

Stockholm & Brussels, 7 May 2013

To: The Fisheries Ministers of the EU Member States

Re: The revised negotiation mandate and the EU Fisheries Council Meeting, 13–14 May 2013

Dear Minister,

On behalf of the Fisheries Secretariat (FISH) and Seas At Risk (SAR), we send you this letter to urge you to support a revised negotiation mandate for the Irish Presidency that will enable an agreement with the European Parliament in trilogue and ensure a sustainable future for our fisheries in Europe. A move towards the European Parliament on a number of key issues is urgently needed to find a timely agreement, set the framework for our future fisheries policy and move towards implementation. The new negotiation mandate proposed by the Presidency on 30 April contains a number of important improvements, even though it is our view that it could be strengthened further.

1. Objectives and MSY

The new objectives of the Common Fisheries Policy set the direction and the aspiration of the future of fisheries in the EU, as well as for the health of our seas. This makes Article 2 pivotal to the entire reform.

In light of the differences between the Council's General Approach and the European Parliament position, the revised text proposed by the Irish Presidency on 30 April is a clear improvement and we commend the Irish on bringing the aspirational target for biomass levels back into the Council text. However, it could be further improved, as an exploitation rate at Maximum Sustainable Yield (FMSY) could be achieved by 2015, while the proposed inclusion of "where possible" introduces ambiguity and room for delay.

Also, the European Parliament text sets out deadlines for both sustainable exploitation rate (2015) and biomass levels (2020), and the revised mandate needs to reflect this in order to find a possible compromise. A deadline for biomass levels is also in line with international commitments and with the obligation to achieve Good Environmental Status of EU marine waters by 2020.

We urge you to support a revised negotiating mandate for the Irish Presidency on Article 2.2, including:

- aiming for biomass levels **above** BMSY;
- committing to achieve an exploitation rate below the maximum sustainable yield by **2015** where sufficient data is available to determine it, and on a progressive incremental basis at the latest by 2020 for all stocks; and
- if possible, strengthening the text by including a time line for BMSY.

We also call on you to support the improved text in Article 2.3, including *efforts to avoid degradation of the marine environment from both aquaculture and fisheries activities*.

2. Fishing capacity and conditionality

On the tackling of excess fishing capacity, the European Parliament and the Council's positions are relatively similar: both require annual assessments of fishing capacity by fleet

segment, action plans to reduce excess capacity and monitoring of fishing capacity against capacity ceilings.

The Presidency proposal for revised negotiation mandate contains a number of improvements in relation to management and assessment of fishing capacity and cross-compliance. However, the definition of 'fishing capacity' (Article 5, indent 19) needs to include other factors than just tonnage (GT) and power (kW), as it is widely recognised that these two factors provide an insufficient measure of capacity.

We call on you to support a revised mandate on the adjustment and management of fishing capacity (Art. 34), and specifically the proposed reference to the Commission guidelines for the Member State analysis of the balance between fishing capacity¹ and fishing opportunities. Provisions on the conditionality of funding contained in Article 34, should be widened to apply to all funds received, so it at least as strong as current law under Article 16 of the basic Regulation.

To ensure effectiveness of the reformed CFP, **access to community funding should be conditional upon compliance with CFP rules** for Member States as well as operators in the fishing industry. We therefore urge you to support the Parliament amendments to articles 50 and 51 when revising the Presidency mandate, or at the very least accept the original Commission proposal.

3. Access to waters

For Art. 6, paragraph 2, and Art. 7, sub-paragraph d), we recommend you to support the Parliament proposal to establish the principle of preferential access for low-impact fishing to promote fishing practices that minimise the environmental impacts and maximise the social benefits of fishing. The new CFP should tap into the huge potential for innovation and sustainable development that is generated by allocating – at national level – at least a percentage of the annual fishing opportunities to those companies that can document that they practice low-impact fishing.

4. Obligation to land all catches

We are aware that the obligation to land all catches (Art. 15) has been the focus of much discussion and disagreement. However, if we are to implement a discard ban in the EU it needs to be carefully designed to move the focus of management measures from landings to catches, and thereby to overall fishing mortality, as well as create a strong incentive to reduce wastage, increase selectivity and improve the assessments of our fish stocks. We ask Ministers to bear this in mind when discussing the revised negotiation mandate. In particular, we want to emphasise:

- the need to at least accept a **step-wise phase out of the *de minimis* exemption**, starting at a low level – as proposed by the Presidency; and
- that the **bycatch should be deducted from the quota of the caught species** – not the target species.

5. Advisory Councils

When it comes to the Advisory Councils, again the European Parliament and the Council positions are reasonably similar, and it should not be too difficult to find common ground. As two organisations that have been active in the Regional Advisory Councils from the start, we urge you to:

¹ Guidelines for an improved analysis of the balance between fleet capacity and fishing opportunities http://ec.europa.eu/dgs/maritimeaffairs_fisheries/contracts_and_funding/calls_for_tender/2009_03/annex_5_guidelines_en.pdf

- Stand firm in not supporting the establishment of a new Advisory Council for markets, as it will be more effective to integrate the entire fisheries chain from sea to consumer within each regional AC, as is currently the case. In addition, according to the Commission, new ACs will share the current funding stream for the RACs, potentially decreasing the already limited funding available for each AC. In this context, the cost and usefulness of an AC for the outermost regions also need to be considered.
- To include processing and marketing operators in Art. 54 (a) rather than Art. 54 (b), as there is a clear difference between stakeholders with a commercial interest in fisheries activities and stakeholders with other interests.

Yours sincerely,



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