



North Western Waters Regional Advisory Council

Views on Regional Fisheries Management in North Western Waters

Dublin, 6 December 2013

Dear Ministers, General Directors and Secretaries of State for Fisheries of:

Ireland, United Kingdom, France, Spain, Belgium and The Netherlands,

The purpose of this letter is to inform you of the current views and existing debate within the North Western Waters RAC (henceforth, NWWRAC) in relation to the regionalisation of fisheries management in ICES areas VI and VII and initiate collaboration in this area.

Since the publication of the Commission's Communication on CFP Reform ("*Green Paper*") in 2009, the NWWRAC has provided regular advice on several components of the CFP reform process, with particular focus on: governance issues, namely the role, composition and functioning of the future Advisory Councils (ACs); the transparency of decision-making and stakeholder participation in fisheries management; and regionalisation of the CFP.

The NWWRAC acknowledges and is preparing for a radically new approach to fisheries management, which will bring decisions closer to those who have the best knowledge in the field, i.e. Member States, fishermen, scientists, economic experts and regional stakeholders (including *inter alia* environmental organisations, recreational fishermen, fisheries dependent coastal communities, labour representatives, etc.).

North Western Waters Regional Advisory Council

Ideas for Regional Fisheries Management in North Western Waters

December 2013



In this context, the NWWRAC has noted the impetus brought to the process of regionalisation through the recent meeting in Dublin of the six Member States with interest in NWW. This meeting objective was to exchange views on how to develop strengthened co-operation and regional decision making in topic areas such as the landings obligation. We hope that successive meetings of this newly created North Western Waters Regional Group will follow on a regular basis and that the NWWRAC is invited to take part in or contribute to, these discussions.

With the new CFP taking effect on the 1st of January 2014, the NWWRAC considers that the development of a close and enhanced working relationship with associated Member States is critical to the successful initiation of collaborative work to develop management proposals at regional level¹ and as such, the NWWRAC commits to direct its work programme on this basis.

The NWWRAC has been a strong advocate of a shift away from the *micro-management* of our complex and diverse fisheries through blanket prescriptive legislation that has, until recently, characterised the CFP approach to fisheries management.

Our aspiration has been that the reform of the CFP would see a decisive shift to a more responsive and adaptive approach, centred on regionally cooperating Member States, working closely with the respective Advisory Council. Within the reformed Basic Regulation for the Common Fisheries Policy there is now a permissive framework which facilitates this approach.

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1. Within the understanding of the provisions of the CFP Basic Regulation, which in turn reflects the legal constraints of the Treaty obligations

North Western Waters Regional Advisory Council

Ideas for Regional Fisheries Management in North Western Waters

December 2013



We are eager that the transition to this new form of fisheries management takes place as soon as possible. Indeed, with the impending implementation of the *EU landings' obligation*, which in part pre-supposes such a regional decision-making¹ process, the early establishment of such arrangements appears imperative.

It is not clear at this stage how regionally cooperating member states will engage with ACs to produce joint recommendations to the Commission for adoption. We accept that the RACs do not have a legislative, as opposed to a consultative role. We also accept that this position will not alter after 1st January 2014 when RACs become ACs. Joint regional recommendations will go forward from the member states alone.

Nevertheless, it makes little sense to us to have two parallel work streams linked by occasional consultations, on issues such as the landings obligation, the development of discard plans or multiannual management plans. The priority must be to define a means through which regionally cooperating member states and ACs can work together in the most useful way. Early and ongoing coordination with the ACs is also likely to bring additional benefits to MS in terms of monitoring and compliance with the new measures.

The key to progress, therefore, is useful, informed, and meaningful *dialogue*.

Against this background, we would like to put forward the following ideas for consideration:

1. The early establishment of a *forum*, which would articulate and support an ongoing participative, inclusive and open dialogue between relevant Member States and the North Western Waters Advisory Council;
2. That the composition of the forum, regularity and location of meetings, the appointment of chair, and secretariat role to be *jointly determined*;

North Western Waters Regional Advisory Council

Ideas for Regional Fisheries Management in North Western Waters

December 2013



3. That Member States and the ACs should strive to achieve *consensus* rather than resorting to any form of voting procedure to agree joint recommendations;
4. That consideration should be given to securing the services of an authoritative *independent chair*;
5. That except in exceptional circumstances, we should strive to ensure that there should be *a balanced composition of AC and Member States* on the forum, and that all stakeholders (fishermen, other fishing sectors, NGOs and other interest groups) are appropriately represented;
6. That the deliberations of the forum must be underpinned by access to *high quality scientific advice*;
7. That the *appropriate level or scale*, at which joint recommendations are developed, should be the subject of detailed discussions. It may be the level at which this work takes place will be determined by the issues involved.
Different options are available here:

- Dialogue at *issue* based working groups;
- Dialogue through *Sub-area* groups (e.g. Irish Sea, Celtic Sea, Channel, West of Scotland);
- Dialogue at a *North Western Waters overview* level;
- Dialogue at fisheries level in accordance with relevant multiannual plans;

North Western Waters Regional Advisory Council

Ideas for Regional Fisheries Management in North Western Waters

December 2013

8. In the initial stages of regional management, *priority* could be given to developing joint recommendations for the following:
 - Implementation of the EU landings obligation for mixed fisheries in areas (EC)Vb-VI-VI;
 - Technical Conservation Rules for NW waters;
 - The development of multi-annual management plans, where possible on a mixed fishery and multi-species basis;
 - Data collection and monitoring frameworks.
9. It is imperative that the ACs are integrated into the process of developing regional initiatives *from the outset*;
10. There is an expectation that in normal circumstances joint regional recommendations, developed on the basis of consensus, will be adopted as a delegated act unaltered by the Commission;
11. We note that the European Commission has a responsibility to facilitate the regionalisation process, and a duty to ensure the joint recommendations are compatible with the CFP;
12. The way that *impact assessments* for new joint recommendations are undertaken in this new process should be clarified;
13. Regionally cooperating member states and the NWWRAC should strive to ensure that their joint recommendations reflect a progressive movement to a practical understanding and application of measures consistent with a precautionary *ecosystem approach*;

North Western Waters Regional Advisory Council

Ideas for Regional Fisheries Management in North Western Waters

December 2013



We hope you find these views and ideas useful and that you consider including the NWWWRAC in the subsequent discussions that will take place at this level.

I and the members remain at your disposal for any meeting you may wish to have with the NWWWRAC. You may also wish to contact the NWWWRAC Secretariat for any specific queries you may have in relation to previous advice on this subject matter and future work planning.

Yours sincerely,

Bertie Armstrong
NWWWRAC Chairman

North Western Waters Regional Advisory Council

Ideas for Regional Fisheries Management in North Western Waters

December 2013