



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0225/2012

3.7.2012

REPORT

on reporting obligations under Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy
(2011/2291(INI))

Committee on Fisheries

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on reporting obligations under Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy

(2011/2291(INI))

The European Parliament,

- having regard to the report from the Commission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on reporting obligations under Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (COM(2011)0418),
 - having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy,
 - having regard to the Commission Green Paper of 22 April 2009 on Reform of the Common Fisheries Policy (COM(2009)0163),
 - having regard to the Commission proposal of 13 July 2011 for a regulation of the European Parliament and of the Council on the Common Fisheries Policy (COM(2011)0425),
 - having regard to the Communication from the Commission to the Council and the European Parliament of 5 February 2007 on improving fishing capacity and effort indicators under the common fisheries policy (COM(2007)0039),
 - having regard to the Communication from the Commission of 25 May 2011 concerning a consultation on Fishing Opportunities (COM(2011)0298),
 - having regard to the European Court of Auditors' Special Report No 12/2011, entitled 'Whether EU measures have contributed to adapting the capacity of EU fishing fleets to available fishing opportunities?',
 - having regard to its resolution of 14 February 2006 on the review of certain access restrictions in the Common Fisheries Policy (Shetland Box and Plaice Box)¹,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0225/2012),
- A. whereas the aforementioned Commission report again confirms that the current Common Fisheries Policy (CFP) has fallen short of its goals as regards conservation and sustainable exploitation of EU fisheries and adjusting the available fishing capacity to the available fisheries resources;

¹ OJ C 290E, 29.11.2006, p. 113.

- B. whereas more than 60 % of the fish stocks in European waters are fished beyond maximum sustainable yield, and whereas there is a lack of scientific data for numerous species;
 - C. whereas the TAC and quota system has, in itself, proved to be inefficient in managing certain fish stocks sustainably, and whereas long-term management plans (LTMPs) are key to the sustainable management of fish stocks;
 - D. whereas the fact that scientific data are sometimes lacking or unreliable and the level of uncertainty about the models for determining such data continue to constitute a serious problem when seeking to achieve sustainable management of many fish stocks;
 - E. whereas the rapidly growing populations of seabirds and seals are putting further pressure on depleted fishery resources in some regions of the EU;
 - F. whereas the sustainable conservation of fisheries resources is also affected by climate change, including global warming, and by anthropogenic effects such as pollution;
 - G. whereas over the past decade a very significant number of jobs have been lost in the European fishing industry because of the poor state of fish stocks, increased production costs, falling prices as a result of cheaper imports, and technological advances; whereas, at the same time, those technological advances have led to a significant increase in the fleets' fishing capacity in some instances;
 - H. whereas the available data on the actual capacity of the European fishing fleet is not sufficiently reliable because technological developments have not been taken into account and Member States do not always accurately report data on fleet capacities;
 - I. whereas the planned review of the technical measures frameworks will be an important piece of legislation in terms of addressing and grouping conservation measures;
1. Notes that the Commission has now fulfilled its commitments under Council Regulation No 2371/2002, which obliges the Commission to report to Parliament and the Council on the operation of the CFP with respect to Chapters II (Conservation and Sustainability) and III (Adjustment of Fishing Capacity) of that regulation before the end of 2012;
 2. Notes that the Commission has also fulfilled its obligation under the same regulation to report on the arrangement set out in Article 17(2) on fishing restrictions in the 12 nautical mile zone by 31 December 2011;

Conservation and sustainability (Chapter II)

3. Calls on the Commission to provide for the establishment of long-term management plans for all commercial EU fisheries within a highly decentralised management regime which fully involves all relevant stakeholders; highlights the possibility of grouping fisheries according to geographical fishing region by regionalising the common fisheries policy, whereby the specificities of the different European seas should be taken into account as well as the situation of small-scale fisheries in the different areas, in order to align management measures as closely as possible to the actual situations facing the different

fleets;

4. Calls on the Commission, in order to preserve living resources and ensure long-term environmental sustainability, to assess the possibility of establishing a network of closed areas in which all fishing activities are prohibited for a certain period of time in order to increase fish productivity and conserve living aquatic resources and the marine ecosystem;
5. Believes that, as part of the objective of guaranteeing sustainability, the policies considered should focus on the future of the fishing sector and, consequently, on facilitating the entry of new generations of fishermen;
6. Calls on the Commission, the Member States and the Regional Advisory Councils (RACs), in the future, to use the ecosystem approach as a basis for all LTMPs; considers that these management plans should be the basis of the future CFP and include clearly defined objectives that lay down rules for determining annual fishing effort, taking into account the difference between, on the one hand, the current stock size and the structure of the fishery and, on the other, the target stock objective, the criteria for discards and harvest control; urges the Council, in this connection, to follow the objectives of the LTMPs without exception;
7. Expresses disappointment at the current interinstitutional deadlock with regard to certain proposed multiannual plans, which has wider implications for all other LTMPs;
8. Stresses the need for a balance between the ecological and the economic and social situation in each fishery, while acknowledging that without plentiful fish stocks there will be no profitable fishing industry, and emphasises that it is very important that European fishermen accept harvest control rules, and therefore calls for wide participation by representatives of RACs and other relevant stakeholders when establishing management plans; considers that in the future these parties should play a much greater role in this process; calls, accordingly, for proper regionalisation; proposes that the RACs submit a mandatory opinion to the Commission on all management plans before they are proposed;
9. Underlines the direct link between discards, unwanted by-catch and overfishing, and the need to develop an effective no-discards policy at EU level whereby the Community Fisheries Control Agency (CFCA) has greater powers to ensure a fair system of rules and sanctions, i.e. the principle of equal treatment; argues that a discard ban should be implemented gradually on a fishery-by-fishery basis, form part of the different management plans and not relate to different fish stocks; stresses that selective fishing gear and other devices which reduce or eliminate by-catches of non-targeted species, or of juveniles of targeted species, should be promoted, along with other sustainable fishing methods; emphasises that, when establishing any management system in the European Union, it is indispensable to consider the importance of mixed fisheries in Union waters, which will necessitate adjustments and specific treatment, depending on the areas concerned;
10. Considers that, under the reformed CFP, Member States cooperating on a regional basis should be encouraged to work with the industry and other stakeholders to find innovative methods of eliminating discards in the manner most appropriate to individual regions and fisheries;

11. Urges the Commission to address immediately the lack of sufficient reliable data necessary for sound scientific advice; calls on the Commission to establish a system whereby Member States which do not fulfil their respective obligations regarding data collection and transmission under the European fisheries data programme are sanctioned; highlights the contradiction between the Commission's complaints regarding the lack of data and the small budget allocated to obtaining such data, and therefore insists that adequate funding be allocated to data collection and relevant scientific research in the Member States; urges the Commission, at the same time, to set up a framework for decision-making in data-poor situations, regarding management plans and TACs as well as quota decisions, based on the precautionary approach;
12. Emphasises that scientific fisheries research is an essential fisheries management tool that is indispensable for identifying factors that influence the development of fishery resources, with a view to carrying out a quantitative assessment and arriving at models that make it possible to forecast the development of those resources, but also for improving fishing gear, vessels and working and safety conditions for fishermen, in conjunction with their knowledge and experience; considers, as such, that there is a need to invest in the training of human resources, to provide adequate financial resources and to promote cooperation between various public bodies in the Member States;
13. Urges the Commission to take measures to reduce the negative effects of seals and certain seabirds on fish stocks, particularly where these are invasive species in a particular region;

Adjustment of fishing capacity (Chapter III)

14. Highlights the fact that there is no precise or quantified definition of overcapacity; calls on the Commission to establish a definition of overcapacity at EU level, accommodating regional definitions and taking into account local specificities; further calls on the Commission to redefine fishing capacity in such a way that both the vessel's fishing capacity and its actual fishing effort are taken as a basis; stresses, moreover, the need to define small-scale fisheries, as there is no universally applicable definition, and to adapt this to the objectives of the new CFP;
15. Calls on the Commission, in accordance with the recommendations of the 1999 FAO technical consultation, to measure, before the end of 2013, the capacity of European fleets in order to establish where there is overcapacity in relation to the resources available and what reductions/conversions are required; insists that capacity measures should not be restricted to tonnage and engine power, but should include the types and quantities of fishing gear used and any other parameter contributing to fishing capacity;
16. Calls on the Commission to monitor and adjust fleet capacity ceilings for Member States so that they are in line with reliable data and technical advances are taken into account;
17. Urges the Member States, wherever necessary, to carry out appropriate adjustments based on accurate measurements of existing fleet capacity, including engine and catching capacity, in order to achieve set targets for a sustainable level of capacity predefined for every fishery, so as to tackle the remaining significant overcapacity of certain fishing fleets, with sanctions for failure to meet the targets, i.e. the freezing of funds from the European Maritime and Fisheries Fund (EMFF);

18. Takes note of the Commission's proposal to introduce a system of individually transferable fishing concessions (TFCs), which is subject to strict safeguards and excludes small-scale fisheries, and requests the establishment of a special regime for small-scale and coastal fisheries as well as preferential treatment for environment-friendly fishing vessels, providing for conditionality and addressing the issue of rights concentration and the possibility of revoking fishing concessions; believes that a voluntary TFC scheme is one of several possible models Member States can apply in order to reduce overcapacity;
19. Emphasises that the TFC system cannot be regarded as the only measure to tackle overfishing and overcapacity, where the latter is proven, but should be one of the various complementary management measures available to a Member State whereby the Commission, together with the two co-legislators, sets the broader framework, controls and monitors national application (provided that this is the Member State's choice) and reports to the legislators periodically on the results of this system; stresses, in this connection, that the development of a proper range of technical measures promoting selective fishing gear, the closure of specific zones or the restriction of access to maritime areas identified as bio-geographically sensitive to regional fleets using environment-friendly fishing techniques, should be further promoted as complementary measures;
20. Emphasises that the future EMFF must consider the socio-economic impact of measures aimed at reducing overcapacity, where the latter is proven, and at adjusting the size and effort of fishing fleets in line with fishing opportunities and long-term sustainability, and must consequently provide for adequate financial assistance to mitigate that impact; considers that the higher the level of participation, the clearer the objectives will be, and that the more significant the economic and social support provided for those affected, the better understood, accepted and implemented the various measures for managing fisheries resources will be;
21. Emphasises the need to set clear deadlines and make progress as soon as possible towards fleet adjustments where necessary; stresses that priority should be given to systems encouraging fleets to adjust to the realities of their fisheries, and urges the Commission to provide for a scheme of measures to sanction Member States which do not fulfil their respective obligations within the set timelines, while also providing adequate funding for this process, and to develop further the concept of ecological and social conditionality in the context of access to fishing resources and remuneration which rewards sustainable fishing;
22. Takes note of the Commission's proposal to maintain the authorisation for specific fishing restrictions until 31 December 2022; agrees with the Commission that modifying the arrangements regarding the 12-mile access regime might disrupt the current balance that has developed since the introduction of this special regime; points out, on the other hand, that the objectives of the 12-mile access regime are completely different from those pursued by the introduction of other restrictions;
23. Calls on the Commission to re-examine the principle of relative stability in accordance with the parameters for guaranteeing preferential share-out for coastal communities and equal access to waters and fishery resources;
24. Calls on the Commission to establish a system of result-based management for awarding

access rights whereby the burden of proof of sustainable fishing is upon the industry;²⁵

Believes that, for the time being, the special access regime for small-scale fisheries in the 12 nautical mile zone should be retained, as should specific restrictions for vessels registered in the ports of the Azores, Madeira and the Canary Islands in respect of the waters around these archipelagos, particularly the bio-geographically sensitive areas currently covered by Council Regulation (EC) No 1954/2003¹;

26. Notes that the Scientific, Technical and Economic Committee for Fisheries (STECF) report on the Shetland Box stated that removal of the Box might lead to an increase in fishing effort in its area, and that the STECF accordingly recommended that the Box remain in place;
27. Believes that in future the classification of restricted fishing areas, as may be the case for the Shetland Box, should be broadly backed by scientific criteria that demonstrate the rigour of their classification as bio-geographically sensitive areas, especially if it is claimed that such restrictions form part of the regulatory framework of the Common Fisheries Policy through its basic regulation;
28. Considers that the role of biological rest periods should be acknowledged and supported as an important means of preserving fisheries resources, the effectiveness of which is proven, and an essential instrument for sustainable fisheries management; believes that the establishment of biological rest periods at certain stages in a species' life cycle enables growth in stocks that is compatible with continued fishing outside the rest period;
29. Instructs its President to forward this resolution to the Council, the Commission, the European Economic and Social Committee, the Committee of the Regions and the governments of the Member States.

¹ OJ L 289, 7.11.2003, p. 1.

EXPLANATORY STATEMENT

The Commission, due to Council Regulation (EC) No 2371/2002¹ is obliged to report both to the European Parliament and the Council on the conservation and sustainable exploitation of fishery resources (chapter II) and the Member State's performance regarding the adjustment of fishing capacity (chapter III) before the end of 2012. Moreover, the Commission had the obligation to report on fishing restrictions in the 12 nautical miles zones by 31 December 2011, according to Article 17 paragraph 2.

The Commission states that Member State's effort to enhance conservation and to rebuild fish stocks was insufficient and that there is equally little progress on the reduction of fleet capacity. The system of fishing restrictions in the 12 nautical miles waters was working well and could potentially be extended to a regime of 10-20 miles to more effectively achieve the objectives.

I. Conservation and sustainability (Chapter II)

Although the establishment of **multi-annual and recovery plans** are widely accepted, only 17 stocks have so far been covered in EU waters and overfishing has not been diminished enough. Long-term management plans (LTMPs) should be established for all EU fisheries and/or geographical fishing regions whereby particularities of the various European Seas should be taken into account and small scale coastal fisheries should be treated in a separate regime.

Given that the Council decides on TACs and quotas in parallel on an annual basis, short-term national concerns prevail over long-term management taking the precautionary principle into account. The current system of managing fish stocks has not lead to healthier stocks and thus hampering the overall aim to find an appropriate **balance between the ecological and the economical aspects**. Fisheries management is a branch of science that is economically, and thus, politically motivated. However, if LTMPs are supposed to be successful, Council shall follow the objectives and in particular the harvest control rules set by the co-legislators within the LTMPs deploying best available scientific advice and applying the precautionary principle. A reformed Common Fisheries Policy (CFP) should take account of this flaw and lay down the necessary rules to **restrain Council decisions**.

In order to pursue a holistic approach, the objective of the LTMP must be clearly defined and based on an ecosystem approach whereby solutions need to be found to manage mixed fisheries. **Harvest control rules** should be central to such plans and shall lay down rules for determining annual fishing effort taking into account the difference between the current stock size and structure of the fishery and target stock objectives. Only if our fishermen understand and accept the harvest control rule, overfishing will be addressed in a proper manner. Therefore, the inclusion of RACs and other relevant stakeholders is important for the implementation of the plans. Furthermore, a mechanism at EU level to **compensate** fishermen affected by economic or social repercussions as well as by ecosystem protection measures

¹ OJ L 358, 31.12.2002, p.59.

could be established.

As **discards and unwanted by-catch** remains a huge factor for overfishing, LTMPs need to take account of fishing effort in order to incrementally develop an effective no-discards policy. This policy should be fishery-based, not relate to different fish stocks. The Common Fisheries Control Agency (CFCA) should have greater powers to ensure a fair system of rules and sanctions and thus the principle of equal treatment. Furthermore, selected devices that reduce or eliminate by-catches of non-target species should be promoted as well as other technical measures, such as closure of zones and the exclusion of particular fishing activity should become accepted usage.

The Commission points out that there is a lack of **reliable and available data**, which is necessary for sound scientific advice. It has been stressed on several occasions by the European Parliament that it can simply not be accepted that Member States do not deliver the necessary data. Besides the development of a policy that urges the Member States to fulfil their obligations linked to a sanction regime, the financial framework has to foresee that Member States are granted the necessary funding for clearly defined areas of relevant scientific research¹. At the same time, it is of utmost importance to set a framework for decision-making in data poor situations, both regarding management plans and TACs and quota decisions in order to achieve sustainability.

II. Adjustment of Fishing Capacity (Chapter III)

The European Court of Auditors² found that the existing provisions of the CFP were not sufficient to address the issue of overfishing. The Court points out the unsatisfying framework, design and implementation of balancing measures. It criticises the absence of definitions for fishing capacity and overfishing and concludes that the set fleet capacity ceilings had little effect on adapting fishing capacity. The Member States did, furthermore, not fulfil their obligations, in particular when it came to reporting, setting adequate reduction targets, collecting and transmitting data and implementing effective measures to reduce fleet capacity.

As a result, of the assessed stocks in 2011, 63% in the Atlantic are overfished, 82% in the Mediterranean and 4 out of 6 in the Baltic Sea.³ NGOs warn even that three out of four European fish stocks are overfished. The Commission estimates that in several fisheries the fleet capacity is two to three times too high.⁴ Although the EU fleet has reduced by about two to three %/year since the last reform in 2002 the reduction has been neutralised by technological advances and increased efficiency in the fishing fleet.⁵ The Commission highlights in its present report that notwithstanding the devolved responsibility to the Member States to adjust the fleet size, significant overcapacity still exists since targets for mandatory cuts were plainly not set. The result is poor economic efficiency, high environmental impact,

¹ As declared by FR, IT, IRL, PT, ES and B concerning the future financial instrument of the CFP, Joint declaration of 31 May 2011.

² ECA, Special Report N°12//2011 “Have EU measures contributed to adapting the capacity of fishing fleets to available fishing opportunities?”

³ COM(2011)298.

⁴ COM(2009)163.

⁵ COM Working Document, *Reflections on further reform of the Common Fisheries Policy*, 2008.

high fuel burn and low contribution of European fisheries to food supply.

Therefore, we need a general **definition of overcapacity** at EU level and a specific definition at regional level, taking into account different weighing factors in the regions. A reformed CFP has to set **clear deadlines** for fleet reductions and pace targets as well as a sanctioning mechanism for Member States who do not comply with the rules. While on a long-term basis the fishing fleet shall be capable of financing itself, on a short-term basis, necessary **financial support** needs to be granted for fishermen who have to face the consequences of identified overfishing and other repercussions.

Fleet **capacity ceilings** have no longer a significant impact in terms of adapting fishing fleet capacity to available fishing opportunities as the capacity of the European fleet in terms of GT/kW has been decreasing for many years. Moreover, due to the advances in fishing technologies the **definition of fishing capacity** as by GT and kW is no longer able to measure the quantity of fish caught.

In this context, the adjustment of fleet capacity should be driven by the objective of rewarding sustainable fishing. A **concept of conditionality** on demonstration of responsible fishing should be applied to the right to fish, access to fishing resources and relevant remuneration.

The lack of ownership to the fish stocks causes no incentive for fishermen to protect stocks. Therefore, the idea of introducing a system whereby fishermen grant shares of a public good should be considered. However, even if a system of **individually transferable fishing concessions** (TFCs) is introduced as a possible solution for Member States to reduce overcapacity and address overfishing, it can only be considered as one tool from various management measures. The decision on whether to apply such a system and how, should be taken at a national level where appropriate; whereupon the EU clearly sets out the framework, putting in place safeguards to avoid concentration of fishing rights in the hands of few, to allow for the possibility to revoke rights and to foresee exemptions for Member States achieving capacity reduction otherwise. Preferential access to fishing rights should be granted to ecologically-friendly fishing vessels. TFCs have to be strictly controlled and monitored and the Commission shall report to Parliament and Council periodically on the results of such a system.

III. Fishing restrictions in the 12 nautical miles waters (Article 17.2)

The principle of **relative stability** has encouraged Member States to centre their attention to their own national share rather than to focus on the collective long-term benefit. This concept therefore needs thorough re-examination. If maintained, the preferential share-out for coastal communities highly dependant on fisheries has to be kept, equal access to waters and fishery resources need to be granted and rewarded by bonuses.

Fishing restrictions according to Article 17.2 which fix the effort allocation and do not evolve year-by-year with management targets or quota allocations has proven to be efficient and should therefore be kept.

Special restrictions on fishing activities based on a system of prior authorisation, e.g. in the so called **Shetland Box**, should be maintained as species in this region are biologically sensitive

and the established equilibrium is essential and has to be kept; all access protection systems should be laid down in one legal instrument and thus be addressed within the upcoming review of the technical measures framework.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	20.6.2012
Result of final vote	+: 21 -: 2 0: 0
Members present for the final vote	Antonello Antinoro, Alain Cadec, Chris Davies, João Ferreira, Carmen Fraga Estévez, Pat the Cope Gallagher, Dolores García-Hierro Caraballo, Carl Haglund, Ian Hudghton, Werner Kuhn, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Crescenzo Rivellini, Ulrike Rodust, Struan Stevenson, Jarosław Leszek Wałęsa
Substitute(s) present for the final vote	Jean-Paul Basset, Barbara Matera, Jens Nilsson, Mario Pirillo, Nikolaos Salavrakos, Antolín Sánchez Presedo