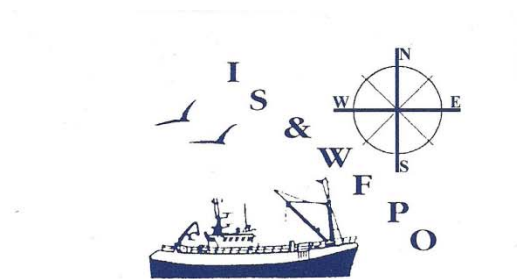


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Fish Producers' Organisation Ltd.*



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**Irish South and West Fish Producers Organisation Limited
Submission in Response to the Commissions Proposal on
Reform of the CFP COM (2011) 425 Final**

Submitted to the Minister for Fisheries, Simon Coveney T.D., Department of
Agriculture Marine and Food

26th January, 2012.

Introduction

The **Irish South and West Fish Producers Organisation Ltd.** (I.S.&W.F.P.O.) is based in Castletownbere in Co. Cork and represents approximately 90 vessels who range in size between 5m to in excess of 30m. Our members are involved in a variety of fisheries both small and large scale. The IS&WFPO both as an individual entity and as a constituent member of the Federation of Irish Fishermen, have been 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 F.I.F. Submission to the Department of Agriculture, Fisheries and Food and the EU Commission in January 2010.

During the period of consultation IS&WFPO have been involved in a study in relation to the Socio-Economic importance of the fishing industry to rural coastal areas “Economic Survey of the Castletownbere area to determine the level of seafood activity and establish it’s economic importance for the Region” carried out by Bord Iascaigh Mhara, a Report which highlights the critical importance of the fishing industry and its ancillary industries to the maritime community of Castletownbere 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 in both Castletownbere and other ports throughout Ireland.

It is therefore, of the upmost importance that the IS&WFPO as a key Stakeholder continue to be actively involved in the consultation surrounding the Reform process.

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”.

IS&WFPO remains of the view that the Hague Preferences should be enshrined in law as part of the reformed CFP as its current status, where each year as part of the annual Council negotiations Irelands entitlements under the Hague Resolution have to be negotiated creates an unacceptable level of uncertainty to all involved. As we are all aware, Ireland has a poor deal when it comes to its entitlements in relation to fish in the Irish EEZ with the majority of quotas taken by other Member States and it is therefore pivotal that the little which we have is maintained and the enshrining of the Hague Preferences is vital to achieve this.

- 2. Maximum Sustainable Yield (MSY):** in the preamble of the Proposal document, reference is made to the Johannesburg Agreement and Member States commitment to reach MSY by 2015. However, it is noted that the Johannesburg Agreement was a commitment to reaching MSY “where possible” and this caveat appears to have been omitted from the Commissions 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. In addition, for a large number of species a value for MSY is not available and therefore they are considered to be data deficient and under the present system subject to cuts in their quotas. The actual value of MSY is not a definite thing and it therefore appears incongruous to require all species to be above MSY when the target is in fact unknown? For example Article 10(2) requires when no Fmsy proxy is available then a comparable degree of conservation must be ensured which is surely somewhat difficult given that the thing which it is to be compared to is not defined.
- 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. This requirement is somewhat one dimensional in that it only makes reference to the impact of fisheries on the marine system and not vice versa. There are inherent contradictions between the obligation at article 2(2) to have all species at MSY and the obligation to adopt an Ecosystem Approach to Fisheries Management particularly when one considers the predator – prey interactions at play.
- 4. Discards:** in the document the Commission’s proposes that discards should be eliminated, and in Article 7(g) implements a landing obligation on vessels in relation to all catches of commercial stocks for which there is a quota. It is difficult to see how this is to assist in conservation as dead fish are still dead fish regardless of whether they are in the sea or on a pier. The IS&WFPO is of the view that this approach is operationally unworkable and will not achieve the stated result. The IS&WFPO supports the reduction of discards to the lowest possible measure, we do not believe that the blunt instrument adopted by the Commission in their proposal will not achieve this. Instead a toolbox of measures which focus on the avoidance of fish which would normally be discarded 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 to both avoid and minimise discards should be put in place. The IS&WFPO together with its industry colleagues in Ireland have participated in a number of projects to reduce discards in recent years and work in this area is ongoing. We are of the view that this section of the proposal should be amended with a more realistic time frame implemented and the so called “landing obligation” removed.

Of particular concern is 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. This would appear from our interpretation to 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. The majority of IS&WFPO members are involved in mixed whitefish fisheries and therefore in the same fishing operation could for example land Haddock, Whiting and Cod. If Article 29(3) is implemented this would mean that once the Cod quota was exhausted are vessels involved in fisheries which could potentially land Cod would have to cease fishing. Given the relatively small quota we have for Cod this could potentially mean that vessels would be tied up for the majority of the year.

It is therefore vital that the Commission rethink their Proposal in relation to discards and implement a more realistic and viable solution. One final point to note, is that 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 when discarded into the equation when making this proposal.

- 5. Regionalisation:** IS&WFPO is disappointed by the lack of real “regionalisation” contained in the Commissions Proposal. Indeed, 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 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 IS&WFPO is of the view that a more involved model can be developed. The IS&WFPO has been involved with the MEFEP (Making The European Fisheries Ecosystem Plan Operational) Project and was involved in a number of Workshops exploring the possibilities for a model for Regionalisation. One of the outputs of the Project was the model 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.

The DFMB is just one of a number of potential models which would be utilised while still adhering to Treaty provisions and it is the IS&WFPO’s view that the Commission should expand this provision in their Proposals to allow for such models.

- 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. In particular being an organisation based in Castletownbere, the largest whitefish port in Ireland this is of serious concern to the IS&WFPO.

While the Commission states that these systems “may” be on a National basis only i.e. only transferrable between vessels from the same Members States the IS&WFPO is of the view that as presented the system does not contain adequate safeguards to ensure that Irelands 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 Commissions TFC’s premise it will become far more attractive for vessels from other Member States to establish themselves in Ireland. We are all aware that these so called “flag” vessels already have a presence in Ireland but if the Commissions Proposal goes ahead then the number of these vessels will increase. From the data contained in the BIM Study *“Economic Survey of the Castletownbere area to determine the level of seafood activity and establish its economic importance for the Region”* it is clear that these “flag” vessels either do not land their Irish quota in Ireland or if they do immediately transport it to another Member State and therefore, the local economy gets little economic or social benefit from this quota.

“For foreign fleet landings, the situation is very different with far less value added before the fish is exported. Landings by the foreign fleet do result in additional value for the ancillary sector, mainly through fuel purchases, but almost nothing for the processing sector.”¹

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 IS&WFPO 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. We are therefore of the view that Article 27 should be amended to read “Each Member State **may** ...”

In addition, we consider the definition of small scale fisheries contained in the Proposal i.e. all fishing vessels under 12 meters length using static gear to be too restrictive. The IS&WFPO attended a Workshop in La Coruna in May of 2010 where the definition of “Small Scale Coastal Fisheries” was explored and of the many options put forward this definition was not one of

¹ Page 5 “Economic survey of the Castletownbere area to determine the level of seafood activity and establish it’s economic importance for the Region”

them. Indeed, it seems to be particularly restrictive and would appear to indicate that vessels under 12 meters using mobile gear will be subject to the same regimes as those vessels over 12 meters using the same gear. This would put these smaller vessels at a material disadvantage and the IS&WFPO would be firmly of the view that the Commission should revisit this definition and expand same.

7. **Objectives:** We note that 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*. However, in our view both would in fact appear 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 because these stocks do not fit into the traditional stock assessment model. 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.

Given that there is no reference to STECF nor the tasks performed by it in the Commission’s Proposal, we believe that the document should be amended to clarify the position of same.

9. **Irish Box/BSA:** 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 however, the IS&WFPO notes there is no reference to the BSA in the Commissions Proposal although it does contain a provision to allow for the area around the Azores, Madeira and the Canary Islands to be subject to a protected zone. We believe a similar provision should be included in the document to enshrine the protection of the BSA.
10. **Effort:** It has been clearly established that effort restrictions do not assist in any way in the recovery of fish stocks and therefore, the IS&WFPO is of the view 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 measures that actually assist in the conservation of Crab stocks.

11. External Policy: the External Policy provisions in the Proposal would appear to relate only to the Southern Fishing Agreements and no reference to the Northern Fishing Agreements such as those with Norway, Iceland and the Faroes which are of tremendous importance to Ireland are contained in the Proposal. In addition, the new approach adopted (where only surplus once both the needs of the Third Country and any non EU Countries it concludes agreements with can be utilised) appears to be unworkable and in all likelihood will lead to virtually no “Third Country” 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:

While this Submission deals with the Commissions Proposal in relation to the Reform of the CFP COM(2011) 425 Final, there are two other key instruments which also require detailed analysis and discuss i.e. the Common Organisation of the Market (COM) and the European Maritime and Fisheries Fund (EMFF) and IS&WFPO looks forward to engaging in this process with both the Minister and the Commission.

The Reform of the CFP is of key importance to the fishing industry in Ireland and it is vital that all involved in the consultation and negotiation process work together to pursue to the extent possible a common agenda to ensure the best possible outcome both for Ireland Inc and in particular the Irish Fishing Industry.

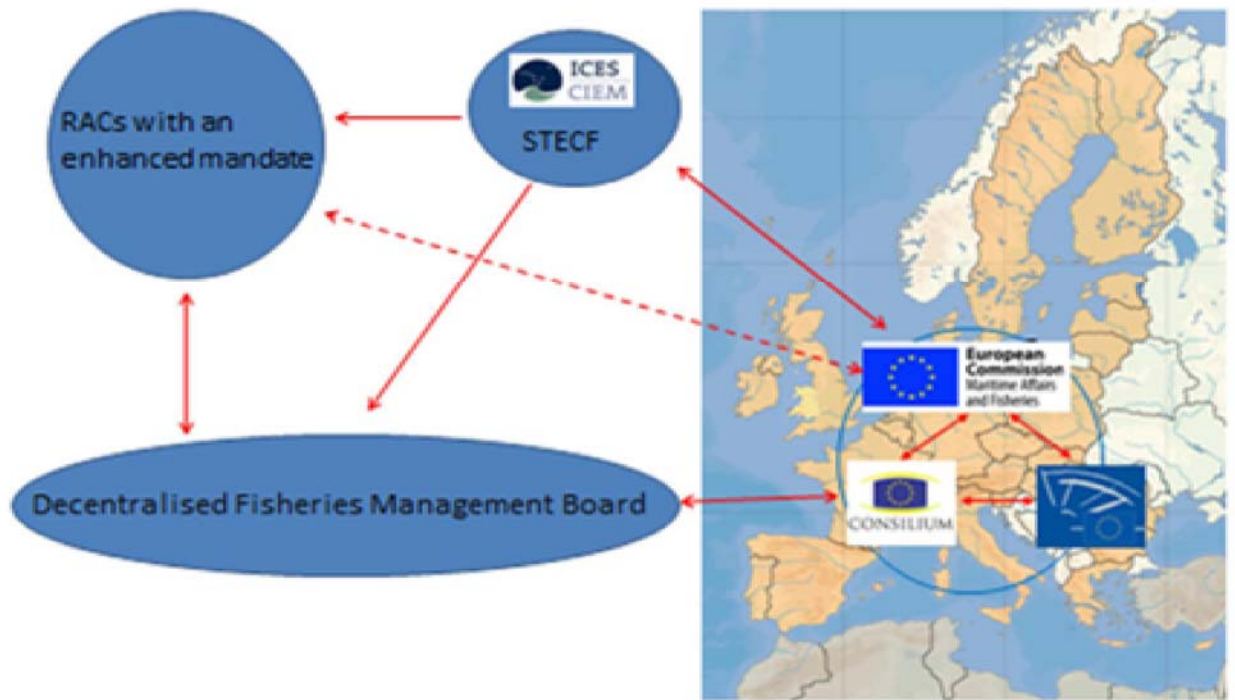


Figure 1 – Possible Decentralised Management Board