

## Oceana Recommendations for EU Presidency



**Spain: January-June 2010**

---

# Oceana Recommendations for the EU Presidency

	Pg.
<b>MARINE SPECIES</b>	<b>3</b>
<b>CITES</b>	
Bluefin Tuna	
Shark Conservation and Management	
<b>FISHERIES</b>	<b>5</b>
Common Fisheries Policy (CFP)	
TACs and Quotas	
Bycatches and Discards	
Mediterranean Sea	
Illegal, Unreported and Unregulated (IUU) Fisheries	
<b>MARINE HABITATS</b>	<b>8</b>
Marine biodiversity protection and conservation	
<b>CLEAN ENERGY AND CLIMATE CHANGE</b>	<b>9</b>
Clean Ocean Energy	

---

## MARINE SPECIES

### CITES

---

The CITES 15<sup>th</sup> Conference of the Parties will take place during Spain's Presidency. This will be an exceptional opportunity to protect vulnerable sharks and endangered bluefin tuna. CITES provides a worldwide legal framework for regulating and controlling trade of endangered species.

The European Union has presented proposals to list the spurdog (*Squalus acanthias*) and porbeagle (*Lamna nasus*) sharks in CITES Appendix II. The severe depletion of these species' populations in several parts of the world is well documented. Furthermore, both are categorized by the World Conservation Union's (IUCN) Red List of Threatened Species, as "Vulnerable" globally, "Endangered" in the Northwest Atlantic Ocean, and "Critically Endangered" in the Northeast Atlantic Ocean.

**Oceana encourages** the Spanish Presidency to lead the EU in efforts to have these species added to CITES. The porbeagle (*Lamna nasus*) and spurdog (*Squalus acanthias*) are two threatened species that enter international trade in substantial volumes, and are highly relevant for CITES protection. We also urge the EU to support the 6 species proposed by the United States for CITES Appendix II: oceanic whitetip shark (*Carcharhinus longimanus*), scalloped hammerhead (*Sphyrna lewini*), great hammerhead (*Sphyrna mokarran*), common hammerhead (*Sphyrna zygaena*), sand bar shark (*Carcharhinus plumbeus*), dusky shark (*Carcharhinus obscurus*).

Separately, Monaco has tabled a proposal to list endangered bluefin tuna in CITES, Appendix I. This single measure is currently the most coherent one to prevent the stock collapse. EU and the International Commission for the Conservation of Atlantic Tunas (ICCAT) have proven to be unable to managing sustainably the fishery and control regimes have been demonstrated to be insufficient to prevent illegal fishing. They are therefore very likely to fail in the future too.

The collapse of the Eastern bluefin tuna stock is the most imminent and clear example of how the lack of political will associated with a disregard for scientific recommendations, could compromise a species' survival on the planet.

**Oceana call for** European Union support of the Monaco proposal to include Atlantic bluefin tuna in CITES, Appendix I. This is to prevent these species from further overfishing and stock collapse.

### Bluefin Tuna and Swordfish

---

Another important line of action within the context of the Presidency of the European Council deals with the situation of these two fish stocks in the Mediterranean Sea and Spain's role as one of the main countries involved in these fisheries.

Bluefin tuna stocks in the East Atlantic and Mediterranean are on the verge of commercial collapse. European Union historically has played a major role in the stock depletion by promoting fleet overcapacity, lack of control and in the adoption of unsustainable management measures. The EU's stance, far from favouring the industry's sustainability, threatens its immediate future.

**Oceana call for** the Spanish Presidency to advocate significant change in the policies implemented up to now by the EU, and to champion sustainable exploitation of this resource. Within this context, the declaration of marine reserves in relevant spawning areas of this species should be considered as a top priority.

With regards to swordfish, it is one of the species subjected to levels of overexploitation that threaten the Mediterranean stock's short-term viability. As one of the leading swordfish-catching countries in the Mediterranean, Spain implements management measures that may not be fully adequate, but at least they represent a significant advance compared to other Mediterranean countries that exploit this species without a proper management in force.

**Oceana call** the European Union to lead the adoption of a comprehensive management plan for swordfish in the Mediterranean, in accordance with the stock status, that will guarantee a sustainable exploitation of this resource.

## **Shark Conservation and Management**

---

In April 2009, the Fisheries Council Conclusions urged rapid implementation of the EC Plan of Action for the Conservation and Management of Sharks, noting concern that fishing pressures, including from the Community fleet, is having an adverse impact on shark populations and their ecosystems.

This Fisheries Council recognised that effective regulation, management and conservation of shark fisheries are required to ensure sustainable exploitation. As a result, the Fisheries Council noted that proper action must be taken without delay. The United Nations General Assembly, the IUCN and many other international experts encourage "fins attached" policies, in which sharks are landed with their fins naturally attached to the body. This simple approach is the most effective and practical way to implement finning bans, and is already being implemented for numerous fleets around the world.

The Spanish Presidency of the EU focuses on implementing the Shark Plan of Action. In particular, Oceana recommends that the following issues be promoted and furthered.

**Oceana call for** an amendment of Council Regulation (EC) 1185/2003 on the removal of fins from sharks onboard vessels, especially to the derogation and associated conditions therein, while taking into account the best scientific advice.

**Oceana call for** protection of threatened shark species and their habitats. One-third of European shark and ray populations are threatened with extinction according to the

International Union for the Conservation of Nature (IUCN). Oceana would like the Spanish Presidency of the EU to focus on protecting threatened species under the Habitats Directive or via the numerous environmental conventions to which the EC is a party, such as CITES or the Convention on the Conservation of Migratory Species. The EU's biodiversity strategy, stemming from the Convention on Biological Diversity and the EU's Biodiversity Action Plan with commitments to halt biodiversity loss, is failing sharks.

The Fisheries Council has encouraged the Commission to ensure that the Community takes a leading role in shark conservation and management worldwide. Indeed, the EU's importance and weight in negotiations in international fora, including Regional Fisheries Management Organizations, is well known.

**Oceana call for** the EU leads' measures to manage sharks in RFMOs, especially ICCAT, IAATC, IOTC and WCPFC. This means using the same standard management schemes, used for other targeted highly migratory species, such as catch limits and quotas. Oceana stresses the need for compliance with the Precautionary Approach and urges the EU to propose, promote, and advance the establishment of precautionary catch limits based on fishery statistics and recommendations of independent scientific bodies.

## FISHERIES

### The Common Fisheries Policy (CFP)

The CFP Framework Regulation<sup>1</sup> is set for review by the end of 2012 and a new Roadmap has been launched with the 2009 Commission Green Paper on the CFP Reform. A legislative Proposal for a new CFP Regulation is scheduled for publication during 2011. Spain should set transitional orientation policy debates at the Council and European Parliament. They should be transparent and with contribution from the environmental organizations which would be instrumental in improving shortcomings in fisheries management before a new Regulation is proposed.

Long-term ecological sustainability is the fundamental basis for economically prospering fisheries. The European Marine Strategy Directive from June 2008 is the first EU legislation designed to make a significant contribution to the preservation, protection and restoration of marine ecosystems. The Directive aims at achieving good environmental status of the EU marine waters by 2020. The Directive defines the implementation of the precautionary approach and long term ecological sustainability as the guiding principles for the new Common Fisheries Policy.

<sup>1</sup> Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

**Oceana urgently call for** an improvement of the Common Fisheries Policy under the main aim of long term ecological sustainability and taking the principles into account that are outlined in the following chapters.

**Oceana call for** the end of fishing subsidies. That increases fishing capacity and fishing effort. Despite the current acknowledged overcapacity of the EU fishing fleet, the present EU incoherent subsidies policy continues to further exacerbate the situation by allocating funding which enhances fishing capacity and fishing effort, such as those allocated for fuel. This situation must be urgently changed. Spain must use this opportunity of the Presidency to lead the way for effective legislation and ambitious targets to reduce the huge subsidies to the EU fleet.

### **TACs and Quotas**

---

The system of total allowable catches (TACs) is repeatedly being criticised, and some proposals have been made to dismantle it.

Oceana thinks that the management –not the system- of the TAC and quota system has proven ineffective in improving the state of marine resources. But while criticism about the system is increasing, the factors that hinder the correct TAC operation are not taken into consideration, although they are widely known. The fact is that scientific advice is consistently ignored.

Serious shortcomings in the establishing, applying and control of TACs and quotas must be addressed. Analyses show that 78% of scientific recommendations on TACs for European Union fish stocks have been continuously ignored. TACs adopted by the Council significantly exceed the volume of catches considered sustainable by scientists. Additionally, real catches are exceeding the TACs, which have already been set too high. At the same time, catches are analysed based only on landings without taking into consideration the discarded biomass that should be included in the mortality rates for that fishery. The difference between landing-based catch estimates and the biomass actually extracted from the fishing grounds, including discards, may be quite significant.

**Oceana urgently call for** measures to correct the persistent failings in the establishment, application and control of the fisheries quotas in the EU.

**Oceana urgently call for** legislation that clarifies that TACs reflect maximum allowable catches and not maximum allowable landings, as is currently the case.

Despite the fact that several hundred marine species are marketed and sold in the EU, less than 40% is scientifically assessed and managed by means such as Total Allowable Catches (TACs). The remainder lacks this management and catch limits.

It is necessary to urgently solve that unmanaged fisheries problem and set a deadline after which no fishery should be allowed in Europe or by European fleets in any part of the world without the necessary scientific evaluation and fisheries management.

### **Bycatches and Discards**

---

Discards are one of the main problems in EU fisheries, some of which throw back 80% of their catches into the sea. The EU does not yet have a specific policy on bycatch and discard minimisation, despite the fact that bycatch prevention and discard elimination are key motivators for an ecologically effective and economically sustainable fisheries policy.

The recently published 2009 Commission Green Paper on the Common Fisheries Policy Reform<sup>[1]</sup> has not provided a clear and timely roadmap for solving these standing dramatic problems. A renewed and stronger political commitment is needed.

**Oceana urgently call for** establishment of limits for incidental accessory catches; high selectivity in fisheries; prohibition of discards; establishment of preferential access areas; establishment of areas closed to fisheries in real time with the obligation to move to other zones; prohibition of 'high grading' on board; effective control and monitoring and development of an adequate sanction system.

### **Mediterranean Sea**

---

Spain's Presidency of the European Council, and its responsibility as a coastal state, represents an excellent opportunity to advocate the necessary changes in fisheries management in the Mediterranean Sea. Overexploitation and the fleet's overcapacity constitute the main threats to Mediterranean fishing grounds. The current legislation established by Regulation 1967/2006 is inadequate in all aspects; the lack of control in ports is notorious and the data collected is insufficient. All of this together maintains these fishing grounds at inferior planning levels compared to the Atlantic Ocean, thus threatening their immediate future.

**Oceana call for** the determination of a strategy and road map for the establishment of coherent management measures for the exploitation of fishing resources in the Mediterranean.

**Oceana urgently call for** the implementation of new measures within the context of the EU Fisheries Policy Reform that effectively guarantee compliance with objectives for the Mediterranean Sea.

Furthermore, the total elimination of the use of driftnets in Italy, as well as in other non-Community countries, and the control over imports of fish caught with this gear must

---

<sup>[1]</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0163:FIN:ES:PDF>

constitute another line of action for the reasons mentioned above, and it constitutes proof of the firm commitment against illegal fishing activities.

### **Illegal, Unreported and Unregulated (IUU) Fisheries**

The IUU Regulation<sup>2</sup> enters into force in January 2010, introducing new EU rules to deter, prevent and eliminate IUU fishing. Furthermore, Oceana argues that vessels of companies that have been exposed to be engaged in IUU activities must be blacklisted by all Regional Fisheries Management Organisations and the European Union and subsequently scrapped.

Additionally, in November 2009, world's fishing nations as EU and US committed to an important step to end illegal, unreported and unregulated fishing (IUU) signed a legally binding international agreement on so-called Port State measures, which ban the port access to vessels involved in IUU fishing.

**Oceana call for** the rapid and strict implementation of the IUU Regulation and the introduction of an EU-harmonized system of criminal sanctions for offenders.

**Oceana call for** introducing legislation into EU fisheries policy to make it illegal to import or trade IUU caught fish in Europe.

## **MARINE HABITATS**

### **Marine biodiversity protection and conservation**

Less than 1% of the European marine waters are currently legally protected. Biodiversity loss and extinction of species are accelerating at critically unsustainable levels. At present, many of the marine protected areas barely reach a surface area of one square kilometer and they are, mostly, in coastal areas, making them inefficient for conserving certain habitats and species. The EU is signatory to a large number of international Conventions mandating biodiversity protection, however implementation of commitments in EU waters remains poor and the EU lacks leadership at the international level.

The Habitats Directive (92/43/CEE) has been so far either poorly implemented or delayed as result of political compromises. The UN Convention on Biological Diversity (CBD) requires that at least 10% of the world's marine and coastal ecoregions be legally protected by 2012. The European Marine Strategy Framework Directive (2008/56/CE), the only EU-wide seas protection legal framework, has been adopted just very recently, and the strategy action has to be presented by Member States

<sup>2</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

before 15 July 2010<sup>3</sup>. On the other hand, consistency and coherence between marine conservation protection rules with CFP and other industrial policies at sea has not been yet clearly established.

**Oceana urgently calls** for the use of Maritime Spatial Planning to ensure management for 100% of European Union waters, to enhance the protection of marine protected areas under European legislation, and to ensure the ecosystem-based approach to the management of all human activities that have an impact on the marine environment.

**Oceana call for** opening the Habitats Directive annexes to include endangered marine habitats and species, currently so poorly represented or not represented, updating the annexes with the best scientific information available<sup>4</sup> and a precautionary approach.

**Oceana urgently call** for boosting scientific research in European waters and ecosystems. EU Member states lack research programmes aimed at studying the sea beds and ecosystems, especially at offshore and deeper areas. EU coordinated action is needed, supported by adequate funding.

**Oceana call** Spain to advocate for the need to get a real representative and coherent marine-protected area network, by expanding many of the existing areas, and also new offshore and larger zone additions to the MPA network.

**Oceana call for** securing regular discussions on the status of marine conservation and protection at Council, and with stakeholders with a view to immediate implementation of existing rules by the Member States.

## CLEAN ENERGY AND CLIMATE CHANGE

### Clean Ocean Energy and acidification

---

The climate change born from the high historical dependence of non-sustainable energy, EU is working to promote clean energy, but often is not attending to the effect on the sea, one of the most important ones being acidification.

The oceans absorb about 30% of global carbon emissions and 80% of the heat generated by increased levels of greenhouse gases. Carbon dioxide in the atmosphere is higher than it has been for 800,000 years. The acidity of the ocean's surface has increased by 30% since before the industrial revolution. The higher acidity can affect growth, reproduction, disease resistance and the other biological and physiological processes in many species, including corals, pteropods and some types of coccolithophores, which are essential elements for healthy oceans ecosystem and balanced marine food. Acidification will have serious consequences on a number of economic activities such as tourism, fisheries and coastal development.

<sup>3</sup> Article 26 Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy

<sup>4</sup> Article 19 Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

The Energy Directive<sup>5</sup> and the Energy Security and Solidarity Action Plan<sup>6</sup> establishes a 20% target for the overall share of energy from renewable sources, a 20% decrease in emission of greenhouse gases and a 20% increase in energy efficiency for Member States by 2020. Only the Baltic and North Seas have strong development of clean marine energies (especially off-shore wind energy). The marine environment may be a valid option to develop clean energy. However, this development must be carried out so that the impact on the environment is minimal.

**Oceana call for** the use of the "Best Available Techniques" applicable to clean energy production in the marine environment. These techniques need to place special focus on environmental impacts.

**Oceana call for** the development of plans for future EU marine energy, especially offshore wind energy. Offshore wind power is vital for Europe's future and provides the answer to Europe's energy and climate dilemma, exploiting an abundant energy resource which does not emit greenhouse gases and reduces dependence on increasingly costly fuel imports.

**Oceana call for** promote a substantial research and development requirement on offshore wind energy and also on other types of marine technologies that are currently poorly developed and should be further promoted.

**Oceana call for** Ocean acidification to be fostered in EU climate change policies, with a dedicated EU scientific assessment applied and a high-level technical working group set up. They should be included on the agendas of all international negotiations on climate change and marine biodiversity protection, including the 2010 Convention on Biological Diversity, COP 10 (October 2010) and also the decisions from United Nations Climate Change Conference COP 15 (Copenhagen, December 2009).

For more information, please contact:

**Brussels:**

Julie Cator [jcator@oceana.org](mailto:jcator@oceana.org) – Ph: +32 (0) 513 22 42

Gaia Angelini [gangelini@oceana.org](mailto:gangelini@oceana.org) – Ph: +32 (0) 513 22 42

**Madrid:**

Enrique Pardo [epardo@oceana.org](mailto:epardo@oceana.org) – Ph: + 34 911 440 880

[www.oceana.org](http://www.oceana.org)

---

<sup>5</sup> Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources.

<sup>6</sup> [http://ec.europa.eu/energy/index\\_en.htm](http://ec.europa.eu/energy/index_en.htm)