

## Guiding philanthropy in support of the CFP

A discussion paper



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## **1. Introduction**

Since 2009 the Oak Foundation has funded numerous civil society organisations to engage in the process of the reform of the Common Fisheries Policy (CFP). This has included a broad range of actors including environmental NGO's, such as WWF, Pew, Greenpeace and NEF, working with media, small scale fishermen representatives (ICSF), a secretariat for 'green' parliamentarians (Globe) and FishFight.

The reform was agreed on political level in June 2013 and the Foundation will adjust from an extended phase of supporting advocacy and campaigning projects to supporting projects aiming to realize and further develop the reformed Common Fisheries Policy (CFP).

This study will assist Oak in identifying key areas for Oak's support of this development. Oak will discuss the study with interested stakeholders prior to the decision on these areas.

The study does not give a full account of all aspects of the reform. It is selective in discussing and choosing the CFP elements where funders, NGO's and the private industry can make a contribution to the implementation of the CFP.

The study is based on the CFP compromise, reading 10 October 2013; 2011/0195 (COD), 15556/13)

## **2. Acknowledgement**

While I take full responsibility for the content of this report I would like to give thanks and credit to resource persons and institutions for contributions provided in literature and a number of interviews conducted.

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## **3. Executive summary**

The reformed CFP constitute a fundamentally new policy with clear obligations for full catch accountability, a discard ban and a commitment to the principle of Maximum Sustainable Yield (MSY)

The reform is agreed as framework legislation and it will enter into force 1<sup>st</sup> January 2014. It requires new implementing acts and repealing or revision of acts implemented on basis of the existing CFP.

The new CFP invites Member States and Advisory Councils to submit recommendations to the CFP implementation, notably through multiannual plans. This opens a valuable opportunity for regions to influence the policy and to design management solutions that can deliver wealth in fisheries and increased food supply from a healthy marine environment. The potential of a sound policy was

estimated by New Economic Foundation to additional revenue of 3 billion € per year (Jobs lost at sea).

The challenges to overcome are substantial; three “hinge factors” stand ahead:

- Acceptance and compliance:  
Will the industry endorse the principle of full accountability and the discard ban?
- Consistency throughout the regulatory system:  
Full catch accountability combined with reliable catch documentation makes numerous rules developed under present management superfluous or even obstructing the objectives of the CFP. The regulations not yet reformed must be aligned with the new CFP principles in order to allow the industry the choice of method and technology as a way to optimising production.
- Ability to fish the fish available:  
Minimising the choke species problem will require strong biological advice, new management solutions and development in fishing techniques and practices. The freedom and building of knowledge and capacity to adjust fishing practices is an important element for industry support of the policy.

The institutional set-up for the reformed CFP will decide who will take the lead in the process – and on what conditions. The new CFP is a massive turn-around and delegation of powers must be decentralised to the lowest appropriate level to obtain effectiveness and equity as decisions will pertain to the interests directly involved.

The support of philanthropy to the CFP implementation may prove decisive to its success, as bottom-up processes, pilot projects, documentation and market alignment schemes may greatly influence the development. The efficient use of our resources in terms of sustainability and economic performance depends on continuous development of technology and best practices.

The support from private funding should be based on a strategic approach and a few key areas for action.

Strategy must be aligned with the reformed CFP;

1. To promote the principle of natural capital utilisation, where industry is fully accountable for what and how it harvest.
2. To treat fishing as an economic activity and allow it to innovate and to let “best cases” be phased in to management.

Results Based Management (RBM) allows for bottom up development, userdriven innovation and continuous improvement in food production and economic result within the defined impact limits on stocks, protected species and habitats.

The transition will be challenging. The key factors for the successful outcome that philanthropy may engage in are the following:

1. The choke species problem is potentially a “reform killer”. If the problem is not addressed in all its facets the discard ban will not be enforceable, the fishery will suffer economically and the legitimacy of the reform will crumble.

A bottom-up process of designing solutions through pilots and new management approaches must be prioritised and the EU Commission and legal framework must support and incentivise this process.

2. Regional cooperation will be decisive in bringing about solutions that takes account of sea basin and local characteristics. Funding of civil society organisations that are directly involved in regional cooperation should strengthen their capacity to engage in building cooperation with strong powers in producing management solutions that can be adopted as delegated acts. Models for inclusion of third countries with shared stocks must be explored to obtain full benefit.
3. The efficiency of public control is limited. Aligning fishing practices with market requirements is a strong tool. Certification schemes and retailers commitment to sustainably sources food should be wider spread and developed in terms of better documentation and traceability. Some civil society organisations have been very active on an instrumental level in this work which may be empowered through private funding.

IUU is undermining resources and fair competition. The fight against IUU through both lobbying and development of traceability and technological solutions may benefit from private funding.

4. Dissemination of knowledge and lessons learned is an efficient way to promote better management and obtain legitimacy of policies. Already numerous studies of pilots and best cases have been published. The bridging of knowledge with concrete application deserves more focus. Civil society organisations may actively engage in feasibility studies in order to identify promising areas for improvement. Based on experiences from the reformed CFP such knowledge may gradually be applied outside EU.
5. Unwanted bycatches must be handled, processed and distributed in an economic way to ensure acceptance of the ban and to generate new value. Pilots, analyses and market prospecting may benefit from private funding.
6. The reform will have a consequence for fleet structure. Private funding may support knowledge building and management designs that allow national management to balance economic objectives with societal priorities on an informed basis.

The implementation of reformed CFP is complex with a number of promising opportunities and a measure of threats. From an organisational point of view it is questionable whether the EU Commission will be able to propose implementing acts with sufficient speed and applicability. Member States will have not only to deal with the substance and management consequences of the new CFP, having hitherto relied solely on the Commissions right of initiative they will also have to establish new structures for cooperation that can produce recommendations for the CFP implementation.

Facilitation from civil society organisations in terms of substance and process may benefit the reform greatly.

#### **4. A CFP overview**

The CFP brings together a range of measures designed to achieve the objectives of the policy. The CFP covers resource management including control, external policy, market regulation, subsidies, aquaculture and science issues. This study focuses on resource management.

The most important areas of the CFP resource management are:

The new Basic Regulation (COM xx/2013) is the foundation for the CFP from 1<sup>st</sup> January 2014. It outlines the principles for resource management and allocation of fishing opportunities among Member States (MS). This regulation is the centerpiece of the reformed CFP. The initial Basic Regulation was adopted in 1983 and has been revised every ten years, with the reform in 2013 marked as a fundamental change in policy.

The "TAC/quota Regulation" set yearly fishing opportunities in and outside EU waters on basis of independent biological advice and negotiations with third parties on stock utilisation and sharing.

The Regulations of "Technical Conservation Measures" covers the range of rules governing how, where and when fishers may fish. Technical measures include: minimum reference sizes, minimum mesh sizes for nets and rules governing gear configuration, closed areas and seasons, limits on by-catches, requirement to use more selective fishing gear to reduce unwanted by-catch of protected species, measures to prevent damage to the marine environment etc.

The "Control Regulation" set out to ensure that the rules of the Common Fisheries Policy are complied with. The regulation is designed to enforce CFP rules, promote harmonised sanctions across the EU, ensure traceability throughout the supply chain, from catch to consumer, collect the necessary data for managing fishing opportunities and clarify the division of responsibility between Member States and the Commission.

The regulation on technical measures and the control regulation have not yet been revised in consequence of the reform of the Basic Regulation. They are developed gradually under the previous CFP and will have to undergo an adaptation to match the reformed CFP in both concept and legal application.

The "Marine Strategy Framework Directive" (MSFD) is not a part of the CFP. It is established as part of EU environmental policy. While the CFP regulations are directly applicable in Member States, the MSFD is a directive where MS are obliged to define and implement specific environmental targets on basis of the MSFD requirement to achieve Good Environmental Status (GES) in Europe's marine waters through sustainable use of marine resources. Member States are required to coordinate the implementation of the MSFD on a regional level. Integrated Maritime Policy has MSFD as its conservation pillar and it is assumed to cover sectorial policies as the CFP.

It is expected that the implementation of MSFD for fisheries will be delivered through existing policies and management mechanisms, including the reformed CFP, existing mechanisms for national fisheries management, and the designation

of marine protected areas. As an example MSY may be confirmed as the environmental objective for good environment status.

The MSFD obliges Member States to define and implement fisheries management elements on a regional basis. This underlines the need to focus on the strengthening and development of Regional cooperation between Member States; as foreseen in the reformed CFP.

## **5. The Basic Regulation**

The Basic Regulation (COM xx/2013) shall ensure that fishing activities are environmentally sustainable and managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies.

In pursuing this objective the regulation introduces a number of tools on strategic as well as on operational level. Objectives related to economic performance and social development are mainly expressed in terms of general objectives while the objective of sustainability and enhancement of food supply are more operational, notably the MSY obligation and the discard ban.

In the following the elements of the Basic Regulation will be assessed with a view to guiding philanthropic support for the implementation of the reformed policy.

### **5.1 The MSY objective (article 2)**

#### **The legal frame**

The CFP shall maintain fish stocks "above levels which can produce the maximum sustainable yield" ( $B_{MSY}$ ). "The maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and on a progressive, incremental basis at the latest by 2020 for all stocks" ( $F_{MSY}$ ).

In the regulations "considerants" it is stated that, "Management decisions relating to MSY in mixed fisheries should take into account the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield at the same time, in particular in cases where scientific advice indicates that it is very difficult to avoid the phenomenon of "choke species" by increasing the selectivity of the fishing gears used." Multiannual plans covering MSY for mixed fisheries or dynamics stocks relations, shall take into account "knowledge about the interactions between fish stocks, fisheries and marine ecosystems"

This leaves room for a choice when applying MSY a choice with consequences for relative stock abundance, realised catches and for the economic result obtained.

#### **Discussion**

Two types of balances are relevant when discussing the configuration of the MSY solution for fisheries, whether they are single species or mixed fisheries.

First; all species interact in a prey - predator pattern. The fish will die from natural mortality or fishing mortality; if for example natural mortality is high due to a large stock of predators the residual fishing mortality hence TAC/quotas respecting MSY will be low. The more complex patterns may be studied in scientific literature and the ongoing work in MyFish: <http://www.myfishproject.eu/>.

Secondly, in mixed fisheries the match between catches and quotas define the realised yield and the economic performance. The capacity to match catches and quotas is central to the function of the CFP. Three factors are decisive here.

1. The relative TAC/quota availability for species in mixed fisheries.

If there is a disproportion between the TAC/quotas and the fishers' ability to target the individual species the restraining quota will result in the plentiful quota not being exhausted (the choke species problem). This problem may occur if scientific advice does not reflect the actual stock abundance, if the balancing of MSY does not reflect fishing patterns or if allowed fishing of protected species is restrictive.

2. The allocation of the TAC among Member States (Relative Stability) and among individual fishermen.

Relative Stability allocates fishing opportunities among Member States in a way that does not reflect fishing patterns or needs to cover by-catches. Rigidity in national allocation schemes has the same effect. Quota transfer mechanisms may allow fishermen to meet their catches with sufficient quota holdings. Thus transferability is an indispensable tool to alleviate the choke species problem.

3. The fishers' capability to target the individual species.

Selective fishing methods ensuring that catches do not exceed quota holdings is the other indispensable tool in a management balancing quotas available and catches taken. Selective fishing employ a range of tools from choosing the gear for the individual haul to planning the fishing seasons over the year.

In the case that selective fishing and quota transferability do not complement each other a loss in catch opportunities will occur.

The setting of TAC/quotas in appropriate MSY balances for the individual regions is foreseen to take place in context of multiannual plans. This does not seem to qualify for private funding.

A high utilization of the TAC/quotas requires development of transferability schemes and new fishing practices. This seems to qualify for private funding. This is discussed in subsequent chapters.



## **5.2 Ecosystem integration and habitat protection (article 2)**

### **The CFP frame**

The CFP “shall implement the ecosystem-based approach to fisheries management to ensure that negative impacts of fishing activities on the marine ecosystem are minimized”

This approach shall manage fisheries within ecologically meaningful boundaries which seeks to manage the use of natural resources, taking account of fishing and other human activities, while preserving both the biological wealth and the biological processes necessary to safeguard the composition, structure and functioning of the habitats of the ecosystem affected.

The approach is inter alia applied in multiannual plans, through TAC/quotas, conservation measures and protected areas. The ecosystem consideration is relevant in context of all fisheries activities and the basis for its application develops with changes in the knowledgebase related to the effect of activities on the marine environment.

### **Discussion**

Primary ecosystem effects relate to the utilisation of commercial species. MSY is embedded in this. Secondary ecosystem effects relate to non-targeted and protected species. Habitat effects relate to seabed structures.

The development of the ecosystem integration will be driven by science and policy discussions regarding the balancing of production with protection.

The relevance of private funding of ecosystem projects should be considered in context of the concrete circumstances and objectives for such projects.

## **5.3 Conservation measures (article 7)**

### **The CFP frame**

The possible supplementary measures for conservation and exploitation in the new Basic Regulation do not differ much from the present tool box and they include:

- Targets for the conservation and sustainable exploitation of stocks (TAC/quotas) and related measures to minimize the impact of fishing (effort limitations a.o.);
- measures to adapt the fishing capacity;
- incentives, including economic incentives such as fishing opportunities, to promote selective and low impact fishing;
- measures on the fixing and allocation of fishing opportunities;
- measures to achieve the discard ban;
- minimum conservation reference sizes;
- pilot projects on alternative types of fishing management techniques and on gears;
- measures necessary for compliance with environmental directives.

Technical measures may include the following:

- Characteristics and use of fishing gear especially to improve selectivity and minimise the impact on the ecosystem;
- limitations on or prohibitions of the use of certain fishing gears, and on fishing activities, in certain areas or periods in order to protect endangered species, spawning fish, and other vulnerable marine resources.

## **Discussion**

Utilising fisheries resources is little more than taking the surplus of fish that the system can provide and not wreck the environment in the process.

Still, in addition to setting the output targets and protecting the environment a considerable amount of prescriptive management has developed over the years.

It is helpful to divide the discussion on the application of conservation measure in the three blocks related to primary ecosystem effects, secondary ecosystem effects and to habitat effects:

1. How to ensure MSY for commercial stocks
2. How to avoid catching protected species of fish, mammals and birds
3. How to ensure habitat impacts to stay within acceptable limits

While the setting of acceptable limits is fundamentally a public interest and responsibility, the discussion becomes interesting and potentially rewarding when it comes to the management strategies and methods used to optimise output within the set limits.

The utilization of quota species is managed by TAC/quotas and a considerable amount of regulations of gear, area and time for fishing, days at sea, minimum references sizes, by catch limits, target species limits etc. Most rules have been established over time to curb discards of fish. As full catch accountability and the discard ban are gradually phased in de-regulation of this micro management should be done simultaneously. This however, is not yet scheduled.

Any regulation on the fisher's choice of gear and method will restrict his potential not only to optimise his earnings but also his ability to adapt his fishing to the concrete circumstances at sea. This may have negative consequences for the utilisation of the varying quota portfolios and for the fishers' ability to handle the choke species problem.

The reform of technical regulations should take place in respect of the principle of full catch accountability now established. In this context the possible gains in protection from regulations should be measured against the loss in flexibility and wealth suffered by the fisher. This will have to be established in co-decision between the European Parliament and the Council and it may prove to be difficult in terms of conception and timing.

As the new CFP encourage Member State cooperation, regional solutions, pilot projects and also to provide multiannual plans as a tool to implement the CFP there is an important and promising area for a bottom-up development of the CFP aligning the CFP sustainability objectives with efficient fishing practises and economic viability. The development here is highly dependent on public and private funding.

Secondary ecosystem effects and habitat effects are regulated through technical measures and stock recovery areas according to the Basic Regulation, the MSFD and in the Natura 2000 regulation. The development of a Results Based Management approach in this area is being considered i.a. in context of the SCAR-Fish report on "Science in support of the European fisheries and aquaculture policy" where science is advanced with the aim to optimise output of aquatic food in a results based management where ecosystem effects are progressively incorporated in the management framework and internalised in the costs of the production.

[http://ec.europa.eu/research/agriculture/scar/scarfish\\_en.htm](http://ec.europa.eu/research/agriculture/scar/scarfish_en.htm)

#### **5.4 Establishment of fish stock recovery areas (article 8)**

##### **The CFP frame**

The Union shall "establish protected areas on ground of their biological sensitivity, including areas where there is clear evidence of heavy concentration of fish below minimum conservation size and spawning grounds. In such areas fishing activities may be restricted or prohibited". Member States are obliged to identify suitable areas which may form part of a coherent network and to prepare joint recommendations to that end. The Commission may, in a multi-annual plan, be empowered to establish protected areas.

##### **Discussion**

The requirement to establish recovery areas for fish stocks adds to a number of "closed area provisions" notably Marine Protected Areas according to the Marine Framework Strategy Directives' objective of "good environmental status" and Natura 2000 areas according to the EU nature & biodiversity policy. This development is likely to enhance fish stock reproduction but it will also reduce areas of fishing, put more pressure on other areas and possibly increase costs of fishing.

The key words in the development is the wording: "fishing activities may be restricted or prohibited" and the issue is whether the regulation is focused on the types of fishery and technology allowed or on setting limits for acceptable impacts and leave it to multiannual plans and the industry to find the most optimal way of fishing in respect thereof.

Management by defined impacts require science based knowledge which is a public responsibility while the continuous development of fishing methods and technology is a case based activity that will benefit from private funding.

#### **5.5 Full accountability and the discard ban (article 15)**

##### **The CFP frame**

Article 15 of the Basic Regulation constitutes the fundamental element of the reform of the CFP.

Article 15 state that all catches subject to catch limits; in the Mediterranean also catches subject to minimum landing sizes shall be "recorded, landed, and counted against the quotas". The implementation is to take place within a timeframe from 1<sup>st</sup> January 2015 to 1<sup>st</sup> January 2019.

A number of exemptions are specified, including

- Protected species;
- Species with a high survival rate taking into account the characteristics of the gear, of the fishing practices and of the ecosystem;
- Catches falling under de minimis exemptions.

The implementation of the landing obligation shall be specified in multiannual plans, including:

- Provisions for de minimis exemptions of total annual catches of all species covered by the discard ban. The de minimis exemption applies where selectivity is very difficult to achieve or to avoid disproportionate costs of handling unwanted catches. Catches under this provision do count against the relevant quotas.
- Provisions on documentation of catches

As a derogation from the obligation to count catches against the relevant quotas catches caught in excess of quotas, or catches of species where the Member State has no quota, may be deducted from the quota of the target species provided that they do not exceed 9 % of the quota of the target species. The provision only applies where the stock of the non-target species is within safe biological limits.

For stocks covered by the discard ban, Member States may use a year-to-year flexibility of up to 10% of their permitted landings.

With the aim to ensure the protection of juveniles of marine organisms, minimum conservation reference sizes are established. For species covered by the discard ban catches of species below the minimum conservation reference size shall not be used for human consumption.

Member States shall ensure detailed and accurate documentation of all fishing trips and adequate capacity and means for the purpose of monitoring compliance with the obligation to land all catches, inter alia such means as observers, CCTV and other.

## **Discussion**

Present policy is based on the "discard regime", where catches in excess of quotas are allowed but must be discarded, where under sized fish must be discarded, where bycatches above a certain percentage must be discarded and where fishermen have an incentive to discard lower priced fish.

The failure of this policy is rooted with the fact that discarded fish do not count on TAC/quotas. It has led to an adverse development in fishing practices and fleet structures, first and foremost in terms of excess fishing effort but also by favouring fishing practices with high discard rates, as the TAC reductions to cover discards

are carried by all fishermen. At the same time the policy has led to a layer by layer introduction of micro management and controls which has impeded economic performance and resulted in adverse incentives.

The reformed CFP establishes the principle of full catch accountability – or Catch Quota Management (CQM). This transfer of responsibility for the total outtake of stocks from the public domain to the individual fisher is a disruptive change in policy with a fundamental effect on the industry's and the fisher's perception of management and for the incentives that defines his alignment with the policy objectives.

In consequence of the reform, ICES advice on fish stocks from 2014 will reflect the amount of fish actually caught at sea instead of what is brought to shore. *"Advice based on catches will be more relevant for the current and future political process, as decision-makers have shifted focus regarding fish stocks from commercial landings to actual catches."* (ICES)

The fundamental challenges for the new policy are the following:

- Compliance.  
Will the industry endorse the principle of full accountability, including the discard ban and does it have the necessary capability to adjust fishing practices.
- Consistency throughout the regulatory system.  
Full accountability combined with reliable catch documentation makes numerous rules developed under present management superfluous or even obstructing the objective of the CFP. The regulations not yet reformed must be aligned with the new CFP principles in order to gain the appreciation and legitimacy from the industry.
- Ability to fish the fish available.  
Minimising the choke species problem will require better biological advice, new management solutions and development in fishing practices and techniques.

The list of problems and unanswered questions is much longer, but these three issues will decide the fate of the new policy.

A full uptake of fish quotas within the catch quota restriction require a solution of the "choke species equation" The factors relevant for solving the equation can be listed as follows.

- Complexity of the ecosystem, especially with regard to "mixed fisheries"
- Quality of advice  
Quality of advice is here understood as the alignment between the biological assessments and the actual state of stocks when fishing takes place. Time lag and analytical qualities of the assessment may for example fail to take account of big incoming year classes of fish with the result that quotas are set to low with a consequential choke species problem. The advisory system is not discussed in this study.

- Balancing of TAC's according to MSY and taking into account species interaction and species catchability
- Allocation of quotas to Member States
- Member States' national allocation of quotas to fishermen
- Fishing sectors ability to avoid unwanted catches

The Basic Regulation provides some exemptions to full catch accountability and the discard ban. The distinction between the obligation to count fish against quotas and the obligation to land the fish is important. Not counting catches against TAC's is an anomaly that reduces the value of TAC's as a management method to obtain MSY. The discard ban is an ethical issue – whether the fish is brought to land or discarded dead makes little difference to the stock.

The exemptions differ in type and effect.

- Protected species are exempted from the discard ban and catch accounting. This is a logic step that might be enforced by a code or regulation providing these species to be returned to the sea as quickly and gently as possible. The exemption may not offer sufficient protection to the species, and catch quota limits – as used in other parts of the world, may be an interesting conservation tool as an alternative to closed areas or ban on specific types of gear.
- Commercial species with a high survival rate may be exempted from the discard ban and catch accounting on basis of the concrete circumstances. It seems a sound policy to allow juveniles with high survival to be returned to the sea. However in order to limit the incentive to discard these small, less valued fish and to ensure their survival it is necessary to establish complex regulation and control regarding i.a. the time, place, depth and duration of fishing operation, the time on deck etc. An alternative would be combine exemptions from the discard ban with an obligation to count the catch wholly or partially against the quota. This would ensure the fishers' incentive to reduce less valuable catches to a minimum and make micro management avoidable. This approach has been used in trials.
- The de minimis exemption allows under certain strict conditions that 5-9% of some species may be discarded without even counting against quotas. The exemption from the principle of accountability is limited and conditioned by scientific advice, but still problematic. The substantial uncertainties regarding the effects of the new CFP provide a certain political rationale for the exemption. However, the development of the CFP would benefit from a change towards full accountability.
- As a derogation from the obligation to count catches against the relevant quotas in catches of species caught in excess of quotas of the stocks in question, or catches of species where a Member State has no quota, may be deducted from the quota of the target species provided that they do not exceed 9 % of the quota of the target species. This exemption is

contradictory to basic CFP principles and the MSY objective – even limited as it is. The policy has been agreed, but its use may be constrained, in context of multiannual plans as fishing practices develop.

Species covered by the discard ban may not be used for human consumption if the size of the fish falls below the minimum conservation reference sizes. The reasoning behind this provision is fear of creating an incentive to target small fish and fear of disturbance on the market if the less priced smaller fish becomes price leading. It is however difficult to explain to the public that the fish for ethical reasons must be landed and for other reasons must not be consumed.

Furthermore depriving the fisher from the price he could get from the consumer market will not reduce his incentive to discard the fish. The incentive to fish for small fish does not exist in a number of demersal fisheries where prices per kilo may triple for sizes 1 compared to sizes 5 (Common Market Organisation). On the other hand in some fisheries small fish are high priced. This variability suggests that solutions are developed on a fisheries basis in multiannual plans. Such solutions may range from micro management on gear to results based management where catches of fish in size 5 count relatively more on vessel quotas.

Reliable documentation of catches is the critical factor in the new policy. Extensive trials with Catch Quota Management and CCTV documentation have proved the CCTV solution to be effective. In the foreseeable future it will not be feasible to require CCTV documentation from all vessels, and tailored exemptions from smaller vessels will be necessary. A number of approaches to such exemptions may be trailed with a view to ensuring sufficient coverage and proper incentive mechanisms.

The testing of possible modalities for the implementation of article 15 seems to be a highly relevant area for private funding.

## **5.6 Fishing opportunities (article 16)**

### **The CFP Frame**

The principle of Relative Stability established in 1983 is continued with the reform. Thus, fishing opportunities allocated to Member States "*shall ensure each Member State relative stability of fishing activities for each fish stock or fishery*".

As the discard ban is being introduced, fishing opportunities shall be set to reflect that all catches count against quotas and that discarding will no longer be allowed.

Member States may request the Commission to alleviate a disparity if scientific evidence shows that fishing opportunities that have been fixed are in significant disparity with the actual state of the stock.

It is the prerogative of Member States to allocate its Member State quotas among the vessels flying the flag of the Member State. It shall inform the Commission of the allocation method. Member States may establish a system of transferable fishing concessions.

For the allocation of fishing opportunities in mixed fisheries, Member States are obliged to take account of the likely catch composition of vessels participating in such fisheries.

When allocating the fishing opportunities Member States shall use transparent and objective criteria including those of an environmental, social and economic nature. The criteria to be used may include, inter alia, the impact of fishing on the environment, the history of compliance, the contribution to the local economy and historic catch levels. Within the fishing opportunities assigned to them, Member States shall endeavour to provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage.

Member States may, after notifying the Commission, exchange all or part of the fishing opportunities allocated to them.

### **Discussion**

Article 16 is setting the framework for the allocation and use of fishing opportunities in line with article 15. Full catch accountability entail that a fishery cannot take place if it is not covered by a quota. In mixed fisheries the consequence is that a fishing vessel must be able to cover all caught species in the fishery with a quota holding. If this is not possible we have a choke species situation, and the mixed fishery must stop, which will entail a loss in catches, in earnings - and in support for the policy. This predicament for the reformed CFP shows on three levels.

1. The quota allocation between Member States and among fishermen in the individual Member State does not reflect the composition of catches
2. Biological advice and resulting fishing opportunities (TAC/quotas) may not reflect the actual strength of fish stocks.
3. Fishermen have a limited ability to target the species

Relative Stability remains a cornerstone of the CFP; however that does not exclude Member States from a prudent application of the right they enjoy. A number of designs for transnational quota exchange can be devised from nation-to-nation schemes to limited fisher-to-fisher in-year leasing in pool systems.

Member States will have to consider TFC systems on a national basis in order to avoid the choke species problem. TFC system can be designed in a number of ways reaching from fully fledged individual quota shares to community based in-year leasing solutions. The important thing is to align the design with national priorities and to take account of the transferability mechanism in relation to relevant priorities, especially to address a potential choke species situation.

When designing TFC systems the Member State has a considerable amount of choices to make in order to ensure national priorities for example regarding small scale fleets. An assessment of the consequences of the reformed CFP and possible counteractions or supportive measures should enter into deliberations on TFC systems.



Private funding may provide support for design studies, workshops, and knowledge building in the area of quota transferability.

## **5.7 Multiannual plans (article 9-10)**

### **The CFP frame**

Multiannual plans shall be adopted as a priority in order to restore and maintain fish stocks above levels capable of producing maximum sustainable yields. Where MSY targets cannot be determined due to insufficient data, the multiannual plans shall provide for measures based on the precautionary approach.

The multiannual plans cover:

- single species;
- mixed fisheries or stocks in dynamic interaction.

The measures and the timescale in multiannual plans shall be proportionate to the objectives pursued and the plans shall take account of their likely economic and social impact.

Multiannual plans may contain specific measures to address problems of mixed fisheries in relation to achieving MSY in cases where scientific advice indicates that increases in selectivity cannot be achieved. Where necessary, the plan shall include specific alternative conservation measures for relevant stocks covered by the plan.

A multiannual plan shall include:

- Conservation reference points consistent with the MSY objectives
- quantifiable targets such as fishing mortality rates and/or spawning stock biomass;
- clear time frames to reach the quantifiable targets;
- objectives for conservation and technical measures to be taken in order to achieve the targets set out in Article 15 and measures designed to avoid and reduce as far as possible unwanted catches;
- safeguards to ensure that targets are met

A multiannual plan may also include:

- Other conservation measures, in particular measures to gradually eliminate discards taking into account the best available scientific advice or to minimise the negative impact of fishing on the ecosystem

### **Discussion**

The multiannual plans are the instrument that regions must address in order to influence and adapt the implementation of the CFP to regional priorities. The scope of the plans is however limited as long as the prescriptive rules of the pre-reform regulations prevail.

The establishment of multiannual plans poses difficult decisions to be made. Decisions regarding policy interests as well as technical issues. The MSY balance

may be set to favour fisheries on either prey or predator species or it may be set to take account of choke species being a problem to one Member State, but no problem to other Member States. The policy climate and the delimitation of negotiating parameters will be decisive in reaching joint recommendations on the MSY application. The MSY application is linked to full catch accountability and the discard ban and the balances in terms of management tools, documentation of catches, derogations and tailored solutions for small scale fleets will confront the regional cooperation with difficult choices.

## **5.8 Regionalisation and advisory councils (article 18 and 43-45)**

### **The CFP frame**

The Commission may adopt measures compatible with multiannual plans by means of delegated acts based on joint recommendations from Member States with a direct interest.

Member States concerned shall cooperate with one another in formulating joint recommendations and they shall consult the relevant Advisory Council.

Member States shall ensure that joint recommendations on conservation measures are compatible with the objectives of the Union conservation measure.

If Member States do not succeed in agreeing on joint recommendations to the Commission the Commission may submit a proposal for appropriate measures in accordance with the Treaty: This entail the use of Council and Parliament co-decision.

Where the conservation measure applies to fish stocks shared with third countries the Union shall endeavour to agree the necessary measures with the relevant partners.

Advisory Councils are established for geographical areas with a balanced representation of all stakeholders in order to contribute to the CFP objectives. The councils may submit recommendations and suggestions on matters relating to the management of fisheries and the socio-economic and conservation aspects of fisheries and aquaculture to the Commission, and to the Member State concerned. In particular, Advisory Councils may submit recommendations on how to simplify rules on fisheries management.

The advisory councils shall be composed of organisations representing the fisheries operators, representatives of the processing and marketing sectors and other interest groups affected by the Common Fisheries Policy, for example, environmental organisations and consumer groups.

The Council, the European Parliament and the Commission have not yet agreed a way forward that respects the legal position of both the Parliament and the Council to facilitate the development and introduction of multi-annual plans. In effect this stalls the progress in regional discussions on the implementation of the CFP with an obvious risk that the deadlines of the discard ban will not be met.

## Discussion

Article 18 refers to cooperation between the Member States while article 43-45 refer to Advisory Councils.

The new regional approach entail a formal cooperation between Member States to be established if regionalisation is to succeed. If such cooperation is not established decisions cannot be taken by delegated acts but will have to be taken in accordance with the treaty – typically in co-decision between Council and Parliament. This will invalidate the formation of a regional policy, the legitimacy of the CFP and it will slow decision making processes to a level that forbids a development of management aligned with best knowledge, technological progress and development in market forces.

Equally risky is the inter-institutional discussion on the legal positions on multiannual plans. An obvious solution would be to establish a two-level process for multiannual plans; a first level defining the bare minimum requirement that follows from the Basic Regulation and decided in co-decision and a second level leaving concrete implementation and continuous adaptation to the regional level.

If so done the CFP boundaries for regional cooperation will be relatively open. Most importantly regions should submit recommendations for multiannual plans including proposals for the concrete implementation of MSY and the discard ban.

Another problem however, is that regional cooperation cannot promote conservation measure less stringent than those existing in Union legislation; this restriction will severely narrow the opportunities of developing fishing methods and technology as long as the outdated regulations on technical conservation measures and control has not been revised.

Advisory Councils may recommend simplification of rules: *"In particular, Advisory Councils may submit recommendations on how to simplify rules on fisheries management"*. This opportunity will have to be used actively in order to phase out micro management and establish a results based management where a regional prerogative to choose the ways to obtain MSY and the discard ban is de facto established.

*"The industry can be given more responsibility through self-management. Results based management could be a move in this direction: instead of establishing rules about how to fish, the rules focus on the outcome and the more detailed implementation decisions would be left to the industry"*. (Commission green paper COM(2009)163 final)

The reformed CFP supports initiatives that facilitates the transition from micro management to results based management; among such initiatives are pilot projects on alternative types of fishing management techniques and on gears and and pilot projects on new control technologies and systems for data management.

The establishment of regional cooperation and the work to align the chain of regulatory measures with the reformed Basic Regulation depends to a large degree on Member States. Member States have not yet established a cooperative structure to deal with this while the present Regional Advisory Committees have established

well-functioning organisations with a broad stakeholder basis. They may relatively easily transform into the new Advisory Councils. These councils may in effect serve as the supplier of policy solutions on basis of a broad stakeholder cooperation supported by concrete projects demonstrating the opportunities for management and fishery.

The establishment of results based management throughout the CFP system require development of organisational and institutional cooperation, trials and documentation of fisheries techniques, development of control and traceability methods and an array of best cases to demonstrate the potential for economic performance on a fisheries basis.

Regionalisation can be put on a formula as below:

EU level institutions set clear principles and long-term objectives, e.g. stocks exploited at MSY level and the discard ban. This may be done in co-management by consultation: e.g. with the AC's, but with all decisions taken at EU level.

Regional level institutions develops implementation plans (input to multiannual plans a.o.) and guidelines tailored to regional conditions, which must demonstrate to EU that implementation plans are in accordance to principles and long-term objectives. Co-management can be encouraged by partnerships: where regional member states, stakeholders and users cooperate in developing implementation plans

Results based management to make implementation plans into realities and users/industry more accountable. Industry self-management with reversal of the burden of proof.

The private funding of regional activities may greatly influence and accelerate the development and underpin the legitimacy of the policy.

The Basic Regulation does not foresee that regional parties align their policy with third countries prior to handing the recommendations to the Commission. The preliminary discussion between Member States on regionalisation has apparently not considered this issue. The increased complexity of the CFP decision system, first by the introduction of co-decision and now by regional cooperation makes management of stocks shared with third countries increasingly difficult. A situation causing concern in partner countries outside EU.

Private funding facilitating discussions on cooperative models that include third countries, especially Norway and Faroe Islands with whom EU share important stocks, may prove helpful in making the CFP regional policy work in practice.

## **5.9 Fishing capacity (part IV)**

### **The CFP Frame**

Member States shall put in place measures to adjust the fishing capacity of their fleet to their fishing opportunities. Failure to do so may result in sanctions i.a. suspension financial assistance.

Member States may establish a system of transferable fishing concessions (TFC) as a means to adjust fishing capacity

### **Discussion**

The virtue of catch share systems is that they are effective in adjusting fleet capacity and fishing effort to fishing opportunities. TFC's are a contentious issue however, and the far reaching TFC system in the Commissions first proposal for the reformed CFP shipwrecked. The issue of capacity remains, and the measures for capacity is the alternative approach that could gather the necessary political support. Member States may choose to control capacity through a TFC management on a national basis.

In this study the question of transferability is linked to the discard ban and the choke species problem. Some type of transferability is necessary to match the challenges set by the discard ban. The design opportunities of a system are numerous whether it be individual or community based, based on permanent transfer of rights or in-year leasing and adjustments of catch opportunities between vessels.

## **5.10 Data and science for fisheries management (part V)**

### **CFP frame**

Member States are obliged to collect biological, environmental, technical, and socio-economic data necessary for fisheries management, and make them available to end users of scientific data.

Member States shall carry out fisheries and aquaculture research and innovation programs. They shall coordinate their fisheries research innovation and scientific advice programs with other Member States, in close cooperation with the Commission, in the context of the Union research and innovation frameworks, involving, where appropriate, the relevant Advisory Councils.

### **Discussion**

Data, modeling and development of proper advice define the boundaries for the fisheries and for the wealth they can produce. The precautionary principle entail that margins of uncertainty in the advice will be carried as a cost for the industry and society in terms of lost fishing opportunities.

It is a public responsibility to provide the necessary science and advice for the fisheries, however the fishery itself has a strong interest in making all fisheries data available in a form that allow science to take advantage of this source.

## **5.11 Developing the CFP**

### **The CFP frame**

Avoidance and minimisation of unwanted catches is an area of priority in order to facilitate the discard ban. Member States may conduct pilot projects with the aim of exploring all practicable methods for the avoidance and minimisation of unwanted catches in a fishery. Member States may also produce a "discard atlas" showing the level of discards in each of the fisheries.

Measures to establish a sustainable exploitation of marine biological resources include pilot projects on alternative types of fishing management techniques and on gears; and new control technologies and systems for data management may be provided through pilot projects.

### **Discussion**

The Basic Regulation encourage Member State and private initiatives to develop the CFP through fishing techniques, management approaches and data bases. This area may greatly benefit from private initiatives and funding.

## **5.12 External policy and international cooperation (part VI)**

### **The CFP Frame**

EU shall conduct its external fisheries relations in accordance with international obligations and policy objectives and the objectives and principles set out in the Basic Regulation.

EU shall actively support and contribute to the activities of international organisations dealing with fisheries, including regional fisheries management organisations (RFMOs). EU should seek to lead the process of strengthening the performance of RFMOs to better enable them to conserve and manage marine living resources under their purview.

### **Discussion**

The EU engagement in fisheries agreements does not seem relevant as a target for private funding. However, EU might consider engaging in global development of best practices and management systems in fisheries with a view to develop sustainable global food supply and ensure sourcing of fish to EU from viable global producers. This approach would require the conceptualization of a common framework and working platform between DGDevco and DGMare. Given a situation where EU through a successful implementation of the CFP brings order in its own house it would seem to be a Union obligation to engage more actively in global marine policies. Such a step would benefit from cooperation and practices aligned with the results and "best cases" obtained through private funding to NGO's and other.

### **5.13 Assessment of the reform process**

The reform of the CFP took place in a difficult political situation; the reformed Basic Regulation entails a gradual transition to the new principles of full accountability and the discard ban. Transition will take time and the intermediate patchwork characteristics of management may obstruct a sense of direction and coherent application of the policy. If the very clear and understandable policy of full accountability is not recognised through a coherent management the loss of legitimacy may invalidate the reform.

The implementation of the CFP must establish a clear policy. Equal focus on the instruments and the process to achieve this is necessary. At present questions regarding the consequences of the reform are piling up. It is necessary to establish a clear sense of direction or a clear "mandate" for Member State and regional cooperation to deliver solutions. Very few Member States are prepared for their role in the CFP and the bottom-up process must be prioritised and accelerated. Taking the initiatives for a prudent implementation of the policy is no longer the Commission responsibility alone. It may be taken or driven by any stakeholder, and regional initiatives it is a sine qua non for a successful reform.

### **5.14 Socio economic consequences of the reform**

The reform lends policy but no practice to the socio-economic issue: "*contribute to a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socio-economic aspects*". In one very important area the reform will benefit the small scale fishery. Vessels fishing with passive gear to-day suffer the same TAC reductions necessary to take account of discards as do trawlers. The consequence of full catch accountability is that this adverse effect may stop. In a number of other areas the small scale fishery will meet challenges that are more easily handled by the "professionalised" fishery with larger vessels or from larger ports.

Private funding of national management solutions, cooperative initiatives, value added products and new market outlets may play a decisive role in benefitting the small scale fisheries. A very direct way of safeguarding the small scale fleet is to establish quota pools which can be accessed by small scale vessels only.

In some Member States the small scale fleet counts a vast number of vessels with the Mediterranean as the most prominent example. Constructive engagement with the small scale fleets should be considered in comprehensive solutions, for example in context of the fish stock recovery areas to be established. Marine reserves combined with TURFs (Territorial User Rights Fisheries) properly designed with responsibility shifted to the fishermen, are a way to address the CFPs' Fish Stock Recovery Areas' obligation, to build a better database for small scale fisheries and to address mixed fisheries problems.

## **6. Sea basin and fleet structure specifics**

The CFP principles apply across EU waters. At the same time the policy invites regions to cooperate in order to complete and develop the policy. This is not merely a question of division of powers; it is an opportunity to devise regional policies to regional interest and to the specific biological systems and industry structures in the regions.

The complexity of the biological systems and fleet structures is extensive – even within the individual region. It goes far beyond this study to account for the situation. For the sake of illustrating the variability in context of the main CFP tools and challenges, three marine areas are used as a crude typology with a focus on catch accountability and the discard ban.

### North-Western Waters; North Sea; Skagerrak/Kattegat; Baltic Sea

The area is characterized by single species and mixed species compositions of complex order, reaching from the Baltic with virtually no mixed fisheries to the southern part of the region where species composition is more complex. The issue of matching available quotas with actual catches will prove challenging in some fisheries and may especially in the South be difficult to overcome as more species are being included as quota regulated species.

Relative Stability pose important challenges in several fisheries notably in area VII, and solutions reaching from pool systems to Member-to-Member State agreements must be considered without delay. This is a Member State interest – and responsibility, that must be addressed.

Fleet structure is very diverse in type and size and small scale vessels predominant. However, the large vessels account for the major part of catches and this group of vessels may well move ahead of the rest of the fleet in pursuit of a “production”, where all fish are accounted for and documented throughout the traceability chain.

### South-Western Waters

The area is characterized by single species and mixed species compositions of a very complex order. The issue of matching available quotas with actual catches will prove challenging in most fisheries and may be difficult to overcome in the short and medium term, especially when more species are being included as quota regulated species.

Fleet structure is very diverse and there is no significant fleet segment accounting for the majority of catches.

While the CFP deadlines must be respected it is similarly important that viable solutions dealing with the consequences of the discard ban are found with a speed that allows the policy to gain the necessary level of compliance. In this context the importance of compliance in relation to market access should be considered as an important element. Successful marketing and acceptable price margins require that retailers have a legal and fully traced and documented product to sell. CFP implementation and compliance may be supported by market requirement and certification schemes such as MSC.



## The Mediterranean

The area is characterised by mainly mixed species compositions of a very diverse and complex nature. The scientific basis for analytical assessment of stocks is weak or lacking, and a number of species, including by-catch species cannot be properly managed by TAC and quotas in the medium term.

A number of stocks are regulated by TAC's. In some fisheries it is probably more sensible to establish an effort management combined with indicators and reference points to ensure sustainability for all caught species in the mixed fisheries – even if there is no analytical stock assessment for these species. Effort management may for example take place in TURF systems.

The fleet structure is very diverse and consists predominantly of small and very small vessels.

This situation of a very diverse sector makes it difficult to roll out general management solutions across fisheries and fleets and a general appreciation of compliance principles is equally difficult to establish.

In respect of the CFP principles, notably that of full accountability, community based cooperation and development of management may be a way to bridge the CFP principles with a sustainable and economically viable use of the resources.

## **7. The market's role for the CFP success**

The backbone of an efficient fisheries policy is documentation and transparency. Compliance with public rules, consumer trust and fair competition all depend on this. It is a public responsibility to ensure this, however if market forces are properly aligned with policy objectives they may well prove stronger than public control. Certification schemes and the commitment of some big retailers to sustainability is a suggestion to that effect.

Traceability of fish from catch to consumer is already an EU obligation, although it has not yet been properly implemented in Member States. When implemented, it will allow the market to match the ambitions of being sustainable with documentation and marketing initiatives. Furthermore combined with full catch accountability traceability will allow third party certification schemes such as MSC to streamline and reduce costs of certification.

Public control may be reduced and expensive inspection vessels possibly be replaced by inspectors control of retailers.

Traceability is an IUU fighter. The European Commission have given priority to international cooperation in the fight against IUU and traceability may; combined with certificates and DNA analysis allow both the authorities and retailers sufficient knowledge. Fighting IUU will furthermore pave the way for sound external partnership agreements to the benefit of EU fishermen.

## **8. Financial support and science/innovation programs**

The knowledge bases and science – innovation programmes feeding the implementation and running of the CFP are numerous and extensive. They are inter alia supported by the European Maritime and Fisheries Fund (EMFF), Framework Programme 7 and the upcoming Horizon2020.

The strategic working group SCAR-Fish has advised on priorities for science and innovation in CFP context. The report can be found at [http://ec.europa.eu/research/agriculture/scar/scarfish\\_en.htm](http://ec.europa.eu/research/agriculture/scar/scarfish_en.htm)

Public funding is often slow and bureaucratic in establishing the desired framework and implementing the concrete schemes. A number of projects aimed at CFP issues and already financed by EU funding suffer from a high science content and little contact with management and the industry. The “trickle-down effect” from science to applied management and further on to a viable fishery is poor.

Civil society organisations based on private funding should consider their work in context of existing programmes and they should consider the option of gearing the private funding with financing from public funds.

A dialogue meeting with relevant organisations and programmes dedicated to the CFP implementation could be useful to balance expectations and forces (see annex)

## **9. Supporting CFP implementation through private philanthropy**

The preceding chapters have identified areas where civil society organisations may contribute to the direction and acceleration of the CFP implementation. How do these organisations and other stakeholders relate to the result already obtained by civil society organisations and how do they see the future role of these organisations in context of the CFP implementation?

This study has gathered information about stakeholder views through literature, questionnaires and interviews. Information has been gathered from Member States, the European Parliament, the EU Commission, Norwegian officials, RAC's, fisheries organisations, science institutes, ICES, and NGOs.

### **9.1 Lessons learned from civil society organisations work**

Civil society organisations have successfully contributed to the reformed CFP. They are considered to have played a decisive role for the result obtained. The policy lobbying was in general effective, helpful and constructive and it was noted that the forming of Ocean2020 had developed a useful unified position for the policy level. NGO support for individual EP frontrunners was also noted.

Public campaigns from civil society organisations were seen by industry and science as influential but at the same time often with adverse effects. A scientist noted that NGO's need to change from campaigning to qualitative input to management

processes. For example red/yellow/green campaigns are blunt instruments hitting unsustainable as well as sustainable fisheries.

NGO's help in reforming national fisheries management and in improving cooperation and the basis for self-management was mentioned as useful results.

Stakeholders across, from policy, industry over science to NGO's expressed dissatisfaction with the professional level of NGO participation in RAC's and science groups. It was noted, that NGO representatives often engaged on basis of policy headlines, failing to align these with the concrete management or science issues being discussed. A number of science programmes with direct CFP relevance include financing of stakeholders travel and accommodations, but NGO's often do not have money to put in the necessary working hours. This makes discussions on science finding difficult as NGO's often do not know the reasoning and are not able to deliver a well-argued position.

NGO's and civil society activities do not have a formal political responsibility or a direct economic interest in production. The responsibility they have assumed is derived from interest. No stakeholders questioned this as a legitimate basis for participating in the CFP process. However directly and indirectly it was questioned whether the number of NGO's and their struggle for space reflected substantial differences or if improved collaboration might offer a more cost efficient NGO work.

The main instrument of CFP implementation will take place as multiannual plans. These must be portfolio solutions aligning environment and business to succeed. They rely on professional dedication and skill to succeed.

## **9.2 How can civil society organisations contribute to the new CFP**

Stakeholders were in broad agreement of the need to focus the future work on making the CFP work in practise and that this will require professionalised and unified approaches in a commitment to especially multiannual plans.

Policy representatives pointed to a continued need for lobbying on specific areas such as IUU and market alignment, e.g. though traceability systems and public awareness.

An NGO found that the follow-up to the 2002 reform was neglected. The risk for "institutional inertia" letting things fall back to normal bureaucratic processes was obvious. NGO's would need legal expertise to qualify discussions on acts used for implementation not the least in relation to delegation of powers to the regional level.

In general it was considered that NGO's could contribute to CFP implementation over a broad range of measures and that philanthropy could be instrumental for a successful CFP. Initiatives that could benefit from philanthropic support included:

- Capacity building for Advisory Councils. It was suggested that AC's will have to deliver the major part of regional input to multiannual plans, and that this has to be take place in context of broad stakeholder interests.

Support for external facilitators to help AC's on professional issues or in guiding the process of making the AC's work was mentioned and the need for support in developing well-grounded position papers for multiannual plans was underlined.

Support for fisheries science partnerships to counteract tighter government budgets.

- NGO cooperation on a back-up secretariat could benefit the CFP implementation in terms of both influence and in sharing the workload, and an NGO suggested that philanthropic funding might be conditioned by NGO collaboration. An industry representative pointed to the need for unification of all stakeholder forces in order to unfold a constructive implementation of the CFP.
- Support to transparency and good governance in EU and in international waters. Support for the tuna transparency initiative was mentioned, and the need for market transparency highlighted. In relation to market transparency the wish to evaluate cost and function in relation to MSC was mentioned.
- Support for the development of transferable quota management in order to counteract consequences of the discard ban.
- Development of best practices, fisheries management and technology.
- Assessment of societal cost as a consequence of the CFP, inter alia scrapping of fishing vessels.

## **10. Areas of CFP implementation to build a cluster of grants around.**

Based on the preceding assessment of the CFP challenges and input from stakeholders regarding main challenges and need for help and funding to accelerate the CFP implementation, the following clusters of CFP reform issues could be considered for philanthropic funding from Oak:

### **1. Facilitating subsidiarity and regional capacity building**

The Advisory Councils cover all stakeholders on a regional level and they are the only organisations that may be able to deliver a comprehensive input to regional CFP management. The development of the AC's and the stand they may eventually enjoy will benefit from:

- Facilitation of AC's development of organisation and key CFP positions
- NGO in-depth professional capabilities and NGO sharing of policies and the burden of work across AC's and science programmes.
- Lobbying for devolved responsibility to regions with Commission, Parliament and Council

## **2. Making the discard ban work**

Philanthropic funding areas are seen as follows:

- Address the choke species problem through
  - i. national and transnational transferability solutions, including TURF solutions and designs to safeguard societal priorities
  - ii. fishermen's real time sharing of knowledge regarding species and size compositions
  - iii. Pilot projects and development of "best cases"
  - iv. assessing and preparing for incorporation of "best cases" in CFP management e.g. through developed multiannual plans
  
- Address the incentive problem related to landing fish with little or no value
  - i. value economic consequences and opportunities of the discard ban in general and in context of supply chain trials
  - ii. develop supply chain solutions for the "discard fraction" (the fish that would otherwise be discarded)
  - iii. develop solutions for small harbours capacity and logistics

## **3. Transparency and market appreciation**

Compliance with the discard ban depends on the economic incentives, on control and on market appreciation and requirements. Philanthropic funding may

- Campaign and dialogue for implementing traceability systems including reliable documentation of full catch accountability. Campaign for level playing field on all EU imports
- Support dialogue on simplified and cheaper certification schemes for documented and traced products
- Campaign for a retailer policy supporting the sale of locally caught fish and less consumed fish species

Support trials of new market solutions e.g. internet based allowing a more seamless alignment of supply and demand.

## **References**

This study does not account for the CFP in detail. For more information on the CFP and its instruments see: [http://ec.europa.eu/fisheries/cfp/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/index_en.htm) and [http://europa.eu/legislation\\_summaries/maritime\\_affairs\\_and\\_fisheries/fisheries\\_resources\\_and\\_environment/index\\_en.htm](http://europa.eu/legislation_summaries/maritime_affairs_and_fisheries/fisheries_resources_and_environment/index_en.htm)

## **Annex**

### **Science and cooperation supporting the Common Fisheries policy**

#### **Marine Board; <http://www.marineboard.eu/>**

The European Marine Board provides a pan-European platform for its member organisations to develop common priorities, to advance marine research and to bridge the gap between science and policy, in order to meet future marine science and societal challenges and opportunities.

#### **Projects**

The list below gives an overview of the most relevant overarching science projects financed by i.a. FP 7 for the purpose of supporting the Common Fisheries Policy.

##### **1. Ecofishman [www.ecofishman.com](http://www.ecofishman.com)**

EcoFishMan is a multidisciplinary project, involving scientists and stakeholders in activities relating to biology, stock assessment, technology, economy, sociology and legal aspects of fisheries management. It seeks to develop a Responsive Fisheries Management System (RFMS) based on results-based management (RBM) principles for the European fisheries.

EcoFishMan will be an ecosystem-based sustainable management system that will define maximum acceptable impact (outcome target), maintaining economic and social viability. Additionally, this project measures the outcome targets through relevant indicators, develops a GIS based decision support tool and evaluates the associated cost and benefits of the RFMS. Finally a roadmap will be produced for the implementation and maintenance of recommendations in the system, validating the results in four case studies (Iceland, Portugal, North Sea and Mediterranean).

##### **2. European Aquaculture Technology and Innovation Platform <http://www.eatip.eu/>**

##### **3. European Fisheries Technology Platform [www.eftp.eu](http://www.eftp.eu)**

##### **4. COFASP ERA-NET: [www.cofasp.eu](http://www.cofasp.eu)**

An ERA-NET to strengthen the cooperation in European research on sustainable exploitation of marine resources in the seafood chains called Cooperation in Fisheries, Aquaculture and Sea food Processing (COFASP). The ERA-NET will work

on common programmes and launch joint calls among its 26 partners from 15 countries, within the three sectors: Fisheries, Aquaculture and Seafood Processing

The objectives are to contribute to exploitation marine living resources according to the precautionary principles and to enhance innovation in and competitiveness of the entire value chain from harvest to the consumer as well as contribute to defining the science, information and data necessary to underpin the implementation of the CFP e.g. by designing complementary national research programmes and outlining monitoring and information/data sharing systems needed.

**5. GAP2** <http://gap2.eu>

**6. MEFEP0** <http://www.liv.ac.uk/mefepo/>

**7. MyFish** <http://www.myfishproject.eu/>

Myfish will contribute to the CFP by defining management measures. The concept of MSY will be extended and integrated with the economic and social components of the society. Myfish aims at developing new MSY indicators that can ensure high levels of fishery yield while respecting sustainability.

The project will follow a regional approach and integrate stakeholders in the work with case studies in the Baltic Sea, North Sea, Western Waters, Mediterranean Sea and Wide Ranging stocks.

**8. SEAS-ERA** ; <http://www.seas-era.eu/np4/homepage.html>

SEAS-ERA (2010-2014) is a project funded by the EU FP7 ERA-NET Scheme. SEAS-ERA is a partnership of the leading Marine RTD Funding Organizations in 18 countries. In addition, a range of observers are associated with the project. SEAS-ERA aims at coordinating the national and regional RTD activities.