

## “One Bass Bag Limit Proposal – Untimely, Unbalanced and Unacceptable”

The European Union Commission's proposal for fishing opportunities in 2015 includes, for the first time, a measure specifically aimed at recreational fishers – a bag limit of only one bass, per day. The limit will apply to anglers and other recreational fishers such as those using nets and pots and to spearfishing.

The European Anglers Alliance (EAA), the European Fishing Tackle Trade Association (EFTTA) and the International Forum For Sustainable Underwater Activities (IFSUA) suspect this proposed bag limit could be beyond the competence of the Commission. It is unacceptable to recreational angling, spearfishing and the businesses which these activities support for a number of reasons.

EAA, EFTTA and IFSUA will be lobbying the European Commission and Member States for this misguided proposal not to be adopted at the Fisheries Council meeting in Brussels on 15-16 December.

This case is of immense importance to recreational fishing as it will set a precedent for whether or not the EU can take action that will do disproportionate harm to the recreational sector, while failing to manage the commercial fishing sector properly. Over recent years EAA and EFTTA have lobbied strongly for a proper and fair inclusion of recreational fishing in the reform of the Common Fisheries Policy (CFP) but were denied such an inclusion. That denial should preclude the EU from having competence over the recreational fishing sector.

### Some reasons why the proposed bag limit should not be adopted - Reasons related to recreational fishing (1) and commercial fishing (2):

#### 1) - Recreational bass fishing:

**(a) There is no data** to illustrate how such a bag limit would reduce recreational fishing mortality on sea bass;

**(b) The legal text is unclear** concerning its scope and remit. Art. 2 (the scope) gives the impression that this is about ‘recreational fishing vessels’ only (such vessels are not well defined<sup>1</sup>). However, we have been informed that the recreational fishing bag limit in Art. 12 extends to more than people fishing from ‘recreational fishing vessels’. To our surprise, it is intended to include ALL recreational sea fishers (i.e. boat, shore and underwater).

**(c) The recreational fishing bag limit** concerns ‘only’ the ICES areas IVbc, VIIa, VIId-h, which means that not all bass fishing areas of France, Ireland and Scotland are within the remit. This is relevant for data collection, monitoring and control.

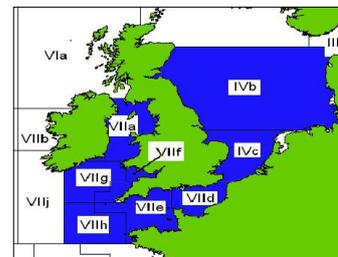
**(d) There is considerable uncertainty** as to whether the EU has the legal competence to legislate for a recreational fishing bag limit such as proposed. Former Commissioner Damanaki has said in public more than once, that recreational fishing is a Member State competence. As an example this can be read on Ms Damanaki’s blog (on 1<sup>st</sup> August 2013):

***“..recreational fisheries activities are not covered by the EU’s exclusive competence with regard to the conservation of fish stocks. Therefore, the rules governing recreational fishing are decided by the Member states themselves.”<sup>2</sup>***

If this is a fact, then the EU should only decide on the extent, where and how commercial bass fishing mortality should be reduced and leave it to the Member States individually to reduce recreational fishing mortality on bass on an equitable basis. This would better comply with the Treaty’s ‘proportionality principle’.

To legislate for a recreational fishing bag limit at EU level we believe another legislative tool should be used, which gives the European Parliament the power of co-decision in order to comply with the intention of the ‘subsidiarity principle’ – one which means, “that decisions are taken as closely as possible to the citizen”.

**Fig. 1:**  
The area concerned by the Commission’s bass proposal (blue area)



ICES areas IVbc, VIIa, VIId-h



**Mixed Fisheries** are the single biggest source of fishing mortality; 41 per cent of bass stock removals come from the mixed demersal fisheries.<sup>5</sup> It is with great surprise that the Commission's proposal leaves these mixed fisheries untouched. There should be an immediate review of available technical measures and a cap on bass caught in mixed fisheries.

**We have suggested** that an increase in the bass minimum landing size (MLS)\* would be a fair and effective way to secure that all catching sectors and segments, recreational and commercial alike, contribute to the reduction of bass fishing mortality. The present proposal is grossly unfair to recreational fishing, and, as we have argued above, likely will deliver little with no evidence on what it will contribute to the reduction in bass mortality.

*\* Note: In the following text we make use of the new term "Minimum Conservation Reference Sizes (MCRF)"*

**The Minimum Conservation Reference Size (MCRF) should be increased** now from the present 36cm – where no bass spawn – to 42cm to allow some bass to spawn at least once. An increase to 42cm would allow about 50% of the female bass to spawn and thereby improve recruitment – a key contributor to stock recovery.

**We insist that an increased MCRF** for bass must also apply to all fishing sectors, commercial and recreational. Such a change would require some modifications to gear and/or fishing practices, but these will be required whatever the Commission's proposals are for the commercial catching sector. More selective gear and fishing practices will be needed to fulfil obligations from other EU policies and legislation like the landings obligation, Maximum Sustainable Yield (MSY) objectives, the Marine Strategy Framework Directive (MSFD), eco-system based management, biodiversity targets and more.

**There is an enormous amount at stake** by the Commission proposing unfair and disproportionate restrictions on recreational fishing. This is clearly an issue which the Commission has little or no expert knowledge of, principally due to the lack of prominent and fair inclusion of recreational fishing in the Common Fisheries Policy (CFP). Millions of anglers spend billions of Euros supporting hundreds of thousands of jobs around Europe in pursuit of the European bass, and other species, whilst having a considerably lower impact on stocks than the significantly less economically valuable commercial catching sector.

**The case for managing bass** as a recreational asset is overwhelming however the Commission seems unable or unwilling to manage the resource for purposes other than commercial exploitation.

**Socio-economic impacts** of various management options for bass are still to be investigated and the Commission is asking member states to provide data to understand this better. Questions therefore have to be asked as to why this proposal has been put forward before the relevant data has been evaluated and those socio-economic impacts better understood.

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## Notes and links:

### 1 - The Commission proposal for a Regulation:

[http://ec.europa.eu/fisheries/cfp/fishing\\_rules/tacs/info/com\\_2014\\_670\\_en.pdf](http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/info/com_2014_670_en.pdf)

### 2 - The sea bass annex to the Regulation - ANNEX IIE - page 45:

<http://data.consilium.europa.eu/doc/document/ST-14590-2014-ADD-3/en/pdf>

### 3 – ICES bass benchmarking report (Oct 2012):

[www.ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/acom/2012/IBP%20New/ibpNew\\_2012.pdf](http://www.ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/acom/2012/IBP%20New/ibpNew_2012.pdf)

### 4 – ICES bass advice June 2014:

[www.ices.dk/sites/pub/Publication%20Reports/Advice/2014/2014/bss-47.pdf](http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2014/2014/bss-47.pdf)

### 5 – STECF bass advice July 2014 (page 51 onwards):

[http://stecf.jrc.ec.europa.eu/documents/43805/812327/2014-07\\_STECF+PLEN+14-02\\_Final+Report\\_JRCxxx.pdf](http://stecf.jrc.ec.europa.eu/documents/43805/812327/2014-07_STECF+PLEN+14-02_Final+Report_JRCxxx.pdf)

### 6 - EAA presentation at "InterAC Workshop on Seabass", 18 Sep 2014, Dublin:

[www.nwwac.org/fileupload/Seabass/EAA\\_Seabass\\_Wk\\_18Sept2014\\_Final.pdf](http://www.nwwac.org/fileupload/Seabass/EAA_Seabass_Wk_18Sept2014_Final.pdf)

#### 6a – All workshop presentations:

[www.nwwac.org/listing/interac-workshop-on-seabass.1529.html](http://www.nwwac.org/listing/interac-workshop-on-seabass.1529.html)

### 7 - EAA sea bass position paper of 10 June 2014

*(issued before we had the latest ICES and STECF advices of June and July):*

[www.eaa-europe.eu/index.php?id=827](http://www.eaa-europe.eu/index.php?id=827)



*(Endnotes - next page)*

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## Endnotes:

<sup>1</sup> Article 3 doesn't define 'recreational fishing vessel' but explains that it is about "...vessels engaged in recreational fishing, as referred to in Article 4(28) of Regulation (EU) No 1224/2009." However, there is no clear definition of such vessels to be found in that place or in any other piece of EU legislation(\*). This particular issue was discussed extensively when the Control Regulation of 2009 was negotiated but remains unresolved.

It is unclear whether a "recreational fishing vessel" is described only as a motorized boat, or if non-motorised boats like kayaks and row boats also should be regarded 'recreational fishing vessels'. Clarification is also needed as to the status of the smallest of vessels such as a small inflatable raft with a little outboard motor.

These uncertainties may remain unresolved until individual cases have been before the European Court of Justice. However, in this particular sea bass recreational bag limit case this is not of importance but only if ALL recreational fishers are included the Regulation's scope and the EU powers and remit, which we doubt.

\* The Commission has suggested a definition of (recreational) 'Service Vessel' in its proposal for a Regulation 'establishing a multiannual plan for the Baltic salmon stock and the fisheries exploiting that stock' (COM(2011) 470)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0470:FIN:EN:PDF>

Art. 3(j) - "service vessel" means a vessel, that is operated by an undertaking offering services, including providing fishing equipment, transport and/or guidance, for the purpose of recreational fishing targeting salmon in the Baltic Sea;

This Regulation is not finally adopted but the European Parliament has adopted some controversial amendments to it.

[www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0446&language=EN&ring=A7-2012-0239](http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0446&language=EN&ring=A7-2012-0239)

These amendments seek, among other things, to include all vessels involved with recreational fishing but still without giving a clear definition or explanation of what is a 'vessel' in this respect.

<sup>2</sup> <http://blogs.ec.europa.eu/damanaki/mediterranean-a-new-impetus-for-its-regional-advisory-council/comment-page-1/#comment-705>

<sup>3</sup> <http://data.consilium.europa.eu/doc/document/ST-14590-2014-ADD-3/en/pdf>

<sup>4</sup> [www.ukbass.com/tag/cefaz](http://www.ukbass.com/tag/cefaz)

<sup>5</sup> [http://stecf.jrc.ec.europa.eu/documents/43805/812327/2014-07\\_STECF+PLEN+14-02\\_Final+Report\\_JRCxxx.pdf](http://stecf.jrc.ec.europa.eu/documents/43805/812327/2014-07_STECF+PLEN+14-02_Final+Report_JRCxxx.pdf)

Page 53: "...three categories: (i) recreational; (ii) commercial fisheries targeting seabass, and; (iii) fisheries where seabass are taken as a commercial by-catch in mixed demersal fisheries. Based on 2010-2013 data, recreational fisheries account for 26% of the overall catch (commercial and recreational); commercial targeted fisheries account for 33% (mid-water pair trawls and lines) and; other commercial fisheries where seabass are taken as by-catch account for 41% of the overall catch."

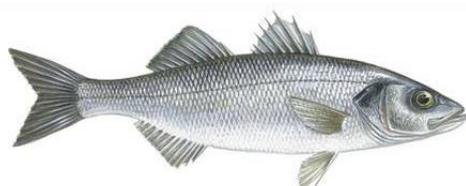
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**European seabass** (*Dicentrarchus labrax*)