



<http://www.friendsoftheirishenvironment.org>

Consultation: Fishing Opportunities for 2021

Submitted by: Friends of the Irish Environment

Sent by email to: Fishing.Opportunities2021@agriculture.gov.ie

Date: 20/11/2020

Judicial Review granted from 2020 decisions on Common Fisheries Policy

As the Irish Government considers its position in the EU fisheries negotiations for 2021, we would like to bring to your attention that the Irish High Court has granted leave for a judicial review aimed at challenging the EU Regulation setting 2020 fishing quotas under the Common Fisheries Policy (CFP) because of its failure to meet a legally defined deadline of ending overfishing in all stocks by 2020. The motivation behind this case is to protect the Irish and European fisheries from collapse.

In 2013, as part of the last reform of the Common Fisheries Policy, the Council of the European Union and the European Parliament agreed in Article 2(2) of the Common Fisheries Policy Regulation to end overfishing by 2015 'where possible' and by 2020 'at the latest'. This measure was designed to restore all stocks above healthy levels capable of producing the 'maximum sustainable yield' (*MSY) and to implement the 'precautionary approach to fisheries management'.

The case points to short term political decision making as one of the reasons why this deadline of ending overfishing has not been achieved. Each year EU ministers set fish quotas for Member States which exceed scientific advice, and deplete fish stocks to unsustainable levels where it is known that they will not be able to recover in the long term. This is having the effect of destroying the Irish fishing industry.

Scientists provide impartial advice

As they do every year, for 2021, the International Council for the Exploration of the Sea (ICES's) has provided advice on the upper limits within which Total Allowable Catches (TACs) should be set to ensure compliance with the Common Fisheries Policy, and the objective of ending overfishing. The advice of the ICES is peer reviewed by independent scientists who were not involved in preparing the original advice and who have no vested interest in the outcome of the process and is therefore considered to be the best available scientific advice.

Stocks for which enough data is available on their status and their exploitation, are subject to the highest category of advice which is based on the Maximum Sustainable Yield (MSY) approach. Where limited data is available the advice is based on the Precautionary Approach.

We urge that Ireland adopts an approach to setting the 2021 quotas for all fish stocks in line with the ICES recommendations (both the MSY and the Precautionary Approach).

Ireland along with others has an established pattern of ignoring scientific advice

Last year, ministers from the EU set fishing TAC's too high. Around half of the TACs set by the Council in December 2019 exceeded the scientific advice. Ireland was a party to these negotiations and received quotas which knowingly contribute to over fishing. Indeed research from Client Earth shows that from 2017 to 2019 Ireland was one of the member states that most actively advocated for higher TACs, along with others like Spain and France, and Ireland received considerable shares in 13 of the stocks that exceed the among the Member States that have most actively advocated for higher TACs, along with others like Spain and France. Moreover, in the challenged Regulation, Ireland benefits significantly from unsustainable TACs by having considerable shares in 13 of the stocks that exceed the scientific advice. This habit of endorsing overfishing is jeopardising the long-term economic, social, and environmental sustainability of European fishing activities.

In some cases, scientists have been constantly advising that there should be no catches of certain vulnerable stocks. ICES advice for cod in the west of Scotland has been 0 tonnes year after year. For 2021 this is again set at 0. In 2019 the decision of the Council was to allow 1279 tonnes of cod to be caught, of which 22% went to Ireland. The same with Celtic Sea cod, in 2019 Ireland received 50% of the 805 tonnes allocated, and Whiting and Plaice (where Ireland received 57% and 44% of the non zero TAC that was allocated).

Please don't endorse this position again, which directly harms fish stocks and perpetuates overfishing

The issues related to zero catches go to the heart of this case. Friends of the Irish Environment argues that the EU Member States have a political and legal obligation to follow the best available scientific advice for all stocks whether they are targeted or caught as bycatch. Moreover, sustainable fisheries management requires taking a long-term perspective in balancing the social, economic and environmental impact of fishing measures. Regardless with whom quotas are negotiated, Ireland's position must follow the scientific advice and take this perspective throughout any negotiations.

=====

Notes and evidence from the legal case

ClientEarth is an environmental charity using the law to make fundamental changes that tackle climate change and protect the natural ecosystems that sustain our world. It has offices in 7 countries and over 160 staff working on projects in more than 50 countries.

This report assesses the progress made to date towards ending overfishing in the EU by 2020 at the latest, as agreed in the last reform of the Common Fisheries Policy (CFP) in 2013. The core analysis presented focuses on a subset of the Total Allowable Catches (TACs) agreed for the years 2015 to 2019 at the yearly December Council meetings. On this basis, it identifies a number of key issues which the Commission and the Council, as well as individual Member States, will need to address as a priority to meet the 2020 MSY deadline and allow all stocks to recover in line with the CFP's requirements.

<https://www.documents.clientearth.org/library/download-info/taking-stock-are-tacs-set-to-achieve-msy/>

New Economics

The New Economic Foundation works with people igniting change from below and carrying out rigorous research to fight for change at the top.

This study concluded that restoring fish populations and subsequently exploiting most commercial EU fish stocks in North Atlantic waters in line with their MSY levels would deliver more than 2 million tonnes of additional seafood per year, an extra €1.6 billion in annual revenue, and over 20,000 new jobs.

<https://neweconomics.org/2020/03/landing-the-blame-overfishing-in-the-northeast-atlantic-2020>
Pew

The Pew Charitable Trust, founded in 1948, is a global research and public policy organization originating in the United States which uses evidence-based, nonpartisan analysis to solve today's challenges. See:

Analysis of Fisheries Council agreement on fishing opportunities in the north-east Atlantic for 2020, 8 May 2020.

https://www.pewtrusts.org/-/media/assets/2020/05/080520_analysis_of_fisheries_council_agreement_on_fishing_opportunities_in_the_nea_for_2020.pdf

=====