

“One Bass Bag Limit Proposal – Untimely, Unbalanced and Unacceptable”

The European Union Commission's proposal for fishing opportunities in 2015 includes, for the first time, a measure specifically aimed at recreational fishers – a bag limit of only one bass, per day. The limit will apply to anglers and other recreational fishers using e.g. nets and pots.

The European Anglers Alliance (EAA) and the European Fishing Tackle Trade Association (EFTTA) suspect this proposed bag limit could be beyond the competence of the Commission. It is unacceptable to recreational angling and the businesses which these activities support for a number of reasons.

EAA and EFTTA will be lobbying the European Commission and Member States for this misguided proposal not to be adopted at the Fisheries Council meeting in Brussels on 15-16 December.

This case is of immense importance to recreational fishing as it will set a precedent for whether or not the EU can take action that will do disproportionate harm to the recreational sector, while failing to manage the commercial fishing sector properly. Over recent years EAA and EFTTA have lobbied strongly for a proper and fair inclusion of recreational fishing in the reform of the Common Fisheries Policy (CFP) but were denied such an inclusion. That denial should preclude the EU from having competence over the recreational fishing sector.

Some reasons why the proposed bag limit should not be adopted

- Reasons related to recreational fishing (1) and commercial fishing (2):

1) - Recreational bass fishing:

(a) There is no data to illustrate how such a bag limit would reduce recreational fishing mortality on sea bass;

(b) The legal text is unclear concerning its scope and remit. Art. 2 (the scope) gives the impression that this is about ‘recreational fishing vessels’ only (such vessels are not well defined¹). However, we have been informed that the recreational fishing bag limit in Art. 12 extends to more than people fishing from ‘recreational fishing vessels’. To our surprise, it is intended to include ALL recreational sea fishers (i.e. boat, shore and underwater).

(c) The recreational fishing bag limit concerns ‘only’ the ICES areas IVbc, VIIa, VIIId-h, which means that not all bass fishing areas of France, Ireland and Scotland are within the remit. This is relevant for data collection, monitoring and control.

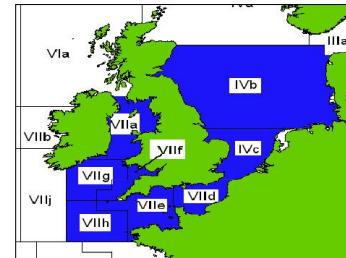
(d) There is considerable uncertainty as to whether the EU has the legal competence to legislate for a recreational fishing bag limit such as proposed. Former Commissioner Damanaki has said in public more than once, that recreational fishing is a Member State competence. As an example this can be read on Ms Damanaki’s blog (on 1st August 2013):

“..recreational fisheries activities are not covered by the EU’s exclusive competence with regard to the conservation of fish stocks. Therefore, the rules governing recreational fishing are decided by the Member states themselves.”²

If this is a fact, then the EU should only decide on the extent, where and how commercial bass fishing mortality should be reduced and leave it to the Member States individually to reduce recreational fishing mortality on bass on an equitable basis. This would better comply with the Treaty’s ‘proportionality principle’.

To legislate for a recreational fishing bag limit at EU level we believe another legislative tool should be used, which gives the European Parliament the power of co-decision in order to comply with the intention of the ‘subsidiarity principle’ – one which means, “that decisions are taken as closely as possible to the citizen”.

Fig. 1:
The area concerned by the Commission’s bass proposal



ICES areas IVbc, VIIa, VIIId-h

2) – Commercial bass fishing:

The draft annex³ to the Regulation illustrates which areas are to be addressed and in which vessel/gear metiers mortality reduction is expected. However, the Commission's proposals provide no details on catch limits in these fisheries. We anticipate that these omissions will be discussed at the Fisheries Council meeting on the 15-16 December, if not before. We firmly believe that this draft annex, if adopted, will deliver very little, if any, reduction in bass mortality from commercial fishing.

It is clear that the proposal on commercial fishing is limited to too few vessels and to too small an area. For example, it is suggested that commercial bass fishing should be only addressed in area VIIe – only one of eight ICES areas identified by ICES and the STECF.

EAA and our partners welcome the fact that the Commission has focused on area VIIe as this area has important bass spawning grounds which are trawled commercially during the spawning period. However, EAA has advocated that off shore fisheries targeting spawning bass should be restricted not only in area VIIe but in the neighbouring area VIIh as well. A total closure would be preferable, but at the very least, trawling directed at bass should be banned in these areas.

Consideration should also be given for the fact that there are bass in the area VIIe+h all year round, not just during the spawning period. So the Commission's proposal might slightly reduce (depending on what the Council agree) the targeting of spawning bass by trawlers during the spawning period in the area VIIe but fishing will continue unaffected in this area during all other months of the year. Effort is likely to be increased during the open months.

Given the Council's past track record, it is feasible that the omissions in the Commission's proposed annex could be treated in such a way that results in no substantial reduction in bass mortality at all. Even if the Council is ambitious the area VIIe and the vessels addressed are too limited to secure a notable reduction in bass fishing mortality. All other areas are still open (area VIIe is also open most of the year) which would ensure that the majority of commercial bass fishing will continue unchecked as it currently does.

A consequence of this is that the EAA and EFTTA foresee an increase in commercial landings of bass next year due to new regulations taking effect (the landing obligation, which makes it an obligation to land and count against quota fish previously discarded at sea. Smaller quotas are suggested for next year for a range of species. Earlier exhaustion of quotas next year must be anticipated. This will make it attractive or 'necessary' for the commercial sector, the small scale sector in particular, to fish more intensively for bass.

What should happen now?

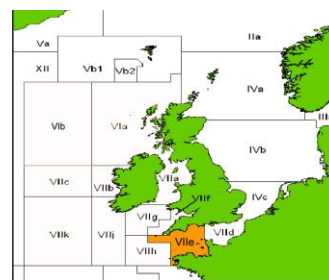
The Commission and Council should not adopt a recreational bag limit!

Whilst we agree that there is a need to adopt suitable emergency measures now in order to reduce fishing mortality in line with the June 2014 ICES advice, a bag limit should not be one of them. This is an ill-conceived, badly thought out and disproportionate proposal, with little or no data to support what it would do to deliver a reduction in recreational bass mortality.

The present proposal to be adopted by the Council next month is outside the remit for the European Parliament. Next year a long-term management plan should be developed. This work will involve the European Parliament, as the ordinary legislative procedure applies to long-term fisheries management plans. Apart from banning fishing in the spawning areas during the spawning time, an increase of the minimum landing size and adjustment of the gear to that size (see further below) other measures can wait to be included in the long-term management plan.

We trust the Parliament will take a fairer and more balanced approach than the one in the

Fig. 2:
Commercial fishing – a small area only (orange) is addressed in the Commission's bass proposal



ICES area VIIe

Fig. 3:
Bass spawning: different areas, different times

	J	F	M	A	M	J	J	A	S	O	N	D
Southern North Sea												
English Channel												
West of British Isles												
West Coast of France												
			Spawning					Peak spawning				

Fig 4: (ref: UK BASS)⁴

Shares in % of total landings	
1970.....	95.....5
1990.....	50.....50
2000.....	40.....60
2012.....	30.....70
2014.....	25.....75

Note: The figure shows how the two sectors' shares in the total landings have shifted over the years. The recreational landings are thought to have been pretty stable from the 60-70s till today, while the commercial landings have increased dramatically over the years.

Commission's proposed Regulation. Additionally, more of the data needed to work out an appropriate and fair bass management plan will be available next year.

Mixed Fisheries are the single biggest source of fishing mortality; 41 per cent of bass stock removals come from the mixed demersal fisheries.⁵ It is with great surprise that the Commission's proposal leaves these mixed fisheries untouched. There should be an immediate review of available technical measures and a cap on bass caught in mixed fisheries.

We have suggested that an increase in the bass minimum landing size (MLS)* would be a fair and effective way to secure that all catching sectors and segments, recreational and commercial alike, contribute to the reduction of bass fishing mortality. The present proposal is grossly unfair to recreational fishing, and, as we have argued above, likely will deliver little with no evidence on what it will contribute to the reduction in bass mortality.

** Note: In the following text we make use of the new term "Minimum Conservation Reference Sizes (MCRF)"*

The Minimum Conservation Reference Size (MCRF) should be increased now from the present 36cm – where no bass spawn – to 42cm to allow some bass to spawn at least once. An increase to 42cm would allow about 50% of the female bass to spawn and thereby improve recruitment – a key contributor to stock recovery.

We insist that an increased MCRF for bass must also apply to all fishing sectors, commercial and recreational. Such a change would require some modifications to gear and/or fishing practices, but these will be required whatever the Commission's proposals are for the commercial catching sector. More selective gear and fishing practices will be needed to fulfil obligations from other EU policies and legislation like the landings obligation, Maximum Sustainable Yield (MSY) objectives, the Marine Strategy Framework Directive (MSFD), eco-system based management, biodiversity targets and more.

There is an enormous amount at stake by the Commission proposing unfair and disproportionate restrictions on recreational fishing. This is clearly an issue which the Commission has little or no expert knowledge of, principally due to the lack of prominent and fair inclusion of recreational fishing in the Common Fisheries Policy (CFP). Millions of anglers spend billions of Euros supporting hundreds of thousands of jobs around Europe in pursuit of the European bass, and other species, whilst having a considerably lower impact on stocks than the significantly less economically valuable commercial catching sector.

The case for managing bass as a recreational asset is overwhelming however the Commission seems unable or unwilling to manage the resource for purposes other than commercial exploitation.

Socio-economic impacts of various management options for bass are still to be investigated and the Commission is asking member states to provide data to understand this better. Questions therefore have to be asked as to why this proposal has been put forward before the relevant data has been evaluated and those socio-economic impacts better understood.

ENDS

Notes and links:

1 - The Commission proposal for a Regulation:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/info/com_2014_670_en.pdf

2 - The sea bass annex to the Regulation - ANNEX IIE - page 45:

<http://data.consilium.europa.eu/doc/document/ST-14590-2014-ADD-3/en/pdf>

3 – ICES bass benchmarking report (Oct 2012):

www.ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/acom/2012/IBP%20New/ibpNew_2012.pdf

4 – ICES bass advice June 2014:

www.ices.dk/sites/pub/Publication%20Reports/Advice/2014/2014/bss-47.pdf

5 – STECF bass advice July 2014 (page 51 onwards):

http://stecf.jrc.ec.europa.eu/documents/43805/812327/2014-07_STECF+PLEN+14-02_Final+Report_JRCxxx.pdf

6 - EAA presentation at "InterAC Workshop on Seabass", 18 Sep 2014, Dublin:

www.nwwac.org/fileupload/Seabass/EAA_Seabass_Wk_18Sept2014_Final.pdf

6a – All workshop presentations:

www.nwwac.org/listing/interac-workshop-on-seabass.1529.html

7 - EAA sea bass position paper of 10 June 2014

(issued before we had the latest ICES and STECF advices of June and July):

www.eaa-europe.eu/index.php?id=827



Front page of EAA sea bass position paper of 10 June 2014

(Endnotes - next page)

Endnotes:

¹ Article 3 doesn't define 'recreational fishing vessel' but explains that it is about "...vessels engaged in recreational fishing, as referred to in Article 4(28) of Regulation (EU) No 1224/2009." However, there is no clear definition of such vessels to be found in that place or in any other piece of EU legislation(*). This particular issue was discussed extensively when the Control Regulation of 2009 was negotiated but remains unresolved.

It is unclear whether a "recreational fishing vessel" is described only as a motorized boat, or if non-motorised boats like kayaks and row boats also should be regarded 'recreational fishing vessels'. Clarification is also needed as to the status of the smallest of vessels such as a small inflatable raft with a little outboard motor.

These uncertainties may remain unresolved until individual cases have been before the European Court of Justice. However, in this particular sea bass recreational bag limit case this is not of importance but only if ALL recreational fishers are included the Regulation's scope and the EU powers and remit, which we doubt.

* The Commission has suggested a definition of (recreational) 'Service Vessel' in its proposal for a Regulation 'establishing a multiannual plan for the Baltic salmon stock and the fisheries exploiting that stock' (COM(2011) 470)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0470:FIN:EN:PDF>

Art. 3(j) - "service vessel" means a vessel, that is operated by an undertaking offering services, including providing fishing equipment, transport and/or guidance, for the purpose of recreational fishing targeting salmon in the Baltic Sea;

This Regulation is not finally adopted but the European Parliament has adopted some controversial amendments to it.

www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0446&language=EN&ring=A7-2012-0239

These amendments seek, among other things, to include all vessels involved with recreational fishing but still without giving a clear definition or explanation of what is a 'vessel' in this respect.

² <http://blogs.ec.europa.eu/damanaki/mediterranean-a-new-impetus-for-its-regional-advisory-council/comment-page-1/#comment-705>

³ <http://data.consilium.europa.eu/doc/document/ST-14590-2014-ADD-3/en/pdf>

⁴ www.ukbass.com/tag/cefaf

⁵ http://stecf.jrc.ec.europa.eu/documents/43805/812327/2014-07_STECF+PLEN+14-02_Final+Report_JRCxxx.pdf

Page 53: "...three categories: (i) recreational; (ii) commercial fisheries targeting seabass, and; (iii) fisheries where seabass are taken as a commercial by-catch in mixed demersal fisheries. Based on 2010-2013 data, recreational fisheries account for 26% of the overall catch (commercial and recreational); commercial targeted fisheries account for 33% (mid-water pair trawls and lines) and; other commercial fisheries where seabass are taken as by-catch account for 41% of the overall catch."

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European seabass (*Dicentrarchus labrax*)