



**FIF Submission in Response to the Commissions Proposal on  
Reform of the CFP COM (2011) 425 Final**

Submitted to the Minister for Fisheries, Simon Coveney TD, Department of  
Agriculture Marine and Food

26<sup>th</sup> January 2012.

## **Introduction**

The Federation of Irish Fishermen together with its constituent members have been actively involved in the consultation process in relation to the current round of the Reform of the Common Fisheries Policy (CFP) beginning with the publication of the Green Paper on the Reform of the Common Fisheries Policy published by the EU Commission in April 2009 which culminated in the contents of the FIF Submission to the Department of Agriculture, Fisheries and Food and the EU Commission in January 2010.

During the period of consultation two of the constituent members of FIF, the Killybegs Fishermens Organisation and the Irish South and West Fish Producers Organisation Limited have been involved in studies in relation to the socio economic importance of the fishing industry to rural coastal areas: "Assessment of the status, development and diversification of fisheries-dependent communities – Killybegs Case Study Report" which was carried out as part of the Commissions Impact Assessment in relation to the CFP Reform process and "Economic Survey of the Castletownbere area to determine the level of seafood activity and establish its economic importance for the Region" carried out by Bord lascaigh Mhara. Both of these Reports highlighted the critical importance of the fishing industry and its ancillary industries to these maritime communities as well as identifying significant potential for job creation in both areas. However, the continued survival and potential future development are dependent on a strong marine sector centred on a stable fishing industry.

It is therefore, vital that all key stakeholders continue to be actively involved in the consultation and subsequent negotiation process to ensure that the Irish fishing Industry is not adversely impacted and instead is allowed to flourish.

## **COM (2011) 425 Final**

1. **Hague Preference:** while the preamble to the document refers to the principle of "Relative Stability" (paragraph 23) there is no reference to the Hague Preferences. The Hague Resolution of 1976 endorsed Irelands right to the continued development of its fishery resources "as to secure the continued and progressive development of the Irish fishing industry on the basis of the Irish Governments Fisheries Development Programmed for the development of Coastal Fisheries".

FIF repeats its previous position that the Hague Preferences should be enshrined in law as part of the Reformed CFP as its current status, whereby each year the mechanism is attacked by other Member States as part of the annual Council negotiations, creates an unacceptable level of uncertainty to all involved.

2. **MSY:** in the preamble reference is made to the Johannesburg Agreement and Member States commitment to reaching MSY by 2015. However, it is noted that the Johannesburg Agreement was a commitment to reach MSY "where possible" and this caveat appears to have been

omitted from the Commissions Proposal document. Article 2 (2) states that all harvested species are to be “above” MSY by 2015. This appears to make MSY a limit and not a target. The document contains no clarification as to what level above MSY a species must be at. More importantly the practical reality of the impossibility of having every species at above MSY in a mixed fisheries context such as exists in Irish Waters is not addressed. It is noted that there does not appear to be any example of mixed fisheries being harvested at MSY in the world at present.

- 3. Ecosystem Approach to Fisheries Management:** again, in Article 2(3) there is an obligation on Member States to adopt an ecosystem approach to fisheries management. There are inherent contradictions between the obligation at article 2(2) to have all species at MSY and this obligation particularly when one considers the predator – prey interactions at play. In addition, this requirement is somewhat one dimensional in that it only makes reference to the impact of fisheries on the marine system.
- 4. Discards:** the Commission’s Proposal to eliminate discards, which is to implement a landing obligation on vessels, is flawed and operationally unworkable in the view of FIF. While all in the fishing industry support the reduction of discards to the lowest possible measure, the blunt instrument adopted by the Commission will not achieve this. Instead a toolbox of measures which focus on the avoidance of such fish in the first instance, the reduction of discards to their lowest possible level through the use of selective gear and temporal/spatial closures and incentives to fishermen should be utilised. Ireland in particular has carried out significant work to reduce discards as evidenced by the recently published “Atlas of Demersal Discarding, An Atlas of Discarding Profiles by the Demersal Fleet with a toolbox of mitigating measures” which was produced by the Marine Institute and Bord Iascaigh Mhara jointly. In addition, the Irish Industry has been actively involved in measures to reduce discards over the last number of years through the use of closed areas and most recently in relation to the introduction of more selective gears to reduce discards of Haddock and Whiting in particular in the Celtic Sea .

Article 29(3) which states that fishing vessels shall undertake fishing activities only when in possession of sufficient individual fishing opportunities to cover all potential catch is of particular concern. From FIF’s interpretation this would mean that where , in a mixed fisheries context, quota from one species has been exhausted all fishing operations which could potentially catch this species must cease. Given that a number of different species are caught together using the same gear, for example Haddock, Whiting and Cod this would mean that once the Cod quota had been exhausted (which given the low level of quota Ireland has for this species could be quite quickly) then vessels could no longer fish for Haddock and Whiting despite quota remaining for these species. From the Whitefish fleets perspective this could curtail the fishing season to a matter of weeks.

Therefore, the Commission must rethink their Proposal in relation to discards and amend same to make it workable. Finally, we note there have been very few studies carried out in relation to the positive impact of discarding on the environment nor does the Commission appear to have factored the survival rates of species into the equation when making this Proposal.

- 5. Regionalisation:** FIF notes, with regret, that the only reference to Regionalisation appears in the heading “Title III Regionalisation”. On examination of this section it relates to responsibility of individual Member States in relation to implementation of multi-annual plans, conservation measures and technical measures. This does not appear to FIF to in fact constitute “Regionalisation”. While conscious of the restrictions in place under Treaty Provisions and also the various roles of the EU Council, Parliament and Commission FIF is of the view that a satisfactory model can be developed. Two members of FIF have been involved with the MEFEPO (Making The European Fisheries Ecosystem Plan Operational) Project which as part of its remit examined possibilities for such a model and proposed that of a Decentralised Fisheries Management Board (see Figure 1). In this model the Fisheries Council and European Parliament would still have the responsibility for establishing the key principles and objectives but the Decentralised Fisheries Management Board (DFMB) would be responsible for their implementation. The DFMB would be a regional entity with devolved powers and received scientific and other input from an enhanced RAC, scientific bodies and industry Stakeholders.
- 6. Transferrable Fishing Concessions (TFC):** Article 27 proposes the introduction of a mandatory system of Transferrable Fishing Concessions which would see vessels receiving individual vessel allocations of quota for all vessels over 12 metres and all vessels using towed gear. This is of serious concern to the fishing industry in Ireland and many believe that it will have serious adverse implications on the viability of the fishing industry in Ireland. While the Commission states that these systems “may” be on a National basis only i.e. only transferrable between vessels from the same Member States. While it should be noted that the IFPO, a constituent member of FIF, has stated that it is not opposed in principle to ITQs, FIF as a whole is of the view that as presented the system does not contain adequate safeguards to ensure that Ireland's quota remains of value to the Irish economy. Inherent in EU treaty provisions is the right for all EU citizens to have freedom of establishment. In addition as quota consolidation appears to be central to the Commission's TFC's premise it will become far more attractive for vessels from other Member States to establish themselves in Ireland. Many Member States already operate some type of TFC system and for example in a recent study carried out by DEFRA in the UK it was noted that the value to quota to the national economy significantly diminished (by up to 90%) when allocated to Flag States. While the Commission has been at pains to emphasise their belief that adequate safeguards can be put in place to prevent this occurring FIF does not at this time believe that same can in fact be done, particularly in light of restrictions placed under EU Treaty Provisions as evidenced in the Factortame Case.

- 7. Objectives:** Articles 2(2) and 2(3) in relation to the requirement to fish at MSY and to adopt an ecosystem approach to fisheries management respectively both appear under *Article 2 – General Objectives*. Both would, in fact, appear to FIF to be specific objectives and therefore, should be moved from this Article to perhaps Article 3. General objectives should be of a more general nature such as the achievement of ecological, social and economic sustainability.
- 8. Scientific Advice and Data Requirements:** adequate and accurate scientific data are the bedrock of the CFP. However, the current assessment models are too rigid and inflexible and have resulted in a large number of stocks being labelled “data poor” and thereby subject to reductions in TAC. Focus must be put on developing and approving alternative approaches and models for data collection and assessment where information available from fishermen, who often are aware of stock trends before scientists can be properly incorporated in the assessment process. In addition, FIF are somewhat concerned by the omission of STECF and the tasks it performs from the current version of the document.
- 9. Irish Box/BSA:** FIF is disappointed to note no reference to maintaining the BSA appears in the Commissions Proposal. The Irish Box (as it was then called) was established in 1986 to protect the important nursery and juvenile area within its confines and also to restrict effort on what are highly productive grounds. It’s boundaries were re-drawn in 2003 and it is now referred to as the Biological Sensitive Area. It is essential that the status of the BSA be maintained in it’s existing form and therefore the omission to do same in the reform of the CFP (despite allowing for the area around the Azores, Madeira and the Canary Islands to be subject to a protected zone) is of concern to FIF.
- 10. Effort:** FIF is of the view that effort restrictions do not assist in any way in the recovery of fish stocks and therefore, same should no longer be implemented and more effective measures such as temporal and spatial closures should be adopted. In particular the implementation of an effort regime for the Crab fishery in the BSA area is particularly ineffective as a means of conserving stocks and should be revoked and replaced with more effective measures.
- 11. External Policy:** FIF notes the external policy provisions in the Proposal relate only to the Southern Fishing Agreements and make no reference to the Northern Fishing Agreements such as those with Norway, Iceland and the Faroes which are of tremendous importance to Ireland. In addition, the new approach adopted (where only the surplus once both the needs of the Third Country and any non EU Countries that Third Country concludes agreements with can be utilised) is considered by FIF to be unworkable and will lead to virtually no such agreements being finalised.
- 12. Trade Measures:** the EU should include in its Proposal provisions to allow for the use of adequate and effective trade sanctions against Third Countries who act irresponsibly and put

the status of well managed stocks in jeopardy such as the recent behaviour of Iceland and Faroes in relation to Mackerel.

**Conclusion:**

It should be noted that this Submission deals solely with the Commissions Proposal in relation to the Reform of the CFP COM (2011) 425 Final but that there are two other key instruments which also require detailed analysis and discussion i.e. the Common Organisation of the Market (COM) and the European Maritime and Fisheries Fund (EMFF) and FIF looks forward to engaging in this process with both the Minister and the Commission. It is vital that Ireland Inc. pursue the key points outlined above in a united manner to ensure a “good deal” for Ireland from the reformed CFP.

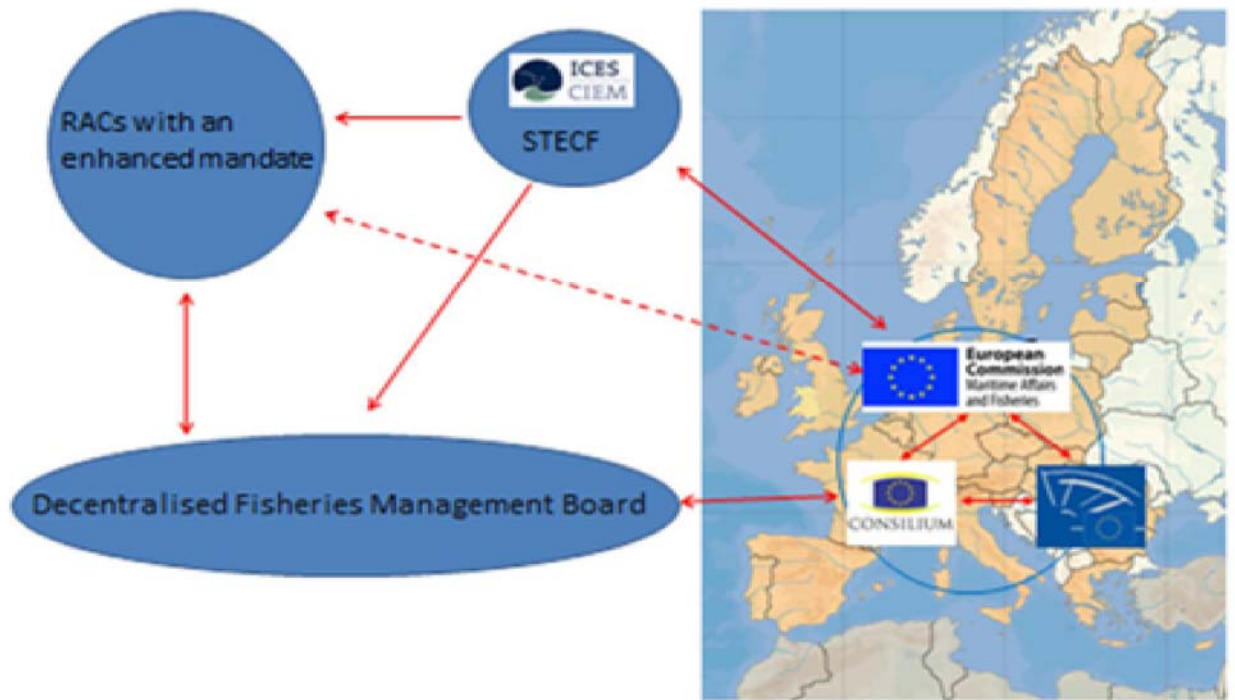


Figure 1 – Possible Decentralised Management Board