

Common Fisheries Policy Review Group

Report

July 2022



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1. Common Fisheries Policy Review Group

1.1 Background

In February 2022, the Minister for Agriculture, Food & the Marine, Charlie Mc Conalogue T.D., established the Common Fisheries Policy Review Group to examine the issues that arise for Ireland in the context of the CFP Review, to advise the Minister on priorities for the negotiations, and to identify strategies most likely to influence the outcome of the review.

Chaired by Mr John Malone, former Secretary General of the Department of Agriculture and assisted by a steering committee comprising Dr Micheál O' Cinneide, former Director of the Marine Institute and the Environmental Protection Agency and Mr Donal Maguire, former Director of BIM, the Group included representatives of producer organisations, the National Inshore Fisheries Forum, the aquaculture industry, co-ops, the seafood processing industry and representatives of environmental NGOs (see appendix A)

In making its recommendations, the Minister asked the Review Group to focus on four strategic areas:

- Supporting the social and economic health of Ireland's fisheries dependent coastal communities,
- The economic development of the sea-food sector,
- Delivering long term sustainability of fish stocks, and
- Maximising protection of habitats and the marine environment.

The Group met in plenary on 6 occasions;

- Meeting 1 – 10 March
- Meeting 2 – 4 April
- Meeting 3 – 22 April
- Meeting 4 – 9 May
- Meeting 5 – 25 May
- Meeting 6 – 24 June

1.2 Public Consultation

A public consultation was opened in early April 2022, inviting written submissions or observations from the public in advance of the end of the review period (29 April). Consultations were received by written submission to an email or by completing an online feedback form. For a summary of all submissions received, refer to Annex 1 – where consultees asked to remain anonymous, they have been listed as 'Anon'. The Fair Seas campaign and a number of fishers expressed the view that the window for public participation in this consultation was not sufficient.

In total, there were 108 submissions, 75 through the consultation webpage templates and a further 34 by email. There was a concerted effort from the fishing industry to make submissions and it should be noted that of the total, 49 were the same or a variation on a common submission.

Given the quantity of submissions, these cannot be reproduced in their entirety in this report. Instead, the salient points have been summarised into the themes below and ordered, alphabetically, by topic.

- Aquaculture
- Climate Change
- Environment
- Funding
- Inshore
- Landing Obligation
- Markets
- Monitoring
- Quota and fisheries management
- Quota and Relative Stability
- Sustainability

For a summary of these points, refer to **Annex 1**.

Many of the points raised by the fishing industry, were not directly related to aspects of the CFP but there was a recurring sentiment, this was a clear message from the fishing sector to 'save our industry' through a full review of the CFP. Many of the submissions detailed personal stories of hardship and struggle and contained expressions of concern for the future of their communities.

2. Summary of Key Recommendations

2.1 Necessity for Legislative Change and Review of The CFP

In December 2021, the European Commission launched a targeted consultation inviting stakeholders to contribute to two reports the Commission were preparing. The first of these will inform the report required under article 49 of the Common Fisheries Policy's basic regulation (Regulation (EU) No 1380/2013) while the second will inform a similar report required under article 48 of the Common Organisation of the Markets in Fishery and Aquaculture products Regulation (Regulation (EU) No 1379/2013). In launching these consultations, the Commission noted that the objective of its 2022 CFP report was to address the functioning of the CFP and to look at how its implementation could be strengthened. However, the Commission has also intimated that it does not intend to introduce any legislative changes to the policy on this occasion. This is at odds with past practice; reports compiled by the European Commission, as part of the 10-year review cycle in 1992, 2002 and 2012, were accompanied by reforms of the CFP including the necessary legislative changes

It is the view of this Review Group that it is imperative, on this occasion too, that the Commission should introduce some legislative changes on foot of its report. It is acknowledged that this will require agreement by the European Council and the European Parliament under the ordinary legislative procedure. Further, the CFP Review Group considers that there is a compelling case for a deeper review of the CFP, given the urgent need for legislative change. A report without the necessary accompanying legislative changes will not adequately address critical issues confronting European fisheries, including:

- The impact of Brexit
- The social and economic sustainability of fisheries dependent coastal communities and the economic development of the sea-food sector.

- The energy crisis and other emergencies confronting the European seafood sector.
- Food security, Climate change, and Biodiversity loss.
- The drive for increased Marine Protected Area (MPA) coverage.
- Growth and intended scale of Offshore Renewable Energy (ORE) development.
- Structural aid, in particular the measures necessary to assist the seafood sector address the issues of climate change and associated pressures on the marine environment as a resource and a workplace.
- Agreements with third countries.

2.2 Brexit and The Trade and Cooperation Agreement

Brexit and the Trade and Cooperation Agreement (TCA) represent the most important changes to the Common Fisheries Policy since its inception. The Scientific Technical and Economic Committee for Fisheries¹ estimate that Ireland contributed 34% by volume and 40% by value of the real economic cost of fish transfers to the UK. The next nearest Member State in contribution terms, Germany, contributed just 24% by volume and 21% by value. In the case of western mackerel alone, Ireland's sacrifice accounts for 51% of the total Brexit transfers. This CFP Review Group contend that the implications of all major policy changes must be accompanied by a publicly available socio-economic impact assessment. Such an approach would inform the adoption of necessary measures to more equally apportion the real cost of Brexit between Member States. Such measures should be designed to lessen the socio-economic impact on those who depend on fishing activities, wherever they operate within the EU.

¹ Scientific, Technical and Economic Committee for Fisheries (STECF) – The 2021 Annual Economic Report on the EU Fishing Fleet (STECF 21-08), EUR 28359 EN, Publications Office of the European Union, Luxembourg, 2021, ISBN 978-92-76-40959-5, doi:10.2760/60996, JRC126139

Recommendations

- 1 The implications of major changes to the CFP (such as Brexit) should be accompanied by socio-economic impact assessment.
- 2 To reflect the existing policy, a socio-economic impact assessment of the Fisheries Chapter of the Trade and Cooperation Agreement should now be completed. This should incorporate scenarios for the agreement post 2026.
- 3 Socio-economic impact assessment should become a standard approach to any major decision or agreement, including where appropriate trade agreements, that impact the CFP.
- 4 The data collection regime should be strengthened to ensure adequate data is collected to enable socio economic impact assessments.
- 5 Where the relative stability of fishing activities is altered, as has been the case with Brexit, measures should be taken to redress any imbalance through burden sharing.

2.3 Addressing Socio Economic Imbalances Within EU fisheries

Mindful of the need to allocate fishing opportunities among Member States based on a predictable share of the stocks for each Member State, there are, nonetheless, measures that can be used to lessen the socio-economic impact of any major changes to the CFP. Such measures should be integrated and designed with the objective of safeguarding the particular needs of regions where local communities are especially dependent on fisheries and related activities. These include strengthening the EU’s position in external fisheries agreements and trade deals; facilitated quota swaps; voluntary schemes to redistribute unused quota; and industry schemes to maintain employment and minimise socio economic impacts.



Recommendations:

- 6 Develop a comprehensive and integrated NE Atlantic Fisheries Strategy that forms the basis of a strong and detailed mandate for future external fishery agreements. This strategy should take into account, where appropriate, access to the EU single market.
- 7 In future negotiations with Norway, the Faroe Islands, Iceland and the UK, the EU must ensure that it;
 - i) receives a fair share of the mackerel TAC,
 - ii) receives an increased share of blue whiting TAC, and
 - ii) reduces any transfer of blue whiting to Norway.
- 8 In TCA negotiations with the UK, the EU should encourage and facilitate swaps for (western) mackerel.
- 9 The EU should review the share of mackerel allocated to the North Sea, Western waters and Norwegian waters management units.
- 10 The EU should introduce a “surplus plus” model that preferentially allocates a higher proportion of a combined mackerel TAC beyond an agreed level to the Western waters management unit (MAC/2CX14).
- 11 Review quota utilisation and rebalance the quota shares for Nephrops and other key quota stocks.
- 12 Review quota utilisation, facilitate quota swaps, and introduce a voluntary scheme to redistribute unused quota.
- 13 Consider changes to management areas that better reflect biological and economic circumstances.
- 14 Investigate industry supported schemes that help minimise the socio-economic fallout of Brexit.



2.4 Hague Preferences

The Hague Preference system recognised Ireland’s heavy dependence on stocks fished in the waters around Ireland by providing increased share of designated stocks when these fall below a certain level. These preferences were agreed in response to Ireland granting access to other Member States to the waters of Ireland’s Exclusive Economic Zone (EEZ) and have since been tested in the European Court of Justice (C-4/96) which found in favour of their continued application.

The CFP Review Group is strongly of the opinion that transparency and openness of Union decision-making procedures are fundamental values of the EU and essential to a system based on the application of agreed rules. Notwithstanding the fact that Ireland has, in general, always received its preference shares where Hague Preferences have been invoked, the Group nonetheless recommend that the issue of Hague Preferences be fully addressed once and for all in the CFP.

Recommendations:

- 15 The European Commission should issue a policy statement on the application of the Hague Preferences.
- 16 The European Commission should issue a definitive list of Irish preference shares.
- 17 The European Commission should issue a definitive explanation of how these are translated into quotas.

2.5 The Impact of Brexit on The Hague Preference

Following Brexit, the benefit Ireland receives from its Hague Preferences has been reduced, or, irrevocably lost. This outcome is at odds with the objective as established in recital 35 of the CFP which states that the “relative stability of fishing activities, given the temporary biological situation of stocks, should safeguard and take full account of the particular needs of regions where local communities are especially dependent on fisheries and related activities, as decided by the Council in its Resolution of 3 November 1976, and in particular Annex VII thereto”.

Recommendations:

- 18 Based on the principle established in recital 35 of the Common Fisheries Policy, Ireland’s Hague Preferences for existing stocks should be revised upwards and Hague Preferences for additional critical stocks should be introduced to fully redress the imbalance caused by Brexit.
- 19 In the case of western mackerel, Ireland’s Hague Preference should be increased by an amount equivalent to that previously available to the UK in both the North Sea and Western Waters components of this stock.
- 20 The benefit accruing from the non-application of UK Hague Preferences should be established and used as the basis for restoring relative stability shares for certain stocks.

2.6 Environment

Ensuring long term environmental sustainability is a core objective of the Common Fisheries Policy.

Progress towards achieving Maximum Sustainable Yields (MSY) in Irish fisheries and recommendations to improve the environmental aspects of the CFP, including Article 15 (Landing Obligations) and the designation of MPAs, were considered by the Review group. It was noted and welcomed that the number of sustainably fished demersal and pelagic stocks in Irish waters increased from 33 (in 2020) to 35 in 2021. The number of stocks with biomasses higher than the sustainable trigger reference levels also increased, from 25 (in 2020) to 27 (in 2021). The communication from the Commission to the European parliament and the Council towards more sustainable fishing in the EU: state of play and orientations for 2023, issued in June 2022 [SWD(2022) 157 final] states: “It is particularly welcome to see that, thanks to the efforts made by the sector, in 2020 the overall fishing mortality ratio fell below 1 in the North East Atlantic for the first time.”

This review of the CFP is an opportunity to focus on avoidance and minimisation of unwanted catches while improving the practical implementation of the Landing Obligation (Article 15). A body of opinion has grown for restrictions to be imposed on the use of bottom contacting gears in certain areas, due to concerns raised by some E-NGO s (though strongly contested by the catching sector) regarding potential seabed impacts.

The EEA reported in 2020 that fishing was one of the main pressures on ecosystems in Europe’s seas. IPBES reported in 2019 that on an international basis, fishing had the largest impact on marine ecosystems. Nevertheless, according to the latest FAO report (SOFIA 2022), 82% of the fish consumed in the world is fished sustainably. Furthermore, thanks to the good governance and protective measures from Regional Fisheries Management Organisations (RFMOs), areas that deserve a high level of protection have been closed to fishing with the collaboration of the fishing industry. The Review Group accepts that finding an effective balance between protection for sensitive habitats and species and ensuring the continued viability for fishers is a key challenge for the future of the CFP.

The 2021 public consultation phase for MPAs in Ireland and associated processes, highlighted a strong level of public support for MPAs and the need for ongoing stakeholder participation in the process of designating and managing MPAs.



Recommendations:

- 21 While acknowledging the need to eliminate overfishing, the CFP objectives need to strike an equitable and ongoing balance between biological (e.g., MSY), socio-economic and conservation needs.
- 22 By 2030 the EU shall develop harvesting strategies that take account of changing productivity and multi-species interactions (the ecosystem approach). This is only one part of the ecosystem approach to fisheries management. Acquiring appropriate data at the right resolutions is another essential element and weaknesses in data currently remain an obstacle to progress.
- 23 More targeted and robust socio-economic data (including from the inshore sector), and ecosystem data should be collected under the CFP.
- 24 Reform of Article 15 is needed. Strengthening Monitoring and Control systems in a harmonised reformed Article 15, founded on a risk-based approach, will build transparency, and a more level playing field in enforcement of the Art 15 obligations, between fisheries and Member States.
- 25 More collaboration with fishers is advised, using an iterative feedback process for the development of tools, as was achieved under the ICES Working Group on an Ecosystem Approach to Fishery Management for the Irish Sea (WKIRISH).
- 26 To progress Marine Protected Areas and enable environmental and fisheries policy to work together, the key tensions between food security and environmental conservation must be addressed at the Union level. Elements of the CFP have the effect of impeding Member States’ ability to meet environmental obligations and thus should be amended.
- 27 CFP driven area-based conservation measures (e.g., long-term fishery closures for stock spawning/nursery/conservation) should be mainstreamed into EU marine environmental Acquis Communautaire.
- 28 The EU should integrate the scientific information on climate impacts into our collective management of marine resources.

2.7 Aquaculture

Within the EU growth in aquaculture output has remained stagnant over the past decade and the EU is becoming increasingly dependent on imports of seafood from outside the Union.

The Irish aquaculture sector, mirroring the greater EU aquaculture sector, has proven resilient but has also struggled to increase output on a sustained basis. Its products, especially those designated as ‘Organically Grown’ are valued in the marketplace, and it provides well paid, year-round, jobs widely dispersed along the coastline of Ireland.

The current heavy EU dependence on reasonably priced imports is clearly not a sustainable scenario, and there is a real urgency in the need to kickstart an expansion of the EU aquaculture sector. The CFP framework plainly did not deliver on this vital objective, therefore substantive change is required.

Recommendations:

- 29 It is recommended that scope of the Open Method Framework of Cooperation should be widened and made binding to include the following actions to be carried out by member states to an agreed timeline.
- 30 Acting jointly, the relevant departments will carry out a comprehensive review of the national application of the EU Environmental Protection Directives with regard to aquaculture, fully recognising its importance as an ecosystem services provider and its vital role in enhancing seafood food security.
- 31 Climate change poses significant risk in both the short and long term for the aquaculture sector. Extreme storm events are becoming more frequent, seawater temperatures are rising bringing changes to the ecosystem, including Harmful Algal Blooms (HABs), and an increased incidence of damaging zooplanktonic organisms such as pathogenic gill amoeba. The CFP Review Process should enhance the ability of the sector to quickly adopt emerging mitigation techniques and technologies, through EMFAF financial assistance at the most favourable rates accompanied by the maximum possible regulatory flexibility.
- 32 An initiative to train and educate the staff of the state agencies handling aquaculture regulation to ensure that they have the necessary expertise, understanding and appreciation of the unique needs of this emerging sector.
- 33 The carrying out of a fact-based communication programme to engender improved understanding and social acceptance of the sector and the benefits it will bring, when well-practiced, to coastal communities
- 34 The Review Group welcomes the financial supports recommended by the Seafood Task Force Report (October 2021), recognises them as a vital suite of initiatives and recommends that they be introduced.
- 35 A sector wide consultation, across all MS’, and a subsequent debate is required to consider whether or not EU Aquaculture would benefit, in terms of a substantial increase in output volumes, from the creation of a dedicated Common Aquaculture Development Policy. Ireland’s CFP Review Group recommends that the Aquaculture Advisory Council take on this task as a matter of some urgency.

3. Necessity for Legislative Change and Review of The CFP

In December 2021, the European Commission launched a targeted consultation inviting stakeholders to contribute to two reports the Commission were preparing. The first of these will inform the report required under Article 49 of the Common Fisheries Policy’s basic regulation (Regulation (EU) No 1380/2013) which directs the Commission to ‘report to the European Parliament and to the Council on the functioning of the CFP by 31 December 2022’ (the ‘CFP Report’).

The second will inform a similar report required under Article 48 of the Common Organisation of the Markets in Fishery and Aquaculture products Regulation (Regulation (EU) No 1379/2013), which directs the Commission to ‘report to the European Parliament and the Council on the results of the application of this Regulation by 31 December 2022’.

In launching these consultations, the Commission noted that the objective of its 2022 CFP report is to address the functioning of the CFP and look at how its implementation can be strengthened. An online questionnaire, produced as part of the consultation, follows the chapters of the CFP Regulation and provides context for more in-depth discussions at regional level and a larger stakeholder event held in June 2022.

As this consultation process has unfolded, it has become clear that while the Commission will produce a report as required by Article 49 (an article aptly entitled Review), it does not currently intend to introduce any legislative changes to the policy. Whether this reflects a desire to avoid the more complex ordinary legislative procedure/co-decision now required of EU fisheries legislation, this approach is a significant departure from that adopted in the past. From its inception in 1982/83 through Regulation (EEC) 170/83 and at ten-year intervals thereafter, the CFP review has led, in every case, to a reform of the policy including the introduction of a new basic regulation with appropriate legislative changes.

In 1983, after several years of negotiations, the Council adopted Regulation (EEC) No 170/83. establishing the new generation CFP. This enshrined a commitment to EEZs, formulated the concept of relative stability and provided for management measures based on total allowable catches and quotas. Attention is drawn to Article 8 of that regulation. This directed that “before

31 December 1991, the Commission shall submit to the Council a report on the fisheries situation in the Community, the economic and social development of the coastal areas and the state of the stocks and their likely evolution”. In other words, the CFP required only that the Commission produce a report by the end of 1991. In preparation for this 1992 review, an Irish group chaired by Dr T. K. Whitaker made 30 recommendations. These included an extension of the exclusive coastal zone from 6 to 12 miles; the creation of the Irish Box; the need for an economic link between fishing vessels and the flag State; and the lack of any benefits to Ireland from 3rd Country Agreements. While Ireland’s recommendations were only partially adopted when the Commission completed their report, nonetheless the changes introduced by the Commission were broad enough to necessitate legislative change. This led to regulation 3760 of 1992 which, amongst other things, addressed the imbalance between fleet capacity and catch potential.

Like Article 8 of the 1983 regulation, Article 14 of the 1992 revised CFP (3760/92) was again written as a review article. And like its predecessor, it once again stated that “by 31 December 2001 at the latest, the Commission shall present to the European Parliament and the Council a report on the fisheries situation in the Community and, in particular, on the economic and social situation of coastal regions, on the state of the resources and their expected development, and on the implementation of this Regulation”. In 2002 this report once again led to legislative change and a new central regulation underpinning the CFP, i.e., regulation 2371 of 2002.

The primary objective of the 2002 reform was to ensure a sustainable future for the fisheries sector by guaranteeing stable incomes and jobs for fishers, and supplying consumers, while at the same time preserving the fragile balance of marine ecosystems. It introduced a long-term approach to fisheries management, including multiannual management plans, and the preparation of emergency measures and multiannual recovery plans for stocks outside safe biological limits. The European Fisheries Control Agency was established in Vigo, while fishers and environmental organisations were provided with a mechanism to input into the decision-making process through the formation of the Regional Advisory Councils (RACs). In preparation for this review, a CFP Review Group, chaired by Mr Padraig White, made a series of recommendations, including amongst other things, detailed recommendations on regionalisation, enhanced control policy, and new technical measures.

As on previous occasions, Article 35 of regulation 2371/02 was a review article and like its predecessors simply stated that “the Commission shall report to the European Parliament and the Council on the operation of the Common Fisheries Policy with respect to Chapters II and III before the end of 2012”. In 2009, three years in advance of the 2012 reform, the Commission launched a public consultation aimed at integrating new principles designed to strengthen fisheries governance. This led to a new fisheries regime that was finally agreed by the Council and the European Parliament in 2013 under the ordinary legislative procedure (known as co-decision) agreed as part of the Treaty on the Functioning of the European Union (TFEU). The new CFP Basic Regulation was based on three main pillars:

- a new CFP (Regulation (EU) No 1380/2013);
- a new regulation governing the common organisation of the markets in fishery and aquaculture products (Regulation (EU) No 1379/2013);
- a new structural regulation, the European Maritime and Fisheries Fund (Regulation (EU) No 508/2014).

This new CFP was designed to ensure that the activities of the fishing and aquaculture sectors were environmentally sustainable in the long-term and managed in a way that is consistent with the objectives of achieving economic, social and employment benefits. The main changes included multiannual, ecosystem-based management set in a new regional framework; MSY as the main target for all fisheries reflecting commitments made at the 2002 Johannesburg Summit; a discard ban and the gradual introduction of a landing obligation; an obligation on Member States to adjust their fishing fleets in line with fishing opportunities; decentralised governance (regionalisation) wherein EU legislators draw up the general framework which empowers Member States to develop the implementing measures through cooperation at a regional level; a new data collection regime and sharing of information on stocks, fleets and the impact of fishing activities; and a new approach that linked the activities of EU fishing fleets in non-EU and international waters to Sustainable Fisheries Partnership Agreements and to EU participation in regional fisheries management organisations;

Conclusion:

While the heading traditionally used in the CFP article refers to review it usually requires the Commission to report to the European Parliament and to the Council on the functioning of the CFP by a set date (in this case 31 December 2022).

In the past, the reports compiled by the European Commission as part of the 10-year review have always been accompanied by a reform of the CFP, including any necessary legislative changes.

It is the view of the Review Group that like similar occasions in the past, it is inevitable that on this occasion too, the Commission will have to introduce some legislative changes on foot of its report, and that this will require agreement by the Council and the European Parliament under the ordinary legislative procedure.

The CFP Review Group considers that given the inevitable need for legislative change, there is a compelling case for a deeper review of the CFP. A report without the necessary legislative changes will not adequately address the critical issues, both current and emerging, confronting European fisheries. These include:

- The adverse and disproportionate impacts of Brexit (see chapter 4 below)
- The social and economic sustainability of fisheries dependent coastal communities and the economic development of the sea-food sector. The CFP Review Group contend that to adequately reflect the existing policy, the implications of all major impacts to the CFP (including Brexit) as well as all major policy changes must be accompanied by a publicly available appropriate socio-economic impact assessment.
- The energy crisis and other emergencies confronting the European seafood sector.

- Food security.
- Climate change.
- Biodiversity loss.
- The protection afforded to habitats and the marine environment (MPAs). (see chapter 5)
- Growth and intended scales of Offshore Renewable Energy (ORE).
- Structural aid, in particular the measures necessary to assist the seafood sector address the issues of climate change and associated pressures on the marine environment as a resource and a workplace.
- Agreements with third countries.
- Other potential changes set out in the body of this report which fall within the competence of co-legislation



4. Brexit and the Trade and Co-operation Agreement

Brexit and, specifically, the Trade and Cooperation Agreement (TCA) between the European Union and the United Kingdom, is the most important change to the Common Fisheries Policy since its inception over 40 years ago. The Trade and Cooperation Agreement established the parties’ (UK and EU) share of the Total Allowable Catch (TAC) for 124 stocks of common interest, including changes to the shares in each of the years 2021 to 2025 and beyond.

Because these changes include 55 stocks where the United Kingdom share is increased, the net quantity available to the EU is reduced accordingly. Furthermore, as these changes vary from stock to stock and area to area, they impact certain Member States more than others, resulting in permanent changes to their relative share of fishing opportunities.

At the time of its negotiation, Ireland’s fishing industry were very concerned about a ‘no deal’ outcome to the Brexit TCA negotiations. And while, from a national perspective, Ireland supported the TCA, the results of this agreement on the relative stability of fisheries within the EU had a highly disproportionate impact on Ireland’s fishing industry. In simple terms, the outcome of the Brexit TCA represents the biggest shock to the Irish fishing industry in the 40-year history of the CFP. This needs to be recognised and addressed in the current report/review process. In addition:

- i. Despite the requirement under Article 2 (Objectives) of the current CFP, to ‘contribute to a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socio-economic aspects’ and to ‘promote coastal fishing activities, taking into account socio- economic aspects’ at no point in the negotiations leading up to the Trade and Cooperation Agreement or in its immediate aftermath was there available evidence of a socio-economic assessment of the impact of the TCA. On the contrary it took a further 10 months for any analysis to appear and then in a routine report of the Scientific, Technical and Economic Committee for Fisheries.
- ii. There has been no evidence of any planning at a European level to minimise the socio-economic repercussions of the TCA other than via the Brexit Reserve Fund, with the choice left to the Member State (where necessary) to

immediately set about decommissioning or risk being forced to do so in 3 – 5 years’ time when the Annual Report on the Balance between Fleet Capacity and Available Resources (the STECF Balance Report) exposes any deficit in the aftermath of Brexit.

- iii. Despite the disproportionate amount that some Member States contributed towards the quota transferred to the UK under the terms of the TCA, there is little evidence of a systematic attempt to apportion these transfers between Member States in a manner designed to lessen the socio-economic impact on those who depend on fishing activities, wherever they operate.
- iv. Nor was there any evidence of a systematic approach to highlight, or encourage, other ways of alleviating the impacts of Brexit, be it through facilitated quota swaps, voluntary schemes to redistribute unused quota, or (in conjunction with the relevant Advisory Councils) industry supported schemes to minimise the socio-economic fallout of Brexit.

The CFP Review Group contends that to adequately reflect the existing policy, the implications of all major impacts to the CFP (including Brexit) as well as all major policy changes must be accompanied by an appropriate, publicly available, socio-economic impact assessment. The policy should be strengthened in this regard by an appropriate legislative change.

4.1 The Implications for Ireland of the Trade and Cooperation Agreement

When applied to all stocks affected by the TCA, EU Member State fleets were expected to catch some 38,880 tonnes less fish in 2021 as a direct result of Brexit with a loss of income of €42.97 million. By 2025, when the full Brexit changes come into force, these figures will rise to approximately 67,000 tonnes by volume and €71.5 million by value. The breakdown by Member State is shown below.

Table 1: Economic impact of Brexit in 2025, by Member State (Source: STECF AER 2021).

	Value (Tonnes)		Value €'million	
Ireland	-22,808	34%	-€28	40%
Belgium	-85	0%	-€1	1%
Denmark	-6,191	9%	-€4	5%
Germany	-15,870	24%	-€15	21%
Spain	-1,881	3%	-€5	6%
France	-6,076	9%	-€6	9%
Netherlands	-12,417	19%	-€11	15%
Sweden	-859	1%	-€1	1%
Poland	-810	1%	-€1	2%
Portugal	-8	0%	€0	0%
Other MS	-10	0%	€0	0%
Total	-67,016	100%	-€71	100%

This is graphically illustrated in the 2021 Annual Economic Report of the Scientific, Technical and Economic Committee for Fisheries, which estimated the economic impact of Brexit by Member State using recent quota uptake (catches) as a measure of real (economic) losses.

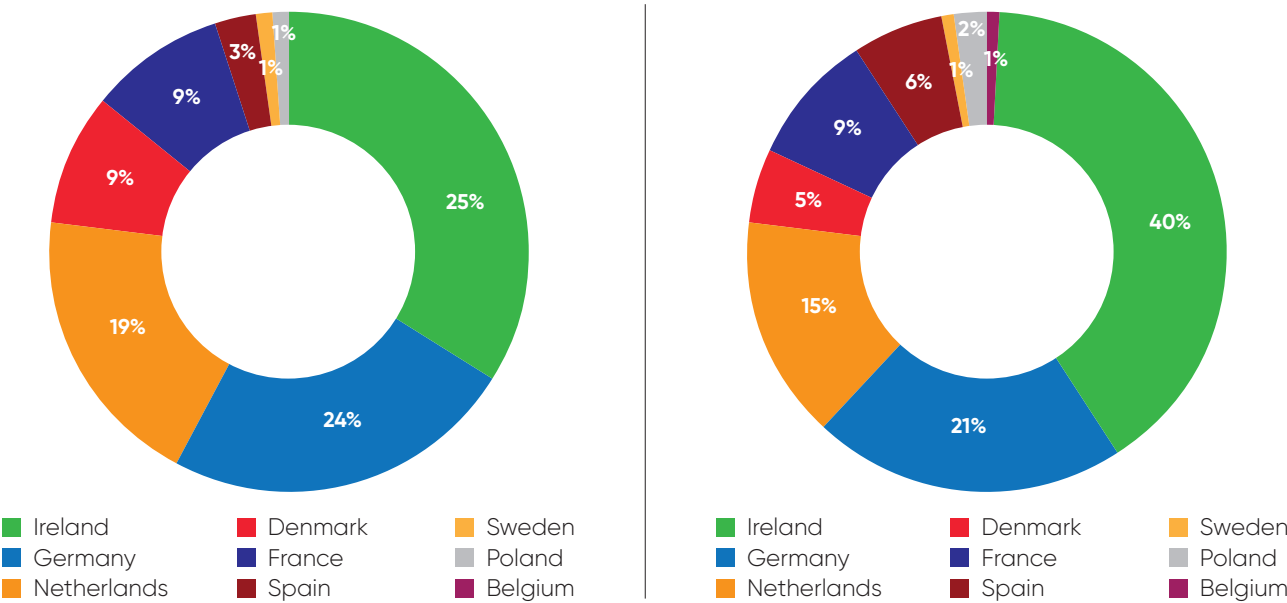


Figure 1: 2025 Economic impact of Brexit by Member State, by volume (left) and value (right)

Source: Scientific, Technical and Economic Committee for Fisheries, AER Report 2021

As shown in figure 1, Ireland contributed 34% by volume and 40% by value of the total economic cost of Brexit to the EU. The next nearest Member State, Germany, contributed 24% by volume and 21% by value. The impact of these transfers is illustrated in the case of western mackerel, a stock of significant importance to Ireland. Of the total Brexit transfers to the UK, Ireland accounts for 51%.

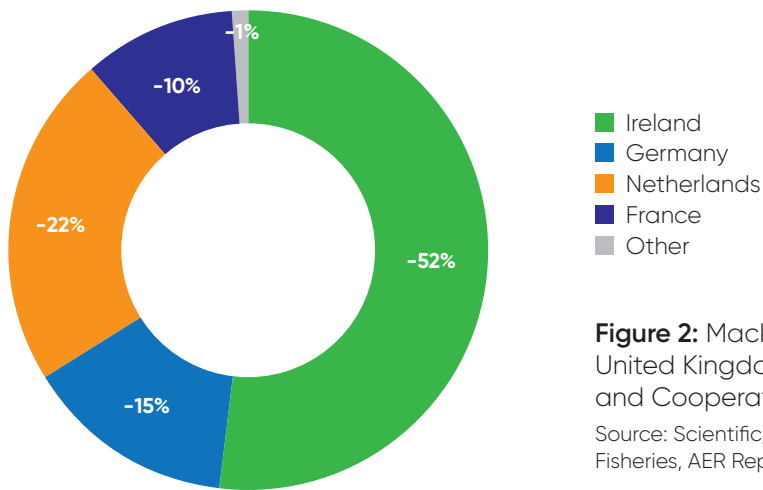


Figure 2: Mackerel (tonnes) transferred to the United Kingdom under the terms of the Trade and Cooperation Agreement.

Source: Scientific, Technical and Economic Committee for Fisheries, AER Report 2021

The Scientific, Technical and Economic Committee for Fisheries also estimated the impact of Brexit on The Hague Agreement. Because many of the stocks included in the Trade and Cooperation Agreement involved Hague Preferences, Brexit means the Member States that traditionally transferred fish to the UK no longer have to do so and these Member States gain quota as a consequence. Overall, the UK forfeits some 6,657 tonnes of quota, valued at €9.24 million, resulting from its loss of Hague Preferences; these fish are shared amongst EU Member States, see table 2. However, in the case of Ireland, a traditional recipient of Hague transfers from the UK, the situation is reversed, and Ireland suffers a nett loss.

Table 2: Impact of Brexit on the distribution of Hague Preferences, by Member State.

Values are quotas (tonnes) of all stocks with Hague Preferences.

	With Hague Transfers Pre-Brexit	Without Hague Transfers Pre-Brexit	Impact (t)	Impact €'000
Ireland	99,266	98,940	-326	-€663
Germany	42,764	43,569	805	€1,227
Netherlands	105,130	105,769	639	€876
Denmark	112,574	114,178	1,603	€2,411
France	101,540	105,150	3,610	€4,940
Spain	18,677	18,677	0	€0
Sweden	6,073	6,133	61	€107
Belgium	19,764	20,029	265	€345

Source: Scientific, Technical and Economic Committee for Fisheries, AER Report 2021

Conclusion:

The above analysis, taken from the 2021 Annual Economic Report (AER) of the Scientific, Technical and Economic Committee for Fisheries, clearly illustrates the disproportionate amount that Ireland has contributed towards the quota transferred to the UK under the terms of the TCA. This is equivalent to 34% by volume and 40% by value of the overall economic cost of Brexit.

Relative Stability

- Ireland transferred about 15% of the total value of its 2020 fisheries quota to the UK under the terms of the TCA. Proportionally, this is substantially more than that of any other Member State. In addition, some Member States have a much higher dependency on UK waters and yet their contribution is, both in real terms and proportionately, much lower.
- If the transfer of quota arising from the Brexit TCA were evenly divided across all Member State with fishing rights, it would involve a 5.8% transfer per Member State.
- While quotas were cut by an average of 13% in the TCA, Ireland's two most important fisheries, mackerel and Dublin Bay prawns (*Nephrops norvegicus*), were cut by 26% and 14% respectively.
- Most of the mackerel transfers came from the western TAC area, even though mackerel from all TAC areas are considered to be a single biological stock. Ireland has the majority share in the western TAC area and was therefore disproportionately affected.
- Some of Ireland's important whitefish stocks off the northwest coast (area VI) are subject to substantial cuts including monkfish (- 20%), Rockall haddock (-23%) and megrim (- 19%).

Hague Preferences

- A number of North Sea Member States benefited from the UK's withdrawal from the Hague Agreement. This significantly reduced the transfer of quota from North Sea Member States to the UK. Indeed, Ireland is the only Member State that saw a nett loss of transfers under the Hague Agreement following Brexit.

Socio-Economic Impact

- Despite the requirement under Article 2 (Objectives) of the current CFP, to 'contribute to a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socio-economic aspects' and to 'promote coastal fishing activities, taking into account socio- economic aspects', at no point did the Commission present any socio-economic impact assessment of the Trade and Cooperation Agreement.
- Despite the disproportionate amount that Ireland has contributed towards the quota transferred to the UK under the terms of the TCA, at no point was there any attempt to apportion these transfers between Member States in a manner designed to lessen the socio-economic impact on those who depend on fishing activities particularly in Ireland.



4.2 Adapting the CFP to Include Economic and Social Sustainability

The concept of relative stability lies at the heart of the CFP. In the current regulation 1380/2013, its meaning is set out in two recitals (35) and (36):

35 *In view of the precarious economic state of the fishing industry and the dependence of certain coastal communities on fishing, it is necessary to ensure the relative stability of fishing activities by allocating fishing opportunities among Member States, based on a predictable share of the stocks for each Member State.*

36 *Such relative stability of fishing activities, given the temporary biological situation of stocks, should safeguard and take full account of the particular needs of regions where local communities are especially dependent on fisheries and related activities, as decided by the Council in its Resolution of 3 November 1976, and in particular Annex VII thereto.*

The first of these stipulates that fishing opportunities should be based on a predictable share of the stocks for each Member State with the specific intention of ensuring the relative stability of fishing activities. Or, in the context of the TCA, the application of well understood keys for each stock (the keys of '83), along with the (less transparent and, consequently, less well understood) special arrangements like The Hague Preferences.

The second clause specifies that relative stability should "safeguard and take full account of the particular needs of regions where local communities are especially dependent on fisheries and related activities". This is clearly suggesting that both economic and social circumstances should be considered in the meaning of relative stability. However, while the Commission is required to base its annual quota proposals on specified biological parameters (for example MSY), to date the Commission has not routinely made publicly available any social or economic appraisal to accompanying these proposals. This, despite the policy's stated requirement (Article 2.1) that the CFP shall ensure that fishing and aquaculture activities (are environmentally sustainable in the long-term) are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies." It is clear that while the Commission's annual quota proposals, like the outcome of the Brexit Trade and Cooperation Agreement, do not specifically include an assessment against the objectives of the CFP dealing with economic, social and employment benefits, it nonetheless has an obligation to promote all the CFP objectives and not rely on the Council of Fisheries Ministers to address these crucial issues in an ad hoc manner.



Recommendations:

Mindful of the existing legal requirement to provide an impact assessment of any legislative change, while noting that such an impact assessment was not publicly available in respect of the Brexit Trade and Cooperation Agreement; the CFP Review Group recommends:

- The Common Fisheries Policy should be amended to ensure that the implications of all major changes are accompanied by an appropriate socio-economic impact assessment designed to safeguard and take full account of the particular needs of regions where local communities are especially dependent on fisheries and related activities.
- Given that a socio-economic assessment was not made publicly available in the case of the Brexit TCA, the Review Group recommend that the CFP should be amended accordingly to ensure that this is not the case for future agreements.
- Noting the impact that the Brexit Trade and Cooperation Agreement has had on EU fisheries generally and the disproportionate impact on some Member States, the CFP Review Group recommend that to adequately reflect the existing policy, an appropriate socio-economic impact assessment should, even now, be completed. This should include a review of the impacts to date of the Brexit TCA and should also consider scenarios for that agreement post 2026.

- While noting that trade agreements negotiated by the European Union often include trade in more than just fish or fish products, nonetheless the CFP Review Group recommends that socio-economic impact assessment should become a standard approach not just to legislative changes but to any major decision or agreement, including where appropriate trade agreements, that impact the CFP.
- The data collection regime, introduced in the last reform of the CFP, should be strengthened as necessary to ensure that adequate data is collected to enable the completion of an appropriate socio-economic impact assessment.
- Noting that the principle of relative stability stipulates that fishing opportunities should be based on a predictable share of the stocks for each Member State, with the intention of ensuring the relative stability of fishing activities, the CFP Review Group recommend that where that relative stability of fishing activities is altered, as has been the case with Brexit, measures should be taken to redress any imbalance so created whilst respecting the need to allocate fishing opportunities among Member States based on a predictable share of the stocks for each Member State. In this context the CFP Review Group recommends that burden sharing be included as a principle of the Common Fisheries Policy with the aim of safeguarding and taking full account of the particular needs of regions where local communities are especially dependent on fisheries and related activities.

4.3 Addressing Socio Economic Imbalances Within EU Fisheries

Mindful of the need to allocate fishing opportunities among Member States based on a predictable share of the stocks for each Member State, there are, nonetheless, measures that can be used to lessen the socio-economic impact of any major changes to the Common Fisheries Policy.

Such measures should be integrated and designed with the objective of safeguarding the particular needs of regions where local communities are especially dependent on fisheries and related activities. These include:

- i) Strengthening the EU's position in external fisheries agreements and external trade deals;
- ii) EU Facilitated quota swaps (similar to those introduced for the landing obligation);
- iii) Voluntary schemes to redistribute unused quota;
- iv) In conjunction with the relevant Advisory Councils, industry supported schemes to maintain employment and minimise socio economic impacts.

The TCA established the EU's share of the TAC for 124 stocks of common interest with the UK. These stocks will now be the subject of annual negotiations between the EU and UK. Along with other shared stocks, like mackerel, blue whiting etc. and those already managed by RFMOs (e.g., ICCAT) it means that more and more of the decisions previously taken at the annual December Council of Fisheries Ministers, will now happen at meetings of officials. While recognising the legal position of a single EU negotiating stance in external discussions, the CFP Group is strongly of the opinion that this must be balanced with transparency and openness of Union decision-making procedures. While there have been improvements, there remains a need for a more formal, structured, engagement with stakeholders on these matters. This is particularly the case in respect of 1) shared stocks with the UK post 2026, and 2) shared stocks in the Northeast Atlantic of strategic importance to Member States fishing industries, including mackerel, blue whiting, herring etc.

Development of a comprehensive and integrated NE Atlantic Fisheries Strategy could form the basis of a strong and detailed mandate for future external fishery agreements. This strategy should take into account, where appropriate, access to the EU single market and should be developed in conjunction with member states administrations, industry stakeholders, and Advisory Councils

Currently, the biological advice necessary to inform external discussions is provided, inter alia, by relevant RFMOs or by the International Council for the Exploration of the Sea, etc. This advice is publicly available, is discussed in advance by stakeholder groups including the Advisory Councils (ACs) and includes a mechanism to formally integrate the opinion of the ACs into the decision-making process.

The same is not the case for economic and social advice and many in the sector, including fishers, environmental Non-Governmental Organisations (eNGOs) and other stakeholders, know little about how these considerations are taken into account in external negotiations. The CFP Group is strongly of the view that this approach fails to strike the necessary balance between the flexibility needed to successfully conclude external negotiations on the one hand and transparency and openness on the other.

Ireland's internal review on the impact of Brexit on the seafood industry pointed to a number of external agreements and showed that changes to the EU's negotiating stance could have a major impact on EU fishing opportunities. These, in turn, would lessen the disproportionate impact of Brexit on Member States whilst respecting the need to base fishing opportunities on a predictable share of the stocks for each Member State.

Recommendations:

- Develop a comprehensive and integrated NE Atlantic Fisheries Strategy as the basis of a strong and detailed mandate for future external fishery agreements. This strategy should take into account, where appropriate, access to the EU single market and it should be developed in conjunction with Member States' administrations, industry stakeholders, and Advisory Councils.
- In future negotiations with Norway, Faroe Islands, Iceland and the UK, and noting that the EU share of mackerel is now objectively too low, the EU must ensure that it receives a fair quota share. This will involve a significant increase in the EU share of this stock.
- Leverage a greater quota share in mackerel and blue whiting from Iceland and Norway in exchange for access to EU waters and the single market.
- In future TCA negotiations with the UK, the EU must use every opportunity to encourage and facilitate swaps for mackerel particularly in the western component of the stock.
- In future negotiations with Norway, the Faroe Islands, UK and Iceland, the EU must negotiate for an increased share of blue whiting quota based on a strong, objective, justification being made at EU level.
- Respect the EU commitment to internal EU balanced transfers by reducing any transfer of blue whiting to Norway. In addition, the option of the southern component contributing to the transfer should be considered.
- The EU should review the share of mackerel allocated to the North Sea, Western waters and Norwegian waters management units.
- Introduce a "surplus plus" model whereby that proportion of a combined mackerel TAC beyond an agreed level, would be preferentially allocated to the western component of the stock (MAC/2CX14). As mackerel in the northeast Atlantic is considered a single stock, this provides some scope to consider an allocation within the EU that prioritises the share made available to the western component where the stock status is assessed as strong.
- Under the TCA the transfer of mackerel to the UK comes primarily from the western component with a very small amount from the North Sea. Using this surplus-plus approach to prioritise the western component would provide a way of compensating for the disproportionate losses impacting Member States with quotas in this component.
- Review quota utilisation on an annual basis with a view to rebalancing the quota shares for Nephrops and other key quota stocks. This should be developed in conjunction with Member States' administrations, industry stakeholders, and Advisory Councils.
- Review quota utilisation with a view to better facilitating quota swaps and introducing a voluntary scheme to redistribute unused quota. Akin to the quota swap scheme introduced for the Landing Obligation, this scheme should focus on socio economic optimisation.
- Consider changes to management areas that better reflect the biological and economic circumstances applicable to certain stocks.
- In conjunction with the appropriate Advisory Councils, investigate industry supported schemes that help minimise the socio-economic fallout of Brexit.

4.4 Hague Preferences

The Hague Preference system recognised Ireland’s heavy dependence on stocks fished in the waters around Ireland by providing improved quotas of designated stocks when these fall below a certain level. These preferences were agreed in response to Ireland granting access to other Member States to the waters of Ireland’s exclusive economic zone.

When the Council met in Luxembourg in 1976 to discuss the coordinated creation of a 200-mile Community fishing zone, a number of Member States, including the UK and Ireland, saw themselves as contributing significantly to, what would become, the newly extended and fish-rich Community waters and they sought some recognition from other Member States who would also benefit from the new arrangements. Noting that the Council required unanimity to reach a binding decision, these Member States took the opportunity to present their case for a fisheries policy capable of dealing with regional, social and economic problems. When the Heads of Government agreed a way forward (The Hague Agreement), unusually, only part of it was published²: Annex I, which deals with the 200-mile EEZ was published in 1981.

Annex II to IV concern agreements with third countries; Annex V and VI outlined the approach Member States were to take when implementing their 200-mile zone. The final annex, Annex VII, covered the issue of internal fisheries systems and it is this (as yet unpublished) Annex that sets out The Hague Preferences.

Notwithstanding the lack of publication of Annex VII, the legal basis of The Hague agreement; the application of Hague Preferences in tandem with allocations keys; the continuing applicability of The Hague Preferences; and whether or not The Hague Preference system was already considered when the 1983 allocation keys were fixed, are all considered in a ruling of the European Court of

Justice³, case C-4/96. Despite this ruling, the Commission’s initial quota proposals each year do not include Hague Preferences. Rather they are invoked during the relevant Council meeting and must be agreed by Member States. In the past, and despite the ruling by the European Court of Justice on the matter, they have often become the subject of difficult negotiations, with a group of Member States for many years consistently stating their opposition to the application of The Hague Preferences. Despite the findings of the judgment of the European Court of Justice in case C-4/96, these Member States continue to advocate that Hague Preferences were included in the 1983 keys when, clearly, this was not the case.

Noting that, following Brexit, Ireland is the only Member State with Hague Preferences, it is now possible for the first time since their introduction to fully predict Ireland’s quota share including any Hague Preferences and to include these calculations alongside the basic keys (Keys of ‘83 as amended) in a transparent and open manner. This would address some of the uncertainty that has been a feature of their application in the past. It is in that context that Ireland seeks to have the application of The Hague Preferences set down explicitly in the CFP regulation.

Recommendations:

The CFP Review Group is strongly of the opinion that transparency and openness of Union decision-making procedures are fundamental values of the EU and are essential to a system based on the application of agreed rules. Notwithstanding the fact that Ireland has, in general, always received its preference shares where Hague Preferences have been invoked, the Group nonetheless recommend that the issue of Hague Preferences are fully addressed once and for all in the Common Fisheries Policy. This should include:

- A policy statement on the application of The Hague Preferences.
- A list of Irish preference shares. While versions of this list are already in circulation, these are unofficial versions. To that extent they portray the application of relative stability as lacking transparency and openness and they undermine confidence in the policy amongst Irish fishers.
- An explanation of how these are translated into quotas. While the methodology for calculating Hague Preferences is also understood, a lack of transparency and openness once again undermines confidence in this area of the policy not alone amongst Irish fishers, but also for those Member States that have traditionally opposed its annual application.

4.4.1 Amendments to the Hague Agreement to Address the Impact of Brexit

Following Brexit, the benefit Ireland receives from its Hague Preferences has been reduced, or, for some stocks, irrevocably lost. And unlike year-to-year changes in the biological status of these stocks, which can be reversed, these present disproportionate reductions stem solely from a policy decision, i.e., the TCA are non-reversible. This outcome is at odds with the objective as established in recital 35 of the Common Fisheries Policy which states that the “relative stability of fishing activities, given the temporary biological situation of stocks, should safeguard and take full account of the particular needs of regions where local communities are especially dependent on fisheries and related activities, as decided by the Council in its Resolution of 3 November 1976, and in particular Annex VII thereto”.

Recommendations:

- The CFP Group recommends that, based on the principle established in recital 35 of the Common Fisheries Policy, Ireland’s Hague Preferences for existing stocks should be revised upwards and Hague Preferences for additional critical stocks should be introduced to redress fully the imbalance caused by Brexit.
- In the case of western mackerel, a stock of significant interest to Ireland, the Review Group recommends that Ireland’s Hague Preference should be increased by an amount equivalent to that previously available to the UK in both the North Sea and Western Waters components of this stock.
- The Group recommends that the benefit accruing from the non-application of UK Hague Preferences should be established and used as the basis for restoring relative stability shares for certain stocks.

2. EUR-Lex – 61996CJ0004 – EN – EUR-Lex (europa.eu)

3. Case C-4/96, (REFERENCE to the Court under Article 177 of the EC Treaty by the High Court of Justice in Northern Ireland, Queen’s Bench Division, for a preliminary ruling in the proceedings pending before that court between Northern Ireland Fish Producers’ Organisation Ltd (NIFPO) and Northern Ireland Fishermen’s Federation and Department of Agriculture for Northern Ireland on the validity of Council Regulation (EC) No 3362/94 of 20 December 1994 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1995 and certain conditions under which they may be fished (OJ 1994 L 363, p. 1), on the validity of Annex VII to the Resolution of 3 November 1976 adopted by the Council at The Hague and on the interpretation of the principle of State liability for damage occasioned to individuals by breaches of Community law.

5. Environment

5.1 Introduction

Ensuring long term environmental sustainability is a core objective of the Common Fisheries Policy. The scale of the prevailing environmental challenges for EU fisheries was evident in the recent UN Ocean Conference in Lisbon, 2022 which called for “transformative change” in the marine economy, including the goal of reaching climate neutrality by 2040.

In relation to environmental matters, the CFP Review Group has consulted with stakeholders and a clear theme has emerged:

“Ireland should pursue and implement all aspects of the CFP to help secure well-managed protected areas, healthy seas, and a strong, sustainable fishing industry.

*The CFP should contribute to the protection of the marine environment, and in particular, to the achievement of Good Environmental Status (GES) of wider seas. The Irish Government has committed to fully implementing the CFP, as well as expanding Ireland’s network of Marine Protected Areas (MPAs). Fisheries management in current and future MPAs (offshore and inshore) is crucial to secure an ecologically coherent and well-managed network of MPAs, as well as the broader long-term health and resilience of our marine environment. The CFP provides the mechanisms for implementing conservation measures within offshore and inshore MPAs, including fisheries management”.*⁴

Current practice, progress towards achieving Maximum Sustainable Yields (MSY) in Irish commercial fisheries and recommendations for future improvements in the environmental aspects of the CFP, including Article 15 (Landing Obligations), the development of MPAs and climate impacts, are considered in this chapter.

5.2 Current Environmental Practise and Scientific Support

The Irish Marine Institute (MI) is the state agency with responsibility for providing the scientific evidence base for the development and implementation of marine fishing policies in Ireland’s maritime area. It undertakes an extensive data collection programme every year to provide the evidence base which underpins the management of stocks for which Ireland has a share – this includes multiple scientific surveys which cover approximately 327,000 square nautical miles over 263 days, equating to 1,545 scientist days-at-sea. Through the onshore and at sea sampling programmes undertaken by the MI, over half a million fish are measured and the age for a further 50,000 individuals is estimated annually. Irish fisheries data is compiled with that from other countries through intergovernmental organisations like ICES (International Council for the Exploration of the Seas). Scientists from the Marine Institute play a key role in carrying out the assessments and developing the scientific evidence and advice of ICES.

The Marine Institute produces annual publications, called the Stock Book and the Shellfish Fisheries Review, providing the best available scientific evidence for decision making, which is transparent to all audiences, including government, the fishing industry, marine scientists, environmental NGOs, third level institutes and financial institutions. Detailed in the Marine Institute publications is the latest impartial scientific advice on the status of 74 key fish stocks of interest to Ireland, and the latest management advice used by decision makers to set sustainable catch levels and fishing quotas.

In the STECF assessment of the CFP and in most recent version of the Stock Book, the Marine Institute advised that the number of sustainably fished demersal and pelagic stocks occurring in Irish waters increased from 33 (in 2020) to 35 in 2021 and the number of stocks with biomasses higher than the sustainable trigger reference levels increased from 25 (in 2020) to 27 (in 2021). In addition, the communication from the commission to the European parliament and the council towards more sustainable fishing in the EU: state of play and orientations for 2023 issued in June 2022 [SWD(2022) 157 final] states: “ It is particularly welcome to see that, thanks to the efforts made by the sector, in 2020 the overall fishing mortality ratio fell below 1 in the North East Atlantic for the first time.”

Over the longer term, there has been gradual progress towards long term sustainable utilisation of the resource base since 2012.

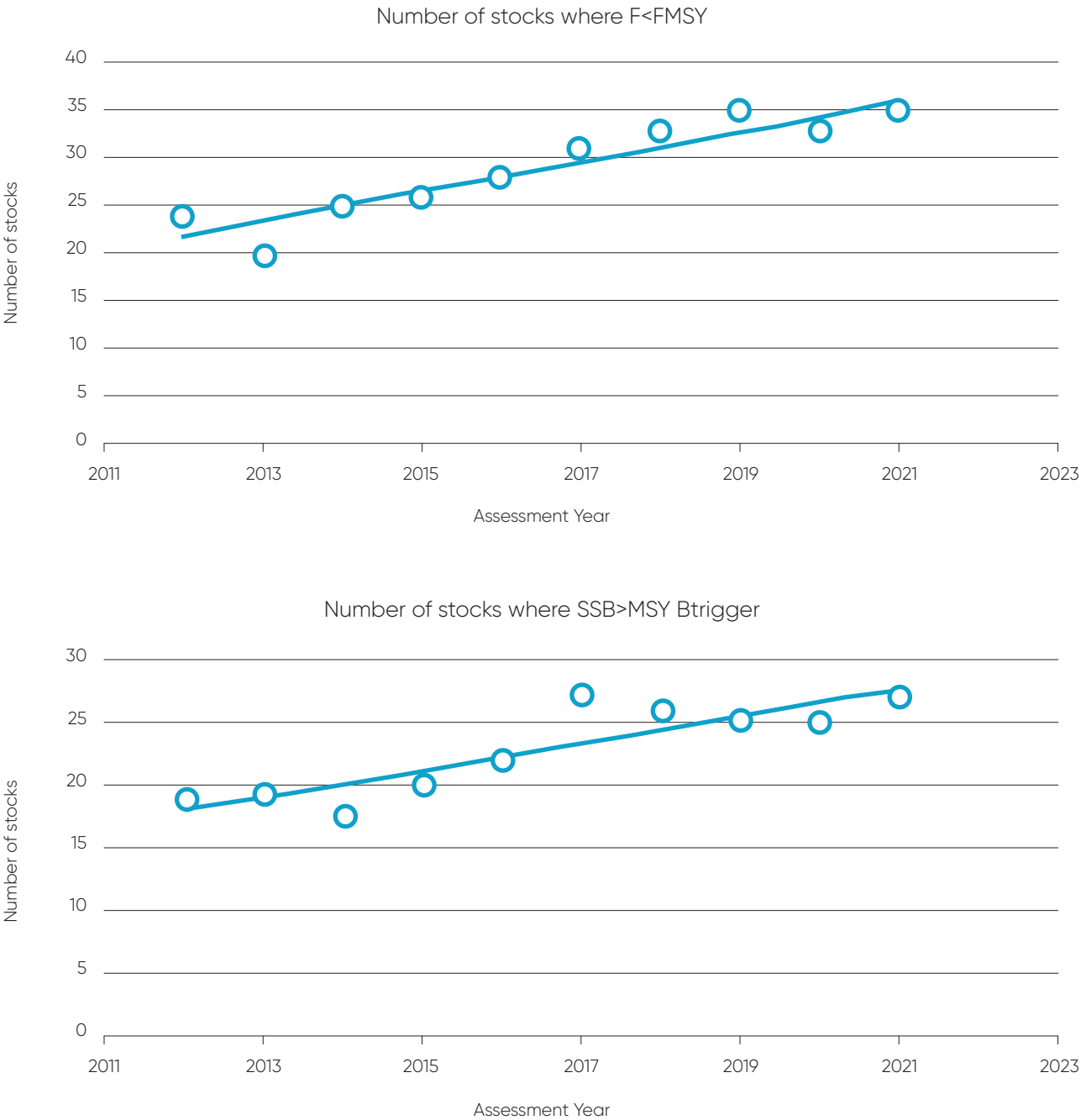


Figure 3 Number of stocks where F<FMSY and where SSB>MSY Btrigger

4. Submission to CFP Review consultation process from the Fair Seas campaign, 29 April 2022, p. 1.

5.3 Recommendations on Scientific and Data Aspects of the New CFP

Based on advice from the Marine Institute the following recommendations are made and should be addressed in a new CFP:

- The EU Commission, with advice from bodies such as ICES, should ensure that the science underpinning fisheries management decisions is sufficiently robust and that a framework be developed to support decision making when there is not scientific consensus around the available evidence.
- Within the CFP, objectives need to be balanced more explicitly between MSY, socio-economic and conservation needs. A major challenge for the decade to 2030 will be developing harvesting strategies that take account of changing productivity and multi-species interactions (this is the ecosystem-based approach). The EU will have to do this by achieving end-user buy-in within a top-down management system. Lack of data will remain a barrier to achieving an ecosystem-based approach unless appropriate data, at adequate resolution are acquired.
- Social and economic data provide fundamental metrics that are useful for the design of fisheries policy at national and EU level and for achieving both sustainable and viable fisheries. More targeted socio-economic data, and ecosystem data needs to be collected under the future CFP, and higher resolution data is required on the inshore fleet.

- Major challenges remain around data availability and transparency. Fisheries resources are a public/common resource, yet protection of personal data and confidentiality rules hinder open access to fisheries data even to relevant scientific and management bodies. The introduction of GDPR has led to an over-cautious approach, where the need to protect confidentiality has been prioritised ahead of the benefits of making anonymised data available for scientific use and analysis, and for public debate. Different Member States may also use different definitions of confidentiality which can lead to inconsistencies when combining data from multiple countries. A possible solution is to define a minimum, legal level of disaggregation that commercial fisheries data must be published at – the level of disaggregation should be sufficient to allow effective scientific use of the data.

5.4 Multiannual Plans (MAPS)

Regulation (EU) 2019/472 of the European Parliament and of the Council was adopted in March 2019 establishing a Multiannual Plan (MAP) for stocks fished in the Western Waters and adjacent waters. This regulation covers the long-term management of several key target stocks for Ireland in the Celtic Sea, Irish Sea and West of Ireland and Scotland area. In addition, Regulation (EU) 2018/973 was adopted establishing a multiannual plan for demersal stocks in the North Sea and adjacent waters covering anglerfish and saithe (Rockall and West of Scotland) and haddock (West of Scotland). These plans define the stocks, objectives and targets within the plan and set out safeguards and management rules for target stocks and by-catches.



Based on Marine Institute advice, the following observations and recommendations are made:

- The MAPs do a good job in clarifying the understanding of how MSY is to be implemented as a management objective. However, the list of target stocks in the plan is rigid with no clear criteria on what constitutes a target stock. In some cases, the scientific information is not sufficient to provide MSY advice, e.g., pollack in area VII and it is not clear why this stock is considered a target. Fishing exploitation ranges (FMSY ranges) are important if scientific advisory bodies are to integrate the ecosystem indicators to adjust the target fishing mortality (e.g., as suggested by WKIRISH).
- A limitation to the current MAPs is that they do not define measures to be taken when stocks are below Blim. There is a need to develop and implement rebuilding plans with clear targets and timeframes for stocks below Blim based on best available scientific advice.
- For both target and non-target stocks in the MAPs, the multi-year strategies envisaged for non-quota stocks in the TCA may need to be based on pragmatic operational metrics, in response to management measures and regulations agreed for these stocks.

5.5 Ecosystem Impacts of Fishing

Article 2(3) of the current CFP requires the implementation of an ecosystem approach to fisheries management to minimise the negative impacts of fisheries on the marine environment. The Food and Agricultural Organisation's (FAO) Ecosystem Approach to Fisheries (EAF) implementation monitoring tool includes human well-being, alongside ecological well-being, and the ability to achieve appropriate outcomes; resulting management measures have made some progress in this regard. In parallel, the Marine Strategy Framework Directive (MSFD) has helped to implement a system for holistically protecting the marine environment.

However, sensitive habitats and species remain under threat. For example, more than 65% of seabed habitats protected under the EU Habitats Directive are in unfavourable conservation status. Marine species are not faring much better with large knowledge gaps in relation to fisheries impacts, for example due to the incidental catches of marine mammals, reptiles, birds and other sensitive species.

A range of broader environmental policies also seek to reduce the ecosystem impacts of fishing. The EU Biodiversity Strategy for 2030 outlines how the application of an ecosystem-based management approach under EU legislation will reduce the adverse impacts of fishing, extraction and other human activities, especially on sensitive species and seabed habitats.

The Biodiversity Strategy 2030 will be supported by an EU Action Plan to conserve fisheries resources and protect marine ecosystems. This Action Plan is due to be published in 2022 taking account of the findings of a public consultation. The Action Plan aims to develop synergies between fisheries (under the CFP) and environmental policies (MSFD) and help improve their implementation. It will outline where action is needed to address the by-catch of sensitive species and adverse impacts on sensitive habitats through technical measures such as area closures, gear changes and mitigation measures for sensitive species. It will also be supported by Member State marine spatial plans. Ireland's National Marine Planning Framework (NMPF) outlines the Government's objectives and planning policies in this regard.

5.6 Bottom Trawling and Protecting Sensitive Habitats (Article 21)

Area-based measures have major potential to reduce fisheries seabed impacts. ICES recently produced advice on potential area-based management scenarios to reduce the environmental impacts of bottom trawling on sea-floor habitats, which are covered under MSFD Descriptor 6. In consultation with fisheries representatives, managers and NGOs, and cognisant of economic impacts, ICES found that relatively small reductions in fishing effort restricted to peripheral fishing areas can protect substantial areas of the sea-floor.

Regulation (EU) 2019/1241 establishes a framework for technical conservation measures for Union fisheries and contains the objective to “ensure, including by using appropriate incentives, that the negative environmental impacts of fishing on marine habitats are minimised”. Article 12 of the Regulation identifies a number of offshore area closures for the protection of sensitive habitats. Fishing using bottom trawling and with static gear, including bottom set gillnets and bottom set longlines is prohibited in these areas, which include a number of coral reef assemblages around Rockall, Hatton and the Porcupine Seabight.

Continuing to update such closures using the mechanisms within the Regulation, and based on robust science, is important to protect biodiversity in such highly sensitive areas. Article 21 allows for the development of nature conservation measures regionally including measures to minimise the impacts of fishing on sensitive habitats, up to and including the prohibition of certain fishing gears in specific areas. Additionally, the Deep-sea Access Regulation (EU 2016/2336) prohibits bottom trawling activities at depths greater than 800 m in EU waters.

The European Environment Agency reported in 2020 that fishing activities were responsible for some of the main pressures on ecosystems in Europe’s seas, and the Intergovernmental Science Policy Platform on Biodiversity and Ecosystems Services (IPBES) reported in 2019 that fishing had the largest impact on marine ecosystems. The Food and Agriculture Organization (FAO) of the United Nations noted that *“trawlers have dramatic effects on the ecosystem including physical damage to the seabed (...), the overfishing of demersal resources, (...) the amount of bycatches and associated discards”*. (Marine Environment, Court of Auditors, No. 26/2020).

In this context, pressure has been mounting in the EU for restrictions and bans on the use of bottom contacting gears in certain areas due to concerns about seabed impacts. Some NGOs have gone as far as looking for a total ban on bottom trawling. Such a move would have devastating consequences for the European fishing industry, which through an alliance of European fishing organisations has argued that *‘policy direction on bottom fishing should be based on factual, scientific and peer-reviewed evidence and comprehensive impact assessments rather than unsubstantiated claims’*. It should be remembered that for decades the EU and national authorities, with the cooperation

of the fishing sector, have invested in effective fisheries science assessment and management. In this process, seas have been mapped to identify vulnerable areas, and sensitive areas have been closed to fishing when needed.

The CFP Review Group accepts that finding an effective balance between protection for sensitive habitats or species and ensuring the continued viability for fishers is a key challenge for the evolution of the CFP. Ensuring that conservation measures are proportionate, science-based, peer reviewed and accompanied by a comprehensive impact assessment is vital.

5.7 Protecting Sensitive Species

There are many alternatives for reducing bycatch of sensitive marine species that have been tested. However, relatively few of these have been adopted into legislation, acoustic deterrent devices (“pingers”) to mitigate cetacean bycatch being one exception. Progress in mitigation of bycatch seems to have been inconsistent. For example, effectiveness of acoustic deterrent devices seems to vary between area, fishing method and cetacean species. Further development of mitigation measures, as well as trials to test their effectiveness, are needed to reduce the bycatch of protected species in many fisheries. Priority should be given to finding solutions in identified high risk areas and fisheries rather than ‘one-size-fits-all’ measures, for example, the legal requirement for the widespread use of pingers has proven to be sub-optimal and difficult to implement. A mixture of measures, such as deterrent devices, gear-based measures, area closures, avoidance measures and ‘move-on’ rules that could be implemented to reduce bycatch should be considered on a case-by-case basis for these high-risk areas and fisheries. The mechanisms for introducing these types of measures exist under Articles 11 and 21 of the Technical Measures Regulation and should be fully utilised to mitigate specific bycatch problems.

5.8 Carbon Footprint and Fisheries

Carbon emissions present a broader ecosystem impact that is closely linked to fuel use in the fishing industry. Although lower than other forms of (terrestrial) animal-based protein production, bottom trawling for crustaceans is on the higher end of the scale regarding fuel use. With a landed value of €53m in 2021, the crustacean species *Nephrops* is the most commercially important bottom trawled species in Ireland. Measures which address carbon emissions can also assist with rising fuel prices, a major economic challenge for the fishing industry.

In the short term, gear technology has major potential to reduce bottom trawl impacts and improve carbon and fuel efficiency in bottom trawls. Incremental approaches are needed for fisheries targeting benthic species like *Nephrops*, where ground contact must be maintained by the towed gear. The Food and Agriculture Organization of the United Nations (FAO) advises that within the trawl system, the net is responsible for around 60% of energy use, with trawl doors at 30%, and warps and other cables at 10%. By way of an example of potential measures that could be taken to reduce the carbon footprint of fishing. An Bord Iascaigh Mhara (BIM, Ireland’s Seafood Development Agency) and the Irish fishing industry have commenced work on developing a more hydrodynamic net and off-bottom doors in the *Nephrops* fishery. Preliminary results show an estimated 29% reduction in fuel intensity (litres per kg produced) in the new net, with further reductions anticipated if the doors can be successfully elevated from the seabed.

Lifting trawl gear off the seabed may be an option for fisheries targeting more off-bottom species such as whiting, haddock and hake. Research in this area is at an early stage, however, and it is essential that any modifications are practical from an industry perspective. BIM is running a series of gear workshops around the Irish coast and a flume tank workshop in Newfoundland in 2022, to explore potential solutions. Candidate solutions on reduced-impact gears will be tested and developed on board Irish vessels from 2023 onwards. In the longer term, alternative fuels, plus more efficient vessel and engine design can also assist in improving fuel and carbon efficiency.

Recommendations:

As set out above, alignment of the CFP with broader environmental policies is essential. Sufficient scientific information on the distribution of sensitive habitats and species exists to support wider MPA and Marine Spatial Planning (MSP) processes in Ireland, but continued improvement of this information is needed, such that measures under the CFP and other related policies (e.g., the MSFD, the EU Green Deal) can be shown to be aligned and acting in synergy with one another.

Article 8 of the current CFP outlines requirements for protected areas due to their biological sensitivity, including areas where there is clear evidence of heavy concentrations of fish below minimum conservation reference size and of spawning grounds. Areas of biological sensitivity need to be redefined to also take account of sensitive species and habitats in line with the EU Biodiversity Strategy for 2030 and other environmental policies.

Article 17 of the current CFP outlines how within the fishing opportunities allocated to them, Member States shall endeavour to provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage. This should be retained and enhanced in line with other policy drivers such as the EU Biodiversity Strategy for 2030 and Commission Action Plan.

5.9 Climate Change, Food From the Oceans and Future-Proofing the CFP

In their November 2017 report⁵, the EU’s High-Level Group of Scientific Advisors noted that while the world’s oceans account for almost half of the planet’s biological production, this translates into a much smaller proportion of human food – about 2% of overall calorie intake and 15% of protein intake. This is in contrast to the developing world, where fish and other aquatic species account for a significantly higher proportion of food than in the developed world and in fact are a vital source of essential micronutrients for billions of people. According to the report, relying on the oceans for just 2% of overall calorie and 15% of protein intake ‘is no longer tenable given the nutritional needs of a growing population and over-stretched land-based resources’. Furthermore, to fulfil the UN Framework Convention on Climate Change, ocean-derived protein must play an increasingly important role, globally. At the same time, with the oceans becoming warmer and more acidic, and with a larger proportion of the planet’s population moving out of poverty, the global community needs to act together to ensure that the rights of future generations to a healthy and productive ocean are not compromised.

So how can more food and biomass be obtained from the oceans in a way that does not deprive future generations of their benefits? According to the High-Level Group, the scientific evidence presented, both in the main report and the accompanying SAPEA⁶ Evidence Review, ‘unambiguously points to sustainable culture, and capture at lower trophic levels (i.e., levels in the ocean food web below the carnivore levels currently mostly exploited) as the way

to bring about such an increase’. Amongst its main recommendations, the report identifies three priorities: (i) the need to future-proof policy and extend knowledge by further developing the Common Fisheries Policy’s science advice system, (ii) addressing key knowledge gaps and uncertainties and (iii) facilitating scientifically-motivated pilot fishing of as-yet unexploited lower trophic-level species.

It is this last part of the recommendation that may be the most challenging; pilot fishing as-yet unexploited lower trophic-level species. The track record of the CFP in this regard is at best questionable and one need look no further than the expansion of deep-water fisheries in the late 1990’s to understand how inertia in the CFP – specifically its inability to react quickly and effectively when faced with developing fisheries – can lead to problems. After years of discussion, when quotas were eventually introduced for deep water fisheries, it was too late for many species. Instead, these were fished with ever increasing pressure in the lead up to quotas as Member States sought to develop track record, the only currency recognised by the allocation system of the policy. So much so, that by the time quotas were finally agreed these fisheries were already over fished to the point where quotas were effectively zero.

It has also been pointed out by members of the Review Group that while security of food supply is an increasingly important issue in EU policy, a significant proportion (possibly above 20%) of the fish caught by Irish boats is destined for fish meal for animal consumption, rather than for human consumption.

Recommendation:

It is in this context that the Review Group strongly recommends that alongside the three priorities identified in the *Food from the Oceans* report, a fourth needs to be added. This would see the introductions of a new allocation system, agreed in advance of any pilot fishery, and designed, amongst other things to safeguard and take full account of the particular needs of regions where local communities are especially dependent on fisheries and related activities. Such an approach would obviate the need, seen in the past on other developing fisheries, to fish primarily for track record with all its consequences.

5.10 Landing Obligations and Article 15

Recognising that discarding is considered unacceptable societally, one of the cornerstones of the 2013 reformed Common Fisheries Policy (CFP) was Article 15 (termed the Landing Obligation, LO). Article 15, created a legal obligation to land all catches of quota- or size-regulated species with the overall aim to gradually eliminate discards. The LO represented a major paradigm shift in the history of EU fisheries management, shifting the focus from landed catches to all catches, including discards.

The context for this shift is also reflected in the “Communication from the Commission to the European Parliament and the Council” entitled “Towards more sustainable fishing in the EU: state of play and orientations for 2023” (COM (2022) 253 final), which stated:

‘Despite the better reporting of catches discarded under exemptions and landings of catches below MCRS [Minimum Conservation Reference Sizes], which is evidenced by the Member States’ reports for 2019 and 2020, it is extremely doubtful that they reflect the true quantities being caught. Observer data from ICES and last-haul analysis by EFCA [European Fisheries Control Agency] indicate large discrepancies between what is reported and what is observed. Figures 9 and 10 show the activity of the EFCA on last haul inspections in 2021. Member States should ramp up efforts to ensure better reporting of such catches. The introduction of the landing obligation requires a paradigm shift in terms of control and enforcement and requires the introduction of modern control technologies such as remote electric monitoring (REM) tools incorporating closed circuit television (CCTV) and sensors. The fact that fishing activities by the vast majority of Union fishing vessels currently take place without effective control tools remains a serious issue for the successful implementation of the landing obligation. The ongoing revision of the Control Regulation provides a timely window of opportunity for the introduction of REM tools for the control of the landing obligation’.

Since its inception, the fishing industry across Europe has contended that the LO in its current form is unworkable. Its overall objective of requiring all catches to be landed is flawed and does not adequately incentivise the avoidance and minimisation of unwanted catches. Notwithstanding this, considerable efforts have been dedicated by the fisheries sector since the introduction of the LO to understand and then implement this policy as well as actively engaging with research institutes to develop ways of avoiding and reducing unwanted catches.

5. Food from the Oceans – How can more food and biomass be obtained from the oceans in a way that does not deprive future generations of their benefits? European Commission, Directorate-General for Research and Innovation. Unit RTD.01 – Scientific Advice Mechanism (SAM). November 2017.

6. SAPEA – Science Advice for Policy by European Academies – brings together knowledge and expertise from over 100 academies and learned societies in over 40 countries across Europe. Funded through the EU’s Horizon 2020 programme, the SAPEA consortium comprises Academia Europaea (AE), All European Academies (ALLEA), the European Academies Science Advisory Council (EASAC), the European Council of Academies of Applied Sciences, Technologies and Engineering (Euro-CASE) and the Federation of European Academies of Medicine (FEAM)

Despite these efforts, implementation of the LO may be regarded as sporadic at best across European fisheries. There is a lack of evidence that the overall aim of eliminating unwanted catches has been achieved. The scientific community and eNGOs point to failings in control and monitoring, which have created incentives for industry to focus on ways to continue “business as usual” through exemptions to the LO that allow discarding to continue under certain conditions, rather than focus on the main objective of the LO of eliminating discards.

In the context of the latest review of the CFP, there is an opportunity to focus on avoidance and minimisation of unwanted catches (often referred to as ‘technical measures’) while improving the practical implementation of the Landing Obligation. Sections 5.11 to 5.13 below set out some potential areas in which the policy and implementation could be improved, such as having a direct link to avoidance and minimisation.

5.11 Tools to Improve the Implementation of The LO Policy

Gear-based selectivity

Gear based changes in selectivity remain the most common way to improve the selectivity of fisheries and to reduce unwanted catches. Ireland has been at the forefront of gear selectivity research for many years. These initiatives have been developed by gear technologists from BIM, working closely with industry. The ingenuity and innovation shown by fishers and net makers has facilitated the development and testing of different gears to reduce unwanted catches.

There are multiple examples of positive gear modifications that have been developed (e.g., SELTRA panel, Raised fishing line trawl, Dual cod-end trawl). However, despite all of this development work, the incentives built in the LO have failed to deliver widespread uptake, other than in cases where the use of such gears has been brought into legislation. Understanding the reasons for the slow speed of uptake are important if gear-based solutions are to yield the improvements in selectivity required to minimise unwanted catches.

Behavioural Change

Changing the behaviour of fishers in how they fish (i.e., encouraging tactical changes in where and when to fish), is another means to avoid and minimise unwanted catches. Effecting such behavioural change has attracted less attention than gear-based approaches and instances of such changes are less well-documented. Nonetheless, “challenge trials” such as those carried out in Ireland following the introduction of the landing obligation, where fishers attempted both gear and behavioural changes in their fishing practices, have shown that simple changes can be effective. In some cases, these changes reduced unwanted catches but not in all. Fishers involved in the work put this down to the lack of information needed to help them choose where and when to fish to minimise unwanted catches, and in some cases a lack of flexibility stifled their ability to effect change.

Science and fishing working together

Combining the expertise of fishers whom, from their own experiences know when and where to fish with the knowledge of scientists on distributions and abundances of fish, both wanted and unwanted provides opportunities to reduce unwanted catches. Information from scientific surveys, observer data and landings data provide useful information on where the fishers are likely to encounter a given species or size class of that species, as well as those fish commonly encountered together. Research undertaken over the last few years by the Marine Institute has shown that combining their knowledge has the potential to identify hotspots to help fishers avoid such areas in order to reduce unwanted catches. However, to date this has been restricted to small pilot projects as proofs of concept rather than fully functional information exchange mechanisms.

5.12 Effective Monitoring and Enforcement

Monitoring and enforcement are essential parts of the implementation of the LO. The delivery of a new policy requiring significant change in behaviour requires acceptance and buy-in to the policy from the fishers in order that operators commit to a culture of compliance. This acceptance and buy-in is not likely to be achieved if the present Article 15 remains unchanged. There is a high level of understanding of the overall positive impacts of avoiding and minimising unwanted catches, and good engagement on measures that technically and practically supports this objective during fishing operations. Additionally, the credibility of any policy depends on effective control and enforcement, supported by adequate monitoring. However, there is concern that, to date, the levels of monitoring and enforcement of the LO have not been sufficient. Thus far, Member States have relied on existing control tools to monitor and enforce the LO.

The Commission proposal for amendments to the EU Control Regulation is currently in negotiation between the European Parliament, European Council and the Commission and this will address the use of new technologies to supplement existing control tools. To date, there have been limited trials of these new technologies such as REM and this work will support the EU roll out of these control tools across the EU. It is essential that an EU-wide approach is introduced to ensure compliance across all EU fishing fleets. This should follow a harmonised risk-based approach, whereby fisheries with the highest risk should be subject to increased levels of control and monitoring. Additionally, access to data should be made freely available to both the flag Member States and the Coastal Member State to support effective monitoring and give confidence that a level playing field is used. The move to managing catches instead of landings should yield benefits in terms of improving catch data necessary to manage stocks. It is partly through this monitoring that the incentive for compliance with a revised regime for LO could be fostered.

5.13 Recommendations on Reform of the Article 15 Policy

Experiences to date in Ireland and the EU clearly indicate that the effective implementation of the landing obligation will require progression in a number of areas of the policy. The current review of the CFP provides an opportunity to instigate the changes required.

In this context, areas to consider include, inter alia:

- **Reformulation of the objectives.** The LO currently provides for exactly the same objective in all areas and all fisheries, i.e., requiring the landing of all catches. It largely ignores the very different levels of discarding and very different levels of difficulty to achieve full implementation of the landing obligation. This harmonisation should be revisited to fix more achievable objectives recognising the difference between fisheries and stocks as well as better incentivising the avoidance and minimisation of unwanted catches.
- **Strengthening of at-sea Monitoring, Control and Surveillance (MCS):** Strengthening MCS systems following a harmonised risk-based approach will help create more transparency and help achieve a level playing field in enforcement of the rules pertaining to the landing obligation between fisheries and Member States. The use of new monitoring technologies should be accelerated as foreseen in the revised control regulation currently under negotiation. It is important that the new rules are adopted as early as possible to ensure that these new technologies are available EU-wide to support a level playing field. High risk fisheries should be subject to increased levels of control and monitoring.
- **Strengthening and realigning regionalisation:** Based on the experiences of regionalisation thus far, as well as the changes to the decision-making process arising from the UK’s departure from the EU, a full review of regionalisation is required to reinvigorate and realign to the new reality that now pertains.

- **Facilitating through funding:** The opportunities for significant investment under the European Maritime, Fisheries and Aquaculture Fund (EMAFF) for selective gears and to encourage behavioural change by fishers is essential. Funding to support the work of regional groups as well as the Advisory Councils to improve the development of regional management measures is also essential to improve resourcing and implementation of the LO.
- **Reviewing the need for exemptions:** Article 15 currently allows for a level of discarding of defined quantities of unwanted catch under exemptions (i.e., de minimis and high survivability). The provision to allow the use of such exemptions was envisaged as a “last-resort” mechanism. However, there has been a proliferation of these exemptions across fisheries which have stifled the incentive to improve selectivity in fisheries. The default position has been to put in place an exemption to mitigate short-term costs resulting from the landing obligation, rather than implement measures to improve selectivity. A full review of these exemptions would be timely to separate those exemptions that are needed from others that aren’t needed.
- **Considering the utility of flexibility mechanisms:** Article 15 includes a number of flexibility mechanisms (e.g., interspecies flexibility has not been used by Ireland given the conditions associated with it). Reviewing these would identify changes to ensure that the landing obligation works effectively both from a practical perspective for fishers and delivering a strengthened overall policy.
- **Reducing the risk of choke species:** Choke species refer to situations where quotas for specific species are so limited relative to local or general abundance that the imposition of the landing obligation in a mixed fishery is liable to result in fishing vessels having to cease operations well before they have caught their main quota allocations. Since the inception of the landing obligation, choke species have been considered as the biggest risk to the viability of the fishing industry although the incidence of choke situations to date has been limited. The Council has regard for unavoidable by-catches in mixed fisheries (considering the flexibility provided for in the Western Waters Multi Annual Plan) when setting TACs and this has avoided the incidence of choke situations

to date. Given Ireland’s mixed fisheries, there is a constant concern that a choke situation will develop, closing critically important commercial fisheries. It will be essential that adaptive solutions to mitigate the future risks are embedded in the future policy, including procedures for fast adoption of new technical solutions.

- **Advancing towards multispecies approaches:** Progressing multispecies approaches would help to reduce future choke species effects. The scientific basis for this is being developed but work is needed to make the current approaches fit for purpose. Moving towards mixed fisheries management would undoubtedly help with the implementation of the landing obligation and could help remove the risk of choke situations. While this is the clear long-term ambition, it is predicated on a full understanding of the fisheries, and sound quality-assured science backed with robust mixed fishery simulation models.
- **Collaborative thinking:** Fisher knowledge can provide valuable insights into the development and management of a fishery; this information can provide essential narrative to the history of fishery development and can be used to parameterise models and develop forecasts. To be effective this collaboration requires consistent data sharing and an iterative feedback process to the development of tools as was achieved under the ICES Working Group on the Ecosystem Approach to Fishery Management in the Irish Sea (WKIRISH).



5.14 Marine Protected Areas (MPAs) and Article 11 of CFP

5.14.1 International and Regional Policy Commitments:

Ireland’s process to expand its network of marine protected areas (MPAs) has gathered momentum since 2019 and is underpinned by a range of international and regional political, policy and legal commitments. These include the MSFD (Directive 2008/56/EC), which provides a binding legal obligation for the introduction of spatial protection measures including MPAs, the UN Sustainable Development Goals, the UN Convention on Biological Diversity (CBD), the OSPAR Convention, and the EU Biodiversity Strategy for 2030. This Strategy includes a target to reach 30% coverage of MPAs, including Other Effective area-based Conservation Measures (OECMs), in European waters by 2030.

Current protected area coverage in Irish waters, by means of site designations under the EU Birds and Habitats Directives, stands at a little over 2%. To meet the goals of the EU Biodiversity Strategy, the European Commission has adopted a proposal for a new Nature Restoration Regulation designed to add binding restoration targets for the habitats and species covered by the EU Birds and Habitats Directives as well as a proposal to include 10% coverage by strict conservation areas⁷. The regulation, if adopted, would impose binding legal targets for the expansion of conservation and restoration areas for all habitat types listed in Annex I of the Habitats Directive, without the need for transposition into national law. The proposal stipulates an increase in areas of protection and restoration to 30% by 2030; 60% by 2040 and 90% by 2050. The Commission also recognises that there are other species and habitats which fall outside the legislation, and it has developed criteria and guidance for expanding the protection of these features.

In 2020 the European Court of Auditors issued a report on the Marine Environment, which concluded that:

‘While a framework is in place to protect the marine environment, EU actions have not restored seas to good environmental status nor fishing to sustainable levels in all seas. EU protection rules have not led to the recovery of significant ecosystems and habitats; Marine Protected Areas provide limited protection; provisions to coordinate fisheries policy with marine protection policy are little used in practice; and few of the available funds are used for conservation measures.

While there has been measurable improvement in fish stocks in the Atlantic the Communication from the Commission to the European Parliament and the Council Towards more sustainable fishing in the EU: state of play and orientations for 2023 issued at the start of June 2022 [SWD(2022) 157 final] states: “ It is particularly welcome to see that, thanks to the efforts made by the sector, in 2020 the overall fishing mortality ratio fell below 1 in the North East Atlantic for the first time.”. This is not the case in the Mediterranean. The Court made recommendations to the Commission to address these issues, together with the Member States. (Marine Environment, Court of Auditors, No. 26/2020)

5.14.2 National Policy Commitments

In the current Programme for Government (2019), Ireland has committed to expanding Ireland’s network of MPAs, stating:

‘We support the principles and ambition of the EU Biodiversity Strategy and will develop comprehensive legislation for the identification, designation, and management of Marine Protected Areas (MPAs) in Irish territorial waters’ and

‘We will realise our outstanding target of 10% under the Marine Strategy Framework Directive as soon as is practical and aim for 30% of marine protected areas by 2030’.

⁷ SWD (2022) 23 final Commission staff working document Criteria and guidance for protected areas design COM(2022) 304 final PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON NATURE RESTORATION

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5.14.3 Progress Toward Marine Protected Areas in Ireland:

To achieve the national, regional and global targets for MPAs, a number of substantive activities have recently been carried out in Ireland, led by the Marine Environment section in the Department of Housing, Local Government and Heritage (DHLGH). These began with the convening by the Minister of an Advisory Group in 2019 to provide independent expert advice and recommendations on the processes required and the challenges to be addressed in expanding Ireland’s MPA network. The group’s comprehensive final report “Expanding Ireland’s Marine Protected Area Network” was published in January 2021.

A public consultation phase centred around the report and the wider MPA process began in mid-February 2021 and extended over more than five months to the end of July 2021. More than 2,300 individual submissions were received by DHLGH from members of the public and other stakeholders. The feedback received through the public consultation was then the subject of an Independent Analysis and Report on Marine Protected Area (MPA) Public Consultation Submissions which was published in March 2022. This report highlighted:

- 1. Near universal support for MPAs.
- 2. The need for stakeholder participation throughout the process of designating and managing MPAs.
- 3. Diverse stakeholder demands for economic uses (in particular, fisheries and aquaculture, offshore renewable energies and transport) as well as public demand for cultural and recreational use and non-use.

The Department⁸ is currently seeking government approval to develop a general scheme for a stand-alone MPA Bill, with the aim of completing a general scheme by Quarter 3 of 2022 and completing the legislative process in 2023. A key step is that the term ‘Marine Protected Area’ will be defined in the Irish context. The proposed general scheme will outline the provisions for the identification, designation, regulation, management, enforcement and review of Marine Protected Areas, aiming to ensure that they form a coherent, connected and climate resilient network. The scheme will make provision for the administrative and governance structures required for implementation, including provisions relating to public participation. To ensure a coherent and comprehensive legal framework for protection and use of the marine environment, the proposed legislation will take account of and will reinforce, existing legislation as appropriate including the Birds and Habitats Directives, the Maritime Area Planning Act 2021 and Common Fisheries Policy regulations.

8. DHLGH

5.14.4 Linkages with the CFP Article 11 Process:

The text of CFP Article 11 states:

Article 11 (1) “Member States are empowered to adopt conservation measures not affecting fishing vessels of other Member States that are applicable to waters under their sovereignty or jurisdiction and that are necessary for the purpose of complying with their obligations under Article 13(4) of Directive 2008/56/EC, Article 4 of Directive 2009/147/EC or Article 6 of Directive 92/43/EEC”

Based on this CFP Article, member states may adopt such conservation measures for the purpose of complying with their obligations under (1) Article 13(4) of the Marine Strategy Framework Directive, (2) Article 4 of the Birds Directive or (3) Article 6 of the Habitats Directive. It has been highlighted that the objective of Article 11 is wholly concerned with environmental conservation, not fisheries conservation (i.e., the conservation of fish stocks) per se.

The objectives of European and international biodiversity and environmental strategies and directives and associated regulations are strongly linked to fisheries and the CFP. For example, the EU Marine Strategy Framework Directive (MSFD) mandates that EU Member States to achieve Good Environmental Status within their EEZs, and also provides the legal imperative for designation of Marine Protected Areas under article 13(4). Currently, Ireland reports Good Status for several of the (eleven) descriptors of Good Environmental Status contained within the MSFD. For those descriptors related to fishing activity; D1– biodiversity; D3– commercial fish and shellfish; D4 Food web structure and D6 sea-floor integrity, GES has either partially been achieved or they have unknown status (Government of Ireland, 2020).

The current CFP carries several repercussions regarding Ireland’s ability to provide for and properly enforce MPAs within its extensive EEZ, and to meet obligations under the emerging nature restoration regulation. For Ireland, the area inside 12 nautical miles in which the State can unilaterally

9. A “Pontius Pilate” clause

take management measures under Article 20(1), makes up approximately 8% of our maritime area. In the remaining 92% of the maritime area, fishing, the predominant human activity, is solely the competency of the European Union under the Treaty of the Functioning of the European Union (TFEU, Art 3), and it is thereby regulated through the Common Fisheries Policy. As such, other effective area-based conservation measures (OECMs) including those established under the CFP will be important to achieving ongoing MPA targets in the Irish and wider EU contexts.

Article 11 of the CFP defines the process by which fishing activities can be regulated by the European Commission on the basis of compliance with the Birds and Habitats Directives and the MSFD. Under Article 11 (2) where a Member State considers that measures need to be applied to comply with environmental obligations, but where other Member States, have management interests, that Member State may propose management measures based on scientific evidence to support the measures and practical details of implementation and enforcement implications. Depending on agreement being reached with other Member States a joint recommendation can be developed at the regional level and submitted to the Commission, under Article 11(3). Article 11 abnegates the Union’s sole competency for the conservation of marine biological resources, effectively transferring it to the Member States in cases where there are environmental concerns¹⁰. The Article 11(3) process in general is likely to be both lengthy and unsuccessful, since it relies on Member States to develop and agree joint recommendations, which may impose economic costs (i.e., foregone revenues) on the fishing fleets of some Member States for environmental benefits in other member state EEZs. This process effectively permits EU member states with fisheries interests in the EEZ to veto area-based conservation proposals put forward by national Government authorities. While Article 11(4) allows for the adoption of limited measures by the Commission for a period of up to 24 months in “the case of urgency”, it is considered that Article 11, of the CFP, does not offer a practical mechanism for the delivery of timely spatial protection of the marine environment in Ireland’s maritime area.

5.14.5 Recommendations Re MPA and the CFP

Does the current CFP (article 11) provide a workable mechanism supporting the introduction of MPAs or does it require modification?

Fundamentally, the CFP developed as policy focussed on food security¹¹. As a result, Article 11 has been ineffective to date; it reflects the long-standing, unresolved tension at the Union level between conservation and exploitation of marine biological resources. The EU Biodiversity Strategy, for 2030, can provide momentum to resolve this tension and the revision of the CFP provides the opportunity for enhanced conservation to balance the priorities of food production, biodiversity conservation and socio-economic impacts.

While Article 11 recognises the need for environmental protection, it lacks a practical mechanism for the implementation of measures. A revised Article 11(3) could remove the need for Members State consensus, thereby removing the effective veto on conservation referred to in the section above. An intuitive alternative to Article 11(3) would be to provide for national powers to implement environmental protection measures: however, this may be complicated by the TFEU. Another alternative would be to enable the Union to re-assert its sole competency in this area although this could be time consuming to achieve in practice. Further policy and impact analyses of alternative options would need to be considered carefully at both the national and EU levels to understand the consequences.

- If environmental and fisheries policy are to work together, the tension and ambivalence between food security and environmental conservation must be addressed at the Union level. Elements of the CFP have the potential effect of impeding EU Member States', including Ireland's ability to meet environmental obligations and should be amended to ensure effective policy alignment.

- More integration between the CFP and environmental management, including ecosystem-based management as envisaged under the Integrated Maritime Policy and the MSFD could support the objectives of the MSFD to ensure that Ireland's marine environment is clean, healthy, productive, sustainably used and resilient to the effects of climate change.

5.14.6 Inshore Marine Protection and Fisheries Management Under the CFP – Article 20

Member States are also entitled to adopt conservation measures within 12nm of their baselines, in accordance with Article 20 of the CFP. The Commission has stated that *'without prejudice to the [Article 11 scenarios], where the conservation measures apply exclusively within the 12nm zone, Member States may also adopt them pursuant to Article 20 of the CFP'*.

The requirements for adopting conservation measures under CFP Article 20 are that:

- i. The measures are within the Member State's 12nm zone;
- ii. The measures are "non-discriminatory" (i.e., the measures must ensure that all vessels regardless of their flag state are operating under similar conditions so that there is a level playing field for all fishers);
- iii. The Union has not already adopted measures addressing conservation and management specifically for the marine area concerned or specifically addressing the problem identified by the Member State concerned;

- iv. The measures are compatible with the objectives set out in Article 2 of the CFP and shall be at least as stringent as measures under Union law. The introduction of appropriate conservation measures must also be compatible with the objectives of the CFP, which include implementing the ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised and ensuring that aquaculture and fisheries activities avoid the degradation of the marine environment.
- v. Where the measures are liable to affect the fishing vessels of other Member States, consultation with the Commission, the relevant Member States and the relevant Advisory Councils is necessary before the measures can be adopted. Considering again that the provisions to adequately manage fishing activity exists under the current CFP, not only in Ireland's offshore MPAs, but also the inshore network of protected sites, the focus for Ireland and the Commission must be on full and rigorous implementation of all aspects of the CFP to the benefit of sustainable fisheries and marine conservation alike

5.14.7 MPAS and Offshore Renewable Energy

In the context of the CFP and fishing activity in Ireland's maritime area, there is a clear need to consider together the potential cumulative impacts on the fishing industry of MPAs, ORE (Offshore Renewable Energy) sites, Other Effective Conservation Measures (OECMs) and designated high importance fishing zones, for example. Ideally, synergies between developmental and conservation objectives can be identified and optimized. For example, future ORE sites may offer some wider, tangible conservation or spill-over benefits on a case-by-case basis or offer co- location with aquaculture or other human activities. Again, a multilateral approach to balancing the objectives of the CFP with other national interests and objectives that may or may not compete for space in Irish waters is warranted.

5.15 Impacts of Climate Change

In the EU Commission CFP Survey (April 2022), the following comments from the Advisory Councils are noted in regard to the impacts and challenges of climate change:

- Shifts in abundance and distribution of fish stocks as the ocean warms: both northern and southern fish stocks are projected to have higher rate by species' expansion from lower latitude as species find it easier to grow at higher latitude.
- Changes in phenology (timing of spawning and maturing) and body size occur as the water gets warmer: fish tend to mature earlier and at smaller sizes in warm water, which will also alter their distributions.
- Fish use more energy to live in warm water, with less energy allocated to growth and reproduction; acidification may also increase energy use.
- Storminess and extreme weather events, which have fundamental roles in shaping fishers' behaviour, increasing levels of physical risk, discomfort and trip profitability, besides increasing risks for coastal ecosystems.
- The ramifications of potential changes in migration patterns on the international management of jointly managed pelagic stocks is the main challenge. Given the FAMENET: AT1.2, CFP survey report, April 2022 111 current tensions between the EU and Coastal States and ongoing disputes over unliteral quota-setting, the likely worsening of these tensions may jeopardise the sustainable management of the stocks under its remit.
- The impacts of climate change on the food chain of key fish species, and what this will mean for future abundances, is a key concern. For pelagic species in particular, changes in life cycles (spawning and maturation) and smaller sizes of individuals will occur as the water warms. Fish tend to mature earlier and be smaller in warmer waters leading to issues for stock management.

The Review Group sees the impact of climate change on the distribution and productivity of fisheries resources as a major concern, which needs to be incorporated into fisheries management under the review of the CFP. Many of the widely distributed pelagic stocks spawn off the Irish coast and their migrations and spawning behaviours are influenced by climate change. In the Irish Sea, it has been shown that productivity in the marine ecosystem can be affected by climate drivers, particularly temperature.

10. The Maximum Sustainable Yield target by definition maximizes catch, rather than profit.

Recommendation:

- The EU need to develop and incorporate the scientific perspective of climate impacts as a cornerstone in the management of marine resources. This will be required to achieve the objective of Maximum Sustainable Yield in the long term, while also safeguarding the marine ecosystem.
- Suitable ecosystem models should be developed to evaluate the future fisheries resources in the context of multiple pressures and plausible climate change scenarios, so that management can be adaptive to changing resource distributions. There are many challenges to this (e.g., short length of time series of data, and conflicting drivers of change) which need to be addressed through a multilateral and multidisciplinary approach.

5.16 Investment In Operations of Strategic Importance (OSI)

In Ireland, many important projects which provided support to the CFP were funded through the EMFF (European Maritime and Fisheries Fund). The EMFF covered a wide range of themes, and further information on all the projects can be found at <https://emff.marine.ie/>. Under the EMFAF (European Maritime Fisheries and Aquaculture Fund) programme, Marine biodiversity and Marine knowledge have been identified as Operations of Strategic Importance (OSI), reflecting the importance of these areas to the sustainable production of seafood. Actions under these areas would include projects for example: to mitigate by-catch of protected, endangered and threatened species and to protect and restore vulnerable marine ecosystems while safeguarding valuable fisheries.

Recommendation:

- Leveraging the EMFAF to support the implementation of CFP objectives is and should remain central to any future development of the CFP.
- Funding will be required at Member State level for research and development and the transition of the fleet into alternatives fuel sources such as hydrogen.



6. Aquaculture

Introduction and overview of the Sector in the EU and Ireland

At a global level, Aquaculture has shown a 6 % annual growth in output volume since 2010 and has becoming an increasingly important component of the world's food production system. Notwithstanding its global growth, within the EU growth in aquaculture output has remained stagnant over the past decade and the EU is becoming increasingly dependent on imports of seafood from outside the union. Seafood is the most traded food commodity globally and given the rise in purchasing power of the emerging middle-income cohorts of consumers from the middle and far east and their strong cultural preference for seafood as a prime protein source, competition for seafood supply internationally is increasing sharply. Seafood is an important component of a balanced diet, and it provides a vital source of substances such as long-chain PUFA's, crucial for human brain and nervous system development. A squeeze in seafood supply due to higher international prices would have serious consequences for the health of the citizens of the EU.

As growth in indigenous aquaculture is the only possible means by which the very sharp seafood trade deficit within the EU can be addressed (70% of seafood currently consumed within the union is imported), the fact that output from the sector has largely stagnated or declined over the last decade represents a serious failure at EU policy level. The current heavy EU dependence on reasonably priced imports is clearly not a sustainable scenario, and there is a real urgency in the need to kickstart an expansion of the EU aquaculture sector. The CFP framework plainly did not deliver on this vital objective, therefore substantive change is required.

Unlike fisheries, aquaculture is not an exclusive EU competence and as such it has had to be treated very differently from a policy formation perspective. In fact, the two sectors are so different that there is a strong argument to be made that aquaculture requires a stand-alone policy of its own. It does not fit comfortably in the CFP and the current approach has demonstrably failed to deliver growth in output. Neither would it fit comfortably within the CAP, although the

aquaculture sector does have a lot in common with agriculture. Aquaculture, by and large, is carried out on the state foreshore of the maritime MS. Agriculture, by contrast, is largely practiced on privately owned property and this fundamental difference results in the need for separate policy frame works and regulations to accommodate the needs of the sectors. Given the lack of progress in increasing output since the last review in 2013, it is recommended by the Irish CFP Review Group that serious consideration be given by the EU Aquaculture Advisory Council to the creation of a dedicated Common Aquaculture Development Policy (CADP), as a possible outcome of the current CFP review process. The key issue would be to determine whether or not the negative impact of the extra burden of regulation associated with a dedicated CADP would be outweighed by the additional impetus for expansion of output volume that such a dedicated policy might generate.

6.1 Aquaculture in Ireland

Aquaculture in Ireland has grown from what was a cottage industry in the early 1980's to become a major contributor to national seafood production and food security. The level of overall aquaculture output has followed a cyclical trend, oscillating between 30,000 to 50,000 tonnes per annum, over the last 10 years. The outputs from salmon farms, historically the most economically important aquaculture sector, has fluctuated widely over the period. Overall, value has seen a net gain from under €100 million to €180 million, despite limitations to output volume. This was made possible by steady increases in unit value in conjunction with growing market recognition of product quality. Irish aquaculture is mainly export-driven, marine-based, with a smaller land-based or freshwater aquaculture sector. Direct employment has been steady varying between 1,750 and 1,900 persons, since 2008. A total of 1,993 people were employed in Irish aquaculture in 2021.

In summary, the Irish aquaculture sector, mirroring the greater EU aquaculture sector, has proven resilient but has struggled to increase output on a sustained basis. This stability has been achieved despite limitations within the licensing regime, which has been the subject of a wide-ranging review. The sector has continued to grow in value terms but has not matched this price growth with

increased output volumes. Its products, especially those designated as 'Organically Grown' are valued in the marketplace, and it provides high value, year-round, jobs widely dispersed along the coastline of Ireland.

6.2 EU Stakeholder Survey, 2022 – Aquaculture

It is noted that the recent Stakeholder Survey, which was carried out by the Commission concerning the CFP, garnered some significant feedback on the Aquaculture sector in the Union (chapter 5), inter alia, the survey found that:

- Aquaculture Production within the EU has not significantly increased in volume of output since the last review. In fact, as a result of Brexit and the consequent removal of the Scottish salmon farming output from the EU output figures, it has shrunk.
- Problems in dealing with competing needs on the state foreshore and managing the overlapping of different activities at sea is significantly limiting the development of aquaculture, especially close inshore. Aquaculture operators are concerned that the sector will not receive 'parity of esteem' with competing interests, such as Ocean Renewable Energy as the process of Marine Spatial Planning unfolds around the union.
- Aquaculture is seen by the practitioners as being poorly and unsympathetically managed at a national level. The problems cited included difficulties with dealing with complex multi-agency licensing regimes and the fact that there are perceived incompatibilities and inconsistencies of interpretation and understanding between the operation of certain types of aquaculture and the achievement of some of the conservation objectives of marine Natura 2000 sites.

These comments and their implications for expansion in output from the sector are further considered in this chapter and examined with the Irish context in mind.

6.3 Stakeholder Submissions Re Aquaculture In Ireland and CFP

Based on submissions received, concerning the Irish aquaculture sector, the following key points have emerged.

- Aquaculture was included in the CFP in 2013, but it was not defined as a principal area in the Treaty on the Functioning of the European Union (TFEU). The CFP references to aquaculture are limited to; non-binding EU strategic guidelines, Member States' Multiannual National Strategic Plans, the Open method of coordination and the European Maritime Fisheries and Aquaculture Fund (EMFAF).
- Aquaculture is a farming activity conceptually, similar to agriculture, and has fundamental differences to capture fisheries. The contributors to the consultation held that the current stagnation in the development of a sustainable EU aquaculture sector can be directly linked to 'the lack of a coherent, realistic, ambitious European policy for aquaculture'.
- Stakeholders also pointed out that the existing EU policies and objectives in relation to aquaculture are non-binding and non-specific in terms of output targets and are coupled with numerous other policies and regulations that are not streamlined or integrated. The contributors to the consultation expressed the view that a long-term objective for EU aquaculture should be to achieve recognition as a principal area in the TFEU. They advanced the view that a standalone Common Aquaculture Development Policy should be developed.
- In the meantime, it was suggested that the revised CFP could have similar aims for aquaculture, as the CAP has for agriculture, with particular focus on creating conditions conducive to sustainable growth in production output. 'The revised CFP should aim to set coherent, realistic and ambitious objectives for the development of sustainable aquaculture, the achievement of which would be binding on the Member State'.

6.4 The Challenge of Achieving Social Acceptance For Aquaculture

The consultations around the review of the CFP repeatedly raised the need to improve the social acceptance of aquaculture as a relatively new activity. As with other natural resource-based sectors (forestry, energy, mining), the development of aquaculture across the EU requires a reasonable level of social acceptance. In Ireland, the perception of aquaculture (in particular the marine finfish sector) activities remains negative among certain stakeholder groupings. This is mainly due to concerns about aquaculture's possible impact on the environment or perceived conflicts with other economic activities such as angling or tourism. To date, social acceptance has not been integrated into any evaluation of the sustainability of the sector and that is a flaw, resulting in aquaculture not being appropriately prioritised when compared to other stakeholder activities of longer standing.

Ireland has a history of excellent practice in this area. 'Farmed in the EU' is an EU wide educational programme conceived and initiated by the European Commission.

Ireland is the second country to engage with this programme and under it, BIM have developed the unique Farmed in the EU – Aquaculture Remote Classroom project.

The ARC has been designed to travel throughout Ireland and accommodate up to thirty young learners at a time and provide one full day of an interactive learning experience. The fact-based learning experience is focused on positively engaging young people about aquaculture and related topics with the express objective of fostering knowledge and understanding of aquaculture and how it relates to learners and their community.

The Irish CFP Review Group recommends that this important initiative designed to foster long term social acceptance of the sector be continued and if possible, expanded under the revised CFP and that it be extended to other MS's as appropriate.

6.5 Alignment of the CFP, Concerning Aquaculture, With Wider EU Policies

The consultations around the current review of the CFP all raise the current chronic misalignment and lack of coherence of the CFP objectives for aquaculture with the broader framework of EU environmental regulations and directives as a key challenge. A systematic assessment of the degree of coherence between different EU policies and their application to the aquaculture sector is long overdue. In many cases, aquaculture was not considered at all when the original regulations were being drawn up, as the sector was in its infancy at the time, and this has led to a poor 'fit' for the sector and much unnecessary misunderstanding and misalignment. There is overwhelming evidence that aquaculture has tremendous potential with regard to ecosystem services in connection with climate change adaptation and mitigation, but this beneficial role is not recognised or valued within the current frameworks and there would appear to be no effective mechanism at present to address this important shortcoming.

As an example of a positive input of aquaculture into environmental management, Ireland has a history of good practice with regard to developing a robust biosecurity strategy and implementing best practice procedures to reduce the risk of invasive species impacts as a key step in safeguarding the industry and the wider environment. In 2017, BIM provided producers with the necessary tools to protect their stock and their growing areas by developing generic risk assessment and biosecurity guidelines, with the aim of bringing awareness to, and encouraging voluntary action by, as many growers as possible.

Since then, BIM and the sector have worked with national and state agencies to share knowledge and information around marine invasive species and the development of strategies to curb the introduction, spread and impact of these invasive species on the marine environment.

The Irish CFP Review Group takes the view that the CFP has an important role in 'strengthening the hand of aquaculture' in seeking a more uniform and coherent application of the suite of EU environmental regulations as they relate to the sector. Ideas on how this might be achieved are set out below.

6.6 EU Policy Towards Aquaculture and The "Open Method of Coordination"

It is acknowledged that in relation to aquaculture, the CFP in its current form only includes non-binding Union strategic guidelines, guiding the development of member states' Multiannual National Strategic Plans (MNSP's). This is underpinned by an approach known as the Open Method of Coordination and funded via schemes to assist eligible measures under the European Maritime, Fisheries and Aquaculture Fund (EMFAF). Regulation (EU) No 1380/2013 specifically provides that mechanisms should be introduced "for the exchange between Member States of information and best practices through an open method of coordination (OMC) of national measures concerning business security, access to Union waters and space, and the simplification of licensing procedures".

Whilst this is a light touch approach from a development perspective, it does not mean the EU is not involved in the regulation of aquaculture. EU rules, such as those ensuring environmental protection or human and animal health, are strictly applied to aquaculture activities. There is a large body of EU legislation covering these issues, and aquaculture producers are legally obliged to comply with it. For example, to protect aquatic habitats from impacts of non-native or locally absent species, specific rules exist on their use in aquaculture. In addition, EU legislation and policies for organic production also apply to aquaculture. The main responsibility for the application of this legislation and the management of aquaculture activities lies with public authorities in the different EU countries. Hence aquaculture within the EU is at 'the receiving end' of much EU regulation and legislation but it does not enjoy the benefit of a dedicated policy instrument governing its development and establishing the priority of that development as a vital source of seafood food security. In essence the current arrangements are seen as being 'all stick and no carrot' and this has not served the sector well, resulting in a stagnation of output growth, despite strong market demand for the products it produces.

Despite some progress made through the application of the "Open Method of Coordination" and support by EU funding, it is generally accepted that the aquaculture sector in Ireland and elsewhere in the EU, is still a long way from reaching its full potential in terms of growth in output and meeting the increasing market demand for sustainable seafood.

The complexity of national licensing systems and the lack of predictability of the timeline and outcome of licensing procedures are still cited by industry as important barriers to growth here and elsewhere in the EU. Moreover, concerns, which may or may not be factually justified, about the impact of aquaculture activities on the environment or on other economic activities, such as tourism, often lead to unnecessary appeals and legal challenges to permitting decisions. This further delays the process for obtaining or renewing a licence and piles expense on the developer rendering the proposition financially uncertain and unattractive.

EU environmental legislation and implementing national legislation have effectively set the regulatory framework for EU aquaculture, and it is acknowledged that the intent of the regulations is to avoid or mitigate adverse environmental impacts. However, interpretation by MS' of this framework is not uniform and is complicated by the fact that in many MS' implementation is carried out by multiple agencies, who may or may not have the specialist expertise necessary to deal with a relatively new sector like aquaculture.

In particular, the Irish aquaculture sector is concerned at the prospect of further future policy divergence with regard to Marine Spatial Planning as the new directive is implemented. In particular, the CFP review group wish to see that special care is taken to ensure that there are strong and appropriate linkages put in place between the emerging Offshore Renewable Energy (ORE) sector and aquaculture. There is great potential for co-location of these sectors and the creation of a synergistic rather than an individualistic approach to the future development of both sectors is vital.

To allow the potential of the sector to be realised, the Irish CFP review group contends that the current arrangements are not adequate to get production output increases mobilised and that a significant change in approach is required. It is recommended that scope of the Open Method Framework of cooperation should be widened to include a specific focus on the issues that have

been identified as contributing to the stagnation of output from the sector across the EU. Such action is required if the common objectives of the Strategic Guidelines on the Sustainable development of Aquaculture, and in turn its vital contribution to the European Green Deal and the Farm to Fork food strategies are to be achieved.

Specifically, the key role of the OMC in providing guidelines to member states needs to be strengthened and augmented by the addition of a benchmarking service concerning the delivery of key performance indicators on the reform of the bottleneck issues. This would involve the creation of a system of comparison of EU countries' performance in carrying out a range of actions, set down and measured by the EU, designed to improve the circumstances of the sector, without compromising environmental, quality or food safety standards.

Recommendations to strengthen the role of OMC

Such actions, to be carried out by each MS to an agreed timeframe, would include:

- A comprehensive review of the national application of the EU Directives concerning environmental impact, water quality and spatial planning specifically with regard to aquaculture.
- An initiative to streamline, in so far as possible, the regulation of aquaculture at a national level, to make it as simple as possible and handled by the minimum number of agencies.

- Climate change poses significant risk in both the short and long term for the aquaculture sector. Extreme storm events are becoming more frequent, seawater temperatures are rising bringing changes to the ecosystem, including harmful algal blooms (HABs), and an increased incidence of damaging zooplanktonic organisms such as pathogenic gill amoeba. The CFP Review Process should enhance the ability of the sector to quickly adopt emerging mitigation techniques and technologies, through EMFAF financial assistance at the most favourable rates accompanied by the maximum possible regulatory flexibility.
- A joint, interdepartmental, initiative to train and educate the state agents handling aquaculture regulation to ensure that they have the necessary expertise, understanding and appreciation of the unique needs of this emerging sector.
- The carrying out a fact-based communication programme to engender improved understanding and social acceptance of the sector and the benefits it will bring, when well-practiced, to coastal communities.

The obligation to carry out of these actions to an agreed timeframe should be binding on the MS' and they should be obliged to furnish a comprehensive annual report to the EU, detailing the progress achieved. Funding to achieve these objectives in a timely fashion should be made available to MS' from the EU.



6.7 EU Strategic Guidelines on Aquaculture

The Irish CFP Review Group welcomes the publication of the 2021 “Strategic guidelines for a more sustainable and competitive EU aquaculture sector”, and the common vision offered for the further development of aquaculture in the EU in a way that contributes to the achievement of the European Green Deal and the Farm to Fork food strategies. In particular, the Irish CFP Review Group supports the sustainable development of an aquaculture sector which: (i) is competitive and resilient; (ii) ensures the supply of nutritious and healthy food; (iii) reduces the EU’s dependency on seafood imports; (iv) creates economic opportunities and jobs; and (v) becomes a global reference for sustainability.

The Irish CFP Review Group also welcomes the plan to set up an EU Aquaculture Assistance Mechanism to develop and to help to implement further guidance and consolidate best practice, including an online platform with an accessible knowledge base for all. In the view of the Irish CFP review Group, the scope of the Assistance Mechanism could and should include the actions set out in the section above in the context of the discussion of the ‘Open Method of Coordination’.

It is noted and welcomed by the Irish CFP Review Group that the EU Farm-to-Fork Strategy foresees the development of a legislative framework for sustainable food systems to facilitate and accelerate the transition toward a sustainable EU food system. The Joint Research Centre (JRC) has explored potential building blocks for such a legislative initiative. The JRC proposed that considerations around sustainability should include economic, environmental, social, resilience and ethical dimensions and notes that European demand for fish and seafood is largely met through imports and that sustainable ‘blue foods’, meaning sustainable aquatic food, could be a cornerstone of a sustainable food system. The Irish CFP Review Group calls for action to make the linkages between these important food strategies and the CFP to be made explicit at national and EU level so as to give impetus to the vital need to improve the EU’s position concerning food security in general, and seafood food security in particular.

6.8 Funding Mechanisms

The Irish CFP Review Group stresses the need for ongoing structural supports to be made available to the aquaculture sector, especially in light of the disruption caused by Brexit and then the COVID-19 pandemic. The Review Group welcomes the supports recommended by the Seafood Task Force Report (October 2021) and recognises them as a vital suite of initiatives if Irish aquaculture is to participate in the green transition, promote innovation and achieve social acceptance. It will also be necessary to continue to fund measures that; increase the resilience and competitiveness of the sector, promote further transition into more sustainable production practices and increase innovation.



7 Annex 1 – Summary of Public Consultation

7.1 Aquaculture

The CFP references to aquaculture only include non-binding EU strategic guidelines, Member States multiannual national strategic plans, the open method of coordination and the European Maritime Fisheries and Aquaculture Fund (EMFAF). Aquaculture is a farming activity conceptually similar to agriculture and has fundamental differences to capture fisheries. The current stagnation in the development of a sustainable EU aquaculture is a direct consequence of such non-binding approach.

Coherence of policies through the open-method of co-ordination in relation to aquaculture continues to be absent – alignment and coherence of the CFP objectives on aquaculture with EU environmental regulations and directives is a key challenge and the level of coherence between different EU policies should be assessed at a sector-by-sector basis.

The aquaculture sector complies with obligations, particularly environmental objectives, outlined in a number of policies and regulations i.e., Habitats Directive, Birds Directive, Consolidated Environmental Impact Assessment Directive, Marine Strategy Framework Directive, Marine Spatial Planning Directive, Water Framework Directive and of course the Common Fisheries Policy. For example, the National Marine Planning Framework aims to introduce a single development management process for the Maritime Area for activities or developments. This is underpinned by legislation introduced in the form of the Maritime Area Planning Bill which aims to establish a new regulatory body in the Maritime Area Regulatory Authority (MARA) – this will not include aquaculture and fisheries, as they are not legislated for as part of the Bill. Aquaculture and fisheries must be included in associated National marine spatial planning legislation as it is essential for the fair and correct development management of the Marine space, and to allow for policy coherence with CFP objectives.

Regarding environmental issues a review of the CFP must include key strategic guidelines for sustainable aquaculture with regard to environmental objectives. There must also be more focus given to the development of the industry.

Aquaculture production has stagnated over recent years with no significant increase in production figures despite EU and National policy objectives aiming to increase sustainable aquaculture development. There needs to be a realistic EU and National policy to develop the Aquaculture sector – the review of Common Fisheries Policy can be an opportunity to achieve this.

The IFA submission summarises that the sector is lacking a coherent, realistic, ambitious policy for aquaculture. The policies and objectives that we do have in relation to aquaculture are non-binding and non-specific in terms of targets and are coupled with numerous policies and regulations that are not streamlined. The long-term objective for EU aquaculture should be recognition as a principal area in the TFEU and for it a standalone common aquaculture policy should be developed. In the meantime, the CFP could have similar aims for aquaculture as the CAP for agriculture amended with an aim in particular for sustainable production growth. The CFP should aim to set coherent, realistic, ambitious objectives for the development sustainable aquaculture which are binding on Member States.

Pollution, in particular water pollution, was highlighted as an important aspect to the future of sustainable aquaculture. EU directives need to be adhered to – there can as stated by one submission, be no sustainable aquaculture in Ireland with no protection for EU designation, SAC, NATURA sites and shellfish designated waters.

7.2 Climate Change

There was recognition that climate change, it’s mitigation and consequences, need to be considered and incorporated into the CFP. Specifically, there were calls to have climate change and consequent changing migratory patterns given due consideration in terms of quota share in management areas.

Existing rules on relative stability and member states historical catches have not factored in climate driven stock range and distribution change. For example, the abundance of haddock in Celtic Sea, the emergence of Hake as a dominant species and the increasing numbers of Bluefin Tuna around our coasts. These factors need to be accounted.

Measures to advance the decarbonisation of the fishing sector could include; Income support for any cessation in fishing due to the cost of fuel; Investment in zero-emission fishing vessels (for example); Investment in transition towards low impact fishing gears and techniques; and investment in the transition of fishers towards other maritime sectors.

7.3 Environment

There were joint calls from the industry and NGOs to strengthen policy and funding that would accommodate more fuel efficiency and a move towards zero discards and unwanted catch with the use of TCMs.

A substantial submission from Fair Seas called for a number of actions. These included proposals that: there be rigorous and full implementation of the Common Fisheries Policy (CFP) to achieve the sustainable management of all commercially exploited species, thereby putting an end to overfishing and driving the recovery of fish stocks; The CFP should contribute to the protection of the marine environment, and in particular, to the achievement of good environmental status (GES) of wider seas; The Irish Government commit to fully implementing the CFP, as well as expanding Ireland’s network of Marine Protected Areas (MPAs); Fisheries management in current and future MPAs (offshore and inshore) is crucial to secure an ecologically coherent and well-managed network of MPAs, as well as the broader long term health and resilience of our marine environment; The CFP should provide the mechanisms for implementing conservation measures within offshore and inshore MPAs, including fisheries management, and that Ireland must pursue and implement all aspects of the CFP to help secure well-managed protected areas, healthy seas, and a strong, sustainable fishing industry.

In 2020, the Fair Seas coalition member, BirdWatch Ireland, published ‘Common Fisheries Policy 2020: A Discarded Opportunity’; a review of the progress Irish Government and the European Union have made in implementing the CFP4. The report also included a list of recommendations which would place Ireland on a trajectory to become a world leader in sustainable fisheries management. These recommendations include: Setting sustainable fishing limits; Improving Data Collection; Rebuilding Depleted Stocks and Fully Implementing the Landing Obligation. The report concludes ‘We have an unprecedented opportunity to grow our blue economy, creating more jobs in marginal coastal communities while delivering a healthy and resilient marine environment. This is an opportunity we cannot afford to ignore any longer.

7.4 Funding

There were clear calls from many in the industry that more funding is needed to diversify, adapt, and modernise the fleet to make it sustainable in the long-term.

7.5 Inshore

The importance of the inshore sector in maintaining employment, economic and social sustainability, cultural heritage, traditions and knowledge in local areas was highlighted by most inshore fishery submissions. Many highlighted that the low impact small scale fisheries should allow for long-term environmentally sustainable fisheries.

A concern for many inshore fishers is the lack of management for certain stocks. There were several calls for immediate management plans for the crab and lobster fisheries, including pot limits, fairer distribution of quota for the inshore sector. Some called for stricter stock management of lobster including making v-notching mandatory for berried lobster. Coupled with this there is strong concern for access of larger fishing vessels, especially other EU vessels, entering inshore waters.

While not related to the CFP directly many submissions called for more quota for the hook and line mackerel fishery and opening Salmon Bass and eel fisheries.

There were calls from a couple of submissions to clarify if the CFP had jurisdiction over the foreshore and one request for the review group to address the Supreme Court judgment (On 27 October 2016), in a case taken by a number of mussel seed fishermen (Barlow & ors -v- Minister for Agriculture, Food and the Marine & ors [2016] IESC 62, 27th October 2016). In this judgment, the Supreme Court found that fishing by Northern Ireland boats within the 0 to 6 nautical mile zone of the territorial waters of the State is not permitted by law.

7.6 Landing Obligation (LO)

The landing obligation continues to be a divisive subject amongst the public. Fishers and industry representatives are critical of the LO which is deemed unfit for purpose and does nothing to discontinue or stop the catching of unwanted or juvenile fish. Those arguing for inclusion and development of LO are calling for stricter enforcement and monitoring of the LO. These measures by one submission includes taking a “guilty until proven innocent” approach and making Remote Electronic Monitoring (REM) a mandatory requirement to access quotas in the annual distribution process.

Other submissions view that the LO and the rules around discards are unclear and that there needs to be investment in the industry so that less valuable fish can be processed in Ireland to increase its market value creating much needed jobs on shore in coastal communities.





7.7 Markets

A small number of submissions from retailers lamented that fish supply was at an all-time low and that there was very little fresh fish entering the domestic market. A concerted effort must be made to increase domestic supply and demand.

7.8 Monitoring

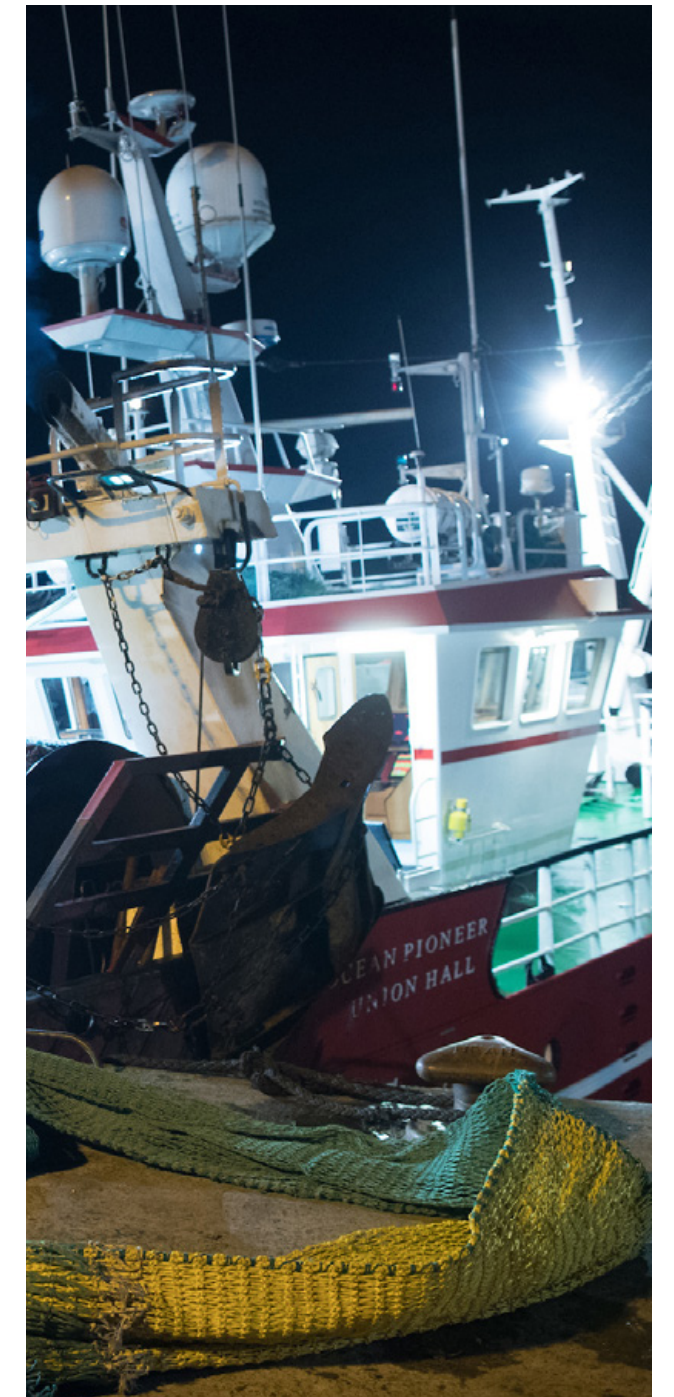
More effort should be invested into monitoring control measures for foreign vessels in Irish waters. Equally there were calls from the public that more monitoring is needed of all fishing including that of Irish vessels. In particular points were raised about overfishing of non-quota inshore stocks, illegal trawling below 800m, high grading on super-trawlers and the lack of MPAs. There was a call for more monitoring and enforcement to implement the CFP and create a more sustainable future for fish stocks.

7.9 Quota and Relative Stability

Most submissions from the fishery sector identified the disproportionate distribution of quota following Brexit and that all efforts should be made to realise a better quota share for Ireland. It was suggested by the majority of submissions that unused quota in Irish waters by other MSs should be redistributed to Ireland and a mechanism for this should be found. In particular, the UK Hague Preferences should be used to 'get more quota'. Many fishers raised queries and concerns about the quota of black sole (area 7f,g), monkfish (area 7), cod, pollack, mackerel, megrim, hake, prawns, haddock and whiting.

The definition of a shared resource needs to be brought into a full review of the Common Fishery Policy. The Socio-Economic pillar of relative stability should be invoked the rights of coastal communities most dependant on the resources to prevent fishing communities being forced to abandon the industry. There was an overwhelming sense of frustration from the submission regarding the CFP and how it has failed the Irish fishing communities. The CFP foundation on fishing track record and the 'unfair' distribution of quota is seen as the starting point of the demise of the Irish fishing industry which once thrived and kept local fishing communities vibrant. Amongst many fishers the common message was that the CFP is an 'unfair discriminatory fisheries policy'.

A call to implement Article 17 and the allocation of fishing opportunities fully and correctly was voiced by many submissions. This was voiced by both the fishing industry and the NGOs but with opposing views. Fisher submissions focussed on the social and economic dimensions while the NGOs focussed more heavily on the environmental pillar. The NGO sector suggested that the Commission should support member states to implement Article 17 by defining criteria and a rating system, along with a process for them to utilise



the incentive of fishing opportunities to restore fish populations to a sustainable level, protect ecosystems and mitigate climate change. They suggest that a mechanism to review the criteria and their application by member states should be created to ensure that allocation based on social, environmental and economic criteria do not have unacceptable unintended impacts and maximise co-benefits.

7.10 Quota And Fisheries Management

Many fishers questioned if the implementation and functioning of the CFP, with regard to whitefish and pelagic quota allocation, at a national level, was working. These comments mostly centred around the national quota management system and the distribution of whitefish and pelagic fisheries between the large-scale and small-scale fisheries (including Island fisheries). While this is not a point on the CFP is it nonetheless included here given the quantity of responders who raised it.

Submissions from the NGOs have stressed the importance of catch limits which, in their opinion, if properly implemented (not exceeding the scientific advice) is the most effective management tool to keep fishing mortality rates within sustainable levels. In particular one submission strongly supports an increase in the number of stocks managed through catch limits.

There was also a call for a more integrated marine network to deal with stock management and urgent structural changes such as Brexit and climate change. One suggestion was the need for permanent structures for integrating and disseminating fisheries and aquaculture knowledge and recommendations across the Irish fish chain through the establishment of offshore and inshore Council Working Group. A national offshore sea fishery working group could bring fishermen, government agencies, industry, and experts together for information exchange and discussion on development and implementation of EU offshore management both before and after EU decisions. Such a system would not only provide better advise to the EU negotiators but

also identify research needs, implementation challenges and solutions, particularly in relation to management plans and enforcement issues. In relation to the suggestion for Inshore Council Working Groups a system of permanent, funded regional inshore working groups for cooperative dialogue could be a focus and forum for exchange of information from experts from the Marine Institute, universities, and leaders of the fishing communities, as well as government administrators. It could create an opportunity for the users and guardians of the resource to contribute to better plans, better research, better management before decisions had been taken in Dublin and Brussels.

7.11 Sustainability

Most submissions demonstrated concern for the long-term social and economic sustainability of the industry given the pressures they find themselves in. More focus and funding should be given to promote sustainability especially under Articles 14.

7.12 UNCLOS

Many submissions mentioned the United Nations Convention on the Law of the Sea (UNCLOS), also called the Law of the Sea Convention or the Law of the Sea Treaty, an international agreement that establishes a legal framework for all marine and maritime activities. As of June 2016, 167 countries and the European Union are parties.

The submissions requested that the Government should seek to use UNCLOS to petition the European Court of Justice for the right of our fishing communities to secure the fish allocated under the CFP which other members do not catch in our waters be returned to Ireland. Reform of the CFP must ensure the economic survival of these communities. Existing UNCLOS laws already provide a mechanism whereby coastal state and its dependent communities should benefit from the resource, need to be applied. The concept of ‘zonal attachment’ was mentioned

7.12 List of Submissions

Submission ID	Name	Organisation
Online_CFP_01	Anon	
Online_CFP_02	Paul Bradley	Lough Swilly wild oyster society Ltd.
Online_CFP_03	Anon	
Online_CFP_04	John Nelson	Member of public
Online_CFP_05	Jack Nolan	Fisher
Online_CFP_06	Patrick Murphy	Derrycagoon Agri Services
Online_CFP_07	Tadhg O Riordan	BALLYCOTTON Fisherman's Association
Online_CFP_08	Clare O'Callaghan	Sinn Fein
Online_CFP_09	Michael Desmond	NIFA
Online_CFP_10	Thomas Galvin	
Online_CFP_11	Anon	
Online_CFP_12	Oisin o Driscoll	Fisherman
Online_CFP_13	Paddy Mulvany	None
Online_CFP_14	Jason Sheeham	Sheehans fishing Co.
Online_CFP_15	Denis Carbery	Skipper
Online_CFP_16	Art Kavanagh	Financial Consultant
Online_CFP_17	David Hyde	
Online_CFP_18	Liam o Sullivan	Fisherman
Online_CFP_19	Corina Thornton	MTU
Online_CFP_20	John D O'Sullivan	Keelbawn Fishing Company Ltd.
Online_CFP_21	John Tattan	Tattan Trawlers Limited
Online_CFP_22	Richard Tattan	Tattan Trawlers Limited
Online_CFP_23	Alzn carleton	Kopanes fishing ltd
Online_CFP_24	Anon	
Online_CFP_25	Patricia Doherty	Three rivers marine litter solutions
Online_CFP_26	Anon	
Online_CFP_27	Brian Deasy	Fisherman
Online_CFP_28	Anon	
Online_CFP_29	Shane Crowley	
Online_CFP_30	Anon	
Online_CFP_31	John Crowley	
Online_CFP_32	Colin Crowley	
Online_CFP_33	Agnes Crowley	
Online_CFP_34	Paudie Crowley	
Online_CFP_35	Charlie Crowley	
Online_CFP_36	Daniel Crowley	
Online_CFP_37	Elaine Crowley	

Submission ID	Name	Organisation
Online_CFP_38	Patrick Healy	N/A
Online_CFP_39	Neasa Crowley	
Online_CFP_40	Anon	
Online_CFP_41	Seamus O'Grady	
Online_CFP_42	Anon	
Online_CFP_43	Peter hand	
Online_CFP_44	Anon	
Online_CFP_45	Aidan O'Callaghan	
Online_CFP_46	Shane Kelly	Fisherman
Online_CFP_47	Patrick Flannery	Iasc Geal Teoranta
Online_CFP_48	Rodney O'Sullivan	Swan Net Gundry
Online_CFP_49	Anon	
Online_CFP_50	Anon	
Online_CFP_51	Christopher Houston	Irish fisherman
Online_CFP_52	Christopher Houston	Stella Maris
Online_CFP_53	Anon	
Online_CFP_54	Brendan Leonard	Caronia fishing ltd
Online_CFP_55	Alan Hassett	Independent fish seller
Online_CFP_56	Anon	
Online_CFP_57	Malcolm Morrow	Morrow Fishing
Online_CFP_58	Conor Kelly	General interested stakeholder
Online_CFP_59	Anon	
Online_CFP_60	John O'Leary	Fishing Family
Online_CFP_61	Anon	
Online_CFP_62	Michael Murphy	Castletownbere fisherman
Online_CFP_63	Micheál Murphy	ISWFPO
Online_CFP_64	Charlotte Branagan	Nausicaa
Online_CFP_65	Richard Branagan	Nausicaa
Online_CFP_66	Sian Tantrum	Saltees Fish
Online_CFP_67	John Keating	ISEFPO (Keating Fish Ltd)
Online_CFP_68	Dolf D'hondt	Member of the General Public
Online_CFP_70	Paul D O'Sullivan	IS&WFPO
Online_CFP_71	Anon	
Online_CFP_72	Eamon ÓCorcora (Edward Corkery)	Iscairi Intire cois Cladach na hEireann (IIE)
Online_CFP_73	Paula Crowley	Keelbawn fishing company
Online_CFP_74	Paul Hayes	Cork County Council
Online_CFP_75	Mick Wallace	Member of European Parliament

Submission ID	Name	Organisation
Email_CFP_01	Joe	Inshore Fisherman
Email_CFP_02	Anon	Inshore Fisherman
Email_CFP_03	Denis O'Flaherty	O.F. Fishing Ltd.
Email_CFP_04	James O'Flaherty	Fisher
Email_CFP_05	Mark Fetherstonhaugh	Skipper
Email_CFP_06	Paddy Mulvany	Fisher
Email_CFP_07	Dan Bates	Fisher
Email_CFP_08	Teresa Morrissey	IFA Aquaculture
Email_CFP_09	Pat Moran	Oysters for Suir
Email_CFP_10	Ronan Sheehy	
Email_CFP_11	RBG Fish Sales Limited	
Email_CFP_12	Anthony Sheehy	
Email_CFP_13	Kedge Fishing Limited	
Email_CFP_14	ODS Fishing	
Email_CFP_15	Jack Keegan	
Email_CFP_16	Brian Sheehy	
Email_CFP_17	Eoin Murphy	
Email_CFP_18	Eoin Deasy	
Email_CFP_19	Anon	
Email_CFP_20	Zeik Tuit	ZT Fish Company
Email_CFP_21	Anon	
Email_CFP_22	Catherine Turner	
Email_CFP_23	Anthony Walsh	
Email_CFP_24	John Power	
Email_CFP_25	Anon	
Email_CFP_26	Dinah Busher	Former owner of MFV Ellie Ádhamh
Email_CFP_27	Fair Seas	
Email_CFP_28	Our Fish	
Email_CFP_29	Damien Turner	
Email_CFP_30	Dr Maggie Duff Garvey	
Email_CFP_31	Johnny Walsh	
Email_CFP_32	Aidan Harrington	
Email_CFP_33	Edward Corkery	
Email_CFP_34	Gerard Kelly	Tardrum Fisheries Ltd & Fresco Seafoods Ltd
Email_CFP_35	Gerard Kelly	Tardrum Fisheries Ltd & Fresco Seafoods Ltd



