Championing coastal waters and communities

An action plan for the regeneration of the UK’s inshore waters, fisheries and coastal communities
Small scale fishermen in Hastings, one of Britain’s oldest fishing ports. Boats have worked from the beach in front of the town for over a thousand years.

© David Sandison / Greenpeace
The UK’s inshore\(^1\) waters, and many of the fishing communities that depend upon them, are at breaking point. Decades of overfishing – the result of an excessively powerful European fishing fleet – have depleted fish stocks and, despite ongoing recovery initiatives, many remain in a poor condition. Small scale fishermen are struggling to survive and some businesses are on the verge of collapse. This situation has been driven by inequitable distribution of fishing resources and ineffective management under the Common Fisheries Policy (CFP).\(^2\)

However, the regulatory framework that could reverse this situation is now in place. The newly reformed CFP, together with existing European and domestic legislation, offers the chance for a new approach, where conservation and socio-economic benefits work hand in hand. All that is needed is the political will to drive change forward.

We call on politicians of all parties to become coastal champions by adding your names to this Five Point Action Plan. In this plan we recommend the steps needed to regenerate the UK’s inshore waters, fisheries and communities. By supporting and implementing the actions outlined here, you will help make the new CFP’s bold vision a reality. Act now to:

- Redistribute quota to the under 10 metre sector
- Restore fish stocks
- Protect the marine environment
- Prioritise access for low-impact fishermen in the UK’s 0-12nm zone
- Regionalise fisheries management

Introduction
‘One day, one big massive trawler will come up here and it’ll take more fish than we take in a year in a day’

Small scale fisherman, Hastings
The UK’s inshore waters are some of the most productive and species rich in Europe. Our coastline and its wildlife are of huge environmental, economic and cultural importance, home to vast numbers of sea birds, cetaceans and many other rare and special marine fauna and flora. For years the wealth of our coastline supported a thriving and varied fishing industry, and our fishing grounds have attracted fishing fleets from around Europe.

The Common Fisheries Policy (CFP), brought into force by European legislation, was first introduced in the 1970s to manage European fishing fleets and conserve fish stocks. Since then it has been reviewed and reformed every ten years. Until its most recent reform (effective from 2014), it was largely regarded as a failure, having neither halted the decline of fish stocks nor maintained a healthy fishing industry.

41% of assessed stocks are overfished in the Atlantic and surrounding seas

During the latest CFP reform process, the European Commission warned that excessive fishing pressure had ‘eroded away the present and future productivity of the fish stocks’. In the UK, as overfished stocks struggle to recover, fishermen have faced a steady decline in their catches. In 2009 the UK fishing fleet landed the lowest haul since records began in 1950.

The decline of fish stocks around Europe has in part been fuelled by a consolidation of fishing quota, power and massive subsidies in the hands of the larger scale fleet, whose interests lie in a technological race to increase yield and profitability. Fishing quota – a public resource and basic necessity for many fishing businesses – has become a commodity, often held and controlled by non-fishermen.

This situation is exacerbated in the UK because much of our fishing quota is held by foreign controlled vessels. The Department for Environment, Food and Rural Affairs (Defra) recently concluded that the value these vessels bring to the UK economy ‘could be close to zero’. Not only are fish caught in UK waters being landed, processed and traded abroad, we are also losing potential employment benefits. Many of these operators have attempted to maintain profitability by reducing labour costs, for example by using cheaper labour recruited abroad.

Together these factors have damaged the interests of British fishermen and coastal communities. The UK has seen substantial losses of both working fishermen and vessels. Employment in the industry has been falling almost constantly in the UK since records began in 1938, plummeting from just under 50,000 fishermen to 12,445 by 2013. Jobs in the processing industry that depend on fisheries have been similarly undermined.
The UK’s small scale fishermen – those using boats less than 10 metres in length – have been the most seriously impacted. These fishermen represent over 77% of the fleet, yet have ended up with access to just 4% of the overall quota. Even so, this sector employs more people than the rest of the fleet, creating 65% of employment at sea in England and Wales. The UK government has acknowledged that delays in addressing quota imbalance have created a situation where ‘the existence of some under 10m fishing businesses as viable entities is severely and immediately jeopardised’.

This situation is echoed across Europe, where 80% of the fleet is classified as small scale. At both domestic and EU level, these fishermen have historically lacked political representation, financial muscle and access to resources. This means they have had less chance to participate in shaping the policy decisions that affect them. As a result, this sector faces collapse around Europe’s coastlines, and the coastal communities reliant on inshore fishing have crumbled.

This situation is not only a social and economic crisis, but also an environmental one. Most smaller scale coastal fleets use methods that have a low-impact on fish stocks and the marine environment; they fish selectively and use seasonally diverse methods. The loss of these fishermen and vessels has therefore meant the loss of much of the most sustainable section of the European fleet.

Despite the fact quota has become concentrated in the hands of a powerful minority, the idea that fishing resources can be privatised and held by a few businesses is legally flawed. In 2012, the UK government decided to redistribute a small amount of consistently unused fishing quota from the large to the small scale fleet. The representative body for the large scale fleet challenged the decision in the High Court, claiming this quota had become their property and couldn’t be taken away without compensation.

‘No one can own the fish of the sea’
Mr Justice Cranston, High Court (2013)

Nutfa and Greenpeace intervened in support of the government, which subsequently won the case. This landmark judgment established the principle that fish are a public resource that cannot be owned. It gave control back to the UK government and cleared the path for an overhaul of the way in which quota is allocated.

Reflecting this, in 2014 the Scottish government launched a full public consultation into their method of allocating quota, due to concerns about the trading of quota and its concentration in fewer hands, particularly non-fishermen. In a similar vein, back in 2008 the United Nations Human Rights Committee ruled that Icelandic authorities must compensate working fishermen due to unjust quota allocation that had allowed a public good to become private property.

‘Small scale fisheries are not a problem to be solved, but rather a solution to the pressing problems facing our oceans’

Beyond this proven principle, the reformed CFP now provides the regulatory framework to redistribute fisheries resources, opening the door to a new dynamic where marine conservation and preservation of coastal interests work hand in hand. The reformed policy creates measures that seek to reward those fishermen that use more selective, low-impact fishing methods, while maximising social and employment benefits for local communities. It offers a unique opportunity to restore fish stocks, reduce the environmental burden of fishing and break the stranglehold of the larger, more powerful end of the fleet.

Whether these new measures are successful or not critically relies on the political will of Member States, and how effectively they implement the new rules domestically. There is now a huge onus on the UK government to rectify past failings. The new CFP gives government both the legal framework and the tools to do it.

Moreover, the UK must simultaneously deliver an array of existing environmental measures – including Article 6 of the Habitats Directive, the Marine Strategy Framework Directive, the Water Framework Directive and the Marine and Coastal Access Act – in a way that provides conservation opportunities that have direct and tangible benefits for low-impact coastal fishermen, as well as the wider marine environment.

We are working hard in support of a sensible co-management approach to the introduction of a network of Marine Conservation Zones (MCZs); an approach that maximises the positive environmental benefits while minimising socio-economic impacts on coastal communities and fishermen.

In essence the new CFP, coupled with existing coastal conservation legislation, offers the opportunity for inshore waters that are cleaner, safer, more productive and biologically diverse, and for bustling local fishing communities that are stable, sustainable and economically viable.
Key action 1
Redistribute quota to the under 10 metre sector

‘Investors will be getting rich off the resources that used to belong to you’

Lee van der Voo, investigative journalist (2014) 27

The problem
Constrained by the size of their boats, fishermen using smaller vessels work close to the shore and are thus often referred to as coastal fishermen. They are inextricably linked to their coastal communities23 and according to Defra make ‘a significant economic as well as social contribution to the lives of individuals and coastal communities, for example by providing jobs, attracting tourists, providing high quality fresh fish and maintaining the character and cultural identity of small ports throughout England.’24

Small scale vessels represent 77% of the total UK fleet25 but have access to just 4% of the UK quota.26 As long as access to 96% of this national resource is held by larger scale interests, non-fishermen and commodity traders, coastal fishermen and the communities and jobs that they sustain will continue to disappear.

The opportunity
The principle that the UK’s fish stocks are a ‘public asset held in trust by government for active fishermen,’30 and that they need to be managed in the best interests of our society,31 has been established. Building on this, the reformed CFP creates a regulatory basis for a shift in quota allocation, embodied in two objectives that require governments to:

- ‘Promote coastal fishing activities, taking into account socio economic aspects.’
- ‘Contribute to a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socio-economic aspects.’

In addition, and vitally, Article 17 places specific obligations in relation to quota allocation:

- It requires Member States to shift from a singular focus on historic track record to now include environmental, social and economic criteria. Governments may also include criteria relating to ‘impact on the marine environment, fuel consumption, history of compliance and contribution to the local economy’ among other things.

- It emphasises that Member States are now required to use ‘transparent and objective criteria’ when allocating quota. This means that governments should set out their criteria in advance of allocation, by publishing it and making it openly available.

- Although not a specific obligation, the criteria can also be applied in a way that means quota is used as an incentive. Articles 7 and 17 state that incentives can be used to promote more selective fishing gear that has reduced environmental impact and which provides the greatest benefit to society.
Action

In order to redistribute quota the UK government must now:

• Meet the needs of the under 10m fleet by allocating quota based on environmental, social and economic criteria (as per Article 17).

• Develop an action plan for the development, competitiveness and sustainability of small scale coastal fishing as required by the new European Maritime and Fisheries Fund.

• Tighten conditions on foreign operated vessels fishing with UK quota but contributing little to our economy, in order to ensure access to this public resource benefits the UK in general and UK coastal communities in particular.

Case study

A single vessel – the Cornelis Vrolijk FZN – holds 18% of the English fishing quota. This is more quota than is available to the entire Cornish fishing fleet. She is one of the largest vessels in Europe, with a fishing capacity to match. Dominated by Dutch interests, her home port is registered with the Marine Management Organisation as Ijmuiden, where she current lands her catch of UK quota.
The problem
Historic overfishing has caused the fishing sector to become economically vulnerable and has driven the demise of many coastal fishing businesses in the UK. The major driver of overfishing has been a powerful and excessive EU fleet; in 2008 the European Commission warned that in many cases the fleet exerted a pressure on fish stocks that was two to three times the sustainable level. The EU had also consistently set fishing quotas at unsustainable levels, above scientific advice, further compounding the problem.

Capacity reductions to address the bloated nature of the EU fleet have reduced vessel numbers, although this has largely been countered by technical efficiency. As fish stocks have become scarcer, the response has been to modernise and move towards industrial scale practices. Legislation to constrain these massive improvements in catching power has simply not been able to keep up. Capacity reduction has therefore not resulted in effective stock management and has created a situation where fishing power and quota have been consolidated into fewer and fewer hands, at the expense of the majority.

Moreover, despite these increases in fishing efficiency, harvesting what fish remain has become more expensive, since the resources needed to find and land them have increased. It is estimated that UK trawlers have to invest 17 times more effort than they did 100 years ago to land an equivalent catch.

Declining fish stocks and vessel numbers have in turn led to decreasing annual catches. The reduction in catches has impacted directly on fishing related employment. Less vessels and less fish caught has meant the price of fish has gone up, increasing profitability for remaining vessels and their owners, but at the expense of jobs. In the long term this means that consumers pay more.

The lost economic benefits due to overfishing are estimated to be $50 billion annually. Over the past three decades, the cumulative global loss of potential economic benefits is $2 trillion.

The data below shows the downward trajectory and correlation between UK catches from all fishing areas, and number of fishermen in the UK, between 1960 and 2012.
Meanwhile the quota system has not only failed the most sustainable sector of the UK fleet, it has also led to the destructive and wasteful practice of discarding, where fishermen are forced to throw back unwanted or over-quota fish. Quotas were initially introduced to protect fish stocks, but the shift towards more powerful vessels has been coupled with a lack of selectivity. The result has been a massive discarding problem, exacerbated by a mixture of confusing regulations that either encourage or oblige fishermen to discard.

It is clear that overfishing causes the loss of livelihoods as well as the loss of natural resources. In this regard, it has huge economic and environmental costs.47

82,000 tonnes of North Sea cod, haddock, whiting and plaice were discarded in 2012, amounting to 34% of the catch 48

The opportunity
Overfishing is entirely solvable. Since fish stocks are renewable, if well managed they can provide endless benefits to society in terms of food, jobs and revenue.50 It follows therefore that better management of our marine resources, which restores and stabilises fish stocks, would be a major step in reversing the disintegration of the fishing sector.51

Reducing pressure on fish populations enables stocks to recover and become more abundant, making fishing easier and increasing the sector’s profits, as well as boosting the welfare of coastal communities. Improved selectivity at the point of capture is vital, catching only what is needed and not those additional fish that would have previously been thrown back.

The newly reformed CFP attempts to address this. It recognises that overfishing must end, and embraces an overarching objective to recover fish stocks and then maintain them at sustainable levels so they can remain healthy against the maximum permitted fishing effort.

The CFP text within Article 2 states that:

• Fishing effort for overfished stocks must be decreased consistently. Fishing pressure must be reduced to sustainable levels by 2015 where possible, and 2020 the latest (in exceptional cases).

• Fish stocks must be recovered above sustainable levels, i.e. above levels capable of producing the maximum sustainable yield and in balance with nature.52

The new CFP also recognises that fishing capacity is still not matched to fishing opportunities. Article 22 stipulates that:

• From January 2014 Member States must assess and report fishing capacity by fleet segment, in relation to their available fishing opportunities. They must also draw up action plans for those fleet segments operating at overcapacity.

Finally, to end the damaging practice of discarding, a discard ban and resulting landings obligation has been introduced within Article 15 of the new CFP:

• All fish (notwithstanding permitted exemptions) subject to catch limits (quota) must be retained on board once caught. They must be recorded, landed and counted against quotas.

This should mean a better and more sustainable future for fishermen and fish stocks, provided that it is implemented fairly and effectively, and leads to a shift towards more selective fishing. In fact, the landing obligation should provide a big incentive to move the fleet in this direction.

However, it is important to recognise that the landings obligation will create its own implementation and monitoring challenges for fishermen and fisheries managers, especially given the short timescales for its implementation.53 Since the main driver for discards within the under 10 metre fleet is lack of quota, awarding more quota to this sector of the fleet is an effective way of easing the implementation challenge.

Restoring 43 overfished European stocks to a healthy level would deliver the following European benefits:

• Over 100,000 jobs
• £3.19 billion in revenue
• 3.5 million tonnes of additional landings 49

Action
In order to rebuild fish stocks the UK government must now:

• Match the UK’s fishing fleet capacity with actual fishing opportunities,44 and support setting quotas in accordance with best scientific advice that must reflect stock status in fishing grounds.

• Increase selective fishing by ensuring that the coastal low-impact fleet have equitable access to quota and by implementing the landings obligation in a way that drives forward improved selectivity, so as to avoid unwanted catches in the first place. Fishermen will need tangible and rapid support from government and scientists to find ways to improve selectivity and contribute to stock surveys.
The problem
While the UK’s inshore waters have the potential to sustain a long term, stable supply of fish, jobs and socio-economic benefits, the health of the marine ecosystem is paramount. There are already important obligations under national, European and international law that have been established to protect our marine environment, species and habitats. However, it has been difficult to apply these conservation measures to areas impacted by fishing. To date the tension between these conflicting needs has been too great, leading to confrontation rather than cooperation. Generally, marine protection has played second fiddle to marine extraction.

The opportunity
In the face of growing concerns about destructive fishing practices and declines in key fish stocks, over the last 20 years many sections of the fleet have made important progress towards greater selectivity in order to reduce their environmental impact. The new CFP now places environmental sustainability as the primary objective within Article 2, to which everything else is subject and bound. This means that achieving environmental sustainability is an essential prerequisite for securing social and economic benefits.

This new approach presents an opportunity to break the historic stalemate between marine conservation and fishing interests. It links together low-impact fishing, protection of the marine environment and socio-economic value to coastal communities. Essentially, it offers an integrated policy that both rewards coastal low-impact fishermen and safeguards the marine environment. It also presents a new and exciting opportunity for the UK government to pursue a thorough and robust method of understanding and assessing the impact of fishing, implementing positive measures that protect fish stocks and the marine environment.

In the battle to protect our marine environment, it is essential that we don’t penalise low-impact fishing that involves selective and sensitive methods. There are already emerging examples of this more inclusive and comprehensive approach; in Lyme Bay spatial management protects both vulnerable habitats and local inshore fishermen, and in Wales a new approach to the co-management of Marine Conservation Zones works for both fishermen and inshore waters.

‘The future of fisheries management is organisations like Greenpeace and Nutfa working together’

Richard Benyon, former UK Fisheries Minister (2013)
In order to protect the marine environment the UK government must now:

- Implement an ecosystem approach to fisheries management to ensure that the negative impacts of fishing and other extractive operations on the marine system are minimised. This should include the collection of scientific data, utilising fishermen’s knowledge and vessels wherever possible.59

- Identify important fish habitats to protect large concentrations of juvenile fish and spawning grounds.

- Ensure delivery of conservation measures established in national and European regulations in a way that can benefit low-impact fishermen, as well as the broader marine environment.
Key action 4

Prioritise access for low-impact fishermen in the UK’s 0-12 nautical mile zone

The problem
Since the CFP is designed to manage a common resource, it gives all European fishing fleets equal access to EU waters and fishing grounds. However, the area between 0-12 nautical miles (nm) off a country’s coastline represents that Member State’s territorial seas, and they can ostensibly restrict fishing in that area to coastal fleets.

In the UK this 0-12nm coastal region is the main area in which the low-impact, coastal fleet operates. The 0-6nm zone is reserved specifically and only for UK vessels. Additionally, Inshore Fisheries and Conservation Authorities (IFCAs) manage this zone through byelaws that often restrict larger or more powerful vessels from fishing there. They may also implement rules on fishing gear types, and temporal and spatial restrictions.

In general, these restrictions do not apply in the 6-12nm zone. In addition and importantly, vessels from other Member States are also permitted to fish here under historic rights that have been in place since the beginning of the CFP, despite vast technological advances in their fishing practices.

The UK government can make rules in the 6-12nm zone that apply to UK vessels but, to make them apply to EU vessels, the government must first obtain the agreement of the Member State concerned, which can block the measures. This can result in a two tier approach to management and access, to the detriment of local interests, by undermining socio-economic measures that could prioritise low-impact, coastal fishermen who depend on these waters for their survival.

This flawed legislation has also failed to allow proper protection of these waters, and the notion of compliance across the fleet has been fundamentally destabilised. Fish do not recognise lines on charts and the immense fishing power of EU fleets working on the border of the 6nm zone has resulted in the drastic reduction of many fish stocks. It has also created fishing gear conflict. For example, the static gear preferred by many coastal low-impact fishermen runs the risk of being towed away and lost by larger scale trawling and dredging if it’s put even fractionally outside the 6nm line.

The opportunity
Article 5 of the CFP gives the government power to grant its coastal fishermen preferential access to waters within 12nm, recognising the socio-economic as well as conservation benefits that have arisen from this preferential access/restriction of fishing effort within the most sensitive part of EU waters (recital 19). But simultaneously, unworkable legislation within other areas of the CFP is preventing the genuine protection of fish stocks, coastal low-impact fishermen and the wider marine environment. It’s time to test and resolve this inherent contradiction.

Action
In order to prioritise access for coastal low-impact fishermen and ensure the protection of our waters, the UK government must now:

- Demand a genuine reclamation of the territorial waters of the UK, establishing the principle that the UK has the authority to control and regulate our waters without the need to obtain the agreement of other Member States.

- Provide priority access to low-impact fishermen, especially in fishing grounds that require greater protection and are key to the livelihoods of the coastal fleet.
In July 2004, there was public outcry at the deaths of thousands of dolphins and porpoises. The cetaceans washed up on beaches in Cornwall after being caught and drowned in the nets of pair trawlers, the vast majority of which were French – 35 French teams, compared to seven UK teams. These trawlers were working the shoals of spawning bass between the 6-12nm zone off the Cornish coast.

As per the CFP obligation, the UK government approached the French government to ask for their agreement to a closure that would apply to all the vessels involved, irrespective of nationality, but this was turned down. The UK then presented the EU Commission with a substantial case, based on extensive scientific study, but the application was again refused.

In response the government then banned all UK pair trawl effort within the 0-12nm South West region but had no powers to stop the French and other EU vessels continuing to fish in this area. To this day, fishing effort by these trawlers continues to the severe detriment of the marine environment, including the bass stock, which has been heavily depleted by this pressure on its spawning grounds.
The problem
According to the European Commission and fishermen, one of the main criticisms of the previous CFP was top-down micro-management at EU level, which inevitably led to a lack of flexibility and adaptation to local realities. It was acknowledged that decision making in the new CFP should be conducted by those who have an interest in creating and maintaining effective management plans for their local area.

There was already some governance of fisheries management at regional level under the previous CFP, including through Regional Advisory Councils made up of representatives of the fisheries sector and other interest groups. However, there were also significant failings. Since the larger scale operators have greater resources to represent themselves, they have had the greatest say in shaping policy decisions despite representing a minority of the fishing community.

This has created a situation where small scale fishermen, who make up the majority of the fleet, have been largely unable to input into the management of regional coastal areas. At the same time, the institutions representing the larger end of the fleet have actively undermined legitimate representation of the small scale fleet at European level by attempting to persuade the Commission that they in fact represent all sectors of the fleet, both big and small.

The opportunity
The new CFP provides significant movement towards institutions and governance at regional level, and an enhanced role for the Regional Advisory Councils, renamed Advisory Councils. These Advisory Councils can advise on conservation and socio-economic aspects of management, data collection, conservation measures and the production of draft discard plans. While Member States are now empowered to co-operate and write draft management measures for regional areas, they have an obligation to consult Advisory Councils. This means Advisory Councils should have a much more powerful voice in the management of regional resources.

In all cases, regional management measures must be geared towards the new focus on achieving environmental sustainability, fish stock conservation and minimising impact on the marine environment, by following the ecosystem approach. Given that the small scale sector contributes the most to the socio-economic wellbeing of coastal communities and largely uses sustainable methods, the need for specific representation from this sector of the fleet on Advisory Councils becomes even more essential under the new CFP.

Action
In order to effectively regionalise fisheries management the UK government must now:

- Ensure there is genuine and sufficient financial support and representation at Executive Committee level for the small scale sector on relevant Advisory Councils.

“We are going to stop having all the decision-making taking place in Brussels. Micro-management will not be the way we operate anymore. We are going for regionalisation, to work together with the regional authorities and stakeholders to find specific and tailor-made solutions for each problem”

Maria Damanaki, European Commissioner for Maritime Affairs & Fisheries (2013)
The UK’s coastal communities and fish stocks have been systematically degraded by inequitable distribution of resources in favour of larger scale fleets, and by the more powerful elements of the fishing industry. By redressing this imbalance the UK government now has an opportunity to reinvigorate local coastal economies, while also providing effective environmental protection.

The reformed CFP opens the door to a new dynamic where marine conservation and the preservation of coastal interests work hand in hand. This will allow the UK government to implement conservation measures that truly benefit the low-impact coastal sector and break the stranglehold of a few powerful and often foreign interests in our coastal region.

We challenge politicians of all parties to add your names to this Five Point Action Plan and become champions of our coasts and coastal communities. This is an unprecedented opportunity to regenerate the UK’s inshore waters and fisheries. By supporting and implementing the actions outlined here, you will help make the new CFP’s bold vision a reality. We look forward to working with those who put their names to the plan, as we continue to campaign for fair fishing and healthy seas.

Contact Nina Schrank at Greenpeace or Mary Evans at Nutfa to add your name to the list of MPs, fishermen, NGOs, academics and others supporting action that will see the new CFP’s bold vision implemented:
nina.schrank@greenpeace.org
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References to ‘inshore’ or ‘coastal’ waters within this document refer to the 0-12nm region.


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Given that the page contains only one reference, it is not clear where the table or figure data should be placed, or any other specific content that should be highlighted. The reference alone is the provided content.
Greenpeace and Nutfa have been collaborating on CFP reform since 2012.

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www.greenpeace.org.uk/coastalactionplan