

Stockholm & Brussels, 4 April, 2012

To: The Fisheries Ministers of EU Member States

Re: [Input to the EU Fisheries Council Meeting, 26–27 April 2012](#)

Dear Minister,

On behalf of the Fisheries Secretariat (FISH) and Seas At Risk (SAR) we enclose comments on two important aspects of the ongoing reform of the Common Fisheries Policy: Transferable Fishing Concessions (TFCs) and regionalisation. We understand these topics will be discussed at your upcoming meeting and ask you to consider our recommendations in your deliberations.

1. Transferable Fishing Concessions (TFCs)

The marine environment is a common resource, and it is in the public interest that activities having an impact on the state of fish stocks and the wider marine ecosystem are sustainably managed. The Commission proposals on Transferable Fishing Concessions (TFCs) are close to a compulsory near-privatisation of marine resources and will result, without appropriate safeguards, in a concentration of fishing rights in the hands of the economically most powerful actors rather than those who fish more sustainably.

Given the diversity of fisheries in Europe, access management rules need to offer a range of solutions, suited to all kinds of management systems. We urge that instead of being obliged to use only one tool, Member States should be able to choose from a range of schemes to meet the specific challenges of individual fisheries on regional levels. This would also be more in line with the principle of subsidiarity on access arrangements.

We propose that access to fish resources be based on a set of transparent criteria for environmentally and socially sustainable practices, rewarding those who perform well against these benchmarks. We therefore recommend that:

- The current proposal for a Transferable Fishing Concession (TFC) scheme be rejected as a mandatory, single-option solution (Article 27ff);
- Member States have the flexibility to choose from a range of options on how to allocate access to fishing resources; and
- That a criteria-based approach providing preferential access to the most sustainable operators be incorporated in relevant articles.

See Annex 1 for an OCEAN2012 briefing paper on TFCs and EU access arrangements.

2. Regionalisation

We fully support a more regional approach to management of European fisheries; one better tailored to finding appropriate regional and local solutions to management issues. However, the

elements in the European Commission's proposals leave a lot of unanswered questions regarding regionalisation. Even with the more recent non-paper from the Commission, it is still not sufficiently clear how regionalisation will work in practice and which institution would be responsible for what.

Regionalisation will not and cannot mean a complete relinquishing of responsibility from Brussels but it should mean greater flexibility and sharing the responsibility of implementation. We believe that effective regionalisation could be delivered through the adoption of fishery-based multiannual plans developed by stakeholder groups representative of the fishery which is the subject of the plan. There should be a balance of powers shared among resource users, government, scientists, control agencies, environmental organisations and other interest groups. For fisheries involving more than one Member State, Member States will need to co-operate at fisheries level to develop plans. We recognise that regionalisation may be easier to implement in some areas than others, and that therefore a gradual sea basin-based approach may be needed.

The regionally developed multiannual plans would be submitted to the European Commission, which would assess whether, in the case of each plan, it meets the overall objectives and requirements agreed through co-decision procedure at EU level. If deemed to be the case, the plan would be adopted by the Commission as a delegated act.

We would like to see the following clarifications and changes in the current proposals:

- Who will be responsible for drafting the national and fishery-level plans?
- All efforts at regionalisation are tied to EU-level frameworks for multiannual plans or technical measures regulations, which are currently stalled because of disagreement between Council and European Parliament over co-decision procedures. If this is not resolved, much needed management measures as well as regionalisation processes will continue to be delayed. It would be helpful if the Commission could set out a way forward for a regional level process, bypassing this stalemate.
- Member States sharing a fishery should be obliged to cooperate and ensure consistency of approach at fisheries level.
- Increased regionalisation is clearly going to create a greater workload and increasing costs for Member States in implementation. Yet, no funding is foreseen for this under the proposed EMFF. Funding for cross-boundary processes could be provided under Art. 30.
- EMFF support should also be available to support stakeholder participation in regional processes and for the establishment of co-management groups at fishery level.

See Annex 2 for our more detailed briefing paper on regionalisation.

Yours sincerely,



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