

Stockholm & Brussels, 12 September, 2012

To: The Fisheries Ministers of EU Member States

**Re: [Input to the EU Fisheries Council Meeting, 24–25 September 2012](#)**

Dear Minister,

On behalf of the Fisheries Secretariat (FISH) and Seas At Risk (SAR) we send you our recommendations for the upcoming orientation debate on the proposed European Maritime and Fisheries Fund (EMFF) (COM(2011)804). In particular, we would like to respond to the letter circulated by eight EU Ministers in support of aid for various fleet measures. We ask you to carefully consider our recommendations in your deliberations at the Council meeting in order to ensure that public funding will not contribute to overcapacity and overfishing, but instead support the transition towards sustainable fisheries and healthy marine ecosystems.

### 1. Public funds for public services

The EU currently provides its fishing sector with annual funding of roughly €836 million for structural measures and about €156 million for fisheries partnership agreements. It is clear from the Council's "General Approach" that a majority of Member States want to continue to spend substantial amounts of structural funds on the fishing sector.

*We call on you to consider that these are public funds and that their use must be for the public good, underpinning the conservation and management efforts set out in the Common Fisheries Policy (CFP).*

According to the Commission's proposal (Article 15), the vast majority of the available funding (€4,535 million) would be allocated to measures that often benefit a handful of operators rather than the entire sector, while financial support for control and enforcement (€477 million) and data collection (€358 million) is more limited. Considering the extent to which large numbers of data-deficient stocks and illegal fishing undermine efforts of sustainable fisheries management, *it is our view that the amount of funding allocated to data collection and control and enforcement in the EMFF should be at least double that of the current financial period.*

*Member States should also be given the flexibility to spend more but not less EMFF fund*

*ing on data collection, control and enforcement measures.* In its progress report on the EMFF from June 2012, the Council recommended that Member States be provided with the opportunity to shift funding from storage aid to control and enforcement and data collection. However, there is no reason why Member States should not also be able to shift funds from structural measures (Article 15.2) into control and enforcement (Article 15.3) and data collection (Article 15.4).

*See Annex 1 for a joint NGO position on funding priorities in the proposed EMFF.*

### 2. Fleet measures

Fisheries subsidies have contributed to the structural problem of fleet overcapacity, as acknowledged in international commitments, which the EU has supported, to abolish subsidies

that contribute to overcapacity and overfishing. We therefore strongly support the Commission's proposal to exclude some of the measures from the EMFF that may increase the EU fishing capacity, such as aid for the construction of new fishing vessels (Article 13(b)) and for engine modernisation and replacement (Article 39.2). Even if modernising or replacing old engines is conditional upon making them equally or less powerful (which is very difficult to control and enforce), it will not necessarily translate into a reduction of the vessel's ability to catch fish. According to the European Court of Auditors, vessels equipped with 'fuel efficient' engines still have an incentive to increase their fishing effort, for instance by spending more hours at sea.

A number of other fleet-related structural measures, such as on board investments or gear replacement, are often associated with higher efficiency and therefore contribute to maintaining overcapacities. In addition, aid for investments on board to make best use of unwanted catches of commercial stocks (Article 40.2) will, most likely, undermine some desired outcomes of the proposed landing obligation, such as fishing in a more targeted and selective way in order to avoid unwanted catches. It would be preferable to direct funding to research and implementation of selective and environmentally friendly gear. Aid for temporary cessation of fishing activities also contributes to maintaining the *status quo* rather than supporting the structural changes needed to achieve an end to overfishing.

*We ask you to consider the overarching objectives of the CFP and the effects that continuous overcapacity would have on the resources as well as sector profitability, and to support Articles 13 and 39.2 in the Commission's proposal.*

*See Annex 2 for a joint NGO position on engine modernisation or replacement.*

### 3. Compliance a condition for aid

In the past, several Member States have benefitted from EU financial assistance for the fishing sector without properly implementing the rules of the CFP, for example, failing to fulfil reporting obligations under the Data Collection Framework Regulation. EU financial assistance must become conditional on compliance with the future CFP (Articles 119 and 128), and preferably also with relevant environmental legislation, such as the Birds and the Habitats Directives and the Marine Strategy Framework Directive. Aid to individual operators must also be conditional upon compliance with the rules of the CFP (Articles 12, 105.2 and 117). It is unacceptable that operators who engage in serious infringements can continue to benefit from EU financial assistance, as is currently still the case.

*All this considered, we ask you to support articles 12, 105, 117, 119 and 128 of the EMFF proposal, but also to reconsider the weakening of articles 50 and 51 agreed by the Council in the General Approach to the proposed basic regulation (COM(2011)425).*

*See Annex 3 for a joint NGO position on conditionality, sent to MEPs earlier this year.*

Yours sincerely,



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