



## **Joint NGO position on the EU 2014-2020 Multi-Annual Programme for Data Collection (DC-MAP)**

### 1) Introduction

The revision or replacement of the Data Collection Regulation (DCF) (EC) 199/2008 is under discussion, following the adoption of the new CFP Basic regulation and agreement on a new multi-annual EU programme (DC - MAP) for the period 2014-2020. This new programme is foreseen to be funded through the new EMFF. Information was recently released that the current DCF will potentially be prolonged until 2016 which will facilitate the transition to the new DC MAP<sup>1</sup>.

The implementation of Regulation 199/2008 was intended to improve the amount and quality of data available to researchers (notably ICES and STECF) and European institutions, enabling these and other end-users to enhance their evaluation for policy and research purposes. A number of elements (notably the metier approach, the collection of biological and economic data of higher quality than previously, and improved fishery observer protocols) have facilitated the provision of more informed policy advice, ultimately enhancing legislative proposals and management measures for European fisheries.

Compared to its predecessor (Regulation 1543/2000), Regulation 199/2008 represented a significant step in the right direction with regards to the collection and management of data concerning the fisheries sector while introducing some important elements for the collection of ecosystem-wide data. However, it still falls short of delivering adequate and reliable data necessary for the effective and ecosystem-based management of EU fisheries as sought by the current CFP reform.

As a group of NGOs working on fisheries and wider marine policy, we here submit our comments on the needed revision regarding the obligations for Member States and the data to be collected.

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<sup>1</sup> Scientific, Technical and Economic Committee for Fisheries (STECF) – Review of DC MAP – Part 1 (STECF-13-06). 2013. Publications Office of the European Union, Luxembourg, EUR XXXX EN, JRC XXXX, 42 pp.

## 2) Summary of key revisions that should be sought in the new DC MAP

- Non-compliance of Member States with data collection should be robustly dealt with to ensure data provision and quality
- Data collection must be accessible, transparent and harmonised, not least to deliver greater regional level cooperation
- Harmonisation of the DC MAP is also required to respond to new data needs for the implementation of the Control Regulation, multi-annual plans under the reformed CFP, the upcoming revision of the Technical Conservation Measures Regulation for the Atlantic etc.
- Specific data-collection measures should be targeted to improve data-availability in the EU's external fisheries.
- EMFF assistance for data collection and monitoring is strongly supported
- Support should increase for access of scientific observers to fishing vessels to enhance data collection on unwanted catches, overall catches, fish metrics, etc.
- To better inform the impact of fisheries on ecosystems, data collection synergies must be developed with delivering Good Environmental Status under the Marine Strategy Framework Directive
- Support wider data collection on the marine environment, including bycatch rates of seabirds and other non-target species, direct gear impacts on marine habitats (especially in Natura 2000 sites) and indirect impacts on food webs
- For effective implementation of the EU Seabird and Shark Action Plans , incorporate a data collection protocol for monitoring seabird and shark bycatch, consistent with FAO guidelines and best practice elsewhere in the world
- Given the forthcoming discard ban, establish protocols and enabling mechanisms for monitoring of discards, at sea and on shore.
- A more comprehensive set of policy relevant aquaculture indicators needs to be established and monitored, particularly for the environmental impacts of aquaculture.

## 3) Recommended features of new DC MAP

### 3.1 Compliance and data quality

The potential to reduce the financial contribution to Member States in case of non-compliance, though applied only three times up to summer 2012, increased the Commission's enforcement capability. **We therefore argue for a robust response to non-compliance in order to underpin data quality and the response rate to current and future data calls.**

Even though the DCF was not as successful as envisaged for various reasons (as outlined in a DG Mare working paper<sup>2</sup> on the revision of the DCF), the framework has managed to establish a certain routine in Member States and data collection entities. However, certain Member States do not always comply with their data collecting and reporting obligations, and in a number of cases data quality has been poor, all of which hampers the final assessments.

In particular, it has been of great concern that the scientific advice available for stock assessments was very poor up until 2012, after which – as reflected in the latest Commission Communication<sup>3</sup> – there was a marked improvement with the implementation by ICES of the new methodology for data-limited cases. Nevertheless, the underlying problem of insufficient data remains. In this regard, while advances in quantified advice should improve the basis for TAC proposals and decisions, the excess of TACs over recommended sustainable catch increased to 29% in 2013 from an 11% low in 2012, indicating that there is no room for complacency in collecting the data necessary to inform and challenge political decisions on catch limits.

**We urge that data collection on stocks be improved by shaping the new DC MAP to deliver the objectives of the CFP reform in order to keep stocks above biomass levels capable of producing MSY, and to implement the discard ban, and the ecosystem approach, all of which will result in better scientific advice on fishing opportunities. The requirement for data collection should also be incorporated into multi-annual plans and specific data-collection measures should be targeted to improve data-availability in the EU's external fisheries.**

**Moreover, to ensure the quality and usability of data, there is an urgent need for accessible and transparent data collection as well as data usability and harmonisation in format, sampling plan and databases, and increased regional level cooperation. Regional cooperation also accords with the need for coordination with other databases, notably those of the regional seas conventions.**

### 3.2 Resources, Control and Monitoring

In the current fiscal austerity it is potentially difficult for some Member States to fulfill their DCF obligations, but for both scientific (continuity) and economic (future opportunities) reasons we strongly urge continuation of the collection of high quality of data for the

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<sup>2</sup> DG Mare 2012: Towards a new EU 2014-2020 Multi-Annual Programme for Data Collection. Issues and options for discussion with National Correspondents on 19.3.2012.

<sup>3</sup> COM(2013) 319 final. Communication from the Commission to the Council concerning a consultation on Fishing Opportunities for 2014.

benefit of the marine environment. **We therefore support a shift of funding towards increase investments in data collection and monitoring under the new EMFF.**

For this purpose, the design of existing funding possibilities in the EMFF needs to explicitly allow for greater investments in data collection and monitoring. While the earmarking of funds should ensure that enough of the funding is spent on monitoring, control, enforcement and data collection, Member States should also have the flexibility to shift more EU aid into these activities.

**Moreover the data collected under the new DC MAP and the Control Regulation should be harmonized, as well as with any new requirements arising from the upcoming revision of the Technical Conservation Measures Regulation.**

### 3.3 Obligation for national observer schemes

**We also argue for increased support for access of scientific observers to fishing vessels to enhance data collection in particular on unwanted catches (both discards and bycatch of seabirds, etc: see below), biology (fish metrics etc) and catches.**

Regulation 199/2008, Chapter II, Art 4, 2b requires multi-annual national programmes to include '*a scheme for at-sea monitoring of commercial and recreational fisheries, where necessary*', and (Section 2, Art 11,3) '*The masters of community vessels shall accept on board samplers operating under the at-sea monitoring programme and designated by the body in charge of the implementation of the national programme...etc.*'.

Especially given the need to extend the scope of the DCF to collect and report data on unwanted catches which include the incidental capture in fishing gears of non-fish taxa (seabirds etc.), the new DC MAP should specify the need for national onboard observers with expertise in the identification of these taxa, as well as potential survival rates of fish and other species in specific fishing gear etc. This would be in keeping with the data collection protocols of CCAMLR and other progressive RFMOs to which the EU is signatory; e.g. see FAO best practice guidelines for monitoring fisheries with regard to incidental catch of seabirds<sup>4</sup> (see also 4.1, below).

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<sup>4</sup> Report of the *Expert Consultation on Best Practice Technical Guidelines for IPOA/NPOA Seabirds*, Bergen, Norway, 2-5 September 2008 (FAO Fisheries and Aquaculture Report No. 880: FIIT/R880 (En)).

### 3.4 The case for the DC MAP to capture environmental data

#### 3.4.1 The legal case for wider scope

As recently agreed in the negotiations on the reform of the CFP, as well as in the MSFD, the obligation for additional data to manage mixed fisheries more efficiently and to move towards ecosystem-based management of fisheries has increased significantly. **The new DC MAP should go beyond data collection needs for the impacts of fisheries on marine ecosystems to also serve the objectives of the MSFD and drive data collection for indicators of achieving and maintaining Good Environmental Status (GES).**

A steer on this from the DC MAP is all the more necessary because Member States seem unlikely to deliver on the MSFD without such external drivers. In the case of MSFD Descriptor 3, for example, it is clear (DG ENV Meeting, Brussels, 9-10 Apr 2013) that Member States have thus far submitted very limited and often unquantifiable indicators for Good Environmental Status. Targets have not been clearly defined and the level of ambition is relatively low, with most Member States limiting themselves to the fulfilment of existing policies. Most Member States have barely responded to the Directive's MSY objectives in regard to fishing mortality (F) and spawning stock biomass (SSB). There is also an evident lack of coherence between the approach of Member States and between marine regions (see above for need for regional cooperation). The new DC MAP therefore needs to make explicit linkage to the MSFD in order to elicit an appropriate and effective response from the Member States.

Additionally, the ambitious outline for a holistic overview of marine data as delineated in the Commission Green Paper on Marine Knowledge 2020<sup>5</sup> shows that the EU cannot reduce but rather must enhance its efforts in the area of fisheries data as an integral contribution to the overall data needed. The Green Paper clearly raises the importance of sufficient quality and availability of data for the envisaged holistic portal visualizing ALL potential data in the marine realm. It also clearly highlights that existing time series should not be interrupted: 'Gaps in the record cannot be filled later'. This emphasises the importance of sustained, year-on-year data quality and consistency in order to provide the continuity and baselines needed for sophisticated models capable of generating improved policy advice.

In addition, scientific needs also need to be addressed with regard to changing the data to be collected during the DC MAP period, as discussed in the latest STECF report (STECF 13-06<sup>6</sup>). Changes in the Master Reference Register (MRR) that are only based on consultation of end user group type 1 will neglect the scientific needs of scientists in end user group 3.

The classification of RACs/ACs as end-users of type 2 also neglects the increasing importance of these advisory bodies as envisaged in the CFP reform. Thus, the proposed ad-hoc

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<sup>5</sup> COM(2012) 473 final. Green Paper, Marine Knowledge 2020 from seabed mapping to ocean forecasting.

<sup>6</sup> <http://publications.jrc.ec.europa.eu/repository/bitstream/111111111/28565/1/lb-na-25974-en-n.pdf>

approach should be outlined in more detail to avoid delays and potential conflicts regarding the advice expected from the RACs/ACs.

The Green Paper further emphasises the advantages that a holistic marine data set can yield to the 'blue economy' as well as maintaining and achieving the GES of European seas and contributing to the delivery of EU environmental policies generally. Finally, the Green Paper raises the issue of Europe's contribution to international efforts towards global coverage of data collection, e.g. the 'United Nations process for global reporting and assessment of the marine environment' and projects such as the Global Ocean Observing System (GOOS) and the Global Earth Observation System of Systems (GEOSS).

### 3.4.2 The status quo of environmental data collection

The scope of the current DCF does, in principle, include environmental data. The preamble expressly recognises that, in view of the need to progressively implement the ecosystem-based approach to fisheries management, *it is necessary to collect data in order to assess the effects of fisheries on the marine ecosystem*<sup>7</sup>. Member States' multi-annual national sampling programmes, called for by Article 9, are to include, inter alia, *'a sampling design for ecosystem data that allows the impact of the fisheries sector on the marine ecosystem to be estimated and that contributes to monitoring of the state of the marine ecosystem*. Member States are to *'carry out research surveys at sea to ... assess the impact of the fishing activity on the environment*'. The Regulation also contains provisions on the use of ecosystem impact data.

Despite these environmental aspirations, however, in practice the scope of the DCF is limited, such that in the multiannual Community programme (2010/93/EU), App VII (*List of Biological variables with species sampling specification*) catalogues only specified fish, shellfish, sharks and cephalopods. Other than these, there is no mention of any specific element of the *wider* marine environment (e.g. seabirds, sharks, marine turtles or cetaceans), nor of any particular threat to or impacts on the marine environment. **In practice, therefore, current multi-annual programmes only address the collection and reporting of data on the impact of fishing on target species and not on any of these non-fish taxa<sup>7</sup>.**

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<sup>7</sup> Exceptionally among non-fish taxa, data collection and reporting are required for (a) cetaceans under Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98; (b) sharks under The Communication from the Commission of 5 February 2009 on a European Community Action Plan for the Conservation and Management of Sharks (COM(2009)40 final).

We support further data collection under DC MAP on the marine environment, particularly on the impacts of fisheries on the marine environment and ecosystems, including:

- bycatch rates of seabirds and other animals in relation to fishing gear, area, time, etc
- impacts of different types of gear on marine habitats (particularly those protected under the Habitats Directive and in other MPAs, e.g. under the regional seas conventions)
- impacts of fisheries on marine food webs

#### 4) Specific data collection requirements

##### 4.1 EU Seabird Action Plan

The EU Seabird Action Plan<sup>8</sup> addresses the unacceptable incidental mortality that fishing gears inflict on seabirds, quoting that an estimated 200,000 seabirds are killed annually in EU waters alone, not to mention those killed in external waters. The overarching aim of the Plan is to *minimise and where possible eliminate* seabird bycatch, an aspiration consistent with the legal requirements of the Birds Directive and also with the major reductions in seabird bycatch witnessed in other parts of the world where mitigation measures have been systematically encouraged and applied.

The Seabird Action Plan identifies, as a prerequisite for its successful implementation, that *'systematic collection and reporting of data on seabird bycatch remains essential to tackling seabird bycatch'*. This is fully consistent with the FAO best practice technical guidelines for reducing seabird bycatch in fishing gears<sup>9</sup>. The introduction of a data collection protocol will therefore be critical to systematic monitoring of seabird bycatch rates in fishing gears, defining where a seabird bycatch problem exists (or is changing in terms of geographical extent and impact), and assessing the efficacy of mitigation measures applied to minimise the problem.

The following recommended actions in the Seabird Action Plan are relevant:

- *Collecting data critical to establishing the extent of seabird bycatch, especially in fisheries/areas in EU and non-EU waters where information is limited, only anecdotal and/or not available.*

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<sup>8</sup> [http://ec.europa.eu/fisheries/cfp/fishing\\_rules/seabirds/seabirds\\_communication\\_en.pdf](http://ec.europa.eu/fisheries/cfp/fishing_rules/seabirds/seabirds_communication_en.pdf)

<sup>9</sup> FAO Technical Guidelines for Responsible Fisheries (2009) No.1, Suppl.2. *Fishing operations: 2. Best practices to reduce incidental catch of seabirds in capture fisheries*. <http://www.fao.org/docrep/015/i1145e/i1145e00.htm>

- *Adopt a precautionary approach where information is lacking or uncertain on seabird bycatch and undertake more extensive monitoring of fisheries falling into this category (A minimum 10% observer coverage in the short term should be aimed for).*
- *Establish a standard reporting format for recording seabird bycatch on a voluntary basis and to maintain a database of seabird bycatch in EU fisheries based on the information supplied by MS.*
- *Consider the feasibility of incorporating the monitoring seabirds under the new DCF.*

The EU's ambition to deliver on such monitoring is both necessary and overdue, and should certainly go beyond 'voluntary' (3<sup>rd</sup> bullet). The incorporation of such monitoring in the DCF is undoubtedly feasible, subject only to political will and cost-effectiveness. A precedent for comparable seabird data collection protocols already exists in the RFMOs to which the EU is not only signatory but has also been proactive on establishing and improving these protocols, e.g. on levels of observer coverage. Other than CCAMLR, which has the most sophisticated standards for seabird monitoring, most RFMOs still need to make progress on reporting requirements for seabird bycatch data, and at the appropriate spatial and temporal scale. Nevertheless, the RFMO precedent and the fact that it delivers benefits still makes the case for the DC MAP to address this data gap and to align EU best practice with policy it is already pursuing – and is signatory to – in external waters where EU-flagged vessels also operate.

**To implement the EU Seabird Action Plan effectively, we strongly urge the inclusion in the DC MAP of monitoring of seabird bycatch at a level compliant with the FAO Best Practice Technical Guidelines and international exemplars.**

Ways of achieving this by reference to the current multi-annual Community programme include the following: (a) the text of the ecosystem module (Ch V) could be amended to list the necessary variables to be collected in relation to the seabirds (and other relevant taxa) listed in App VII (*List of biological variables with species sampling specification*); (b) App XIII (*Definition of environmental indicators to measure the effects of fisheries on the marine ecosystem*) could be amended to include appropriate indicators, e.g. 'Bycatch rates of seabird species', with appropriate text under each of the App XIII table headings 'definition', 'data required', and 'precision level'.

#### 4.2 Shark Action plan and cetacean by-catch

In similar terms as the Seabird Action Plan, the EU has committed to improve the data availability on sharks (see Shark Action Plan, COM(2009) 40 final) and cetacean by-catch (see Regulation 812/2004).

### 4.3 Discards

Given the newly agreed rules on discard reduction, it will also be critical to establish mechanisms for data collection on discards, as also recognized by STECF in its latest report (STECF 13-06). On-board monitoring will be necessary both to ensure proper monitoring of *de minimis* discard allocations and to enable ICES to include *de minimis* data in estimating the fishing mortality 'F' for stock assessment purposes. On-shore data collection will also be necessary to validate landings of discards against catches.

**The new DC MAP needs to establish protocols and enabling mechanisms for monitoring of discards, at sea and on shore.**

### 4.4 Aquaculture

In recognition that aquaculture is highly data deficient, the Parliament called on the Commission to make an assessment of aquaculture in 2014. JRC Technical Report (2012) *An approach towards European aquaculture performance indicators: Indicators for Sustainable Aquaculture in the European Union*<sup>10</sup> makes the case for enhanced data collection under the new DCF. The report points out (pp 4-5) that 'since aquaculture is a small and relatively young sector, there is very few data available in official statistics to assess its performance at EU level. The EU Data Collection Framework (DCF) is providing data on the performance of marine aquaculture but is still too recent and incomplete to provide a full coverage for all the segments and countries and is not including environmental aspects.' In regard to key environmental issues, the report (p. 21) highlights the use of fishmeal and fish oil, effluents and changes in biotic communities (alien species and escapees).

The JRC report continues (p. 6): 'The list of indicators proposed in this study is not intended to represent an optimal selection to reflect all possible policy priorities but is rather resulting from the compromise to represent the main issues surrounding EU aquaculture development and the very limited availability of data. Ideally as new and more data from the DCF will become available this should be used to set a baseline to measure progress in performance and new indicators could be added to better reflect specific policy targets.'

**The new DCF needs to be more comprehensive in addressing the need for indicators for the aquaculture sector, particularly for its environmental impacts.**

**A procedure should be established by which policy relevant indicators are agreed. The DC-MAP should be amended subsequently in order to require the collection of the data necessary to operationalize these indicators.**

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<sup>10</sup> [http://publications.jrc.ec.europa.eu/repository/bitstream/11111111/27600/1/jrc\\_g04\\_fishreg\\_eapi%20final.pdf](http://publications.jrc.ec.europa.eu/repository/bitstream/11111111/27600/1/jrc_g04_fishreg_eapi%20final.pdf)

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