

Stockholm & Brussels, November 10, 2009

To: The Fisheries Ministers of EU Member States

Re: Input to the EU Fisheries Council Meeting, 19–20 November 2009

Dear Minister,

On behalf of the Fisheries Secretariat (FISH) and Seas At Risk (SAR) we offer you our views and key messages on three of the issues that are currently on the agenda of the November Fisheries Council: the Technical Measures Regulation, the need to minimise unwanted by-catch of seabirds, and the reform of the Common Fisheries Policy. The aim of our recommendations is to encourage a more sustainable utilisation of our common marine resources, and we hope that our views will be taken into consideration in your deliberations at the Council meeting.

1. Council Regulation concerning the conservation of fisheries resources through technical measures (COM(2008)324)

The proposal consolidates existing technical measures for the Atlantic and external waters into one single regulation, and introduces a new regulatory approach. Although initially only intended to unify and simplify existing provisions, the current proposal includes a number of new and revised technical measures. The effects of some technical adjustments are difficult to judge, however, we are concerned about some of the revisions, such as the downward adjustment of some Minimum Landing Sizes (MLS).

- We generally support the introduction of the Comitology procedure, but the lack of accountability of the Commission for the adoption of technical measures needs to be addressed.
- Moreover, the powers which have been delegated to the Commission should be extended to cover what we believe are also detailed technical measures, such as minimum landing sizes, percentages of species and mesh size ranges. Ideally, many of these measures should in the future be part of comprehensive, ecosystem-based Long-term Management Plans covering all of the EU commercial fish stocks.
- We also call on you to address the lack of regulation during the transition period between the adoption of this proposal repealing several Regulations and the adoption of new technical measures through the Comitology procedure, before you approve the proposal.
- We would like to take this opportunity to stress the importance of sound MLS for fisheries management. It is a fundamental measure to avoid targeting juveniles and should be closely linked to the relevant mesh sizes and gear regulations in order to be effective.
- We welcome the establishment of a procedure to deal with fisheries management in Natura 2000 sites (Article 22a) and ask you to support the application of the Comitology procedure in the case where fisheries of several MS are involved; however, we urge you to ensure that in cases where only one MS is involved, the power is delegated to the concerned MS.

See Annex 1 for more detailed comments on this proposal.

2. On the need to minimize unwanted by-catch of seabirds

In Europe, the incidental catch of birds is caused mainly by longline fisheries and gill-nets. The worst known by-catch ‘hotspots’ are the Mediterranean Sea and west of Ireland, where species such as Cory’s shearwater, Balearic shearwater and Great shearwater are being killed at an alarming rate. Recent studies from the Baltic and eastern North Seas also show that the extent and impact of incidental catch in small-scale gill-net fisheries is much higher than previously thought, with estimates ranging from 100,000–200,000 birds killed per year.

Despite the urgency to reduce seabird by-catch by EU vessels operating within and outside Community waters, the issue has still not been subject to any systematic measures at Community level. In 1999 – ten years ago – the EU committed to the development of a Community Plan of Action for tackling seabird by-catch, in response to FAO’s International Plan of Action (IPOA) for reducing incidental catch of seabirds in longline fisheries. A 2001 draft did not develop further until 2008 when the Commission made a request to ICES for formal assessment, as required by the FAO IPOA. On this matter we would like to draw your attention to the following issues for your discussions at the Council meeting:

- We urge you to take emergency action for the most threatened species such as Cory’s shearwater, Balearic shearwater, Yelkouan shearwater and Great shearwater.
- We call for swift adoption of the EU Action Plan for reducing seabird by-catch; this must be based on the UN FAO Best Practice Technical Guidelines to which the EU has signed up.
- We believe the current efforts to collect seabird by-catch data should be strengthened, as there is some indication that existing data are only the tip of the iceberg and serious by-catch ‘hotspots’ may be overlooked.

See Annex 2 for a briefing on by-catch of seabird in EU waters and necessary EU action produced by BirdLife International.

3. On the reform of the Common Fisheries Policy

FISH and SAR are both members of OCEAN2012, an alliance of organisations dedicated to transforming European Fisheries Policy to stop over-fishing, end destructive fishing practices and deliver fair and equitable use of healthy fish stocks. As you will have a chance to exchange views with colleagues about the upcoming reform of the Common Fisheries Policy (CFP) at an informal lunch during the next Council meeting, we encourage you to support “a root and branch” reform of the CFP based on:

- Prioritising environmental objectives as a prerequisite to fulfilling social and economic objectives. The precautionary and ecosystem-based approaches to fisheries management must form the fundamental basis upon which fisheries management is built.
- Granting access to fishing resources to EU fleets – fishing within and outside EU waters – based on environmental and social criteria, favouring less destructive fishing gear and practices, compliance with the law, low fuel consumption, decent working conditions and high quality products.
- Adopting a decision-making framework which ensures decisions are taken at the appropriate levels, differentiating between long-term strategic and operational management decisions. We suggest that the Council of Ministers and the European Parliament (with its new powers on fisheries granted by the Lisbon Treaty) focus on the over-arching vision and objectives of the CFP and leave the detailed implementation to

more appropriate bodies such as the Commission, Member States, or new decentralised management bodies.

- Establishing instruments and competencies which deliver sustainable fishing power – at an EU and regional level. This should include legally-binding and time-bound fishing power limits per fishery or group of fisheries in a given area. Fisheries management should be based on fishing power rather than catches or fishing effort. Fishing power is a measure of the properties of a fishing vessel, measured in terms of the *fishing mortality* the vessel causes on the fish stock or stocks; it must not be confused with engine power.
- Phasing out of public aid that sustains overcapacity. Subsidies and other financial instruments should support the transition to environmentally and socially sustainable fisheries.

For further details on our views, we have taken the liberty to include an OCEAN2012 discussion paper on the reform. We wish you every success with the challenges ahead and will continue to support you in working to achieve sustainable fisheries within the EU and beyond.

See Annex 3 for the OCEAN2012 discussion paper on CFP reform.

Finally, we would like to take this opportunity to point out that the negotiations between the EU and Norway on fishing possibilities is an area of EU fisheries policy that is still non-transparent and inaccessible for interested stakeholders, going against the grain of the Aarhus Convention and general principles of openness, transparency and participation.

Yours sincerely,



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