



FISHERIES AND AQUACULTURE NEWSLETTER

June 2016

Summer is just around the corner with the start of the new Slovak Presidency who will take over the negotiations on fishing quotas and political agreements on individual regulations on the Baltic Sea, the Black Sea, deep sea species and other stocks.

A busy month came to a close with decisions on controversial dossiers like the Deep sea regulation (and imposed ban of deep sea fishing activities), Fishing Authorisation Rights and the proposal for the 2017 fishing opportunities.

There were also discussions in various forums on important topics, like small scale fisheries in the Committee of the Regions, the Advisory Councils and the European Parliament on the EMFF.

Enjoy the reading and I wish you
a nice
summer
break



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Deep sea regulation

The controversial dossier on deep sea fishing is one step closer to its finalisation. This month, following lengthy and controversial trilogues discussions (negotiations between the 3 institutions, European Commission, European Parliament and Council of the EU), the European Parliament and the Council, reached an informal agreement on the proposal for a regulation of the European Parliament and of the Council establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002 .

This comes after very long processes and lengthy discussions following the first proposed regulation back in 2002 ([see here the procedural file](#)) and when back in 2012, the European Commission had proposed a package which included the full phasing out over two years of deep-sea gears in contact with the sea bottom ([check here its press release](#)). The dossier had reached the trilogues stages in 2013 but due to both EP elections and unwillingness from previous Presidencies to undertake it, the discussions had been put on ice.

Ultimately, in the start of 2015, the Dutch Presidency came forward with a proposal to restart the trilogues. Following many months of discussions and technical meetings, an agreement was finally struck, to which its main elements are:

- **Depth limits:** Deep sea fishing has been banned below 800 meters.
- **VME** (Vulnerable Marine Ecosystems): if the quantity of VME indicators caught below 400 meters exceeds certain thresholds (defined in the new regulation) the vessel would need to immediately stop all fishing operations and resume only when it has reached an area at least five nautical miles away from the area it encountered VME.
- **Data collection:**
 - Vessels targeting deep-sea species will need to report all catches;
 - Member states will be required to provide information on the location of vulnerable ecosystems (impact assessments);
 - EU Commission will assess this data annually and adapt the allowed fishing area accordingly (using implementing acts);
- **Observers:** 20% of EU vessels will need to have an observer (scientist) on board to ensure the collection of timely and accurate data.
- **RFMOs:** The new regulation will not apply to EU vessels fishing in areas covered by Regional Fisheries Management Organisations (e.g. NEAFC).

Reactions from actors (attached you will find the positions of some):

- Rapporteur Isabelle Thomas (S&D, FR) stated "When the European Commission originally proposed a ban on deep sea fishing, I made the bet that we could reconcile, socio-economic imperatives with environment protection ones, to further the cause of sustainable development. Contrary to claims made by prophets of doom, we have managed to strike a balance between fishing effort and ecology".
- EU Commissioner Karmenu Vella stated: "I am glad that an agreement was reached today. As Commissioner in charge of both fisheries and the protection of the environment, I believe that we have achieved a balanced compromise that will protect our deep-sea environment and deep-sea fish stocks while finally putting an end to the uncertainty faced by European fishermen looking to run a successful and sustainable business."
- Bloom Association, a strong advocate of the ban on deep sea fishing stated (in French) « après HUIT ANS de bataille quotidienne, notre demande a enfin abouti : l'Union européenne vient d'adopter l'interdiction du chalutage profond, la technique de pêche la plus destructrice de l'histoire ! Les navires de pêche pouvaient jusqu'ici labourer les fonds marins et détruire les coraux, les éponges et toute la vie marine jusqu'à 2000 mètres de profondeur en toute légalité ! Dorénavant, le chalutage sera interdit, dans toutes les eaux européennes, à partir de 800 mètres de profondeur ».
- Europêche, representing the fisheries sector in Europe and voiced by its President, Javier Garat, stated "It is a pity that the EU has included an 800 meters ban since it undermines the legitimacy of the measures of the Regional Fisheries Management Organisations (RFMOs), namely NEAFC, and repeats the mistake to demonise, without any scientific evidence, a highly regulated and effectively managed fishing gear by RFMOs and Member States. However, the rest of the regulation is acceptable to the sector, whose main aim is to carry out responsible and sustainable fishing activities. The fishing grounds where the trawling fleets operate represent a relatively small portion of the ocean and are selected areas, which have been highly productive for decades and will remain so, if properly controlled and monitored, as it has been the case up until now".

Next steps:

The informal agreement needs to be endorsed now by the European Parliament's Fisheries Committee this July (vote planned for the 11 July 2016) and the Council. The EP plenary vote is foreseen for November.

European Commission

Fishing Authorisation Rights (FAR) EC proposal

At this month's meeting of the Agriculture and Fisheries Ministers of the EU (27-28 June), the Member States adopted a general approach (1st agreement from the EU Council's side) on the proposed regulation on the sustainable management of external fishing fleets, (see the proposed regulation [here](#)) which aims to modernise the management of authorisations granted to EU vessels to fish outside EU waters, and of authorisations granted to third country fishing vessels to operate in EU waters.

European Parliament discussion

At the European Parliament, this issue had already been discussed once (at the June Fisheries Committee meeting) where several issues per article were raised:

- Art 28-29 (Fishing authorisations): a coherent and logical calendar has to be looked at regarding this provision.
- Art 7 (suspension/refusal or withdrawal of application): although this provision ensures a level playing field the wording used is worrisome, too vague and might create legal uncertainties (e.g. emergency measures).
- Art 13-14: these articles raise quite a lot of discussions as “unused opportunities” could create an uneven level playing field.
- Art 16-19: EU must have more of a say in the direct authorisations, in respect to the CFP. Also, who provides the data stated in those articles is not defined (e.g. it is not the role of the industry to be providing this info, rather the countries involved).
- Art 5 (eligibility criteria): Punishing the operator can be harsh or unjust (it was suggested that the captain be held accountable).

The need to respect the CFP, ensure a level playing field, promote transparency and ensure sustainability of marine resources was also stressed.

Several MEPs urged the need to simplify the proposal, stay on the necessary and not to overburden it with administrative issues (e.g. the timeline necessary for an authorisation is too lengthy and demands too much info that might not exist or state concerned might delay in providing).

Others criticized the EC for taking too much of an initiative and overstepping its boundaries and reminded that it is the right of the maritime state to decide on the authorisations and not the EC.

Article 5 should avoid creating a “double jeopardy” scenario (Double jeopardy is a procedural defence that forbids a defendant from being tried again on the same (or similar) charges in the same case following a legitimate acquittal or conviction).

Long Distance Advisory Council's views

On a stakeholder level, the Long Distance Advisory Council had adopted an advice on the European Commission proposal (approved on the 31st May 2016 – find it [here](#)) where it welcomed European Commission’s proposal considering it gives legal certainty and a common framework for all EU Member States fleets operating outside EU waters.

In particular, it provides detailed rules applying to all the typologies of fishing activities conducted by EU fleet in external waters. Although these activities were included already under the scope of FAR currently in force, the current text presents a number of “grey areas” that this new Proposal addresses in a comprehensive manner.

Notwithstanding, the Advisory Council considers that, with the aim of improving clarity and ensuring efficient implementation, improvements should be made in specific areas of concern for the Members.

Therefore, the LDAC advises the European Commission, the Council of Ministers and the European Parliament to:

1. Ensure the new mechanism included in the proposed text does not create an unnecessary administrative burden, and in no case new measures result in unnecessary delays in the allocation of the authorisations, resulting in economic losses for the fleet. A system to facilitate the allocation of annual fishing authorisations, whilst maintaining the system's efficiency, for vessels having a proven clean track record of compliance with requirements laid down in the Regulation could be considered.

2. Clarify the inclusion of Northern Atlantic bilateral agreements (e.g. EU-Norway/Faroe Islands) in the relevant articles where it pertains. Proposal lacks clarity on this respect in various articles that should be properly addressed.

3. Provide a clear delimitation of responsibilities of each involved administration (Flag State, Coastal State, EU Commission), with particular emphasis in the fishing authorisation allocation and validation processes. This element has been considered key for an efficient implementation.

4. Ensure legal security to operators through coherence and cross-referencing with IUU Regulation and Control Regulation in each article where it pertains.

Next steps

The EP Fisheries Committee will vote on their report after the summer break and following approval by the plenary of the European Parliament, the co-legislators (Council and EP, assisted by European Commission) will enter into dialogue to find a common approach.

Fishing Opportunities 2017

In preparation for the Council of Fisheries Ministers of the EU, where Member States' ministers will agree on fishing quotas for 2017, the Commission has adopted a Communication that sets out its principles for healthy and profitable fisheries in the EU.

The Communication includes an economic analysis of the sector which indicates that fisheries in Europe are showing good progress towards the sustainability target set out in the EU's Common Fisheries Policy (CFP). The Commission aims to reach MSY (maximum sustainable yield) as soon as possible, and by 2020 at the latest. This will also contribute to delivering good environmental status in Europe's seas by 2020.

In the Atlantic, the North Sea and the Baltic Sea more than half of fisheries, for which data advice is available, were operating at sustainable levels in 2014. Following the breakthrough agreement on the first multiannual fisheries management plan in the Baltic, the Commission will accelerate the development of similar proposals for other EU sea basins and considers this regionalised approach a priority.

Fish stocks in the Mediterranean and in the Black Sea continue to fare poorly. Firm action at all levels is needed to go beyond the first success story in the Mediterranean, namely the recovery of the Bluefin tuna stock. Less than 10% of the assessed stocks are fished at sustainable levels. Some of the overfished stocks are exploited mainly or exclusively by EU operators. The stocks in the Black Sea are also largely overfished or in a bad state.

The Communication also reports on the implementation of the landing obligation, one year after its introduction in 2015. The reporting by Member States shows no major problems but a number of challenges remain which will require concerted efforts by both industry and administrations. The European Maritime and Fisheries Fund is available to support their efforts.

The Communication is now open to the public for consultation. The contributions to the consultation will be taken into account for the Commission's proposal in autumn.

Background

In its annual Communication on consultation on the fishing opportunities, the Commission sets out the rationale for setting the maximum amounts of fish that can be caught for the following year – in this case for 2017. Via an online public consultation, the Commission asks for the views of Member States, of the advisory

councils, which include the fishing industry and non-governmental organisations, and of interested citizens and organisations.

In autumn the Commission will then table its proposals for fishing opportunities for 2017 in EU waters in the Atlantic (including deep-sea stocks) and in the North and Baltic Seas.

These proposals for fishing opportunities are based on the best available scientific advice provided by the International Council for the Exploration of the Sea and other independent bodies, as well as on an economic analysis provided by the Scientific, Technical and Economic Committee for Fisheries (STECF). The proposals will incorporate adjustments resulting from the further expansion of the landing obligation in 2017.

Next steps

The planned timetable of work is as follows:

- June – September: Public consultation on the Communication
- May/June/October: Stock advice by ICES
- July: Seminar on stock advice with stakeholders
- September: Adoption TAC proposals for the Baltic Sea
- October: Council on TAC for the Baltic Sea - Adoption TAC proposals for deep-sea stocks
- November: Council on TAC for deep-sea stocks - Adoption TAC proposals for Atlantic/North Sea/Black Sea
- December Council on TAC for Atlantic/North Sea/Black Sea

Source [European Commission](#)

EMFF programming by the Member States

Commission, voiced by the Director General of DG Maritime Affairs and Fisheries, Mr João Aguiar Machado, presented an overview of Member States' operational programmes and their priorities under the EMFF (European Maritime and Fisheries Fund). Taken together, the programmes indicate that Member States intend to support all financing priorities of the EMFF, for example sustainable fisheries and aquaculture, control and enforcement, and better data collection. A large part is also devoted to the social dimension of the Common Fisheries Policy, for instance helping fishermen in the transition to sustainable fishing and supporting coastal communities in diversifying their economies. In contrast, the number of planned innovation projects is still rather limited. While all national programmes were adopted before the end of 2015, many Member States still have not shown they meet all conditions to start receiving EU funds. As a result, they risk losing out on funding opportunities. Mr Aguiar Machado therefore strongly encouraged Member States to avoid further delay and rapidly implement the respective action plans agreed with the Commission.

- 6400 million EUR are allocated from 2014-2020, 11% of them managed by Commission and 98% by Member States.
- €4340 M are allocated to make fisheries and aquaculture more sustainable and profitable ensuring and creating sustainable jobs, local development and support to fisheries areas, marketing and processing;
- €580 M to monitor compliance with the European Common Fisheries Policy and protect a fair access to healthy stocks:
 - Access to fishing grounds
 - Controlling fishing effort,
 - TACs and quotas
 - Other technical measures to improve selectivity and sustainability;
- €520M to collect the data the scientists need to improve our knowledge of the seas and the long term management of our fisheries:
 - Understanding and monitoring of commercial species
 - Dynamics of single stocks and mixed fisheries
 - Ecological modelling of regional basins;
- €71M to unlock sustainable growth and job creation from our seas and oceans, in areas such as:
 - Maritime surveillance (CISE)
 - Improved knowledge of the seas and ecosystems

- Enabling rational exploitation of new marine resources (e.g. energy, biotech).

Engine replacements has been allocated only 20% of what it was under the EFF, while the aquaculture sector increased from the 14% of the total funds to the 21%. Processing and markets sector have also decreased, as well as sustainable development for fishing. The allocation for data collection increased by 50%, compared to the EFF.

He highlighted that the EMFF and the EFF are different in priorities and measures, as well as in the funding allocation for different areas, such as aquaculture, which was substantially increased. The priorities depend on the Member States and sea basins.

MEPs unanimously regretted the delays from Member States in developing the operational programmes. MEP Cadec (EPP, France) hoped that for the next fund information would be available in advance so Member States (MS) do not have delays.

MEP Aguilera Garcia (S&D, Spain) asked whether there is information available regarding the opportunities for the careers in fisheries for young people, since this is of extreme importance and so far no information has been made available. She also regretted the lack of interest from MS in helping small scale fisheries.

For more detailed info, check:

[The European Maritime And Fisheries Fund 2014-2020](#)

[EMFF - country files, Operational Programmes 2014 - 2020](#)

Source: [European Commission](#)

Advisory Councils

Several Advisory Councils, bodies of stakeholders from the fisheries sector, met and issued recommendations:

Long Distance Advisory Council

Together with the abovementioned opinion on Fishing Authorisation Rights, this month the LDAC published an advice on **Promoting effective respect of human rights, environmental and labour standards, good governance in third countries fishing and fish processing through trade agreements such as GSP+. The case of The Philippines (you can find it [here](#)).**

This document encourages the European Commission how best the EU can promote effective respect of human rights, environmental and labour standards, good governance in third countries fishing and fish processing through trade agreements.

North Western Waters Advisory Council

The NWWAC released a joint recommendation of the North Western Waters Member States Group laying down a discard plan for certain demersal fisheries in North Western Waters. To extend the demersal landing obligation in 2017 the group has worked to reduce some of the existing thresholds used to define vessels obliged to land particular species.

You can find the recommendation [here](#).

Pelagic Advisory Council

The PELAC had a workshop this month with the European Commission to raise issues and problems identified in the landing obligation (pelagic fisheries have been under the discard ban since 2014). Discussion was held on potential solutions and ways forward. The main issues raised were:

- How are TAC species with a zero bycatch dealt with?
- There is an apparent conflict between the landing obligation and the Animal By-Products (ABP) regulation (identified by the NWW Member State group)
- There is inconsistency in the application of survivability exemptions; for example, North Sea derogations do not apply to other regions
- There is a lack of flexibility to apply technical solutions

- Catch composition rules are complex and sometimes incompatible with the landing obligation
- Bycatch of hake, saithe, boarfish and others are not currently a problem for pelagic fisheries, but will become so as these species start falling under the landing obligation
- De minimis: how is it applied? On a vessel or country basis?

Attendees were mostly from the European Commission, fishing industry and Control Agencies of the Member States. The European Commission and MS took note of all the concerns raised and noted that they would provide assistance and solutions in conjecture with stakeholders.

The Advisory Councils are established by the commission under the CFP as stakeholder forums to provide recommendations to the Commission on their proposal. There are 7 regional ones and the two newly established ones are the Market Advisory Council and Aquaculture Advisory Council for which EBCD provides the Interim Secretariat.

Small scale Fisheries in European Coastal Communities and regions

The future of small-scale fisheries was the key topic of a round table organised by the Nature and Environment (NAT) commission of the Committee of the Regions. Local and regional leaders talked about the importance of the blue economy for growth and jobs and called for a comprehensive and inclusive plan for its development at local and regional level, including special provisions supporting small scale coastal fisheries

[Find the press release here.](#)

MSEAS 2016

Understanding marine socio-ecological systems: including the human dimension in Integrated Ecosystem Assessments

The MSEAS 16 conference organised by the International Council for the Exploration of the Sea (ICES) and IFREMER took place in Brest, France on May 30 – June 3 2016.

3 of the IUCN/CEM/FEG members of which EBCD provides the Secretariat were included as key note speakers (S. Garcia, J. Rice, T. Charles).

[You can find here the programme of the meeting](#)

[All presentations can be found here.](#)

Upcoming Events

1. Seminar on the "State of Fish Stocks and the Economics of Fishing Fleets" 15 July 2016, Brussels, Belgium

More information [here](#).

2. EP Fisheries Committee, 11-12 July 2016, Brussels, Belgium

More information [here](#).

3. "Perspectives for fishmeal and fish oil in light of management of forage fisheries, alternative uses of meal and oil and the development of new feeds and technologies", 29-30 August, Denmark

More information [here](#).

4. IUCN World Conservation Congress, 1-10 September, Hawaii

More information [here](#).

5. FAO-COFI Meeting, July 11-15, Rome

More information [here](#).



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