance, intervention could be differentiated by gear type and additional options such as closure or night fishing obligations could be considered. The report should fully discuss and assess the effectiveness and efficiency of option three ('legislative action') and separate it from a potential discussion of its 'political' feasibility. The report should clarify whether mandatory mitigating measures to be implemented in the future will be accompanied by an impact assessment and how existing EU bodies/committees dealing with fisheries policy would otherwise be involved in the design and implementation of voluntary measures and awareness-raising and training activities. Finally, the policy options should be discussed in view of the results of the stakeholder consultation. The likelihood of uptake of each of the measures by the industry – voluntarily or not - should also be discussed.

(3) Strengthen the analysis of impacts and the comparison of options. The report should better assess the effects, ability and willingness of Member States and the fisheries industry to actually adapt to and implement the mitigation measures envisaged. In this context the report should explain if and how the measures will work in practice, with particular focus on regional differences in implementation. In addition, the report should

provide a more comprehensive description of impacts of options on the fishery sector with a particular focus on SME's. In doing so the report should explain more thoroughly the link between the (high) costs (and therefore potentially reduced profits) of mitigation measures, including relevant regional differences, and the implied reduction of incidental seabird catches. This should include all available evidence including an overview of the potentially significant market or consumer effects. In addition, the report should analyse the social impacts in more detail, for instance by analysing employment effects in the fisheries industry, in particular for SME's. Finally, the qualitative summarising of the options should be reinforced by an overview of quantitative costs figures. The redesigned set of options should be compared against the baseline scenario in terms of their effectiveness, efficiency and coherence.

(4) Clarify the future monitoring and evaluation arrangements. The report should provide more a developed monitoring regime, including a set of concrete progress indicators that are clearly linked to the preferred option. It should be clearer about the evaluation arrangements, which should be linked to future decision-making needs.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation.

The report should detail how stakeholders' opinions have been taken into account throughout the text and should systematically provide references to the stakeholders' consultation. This should include the consultation of the European sectoral social dialogue committee for sea fisheries (as requested in the IA guidelines given the nature and likely social impacts of the initiative). The report should explain why the consultation failed to get replies from the catching sector.

(E) IAB scrutiny process	
Reference number	2009/MARE/071
External expertise used	No
Date of Board Meeting	29 February 2012