



**EUROPEAN TRANSPORT
WORKERS' FEDERATION**

**ETF Response to the DG MARE consultation on the development of a new framework
for technical measures in the reformed CFP**

The European Transport Workers Federation represents more than 2.5 million workers in the transport and fisheries fields, belonging to 231 unions from 41 different European countries.

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Introduction

Achieving the maximum sustainable yield (MSY) for all stocks for a certain number of years is one of the main objectives of the new CFP (Common Fisheries Policy). Several measures are needed to meet this requirement, including the implementation of the landing obligation, improved selectivity and, in particular, technical measures. Against this background, the ETF has sought to respond to this consultation.

The landing obligation needs to be foreseen in the multiannual management plans to be developed at regional level, in collaboration with the Advisory Councils (ACs) and in agreement with the Member States concerned. These plans then have to be submitted to the European Commission, which in turn submits them to the STECF which has the responsibility of reviewing them with regard to their sustainability.

The technical measures currently in force (minimum landing sizes, rules on catch composition, etc.) require fishermen to discard certain fish. They need to be urgently changed with a view to allowing the implementation of the future “Discard Ban”.

The ETF welcomes the goal of this consultation, i.e. to collect relevant evidence and information from stakeholders to help the Commission develop its thinking in this area and thus address the following challenges:

- A regionalised CFP with stakeholder involvement.
- Simple and clear rules and stakeholder incentives.
- Effectiveness in the context of the landing obligation.
- Furthering the ecosystem approach.

Simplification and rationalisation

How best do we ensure technical measures are adaptable and responsive to changing conditions in fisheries at a regional level?

Which baseline elements are essential in a framework technical measures regulation? Should they include reference gears?

Are there measures you consider redundant, and should be simply deleted? Is this based on experience you have gathered or on scientific assessment?

How do we ensure that rules are simple and clear, and that they remain so over time?

It is seen as a good idea to have not only means but also attitudes develop towards performance objectives, allowing on the one hand a simplification of control and regulatory measures, while on the other hand leaving room for fishermen’s innovation and proposals.

As emphasised by the Advisory Councils, the discard ban is a political decision contradicting the current regulation on technical measures and therefore requiring its adaptation. In the context of the new CFP and the introduction of the landing obligation for

certain species, one possibility would be to leave the field up to Member States (i.e. in the context of regionalisation), thus avoiding having to include technical measures of a too general nature.

As explained further down, the ETF recommends not including reference fishing gears in the measures to be proposed. Interventions to measure mesh size could for instance be counterproductive once the landing obligation is in force.

With the implementation of the landing obligation, the question as to whether minimum sizes remain necessary arises, as well as the question of at what level (EU, regional or local) such minimum sizes should be set. For certain species, it is already accepted that sizes set at EU level are unsuitable¹.

Management plans should therefore become the place where all measures aimed at achieving the CFP objectives are defined. The new CFP thus foresees these plans including technical measures.

For the rules to be clear, simple and respected, and for them to remain stable over time, it is of crucial importance to involve the users and targets of these rules, as far in advance as possible, in the process of developing the technical measures - in particular in consultation with the ACs. It is essential to take account of the views and experience of professionals and to acknowledge their empirical know-how with a view to establishing realistic and enforceable rules with a lasting effect on resource management.

Stakeholder incentives

<p>How and what incentives can be built into regionally designed technical measures taking account of the incentive to be more selective created through the introduction of the landing obligation?</p>
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<p>Are there areas where soft law could be used to support technical measures rules?</p>
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An adaptation period is needed, allowing fishermen to test development ideas. A further requirement is that all players, on land, regain confidence in the profession and in the know-how which fishermen build up over their careers.

A further suggestion is to provide financial support for the purchase of gears with proven greater selectivity, even if these are identified by regulations.

Removing the regulatory constraints currently causing discards and preventing fishermen from adapting their fishing practices would act as a strong incentive. It is of importance that professionals be able to select the means for introducing a strategy aimed at adapting to the implementation of the landing obligation (in particular allowing them to select mesh size and the type of gear to be used). In this sense, it would be a good idea for the regulation not to be too prescriptive, even at regional level, instead consisting of a “tool-box”.

¹ For more than seven years, French professionals have been calling for the minimum size of the Manila clam to no longer be determined at EU but at Member State level, as is already the case with other shellfish species (in particular the cockle for which the minimum size is set at national level), especially as the growth parameters of the Manila clam can be specific to each bed (shape, growth rate, etc.). This demand is based on a scientific opinion and on stock assessments regularly conducted on certain beds since 2000. The proposal to remove minimum size requirements for shellfish of local interest from the EU regulation was put forward by the European Commission in its non-paper of July 2006 and in the draft recast of the “technical measures” regulation of 4 June 2008.

The Advisory Councils are strongly in favour of having the granting of increased catch quotas, calculated on the basis of estimates of current discard volumes (which the International Council for the Exploration of the Sea - ICES - has been taking into account for many years in its TAC calculations), become the main incentive.

As regards the soft law proposed by the European Commission and which targets certain elements of the regulation relating to technical measures (e.g. certification of mesh sizes set by the European Commission to eliminate the need to control mesh size at sea), in our view greater substantiation is needed to allow an assessment. What is clear is that this is not an incentive measure.

Elimination, reduction and avoidance of unwanted catches

Are there specific fisheries where there is an immediate need to reduce and avoid unwanted catches?

If improved selectivity and avoidance measures such as real-time closures and moving - on provisions are important to reduce unwanted catches, should they be developed regionally or through co-decision?

What technical rules prevent you from fishing more selectively and from avoiding unwanted catches, or even induce discards?

One should be aware of the fact that major selectivity efforts, with regard to both gear and fishermen behaviour, have been undertaken for several years now with a view to reducing certain unwanted catches. Though certain improvements are still possible, in particular through according fishermen greater flexibility in the choice of the gear to be used in line with the targets to be met, these would nevertheless not be sufficient to address all the issues posed by the landing obligation.

As was the case with simplification, and in view of the results of the various regulations on technical measures, centralised micro-management is unable to take account of either on-the-ground realities or the diversity of situations. The management plans established in coordination with the competent Advisory Council and the Member States concerned are the right place for such measures.

As a result of certain studies carried out by professionals, e.g. the CarRejet project² in France, it is possible to classify the causes for discards in two categories: causes attributable to regulations and causes linked to economic optimisation. As regards discards attributable to regulations, the following provisions need to be highlighted: the rules on catch composition, the setting of TACs at levels not necessarily corresponding to on-the-ground reality (e.g. North Sea / Eastern English Channel cod in 2009, Celtic Sea cod, some species of ray, etc.), the rules for managing cod fishing (sometimes penalizing the use of larger mesh sizes), bans on catches and landings (TAC 0, prohibited species) or certain minimum sizes.

Moreover, provisions such as real-time closures or avoidance strategies should be discussed at regional level and not agreed on through co-decision.

Finally, in order to mitigate the negative effects that the discard ban could have on the sector and at the same time respecting the principles of the reformed PCP, we propose that amongst the technical measures the possibility of introducing the technique of hedges removalis

² <http://www.poleaquimer.com/en/projects/72-carrejet.html>

introduced for each of the fisheries and different arts. The inclusion of this technique should first be discussed within the concerned advisory councils with the participation of the scientific community.

Minimising the ecosystem impact of fishing gears

How can we include mitigation measures for protecting species such as cetaceans, seals and seabirds as well as sensitive habitats in the technical measures framework?
Are there mitigation measures that should be applied across all fisheries or are such measures regionally specific?

As a start, it should again be remembered that catching protected species incidentally (by-catches) does not occur in all fisheries. The FilManCet project³ has for instance highlighted the heterogeneous situation in Zone VII, showing that the amount of by-catches is dependent on experience, the zone and the season. It is important to also remember that these are unwanted and rare occurrences, as proved by the difficulty in estimating their occurrence via observation programmes at sea. Solutions aimed at limiting by-catches should, insofar as necessary, thus be adapted to local situations and by no means generalised. The cost/benefit of the measures to be developed needs then to be assessed in relation to the state of health of the populations concerned and the observed rate of such catches.

The revision of the technical measures must also include Regulation 812/2004 which has not been adapted to the limitation of by-catches of cetaceans, and especially its annex on pingers. This regulation is a good example of what needs to be avoided repeating.

In addition, the measures for protecting habitats of EU interest will also be dependent on the state of conservation of the habitat in question within the specific Natura 2000 site. Achieving the performance targets imposed by environmental regulations is the responsibility of Member States, and they are fully responsible for the selection of the means needed. However, as indicated above, these means will differ dependent on both the state of conservation of the habitat in question, and on specific local fishing practices.

At least at this stage, there would seem to be no point in including mitigation measures as part of the technical measures, whether at EU or regional level.

The ETF welcomes the fact that the Commission, in its consultation document, speaks of the importance of balancing the legitimate economic expectations of fishermen with the societal expectations of providing protection for fauna. In this context, it is important that fishing companies and workers are able to receive financial compensation in periods when, for environmental protection reasons, fishing activities cannot take place.

How and when to deliver this across all sea basins?

Is there a need for a different technical measures framework in the different sea basins, or should there be a common framework?

³ <http://archimer.ifremer.fr/doc/00035/14666/11967.pdf>

A level playing field is needed that takes account of the specific characteristics of the various traditional fishing methods with their very strong links to the identities and culture of local communities.