INDECO

DEVELOPMENT OF INDICATORS OF ENVIRONMENTAL PERFORMANCE OF THE COMMON FISHERIES POLICY

Project no. 513754

INDECO

Development of Indicators of Environmental Performance of the Common Fisheries Policy

Specific Targeted Research Project of the Sixth Research Framework Programme of the EU on 'Modernisation and sustainability of fisheries, including aquaculture-based production systems', under 'Sustainable Management of Europe's Natural Resources'

A review of the current management framework
Policy objectives for which indicators are needed

Project Deliverable Number 4

Dissemination Level: Public

Due date: April 2005

Submission date: May 2005

Start date of project: 1 December 2004 Duration: 24 months

Lead name and organisation: Dirk Reyntjens and James Brown, Institute for European Environmental Policy (IEEP)

[Final]

The INDECO project

The purpose of this Co-ordination Action is to ensure a coherent approach to the development of indicators at EU level, in support of environmental integration within the CFP and in the context of international work on indicators. The principal objectives of INDECO are:

1. to identify quantitative indicators for the impact of fishing on the ecosystem state, functioning and dynamics, as well as indicators for socio-economic factors and for the effectiveness of different management measures;
2. to assess the applicability of such indicators; and
3. to develop operational models with a view to establishing the relationship between environmental conditions and fishing activities.

A consortium of 20 research organisations from 11 EU Member States is implementing INDECO. An Advisory User Group will provide a link between the researchers and policy makers, managers and stakeholders.

More information on INDECO can be found on the project's website:

http://www.ieep.org.uk/research/INDECO/INDECO_home.htm

This report has been carried out with the financial support of the Commission of the European Communities, under the specific RTD programme 'Specific support to policies, SSP-2004-513754 INDECO'. It does not necessarily reflect its views and in no way anticipates the Commission's future policies in this area.

Table of Contents

1 INTRODUCTION

This report constitutes the deliverable number 4 of INDECO. The aim of the report is to identify the policy objectives for which indicators are needed as a tool to measure effectiveness.

The concept of sustainability has been central to fisheries management over many decades. It has however, evolved considerably. It was originally limited to the target resource basis. There is an increasing acceptance of the need to consider fisheries sustainability in the context of the entire eco-system not only in relation to the single-stock (FAO, 1995). This is reflected in a number of agreements at the international level and is formally included in EU legislation.

The basic Common Fisheries Policy (CFP) framework Regulation 2371/2002 defines the 'progressive implementation of an eco-system-based approach to fisheries management' as one of its objectives (CEC, 2002). In meeting this and other environmental obligations, growing emphasis is being placed on monitoring the effects of the CFP on fish stocks and the wider marine environment. In the Green Paper on the Future of the CFP, the Commission emphasised the central role to be played by monitoring and indicators. The development of fisheries/environment indicators has also received political support from the Fisheries Council in its Conclusions submitted to the Gothenburg Summit in June 2001. This refers to the 'need to develop specific indicators for the fisheries sector to measure on an integrated basis ecological, economic and social sustainability. The indicators should enable monitoring of key parameters of important fish and shellfish stocks, evaluation of time trends in such stocks and assessment of potential impact on bio-diversity.' These commitments were further developed in the Community action plan to integrate environmental protection requirements into the CFP (COM(2002)186), suggesting that the development and testing of indicators will be a first step to improve monitoring and evaluation of the process of environmental integration. This approach was endorsed by the Council at its meeting on 27-28 January 2003.

Indicators are also needed to monitor the effectiveness of other EU policies directly relevant to the fisheries sector, such as the Sustainable Development Strategy.

Clearly, indicators are not an end in themselves. They need to provide information for management decisions and for communication with stakeholders and the public at large. This means that the institutional set-up must be taken into account in the process of indicator development.

The clear articulation of policy objectives within a systematic management framework should be another starting point for the development of indicators and is thought by many to be the most important element in the process of pursuing sustainable development (FAO, 1999; Garcia and Staples, 2000; Garcia *et al*, 2000; Sainsbury and Sumaila, 2001; Degnbol and Jarre, 2004). Objectives articulate what decision-makers are trying to achieve and their specificity will depend upon the scale or level at which management measures are implemented. Setting appropriate objectives should make indicator and reference point development almost self-evident in many cases (Garcia *et al*, 2000).

One major problem is that the terms goals, objectives and targets and even indicators are often used interchangeably whereas they actually designate separate concepts. Goal is the more general concept. It is the aim or end towards which we work. An objective is something that ought to be exactly and quantitatively defined as to time

frame and magnitude of effect. This exact definition will make use of one or more indicators. These are variables that will measure the degree of achievement. The values taken by the indicators and the time frame these values are achieved define the targets.

In practice we notice that while there are a number of documents specifying the overall goals of the Common Fisheries Policies and others giving several detailed targets, the objectives are not explicitly specified.

2 EU FISHERIES MANAGEMENT FRAMEWORK

2.1 Institutional set-up

2.1.1 European Commission

Overview

The European Commission is the executive body of the EU, and is responsible for:

- developing proposals for new EU measures;
- implementing a number of EU policies; and
- ensuring that EU Treaties and legislation are respected.

The work of the Commission is intended to be completely independent of Member States and the European Parliament. It has the ultimate responsibility for overseeing implementation and compliance with the Treaties and secondary legislation. The Commission also has some powers to adopt legislation, where the Council expressly delegates these. Importantly, the Commission has the sole right to initiate EU wide legislation.

Commission initiatives, whether in the form of general Communications or more specific proposals for Regulations, Decisions or Directives, are prepared by the relevant technical Directorate General (DG) and are then discussed with other relevant Commission DGs and amended if necessary in a process known as interservice consultation. Proposals for legislation are then checked by the Legal Service. Once the proposal is fully ready, it will be put on the agenda for a forthcoming Commission College meeting by the Sec-Gen. If there is agreement, the College will adopt the proposal and send it to Council and the European Parliament for their consideration.

DG Fisheries and Maritime Affairs

The main role of the DG Fisheries and Maritime Affairs is to initiate and define new fisheries policy and to ensure that measures which have been agreed to, are put into practice by the Member States. The DG manages the Financial Instrument for Fisheries Guidance (FIFG). This provides financial support to achieving the main objectives of the CFP, and provides incentives to develop accompanying measures to the CFP in the framework of the EU cohesion policy. It also represents the European Community (EC) in the relevant international and regional fisheries organisations, and in negotiating and managing fisheries agreements with third countries.

The DG Fisheries has a Mission Statement (see Box 2-1)

Box 2-1: Mission statement of the DG Fisheries and Maritime Affairs

'The mission of the directorate-general for Fisheries is to manage the Common

Fisheries Policy (CFP) in order to provide the basis for sustainable fisheries within and beyond Community waters, taking into account environmental, economic and social aspects and applying good governance principles.'

(available at: http://europa.eu.int/comm/dgs/fisheries/missn_en.htm).

Management Committees

Committees assist the European Commission in its work: advisory, regulatory and management committees. These give to the Commission differing levels of influence over the final decision.

At present there is no regulatory committee assisting the Commission in development of fisheries policy. Management committees assist the Commission in developing management measures that it needs to take. This includes measures relating to the application of the CFP or to the implementation of programmes with substantial budgetary implications. These committees are composed of representatives of the Member States and are chaired by a representative of the Commission. Reference to the full Council is possible in the event of disagreement between the Commission and a majority of Member State representatives. Three Management Committees assist the Commission in implementation of the CFP.

I. The Committee for Fisheries and Aquaculture (CFA) provides opinion upon request on subjects dealing with the general implementation of the Common Fisheries Policy such as conservation measures, control and enforcement, some structural measures and data collection programmes.

II. The Committee on Structures for Fisheries and Aquaculture (CFAS) is convened for issues dealing with EU fisheries aid (FIFG), in particular those related to joint enterprises, producer organisations and implementation rules.

III. The Management Committee for Fisheries Products (MCFP) assists the Commission on subjects related to the common organisation of the markets in fishery and aquaculture products, such as the level of intervention schemes.

These committees meet once a month, and while three committees exist on paper, in practice they are generally comprised of the same national civil servants, each meeting sequentially over 2 days. Fisheries policy is generally developed through management committees much less than in other policy areas. This is perhaps because of the political nature of fisheries policy, which means that Council working groups largely take a lead. Even where management committees are delegated power under legislation, the Council working groups (see 2.1.2) often lead with negotiations and effectively hand over outcomes to the committees for official adoption as a Commission Decision or Regulation.

2.1.2 The Council of Ministers

The Council of Ministers is the EU's most powerful decision-making body consisting of the relevant Ministers from Member State national governments. There are nine different configurations of the Council (although it is considered a single entity) including the Agriculture and Fisheries Council and the Environment Council[1]. The

[1] The European Council is a meeting of the Presidents or Prime Ministers from each Member State. It is not an institution.

Ministers attending a Council session will depend on the subject matter under discussion. The Agriculture and Fisheries Council meetings are generally held each month, while Environment Ministers meet formally four times a year. On fisheries issues, the Council can take decisions by qualified majority vote (QMV). Under QMV Member States' votes are weighted roughly according to the size of their populations. Any decision, for instance, may be blocked by three large Member States, plus one smaller one.

Every Member State has a Permanent Representation to the EU in Brussels, headed by a Permanent Representative with the rank of Ambassador. The Permanent Representatives prepare the activities of the Council and carry out the assignments given by the Council. The Committee of Permanent Representatives (COREPER) prepares the work of the Council. COREPER is divided into two sub-committees, (COREPER I: Deputy Permanent Representatives and COREPER II – Permanent Representatives). Fisheries are dealt with at the highest level, COREPER II.

2.1.3 The European Parliament

The European Parliament and the Council share the legislative and budgetary powers of the EU. The relative importance of these powers is determined by the legal basis of the issues being considered. In relation to budget decisions the Parliament's role depends in whether spending is 'compulsory' ie outlined in the Treaty eg on the Common Agricultural Policy (CAP), or 'non-compulsory' eg the structural funds. If spending is compulsory, Members of the European Parliament (MEPs) can only advise the Council as to how spending should be undertaken but the Council has the final say. However, the majority of spending is non-compulsory and on this the Parliament may increase spending within an agreed ceiling. MEPs can also reject the budget in its entirety, requiring the Commission to produce a new proposal.

The Parliament gives its opinion and proposes amendments to legislative proposals after the details have been examined in one of the Parliament's 17 committees.

The Committee on Fisheries examines fisheries proposals, while the Committee on the Environment, Public Health and Food Safety examines environmental proposals. The Parliament plays a less significant role in the development of fisheries policy than most other areas, including the environment.

2.1.4 The Court of Justice

The Court of Justice of the European Communities (CJEC) is the EU's court. It is made up of judges appointed jointly by the Member States. It rules on cases brought before it concerning, amongst others, the application of Community legislation. Although some cases are referred to the Court from national courts, the Commission brings most cases because Member States have failed to transpose and/or implement EU legislation. Individuals have very limited ability to bring cases directly to the Court, but must rely instead on complaining to the Commission or bringing cases at the national level.

Although the role of the CJEC is less visible, it is far from insignificant in the development of the CFP. For example, the Court has been called to judge on catch quotas, free circulation of capital, and the EU's authority regarding relations with third countries.

2.2 Fisheries Information Management System

2.2.1 Data collection

Collection of fishery-dependent and fishery independent data is formally the responsibility of Member States. However, the Community has gradually been taking greater responsibility itself. It is now putting into place, programmes to enhance operation and coordination of data collection with standardized procedures and criteria.

2.2.2 Scientific Advice

The main source of scientific knowledge covering waters in the Baltic Sea and Atlantic Ocean is ICES (International Council for the Exploration of the Seas). In the case of the Mediterranean Sea, the this knowledge comes from the General Fisheries Commission for the Mediterranean (GFCM) and its various committees and working groups. ICES uses biological data collected by national research institutes from research programmes and landing records to assess the state of the main commercial stocks (stocks targeted by fishermen). The results of the assessment of the stocks in the northeast Atlantic is then examined by ICES' Advisory Committee on Fishery Management (ACFM) which is made up of representatives from each country. Its findings represent the advice of ICES.

The Commission's own Scientific, Technical and Economic Committee on Fisheries (STECF), which is also made up of national experts, will then examine this advice and issue an opinion. It is worth noting that while ICES has an ecosystems committee, its outputs are largely filtered out by the STECF due to its absence of an ecological remit and members. The STECF Committee produces an annual report on the situation as regards fisheries resources and on developments in fishing activities. It also reports on the economic implications of the fishery resources situation. The most routine application of this process is the annual setting of TACs.

The Commission supports scientific research through multi-annual framework programmes. The 6th Framework programme covers the period from 2002 to 2006. It makes funds available for fisheries and aquaculture research under the area of scientific support to policies. The policy relevance of research is to be met by targeted calls, where detailed task descriptions explain the objectives and the resulting deliverables. In addition to this, the Commission has funds available for research of direct relevance to the CFP. Most of these are being used to support the collection of basic data for the assessment of EU fisheries.

2.2.3 European Commission Level Advisory Committees

Two Advisory Committees assist the Commission. They are:

I. The Scientific, Technical and Economic Committee for Fisheries (STECF) is a committee of scientific persons appointed and closely consulted by the Commission on fisheries management issues, including the annual setting of TACs and quotas, for high quality scientific advice.

II. The Advisory Committee for Fisheries and Aquaculture (ACFA) is composed of representatives from European level stakeholder groups appointed by the Commission to engage stakeholders in the development and implementation of the CFP. Members include representatives of the production sector, the processing industry, trade in fishery and aquaculture products, consumers, the

environment and development. ACFA works through plenary meetings and four working groups:

- Group 1: Access to fisheries resources and management of fishing activities;
- Group 2: Aquaculture: fish, shellfish and molluscs;
- Group 3: Markets and Trade Policy; and
- Group 4: General questions: economics and sector analysis.

The Commission is under no obligation to follow the advice of Advisory Committees.

2.2.4 Regional Advisory Councils

A Decision establishing a framework for Regional Advisory Councils was adopted by the Council in 2004 (2004/585). As the name suggests, these will be regional advisory bodies, almost like regional equivalents to ACFA, composed of a mix of different stakeholders but with no formal decision-making powers. However, in Communication (COM(2004)438) on the promotion of environmentally fishing methods, the Commission refers to the development of a 'procedure' for adopting technical measures that are developed and endorsed on a consensus basis within RACs, using Article 30(2) of Regulation 2371/2002. This article refers to decisions adopted using Management Committees, ie comitology. If this were to happen, then it would have the effect of significantly extending the powers of stakeholders in EU fisheries management.

Up to seven RACs may be established, covering the Baltic Sea, Mediterranean Sea, North Sea, north western waters, south western waters, distant water/high seas fisheries and small pelagic stocks (blue whiting, mackerel, horse mackerel and herring). The North Sea RAC has been established, with the others in the process of developing their memberships and constitutions.

RACs will consist of a general assembly and an executive committee of 24. As a rule general assembly and executive committee meetings will be public. However, the executive committee may decide by majority 'in exceptional circumstances' to meet in private. The industry will make up two thirds of the executive committee, with the remaining third made up of 'other interest groups'. This may include environmental interests, recreational fishermen or consumer representatives.

2.3 Decision-making in fisheries

The role of each of the Community's institutions in developing items of EU legislation depends upon the Treaty article on which they are based. This determines whether the Council of Ministers makes decisions on the basis of unanimity or qualified majority and the extent of the European Parliament's influence. The Commission can withdraw proposals at any time, although this is not frequently done.

2.3.1 Procedures

The so-called consultation procedure (see Box 2-1) applies to nearly all fisheries legislation. Co-decision is the main legislative procedure in the EU but it has limited application to fisheries policy, applying only to Fisheries Partnership Agreements (under external arrangements) and the Financial Instrument for Fisheries Guidance (FIFG) (an instrument forming part of the EU cohesion policy issue).

In a Communication on the simplification of the Common Fisheries Policy (COM(2004)820), the Commission noted that 'decision-making procedures have [..] exacerbated the complexity of the current rules'. It also states that 'in legal and political terms, measures have been placed at a higher level than strictly necessary, which has made them harder to amend and simplify'.

Box 2-2 EU decision making procedures

Consultation

Under this procedure, the Council must wait for the opinion of the Parliament but is under no obligation to follow it. Given that fisheries policy is an area of exclusive community competence, the Council is therefore critical in fisheries management. It also has greater powers over fisheries than in many other subject areas.

Co-decision

Under co-decision, MEPs have wide powers to amend draft legislation. After the two Parliament readings, if Parliament does not agree with the Council's common position, representatives of the two institutions meet in a conciliation committee to negotiate a compromise text, which must be approved by both the Council (by QMV) and the Parliament (by simple majority). Failure of either institution to agree on the joint text means that the proposal falls. In the final analysis the Parliament may therefore reject draft legislation entirely, even though a majority of Member States is in favour of it.

Note that, if adopted, the Constitution would extend co-decision to other areas of fisheries policy (though not the setting of TACs), so increasing the role of the European Parliament.

2.3.2 Time horizon

The decision-making time horizon has important implications for the type of indicators that will be required. In the EU that horizon depends largely on the type of decision to be taken and the procedure to be followed.

Fishing opportunities

Some of the most important and visible decisions in fisheries, the Total Allowable Catches (TACs), are taken annually at a Council meeting in December[2]. They apply for the subsequent calendar year. This annual mechanism has often resulted in fairly large fluctuations from year to year and has also been criticised for not corresponding to the fishing calendar. Several stakeholders also criticise it for failing to deliver the goods; many fish stocks are considered severely over-fished.

Council Regulation 2371/2002 has introduced the possibility of multi-annual plans in which the Council would set long-term objectives for levels of adult fish in EU stocks as well as the measures needed. A change in the fishing year is also being considered.

[2] TACs are set for fish stocks in the Baltic and Atlantic, but for relatively few stocks in the Mediterranean, where technical measures are the main management tool.

However, annual TAC decisions are set to continue even if constrained by rules set in multi-annual plans.

Despite the limits of the TAC system, it is important to recognise that the 'main advantage of an objectively produced TAC is not based in science; it is that it is a management measure that can be easily divided among stakeholders' (Degnbol *et al*, 2003). For this reason, whichever fisheries management information system is put in place, it will have to service the need of setting annual TAC levels for a wide range of commercial stocks for the foreseeable future. This said, there is a clear trend towards effort based management. These are used in some deepwater fisheries for example and in the cod recovery plans and there is consideration of using effort based management more widely. However, it is unlikely that this will result in the TAC system being completely replaced in the near or even the medium term.

Structural funds

Programming and management of aid to the fisheries sector is undertaken on the basis of multi-annual programmes established by the Member States' authorities and approved by the European Commission. The Regulation for the next programming period, 2007-2013, is still being debated and will need to be decided on by the Council and the Parliament under the co-decision procedure.

EU level *Community strategic guidelines* will establish the framework implementing the Fund at national level. Despite their name, the guidelines are to be adopted by the Council on a proposal from the Commission, three months after the regulation itself is agreed. It is only after this that the Member States will have to develop and present strategic plans and operational programmes.

Technical measures

The Council adopts technical measures concerning fisheries after consultation of the Parliament. The type of measures varies considerably but can, for instance, cover very detailed technical specifications of gears. The time frame needed for the adoption varies considerably and depends essentially on whether enough support can be found within the Council.

Emergency measures

Council Regulation 2371/2002 delegated back to the Commission and to the Member States the power to take emergency measures under strictly specified conditions (serious and unforeseen threat to the conservation of living aquatic resources, or to the marine eco-system resulting from fishing activities) and within a relatively short-term time frame of one month. The measures are temporary and may extend not more than three months (for Member State emergency measures) or six months (for Commission emergency measures). They may be renewed once. In all cases, the Council has kept the right to overturn the measures.

2.3.3 Recovery and management plans

The basic Regulation 2371/2002 provides for the elaboration of multi-annual management or recovery plans at the level of fisheries. These plans may include 'harvesting rules which consist of a predetermined set of biological parameters to govern catch limits'. The two plans currently in place define such harvesting rules. These constrain the ability of the Council to set the TACs but they do not remove it or give it to some other institution. Annual TACs have still to be set which is done at the December meeting.

2.4 Implementation, monitoring and control

Implementation, monitoring and control of fisheries management decisions, which are mostly taken at the level of the Community in the Council, take place within Member States. These have different institutional itineraries as well as configurations of actors (Lequesne, 2004). It is therefore not surprising if there are significant discrepancies. The Commission has now proposed (in COM(2004)289), the creation of a Community Fisheries Control Agency with a mission in 'the field of operational coordination both in connection with the obligations of the Community concerning inspection and surveillance of fishing activities in international waters and in Community waters, and the provision of assistance to Member States in the area of control and enforcement'. There is a broad agreement on this agency, which is to be based in Spain and is expected to become operational in 2006.

3 EU FISHERIES MANAGEMENT OBJECTIVES

3.1 The Treaty establishing the European Community

The basic legal text is a 'Treaty establishing the European Community'. It is that Treaty that defines the activities to be undertaken by the Community (Article 3) and how they are to be undertaken. It also sets a number of fundamental policy objectives. In the Treaty the term 'agriculture' is interpreted as covering fisheries as well.

The objectives of the common agriculture policy are given in Article 33 of the Treaty (see Box 3-1).

Box 3-1: Objectives of the EU Common Agriculture Policy (as set out in Article 33)

1. The objectives of the common agricultural policy shall be:
   a) To increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, in particular labour;
   b) Thus to ensure a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture;
   c) To stabilise markets;
   d) To assure the availability of supplies;
   e) To ensure that supplies reach consumers at reasonable prices.

Article 6 of the Treaty requires the Common Fisheries Policy to be developed and implemented in a way that respects the environmental objectives set out in Article 174 of the Treaty (Environment Title) (see Box 3-2).

Box 3-2: Objectives of EU Environment Policy (as set out in Article 174)

1. Community policy on the environment shall contribute to pursuit of the following objectives:

- Preserving, protecting and improving the quality of the environment;
- Protecting human health;
- Promoting prudent and rational utilisation of resources; and
- Promoting measures at international level to deal with regional and global environmental problems.

While the Treaty sets out policy objectives, these tend to be formulated in a very broad terms. It is therefore necessary to look at how these broad objectives are translated into more operational ones. In this context, it is important to note that within the EU, for a policy to guide management actions, there has to be legislation to that effect. It is therefore necessary to consider in more detail subsequent legislation that has been enacted.

3.2 The EU Common Fisheries Policy

The Treaty makes fisheries policy an exclusive competence of the European Community (EC). This means that all decisions are, in theory, taken at the level of the Community. The Common Fisheries Policy (CFP) provides *the* framework for European and national fisheries management activities.

In December 2002, the Council agreed to an important package of reforms to the CFP. Changes were made in the conservation and structural policies. However, the two basic principles were kept unchanged. They are:

1. equal access for fishing vessels to waters and resources in all Community waters.
2. relative stability in the allocation of fishing opportunities for each stock/fishery. This guarantees Member States proportional access to a resource based on their historical use of it.

The CFP as a whole consists of a collection of three to four hundred laws. There are however a number of key texts. The scope of the Common Fisheries Policy is set out in the framework Council Regulation (2371/2002) (see Box 3-3).

Box 3-3: Scope of the Common Fisheries Policy - Council Regulation 2371/2002 Article 1

The Common Fisheries Policy shall cover conservation, management and exploitation of living aquatic resources, aquaculture, and the processing and marketing of fishery and aquaculture products where such activities are practised on the territory of Member States or in Community waters or by Community fishing vessels or, without prejudice to the primary responsibility of the flag State, nationals of Member States.

1. The Common Fisheries Policy shall provide for coherent measures concerning:
    a. conservation, management and exploitation of living aquatic resources,
    b. limitation of the environmental impact of fishing,
    c. conditions of access to waters and resources,
    d. structural policy and the management of the fleet capacity,

e. control and enforcement,

f. aquaculture,

g. common organisation of the markets, and

h. international relations.

It is usual to group these different areas into four major categories, which are:

- conservation covering the management of the stocks and of the fleets as well as environmental and health issues;
- structural policy covering the fisheries funding programme (currently the FIFG (Financial Instrument for Fisheries Guidance), and due to change to a new programme in 2007, the EFF (European Fisheries Fund);
- markets; and
- external policy covering the multi-lateral and bilateral fishing agreements.

The same Council Regulation 2371/2002 also defines the overall objectives for fisheries management in the EU have been set out in (see Box 3-4).

Box 3-4: Objectives of the CFP Council Regulation 2371/2002 Article 2

The Common Fisheries Policy shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.

For this purpose, the Community shall apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine eco-systems. It shall aim at a progressive implementation of an eco-system-based approach to fisheries management. It shall aim to contribute to efficient fishing activities within an economically viable and competitive fisheries and aquaculture industry, providing a fair standard of living for those who depend on fishing activities and taking into account the interests of consumers.

From an environmental perspective, the new CFP framework Regulation, also referred to as the 'basic' conservation Regulation, provides for measures that will 'limit the environmental impact of the CFP'. It also refers to the application of the precautionary principle and the progressive implementation of an ecosystem-based approach to fisheries management.

3.3 Member States

Member States cannot intervene in fisheries management unless they are explicitly delegated back the powers to do so. At present, these powers refer to:

1. the restriction of access within 12 nm to vessels 'that traditionally fish in those waters from ports on the adjacent coasts'. This is a temporary derogation valid until 2012 but which is likely to be extended;
2. the allocation of fishing opportunities for vessels flying its flag;

3. taking short-term emergency measures in domestic waters if there is evidence of a serious and unforeseen threat to the conservation of living aquatic resources, or to the marine ecosystem resulting from fishing activities;
4. applying conservation measures to vessels flying their own flag in domestic waters;
5. a limited possibility to adopt non-discriminatory conservation and management measures within the 12 nm zone.

This does allow Member States to pursue different fisheries policy objectives that are complementary but not contradictory to the EU level objectives. These complementary objectives tend to place a stronger emphasis on the socio-economic dimensions such as employment (eg Italy, Ireland) or the maintenance of a national independent fisheries sector (eg Belgium, Italy, Portugal). This variation in Member State's objectives is further illustrated in Annex 4, which includes a number of country case studies.

3.4 Fisheries or Stocks

The basic Regulation 2371/2002 provides for the elaboration of multi-annual management or recovery plans at the level of fisheries. However, the stated objective of these plans is either the recovery or maintenance of stock levels to within safe biological limits.

Within these plans, targets are to be defined at the level of stocks. These can be set in terms of:

1. population size and/or
2. long-term yields and/or
3. fishing mortality rates and/or
4. stability of catches

Targets relating to other living aquatic resources and the maintenance or improvement of the conservation status of marine-ecosystem may also be set. If more than one target is set, the order of priority needs to be specified.

Until now there are few cases of such targets being defined. They relate to the stocks covered by the two recovery plans in place, for cod (Regulation 423/2004) and for Northern Hake (Regulation 811/2004). In both cases the targets have been set in terms of biomass of mature species. A few more plans are being elaborated.

3.5 Structural aid

The EU makes sizeable amounts of money available for the fisheries sector in support to the aims of the Common Fisheries Policy. This is currently disbursed under a specific structural fund, the Financial Instrument for Fisheries Guidance (FIFG). The overall objective of the FIFG is to contribute to the aims of the common fisheries policy while playing its part in strengthening economic and social cohesion. The current programming period is coming to an end in 2006.

Debate on the next programming period (2007 – 2013) has started. Much remains to be decided about the successor fund, provisionally called the European Fisheries Fund.

The proposed basic objectives are, amongst others:

1. to support the CFP so as to ensure exploitation that is compatible with economic, environmental and social sustainability;
2. promote a balance between resources and fishing fleet capacity;
3. strengthen the competitiveness of the sector;
4. foster protection of the environment and natural resources; and,
5. encourage the sustainable development of marine, lake and coastal areas.

These objectives do not deviate greatly from the existing ones. In practice however, Member States will be able to prioritize these objectives and provided they abide by a set of guidelines yet to be agreed on. This will be done through multi-annual plans of programmes, which are often elaborated in close collaboration with local (sub-national) authorities.

4 OTHER RELEVANT EU LEVEL POLICIES AND PROCESSES

A number of other policies and processes notably on the environment have implications for the Common Fisheries Policy. The EU's nature conservation Directives are a good example. It is therefore important to take them into account.

4.1 Integration processes

4.1.1 Gothenburg EU Sustainable Development Strategy

Heads of State and Government meeting in Gothenburg in June 2001 called for the 2002 CFP review to 'address the overall fishing pressure by adapting the EU fishing effort to the level of available resources, taking into account the social impact and the need to avoid over-fishing'. The Summit also agreed to a new EU target to halt the loss in biodiversity by 2010. The Summit conclusions represent elements of the EU Sustainable Development Strategy (SDS). Progress on the EU SDS is monitored (to a limited extent) at the annual Spring Summits of EU Heads of State and Government, based on an indicator relating to percentage of stocks below safe biological levels.

4.1.2 *Cardiff integration process*

This process requires the development by the separate sectoral formations of the Council of Ministers of comprehensive strategies to integrate environmental concerns into their activities. The aim of this is to contribute to sustainable development. There have been various documents responding to this process in relation to fisheries management, but the most active is a 2002 Commission action plan to integrate environmental protection requirements into the CFP (COM(2002)186). This lists a number of guiding principles and measures to secure environmental integration in the sector, including setting up long-term management plans for the most important and most vulnerable fish stocks, the setting up of 'no take zones', incentives for stimulating practices adding value to environmental integration, etc. The plan is now effectively being used as a menu for developing CFP measures that mitigate environmental impacts. The full management measures and targets proposed are found in Annex 5.

4.1.3 Commission Biodiversity Action Plan for Fisheries

The Biodiversity Action Plan (BAP) stems from the European Community Biodiversity Strategy adopted in 1998, in which the Commission promised to spell

out precisely how it would achieve the objectives of the strategy, and implement the Convention on Biological Diversity adopted in Rio in 1992. The BAP (COM(2001)162) was produced by the Commission in 2001, although it was subsequently overshadowed to a large extent by the Cardiff Process Action Plan (see above). The Fisheries BAP has been subject to review and future priorities, particularly for delivering the 2010 biodiversity target. The objectives have been defined as follows (see Box 4-1).

Box 4-1: Objectives of the Fisheries Biodiversity Action Plan

The overall objective, therefore, should be to define and identify, within the current legislative framework, coherent measures that lead to the preservation or rehabilitation of biodiversity where it is perceived as being under threat due to fishing or aquaculture activities. In the Commission Communication, key areas identified as requiring action as regards fisheries included:

(1) To promote the conservation and sustainable use of fish stocks and feeding grounds through control of exploitation rates and through the establishment of technical conservation measures to support the conservation and sustainable use of fish stocks. Measures available include *inter-alia* fishing exclusion areas (mainly for the protection of dense aggregations of juvenile fish), and mesh sizes. Each measure should be applied according to its merits and expected conservation effect.

(2) To reduce the impact of fishing activities and other human activities on non-target species and on marine and coastal ecosystems to achieve sustainable exploitation of marine and coastal biodiversity.

(3) To avoid aquaculture practices that may affect habitat conservation through occupation of sensitive areas, ie mangroves in third countries and inter-tidal areas within the Community, pollution by inputs and outputs from fish farms and genetic contamination by possible releases or escapes of farmed species or varieties.

4.1.4 Towards a Marine Thematic Strategy

The Communication Towards a Thematic Strategy to protect and conserve the marine environment (COM(2002)539), was published by the Commission in October 2002 under the Sixth Environmental Action Programme (6EAP). The 6EAP establishes a programme for Community action on the environment. The European Parliament and Council adopted the 6EAP as Decision 1600/2002, thereby setting down in legislative form actions that should be undertaken. This included the need to develop seven Thematic Strategies, intended to tackle seven key environmental issues, which require a holistic approach due to their complexity, diversity of actors concerned and the need to find multiple and innovative solutions.

The Marine Thematic Strategy marks the first step in the development of a strategy to address the variety of threats to the marine environment. A raft of measures to control and reduce pressures on the marine ecosystem already exists, but they have been developed on a sector-by-sector basis. This has resulted in a patchwork of policies and a complex system of institutional responsibilities at the national, regional, EU and international level. Lead by DG Environment, working groups of a mixture of DGs

and stakeholders, including one examining the ecosystem approach, are supporting work on the Thematic Strategy.

The European Commission launched an internet consultation on the Thematic Strategy on the protection and conservation of the marine environment in March 2005. Building on the results of previous discussions with stakeholders, the consultation is intended to elicit views on specific measures being considered for inclusion in the final strategy. Views expressed will feed into the Commission's final decision making process on the strategy. Two key documents are expected to be part of the marine Thematic Strategy package: a Communication on the state of the marine environment and a new marine framework Directive. The deadline by which all Thematic Strategies must be completed by the Commission is July 2005.

4.1.5 Maritime Policy

In a Communication entitled 'Towards a Future Integrated Maritime Policy' released on 2 March 2005, Commission President Jose Manuel Barroso and Fish and Maritime Affairs Commissioner Joe Borg launched a task force to explore the future of EU Maritime Policy. Comprised of all the Commissioners responsible for sea-based activities[3] and chaired by Borg, the task force will prepare a Green Paper on the potential benefits from integration of sea-related policies, to be published in the first half of 2006. External experts, including public authorities and NGOs are to be consulted on key issues and best practice.

The Communication is very brief, but identifies the importance of sea-related activities for the European economy. The Communication suggests an integrated approach will be taken, involving coordination and collaboration on global and regional levels to boost the economic potential of the sea, as it would avoid conflicts and enhance synergies between various industrial, technological and commercial sea-related activities. Overall the communication appears to be aimed as much at the Commission itself as it does at external stakeholders.

The usefulness of an additional policy framework for the marine sector is not yet entirely obvious. There has also been concern that the Green Paper might dilute and delay the Thematic Strategy. In response to this, Mr Borg's office highlighted the importance of the Thematic Strategy, and their wish to avoid any duplication between it and the Green Paper or any competing policies. The Communication itself also quotes the Environment Council's Conclusions from December 2004, which stress the need for integration of the Thematic Strategy and the Green Paper.

The Green Paper and the Thematic Strategy are different in that the former treats the socio-economic activities in the marine environment and the latter takes an entirely environmental perspective. Apart from the Thematic Strategy's focus on the environment, a key difference between the Green Paper and the Thematic Strategy appears to be the organisational changes that the Green Paper could lead to within the Commission.

[3] The task force will include: Vice-president for Enterprise and Industry, Vice-president for Transport, Commissioner for Environment, Commissioner for Regional Policy, Commissioner for Fisheries and Maritime Affairs (chair), Commissioner for Research and Commissioner for Energy.

4.2 EU biodiversity legislation

The major pieces of legislation are know as the habitats and birds Directive. The stated aim of the habitats Directive (92/43/EEC) is to contribute towards tow the maintenance of biodiversity within the European Territory of the Member States through the conservation of natural habitats and of wild fauna and flora. although not limited to site protection, the Directives require Member States to classify/designate sites. It extends many of the protection mechanisms established for bird in Directive 79/409. The measures fall into main parts: the conservation of habitats and the protection of species. Several marine and coastal habitats are to be protected. In addition a number of marine species are given strict protection status, for instance all cetaceans.

A combined network of sites – 'Natura 2000' - was to be in place by 2004. Work, particularly on marine sites, is seriously behind schedule but the Directives are nevertheless providing the main instrument (and driver) for EU nature conservation activities.

Part of the delay was caused by the disagreement over the territorial application of the Directives (ie whether they applied throughout the Member States' 200 nm exclusive economic zones (EEZs)). There is now political - but not legal - agreement that the Directives should apply in the EEZ, and work to map, identify and propose sites to the Commission is proceeding.

In addition to notifying sites, measures are needed to avoid the deterioration of proposed sites, notably by restricting certain fishing activities. Examples include the bottom-trawling ban agreed for the Darwin Mounds area. A legal opinion from the Commission suggests that, in future, Member States should send with their site proposals a list of fisheries management measures needed to protect sites. The Commission is then to respond by issuing emergency measures and proposals for long term measures.

4.3 Impact assessment and consultation

This section deals with three types of impact assessments that are relevant for the fisheries sector, environmental impact assessment (EIA) for projects, strategic environmental assessment (SEA) for plans and programmes and extended Impact Assessments for Commission proposals.

The Environmental Impact Assessment Directive (85/337EEC, as amended by 97/11EC, 2003/35/EC) assesses the direct and indirect environmental impacts of public and private projects, on among other things, water and fauna. The Directive lists projects for which an EIA is always compulsory (such as trading ports) and projects (such as intensive fish farming) for which a procedure is required to determine whether an EIA is required, based on criteria set in the Directive.

The SEA Directive (2001/42/EC) is similar in its nature to the EIA Directive but covers only plans and programmes. An SEA is always required for plans and programmes for certain sectors (including fisheries), which set the future development consent of projects requiring an EIA or require an assessment based on the habitats Directive. An SEA might be required for the above plans and programmes if they cover 'small areas at local level' or 'minor modifications', which are likely to have significant environmental effects. This evaluation, if an SEA is needed or not, is based on criteria set out in the Directive.

As fisheries management measures are established at the EU level (and are largely restrictions by nature), the number of fisheries plans and programmes covered by the SEA Directive is therefore quite limited. The biggest application of the SEA Directive to fisheries however is to the national European Fisheries Fund (EFF) funding programmes. Fisheries plans and programmes co-funded by the Commission under the current funding period have been exempt from the requirements of the SEA Directive. However, this applies only to the current funding period. Consequently fisheries plans and programmes, co-funded under the new EFF, will require an SEA.

Both the EIA and SEA Directives cover similar (but not identical) statutory stages, such as consultation, public participation, the production of an environmental report etc. The Directives will require an EIA/SEA for certain type of activities linked to the fisheries sector but will also require an EIA/SEA for other activities that might have an impact on fish stocks.

The Commission has established a system (COM(2002)276) to conduct an impact assessment (IA) on all its major proposals (regulatory or otherwise) having an economic, social or environmental impact. Originally, the procedure involved a two-stage process to assess social, economic and environmental impacts, with a first filtering stage leading to a decision as to whether to undertake an extended impact assessment. From 2005 all Commission proposals require the equivalent of an extended IA, but proportionate to the significance of the likely impacts.

It is believed that this procedure has been applied only three times to date in relation to fisheries. This process, in theory, involves the identification of different policy options and consultation on their impacts and the best way forward. This typically entails consulting stakeholders through the various committees (see below) and other ad hoc meetings. In practice, to date, impact assessments have been undertaken when the Commission's preferred option has already been chosen. However, they do still allow a formal dialogue with the Commission. The importance of this assessment process is still unclear.

5 EU INTERNATIONAL COMMITMENTS

5.1 Code of Conduct for Responsible Fisheries

The Code of Conduct for Responsible Fisheries was adopted by the twenty-eighth session of the FAO Conference on 31 October 1995. It sets out principles and international standards of behaviour for responsible practices to ensure the effective conservation, management and development of living aquatic resources, the ecosystem and biodiversity. The Code is followed by a series of technical guidelines, which aim to support its implementation. While is not a legally biding document, states and all those involved in fisheries are encouraged to apply and implement the Code.

The Code recognizes the nutritional, economic, social, environmental and cultural importance of fisheries and the interests of all those concerned with the fishery sector. It also takes into account the biological characteristics of the resources and their environment and the interests of consumers and other users. The following are among the Code's nineteen General Principles (Article 6):

- The right to fish carries with it the obligation to do so in a responsible manner;

- Fisheries management should promote the maintenance of the diversity and quality of fishery resources;
- States should apply a precautionary approach in order to protect and preserve living aquatic resources and to protect the environment;
- Selective and environmentally sensitive fishing practices should be further developed and applied;
- All critical fisheries and habitats in marine ecosystems should be protected and rehabilitated;
- Decision-making processes should be made transparent and achieve timely solutions to urgent matters. States should facilitate consultation and effective participation in decision making; and
- Awareness of responsible fisheries should be promoted through education and training.

5.2 International Plans of Action

The FAO Code of Conduct for Responsible Fisheries provides the framework for addressing specific fisheries related issues that are of increasing concern at the global level. In 1999, the FAO Committee on Fisheries (COFI) adopted several voluntary plans of action in this context, addressing the following:

5.2.1 International Plan of Action for reducing incidental catch of seabirds in longline fisheries

Noting the increasing amount of seabirds being incidentally caught in commercial longline fisheries and the rising concerns about the impacts of these incidental catches, the COFI adopted an International Plan of Action for reducing the incidental catch of seabirds in longline fisheries.

The IPOA-Seabirds calls on States to carry out a set of activities, based on an assessment of the incidental catch of seabirds. If an initial assessment points to a problem, States should adopt a National Plan of Action (NPOA), based on the technical guidelines provided. The process of implementing NPOAs started 2001, and is reviewed at least every four years to identify cost effective strategies for improving their effectiveness. To date, the EU has not developed a seabirds plan of action.

5.2.2 International Plan of Action for the management of Fishing Capacity

Excessive fishing capacity is a problem that, among others, contributes substantially to overfishing, the degradation of marine fisheries resources, the decline of food production potential, and significant economic waste.

The IPOA Capacity therefore calls on States to take measures to prevent or eliminate excess fishing capacity and ensure that levels of fishing effort are commensurate with sustainable use of fishery resources. It aims to achieve, by 2003-2005 at the latest the 'efficient, equitable and transparent management of fishing capacity'. If over-capacity is undermining the achievement of long-term management, States should try to progressively reduce fishing capacity in all affected fisheries.

States are invited to develop, adopt and make public national plans by the end of 2002. The implementation of national plans should be reviewed every four years in order to see whether they could be made more effective. States are also to reduce and

progressively eliminate all factors directly or indirectly contributing to the build-up of excessive fishing capacity. To date the EU has not developed a fishing capacity plan of action.

5.2.3 International Plan of Action for the conservation and management of sharks

IPOA Sharks applies to all States that contribute to the fishing mortality of sharks, rays, skates and chimaeras, which are caught either as target or non-target species. It applies to States in the waters in which sharks are caught and those whose vessels catch sharks on the high seas. The overall aim is to develop management and conservation strategies to keep total fishing mortality for each stock within sustainable levels by applying a precautionary approach. States are to adopt national shark plans of action if their vessels conduct fisheries for sharks or if they regularly catch sharks in non-directed fisheries. In addition, states should regularly assess the status of shark stocks subject to fishing in order to determine whether a new shark plan is needed. Implementation of shark plans should be reviewed at least every four years to identify cost-effective strategies for improving their effectiveness.

The EU has not yet adopted a plan of action. However, in June 2003 the Council adopted a Regulation (1185/2003) on the removal of fins of sharks on board vessels in order to protect sharks and related species from the devastating effects of the practice known as 'shark finning', the removal of the fin and discarding the rest of the fish at sea. The Regulation applies to all Community vessels, whether in EU or other national or international waters, and all other vessels in waters under the jurisdiction of EU Member States. It essentially prohibits the removal of fins on board, the keeping of removed fins on board, and the transhipping or landing of shark fins removed from the fish body. The Regulation applies to all elasmobranch species, with the exception of the cutting of ray wings. The trade in fins harvested in contravention to this Regulation is also prohibited.

5.2.4 International Plan of Action on Illegal Unreported and Unregulated Fishing

Illegal, unreported and unregulated (IUU) fishing poses a direct and significant threat to effective conservation and management of many fish stocks. The FAO Committee on Fisheries (COFI) therefore adopted the IPOA-IUU in March 2001.

Under the plan, States are to develop and implement, as soon as possible but not later than 2004, national plans of action to further achieve the objectives of the IPOA. National plans should also include, as appropriate, actions to implement initiatives adopted by relevant regional fisheries management organizations to prevent, deter and eliminate IUU fishing. IPOA-IUU includes measures relating to flag States, coastal States and port States. It also encourages the use of internationally agreed market-related measures, research and regional fisheries management organizations.

The European Community has signed up to the IPOA-IUU. A EU Action Plan (COM (2002)180), forwarded as part of the 2002 Common Fisheries Policy reforms, sets out the necessary measures for the EU to comply with the IPOA-IUU. It identifies 15 new measures or initiatives to be undertaken by the Community itself, or to be pursued through regional fisheries organizations and/or international organizations. These are elaborated in Annex 6.

5.3 International Conventions

International conventions (or treaties or agreements) are the means by which sovereign nations place obligations upon each other. Conventions are now often

promoted and drafted by international agencies with a permanent staff. Some establish a permanent secretariat or commission to service the convention (eg CITES). The obligations under by a party acceding to a convention are purely a matter for it to implement. In general conventions have no directly effective enforcement mechanism. The Community or its Member States are party to several conventions.

5.3.1 World Summit on Sustainable Development

European Heads of State and Government have signed up to a raft of commitments for the protection of the marine environment. Most notably, this includes the commitments adopted at the World Summit on Sustainable Development (WSSD, Plan of Implementation):

- by **2004**, to have established a regular process for global **reporting and assessment of the state of the marine environment**;
- by **2006**, to have made every effort to achieve substantial progress to protect the marine environment from **land-based activities**;
- by **2010**, to have significantly reduced the rate of **biodiversity loss**;
- by **2010**, to have encouraged the application of the **ecosystem approach** in marine management;
- by **2012**, to have developed **marine protected areas** consistent with international law and based on scientific information, including representative networks and time/area closures for the protection of nursery grounds and periods;
- by **2012**, to have facilitated proper coastal land use and **watershed planning**;
- by **2015** at the latest, to have maintained or **restored stocks** to levels that can produce the maximum sustainable yield;
- to develop national, regional and international programmes for **halting the loss of marine biodiversity**, including in coral reefs and wetlands;
- to **maintain the productivity and biodiversity** of important and vulnerable marine and coastal areas, including in areas within and beyond national jurisdiction; and
- to enhance **maritime safety** and protection of the marine environment from **pollution** by actions at all levels.

Most if not all of these WSSD targets build on international Conventions. The Convention on Biological Diversity (CBD) is arguably most comprehensive in its reference to marine protection. It requires **'***[t]he establishment and maintenance of marine and coastal protected areas that are effectively managed, ecologically based and contribute to a global network of marine and coastal protected areas, building upon national and regional systems, including a range of levels of protection, where human activities are managed, particularly through national legislation, regional programmes and policies, traditional and cultural practices and international agreements, to maintain the structure and functioning of the full range of marine and coastal ecosystems, in order to provide benefits to both present and future generations' [Decision VII/5, paragraph 18]*. This has been further backed by the commitment '*to effectively conserve at least 10% of the world's ecological regions by 2010*' *[Decision VII/30 Parties]*.

Further commitments, especially on species protection are also included in the CBD, as well as in the Convention on Migratory Species (CMS), CITES, the Convention on Biological Diversity and the Ramsar Convention.

5.3.2 Regional Seas Conventions

The above targets are further complemented and strengthened by certain regional commitments, often under the Regional Conventions. These commitments are often more ambitious and/or timetables are more pressing than at international level. The EU, for instance, has not merely committed to 'significantly reducing' the rate of biodiversity loss by 2010, but to halting it.[4] Under OSPAR and HELCOM, coastal states are committed to have identified marine protected areas (MPAs) by 2006, and to have completed a joint network of well-managed MPAs by 2010, two years before the international deadline.[5] In the field of water pollution, the Baltic States have pledged to achieve the cessation of inputs of hazardous substances by 2020, with the ultimate aim of achieving concentrations in the environment near background levels for naturally occurring substances and close to zero for man-made synthetic substances.

OSPAR Convention

The parties to the OSPAR convention on the protection of the Environment of the North-East Atlantic are expected to cooperate on all human activities that might adversely affect the marine environment of the North East Atlantic. In particular they are to take the necessary measures to protect and conserve the ecosystems and the biological diversity of the maritime area, and to restore, where practicable, marine areas which have been adversely affected. In accordance with the Convention (including Annex V and Appendix 3) the parties adopted a Biological Diversity and Ecosystems Strategy. The strategy has four elements, including a pilot project on ecological quality objectives for the North Sea; the assessment of species and habitats that are threatened or in decline and the development of programmes and measures for their protection; the creation of an ecologically coherent network of well managed MPAs; and the development of programmes and measures to safeguard against adverse affects from human activities.

However, programmes and measures relating to fisheries management cannot be adopted under the Convention, but the attention of the competent authorities and relevant international bodies is to be drawn to concerns related to fisheries management.

HELCOM Convention

The Helsinki Commission, or HELCOM, works to protect the marine environment of the Baltic Sea from all sources of pollution through intergovernmental co-operation between Denmark, Estonia, the European Community, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden. Under Article 15 of the Convention parties are to take 'all appropriate measures…to conserve natural habitats and biological diversity and to protect ecological processes'.

---

[4] EU Sustainable Development Strategy, Gothenburg, 2001 (COM(2001) 264).
[5] OSPAR Recommendation 2003/3, and at the 2002 Fifth International Conference on the North Sea; Joint OSPAR/HELCOM Declaration (June 2003).

The Commission makes Recommendations on measures to address certain pollution sources or areas of concern. These Recommendations are implemented by the Contracting Parties through respective legislative systems.

HELCOM has the environmental impact of fishery management and practises as one of its priorities. It is working to restrict the use of harmful fishing equipment (eg salmon drift nets and bottom-set gill nets) in order to address the problem of by-catches of marine mammals and birds caused by fishing.

Furthermore, several projects have been set up to protect threatened marine species including the Baltic Salmon Action Plan and the Sturgeon Project. A Nature Protection and Biodiversity Group (HELCOM HABITAT) was designed address nature conservation and integrated coastal zone management issues and to develop a network of Baltic Sea Protected Areas (BSPAs).

Barcelona Convention

The Barcelona Convention of 1976, amended in 1995, and the Protocols drawn up in line with this Convention aim to reduce pollution in the Mediterranean Sea and protect and improve the marine environment in the area, thereby contributing to its sustainable development.

The Protocol concerning specially protected areas in the Mediterranean, to which the Community acceded in 1984, stipulates that Parties must develop guidelines for establishing and managing protected areas and lists a certain number of appropriate measures, which the Parties must adopt in order to ensure the identified areas, are protected. These measures include: prohibiting the discharge or unloading of waste, regulating shipping operations, regulating the introduction of any non-indigenous or genetically modified species, and any other measures protecting the ecological and biological processes and the countryside.

The annexes to the Protocol include a list of common criteria, which the Parties must respect when choosing which marine and coastal areas are to be protected under the system of specially protected areas of Mediterranean importance. The annexes also list threatened or endangered species as well as including a list of species whose exploitation is regulated.

ASCOBANS

The Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) was concluded in 1991 under the auspices of the Convention on Migratory Species (UNEP/CMS or Bonn Convention) and entered into force in 1994. Eight countries bordering the Baltic and/or North Seas are Parties to the Agreement, including Belgium, Denmark, Finland, Germany, The Netherlands, Poland, Sweden and the UK.

The Agreement aims to promote close cooperation amongst Parties with a view to achieving and maintaining a favourable conservation status for small cetaceans. A Conservation and Management Plan, which forms part of the Agreement, obliges Parties to engage in habitat conservation and management, surveys and research, pollution mitigation and public information.

ACCOBAMS

The Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS) entered into force in June 2001. It is

a result of consultations between the Secretariats Barcelona Convention and the Bern Convention. To date 17 countries have ratified the Agreement, including Spain, France, Greece, Malta and Portugal. Italy and Cyprus have also signed ACCOBAMS.

The purpose of the ACCOBAMS Agreement is to reduce the threat to cetaceans in Mediterranean and Black Sea waters and improve the knowledge on cetaceans. It is the first Agreement binding the countries in these two sub-regions, enabling them to work together on a matter of general interest.

The Agreement requires the party States to implement a detailed conservation plan for cetaceans, based first on respect of legislation banning the deliberate capture of cetaceans in fishing zones by their flag vessels or those subject to their jurisdiction, on measures for minimizing incidental capture and, finally, on the creation of protected zones important for the feeding, breeding and birthing of cetaceans. The Agreement includes a list of 18 species of cetaceans concerned.

6 SUMMARY

The following table pulls together the goals, objectives and targets for the policies discussed above for which indicators are needed as a tool to measure effectiveness. As noted in the introduction, while there are several generally stated goals, there are fewer clearly defined objectives and targets.

Dimension	Goals	Sources	Objectives	Sources	Targets	Sources
Ecological	Sustainable use of natural resources	* 2* 3	• recovery or the maintenance of stock levels to within safe biological limits	* 3	• Restore stocks to MSY levels by 2015	* 6
	High quality of environment	* 2* 3*** 7**	• Halt biodiversity loss by 2010	* 4	• MPAs identified by 2006	* 5
			• Achieve and maintain a favourable conservation status for cetaceans	* 8	• Network of well managed MPAs by 2012	* 5
					• OSPAR's EcoQOs	* 5
					• MPAs identified by 2006 and joint network of well-managed MPAs completed by 2010	*** 7**
Socio-economic	Increase productivity	* 1			• Restore stocks to MSY levels by 2015	* 6
	Availability of supplies	* 1				
	Economically viable and competitive fisheries industry	* 3				

Dimension	Goals	Sources	Objectives	Sources	Targets	Sources
	Fair standard of living of producers	* 1* 3				
	Stable market	* 1* 3				
	Reasonable prices for consumers	* 1* 3				
	Good human health	* 2				
Institutional	Promote international collaboration	* 2				
	Apply precautionary approach	* 3	To have encouraged the application of the ecosystem approach by 2010	* 6		
	Apply eco-system-based approach	* 3				
	Good governance	* 3	Clear definition of responsibilities	* 3		
			Broad stakeholder engagement	* 3		
			Decision making based on sound science and delivering on time	* 3		
			Policy coherence	* 3		

Sources:

* 1: Treaty article 33

* 2: Treaty article 174

* 3: Council Regulation 2371/2002

* 4: EU SDS

* 5: OSPAR Recommendation 2003/3 on a network of marine protected areas; Joint OSPAR/HELOM declaration of June 2003.

* 6:WSSD Johannesburg 2002

* 7 OSPAR and HELCOM

* 8 ASCOBANS and ACCOBAMS

7 REFERENCES

CEC (2002) Council Regulation 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries under the Common Fisheries Policy. *OJ L 358/59 31.12.2202*.

Degnbol, P (2002) The ecosystem approach and fisheries management institutions: the noble art of addressing complexity and uncertainty with all on board and on a budget. *IIFET 2002 Paper no 171*. 11p

Degnbol, P and A Jarre (2004) Review of indicators in fisheries management – a development perspective. *Afr.J.mar.Sci*. 26: 1-20.

FAO (1995) Code of Conduct for Responsible Fisheries. Rome; FAO: 41 pp.

FAO (1999) Indicators for sustainable development of marine capture fisheries. FAO Technical Guidelines for Responsible Fisheries no 8. FAO, Rome.

Garcia, SM and Staples, DJ (2000) Sustainability reference systems and indicators for responsible marine capture fisheries: a review of concepts and elements for a set of guidelines. *Mar. Freshwater Res.*, No 51, pp385-426.

Garcia, SM, Staples, DJ and Chesson, J (2000) The FAO guidelines for the development and use of indicators for sustainable development of marine capture fisheries and an Australian example of their application. *Ocean and Coastal Management*, No 43, pp537-556.

Lequesne C. (2001) *L'Europe bleue. A quoi sert une politique communautaire de la pêche?* Presses de Sciences Po, Paris.

OSPAR (2005) *European Marine Strategy – Ecoregions*. Paper presented at OSPAR Meeting of the Biodiversity Committee (BDC) Bonn: 21-25 February 2005. BDC 05/8/2-E

Sainsbury, K and Sumaila, UR (2001) Incorporating ecosystem objectives into management of sustainable marine fisheries, including 'best practice' reference points and use of marine protected areas. Paper to Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem, Iceland 1-4 October 2001. FAO, Rome.

Sorain D. (2004) Entreprendre dans la pêche et l'aquaculture: la vision et les ambitions de l'Etat français. In: *XVIèmes Rencontres Interrégionales de l'AGLIA*, Bordeaux, 4 et 5 février 2004

Annex 1: Acronyms

ACCOBAMS	Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area
ACFA	Advisory Committee for Fisheries and Aquaculture
ACFM	Advisory Committee on Fishery Management
ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas
BAP	Biodiversity Action Plan
BSPA	Baltic Sea Protected Areas
CAP	Common Agricultural Policy
CBD	Convention on Biological Diversity
CEC	Commission of the European Community
CFA	Committee for Fisheries and Aquaculture
CFAS	Committee on Structures for Fisheries and Aquaculture
CFP	Common Fisheries Policy
CITES	Convention on international trade of endangered species
CJEC	Court of Justice of the European Communities
CMS	Convention on Migratory Species
COFI	FAO Committee on Fisheries
COREPER	Committee of Permanent Representatives
DG	Directorate General
6EAP	Sixth Environmental Action Programme
EC	European Community
EcoQO	Ecological Quality Objective
EEA	European Environment Agency
EEZ	Exclusive Economic Zone
EFF	European Fisheries Fund
EIA	Environmental impact assessment
EU	European Union
FAO	Food and Agriculture Organisation of the United Nations
FIFG	Financial Instrument for Fisheries Guidance
GFCM	General Fisheries Commission for the Mediterranean
HELCOM	Helsinki Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas

ICES	International Council for the Exploration of the Seas
INDECO	Development of Indicators of Environmental Performance of the Common Fisheries Policy
IPOA	International Plan of Action
IUU	Illegal, unreported and unregulated fishing
MCFP	Management Committee for Fisheries Products
MEP	Member of the European Parliament
MPA	Marine protected area
NPOA	National Plan of Action
OSPAR	Oslo and Paris Commission
QMV	Qualified Majority Vote
RAC	Regional Advisory Council
SDRS	Sustainable Development Reference System
SDS	Sustainable Development Strategy
SEA	Strategic Environmental Assessment
STECF	Scientific, Technical and Economic Committee on Fisheries
TAC	Total Allowable Catches
WSSD	World Summit on Sustainable Development

Annex 2: Glossary

Criteria. Components of the sustainable development reference system whose behaviour can be described via indicators, proxy-indicators and reference points. For example, *fishing capacity* is a criterion related to fishing pressure, *spawning biomass* is a criterion related to the well-being of the stock and *total income* (in cash and in kind) a criterion related to the well-being of humans in the fishery.

Dimension. The classes used to describe a system. Examples include: i) ecological, economic, social and institutional; ii) pressure-state-response; iii) human and environmental; and iv) operations, management, research, aquaculture and coastal zone management.

Indicator. A variable, pointer, or index related to a criterion. Its fluctuations reveal the variations in those key elements of sustainability in the ecosystem, the fishery resource or the sector and social and economic well-being. The position and trend of an indicator in relation to reference points or values indicate the present state and dynamics of the system. Indicators provide a bridge between objectives and actions.

Objective. A purpose to be achieved within the overall principles of sustainable development. Objectives are often hierarchical, referring to specific scales within the system. Objectives encompass all the dimensions and relevant criteria of sustainable development.

Opportunity costs. The benefit foregone by using a scarce resource for one purpose instead of its next best alternative; typically applied to capital and labour inputs to reflect their real costs to society as against their costs to a private entrepreneur which may be lower or higher because of subsidies, taxes and various kinds of market distortions including externalities.

Reference point. A reference point indicates a particular state of a fisheries indicator corresponding to a situation considered as desirable ('target reference point'), or undesirable and requiring immediate action ('limit reference point' and 'threshold reference point').

Scale. Various levels of organization to be considered within the SDRS. Scales can be based on geographical area (eg global, regional, national or local), sectoral activities (eg individual fishery, fishery sector at various geographical levels, or cross-sectorial to include other uses and activities within a system) or a combination of both.

Stakeholder. Any individual, group, organization or sector in society that has a clearly identifiable interest in the outcome of a policy or decision-making situation. The interest may be in the form of a specific management responsibility, a commercial interest (resource supply, revenue, employment, trading activity), a subsistence need or some other commitment, as a member of civil society.

Standard. Reference point (or reference value) which has been formally established and enforced by an authority (eg MSY is established as a standard by UNCLOS and could become a minimum international standard for stock rebuilding).

Sustainable development framework. Structure used to select and organize criteria, indicators and reference points. It is based on a particular set of dimensions. Examples include: pressure-state-response; ecological sustainable development; and the FAO Code of Conduct for Responsible Fisheries.

Sustainable development reference system. The sustainable development reference system (SDRS) is a system of representation of the sustainability of a system of exploitation (eg a fishery or a fishery sector), composed of reference points (selected on the basis of objectives, constraints and limits) and indicators. The SDRS will generally include a wide range of indicators that covers broad ecological, social, economic and institutional objectives. However, despite having as its primary purpose the measurement of achievement and progress in sustainable development, the SDRS should also, in a general sense, provide an incentive to review strategies for achieving sustainable development.

Annex 3: OSPAR's Ecological Quality objectives

At the 5th North Sea Conference in Bergen (March 2002), the Ministers agreed on a set of issues and related elements for which Ecological Quality Objectives (EcoQOs) will be developed (see Table 1). They also agreed that EcoQOs for each of the elements listed would be applied as a pilot project for the North Sea. For the remaining elements (see Table 1), objectives will be developed by 2004 and applied within the framework of OSPAR, in coordination with the work on marine indicators by the EEA. OSPAR 2005 is invited to review progress, in collaboration with ICES and other relevant bodies.

The indicators listed in are in various stages of development, including those already in use (such as precautionary reference points for spawning stock biomass of commercial fish species), those adopted at the North Sea Ministerial Conference in March 2002 (changes in the average weight and average maximum length of fish communities), those likely to be adopted in the near future (breeding productivity of kittiwakes) and those needing more work or a longer term approach (eg seabird population trends).

Table 1: OSPAR Quality elements and objectives

Issue	Ecological quality element	Ecological quality objectives (EcoQOs)
1. Commercial fish species	(a) Spawning stock biomass of commercial fish species	• Above precautionary reference points[1] for commercial fish species where these have been agreed by the competent authority for fisheries management
2. Threatened and declining species	(b) Presence and extent of threatened and declining species in the North Sea	
3. Sea mammals	(c) Seal population trends in the North Sea	• No decline in population size or pup production of ≥ 10% over a period of up to 10 years
	(d) Utilization of seal breeding sites in the North Sea	
	(e) Bycatch of harbour porpoises	• Annual bycatch levels should be reduced to levels below 1.7% of the best population estimate
4. Seabirds	(f) Proportion of oiled Common Guillemots among those found dead or dying on beaches	• The proportion of such birds should be 10% or less of the total found dead or dying, in all areas of the North Sea
	(g) Mercury concentrations in seabird eggs and feathers	
	(h) Organochlorine concentrations in seabird eggs	
	(i) Plastic particles in stomachs of seabirds	
	(j) Local sand-eel availability to black- legged Kittiwakes	

	(k) Seabird populations trends as an index of seabird community health	
5. Fish communities	(l) Changes in the proportion of large fish and hence the average weight and average maximum length of the fish community	
6. Benthic communities	(m) Changes/kills in zoobenthos in relation to eutrophication	• There should be no kills in benthic animal species as a result of oxygen deficiency and/ or toxic phytoplankton species
	(n) Imposex in dog whelk (*Nucella lapillus*)	• A low (< 2) level of imposex in female dog whelks, as measured by the *Vas Deferens* Sequence Index
	(o) Density of sensitive (eg fragile) species	
	(p) Density of opportunistic species	
7. Plankton communities	(q) Phytoplankton chlorophyll *a*	• Maximum and mean chlorophyll *a* concentrations during the growing season should remain below elevated levels, defined as concentrations > 50% above the spatial (offshore) and/or historical background concentration
	(r) Phytoplankton indicator species for eutrophication	• Region/area - specific phytoplankton eutrophication indicator species should remain below respective nuisanceand/or toxic elevated levels (and increased duration)
8. Habitats	(s) Restore and/or maintain habitat quality	
9. Nutrient budgets and production	(t) Winter nutrient (DIN and DIP) concentrations	• Winter DIN and/or DIP should remain below elevated levels, defined as concentrations > 50% above salinity related and/or region-specific natural background concentrations
10.Oxygen consumption	(u) Oxygen	• Oxygen concentration, decreased as an indirect effect of nutrient enrichment, should remain above region-specific oxygen deficiency levels, ranging from 4–6 mg oxygen per liter

Annex 4: Selected Member State objectives

Belgium

Under the federal structure of the Belgian State, responsibility for marine fisheries rests with the Flemish Government. The major stated objective is the maintenance of an independent profitable and environmentally friendly Flemish fishery.

Italy

Fishery management in Italy is based on Law number 41 of 1982. This Act is aimed at promoting the rational utilization and enhancement of the marine biological resources through an equal development of sea fishing.

The management measures currently in place are mainly designed to assure a sustainable exploitation of the resources, to limit fishing effort, to protect the ecosystem biodiversity, to develop aquaculture and to apply the principles of the FAO Code of Conduct for Responsible Fisheries.

The main objectives of the National Plan for the years 2003-2006 are:

- rationalisation of the sector to achieve a correct balance between fishing effort and available resources. This objective should be obtained both through a reduction of the fleet capacity, and with the adoption of technical measures, such as temporal closures;
- rationalisation of administrative regulatory systems through the devolution of competences to local administrations (Regions);
- improving the degree of food self-sufficiency through regulations aimed at a correct use of coastal and pelagic waters, the development of mariculture and fish culture in general, protection and valorisation of national production; and
- preserving employment levels.

An enhanced involvement of stakeholders in the management process is considered of paramount importance for the achievement of objectives.

The Ministerial Circular of 7 October 2004 laid down a plan aimed at reducing the fishing effort, particularly by encouraging the reduction of fishing vessels operating within 6 miles from the baseline and using trawl nets. Trawling is subjected to an interruption of fishing activity in Saturday and Sunday while no restrictions are currently in force for the others fleet segments. No output control measures have been used for trawling and small-scale fishery.

Finland

The Finnish government's fisheries management objectives are detailed in the Fishing Act 286/1982 (including 154/2003 amendments):

- to maintain maximum permanent productivity of the waters;
- to ensure that the fish stocks are exploited rationally and with due attention to fishery viewpoints;
- to ensure that the fish stocks are managed and expanded; and
- to avoid measures that might harmfully or adversely affect nature or the balance of nature

The conservation of natural salmon stocks receives particular attention in Finland, with a number of dedicated acts restricting the coastal salmon fishery during the salmon spawning migration. For those not managed internationally there is also a general objective to avoid growth over-fishing of coastal fish stocks. The local water owner associations and fishery regions have a legal right to set minimum mesh-size restrictions for coastal gill net fisheries (both commercial and recreational).

France

The objectives of French fisheries policy seems to implicitly aim at minimising open demonstrations of social conflicts (eg Lequesne, 2001). However, a number of objectives lie within the general purpose that fishing should be an economically efficient sector which contributes to the sustainable development of French coastal regions (Sorain, 2004). Coastal tourism is also promoted by small-scale fisheries landing a large diversity of fresh fish in lively ports. This implies attracting people to fishermen careers by improving education, salaries and work conditions, and by recognising the women's contribution to this sector. Society's demand for a sustainable exploitation of resources has to be taken into account. A better representation of fishermen is also aimed at, both in markets by producer organisations, and in decision about regulations by representative committees which are well organised in France.

Greece

The objectives of fisheries management is the rational exploitation of fisheries resources, the protection of vulnerable areas and species that are overexploited, with the main scope being the sustainable development of the sector.

Netherlands

The main objective of the Netherlands' fishery policy is the promotion of responsible fisheries and sustainable management of fisheries resources. The aim is to reach a balance between economic and ecological targets. In acknowledging ecological sustainability as the basis for a sustainable economy, the government's focus is on the maintenance of fish stocks as renewable resources, while preventing infringements on the ecosystem.

Sweden

The main objective of fisheries policy in Sweden is to promote sustainable and responsible management of fisheries. In its national strategy for sustainable development (2002) Sweden states that fisheries need to be put on a sustainable footing by applying the precautionary principle, adopting an ecosystem approach and securing biological diversity.

In 2004, The National Board on Fisheries published the report 'Fish, Fisheries and Environment, the National Board on Fisheries work towards its environmental objectives 2001-2004'. The report presents a number of aims to protect the sea, coast and archipelago. These include:

- protection of 17 bays for pike and perch in the Stockholm archipelago as from spring 2004;
- inventory and protective actions in preparation for research on the west coast of Sweden, including adjustments of the trawler border;

- measures for vulnerable marine species, including red listing, catch bans and national administration programs for eel and porpoise;
- reduction of bycatch: adaptation of withdrawal of fish, modification of the trawler boarder in Skagerrak and Kattegat and prohibition of fisheries during certain times of the year; and
- inventories of marine life in the Stockholm archipelago to estimate the impact of disturbing boat traffic.

Annex 5: Community Action Plan to integrate environmental protection requirements into the Common Fisheries Policy (COM(2002)186)

Management measures	Targets and associated timetables	Observations
Reduction of overall fishing pressure	New legislation comprising 1) the general framework for the management of fishing capacity, and 2) specific legislation to reduce fishing effort on fisheries subject to emergency measures, recovery plans or multi-annual management programmes, to be adopted before end of 2002.	Specific reduction targets and mechanisms shall be set up, for fleet segments or by fishery, in implementing legislation. Reduction of fishing pressure is in any case required to ensure sustainability of commercial stocks but at the same time is essential for environmental integration.
Improve fishing methods to reduce discards, incidental bycatch and impact on the sea bed.	New set of technical measures specifically addressing discard reduction before 31 December 2003.	This may include the setting of discard bans.
	New set of technical conservation measures designed to reduce by-catch of cetaceans to levels guaranteeing favourable conservation status of cetacean populations, before 31 December 2002.	Both by-catch and population sizes to be estimated on the basis of scientific advice.
	Designation of protected areas where bottom trawls and similar towed gear operating on the bottom are prohibited before 31 December 2004.	Some of these measures may be taken in the context of Natura 2000 sites.
	Implement Community Action Plans to manage sharks and protect seabirds in the context of FAO IPOAs. *Propose* legislation before end of 2003.	
Eliminate public aid for modernisation	Amendment to Regulation 2792/1999 to be adopted before end of 2002.	

Management measures	Targets and associated timetables	Observations
Defend objectives and principles in international fora	Present proposals specifically designed to protect non-commercial species and habitats in each Regional Fisheries Organisations where EC is a member.	As a first step, the EC initiatives to protect sharks should be promoted within ICCAT
Implement the Biodiversity Action Plan for Fisheries (BAPF).	Achieve full implementation of all the actions specified in the BAPF by 31 December 2006.	Progress will be concomitant with development of scientific knowledge
Measures adding value to environmental integration (Articles 13 to 15 and 17 of Regulation (EC) No 2792/1999)	The Commission will consult, for the first time before the end of 2003, the European-level organizations defined in Article 8 of Regulation 1260/1999 and other relevant stakeholders, such as the Regional Advisory Councils on possible measures	Examples: litter projects, re-stocking, contribution to environmental monitoring.
Principles and guidelines for integration in the sector of aquaculture	Legal framework adopted before the end of 2003. Implementing legislation finalised before end of 2005.	
Strategy for distant water fisheries	Adoption before end of 2003.	
Further fulfilment of Habitats and Birds Directives	Natura 2000 sites at sea and associated management measures to be completed before end of 2004.	
	Monitoring of populations of marine species of Annex IV of Directive 92/43/EEC. Aim at full monitoring and complete report to Commission for the first time before end of 2003, without prejudice to the existing legal obligations.	This is an obligation for Member States in accordance with Article 12(4) of Directive 92/43
Better understanding of marine ecosystems	Specific target to ensure, by 2004, Community participation in all scientific fora dealing with the structure and functioning of marine ecosystems. The Commission shall specify this item among the fields of work eligible for Community funding.	

Management measures	Targets and associated timetables	Observations
Development of operational procedures to apply principles of precaution, prevention, rectification at source and polluter pays to fisheries.	Permanent task, in collaboration with scientific fora and Regional Fisheries Organisations. As intermediate target, the Commission will present a progress report by the end of 2004	
Pilot projects on the collection of basic information on the effects of fishing and aquaculture on the environment	Based on these studies, the Commission shall review, before 31 December 2003, whether it is appropriate to extend the obligations set up by Council Regulation (EC) No 1543/2000, in order to cover the relationship between fisheries and aquaculture with the environment	Target and deadlines already existing (Article 10 of Regulation (EC) No 1543/2000
Use of trade measures to promote environmental integration	Implementation as measures are adopted at international fora..	Effectiveness of trade measures requires international decisions.
Debate on eco-labels	Following presentation of a Communication by the Commission, Council shall issue conclusions before end of 2003.	
Indicators of environmental integration	Pilot system in place during 2003. First report by the Commission before the end of 2005. Comprehensive indicator scheme before the end of 2006.	

Annex 6: Community Action Plan for the eradication of illegal, unreported and unregulated fishing (COM (2002)180)

Action 1: State control over nationals
– **Objective**: to discourage Community Member State nationals from flagging their fishing vessels under the jurisdiction of a State which is failing to fulfil its flag State responsibilities and from committing infringements.

Action 2: Defining procedures for the implementation of arrangements approved at international level relating to the sustainability of fish stocks
– **Objective**: to give binding effect to various instruments approved at international level for the (responsible and/or) sustainable management of fish stocks, using for that purpose certain trade policy instruments.

Action 3: Control of activities associated with IUU fishing
– **Objective:** to ensure that importers, transshippers, buyers, consumers, equipment suppliers, banks, insurers and other service providers do not maintain business relations which they might have with vessels identified as engaging in IUU fishing.

Action 4: Alerting the fishing industry, consumers and the public in general to the need to control IUU fishing
– **Objective:** to ensure that the whole of the fishing industry together with consumers and the public in general are aware of the detrimental effects of IUU fishing on the conservation and responsible management of stocks and the sustainability of fisheries worldwide, and on the efforts of the European Union, both internally and internationally, to root out this scourge.

Action 5: Development of framework plans for control and inspection within each regional fisheries organisation
– **Objective:** to secure the adoption by each regional fisheries organisation of a framework plan for control and inspection, at sea and/or in port, and, where appropriate, an observer plan tailored to the fishing characteristics of each one.

Action 6: Regulation of certain fishing activities on the high seas
– **Objective:** to secure the adoption by the regional fisheries organisations of conservation and management measures, for fishing activities (e.g. a ban on the use of driftnets), or for catches of species (e.g. deep-water species) which have not been regulated at international level up to now.

Action 7: Identification and monitoring of IUU vessels
– **Objective:** the identification by regional fisheries organisations of vessels engaging in IUU activities in accordance with transparent and non-discriminatory procedures and criteria in order to impose sanctions on account of those activities and, secondly, to allow action to be taken against flag States to discourage those activities.

Action 8: Promoting uniform action plans to curb illegal fishing

– **Objective:** to introduce in a uniform and transparent way action plans to curb illegal fishing in the regional fisheries organisations, in particular for species targeted by IUU fishing activities.

Action 9: Identifying and quantifying illegal catches
– **Objective:** to quantify through the regional fisheries organisations the volumes taken by IUU vessels in order to assess the impact of these activities in the context of stock evaluation.

Action 10: **Certificates and documents**
– **Objective:** to set up, on the basis of common criteria, certification/documentation systems to support the effective implementation of the action plan without excessive cost to operators.

Action 11: **Improvement of information concerning fishing vessels**
– **Objective:** to improve exchanges of information about fishing vessels concerning their right to fish in order to identify as early as possible vessels that have been struck off the register or whose authorisation to fish has been cancelled.

Action 11: **Improvement of information concerning fishing vessels**
– **Objective:** to improve exchanges of information about fishing vessels concerning their right to fish in order to identify as early as possible vessels that have been struck off the register or whose authorisation to fish has been cancelled.

Action 12: **Strengthening of international cooperation**
– **Objective:** to strengthen international cooperation on monitoring, control and surveillance by improving exchanges of information between authorities responsible for implementing measures to conserve and manage fish stocks.

Action 13: **Definition of a substantial link between a State and a vessel**
– **Objective**: to establish objective legal criteria for ensuring that an authorization to fly the flag of a State is based on the existence of a substantive link between that State and the fishing vessel concerned, as required under Article 91 of UNCLOS.

Action 14: **Definition of rights and responsibilities of port States**
– **Objective:** to define the rights and responsibilities of port States regarding access for fishing vessels to port facilities in order to carry on business, transit or first marketing operations, involving fishery products coming directly from fishing grounds.

Action 15: **Assistance for developing countries to control unlawful fishing**
– **Objective:** to help developing countries comply in full with the undertakings they are going to give under the international plan of action to prevent unlawful fishing.