

Evidence presented to the Rural Affairs and Environment Committee
Common Fisheries Policy Reform
October 2009

Scottish Environment LINK welcomes the opportunity to respond to the Rural Affairs and Environment Committee's call for evidence on our priorities for CFP reform. The fishing industry clearly faces big challenges not just in Scotland but across Europe. The European Commission rightly describes the current reality as one of '*overfishing, heavy subsidies, low economic resilience and decline in the volume of fish caught by European fishermen*'. There is '*chronic overcapacity*' in the EU fleet and most (88%) of Community fish stocks are overexploited. Reform of the CFP is timely, not only because the 2002 reform has done little to alleviate overfishing and its wider ecological footprint, but also because of the Marine Strategy Framework Directive (MSFD), which sets a challenging new context for fisheries management. The Directive requires that Europe's seas achieve Good Environmental Status (GES) by 2020 at the latest, and requires that reform of the CFP does not impede the delivery of GES, and therefore '*must take account of the environmental impacts of fishing*'.

The imperative to achieve such environmental integration is further driven by the Scottish Government's responsibilities under WSSD¹, the EU Sustainable Development Strategy, OSPAR² and the Birds and Habitats Directives for, variously, halting biodiversity loss, managing fish stocks sustainably, creating coherent networks of MPAs and restoring marine ecosystems.

The objectives of fisheries policy

Ecological sustainability must be made a *pre-condition* for viable fisheries. This recognises that the social and economic well-being of the fishing industry is dependent on the health of marine ecosystems, of which fish stocks are an inherent part. The objectives in the Framework Regulation of the CFP must therefore be revised to state explicitly that the ecological and conservation goals of the CFP will be prioritised. To this end, the objectives must assert that the CFP will be fully compliant with, and actively promote, the attainment of GES under the MSFD.

Application of the precautionary principle and the need for an ecosystem-based approach to be at the core of the CFP must be strengthened. The reformed CFP must require all fishing activity to follow an ecosystem-based approach, to be applied without delay rather than (as expressed in the current Regulation) an *incremental* aim. An ecosystem-based approach must also be defined in an *operational* way. It is not enough just to specify the CFP's compliance with the MSFD and trust that Member States will translate this into detailed practice. Instead, the CFP should outline and formalise the processes required at the regional sea level to deliver an ecosystem-based approach. This calls for capturing the current Recovery Plans and Long-Term Management Plans for stocks in a process equivalent to the Fisheries Ecosystem Plans initiated in the USA.

Regional management of the CFP

Scottish Environment LINK supports the development of structures and functions for devolution of governance that give more responsibilities to Member States around regional seas (e.g. North Sea). However, safeguards require such decentralisation to still operate within a framework of strict accountability to Community standards and control, with effective sanctions for non-compliance.

¹ World Summit on Sustainable Development, Johannesburg, 2002.

² Oslo-Paris Convention for the Protection of the Marine Environment of the North East Atlantic, 1992.

Within this framework, Regional Advisory Councils (RACs) will continue to maintain an advisory role. To better translate stakeholder knowledge into policy advice, however, the RACs need better funding and the formal inclusion of scientific support.

Fisheries management tools

Capacity reduction

Scotland has undergone large rounds of decommissioning in recent years. However, we are aware that the issue of overcapacity remains in some fleet sectors. The recently published interim report from 'The Inquiry into Future Fisheries Management'³ states that *within the industry, there are indications of a reluctant acceptance that overcapacity does exist within parts of the Scottish fleet.* Moreover, the 'Profitable Futures'⁴ report identifies matching capacity with fishing opportunities as a key requirement across all the fleet sectors.

There needs to be a clearly defined framework for the sort of overall European fleet structure we want to see deployed, one that is genuinely brought into balance with the overall fish resources. Fleet structure must be compatible with sustainable fishing by applying qualitative criteria, notably ecological footprint in relation to gear type and reduced/low fuel consumption (the fleet must contribute to CO2 reduction).

Total Allowable catches (TACs), quotas and effort management

We see a continuing role for all these regulatory mechanisms, within a framework of long-term management. However, **TACs must be changed to include all the fish that are caught** – not just landed catch (i.e. discards should count against quota and be included in scientific assessment). This needs to happen within a strong framework of catch/effort limitation, monitoring and enforcement (through on-board observers and CCTV), and should be rolled out on a pilot fishery basis.

In addition, TACs and quotas must be set so as not to exceed the levels recommended by ICES. The Commission concedes that catch limits set by the Fisheries Council have exceeded scientific advice by about 48% in recent years. Only scientifically capped limits will prevent such excesses in future. With catch limits 'locked in' by this empirical approach, there is no need for Ministers to have the final decision which can thus be delegated to the Commission in cooperation with Member States.

Results-based Management (RBM)

Fishermen need to be encouraged to take more responsibility for the sustainability of their resources and industry. Proven best practice should be rewarded by giving preferential permits to vessels that meet agreed sustainable development criteria (e.g. selective fishing gear, reduced/low fuel consumption etc). We support granting extra days at sea as long as this 'in kind' incentive matches a genuine raising of the bar (e.g. use of more selective gear) and is not a reward for what vessels should be doing anyway to qualify as fishing sustainably.

Public funding for fisheries

We strongly support '*creating a link between effective compliance with control responsibilities and access to Community funding*'. Public money must be for public goods. We argue for making access to public financial resources conditional on compliance with the CFP and other relevant EU and international policies, including the MSFD, Birds and Habitats Directives. Member States failing to meet such cross-compliance should incur sanctions, notably the withdrawal or withholding of European Fisheries Fund (EFF) allocation. The new Control Regulation already includes such sanctions for serious infringements, so cross-compliance is not unprecedented.

³ The Inquiry Into Future Fisheries Management – Interim Report – The European Commission's Green Paper on reform of the Common Fisheries Policy, 2009.

⁴ Profitable Futures for Fishing – Final Report – SEAFISH, August, 2009.

<http://www.scotland.gov.uk/Topics/Fisheries/Sea-Fisheries/ScottishFisheriesCouncil/ProfitableFuturesFinalR>