


Basic information	
<p>2002/0114(CNS)</p> <p>CNS - Consultation procedure Regulation</p>	Procedure completed
<p>Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)</p> <p>Repealed by 2011/0195(COD) Amended by 2006/0190(CNS) Amended by 2008/0216(CNS) Amended by 2012/0143(COD) See also 2011/2291(INI)</p> <p>Subject</p> <p>3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds 3.15.05 Fish catches, import tariff quotas 3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas 3.70.20 Sustainable development</p>	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	PECH Fisheries		JOVÉ PERES Salvador (GUE/NGL)	19/06/2002
	Committee for opinion		Rapporteur for opinion	Appointed
	BUDG Budgets		DÜHRKOP DÜHRKOP Bárbara (PSE)	20/06/2002
	CONT Budgetary Control		The committee decided not to give an opinion.	10/09/2002
	JURI Legal Affairs		GARAUD Marie-Françoise (NI)	11/07/2002
ENVI Environment, Climate and Food Safety		PAULSEN Marit (ELDR)	17/06/2002	
Council of the European Union	Council configuration		Meetings	Date
	Agriculture and Fisheries		2476	2002-12-20
	Fisheries		2435	2002-06-11
European Commission	Commission DG		Commissioner	
	Maritime Affairs and Fisheries			

Key events			
Date	Event	Reference	Summary
28/05/2002	Legislative proposal published	COM(2002)0185 	Summary
03/06/2002	Initial legislative proposal published	09361/2002	
11/06/2002	Debate in Council		
04/07/2002	Committee referral announced in Parliament		
12/11/2002	Vote in committee		Summary
12/11/2002	Committee report tabled for plenary, 1st reading/single reading	A5-0392/2002	
04/12/2002	Debate in Parliament	CRE link	
05/12/2002	Decision by Parliament	T5-0586/2002	Summary
20/12/2002	Act adopted by Council after consultation of Parliament		
20/12/2002	End of procedure in Parliament		
31/12/2002	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0114(CNS)
Procedure type	CNS - Consultation procedure
Nature of procedure	Legislation
Legislative instrument	Regulation
	Repealed by 2011/0195(COD) Amended by 2006/0190(CNS) Amended by 2008/0216(CNS) Amended by 2012/0143(COD) See also 2011/2291(INI)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/5/16279

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0392/2002	12/11/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0586/2002 OJ C 027 30.01.2004, p. 0025-0112 E	05/12/2002	Summary
Council of the EU				
Document type	Reference	Date	Summary	
Initial legislative proposal	09361/2002 OJ C 203 27.08.2002, p. 0284 E	03/06/2002		

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2002)0185 	28/05/2002	Summary
Follow-up document	COM(2004)0799 	14/12/2004	Summary
Non-legislative basic document	COM(2005)0422 	13/09/2005	Summary
Follow-up document	COM(2005)0691 	23/12/2005	Summary
Non-legislative basic document	COM(2006)0872 	09/01/2007	Summary
Follow-up document	COM(2007)0167 	10/04/2007	Summary
Follow-up document	COM(2007)0828 	19/12/2007	Summary
Follow-up document	SEC(2007)1703 	19/12/2007	
Follow-up document	SEC(2007)1704 	19/12/2007	
Follow-up document	COM(2008)0902 	12/01/2009	Summary
Follow-up document	SEC(2008)3108 	12/01/2009	
Follow-up document	SEC(2010)0146 	25/02/2010	
Follow-up document	COM(2010)0060 	25/02/2010	Summary
Follow-up document	SEC(2010)0147 	25/02/2010	
Follow-up document	SEC(2011)0760 	22/06/2011	
Follow-up document	SEC(2011)0759 	22/06/2011	
Follow-up document	COM(2011)0354 	22/06/2011	Summary
Non-legislative basic document	COM(2011)0418 	13/07/2011	Summary
Follow-up document	COM(2012)0368 	06/07/2012	Summary
Follow-up document	COM(2013)0085 	18/02/2013	Summary

National parliaments

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Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	LU_CHAMBER	COM(2011)0418	18/10/2011	
Contribution	IT_CHAMBER	COM(2011)0418	14/08/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0189/2002 OJ C 128 29.05.2003, p. 0006-0013	12/02/2003	
EU	Implementing legislative act	32003R2244 OJ L 333 20.12.2003, p. 0017-0027	18/12/2003	Summary
EU	Implementing legislative act	32006R1042 OJ L 187 08.07.2006, p. 0014-0017	07/07/2006	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2002/2371 OJ L 358 31.12.2002, p. 0059-0080	Summary
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Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 06/07/2012 - Follow-up document

The Commission presents a report giving a summary of Member States' efforts during the previous year to achieve a sustainable balance between fleet capacity and available fishing opportunities. The report also contains a technical annex and the opinions of the Scientific, Technical and Economic Committee for Fisheries (STECF) and the Committee for Fisheries and Aquaculture.

The report gives a summary of the reports of the 22 Member States concerned. It notes that all Member States have complied with fishing capacity management rules but that the capacity ceilings were not restrictive anymore. Overall, the fishing capacity of the EU fleet was 12% below the capacity ceilings for tonnage and 9% below the power ceilings, with these margins varying from 2% to 63%.

The report states that **fleet capacity remains one of the main obstacles to achieve sustainable fisheries** and is one of the elements that the Commission proposes to address with the proposed reform of the Common Fisheries Policy.

The data from 2010 indicate that capacity reductions during 2010, 3.6% in tonnage and 2% in power are in line with those of previous years although they seemed to indicate a slight acceleration of the capacity adjustment in terms to tonnage.

The amount of capacity decommissioned with public aid in 2010 was reduced in relation to 2009 and was concentrated in a few Member States. Spain, Italy and France accounted for approximately 80% of the total tonnage. This tonnage decommissioned with public aid represented approximately 50% of the net tonnage reduction during the year.

A weakness in the management system, mentioned in the Danish report, is the difficulty of verifying whether the engine power is stated correctly. This is not a specific Danish problem, but concerns other Member States as well.

Once more, the data on nominal fleet reduction tells us very little regarding the real question of overcapacity: the inability of fixed parameters (such as GT and kW) to capture technical progress, together with the difficulties related to the measurement of engine power in practice, makes the **formal compliance with capacity limits almost meaningless**.

The 2009 Annual Economic Report revealed that a significant number of fishing vessels, most of them of small size, had no fishing activity. Although inactivity of vessels can be due to a variety of technical, economical and social reasons, a combination of low activity levels, excessive fishing pressure in some stocks and poor economic performance indicate that excess of capacity remains one of the main obstacles in the way to sustainable fishing. A consistent approach on how to apply the capacity of inactive vessels in the assessment of overcapacity is necessary, as it might lead to a different conclusion on the existence of overcapacity. As many inactive vessels are more or less 'ready to fish', they should be taken into account in order to have a complete view on overcapacity.

Some fleet segments depend on the availability of subsidies in order to survive. A high dependency of subsidies in order to be able to deliver good economic and social results is another indication of possible economic overcapacity.

Several Member States have concluded in their reports that a reduced capacity would contribute to improve the biological and economic sustainability of certain fishing activities. The reduction in fishing capacity, with or without the use of public funds, in order to achieve a balance between fishing capacity and fishing opportunities is a responsibility of the Member States concerned. Capacity adjustments depend not only on the measures taken by Member States' administrations but also on the sector's willingness to reduce fishing capacity. **At the current rate of capacity reductions, which are at least partly compensated by technological progress, it will be difficult to eliminate overcapacity in the short term if no changes are made to the current policy.** These observations put into question the need and effectiveness of publicly financed capacity reductions. Also the Court of Auditors concluded in their report that current measures have failed and that either a new approach to tackling the problem needs to be adopted and, or existing measures have to be better enforced.

Despite the use of better-defined indicators, the current capacity limitations turned out to be not effective in dealing with the overcapacity. The Commission is addressing the shortcomings of the current system in its Reform proposals for a new Common Fisheries Policy.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 18/12/2003 - Implementing legislative act

LEGISLATIVE ACT: Commission Regulation 22/44/2003/EC laying down detailed provisions regarding satellite-based Vessel Monitoring Systems.

CONTENT: This Regulation lays down the detailed implementing provisions regarding satellite-based Vessel Monitoring Systems (VMS), provided for in Regulation 2371/2002/EC:

- Fishing vessels are prohibited from engaging in activities within the scope of the Common Fisheries Policy, unless they have installed on board a functioning system which allows detection and identification of the vessel by remote monitoring systems;
- from 1 January 2004, all fishing vessels exceeding 18 metres length overall, and as from 1 January 2005, all fishing vessels exceeding 15 metres length overall, should be subject to a satellite-based Vessel Monitoring System (VMS).
- Fishing vessels which operate exclusively inside the baselines of Member States should not be subject to that obligation since the impact of their activity on resources is insignificant.
- Member States are to set up the administrative and technical structure necessary for ensuring effective control, inspection and enforcement, including satellite based monitoring systems;
- Stricter VMS provisions create the potential to enhance significantly the efficiency and effectiveness of monitoring, control and surveillance operations both at sea and on land.
- It is appropriate to establish a transitional period for the application of the provisions referring to the communication of the speed and course of the fishing vessel subject to certain conditions.
- The VMS should apply in a similar way to Community fishing vessels and fishing vessels of third countries operating in Community waters.

ENTRY INTO FORCE: 27/12/2003. The Regulation is applicable from 01/01/2004.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 05/12/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution based on the report by Salvador Jove PERES (EUL/NGL, Spain) and made several amendments to the Commission's proposal. (Please refer to the document dated 12/11/02.) Parliament also made the following amendments: - due account should be taken of all the factors that contribute to the decline in fish stocks, such as pollution, climate change and maritime transport; - the rational and responsible exploitation of marine resources on a sustainable basis is fundamental to ensuring the vitality of the Community fisheries sector; - the area of restricted access to resources should be extended to 50 nautical miles in the case of the outermost regions, in view of the specific problems they face, but studying possible implications on fishing of migratory species - the Council and Commission should consider the update of catch allocation keys; - relative stability should also safeguard the particular needs of regions where local populations are especially dependent on fisheries; - a Community-wide fisheries inspection system should be implemented. Parliament also made it clear that the scrapping of fishing vessels was not the only measure that could be taken to reduce the fleet. There should also be facilities to encourage the temporary cessation of activity, restrictions on the number of days that vessels may fish, and more selective fishing techniques.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

Council Regulation 2371/2002/EC requires an assessment of the justification for restrictions on access to waters and resources outside of the 12 mile zone. This document constitutes the Commission's report and proposals for adjustments to those access restrictions. For reasons given in the report, the scope of the review is restricted to a consideration of the Shetland Box and the Plaice Box.

The Shetland Box was introduced by Article 7 of Council Regulation 170/832/EEC, managed by a special licensing system for species of special importance in the region which are biologically sensitive because of their exploitation characteristics. The licensing system restricts access to fish for demersal species (other than Norway pout and blue whiting) by vessels over 26m in length between perpendiculars. Only vessels from the

UK, France, Germany and Belgium may fish in the Box, with the number of vessels fishing at any one time restricted to 62 UK, 52 French, 12 German and 2 Belgian.

Moving on to the Plaice Box, the North Sea flatfish fisheries generate considerable numbers of discards, especially of plaice in coastal waters. In 1987, the ICES North Sea Flatfish Working Group advised that by closing a coastal area between 53°N and 57°N, the discard rate would decrease substantially. The Commission established in 1989 an area closed to beam trawlers of more than 300 horsepower (hp), or 221 kW, during the 2nd and 3rd quarter. This area has become known as the Plaice Box. In 1994 the closure was extended to the 4th quarter, and since 1995 the box has been closed to those vessels during the whole year.

The boxes were not set up with pre-established criteria to assess their effectiveness, nor with control areas against which to judge their effectiveness. It is therefore impossible to assess what the current situation would have been had they not been established. The approach taken was therefore to look at trends in stock parameters before and during the existence of the boxes, and inside and outside the areas covered by the boxes.

Shetland Box: there are five main commercially important demersal species exploited in the Shetland Box and surrounding area, namely haddock, cod, whiting, saithe and monkfish. There is a disproportionate abundance of mature haddock and whiting in the box compared to the surrounding areas, and also a disproportionate concentration of juvenile haddock and monkfish. The working group could not demonstrate any positive effects of the box on the development of these stocks, which have generally declined in abundance since the box was introduced in 1983. Nor could the working group find clear evidence that the access restrictions were effective in limiting fishing effort. Moreover, the working group found no evidence of any frustrated demand to fish in the Box on the part of Member States eligible to fish under the licensing scheme, at least in recent years. There is however, evidence implying that if the licensing system for vessels of greater than 26 metres in length were now to be relaxed, there could be an increase in their activities to their pre-Box levels, even though for the last few years there has been no frustrated demand for licences. The VMS data analysed by the working group show that there is much activity of larger vessels on the shelf edge at the periphery of the Box, and in the absence of any access restriction they could divert their effort to the relatively rich fishing grounds around Shetland. Even if many of these vessels had no quotas for the key stocks, allowing them to fish freely for non-quota species could lead to the problem of by-catches and discards.

Plaice Box: when the Plaice Box was partially closed in 1989, the total effort (in hp days at sea) from the international otter and beam trawl fleet decreased to 69% of the pre-box level. After the complete closure, effort decreased further to 23% of the pre-Box level. However, the fishing activity by beam trawlers of less than 300 hp and by other fleets (otter trawls, shrimp fleet) has increased in the Plaice Box. And many of the vessels concerned may have an engine power that is significantly higher than the normal amount. The extent of this problem is difficult to estimate, because the engines can usually be very easily tuned or detuned to adjust the power rating.

The working group found clear evidence that the spatial distribution of juvenile plaice has changed such that the importance of the Plaice Box for juvenile plaice has decreased. When the Plaice Box was established about 90% of all undersized plaice were found inside the Box but due to the changed spatial distribution this has recently decreased to less than 70%. While it is clear that the Plaice Box remains an important nursery area for juvenile plaice, it is less clear that the present arrangements are the most effective means of reducing juvenile

mortality, especially given the partial nature of the closure and the very high level of discards inside the Box. The effort restrictions apply only to beam trawlers of more than 300 hp, while the effort of smaller beam trawlers and demersal trawlers has increased, therefore undermining the conservation benefits.

With regard to the future of the Boxes, an outline of the results of the expert working group was circulated as the basis for the consultation to all interested parties, including the North Sea Regional Advisory Council (NSRAC), in March 2005. The Commission here outlines the results of the consultation, when comments were received from the United Kingdom and Germany, and from the NSRAC.

The Commission's own view is that, whereas in the case of the Plaice Box the conservation objective is clear, namely the protection of juvenile plaice, the conservation objectives of the Shetland Box are much more general. The scientific working group could not demonstrate any clear conservation benefit of the Shetland Box and the NSRAC has also failed to put forward convincing reasons why the area covered by the Shetland Box should be treated more favourably than other areas.

Nevertheless, the NSRAC recommended that the Shetland Box be continued while further evaluation of its effect is carried out. The United Kingdom and German authorities have also requested that the Shetland Box be maintained. The STECF also suggested that eliminating the Shetland Box might result in some increase of fishing effort in the area. Given this weight of opinion, the Commission considers that the Shetland Box should be maintained for a further period of three years, while further evaluations are undertaken. The STECF should be asked to recommend how such an evaluation could be done, and whether any changes to the access regime in certain areas analogous to those being suggested for the plaice box could be considered.

With regard to the Plaice Box, the Commission is of the view that the issue should be further examined, but that in the meantime the existing Plaice Box and associated access restrictions should be maintained. However, it is essential that those access restrictions are properly applied, notably by a strict control of engine power to ensure that it is consistent with licensed power. The provisions concerning the Plaice Box are currently laid down in Article 29 of Regulation 850/98 (the "technical measures" regulation). Given that a consultation process has been launched with a view to replacing this Regulation with a simpler regulation, it would be

an opportunity to propose revisions to the plaice box, which should be fully integrated with the plaice recovery plan, as part of the same exercise.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

The Commission presents its annual report on Member States' efforts during 2008 to achieve a sustainable balance between fishing capacity and fishing opportunities. Member States are required¹ to submit to the Commission, before 1 May each year, a report on their efforts during the previous year to achieve a sustainable balance between fleet capacity and available fishing opportunities.

On the basis of these reports and the data in the EU fishing fleet register, the Commission produced a summary for 2008, and presented it to the Scientific, Technical and Economic Committee for Fisheries (STECF) and to the Committee for Fisheries and Aquaculture. This year, only nine Member States submitted their reports on time, while the other reports were between one and twelve weeks late. Despite these delays, the Commission presented the summary report to the above-mentioned committees. This report sums up Member States' descriptions of their fishing fleets, the impact of the existing schemes to reduce fishing effort and Member States' compliance with the entry/exit scheme.

Results for the mainland fleet except for vessels registered in the outermost regions: according to the CFR, during the six-year period from 2003 to 2008:

- the overall capacity of the EU fleet was reduced by approximately 331 000 GT and 1 123 000 kW, leading to a net reduction of approximately 16% in terms of tonnage and 15% in terms of power. The total number of vessels was reduced by approximately 12 400, i.e. 13.3%;
- the capacity of the 'EU-15 fleet' was reduced by 260 486 GT and 989 984 kW, and the capacity of the 'EU-10 fleet'⁵ was reduced by 70 354 GT and 132 980 kW in relation to its capacity on accession (1 May 2004). In relative terms, the reduction of the 'EU-10 fleet' since the date of accession has been greater than the reduction of the 'EU-15 fleet' over the period 2003-2008 (24% compared with 14%, in terms of engine power). Romania and Bulgaria have withdrawn around 5% of capacity in terms of GT and less than approximately 224 590 GT and 733 119 kW were withdrawn from the EU fleet (except for the outermost regions) with public aid, of which 25 657 GT and 89 024 kW were withdrawn in 2008;
- generally speaking, the net reductions in the EU fleet still appear insufficient, considering the steady technological improvements that neutralise the effects of capacity reduction and given the poor state of most EU fisheries.

Results for the fleets registered in the outermost regions: the capacity of the fleet registered in the outermost regions of Spain and Portugal has been significantly reduced, in terms of both tonnage and power. In the same period the capacity of the fleet in the French overseas departments has increased, with 343 new vessels entering the fleet. At the end of 2008, the reference levels in the case of demersal and pelagic segments under 12m were very slightly exceeded in Réunion and in French Guyana.

The main conclusions of the report are as follows :

- the quality of Member States' reports in 2008 showed an improvement relative to those for 2007. However, the majority of the reports did not describe the Member States' fleets in relation to fisheries in a manner that enabled the Commission to analyse the efforts made to achieve a balance between the capacity of the fishing fleet and the available fishing opportunities. Further reports of this kind are likely to be more conclusive about the Member States' endeavours to strike a better balance between fleet capacity and fishing opportunities if all Member States make use of the indicators proposed in the guidelines;
- it is hard to establish clear links between effort management measures and fleet capacity adjustments, or to obtain a critical analysis of the trends in terms of real effort deployed. Generally speaking, the impact of fishing effort adjustment measures on fleet capacity seems to be limited. As in previous years, the main driver of fleet capacity reduction appears to be a combination of poor economic performance of the fleet and the availability of EU or national funds. This may be due, in part, to the absence of effort management systems for several fisheries, but also to the limited effect of the existing schemes. It appears that the use of individual transferable rights has contributed to reducing capacity in some countries;
- in response to the fuel crisis of 2008, the Council adopted temporary and specific measures for the restructuring of the EU fishing fleet in July 2008, thus providing an opportunity to achieve the necessary restructuring of the fleet. The effect of those measures has so far been very limited, since - at the time of drafting of this report - the Fleet Adjustment Plans laid down in the Regulation had not yet been implemented. Exits from the fleet with public support in 2008 were below those of 2007;
- during 2008 the fishing capacity of the EU fleet fell at an average annual rate of 2.6% in terms of tonnage and 2.3% in terms of power. This has been the overall trend for the last 17 years, although it is not a trend in all Member States;
- the scientific assessment tells us that 30% of the stocks for which data are available are fished outside safe biological limits, and 80% are fished at levels above the Maximum Sustainable Yield. At the same time, for large parts of the fleet, capacity is under-utilised, i.e. the number of fishing days is less than the maximum possible.

In the light of these considerations, the capacity reductions achieved appear to be insufficient to strike a sustainable balance between capacity and fishing opportunities in the short term, especially if technological progress, which is deemed to be of the same order of magnitude as the observed capacity reductions, is taken into account.

As the Green Paper on the Reform of the CFP points out, fleet overcapacity remains one of the fundamental problems of the CFP. European fleets continue to be too large for the resources available and this imbalance is at the root of many problems related to poor economic performance, weak enforcement and overexploited resources.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 19/12/2007 - Follow-up document

This Communication is a summary of reports sent to the Commission by the Member States on efforts to achieve a sustainable balance between fleet capacity and available fishing opportunities. The report sums up Member States' descriptions of their fishing fleets, the impact of the existing schemes to reduce fishing efforts, Member States' compliance with the entry/exit scheme and the weaknesses and strengths of their fleet management systems.

Description of the fleets in relation to fisheries: Many Member States reported that their small-scale coastal fishing fleet, which makes up more than 80% of the fishing fleet, has a significant socio-economic bearing on coastal communities and, as a result, deserves extra attention. The general impression drawn from the Member States' report is rather optimistic. According to these reports the Community fleet seems to be in balance - other than in particular cases. The Commission does not share this view.

Impact of effort reduction schemes on capacity: Generally speaking, the reports failed to indicate whether fishing effort schemes have been, or will be, an effective tool to achieve a sustainable balance between capacity and resources. The Commission believes the overall results, in terms of fleet size, are poor and much greater effort is required.

Compliance with the entry/exit scheme and with reference levels: According to available data, almost every Member State was within its maximum fleet capacity ceiling by the end of 2006. The overall trend in fleet capacity shows a steady decrease. All of the Member States concerned complied with the reference levels for the mainland fleet.

Strengths and weakness of fleet management systems: The main strength has been adherence to the entry/exit scheme and adherence to maximum fleet capacity ceilings. By the end of 2006 most Member States had comprehensive integrated IT systems for fisheries management - such as fleet register, capacity management, licences, log-books, landings, sales notes, catch reporting etc.

Overall Results: According to the CFR, during the four-year period 2003–2006, the overall capacity of the Community fleet was reduced by 217 000 GT and 773 000 kW, giving a net reduction of approximately 10%. The contribution by the "EU-15 fleet" to this reduction was 167 000 GT and 645 000 kW, compared with 51 000 GT and 128 000 kW withdrawn by the "EU-10 fleet". In relative terms, the reduction of the "EU-10 fleet" since the date of accession has been stronger than the reduction of the "EU-15 fleet" over the period 2003-2006 (23% compared with 9%, in both tonnage and engine power). Over the four-year period 2003-2006 approximately 173 000 GT and 560 000 kW were withdrawn from the EU fleet (except for the outermost regions) with public aid, of which 40 000 GT and 127 000 kW were withdrawn in 2006.

Results for fleets registered in the outermost regions: The capacity of the fleets registered in the outermost regions and its variation between 1 January 2003 and 31 December 2006 show that the fleet registered in the outermost regions of Spain and Portugal has been significantly reduced, in terms of both tonnage and power. In the French overseas departments there has been a slight decrease in the total number of vessels, a decrease in tonnage and an increase in engine power. At the end of 2006, as in previous years, three out of the 17 segments for the outermost regions were exceeding their reference level.

Conclusions: The quality of reports has steadily improved since the first report was presented – although, as in previous years, the majority did not describe their fleets in relation to fisheries and in a manner allowing the Commission to analyse efforts made to achieve a balance between capacity and available resources. During 2006, the fishing capacity of the EU fleet continues its slow but steady reduction at an annual rate of between 2% and 3%. This reduction appears too modest when compared with the big reductions in effort required for some major fish stocks, the steady technological creep and the poor economic performance of large parts of the fleet. This means that the approach adopted during the CFP reform, i.e. to use effort management as the main driving force for fleet adjustment, has not yet yielded the kind of results hoped for and there is ample room for improvement. A further point that the Commission wishes to underline is that the Member States should provide better incentives for capacity adjustment. The operational programmes (2007-2013) in the context of the European Fisheries Fund offer an opportunity to ease the transition towards a more efficient Community fleet.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 28/05/2002 - Legislative proposal

PURPOSE: The conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy. **CONTENT:** Following a critical decline in the Community's fish stock a coherent, updated fisheries framework programme is urgently required. Hence the proposed Council Regulation which replaces Council Regulations 3762/92 and 101/76. This proposal limits itself to the conservation of fish stocks as well as attempting to arrest the environmental impact of over fishing in EU waters. Measures proposed are based on the precautionary principle. One of the central themes of the Regulation is that controlling the "fishing mortality rate" is one of the only, if not the only, way in which to effectively curb the current decline in fish stocks. The fishing mortality rate is defined as the proportion of a fish population which is removed each year by the fisheries which exploit it. In tandem with this principle is a second related management objective namely to minimise the impact of fishing activities on marine ecosystems, and in particular non-target species and sensitive habitats. The Commission proposal offers a number of solutions to tackle the management of the fishing mortality rate. They are: 1. Limiting catches - i.e. limiting the output of fisheries production. 2. Limiting the fishing effort - i.e. limiting the input of fisheries production. 3. Measures intended to protect young fish or non-target species. In order to implement these solutions the Commission proposes establishing scientifically-based targets for fishing mortality rates and population size, to fix the number and types of fishing vessels authorised to fish and lastly, wherever possible, to establish incentives to promote fishing practices which avoid the capture of young fish or non-target species. A further shift away from past practices is the introduction of multi-annual, rather than annual management plans. Multi-annual management plans must incorporate targets, which take account of scientific advice and against which the state of stocks can be measured. In addition, plans should incorporate defined harvesting strategies which pre-determine the method for setting catch and fishing effort limits. The strategic elements of the multi-annual management plans should be decided by the Council. After that their further implementation will be based essentially on technical criteria decided by the Commission which will be assisted by a Management Committee. A number of changes are also proposed with respect to emergency measures and national measures within the 12 mile zone. They include: - A procedure whereby the Commission may decide on emergency measures to allow for immediate action in the event of a serious threat to the conservation of resources. - Giving Member States the authorisation to adopt non-discriminatory conservation and management measures within the 12 mile zone applicable to all vessels fishing in the area. - Giving Member States the authority to take emergency measures applicable to all vessels in waters under their jurisdiction. This can apply for no longer than three months and on condition that there is a serious and unpredicted threat to the resources. A second central plank of the proposed Regulation is the streamlining of fleet capacity. Two types of new measures are foreseen: a) Measures directly affecting the size of the fleet. For example, fishing effort limitation, fixed under the multi-annual management plans to include reductions in fleet capacity. Similarly, fixing reference fleet levels, Member State by Member States based on MAGP IV objectives and accompanied by an entry/exit ratio of 1 to 1, thus preventing an overall increase in capacity in the fleet. b) Accompanying financial measures. For example, restricting public aid for investment in fishing vessels and the elimination of aid for the transfer of Community over-capacity to third countries. Similarly, offering Member States higher scrapping premiums. In terms of access to waters and resources the proposal suggests maintaining the current restrictions on the right to fish within the 12 mile limit beyond the 31/12/02 deadline. In all other Community waters, the Commission proposes that Member States should have equal access to fisheries resources, subject to measures decided by the Council or, under provisional emergency procedures, by the Commission or a Member State. Concerning the fishing allocation of fishing options amongst the Member States, the Commission proposes maintaining the status quo. At the same time however it suggests that a method of allocation for each stock be decided by the Council in order to make the application of this principle more transparent. In an attempt to strengthen the application of these provisions the proposed Regulation introduces strengthened measures for the control and enforcement of the proposed management plans. For example, the responsibilities of the Member States and the Commission are clarified. Similarly, enhanced powers for inspectors and the designation of Community inspectors by the Member States and proposed. Lastly, a final chapter on decision-making and consultation proposes that the Commission implement international recommendation through the use of a management committee procedure, the establishment of a "Regional Advisory Council (RAC), the continued use of the "Advisory Committee for Fisheries and Aquaculture (ACFA) and broadening the remit of the "Scientific, Technical and Economic Committee for Fisheries (STECF) to cover all aspects of fisheries management. A review of the provisions relating to conservation and sustainability and the adjustment of fishing capacity will be conducted by 2008.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 10/04/2007 - Follow-up document

The Commission presents this report in response to its obligation Article 27 of Council Regulation (EC) No 2371/2002 to draw up every three years an evaluation report to be submitted to the European Parliament and the Council on its control activities and on the application of the Common Fisheries Policy (CFP) rules by the Member States. In addition Article 35 of Council Regulation (EEC) No 2847/93 of 12 October 1993 (the Control Regulation) requires the Commission to draw up an assessment report every three years on the application of the regulation on the basis of implementation reports submitted by the Member States.

This report responds is the first adopted since the 2002 reform of the CFP. It covers the period from 2003 to 2005. Issues related to sanctions and serious infringements are not covered in detail by the report as they are dealt with separately in the Communications from the Commission on behaviours which seriously infringed the rules of the CFP in 2003 and 2004

Commission Inspection programmes 2003-2005 focussed on the most sensitive aspects, identified as areas of high risk in terms of non-compliance. These include:

- stocks subject to regional recovery and management measures such as cod, hake, bluefin tuna, pelagic fisheries and Greenland halibut;
- horizontal control issues such as satellite monitoring, activity by third country vessels and marketing.

In summary, the report makes the following, overall, findings:

North Sea and Western Waters cod recovery programme: the cod recovery scheme was implemented in a manner that would cause minimum disturbance to fishing activity. The impact of the scheme was further reduced by unreliable catch data caused by mis-declaration.

Northern hake recovery programme: a lack of co-ordinated control of the international transport of hake combined with a poor standard of catch registration and the landing of undersized fish reduced the effectiveness of the Northern hake recovery programme.

Southern hake and *Nephrops* recovery programme: the impact of the programme was limited as it only really affected 250 out of the 11 000 vessels involved in the southern hake fishery. Despite this the

human resources devoted to control of the programme were not sufficient. Landings of undersized fish, including hake, reduced the effects of the recovery programme.

Baltic Sea transitional technical control measures for cod: the lack of control in the Baltic Sea seriously undermined the catch report system which led to fishermen under recording catches, thus preventing a major reduction in fishing mortality.

BACOMA trawl escape window in the Baltic Sea: the BACOMA trawl escape window, accepted by both fishermen and control authorities, has been successfully enforced.

Highly migratory fish: missions in 2003 concluded that there was virtually no catch registration systems put in place by Member States for bluefin tuna. A further evaluation was therefore made of the management measures implemented for the bluefin tuna fishery and the application of new rules on cage farming and minimum size. This confirmed the continuing need to make improvements in the catch reporting system, in particular the accuracy of the logbook and landing declaration figures and revealed that the movements of fishing vessels were not tracked systematically. Missions carried out to France, Italy, Spain and Greece confirmed that prohibited driftnets are still used in several Member States.

Regional fisheries management organisations: NAFO - The European Commission maintained an inspection vessel in the Northwest Atlantic Fisheries Organisation (NAFO) Regulatory Area for approximately 10 months of each year. From 2004 the responsibilities for inspection and deployment of observers started to be transferred from the Commission to the Member States although the Commission inspection vessel continued to be used as a support platform. In addition the Commission co-ordinated the activities of inspection vessels from other Member States, and its inspectors participated in landing inspections. The presence of Commission inspectors at sea in the Greenland halibut fishery made it possible to directly collect actual catch data which, when analysed, revealed discrepancies in the catch registration system of one of the Member States involved. After discussions between the Commission and the Member State concerned the fishery was closed by this Member State.

Vessel monitoring system (VMS): in some Member States there was a lack of compliance by fishermen with the VMS regulations which was not followed up with effective sanctions by the competent authorities, partly because there was no legal framework for sanctions in place. Globally, at least up to the end of 2005, Member States did not make full use of VMS technology to manage fisheries.

Marketing and traceability: although the situation varied significantly between Member States, Commission inspectors found that Member States are reluctant to change traditional marketing practices. As a consequence, the implementation of the EU grading standards was not a priority and such standards were applied and controlled only when they did not disturb the local operators and practices.

The Commission concludes that there have been important difficulties in the preparation of this report due the lack of a standard reporting format from the Member States and in particular the lack of a standard definition of a fisheries inspection in order to ensure comparable statistics. In conjunction with the exercise in improving the Communication on serious infringements the Commission is considering listing the essential elements required of a fisheries inspection before it can be included in control statistics and standardising the format of the annual report made by the Member States.

The Commission has started consulting national administrations and relevant stakeholders on the future format of the report, with a view to agreeing, by the end of 2007, standardised characteristics of inspections that may be included in the next annual reports.

Priorities for action should be in the short term:

- ensure full use of existing regulatory tools – e.g. receipt of basic catch registration documents, cross-checks, VMS and use of transport checks;
- allocate more skilled human resources to fisheries control;

- adopt a systematic approach to training of inspectors;
- strengthen co-operation and co-ordination between Member States and within Member States at all levels;
- improve systems of sanctions so that they are more related to the type and seriousness of offences. Sanctions need to be more dissuasive and to deprive those responsible of any economic benefit arising out of an offence;
- strengthen the means devoted to the control of landings of vessels fishing beyond Community waters;
- use as quickly as possible of new technologies, such as the electronic logbook, to improve the flow of information;

The Community Fisheries Control Agency will have a crucial role to play in these respects and in many other issues mentioned in this report. At Community level harmonised and simplified reporting on fisheries control must be put into place.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 20/12/2002 - Final act

PURPOSE : to reform the Common Fisheries Policy (Framework Regulation). COMMUNITY MEASURE : Council Regulation 2371/2002/EC on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (CFP). CONTENT : after lengthy and difficult discussions, the Council adopted the three proposals on the reform of the CFP (refer to CNS/2002/0115 and CNS/2002/0116). It should be noted that the German and the Swedish delegation voted against. The aims of the initial proposals were: - to improve the conservation of fish stocks by setting multi-annual management plans on the basis of sound scientific advice; the current management system is based on the fixation at the end of each year of TACs and quotas for the next year; - to tackle the over-capacity of the EU fleet by restricting public aid to measures concerning safety on board vessels which do not involve capacity in terms of tonnage or power; - to prevent the EU expansion of the fishing fleet, by withdrawing an equivalent capacity without public aid before introducing a new capacity; the current system of fleet reduction is based on MultiAnnual Guidance Programme (MAGP); - to address the social problems of fishermen who have to leave fishing by excluding public aid for the transfer of fishing vessels, including in the context of joint enterprises, aid for constructing new fishing vessels and to restrict the aid to modernisation of fishing vessels to improve safety on board; - to improve control and enforcement by creating a joint inspection structure; - to develop the involvement of stakeholders in the CFP by creating the Regional Advisory Councils (RACs) at local and regional levels. The adoption of these texts represents a major change in the Common Fisheries Policy, in particular with regard to: - the abolition of public aid for the renewal of the fleet after 31 December 2004; - the introduction of recovery plans for stocks below Safe Biological Limits and management plans for stocks of within safe biological limits; - increased premiums for the scrapping of vessels in order to achieve additional reductions in fishing effort resulting from recovery plans for the period 2003-2006. ENTRY INTO FORCE : 01/01/2003.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 14/12/2004 - Follow-up document

The European Commission has presented its annual report on Member States' efforts during 2003 to achieve a sustainable balance between fishing capacity and fishing opportunities.

Council Regulation 2371/2002/EC and Commission Regulation 1438/2003/EC require Member States to submit to the Commission, before 1 May each year, a report on their efforts during the previous year to achieve a sustainable balance between fleet capacity and available fishing opportunities. On the basis of these reports and the data in the Community Fishing Fleet Register the Commission produced for the year 2003 a summary which was presented to the 'Scientific Technical and Economic Committee for Fisheries' (STECF) and the 'Committee for Fisheries and Aquaculture'. In this report the Commission now presents that summary, accompanied by the opinions of the above-mentioned committees, to the Council and the European Parliament.

This report is divided into two parts: the first part describes the rules that must be followed by Member States in managing their fleets and summarises the information submitted according to Article 13 of Commission Regulation 1438/2003 on implementing rules for fleet policy; the second part shows the development of Member States' fleets' capacities in 2003 in the form of numeric tables containing the relevant information on the entries and exits of vessels for each national fleet. It should be noted that the fleets of new Member States that joined the European Union at 1 May 2004 are not covered by this report as they were not subject to the Common Fisheries Policy (CFP) in 2003.

The report concludes that in 2003 the overall capacity of the Community fleet was reduced by 40.362 GT and 142.727 kW, which represents a reduction of 2 % of the total capacity of the Community fleet. 44 % of the capacity withdrawals from the fleet were supported by public aid which means that this capacity cannot be replaced.

It was not possible to fully assess whether Member States have complied with the entry/exit "at any time" rule because the necessary adaptation of the fleet register only became operational on 1 September 2004. As stated under section 3 on page 5 of this report, the data relating to entries in 2003 based on decisions taken before 1 January 2003 was submitted by the Member States separately and could not be directly verified in the Community fishing fleet register. The Commission will continue to control these data in order to assess their quality. The information on how Member States have complied with the "at any time" rule and on the exact application of the 1:1,35 ratio for publicly assisted entries of vessels between 100 GT and 400 GT will be made available in future reports.

The tables contained in the report summarises compliance, at 31 December 2003, with the entry/exit regime and the reference levels. A majority of Member States have complied with these rules. However, Belgium and Italy do not comply with the tonnage ceiling and Italy does not comply with the engine power ceiling. In addition, Belgium does not comply with the reference level in tonnage.

The Italian authorities contest these conclusions and argue that the Italian fleet has respected the entry-exit provisions. In order to support this claim they have lately submitted additional information, not included in the CFR, which the Commission services are now analysing.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 07/07/2006 - Implementing legislative act

ACT : Commission Regulation 1042/2006/EC laying down detailed rules for the implementation of Article 28(3) and (4) of Council Regulation 2371/2002/EC on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

CONTENT : Article 28(6) of Regulation 2371/2002/EC provides that detailed rules are to be adopted for the implementation of Article 28(3) and (4) of that Regulation.

It is necessary to specify the conditions under which Member States may carry out inspections of fishing vessels in all Community waters outside waters under their sovereignty and in international waters, as provided for in Article 28(3) of Regulation 2371/2002/EC.

Article 28(4) of Regulation 2371/2002/EC provides that the Commission is to establish a list of Community inspectors, inspection vessels and inspection aircraft and other means of inspection authorised to carry out inspections pursuant to Chapter V of that Regulation in Community waters and on Community fishing vessels. It is appropriate that those Community inspectors may be assigned for the implementation of the specific control and inspection programmes adopted in accordance with Article 34c of Council Regulation 2847/93/EEC establishing a control system applicable to the Common Fisheries Policy.

It is necessary to specify the conditions under which Community inspectors may carry out inspections in Community waters and on Community fishing vessels in accordance with Article 28(4) of Regulation 2371/2002/EC. This is the aim of the present Regulation.

ENTRY INTO FORCE : 15/07/2006.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 09/01/2007 - Non-legislative basic document

The Commission has presented its annual report on the Member States' efforts during 2005 to achieve a sustainable balance between fishing capacity and fishing opportunities.

The report is divided into two parts:

- the first part describes the rules that must be followed by Member States in managing their fleets and summarises the information submitted according to Article 13 of Commission Regulation (EC) No1438/2003 on implementing rules for fleet policy;
- the second part shows the development of Member States' fleet capacities in 2005 in the form of numeric tables and graphs containing the relevant information on the management of entries and exits of vessels for each national fleet.

In its conclusions, the Commission states that the quality of the reports submitted by Member States has improved compared to that of 2004. Some Member States provided very detailed reports, whose content exceeded the information they were obliged to provide. Nevertheless, other Member States did not respect the submission deadline or the requirements in terms of format and content established in Article 13 of Commission Regulation (EC) No 1438/2003; at the time this report was drafted the United Kingdom had not submitted its annual report.

Member States emphasised in their reports the implementation of the national fleet management regime but the assessment of the balance between fishing fleet capacity and available fishing opportunities is more complete than in previous reports.

Results for the mainland fleet (Community fleet except vessels registered in the outermost regions): according to the Community Fleet Register the three-year period during 2003 – 2005, the overall capacity of the Community fleet of the EU-15 Member States was reduced by 117,000 GT and 499,000 kW, which represents a net reduction of 6.27 % of the tonnage and 7.28 % of the power of the EU-15 fleet. The net reduction during 2005 was of approximately 50,000 GT, while it was of 23,000 GT in 2004 and 44,000 GT in 2003. These reductions appear to be relatively small, if one considers the high levels of fishing pressure in most Community fisheries, particularly for demersal species.

In the new Member States, starting from 1 May 2004, fleet capacity has been reduced by 41,000 GT and 101,000 kW, which represents a reduction of 18 % in tonnage and 18 % in power for their fleets compared to their fishing capacity on the accession date.

During 2003, 2004 and 2005 approximately 132,000 GT and 427,000 kW were withdrawn from the EU fleet with public aid, which means that this capacity cannot be replaced. Of this capacity withdrawn with public aid, the overwhelming majority (112,000 GT and 373,000 kW) came from the EU-15 Member States. The capacity withdrawn by the New Member States with public aid since 1 May 2004 was 20,000 GT and 54,000 kW.

The tables in the Technical Annex summarise the compliance, at 31 December 2005, with the entry-exit regime and the reference levels. A majority of Member States have complied with these rules. However, Greece did not comply with the entry-exit regime in terms of tonnage, although its degree of non-compliance is very small, since the tonnage ceiling was exceeded by only 0.29%. The Greek authorities contest the assessment of the Commission.

Results for the fleets registered in the outermost regions: the results show that the fleet registered in the Spanish and Portuguese outermost regions has been significantly reduced both in terms of tonnage and power. For the French overseas departments there has been a slight decrease in the total number of vessels and their tonnage and an increase in power.

As regards the application of the special regime for these fleets, the report states that out of the 17 outermost regions segments, one had exceeded its reference level in terms of power at the end of 2005 (the segment '4FJ - vessels under 12 m in length of the French Department of Martinique) and another segment exceeded its reference level in terms of tonnage (the segment 'CA3' – vessels of more than 12 m in length registered in the Canary Islands and fishing in international and third country waters). The special regime ceases to apply to these segments from the moment they reach their maximum reference level and reference to regulation.

From a general point of view, according to Article 16 of Council Regulation (EC) No 2371/2002, those Member States that do not comply with the Articles 11, 13 and 15 of this Regulation shall be obliged to reduce their fishing effort to a level which would have existed if they had complied with the above mentioned articles. Additionally, they may be subject to a proportionate suspension of the Community financial assistance under the FIGF.

In order to improve the quality of annual reports the Commission, together with the Committee for Fisheries and Aquaculture, intends to establish more detailed guidelines for their content and to introduce a common harmonised methodological approach with greater emphasis on an analysis of the development of fishing capacity in relation to the available fish stocks. These issues will be discussed in forthcoming meetings of the Committee for Fisheries and Aquaculture.

In forthcoming annual reports more attention should be paid to the contribution of the new regime adopted in 2002 to manage the Community fleet to achieve a better balance between fleets and fish stocks. The impact of national decommissioning schemes, in particular on fishing effort reductions in fisheries subject to management or recovery plans, should be better identified and assessed.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 12/01/2009 - Follow-up document

Member States are required to submit to the Commission, before 1 May each year, a report on their efforts during the previous year to achieve a sustainable balance between fleet capacity and available fishing opportunities. On the basis of these reports and the data in the Community fishing fleet register, the Commission produced a summary for 2007, which it presented to the Scientific, Technical and Economic Committee for Fisheries (STECF) and to the Committee for Fisheries and Aquaculture. This report from the Commission now presents that summary of the Member States' reports.

This year only 13 Member States submitted their reports on time; eight reports were between two weeks and two months late. At the time this report was drafted, the United Kingdom had not yet sent their reports to the Commission. This report sums up Member States' descriptions of their fishing fleets, the impact of the existing schemes to reduce fishing effort, Member States' compliance with the entry/exit scheme and the weaknesses and strengths of their fleet management systems.

In this report, the Commission concludes that **the quality of the Member States' reports has steadily improved since the first one covering the year 2003, but still more needs to be done.** As in previous years, the majority of the reports did not describe the Member States' fleets in relation to fisheries in a manner allowing the Commission to analyse the efforts made to achieve a balance between the capacity of the fishing fleet and the available fishing opportunities. Instead, Member States emphasised the national fleet management systems implemented and the trends in fleet capacity in relation to the entry/exit scheme.

The application of the guidelines for assessment of the balance between fishing capacity and opportunities is a step in the right direction, but not all Member States have made use of this tool. The Commission recognises that both the short deadline for applying these guidelines and their rather technical nature posed difficulties for some Member States. Additional efforts should be made during the current year to implement the guidelines fully for the 2008 report.

Most of the reports are compiled in such a way that a clear link between effort management measures and fleet capacity adjustment cannot be established, nor do they critically analyse the trends in real effort deployed. Generally speaking, the impact of fishing effort adjustment measures on fleet capacity seems to be limited. In some cases, the main driver of fleet capacity reduction appears to be a combination of poor economic performance of the fleet and the availability of Community or national funds. This may be due, in part, to the absence of effort management systems for several fisheries but also to the limited effect of the existing ones.

During 2007 the fishing capacity of the EU fleet continued its slow but **steady decline at an annual rate of between 2% and 3%**. This has been the overall trend for the last 16 years, although, the trend is not so uniform when looking at individual Member States. This fact puts a question mark over the effectiveness of the capacity adjustment measures applied under the CFP.

The scientific assessment tells us that 30% of the stocks for which data exist are fished outside safe biological limits and 80% are fished at levels above Maximum Sustainable Yield. At the same time, for large parts of the fleet, the capacity is under-utilised, i.e. the number of fishing days is less than the maximum possible, and poor economic performance is recorded, which has been further aggravated during 2008. In the light of these considerations the capacity reductions achieved appear to be insufficient to result in a sustainable balance between capacity and fishing opportunities in the short term. Moreover, technological progress, which according to some estimates is of the same order of magnitude as the observed capacity reductions, risks neutralising their effect.

Lastly, the Council adopted, on 22 July 2008, temporary and specific measures for the restructuring of the EU fishing fleet, thus providing an opportunity to achieve the necessary restructuring of the fleet which should not be missed.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 23/12/2005 - Follow-up document

This report has been prepared by the Commission in accordance with Article 14 of Regulation 2371/2002/EC and Article 12 of Regulation 1438/2003/EC, which require the Member States to submit annual data to the Commission on efforts to achieve a sustainable balance between fleet capacity and available fishing opportunities. This information is to be forwarded to the Commission before the 1 May of each year and is to cover the previous year's findings. The report has been divided into two parts. The first describes the rules that must be followed by the Member States in managing their fleets and the second details Member States' fleet capacities in 2004 in numeric tables. The fishing activities of the ten new Member States also come under scrutiny having joined the EU in May 2004.

To recall, following the adoption of the Common Fisheries Policy in 2002, Member State's fishing fleets are managed by the general rule that net capacity (expressed in terms of tonnage and power) cannot be higher than capacity withdrawn from it. To apply this general rule the subsequent

systems have been set up. They are the entry/exist regime, the reference levels for the mainland fleet, the management of fleet reference levels in the outermost region and the measurement of tonnage. To complement these systems and in order to apply them more efficiently the Community has also set up the "Community Fishing Fleet Register".

Prior to assessing its findings, the Commission makes note that only half of the Member States submitted their annual reports within the fixed deadline of 30 April 2005, some reports were delayed by up to two months, and in spite of several reminders, Slovenia did not submit its annual report. Further, the format and content fixed by the Regulation has not always been respected and the information included not always homogenous. This makes a common assessment of the Member States' reports problematic.

Nevertheless, in its conclusions, the Commission finds that the quality of the reports submitted by the Member States has improved with respect to that of the previous year. Almost all of the new Member States provided good quality information in spite of the fact that it was their first annual report on fleet management. One noteworthy finding was that most of the Member States decided to emphasise the implementation of national fleet management rather than assess the balance between fishing fleet capacity and available fishing resources.

In terms of the results found regarding the EU's mainland fleet (not including vessels registered in the outermost regions) the Commission notes that:

- The "Community Fleet Registers" records that in 2003 and 2004, overall capacity of the Community fleet of the EU-15 Member States was reduced by 66.500 GT and 322.000 kW, which represents a net reduction of 3.6% of the total tonnage and 4.7% of power of the EU-15 fleet. The net reduction during 2004 was approximately 23 000 GT while it was around 43 000 GT in 2003.
- During 2003 and 2004 approximately 79 000 GT were withdrawn from the EU-15 fleet with public aid support, which means that this capacity cannot be replaced. The apparent contraction arising from the fact that the capacity withdrawn with public support is greater than the net capacity reduction is explained by the transitional measures allowing for the entry of vessels into the fleet not subject to the entry/exit regime.
- In the new Member States, fleet capacity has been reduced by 7 000 GT and 18 800 kW, which represents a reduction of 3.1% in the total tonnage and 3.3% of the power in the new Member States' fleets. The great majority of the capacity withdrawn by the new Member States left the fleet without public aid.
- Regarding the entry/exit levels the report finds that a majority of the Member States have complied with these rules. However, Greece and Slovenia did not comply with the entry/exit regime in terms of power. Nevertheless, the degree of non-compliance is very small. Indeed, the Greek authorities contest the Commission's assessment pointing out that the failure to respect the regime in terms of power is due to the transmission of incorrect data regarding public aid.

Concerning the results of fleets registered in the outermost regions, the Commission study finds that one of the seventeen outermost region segments had exceeded their reference level in terms of power by the end of 2004, namely "4FJ – vessels under 12m in length of the French Department of Martinique". The special regime ceases to apply to these segments from the moment they reached their maximum reference level.

Finally, in a bid to improve upon the information forwarded to the Commission by the Member States, the Commission together with the Committee for Fisheries and Aquaculture, will establish more detailed guidelines regarding the national report's content. In addition, they will seek to introduce a common and harmonised methodological approach with an emphasis on the analysis of national fishing capacity vis-à-vis available fish stocks. The Commission requests that future annual reports pay more attention to the new regime adopted in 2002. The impact of national decommissioning schemes, in particular on fishing effort reductions in fisheries via the management recovery plans, should also be assessed more deeply.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 22/06/2011 - Follow-up document

The Commission presents a report on Member States' efforts during 2009 to achieve a sustainable balance between fishing capacity and fishing opportunities. The report sums up Member States' descriptions of their fishing fleets, the impact of the existing schemes to reduce fishing effort and Member States' compliance with the entry/exit scheme.

Fishing capacity trends during 2009: according to the EU fishing fleet register, on 31 December 2009 the EU fishing fleet was made of 84 301 vessels with a total fishing capacity of 1 797 183 GT and 6 606 556 kW. During 2009, the number of vessels decreased by 1.53%, while tonnage and power decreased by 2.84% and 2.24% respectively. These figures include the vessels registered in the outermost regions.

Results for the mainland fleet, i.e. excluding vessels registered in the outermost regions: the fleet subject to the entry-exit regime, i.e. excluding vessels registered in the outermost regions and those used exclusively for aquaculture, reduced its capacity during 2009 by approximately 2.80% and 2.55% in terms of tonnage and power respectively. Despite the 2004 and 2007 enlargements, the EU fishing fleet is smaller now than it was on 1 January 2003.

During the period seven year period 2003-2009, the capacity of the 'EU-15 fleet' was reduced by approximately 16% both in terms of tonnage and power. The 'EU-10 fleet' was reduced by 31% in tonnage and 27% in power. Romania and Bulgaria have withdrawn around 7% of capacity in terms kW.

Results for the fleets registered in the outermost regions: the capacity of the fleet registered in the Canary Islands has been reduced in terms of both tonnage and power. In the French Overseas Departments, the tonnage of the fleet was reduced but its power increased due mainly to the regularisation of engine power, following an increase in the reference levels. In Azores and Madeira, following the implementation of a fleet development plan, the power of the fleet increased, although its tonnage continued to decline. In all cases the reference levels for the various fleet segments were complied with.

Compliance with fishing capacity management rules: all Member States have complied with these rules, including the specific limitations for the fleets registered in the outermost regions. On average, the fishing capacity of the EU fleet is roughly 9% below the fishing capacity ceilings that result from the management rules.

Quality of Member States' reports: the report gives a summary of the Scientific, Technical and Economic Committee for Fisheries (STECF) assessment of Member States' reports. Overall there is variation in the completeness and quality of reports for 2009 but there is a general

improvement in completeness compared to the reports for 2008. Once again a common strength amongst the Member States' reports was the description provided of their fleets, changes of the fleet over the year and linkages with fisheries.

The main conclusions are:

- during 2009, the **overall reduction in fleet capacity** continued to be between 2% and 3% on average, as it was during previous years. The overall trend in fishing capacity since 1992 shows no appreciable change in the tendency;
- the Commission is concerned that **the total power of the fleet as recorded in the EU and Member States Fleet Registers may not reflect the power effectively deployed at sea**, an issue that will be addressed by way of application of the new Control Regulation and its implementing rules;
- the economic data for 2009 was not available for the majority of the Member States in which case, the reports include data for 2008. The Annual Economic Report shows a deterioration of the economic performance in 2008. It is reasonable to conclude that, the **economic performance of the fleet in 2009 was influenced by the high fuel prices in 2008 and the subsequent economic crises**. Furthermore, it can be seen from the Member States' reports that fishing activity, i.e. the average number of fishing days per vessel is rather low and often, when times series are available, shows a declining trend;
- **the amount of capacity decommissioned with public aid in 2009 increased approximately 10% in relation to 2008**. Capacity reductions with public funds accounted for 73% in GT and 79% in kW of the net capacity reduction during 2009. This seems to indicate that economic problems and the scarcity of fishing opportunities due to overexploitation of resources are pushing down the size of the fleet. For many Member States, the size of their fleet is well under the capacity ceilings which result from the entry-exit regime, as mentioned above;
- moreover, **decommissioning programmes**, being always a voluntary option for vessel owners, are driven by poor economic results and not necessarily by the state of the stocks. These considerations call for a reflection on the role of fishing capacity limitations and put into question the need and effectiveness of publicly financed capacity reductions;
- **the implementation of individual transferable rights (ITR)** in some fisheries has resulted in capacity reductions without public aid. The extension of ITR schemes to more fisheries, especially those with a greater excess of fishing capacity could facilitate its adjustment;
- despite the fact that some specific fleets seem to be reasonably in balance with its fishing opportunities, **the overall assessment indicates an excess of fishing capacity**. This can be concluded from the combination of over fishing, i.e. excessive fishing mortality in some stocks which calls for fishing effort reductions, low capacity utilisation, i.e. a very low average number of fishing days per vessel and low profitability. The current rate of capacity reductions, which are at least partly compensated by technological progress, will make it difficult to eliminate overcapacity in the short term if no changes are made to the current policy.

The opportunity to implement the policy changes required to eliminate excess of fleet capacity in the coming reform of the common fisheries policy should not be missed.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 13/07/2011 - Non-legislative basic document

In accordance with Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (CFP), the Commission presents a report on the operation of the CFP with respect to chapters II and III.

The Commission is also obliged to report on the arrangements set out in Article 17 paragraph 2 on fishing restrictions in the 12 nautical miles waters by 31 December 2011. This report complements the reporting in the [Green Paper](#) on the Reform of the Common Fisheries Policy.

Chapter II – Conservation and Sustainability: the report notes that since 2002, multi-annual recovery and management plans with clear objectives and harvest rules have become the core of the conservation policy, and it gives an overview of the initiatives undertaken in this area. Community plans were adopted for 17 stocks in the EU waters. By the end of 2010, around 25% of the stocks and 80% of the catches concerned (in tonnes) can be considered under multiannual plans and harvest rules. The 2010 Communication on consultation on fishing opportunities showed improvements in the situation since 2003: a decrease in the numbers of stocks outside safe biological limits, as well as in stocks for which a fishing closure has been advised. However, of the stocks for which robust data is available, **over 60% is still fished beyond maximum sustainable yield**. Progress has been made as regards the levels of Total Allowable Catches (TAC) adopted by Council, compared to sustainable catch levels: on average, Council exceeded advice by 45%, with peaks as high as 59% (2005) and 51% (2008), but the gap between the advice and the result has narrowed in the last two years, and the 23% gap in the decision for 2011 is unprecedented. There has been an increase in the number of stocks for which no scientific advice is available.

From this overview it can be confirmed that:

- multi-annual plans are more effective in taking a long-term perspective in managing stocks than the annual TAC decision-making, especially since Council has started to respect the rules of the plans for the TACs;
- nevertheless, the framework resulting from the 2002 CFP reform has not curbed over-fishing enough, so EU fisheries continue to see declining catches taken from EU waters;
- the very significant gap between the levels of TACs agreed in Council and sustainable catches confirms the prevalence of short-term concerns over long-term sustainability. This continues to put stocks at further risk, though the recent narrowing of the gap is a significant step forward;
- while vital to sound policy making, the knowledge base is under constant pressure, impeding progress in the coverage of stocks for which scientific advice is provided;
- the new CFP needs to provide the right tools for integrating the ecosystems approach fully into conservation and sustainability.

Chapter III – Adjustment of Fishing Capacity: in 2002, responsibility for adjusting the size of the fleet was devolved to Member States. From then on, targets for mandatory cuts to fishing capacity were no longer set. Nevertheless, there were still global limits on fishing capacity per Member State, and these have been complied with. However, **it is clear that there is still significant over-capacity, and this is still a serious problem**. The

devolution of fleet management to Member States has not led to sufficient cuts in fleet capacity, even if nominal capacity is within the ceilings set for Member States. Adjustment has been relatively slow, despite the poor state of stocks throughout the EU. The drop in fleet capacity decrease is nominal, and has stayed below what is considered the technological development rate of the fleet. As there are no real yardsticks for success, it has not been possible to verify what progress has actually been made. In short, **the policy on adjusting the size of the fleet has not delivered satisfactory results.**

All Member States have complied with legal fishing capacity limitations. Though some had difficulties when the new rules came into force, today most Member States have fleets with capacity under the ceilings they are allowed. This margin averages 10% in tonnage and 8% in power. This means that reductions in the size of the fleet were partly achieved without public aid. Given that Member States have complied with fishing capacity management rules, Article 16 on the conditionality EU funds for the fleet has never been applied.

Lastly, the report notes that Member States are obliged to report on fleet capacity, and this is an essential component of the policy. The results assessed are not satisfactory. Member States have reported to the Commission annually, providing information for the Commission's annual report on the state of the fleet. However, **the reports might have been expected to show an excess of fishing capacity, the most important issue at stake, and the data available is inconclusive.** The reporting tool has not enabled precise estimates of excess fishing capacity per segment or fishery.

In view of the above, some conclusions can be drawn concerning the performance of the fishing capacity management provisions:

- despite compliance with the fishing capacity management rules defined at EU level, there are still clear indications of over-capacity in the EU fleet, namely excess of fishing mortality in some stocks, low profitability and low capacity utilisation;
- while tonnage is a reliable fishing capacity indicator, the Commission has serious concerns about the reported power of fishing vessels, as the data suggest under-declaration, making it extremely difficult to estimate fleet capacity accurately;
- the policy is static, in that it only establishes a ceiling, with no specific objectives for reduction. Compliance with nominal capacity limits under these ceilings does not mean that there is no persistent overcapacity. The system does not integrate technical progress into the management measures. However, due to technological progress, a static capacity ceiling leads to overcapacity;
- it has proven very difficult to set clear objectives for the size of the fleet and to monitor the balance between fishing capacity and fishing opportunities due to the complexity inherent in quantifying over-capacity. Determining an adequate level for the size of the fleet given a certain amount of fishing possibilities needs to take into account factors other than the biological and economic.

Article 12 – fishing restrictions in the 12 nautical miles waters: since 2002, the Commission has not been not informed of real problems on specific restrictions, whether on setting them, or on their management and functioning. Member States were able to resolve problems without having to refer any of them to the Commission. The regime is very stable, and the rules have continued to operate satisfactorily. All Member States stressed the importance of the specific restrictions in the light of their original objectives in their reactions to the Green Paper on CFP reform. One Member State suggested extending the 6-12 miles regime to 10-20 miles to achieve the regime's objectives more effectively. Considering the current conservation state of many stocks and the continued sensitivity of coastal waters for conservation, as well as difficulties in coastal areas highly dependent on fisheries and unlikely to benefit from other economic development, the objectives for the specific regime appear to remain as valid as they were in 2002. Modifying current arrangements might disrupt the balance that has developed since the introduction of the special regime.

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 18/02/2013 - Follow-up document

The Commission presents a report on Member States' efforts during 2011 to achieve a sustainable balance between fishing capacity and fishing opportunities, providing an overview of the EU fishing fleets.

It notes that sustainable management of fisheries implies an economically viable fleet exploiting natural resources below maximum sustainable yield (MSY) levels, one of the key principles of the reform of the Common Fisheries Policy proposed by the Commission.

Capacity too high: the review of Member States' efforts shows that the capacity of Europe's fishing fleet is still too high. Despite reductions in the size of many European fishing fleets over the last decade, many vessels across a range of Member States did not break even financially and were underutilised. In addition, the revenues of many vessels were too slight for investments needed for modernisation of vessels and gears. The report adds that too many fleets were dependent on overfished stocks with respect to MSY. **The current fleet management policy has failed to bring fleets into balance with the resources they exploit.**

Capacity indicators: it is not sufficient to rely on compliance with national capacity ceilings (expressed in vessel size (GT) or power (kW)) only. The report notes that the European Court of Auditors' Special Report of 2011 on the management of fleet capacity in the EU states that the **existing definitions of capacity were not considered reliable indicators** of the ability of vessels to catch fish. The Commission indicates that it is aware of the inadequacy of parameters such as GT and kW to capture technical progress, in addition to the practical difficulties in measuring engine power.

Decommissioning has been the most-used management tool to reduce capacity. The Commission estimates that close to EUR 1.3 billion of EU funds will be used for decommissioning in the period 2000-2015. In analysing aid for decommissioning the European Court of Auditors concluded that **decommissioning schemes that used public funding were not well targeted**, and lacked clear eligibility and selection criteria, and that scrapping fishing vessels had little if any impact on targeted fish stocks.

The report considers that significant improvement is needed over the next years in the way Member States evaluate the balance and manage their fleets. As fisheries management develops to include the MSY objective, it is no longer satisfactory to rely on ceilings expressed in static parameters. Economic viability and broader sustainability indicators are needed to manage the EU fleets to attain an economically viable fleet exploiting a resource at its full biological potential. Improvements in stock assessment are crucial, as well as in data collection and provision, analysis and methodology.