




# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2011/0195(COD)</p>	Procedure completed
<p>Common fisheries policy (CFP)</p> <p>Repealing Regulation (EC) No 2371/2002 <a href="#">2002/0114(CNS)</a> Amending Regulation (EC) No 1954/2003 <a href="#">2002/0295(CNS)</a> Repealing Regulation (EC) No 639/2004 <a href="#">2003/0062(CNS)</a> Repealing Decision No 2004/585/EC <a href="#">2003/0238(CNS)</a> Amending Regulation (EC) No 1224/2009 <a href="#">2008/0216(CNS)</a> Amended by <a href="#">2013/0191(COD)</a> Amended by <a href="#">2013/0436(COD)</a> Amended by <a href="#">2016/0074(COD)</a> Amended by <a href="#">2017/0190(COD)</a></p> <p>Subject 3.15 Fisheries policy</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>PECH</b> Fisheries		26/09/2011
		S&D <a href="#">RODUST Ulrike</a>	
	Former committee responsible		
	<b>PECH</b> Fisheries		26/09/2011
		S&D <a href="#">RODUST Ulrike</a>	
	Former committee for opinion		
	<b>DEVE</b> Development		29/08/2011
		Verts/ALE <a href="#">LÖVIN Isabella</a>	
	<b>BUDG</b> Budgets		08/09/2011
	Verts/ALE <a href="#">ALFONSI François</a>		
<b>ENVI</b> Environment, Public Health and Food Safety		03/10/2011	
	ALDE <a href="#">DAVIES Chris</a>		
<b>REGI</b> Regional Development			
Former committee for opinion on the legal basis			
<b>JURI</b> <a href="#">Legal Affairs</a>		04/07/2012	
	Verts/ALE <a href="#">LICHTENBERGER Eva</a>		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3265</a>	17/10/2013
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3253</a>	15/07/2013
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3237</a>	13/05/2013
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3234</a>	22/04/2013
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3225</a>	26/02/2013
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3216</a>	28/01/2013
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3174</a>	12/06/2012

	<a href="#">Agriculture and Fisheries</a>	<a href="#">3165</a>	14/05/2012
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3161</a>	26/04/2012
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3155</a>	19/03/2012
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3108</a>	19/07/2011
European Commission	Commission DG	Commissioner	
	<a href="#">Maritime Affairs and Fisheries</a>	DAMANAKI Maria	
European Economic and Social Committee			

Key events			
13/07/2011	Legislative proposal published	<a href="#">COM(2011)0425</a>	Summary
19/07/2011	Debate in Council	<a href="#">3108</a>	Summary
13/09/2011	Committee referral announced in Parliament, 1st reading/single reading		
19/03/2012	Debate in Council	<a href="#">3155</a>	Summary
26/04/2012	Debate in Council	<a href="#">3161</a>	Summary
14/05/2012	Debate in Council	<a href="#">3165</a>	Summary
12/06/2012	Debate in Council	<a href="#">3174</a>	Summary
18/12/2012	Vote in committee, 1st reading/single reading		
10/01/2013	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0008/2013</a>	Summary
28/01/2013	Debate in Council	<a href="#">3216</a>	
05/02/2013	Debate in Parliament		
06/02/2013	Results of vote in Parliament		
06/02/2013	Decision by Parliament, 1st reading/single reading	<a href="#">T7-0040/2013</a>	Summary
26/02/2013	Debate in Council	<a href="#">3225</a>	Summary
22/04/2013	Debate in Council	<a href="#">3234</a>	Summary
18/10/2013	Council position published	<a href="#">12007/3/2013</a>	Summary
24/10/2013	Committee referral announced in Parliament, 2nd reading		
27/11/2013	Vote in committee, 2nd reading		
28/11/2013	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A7-0409/2013</a>	Summary
09/12/2013	Debate in Parliament		
10/12/2013	Decision by Parliament, 2nd reading	<a href="#">T7-0537/2013</a>	Summary
11/12/2013	Final act signed		
11/12/2013	End of procedure in Parliament		
	Final act published in Official Journal		

Technical information	
Procedure reference	2011/0195(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) No 2371/2002 <a href="#">2002/0114(CNS)</a> Amending Regulation (EC) No 1954/2003 <a href="#">2002/0295(CNS)</a> Repealing Regulation (EC) No 639/2004 <a href="#">2003/0062(CNS)</a> Repealing Decision No 2004/585/EC <a href="#">2003/0238(CNS)</a> Amending Regulation (EC) No 1224/2009 <a href="#">2008/0216(CNS)</a> Amended by <a href="#">2013/0191(COD)</a> Amended by <a href="#">2013/0436(COD)</a> Amended by <a href="#">2016/0074(COD)</a> Amended by <a href="#">2017/0190(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/13280

Documentation gateway					
Legislative proposal		<a href="#">COM(2011)0425</a>	13/07/2011	EC	Summary
Document attached to the procedure		<a href="#">SEC(2011)0891</a>	13/07/2011	EC	
Document attached to the procedure		<a href="#">SEC(2011)0892</a>	13/07/2011	EC	
Economic and Social Committee: opinion, report		<a href="#">CES0830/2012</a>	28/03/2012	ESC	
Committee draft report		<a href="#">PE483.528</a>	02/05/2012	EP	
Committee opinion	ENVI	<a href="#">PE480.515</a>	14/05/2012	EP	
Committee opinion	DEVE	<a href="#">PE486.094</a>	20/06/2012	EP	
Committee opinion	BUDG	<a href="#">PE480.668</a>	22/06/2012	EP	
Amendments tabled in committee		<a href="#">PE489.437</a>	25/06/2012	EP	
Amendments tabled in committee		<a href="#">PE491.358</a>	25/06/2012	EP	
Amendments tabled in committee		<a href="#">PE491.359</a>	25/06/2012	EP	
Amendments tabled in committee		<a href="#">PE491.360</a>	25/06/2012	EP	
Amendments tabled in committee		<a href="#">PE491.361</a>	25/06/2012	EP	
Amendments tabled in committee		<a href="#">PE491.362</a>	25/06/2012	EP	
Amendments tabled in committee		<a href="#">PE492.616</a>	25/06/2012	EP	
Committee opinion	REGI	<a href="#">PE489.430</a>	20/09/2012	EP	

Specific opinion	<b>JURI</b>	<a href="#">PE496.430</a>	20/09/2012	EP	
Amendments tabled in committee		<a href="#">PE500.589</a>	10/12/2012	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0008/2013</a>	10/01/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0040/2013</a>	06/02/2013	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2013)239/2</a>	04/04/2013	EC	
Council position		<a href="#">12007/3/2013</a>	18/10/2013	CSL	Summary
Council statement on its position		<a href="#">14669/2013</a>	18/10/2013	CSL	
Commission communication on Council's position		COM(2013)0733	18/10/2013	EC	Summary
Committee draft report		<a href="#">PE516.741</a>	24/10/2013	EP	
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A7-0409/2013</a>	28/11/2013	EP	Summary
Text adopted by Parliament, 2nd reading		<a href="#">T7-0537/2013</a>	10/12/2013	EP	Summary
Draft final act		<a href="#">00119/2013/LEX</a>	11/12/2013	CSL	
Follow-up document		COM(2014)0388	26/06/2014	EC	Summary
Follow-up document		<a href="#">COM(2014)0545</a>	02/09/2014	EC	Summary
Follow-up document		<a href="#">COM(2015)0239</a>	02/06/2015	EC	Summary
Follow-up document		<a href="#">COM(2015)0563</a>	11/11/2015	EC	Summary
Follow-up document		<a href="#">COM(2016)0380</a>	10/06/2016	EC	Summary
Follow-up document		<a href="#">COM(2018)0079</a>	26/02/2018	EC	
Follow-up document		SWD(2019)0311	25/07/2019	EC	Summary
Follow-up document		SWD(2019)0312	25/07/2019	EC	Summary

#### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

#### Final act

<a href="#">Regulation 2013/1380</a> <a href="#">OJ L 354 28.12.2013, p. 0022</a> Summary Final legislative act with provisions for delegated acts
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#### Delegated acts

<a href="#">2015/2908(DEA)</a>	Examination of delegated act
<a href="#">2015/2909(DEA)</a>	Examination of delegated act
<a href="#">2014/2914(DEA)</a>	Examination of delegated act

<a href="#">2014/2915(DEA)</a>	Examination of delegated act
<a href="#">2014/2917(DEA)</a>	Examination of delegated act
<a href="#">2015/2755(DEA)</a>	Examination of delegated act
<a href="#">2014/2913(DEA)</a>	Examination of delegated act
<a href="#">2015/2984(DEA)</a>	Examination of delegated act
<a href="#">2014/2887(DEA)</a>	Examination of delegated act
<a href="#">2014/2912(DEA)</a>	Examination of delegated act
<a href="#">2014/2962(DEA)</a>	Examination of delegated act
<a href="#">2015/2925(DEA)</a>	Examination of delegated act
<a href="#">2017/2664(DEA)</a>	Examination of delegated act
<a href="#">2017/2711(DEA)</a>	Examination of delegated act
<a href="#">2018/2540(DEA)</a>	Examination of delegated act
<a href="#">2018/2787(DEA)</a>	Examination of delegated act
<a href="#">2019/2839(DEA)</a>	Examination of delegated act
<a href="#">2017/2783(DEA)</a>	Examination of delegated act
<a href="#">2018/2894(DEA)</a>	Examination of delegated act
<a href="#">2019/2647(DEA)</a>	Examination of delegated act
<a href="#">2016/2958(DEA)</a>	Examination of delegated act
<a href="#">2016/2957(DEA)</a>	Examination of delegated act
<a href="#">2017/2768(DEA)</a>	Examination of delegated act
<a href="#">2019/2756(DEA)</a>	Examination of delegated act
<a href="#">2017/2749(DEA)</a>	Examination of delegated act
<a href="#">2016/2946(DEA)</a>	Examination of delegated act
<a href="#">2016/2943(DEA)</a>	Examination of delegated act
<a href="#">2016/2942(DEA)</a>	Examination of delegated act
<a href="#">2016/2945(DEA)</a>	Examination of delegated act
<a href="#">2016/2929(DEA)</a>	Examination of delegated act
<a href="#">2017/2580(DEA)</a>	Examination of delegated act
<a href="#">2017/2588(DEA)</a>	Examination of delegated act
<a href="#">2017/2996(DEA)</a>	Examination of delegated act
<a href="#">2016/2871(DEA)</a>	Examination of delegated act
<a href="#">2017/2913(DEA)</a>	Examination of delegated act
<a href="#">2017/2914(DEA)</a>	Examination of delegated act
<a href="#">2017/2916(DEA)</a>	Examination of delegated act

<a href="#">2017/2921(DEA)</a>	Examination of delegated act
<a href="#">2018/2614(DEA)</a>	Examination of delegated act
<a href="#">2017/2981(DEA)</a>	Examination of delegated act
<a href="#">2017/2982(DEA)</a>	Examination of delegated act
<a href="#">2017/2985(DEA)</a>	Examination of delegated act
<a href="#">2017/2989(DEA)</a>	Examination of delegated act
<a href="#">2018/2893(DEA)</a>	Examination of delegated act
<a href="#">2018/2896(DEA)</a>	Examination of delegated act
<a href="#">2016/2874(DEA)</a>	Examination of delegated act
<a href="#">2017/2919(DEA)</a>	Examination of delegated act
<a href="#">2019/2798(DEA)</a>	Examination of delegated act
<a href="#">2019/2799(DEA)</a>	Examination of delegated act
<a href="#">2020/2746(DEA)</a>	Examination of delegated act
<a href="#">2020/2766(DEA)</a>	Examination of delegated act
<a href="#">2020/2751(DEA)</a>	Examination of delegated act

## Common fisheries policy (CFP)

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**PURPOSE:** reforme of the Common Fisheries Policy (CFP).

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

**BACKGROUND:** the [Green Paper on the Reform of the Common Fisheries Policy](#) concluded that despite progress since the 2002 reform, the objectives to achieve sustainable fisheries in all its dimensions (environmental, economic and social) have not been met. The European Parliament and the Council of Ministers supported this conclusion.

The main problems of the CFP are:

- lack of focus in the objectives on environmental, economic and social sustainability;
- unacceptably high levels of discards;
- fleet overcapacity, overfishing, total allowable catches (TACs) that are set too high, and low compliance have resulted in a large majority of Union stocks being overexploited;
- low profitability and low economic resilience for a significant number of fleets;
- insufficient integration of environmental concerns into the policy;
- lack of reliable data to assess all stocks and fleets;
- substantial public financial support to fisheries that does not contribute to achieving the objectives of the CFP;
- low attractiveness of the fishing activities and decline of some coastal communities dependent on fishing;
- top-down micro-management at Union level, lacking flexibility and adaptation to local and regional conditions;
- insufficient development of aquaculture in the Union;
- legislation and management are costly and extremely complex, which fosters lack of compliance;
- trade policy facing the challenge of globalisation and increased interdependence.

The Common Fisheries Policy needs a fundamental reform by repealing the current Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, and replacing it on 1 January 2013 by a new CFP adopted by the European Parliament and the Council on the basis of this proposal.

**IMPACT ASSESSMENT:** for the Impact Assessment exercise different options for the CFP reform package were identified. Two preferred options are similar in focusing on the environmental sustainability while creating sufficient flexibility to give the fishing sector time to adapt to ambitious environmental objectives.

The impact assessment demonstrates that ambitious targets for the resources meeting the Union's international obligation of achieving maximum sustainable yield by 2015 can deliver important overall stock improvement leading to significant economic and social improvements.

**LEGAL BASIS:** Article 43(2) of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** The Commission introduces in the proposal significant changes to the CFP. The main elements of the proposal are as follows:

**General Provisions:** the overall objective of the CFP is to ensure that fishing and aquaculture activities provide long-term sustainable

environmental conditions, which are a prerequisite to reach an economically and socially sustainable fishing industry that contributes to the availability of food. The policy shall be aimed at exploitation of living marine biological resources that restores and maintains fish resources at levels which can produce the maximum sustainable yield, not later than 2015. The CFP shall implement the precautionary and ecosystem approaches to fisheries management.

**Access to waters:** the proposal confirms the principle of equal access to waters, while treating third-country vessels with access to Union waters equally. The Commission proposes to extend the current restrictions on the right to fish within the 12- nautical miles until 2022. These restrictions have reduced fishing pressure in the most biologically sensitive areas and have contributed to economic stability for small-scale, coastal fishing activities. The Commission proposes to introduce into this regulation the specific restrictions for the 100 nautical miles around the Azores, Madeira and the Canary Islands.

**Conservation of marine biological resources:** conservation of marine biological resources is the fundamental pillar to achieve the objectives of the CFP. The proposal covers the main principles for technical conservation measures applicable to fisheries. For the multi-annual plans and the technical conservation measures the Commission envisages a move away from micro-management by the co-legislators. The Union legislation on these plans and measures needs to define the essentials, such as the scope, targets, evaluation indicators and time frames. The Commission proposes decentralization that may authorize Member States to adopt the conservation and technical measures necessary to achieve the objectives and targets using a toolbox of measures under the conservation policy. This will create regional flexibility and simplification of the policy.

**Access to resources:** the proposal introduces a mandatory system of transferable fishing concessions (on fishing opportunities for regulated stocks) as from 2014 for all vessels with the exception of vessels under 12 meters with passive gear.

**Management of fishing capacity:** the general obligation for Member States to adjust the fleet capacity to the fishing opportunities is maintained. For the period when decommissioning of vessels with public aid remains possible under the European Fisheries Fund, the provisions on fleet capacity reductions have to remain in place. The Member State and Commission fleet registers will ensure informed monitoring and management of the fleets.

**Science base for fisheries management:** the proposal introduces provisions for Member States to adopt national fisheries data collection and scientific and innovation programs and to coordinate between themselves, in particular with a view to the Union research and innovation framework.

**External policy:** the external policy is integrated into the CFP to ensure alignment of its objectives with the overall principles and objectives of the CFP. The Union shall actively participate in the works of Regional Fisheries Management Organizations (RFMOs), as well as international multilateral bodies (UN, FAO) in order to strengthen them and enhance their performance in the management and conservation of international fish stocks. Relations with third countries through Sustainable Fisheries Agreements (SFAs) are another means to promote internationally the CFP principles and objectives.

**Aquaculture:** the CFP should support the environmentally, economically and socially sustainable development of the aquaculture industry. The Commission considers that the specific nature of aquaculture requires a focalized stakeholder consultation body, and proposes to this effect the creation of an Advisory Council for Aquaculture.

**Common Market Organisation:** the organisation of the common markets needs to contribute to the achievement of the objectives of the CFP, to enable the industry to apply the CFP at the appropriate level, and to strengthen competitiveness, particularly of producers.

**Control and Enforcement:** consistent with the new control regime as adopted with Council Regulations No 1005/2008 and No 1224/2009, the proposal integrates the basic elements for the Union control and enforcement regime for compliance with the rules of the CFP. The Commission proposes monitoring and control obligations in particular in relation to fully documented fishery, as well as pilot projects on new fisheries control technologies that contribute to sustainable fishing.

**Financial Instruments:** to increase compliance the proposal introduces conditions for Union financial assistance that may be granted to contribute to the achievement of the CFP objectives. Financial assistance will become conditional upon compliance with the rules, and this principle will apply to both Member States and operators. For Member States non-compliance may result in interruption, suspension or financial correction to the Union financial assistance. For operators serious, infringements may lead to banning of access to financial assistance or financial reductions.

**Advisory Councils:** the Commission proposes to consolidate and where possible to extend the experience with the Regional Advisory Councils under the CFP. The proposal should provide for regionalisation of measures on a sea-basin approach under the conservation pillar.

In conjunction with this proposal the Commission will adopt a [proposal for a Regulation](#) on the common organisation of the markets in fisheries and aquaculture products.

**BUDGETARY IMPLICATION:** the impact is estimated at ? 69.754 million for operational expenditure in commitment appropriations for the year 2013.

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

## Common fisheries policy (CFP)

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The Council held a public exchange of views on Commission proposals for the reform of the common fisheries policy (CFP).

The Member States welcomed the general approach proposed by the Commission in the "package" for the reform of the CFP. However, while praising the proposed objective of maximum sustainable yield (MSY), several Member States stressed the difficulty of reaching the objective by 2015 and would prefer a more gradual approach. While the proposal to introduce a system of transferable fishing concessions was generally considered a good basis for further discussion, many Member States insisted that this system should be managed at national level, with sufficient safeguards and flexibility.

As regards the ban on discards, most Member States agreed with the objective of promoting sustainable fishing, but some noted that the deadline proposed in the package could be too tight to implement efficient measures.

The concept of regionalisation was positively received in general, although its details will have to be analysed further.

The vast majority of delegations acknowledged the importance given to aquaculture in this "package".

Several Member States noted also that EU's external fishery policy had been given a specific place in the proposals.

Many delegations felt it necessary to provide for special treatment for small scale coastal fleet segments.

Many delegations regretted that the financial framework for the future CFP had not been presented with the package. This framework will be presented later by the Commission.

It should be recalled that the Commission presented the "package" consisting of the following proposals and communications:

Proposal for a regulation on the CFP replacing the basic provisions of the CFP;

[Proposal for a regulation](#) on the common organisation of the markets in fishery and aquaculture products, focussing on market policy issues;

[Communication from the Commission](#) on the external dimension of the CFP;

[Report from the Commission](#) on reporting obligations under regulation 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the CFP;

[Communication from the Commission](#) on the reform of the CFP, explaining the organisation of the "package".

## Common fisheries policy (CFP)

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The Council held a public debate on the three main proposals for regulations in the common fisheries policy (CFP) reform "package":

- proposal for a regulation on the CFP replacing the basic provisions of the CFP;
- [proposal for a regulation on the common organisation \(CMO\) of the markets in fishery and aquaculture products](#), focusing on market policy issues;
- [proposal for a regulation on the European Maritime and Fisheries Fund \(EMFF\)](#) replacing the existing European Fisheries Fund.

The debate on the proposal for a regulation on the CFP was focused on the issue of a discard ban as suggested by the Presidency. The orientation debate planned in April 2012 will focus on regionalisation and transferable fishing concessions.

Member States broadly welcomed the objective of having a ban on discards.

They clearly considered that discards represent avoidable waste, although such a ban should not apply to species with a good survival rate.

However, views concerning the modalities for the implementation of a discard ban differed.

- Whilst some delegations supported the landing obligation for all catches, or at least of all commercial species, several others preferred a cautious step-by-step approach. They pointed out for example, that this obligation was not practical in mixed fisheries.
- Most Member States considered that such a ban should be led by a fisheries-based approach instead of a species-based approach. Modalities should then be introduced, preferably through multiannual management plans.
- Member States were divided on whether the rollout should depend on the pace of the plans, or whether general target dates should be made obligatory; in any case, the Commission's timing was considered overambitious.
- Most Member States thought that the setting of minimum conservation reference sizes in the context of the landing obligation should be based on a reinforced scientific approach, based on the principle that fish caught should have had the chance to reproduce beforehand at least once. Moreover many delegations felt that the improvement of selectivity, for which the input of research and innovation was indispensable, was the best way to avoid unwanted catches in the first place.
- As regards the best way to deal with the inevitable residual unwanted catches that cannot be avoided, several delegations with fishing interests in the Mediterranean Sea raised concerns about the risk of developing a parallel market for juvenile fish the landing of which is currently prohibited. They considered impractical an obligation to transfer such landings to fishmeal plants (instead of human consumption markets) because such plants have a limited reach and it would be economically inefficient.
- Most member States maintained that the CMO and the EMFF should strongly support the discards policy through giving incentives to selectivity measures, and fostering the role of producer organisations which should be more active in joint quota management, selectivity measures and the marketing of fish that would otherwise have been discarded.

Commissions position:

- the Commission was open to having a fishery rather than a species-based approach, but within a strict timeframe to be set by the Regulation. Multiannual plans are the preferred implementation tool, but not a precondition for the ban;
- the Commission undertook to seek scientific advice on by-catches that have a good chance of survival, and on better gear selectivity. It agreed that there was a need to involve producer organisations fully in this policy;
- with regard to "regulatory discarding", the Commission states that it would screen existing legislation for its impact on discards, and asked the Council to look at whether some flexibility could be built into the system of relative stability;
- on the Mediterranean Sea, the Commission acknowledged the problem of juvenile fish and suggested looking at options such as the development of protected areas.



## Common fisheries policy (CFP)

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The Council held a public debate in the framework of the common fisheries policy (CFP) reform. The discussion focused on regionalisation and transferable fishing concessions TFCs, two specific issues raised in the proposal for a regulation on the CFP covering the basic provisions of the CFP.

Regionalisation: a large majority of Member States welcomed regionalisation as a flexible approach to adapt to the diversity of regions and countries in the EU. They considered the approach appropriate to tackle in particular multiannual plans but also technical measures. However questions subsisted on the best way to balance the empowerment of member states within the regionalisation and a model where the final decisions remain within an EU framework. Most of Member States would like the last word to remain at the EU level in order to ensure a level playing field.

Delegations agreed that the work of the advisory councils (ACs) would be an important element of consultation feeding into the preparation of regional positions, as well as relevant legal acts. Many delegations considered that their advisory role should be reinforced. While strengthening the regional approach there is a need to consider if the structure of the ACs should be revised, including the balance between the fishing sector, including representatives of employed fishermen and other interest groups such as environmental organisations and consumers.

Several Member States supported a joint declaration of Belgium, Denmark, France, Germany, Ireland and the United Kingdom elaborating a proposal for the process of decision within the framework of regionalisation. Details of fisheries management would be discussed with stakeholders; ACs would play a key role in the discussion alongside the Member States, in particular in the establishment of multi-annual plans. In case of unanimous agreement among Member States the Commission would use implementing acts to adopt the measures but in case of disagreement, measures would be proposed by the Commission for decision by the Council or by the Council and the European Parliament as appropriate.

Transferable fishing concessions (TFCs): views differed concerning the opportunity to introduce mandatory TFCs in the EU.

- Most delegations considered that such a scheme should only be established on a voluntary basis to allow an adaptation to the situation of each country.
- Many Member States mentioned the threat TFCs could impose on coastal communities and small scale fisheries. Some delegations feared that TFCs could trigger an excessive ownership concentration of fishing rights and would prefer TFCs not being exchangeable between Member States in order to avoid jeopardising the relative stability system.

The efficiency of TFCs in reducing the fishing fleet overcapacity was questioned by many delegations. Some delegations thought that the European maritime and fisheries fund (EMFF) should continue to tackle overcapacity. The Commission proposal on the basic provisions of the CFP considers that conservation of marine biological resources is key to achieving the objectives of the CFP; it envisages the reinforcement of multi-annual management plans to manage resources at levels that are capable of producing maximum sustainable yield (MSY), and the ending of the practice of discards. To regulate access to

resources better it also introduces a system of transferable fishing concessions, which could constitute a major driver for fleet capacity adjustment. It points out that reliable and full data, both for scientific advice and for implementation and control purposes, is central to well-functioning fisheries management. The proposal establishes that CFP should support the development of the aquaculture industry through strategic planning, alongside the new focus on aquaculture contained in the proposal on a European maritime and fisheries fund.

In addition to the orientation debates on regionalisation and the TFCs, ministers debated during their lunch on socio-economic aspects of the CFP reform, in particular the EU priorities among the proposed objectives and associated measures (small-scale fisheries, the creation of jobs and social cohesion in coastal and inland communities) and the necessary measures and financial support needed.

In July 2011, the Council held an initial public exchange of views on Commission proposals for the reform of the CFP.

Concerning the CFP reform, the Council already held policy debates during the March Council on the three main proposals for regulations in the CFP reform "package": basic provisions of the CFP, common organisation (CMO) of the markets in fishery and aquaculture products and the EMFF.

In the Council meeting in March, an orientation debate on the proposal for a regulation on the CFP was focused on the issue of a discard ban. A further orientation debate is planned on MSY and integration of environmental requirements, as well as the issue of the EMFF during the May Council.

## Common fisheries policy (CFP)

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The Council held two public debates in the framework of the common fisheries policy (CFP) reform.

- The first discussion focused on achieving environmental sustainability through maximum sustainable yield (MSY) and the integration of environmental law requirements into the proposal covering the basic provisions of the CFP.
- The second debate explored further the proposal for a regulation on the European maritime and fisheries fund ([EMFF](#)), replacing the existing European fisheries fund.

As regards the environmental aspects of the CFP and MSY, the debate focused on the following issues:

- Inclusion of MSY as an objective in the CFP: all the Member States agreed to the inclusion of MSY as an objective in the CFP, to ensure the sustainability of resources and better prospects for the fishing sector. However, most delegations urged a gradual approach: the deadline for reaching the MSY for certain fish stocks could be set in 2015, in line with the EU's international commitments (Johannesburg), if scientific advice was available and no third countries were involved in the fishery. In other cases, in particular when the scientific information available was poor, a deadline could be set in 2020 at the latest.

Most Member States favoured a focussed political objective in the basic regulation, while details on implementation should be addressed through individual multiannual plans.

- Mixed fisheries: most of the Member States considered it a challenge to reach MSY simultaneously for all stocks caught in a mixed fishery. This held in particular for the Mediterranean, where mixed fisheries constituted the rule and where fisheries were shared with third countries. Most delegations acknowledged the need to reconcile the targets for the various stocks in a pragmatic way, based on specific scientific advice.

- Overfishing: to avoid more vulnerable stocks being overfished, delegations requested the introduction of technical measures (gear selectivity, closed areas or seasons) within the multiannual plans implementing the MSY objective. Some delegations underlined that the scientific methods for managing mixed stocks were in an infant state and that therefore a flexible framework was needed. Others pointed out that the interaction of stocks also played a role, and that an under-fished stock could present a problem with regard to other stocks on which it fed.

- Environment: while Member States broadly considered that EU environmental requirements should be incorporated in the CFP, some delegations pointed out that socio-economic factors should balance environmental requirements. Relevant elements of the marine strategy framework directive and Natura 2000 directive should be taken into account in the CFP if the provisions were made consistent.

The EMFF could be a tool for better integrating the environmental requirements. In some cases, the regional level could play an important role in this matter, with the Commission being responsible for disseminating good practice.

Timetable:

- In July 2011, the Council held an initial public exchange of views on Commission proposals for the reform of the CFP.
- The Council held policy debates in March 2012 on the three main proposals for regulations in the CFP reform "package". The debate on the proposal for a regulation on the CFP focussed on the issue of a discard ban.
- At the last Council meeting in April 2012, the policy debates covered regionalisation and transferable fishing concessions (TFCs), two specific issues raised in the basic provisions of the CFP.

A final debate on the "general approach" to reform of the CFP will be organised by the Presidency in June 2012.

## Common fisheries policy (CFP)

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The Council reached an agreement on a general approach on two of the three regulation proposals of the common fisheries policy (CFP) reform "package":

- this proposal for a regulation on the CFP replacing the basic provisions of the CFP;
- [proposal for a regulation](#) on the common organisation of the markets (CMO) in fishery and aquaculture products, focussing on market policy issues.

In addition, the Council took note of the Presidency's progress report on a proposal for a regulation on the [European Maritime and Fisheries Fund](#) (EMFF) replacing the existing European Fisheries Fund.

This general approach represents the Council's direction towards first reading pending the first reading position of the European Parliament.

With regard to the basic regulation on the CFP, the compromise supported by a large majority of delegations, but not by all of them, developed concrete text amendments for several outstanding issues.

Maximum sustainable yields (MSY): the compromise aims to achieve MSY by 2015 where possible (e.g when scientific advice on the stocks are available at the necessary detail) and by 2020 at the latest. Consultation with the third countries concerned will be initiated in case where the stocks are shared, with a view to finding an agreement on MSY exploitation if possible.

Multiannual plans: the compromise establishes that multiannual plans should manage fisheries in more detail through quantifiable targets linked to biological parameters as well as safeguard and remedies. It applies the MSY to the significant stocks in mixed fisheries while specific measures apply to other stocks with an approach taking into account interactions between stocks.

Landing obligation and discards ban: a gradual approach of the policy is proposed but the aim is still the elimination of discards. With regard to the landing obligation in identified fisheries a specification through multiannual plans within a fixed timeframe is laid down.

Regionalisation: this concept is supported by a vast majority of member states as it accepts that one size does not fit all. The compromise also introduces an alternative model for regionalisation where member states adopt national measures through regional cooperation.

Advisory councils: the compromise envisages the creation of additional advisory councils namely one for the Black Sea and one for outermost regions of the EU.

Transferable fishing concessions (TFCs) and capacity management: as requested by many delegations, the agreement stipulates that TFC systems should be voluntary.

Exemptions to fleet management rules is possible where TFCs are established, and access to funds from the EMFF is strictly conditioned by follow-up on a reinforced reporting on capacity management.

The following topics have to be further scrutinised after the general approach, namely: (i) recitals and definitions; (ii) the choice and formulation of Commission powers to adopt delegated acts or implementing acts (alignment of the text on the Lisbon Treaty).

## Common fisheries policy (CFP)

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The Committee on Fisheries adopted a report by Ulrike RODUST (S&D, DE) on proposal for a regulation of the European Parliament and of the Council on the Common Fisheries Policy.

The committee recommends that the European Parliaments position adopted at first reading, following the ordinary legislative procedure, should amend the Commissions proposal as follows:

Scope: the Common Fisheries Policy should also cover:

- the conservation of marine biological resources and the management of fisheries targeting them;
- the social and economic viability of fishing activities, the promotion of employment in, and the development of, coastal communities and the specific problems of small scale and artisanal fishing and aquaculture.

The CFP should also cover structural measures and the management of the fleet capacity.

Maximum sustainable yield (MSY): one of the Commissions objectives is to ensure, by 2015, that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield. The report supports this objective but stipulates that that CFP should ensure that, by 2015, fishing mortality rates are set at levels that should allow fish stocks to recover, by 2020 at the latest, above levels that are capable of producing the maximum sustainable yield and allow all recovered stocks to be maintained at these levels.

Multiannual plans shall provide for adaptations of the fishing mortality rate. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish multiannual plans that follow scientific advice from STECF and ICES and that include conservation measures to maintain or restore fish stocks above levels capable of producing maximum sustainable yield. These plans should be reviewed on a regular basis.

Specific objectives: Members clarify that the CFP should in particular:

- prevent, minimise and as far as possible eliminate unwanted catches;
- ensure that all catches of harvested and regulated stocks are landed, taking the best scientific advice into account, and avoiding the creation of new markets or expanding existing ones;
- provide conditions for efficient environmentally sustainable fishing activities in the Union;
- promote an equitable distribution of marine resources in order to contribute to a fair standard of living and social standards for those who depend on fishing activities;
- ensure systematic, harmonised, regular and reliable data collection and transparent data management and address the issues arising from data-poor stock management;
- promote small-scale coastal fishing activities.

Governance: the amendments insist on the fact that the Common Fisheries Policy shall apply the following principles of good governance: (i) the need to take a decentralised and regionalised approach to fisheries management; (ii) the appropriate involvement of stakeholders, in particular of Advisory Councils and social partners, at all stages - from conception to implementation of the measures; (iii) the need to carry out environmental and strategic impact assessments.

Measures for the conservation and sustainable exploitation of marine biological resources may include the following:

- establishing targets for the sustainable exploitation and conservation of stocks and for the protection of the marine environment from the impact of fishing activities;
- establishing incentives to promote more selective fishing and fishing methods having a low impact on the marine ecosystem and fishery resources, including preferential access to national fishing opportunities and incentives of an economic nature;
- conducting pilot projects on alternative types of fishing management techniques and gears that increase selectivity or minimise the impact of fishing activities on the marine environment;
- adopting measures which help Member States to meet requirements under environmental legislation.

Avoidance and minimisation of unwanted catches: the amended text stipulates that before the introduction of the obligation to land all catches in the respective fishery:

- Member States shall, where necessary, conduct pilot projects, based on the best available scientific advice and taking into account the opinions of the competent Regional Advisory Councils, with the aim of fully exploring all practicable methods for the avoidance, minimisation and elimination of unwanted catches in a fishery;
- the Union shall provide financial support for the design and implementation of pilot projects, as well as for the use of selective gears in order to reduce unwanted and unauthorised catches.
- Members also propose rules to ease the impact of the landing rule on operators, including, inter alia, de minimis exceptions for small-volume by-catches if they cannot be processed on land, and an exemption for by-catches with a high survival rate after discarding at sea.

Establishment of fish stock recovery areas: in order to secure the conservation of living aquatic resources and marine ecosystems, and as part of a precautionary approach, the report suggests that Member States should establish a coherent network of fish stock recovery areas in which all fishing activities are prohibited, including, in particular, areas important for fish reproduction.

Transferable fishing concessions: the report proposes to delete the provision which provides for the establishment by each Member State of transferable concession systems. Each Member State should be allowed to choose its method of allocating the fishing opportunities assigned to it, in accordance with the subsidiarity principle. In this way, Member States will remain free to establish or not to establish a system of transferable fishing concessions.

Reducing overcapacity: Members propose that the Commission should undertake fleet assessments in order to obtain credible results concerning the precise level of overcapacity at Union level, thus making it possible to propose appropriate and targeted instruments for its reduction.

If the assessment shows a discrepancy between their fishing capacity and their fishing opportunities, the Member States shall within a year adopt a detailed programme, including a binding timetable, for any necessary adjustment of the fishing capacity of their fleets in terms of vessel numbers and characteristics with the objective of achieving a stable and enduring balance between their fishing capacity and their fishing opportunities.

Science base for fishery management: despite the obligation of Member States to provide scientific data on their fisheries, many Member States have failed to do so. Member States that do not comply with this obligation should identify which fisheries they have failed to analyse. Failure by a Member State to comply with the data collection requirements shall result in the withdrawal of public aid and the subsequent imposition of additional penalties by the Commission.

International fisheries organisation: with a view to ensuring the sustainable exploitation and management of maritime biological resources, the Union shall promote the effective implementation of international fisheries instruments and regulations, participate in and support the activities of international organisations dealing with fisheries. In particular the Union shall:

- actively support, promote and contribute to the development of the best available scientific knowledge;
- promote measures to ensure that fishery resources are maintained;
- promote the establishment and strengthening of RFMO compliance committees, periodical independent performance reviews and appropriate remedial actions, including dissuasive and effective penalties, which need to be applied in a transparent and non discriminatory fashion;
- improve the policy coherence of Union initiatives, with particular regard to environmental, development and trade activities;
- promote and support, in all international spheres, the necessary action to eradicate illegal, unreported and unregulated (IUU) fishing, ensuring, to this end, that no IUU fisheries products
- encourage and take an active part in joint international efforts to combat piracy at sea;
- ensure that fishing activities outside Union waters are based on the same principles and standards as those applicable in Union waters, while promoting the application by the RFMOs of the same principles and standards as are applied in Union waters.

Sustainable fisheries agreements: with a view to strengthening the competitiveness of the Union fishery and aquaculture sector, the report insists on the need to ensure reciprocity in trade with third countries in order to guarantee market conditions equal to those within the European Union, not only in terms of fishery sustainability, but also of health controls.

Whether these products originate in the Union or in third countries, the Common Market Organisation for fishery and aquaculture products should enable consumers to make better informed choices based on traceability.

Lastly, Members propose to include provisions making imports of fisheries and aquaculture products, subject to compliance with internationally recognised social and environmental standards.

## Common fisheries policy (CFP)

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The European Parliament adopted by 502 votes to 137, with 27 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the Common Fisheries Policy.

Parliament adopted its position at first reading under the ordinary legislative procedure amending the Commission proposal as follows:

Objectives: the Common Fisheries Policy (CFP) should ensure that fishing and aquaculture activities contribute to long-term environmental, economic, and social sustainability. It should include rules regarding the traceability, security and quality of Union imported products and food security. It should also cover structural measures and the management of the fleet capacity.

The CFP should in particular:

- prevent, minimise and as far as possible eliminate unwanted catches;
- ensure that all catches of harvested and regulated stocks are landed, taking the best scientific advice into account, and avoiding the creation of new markets or expanding existing ones;
- provide conditions for efficient environmentally sustainable fishing activities in the Union;
- promote an equitable distribution of marine resources in order to contribute to a fair standard of living and social standards for those who depend on fishing activities;
- ensure systematic, harmonised, regular and reliable data collection and transparent data management and address the issues arising from data-poor stock management;
- promote small-scale coastal fishing activities.

Maximum sustainable yield (MSY): the Common Fisheries policy shall ensure that, by 2015, fishing mortality rates are set at levels that should allow fish stocks to recover, by 2020 at the latest, above levels that are capable of producing the maximum sustainable yield and allow all recovered stocks to be maintained at these levels.

Multiannual plans should be the main instrument for this objective to be achieved. It should also be possible for multiannual plans to contain provisions that limit yearly fluctuations of the total allowable catch for recovered stocks in order to create more stable conditions for the fishing sector.

Governance: the amendments insist on the fact that the Common Fisheries Policy shall apply the following principles of good governance: (i) the need to take a decentralised and regionalised approach to fisheries management; (ii) the appropriate involvement of stakeholders, in particular of Advisory Councils and social partners, at all stages - from conception to implementation of the measures; (iii) the need to carry out environmental and strategic impact assessments.

Establishment of fish stock recovery areas: in order to secure the conservation of living aquatic resources and marine ecosystems, and as part of a precautionary approach, Member States shall establish a coherent network of fish stock recovery areas in which all fishing activities are prohibited, including, in particular, areas important for fish reproduction.

Avoidance and minimisation of unwanted catches: Parliament considers that the obligation to land all catches should be introduced on a fisheries-by-fisheries base, in accordance with a timetable setting specific dates for different fisheries, starting in 2014.

The amended text stipulates that before the introduction of the obligation to land all catches in the respective fishery:

- Member States shall, where necessary, conduct pilot projects, based on the best available scientific advice and taking into account the opinions of the competent Regional Advisory Councils, with the aim of fully exploring all practicable methods for the avoidance, minimisation and elimination of unwanted catches in a fishery;
- the Union shall provide financial support for the design and implementation of pilot projects, as well as for the use of selective gears in order to reduce unwanted and unauthorised catches.

Parliament also proposes rules to ease the impact of the landing rule on operators, including, inter alia, de minimis exceptions for

small-volume by-catches if they cannot be processed on land, and an exemption for by-catches with a high survival rate after discarding at sea.

Establishment of fish stock recovery areas: in order to secure the conservation of living aquatic resources and marine ecosystems, and as part of a precautionary approach, the report suggests that Member States should establish a coherent network of fish stock recovery areas in which all fishing activities are prohibited, including, in particular, areas important for fish reproduction.

Transferable fishing concessions: Parliament proposes to delete the provision which provides for the establishment by each Member State of transferable concession systems. On the other hand, a provision is included which allows each Member State to choose its method of allocating the fishing opportunities assigned to it, in accordance with the subsidiarity principle, without an allocation system being imposed at Union level. In this way, Member States will remain free to establish or not to establish a system of transferable fishing concessions. When allocating the fishing opportunities available to them, Member States shall use transparent and objective environmental and social criteria.

Reducing overcapacity: Members propose that the Commission should undertake fleet assessments in order to obtain credible results concerning the precise level of overcapacity at Union level, thus making it possible to propose appropriate and targeted instruments for its reduction.

If the assessment shows a discrepancy between their fishing capacity and their fishing opportunities, the Member States shall within a year adopt a detailed programme, including a binding timetable, for any necessary adjustment of the fishing capacity of their fleets in terms of vessel numbers and characteristics with the objective of achieving a stable and enduring balance between their fishing capacity and their fishing opportunities.

Science base for fishery management: despite the obligation of Member States to provide scientific data on their fisheries, many Member States have failed to do so. Member States that do not comply with this obligation should identify which fisheries they have failed to analyse. Failure by a Member State to comply with the data collection requirements shall result in the withdrawal of public aid and the subsequent imposition of additional penalties by the Commission.

International fisheries organisation: with a view to ensuring the sustainable exploitation and management of maritime biological resources, the Union shall promote the effective implementation of international fisheries instruments and regulations, participate in and support the activities of international organisations dealing with fisheries. In particular the Union shall:

- actively support, promote and contribute to the development of the best available scientific knowledge;
- promote measures to ensure that fishery resources are maintained;
- promote and support, in all international spheres, the necessary action to eradicate illegal, unreported and unregulated (IUU) fishing;
- encourage and take an active part in joint international efforts to combat piracy at sea;
- ensure that fishing activities outside Union waters are based on the same principles and standards as those applicable in Union waters, while promoting the application by the RFMOs of the same principles and standards as are applied in Union waters.

Sustainable fisheries agreements: with a view to strengthening the competitiveness of the Union fishery and aquaculture sector, the resolution insists on the need to ensure reciprocity in trade with third countries in order to guarantee market conditions equal to those within the European Union, not only in terms of fishery sustainability, but also of health controls.

## Common fisheries policy (CFP)

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The Council adopted a second general approach on the proposal for a Regulation on the common fisheries policy (CFP) replacing the basic provisions of the CFP as part of the CFP reform package:

This political agreement on the CFP basic provisions is a completion of the first partial general approach agreed by the Council in June 2012. It specifies the Council position on the implementation of the discards ban and the possibility of by-catch quotas.

Its main aspects are as follows:

Dates for implementing the discard ban have been set:

- from 1 January 2014 for pelagic fish;
- from 1 January 2015 for species defining the fisheries in the Baltic (and until 2018 for other species);
- from 1 January 2016 for species defining the fisheries in the North Sea, the North Western waters and the South Western waters (and until 2019 for other species);
- from 1 January 2017 for species defining the fisheries in the Mediterranean, in the Black Sea and in all EU waters and non-EU waters (and until 2019 for other species).

Management tools: management tools have been introduced to help the fishing industry to adapt to the obligation to land all catches. The level proposed for de minimis exemptions through management plans should reach 7% in the final phase with a degressive rate (9% the first two years; 8% the two following years). These exemptions apply under strict conditions, in particular that all such catches should be fully recorded.

Use of catches for charitable purposes: a possibility also has been introduced of using for charitable purposes catches of at least the minimum conservation size landed in the framework of the discard ban.

Environmental obligations: the discussions also addressed definitions and responsibilities for implementing environmental obligations that impact on fishing activities.

The European Parliament voted on its position at first reading for this proposal on 6 February 2013. On the basis of the general approach reached in the Council, the discussions between Parliament and the Council will begin shortly.

## Common fisheries policy (CFP)

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The Council held a public debate on the outcome of the first trilogue discussions with the European Parliament and the Commission on two proposals within the [reform of the common fisheries policy \(CFP\)](#) and the outstanding issues concerning the reform of the basic regulation of the CFP.

As regards the basic regulation, the Council agreed on a general approach on 26 February 2013. The European Parliament adopted its position at first reading on this proposed regulation on 6 February 2013.

In the context of the positions of the Parliament and the Council, Member States gave their views on the scope for flexibility on the following key issues:

- Regionalisation: many Member States said that the reform being discussed now should not envisage a renationalisation of the CFP.
- Maximum sustainable yield (MSY): several countries noted also that the Council general approach reached in February proposed solutions to balance sustainability of the fisheries and applicability by the fishermen in particular with regard to MSY and the discards ban.
- Capacity management and related measures or sanctions: some delegations said that taking into account too many parameters for the definition of the capacity fleet could limit the efficiency of the measures and the possibilities of control.
- Multi-annual plans: Member States also supported the Presidency in its view that the Council should work to deliver both a reformed CFP and make progress where possible on multi-annual plans. On this issue relating to inter-institutional responsibilities, they urged a legally neutral approach that respected the positions of both the Parliament and the Council.

The Presidency intends to present Coreper with an adjustment of the negotiating mandate, at the next Council meeting in May 2013 with a view to reaching a political agreement.

## Common fisheries policy (CFP)

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The text of the Council position fully reflects the compromise reached between the European Parliament and of the European Parliament.

The compromise reflected in the Council position at first reading contains the following key elements:

Objectives: compromises needed to be found in particular on:

- the concept and timetable for introducing management of fish stocks in accordance with maximum sustainable yield,
- the relation to preserving the marine environment at large,
- the elimination of discards, and on fleet capacity adaptation.

The most difficult compromise was the one on maximum sustainable yield. It underlines the incremental process for the implementation of this management concept, but with definite timelines, and specifies that the key management parameter is the exploitation rate that the stocks experience through fishing.

Definitions: among the definitions, the compromise focused on the "eco-system based approach to fisheries management". The Parliament accepted the Council's new definitions on "discards" and on "Member States having a direct management interest".

Council accepted the Parliament's new definitions on "stock within safe biological limits", "low impact fishing" - with a small amendment -, "selective fishing" - with a small amendment, and "entry into the fleet".

Access to waters: Parliament accepted the enlargement of preferential treatment for local fleets in outermost regions towards all outermost regions. Council accepted the special mention of existing biologically sensitive areas which Parliament considered as access conditions.

Conservation measures: Parliament succeeded with a number of specifications concerning the lists of conservation and technical measures, while Council was able to maintain its position that technical measures should be seen as a sub-group of conservation measures.

- Fish stock recovery areas: Council accepted, with a number of amendments, the Parliament's amendment on fish stock recovery areas. Instead of empowering Member States to establish those areas, it was agreed to have Union measures based on regional cooperation among Member States; national measures remain possible under special provisions which concern the Member States' own vessels and their 12 mile zones.

- Multiannual plans: provisions were rationalised, linking them to the concept of maximum sustainable yield with a special provision for "mixed fisheries", and to the discard ban.

- Conservation measures to pursue obligations under environmental legislation: a difficult compromise was struck on the new Article concerning conservation measures to pursue obligations under environmental legislation. Council was able to clarify the scope of this provision and to incorporate a procedure which ensures the development of these measures within the regionalised cooperation by

Member States, in case more than one Member State is concerned. Council accepted the Parliament's amendment on continuing the empowerment for Member State emergency measures.

- Landing obligation and fishing opportunities: Council had to concede or tighten some elements of the flexibility mechanisms it had envisaged for the implementation of this obligation, while Parliament largely accepted the Council's position on the scope and roll-out of the landing obligation in the fisheries between 2015 and 2019. Parliament agreed to detail the implementation procedures so that, as a minimum requirement, so-called "discard plans" adopted as delegated acts have to be in place when the landing obligation enters into force, while as a general rule multiannual plans will be the instrument of implementation.

- Controlling the discard ban: a compromise was also found for the general rules on controlling the discard ban. The Parliament conceded a number of amendments it envisaged under Article 16 (fishing opportunities). However, Council had to accept that general rules on the allocation of fishing opportunities within Member States were established in the regulation.

- Regionalisation: the compromise opted for a more succinct drafting of this part, while maintaining the various avenues of either Union or Member State measures.

Management of fishing capacity: both Parliament and Council were opposed to the introduction of a compulsory trade in fishing concessions.

Council partly accepted the Parliament's amendments for a more comprehensive procedure of capacity reporting, including the introduction of calculation standards based in Commission guidelines. Parliament largely accepted the Council's position with regard to the proportionality of financial sanctions in case of non-compliance.

Scientific base for fisheries management: Council partly accepted the Parliament's quest for more transparency in data collection activities and reporting.

External policy: the Council supported more detailed provisions than those contained in the proposal. Parliament also accepted to group policy elements which concern stocks exploited together with third countries or the management of stocks jointly with third countries, into one single Article.

Aquaculture: Council accepted an additional focus on environment and resource efficiency within multiannual national strategic plans, as requested by Parliament.

Control and enforcement: a compromise was found on the control principles, and Council agreed to the creation of an expert group on compliance. Its tasks were enlarged towards an advisory function.

Financial instruments: Council preferred dealing with these issues when negotiating the regulation on the EMFF, but agreed to having general principles of cross-compliance established in the CFP regulation.

Advisory Councils: both Parliament and Council were in favour of enlarging the number of advisory councils and detailing their functioning within the regulation. The Council accepted the Parliament's request for an advisory council for markets.

Delegation of powers: with regard to delegated acts, Parliament in the majority of cases supported the Commission proposal which had foreseen 12 empowerments for delegated acts. While the Council's general approach already accepted five of them, the final compromise resulted in six such empowerments. Most of them (four) concern the implementation of the discard ban.

In a letter addressed to the Chairman of the Permanent Representatives Committee, the Chair of the European Parliament's Committee on Fisheries, recommended to the members of the PECH Committee, and subsequently to the plenary, to accept the Council's position at first reading without amendments at Parliament's second reading.

## Common fisheries policy (CFP)

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The Commission agrees with the Council position, as the compromise political agreement between the European Parliament and the Council maintains all the key elements of the Commission's original proposal. Most importantly, it includes:

- (1) a legal obligation subject to deadlines to manage fish stocks sustainably,
- (2) a legal obligation subject to deadlines to eliminate discarding of fish,
- (3) a system of regionalisation allowing decision making as close as possible to stakeholders.

Other amendments, including on multiannual plans, rules on access to waters, establishment of fish stock recovery areas, allocation of fishing opportunities, management of fishing capacity, data collection, the external dimension, control and enforcement and consultation and composition of advisory councils are acceptable for the Commission as well.

The Commission notes that the Council position incorporates (partially or totally) a large number of the European Parliaments amendments (over 230 of them).

As regards new provisions introduced by the Council, the Commission accepts the regionalisation model and a broader scope for the redrafted regionalisation model. On the management of fishing capacity, the Commission accepts the compromise aiming to reintroduce a system of transferable fishing concessions on an optional basis.

Lastly, the Commission accepts the agreement reached on empowerment of the Commission, through delegated and implementing Acts under regionalisation. However, concerning specific institutional provisions in the regionalisation model (Article 18) and the limitation of Commission powers under Comitology in relation to Article 22 (implementing rules for the entry-exit regime), the Commission sees the need to make statements to clarify its position.

Similarly the Commission sees a need to make a statement on its position in relation to provisions in Part VI (external policy).

## Common fisheries policy (CFP)

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The Committee on Fisheries adopted the recommendation for a second reading contained in the report by Ulrike RODUST (S&D, DE) and approved the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the Common Fisheries Policy, amending Council Regulation (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002, (EC) No 639/2004 and Council Decision (EC) No 2004/585.

Following its adoption of the position in Parliaments first reading in plenary on 6 February 2013, informal negotiations started with the Irish Presidency with view to reaching an early second reading agreement. After seven rounds of dialogue, Parliaments and Councils negotiating team reached agreement on the file on 30 May 2013. As Councils first reading position is in conformity with the agreement reached in the trilogues, the report recommends that Parliament accept it without further amendments.

The main elements of the compromise are as follows:

- overfishing must be stopped, if possible by 2015, so that fish stocks can start to recover. It is made clear that postponing this to a later date (up to 2020 at the latest) can only be permitted if the economic and social sustainability of the fishing fleets involved is seriously jeopardized;
- the principle of maximum sustainable yield should not merely have the status of a political declaration of intent but should be genuinely

- legally binding on all future decisions;
- it is clear that the objective of all these measures is to allow stocks to grow not just to a sustainable level but beyond. Parliament has thus succeeded in creating a safety margin for the environment;
- agreement was also reached on the proposed requirement that all catches should be landed (the discard ban).
- exemptions to the discard ban may be adopted (up to 5% of all catches, 7% for a transitional period). Parliament successfully argued that exemptions should only be adopted where it is very hard for the fishermen concerned to fish more selectively, or where the processing of by-catches would entail disproportionately high costs.
- with regard to the issue of fleet overcapacity, the compromise text lays down the principle that Member States must ensure that their catch capacities are in line with resources. Parliament obtained the inclusion of a provision whereby Member States have to examine their fleets catch capacities every year in accordance with criteria set by the Commission;
- as part of the reform, preparations were also made for the further decentralisation (regionalisation) of decision-making. The Advisory Councils will have a more balanced membership in future, with 40% of their members being representatives from outside the fisheries sector (e.g. from NGOs);
- the compromise text also stipulates that the EU must avoid contributing to overfishing in foreign waters;
- the new basic regulation contains a decision in principle that appropriations from EU fisheries funds may only be disbursed if the rules of the common fisheries policy are complied with;
- lastly, the inclusion of access criteria was a success for the negotiating team. In future the Member States will have to distribute catch quotas among their fishermen in accordance with objective and transparent criteria.

## Common fisheries policy (CFP)

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The European Parliament adopted, at second reading of the ordinary legislative procedure, the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the Common Fisheries Policy, amending Council Regulation (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002, (EC) No 639/2004 and Council Decision (EC) No 2004/585.

Following the recommendation for a second reading by the Committee on Fisheries, Parliament approved the Council position without amendment.

Parliament also approved:

- A Statement of the European Parliament and of the Council on data collection: the two institutions request the Commission to fast track the adoption of a proposal to amend [Council Regulation \(EC\) No 199/2008](#) in order that the principles and objectives for data collection that are essential to support the reformed Common Fisheries Policy and set out in the new Regulation on the CFP can be given practical effect as early as possible.
- A Statement of the European Parliament, the Council and the Commission on multi-annual plans: the three institutions are committed to working together to address inter-institutional issues and agree a way forward that respects the legal position of both the Parliament and the Council to facilitate the development and introduction of multi-annual plans on a priority basis under the terms of the Common Fisheries Policy. An inter-institutional taskforce, composed of the representatives from the three institutions, has been established in order to help find practical solutions and the most appropriate way forward.

## Common fisheries policy (CFP)

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PURPOSE: reform of the Common Fisheries Policy (CFP).

LEGISLATIVE ACT : Regulation (EU) n° 1380/2013 of the European Parliament and of the Council [on the Common Fisheries Policy, amending Council Regulations \(EC\) No 1954/2003 and \(EC\) No 1224/2009 and repealing Council Regulations \(EC\) No 2371/2002 and \(EC\) No 639/2004 and Council Decision 2004/585/EC.](#)

CONTENT : this Regulation on the CFP aims to replace the basic provisions on the Common Fisheries Policy (basic Regulation.)

This Regulation and the Regulation the common organisation of the markets in fishery and aquaculture products are two of the three elements of the legislative package on CFP reform, the third one being the [Regulation on the European Maritime and Fisheries Fund](#) (EMFF).

The CFP ensures that fishing and aquaculture activities provide long-term sustainable environmental conditions. The objective is to reach an economically and socially sustainable fishing industry that contributes to the availability of food.

The main points of the reform are as follows:

Putting an end to over-fishing: the CFP aims to provide for measures to adjust the fishing capacity of the fleets to levels of fishing opportunities, with a view to having economically viable fleets without overexploiting marine biological resources. It applies the precautionary approach to fisheries management and aims to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.

Accordingly, the management of fish stocks including total allowable catches (TACs) and quotas will be carried out according to the maximum sustainable yield (MSY) following from scientific advice. The maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks.

Ecosystem approach: the CFP shall implement the ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised, and shall endeavour to ensure that aquaculture and fisheries activities avoid the degradation of the marine environment.

Good governance: the CFP shall be guided by the following principles of good governance: (i) the clear definition of responsibilities at the Union, regional, national and local levels; (ii) the taking into account of regional specificities, through a regionalised approach; (iii) the establishment of measures in accordance with the best available scientific advice; (iv) a long-term perspective; (v) appropriate involvement of



stakeholders, in particular Advisory Councils, at all stages - from conception to implementation of the measures; (vi) the primary responsibility of the flag State.

Conservation of biological resources: the Regulation aims to conserve marine biological resources through multiannual plans to be adopted based on scientific, technical and economic advice, which contain conservation measures to restore and maintain fish stocks above levels capable of producing maximum sustainable yield

Banning discards: the Regulation aims to gradually eliminate discards, on a case-by-case basis, by avoiding and reducing, as far as possible, unwanted catches, and by gradually ensuring that catches are landed.

There are exemptions to the discard ban (up to 5% of all catches, 7% and then 6 % for a transitional period). These exemptions may only be introduced when evidence indicates that increases in selectivity are very difficult to achieve or to avoid disproportionate costs of handling unwanted catches.

Fishing opportunities: the Regulation stipulates that fishing opportunities allocated to Member States shall ensure relative stability of fishing activities of each Member State for each fish stock or fishery. Fishing opportunities shall be fixed in accordance with MSY. Where new scientific evidence shows that there is a significant disparity between the fishing opportunities that have been fixed for a specific stock and the actual state of that stock, Member States having a direct management interest may submit a reasoned request to the Commission for it to submit a proposal to alleviate that disparity.

Scientific basis for fisheries management: the Regulation underlines the need for the collection of data and the provision of scientific advice to obtain a knowledge base for conservation policy.

Advisory Councils: Advisory Councils shall be established for each of the geographical areas or fields of competence, in order to promote a balanced representation of all stakeholders.

Advisory Councils shall be composed of: (a) organisations representing the fisheries and, where appropriate, aquaculture operators, and representatives of the processing and marketing sectors (60%); (b) other interest groups affected by the CFP (e.g. environmental organisations and consumer groups 40%).

Financial instruments: Union financial assistance may be granted to contribute to the achievement of the objectives of the CFP. It is made conditional upon compliance by both Member States and operators, including vessel owners, with the rules of the CFP. Noncompliance by Member States with the CFP rules may result in the interruption or suspension of payments. Serious infringements by operators of the CFP rules shall result in temporary or permanent bans on access to the Union financial assistance and/or the application of financial reductions.

Protected areas : the Union should endeavour to protect areas that are biologically sensitive, by designating them as protected areas, where there is clear evidence of heavy concentrations of fish below minimum conservation reference size and of spawning grounds.

The Commission will report to the European Parliament and Council on the functioning of the CFP before 31 December 2022.

ENTRY INTO FORCE : 29.12.2013. The Regulation is applicable from 01.01.2014.

DELEGATED ACTS : the Commission may adopt delegated acts regarding, for example, in respect of the adoption of conservation measures accompanying certain environmental obligations by Member States, the adapting of the landing obligation or the extension of the landing obligation to other species.

The power to adopt such acts is conferred on the commission for a period of five years from 29 December 2013.

The European Parliament or the Council may raise objections with regard to a delegated act within two months of the date of notification (which may be extended by two months). If Parliament or Council raise objections, the delegated act will not enter into force.

## Common fisheries policy (CFP)

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The Commission presents a Communication setting out the basic principles with respect to setting of fishing opportunities for 2015.

These will be set for the first time under the new Common Fisheries Policy (CFP), with the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield (MSY). The MSY objective is to be achieved by 2015 where possible and on a progressive, incremental basis at the latest by 2020 for all stocks. This objective will also contribute to achieving good environmental status by 2020 as provided for by the [Marine Strategy Framework Directive](#) and the [CFP](#).

In accordance with the requirements of the CFP Regulation the Communication discusses progress on achieving maximum sustainable yield (MSY) and on the situation of fish stocks.

The key findings on the state of fish stocks are as follows:

Atlantic waters, the North Sea and the Baltic Sea: overfishing has reduced in the European Atlantic waters, the North Sea and the Baltic Sea.

For the stocks with MSY assessments, overfishing has gone down from 94% of the stocks in 2003, to 63% in 2009 and to 41% in 2012. An increasing proportion of the stocks have been assessed.

The number of stocks that, according to available estimates, are fished at levels corresponding to MSY has gone up from only 2 in 2003, to 13 in 2009 and to 27 in 2012.

The number of stocks with full MSY assessments increased from 34 in 2005 to 35 in 2009 and to 46 in 2014. Significant progress has been made in the number of stocks with quantitative advice from 59 in 2003 to 71 in 2014, as a result of the introduction of new methods by ICES in 2013.

Mediterranean and Black seas: the levels of exploitation are well beyond MSY targets. Out of 97 stocks, 91% were overfished. European hake, red mullet and deep-water rose shrimp are the most commonly overfished demersal stocks. Sardine and anchovy are the two common overfished small pelagic stocks. Effective actions to phase out overfishing must be taken swiftly.

The report notes number of stocks assessed rose from 29 in 2007 to 104 in 2012. Despite this, knowledge is still limited as the total number of stocks commercially exploited is considerably higher.

In the Black Sea the status of 7 stocks is known and 5 of them are overexploited. Of TAC managed stocks, turbot is overfished and European sprat has been exploited sustainably since 2007.

Fishing opportunities: the Commission's proposals will be based on bringing the impact of the fishing fleets on the stocks (fishing mortality) in the shortest feasible time-frame to the levels required to allow the stocks to rebuild to biomass levels that produce maximum sustainable yield. When that has been achieved the Commission will, as appropriate, propose measures to enable further rebuilding.

2015 will also be the year in which the landing obligation for certain fisheries comes into force. Fishing opportunities for stocks falling under the landing obligation are to be fixed taking into account the change to fishing opportunities that reflect catches rather than landings, on the understanding that that should not jeopardise the MSY objective or result in an increase of fishing mortality in the fishery.

The Commission will base its proposals for the fishing opportunities on the best available scientific advice from the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF) on achieving MSY.

For stocks where such advice is not available, the Commission proposals will apply the precautionary approach.

Member States, Advisory Councils and stakeholders are invited to reflect on the orientations set out and to provide recommendations and suggestions to the Commission in order to ensure that the 2015 fishing opportunities help in attaining the objectives of new CFP.

## Common fisheries policy (CFP)

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The Commission communication concerns the guidelines for the analysis of the balance between fishing capacity and fishing opportunities according to Art 22 of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy.

The new Common Fisheries Policy confirms the need for measures to manage fishing capacity: Member States are required to put in place measures to adjust the fishing capacity of their fleets to their fishing opportunities over time. The analysis and evaluation of the balance between the fleets and the resources that they exploit is carried out by each Member State, in accordance with the present common guidelines developed by the Commission.

The common guidelines developed by the Commission will also play an important role from 2014 onwards by establishing a direct link between each Member State's fleet report and fleet measures under the new European Maritime and Fisheries Fund ([EMFF](#)).

The purpose of these guidelines is to provide a common methodology for the assessment of the balance over time between fleet capacity and fishing opportunities at fleet segment level.

These guidelines aim to:

- use standard methods to ensure a level playing field when different fleet segments are being compared;
- follow best possible scientific, economic and technical practices<sup>8</sup>, and ensure compatibility with standard biological, economic and social assessments;
- use data collected according to the Data Collection Framework to facilitate comparisons and to avoid duplication of work.

The fleet segment assessment should be a synthesis assessment based on the foregoing components. A standard methodology for reaching an overall assessment for each fleet segment is described in this communication.

## Common fisheries policy (CFP)

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In accordance with the requirements of [Regulation No 1380/2013](#) on the Common Fisheries Policy (CFP) the Commission presents a Communication on the progress on achieving maximum sustainable yield (MSY) and on the situation of fish stocks. The paper also sets out the principles for the Commission proposals for fishing opportunities for 2016 under the CFP.

The key findings are as follows:

Northeast Atlantic, North Sea and Baltic Sea: substantial progress has been made in moving towards the MSY objective: currently 32 stocks (out of the MSY assessed total of 62) are being fished at or below MSY in the Atlantic EU waters, the North Sea and the Baltic Sea. Some key features of the trends between 2006 and 2014 in those waters are:

- the stocks number fished at MSY increased from 2 to 269 ;
- the stocks number inside safe biological limits has risen from 11 to 21;
- the stocks number with quantitative catch advice rose from 59 to 72.

Pelagic fisheries in the Atlantic, and generally demersal fisheries in the North Sea and the Baltic Sea have improved their performance. The situation in parts of the western waters is still cause for concern. Currently, on average many important pelagic stocks and stocks in the North and Baltic Seas are close to MSY, with less progress in the demersal fisheries in the western EU waters. This may be linked to consistently setting higher total allowable catches (TACs) than proposed in some of the sea basins. The Commission's new reporting methodology also seems to indicate that the trend of strong progress may be slowing down.

Mediterranean and the Black Sea: the Communication states that stocks are largely overfished and/or in a bad state, in particular stocks exploited mainly or exclusively by EU operators. Overall, of all stocks assessed in the Mediterranean and the Black Seas (EU and shared stocks together) only 8.6 % are exploited in accordance with MSY levels. Despite recent improvements, the number of stocks with unknown status remains large. The Commission is working on improved data collection for all relevant stocks, and has requested STECF for advice on new stocks.

- EU fish stocks: the EU fish stocks are mainly located in the North-Western Mediterranean (i.e. Northern Spain, Balearic Islands, Gulf

of Lion, Corsica and Sardinia, Ligurian and Tyrrhenian Seas) and in the Central Mediterranean (i.e. Northern Adriatic). Based on 2013 data, 96% of the EU fish stocks are exploited at levels above MSY. For stocks such as hake, red mullet, black-bellied anglerfish and blue whiting current fishing mortality rates have been more than six times higher than MSY. Only 4% of the EU fish stocks are exploited at levels close to MSY.

- EU and third country stocks: stocks shared with third countries are mainly located in the Western (i.e. Alboran Sea and Algerian coast), Central (i.e. Strait of Sicily, Malta Island, South Adriatic, and Ionian Sea) and Eastern Mediterranean Sea (i.e. Aegean Sea, Crete and Cyprus Islands, and the Levantine Sea), and in the Black Sea. Based on 2013 data, 91% of these stocks are exploited at levels well above MSY<sup>13</sup>. Only 9% of these stocks are exploited at levels close to MSY. Actions are being prepared both at EU and international level for concrete measures towards MSY targets.

Partly due to the sharing of stocks with third countries, the Black Sea still shows challenges of governance and resource management. The Commission works with Member States and the General Fisheries Commission for the Mediterranean (GFCM) on improvements.

Fishing opportunities: for 2016 these will be fixed under the objectives of the new CFP, in particular the objective of bringing the impact of fishing fleets on the stocks (fishing mortality) in the shortest feasible time frame to the levels required to allow stocks to rebuild to biomass levels that can produce MSY. In 2015/2016 the Commission intends to propose EU multiannual plans in the Mediterranean Sea in line with the MSY objective including deadlines: a plan for anchovy and sardine in the northern Adriatic Sea and a plan for demersal species in the north-western Mediterranean Sea.

In 2016 the landing obligation will come into force for determined demersal fisheries in the

North Sea, north-western and south-western Atlantic waters. A considerable number of fishermen will be affected for the first time by the landing obligation. For the fisheries concerned the fixing of the TAC shall take into account the change to reflect catches instead of landings. In practice, ICES advice should be based on catches (including catches formerly discarded that now have to be landed) and no longer on landings.

The Commission will base its proposals for the fishing opportunities on the available biological advice. Where no such advice is available, the Commission will apply the precautionary approach in line with the CFP objectives.

Member States, Advisory Councils, stakeholders and the public are invited to reflect on the policy orientations set out in the Communication, and to provide recommendations and suggestions to the Commission by 1 October 2015.

## Common fisheries policy (CFP)

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The Commission adopted a report on Member States' efforts during 2013 to achieve a sustainable balance between fishing capacity and fishing opportunities

To recall, under the new Common Fisheries Policy, Member States have to take measures to adjust the fishing capacity of their fleet to their fishing opportunities over time with the objective of achieving a stable and enduring balance between them. The capacity of the individual Member States may not increase, due to the entry-exit regime, and must always remain under the fixed capacity ceilings

Member States have to prepare an annual report on the fishing capacity. If a Member State identifies a structural imbalance, it has to prepare and submit an action plan for the segments concerned, setting out the adjustment targets, tools and a clear timeframe for its implementation. In 2014 the Commission received from Member States six action plans. Discussions are ongoing with some other Member States who have not set out action plans.

The state of the fishing fleet capacity: the report notes that overall, fleet capacity has been further reduced in recent years. However, in some segments imbalances remain:

- between 1 July 2013 and 1 January 2015 the fishing capacity of the EU 28 Member States decreased by 1,1 % in kilowatts (KW) and increased by 0.3 % in gross tonnage (GT). This increase can be explained by the accession of Croatia in 2014. Not counting the Croatian fleet, the EU fishing capacity was reduced by 4% in GT and by 3.3% in engine power (KW) in the period 2012-beginning 2015, with a reduction in the number of vessels by 3.9;
- on 1 January 2014, 86.879 vessels were registered in the EU fleet register with an overall capacity of 1.658.033 GT and 6.573.806 KW. This shows a reduction since 2012 of 7.8% in number of vessels, 1.6% in GT and 5.4 % in KW.

Observations and conclusions: on the basis of the reports from 23 coastal Member States and after assessing the analysis of the Scientific, Technical and Economic Committee on Fisheries (STECF), the Commission makes the following observations:

- Member States reports show steady progress is being made towards achieving a balance between fishing capacity and fishing opportunities for the whole of the EU fleet. Only six Member States have identified fleet segments with structural overcapacity. These imbalances need to be addressed. Other Member States have not set out action plans whilst the results of the assessment of their fleets would normally lead to the establishment such plans;
- the ex-ante conditionality between the annual fishing fleet capacity reports of the Member States and [European Maritime and Fisheries Fund](#) (EMFF) financial assistance represents a significant element in the new CFP to contribute to achieving a healthy and sustainable balance between the capacity of EU fleets and their fishing opportunities;
- the action plans are a transparent and effective means in the pursuit of the balance between the fishing fleet capacity and the fishing opportunities over time. For the fleet segments concerned some Member States choose to use the instrument of decommissioning with public aid, while others hope to address the structural imbalances through other mechanisms (such as individual transferable quotas);
- given the fact that under EMFF public support for permanent cessation schemes are phased out by end 2017, Member States should utilise the decommissioning support in a targeted way, for segments for which Member States have identified structural overcapacity on the basis of balance indicators provided in the Commission guidelines;
- the analysis by STECF of the Member States' reports shows that some fleet segments are active on stocks that are currently fished above maximum sustainable yield (MSY). To enable adjustments, Member States need to continue monitoring the fishing capacity of their fleets in order to achieve viable fleets that operate and exploit sustainably marine biological resources;
- due to lack of data, the analysis by STECF shows that not in all cases the indicators included in the Commission guidelines could be

- calculated for all fleet segments;
- in many Member States the percentage of inactive vessels is significant, reaching 50 % in the most extreme cases.

Considering the dynamic nature of both the fishing activities of the Union fleets, and of the resources which are exploited, and given the low level of vessel utilization, the Commission considers that it remains important to monitor closely the fleet capacity developments in light of the fish resources and the policy measures related to them.

## Common fisheries policy (CFP)

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The Commission presents a report on Member States' efforts during 2014 to achieve a sustainable balance between fishing capacity and fishing opportunities.

To recall, under the new Common Fisheries Policy, Member States are required to prepare an annual report on the situation of the fishing capacity of their fleets in relation to fishing opportunities. If a Member State identifies a structural imbalance, it must submit an action plan for the segment concerned, setting out the adjustment targets, tools and a clear time frame for its implementation.

There were more Member States action plans in 2015 than 2014. In total, 17 Member States identified fleet segments that they consider to be imbalanced, or showing potential signs of being imbalanced, and therefore requiring action plans. A further 5 Member States concluded that no fleet segments clearly demonstrated imbalance and did not submit action plans.

The state of fishing fleet capacity in the EU: the report notes that between January 2014 and November 2015 the fishing capacity of the EU 28 Member States decreased by 0.8% in kilowatts (KW) and by 1.3% in gross tonnage (GT):

- as of November 2015, 85,065 vessels were registered in the EU fleet register with an overall capacity of 1,627,125 GT and 6,474,617 KW. This shows a reduction in 2015 (excluding in the outermost regions) of 0.6% in number of vessels. The fishing capacity of the EU fleet was 18.42 % below the capacity ceilings for tonnage and 11.60% below the power ceilings;
- for the EU's outermost regions which account for 5.4 % of the total EU fleet, during the period between January 2014 and November 2015, fleet capacity decreased by 0.1% in GT and increased by 0.9 in KW.

Furthermore, as of end December 2015, eighteen Member States adopted a sampling plan for the verification of engine power. As a result of 16 EU pre-contentious cases, the Commission has received all sampling plans on engine power from the Member States. The Commission is currently carrying-out audits, in order to monitor their effective implementation.

Observations and conclusions: on the basis of the reports provided by all 23 coastal Member States and of the analysis by the Scientific, Technical and Economic Committee for Fisheries (STECF), the Commission makes the following observations:

- considerable progress has been made in the quality of the national reports. However, in order to increase the consistency of the resulting indicator values the coverage and quality of the balance indicators, especially the biological indicators, should be improved;
- some of the indicators could not be calculated for all fleet segments due to lack of data or, in case of economic and technical indicators, due to clustering segments together, which is done in order to protect commercial confidentiality;
- in 2014, there was an overall increase in the number of fleet segments for which Member States have identified structural overcapacity. Member States have opted for a variety of measures to reduce capacity including the introduction of transferable fishing concessions or permanent cessation to be supported by [the EMFF](#);
- the introduction of an ex-ante conditionality on the submission of the fleet report in line with Commission guidelines as part of the approval of the EMFF Operational Programme has strengthened the link between EU funding and compliance with CFP rules;
- vessel utilisation is low. The highest levels of inactivity can be seen in fleets of small-scale vessels, i.e. vessels measuring less than 12 m. 93% of inactive vessels were under 12m in length, while vessels between 12m and 24m accounted for 6% and vessels over 24m less than 2% of inactive vessels.

The report concludes that overall, there has been significant progress in recent years in efforts to achieve balance between fishing capacity and fishing opportunities across the EU. However, reports by the Member States reveal that for specific fleet segments, further efforts are needed to reduce the, especially in the Mediterranean Sea.

## Common fisheries policy (CFP)

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This Commission staff working document concerns the evaluation of the Entry/Exit scheme in accordance with Article 23(3) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy (CFP).

The purpose of the evaluation is to evaluate the Entry/Exit scheme set up under the Common Fisheries Policy (CFP) as a means to align the capacity of Union fishing vessels with available marine biological resources.

The evaluation covers the 2003-2017 period.

The evaluation report presents information on:

- the nature of the Entry/Exit scheme;
- the current state of play in the EU;
- the methodology used.

As regards the current state of play, the evaluation stated that among EU 15 Member States that were concerned by the EES from 2003, only BE, DK, FI and FR slightly exceeded (less than 0.5%) their capacity ceilings in 2003 and 2004. After this period and following a technical adjustment due to the discontinuation of the Multiannual Guidance Programmes, these four Member States complied with their respective capacity ceilings. For the other Member States, capacity ceilings have been complied with throughout the 2003-2017 period. In most cases,

the evolution of respective fleet capacity and capacity ceilings in gross tonnage (GT) and kilowattage (engine power kW) shows that the gap between fleet capacity and capacity ceilings tends to widen.

For EU 25, EU 27 and EU 28 Member States, capacity ceilings have been defined only as from January 2014 with the entry into force of the 2013 CFP Regulation, but the other EES rules applied as from the date of accession.

Some Member States exceeded their reference levels by small margins (less than 1%) mostly within the few months following accession (i.e. BG, HR, CY, EE, MT, RO and SI). For LV, LT and PL, reference levels have never been exceeded.

The report stressed that provided that Member States increase their efforts to ensure an accurate measurement, verification and reporting of the capacity indicators GT and kW and acknowledging that thus far no agreed alternatives for capacity indicators have been identified, the EES is fit for purpose as an instrument to prevent fishing capacity from increasing, in particular in contexts where conservation and management measures are not effective enough to regulate the use of fishing capacity through a series of enforceable input and output measures.

Member States have implemented the EES in various ways, in most cases not establishing a clear link with the availability of fishing opportunities. Moreover, the manner in which the EES has been implemented at national level has led to a perceived lack of flexibility as regards the possibility for capacity increases, not leading to the increase of fishing capacity, for modernisation or crew safety and working conditions.

## Common fisheries policy (CFP)

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This Commission staff working document concerns the executive summary of the evaluation of the Entry/Exit scheme in accordance with Article 23(3) of Regulation (EU) 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy (CPF).

This staff working document looks at the implementation of the Entry/Exit scheme set up under the Common Fisheries Policy (CFP) as a means to align the capacity of the Union fishing fleet with available resources.

### EU fishing fleet

On 1st January 2018, the Union fishing fleet included 78 379 vessels of which 85% measure less than 12m Length Overall. In terms of capacity, the total tonnage was 1 486 109 gross tonnage (GT) of which only 11% were contained in the fleet of vessels of less than 12m length class and of 5 752 075 kW with 38% comprised in the fleet of vessels of less than 12m.

### National rules for the implementation of the Entry/Exit scheme

Member States determine themselves the implementing modalities of the Entry/Exit scheme, but all of them have transposed into their national framework the general principle that operators wishing to enter new capacities without public aid must submit evidence of prior withdrawal of equivalent fishing capacity without public aid.

### State of play

All Member States currently comply with the capacity ceilings set out in the Annex II of the CFP Regulation. In total, the difference between Member States fleet capacity and capacity ceilings is equivalent to 380 823 GT and 923 972 kW, representing 25.6% of the total EU mainland fleet capacity in GT and 16.1% in kW on 1st January 2018. The difference between current fishing fleet capacity and capacity ceilings represents some latent fishing capacity (i.e. a fishing capacity that could be reactivated through entries into the fleet in compliance with the Entry/Exit scheme depending on Member States rules). However, account should be taken of the fact that the actual capacity limitation in each country went down in comparison to the ceiling set in the CFP Regulation due to scrapping of vessels with public aid. In that latter case, the scrapped vessels could not be replaced which led de facto to a lowering of the latent fishing capacity.

### Main findings

The evaluation found that the Entry/Exit scheme has been relevant to complement the in-depth reforms of fishing fleet capacity management. However, the still significant number of unbalanced fleet segments in EU waters shows that overall Member States have not yet fully reached their long-term objective of achieving a stable and enduring balance between their fishing fleet capacity and fishing opportunities available to them. The need remains for an instrument to ensure that EU fishing fleet capacity cannot increase.

The EU added-value may be assessed as positive since the EES is an effective safeguard mechanism to cap and reduce nominal fishing fleet capacity levels deployed on EU stocks in particular where applicable EU and national conservation and management measures are not effective enough to limit the use of available fishing capacity through a series of input and output measures.

### Overall conclusion

The evaluation concluded that provided that Member States ensure an accurate measurement, verification and reporting of the capacity indicators GT and kW, the EES is fit for purpose as an instrument to prevent nominal fishing capacity from increasing. This is in particular the case in situations where conservation and management measures are not effective enough to regulate the use of fishing capacity.