



WWF Cymru
Tŷ Baltig, Sgwâr Mount Stuart
Caerdydd CF10 5FH

Baltic House, Mount Stuart Square
Cardiff CF10 5FH

Ffôn/phone: 029 2045 4970
Ffacs/fax: 029 2045 1306
wwf.org.uk/cymru

Common Fisheries Policy Task and Finish Group Consultation on Common Fisheries CFP2 – WWF Cymru

SUBMISSION TO THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE

Evidence by WWF-Cymru to the Task and Finish Group inquiry into the proposed reforms to the Common Fisheries Policy

17th October 2011

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1. Summary

Successful reform of the Common Fisheries Policy (CFP) can deliver healthy seas, abundant fish stocks and a sustainable livelihood for the fishing industry and the communities it supports.

WWF believes that the Commission's proposal as it stands falls short of delivering this vision.

Whilst we welcome several innovative elements of the proposal, critical details are missing on

how many aspects of the reform will be delivered in practice. Perhaps of greatest concern is the lack of detail on how stakeholders will be engaged. Stakeholders must be at the heart of the decision-making process. WWF believes that this can be accomplished through regional or Member State stakeholder development of fishery-based multi-annual management plans and co-management of the fisheries once the plans are in place. By involving stakeholders more directly we will be able to design the tailored solutions necessary for effective regional management. Achieving this shift would also contribute to achieving our other goals of moving towards a more responsive system that minimises discarding and delivers sustainable and profitable fisheries within an ecosystem approach.

2. WWF General Statement

WWF's vision for European and Welsh 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 dissimilar to the one set out by the Commission in its 2009 Green Paper on the reform of the Common Fisheries Policy (CFP). Unlike some policy areas, fisheries management is one where real solutions are available to implement and real improvements are achievable. This means that the WWF (and Commission) vision is within reach – but **only if** the right decisions are made during this critical reform process. As the Commission's impact assessment of the reform clearly showed, maintaining the *status quo* is not an option. This is a once in a decade opportunity to fundamentally change the way we fish to resolve the problem of overfishing and to bring to an end destructive fishing practices.

WWF welcomes the opportunity to provide evidence to the Environment and Sustainability Committee's Task and Finish Group inquiry into the proposed reforms to the CFP. WWF has been developing proposals for CFP reform for many years, working alongside fishermen, fish processors and retailers in an unprecedented alliance to promote a shared vision for the reform. 'More Fish' is WWF's Europe-wide campaign for real and effective reform of the CFP, which demonstrates that the appetite for change is shared by the public as well as key industry players. WWF Cymru also represents the NGO community on the North Western Waters Regional Advisory Council (NWWRAC), whose advisory capacity encompasses Welsh waters. Through this forum we have been working with fishing industry representatives to develop and advocate regional fisheries management solutions.

The Commission's initial proposals, published on 13 July 2011, demonstrate that the Commission has attempted to address many of the issues that are vital to achieving sustainable fisheries. WWF believes the proposal offers some welcome improvements on present fisheries management. However, WWF is concerned that a number of critical elements remain to be addressed over the coming months in order for the CFP reform to meet our expectations. These

include the clear linkage between conservation/management objectives, and the action required to deliver these objectives. Whilst this vagueness in many areas may reflect the Commission's deliberate attempt to decentralize decision-making to Member State level where stakeholders can tailor detailed approaches within the broad framework set by the Commission, the proposal lacks clarity on how this bottom-up model will work in terms of roles and responsibilities. As such, it is difficult to interpret the proposal's implications for and impact upon Welsh fisheries.

As a priority, WWF believes that reform is essential in the following key areas:

- **Sustainable development** – every commercial fishery must be managed according to a long-term (multi-annual) management plan designed to ensure the sustainable management, recovery and rebuilding of fish stocks and marine ecosystems. Ecological sustainability creates the basis for a viable fishing sector.
- **Effective regionalisation** – fisheries must be managed regionally, linking fishing rights and responsibilities to improving ecosystem health and enhancing the resilience of our fleets to achieve environmental and economic sustainability.
- **Fair fishing abroad** – the principles of the policy must apply to all European fisheries and fishing boats wherever they operate in the world's oceans.
- **Improved quality** – an integrated and coherent set of policies across the supply chain, so that fishermen adapt their activities to market demand, avoiding waste and adding value at all stages along the way, from net to plate.

3. Response to Committee questions

What the European Commission's proposals could mean for Wales and the management of the Welsh Fisheries Zone and in particular whether the Commission's proposals to decentralise the management of fisheries will be of benefit to Wales?

In a written statement on the 11th October 2011, the Welsh Government Deputy Minister for Agriculture, Food, Fisheries and European Programmes identified 4 key issues for Wales in the current reform. These are (i) the obligation to land all catches (essentially a discard ban); (ii) the introduction of compulsory tradable fishing concessions; (iii) small scale coastal fisheries; and (iv) regionalisation. WWF believes that the latter is central to the reform proposals and that multi-annual management plans should be a key means of delivering regionalisation, as described below.

Long-Term Management Plans and Regionalisation

WWF welcomes the commitment in the new proposal to establish multi-annual management plans at fisheries level as the key means of delivering CFP principles through measures to meet centrally set goals. We believe that multi-annual plans are fundamental to tackle the perverse effects of short-term decision-making and management based on single stocks. As multi-annual

plans evolve from a simple set of harvest control rules for single stocks to plans based on broader, more comprehensive, multi-species models aligned with an ecosystem approach, incorporating the views of stakeholders will not only be desirable but essential.

We share the Welsh Government's disappointment over 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. Expertise of the fishery at a regional level must be harnessed to best deliver on the targets at a EU level. However, despite a declared commitment to regionalisation, there is little detail in the proposal as to how this will be achieved.

There also needs to be a clear timeframe for the production of multi-annual plans. Without this there is a real risk of inertia and it will be difficult to challenge Member States (or indeed the Commission) to take appropriate action if multi-annual plans are not developed and implemented. WWF also 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 set clear goals and targets in line with central policy objectives and identify the specific management measures needed to meet these objectives within the multi-annual plans. The Commission's proposal also needs to embed clear requirements for assessment and non-compliance penalty procedures, which WWF believes are essential to guarantee successful application of the plans.

WWF welcomes the apparent intent in the proposal that the multi-annual 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. A much more explicit commitment to multi-annual plans being a central mechanism for the delivery of regionalisation is needed, alongside details on exactly how this will be achieved. 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 multi-annual plans. This role cannot simply be carried out through the Advisory Councils (RACs), but must be part of a co-management process involving Member States at the fisheries level. WWF believes that co-management committees at fishery level should be responsible for developing and implementing the multi-annual 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.

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

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 multi-annual plans. However, WWF believes the proposed discard ban accompanied by the option to commercialise undersized fish and fish caught in excess of quota is **not** the right solution for this significant 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 fish after they have been caught. Catches of undersized or over quota fish should never translate into economic profit for the fishing industry. The elimination of discards and by-catch should be tackled on a fishery-by-fishery basis with the adoption of more selective measures under the framework of a multi-annual plan. The UK is well-placed to demonstrate the value of stakeholder initiatives in this field and we should look to build on these initiatives moving forward.

Furthermore, discarding is not just about commercial species. The practice of catching and dumping non-commercial or non-target species must also be addressed, as must the incidental catches of vulnerable and protected species. Whilst measures to reduce incidental catches of these species may be included as technical measures, there is no direct link in the proposal between the "discard ban" and by-catch of non-commercial species.

Compulsory Tradable Fishing Concessions (TFCs) and overcapacity

Given that chronic overcapacity of the fleet is identified as one of the key elements that must be resolved in order to achieve sustainable fisheries, WWF is disappointed by the lack of a clear vision for realignment of the fleet and how this will be achieved. WWF believes that capacity assessment and realignment should be undertaken within the framework of a multi-annual plan, providing baselines and guidance for goals and measures to reduce overcapacity where it is identified. At present there are simply too many boats chasing too few fish.

In the proposal, the only mechanism put forward to tackle overcapacity is Transferable Fishing Concessions (TFCs), which is a very specific form of Rights Based Management (RBM). This is presented as a stand-alone tool and is not clearly linked to a main delivery framework. Europe's fisheries are diverse and need more options than the single tool of TFCs. The proposed mechanism is inflexible and currently lacks safeguards to prevent a concentration of fishing rights or to guarantee a timely revocation of the concessions should conservation goals not be met. As such, we have concerns about the wisdom of applying TFCs on a blanket basis.

WWF is supportive of the existence of some form of rights to fish as a necessary attribute of any rational fisheries management system, resulting in the regulation and necessary limitation of

access to resources. RBM must be understood as a system of privileges and responsibilities allocated to fishing practitioners (communities, individuals or other entities), with clear obligations attached. General guidance on RBM should be included in the Regulation and should be fisheries-specific, nested within multi-annual plans designed by stakeholders through co-management committees. Multi-annual plans must allow for the choice of a full range of different RBM options (what WWF refers to as the “RBM toolkit”) allowing for individual and tailored solutions for different fisheries. These should apply to all vessels, including those under 12m with static gear, individually or by groupings of stakeholders or communities. Under a system whereby all fisheries are subject to a multi-annual management plan, we envisage that a RBM scheme could be co-ordinated at a regional level in order to standardise the approach taken by different Member States targeting the same stock.

Safeguards should effectively prevent concentrations of rights and RBM systems and the economic value of the fishing rights must be transparent and public.

The UK is one of the EU Member States with the longest and most extensive experience of systems of allocation of fishing rights which share similarities with the proposed TFCs. This experience and knowledge of the advantages and drawbacks of such RBM schemes must be used to strengthen the proposal to achieve a better balance between fleet capacity and stock levels.

Small-scale coastal fisheries

Small scale fisheries are a vital component in European fisheries from a number of perspectives including economic, social, employment, and regional policy. WWF understands the Welsh Government’s position on this point but believes that balanced capacity, economic efficiency, social aspects and ecological sustainability, should all underpin the management of any fishery in European waters, irrespective of its scale. Moreover, key to management must be the sustainability of the stock otherwise the other aspects will be unable to be met. On a practical level, it would prove difficult to conceive a single definition of “small-scale”, “artisanal” or “inshore” that would be meaningful across all European fisheries and fleets.

WWF believes that a better approach is that of operating according to fishery-based multi-annual management plans incorporating adequate RBM tools to ensure fishing capacity remains within limits compatible with sustainable exploitation of the stocks and economic profitability. This general scheme could be applied to any fishery, irrespective of its scale. Fishing access rights could be subject to trading restrictions to ensure that some “community vital” vessels participate in the fishery as long as such conditions are not to the detriment of the target stocks, the wider marine environment or the overall objectives of the multi-annual management plan. There may be other ways in which specific support can be provided to strengthen the resilience of the small-scale fleet through the new financial instrument for fisheries. However, care must be taken to avoid perverse outcomes that would undermine the sustainability of the inshore fisheries.

While no different ecological or management standards should be adopted for small or larger fleets, it may be necessary to apply flexible approaches to meet these objectives as in many Member States management necessities are clearly different between small and larger fleets.

What the European Commission's proposals could mean for social and economic viability of coastal communities in Wales

The CFP reform could offer great opportunities for the fishing industry and coastal communities in Wales and the UK in general if it manages to put fisheries back on track and achieve sustainability. There is little doubt that without some radical reform, our fisheries and fishing communities will continue to struggle and decline. The proposal aims to ensure that the environment and conservation of marine biological resources are not undermined by social and economic considerations, as the former is essential to achieving the latter. Healthy marine ecosystems supporting abundant fish stocks will provide sustainable livelihoods for fishing industries and fisheries dependent communities.

Some of the key criticisms levelled at the existing CFP include the degree of central micro-management and the inability to adapt fisheries management to local or regional conditions. The proposal takes forward the concept of regionalisation, an approach that WWF welcomes. With an effective delivery mechanism, which has still to be developed, the proposal could place fishing communities, industry and other stakeholders right at the heart of the decision-making process, thereby providing them with considerable autonomy to co-manage their fisheries using the most appropriate tools. Under this approach more tailored management can be achieved to meet local and regional needs.

What should the Welsh Government prioritise in its negotiations on CFP reform?

WWF encourages the Welsh Government to work with the UK Government to ensure that the following proposed reform measures, which we welcome and support, are retained:

- Clear commitment to restore and maintain populations of harvested species above levels which can produce the maximum sustainable yield (MSY). There should not be any weakening of the MSY objective.
- Clear commitment to implement an ecosystem-based and precautionary approach to fisheries management and to limit the impact of fisheries on the marine environment.
- Integration with other European and marine environmental policies, although we wish to see more explicit reference to compliance with the Birds and Habitats Directives and with Marine Strategy Framework Directive obligations to achieve and maintain Good Environmental Status (GES) in the General Objectives of the proposal.
- Clear commitment to the use of multi-annual management plans at the fishery level to deliver fisheries policy and an ecosystem-based approach. Further commitment and elaboration is required on the role of stakeholders throughout the multi-annual plan process, which WWF believes should be via co-management committees at the fishery level.

- Regionalisation of the CFP, with decentralisation of decision-making to the regional level and high degree of participation from the principal stakeholders who are better placed to develop measures tailored to the specific characteristics of individual fisheries.

In addition, we wish to see further progress in relation to the following key issues:

- Recognition that achieving ecological sustainability is a pre-condition for delivering social and economic sustainability and, as such, the impacts of fishing activities on the marine ecosystem are minimised.
- The choice of a full range of RBM options (not only TFCs), introduced through multi-annual management plans allowing individual and tailored fishery-specific solutions. Transferability of rights should remain optional, depending on the fishery concerned and the objectives to be met.
- More focus on tailored solutions through multi-annual management plans, on a fishery-by-fishery basis, to minimise the capture of potentially discardable fish in the first instance.

How can Wales ensure that its views inform the negotiation process?

WWF welcomes the interest shown by the Committee in this important reform of fisheries policy and the commitment to remain engaged throughout the reform process. This is essential in order to ensure that the interests of Welsh stakeholders are represented in EU negotiations. Wales and the UK have a key role to play in ensuring that advantage is taken of this crucial opportunity to reverse the decline of our fisheries and communities that depend upon them and to deliver the reforms necessary for restoring healthy fish populations and the future viability of the industry. There are significant challenges facing several necessary elements of the reform process – there are legitimate fears over the Commission’s willingness to surrender detailed management responsibility and the temptation to micro-manage, whilst some Member States may not want the responsibility, or cost, of active regional management. UK leadership will be critical in overcoming this inertia to deliver the necessary changes. Throughout the reform process and beyond, there must be strong political commitment and support from the Welsh Government to ensure that the UK contribution to the negotiations reflects Welsh priorities.

For the first time, fisheries policy will be subject to co-decision as a result of the changes in the Lisbon Treaty, meaning that the proposals will be scrutinised and amended for adoption by both the European Parliament and the Council. Welsh Members of the European Parliament (MEPs) will therefore have a say in the deliberations on the proposal, and will therefore need to be informed of the implications of the changes for Wales and our priorities for the reform proposal. Through our More Fish campaign, WWF is fully committed throughout the reform process to providing support to MEPs, the Welsh Government and other elected representatives to ensure the best outcome for UK and Welsh fisheries.

4. Additional points to be considered

In addition to the aforementioned points in relation to the Commission's proposal, WWF would like to draw the Committee's attention to the following key elements.

Integration with other European legislation and policies

WEL welcomes the clear commitment to implement an ecosystem based approach to fisheries management and to limit the impact of fisheries on the marine environment. In practical terms, it should require Member States to take into account multi-species interactions and minimise the impacts of fishing on wider ecosystem functions and conditions. This must include any habitat degradation and mortality of non-target species (other fish species, birds, marine turtles, etc.) As previously noted, management measures should be adopted in the context of fisheries level multi-annual management plans developed by stakeholders, which take account of the Marine Strategy Framework Directive (MSFD) requirements to co-ordinate strategic management of European marine regions.

The new CFP must ensure that fishing plays a role in the delivery of international, EU and other commitments. We welcome the objective on the "integration of the Union environmental legislation" (Article 2.4) but wish to see more explicit reference to compliance with the Birds and Habitats Directive and with MSFD commitments to achieve and maintain Good Environmental Status (GES) in the General Objectives of the proposal. As it stands, the proposal does not recognise that achieving ecological sustainability is a pre-condition for delivering social and economic sustainability and, as such, the impacts of fishing activities on the marine ecosystem are *minimised*.

Science base for fisheries management

The Wales Fisheries Strategy recognises that effective development of a sustainable fisheries sector in Wales is dependent upon the provision of a high standard of scientific guidance and that the scientific basis upon which our fisheries are managed and developed are relevant to Welsh needs. Greater involvement of stakeholders in the management process through regionalisation will promote greater understanding of the need for good quality scientific advice that reflects their requirements and experience. A good model of this type of co-operation can be seen in the fisheries/science partnerships currently operating in the UK.

If the ecosystem-based approach to fisheries management is to be implemented, considerably more research will be required on the effects of fishing on marine ecosystems and non-target species, including the combined effects exerted by the combination of different fishing activities and other uses of the sea. At the very least in the first instance, there will need to be a shift from assessing single stocks of important target species to incorporating the dynamics of multi-stock assessments in a mixed fishery that is to be managed under a fishery-based multi-annual management plan.

Whilst we welcome the inclusion of Part VI harmonising the requirements for Member States to collect data for the purposes of supporting sustainable fisheries management, there needs to be some reference to the data being provided in a timely manner that will support the development of multi-annual management 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.

Review

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

For further information please contact:
Dr Iwan Ball