



THE COMMON FISHERIES POLICY: ORIGINS AND DEVELOPMENT

A Common Fisheries Policy (CFP) was first formulated in the Treaty of Rome. Initially linked to the Common Agricultural Policy, over time it has gradually become more independent. The primary goal of the CFP, as revised in 2002, is to ensure sustainable fisheries and guarantee incomes and stable jobs for fishermen. Several changes to the fisheries policy were introduced in the Treaty of Lisbon. In 2013 the Council and Parliament reached agreement on a new CFP, for the long-term environmental, economic, and social sustainability of fishing and aquaculture activities.

LEGAL BASIS

Articles 38-43 of the Treaty on the Functioning of the European Union (TFEU).

The TFEU introduced some innovations regarding the involvement of Parliament in the drafting of legislation concerning the CFP. The most important change is that legislation necessary for the pursuit of the objectives of the CFP is now adopted under the ordinary legislative procedure (formerly known as the codecision procedure), making Parliament co-legislator. However, the provisions on legislation on ‘measures on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities’ (Article 43(3) TFEU) remain as they were in the Treaty establishing the European Community (EC Treaty), meaning that such legislation can only be adopted by the Council on proposals from the Commission.

With regard to the ratification of international fisheries agreements, the Lisbon Treaty stipulates that they are to be ratified by the Council after Parliament has given its consent.

OBJECTIVES

Fisheries are a natural, renewable, movable and common property that is part of our common heritage. The Treaty of Rome made provisions for a Common Fisheries Policy, and now Article 39(1) TFEU sets out the objectives for the Common Agricultural Policy, which are shared by the Common Fisheries Policy, since Article 38 defines agricultural products as ‘the products of the soil, of stock-farming and of fisheries and products of first-stage processing directly related to these products’. Fisheries are a common policy, with common rules adopted at EU level and applied in all Member States. The original objectives of the CFP were to preserve fish stocks, protect the marine environment, ensure the economic viability of European fleets and provide consumers with quality food. The 2002 reform added to these objectives the sustainable use of living aquatic resources, in a balanced manner and from an environmental, economic and social point of view, specifying that sustainability must be based on sound scientific advice and on the precautionary principle. The new CFP basic rules came into force on 1 January 2003.

ACHIEVEMENTS

A. Background

The Common Fisheries Policy originally formed part of the Common Agricultural Policy, but gradually developed a separate identity as the Community evolved, starting in 1970, with the adoption by Member States of exclusive economic zones (EEZs) and the entry of new Member States with substantial fishing fleets. These developments meant that the Community had to tackle specific fisheries problems, such as access to common resources, stocks conservation, structural measures for the fisheries fleet and international relations in fisheries.

1. Beginnings

It was not until 1970 that the Council adopted legislation to establish a common organisation of the market for fisheries products and put in place a Community structural policy for fisheries.

2. Early development

Fisheries played a significant role in the negotiations leading to the United Kingdom, Ireland and Denmark joining the EEC in 1972. This resulted in a move away from the fundamental principle of freedom of access: national rights to exclusive coastal fishing in territorial waters, defined as lying within 12 nautical miles of the coast, were extended to include EEZs reaching up to 200 nautical miles from the coast. The Member States agreed to leave the management of their fisheries resources in the hands of the European Community.

3. CFP regulations and reforms

a. The 1983 regulation

In 1983, after several years of negotiations, the Council adopted Regulation (EEC) No 170/83, establishing the new-generation CFP which enshrined a commitment to EEZs, formulated the concept of relative stability and provided for conservatory management measures based on total allowable catches (TACs) and quotas. Since 1983, the CFP has had to adapt to the withdrawal of Greenland from the Community in 1985, the accession of Spain and Portugal in 1986 and the reunification of Germany in 1990. These three events have had an impact on the size and structure of the Community fleet and on its catch potential.

b. The 1992 regulation

In 1992 Regulation (EEC) No 3760/92, containing the provisions that governed fisheries policy until 2002, endeavoured to remedy the serious imbalance between fleet capacity and catch potential. The remedy it advocated was to reduce the Community fleet and alleviate the social impact by means of structural measures. The regulation introduced the concept of ‘fishing effort’ with a view to restoring and maintaining the balance between available resources and fishing activities. The regulation provided for access to resources through an effective licensing system.

c. The 2002 reform

The measures introduced in Regulation (EEC) No 3760/92 were not sufficiently effective to halt overfishing, and the depletion of many fish stocks continued at an even faster rate. The critical situation led to a reform consisting of three regulations that were adopted by the Council in December 2002 and entered into force on 1 January 2003:

- Framework Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources (repealing Regulations (EEC) No 3760/92 and (EEC) No 101/76);

- Regulation (EC) No 2369/2002 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector (amending Regulation (EC) No 2792/1999);
- Regulation (EC) No 2370/2002 establishing an emergency Community measure for scrapping fishing vessels.

The primary objective of the 2002 reform was to ensure a sustainable future for the fisheries sector by guaranteeing stable incomes and jobs for fishermen and supplying consumers, while preserving the fragile balance of marine ecosystems. It introduced a long-term approach to fisheries management, including the preparation of emergency measures, involving multiannual recovery plans for stocks outside safe biological limits and multiannual management plans for other stocks.

To avoid aggravating the imbalance between the overcapacity of the fleet and the actual fishing possibilities, since 2005 aid has exclusively been used to improve safety and working conditions on board and product quality, to switch to more selective fishing techniques, or to equip vessels with satellite vessel monitoring systems (VMSs).

Socio-economic measures were also introduced to support the industry during the transition period. To ensure more effective, transparent and fair controls, the European Fisheries Control Agency (EFCA) was established in Vigo (Spain).

The 2002 reform gave fishermen a greater say in decisions affecting them through the creation of Regional Advisory Councils (RACs), consisting of fishermen, scientific experts, representatives of other sectors related to fisheries and aquaculture, regional and national authorities, environmental groups and consumers.

THE 2013 CFP REFORM

The 2002 reform did not live up to expectations in the short term as the deterioration of some stocks continued to increase. At the same time, it highlighted some problems that had remained unnoticed until then, such as that of discards.

In 2009 the Commission launched a public consultation on the reform of the CFP with the aim of integrating the new principles that should govern EU fisheries in the 21st century. After a long debate in the Council and — for the first time — in Parliament, agreement was reached on 1 May 2013 on a new fisheries regime based on three main pillars:

- the new CFP (Regulation (EU) No 1380/2013);
- the common organisation of the markets in fishery and aquaculture products (Regulation (EU) No 1379/2013);
- the new European Maritime and Fisheries Fund (EMFF) (Regulation (EU) No 508/2014).

The new CFP is meant to ensure that the activities of the fishing and aquaculture sectors 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. The most important points are:

- Multiannual ecosystem-based management to reinforce the role that in the previous reform had been given to multiannual plans, but also taking a more ecosystem-oriented approach, with multi-species and fisheries plans, in the regional framework of the European geographical areas.

- Maximum Sustainable Yield (MSY): taking into account international compromises, such as the 2002 Johannesburg Summit on Sustainable Development, the new CFP sets the MSY as the main target for all fisheries. Where possible by 2015, and by 2020 at the latest, fishing mortality will be set at FMSY (the level of catches of a given stock that produces the MSY).
- Discard ban: the new reform will end one of the most unacceptable practices common to EU fisheries. The discard of regulated species is to be phased out and, in combination, flanking measures are to be introduced to implement the ban. By 2019 all EU fisheries will be implementing the new discard policy.
- For the fleet capacity, the new CFP obliges the Member States to adjust their fishing capacities through national plans so that they are in balance with their fishing opportunities. Small-scale fisheries are to play a special role in the new CFP. The exclusion zone of 12 nautical miles for traditional fleets is to be extended until 2022, and recommendations are to be made to the Member States that they allocate a greater share of quotas to that sector, given its low environmental impact and high labour intensity.
- The rules governing the activities of EU fishing fleets in third-country and international waters are to be determined in the context of the EU's external relations, ensuring that they are in line with the principles of EU policy. Arrangements for fishing in such waters are to be developed through Sustainable Fisheries Partnership Agreements (SFPAs) and through EU participation in regional fisheries management organisations (RFMOs).
- Sustainable aquaculture, increasing yields to supply the EU fish market and boosting growth in coastal and rural areas. This is to be done through national plans to remove administrative barriers and uphold environmental, social and economic standards for the aquaculture sector.
- New obligations require the Member States to reinforce the role of science in the future CFP by increasing the collection of data and the sharing of information on stocks, fleets and the impact of fishing activities.
- Decentralised governance, by bringing the decision procedure closer to the fishing grounds. EU legislators should define the general framework while the Member States develop the implementing measures and cooperate among themselves on the regional level.
- The existing set of technical measures contained in Council Regulation (EC) No 850/98 make up a complex and heterogeneous system of provisions which will be revised to provide the new CFP with a new framework for such measures.

The common organisation of the markets in fishery and aquaculture products has been part of the reform package. It aims to strengthen the competitiveness of the EU fishing industry and to improve transparency in the markets by means of a modernisation and simplification of the current regulation. The producer organisations will play a major role in the future of the EU markets, especially in collective management, monitoring and control.

There will also be new marketing standards for labelling, quality and traceability that will give consumers more information about the sustainability of their choices when purchasing fisheries products.

The new European Maritime and Fisheries Fund will serve as a financial tool to help implement the CFP and the common organisation of the market in fishery and aquaculture products.

ROLE OF THE EUROPEAN PARLIAMENT

A. Competence

- Fisheries legislation: the Lisbon Treaty provides for codecision (the ordinary legislative procedure);
- EU membership of international fisheries conventions and the conclusion of agreements with third countries (codecision with the Council).

B. Role

The Lisbon Treaty has given the European Parliament greater power to legislate, allowing it the opportunity to help shape the Common Fisheries Policy and to supervise the rules that govern the activities of the EU's fisheries and aquaculture sectors.

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