



31st May 2010

NGOs comments on the Communication from the Commission: Consultation on Fishing Opportunities for 2011

I. GENERAL CONSIDERATIONS

We welcome the European Commission's communication¹ which shows a clear commitment to setting sustainable fishing opportunities in line with scientific advice and the precautionary approach, as well as full implementation of long-term management plans.

We also welcome the clear commitment to achieve the goal of all stocks being exploited at Maximum sustainable yield (MSY) by 2015. We would however note that while reaching MSY constitutes an acceptable intermediate target for stocks that are overfished, it shouldn't been considered as an ultimate target, but rather as an upper limit². In the year of biodiversity, it should further be highlighted that the EU and its Member States also have the obligation to halt the loss of biodiversity and achieve Good Environmental Status (GES) of European's seas and a favourable conservation status in designated Natura 2000 sites. More precautionary targets, such as Maximum Economic Yield (MEY) should be set for stocks already close to or at MSY.

The focus on MSY indicates a continuing preoccupation with stock management diverting attention from efforts to establish integrated, multi-species, ecosystem-based fisheries management. We would have expected some reference in 'New Policy Developments' to the broader sustainability context of an ecosystem-based approach to fisheries management and the achievement of GES given the current challenge to

¹ COM (2010) 241: Communication from the Commission: Consultation on Fishing Opportunities for 2011.

² This is already required under international law, at least insofar as the management of straddling and highly migratory fish stocks are concerned, in Article 6 and Annex 2 of the 1995 UN Fish Stocks Agreement.

align the reformed Common Fisheries Policy (CFP) with the Marine Strategy Framework Directive.

It is welcome news that the proportion of stocks that are assessed as being overfished is decreasing, but this should of course be viewed within the context of overall health of EU stocks. For example, the proportion of stocks that are overfished in the North-East Atlantic and adjacent waters (72%)³ is still far above the global average of 28%⁴. Disappointingly the number of stocks that have no advice due to data deficiency has increased substantially in 2010 compared to previous years. This is something which needs to be addressed urgently if the EU is to achieve sustainable management – particularly in the case of the Mediterranean where sound scientific advice for the majority of stocks is lacking.

It is encouraging that TACs set in excess of scientific advice dropped from 48% in 2009 to 34% in 2010 but this is still far too high. There is an urgent need to align TACs with the scientific advice for all stocks and, as is the case in the United States, the new CFP should legally cap TAC levels, so that they can only be set at or below the scientifically recommended levels.

There is a clear case for all fisheries to be managed under multi-species Long Term Management Plans (LTMPs)⁵. These would put an end to the annual negotiations for fishing opportunities and should lead to better management decisions. The CFP is being reformed, and we believe that mandatory LTMPs developed according to centrally agreed standards for all fisheries should be a cornerstone of the reform as a means to address all conservation and management issues, including potential excess fishing/catch capacity, and discards. These LTMPs should be inherent in the context of regional marine strategies and policies to achieve Good Environmental Status. However, we need not wait until 2013 for progress to be made; it is encouraging to see that the Commission has acknowledged that LTMPs “*have proven to be more effective in managing stocks and have improved decision making*” and will “*remain at the core of the Commission’s policy*” in the reform.

II. DEEP SEAS

The communication fails to mention, much less meet the EU commitment to the United Nations⁶ to manage deep-sea fisheries sustainably. The Communication only states that decisions on fishing effort for deep-sea species will be based on the management regime adopted by the North-East Atlantic Fisheries Commission (NEAFC) – a regime that has consistently failed to prevent the depletion of deep-sea fish stocks, as all deep-sea species are outside safe biological limits according to ICES scientific advice⁷.

³ See COM (2010) 241, Annex Ia, Table 2.

⁴ FAO (2008) The State of World Fisheries and Aquaculture. Food and Agriculture Organisation of the United Nations. Rome, 2009

⁵ MRAG, 2009. Studies supporting reform of the Common Fisheries Policy, A vision for European fisheries post 2012. A report for WWF by MRAG

⁶ The United Nations General Assembly resolution 64/72, adopted in December 2009, commits the EU and other high seas fishing nations to ensure that catch levels of deep-sea species on the high seas, including bycatch species, be established on the basis of stock assessments to ensure the sustainable exploitation and/or rebuilding of depleted populations of deep-sea species (paragraph 119(d) of the resolution which was adopted based on a proposal from the EU). In addition, the resolution calls on States to conduct prior environmental impact assessments of deep-sea fisheries “and to ensure that vessels do not engage in bottom fishing until such assessments have been carried out”. The resolution further calls for the closure of areas where vulnerable deep-sea ecosystems such as cold-water coral reefs are known or likely to occur unless management measures are in place to prevent significant adverse impacts on such ecosystems. Where such measures do not exist, States are called upon to not authorize such fisheries’ to occur.

⁷ ICES Advice 2008, Book 1; 1.5.1.1: Indicator: status of fish stocks managed by the Community in the North-East Atlantic: <http://www.ices.dk/committe/acom/comwork/report/2008/Special%20Requests/EC%20Stock%20status%20report%20January%202008.pdf>

Moreover, ICES has indicated serious concerns regarding the quality of VMS data and the likelihood of significant mis-reporting or non-reporting of catches of deep-sea species in its advice to NEAFC in 2009⁸. We would also note that a number of deep-sea species reported to be caught in the Northeast Atlantic are not covered by the current EU regulations, and that for many of those that are covered, no fishing limits are set, meaning the fisheries for these species are essentially unregulated. Indeed, the effort restrictions mentioned in the Communication only apply to 24 of the 46 listed species in Annex I and II of the access regime for deep sea fisheries⁹, and TACs have only been set for 19 of these 46 species¹⁰.

The requirements under the United Nations General Assembly Resolution 64/72 are of integral importance when setting TACs and quotas for deep-sea fisheries in the North-East Atlantic, in particular the provisions of paragraph 119(a) of the resolution calling for catch and effort levels to be based on stock assessments, for both target and by-catch species, commensurate with the long-term sustainability of the stocks and consistent with the UN FAO Guidelines for the Management of Deep-Sea Fisheries in the High Seas and the precautionary approach. Indeed, anything less than having those stipulations in place would be a failure to effectively manage those fisheries and a failure of the Commission to follow through on the EU's international commitments. We therefore consider the Commission's approach in relation to the management of deep-sea stocks inadequate and request that where stock assessments are inadequate to determine the long term sustainability of deep-sea fish stocks that fisheries on those stocks be prohibited consistent with the measures called for in UN GA resolution 64/72, and the EU's international obligations to manage deep-sea fisheries sustainably and prevent, deter and eliminate unregulated fishing. To the extent that subsidies have been provided to this sector of the EU fleet, they should be redirected to a reduction of capacity and phase-out of unsustainable deep-sea fishing.

III. MEDITERRANEAN SEA

The assessment of the state of the resources provided in the Communication confirms that the current process for delivering scientific advice for fisheries in the region is totally inefficient. The lack of a well defined system ensuring the regular delivery of standardised scientific advice to fisheries managers constitutes one of the major weaknesses undermining sustainable fisheries management in the Mediterranean. Any rational fisheries management system – be it based on a limitation of catches or effort – should be supported by a fine-tuned and well-funded system to provide high quality scientific advice in a regular manner. Today, such a system for European fisheries in the Mediterranean is visibly lacking. We request that the European Commission proposes action and timelines to address data insufficiencies in relation to Mediterranean fisheries.

IV. REGIONALISATION

It is encouraging to see a move towards a more regionalised approach with the Commission's proposal to "*devolve the management of TACs that concern only one Member State to that Member State*". We believe, however, that any initiative to increase regional involvement in the decision-making process should go beyond just Member State involvement and include all relevant stakeholders in the discussions.

⁸ ICES Advice 2009, Book 9. 9.3.2.2: NEAFC request to evaluate the use and quality of VMS data and records of catch and effort for providing information on the spatial and temporal extent of current deepwater fisheries in the NE Atlantic: <http://www.ices.dk/committe/acom/comwork/report/2009/Special%20Requests/NEAFC%20use%20and%20quality%20of%20VMS%20data.pdf>

⁹ Council Regulation 2347/2003

¹⁰ Council Regulation No 1359/2008

There is no doubt that including stakeholders, including the fishing sector, in the management process leads to better compliance and cooperation.

V. DATA DEFICIENT STOCKS

In 2010, the state of 60% of stocks was unknown due to poor data: there were 42 stocks with no scientific advice available in 2010 compared with 33 in 2009. The 2010 figure is the highest in the presented time series starting from 2003. It is difficult to see how claims to be progressing with sustainable stock management can be made when data deficiency is deteriorating year on year.

Clearly current stock assessment methods are not adequate in all areas and some fisheries areas are in a much worse state than others. Ten out of the 14 European stocks where the advice was closure of the fishery were in the West of Scotland, Irish and Celtic Seas. In these areas, 29 of the 48 species (60%) could not be assessed. There needs to be a strong commitment to turn this situation around; to develop a robust method of assessing the state of data deficient fisheries and managing them more effectively. Risk assessment should be considered for stocks where data deficiencies exist. Until this situation is resolved, any data-poor management has to be adaptive and precautionary, in line with the UN Fish Stock Agreement.

Already last year the Commission identified the failure to provide reliable data on landings and discards as an obstacle to the accurate assessment of fish stocks, thereby aggravating the uncertainty inherent to fisheries management. The precautionary approach triggered by that lack of accurate data will result in stricter catch limits. Incentives could thus be provided to those operators who provide accurate data on catches and discards by granting them preferential access to fish quotas. Catch quotas and fully documented fisheries may well be a first step in this direction, and the installation of onboard cameras could be prioritised in data deficient fisheries.

VI. IN CONCLUSION

The poor state of most of Europe's fish stocks requires the European Union to scale up its efforts to protect and recover fish populations. This is relevant in the context of ensuring sustainable fishing now and in the future and, more importantly, is imperative in relation to achieving Good Environmental Status of Europe's seas and the good health of marine ecosystems wherever they occur.

Submitted by:

Birdlife International, Deep Sea Conservation Coalition, Ecologistas en Acción, The Fisheries Secretariat, Greenpeace, Ocean 2012, The Pew Environment Group, Seas at Risk, World Wide Fund for Nature (WWF).