

Procedure file

Basic information	
CNS - Consultation procedure Regulation	2002/0114(CNS) Procedure completed
Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)	
Amended by 2006/0190(CNS)	
Amended by 2008/0216(CNS)	
Repealed by 2011/0195(COD)	
See also 2011/2291(INI)	
Amended by 2012/0143(COD)	
Subject	
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	

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

Key events			

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	2435	
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		
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
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2006/0190(CNS) Amended by 2008/0216(CNS) Repealed by 2011/0195(COD) See also 2011/2291(INI) Amended by 2012/0143(COD)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/5/16279

Documentation gateway

Legislative proposal	COM(2002)0185	28/05/2002	EC	Summary
Initial legislative proposal	09361/2002 OJ C 203 27.08.2002, p. 0284 E	03/06/2002	CSL	
Committee report tabled for plenary, 1st reading/single reading	A5-0392/2002	12/11/2002	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0586/2002 OJ C 027 30.01.2004, p. 0025-0112 E	05/12/2002	EP	Summary
Committee of the Regions: opinion	CDR0189/2002 OJ C 128 29.05.2003, p. 0006-0013	12/02/2003	CofR	
Implementing legislative act	32003R2244 OJ L 333 20.12.2003, p.	18/12/2003	EU	Summary

		0017-0027			
Follow-up document		COM(2004)0799	14/12/2004	EC	Summary
Non-legislative basic document		COM(2005)0422	13/09/2005	EC	Summary
Follow-up document		COM(2005)0691	23/12/2005	EC	Summary
Implementing legislative act		32006R1042 OJ L 187 08.07.2006, p. 0014-0017	07/07/2006	EU	Summary
Non-legislative basic document		COM(2006)0872	09/01/2007	EC	Summary
Follow-up document		COM(2007)0167	10/04/2007	EC	Summary
Follow-up document		COM(2007)0828	19/12/2007	EC	Summary
Follow-up document		SEC(2007)1703	19/12/2007	EC	
Follow-up document		SEC(2007)1704	19/12/2007	EC	
Follow-up document		COM(2008)0902	12/01/2009	EC	Summary
Follow-up document		SEC(2008)3108	12/01/2009	EC	
Follow-up document		COM(2010)0060	25/02/2010	EC	Summary
Follow-up document		SEC(2010)0146	25/02/2010	EC	
Follow-up document		SEC(2010)0147	25/02/2010	EC	
Follow-up document		COM(2011)0354	22/06/2011	EC	Summary
Follow-up document		SEC(2011)0759	22/06/2011	EC	
Follow-up document		SEC(2011)0760	22/06/2011	EC	
Non-legislative basic document		COM(2011)0418	13/07/2011	EC	Summary
Follow-up document		COM(2012)0368	06/07/2012	EC	Summary
Follow-up document		COM(2013)0085	18/02/2013	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Regulation 2002/2371](#)
[OJ L 358 31.12.2002, p. 0059-0080](#) Summary

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

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 eco-systems, 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 State 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)

The committee adopted the report by Salvador JOVÉ PERES (EUL/NGL, E) modifying the proposal under the consultation procedure. The main amendments were as follows: - the committee rejected the transfer of powers to the Commission for the setting of catch and/or fishing effort limits and said that the Council should decide on such limits after consulting Parliament (under the procedure laid down in Article 37(2) of the EC Treaty); - the multi-annual plans should be multi-species, apart from exceptional cases; - the Commission should submit an annual report to the Council and Parliament on the effectiveness of each multi-annual plan; - measures should be taken to ensure the return of stocks "within the shortest possible period, minimising the social and economic impact", rather than their "rapid return" as proposed by the Commission; moreover, other amendments stressed the need to take account of the socio-economic impact of various measures; - scientific research should be stepped up; - the objectives, aims and measures of the regulation should also apply to fishing activities pursued under the Community's fisheries agreements with third countries; - the committee rejected the concept of "quota penalties" in cases of infringement but called for the introduction of a harmonised system of minimum sanctions across the Community; - there should be full recognition of the "regionalisation" inherent in the CFP; the committee wanted it to be mandatory, rather than merely optional, for the Commission to consult the Regional Advisory Councils (RACs) on any proposals relating to fish stocks in the areas concerned; moreover, the Commission should encourage third countries with which it has concluded fisheries agreements to set up their own RACs; - by 1 July 2004, provision should be made for environmental impact assessments to be made before any decision to develop "new" (i.e. previously unexploited) fisheries; - the proposed Community fishing fleet register should be made available to the public electronically. ?

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

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)

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)

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)

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 summarise 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)

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 States' fishing fleets are managed by the general rule that new 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)

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)

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)

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)

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)

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)

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 sectors 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)

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.