

ANNEX 1: KEY ASPECTS OF A GENERAL APPROACH TO THE EUROPEAN MARITIME AND FISHERIES FUND

Having dealt with its first position on the proposed new basic regulation for the EU Common Fisheries Policy (COM(2011)425), the Fisheries Council is now approaching a first compromise agreement on the new European Maritime and Fisheries Fund (EMFF) (COM(2011)804).

From what we understand, it is the intention of the Cypriot Presidency to formulate a General Approach at the October meeting, setting out some detailed views in anticipation of future negotiations with the European Parliament.

The EU provides substantial amounts of structural funds to the fishing sector, and from the discussions so far it is clear that a majority of Member States wants to continue to do so. We call on ministers 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 CFP.

No subsidies that increase or maintain capacity

First, we want to re-iterate the importance of *not providing any funding to measures that increase or maintain the current overcapacity* of European fleets. Europe is currently trying to come to terms with a financial crisis, and in such circumstances the EU cannot afford to spend money on harmful subsidies exacerbating existing problems. Therefore, funding for the building of new vessels should continue to be impossible under the new EMFF. Any aid for modernisation, engine replacements and temporary cessation of fishing activities should also be removed from the proposal.

We welcome initiatives to set minimum amounts for spending on control, enforcement and data collection, increasing the flexibility of Member State allocation of funds to this end, but ask the Council to provide the flexibility to allocate more funds to these important areas.

Finally, we stress our concern about the lack of environmental guidance in the measures aimed at making European aquaculture competitive and promoting its products. This may lead to the same problems of over-establishment, negative environmental impacts and poor profitability as are currently found in the catching sector.

More support for regional, results-based management

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, involving all the relevant stakeholders, scientists and regional decision-makers. Such a regional approach carries great potential but would need resources to support the increased stakeholder interactions.

Overall, the proposal is disappointing in its regional aspects. There are some provisions for ACs (*Arts 84 and 88*) in the current draft EMFF proposal, and there are also clear opportunities for fisheries local action groups (FLAGs), producer organisations (POs), associations of producer organisations and inter-branch organisations to receive support (*Arts 30-31 and 66*); particularly

FLAGs (*Arts 79bis and 91c*). For NGOs or wider civil society representation outside the scope of FLAGs the situation is much less clear, and further provisions for regional collaboration at levels other than the fisheries areas referred to in Article 58 are needed. In particular, the new EMFF should provide support for stakeholder participation to develop and implement multi-annual plans (MAPs).¹

In light of this, we find the proposal has some overall failings on support for regional management, but ask you to support the proposed changes to articles 66 and 88, which provide scope for collaboration on regional issues.

Detailed comments on key articles

Article 6 Union priorities

We welcome the proposed changes focusing on (a) reducing the impact of fisheries on the marine environment and (b) the protection and restoration of biodiversity and ecosystems.

Article 12 Admissibility of applications

We support Article 12 with its current changes, clearly excluding operators who committed serious infringements of the CFP from EMFF support.

Article 13 Ineligible operations and Article 33A Temporary cessation of fishing activities

We oppose amendments of Article 13 that would allow aid for decommissioning and temporary cessation under specific conditions. The specific conditions for aid for temporary cessation of fishing activities are elaborated under the new Article 33A, limiting it to either (a) implementation of emergency measures or (b) non-renewal of fisheries partnership agreements.

While the provision of some transitional support that enables vessel owners to diversify may not always be a bad thing, we find the term “*temporary cessation* of fishing activities” unsuitable, particularly for fisheries under emergency measures as these can only be applied when there is a case of *serious threat* to marine biological resources, and it is highly unlikely that the need for a cessation of fishing activities will come to an end within 6 months. This temporary aid will then only postpone an inevitable long-term solution.

Articles 19 and 20 on guiding principles for and content of the operational programme

We oppose the proposed deletion of the requirement for operational programmes to include

- ex-ante evaluation (Article 20a)
- a demonstration of an pertinent approach integrated into the programme towards innovation, the environment, including the specific needs of Natura 2000 areas , and climate change mitigation
- information on the complementarity with measures financed through other CSF Funds or the LIFE Framework Programme
- an evaluation of the effects of the fishing sector on the ecosystem

as these deletions substantially weaken the environmental requirements of the operational programmes.

¹ Could be a new article or included into the proposed Article 35.

Article 30 Network partnerships between scientists and fishermen

This article sets out the important possibility of increased networking and collaboration with support under the EMFF. Article 30.3 explicitly mentions non-governmental organisations, but it is unclear whether this may include civil society organisations such as environmental NGOs. We believe NGOs, whether focusing on environmental, developmental or consumer interests, have an important role to play and could enrich the partnerships outlined on local, regional and national scale. We would therefore like to propose the following additions to this article:

Article 30 ~~Network~~ Partnerships between scientists, ~~and~~ fishermen *and civil society organisations*

Article 34 Support to systems of transferable fishing concessions of the CFP

While we support the new Article 34(2) that allows EMFF support for the design and development of new systems allocating fishing opportunities, we want to point out that allocation systems are not necessarily an instrument to adapt capacity to fishing opportunities. The first part of the sentence of that proposed new Article – “In order to adapt the fishing activities to the fishing opportunities” – should therefore be deleted.

Article 39 Mitigation of climate change

We again call on you not to support engine replacement or modernisation (Article 39(2)), as this will contribute to overcapacity. Vessel equipped with engines that consume less fuel and reduce the operating costs will be able to spend more hours at sea at the same operating cost and therefore catch more fish. Moreover reality shows that technically, engine power has been extremely difficult to control, given its rampant under-declaration in the EU.

The proposed condition to only grant this aid to vessels that are shown not to be part of a fleet segment operating at overcapacity should be applied to all investments on board of vessels or in equipment and should therefore be moved to Article 13.

Article 46 Investments in off-shore and non-food aquaculture

We are concerned that the provisions on funding of aquaculture have become weaker (Article 46), basically making most of the aquaculture industry eligible for funding.

Article 70 Storage aid

We also urge you yet again to ensure that storage aid is phased out as proposed.

Article 72 Processing of fisheries and aquaculture products

Article 72(b) provides for investment support for the processing of “surplus and underexploited species”. Funding aimed at making best use of unwanted catches from commercial stocks will undermine the aim of a landing obligation to promote more targeted and selective ways of fishing, and should not be provided. Rather funding should be made available to reduce unwanted catches, for example through research in order to develop more selective and environmentally friendly gear.