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## THE REFORM OF THE CFP - THIS TIME AROUND THE EUROPEAN PARLIAMENT DECIDES TOO



European Parliament, 2007

### Carmen Fraga Estévez

Lady President of the Committee on Fisheries of the European Parliament

Can the community fisheries sector function like any other business sector, under conditions that permit long term financial stability, operating on fishery resources which are not constantly under the threat (proven or exaggerated) of collapse, in a framework of lasting sustainability of resources *and* of economic activity, and improve its image so that the fisheries sector is not perceived as directly responsible for all the environmental ills of the oceans?

The European Parliament, through its Committee on Fisheries, should not only be capable of responding to this question, but be able to contribute to making all the above possible.

From 1 December 2009, the European Parliament's Committee on Fisheries, through its engagement with the ordinary legislative procedures established by the Lisbon Treaty, obtained more power as co-legislator alongside the Council, and also more responsibility, through legal status being conferred onto what were previously mere opinions.

Above all, our Committee is presented with two parallel challenges: the adaptation of our work in line with new legal procedures, and the current process of CFP reform, in which we are now immersed following the publication of the Green Paper.

Clearly ordinary legislative procedure applies to all of the CFP, with the exception of the adoption of the TAC and Quota Regulations, and up to a certain point, to the Fisheries Partnership Agreements.

As regards the TAC and Quota Regulations, the adoption of which the Treaty reserves exclusively for the Council, our initial intention is to be carefully restrictive. We think that these Regulations should be limited to fixing fishing

possibilities, and for their use as a catch-all, and the introduction of a series of measures at the last minute through the back door, to end. We have seen this tactic being used in the past to "fob off" the parliament and the sector decisions that have far reaching consequences.

However, the comitology procedure could provide the backdoor par excellence, as the Commission aims for total control of the supposedly implementing measures of basic regulations.

It is evident that in a policy such as the fisheries policy, which is hugely technical and moreover highly regulated, it will not be easy for all the details to be submitted for co-decision. However, we are now seeing cases of co-decision proposals that have been presented to us in which the Commission tries to take too many liberties. This obliges us to scrutinize these proposals to fulfill our responsibility to the citizens who we represent.

In the case of the Fisheries Partnership Agreements, our Committee needs to provide its "assent". We do not have the capacity to negotiate but of course we will be part of the process. We will require information, and we will insist on timely provision of information on the negotiating process. The same applies to RFMOs. We will continue to insist on being granted justified access as observers, as it is here that challenges will be raised about the legality of fishery products in the EU's fight against IUU fishing.

This is the terrain on which the Parliament plans to engage with the reform of the CFP. The Green Paper starts by stating that the CFP has failed in its objectives. It's not my job, in my institutional role as President of the Committee on Fisheries (although my role as Member of the European Parliament is another matter), to accept or refute this statement. It will be the Committee on Fisheries as a whole that must judge.

What is certain is that the current CFP, and therefore its principal instruments, have received a surfeit of criticism, and the public image of the sector has paid for it. In fact, what cannot be denied is that the credibility of the CFP continues to be questioned.

How far the current CFP is from the issues raised at the start of this article is open to speculation. In the same way, it remains to be seen whether the objective of improving or correcting the policy will be taken onboard, or whether the CFP will remain largely unchanged as it did after the 2002 reform.

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The paper for this document is chlorine free and has been made from wood fibre from a sustainable forest

# TOWARDS THE 2012 REFORM OF THE CFP

**Indrani Lutchman, Editor, and Dr. Koen van den Bossche**  
**IEEP**

*On December 31st 2009, the consultation on the CFP Green Paper ended. 2010 will be a year for further refinement of ideas on different proposals for change. What will be the future of the CFP sub-policies? Furthermore, what is likely to change in terms of governance of the CFP?*

**T**he clock is ticking on the reform of the CFP. The consultation on the Green Paper launched in April last year concluded at the end of 2009. The Commission now has the task of reviewing responses by over 200 organisations and just over 100 individuals to the questions posed in the Green Paper. At the same time, discussions at both the European and the Member State level on various aspects of the CFP including regionalisation, the future of the European Fisheries Fund (EFF) and the potential merits of rights based systems to address the EU overcapacity are also underway. At any angle, it is a very exciting time for the CFP as the desire for real change is expressed at all levels.

## **1 Review of the conservation and structural policy - what is required?**

In June 2009, IEEP published its Health Check of the CFP focussing on three key elements of the CFP – the conservation policy, the structural policy and the potential for further environmental integration of the CFP.

On the conservation policy we concluded that there has been some progress made since 2002 towards achieving the environmental objectives of the CFP, but the pace has been slow and in many respects piecemeal. The continued focus on the 'crisis' in EU fisheries is testament to this. This is despite the implementation of recovery plans, long term management plans, revisions of technical measures and improvements to the data collection system to provide a sound basis to the ecosystem-based approach to management. There are many who share the view that if decision making under the CFP continues to compromise the ecological sustainability of fish stocks and the marine ecosystems upon which they depend, it is difficult to imagine that there will be a reversal of the economic, and therefore social, decline in the sector, post 2012. In our view there is a compelling logic to the notion that securing the ecological sustainability of fisheries will lead to better long

term economic and social outcomes for the sector and those whose livelihoods depend on fishing. This in turn will serve the broader public interest.

One of our key recommendations post 2012 is that ecosystem-based fisheries management plans should be established for all fisheries. This would extend the approach set out in the Communication on maximum sustainable yield (MSY) and sustainability with regard to long term plans for groups of stocks that are caught together while taking into account the impact of fishing on habitats and the broader marine ecosystem (COM(2006) 360). We believe that ecosystem-based fishery management plans could be an important bridge between the particular and urgent needs of fisheries management and the new Marine Strategy Framework Directive (MSFD).

It is also recommended that technical implementation (or operational decision-making) of the conservation policy including but not limited to, technical measures, management and recovery plans and annual effort and catch limits, be delegated closer to the 'action' either through regionalisation or comitology procedures and that the complexity and number of CFP regulations should be reduced.

In terms of the structural policy, following the 2002 reform, Member States gained more responsibility overall for the management of their fleet. But despite a steady fleet capacity decrease, most fishing opportunities have not been brought to sustainable levels and the fleet capacity mismatch will need to be addressed in the 2012 reform much more effectively. Member States have struggled with their reporting on efforts to balance fishing capacity with fishing opportunities and even in instances where reports have been submitted, there is some doubt about the impact of these efforts.

Financial aid is available at a considerable scale from the EU to assist with the aims of the structural policy of the CFP, currently through the European Fisheries Fund (EFF). In terms of fleet

support, "the EFF retains the spirit of the change that had already been made in the Financial Instrument for Fisheries Guidance (FIG) regulation in 2005". However, "the EFF finances certain types of assistance that did not exist under FIG, such as measures to accompany stock recovery plans (art24) and support for more selective fishing methods and the diversification and conversion of areas affected by declining resources". At this stage, national budget allocations under EFF clearly indicate the absence of any direct link between specific species recovery plans and fleet adaptation of the kind required. Instead, Member States have shown a clear preference for allocating funds to fleet adaptation and modernisation rather than supporting nature conservation. Therefore there is no suggestion that measures will be more effective under the EFF than they were under the FIG, particular in addressing the overcapacity problem.

In our view, the links between fishing mortality, fishing effort and fishing capacity need to be further investigated and used to assess overcapacity as a matter of priority in this reform. Without these links being established for all ecosystems, fisheries and fleet segments, the structural policy will remain disconnected in its efforts to steer sustainable fishing capacity reductions.

## 2 Reflections on the future governance of the CFP

The term regionalisation is frequently used to address a panoply of different

issues (in the Green paper, by the industry and by environmental groups). It can be understood in the context of regulating access to resources and in the context of decision-making. A regionalised access regime allows for access to resources within a specified region only by specified Member States. Such a regime is already in place and is safeguarded by the principle of relative stability. This principle relates only to the allocation of resources as it guarantees each Member State a fixed percentage of the total allowable catch (TAC). This allocation key, based on historical catch records, excludes newcomers. Advocating for a rights based management (RBM) regime, entails de-regionalising the access regime by re-opening the Community waters (and beyond) to all Member States. In this way certain Member States may consolidate their overcapacity or at least export parts of it to the waters of other Member States. Consequently, the coastal communities could face a precarious situation. Such scenario will not remedy the criticisms identified in the 2007 report of the European Court of Auditors that the overcapacity of the EU's fishing fleet is an incitement to illegal fishing and that "an over-flexible framework decided by the Council" is to blame for the CFP's failings.

To counter such criticisms, the instauration of safeguard clauses has been voiced. Such safeguard clauses could consist of expanding the reserved coastal zone, another in giving a preferential share of the quota to coastal populations. The Commission also suggested introducing

two differentiated fleet management regimes, distinguishing between small-scale, coastal fisheries and large-scale, industrial operations.

In the absence of solid (sustainably balanced) evidence, can it be questioned if a RBM regime will contribute to the environmental performance of the CFP, i.e. will there be a significant positive effect on the status of stocks? If policy makers opt to go down the road of RBM, should the safeguard clauses not be given an environmental touch, e.g. by awarding 'environmental' fishing sectors/industries, individual fishermen with an additional share of the quota (a share of the quota could be reserved for trading amongst environmental friendly fishermen)? A communitised RBM regime will not significantly counter overcapacity (at least not in the more 'capital' fleet sections). As an intermediate step, could national RBM regimes or even regionalised RBM regimes, respecting the principle of relative stability, reduce the Member States' overcapacity?

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● SPECULATIVE TIMETABLE FOR CFP REFORM			
2010	2011	2012	2013
			January 1st: Entry into force of new regulation
March: Report on consultation on Green Paper	Winter/Spring: Proposal for new regulation		
April 19-20th: Report on consultation presented to Council	Spring: Further consultation begins		
Autumn: Impact Assessment published			
		December: Adoption of the proposal by the Council	

# Scientific advice: the backbone of fisheries policy

*The International Council for the Exploration of the Sea (ICES) is an intergovernmental marine science organization with a long history of scientific advice related to human uses of marine ecosystems, especially fisheries. Dr. Michael Sissenwine, Chair of the ICES Advisory Committee (ACOM) discusses the unique role that ICES has and will have in the implementation of EU fisheries management.*



Fisheries management needs to be grounded in sound science.

There is universal agreement that fisheries management should be science based. The role of ICES has evolved since its establishment in 1902. In 2008, ICES reorganised itself to better respond to the request for advice on the management of EU Fisheries. No doubt, it will continue to evolve pending the outcomes of the CFP reform. ICES remains unique as a scientific advisory body in a number of important ways:

1. **Pillars of Science and Advice-** Many fishery and environmental commissions have scientific bodies that give advice, but the scientific programs associated with these bodies are modest by comparison to ICES. There are also many scientific organisations that strive to influence policy, but they have little experience giving practical advice compared to ICES. Often they lack access to the policy makers and managers that need advice, and thus they lack understanding of the priority issues policy makers and managers face. ICES is built on equal pillars of science and advice, which makes both pillars stronger. Advice benefits from close

contact between scientists that conduct research and scientists preparing advice. In fact, many ICES scientists do both. This situation facilitates the rapid transition of knowledge from research to applications in the form of advice. It also helps to focus research on the needs to fulfil the ICES mission of advancing the scientific capability to give advice, as many researchers know these needs based on their own experiences as advisors.

2. **Independence-** The scientific bodies of fishery and environmental commissions are under the direct control of the managers and policy makers who use advice from these bodies. As an independent organisation, ICES is solely responsible for the advice it gives. The objectivity and credibility of ICES advice benefits from its "arms length" relationship with advice users.

3. **Scope of Advice-** The scope of advice provided by advisory bodies created by fishery and environmental commissions is primarily limited to the scope of the commissions, which rarely spans the range of issues addressed by ICES.

4. **Scale of the advisory services -** The 2008 work plan to prepare ICES advice involved 67 expert groups preparing scientific analyses reviewed and used by 40 review groups and advice drafting groups, prior to ACOM agreeing on advice. The plan called for 413 meeting days and a total of about 24 person years of meeting time worth millions of Euros. Even this effort to prepare advice is a fraction of the total commitment of human resources and scientific assesses needed to conduct research.

Of course, the context of fisheries management continues to evolve as exemplified by the pending reform of the CFP. There will be more new challenges for scientific advisors in the future. One of the most immediate challenges is the transition of fisheries management and the advice that supports it from a focus on undesirable conditions to be avoided (characterized by limit reference points) to desirable outcomes to be achieved. This includes the objective of Maximum Sustainable Yield (MSY) adopted by most countries at the 2002 World Summit on Sustainable Development (WSSD) and as a policy of the European Commission. ICES is engaged in dialog with managers and stakeholders on this transition.

Another potential challenge is greater attention on regional approaches to fisheries management. Regional Advisory Committees (RACs) brought a regional focus to fisheries management in Europe. The Green Paper on the reform of the CFP highlights the option of greater regionalization. ICES scientific advice is already

organized into regional books of advice (see <http://www.ices.dk/products/icesadvice.asp>) based on regional assessment working groups that are striving to improve the integration of advice on the scale of regional ecosystems.

While the regional ecosystem approach has focused attention on improving integration of advice, admittedly, progress has been slow. There are many reasons, perhaps foremost that the scientific and governance challenges of integrating scientific results and policies are difficult. A related problem is that when dealing with a multitude of scientific disciplines (including natural and social sciences), policies and social objectives, the management options that emerge are multi-dimensional rather than the typical unidimensional nature of stock by stock advice. It seems likely that the development of multi-dimensional options requires more interactions between scientists, managers and stakeholders, and more iterative processes. Thus, one of our most important challenges is to create new arrangements for interactive and iterative formulation and testing of options. Attention on the reform of the CFP highlights this need, but it exists already. The large pool of scientists with experience and demonstrated commitment to working at the science/policy interface that are ICES, will be an essential part of the way forward.

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# The role of ACFA in the CFP Reform process

*Guus Pastoor, Chair of the Advisory Committee on Fisheries and Aquaculture (ACFA), explains the role of ACFA in the CFP Reform process. This article gives an insight into the Committee's recommendations.*

In the context of the recent consultation on the Green Paper on the Reform of the Common Fisheries Policy (CFP), the interests of all stakeholders should be considered. ACFA, a stakeholder committee composed of European organisations that represent the interests of stakeholders concerned by the CFP, has a vital role to play at this moment. Furthermore, this role should remain important throughout the process of reform.

ACFA represents a central forum for discussion on horizontal issues which aims to provide advice to the Commission on any CFP initiatives with a European perspective. This body stimulates dialogue between

stakeholders and represents their views at European level. Being focused on a horizontal policy role, it deals with general conservation matters, aquaculture, market and hygiene and welfare issues.

In response to the Green Paper ACFA stressed the following opinions. Firstly, ACFA supports a decentralised approach. It also acknowledges that stock overexploitation and fleet overcapacity exist, but to varying degrees depending on the regions. Therefore the Committee calls for studies per segment per region. ACFA recommends a balance between the three sustainability objectives (social, economic, ecologic) in the long run, stressing that the socio-economic objectives

cannot be achieved without the ecological ones. ACFA believes that indicators and targets for CFP implementation should be designed on the basis of scientific advice and in consultation with stakeholders. For micro-management Regional Advisory Councils (RACs) with scientists and national administrations should be onboard while for macro-management ACFA is the appropriate body. Lastly, it believes that industry should be granted responsibility through self management.

Of the growing EU seafood market 65% is being supplied by imports. Consequently for further growth the supply from both EU and third countries has to be assured. Indeed certain parts of the processing industry

will only remain in the EU as long as imports are available. Indeed, when considering the market it is necessary to analyse both prices and production costs and to bear in mind that fishery and aquaculture products have to compete with other protein products. Reform of the CFP must consider not only prices for primary producers but also their costs. For example, fleet overcapacity may lead to relatively high production costs.

An active involvement of ACFA in the reform of the CFP will demonstrate that stakeholder participation generates added value.

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## STECF: Scientific advice for fisheries

*The EU's Scientific, Technical and Economic Committee for Fisheries (STECF) has an increasing role in EU fisheries management. The current Chair, John Casey, Hendrik Dörner (STECF Secretariat, JRC) and Patrick Daniel (STECF focal point in DG MARE) explain.*

The STECF was established in 1993 by Commission Decision 93/619 replacing the former STCF partly in recognition of the importance of economics in the management of EU fisheries. The 2002 reform of the CFP gave the STECF a new mandate stipulating that the Commission should consult STECF at regular intervals on matters pertaining to conservation and management of living aquatic resources, including biological, economic, environmental, social and technical considerations, and it should take this advice into account when presenting proposals on fisheries management.

The STECF membership is appointed by the Commission and is composed of 30 recognised European experts on fish population biology, fisheries economics, marine

ecology and fishing gear technology. Other experts and stakeholders are invited to participate in working groups to increase transparency of the advisory process.

The workload of the Committee has been steadily increasing in response to increasing demands from the Commission for advice. In parallel, the staff and financial resources allocated by the Commission in support to the STECF has also increased. The work of STECF is generally a mix of regular requests and ad hoc or special requests. An example of the former is the annual requirement for the Commission to consult STECF on Member States' submissions on their efforts to achieve a balance between fishing capacity and fishing opportunities and the evaluation of Member States' technical reports under the

data collection framework (DCF).

Since the 2002 reform of the CFP, STECF has been asked to deliver more strategic advice than hitherto. The drivers of these are the reformed CFP itself, and EU commitments to international agreements to implement the principles of sustainable development.

STECF has been intimately involved with the EU initiatives, for example, the evaluation of long term management plans. Coupled with the long term approach to fisheries management in Europe, there is an increasing need for integrated ecosystem-based advice, including socio-economic effects, beyond the traditional fisheries management approaches. With the major portion of the exploited fish stocks in Europe either overfished or depleted, the primary aim has been

to try to reduce exploitation rates. There has been some success in achieving this for a number of stocks over the past decade and as exploitation rates approach sustainable target levels there is also an increasing need for advice on other factors such as the social and economic concerns. It is likely that the demand for such advice will increase after the reform of the CFP in 2012. Finally, with pressure for a regionalised approach to EU fisheries management it is likely the demands on the STECF for independent, integrated, scientific advice will also increase and therefore the role of STECF in EU fisheries management will continue to grow.

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# THE FUTURE OF FISHERIES PARTNERSHIP AGREEMENTS IN THE CONTEXT OF CFP REFORM

*Béatrice Gorez, Coordinator of the Coalition for Fair Fisheries Arrangements (CFFA), sees CFP Reform as a unique opportunity to fundamentally change the guiding principles and framework for EU fisheries relations with developing countries*

There are currently 15 Fisheries Partnership Agreements (FPAs) in force between the EU and developing countries. Importantly, compared to the number of past access agreements, the number of FPAs has decreased, and several important partners, such as Senegal or Angola, have declined EU offers to sign a FPA. This raises questions: contrary to fisheries access agreements, FPAs are supposed to promote responsible and sustainable fisheries – the aim shared by most developing coastal countries. So, why are some of these countries declining the EU offer of working together towards a joint objective?

Part of the answer may be the lack of trust. Despite the EC's best efforts to improve the content of the agreements (introducing exclusivity and social clauses, increasing support to research, monitoring, control and surveillance (MCS), etc), the basis of the FPAs has remained the same as for the former access agreements, that is, to secure long term access to third countries fish resources and maintain the European fleet's presence in third countries and international waters. In the implementation of the agreements, this is shown particularly by the fact that the main determining factor of the financial contribution provided by the EU remains the level and conditions of EU fleets access to developing countries resources - rather than the developmental needs of the third countries. This linkage between 'access to resources' and 'support to sustainable fisheries' will always be an obstacle to a real partnership, and to achieving responsible and sustainable fisheries.

Another part of the answer may be an issue of credibility for the EU. The EU is often perceived as 'not doing what it says, and not saying what it does'. In particular, the fact that the EU has not addressed some crucial issues internally, such as the over-capacity of its own fleets, and yet advocates for sustainable fisheries elsewhere, is often referred to. Efforts have been made in the last few years to correct such perceptions, namely through

the new regulation on IUU fishing and the Control regulation, which apply to EU fleets and EU nationals. Some efforts have also been made to improve access to information, like making available to the public the protocols of agreements or the proceedings of the Fisheries Agreements' joint committees. However, there is still a need to improve EU's credibility on the international scene.

Finally, the FPAs negotiations are still surrounded by secrecy and this continues to attract criticism from developing countries and EU civil society and fishing sector who believe that these should be transparent. In addition, evaluations of FPAs and the costs and benefits of FPAs still remain unavailable to the public, confirming the lack of transparency about the details of these agreements. The participation of EU and developing countries' civil society in the negotiations is non-existent, and the participation of the developing country's fishing sector is largely cosmetic.

The reform of the Common Fisheries Policy (CFP) will address the external dimension of the CFP, including FPAs. This is a unique opportunity for the EU stakeholders to rethink their future relations with developing countries, in order for the EU to contribute meaningfully to sustainable fisheries.

The first step should be to change the objective of the external dimension of the CFP, including FPAs and replace it with the objective to contribute to the establishment of responsible and sustainable fisheries. This would signal a shift away from the current objective of sustaining the European fleet's presence in third countries and international waters.

In practice, such a change could manifest itself by replacing FPAs with a Framework for Fisheries Governance which would have as its key objective establishing a dialogue between third countries and the EU about how the EU can contribute to the fulfilment of third country's priorities for the sustainable development of its fisheries sector. This development should also include the needs of third countries for fisheries

management, but also in terms of food security, provide support for integrated coastal communities' development, adding value processing, regional / international trade operations .

Through this dialogue, the EU should promote transparency and stakeholder participation which have been recognised as two crucial aspects of responsible and sustainable fisheries by the FAO Code of Conduct for Responsible Fisheries.

Mechanisms should be designed so that necessary funding from various EU sources can be mobilised in order to achieve objectives jointly decided through this framework. This pre-supposes that mechanisms are put in place to ensure the 'Policy Coherence for Development', i.e. to ensure that the result of the activities funded are geared towards developing countries' sustainable fisheries development.

Access costs to third countries waters within these governance frameworks should be fully paid by EU boat owners and no longer be subsidised by the EU. It should be considered that EU boat owners fishing under such governance frameworks would be supported through the creation, in the third country concerned, of a favourable environment for responsible fishers' activities (legal certainty, reinforcement of MCS, research, infrastructures, etc). Conditionalities for access by EU vessels through these governance frameworks should also be stricter. Access for boats of EU origin should be restricted to those operators who can demonstrate that their operations fit with sustainable fisheries development criteria and are not competing (for resources, fishing zones, markets, etc) with the local small scale sector, which should be given priority access in line with the FAO Code of Conduct for Responsible Fisheries.

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# A New Common Fisheries Policy

*Mogens Schou, Advisor to the Danish Minister of Fisheries, presents his vision for a new Common Fisheries Policy, based on the introduction of a catch quota management system to replace the flawed landings quota management currently in place.*

**T**horough analyses of the Common Fisheries Policy (CFP) have been carried out from the revision of the policy in 2002 until the Green Paper being discussed now. Most fish stocks are overfished, most fishing communities are economically underperforming and most attempts at tightening the fisheries regulation have failed in one respect or another. The heart of the problem lies with the lack of an objective - or defined result for the fisheries, that individual fisherman can recognize, accept and pursue in the way they deem best.

On October the 8th, 2009, Denmark, Germany and the UK proposed in a joint statement a way forward for a new EU fisheries policy. It is not based on how the fisher should conduct the fishery; it is based on the result he should produce. The proposed new policy simply defines the "result" as the total catch.

Today fishers only account for their landings of fish in the harbour. But they are at the same time submitted to thousands of rules regulating their behaviour at sea - for the purpose of reducing discards and illegal activities. With the introduction of catch quota management instead of landings quota management the fisher will obtain the responsibility for his total outtake of the stock, and his incentive to optimize the value of the landed fish by discarding will be exchanged by the incentive to optimize the value of the total catch by fishing more selectively.

The transformation to a catch quota system should be established gradually as an offer for voluntary participation in a "second management track", where fishers who accept the responsibility to document all their fishery are submitted to

reduced control, exempt from effort regulation and given increased catch quotas that reflect that all fish caught are accounted for.

The optional approach, the gradual phasing in and the transfer of responsibility and documentation to fishermen will align the CFP with the market forces requiring a sustainable fishery. The proposal also accords with the Commission's vision expressed in the Green Paper.

Fishing operators are given incentives to behave responsibly but they are also expected to demonstrate that they comply with the basic principles of the CFP.



A catch quota system would change the incentives fishers face.

The prerequisite for the new policy is the establishment of reliable documentation of all catches. In September 2009 Denmark ended a 12 month pilot project using six vessels equipped with cameras and sensors. Scotland is conducting a similar project. The projects have produced convincing results in relation to obtaining full accountability of all catches, reducing discards and changing fishermen's behaviour. Additionally, the participating fishers

supported the idea and the practical implementation of the project. The results of the project and on the perspectives in relation to the CFP can be seen at [www.fvm.dk/yieldoffish](http://www.fvm.dk/yieldoffish).

The knowledge obtained by the projects has convincingly substantiated the proposal for catch quota management based on the fishers' own documentation.

On 19th October 2009 the Commission and the Council declared that catch quota management should be developed with a view to assessing whether the implementation of this principle can offer a real alternative.

The proposal for catch quotas is concrete, comprehensive and documented on a pilot scale. It is supported by ICES, by WWF and by market groups. It can be implemented gradually, it allows the use of fish that would otherwise be discarded and it will add real knowledge to the process of the CFP revision.

The continuation and development of a catch quota incentive in the TAC/quota regulation for 2010 will show whether the introduction of a "second management track" on a broader scale can provide the benefits of accurate registration of catches, precise data for biological advice, simplified regulations, better stock utilization patterns and abandonment of discards. In relation to the huge public costs of managing and controlling fisheries it will provide important information about cost efficiency of this alternative method.

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## A bottom up and regionalised CFP

*Chair of the Baltic Sea Regional Advisory Council (BS RAC) since it was established in 2006, Reine Johansson gives his perspective on the role of the BS RAC under a reformed CFP.*

From the start the BS RAC already began to set its own agenda. In addition to regular working groups and management meetings, we organised a conference on control and compliance in the Baltic cod fishery in March 2007 in Copenhagen, and adopted a declaration on combating unreported cod fishing in the Baltic Sea. This conference had a real impact and contributed to a fall in illegal landings of cod. Then in October 2009 we held a conference in Stockholm to look at the challenges facing the Baltic Sea fisheries. Here the ministers and the Commissioner signed a declaration committing themselves to close collaboration on fisheries issues, including some very practical issues such as developing more selective gears in the cod fishery.

The BS RAC is not alone in viewing the current EU management structure as

very top-down. The question is: do we really want to see the Council of Ministers in the future, setting mesh sizes and determining days at sea for different fisheries and vessel types? In the BS RAC we would like to see the top level, with the Commission, the Council of Ministers and the European Parliament dealing with the over-arching principles of policy-making and long-term decisions of the CFP. The actual practical implementation of fisheries policy and the more technical details, we believe, could then be dealt with at regional level. So there we see the stage set for a future model of a more regional approach.

We clearly envisage the RAC continuing in the post-reformed CFP. The question is: what form and composition do we want a regional cooperation to have? Should it be a strengthened or reinforced RAC, going beyond its advisory role,

taking on responsibility for regional management and decision-making, for example in the area of fisheries control, technical measures, quota administration and the management of fishing effort? Or should we go for a broader body comprising RAC members, fisheries administrations, scientists, as well as representatives from EU institutions? Further discussion on these is necessary. However, we are clear that we need to improve and strengthen our relationship with scientists, including ICES.

The success of regionalisation also depends on the involvement of the Member States, and their willingness to devolve some power to the regions and to build up regional structures, thereby enabling more of a regional approach and involving the stakeholders in policy formulation and decision-making. The fishing sector must contribute

towards the scientific input much more than has been done so far.

In future, there may be discussions on whether the Baltic can serve as a model for this closer approach between Member States, science and stakeholders, working on concrete initiatives in the Baltic Sea fisheries. It is our view that the micro-management of fisheries can be left to the regions and the macro-decision-making can be put at a higher level. Here, lessons can be learnt from past experience: the Baltic Sea could be an excellent case study for other EU regions in this regard. The former International Baltic Sea Fishery Commission (IBSFC) proved itself to be a very successful management body for the Baltic. The BS RAC could serve as an inspiration for a future regional model.

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## Pelagics: a distinct group, a unique approach

*Iain MacSween, Chair of the Pelagic Regional Advisory Council (PRAC), describes his vision for the PRAC following the CFP Reform.*

Firstly the PRAC must emphasise that pelagic fisheries are different from other fisheries, so they should be treated differently from other fisheries. This consequently means that research, policy and control require a unique approach. This is why, at all stages of the CFP reform process, it is our opinion that pelagics should be addressed separately, and that a specific stakeholder-led body on pelagics, such as the PRAC, should be maintained and strengthened.

The pelagic stocks are generally in good shape and Long Term Management Plans (LTMP) are in place for all major stocks. While many other stocks need rebuilding, and the main aim is to reduce fishing mortality, for pelagic stocks, the current focus is now on improving the

performance of LTMP that are already being implemented. PRAC feels that there is great potential to strengthen the effectiveness of this RAC by giving it more responsibility or decisive power, based on its own scientific knowledge base. Access to funding specially allocated to this purpose of defining and providing more scientifically based advice is essential for realising this.

The effectiveness of the PRAC as an advisory body is as much dependent on its own capabilities and the quality of its advice as the willingness and possibilities of the receivers to follow it. It is thus very relevant to the RAC how the EU organises its governance system. The Commission's Green paper makes suggestions on (1) the devolution of management responsibilities

to stakeholders and (2) a possible decentralisation of the management system. Regarding the former, the PRAC feels that the RACs could not have a role in the implementation of management, and the Commission should focus on devolving responsibilities to the Producers Organisations where possible. Regarding the latter, the pelagic sector should be left out of decentralisation altogether. In no case should pelagic stocks be scattered in the remains of several different regional entities and in no instance, should the stakeholder advisory function be incorporated into regional management bodies, which could only seat a small number of stakeholders, as an alternative to having the RACs.

Since the RAC is an EU-

established body, its advice is often not taken on board by managers, when it regards joint stocks, possibly because it is not emphasized by all relevant stakeholders. It is the view of the PRAC that this situation will not change as a result of the reform of the CFP. This problem needs to be resolved in an international context. Since four of the five major stocks in the remit of the PRAC are jointly management with third countries the establishment of a stakeholder lead advisory body under the auspices of a 'neutral' organisation such as the North East Atlantic Fisheries Commission (NEAFC) would seem appropriate.

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# The EU Marine Strategy Framework Directive (MSFD) and CFP Reform

*Dr Andrew Farmer (IEEP) discusses the need for the Common Fisheries Policy to address the objectives of the Marine Strategy Framework Directive in order to achieve good environmental status of Europe's marine waters.*

The management of the marine environment is a major challenge for the EU. 2008 saw the adoption of the Marine Strategy Framework Directive (MSFD), which sets ambitious environmental goals for marine waters and an integrated management framework to achieve these. Alongside this, the Common Fisheries Policy (CFP) is entering a review period and the Commission published its 2009 Green Paper (GP) to consult on what changes should be made to the CFP post 2012 to pursue more sustainable fisheries (COM(2009)163).

The MSFD has the overall aim to achieve good environmental status (GES) of Europe's marine waters by 2020. It requires Member States to determine GES for the marine waters over which they have jurisdiction and to develop Marine Strategies with Programmes of Measures to tackle the pressures which prevent the achievement of GES.

A Member State may identify instances where the environmental targets cannot be achieved, such as an issue which is linked to another Community policy or international agreement. A key element of GES is the nature of fish stocks and the impacts that fisheries may have (e.g. on non-target species and/or sensitive habitats). However, for much of the marine waters included within the scope of the MSFD, Member States have little or no exclusive competence over the fishing activities. Under the EU Treaty such competence rests with the Community through the CFP. Therefore, it is already possible to identify a need for the CFP to address the objectives of the MSFD in order for GES to be achieved. Both policies are themselves, under the umbrella of the EU's Integrated Maritime Policy IMP, which encourages policy integration across maritime policy issues.

The GP calls for clarity and refocusing of objectives to ensure environmental sustainability and a shift away from short term economic and social objectives. Ecological sustainability is described as a basic premise for the economic and social future of European fisheries. The GP also highlights the role of the MSFD, stating that 're-thinking the CFP therefore requires us all to take a fresh look at the broader maritime picture as advocated by the [IMP] and its environmental pillar, the [MSFD]'.

The MSFD provides a coherent analytical and policy development framework with which to answer questions posed by the GP. The Marine Strategies will provide an integrated assessment of environmental objectives taking account of different pressures and so highlight key environmental sustainability objectives and actions. The re-prioritisation of the goals of fisheries policy should therefore, draw explicitly on the outcomes of MSFD implementation. Exploration of the nature of the interaction between the MSFD and the CFP and how the adaptive management approach of the MSFD and the ecosystem approach of both instruments can be brought together is also the subject of ongoing research, such as in the EU's KnowSeas research project and policy reform and implementation should draw upon the results of such research.

The CFP and the MSFD have different objectives and timelines, but areas of overlap occur in implementing an



Credit: Alberto Lindner, courtesy of NMF5

The MSFD aims to achieve good environmental status of Europe's marine waters by 2020

ecosystem-based approach to management. It is, however, important to seek to avoid a potential delaying tactic that, because GES is not yet clarified by any Member State, action under the CFP would be premature. The MSFD sets some clear goals for the sustainability of marine ecosystems, so it is obvious that where fisheries, because of direct extraction or a damaging process, are already unsustainable, then changes would be required to meet GES.

The CFP and its decision-making processes should, therefore, be altered so as to be able to address the changes that will be required as the MSFD is implemented and measures to achieve GES are identified. As a result, there should be greater clarity from the Commission on the interaction of the CFP and the MSFD. From a legal perspective in particular, Member States would benefit from better clarification of the rights and obligations within the CFP, MSFD and other marine legislation. This guidance would also help compliance as otherwise there is room for misinterpretation and delays in implementation. It is important, therefore, to ensure the following actions are undertaken in the context of CFP reform:

- That the CFP acknowledges the requirement of achieving GES as a clear objective in guiding the decisions that are undertaken within its policy sphere.
- That Member States seek an early statement from DG MARE on how the objectives of the MSFD are to be addressed by the CFP in concrete terms.
- That aspects of current fisheries practice that are not consistent with any likely future determination of GES are identified at an early stage and are highlighted as practices that must be changed.
- That determination of GES is undertaken in such a way as to ensure easy cross-over of this environmental assessment into the decision-making framework of the CFP, for example in the setting TACs which take into account ecosystem requirements.

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# Building a European Culture of Compliance for sustainable fisheries

*The Community Fisheries Control Agency (CFCA) is the body responsible for coordinating the fisheries control and inspection activities conducted by the European Member States. Executive Director, Harm Koster, explains how CFCA will build on its successes to ensure the full, effective and uniform implementation of the rules of the Common Fisheries Policy (CFP).*



CFCA coordinates common training programmes for fishing inspectors

The new Control Regulation, proposed by the Commission at the end of last year, has now been approved by Council and entered into force on 1st January 2010. This root-and-branch reform of the CFP control framework had an important impact on the mid-term development of the Community Fisheries Control Agency (CFCA). Together with the regulation to fight Illegal, Unregulated and Unreported fishing (IUU) that entered into force on the same date, these new legislative initiatives should establish the groundwork for a shift towards a culture of compliance at Community level.

The Control Regulation integrates tools for effective corrective actions at both the Member State and European level through harmonisation of sanctions, licences with a penalty points system, a payback system for overfished quotas and provisions to allow for the suspension of Community assistance in the event of non-compliance by Member States. A system for effective corrective actions at Community level is essential for the establishment of a European wide level-playing-field contributing to the much-needed culture of compliance in European fisheries. The EU legislation against IUU fishing requires that all shipments of fishery products must be accompanied by a catch certificate attesting that the products have been legally caught. This legislation allows the EU to stop any fishery products originating from illegal activities and may penalise vessels involved in IUU activities.

It is crucial that these rules are applied by all Member States, and it is CFCA's role to help Member States and the Commission apply the rules of the CFP in an effective and uniform way.

The activities contributing to the proper implementation of the IUU Regulation have been given overriding priority in the Work Programme of the CFCA for 2010, adopted by its Administrative Board on 15th October 2009. Furthermore, the CFCA will consolidate, in 2010, its activities relating to control, inspection and surveillance of fishing activities on blue fin tuna, Baltic cod and North Sea cod as well as delivering the obligations of the EU under the NAFO and NEAFC conventions.

Many of the provisions in the Control Regulation, require the adoption of detailed implementation rules by the Commission, in accordance with the comitology procedure. Subsequently, the Commission, at Community level, and Member States, at national level, have to ensure the application of the new rules. The track record of Member States regarding effective and uniform application of the rules of the CFP has been quite poor in the past.

Since the CFCA was created to assist Member States and the Commission in applying the rules of the CFP, it should play an important role in ensuring the timely and effective application of the new Control Regulation. Hence the CFCA is geared up to build capacities in Member States to apply the rules in a uniform and effective manner through training of inspectors, facilitating pooling of data on fishing and control activities, and facilitating pooling of means.

The experience from the Joint Deployment Plans (JDPs) adopted by the CFCA to coordinate the control activities by Member States in priority areas has shown that the means available are not always used in the most optimal way. Under the new Control Regulation Member States are committed, amongst other things, to train national fisheries inspectors, to carry out risk analysis and exchange data, assisted by the CFCA. The training of national fisheries inspectors

and the carrying out of common risk analysis have already contributed very significantly to the increased uniformity and the effectiveness of control of blue fin tuna fishing in the Mediterranean and the eastern Atlantic.

In future, discussions are to be held with the European Commission and the Member States to determine the priorities for the activities to be carried out by the CFCA. In line with its amended mandate, the CFCA has to adopt a multiannual work programme with five year duration. This Work Programme will guide the activities of the CFCA directed towards the full, uniform and effective implementation of the Control Regulation.

Following the release of the Green Paper on the reform of the CFP, CFCA is encouraging stakeholders to have their say. The debate on the reform of the CFP will gain importance if more signs are marking a clear shift towards a European culture of compliance in fisheries. The trend towards a culture of compliance in fisheries started by the ruling of the Court of Justice imposing a high fine for not applying Community fisheries law on landing of undersized hake. This was followed by a critical report of the European Court of Auditors on the implementation of the CFP by the Commission and Member States and which has resulted in the adoption of a new Control Regulation and is likely to lead to other corrective measures.

The signs of improved compliance in key fisheries such as blue fin tuna and Baltic cod underline also the shift to a European culture of compliance. As regards these fisheries, the efforts of the Commission, Member States concerned and the CFCA have born fruits. Pulling forward this positive trend to all EU fisheries requires close cooperation between the Commission, Member States and the CFCA.

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# Fisheries Subsidies and the World Trade Organisation

*Håkon By of the Institute of European Environmental Policy explains how inappropriate subsidies contribute to widespread overfishing and to the distortion of trade in fisheries products. He reviews the progress made towards phasing out questionable subsidies at the WTO.*

“So long, and thanks for all the fish”. That was the message left by the dolphins, in the last book of the ‘Hitchhiker’s Guide to the Galaxy’ series, when they departed Planet Earth just before it was demolished to make way for a hyperspatial express route. The World Trade Organization (WTO) does not get involved in the actual building of intergalactic motorways, but would take an interest in any subsidies involved. Likewise, the WTO is engaged in a dedicated negotiation on fisheries subsidies as part of the Doha trade round (that may be completed in 2010).

Recent history has shown that governments are willing to spend huge sums subsidising agriculture and fisheries: fisheries subsidies amount to at least US\$20 Billion annually - equivalent to about 25 percent of the value of the world’s fish catch. Agricultural subsidies amount to hundreds of billions annually, with both being justified on the grounds of food security.

Indeed, fish is a very important source of protein for over a billion people, especially in developing countries. Yet it is the governments of rich, developed countries that spend the most on subsidies. Whereas agricultural subsidies tend to cause overproduction, leading to dumping of cheap food on world markets (which, to some extent, benefit poor, food importing countries), fisheries subsidies are often far less benign. It is estimated that there is at least 50 percent over-capacity in the global fishing industry, driving the overfishing that threatens large parts of the world’s fisheries: around 25 percent of the world’s

fish stocks are overexploited, some of which may never recover. A further 50 percent are fully exploited.

Borrowing from agriculture’s green, blue and amber “boxes”, trade negotiators are looking into creating green and red “lights” for fisheries subsidies. Those that boost fishing capacity or create other incentives to fish, directly or indirectly, would be banned - or given a “red light”. The EU would like subsidies that are aimed at increasing fishing vessel safety,



Credit: Kate Davison, Greenpeace

Fisheries subsidies, amounting to US\$20 billion per year, drive overexploitation of marine resources

reducing the environmental impact of fishing, or re-training of fisheries sector workers into unrelated occupations to be given a “green light”. There are some that argue that there is a group of “good” subsidies<sup>1</sup>. These would include control and surveillance activities which for the European fleets would come out of the European and Member States’ budgets. Given WTO members’ history and excellent skills at moving questionable agricultural subsidies into the

“green box”, other WTO members, such as the US, would rather create an “amber light”, where subsidies are allowed subject to restrictions. Least developed countries would have a blanket exception, while other developing countries would, subject to certain conditions, receive special and differential treatment. Subsidies directed towards implementing fisheries management programmes would be permitted for all countries.

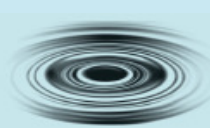
Although the Doha round of negotiations, now in its ninth year, have faltered in many areas, fisheries subsidies negotiations have made steady progress. While there are still significant differences to be resolved, there is strong recognition and consensus by WTO members about the importance of the fisheries subsidies negotiations. However, unless WTO members decide otherwise, the good progress is worthless until there is an agreement in the agricultural and non-agricultural market access negotiations; the WTO works on the principle that “nothing is agreed until everything is agreed”. It is still too early to say what 2010 will bring, but perhaps there will be reason for the dolphins to be thankful after all.

1. Sumaila, U.R. and D. Pauly eds., 2007. Catching more bait: A bottom-up re-estimation of global fisheries subsidies (2nd version), UBC Fisheries Research Centre report, 14(6) 121pp

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## INTERNATIONAL UPDATE



Apart from acting as a source of independent information on fisheries and the environment, *El Anzuelo* aims to present different perspectives on the issues, and thereby encourage discussion and debate among various players. If you wish to respond to material included in this or the previous issue, we would be happy to hear from you.

# UK government leads on high seas MPAs in the Southern Ocean

by Indrani Lutchman, IEEP.

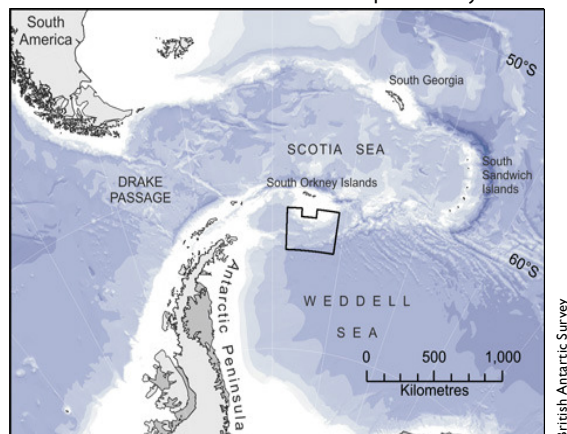
In November 2009, the UK proposal for a marine protected area in the South Atlantic was adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The European Commission called it a true milestone as it is "the first time that an organisation dealing with the conservation of marine living resources has designated an MPA under its competence on the high seas".

The implementation of marine spatial protection and management measures within the Antarctic and Southern Ocean, specifically the CCAMLR convention area has been on the agenda for the management body, the Commission for the Conservation of Antarctic Marine Living Resources since 2003. In 2005, the Scientific Committee of CCAMLR agreed to work towards developing a system of protected areas according to certain parameters with this work being endorsed by the CCAMLR Commission. It was recognised at that time that an MPA regime for the protection of the Antarctic marine environment should be harmonised across the Antarctic Treaty System (ATS). In 2006 and 2007, a bioregionalisation of the Southern Ocean was

undertaken as the first step in this process, demonstrating the feasibility of a broad-scale analysis towards identifying suitable areas for MPA designation. The results of this work were presented to the CCAMLR meeting in 2007 which welcomed the progress made since 2005 and paved the way for more substantial actions towards

candidate areas. The South Orkney Islands are within one of 11 priority areas identified by CCAMLR as regions in which further work to identify marine areas for protection should be focused. The UK Government undertook a pilot study in 2008 to test the utility of the systematic conservation methodology, and the preliminary outcomes

around 94,000 km<sup>2</sup>, and is the first marine protected area anywhere in the world to be designated entirely within the high seas. It prohibits all fishing activities and dumping of wastes, and will allow for improved coordination of scientific research activities. The MPA includes unique oceanographic features and important foraging areas for penguins breeding at the South Orkney Islands. It has set a precedent for the selection and designation of similar sites in the coming years, and scientific research is now underway to identify other important areas for conservation in the Southern Ocean. NGOs are keen to see more sites designated in the hope that CCAMLR will meet the Convention on Biological Diversity (CBD) deadline of 2012 in establishing networks of marine protected areas and will be putting the pressure on key states with territories in the Antarctic and Southern Ocean to do so. These countries include France, New Zealand and South Africa, states which have territories in the CCAMLR convention area.



Map showing location of the new marine protected area, south of the South Orkney Islands in the British Antarctic Territory.

site designation.

Discussion at the Working Group on Ecosystem Management (WG-EMM) – a working group of CCAMLR, in 2008, progressed both systematic conservation planning and the use of broad-scale bioregionalisation as a basis for the MPA site selection with several

designed to inform decision-making were endorsed by CCAMLR's Scientific Committee in 2008 and the Committee on Environmental Protection (CEP) of the ATS as one possible approach for the selection of marine protected areas.

The South Orkney Islands southern shelf MPA encompasses an area of

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The Institute for European Environmental Policy (IEEP) is an independent body for the analysis and advancement of environmental policies in Europe. While a major focus of our work is on the development, implementation and evaluation of the EU's environmental policy, IEEP has also been at the forefront of research and policy development in relation to the integration of environmental considerations into other policy sectors.

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