



THE
PEW
CHARITABLE TRUSTS

Submission to Commission's Consultation on the Development of a Regulation Establishing a Multi-annual Plan for the Management of North Sea Demersal Fisheries

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The Pew Charitable Trusts is an independent non-profit, non-governmental organization, founded in 1948. Pew's mission is to serve the public interest by improving public policy, informing the public and invigorating civic life. Its work in the European Union focuses on enhancing fisheries management and ocean conservation.

Introduction

1. The Pew Charitable Trusts welcomes the Commission's consultation on the development of a regulation establishing a multi-annual plan (MAP) for the management of North Sea demersal fisheries.
2. We appreciate that in its consultation document the Commission clearly states the cornerstone objectives of the new Common Fisheries Policy¹ (CFP) of maintaining populations of harvested species above levels that can produce the maximum sustainable yield (MSY) and achieving an exploitation rate consistent with this objective as soon as possible and, on a progressive, incremental basis, at the latest by 2020 for all stocks.
3. Paragraphs 10–29 below give answers to the questions raised in the consultation document. However, in addition, we would firstly like to highlight some important considerations for the development of multi-annual plans that the consultation questions did not address directly.

Overall comments: Crucial multi-annual plan considerations

4. Although the consultation document highlights the CFP's MSY objectives, it does not refer to the "precautionary approach" and the ecosystem-based approach to fisheries management which form important parts of the objectives in article 2. We would expect to see MSY objectives as well as the precautionary approach and ecosystem-based approach to fisheries management set out explicitly in the context of each MAP.
5. Multiannual plans must include constraints in fishing mortality in line with article 2.2. This means that the MSY fishing rate (F_{msy}) must be a limit not a target. To put it another way, the plan should not allow exploitation to be set at a level above F_{msy} , and any ranges of allowable F values must be bound at their upper limit by F_{msy} . Against that background, we are concerned about the Commission's request to the International Council for the Exploration of the Sea for F ranges for the North Sea "around" F_{msy} values (request from December 1, 2014).
6. MAPs must include clear biomass reference points linked to harvest control rules that alter fishing mortality in light of biomass information. Biomass reference points must be set at a level that achieves the article 2.2 objective to restore and maintain populations of harvested species above levels that can produce the maximum sustainable yield. Safeguards must ensure that fishing mortality is reduced when a stock falls below that reference point, with the aim of restoring biomass as soon as possible.
7. The European Commission must continue to assume the role of guardian of European Union laws, holding member states and EU institutions accountable for the implementation of the CFP and the development of specific measures. Effective monitoring by the Commission will be necessary in order to ensure that the

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013.

regionally devised technical measures are effective in reaching the objectives and consistent with EU laws, especially those in article 2.2 of the CFP.

8. In addition, the European Commission must play a greater and very active role in guiding regional decision-making through the aid of guidelines and best practice examples. Importantly, the Commission must ensure that regional decision-making is based on the principles of transparency, accountability and stakeholder involvement.
9. Within the evaluation framework, the MAP should be evaluated against achieving the objective to restore and maintain stocks above levels capable of producing the MSY.

Question 1: Do you agree that the existing management plans need be replaced when the landing obligation comes into force?

10. Multi-annual plans^[LP1] are a key long-term fisheries management tool and a principal vehicle for implementing the CFP. The objective of sustainable exploitation of marine biological resources should be more effectively achieved through a multi-annual approach to fisheries management.
11. Article 9 of the Common Fisheries Policy outlines the principles and objectives of multi-annual plans. Article 9.1 states that MAPs should be adopted as a priority in order to restore and maintain fish stocks above levels capable of producing the maximum sustainable yield in accordance with article 2.2 of the CFP. The new MAPs should evidently also contain objectives for the implementation of the landing obligation as outlined in article 15.5 of the CFP, which states that the details of the implementation of the landing obligation shall be specified in MAPs.
12. Pew would like to underscore that all existing management plans should be replaced in order to be in line with the CFP and in particular the objective in article 2.2 of restoring and maintaining fish stocks above levels capable of producing the maximum sustainable yield.

Question 2: Do you think that a mixed fisheries multi-annual management plan for the North Sea, where interactions between the fisheries are taken into account, is a good approach?

13. Multi-annual plans should cover multiple stocks where those stocks are jointly exploited and/or in fisheries where a target stock has a significant impact on a non-target stock. Interactions should be taken into account to ensure that MAPs will achieve the objective of restoring and maintaining all stocks above levels that can produce maximum sustainable yield.
14. About 230 species of fish live in the North Sea, with the major commercial fisheries primarily targeting 13 species of fish and crustaceans—cod, haddock, whiting, saithe, plaice, sole, mackerel, herring, Norway pout, sprat, sandeel, Norway lobster and deep-water prawn². The natural interactions among fish stocks are important and dynamic. The mixed fisheries nature of commercial fishing operations in the North Sea has significant impacts on these stock dynamics, and these impacts apply across and between both pelagic and demersal species.

² The Pew Charitable Trusts, *Turning the Tide: Ending Overfishing in North-Western Europe* (March 2015), <http://www.pewtrusts.org/en/research-and-analysis/reports/2015/03/turning-the-tide>.

15. Owing to the high level of ecosystem interactions, a multi-annual plan for the North Sea which takes into account interactions among fisheries and other marine species (mammals, seabirds, etc.) is absolutely crucial for the long-term sustainability of those fisheries and for the recovery of fish stocks. This principle is also anchored in article 9.3 (b) of the CFP which states that that multiannual plans shall cover interactions among fisheries in the case of mixed fisheries or where the dynamics of stocks relate to one another and in fisheries exploiting several stocks in a relevant geographical area. Furthermore, the CFP has the obligation to implement the ecosystem-based approach to fisheries management (article 2.3 of the CFP).
16. The CFP defines the ecosystem-based approach to fisheries management as an *“integrated approach to managing fisheries within ecologically meaningful boundaries which seeks to manage the use of natural resources, taking account of fishing and other human activities, while preserving both the biological wealth and the biological processes necessary to safeguard the composition, structure and functioning of the habitats of the ecosystem affected, by taking into account the knowledge and uncertainties regarding biotic, abiotic and human components of ecosystems”*.
17. It is therefore self-evident, and in line with the CFP, that the North Sea Demersal Fisheries MAP should be a mixed fisheries MAP containing necessary management measures that take into account knowledge about the interactions among fish stocks, fisheries and the wider marine ecosystem, in order to achieve the CFP’s objectives. The plan should also take into account interactions with pelagic species and the impact of pelagic fisheries, either by covering these species or by linking effectively to the provisions of pelagic fishery plans.

Question 3: On scale of 1 (strongly agree) to 5 (strongly disagree), to what extent do you agree that the implementation of the landing obligation will present a major challenge for the fishing industry?

18. It is clear that implementing the landing obligation represents a challenge for fisheries managers and the fishing industry. However, continued ineffective and short-term management would present a much bigger and disruptive challenge for the industry. Effective multi-annual plans can bring solutions to many of the challenges North Sea fisheries have historically faced. This is why the co-legislators put strong multi-annual plans at the heart of the reformed CFP.
19. The landing obligation represents a major management shift away from landing limits to catch limits, contributing to the achievement of the CFP’s MSY objectives in line with article 2.2. In order to gradually implement the landing obligation in a workable way, and mitigate adverse impacts, the legal provisions of article 15 set out a number of flexibilities, derogations and exemptions. The combination of these flexibilities, in addition to a phased approach to the timeline of the implementation of the landing obligation, can help alleviate the implementation challenges. The details of the implementation of the landing obligation must be specified in the multi-annual plans concerned, and in the absence of MAPs, in Commission-delegated acts.
20. Reducing unwanted catch must be the primary objective, before considering any exemptions. Exemptions must not jeopardise the CFP’s objective to ensure that

exploitation restores and maintains populations of harvested species above levels that can produce the maximum sustainable yield. The European Maritime and Fisheries Fund provides means for the development and deployment of gears with increased selectivity.

Question 4: How should we deal with stocks that straddle the North Sea and other management areas? How should we decide which stocks should be covered by the plan? Should the plan cover any stock that is caught in the North Sea, regardless of whether the stock straddles other areas, or should it be restricted to stocks that are predominantly fished in the North Sea?

21. The plan (or combination of plans if pelagic stocks are dealt with separately) must cover the “harvested species” caught in North Sea fisheries, achieving the objectives the CFP lays out in article 2.2. Where a fishery or fish stock population extends beyond the North Sea, the plan must make suitable provision, with cross- references to other multi-annual plans, to ensure that the CFP’s objectives are met. Existing management plans already cover stocks that straddle more than one area, and new mixed fishery plans must also account for this.

Question 5: The main target species are considered to be cod, haddock, saithe, whiting, sole, plaice and Nephrops. What other species do you think should be considered as important target species? If we restricted the scope of the plan to the main target species, what measures could we envisage to protect the by-catch species? Are there any by-catch species in particular that would require special consideration?

22. Under the CFP, multi-annual plans are required to achieve the objectives in article 2.2, ensuring “exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield”. This objective applies to all harvested species and should be explicit in each multiannual plan.

23. While some species are clearly more commercially important than others, the management objective is the same whether the stock is considered a “main target” or “by-catch”. The North Sea multi-annual plan must therefore aim to achieve this objective across all stocks, with content as listed in article 10 of the CFP regulation to achieve this.

24. A variety of technical measures may be necessary to protect by-catch stocks, but we reiterate that the CFP requires exploitation of those stocks to be in line with article 2.2. This means setting total allowable catches (TACs) in such a way as to restore and maintain populations above levels that can produce the maximum sustainable yield. For species not yet subject to a TAC, it is vital that other measures are used to control mortality to achieve this objective, including the introduction of additional TACs.

Question 6: Which ecosystem-related issues should be considered in the context of the plan, and which corresponding management tools would be required under the plan, so as to minimise negative impacts on the ecosystem?

25. Article 2.5(j) requires coherence with other EU legislation, such as the Marine Strategy Framework Directive and the Habitats and Birds Directives. Multi-annual plans are therefore crucial tools to achieve the ecosystem objectives of other EU legislation, not least the objective of Good Environmental Status by 2020. It should be noted that these requirements necessitate more than “minimising negative impacts”, for example, demanding measures that would achieve healthy food webs, healthy population structures in fish stocks, and seafloor integrity. Multi-annual plans must contain the necessary measures to achieve this.
26. Articles 7 and 8 of the CFP set out some of the conservation measures that could be used, but measures will vary depending on scientific advice. It is therefore important that the right questions are posed to the International Council for the Exploration of the Sea and the Scientific, Technical and Economic Committee for Fisheries to ensure that measures address the needs of the ecosystem rather than single stocks or narrow commercial interests.
27. The impact of fishing on the marine ecosystem can be minimised by using a combination of measures, such as gear modifications, changes in fishing operations, spatial and temporal measures and conserving food webs and forage fish. All of these measures should be considered as management measures in the MAP.

Question 7: What technical measures (such as minimum mesh sizes, permanent or seasonal closures) do you think should be introduced at a regional level to help achieve the objectives of the plan?

28. The basic starting point should be setting TACs in line with article 2.2 of the CFP to ensure that stocks are not overfished. In addition to this, a number of technical measures would be necessary, for example, to drive improved selectivity and to protect juveniles and spawning grounds.
29. Technical measures developed at the regional level must work toward achieving the objectives in the CFP, in particular articles 2.2, 2.3 and 2.5. With regards to the implementation of the landing obligation, technical measures must maintain as their foremost objective the prevention, avoidance and reduction of unwanted catch. With regard to minimising by-catch, the framework could follow the principles set out by the Food and Agriculture Organization in its guidelines to manage by-catch and reduce discards (FAO, 2011), namely to:
 - a) Avoid capture. Minimize potential by-catch through spatial and/or temporal measures.
 - b) Allow escape. Minimize by-catch through the modifications of fishing gears and practices.
 - c) Reduce mortality. Maximise by-catch survival (live release) by reducing post-release mortality.