

Workshop 1: Governance (3 May 2010)

Introduction

The Workshop on Governance had a fruitful exchange of views on the three main topics related to its terms of reference for the workshop: decision making, regionalisation and stakeholder dialogue and industry responsibility.

The workshop agreed to the following orientations for further work

Regionalisation

1. Participants recognized the need to improve the framework for governance in the Common Fisheries Policy as one of the main pillars for the reform.
2. The future governance framework should allow for simplification and should endeavour to decentralize decision making to the maximum possible within the boundaries of the Treaty.
3. The decision making framework should induce co-legislators (Council and EP) to adopt policy objectives and overarching principles, leaving non-essential acts and implementation decisions to the Commission through delegation and implementation powers.
4. The Commission presented a possible idea for a regional model:
 - Structuring of the Regional Body should be based on a (delegated) mandate from the Commission to the Regional Body, with the aim to develop and subsequently present proposals in agreement with its mandate.
 - The development of proposals should be based on the principle of consensus of entities empowered by the Treaty. This approach should strengthen, from the outset, stakeholder's responsibility in the search of positive compromise among equals.
 - Where consensus is reached streamlining of the decision making in the EU institutions could be envisaged through adoption by Commission act under delegation by the Parliament and Council. Where the Regional Body fails to reach consensus, the ordinary legislative procedure applies.
 - The mandate for the actions of the Regional Body will be limited to the geographical scope of the fisheries resources, involving the relevant and interested parties in the process. To ensure a similar level of consultation ad-hoc alternative solutions might be envisaged for some fisheries that do not strictly correspond to the geographical approach or to the thematic or sectoral problems, particularly small pelagic fisheries or the long distance fleet. In the same order it was endorsed to explore the possibility of an organisation for debate on non-regional but sectoral issues in the field of aquaculture. This body could be integrated as a working group in ACFA.
5. The Conference welcomed this general approach and invites the Council of Ministers to request the Commission to advance discussions at technical level for

the identification of additional options to materialize the improvement of governance through Regional Bodies.

ACFA

6. There was agreement on the need to consolidate, reinforce and review the role of ACFA with a view to opening up to a broader participation from actors (scientists, STECF, etc.). The review should tackle possible duplication between ACFA and RAC, leading to more profiled articulation of each one's role, including the possible structural participation of representatives of the RAC's in ACFA.
7. ACFA needs to remain the forum for debate for all horizontal fisheries policies including aquaculture, markets and processing industry, and the external dimension. The establishment of new subgroups within ACFA was put forward as a possible option.
8. The legal basis of ACFA should be analyzed with a view to expand its advisory role to the European Parliament and the Council of Ministers, with the perspective of increasing its role in a more formal sense.
9. In order to avoid minimum common denominator advice, the ACFA internal decision making should be reviewed allowing for development of more articulate positions.
10. Improvement of the representativeness of the stakeholders in ACFA needs further exploration, with attention to possible inclusions and capacity development of some subsectors, particularly small-scale fisheries and organisations from new Member States.

RAC's

11. Participants recognized the positive contribution of RAC's since their relatively recent creation. The role of RAC's can be further improved in the context of the reform, focusing on improved representativeness and integration into the regional approach for the CFP.
12. A possible reviewed framework should aim to optimize homogeneous legal conditions for the different RAC's.
13. In line with the evaluation of RAC's possibilities to improve, the operating capacity should be analyzed, notably allowing for external expert consultation and commissioning studies. Increased availability of financial resources should be conditional on contributions from both industry and Member States.
14. Possibilities to improve the acceptance and taking into account of RAC's advice deserve further analysis.
15. Where relevant analyze possibilities to facilitate dialogue with third countries (administrations and/or stakeholders) should be introduced where possible.

Social dimension

16. The Workshop welcomed the exchange of views on the social dimension to which the participants unanimously attach an important role in the debate on the reform.
17. The importance of the Committee for the Social Dialogue in fisheries needs to be recognized throughout the reform process.
18. Participants confirmed that the social dimension covers a broad spectrum of issues, with safety, employment and training as priority axis. Considering that ILO Convention 188 (2007) is an issue of common concern the participants request Member States to do their utmost to ensure timely ratification.
19. Among other issues of importance, reciprocal recognition of qualifications and diplomas, working conditions both on board vessels and in other subsectors, improvement of mobility, attractiveness of the fishing profession were identified.
20. Social aspects should receive due attention in the impact assessments for new policy and legislative proposals.
21. Mechanisms of social conditionality, either through the creation of incentives or by limiting access to public funds, should be explored.

Workshop 2: Sum-up of the discussions held on access and fisheries management (BE presidency)

This workshop dealt successively with the following issues:

- access to waters and resources
- management of fishing rights
- fisheries management

1. Access to waters and resources

1.1. The 12 nautical miles regime

In the waters up to 12 nautical miles from the baselines under their sovereignty or jurisdiction, MSD are authorised until 31 December 2012 to restrict fishing to fishing vessels that traditional fish in those waters from ports on the adjacent coasts, without prejudice to arrangements between neighbours and arrangements contained in Annex 1 to current CFP basic regulation (R.2371/2002). This historical restriction of fishing opportunities in the 12 miles regime, which reserves Member States' inshore areas to their national fleet and other fleets based on historic fishing patterns has generally worked well and could even be stepped up if a specific regime was developed for coastal small-scale fleets.

- During the session, most of the participants agreed that the current system should be maintained, including reciprocal arrangements between MS.
- It was reminded that any measure related to Natura 2000 procedures, affecting the 6 to 12 miles area for foreigner vessels, had to be adopted in respect of the CFP decisional process.
- At several occasions, links were made with issues dealt with by the workshop on SSCF as regard favourable access to these 12 miles area by small vessels.
- NGOs in particular stated that access to this area should be restricted to specific métiers and fishing gears, not necessarily including trawlers, taking account of environmental and social concerns and, that historical rights should not be necessarily renewed.
- Fishermen and Member States representatives, on the contrary, were of the view that trawlers having historical rights in the area should still have access and that reserving access to SSCF in this area was raising the question of control of fishing activities by these small vessels.

1.2. Boxes

The Commission identified three types of boxes:

- based on a limitation of access by nationality (e.g. the Shetland box),
- for conservation purposes related to fisheries management (e.g. Biological Sensitive Area in the South East of Ireland), and
- for protection of sensitive habitats and endangered species linked to the habitat Directive (e.g. cold waters coral reefs).

The Commission expressed the view that any continuation of the previous regimes which derogate to the general rule of free access to specific areas should be based on duly demonstrated conservation purposes.

This was broadly accepted by the stakeholders, some advocating that the socio-economic dimension should also be taken into account. The sector asked for an evaluation of the current regime before deciding on their prolongation and their possibly permanent character when they concerned the protection of habitats.

The adoption of these different types of boxes should follow a common approach as part of an integrated maritime policy.

2- Management of fishing rights

2.1. Definition and expression of fishing rights

Fishing rights are diverse in their expression in line with the degree of sophistication in the management of the fishery.

Current expressions of the fishing rights were not argued against. NGOs mentioned that fishing rights should match the productivity of the marine ecosystems and that, beyond economic objectives, one has to preserve a good status of marine ecosystems.

In a number of MS, the current situation is that markets for fishing rights exist based on transfer of vessel properties to which fishing rights are often attached.

2.2. The question of transferability of fishing rights

It is broadly recognised that transferability of fishing rights takes place everywhere in each Member State. It has to be questioned if such transferability should not be looked at more openly in order to help the fleet to be more profitable.

Possible options, as examples among a series of different situations on management of fishing rights were presented

Many participants are not opposed to the principle of transferability internal to a MS and recognized that more transparency could be developed in their domestic market, but they considered that fishing rights should be managed at Member States level. On the contrary, Member States considered such market to be unrealistic. ITRs were seen as not easily applicable to SSCF. The SSCF representatives asked to exclude SSCF from the system.

Member having applied ITRs confirmed they had been successful in addressing overcapacity.

3. Fisheries management

3.1 Scope

Extension to recreational fisheries and diadromous species was not objected as an objective, but questioned as additional administrative burden and requesting collection of data and analysis before acting.

3.2 Tool box

All classical tools of fisheries management were identified as to be utilised to improve management of fisheries, with no exclusion:

- TAC and Quotas (seen as the main instrument by several MS and the sector)
- Capacity and Effort
- Technical Conservation Measures

Several attendees highlighted the need to avoid duplication of management tools when addressing the same fishery (effort or quotas)

NGOs called for an improvement of capacity parameters and indicators.

Effort vs Quotas was discussed in the context of an approach by fishery.

Technical Conservation Measures were seen as the main instrument to address discards. A global discard ban was objected by MS and the sector.

The tool box was presented as to be enshrined into the basic Regulation and to be used when developing LTMP, with the contribution of regional bodies.

3.3 Long Term Management Plans

LTMPs were seen as the main instrument and to be integrated in the marine strategy (NGOs)

Tools to be included in LTMP would need to be in line with fisheries or basins characteristics.

Some MS advocated that LTMP should contain socio-economic considerations in addition to biological targets.

3.4 Approach by fishery

Achieving MSY for different species in mixed fisheries was recognized as to be extremely difficult.

Instead, the fixing of multispecies quotas in such fisheries was agreed as a good idea despite its complexity. The fixing of fishing mortality rates in relation to the state of the most sensitive stock or a group of stocks was discussed. The definition of geographical management unit was raised.

3.5 Ecosystem approach

An ecosystem approach was agreed based on the use of classical fisheries management concepts and tools so as to:

- avoid destroying sensitive fishing ground (coral reefs, sand banks),
- prevent catching undesirable species (cetaceans, seabirds)
- limit discards by fixing global targets by fishery

3.6 Proposal by regional bodies

The need to debate at regional level, how and where the tool box should be used for managing fisheries, was raised. Being the subject of workshop 1, this need for implementation of long term management plans by maritime region is a must to improve governance in fisheries.

3.6 Incentives

The question was raised, but still needs to be further explored.

Small Scale Fisheries

The group focused on three issues: (i) the general rationale and need for the differentiated approach to Small Scale Coastal Fisheries (ii) the criteria for the definition of SSCF (iii) the application of the differentiated approach to the future EU funding.

On the first issue a number of participants, including NGOs, agreed that environmental and social objectives justify the differentiated approach to Small Scale Coastal Fishing. A reference to the viability of coastal communities, importance in terms of employment, lower environmental impact of fishing and higher fuel efficiency were most often made in this context. A number of participants was not convinced about the rationale of such a regime and expressed the opinion that the realisation of environmental, social and economic objectives of CFP does not require a differentiated approach to SSF at the EU level.

On the definition, there seems to be a consensus that a great variety of situation across the MS and fisheries require a flexible and regional approach. Some participants were of the opinion that the flexibility contained in the Commission's proposal is a step in the right direction. In this context, the exclusion of small trawlers from the scope of the definition was contested, among others in the relation to the current situation in Mediterranean sea basin. Some participants were arguing in favour of the entirely regionalised approach while others were concerned that too much flexibility would put in question the level playing field approach in the implementation of CFP.

On the specific regime for SSF under the future of EFF – those participants who are in favour of the differentiated treatment see also the need for a specific axis addressing SSF. While the role of Axis 4 was generally appreciated these

participants consider that it is not sufficient and that a specific set of measures with the focus on the maintenance of fishing activities of SSF would be necessary.

A large number of participants referred to specific SSF measures that could be contained under such axis. They mentioned in particular assistance to the self-organisation of the sector, co-management, marketing, certification, innovation, fuel efficiency and safety and working conditions aboard. Those who did not see the need for the differentiated approach to SSF were of the opinion that specific measures related to this fleet segment do not seem justified.

The participants invited the Commission to further reflect on the approach to Small Scale Coastal Fishing, including ad hoc accompanying measures which, within the logic of sustainable fishing, might address the specific situation of small scale trawlers.