

## **NWWAC ADVICE ON CFP REVIEW**

24 October 2022

### **Background**

In December 2021, the European Commission launched a consultation to prepare a report on the functioning of the common fisheries policy (CFP), under Regulation (EU) No 1380/2013 (the CFP Regulation). The objective of this report is to address the functioning of the CFP and look at how its implementation can be strengthened.

The consultation was made up of three steps. First, there was an online questionnaire, to which the NWWAC replied on 14 March 2022. Contributions by stakeholders on the online questionnaire were analysed in a report issued in April 2022 by FAMENET. This was followed by discussions at regional level in the Member States Groups (MSG). In particular, the North Western Waters MSG met on 24 May 2022 and each MS presented on their views on the challenges for future implementation of the CFP. Finally, a stakeholder event was organised on 10 June.

DG MARE expects to issue the report by the end of the year. As explained by DG MARE Director Fabrizio Donatella at NWWAC Executive Committee meetings in July and September 2022, the report is not intended to trigger a legislative reform and it is not an evaluation of the policy. With this report, DG MARE aims at highlighting areas of success and shortcomings, in order to address CFP objectives, concerns and challenges. Donatella also added that with this report the Commission hopes to promote further debate, as a great number of elements and substantial reflections have been received following the consultation.

The NWWAC also engaged in a stakeholder questionnaire launched by MEP Gabriel Mato in view of the preparation of a European Parliament report on the "state of play in the implementation of the CFP and perspectives after 2020". Response was delivered on 4 April 2022.

It was agreed by the NWWAC Executive Committee in March 2022 that an Advice Drafting Group (ADG) should be established to follow the CFP reporting process and consider where further AC input might be needed.

The ADG has reviewed the input produced by the NWWAC in response to both DG MARE and MEP Mato consultations and considered updates and further reflection to bring to the attention of the Commission and the Member States Group. Statements by DG MARE Director-General Charlina Vitcheva and by PECH Committee Chair Pierre Karleskind from the CFP Stakeholder meeting in June 2022 have been considered as well in this reflection.

This work has resulted in the present advice aiming at supporting the preparation of the CFP report by DG MARE.

## Recommendations

- 1) Overall, the NWWAC agrees that the CFP is based on good objectives and principles. However, it appears clear that some elements will need amendments in order to be effectively implemented. The objectives should become more important than the tools and management principles put forward by the CFP. Expertise from actors on the ground should be used more to assist with reaching the objectives of the CFP and the NWWAC stands ready to contribute in this regard.
- 2) Today's context is very different of that when the CFP was reformed 10 years ago, with many new elements coming to play and influencing the success of the policy. These include climate change, Brexit and international crises, such as the covid-19 pandemic and the Ukraine crisis. The NWWAC feels that the CFP report should reflect on whether the policy is flexible and fit for purpose to address these new challenges.
- 3) As a consequence of Brexit, the dynamics in terms of achieving sustainable fishing have inevitably changed. EU-UK bilateral consultations have become a key step towards setting Fishing Opportunities for the 75 shared fish stocks, whose majority are in the NWW. Therefore, while the NWWAC recognises and welcomes the long-term progress made overall towards more sustainable EU fisheries specifically in the North East Atlantic, it also considers that the post-Brexit landscape is bringing new perspectives and great challenges to sustainable EU fisheries, which cannot be ignored.
- 4) Sound and effective legislation can only emerge as a result of synergies from continuous engagement and contact with stakeholders. ACs are best placed for such synergies to occur and for giving a balanced advice based on compromise, given their diverse composition. Close communication and cooperation between the ACs, the Commission and the Regional Member States Group is essential to optimise the efficiency of the consultation process, the exchange of ideas and the production of advice. It is crucial that transparency is provided on the decision-making process. In this regard, having an effective advice feedback procedure involving the Commission and the Member States Regional Groups would help ensuring constructive collaboration and maintain members' interest and participation under the regionalisation principle.
- 5) Although MSY is a good principle, it should be taken into account that reference points are volatile. As many management principles are based on those reference points such volatility should be taken into account in order to ensure sustainable and optimized use of the fisheries resources. North Western Waters demersal fisheries are highly dynamic, variable and of a mixed nature. The fisheries are subject to ecosystem change that can result in distributional shifts in fish species. The NWWAC recognises that TACs are the most direct way of limiting fishing mortality in commercial fisheries, but a single species TAC management principle in mixed fisheries can be problematic, especially where TACs for bycatch species restrict fishing opportunities for target species. In this respect it is important to consider the

implications of using  $F_{MSY}$  ranges provided for by the Western Waters Multiannual Plan (WW MAP) in a mixed fisheries context. The additional flexibility provided by these ranges for a stock may be constrained by other, more limiting stocks (for example in the Celtic Sea mixed fishery where the advice for haddock has increased compared to last year, while cod remains at a zero-catch advice).

- 6) The NWWAC acknowledges that the WW MAP has also been an important step in the implementation of the Landing Obligation, particularly with the flexibility in TAC setting afforded by the introduction of  $F_{MSY}$  ranges. The WW MAP implementation has demonstrated to be partly too rigid, as for instance, there has not been any modification in the list of targeted stocks (Art.1.1), while for some stocks removal from the targeted list should be considered due to the warming of seas and they should change from 'targeted' to 'bycatch' (e.g. cod stocks in ICES areas 6 and 7). It also has to be noted that the scope of the WW MAP is very broad, covering a large area and a wide range of diverse fisheries. By combining the areas and stocks into one plan, it does not acknowledge regional differences. Overall, the NWWAC believes that MAPs could, in certain specific cases and areas, be good instruments to allow for an ecosystem-based implementation of the CFP and should not only take into consideration fishing pressure on fish stocks, but also other anthropogenic elements such as climate change and pollution and natural effects. Therefore, the WWMAP should be amended accordingly.
- 7) The NWWAC also highlights the great challenge posed by the implementation of the landing obligation (LO), as a tool to achieve selectivity and avoidance & minimisation of unwanted catches. Avoiding choke issues remains one of the biggest challenges in the mixed and dynamic NWW fisheries. It remains clear that the implementation of the LO in a mixed fisheries context requires creative and innovative solutions, tailor-made to regional characteristics, involving spatial management, technical measures, and in some cases balancing short- and long-term socio-economic trade-offs. It would also be worthwhile to re-assess whether the tool fits the purpose and whether another tool would not be more effective. Compliance is another great issue in relation to the implementation of the LO. The NWWAC wishes to highlight that developing and maintaining a culture of compliance requires a regulation that is enforceable, doable and understandable. It also requires transparent information from the competent authorities and strong communication with interested stakeholders.
- 8) In order to effectively implement the CFP, the NWWAC believes that the socio-economic dimension of the policy should be strengthened and wishes to point out the importance of CFP article 2.1, which at all times should be taken into account when vetting any management measure (for example setting TACs and quotas). Thus, the NWWAC recommends adopting an inter-disciplinary approach to fisheries management, undertaking and incorporating social and economic research. It is also important to reflect whether the CFP is fit to address issues like generational renewal and decline in employment that hamper the socio-economic sustainability of the sector.



- 9) Regarding the implementation of financial instruments, such as the EMFAF, the NWWAC stresses the importance of simplifying the delivery mechanism and the administrative burden to foster implementation. Public investments through EMFAF for fishers is very important due to the lack of visibility fishers have on the future of their activity. Lack of visibility does not encourage the sector to invest in the necessary innovation to improve its sustainability. Therefore, public support is important to encourage fishers to invest in more sustainable fishing practices.
- 10) The lack of data for certain stocks is negatively impacting stock assessments and management, with potential impacts on catch advice and resulting fishing opportunities. The ICES advisory plan also recognises this as a quality assurance issue. The NWWAC recommends that the 2019 ICES Advisory Plan on quality assurance is fully implemented to ensure a robust quality assurance system throughout the entire advice process (from data collection to the publication of advice). We also recommend that managers ensure a full implementation of the Data Collection Framework to improve data collection and provide a robust basis for sustainable fisheries management in line with the CFP. Moreover, the NWWAC wishes to highlight the importance of implementing a holistic ecosystem-based approach to fisheries management, supported by scientific advice that not only includes data from the entire ecosystem, such as climate change data, but also socio-economic data. The implementation of an ecosystem approach should be sustained through an effective use of the EMFAF and the other financial tools available. Overall, cooperation between fishers and scientists has proved to be a great approach to improve data collection and find innovative solutions to fisheries management. This should be further promoted.
- 11) The NWWAC agrees that there is a need for fully documented fisheries and for full control of high-risk vessels under a level playing field status versus imported fishery products. The risk categories, however, including 'high risk' should be clearly defined. The ongoing revision of the fisheries control system should clarify how this should be achieved.
- 12) It is essential that the report on the CFP considers how to ensure that the policy is resilient and adaptive in addressing climate change. Scientific knowledge has been improving and providing more and more information on climate change current and future impacts on fisheries. It is therefore crucial to evaluate if the CFP is still up-to-date in that regard. To effectively manage EU fisheries within a changing climate, flexible, adaptive, well-informed and well-enforced management is needed, with incentives provided for innovations to cope with the changing conditions, while also reducing the dependency of the fish catching industry on fossil fuels. In this regard, it is important to mention the limitations on the tonnage and propulsive power of EU vessels imposed by the 1992 reform of the CFP. While this has not changed in the past 30 years, it is a shared opinion among fishing professionals shared by the NWWAC that vessel gross tonnage is poorly suited to the economic, social, technical and environmental challenges that arise for the construction of today's vessels (including purposes of seeking better profitability, better crew safety & comfort and installation of technologies



that minimise the sector's environmental footprint). Overall, there are both regulatory and technological constraints to the energy transition of EU fishing vessels. The review of the CFP can play a very important role in the development and evolution of this framework and thus in the energy transition of the EU fishing sector.

- 13) Similarly, in light of the recent crisis led by the war in Ukraine, it is essential to ensure that the tools in the CFP can support the fishing sector's resilience to fluctuations in commodity prices.
- 14) Having consulted the Market Advisory Council, the NWWAC highlights that ensuring a level-playing field for EU fishers in relation to seafood products imported by the EU is another essential point to be considered in the review of the CFP. To achieve sustainable fisheries, it is fundamental to ensure a fair competition between the EU and third country's producers and to encourage the ratification, transposition and implementation of international legal instruments and conventions.