



Association des
Organisations Nationales
d'Entreprises de Pêche de l'UE



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**Initial observations of fishermen-ship owners represented at European level on
the Commission's Communication "Consultation on Fishing Opportunities for 2010"
(COM (2009) 224)**

1. Europêche and COGECA welcome the above-mentioned Commission's Communication since it allows them to express the point of view of the fishermen-ship owners they represent before the formal proposals that the Commission will present in the autumn regarding TAC and quotas and the fishing effort eligible for 2010.
2. At first, in the **"introduction"**, the Commission lays out a **"worrying"** state of the resources. The reference to the maximum sustainable yield is excessive as the objective has to be reached by 2015 and not 2010, objective which offers a wide range of possible interpretations as to the implementation and which, in addition, can be difficult to reach in certain fisheries.
3. The Commission then depicts in a pessimistic and negative way, the **state of the resources**. This has a negative impact on the image of the sector and creates confusion among the public opinion. The Commission draws the attention to the fact that 59% of the stocks remain unknown for the scientists, by lack of sufficient or exact data on the catches. The considerations expressed regarding the depletion of certain stocks and overcapacity, are founded on only 41% of these stocks. This way of exploiting statistics is not perceived as solid and correct (see for instance footnote 5 at the bottom of page 6). Moreover, being based on the state of fisheries in the world, it is often quite difficult to obtain a detailed and precise view of EU stocks.
4. Europêche and COGECA request the status of observer in the meetings of the **STECF** as a narrower collaboration and closer dialogue should be created between fishermen and scientists. In this context, they welcome the recent report by the European Parliament on the applied research in the CFP and hope to be heard soon on this matter within the framework of a hearing within the new Fisheries Committee.
5. The Commission is also pessimistic as to the **economic profitability of the sector** of which the situation continues to degrade for different reasons. In this respect, Europêche and COGECA underline that the current economic crisis has a considerable impact on the market. Paradoxically, the volumes produced in Europe drop, demand generally stagnates and in spite of all, prices at the first sale stagnate or drop. The Commission is invited to seek solutions to this problem, especially in the frame of the CMO. Regarding this point, the industry has not been pleased to learn that the long expected CMO reform has been postponed while, paradoxically, the one on control is maintained and rather precipitated.

6. Although the term “**extractive**” has often been used in the past to qualify the fishing sector, Europêche and COGECA invite the Commission to forsake such an adjective for the fisheries sector which is a primary sector. “Extractive” activities are linked to the exploitation of mineral deposits and there can be no confusion with fish, which is a renewable resource, contrary to gold and oil.
7. Regarding the new **effort management system** based on the ceilings expressed in KW-days, Europêche and COGECA aimed at freezing the evolution of the fleet, Europêche and COGECA regret that they do not take into consideration the possibility to carry out a change towards the use of fishing gears that are more selective and less energy-consuming. As it is drawn up, Annex II of the TAC and quota regulation runs counter to such a development. Both organisations also stress that it is not reasonable to start speculating on fishing effort in 2010, when negotiations have just been concluded by Member States for the management in 2009. In any case, in the current debate, a management system based on TAC and quotas should be favoured, according to the sector.
8. Europêche and COGECA are worried by the **implications of the Treaty of Lisbon** on the fisheries sector. If on the one hand, co-decision means a significant progress on the way to a more democratic and transparent decisional process which is a positive thing in principle, the system may on the other hand, extend the whole procedure disproportionately to the detriment of the sector when the case is the required entry into force of a crucial regulation or the urgent amendment of a technical measure. Consequently, the hypothesis of using the derogation foreseen in article 43 of the Treaty generates different reactions among the industry which is willing to discuss this matter with the Commission.
9. Regarding the issue of **managing stocks according to long-term plans**, the Commission is reflecting about the idea to submit the management of various different stocks in a single regulation. Having no information on the type of legal framework that would be retained in such a case, Europêche and COGECA cannot express an opinion on the matter.
10. “**Discards**” is a ticklish question that worries both Commission and industry as it requires an equal treatment among the different regions. Europêche and COGECA are in favour of a progressive reduction of discards to a maximum possible level, fisheries per fisheries, by means of pilot projects involving the sector. They worry about the Commission’s intention to adopt a general ban on upgrading. Such a ban would be far too premature at this stage considering the numerous implications (logistics at the harbour to accept all the landings for instance, etc.). Both Europêche and COGECA wish to launch as soon as possible with the Commission, an in-depth debate of the issue of discards.
11. Subject to the declarations that will be made on 23 July next by ICES regarding the state of the fish stocks in the different regions, Europêche and COGECA welcome in principle the Commission’s will to **dialogue with stakeholders**. They hope that the Commission will understand the need to take into account the socio-economic parameters when drafting its proposals and the commitment of the sector to maintain a reasonable degree of stability in the TAC level, in particular, the importance of sticking to the maximum inter-annual variation of 15% upwards and downwards in the level of TAC (the maximum upwards corresponding to what the market can bear, the maximum downwards corresponding to what the industry can bear in terms of gradual variation).

12. In the **conclusion of the Communication**, it is quite surprising to notice that the Commission reverses the burden of proof onto stakeholders, their opinion can only be taken into account if the lie on probing elements. Europêche and COGECA consider it is not coherent to declare on the one hand that measures can be adopted on the basis of the precautionary approach and on the other hand that they can be based on probing elements provided by stakeholders given that these can have divergent opinions and be affected in different ways by the socio-economic consequences of the said measures. They believe that, except in exceptional cases, scientific data on stocks and those registered by observers on board must constitute the starting point and indispensable reference point for the adoption of measures.
 13. As regards Annex II of the document (rules applicable to TAC), Europêche and COGECA share the Commission's concern to apply different rules according to the level of risk of each stock. By creating a certain way of systemising the adoption of decisions, the Commission reduces the possibility of the industry to closely take part in the management decisions.
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