

EI Anzuelo

EUROPEAN NEWSLETTER ON FISHERIES AND THE ENVIRONMENT

BIODIVERSITY AND FISHERIES WILL EITHER LIVE OR DIE TOGETHER



Credit: European Community, 2006

Stavros Dimas
Commissioner for Environment

Fishing activities are mankind's access to marine goods and services. At the same time, however, they are probably the ones that exert the greatest pressure on marine biodiversity. There is no doubt that fishing activities have to be carried out in a sustainable way, or else these marine goods will simply disappear. If we want to carry on benefiting from an abundant supply of sea food, we must ensure that the marine environment is preserved - and this entails managing commercial fish stocks properly.

Marine biodiversity cannot be maintained unless commercial fish stocks are healthy. Such is the holistic, ecosystem approach that the European Commission upholds in the Marine Strategy it adopted in October 2005. The core of this Strategy is a Framework Directive which is going through the EU co-decision making process. It will require fisheries management decisions to integrate the strategic objective of saving Europe's seas and oceans in the coming years.

We also need to improve and speed up implementation of the policy framework already in place, which is why, in May 2006, the Commission adopted the Communication and Action Plan on 'Halting the loss of biodiversity by 2010 - and beyond: sustaining ecosystem services for human well-being' (page 5). It addresses both the EU institutions and the Member States, specifying the roles of both levels of governance in relation to each item of the Action Plan.

One of the priorities of the Communication and Action Plan on biodiversity is to make the

most out of the reformed Common Fisheries Policy in order to prevent fishing activities from harming the marine environment. However, there is reason to believe that human incidence on marine life may have passed a point of no-return. According to the Food and Agriculture Organisation of the United Nations, of the top ten species that make up about 30 per cent of total world catch, seven belong to stocks that are deemed fully or over-exploited.

We must therefore accelerate the way we go about implementing the Common Fisheries Policy, which calls for enhanced management of commercial fish stocks in order to ensure their lasting exploitation. As a European citizen, I find it difficult to understand why Member States are so reluctant to adopt a long-term view and accept the structural changes that are required, when the very future of fisheries resources is at stake!

On the environmental side, the EU birds and habitats Directive - the legal basis for the creation of the Natura 2000 network of protected sites and areas - must be fully implemented in all European maritime zones under the sovereignty or jurisdiction of the Member States (territorial sea, continental shelf and Exclusive Economic Zones or equivalent zones).

Fortunately, people pay more and more attention to marine life and there is an increasing demand to exploit marine resources in a sustainable way. I do not think this is simply a fashion. Quite the opposite - it is a profound social change, which will gather momentum in the coming years as the use of coastal and offshore areas becomes more and more diversified. We must address this demand at the EU level, through appropriate environmental and fisheries policy measures.

The marine environment is a precious heritage that must be treated as such and restored with the ultimate aim of providing biologically diverse and dynamic oceans and seas that are safe, clean, healthy and productive. Protecting this heritage is crucial to secure the long term future of a prosperous and competitive fisheries sector. If the EU is to fulfil its commitment to halt biodiversity loss by 2010, halting the deterioration of fish stocks is in fact a precondition.

Edited by James Brown of IEEP

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Contributions from: Stavros Dimas (Commissioner for the Environment); Wiebke Herding and Sebastian Winkler (Countdown 2010 Secretariat); Michael Lodge (OECD); Daniel Pauly (University British Columbia); dr Violin Stoyanov Raykov (Institute of Fisheries and Aquaculture, Bulgaria); Francois Simard (IUCN Centre for Mediterranean Cooperation); and James Brown, Marianne Kettunen, Indrani Lutchman and Marianne Pett (IEEP).

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Finalising the Pillars of the New CFP

James Brown

Editor, IEEP

With the adoption of the new subsidy regime and the new fisheries enforcement agency up and running, the key elements of the new Common Fisheries Policy (CFP) are now in place. While implementing legislation will continue to be developed, the Commission is now focusing on strategy development and implementation.

Agreeing the carrot

The June Council finally agreed to the details of the 2007-2013 European Fisheries Fund (EFF). This is perhaps the most important, and controversial, implementing Regulation (1198/2006) of the CFP as subsidies significantly influence the structure and management of the sector. This is reflected by the fact that it took nearly two years to adopt following the original proposal.

Vessel modernisation was the most hotly debated element. Significantly, the final agreed text explicitly rules out aid for vessel construction or increasing fishholds. Securing this was not without its costs. Vessel modernisation, most notably engine replacement, is still eligible for aid under some conditions. The rigour of these conditions will prove critical in determining whether the EU meets the EFF and CFP objectives for fleet management, and hence stock and environment conservation.

As part of the compromise, it was also agreed to extend to 2007 existing derogations

on providing aid for renewing fishing vessels in the EU outermost regions (French overseas departments, the Azores, Madeira and the Canary Islands). More fundamentally, the Commission also proposed to soften the EU fleet exit/entry rules set out in the CFP basic Regulation (2371/2002). In part this is to create coherence with the EFF, but it also goes further in allowing some tonnage that was decommissioned with public aid back into the fleet.

Since EFF agreement, the Commission has proposed an increase in the level of State Aid that may be granted to fishermen by Member States without prior notification to the Commission ('de minimis' aid). The Commission defines de minimis aid in a contradictory statement as 'state aid deemed not to distort competition'. The new Regulation, which would apply only to the fisheries sector, would increase the de minimis ceiling ten fold from 3,000 to 30,000 per three-year period, per beneficiary. The aid may not be used to purchase, construct or modernise vessels or to enhance existing fleet capacity. But such a condition is again contradictory as most subsidies, and almost certainly those to be granted under state aid, increase operator incomes and/or reduce costs, and hence increase fishing capacity and/or effort.

While there have been some positive changes in the EU subsidy framework, these have been at the cost of both structural and short term compromises. The Commission has a lot to answer for in this respect, but ultimately national level expenditure will determine whether the backward steps will be greater than the general forward direction.

Forging the stick

While Member States wrangled over the details of the EFF, the Commission continued pursuing its enforcement agenda. Most significantly, the Community Fisheries Control Agency (CFCA), which was legislated for in April 2005, is now up and running. An administrative and advisory board are now in place and have met, and a website has been launched: http://ec.europa.eu/cfca/index_en.htm.

In 2007 efforts will focus on developing Joint Deployment Plans (JDPs) in relation to the existing cod recovery plan and plans under development for Baltic cod and the eastern stock of blue fin tuna. The details of these and future JDPs, whereby monitoring and inspection efforts are pooled and coordinated, will be central to the effectiveness of the CFCA. One thing that it will not be able to directly tackle however is the low and variable penalties across the EU that the Commission again highlighted as a problem in July in its fifth annual report on CFP rule

● ECOLABELLING DEVELOPMENTS

DG FISH has launched a series of pages on its website on the ecolabelling of fisheries products 'to provide...objective information on eco-labelling for fishery products'. This follows the adoption of a Communication on ecolabelling in June 2005 (see *EI Anzuelo*, Vol 15) and subsequent stakeholder discussions.

The text provides an insight into the Commission's position on ecolabelling and some links to useful information resources. The Commission appears not to have progressed on the matter though, preferring simply to support the concept in words rather than action. Under the section on 'What happens at Community level?', it states that 'The Commission views eco-labelling schemes as a means of integrating environmental protection concerns into the fisheries sector and would therefore like to see that the most be made of the potential benefits of credible eco-labelling schemes for fisheries products.' There is no suggestion however of what form tangible support could take at either the Community or Member State level to realise these benefits. Examples that the Commission could draw on include the use of national or European funds for fisheries to attain certification. A case in point is the Hastings Fishermen's Protection Society in the UK who undertook Marine Stewardship Council assessment for the local Dover sole and pelagic fishery with FIFG and local funding.

A detailed description of what ecolabelling schemes are and how they function is provided. This is largely based on the FAO ecolabelling guidelines adopted last year. Useful links are nonetheless made to FAO and EU traceability systems. The Commission invites views on the website, in particular what kind of technical information that one may like to see posted. The site would no doubt benefit from specific examples of how the uptake of ecolabels could be furthered by industry, government and NGOs.

For further details see: http://ec.europa.eu/fisheries/cfp/market_policy/ecolabel/definition_en.htm

infringements.

While the Commission highlights this un-level and inadequate playing field, it is still yet to propose a catalogue of measures relating to serious infringements to be applied by Member States, as required by the basic Regulation (Article 25).

Other relevant legislative developments over the last six months however have included requirements on the use of electronic logbooks and increases in the powers, notification, reporting and authorisation requirements of Member State and Commission inspectors.

Strategy development

The Commission has not been entirely preoccupied with developing legislation. It has tabled two Communications setting out changes to the management of EU fisheries. This includes alterations to the Total Allowable Catch (TAC) calendar, such as altering the timing of consultations, legislative proposals and decisions for some stocks (COM(2006)246). More fundamentally, the Commission set out an approach to maintain or restore stocks to levels that can produce the maximum sustainable yield (MSY) by 2015 (COM(2006)360), reflecting one of the 2002 World Summit on Sustainable Development (WSSD) commitments.

The Commission is moving from stock- to fishery-based management. In the short term the Council will adopt 'management decisions' and there should be no increase in fishing rates for any overfished stocks. Ultimately, long-term management plans and harvest control rules (HCRs), subject to five year reviews, will be developed in consultation with stakeholders.

The adoption of the MSY concept by the Commission has prompted criticism from some parts of the NGO community, industry and governments. This is because it is traditionally viewed as theoretical and narrow, being especially flawed in mixed species systems. Indeed, the Commission recognises this but has put public emphasis on MSY because, arguably, of the wish to be seen working towards the international commitment. Perhaps more importantly though, the Commission is particularly focused on the process of recovering and managing stocks through a constant reduction in fishing mortality, rather than 'reaching MSY'.

The Commission has already begun to make changes. A policy statement was presented setting out the guiding principles for how the 2007 TACs would be proposed and the Baltic TACs were agreed in October. The ultimate indicator of success though will be the state of stocks, particularly for those fisheries in which ICES continues to advise zero TACs, such as some of the cod and deepwater stocks.

Looking ahead

2007 will be a strategically important year. It will take us up to the mid-term point between the adoption of the CFP basic Regulation that underpinned the 2002 reforms, and 2012 when it is up for review. While a mid-term review of

the CFP is not required, the Commission is to report on the functioning of the Regional Advisory Councils (RACs) next year.

The Commission will also report on the environmental performance of the CFP, as set out in the CFP environmental integration action plan (COM(2002)186).

While not directly related to these reviews, there may be immediate potential for the EU to respond to them with legislative changes. The Commission plans to propose an amendment to the provisions for fisheries recovery and management plans within the basic Regulation (Articles 5 and 6). The Commission is apparently responding to requests from some Member States to cater for situations where only a part of a fish stock is outside safe biological limits and to bring stocks to a sustainable high level of yield. It is questionable whether this is legally necessary, but in any event this may present the opportunity for other changes to be made to the basic Regulation: both positive and negative.

Finally, the maritime green paper consultations that run until the middle of 2007 provide an avenue through which to secure high level recognition of strategic issues in advance of the 2012 CFP review (page 9). The CFP review will also tie in with the development of the successor of the 2007-2013 EFF, and the 2010 biodiversity target. With the raft of political and legal commitments now in place, and the revised CFP framework virtually complete, the delivery spotlight is firmly on the EU for the coming years.

● FARMING ALIENS

The European Commission has proposed a new Regulation on the use of non-native and locally absent species in aquaculture (COM(2006)154). The proposal recognises that in the past, the introduction of non-native fish and shellfish for aquaculture has, in some cases, led to loss of European biodiversity, and aims to reduce future risks in relation to this activity. The proposal is in line with commitments made under the Biodiversity Action Plan for Fisheries (COM(2001)162 Vol IV), and the Strategy for the Sustainable Development of European Aquaculture (COM(2002)511). It also supports the commitment under the Sixth Environmental Action Programme (Decision 1600/2002) to protect biodiversity by developing measures aimed at the prevention and control of invasive alien species.

The proposed Regulation would require Member States to establish a permit system for the introduction of new aquaculture species. It further provides for quarantine measures, pilot releases, monitoring, contingency planning, and the keeping of national registers of introductions and translocations.

Member States will decide who pays for the permit and risk assessment processes, but the accompanying press release states that 'it is envisaged that industry will normally bear the cost'.

The proposal is limited to movements of fish stocks that fall under the CFP. It does not apply to movements of ornamental fish, or address issues related to the spread of pests and pathogens. Genetically modified organisms (GMOs) are also excluded from its scope, as according to the Commission's accompanying explanatory memorandum they are 'already covered by existing and developing legislation in the field'. However, the exclusion of GMOs from the proposal is contrary to the expert advice received during consultation on the proposal, and may represent a significant gap in its coverage.

From Commitments to 2010 Marine Action

Wiebke Herding and Sebastian Winkler of *Countdown 2010* provide an overview of the collective actions been taken within the EU and internationally to reach biodiversity targets, notably halting the loss of biodiversity by 2010

The marine environment is a precious asset. Oceans and seas provide 99 per cent of the available living space on the planet, cover 71 per cent of the Earth's surface and contain 90 per cent of the biosphere. It consequently contains more biological diversity than terrestrial and freshwater ecosystems. Marine ecosystems play a key role in climate and weather patterns. Indispensable to life itself, the marine environment is also a great contributor to economic prosperity, social well-being and quality of life.

However, the marine environment is under significant and growing pressure. Sources include fisheries, tourism, navigation, off-shore windparks, extraction of resources, and pollution. The pace of degradation of its biodiversity, the level of contamination by dangerous substances and the emerging consequences of climate change are some of the most visible impacts. The UN Millennium Ecosystem Assessment highlighted depleted fish stocks and harmful algal blooms leading to the destruction of marine life as two of the most significant examples of accelerating, abrupt and potentially irreversible changes to ecosystems.

Securing Commitments

In light of the increasing concerns over the state of Europe's oceans and seas, a number of ambitious commitments have been made to save them. The Gothenburg commitment to halt the loss of biodiversity by 2010 has been

further refined in the recent European Commission Biodiversity Communication (COM(2006)216). Targets relating to marine issues include the establishment and effective management of the Natura 2000 network by 2012, substantial progress towards 'good environmental status' by 2010 and the application of the ecosystem approach to the protection



We have biodiversity targets directing us. Now it is necessary to reach them.

of the seas by 2016. In addition, the Commissions for the Marine Environment Protection of the Baltic Sea and the North East Atlantic (HELCOM and OSPAR) committed themselves to complete a joint network of well-managed marine protected areas (MPAs) in these areas by 2010.

These targets are at the core of Countdown 2010's work: its mission is to promote the target and to stimulate biodiversity action. All partners of Countdown 2010 sign a declaration of

support for the target and define their individual commitment towards it. Among the 150 Countdown partners, a number have indicated increased commitments in the area of the marine environment.

Countdown 2010, along with its partners, has therefore decided to put a stronger emphasis in the course of 2007 on the above commitments by communicating, implementing and assessing progress in achieving them.

Actions for 2007

In the context of the upcoming German EU Presidency (January – June 2007), several opportunities exist to promote the establishment and improvement of management of EU and global marine protected areas. In addition to the above targets, the EU Marine Strategy Directive is before the European Parliament and the Council. Following adoption it will need to be transposed into national legislation. The EU consultations on the Maritime Green Paper are also ongoing, due to end on 30 June 2007 (page 9).

International meetings of relevance include the UN Ad hoc Informal Working Group On Marine Biodiversity Beyond Areas of National Jurisdiction in March 2007 in New York and the FAO Committee on Fisheries, March 2007 in Rome. The 9th Conference of the Parties of the Convention on Biological Diversity (CBD) in 2008 in Germany will focus on protected areas, including marine

protected areas. In preparation of this conference, the Subsidiary Body on Scientific, Technical and Technological Advice and the Working Group on Protected Areas will meet in March 2007.

In light of this agenda, Countdown 2010, with the support of the German government, is organizing an expert workshop in early 2007 on 'Countdown 2010 for Marine Ecosystems'. It is envisaged that this will initiate a process around implementing marine elements in the European Commission Biodiversity Communication and contribute to the discussions around the Maritime Green Paper and the Marine Strategy. It will focus on Natura 2000 and marine sites and on the

integration of biodiversity aspects into maritime policy.

The recommendations of the workshop will be taken to the EU Council, and through the Countdown 2010 network remain on the policy and action agenda until 2010 and beyond. In addition, this process will be supported by an outreach strategy to communicate the targets and the state of the marine environment to a larger audience through a travel exhibition involving aquaria and zoos. Feel free to join us in these endeavors. If it is not us – who? If it is not together – how? And if it is not now – when?

Contact: Wiebke Herding, Outreach Officer, Countdown 2010 Secretariat, Boulevard Louis Schmidt 64, 1040 Brussels, Belgium; Tel +32 (0) 2739 0321; Fax +32 (0) 2732 9499; wiebke.herding@countdown2010.net; <http://www.countdown2010.net>



New Targets to Safeguard Marine Biodiversity

Marianne Kettunen
IEEP

The new Biodiversity Action Plan that the Commission adopted in May lists over 150 actions for the EU and/or Member State in relation to a wide range of EU policies, including fisheries and the broader marine environment (COM(2006) 216). The Action Plan is part of the Communication reviewing the progress on the Community's biodiversity policy, in particular the EU Biodiversity Strategy and related Action Plans from 1998 (COM(98)42).

This new Action Plan does not supersede the existing Biodiversity Action Plans. Instead it is intended as a 'complement'. Indeed, most of the proposed actions are not novel but are already required by

existing EU policies and/or legislation.

One new action is for fisheries management measures to be included, by 2017, in the Regional Marine Strategies that Member States will adopt under the proposed Marine Strategy Directive. While not a new action, a new MPA target is also set: Natura 2000 should be established in marine areas by 2012.

Most fisheries actions are not time bound however. This includes establishing no-take zones, and the adoption and implementation of Community Plans of Action (POAs) for the conservation of sharks and seabirds. In its CFP environmental action plan in 2002 (COM(2002)186), the

Commission committed itself to developing both of these POAs, in line with the FAO International POAs, by the end of 2003.

Fishing capacity and action should be taken to address illegal, unregulated and unreported (IUU) fishing. The Action Plan also states that the EFF and national funds should be applied to promote biodiversity-friendly actions within the fisheries sector. At the global level, the Action Plan stresses achieving sustainability of fishing activities under the Fisheries Partnership Agreements between the EU and third countries.

The Biodiversity Communication and Action Plan represent

favourable EU policy for biodiversity conservation in the future. It is undermined however by the lack of time bound actions and allocation of new resources to see through implementation. Political endorsement may enhance its success. It will therefore be interesting to observe how the Action Plan is received by the European Council and Parliament that are expected to express their views by the end of 2006.

Halting the Loss of Biodiversity by 2010 – and Beyond: Sustaining ecosystem services for human well-being. (COM(2006)216). Available at: http://ec.europa.eu/environment/nature/biodiversity/current_biodiversity_policy/biodiversity_com_2006/index_en.htm

Mediterranean Fisheries and Biodiversity Conservation: Progress and Challenges



Credit: François Simard

Malta is a classic example of small scale, multi-species and multi-gear fisheries

Progress has been made in the protection of Mediterranean biodiversity. But is it enough to reach the 2010 target? François Simard of the IUCN Centre for Mediterranean Cooperation discusses some of the measures been taken in the region and remaining threats.

Mediterranean fisheries are generally characterised as diverse, small scale, traditional and multi-specific. The assumption often follows that they are therefore not a threat to marine biodiversity. While this may be true for many types of fishery such as some hooks and lines, small clam dredges or gillnets, it is not the case across the board. Drift nets, trawlers and purse seines, for example, can heavily impact ecosystems or threatened species.

The complexity of Mediterranean fisheries – biologically, technically, socially and politically – makes management measures extremely difficult to set up and implement. Compared to other EU regions, the Mediterranean is lagging behind. In contrast with

the North Sea for example, there is still no Regional Advisory Council (RAC) in place. There is also a lack of clear engagement in the region regarding Countdown 2010 for marine biodiversity. Nonetheless, there are a number of ongoing activities within some institutions, including fisheries management measures and awareness raising activities.

For almost ten years, the regional fisheries management organisation (RFMO) for the region, the General Fisheries Commission for the Mediterranean (GFCM), has been aware of the environmental issues that fisheries pose. In response, a number of measures have been taken to reduce the threats from fisheries to biodiversity.

Deep sea trawling has been prohibited in waters deeper than 1000 metres and

three shallower sites have been permanently closed to trawling. The deepwater ban was in response to scientific evidence and, since there was no fishing at those depths, was implemented without problems. It has been a good example of the application of the precautionary principle.

The three sites where towed dredges and bottom trawl nets are prohibited are the Lophelia reef off Capo Santa Maria di Leuca, Italy; the Nile delta area cold hydrocarbon seeps; and the Eratosthenes Seamount south of Turkey. The GFCM also requires Member States notify the appropriate authorities of any other activity that could jeopardise the conservation of these particular habitats.

Working together with the International Commission for the Conservation of Atlantic Tuna (ICCAT), all driftnets have now been banned. In contrast to the trawling measures however this has been difficult to implement since there are hundreds of small scale fishermen whose livelihoods depend on the practice.

In the framework of the UNEP Mediterranean Action Plan and of national action plans, a number of efforts are being made to avoid the bycatch of turtles, birds and sharks in longline fisheries. Measures include changing the shapes of hooks, the depth of lines and the duration for which lines can be left.

Important threats still remain however:

- coastal trawlers in shallow waters are destroying fragile ecosystems despite protection measures, especially in North Africa. Although the gear itself is quite destructive, the main problem comes from over-intensive, and in many cases illegal, fishing practices.

- bycatch of turtles, birds and cetaceans is still an issue in longline and net fisheries. In relation to cetaceans, a recent agreement between the GFCM and the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS) will allow information to be gathered about the bycatch of these species.
- the fishing effort from purse seines targeting blue fin tuna is so significant that this previously common species may be threatened with extinction.

In most cases regulations and legal frameworks already exist. There is therefore a need to strengthen the enforcement of the law through compliance, control, and also participative process aimed at coping with the socio-economic issues related to implementation.

While engagement on Countdown 2010 is still lacking, the IUCN Centre for Mediterranean Cooperation is working together with the FAO and the GFCM on revising the Red List for marine fish. It is planned to launch this later this year, and so increasing information and scientific understanding on the state of Mediterranean marine biodiversity and pressures it faces.

François Simard is the Marine Programme Coordinator at the IUCN Centre for Mediterranean Cooperation. For further details, contact: Parque Tecnológico de Andalucía, Calle Maria Curie, 35, Sede Social, Campanillas, 29590, Malaga, Espagne; Tel: +34 (0) 952 028 430; Fax: +34 (0) 952 028 145; email francois.simardiucn.org

Fisheries Subsidies: the Good, the Bad and the Ugly

If the EU is to meet the 2010 target, it must change its approach to fisheries management. As one of the most powerful policy instruments, subsidies are one of the most important areas that need reform. According to Daniel Pauly, Director of the Fisheries Centre at the University British Columbia, this includes differentiating fisheries subsidies according to their implications for sustainability.

Government subsidies to fisheries used to be a good thing, creating new fisheries and jobs, and increasing fish supply to people. Thus, the various fleet rebuilding programs after the Second World War had positive effects in Europe, and European overseas aid programs helped modernise and upgrade the fisheries of newly independent countries in Asia and Africa.

In the 21st century, fisheries resources are under extreme pressure and fisheries collapses occur throughout the world, having significant impacts on biodiversity and ecosystems. Europe is no exception. In fact, the fish supply to European consumers is now maintained only by massive imports from the south and the landing of distant water fleets based in European ports.

Government subsidies to fisheries, once universally viewed as positive, must now be differentiated according to their long term effects. As stated by Ahmed Khan of the UBC Fisheries Centre, there are now 'good, bad and ugly fisheries subsidies'.

- Good subsidies consist mainly of research and management, a necessary condition for sustainability in all fisheries.
- Bad subsidies are those that fund fleet capacity growth. This is bad for sustainability because most fisheries already suffer from over capacity. In the EU, bad subsidies are often given under the guise of successive fleet 'modernisations', the result being an oversized modern fleet and no fish.
- Ugly subsidies are government transfers whose impact on sustainability depends on the context. But let's not fool ourselves: ugly subsidies are usually bad. For example, decommissioning subsidies (to retire boats whose construction was probably also subsidised) usually, if paradoxically, contribute to the growth of fishing fleets, partly because the happy owners of decommissioned vessels can then use the subsidy as collateral for a new boat construction loan, and partly because the 'decommissioned' boat can simply begin fishing for alternative species or can be sold outside the EU, where it will add to the overfishing in Africa or Asia...

A grotesque example of the misuse of ugly subsidies was recently uncovered by Oceana, an environmental NGO, who caught a fleet of about a hundred and fifty Italian and French drift netters in the act of deploying their murderous gear in the Mediterranean, despite receiving 200 million, mainly from the EU, to convert to a more selective gear. This case, which is now with the European Anti-fraud Office and the Italian authorities, is but one example of the misuse of subsidies in the EU.

How much does this cost us, the taxpayer? The World Bank, based mainly on reports from

the OECD and APEC countries, estimated the amount of government transfers to fisheries as US \$14-20 billion per year. However, a team at the UBC Fisheries Centre, including Mr Khan, re-estimated this figure based on a bottom-up, country-by-country approach. This yielded a (still conservative) estimate of US\$30-34 billion per year, twice the World Bank figure and representing about 40 per cent of the dockside sale value of all fish landed in the world.

The region of the world which gives the largest subsidies to its fleets is Asia, specifically East Asia. The EU comes second, well ahead of North America, although their economies and catch levels are similar. Moreover, and this in stark contrast to the USA, the EU gives mainly bad and ugly subsidies (see figure). This is the main reason why fisheries in European waters are in such sad shape. A Fisheries Centre study gives further details, but the story is actually simple: we can't continue like this.

In the EU, opposition to reducing subsidies is spearheaded by governments labelling themselves as 'Friends of Fishers'. What friends? What person would let an intoxicated friend sit at the steering wheel of his car, and drive into a ditch?

Daniel Pauly is Professor of fisheries and Director of the Fisheries Centre at the University British Columbia, Vancouver, Canada. Contact: d.pauly@fisheries.ubc.ca
 For more information, see Sumaila, U.R. and Pauly, D. (Editors) 2006. *Catching More Bait: A Bottom-up Re-estimation of Global Fisheries Subsidies*. Fisheries Centre Research Reports Vol. 14(6) 114 pp. Available from: www.fisheries.ubc.ca/publications/reports/fcrr.php.
 The Oceana driftnet reports can be found at <http://www.oceana.org/>

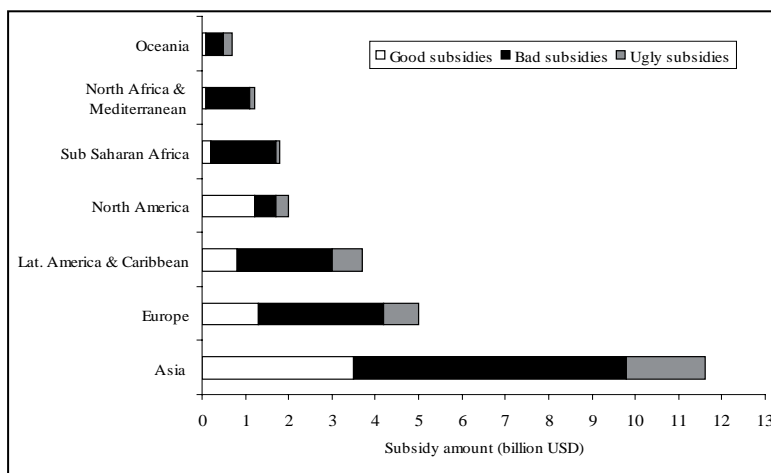


Figure 1 Good, bad and ugly subsidies to marine fisheries, by regions of the world (excluding fuel subsidies, which are universally considered bad). Europe (mainly the EU) is second in the amounts of subsidies it gives, well behind Asia, but with a subsidization level double that of North America, and consisting mainly of capacity-enhancing, bad subsidies.



Ambassador David Balton, Conference President

Photo courtesy IISD, Earth Negotiations Bulletin

UN Fish Stocks Agreement – Time to Implement

Michael Lodge of the OECD describes some of the outcomes of the UN Fish Stocks Agreement Review Conference, five years after it entered into force

In May 2006, more than 300 delegates were gathered at the United Nations in New York for the ponderously-titled 'Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Stocks.'

The week-long meeting was convened in order to assess the effectiveness, as required in article 36, of the UN Fish Stocks Agreement. Thanks in large part to able chairmanship by Ambassador David Balton of the United States, the conference deflected attention from procedural posturing and delivered solid outcomes on some substantive issues. Of these outcomes, it is possible to discern a few distinct trends.

First, it was evident that some of the key principles in the Fish Stocks Agreement, such as the need to apply the precautionary approach to fisheries management, are now widely accepted by parties and non-parties to the agreement alike. The main issue regards how these principles should be applied. There was a clear consensus that regional fisheries management organizations (RFMOs) are the engine for improved management of straddling and highly migratory fish stocks. There remains, nevertheless, a considerable difference of opinion as to how RFMOs will best be able to deliver improved management.

Many States expressed dissatisfaction with the standard of performance of RFMOs in general, but there was no agreement on how performance should be assessed or on the process by which RFMOs should be reformed. Of course, since RFMOs are made up of Member States, criticism of RFMO performance effectively amounts to criticism of States' performance, something that is a little too close to home for many to accept. It seems likely that we can expect much hard work to be done within RFMOs on the detail of implementation of the provisions of the Agreement. It also seems likely that much of this hard work will focus on how to meet the needs of developing countries. The discussion of mechanisms to achieve the progressive reform of RFMOs is expected to continue in both FAO

(whose Committee on Fisheries will meet in 2007) and the UN.

The second major trend seems to be a clear consensus that we have now moved from a period of consolidation to a period of implementation. In recent years, the number of parties to the Agreement has been growing steadily and now stands at a persuasive 61. Whilst this is nowhere near 'universal' (to use a favourite UN word), it represents a significant slice of those countries with an interest in high seas fishing.

Perhaps the most important single event in the review conference was an announcement by Japan that not only was it ready to ratify the Agreement (which it did in August 2006) but also that it had decided to accept in full and implement the boarding and inspection provisions that had previously been such a difficult political obstacle. In the face of such statements, it is inevitable that most of the remaining hold-outs against ratification, including a few Asian and Latin American fishing States, will have little choice but to join the consensus that has formed around the Agreement.

Overall, despite the apparent divide between non-parties and parties to the Agreement on both procedural and substantive matters, the Review Conference clearly provided a critical opportunity for engagement. By the end of the Conference, the benefit of such engagement was recognised by all sides. The wisest decision of all, therefore, may have been the practical decision taken late on the last day of the Conference not to close the proceedings, but to suspend the Conference, to be reconvened not later than 2011, so as to provide a further substantive opportunity to review the effectiveness of the Agreement.

For more information contact Michael Lodge, Round Table on Sustainable Development, OECD, 2, rue André Pascal, 75775 Paris Cedex 16, France; Tel: +33 (0) 1 45.24.95.76; email: Michael.Lodge@oecd.org
Further details from the review conference can be found at http://www.un.org/Depts/los/convention_agreements/review_conf_fish_stocks.htm

A Year of Maritime Consultations

On 7 June the European Commission launched the much anticipated maritime policy Green Paper: 'Towards a future Maritime Policy for the Union: A European vision for the oceans and seas'. This marks the beginning of a one year consultation, running until 30 June 2007. The Commission will then come forward with a Communication at the end of 2007, summarising the results of the consultation process and proposing the way forward.

The exercise is being promoted by the Commission as 'one of the largest consultation exercises in the EU's history'. While it is not possible to substantiate this claim, the call for tenders that the Commission published for a four year

public relations campaign with a budget for 5,000,000 is certainly a significant amount of money.

The Green Paper is 50 pages long and is accompanied by a six page summary Communication and 12 background documents. This seems to be an example of how size is not everything. Despite the unusually long text of the green paper; its unusual use of literary quotes; and the enormous fanfare that has accompanied its release; some fundamental questions still remain.

Rather than clearly set an agenda, the green paper sets the scene for considering a maritime policy of some form or a more concerted and coordinated series of interventions in the area. Two notable exceptions

worth highlighting include a planned review of existing legislation affecting maritime sectors and coastal regions, and discussion of potential ways in which to tackle 'flags of convenience'.

There is a chapter on the importance of the marine environment and the sustainable use of marine resources but it does not appear to anything fundamentally new to environmental protection. The Marine Thematic Strategy that was adopted last year (see El Anzuelo, Vol 15) is referred to as the Commission's groundwork in maintaining and improving the marine environment, and as the environmental pillar of a future maritime policy. Rather than provide specific examples of how a maritime policy may contribute to improving the

environmental status of the EU's seas, this is left for consultees to answer.

The green paper is virtually silent on the very high level of overfishing. Nonetheless, a question is posed on how the CFP should be further developed to achieve its aim of sustainable fisheries. The green paper consultation process could therefore provide an opportunity to secure recognition of strategic issues in advance of the 2012 CFP review.

The Green Paper, Towards a future Maritime Policy for the Union: A European vision for the oceans and seas, COM(2006)275, and other information is available at <http://ec.europa.eu/maritimeaffairs/>

FAO and CITES Join Forces

CITES Secretary-General, Willem Wijnstekers, and FAO Assistant Director-General for Fisheries, Ichiro Nomura, have signed a Memorandum of Understanding (MoU), formalising a working relationship in which both organisations cooperate in the management and conservation of fish species. Although FAO and CITES have been working together for a number of years, the MoU is intended to further combine the expertise of the organisations.

With fish stocks in many parts of the world in a depleted state and the trade in fish products at a record high, the need for international intervention and cooperation in fisheries management has never been greater.

Since the 1960s, trade in species whose survival is threatened through overexploitation has been regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This agreement places legal obligations on Parties to control the trade of species listed in its three Appendices.

In order to be effective, however, consensus is needed on the scientific basis on which species are evaluated, and appropriate management mechanisms must be in place within each trading country to fulfil CITES' requirements. In the case of fisheries, a number of countries have expressed concerns regarding CITES listings of commercially

exploited marine species and have questioned the organisation's involvement in this area.

With its recognised fisheries management knowledge, FAO has technical and policy expertise, as well as good working relationships with fisheries countries. As such, it is considered by some to be in a better position than CITES to evaluate current management practices in trading countries.

Under the terms of the new MoU, FAO will work to ensure that sustainable fisheries principles are incorporated into the work of CITES. The two organisations will consult on the legal and technical evaluation of commercially exploited aquatic species, both those already listed

and those proposed. They will also cooperate with countries to improve the monitoring and management of fisheries resources in order to ensure that exports come from responsibly managed operations. To assist with this, FAO will organise workshops and other activities to help national authorities strengthen their management of fisheries.

FAO's press release regarding the MoU can be found at: <http://www.fao.org/newsroom/en/news/2006/1000410/index.html>.

For further details, contact George Kourous, Media Relations, FAO, email: george.kourous@fao.org, tel: +39 (0) 065 705 3168 or +39 (0) 348 141 6802; Juan Carlos Vasquez, Legal Affairs Officer, CITES, email: juan.vasquez@cites.org, tel: +41 (0) 22 917 8156

From EU25 to EU27

On 1 January 2007 Romania and Bulgaria are due to join the EU, bringing with them the western region of the Black Sea. Dr Violin Stoyanov Raykov of the Institute of Fisheries and Aquaculture in Bulgaria describes some of the challenges facing the fisheries of the region.



Credit: Violin Raykov

While now feeding a lucrative export market, alien invasive species such as the sea snail have impacted negatively on the Black Sea ecosystems, including heavy predation of mussels.

Fisheries Funding for Natura 2000 sites

Natura 2000 is the primary network of EU nature conservation protected areas, including in the marine environment. EU co-financing for managing Natura 2000 sites will come from a mixture of existing funds, including the new European Fisheries Fund (EFF), from 2007-2013 rather than a single fund. This is a new approach. It aims to ensure that the management of Natura 2000 sites will be carried out as an integral part of the wider land and marine management policies of the EU.

In the case of the EFF, supporting Natura 2000 sites fits in with the EFF and broader CFP environmental objectives. The EFF offers a number of possibilities for supporting the management of marine and freshwater Natura 2000 sites. These include, for example, the direct management of sites where it relates to fishing and 'aqua-environmental measures', whereby payments may be made to aquaculture operators to bring their systems into line with the needs of Natura 2000 sites. Natura 2000 sites could also benefit from the provisions for eco-tourism.

The programming of EFF funding gives Member States a lot of freedom to develop policies and measures that suit their national and regional specificities. Consequently, the actual level and types of funding in support of Natura 2000 in individual countries will depend on decisions taken at a national level. It is therefore important to ensure that activities related to the management of Natura 2000 sites are included in Member States' priorities for EFF funding and so detailed in their national strategic plans and operational programmes.

It was debated whether funding for Natura 2000 sites should come from a single EU fund or a mixture of funds. The new funding model that the Commission settled on challenges the national authorities and managers of Natura sites to tap into multiple funding sources. They will also have to work to integrate Natura 2000 into broader regional development. While environmental integration may have been achieved on paper, within the details of the new European funds, it thus remains to be seen whether this will result in more funding and better management of Natura 2000 sites.

Further details on financial support for Natura 2000 can be found in the Financing Natura 2000 Guidance Handbook Commissioned by the European Commission DG Environment http://ec.europa.eu/environment/nature/nature_conservation/natura_2000_network/financing_natura_2000/guidance/pdf/financing_natura2000_en.pdf

The extension of the EU's borders into the Black Sea region will do little to improve the EU's environmental protection work load. On the contrary; the ecosystems of the Black Sea are in a state of degradation. Eutrophication from nutrient enrichment and overfishing are particularly significant pressures in the western region.

Both of these problems are compounded by the Black Sea's characteristics. It is an inland sea, surrounded by six countries: Turkey; Bulgaria; Romania; Ukraine; Russia; and Georgia. Its connection with the Mediterranean is via the Sea of Marmara, a sea itself bordered entirely by Turkey.

Fish catch data is often incomplete, hampering stock assessments. Nonetheless, it is estimated that Bulgaria accounts for approximately two thirds of catches from the western shelf area, with Romania taking the rest. Over the last 14 years total recorded landings have fluctuated between 4,000 and 20,000 tonnes. In 2005 recorded landings were close to their peak, with nearly 18,000 tonnes taken by Bulgaria and 2,000 tonnes landed by Romania.

Sprat is one of the most important fish species, being fished and consumed traditionally in both countries. It is the most abundant fish species in the region and accounts for most of the landings, followed by anchovy and horse mackerel. Whiting is also taken as a bycatch in the sprat fishery, although there is no targeted fishery beyond this.

A fishery exists for turbot, a stock considered heavily exploited, but under-declaration of landings hampers management. Catches of bluefish and bonito have increased in recent years. Together with other migratory species, this is believed to be caused by environmental conditions as well as changes in fishing effort.

The biggest difference in landings between Romania and Bulgaria is that concerning the sea snail (*Rapana thomassiana*). Since being accidentally introduced from the Pacific in the 1940s it has increased to the extent that it supports commercial fishing, albeit with negative consequences for the Black ecosystem. Unofficial statistics suggest that sea snail landings by Bulgaria in 2005 were 8,500 tonnes, representing nearly half of the country's total annual catch. Sea snail landings do not feature in Romanian statistics however, making it difficult to determine the significance of this fishery.

Joining the EU has had relatively little impact on the national fisheries legislation of Bulgaria and Romania because the Common Fisheries Policy (CFP) is directly applicable to EU Member States. It does not need translating into national legislation. Rather, most of the changes have been in relation to systems and procedures.

This has included improvements in data collection and market systems, such as traceability and labelling. Enforcement systems have been improved, equipping vessels over 15 metres long with satellite vessel monitoring systems (VMS) and setting up national monitoring centres.

As with the Mediterranean Sea, the use of Total Allowable Catches (TACs) is currently limited, with Bulgaria only setting a TAC for the turbot fishery for example. It has, however, still been necessary to make some changes to national legislation on stock conservation, in areas such as landing sizes and gear restrictions. Future changes in resource management include further monitoring improvements and reducing illegal and unreported catches. Priorities beyond resource management include adapting fleet capacity (modernisation, hygiene and safety improvements) and development of the aquaculture, manufacturing industries and marketing.

Many of the changes to the Bulgarian and Romanian fisheries management system should make a positive contribution to the region. The Black Sea is, however, an example of the need to manage more than individual fish stocks. Wider environmental issues highlight the importance of applying the ecosystem approach, as envisaged by the proposed marine strategy Directive, and as required by the CFP. In doing so, Romania and Bulgaria will need to cooperate with the remaining four non-EU bordering countries, as well as with each other.



EU15 (yellow); EU10 which joined on 1 May 2004 (blue); and Romania, Bulgaria and Turkey (pink). Turkey is in the process of negotiating entry to the EU.

Credit: European Community, 2006

Contact: Dr Violin Stoyanov Raykov, Research Associate,
Institute of Fisheries and Aquaculture 4 Primorski Blvd.,
P.O.Box 72,Varna 9000,Bulgaria. email: omnisbg@yahoo.com

Aquaculture in Europe

The attention grabber from this year's FAO 'State of world aquaculture: 2006' report is that aquaculture now accounts for almost 50 per cent of the world's food fish. This is a striking statistic, which is forcing people to reconsider the role of fishing and aquaculture in meeting food security.

Whilst the report is heavily coloured by the situation in Asia, it brings together seven regional reviews. Like the rest of the world, aquaculture in western Europe continues to grow, although the rate of growth has shown signs of slowing over the last decade. The industry is now looking to diversify stocks, with particular interest in cod and halibut. Quality labels and, more recently, organic labels, are assisting with diversification by improving the marketability of products. The exact scope of these is still unclear however and, as yet, there is no common European or international organic standard.

Production in central and eastern Europe has slowly increased, but is still below the levels before the political and economic changes of the early nineties. Scope for further development is limited by the political and economic situation

of each country and the report points to the need for research, technology and investment in order to expand the industry.

Various factors may be restricting the potential for growth in both regions, such as competition with other users for coastal sites and environmental concerns. Problems of excess effluent, contaminants and residues have all reduced following technological advances and increased research is considered necessary to continue this trend. Feed is an enduring issue, with the report describing the 'fishmeal trap' of the reliance of carnivorous fish farming on feed species which are in limited supply but subject to growing demand. While this is a problem, the resultant increase in prices is driving research into substitutes.

Common fears over the effects on biodiversity of aquaculture are found to have been 'relatively exaggerated' compared to the impact of other industries such as agriculture. Claims of the impacts of escaping alien species is often not substantiated with firm evidence.

The report also describes the 'paradox' of the aquaculture industry

that, as measures are introduced to reduce environmental impacts, such as water recirculation systems which reduce nutrient outflows, there are corresponding increases in energy requirements.

Progress is being made to improve efficiencies and reduce environmental impacts, although reliable quantitative information was found to be lacking in several areas. As such, further research and monitoring is considered necessary. The FAO Fisheries Department plans to publish an updated supplement once every two years and a full-scale review once every five years.

The full FAO report, entitled 'State of World Aquaculture 2006', can be obtained from ftp://ftp.fao.org/FI/DOCUMENT/t500_advanced/advanced_t500e.pdf
For further details, contact George Kourous, Media Relations, FAO, email: george.kourous@fao.org, tel: +39 (0) 065 705 3168 or +39 (0) 348 141 6802



Apart from acting as a source of independent information on fisheries, and the environment, *El Anzuelo* aims to present different perspectives on the issues, and thereby encourage discussion and debate among the various player. If you wish to respond to material included in this or the previous issue, we would be happy to hear from you.

BIODIVERSITY UNDERPINS OCEAN ECOSYSTEMS

A paper published in the journal *Science* on 3 November caused a stir in the global media. The headline for the majority was its prediction that fish stocks will collapse by the mid-21st century, should the current rate of fishery exploitation continue. This has prompted mixed reactions, with some believing the claim to be exaggerated. Nevertheless, the study is having an impact and a number of governments have felt obliged to respond.

For those with an interest in fisheries, however, this kind of prediction is nothing new. Perhaps the more important headline is that this study is probably the first to produce empirical evidence to support the theory that biodiversity is directly related to a number of ecosystem benefits.

Arguments against the theory of the effects of biodiversity often point to the lack of evidence at a scale large enough

to be relevant to marine ecosystems. As such, the study draws on published data at three scales: that of smaller local experiments; regional coastal ecosystems; and large marine ecosystems. At all three scales, results consistently supported



The huge diversity of our seas and oceans provides a number of important ecosystem benefits

the theory that increased biodiversity results in an improvement of ecosystem services, including fisheries production and filtering and detoxification of water. More diverse regions were also found

to be more stable and resistant to fluctuations.

The rate of fisheries collapses has been accelerating for some time, and this rate was found to be significantly higher in areas of lowest diversity. This report, therefore, demonstrates

an inextricable link between biodiversity loss and economic and social impacts.

It is not too late though to avoid the predicted total collapse of stocks, the authors conclude. The

study evaluated the effect of marine reserves and fisheries closures. This is another contentious area in which, again, it is often argued that empirical evidence is lacking to support claims of beneficial effects. From the data analysed, these marine reserves were found to result in increased diversity of both target and non-target species. At the same time large increases in productivity and better resistance to and recovery from disturbances were recorded.

For full details see Worm, B., Barbier, E.B., Beaumont, N., Duffy, J.E., Folke, C., Halpern, B.S., Jackson, J.B.C., Lotze, H.K., Micheli, F., Palumbi, S.R., Sala, E., Selkoe, K.A., Stachowicz, J.J. and Watson, R. (2006)

Impacts of Biodiversity Loss on Ocean Ecosystem Services *Science* Vol 314, 3 November 2006. <http://www.sciencemag.org/cgi/content/abstract/sci;314/5800/787>. Contact: Boris Worm, Department of Biology, Dalhousie University, Halifax, NS, Canada B3H 4J1, email: bworm@dal.ca

The Institute of European Environmental Policy (IEEP) is an independent body for the analysis and advancement of environmental policies in Europe. While a major focus of work is on the development, implementation and evaluation of the EU's environmental policy, IEEP has also been at the forefront of research and policy development in relation to the integration of environmental considerations into other policy sectors.

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