

# Sustainable management of external fishing fleets

2015/0289(COD) - 10/12/2015 - Legislative proposal

**PURPOSE:** to propose new rules to improve the monitoring of the international fishing activities of the European fleet.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the proposal is made in the context of the implementation of the new [Common Fisheries Policy](#) (CFP), which promotes in particular a sustainable, ecosystem-based and precautionary approach to fisheries management, emphasising the coherence between its internal and external dimension. Union fishing activities outside Union waters should be based on the same principles and standards as those applicable under Union law in the area of the CFP.

[Regulation \(EC\) No 1006/2008](#) concerning authorisations for fishing activities (the ‘FAR Regulation’) deals with authorisations of Union vessels to fish outside Union waters and authorisations granted to third country fishing vessels to operate in Union waters. Together with [Regulation \(EC\) No 1224/2009](#) (‘the Control Regulation’) and [Regulation \(EC\) no 1005/2008](#) on illegal and unregulated fishing (‘the IUU Regulation’), it is one of the three implementing pillars of the CFP.

The Commission considers that the Union should be able to monitor its fleet wherever it operates and whatever the framework. The **current FAR Regulation needs to be revised to properly address the objectives of the new CFP** and to provide consistency with the Control Regulation.

In [its Communication](#) on the external dimension of the CFP in 2011, the Commission proposed a revision to the FAR Regulation as an integral part of the CFP reform. The **European Parliament** supported this initiative in a [resolution adopted in 2012](#). Several developments at international level also support the need for a revision.

**IMPACT ASSESSMENT:** amongst the 5 options considered, one option would combine legal certainty with broader scope, thus **leading to a complete framework regulating the activity of the EU external fleet abroad**. For this reason, this option has been considered as the most effective option for achieving policy objectives, ensuring legal certainty and contributing to the international credibility of the Union.

**CONTENT :** the proposed regulation would repeal Regulation (EC) No 1006/2008 and sets out rules for **issuing and managing fishing authorisations** for Union fishing vessels operating in waters under the sovereignty or jurisdiction of a third country, under the auspices of a regional fisheries management organisation, in or outside Union waters, or on the high seas. The Regulation would also apply to third country fishing vessels operating in Union waters.

The proposal aims to clarify the relationship to other rules dealing with authorisations, which may stem from the bilateral agreements or from the regional fisheries management organisations.

These should be considered as special rules, whereas the present Regulation draws up the general framework. In the event of contradiction, the special rules should prevail.

**Fishing activities by Union vessels outside Union waters:** the proposed regulation rests on the principle that **every vessel should be authorised by its flag Member State** before fishing outside Union waters, and by the coastal State when the activity takes place in its waters. The flag State should give this authorisation only if the eligibility criteria in the regulation are met, in any context. The responsibility of the flag State is central in this regard. A **specific provision on reflagging** allows the flag Member State to better identify when the reflagging operation indicates intended non-compliance that should prevent the authorisation being given. **Traceability and proper follow-up of compliance history** should be ensured throughout a vessel's lifespan. The requirement that a unique vessel number be granted by the International Maritime Organisation (IMO) should also serve this purpose.

**Fishing activities by EU vessels in third country waters:** the proposal specifies the additional conditions to be met by Union vessels in order to fish in third country waters, be it under an access agreement or a direct authorisation. A central element is the **prohibition on fishing under a direct authorisation when an access agreement is in force**, unless otherwise provided for in its exclusivity clause, which reflects this principle in the agreements.

The principle is that the **Union needs to ensure that the activities of its external fleet do not undermine the sustainability of living marine resources** within the waters of coastal states. In the case of a direct authorisation, the flag Member State should follow the best available scientific advice and a precautionary approach when authorising its vessels. The Commission is provided with all the relevant information and can intervene if it has doubts as to the compliance of the planned fishing operation with the Regulation.

**Reallocation of under-utilised fishing opportunities in sustainable fisheries partnership agreements:** a reallocation system is important to preserve Union financial interests and ensure that no fishing opportunity that has been paid for is wasted. The proposal aims to **clarify and improve the reallocation system**, which should be a last resort mechanism. Its application should be temporary and it should not affect the initial allocation of fishing opportunities among Member States. Reallocation should only occur once the relevant Member States have given up on their rights to exchange fishing opportunities among themselves.

**EU fishing activities under Regional fisheries Management Organisations (RFMO):** the proposal lays down the process for carrying out fishing activities under the auspices of an RFMO or on the high seas. The Commission may intervene if it believes the eligibility criteria are not being met. Besides, since some RFMOs also cover Union waters, Union vessels under the auspices of such RFMOs should fall under the scope of the proposed regulation.

**Chartering of Union fishing vessels:** the proposal lays down rules on chartering, which is a particular form of direct authorisation and which has been difficult to monitor so far. The main objective is to **provide a legal framework for this practice** to be able to better monitor Union vessels fishing under a chartering agreement and to align EU legislation with the rules adopted by some RFMOs in this regard.

**Control and reporting obligations:** the proposal covers the application of the Control Regulation to the activities of the Union external fleet and related obligations in terms of reporting, together with some specific obligations related to the external nature of the activities.

**Fishing activities by third country vessels in Union waters:** the objective is to ensure that fishing activities taking place in Union waters are **subject to the same rules independently of the flag of the vessel**, while promoting a level playing field for Union operators and third-country operators in Union waters.

**Fishing authorisation register:** the proposal aims to create a fishing authorisation register to better monitor the Union external fleet and increase transparency regarding these activities, with part of the register being publicly accessible. People should be able to know at any time which vessel is authorised to fish what and where.

**DELEGATED ACTS:** the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.