

Coalition Clean Baltic

Coalition Clean Baltic (CCB) response to the green paper - Reform of the Common Fisheries Policy, COM (2009) 163

Introduction

The CCB is a network of environmental organisations in eleven countries around the Baltic Sea region, also including members in Russia, Belarus and the Ukraine. CCB is member of the OCEAN2012 alliance and supports the alliance response to the green paper. However, we will in our separate response focus more on the Baltic situation and choose and underline a few of the questions in the green paper that are important from a Baltic Sea perspective.

Summary

The foundation for the future CFP must be a part of a vision for how the EU wants the marine environment to develop, be used and sustained as a whole. Not for the next year or for the fisheries sector alone, but for a true long-term sustainable management of the marine environment.

The natural and only possible starting point must be derived from the ecological situation and resilience of the ecosystem at hand. The CFP must be based on a precautionary approach together with the ecosystem approach. Ecological sustainability has to be a given constant for any social or economical development to take place.

The strange separation of the fishing and effects of the fisheries from the more general environmental scope of marine life must be revoked. We can no longer afford to only use the word ecosystem approach, it must become a workable principle in all management. The coherence between CFP and other directives goals and targets must be settled and the CFP must submit to the Marine Strategy Framework Directive and the Habitat Directive, not become a separate layer.

The Habitat directive is relevant in relation to migratory fish species like the wild salmon, which is a Habitat species. We need to have long-term management that sets both targets and actions to reach the target for each commercial fish species.

- Long-term management that encompasses more than just fish and fish stocks must be realized. The ecosystem approach does not mean a fishing approach
- Management must be kept in line with the scientific advice. The scientific data must also improve and become more locally adapted
- The CFP must subject to the objectives of the Marine Strategy Framework Directive as well as the Habitat directive when considering migratory fish species
- Catch data from all forms of fishing activities must be assessed especially for fish that live in both fresh and saltwater areas
- The overcapacity must be tackled and we can not afford to wait to address this issue

- The Baltic Sea needs permanent closed areas for fishing activities, especially areas crucial for spawning
- The negative impact of subsidies must be stopped and any future subsidies must be tied to compliance with the rules and always promote more environmentally friendly fishing methods.
- CFP must include actions to safeguard the population of Harbour Porpoise in the Baltic. In the green paper, by-catch problems of birds and cetaceans are surprisingly not mentioned.

Questions from the green paper

The structural problems of the CFP (chapter 4 Green Paper)

4.1 Overcapacity:

- **Should capacity be limited through legislation? If so, how?**

- Overcapacity is, although hard to assess, the main problem for the fisheries and it is a problem to be tackled as soon as possible. Capacity should be limited through legislation at least so far as to set a target for the fishing capacity present in the Baltic Sea. Capacity in this regard is both an issue of the number of vessels and the effect or quality of the fishing effort made from the vessels.

- **Is the solution a one-off scrapping fund?**

- If there is to be a scrapping fund, it must be focused on really reducing fishing capacity (again both an issue of the number of vessels and the effect of the fishing effort), targeting large vessels and also the vessels using the most harmful methods, i.e. bottom trawling. However scrapping has been misused and had poor effect in the past. Small boats and even boats not really used have been scrapped. If a substantial reduction of fishing capacity is not feasible, then scrapping funds are not an acceptable option. If the instrument with scrapping fund is used it cannot be combined with any system where there are funds giving subsidies to new vessels or modernised vessels.

- **Could transferable rights (individual or collective) be used more to support capacity reduction for large-scale fleets and, if so, how could this transition be brought about? Which safeguard clauses should be introduced if such a system is to be implemented? Could other measures be put in place to the same effect?**

- Rights based management (RBM) are commonly presented as an answer to reduction of capacity. However it is unclear if this perhaps also means introducing full out market based principles meaning that rights can be sold to anyone including across nations. RBM can also mean non-transferable rights as a management tool. Real transferable rights such as quotas might give a new heavy incentive to short-term economic interest to cover investments, and concentrate fishing to a few economically strong fishing companies.

Different schemes of rights based management might address some of the problems of overcapacity. It is not the answer to the overall environmental effects of fishing and it is

questionable if some of the RBM schemes in the long run really handle fishing capacity as vessels continue to improve their catching capacity.

Any RBM system must ensure that smaller and often both environmentally friendly and efficient fishing vessels are not excluded. Access to fishing rights should always be conditioned in such ways that it promotes more environmentally friendly and selective methods. Failure to comply with the rules and regulations must lead to revoked fishing rights.

- **Should this choice be left entirely to Member States or is there a need for common standards at the level of marine regions or at EU level?**

There are needs for regulations and standards on an EU level to ensure that a basic framework for sustainable fisheries is used in all MS. With this in place the responsibility to manage the fishing fleets can be at MS level or in a regional format if this can be developed.

4.2 Focusing policy objectives

- **How can the objectives regarding ecological, economic and social sustainability be defined in a clear, prioritised manner which gives guidance in the short term and ensures the long-term sustainability and viability of fisheries?**

The foundation for the future CFP must be a part of a vision for how the EU wants the marine environment to develop, be used and sustained as a whole. Goals and targets must be established in line with the other ambitious goals set out in the Marine Strategy Framework Directive, Water Framework Directive and Habitat Directive. The natural and only possible starting point must be derived from the ecological situation and resilience of the ecosystem at hand.

The strange separation of the fishing sector and effects of the fisheries from the more general environmental scope of marine life must be revoked. A future CFP must adapt and must be subject to other relevant directives and legislation, and not exist as a separate and conflicting interest. The ecological sustainability must be the priority and all efforts to transform the fisheries to reach such a status must be realized.

In this setting the fishing methods and the fishing activities must adapt to the needs of the marine environment as a whole and the transition, however problematic, will have to be done in the long run. Public funding should only be used to alleviate the problems and to promote the sustainable fisheries that have a place in the future without a need for subsidies.

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

Fisheries management at a high political level that handles everything from mesh size to TACs has obvious problems and it may under the new treaty get even more problematic. Clearly the decision making process must stay clear of detailed micromanagement and also of the short-term based system of today. It is also very clear that we cannot have the system of one size fits all. The Baltic as well as the Mediterranean require adapted rules.

- **How can we clarify the current division of responsibilities between decision-making and implementation to encourage a long-term focus and a more effective**

achievement of objectives? What should be delegated to the Commission (in consultation with Member States), to Member States and to the industry?

- The general policy objectives and long-term management plans including principles, targets and formulated evaluation procedures should be set by the Council of Ministers and the European Parliament. Also, the control of compliance should be decided on the EU level as outlined in the control regulation.

The more detailed and technical issues may be best decided by the Commission and if possible implemented in a decentralised manner. However this is under the conditions that the clear objectives and principles as mentioned above are in place. The Commission should commit itself to make this process transparent and open as possible.

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

- The RACs and ACFA should continue to be advisory bodies. The RAC, with its composition of today, should not be given decision-making power. A regional decisions-making body will need to include all member states of a region, science officers, legal and economic competence, have more stakeholder participation to be able to take legally binding decisions.

Furthermore, the RACs majority consist of stakeholders closely connected to the commercial fishing industry. A future principle for CFP and its need for a regional management is the connection to the marine ecosystem as a whole and many other stakeholders must be present in such a Regional Marine Advisory Council.

5.2 Making the most of our fisheries

- **How can long-term management plans for all European fisheries be developed under the future CFP? Should the future CFP move from management plans for stocks to fisheries management plans?**

Very rarely the word “long” in long-term management plan is defined. It may be 3 years or 10 years. Considering the time needed to construct and decide on such plans, the time frame should never be shorter than 5 years, preferably longer.

Establishing long-term plans based on the best available science must be a common interest for all parties. Set rules and guidelines give stability and provide a predictable situation. Plans should be developed with the base in scientific advice for the stock and the area at hand.

Required components for development of long-term plans for commercially exploited fish stocks are:

- In all long-term management plans for fish stocks conservation limits as Spawning Stock Biomass SSB (minimum and precautionary level) should be set, including agreed actions to be taken if such levels are not met. One of the most important components in fisheries management is to have clear conservation limit goals for all commercial fish stocks. Clear goals for SSB could be best way to reach MSY.

- The concept of Maximum Sustainable Yield, MSY is insufficient, and should only be considered as an intermediate goal. It is essential to specify and take measures to reach not just a certain stock level but also a particular composition of the stock. It is necessary in all scientific assessments to include the size and age structure of fish stocks as well as determining the stocks capability to spawn.
- Include, besides stock size, clear management goals for distribution of size/age/sex range for commercial fish stocks. Such goals would also support the safeguarding of the genetic variability of stocks. In the Baltic this is especially important for salmon that consists of separate stocks for each river system.
- Designation of areas for temporal and permanent closures of sufficient sizes for fisheries to prevent capture of non-target species and to protect spawning areas for cod and herring must be a part of the long-term management plans.
- In the Baltic Sea, fishing catch quotas should be used to control fisheries and not a system of fishing effort.
- Catch quotas are preferable to landing quotas. All by-catch should be included in the recorded catch to reduce discards.
- There must be a flexibility in all long-term plans to allow continuous revisions and adjustments to new facts and scientific information. Check points with short-term targets should be included in the plan, including actions if targets are not reached.

Fish species migrating between sea and freshwater needs special management

Fish species migrating between the sea and freshwater needs management plans that include their whole life-cycle. This issue, as mentioned above in 4.2, highlights the problems of handling this within the framework of the CFP since this falls under the jurisdiction of individual member states and for certain fish species also under other policy objectives, as laid out in the Habitat directive for example. Components in management plans for migratory species must include:

- Requirements for MS to set up goals in rivers/freshwater for number of returning spawners and out-migrating of juvenile fish to the sea.
 - Fisheries management of migrating species in sea and freshwater must be adapted to the management goals set up for each population.
 - Catch data from all forms of fishing activities including recreational fishing/river fisheries must be assessed especially for fish that live in both fresh and saltwater areas.
- **What should the main management system be for Community fisheries and to which fisheries should it apply? Catch limitations? Fishing effort management? A combination of the two? Are there any other options?**

- In large parts of the Baltic Sea the fishing is different from for example the North Sea with more mixed fisheries. The fishing in the Baltic is targeting a relatively limited amount of species and under such circumstances catch quotas are preferred. Video surveillance together with an AIS system can be a good way of controlling the system and increase safety and transparency and it should be used.

- **What measures should be taken to further eliminate discards in EU fisheries? Could management through transferable quotas be useful in this regard?**

- Transferable rights can have an impact on capacity at best, but not discards. It is more likely that transferable quotas will increase the pressure on fishermen to throw less valuable fish to catch more and bigger fish. Discards should be tackled with other means and in the Baltic it is possible that catch quotas instead of landing quotas can be a better choice.

The problems of by-catch in the Baltic Sea can be much improved by limiting the use of trawlers. CCB supports the idea of environmental permit procedures for bottom-trawling fisheries in the Baltic Sea to control this method and to make sure it is used in specific areas only.

There is a need to regular monitor the environmental impact of fishing gear having a direct impact on marine environments, e g for bottom-trawling impact on sea-bottoms. All fishing vessels using such fishing-gear should report the positions where such fishing-gear is set and removed.

There is also need for better monitoring of the by-catch of the Harbour Porpoise and sea birds in areas with high risk of such by-catch for example in coastal areas of the southern Baltic and in the Danish straits. The by-catch is often unreported and therefore unknown and to learn more about the porpoise this must change. The ban of drift nets is very important because of the high risk of unwanted by-catch and the ban must be kept and defended.

5.5 Integrating the Common Fisheries Policy in the broader maritime policy context

- **How can the future CFP best contribute to the implementation of the Marine Strategy?**

The obvious answer would be to have the same ambitions for the CFP as laid out in the Marine Strategy Framework Directive and its descriptors of good ecological status such as: “Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.” The CFP simply must be adapted to such principles and targets.

CCB thinks that it is relevant in this section not only to mention the maritime policy but also other policies relevant for the Baltic and for the migratory fish species present. The goals set out in the Water Framework Directive and Habitat Directive certainly effect species such as salmon and a future CFP must fit into these directives as well.

The shortcomings of the present CFP in this regard is very well exemplified with migrating fish species such as salmon and the fact that they in are born in freshwater streams and as

adults are subject to fishing in the sea and then falling under the quotas and regulations of the CFP. A management plan without considering the full life cycle of migrating fish including the ecosystem it depends on is useless and is not aimed at protecting the stock but rather to make it accessible to fishing while the actual status of the stocks is unknown. More on this in sections 5.2.

The Habitat Directive stipulates actions in each MS to reach good favourable status of a fish stock listed under Habitat Directive and substantial amounts of money are spent to reach this goal. The upstream conservation and restoration efforts are rather useless if the fishing on mixed stocks in the sea continues, and as long as the data for the assessments of the stocks are incomplete fishing must be stopped.

The management of commercial fish species listed in the Habitat Directive must always be subject to the objectives of favourable conservation status. The objectives for conservation limits have first priority. If fish stocks are above conservation limits then fishing can take place.

5.7 Structural policy and public financial support

- **Should permanent fisheries subsidies be phased out, maintaining, on a temporary basis, only those aimed at alleviating the social impacts of the restructuring of the sector?**

Yes permanent subsidies must be removed. Any subsidies must be temporary for them not to become a factor used as an income base that is calculated in as a part of the profits. If fuel is a small cost and the pressure to save and become more efficient is not present then it will never happen.

The mixing of market based principles and heavy subsidies give several problems. In the case of a ITQs a system together with subsidies on fuel e.g. fuel tax exemptions presents a problem. Not only does ITQ risk a concentration of licenses to larger companies and larger boats, but also as long as subsidies continue to twist the market conditions those large boats are more dependent on subsidies and that makes it harder to remove such subsidies.

The 12 questions in this section have similar answers. Problems with well meant public support that give unforeseeable and unwanted negative effects are many, and this affects many of the problems and question in the Green paper. Subsidies in almost every case twist the market based mechanisms present within the sector at hand and it is almost impossible to foresee the effects of them. Consumers and taxpayers are rarely, if at all, aware that they pay these subsidies.

A healthy fishing sector should not need any special support or a special crisis plan. All short-term shifts in policy and new rules etc. are certainly big problems for any company active in any field. This underlines why management and plans must be long-term and stable.

Public funding should only be spent under the conditions that it leads to better management and ecological sustainable development of the fisheries sector. Funding can be conditioned in such ways that failure to comply with the rules of the CFP will mean reduced or completely removed funding.

Public funding could and should be used to:

- ensure the independence of fisheries management scientist
- improve monitoring
- research in improved selectivity of fishing gear including to reduce by-catch of birds and porpoises
- support conservation and restoration efforts