

Sustainable management of external fishing fleets

2015/0289(COD) - 12/12/2017 - Final act

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.