



FISHERIES RESOURCE CONSERVATION

Fisheries resource conservation is based on the need to ensure environmentally sustainable exploitation of those resources and the long-term viability of the sector. With a view to achieving this objective, the European Union has adopted legislation governing access to EU waters, the allocation and use of resources, total allowable catches, fishing effort limitation and other technical measures.

LEGAL BASIS

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

OBJECTIVES

The main objective is to ensure the long-term viability of the sector through the sustainable exploitation of resources.

ACHIEVEMENTS

A. Basic principles governing access to waters and resources

1. Access to EU waters

a. The principle of equal access

The general rule is that EU fishing vessels have equal access to waters and resources throughout the EU.

b. Restrictions in the 12-mile zone

This is an exception to the principle of equal access to EU waters which applies within 12 nautical miles of the baselines. In those zones, Member States may retain exclusive fishing rights. This derogation stems from the need to preserve the most sensitive areas by limiting fishing effort and protecting the traditional fishing activities on which the social and economic development of certain coastal communities depends. Measures establishing the conditions governing access to waters and resources are adopted on the basis of the biological, socio-economic and technical information available. This restriction has been extended until the end of 2014 by Regulation (EC) 1152/2012.

c. Access restrictions beyond the 12-mile zone

In 2005 the Commission issued a communication ([COM\(2005\)0422](#)) on the review of certain access restrictions in the Common Fisheries Policy (CFP) (Shetland Box and Plaice Box). The communication was a response to the obligation to assess the grounds for restrictions on access to waters and resources outside the 12-mile zone. The Shetland Box was set up to control access to species which are of special importance in the region and are biologically sensitive, while the Plaice Box was established to reduce the level of discards of flat fish, particularly plaice, in the

North Sea fisheries. The communication provided for restrictions on access to the Shetland Box being maintained for a further three years, while for the Plaice Box no date was set owing to uncertainty over the length and scope of the studies required.

2. Allocation of resources and sustainable exploitation

a. The principle of relative stability

Fishing opportunities are allocated among the Member States in such a way as to ensure the relative stability of the fishing activities of each for each stock concerned. This principle of relative stability, which is based in particular on historical catch levels, requires the maintenance of a fixed percentage of authorised fishing effort for the main commercial species for each Member State. Fishing effort needs to be generally stable in the long term, in view of the importance of ensuring that fishing can continue, particularly in regions that have long been heavily dependent on fisheries.

b. Sustainable exploitation

Conserving resources by adjusting fishing capacity to fishing opportunities is one of the priorities of the CFP. To achieve sustainable exploitation, fish stocks need to be managed in accordance with the principle of maximum sustainable yield (MSY). To this end, CFP decisions are based on the best scientific advice available and apply the precautionary approach, whereby the absence of sufficient scientific information may not be used as a reason for postponing or failing to take steps to conserve species. Sustainable exploitation also requires the gradual introduction of an ecosystem-based approach to fisheries management.

B. Fisheries resource conservation

1. Total allowable catches and effort limitation

a. Limiting catches

Total allowable catches (TACs), which are set on the basis of scientific advice from the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee on Fisheries (STECF), continue to be calculated annually for most of the stocks so that they may be adjusted in response to changes in stock levels. However, under the arrangements for multiannual management of resources, catch limits will be more stable, thus enabling fishermen better to plan their activities.

b. Limiting fishing effort

Fishing effort limitation measures may be taken as part of plans for the recovery of stocks that are at risk. They take the form of, for example, restrictions on the number of fishing days authorised each month. This number may vary according to the gear used, the fishing zone visited (based on ICES divisions), the species targeted, the status of the stock and, possibly, the power of the vessel. With a view to ensuring greater flexibility, the Member State may apportion these days among the various vessels in its fleet.

c. Technical measures

In general, such measures seek to prevent catches of juveniles, non-commercial species and other marine animals. They cover a target species and associated species (in the case of mixed fisheries), an operating zone and the types of gear that may be used. The most common technical measures cover:

- fishing gear, stipulating a minimum mesh size and a given structure for nets, and the number that may be carried on board;
- the composition of, and limits on, by-catches on board;

- the use of selective fishing gear to reduce the impact of fishing activities on marine ecosystems and non-target species;
- zones and periods in which fishing activities are prohibited or restricted, including for the purpose of protecting spawning and nursery areas;
- the setting of a minimum size for species that may be retained on board and/or landed.

In the event of a serious threat to the conservation of living aquatic resources or to the marine ecosystem arising as a result of fishing activities and requiring immediate action, the Commission and the Member States (or the latter, on their own initiative) may adopt emergency measures to protect fish stocks and restore the balance of marine ecosystems at risk.

Alternatively, Member States may adopt conservation and management measures applicable to all fishing vessels within their 12-mile zone, provided those measures are not discriminatory and consultations have been held with the Commission, other affected Member States and the relevant Regional Advisory Council (RAC). However, if such measures are more stringent than the EU legislation, Member States may apply them only to fishing vessels flying their flag in waters falling under their sovereignty and jurisdiction.

Finally, experimental fishing projects are carried out with a view to promoting conservation and looking into selective fishing techniques to be implemented.

2. Long-term strategy for fisheries resources management

Multiannual stock management plans seek to keep the volume of stocks within safe biological limits. These plans lay down maximum catches and a range of technical measures, taking due account of the characteristics of each stock and the fisheries in which it is found (species targeted, gear used, status of target stocks) and the economic impact the measures will have on the fisheries concerned.

Multiannual stock recovery plans are implemented for fish stocks that are at risk. They are based on scientific advice and provide for fishing effort restrictions (limits on the number of days vessels are at sea). They ensure that ‘the impact of fishing activities on marine ecosystems is kept at sustainable levels’.

3. Fleet management

Fleet management is a means of adjusting fishing capacity in such a way as to ensure a stable and sustainable balance between fishing capacity and fishing opportunities. This involves:

- establishing the number and types of vessels authorised to fish (e.g. by means of fishing licences);
- using a fleet register to control and monitor fishing capacity;
- implementing entry/exit schemes and overall capacity reduction measures;
- implementing fishing effort reduction measures and setting reference levels;
- requiring Member States to report on their fleet capacity;
- using European Fisheries Fund (EFF) instruments to adjust fishing capacity.

ROLE OF THE EUROPEAN PARLIAMENT

The European Parliament (EP) has consistently maintained that the principles of precaution and sustainability should be followed in matters relating to resources. In recent times, greater account has been taken of the amendments tabled by Parliament’s Committee on Fisheries on

fish stock management and recovery plans than was previously the case. For example, none of the amendments which the EP tabled to the 2004 cod plan were adopted. However, some were incorporated (at least in part) in the later 2008 cod plan. In all, 80% of the EP's amendments to that plan were accepted in whole or in part. A similar situation arose in connection with the 2007 and 2009 bluefin tuna plans.

The 2008 revision of the cod recovery plan was the procedure in which the greatest number of changes was made prior to adoption. The West Scotland herring plan was the proposal which gave rise to the smallest number of amendments. Most of the changes concerned effort control measures. In seven of the 12 plans considered since 2002, large sections of the chapters on fishing effort limitation were deleted. The plans concerned were: (1) cod 2004; (2) northern hake; (3) southern hake and Norway lobster; (4) Bay of Biscay sole; (5) western Channel sole; (6) North Sea plaice and sole; and (7) Baltic cod. These plans had originally included a chapter with a set of provisions (eight articles) covering the use of kilowatt days (kW days) to regulate fishing effort and the establishment of a database and a list of vessels to supply the data. This chapter was removed in its entirety, firstly from the 2004 cod plan and subsequently from each of the other plans containing such a chapter, because it was considered that its provisions would have a discriminatory impact on Member States with large fishing fleets targeting cod, as compared to those taking cod only as a by-catch. In each plan, the deleted chapter was replaced by different effort limitation provisions, which gave rise to a variable and complex approach to effort limitation. The system adopted for the 2004 cod plan (days at sea by gear) was initially unsuccessful in reducing fishing effort, and was replaced in the 2008 regulation by a scheme for limiting the total number of kW days by fleet that took specific account of each fleet's impact on cod mortality.

On 6 July 2016, Parliament and the Council adopted Regulation (EU) 2016/1139 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea. This new regional approach takes account of the strong biological interactions that exist. It establishes a multi-species fisheries plan taking into account the dynamics for this basin area between the stocks of cod, herring and sprat and also the by-catch for those stocks, namely the Baltic stocks of plaice, flounder, turbot and brill.

A large number of changes were also made to the southern hake and Norway lobster plan, including changes to the arrangements for effort limitation and inspection, monitoring and control, most of which were put forward by the EP. Significant modifications strengthening the bluefin tuna plan were made following comments from the EP and the Council, and included the incorporation of a requirement for Member State fishing plans.

One of the main changes between the proposal for European eel recovery measures and the final regulation as adopted was the removal of provisions on seasonal closures. The focus was instead placed on eel management plans which could include closures as one management tool option among others. Parliament's Committee on Fisheries opposed seasonal closures and proposed that fishing effort should be reduced by half; however, effort reduction measures will only apply in cases where no eel management plan is approved.

As regards fishing for deep-sea stocks, the EP is committed to improving the sustainable utilisation of such stocks and the protection of deep sea ecosystems. On 30 June 2016, the EP and the Council agreed on the need to review the existing rules laid down in 2002 by Council Regulation (EC) 2347/2002. The aim is to establish a revised regime for the fishing of deep-sea species in the EU and in the Eastern Central Atlantic external waters.

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