

# Fisheries

## SUMMARY

The European Union has sole responsibility for the conservation of its marine fisheries resources, and manages them under the common fisheries policy (CFP). Launched in 1983 and reformed every ten years since then, the CFP has come a long way. The current framework, resulting from the 2013 CFP reform, is aimed at ensuring that EU fisheries are sustainable – environmentally, economically and socially. The CFP has a dedicated financial instrument – the European Maritime and Fisheries Fund (EMFF) – with a budget of €6.4 billion for the 2014-2020 period.

The 2013 reform introduced the target to achieve exploitation of all stocks at sustainable levels by 2020, and provided several major tools to support progress towards this goal. In particular, adoption of multiannual plans has become a priority, to ensure long-term management of stocks. An obligation to land all catches was designed to end the practice of discarding fish back into the sea. The reform also introduced regionalisation of decision-making, with the possibility to adopt conservation measures based on joint recommendations by the Member States concerned.

Implementation of the reformed CFP was the main feature of the 2014-2019 parliamentary term, with legislative work making headway on several important topics. A series of multiannual plans have been launched, and four of them, concerning fisheries in the Baltic Sea, the North Sea, the Western Waters and the western Mediterranean, are now in force. The landing obligation has been phased in, as scheduled, from 2015 to 2019. The EU adopted an updated framework for collection of fisheries data to support management decisions, as well as a new system of fishing authorisations improving the monitoring of EU vessels fishing outside EU waters. EU activities have also covered different aspects of the CFP's external dimension, such as conclusion of fisheries agreements with third countries, and participation in international fisheries governance. In the future, further progress is expected on issues such as adoption of multiannual plans and the revision of the fisheries control system. The EMFF will be renewed as part of the next EU multiannual budget for 2021-2027. Taking stock of progress made in implementing the latest reform and achieving its objectives, with a view to future CFP developments, will also be on the agenda.

*This is an update of an earlier briefing issued in advance of the 2019 European elections.*



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## State of play

### The common fisheries policy

Conservation of marine biological resources comes under the **exclusive competence** of the European Union, meaning that Member States cannot legislate on matters referring to the common fisheries resources.<sup>1</sup> Instead, such legislation is implemented through EU regulations directly applicable in the Member States, and forms the core area of the **common fisheries policy** (CFP). The CFP applies to management of fisheries in EU waters, but also to international EU fisheries relations, and to bilateral fisheries agreements signed with third countries. In addition, the CFP covers market and financial measures on aquaculture, freshwater biological resources, and the processing and marketing of fisheries products, for which it shares competences with the Member States.

The first elements of the CFP date back to 1970, with the adoption of the basic principles of a Community market for fisheries products, and a structural policy designed to modernise the fishing fleets of the then six Member States. At the same time, the principle of equal access to the waters of the other Member States was enshrined in Community law. With the 1973 accession of the United Kingdom, Ireland and Denmark, a temporary 10-year derogation to this principle was introduced to reserve access to the waters of a Member State within 12 nautical miles of the coast for the local fishing fleet. In 1977, the Member States extended their fishing zones along the Atlantic and North Sea coast of the Community, declaring an exclusive economic zone (EEZ) of 200 nautical miles, in line with the international trends of the time. The declaration of the EEZ gave Member States jurisdiction over new fisheries resources, open to all Member States under the principle of free access. The need arose to manage these common resources, and to find a way to allocate the fishing rights among Member States.

The official creation of the CFP is associated with the adoption, in 1983, of a policy for the conservation and management of the common fisheries resources. The general conservation regime was accompanied by a system of catch limitations (termed 'total allowable catches' – TACs), shared among Member States (as 'quotas'). The CFP integrated the derogation to the principle of equal access within the 12-mile zone for a 10-year period. The derogation, allowing the coastal states to reserve access to the first 6 miles for their nationals while permitting the continuation of fishing activities by other Member States in the zone between 6 and 12 miles, has been maintained ever since, renewed with each CFP reform.

### A far-reaching reform

The CFP has been reformed three times since its inception, in 1992, 2002 and 2013. The most recent reform, which has shaped the current framework, was adopted in December 2013 with a view to ensuring that EU fisheries are environmentally sustainable in the long term, and that their management is consistent with achieving economic, social and employment benefits (Basic Regulation [1380/2013](#)). The reform introduced a major milestone, by fixing the target of achieving exploitation of all stocks at **sustainable levels by 2020**. This means that by 2020, fish stocks must be restored and maintained above levels capable of producing the maximum sustainable yield (MSY), i.e. the highest amount of fish that can be taken from a stock without affecting its reproduction. The 2013 reform provided other important elements, including a priority conservation tool – the **multiannual plans**. These plans define the framework for long-term management of stocks by fishery and sea basin and include quantifiable targets (such as fishing mortality rates and spawning stock biomass), and safeguards to ensure that quantifiable targets are met. It also introduced a **landing obligation** for all catches, to be implemented gradually between 2015 and 2019, designed to end the wasteful practice of discarding undesired catch, usually dead, back into the sea. Support for the **regionalisation** of decision-making, with the possibility to adopt

conservation measures in a specific sea basin based on joint recommendations submitted by the Member States concerned, was another aspect of the 2013 reform.

Implementation of the reformed CFP has been the major challenge of the past few years. There has been [progress](#) towards the MSY target in the north-east Atlantic and the adjacent seas, where the exploitation levels are now, on average, close to the MSY, and the proportion of stocks outside safe biological limits decreased to around 30 % in 2016. In contrast, the state of the stocks in the Mediterranean and the Black Sea remains very worrying, with an average level of exploitation indicating long-term overfishing, at more than twice the MSY level. The capacity of the EU fishing fleet has steadily decreased in recent years, as has employment in the fishing sector. Nevertheless, over the past decade, the [profitability](#) of the EU fleet has improved, registering record-high net profits of €1.35 billion in 2016.

## EU framework

### Legal framework

Fisheries policy entered EU law with the Treaty of Rome in 1958, though only as part of the common agricultural policy and following its objectives. The Treaty of Maastricht provided recognition of the CFP for the first time as a policy identified as separate from the common agricultural policy. The Treaty on the Functioning of the European Union (TFEU), as revised by the Treaty of Lisbon, which entered into force on 1 December 2009, introduced a major element to the legal basis of the CFP, by recognising conservation of marine biological resources as an exclusive EU competence ([Article 3 TFEU](#)). It mentioned, in addition, that other fisheries aspects fall under shared competence between the Union and the Member States ([Article 4 TFEU](#)). The Lisbon Treaty also introduced a fundamental change in the decision-making process of the CFP: **co-decision** between Council and Parliament became the ordinary legislative procedure, under [Article 43\(2\) TFEU](#), replacing the previous consultation procedure (Council regulation with a non-binding opinion from the Parliament). The increased role of the Parliament as co-legislator has been seen as improving the democratic legitimacy of CFP decisions, along with opening the policy process to wider societal interests.

The only exception to the ordinary legislative procedure for conservation of fisheries resources concerns fixing and allocating fishing opportunities (i.e. TACs and quotas), which remain the competence of the Council, under [Article 43\(3\)](#). The interpretation of this exception has resulted in a significant institutional issue in the context of multiannual plans, which provide a long-term framework for taking annual decisions on fishing opportunities. Divergent views between Council and Parliament on their respective roles in setting up multiannual plans has led in the past to political blockage of several Commission proposals, in particular regarding implications for setting fishing opportunities. Moreover, in March 2013, the Parliament and the Commission launched legal action against the Council, after it changed the legal basis of a proposal amending an existing multiannual plan (from Article 43(2) to 43(3)), and adopted it as a Council regulation. In December 2015, the Court of Justice [ruled](#) in favour of the Parliament and the Commission, considering that co-decision must apply in such cases, and annulled the contested Council regulation. Meanwhile, a [task force](#) was established between Council, Parliament and Commission (September 2013–April 2014), to find a solution outside the then ongoing negotiation of the CFP reform, and agreed on the content of the future multiannual plans. Finally, in March 2015, the Commission [withdrew](#) the blocked plan proposals. Against this backdrop, a new generation of multiannual plans has been launched during the eighth legislature.

The Lisbon Treaty also stipulates that EU fisheries agreements with third countries or international organisations are concluded by the Council, after obtaining the consent of the Parliament ([Article 218 TFEU](#)).

At international level, EU fishing activities take place in a legal framework for ocean governance based on the United Nations Convention on the Law of the Sea ([UNCLOS](#)), a legally binding

convention adopted in 1982, which has defined the rights and duties of states with respect to the use of ocean space and resources. UNCLOS was supplemented in 1995 by an implementing agreement with a considerable bearing on fisheries: the [Fish Stocks Agreement](#) on highly migratory and straddling fish stocks, under which these stocks are to be managed by regional fisheries management organisations (RFMOs). In a recent development widely seen as a historic decision shaping future ocean governance, an [intergovernmental conference](#) has been convened under the auspices of the United Nations. Its aim is to elaborate an international, legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity in waters beyond national jurisdiction.

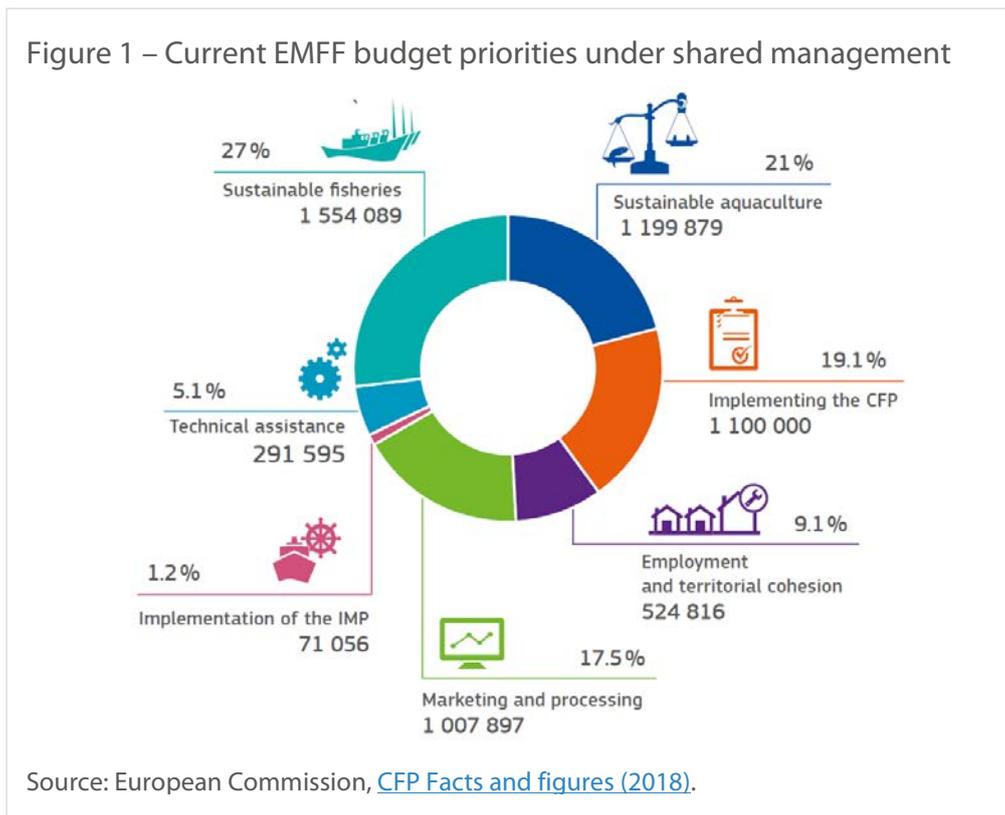
## Financial framework

EU funding for the fishing sector is one of the oldest components of the fisheries policy. Initiated in 1970, it has formed, ever since, one of its fundamental pillars. Originally part of the European Agricultural Guidance and Guarantee Fund, and conceived in line with the objectives of the common agricultural policy, it was aimed at increasing the productivity of the fishing sector, in particular by modernising and increasing the competitiveness of fishing fleets. More than a decade later, in 1983, introduction of a policy for conservation of marine resources put the question of fisheries funding in a new context, based on the idea that the capacity of the fishing fleet should be in line with a sustainable level of resource exploitation. The subsequent evolution of the structural support for fisheries has been marked by the change from a stand-alone pillar towards gradual incorporation into the CFP, and adaptation of the funding to the CFP's specific objectives.

A dedicated framework for fisheries funding was adopted in 1994, when the various regulations were unified into a single instrument: the Financial Instrument for Fisheries Guidance (FIFG). The architecture of the FIFG, closer to that of the structural funds of the time, introduced shared management with Member States, instead of direct management exclusively by the Commission, as had been the case. After two FIFG programmes (1994-1999 and 2000-2006), structural aid for fisheries was reshaped as the European Fisheries Fund (EFF, 2007-2013). Most of the budget for these programmes was allocated for fleet measures. However, the percentages of fleet aid decreased over time, and funding became available to an increasingly wide range of measures.

The current funding programme is the **European Maritime and Fisheries Fund** (EMFF, 2014-2020), laid down by Regulation [508/2014](#), and part of heading 2 of the Multiannual Financial Framework (MFF) – 'Sustainable growth: natural resources'. The EMFF was discussed largely at the same time as the 2013 reform of the CFP, and adopted a few months later, in May 2014. The parallel timing between the CFP reform and the establishment of a new MFF offered, for the first time ever, the possibility to adapt funding to the redefined needs of the CFP. As a major innovation, the EMFF integrated fisheries funding in the more coherent package of structural policies, and became part of the European structural and investment (ESI) funds, at a time when the rules common to all funds were grouped under a Common Provisions Regulation (Regulation [1303/2013](#)). The financial framework of the fisheries policy is thus based on common provisions defining the general lines of all ESI funds, along with the fisheries-specific provisions of the EMFF. In addition to the 'ex-ante conditionality' provided for by all ESI funds, meaning that funding is available to Member States only as long as they have the administrative capacity to spend it according to EU priorities, the EMFF also introduced specific clauses making access to funding by Member States and individual operators more conditional on good behaviour.

The total EMFF financial envelope is €6.4 billion, representing around 0.6 % of the total MFF, which makes it the smallest ESI fund. Around 90 % of this amount (€5.7 billion) is spent under shared management with Member States, i.e. the European Union allocates a share of the total budget to each country, which defines how to use it in an operational programme approved by the Commission. This part of the EMFF budget is structured around the following priorities (see Figure 1).



- **Sustainable fisheries** (27 %), which groups a variety of measures aimed at striking a balance between fishing capacity and available resources, such as fleet aid, social measures, environmental measures, inland fishing and fishing ports.
- **Sustainable aquaculture** (21 %), for a more successful and competitive sector, with measures focusing on quality, health and safety, as well as eco-friendly production.
- **Implementing the CFP** (19.1 %), which concerns support for fisheries control and data collection (previously managed directly by the Commission, and included for the first time under shared management with the EMFF).
- **Employment and territorial cohesion** (9.1 %), aimed at helping local communities in fishing and aquaculture areas to improve the value of their products and diversify their economies.
- **Marketing and processing** (17.5 %), including among other things support to producer organisations and storage aid, as well as support to certain investments in the processing of fishery and aquaculture products, by small and medium-sized enterprises in particular.
- **Implementing the integrated maritime policy** (1.2 %), which funds maritime activities beyond fisheries and aquaculture, for instance improving marine knowledge, maritime spatial planning and cooperation in maritime surveillance.
- **Technical assistance** (5.1 %), intended to support implementation of the above priorities.

Around 10 % of the EMFF budget (€648 million) is spent under direct management by the European Commission. This covers activities of a horizontal nature, including provision of scientific advice, regional cooperation in fisheries control, functioning of the advisory councils, voluntary contributions to RFMOs, joint actions in the framework of the integrated maritime policy, and functioning of the European market observatory for fisheries and aquaculture products (EUMOFA).

The EMFF grouped all funding of the CFP under a single instrument, including fisheries support schemes for the EU's outermost regions. The only exception is the funding of external CFP activities, consisting of the financial contribution to EU sustainable fisheries agreements with third countries, and the compulsory contributions to RFMOs. These activities are funded, with €947 million, through a separate budget line of the same MFF heading.

## Deliveries of the 2014-2019 parliamentary term

In terms of fisheries policy, the eighth parliamentary term (2014-2019) was, first and foremost, a time of **implementation** of the major decisions brought about by the 2013 CFP reform. Legislative work has made progress on several important topics, in particular:

### ➤ Development of multiannual plans

As regards resource conservation, a major step has been the initiation of a new generation of multiannual plans, conceived in accordance with the rules established by the 2013 CFP reform. Four plans were adopted, concerning cod, herring and sprat fisheries in the [Baltic Sea](#) (July 2016), demersal fisheries in the [North Sea](#) (July 2018), demersal fisheries in the [Western Waters](#) – an area of the north-east Atlantic along the western coast of the EU (March 2019) – and demersal fisheries in the [western Mediterranean](#) (June 2019). The Parliament also established its first-reading position on a multiannual plan on small pelagic fisheries in the [Adriatic Sea](#). The adopted plans are intended to restore and maintain fish stocks at sustainable levels. They also support regional cooperation between the Member States concerned, which may submit joint recommendations, for instance on landing obligation provisions and on technical measures.

### ➤ Implementation of the landing obligation

As required by the reformed CFP, the landing obligation has been phased in from 2015 to 2019, applying to all species subject to catch limits or minimum fishing size. In a first step, the Parliament and the Council adopted, in May 2015, a [regulation](#) introducing changes to existing technical and control measures in order to remove provisions conflicting with the landing obligation. As a matter of principle, details of the implementation of the landing obligation must be specified in a multiannual plan. The multiannual plans adopted so far empower the Commission to adopt these details by delegated acts. As many fisheries are not covered by multiannual plans, since October 2014 the Commission has adopted by delegated acts, under Parliament's scrutiny, a series of temporary discard plans, based on joint recommendations from regional groups of Member States. The discard plans, established for three years, by fisheries and sea basins, provide details such as the maximum amounts of fish which may be discarded, exemptions for species with high survival rates, documentation of catches and the minimum fishing size. As several discard plans were due to expire at the end of 2017, a new [regulation](#) was adopted by the co-legislators, extending the possibility to adopt discard plans for an additional period of three years, in the absence of a multiannual plan.

### ➤ Data collection update

In May 2017, the co-legislators adopted an updated framework for gathering and managing [fisheries data](#) in the EU, to align it with the reformed CFP, with several other modifications aimed at simplifying the current system, reducing the administrative burden and strengthening regional coordination at sea basin level.

### ➤ New system of fishing authorisations for the external fleet

In line with the requirements of the reformed CFP, the EU revised its system of issuing and managing [authorisations](#) for EU vessels fishing outside EU waters (known as the external fleet). The new system, adopted in December 2017, improves monitoring and transparency of this fleet, and has an extended scope which includes practices such as private agreements between EU companies and third countries, and abusive reflagging operations. For the first time, part of the electronic fishing authorisations register, showing who fishes what and in which location, must be publicly accessible.

### ➤ Revision of fisheries control

On the same line of improving the fisheries control system, a Parliament [resolution](#) adopted in October 2016 highlighted the lack of uniformity in the application of the control rules in different Member States, and stressed the need for updating legislation on the matter, in particular by reviewing the [Control Regulation](#). Another [resolution](#), on implementation of control measures for

fisheries products entering the EU market, adopted in May 2018, discussed the control regime and defined several basic principles for its revision. In the same month, the Commission launched the [revision](#) of the fisheries control system, aimed at increasing its efficiency and ensuring its compliance with the reformed CFP. The revision is likely to be an important ongoing topic at the beginning of the new parliamentary term.

### ➤ **Overhaul of technical conservation measures**

Technical measures that determine how, where and when fishermen can fish, have accumulated over time to form a notoriously complicated regulatory structure. In December 2015, the Parliament adopted a [resolution](#) supporting a new framework for technical measures – simplified, clearly structured and more adapted to the needs of each region. The [new framework](#), adopted at the end of the last legislature, was developed with a view to simplifying the rules, creating more flexibility by facilitating regionalised approaches, and contributing to key objectives of the reformed CFP, such as the MSY target and progressive elimination of discards. It also provides for a total ban on the controversial electric pulse trawl fishing from 1 July 2021, with the possibility for Member States to immediately prohibit or restrict this type of fishing in their coastal waters.

### ➤ **International agreements**

Parliament has also played an important role in the different aspects of the CFP's external dimension, with legislative dossiers related to such topics representing more than half of the number of fisheries procedures in the course of the eighth parliamentary term. Most of these concern conclusion of bilateral fisheries agreements with third countries and/or their associated protocols, allowing EU fishing vessels to operate in the waters of partner countries, for which the Parliament's consent is necessary.

There have also been numerous fisheries dossiers concerning the adoption, under the ordinary legislative procedure, of management measures decided by RFMOs to which the EU is a contracting party. The EU must transpose these measures into EU law, to the extent to which they are not already covered, so that they become applicable to vessels flying the flag of a Member State.

Other procedures going through Parliament have also referred to the external CFP. In a [resolution](#) adopted in April 2016, the Parliament defined its position on the common rules to apply to the external dimension of the CFP, including fisheries agreements. As regards international ocean governance, a 2016 [resolution](#) discussed the fisheries aspects related to the development of the UNCLOS implementing agreement on marine biodiversity in areas beyond national jurisdiction. Finally, in September 2018, the Parliament's consent was requested for the [approval](#) of an international agreement to prevent unregulated high seas fisheries in the central Arctic Ocean.

## Potential for the future

- **Implementation** of the measures brought about by the latest CFP reform and its sustainability targets will continue over this parliamentary term, in particular on issues such as development of multiannual plans or the revision of the fisheries control system.
- The **external dimension of the CFP** will also remain high on the agenda with, among other things, the regular debates related to the approval of fisheries agreements with third countries, and to EU participation in RFMOs, as well as various aspects of international ocean governance. The sessions of the UN conference on marine biodiversity in areas beyond national jurisdiction are planned to continue until 2020.
- The coming years will witness the introduction of a new financial framework for 2021-2027. In the process of setting up this budget, the Commission [proposed](#) to **renew the EMFF**, which will continue to be the dedicated financial tool supporting the CFP. The [revision](#) is aimed at simplifying the delivery of the fund, and giving Member States more flexibility in choosing the most appropriate means to achieve the EMFF priorities and in setting eligibility rules. The

Parliament established its first-reading position on the new EMFF in April 2019. Negotiations with the Council are in principle expected to start in autumn 2019.

- As explained above, Member States are authorised to restrict access to their coastal waters, while taking into account specific arrangements between Member States. This **derogation to the principle of equal access**, referring to waters within 12 nautical miles from their coast and up to 100 miles for the outermost regions, expires on 31 December 2022 (Regulation [1380/2013](#), Article 5). By that date, the EU must adopt the measures which are to apply afterwards. So far, on each of the previous occasions when the derogation expired, the Commission took the opportunity to respond with a fully-fledged reform of the CFP. Over the coming period, efforts are expected to focus on taking stock of progress in implementing the 2013 reform measures, and in achieving their objectives, as a basis for defining future needs.
- Access to fishing zones has emerged as a particularly thorny issue in the **Brexit negotiations** on the future relations between the EU and the United Kingdom. As regards fisheries, at the time of writing these relations are still far from clear. The EU and the UK [share](#) more than 100 fish stocks in the north-east Atlantic and the North Sea. Fishing vessels from eight Member States currently operate in UK waters: France, Ireland, the Netherlands and Denmark account for more than 80 % of the value of EU-27 landings, with the remainder taken by Belgium, Germany, Spain and Sweden. On the other hand, the UK exports most of its seafood products to the EU – around 70 % of the total value, with France alone covering around a quarter of UK seafood exports, and Ireland, Spain and Italy also taking significant shares. For the EU, a fisheries agreement building on existing reciprocal access and quota shares is a condition for a comprehensive trade agreement including fish products, whereas the UK aims to become an independent coastal state after Brexit, with control over access to its waters. On this occasion, as often in the CFP history, fishing enjoys a visibility and significance that go far beyond its purely economic weight, and appears to touch on aspects of national sovereignty and identity.

## MAIN REFERENCES

Penas Lado, E; *The common fisheries policy: the quest for sustainability*; Wiley Blackwell, 2016.

Weissenberger, J; *The common fisheries policy. Conservation of fishery resources and management of fishing activities*; European Parliamentary Research Service, September 2016.

## ENDNOTES

<sup>1</sup> Conservation of marine biological resources is one of the only five exclusive EU competences, the other four being the customs union, competition policy, the monetary policy of the euro area and the common commercial policy.

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