Reforming the Common Fisheries Policy (CFP)

Fish do not recognise frontiers, so sustainable exploitation of the resources of the sea requires joint management. The EU is also a major market for fisheries and aquaculture products. A set of proposals to reform the essentials of the EU Common Fisheries Policy are now being negotiated by the EU institutions.

The role of the EU in fisheries

The CFP not only covers fishing activities, but also aquaculture (the farming of fish, shellfish or algae) and the processing and marketing of fishery and aquaculture products. The first Community rules on a common market organisation (CMO) in the fisheries sector as well as a structural policy for fisheries appeared in the 1970’s. The first overall Regulation on the conservation and management of fisheries resources was agreed in 1983. Today, the EU fisheries management framework is laid down by Council Regulation (EC) No 2371/2002 (the CFP 'basic Regulation').

The Treaties (Art. 3 and 4 TFEU) provide the Union with exclusive competence concerning "the conservation of marine biological resources under the CFP". Other fisheries areas fall under shared competence. Since the Lisbon Treaty, the ordinary legislative procedure also applies to almost all fisheries decisions (Art. 43 TFEU), making the EP co-legislator on CFP reform. However, some competences, notably "for fixing and allocating fishing opportunities" (e.g. annual catch quotas) remain with the Council.

The CFP reform package

The Commission initiated the CFP review process to address some major long-lasting deficiencies, such as over-fishing and the weak economic situation of parts of the fishing fleet. The CFP reform package includes an overarching Commission communication to present the reform as well as:

- a report on the operation of some chapters of the present CFP 'basic Regulation'.
- The proposal for the new CFP 'basic Regulation' foresees, for example, to aim at maximum sustainable yield (the largest catch that can be taken from a fish stock over an indefinite period without harming it) by 2015. It would ban the discarding of catch back into the sea, as part of the conservation measures, and introduce transferable fishing concessions in the management of large, and possibly also of small-scale fisheries. It would set the science base and the fisheries governance mechanisms for EU and regionalised approaches.

The interinstitutional debate

In June 2012, the Council reached political agreement on a general approach for the major principles to be set under the reformed CFP basic Regulation and the new CMO.

In September 2012, the EP will debate the Commission report on the operation of the current CFP basic Regulation (2011/2291(INI), the overarching communication on CFP reform (2011/2290(INI) and the proposed future CMO Regulation (2011/0194(COD). Discussions on the other legislative (2011/0195(COD); 2011/0380(COD)) and non-legislative (2011/2318(INI) elements of the CFP reform will follow. However, divergent views between the EP and the Council on their legislative powers, notably within the context of fish-stock recovery plans, may overlap with the CFP reform negotiations as such multiannual plans are a key element in the CFP reform.