



**Tithe an
Oireachtais**
**Houses of the
Oireachtas**

**An Comhchoiste um Chumarsáid, Acmhainní Nádurtha
agus Talmhaíocht**

Tuarascáil Iniúchta AE

**COM (20011) 425 – Togra le haghaidh rialacháin ó Pharlaimint na
hEorpa agus ón gComhairle maidir leis an gComhbheartas Iascaigh**

17 Eanáir 2012

**Joint Committee on Communications, Natural Resources
and Agriculture**

EU Scrutiny Report

**COM (2011) 425 - Proposal for a regulation of the European Parliament
and of the Council on the Common Fisheries Policy**

17 January 2012

JOINT COMMITTEE ON COMMUNICATIONS, NATURAL RESOURCES AND AGRICULTURE

EU SCRUTINY REPORT

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JOINT COMMITTEE ON COMMUNICATIONS, NATURAL RESOURCES AND AGRICULTURE

EU SCRUTINY REPORT

COM (2011) 425 - Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy (CFP)

1. INTRODUCTION

At its meeting of 25th October 2011, the Joint Committee decided that Proposal Number COM (2011) 425 warranted further scrutiny. It was agreed to invite the Minister for Agriculture, Food and the Marine to make a presentation to the Committee and to discuss the proposal in more detail.

The Joint Committee subsequently held a meeting with the Minister on 16th November 2011. The Committee also met with the Federation of Irish Fishermen and the Irish Fisherman's Organisation on 13th December 2011. On the basis of the ensuing discussions, on the European Commission's explanatory memorandum and background documents, and on its own analysis of the proposal, the Joint Committee has prepared the following Report.

The Committee would like to thank the Minister, his Department, the two fishing organisations and the Committee Secretariat of the Houses of the Oireachtas for assistance received in scrutinising this proposal in detail.

2. SUMMARY OF THE PROPOSAL

2.1 Introduction

This proposal seeks to reform the Common Fisheries Policy, and many of its envisaged benefits are to be welcomed. However, the Information Note supplied by the Department of Agriculture, Food and the Marine¹ points to a number of concerns raised at European level in the delivery of those benefits to Ireland.

2.2 Background

The Commission's Explanatory Memorandum for this proposal advises that despite the existence of a Common Fisheries Policy since 1983, the objectives of sustainable fisheries (in environmental, economic and social terms) have not been met in full. The proposal seeks to deliver better on these objectives.

The Commission cites the main problems of CFP as:

- Lack of focus in the objectives on environmental, economic and social sustainability.
- Unacceptably high levels of discards.
- Fleet overcapacity, overfishing, total allowable catches (TACs) that are set too high, and low compliance have resulted in a large majority of Union stocks being overexploited.

¹ See Appendix 3, with a summary of implications for Ireland at paragraph 2.4 below

- Low profitability and low economic resilience for a significant number of fleets.
- Insufficient integration of environmental concerns into the policy.
- Lack of reliable data to assess all stocks and fleets.
- Substantial public financial support to fisheries that does not contribute to achieving the objectives of the CFP.
- Low attractiveness of the fishing activities and decline of some coastal communities dependent on fishing.
- Top-down micro-management at Union level, lacking flexibility and adaptation to local and regional conditions.
- Insufficient development of aquaculture in the Union.
- Legislation and management are costly and extremely complex, which fosters lack of compliance.
- Trade policy facing the challenge of globalisation and increased interdependence.

The Commission states that this proposal for a new basic regulation is justified because there is a need:

- to set out more precisely the objectives of the CFP.
- to enhance consistency between the policy initiatives covered by the CFP.
- to better preserve marine biological resources, in particular for multi-annual plans for fisheries management, and to end discards.
- to contribute to ecosystem and environmental policies under the CFP.
- to provide for regionalisation of measures on a sea-basin approach under the conservation pillar.
- to reinforce data collection and scientific advice for the knowledge base of the conservation policy.
- to fully integrate the external policy into the CFP.
- to promote the development of aquaculture.
- to reform the common market policy of the CFP.
- to provide a legal framework for a new financial instrument by 2014 supporting the objectives of the CFP and the EU 2020 Agenda.
- to further enhance and streamline stakeholders' involvement.
- to incorporate the recently adopted new control regime in the CFP.

2.3 Objectives

The proposal is the outcome of widespread consultation which started with a Green Paper in 2009. Sustainability and long-term solutions are the key points of the Commission's resulting proposal which sets out the following elements:

- All fish stocks will have to be brought to sustainable levels by 2015, which is in line with the commitments the EU has undertaken internationally.
- An ecosystem approach will be adopted for all fisheries, with long-term management plans based on the best available scientific advice.
- The waste of food resources and the economic losses caused by throwing unwanted fish back into the sea, a practice known as “discarding”, will be phased-out. Fishermen will be obliged to land all the fish that they catch.
- The inclusion of clear targets and timeframes to stop overfishing; market-based approaches such as individual tradable catch shares; support measures for small-scale fisheries; improved data collection; and strategies to promote sustainable aquaculture in Europe.
- Consumers will be able to get better information on the quality and sustainability of the products they buy.
- General policy principles and goals will be prescribed from Brussels, while Member States will have to decide and apply the most appropriate conservation measures. In addition to simplifying the process, this will favour solutions tailored to regional and local needs.
- Operators throughout the fishing sector will have to make their own economic decisions to adapt fleet size to fishing possibilities. Fishermen's organizations will play a stronger role in steering market supply and increasing fishermen's profits.
- Financial support will only be granted to environmentally-friendly initiatives contributing to smart and sustainable growth. A strict control mechanism will rule out any perverse funding of illicit activities or overcapacity.
- Within international bodies and in its relations with third countries, the EU will act abroad as it does at home and promote good governance and a sound management of the sea in the rest of the world.

2.4 *Implications for Ireland*

The legal basis for the proposal is Article 43(2) of the Treaty of the Functioning of the European Union, which empowers the European Parliament and the Council to pursue the objectives of the common fisheries policy. The Department of Agriculture, Food and the Marine confirms in its Information Note that there are no subsidiarity issues with these proposals for reform of CFP. Indeed Ireland welcomes many of the proposals which will benefit the fishing industry in Ireland, its employees and the entire fishing community here. They will also benefit consumers in Ireland.

However, the Department has concerns as follows –

- The Department is anxious as to how **Maximum Sustainable Yield Commitments**² (MSY) are to be delivered by the reformed policy. Ireland agrees that MSY

² The **sustainable yield** of natural capital is the ecological yield that can be extracted without reducing the base of capital itself, i.e. the surplus required to maintain ecosystem services at the same or increasing level

commitment must be recognised for the purposes of fish stock management in the future CFP. However, the implementation of any MSY framework must be managed so that delivery of Total Allowable Catches (TACs) based on MSY are progressively introduced over a multi-annual period to avoid unnecessary negative socio-economic impacts of the commitment.

- The precise methods to eliminate **discards** have not been clearly indicated. The Department is fully supportive of the objectives on addressing the unacceptable practice of discarding as set out in the proposal. However, the introduction of a blanket ban, unsupported by appropriate measures and funding, within the timeframe proposed, and in the manner outlined is too simplistic and unlikely to have the desired result. The Department therefore argues for a clear policy on elimination, supported by unambiguous and appropriate technical measures and supports which can demonstrably achieve the stated policy goal.
- A major concern for the Department is the proposed mandatory introduction of an **Individual Transferable Concession Quota system (ITQ)** for the management of fish stocks within each Member State. The Irish fishing fleet is, for the most part, made up of family owned vessels with strong links to their home ports. There is concern that the Commission proposal, as it currently stands, would lead to the loss of fishing activity for Irish coastal communities. The concern is that Irish family owned fishing vessels would be bought up by large European fishing conglomerates. Ireland is very concerned that any safeguards introduced to seek to maintain the economic link between quotas and Member States would not be robust enough to withstand legal challenge, taking into account the provisions of the EU Treaty and the Irish Constitution. It is Ireland's position that the best safeguard is the removal of the mandatory nature of the measure and allow Member States to put in place management arrangements that are appropriate for their own situation.
- The **Hague Preferences** were agreed by a resolution of the European Council Resolution in 1976, and allow Ireland additional shares of key whitefish stocks, when TACs reduce. Their application is not mandatory but is determined each December by the Fisheries Council in respect of the following year. Throughout the consultation phase, Ireland sought that the Hague Preferences would be built into the allocation keys determining relative stability.

While this has not been done, the Hague Preferences are given recognition in the recital of the proposal, in the same way as in previous Regulations, dating back to 1983. It is critically important for Ireland, that as a minimum, their recognition in the Regulation is maintained.

2.5 Current Position regarding Proposal COM (2011) 425

over time. In population ecology and economics, **maximum sustainable yield** or **MSY** is, theoretically, the largest yield (or catch) that can be taken from a species' stock over an indefinite period. Under the assumption of logistic growth, the MSY will be exactly at half the carrying capacity of a species, as this is the stage at when population growth is highest. The maximum sustainable yield is usually higher than the optimum sustainable yield.

When the Commissioner for Maritime Affairs and Fisheries (Ms Maria Damanaki) visited Ireland from 21st – 22nd September 2011, the Irish Minister for Agriculture, Food and the Marine (Mr Simon Coveney TD) briefed her on his Department's concerns with this proposal. The Minister met also with his French Counterpart (Minister Bruno Le Maire) on 30th September 2011 and issued a joint communiqué which included a commitment to work closely on sustainability measures including discards, regionalisation and importantly on Irish opposition to the proposals on ITQs as they then stood.

Following his meeting with the Joint Committee, the Minister discussed the proposal at the EU Fisheries Council meeting of 19th November 2011. The Minister subsequently presented to the Dáil a Sustainability Impact Assessment of the EU Commission proposals for Total Allowable Catches and quotas for 2012, representing the first time that such a process has been adopted.

Negotiations on the proposal will continue in the Council into 2012, and legislation is targeted for introduction in January 2013. It will be transposed into Irish law in secondary legislation, with a possible need to amend existing or introduce new laws depending on how negotiations conclude.

3. JOINT COMMITTEE MEETING WITH THE MINISTER FOR AGRICULTURE, FOOD AND THE MARINE

The Minister for Agriculture, Food and the Marine, Mr. Simon Coveney T.D., accepted the Committee's invitation to scrutinise this matter with its Members. He attended a Joint Committee meeting on 16th November 2011. A link to the transcript of the meeting is at Appendix 4.

The Minister commenced with his focus on reform that must be achievable and benefit to Ireland. His presentation examined Ireland's fishing industry, which he believes to be in good condition and worthy of protection. With 2,100 fishing vessels and 12,000 people employed in a market of €700 million, he appreciates the value of that industry to Ireland. The Minister is anxious to see that any reform of CFP strengthens that industry in Ireland.

The Minister discussed the extent to which Ireland shares its fishing waters with its European neighbours, and how issues such as quotas and enforcement in those waters impact on Ireland. CFP needs to address these for benefit to Ireland. The meeting covered a number of topics in detail, particularly quotas, enforcement, discards, Hague Preferences, stocks, fishing communities and the overall aims of CFP.

4. JOINT COMMITTEE MEETING WITH FEDERATION OF IRISH FISHERMEN (FIF) AND THE IRISH FISHERMAN'S ORGANISATION (IFO)

Representatives from the FIF and IFO accepted the Committee's invitation to a meeting with its Members which was held on 13th December 2011. A link to the transcript of the meeting is at Appendix 5.

The FIF commenced by listing their concerns with the proposed CFP reform as follows –

- Setting the Scene –
 - The FIF presented resource information which suggests that despite annual catches in Irish waters of nearly 1million tonnes, the Irish content of this is only 18% (or 178,950 tonnes). They appealed to Irish policy makers to use the current CFP reforms to correct this enormous constraint on Ireland's catch of its own resources in its own zone.
- CFP Reform must address concerns with Irish industry issues –
 - Hague Preferences - The annual debate distracts Irish efforts from other issues. Enshrinement of the agreement in law is needed to remedy to the need for an annual debate.
 - CFP must move away from a completely centralised control of policy to allow for regional input.
 - TACs - Ireland's low shares of some catches must be increased
 - Individual Transferable Quotas must be opposed. FIF believes that Irish fisheries are a public resource, access to which must be safeguarded from completely commercial interests.
 - FIF spelled out alternative solutions to current discard practices such as the promotion of avoidance, minimisation and incentives. They stressed that solutions must be practical.
 - The Irish Box is a highly productive geographical fishing area - now called a Biologically Sensitive Area. Reform must address restrictions on fishing effort in this area, as it does for the Azores.
 - Other issues included CFP objectives, MSY, effort, funding, enforcement, the role and management of scientific advice, and external policy. In terms of enforcement, the introduction of electronic recording must be introduced on a pan-European basis.

The IFO concurred with the above views, and called for simpler management, better solutions to discards, together with action on cheap, unregulated imports. The IFO believes that if conservation measures are to be accepted and delivered, then regional input must be accepted instead of imposing solutions centrally. The proposed reform of CFP does not provide for meaningful regionalisation in the view of IFO. The Joint Committee members supported the views of the FIF and IFO.

5. OBSERVATIONS AND RECOMMENDATIONS

In light of these concerns, the Joint Committee members welcomed the Minister's approach in general to reform, and made the following observations –

CFP and the Irish Fishing Industry

The Committee was of the view that the goal of CFP reform must be to protect fishing communities, particularly rural ones in Ireland. The Members urged the Minister to be aware that some aspects of this proposal could threaten those communities.

The Members discussed Irish salmon farming and shell fish farming, the latter believed to be an under-utilised resource. The Minister indicated that he is open to new ideas to expand salmon (and other) farming.

The Minister indicated that he accepts great potential for demand for Irish Shellfish & Farmed Salmon, and he seeks to balance supply with demand (rather than the other way around). Regarding the “Adding Value” industry on land in Ireland, the Minister sanctioned more grant-aid (through an Bord Iascaigh Mhara)(BIM) for fish processing, creating 270 jobs in 2011. Most of those employed in the fishing industry in Ireland work in factories and not on boats.

Wealth can be created by landing more fish, by grading it and by adding value here. A process has already started with France to land their fish in Ireland (to pack / add value locally) before they transport catches home.

The Committee urged the Minister to continue opposing the historic tolerance in Europe of Ireland's small share of fishing waters, and agreed that the Irish island nation status should be brought more into focus. The Minister was conscious of others fishing in Irish waters, and undertook not to lose sight of this problem. However, this must be seen in the context of Ireland's 12 mile exclusion zone being extended to 200 miles on joining the EU.

The Minister presented statistics on the Irish fishing industry. Members sought clarity on some figures - as to the extent that the fleet that is part-time, non-commercial or operating under flags of convenience.

Internal Transferable Quota

The Minister opposes the allocation of quotas being determined with buying power. He explained how bigger, more efficient boats could have a significantly adverse effect on local trade in Ireland with quotas leaking out to foreign fleets. The Committee agreed with this view, and urged the Minister to –

- Hold firm in negotiations, and
- Never to trade on a quota system with national assets such as Irish quotas.

Moreover, the Members agreed that consolidating vessels to more efficient fishing operations militates against local trade, and that it is contradictory to claim that this boosts efficiency. The Minister was urged to oppose powerful fishing interests destroying local trade by abusing quota principles. Policy could instead, seek to promote diversity, and thereby create opportunities for coastal communities in the same way that wind energy yielded opportunities.

Member sought to have -

- Consistency in the penalising of nations who do not reach their quotas, and
- Electronic logbooks introduced by Member States simultaneously in Europe.

The Minister agreed with the Committee's views on quotas. The Commission's proposal for small-scale fishery differentiates between large and small fishing vessels for quota species. Almost all of the quota species in Ireland are caught by larger vessels. Therefore Ireland must push hard in Europe for financial support for its smaller boats and for the communities that depend on them. The Minister believed that the Commissioner will be forced to look at a compromise model to allow countries make their own solutions for quotas.

Enforcement

Irish fishermen demand consistency with the control of conservation measures and enforcement. The Minister discussed how electronic log books might help. To boost the enforcement issue, the Commissioner is to seek electronic logbooks in all trawlers in the EU from November 2011.

Discards

With 40% of catches being dumped back into the sea as dead fish, the Committee agreed with the Minister and with the Commission that action is needed to address this. However, a more targeted delivery of future discard strategies should be pursued, rather than adopting the "blanket" approach proposed. One solution could be for discard policy should demand that full catches are always landed.

The Committee proposed that solutions to discards must commence by firstly recognising the economic incentive for fishermen to engage in the practice, and secondly to address that incentive. Grading of fish should not be allowed on board vessels, the results of which lead to the current discard practices. And the Members agreed accepted the FIF and IFO views that a prudent solution will include avoidance, minimisation and incentivisation.

The Minister discussed landings, and informed the Committee that (subject to confirmation) the pelagic fleet for mackerel landed 80% in Ireland in 2010 and 64% in 2011. €8 million of tuna was landed in 2011. Solutions to discards are more easily found in the pelagic sector, as opposed to the whitefish sector which is a mixed fishery. Whereas high levels of grading are actually illegal, a method of controlling it must be found.

Hague Preferences

The Committee is strongly of the view that Hague Preferences arrangements (ie preferential allocations when catch volumes fall) is pivotal to Ireland's fishing industry, and they must be enshrined in any new legislation to come out of CFP reform. The UK has indicated its support for this view.

The Committee is very conscious of the strong belief among the fishing industry that Ireland lost out in fishing since joining the EU, and that it was a big negative in the Lisbon Treaty campaigns. The Members conclude that the retention of Hague Preferences must be vigorously pursued.

Rebuilding Stocks

Maximum Sustainable Yield (MSY) is the optimum catch that still allows stocks to flourish. With Ireland catching 82 different species of fish, MSY must take account of the absence of precise data and science for each one.

Aims of CFP

The Committee noted that CFP could be viewed in Europe as an instrument to boost commercial efficiency. However it could also be viewed as an instrument to manage stock in a sustainable way to the benefit of fishing communities and the public in general. It is about expanding aquaculture in a sustainable way. The Irish Presidency may be an opportunity to bring negotiations on CFP reform to a favourable close for Ireland.

Aquaculture

The Committee discussed how small scale fisheries and aquaculture were being developed in Ireland. Aquaculture thrives here as it does in other States. Evidence discussed suggested for every 1,000 tonnes of salmon farmed, 7 jobs can be created in Irish communities that need them.

The Committee noted that offshore aquaculture is conducted off Clare Island by an Bord Iascaigh Mhara (BIM) and the Marine Institute, and not in open-sea remote cages requiring expensive technology. Aquaculture licensing will improve with new templates to boost understanding. Environmental assessments of bays are necessary before applications are accepted. Whereas the time involved with this can be frustrating, the Committee welcomes the Minister's commitment to devote sufficient resources to avoid unnecessary delay.

Example of CFP failures on Ireland

Comments by Mr Lorcan ÓCinnéide, Chief Executive Officer of the Irish Fish Producers' Organisation (IFPO) were reported in the Irish Times (12th December 2011). The CEO described the Irish interpretation of EU rules on Irish Sea management as "bizarre" which were having a disastrous impact on east coast fleets. A €25 million Dublin Bay prawn fishery was reported to have been closed by the Irish Government, while British and Northern vessels continue to work the same grounds, One Louth fisherman using an environmentally sustainable fishing method apparently had to tie up his boat and may be forced to close the family fish shop in Drogheda, due to lack of supply.

This fisherman stated that no allowance had been made for the fact that his boat uses environmentally friendly seine nets, which involve about 25 per cent of the fuel that trawlers use. Up to 50 vessels were affected by the closure, which was imposed at short notice in mid-October 2011 – even though the fleet still had 25 per cent of quota to catch.

The fleet was told that the EU effort management system (Days at Sea) had expired. The management is linked to the Irish Sea cod recovery programme. Part of the prawn fishery overlaps key cod spawning areas. The complex suite of measures is managed by the Department of Agriculture, Fisheries and Food in consultation with the Sea Fisheries Protection Agency and the Naval Service.

“The irony is that there are uncaught Irish quotas notably for haddock and Dublin Bay prawns in the Irish Sea which cannot be caught by Irish vessels for December, while quotas are exhausted in the areas they are allowed to fish – off the south coast,” Mr Ó Cinnéide said.

“Adding to the frustration of east coast fishermen, it is clear that other countries, notably Britain, are using completely different means from Ireland to operate the cod recovery programme and that the effect of this is that their fishermen are continuing to fish in the Irish Sea, while Irish vessels are confined to port,” he said. “Britain is operating a far more liberal interpretation of the EU rules than Ireland, leading to major questions as to how Ireland has disadvantaged itself in connection with this,” he said.

The importance of CFP to Ireland

The Committee views CFP as being very important to Ireland. It noted that the Joint Committee on European Scrutiny in the previous Dáil had also examined CFP in detail, and had issued a Report on COM (2008) 721 – a proposal for a Council Regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.

That Committee Report called for a number of reforms, such as –

- a simpler (less burdensome) legal framework that does not impose excessive costs
- an overhaul of enforcement mechanisms through practical and logical legislation, (which ensures it has the support of stakeholders before enactment)
- a clear initiative on discard policy.

That Committee heard considerable evidence that the Irish fishing industry itself wanted major reform of CFP. That evidence suggested that whereas membership of the EU might have been perceived as positive for some sectors, Irish fisheries did not experience that positive outcome.

The Committee of the 31st Dáil supports the calls of that previous Committee. It welcomes the reforms to CFP as per this current proposal. But for those reforms to be accepted by the Irish fishing industry, the Commission must take account of the legitimate concerns as outlined in this Report.

6. CONCLUSIONS

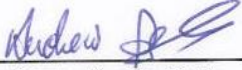
The Committee is of the view that –

- Each and every reform to CFP must benefit fishing communities.
- Constraints on Irish catches in Irish waters must be reviewed.
- Fish farming and the fishing industry on land in Ireland must remain high priorities on the political agenda.
- The proposed quota system must be opposed, with the overall solution taking account of the concerns of individual Member States.
- Reform to CFP must have due regard for coastal communities –
 - New opportunities should be sought through diversity;
 - Conservation measures must take account of regional views.
- Electronic logbooks should be introduced by Member States simultaneously.
- Practical policing instruments to remedy discard practice must be found. Solutions must –
 - Move away from simply landing full catches to promoting avoidance and minimisation
 - Financial incentives to discard must be removed
 - On board grading must cease.
- The Hague Preferences must be enshrined in law immediately.
- Any MSY framework must be managed so that delivery of Total Allowable Catches based on MSY are progressively introduced over a multi-annual period to avoid unnecessary negative socio-economic impacts of the commitment.
- Reform must enhance the aquaculture industry.
- Reform must address the restrictions on fishing effort in the Irish box, consistently, as it does for the Azores.
- Management of the CFP process must have a simpler (less burdensome) legal framework that does not impose excessive costs

7. DECISION OF THE JOINT COMMITTEE

It was agreed that –

- the report of the Joint Committee will be laid before both Houses of the Oireachtas, published and put on the Oireachtas website;
- copies will be forwarded to the Minister for Agriculture, Food and the Marine to be taken into account as part of Ireland's negotiating position on the proposal; and
- copies will be sent to the European Commissioner for Maritime Affairs and Fisheries as a considered response by the Irish Parliament to the proposed reform of the Common Fisheries Policy, and seeking the Commissioner's views on the concerns held.



Andrew Doyle T.D.
Chairman
17 January 2012

[Appendix \(i\)](#)

Membership of the Joint Committee on

Communications, Natural Resources and Agriculture

Deputies:

Tom Barry (FG)
Michael Colreavy (SF)
Pat Deering (FG)
Andrew Doyle (FG) [*Chairman*]
Martin Ferris (SF)
Noel Harrington (FG)
Martin Heydon (FG)
Colm Keaveney (LAB)
Mattie McGrath (IND)
Michael McNamara (LAB)
Michael Moynihan (FF)
Eamon Ó Cuív (FF)
John O'Mahony (FG) [*Vice-Chairman*]
Ann Phelan (LAB)
Thomas Pringle (IND)

Senators:

Michael Comiskey (FG)
Paschal Mooney (FF)
Mary Ann O'Brien (IND)
Brian Ó Domhnaill (FF)
Pat O'Neill (FG)
John Whelan (LAB)

Notes:

1. Deputies appointed to the Committee by Order of the Dáil on 9 June 2011
2. Senators appointed to the Committee by Order of the Seanad on 16 June 2011
3. Deputy Andrew Doyle elected as Chairman on 22 June 2011
4. Deputy John O'Mahony elected as Vice-Chairperson on 22 June 2011
5. Deputy Ann Phelan replaced Deputy Patrick Nulty on 8 December 2011

Appendix (ii)

Orders of Reference of the Joint Committee

**a. Functions of the Committee – derived from Standing Orders (SO)
[DSO 82A; SSO 70A]**

- (1) The Select Committee shall consider and report to the Dáil on—
 - (a) such aspects of the expenditure, administration and policy of the relevant Government Department or Departments and associated public bodies as the Committee may select, and
 - (b) European Union matters within the remit of the relevant Department or Departments.
- (2) The Select Committee may be joined with a Select Committee appointed by Seanad Éireann to form a Joint Committee for the purposes of the functions set out below, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.
- (3) Without prejudice to the generality of paragraph (1), the Select Committee shall consider, in respect of the relevant Department or Departments, such—
 - (a) Bills,
 - (b) proposals contained in any motion, including any motion within the meaning of Standing Order 164,
 - (c) Estimates for Public Services, and
 - (d) other mattersas shall be referred to the Select Committee by the Dáil, and
 - (e) Annual Output Statements, and
 - (f) such Value for Money and Policy Reviews as the Select Committee may select.
- (4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies, and report thereon to both Houses of the Oireachtas:
 - (a) matters of policy for which the Minister is officially responsible,
 - (b) public affairs administered by the Department,
 - (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
 - (d) Government policy in respect of bodies under the aegis of the Department,

- (e) policy issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,
 - (f) the general scheme or draft heads of any Bill published by the Minister,
 - (g) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,
 - (h) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,
 - (i) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in paragraph (4)(d) and (e) and the overall operational results, statements of strategy and corporate plans of such bodies, and
 - (j) such other matters as may be referred to it by the Dáil and/or Seanad from time to time.
- (5) Without prejudice to the generality of paragraph (1), the Joint Committee shall consider, in respect of the relevant Department or Departments—
- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 105, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, and
 - (d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.
- (6) A sub-Committee stands established in respect of each Department within the remit of the Select Committee to consider the matters outlined in paragraph (3), and the following arrangements apply to such sub-Committees:
- (a) the matters outlined in paragraph (3) which require referral to the Select Committee by the Dáil may be referred directly to such sub-Committees, and
 - (b) each such sub-Committee has the powers defined in Standing Order 83(1) and (2) and may report directly to the Dáil, including by way of Message under Standing Order 87.

- (7) The Chairman of the Joint Committee, who shall be a member of Dáil Éireann, shall also be the Chairman of the Select Committee and of any sub-Committee or Committees standing established in respect of the Select Committee.
- (8) The following may attend meetings of the Select or Joint Committee, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:
- (a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,
 - (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (c) at the invitation of the Committee, other Members of the European Parliament.

b. Scope and Context of Activities of Committees as derived from Standing Orders [DSO 82; SSO 70]

- (1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders.
- (2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.
- (3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Dáil Standing Order 26. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.
- (4) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Dáil Standing Order 163 and/or the Comptroller and Auditor General (Amendment) Act 1993.
- (5) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
- (a) a member of the Government or a Minister of State, or
 - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas: Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.

Appendix (iii)

COM (2008)887

Information Note

1. Proposal

Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy

2. Date of Commission document

13/07/2011

3. Number of Commission document

COM (2011) 425 final

4. Number of Council document:

12514/11

5. Dealt with in Brussels by

Coreper
Council (Agriculture and Fisheries)

6. Department with primary responsibility

Department of Agriculture, Fisheries & Food

7. Other Departments involved

None

8. Background to, Short summary and aim of the proposal

The **Common Fisheries Policy** (CFP) is the fisheries policy of the European Union which was first put in place in 1983 and has been subject to review every 10 years, the most recent being in 2002. The next reform is scheduled for adoption and entry into force on the 1st January 2013. This is a critical policy issue for Ireland and will shape the strategic blueprint for the European fishing industry for the next decade.

The European Commission published a Green Paper in April 2009 outlining the shortcomings of the current policy and this led to the opening of a broad public consultation process, both here in Ireland and at European level, which lasted until the end of 2010. Input into the consultation process and conclusions from several stakeholder events led to the preparation of the **Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy** which was presented by the Commission on the 13th July 2011.

Sustainability and long-term solutions are the key points of the Commission's proposal which set out the following elements:

- All fish stocks will have to be brought to sustainable levels by 2015, which is in line with the commitments the EU has undertaken internationally.
- An ecosystem approach will be adopted for all fisheries, with long-term management plans based on the best available scientific advice.

- The waste of food resources and the economic losses caused by throwing unwanted fish back into the sea, a practice known as “discarding”, will be phased-out. Fishermen will be obliged to land all the fish that they catch.
- The proposals also include clear targets and timeframes to stop overfishing; market-based approaches such as individual tradable catch shares; support measures for small-scale fisheries; improved data collection; and strategies to promote sustainable aquaculture in Europe.
- Consumers will be able to get better information on the quality and sustainability of the products they buy.
- General policy principles and goals will be prescribed from Brussels, while Member States will have to decide and apply the most appropriate conservation measures. In addition to simplifying the process, this will favour solutions tailored to regional and local needs.
- Operators throughout the fishing sector will have to make their own economic decisions to adapt fleet size to fishing possibilities. Fishermen's organizations will play a stronger role in steering market supply and increasing fishermen's profits.
- Financial support will only be granted to environmentally-friendly initiatives contributing to smart and sustainable growth. A strict control mechanism will rule out any perverse funding of illicit activities or overcapacity.
- Within international bodies and in its relations with third countries, the EU will act abroad as it does at home and promote good governance and a sound management of the sea in the rest of the world.

9. Legal basis of the proposal

Article 43(2) of the Treaty on the Functioning of the European Union

10. Voting Method

QMV

11. Role of the EP

Co-decision

12. Category of proposal

Major significance

13. Implications for Ireland & Ireland's Initial View'

Ireland welcomes the publication of the proposal for a reform of the Common Fisheries Policy and agrees with many of the objectives set out in the document, in particular those regarding bringing fish stocks within sustainable levels, increasing the use of long term management plans, eliminating the wasteful practice of discards and the greater integration of science in the decision making process. There are concerns regarding the application of these objectives and these will require further discussion.

Some key issues:

Maximum sustainable yields (MSY): Ireland agrees that MSY commitment must be recognised for the purposes of fish stock management in the future CFP. However, Ireland would stress that the implementation of any MSY framework must be managed so that delivery of Total Allowable Catches (TACs) based on MSY are progressively introduced over a multi-annual period to avoid unnecessary negative socio-economic impacts of the commitment.

Discarding: Ireland is fully supportive of the objectives on addressing the unacceptable practice of discarding as set out in the proposal. We consider that the introduction of a blanket ban, unsupported by appropriate measures and funding, within the timeframe proposed, and in the manner outlined is too simplistic and unlikely to have the desired result. Consequently we are arguing for a clear policy on elimination, supported by unambiguous and appropriate technical measures and supports which can demonstrably achieve the stated policy goal.

Individual Transferable Concessions (ITQ's): - A major concern for Ireland is the proposed mandatory introduction of an Individual Transferable Concession Quota system (ITQ) for the management of fish stocks within each Member State. The Irish fishing fleet is, for the most part, made up of family owned vessels with strong links to their home ports. There is concern that the Commission proposal, as it currently stands, would lead to the loss of fishing activity for our coastal communities. The concern is that our family owned fishing vessels would be bought up by large European fishing conglomerates. Ireland is very concerned that any safeguards introduced to seek to maintain the economic link between quotas and Member States would not be robust enough to withstand legal challenge, taking into account the provisions of the EU Treaty and the Irish Constitution.

It is Ireland's position that the best safeguard is the removal of the mandatory nature of the measure and allow Member States to put in place management arrangements that are appropriate for their own situation.

Hague Preferences: - The Hague Preferences were agreed by a resolution of the European Council Resolution of 3rd November 1976. These allow Ireland additional shares of key whitefish stocks, when TACs reduce. Their application is not mandatory but is determined each December by the Fisheries Council in respect of the following year. Throughout the consultation phase, Ireland sought that the Hague Preferences would be built into the allocation keys determining relative stability. While this has not been done, the Hague Preferences are given recognition in the recital of the proposal, in the same way as in previous Regulations, dating back to 1983. It is critically important, that as a minimum, their recognition in the Regulation is maintained.

Preliminary discussions on the Proposal took place at the Agriculture and Fisheries Council meeting on the 19th of July 2011 and negotiations will continue for the remainder of 2011 and into 2012.

14. Are there any subsidiarity issues for Ireland?

No.

15. Anticipated negotiating period

Remainder of 2011 and all of 2012

16. Proposed implementation date

The target date for adoption and entry into force of this new legislation is the 1st January 2013.

17. Consequences for national legislation

There may be a requirement to amend existing, or introduce new legislation depending on the final outcome of the negotiations.

18. Method of Transposition into Irish law

Secondary legislation – Statutory legislation

19. Anticipated Transposition date

2013

20. Consequences for the EU budget in Euros annually

None

21. Contact name, telephone number and e-mail address of official in Department with primary responsibility

Josephine Kelly,
Principal Officer,
Seafood Policy and Development Division
Telephone No–023 8859581
Email: Josephine.Kelly@agriculture.gov.ie

Date: 3rd August 2011

Appendix (iv)

Links to the transcript of the Committee meeting with the Minister for Agriculture, Fisheries and Food, 16th November 2011.

<http://www.oireachtas.ie/parliament/>

<http://debates.oireachtas.ie/AGJ/2011/11/16/00005.asp>

Appendix (v)

Links to the transcript of the Committee meeting with the Federation of Irish Fishermen and the Irish Fisherman's Organisation, 13th December 2011.

<http://www.oireachtas.ie/parliament/>

<http://debates.oireachtas.ie/AGJ/2011/12/13/00003.asp>

Appendix (vi)

Link to the full text of the draft Directive (i.e. COM 2011 425), and details of its progress in the legislative process, can be found on the following Europa website.

http://ec.europa.eu/prelex/detail_dossier_real.cfm?CL=en&DosId=200696