



Killybegs Fishermen's
ORGANISATION LTD.

***Response of Killybegs Fishermen's Organisation Ltd.
to current regulatory proposals on Reform of the
Common Fisheries Policy***

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

January 2012

Introduction

Killybegs Fishermen's Organisation Ltd (KFO) has been actively involved in the consultation process which was initiated by the publication of the Green Paper on Reform of the Common Fisheries Policy (CFP) by the EU Commission in April 2009. Previous CFP reforms have not produced the outcomes hoped for by Ireland despite the best efforts of those involved in the negotiations and KFO considered a new approach was needed.

To this end, KFO, as a constituent member of the umbrella group The Federation of Irish Fishermen (FIF), instigated an industry-wide consultation process both in Ireland and among other European colleagues which culminated in a very successful workshop-style seminar held in Dublin in October 2009. The outcome of this process formed the basis of the FIF submissions to the Department of Agriculture, Fisheries and Food and the EU Commission in January 2010.

KFO, in common with the many European fishing organisations with which it has been actively involved and with which it has made several joint submissions, throughout this process, feels that many of the items originally identified have not been adequately addressed by these proposals and in several instances have raised additional issues which are a cause for grave concern. KFO strongly advocates that Ireland Incorporated (the State, semi-State and industry bodies) redoubles its efforts over the next 12 months to promote fundamental changes in the Commission proposals.

During the period of consultation and impact assessment KFO was a major partner in a very important study "Assessment of the status, development and diversification of fisheries-dependent communities – Killybegs Case Study Report" (European Commission Fish/2006/09) which highlighted the critical importance of fishing and its spin-off activities in a maritime community. The conclusions of this study prompted a follow-up project "Jobs Initiative for the Killybegs Region" which has reported recently on the potential for the creation of 250 jobs in the area – all dependent on a continuing vibrant marine sector which has at its core a stable and sustainable fishing industry.

Any consideration of the implications of the current regulatory proposals for the Irish fishing industry, which includes fishing fleets, seafood processing, markets, maritime communities and the wider population, must be viewed from the perspective of Ireland's unique position both geographically and historically. In 2009 the total catch of fish in Ireland's EEZ was 994,160 tonnes with a value of €1.18 billion at first point of sale – Ireland's share of this catch was 18% or 178,950 tonnes. The fishing effort by other EU countries in the Irish EEZ is illustrated in Fig. 1 and clearly shows the importance of Irish fishing grounds to neighbouring EU countries. These data highlight the enormous potential for development of the Irish seafood industry which would not be limited to merely catching fish. As we have seen from the Killybegs Report and the follow-on Jobs Initiative Report, the spin-off ancillary industries for food processing, packaging, specialised transport, innovative by-products for pharmaceutical/cosmetic processes and many other downstream developments is incalculable but totally dependant on Ireland's proactive stance regarding future policy

Issues of Concern

1. the Hague Resolution

KFO repeats previous calls for full implementation of the Hague Agreement. The Hague Resolution of 1976 endorses Ireland's right to 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 Government's Fisheries Development Programme for the development of Coastal Fisheries".

The current status of the Hague Preferences is not satisfactory. As Minister Coveney will recall from recent negotiations, this mechanism comes under pressure every year which creates an unacceptable degree of uncertainty for all stakeholders. KFO calls again for the Hague Preferences to be enshrined and enhanced in the Articles of the reformed CFP.

2. Regionalisation

KFO is a strong advocate for regionalised and decentralised policy but what was promised has not been delivered by these proposals. This vital development of the CFP has been dealt with as "**Title III Regionalisation**" which goes on in two Chapters to describe how individual Member States will be responsible for the implementation of multi-annual plans, conservation measures and technical measures - this does not constitute "regionalisation". This proposal is not acceptable in its current form and must be changed.

KFO envisages the Fisheries Council and European Parliament establishing the key principles and objectives with a decentralised body set up to implement those objectives. KFO is mindful of treaty provisions and the respective roles of the EU Council, Parliament and Commission but would propose a possible model such as that depicted in Fig. 2. The Decentralised Fisheries Management Board would constitute a regional entity with real devolved powers informed by real time input from the stakeholders including industry, which must play a significant role, scientific bodies and RACs.

This proposed model is only one version of many which could be explored to bring about the fresh approach needed in this area.

3. Individual Transferable Quotas

The proposal to introduce mandatory Individual Transferable Quotas (ITQs) is a major issue for the Irish industry as presently constituted. KFO is convinced such a proposal would lead to the demise of the entire Irish fishing industry. We are not satisfied that appropriate legal safeguards can be put in place to avoid the

amalgamation of quotas and in such a scenario it is inevitable that the Irish fishing industry over a short period of time will no longer be owned by Irish persons or companies. Currently where a MS has its own system of ITQs there has been a significant concentration of available quota by conglomerate-style entities and companies.

The mandatory nature of such proposals must be rejected and the Principle of Subsidiarity must continue to apply within Member States i.e. individual MS decide the most appropriate method of quota allocation.

4. Discards

KFO considers the solution to this problem i.e. land all catches, as put forward in the Commissions proposal to be seriously flawed. Ireland has been to the forefront in addressing the problem of discards in a rational and practicable manner as evidenced by the production of the joint Marine Institute/Bord Iascaigh Mhara “Atlas of Demersal Discarding, An Atlas of Discarding Profiles by the Demersal Fleet with a Toolbox of Mitigating Measures”. KFO and fellow Producer Organisations re-iterate that the focus should be on the avoidance of unwanted by-catch and the overall minimisation of discards by the adoption of a combination of more selective gear and temporal/spatial closures. Enforcing rapid measures rarely leads to positive results and therefore KFO recommends focusing on agreeing a gradual reduction in discards. Viable incentives for fishermen to actively work on this aim must be included.

Art. 29 part 3 in the document states that fishing activities can only be undertaken when vessels are in possession of sufficient individual fishing opportunities to cover all their potential catch; this is considered by KFO to be a very significant piece of text. This basically means in a catch quota system that where there is no quota left of one stock, the vessels must cease fishing; the problem with this policy is that it does not recognise “data poor” stocks which may in fact be underexploited - healthy stocks but low TACs.

KFO urges Minister Coveney to ensure the EU Commission takes into account the knowledge of experienced fishermen who state that fishing without discarding is impossible. The public opinion on discards should not be feared, but corrected based on this experience; this public opinion has been driven by publicity-seeking celebrities and officials using inaccurate and misleading information. An analysis of the impact of discards should also take full account of the survival rates of some species and the possible negative impact a discard ban would have on the eco-system.

5. Relative Stability, TACs & Quotas

From an Irish industry perspective, the percentage share that Ireland has in some of the key whitefish species is not adequate. Unfortunately, these percentages were set down in 1983 after considerable debate and argument which took place over a seven year period.

Under the terms of the Hague Agreement of 1976, Ireland could have doubled its catches but did not avail of the opportunity at the time. Changes to Relative Stability at this stage means others have to relinquish quota which they have enjoyed since 1983. The challenge is to find other ways and means to use the existing Relative Stability in a more imaginative way to tip the balance in Ireland's favour. KFO considers that concerted action by Ireland Inc. i.e. the Department of Agriculture, Marine and Food, the relevant state agencies and the industry, is required to explore the most effective means of doing this. Utilising Fishery Management Areas, permanent quota swaps, enhancing The Hague Resolution, providing incentives such as additional quota in return for more over and above requirement for discards and TCMs are all tools which could make a huge contribution to the net result. In addition, such strategies would also benefit neighbouring coastal states which would greatly enhance Ireland's position *vis-à-vis* other European fishing nations.

6. The Irish Box

The Irish Box was established in 1986 (Fig. 3) and re-drawn in 2003 and is now referred to as the Biologically Sensitive Area. Its purpose is primarily to protect the important nursery and juvenile area but it is also a highly productive area and would be targeted intensively if there were no restrictions on effort. Fig. 4 illustrates the current concentration in effort along the boundary of the BSA which would undoubtedly extend into the BSA if restrictions were removed. For this reason KFO is dismayed to see there is nothing in the current regulatory proposals to indicate the BSA will be maintained though the area around the Azores, Madeira and the Canary Islands will be subject to a protected zone. **It is essential that the status of the existing Irish Box/BSA is maintained in its current form.**

7. Objectives

General objectives should be general in nature; KFO suggests that the general objective should be to achieve ecological, social and economic sustainability. In these proposals several quite specific objectives have been inappropriately included under this heading. Aims such as achieving MSY and the application of precise management techniques are quite specific actions and need to be categorised as such.

8. Maximum Sustainable Yield (MSY)

The proposals aim to achieve MSY for all species by 2015 in line with pledges made at the Johannesburg Summit in 2002. However, the Johannesburg Declaration was qualified by the caveat "where possible" and current proposals must reflect this stipulation. It should be noted that there is an inherent contradiction in the proposals as regards achieving MSY for all stocks at the same time, particularly when it is applied in a mixed fisheries context.

9. Scientific Advice & Data Requirements

Sound and reliable scientific advice is a cornerstone of the CFP. Unfortunately this is not being delivered for a large number of stocks at the moment and there is nothing in these proposals to suggest the situation will improve. KFO is disappointed not to find any provisions in the Commission's proposal for addressing the existing data poor situation or for the lack of potential to handle the data. New approved approaches are urgently needed for stock assessment methods. A consolidated analysis of technical, economic and social data remains necessary to fine-tune fisheries policies. It is a concern that the tasks currently assigned to the STECF are not specifically mentioned in the proposal, nor is the STECF itself. In addition, KFO would advocate yet again that the science "base" for fisheries management should incorporate much more of the information available from fishermen.

11. Effort

KFO does not support effort restrictions, such as limits on Day at Sea, as an effective management strategy. The existing effort limitations (Days at Sea) that exist for the cod stocks in the Irish Sea and the North West are not delivering on the recovery of these stocks. The only effect these limitations are having is to prevent the prosecution of sustainable stocks such as *Nephrops* as was evident in the Irish Sea at the end of 2011. Rather than effort limitations, KFO considers that other more effective ways and means need to be adopted, for example, the cod closure off the Donegal coast for six months per year to protect juvenile cod.

12. Control and Enforcement

KFO is supportive of the proposal to enhance a culture of compliance, but under the condition that these (often far too detailed) rules will encourage compliance; rules should be tough but sensible. Although the proposal clearly takes into account the existing control and I.U.U. regulations and their implementation rules, KFO is disappointed that there is no mention of a level playing field objective in the CFP proposal. Taking into account the objective to increase the self supply in the European Union, an important item to mention in a control chapter of a policy is a provision for trade sanctions when irresponsible behaviour of third countries is established. In this respect, the I.U.U. regulation should be amended taking this into account when confirmed within the new CFP.

13. External Policy

The external policy in the proposals only covers the Southern Fishing Agreements and makes no reference whatsoever to the Northern Fishing Agreements such as those with Norway, Iceland, the Faroes and Greenland. The external policy should cover both Northern and Southern Agreements. The proposals for Southern Agreements are taking a completely new approach which the KFO considers is unworkable and will lead to virtually no Southern Agreements being concluded with these countries. In

this scenario it will lead to external Community fleets putting additional pressure on Community waters.

14. Trade Measures

It is essential that the EU Commission make provision in their proposals for the use of appropriate trade measures against those third countries that act irresponsibly and are putting well-managed stocks in jeopardy as has happened with both Iceland and Faroes massively increasing their percentage share of the mackerel stocks. The recently issued proposal by the Commission on such trade measures is a good starting point; however, the CFP proposals must require that there is a general catch-all provision to cover any such stocks that are put in jeopardy by such actions.

Conclusion

This submission has dealt with many, but not all, the areas which are of concern to KFO members. There are two other key proposals related to this which require detailed analysis and discussion namely the Common Organisation of the Market (COM) and the European Maritime and Fisheries Fund (EMFF). As with all such proposals, “the devil is in the detail” and will require considerable discussion between industry and the State. KFO is ready and willing to participate in any such detailed discussions when needed. Interpretation and common sense will be key factors in the success or failure of any reform of the CFP going forward but it is essential that Ireland Inc. pursues the key areas identified in a united and coherent fashion.

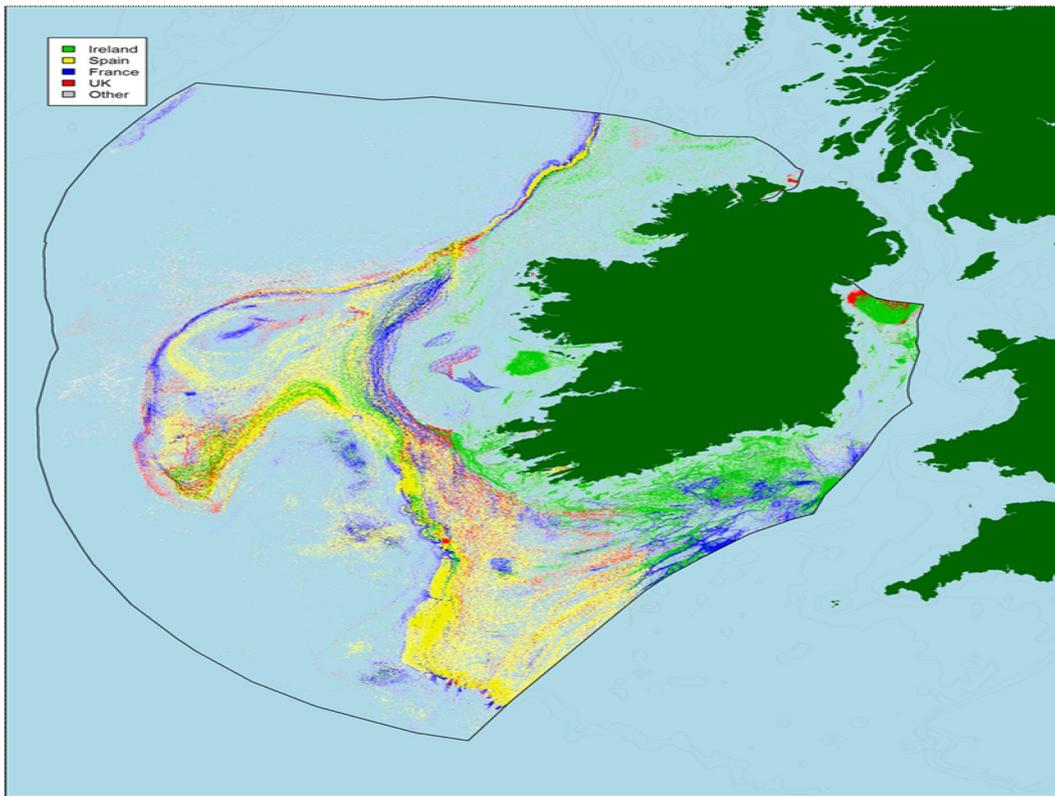


Fig. 1. Fishing Effort All Countries in Irish EEZ

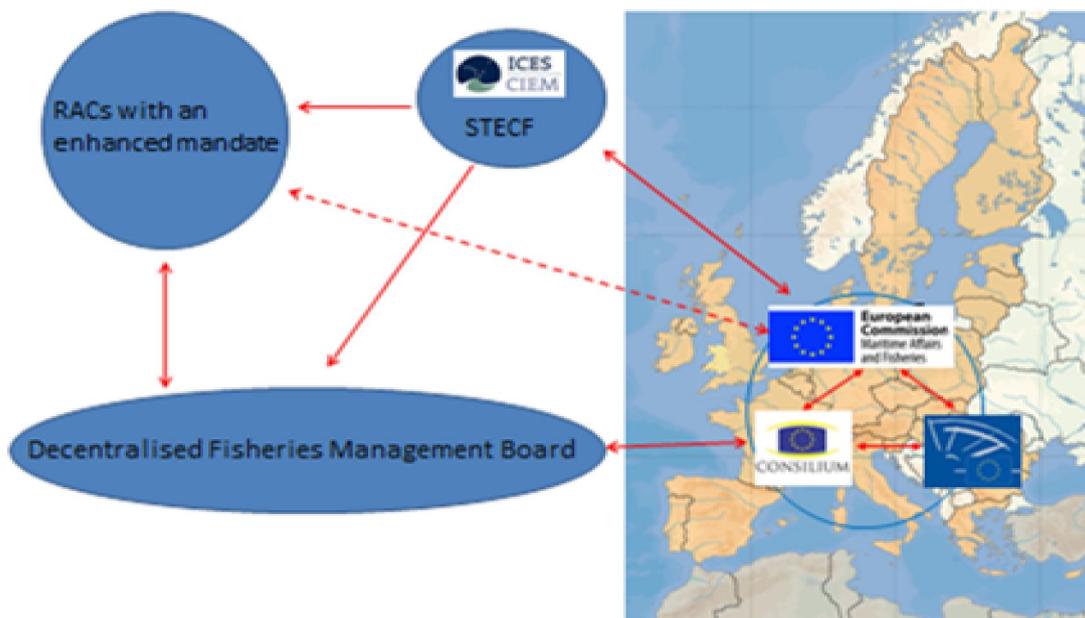


Fig. 2. Possible Decentralised Fisheries Management

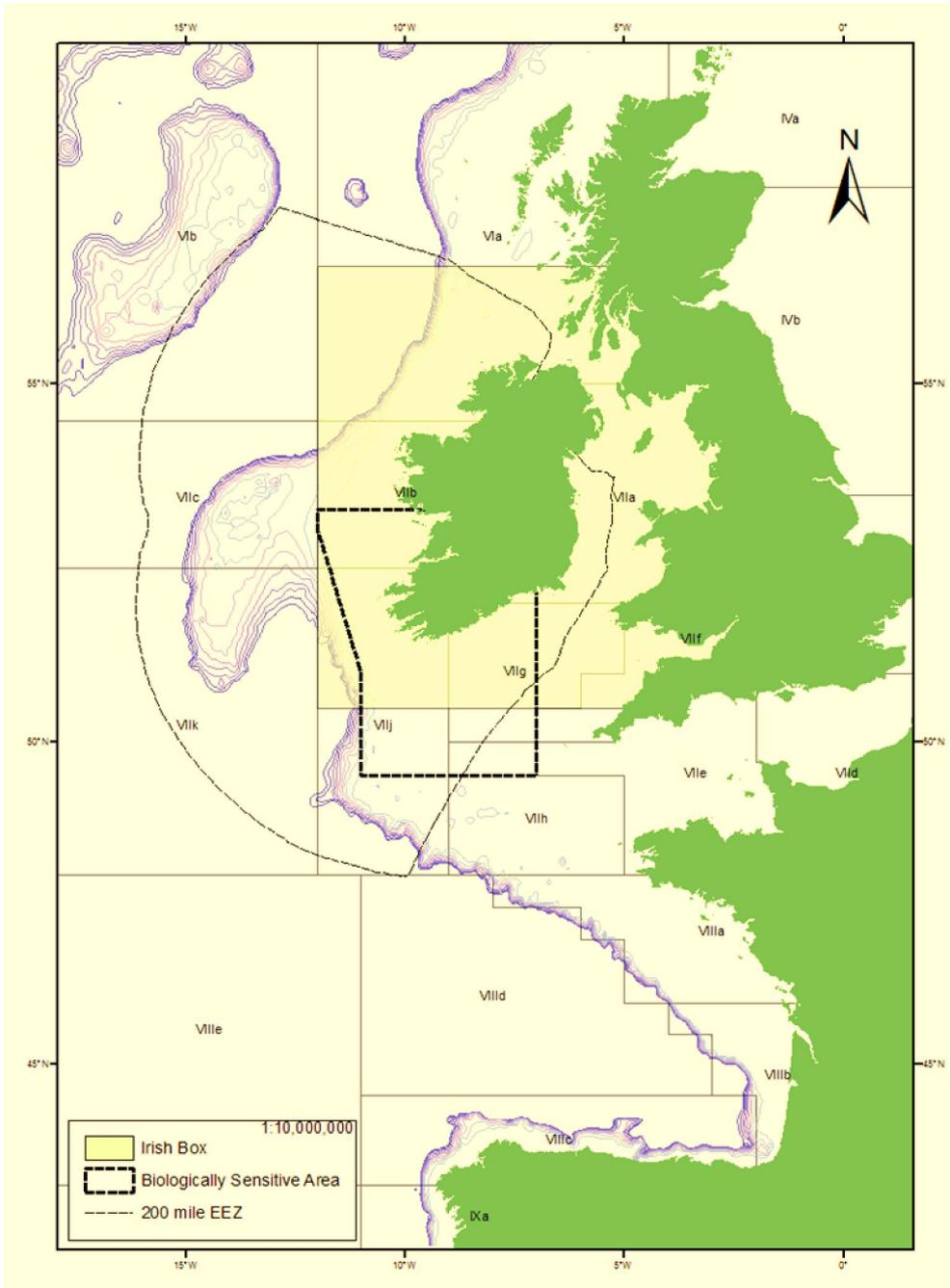


Fig. 3. The Irish Box

Fishing Effort Irish EEZ with Irish BOX Shown

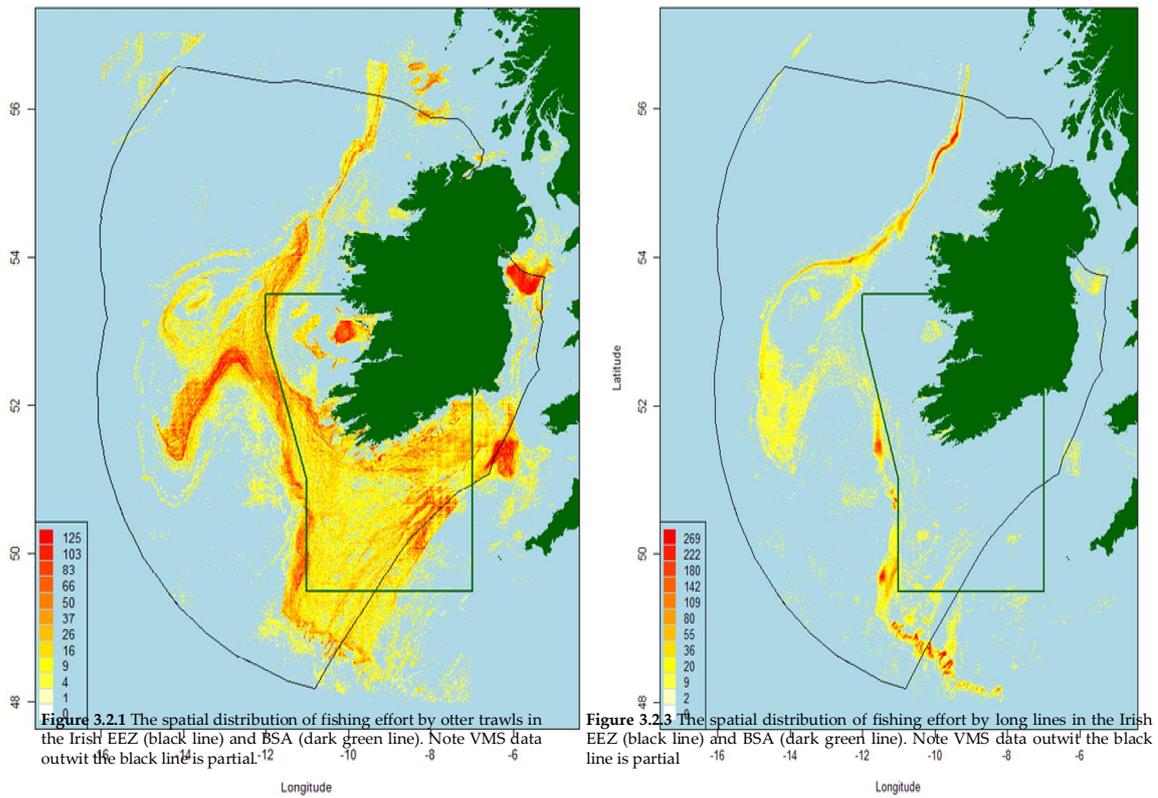


Fig. 4. Fishing Effort Irish EEZ with Irish Box Shown