



REPORT ON REVIEW OF EFFORT CONTROL REGIME

Meeting between the North Western Waters RAC and the DG MARE

to discuss the future of the Effort Regime

Brussels, 13th July 2012

Co-rapporteurs: Barrie Deas and Alex Rodríguez

1. Attendees

The Commission team was composed by Ernesto Penas, María Fuensanta Candela and Rodrigo Altaide. The team was led by Ernesto Penas.

The NWWRAC delegation was comprised by the following representatives: Bertie Armstrong (NWWRAC Chair), Sean O'Donoghue (Ireland), Barrie Deas (UK), Emiel Broukaert (Belgium), Caroline Gamblin (France) and Alex Rodríguez (RAC Secretariat). They made it clear to the Commission that they were carrying a mandate to speak as a single voice and represented the views of the NWWRAC and neither their own individual nor national interests.

2. Purpose

The meeting had been arranged by request of the NWWRAC, because the Commission had organised a seminar on the future of effort control on the 5th July, which coincided with the meeting of the NWWRAC Executive Committee.

3. Report on the outcomes of the EC Seminar on Fishing Effort

The Commission explained that it had not been possible to change the date of the seminar, not just because of the obstacles in securing a venue with appropriate translation facilities, but because the Commissioner Damanaki wants to decide the future of the effort regime sooner rather than later (if possible in Autumn) and does not want to defer the consultation with stakeholders until September.

NWWRAC Report on Meeting with DG MARE on Fishing Effort

Brussels, 13th of July 2012



In response Bertie Armstrong pointed out that while logistic constraints were recognised, a seminar held without input from a primary stakeholder could not offer proper conclusions. The Commission agreed that every effort would be made to avoid repetition. This meeting was the offered remedy and its conclusions will be taken into account by the Commissioner.

Ernesto Penas committed to make available to the NWWWRAC the presentations of the meeting. He also provided a detailed summary of the points that the Commission had taken away from the seminar:

3.1. RAC views:

- The Baltic Sea RAC was very opposed to effort control as it was not justified in the current circumstances. It was not opposed in principle to keeping effort in the toolbox as a backstop should other measures fail.
- The North Sea RAC expressed the view that effort control was still needed for those member states that have not implemented ITQs. However, there is mounting evidence that effort doesn't work in practice.
- The South Western Waters RAC considers that effort management can be a complement to Management Plans, TACs and technical measures.

3.2. Member States' views:

- Marine Scotland is opposed to automatic adjustments in effort but is not opposed to effort being retained within the toolbox of measures and used when necessary.
- Netherlands: Effort can be useful at least until adequate measures to eliminate discards are put in place.
- Germany: Effort is not needed if there is a discards ban in place. Effort control is a reflection of a failed TAC system. A TAC system adjusted to deal with mixed fisheries issues should be the goal.



- Spain: The Spanish Administration would prefer effort regime prevailing over TACs, on the view that “it would provide for easier control” (VMS, ERS).
- Estonia: It considers that TACs should be used, or effort, but not both.
- Belgium said that effort ceilings are needed in multispecies fisheries but not in single/monospecific fisheries.
- France took the view that effort had been useful in some respects but was very complex to manage: the priority was to end the automatic reductions.
- Portugal supported the Western Waters effort regime but considered that it was vital to adapt the effort regime to regional specificities.
- Ireland took the view that the effort regime had demonstrated both failures and successes: the final judgement was not clear-cut.

3.3. Industry views:

- The Dutch industry was opposed to further cuts in days at sea and reminded that flatfish in the North Sea is at MSY levels.
- The German Industry said that effort control should be removed as it was introduced before modern technology had become available to support the system of TACs.
- French industry considered that effort could have a role in reducing discards and had problems accepting CCTV cameras as an alternative.
- A number of delegations took the view that effort should be retained as an option but that the current effort arrangements in the EU Cod MP were dysfunctional.

3.4. NGO views

- WWF was of the view that effort control should be retained because it led to fleet capacity reductions which otherwise would not be achieved.

NWWRAC Report on Meeting with DG MARE on Fishing Effort

Brussels, 13th of July 2012



3.5 Commission views

- In the Baltic, the situation was clear cut: fishing effort was not longer necessary
- In the Atlantic/North Sea, a mixed picture had emerged: some member states and stakeholders wanted to get rid of effort completely; others wished to retain it as an option in the toolbox. The priority was to end the annual downward ratchet of effort

The Commission referred to the drive to move beyond single stock TACs towards mixed fishery TACs. In this context there were two mechanisms to deal with discards: either effort control or CCTV cameras (catch quotas) (*Note: this hardline view expressed by a single official was refined and modified later in the meeting*).

4. Open discussion between the NWWRAC and the Commission

The **NWWRAC** suggested that the implied causal relationship between effort reductions and reductions of fishing mortality was spurious, as it was not possible for ICES to separate out which measures (effort, capacity reductions, technical measures, TACs reductions, landing controls, etc.) had contributed to the reduction in fishing mortality in what proportion.

In reply to the NWWRAC, the **Commission** asserted that there was a clear link between effort and fishing mortality but conceded that STECF had concluded that reductions in effort and mortality were not proportionate. Also it affirmed that there was a link between capacity management and effort management. The question about how each tool or measure has contributed to the reduction in fishing mortality has not been posed yet by the Commission to STECF.

The problem with the current cod plan lay in the legislative mechanism that led automatically to annual effort reductions.



The Commission also indicated:

- Within the context of CFP reform there was a desire to simplify the regulatory regime. It was recognised that the Cod Management Plan was complicated and it was timely, after 10 years of effort control, to ask the question within the context of a dual system of effort and TACs, what added value was brought by effort control;
- The reason why the Commission had introduced effort was clear: ICES advice had been that TACs were not constraining fishing mortality and that control of fishing effort was required. With 10 year's experience, it was time to review what had, or had not been achieved;
- There were differences in the level of practical implementation of the fishing effort regime between Member States and therefore its effectiveness is difficult to assess. The causality link between effort and mortality is the most difficult issue and they need feedback from the industry.

The **NWWRAC** advocated for a regional or “metier” approach to fishing effort as there are significant differences between areas (e.g. IV, VI and VII) in terms of measures to be implemented to address the rebuilding of the stocks.

In this respect, the NWWRAC referred to its position paper *“Breaking the Cycle of Decline: Re-booting fisheries management in the West of Scotland and Irish Sea demersal fisheries”*¹ released in June 2012 which, whilst sharing the Commission’s target fishing mortality for cod in the West of Scotland and Irish Sea, outlined an alternative to the current failed instruments of TAC reductions and effort control. It was clear that if there was no radical change in policy direction, in another 5 years time we would be in the same position.

¹ Direct link:

http://www.nwwrac.org/admin/publication/upload/NWWRAC_Position_Paper_Future_Cod_Recovery_15June2012_EN.pdf



The NWWRAC confirmed that the position paper above referred was an innovative approach that had been formally adopted by the Executive Committee. It also announced that a focus group would meet on 31st July to discuss with ICES/national scientists how to flesh out a new approach based on:

- TACs at levels closer to the current level of catches;
- A consequent dramatic reduction of discards;
- Removal of effort restrictions;
- Industry moves toward an appropriate form of fully documented fisheries (which does not mean CCTV as only answer) as a quid pro quo to a decisive change in the direction of the Cod Management Plan;
- Consideration of mixed fisheries and technical interactions by fleets;
- A strong level of trust and collaboration between stakeholders, fisheries scientists and fisheries managers.

The next step would be to agree an operational model to undertake the scientific simulations necessary to illustrate options for TAC levels consistent with current catches. The Commission was invited to attend as an active participant rather than an observer.

The Commission:

- Welcomed the NWWRAC initiative and indicated that the Commission's thinking was already along the lines (against the background of an anticipated discard ban) to increase to quotas by adapting TACs to real *catches* rather than *landings*.
- Affirmed that the critical qualifying condition that would apply to this approach would be that increased TACs would be without prejudice to the Commission's fishing mortality targets and MSY objectives.



- Welcomed the NWWRAC determination to forge a new relationship of trust and cooperation with fisheries scientists; and advised that the new EMFF proposed Regulation would contain finance to facilitate this.
- Asserted that the NWWRAC approach was in line with the direction of CFP reform and a move from single species TACs towards mixed fisheries management based on new assessment models.
- Suggested that the Commission would welcome *bottom up* initiatives, especially from both the RACs and Member States that would facilitate the introduction of a discard ban (an example of this was put for the joint initiative from Denmark, Sweden and Norway to remove discards in the Karregat/Skarregat). The Commission intends to be very forward looking in the drive to reduce discards; top down measures in future will only be adopted when there is no bottom up alternative.
- New approaches will be greatly welcomed by the Commission.

5. Short Term priorities

The NWWRAC reiterated that the immediate priority was to halt the pre-programmed reductions in effort required under the provisions of the EU Cod Management Plans.

The Commission reminded the meeting that at the December Council the Commission had committed to a review of the effort regime in 2012. To meet that obligation, the Commission had been exploring the options and wants to consult stakeholders on their views. These options included:

1. Get rid of effort control completely;
2. Make a number of immediate changes to the effort regime to address obvious short comings, pending a more formal change through co-decision;
3. Put emphasis in improving the practical implementation of the current effort regime on the assumption that its main weaknesses were that member states had not implemented it adequately to date;

NWWRAC Report on Meeting with DG MARE on Fishing Effort

Brussels, 13th of July 2012



- A calendar/timetable for steps to address the weaknesses in the Cod MP was currently being developed by the Commission. This would include short and longer term steps and would be adopted by the Commission by the end of August.
- The Commission was not in a position to say which options would be adopted but *for example*, the Commission might suggest:
 - Effort is removed from the Baltic Sea and West of Scotland;
 - The effort regime for the North Sea might be to modify aspects and remove the annual automatic reductions.
- The question of whether a revised effort regime lies within the competence of the Council of Ministers or by co-decision procedure with the European Parliament will be critical to defining the way forward.
- The Commission could not say which legal route would be used to secure short term changes to the effort regime, if that is the Commissioner's decision. The use of Article 43.3 of the Lisbon Treaty (which exempts annual TAC and effort decisions from co-decision) is a possibility but given that what is involved is a departure from the provisions of a management plan this is a sensitive issue, given the background conflict between the Council and the Parliament.
- A viable alternative could be a "fast track" co-decision supported by the Commission, member states and the RACs. Experience suggests that this could be adopted "very fast" if there is political will. A clear indication from the RACs of their position will be critical if this route is chosen.
- The Commission was particularly interested in the NWWRAC ideas on fully documented fisheries and accepted that CCTV was not an appropriate form of fully documented fisheries for all fleets and métiers. The Control Agency has been asked by the Commission to develop proposals on FDF based on reference fleets, where observers or cameras would be placed upon a small number of vessels and the catch composition used for comparative purposes. The Commission said that it was anxious to identify a credible system of FDF alternative to CCTV.



- The Commission was eager to hear why, in the NWWRAC view, effort control had failed. It was agreed that the 'fisheries response' to restrictions on time at sea had been significant: targeting different species etc. STECF was now more appreciative of this critical dimension.
- There was a greater appreciation of the spatial dimension of fishing effort, although the NWWRAC warned against a technocratic knee-jerk reaction: applying an 'of which' approach to effort allocations

6. Eastern Channel (VIId)

The NWWRAC raised the anomalous position of the Eastern Channel, which is part of the NWWRAC but is linked to the North Sea for cod management purposes. It was agreed that an approach that recognised the area's specificities was important. The NWWRAC is intending to submit a formal letter to the Commission on this before the end of July.

7. Summary

The Commission was very receptive to the NWWRAC proposal which ran in the same direction as Commission's thinking on CFP reform and a discard ban. The NWWRAC views will be taken into account by the Commission when preparing its proposal. The lynchpin issue of TAC increases to align quotas with catches thereby reducing regulatory discards was accepted. The Commission is prepared to go down the route of higher TACs, matching TACs to *catch* levels as part of the drive to reduce discards. The qualifying condition is that TAC increases should not lead to an overall increase in fishing mortality and is neutral in terms of achieving F targets to reach MSY levels.

In the short term, the Commission is preparing a timetable of changes to the Cod Management Plan. The Commissioner will decide which of the approaches it will support by the end of August. An important part of the decision on how to proceed will be related to whether a Council decision will be proposed or whether some fast track co-decision route will be chosen.



With goodwill and support from the RACs concerned, the Commission, the Council and the EP could agree an interim regime “very quickly”, pending the development of a broader multiannual plan for mixed fisheries linked to CFP reform and emerging ICES advice on mixed fishery and multi-species management.

-END-