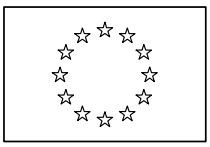

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.6.2004
COM(2004) 438 final

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

Promoting more environmentally-friendly fishing methods: the role of technical conservation measures

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1. SCOPE AND PURPOSE OF THIS COMMUNICATION

The objective of the Common Fisheries Policy (CFP) is to ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.

It is further stated in Article 2 of the Framework Regulation[1] that "the Community shall apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine eco-systems. It shall aim at a progressive implementation of an eco-system-based approach to fisheries management".

To achieve these objectives the Framework Regulation provides for limits on fishing possibilities (TACs and quotas), a range of measures including technical conservation measures, and direct fishing effort limitation.

The aim of this Communication is to propose ways in which the Community can further promote the use of environmentally-friendly fishing methods, particularly through technical conservation measures, while taking account of the need to find a balance between environmental and economic objectives.

2. WHAT ARE ENVIRONMENTALLY-FRIENDLY FISHING METHODS?

Making fishing activities more environmentally-friendly is an objective in its own right but will also contribute to promoting sustainable economic and social conditions in the fishing sector. Fishermen need healthy fish stocks in a balanced environment. Any upset in this balance leads to the cycle of "boom and bust", which is unsustainable in economic terms. Environmentally-friendly fishing is also fishermen-friendly, as it helps maintain the necessary environmental balance for stable and predictable economic activity.

Within an integrated management approach there are three main objectives related to conservation and the development of environmentally-friendly fishing:

(i) to reduce fishing effort to sustainable levels and keep it there :

Reduction of the fishing pressure to sustainable levels is the single most important challenge for the CFP. In spite of recent decisions of the Council fishing mortalities for most species are substantially higher than needed in order to take optimal yields from the stocks. For some demersal stocks fishing mortalities have recently been so high that the stocks are under threat of collapse; for many more, fishing mortality rates are judged to be unsustainable in the longer term.

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[1] Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, OJ L 358, 31.12.2002, p. 59.

(ii) to optimise catches of target species and minimise un wanted catches

Here the aim is to make fishing operations as selective as possible, by retaining target specimens of the right species and size with minimum impact on other species or juvenile fish of the target species.

(iii) to minimise the impact of fishing on habitats

The use of some types of fishing gears can damage or even destroy sensitive marine habitats. Gear specifications and area restrictions on the use of certain gears may be necessary to reduce this risk.

Methods of achieving each of these objectives are briefly examined in the following sections.

3. HOW CAN WE REDUCE FISHING EFFORT TO SUSTAINABLE LEVELS?

With the adoption of the reform of the CFP in 2002 the Council recognised the need to develop multi-annual approaches in form of recovery plans and management plan and to include limitation of fishing effort when considered necessary to achieve the objectives of the plans.

The implementation of multi-annual management plans, to ensure that the fishing effort is in line with sustainable fishing possibilities, is a pre-condition for the development of environmentally-friendly fishing methods. First priority should be given to recovery plans for stocks outside safe biological limits, followed by management plans for stocks within safe biological limits.

The Council in early 2004 adopted recovery plans for several cod stocks and for Northern hake[2]. Two other proposals for recovery plans tabled by the Commission are expected to be adopted by the Council during 2004[3].

The Commission will in 2004 take further initiatives to:

- include other stocks, such Celtic Sea cod, into existing recovery plans;
- propose a recovery plan for the North Sea plaice combined with a management plan for North Sea sole;
- develop in cooperation with Norway multi-annual management plans for the fisheries on haddock, whiting and saithe in the North Sea;

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2 Council Regulation (EC) No 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks, OJ L 70, 9.3.2004, p. 8; Council Regulation (EC) No 811/2004 of 21 April 2004 establishing measures for the recovery of the Northern hake stock, OJ L 150, 30.4.2004, p. 1.

3 COM(2003) 819 final: Proposal for a Council Regulation establishing measures for the recovery of the sole stocks in the Western Channel and the Bay of Biscay; COM(2003) 818 final: Proposal for a Council Regulation establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98

- develop a multi-annual management plan for the fisheries on sandeel in the North Sea and the Skagerrak;

- develop a multi-annual management plan for the fisheries on sandeel in the North Sea and the Skagerrak;

- implement in Community regulations the multi-annual management plans agreed by the International Baltic Sea Fishery Commission for Baltic cod and salmon.

4. HOW CAN WE OPTIMISE THE CATCHES OF TARGET SPECIES AND MINIMISE UNWANTED CATCHES?

Apart from the fact that many Community fish stocks are heavily overfished, the exploitation of fisheries resources by Community fishing fleets is far from optimal. Very high fishing pressure on juvenile fish results in yields (whether expressed in tonnes or economic value) that are well below what they could be if the fisheries were better managed. Since undersized fish cannot be landed, this also leads to conspicuous waste of a valuable resource.

The large quantity of fish caught and then discarded by fishing vessels, much of which is made up of immature fish, is the most important area of concern about environmental damage caused by fishing. It has been estimated that, on average, 20 million tonnes are discarded each year from marine capture fisheries worldwide[4]. This corresponds to about 23% of the annual catches. There are no estimates available on the total amount of discards in Community waters. However, the total amount of fishery discards in the North Sea in 1990 was around 260,000 tonnes of roundfish, 300,000 tonnes of flatfish, 15,000 tonnes of rays, skates and dogfish, and 150,000 tonnes of bottom invertebrates[5]. These discards correspond to about 22% of the total landings from the North Sea and are in line with the worldwide figures. Obviously the problem is not restricted to the North Sea. In other fishing areas of the Community the problem of discarding is probably of a similar order of magnitude.

Because many fish stocks inhabit the same fishing grounds, it is impossible to eliminate catches of unwanted specimens (or by-catches) completely but it is possible to reduce them significantly by adapting fishing gear to make it more selective. A significant reduction in by-catches will reduce the fishing mortality on the fish stocks concerned and contribute to optimizing the yield from these stocks.

In addition to being more species-selective, fishing methods should be more size-selective.

Reducing the catch of small fish has been and continues to be an important objective of fisheries management. This is not just a matter of increasing minimum mesh sizes; as indicated above, an overall reduction in fishing effort will rebuild the abundance of adult fish and contribute to the reduction of juvenile catches. However, the promotion of more environmentally friendly fishing methods should also try to

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4 FAO, 1998 The state of world fisheries and aquaculture

5 ICES, 2003 Environmental Status of the European Seas

maximize the contribution of technical conservation measures to the reduction of small fish.

There seems to be little possibility to increase mesh sizes substantially (except in the Mediterranean Sea) because of the mixed-species nature of most fisheries (particularly demersal ones). While the Commission does not rule out possible increases in mesh sizes in some cases, more innovative approaches are necessary.

The general approach should be to make fishing more species- and size-selective without compromising catches of target species. Enhanced species selectivity can be achieved by a range of technical measures, including:

– gear specifications such as the use of square-meshed panels or other devices which permit non-target species to escape from the net;

– closed areas and seasons to protect spawning grounds or nursery areas;

– bans on the use of certain fishing gears, or restrictions on the size composition and species composition of landings.

The measures needed will depend on the type of fishery and the nature of the unwanted catches. Priority should be given to unwanted catches that are considered non-sustainable and may endanger the species concerned. A lower priority should be given to by-catches that both in biological and economic terms are insignificant.

The Commission in 2002 issued an action plan to reduce discards of fish[6], in which it gave an overview of the magnitude of the problem, the reasons for discarding and evaluated the possibilities of reducing discarding. Based on the action plan the Council requested the Commission to initiate pilot projects to assess the possibilities to reduce discards.

During 2004 the Commission will, in cooperation with Member States, the fishing industry and other stakeholders, launch a number of pilot projects covering a range of species, fisheries and areas within the Community. The pilot projects will address all possible measures to reduce discarding including trials of fishing gear, voluntary departure from fishing grounds, real-time closures, discard bans, by-catch quotas, quota flexibility, effort management and better use of low-value fish. They will include cases (stocks and/or fisheries) for which discard bans will be implemented on a mid-term basis, as mentioned within the 2002 Discard Action Plan. They will also include other cases for which a discard ban is not realistic for the next few years despite (and to some extent) because of high levels of discards. For this second group of fisheries the intention would be to reduce discards over a period to be agreed (4 to 5 years?), in close cooperation with the fishing industry. A commonly agreed protocol for estimating discards (before and at the end of the pilot projects) will be agreed, while the fleet involved could use a variety of measures to achieve the target reduction.

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[6] COM(2002) 656 final: Communication from the Commission to the Council and the European Parliament on a Community Action Plan to reduce discards of fish.

In both cases the fishing industry will be directly involved in the preparation and in the monitoring of the pilot projects, including through the Regional Advisory Councils (RACs) once they have been established.

As part of the pilot projects the direct impact of reduced discards on the fish stock concerned as well as the indirect impact on fish and seabirds feeding on discards will be studied.

The Council has already taken action to reduce by-catches of certain non-target species such as cetaceans. The first step was taken in 1997 by the adoption of limitations on drift-net fisheries[7] to protect species including cetaceans that might be endangered by drift-net fishing. A further step was taken in March 2004 with the adoption of a regulation aiming at reducing incidental catches of cetaceans[8].

Addressing the problem of unwanted catches should also include the fishing mortality caused by lost fishing gears. Scientific studies have confirmed that gillnets, in particular, may continue to catch fish long after they have been lost. Fish caught in lost gears, often called "ghost nets", will die and, like discards, can be considered as waste of resources. Measures are needed to identify such gear, encourage the reporting of lost gear and to recover such gear from the seabed.

5. HOW CAN WE REDUCE THE IMPACT OF FISHING ON THE HABITAT?

The direct physical effects of fishing gears on the seabed can alter its physical structure and thereby change the biological community in the area. Some habitats are more vulnerable to fishing gears than others. Examples of especially sensitive habitats within Community waters are reefs (cold-water coral reefs, stone reefs) which are often highly productive and are host to very diverse fauna and flora. Fishing on reefs may alter the physical structure to the extent that it threatens their unique biological status.

To protect sensitive habitats it may be necessary to close the area to some type of fisheries. A recent example of such a measure is the Commission Regulation to protect deep-water coral reefs off North-West Scotland. The Commission intends to be proactive in taking more measures of this nature in well-identified cases. Gear specifications may also play a useful role.

6. THE NEED TO BALANCE ENVIRONMENTAL AND ECONOMIC SUSTAINABILITY

The application of more environmentally-friendly fishing methods may not come cheap in some cases. Whether in terms of investment in new equipment or of short-term losses of revenue, there will be some economic effects. The Commission, when introducing significant new proposals in this domain will carry out, as appropriate and on the basis of available information, an assessment of possible economic and

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7 Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources, OJ L 132, 23.5.1997, p. 1.

8 Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98, OJ L 150, 30.4.2004, p.12.

social impacts. These impacts, however, will not be limited to the evaluation of short-term losses but will include the estimation of future long-term benefits. In the context of multi-annual management, impact evaluation should be multi-annual, too.

7. THE WAY FORWARD

A fresh impetus needs to be given to the promotion of more environmentally-friendly fishing within the CFP. This calls for action under the following headings:

- a more decentralised approach to the development of more environmentally-friendly fishing methods;
- greater involvement of the fishing sector in the regulatory process;
- sharing and developing knowledge at Community level;
- simplification of Community rules;
- changing fishermen's behaviour through the development of incentives.
- Further development of impact assessments on the ecological, economic and social effects of environmentally friendly fishing methods, particularly as regards their long-term effects.

7.1. A more decentralised approach

The development of environmentally-friendly fishing methods under the CFP must be adaptive, recognising the wide diversity of both eco-systems and fisheries within the Community. Measures may be effective in one area or fishery and useless or even counterproductive in another. There is a need to consider carefully which measures need to be applied throughout the Community and which ones only at a regional or local level.

This will imply a more decentralised approach to certain aspects of fisheries management, particularly technical conservation measures in which the specificity of particular fisheries in particular areas will be recognized. While some management instruments, such as catch or effort limitations, should apply to the whole area of distribution of the concerned stocks, technical conservation measures are more amenable to decentralised approaches, taking into account the features of fisheries in different areas and building on local experience. This approach should not, however, imply that different standards of environmental protection and fisheries conservation should apply in different areas. The Community should aim at a consistently high level of environmental protection and conservation of fisheries resources in all Community waters, as well as in other waters fished by Community vessels.

7.2. Greater involvement of the fishing sector

Because of the inherent difficulties of enforcement of fisheries regulations at sea, technical rules governing fishing will not be properly applied unless fishermen want them to be applied. Achieving the cooperation and consent of the fishing industry requires greater stakeholder involvement in devising, testing, and implementing

technical measures. The fishing industry's participation in assessing the value of existing measures and formulating new ones should also help to ensure that the rules are more clearly expressed and understandable and that any potential difficulty in implementation has already been tackled.

Once they have been established, the Regional Advisory Councils (RAC's) will provide a forum for this direct involvement in the management process. They will give the fishing industry and other stakeholders a bigger role in the development of environmentally-friendly fishing measures on a regional basis, in terms of influence on their content and responsibility for oversight of their implementation and enforcement.

Technical and financial support of the RAC's from public authorities may have to be stepped up in future to allow them to take on this responsibility fully.

In order to encourage RAC's to take initiatives to develop environmentally-friendly fishing methods, a procedure could be put into place whereby technical measures that are developed and endorsed on the basis of consensus within RAC's may be implemented by the Commission, in accordance with the procedure referred to in Article 30(2) of the Framework Regulation (Management Committee decision). The Commission will prepare a proposal in this sense.

7.3. Sharing and developing knowledge at Community level

Scientific and technical research, including on the development and testing of new fishing gear, has an important role to play in developing environmentally-friendly fishing methods.

Further cooperation in research in this area would be helpful. A major effort has been made in the European Union in this field over the past 10 years: the EU budget has contributed € 8 million each year to over 400 research projects aiming at increasing gear selectivity, reducing discards or quantifying the impact of fishing on the environment.

This work has been carried out with the participation and support of national administrations, marine research institutes and sections of the fishing industry throughout the EU.

This research effort should continue under the 7th Framework Programme for Community research, with priority being given to:

- more detailed analysis of the impact on marine eco-systems of different fishing gears, in terms of target species, by-catches and impact on habitats;
- the development of low-impact, species-selective fishing gears;
- examining the consequences of discards for marine ecosystems;
- exploring the economic dimension of discarding, in terms of the motivation for discards and the consequences of non selective fishing techniques;

- closed areas or Marine Protected Areas as a means of protecting habitats and non-target species.

A second step would be for the Community to promote greater transnational cooperation in technical work aiming at the development of new fishing methods. Similar work is often conducted on the improvement of selectivity for the same fishing gear in different Member States. More collaboration between national bodies could be cost-effective.

A third area in which the Community could contribute is by increasing financial support for the experimental use of new fishing methods by fishing vessels. Only by encouraging the fishing industry to use new methods and better identify their advantages and drawbacks will it be possible to gain acceptance by the industry of a change of approach. The Commission will consider this possibility when preparing its proposals for a structural fund in the fisheries sector for the period 2007-2013.

7.4. Simplification of the rules

As indicated in previous sections, environmentally-friendly fishing measures must be part of the wider management system. The *ad hoc* approach that has prevailed until now, where technical measures have largely been developed in isolation from other management measures, should be replaced by an integrated management plan where environmentally-friendly measures are developed as part of long-term management plans.

The measures must be consistent with the management objectives, must avoid unnecessary complexity and be enforceable.

The Commission proposes that over the next two years a major effort be made to review and, if appropriate, revise existing technical measures within the context of future Council decisions on long-term management of fish stocks. This process should also take account of regional specificities. Simplification of Community rules should be an explicit goal of this process.

7.5. Changing fishermen's behaviour by new incentives

The development of environmentally-friendly fishing methods implies a change in both fishing operations and fishermen's behaviour. The Community and the Member States must be ready to encourage fishermen to move towards more environmentally-friendly fishing methods.

An example is the issue of discards where the present regulations, which prohibit the landing of under-sized fish or fish taken in excess of quotas, force fishermen to discard a substantial part of the catches. It may be possible to develop measures that will give fishermen an alternative to discarding the illegal part of their catch.

Financial aid is already available until 2006 under the Financial Instrument for Fisheries Guidance for the use of more selective fishing techniques. In preparing the new FIFG rules the Communication examines the possibility to compensate for short-term losses resulting from the experimentation of such fishing techniques.

The potential of introducing other incentives for using more environmentally-friendly fishing methods should be explored. This could include more financial support for fishing vessels participating in gear trials and non-financial incentives for more environmentally-friendly fishing, such as additional quotas or effort allocations.

8. NEXT STEPS

The Commission intends to follow up on the ideas outlined above according to the following timetable.

(i) Review of current technical measures, 2004-2005:

Existing technical measures for the North Sea and Atlantic waters will be evaluated and revised. The current proposal to update and codify Regulation 850/98 will be withdrawn, and the Commission will initiate a debate with Member States and stakeholders on a more decentralised approach to technical conservation measures. The work will be carried out in close cooperation with Member States, the fishing industry and other stakeholders and will involve the RAC's when they have been established. The possibility of implementing fast-track procedures whereby technical measures that are supported by the relevant RAC' will also be introduced as part of this exercise.

Concerning other fishing areas of the Community, the situation the Commission has already tabled a proposal for the Mediterranean Sea[9] and will during 2004 present a proposal for Council regulation on technical measures in the Baltic Sea.

(ii) Reduction of discards, 2004-2006:

Starting in 2004, the Commission will, in cooperation with Member States, the fishing industry and NGOs develop a set of pilot projects covering a wide range of species, fisheries and areas within the Community.

A pilot project will also be developed during 2005 to address the problem of ghost fishing in Community waters. The project will include a retrieval system to remove lost gears and methods to reduce the losses of gears.

(iii) Research, 2005-2006:

The development of environmentally-friendly fishing methods is already given high priority in the 6th Framework Programme of research. No additional action is needed during this period. Further research work in his area will also be included in the planning of the 7th Framework Programme (2007-2010).

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[9] COM(2003) 589 final: Proposal for a Council Regulation concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea and amending Regulations (EC) No 2847/93 and (EC) No 973/2001.

(iv) Proposals for new financial incentives, 2004-2005:

Under the revised fisheries structural fund that will operate from 2007 a high priority should be given to schemes promoting environmentally-friendly fishing, including the development and use of more selective gears and compensation for short term losses for vessels participating in trials of more environmentally-friendly fishing methods. The Commission will include the relevant proposals in the context of the proposal on the future FIFG.