



WWF

COMMENT

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MORE FISH FOR HEALTHY SEAS

REFORM OF THE COMMON FISHERIES POLICY

WWF COMMENTS ON THE COMMON FISHERIES POLICY (CFP) PROPOSAL - Released on July 13th 2011

WWF's vision for European fisheries is one of “*healthy marine ecosystems supporting abundant fish stocks which in turn provide sustainable livelihoods for fishing industries and fisheries dependent communities around Europe and the world*”. This vision is not far from the one set out by the Commission in 2009 when it introduced the Green Paper on the Reform of the CFP. Unlike some policy areas, fisheries management is one where real solutions are available. This means that the WWF (and Commission) vision is achievable – but **only if** the right decisions are made during this critical reform. As the Commission’s impact assessment of the reform clearly showed – maintaining the *status quo* is not an option.

The proposals for the new CFP released on July 13th 2011 demonstrate that the Commission has attempted to move towards their vision and addresses many of the issues that are vital to achieve sustainable EU fisheries. WWF believes the proposal offers some welcome improvements on present fisheries management. However there are several important elements lacking in the proposal, including the clear linkage between conservation/management objectives, and the action required to deliver these objectives. Critically we believe the proposal currently lacks the guidance and coherence that will allow Member States and stakeholders to fulfil their obligations to deliver sustainable fisheries.

We offer the following suggestions of what WWF believes is needed to secure real reform and with it sustainable European fisheries wherever EU fleets operate.

Throughout the reform process, and beyond during implementation, there must be strong political commitment and support from Member States to ensure that the Commission has the adequate resources available to ensure all areas of the Regulation are effectively implemented.

COMMENTS ON KEY ELEMENTS OF THE PROPOSAL

1. GENERAL PROVISIONS - DELIVERING SUSTAINABLE FISHERIES

WWF welcomes the clear commitment under Article 2(2) to restore and maintain populations of harvested species above levels which can produce the Maximum Sustainable Yield (MSY) by 2015, as well as the clear commitment under the external policy (Articles 39 and 41) to ensure that all stocks European vessels exploit are maintained or restored to above levels capable of producing MSY. WWF also appreciates the inclusion of MSY goals in Articles 10, 11 and 14 on multiannual plans and technical measures.

We also welcome the clear commitment to implement an ecosystem based approach to fisheries management and to limit the impact of fisheries on the marine environment as required by Article 2(3) and 2(4).

The delegation of power proposed under Article 12 (2) for alleviating the impact of fishing activities is also welcome and should facilitate the implementation of the ecosystem approach in practice.

What needs to change?

- i) WWF believes the new Regulation must clearly prioritise environmental, economic and social policy objectives in order to ensure that the social and the economic benefits of harvesting marine resources do not threaten the resilience of fish stocks or the wider marine environment.
- ii) WWF believes that the Marine Strategy Framework Directive (MSFD) commitments to achieve and maintain Good Environmental Status (GES) should be explicitly included under Article 12 which addresses compliance with obligations under Union environmental legislation. Currently this focuses only on Special Areas of Conservation (SACs) which is too restrictive.
- iii) Article 12 should identify the need for action beyond the requirements for Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). A clear reference to article 12(4) of the Habitats Directive should also be highlighted in this article, as should broader species and habitat considerations. This will ensure that environmental considerations form the basis of the policy.
- iv) Article 12 should expand to reference Marine Protected Areas under regional seas agreements as well as Vulnerable Marine Ecosystems under global agreements to which the EU has signed up.
- v) In line with this expansion the proposed delegation of power under Article 12(2) for alleviating the impact of fishing activities should not be constrained only to activities in SACs.
- vi) Multiannual plans must include an assessment of the impact of fisheries on environmental objectives and assets. This will be vital to guide and inform the plans in order to address wider marine environmental commitments. This is missing from the proposal.
- vii) In order to embed the commitments to an ecosystem based approach in all areas of the CFP Articles 2(2) and 2(3) should include

specific references to aquaculture as follows:

Article 2(2) – “*The Common Fisheries Policy shall apply the precautionary approach to fisheries **and aquaculture** management*”

Article 2(3) – “*The Common Fisheries Policy shall implement the ecosystem-based approach to fisheries and aquaculture management to ensure that the impacts of fishing **and aquaculture** activities on the ecosystem are limited*”

2. MULTIANNUAL PLANS

WWF welcomes the commitment in the new proposal to establish multiannual plans at fisheries level as the key means of delivering CFP principles through measures to meet centrally set goals.

The clear requirements for these to deliver stocks at levels capable of producing MSY by 2015 is welcome, as is the demand that objectives are consistent with those set out in Articles 2 and 3.

We are however disappointed by the lack of detail as to who would draft the plans, how this would be achieved and by when. WWF believes that fishermen must play a central role in the co-management of these plans alongside other stakeholders and this is presently not clear in the proposal. See point v) below.

What needs to change?

i) Timeframe – There needs to be a clear timeframe for the production of multiannual plans. Without this there is a real risk of inertia and it will be difficult to legally challenge Member States (or indeed the Commission) to take appropriate action if multiannual plans are not developed and implemented. WWF recommends that plans need to be agreed and signed off by July 2015.

ii) Content - WWF believes that each plan should be required to undertake an assessment of both capacity and of environmental impact for the fishery in question. These assessments will help the plans:

- a) set clear goals and targets in line with central policy objectives and
- b) identify the specific management measures needed to meet these objectives within the multiannual plans.

We note that data to this effect is required under Article 37, but there needs to be some obligation under Article 37 that this requirement is capable of providing data to support the management of plans at the level of the fishery. This needs to happen in a timeframe capable of supplying the base information to the plans.

iii) Article 11 should include clear requirements for assessment and non-compliance penalty procedures, which WWF believes are essential to guarantee the successful application of the plans.

iv) Article 11(b) should require consistency with Article 12 (the expanded version of Article 12, as we propose above) in order to address wider measures needed under broader environmental obligations than currently listed.

v) Delivery – The proposal should clearly establish the role of stakeholders throughout the multiannual plan process which WWF believes should be through co-management committees at fishery level. These co-management committees should be made up of representatives from all those who have a stake in the fishery, including Member State(s) (both fisheries and environmental representatives), catching sector, processing sector, control agencies, environmental and civil society interests (including NGOs), and scientists.

vi) Review – Article 19 identifies that the Commission may at any time assess the conservation measures applied under multiannual plans. A clear timeframe for assessment and improvement of plans as well as who should revise them should be clearly established. It is important to have a clear understanding that the plans should be dynamic: as new information becomes available plans should be improved accordingly. The proposal should clearly reflect this adaptive management approach.

vii) Transition periods – It is likely that there will be transition periods when multiannual plans are absent. In such circumstances it will be essential to guide Member States on how to adopt clear measures on elements such as a fleet management policy. It will be necessary to identify the most appropriate tools that can be used to meet requirements under Article 34(1) to balance capacity with available fishing opportunities. These could include capacity ceilings, entry-exit mechanisms and vitally, no provision of subsidies with capacity or effort enhancing effects.

While the desire is to achieve consensus on what management measures are adopted within multiannual plans it may be that for some fisheries there is either:

- a) an urgent need (prior to the agreement of a multiannual plan) to look at how quota or effort is allocated or
- b) that consensus cannot be reached within the stakeholder group of a multiannual plan.

There is a need to include provisions to address the above scenarios. This is likely best included under the Section on Union Measures. WWF believes these should provide guidance on ranking the allocation of rights (be they effort or quota) in the form of sustainability criteria. These criteria should then be used to rank vessel/fleet segment access to the fishery. The criteria should ideally include categories such as gear selectivity, jobs per tonne of fish, carbon emissions, seabed impact, etc.

We believe there should be an accompanying note that until such time as plans have been signed off and implemented these criteria should be used by Member States to rank allocation of rights.

3. OBLIGATION TO LAND ALL CATCHES

WWF welcomes the Commission's intention to end the wasteful practice of discarding within a specific timeframe. We also welcome the intention that specific measures to address this problem should be included in the package of technical measures under the multiannual plans.

However, WWF believes the proposed discard ban accompanied by the option to commercialise undersized fish and fish caught in excess of quotas is not the right solution for this major and complex problem.

WWF believes that the objective of any policy to tackle discarding should be to avoid unwanted catches in the first place, rather than finding a mechanism to deal with unwanted catches after they have been caught.

The elimination of discards and by-catch should be tackled on a fishery-by-fishery level with the adoption of more selective measures under the framework of a multiannual plan. Plans should also incorporate effective monitoring and control of by-catch minimization of both target and non-target species, for example through the use of observer schemes and onboard cameras.

Moreover, EU discarding is not just about commercial species, the practice of catching and dumping non-commercial or non-target species must be addressed, as must the incidental catches of vulnerable and protected species. While measures to reduce incidental catches of these species may be included as technical measures (Article 8, bii), there is no direct link between the “discard ban” and by-catch of non-commercial species.

It is also unclear what precisely the discard ban proposal means for Mediterranean fisheries which are largely managed by effort.

What needs to change?

i) The increased selectivity of catches and elimination of discards should be clearly linked to and addressed under the framework of multiannual plans. The Regulation needs to establish a clear process that leads to the adoption of targeted approaches to reduce the number of unwanted animals being caught in the first instance and eliminate discards and by-catch on a fishery-by-fishery level.

ii) Article 11(h) currently requires that multiannual plans shall ensure the ‘minimisation of impacts of fishing on the ecosystem’. In order to meet this requirement there must be a clear understanding of each fishery’s impacts on the marine environment. Therefore Article 11 needs to include a specific requirement for each fishery to assess the impacts of the fishery on the marine environment. NB. see also section 2 (multiannual plans), recommended change, point ii).

The results of this impact assessment will then inform the objectives and targets of the multiannual plan. This would allow for the adoption of targeted approaches to make catching more selective and eliminate discards and by-catch on a fishery-by-fishery basis.

iii) Fishermen should be required to adopt the most selective gear to effectively reduce discards and by-catch.

iv) Multiannual plans should incorporate effective monitoring and control of by-catch minimization of both target and non-target species, for example through the use of observer schemes and onboard cameras.

v) Catches of undersized or over quota fish should never translate into economical profits for the fishing industry. The new CFP should not explicitly incentivise the catching of undersized or over quota fish, but instead strongly incentivise the adoption of selective fishing gears.

vi) In addition, a better balance between resources and fleet capacity should automatically reduce the initial capture of unwanted specimens. As such Article 11 needs to require that multiannual plans include the objective of meeting the requirements of Article 34 (1) (adjustment of fleet capacity).

The Regulation should require a capacity assessment of each fishery in

relation to target resources. If capacity is found to be in excess to the levels considered sustainable, the goals and measures to reduce overcapacity have to be set accordingly. NB. see also section 2 (multiannual plans), recommended change, point ii).

vii) Clearer guidance on the implication of the proposed discard ban for effort based fisheries is crucial.

4. REGIONALISATION

WWF welcomes the apparent intent under Article 17 that the multiannual plans should be a key means of delivering regionalisation. However an explicit commitment to this process along with responsibilities and timeframes for these plans (outlining who should do what and by when) is missing.

Recital 10 specifically states “*The successful management of the Common Fisheries Policy also depends on a clear definition of responsibilities at Union, national, regional and local levels and on the mutual compatibility and consistency of the measures taken with other Union policies*” And yet it is precisely this level of detail that is missing in the proposal.

WWF is disappointed by the general lack of guidance as to who would draft the plans and in particular the proposal’s failure to clearly establish the role of stakeholders throughout the process of development and implementation of multiannual plans. This role cannot simply be carried out through the Advisory Councils, but must be through a co-management process including Member States and at the fisheries level.

It is difficult to imagine the sustainable management of EU fisheries will be achieved without stakeholders playing a key role at a regional level.

What needs to change?

i) A much more explicit commitment to multiannual plans being a central mechanism for the delivery of regionalisation is needed, alongside details on exactly how this will be achieved.

ii) It should be clear who will draft the plans in the first instance and how the plans will be delivered on the ground.

iii) Clear timelines should also be established for agreement and implementation of the plans.

iv) WWF believes that co-management committees at fishery level should be responsible for developing and implementing the multiannual plans. These co-management committees should be made up of representatives from all those who have a stake in the fishery, including Member State(s) (both fisheries and environmental representatives), catching sector, processing sector, control agencies, environmental and civil society interests (including NGOs), and scientists.

v) The proposal needs to establish strict penalties for non-compliance.

5. ACCESS TO RESOURCES

TRANSFERABLE FISHING CONCESSIONS AND ADDRESSING OVERCAPACITY

Given that chronic overcapacity is identified as one of the key elements that must be resolved in order to achieve sustainable European fisheries we are

disappointed by the lack of a clear vision for realignment of the fleet and how this will be achieved.

The only tool mandated is that of Transferable Fishing Concessions (TFCs). But this comes as a stand-alone tool and is not clearly linked to a main delivery framework.

What needs to change?

- i) The existence of some form of rights to fish is a necessary attribute of any rational fisheries management system, resulting in the Regulation and necessary limitation of access to resources. Rights-Based Management (RBM) must be understood as a system of privileges and responsibilities allocated to fishing practitioners (communities, individuals or other entities), with clear obligations attached.
- ii) Europe's fisheries are diverse and need more options than the single tool of TFCs.
- iii) General guidance on RBM systems should be included in the Regulation and should be fisheries-specific, nested within multiannual plans, and designed by stakeholders through co-management committees.
- iv) Multiannual plans must allow for the choice of a full range of different RBM options (the "RBM toolkit") allowing for individual and tailored solutions. This "RBM toolkit" should contain solutions suited to both input and output management systems (which the TFCs do not), and should apply to all vessels, including those under 12m with static gear, individually or by groupings of stakeholders or communities.
- v) Transferability of rights should remain optional, depending on the fishery concerned and the objectives to be met.
- vi) A system of safeguards must also allow for the timely revocation of rights or any other public intervention as deemed necessary on biological, social and economic grounds, and not only on compliance-related grounds as is provided for in the proposal (Article 28). Safeguards should effectively prevent concentration of rights.
- vii) RBM systems and the economic value of the fishing rights must be transparent and public.

6. SCIENCE BASE FOR FISHERIES MANAGEMENT

Sound science must form the basis of the new CFP. As such WWF welcomes the inclusion of Part VI harmonising the requirements for Member States to collect data for the purposes of supporting sustainable fisheries management. Effective and timely delivery of these data requirements should ensure that there is an improvement on the current process.

We were however concerned at the lack of reference to STECF, or an equivalent independent scientific body, to review and oversee European science.

What needs to change?

- i) The purpose of fisheries data is to support and facilitate sustainable fisheries management. Given that a key means of managing Union fisheries will be the adoption of multiannual plans there needs to be some reference

to the data being provided in a timely manner that will support the plans. In this way the data will help to provide the environmental impact and capacity assessments that will guide the management measures required by a plan.

ii) We believe there needs to be some requirement for an independent scientific body that can review and oversee European science for purposes of underpinning fisheries management.

7. EXTERNAL POLICY

WWF congratulates the Commission on the inclusion of the External Policy section in the proposal.

We strongly welcome the explicit commitment that the Union shall participate in international organisations dealing with fisheries, including Regional Fisheries Management Organisations (RFMOs), in line with international obligations and policy objectives and consistent with the objectives set out in Articles 2 and 3.

We do however feel there is scope to strengthen this role to one which commits the Union to demonstrate leadership and promote good practices not only in scientific knowledge and advice development but also in other areas of fisheries management such as governance, administration and enforcement.

WWF also welcomes the principles and objectives set out for Sustainable Fisheries Agreements (SFAs) including the key commitment to ensure that fishery resources remain above levels capable of producing MSY and that only surplus catch determined by the third country shall be fished by Union vessels.

The inclusion of the clause conditioning financial aid based on the achievement of specific results is also welcome but needs strengthening.

What needs to change?

i) First and foremost in this section WWF believes it is vital that Article 39 remains unaltered in the Regulation.

ii) WWF believes the language in Article 39(1) should be strengthened and, in line with the language in the Explanatory memorandum of the Regulation (page 8), require that the Union 'actively participate' in international organizations to 'promote' content that is in line with CFP policy objectives and international obligations. In this way the Union will be mandated to actively promote the principles of the CFP and take leadership in external activities.

iii) We recommend strengthening Article 42 where aid is explicitly coupled to SFAs by stating that any aid should be specifically aimed at improving third countries governance and management of their natural resources, i.e. fish stocks and environmental impacts of harvesting.

iv) We would welcome an explicit commitment to move towards securing full contribution of fleet owners to the cost of access rights.

v) While WWF understands that the EU External Policy is still in a development stage, the EU is already one of the biggest players in global fisheries and seafood consumption. The Commission set out its external dimension objectives in the 2001 Green Paper, followed by the Commission

Communication (2002) and Council Conclusions on Fisheries Partnership Agreements (2004). Since then the situation in global fisheries has continued to deteriorate and significant changes are necessary if this trend is to be turned around. As such WWF looks forward to seeing detailed and legally binding mechanisms which will operationalise the strong commitments made in the Regulation and that these are monitored and enforced effectively.

8. AQUACULTURE

WWF recognises the importance of aquaculture to provide seafood to meet increasing demand in the EU in conjunction with well managed fisheries. As such we welcome the inclusion of aquaculture in the CFP proposal.

However, we believe that the proposals should ensure that aquaculture is developed in a way that is sustainable and with minimal impacts on the environment and we recognise that some forms of aquaculture are better than others in this respect and should be actively supported as such. Any managerial aspect of the CFP must be predicated on environmental responsibility and minimising impacts on biodiversity. This should be made explicit in Article 43(1) by requiring that aquaculture practices be consistent with Articles 2 and 3. Articles 2(2) and 2(3) should also include specific references to aquaculture.

WWF has expended considerable effort in facilitating the development of an aquaculture certification scheme - the Aquaculture Stewardship Council - and we see this as an important step forward in defining the direction in which aquaculture should move in order to reduce its impact on biodiversity as it stands and as it expands. We would strongly advocate the use of these principles to define the future of aquaculture in the CFP.

What needs to change?

i) Regarding the requirement of Article 43(2) for Member States to develop multiannual national strategic plans for aquaculture by 2014, we believe it should be explicit that this should only be compulsory for those Member States who currently have aquaculture activities, or those currently without, but who wish to develop aquaculture.

ii) WWF believes it is vital that these plans are explicitly based on an ecosystem approach and consider the resilience and integrity of the ecosystems, in line with sustainability criteria - be these marine or freshwater. See our suggestions under section 1 – General Provisions on specific inclusion of aquaculture in Articles 2(2) and 2(3). Article 43(1) should also explicitly refer to Articles 2 and 3.

iii) Ranching activities should be addressed separately within the CFP. They have both a fisheries component and an aquaculture component which should be managed accordingly. Multiannual national strategic plans must include regulations for ranching activities, specifically addressing the issues specified in point iv) below. Ranching should include those species for which a significant part of the life-cycle takes place without human intervention such as eels and tuna, but not including bi-valves where only the spat are collected by natural settlement on devices deployed by man.

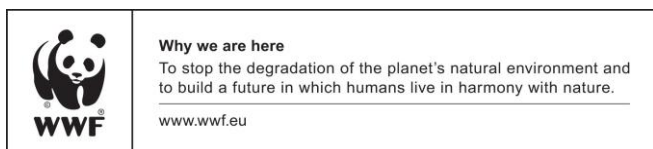
iv) The Commission shall establish by 2013 strategic guidelines for the development of aquaculture activities. WWF expects to see a clear integration of the following requirements for multiannual national strategic

plans for aquaculture in the guidelines:

- guarantee food safety, animal health and welfare;
- the requirement to use sustainable feeds, the potential to use animal by-products and the development of alternatives to fish meal and oil;
- standardisation and consistency of Environmental Impact Assessment (EIA) Directive in order to reduce environmental impacts and the effects of climate change;
- guarantee integration with the EU Strategy for Sustainable Aquaculture, EU environmental policies (MSFD, Habitats Directive and Water Framework Directive) and address the issues of integration of aquaculture in marine spatial planning Natura 2000 and MPA's;
- the need for innovative R&D to support sustainable modernization and integration with other modern industries;
- the need to agree common production and labelling standards.

v) We believe that a dedicated advisory council for aquaculture is a positive move and that balanced and representative stakeholder engagement in this must be ensured.

9. REVIEW There is currently no review period established for the Regulation itself. Presumably some timeframe for review should be included.



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