



Cyngor Cefn Gwlad Cymru Countryside Council for Wales

NAW'S ENVIRONMENT AND SUSTAINABILITY COMMITTEE: TASK & FINISH GROUP TO UNDERTAKE AN INQUIRY INTO THE PROPOSED REFORMS TO THE COMMON FISHERIES POLICY

RESPONSE FROM THE COUNTRYSIDE COUNCIL FOR WALES

1. INTRODUCTION

1.1. The Countryside Council for Wales (CCW) champions the environment and landscapes of Wales and its coastal waters as sources of natural and cultural riches, as a foundation for economic and social activity, and as a place for leisure and learning opportunities. We aim to make the environment a valued part of everyone's life in Wales.

1.2. Wales benefits from a rich and varied marine environment that provides society with a wealth of 'ecosystem services'. The quality of the environment is reflected in extensive designations and a high quality resource that is valued by many. The marine environment needs to be managed effectively especially at a time when pressures are increasing. This has generally been recognised, with recent moves to refresh governance arrangements and prioritise environmental protection. Notably, there is commitment (under the EU Marine Strategy Framework Directive) to establish an ecologically coherent network of Marine Protected Areas by 2015 and work to achieve Good Environmental Status by 2020.

1.3. Fishing is the most varied and far reaching activity in our seas and is governed overall by the Common Fisheries Policy (CFP) as indeed the conservation of marine biological resources fall under the exclusive competence of the European Union (EU). CCW are interested in fisheries policy because we wish to see sustainable use of marine resources alongside a profitable and flourishing fishing sector. Our long-stated overall aim (CCW, 2003) is for sea fisheries to be environmentally sustainable, with minimal adverse effect on the marine environment, in order to maintain and enhance marine biodiversity in Welsh waters.

1.4. Our general approach to fishing seeks to:

- a. minimise adverse effects on the marine environment;
- b. integrate environmental considerations into fisheries management;
- c. integrate fisheries management with wider marine resource management;
- d. promote a long-term/proactive management approach;
- e. promote implementation of the ecosystem approach; and
- f. seek greater stakeholder engagement in the fishery management process.

1.5. CCW is an evidence-based organisation; we provide advice to Government and others which is based upon the best available evidence. Reform of the CFP must be based upon a sound evidence base including an understanding of the impacts that fisheries activities can have not only on target species but also the wider environment in line with the ecosystem approach.

1.6. CCW works with the other UK Statutory Nature Conservation Agencies and through the Joint Nature Conservation Committee to advise on European policies and directives that affect the UK. As government advisors we regularly comment on fisheries consultations including past reviews of the CFP, providing strategic advice.

1.7. Managing the marine environment is challenging and Wales needs to develop its fisheries evidence base. There may be scope for fisheries science work through projects awarded European Fisheries Fund (EFF) funding, but note this is not a long-term solution.

2. THE NEED FOR REFORM

2.1. CCW welcomes the inquiry into the proposed reforms to the CFP. There are many reforms proposed in the COM (2011) 425 final proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy (issued Brussels, 13 July 2011). We warmly welcome the broad range of far reaching reforms that are proposed and believe that many of these could bring substantial improvements to the regulation of fisheries across Europe. However, for the purpose of this committee's consideration of the CFP, our comments are restricted to those reforms that will most affect conservation of the natural environment. These are followed by some specific observations in response to the questions posed by the Committee in the invitation to submit evidence.

2.2. CCW welcomes the overall objectives (*Article 2*) of the proposal, in particular:

- 'The CFP shall ensure fishing and aquaculture activities that provide long-term sustainable environmental conditions ...' and we trust the sentiment will continue in its application.
- The aim to reach maximum sustainable yield by 2015 (linked to multi-annual plans – including those applying to mixed stocks) in compliance with the World Summit on Sustainable Development (Johannesburg 2002).
- 'The CFP shall integrate the Union environmental legislation requirements'. This, although boldly stated, requires more detail in the regulation to underpin the proposal.
- We recognise that an ecosystem-based approach to fisheries management, although present in the 2002 Regulation, has now been given greater prominence – but needs much bolstering. We note that the middle two of these are the most significant changes proposed to the General Objectives of the CFP.

2.3. We consider that all these guiding objectives are of relevance to management of fisheries in Welsh waters. We note that the regulation has expanded the CFP's remit to include aquaculture (both coastal and inland) which is of particular relevance to Wales.

2.4. The proposed specific changes that CCW particularly welcome, but believe some of which should be further strengthened as highlighted, are as follows:

- decentralisation (*articles 52-54*) We consider the articles require expansion to provide be detail on an overarching integrated regional process now that the regional councils are likely to pick up more of a fisheries management role, plus detail on what the regional councils would be expected to achieve – (also see point 4 below on governance).
- discard ban/phased reduction (*article 15*) We would particularly stress reference to the aim to reduce catch of unwanted marine organisms as stated in *article 14* and relate that across to *article 15* 'obligation to land all catches' to try and reduce the catch of any unwanted fish. This would encourage the practice to return those unwanted, especially immature individuals, that *can* be returned to the water unharmed especially elasmobranchs (sharks, skates & rays). The Welsh fishing industry has a strong history associated with catching skates and rays, making the conservation of these species particularly relevant in the Irish Sea).

- multi-annual plans (as indicated in *article 11*) and moves towards multi-species fisheries management, expanding models to cover more elements of the ecosystem (as currently ‘multi species’ models tend to consider rather low numbers of species). This is a fundamental principle which all fisheries managers should aspire towards.
- inclusion of Aquaculture and a new Aquaculture Advisory council (*articles 43 & 44*). Aquaculture is important to Wales’ economy, in the Menai Strait we have the largest mussel cultivation lay in the UK. It is important however to make reference to safeguarding environmental conditions and in particular to temper aquaculture developments with vigilant measures to ensure that invasive non-native species are not inadvertently spread. In this respect it is important to encourage internal Member State measures as well as to adhere to obligations outlined in various environmental directives etc.
- the inclusion of incentives to promote low impact fishing and devices to minimise the impact of fishing (*articles 7 & 8*) We believe these articles should be explicitly linked to *article 12*.
- policy oriented fisheries science to be reinforced by national fisheries scientific data collection & regional coordination obligation on data collection (*articles 37 & 38*). It is important to collate data on fishing effort so the effect on the environment can be assessed and balanced against the resilience of the environment and the availability of the resource, so we particularly welcome *1 (d)* of *article 37*. It may need to be clarified that this part underpins all other elements of the regulation (while this may be implicit, links to *article 12* is of relevance when apportioning resources for data requirements within Member States. CCW collects and collates much data on the distribution of habitats, species, their relative importance and their vulnerabilities to potential activities including fishing. To date, the level of science underpinning fisheries management in Wales has been very limited (with much focus on intertidal stock assessments) and requires extra emphasis and resource.
- continuation of the access derogation giving Member States rights to (inshore) waters under their sovereignty (*article 6*). However, no mention is made with regard to historic rights in parts of the 6-12 mile zone. *There is presumably a typo in the date under paragraph 4.*
- continued measures to ensure fishing effort does not exceed resource availability (*articles 34 & 35*).

3. THE CFP AND THE EVOLVING WELSH POLICY CONTEXT

3.1. The ecosystem approach requires thinking about and managing the whole of a given environment as an integrated system, with integration of policy and consideration of resource availability, so that all aspects of the ecosystem are considered and encourages stakeholder engagement. It recognises that our economic prosperity and well being depend on our natural capital, including ecosystems, that provide us with a flow of essential goods and services.

3.2. It is encouraging to note that the direction of policy on a European fisheries front, and wider resource efficiency (the resource efficiency routemap) is following a similar direction to that developing in Wales. Set within the context of the Wales Sustainable Development Plan ‘A Living Wales’ - the framework for the environment, countryside and seas around Wales (NEF) sets out a new approach to environmental management in Wales with the ecosystem approach as its fundamental principle as does the Wales Fisheries Strategy.

3.3. Proposals for reforming the CFP can usefully be assessed against the principles emerging from the NEF. This is particularly important if the guiding aim of the NEF to ensure that Wales has increasingly resilient and diverse ecosystems that deliver economic, environmental and social benefits are to be achieved.

3.4. The Marine and Coastal Access Act (2009) provides the Welsh Government with powers to prepare Marine Plans for Welsh waters and requires decision-makers to take account of Marine Plans. CCW recently responded to Welsh Government's proposals for delivery of Marine Planning for Wales. In our response we highlighted the importance of Marine Planning as an integrating process. Given the wide-ranging and diverse nature of marine fisheries sector it is critical that marine planning takes full account of the objectives of the sector and considers these alongside the need to optimise the full range of services that marine ecosystems provide to society.

3.5. We note that the current reform of the CFP holds even greater relevance to Wales than before on account of the Welsh Fisheries Zone being extended from the 12 nm territorial limit to the median line in 2010.

4. IMPROVED GOVERNANCE

4.1. Decentralisation of fisheries management is a particularly welcome concept. However, the coverage of how this will be achieved is very scant in the proposed regulation (*articles 52-54*). While this undoubtedly would allow for flexibility in the approach taken by the individual Advisory Councils, there is a need for clearer direction, particularly in recognition that the founding regulation (Decision (EC) no. 2004/585) will be repealed once the new CFP regulation is accepted. As the majority stakeholders of the councils are representative of fishing organisations, it would be helpful to provide more explicit direction on how they could help to progress toward achieving an ecosystem based approach.

4.2. In embracing the application of an ecosystem based approach we believe the involvement of stakeholders committed to the sustainable future of their regional sea within the Advisory Councils – such as the Irish Sea and neighbouring waters (as covered by the current North Western waters Regional Advisory Council) in the management of the resource gives them greater responsibility and accountability.

4.3. The Welsh Government has made good progress in rationalising fisheries governance by playing a leading role in fisheries management and also working to integrate the views of stakeholders in fisheries management through setting up Inshore Fisheries Groups (IFG) and a Welsh Marine Fisheries Advisory Group (WMFAG). These groups somewhat mirror the structures and processes at a regional level being progressed under the CFP. We would like to see the IFGs / WMFAG develop individual stakeholders to better voice the views of Welsh fishermen and stakeholders in Advisory Councils, to help attain environmentally sustainable fisheries management particularly in the Irish and Celtic Seas, thereby achieving the aims of NEF and the Welsh Fisheries Strategy in the Welsh Fisheries Zone. The Marine and Coastal Access Act (2009) provides tools whereby such management can be achieved inshore.

5. BETTER INTEGRATION WITH ENVIRONMENTAL DIRECTIVES

5.1. A clean and healthy marine environment is critical for fisheries, and equally fishing has much responsibility to help ensure that marine ecosystems are sustained. While CCW welcomes the overarching objectives stated in *article 2* (see 2.2. above), we consider the links between the CFP and, in particular, the Marine Strategy Framework Directive (MSFD) are not sufficiently explicit.

5.2. We believe that all actions under the CFP must be compatible with Member State obligations to achieve Good Environmental Status under MSFD (to achieve this at a regional seas level will require good cooperation between Member States), hence we consider that explicit measures are required within the regulation.

5.3. Marine Protected Areas (MPAs) are one of the measures to achieving the objectives of the MSFD. Hence there should be clear recognition within the CFP of the importance of MPAs to the health of the wider marine environment, the important role MPAs can provide in sustaining commercial fisheries and the need to sustainably manage fisheries particularly those that may have an impact upon MPAs. There should also be clear recognition of how measures through the CFP can support the management of MPAs

5.4. Better and more explicit integration with other environmental directives is also required. We also consider the articles could more positively and specifically encourage achieve the objectives of these directives, to include wording such as ‘to help achieve the objectives of Special Areas of Conservation’ in *article 12.1*. Indeed, there should be reference back to *articles 7 & 8* on reducing the impact of fishing.

5.5. The only mention of compliance with the Habitats and Birds Directives is made in *article 12* (which only specifies SACs even though there is also reference to Article 4 of Directive 2009/147/EC which is relates to SPAs). However, the words used in article 12 to ‘alleviate the impact of fishing in SACs’ weakens the intent of article 6 of the Habitats Directive. Article 6(2) of which states ‘take appropriate steps to avoid deterioration of habitats / disturbance of species ...’ or Article 6.3/6.4 on plans or projects, making them subject to appropriate assessment if there is any doubt as to their effect and only being permitted to continue should they ‘not adversely affect the integrity of the site concerned ...’ other than in cases of ‘overriding public interest’. The wording should be altered to reflect more carefully that in the Habitats Directive.

5.6. Furthermore, *Article 12(2)* indicates that ‘the Commission shall be empowered to adopt delegated acts ...’ to regulate sea fisheries affecting SACs, whereas this should more correctly read they should be ‘obliged ...’. The EC should be required to exercise its powers so as to achieve a comparable level of protection as that which Member States are required to achieve under Article 6 of the Habitats Directive.

5.7. As fishing is one of the main human pressures on the marine environment, management of capacity at a regional scale may help Member States achieve Good Environmental Status under the Marine Strategy Framework Directive and their obligations under the Birds and Habitats Directives. There are only limited and currently rather ad-hoc tools in use to limit the environmental impact of fisheries. We believe that the introduction / application of Strategic Environmental Assessment (SEA) throughout EU fisheries would benefit both fisheries and the environment.

5.8. One role of the proposed new Advisory Councils in a decentralised management regime could be to undertake such broad fishery SEAs and strategic fishery-ecosystem management plans. Furthermore, in relation to Marine Spatial Planning, in particular, the fisheries elements should be picked up by the Advisory Councils. (NB Currently there are Marine Spatial Planning working groups in at least two Regional Advisory Councils and environmental non governmental organisations tend to lead these).

5.9. CCW have been the catalyst for work with leading marine scientists on developing fisheries sensitivity mapping for Wales which provides an indication of areas compatible with many forms of commercial fishing and areas where less damaging forms of fishing are appropriate (see also section 6.2).

6. UNDERSTANDING AND BUILDING UPON GOOD PRACTICE CASE STUDIES IN WALES

6.1. As the CFP continues to have increasing influence around an expanding European Union and the need for greater decentralisation is recognised, it is ever more important that good practice is widely shared. There are some excellent examples we can share from Wales, the principles of which could apply elsewhere.

6.2. CCW in partnership with fishing organisations are running a pilot project around Anglesey called 'FishMap Môn' (supported by European Fisheries Funds) which is gathering fishing activity data and combining this with seabed sensitivity mapping to come up with guidelines for management of the resource. The FishMap Môn pilot project illustrates how partnership working involving stakeholders closely integrates consideration of environmental, social and economic needs and exemplifies an ecosystem based approach to producing management guidance. The electronic questionnaire built for the project has borrowed from approaches developed in England and Scotland and will now also be used for gathering fishing activity data elsewhere in Wales.

6.3. We welcome the objectives of the new financial instrument (*Article 49*) which may contribute to the achievements of the objectives of the CFP and particularly those in *article 2* including achievement of long-term environmental sustainability, an ecosystem based approach and integration of environmental legislation requirements. However, we would urge that the links be made stronger and more closely in line with the stringent conditions for complying with the rules of the CFP (*articles 50 & 51*). We would encourage the use of pilots (equivalent to those encouraged to test new control technologies under *article 47*) along the lines of the pilot work being carried out around Anglesey.

7. SUMMARY

There are many progressive reforms outlined in the proposed CFP new regulation which CCW warmly welcomes, however, to ensure some of these more enlightened environmental measures will be implemented, we would wish to highlight the need for:

- careful consideration of how to deal with some species that may be hard to avoid catching yet benefit from returning to the sea in relation to a discard ban;
- controls to minimise the likelihood of spread of invasive species with moves to encourage aquaculture development;
- more science underpinning fisheries management especially in adherence with environmental obligations and reducing the environmental impact of fisheries;

- clear linkages between the principles outlined in “A living Wales” / the Natural Environment Framework which Wales are developing to allow government to adopt an ecosystem based approach to the management of fisheries advocated in the CFP;
- more integrated governance including further environmental integration in Advisory Councils;
- explicit links in the articles with environmental directives including the Marine Strategy Framework Directive, the Habitats Directive, the Birds Directive, the Strategic Environmental Assessment Directive and the Water Framework Directive;
- clear mechanisms in CFP to enable securing a well managed MPA network;
- application of Strategic Environmental Assessments to all fisheries including by Advisory Councils;
- sharing of good practice on ways to achieve an ecosystem based approach with stakeholders and
- stronger links between fisheries structural funding and environmental sustainability.

CCW RESPONSE TO NAW’S ENVIRONMENT AND SUSTAINABILITY COMMITTEE’S QUESTIONS

In addition to the above points, CCW offers the following observations in response to the committee’s questions set out in your letter of 13 October 2011.

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

Decentralisation of fisheries management would help make the CFP more applicable to Wales as the relevant Advisory Council would only deal with North western Wales (ie around the western coast of the UK and Ireland) and have working groups on the Irish sea and Marine Spatial Planning, both of which are a high priority to the Welsh Government. It would also leave region specific debates to other advisory councils and allow the work of European administrators and decision makers to be more strategic. (Please also refer to section 4 and 5.8. above).

2. What the European Commission’s proposals could mean for social and economic viability of coastal communities in Wales?

The high reliance of commercial fisheries in Wales on the small scale inshore fisheries sector means there are close links to the social and economic viability of some coastal communities in Wales. A greater emphasis on the ecosystem based approach to fisheries management, longer term planning through multi-annual plans and the aim to reach maximum sustainably yield by 2015 are some of the elements of the revised CFP which are likely to be beneficial. At the same time greater stakeholder engagement brings communities more directly into fisheries management and help deliver the ecosystem based approach. Partnership working such as through the FishMap Môn project is an example of how this can take place.

3. What impacts changes made in the wider fisheries sector in Europe could have on Wales?

Many of the changes proposed for the new CFP regulation would bring positive benefits for Wales such as achievement of Maximum Sustainable Yield for stocks by 2015. A number of stocks which are of importance to commercial and recreational fisheries in Wales go through

stages in the life cycles well away from Welsh waters, such as bass. Consequently, better stock management of such species would benefit Welsh fisheries and biodiversity alike. The application of *Articles 9, 10 and 11* will have benefits to Wales and furthermore these principles for developing multi-annual plans should be applied throughout the Welsh Fisheries Zone.

4. What should the Welsh Government prioritise in its negotiations on CFP Reform to ensure a beneficial outcome for Wales?

In order of priority and as outlined above we would wish to highlight the following needs for:

1. In relation to decentralisation:
more detail indicating the process for decentralisation of governance and further environmental integration in Advisory Councils.
Also the application of Strategic Environmental Assessments to all fisheries including by Advisory Councils.
2. In relation to better integration with environmental directives:
make explicit links in the articles with the Marine Strategy Framework Directive and other environmental directives including the Habitats Directive, the Birds Directive, the Strategic Environmental Assessment Directive and the Water Framework Directive. Also make positive reference to the interaction to help the fisheries measures achieve the objectives of these environmental directives.
3. include under links to the Marine Strategy Framework Directive clear mechanisms in CFP to enable securing a well managed Marine Protected Areas network.
4. Sharing of good practice on ways to achieve an ecosystem based approach with stakeholders (see point 6.2. above). This includes making clearer links with the Natural Environment Framework and stronger links between fisheries structural funding and environmental sustainability.
5. Regarding the phasing out of discards:
careful consideration of how to deal with some species that may be hard to avoid catching yet benefit from returning to the sea in relation to a discard ban.
6. In relation to Aquaculture being covered by the new CFP:
ensure there are vigilant controls to minimise the likelihood of spread of invasive species with moves to encourage aquaculture development;
7. In relation to data requirements for fisheries management:
more science underpinning fisheries management is required for Wales especially in adherence with environmental obligations and reducing the impact of fisheries.

(Please also refer to section 5 and 2.4. above).

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

CCW welcomes the Environment and Sustainability Committee's interest in this review of the CFP. There needs to be early and clear engagement from Wales at a decision making level and on behalf of Welsh interests. There are good examples of progressive management of fisheries from Wales and these could be used to illustrate how to progress.

Whilst the Regional Advisory Councils have a role in informing policy making, they are stakeholder-led organisations, rather than forums for engagement from devolved Government administrations within member states. However, if the new advisory councils are to take on more of a management role, it is important that clearer links with fisheries policy makers exist, including for Wales.

Some informal stakeholder discussion on CFP reform in Wales has been undertaken through the Inshore Fisheries Groups, which could inform the Welsh Government's negotiations with the UK Government, the Scottish Executive and Northern Irish Government in reaching an agreed position. Such stakeholder consultation could also help inform the work of the Regional Advisory Councils and Welsh Members of the European Parliament in their scrutiny of the CFP proposals.

6. *Any other relevant points?*

Financial assistance should also be compliant with achieving environmental elements of the CFP's overall objectives.

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