



THE
PEW
CHARITABLE TRUSTS

Submission to Commission's Consultation on the Development of Multi- Annual Plans for the Management of Demersal Fisheries in Western EU Waters

Date: 20th July 2015

The Pew Charitable Trusts
Transparency Register ID: 46834536998-79

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The Pew Charitable Trusts is an independent non-profit, non-governmental organization, founded in 1948. Pew's mission is to serve the public interest by improving public policy, informing the public and invigorating civic life. Its work in the European Union focuses on enhancing fisheries management and ocean conservation.

Introduction

1. The Pew Charitable Trusts welcomes the Commission's consultation on the development of multi-annual plans (MAPs) for the management of demersal fisheries in western EU waters.
2. We appreciate that in its consultation document the Commission clearly states the principal objective of the new Common Fisheries Policy¹ (CFP) of aiming to maintain populations of harvested species above levels that can produce the maximum sustainable yield (MSY). We would also like to emphasise the related requirement to achieve an exploitation rate consistent with this objective as soon as possible and, on a progressive and incremental basis, at the latest by 2020 for all stocks.
3. Paragraphs 9–18 below respond to the consultation questions (with the original questions included in boxed text). Paragraphs 4-8 highlight important considerations for the development of multi-annual plans which the consultation questions did not address directly.

Overall comments: Crucial multi-annual plan considerations

4. Although the consultation document highlights the CFP's maximum sustainable yield (MSY) objectives, it does not refer to the precautionary and ecosystem-based approaches to fisheries management which are critical elements to achieving article 2. These and the MSY objective must be explicitly included in each MAP.
5. Multiannual plans must include constraints to fishing mortality in line with article 2.2. To achieve this, the MSY fishing rate (F_{MSY}) must be set as a limit not a target. That is, any multi-annual plan should not permit rates of fishing (F) to be set at a level above F_{MSY} with the target level safely below F_{MSY} .
6. MAPs must include clear biomass reference points linked to harvest control rules that adjust fishing mortality in light of biomass information. Biomass reference points must be set at a level that achieves the article 2.2 objective to aim to restore and maintain populations of harvested species above levels that can produce MSY. Safeguards must ensure that fishing mortality is reduced when a stock falls below the B_{MSY} reference point, with the aim of restoring biomass above B_{MSY} without unnecessary delay.
7. The European Commission must play a more decisive role in facilitating regional decision-making. This could be done through the provision of clear guidelines and best practice examples. Importantly, the Commission must ensure that regional decision-making is transparent, accountable and includes stakeholder involvement.
8. For the purposes of evaluation, any MAP should be assessed against achieving the aim of restoring and maintaining stocks above levels capable of producing MSY. In order to evaluate progress effectively, the Commission should request the International Council for the Exploration of the Sea (ICES) to assess biomass against the B_{MSY} level, or appropriate proxies, rather than against any lower reference point such as $MSY B_{trigger}$ or B_{pa} .

Specific comments: Consultation questionnaire

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013.

1. THE PROBLEM

The overall problem is that, despite recent improvements, most demersal fish stocks in the area are not yet at levels above those capable to produce MSY, and that there are also a few fish stocks clearly depleted. Therefore the fishing industry and the consumers cannot yet enjoy fully the benefits of a fishery in conditions of environmental, economic and social sustainability.

Current fisheries management plans are no longer fit for purpose: they are either out of date (their targets are superseded by new science) or they have proven ineffective (for instance restriction of the fishing effort –days that fishermen can spend at sea– have not yielded results). The current fisheries management plans do not allow the use of any of the tools of the new, reformed EU fisheries policy: regional decision-making, management measures that are adapted to regional circumstances, or flexibility to change management measures to new circumstances.

(1) Do you agree with this perception of the problem?

Fully Mostly Partially Barely Not at all

Observations (max. 100 words):

(2) What is your perception of the importance of the problem?

Very severe Severe Moderate Appreciable insignificant

Observations (max. 100 words):

(3) Do you agree on the need for the EU to take action?

Fully Mostly Partially Barely Not at all

Observations (max. 100 words):

9. Pew mostly agrees with this perception of the problem. The current system has failed to end overfishing, and has not restored populations of harvested species above levels which can produce MSY. Furthermore, the consultation does not quantify how many stocks have, or have not, achieved this status. The Scientific, Technical and Economic Committee for Fisheries recently reported² on progress to implement the CFP, concluding that about 60 percent of stocks were outside safe biological limits. Too often, Total Allowable Catches (TACs) have been set with short-term interests in mind, rather than long term objectives. This is not due to a lack of flexibility in the existing plans but rather to insufficient constraints on total mortality allowing for inappropriate decision-making.
10. Despite some recent reductions in fishing mortality, this remains a very severe problem, and a fundamental failing of the CFP, one that its reform sought to end. The co-legislators agreed very specific remedies within the reformed CFP³, including the objectives set out in article 2.2.
11. Pew fully agrees on the need for the EU to take action. The Lisbon Treaty⁴ gives the EU exclusive competence for “the conservation of marine biological resources under the common fisheries policy”. The CFP sets out in detail what the conservation

² STECF, Monitoring the CFP: http://stecf.jrc.ec.europa.eu/documents/43805/55543/2015-03_STECF+15-04+-+Monitoring+the+CFP_JRCxxx.pdf

³ Article 2.2 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013.

⁴ Treaty on the Functioning of the European Union (Consolidated version 2012: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>)

objectives are, both in terms of annual decisions on fishing opportunities and in multi-annual plans.

2. MULTIANNUAL PLANS AS MANAGEMENT INSTRUMENT

Fishery management decisions can be taken just in a reactive fashion, responding to fluctuations in stock sizes produced by fishing activities, environmental variations, natural or anthropogenic catastrophes or market disruptions (such as the recent Russian import ban on certain fish products from the EU).

These decisions can also be taken in a proactive manner, establishing multi-annual plans. These would determine in advance the type of measures that are to be taken in each circumstance, what are the ultimate and intermediate objectives and would ensure the transparency and predictability of the management measures, that can then be defined at the regional level and in response to specific circumstances.

(4) Would you prefer a multi-annual, proactive approach rather than an annual, reactive one?

(5) Fully Mostly Partially Barely Not at all

Observations (max. 100 words):

The ultimate aim of this multiannual approach would be to address the main problem as described above, with the following specific objectives:

– To provide a transparent and stable framework to achieve MSY, avoiding stock decline and taking into account the interactions between fish stocks and the diverse fishing modalities and the economic and social consequences of management measures.

– To provide a legal framework for the long-term implementation of the landing obligation and the regional approach to fisheries management

(6) Would you agree with these objectives?

(7) Fully Mostly Partially Barely Not at all

Observations (max. 100 words):

12. Pew fully agrees that a multi-annual, proactive approach is necessary. Articles 3 and 9 of the CFP require a long term perspective, including the adoption of multi-annual plans. Decisions made on an annual basis are prone to short-term interest and inappropriate results with little scope for economic, environmental or social sustainability.
13. Pew partially agrees with the objectives listed above. These objectives may, in isolation, represent some reasonable aims, but are incomplete. They omit a large number of objectives and detail set out in the CFP. Any objective stating simply to 'achieve MSY, avoiding stock decline' is ill-defined and may be less ambitious than those stated in the CFP. This is exacerbated by the different language used on the consultation webpage, without references to 'above B_{MSY} '.
14. Objectives should refer to the specific wording of the CFP's article 2. In addition to the precautionary approach and the specific aim to restore and maintain populations of harvested species above levels which can produce MSY, the other objectives of articles 2 and 9 should be accurately incorporated. When requesting scientific advice to achieve these objectives, the Commission should use accurate parameters i.e. request ranges for F_{MSY} rather than ranges 'around' F_{MSY} .

3. SPECIES COVERED

A number of fisheries have not so far been included in multi-annual management plans. However, many fish species are being caught together in mixed fisheries. Managing them in isolation from other species in the same fishery is not appropriate. Some of those species, such as sea bass, have been over-exploited as a consequence.

(8) Do you agree it is appropriate to establish a framework for managing the main species coherently within a multi-annual management plan?

Fully Mostly Partially Barely Not at all

Observations (max. 100 words):

(9) Which fish species should be included in such a management plan as a matter of priority?

Please give a list of species in priority order

15. Pew fully agrees that the ‘main species’ should be managed within a multi-annual plan. In addition, the plan must go further in managing all harvested species in order to achieve the CFP’s objectives. These objectives apply to all stocks and the MAP should therefore include the same management objectives i.e. to exploit below the F_{MSY} limit in order to restore and maintain biomass above levels capable of producing MSY) for all the stocks it covers.
16. The list of species that should be included in a multi-annual plan in north-western waters should consist of:
- Demersal TAC species, including hake, sole, plaice, haddock, whiting, cod, megrims, anglerfish, Norway lobster, pollack, and saithe;
 - Deep-water TAC species, including blue ling, ling, great silver smelt, and tusk;
 - Pelagic TAC species, including boarfish, herring, horse mackerel, mackerel, blue whiting, sprat, anchovy;
 - Elasmobranchs including porbeagle, skates & rays, and dogfish; and
 - Non-TAC species, including sardine, seabass, lemon sole.

4. GENERAL QUESTION

(10) Please include below any other comments you may have on this initiative

Observations (max. 200 words):

17. Paragraphs 4-8 above outline general considerations for the development of MAPs. Pew looks forward to supporting the Commission, MEPs, member states, and the work of the North Western Waters Advisory Council, in securing effective multi-annual plans for this region.