

FISHERIES AND AQUACULTURE NEWSLETTER

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**Discard ban, multi-annual
management plans and more**

**Illegal, unregulated and
unreported (IUU) fishing,
recent developments**

**Political Agreement on the
EU's Fisheries and Maritime
Fund**

Upcoming Events

The start of 2014 is busy, but with the good news that political agreement on the EU's Fisheries and Maritime Fund was finally reached between Council, European Commission and European Parliament at the end of January. We will look at the main highlights of this agreement that will support both the EU's fisheries and maritime policies. Moreover, we think the developments around the discard ban and the multi-annual plans merit a closer look as they are at the heart of the new EU's fisheries policy. Lastly, we will take stock on recent developments on IUU at the EU level and refresh ourselves of the Commission's "yellow cards" and "red cards" issued to third countries last November 2013 as this work is spilling over this year's agenda. We also suggest you check the upcoming meetings section, as March is full of conferences, high level meetings and workshops of relevance to the fisheries and aquaculture sector, such as Commission's HOPE conference on the marine environment in Brussels and the international fishing capacity conference in Thessaloniki, Greece. EBCD is also co-organising a workshop on fisheries in Seychelles which I invite you all to have a look!

Despina Symons
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Discard ban, multi-annual management plans and more ...

The discard ban referred in the Common Fisheries Policy (CFP)¹ as landing obligation, and the multi-annual management plans are closely inter-linked and will shape the EU's fisheries policy in the years to come, along with a regionalized delivery system.



Multiannual management plans

These plans would essentially act as an umbrella under which all measures for fish stocks would be regulated (landing obligation, Total Allowable Catches (TACs) and fishing quotas, reaching MSY), either on a single stock species basis or multiple stocks species (mixed fisheries) basis. These long-term management plans will also articulate the policy objective of "regionalisation", where the Commission will set the objectives and general principles and then it will be at the regional level that these plans will materialise.

Unfortunately, the EU institutions (Commission, Council and Parliament) have been in a deadlock since late 2012 on the legal basis of these plans and have asked for a ruling from the European Court of Justice, the decision of which is expected in a year or so from now. Nevertheless, an inter-institutional task force (chaired by MEP Stevenson) was set up with the hard duty of trying

to find a compromise so some of these plans can be set in motion. It is good news that in early 2014, this task force reached a political agreement on single species multi annual management plans and they aim for an agreement on mixed species in March. However this agreement is not set in stone, as the Court's ruling will be the one to give the legal verdict.

Discard ban

According to the provisions on the landing obligation in the new fisheries policy ((Article 15), there will be a three step approach to its implementation: (1) mandatory landing of by-catches as of the 1st of January 2015 for pelagic species, (2) the 1st of January 2016 for valuable demersal species such as cod, haddock, hake and sole and (3) 1st of January 2019 for the rest of the fish stocks in EU waters. Under the regionalisation scheme, Member States, in cooperation with all stakeholders, will need to come up with discard plans for the first set of species by June 2014. In case they fail to meet the deadline, the Commission will be obliged to present its own discard plan, which could end up being a much stricter one with not much flexibility.



On the other hand, the new CFP may include some measures to accommodate for the discard ban, like quota uplifts and quota swaps, however this shall not undermine MSY objectives. Additionally, the reform allows a 5% exemption

¹<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:354:0022:0061:EN:PDF>

(*de minimis*) of by-catch that can be thrown back into the sea under a set of conditions, however how to read this and go about it isn't clear yet... What is clear is that long-distance fleets fishing in non EU waters will not be subject to this rule, unless discard ban provisions are already in place therein (under a regional fisheries management organisation (RFMO) or third country).

More on the economic side of it, fishermen are very concerned on the potentially high economic burden of landing none or low value by-catch fish species. The Commission says the approach should be to try to deal with the discards in a relatively profitable way, by looking at alternative uses of these fish, where support from the recently agreed fisheries fund (EMFF) can play a role.

On top of all of this, the Commission has recently proposed a piece of legislation to align a set of other fisheries rules (e.g. control, technical measures) to the discard ban policy objective. This file has to go through co-decision but with the upcoming elections of the European Parliament, there might not be time to go through it under this parliamentary term.

Stakeholder's views

Fishermen's organisations and Member States have stated that quota uplifts won't be enough, while others expressed that this discard ban is unrealistic and will even harm fish stocks in the long run. Some NGOs say that a ban with exemptions is not a ban while others say that the policy they want is selectivity and bycatch reduction, not the discard itself.

Nevertheless, Member States, in collaboration with stakeholders, have already begun trial plans, such as the UK and Scotland, and are liaising with

the Regional Advisory Councils working on drawing up these discard plans. Also new and innovative ways of maximising the use of by-catches are being looked into, like in the case of the Dutch fishing fleet, which has started trials of on-board processing of by-catch with promising results.

As with every change, it is hard for communities to adapt to the new situation but an open and transparent dialogue between all involved actors, as well as financial support from the fisheries fund (EMFF), which is to be adopted in the upcoming months, can ease the difficult road ahead.

Illegal, unregulated and unreported fishing (IUU) recent developments

Illegal, unregulated and unreported (IUU) fishing is a serious problem that can deplete stocks, destroy marine ecosystems and make it difficult for fishermen to make an honest living. It takes place in all oceans, coasts, rivers and lakes. A lot of measures are already in place both at the EU and international level. At the EU level, recent months featured a few developments worth to track.



In November 2013, the European Commission adopted two decisions against illegal fishing:
(1) identified Belize, Cambodia and Guinea

(Conakry) as non-cooperating countries in the fight against illegal fishing. These countries had already been pre-warned in November 2012. The listing of these countries as non-cooperating countries would need to be adopted by the Council and if this takes place, fisheries products caught by these countries' vessels will be fully banned from import into the EU. (2) Announced a second round of "yellow cards" addressed to (South) Korea, Ghana and Curaçao. Along with these important announcements, the Commission also added that the 5 countries (Fiji, Panama, Sri Lanka, Togo and Vanuatu) that had received yellow cards in November 2012, are making progress and dialogue and work with them is ongoing.

These developments were shared with various stakeholders (industry and NGOs) at a meeting convened by the European Commission in January. One message voiced by many is that, although the IUU regulation is an effective tool against IUU, there is a clear need for a transparent method of identifying countries, as well as need of informing and engaging stakeholders at early stages in the process of IUU listings. Shortly after the meeting, **Eurothon – the European Tropical Tuna Fishing, processing and trade Committee organisation** – issued a statement supporting the idea of having another meeting in the coming months for further increasing stakeholder involvement on this topic in order to enhance transparency and supporting the Commission's intention to develop a global approach for IUU-listing that will be based on objective criteria.²

Next steps

²<http://www.eurothon.eu/content/eurothon-statement-actions-taken-european-commission-illegal-unreported-and-unregulated>

In the first quarter of 2014, the Commission will send the "red card" list to the Council for approval. A report on the evaluation of the IUU regulation is also expected to be published in spring and the seminar with stakeholders to clarify the criteria used for identifying non-cooperating countries is also planned for sometime in spring. Another item on the Commission's work is to focus on the Pacific (Papua New Guinea, Solomon Islands, Tuvalu, Micronesia and Marshall Islands).

EBCD's related work

One important area to strengthen the fight against IUU is best practices exchange and collective work on this front. EBCD is actively engaged in this and in the coming month is co-organizing a workshop ³ **"Sustainable Fisheries and the lessons learned from Smartfish and related projects"** jointly with the Indian Ocean Commission, the European Union and the Government of Seychelles, that will take place in Seychelles, 9 March.

Background

EU level

In the EU, a regulation has been in effect since 2010 to **"prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU)"**⁴. Commitments on the fight against IUU fishing were re-affirmed in new Common Fisheries Policy. The tools in place include:

- Only marine fisheries products validated as legal by the competent flag state or exporting state can be imported to or exported from the EU.

³http://www.ebcd.org/en/Meetings_and_Workshops/New_Approaches_to_Sustainable_Fisheries_Lessons_learned_from_SmartFish_and_related_projects.html

⁴<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:286:0001:0032:ENPDF>

- An IUU vessel list is issued regularly, based on IUU vessels identified by Regional Fisheries Management Organisations (updated every 6 months)

- The IUU Regulation also offers the possibility to blacklist states that turn a blind eye to illegal fishing activities. Firstly “yellow cards” as a first warning which can then be escalated to formal blacklisting as non-cooperating countries or “red cards”.

- EU operators who fish illegally anywhere in the world, under any flag, face substantial penalties proportionate to the economic value of their catch, which deprive them of any profit.

International level

On an international level, FAO published in 1995 the “**Code of Conduct for Responsible Fisheries**” and in 2001, its members concluded on an “**International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU)**”. Additionally, in 2009, they concluded on an “**Agreement on Port State Measures**”.

Also, Interpol, since February 2013, has established a special unit dedicated to fisheries crime and has launched a program called “**Project Scale**”, which aims to suppress criminal networks and the ships they run.

Political Agreement on the EU's Fisheries and Maritime Fund

From the start of this year, the new Common Fisheries Policy has been in effect, but its financial instrument for 2014-2020, the European Maritime Fisheries Fund (EMFF), was pending.



However at the end of January, **the EU institutions reached a political agreement on the fund**. This is good news as the fund will finance the new fisheries policy and support the sector to adapt to the new policy objectives such as the discard ban. Moreover, it will also support Europe's blue growth policy through the maritime strand of the fund.

It is also good to note that Parliament, Council and Commission managed to resolve their differences on the outstanding issues in particular on the allocation of financial resources that had lead to negotiations collapsing before the Christmas break. Following the broader political deal, there was still a bit of fine-tuning to do and various technical issues were finally agreed on in 31 January. But let's take a look at what this fund has to offer.

The total envelope of the EMFF will be EUR 6 396 million for the 7-year period 2014–2020:

- €520 million for data collection
- €580 million for control and enforcement
- €192 million for compensation for outermost regions
- €71.1 million for Integrated Maritime Policy

- €45 million for storage aid
- €4,340.8 million for sustainable fisheries management and aquaculture under shared management (between the EU and member states), including:
 - modernisation of boats and engine renewal (with some safeguards)
 - withdrawal/scrapping of boats (subsidies available until the end of 2017)
 - temporary cessation of activity including in case of non-renewal of a fisheries agreement between the EU and a third country (with some safeguards)
 - support for young fishermen
 - support to a reformed CFP (discard ban, investment in more selective fishing gear, etc)
 - port infrastructure
 - aquaculture development
 - inland fishing
 - energy efficiency

Within this background, it is also relevant to mention that for the large bulk of the EMFF money managed under the so-called “shared management” (where projects are co-financed by EU and national funding), it is up to the Member State to choose how to spend the money. So for example one Member State may prioritise funding

for aquaculture development whereas another can choose not to fund scrapping, although this is allowed.



Reactions from stakeholders

The agreement was viewed as tepid by NGOs (Greenpeace, Seas at Risk, WWF, Oceana and PEW Trust), who argued in particular that subsidies for boats and engine renewal will undermine the sustainability of the fish stocks, although they were happy with other outcomes such as more money for data collection.

Industry and Member States welcomed the outcome, in particular as funding is very much needed to support the big challenges ahead in implementing the EU's new fisheries policy.

Next steps

The finalized text is now being translated and has to be scrutinised by lawyer-linguistics. Next, the text will be put to vote in the Fisheries Committee before final approval by the European Parliament at the April plenary, the last one before the elections. Then, the text will be formally approved by Council.



March 2014			
3/4-March	EC	Healthy Oceans – Productive Ecosystems (HOPE) Conference	Brussels, Belgium
3/7-March	ICCAT	Compliance Committee	Barcelona, Spain
4-March	ICES	ICES Strategic Plan 2014-2018	Brussels, Belgium
6-March	DG ENV/DG MARE	Workshop on the "Guidance on the development of sustainable aquaculture (MSFD WFD)"	Brussels, Belgium
9/11-March	EBCD	NEW APPROACHES TO SUSTAINABLE FISHERIES: LESSONS LEARNED FROM SMARTFISH AND RELATED PROJECTS	Mahe, Seychelles
10/11-March	EC/ Greek Presidency	Conference on “research and innovation to foster the competitiveness of the european agri-food and seafood sectors”	Athens, Greece
13/14-March	EC	International fishing capacity conference	Thessaloniki, Greece
17-Mar	FAO/GFCM	16th Session of the Scientific Advisory Committee (SAC)	Malta (TBD)
17/18-March	EP	Fisheries Committee	Brussels, Belgium
19-March	EC	Inter RAC meeting	Brussels, Belgium
24/25-March	EU Council	Agriculture and Fisheries Ministers' Council	Brussels, Belgium
25/26-March	NWWRAC	Executive Committee	Dublin, Ireland
25/26-March	BSRAC	Executive Committee	Copenhagen, Denmark