



## **Submission to Commission's Consultation on the Development of a regulation establishing a multi-annual Plan for the management of the Western Waters demersal fisheries**

*September 2015*

### Introduction

BirdLife Europe welcomes this consultation on the development of a multi-annual plan (MAP) for the management of the Western Waters demersal fisheries. BirdLife Europe is a partnership of 48 national conservation organisations and one of six regional secretariats that compose BirdLife International. BirdLife Europe's unique local to global approach enables it to deliver high impact and long-term conservation for the benefit of nature and people. With what concerns marine and fisheries issues, the BirdLife Europe's partnership work is focused on improving the situation for seabirds, including through monitoring and surveying at sea, thus enabling close relationships with fisherman and local authorities as means of implementing needed conservation measures. The scientific knowledge derived from our local work is translated to EU policy issues aiming at improving EU legislation that relates to the environment and biodiversity. The BirdLife Europe partnership has over 4.100 staff members working on nature conservation, we represent more than 2 million members and we own or manage over 6.000 nature sites covering over 320.000 hectares. Our Partners are present in 47 European and Central Asian countries including all EU Member States.

### General remarks

We welcome that the consultation document highlights:

- Article 2.2 of the CFP with regard to the objective of restoring and maintaining stocks above levels capable of producing the maximum sustainable yield (MSY)

However, we regret that the other key elements of Article 2 are not also stated at the outset, namely the obligation to apply, respectively, a precautionary approach and an ecosystem-based approach to fisheries management. This and other MAPs must also make explicit mention of the need for compliance with the Birds and Habitats Directives and the Marine Strategy Framework Directive (as also required by Article 2.5(j) of the CFP).

The assessment of the MAP's efficacy, and need for revision (Article 10.3 of the CFP) and adaptive management, must be evaluated against compliance with all Article 2 elements.

In this regard, we would have expected greater alignment in the Commission's introduction with the Article 10 of the CFP, as well reflected in language of the Communication *Concerning a consultation on Fishing Opportunities for 2015 under the Common Fisheries Policy*<sup>1</sup>, namely '*Plans should provide a robust a lasting framework for management, ensuring the sustainability of fisheries with high yields for the fishing industry, while taking into account an ecosystem based approach to fisheries management by minimising negative impacts on fishing activities on the marine ecosystem*'.

In complying with these obligations under the CFP, the MAP must (i) make it clear that Fmsy is a limit, not a target; (ii) include clear, Article 2.2-compliant biomass reference limits linked to harvest control rules that adjust F according to best available evidence on biomass levels; (iii) set safeguards to

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<sup>1</sup> COM(2014)338final



ensure that F is reduced when a stock falls below the requisite biomass reference point, with the aim of restoring biomass as soon as possible.

In governance terms, in keeping with Article 18 of the CFP, it is also essential that this MAP endorses a robust regional approach to decision-making. This in turn requires the Commission to facilitate and foster the conditions in which this can happen in a coherent and transparent way, open to the continuing input of NGOs and other stakeholders through the North Western Waters and South Western Waters Advisory Councils and regional management body.

Furthermore, the elements mentioned above were either missing or were inadequately integrated in the Baltic MAP, as demonstrated by the European Parliament and Agriculture and Fisheries Council in their respective positions and intent in their correction of the Baltic MAP. Therefore the same neglect must not be repeated, and the elements above must clearly be included in the North Sea MAP.

BirdLife makes the following responses to the Commission’s questions:

The overall problem is that, despite recent improvements, most demersal fish stocks in the area are not yet at levels above those capable to produce MSY, and that there are also a few fish stocks clearly depleted. Therefore the fishing industry and the consumers cannot yet enjoy fully the benefits of a fishery in conditions of environmental, economic and social sustainability.

Current fisheries management plans are no longer fit for purpose: they are either out of date (their targets are superseded by new science) or they have proven ineffective (for instance restriction of the fishing effort –days that fishermen can spend at sea- have not yielded results). The current fisheries management plans do not allow the use of any of the tools of the new, reformed EU fisheries policy: regional decision-making, management measures that are adapted to regional circumstances, or flexibility to change management measures to new circumstances.

**(1) Do you agree with this perception of the problem?**

Fully	Mostly	Partially	Barely	Not at all
		X		

Observations (max. 100 words):  
 BirdLife partially agrees with the above problem. The poor state of the demersal fish stocks also shares its problem from Member States setting fishing opportunities not in line with scientific advice.

Furthermore, the western waters demersal fisheries also have an impact on the ecosystems, including on seabirds through by-catch. Solving this problem is fundamental to ensure the



sustainability of the fisheries, and needs to be tackled through fisheries management plans as well.

**(2) What is your perception of the importance of the problem?**

Very severe	Severe	Moderate	Appreciable	insignificant
<b>X</b>				

Observations (max. 100 words):  
 The old Common Fisheries Policy failed to tackle the problem. Through the correct implementation of the newly reformed CFP, it is intended that the not only problem listed above, but also the problem that has been identified under the observations of question 1 of this consultation, will also be tackle.

**(3) Do you agree on the need for the EU to take action?**

Fully	Mostly	Partially	Barely	Not at all
<b>X</b>				

Observations (max. 100 words):  
 The Common Fisheries Policy has been reformed in order to tackle the problem as per the objectives set out in Article 2 of the Common Fisheries Policy (CFP). We therefore fully agree that it is the responsibility of the EU to take action to ensure the objectives of the CFP can be achieved.

**(4) Would you prefer a multi-annual, proactive approach rather than an annual, reactive one?**

(5) Fully	Mostly	Partially	Barely	Not at all
<b>X</b>				



Observations (max. 100 words):  
 In order to ensure sustainability of fisheries, management has to be proactive. This not only ensures compliance with the requirements of the Common Fisheries Policy to adopt plans under a long term perspectives, but it also ensures a precautionary approach to fisheries management.

The ultimate aim of this multiannual approach would be to address the main problem as described above, with the following specific objectives:

- To provide a transparent and stable framework to achieve MSY, avoiding stock decline and taking into account the interactions between fish stocks and the diverse fishing modalities and the economic and social consequences of management measures.
- To provide a legal framework for the long-term implementation of the landing obligation and the regional approach to fisheries management

**(6) Would you agree with these objectives?**

(7)	Fully	Mostly	Partially	Barely	Not at all
			<b>X</b>		

Observations (max. 100 words):  
 BirdLife partially agrees with the listed objectives as they do not fully integrate and sometimes outright omits the objectives laid out in the Common Fisheries Policy (Article 2). It is the objective of the Common Fisheries Policy to integrate an ecosystem based approach to fisheries management, as well as ensuring coherence with environmental obligations, and this should be clearly mentioned under the objectives of management plans. Furthermore, achieving MSY, as stated in the objective does not reflect the ambitions of the CFP, and should instead refer to achieve above levels capable of producing MSY.

**(8) Do you agree it is appropriate to establish a framework for managing the main species coherently within a multi-annual management plan?**

Fully	Mostly	Partially	Barely	Not at all
<b>X</b>				



Observations (max. 100 words):

BirdLife fully agrees that a multi-annual management plan (MAP) should tackle fisheries management coherently for all main species. Nevertheless, the plan should also ensure that the objectives of fisheries management also apply to all harvested species, and not solely those species that have a commercial value (i.e. a TAC). This ensures that an ecosystem-based approach to management of fisheries is applied.

**(9) Which fish species should be included in such a management plan as a matter of priority?**

Please give a list of species in priority order

To restrict the scope of the plan to the 'main target' species is effectively a false dichotomy in that both main target and by-catch species are subject to Article 2.2 of the CFP, and need to meet the same targets for achieving good environmental status under MSFD measures. In this sense, Article 10 of the CFP on content of MAPs should not discriminate between main target and bycatch species.

Moreover, in this regard, 'bycatch' applies to both commercial and non-target species including fish and other taxa such as seabirds and marine mammals. Furthermore, in the case of known vulnerable elasmobranchs (such as blonde ray, very rare and of no market value), group TACs should be avoided as they allow such vulnerable species to be taken along with others.

**(10) Please include below any other comments you may have on this initiative**

Observations (max. 200 words):

The MAP must specify and define bespoke measures for reducing the capture of minor and by-catch species. Several such measures could be adopted through regionalization:

- i) Modifications of fishing gear and other mitigation measures to minimise unwanted catches of Endangered, Threatened or Protected (ETP) species such as certain seabirds, cetaceans, sharks and rays, including provisions for avoiding mortality of any species or habitats protected by the Birds and Habitats Directives. This is a legal requirement under Article 2.5(j) of the CFP.
- ii) Restricted or selective use of gears in vulnerable areas
- iii) Spatial closures/Marine Protected Areas (MPAs), either real-time, seasonal or permanent
- iv) For sharks and rays, best practice in terms of trawl duration, holding tanks and handling protocols to ensure maximum survival for species that must or may be returned to the sea.

The MAP will not be able to incorporate appropriate measures or be responsive to



adaptive management without adequate monitoring of bycatch. Bycatch of all vulnerable species (such as seabirds, cetaceans and elasmobranchs) should be recorded in e-logbooks. This should be a legal under the CFP's Data Collection Framework and needs to be amended to require an ecosystem-based data collection and reporting protocol.