# Procedure file

## Basic information

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| INI - Own-initiative procedure | 2007/2111(INI) | Procedure completed |
| Rights-based management tools in fisheries<br><br>Subject<br>3.15.04 Management of fisheries, fisheries, fishing grounds<br>3.15.05 Fish catches, import tariff quotas | | |

## Key players

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|---|---|---|---|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | PECH Fisheries | | 22/03/2007 |
| | | ALDE ATTWOOLL Elspeth | |
| | Committee for opinion | Rapporteur for opinion | Appointed |
| | ENVI Environment, Public Health and Food Safety | The committee decided not to give an opinion. | |
| European Commission | Commission DG | Commissioner | |
| | Maritime Affairs and Fisheries | BORG Joe | |

## Key events

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| 26/02/2007 | Non-legislative basic document published | COM(2007)0073 | Summary |
| 06/06/2007 | Committee referral announced in Parliament | | |
| 28/02/2008 | Vote in committee | | Summary |
| 04/03/2008 | Committee report tabled for plenary | A6-0060/2008 | |
| 09/04/2008 | Debate in Parliament | | |
| 10/04/2008 | Results of vote in Parliament | | |
| 10/04/2008 | Decision by Parliament | T6-0113/2008 | Summary |
| 10/04/2008 | End of procedure in Parliament | | |

## Technical information

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| Procedure reference | 2007/2111(INI) |
| Procedure type | INI - Own-initiative procedure |

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| Procedure subtype | Initiative |
| Legal basis | Rules of Procedure EP 55 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | PECH/6/48682 |

## Documentation gateway

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| Non-legislative basic document | | COM(2007)0073 | 26/02/2007 | EC | Summary |
| Committee draft report | | PE396.687 | 25/10/2007 | EP | |
| Amendments tabled in committee | | PE398.446 | 07/12/2007 | EP | |
| Committee report tabled for plenary, single reading | | A6-0060/2008 | 04/03/2008 | EP | |
| Text adopted by Parliament, single reading | | T6-0113/2008 | 10/04/2008 | EP | Summary |
| Commission response to text adopted in plenary | | SP(2008)3169 | 28/05/2008 | EC | |
| Commission response to text adopted in plenary | | SP(2008)3164 | 11/06/2008 | EC | |

## Rights-based management tools in fisheries

PURPOSE: to launch a debate on the future of rights-based management systems within the CFP.

CONTENT: The Commission states that it is generally acknowledged that the large variety of management systems currently applied by the Community and by Member States lacks transparency, efficacy and in some cases overall coherence, which contributes to the economic difficulties of the fishing industry. This Communication seeks to examine management options with a view to improving the effectiveness of fisheries management while facilitating the achievement of the basic objectives that are being pursued by the Community and by Member States within the framework of the Common Fisheries Policy (CFP) - such as the conservation of fish stocks, maintenance of the ?relative stability? of fishing possibilities of Member States, and a competitive fisheries sector. The aim is to launch a debate between Member States and the Commission on the future of rights-based management systems within the CFP. Rights-based management (RBM) is defined as a formalised system of allocating individual fishing rights to fishermen, fishing vessels, enterprises, cooperatives or fishing communities.

The management systems set up at Member State and Community levels, imposing ?restricted? access to fishing, have implicitly resulted in allocating an economic value to the right to fish. This economic value is directly or indirectly reflected in the various market transactions taking place in the fishing industry today. Examples of this are the sale or leasing of licences, fishing days and quotas in some Member States. More indirectly, the economic value of the right to fish is reflected in the difference in market prices of vessels with and without a licence. The economic value of these rights is at times substantial and can have a major effect on the development of the fisheries sector. The Community?s aim should be a system that helps to formalise these economic values as individual fishing rights, so facilitating greater transparency, legal certainty, security, and ultimately greater economic efficiency for fishermen, which will also mean minimising the costs to the rest of society.

The Commission considers that the need for a Community-level debate on the economic aspects of fisheries management is underlined by the new orientation of the CFP, in particular in relation to long-term sustainable development goals, recent initiatives to improve economic profitability of fishing fleets through rescue and restructuring aid, and the new European Fisheries Fund.

Furthermore, selling and buying of fishing rights already occur in some Member States, either within established markets or indirectly. Fishing rights thus already exist de facto, with often unclear effects on the industry and fishing communities. To start a debate on these matters is both important and urgent.

Commission discussions with industry and Member States have revealed particularly sensitive topics in the setting up of RBM systems. These include:

- the issue of "relative stability";
- transferability of fishing rights, which may involve an excessive, and often irreversible, concentration of these rights;
- initial allocation and durability of fishing rights;
- possible adverse conditions for the small-scale fisheries sector when it coexists with industrial fishing enterprises;
- ?high grading? and discard problems;
- the need for efficient enforcement controls.

The Commission intends to inform the debate by a range of specific studies and expertise. It will assess the need for further action within 12 months.

## Rights-based management tools in fisheries

The Committee on Fisheries adopted an own initiative report by Elspeth ATTWOOLL (ALDE, UK) in response to the Commission?s Communication on rights-based management tools in fisheries.

In this report, MEPs welcome the fact that the Commission has initiated a debate on rights-based management systems in fisheries as an essential step before the necessary amendment to the existing management policy, and that it issued a call for tender for an exhaustive study on the different management systems.

However, the Committee on Fisheries noted that there is a wide variety of rights-based management systems in fisheries, separately identifiable and based on different understandings. At the same time, it recognises that the experiences of rights-based management in fisheries in Member States that have applied it, have recorded very positive effects in several aspects, for example, in capacity reduction.

At Community level and in certain Member States, the forms of management system employed are hybrid ones, in terms both of the allocation and transferability/tradability of the rights and of the way in which their extent is defined. The report highlights the degree of complexity involved and the difficulties this poses for movement toward a single system, whether achieved through harmonising the practices of Member States or by its administration at Community level.

MEPs consider it necessary to ascertain the effects that changes might have, particularly the introduction of Community-wide Individual Transferable Quotas or other types of rights-based access in relation to:

- relative stability and its role in maintaining the viability of fisheries-dependent communities;
- the degree of concentration of ownership of such rights and the resulting socioeconomic consequences;
- advantages that could accrue to large companies at the expense of small-scale operators or community-based fisheries;
- the fear that additional costs may be involved, providing disincentives towards investment in vessels, gear, safety and working conditions;
- the likelihood of quotas being managed by people at a level above those actively engaged in fishing;
- the problems inherent in achieving an initial allocation and in conferring a windfall benefit on those to whom the allocation is made;
- the risk of an excessive concentration of rights.

The report emphasises that these concerns must be addressed prior to any move toward a single system, for example the possibility to set, as precedents indicate, a limit on the accumulation of fishing rights.

The Commission is called upon to ensure that all studies on rights-based management systems in fisheries which it initiates have the aim of:

1. Providing a full picture and analysis of the systems of management currently in operation within the Member States;
2. Looking at the basic understandings involved in RBM in terms of: (a) to whom the rights may be allocated, to whom they may be transferred and whether they are tradable, together with any limitations in these respects, and (b) the extent of the rights;
3. Assessing, using the evidence acquired from the existing systems of management, the effectiveness of each such understanding in achieving the objectives of the CFP in terms of: (a) improving the livelihood of those engaged in the fishing industry; (b) having a sustainable marine ecology in which fish stocks are conserved; (c) maintaining the viability of fisheries-dependent communities; (d) the extent to which the system has, since its inception, concentrated ownership of the right to fish and led to loss of employment; (e) the economic efficiency of the fisheries sector;
4. Examining these issues separately for different types of fisheries both within and outside Community waters.

The Commission is urged to allow a longer period for debate on these issues.

## Rights-based management tools in fisheries

The European Parliament adopted, by 538 votes to 42, a resolution on rights-based management tools in fisheries in response to the Commission?s Communication on this subject. The own-initiative report had been tabled for consideration in plenary by Elspeth ATTWOOLL (ALDE, UK) on behalf of the Committee on Fisheries.

Parliament welcomes the fact that the Commission has initiated a debate on rights-based management systems in fisheries as an essential step before the necessary amendment to the existing management policy, and that it issued a call for tender for an exhaustive study on the different management systems. It recognises, however, even in advance of such a study, that it is evident that there is a wide variety of such systems in place and that most, if not all, employ some form of RBM. Experiments with management through fishing rights in Member States which have applied such systems have had very positive consequences in many respects, for example in terms of capacity reduction. The resolution highlights the degree of complexity involved and the difficulties this poses for movement toward a single system, whether achieved through harmonising the practices of Member States or by its administration at Community level.

Nevertheless, Parliament takes the view that, as shown by the fact that RBM in fisheries has been introduced in many of the countries and regions which have the most significant fishing interests in the world, these difficulties are not insurmountable. Given that the system could prove highly positive for the management of certain Community fleets, consideration should at least be given to the possibilities for including it in the CFP.

MEPs consider it necessary to ascertain the effects that changes, particularly the introduction of Community-wide individual transferable quotas or other types of rights-based access, might have in relation to:

-relative stability and its role in maintaining the viability of fisheries-dependent communities;

-the degree of concentration of ownership of such rights and the resulting socioeconomic consequences;

-advantages that could accrue to large companies at the expense of small-scale operators or community-based fisheries;

-the fear that additional costs may be involved, providing disincentives towards investment in vessels, gear, safety and working conditions;

-the likelihood of quotas being managed by people at a level above those actively engaged in fishing;

-the problems inherent in achieving an initial allocation and in conferring a windfall benefit on those to whom the allocation is made;

-the risk of an excessive concentration of rights.

Members emphasise that these concerns must be addressed prior to any move toward a single system, for example the possibility to set, as precedents indicate, a limit on the accumulation of fishing rights.

The Commission is called upon to ensure that all studies on rights-based management systems in fisheries which it initiates have the aim of:

-providing a full picture and analysis of the systems of management currently in operation within the Member States;

-looking at the basic understandings involved in RBM in terms of: (a) to whom the rights may be allocated, to whom they may be transferred and whether they are tradable, together with any limitations in these respects, and (b) the extent of the rights;

-assessing, using the evidence acquired from the existing systems of management, the effectiveness of each such understanding in achieving the objectives of the CFP in terms of: (a) improving the livelihood of those engaged in the fishing industry; (b) having a sustainable marine ecology in which fish stocks are conserved; (c) maintaining the viability of fisheries-dependent communities; (d) the extent to which the system has, since its inception, concentrated ownership of the right to fish and led to loss of employment; (e) the economic efficiency of the fisheries sector;

-examining these issues separately for different types of fisheries both within and outside Community waters.

Parliament feels that the prescribed period for debate is too short. It calls for it to be extended to ensure that the various possibilities available are properly explored and studied, along with their consequences. The Commission is urged to allow a longer period for debate on these issues.