

Mr. Cor Blonk
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Sectoral Social Dialogue Committee on Sea-Fishing
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Date: 31 March 2020
Our reference: 1920/PAC34
Subject: Call for adjustment of capacity rules CFP to accommodate fair labour conditions

Dear Mr. Blonk,

During the last Executive Committee meeting of the Pelagic AC, held on March 4th 2020 in The Hague, a presentation on labour issues in pelagic fisheries was held by Europêche on behalf of the Sectoral Social Dialogue Committee on Sea-Fishing. The Pelagic AC wishes to follow-up with you on an issue that was raised during the subsequent discussion between Europêche and our members.

During this exchange, we shared the view that the certain rules in the Common Fisheries Policy (CFP) undermine the compliance with other positive developments in fisheries: notably the ratification of labour conventions, but also the ability to meet GHG reduction targets by implementing new technologies. This is especially the case with regard to the capacity provisions set out in article 22 and Annex II of the CFP, that don't consider the search for profitable or improved vessel efficiency. These provisions hinder the ability for shipowners to satisfy working conditions as set in a variety of fishing conventions (such as setting rules for more cabin space for workers at sea) or the need for better comfort onboard that goes beyond the current regulation (attractiveness for crew members), as well as the transition to the use of innovative, greener engines (LNG, hydrogen, etc. which require dedicated storage volume onboard). In order to achieve these objectives, larger vessels/engines are required which conflict with the current capacity ceilings as set in Annex II of the CFP.

Over the past few years, the Pelagic AC has repeatedly raised issues relating to fishing capacity. We would like to share with you recommendations we have developed in the past, in the hopes these can support you in your discussions at the EU Sectoral Social Dialogue Committee on Sea-Fisheries.

In February 2018 the PELAC drafted recommendations in relation to the revision of the fisheries control system, and commented on the following with regard to fishing capacity:

“Measuring fishing capacity has always been, and still is, very elusive and difficult to quantify, because a vessel’s capacity strongly depends on non-numeric factors, such as electronic equipment and knowledge of the fishing grounds (Penas Lado, 20161). Nevertheless, the monitoring of fishing capacity



is of importance, especially where species are not under the TAC regulation, which does not apply to the stocks under the remit of the Pelagic AC at present, and policy makers agreed on two easily quantifiable criteria to determine a fleet's fishing capacity: vessel engine power in kW and gross tonnage (GT). However, in fisheries that are regulated through quotas, monitoring fishing capacity is of limited use."

Furthermore, the European Court of Auditors in its 2011 report¹ pointed out that:

"There are examples of fleets which represent exceptions to these general problems, whose capacity in terms of GT and kW greatly exceeds that necessary to harvest the available quota (for example certain large-scale pelagic fisheries in the north-east Atlantic) but which can operate profitably while targeted fish stocks remain within sustainable limits."

In its 2019 recommendations on the Commission proposal for the revision of the control regulation, the Pelagic AC further added:

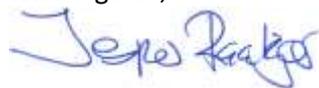
*"A more recent special report from the Court of Auditors from 2017² has expressed criticism towards Member States for not properly enforcing the rules in the Control regulation in relation to monitoring, verification and licensing of engine power. The Pelagic AC would like to further highlight the need for proper enforcement of the current rules. Based on these findings, the Pelagic AC requests clarification on the need for additional methods to measure engine power as described in article 39a continuous monitoring of engine power. Recognizing the need to maintain the balance between fleet capacity and fishing opportunities, the Pelagic AC recommends that **adjustments and management of the capacity as set out in article 22 of the CFP is the way forward.**"*

Attached you will find the original documents for your reference. If you require any further information or clarification of the above, do not hesitate to contact the secretariat.

To respond more effectively to the potential criticism of an adjustment of the capacity as set out in the CFP, it would be interesting to conduct an evaluation on the evolution of the management of fishing capacity by studying capacity management mechanisms likely to enter the fleet that exist in certain third countries, in particular in Norway, as it seems that the absence of precise supervision of the gross tonnage and engine power of the fleets is not necessarily synonymous with abandoning all *numerus clausus* to limit them.

The Pelagic AC supports the Social Dialogue in its prioritization of fair and equitable labour conditions for workers onboard fishing vessels, and its call to align capacity rules of the CFP to accommodate the ratification of international labour standards. We hope you find these recommendations helpful in your cause.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Jesper Raakjær'.

Jesper Raakjær
Chairman Pelagic AC

¹ European Court of Auditors (2011). Special Report No 12: Have EU measures contributed to adapting the capacity of the fishing fleets to available fishing opportunities?

² European Court of Auditors (2017). Special Report No 8: EU fisheries controls: more efforts needed