



*COOPERATIVA DE ARMADORES DE PESCA DEL PUERTO DE VIGO, S. COOP.  
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**OBSERVATIONS ON THE**  
**GREEN BOOK FOR THE**  
**REFORM OF THE CFP**

Vigo, June 2009



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THE REFORM OF THE CFP**

**TABLE OF CONTENTS**

<b>1</b>	<b>SUMMARY .....</b>	<b>1</b>
<b>2</b>	<b>GENERAL OBSERVATIONS.....</b>	<b>7</b>
<b>3</b>	<b>SPECIFIC OBSERVATIONS .....</b>	<b>8</b>
3.1	Overexploitation of the resources (point 3 in the Green Book).....	8
3.2	Fleet over capacity (point 4.1 in the Green Book).....	9
3.3	The objectives (point 4.2 in the Green Book) .....	11
3.4	The decision-making framework (point 4.3 in the Green Book) .....	12
3.6	Culture of compliance (point 4.5 in the Green Book).....	16
3.7	Management according to fleet size (point 5.1 of the Green Book).....	18
3.8	Means of management (point 5.2 in the Green Book) .....	19
3.9	Relative stability (point 5.3 in the Green Book) .....	20
3.10	The 12 mile system (point 5.3 in the Green Book) .....	21
3.12	Integrating the CFP (point 5.5 in the Green Book) .....	24
3.13	The knowledge base for the policy (point 5.6 of the Green Book).....	26
3.14	Structural policy and public financial support (point 5.7 in the Green Book) .....	27
3.15	The external dimension (point 5.8 in the Green Book).....	30
3.16	Aquaculture (point 5.9 in the Green Book) .....	33
	<b>DEFINITION OF THE ABBREVIATIONS USED IN THIS REPORT .....</b>	<b>34</b>



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## **OBSERVATIONS ON THE GREEN BOOK FOR THE REFORM OF THE CFP**

### **1 SUMMARY**

The sector represented by the Port of Vigo Shipowners' Cooperative and its Associations and Producers' Organizations wishes to contribute to the debate on the Green Book with the following observations:

#### **KNOWLEDGE**

1. We think that the basis of any reform in any sector going through a passing or permanent state of crisis should be based on scientific and technical reports and/or studies and not on perceptions, opinions or intuitions.
2. In the opinion of the sector, the Green Book includes few references to studies that prove or demonstrate the validity of some statements that question or may question the future of the EU's catching fleets.
3. The forthcoming CFP should make a decided commitment to being efficient in achieving the objectives. In the opinion of the sector, the best way entails dialogue and a search for consensus of opinion among scientists, administrations, the Commission and the sector. Knowledge of the oceans and of the sector itself could be achieved more efficiently and with greater transparency if "common houses" were set up for holding the debates so needed to attain the goals that have been set.
4. Practical information should accompany the theoretical in order to have a broader, more in-depth range of knowledge. For this reason, the future CFP should be openly committed to incentivizing fishing companies to collaborate with scientists, administrations and the Commission, in the integrated knowledge of the resources, ecosystems and the socio-economics of the fishing sector.
5. It is vital to restore trust among scientists, national administrations, the Commission and the sector in order to obtain the best results. Continuing as up to now, under a kind of mutual distrust, would only lead to the breakdown of the new CFP.
6. The companies in the catching sector have fishing as their main activity, in highly unfavourable conditions in terms of any job on land (away from the family, storms, floating floors, lack of comfort, etc.). For these reasons, it is vital to provide them with incentives to complement their main activity with others related to the protection and knowledge of the environment: cleaning the seas, data collection,

observing the marine environment, making good use of the species for discards, direct collaboration with scientists, etc. The tasks that fishing companies carry out are many and varied, but they should have a compensation to be able to carry them out since it is not their main job and one from which they receive the required profitability to make headway. Integrated knowledge, therefore, should be imposed.

## THE OBJECTIVES

7. If mixed committees or “common houses”<sup>1</sup> were set up, the formulation of new objectives or aims in the future CFP would have the backing of the three parties (scientists, administrations and sector) and, therefore, this would make it easier to achieve them, as well as being less costly and more efficient. In the opinion of the sector, a three-fold objective should be defined involving the sustainable development of the resources, ecosystems and fleets<sup>2</sup>, based on a joint, coordinated strategy so that any repercussions on the resources and ecosystems, on the one hand, and on fishing companies on the other, are taken into account, arising from achieving this three-fold objective entailing long-term sustainable development.
8. The sector considers that if the required consensus of opinion is not reached among the three parties (scientists, managers and the catching sector), the supply of wild fish may be subject to a substantial change as community fleets are cut back where there is no clear future as foreign fleets gradually increase their supply in order to cover the gap left by the EU fleets. Aquaculture in third countries can play an important role in the new consumption standards if the community catching companies are left “to die a death”.
9. At the end of all this process, the politicians taking the final decision should be clear as to which fish consumption model is desirable for Europe: one supplied by our own fleets or from third country fleets; our aquaculture as a complement or aquaculture from other countries.
10. What should be made clear is that a model based on a drastic cutback or unlimited or “blindfolded” reduction of the community fleets<sup>3</sup> would not be linked to a greater profitability for the surviving fleets since the lesser supply would, immediately, be replaced by another coming from outside and those remaining would have to compete with the new imports. This is how the fish market operates, only accepting **continuity in supply, quantity, quality and price**.
11. Therefore, if we set out to achieve Maximum Sustainable Yield for the main stocks by the year 2015, it is absolutely necessary to have an integrated approach in which the economy, social concerns and ecology go hand in hand.

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<sup>1</sup> These joint Committees can be established from the RACs and the Advisory Committee for Fisheries and Aquaculture, adopting them to be more efficient in achieving the objectives set.

<sup>2</sup> As defined in Regulation (EC) No. 2371/2002.

<sup>3</sup> This reduction should not only involve a scrapping policy. If the new CFP does away with public financing to a large extent, reducing the number of fishing agreements, imposing new taxation for fishing, closing down companies that fail to comply with the regulations, etc., such measures would have the same effect as a definitive stoppage.

## **OVEREXPLOITATION OF THE RESOURCES AND OVERCAPACITY OF THE HIGH SEAS AND ARTISANAL FLEETS**

12. The Green Book provides some data on overexploitation, but does not give an in-depth analysis of where the management of overexploited resources has failed or of why the precautionary approach still continues to be applied for the majority of species, i.e., it does not explain why very little data are available for the majority of species or what the recent assessment is for the main species being caught.
13. As regards the overcapacity of the Community fleets, the Green Book restricts itself to stating, in no uncertain terms, that the fleet is oversized, but makes no reference to any study or technical and/or scientific report from which this conclusion can be drawn.
14. In the opinion of the sector, the future of the Community catching companies and of its workers, be they in high seas or artisanal fishing, cannot nor should not be based on notions or opinions lacking any scientific basis whatsoever. There is a need to conduct studies to analyze, area by area and fishery and fishery, which Community fleets, be they high seas or artisanal, are oversized in terms of the fishing availability and which are not. It is not possible to make sweeping statements since the fleets are or belong to each Member State and each State is owner of the quotas assigned by virtue of the relative stability. Therefore, studies should be conducted by zones or fishing areas, determining the capacity of fleets in these zones and the resources that can be caught in the same. Only in this manner will it be possible to determine, for each Member State, what the policy to follow should be as regards the capacity of the high seas and artisanal fleets.
15. If such actions are not taken, there is the risk of seriously distorting the Community market, of seriously jeopardizing the degree of social cohesion attained in coastal areas that are dependent on fishing, of discriminating the community fleets merely for the fact of being high seas or artisanal fleets<sup>4</sup> and of leaving the market in the hands of third countries.

## **THE DECISION-MAKING PROCESS**

16. The new CFP should be based on a new “bottom-up” decision-making model, and not on the current “top-down” model. To achieve this, the current Advisory Committees could be used, with some modifications, so that scientists, administrations, the Commission and the sector can work together. Such Committees<sup>5</sup> should issue reports seeking a consensus of opinion.
17. This process would facilitate the decisions taken at the European Parliament (co-decision issues) and at the Council of Ministers, and would also produce results entailing a lower political, economic and social cost since the sector would be

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<sup>4</sup> It must not be overlooked that 98% of the catching companies, be they high seas or artisanal, are Small and Medium Sized Companies (SMEs), so that they can not be differentiated in terms of the size or power rating of the ships.

<sup>5</sup> The Fisheries and Aquaculture Advisory Committee would deal with transversal issues and the Regional Advisory Committees with issues involving the fishery concerned.

playing its role from the outset of the decision-making process. Furthermore, the sector as a whole would be reinforced in terms of public opinion as this would involve the approval of regulations with the greatest backing possible, thus avoiding public discrepancies among the various players.

18. Yet another effect of this “bottom-up” process would be a greater responsibility given to all parties concerned, not only in the sector, and an improvement in compliance with the regulations since the sector would be one of the forerunners in the same.

#### MANAGEMENT MODELS

19. As far as the sector that we represent is concerned, the model based on fishing effort management (days at sea) would facilitate eliminating discards, especially in the mixed fisheries, and would improve monitoring and compliance with the regulations, saving costs arising from same.
20. In terms of the pelagic species, the TACs and quotas system may continue to be used, in view of the specificity of these fisheries.

#### INDIVIDUAL TRANSFERABLE RIGHTS

21. Management based on individual transferable rights can be useful for fleets with problems in overcapacity, elimination of discards, etc. As regards the regions where artisanal fleets predominate, a limit could be set on the accumulation of rights.

#### RELATIVE STABILITY

22. For the first time in a reform of the CFP, the Green Book opens the debate on relative stability. This is necessary because Member States’ fishing possibilities can not continue to be based on a “snapshot” made over 25 years ago. Fleets have grown, the regions dependent on fishing have changed, it is essential to update the data and give a greater flexibility to relative stability in order to find a new balance between fleets and fishing possibilities, so as to avoid quotas not being caught and fleets unable to catch the quota because of lacking them.

#### TRADE AND MARKETS

23. In a globalized, practically liberalized market such as that of fish, especially non-processed fish, producer organizations should reinforce their position in the market, with more and better tools to be able to control the supply from their associate members and adapt it, as much as possible, to demand. There is a need for stronger POs, with a greater power to be able to impose restricting regulations on supply, where applicable, and to have a position which makes it possible to best stand up for the prices and qualities of fish products.
24. The POs should be committed to protecting the environment. To achieve this, incentives are needed to allow the associate members to make their main activity – fishing – compatible with tasks related to data collection, cleaning of residues ,

gradual elimination of discards, etc. The objective is to make the consumer aware that the purchased product is compatible with the appropriate protection of the marine environment, a task which is carried out by the fishermen themselves.

25. In terms of demand, there is a need for more and more precise information for the consumer. The product being marketed should not only be “fish” but also needs to be clearly distinguished in terms of types and categories of fish, its origin, production method, nutritional contributions, etc., as occurs with other agricultural and farm products. This is a task that the POs are not able to carry out on their own. Local and national administrations and the Commission, actively collaborating in projecting fish in terms of class and category are needed here so that the consumer can make a choice by taking into account other factors other than the price only.

#### INTEGRATING CFP IN THE MARITIME POLICY

26. The catching sector is one of the few maritime sectors with the most practical knowledge of oceans and seas. Therefore, if we intend the discoveries of the 21st century to focus on the marine environment, the sector can provide considerable help and collaboration if it is taken into account in the Maritime Policy. To this end, there is a need to develop active policies which integrate the catching sector in marine knowledge.

#### PUBLIC FINANCING

27. The Green Book questions the future of public financing for the fishing sector. Clearly, a sector cannot survive solely from financing or subsidies or where its profitability depends on the same. Consequently, the future CFP should be equipped with the appropriate mechanisms so that the fish catching sector gradually stops depending on two exogenous factors that condition its future and, in this manner, no longer resorts to public financing. We refer to ownership of raw materials (the live resource) and to the uncertainty involved in fish production. While the sector is not owner of the live resource and is subject to a management system in which it does not take decisions, only being consulted and not always with sufficient time available, where the catch parameters can change drastically (a drastic reduction of quota) and where political decisions override all else, financing can not be eliminated if these serious drawbacks continue to be in place.
28. Therefore, a policy is needed that makes the sector more responsible by allowing it to actively participate in drafting the various strategies that should be integrated into the future CFP in order to attain the objectives of economic, social and ecological sustainability.

#### THE EXTERNAL DIMENSION AND JOINT VENTURES

29. In the opinion of the sector, fisheries agreements should have a trade component and a cooperation for development component in the case of those countries so requiring. The objective should be clear: **fight against poverty by identifying the autochthonous population in coastal areas**. The agreements should include financing for infrastructures and for fishing companies in developing countries in

order to create jobs, with companies that generate wealth. In this area, Community companies could establish joint ventures under the umbrella of fisheries agreements since experience has shown us that wherever joint ventures are set up, thousands of jobs and numerous companies have been created.

30. European fleets continue needing agreements in order to be able to operate and thus maintain an entrepreneurial and social network in the European zones that are dependent on fishing.
31. It should be possible to enter fisheries agreements without there being a balancing entry of fishing possibilities. There are countries where fishing possibilities are already shared out among its fishing companies, some having been established as joint ventures. But these countries need agreements as a legal guarantee for the joint ventures set up there and as a way of helping the development of the local fishing sector to enable them to continue to generate wealth and jobs.
32. In the Regional Fisheries Management Organizations (RFMOs), the EU, as a fisheries power and as one of the leading fish markets in the world, must set itself the main objective of leading said organizations. To do so, it is essential for the Commission to channel more human means in order to reach this objective.
33. The decision-making process in the exterior dimension should be similar to the internal dimension: it must involve setting up mixed committees for each RFMO or fishing area, comprising scientists, administrations, the Commission and the sector.

#### AQUACULTURE

34. In the opinion of the sector, aquaculture should continue to be a complement and not a substitute for catching as an activity, since there are marked differences between both methods of production.



## 2 **GENERAL OBSERVATIONS**

The sector represented by the Port of Vigo Shipowners' Cooperative considers that the Green Book, presented by the Commission, is first and foremost, a compilation of "opinions", "reflections", "categorical statements" and, in some cases, "harsh terms" that had rarely been heard previously coming from the Commission. Certainly the Commission is trying to stir up the debate with this, by using an uncommon courage in some "taboo" issues that were overlooked in the debate on the current CFP.

Nevertheless, the future of any productive activity sector, as is the case of fishing, cannot be planned nor shaped with opinions, statements, etc., but rather by an in-depth analysis based on real data and on scientific studies as a grounding for making such opinions or statements.

The Green Book hardly makes any references to studies or reports on which, for example, statements such as this can be grounded: *"...can bring about the dramatic change that is needed to reverse the current situation. This must not be yet another piecemeal, incremental reform but a sea change cutting to the core reasons behind the vicious circle in which Europe's fisheries have been trapped in recent decades."* The sector wants transparency and wishes to know just what these core reasons alluded to by the Commission are. The sector wants to know them with exact data in order to make an in-depth analysis of the real situation as regards fleet evolution in each Member State, fishing possibilities in each geographical area and how these possibilities affect the fleets of Member States operating in each specific fishing area or zone. Where resources and quotas are lacking and where they are in excess, and why this situation has come about. Only in this way will it be possible to determine which fleets and which States are the most affected and which have the least problems. Only in this way will it be possible to determine, with sufficient advanced warning, what the new geographical map is going to be like as regards where the fleets of the Member States are located and how many ships need to be scrapped in order to attain a balance between resources and capacities.

Any sector in a crisis is analyzed in-depth and data are explained to the affected parties and to public opinion in general. In this case, the Green Book only provides opinions and not studies on which these opinions should be based. After and only after analyzing the real causes behind the crisis should the objectives, strategies and the actions required to solve the sector crisis be set.

So the sector understands that the Commission must make known the data as per each Member State, quotas and geographical areas in order to make a real diagnosis of the current situation and thus establish the precise objectives that will guarantee the basic principles of the Treaties, among which is the social cohesion of the EU coastal communities, a principle that becomes all the more relevant in a situation of widespread economic crisis.

### 3 SPECIFIC OBSERVATIONS

#### 3.1 Overexploitation of the resources (point 3 in the Green Book)

The Advisory Committee for Fisheries and Aquaculture states in its document on the reform of the CFP<sup>6</sup> that *“The Commission is too often basing itself on data which are not fully up to date.”* Added to this criticism is the fact that, in the Green Book, the Commission once again states that *“88% of stocks in Community waters are being fished beyond MSY”*. Thus said, the Commission is causing alarm that favours its objective of reducing the Community fleet at all cost. But if the above statement is true, it is due to the fact that now there is no species with a plan underway to achieve the MSY<sup>7</sup>, while it is also true to say that *“the majority of fish stocks are beyond the biological safety limits”*. The same is also stated by the ICES as regards stocks on which information is available, however, the Green Book does not mention it.

As the Commission is aware, the ICES, year after year, continually reports that there is no information for the majority of the stocks, so that a more pessimistic forecast has to be applied, i.e., the precautionary approach. But the Commission says that, *“there is no reason at all to think that the situation is better in the case of stocks for which information is scarce”*. The sector asks itself the question: what does the Commission base itself on to make such a statement? Is it not possible to think that a stock on which no information is available can be in a favourable state? Why?

In summary, the alarm generated by the Commission does not lead to increasing the sector's trust in the measures as proposed in the Green Book. Neither does it increase trust when stating that, *“high political pressure (has been applied) to increase short-term fishing opportunities at the expense of the future sustainability of the industry”*. Firstly, the Commission should back this statement with data on the growth of the TACs for the main species. It can be shown that the TACs have not always increased throughout the life of the CFP, but rather the contrary. Secondly, the Commission should say, if it intends to have all the information, that the scientific reports on which it bases itself to reduce the TACs, do not take into account the short or long term social and economic consequences. For this reason, the Council, with a sound criterion, acts as a balance so that, along with the purely technical opinion of the scientists, there are also the social and economic consequences arising from such forecasts, many of which are made without data or with few data.

Another example that also hinders trust in the sector, is when in this section, the Commission states that *“European citizens almost pay for their fish twice: once at the shop and once again through their taxes”*. It would be very interesting to know the studies establishing, so categorically, what the Green Book says when it states that in various Member States, *“the cost of fishing to the public budgets exceeds the total value of the catches”*. It would be useful to see the data and the reasons and see in which other primary sectors the same occurs. Furthermore, the Green Book does not speak of the

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<sup>6</sup> See “First reflections on the main points that the Commission will have to take into account in its Green Book on the reform of the CFP in 2012” EP (09) 10 end of 3/3/2009.

<sup>7</sup> Let us not forget the fact that the Johannesburg Summit sets this objective for 2015.

benefits of European citizens being supplied with fish by its own fleets. Nor of the calculation method used to infer that this situation leads the consumers to pay twice for the fish that they consume<sup>8</sup>.

It is evident that all these examples help public opinion to take a stance clearly against the fishing industry, which in the medium and long term would lead to less fish being consumed or, alternatively, to this consumption coming only from imports which, unaware to us, are better or worse managed than Community productions. The sector cannot accept such statements being made by an institution, which by mandate under the Treaties, should stand up for the E.U fishing interests.

### 3.2 **Fleet over capacity** (point 4.1 in the Green Book)

Although it is true that there is a widespread idea that there is fleet overcapacity in the E.U., once again, the industry understands that it is important not to rush blindly into such a vital aspect for the future of the CFP and of thousands of jobs and companies in the E.U. And not only does the industry say this, but also the European Parliament coincides on this point by stating that, *“one of the first tasks to be carried out in the area of fisheries management is to assess scientifically whether there are any over-large fleets and over-exploited resources, and which they are, so that suitable specific measures can be adopted”*<sup>9</sup>.

The Commission should be aware of the fact that there is not just one fleet and that the decision to scrap corresponds to the Member States and to its sectors. Each one can know or sense that its fleet in a given fishery is or is not oversized, but is unaware of what its neighbouring country thinks or is going to do about the matter. If catching companies are dismantled “blindly”, there may be a risk of substantial imbalances occurring in the current composition of the fleets and, therefore, in market supply. It may occur that fleets that previously supplied a part of the market, following such a “blind” adjustment, may be replaced by other Member States or third countries’ fleets.

Also, if some European fleets have a low profitability level, this is not only due, as the Green Book states, to the existence of an imbalance between capacity and resources, but also to the existence of imports which, in many cases, compete without being required to comply to the same sanitary, technical, environmental and other conditions imposed on our fleets. The Green Book cannot overlook this aspect when analyzing the low or high profitability of Member States’ fleets. Regrettably, in the community market fleets are not competing on an equal footing with third countries and, in the final count, it is the consumer who, without having transparent, clear information, in some cases, consumes low quality products with minimum health conditions when compared with wild fish caught by Community fleets.

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<sup>8</sup> It is assumed that they only pay double for the fish from the EU fleets, since the imports are not financed by community public budgets.

<sup>9</sup> See the report on “The Common Fisheries Policy and the ecosystem approach to fisheries Management” – 0485/2008 European Parliament (8/12/2008).

## ANSWERS TO THE QUESTIONNAIRE

*Should capacity be limited through legislation? If so, how?*

- The sector understands that, in the first place, an independent study should be conducted in order to determine, by geographical zone, the possible availability of each species and the possible capacities that allow it to maintain the two-fold objective of environmental and socio-economic sustainability. Nowadays, no sector of activity measures its environmental objectives without taking into account the aspects of employment and wealth in the populations where these sectors are located. The same should apply to the fishing industry. Sustainable development should imply that the fleets are profitable while, at the same time, maintaining the resources. Needless to say, this is the philosophy of the Maximum Sustainable Yield (MSY) and this is how it should work.

It is after conducting the study that, at Community level, legislation should be drafted on capacity limitation for each geographical area. But, doing that without data, without thorough studies, would be unfair and may be discriminatory for the various fleets operating in a given area. The effort applied by each Member State in reducing their respective fleets should also be taken into account.

*Is the solution a one-off scrapping fund?*

- Once the study has been conducted and the relevant legislation has been drafted, it is essential to have a specific Community fund to achieve the objectives arising from the study.

*Could transferable rights (individual or collective) be used more to support capacity reduction for large-scale fleets and, if so, how could this transition be brought about? Which safeguard clauses should be introduced if such a system is to be implemented? Could other measures be put in place to the same effect?*

- There is a need to insist on the fact that implementing a transferable rights model should be carried out once the real fishing possibilities are known for each fleet and for each zone. Following a fair, equitable share-out that has updated relative stability for the fleets operating today and for the resources which scientists and regional advisory councils have reported as being likely to be exploited today, then a legislation can be established to allow companies to be able to transfer their fishing rights to other Community companies.

A maximum limit could be established for holding rights in a given fishery, e.g., where artisanal fishing predominates, in order to avoid monopolies, although this possibility would have to be studied in depth in order to determine the pros and cons of establishing safeguard clauses.

*Should this choice be left entirely to Member States or is there a need for common standards at the level of marine regions or at EU level?*

- The best way to maintain equity and transparency in the rights market should be at Community level.

### 3.3 **The objectives** (point 4.2 in the Green Book)

In all sectors of activity, the notion of sustainable development implies adopting socio-economic and environmental objectives in a coordinated manner, without any prevailing or having priority over any other. Without economic development it is not possible to generate sufficient funds for the sustainability of the environment; but if development is not sustainable, the environment can be destroyed and, along with it, the future of the planet. Therefore, a resource such as fish which, according to the Green Book, is “*Mankind’s main source of high-quality animal protein and healthy fat*”<sup>10</sup>, it should be protected and supplied by fleets that have a legislation on management, control and inspection to allow for a sustainability of marine ecosystems. There is no doubt about the fact that the Community fleets in the world rank among the best as regards compliance with these requirements. But environmental sustainability should also be made compatible in time with socio-economic sustainability because, if otherwise, in the short to medium term, there would be the risk of doing away with an important part of the Community fleets thus giving fleets from third countries with regulations, control and inspection that are more lax and less friendly with the marine environment the opportunity to move in.

For this reason, the sector considers that the best guarantee for the European consumer is to achieve a socially, economically and environmentally sustainable development in the Community fleets, in equal circumstances and without giving priority to one objective over another. In other words, the main purpose of the current CFP<sup>11</sup> should be upheld.

## ANSWERS TO THE QUESTIONNAIRE

*How can the objectives regarding ecological, economic and social sustainability be defined in a clear, prioritised manner which gives guidance in the short term and ensures the long-term sustainability and viability of fisheries?*

- As stated above, the ecological, economic and social objectives should not be prioritized if we follow the definition given to sustainable development in all production sectors. Making sustainable fishing and profitable fleets compatible in the short, medium and long term can be an objective that can be and should be reached if the necessary data are available on capacities, resources, conditions of the marine habitat, the different influences on catches in the ecosystems, etc. As is already known, there are long-term management models that include this three-fold objective.

<sup>10</sup> See page 3 of the Green Book.

<sup>11</sup> See point 1 in article 2 of the (EC) Regulation No. 2371/2002 (D.O. of 31/12/2002).

*Should the future CFP aim to sustain jobs in the fishing industry or should the aim be to create alternative jobs in coastal communities through the IMP and other EU policies?*

- Since fish is a healthy, nutritional food, the new CFP should make a clear commitment to employment in the Community fishing sector, promoting a sustainable fishing industry through incentives designed to look after the marine environment. The Commission's document "*Orientations on effective environmental initiatives to be taken by the fishing industry*"<sup>12</sup> establishes initiatives to enable fishermen to combine fishing with an improved marine environment through financial incentives. This strategy already exists in the Common Agricultural Policy and should be extended to the fishing sector at Community level. A further example is the "*blue contract*" established in France, which pays the French fishermen whenever they carry out a series of activities related to protecting the marine environment.

Creating alternative jobs to the fishing industry can be useful in areas where fishing is abandoned on a voluntary basis but, if there is no clear objective, there is the risk of the fleet disappearing and employment along with it, leaving catching to third country fleets that are less respectful with the marine environment.

*How can indicators and targets for implementation be defined to provide proper guidance for decision-making and accountability? How should timeframes be identified for achieving targets?*

- As we commented earlier, there are long-term management models that act as a guide for adopting decisions over time. For instance, the sector considers that the model known as "Management procedure (MP)"<sup>13</sup>, also called "Management Strategy Evaluation" – MSE), can be used in Community fisheries. This model, successfully used by the International Whaling Commission (IWC) or in the hake fisheries of Namibia, should be looked into by the Commission to determine its usefulness as a long-term management model for EU fisheries.

### 3.4 **The decision-making framework** (point 4.3 in the Green Book)

The sector considers that the principle of good governance should be the lighthouse to illuminate decision-making. Establishing a regulatory framework in which the most important decisions affecting the objectives and strategies of the CFP<sup>14</sup> should be dealt with in the Joint Committees made up of the Commission, scientists, national administrations and the sector. These Committees could operate in a similar manner to the Regional Advisory Committees (RACs), but incorporating scientists as members. Consensus of opinion would be the basis for how these Committees work, and which could operate in either of two ways:

<sup>12</sup> See [www.ec.europa.eu/fisheries/publications/environment-es.pdf](http://www.ec.europa.eu/fisheries/publications/environment-es.pdf)

<sup>13</sup> See the article, "Why a management procedure approach? Some positives and negatives", by Doug S. Butterworth. ICES, Journal of Marine Science, 64.

<sup>14</sup> TACs, fishing effort, other management models, fleet capacity, recovery plans, pluriannual plans, maximum sustainable yield, fishing rights, discards, technical measures, relative stability, control, inspection, fines, external policy, markets, imports, IUU fishing, etc.

In the case of transversal issues – a single Committee, similar to the Advisory Committee for Fisheries and Aquaculture (ACFA), but with some modifications to make decision-making more operative.

In the case of each (regional) fishery – one Committee for each fishery, similar to the existing RACs, but also with various modifications in order to streamline the decision-making.

The function of these Committees would be to facilitate the decision-making process since the projects would arrive at the Parliament (in cases of co-decisions by virtue of the Lisbon Treaty) and to the Council, with a degree of consensus that would avoid conflicts and tensions in these two institutions. It would, therefore, be a “bottom-up” process so much called for nowadays by European citizens.

Moreover, these Committees could, at the same time, create Working Groups for more minor issues, which would greatly facilitate “micro-management” that could be carried out on a regionalized basis, under the supervision of the Commission.

## ANSWERS TO THE QUESTIONNAIRE

*How can we clarify the current division of responsibilities between decision-making and implementation to encourage a long-term focus and a more effective achievement of objectives? What should be delegated to the Commission (in consultation with Member States), to Member States and to the industry?*

- By means of the “bottom-up” process referred to above, setting up Joint Committees made up of the Commission, national administrations affected, scientists and the sector, which would help to attain the objectives of the CFP in a more efficient, less costly manner since the issues are discussed beforehand and the consensus of opinion is sought for prior to agreeing the final document and presenting it to the Parliament and/or Council.

*Do you think decentralised decisions on technical matters would be a good idea? What would be the best option to decentralise the adoption of technical or implementing decisions? Would it be possible to devolve implementing decisions to national or regional authorities within Community legislation on principles? What are the risks implied for the control and enforcement of the policy and how could they be remedied?*

- Yes, it would always be good, when involving regional and not transversal issues. Decisions should be based on whatever is established by the aforementioned working groups.

*How could the advisory role of stakeholders be enhanced in relation to decision-making? How would ACFA and the RACs adapt to a regionalised approach?*

- ACFA should concern itself with transversal issues. Its make up should be modified, so that scientists, national administrations, the industry and the Commission were the basic core of this Committee, able to create specific working groups for each horizontal issue (control, IUU fishing, imports, etc.).

The RACs, also made up of the national administrations affected, scientists who are experts in the area and/or species in point, the affected sector and the Commission, would concern themselves with regional issues, setting up working groups for technical matters.

### 3.5 **More responsibility for the industry (point 4.4 in the Green Book)**

We agree with the idea that if the industry takes on a greater responsibility in implementing the CFP, the objectives could be achieved more effectively. But to achieve this, it is also essential to talk about rights and not only of responsibilities. The sector will be responsible for the contents of the CFP with the proviso that it has had the right to take part and to be taken into account in the drafting of the CFP. Otherwise, we do agree that *“Very little can be achieved if the forthcoming reform fails to motivate the catching sector” ...*<sup>15</sup>

It is of little use holding numerous meetings to sound out the sector if very little is taken into account later. For this reason, it is essential to insist on the idea of Joint Committees in order to guarantee a “bottom-up” process in the decision-making and not a “mock up” of this process.

It is true to say that, in general lines, there is a need for a change in the way of thinking among fishermen. To achieve this, it is essential to provide the fisherman with incentive so that, along with fishing activities, he will carry out tasks that will give a greater protection to the marine environment. Nobody is better than fishermen who know the habitat in which the fish is found. For this reason, it would be very useful to pass a programme of incentives, with “rights and obligations” for the sector in order to carry out environmental activities.

We commented earlier on the “blue contract” set up in France as well as the *“Orientations on effective environmental initiatives to be taken by the fishing industry”*, which can be good examples for drafting a programme of such characteristics. This process of changing the way of thinking would lead to a self-management of the sector itself since it would be involved in and responsible for protecting the marine environment.

## ANSWERS TO THE QUESTIONNAIRE

*How can more responsibility be given to the industry so that it has greater flexibility while still contributing to the objectives of the CFP?*

- By the sector taking part, from the outset, in the decision-making process and having the right to seek consensus of opinion with the scientists, the national administrations and the Commission. Then the sector will be more responsible in its fishing activities.

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<sup>15</sup> Page 12 of the Green Book.



*How could the catching sector be best structured to take responsibility for self-management? Should the POs be turned into bodies through which the industry takes on management responsibilities? How could the representativeness of POs be ensured?*

- The POs can be used to carry out incentive programmes so that fishermen take an active part in protecting the marine environment and take responsibility for their actions at sea: such programmes will set out to change fishermen's way of thinking and will be useful for achieving self-management within the POs.

*What safeguards and supervisory mechanisms are needed to ensure self-management by the catching sector does not fail, and successfully implements the principles and objectives of the CFP?*

- The POs themselves and the national administrations, under the supervision of the Commission, could impose the appropriate controls and sanctions in order to achieve the objectives of the CFP by means of self-management. To achieve this, greater power would have to be granted to the POs.

*Should the catching sector take more financial responsibility by paying for rights or sharing management costs, e.g. control? Should this only apply to large-scale fishing?*

- The catching sector is in the primary sector which, it should not be overlooked, is the most fragile sector in the economy and the first link in the food chain. Assuming risks by the catching sector, such as not being owner of the raw material and being subject to a considerable degree of uncertainty in terms of its production, means that its costs should not be increased since the costs related to this activity are, as they stand, very high.

To call on this sector to take on part of the control costs is like calling on a citizen to pay his taxes as well as paying a special tax for controls set up on the roads or for the local police force. Therefore, the idea cannot be taken on board by the sector and, if put into effect, would create discrimination relative to other production sectors as well as meaning discrimination within the catching sector itself if only high seas fishing were obliged to pay this additional cost. We should not forget that high seas and long distance fishing also involve small and medium sized companies (SMEs).

*When giving more responsibility to the industry, how can we implement the principles of better management and proportionality while at the same time contributing to the competitiveness of the sector?*

- By setting up Joint Committees, more responsibility and more rights would be generated for the industry, which would increase trust in the new CFP.

*Are there examples of good practice in particular fisheries that should be promoted more widely? Should incentives be given for the application of good practices? If so, which?*

- Each Member State should have good examples. As we commented earlier, the document on good practices – “Guardians of the Sea” – or the “blue contract” in France, are good examples for which the industry is given financial incentive.

In the case of our Fresh Fish Producers' Organization (OPPF-4), integrated in the Port of Vigo Shipowners' Co-operative, we have been limiting our partners and applying the rule of extension to non-partners for five years now, on megrim landings from 20 cm to 25 cm. In this manner, the resource is being sustained and a higher value is given to this species in the auction of the Port of Vigo. The Commission has never made known this regulation imposed by our OPPF-4.

### 3.6 **Culture of compliance** (point 4.5 in the Green Book)

The Commission has reacted to the Report from the EU Court of Auditors<sup>16</sup> with a Regulation proposal (COM(2008) 721 final), which has been widely criticized by the three representative organizations of the catching industry in the EU<sup>17</sup>, for various reasons: for not synchronizing this proposal with the reform of the CFP for the year 2012, basing the proposal on statistics that have not been updated and do not take into account the important restructuring that has already been carried out by the European fleet, nor the fleet dismantling programmes underway approved within the framework of the EFF, the balance for which will be made in 2013<sup>18</sup>. Nor has it consulted this proposal with the sector with sufficient notice.

Therefore, the Commission has chosen to take the road of not bearing in mind the opinion of the sector and of passing a Regulation proposal on control without previously conducting a study on the structural overcapacity in terms of the availability of the resources in each zone or fishing area. It is evident that, without such a study, there may be fleets which, with the application of this proposal, will practically have to disappear for having a considerable structural overcapacity in terms of the resources allotted. It is evident that there will also be other fleets that will not need to be restructured since they have more fishing possibilities (quotas) that they can really fish having regard to their capacities. Such imbalances in the European Community have, been clearly shown on many occasions, however they have never been solved so far.

Consequently we consider that this reform of the control system does not rely on the approval of the Community catching sector, therefore it will be extremely difficult to attain the objectives of the CFP.

Furthermore, it seems very difficult to implement a single control system at Community level without having taken the step of converting the fleets into a single fleet, flying a single flag. Controlling different fleets, in the same manner, which have unequal opportunities to fish in terms of relative stability may turn out to be unfair and discriminatory if it is not based on an initial position of equity in terms of the fishing possibilities that are directly proportional to fleet capacities.

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<sup>16</sup> Special Report No. 7/2007

<sup>17</sup> See the EP(09) Report 48/SP(09), jointly drafted by EUROPÊCHE, COGECA and the EAFPO, on 30th March 2009 last.

<sup>18</sup> (EC) Regulation No. 744/2008 of the Council of 24/7/2008.

## ANSWERS TO THE QUESTIONNAIRE

*How can data collection systems be improved in the short and medium term to ensure coherent information for enforcement purposes?*

- To improve data, it is essential to first have a clear, transparent picture of the situation of each fleet in terms of its fishing possibilities and in each area. Following this study, the POs should continue to supply the data while safeguarding the confidential nature of the same.

*Which enforcement mechanisms would in your view best ensure a high level of compliance: centralised ones (e.g. direct Commission action, national or cross-national controls) or decentralised ones?*

- Where the fleets are national, controls will have to be national. There could be a supervision system managed by the Commission, but control should be the responsibility of Member States.

*Would you support creating a link between effective compliance with control responsibilities and access to Community funding?*

- Under the current conditions where the structural overcapacity of each fleet is an unknown factor, the sector would not support creating a link between control responsibilities and access to Community funding as long as there may be unfair, discriminatory situations. Let us consider the case of a given fleet that is oversized in terms of its fishing possibilities. Firstly, it must be granted the required funding so that adaptation to its capacity does not have to be implemented traumatically and, later, require the necessary national controls so that this fleet can keep itself in balance with the resources available. In other words, we cannot put the cart before the horse. Firstly, the foundations must be set to give stability and then ensure that the stability will be maintained over time.

*Could increasing self-management by the industry contribute to this objective? Can management at the level of geographical regions contribute to the same end? What mechanisms could ensure a high level of compliance?*

- As stated earlier when referring to Joint committees made up of the Commission, national administrations, scientists and the industry. Under these conditions, the industry would have rights and responsibilities. It would have the right to negotiate and look for consensus of opinion in each Joint committee. Once this consensus is attained, it would have the responsibility to comply with what has been agreed. This way of acting would greatly help to move towards self-management since the industry would be involved from the outset of the decision-making process and would be able to provide its data, opinions and reflections on an equal footing with those provided by scientists and administrations.

We have also commented that as far as regional matters are concerned, Joint committees should be set up, similar to the RACs, dealing not only with management but also with drafting control mechanisms appropriate to each individual fishery.

### 3.7 Management according to fleet size (point 5.1 of the Green Book)

When referring to employment in a coastal area, the Commission should take into account the fact that fishermen going on board a high seas vessel have the same rights and obligations as those going on board an artisanal boat. Salary conditions may differ, and so too the technical conditions, but the labour legislation is the same for both.

Therefore, dividing the sector in terms of those who have to reduce their size depending on if they catch along the coast or further out to sea, or in terms of the size of the vessel, is to ramble on without any scientific basis to sustain it. It is clear that there will be artisanal fisheries with a structural overcapacity, as well as there being high seas fisheries with this same problem with the marine environment. But it is essential to look into this on a zone-by-zone basis, analyzing the possible solutions and not exclusively focusing on the high seas fleets as if they were “the baddies”. Let us not overlook the fact that there are coastal areas that only depend on the artisanal fleet<sup>19</sup>, while other coastal zones depend on the high seas fleet<sup>20</sup> and others that depend on both at the same time.

The Commission should not jeopardize the principle of social cohesion by pointing out which zones should or should not reduce employment and public funding, simply because of the predominant type of ship in those zones.

## ANSWERS TO THE QUESTIONNAIRE

*How can overall fleet capacity be adapted while addressing the social concerns faced by coastal communities taking into account the particular situation of small- and medium-sized enterprises in this sector?*

- 98% of companies in the catching sector are small and medium sized enterprises, both in the artisanal and in the high seas fleets. Therefore, once it is known which fleets should go through a restructuring, accompanying social measures will have to be passed, both in terms of coastal and high seas ship fishermen.

*How could a differentiated regime work in practice?*

- We are not in favour of a differentiated regime between high seas and artisanal fleets for the reasons outlined above.

*How should small-scale fisheries be defined in terms of their links to coastal communities?*

- They should be defined in the same manner as the high seas fisheries. There are even fleets of joint ventures in third countries that provide employment for thousands of Europeans living in coastal areas that depend on fishing. For this reason, it is vital to insist on the fact that there are coastal areas with strong links with the artisanal fleet, others with high seas fleets and others with both at the same time.

<sup>19</sup> There is a need to define exactly what is understood by the artisanal fleet.

<sup>20</sup> There is also a need to define exactly what is understood by the high seas fleet.

*What level of guidance and level-playing field would be required at EU level?*

The same for both fleets. In the case of implementing a system of transferable individual rights only those coastal areas in which the artisanal fleet prevails could be excluded from this system in order to guarantee the survival of these fleets, although they must first be defined with precision and transparency.

Nevertheless, it may be the case that in view of the differences between Member States, it is a complicated affair to define the same rules of the game at Community level.

### 3.8 **Means of management** (point 5.2 in the Green Book)

For the industry that we represent, management based on fishing effort, limiting the number of fishing days, would be the model to avoid discards, particularly important in mixed fisheries, and would greatly facilitate control and compliance thereof. As for pelagic fisheries TAC and quota model could be of use but however, for demersal species, and especially in mixed fisheries, fishing effort based management would solve many problems in the current CFP.

## ANSWERS TO THE QUESTIONNAIRE

*How can long-term management plans for all European fisheries be developed under the future CFP? Should the future CFP move from management plans for stocks to fisheries management plans?*

- As commented earlier, in the long term it may be useful to apply the so-called “*Management Procedure* (MP)” also termed “*Management Strategy Evaluation* (MSE)”<sup>21</sup>, which has already been successful in other fisheries. It would be necessary to make a preliminary study to see if this long-term model is useful in Community fisheries.

*Should we consider reforming the CFP in two steps, with specific measures to move to MSY prior to 2015 followed by measures to maintain MSY as the upper exploitation level after that date?*

- The objective of Maximum Sustainable Yield for 2015 should not be a strict objective in terms of the date but rather should act as a guideline, as occurs with other Community objectives and strategies such as that of full employment by 2010<sup>22</sup>. Therefore, whenever there are sufficient studies, including the socio-economic consequences, it will be possible to move ahead towards this objective but not by imposing it without any scientific rigor whatsoever or without the explicit backing of the industry. Let us not forget that MSY implies an integrated approach involving sustainable resources in the long term and the profitability of the fleets.

*How could the MSY commitment be implemented in mixed fisheries while avoiding discards?*

- Independent studies need to be conducted to analyze these objectives.

<sup>21</sup> See foot of page 8.

<sup>22</sup> See Lisbon Strategy.

*What should the main management system be for Community fisheries and to which fisheries should it apply? Catch limitations? Fishing effort management? A combination of the two? Are there any other options?*

- For demersal fisheries, the fishing effort management system, particularly in the mixed fisheries.

In the long term, the MSY model outlined above could be analyzed to determine if they can be implemented in the E.U.

*What measures should be taken to further eliminate discards in EU fisheries? Could management through transferable quotas be useful in this regard?*

- Indeed, transferable quotas may serve to reduce discards, as stated in a study commissioned by the Commission on fishing rights in Member States<sup>23</sup>. Also a management model based on fishing effort could, to a large extent, reduce discards.

### 3.9 **Relative stability** (point 5.3 in the Green Book)

For the first time in a Green Book, the Commission courageously deals with this matter that is a constant hidebound on the present and future of the Community fisheries, on the backdrop of a “snapshot” taken 26 years ago.

In the first place, it should be said that relative stability is not a legal principle appearing in Community jurisprudence<sup>24</sup>.

We coincide with the Commission over the fact that relative stability has “*given rise to very complex practices such as quota swaps between Member States or out-flagging by fishing operators*”. In other words, what was valid 26 years ago is now no longer valid. Member States and fleets have changed, whereas the percentages of fishing possibilities assigned to Member States (relative stability) have remained unchanged throughout all these years. This has brought along with it the fact that some fleets may have a structural overcapacity since, in terms of relative stability, their percentages on quotas have remained the same over time.

Thus, it can be shown that there have been and are certain movements of companies that invest in coastal areas other than those in which they are set up, simply for the purpose of acquiring more fishing possibilities. In other words, a certain “delocalization” is occurring, for purely political and not social or economic reasons. For this reason, we understand that the future of Community fleets should necessarily involve an in-depth review of relative stability.

<sup>23</sup> “An analysis of existing Rights Based Management (RBM) instruments in Member States and setting up best practices in the E.U.”. Final Report, February 2009 NOFISH/2007/03.

<sup>24</sup> In fact, article 20 of the (EC) Regulation 2371/2002 talks of “*relative stability*” but not of the “*principle of relative stability*”.

## ANSWERS TO THE QUESTIONNAIRE

*How could relative stability be shaped to better contribute to the objectives of the CFP? Should it be dismantled or if not should it become more flexible and if so, how? How could such alternatives be set up?*

- A study should be conducted to determine which fleets are oversized in terms of the unchanging percentages of quota allotted to Member States and which fleets are not in a state of overcapacity. Once this analysis has been made, relative stability should be made more flexible, setting out to find a new stability among all fleets, either by allotting fishing rights and/or by sharing out fishing possibilities that have not been used by their owners over the past few years (Member States) among fleets with a quota deficit.

3.10 **The 12 mile system** (point 5.3 in the Green Book)

As stated in the Green Book, this system is a further historical derogation of the principle of equal access to waters and resources. Since 1972<sup>25</sup>, this principle has been continually postponed in consecutive reforms of the CFP, which more than a derogation appears to be that the Commission has renounced to equal access to waters and to resources, once and for all, as a basic principle of the CFP.

## ANSWERS TO THE QUESTIONNAIRE

*Should access to the 12 mm zone be reserved for small-scale fishing vessels?*

- Firstly, it is essential to define what is understood by artisanal fishing and that nobody feels that they have lost out by the derogation of this basic principle, otherwise a formula would have to be identified so that derogation is not permanent and, at the same time, access to the 12 mile zone is reserved to this type of fleet.

3.11 **Trade and markets** (point 5.4 in the Green Book)

The analysis made by the Commission appears correct: low prices at first sale are a reflection of an oversupply of fish relative to the demand which is caused by imports and higher amounts caught by Community fleets to limit the negative effects of low prices. As it is not possible to add the increasing exploitation costs to the price, Community producers find themselves heading for low profitability, with some exceptions and, therefore, heading for a need to continue relying on public funding as an “*integral and permanent feature in the business plans of the fishing industry*”, as stated in the Green Book.

There is no easy solution, although other activities in the primary sector, apart from fishing, have already taken important steps to be competitive and to supply quality products that are appreciated by the European consumer (oil, wine, milk, meat, etc).

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<sup>25</sup> The year in which Great Britain, Ireland and Denmark joined the EEC of the day.

What steps should the catching sector take?

The first step is for the Commission to become aware and be willing to support it with financial incentives while incorporating other types of in-depth change needed to make by the producer sector in the market. Otherwise it would be a matter of leaving the market exclusively in the hands of third countries in the medium term, whereby once again the CFP would have failed and would reduce the presence of Community fleets in EU ports to a testimonial level.

In the opinion of the industry, it is essential to encourage

- The concentration of supply, by providing incentive and encouraging strong, representative producer organizations to be able, if they wish, to market the production of their members and to negotiate distribution with greater flexibility than they would if doing so individually. Strong agricultural cooperatives are entities that best withstand the difficulties in prices, although in this crisis, few recipes have helped to put up with an oversized supply.
- Strengthening the tools of the POs in order to act on the markets. There is a need to continue with the intervention mechanisms such as the withdrawals, storage, etc., which at certain points in time, make it possible to regulate the supply in the face of situations that are uncontrollable by the producers themselves, such as imports and/or momentary overproductions from fleets that would rather bring catches to port than increase discards.
- Providing incentive for the POs to establish environmental plans as a complement to fishing activity. It is necessary to make fishermen and companies realize that fishing can be an activity perfectly compatible with care for the marine environment and the ecosystems. Punitive measures are insufficient, and it is important to go one step further and for those who live day to day on the seas to convey their know-how to us and to carry out tasks involving protection, surveillance, data gathering, etc., related to the protection of the environment<sup>26</sup>.
- Continuing to provide incentive for the quality of Community products, from the outset (on board vessels) up to the end of the chain.
- Improving information and transparency, from the start to the end of the chain. It is essential to take an important step towards the end consumer receiving knowledge on fish and to give value to fish. To achieve this, apart from the promotion campaigns that are absolutely necessary, more information needs to be given on the production methods, the nutritional contents of fish, certified respect for the environment in scientific reports, etc. Tools such as denominations of origin, ecolabelling, traceability, etc. should be strengthened in order to give fish the value that it deserves.

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<sup>26</sup> It is essential to insist on examples such as “The Guardians of the Sea” or the French “Blue Contract”, as they are going to be beneficial both for fisherman and the marine environment.



- Having a price Observatory, both for Community productions and for imports. In this way, it will be possible to make a closer, more detailed follow-up of the evolution of the market in order to have sufficient data in time for a crisis caused by a marked imbalance between supply and demand.

## ANSWERS TO THE QUESTIONNAIRE

*How could market mechanisms be used to encourage the development of fisheries that are market efficient as well as sustainably exploited?*

- By starting to grant more power to the POs so that they can intervene in quota management and in the markets. Only in a collective manner, through the POs, is it possible to achieve efficient actions both in the sustainability of the resources and in market supply.

But however, we consider that this objective needs to go through a process, since it is not possible to change the fisherman's way of thinking overnight. It is essential to provide incentive for actions related to the protection of the marine environment, such as those indicated earlier.

*How can the future CFP best support initiatives for certification and labelling?*

- The POs can play an important role in certification and labelling if they have the required means.

*How can traceability and transparency in the production chain be best supported?*

- Food safety requires traceability in all links of the chain to be responsible for the product passing through their hands. The consumer must be given more useful information so that the requirements in terms of controls and self-controls, at each link in the chain, are greater. In this manner, the consumer will know just what production methods are used in fish, what its nutritional elements are (vitamins, fatty acids, calories, etc.), the product origin, etc. With all these data, the consumer will then be able to make a choice without fully taking the price into account. Thus, by guaranteeing that all this information is true will require greater controls and self-controls in order to ensure traceability and transparency.

*How could the EU promote the fact that fisheries products come from sustainably managed fisheries, providing a level playing field for all?*

- By demanding that all products - European or imported - have the same requirements in terms of environmental sustainability and socio-economic conditions, both in the production and in the end product. We cannot continue just standing there watching how wild fish caught in a sustainable manner by Community fleets has to compete with products such as pangasius, farmed in contaminated waters of the Mekong River and under social conditions that would be forbidden in Europe. The same can be said of fish coming from a fair part of the Asian fleet.

*How can the POs better work to match production with market needs? Which new market based policy instruments could be implemented through POs? How can fishermen improve their position towards processing and distribution?*

- The continuity of interventions (withdrawals, storage, etc.) are vital for achieving this adjustment objective, but also with greater power granted the POs by the Community legislation so that, in a democratic manner, they can enforce regulations on adjusting the supply to the demand to be complied with. This power exists, in theory, but it is very difficult to put it into practice since the POs lack sufficient tools to be able to enforce in order to comply with the regulations. To illustrate this, a member that does not comply with the regulations can move into another PO or continue selling his production without any problem whatsoever and on any market in the EU. Therefore, it is essential to strengthen the power of the POs to make them efficient in interventions on adjustment of the supply.

Ecolabels could be implemented through the POs. Furthermore, contracts with processing and distribution could be given incentives when the POs have implemented rules that allow for a sustainable production (limitation on catches, forbidden areas, data gathering for the scientists, etc.).

In order to improve the POs' position related to processing and distribution, incentives could be assigned for establishing more representative POs, with a greater number of members. Interprofessionals can also play a role in reconciling the positions of the catching sector with the industry and distribution.

*What is the role of trade policy in balancing the interests of producers, consumers and our relations with exporting countries?*

- The best way is to make the consumers aware of the reality of the product that they are going to purchase and then consume. If actions were taken as in the sectors of wine, meat, milk, etc., where the consumer is aware of the quality, the origin, nutritional content, etc., and pays in terms of this knowledge and not only for the price, then a very important step forward will have been made in giving value to this food - fish - and in ranking it in the place where it belongs.

Briefly, trade policy should safeguard transparency in the information to the consumer.

As we stated earlier, it is also essential to demand the same environmental and social conditions from imported as well as from Community products.

### 3.12 **Integrating the CFP (point 5.5 in the Green Book)**

The catching sector, with its know-how of the sea, can play a very important role in maritime policy, if it is taken into account. Apart from fishing, the industry can provide data on climate change, ecosystems, energy efficiency, etc. To do so, specific plans of action would have to be implemented and provide incentive for the catching sector to carry out such activities. All this would, without a doubt, lead to a greater and better knowledge of the oceans, providing information for scientists in the various fields of oceanography.

## ANSWERS TO THE QUESTIONNAIRE

*In which areas does the fishing industry interact closely with other sectors?*

*Where specifically is integration within the IMP required?*

- The fishing industry interacts not only in the coastal field with other sectors (aquaculture, construction, windfarm energy, etc.), but also with the energy sector and others (underwater cables, gas pipelines, oil plants, etc.). Nevertheless, along with the maritime sector (cargo and passenger transport), it is the sector that is best acquainted with the marine habitat and the changing sea conditions since it is the only sector to live off the resources inhabiting it. Therefore, integrating it in the maritime policy should be frameworked in the area of practical know-how and of its contribution to a better management of the resources and of the marine ecosystems.

*How can the future CFP contribute to the continued access of fisheries, including both fishing fleets and aquaculture, to marine space, within an integrated spatial planning framework?*

- Maritime policy must acknowledge the two-fold role played by the catching sector on the oceans: as a supplier of a healthy, nutritional resource and as expert in the marine environment. Therefore, it will always be positive for the catching sector to hold a preferential place, via the future CFP, in the Integrated Maritime Policy.

*How can the future CFP best ensure consistency with the Marine Strategy Framework Directive and its implementation?*

- By providing incentives in terms of fishermen's practical know-how of marine habitats being transferred to scientists and to the society in general.

*How can the future CFP support adaptations to climate change and ensure that fisheries do not undermine the resilience of marine ecosystems?*

- By the so-called "Blue Contracts" as commented earlier, a very important role can be played in know-how and respect for the environment and ecosystems.

Failure to rely on the Community catching sector as a source of know-how on the oceans would be on a par with closing the doors to new discoveries in the effects of climate change, energy efficiency, protection of ecosystems, etc. It is evident that all this information cannot be gathered solely by the oceanographic research vessels since, in view of there being low in number around the world, this would greatly reduce scientific knowledge. For this reason, it is essential to provide incentives for the catching sector to enable it to contribute its know-how and to gather the required data for an efficient protection of the marine environment.

### 3.13 **The knowledge base for the policy** (point 5.6 of the Green Book)

The industry considers that this should be the starting point for the Green Book. As we have already commented in the general observations: opinions and statements must be based on reports, studies, etc. No policy can be reformed if we do not have the data to shed light in order to find the best solutions. With only perceptions and intuitions, the future of sector cannot be designed.

For this reason, on this occasion the industry needs the Green Book to be firmly committed to greater financial and human means in order to have a thorough, well grounded knowledge of all the issues related to ecological, social and economic sustainability. By way of an illustration, the industry has been demanding more scientific surveys for many years now so that TACs can be set on the basis of data and not have to resort to the precautionary approach. Nowadays, the ICES acknowledges the fact that most of the TACs are set in terms of the precautionary criterion because there are not sufficient data. The same can be said about the social and economic aspects: there are hardly any studies or reports that determine, in a rigorous manner, the capacities of fleets, the profitability of companies involved, employment on board and on land, etc. The vast majority of the political and legislative actions appear to be based on perceptions, opinions, intuitions, etc. No sector could withstand this situation, and even less so the fishing industry.

Therefore, it is essential to be radical here and give a 180° turn to this lack of knowledge so that the new CFP can be based on sound, rigorous scientific knowledge, firmly grounded both in the environmental, social and economic fields.

To achieve this, the industry sector has also spent some years putting forward a new system for interaction between scientists, administrations, the Commission and the industry. A “*common house*” where the three parties are able to exchange their data and reach a consensus of opinion over the most important issues in the future CFP. The current make-up and functioning of the ACFA and the RACs are not achieving the objective of having a more solid knowledge base because the three parties are not equally involved and technical elements that scientists, administrations and the industry itself can contribute are mixed with more emotional or political rather than technical elements (e.g., the role of the NGOs). We should make a distinction between two levels of debate:

- The first level, where scientists, administrations, the Commission and the industry discuss technical and scientific aspects of each fishery, endeavouring to draft a final report;
- A second level, where the other stakeholders could give their opinions and comments on the report drafted scientifically and technically in the first level.

In this manner, by better organizing the debate, results can be obtained that will contribute more efficiently to achieving the objectives of the future CFP.

## ANSWERS TO THE QUESTIONNAIRE

*How can conditions be put in place to produce high-quality scientific research regarding fisheries in the future, including in regions where it is currently lacking? How can we best ensure that research programmes are well coordinated within the EU? How can we ensure that the resources are available and that young researchers are educated in this area?*

- The future CFP should set its objectives and actions on the base of a solid knowledge of the industry and of the resources. To achieve this, there is a need for more human and financial means for the purpose. Setting up a European Fishing Technological Platform can be a useful tool for coordinating the different lines of research within the EU. There is also a need to provide incentive for applied research in order to acquire a practical and not only a technical knowledge of the environment and of the resources.

By making known the importance that the fishing industry has in knowledge of the oceans and integrating it, as a matter of priority, in the Maritime Policy, would undoubtedly provide incentive for young researchers to become interested in this field.

*How can the resources available best be secured and utilised to provide relevant and timely advice?*

- Collaboration between scientists and the industry, on an ongoing basis, would optimize advice since the data would have two sources: from research surveys and from the trade ships.

*How can we better promote stakeholder involvement in research projects, and incorporate stakeholder knowledge in research-based advice?*

- By providing incentive for the fishing industry so that it carries out tasks, as a complement to its main activity, to do with research and protection of the environment (gathering the required data for the scientific forecasting models).

### 3.14 **Structural policy and public financial support** (point 5.7 in the Green Book)

The Green Book states that the 2002 reform of the CFP was an important step forward in doing away with financial support that “*directly contributes to excess capacity and investment*”. This refers to the funding for new boats, but does not refer to the fact that one of the main financial aids for reducing capacity – funding for setting up joint ventures<sup>27</sup> - was also withdrawn, which removes a certain coherency in the approach of less public financing, less fleet and more fish.

The Green Book also points out that the fishing industry receives “*substantial*” public funding, without specifying or comparing it with that of other subsectors in the primary sector. What the Green Book fails to say is that the public contribution to the primary

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<sup>27</sup> Joint Ventures have also served to fight against poverty in coastal areas where they have been established, creating local employment on land and on board, thus contributing to maintaining the social network in such areas.

sector is due to the objectives provided for in the Common Agricultural Policy and, therefore, in the CFP. The non-ownership of the living resource (raw material) and the uncertainty surrounding the generation of wealth in the catching sector, are elements that explain why the EU provides for public financing for this sector in its Treaties, funding far lower than that for other primary sub-sectors.

## ANSWERS TO THE QUESTIONNAIRE

*What should be the top priorities for future public financial support and why? What changes can the sector not manage to bring about on its own and therefore require public financial support?*

- The priorities should be set in terms of the objectives of the future CFP. As stated earlier, these objectives should be established by taking into account the sustainable development of the resource, of the ecosystems and of the Community fleets.

The three objectives should be mutually compatible and be based on scientific studies or reports that confirm which fleets are oversized and which are not in terms of fishing resources.

To consider the notion that the Community fleet has excess capacity without making a precise diagnosis by areas, species and fleets is a somewhat risky affair for the present and future of the Community fishing industry.

Therefore, there is a need to make a detailed analysis of the industry in order to be able to draw conclusions as to what type of funding will continue to be needed or otherwise.

*How can we change the focus of EU financial resources to promote innovation and adaptation to new policies and circumstances? Does any new policy area require funding? Should public financial support be focused on specific transitions such as eliminating discards in the fishing industry?*

- To answer this question, we must insist on the fact that, firstly, the appropriate studies should be conducted in order to have an in-depth view of the industry and then draw the precise conclusions. What should be given priority in the new CFP is support for a rigorous knowledge of the fishing system, in a coordinated manner, taking into account the objectives of sustainable development in terms of ecological, social and economic factors.

*How can synergy and coherence of possible CFP funds with other EU and national instruments be ensured?*

- There should be a coordinating mechanism to avoid overlapping and which encourages synergy.

*How can a synergy between the pillars of a future CFP be achieved? Should public assistance be conditional on Member States' achieving policy objectives?*

- Coordination between conservation policy, structural policy and market policy is what gives meaning to a Common Fisheries Policy. With this coordination, there is no synergy possible and there is no policy. This occurs in all sectors of activity, but in

the fishing sector it appears that the idea of the three pillars interrelating is difficult to grasp. A new control policy has even been put forward without still having reformed the current CFP.

Theoretically, subordinating public financing to achieving the objectives of the CFP seems correct. But however, in practice, who evaluates if the objectives are achieved? How is this evaluated? Only the environmental objectives? Where do the social and economic objectives fit in? It appears, therefore, to be very complicated unless they are fair and very specific objectives (e.g., with the old Multiannual Guidance Programmes it was possible to measure the objectives attained by each Member State).

*How can EU financial resources be developed to provide the flexibility needed to respond swiftly when a crisis occurs?*

- By setting up Crisis Committees with sufficient authority as to be able to implement the appropriate measures.

*Should public financial support apply equally to all sectors (small and large scale)? Should the European Fisheries Fund continue to distinguish between convergence and non-convergence regions?*

- There should be no differences between the coastal and the high seas fleets because they are practically all small and medium sized companies (SMEs). They all compete in the same markets and all suffer from the competition of third countries. Therefore, all, be they coastal or high seas, have the same problems, both in terms of fisheries resources and of markets. We consider that the EFF should continue to support social cohesion and that its distribution should continue to take the type of region into account.

*Should indirect support such as services related to fisheries management (access, research, control) continue to be provided free to all sectors of the industry?*

- It is not coherent to say that the industry has a low profitability while, at the same time, call for an increase in company costs. It should be insisted on that 98% of the companies are SMEs and that all have financial problems.

What certainly should be done in terms of public financing saving policy is to provide incentive for the sector's collaboration in tasks related to management, research and control. It is evident that the sector's collaboration would reduce costs for these services.

*Should permanent fisheries subsidies be phased out, maintaining, on a temporary basis, only those aimed at alleviating the social impacts of the restructuring of the sector?*

- While the objectives of the Community treaties referring to the primary sector (CAP and CFP) are not altered, financing should continue so that producers can have sufficient profitability and achieve long-term sustainability of the resource.

### 3.15 The external dimension (point 5.8 in the Green Book)

The industry points out that the EU is one of the main markets in the world as regards fish consumption, and also has one of the leading fleets in the world. Nevertheless, despite our relevance worldwide, it is noted that the Green Book makes a self-criticism by referring to the ever decreasing capacity of influence that the EU has in the external dimension, as opposed to the fact that *“even in the absence of fishing interests, many international partners have demonstrated the ability to influence global fisheries governance as well as an active presence in international fora.”*

We consider that the EU cannot throw in the towel while it sees that its partners dominate the international scenario. This may probably be a problem of scarcity of human resources<sup>28</sup>. For this reason, the top priority task should be to have a greater number of civil servants devoted to external action.

The industry has the experience and knows numerous examples of where a joint venture has been set up, has created employment, on land and on board ships, where poverty and emigration have been reduced in these coastal areas. Such examples should serve as a reflection as to which Fisheries Agreements we require under the new CFP. What we reject is that the policy of fisheries agreements be abandoned because the non-Community waters sector would have a good deal of problems in keeping itself alive. This would lead to third countries finally taking over the Community market with products of dubious quality, caught by fleets that are far less respectful with the marine environment than the Community fleet in external waters.

Fisheries agreements should keep their commercial nature, but should be aimed at fighting against poverty and achieving the Millennium Development Goals. To achieve this, the Commission must adequately coordinate the directorates responsible for Fisheries Cooperation and Development, in order to find the appropriate synergies that will facilitate achieving such objectives.

Fisheries Agreements should also be made without necessarily securing fishing possibilities in any given third country. These Agreements would guarantee community investments in those third countries and would be aimed at strengthening fishing and its infrastructures in said countries. In other words, they would contribute to the objective of excluding poverty.

EU financing should have the necessary controls in order to ensure if funds are being used for the purpose appearing in the Agreement or otherwise. It is necessary to have guarantees that the financing is for fixing population and reducing poverty in those countries.

In terms of the Fisheries Agreements with developed countries, the final goal must be commercial, endeavouring to balance out the positions of both parties in terms of the content of the same.

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<sup>28</sup> If we look at the DG-Mare work programme for the year 2009 and part of 2010, we see that 42% of the (proposed) tasks are related to external action, whereas only about 10% of all the DG-Mare civil servants (some 20 out of a total of 180 civil servants) are devoted to external action.



In the Regional Fisheries Management Organizations, the EU has to have the leadership of these RFMOs as its objective, especially if the Community fleet is mostly in them.

Both in the Agreements and in the policy implemented in each RFMO, the industry, scientists, administrations and the Commission should plan a strategy to follow, in a coordinated, joint manner, to enable them to best stand up for the interests of the Community fleets. Setting up Joint committees for such tasks could be useful for achieving the desired objectives.

## ANSWERS TO THE QUESTIONNAIRE

*The core objective of the CFP is to promote responsible and sustainable fisheries. Is there any reason why the external dimension of the CFP should be driven by different objectives?*

- It should be recalled that the current CFP defines sustainable exploitation as the core objective to facilitate “sustainable economic, environmental and social conditions”<sup>29</sup>. For the Community fleets in external waters, the objectives must be the same. For developing countries, the exclusion of poverty along with responsible fishing should be the objectives to pursue.

*How could the EU strengthen its role on the international stage to promote better global governance of the sea and in particular of fisheries?*

- Firstly, by increasing the number of civil servants devoted to external action. Secondly, by establishing coordination joint committees, as mentioned earlier, to plan the strategies to follow in each Agreement and in each RFMO.

*How can the EU cooperate with its partners to make RFMOs more effective?*

- With more human means.

*Contrary to the current free access principle in international waters, should fishermen pay for the right to fish in the high seas under the governance provided by RFMOs?*

- The industry is not the owner of the live resource on the high seas. For this reason, neither is it the manager that takes the final decision. Contracting parties are those who finance the RFMOs, and for this reason, it is they who manage the resources. Therefore, it is not sustainable for fishermen to have to pay for rights to fish on the high seas.

*How can objectives such as investment promotion (creation of joint-ventures, transfer of know-how and technologies, investments and capacity management for the fishing industry...), creation of jobs (on vessels, in ports, in the processing industry) or promoting good maritime governance be pursued in the framework of future international fisheries agreements?*

- In the Fisheries Agreements, there must be allowance made for joint ventures as the main vehicle for investment in countries needing technology transfer, specialized know-how, infrastructures, job creation, etc.

<sup>29</sup> Point 1 in article 2 of the Regulation 2371/2002 (O.D. 31/12/02).

It must also be insisted upon that Fisheries Agreements should be signed without there being fishing possibilities in exchange. A fisheries agreement allowing for the financing of infrastructures in the local fishing sector would facilitate the continuity of existing fishing companies in those countries and, along with that, would guarantee the continuity of the investment and employment.

*Are the FPAs the best instrument to achieve sustainability beyond EU waters or should they be replaced by other forms of cooperation? Should the regional perspective be explored and either substitute or complement a streamlined bilateral one?*

- The regional outlook seems difficult to achieve if a series of countries competing with each other has to come to an agreement. We consider that the negotiations would be far more complicated.

As far as the Fisheries Partnership Agreements (FPAs) are concerned, they should be negotiated in terms of the strategies defined in the joint committees in order to meet the objectives of excluding poverty and reducing emigration by fixing the local population.

*How could we make scientific research to assess the sustainability of fish stocks and the control of the fishing activity more transparent and efficient?*

- Transparency is achieved by opening up the research bodies. The best tool is to create joint committees made up of scientists, administrations, the Commission and the industry.

*How can we assure better cooperation and compliance with new regulations in developing countries?*

- Diplomacy should play an important role in achieving a better co-operation. Also, the industry can play a role as intermediary and knowledgeable party in fishing matters between the country in question and the Commission when it comes to establishing regulations that may later be complied with in practice.

*Should EU operators cover all the costs of their fishing activities in third country waters or should the Community budget continue to support part of these costs?*

- It is not coherent for the sector to pay for all costs when, apart from being able to fish, financing the development of investments and infrastructures to exclude poverty. The financial effort, as in any other sector, should be shared.

*How could we contribute to increasing the fisheries management capabilities of developing countries, e.g. through targeted assistance?*

- Training should play a vital role so that developing countries have civil servants who know how to manage their resources correctly.

*Should the integration of European fishing fleets and interests in third countries be actively pursued as an objective of the external dimension of the CFP with a view, in particular, to supporting the development of the concerned partner countries?*

- We consider that integration is not only good for third countries, but also for EU regions depending on fishing. The case of joint ventures is the best example of this. Their integration in the social and economic tissue in coastal areas of countries in which they are located is a source of wealth and employment for these areas. At the same time, these companies continue to keep up social and economic ties with the Community companies installed in European regions.

Consequently, joint ventures should be one of the priority objectives in the external dimension of the CFP, as an efficient tool for managing to exclude poverty.

*How can we reinforce the synergies between the different forms of support and the different partners in the fisheries sector reinforced and the development strategies of coastal states?*

- We must insist on coordination between DG Cooperation and Development and DG-Mare over fishing matters. This is the best way of producing synergies between the industry and the objectives of creating wealth and employment in developing coastal countries.

*Should aquaculture be included in future partnership agreements?*

- Aquaculture should be a complement to the catching sector and, as such, should be considered.

*How could the potential of small-scale fisheries in third countries for sustainability, ecological and social benefits be enhanced?*

- Firstly, an exhaustive study should be conducted as to whether or not artisanal fishing in each coastal country with which the EU has or is going to have a Fisheries Agreement is a sustainable fishing. It should not be taken for granted that it will be sustainable for being artisanal fishing. Later, training and the drive to create or help fishing companies in these countries are the best way for the artisanal fishing sectors to be able to have a sustainable development from the ecological, social and economic point of view.

### **3.16 Aquaculture (point 5.9 in the Green Book)**

#### **ANSWERS TO THE QUESTIONNAIRE**

*What role should aquaculture have in the future CFP: should it be integrated as a fundamental pillar of the CFP, with specific objectives and instruments, or should it be left for Member States to develop on a national basis? What instruments are necessary to integrate aquaculture into the CFP?*

- The catching sector considers that Community aquaculture should act as a complement and never as a substitute for catching, since the differences are notable between the two methods of production.

Vigo, June 2009.

**DEFINITION OF THE ABBREVIATIONS USED IN THIS REPORT**

ACFA	Advisory Committee for Fisheries and Aquaculture
CAP	Common Agricultural Policy
CFP	Common Fisheries Policy
EFF	European Fisheries Fund
EU	European Union
FPAs	Fisheries Partnership Agreements
ICES	International Council for the Exploration of the Seas
IMP	International Maritime Policy
IWC	International Whaling Commission
MP	Management Procedure
MSE	Management Strategy Evaluation
MSY	Maximum Sustainable Yield
NGOs	Non-Governmental Organizations
POs	Producers' Organizations
RACs	Regional Advisory Councils
RFMOs	Regional Fisheries Management Organizations
TACs	Total Admissible Catches