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Environment, Food and Rural
Affairs Committee

EU proposals for reform of the Common Fisheries Policy

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Environment, Food and Rural Affairs Committee

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Summary

Defra has a once-in-a-decade opportunity to reform the European Union Common Fisheries Policy (CFP) to ensure that it delivers for the fish, the fishermen, and the coastal communities that depend on them. We welcome the European Commission's recognition that the current CFP is not meeting its objectives. However, we are concerned that the Commission is embarking on this journey without a clear plan for achieving its aims, without the scientific data needed to back these up, and before building political will and grassroots support. We need workable solutions as well as laudable ambitions.

The centralised micro-management of fisheries by the European institutions has been widely criticised. The essential first step is to improve the CFP's governance through a more ambitious programme of decentralisation. The Commission believes that the EU's exclusive competence over the conservation of marine resources restricts the extent to which powers can be passed back to Member States. However, we have identified a lawful means of qualifying the EU's exclusive competence through amending the CFP Regulation itself, without requiring Treaty change. This could deliver an effective 'locally as possible' approach to fisheries management in line with the ambitions of stakeholders, national governments, and the Commission itself. We recommend that Defra pursue this opportunity further.

We strongly support the Commission's desire to minimise discarding rates. We welcome the proposal to move from landing quotas, which legitimise discards, to catch quotas, which provide an incentive for fishermen to fish more selectively. However, we are concerned that by deciding to implement a discard ban swiftly and without full engagement with stakeholders, the Commission risks creating a scheme that will be unworkable, or worse, will merely shift unwanted fish in the sea to unwanted fish on land. Moreover, we are concerned that survival rates after discarding have not been assessed for all the species covered by the proposed ban and so the ban could have perverse environmental impacts. We propose delaying the discard ban until 2020 to give time to do the groundwork for its successful implementation. This is not an excuse to ignore the discard problem—effective and proactive measures must be put in place in the mean time to incentivise more selective fishing.

Overcapacity of the fleet is a major factor contributing to overfishing. At the same time, traditional fishing activities are the lifeblood of many coastal communities. Defra must decide what shape of fishing industry it wants in future. Therefore, if the Department believes that a reduction in fleet capacity is needed, safeguards must be put in place to protect coastal communities and prevent excessive consolidation of the fleet in favour of larger operations. We propose a siphon mechanism whereby if an operator chooses to lease his fishing rights, a percentage of his allocation is returned to the national envelope. This can be reallocated to active fishermen so as to maintain traditional fishing activities in coastal communities. We further encourage Defra to press for an additional General Objective of the CFP to contribute to the socio-economic development of coastal communities.

The Commission's proposed General Objective to restore stocks to above the levels that can produce the Maximum Sustainable Yield is not achievable by 2015. Setting unrealistic targets merely discourages stakeholders and makes it harder to hold the EU and Member States to account. We suggest that the Marine Strategy Framework Directive's objective of restoring commercial stocks to within safe biological limits by 2020 is a more appropriate and achievable target and recommend that Defra press for the inclusion of this commitment as the General Objective of the CFP.

1 Introduction

Background to the Inquiry

1. The European Union Common Fisheries Policy (CFP) is widely recognised as having failed to ensure the sustainable exploitation and conservation of fisheries resources in European waters.¹ A systematic assessment of the CFP's impact is impossible as scientific advice on sustainable fishing levels is absent for more than 40% of the EU's stocks.² However, of the stocks for which a scientific assessment is available, 60% of North Atlantic stocks and 40% of Mediterranean stocks are currently outside safe biological limits.³ Despite international commitments to restore stocks to levels capable of producing the Maximum Sustainable Yield (MSY), only 25% of the EU's assessed stocks are currently being fished at MSY levels.⁴ While catches from its own waters continue to fall, European consumption of fish is increasing, placing greater pressure on international stocks.⁵

2. A damning report by the European Court of Auditors sets out the lack of accurate data on catches, the weaknesses of the EU's inspection and enforcement systems, and the continued overcapacity of the fleet. They concluded that “if this situation continues, it will bring grave consequences not only for the natural resource, but also for the future of the fishing industry and the areas associated with it”.⁶ We agree: many of the UK's coastal areas are dependent on fishing not only as a source of income but also as an integral part of these remote communities' heritage and cultural identity. As an island nation it is inconceivable that we should not have a thriving fishing industry, yet we heard from British fishermen that their incomes and way of life are threatened. The recent outcry over discards demonstrates the importance to the British public of healthy and well-stocked marine ecosystems.⁷

3. The European Commission's recent Green Paper on *Reform of the Common Fisheries Policy* acknowledged that the CFP was not delivering on its objectives. It sets out a “vicious circle” of problems that conspire to generate overfishing, including poor political will, lack of data to enable scientific assessment, lack of industry involvement, and a history of over-subsidising fleet-building.⁸

1 European Commission Green Paper, *Reform of the Common Fisheries Policy*, COM(2009)163 final, April 2009, pp 4–5

2 European Commission Communication, *Consultation on Fishing Opportunities for 2011*, COM(2010)241 final, May 2010, Annex Ia and Ib

3 *ibid.*

4 Data on stock exploitation relative to MSY levels was based on data in European Commission Communication, *Consultation on Fishing Opportunities*, COM(2011) 298 final, April 2011, Annex Ia and Ib

5 New Economics Foundation, *Fish Dependence—2011 Update*, March 2011

6 European Court of Auditors', *Special Report Number 7/2007 on the control, inspection and sanction systems relating to the rules on conservation of Community fisheries resources together with the Commission's replies*, OJ C317/1 of 28.12.2007, 2007, p 4

7 The Fish Fight Campaign, started by TV chef Hugh Fearnley-Whittingstall, aims to raise awareness of the problem of discards in EU waters. On 13 January 2012, the Fish Fight website reported that 773,532 people were supporting the campaign so far (<http://www.fishfight.net/>).

8 European Commission Green Paper, *Reform of the Common Fisheries Policy*, COM(2009) 163, April 2009, p 5

4. Inspired in part by the campaign against discards and with the upcoming reform of the CFP in mind, in May 2011 the House of Commons passed a motion that:

this House welcomes the Fish Fight campaign; and calls on the Government to vote against proposed reforms of the EU Common Fisheries Policy unless they implement an ecosystems-based approach to fisheries management, end discards in relation to all fish and shellfish with derogation only for species proven to have a high survival rate on discarding, require that all fish and shellfish are harvested at sustainable levels by 2015, ensure the involvement of fishers and other stakeholders in decision-making processes and enable the UK to introduce higher standards of management and conservation in respect of all vessels fishing within its territorial waters, taking into particular account vessel size and environmental impact.⁹

5. On 13 July 2011, the European Commission published its proposals for reform of the Common Fisheries Policy. These comprise legislative proposals for a new Basic Regulation (which sets out the main rules of the CFP) and a new Common Market Organisation policy, as well as a Communication on the external dimension of the CFP and an overarching Communication explaining the key elements of the proposals.¹⁰ On 2 December 2011, the Commission published proposals for a Regulation on the European Maritime and Fisheries Fund (EMFF), which would replace the current European Fisheries Fund (EFF).¹¹ The following chapters of our report set out the key elements of the Commission's proposals for the Basic Regulation and European Maritime and Fisheries Fund Regulation and our conclusions and recommendations on them.

6. The Common Fisheries Policy is highly divisive as the deep public concern over unsustainable resource use must be balanced against the livelihoods of fishermen, and even against our own food security. Reconciling these conflicting pressures will not be easy, and we question whether the cumbersome, top-down EU process is well-suited to this task. Our report considers this question and asks whether the proposed regulations will deliver long-term sustainability for both Europe's marine ecosystems and its coastal communities.¹²

7. Defra has a once-in-a-decade opportunity to reform the Common Fisheries Policy. Its success in this task will demonstrate whether the Department can deliver its strategic objectives of managing our natural assets sustainably, building the green economy and engaging proactively in Europe.¹³ We direct our conclusions and recommendations principally at Defra to guide them in their ongoing negotiations with the EU. We will also

9 HC Deb, 12 May 2011, c1464

10 European Commission, Proposal for a Regulation of the European Parliament and of the Council on the common fisheries policy, COM(2011) 425; Proposal for a Regulation of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products, COM(2011) 416; Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on external dimension of the common fisheries policy, COM(2011) 424; and Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Reform of the common fisheries policy, COM(2011) 417, 13 July 2011

11 European Commission, Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation (EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy, COM(2011) 804, 2 December 2011

12 The terms of reference of the Committee's inquiry are given on its website, www.parliament.uk/efracom.

13 These strategic objectives are taken from the Defra Business Plan 2011–2015, published in May 2011.

share our report with the European Parliament and Commission and hope that our views will assist the co-decision process.

8. We announced this inquiry on 19 July 2011, shortly after the Commission's reform proposals were published. In support of this inquiry, we held seven oral evidence sessions, including one in the traditional fishing port of Hastings, East Sussex. We received evidence from 34 individuals or organisations, including representatives from the fishing industry and environmental charities, the European Commissioner for Maritime Affairs and Fisheries, the Scottish Government Cabinet Secretary for Rural Affairs and Environment, and the Parliamentary Under-Secretary for the Natural Environment and Fisheries.¹⁴ We also undertook a visit to Denmark, which currently holds the Presidency of the EU, to discuss aspects of CFP reform with Danish parliamentarians and the Minister for Food, Agriculture and Fisheries. We are very grateful to all those who helped us with our inquiry.

Background to the Common Fisheries Policy

9. The Common Fisheries Policy determines the management of fisheries resources in European Union waters, which extend to 200 nautical miles from the coast of Member States. Its objective is “to ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions”.¹⁵ The foundation of the CFP is the 1957 Treaty Establishing the European Community, which provided for a common market in fisheries products,¹⁶ while the principle of common access to EU fishing grounds was agreed by the Council of Ministers in 1970.¹⁷ The conservation of marine biological resources under the Common Fisheries Policy is an exclusive competence of the European Union.¹⁸

10. According to the principle of ‘relative stability’, fishing opportunities in EU waters are apportioned among participating Member States using an allocation key based mainly on historical fishing activities. While in principle there is equal access for all Member States to all EU fishing grounds, a special provision in the current CFP regulation enables Member States to restrict access to their inshore waters (between 0 and 12 nautical miles) to Member States that have historical fishing rights in those areas.¹⁹

11. The main tool of fisheries management is the annual setting of Total Allowable Catches (TACs), which specify the amount of fish that can be landed each year for particular stocks. Two-thirds of landings involve species subject to TACs, mainly commercial stocks in the northern waters (North Atlantic, North Sea, Baltic Sea).²⁰ In contrast, stocks in the Mediterranean Sea are mainly managed by limits on fishing effort

14 A full list of witnesses is given at the end of Volume I of this report.

15 Council Regulation EC No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, 20 December 2002, Article 2 (1).

16 Treaty Establishing the European Community (TEC), Articles 3, 32.

17 Commission of the European Communities Directorate-General for Information, *The Common Fisheries Policy*, 11/83, June/July 1983. Accessed from http://aei.pitt.edu/14652/1/Eur_File_11-83.PDF, January 2012.

18 Treaty on the Functioning of the European Union (TFEU), Article 3 (1)(d).

19 Council Regulation EC No 2371/2002, Article 17.

20 European Parliament Directorate-General for Internal Policies, *Practical Guide—the Common Fisheries Policy*, April 2009, p 15.

(such as the number of days a vessel can be at sea).²¹ The TACs are decided by the Council of Ministers based on a proposal from the European Commission.²² Other elements of the EU's fisheries policy include technical measures (such as on fishing gear, area closures, minimum sizes and catch composition) which are set by the Basic CFP Regulation and supporting regulations, marketing and trade regulations, through the CFP Common Market Organisation regulation, and financial support under the European Fisheries Fund. Following the Lisbon Treaty, these aspects are decided by the ordinary legislative procedure.²³

12. The Common Fisheries Policy was significantly reformed in 2002 with a view to gradually implementing the principles of ecosystem-based management,²⁴ and increasing stakeholder engagement. Key innovations included:

- Introduction of multiannual management plans setting out goals for the management of specific stocks and the means to achieve them. The annual TACs are then set in accordance with the multiannual management plan by 'harvest rules'. However, multiannual management plans exist for only 22 stocks, about 25% of all EU commercially important stocks;²⁵
- Establishment of Regional Advisory Councils (RACs) comprising the industry and other stakeholders such as NGOs. Their role is to give advice on fisheries management to the Commission and to foster dialogue between stakeholders. Seven RACs have been set up so far;²⁶
- Requirement for Member States to take measures to adjust their national fleet capacity to match their fishing opportunities.²⁷

21 One exception is bluefin tuna.

22 TFEU, Article 43 (3)

23 TFEU, Article 43 (2)

24 The Convention for the Protection of the Marine Environment of the North-East Atlantic ('the OSPAR Convention') defines ecosystem-based management as the management of human activities based on scientific knowledge about the ecosystem to achieve the sustainable use of ecosystem goods and services and maintenance of ecosystem integrity (www.ospar.org).

25 European Commission Staff Working Paper, *Impact Assessment accompanying Commission proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy*, SEC(2011) 891, 13 July 2011, p 5

26 Council Decision 2004/585/EC of 19 July 2004 establishing Regional Advisory Councils under the Common Fisheries Policy

27 Council Regulation (EC) No 2371/2002, Chapter III

2 Decision-making and governance

13. The Green Paper on CFP reform concluded that the current governance system, whereby even detailed technical decisions are decided centrally by the European institutions, “has resulted in a focus on short-term considerations at the expense of the longer term environmental, economic and social sustainability of European fisheries”.²⁸ Lord Deben, former UK Minister for fisheries, described the annual ‘December Council’ where fishing opportunities for the following year are set:

If you are a fisheries minister you sit around the table arguing about fishermen—not about fish. You're there to represent your fishermen. You're there to ensure that if there are ten fish you get your share and if possible a bit more. The arguments aren't about conservation, unless of course you are arguing about another country.²⁹

14. The Green Paper adds that this degree of micromanagement has resulted in an inflexible framework and has distanced stakeholders from decision-making.³⁰ Having met with fishermen in Hastings and Denmark, we appreciate their frustration that their experience and insights are not being reflected in decisions made by ‘Brussels’. A frequently heard complaint was that the imbalance between normal catch composition and quota allocations results in high levels of discards, even of valuable and threatened species such as cod. Such perverse consequences, in our view, might be avoided when decisions are made ‘as locally as possible’ and with the full consultation of stakeholders.³¹

15. The Commission’s draft Basic Regulation seeks to address the problem of an overly top-down approach through a combination of multiannual plans and ‘Regionalisation’ of decision-making. Multiannual plans will include high-level targets for fishing mortality rate or spawning stock biomass that are consistent with the CFP’s General Objectives.³² The Regionalisation chapters enable Member States to adopt conservation and technical measures that will achieve these targets for vessels flying their flags in EU waters.³³ The Commissioner, Maria Damanaki, explained to the Committee how this might work:

...Brussels, the Parliament, the Council and the Commission will decide a long management plan. We are going to say for example, for cod, this is our 10 year management plan. At the end of the day, we want the fish mortality to be this, and the harvest rule will be that. You Member States take this plan and then you are

28 European Commission Green Paper, *Reform of the Common Fisheries Policy*, p 10

29 O’Leary, B.C., Smart, J.C.R., Neale, F.C., Hawkins, J.P., Newman, S., Milman, A.C., Roberts, C.M., “Fisheries Mismanagement”, *Marine Pollution Bulletin*, vol 62 (2011), pp 2642–2648 taken from an article in *Fishing News*, 18 December 1998

30 European Commission Green Paper, *Reform of the Common Fisheries Policy*, p 10

31 The concept of ‘as locally as possible’ is taken from Ocean 2012, WWF and The Fisheries Secretariat, *Regionalizing the Common Fisheries Policy Discussion Paper*, January 2012, p 6, which was based on concepts in M. Sissenwine and D. Symes, *Reflections on the Common Fisheries Policy—Report to the General Directorate for Fisheries and Maritime Affairs of the European Commission*, July 2007

32 COM(2011) 425, Article 10, 11

33 *ibid.*, Article 17. This provision is necessary as the conservation of marine resources is an area of exclusive competence and therefore Member States can only adopt national measures if they have been empowered by the EU to do so. Equally, the right of initiation rests with the Commission (TFEU, Article 2 (1)).

going to decide how you are going to reach this arrangement, in whatever ways you want.³⁴

The model of fisheries management through regional groupings of policy-makers and stakeholders has been deployed effectively in other fisheries, for example in the US under the Magnuson-Stevens Act.³⁵

16. There was unanimous support among witnesses for the Commissioner's vision of decentralising the CFP, giving more flexibility to Member States to implement locally appropriate measures, and involving the fishing industry more in decision-making. Indeed, the Worldwide Fund for Nature (WWF) argued that sustainable management could not be achieved without "genuine decentralisation of fisheries management and the recognition of the key role of stakeholders at a regional level".³⁶

17. However, there was widespread disappointment that the CFP proposals did not live up to stakeholders' expectations.³⁷ The Royal Society for the Protection of Birds (RSPB) told the Committee that "this is arguably one of the most disappointing areas of underachievement in the Commission's proposal [...] What we got was a lion roared and a mouse was born".³⁸ The Scottish White Fish Producers Association said there was "a huge chasm" between the Commission's document and genuine regionalisation.³⁹

18. Many witnesses were concerned that the proposals do not contain a formal mechanism for management at a sea-basin level.⁴⁰ The draft Regulation allows for implementation powers to be delegated to national governments, not to regional groupings of Member States. The Commissioner explained that these weaknesses arose from the limitations imposed by the European Treaties:

The Treaty has already provided, in very clear wording, that fisheries is an exclusive competence of the European Union, so we cannot change that unless there is a change in the Treaties.⁴¹

[...]

The Treaty does not give me the possibility of giving powers to advisory bodies, to Regional Advisory Councils or to anybody else, but there is a margin to empower Member States to do so.⁴²

34 Q 139

35 Ev 96

36 Ev 125

37 Including from the New Economics Foundation (Ev 96) ClientEarth (Ev w3), the Royal Society for the Protection of Birds (RSPB) (Q 285), and the Scottish White Fish Producers Association (SWFPA) (Ev w15) [*Note: references to 'Ev wXX' are references to written evidence published in the volume of additional written evidence published on the Committee's website*]

38 Q 285

39 Ev w15

40 Including ClientEarth (Ev w3), WWF (Q 293), RSPB (Q 286), SWFPA (Ev w15), Department of Agriculture and Rural Development, Northern Ireland Assembly (Ev w17), National Federation of Fishermen's Organisations (NFFO) (Ev 101-102), Scottish Fishermen's Federation (SFF) (Ev 111), Iglo Foods Group Ltd (Q 257)

41 Q 119

42 Q 130

The Commissioner added that “any change of the Treaty is absolutely out of the question”.⁴³

19. The perceived absence of any legal base within the EU Treaties for devolving power to regional groups of Member States has resulted in a mismatch between the Commission’s vision, which is that Member States will set common measures at a sea-basin level, and the draft Regulation, which empowers Member States to implement national programmes. A technical briefing from the law firm ClientEarth states that:

...if a truly regionalised approach is to be achieved, the governance framework needs to set up a process for Member States to work together and pass measures jointly on a regional basis. Otherwise Member States will all pass their own individual and different measures, which may lead to confusing and ineffective fisheries management in practice.⁴⁴

20. The Commission argues that that Member States could nonetheless co-operate informally:

...[Member States] implementing the plan could set up a co-ordinating system, meet in the region and exchange and agree on common measures and subsequently would enact these measures nationally. These measures would be the same in all [Member States] implementing the plan.⁴⁵

21. A provision in the draft Regulation states that the Commission can adopt measures under delegated acts if Member States’ implementation programmes are deemed not to be compatible with the objectives or meet the targets of the multiannual plan.⁴⁶ The Commission’s non-paper on Regionalisation explains that this power will be used to set conservation measures if Member States are unable to agree common measures for shared waters.⁴⁷ As a result, the opposing view of one Member State around a sea-basin could derail the entire regionalisation process. We heard that this provision might result in greater decision-making power remaining at Commission level than under the current regulation, which the Minister, Richard Benyon MP, said could be described as “competence creep”.⁴⁸

22. The Commission’s failure to provide a clear framework for regionalisation risks leaving much to chance and goodwill. The WWF and RSPB concurred that the absence of a clear framework has left “a lot of anxiety and frustration”.⁴⁹ Peter Hajjipieris, the Chief Technical, Sustainability & External Affairs Officer at Iglo Foods Group,⁵⁰ added that this lack of clarity made it harder to build support for regionalisation among fishermen as “no model

43 Q 119

44 ClientEarth, *CFP reform proposal: governance and regionalisation*, October 2011

45 European Commission non-paper, *CFP reform—Regionalisation*, December 2011. Defra explain the situation of a non-paper in Q 359–360.

46 COM(2011) 425, Article 20

47 European Commission, non-paper, *CFP reform—Regionalisation*, December 2011

48 NFFO (Ev 102), Defra (Q 346, Q 352)

49 Q 286

50 Iglo Foods Group is a major manufacturer of processed fish including the Bird’s-Eye brand

[...] has been offered to the industry so that they can analyse and understand [...]the industry generally works better when it sees it in action and it can copy”.⁵¹ Several witnesses called for a clear road map or a statement of responsibilities.⁵² In our view the Commission’s non-paper on regionalisation, which was published during the negotiations, is not sufficiently detailed to meet this need.

23. We are convinced that a more effective system of European fisheries governance could be achieved if high-level objectives only are set centrally by the European institutions while day-to-day decisions are delegated to regional groupings of Member States. However, the draft Regulation does not provide a clear, practicable mechanism for regionalisation. This lack of clarity creates anxiety among stakeholders and risks derailing the process of improving the CFP’s governance. Moreover the draft Regulation gives the Commission considerable scope to determine which powers are delegated to Member States and under what circumstances it can recall these powers.

24. The Commission sees the EU’s exclusive competence over the conservation of marine resources as a restraint on the powers that can be devolved down to Member States. This is a major hindrance to improving fisheries management through implementing a more regionalised approach. Defra argued that regionalisation could be achieved nonetheless without changing the boundaries of the EU’s competence and that a Treaty change was not needed.⁵³ In contrast, the Scottish Cabinet Secretary’s policy is “to work towards repatriation of fishing policy from Europe to Member States”.⁵⁴ We note the Commissioner’s view that Treaty change is not an option; however, on closer scrutiny of the extent of the EU’s exclusive competence, we believe that it is not necessary to change the Treaty in order to qualify the EU’s exclusive competence over the conservation of marine resources. We have identified an alternative approach that might achieve genuine decentralisation of the CFP without requiring a Treaty change.

25. The Lisbon Treaty provides that the “Union shall have exclusive competence in [...] the conservation of marine biological resources *under the common fisheries policy*”.⁵⁵ We argue that this reference to the CFP limits the EU’s exclusive competence for marine conservation to the CFP, in other words, that exclusive competence does not apply where the CFP does not apply. Where exclusive competence does not apply, the residual competence rests with Member States.⁵⁶ This limitation was explicitly included in the negotiations on this provision which led to the adoption of the Lisbon Treaty.⁵⁷ Thus for

51 Q 257

52 Including SFF (Ev 114), WWF (Q 293), ClientEarth (Ev w3)

53 Q 353

54 Q 236

55 TFEU, Article 3(1)(d)

56 Declaration 18 annexed to the Lisbon Treaty states that “competences not conferred upon the Union in the Treaties remain with the Member States”.

57 Title I of Part 1 of the TFEU (Articles 2–6), “Categories and Areas of Union Competence”, was introduced into the EU Treaties by the Treaty of Lisbon, one of the objectives of which was to determine the ‘who does what’ question in relation to EU competence. This being so, there was concern that the drafting of these Articles should be precise, neither adding to or taking away from, but rather clarifying, the EU’s existing competences. The *travaux préparatoires* on the formulation of Article 3(1)(d) are instructive on this point. The early draft of the Union’s exclusive competence over conservation of marine biological resources provided that “The competence conferred on the Union [...] shall be exclusive in the following areas: [...] fisheries conservation” (Article 11(1), Abbreviated Version of Praesidium’s Preliminary Draft Constitutional Treaty, Version 5 – 20 December 2002). At the request of a participant in the Praesidium of the EU Convention, who was concerned that the EU’s exclusive competence for

example, the EU's exclusive competence over the conservation of marine resources does not apply to the inshore waters (up to 12 nautical miles) because a provision in the current CFP regulation countermands this.⁵⁸

26. The Commissioner said in evidence to us that “the Treaty has already provided, in very clear wording, that fisheries is an exclusive competence of the European Union, so we cannot change that unless there is a change in the Treaties”.⁵⁹ In our view however the correct interpretation of the EU's exclusive competence does allow for devolution of aspects of fisheries management from the EU to the Member States without necessitating a Treaty change.

27. The Lisbon Treaty qualification “under the common fisheries policy” is an ambulatory reference that applies to future amendments to the CFP as well as the CFP as it was when the Lisbon Treaty was agreed in 2009. So if the European Parliament and Council agreed to amend the CFP Regulations so as to exclude certain marine conservation policies, the scope of the EU's exclusive competence would thereby be limited to the CFP as amended. This would then allow Member States to act outside EU control in these policy areas (which could include for example detailed conservation and technical measures) without breaching the principle of exclusive competence.⁶⁰ In turn, this approach would give Member States greater freedom to work together at a sea-basin level and to involve stakeholders to as great an extent as they wish. In contrast to the Commission's current proposals, this approach would give Member States genuine freedom and responsibility and would set clear boundaries to the Commission's role.

28. Given the widespread calls for decentralisation, we encourage Defra to pursue a more ambitious approach that genuinely passes power back to Member States. We have identified a lawful means of qualifying the EU's exclusive competence over the conservation of marine resources thereby creating the framework for genuine regionalisation. This could deliver an effective ‘locally as possible’ approach to fisheries management in line with the ambitions of stakeholders, national governments, and the Commission itself. This can be achieved without Treaty change through amending the CFP Regulation itself. We recommend that Defra explore our interpretation of the EU's exclusive competence over the conservation of marine resources further with the Commission. Defra will also need to build support among other Member States and the European Parliament if this ground-breaking change is to go ahead.

29. If Defra is able to win support from the Commission and other Member States for our innovative recommendation, aspects of the proposed Basic Regulation are likely to drop out of EU control. As a result, some of the recommendations that we make later in this

marine conservation be limited to the CFP rather than extend to the entirety of Member States' inshore waters,(or indeed to such matters as on-shore fish hatcheries) the wording was amended to provide as follows: “The Union shall have exclusive competence: in [...] conservation of biological resources under the common fisheries policy” (Article 10(a), The European Convention, Secretariat Note, Brussels, 14 January 2003). The original French version of the same text uses the expression *dans le cadre de la politique commune de la pêche*, which makes it clear that exclusive competence exists only to the extent that the CFP has determined. These references were maintained, unchanged, until final adoption as Article 3(1)(d) TFEU, which came into force on 1 December 2009.

58 Council Regulation (EC) No 2371/2002, Article 9 (1), see also Recitals 11 and 14

59 Q 119

60 A definition of exclusive competence is given in Article 2(1) TFEU

report will relate directly to Defra's own policy decisions, rather than to Defra's role in influencing negotiations in Brussels.

30. Our preference is for Defra to pursue the approach of limiting the EU's exclusive competence over certain aspects of the conservation of marine resources. **If Defra is not able to persuade the Commission to pursue our recommendation, Defra should, at least, press the Commission to produce a clear road-map for regionalisation and a statement of responsibilities that affected parties could agree to adhere to.** It is possible for groups of Member States to agree binding legal agreements between themselves, outside the EU framework, as long as their operation does not conflict with other EU law. One example is the Schengen Agreement. **Defra should also explore the possibility of establishing legally binding regional agreements with Member States with which it shares waters. These agreements could set out the rules of conduct for agreeing common conservation measures to implement multiannual plans at a sea-basin level.**

Involving the fishing industry and other stakeholders

31. A further disappointment was the failure of the proposals to strengthen the role of stakeholders in decision-making meaningfully.⁶¹ The proposals will require Member States and the Commission to respond to requests made by the Advisory Councils (ACs, which replace the current Regional Advisory Councils) and the ACs will be eligible for funding to support their advisory role.⁶² However, they do not give the industry any formal role in decision-making. The National Federation of Fishermen's Organisations (NFFO) felt this was a short-coming as "the Regional Advisory Councils (RACs) have been exceptionally successful in bringing together groups of fishermen and other stakeholders, and in that way a lot of the blame culture has gone".⁶³ It is also well recognised that giving the industry greater responsibility for decision-making increases compliance with regulations.⁶⁴

32. In our view there is scope to strengthen Advisory Councils' involvement in decision-making under the CFP without giving them formal powers. The Marine Strategy Framework Directive requires that Member States "consult all interested parties" before proposing criteria to define good environmental status.⁶⁵ The draft CFP regulation requires Member States to consult the Advisory Councils before implementing their own conservation measures for inshore waters, but does not require consultation over other measures.⁶⁶ **Defra should recommend strengthening the power of Advisory Councils by including a requirement for the Commission and Member States to consult the**

61 Including the RSPB (Q 285), South Western Fish Producer Organisation (SWFPO) (Q 342), NFFO (Ev 104)

62 The draft Basic Regulation (COM(2011) 425) maintains the power of the Commission to establish Advisory Councils (ACs) and amend their competencies. ACs will retain their roles in submitting advice to the Commission and Member States and reporting problems. The Regulation creates a new role for ACs to contribute to data collection and analysis (Article 53 (1)). A new provision requires the Commission/Member States to reply to requests of the ACs within a reasonable time period (Article 53 (2)). Under current proposals, the European Maritime and Fisheries Fund will be able to directly fund the activities of ACs (COM(2011) 804, Article 88).

63 Q 72

64 NFFO (Q 62), Professor Frid (Ev w18–19), Greenpeace (Ev w21), Ben Diamond and Bryce D. Beukars-Stewart, "Fisheries Discards in the North Sea: Waste of Resources or a Necessary Evil?", *Reviews in Fisheries Science*, vol 19 (2011), pp 231–245

65 Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), Article 9

66 COM(2011) 425, Article 26

Advisory Councils over the content of multiannual plans and their proposed measures to implement the multiannual plans.

33. Defra is currently implementing a partnership approach to animal health and welfare policy in England. The Animal Health and Welfare Board for England is responsible for strategic animal health and welfare policy and oversight of its delivery.⁶⁷ The Board is made up of both senior Defra officials and external members (which includes the Chair). Ministers are expected to accept advice offered by the Board where that advice is the agreed view of all the Board members. If they decide not to do so, they are required to make public the reasons for taking a different view. **We believe that the partnership approach to animal health and welfare policy currently being trialled in England could provide a model for fisheries governance that gives greater responsibility to the industry and other stakeholders. Defra and the Devolved Administrations should explore establishing a Fisheries Management Board, on a similar model to the Animal Health and Welfare Board for England, which will be responsible for setting domestic fisheries policy and also shaping the UK's negotiating position with the EU institutions.**

Governance of the small-scale fishing sector

34. About 70% of the EU's fishing fleet is characterised as small-scale, which the Commission defines as vessels under 12 metres in length.⁶⁸ The UK designates vessels under 10 metres as small-scale. The Commission's Green Paper on CFP reform considered that "differentiated management regimes" might be appropriate for the small- and large-scale fleets, focussing on capacity adjustment and economic efficiency for large-scale fleets and social objectives for small-scale fleets.⁶⁹ Commissioner Damanaki has recently expressed her support for this overall approach, stating that:

Small-scale fishermen greatly contribute to the economic progress and the preservation of distinctive social and cultural characteristics of European coastal communities. The reform of the EU Common Fisheries Policy will provide the framework to safeguard their role and reward those who—like them—value sustainability.⁷⁰

35. Several witnesses agreed with the concept of a differentiated management regime for small- and large-scale fleets. The New Economics Foundation argued that access to fish should be determined by factors such as contribution to local employment and environmental impact of the fishing gear.⁷¹ This would probably favour the small-scale fleet as the majority of small-scale vessels use passive gears, which tend to cause less ecosystem damage than active gears.⁷² The South Western Fish Producer Organisation

67 <http://www.defra.gov.uk/ahwbe/about/terms-of-reference/>

68 European Parliament Directorate General for Internal Policies (DG IPOL), *Characterisation of small-scale coastal fisheries in Europe*, July 2011, pp 14–16

69 COM(2009)163, p14

70 European Commission Directorate General for Maritime Affairs and Fisheries press release, 12 October 2011

71 Ev 96

72 Passive gear includes drift nets, hooks and lines, and pots and traps. Active gear includes dredging and trawling (European Parliament Directorate General for Internal Policies, *Characterisation of the EU's small-scale fisheries*, July 2011, p 14; Seas at Risk, *Reducing the Footprint: Moving towards Low Impact Fisheries*, 2009).

(SWFPO) said it was “lamentable” that the Commission had not developed further the idea of a differentiated management regime.⁷³ SWFPO Chief Executive, Jim Portus, called for the small-scale fleet to be given “free access to the resources based on their capability” as they mainly fish inshore and are more restricted by weather and tide conditions.⁷⁴

36. The New Under Ten Fishermen’s Association (NUTFA) told us that small-scale interests were not being effectively represented on Regional Advisory Councils (RACs), partly because bodies representing small-scale interests lacked resources.⁷⁵ The RSPB noted that small-scale fishermen were not present on the North Sea RAC and agreed that they “do lose out in a lot of the major discussions and also in their penetrability into those discussions” because they are seen as a “national responsibility”.⁷⁶ The Commission has the tools to address these issues as the draft Regulation empowers the Commission to set the composition of Advisory Councils (ACs) and provides that financial assistance will be made available for the ACs to carry out their work.⁷⁷

37. The future CFP should recognise the need to protect and support the small-scale fishing fleet through a differentiated management regime. Defra should press the Commission to ensure the small-scale fleet is properly represented on Advisory Councils. This could be achieved by the Commission adopting measures under delegated acts on the composition of Advisory Councils and by financial support for organisations representing the small-scale fleet to attend Advisory Council meetings.

38. While not the focus of this inquiry, we remain concerned by the difficulties faced by the small-scale inshore fleet in England. Our previous report on *Implementation of the Common Fisheries Policy: Domestic Fisheries Management* concluded that the current situation is disadvantageous to the small-scale fleet and made recommendations on how to improve the situation.⁷⁸ During our evidence session in Hastings, we heard that the question of quota allocation to the small-scale fleet has still not been addressed.⁷⁹ We regret that Defra’s own proposals to reform domestic fisheries management won so little support from either side of the industry and that the process has stalled.⁸⁰ **We recommend that the Department provides us with an updated action plan for domestic fisheries management reform by the time it publishes the Government Response to this report to reassure us that Defra remains committed to reforming domestic fisheries management to deliver a fairer deal to the inshore sector.**

73 Ev 127

74 Q 315

75 Q 116

76 Q 298

77 COM(2011) 425, Article 52,54

78 EFRA Committee, *Implementation of the Common Fisheries Policy: Domestic Fisheries Management*, Sixth Report of Session 2010–12, HC 858, 3 June 2011, para 30

79 Q 418

80 Defra, *Government response to the Consultation on Domestic Fisheries Management reform in England*, November 2011, p 1

Marine conservation zones

39. The draft Regulation enables Member States to enact their own conservation measures within the 12 nautical mile zone which would apply to all vessels fishing in that area, provided that the EU has not already enacted legislation specifically for that area and after consultation with affected Member States and Advisory Councils.⁸¹ Tom Appleby, a senior lecturer in the law at the University of West England, said that “at the very minimum foreign vessels in the 6–12 [mile zone] should be subject to UK regulation”.⁸² Philip MacMullen, Head of Environment at Seafish, said there needed to be “greater clarification” on the extent to which the UK could impose conservation measures on foreign vessels in the inshore zone.⁸³

40. The Marine and Coastal Access Act 2009 enables Ministers to designate new areas of national importance as Marine Conservation Zones (MCZs).⁸⁴ These sites are protected under national law, unlike the Natura 2000 sites (Special Areas of Conservation and Special Protection Areas) which have been designated under the EU Birds and Habitats Directives.⁸⁵ The draft Regulation indicates that Member States should be able to request the Commission to draw up measures under the CFP to comply with obligations under other EU legislation, specifically the Birds and Habitats Directives and the Marine Strategy Framework Directive.⁸⁶ However, the provision does not refer to the creation of Marine Protected Areas under national legislation. **Defra must ensure that when they enact conservation measures such as creating Marine Conservation Zones, these can be enforced equally on vessels from other Member States as on UK vessels.**

81 COM(2011) 425, Article 26

82 Ev w13

83 Q 445

84 Marine and Coastal Access Act 2009, Part 5, Chapter 1

85 <http://www.naturalengland.org.uk/ourwork/marine/protectandmanage/mpa/default.aspx>

86 COM(2011) 425, Recital 24

3 Objectives of the Common Fisheries Policy

41. The objective of the current CFP is to “ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions”.⁸⁷ The current Basic Regulation adds that the CFP shall “apply the precautionary approach”, “aim at progressive implementation of an ecosystem-based approach to fisheries management” and provide “a fair standard of living” for fishers and associated industries.⁸⁸

42. The Commission’s proposal for the replacement Basic Regulation includes a new General Objective:

The Common Fisheries Policy [...] shall aim to ensure, by 2015, that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.⁸⁹

This commitment to restore stocks to Maximum Sustainable Yield (MSY) levels is a significant addition as the current Basic Regulation does not specify any quantitative environmental sustainability targets to which the EU can be held accountable. A definition of MSY is given in Box 1.

43. The general ambition to restore stocks to MSY levels is not a new one. The 1982 United Nations Convention on the Law of the Sea enshrined the general principle that States should “maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield”.⁹⁰ At the World Summit on Sustainable Development in Johannesburg in 2002, the European Union committed to “maintain or restore stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015”.⁹¹ Since 2010, the Commission has adopted a MSY approach to setting TACs.⁹²

87 Council Regulation EC No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, 20 December 2002, Article 2 (1)

88 *ibid.*

89 COM(2011) 425, Article 2(2)

90 The United Nations Convention on the Law of the Sea, December 1982, Article 31 (3)

91 Implementation Plan adopted at the World Summit on Sustainable Development, Johannesburg, 2002

92 European Commission non-paper, *CFP reform—Maximum Sustainable Yield*, December 2011

Box 1: Maximum Sustainable Yield

Maximum Sustainable Yield (MSY) is described by the European Commission as the “maximum catch that may be taken from a fish stock indefinitely”.⁹³ The International Council for the Exploration of the Sea (ICES), an independent body that conducts marine research and provides fisheries-related advice, states that:

Maximum sustainable yield is a broad conceptual objective aimed at achieving the highest possible yield over the long term (an infinitely long period of time). It is non-specific with respect to: (a) the biological unit to which it is applied; (b) the models used to provide scientific advice; and (c) the management methods used to achieve MSY. The MSY concept can be applied to an entire ecosystem, an entire fish community, or a single fish stock.⁹⁴

In addition to mortality due to fishing, a stock’s ability to produce the Maximum Sustainable Yield is affected by the stock’s size; its reproduction, growth and natural mortality rates; interactions with other marine animals (e.g. predator-prey interactions); environmental conditions, and fishing practices that affect the size and age composition of the stock. MSY, as well as the stock size (spawning stock biomass) and fishing mortality rate that would allow the stock to produce the MSY, are estimated through mathematical modelling. This requires an understanding of the effect of these factors and their interactions on the stock and adequate data to estimate their current levels.

44. The Marine Strategy Framework Directive (MSFD), which came into force in 2008, requires Member States to take the necessary measures to achieve or maintain “good environmental status” in the marine environment by 2020 at the latest.⁹⁵ One of the characteristics of good environmental status is that “populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock” (see Box 2 for a definition of safe biological limits).⁹⁶

93 COM(2011) 425, Article 5

94 International Council for the Exploration of the Sea (ICES), *ICES Advice 2011 Book 1*, July 2011, p 3

95 Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), Article 1

96 *ibid.*, Annex I

Box 2: Safe Biological Limits

Safe biological limits are the reference points for spawning stock biomass and/or fishing mortality rate beyond which the stock becomes unsustainable because fishing mortality rates exceed recruitment and growth of the stock. It is possible for a stock to be within safe biological limits while also being fished at levels greater than the recommended fishing mortality to achieve the Maximum Sustainable Yield.⁹⁷ However over time this will bring the stock size below the safe biological limits as the fishing rate exceeds the replacement rate. The stock biomass needed to produce the Maximum Sustainable Yield is higher than the biomass needed to ensure the stock is within safe biological limits (the Minimum Biologically Acceptable Level). Therefore, maintaining stocks within their safe biological limits is less restrictive of fishing in the short-term than managing stocks to produce the Maximum Sustainable Yield, but there is also a greater risk of stock collapse due to external factors.

Definitions

45. Managing stocks at Maximum Sustainable Yield levels is a theoretical concept. Targets for achieving this can refer to either the stock size (spawning stock biomass— SSB_{MSY}) or the fishing mortality rate that is consistent with producing this stock size (F_{MSY}).⁹⁸ The proposed General Objective for the future CFP does not make this distinction sufficiently clear.⁹⁹ Fisheries managers can control fishing mortality rates to a large extent, but their ability to control stock size is more limited, for example because of environmental interactions. **Defra should ensure that where the CFP regulation refers to restoring stocks to levels that can produce the Maximum Sustainable Yield, it is clear whether this means the spawning stock biomass that is consistent with producing the Maximum Sustainable Yield, or the fishing mortality rate.**

Appropriateness of the General Objective on MSY

46. The fishing industry claimed that the proposed target of restoring stocks to above MSY levels by 2015 was not achievable.¹⁰⁰ Alex Rogers, Professor of Conservation Biology at the University of Oxford Department of Zoology, concurred that it would not be possible to restore some depleted stocks to MSY by 2015, even by ceasing fishing entirely.¹⁰¹ This view is borne out by the Commission's Impact Assessment:

...the rapid implementation of F_{MSY} policy and the development of analytical assessments and reference points that this requires are not feasible for a significant number of stocks, including deep water stocks and straddling and highly migratory

97 Seafish, *Industry Guidance Note on Maximum Sustainable Yield*, March 2011

98 International Council for the Exploration of the Sea, *ICES Advice 2011 Book 1*, June 2011, p 3

99 Ev w3

100 Including Seafish (Q 452), NFFO (Q 66), SWFPO (Q 318)

101 Q 14

fish stocks. Given that advances in this field of biology are quite slow and results can rarely be tested in short periods of time it is impossible that all these fisheries will become managed under F_{MSY} in the time span proposed in Option 2 (by 2015), even if unlimited financial and scientific resources were available.¹⁰²

47. The difficulties of achieving the target of MSY by 2015 led some witnesses to argue that the proposed General Objective was too strongly worded.¹⁰³ The National Federation of Fisherman's Organisations (NFFO) noted that stocks might fail to recover owing to factors outside of the control of the fishing industry or its managers, such as changing sea temperatures.¹⁰⁴ Mixed fisheries also present problems as, owing to interspecific interactions such as predation, it can be impossible to manage all species to MSY simultaneously. Moreover, the non-selectivity of fishing gear means that the proportion of stocks caught will not match the 'ideal' proportions required to reach MSY. Mr Deas, Chief Executive of the NFFO, recommended that "we should not, therefore, tie ourselves into legal requirements that potentially could not be met".¹⁰⁵ The Scottish Government and the Northern Ireland Assembly similarly felt that restoring stocks to MSY levels by 2015 was not feasible and therefore should be an ambition not a commitment.¹⁰⁶

48. On the other hand, many environmental NGOs argued for a binding obligation on Member States to set catch levels in accordance with MSY principles.¹⁰⁷ Although Defra's written evidence welcomes the objective to restore stocks to above MSY levels as a "useful starting point", in oral evidence the Minister was careful to only commit to achieving this objective "where possible".¹⁰⁸

49. The proposed Basic Regulation states that the CFP "shall integrate the Union environmental legislation requirements".¹⁰⁹ This should include the Marine Strategy Framework Directive (MSFD) commitment to restore all commercial stocks to within safe biological limits by 2020. Surprisingly, the draft CFP regulation does not refer to this commitment directly, or make it clear how this target relates to the proposed General Objective to restore stocks to MSY levels by 2015. Several environmental NGOs felt that the MSFD commitment should be explicitly included within the CFP regulation.¹¹⁰

50. We welcome the Commissioner's ambition in aiming for 'MSY by 2015'. However we question the wisdom of setting aspirational, headline-grabbing targets that even the

102 SEC(2011) 891, p 47. It should be noted that the Impact Assessment refers to achieving a fishing mortality rate consistent with producing the MSY by 2015, not actually restoring stock biomass to levels that can produce the MSY.

103 Including South Western Fish Producer Organisation (Q 318), Northern Ireland Assembly (Ev w16), NFFO (Q 66), Scottish Government (Q 195)

104 Q 66. Mr Deas used the example of saithe (coley) in the North Sea. Similarly, ICES Stock Assessment for Irish Sea cod in 2011 noted that "there is evidence that the reduction in cod recruitment observed in the Irish Sea since the 1990s may be due to a combination of small spawning-stock biomass and poor environmental conditions, coinciding with a shift towards above-average sea temperatures".

105 Q 66

106 Northern Ireland Assembly (Ev w16), Scottish Government (Q 195)

107 Including ClientEarth (Ev w2), Thomas Appleby (Ev w13), The Pew Environment Group (Ev w4) and the New Economics Foundation (Q 40)

108 Ev 129, Q 370

109 COM(2011) 425, Article 2(4)

110 Thomas Appleby (Ev w14), Marine Conservation Society (Ev w1), RSPB (Ev 122), WWF (Ev 123), Marinet (Ev w8)

Commission's own Impact Assessment recognises cannot be achieved. Setting unrealistic targets merely discourages stakeholders and makes it harder to hold the EU and Member States to account. To drive behaviour change, the CFP's Objectives should be stretching, but should also be specific, clear and achievable.

51. We conclude that the Marine Strategy Framework Directive's objective of restoring all commercial stocks to within safe biological limits by 2020 is a more appropriate and achievable target than the Commission's proposed General Objective regarding reaching Maximum Sustainable Yield by 2015. We recommend that Defra seeks to include explicitly this Marine Strategy Framework Directive objective as one of the General Objectives of the CFP.

52. We do not think it is appropriate for the future CFP to include a legally binding requirement to restore stocks to above the levels that can produce the Maximum Sustainable Yield by 2015, not least because of the lack of scientific advice on how to achieve this for many stocks. In our view it would be preferable for this General Objective to be rephrased as follows: the CFP shall aim to restore stocks to above levels that can produce the Maximum Sustainable Yield, and where possible shall aim to do this by 2015.

Coastal Communities

53. The fishing industry makes a substantial contribution to the economic development of some coastal communities. A study of 24 European coastal communities found that on average 14% of employment in these communities depended on the fisheries sector.¹¹¹ Fisheries policy also affects the development of alternative sources of income.¹¹² When we visited the East Sussex town of Hastings, one of the UK's oldest fishing ports, we heard that the unique fishing industry was estimated to support £4.6m of visitor spend each year.¹¹³ In remote coastal communities in particular, there is also a deep cultural association with fishing.¹¹⁴

54. Traditional fishing activities are the lifeblood of many coastal communities. We are saddened by the decline of the fishing industry in many UK coastal towns. While we do not lay the blame for this entirely on the CFP, it is clear to us that the CFP exacerbates this problem. For example, when we visited Hastings, we heard from a local fisherman that the amount of cod he can land in a month is less than one person could eat in a month, and yet EU regulations require him to discard much of the cod he catches in the harbour.

111 European Commission, *Regional social and economic impacts of change in fisheries-dependent communities*, Fish / 2006 / 06, March 2011, p 14. Income from the fisheries industry contributes over 2% of regional GDP in several coastal regions, including the Highlands and Islands of Scotland (SEC(2011) 891, p 14).

112 For example, the impact assessment accompanying the CFP reform package found that any further concentration of landings risks a number of Scottish Highland and East coast ports losing the critical mass required to maintain upstream ancillary sectors (SEC(2011) 891, Annex 7, p 45).

113 Data from Hastings Borough Council, *The Economic Impact of Tourism Hastings 2010* and Nautilus Consultants, *Hastings Fisheries Study*, May 2004

114 European Commission, *Regional social and economic impacts of change in fisheries-dependent communities*, Fish / 2006 / 06, March 2011, p 42

55. We welcome the inclusion of measures in the future European Maritime and Fisheries Fund (EMFF) to support the socio-economic development of coastal communities.¹¹⁵ However, we are disappointed that the CFP regulation itself does not include an objective to contribute to the socio-economic development of coastal communities, except in the provisions relating specifically to aquaculture.¹¹⁶ We note that the Minister supports our view that the future CFP has a social as well as an economic and environmental dimension.¹¹⁷ **Defra should press for an additional General Objective of the CFP to contribute to the socio-economic development of coastal communities.**

115 COM(2011) 804, p 4

116 COM(2011) 425, Article 3

117 Q 381

4 Discards

56. The discarding of unwanted fish at sea is the most controversial issue facing this round of CFP reform. In European fisheries about 1.7 million tonnes of fish are discarded annually, corresponding to 23% of total catches.¹¹⁸ However, in some fisheries, discard rates can be up to 90% of catches.¹¹⁹

57. The current CFP regulation obliges fishermen to discard fish that they have caught in excess of their quota allocations or that are below the minimum landing size. These ‘regulatory discards’ are particularly a problem in mixed fisheries if the allocation of quota does not match the proportion of species in the catch. Paul Joy, an small-scale fisherman from Hastings, explained that:

We are now told we cannot catch cod, even though the stock is more abundant, and effectively I must go and catch sole, which means going out with smaller mesh nets and catching more cod than I would necessarily have seen before. It also means that I must discard all I have caught in trying to pursue a separate species.¹²⁰

When we visited Denmark, we heard about their online quota-trading market. This innovative tool enables fishers to buy enough quota to match their actual catch on their way back to harbour, and so reduces the need to discard fish that they have caught for which they have no quota. However, about half of all English and Welsh discards occur because there is a weak or absent market for that species, not because of regulations.¹²¹ Discarding can also occur when fisherman discard less valuable species in order to make space for more valuable ones (‘high-grading’), although the UK theoretically operates a ban on high-grading.¹²²

58. The Commission intends to introduce a landing obligation, effectively a ban on discards, on over 30 commercial species by 2016.¹²³ A discard ban on commercial species has already been introduced in some fisheries in Norway, Iceland, Canada and New Zealand. The Commission warns that these examples generally relate to single-species fisheries that do not encounter the same problems with bycatch in mixed fisheries that the EU faces.¹²⁴

59. As a result of the discard ban, fishers will be required to count all their catch against their quotas, rather than just count the fish that is landed on shore. Minimum marketing sizes will replace minimum landing sizes so that fishers can land fish that are below the

118 SEC(2011) 891, p 11

119 Jahn Petter Johnsen and Søren Eliassen, “Solving complex fisheries management problems: What the EU can learn from the Nordic experiences of reduction of discards”, *Marine Policy* vol 35 (2011), pp 130–139

120 Q 424

121 EFRA Committee, *Implementation of the Common Fisheries Policy: Domestic Fisheries Management*, 3 June 2011, Sixth Report of Session 2010–12, para 42

122 <http://www.defra.gov.uk/environment/marine/cfp/discards/>

123 COM(2011) 425, Article 15

124 European Commission Communication, *A policy to reduce unwanted by-catches and eliminate discards in European fisheries*, COM(2007) 136 final, March 2007, p 4

minimum size, but only sell them for industrial processing.¹²⁵ To enforce the discard ban, the Commission proposes the mandatory introduction of ‘fully-documented fisheries’ for vessels over 12 m, for example through CCTV on board vessels.¹²⁶ Funding will be available through the EMFF for measures to facilitate the introduction of the discard ban. These include supporting the development and installation of more selective gear; investments on board to make the best use of unwanted fish caught; investments at ports and landing sites to make the best use of unwanted catches of commercial stocks.¹²⁷

60. We received mixed views on the Commission’s proposal for a landing obligation. There was widespread recognition that measures were needed to reduce discarding rates. ClientEarth supported the proposed landing obligation and argued that it should be extended to all fish and shellfish without proven survival after discarding.¹²⁸ The RSPB supported an incremental discard ban and the proposal to count all catches against quotas.¹²⁹

61. Many witnesses criticised the Commission for merely responding to media pressure for a discard ban, rather than seeking to find workable solutions for the underlying cause of discards. Dr Mireille Thom of the WWF explained that in order to prevent the damage caused by discards, “you must not catch the [unwanted fish] in the first place, because a selection must operate not on the deck but in the sea”.¹³⁰ Bertie Armstrong, Chief Executive of the Scottish Fishermen’s Federation argued that:

In response to media revelations, Mrs Damanaki should have said in the first place, “I know about this; the industry knows about this; it is a work in progress. It is abhorrent, but we are trying to do something about it” instead of saying, “This is preposterous. I thump the table with my fist and ban it”. There was confusion between the political objective, which is a valid one, and the practical solution.¹³¹

62. The Commission proposes to mitigate the economic impacts of a discard ban by allowing undersized fish to be sold for fishmeal and providing financial support to facilitate processing. However, the Chief Executive of the South Western Fish Producer Organisation (SWFPO) questioned the viability of this option:

...you are probably thinking about fishmealing [unwanted fish]. That might be another alternative, but the nearest fishmeal plant to south Devon is in Grimsby—enormous expense travelling it up through the motorway network. Who would pay the costs?¹³²

Peter Hajipieris, Chief Technical, Sustainability & External Affairs Officer at Iglo Foods Group, pointed out that the industrial processing industry would not necessarily want

125 European Commission non-paper, *CFP reform—Discards*, December 2011

126 COM(2011) 425, p 9

127 COM(2011) 804, Articles 36, 37, 40, 41

128 Ev w3

129 Ev 121

130 Q 295

131 Q 99

132 Q 326

undersized or odd-sized fish.¹³³ The Commissioner also suggested that unwanted fish could be given to the poor,¹³⁴ however we question the practicality of this approach. The New Economics Foundation and the RSPB also argued that any compensatory measures risk removing the incentive for fishermen to avoid catching undersized or unwanted fish in the first place.¹³⁵ We conclude that there is a substantial risk that the landing obligation will merely shift a problem of unwanted fish in the sea to a problem of unwanted fish on land.

63. There is also a risk that a discard ban could have perverse environmental consequences. SWFPO argued that a high proportion of discarded fish that are released promptly back into the seas survive.¹³⁶ For example, one study found that cod survival rate after discarding is up to 75%.¹³⁷ However, the Centre for Environment, Fisheries & Aquaculture Science (CEFAS) explained that survival trials had not been carried out on all the species covered by the discard ban, and that survival rates are highly variable depending on the species and the fishing method.¹³⁸ Seafish also argued that “the impact of removing so much biomass” had not been considered,¹³⁹ for example, some seabird species may have benefitted from discards.¹⁴⁰ **If discarded fish show high survival rates, it may be preferable to discard them rather than bring them on land where they have limited economic value. Defra should request that survival trials for all the species covered by the proposed discard ban are carried out before the ban is implemented and use this information to determine whether the proposed range of species is correct.**

64. The Commission’s inflexible species by species approach was also criticised by several witnesses.¹⁴¹ A study of the effectiveness of discard bans in Nordic countries also emphasised that:

...a strong and rigid control and enforcement regime can undermine the legitimacy of the system and be counterproductive in regard to reducing discard [...] in addition to technical and regulatory measures, an increase in the fishers’ participation and responsibilities in fisheries management is necessary if institutional change shall take place and succeed.¹⁴²

For this reason, we believe that measures to tackle discards will not be successful unless the fishing industry is involved in their design from the outset.

65. We are also concerned by the economic impact of a discard ban on fishing businesses, many of which are already struggling. The Northern Ireland Assembly felt that “the cost

133 Q 273

134 Q 148

135 Q 41, Ev 121

136 Ev 127

137 ICES Working Group on Quantifying all Fishing Mortality, 2009

138 For example, different studies on plaice quoted survival rates ranging from less than 10% to over 50% (Ev w32-33)

139 Ev 136

140 Stephen C. Votier *et al.*, “Changes in fisheries discard rates and seabirds communities”, *Nature*, vol 427 (2004), pp727-730

141 Scottish Government (Ev 119), Seafish (Ev 136), SWFPO (Q 323), NFFO (Q 78)

142 Jahn Petter Johnsen and Søren Eliassen, “Solving complex fisheries management problems: What the EU can learn from the Nordic experiences of reduction of discards”, *Marine Policy* vol 35 (2011), pp 130–139

and disruption caused by having to land and dispose of unwanted fish will be significant” and “will lead to fishing becoming uneconomic”.¹⁴³ The economic efficiency of the Norwegian catching industry fell by 40% during the first two years after the ban was introduced.

66. We strongly support the Commission’s desire to minimise discarding rates. However, we are concerned that by deciding to implement a ban so swiftly and with so little scope for stakeholder engagement, the Commission risks creating a scheme that will be unworkable and will be flouted, or worse, will merely shift unwanted fish in the sea to unwanted fish on land. We suggest it might be advisable to delay the discard ban until 2020 to give time to do the groundwork for its successful implementation. This is not an excuse to ignore the discard problem—effective and proactive measures must be put in place in the mean time to incentivise more selective fishing.

67. The *Project 50%* trials in Devon demonstrated that discard rates of juvenile fish could be reduced by half through using modified gear.¹⁴⁴ The New Economics Foundation questioned why these new gear designs were not being used more widely across the fleet.¹⁴⁵ Jim Portus of the SWFPO, which had vessels involved in the trial, explained that the cost of new gear was not a problem *per se*, however “it was all about risk; it was about trialling something that might have been economically suicidal. The fishermen were not going to go out and do it without that support [from the Government]”.¹⁴⁶

68. Encouraging fishers to use more selective gear is a critical part of addressing the discards problem. While the Commission proposes to fund investment in more selective gear, we think that proactive economic incentives will be need to overcome fishermen’s risk aversion. **Defra should ensure that the future European Maritime and Fisheries Fund can support measures that provide additional economic incentives to fishers that adopt more selective gear, as well as covering the cost of investing in the new gear.**

69. A key problem caused by discards is that unrecorded discarding prevents accurate estimation of fish mortality, and so hampers the scientific assessment of stocks. It is important that delaying the imposition of a discard ban does not exacerbate this. However, it is not necessary to physically land all catches to improve the accuracy of recording: replacing the current system of landing quotas with catch quotas would achieve a similar end.¹⁴⁷ Moving to catch quotas would provide a key incentive for fishers to fish more selectively to avoid their quota being used up by undersized or over-quota fish that they can only sell for industrial processing, which fetches a lower price. Catches can be monitored reliably using tools such as CCTV,¹⁴⁸ and electronic log-books. Moving to catch quotas will further benefit the industry as the quota that scientists currently set aside to account for discards can instead be allocated to vessels. This factor has proven successful in

143 Ev w16

144 CEFAS, *Project 50% Final Report*, autumn 2010

145 Q 41

146 Q 337

147 Professor Frid (Ev w18), SWFPO (Q 326), SWFPA (Ev w15)

148 Marine Management Organisation, *Catch Quota Trials 2011 Interim report*, November 2011, p 1

incentivising fishers to join pilot catch quota schemes.¹⁴⁹ **Defra should support a rapid shift from counting the fish landed against quotas to counting the fish caught against quotas. This will address the problem of inaccurate reporting of fish mortality due to unrecorded discards in the period before the discard ban is implemented.**

149 NFFO (Ev 107), Marine Management Organisation, *Catch Quota Trials 2011 Interim Report*, November 2011, pp 14

5 Science and Data

70. Both the current and proposed Basic Regulations enshrine a requirement to base decisions on sound scientific advice.¹⁵⁰ Defra also aims to base its decisions on sound science and evidence.¹⁵¹ It is therefore highly concerning that this advice is not available for a substantial number of the EU's stocks—according to the Commission:

Reliable scientific advice exists for around 30% of all EU stocks, most of them in the Atlantic Ocean, and the North and Baltic Seas. Out of 102 stocks in the Atlantic, there is no assessment for 42 stocks and incomplete information exists for a further 21. In the Mediterranean, there is advice for just 21 out of 60 stocks.¹⁵²

Moreover the proportion of stocks for which no scientific advice is available is actually increasing over time, not decreasing, despite the EU's investment in data collection.¹⁵³ The draft CFP regulation introduces a new requirement that the EU shall implement an ecosystem-based management approach.¹⁵⁴ This is a laudable aim but requires substantial data on non-commercial species, which are generally not available.¹⁵⁵

71. The absence of scientific advice or data for so many stocks renders it impossible to prove whether Commission's objective to exploit stocks at MSY levels has been met. It is difficult even to evaluate the trajectory of European fish stocks and so decide if current conservation measures are working or if more stringent measures are needed. Lack of recent and locally-specific data on fish stock abundance is also a cause of antagonism between fisheries managers, fishers and scientists.¹⁵⁶ David Scott, an experienced fisherman and former chair of the NFFO, felt that “it is ridiculous to have a situation where we are virtually knee deep in cod but fishermen cannot catch them. It is all because of guesswork on the part of the scientists, because they have not been able to put in the time to assess the stocks”.¹⁵⁷ This antagonism could hinder effective co-management going forward.

72. Both the fishing industry and fisheries scientists felt a new way of working was needed to allow evidence-based management to take place cost-effectively. Professor Frid, Chair of Marine Biology at the University of Liverpool, argued that “to strive for ‘adequate data on everything’ is unrealistic and unnecessary”.¹⁵⁸ Bertie Armstrong, Chief Executive of the Scottish Fishermen's Federation, noted that it was not the case that there was “a complete dearth of information” for the unassessed stocks.¹⁵⁹ Instead there was a view that the

150 COM(2011) 425, Article 4; (EC) No 2371/2002, Recital 3

151 Defra Business Plan 2011-2015, May 2011, p 2

152 SEC(2011) 891, p 13

153 European Commission, *Consultation on Fishing Opportunities for 2011*, COM(2010)241 final, May 2010, Annex IA. In 2003, the proportion of stocks where no scientific advice was available was 24%. By 2010, this had risen to 30%

154 COM(2011) 425, Article 2

155 Seafish (Ev 135, Q 430)

156 NUTFA (Q 100), NFFO (Ev 107), Bill Brock and David Scott (Q 418)

157 Q 418

158 Ev w19

159 Q 95

International Council for the Exploration of the Sea (ICES), and other sources of scientific advice to the EU, are being too prescriptive in their definition of acceptable data and could make greater use of available sources of data.¹⁶⁰

73. The financial envelope for scientific knowledge and data collection will increase from €46.6m currently to over €50m annually under the future EMFF.¹⁶¹ However, the Commission's Impact Assessment concluded that an extra €20m would be needed to just to fill the scientific gaps for the 136 stocks that were modelled (the EU manages over 200 stocks in total).¹⁶² The Commission also proposes to improve the collection of fisheries-related data by Member States through a new provision in the future EMFF regulation to make receipt of funding conditional on compliance with data collection obligations.¹⁶³

74. It is essential that the future CFP is placed on a sounder scientific footing. The fact that the proportion of stocks for which scientific advice is not available is actually increasing over time, not decreasing, strongly indicates that the current approach is failing. The current economic circumstances also constrain our ability to spend more on scientific advice and data collection. In this light, we think it is time to move away from the traditional, data-hungry, single stock models and consider a new approach that makes better use of real time data from fishing vessels and uses data on other aspects of ecosystem health as indicators. **Defra should support the Commission's proposals to increase funding for scientific advice and data collection and withdraw funding from Member States that fail to comply with data collection obligations. We also recommend that Defra, with the industry and fisheries scientists, investigate the options for a more cost-effective approach to science-based fisheries management through making more imaginative use of the available data sets.**

75. Improving the availability of scientific advice also benefits the fishing industry through increasing quotas. Professor Rogers pointed out that:

... Often something missed by people is that, the more you know about the state of a fish stock, its biomass and the level of fishing mortality being exerted on it, the more precise you can be about what a sensible offtake from that fishery would be.¹⁶⁴

For example, the Commission's application of the precautionary principle might mean that catch limits for data-poor stocks are overly conservative—during the 2012 TAC negotiations the Commission proposed an automatic 25% cut for data-poor stocks.¹⁶⁵

76. Our witnesses were united in their support of Fisheries Science Partnerships (FSPs). FSPs are a Defra-funded programme of collaborative research projects using commercial fishing vessels and CEFAS scientists.¹⁶⁶ We heard that FSPs had improved data availability

160 NFFO (Ev 109), WWF (Q 307); Professor Frid (Ev w 19)

161 Ev 118

162 SEC(2011) 891, p 57

163 COM(2011) 804 final, p 9

164 Q 8

165 HC Deb, 7 November 2011, c3WS; Q 362

166 <http://cefias.defra.gov.uk/our-services/fisheries-management/fisheries-science-partnership.aspx>

and strengthened relationships between fishers and scientists.¹⁶⁷ Defra allocated £1m per year to FSPs between 2003 and 2011, most of which is paid out to the fishing industry for vessel hire. By 2013 the budget for FSPs is set to fall by 10%, to under £900,000 per year.¹⁶⁸ The fishing industry does not currently contribute financially to FSPs. Seafish argued that it would be necessary to “harness the resources and skills of the fishing industry as a sampling platform” in order to deliver the sort of data needed for ecosystem based management.¹⁶⁹

77. Fisheries Science Partnerships benefit both the fishing industry and Defra through enabling more effective, evidence-based management, as well as building relationships. The industry currently benefits directly from FSPs through payments for vessel hire. We think it would be appropriate for the industry to contribute towards the costs of data collection to help keep Fisheries Science Partnership projects running. **We encourage Defra to continue funding Fisheries Science Partnerships (FSPs) and to also work with the industry to consider how a cost-sharing approach to FSPs could be taken forward.**

Mixed Fisheries

78. Models for predicting the impact of different catch levels in mixed fisheries are still under development.¹⁷⁰ The Scottish Fishermen’s Federation pointed out that the absence of scientific models for mixed fisheries alone may make it impossible to attain the target of MSY by 2015 for these fisheries.¹⁷¹ **We are concerned by the absence of scientific models on which to base multi-species fisheries management. Defra should set out the current availability of these models for UK fisheries and the resources and time required to fill any gaps.**

167 Ev 107–109

168 Information provided by CEFAS

169 Ev 135

170 ICES, *ICES Advice 2011 Book 1*, p 9

171 Ev 112

6 Multiannual plans

79. The Commission intends that this round of CFP reform should move away from using single stock, annual plans to manage fishing opportunities towards using multiannual plans that can cover multiple species where appropriate.¹⁷² There is widespread support for long-term management at the fisheries level.¹⁷³ In the future, multiannual plans will be the main instrument for restoring stocks to sustainable levels, so it is vital that they are established promptly.¹⁷⁴ Indeed, since the Commission proposes a deadline of 2015 by which to restore stocks to MSY levels, we aver that the multiannual plans that set out how this will be achieved and monitored would need to be agreed by 2014 at the latest. Furthermore, under the current proposals, multiannual plans are the only mechanism by which decision-making will be devolved to Member States. For species not covered by multiannual plans, the Council will continue to set the conservation and technical measures annually.¹⁷⁵ It is therefore essential that these multiannual plans are agreed promptly.

80. The draft Regulation states that multiannual plans should be established “as a priority” but does not give a precise timetable or specify exactly which stocks should be covered.¹⁷⁶ The Commissioner explained it was her “ambition” to have multiannual management plans established for the majority of stocks by the end of her mandate in 2014.¹⁷⁷ Greenpeace said it was a “major shortcoming” that no deadlines have been set for the adoption of multiannual plans.¹⁷⁸ The New Economics Foundation and ClientEarth called for a firm timetable for the agreement of multiannual plans and for clarity on which stocks will be covered by multiannual plans.¹⁷⁹

81. We are concerned that since 2002 only 22 multiannual management plans have been agreed, representing only one-quarter of the EU’s commercial stocks.¹⁸⁰ It is disappointing that the agreement of these plans has been delayed by inter-institutional debates over the legal base. A much faster rate of progress will be needed in future to deliver the CFP’s objectives. **Defra should request that the European institutions commit to developing multiannual plans for commercial stocks within a reasonable timeframe. We propose a deadline of 2017 so that the EU can meet its commitment under the Marine Strategy Framework Directive that, by 2020, all commercial stocks will be restored to within safe biological limits. Defra should press for the agreement of multiannual plans for the UK’s commercial stocks as a priority.**

172 COM(2011) 425, Recital 17, Article 9

173 Including WWF (Ev 122), Marine Conservation Society (Ev w 1), Waitrose (Ev w12), Greenpeace (Ev w20)

174 Ev w20

175 Q 143

176 COM(2011) 425, Article 9 (1)

177 Q 142

178 Ev w20

179 Ev w4, Ev 96, see also ClientEarth, *CFP reform proposal: governance and regionalisation*, October 2011

180 SEC(2011) 891, p 5

82. The current multiannual management plans have been criticised for being inflexible.¹⁸¹ This creates a problem when environmental or biological factors mean that stocks do not respond as predicted by the scientific models underlying the multiannual plans. Richard Lochhead MSP told us that:

At the moment for instance, North Sea herring is part of a long term management plan. The science has suddenly changed and said there should be 139% increase in the quota, but the management plan says you cannot go beyond a 15% increase in quota. Are we stuck with that for several years, even though the science is now saying something different? We have to make sure the management plans are flexible.¹⁸²

Moreover if a plan is failing to meet its objectives, such as the Cod Recovery Plan, under the current procedure the necessary amendments must go through the co-decision process, which could delay the agreement of a new plan for two years or more.¹⁸³

83. The draft Regulation does not stipulate the duration of multiannual plans or a mechanism for their review. The Commission's non-paper states "the plan would also have a flexibility article in order for new scientific advice to be taken into account quickly" but the legal base for this response mechanism is not clear.¹⁸⁴ We are concerned that the current proposals do not allow for an 'emergency response' to amend a multiannual plan if it proves unsuitable. **Defra should suggest that a mechanism is established to amend multiannual plans within a reasonable time frame if this is necessary due to changing scientific advice or environmental conditions.** Ideally the review mechanism should allow for a new plan to be adopted within a year. This would suggest the appropriate mechanism would be a decision by the Commission under delegated acts.

181 NFFO (Q 62, 81), WWF (Q 293), Scottish Government (Q 203)

182 Q 203

183 Q 293, Q 307

184 European Commission non-paper, *CFP Reform—regionalisation*, December 2011

7 Overcapacity

84. Overcapacity of the EU fishing fleet, itself the result of past EU policies, is recognised as one of the main reasons for the failure of the CFP to ensure sustainable fishing.¹⁸⁵ The last systematic assessment of fleet overcapacity was made in 1995 so it is difficult to assess the true degree of overcapacity.¹⁸⁶ The current CFP requires Member States to take measures to adapt their fleet capacity to the available fishing opportunities and also sets fleet capacity ceilings. However, the European Court of Auditors concluded Member States' measures were not effective and that fleet capacity ceilings were not sufficiently restrictive.¹⁸⁷ Several witnesses recognised the need for more effective and proactive mechanisms to address the problem of overcapacity.¹⁸⁸ However, the Commissioner argued that, in the current economic climate, it was not politically feasible to put stricter targets for fleet capacity reduction in place.¹⁸⁹

Decommissioning subsidies

85. Since 1994, the EU has attempted to correct the overcapacity in the fleet by providing compensation for decommissioning vessels ("scrapping subsidies"). Despite spending over €2.73bn on decommissioning, fishing capacity has continued to increase by about 3% per year.¹⁹⁰ The draft regulation on the future European Maritime and Fisheries Fund explicitly removed the possibility of payment for decommissioning vessels, increasing vessel capacity, or temporary cessation of activities.¹⁹¹ The Commissioner explained to us that "payment for decommissioning is not a solution to our overcapacity problem, so we have to stop it".¹⁹²

86. We received mixed views on the proposed ending of decommissioning subsidies. The fishing industry were unsurprisingly supportive of decommissioning schemes.¹⁹³ The NFFO questioned whether decommissioning schemes were necessary for other market-based capacity reduction schemes to work.¹⁹⁴ The Scottish Cabinet Secretary agreed that decommissioning schemes were a legitimate use of public funds.¹⁹⁵ The Minister implied that, if funding was available, Defra would reinstate their decommissioning schemes.¹⁹⁶

185 European Commission Green Paper, *Reform of the Common Fisheries Policy*, COM(2009)163 final, April 2009, p 5; European Court of Auditors press release, 12 December 2011

186 European Court of Auditors, *Have EU measures contributed to adapting the capacity of fishing fleets to available fishing opportunities?*, Special Report Number 12, 2011

187 European Court of Auditors press release, 12 December 2011

188 Including WWF (Ev 124), RSPB (Ev 121), ClientEarth (Ev w3), New Economics Foundation (Ev 95), SWFPO (Ev 127)

189 Q 163

190 European Commission non-paper, *CFP Reform—Transferable Fishing Concessions*, December 2011

191 COM(2011) 804, Article 13

192 Q 162

193 Including NFFO (Q 73), NUTFA (Q 107)

194 Q 73

195 Q 227

196 Q 388

However, some witnesses pointed out that funding for decommissioning could instead be redirected towards ‘public goods’ such as data collection or employment diversification.¹⁹⁷

87. Decommissioning schemes have been unsuccessful thus far in reducing fleet capacity. Given constraints on funding, we do not think that continuing these schemes provides good value for money for the EU. **Defra should ensure that measures to increase vessel capacity or to decommission vessels are not eligible for funding under the future European Maritime and Fisheries Fund.**

Transferable Fishing Concessions

88. The Commissioner envisages that transferable fishing concessions (TFCs) will provide a market-based mechanism to reduce fleet capacity without requiring public-funded compensation as the sale of the fishing concession can fund the seller’s exit.¹⁹⁸ The Commission states that:

In a number of [Member States] TFCs have helped to rationalise the fleet. In Denmark TFCs were introduced in 2003 for the pelagic fleet, which had since decreased by 50%. For the demersal fleet TFCs were introduced in 2007 and this fleet has shrunk by 30% since. Profits for both segments increased. Estonia introduced a TFC system in 2001 and by 2009 the fleet has decreased by around 40%. In Spain the so called Gran Sol fleet decreased by 30% between 1992 and 1997 with the use of TFCs.¹⁹⁹

The majority of evidence that we received accepted that TFCs could be a successful mechanism for reducing fleet capacity. However, it was felt that the Commission was overly reliant on TFCs as the sole means of reducing capacity.²⁰⁰ Additional suggested tools included other forms of rights-based management,²⁰¹ funds to help fishers exit the industry,²⁰² and clear and binding targets for fleet capacity reduction.²⁰³

89. Forms of rights-based management such as TFCs can improve environmental outcomes through removing one of the major drivers of overfishing and giving fishers a long-term interest in the health of fish stocks. A study of the implementation of rights-based management (catch shares) across global fisheries concluded that “implementation of catch shares halts, and even reverses, the global trend toward widespread collapse”.²⁰⁴

90. Several witnesses were concerned about the impacts of introducing TFCs on coastal communities, arguing that fishing rights would be consolidated in the hands of big businesses that might not have an economic or social link to coastal communities. The

197 For example, New Economics Foundation (Ev 101), PEW Environment Group (Ev w6), Professor Frid (Ev w20)

198 Q 163

199 European Commission non-paper, *CFP Reform—Transferable Fishing Concessions*, December 2011

200 WWF (Ev 124), RSPB (Ev 121), ClientEarth (Ev w2)

201 Ev 121, Ev 124, ClientEarth, *CFP reform proposal: transferable fishing concessions*, November 2011

202 Ev w3, Q 107

203 Ev w3

204 Christopher Costello et al., “Can Catch Shares Prevent Fisheries Collapse?”, *Science*, vol 321 (2008), pp 1678-1681

Northern Ireland Assembly and Welsh Government concurred that consolidation could be damaging to the inshore fishing fleet and to coastal communities.²⁰⁵ The Scottish Government said the impact on Scotland's fishing communities would be “devastating”;²⁰⁶ Richard Lochhead MSP particularly referred to the loss of social benefits delivered by the current system of family-owned businesses.²⁰⁷ On the other hand, the continued depletion of fish stocks by overfishing also damages coastal communities: by 2009 the number of UK fisherman had fallen to a quarter of its level in the 1950s.²⁰⁸

91. The Common Fisheries Policy should protect fishing communities as well as fish. The introduction of Transferable Fishing Concessions (TFCs) as a mechanism to reduce fleet capacity highlights a broader debate over the interaction between overfishing, fleet size and employment in coastal areas. We recognise that introducing TFCs can reduce fleet capacity and improve environmental outcomes. However, we are deeply concerned that introducing TFCs will damage the viability of coastal communities. Defra must decide what shape of fishing industry it wants in future. Therefore if Defra believes that a reduction in fleet capacity is needed, safeguards must be put in place to protect coastal communities and prevent excessive consolidation of the fleet in favour of larger operations.

92. Under the current proposals, Member States can choose whether to extend the system of TFCs to the under 12 m sector. The New Under Ten Fishermen's Association (NUTFA), which represents the UK's under 10 m fleet, vehemently opposed the extension of TFCs to their sector, claiming that if TFCs have value, they will be sold to the highest bidder, which will “inevitably denude” small scale and low impact operations.²⁰⁹ **In order to protect coastal communities from the potentially negative impact of fleet consolidation, Defra should not extend a system of Transferable Fishing Concessions into the under 10 m sector.** Additional safeguards could include a limit on the percentage of national fishing concessions that can be held by a single vessel, a one-way valve to prevent transfers from small scale operations to large-scale operations, and a facility to allocate additional concessions to vessels that provide additional social or environmental benefits.

93. The Commission's proposal will enable TFCs to be transferred among fishers within a Member State, while individual fishing opportunities (IFOs), which are annual fishing rights derived from the Member State's annual quotas, can be leased among holders of TFCs.²¹⁰ Holders of TFCs that do not wish to fish themselves will be able to lease out their IFOs on an annual basis. This reduces the incentive for TFC holders to leave the industry as “leasing provides consistent high revenue with better income and tax implications than selling quota”.²¹¹ When a similar system was implemented in the British Columbia halibut

205 CFP 18, CFP 14

206 CFP 21

207 Q 210

208 Q 46

209 Q 111

210 COM(2011) 425, Article 31–32

211 Evelyn Pinkerton and Danielle N. Edwards, “The elephant in the room: The hidden costs of leasing individual transferable fishing quotas”, *Marine Policy*, vol 33 (2009), pp 707–713

fishery it resulted in active fishermen holding less of the quota.²¹² Bertie Armstrong, Chief Executive of the SFF, argued that “instead of neatly removing from public finance one area of pension problems, you have in fact introduced a completely undesired reaction in removing the raw material from the operator”.²¹³ We are therefore concerned that, as the Commission’s proposals allow leasing of fishing rights, they do not constitute a meaningful capacity reduction mechanism; moreover allowing leasing of fishing rights could have unintended consequences for genuine fishermen.

94. If a system of Transferable Fishing Concessions is introduced, Defra should implement a mechanism to discourage leasing of quota and to redirect unused quota towards more environmentally and socially sustainable fishing operators. We propose a siphon mechanism whereby if an operator chooses to lease his fishing rights rather than use them himself, a percentage of his allocation is returned to the national envelope. This can be reallocated to active fishermen in such a way as to restore traditional fishing activities in coastal communities and ensure the continuance of the socio-economic benefits that these activities provide. The Duchy Fish Quota Company, based in Cornwall, currently operates a similar mechanism for annual quota allocations to prevent quota being sold out of Cornwall and help young fishermen enter the industry.²¹⁴

95. We support the annual leasing of fishing opportunities among Member States. However we are not persuaded that the permanent transfer of TFCs to other Member States would benefit the UK’s interests in the long-run.²¹⁵ **Defra should not transfer the UK’s fishing rights, such as Transferable Fishing Concessions, to other Member States.**

212 *ibid.*

213 Q 90

214 www.duchyfishquota.co.uk

215 Q 207, Q 87. Article 31 of the draft Regulation creates an additional possibility for Member States to authorise the transfer of TFCs to other Member States.

8 Relative Stability

96. Total Allowable Catches are shared among the participating Member States based on their historical fishing activities, which is known as relative stability. However, environmental changes are likely to result in changes in stock distributions over time. Professor Rogers told us that:

Climate change is coming into play across European waters as well, in that our waters are warming and biological communities are changing. In some cases, it is likely patterns of primary production, and therefore fisheries production, are going to change. Whatever we do in terms of fisheries management in the future in European waters, that is another area that has to be looked at and taken into account in terms of fisheries management.²¹⁶

Adam Whittle from Billingsgate Seafood Training School similarly described how they are seeing “Mediterranean species increasing and less availability of traditional colder water species. More warmer water species are coming on the market”.²¹⁷

97. We heard that changes in the geographical distribution of stocks and their abundance risks creating a mismatch between quota availability and stock availability. For example, on our visit to Hastings, we heard that the allocation of cod does not match the “abundance” of cod in their inshore waters, which in turn leads to regulatory discarding.²¹⁸ **Defra should call for a review of the effect of environmental change on the future distribution of stocks before the next round of CFP reform, with the intention of revisiting the relative stability principle if appropriate.**

216 Q 7

217 Q 453

218 Q 424

9 Consumers

98. Consumer demand is potentially a powerful lever to encourage the fishing industry to adopt more sustainable fishing practices. Consumer understanding of sustainability issues related to fish products is growing, as evidenced by the public support for the Fish Fight Campaign.²¹⁹ However, price and quality remain the most important factors affecting buying decisions.²²⁰ Peter Hajipieris of Iglo Foods Group added “I do not think yet that we are at a tipping point where the consumer is prepared to pay more, simply because we are in this phase now where everyone is looking after their pennies”.²²¹

99. We heard that the public are being given mixed messages about fish consumption, which could hamper the spread of environmentally conscious purchasing behaviour. The New Economics Foundation explained:

There is an increased awareness by consumers [of the need to tackle overfishing], but they are being bombarded with conflicting messages, which are ‘eat more fish’ and ‘there is overfishing’. The public is a bit confused.²²²

100. The Department of Health’s “8 tips for making healthier choices” includes “eat more fish—including a portion of oily fish each week”.²²³ The Government Buying Standards, which were developed by Defra, also recommend that caterers serve fish twice a week.²²⁴ Professor Tim Lang, a well known expert on food policy, criticised the Government’s approach:

The misalignment of nutritional advice with the data on fish stocks is remarkable. It is a worrying example of, firstly, the gap between evidence and policy and, secondly, continued failure to face this by government and the scientific community due to disciplinary divisions.²²⁵

Professor Lang called for a revision of current consumer nutrition advice to create “ecological public health coherence” by giving clear messages on the need for diets to be both healthy and sustainable. He added that specific and clear advice on how to obtain essential fatty acids from non-fish sources was needed.²²⁶

101. Defra did not respond directly to this concern, but instead reminded us that “the vast majority of fish we eat are imported”.²²⁷ This is testament to the failure to persuade the British public to buy British fish. However unsustainable fishing is equally unacceptable

219 On 13 January 2012, the Fish Fight website reported that 773, 532 people were supporting the campaign so far (<http://www.fishfight.net/>).

220 Q 446

221 Q 259

222 Q 52

223 <http://www.dh.gov.uk/en/Publichealth/Nutrition/index.htm>

224 Defra, *Government Buying Standards for food and catering services*, June 2011

225 Ev w28

226 Ev w28–29

227 Q 413

whether the fish were caught in EU waters or overseas. **Defra should work with the Department of Health to ensure that public health advice about fish consumption is consistent with the Department's position on maintaining sustainable fish stocks around the UK and in external waters.** While this inquiry specifically addresses fish consumption, we note that similar issues will arise around meat and dairy consumption.

Promoting under-utilised species

102. The absence of a market is one of the main reasons for fish discarding. In the UK, the most popular five species—salmon, cod, haddock, tuna, prawns—account for 80% of the fish sold (the 'Big 5').²²⁸ Adam Whittle of Billingsgate Seafood Training School told us about their work with Defra's 'Fishing for the Markets' project and the industry-led Discards Action Group to encourage consumers to switch to less well-known types. Mr Whittle added that:

In recent years a lot of those [lesser-known] species have seen an increase in uptake. Dabs, pouting, gurnards have seen significant increases in market prices from, say, 50p up to £4.50 a kilo on the market. Therefore, prices have increased and positive things are happening.²²⁹

This Committee's *Domestic Fish Management* inquiry recommended that Defra continue its research into under-utilised species and "work with the industry and other interested parties to develop innovative approaches to market diversification".²³⁰

103. We consider it is essential that the Government leads the way on procuring sustainable fish and supporting coastal communities through buying local fish wherever possible. In June 2011, Defra published the Government Buying Standards for public sector food procurement. The mandatory standards include "all fish are demonstrably sustainable with all wild-caught fish meeting the FAO Code of Conduct for Responsible Fisheries".²³¹ The Department must ensure that the Government Buying Standards on sustainable fish sourcing are being fully adhered to, including in its own canteens. **We expect that the Government Response to this report will include the most recently available data on compliance across Government with the mandatory standards on fish sourcing. Defra should also, with the catering and fishing industries, review the scope to include additional Best Practice standards on sourcing fish locally and promoting under-utilised species.**

228 Data taken from Sainsbury's website accessed 10 February 2012 (http://www2.sainsburys.co.uk/food/foodandfeatures/safety_quality/articles/fish.htm).

229 Q 437

230 EFRA Committee, *Implementation of the Common Fisheries Policy: Domestic Fisheries Management*, 3 June 2011, Sixth Report of Session 2010–12, para 47

231 Defra, *Government Buying Standards for food and catering services*, June 2011

10 Conclusion

104. We encourage Defra to consult fully with the Devolved Administrations to determine fishing policy. The fishing industry are “vitaly interested that the UK as a member state acts as just that: as a joined up member state”.²³² **The interests of the UK’s fishing industry are best served by one strong voice in Brussels. Defra and the Devolved Administrations should seek to present a united front in negotiations with the EU over fishing policy.**

105. Our report focuses primarily on technical issues, but at its heart is a fundamental question about the nature of the marine ecosystems and coastal communities that we want to leave to future generations. We fully support Commissioner Damanaki in her ambition that the future CFP creates the right conditions for sustainable exploitation of marine resources.

106. However, we are concerned that the Commission is embarking on this journey without a clear and workable plan for achieving its aims, without the scientific data needed to back these up, and before building political will and grassroots support. There is a risk that headline-chasing in response to pressures from environmental campaigners will further damage our coastal communities without actually doing any good for fish stocks.

107. The essential first step is to improve the CFP’s governance through a more ambitious programme of decentralisation. We welcome the UK’s positive relationship with other northern fishing nations and encourage stronger ties with the southern Member States to build a consensus around decentralisation. We hope that our colleagues in the European Parliament will use their new powers under co-decision to deliver a more effective CFP that recognises the need to pass power back to local levels. We call on Defra to show leadership in Brussels to ensure that the future CFP delivers for the fish, the fishermen, and the coastal communities that depend on them.

Conclusions and recommendations

Decision-making and governance

1. We are convinced that a more effective system of European fisheries governance could be achieved if high-level objectives only are set centrally by the European institutions while day-to-day decisions are delegated to regional groupings of Member States. However, the draft Regulation does not provide a clear, practicable mechanism for regionalisation. This lack of clarity creates anxiety among stakeholders and risks derailing the process of improving the CFP's governance. Moreover the draft Regulation gives the Commission considerable scope to determine which powers are delegated to Member States and under what circumstances it can recall these powers. (Paragraph 23)
2. Given the widespread calls for decentralisation, we encourage Defra to pursue a more ambitious approach that genuinely passes power back to Member States. We have identified a lawful means of qualifying the EU's exclusive competence over the conservation of marine resources thereby creating the framework for genuine regionalisation. This could deliver an effective 'locally as possible' approach to fisheries management in line with the ambitions of stakeholders, national governments, and the Commission itself. This can be achieved without Treaty change through amending the CFP Regulation itself. We recommend that Defra explore our interpretation of the EU's exclusive competence over the conservation of marine resources further with the Commission. Defra will also need to build support among other Member States and the European Parliament if this ground-breaking change is to go ahead. (Paragraph 28)
3. If Defra is not able to persuade the Commission to pursue our recommendation, Defra should, at least, press the Commission to produce a clear road-map for regionalisation and a statement of responsibilities that affected parties could agree to adhere to. (Paragraph 30)
4. Defra should also explore the possibility of establishing legally binding regional agreements with Member States with which it shares waters. These agreements could set out the rules of conduct for agreeing common conservation measures to implement multiannual plans at a sea-basin level. (Paragraph 30)
5. Defra should recommend strengthening the power of Advisory Councils by including a requirement for the Commission and Member States to consult the Advisory Councils over the content of multiannual plans and their proposed measures to implement the multiannual plans. (Paragraph 32)
6. We believe that the partnership approach to animal health and welfare policy currently being trialled in England could provide a model for fisheries governance that gives greater responsibility to the industry and other stakeholders. Defra and the Devolved Administrations should explore establishing a Fisheries Management Board, on a similar model to the Animal Health and Welfare Board for England,

which will be responsible for setting domestic fisheries policy and also shaping the UK's negotiating position with the EU institutions. (Paragraph 33)

7. The future CFP should recognise the need to protect and support the small-scale fishing fleet through a differentiated management regime. Defra should press the Commission to ensure the small-scale fleet is properly represented on Advisory Councils. This could be achieved by the Commission adopting measures under delegated acts on the composition of Advisory Councils and by financial support for organisations representing the small-scale fleet to attend Advisory Council meetings. (Paragraph 37)
8. We recommend that the Department provides us with an updated action plan for domestic fisheries management reform by the time it publishes the Government Response to this report to reassure us that Defra remains committed to reforming domestic fisheries management to deliver a fairer deal to the inshore sector. (Paragraph 38)
9. Defra must ensure that when they enact conservation measures such as creating Marine Conservation Zones, these can be enforced equally on vessels from other Member States as on UK vessels. (Paragraph 40)

Objectives of the Common Fisheries Policy

10. Defra should ensure that where the CFP regulation refers to restoring stocks to levels that can produce the Maximum Sustainable Yield, it is clear whether this means the spawning stock biomass that is consistent with producing the Maximum Sustainable Yield, or the fishing mortality rate. (Paragraph 45)
11. We conclude that the Marine Strategy Framework Directive's objective of restoring all commercial stocks to within safe biological limits by 2020 is a more appropriate and achievable target than the Commission's proposed General Objective regarding reaching Maximum Sustainable Yield by 2015. We recommend that Defra seeks to include explicitly this Marine Strategy Framework Directive objective as one of the General Objectives of the CFP. (Paragraph 51)
12. We do not think it is appropriate for the future CFP to include a legally binding requirement to restore stocks to above the levels that can produce the Maximum Sustainable Yield by 2015, not least because of the lack of scientific advice on how to achieve this for many stocks. In our view it would be preferable for this General Objective to be rephrased as follows: the CFP shall aim to restore stocks to above levels that can produce the Maximum Sustainable Yield, and where possible shall aim to do this by 2015. (Paragraph 52)
13. Defra should press for an additional General Objective of the CFP to contribute to the socio-economic development of coastal communities. (Paragraph 55)

Discards

14. If discarded fish show high survival rates, it may be preferable to discard them rather than bring them on land where they have limited economic value. Defra should

request that survival trials for all the species covered by the proposed discard ban are carried out before the ban is implemented and use this information to determine whether the proposed range of species is correct. (Paragraph 63)

15. We strongly support the Commission's desire to minimise discarding rates. However, we are concerned that by deciding to implement a ban so swiftly and with so little scope for stakeholder engagement, the Commission risks creating a scheme that will be unworkable and will be flouted, or worse, will merely shift unwanted fish in the sea to unwanted fish on land. We suggest it might be advisable to delay the discard ban until 2020 to give time to do the groundwork for its successful implementation. This is not an excuse to ignore the discard problem—effective and proactive measures must be put in place in the mean time to incentivise more selective fishing. (Paragraph 66)
16. Defra should ensure that the future European Maritime and Fisheries Fund can support measures that provide additional economic incentives to fishers that adopt more selective gear, as well as covering the cost of investing in the new gear. (Paragraph 68)
17. Defra should support a rapid shift from counting the fish landed against quotas to counting the fish caught against quotas. This will address the problem of inaccurate reporting of fish mortality due to unrecorded discards in the period before the discard ban is implemented. (Paragraph 69)

Science and Data

18. Defra should support the Commission's proposals to increase funding for scientific advice and data collection and withdraw funding from Member States that fail to comply with data collection obligations. We also recommend that Defra, with the industry and fisheries scientists, investigate the options for a more cost-effective approach to science-based fisheries management through making more imaginative use of the available data sets. (Paragraph 74)
19. We encourage Defra to continue funding Fisheries Science Partnerships (FSPs) and to also work with the industry to consider how a cost-sharing approach to FSPs could be taken forward. (Paragraph 77)
20. We are concerned by the absence of scientific models on which to base multi-species fisheries management. Defra should set out the current availability of these models for UK fisheries and the resources and time required to fill any gaps. (Paragraph 78)

Multiannual Plans

21. Defra should request that the European institutions commit to developing multiannual plans for commercial stocks within a reasonable timeframe. We propose a deadline of 2017 so that the EU can meet its commitment under the Marine Strategy Framework Directive that, by 2020, all commercial stocks will be restored to within safe biological limits. Defra should press for the agreement of multiannual plans for the UK's commercial stocks as a priority. (Paragraph 81)

22. Defra should suggest that a mechanism is established to amend multiannual plans within a reasonable time frame if this is necessary due to changing scientific advice or environmental conditions. (Paragraph 83)

Overcapacity

23. Defra should ensure that measures to increase vessel capacity or to decommission vessels are not eligible for funding under the future European Maritime and Fisheries Fund. (Paragraph 87)
24. The Common Fisheries Policy should protect fishing communities as well as fish. The introduction of Transferable Fishing Concessions (TFCs) as a mechanism to reduce fleet capacity highlights a broader debate over the interaction between overfishing, fleet size and employment in coastal areas. We recognise that introducing TFCs can reduce fleet capacity and improve environmental outcomes. However, we are deeply concerned that introducing TFCs will damage the viability of coastal communities. Defra must decide what shape of fishing industry it wants in future. Therefore if Defra believes that a reduction in fleet capacity is needed, safeguards must be put in place to protect coastal communities and prevent excessive consolidation of the fleet in favour of larger operations. (Paragraph 91)
25. In order to protect coastal communities from the potentially negative impact of fleet consolidation, Defra should not extend a system of Transferable Fishing Concessions into the under 10 m sector. (Paragraph 92)
26. If a system of Transferable Fishing Concessions is introduced, Defra should implement a mechanism to discourage leasing of quota and to redirect unused quota towards more environmentally and socially sustainable fishing operators. We propose a siphon mechanism whereby if an operator chooses to lease his fishing rights rather than use them himself, a percentage of his allocation is returned to the national envelope. This can be reallocated to active fishermen in such a way as to restore traditional fishing activities in coastal communities and ensure the continuance of the socio-economic benefits that these activities provide. (Paragraph 94)
27. Defra should not transfer the UK's fishing rights, such as Transferable Fishing Concessions, to other Member States. (Paragraph 95)

Relative Stability

28. Defra should call for a review of the effect of environmental change on the future distribution of stocks before the next round of CFP reform, with the intention of revisiting the relative stability principle if appropriate. (Paragraph 97)

Consumers

29. Defra should work with the Department of Health to ensure that public health advice about fish consumption is consistent with the Department's position on maintaining sustainable fish stocks around the UK and in external waters. (Paragraph 101)

30. We expect that the Government Response to this report will include the most recently available data on compliance across Government with the mandatory standards on fish sourcing. Defra should also, with the catering and fishing industries, review the scope to include additional Best Practice standards on sourcing fish locally and promoting under-utilised species. (Paragraph 103)

Conclusion

31. The interests of the UK's fishing industry are best served by one strong voice in Brussels. Defra and the Devolved Administrations should seek to present a united front in negotiations with the EU over fishing policy. (Paragraph 104)

Formal Minutes

Tuesday 21 February 2012

Members present:

Miss Anne McIntosh, in the Chair

Thomas Docherty
Barry Gardiner
Neil Parish

Ms Margaret Ritchie
Dan Rogerson
Amber Rudd

Draft Report (*EU proposals for reform of the Common Fisheries Policy*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 107 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Twelfth Report of the Committee to the House.

Ordered, That the Chair do make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No.134.

[Adjourned till Wednesday 22 February at 2.30 pm

Witnesses

Tuesday 18 October 2011

	<i>Page</i>
Professor Alex Rogers , University of Oxford	Ev 1
Aniol Esteban , Head of Environmental Economics, and Rupert Crilly , Researcher in Environmental Economics, New Economics Foundation	Ev 5

Tuesday 25 October 2011

Barrie Deas , Chief Executive, National Federation of Fisherman's Organisations	Ev 11
Bertie Armstrong , Chief Executive, Scottish Fishermen's Federation	Ev 16
Jerry Percy , Chief Executive, New Under Ten Fishermen's Association	Ev 20

Thursday 27 October 2011

Commissioner Maria Damanaki , Directorate General of Maritime Affairs and Fisheries, András Inotai , Member of the Commissioner's Cabinet, and Oliver Drewes , the Commissioner's spokesperson, European Commission	Ev 24
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Wednesday 2 November 2011

Richard Lochhead MSP , Cabinet Secretary for Rural Affairs and the Environment, Scottish Government, Linda Rosborough , Acting Director, and Mike Palmer , Deputy Director Fisheries, Marine Scotland	Ev 36
Peter Hajjipieris , Chief Technical, Sustainability and External Affairs Officer, Iglo Foods Group Ltd	Ev 46

Wednesday 9 November 2011

Dr Euan Dunn , Senior Marine Policy Officer, Royal Society for the Protection of Birds, and Dr Mireille Thom , Senior Marine Policy Officer, Worldwide Fund for Nature—Scotland	Ev 54
Jim Portus , Chief Executive, South Western Fish Producer Organisation	Ev 61

Wednesday 7 December 2011

Richard Benyon MP , Parliamentary Under-Secretary for Natural Environment and Fisheries, John Robbs , Director, Marine Programme and Natural Environment, and Andrew Clayton , Head of CFP Reform Policy, Department for Environment, Food, and Rural Affairs (Defra)	Ev 66
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Thursday 8 December 2011

David Scott, FPO board member and past president of the National Federation of Fishermen's Organisations, **Bill Brock**, South Western Fish Producer Organisation, **Paul Joy**, co-chair of the New Under Ten Fishermen's Association and South-East representative, and **Graham Doswell**, New Under Ten Fishermen's Association South-East representative and chairman of Eastbourne's Fishermen's Association Ev 81

Adam Whittle, Billingsgate Seafood Training School, and **Philip MacMullen**, Seafish Ev 88

List of printed written evidence

1	New Economics Foundation (nef)	Ev 95: Ev 97
2	National Federation of Fishermen's Organisations (NFFO)	Ev 101: Ev 105
3	Scottish Fishermen's Federation (SFF)	Ev 110: Ev 113
4	New Under Ten Fishermen's Association (NUTFA)	Ev 114
5	Directorate-General for Maritime Affairs and Fisheries, European Commission	Ev 116
6	The Scottish Government	Ev 119
7	Royal Society for the Protection of Birds (RSPB)	Ev 120
8	WWF-UK	Ev 122
9	South Western Fish Producer Organisation Ltd	Ev 126
10	Department for Environment, Food and Rural Affairs (Defra)	Ev 128: Ev 130
11	Paul Joy	Ev 132
12	Bill Brock	Ev 133
13	Seafish	Ev 135

List of additional written evidence

(published in Volume III on the Committee's website www.parliament.uk/efracom)

1	Marine Conservation Society	Ev w1
2	ClientEarth	Ev w2
3	The Pew Environment Group	Ev w4
4	Food and Drink Federation	Ev w6
5	Marine Network of Friends of the Earth, England, Wales and Northern Ireland (MARINET)	Ev w8
6	Waitrose	Ev w11
7	Tom Appleby, University of the West of England, Bristol	Ev w13
8	Scottish White Fish Producers Association	Ev w15
9	Department of Agriculture and Rural Development, Northern Ireland Assembly	Ev w16
10	Professor CLJ Frid, Professor of Marine Biology, University of Liverpool	Ev w17

11	Greenpeace UK	Ev w20
12	The Welsh Government	Ev w23
13	David Pakes, Goldfish Partnership	Ev w25
14	Sainsbury's	Ev w26
15	Professor Tim Lang	Ev w28
16	Councillor John Hodges, Old Hastings Ward	Ev w30
17	CEFAS	Ev w31

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Report	Future Flood and Water Management Legislation	HC 522 (HC 922)
Second Report	The Marine Policy Statement	HC 635
	The Marine Policy Statement: Government response to the Committee's Second Report published as an Un-numbered Act Paper on 17 March 2011	
Third Report	Farming in the Uplands	HC 556 (HC 953)
Fourth Report	The draft National Policy statement (NPS) on Waste Water	HC 736
Fifth Report	The Common Agricultural Policy after 2013	HC 671 (HC 1356)
Sixth Report	Implementation of the Common Fisheries Policy: Domestic Fisheries Management	HC 858 (HC 1485)
Seventh Report	Pre-appointment hearing: Chair of Gangmasters Licensing Authority	HC 1400-I & -II
Eighth Report	EU proposals for the dairy sector and the future of the dairy industry	HC 952 (HC 1548)
Ninth Report	The Welfare of Laying Hens Directive—Implications for the egg industry	HC 830 (HC 1664)
Tenth Report	The outcome of the independent Farming Regulation Task Force	HC 1266 (HC 1669)
Eleventh Report	The draft National Policy Statement for Hazardous Waste	HC 1465
First Special Report	The National Forest: Government response to the Committee's Fourth Report of Session 2009–10	HC 400
Second Special Report	Dairy Farmers of Britain: Government response to the Committee's Fifth Report of Session 2009–10	HC 401

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