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THE REFORM OF THE CFP - TOWARDS A GREENER, SIMPLER AND DECENTRALISED POLICY



EC: 2010

Maria Damanaki
European Commissioner for Maritime Affairs and Fisheries

My prime objective as Commissioner for Maritime Affairs and Fisheries is to leave fish stocks in a better condition for future generations. We simply cannot continue to overfish or fight over individual catch quotas year after year to protect merely short-term interests. Reforming the fisheries sector is no longer a political choice for the EU, but an imperative. This is why I want to work towards a greener, simpler and more decentralised Common Fisheries Policy (CFP).

To continue fishing, sustainability must be our primary concern. We therefore need to reaffirm sustainability as the CFP's main goal. That will mean basing our management decisions strictly on science. It will also mean making many more decisions at the level of regional ecosystems – sea basins – so as to ensure that our policies are appropriate, adaptable, and capable of balancing diverse social objectives.

Our public consultation on the Reform of the CFP generated more than 1700 reactions. This input has been further discussed with a wide range of interested parties, the European

Institutions, and Member States and their regions.

By mid-2011 our reform proposals will be ready. We will be proposing a coherent package of linked measures to tackle how to manage fisheries as a whole. At the heart of our proposal will be some radical changes to the ways in which policy itself is made. Instead of micro-managing fisheries policy in Brussels, the EU institutions should focus on determining outcomes and setting targets, while leaving the Member States to determine how those results are best achieved in the context of the sea basins where their fleets operate.

While we are still working on our proposals, I can already specify some specific objectives I believe are essential. Europe's new fisheries policy should not tolerate discards. It should provide much better protection for sensitive areas and ecosystems, such as spawning grounds or coral reefs. And it should provide positive incentives to help small-scale fisheries which often make a vital contribution to the social fabric and economic well-being of our coastal communities.

Above all, we need a system in which the fishing industry and other stakeholders are properly involved in setting policy, and in which they fully assume their responsibilities. Only by ensuring that fishermen feel real 'ownership' of the rules they have to follow, will we be able to move towards greater compliance.

What is good for Europe is good for the rest of the world, too. After all, more than 60 % of the fish Europeans eat comes from imports. The EU must continue to play a strong role in promoting sustainable, science-based management both in regional fisheries organisations, and through our bilateral agreements, which need to be redesigned.

Fisheries can any longer be seen in isolation from other maritime sectors. We need to work for the closer integration of the CFP into the EU's Integrated Maritime Policy, and in particular, the Marine Strategy Directive. Regionalisation of the CFP can only reinforce our push for integrated sea basin strategies that embrace all aspects of the health of our seas and oceans.

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CFP REFORM - WHERE DO WE STAND ON SOME OF THE KEY ISSUES?

**Indrani Lutchman, Editor,
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The European Commission is expected to publish the draft regulation before the summer of 2011 - but what will the new regulation contain?

The CFP reform process started in 2008 with the launch of the Green Paper. The stakeholder consultation on the Green Paper ended in December 2009. The results were presented at a key event in Vigo in March 2010. Since that time, there have been a number of events hosted by the Commission on key issues including the need for closer cooperation between scientists and stakeholders; the state of stocks; the future of EU funding for fisheries, culminating with a major event in Brussels in November 2010 on the future of the CFP. Expectations are still high but there is a general feeling that some of the momentum on the reform of the CFP was lost in 2010. The Commission has confirmed that a draft regulation and accompanying impact assessment will be published before summer 2011. It is expected that the proposal regulation will be presented to the Council in December 2011 for adoption at the end of 2012. But the big questions remain - Is the reform still likely to be the most radical reform of the CFP? What will be the key changes in the new policy?

Following the launch of the Green Paper, there was a 'head of steam' over what should be the objectives of the CFP. An exchange of views between various stakeholders including the sector and the NGOs at a number of meetings early in the process highlighted the lack of consensus on the prioritisation of the objectives in a new CFP. However, there seemed to be no disagreement that the CFP post 2012 should aim to ensure sustainable fisheries, sector and healthy marine ecosystems.

Also, at the beginning of the reform process, the Commission was considering Rights Based Management (RBM) and Individual Transferable Quotas (ITQs), in particular, as the means to address the EU overcapacity problem. By the end of 2010, the role of ITQs in the future CFP is still unclear. Has the myth that ITQs will solve the overcapacity problem been dispelled? There seems

to be some movement away from the notion that ITQs will solve the overcapacity problem towards an acknowledgment that rights-based management are useful for ensuring equitable distribution of fishing opportunities.

Regionalisation of the CFP

On regionalisation, it is still unclear what will be proposed in the draft regulation later this year. The Green Paper highlighted the need to focus the decision-making framework on core long-term principles and denounces a situation where all decisions are taken at Council-level as this leads to a focus on the short-term issues. Two options were included in the Green paper: 1) Delegating more powers to the Commission itself 2) Regionalizing policy-making through reliance on specific regional management frameworks.

At the same time, the Green Paper remained silent on what such regionalization and devolution of powers precisely entails. It did, however, motivate the need for such reform by stressing that "the CFP is criticized by stakeholders. Brussels – in fact the Council of Fisheries Ministers – is seen as deciding on each and every detail of the implementation of the policy".

According to the Commission:
"Putting policy in its right place by letting Council and Parliament focus on principles and delegating implementation decisions to Member States, the Commission and/or self-management by the industry would lead to a simpler and cheaper policy. It would make implementation more sensitive to specific local conditions and give the industry more responsibility in shaping its own destiny. It would enable governments and the industry to adapt the implementation of the policy to their needs and to find the best solutions both technically and economically" (COM, 2009)

In the Green Paper, the Commission posed

a series of questions to stakeholders on the topic of regionalisation. In March 2010, the Commission published the results of the stakeholder consultation on the Green Paper. Stakeholder responses to the options for regionalization were mixed including support for regionalization at the sea-basin level; others supported delegation to regions within Member States; some refer to Member States creating regional committees for management and a high level of self-regulation; others propose simple co-operation between Member States on issues of implementation and control; others see room for delegated powers on access, resource and fleet management. In addition, a significant number of respondents identified the need for a separate regional body with distinct powers and responsibilities. Some envisage this body will remain advisory, but different from the RACs as they could include more NGO's. Others perceived the body as Member State led. In some of the options listed above, the Commission is envisaged as a contributor. Very few governments have presented models of what a regionalized approach might entail. Notably, the UK made a specific proposal of what regionalized management would entail and the Baltic region was sometimes mentioned as a possible pilot of a Member State-led regional body.

As the reform of the CFP moves into the final phase, the Commissioner indicated that regionalisation of the CFP is still under consideration but only if it leads to sustainability. The outstanding questions will still remain (1) what should be regionalised and (2) how should regionalisation be facilitated? A meeting facilitated by IEEP in 2010 with Member States and the Commission concluded that in relation to the first question, there is a package of measures which could be regionalised which could include TACs, effort regulation, technical measures, environmental measures (under the MSFD). These could be couched within long term management plans. In relation to the second question, there were various suggestions that regionalisation could take the form of regional cooperation allowing Member States to collaborate at the sea-basin level to ensure harmonisation of implementation rules between Member States. This would allow for agreement to be made at the regional level and intervention from the Commission would only occur if there is a disagreement amongst the Member

States involved. Other areas of regional cooperation could include markets, information sharing, and implementation of the Integrated Maritime Policy (IMP). There was agreement at the workshop, that regionalisation should be outcome based and must have objectives and targets; should be evaluated and monitored and should challenge the industry to develop solutions which meet outcome-based requirements.

Future of the public financing of the sector

In the responses to the Green Paper highlighted agreement amongst respondents that any future public funding for the fisheries sector should accompany the transition under the CFP reform process and ease adjustment of the industry, aimed at long-term economic and social sustainability. In particular, that the EU support should be better defined and targeted focusing on research and innovation, enhancing marine protection, and supporting fisher's organisations and local development. There is also broad support for increased conditionality on EU financing towards reaching CFP objectives.

At a seminar hosted by the Commission in April 2010, there were already some indications of the changes that may be made to the European Fisheries Fund (EFF). Due to a number of factors including the economic situation, financial perspectives, ongoing WTO talks, the new economic strategy for Europe 'Europe 2020', the EFF post-2013 will most likely have to cost less; build much stronger links with the environmental objectives of the CFP; introduce much stronger conditionality; demonstrate clear rationale and legitimacy in line with Europe 2020 objectives; and be closely co-coordinated with other EU funds.

On 19 October 2010, the Commission adopted the long-anticipated Communication 'The EU Budget Review' (COM(2010)700). The paper establishes that the 'budget for the future' is to be closely aligned to the Europe 2020 Strategy and it 'must play a key role in delivering this Strategy'. Therefore, the future priorities for the EU budget, as they are presented in the published Communication, follow strictly the three-pillar goals for smart, sustainable and inclusive growth. It sets out the key principles of the future EU budget which include delivering key policy priorities,

EU value added, a result-driven budget and mutual benefits through solidarity, which should underpin the subsequent proposals on the different funding instruments. The question of the size of the future budget is not dealt with, thereby leaving space for considering different scales and architecture of the different funding instruments.

The CFP, in general and the EFF in particular are not addressed in the EU Budget Review paper (in contrast to the reform of the Common Agricultural Policy for example, which is dealt with under the section on delivering green growth). The EFF is mentioned with regard to one proposal concerning the creation of a 'common strategic framework, outlining a comprehensive investment strategy translating the targets and objectives of Europe 2020 into investment priorities'. This proposal is intended to provide a strategic platform for Community funding instruments under shared management (one of which is the EFF) in order to gear different funding instrument to EU strategic objectives and to ensure synergies among them. The proposal is being considered in close relationship to accommodating the investment needs arising from the Europe 2020 Flagship Initiatives including the Resource Efficiency Roadmap due to be presented in June 2010. It is meant to replace the current set of strategic guidelines developed for the separate policies.

Looking ahead

The Hungarian Presidency is now in a key position to take some of the issues on the CFP reform forward. The Commissioner continues to emphasize the EU's commitment to a radical reform. This must mean that the draft regulation expected in September will contain innovative and radical proposals on measures to deal with discards and the EU overcapacity problem, for example. Some good proposals have been put forward by stakeholders, Member States and others. The hope is that there will be the time between September (when the draft Regulation is expected) and January 2012 is enough time to fine-tune specific proposals in the regulation to ensure that the CFP lives up to its expectation post 2012.

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A New Common Fisheries Policy

– incentives for eliminating discards

Mogens Schou, advisor to the Danish Fisheries Minister, presents results and perspectives of 2010 trials on catch-quota management.



Norwegian Coast Guard

Catch-quota management (CQM) is a way to align economic forces for conservation.

By making fishermen accountable for their total catches and not just their landings, incentives will move from the present “discard paradigm” to a “selection paradigm” as CQM will reward selective fishing methods and user driven innovation of these methods. Administered on equal terms for high discarding and low discarding fleets it will furthermore induce a structural change in fleets towards more selective fisheries.

I wrote about CQM in El Anzuelo no 22/2010. Basically the fisher who opts for CQM receives a vessel quota premium on the condition that he counts all catches – including undersized fish; against the vessel quota and that the vessel is performing a full documentation of catch and handling operations by CCTV and hydraulic sensors.

In March 2010 the Council adopted the CQM facility on a limited scale for cod in the North Sea and Skagerrak. Denmark, UK and Sweden quickly followed up with trials on CQM. Since summer 2010, 38 vessels from England, Scotland, Denmark and Sweden have been fishing on a CQM-license in the North Sea, Skagerrak, Kattegat and the Baltic. Denmark took advantage of the system to include surveillance of harbour porpoise by catches.

On 1st October 2010, the Scottish minister hosted a North Sea meeting on sustainable fishery. The resulting “Ardoe-declaration” was signed by ministers from UK, Scotland, Denmark, Germany and Norway. The Declaration states that total removals of fish must be accounted for, and that the CQM trialling provide an opportunity to reduce discards, optimise revenue and integrate information from commercial fishing into management advice. The Declaration also concludes

that the experiences gained demonstrate the feasibility of simplification of control and technical rules. Finally the Declaration welcomes initiatives to develop models of regional fisheries management where cooperation between industry, scientists and administration is promoted.

Following the Ardoe Declaration Denmark and UK published interim reports for the CQM fishery in 2010 showing very promising result on all factors crucial for the acceptance and function of the CFP: Total catch accountability is reliable; discard rates are very low – typically around 2%, fishermen are encouraged to more selective fishing practises and industry participants are positive about CQM.

In November 2010, the EU-Norway agreement for fisheries included an extension of the CQM in 2011. On the basis of this the Council on 15th December 2010, decided to allow member states an extra amount of 12% of their share of cod as a premium for CQM in 2011. If fishermen take full advantage of this option 40% of the cod fishery in the North Sea and Skagerrak will be conducted with full accountability and full documentation. This will constitute a significant platform for a real elimination of discards driven by fishermen's self-interest.

In 2011 Denmark and UK expect to increase the number of vessels markedly, Germany plan for 6 vessels to start 1st January, the Netherlands start with 6 vessels in January and Sweden plans for 9 vessels.

A CQM workshop is being

prepared for May 2011 to present CQM experiences and to bring into play the number of opportunities that flow from a result based management as CQM. Gear regulations can be simplified - for the sake of simplification, but also to allow user driven innovation in more selective and effective gear. The need for this was acknowledged by the Norwegian fisheries minister when she launched her initiative to that end in August. Likewise by catch rules may be simplified. Technology has made it easy to sort by catches and discard them, thus the incentive to avoid catching is no longer valid. In CQM the technology will ensure selectivity and the incentive effect will ensure that all catches are landed to the benefit of stocks, fishermen's economy and the food supply for EU. In a fishery, biological surveillance and control may cost more than the revenue; a result based management where the fisher is himself responsible for providing data and documentation promises interesting perspectives for more effective and money saving systems.

Full documentation through a traced distribution chain also ensures retailers that they have a product on the shelves that is not illegal or unsustainably caught. Together with fishermen's incentive this constitutes the aligning of economic forces for conservation.

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Deepmanfish – An EU project on sustainable management options for deepwater fisheries

Dr. Pascal Lorange of the French Research Institute for the Exploration of the Sea (IFREMER) and coordinator of EU funded research project 'Deepmanfish' explains the aims of the project and its progress so far.

The EU funded project, Deepmanfish aims at proposing sustainable management options for deep-water fisheries. The project started in April 2009 and is in its second year. It covers all aspects of deep-water fisheries and environment including the definition of appropriate and if necessary new assessment methods, the definition of harvest control rules and biological reference points, biodiversity and socio-economic studies. The project includes 13 partners from 9 countries (France, UK, Iceland, Norway, Spain, Portugal, Greece, Ireland, Namibia).

So far the project has carried out a considerable amount of work. In the economic domain, socio-economic profiles of nine case study fisheries were drawn up. The fleets taking part in the fisheries vary considerably in size and scope, including artisanal fleets, industrial fleets consisting of only a handful of vessels, and large industrial fleets, primarily from Spain and Portugal. The Greek artisanal fleet fishing for the red seabream is the most numerous, comprising close to 1,800 vessels, ranging from 10 meter long gillnetters and trammel netters to 23 meter long trawlers. By contrast, most of the industrial fleets engaged in the deep-water fisheries analysed have in recent years only contained few vessels. The number of employees in the deep-sea fisheries is therefore small. For example, in 2006/2007, the two vessels taking part in the Namibian orange roughy fishery employed around 70 people. This fishery is currently under a moratorium. The Irish long-liners and trawlers in 2005 probably only employed around 50 and this figure has reduced since. The largest French trawlers usually command a crew of 14-15, with smaller vessels employing 7-9 seamen. The overall number of crew on French vessels engaged to some extent in deep-water fishing is

estimated at around 300-400, vessels fishing full time for deep-water stock represent a crew of about 100.

The deep-water fisheries analysed in DEEPFISHMAN are managed primarily by TACs, licenses, effort restrictions, technical restrictions and spatial and temporal closures. The Greek red seabream fishery is though in effect an open access fishery. The only cases of market based management are found in Norway and Iceland. Norwegian vessels taking part in the beaked redfish fishery in the Barents Sea and Norwegian Sea are subject to an individual vessel quota regime, and although the quotas may be

water stocks, and a spatial life stage model for black scabbardfish. This species poses particular problems for stock assessment as there is most probably one single stock in the northeast Atlantic with varying pressures at different parts of the life-cycle. It is exploited to the south of the Faroe Islands and to the West of the British Isles where immature fish are caught by bottom trawlers, to the West of Portugal Mainland where pre-mature fish are exploited by artisanal longliners and around Madeira where the same type of longliner exploited adult spawning fish. The same stock probably occurs further south along the coast of Morocco and south to the Canaries

where a closely related species also occurs. Multi-year catch curves, modelling of spatial distribution to derive spatial stock indicators, GADGET modelling and multispecies size spectrum modelling are other examples of the approaches taken by Deepfishman to assess deep-water exploited stocks and communities.

The project aims also to integrate knowledge and data from stakeholders in the research. To this end, two workshops with stakeholders were organized in Brussels (29-30 June 2009) and Lisbon (4 December 2009) and a third meeting is planned in late June 2011. Further communication with stakeholders was established through the project WIKI, by the distribution of questionnaires and at case study level where meetings and other forms of communication were established. Data from stakeholders were used for the estimation of blue ling abundance indices and stakeholder knowledge collected from questionnaire and cognitive maps were used to identify the important factors for the sustainability of deep-water fisheries.

Further details can be found on the [project WIKI](#).

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Greenpeace / Gavin Newman

Most deep-water species are long-lived, slow growing and have a low reproductive capacity

non-transferable, it is possible to transfer quotas between vessels owned by the same entity. Furthermore, vessels with quotas can be bought and sold on the market. In Iceland, an ITQ system has been in effect in almost all fisheries since 1990. There are two kinds of quotas, permanent and annual catch entitlements. No restrictions apply to transfers of permanent quotas, but transfers of annual catch entitlements are subject to considerable restrictions.

A number of stock assessment studies have been carried out, a few only are available in their final published form, e.g. an estimate of blue ling abundance indices based upon haul-by-haul data provided by the industry (Lorange et al., 2010). Work in progress includes a review of harvest control rules and reference points for deep-

The IUU-Regulation in the context of the Common Fisheries Policy reform

Dr. Till Markus, Senior Research Fellow at the International Graduate School for Marine Science and the Research Centre for European Environmental Law at the University of Bremen, highlights the likely successes or failures of the IUU Regulation in the light of the CFP reform.

IUU-fishing has repeatedly been identified as one of the most urgent problems affecting world and EU fisheries. Such fishing practices are commonly, and correctly, deemed to erode management efforts, create substantial economic losses and decrease the overall legitimacy of fisheries regimes. Since the inception of the Common Fisheries Policy (CFP), the Community has provided a complex set of measures to control and enforce the legality of catches from EU fishing vessels. However, prior to the adoption of the IUU-Regulation in September 2008, the EU's control regime did not comprehensively address the legality of products imported into and exported from the EU.

Being primarily concerned with this 'external dimension' of IUU-fishing, the IUU-Regulation seeks to promote the traceability of fisheries products traded with the EU, in particular by means of comprehensive catch certification obligations as well as port states controls over third country vessels. In addition, it requires the establishment of a list of IUU-vessels and non-cooperating third states as well as EU response measures regarding vessels and states involved in IUU-fishing. Finally, it comprises rules on sanctions concerning Member States nationals involved in IUU-fishing activities.

Given that the IUU-Regulation has only been applicable since 1 January 2010, it is yet too early to fully and seriously evaluate its implications and impacts in the context of the upcoming CFP-reform. Nevertheless, an assessment of the economic situation, experiences with the CFP's control and enforcement system, as well as the content of the IUU-Regulation may at least allow for the identification of implementation challenges as well as issues that should be considered.

First, it must be noted that the EU is currently the world's largest importer of fisheries products and thus will remain a lucrative and important target for fisheries products originating from IUU fishing.

Second, even if the requirements of the IUU-Regulation regarding inspections and certifications are met, the difficulty of ensuring compliance with international or third states management measures does

drivers for the involvement of EU-citizens in those activities governed by the IUU-Regulation are due to failures within the CFP's structural and management regimes. Success or failure of the IUU-Regulation will thus also depend on an effective improvement of these systems.

With a view to targeting IUU-fishing (and other activities associated with it) carried out by third state citizens and vessels, the



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not guarantee the supply with sustainably caught fisheries products. The success of the IUU-Regulation in this regard eventually depends on the quality and effectiveness of the relevant international and third state measures.

Third, the effectiveness of the IUU-Regulation will – to a large extent - depend on Member States implementation. However, Member States implementation failures under the CFP are notorious and widely deemed to be deeply rooted in the CFP's institutional set up.

With a view to the CFP-reform it should be borne in mind that some of the main

EU should further expand its international cooperation in combating IUU-fishing activities on the high seas, continue to spread information on its newly adopted catch certification requirements in provider countries, and focus on helping developing countries to manage and protect their fisheries resources against IUU-fishing by foreign fleets.

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Aiming for Good Environmental Status

Paul Keizer, ICES Advisory vice-chair and Claus Hagebro, ICES Secretariat, provide an update of recent work done with JRC to interpret the goal of the Marine Strategy Framework Directive.

How can you determine if biological diversity in marine waters is maintained? This is just 1 of 8 questions that the European Commission (EC) asked the International Council for the Exploration of the Sea (ICES) and the Joint Research Centre (JRC) to consider in developing the specific criteria and methodological standards to be applied by the Member States in their determination of good environmental status (GES) under the European Marine Strategy Framework Directive (MSFD). The directive requires Member States to ensure that their marine waters achieve or maintain GES by 2020.

Difficult descriptors

There are 11 descriptors of GES (MSFD, Annex 1) that must be assessed based on monitoring of the marine environment. However these descriptors only describe general objectives and do not provide details on what needs to be monitored nor on how GES for the descriptor should be assessed. While some of the descriptors, e.g. nutrient enrichment, are clearly related to existing monitoring and assessment activities there are others that are not. Specifically the descriptors related to biodiversity, food webs, benthic integrity, and energy/noise identify objectives have not traditionally been the subjects of monitoring and assessment activities. Indeed the science related to these objectives is at a developmental stage, so providing the scientific basis for the development of methodological standards for the descriptors was a challenge. The objectives embody a more holistic approach to determining the state of marine ecosystems. ICES has been very much involved in that discussion and has worked, in particular, with OSPAR to further that discussion and identify monitoring and assessment methods that could be used.

Work done by Task Groups

The overall process was coordinated by a Steering Group made up of 2 ICES and 2 Joint Research Centre (JRC)

representatives. Task Groups (TGs) were formed for each descriptor; a chair was selected and about 11 scientists were recruited to represent the scope of the science and specific regional knowledge for each descriptor. In addition the Regional Seas Commissions were given

the opportunity to participate in the deliberations of the TGs. The work of the TGs was overseen by a Management Group consisting of the Steering Group plus the chairs of the TGs.

The time schedule was demanding. The TGs were established in February 2009 and the reports were needed by March 2010. The TGs met once to initiate their work and once again to finalize their report. They worked mainly by correspondence, using conventional e-mail, the ICES SharePoint and network conferencing facilities. As the work of the TGs progressed it was tabled at meetings of the EC Working Group on GES (WGGES) for feedback and direction. This process insured that the TG reports were widely circulated to Member states during their development and any debates were held openly.

The summary of the TG advice and recommendations is found in the Management Group report. In addition individual TG reports provide background information, details of the work, recommendations and references and, most importantly they provide direction for further work that is needed to implement the recommendations. In some instances, particularly for the 4 descriptors noted earlier, there are recommendations for "first steps" to provide a better understanding of the descriptor and the effectiveness of



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potential monitoring and assessment techniques.

Based on the results of the ICES/JRC Task Groups the European Commission prepared a draft Decision on criteria and methodological standards on GES of marine waters which was adopted on 1 September 2010.

Further work

ICES and JRC have contributed to the process of interpreting the goals of the MSFD. Additional scientific understanding for assessing GES is required. The Commission has established a Technical Subgroup to further develop the issues of Marine Litter and Introduction of Energy, in particular noise. The WGGES focuses on the application by Member States and in particular on aspects of consistency and comparability. The Marine Strategy Coordination Group is monitoring and steering this development under the supervision of the Marine Directors. It will also be necessary to deal with the socio-economic and political implications of the concrete goals that are agreed upon. So really, the work has just begun, but the overall goal is essential if we are to secure the desired marine services for future generations.

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Reform of the CFP external dimension: a focus on regional fisheries governance

Charlotte Tindall, Independent Fisheries Consultant, discusses the future of the EU's engagement with Regional Fisheries Management Organisations.

The CFP reform presents an opportunity to review the external dimension and its contribution to good fisheries governance worldwide. There has been much needed discussion on reforming the EU's Fisheries Partnership Agreements (FPAs) but a neglected area of debate has been the EU engagement with Regional Fisheries Management Organisations (RFMOs).

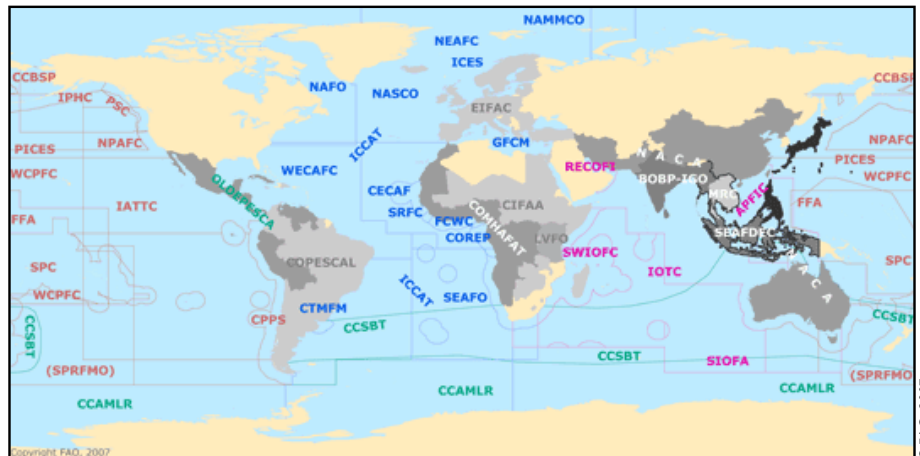
RFMOs are significant to the EU given that they provide the overall framework for the EU external fleet that target key shared or migratory stocks. Catches under FPAs represent 8% of overall EU catch, but fishing on the high seas is even more significant, contributing 20%. As well as providing governance for the high seas, RFMOs set the rules and limits for migratory species covered by FPAs. For species such as tuna, it is the rules and limits set by the RFMOs on the EU fleet that need to be adhered to regardless of the details within access agreements.

Global fisheries management underpins future EU fish consumption as imports now represent 60% of EU fish consumption. Furthermore, as the EU consumes only 11% of all global fish resources, it is again international fisheries governance – rather than the EU acting alone – that will determine the future of the sea's resources.

The EU recognises the important role of RFMOs in global fisheries governance and is a contracting party to 11 out of the 18 RFMOs that exist worldwide. It also contributes significantly to the operating costs of some RFMOs and ensures a good representation at all scientific and management meetings. All this activity requires budget support and so it is justifiable to ask whether it is leading to improved global fisheries governance and more fundamentally what the main EU objectives are.

RFMOs are the most important set of institutions for global fisheries governance but are often beset by problems in compliance, the limited capacity of developing countries to engage and a situation of excess capacity. The issue of fairly allocating rights (i.e. quotas) goes to the heart of whether RFMOs can achieve sustainable fisheries. However, there is significant debate on how these should be allocated. Distant Water Fleets (DWF)

enhance a positive outcome? A starting point would be for the EU to make improved international fisheries governance the priority objective of the CFP external dimension. This may involve sacrifices for the EU external fleet in the short term but has the long-term benefits of: providing a robust regional governance framework for the external fleet; securing a sustainable future for fisheries imports; and maximising developing countries' benefits from their



The EU is a contracting party to 11 out of 18 Regional Fisheries Management Organisations

such as the EU argue for allocations based on historical catches while developing countries are generally in favour of allocations based on the proximity of fishing grounds.

A review of the EU objectives reveals that there are currently a set of conflicting objectives. The EU CFP diagnostic reported that the external dimension is based on: 'a trinity of equally important, and in practice sometimes contradictory, objectives of international fleet presence, supply security and governance contribution'. To make a significant impact on global fisheries governance the EU needs to address over-capacity issues but this is often restricted by EU industry interests.

Given the significance of RFMO management for global fisheries governance, how can the CFP reform

fisheries resources.

In order to fairly allocate rights between contracting parties the EU and other DWFs need to take developing country aspirations into account. Real opportunities exist to allocate rights based on profit shares rather than fishing possibilities. This approach would allow for the sharing of benefits, which are expected to grow from improved management, without further increasing fishing capacity.

The EU also has the opportunity within the CFP reform to set a standard of good fisheries governance by ensuring its fleet operates to the highest environmental standards. This raises issues around the EU fleet operating on a level playing field but could be an opportunity to redirect subsidies towards best practice in reducing by-catch or benthic impacts. It also raises

an interesting question of whether a discards ban, potentially introduced within a reformed CFP, would be equally applied to external waters.

Lastly, there is an opportunity for the EU to support the building blocks of regional fisheries management. RFMOs cannot effectively operate without compliance of all contracting parties. National level governance is therefore the essential for effective

regional fisheries management. There is an opportunity for DG Development to take a more prominent role in the fisheries sector and support developing countries, both within FPA and non-FPA countries, to fulfil their RFMO commitments and reap the rewards.

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WHAT IS THE FUTURE FOR MIXED FISHERIES PARTNERSHIP AGREEMENTS?

Timo Dziemballa of the Institute of European Environmental Policy looks at the controversy surrounding mixed Fisheries Partnership Agreements in light of the reform of the CFP.

Today, the EU has 15 Fisheries Partnership Agreements (FPAs) with developing countries. Eleven of these agreements only offer fishing possibilities for tuna, whereas there are also four multispecies or 'mixed' agreements with Mauritania, Morocco, Guinea-Bissau and Greenland which allow access to certain demersal and pelagic species while providing support to the sector. As part of the current CFP reform, the Commission is in support of rethinking the overall approach to mixed agreements.

Mixed FPAs are more controversial and contested than tuna agreements. They are subject to criticism for 'exporting' Europe's overcapacity and adding to overfishing in developing country waters thus contradicting the EU objective of promoting sustainable fisheries on a global scale. They are also criticised for contradicting EU aims and objectives of sustainable development and legal obligations regarding Policy Coherence for Development. ACP states have accused the EU of 'pay, fish and go' and of defending EU interests instead of fostering a genuine partnership with developing countries. Furthermore, mixed FPAs are criticised for the level of EU financial contribution to the distant water fishers with little benefit to the EU as a whole. It is also estimated that EU benefits are lower than for tuna (€ 1.2 for every Euro invested as compared to € 3-4). Mixed agreements account for the lion share of payments under FPAs corresponding to 92% of the total FPAs budget. In this respect, the Commission has stated that the costs for mixed agreements are too high in comparison to tuna agreements. It moreover acknowledged that despite having a number of positive impacts on fisheries governance and management in third countries the sector

support element in general remains inefficient in terms of implementation and imposes disproportionate work loads on the Commission.

Against this background and an indicated shift of priority from securing access rights to securing supply for the EU market, the Commission is currently in favour of transitioning and gradually phasing out mixed FPAs. This transition could be accompanied by the 'reflagging' of previously EU owned vessels to target countries and the setting up of (joint ventures) in these countries. The Commission argues that such reflagging would (I) support the reduction of overcapacity of the EU fleet while assisting third countries in developing their own fleet and (II) could add value to the local economy, for example through technology transfer and investment. Potential incentives for reflagging and joint ventures could thereby include investment protection via legal means and providing resources to improve local infrastructure like ports or landing sites. On the other hand, EU fishing operators point out that mixed FPAs help to improve local development and sustainable fisheries and provide necessary financial support and legal security for EU fishing operations and business.

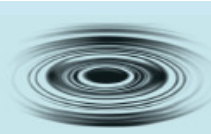
The EU fishing operators benefiting from FPAs and NGOs further stress that mixed agreements provide a certain degree of transparency and accountability with regards to fishing operations which is currently also not available in other arrangements like joint ventures with other distant water fishing countries. However, specific NGOs like CFFA, ICSF or WWF believe that private agreements and fishing joint ventures can cause less compliance with legal regulations and

competition with local fleets whilst not addressing problems of overcapacity and overfishing in third country waters. Some ACP states prefer to generally maintain the agreements but also call for upgrading their value-adding and export capacities, for example by promoting technology transfer and joint ventures for processing. In addition, it should also be noted that EU financial contributions under mixed FPAs represent a significant part of the GDP of West African target countries, often also substituting mainstream development instruments.

In summary, there is a relatively high degree of consensus that mixed FPAs have to be improved and reformed (e.g. regarding governance and the sector element) and that they can currently be considered better than existing alternatives in light of prevailing poor fisheries management and poor economic performance (of the sector) in most target countries. In addition, when certain prerequisites are met, joint ventures could also serve as an appropriate accessory tool for transferring technology and helping to develop value-adding and export capacities. However, it would be important to ensure that joint ventures do not maintain or add to overcapacity and existing marine environmental and socio-economic problems in third countries. It remains to be seen if and how far the Commission, the Parliament and the Council will take account of such considerations during the ongoing reform process.

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● INTERNATIONAL UPDATE



Apart from acting as a source of independent information on fisheries and the environment, *El Anzuelo* aims to present different perspectives on the issues, and thereby encourage discussion and debate among various players. If you wish to respond to material included in this or the previous issue, we would be happy to hear from you.

Census of Marine Life – A Comment

by Dr. Cornelia E. Nauen, European Commission.

Showcasing diversity of marine life is rightly attracting much interest. The Census of Marine Life is contributing to raising awareness about marine biodiversity among an increasingly urban global public.

The stated purpose of the Census of Marine Life (CoML) is to assess and explain the diversity, distribution, and abundance of marine life. We will look at the three principal objectives pursued by the 2586 scientists and other members of the international CoML community who pursued these objectives over the last 10 years from the year 2000 to 2010.

Results

1. Diversity: The Census aimed to make a comprehensive global list of all forms of life in the sea. They estimated about 230,000 species of marine animals and added so far, more than 5,600 new species. Considering that there is now convergence in estimating around one million marine species, there is a very long way to go, provided that the bottleneck of lack of skilled taxonomists can be overcome. Positions for such fundamental work have been lost in recent years to more 'fancy' genetics and other work areas. There is promising work in progress, but we would need to reserve the trend in fish taxonomy to help fill the gaps more quickly and make the results of this huge effort available faster.

2. Distribution: The Census aimed at producing maps where the animals have been observed or where they could live, including their habitat. We know that habitat destruction, e.g. through modern-day bottom trawling is a major threat for local extinction or extirpation. Knowledge of the range of the species and its change over time, allows for assessments of the effects of direct human intervention on species distributions or, for example, possible consequences of climate change. The species point data collected by the Census of Marine Life expeditions and research projects are being documented in and can eventually be accessed through OBIS, the [Ocean Biogeographic Information System](#).

There is, of course more to issue of distribution. Combining point data with other information, e.g. about the habitat of the species, about what other species occur in a given area and how they interact – gets to the core of enabling ecosystem-based approaches to management. Models for representing such data already exist, e.g.

by determining the trophic level – a key indicator under the Convention of Biological Diversity (CBD).

Then there is the problem of shifting baselines, still seriously underestimated despite a growing literature documenting earlier ecosystem states. A particularly interesting case of reconstructing past states, among several supported by the Census, concerns the North Sea. Poul Holm (2010) documents the 'fishing down effect' over its 10,000 year history, and starting well before the advent of steam engines in the fisheries.

3. Abundance. "No Census is complete without measures of abundance". This is unfortunately where the Census is found wanting as it did not provide an overarching architecture and specific research objectives that would have directed efforts systematically. Rather, it was allowed to unfold as a series of individually exciting, but fundamentally disconnected, projects. Unsurprisingly, the bigger picture could not be built in this 'bottom up' manner. This is sharply put into focus by the review by Pauly and Froese (2010).

What's next?

The wealth of data collected should be made available in a well-structured way in the public domain. This is a major challenge and will require significant scientific effort and quality control in standardising data collected for diverse purposes. Targeted international science cooperation would be invaluable in helping to deliver the information infrastructure for the marine ecosystem restoration agenda adopted in the 2002 Johannesburg Plan of Implementation. It can be done, as [FishBase](#) shows, which was developed in the 1990s with support from the European Development Fund to strengthen biodiversity and fisheries management in ACP countries.

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The Institute for European Environmental Policy (IEEP) is an independent body for the analysis and advancement of environmental policies in Europe. While a major focus of our work is on the development, implementation and evaluation of the EU's environmental policy, IEEP has also been at the forefront of research and policy development in relation to the integration of environmental considerations into other policy sectors.

This newsletter is part of IEEP's sustainable fisheries programme, which aims to identify, develop and contribute to improved fisheries management. It is sent free of charge to key practitioners in the Member States of the EU and in acceding countries. If you would like to subscribe to *El Anzuelo* please send your details by email to: [Indrani Lutchman](mailto:Indrani.Lutchman@ieep.eu), IEEP, 15 Queen Anne's Gate, London SW1 H 9BU, UK. Fax: +44 (0)207 799 2600; email: fisheriesupdates@ieep.eu.

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