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*Committee on Fisheries*

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**2012/0143(COD)**

16.7.2012

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## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy

(COM(2012)0277 – C7-0137/2012 – 2012/0143(COD))

Committee on Fisheries

Rapporteur: Ian Hudghton

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (COM(2012)0277 – C7-0137/2012 – 2012/0143(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0277),
  - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0137-2012),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of ...<sup>1</sup>
  - having regard to Rule 55 of its Rules of Procedure,
1. Adopts its position at first reading, taking over the Commission proposal;
  2. Calls on the Commission to prepare proposals with a view to extending the derogation within coastal zones beyond the current 12 nautical mile limit;
  3. Calls on the Commission to prepare proposals with a view to extending the time limit for which that derogation applies beyond the initial 10 years;
  4. Instructs its President to forward its position to the Council, the Commission and the parliaments in the Member States.

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<sup>1</sup> OJ 0, 0.0.0000, p. 0.

## EXPLANATORY STATEMENT

The Commission proposal is seeking to extend the time limit on the current 12 mile access regime. Within the framework of the existing CFP legislation, Article 17(2) of Council Regulation (EC) No 2371/2002 establishes a derogation from the equal access principle within 12 nautical miles of each Member State. The derogation is in place from 1st January 2003 until 31st December 2012. The current proposal seeks to extend this period to 31st December 2014.

### Background

Derogations from the equal access rule within coastal waters have been in place for over 40 years. A derogation was first implemented in Regulation (EEC) No 2141/70 laying down a common structural policy for the fishing industry, and provision was also made in the Act of Accession of Denmark, Ireland and the United Kingdom.

The current 12-mile zone was put into place in the first CFP Regulation in 1983. Article 6 of Council Regulation (EEC) No 170/83 established that the zone would be in place from 1st January 1983 until 31st December 1992; equivalent provisions were enacted in the subsequent CFP reforms (Council Regulation (EEC) No 3760/92 and Council Regulation (EC) No 2371/2002).

The provisions of Article 17(2) of the current Regulation are the only parts of the legislation which have a time limit attached. The Commission has proposed to renew the provisions in Article 6 of the proposed basic Regulation. However, given the high likelihood that the reformed CFP will not be in place before the end of this year, it has been necessary for the Commission to bring forward the current proposal to ensure that the existing regime does not lapse.

### The 12-mile zones - a rare CFP success

That the CFP has generally been a failure over the last 30 years is a universally acknowledged fact. The Commission's comment in their Green Paper on CFP reform (COM(2009)163) that "the current CFP has not worked well" is perhaps something of an understatement and the ongoing reform process has been brought about by necessity.

In contrast there is widespread acknowledgement that fisheries management within the 12 mile zones has been a success. The Green Paper for example stated that the coastal regime "has generally worked well and could even be stepped up", whilst the Report on Reporting Obligations under Council Regulation (EC) No 2371/2002 (COM(2011)418) stated that "the regime is very stable, and the rules have continued to operate satisfactorily".

This success perhaps demonstrates that Member States can and do manage fisheries with a degree of success. Whilst the management of fisheries resources beyond the 12 mile limits has been characterised by highly centralised and ineffective Brussels control, management within the coastal zones by individual Member States has been stable and successful.

As the debate around the wider CFP reform continues, one of the key issues to be decided upon is the level and nature of decentralisation and regionalisation to be brought into effect. The general effectiveness of Member State control within the 12 mile zones clearly demonstrates that management appropriate to local circumstances is most effective. The success of Member State control contrasts sharply with the failure of EU-centred control - and offers a useful guide for the direction in which CFP reform should be heading.

### **An extended zone - in time and in distance**

As stated above, the Green Paper acknowledged that the coastal regime "could even be stepped up". Furthermore, the Report on Reporting Obligations notes that one Member State has suggested that the zones be extended to 20 nautical miles.

The rapporteur is very much supportive of suggestions that the coastal zones be extended and has supported amendments to that effect in the past. It is to be hoped that the reformed CFP will in general bring about a highly decentralised regime and allow Member States to take real management decisions whilst cooperating on a regional basis. Nevertheless, notwithstanding the final shape of the reformed CFP, the 12 mile zones have clearly been effective - and there is a strong argument in favour of having their distance extended.

The rapporteur also questions the wisdom of the Commission's proposal in Article 6 of proposed new CFP Regulation to extend the current regime for a mere 10 years. Whilst the CFP need not be wholly reformed every 10 years, a clear pattern to that effect has certainly emerged. It is to be hoped that the ongoing reform process will result in a CFP which will work effectively and not need major reform a decade from now. However, even if the current reform does result in success, it is not unreasonable to suggest that 10 years from now a major review will be taking place and adjustments will need to be made.

Given that that is a reasonably likely scenario and given that the ongoing reform debate demonstrates that legislative procedures do not always conclude within fixed time schedules, it seems unnecessarily risky to give the 12 mile zone a 10 year limit. This current report has only been necessary because Article 17(2) is the only part of the CFP which is time limited. It would seem reasonable to enact a new coastal zone provision with a shelf life which goes beyond the normal 10 year reform period - and the rapporteur supports the extension of the regime indefinitely.

### **Urgency**

Notwithstanding the rapporteur's support for an extension of the 12 mile zones both in time and distance, he accepts that this debate should take place within the wider debate on CFP reform. The current 12 mile zones work well - but they will expire on 31st December of this year if the current proposal is not in place. The zones offer some protection to vulnerable coastal communities - and these fishing communities would not be understanding if that protection was to be removed as a result of an inter-institutional stalemate.

The rapporteur therefore proposes to accept the current proposal for a two year extension of the regime - but will continue to argue strongly for greater national control of coastal fisheries within the wider CFP reform package.