

## *Hearings of European Commissioners-designate*

# Karmenu Vella

## *Environment, Maritime Affairs and Fisheries*

Hearing due to be held on Monday 29 September at 14.30 hours.



*Karmenu Vella, Malta.*

### **EP Committees responsible for the Hearing**

Environment, Public Health and Food Safety (ENVI)

Fisheries (PECH)

### **Biography**

Born in 1950, Karmenu Vella is an architect and civil engineer with his own practice, and has also studied tourism management. He has been an elected Member of Parliament since 1976. He was Minister for Public Works from 1981 to 1984 then Minister of industry from 1984 to 1987. More recently, he served as Minister for Tourism from 1996 to 1998 and again from 2013 to 2014.

*This is one of a set of Briefings designed to give Members of the European Parliament an overview of major issues of interest in the context of the hearings of the Commissioners-designate. A full set of such Briefings can be found at:*

[http://epthinktank.eu/commissioner\\_hearings](http://epthinktank.eu/commissioner_hearings)

## Background

### Environmental policies

Natural habitats and water resources as well as pollution often extend across national borders. Therefore it is useful to address such environmental issues in a transnational framework. The expected benefits of EU environmental policy include better health for citizens, protection of natural spaces for leisure and ecological functions, preservation of biodiversity, and availability of high-quality natural resources, such as clean water. Businesses benefit from a level playing-field if environmental standards are harmonised.

EU environment policy is based on principles spelt out in the Treaties:

- preventing and rectifying pollution at source;
- precaution (adequate protection measures in case of scientific uncertainty); and
- polluter pays (enacted in the Environmental Liability Directive 2004/35/EC).

EU policy is guided by the Environmental Action Programmes (EAP) and strategic initiatives such as the Biodiversity Strategy, as well as the Europe 2020 flagship initiative 'Resource-efficient Europe'. As stated in Article 11 TFEU, environmental protection is also taken into account in other EU policies – an approach known as 'mainstreaming'.

The European Environment Agency (EEA), based in Copenhagen, provides and analyses data and information. Its next comprehensive State and Outlook Report on the European Environment is scheduled for publication in 2015.

EU environment policy encompasses a number of fields. The EU Water Framework Directive (2000/60/EC) sets out a holistic approach for the management of surface waters and groundwater. The Drinking Water Directive (98/83/EC) lays down quality standards for drinking water. Noise pollution is addressed by the Environmental Noise Directive (2002/49/EC) and separate regulations for specific sources.

The Birds and Habitats Directives (2009/147/EC and 92/43/EEC) aim at protecting nature and biodiversity. The Habitats Directive establishes the Natura 2000 network of protected areas, which covers 18% of EU territory. The Marine Directive (2008/56/EC) aims to protect the European marine environment.

In the area of chemicals, the REACH Regulation (1907/2006) obliges industry to register chemical substances and demonstrate their safety. The European Chemicals Agency (ECHA), based in Helsinki, oversees the registration of chemicals.

EU waste policy aims to avoid, or otherwise reuse, recycle or recover waste. The Waste Framework Directive (2008/98/EC) focuses on waste prevention, and is complemented by legislation concerning specific waste streams, waste treatment and disposal.

The Eco-design Directive (2009/125/EC) ensures the improvement of products, especially with respect to energy efficiency. Environmentally friendly products and services can be awarded the EU Ecolabel, based on specific criteria. By the end of 2011, there were more than 17 000 products with the EU Ecolabel. The EU energy label helps consumers choose energy-efficient products.

The LIFE funding programme, managed by the Commission, provides €1.1 billion of funding for environmental action in the period 2014 to 2017.

### Maritime affairs and fisheries

The EU is a common market for fisheries and aquaculture products. The first Community rules in the fisheries sector in the 1970s concerned organisation of a

common market for fishery products and development of a structural policy for the fishing industry. Sustainable exploitation of the resources of the sea requires joint management as fish do not recognise frontiers. The first overall regulatory framework on common conservation and management of fisheries resources dates back to 1983.

Today, the EU Common Fisheries Policy (CFP) concerns all economic operators in the 'fish sector' (fishermen, fish farmers, processors, wholesalers and retailers, trade operators). It is also of potential interest to all EU citizens as consumers of fishery and aquaculture products, and to civil society at large. In recent years, annual EU production of fish, shellfish and crustaceans was about 6 million tonnes (of which one fifth from aquaculture), representing grossly 45% of EU consumption. The EU fish sector plays a vital role for jobs and economic activities, particularly in some coastal and regional communities.

Notwithstanding the need for sustainable fishing and marine environmental protection, European seas face numerous other challenges. Maritime affairs cover diverse activities (coastal development and tourism, sea industries and employment, security and defence, etc.). The EU has been seeking in the past decade to address these maritime affairs under a more integrated maritime policy.

#### **Treaty base and EP competence**

EU environmental policy is based on Articles 191 to 193 of the Treaty on the Functioning of the European Union (TFEU). Article 11 TFEU also requires that environmental protection is taken into account in other EU policies and actions. The basis of EU fisheries policy is set out in Title III 'Agriculture and Fisheries' (Articles 38 to 44) of the TFEU. EU action on maritime issues is not based on a single Treaty base as such. It is mainly about coordination and synergies between sectoral policies, each with its specific Treaty basis (e.g. environment, transport, energy), within their maritime dimension.

Environmental policies are a shared competence between the EU and Member States, and subject to the ordinary legislative procedure (codecision by European Parliament and Council). However, codecision does not extend to fiscal matters, town and country planning, land use, quantitative management of water resources, choice of energy sources and the structure of energy supply. For the EU to become a party to international environmental agreements, the EP must give its consent.

The 'conservation of marine biological resources under the Common Fisheries Policy' is a matter of exclusive competence of the Union (Articles 3 and 4 TFEU). Other fisheries areas fall under shared competence. The EP is co-legislator (ordinary legislative procedure) for most of the fisheries policy dimensions (Article 43(2)). However, some decisions (notably the "fixing and allocating of fishing opportunities") remain solely with the Council (Article 43(3)) or subject to the EP consent procedure (notably international negotiations on fisheries, in conjunction with Article 218).

### **Major recent developments**

#### **Environmental policies**

The Seventh Environmental Action Programme, 'Living well, within the limits of our planet', was adopted by Council and EP in December 2013. Its primary objectives for the period 2014 to 2020 are to protect, conserve and enhance the EU's natural capital, and to turn the EU into a resource-efficient, green and low-carbon economy.

The Commission adopted a biodiversity strategy in 2011, aiming to protect and restore ecosystems, and stop the loss of biodiversity. The EP welcomed the strategy, but called for some actions to be strengthened and for more effective implementation.

In January 2014, the Commission adopted a Recommendation on environmental standards for shale gas exploitation, taking account of two November 2012 EP resolutions.

#### *International agreements*

In October 2010, the Nagoya Protocol on access and benefit sharing (ABS) was adopted. It aims to provide greater legal certainty for providers and users of genetic resources. The EU ABS Regulation (511/2014) implements the protocol at EU level. The Minamata Convention on mercury was signed in 2013. In August 2014, the Commission launched a public consultation on the implementation of the convention at EU level.

#### **Maritime affairs and fisheries**

The CFP not only covers fishing activities at sea and the management of fish stocks, but also aquaculture, and processing and marketing of fishery and aquaculture products. Its policy and legal framework has been subject to an overall reform within the past year.

The reformed 'CFP basic regulation' (Regulation No 1380/2013) sets the objectives and priorities of the different aspects of fisheries policy, and provides the principles and the essential tools to manage fisheries and fish stocks. In this regard, it aims, for example, at reaching maximum sustainable yield (MSY; the largest catch that can be taken from a fish stock over an indefinite period without harming it). By banning the discarding of fish back at sea through requiring all fish caught to be landed, the reformed CFP provides for a U-turn from the previous policy where fishermen had no option but to throw back at sea those catches which were not compliant with some EU fisheries management rules (e.g. fish below minimum sizes, fish caught in excess of quotas). It sets the science base and the fisheries governance mechanisms for the EU, while also providing for some possible regionalised approaches. The new Common Market Organisation Regulation provides in particular more empowerment of producer organisations in production and marketing planning and sets up a market intelligence instrument (market observatory) for fishery and aquaculture products. The EU's international policy for fisheries (participation in regional fisheries management organisations or bilateral fisheries agreement with third countries) was also reviewed. Emphasis was also given in recent years to proper control of fisheries, with involvement of the Community Fisheries Control Agency, and to the fight against illegal, unreported and unregulated fisheries.

The new European Maritime and Fisheries Fund (approximately €6.5 billion for 2014 to 2020) provides the Member States and the EU with financial means to underpin the CFP reform objectives. It also allows support for the development of EU maritime policy through possible funding for actions promoting integrated governance of maritime and coastal affairs or of mutual benefit to different maritime sectors. In this latter regard, notwithstanding developments under the different sectoral policies and a Directive on maritime spatial planning, the initiatives for integrated approaches on maritime issues have mainly been of a political nature. They focus on 'blue growth', regional sea-basin strategies, marine science, and maritime surveillance.

For this portfolio, the outgoing Commission sees its main achievements in having helped to reduce the number of over-exploited stocks, fought against illegal and irresponsible fishing worldwide, and promoted the sea as a source of growth and prosperity (the blue economy), notably through the financing of projects.

## European Parliament

### Environmental policies

The Parliament and Council are, and have been for a long time now, co-legislators on environmental matters. Parliament has repeatedly pointed out the need for improved implementation of environmental policy and for radical changes in our production and consumption patterns.

Among the major pieces of environmental legislation adopted in the seventh parliamentary term (2009-14) were revised rules on biocides, including EU-wide authorisation and tighter criteria, stricter sound limits for motor vehicles, revised rules governing industrial emissions, and an update of the water legislation to include 12 new priority substances. In the field of waste, the Waste Electrical and Electronic Equipment Directive was revised to extend its scope and increase targets for collection, recycling and reuse of electronic waste. Enforcement of rules relating to shipments of waste within the EU and to developing countries has been strengthened while new measures will reduce the negative impact of recycling of EU ships. The Environmental Impact Assessment Directive has also been updated, with Parliament succeeding in raising environmental and health standards, but unable to convince Council to introduce mandatory environmental impact assessments for the extraction of shale gas.

Not yet finally adopted, the EP reached provisional agreement with Council on new legislation aimed at controlling invasive alien species that damage biodiversity and ecosystems. Parliament also adopted a first reading resolution on reducing the use of lightweight plastic carrier bags, and now awaits the Council's position.

### Maritime affairs and fisheries

The ordinary legislative procedure (codecision) has applied to almost all fisheries decisions since the Lisbon Treaty. The EP, with the Fisheries Committee in the lead, has therefore been for the first time co-legislator on the CFP reform, and has been instrumental in the new orientations given to the Common Fisheries Policy, including the market for fishery and aquaculture products and on EU financial support. It also defined its position on the external dimension of the CFP. The EP is to give its consent to the outcome of international fisheries negotiations – which is what it did for a number of them, but not all (e.g. the EP rejected in 2011 the extension of an agreement with Morocco, before a renegotiated deal was considered acceptable at the end of 2013).

During the previous legislature, the EP adopted its first reading position on a number of proposals, notably on EU multiannual plans for the management and conservation of fish stocks; but the Council has not yet taken subsequent positions in the context of a long inter-institutional debate on the distribution of powers conferred to the EP and to the Council by the Treaty. Similarly, the EP has given its views on the alignment of some EU fisheries regulations (notably those dealing with technical measures) with the provisions of the Lisbon Treaty regarding delegated and implementing powers acts, but the Council has not yet made progress on these files either.

Among the recent developments for an EU integrated maritime policy, and notwithstanding regional sea-basin approaches, the EP gave strong support to the promotion of 'blue growth' and its views regarding maritime skills and employment, research and innovation, shipping and shipbuilding, maritime and coastal tourism, blue energy, fisheries and aquaculture, mineral extraction, blue biotechnology, and integrated coastal management and maritime spatial planning. In July 2014, the EP and Council adopted a Directive on maritime spatial planning, according to which Member

States should establish a framework promoting sustainable economic development and sustainable use of natural resources.

### Priorities and challenges

Under the previous Commission, environmental policies, on one hand, and maritime affairs and fisheries, on the other, were under the responsibility of two different Commissioners. The new Commission President has decided to combine these portfolios 'to reflect the twin logic of "Blue" and "Green" Growth', highlighting that environment and maritime conservation policies can play a key role in creating jobs, preserving resources, stimulating growth and encouraging investment.

Regarding environmental policies, the Commissioner designate has been asked particularly to **focus** on the **overhaul** of the existing **environmental legislative framework** with specific priority on modernising the **Birds and Habitats Directives**. These Directives are key instruments in protecting EU nature, by establishing protection regimes for wild animal and plant species and their habitats (through the so-called 'Natura 2000 network').

Focus is also required on the **Circular Economy package**, including the Waste Target Review, adopted by the Commission in July 2014, which aims to move towards a zero-waste economy through re-use and recycling, contributing to the resource efficiency agenda of the Europe 2020 strategy.

Another priority is approaches and instruments to tackle air pollution, for which the Commission proposed a new EU **clean air** policy package in December 2013, aiming at full implementation of existing air quality legislation by 2020 (many Member States still have not reached agreed EU air quality standards, which should have been achieved by 2010) and setting objectives for 2030.

Regarding work under progress in other domains, major challenges still exist regarding water quality. Only 43% of EU waters are of good status, according to the EEA. Member States are to draw up improved River Basin Management Plans by 2015, assisted by the Commission. With regard to water supply, the European Citizens' Initiative 'Right to Water', aiming to guarantee universal access to water and sanitation services in the EU, was submitted in 2013, and presented at a hearing in the EP. The Commission has followed up with a public consultation on the quality of drinking water. The Commission also launched a public consultation on water reuse and recycling in 2014, in line with its 2012 'Blueprint to safeguard Europe's water resources'.

As far as protection of soil is concerned, the Commission has withdrawn a 2006 proposal for Soil Framework Directive on which Member States could not reach agreement. It is now faced with the challenge of finding other measures to achieve the objective. The Commission services have also been working on new measures for ensuring access to justice in the area of the environment, after withdrawing its legislative proposal dating from 2003.

For fisheries, the priority focus will be to fully implement the newly **reformed Common Fisheries Policy** and to achieve its objectives. This would mean, among other things, taking measures necessary for an effective and realistic landing obligation (discard ban), managing stocks in ways to maintain them above levels which can produce MSY, promoting Union aquaculture, and continuing to promote sustainability on the international scene and negotiating fisheries agreements.



In terms of work in progress in this policy field, the EP will have to take a position on a legislative proposal to adapt a number of fisheries regulations to the new principle of a discard ban, to start in January 2015. It may also want to assess delegated acts to be adopted by the Commission before the end of the year in this regard. The EP will also have to decide on the enactment of several international files already proposed for consent. It may also consider a proposal from the Commission, tabled in May 2014, for some specific technical rules to ban the use of some fishing gear (namely driftnets), while the Commission services indicated that the proposal for a comprehensive review of such technical fisheries rules should be presented during 2015. Future work will also focus on proposals for multiannual stock management (e.g. multi-species management in the Baltic Sea).

Future challenges will also lie in giving concrete developments to maritime affairs. The latest initiatives from the Commission, and to which the EP may want to consider rapidly, include an EU maritime security strategy (on which the Foreign Affairs Committee leads) and a new EU Strategy for the Adriatic and Ionian Region. In July 2014, the Commission also proposed improved maritime surveillance through common information sharing. On the international scene, global warming will increase competition over resources in the Arctic.

A priority focus has been set for the new Commissioner to engage in shaping **international ocean governance** at global level (initiatives may develop within the United Nations framework to improve protection of high seas, based notably on work carried out by a Global Ocean Commission), in other multilateral fora and bilaterally with key global partners.

### Further reading

[Environment policy: general principles and basic framework](#) / European Parliament, 2014.

[ENVI Activity Report on the seventh parliamentary term \(2009-2014\)](#) / Committee on Environment, Public Health and Food Safety, European Parliament, 2014.

[The European Union explained: Environment](#) / European Commission, 2013.

[DG Environment](#) / European Commission (website).

[European Environment Agency](#) (website).

[Fisheries: Why technical measures matter](#) / Jean Weissenberger, European Parliamentary Research Service, 2014.

[Common fisheries policy](#), Factsheets on the European Union / European Parliament, 2014.

[Overview of the activities of the committee on fisheries](#) during the seventh Parliamentary term (2009-2014), [Volume I](#) and [Volume II](#) / European Parliament, 2014.

[Fisheries](#) / European Commission (website).

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