

Decision-Making in the Reform of the Common Fisheries Policy

Report of an Inter-RAC Conference hosted by the Scottish Government & jointly funded by Marine Scotland & DEFRA

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Summary: Decision-Making in the Reform of the Common Fisheries Policy

Participants and speakers agreed that there is urgent need for reform of the Common Fisheries Policy. The failure of the existing regime stems from the very nature of the policy. It is top-down, remote from those who make their living from the seas; yet enforces control on every aspect of fishing. It is a policy that seeks to micromanage through detailed and prescriptive rules applied across all of Europe's very different regional seas. The European Commission itself is critical of the Common Fisheries Policy in its Green Paper. The flaws in the policy were perhaps best summarised by Poul Degenbol from the Commission. The current CFP has structural shortcomings that have prevented us from delivering sustainable fisheries. It is characterised by a decision-making system that encourages a short-term focus. It has imprecise policy objectives resulting in insufficient guidance for decisions and implementation. And industry is not given responsibility or incentives to deliver outcomes.

A number of speakers emphasised that we cannot wait until 2013 for reform to take place. There is a strong case for changing some aspects of the policy now. This applies especially to the problem of discarding. Richard Lochhead stressed that we have a fisheries conservation policy that for 30 years has led to a monumental waste of valuable fish. It is unacceptable that fishermen, to stay within the law, fishermen are compelled to discard quality marketable fish. The UK and other Member States wish, in concert, to take immediate steps to develop options for reform. They especially wish to do something about the problem of discarding now, rather than waiting until 2013. Locally developed and locally appropriate fisheries measures must be introduced to encourage positive action by fishers to reduce discards.

There was consensus on the need to seek clarity in defining future objectives for the Common Fisheries Policy – to define what we looking for in terms of results. Axel Wenblad pointed out that it is likely that we can all agree on a list of long-term objectives. However, defining short and medium term objectives may be more difficult. One of our principal objectives must certainly be to move away from the habit of short-term decision taking. Huw Irranca-Davies said that the CFP has created an essentially annual decision-making framework. Fishermen cannot be certain about the strategic direction to set for their fisheries because the current framework requires key decisions to be taken anew each year. The industry then has only a matter of weeks to adapt, creating too many uncertainties. We must move towards a longer-term approach.

Several speakers made a strong case for regionalisation of the Common Fisheries Policy. They emphasised that management must be brought closer to local conditions in the regional seas and to specific fisheries. A regional approach is essential for effective implementation of fisheries management. Some concern was expressed from the floor over who would participate in regional discussions. Poul Degenbol emphasised that states with legitimate interests in a regional sea could not be excluded. We are not talking about the re-nationalisation of fishery resources.

If we are to move to a regional seas approach then we are faced with the question of what needs to be done centrally under the Common Fisheries Policy. What are the 'common' features within the Common Fisheries Policy? What are the main tasks for the Commission, Council and Parliament? And what can be delegated to a regional management body? There was general agreement on the answer. Overarching policy, setting the overall framework and defining the objectives is the responsibility of the Commission, Council and Parliament. Indeed, the Lisbon Treaty confirms exclusive Community competence for the

conservation of marine living resources. However, the implementation of fisheries management measures is best achieved by a body which is much closer to the fisheries and to fishers. We must develop a system where fishermen together with scientists and other experts have a genuine stake in the development of the measures for managing their fisheries.

Poul Degnbol emphasised the advantages of a system of result-based management where the initiative for technological change would be passed to the fishing industry. Fishermen would have to find their own practical solutions to the problems of fisheries management. In addition, through reversal of the burden of proof, the industry could be given the responsibility of demonstrating successful outcomes from management. Secure rights of access to fishing would have to be provided to make the investment by industry worthwhile and help industry itself take responsibility for adjusting fishing capacity. Such a system could lead to a system of co-management, where industry takes its destiny into its own hands.

Throughout the meeting there was strong agreement on the need to involve fishers and other interests in decision-making. Fisheries stakeholders have to play a central role. They are the real experts on fishing and are already helping bring forward technical solutions. There has been an immense shift in thinking on stakeholder participation over the last five years. Before the Regional Advisory Councils were established there was real scepticism in some quarters over the role that fishers could play. Now, no-one would question their role in advising the Commission and Member States. Hugo Andersson pointed out that fishers' participation is now essential for the success of the Common Fisheries Policy and for the introduction of a culture of compliance. Many of the most innovative ideas in fisheries management in recent years have come from the Regional Advisory Councils and it is already evident that bringing an element of co-management to the Common Fisheries Policy will yield substantial benefits.

The big question which preoccupied the meeting was how the involvement of fishers could be achieved within the current legal framework. Is it even possible to devise an appropriate structure for involving fishers and other interests within the current legislation? Gerard van Balsfoort and Ronán Long both drew attention to uncertainties about the legal and institutional constraints. Poul Degnbol emphasised that delegation of power to bodies like the Regional Advisory Councils was not possible within the Treaty. How can the RACs contribute to a new regional management body with delegated powers?

A number of different regional models with stakeholder participation were discussed, ranging from stakeholders hovering on the fringes of management bodies to full delegation of decision-taking to fishers themselves. Discussion of these different models is going to pre-occupy many of the participants in future weeks. At the moment a number of diverse solutions are being considered. Ronán Long described three models:

1. More delegation to the Commission through 'comitology'. The Committee for Fisheries and Aquaculture continues to oversee implementation of the CFP. The RACs retain their present position.
2. Delegation of implementation to Member States, where Member States would implement decisions at a regional seas level, with enhanced participation from the RACs.
3. Sub-delegation by the Commission of implementation powers to an autonomous regulatory agency established under the Treaties, where the position of the RACs would remain advisory.

Other options were later touched upon during discussion. Crispian Ashby distinguished between four models, moving along a continuum, with the level of responsibility undertaken by stakeholders increasing and those undertaken by government decreasing. Centralised models progress to Consultative models, then Collaborative models and eventually to Delegated models.

The core problem seems to be the lack of scope within the Lisbon Treaty to allow stakeholders to participate directly in fisheries management. The best that can be hoped for is delegation of management powers to a regional management committee composed of representatives of Member States. An extended RAC might then offer advice.

A speaker from the floor suggested that we may not need to be too prescriptive about the structure at this stage. The priority must be to devise mechanisms for making the best fisheries management decisions, with those decisions arrived at through discussion by all the appropriate parties. At this time it might be better to concentrate on defining the main management elements, the process for decision-making and the participants, rather than devising new legal structures.

What we had to avoid was simply passing down the current top-down system of micro-management to a regional committee.

A reformed Common Fisheries Policy should facilitate effective planning beyond the annual cycle. It should have the flexibility to adapt to local circumstances and to realities on the fishing grounds. Fishers and environmental interests both agree that one key element in future decision taking is the development of management plans for particular fisheries. The work of regional management bodies must be built around the preparation of fishing plans. Such plans would be prepared initially by self-defined fisheries groups, perhaps based on the Producer Organisations. They would be multi-annual plans, developed with scientific input and they would define how vessels in the group would fish sustainably over the specified period. The plans would handle fishing gear design and selectivity; would set out a discard reduction strategy and would operate in conformity with broad standards and principles.

It is evident that the preparation of long term management plans is essentially a task for fishing interests and other stakeholders, aided by appropriate experts. The coordination, initial approval, and monitoring of those plans is a task for regional management bodies. Audit of the plans must also take place at a regional level. When the approved plans are presented there must be a structured and open process for finalising them. Refusal to accept a plan must be supported by thorough analysis of the reasons for rejection and an indication of the areas of improvement, so that the development of the plans can progress.

The Regional Advisory Councils are already making significant progress in preparing fishing plans. The long term fishery management plans now coming from the RACs illustrate how valuable it is for management to take place at the scale of the fisheries themselves. It is no longer sufficient to concentrate on the management of individual stocks, or consider only biological issues. Fisheries take the mix of species that are present on the fishing grounds at the time; that is the reality; that is what leads to the problem of discards. We have to adopt long term plans which consider each fishery as a whole, with its mix of species, and set objectives tailored to the circumstances of that fishery.

The other key element which was stressed at the conference by several speakers is the need for fisheries management to adopt an ecosystem approach in its widest sense: that is, in terms of delivering ecosystem goods and services for the benefit of man in a sustainable way. Kjartan Hoydal pointed out that fisheries cannot avoid having some impact on marine ecosystems. Fishing communities and companies must be allowed to pursue their legitimate

business but without compromising the ability of future generations to meet their needs. Fishing is the only human activity in the oceans that is totally dependent on healthy ecosystems and clean oceans. Fisheries management is all about balancing conservation and optimal utilisation of the living resources of the sea.

It is evident that the scope of fisheries management in the future is going to be much wider. Struan Stevenson pointed out that transport, energy, tourism and a host of new coastal developments are placing their own pressures on the marine ecosystem. Climate change and pollution have already had a huge impact on Europe's seas and coasts. The Common Fisheries Policy cannot be looked at in isolation. The reform of the Common Fisheries Policy must take account of the need for an integrated maritime policy, and consider the requirements of the new Marine Strategy Framework Directive, as described by Haitze Siemers. That directive requires that 'good environmental status' be achieved and maintained by 2020. How can this be done? It was suggested by Euan Dunn on behalf of the e-NGOs that we need fisheries ecosystem plans for each of our regional seas and that such plans should be enshrined in the new basic regulation. Haitze Siemers emphasised that the RACs are uniquely equipped to contribute to the debate on the integrated and sustainable use of the oceans..

There are resource implications both for fishers and e-NGOs if they are to extend their roles and tackle a wider range of tasks. The Regional Advisory Councils are already over-loaded. Fishers themselves wish to give priority to running successful fishing enterprises rather than engaging in dialogue over broad maritime issues. Nevertheless it is important for RACs and for fishers to engage with these wider issues in an effective way. Barrie Deas and other speakers pointed out that additional resources in terms of staff and finance will be required to achieve this. No-one was sure where these resources would come from. Fishers emphasised that fishing enterprises were not currently financially viable. They could not take on additional responsibilities unless they became profitable.

Guus Pastoor also emphasised the need for the fisheries sector in its broadest sense to become profitable. The Common Fisheries Policy needs to adopt a broad approach and must consider markets for fish. It should further stimulate certification and labelling by setting minimum standards. Moreover, the CFP and Trade Policy within the EU are not separate entities. The processing industries have expanded the EU fish market with both EU fish and imports. Without imports of raw material these processing industries will not stay in the EU.

Stephen Cunningham drew attention to the need to base fisheries policy on the wealth of the resource; unless the reform of the CFP addressed this issue, it would be no more successful than previous attempts to reform the policy. However, if it did address the wealth issue, then it had the potential to make a substantial difference to the economics of the fishing industry and the contribution that the exploitation of fish resources makes to social and economic welfare.

We can envisage a new Common Fisheries Policy where Ministerial colleagues from across Europe agree with the European Parliament on Commission proposals for the strategic objectives that govern fisheries policy. These objectives could include objectives on stock levels, exploitation rates, reducing discards and the incidental by-catch of other marine species, and meeting good environmental status. At the regional level fishery plans would then be brought together, taking account of local variations and considering wider environmental and ecological issues – such as the need to maintain good environmental status. The resultant fishery plans would explain how the overarching objectives would be reached and would tackle the task of devising appropriate management measures for each fishery. According to Barrie Deas, the fishery plans would be prepared by industry organisations, and industry and the regional management body would be responsible for

auditing the results. In essence, however, we are looking for an arrangement in which responsibilities and obligations for sustainable fisheries management are negotiated, shared and delegated between Member States, fishers, and other interest groups and stakeholders.

Given the need for reform of the Common Fisheries Policy, and our wish to introduce a new regional approach, how fast do we need to move to get to there? Several speakers said that the problems of the Common Fisheries Policy are so serious that reforms are needed now, not in 2013. On the other hand it is clear that some managers and fishers are reluctant to move quickly, and wish to see change taking place only gradually. There is fear of chaos on the part of both fisheries managers and fishing industry if the change is introduced as a 'big bang'. It would be a huge cultural change for fishermen, fisheries managers, fisheries enforcement bodies and scientists. Were they to be given the responsibility, not all industry organisations would have the capacity to prepare their own fishery plans at the outset. There was consensus that an incremental and staged approach would be necessary. Barrie Deas thought that the key might be in providing industry bodies with the option to elect to submit a plan and thereby escape micro-management. Perhaps we can be flexible and adopt reforms in a differentiated way. In some regional seas, where long term management plans are already being prepared, it may be possible to move quickly; in one step. In other areas it may be necessary to move much more slowly and carefully.

Relative stability was mentioned several times. Some speakers said that it should not be the main focus of discussions in considering reform. Others said that relative stability is the cornerstone of the Common Fisheries Policy and should not be interfered with. However, a number of speakers were concerned about the deficiencies of relative stability; they believed it was currently too rigid. Stocks in a mixed fishery are invariably at different levels that change over time and which do not always match the fishing opportunities available to fishermen throughout the year. That implies that fishing opportunities need to change hands quickly and simply. We have a system that allows that to happen to a small extent. However, swaps and leasing have developed despite the Common Fisheries Policy rather than because of it. We must consider whether a less rigid system is needed; either with relative stability or without it. The Green Paper asks whether relative stability has to be dismantled. Huw Irranca-Davies pointed out that perhaps that is the wrong question. Should we not look first for the most effective way in which to exploit our resources? Having identified the best ways in which to allow fishermen to operate efficiently and reduce catches of unwanted by-catch, we can then consider how best to shape and apply relative stability.

The wider introduction of rights-based management is also raised by the Green Paper. Poul Degenbol explained that under a system of results-based management industry would need to be provided with secure rights of access to make investment worthwhile. Secure rights would also help industry itself take responsibility for adjusting fishing capacity. Stephen Cunningham said that there was increasing recognition that successful fisheries required such rights. However, he pointed out that there are many forms that such rights can take - no "one size fits all". Secure rights are essential because only the private sector can generate wealth from the resource. Other participants agreed that a system of rights-based management must be tailored to particular circumstances; perhaps for each of the fisheries and certainly for different regions and different cultures. There is no single arrangement that can be applied universally.

There was also mention of the difficulties of control and compliance. There is a view that control & compliance needs to be revisited. However, this should perhaps be done in the light of other reforms. There may be better ways of achieving control than through a highly prescriptive Control Regulation. Research by Elinor Ostrom has shown that rules imposed from the outside or unilaterally dictated by powerful insiders have less legitimacy and are more likely to be violated.

One major question is how the Regional Advisory Councils can now be reshaped to deal more effectively with the wider tasks being allocated to them. Should their advice have greater strength? Should it become mandatory for regional management bodies to accept their advice except under specified circumstances? How much scope should there be for flexibility and differences between RACs and between different regional arrangements?

We are rapidly approaching the time when participants will need to submit their responses on the Commission's Green Paper. Those responses will jointly contribute to the options that the Commission will be assessing as a basis for future proposals. We should not limit ourselves to the problems and constraints that we are experiencing now but try to learn from our mistakes. We must think clearly about what is needed to build a sustainable and profitable fishing industry and maintain a productive and healthy marine environment – not only for our generation but for future generations to come.

Tuesday 3rd November 2009 – Scenarios and Options for Decision Making and Governance

Welcome: Hugo Andersson, Chairman of the North Sea Regional Advisory Council

Welcome to this conference on behalf of six Regional Advisory Councils. We must give special thanks to the Scottish Government and Richard Lochhead, the Cabinet Secretary, for hosting our meeting. Also special thanks are due to Marine Scotland and to the Department for Environment Food and Rural Affairs (DEFRA) for jointly funding the conference.

This is an Inter-RAC activity, and it shows that the Regional Advisory Councils can work collectively to address extremely important issues. We are here to talk about decision making within a reformed Common Fisheries Policy. This is an especially important subject to us. We now have an opportunity to have an input to, and have influence upon, the next generation of the Common Fisheries Policy.

The four subtitles of our workshops gave us an indication of the items we wished to focus on:

1. A stronger regional dimension to the Common Fisheries Policy
2. Managing stakeholder participation within the Common Fisheries Policy
3. Models for future Common Fisheries Policy decision-making including the role of Regional Advisory Councils
4. Future needs for expert advice

We are looking for a more participatory system of governance and better decision-making. I am convinced that the outcome of this conference will contribute to the coming process of formulating and adopting a new and more successful Common Fisheries Policy for the years 2013-2023.

The previous revision of the Common Fisheries Policy resulted in the establishment of the Regional Advisory Councils. The oldest RAC is now five years old. The youngest RAC – for the Mediterranean - was only established this year.

With some experience of the RACs and their work I will first say that this was the right step to take in 2002. But time changes; there is now a need for improvement and further development. The question of regionalisation of the CFP is on the agenda, and it is a vital subject for this conference. Let us discuss that regionalisation, bearing in mind how the RACs are organised and how they currently work. For me, it is very important to keep the basic features of the RACs – they gather stakeholders together to provide a forum for debate and decision-making aimed at improving the CFP. As I see it we need to keep a forum for all interested stakeholders with the freedom to create its own agenda, together with a regional management body.

Decisions will soon be adopted on the right level for decision-making – as close to the real activity of fishing as possible. It is also important to put more trust in fishermen, giving them

greater responsibility in the management of their fisheries. It is not possible to manage fisheries successfully, or to create a culture of compliance, without the participation of fishermen.

What then is left as the central role of the CFP? It must be to provide the goals and objectives; to deal with financial resources; and to provide the overall framework for a more regional system of governance.

Let us then get to work. I wish you a successful conference.

**Welcome & Keynote Address; Regionalisation – A Scottish Perspective:
Richard Lochhead MSP, Cabinet Secretary for Rural Affairs and Environment,
Scotland**

Good afternoon and a warm welcome to you all, on behalf of the Scottish Government. It is good to have Europe's Regional Advisory Committees here today. I join you in looking forward to what will be two days of invaluable debate on the future of fisheries management. And for those of you from beyond our shores, I can assure you of some good Scottish hospitality. To see so many distinguished names attending this event illustrates the importance of using this opportunity to enhance our dialogue in what is clearly a defining period for the future of European fisheries.

There is indeed a sense that we are at a crossroads for sea fisheries here in Scotland and across Europe. Firstly, and most importantly, we have the Green Paper on the future of the Common Fisheries Policy – the key issue we are discussing over these two days. This is a discussion that for many fishermen, scientists, environmentalists, policy managers, and certainly the Scottish Government, cannot happen soon enough.

Secondly, we have the growing awareness of our precious marine environment and the need to consider sea fisheries within the wider eco-system debate. Indeed, Scotland's first ever Marine Bill that will introduce a planning regime for our seas and new nature conservation measures crossed its first hurdle in the Scottish Parliament just last week.

And then we have an increasingly discerning market place where consumers and buyers are paying more attention to sustainability, and the ethical footprint of the seafood on their plate.

And finally, in an age of impending global food shortages, we know we have a moral obligation to safeguard one of the world's most precious, healthiest and, of course, renewable sources of food.

And all this we have to consider against the background of the biggest recession since the Second World War! And against a background of climate change that only adds to the uncertainty facing our fisheries.

The last reform brought about the Regional Advisory Council's, whom we thank for their involvement today. These seven bodies have been an important step to ensure the voices of stakeholders in each region are heard by the Commission. The Regional Advisory Council's have been instrumental in developing management plans, especially in the case of

mackerel, and in gathering together expert opinion. It is clear, however, that such organisations have the potential to play a greater role in the future of fisheries management.

And Scotland is, and wants to continue being, at the heart of the discussions on how we tackle these 21st century challenges. We are gathered in Edinburgh, the capital of a European nation that has big fishing interests; a nation that has and continues to provide both expertise and innovation in fisheries management. We are a country that is committed to bringing our industry and other stakeholders to the table to find the solutions that are required. The calibre of the guest list which stretches across Europe from Iceland to Spain suggests to me that most of you will know of the importance of fishing to Scotland. You will understand why the Scottish Government gives fishing issues the priority that they deserve.

To give you a sense of the role fishing plays in Scotland, let me tell you that over the past 12 months, Scottish fishermen made some seventy-nine thousand voyages into the most productive waters in Northern Europe. This extensive and productive resource accounts for twenty percent of all EU waters. Our inshore waters and our unique coastline are home to over 40,000 species and provide the spawning grounds for many commercial stocks found in the North East Atlantic and the North Sea. We have seventy percent of UK quotas; and in 2008 our pelagic, demersal and shellfish fisheries together landed £400 million worth of fish into Scottish ports. The value of these landings and the onshore sector means fishing is many times more important to the Scottish economy than to UK as a whole. You will now appreciate why we are determined influence the future of fisheries management. Of course, Scotland is not alone in placing such a priority on fisheries. Many of our European partners represented in this room will be similarly determined to bring about the required radical reform for similar reasons.

But there is no point just keeping calling for radical reform – we need alternatives to the *status quo*. In Scotland, using what limited flexibility we have when it comes to implementing fisheries regulations we have strived to move from an emphasis on penalties to rewards. The best example of this is the introduction of the Conservation Credits Scheme where we developed incentives to buy back days at sea rather than just swallow the straight cuts proposed.

And to help us further, in January I established an independent panel to produce an Inquiry into the Future of Fisheries Management. This authoritative panel, made up of experts you will recognise, was asked to produce alternative model to the Common Fisheries Policy. It has now produced an Interim Report to assist the Scottish Government in responding to the Commission Green Paper.

This period of consultation and reform, which I see as defining for the future of European fisheries, is bluntly depicted by the panel as “...the last best opportunity...” to cure the “...systemic failures of the current regime...”.

It is with this background that this conference takes place and with a clear sense that only by working together can the urgent reform of fisheries management be brought about. This conference is, after all, organised by all of the Regional Advisory Councils which were set up to provide greater stakeholder involvement at a regional level.

The fact that three decades into the Common Fisheries Policy, we are still talking about overfishing in some fisheries, depleted stocks in others, poor market returns for many as well

as the need for more and more cuts for many, surely tells us that the Common Fisheries Policy has failed. The reasons for the failures of the existing regime stem from the nature of the policy. It is a top down policy that is remote from those who make their living from the seas, yet one that enforces rules on every aspect of their industry. It is a policy that seeks to micromanage one-size-fits-all rules across Europe's differing ecosystems.

I often hear that our current predicament is not the Common Fisheries Policy but the fault of fisheries managers not implementing the rules; or the finger of blame is pointed at fishermen who circumvent the regulations. Well in Scotland we have implemented the rules and our fishermen are bending over backwards to do what is asked for them. But ultimately you can't build a successful fishery using broken tools. The current situation is untenable. Fishermen are left in bafflement at duplicative and a myriad of regulations that are often counter-productive. Regulations that alienate fishermen and that are perceived as not being enforced equally across Europe.

And the most untenable aspect of the Common Fisheries Policy is discards. Just think - we have a supposed fisheries **conservation** policy that for 30 years has led to a monumental waste of valuable fish stocks. It is simply unacceptable that one outcome of the existing regime is that, to stay within the law, fishermen are compelled to discard quality marketable fish over the side of their boat already dead. No one can commend a policy that sees millions of tonnes of fish simply dumped back into the North Atlantic every year. And this flaw undermines all the good work being achieved through conservation measures that are actually working. Discards are a waste of a valuable food resource in a world where people are hungry and it's both economic and environmental madness. Skippers, conservationists and scientists are united with the Scottish Government and many others in condemning this practice.

We must work together to eradicate this problem. It has led to a situation where in 2007 and 2008 we have had to throw back into the North Sea an amount of cod which might have had the potential market value of up to £100 million. And that's just cod! There is something fundamentally perverse with a policy that leads to a situation where for every ten tonnes of North Sea cod landed, up to eight tonnes are discarded. This forced wastage leads to greater pain for our fishermen in the form of reduced quotas. To think that we actually have a system in place that calculates quotas for landing on the basis that fishermen are expected to dump much of what they catch in the first place. This damaging result is no-where more evident than in our mixed fisheries. Discards are the direct result of applying single-species quotas combined with effort controls in a mixed fishery like we have in the North Sea and many other fisheries. This wholly inappropriate policy is the result of the one-size-fits-all top down approach that the Common Fisheries Policy enforces.

There is light on the horizon. The current situation is not all doom and gloom.

It does not come as a surprise that this source of light comes from the industry and those who work most closely with our fishermen. For instance, here in Scotland, our successful and very profitable pelagic fleet of its own volition has recently introduced jigging machines on their vessels. This has enabled the skippers to sample the shoals of herring and mackerel they pursue in the North Atlantic. A simple industry-born solution has hopefully resulted in less wastage of stock and a higher value of landing.

This spirit of innovation is by no means limited to our pelagic fleet. In the demersal fleet we have seen the use of the Orkney trawl which catches about fifty percent less cod while retaining the desired haddock and whiting. In the shellfish sector moves to increase the minimum landing size of langoustines will have the effect of improving the market value. Both are simple industry-born solutions that show the benefits of the bottom up approach.

It is clear that we will require new policies to tackle discards. We must permit our fleet to land more of what they catch in return for catching less than the first place. This of course highlights the need to focus fisheries management on removals from the sea rather than what is landed ashore. And we can't wait until 2013 for the outcome of the Common Fisheries Policy review. If we do that we are consigning millions of tonnes of fish to waste.

But we recognise that we need to identify new innovations to make this happen. One such innovation we are jointly exploring with industry and other countries, to help us tackle discards, is the use of on-board cameras. This innovation potentially offers a solution to the scandal that is discarding, the ending of which is one of the quickest ways the industry can help itself and help to better conserve stocks. Trials of this are already in place here in Scotland and have taken place in Denmark. Put simply, the use of on-board cameras can provide the evidence and give complete confidence in delivering a catch quota system. Such a system would give extra confidence to both managers and consumers that our fishermen are responsible stewards of our shared resource. Of course, fishermen must receive just rewards for such actions and as I have explained this must be allow fishermen to land more of what they catch in return for reducing overall effort. What we in Scotland refer to as a "catch less, land more" policy.

There are other potential benefits of such a system. A move from limiting time at sea to regulating time actually spent fishing. This would remove many of the unfair constraints on fishermen whose fishing patterns are influenced by distance from the shore. Naturally of course the biggest benefit would be in tackling discards thereby providing additional income for our fleets and reducing the need for imports that are so harmful to our industry.

I trust that you see that the future for European fisheries does not need to follow the same failed paths that have been trodden in the past. A centralised policy such as the Common Fisheries Policy cannot succeed across the vastness of European fisheries within differing ecosystems.

So there are alternatives, and it has been the long standing position of this Scottish Government that our fisheries stakeholders must be central to our thinking. They are the real experts on the subject and have already helped bring forward solutions.

The debate on the future of fisheries management is steaming ahead. We have consulted across our country; holding workshops on our islands, in our highlands and in our largest city. We have done and continue to hold an open and frank online consultation with the public at large. And of course we have held one to one meetings with stakeholders interested in all aspects of fisheries.

To further inform our outline thinking I commissioned the aforementioned Inquiry into Future Fisheries Management. This panel has acted independently from the Scottish Government as it has set about gathering evidence and opinion to offer alternatives to the systemic failings of the Common Fisheries Policy.

The Scottish Government has long stated that returning control to Scotland is our guiding principle throughout the current debate on the future of the Common Fisheries Policy. That is why I was so pleased with the publication of the Inquiry into Future Fisheries Management Interim Report that brought a possible framework for a decentralised model to public notice. The outline model that begins to emerge from this document has received a positive airing when presented to stakeholders in Scotland. More widely it was received well when discussed at the Pew Conference on Regional Fisheries Management held in Brussels.

By decentralising fisheries management and implementing locally appropriate measures, we can achieve a much greater degree of co-management of fisheries with stakeholders. In Scotland, we have seen this with our own Conservation Credits scheme, mentioned earlier. This scheme with stakeholder involvement led to better understanding, better design and better compliance with fisheries management measures.

We want to bring control back to Scotland - looking beyond the current Common Fisheries Policy. We would wish to work with our European partners to set long term, but realistic, targets for the health of our seas and everything living within it. And Member States working together should devise plans for their seas and ensure that economic and social objectives could be considered from the outset.

Ultimately this would result in a future for fisheries management where the Member States of the EU can make decisions with stakeholders on how best to progress and fulfil the potential of the Regional Advisory Councils. It is a future where sound decisions are taken on long term plans and accountability is held as close as is possible to our fisheries stakeholders.

Finding alternatives to the Common Fisheries Policy is important to this Government. That is why we have established the Inquiry into the Future of Fisheries Management. I am proud that here in Scotland we have started the ball rolling on putting forward models to radically overhaul the failures of the current regime. Further work of course is required and we will continue our dialogue with stakeholders to bring forward solutions.

Let us look at the failings of the current regime, many of which to be fair were recognised by the Green Paper. Such as;

- its micromanagement,
- its detachment from the industry and from stakeholders,
- its myriad unworkable duplicative regulations and,
- its quashing of innovative conservation
- 27 member states, incredibly many of them land locked, deciding regulation for each and every fishery

It is easy to envisage the benefits of introducing real reform through returning decision making to Member States who in turn work together on a regional basis. To me the greatest benefit is that we will be allowing the real experts, those who care most about the future of fishing to have a greater say in its management. The involvement and buy-in of our stakeholders is crucial to the future of sustainable fisheries.

Locally developed and locally appropriate fisheries measures could be introduced with flexibility built in to incentivise positive behaviours from our fishermen. The Danish trial of on-board cameras illustrates this point. At a larger level it makes sense for Member States to work in the regional context. The enactment of the Marine Strategy Framework Directive means that member states must cooperate with their neighbours to ensure Good Environmental Status for their seas. I fail to see how the logic of managing fisheries on such a basis does not then follow if member states are in the driving seat.

These are the issues which must be addressed. I am particularly keen that the Scottish Government response to the Green Paper emphasises the need to protect our historical rights but also protect our stocks by stopping discards. We will do this through developing better, innovative ways of managing our fisheries while respecting the cultural and social importance of fisheries to Scotland. And we will seek the UK Government's support and your support.

I believe that the importance of this conference is clear. We have an opportunity during this period of consultation to make a case for genuine reform to fisheries management that will be to the benefit of all involved in the sector. And given the urgency, I also believe we have a duty to our fishermen and to conservation to demand some of changes that are urgently required now – not in three years time. Change is needed and needed now. Our fishermen are suffering at the hands of a policy that has failed. Given the impact of the recession these failings are becoming even more visible.

This is the challenge we face and I hope the outline thinking of the Scottish Government has given a framework we can build upon. Over the next day and a half we will listen to some of the most informed views on this subject and it is crucial that we all build upon the ideas voiced to do what is right for the future of fisheries in Europe. I have confidence that the people in this room have the ingenuity and determination to find the solutions that will bring prosperity to our fishing communities for generations to come and that will safeguard the rich fish stocks – the rich food supply in our seas.

Commission opening remarks - Reversing the Burden of Proof in Fisheries Management: Dr Poul Degenbol, Scientific Adviser to the European Commission, DG Mare

This conference gives us a chance to be open-minded and to look at different options for reform of the Common Fisheries Policy. The current CFP has structural shortcomings that have prevented us from delivering sustainable fisheries. It is characterised by a decision-making system that encourages a short-term focus. It has imprecise policy objectives resulting in insufficient guidance for decisions and implementation. And industry is not given responsibility or incentives to deliver outcomes. To achieve sustainable fisheries we need decision-making and implementation to have a longer term focus; clearer policy objectives; and need to encourage industry to deliver outcomes by increasing their responsibilities and rationalising access rights. A new system of governance is required which would:

- Provide a decision-making and implementation set-up which encouraged a long term perspective

- Ensure implementation of decisions closer to those they affect or who have an interest
- Give responsibility for sustainable fisheries back to those mostly affected
- Implement decisions with more sensitivity for the specifics of regional seas and fisheries
- Implement the ecosystem approach
- Get rid of centralised micromanagement

There are, however, constraints on what can be achieved in terms of a new system of governance. Treaty restrictions require that we maintain a common policy – with exclusive Community competence for conservation of marine living resources. Delegation of decision-making and executive powers is only possible to bodies recognised in Treaties. Any new system would have to maintain the Commission's right of initiative. There are also other more general conditions to be met. A good system of governance would be transparent and accountable. It would allow industry & civil society to participate. It would be based on the best available scientific evidence and it would be efficient, timely and cost effective.

The present system of top-down centralised micro-management results in perverse application of technologies; technologies which are not economically sound and which do not achieve conservation targets. There has been a loss of responsibility – which has given decisions low legitimacy - followed by poor compliance. Governance has become increasingly paternalistic. It has widened the gaps between fishers, scientists and fishery managers. Objectives are not being achieved; and the policy is complex and expensive to administer.

What options do we now have? One is to do nothing; for there to be no change. The second is for the responsibilities of the Regional Advisory Councils to be extended, so that with the Member States they widen their management role. The third is to establish a regional decision-making body, made up from Member States, with competence to make decisions on the implementation of Community policy.

The first of these, maintaining the *status quo*, is not a solution and would not improve governance. Extended the role of the RACs with Member State participation would result in a body which was advisory only (as delegation of power is not possible within the Treaty). That might bring some advantages, especially if the 'extended RACs' could interact with the Council and European Parliament to increase their influence in terms of giving advice. Such an option would improve participation but it would achieve no real delegation of responsibility and it would be potentially more complex and costly.

What could be delegated to the third option – a regional decision-making body made up from Member States? Some essential legislation has to remain within exclusive Community competence. However, there could be some delegation of decisions to a regional level, within Community standards and subject to control. There is a risk that this solution might continue top-down paternalistic management with the same negative outcomes. The industry must also be engaged in implementation. What can we learn from the management in other sectors?

With traffic legislation you simply have to drive within speed limits. Nobody cares how you do this technically – you simply drive within the prescribed limits. Similarly, with environmental regulation, industries are given maximum limits on emissions. Industries are required to document that their emissions are within these limits. Thus, regulation defines the outcomes. It does not define the means to achieve them. The burden of proof rests to a large extent with industry. Why should fisheries be any different?

Certainly there is a lack of practical means to control outcomes in fisheries. However, we do have increasingly better monitoring options. There is a lack of understanding of which outcomes can reasonably be expected; but we have considerable knowledge about impacts and mitigation options. There is a long history of regulation of gear characteristics and gear use; but is history binding? We have the precedent of the burden of proof lying with government rather than industry; but we can think outside the box and consider other alternatives. We can envisage a 'normalised' system of fisheries management – where industry is given greater responsibility under a system of results based management, and where there is reversal of the burden of proof.

Under results-based management we might seek a change to specifying acceptable impact rather than acceptable technology. We might set a maximum catch; a maximum acceptable by-catch of juveniles, above quota, non-target species; a maximum acceptable impact on habitat; a maximum acceptable impact on sensitive species and sensitive habitats and then require industry to develop solutions which meet those outcome requirements – and which are practical and economical.

In terms of reversing the burden of proof we might expect data and information to be provided by the industry as the minimum price to pay to society for being given access to common resources. If society identifies the maximum acceptable impact it should be left to industry to document that outcomes are within acceptable impact limits – as is done in other sectors. Thus society defines the limits and standards to be met. Industry identifies the means to operate within limits. And industry sets up a documentation system – by means of observers, cameras, sensors – finding any solution which is practical and meets the documentation standards. That documentation would then be subject to audit and control.

With results based management we would pass the initiative for technological change to the fishing industry to find economic and practical solutions. Through reversal of the burden of proof we would give industry the responsibility to demonstrate outcomes. We would also need to provide secure rights to access to make the investment by industry worthwhile and help industry itself take responsibility for adjusting fishing capacity. We would have the basis for extended co-management or self-management, where industry takes its destiny into its own hands.

In implementing such a system, the setting of Community limits and standards would be the responsibility of Council, the European Parliament and the Commission, with advice from a European advisory body and a European scientific advisory body. Regional limits and standards would be set by Member States, industry, and the NGOs with regional scientific advice. Industry implementation would be the responsibility of industry bodies – such as the Producer Organisations – who would seek their own advice and support from scientific bodies and certified documentation bodies. Audit and control would be the responsibility of Member States and the Commission (including the control agency).

We would end up with a regionalised co-management system with focused and prioritised objectives within an ecosystem approach. There would be a system for regionalised public decision-making and implementation within principles and standards set by the Community. There would be self-management by industry. We would have a simpler, less costly policy where decisions were taken as close as possible to those concerned and which encouraged industry to do the right thing and enabled it to be efficient. We would achieve a 'normalised' fishing sector.

The role of the Regional Advisory Councils in decision-making under the Common Fisheries Policy - Legal Constraints and Future Possibilities: Dr. Ronán Long, Marine Law & Ocean Policy Research Services

This is our last chance to reform European fisheries and the Common Fisheries Policy. Professor Elinor Ostrom, who was awarded the 2009 Nobel Prize for Economics, but who was in fact a social scientist, has pointed out that it is possible to have social control mechanisms over common resources such as fish stocks without resorting to private property rights or to government regulation. The key is stakeholder participation. Her research has shown that rules imposed from the outside or unilaterally dictated by powerful insiders have less legitimacy and are more likely to be violated. Likewise, monitoring and enforcement work better when conducted by insiders than by outsiders.

The main features of the 2002 reform had been the introduction of multi-annual management plans; arrangements for managing fishing effort; the establishment of a Community Fisheries Control Agency (CFCA); an end to direct subsidies for fishing capacity; environmental measures; and above all the introduction of stakeholder involvement.

Advisory bodies at the time of the last reforms had included the Advisory Committee on Fisheries and Aquaculture (ACFA) and the Scientific, Technical and Economic Committee for Fisheries (STECF). The 2002 Green paper had concluded that these advisory bodies were not satisfactory as they were unsuited to local conditions and emergency circumstances. The policy needed stakeholder led organisation(s). The Regional Advisory Councils were established under the new Council Regulation (EC) No 2371/2002 (the Basic Regulation). Their role was defined in Council Decision 2004/585/EC, and they had subsequently been made operational following dialogue between interested parties and the Commission.

The RACs were to be guided by principles of good governance. They had to conform with the Common Fisheries Policy and the Commission had discretion over advice - it had the right to accept or reject advice. The RACs were intended to be evolutionary structures, and so it has turned out. The RACs are different one from another in the way that they work as a result of the differing problems faced in the different regional seas. However, they have a common basic structure, with a General Assembly and an Executive Committee, and are made up of a mixture of the fisheries sector & other interest groups. The Commission and Member States attend as observers. The overall aim of the RACs is to integrate the views of stakeholders into the decision-making process. The founding parties have to provide a

statement of objectives with their request to establish an RAC and those objectives have to be compatible with the objectives, principles and guidelines of the CFP.

The RACs operate in a transparent way, with members of the public able to attend their meetings. Decision-making is based on reaching consensus with procedures for recording dissenting opinions. The Commission's review of the functioning of the RACs in 2008 has confirmed that these arrangements are working well.

Now we have a new 2009 Green Paper on reform of the Common Fisheries Policy. It is a remarkably honest document which outlines the failures of the past and present and seeks changes in the future. It states that CFP has been '*characterised by overfishing, fleet overcapacity, heavy subsidises, low economic resilience and decline in the return for the industry*'. There are essentially five failings: fleet overcapacity; imprecise policy objectives; a decision-making system that encourages a short-term focus; a framework that does not give sufficient responsibility to the industry; and a lack of political will to ensure compliance by the industry.

Although reform is needed there are a number of constraints which will determine how much responsibility can be given to the fishing industry. Under the Lisbon Treaty the Commission is given exclusive competence over the conservation of marine biological resources. Fisheries are dealt with in Title III of the Treaty under the general heading of "Agriculture and Fisheries". Under the Treaty, law-making rests with European institutions. The supremacy of EC law and the Commission's right of initiative remains in place. The European Parliament has benefitted from an extension of the ordinary legislative procedure to fisheries, apart from those establishing annual TAC/Quota opportunities. Decision-making has become more democratic, but much slower. Decisions are expected to take two years to go through the Parliament.

Reform measures will continue to be informed by the principles of the CFP. It will not be possible to rely on the principle of subsidiarity to enhance the role of the RACs. There will be a hierarchy for decision-making: fundamental principles and policy will rest with the Council and Parliament. Implementation of management measures will be placed with the Commission, Member States and industry. There are now two real options and a third possible option:

1. More delegation to the Commission
2. Delegation of implementation to Member States
3. Delegation to an autonomous agency

The first of these, delegation to the Commission could be pursued through 'comitology'. This "committee procedure" is a process in which the Commission, when implementing EU law, has to consult special advisory committees made up of representatives from the Member States. The Committee for Fisheries and Aquaculture would continue to oversee the implementation of the CFP. There are advantages to comitology; there are experts available from within the Member States and the process may be more expeditious than the other two options reviewed below and especially in relation to the full co-decision procedure with the Parliament.

However, there is a risk of more of the same micro-management that has failed to deliver success in the past. It will be difficult to separate out technical detail from policy decisions. There will be a lack of transparency. There will be limited resources available to the Commission and there will be no formal, extended role for the RACs beyond the current arrangements.

The second option is delegation of decision-making to Member States on a regional seas basis. Matters of principle would be decided at the Council & European Parliament level. Member States would then implement decisions at a marine region level. This would provide a clear hierarchy, and allow the Council, EP and Commission to focus on policy. It would bring together networks of Member States to take decisions on a regional basis and would promote regionalisation and adoption of an ecosystem approach. It would enhance the advisory role of the RACs, and it would enable management to respond to local conditions. There are some disadvantages. It would require a new set-up, with additional resource requirements. The role of ACFA needs to be reconciled with the new arrangements, and there would need to be a clear demarcation of responsibility and action to promote co-ordination by the Member States.

A third option is to delegate powers to an autonomous regulatory agency. This not an option mentioned in the 2009 Green Paper. However, the Lisbon Treaty enhances the powers of Commission to sub-delegate powers to autonomous executive regulatory agencies established pursuant to the Treaties. Such delegation has a legal basis in EU law. It would allow the Council, EP and Commission to focus on policy. It would facilitate the application of technical expertise. It would provide political independence, within a permanent structure. It would be amenable to regionalisation and application of ecosystems approach, and it would be possible to combine rule-making with compliance. It has additional advantages. It would be amenable to investigation by Ombudsman. It would offer the possibility of European institutions bringing actions for annulment or failure to act or seeking preliminary references from Court of Justice in respect of its activities. It would be closer to the Regional Fisheries Management Organisation models in the USA and Australia. Potentially it could integrate the RACs into decision-making and balance inputs from various interests, and it would be closer to industry and not situated in Brussels. There would be disadvantages. Decisions would be based on technical considerations and focus on implementation. There would be limited discretionary powers, although the Lisbon Treaty may provide more scope for a range of agency powers. Such a model would disturb the European institutional balance which currently prevents any single interest from becoming dominant. It would be undemocratic as the prime actors are regulators and experts. It would require accountability mechanisms to be installed and would require adjudicatory processes and appeal mechanisms. There is currently great diversity in European agency practice regarding consultation and participation rights. This solution would also require political support both within and outside the European institutions and would be expensive to implement.

There are a number of important considerations for the RACs in seeking reform. The RACs should be seeking a mandatory legal right of consultation in the new Basic Regulation and should be seeking decision-making structures which reflect the RACs interests. There would undoubtedly be advantages to be gained by the RACs in a more regional approach to fisheries management. However, in future the RACs will need to engage with the new Integrated Maritime Policy, and will need to come into closer contact with the European Parliament.

Public debate is now underway on the reform of the CFP and will continue until 31st December. The Commission will provide a summary of that debate in the first half of 2010 and the proposed reforms will then be subject to impact assessment. Adoption of the new policy should take place towards the end of 2012.

Question and Answer Session: Chaired by Hugo Andersson

Who would be represented on the regional management bodies? Would they be exclusive to coastal states or could others participate? Poul Degenbol made it clear that by regionalisation he did not mean a re-nationalisation of Community resources. Member States could not be excluded from a regional body if they had legitimate interests in the regional sea. Legitimacy depended on rights of access and relative stability. Ronán Long confirmed that re-nationalisation was not possible under the Lisbon Treaty.

Another issue raised was the extra cost of the changes being proposed. It was important for the fishing industry to be economically viable if it was expected to incur additional costs. Poul Degenbol recognised that the economic performance of some fleets was currently poor, and that industry could not take on additional responsibilities if they could not afford to. However, there were costs to be borne in obtaining additional responsibilities and a profitable industry should be able to bear those costs.

When would the impact assessment of the proposed reforms be carried out? Poul Degenbol stressed that he had only been discussing options, not agreed reforms. Decisions remained to be taken. In February the Commission would consider a number of options and would then evaluate the social and economic impact of these later in the year.

On scientific advice, was there any possibility of that advice being co-ordinated, so that separate advice was not required at different levels of management? Poul Degenbol thought that the framework for providing advice might change – perhaps with more interaction between the RACs and scientists in the future.

If comitology was to be the only possible approach was there anything stopping Member States, scientists and industry meeting together within the same forum? Poul Degenbol was doubtful whether such committees could take on the stakeholder functions of the RACs. Rather, the RACs would provide advice to the committees. There are now some 150 committees established under EU comitology procedures and there are fairly rigid procedures, with voting rights carefully defined. There are three committees assisting the Commission in the domain of the CFP. These are: the Committee for Fisheries and Aquaculture; the Committee on Structures for Fisheries and Aquaculture; and the Committee for Fisheries Products. Where the RACs would fit into a comitology procedure was a key issue. Some committees do involve external experts, not just the Member States.

Participation of Stakeholders in Fisheries Management: Guus Pastoor, President of the EU Advisory Committee on Fisheries and Aquaculture & President of AIPCE

The role of the Advisory Committee on Fisheries and Aquaculture (ACFA), is to provide advice to the Commission on any Common Fisheries Policy initiatives with a European perspective. It is made up European organisations that represent the interests of stakeholders affected by the CFP. It is a central forum for discussion on horizontal issues, which stimulates dialogue between stakeholders and represents the views stakeholders at a European level. It deals with general conservation matters, aquaculture, market and hygiene and welfare issues.

ACFA has formed an *ad hoc* Group on Reform of the CFP which will produce a report for adoption in Plenary, on December 9th 2009. Preliminary remarks on the Green Paper were that stock over-exploitation and fleet over-capacity exist, but to varying degrees depending on the regions: there is a call for studies on each segment or region. Ownership of fishing rights is a positive concept, but ACFA is divided on transferable fishing rights – the choice for the rights-management system should be left to the Member States. The three dimensions of sustainability (social, economic, ecological) have to be balanced when setting CFP objectives. Indicators and targets for implementation of the CFP should be designed on a scientific basis, in consultation with stakeholders.

On the issue of regionalisation, ACFA supports a decentralised approach. For micro-management, the RAC's should represent stakeholders with scientists and national administrations onboard. For macro-management, ACFA should represent stakeholders at the community level. Industry should be granted responsibility through self management and the Producer Organisations should play a key role in this. There should be further studies on the definition and characteristics of small scale fisheries. ACFA had doubts about implementing the MSY concept for all fisheries at same time. It sought discard reduction through a fishery by fishery approach. Landing all the fish caught could be an option for certain fisheries. Relative stability had to be maintained. Partnership Agreements had to be continued under conditions to be discussed.

The ACFA advice will provide a joint position on the directions reform should go in, and will be the starting point for further discussion at more detailed level. It demonstrates that stakeholder participation generates added value.

There was also scope for comment on reform of the Common Fisheries Policy on behalf of EU processors and importers of fish, and to view reform from a market standpoint. Do we know enough about the markets for fish? A recent report has pointed out that dogs are worse in terms of creating environmental damage than SUVs! This creates a new perspective. We need to know more about markets for fish within the EU, which are huge. The challenges are many. We have to ensure a balanced supply of fish for the Community market. We have to improve the competitiveness of Community production; in terms of fishing and breeding activities as well as in marketing and processing. We have to protect the interests of European consumers and meet their expectations and we have to improve knowledge about fishery and aquaculture product markets. Fish is only one foodstuff within the food value chain. There is an international market with supplies coming from the EU (35%) and Third Countries (65%).

The market for fish is growing, with an estimated annual growth rate of 0.5%. That growth offers new opportunities: additional imports are needed to fulfil demand. The market itself is segmented, which is relevant in relation to the supply position, price effects and marketing. There is marketing of both fresh and frozen raw material. Then there is marketing of fish species or fish products. There is also marketing of generic products which combine fish from various sources with other materials and do not depend on any one species.

The Common Fisheries Policy needs to adopt a broad approach and needs to consider markets. There is currently a strong focus on primary production and legislation. The CFP should further stimulate certification and labelling by setting minimum standards. The CFP and Trade Policy within the EU are not separate entities. The processing industries have expanded the EU fish market with EU fish and with imports. Without imports of raw material these processing industries will not stay within the EU.

Making Fisheries Management Work, Examples from Elsewhere: Crispian Ashby, Programmes Manager of the Australian Government Fisheries Research and Development Corporation

The Fisheries Research and Development Corporation is based in Canberra, Australia. The owner is the Commonwealth Government of Australia. However, it is co-funded by voluntary levies from industry, as well as a “public good” component directly from the government. The organisation manages in excess of 400 projects. The aim is to plan, invest, manage and extend research to increase knowledge that fosters sustainable economic, environmental and social benefits for the Australian fishing industry.

There is a move in Australia towards co-management of fisheries. This is because the costs of management are increasing and there is a move towards cost recovery. There has been a history of conflict, confrontation and distrust in fisheries management and concerns over efficiency and effectiveness. We have been managing fish and not people. Now we have to move towards achieving maximum economic yield from the fisheries. There is a move away from a volume mentality to one of maximising profit.

In 2006, the FRDC funded a study to define co-management (from an Australian perspective) and determine what it was, what it was not, and what was required in terms of steps towards implementation. Co-management is an arrangement in which responsibilities and obligations for sustainable fisheries management are negotiated, shared and delegated between government, fishers, and other interest groups and stakeholders. The key word in the definition is ‘delegated’. There is a wish to move away from the consultative approach of management advisory committees and fisheries management committees (evident in many Australian fisheries) to delegation of functions and activities to industry. What is now being sought is the increasing delegation of activities and responsibility from government to stakeholders. The intention is to build and strengthen partnerships within and between management and stakeholders, with improvements in information flow and increased transparency of activities.

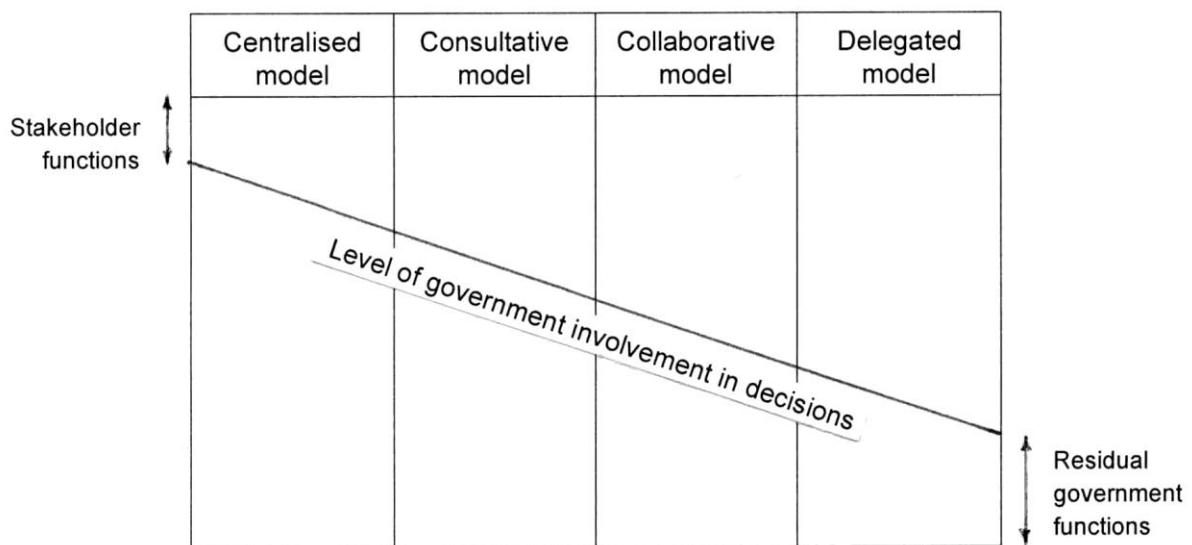
What co-management is not is the delegation of full or all responsibility or giving away the power to grant rights or authorisations to fish. It does not provide the authority for overall compliance and prosecution. And it is not conveying power to make legislative change.

There are many drivers for co-management. In its simplest form it can be split into two categories, these being:

1. Process driven: where more direct involvement and undertaking greater responsibility may yield greater effectiveness, collaboration and trust as well as more responsive and adaptive management.
2. Cost driven: where efficiency gains and greater involvement in the processes may yield cost savings.

Costs may not just reduce. There may be other efficiency gains like increased yields and profitability for the industry.

There are a number of co-management models:



Centralised models are generally for those fisheries where there is little or ineffective industry organisations or dialogue or for fisheries that have collapsed. For example the scallop fishery in the SE of Australia went through a cycle of very low abundance and recruitment. The government took control.

Consultative models are probably now the majority in Australia where there is dialogue and consultation with regard to decision making but it falls short of actual decision making or provision or responsibility for information.

As you move along the continuum the level of responsibility and functions undertaken by stakeholders increases and those by government decrease (whilst they will maintain the role of auditing delegated activities to ensure compliance).

Delegation cannot just occur. A sector cannot just say it wants co-management and be delegated full responsibility. A number of requirements or pre-conditions must be fulfilled and the greater the number satisfied the more likely that delegation can take place. These pre-conditions provide confidence to government and other interested parties that the industry has the ability to undertake the activities as required.

Pre-conditions that were considered essential in Australia to move along the continuum included a willingness of stakeholders (including non-industry bodies and management) to delegate authority and activities or to take responsibility for activities. Co-managers must have organisational structures that are supported and representative of industry and include where possible other stakeholders. There must be provision of the legal standing for the delegation of activities. And the management body must be able to generate and adhere to agreements that outline responsibilities and enforce those agreements across the members of the industry. Conflict resolution procedures must be in place to ensure that issues are resolved fairly.

There are a number of steps to be gone through:

The first step is start talking, start engaging. To form a core group that is willing to drive the process and obtain resources for the development of a detailed proposal or plan

The second step is to develop a business case that highlights the desired outcomes, funding responsibilities and the pros and cons of co-management and the desired form, whilst covering all foreseeable issues. Then support for the business case must be obtained from the industry

The third step is to seek formal government acceptance as well as the acceptance of other stakeholder acceptance and to refine the business case

The fourth step is to set up robust and accountable structures for fishers' organisation or companies. There may be a need to review and amend fisheries legislation to allow for the delegation of authority/activities

The fifth step is implementation. To delegate functions with binding agreements that contain the required conditions, require reports against these conditions, introduce auditing protocols etc.

The Spencer Gulf Prawn Fishery is one fishery that has progressed co-management over a considerable period.

Step 1

There was already considerable collaboration with the fleet. There was a current management plan, a strong industry association with arrangements for surveying the grounds and directing areas for the fleet to fish based on prawn size and potential discard rates.

However, the involvement of industry in stock assessment and development of harvest strategies was also duplicated by government. Previous legislation had not allowed for delegation. Changes were made to the fisheries management act (2007) and a government agency is now developing an over-arching state-based co-management policy.

Step 2

To progress to greater delegation three scenarios were tested. These were the *status quo* which was found to display duplication and inefficiencies and lacked full stakeholder

involvement; a fully delegated model which was considered to be too risky due to legal and financial issues; and a partially delegated model, which was agreed based on conditions and processes being followed. This will result in the industry being delegated the tasks of research for the fishery to be audited by government. The research includes stock assessment surveys and observer coverage (including industry based observers)

Step 3

Government, as part of the fisheries management act, has agreed to the process. As has the Conservation Council of South Australia with conditions including active involvement in the implementation of the model, membership on relevant subcommittees and proactive input on environmental issues.

Step 4

Legislative issues have been dealt with by changes to the fisheries act. The association is already a legal entity and has established a management committee. It is envisaged that an Memorandum of Understanding (MOU) between the association and the Minister will be developed

Step 5

A phased introduction will take place to ensure smooth transition and allow for capacity to be built.

A second example is the Australian Fisheries Management Authority, which manages a suite of commonwealth fisheries beyond state waters and involving fishers from various states. The AFMA is trialling co-management approaches that go beyond the consultation frameworks that are current for most fisheries under commonwealth management. Three fisheries with strong and established associations have agreed to undertake co-management trials. MOUs have been developed for each fishery outlining the areas of increasing collaboration such as industry based observer programmes; fishery based independent surveys; and better reporting systems. Business cases and MOUs have already been established in partnership between industry and government. Early in the process the lack of environmental representation was noticeable and members have now been invited to join and have accepted. Information has been forwarded to the Minister regarding changes to the management act which will be necessary. There has been no implementation yet and progress has been slow but this was not unexpected.

A number of other co-management projects are underway or nearing completion. Key points for success in achieving co-management are a willingness to participate by both industry and government, a degree of trust between the two, and the existence of appropriate legislation.

Integration of the Common Fisheries Policy into wider Maritime Policy: Haitze Siemers, DG MARE, Head of Unit for North Sea, Baltic Sea and Landlocked Member States

Inter-relations within the ocean are important. If baleen whales were eliminated that would lead to lots of krill, perhaps resulting in many penguins. If atmospheric carbon dioxide increased still further the oceans would acidify, eliminating many species of plankton. The construction of wind-farms has an impact on maritime space, affecting the shipping lanes, but conversely generating energy and economic growth. Any increase in coastal tourism would have a negative impact on the environment, but with adjustment could lead to ecotourism.

How do we manage links between maritime activities? Some impacts are global – like climate change. Others are local or regional. Major issues have to be tackled at the EU level, where there are already many policies dealing with maritime affairs. It is only at the EU level that we can ensure co-operation between Member States and guarantee an integrated approach. There are two main thrusts to EU Maritime Policy. One is to achieve integrated governance at all levels. The other is the development of policy through working with stakeholders. In the Common Fisheries Policy, for example, interaction with stakeholders has to take place at all levels.

The Commission is trying to provide policy tools which will support integration – like Maritime Spatial Planning (MSP). The first thrust of policy would be dependent on the systematic collection of data. Surveillance of maritime activities is currently fragmented. The second thrust would link policies for things like transport, fisheries, the environment, employment etc. Interlinked thinking is required, especially in areas like estuaries where so many activities interact. Priorities include:

1. Integration of fisheries with other activities; fishing is one of many maritime industries. The maritime economy itself is an interesting and major one where there is scope for career integration and more open career paths.
2. Use of maritime space; this is increasing, but space can be shared through an appropriate system of maritime spatial planning. The Commission wants Member States to use MSP in co-ordinating the use of space.
3. Development of the coastal economy, but without affecting the ecology of coastal areas.
4. Introduction of an ecosystem approach to management. The Marine Strategy Framework Directive is now in force. Member States are working on elements of a common approach for assessment of the marine environment.
5. The development of instruments to define good environmental status, especially where ecosystems transcended boundaries and national borders.
6. Guardianship of the sea. Taking a fresh look at the impact of fisheries and other activities by man, and especially their effects on marine ecology and conservation.

There are lots of linkages with fisheries from the perspective of an Integrated Maritime Policy. The reform of the Common Fisheries Policy will need to look at the contribution of fisheries to sustainable use of the oceans. The RACs are uniquely equipped to contribute to this debate.

Barriers to Improved Performance and Management Options: Stephen Cunningham, IDDR Fisheries Economics, Policy & Management

By far the biggest barrier to improved fisheries performance is the failure to base policy on the wealth of the resource. Unless we fully understand fish resource wealth we will not get fisheries management right. This presentation aims therefore to clarify the concept of fish resource wealth and explain its importance. Some preliminary estimates will be provided on how much fish resource might represent for UK fish resources, and suggestions will be made on how such issues might affect the CFP reform process.

Fish resources are valuable. Economics begins with the proposition that fish resources are assets (natural capital) that are capable of generating substantial returns on a sustainable basis. It is this very value or wealth of fish resources that results in their overexploitation when there is no or poor management. In analysing the return on the asset, economics distinguishes between profits due to the fishing companies and rents due to the resource.

This distinction may be difficult to grasp – let us consider an analogy. To operate, a company needs premises, and it has two options: it can rent its premises, or it can own its premises. Which option is the most profitable? Leaving aside fiscal rules that may favour one option or the other, the answer is that company profitability will be independent of whether it rents or owns; because in both cases it has to pay for the premises that it needs in order to operate. If it rents, clearly this will add to the company's cost of doing business. If it owns, it should impute the rental cost of its premises, otherwise it makes its operating activity look artificially profitable; because it could rent its premises to someone else if it did not use them itself. Nonetheless there is clearly a difference between a company that owns its premises and one that rents them. Where does this difference appear if not in operating profits?

The valuable asset that is the company's premises will appear in its own balance sheet if it owns the premises itself and in someone else's balance sheet if it rents them. Obviously the company will be worth more if it owns its premises than if it does not, but the difference will be due to the wealth represented by the premises asset and not due to any difference in operating profits. Such profits will depend on the use to which the premises are put but not on ownership arrangements for the premises. These ownership arrangements will affect wealth.

This distinction between profits and wealth is crucial for understanding why fish resources are overexploited, why management is required and why successful management necessarily must address the wealth question. Instead of premises, the crucial asset in fishing is the fish resource itself. For simplicity in this presentation, I will use the example of an independent fish resource but none of the fundamental conclusions depend on this simplification.

Economic analysis of profits and costs can be confusing. There is an argument that unless fishing firms earn “normal profits” they will not continue operating into the long term. Hence “normal profits” can be considered part of costs. How much are “normal profits”; the return considered acceptable given the risks? If profits exceed “normal” then fishing becomes an attractive investment, if less than “normal” people will be looking to exit from fishing.

Overexploitation is an economic phenomenon driven by resource wealth in the form of resource rents at different levels of effort. At equilibrium, the fishing industry earns normal profits (part of the cost) and not zero profits as is often asserted (the term “profits” is used as jargon in economics). But the wealth that the resource is capable of generating is indeed zero. Overfishing (beyond MSY?) is a consequence (a symptom) of the overexploitation problem. A focus on overfishing tends to make overexploitation worse.

A focus on wealth is important in a negative sense because it is the wealth that drives overexploitation. But a focus on wealth is also important in a positive sense because this wealth represents the sustainable contribution that the fish resource could make to economic growth and social welfare. Given the renewable nature of fish resources, this is an annual return.

Let us consider some initial tentative estimates of UK fish resource wealth (taken from a study being co-ordinated by IDDDRA for DEFRA). This is a tricky question for lots of reasons. The first important problem is what are UK fish resources? Should they be based on the share allocated under relative stability, or some other criterion? For an initial estimate we can use “Landings into the UK and abroad by UK vessels”. Their value in 2007 was £645 million. Benchmarks from well-managed fisheries around the world suggest that resource rents are 40-75% of landed value, depending on the fishery. A World Bank/FAO study estimated these “sunken billions” as 65% of landed value. Let us assume a figure of 60%. This would imply that UK resource rents are around £387 million *per annum*. However, studies also show that in well-managed fisheries, fishers manage to generate substantially more value (sustainably) from the fish resource - about 35% more. If this benchmark holds true for the UK, then the expected UK resource rents would be some £522 million *per annum*

If half a billion pounds is the annual return on the UK fish asset, what does this mean the asset would be worth? Capitalising returns (the opposite process of calculating interest on assets, e.g. a bank account), we can assume that a reasonable risk-adjusted real interest rate for fish resources is 10%. Then given the sustainable, renewable nature of fish resources, the value of the fish resource asset would be some £5.2 billion. *“Much is at stake in converting the UK’s fish resources into economically productive as well as physically sustainable resources”* (J Wilen). These are initial tentative estimates, subject to revision; ongoing work is seeking to improve the estimates. However, the figures indicate how large the wealth is which is provided by fish resources.

In terms of the implications for reform of the Common Fisheries Policy, economic theory and empirical evidence from successful fisheries around the world show that a wealth focus is essential. There is therefore a major need for a strategic review of the CFP in order to bring an appropriate wealth focus. The main issue is to clarify economic goals and ecological & other constraints through a policy goal something like:

The objective is to maximise the sustainable wealth generated by the exploitation of fish resources, subject to the constraints imposed by the ecological and social imperatives determined by the Government.

This strategy needs to be undertaken at appropriate level. A key challenge is to define the ecologically and economically meaningful fishery management units (the “fisheries”). For many fish resources a regional basis appears likely to be most appropriate, and it is especially appropriate that the Regional Advisory Councils should define those fisheries. It is also important that regionalisation is taken as an opportunity to do things differently, rather than doing the same things as now at a different scale. For some fisheries, an even more local level may be appropriate - e.g. for shellfish.

Within the defined Fishery Management Units we need to ensure that fishers have secure use rights. Although there is increasing recognition that successful fisheries require such use rights, it is important to note that there are many forms that such rights can take – there is no “one size fits all”. But such rights are essential because only the private sector can generate the potential fish resource wealth (through the right incentives).

Once fishers have secure use rights in well-defined FMUs they will have an incentive to maximise the value of their rights and to do so will seek to exploit the fishery at (or near to) the Maximum Economic Yield level. They can be given far more responsibility for the exploitation of the fish resources than they are at the moment. For instance, they could be given responsibility for proposing the TACs for the resources that they exploit. Of course, this will require that fishers are organised and may have implications for the types of rights systems that are introduced.

A key scientific role will be to check the ecological consequences of the proposals (against published ecological criteria - limit or reference points). The question to scientists should not be “How much can be caught?” but “Is it ecologically acceptable to catch X”? There is a need to consider ecosystem impacts – for example, how might cod recovery affect other fisheries (perhaps for *Nephrops*?).

Secure use rights are likely to be an effective way to generate wealth; but the distribution of this wealth will depend on the way in which they are issued and the conditions under which they can be operated. Some countries (e.g. New Zealand) chose to give property or use rights to fishers. In the process there has been a substantial transfer of wealth to rights holders. Currently NZ fishing rights are estimated to be worth around US\$ 2.7 billion. Elsewhere, governments have taken clear ownership of national fish resources. In the Falkland Islands the government leases fishing rights to fishers. The revenue generated has been as high as £25m per annum (about 18% of the Falklands GDP).

A good case can be made that an ideal management system is one that first generates resource rents on a sustainable basis, and then shares them between stakeholders in a socially and politically acceptable way - this being important for the sustainability of the management system itself.

The key conclusion is that unless this reform of the CFP addresses the wealth issue, it will be no more successful than previous attempts to reform the policy. However, if it does address the issue, then it has the potential to make a substantial difference to the economics

of the fishing industry and the contribution that the exploitation of fish resources makes to social and economic welfare.

Panel Discussion: Chaired by Michael Neilson, Director, Marine Scotland

Ate Oostra asked 'what was the result that formed the basis of results-based management'? Was it the stock, the resource wealth? How could it be measured? What do you do about the fishery if the result is less than the target? Poul Degnbol thought the results could be measured in a number of ways. We did need an economically viable sector. There had been an assumption in the past that social and economic targets were the concern of Member States, whereas the ecological targets were Community matters.

Carlos Andreia agreed that the involvement of stakeholders in management was very important, as several speakers had stressed. However, for the Long Distance Regional Advisory Council many of the management decisions were taken by international organisations. Stakeholders played no part. Will the reforms take up this question? Mike Neilson confirmed that co-management within international management bodies would be especially difficult, and Poul Degnbol confirmed that participation was also difficult in the context of agreements with non-EU countries like Norway. The Commission must keep stakeholders on side when it was engaged in negotiations, but there were limitations on their degree of engagement within the present system.

Gerard van Balffoort remarked that the average income was very low for most fishers. We had to move towards Maximum Economic Yield, but that could only be achieved with a real reduction in effort. Stakeholders would find it especially difficult to decide who should leave the industry, especially since those remaining in the industry would become wealthier. Others would then want to rejoin. Steve Cunningham believed that if the policy was wealth based then these changes would have to take place gradually. You would choose a pilot fishery first and it would need to go through a transition period. MEY could not be obtained in one step. When you get there and have a few wealthy fishers you then need to think about the distribution of the wealth generated. Iceland was a good example, where fishing had ended up in the hands of relatively few wealthy people. The Icelandic government had failed to realise that the fisheries were potentially very wealthy. When the resource began to be sold, the issue of sharing that wealth in a socially and politically acceptable way had come to the fore. Gerard asked again how the re-entry of other fishers could be handled. Steve said that incentives would be there to expand. However, essentially you had to have an appropriate rights-use system alongside the management system. In the UK quota trading had now resulted in high prices, but there was a question over how secure the rights were.

Jacques Pichon thought that charging for use rights could only be implemented homogeneously within the EU, and it would have an impact on all sectors of the fishing industry. Rights-based management might be applicable in an ideal world but it could not be applied in a world where stocks were shared between different cultures and different Member States. Even in Iceland, with mackerel, money has to be found from somewhere and the management system has really been abandoned there. These models are not

realistic. Mike Neilson said that Member States could adopt a different approach in managing fishing rights. Differences were already evident.

A French participant said that if we could not implement an EU-wide system of use-rights then it cannot work. If it was implemented in a different way in different Member States then contradictory objectives would develop.

Another French participant asked Guus Pastoor whether a serious crisis was developing for fresh fish processors as a result of imports of fish from outside the EU; imports which did not use the same sustainability criteria as those used for locally caught fish. Guus considered that the market was segmented. Many imports used for processing came from Iceland and the USA and were from sustainable fisheries. But there were frozen products which were defrosted and sold; not necessarily from sustainable sources. He pointed out that we were not exactly winning first prize ourselves for sustainability. The introduction of stronger sustainability-related criteria and standards would help locally sourced fish. However, imports were not necessarily the cause of low prices. If we present and market our fish in the right way then we will still have good prospects.

In his concluding remarks Mike Neilson emphasised the importance of seeking clarity over the objectives for the Common Fisheries Policy. There was a strong case for regionalisation, and a strong case for co-management. We had to develop fishing plans which were adaptive and which could cope with change. We also had to decide where we needed a consistent and common approach within the EU.

Wednesday 4th November 2009 - Defining a way forward for fisheries governance in Europe

Chairman's Opening Remarks: Sam Lambourne, Chairman of the North West Waters Regional Advisory Council

Thanks were due to the Scottish Government for their hospitality of the night before. Today we were able to welcome to Ministers to the conference: Richard Lochhead, Cabinet Secretary for Rural Affairs and the Environment; and Huw Irranca-Davies, UK Minister for the Marine and Natural Environment.

Yesterday we had received a series of good presentations on scenarios and future options for decision-making. Today it was our task to define a way forward for the Common Fisheries Policy.

Keynote Address from the Swedish Presidency: Axel Wenblad, Director General, National Board of Fisheries

It is not possible to express a view from the Swedish Presidency of the Fisheries Council on reform of the Common Fisheries Policy. However, we can consider the views emerging from the Swedish Board of Fisheries in preparation for the consultation on the Green Paper. That Green Paper was very forward looking and Commissioner Borg had just received the Swedish Seafood Award for his contribution to sustainable fisheries, which was reflected in the publication of the Green Paper.

The need for reform of the Common Fisheries Policy is unarguable. There are a number of important issues to be addressed, including:

- The hierarchy of objectives
- Scientific advice
- Decision-making processes and stakeholder involvement
- Rights-based management – which had to be tackled fishery by fishery
- Fleet overcapacity – which was not unique to the fishing sector
- Allocation of fishing opportunities – relative stability
- The external dimension – dealing with third countries
- Aquaculture
- Monitoring and enforcement – the Control Regulation now had to be implemented, but we might have to revisit it in the light of other reforms

One of the main issues concerned the objectives of the Common Fisheries Policy. There is a need for a hierarchy of objectives. The current objective was that the policy 'shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.. We now needed wider objectives. The long term objectives were fairly clear. The difficulty occurred in setting out short and medium term objectives. The objectives had to be clearly formulated, prioritised and should provide guidance for management decisions; broken down into time-based and measurable sub-objectives. The framework should be the ecosystem approach: which can be defined as 'the delivery of ecosystem goods and services for the benefit of man in a sustainable way.. We were essentially concerned with the goods and services that the ecosystem provided in terms of food production, the regulation of climate, support for biodiversity and recreational facilities. The new objectives could be, in order of priority, to:

1. Guarantee consumers wholesome food by utilising the aquatic ecosystem as close to maximum yield as possible without risk to biological diversity and the system's capacity to resist disturbance
2. Contribute to maritime policy; by taking into consideration the impact of the sector on the regulating and supportive functions of the aquatic ecosystem including biodiversity
3. Create employment, income, recreational opportunities and serve as a carrier of cultural heritage; provide a reasonable standard of living for sector's practitioners.

On science, the scientific advice from ICES was probably the best in the world. However, the costs of advice would increase when we implemented a full multispecies approach. We would also need advice on economic and social factors.

With respect to the decision-making process and stakeholder involvement, it was important to focus on long-term objectives instead of short-term solutions. We had to distinguish between overarching decisions (concerned with objectives and principles, the What), and the formulation and implementation of detailed regulations (the How).

Of the various options that had been mentioned for implementing management measures he was in favour of the 'comitology' procedure. The formulation and implementation of detailed fishery regulations could be delegated to the Commission and Member States operating through regional committees. The committees could not really involve stakeholders directly and consideration would have to be given to how the Regional Advisory Councils could participate. Cooperation between the Commission, concerned Member States and the Regional Advisory Councils needed to be developed. In effect, specific regional management could be implemented through a regional comitology procedure or through regional management by concerned Member States or a combination of these. Regional management will lead to more responsive management of specific fish resources.

However, regional management required procedures to safeguard conformity with Council decisions. Other Member States would have less opportunity to influence fishery issues within a region. Problems in handling migratory stocks would also have to be addressed.

Experience with the Regional Advisory Councils has been good so far. Their role in consultation needed to be strengthened with more management initiatives. There are a number of specific tasks to be dealt with respect to funding and other technical issues, and we need to revise their mandate and structure. There is no doubt that the fishing industry is best equipped to find the technology to resolve the problems we were encountering.

Fisheries management is complicated and some people have tried to make it even more complicated. It could also be made simple. The way forward was to adopt a management plan for each fishery based on science and then follow that, as had been done successfully for cod in the Eastern Baltic.

Conclusions from the Baltic Seas Conference: Lessons Learned and Future Perspectives: Reine Johansson, Chairman of the Baltic Sea Regional Advisory Council

What should the next generation of Regional Advisory Councils look like based on experience from the Baltic Sea? The Baltic is geographically well-defined and semi-enclosed. It is sensitive to environmental factors and contains many shipping routes, wind farms and other developments, which use space and threaten the state of fish stocks. The most valuable species fished are cod, herring, sprats and salmon. Ninety percent of the TACs are allocated to the eight EU Member States, the only non-EU country having a share being the Russian Federation. For years the only communication was across the Iron Curtain but now all these states were talking to one another around the same table. The Baltic therefore serves as a model for regional co-operation. How can we apply a more regional system of governance to fisheries?

Experience of working with the European Commission had been good. The problems are perhaps with some Member States and with the civil servants. There is often a feeling of competition. However, the Regional Advisory Councils can bring results in a very short time simply through fishers talking to scientists.

The Baltic Regional Advisory Council organised a Conference on Control and Compliance in Copenhagen in 2007, which had opened dialogue between fishers and those responsible for control. The Conference concluded that unreported catches were the main problem associated with lack of compliance. Now that we had put that problem right there had been an improvement of cod in the Baltic. It was important to stick to ICES advice but it was also important to ensure that quotas were adhered to. We had to know what was being taken out of the sea.

More recently, a Conference on 'Baltic Sea Fisheries: Lessons Learned and Future Perspectives' had been held in October 2009 in Stockholm. Ministers had subsequently signed an important declaration on the management of Baltic Sea fisheries, but in addition many other important issues had been discussed. It had been agreed that discards needed to be dealt with urgently, by focusing on improved selectivity. By bringing experience and

knowledge together it should be possible to shorten the time needed to achieve results. Regional collaboration of this kind has set the scene for a future approach.

Stakeholders must be involved in developing concrete measures to manage the fisheries; this would be a vital part of reform of the Common Fisheries Policy. Scientists, administrators and stakeholders need to get together to discuss the practical aspects of managing fisheries. The Gdansk Convention had provided guidelines on the regulation of fishing and the conservation of living resources in the Baltic and had served the fisheries well, but there is now a need for a new model which will allow fishers to collaborate. At Stockholm it had been agreed that top-down management could not continue. This time the Commission's Green Paper meant what it was saying. We are all believers in reform of the current system.

Initiatives taken within HELCOM and the Baltic Sea Action Plan have already been of relevance for fisheries in the Baltic Sea and have brought together Regional Advisory Council members, scientists, member states and fishers. We need to build on that. On other issues, Relative Stability is the cornerstone of the Common Fisheries Policy and should not be interfered with. On rights-based management, we should all have an opinion when we write to the Commission. On the Regional Advisory Councils themselves we all come from different angles and perspectives. One of the encouraging things about the Baltic Regional Advisory Council was that participants are building trust through dialogue amongst the different parties. If that dialogue no longer continued within the future system of management then that will be the end of the Regional Advisory Councils.

NGO Responsibilities within a reformed Common Fisheries Policy: Euan Dunn, Birdlife International

Speaking for the environmental NGOs, it is important to reprioritise the objectives of the Common Fisheries Policy, and to endorse the long term ecological sustainability objectives enshrined in the Marine Strategy Framework Directive. The e-NGOs want to ensure this link through creating Regional Ecosystem Plans and by building Long Term Management Plans. It is also important to seek delivery on a regional basis and to ensure that the approach is properly resourced. The Commission had made it clear that the '*long term ecological sustainability of fisheries must be the first priority because...healthy fish stocks and healthy marine ecosystems are a sine qua non for an economically and socially healthy fisheries sector*'. The Marine Strategy Framework Directive represents a legally-binding framework for meeting this condition. The Common Fisheries Policy's challenge is therefore how best it can help deliver '*good environmental status*' under the Marine Strategy Framework Directive.

The first step is the preparation of Regional Ecosystem Plans. Article 2.1 of Basic Regulation states: '*It (the Community) shall aim at progressive implementation of an ecosystem-based approach to fisheries management*'. This had failed to drive fundamental change; instead, delivery had been reactive, piecemeal, and incoherent, including by the Regional Advisory Councils. It was important now to amend the Basic Regulation, perhaps with the statement: '*an ecosystem-based approach to fisheries management shall be implemented in the form of a regional ecosystem plan for each of the four marine regions specified in the Marine Strategy Framework Directive*'. There was already a precedent for this in the form of the US

Fisheries Ecosystem Plans (e.g. for Chesapeake Bay); such plans had also been scoped for North Sea. Such a proposal would also comply with Declaration of North Sea Ministerial Conf (2006): *'request that the competent authorities, in consultation with the relevant stakeholders, and especially the North Sea Regional Advisory Council, develop a fisheries ecosystem plan for the North Sea based on scientific advice from ICES and national science bodies, adopt it at the latest by 2010 and implement it immediately thereafter'*.

The second step is the preparation of Long Term Management Plans for the fisheries. We can no longer live with Article 6: *'The Council shall adopt management plans as far as necessary...'*. No fishery should be targeted in EU waters unless or until it is the subject of a Long Term Management Plan. Long Term Management Plans should be agreed within a specific timeframe (deadline 2015?) and should comply with a basic set of requirements laid out in the Regulation, including ecosystem-based approach. Coherence between Long Term Management Plans will also need to be addressed at marine region level. The Regional Advisory Councils are already showing the way. The draft North Sea Regional Advisory Council's Long Term Management Plan for Nephrops, prepared in September 09, stated: *'any Long Term Management Plan must consider ecological, as well as social and economic objectives. In particular, the plan must address the complexity of natural ecological processes and adopt an adaptive management plan in the face of uncertainty'*.

Regionalisation would provide the delivery mechanism for Long Term Management Plans for all fisheries. Regional management bodies are the right place to develop and adopt Long Term Management Plans. Those bodies should be a wide, co-management mix of fishers, scientists, NGOs and other stakeholders, led by Member States. There is no need for a layer below that, whereby fisheries plans are developed by industry groups alone. That is a role for the co-management mix. The Regional Advisory Councils would continue to have an advisory role in the short term but might evolve towards being absorbed by new regional bodies. In the US, the Regional Councils were intensely demanding of stakeholders' time and resources. Comparable EU bodies would severely strain the capacity of NGOs which were already stretched to meet the demands of the Regional Advisory Councils. The NGOs might need financial support from Member States in order to fulfil their role (as the Fisheries Secretariat, a coalition of 3 NGOs, is part-funded by the Swedish Government).

Finally, although there had been much talk in the past about the segregation of interests within the Regional Advisory Councils, both the e-NGOs and the fishing sector share a common commitment to Long Term Management Plans and regionalisation of the Common Fisheries Policy. So while their maps for finding these key routes to CFP reform might differ, they were agreed on the general direction of travel.

Industry Responsibilities within a reformed Common Fisheries Policy: Dr Barrie Deas, National Federation of Fishermen's Organisations, UK.

The unreformed Common Fisheries Policy had a series of flaws:

- Centralised command and control
- Top-down

- One-size-fits-all
- Blunt general measures, undermined by derogations
- Inflexible: implementation failures
- Unresponsive
- Highly prescriptive micro-management
- Economic incentives are often not aligned with management objectives

The policy was characterised by repeated implementation failures. It had delivered much less than was hoped for and anticipated in terms of technical measures, TACs, MAGP, discard reduction, data collection, etc

We now wanted to see a regionalisation of the Common Fisheries Policy with three levels of responsibility: European Institutions; Regional Management Bodies; and Bespoke Industry Fishing Plans. The European Institutions, composed of the Commission, Council and European Parliament would establish broad principles and standards and have oversight and ultimate responsibility. However, they would have no role in designing and applying prescriptive detailed rules. The Regional Management Bodies would deal with regional issues only, on the scale of a regional seas basin. They would take decisions closer to the fisheries and engage in adaptive and responsive management. In terms of their composition they would include Member State fisheries managers, fishing industry representatives and NGO representatives, and would be supported by fisheries scientists. In terms of their responsibilities, the Regional Management Bodies would deal with:

- TAC levels
- Multi-annual fisheries plans
- Technical measures
- Discard policy
- Implementation of environmental policy
- Audit and oversight of fishing industry fishing plans
- Coordination

Legal or constitutional constraints might limit the scope of the regional bodies, because of the Commission's sole right of initiative, and the fact that the ultimate decision making authority would be the Council and Parliament. Pragmatic solutions were needed; perhaps responsibility could be devolved to concerned Member States who would then jointly agree to "cooperative administration". We would be looking for *de facto* management responsibility within a formal structure.

The work of the Regional Management Bodies would be built around the preparation of fishing plans. Such plans would be prepared initially by self-defined fisheries groups, perhaps based on the Producer Organisations. They would be multi-annual plans,

developed with scientific input and they would define how vessels in the group would fish sustainably over the specified period. The plans would handle fishing gear design and selectivity; would set out a discard reduction strategy and would operate in conformity with broad standards and principles.

The plans would require approval by the authorities and would be subject to periodic audit. Industry organisations would be responsible for demonstrating that they were operating in conformity with the terms of their own plans, so that there would be an element of 'reversing the burden of proof'. By this means, micro-management would be avoided. Vessels subject to fishing plans would not be subject to the micro-management system. Any technical rules would be incorporated into the plan, as would control rules and any necessary monitoring or documentation of compliance. Such plans would provide an incentive for fishers to take responsibility and would align economic incentives with management objectives.

When would this happen? The reformed system might be introduced in one 'big bang'; there were certainly attractions in having a clean break. However, there would be fear of chaos: on the part of both fisheries managers and fishing industry. The system would be a huge cultural change for fishermen, fisheries managers, fisheries enforcement bodies and scientists. Not all industry organisations would have the capacity to prepare their own fishery plans at the outset. An incremental and staged approach would be necessary. The key might be in providing industry bodies with the option to elect to submit a plan and thereby escape micro-management. Such an approach was not entirely speculative. There were examples like the Spencer Gulf Prawn Fishery in South Australia and we could draw on Canadian experience. It should be possible for industry groups to take on specific areas of responsibility on the way to full self-regulation.

There would be pitfalls and problems. We would need to avoid the retention of detailed control at the centre as that had the potential to undermine the delegation of powers. There would have to be transparency across plans and there would undoubtedly be questions of consistency across different areas. Highly migratory species would also pose special problems. There would need to be new arrangements for obtaining expert advice, and for achieving the level of auditing that would be required. The role of the Regional Advisory Councils would also need to be considered.

A Wider Environmental Perspective to Fisheries Management and the NEAFC model of Regional Cooperation: Kjartan Hoydal, Secretary of the North East Atlantic Fisheries Commission.

The North East Atlantic Fisheries Commission (NEAFC) is the competent organisation responsible for recommending measures to promote the rational exploitation of fish stocks in the North East Atlantic. The Commission is made up of delegations from five Contracting Parties to the 1982 Convention on Future Multilateral Cooperation in North East Atlantic Fisheries. Most of the NEAFC Convention Area is under the fisheries jurisdiction of NEAFC's Contracting Parties: Denmark (in respect of the Faroe Islands and Greenland), the European Union, Iceland, Norway, and the Russian Federation. However, three large areas are international waters and constitute the NEAFC Regulatory Area, for which it can recommend fisheries management measures to its Contracting Parties.

There were a number of issues which this conference was addressing. Firstly, a stronger regional dimension was being sought for the Common Fisheries Policy. NEAFC was a Regional Fishery Management Organisation, an RFMO, and the experiences and track record of NEAFC reaching regional consensus on management measures may have some lessons for regionalisation under the policy. The States cooperating through NEAFC had established fisheries management systems in the high seas supporting and compatible with systems in sea areas under national jurisdiction. This included agreeing on science based management measures and establishing monitoring, control and enforcement to make sure that measures were respected. The signing of the UNFA in 1995 (*The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 10, 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*) had sparked new life in the organisation. Now, NEAFC in addition to managing fisheries has an important role in conservation and integrating environmental concerns into its management. In 2005 the NEAFC decided to amend the 1982 Convention and extend its mandate to include the ecosystem approach, protection of biodiversity, and application of the precautionary approach. Under the New Article 2: the objective of the Convention is 'to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits'.

Regional cooperation in fisheries in the North East Atlantic takes place on several levels: bilateral exchange of fishing possibilities; cooperation with respect to shared stocks; and coastal state cooperation on stocks that straddle into international waters. Combating illegal, unreported and unregulated (IUU) fishing is a major task. The objective is to protect the rights of legal fishermen, operating under national and regional, efficient fisheries management, against free riders. Major IUU problems in the NEAFC Convention area have been IUU fishing by flags of convenience vessels for redfish in the Irminger Sea and unreported catches of cod from the Barents Sea. One successful approach was to blacklist vessels and to deny vessels on the lists access to ports and services in the NEAFC area. In addition, new port state control regulations were set up to monitor landings of frozen fish in foreign ports. Each Contracting Party has to designate certain ports for landings of frozen fish from foreign vessels and since the 1st May 2007 over 3440 landings have been certified. The system has won much praise from the industry in Europe and has not impeded the free flow of legally caught fish into the European market.

In 1997 an Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues in the North Sea adopted an ecosystem approach. It has been found that successful cases of introducing an ecosystem approach consist of tentative and experimental approaches undertaken by groups of people faced with immediate problems. The adoption of an ecosystem approach means an increase in the number of stakeholders. It also means an increase in the number of requests for scientific expert advice to be able to define and quantify ecosystem properties so that decisions can be made on a realistic timeline. Fisheries managers were leaders in establishing frameworks that controlled the level of effort going into fisheries and in that way that laid a scientific basis for sustainable fisheries within a secure environment. The ecosystem approach to fisheries has been extensively discussed internationally, especially within FAO. The understanding between fisheries managers has been that the integration of environmental concerns is incremental. Building on frameworks we have, we can integrate further concerns as we gain more insight.

There are not many – if any – examples of fully fledged ecosystem management frameworks. There are problems in defining the scientific basis for the ecosystem approach. However, there are several examples where additional concerns have been added to traditional single species management in an incremental way. FAO has offered considerable advice and calls for a holistic, integrated and participatory approach. To this we should add common sense.

Fisheries cannot avoid having an impact on the marine ecosystems in the process of producing seafood from healthy fisheries. Fishing communities and societies must be allowed to pursue their legitimate business of establishing economic development that meets the needs of the present generation without compromising the ability of future generations to meet their needs. Fishing is the only human activity in the oceans that is totally dependent on healthy ecosystems and clean oceans. Fisheries management is all about balancing conservation and optimal utilisation of the living resources of the sea.

NEAFC is increasingly seeking cooperation with intergovernmental organisations which monitor and regulate human activities other than fisheries in the marine environment. This initiative includes co-operation with NEAFC's environmental counterpart in the North East Atlantic, the OSPAR Commission (for the Protection of the Marine Environment of the North-East Atlantic).

Achieving Sustainable Fisheries: Huw Irranca-Davies MP, UK Minister for Marine and Natural Environment

Thank you for inviting me; I am very happy to be here. I am very encouraged by what I have heard today. There has been a genuine engagement with innovative thinking on the way forward. Just to pick up on what Barrie Deas was saying about radical change, we must remember that today's radicals and visionaries are tomorrow's mainstream thinkers.

It is quite amazing to be here with such a wide range of interests from across the EU and beyond. This is what was envisaged when the 2002 reform proposed Regional Advisory Councils to increase stakeholder participation in fisheries and specifically to advise the European Commission and Member States. Therefore I am genuinely delighted to support this event together with Richard Lochhead. As the UK fisheries minister I am here to listen to all of your views; to receive all your advice. It is important that we work together to build on some of the successes of the last reform and improve the effectiveness of the CFP for the future. This event is part of that opportunity.

We are rapidly approaching a time when we will all need to submit a response to the Commission's Green Paper. Our responses will jointly contribute to the options that the Commission will be assessing as a basis for future proposals. Let us not limit ourselves to problems and constraints that we experience now but try to learn from them so that we can think more clearly about what is needed to build a sustainable and profitable fishing industry and a productive and healthy marine environment – not only for our generation but for future generations to enjoy and profit from.

We may say to ourselves that there will be another opportunity to reform in ten years time and that we should make steady incremental change. But we should ask ourselves – can

we really afford to wait another ten years, until 2022, for further reform or should we seize the opportunity now?

I for one am willing to consider all the options if that means finding a way to bring about improvements to EU fisheries: to the state of the stocks and the environment on which they depend; to the profitability of the industry; to better integrate fisheries management with other marine uses. By achieving these improvements, the wider benefits to our coastal communities and the general public will be delivered. That is what I mean by achieving sustainable fisheries.

But I want to discuss with you the means by which we can achieve sustainable fisheries.

The case for change is undeniable. The European Commission are critical of the Common Fisheries Policy in their Green Paper. I do not think we need a stronger signal than that to tell us that we must consider fundamental changes to the current policy. The Green Paper outlines the structural failings and I would say that, in short, the basic terms of the CFP are too rigid, too short term and over-centralised.

The rigidity of the policy manifests itself through a backwards looking quota system that does not allow fishermen to match their fishing opportunities to catches on the ground. This issue must be tackled not just for the benefit of today's fishermen but also for the next generation of fishermen. It is a waste of a biological and economic resource, benefitting no one and contributing to longer term problems and public mistrust. So I ask you if a more flexible approach to managing fishing opportunities is a vital element of reform. And we must consider whether a less rigid system can be achieved with relative stability or without it. Many of you here know the daily problems encountered on your fishing grounds. Your views are therefore critical.

The Common Fisheries Policy creates a short term decision making framework. Most businesses look to develop plans that set the strategic direction for their organisation for at least three years. However, EU fisheries do not adhere to this policy and fishermen cannot be certain about the strategic direction set for the following year let alone three years. This framework is created by the decision to meet annually and set fishing opportunities, effort restrictions and technical measures. The industry has only a matter of weeks to adapt, creating short-termism which creates too many uncertainties.

And since fishermen operate in a dynamic natural system, the impacts of climate change and global economic situation are beyond our control so let us not create more uncertainty needlessly.

The over-centralised approach of the policy can create ill-fitting regulation that is far too prescriptive. I was struck by a presentation by the European Commission that included details of a regulation for the Baltic that laid out the statutory process to be followed by fishermen to repair a square mesh panel. I am pretty sure that the Council of Ministers is the wrong place to debate such detail. I'll certainly not commission a formal request for RAC advice on that point!

Together we must reverse those shortcomings. A reformed Common Fisheries Policy should facilitate effective planning beyond the annual cycle: in fact we should ask ourselves

'do we need an annual cycle?' A reformed policy should have the flexibility to adapt to local circumstances and to the realities faced on the fishing grounds.

This conference focuses on decision making. There has been much discussion on the regionalisation of the Common Fisheries Policy over the year. The Green Paper itself is clear that very little can be achieved if the catching sector is not motivated and does not support change. On the one hand there are likely to be more effective decisions taken if they are taken closer to the fisheries. On the other hand it is important that those decisions contribute to our overarching goals. It is important that we develop a system where fishermen, together with scientists and other experts have a genuine stake in the development of the rules of their fishery. And that Ministers, the European Commission and Parliament have had their say on whether those rules fulfil the criteria to deliver.

So, I can envisage a Common Fisheries Policy where I and my Ministerial colleagues from across Europe agree with the European Parliament on Commission proposals for the strategic objectives that govern the policy. These could include objectives on stock levels, exploitation rates, reducing discards and the incidental by-catch of other marine species, and meeting good environmental status. At the regional level fisheries plans are brought together, taking account of local variations. Those plans would explain how those objectives should be reached. In other words they operationalise the objectives of the policy.

And we should draw and build on experience from the last reform to develop a regionalised model. The RACs have been a success and have been very busy. I am sure there are some of you here today that could tell us how many pieces of advice have been submitted. I'd be interested to know.

But there is a finite resource across EU fisheries where many experts and fishermen wear different hats at different times. We must be conscious of the need to make available the necessary support to a regionalised framework, especially during the transition after 2012. An important part of making a regionalised management system successful is to make the system more open and transparent. I believe that is vital to its success. When plans are presented, for example from a regional sea area to the Commission, there must be a structured and open process for finalising these plans. There cannot be a system where refusal to accept a plan is not supported by a thorough analysis of the reasons and an indication of the areas of improvement so that the development of the plans can progress.

Regionalisation then could be an effective policy in moving forward reform to deliver better and more long-term management plans that take account of stock interactions and socio-economics, and drive out of the system the uncertainties brought about by ever changing rules.

But regionalisation alone cannot drive out the rigidity of the Common Fisheries Policy. Fishermen need greater flexibility to encourage their own enterprise, initiative and active engagement in the future of their industry. Long term management plans will help deliver this, along with increased flexibility to adapt to changing circumstances. Some of the existing rigidities in the system are that fishermen may never have quota for some stocks found on the fishing grounds, as they or their predecessors did not build up a track record 30 years ago. That leads to an inability for fishermen to benefit financially from stocks for which they have no quota, whether simply landing a valuable catch or being able to target better

stocks to adapt to market demands. It also leads to the discarding of vast quantities of fish. Most fish will be dead, and by throwing it back into the sea, we are benefitting neither the marine environment nor the fishing industry itself. We must find a way around the root cause of the problem.

The problems apply whether there is a quota system or an effort system. Stocks in a mixed fishery are invariably at different levels that change over time and will never match the fishing opportunities available to fishermen throughout the year. That implies that fishing opportunities need to be able to change hands quickly and simply. We have a system that allows us to happen to a small extent. The process of swaps and leasing has developed despite the policy rather than because of it, driven by the necessities of managing a fishing business.

People ask, and the Green Paper asks, whether relative stability would have to be dismantled. Perhaps that is the wrong question. Should we not look first for the most effective way in which to exploit our resources? Having identified the best ways in which to allow fishermen to operate efficiently and reduce catches of unwanted by-catch, we can then consider how best to shape and apply relative stability. That is partly what I meant earlier by breaking the link between the constraints of today's system and promote innovative thinking about the future of fisheries management in the EU.

I agree with those who say that not all the problems of today require long discussions on future change. I am committed to tackling the tragedy of discarding. I know that everyone here is committed also. That is why we are working together in the UK and with our EU partners to do something now. In the UK, Richard Lochhead and I are working together to identify new ways of tackling the dilemma of discards. We are working with Denmark and Germany to test a new initiative that if successful would contribute to the development of options for reform but also importantly may provide a way to do something about the problem of discarding sooner than 2012. I congratulate the Danes on developing the idea and I am pleased to be able to associate the UK with that project.

We must not just focus our attention on reducing discards of commercial species. We also have to strive to reduce the incidental catch of marine species, such as seabirds and cetaceans. That is why the UK is playing a leading role in finding ways to reduce by-catch and will continue to push for firm commitments on this in the EU and internationally.

I will end by saying that we are taking action in other ways. The UK Marine Bill will pass onto the statute books later this month. The Marine Bill will change the way we manage the marine environment in the UK. It is not a simple reorganisation of existing activities but provides for a more integrated approach to the management of the marine environment and, interestingly considering the nature of this conference, devolves powers to deliver that change and requires that all stakeholders should play a part in the development of marine plans. It demonstrates that the UK is serious about change – the right change, the changes you are talking about here today – and that we can see that there can no longer be policies that operate in isolation from others. Fisheries management should be an important and integral part and take a real leadership role in the integrated management of the marine environment. That can only have a positive impact on the fishing industry and the public perception of it.

I am keen that the UK actively supports ideas and initiatives intended to improve fisheries management. And so I look forward to discussing your views on the best way to improve the management of our fisheries.

Comments from the floor

Jim Portus thought that long term management plans would clearly be at the centre of a reformed Common Fisheries Policy, and such plans would be science-based. But who would be the arbiter of the science? What if the science was discredited later, as it often had been in the past? One example was Eastern Channel sole. The science behind the plan had long since been discredited but the plan was still in place. There should be an exit strategy for plans which subsequently turned out to be based on poor science.

Axel Wenblad thought that plans should be based on the best science, but circumstances did change. If the science proved to be wrong then it should be possible to change the plan. Management should be adaptive.

Barrie Deas agreed that if the plan was wrong it should change. The new ICES Benchmark meetings were a positive development. They could lead to a radical change in the perception of a stock, and managers would then adapt the plan – hopefully in a manner which would not result in abrupt change.

Huw Irranca-Davies said that getting the best possible, up-to-date science was important. Fisheries/Science Partnerships had proved a valuable way forward. Additional resources might be needed in future at a regional level to augment the advice available. We might need to develop reference fleets, and to acquire better information on the actual catches taken by fishing vessels.

Joe Maddock opined that relative stability was currently too rigid in the mixed fisheries. The way it operated militated against fishing sustainability. It was too difficult to swap quota under current conditions. There must be an open debate on this topic.

Another participant said that the RACs would have to play a new role with the reform of the Common Fisheries Policy. The RACs were all different from one another and had different constitutions. There might be options for varying the RACs in the future, rather than sticking to one model.

Gerard van Balsfoort commented that Barrie Deas had outlined a wider role for fishermen and Producer Organisations within a co-management system. They had already extended their roles within the Netherlands to cover not just quota allocations but subjects like engine power. He supported this wider role. However, those additional responsibilities required staff and resources and he was not sure where these would come from.

Axel Wenblad agreed that the RACs already operated in different regional seas, and had to look at very different problems. One size did not fit all. There should be an option for RACs to define their own roles.

Reine Johansson said that the RACs were now discussing this. He thought there would be further differences between the RACs in the future. Their funding needed to be more flexible too. Lack of resources was holding their work back.

Barrie Deas returned to the subject of relative stability. He thought the current system did provide stability. Swaps were possible, and with greater flexibility over transfers many of the current problems could be resolved. Additional flexibility might also be provided by combining the quotas of species which were sold at similar prices. For example the quotas for cod and haddock might be merged, and perhaps also those for monks and megrims. He thought that if the RACs were to continue to provide advice from stakeholders they needed better resources – especially for producing preparatory papers for discussion at meetings and working groups. In the future fishers, managers and stakeholders needed to be in the same room, whatever model was used for regional management bodies. On co-management there were a number of problems. There were practical problems in securing the engagement of stakeholders, and we had to gauge the willingness of bodies to move in the direction of taking additional responsibilities under co-management. Many organisations were not prepared for it. Perhaps the European Fisheries Fund could be used to build capacity within the industry to undertake this role.

Euan Dunn agreed with the panel on the need for RACs to develop. He had been impressed by the huge wealth of fishers' knowledge – which was currently not being used in developing policy and implementing management measures. We must get the spatial scale of regionalisation right and it would not be helpful to have relatively localised industry groups developing fishery plans in isolation from wider co-management. We must also consider the special status of inshore fishermen

The Four Workshops

Four workshops met to discuss:

1. **A Stronger Regional Dimension to the Common Fisheries Policy:** Chairman, Huw Irranca-Davies MP, Minister for Marine and Natural Environment; Rapporteur, Pim Visser, President of the European Association of Fishing Ports and Auctions.
2. **Managing Stakeholder Participation within the Common Fisheries Policy:** Chairman, Sean O Donoghue, President of the European Association of Fish Producers Organisations (EAPO); Rapporteur, Jan Willem Wijnstroom, European Anglers' Association and Chair of the General Assembly of the North Sea RAC.
3. **Models for Future Common Fisheries Policy Decision Making including the role of Regional Advisory Councils:** Chairman, Michael Park, Chair of the Scottish White Fish Producer's Organisation; Rapporteur, James Muldoon, Marine Scotland

The working group was preceded by a 15 min Presentation by Anne-Sophie Christensen, University of Aalborg.

4. **Future Needs for Expert Advice:** Chair, Maureen Watt MSP, Chair of the Scottish Parliament Rural Affairs & Environment Committee; Rapporteur, Carlos Aldereguia, Secretary of the Long Distance RAC.

The working group was preceded by a 15 min Presentation by 15 min Presentation by Henrik Sparholt of ICES.

Workshop 1: A Stronger Regional Dimension to the Common Fisheries Policy

In adopting a regional dimension we must first define what is a 'region' and what issues are 'regional'. We are ranging in scale from the European Community itself to groups of producer organisations operating at the level of a fishing fleet. In some regions there is enthusiasm for a regional approach. Others are more cautious. There will need to be a differentiated approach.

The role of management will be much wider in the future and will encompass an ecosystem approach. We will first need to adopt a common definition of this approach. Fisheries can no longer be kept in a silo, isolated from wider issues. The introduction of the Marine Strategy Framework Directive and other directives would see to that. The RACs are not quite ready to adopt a wider role but there are bodies under construction in some countries which while not yet ready could serve this role; for example the UK Sea Fisheries Committees.

Some participants pleaded for more strength to be given to the RACs; for them to be given a management role. Others were opposed to that, as it would give rise to many practical problems. The RAC itself is not the right model for managing tasks. One way forward would be to involve Member States in the operation of the RACs and to establish a regional committee of Member States to take management decisions. If the advice of the RAC was rejected the management body would need to give strong explanations of why they chose to do so.

This is the time to move forward. We need to present a strong model, well argued and with the practical aspects fully considered. The credibility of our proposals will determine the level of acceptance. The new arrangements should not replicate the micro-management of the past. The current system should not simply be replicated at a regional level. We should not be creating the kind of body which would be crushed between ambitions from above and practical problems at the sea and harbours level. The design of a credible regional management body would be our task in the coming weeks and months.

We have to capitalise on the experiences of the RACs. Which Member States should be involved: only the coastal states; those with genuine interest; or those who saw an opportunity?

Coming up with tangible, practical and workable solutions, fitting within the legal framework, would be a challenge. Costs would need to be considered. Quality advice, with stakeholder engagement could not be obtained cheaply.

Integrated management would require an integrated organisation. But fisheries knowledge was different to other areas of knowledge. We would need to focus on the tasks of fisheries

management, but with linkage to other maritime issues. There needed to be an open discussion of what was meant by an ecosystem approach, and who could say what 'good environmental status' was. This is a discussion about interest-based opinions. There is no right or wrong answer, but the discussion needs to begin.

In terms of taking regional management forward not everyone would be enthusiastic. There will be a battle between the mind and the heart; the heart wanting to leap forward, the mind bringing in constraints. Regional reform will lessen the power of people and institutions.

In conclusion regionalisation must take place at the right scale, appropriate to the situation. It should be taken forward with ambition, but with practical constraints in mind. Development of our proposals now has to take place at very short notice.

Workshop 2: Managing Stakeholder Participation within the Common Fisheries Policy

Sean O Donoghue had set the scene for the Workshop. He had described the relevant decision making bodies. These included the Council, the European Parliament, the Commission and International Bodies (like ICCAT and the RFMOs). The relevant advisory bodies were the RACs, ACFA, the Social Dialogue Committee, ICES and STECF. There were three key issues to discuss:

- Definition of the stakeholders
- Different scenarios for participation
- The type of participation

On the first of these, who should be included as stakeholders? Who are the legitimate participants within a devolved system of management? The Council Regulation establishing the RACs had given a wide definition of fisheries sector: including the catching subsector, ship-owners, producer organisations, traders, processors, other market organisations and women's networks. It had also given a wide definition of the 'other' interest groups: including environmental organisations; aquaculture producers; consumers of fish; and recreational or sports-fishermen.

There was no doubt that some participants in the workshop believed that the fisheries sector provided the real stakeholders. However, it was generally agreed that representation on the RACs was satisfactory; there was no need to redefine the membership. In the view of the Commission a redefinition and limitation of membership to certain categories was not desirable in the light of good governance.

On the other hand, membership procedures as they are now practised in different RACs could be reviewed in terms of their effectiveness. Attention should be paid to the role of the Member States in approving membership. ACFA has much more stringently defined criteria. There is a need for RAC members to work together and co-ordinate their views, with members having the ability to speak for their organisations. There is also a need for continuity, with the same people attending as representatives.

There were, however, resource problems; there were lots of meetings. In terms of other advisory bodies, there were different forms of participation. In some, stakeholders are fully involved and able to attend all meetings, subject only to legal constraints. In other cases stakeholders can only attend as advisers and in others merely as observers.

It was now being assumed that there would be new regional management bodies established, although their precise identity was not yet clear. These bodies might play a real management role; on the other hand they might just have an advisory role. There were evidently legal obstacles to what could be achieved in terms of delegation of powers. However, regionalisation is fully justified and there will be further discussion of these regional bodies. The question is 'what will happen to the RACs'? So far co-operation within the RACs has been good. They have worked well.

There was a further question to be asked. How can the knowledge and expertise of local fishermen and their communities be brought into fisheries management and into the RACs? It was in the interests of inshore fishermen to organise themselves on a Member State level first. They should also align themselves with existing organisations.

What procedures can be introduced to ensure that advice from stakeholders is taken seriously? At the moment, advice from the RACs may be ignored. Extended or enhanced RACs would require provision that only in exceptional circumstances should their advice not be taken on board. Examples exist in the USA Management Councils. There, if advice is rejected it has to be reconsidered and resubmitted. Only in exceptional circumstances is it rejected.

What would happen if management responsibilities were devolved to a regional management organisation on which stakeholders were not directly represented? It was considered that enhanced RACs should then retain their advisory role and liaise with regional entities. It would be important for stakeholders to participate in the regional entities as observers. Stakeholders should also have their involvement strengthened with other bodies like STECF, ACFA, ICES and the EU Management Committee.

Workshop 3: Models for Future Common Fisheries Policy Decision-making including the Role of Regional Advisory Councils

The first question concerned whether it was best for decisions to be made at a regional level. The workshop had concluded that correct decisions are what are required. Where they are made is less important. Regional dialogue offers a vehicle for obtaining effective answers; but, only if stakeholders buy-in to the regional approach. There is a definite need to empower the RAC's to fulfil their potential. However, fisheries would continue to be managed on an international basis. There is no scope for re-nationalising fishery resources.

It is important to move away from short-term decision-making. Long-term management plans (LTMP's) are now needed and should be developed within an appropriate time frame. There is scope for regionally organised implementation of the objectives of LTMP's through a staged and measured approach. However, success of long term planning depends on buy-in from industry. Fishermen themselves must be able to contribute to the development

of the LTMPs. The Scottish scheme of Conservation Credits is a useful example of bottom-up solutions and shows the benefits of an incentivised approach.

It is necessary to obtain better, more up-to-date scientific advice. That can only be achieved by industry involvement in the collection of data, and an end to mistrust. Every fishing vessel must be treated as a research platform. There must also be an end to the political interpretation of science and greater transparency in decision-making. Scientific resources must be shared to further ensure buy-in to decisions. More scientific resources might be required.

Finally, to improve decision-making there has to be greater awareness of the wide stakeholder base and the need to involve stakeholders in all decisions. The development of LTMPs will cater for these wider interests. Through the preparation of fishery plans a balance will be obtained between the interests of the fishing industry, communities and the wider marine environment, including achieving good environmental status. There must be a balanced checklist for the implementation of such plans. And within the plans the conservation of fishermen must be accounted for.

Workshop 4: Future Needs for Expert Advice

Obtaining scientific advice is expensive, and yet the quality of scientific advice must be improved. There is a need to improve cooperation between scientists and fishermen and also to reduce suspicion between scientist and fishermen. Their relationships can be improved and costs reduced by scientists and fishermen working together. This is now happening on an increasing scale but it needs to be extended. Fishing vessels are potential research platforms.

It is also important to prioritise the needs for expert advice, taking into account both socio-economic and environmental aspects.

There are particular problems for stocks without sufficient data. Usually a precautionary approach is applied to those stocks with the result that fishing opportunities are reduced. That was not the best way to proceed. If no information was available then it would be better to adopt the more pragmatic solution of leaving quotas unchanged and then to monitor the effects, rather than ICES giving unsubstantiated advice. Co-operation between scientists and fishermen should try to fill in the gaps for those stocks

The elimination or reduction of discards is a priority. We need to classify discards into three different types:

- Those that can be commercially landed and have a value
- Those that cannot be commercial landed but which might have a value
- Non commercial species which currently have no value

There are opportunities for landing products. In Australian fish are landed and used in alternative ways (bio-fuels, animal feeds, etc.).

Regional management appears to be coming, and with it there might be an opportunity to use expertise from different sources such as the Universities. Data collection procedures would need to be appropriate but there was already a need for harmonisation of catch and landings data as the basis for improve data collection. There is also a need to provide incentives to increase the participation of scientists in fisheries research. Currently, some were reluctant to become involved in fisheries issues.

To summarise, there needed to be improve co-operation between the actors involved in the management, of fisheries, and especially between scientists and fishermen. We now have a younger generation of fishermen who see the resource as something to be taken care of. They are willing to work with scientists and to help gather information and, as far as possible, collect the key data from the fishing fleet that scientists require to provide sound advice to decision-makers.

Discussion of the Reports from the Workshops: Chairman, Victor Badiola, Chair of the South West Waters RAC

Discussion on the workshops was opened by Victor Badiola. The regional Advisory Councils were now established, and had greatly helped the involvement of stakeholders. We now had a feeling that we were sharing in something worthwhile. Trust was being built up.

The new key word was 'regionalisation'. This would introduce a cultural influence into decision-making; but without being unduly nationalistic. There would, however, be a need to further overcome a lack of trust.

Bertie Armstrong asked whether Working Group 3 had come up with any new, workable models for a regionalised CFP. Did we have any possible solutions? James Muldoon replied that no single clear model had emerged. The discussion had mostly been theoretical. However, there had been general agreement that the core feature of decision-making would be the preparation of long term management plans for the key fisheries.

Sean O Donoghue had a question for Groups 1 and 3 in relation to the regionalisation model. How would the Pelagic RAC fit in? The fishery spread over a wide area. For Group 4, he asked whether the group had looked at how science is delivered. Currently it provides only short-term advice, and can only evaluate long term management plans. Pim Visser replied for Group 1 that regionalisation was of course based on a geographical approach, but there were wider aspects to both the pelagic and Long Distance RACs. However, from a conceptual point of view there is no difference. James Muldoon said that his group had emphasised that if the system for taking decisions was right it could be applied in a variety of settings. There were at least four participatory models, but the group had not reached a consensus on this.

Pim Visser asked how we could work up these models into concrete proposals. Barrie Deas agreed that this was the important question. How will we use the information gathered at this conference? The North Sea RAC would be meeting on the 1st December in Brussels and would harvest ideas from this conference and prepare a response to the Green Paper.

Ate Oostra said that he had attended a lot of Fisheries Councils. Reducing that process to a regional level would be difficult. Key decisions do tend to come forward at the end of each year. To obtain regionalisation you would have to persuade the Council to seek advice from the RACs on regional issues. Parliament could also do this in concert with the Council. One solution would be to bring the long term management plans forward from the RACs to the Council. It should of course be obligatory for the Council to seek counsel from the RACs as part of the decision-making process.

Huw Irranca-Davies said there was a need to construct a tangible workable model. Let's see what comes forward from each RAC. We politicians can then pull them into legal, workable, streamlined, accountable, and resource efficient structures with the appropriate breadth of engagement.

Ann Bell proposed that a small Inter-RAC working group could be convened to fill in some of the details.

A Spanish participant asked whether the plight of small scale fishing in local areas had been considered by the working groups. Small scale fisheries were not adequately represented within the RACs, and yet these fisheries often took place in the richest of ecosystems. The conclusions reached by the RACs might be different from those reached by those engaged in the small scale fisheries. Victor Badiola insisted that the RACs are open to everyone. If the views of small scale fishermen were not heeded it was because they did not attend the RAC meetings. They are certainly well represented in some of the RACs. Carlos Aldereguia said that his group had not specifically considered small scale fisheries but had considered the differences between fisheries. Pim Visser emphasised that regionalisation was the topic. The position is different within the different regional seas. There was certainly scope for considering the views of small scale fishermen.

Huw Irranca-Davies ended the discussion by saying that all Ministers would now want to engage with these discussions, in order to take forward an agreed model or models. There was clearly consensus on some issues and not on others.

Concluding Presentations

Democracy and the Role of the European Parliament within a Reformed Common Fisheries Policy: Struan Stevenson MEP, Senior Vice-President, European Parliament Fisheries Committee

I am very proud and honoured to be here today and very grateful for this opportunity to be back in Scotland and talk to you about the role of the European Parliament within the CFP.

During the last fifty years, the European Parliament has moved from being a largely consultative forum, and up until 1979 - composed only of delegations appointed by each of the Member States' national parliaments, to being a full co-legislator in many areas.

The case of the European Parliament is unique. It is the world's most far reaching undertaking of transnational democracy and multilingual to a degree unknown elsewhere in

the world (23 official languages are currently used in parliamentary work). It's like the tower of Babel!

Elected for the first time in 1979, it is still a young parliament, but has developed its role and powers considerably in the thirty years that have passed since then and expanded from 410 members from 9 countries, to 736 members from 27 Member States.

Unlike most national parliaments, the European Parliament has never regarded itself as a part of a fully developed constitutional system, but rather as part of one in a process of evolution and requiring change. It has consistently argued that the Union should only perform tasks that can be carried out more effectively through common policies and not by Member States acting separately. As the only directly elected body of the European Union, Parliament has always insisted on better democratic control and accountability at a European level.

It is in the parliamentary committees that much of the detailed work of the Parliament is carried out and this also applies to the work of its Fisheries Committee.

Until now, the adoption of Community legislation on fisheries and aquaculture issues has been a task for the Council, following a legislative proposal by the European Commission. Except in a very few cases, the European Parliament has been merely consulted, in accordance with Article 37 of the EC Treaty.

Despite the limitations of this consultation procedure, a number of the Fisheries Committee proposals has been taken into account, in full or in part, by the Commission or the Council, or else contributed to the decisions taken. The Fisheries Committee has consistently provided a major platform for debate and political pressure, voicing the concerns of the sector's representatives on many occasions, through own initiative reports, resolutions, public hearings or with delegation visits to different regions establishing contacts with the sector and local authorities.

In times of crisis, the Committee has always been prepared to intervene in defence of the sector's interests, through oral questions to the Commission or motions for resolution in plenary. This has been a constant feature of the Committee's approach since its creation.

But all of this is going to change. The Lisbon Treaty, finally signed off yesterday, heralds for the Common Fisheries Policy (CFP), a far-reaching change in the decision-making system, where Parliament will cease to be a mere consultative institution and become a full legislative body with shared powers of decision on an equal footing with the Council. In this new scenario, Parliament *and* the Council will establish the necessary provisions to pursue the objectives of the CFP together.

With regard to international fisheries agreements, the main innovation is the procedure for their conclusion, since the new Treaty clearly states that such agreements will have to be approved by Parliament (new *consent* procedure) before they can be concluded by the Council. In practice, this right of veto will extend and improve, from Parliament's point of view, the scope of parliamentary assent, which is currently limited to agreements which have significant budgetary implications or involve the creation of a specific institutional framework.

By considerably extending the Parliament's co-decision powers, the Lisbon Treaty will contribute to strengthening the democratic legitimacy of the European Union and the democratic accountability of the CFP. This increased role for the European Parliament will mean more opportunities for participation and more accountability.

The CFP has been subject to strong criticism for being based on "micro-management" and a "one size fits all" approach that have not been conducive to compliance. The CFP has failed to protect fish stocks, over 88% of which are near collapse in EU waters. It has also failed to protect jobs, with thousands of fishermen, processors and land-based workers out of work. De-commissioning, tie-ups, catch restrictions, quota cuts, effort limitation, kilowatt-days, net sizes and a draconian punishment regime, have forced many of our fishermen out of business. Skippers and crew have to sail through a storm of red tape and bureaucracy, before they brave the dangers of our oceans.

The European Commission's Green Paper on CFP reform offers a glimmer of hope and points the way to radical initiatives that will devolve control of fisheries management from Brussels, handing it over to the Member States and from there to the main stakeholders; the fishermen themselves. The input of other advisory bodies like the Advisory Committee for Fisheries and Aquaculture (ACFA), the Sectoral Social Dialogue Committee for Sea Fisheries (SSDC), the Committee of the Regions and the Economic and Social Committee have also increased since the reform of 2002.

Positive experiences of this closer involvement are reflected in one particular project, pioneered by Scotland. The 'conservation credits' scheme rewards fishermen who use specific fishing gear to target certain species with credits for extra days at sea. It has been largely successful, although I have heard some grumbles from the sector. In addition, the voluntary agreement of Scottish fishermen to close areas where there is an abundance of juvenile cod has also been applauded. The Baltic Sea RAC has also introduced a similar project to improve selectivity, to address the problem of discards and the Pelagic RAC initiated the horse mackerel management plan.

However, the final legislative acts on CFP Reform will not be completed until 2012, so we need to survive the next three years if we wish to ensure that we have a modern and well-equipped fleet, ready to meet the demands for more healthy seafood in the future. Sustainable fishing, protecting our ecosystems, better science, financial stability and a better and safer working environment, are all key components for an improved fisheries policy. The reality at present is rampant over-fishing, inadequate science, massive discards, large-scale ecosystem damage, poor financial rewards and often dirty and dangerous working conditions - the hallmark of 50 years of the CFP.

But how do we improve governance and decentralisation in the CFP? Should we strengthen the role of the existing consultative bodies or create new regional bodies, involving stakeholders, national administrations, scientists and representatives of the EU institutions? Whatever decision is taken; we need to remember that the challenges and opportunities also go further than just fisheries. Transport, energy, tourism and a host of new coastal developments are placing their own pressures on the marine ecosystem. Climate change and pollution have already had a huge impact on Europe's seas and coasts.

All of these issues mean that the CFP cannot be looked at in isolation. So the reform of the CFP means taking a fresh look at the broader maritime picture. Fisheries have been traditionally very important in coastal regions, which have a crucial role to play in the development of integrated policy-making in order to ensure a sustainable future for coastal communities. Improving research on marine knowledge and on the collection of socio-economic data on maritime sectors and coastal regions will help to shape future policies.

In the European Parliament's Fisheries Committee, we have started to prepare our position on the Commission's Green Paper on CFP reform. We are looking at various issues such as how to deal with the principle of relative stability and transferable fishing rights. There is a broad consensus on the need to address overcapacity, ensure long-term sustainability and to protect small-scale coastal fisheries, but the opinions vary on the different options and solutions for CFP reform and the debate will continue in the coming months.

A draft initiative report will be presented at the Fisheries Committee meeting of 30 November and a deadline for tabling amendments will be fixed. Our Committee is also preparing to host a public hearing on the Green Paper on 1st December this year, which you are warmly invited to attend. The vote in Committee on this initiative report will be held at the end of January 2010. There will then be a final vote in the plenary session in Strasbourg at the end of February 2010. We are looking forward to receiving your contributions to this wide and crucial debate.

As previously stressed, co-decision will bring new powers but also more responsibility to the Fisheries Committee. We will be very attentive to your valuable input regarding the shaping of Community legislation and ready to listen to your views and proposals regarding the possible delegation of decision-making. Opinions drawn up by relevant consultative bodies, namely the ACFA and the RACs, will be extremely useful to us before and during all the decision-making processes.

The new CFP must be devised in close cooperation with those working in the sector, who must be heard and taken into account if they are to be expected to cooperate in the proper application of the rules. If the CFP is to regain the confidence of the fishing industry, it needs to become more regionally sensitive. I believe that decentralised fisheries management must be strengthened to take account of the specific characteristics of resources, the geographical areas where they are located and the interests of the fleets concerned, ensuring that all those with fisheries related interests in the zone are properly represented and that decisions are taken at the lowest possible level.

In its resolution of April 2009 on "Governance within the CFP", the European Parliament called for closer links between Parliament and the different advisory bodies, like the RACs, ACFA, the Committee of the Regions and the European Economic and Social Committee. It has also been stressed that the coexistence of the different advisory bodies helps compatibility with maritime and marine policy and integrated coastal zone management.

We also need to recapture Europe's place at the forefront of world aquaculture production. We need to lead the world in fish farming and yet we have allowed countries like Chile, China, Vietnam and Turkey to seize our market share. One reason for this is red tape. Our fish farmers complain that they have to comply with over 400 separate rules and regulations before they can sell a single fish. We have an ideal coastline, cutting-edge science and

technology as well as innovative and hard-working fish farmers, ready to meet the demands of a growing population for healthy fish products, so let's cut the red tape and start supporting our fish farmers instead of putting obstacles in their path.

Within the CFP reform we must also address the failed attempts at cod recovery. According to ICES, the Commission has failed to halt the massive collapse of cod stocks in the North Sea and West of Scotland. Despite the fact that 60% of the Scottish whitefish fleet has been scrapped over the years, the scientists claim that cod stocks are still low. But surely more red tape is simply not the answer.

The Commission partly blame *Nephrops* (prawn) trawlers who use 70-99 mm nets and who, according to the Commission, account for up to half of all cod mortality due to by-catch. The cod recovery plan makes provision for an exemption for gears which catch less than 1.5% of cod but in practice this is proving impossible for the fishermen to achieve. I've dealt with dozens of complaints from angry prawn fishermen in the West of Scotland who catch no cod at all, but still have not qualified for this exemption!

In addition, any attempt at a cod recovery plan must take into account the rapidly increasing grey seal population in the North Sea, which is thought to be in excess of 200,000. Given that a grey seal will eat 2 tonnes of fish a year, that's 400,000 tonnes of fish, including a lot of cod! That is massively more than our fishermen are allowed to catch! We can't simply ignore this fact. If we are serious about fisheries conservation then we have to aim for a sustainable seal population.

I would like to finish with some specific words concerning the RACS, who are the co-organisers of this important conference. Let me reiterate that the reform of the CFP should consolidate the role of the RACs for an increased decentralisation of the CFP, so that when common measures are adopted, they may be applied to the different zones in line with the specific requirements of fisheries and fishing conditions.

In its resolution of April 2009, the European Parliament called on the Commission to increase their visibility and encourage participation by a wider range of stakeholders, to improve the RACs' access to scientific evidence and data and the liaison with STECF, to involve them as early as possible in the consultation process and to provide benchmarks to allow an assessment of the consistency of their advice with CFP objectives. The European Parliament considered that RACS are currently under-financed for the level of work that they are undertaking and that alternatives to the current system should be explored.

The Committee on Fisheries was asked to take concrete decisions for achieving closer cooperation with the RACs, in particular through the appointment of specific "Liaison Members" of the Committee for each RAC, as well as ensuring greater participation of the RACs in the meetings of the Committee and regular contact between the secretariats of the Committee on Fisheries, the RACs, and the Inter-RAC Committee. I am happy to inform you that all these recommendations are being implemented by the newly elected Fisheries Committee and that we are deeply committed to enhancing our mutual co-operation.

There are challenging times ahead, but I am certain that working together, we can meet these challenges and overcome the difficulties that have beset our industry in the past.

Concluding remarks: Poul Degnbol, DG Mare

This conference has been the main event of the whole debate on reform of the Common Fisheries Policy. It has provided us with a chance to be creative.

There had been conflicting feedback from the Member States and other interests on the Green Paper proposals. Some members of the European Parliament saw the reform as taking responsibility away from them. Some fishers were reluctant to have responsibilities thrust upon them. Overall, however, there was enthusiasm for reform and for a new regional system of governance. Struan Stevenson did not see giving power to the people as diminishing the power of the Parliament. Many within the fishing industry saw these proposals as a new challenge. The environmental NGOs saw them as a chance to move forward.

We had now had a chance to consider different models for regionalisation, and further discussion could now take place on the different options. The conference had provided us with a chance to think about the future, and it had therefore been very successful. It had been organised by those organisations – the Regional Advisory Councils – which had only come into being through the last reforms. We could now be optimistic, as we were all moving forward in the same direction.

Rapporteur's Summary: Professor Anthony Hawkins, Rapporteur for the North Sea Regional Advisory Council

There have been many presentations at this conference; all of them thought-provoking. My problem is how to do justice to them all. Rather than attempt a summary, which would take far too long, what I will do is make some general points which have come forth from our discussions.

First of all, it is quite evident from this meeting that the need for reform of the Common Fisheries Policy can be taken for granted. Here, we are all believers in reform. The various speakers have listed in some detail the flaws in the current policy; and there are many. It has also been emphasised that we need to get the reforms right this time. This may be our last chance.

Several speakers have stressed the importance of clarity in defining our future objectives for the policy – what exactly are we looking for in terms of results? It is likely that we can all agree on a long list of long-term objectives. However, defining short and medium term objectives may be more difficult; simply because we find ourselves in a state of crisis over the policy. One of those objectives will certainly be to move away from the habit of short-term decision taking. We must move away from the current reliance on taking decisions each year and announcing them at very short notice.

Speakers have made a strong case for regionalisation of the policy. They have emphasised that management must be brought closer to local conditions in our regional seas or to specific fisheries. Some speakers have said that a regional approach will be essential for effective implementation of fisheries management. Concern has been expressed about geographical restrictions on who can participate in regional discussions – but this problem

has already been resolved by the Regional Advisory Councils. For example, both Spain and Poland are represented on the North Sea Regional Advisory Council. There is scope for flexibility over representation on regional management bodies.

If we are to move to a regional seas approach then we are faced with the question of what needs to be done centrally under the Common Fisheries Policy. What should the 'common' features be within the Common Fisheries Policy? What remains for the Commission and Council to deal with? And what can be delegated to others? There has been general agreement at this meeting on this question. Over arching policy, setting the overall framework and defining the objectives is clearly the responsibility of the Commission, Council and Parliament. The implementation of fisheries management measures is best achieved by a body which is closer to the fisheries and to fishers.

Throughout this meeting there has been emphasis on the need to involve fishers and other interests in decision taking. There has been an immense shift in thinking on this over the last five years. Before the Regional Advisory Councils were established there was real scepticism in some quarters over the role that fishers and other professionals could play. Now, no-one would question their role. Indeed, fishers' participation is considered essential for the success of the Common Fisheries Policy. Management measures cannot be implemented successfully without the involvement of fishers and the environmental NGOs. The acquisition of information from the fleet can only be achieved through co-operation with fishers. Co-management can bring so many benefits.

The big question which has preoccupied us at this meeting is how the involvement of fishers can be achieved within the current legal framework. Is it even possible to devise an appropriate structure for involving fishers and other interests within the current legislation? And where will the Regional Advisory Councils fit in under a new regional management body?

A number of different models for regional management with stakeholder participation have been discussed, ranging from stakeholders hovering on the fringes of management bodies to full delegation of decision-taking to fishers themselves. Discussion of these different models is going to pre-occupy many of us in future weeks. At the moment we all seem to be designing our own, very diverse, regional structures on scraps of paper. Perhaps we should not be too prescriptive about this. There is scope for a number of different options. The important thing is to devise mechanisms for making the best fisheries management decisions, with those decisions arrived at through discussion by all the appropriate parties. At this time we might be better to concentrate on defining the main management elements, the process for decision taking and the participants, rather than devising particular legal structures.

Fishers and environmental interests have agreed that one key element in future decision taking is the development of management plans for particular fisheries and their subsequent approval and audit. Long term fishery management plans are going to be very important. The Regional Advisory Councils are already making significant progress with this. The long term fishery management plans coming from the Regional Advisory Councils, in some cases without prompting from the Commission, illustrate how valuable it is for management to take place at the scale of the fisheries themselves. We should no longer concentrate solely on the management of individual stocks, or consider only biological issues. Our fisheries take

the mix of species that are present on the fishing grounds; that is the reality; that is what leads to the problem of discards. We have to adopt an approach which considers management of each fishery as a whole and sets specific objectives tailored to the circumstances of that fishery. We have to adopt a bespoke approach.

The other key element which has been stressed is the need for fisheries management to adopt an ecosystem approach in its widest sense: that is, in terms of delivering goods and services for the benefit of man in a sustainable way. It is also evident that the scope of fisheries management in the future is going to be much wider. The reform of the Common Fisheries Policy must take account of the need for an integrated maritime policy, and consider the requirements of the new Marine Strategy Framework Directive which demands that 'good environmental status' be maintained. There are resource implications in that. The Regional Advisory Councils are already over-loaded. Fishers themselves wish to give their priority to running successful fishing enterprises rather than engaging in dialogue over broad maritime issues. Nevertheless it is important to engage with these wider issues in an effective way. How would this be achieved? It has been suggested that we need fisheries ecosystem plans for each of our regional seas and that this should be enshrined in the new basic regulation

Given the need for reform of the Common Fisheries Policy, and our wish to introduce a new regional approach, how fast do we need to move to get to there? Several speakers have said that that the problems of the Common Fisheries Policy are so serious that reforms are needed now, not in 2012. On the other hand it is clear that some managers and fishers are reluctant to move quickly, and wish to see change taking place only gradually. They would be unhappy with an abrupt 'big-bang' approach. Perhaps we can be flexible and adopt reforms in a differentiated way? In some regional seas, where long term management plans are already being prepared, it may be possible to move quickly, in one step. In other areas it may be sensible to move much more slowly and carefully.

Relative stability has been mentioned several times. Some speakers have said that it should not be the main focus of our discussions. Others have said that relative stability is the cornerstone of the Common Fisheries Policy. Certainly the allocation of fishing rights is one of the few successes of the policy. Others have emphasised the deficiencies of relative stability; they have said it is too rigid. Flexibility is needed as some fishermen do not have sufficient quota to land the fish they are actually encountering on the fishing grounds. Quota trading and swapping is not yet sufficiently developed to handle this problem. Further discussion of this subject cannot be avoided.

The wider introduction of rights-based management has also been raised. Here there seems to be some agreement that this approach must be considered separately; perhaps for each of the fisheries and certainly for different regions and different cultures. There is no single arrangement that can be applied universally. It is perhaps a solution looking for a problem. We first have to define the problem that rights-based management is meant to solve.

There was also mention of control and compliance problems. There is a general view that control & compliance needs to be revisited. However, this should perhaps be done in the light of other reforms. There may be smarter ways of achieving control than through the highly prescriptive Control Regulation that has just been approved.

Finally, I wish to add a few words of caution. We must ask ourselves whether we will really be given access to the kinds of freedoms we are seeking. I suspect that we have not yet heard from the reactionaries within the Commission and Council, or indeed within the fishing industry. There may be an unwillingness to accept full and far reaching reform, and especially a reluctance to pass responsibility downwards. The only option to be placed on the table may be through 'comitology'; that is the committee process favoured by the Commission to oversee delegated responsibilities. We must ask whether comitology can handle stakeholder participation properly. Such committees are made up of experts and officials from the EU countries. Is there any scope for stakeholders to participate? If not, the presence of the Regional Advisory Councils as subsidiary advisory bodies may be the only way of ensuring that stakeholders can engage with the committees. The question then is how the Regional Advisory Councils can be enhanced to deal more effectively with this task. Should their advice have greater strength? Should it become mandatory for the committees to accept the advice of the Regional Advisory Councils except under specified circumstances? A 'plan B' may be necessary to consider how the Regional Advisory Councils might engage more fully in fisheries management if the only option on offer is comitology. We might also consider how much scope there will be for flexibility and differences between Regional Advisory Councils and between different regional arrangements.

Let us hope, however, that the reforms will be more far reaching; that we will move towards a more participative form of governance. That in ten years time we will be sitting down discussing minor amendments to a new, more sustainable and much more successful Common Fisheries Policy.

Concluding Remarks: Gerard van Balsfoort, Chairman of the Pelagic RAC

The rapporteur had given us a comprehensive report on the many presentations to the conference. We now had to consider our conclusions.

The conference had been very useful in helping the existing Regional Advisory Councils to finalise their position papers on reform of the Common Fisheries Policy, which had to be submitted to the Commission before the 31st December 2009.

A vast array of speakers had approached the subject of reform from different angles; the RACs, industry organisations, e-NGOs, the world of science, the European Commission, and the European Parliament. We had also been given examples from outside the European Union.

There was consensus on the ambition to increase stakeholder's participation in the decision making process. There was also a consensus on a regionalised approach within the reformed Common Fisheries Policy. But, when it came to making these ambitions more explicit, then the picture was less clear and tangible. Why?

- a) There were uncertainties about the legal and institutional constraints. Several speakers had mentioned this, in particular Poul Degnbol and Ronán Long. No conclusions were yet to be arrived at from this part of the discussion on what way

and how far the RACs or new regional management bodies could be given more responsibilities under the Common Fisheries Policy.

- b) The RACs do not share a single unambiguous view regarding their ambitions and the possibility of growing from their current form into a different enhanced body, or even into the next stage of a different kind of regional management body, as worked out by Barrie Deas.
- c) Concern was expressed by various stakeholders (industry and NGOs) about undertaking increased participation and responsibility in fisheries management. In particular in developing long term management plans. Additional resources would be required. And additional responsibilities meant increased accountability.
- d) Fisheries management would become, bit by bit, embedded in a broader marine management system, related to the ecosystem approach and the Marine Strategy Framework Directive. Protecting and restoring ecosystem values, reducing impact on the ocean environment and achieving good environmental status would all become new responsibilities. Yet the Regional Advisory Councils were finding their existing activities quite a challenge.
- e) One important remark had been made several times. Changes, even large changes, in a reformed decision making model should be implemented in an incremental way, with moments for amending plans when needed.

This conference had reconfirmed the ambition that we had to further develop and deepen what had started in the reform of 2002, with respect to stakeholder participation and a regional approach. We had been given a great deal of food for thought. The Regional Advisory Councils now had to deliver their position papers before the end of the year. And those papers might not all point in one direction.

This conference and the position papers of the RACs and others would act only as a starting point for continued discussion leading towards the reform decision in 2012. The new governance model introduced in 2002 should give the RACs ample opportunity to participate in the forthcoming debate on the new Common Fisheries Policy.

The Pelagic RAC was different to some of the other RACs in not operating within a single regional sea. In many ways it was more similar to NEAFC. Special arrangements might need to be made for the pelagic fisheries.

Finally, as last speaker of the day, a number of people had to receive thanks. The idea of this conference had originated during a lunch in Brussels amongst industry representatives. A small idea had grown into this important conference. The following deserved our thanks:

The Scottish Government: for the hospitality they had provided.

The two Ministers, Richard Lochhead and Huw Irranca-Davies: for their personal involvement in the conference and for generously funding the conference.

Staff of the Merchant's Hall and the interpreters: who had done so well during the conference.

The staff of the RACs and especially Ann Bell and Joyce Walker: for their hard work and organisation.

Finally, the participants: for being present and for actively participating in the debate.