

**European Association of Fish Producers Organisations**

**Association Européenne des Organisations de Producteurs dans le secteur de la pêche**



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DG MARE- European Commission  
Rue Joseph II 99, 1000 BRUSSELS  
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Oostende, 31 August 2020

Dear Madam, dear sir,

**Subject: EAPO's Views on the Communication from the Commission on the State of Play and Orientations for 2021**

The Commission's communication (COM(2020) 248 final) is presenting the achievements of the CFP and fishermen in terms of reaching the sustainability objectives. The efforts of the industry and the reduction of the fishing fleets sizes from year to year is highlighted. Equally important, the threats that represent Brexit and the corona virus (health and economic) crisis are flagged.

Similarly to other EU fisheries organisations EAPO wishes to highlight its concerns regarding the Brexit negotiations. The absence of a fisheries deal as the Brexit negotiations stand today is a huge threat to the industry. No-Deal on fisheries should not prevent the Commission to propose TACs and Quotas to the Council based on the agreed EU share in accordance with the relative stability. It is crucial that the Commission follows the relative stability key not only to determine the Member States quotas for next year in case of No-Deal but also generally as a negotiating power in international discussions with third parties.

Furthermore, EAPO wishes to bring in its views on the following topics addressed by the Commission in its communication of 16.06.2020:

- **On the remedial measures for Celtic Sea cod.**

The Commission's comments demonstrate that reducing quota should be the way forward instead of the remedial measures as favoured by the Council. EAPO believes that the measures taken are quite detailed and translate into huge efforts for the fishing fleet. The measures are already overly prescriptive. EAPO strongly feels that the provisions of Article 13. 1 b should have been postponed in light of the COVID crisis.

Further reducing the TAC could only impact fisheries more, preventing some healthy stocks to be fished at all.

Recalling the position paper of last year on Fishing Opportunities for 2020<sup>1</sup>, EAPO is still of the opinion that measures such as the ones included in article 13 should be part of the context of a multiannual management plan and be subject to a joint recommendation of the NWW Member States Group for implementation in a delegated act. The Fisheries Council's annual TAC and quota negotiation is not the place to discuss and decide such specific and sensitive issues. Any kind of new management measure should be adopted through the appropriate regulatory mechanisms.

Climate change and the consequences of previous human impacts mean that important ecosystem changes are occurring in the Celtic Sea<sup>2</sup>. Across the NE Atlantic, significant ecosystem shifts have been documented and have complex consequences that need to be taken into account when setting targets<sup>3 4</sup>.

- **On the Landing Obligation**

The latest STECF report<sup>5</sup> on the performance of the CFP highlighted the huge progress that has been made towards the CFP goals. It showed that in the Northeast Atlantic, total SSB has increased by 50% since 2009 and that fishing pressure in these waters is now at  $F_{MSY}$ . It is therefore a paradox to EAPO that in the same communication the Commission praises the sustainability results of the CFP objectives on one hand, but on the other highlights the 'low implementation' of the Landing Obligation.

The Commission also seems to imply that the exemption requests become problematic. EAPO wishes to remind that high survivability and de minimis exemptions are only granted on the basis of scientific proof that these are better options than applying the Landing Obligation. These exemptions are legitimate and essential in order to avoid unnecessary restrictions of fishery activities and unintended consequences for the three pillars of the sustainability objectives. Furthermore, exemptions are necessary, as work on improving the selectivity in the gears are increasingly being discouraged by the approach to work on selectivity taken by the STECF.

- **On the Multiannual Plans (MAP) and  $F_{MSY}$  range TAC setting**

The Commission explains that in mixed fisheries advice TAC setting based on the lower range of  $F_{MSY}$  will be favoured. EAPO rejects this to be a constructive approach. Maximising catches within a proposed  $F_{MSY}$  range, in particular within the context of a MAP, should be a priority, aiming for a minimum of constraints on healthy stock fisheries using the upper ranges where possible. ICES should then be requested to identify stocks for which it is possible to apply the  $F_{MSY}$  upper range, when meeting the conditions laid down in the MAP regulations. E.g. in the case of the WW MAP, in article 4.5: "*a) if, on the basis of scientific*

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<sup>1</sup><http://www.eapo.com/UserFiles/20191202%20EAPO%20Position%20Paper%20on%20December%20Council%202019.pdf>

<sup>2</sup> Pierre-Yves Hervann, Didier Gascuel, Exploring the impacts of fishing and environment on the Celtic Sea ecosystem since 1950, Fisheries Research, Volume 225, 2020, 105472, ISSN 0165-7836, <https://doi.org/10.1016/j.fishres.2019.105472>.

<sup>3</sup> Adriaan D. Rijnsdorp, Myron A. Peck, Georg H. Engelhard, Christian Möllmann, John K. Pinnegar, Resolving the effect of climate change on fish populations, ICES Journal of Marine Science, Volume 66, Issue 7, August 2009, Pages 1570–1583, <https://doi.org/10.1093/icesjms/fsp056>

<sup>4</sup> Serpetti, N., Baudron, A.R., Burrows, M.T. et al. Impact of ocean warming on sustainable fisheries management informs the Ecosystem Approach to Fisheries. Sci Rep 7, 13438 (2017). <https://doi.org/10.1038/s41598-017-13220-7>

<sup>5</sup> Scientific, Technical and Economic Committee for Fisheries (STECF) – Monitoring the performance of the Common Fisheries Policy (STECF-Adhoc-20-01), Gamito Jardim, J., Pinto, C., Mannini, A., Vasilakopoulos, P. and Konrad, C. editor(s), EUR 28359 EN, Publications Office of the European Union, Luxembourg, 2020, doi:10.2760/230469 (online), JRC120481.

*advice or evidence, it is necessary for the achievement of the objectives laid down in Article 3 in the case of mixed fisheries; (b) if, on the basis of scientific advice or evidence, it is necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics;”.*

This is also important in the context of international commitments of the EU and in particular in light of Sustainable Development Goal 2 (zero hunger) and 14 (conserve and sustainably use the oceans, seas and marine resources for sustainable development).

- **On Interannual Flexibility**

EAPO welcomes the reference to the interannual flexibility. This is something that has been argued for by the industry since the beginning of the corona virus crisis. The Commission failed to give the option to ship-owners for an increased interannual flexibility to 25% at the time that ship-owners considered this to be an essential option to apply when markets disappeared overnight. The economic losses have been important across the full range of fisheries. Temporary cessation schemes were not always implemented and provided variable relief in Member States – in terms of monetary compensation, vessels allowed in the scheme, timeliness of the measure, scope of the period covered –. Interannual flexibility is a budget free instrument that allows fishermen to bank extra unused quota for next year. Although still requested by EAPO, for some more seasonal fisheries such an option would now come too late.

In addition, some fleets have been able to move their effort into other fisheries and avoided their usually targeted species due to reduced demand as a consequence of the corona crisis. For these fleets increased interannual flexibility in terms of borrowing more than 10% from 2021 could be a costless, sustainable and effective mean of keeping their businesses afloat and crew employed in the medium to short term in this very particular time.

To conclude, this potentially rather effective (market) instrument needs a rapid and bespoke application.

- **On the reference to the Biodiversity and Farm to Fork Strategies**

The Commission in its conclusion explains that *“the Biodiversity and Farm-to-Fork Strategies highlight the need for sustainable fisheries”* and lists concrete actions to be taken *“to ensure that negative impacts of fishing activities on the marine ecosystem are minimised”*. It is the only place where these strategies are mentioned. EAPO has already explained its positions on these strategies <sup>6 7</sup>. No mention is made of the need for other (marine) activities to reduce their impact on the fish stocks and marine ecosystems. This is problematic, specifically noting that other anthropogenic factors – such as pollution – are part of the main drivers for reduction of some key stocks. In addition, the need for the F2F strategy to put forward healthy sustainable consumption of low carbon proteins like fish products should also be added. The current sentence again depicts only one side of the story, pointing the finger at the fishing industry. It does not propose an inclusive vision of the current marine biodiversity threats nor does it put forward the opportunities of the sector.

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<sup>6</sup> EAPO position on the Biodiversity Strategy, EAPO 20-23, 03/06/2020, <http://www.eapo.com/UserFiles/EAPO20-23.pdf>

<sup>7</sup> EAPO position on the Farm to Fork Strategy, EAPO 20-25, 05/06/2020, <http://www.eapo.com/UserFiles/EAPO%2020-25.pdf>

Finally, EAPO's last remark would be a more general one on the ICES advices and consequences on the fleet regarding Covid-19. When preparing its traditional assessments and forecasts, ICES usually estimates the catches for the year during which its advice is released, on the assumption that fishing mortality will be similar to the one observed during the recent period. For instance, 2020 ICES Advice have generally specified that  $F_{(2020)}$  would be scaled using  $F_{(2019)}$ . However, this year a lot of vessels have been tied up because of the Covid-19 pandemic. Even if the consequential decrease in fishing effort cannot be predicted, it can be assumed that it will not be negligible for several species. In order to help managers to take into account those Covid-19 consequences, and to reinforce the reliability of scientific advice, EAPO strongly advises DG MARE to request ICES, to review its assessments and forecasts for 2021. Some of our members have reviewed that some of these efforts have been reduced by 10 to 20%.

On a more general level, a number of benchmarks or changes in the perception of the stocks' status are leading to important changes in ICES advices from one year to another. These changes impact fishermen very much. This is especially the case for a change in the reference points that might translate into the loss of a voluntary certification schemes. Furthermore, such changes sometimes lead to a zero-catch advice, putting at risk market access. EAPO would encourage the Commission to take into account those important commercial threats and reflect with ICES and stakeholders on how to limit it.

We look forward to your feedback and your confirmation that you will take our views into consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'P. Visser', with a stylized flourish above it.

Pim Visser,

President