



Commissioner Maria Damanaki
European Commissioner for Maritime Affairs and Fisheries
European Commission
B-1049 Brussels

5 March 2012

Dear Commissioner,

Common Fisheries Policy Task and Finish Group Inquiry into proposed reforms to the Common Fisheries Policy

I am writing to you to highlight some initial findings from the inquiry we are undertaking into the reform proposals for the Common Fisheries Policy.

The views set out in this letter are based on the work of a cross-party “Task and Finish Group” (‘the Group’), which has been established by the National Assembly for Wales’ Environment and Sustainability Committee to look at the potential implications of the CFP reforms to Wales.. Further information is available online at: [CFP Task and Finish Group](#).

We have drawn from the evidence gathered from industry representatives in the fishing and aquaculture sectors, government bodies, environmental organisations. We would also like to emphasise in particular our gratitude to Lowri Evans and her officials (including Joost Paardekooper) for the invaluable evidence session that we held with her in January.

Given the current state of the EU fisheries sector and the continuing decline of European fish stocks the Group believes that the proposals from the Commission are timely and should be broadly welcomed. Therefore, we would like to congratulate you on this ambitious reform package and the subsequent proposals for the European Maritime and Fisheries Fund presented at the end of November.

The Group supports the European Commission’s aim of ensuring that the European fisheries sector is more sustainable and profitable in future. However, during the course of the inquiry stakeholders from all sectors called for the European Commission to provide clarity on a number of elements of the legislative proposals and this is something we will be calling

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on our Deputy Minister, Alun Davies, to pursue in his discussions as part of the UK delegation.

In particular six priority areas have been identified in this first phase of work, which we believe would require changes to the text of the draft regulations:

- Ensuring consistency, integration and compliance between the CFP and existing EU environmental Directives;
- Ensuring that multiannual plans are developed as a matter of priority and make reference to coastal stocks and ecosystems;
- Ensuring genuine decentralisation and regionalisation of fisheries management and adequate voice for small scale fishers and producers in the advisory councils;
- Ensuring that the mandatory proposals for transferable fishing concessions do not allow for fishing opportunities to end up in the hands of the most powerful economic actors to the detriment of coastal communities;
- Ensuring that the proposals on discards do not prevent the current sustainable activity of returning live discarded catch to the sea; and
- Ensuring that robust measures are in place to ensure that data collection is undertaken in a systematic and consistent way across Members States.

In addition to our priority areas, we have comments on historic fishing rights, aquaculture and the proposed European Maritime and Fisheries Fund.

These issues and the key areas for amendment set out above are addressed in more detail within the attached paper on our key findings.

We will continue to monitor progress of the proposals through the negotiation process, including the crucial discussions within the European Parliament, and we have written to the relevant rapporteurs and to Welsh MEPs to bring to their attention the points outlined in this letter.

Yours sincerely



Julie James
Chair

Key Findings of the National Assembly for Wales CFP Task and Finish Group

The Marine Strategy Framework Directive (*Article 2.4'*)

The Common Fisheries Policy has an essential role to play in ensuring the delivery of the Marine Strategy Framework Directive. As such we welcome the European Commission's proposal that the CFP should implement an ecosystems based approach to fisheries management and should ensure Maximum Sustainable Yield by 2015. However, much of the evidence we received expressed concern about the lack of an explicit link between the Directive and the CFP proposal. There are three main areas for concern:

- That the requirements for seas to obtain good ecological status by 2020 contained in the Directive is not explicitly reinforced in the Policy.
- That the requirement for regional cooperation between Member States contained in the Directive has not been included in the CFP regulations.
- That the targets on discards contained in Directive do not match those contained in the CFP proposals.

Stakeholders believe that this lack of clarity creates potential inconsistencies and conflict between the Directive and the Policy which could undermine the intent of the European Commission's proposals.

We recommend that *Article 2.4* be amended to read:

The Common Fisheries Policy shall integrate Union environmental legislation requirements; *contribute to the achievement of good environmental status of EU waters by 2020 and favourable conservation status under the Habitats and Birds Directives.*

The Habitats and Birds Directives (*Article 12*)

Concern was expressed by several environmental organisations about the wording contained in the CFP proposals in relation to the Habitats and Birds Directives. There was a very strongly held view that the proposals as currently set out weaken the levels of protection offered to marine sites and species by the existing Directives. Though this may be a drafting error in the text of the proposals it could have serious implications for the effective implementation of these Directives.

We therefore call for amendments to be made to text of the proposals as follows:

***Article 12.1* to be amended to read:**

¹ Note that all of the amendments proposed in this letter relate to the draft Regulation for the Common Fisheries Policy COM(2011)425, published on 13 July 2011

.....Member States in such a way as to *avoid deterioration of habitats and disturbance of species* in such special areas of conservation.

Article 12.2 to be amended to read:

The Commission shall be *obliged* to adopt delegate acts....to specify fishing related measures to *avoid deterioration of habitats and disturbance of species* in such special areas of conservation.

Multiannual Plans and Maximum Sustainable Yield (Article 2)

There was support from both environmental and industry bodies for the proposal to develop multiannual plans for the management of fisheries stocks. Stock management based on planning over several years in line with an ecosystems approach will deliver better outcomes for fish stocks and the industry.

There was agreement, however, that much more detail is needed in the regulation on how and by when the plans will be developed. In addition, as the plans will become the 'principle vehicle' for the delivery of sustainable fisheries, there should be a clear process for stakeholder engagement in their development.

Much of the evidence supported the view that multiannual plans should be subject to an environmental assessment and to ensure a whole ecosystems approach should, where relevant, take account of inshore fisheries.

Although we recognise that gaps in data and scientific knowledge may in the short-term provide a barrier to the development of some multiannual plans, their importance to the success of the policy means that we believe that a commitment must be made to develop these as a matter of urgency.

We therefore recommend where possible, multiannual plans should be adopted by 2015 to bring them in line with the commitment to achieving maximum sustainable yield for fish stocks by 2015:

Add a new section 5 to Article 2 stating that *Multiannual plans shall, where possible, be adopted by 2015.*

Transferable Fishing Concessions (Articles 27-33)

The majority of the Welsh fishing fleet comprises small, inshore vessels of less than 12 metres. Therefore a range of concerns were expressed by stakeholders about the Commission's proposals to introduce a mandatory scheme of transferable fishing concessions for all vessels over 12 meters and all vessels that used towed gear. In particular concerns were expressed that:

- The introduction of transferable fishing concessions would lead to the privatisation of a public resource and that the fishing concessions were likely to end up in the hands of the most powerful economic actors.

- That the transferable fishing concessions system would not necessarily deliver a pension to fishers enabling them to retire and reducing overcapacity. While the person who owns the fishing concessions would be able to lease them in order to receive a pension this would only provide money to the owner or skipper of the boat and not the crew.
- That the transferable fishing concession system would lead to genuine fishers having to pay large amounts to lease quota to owners of boats and fishing concessions.
- That as a number of vessels are multi-purpose using both towed and passive gear, it is not clear how and when the mandatory system would apply to these vessels.
- The mandatory system could cause particular problems for the small scale coastal fishing fleet in Wales because of the limited access they have had historically to quota species.

In general stakeholders felt that a mandatory system of concessions should not be introduced and that a voluntary system should be one of a suite of tools that Member States could use to reduce overcapacity and bring about change in fishers' behaviour. Although we recognise the Commission's proposal that Member States will be able to design their own systems and put their own safeguards in place we feel that this issue is too important to be left to chance.

We therefore recommend that the system of transferable fishing concession should be voluntary. At a minimum greater clarity is needed in the legislation on its application to boats with mixed gear and on the safeguards that should be applied to protect and maintain Europe's diverse fishing fleet.

Decentralisation and Regionalisation

We welcome the Commission's proposals for the decentralisation and regionalisation of fisheries management. Without decentralisation and an increased role for stakeholders it is difficult to imagine sustainable management of EU fisheries. However, stakeholders felt strongly that there was a lack of clarity about how decentralisation of fisheries management will work in practice e.g. if the advisory councils will have a role, if they will be expected to manage fisheries jointly with Member States or if Member States will be compelled to work together to deliver decentralised fisheries management.

We welcomed the acknowledgement of the Director-General for Maritime Affairs and Fisheries that further clarity is needed in this area. The Committee also welcomed the Director-General's confirmation that under the proposals Member States could come together to manage seas on a smaller regional scale e.g. an Irish Sea basis. We will therefore be urging the Welsh

Government to pursue and advocate the development of this approach to fisheries management.

The Group heard broad support for the role and functions of Advisory Councils and stakeholders felt strongly that the Advisory Councils should be involved in the development and assessment of multiannual plans. However, some concerns were expressed about the way in which Advisory Councils have operated in practice. Stakeholders felt that:

- The current Regional Advisory Councils are too remote from small scale fishers and consequently their views have not been properly represented in the past.
- Those representing small scale fishing interest do so on a voluntary basis where there individuals must choose between being on their boats and attending meetings to represent the industry.

We therefore recommend that consideration is given to ensuring that the structure of advisory councils in futures enables the voice of coastal fishers and communities to be heard.

We strongly welcome the proposals contained in the European Maritime and Fisheries Fund that would allow Member States to provide support for small scale sector representatives to engage in the Regional Advisory Council process.

Discards

While both the environmental bodies and the fishing industry expressed support for the principle of ending discards some expressed concern about the unintended consequences of a blanket ban on discards. In particular the Committee feels it is important that:

- Unwanted catch is minimised in the first instance by putting a focus on using selective gear and that a closer link is made between *Article 14* on technical measures and *Article 15* on discards.
- That safeguard should be put in place to prevent the creating of new markets for vulnerable under-sized fish species.

We therefore recommend that *Article 15* is amended as follows::

All catches of the following fish stocks subject to catch limits caught during fishing activities in Union waters or by Union fishing vessels outside Union waters shall be brought and retained on board fishing vessels and recorded and landed except where used as live bait *or where unwanted catch can be returned alive.*

Data Collection (*Article 37 and the European Maritime and Fisheries Fund (EMFF)*)

All the evidence supported the view that that the reform of the CFP must be underpinned by a sound scientific evidence base. It is important that data collection under a reformed CFP is designed to support the development of an ecosystems approach and not only single fish stock conservation. Collection of a wider range of good quality data will be important for the successful development and implementation of multiannual plans and fundamental to the development of sustainable European fisheries. We were pleased that this was acknowledged by the Director General in her discussion with us and we welcome the European Commission's proposals to work with the scientific community and Member States to improve the evidence base.

If attempts to fill the current data gaps are to be successful it was felt that further work is needed to incentivise fishers to take part in data collection and to develop the partnership between scientists and fishers. There is a need to ensure that the data gathered is fed back in a useful way to the industry so that they can see a benefit from participating in its collection. We therefore strongly welcome the proposals in the EMFF Regulations that funds will be available to support these kinds of projects.

However, in order to ensure that data gathering is given serious attention by Member States we propose that the CFP regulations be strengthened to require Member States to develop data collection plans with stakeholders.

Article 37.3 Data Requirements for Fisheries Management currently requires Members States to ensure the national coordination of the collection and management of scientific data for fisheries management. We recommend that the proposals are amended as follows

Article 37.3

Member States shall ensure the national coordination of the collection and management of scientific data for fisheries management and *shall produce multi-annual plans for data collection*. To this end they shall designate a national correspondent and organize an annual national coordination meeting. The Commission shall be informed of the national coordination activities *and of the production multi-annual plans* and be invited to the coordination of meetings.

Aquaculture

There was general support for the European Commission's proposal that Member States should be required to develop national aquaculture strategies. Although Member States should be given the flexibility to design national strategies suitable for their industry it is important to have a strong central direction at an EU level. We note the subsidiarity concerns expressed by the UK and Welsh Government's but recognise the desire in the industry to ensure

growth for its sector by having a central driver at an EU level. It will be important, however, to ensure that the CFP requires the industry to adhere to environmental safeguard and directives.

1. Proposals for a European Maritime Fisheries Fund

Having begun the gathering of our evidence on the CFP proposals prior to the publication of the EMFF proposals we were pleased to see that many of the wishes expressed by stakeholders for the fund had been addressed. In particular we welcome the proposals to allow Member States to provide funding for:

- Higher-aid intensity rates for the small scale coastal fleet;
- Business and marketing support for the small scale coastal fleet;
- Coastal business start-ups; and
- Representative organisation of the small scale coastal fleet to enable them to engage in CFP dialogue.

We hope these elements remain part of the EMFF and will strongly encourage our Government to use the funds to provide holistic support to the coastal fishing communities of Wales.

Historic Fishing Rights

Although we understand that the matter of historic fishing rights is currently outside the scope of the CFP proposals, the devastating impact that boats with these rights have on our fishing fleet mean that we must take every opportunity to raise the serious problems caused by this on-going issue. Serious concerns were expressed by the fishing industry in Wales to us who stated:

- That despite Welsh fishers having very little access to quotas for commercial stocks, fishing stock number in Welsh waters have continued to deteriorate.
- That trawlers from fleets with historic rights provide no direct economic benefits to Welsh coastal communities and any catch that they land is registered in their own Member State so is not added to the historic record of catches in Wales.

Although we note the Commission's view that there is little appetite from Member States including the UK to address this issue through the CFP at present, we strongly hope that the opportunities offered to address this issue by the decentralisation and regionalisation of fisheries management through regional agreements are taken seriously by all Member States. Without serious action in this field the future of small scale traditional coastal fishing communities will be at risk.

