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REPORT

on the Commission communication to the Council and the European Parliament on rebuilding stocks of cod and hake in community and adjacent waters

(COM(2001) 326 – C5-0466/2001 – 2001/2190(COS))

Committee on Fisheries

Rapporteur: Ian Stewart Hudghton

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PROCEDURAL PAGE

By letter of 14 June 2001, the Commission forwarded to Parliament a communication on rebuilding stocks of cod and hake in community and adjacent waters (COM(2001) 326 – 2001/2190(COS)).

At the sitting of 22 October 2001 the President of Parliament announced that she had referred the communication to the Committee on Fisheries as the committee responsible (C5-0466/2001).

The Committee on Fisheries appointed Ian Stewart Hudghton rapporteur at its meeting of 3 September 2001.

It considered the Commission communication and the draft report at its meetings of 8 October, 26 November and 18 December 2001.

At the last meeting it adopted the motion for a resolution by 12 votes with 1 abstention.

The following were present for the vote: Daniel Varela Suanzes-Carpegna, chairman; Rosa Miguélez Ramos, vice-chairman; Ian Stewart Hudghton, rapporteur; Elspeth Attwooll, Arlindo Cunha, Carmen Fraga Estévez, Salvador Jové Peres (for Mihail Papayannakis), Heinz Kindermann, Carlos Lage, Brigitte Langenhagen, Vincenzo Lavarra, Patricia McKenna, James Nicholson, Struan Stevenson (for Hugues Martin) and Adriaan Vermeer (for Niels Busk pursuant to Rule 153(2)).

The report was tabled on 19 December 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

MOTION FOR A RESOLUTION

European Parliament resolution on the Commission communication on rebuilding stocks of cod and hake in community and adjacent waters (COM(2001) 326 – C5-0466/2001 – 2001/2190(COS))

The European Parliament,

- having regard to the Commission communication (COM(2001) 326 – C5-0466/2001¹),
 - having regard to Council Regulation (EC) No. 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of marine organisms, and amendments thereto,²
 - having regard to the conditions laid down in Council Regulation (EC) No. 2549/2000 of 17 November 2000 establishing additional technical measures for the recovery of the stock of cod in the Irish Sea,³
 - having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A5-0458/2001),
- A. whereas the decline in major fish species calls for urgent action; catches of juvenile cod and hake must be minimised through increased selectivity if stocks are to have any hope of recovering,
- B. whereas in November 2000 the International Council for the Exploration of the Sea indicated that stocks of cod and Northern hake were at serious risk of collapse,
- C. whereas at the Fisheries Council Meeting of 14-15 December 2000 the Council asked the Commission to set up recovery plans for cod and hake to ensure that quotas are kept to, to protect spawning fish and to make fishing gear more selective in order to enhance the escape of immature fish from these gears,
- D. whereas the Commission has drawn up a strategy for the recovery of cod and hake, which began with emergency closures of cod spawning grounds in the North Sea in spring 2001,
- E. whereas some of the measures included in Regulation 1162/2001 of 14 June, which contains the emergency plan for the recovery of hake, did not enter into force until September; whereas, consequently, it is difficult to ascertain what impact it has had on the recovery of this species,

¹ Not yet published in OJ.

² OJ L 125, 27.4.1998, p. 1. Most recently amended by Regulation (EC) No. 973/2001, OJ L 137, 19.5.2001, p.1.

³ OJ L 292, 21.11.2000, p.5.

- F. whereas the objective of the recovery plans is to restore spawning stock biomass to levels considered by science to provide a high probability that replenishment of the stocks is not threatened,
- G. whereas it is fully accepted that there are two ways of approaching recovery plans, one where the brunt of effort reduction measures is felt at the start of the plan, whose duration is then shortened, and another running over longer periods which makes it possible to cushion the socio-economic impact of reductions,
- H. whereas in the case of hake both the industry and most of the Member States involved, as well as the opinion of the Scientific, Technical and Economic Committee on Fisheries, the Commission's advisory body, recommend the option of extending the duration of the recovery plan, in order both to guarantee that the objectives can be achieved and to mitigate the enormous economic and social impact which would result from the measures proposed by the Commission in its communication, many of which are irreversible and which would entail massive job losses,
- I. whereas cod and hake present different conservation and socio-economic problems and require specifically tailored recovery plans,
- J. whereas, with regard to hake, sufficient information is available to leave room for some doubt as to whether the state of the stock is so critical as to require some of the extreme measures proposed by the Commission, as shown by the fact that the STECF sea is talking of figures of 35 000 t for the 2002 TAC, a figure which differs significantly from the proposals put forward by the Commission, which is quoting figures of between 16 500 and 22 000 t; whereas the Commission itself, despite its proposals, also appears to share this uncertainty, since in its communication it provides specific data and information for cod only,
- K. whereas the TAC for hake has been cut by 72.7% since 1993, falling from 77 000 t to 21 000 t in 2001,
- L. whereas an ecosystem-based approach is needed to take into account both target and non-target species, and the marine environment as a whole,
- M. whereas technical measures for fishing nets ensure that young fish are able to escape before nets are hauled back on board, and whereas it is necessary to ensure that fishing gear is appropriate to the fisheries,
- N. whereas a reduction in fishing mortality rate for cod and hake implies a reduction in fishing mortality rate for species caught in association with those species,
- O. whereas a balance must be struck between the need to advance the recovery of stocks and the need to avoid disproportionate restrictions on the many different fisheries affected and to safeguard communities dependent on mixed fisheries,
- P. whereas, if the objectives of the recovery plans are to be achieved, it is vital to ensure that the industry understands and accepts that they are necessary,

- Q. whereas the precautionary approach, as defined in the UN Fish Stocks Agreement, dictates that 'the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures'; whereas this implies that complete, rigorous scientific evidence may not always be available when designing recovery plans,
- R. whereas it is necessary to look towards the long-term future of cod and hake fisheries, and fisheries in general, and whereas multi-annual plans should provide for greater certainty but also entail inherent flexibility,
1. Demands that effort limitation and technical measures be based on properly funded sound independent scientific advice, and that the Commission, as a priority, makes available clear long-term scientific advice on conditions to be followed during recovery plans;
 2. Calls on the Commission to ensure, in determining the long-term recovery plans, that all interested parties are involved in the planning and decision-making process; emphasises also the need to assess scientific advice in light of the practical experiences of fishermen;
 3. Insists that the Commission make available projected conservation gains from previously agreed gear changes;
 4. Acknowledges that harmonising net sizes and reducing the multiplicity of gear required for different sea areas would simplify implementation and monitoring of technical measures, as would assessments of catch composition at the end of a given trip rather on a day-to-day basis;
 5. Insists that the Commission recognise that the increases in mesh size present particular difficulties to fishermen as both cod and hake are mixed fisheries; measures to restrict cod and hake fisheries therefore restrict associated fisheries; accepts, nevertheless, that all the scientific reports recognise that, in order to prevent catches of juvenile hake and cod, mesh size should be at least 100 mm, with some reports putting figure as high as 120 mm, and considers that given the commercial and biological value of these two species, the recovery plans must set a series of priorities and take into account that it will be inevitable to stop catching species secondary to the two main fisheries;
 6. Strongly urges the Commission to bear in mind the extraordinary sacrifices which its proposals, if they are not made more flexible, would entail for some of the fleets affected, as for some of them these proposals would mean the disappearance of 50% of vessels and a large number of jobs, whilst others would simply be unviable in the short term under the conditions laid down; asks the Commission, therefore, to avoid exceptions and derogations on the grounds of exclusively socio-economic arguments, which would merely be seen as favouritism and discrimination and which might even call into question the achievement of the biological objectives sought;
 7. Points out, in this connection, that however unpopular it may prove to be, the Commission has a responsibility to recognise and publicise the evident fact that many small boats may cause as much harm to the stock as one larger boat and that it is precisely the smallest boats which fish in breeding and spawning grounds; stresses that

the fishing capacity of a small vessel cannot be measured exclusively in tonnes of fish caught but also in terms of the number of fish caught and finds itself compelled highlight the evident fact that it is precisely the immature fish which weigh least;

8. Notes that there must be flexibility and a balance must be struck, and that in an effort to reduce discards, maximum levels of cod or hake caught in mixed fisheries must also take into account whether quota has been spent;
9. Notes that the Commission has failed in the past to evaluate the consequences of emergency closures in terms of displaced effort, and therefore calls for a comprehensive impact assessment of closures of areas to be carried out before incorporating them as an instrument in the cod and hake recovery plans which are to be adopted;
10. Calls on the Commission to temporarily close areas only if agreement has previously been reached with the parties concerned regarding the intended aim of the closure and the way in which it is carried out;
11. Believes that technical measures should be targeted according to the species and geographical area in question; stresses that a broad brush approach which fails to take account of the differences between cod and hake in terms of biological, ecological and socio-economic concerns is not acceptable;
12. Endorses an ecosystem-based approach designed to prevent the potentially disastrous knock-on consequences of closures for the benefit of one species on other fisheries or the ecosystem as a whole;
13. Stresses that industrial fisheries, which include huge by-catches of juvenile fish under threat, must be gradually phased out if stocks for human consumption are to have any long-term future;
14. Calls on the Commission to ensure, as a priority, proper research into the cause and impact of the decline of zooplankton species, and in particular *calanus finmarchicus*, a major food source for cod and other fisheries, forming a vital link in the food chain;
15. Calls upon the Commission to commission research into the various factors (including those external to fisheries) which may have contributed to the dramatic decline in cod and hake stocks and into the relationship between the various factors, in order to obtain a clearer understanding of the measures to be adopted;
16. Calls for improved control and enforcement, with independent on board observers, including scientists, and for the Commission to adopt expedient sanctions where Member States fail to submit data on fishing effort and catch data, with a view in particular to preventing distortions of competition between Member States;
17. Acknowledges that in the absence of effective funding programmes, short-term losses are an obstacle to the rapid adoption of successful conservation measures;
18. Demands that the Commission present a comprehensive socio-economic risk analysis of

the implications of the recovery plans, both short- and long-term;

19. Urges the Commission to make its recovery plans as flexible as possible; points out that the objective of any recovery plan is to reduce fishing mortality and ensure the recovery of the biomass, and that this is perfectly possible if the measures are applied more slowly but over a longer period of time; calls, therefore, for the five-year period for recovery plans to be reconsidered and extended to at least seven years, which would make it possible to tone down the drastic measures planned for the first years;
20. Believes that the Commission must make provision for additional socio-economic measures to support the sector in order to compensate fisheries workers whose professional activity is significantly curtailed as a consequence of the cuts in catches which will have to be made as a result of the recovery plans;
21. Calls upon the Commission to combine the proposals for recovery plans with a practical strategy for supplementary socioeconomic measures in support of the sector;
22. Calls on the Commission to guarantee that tie-up schemes are adequately and fairly funded, thereby ensuring effective means available to manage the social and economic consequences of Community policies;
23. Acknowledges that any effort reduction plan must be based on the principle of equity amongst those participating in a fishery;
24. Stresses that in calculating effort reduction, and accompanying technical measures and sea closures, fleet capacity should also be taken into account, including discounting effort reduction achieved through on going decommissioning of vessels;
25. Agrees that decommissioning is a radical means of addressing the problem of excess effort, but owing to its irreversible nature it must be considered only as a last resort in the event that such a measure is considered indispensable following the mid-term assessment of the recovery plans; in this regard calls for additional programmes and funding to facilitate diversification and, specifically, increases in aid for scrapping as a means of providing an incentive, as far as possible, for voluntary withdrawal from fishing activity;
26. Calls for the Commission to propose multi-annual stock recovery plans based on verifiable scientific advice and thorough consultation with stakeholders, accompanied with adequate socio-economic measures, and for multiannual TACs and quotas to be put forward as soon as practicable;
27. Instructs its President to forward this resolution to the Council and Commission and to the governments, parliaments and fisheries organisations of the Member States.

EXPLANATORY STATEMENT

Due to a variety of factors, including over-fishing and catches of juvenile fish, many of which are discarded, and a decline in zooplankton species, stocks of cod and Northern hake are seriously depleted. The quantities of mature fish are so low that the stocks are potentially no

longer able to replenish themselves by reproduction. Scientific advice from ICES shows that cod stocks in the North Sea and West of Scotland are at serious risk of collapse, and that Northern hake is in a critical condition. Cod and Northern hake stocks will not be sustainable if such high fishing pressure and large catches of young fish continue.

In June 2001, the Commission issued a communication outlining the strategy for rebuilding cod and hake in Community and adjacent waters.

1. THE COMMISSION COMMUNICATION

1.1 BACKGROUND

At its December 2000 meeting, the Council and the Commission expressed their concern for cod and Northern hake stocks based on the ICES advice and agreed, in addition to quota reductions for 2001, on the need for emergency and long-term conservation measures to help the rebuilding of stocks.

This Commission communication presents the objectives of, and main instruments to be used in, the recovery plans, summarises the conservation measures either already in place or soon to be adopted, as well as looking at future actions of the Commission in this regard. The communication sets out technical measures to reduce effort and increase selectivity and which, to the extent possible, allow fisheries for other species.

The recovery plans aim to restore spawning stock biomass to levels considered by science to provide a high probability that replenishment of the stocks is not threatened (levels which themselves remain undetermined).

The reduction in fishing mortality rates for cod and Northern hake cannot be achieved unless reductions in fishing mortality rate for species caught in association with cod/ hake are also accepted. These species include haddock, whiting, plaice, sole, nephrops, anglerfish and megrim. As a result, in addition to the predictable cut in TACs for cod and Northern hake, these species, many of which are also in a poor state, will likely see cuts.

By the end of 2001, the Commission will present proposals for the establishment of multiannual recovery plans for cod and Northern hake.

1.2 COD

This is the second stage in cod recovery, and relates to technical measures to increase the selectivity of fishing gears in order to reduce catches of juveniles and control measures to ensure effective implementation. The first stage involved emergency measures consisting of closed areas to cod fisheries during the spawning season.

From 1 January 2002, the minimum mesh size of towed nets used to fish demersal species will be increased from 100 mm to 120 mm. There will be changes to the structure of fishing gears in areas such as the use of sections made up of square mesh (already used by Scots

fishermen) and rules regarding the maximum thickness of the twine used in nets with a view to increasing the selectivity of these gears.

Two derogations will apply to the application of the 120 mm mesh sizes in EU waters:

1. EU vessels targeting cod, haddock and whiting will be allowed to use nets of mesh size between 110 and 119 mm, until 31 December 2002.
2. Demersal nets of mesh size between 110 mm and 119 mm used by EU vessels targeting saithe.

New conditions will also apply to static nets involving an increase in mesh sizes in some targeted fisheries. Beam trawlers operating in the northern North Sea will have to use 120 mm mesh in their nets.

In Norwegian waters, trawlers targeting cod, haddock, whiting and saithe will have to use nets of mesh size 120 mm. Norway will also close an area to industrial fisheries.

1.3 NORTHERN HAKE

From 1 September 2001, the size of net mesh increased from 70/80 mm to 100 mm in nets used in targeted fisheries.

Limits on the amount caught incidentally. From 1 September 2001, the amount of hake held on board by fishing vessels which catch it while targeting other species, with nets made of mesh of less than 100 mm, must represent no more than 20% of the total quantities of fish held on these vessels. Smaller vessels under 12 metres in length and which go out on one-day trips are exempted from this measure.

As of 1 September 2001, two protected areas for juveniles established, one off the west coast of France and one off the south and southwest of Ireland, where it is prohibited to use towed net of mesh size range 55 to 99 mm. Fixed gear of mesh size less than 120 mm prohibited in the area off the Irish coast and, in the area off the French coast, forbidden to fish using any fixed gear of mesh size less than 100 mm.

Additional conservation measures related to Norway lobsters fisheries may be proposed in future in the form of increased selectivity of towed fishing gear.

Two additional areas have been defined where Member States will have to ensure that observers are on board their fishing vessels which fish with nets of mesh size range 70 to 99 mm. The observers will register data on the fishing gear in use and catches.

Additional control measures applied to vessels targeting hake, including reporting obligations in the protected areas, the separation of hake from other species held on board and the obligation to land catches in designated ports.

2. COMMENTS AND CONCERNS

2.1 INTRODUCTION

Technical measures are fundamental to promoting sustainable fisheries through the protection of juvenile stocks in order to reduce threats to future yields. They are by their very nature complex and difficult to comprehend even by those in the sector. Such measures must have a scientific basis, have the backing of fishermen and be implemented on an equitable basis. The measures must be flexible enough to be capable of adapting to developments and be regularly assessed and adapted accordingly. There must also be proper monitoring and control to ensure that the rules are not circumvented.

The measures in the Commission communication must strike a balance between the need to advance the recovery of stocks and the need to avoid disproportionate restrictions on the many different fisheries affected and negative consequences on those whose livelihood depends on the sea. This will only be borne out by evidence in the long run. What is clear is that urgent measures are needed in order to avoid the total collapse of these commercially valuable stocks which are central to the sustainability of EU fisheries. With scientific advice demonstrating that cod and Northern hake stocks are in a critical state, and fishermen unable to catch their quotas, it seems that both scientists and fishermen agree on the need for action, if not necessarily the extent of that action.

2.2 THE MEASURES

A number of questions and potential shortcomings need to be addressed. The technical measures adopted so far in relation to recovery plans appear as desperate defensive measures – reactive rather than proactive measures.

It is accepted that the EU's fleet does not match fishing opportunities available in the current year. In the North Sea, for example, average landings per vessel show a decline of almost 34% since 1998. The reduced volume of landings has been compensated, to some extent by improved prices, but fuel and other significant costs have also increased markedly over the period. Thus the future looks even more pessimistic for the EU's fishing industry. That is why it is imperative that recovery plans are fully thought out and researched before being imposed on a sceptical industry with minimal impact.

2.2.1 SCIENTIFIC ADVICE

It is essential that the fishermen not only support action, but also support and implement the measures imposed. For the industry to have confidence in the measures, they must also have a sound scientific basis. However, the Commission itself admits that “the fishing mortalities must be significantly lower than those proposed by ICES as sustainable in the long-term in order to give a high probability of achieving recovery within a reasonable time.” How can the Commission expect the support of the fishing industry when it is going beyond the scientific advice?

Given that there lacks clear long-term scientific advice - “...no formal scientific advice on conditions to be followed during the recovery plans” – what action has the Commission taken to ensure that there is more accurate advice updated at a greater rate than at present? Funding must be available for up-to-date research and to ensure regular and adequate monitoring and evaluations of the various elements of the plans.

2.2.2 DISPLACED EFFORT

As was already shown earlier this year, effort displaced from one mixed fishery through seasonal closures, technical measures and quota reductions exerts extreme pressure on the main alternative commercial species of that mixed fishery and can have disastrous ecological consequences. In spring, the Commission clearly failed to take into the account the knock-on effects of the North Sea closures to aid cod recovery had on juvenile haddock stocks. It is therefore imperative that the Commission ensure that a proper impact assessment of its measures is carried out in advance of imposing such measures.

Moreover, the Commission must ensure it has only employed technical measures to the point where the loss of associated species threatens the viability of the mixed fishery.

2.2.3 QUOTA ALLOCATION

It is clear that technical measures alone are not enough to ensure stock recovery. Without corresponding reductions in capacity and effort, stock recovery will always be undermined. However, the consequent decommissioning or enforced sale of vessels, licences and quota allocations will, very likely, result in those assets passing out of the ownership of the state with historical fishing rights, thus impinging on the principle of relative stability. Very significantly, there would be no respite for the stocks since the new owners would carry on fishing, at least as intensively, from a more favourable capital base than the previous owner.

2.2.4 INDUSTRIAL FISHERIES

High volumes of industrial fishery have adverse effects on stocks and their feedstock. Full recovery cannot be achieved unless industrial fisheries are reduced at least in proportion to the reduced limits being applied to the human consumption fishery. Given that Norway has closed an area to industrial fisheries, the Commission must also consider a reduction in industrial fisheries, with a gradual phasing out in the longer-term.

2.2.5 FUNDING

Given ceilings applied under the FIFG, extra provisions must be available for sectors (landing and processing) affected by these measures.

In addition, funding must be applied equitably. This presents a dilemma when matched funding is at the political whim of Member State governments. For example in Scotland, during the closure of the North Sea in spring 2001, the government refused to provide for compensated tie-up schemes for fishermen excluded from fishing grounds due to the stock recovery programme. Although this is essentially a Member State matter, it is surely pertinent for the Commission to take action as it indicates that there are no effective means available to manage the social and economic consequences of EU policies. If there are to be closed areas with compulsory tie-ups, these must be accompanied by financial compensation.

Further, one would hope that the Commission has carried out a detailed social and economic risk analysis for the technical measures in question, and this should be available to both the fishing industry and the European Parliament.

2.2.6 DIVERSIFICATION

The real cost to displaced fishermen will vary between and within Member States, according to the availability of alternative sources of employment. As a minimum, the Commission must recognise the loss involved. In addition to the existing measures to promote diversification, additional initiatives to exploit diversification opportunities especially in the remoter fishing communities accompanied with appropriate funding provisions, must be instigated.