Joint Committee on European Affairs

Joint Committee on Agriculture, Fisheries & Food

Joint Committees’ Contribution to the Government’s consultation process on the European Commission’s Green Paper on the Reform of the Common Fisheries Policy (CFP), COM (2009) 163

1. The Joint Committees’ welcome this opportunity to provide their views to the Government’s consultation process on the Commission’s Green Paper on Reform of the Common Fisheries Policy (CFP). The Committees’ have considered in great detail the Commission’s Green Paper. As part of this consideration, the Committees invited and received submissions from a number of key stakeholders, namely the Federation of Irish Fishermen (FIF), the Irish Fishermen’s Organisation (IFO), the Sea Fisheries Protection Authority (SFPA) and the Marine Institute. The Committees also held a joint meeting with the Minister of State for Fisheries, Mr. Tony Killeen TD, on 25 November 2009. The Committee also received a policy paper on the subject from the Institute for International and European Affairs (IIEA). The stakeholder submissions, the IIEA policy paper and the exchange of views with Minister of State Killeen have informed this contribution. The Committees wish to sincerely thank those who contributed to the Committees’ consideration of this very important issue for the future of the Irish fisheries industry and Ireland’s coastal communities.

2. The CFP has had a fundamental impact on the Irish fisheries industry and coastal communities around the country. Ireland has a clear strategic interest in the reform of CFP and the need to make it work successfully. Ireland therefore has a major contribution to make to the reform process, a process which must seek to correct the failures of the current CFP, which the two previous reviews of the policy in 1992 and 2002 did not achieve. This opportunity to reform the CFP must be availed of and fundamental changes to the current policy must be delivered. The Committees welcome the appointment of Dr Noel Cawley by Minister of State Killeen to oversee consultations with Irish stakeholders on the reform of the CFP. We hope that this consultation process will be wide and comprehensive so that the concerns and views of fishing organisations as well as individuals can be taken into account before finalising Ireland’s response to the European Commission’s Green Paper.

3. The Committees are in no doubt that the current CFP has not worked and that a fundamental reform of the CFP is required. The Committees have identified the following areas which should be addressed in the Government’s response to the Green Paper:

# (i) CFP Objectives

The CFP objectives as currently enshrined in Council Regulation (EC) No 2371/2002 need to be completely overhauled and more clearly defined. These new objectives must strive to balance the long-term biological and environmental considerations with the short-term economic and social considerations. The CFP must ensure that fishermen, and the coastal communities they sustain, are equipped with the means to make a good livelihood from fishing. The Committees recognise that biological and environmental sustainability of fish stocks is necessary for the long-term economic and social sustainability of the industry, but the CFP must be able to alleviate the adverse, short-term economic consequences of this long-term objective.

# (ii) Compliance

The CFP must seek to develop a culture of compliance. Therefore, the rules and regulations of the current CFP must be simplified. The CFP is currently underpinned by 624 EU Regulatory Acts. This results in confusion and uncertainty among regulators and regulated alike. Simplification is required through consolidation of existing regulations and the rational alignment of others. This should lead to a more level playing field in the application of EU Fisheries Law, an issue of major concern to fishermen.

**Ireland has made a genuine effort to rigorously enforce the control measures with the establishment of the Sea Fisheries Protection Authority. However, this does not seem to be case in other Member States, which means that the Irish fishing industry is put at a commercial disadvantage in comparison to the fisheries in other Member States. This situation needs to be tackled. Member States who are involved in fisheries should apply a uniform compliance procedure. To encourage this, the Committees suggest that consideration should be given to rewarding those Member States, such as Ireland, where, following an audit and inspection by Community Fisheries Inspections, a robust system of fisheries control is adjudged to be in place. Rewards could include increases in the allocation of fishing effort or fisheries quotas.**

**In addition, there is a serious lack of transparency in evaluations carried out by the European Commission of the applications of Community Fisheries law by Member States. This leads to a strong perception that there is unfairness regarding the application of the CFP within the EU. This in turn undermines the commitment to compliance generally. Evaluations should be more transparent and publicly accountable.**

# (iii) Regionalisation

**Inputs to decision-making within the CFP and the level at which these decisions are taken are crucial issues which should be addressed as part of the reform process. Currently, the Council is making decisions in highly technical areas which are probably more appropriate to the regional and local level where the required expertise and experience can be found. The current Regional Advisory Council structure should be built upon and defined areas of decision-making should be delegated to these new regional bodies. However, this should not create a new level of bureaucracy where decisions of regional bodies need to be approved by the Council. Regionalisation should allow for real stakeholder input into the management of the CFP and create a sense of ownership among fishermen which should result in better compliance. These regional bodies could be responsible for the preparation of regional based management plans which would move away from managing catches of certain fish species to managing a sea region as a whole.**

# (iv) Industry Self-Management

**Whether regional devolved management becomes a reality or not, self-management or self-regulation by the industry should become a feature of the CFP. The benefits of such an approach are numerous including an end to micro-management from above, a more mature relationship between the regulators and the regulated and a closer alignment of economic incentives with management objectives. It would enable fishermen to buy into the importance of management as they would be directly involved in the development of management plans and their implementation, therefore clearly seeing the rationale behind them. This should vastly improve compliance.**

# (v) Scientific evidence

**It is absolutely essential that fishermen are involved in the compilation of scientific evidence. Scientific research and the advice given by the scientific community on fisheries management has long been a source of friction and distrust within the industry. The confrontational nature of this area must be addressed and the positive contribution of all stakeholders, including both biologists and fishermen, must be recognised. A structure should be put in place which can collect and integrate data provided by fisherman with scientific data. Scientific evidence is crucial to the CFP and cannot be ignored.**

**Data quality and data availability for the scientific analyses required to inform policy decisions should be addressed as part of the CFP reforms. In addition, the Scientific, Technical and Economic Committee (STEFC) needs to be restructured so that it not only assesses biological data but also the possible socio-economic implications of changes in fishery management.**

# (vi) Exclusive and Restricted Access Zones

It is estimated that about 70 per cent of EU fishing vessels accounting for 50 per cent of total employment consists of vessels less than 10 metres operating in inshore waters. **A large proportion of the Irish fishing fleet are small vessels operating in inshore waters. The main focus of the CFP should be on making inshore fishing by small vessels more economically viable. The coastal inshore fleets should be protected and the 6 and 12 mile restricted zones should be extended to 12-24 miles. This extended area could be limited to vessels which traditionally fish in this coastal band and which meet uniform size and other requirements. In addition, fishing rights of foreign vessels in the 6-12 mile zone should be phased out and the management and control of fisheries within the proposed 12-24 mile zone should be the exclusive responsibility of the coastal State. However, these reforms must also cater for the fact that in Ireland a large proportion of onshore employment in the seafood sector is dependent on the larger vessels operating from and landing in Irish ports. Derogations in certain specified cases could therefore be considered.**

# (vii) The Hague Preferences

The Hague Preferences should be regularised and incorporated formally into the CFP. The principle of Relative Stability should be retained but should be modified to reflect the changes which have taken place in the past 25 years. This modification should include increased quotas for Ireland in those new species which have become part of the annual Total Allowable Catches (TACs) decisions.

# (viii) Fleet Overcapacity

**The CFP should strike a better balance between the available fishing opportunities and the catching of the fishing fleet. This balance should not only take account of the number vessels but also the effects of the market and the price of fish. Decommissioning should remain part of the solution to the problem of overcapacity but should be complemented by other measures. It is suggested that the CFP Decommissioning Grant Scheme should specifically encourage the withdrawal of distant-fishing capacity (freezer ships), thus protecting and promoting fishing by smaller vessels which would be more economically and environmentally sustainable.**

# (ix) Market

Currently the price of fish and fish related products are very low, yet Europe is force to import in the region of 60 per cent of the market requirement. Therefore, a key component of the CFP reform should be a complete revision of the Common Organisation of the Market. A possible derogation from the rules of the market for small scale fishermen should also be examined.

# (x) Fishing effort, TACs & Quotas

The current quota system, and the related issues of fishing effort and TACs, should be completely overhauled. The Committee believes that the present quota allocation to the Irish fishing fleet is not adequate to maintain a sustainable income from the industry and does not fairly reflect Ireland’s position as an island nation. Effort, TAC and quotas need to be managed in a more flexible and innovative way. Regions should be given the opportunity to adjust their management regimes to make the most of available resources for the benefit of all the stakeholders while at the same time complying with all the necessary requirements to ensure sustainable fisheries.

There also needs to be greater transparency in relation to quota management. A State’s control on quotas is absolutely essential but the control measures should be completely transparent, particularly among Member States sharing the same fishing grounds. In addition, compliance with quotas should be a matter for the control authorities of the coastal State where the catches are made within its own Exclusive Economic Zone (EEZ).

In line with the principle of transparency, with the emergence of Electronic Reporting Systems (ERS) there is a strong case for establishing a system for the exchange of detailed information on the entitlements of an individual fishermen to the proportion of their national TAC. Without such a system the sea-going fisheries inspection services are operating at a disadvantage when inspecting the fishing vessels of other Member States. This is a critical issue for Ireland as a significant portion of the EU’s commercial fisheries take place within Ireland’s EEZ and these fisheries are exploited by vessels from many Member States. The current situation with its lack of transparency contributes to the belief of Irish fishermen that there is not a level playing field when it comes to the application of the CFP.

The Committee is against the idea of individual transferable quotas (ITQs). This would most likely lead to the transfer of quotas away from the Member State and towards the larger freezer ship operations. ITQs would be detrimental to the Irish fishing fleet and would ultimately result in the loss of jobs for Ireland’s coastal communities.

# (xi) Discards

**The discard issue needs to be fundamentally tackled as it is completely undermining the current objectives of the CFP. It will be difficult to rebuild fish stocks unless the discard issue is resolved. The current CFP control measures actually provide incentives to fishermen to discard fish despite the objective of the technical measures to minimise the overall impact on fish populations. Consideration should be given to allowing fishermen to retain a realistic percentage of by-catch on board thus minimising the amount of fish to be discarded. It should be made economically viable for fishermen to handle and store this by-catch but the level of compensation should not be at a level which would encourage fishermen to abuse a discard avoidance scheme. Other issues worthy of consideration for the avoidance of discards are the better use of selective fishing gear and real time closure of fisheries where there is a concentration of juvenile fish. A core objective of a reformed CFP should be a phased elimination of discards, leading to an eventual ban.**

# (xii) Sanctions

Sanctions on fishermen for non-compliance with CFP regulations should be uniform across the EU. This lack of uniformity adds to Irish fishermen’s belief that the rules are not fairly applied across the EU. The sanctions should be imposed strictly and equally across the EU by every Member State if the CFP is to achieve complete compliance. **These sanctions should only be administrative in nature and should not criminalise fishermen. In this respect, the law in Ireland which allows for criminal sanctions to be imposed should be revisited.**

# (xiii) Labelling

Over 60 per cent of the EU’s market demand for fish is imported. However, this imported fish is not subject to a standardised form of labelling. The consumer has no way of knowing where the fish originated and if it meets the high ethical standards which are imposed on EU fishermen. Without proper labelling it is possible that this imported fish was caught illegally. This creates unfair competition and contributes to driving down the price of fish, which is to the detriment of EU fishermen and their capacity to make a descent living. The issue of labelling, therefore, needs to be addressed.

# (xiv) Funding

A higher level of EU funding will be required to balance the short-term social and economic costs of some of the measures likely to result from the reform of the CFP. The level of financial assistance would need to be sufficiently attractive if EU and national political decision-making is to make the transition from the understandable pre-occupation with short-term socio-economic concerns to long-term fisheries sustainability. Reform of the CFP should therefore be accompanied by the required budgetary commitments.

# (xv) The possible EU accession of Iceland

The CFP reform process has changed significantly with the recent application by Iceland for accession to the EU. However, difficult negotiations are expected in the area of the CFP as historically the loss of control of their fishing resources, which accounts for 40 per cent of Iceland’s exports, and the perceived inefficiencies of the CFP have been the primary reason blocking Icelandic accession. The Committee welcomes Minister of State Killeen’s initiative of advising the Department of Foreign Affairs of the importance of fisheries in the forthcoming accession negotiations and that the Department keep his Department fully advised and consulted on fisheries issues as they develop. In turn, the Committees request that the Department of Agriculture, Fisheries and Food keep them advised on this issue.

4. The Committees ask that their views, as outlined above, are taken fully into account by the Government as it completes its submission to the Commission’s consultation process on reform of the CFP. They also ask that the Department of Agriculture, Fisheries and Food provide the Committees with a copy of the Government’s submission once it is finalised.

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ChairmanChairman

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