ASSOCIATION OF NATIONAL ORGANISATIONS
OF FISHING ENTERPRISES IN THE EU

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Introduction

The Committee of the Regions (CoR) is preparing an opinion on the protection of the Seas constituting an opinion and advice regarding the implementation of the MSFD.

The following represents the view of Europêche, the Association of National Organisations of Fishing Enterprises in the European Union.

The fishing industry acknowledges the interest taken by the CoR in the implementation of the MSFD and supports many of the points referenced in the draft paper, such as (but not limited to):

a. the value of regional cross-border cooperation
b. the assessment and implementation of MPA networks on a cross-border regional basis rather than nationally
c. the importance of information exchange on a European level
d. the need for cooperation between government, the private sector and civil society
e. the acknowledgment of the economic and cultural importance of fisheries to coastal communities

However, the position paper emphasises environmental protection whereas issues of proportionality, cost-effectiveness, and feasibility are not discussed. We would like to recall Article 13.3 of the MSFD which provides for these requirements to any new measures. We kindly request that the Committee reconsiders the wording of the text to reduce the risk of disproportionate, overly costly or unfeasible measures being implemented.

In addition, we would like to draw attention to the importance of the three-pronged question that should form the basis of any new marine protection measure, namely: What exactly is the feature which is proposed for protection; why is the feature proposed to be protected, and how will protection be implemented. In the draft position paper these questions appear more as an afterthought (e.g. point 24: "… marine protected areas must be designated on the basis of … as well as the environmental benefits …"). We kindly request that this three-pronged question be emphasised clearly as the basis of marine protection measures.

Below we discuss several points from the draft paper where greater nuance would be well placed, organised along the headings in the draft paper of the CoR.

Implementation status

- The paper argues to increase the level of marine protection under the MSFD. However, sustainable use and minimisation of negative socio-economic impacts are integral to the MSFD and due consideration should be given to these issues.
- Point 4 advocates using consultations on the Programmes of Measures primarily to increase marine protection. We would like to stress that consultations must involve and take into account seriously the views of all stakeholders.
- Point 6:
    - "any shortcomings would also […] result in significant adverse economic consequences". Highly hypothetical. Suggest to remove.
    - The remainder of point 6 emphasises the importance of local and regional authority involvement, which we can support.

Knowledge

- The paper advocates the application of the precautionary principle. This is a widely applied principle of governance in the EU. However, it must not be neglected here that the due consideration of proportionality, cost and feasibility are an integral part of the precautionary principle.
- Point 11: although we agree with the value of improved knowledge and understanding of the marine environment, there is a risk here of requirements which may interfere with operations and impose additional cost.

Governance

- Point 16 advocates MS to turn to the EU to solve problems that occur. We feel that any issues should primarily be resolved at local and regional levels, with the involvement of all relevant stakeholders rather than leaving problems for the Commission to solve.

General requirements for programmes of measures

- Point 20. The ecosystem-based approach, precautionary principle and polluter pays principle are established principles. However, the advice for these principles to "always take precedence" is not further explained and without further clarification carries great risks in terms of proportionality, cost-effectiveness, and feasibility.
- Point 21 implies that various EU legislation would have to be adapted to fit the Programmes of Measures stemming from the MSFD. Logically, this should be the other way around: the Programmes of Measures should be formulated in such a way as to be consistent with other legislative frameworks (cf. consideration 39; article 13.2).
- Point 22: "proposed that the following measures be vigorously pursued …". The use of the adjective is not further qualified, suggest to remove.

Measures to protect biodiversity, food webs and seabeds (D1, D4, D6)

- Point 23: "… the paramount importance of marine protected areas …". The use of the adjective is not further qualified, suggest to remove. Marine protected areas are one of a suite of instruments for environmental protection. We consider it more appropriate and practical to derive management measures according to the particular circumstances of individual sites.
- Point 24. This point advocates restrictions on activities in MPAs with the stated aim "to ensure that the level of protection of marine protected areas is improved …". Of course, we feel that protection should serve clear environmental goals, rather than protection being invoked for the purpose of protection.
- Point 27. "… more rigorous exploration …". The use of the adjective is not further qualified, suggest to remove. We agree to continue research on the effects of maritime operations. However, with regard to the implementation of a network of MPAs, we consider that it is possible that without an adequate planning or assessment framework that can foresee risk and account for the redistribution of pressures, some MPAs are likely to have a negative effect upon environmental targets. Given that the MSFD is concerned with management outcomes at broader scales, including at sea-basin wide scales, taking account of the effects of displacement of maritime activities is fundamental.

Measures to protect commercially exploited species

- Point 34 advocates the exclusive use of EMFF funds for MSFD-related goals. We disagree with this statement, considering among other things that fisheries policy is primarily driven by the Common Fisheries Policy.

Other

- During the hearing on 14 January 2015 in Brussels, Seas at Risk argued against subsidies for the "fishing for litter" programme on the grounds that this would lead to investment in overcapacity by the industry. We do not see how facilitation of a marine cleanup programme would lead to overcapacity in the fishing industry and we do not believe that this could be a realistic outcome of the programme.