













# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation  Sustainable management of external fishing fleets Repealing Regulation (EC) No 1006/2008 <a href="#">2007/0114(CNS)</a> Amended by <a href="#">2019/0187(COD)</a> Subject 3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas 3.15.15 Fisheries agreements and cooperation	Procedure completed

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Fisheries	 <a href="#">ENGSTRÖM Linnéa</a>	04/02/2016
		Shadow rapporteur	
		 <a href="#">MILLÁN MON</a> Francisco José	
		 <a href="#">SERRÃO SANTOS</a> Ricardo	
		 <a href="#">VAN DALEN Peter</a>	
	 <a href="#">BILBAO BARANDICA</a> Izaskun		
	 <a href="#">D'AMATO Rosa</a>		
	Former committee responsible		
	 Fisheries	 <a href="#">ENGSTRÖM Linnéa</a>	04/02/2016
	Former committee for opinion		
	 Development	 <a href="#">HEUBUCH Maria</a>	04/03/2016
	 Environment, Public Health and Food Safety	The committee decided not to give an opinion.	

Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">3567</a>	17/10/2017
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3479</a>	27/06/2016
European Commission	Commission DG	Commissioner	
	<a href="#">Maritime Affairs and Fisheries</a>	VELLA Karmenu	
European Economic and Social Committee			

Key events			
10/12/2015	Legislative proposal published	<a href="#">COM(2015)0636</a>	Summary
17/12/2015	Committee referral announced in Parliament, 1st reading		
15/02/2016	Debate in Council	<a href="#">3446</a>	
27/06/2016	Debate in Council	<a href="#">3479</a>	
05/12/2016	Vote in committee, 1st reading		
09/12/2016	Committee report tabled for plenary, 1st reading	<a href="#">A8-0377/2016</a>	Summary
01/02/2017	Debate in Parliament		
02/02/2017	Decision by Parliament, 1st reading	<a href="#">T8-0015/2017</a>	Summary
28/02/2017	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
01/03/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
12/07/2017	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations	<a href="#">PE607.818</a> <a href="#">PE609.282</a>	
17/10/2017	Council position published	<a href="#">11382/2/2017</a>	Summary
26/10/2017	Committee referral announced in Parliament, 2nd reading		
21/11/2017	Vote in committee, 2nd reading		
24/11/2017	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A8-0374/2017</a>	Summary
11/12/2017	Debate in Parliament		
12/12/2017	Results of vote in Parliament		
12/12/2017	Decision by Parliament, 2nd reading	<a href="#">T8-0475/2017</a>	Summary
12/12/2017	Final act signed		
12/12/2017	End of procedure in Parliament		
28/12/2017	Final act published in Official Journal		

Technical information	
Procedure reference	2015/0289(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) No 1006/2008 <a href="#">2007/0114(CNS)</a> Amended by <a href="#">2019/0187(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Procedure completed
Committee dossier	PECH/8/09198

Documentation gateway					
Legislative proposal		<a href="#">COM(2015)0636</a>	10/12/2015	EC	Summary
Document attached to the procedure		<a href="#">SWD(2015)0276</a>	10/12/2015	EC	
Document attached to the procedure		<a href="#">SWD(2015)0279</a>	10/12/2015	EC	
Economic and Social Committee: opinion, report		<a href="#">CES4398/2015</a>	25/05/2016	ESC	
Committee draft report		<a href="#">PE583.934</a>	01/08/2016	EP	
Committee opinion	DEVE	<a href="#">PE584.189</a>	01/09/2016	EP	
Amendments tabled in committee		<a href="#">PE587.478</a>	27/09/2016	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0377/2016</a>	09/12/2016	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0015/2017</a>	02/02/2017	EP	Summary
Text agreed during interinstitutional negotiations		<a href="#">PE607.818</a>	26/06/2017	EP	
Council position		<a href="#">11382/2/2017</a>	17/10/2017	CSL	Summary
Commission communication on Council's position		<a href="#">COM(2017)0633</a>	25/10/2017	EC	Summary
Committee draft report		<a href="#">PE607.934</a>	26/10/2017	EP	
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A8-0374/2017</a>	24/11/2017	EP	Summary
Text adopted by Parliament, 2nd reading		<a href="#">T8-0475/2017</a>	12/12/2017	EP	Summary
Draft final act		<a href="#">00061/2017/LEX</a>	13/12/2017	CSL	
Follow-up document		<a href="#">COM(2023)0519</a>	08/09/2023	EC	

Additional information	
Research document	<a href="#">Briefing</a>

## Final act

[Regulation 2017/2403](#)[OJ L 347 28.12.2017, p. 0081](#) Summary

Final legislative act with provisions for delegated acts

## Sustainable management of external fishing fleets

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**EU fishing activities under Regional fisheries Management Organisations (RFMO):** the proposal lays down the process for carrying out fishing

activities under the auspices of an RFMO or on the high seas. The Commission may intervene if it believes the eligibility criteria are not being met. Besides, since some RFMOs also cover Union waters, Union vessels under the auspices of such RFMOs should fall under the scope of the proposed regulation.

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

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

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

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

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

## Sustainable management of external fishing fleets

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The Committee on Fisheries adopted the report by Linnéa ENGSTRÖM (Greens/EFA, SE) on the proposal for a regulation of the European Parliament and of the Council on the sustainable management of external fishing fleets, repealing Council Regulation (EC) No 1006/2008.

The committee recommended that Parliaments position adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Fishing authorisations: the Commission proposes to give itself the authority to withdraw an authorisation to a vessel in case of overriding policy reasons. Members stated that such a withdrawal must be duly justified by the Commission in cases of imperative grounds of urgency related to a serious threat to the sustainable exploitation, management and conservation of marine biological resources, or in cases of serious infringements, in the framework of illegal, unreported or unregulated (IUU) fishing.

The Commissions duly justified request shall be supported by relevant and appropriate information and it shall immediately inform the operator and the flag Member State when it makes such a duly justified request.

Sustainable fisheries partnership agreements (SFPAs): the Union may allocate a proportion of sectoral support funding to third countries with which it has SFPAs, in order to help those third countries join regional fisheries management organisations (RFMOs). Furthermore, the EU should not be able to negotiate derogations to the rules of the regulation in new agreements or protocols.

The Member State should only grant fishing licences once the third country has authorised fishing by vessels in its waters and not the other way around, in order to ensure legal certainty.

In its proposal, the Commission gave itself an unlimited time to forward requests for authorisations to third countries under SFPAs. Members proposed a clear time limit: within a period of 10 calendar days from receipt of the application, or, in the event that additional information was requested, within 15 calendar days from receipt of the application, the Commission shall conduct a preliminary examination to determine whether the conditions necessary are met.

Members also proposed a simplification of procedures for the annual renewal of existing fishing authorisations during the period in which the protocol to a sustainable fisheries partnership agreement in force applies.

With regard to allocation of fishing opportunities, an amendment offers a better system whereby Member States are guaranteed to keep their percentage share of the monthly catch limits.

Conditions for fishing authorisations by the flag Member States: Members specified that a flag Member State may only issue a fishing authorisation for fishing activities carried out in third country waters outside the framework of a sustainable fisheries partnership agreement if the operator has provided each of the following:

- a copy of the applicable fisheries legislation as provided to the operator by the coastal State;
- a valid fishing authorisation provided by the third country for the proposed fishing activities which contains the terms of access to the fishing resources;
- evidence of the sustainability of the planned fishing activities: in the case of an evaluation by the third country, an examination of the latter by the flag Member State on the basis of the assessment of its national scientific institute or, as appropriate, the scientific institute of a Member State with competence in the relevant fishery.

Once it has established compliance with the requirements, a flag Member State shall send the Commission the relevant information. The Commission shall conduct a preliminary examination of the information and may request further information or justification within a period of 15 days.

Regional fisheries management organisations (RFMOs): Members considered that if an EU vessel wishes to participate in a fishery managed by an RFMO, then the Union is required to adhere to that RFMO. The timeline proposed by the Commission for forwarding to an RFMO the list of EU vessels authorised to fish is undefined. A clear deadline for the Commission to act is proposed.

Fishing on the high seas: the Commission expects a scientific evaluation demonstrating the sustainability of activities proposed under private agreements, and a similar requirement should exist for vessels wishing to fish on the high seas outside the scope of an RFMO.

A flag Member State may only issue a fishing authorisation for fishing activities on the high seas if the planned fishing activities are (i) based on an ecosystem-based approach to fisheries management; (ii) in accordance with a scientific evaluation, taking into account the conservation

of living marine resources and marine ecosystems, provided by the national scientific institute of the flag Member State.

Reporting obligations: a vessel operating in the waters of a third country, under either an SFPA or a private agreement, should be required to send its catch and other appropriate data directly to both the flag Member State and the coastal State.

Fishing authorisation register: to improve transparency, a few additional pieces of information should be included in the public part of the register. To make a Union fishing authorisation register operational and to enable Member States to meet the technical transmission requirements, the Commission shall provide technical assistance to the Member States concerned.

## Sustainable management of external fishing fleets

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The European Parliament adopted by 586 votes to 56, with 6 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the sustainable management of external fishing fleets, repealing Council Regulation (EC) No 1006/2008.

The European Parliaments position, adopted in first reading following the ordinary legislative procedure, amended the Commission proposal as follows:

Reflagging operations: the provisions shall apply to vessels that during the two years (instead of five years) preceding the application for a fishing authorisation have: (a) left the Union fishing fleet register and been reflagged in a third country; and (b) subsequently returned to the Union fishing fleet register.

Monitoring fishing authorisations: a flag Member State shall monitor at least once a year whether the conditions on the basis of which a fishing authorisation has been issued continue to be met during the period of validity of that authorisation.

Members stated that a withdrawal must be duly justified by the Commission in cases of imperative grounds of urgency related to a serious threat to the sustainable exploitation, management and conservation of marine biological resources, or in cases of serious infringements, in the framework of illegal, unreported or unregulated (IUU) fishing.

The Commissions duly justified request shall be supported by relevant and appropriate information and it shall immediately inform the operator and the flag Member State when it makes such a duly justified request. Such a request by the Commission shall be followed by a 15-day period of consultation between the Commission and the flag Member State.

Sustainable fisheries partnership agreements (SFPAs): the Union shall:

- allocate a proportion of sectoral support funding to third countries with which it has SFPAs, in order to help those third countries join regional fisheries management organisations (RFMOs);
- ensure that sustainable fisheries partnership agreements are consistent with this Regulation.

Member State should only grant fishing licences once the third country has authorised fishing by vessels in its waters and not the other way around, in order to ensure legal certainty.

Requests for fishing authorisations: in its proposal, the Commission gave itself an unlimited time to forward requests for authorisations to third countries under SFPAs. Parliament proposed a clear time limit: within a period of 10 calendar days from receipt of the application, or, in the event that additional information was requested, within 15 calendar days from receipt of the application, the Commission shall conduct a preliminary examination to determine whether the conditions necessary are met.

Members also proposed a simplification of procedures for the annual renewal of existing fishing authorisations during the period in which the protocol to a sustainable fisheries partnership agreement in force applies.

With regard to allocation of fishing opportunities, an amendment offers a better system whereby Member States are guaranteed to keep their percentage share of the monthly catch limits. When laying down the reallocation methodology, the Commission shall apply transparent and objective criteria, taking into account environmental, social and economic factors.

Conditions for fishing authorisations by the flag Member States: Members specified that a flag Member State may only issue a fishing authorisation for fishing activities carried out in third country waters outside the framework of a sustainable fisheries partnership agreement if the operator has provided each of the following:

- a copy of the applicable fisheries legislation as provided to the operator by the coastal State;
- a valid fishing authorisation provided by the third country for the proposed fishing activities which contains the terms of access to the fishing resources;
- evidence of the sustainability of the planned fishing activities: in the case of an evaluation by the third country, an examination of the latter by the flag Member State on the basis of the assessment of its national scientific institute.

Once it has established compliance with the requirements, a flag Member State shall send the Commission the relevant information. The Commission shall conduct a preliminary examination of the information and may request further information or justification within a period of 15 days.

Regional fisheries management organisations (RFMOs): if an EU vessel wishes to participate in a fishery managed by an RFMO, the Union is required to adhere to that RFMO. The timeline proposed by the Commission for forwarding to an RFMO the list of EU vessels authorised to fish is undefined. A clear deadline for the Commission to act is proposed.

Fishing on the high seas: the Commission expects a scientific evaluation demonstrating the sustainability of activities proposed under private agreements, and a similar requirement should exist for vessels wishing to fish on the high seas outside the scope of an RFMO.

A flag Member State may only issue a fishing authorisation for fishing activities on the high seas if the planned fishing activities are (i) based on an ecosystem-based approach to fisheries management; (ii) in accordance with a scientific evaluation, taking into account the conservation of living marine resources and marine ecosystems, provided by the national scientific institute of the flag Member State.

Reporting obligations: a vessel operating in the waters of a third country, under either an SFPA or a private agreement, should be required to

send its catch and other appropriate data directly to both the flag Member State and the coastal State.

Fishing authorisation register: to improve transparency, a few additional pieces of information should be included in the public part of the register. To make a Union fishing authorisation register operational and to enable Member States to meet the technical transmission requirements, the Commission shall provide technical assistance to the Member States concerned.

## Sustainable management of external fishing fleets

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The Council adopted its position in first reading on a regulation of the European Parliament and of the Council on the sustainable management of external fishing fleets and repealing Council Regulation (EC) No 1006/2008.

In accordance with the 2013 reform of the Common Fisheries Policy (CFP), the regulation aims to:

- improve the authorisation regime for Union fishing vessels to fish outside Union waters, and for third country vessels to fish inside Union waters;
- broaden the scope of the existing Regulation to other related aspects such as (i) direct licences obtained from third countries, (ii) reflagging, (iii) chartering, and (iv) improving monitoring and transparency.

In addition, this new framework will strengthen the rules on the fight against illegal, unreported and unregulated fishing (IUU).

The main provisions relate to the following points:

Authorisation procedures: the Council's position updates the fishing authorisation regime, simplifying reporting obligations and increasing transparency. However, the Council harmonised the authorisation procedures to decrease their complexity, reduce related administrative burdens, increase legal certainty, ensure equality of treatment between internal and external fleets and reduce time limits on responding to applicants.

A Union fishing vessel shall not carry out fishing operations outside Union waters unless it has been authorised by its flag Member State, and the fishing operations are indicated in a valid fishing authorisation. The Council's position clarifies the common eligibility criteria for issuing a fishing authorisation for fishing operations outside Union waters.

Management of fishing authorisations: a flag Member State shall regularly monitor whether the conditions on the basis of which a fishing authorisation has been issued continue to be met during the period of validity of that authorisation. If there is evidence that the conditions on the basis of which a fishing authorisation has been issued are no longer met, the flag Member State shall take appropriate action, including amending or withdrawing the authorisation and, if necessary, imposing sanctions.

Conditions for fishing authorisations: a flag Member State may only issue a fishing authorisation for fishing operations carried out in third-country waters outside the framework of a Sustainable Fisheries Partnership Agreement ("SFPA"), if the operator has provided a scientific evaluation demonstrating the sustainability of the planned fishing operations.

Reflagging: the Council's position maintained that a vessel is not eligible for authorisation when it had continued to fish in the third country's fishing fleet after that third country was listed as allowing non-sustainable fishing or as a non-cooperating country in fighting IUU fishing, pursuant to Council Regulation (EC) No 1005/2008, but not where the third country was only identified as a non-cooperating country in fighting IUU fishing. However, the Council agreed that a vessel should also not be eligible for authorisation when it continued to fish in the third country's fishing fleet after six weeks from the decision identifying that third country as a non-cooperating country in fighting IUU fishing, except where the Council has decided not to list that third country as such.

Transshipments: the Council's position includes information requirements concerning transshipments under direct authorisations and on the high seas. It also agreed to include a requirement for prior notification to the flag Member State for these transshipment operations.

Database: the Council agreed on establishing a Union database for fishing authorisations issued under the regulation, which will be composed of a public part and a secure part, thus ensuring a better balance between transparency and control, and securing protection of personal data.

## Sustainable management of external fishing fleets

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The Commission presents a communication concerning the position of the Council on the adoption of a regulation of the European Parliament and of the Council on the sustainable management of external fishing fleets, repealing Council Regulation (EC) No 1006/2008.

The Commission supports the political agreement reached by the European Parliament and the Council on 20 June 2017. Parliament has agreed on new elements derived from compromises reached with the Council during the dialogues. It has, however, maintained its position at first reading, which is reflected in the final political agreement.

The Council position departs from the Commission proposal concerning the scope of the proposal, the definitions used, and the procedures for issuing fishing authorisations. It further strengthens provisions on equal treatment, ensuring that EU vessels, operating inside and outside EU waters, are treated equally, and third country vessels in EU waters are to abide by the same conditions as EU vessels operating within and outside EU waters.

The Commission considers that these changes contribute to reinforcing the consistency of the proposal, simplify and streamline the procedures, minimise administrative burden and refer as much as possible to existing rules under regional fisheries management organisations (RFMOs), international fisheries agreements, including Northern Agreements and Sustainable Fisheries Partnership Agreement (SFPAs).

The Commission proposal was therefore amended to provide for the following measures reflected in the political agreement:

Inclusion of new Section 2 on "fishing activities under agreements on exchange or joint management": this section clarifies the scope of the proposal and ensures that all third country fishing vessels fishing in EU waters are covered by the regulation.

**Eligibility criteria:** the Commission accepts the removal of the eligibility criterion regarding the absence of serious infringements in the last 12 months prior to applying for a fishing authorisation for fishing operations outside Union waters, provided that a legal basis allowing the Commission to intervene in order to stop a vessel from fishing under Article 7 is agreed. Parliament supported the Commission's initial proposal.

**Monitoring fishing activities:** the Commission has accepted that the intervention by the Commission to stop a vessel from fishing is limited to areas where there is an international fisheries agreement binding the Union vis-à-vis RFMOs or third countries under SFPAs. Parliament supports a solid legal basis for the Commission to intervene in order to stop a vessel from fishing when that vessel does not comply with the rules.

**Reflagging operations:** EU vessels may not fish in waters of non-cooperating third countries pursuant to the IUU (illegal, unreported and unregulated fishing) Regulation. The Commission has accepted that six weeks' notice would be given to the vessel to leave the third country waters, once the third country is identified as non-cooperating under Article 31 of the IUU Regulation.

**Reallocation of unused fishing opportunities:** whilst the proposal grants the Commission implementing power to reallocate unused fishing opportunities, the Council insists on doing the reallocation based on Article 43(3) TFEU. As a part of an overall compromise, the Commission accepts this legal basis for the reallocation of unused fishing opportunities.

**Transshipment:** the Commission has accepted the compromise consisting of expanding the scope of the proposal to transshipments in the high seas and for direct authorisations, including a prior notification to the flag Member State and an annual reporting for Member States to the Commission. Parliament wanted to include "landings" and "transshipments" in the definition of "fishing activities".

**Public information in the database:** Parliament's position included: (1) the Community Fleet Register and IMO numbers; (2) the name, city and country of residence of the company owner and the beneficial owner; and (3) the type of authorisation and fishing opportunities.

Neither the Council, nor the Commission can support Parliament's position. A compromise was reached whereby the data on the company owner and the beneficial owner will be stored on the secure part of the database. In addition, the following data will be made public: (1) the CFR and IMO numbers; (2) the type of authorisation including target species or group of species; and (3) authorised time and zone of fishing activity.

## Sustainable management of external fishing fleets

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The Committee on Fisheries adopted the recommendation for second reading in the report by Linnaeus ENGSTRÖM (Greens/EFA, SE) on 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 sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008.

The committee recommended that the European Parliament approve, without amendment, the Council's position at first reading.

As the short justification accompanying the recommendation pointed out, the main elements of the agreement concern the following points:

**Fishing activities:** one of the issues widely debated by the co-legislators was the definition of fishing activities. The final compromise refers to fishing operations rather than fishing activities. Parliament has obtained provisions on prior notification and reporting of transshipments under direct authorisations and on the high seas.

**Reflagging operations:** vessels which, during the five-year period prior to the application for an authorisation, have left the EU register and been reflagged in a third country, and then returned to the EU register will only receive the authorisation by the flag Member State if it has verified that the vessel did not engage in illegal fishing activities (IUU), or that it has not operated in a non-cooperating country or a third country identified as allowing non-sustainable fishing.

**Fishing authorisations:** every EU vessel fishing beyond EU waters would be required to obtain an authorisation by its flag member state based on a set of common eligibility criteria which include: information on the vessel, its owner and the master; a valid fishing license; proof that the vessel is not on a list of illegal fishing vessels (IUU).

As regards direct authorisations, Parliament has obtained a provision obliging the operator to provide a scientific evaluation proving the sustainability of the planned fishing operations.

For high seas fishing outside RFMO (Regional Fisheries Management Organizations), a scientific assessment demonstrating the sustainability of the proposed fishery would be required.

**Control and reporting rules:** EU vessels fishing in third country waters under a sustainable fisheries partnership agreement would be required to provide catch and landing declarations to the third country (if so requested in the relevant agreement). Failure to comply with this obligation would be considered a serious breach of CFP rules.

**Register:** the Commission will maintain an electronic fishing authorisations register, for information exchange with the Member States. Part of this register would be publicly accessible, providing for the first time open access to information on the name and flag of the vessel, IMO number, target species and fishing zone.

## Sustainable management of external fishing fleets

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**PURPOSE:** to improve the system of authorisations granted to EU fishing vessels fishing in non-EU waters and of authorisations for third country vessels to fish in EU waters.

**LEGISLATIVE ACT:** Regulation (EU) 2017/2403 of the European Parliament and of the Council on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008.

**CONTENT:** this Regulation replaces Regulation (EC) No 1006/2008 on fishing authorisations and lays down rules for the issuing and management of fishing authorisations for EU fishing vessels operating in third-country waters within the framework of a Regional Fisheries



Management Organisation (RFMO), in or outside Union waters, or on the high seas. The Regulation also applies to third-country vessels third operating in Union waters.

The main features of the new regulation are:

Fishing authorisations: each Union vessel fishing outside Union waters will be required to obtain authorisation from its flag Member State. This authorisation will be based on a set of common eligibility criteria that include: (i) complete and accurate information on the fishing vessel; (ii) a unique ship identification number issued by the International Maritime Organisation (IMO), if required by Union law; (iii) a valid fishing license; and (iv) evidence that the vessel is not on a list of illegal fishing vessels (IUU).

The flag Member State may issue an authorisation for fishing operations in third country waters outside a Sustainable Fisheries Partnership Agreement (SFPA) only if the operator has provided a scientific assessment proving the sustainability of the fishing operations envisaged.

The flag Member State will have to check regularly whether the conditions on the basis of which the fishing authorisation was issued are still met during the period of this authorisations validity. If these conditions are no longer met, the flag Member State may amend or withdraw the authorisation and, if necessary, impose sanctions.

Reflagging operation: vessels which, in the five years prior to the application for an authorisation, have left the Union fishing fleet register and entered the flag of a third country, and then returned in the Union register, will receive authorisation from the flag Member State only if it has verified that the vessel has not engaged in IUU fishing activities, or has not operated in the waters of a non-cooperating country or a third country identified as permitting unsustainable fishing. The vessel will have to provide a complete flag history for the period when the vessel had left the Union fleet register.

A vessel will not be eligible for authorisation if it has continued to fish in the third country fleet after a period of six weeks following the decision of the Commission identifying that country as non-cooperating in the fight against IUU fishing, except in where the Council has decided not to include that country in the list of non-cooperating third countries as such.

Fishing on the high seas outside RFMOs' responsibility: a scientific assessment demonstrating the sustainability of the proposed fishery will be required, as well as the obligation for the flag Member State to inform the Commission of the date, geographical position and the area where the transshipment operation took place.

Control and reporting obligations: the Regulation provides for the obligation for Union vessels fishing in third country waters under an SFPA to provide catch and landing declarations to the third country (if the agreement concerned provides for it). Failure to comply with this obligation will be considered a serious breach of the rules of the Common Fisheries Policy (CFP).

Third-country vessels: a fishing vessel from a third country may only fish in Union waters on stocks managed by an RFMO if the third country is a contracting party to that RFMO. It may only fish in Union waters if it has obtained a fishing authorisation issued by the Commission. A vessel from a third country authorised to fish in Union waters must comply with the rules governing fishing operations applicable to Union vessels in the fishing zone in which it is operating.

Database: the Regulation provides for the establishment of a Union database on fishing authorisations issued under the Regulation which will include a publicly accessible part and a secure part, in order to ensure a better balance between the requirements of transparency and control while ensuring that personal data protection concerns are met.

ENTRY INTO FORCE: 17.1.2018.

DELEGATED ACTS: the Commission is empowered to adopt delegated acts with regard to the adoption of amendments to the Annex to the Regulation establishing the list of information which must be provided by an operator in order to obtain a fishing authorisation, and in order to complete the conditions relating to fishing authorisations. The power to adopt such acts is conferred on the Commission for a period of five years (renewable) from 17 January 2018. The European Parliament or the Council have the right to oppose a delegated act within a period of two months (which may be extended by a further two months) from the date of the notification of the act.

## Sustainable management of external fishing fleets

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The European Parliament adopted a legislative resolution on 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 sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008.

In line with the recommendation for the second reading of the Committee on Fisheries, Parliament approved the Council position at first reading without amendments.

The new legislative framework establishes strict, transparent and harmonised rules for issuing and managing fishing authorisations for Union vessels fishing outside EU waters and for third country vessels operating in Union waters. The existing Regulation has been revised in order to adapt to the new objectives enshrined in the new Common Fisheries Policy. It aims to improve governance, increase transparency, improve control and enforcement, especially in specific cases, such as direct authorisation, transshipment or reflagging.