
The Common Fisheries Policy

Conservation of fishery
resources and
management of fishing
activities



IN-DEPTH ANALYSIS

The Common Fisheries Policy (CFP) covers the entire fish and fishing sector, both catching fish at sea and producing fish in aquaculture, as well as the processing and marketing of these products.

The new policy orientations, defined in late 2013 by the European Parliament and the Council, need to be implemented now. This is particularly the case for the parts concerning the sustainable exploitation of marine living resources, which is the only element of the CFP falling under the exclusive competence of the European Union.

This paper aims to provide the non-expert reader with an overview of the key elements relating to the conservation of fishery resources and the management of fishing activities under the CFP. Following on from developments since 2014, several important legislative initiatives should be presented in this area by the European Commission in the short and medium term.

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EXECUTIVE SUMMARY

The Treaties confer on the European Union exclusive competence for the conservation of marine biological resources under the Common Fisheries Policy (CFP). Competence for the other dimensions of this policy are shared with the Member States. The CFP was initially developed in the 1970s and has been revised several times since then. The last such revision, adopted at the end of 2013, set new orientations for the policy on the conservation of marine resources. It requires in particular the exploitation of stocks to be based on the maximum sustainable yield, and all catches by fishing vessels to be landed in order to put an end to the practice of discarding unwanted catches at sea.

A number of tools are available for managing fishing activities. Setting technical rules on fishing gear, fishing areas and fishing periods, depending on the species, contributes to reducing unwanted catches, in particular of juvenile fish, and to protecting certain vulnerable marine ecosystems, sensitive to fishing activities. Rules on total allowable catches aim to limit the level of catches for the many stocks concerned. Managing and setting limits on the fishing fleet contributes to creating a better balance between the capacity of fishing means and the available natural resources. The new CFP sets as priority the development of multiannual plans that better take into account the interactions between fish stocks and the other elements of the marine ecosystem. It also sets up a mechanism allowing for increased regional cooperation in establishing conservation and management measures.

The CFP covers the exploitation of fishery resources in EU waters based on the principle of free access for EU fishing vessels to all maritime areas in the Member States (excluding the immediate coastline and waters around the outermost regions). However, the policy also covers the activity of the EU fleet outside EU waters, both on the high seas and in waters belonging to non-EU countries. In the area of external relations, EU fisheries policy must promote the same objectives regarding the management and sustainable conservation of marine resources and the marine environment, particularly through regional fisheries management organisations. Under bilateral partnership agreements with non-EU countries in the area of sustainable fisheries, EU vessels are only authorised to exploit surplus fish or to take up fishing opportunities not used by local boats.

For marine resources to be harvested sustainably, it is essential to make use of the best available scientific expertise and gather a considerable volume of data. In terms of governance, fisheries management and conservation measures are prepared in cooperation with advisory councils. The CFP also depends on arrangements to monitor compliance with its rules, both on land and at sea.

Discussion around the initial proposals for implementing the CFP reform, particularly through the development of a multiannual approach, highlighted the problems associated with translating the policy into management measures. Implementation is going forward nonetheless. Certain proposals are already being considered (e.g. a wholesale review of the technical framework), and other legislative initiatives are planned in the area of fisheries conservation and management (particularly in relation to new multiannual plans, the international dimension of EU fisheries activities and the monitoring of compliance with fishing rules).

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Main abbreviations

CFP:	Common Fisheries Policy
EU:	European Union
ICES:	International Council for the Exploration of the Sea
MSY:	Maximum sustainable yield
RFMO:	Regional fisheries management organisation
SFPA:	Sustainable fisheries partnership agreement
STECF:	Scientific, Technical and Economic Committee for Fisheries
TAC:	Total allowable catch

1. Fisheries and the European Union

1.1. Introduction

Marine ecosystems are not divided along state maritime borders. Cooperation is therefore required between the different countries concerned in order to exploit ocean resources, whether fish stocks or the marine environment, sustainably.

The Common Fisheries Policy (CFP) is the most tangible demonstration of this cooperation across the EU as a whole.

As its name suggests, the CFP primarily concerns activities directly related to catching fish. It covers the exploitation of stocks shared between Member States, and the way in which fisheries activities are managed and marine fish landed by all boats operating in EU waters. Furthermore, it addresses resource management on the high seas and EU vessels (flying an EU Member State flag) fishing outside EU waters.

However, the scope of the “fisheries” policy, as overhauled at the end of 2013, goes beyond simply conserving resources and managing fishing activities at sea. It also encompasses certain aspects of farming freshwater or saltwater plants and animals, including processing, marketing and sales to the consumer.

Readers of information on the CSP, including this paper, therefore need to decide what “fishing” or “fisheries” actually means in each context in which it appears. Sometimes the term clearly refers only to professional sea fishing and the operators involved (mainly fishing boats and their crews). In other cases, however, general references to the “fisheries” sector or “fisheries” activities should be understood to mean the entire “fish industry” – at all stages from production, whether the fish are caught or farmed (aquaculture), until the raw or processed product is sold to the consumer.

Equally, just as the adjective “fisheries” can sometimes be used in a simplistic way, the term “fish” may be reductive if it is understood to have only its primary biological meaning. The word “fish” often appears in the context of “fisheries”, where it is used most simply to mean all “aquatic animals” (finfish¹, molluscs and crustaceans, but also echinoderms and corals). At times, “fish” can even be understood very broadly to mean all “aquatic organisms”, both animal and vegetable (particularly seaweed), that can be exploited or produced by “fishing”. Similarly, the term “seafood” is often used in relation to the consumption and marketing of fishery and aquaculture products, even though some “seafood” is actually freshwater in origin.

¹ The use of certain generic terms in this field may also vary between different languages and cultures (depending particularly on the traditional importance of sea fishing and/or the consumption of marine finfish and shellfish). This may cause problems when translating or interpreting between EU languages. For example, the French word “*poisson*” is often translated in English by the word “fish”. The English word “fish”, however, may sometimes be used to refer to both finfish (the French “*poissons*” or, literally, “*poissons à nageoires*”) and shellfish (“*coquillages*”).

1.2. The EU fisheries sector in figures

In 2013, almost 6.05 million tonnes of finfish, crustaceans and molluscs were produced by the 28 EU Member States: 4.84 million from fisheries and 1.21 million from aquaculture². This represents just 3.2% of the worldwide annual volume of 190 million tonnes of products of aquatic origin.

The European Union does, however, play a significant role in terms of markets and consumption. To meet a total apparent demand of 12 million tonnes per year (i.e. an average of 24-25kg of fish per person), the EU imports around 8.5 million tonnes of seafood. This makes the EU the primary importer worldwide, with 24% of total global seafood imports. The annual trade value worldwide is more than 50 billion euro.

Sea fishing employs around 150 000 people (full-time equivalent jobs) in the EU. Freshwater and saltwater aquaculture provides around 80 000 full- or part-time jobs, and approximately 120 000 people are employed in fish processing. The importance of the fisheries sector varies from one Member State to another, and may seem small compared to other areas of industry. Nonetheless, fisheries activities are extremely important in some parts of the EU and also shape regional characteristics.

The EU fleet comprises around 85 000 fishing vessels (more than 72 000 of which are less than 12 metres in length). Three quarters of EU sea catches are made in the northeast Atlantic (around 3.6 million tonnes in 2013), compared with 8.5% in the Mediterranean (414 000 tonnes) and 0.2% in the Black Sea.

1.3. Background

The first EEC reference to a fisheries policy appeared in 1957 in the Treaty of Rome. The first Community regulations on the subject were adopted in 1970³. This initial European legislation on the fisheries sector was based on the “agricultural” objectives of the EEC Treaty: increased productivity, stabilisation of markets, assuring the availability of supply, and guaranteeing reasonable prices for consumers. The Treaty included “products of fisheries” in the general definition of “agricultural products”. These two regulations⁴, which were adopted by the Community of Six, were designed both in response to a crisis in the market for fishery products and in order to develop a coordinated policy for granting financial aid for the organisation and development of national fleets, while also setting up a common system for fishing in Member State seas.

As early as **1970**, therefore, these texts provided the basis for a **common organisation of the market** and a **structural policy for the fishing industry**, while also establishing the

² The figures in this chapter are all taken from European Commission publications. Many of the figures relate to 2013. While they may vary depending on the source material, particularly as regards employment statistics, they are nonetheless generally comparable. Many statistical indicators on fisheries are available in “[Facts and figures on the CFP – Basic statistical data – Edition 2016](#)”, or in more specific infographics such as those concerning [processing](#) or [markets and trade](#). Detailed information is also available in the 2015 report on the [EU fish market](#) published by the European Market Observatory for Fisheries and Aquaculture Products ([EUMOFA](#)). Every two years, the Food and Agriculture Organisation of the United Nations (FAO) also publishes a report on the state of world fisheries and aquaculture ([SOFIA](#)).

³ See in particular [Politique agricole commune et politique commune de la pêche](#), C. Blumann (Ed.), 2011, Éditions de l'université de Bruxelles; [Droit de la Mer](#), P. Vincent, 2008 Edition Larcier; “[Les évolutions de la PCP, des années 1970 à nos jours](#)”, published at the “Toute l'Europe” information website.

⁴ Regulation ([EEC No 2141/70](#)) laying down a common structural policy for the fishing industry and Regulation ([EEC No 2142/70](#)) on the common organisation of the market in fishery products.

principle of equal access to Member States' fishing grounds for all fishing vessels from all the Member States. The only temporary exception granted at the time was that Member States could reserve access, for up to five years, to certain areas within three nautical miles⁵ of the coast for local populations mainly dependent on inshore fishing. In the years that followed, however, the question of access to fishery resources and waters was revised several times as new Member States came on board. The issue was also influenced by significant international developments in the law of the sea, in particular increased sovereignty and jurisdiction for coastal states over marine areas.

The initial principle of equal access for all Member State vessels to Member State seas was thus suspended in January 1973 when the Community was first enlarged to include Denmark, Ireland and the UK, given the importance of these countries' national fleets and the potential socioeconomic effects, in certain coastal regions, of extending access to fisheries. Since that time, Member States' vessels have never been allowed unconditional access to other Member States' waters and resources⁶.

The 1970s were also a time of great international change in the law of the sea, and many coastal countries were keen to extend their jurisdiction and sovereignty at sea. The extension of the maritime areas under the jurisdiction of countries such as Iceland, Norway and Canada, which declared a 200-mile exclusive economic zone or designated reserved fishing grounds, led to a tremendous reduction in the size of certain fishing areas historically used by EU vessels (and other foreign fleets). In July 1976, a few months after the Council finalised the first revision of the structural and common market policy in the fisheries sector⁷, the nine Member States adopted a joint declaration "to protect their legitimate interests" by extending their own fishing grounds to a 200-mile limit in the North Atlantic and North Sea⁸ from 1 January 1977. This instrument, known as the "**Hague Declaration**", also included other provisions on the joint conservation of fisheries resources, responsibility for which was conferred on the Community, and the division of the total allowable catch (TAC).

⁵ Nautical miles are used to measure distance in sea (and air) navigation. One nautical mile is equivalent to 1 852 metres. It is used to show the position of a ship (or aircraft) on the globe, expressed in degrees and minutes, and is approximately equal to the length on the Earth's surface of the arc formed by an angle of one minute of latitude.

⁶ As in the case of the first EEC enlargement, transitional measures restricting access to certain Member State waters, on the basis of the flag flown, were subsequently introduced when other "fishing countries" joined (e.g. Spain and Portugal in 1985, Finland and Sweden in 1995) In addition, each time the basic CFP regulation was revised, Member States were permitted temporarily to reserve some of their fishing grounds for their own fleet and certain other vessels with a tradition of fishing there (historic access rights). This derogation from the principle of free access for EU fishing vessels to all EU waters still applies to certain areas under the current CFP (see Chapter 2.2).

⁷ Regulation (EEC) No 100/76 (common organisation of the market), Regulation (EEC) No 101/76 (common structural policy), Regulation (EEC) No 105/76 (recognition of producer organisations in the fishing industry).

⁸ To this day, the Mediterranean is still mainly classified as high seas owing to the specific geopolitical difficulties associated with extending the jurisdiction or sovereignty of the riparian states (by declaring an EEZ – or even, in certain areas, by simply extending their territorial waters beyond the 3- or 6-mile limit).

Key concepts in the international law of the sea

The United Nations Convention on the Law of the Sea⁹ lays down a global framework governing the oceans, with particular regard to the use of the sea and the exploitation of marine resources. To regulate sea fishing and the sovereignty and jurisdiction of coastal states, the Convention establishes a system of zones associated with different rights and obligations for coastal states and any other users:

- **Territorial waters:** coastal states have full sovereignty within a belt extending at most 12 nautical miles from the coastal baseline, including the seabed and subsoil under the sea (and the overhead airspace);
- **Exclusive economic zone (EEZ):** within a belt extending beyond the territorial waters to a maximum of 200 nautical miles from the baseline, coastal states enjoy certain sovereign rights relating, in particular, to the exploitation, conservation and management of living and non-living marine resources;
- **High seas (international waters):** fishing is unrestricted outside the jurisdiction of a coastal state provided certain general conditions are met, such as the obligation under international cooperation to guarantee the conservation and management of living marine resources.

At the end of 1976, the Council also instructed the European Commission to start negotiations with certain non-EU states with a view to concluding agreements on the access to resources in their fishing zones; in this way the foundations were laid for an external relations component of the CFP¹⁰. Some years later, the Council further declared that “the completion of the common fisheries policy is a concomitant part of the solution of the problems with which the Community is confronted at present”¹¹.

These political developments led ultimately to a formal EU policy on the **conservation of fishery resources**, which was established in a Council Regulation in **1983**¹². This first basic regulation laid down a number of fundamental rules, all deriving from the Council’s previous declarations, for the common management of fisheries; it covered the definition of TACs that would ensure relative stability (compared with each Member State’s historical catch data), reserved access to coastal waters for vessels of the Member State concerned, the granting of Community licences for certain categories of vessel and the restriction of fishing effort. Fisheries management was to benefit from the support of a Scientific and Technical Committee, which would be responsible in particular for making a regular survey of marine resources, and from the implementation of an effective system of supervision.

Large parts of this common fisheries policy have since been revised several times. The basic text of the regulation was substantially recast in 1992 and then again amended in

⁹ [UNCLOS](#) (United Nations Convention on the [Law of the Sea](#)).

¹⁰ Council Resolution of 3 November 1976 on certain external aspects of the creation of a 200-mile fishing zone in the Community with effect from 1 January 1977. While this Resolution was published in 1981 ([OJ C 105, 7.5.1981](#)), the Hague Declaration itself has never been published.

¹¹ Council declaration of 30 May 1980 on the common fisheries policy, [OJ C 158, 27.6.1980](#).

¹² [Regulation \(EEC\) No 170/83](#) establishing a Community system for the conservation and management of fishery resources

2002¹³, as uncontrolled over-fishing continued unabated, fisheries resources continued to dwindle and it was deemed necessary to bring the CFP more closely into line with EU policy in other areas.

The most recent revision of the basic principles underlying the CFP entered into force in 2014 and has a bearing on all aspects of the policy (the general conservation of resources, markets, structural policy and an external fisheries policy)¹⁴. This latest reform was also the first involving the European Parliament, as co-legislator, under the ordinary legislative procedure that has applied to the CFP since the Lisbon Treaty came into force in 2009.

1.4. The Treaties and the CFP today

The Treaties give the EU **exclusive competence** for the **conservation of marine biological resources** under the Common Fisheries Policy. **Competence for other aspects** of fisheries (other than the conservation of marine biological resources) **is shared** with the Member States¹⁵.

The Lisbon Treaty expanded the European Parliament's role in developing and adopting fisheries measures. It made most decisions on the CFP subject to the **ordinary legislative procedure**. However, the adoption of certain kinds of measure on the exploitation of resources (i.e. how fishing opportunities are set and shared out), or on the common organisation of markets (e.g. price-setting) are still reserved exclusively for the Council¹⁶.

The Council is also responsible for decisions to conclude **international fisheries agreements** between the EU and non-EU countries or international organisations, but this also depends on **prior approval by the European Parliament**¹⁷.

However, a number of difficulties of an interinstitutional nature beset the Parliament's exercise of its new legislative prerogatives in fisheries. For example, in 2012 the Council twice adopted texts after amending the draft legal basis, effectively cutting the Parliament out of the decision-making process. In both cases – one of which related to a Council decision on the activity of Venezuelan fishing vessels in EU waters¹⁸, and the other to a regulation on measures for the management of cod stocks¹⁹ – the EU Court of Justice confirmed the Parliament's institutional prerogatives. It annulled the Council acts

¹³ First by [Council Regulation \(EEC\) No 3760/92](#) establishing a Community system for fisheries and aquaculture, then by [Council Regulation \(EC\) No 2371/2002](#) on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

¹⁴ The [CFP reform package](#) put forward by the Commission in 2011 mainly sought to address a number of deficiencies and failings in the policy, in particular the persistent problem of over-fishing and the difficult economic circumstances affecting some parts of the EU fleet. The aim of the package, which came with a [report \(COM\(2011\) 418\)](#) on the implementation of certain chapters of the basic CFP regulation at the time ([No 2371/2002](#)) and an [“overarching communication” \(COM\(2011\) 417\)](#), was to introduce a new revised basic regulation ([2011/0195\(COD\)](#)) at the same time as a new regulation on the markets ([2011/0194\(COD\)](#)) and another on financial support for the policy ([2011/0380\(COD\)](#)). The Commission also used the package to set out its views concerning the EU's future conduct of [international policy](#) in the area of fisheries ([COM\(2011\) 424](#)).

¹⁵ Articles 3 and 4 [TFEU](#).

¹⁶ Articles 43(2) and (3) [TFEU](#).

¹⁷ Article 218 [TFEU](#).

¹⁸ Joined Cases [C-103/12](#) and C-165/12; Parliament and Commission vs. Council.

¹⁹ Joined Cases [C-124/13](#) and C-125/13; Parliament and Commission vs. Council.

in question, although it also temporarily maintained the effect of each to give time for a new measure to be adopted, within a reasonable period, on the appropriate legal basis.

The **CFP today** covers broadly the same area as in the 1980s. All the main areas of the policy are addressed by a general framework regulation, the new "**CFP basic Regulation**" (No 1380/2013²⁰).

According to the regulation, the main objective of the CFP is to “ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies”. The regulation also sets out more specific objectives, focusing in particular on fisheries management and the conservation and exploitation of resources, the sector’s economic viability and competitiveness, guarantees of a fair standard of living for those who depend on fishing activities, efficiency, transparency and a level playing-field in the internal market, the interests of both consumers and producers, and coherence with environmental policy.

Most provisions of the new basic regulation are devoted to developing principles and measures in relation to the policy for the **conservation of marine resources and fisheries management**, including rules governing access to fishing grounds and the management of the fishing fleet. As well as giving general guidelines for the effective monitoring of fishery activities, it lays foundations for the necessary scientific and technical arrangements and for consultation and collaboration with stakeholders, but also for regional coordination mechanisms to provide governance of conservation measures. It establishes a general framework for the EU’s external fisheries policy, with a particular emphasis on international cooperation and resource exploitation through agreements with non-EU states.

Lastly, the new regulation provides for a common scheme for the promotion of EU aquaculture and sets out the principles for a policy on the markets in fishery and aquaculture products and a policy of financial support for the EU’s fisheries priorities (save where specifically indicated, these topics are not addressed below). At the time of the CFP reform, the policies on markets and EU financial support for the CFP were also set out in more detail in specific regulations²¹.

2. Resource conservation and fisheries management policy

2.1. Scope

According to the basic regulation, the CFP covers “the **conservation of marine biological resources** and the **management of fisheries and fleets** exploiting such resources”.

It also covers activities “carried out [...] in Union waters, including by fishing vessels [of] third countries”, and “by Union fishing vessels outside Union waters”.

²⁰ [Regulation \(EU\) No 1380/2013](#) of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.

²¹ Regulation (EU) [No 1379/2013](#) on the common organisation of the markets in fishery and aquaculture products, and Regulation (EU) [No 508/2014](#) on the European Maritime and Fisheries Fund (EMFF).

Marine biological resources are defined as "available and accessible living marine aquatic species, including anadromous and catadromous species during their marine life"²². Fishing vessels, meanwhile, are vessels "equipped for commercial exploitation of marine biological resources".

Therefore, in terms of the scope of the policy on resource conservation and fisheries management, the new CFP is broadly similar to its predecessor: it essentially focuses on sea-fishing for commercial purposes, including the fishing of shared marine stocks of freshwater-migrating species²³.

As fishery resources in internal/continental waters are not, as a rule, shared by more than one country, they are managed under the individual responsibility of each Member State (under the principles of proportionality and subsidiarity). This being so, however, the Member States must nonetheless apply the relevant EU rules on environmental protection (to ensure, for example, the sound environmental status of water in accordance with the Water Framework Directive, or to preserve and protect certain fish species and water habitats under the Habitats Directive).

2.2. Access to the sea: a prerequisite

All EU fishing vessels generally have equal access to the Member States' maritime waters. However, in line with previous developments, the current CFP maintains the possibility, until 2022, for a Member State to restrict fishing, within a belt up to 12 miles from the coast, to its own vessels engaged in traditional fishing out of adjacent ports, as well as to certain ships from neighbouring countries which have traditionally had the same right. In the outermost regions, the permitted restriction in favour of local vessel access to fishing grounds is 100 miles²⁴.

The principle of mutual access for fishing vessels from the Member States is also tied to conditions (which may mean restrictions) deriving from the measures in the CFP for the conservation and exploitation of fishery resources.

EU vessels must have the proper authorisation to fish in international waters or in the waters of a non-EU country.

²² **Anadromous** species (such as Atlantic salmon) spend most of their life at sea but migrate to fresh waters to reproduce. **Catadromous** species, on the other hand, spend most of their life in fresh water but reproduce at sea. An example is the European eel.

²³ The 2013 basic regulation, for the first time, includes an explicit reference to **sport fishing**: the third recital acknowledges that "recreational fisheries can have a significant impact on fish resources" and insists that "Member States should, therefore, ensure that they are conducted in a manner that is compatible with the objectives of the CFP". Despite this general clause making the management of sport fishing a matter for national authorities rather than the EU, the Commission has since proposed several measures restricting recreational fishing, and a number of these have already been the subject of a decision by EU lawmakers. For example, Council Regulation (EU) [No 2016/72](#), which establishes the fishing opportunities for 2016, imposes restrictions on individual recreational fishermen casting for sea bass. Another example is that of a [proposal](#) submitted by the Commission in March 2016 concerning the overhaul of fisheries technical measures (see also sections 3.1 and 6), which would extend the impact of the EU's technical measures, as appropriate, to recreational fishing.

²⁴ See Article 5 of and Annex I to Regulation (EC) [No 1380/2013](#); also the [DG MARE](#) webpage on access to the sea.

2.3. Fisheries conservation and management objectives

The **approach** to fisheries management under the CFP must be both **precautionary** and **respectful of ecosystems**. The precautionary approach essentially means managing fishery activities so that the stocks of caught species remain above a level that precludes the risk of species collapse. The ecosystem-based approach means taking greater overall account of the relationship between fishing and the environment and reducing the negative impact of fishing on all marine ecosystems, including by maintaining compliance with EU environmental legislation.

Although both approaches have been an instrumental part of CFP implementation for a number of years²⁵, the 2013 reform also set precise objectives in this regard by establishing “reference thresholds” for fisheries management (see the box below). The main aim of such thresholds is, by adjusting catch rates, to restore the populations of caught species to a level above that of **maximum sustainable yield (MSY)** by 2015 if possible, and for all stocks no later than 2020.

Key concepts used in fisheries management

A **stock** is the population of a given marine species, a reproductive entity that is relatively clearly distinct from other entities and can therefore be used as a specific unit of management. The status of a stock can be assessed by its **biomass (B)**, which corresponds to the total volume of individuals in the stock and is usually given in tonnes. In fisheries management, the biomass indicator used is very often that of **reproductive** or **spawning stock biomass (SSB)**, which corresponds to the total volume of individuals in the stock of reproductive age. **Recruitment** refers to the size of the new age group appearing in a stock every year after reproduction and taken into account for management purposes.

The **fishing mortality rate (F)** is an indicator of the level of stock exploitation. F corresponds to the intensity of the impact of fishing on the stock (F is the result of a mathematical formula and has no given unit value). It may be practical to measure the mortality rate by the total number of individuals authorised for or killed by fishing (this is the total allowable catch, generally given in tonnes). The impact of fishing on a stock depends not only on the total number of fish caught but also on the resulting mortality in each generation (or age group) making up the total population. Assessing fishing mortality is a complex exercise which must also take account of the **exploitation pattern**, i.e. the various mortality rates due to fishing by age and size. The exploitation pattern depends in turn on what fishing activities and methods are practised and to what degree they are **selective** (able to determine that only fish of a certain size or size range will be caught).

When the reproductive biomass of a stock falls below a given level, as well as a drop in the number of fish of spawning age there will be a significant impact on their ability even to continue reproducing correctly. Recruitment will be insufficient, and the risk of the stock collapsing entirely will therefore soar.

The precautionary approach (**pa**) seeks to ward off this eventuality and manage fishing essentially through use of a reproductive biomass lower limit. This precautionary limit or threshold (**Bpa / Blim**) is the result of calculating (with an agreed margin of error) the smallest viable number of sexually mature individuals for a given biological risk, and thus the corresponding fishing mortality rate (**Fpa / Flim**). Using the precautionary approach, a stock is usually deemed to be exploited sustainably, or within acceptable biological limits, if the fishing mortality rate is below Fpa / Flim and the stock size is greater than Bpa / Blim.

²⁵ See, for example, documents which the Commission published on the ecosystem-based approach in 2001 ([SEC\(2001\) 1696](#)) and 2008 ([IP/08/566](#)).

As well as using a management approach that is limited to reducing the risks of collapse and maintaining stocks within biological viability, the CFP now also seeks to manage fishing on the basis of **maximum sustainable yield (MSY)**.

MSY is defined as “the highest theoretical equilibrium yield that can be continuously taken on average from a stock under existing average environmental conditions without significantly affecting the reproduction process”. Put simply, this means the maximum catch rate to which a stock can be subjected indefinitely without declining over time, given stable environmental conditions and an unwavering exploitation pattern.

At EU level, the MSY approach gives a fishing mortality rate **F_{msy}**. Where fishing mortality is close to F_{msy}, the average catch rate will also be approaching the maximum, but without an adverse effect on average recruitment. **B_{msy}**, meanwhile, is the average biomass of reproductive individuals in a stock fished at F_{msy}. Under the MSY approach, a stock is considered to be over-fished if the actual fishing mortality rate F is greater than F_{msy}²⁶.

The overall equilibrium intrinsic in MSY may however be upset, especially if the biomass of reproductive individuals should suddenly fall as a result of, for example, unfavourable environmental conditions causing low natural recruitment. If this occurs, it may be necessary to reduce fishing mortality to a value below F_{msy} so that the stock can reconstitute at a level close to B_{msy}. The population level below which it will be necessary to trigger the process of reducing fishing mortality for a return to B_{msy} is often called **MSY-Btrigger**.

Given, as already noted, that the value of F_{msy} depends on the stock exploitation pattern, any significant changes to the selectivity of fishing methods and/or the average composition of catches taken by different fisheries may alter F_{msy} to a value commensurate with the new circumstances²⁷.

Another key aspect of the revised CFP is the new requirement to land all catches, which is to be implemented at different times depending on the fishery, in order to put an end to the practice of discarding fish at sea. The introduction of a landing obligation for all catches taken by a fishing vessel amounts to a radical change to the conservation policy followed for the past few decades²⁸.

²⁶ These concepts are central to MSY and are often used in discussion of the CFP. Further explanation is available at the sites of scientific bodies, such as the International Council for the Exploration of the Sea ([ICES](#) – see, for example, the [general context of its advice](#)) and [Ifremer](#) (e.g. its dedicated page on [MSY](#)).

²⁷ This summary of MSY is necessarily simplified, as it is based on a theoretical model showing an individual approach for a given stock. The definition of MSY and efforts to implement it in practice raise additional problems, especially in the presence of an approach based on ecosystems or, at the very least, on the relationship between the main stocks concerned. In such cases there is no possible single value for F_{msy}, but rather a range of possible values depending on the balance between different stocks which impact each other (through predation). In other cases, similarly, the precautionary approach may prove incompatible with fishing of a stock at F_{msy}. The concept of MSY also raises questions regarding which yield indicator to use (should priority be given to caught volume or financial profit?) or when evaluating other aspects of sustainability which, notwithstanding comparable fishing mortality rates for the stock in question, may vary from one fishery to another (level of collateral catch, implications for net commercial profit, jobs, etc.). The integration of MSY as part of fisheries management is complex in practice (see also footnote 70).

²⁸ There is a random element to all fishing, such that those who practise it cannot only catch species or individuals of commercial interest, or which they are authorised to fish and keep. Accordingly, for decades the CFP forbade vessels from keeping on board, and thus from landing, any fish which did not satisfy certain management rules. Typically, these might be undersized fish (below a “minimum landing size”) or fish caught without a quota authorisation. Catches of this sort were therefore returned to the water, even where already dead or given little chance of survival. The purpose of this prohibition on landing, which made any unintended catches entirely worthless, was to encourage fishers to adopt

Henceforth, whenever species are taken that are subject to catch limits or, in the Mediterranean, to rules on size, the entirety of the catch must be kept on board, landed and counted²⁹. The landing obligation is to be implemented progressively depending on fishery type and region (the first were affected in January 2015, and it must be in place in the last by January 2019 at the latest). Details of the implementation of the landing obligation must be specified in multiannual plans (see section 3.3) or, in the absence of a multiannual plan, in temporary discard plans which the Commission is empowered to adopt for a period of no more than three years, where necessary on the basis of regional recommendations (see section 3.5).

3. A wide range of conservation and management tools

There are many varied measures for the conservation of marine resources and sustainable management of fisheries. They govern all factors and activities in the production of fish by fishing (these are “inputs” relating to, for example, fleet size, fishing capacity and the number of authorised fishing days), as well as aspects of production *per se* (“outputs”, chiefly authorised catch volume and the authorised size of fish).

3.1. Technical measures

Technical measures are one of the main tools used to bring about the sustainable exploitation of living marine resources. The new basic regulation defines them as measures regulating “the composition of catches by species and size and the impacts on components of the ecosystems resulting from fishing activities by establishing conditions for the use and structure of fishing gear and restrictions on access to fishing areas”. It also gives a non-exhaustive list of possible technical measures³⁰.

Put simply, technical measures in fisheries are meant to regulate **how, when and where fishing can be done**.

One main objective of technical measures is to prevent juveniles from being caught. More generally, they should help to make fishing more selective so that the bulk of the catch consists of the targeted species and individuals, ensuring, as far as possible, that under-age fish and unintended or prohibited species cannot be taken. Some measures are also designed to protect other features of the marine environment, such as coral reefs, birds and aquatic mammals.

To achieve all this, technical measures target specific details of fishing, focusing in particular on the characteristics of equipment (mesh size, trawl net design, etc.) and how it is used (length restrictions, prohibited gear, etc.). They also establish rules reflecting the physical characteristics of fish – in particular giving a minimum size for each species taken. Finally, they set “spatio-temporal limits” determining which zones are prohibited or authorised for fishing, and when.

fishing methods that prevented certain fish from being caught in the first place rather than requiring “authorised” fish to be sorted on board from those that were not. In 2011, however, the Commission proposed putting a stop to the practice of discards, arguing that it represented an unacceptable level of waste. This proposal played a [major role in discussions at the time](#); at the end of 2013 it culminated in a change of direction under the CFP.

²⁹ See in particular Article 15 of Regulation (EU) [No 1380/2013](#).

³⁰ See in particular Articles 4(20) and 7(2) of Regulation (EU) [No 1380/2013](#).

In this regard, the recast CFP is no different to the previous version, with one important exception in the form of a reference to “undersized” fish in connection with the landing obligation and the objective of eliminating discards³¹ (see section 2.3).

Fisheries technical rules have naturally required the use of specific concepts and terminology³². Over time, having established themselves in a range of regulations, they have developed into a complex set of measures whose effectiveness is questionable. In March 2016, therefore, the Commission proposed a thorough overhaul of the EU’s rules on fisheries technical measures. The review is to be carried out in conjunction with other aspects of the new CFP, chiefly the landing obligation and the development of regional approaches (see section 3.5).

3.2. Setting fishing opportunities: total allowable catch and quotas

Broadly speaking, the management of fishing opportunities simply entails determining *how many* fish can be taken.

Essentially, this means setting maximum authorised catch levels for a given stock and a given period of time. At present, a **total allowable catch (TAC)** has been set EU-wide for each of 230 different stocks (some of them, such as highly migratory species, to be found partly outside EU waters³³). TACs are usually expressed in tonnes and set once every year (or every two years for some deep-sea stocks).

In accordance with the Treaties, fishing opportunities are set by the Council, which usually decides for a given year at the end of the previous year, on the basis of proposals submitted by the Commission during the autumn months. Where stocks are shared with non-EU states, TACs should be agreed jointly with the countries in question (through bilateral discussion or international resource management organisations – see section 4).

For a number of years, pending the completion of marine-based scientific studies leading to expert findings on the status of stocks and recommendations concerning viable catch levels, the Commission has been in the habit of issuing a pre-summer communication stating the principles which it intends to apply when drawing up proposals for the next year’s fishing opportunities³⁴. Those principles largely depend on the various possible scenarios for stocks, including the way they are fished, and on the level of scientific information that is available (or not) in that regard. For some stocks, the annual TAC-setting exercise has also been influenced by more general provisions in the multiannual plans which have been part of the CFP since the 2002 reform. Until recently, the main purpose of these provisions, known as “harvest control rules”, was to limit the upward or downward fluctuation of fishing opportunities from one year to the next.

³¹ The concept of “minimum landing size” has been replaced by that of “minimum conservation reference size” in line with the major policy change of a progressive obligation to land all fish caught, including those that are undersized (there was previously a ban on keeping or landing individuals that were too small, so crews had no alternative other than to return them to the sea).

³² A more complete description (with illustrations) of fishing gear (trawl nets, seines, trammel nets, etc.) and biological terms linked to species of fish (pelagic, benthic, demersal, etc.) is given in an “[illustrated guide for non-experts](#)” (original in English), J. Weissenberger, European Parliament, EPRS, October 2015.

³³ The system of TACs and quotas is not used for fisheries management in the Mediterranean, the one exception being the management of Bluefin tuna.

³⁴ See the Commission’s most recent communication in this regard ([June 2016](#)) for [consultation](#) on the fishing opportunities for 2017, the previous communication ([2015](#) for 2016) or the more general [webpage](#) on TACs and quotas).

Under the new rules, TACs must also take account of the basic principles of the 2013 reform, and in particular the requirement to achieve the MSY targets for all stocks, by reference to the corresponding fishing mortality rates (which must be factored into the development of multiannual plans – see section 3.3), no later than 2020.

The TACs for species covered by the landing obligation now correspond to the volume actually caught rather than the number of fish landed. It is possible that implementing the reform in this area will necessitate, during at least a transitional period, some topping-up of fishing opportunities³⁵. The reason is the need to take account of the share of each actual catch that is “unintended” but must now be counted and deducted from the remaining opportunities³⁶. Under the previous CFP, catches that were unintended (no landing quota or undersized individuals) had to be discarded, which caused particular problems in mixed fisheries.

As well as setting the TACs for all stocks, the Council is responsible for distributing them among the various Member States concerned. This **division of fishing opportunities into national quotas** is done with an eye for the principle of **relative stability**, which states that the share of fishing opportunities allocated to a Member State for a given stock should remain stable year on year. The “distribution key” for dividing a TAC into national quotas is historically based (see section 1.3) so that account is taken of previous fishing activity when a system of management by TAC and quotas is introduced for a stock. Nonetheless, Member States may subsequently exchange some or all of their allocated fishing opportunities (after informing the Commission, which is responsible for monitoring how opportunities are used).

As has always been the case, arrangements for **sub-dividing a national quota among operators** and groups of operators (fishers, vessels, fleets, producer organisations, coastal regions, etc.) in the country in question is **entirely a matter for the Member State authorities**. However, the new basic regulation requires fishing opportunities to be allocated using transparent and objective criteria, including those of an environmental, social and economic nature. Member States must endeavour to provide incentives to vessels using fishing techniques that are selective or have a reduced environmental impact.

Within the EU, a wide range of approaches are taken to the distribution of quotas among the operators in a Member State³⁷. The manner in which fishing opportunities are shared among different types of vessel and commercial enterprise may demonstrably influence both the environmental impact of fishing and, even more strongly, the socio-economic situation in the sector (profitability, jobs created by the exploitation of finite resources), and help to define the role of fishing, and of smaller vessels in particular, in the social fabric of coastal regions³⁸.

³⁵ See, for example, the Commission’s [questions and answers](#) on the TACs for 2016.

³⁶ The CFP [basic regulation](#) allows, however, for small fractions of a catch that are not covered by the landing obligation to be excluded from the corresponding quota (the 5% de minimis exemption on total annual catches in Article 15(5)). See also this [infographic](#) on the change in the landing quota for catch quotas where the landing obligation applies.

³⁷ See, for example, the report [“Criteria for allocating access to fishing in the EU – Study”](#), European Parliament, DG IPOL, 2015.

³⁸ The CFP basic regulation contains no specific provision at EU level for fishing opportunities to be distributed among operators in a manner that, for socio-economic reasons, would favour certain fishing techniques rather than others. However, [“small-scale” fisheries](#) may enjoy specific advantages

3.3. Multiannual plans

Fishing opportunities are usually set once a year, as part of a short-term approach. At the time of the 2002 CFP reform, it was acknowledged that a longer-term approach was needed, and the basic regulation then enacted³⁹ made the adoption of multiannual recovery plans an “absolute priority” in the case of stocks outside safe biological limits, with multiannual management plans for other stocks.

The 2013 CFP continues to recognise the utility of multiannual plans for ensuring both the sustainable exploitation of stocks and a greater measure of predictability for fishing in the long term, and provides that they “shall be adopted as a priority”.

Where management plans were established before 2013, they vary in terms both of their objectives and of the approach they take to the conservation of stocks and fisheries management⁴⁰. The objectives of new multiannual plans must now be consistent with the MSY target (or, where insufficient scientific data is available, with the precautionary approach). Plans must also contain a number of provisions set in the new basic regulation⁴¹. In particular, there must be quantifiable targets such as fishing mortality rates and spawning stock biomass, with time-frames, safeguards and, where necessary, remedial measures (see the box in section 2.3).

The first multiannual plan proposed by the Commission following the CFP reform concerned stocks of cod, sprat and herring in the Baltic Sea. The institutions’ discussions of the proposal were protracted and difficult, but an agreement was reached in trilogue in March 2016 and a regulation was adopted in July⁴². With this new-generation multi-species plan, the way was open for other similar proposals by the Commission (see section 6).

3.4. Fleet and capacity management

Vessels that are no longer able to target a specific stock or operate in a given fishing area will understandably endeavour to switch to another stock or location. The management of stocks by catch volume, or of fishing areas and authorised periods, may not be enough to ensure that the total capacity of the EU fleet is commensurate with the total volume of available resources.

For this reason, the new CFP is continuing to pursue the objective of limiting total fleet capacity in the EU through a vessel management system based on a fleet entry/exit scheme under Member State control⁴³. The basic regulation prevents any net increase in the capacity of national fleets by requiring all entries of new capacity to be offset by the

(often entailing exemptions from rules) under other fisheries management tools, such as technical measures, catch monitoring and supervision of the [small-scale coastal fleet](#).

³⁹ [Council Regulation \(EC\) No 2371/2002](#) on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

⁴⁰ See in particular the Commission’s [webpage](#) with information on multiannual plans.

⁴¹ See Articles 9 and 10 of Regulation [No 1380/2013](#).

⁴² Regulation (EU) [2016/1139](#) (procedure [2014/0285\(COD\)](#)); see also the “EU Legislation in Progress” briefing “[Multiannual plan for Baltic fisheries](#)”.

⁴³ Fleet over-capacity used to be addressed through multiannual guidance programmes (under the [Financial Instrument for Fisheries Guidance](#)), but at the same time structural funding was available for boat-building and motorisation. In 2002, the fleet management system was replaced by the entry/exit scheme and by support arrangements for the scrapping of fishing vessels (here see recital 12 to the [2002 basic regulation](#)).

prior withdrawal of capacity of at least the same amount. Moreover, where a vessel is withdrawn from the fleet using public aid, its fishing licence and fishing authorisations must first be rescinded and the corresponding capacity may not be replaced⁴⁴.

The Commission maintains an up-to-date register of the EU's fishing fleet on the basis of information recorded and sent in by the Member States⁴⁵.

As well as ensuring compliance with the maximum capacity of their national fleets (by engine power and gross registered tonnage, as laid down in Annex II to the basic regulation) and the fleet entry and exit conditions described above, Member States must introduce measures to bring the fishing capacity of their fleets in line, over time, with their fishing opportunities, with a view to achieving a stable and sustainable balance between the two.

In accordance with guidelines delivered in September 2014⁴⁶, these measures must be set out in an annual report to the Commission. In its own latest annual report consolidating the information in these national reports, the Commission reports that the EU fleet has declined by 25% in terms of tonnage and 13% in power over the past ten years. It considers that significant progress has been made on bringing fleet capacity into line with the available resources, but notes that some fleet segments are still at excess capacity⁴⁷.

3.5. Management and conservation measures: regional cooperation options

The EU has exclusive competence for the conservation of biological resources in fisheries, and this competence is essentially put into practice through the ordinary legislative procedure (see section 1.4). However, at the time of the 2013 CFP reform, the European Parliament and the Council decided to promote the possibility of **regional cooperation**. This was done through Article 18 of the basic regulation, which provides a means for joint regional conservation measures to be drawn up by an interest group of Member States and ultimately enacted in EU law.

To make this possible, a mechanism for this form of regional cooperation must be written into a conservation measure – which may be a multiannual plan – applying to a specific geographical area.

Where the conservation measure (or multiannual plan) empowers the Commission to adopt additional measures by means of delegated or implementing acts, Member States with a direct management interest affected by those measures may agree to submit joint recommendations. The conservation measure (or multiannual plan) must also include a deadline for the submission of joint recommendations, and the Commission may not adopt any delegated or implementing acts before that deadline has expired.

⁴⁴ According to past [information](#) on the fleet, between 2007 and the end of May 2015 some 2 100 fishing vessels were withdrawn without public aid, compared with almost 4 300 withdrawn using public aid (worth a total of not quite 935 million euros, including 546 million euros from the European Fisheries Fund (EFF)).

⁴⁵ The [fleet register](#) is available online.

⁴⁶ [COM\(2014\) 545](#): Guidelines for the analysis of the balance between fishing capacity and fishing opportunities according to Article 22 of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy.

⁴⁷ See the Commission's June 2016 [press release](#) to accompany publication of its [fleet report](#) for 2014.

The Member States must draw up their joint recommendations in association with the relevant advisory councils and scientific bodies (see section 5). If a joint recommendation is compatible with the overall conservation measure (or multiannual plan), the Commission may use the powers conferred on it for that purpose to adopt the recommended measures. If the Member States concerned cannot all agree on a joint recommendation within the set deadline, or if a joint recommendation is deemed not to be compatible with the conservation measure, the Commission may submit a proposal for a decision by the Parliament and the Council in accordance with the Treaty.

3.6. Emergency and national measures

The new CFP basic regulation allows for the possibility of emergency measures. In the event of a serious threat to fishery resources or the marine ecosystem, the Commission may immediately adopt applicable emergency conservation measures for a maximum period of six months, renewable once only for the same maximum period. The Commission may take these measures at its own initiative or at the reasoned request of a Member State. In the event of a serious threat to the conservation of resources or to the ecosystem in waters falling under its sovereignty or jurisdiction, a Member State may also adopt emergency measures, for a period of three months, which are compatible with the objectives of the CFP and no less stringent than those provided for in EU law. Where such measures are liable to affect fishing vessels of other Member States, they may be adopted only after consulting those Member States, the relevant advisory councils and the Commission. If the Commission considers that a measure adopted in this way does not comply with the necessary conditions, it may ask the Member State to amend or repeal the measure.

A Member State may also adopt national measures for the conservation and management of fish stocks and the maintenance or improvement of the conservation status of marine ecosystems within its 12-mile zone, provided that those measures are non-discriminatory and that the EU has not adopted specific measures to the same end. As with emergency measures, if national measures are liable to affect fishing vessels of other Member States that are authorised to operate within the 12-mile zone, they may be adopted only after consultation leading to the same possibility of a request for revision. Without exception, all national measures must be compatible with the objectives of the CFP and no less stringent than those provided for in EU law.

Lastly, any Member State may adopt conservation measures that only affect its own fleet within its own waters, provided those measures serve implementation of the EU's environmental directives: the "Nature Directives" on birds and habitats and the Marine Strategy Framework Directive⁴⁸. If such measures would affect the operation of other vessels they must be adopted at the level of the EU, if necessary by means of a delegated act. However, the Commission may only adopt such delegated acts following a specific consultation and regional cooperation procedure initiated on the basis of a joint recommendation by all the Member States with a direct management interest in the fishery activity concerned.

⁴⁸ Directives [92/43/EEC](#), [2009/147/EC](#) and [2008/56/EC](#) respectively.

4. Fishing outside EU waters

There is a class of EU fishing vessels which operates outside waters under the jurisdiction or sovereignty of a Member State. Whether on the high seas or in the waters of a non-EU country, these activities are covered by the EU's external fisheries policy⁴⁹. The CFP basic regulation provides that, in order to guarantee the exploitation, management and sustainable conservation of marine resources and the marine environment, its objectives also apply to external relations in fisheries.

As required by the United Nations Convention on the Law of the Sea and the terms of the CFP⁵⁰, the EU maintains dialogue with non-Member states and does all it can to reach common agreement on the sustainable management of stocks.

International cooperation on fisheries resource conservation and management

The UN Convention on the Law of the Sea (UNCLOS)⁵¹ requires coastal states and states whose nationals engage in fishing to conserve and manage resources appropriately, prevent over-fishing and cooperate on the management of shared stocks, either directly or through the relevant international organisations.

Regional fisheries management organisations (RFMOs) covering specific ocean sectors have been progressively established. The international cooperation called for in the UNCLOS has also taken shape globally in the context of the United Nations Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish⁵². This agreement lays down more clearly the set of states' rights and obligations in connection with the conservation and management of the stocks concerned, as well as biodiversity protection in the marine environment. It identifies RFMOs as the bodies within which states can discharge their obligations in this regard. States with an interest in the fisheries concerned (regional coastal states and other countries with fishing interests in the region) are encouraged in the agreement to affiliate to the RFMOs.

Almost twenty RFMOs have been established to date. "Tuna RFMOs" focus more specifically on the conservation and management of highly migratory species such as tuna, while "non-tuna RFMOs" deal with the conservation of all living marine resources in their respective region.

The contracting parties to a **regional fisheries management organisation** agree on a set of conservation measures to be applied (such as catch limits, management of the fishing effort and technical measures) and on the related means of supervision. Some RFMOs also assemble the necessary means for data-gathering and obtaining the requisite scientific expertise for them to adopt fisheries management measures. Others make use of existing external bodies such as the International Council for the Exploration of the

⁴⁹ For more information on this topic, see in particular the analysis "[Beyond the European seas – The external dimension of the Common Fisheries Policy](#)", I. Popescu, European Parliament, EPRS, November 2015. Note also that the CFP's external dimension is not limited to the conservation of resources outside EU waters or the management of "long-distance" fishing. Other components of the EU's external fisheries policy concern international trade in fisheries and aquaculture products, including the role of trade in combating illegal, unreported and unregulated (IUU) fishing.

⁵⁰ See in particular Articles 29, 30 and 33 of Regulation (EU) [No 1380/2013](#).

⁵¹ See also footnote 9 on the [UNCLOS](#).

⁵² United Nations agreement for the implementation of the provisions of the UNCLOS relating to the conservation and management of fish stocks migrating both within and outside EEZs (straddling stocks) and highly migratory fish stocks, [in force since 2001](#) and known by the acronym [UNFSA](#) (United Nations Fish Stocks Agreement).

Sea (ICES)⁵³. At present, the EU (represented by the Commission) is active in the work and decision-making of six tuna and nine non-tuna RFMOs⁵⁴. As decisions taken by these RFMOs are binding on all parties, it is at times necessary to incorporate them into EU law.

As well as multipartite international cooperation, the CFP calls for **bilateral sustainable fisheries partnership agreements** (SFPAs), which are of mutual interest for the EU and the other countries concerned, including local populations and fishing industries. SFPAs provide access for selected EU fishing vessels to the waters of a non-EU country, but they must also be a driver for local development – and part of the EU’s financial contribution must be put towards sectoral support for fisheries in the host country (used, for example, to expand national supervisory capacity). Agreements must also contain a basic clause insisting on the host country’s compliance with the principles of human rights.

SFPAs deliver a framework of legal, environmental, economic and social measures governing operations of the EU’s fishing fleet. They are formally implemented through a bilateral protocol with detailed terms that will apply for a specified period of time (number of vessels and fishing opportunities, scale of the financial contribution, etc.).

Depending on the nature of the stocks to which they give access, there are two types of SFPAs: “tuna agreements” and “mixed agreements”. Tuna SFPAs concern only the fishing of highly migratory species (tropical tuna and similar). They enable EU vessels hunting these species to follow them across the world’s oceans and adapt their fishing strategies with the benefit of uninterrupted access to the largest possible range, including waters in the EEZs of coastal states. From the conservation point of view, the operations of the EU vessels benefiting from a tuna SFPAs are also subject to resource management measures under the agreement.

Where an SFPAs is in place allocating access rights and fishing opportunities for demersal or coastal stocks in the waters of a non-EU country (a “mixed” agreement), the EU fleet can exploit only surplus rights (or a part thereof) which the host country has not taken up and not already transferred to another party. In addition to SFPAs involving a financial contribution from the EU, bilateral agreements exist with Norway, the Faeroe Islands and Iceland (the “northern agreements”) on the basis of the mutual exchange of fishing opportunities and reciprocal access to territorial waters.

In certain cases, vessels flying the flag of a Member State are required to obtain specific authorisation in order to operate outside EU waters⁵⁵. This arrangement too is in the interest of better control of external activities.

⁵³ [ICES](#) (International Council for the Exploration of the Sea) is an international scientific advisory organisation specialising in marine affairs.

⁵⁴ See *inter alia* the information at the DG MARE [website](#). The Commission is also active in two regional organisations whose role is advisory only.

⁵⁵ Council Regulation (EC) [No 1006/2008](#) concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters (this regulation is currently being reviewed – see section 6 and footnote 75).

5. Science, governance and control

5.1. Scientific basis for fisheries management

Resource conservation and fisheries management are dependent on access to the most accurate data on the status of stocks, the marine environment and fishing activity. This information is needed in particular for the preparation of scientific advice and recommendations. To this end, using an EU-wide common approach, Member States must collect and collate the necessary biological, technical, environmental and socio-economic data for the purposes of fisheries management and the work of the relevant advisory bodies⁵⁶.

In preparing its proposals, the Commission turns first for advice to the Scientific, Technical and Economic Committee for Fisheries (STECF), a body that has formally existed since 1993 and is composed of independent experts from many fisheries-related disciplines⁵⁷. For its work in connection with the oceans and seas with a European coastline, the Commission also makes use of contributions from the International Council for the Exploration of the Sea (ICES), an international scientific advisory organisation specialising in marine affairs, or the views of the Scientific Advisory Committee of the General Fisheries Commission for the Mediterranean⁵⁸.

In common with other areas of the CFP, the collection of data and preparation of scientific advice, which are essential to the functioning of the policy, are supported financially by the European Maritime and Fisheries Fund⁵⁹.

5.2. Consultative bodies

The 2013 CFP basic regulation established consultative bodies which it terms “**advisory councils**”. In the area of fisheries management, there are nine advisory councils for specific sea areas and fishery types, seven of which correspond to the areas/fisheries covered by the predecessor “regional advisory councils”. The basic regulation set up two additional advisory councils – for the Black Sea and outermost regions respectively⁶⁰.

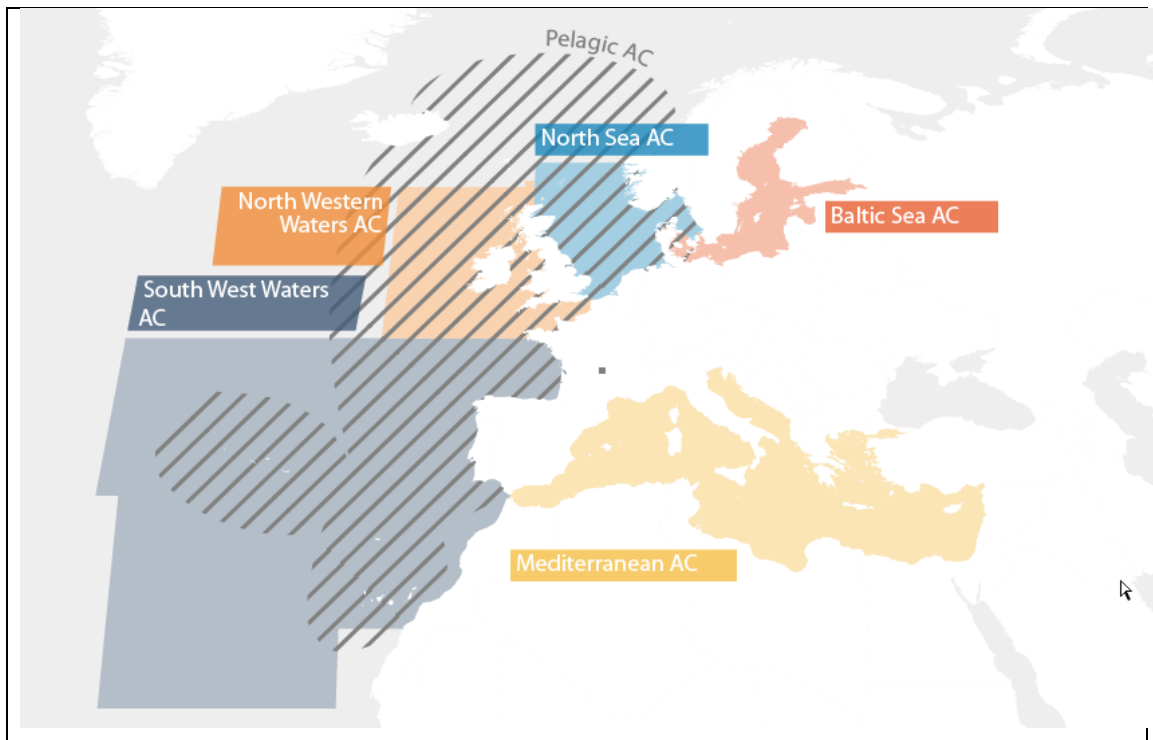
⁵⁶ Council Regulation (EC) [No 199/2008](#) concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the CFP. A proposal to rework the content of this regulation is currently under examination (procedure [2015/0133/COD](#)).

⁵⁷ More information on [scientific advice](#) is available at the DG MARE website or from a dedicated page on the [STECF](#).

⁵⁸ See in particular the [ICES](#) and [SAC/GFCM](#) websites.

⁵⁹ Regulation (UE) No [508/2014](#).

⁶⁰ The 2002 reform of the CFP had formally established a number of regional advisory councils (CCRs) to improve the process of consulting stakeholders on matters of fisheries conservation and management at regional level rather than for the EU as a whole. The CCRs were set up to complement the work of the Advisory Committee for Fisheries and Aquaculture (ACFA), an EU-wide consultative body comprising representatives of fishermen, the fisheries and aquaculture processing and marketing sectors, and consumer, environmental and development interests. The ACFA was the most recent incarnation to date of the very first fisheries advisory committee set up by the Commission in 1971 ([Decision 71/128/EEC](#)), which was then regularly renewed and reconstituted (see [Decision 2004/864/EC](#)). The 2013 CFP reform abandoned this general consultative body in favour of “specific” advisory councils, set up for a sea area or fishery group or, in the case of aquaculture and markets, a field of competence.

Figure 1 – Coverage of selected advisory councils (ACs)

Data source: EU Commission⁶¹.

The advisory councils receive EU funding and can be consulted by the Commission or the Member States on any matter of fisheries conservation or management. They must be systematically consulted in connection with the implementation of regional cooperation mechanisms (see section 3.5). They may also submit recommendations and suggestions, give notification of any problems and contribute to data collection.

They must be composed of representatives of the relevant sectors and other interest groups (assigned 60% and 40% respectively of the membership of the general assembly and executive committee⁶²). They must be jointly established by all interest groups. The councils which took over the work of the predecessor regional advisory councils swiftly became operational⁶³. The Black Sea Advisory Council and two other new councils (aquaculture and markets) were authorised to start work at the beginning of 2016⁶⁴. However, the Advisory Council for the outermost regions has not yet taken shape.

5.3. Fisheries supervision and management measures

Fisheries supervision is a core component of the CFP. It aims to ensure compliance with all rules adopted by the EU in the context of the policy, especially those relating to the conservation of stocks and the management of fishing activities.

⁶¹ See also the dedicated DG MARE [webpage](#) on the advisory councils and the related [map](#).

⁶² See Commission Delegated Regulation (EU) [2015/242](#) laying down detailed rules on the functioning of the Advisory Councils under the Common Fisheries Policy.

⁶³ See the ACs' respective websites: [Baltic Sea AC](#); [Long Distance AC](#); [Mediterranean AC](#); [North Sea AC](#); [North Western Waters AC](#); [Pelagic AC](#); [South West Waters AC](#).

⁶⁴ Communication from the Commission regarding the start of the functioning of the Advisory Council for Aquaculture, of the Advisory Council for Markets and of the Advisory Council for the Black Sea ([C\(2016\) 1081](#)).

The 2013 CFP reform made no fundamental changes in the area of fisheries supervision⁶⁵. However, it did create the need for a number of subsequent amendments to the regulation on the EU's control system⁶⁶, in particular to allow for checks on the new progressive landing obligation.

The fisheries control system applies in the EU's territorial waters and mainly concerns vessels, operators and activities, whether at sea or in port. Among other things, it applies a system of penalty points to a shared list of serious CFP infringements, which may result in suspension of the fishing licence of a vessel repeatedly found guilty of offences of a serious nature. Yet fisheries supervision is also conducted on land at every stage of the transport and marketing of fisheries products. And it also has an international dimension (mainly through measures to combat IUU fishing outside EU waters).

Responsibility for supervision and control lies primarily with the Member States. But it is also important for states to cooperate and coordinate their activities with the Commission and the European Fisheries Control Agency (EFCA)⁶⁷, and support on compliance with the Commission's rules is available from a group of experts. Some financial support is provided by the European Maritime and Fisheries Fund.

6. Looking ahead

In their 2013 reform of the CFP, the Council and European Parliament set out the principles and general guidelines underlying the policy; it has since been necessary to develop these and put them into practice, especially where they introduce new approaches and priorities. For example, as put forward in several proposals going back as far as 2014, the policy on resource conservation and fisheries management will be implemented in practice through other major legislative initiatives in the short and medium term⁶⁸.

The new CFP prioritises the adoption of **multiannual plans**. The first proposal for a multiannual plan – on multiple species in the Baltic – has already been accepted by Parliament and the Council⁶⁹. However, negotiations on this plan did not go entirely smoothly. The discussions which took place on this and related subjects demonstrated the very considerable challenge posed by the new CFP guidelines on MSY and the effective prohibition of discards, as well as by the need to take these objectives up successfully and coherently in the context of fisheries management measures – including the setting and use of fishing opportunities⁷⁰. The progress of the multiannual plan for

⁶⁵ For more detail, see in particular the in-depth analysis "[Le contrôle de la pêche européenne – Une vue d'ensemble](#)", J. Weissenberger, European Parliament, EPRS, September 2015.

⁶⁶ Regulation (EC) [No 1224/2009](#) (most recently amended by Regulation (EU) [No 2015/812](#)).

⁶⁷ At [EFCA](#). See also briefing paper "[The European Fisheries Control Agency](#)", J. Weissenberger, European Parliament, EPRS, May 2016.

⁶⁸ In principle, the new common organisation of markets and the implementation of the EMFF programme for 2014-2020 should not generate any need for major new legislative proposals in these areas – with the possible exception of proposals for a mid-term review of the multiannual financial framework or preparation of a future post-2020 fisheries fund.

⁶⁹ Procedure [2014/0285\(COD\)](#); see also the "EU Legislation in Progress" briefing paper "[Multiannual plan for Baltic fisheries](#)", J. Weissenberger, European Parliament, EPRS.

⁷⁰ These issues were raised once again at a meeting of the Committee on Fisheries on 16 June 2016, in the course of a workshop devoted to the [landing obligation and its impact on MSY](#). The presentation made at the workshop, on MSY in theory and practice, is extremely informative; it can be viewed on

the main fisheries stocks in the Baltic nonetheless cleared the way for the Commission to finalise other similar proposals. At the beginning of August 2016, for example, it submitted a new proposal for a multiannual plan for demersal stocks in the North Sea⁷¹. Several other proposals, relating to other demersal fisheries and to pelagic stocks in other sea areas, should see the light by the end of 2017⁷².

At the start of 2016, while engaged on preparing new multiannual plans, the Commission submitted a proposal for a complete overhaul of the framework for **technical fisheries measures**. This key proposal is in line with the requirements of the reformed CFP, especially in its considering the possibility of regional approaches⁷³.

The *volte-face* in the CFP approach to discards has also forced a change in the conditions for checks on compliance with the related measures⁷⁴. Moreover, several proposals have been made during 2016 concerning implementation or evaluation reports on the EU's **fisheries control system**, possibly as a preliminary to a general overhaul, in the medium-term, of the legislative framework governing supervision and control.

Regarding the **external dimension** of the new CFP, Parliament is expected, before the end of 2016, to comment on its first reading of a proposal for a regulation on the management of EU fishing vessels operating outside EU waters, which would replace the current regulation on authorisations for the external fleet⁷⁵. Ongoing international developments in the context of RFMOs and bilateral agreements are also set to feature regularly on Parliament's agenda of work. For example, a proposal was recently tabled to have a number of conservation measures adopted by the International Commission for the Conservation of Atlantic Tuna (ICCAT) incorporated into EU law, and Parliament was also recently asked for its views on an agreement between the EU and Norway on reciprocal access to fishing in the Skagerrak⁷⁶. Other negotiations have been mooted or are planned on the subject of a number of new long-distance fishing agreements, particularly with a view to expanding the network of tuna agreements with countries in West Africa, the Indian Ocean and the central west Pacific⁷⁷. If any such agreements are finalised, they too will be subject to a Parliament decision.

[video](#) (from 10:19 to 10:41). More information is available at, for example, the [Myfish](#) research project or in a [report](#) on "choke species" in mixed fisheries (a choke species is a species for which the available quota is likely to be exhausted first, making it necessary to cease fishing before the opportunities for other stocks have been fully exploited).

⁷¹ [COM/2016/0493 final](#) – Procedure [2016/0238 \(COD\)](#).

⁷² See in particular the Commission's roadmaps on the proposals for multiannual plan in western waters in the [Atlantic](#) and the [Mediterranean](#), or the various [consultations](#) already opened on multiannual plans.

⁷³ Procedure [2016/0074\(COD\)](#). See also the "EU Legislation in Progress" briefing paper "[Overhauling fisheries technical measures](#)", I. Popescu, European Parliament, EPRS.

⁷⁴ The prohibition on the landing of fish that do not meet certain criteria (e.g. too small or not included in a catch quota) can be checked when a vessel ties up at quayside. However, the obligation to land all fish taken since leaving port, even those of unintended species, requires a degree of supervision while at sea.

⁷⁵ See footnote 55 and procedure [2015/0289\(COD\)](#). For more information, see also the "Legislation in Progress" briefing papers "[New rules for managing the EU external fishing fleet](#)", I. Popescu, European Parliament, EPRS.

⁷⁶ Procedures [2016/0187\(COD\)](#) and [2016/0192\(NLE\)](#) respectively.

⁷⁷ See in particular the briefing paper "[Expanding the network of EU tuna fisheries agreements](#)", I. Popescu, European Parliament, EPRS, July 2016.

7. Main references

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[The discard ban and its impact on Maximum Sustainable Yield objectives](#) – Workshop, European Parliament, Directorate-General for Internal Policies of the Union, Policy Department B: Structural and Cohesion Policies), Fisheries, 2016.

Pages on the [Common Fisheries Policy](#), and in particular on [fisheries management](#), at the website of the Commission's Directorate-General for Maritime Affairs and Fisheries (DG MARE).

The Common Fisheries Policy (CFP) covers all aspects of the fishing industry. The EU has exclusive responsibility for the sustainable exploitation of living marine resources, which is subject to rules stating how, where and when different species can be caught in order, above all, to protect juveniles and marine habitats that are vulnerable to certain fishing techniques. A system of total allowable catches, divided into quotas for each Member State, rules, for many fish stocks, just how many fish may be taken. The capacity of all national fishing fleets must also be managed with a view to the availability of fish stocks. These conservation and management measures must be based on the best possible scientific advice and drawn up after consultation of all interested parties, particularly at the level of the maritime region concerned. As the measures' impact depends on compliance by those engaged in fishing, it is necessary to have an effective system of supervision and controls.

The first proposals for the implementation of the new CFP guidelines, adopted at the end of 2013, for fishing to be based on maximum sustainable yield, avoiding discards at sea, demonstrated the challenges of converting these objectives into conservation and management measures, especially in the case of multiannual, multi-species plans. However, further legislative proposals are expected soon with a view to continuing the EU's policy of achieving the sustainable exploitation of marine life.

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