



Explanatory meetings of the EU acquis – Chapter 13

Common Fisheries Policy

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These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union

What is Common Fisheries Policy?

- Enshrined in the Lisbon Treaty - exclusive competence
- Short history: first CFP late 1970, then 1983 – 1992 – 2002 - 2013
- Regulation 1380/2013 is framework regulation, referring to all the four main policy areas: fisheries management, international fisheries policy, markets and trade, funding /EMFF

Area of application

- *Territory of member States*
- *Union waters (include territorial waters – up to 12 miles)*
- *Union fishing vessels*
- *MS nationals*

- *MS can take more stringent measures in Union waters*

Access to waters

- *Equal access to Union waters for Union fishing vessels*
- *Territorial waters (until end 2022): MS authorised to restrict access except specific arrangements*

Objectives of the 2014 CFP:

- Fishing is environmentally, economically and socially sustainable
- Fishing at maximum sustainable yield (MSY) (by 2020)
- Precautionary and ecosystem approaches
- Reduction of discards through the landing obligation

How ?

Conservation and sustainable exploitation through

- ✓ multiannual plans (MAPs)
- ✓ fishing opportunities
- ✓ Fleet policy
- ✓ compliance with Union environmental legislation
- ✓ regionalisation
- ✓ consultation of Advisory Councils

Maximum Sustainable Yield

What is Maximum Sustainable Yield?

... Aim to ensure that exploitation restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield

... 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

Landing obligation

Landing Obligation:

- Art. 15 – all stocks subject to catch limits or minimum sizes (Mediterranean)
- In Union waters or by Union vessels
- multiannual plans for implementation details
- discard plan when no multiannual plan (regionalisation)
- *Exemptions:*
 - **De minimis – up to 5%**
 - **Prohibited species**
 - **High survivability**
 - **Fish damaged by predators**

Current state of play:

- ✓ All fisheries in Baltic Sea, the Black Sea, all fisheries for pelagic & industrial species in all EU waters are now under the LO
- ✓ For demersal fisheries, there has been an overall increase in volume from 35% to 44% since 2017
 - ✓ **34% in the North Sea**
 - ✓ **51% in North Western Waters**
 - ✓ **65% in South Western Waters**
- ✓ In the Mediterranean, around 66 % of the total landings are currently under the LO

Content discard plans

- Joint recommendations for discard plans represent the agreement among Member States (MS) cooperating regionally on the elements for the preparation of Union law (Commission delegated act) in accordance with Article 15.6 of the Common Fisheries Policy.

➤ These elements are

1. Provisions on fisheries or species covered by the LO, such as technical measures to increase selectivity or eliminate/reduce unwanted catches;
2. High survival exemptions;
3. *De minimis* exemptions;
4. Provisions on the documentation of catches;
5. Fixing of minimum conservation reference sizes, where appropriate.

Process Regionalisation

- Regionalisation (Article 18 CFP)
 - ✓ **Joint recommendations (JR) by the MS concerned**
 - ✓ **Scientific assessment of JR by STECF**
 - ✓ **If positive scientific assessment => COM delegated act**
 - ✓ **If negative scientific assessment => dialogue between Commission and MS for alignment of JR with STECF advice groups**
 - ✓ **Publication in the JR and entry into force, if no objection by the EP or Council**

Challenges?

- Improve data on discards
- Address potential choke situations
- Use the tools available under the CFP
- Invest in selectivity through EMFF and other funding. To implement the operational results of EU-funded selectivity improvement studies
 - For example: Discardless in the Atlantic and Minouw in the Mediterranean
- Ensure appropriate enforcement and control
- Implement the discard plans and continue to improve their scientific basis

Multiannual Plans

Multiannual plans:

- MSY – ranges and deadlines
- single stock, multiple stocks, mixed fisheries
- accounting for economic/social impact
- regionalization
- Progress:
 - **Baltic Sea**
 - **North Sea**
 - **Western Waters**
 - **Western Mediterranean**

Fishing Opportunities

Fishing opportunities:

- TACs consistent with the objectives (MSY)
- Relative stability
- Member States decide on allocation
- Member States may swap quotas

Fishing opportunities:

- *Process:*
 - **Commission prepares a proposal on the basis of the scientific advice**
 - **Proposal discussed with the Member States in the AGRI/FISH Council (October and December)**
 - **Once adopted by the Council, applies for the fishing the following year**

Latest regulation, setting out the fishing opportunities for 2019 - Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters

Management of fishing capacity (Art. 21-24)

- *Fishing capacity ceilings set out in Annex II and cannot be exceeded*
- *Fishing capacity of the Member State should be in balance with the fishing opportunities available to it*
- *Entry/exit scheme – can only replace as much as withdrawn*
- *If withdraws a vessel with public aid, its capacity cannot be replaced*
- *MS have to report annually to the Commission on this*

Management of fishing capacity (Art. 21-24)

- *Fishing fleet register – Member States must record information on ownership, vessel and gear characteristics and on the activity of the vessels, and transmit this information to the Commission*
- *FRONT with the data up to June 2018 + excel sheets with more recent data:*
<http://ec.europa.eu/fisheries/fleet/index.cfm?lg=en>
- *FLEET will become available second half of 2019 and will provide live data*

Compliance with Union environmental legislation

Compliance with EU environmental legislation:

- Natura 2000 and MSFD/GES
- Member States can adopt measures for own vessels
- but, when other vessels affected:
Commission
- alternative: Commission proposal for co-decision

Governance

- Regionalization – decisions taken by Member States sharing a sea-basin
- Advisory Councils

Regionalisation:

- Move away from Brussels-based micromanagement towards a more regionalised (seabasin)-specific approach
- MAPs, Discard Plans, fish stock recovery areas and conservation measures to comply with environmental legislation
- Joint Recommendations submitted by Member States with a direct management interest
- Advisory Councils have to be consulted

Advisory Councils:

- 10 Advisory Councils
- submit recommendations to Commission and Member States (56 in 2016, 64 in 2017, 74 in 2018)
- inform Commission of problems, propose solutions
- contribute to data collection/analysis
- consulted on joint recommendations (regionalization)
- 60 % fishermen/processing/marketing; 40 % other interest groups

Thank you for your attention!