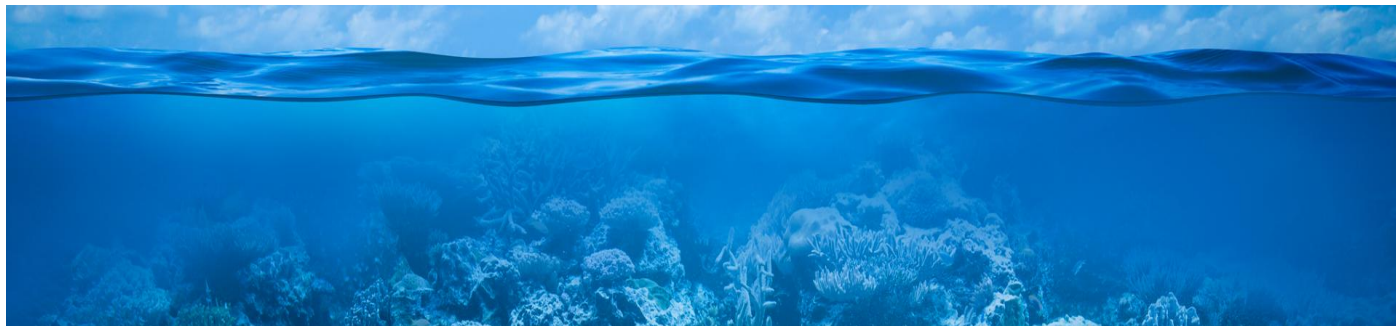


FISHERIES AND AQUACULTURE NEWSLETTER

December 2015-January 2016



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Events

Dear readers,

2016 has just started and the fisheries world is already at full speed. The December Council decided on the TACs and Quotas for 2016 and reactions came swiftly. The landing obligation for the demersal species has already been in effect for a month, and the new Dutch EU Presidency has set a packed agenda outlining its priorities before the January Fisheries Committee (PECH) of the European Parliament by the Dutch Fisheries Minister.

In addition, The European Court of Justice has annulled the trade agreement with Morocco with repercussions for the fisheries, and ruled in favour of the European Parliament regarding the multiannual cod plan in the Atlantic and North Sea.

On a global scale, the Global Ocean Commission promoted the "Because the Ocean" declaration and PEW published a press release regarding global fish catches.

Efforts are still being made to continue the trilogue on deep sea and on the implementation of the external aspects of the CFP. Furthermore, the Commission has tabled a proposal on the sustainable management of external fishing fleets.

February will be a busy month, including the "Economic Advice in Fisheries Management: a Trilogue between Science, Administration and Stakeholders" (Malta), the "High-level seminar on the state of stocks in the Mediterranean and on the CFP approach" (Italy) and the vote on the BBNJ report of the European Parliament Fisheries Committee, so do not miss out on our calendar of events below.

Despina Symons
Director, EBCD

The EU institutions



TACs and Quotas 2016: mixed feelings

The December Fisheries Council reached a compromise political agreement on fishing opportunities for 2016 for the main commercial fish stocks of the Atlantic, the North Sea and the Black Sea.

Over long hours of negotiations, the Council agreed Total Allocated Catches (TACs) which were, in many cases, higher than those proposed the European Commission, but which set catch limits aimed at achieving Maximum Sustainable Yield (MSY).

The reactions from the Member States were mixed, but mainly rather positive while the environmental NGOs were less positive about the outcome.

The press release on the agreed fishing opportunities can be seen [here](#).

Also, during this meeting, the issues of obtaining membership of the Extended Commission of the Convention for the Conservation of Southern Bluefin Tuna (CCSBT) and approving the position of the EU and its member states relating to the memorandum of understanding on the conservation of migratory sharks (sharks MoU) were also discussed.

The PECH Committee sees off 2015 and greets 2016

2015

The Fisheries Committee held its last meeting of 2015 in December, where MEPs approved the Multiannual recovery plan for Bluefin tuna in the eastern Atlantic and the Mediterranean.

The main issue of this meeting focussed on the Fisheries aspects within the international agreement on **marine biodiversity in areas beyond national jurisdiction (ABNJ)**, United Nations Convention on the Law of the Sea (UNCLOS): the MEP in charge (Nicolai Norica) of this dossier presented her report and along with

several MEPs stated the need to update the existing framework as well as boosting, acknowledging and strengthening the role of Regional Fisheries Management Organisations (RFMOs) on regulating fish stocks. The rapporteur included fisheries as one of the activities addressed by this proposal.

On Marine Protected Areas, it was discussed that a more coherent and logical network needs to be enforced that will look at certain areas that are pressured from a holistic point of view.

The main view portrayed during the discussion was that the framework is there and it exists; its implementation the solution and cooperation the way to reach it.

The European Commission added that this report will close the gaps in the existing legislation, such as the issue of marine genetic resources and environmental impact assessments. It continued adding that fishing is not directly affected, since the main bodies regulating fishing will remain the RFMOs and the ABNJ agreement will not undermine their work or role. On MPAs, it supported the idea of a coherent, well-connected and representative network.

The deadline for amendments was postponed to the 14th of January 2016.

2016

The first Committee of the year hosted an exchange of views with Martijn Van Dam, Dutch Minister for Agriculture, President in office of the Council, on the priorities of the Netherlands Presidency. The Minister focused on areas such as Healthy oceans, Sustainability of fisheries and aquaculture activities, adoption of the

multiannual plan for the Baltic Sea and the Commission proposal on technical measures.

Regarding the hot issue of the deep sea dossier, the Presidency is committed to keep working with MEP Thomas (responsible for the dossier) and to hold the first trilogue as soon as possible. The shadow rapporteurs for this dossier (MEPs who monitor a dossier for political groups other than that of the rapporteur) are to meet this month to reach a common agreement before the trilogues.



The cod case

After months of deliberation, the European Court of Justice ruled in favour of the European Parliament regarding the multiannual cod plan in the Atlantic and North Sea (Case C-124/13).

Read the Court ruling [here](#).

This means that the Council of the EU did not have the authority to split the proposal for a multiannual cod plan and adopting part of it without the EP's consent. The Court confirms the Parliament's view that the contested regulation was adopted on the wrong legal basis, concluding that the act should be annulled.

Alain Cadec (EPP, FR), Chair of the European Parliament's Committee on Fisheries said "I

welcome the Court's decision. Now it is clear: multiannual plans are under co-decision. The Parliament has a key role to play in Common Fisheries Policy decision-making".

This decision will act as a precedent for future such cases since the Court's decision also states that the articles in question indeed *"define the legal framework in which fishing opportunities are established and allocated. They thus result from a policy choice having a long-term impact on the multiannual recovery plan for cod stocks". They are "not confined — contrary to the Council's contention — to merely providing for the fixing and actual allocation of fishing opportunities in specific circumstances and on an annual basis [...] each measure that entails policy choices as to how to pursue any of the objectives of the common agricultural or fisheries policies belongs to be taken by the legislature, to the European Parliament and the Council jointly".*

Background

In December 2012, the Council partly amended the cod plan, specifically the articles on rules for fixing the catch limits, without following the ordinary legislative procedure of co-decision, claiming that these fall under its competence under Article 43(3) TFEU which provides that the Council, on a proposal from the Commission, is to adopt measures on the fixing and allocation of fishing opportunities. As a consequence, this legal basis excluded the Parliament from taking part in the adoption of the act.

The European Parliament, as well as the European Commission, however claimed that these multiannual fisheries management plans in their entirety make policy choices which should be decided under the ordinary legislative procedure (co-decision), i.e. according to Article

43(2) TFEU which is the new legal basis in the Treaty of Lisbon for measures that are necessary for the pursuit of the objectives of the common agricultural and fisheries policies. The Parliament thus demanded to be fully associated in its co-legislator role to the establishment of the multi-annual fishery plans, which are a key element of the Common Fisheries Policy.

Read [here](#) the EP press release.

Trade agreement with Morocco annulled

Last month the European Court of Justice ordered that the EU trade agreement with the Kingdom of Morocco be annulled, since it includes the controversial territory of Western Sahara.

The judgment ([paragraph 114](#)) declared that Polisario (*a Sahrawi rebel national liberation movement working to end Moroccan presence in the Western Sahara*) is indeed directly and individually affected by the trade agreement between Morocco and the EU, and that there is "no doubt" regarding the 'deceivability' of the demand of annulment.

You can read the ruling of the ECJ [here](#).

In summary, translated from the Western Sahara Resource Watch, the ruling says: *"The Council Decision 2012/497 of 8 March 2012 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco concerning reciprocal liberalisation measures on agricultural products, processed agricultural products, fish and fishery products, the replacement of*

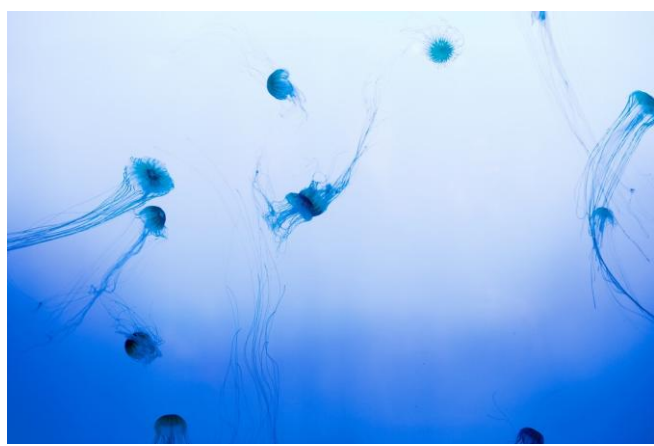
Protocols 1, 2 and 3 and their Annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, is annulled since it includes the application of such agreement for Western Sahara”.

Two other cases are currently dealt with in the ECJ on this aspect:

- One is initiated by the same Frente Polisario, regarding EU fisheries in the territory ([see it here](#)).
- The other is a case initiated by Western Sahara Campaign UK regarding labelling of goods; a case which was forwarded to the ECJ by a UK court in October 2015 ([see it here](#)).

EP Intergroup

How Can Industry Innovation meet the Challenges of the CFP Landing Obligation?



The European Parliament intergroup for Climate Change, Biodiversity and Sustainable

Development (CCBSD), for which EBCD coordinates the Secretariat, organised early December a meeting on the landing obligation, one of the biggest challenges to come out of the CFP reform.

Chaired by Alain Cadec MEP and in collaboration with the **Environmental Defense Fund**, the meeting brought together policy makers and stakeholders to discuss the importance of industry innovation in order to meet the challenges of the Landing Obligation.

David Stevens, a fisherman working off the southwest coast of England is the skipper of the family-owned vessel, the Crystal Sea. He has been working in partnership with the UK's management and scientific bodies to undertake a Catch Quota Trial (CQT) in an effort to demonstrate that fisher-led innovation can provide new ways to tackle the challenges of the demersal landing obligation. Facilitated and incentivised through a small uplift in quota, the trial was based on a foundation of collaborative working between partners, and has resulted in proven new methods for reducing discarding of quota species.

His work was showcased at this event through the screening of the film “**Gearing up for Change**”, in which Mr Stevens explains his work and provides a balanced and in-depth perspective on approaches to successfully implementing the landing obligation.

The screening was followed by a roundtable discussion involving European policy-makers and stakeholders considering how the results of the CQT can serve as a useful message on the value of innovation, collaboration and incentivisation for EU fishermen and policy makers, and how



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innovative gear technology, coupled with smart quota management can play a complementary role in new approaches to reducing discards.

You can find more information about the Intergroup and this specific event [here](#).

Ocean Governance

Ocean Governance in the spotlight

As EBCD informed you, an International Ocean Governance consultation, launched by the European Commission, ran from June to October 2015. The consultation reached out to all stakeholders (international organisations, national actors, NGOs, the business sector, the research community, academia and civil society) and in summary, requested from them to reply to these two questions:

- Is the current international ocean governance framework adequate to ensure that the oceans are used sustainably?
- If not, what needs to be done to make it more effective?

The aim of this consultation was to gather input on how the EU could contribute to achieving better international governance of oceans and seas to the benefit of sustainable blue growth.

The contributions to this consultation have been gathered and published on the website of the European Commission (see it online [here](#)).

Amongst the contributors (total of 89) are:

- Birdlife
- Bloom association
- EDF
- EMB (European Marine Board)
- Européche
- Global Ocean Commission
- Greenpeace
- IUCN (International Union for Conservation of Nature)
- JPI Oceans (Joint Programming Initiative Healthy and Productive Seas and Oceans)
- LDAC (Long Distance Advisory Council)
- North Atlantic Producers Organization
- Seas at risk
- The Pew Charitable Trusts
- WFO (Waste Free Oceans)
- WWF
- HELCOM (Baltic Marine Environment Protection Commission - Helsinki Commission)

EBCD also contributed and you can read our paper [here](#).

On the basis of the results and other sources of data and information, the European Commission will consider how best to develop a more coherent, comprehensive and effective EU policy on improving the international ocean governance framework.

This is expected somewhere around April 2016.

COP21

“Because the ocean” declaration



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Without any doubt, the biggest event at an international level held in December regarding Climate Change was the COP21 in Paris.

Basing their demands on the article Art. 4.1 (d) of the United Nations Convention on Climate Change (UNFCCC), which states that all Parties commit to “promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems.”, the **Global Ocean Commission in partnership with the Chilean Foreign Affairs Ministry, the French Ministry of Ecology, the Institute on Sustainable Development and International Relations (IDDRI), the Prince Albert II of Monaco Foundation and Tara Expeditions** promoted the the “Because the Ocean” declaration.

This declaration calls for:

- 1) A special report of the Intergovernmental Panel on Climate Change (IPCC) on the ocean,
- 2) A UN conference on Ocean and Seas to establish a regular review and benchmarking of SDG 14, the UN Ocean Sustainable Development Goal, and

3) The development of an ocean action plan under the UNFCCC.

Amongst the signatories are:

- HSH Prince Albert II of Monaco
- President Anote Tong, Kiribati
- President Tommy Remengesau, Palau
- Heraldo Muñoz, Minister of Foreign Affairs, Chile
- Ségolène Royal, Minister of Ecology, France
- Catherine McKenna, Minister of Environment and Climate Change, Canada
- Isabella Lövin, Minister of Cooperation and Development, Sweden
- Inia Seruiratu, Minister for Agriculture, Rural and Maritime Development and National Disaster Management, Fiji
- Oslin B. Sevinger, Minister of Regional Planning, Infrastructure and Integration, Aruba
- Dra. Amparo Martínez Arroyo, Director General, National Institute of Ecology and Climate Change, Mexico
- Rebekah Riley Deputy Permanent Representative, Delegation to the OECD, New Zealand

Find here the press release from the GOC website:

<http://www.globaloceancommission.org/because-the-ocean/>

NGOs

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How much fish are we really catching?

The **PEW Charitable Trusts** published a **press release** based on a study published in the journal *Nature Communications* sponsored by **Seas Around Us** (a project initiated in 1999 in collaboration with PEW) stating that **scientists find that 30% of Global Fish Catch Is Unreported** (in its headline).

The press release goes on explaining that *the annual global fish catch is calculated to be roughly 109 million metric tons, about 32 million metric tons more than officially reported in 2010 by more than 200 countries and territories*. Also as additional reading it would be good to check out an analysis of PEW on: **What reconstructing fish catch can teach us about the world's oceans**

On its part, the study reaches 2 observations:

- *The trajectory of reconstructed catches differs substantially from those reported by FAO on behalf of its member countries.*
- *The reconstructed total catches represent a decline of over three times that of the reported data as presented by FAO on behalf of countries.*

It also advocates that it presents, *for the first time, global reconstructed marine fisheries catches by fisheries sectors (Fig. 4; Supplementary Table 4). They are dominated by industrial fisheries, which contribute 73 mt of landings in 2010, down from 87 mt in 2000 (Fig. 4). At the global scale it is a declining industrial catch (combined with the smaller contribution of gradually reduced levels of discarding)¹² that leads to declining global catches since 1996, while the artisanal sector, which generates a catch increasing from about 8 mt per year in the early 1950s to 22 mt per year in 2010, continues to show gradual growth in catches at the global scale.*

In its discussion part, it says *Our data and analyses show that, at the global scale, it is a declining industrial catch (plus a smaller contribution of gradually declining discards)¹² that provide for the declining global catches, while artisanal fishing continues to show slight growth in catches (Fig. 4). Thus, the gradually increasing incorporation of artisanal and other small-scale catches in the officially reported data presented by FAO on behalf of countries is partly masking the decline in industrial catches at the global level.*

Upcoming EVENTS

February 2016			
02 February	NWWAC	Executive Committee	Paris, France
01-06 February	Mares EU	Mares Conference on Marine Ecosystems Health and Conservation	Olhão, Portugal
04-05 February	European Commission	Economic Advice in Fisheries Management: a Trilogue between Science, Administration and Stakeholders	Malta
09-10 February	European Commission	High-level seminar on the state of stocks in the Mediterranean and on the CFP approach	Catania, Italy
17-18 February	European Parliament	Fisheries Committee	Brussels, Belgium
24 February	DG MARE	DG-Mare Landings Obligation Conference + Inter AC Meeting	TBC
25 February	PELAC	Executive Committee	The Hague, Netherlands