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## 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 fishers. Several changes to the CFP were introduced in the Lisbon Treaty. In 2013, the Council and Parliament reached an 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 on 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, such legislation can only be adopted by the Council on the basis of a proposal 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 natural, renewable, movable and common property that is part of our common heritage. Fisheries are governed by 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 EU 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. The reform also specified that sustainability must be based on sound scientific advice and the precautionary principle.



## ACHIEVEMENTS

### A. Background

The CFP 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 accession 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, stock conservation, structural measures for the fishing 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 fishery 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 European Economic Community (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 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 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 licencing 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:

- Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (repealing Regulations (EEC) No 3760/92 and (EEC) No 101/76);
- Council Regulation (EC) No 2369/2002 of 20 December 2002 amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector (amending Council Regulation (EC) No 2792/1999);
- Council Regulation (EC) No 2370/2002 of 20 December 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 fishers 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 ensure more effective, transparent and fair monitoring, the European Fisheries Control Agency was established in Vigo, Spain.

The 2002 reform gave fishers a greater say in decisions affecting them through the creation of Regional Advisory Councils, consisting of fishers, 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 (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 as follows:

- 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 EU geographical areas;
- Maximum sustainable yields (MSY): taking into account international commitments, such as those made at the 2002 Johannesburg Summit on Sustainable Development, the new CFP sets MSY as the main target for all fisheries. Where possible by 2022 at the latest, fishing mortality will be set at  $F_{msy}$  (the maximum rate of fishing mortality for a given stock, which is used to calculate the MSY for that stock);
- 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. Since 2019, the discard policy has been implemented in all EU fisheries;
- As regards fleet capacity, the new CFP obliges 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 has been extended until 2022;
- Regulation (EU) 2017/2403<sup>[1]</sup>, which lays down the rules governing the activities of EU fishing fleets in non-EU and international waters, was drafted in the context of the EU's external relations and in line with the principles of EU policy. Arrangements for fishing in these waters are linked to Sustainable Fisheries Partnership Agreements and to EU participation in regional fisheries management organisations;
- Sustainable aquaculture, increasing yields to supply the EU fish market and boosting growth in coastal and rural areas, through national plans;
- New obligations requiring Member States to reinforce the role of science by intensifying the collection of data and sharing of information on stocks, fleets and the impact of fishing activities;
- Decentralised governance, by bringing the decision-making procedure closer to fishing grounds: EU legislators draw up the general framework while the Member States develop the implementing measures and cooperate on a 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

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[1] Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, OJ L 347, 28.12.2017, p. 81.



is currently under revision to provide the new CFP with a new set of technical measures.

The common organisation of the markets in fishery and aquaculture products is part of the reform package.

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 non-EU countries (codecision with the Council).

### **B. Role**

The Lisbon Treaty has given Parliament greater power to legislate, enabling it to help shape the CFP and to supervise the rules that govern the activities of the EU's fisheries and aquaculture sectors.

Parliament has adopted a number of resolutions related to the need to reform the CFP, namely its:

- Resolution of 12 April 2016 on innovation and diversification of small-scale coastal fishing in fisheries-dependant regions<sup>[2]</sup>. It advises the Commission to give the highest importance to the socio-economic relevance of artisanal coastal fishing and small-scale fishing within the EU;
- Resolution of 27 April 2017 on the management of the fishing fleets in the outermost regions<sup>[3]</sup>. The text contains provisions related to the specificities and geographical conditions of the outermost regions (ORs) and for making better use of the possibilities provided under Article 349 of the Lisbon Treaty and the CFP regarding regulations, funds and programmes, in order to respond to the specific difficulties encountered by the ORs;
- Resolution of 4 July 2017 on the role of fisheries-related tourism in the diversification of fisheries<sup>[4]</sup>. The text reflects Target 4 of the EU Biodiversity Strategy to 2020, the aim being to make fishing more sustainable and seas healthier, promoting the involvement of the sector in alternative activities such as ecotourism;
- Position of 24 October 2017 entitled 'Common Fisheries Policy: implementation of the landing obligation'<sup>[5]</sup>. This resolution relates to the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU)

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[2] OJ C 58, 15.2.2018, p. 82.

[3] OJ C 298, 23.8.2018, p. 92.

[4] OJ C 334, 19.9.2018, p. 20.

[5] OJ C 346, 27.9.2018, p. 363.



No 1380/2013 on the Common Fisheries Policy<sup>[6]</sup>. In it, Parliament calls on the Commission to refer the matter back to it if it replaces, substantially amends or intends to substantially amend its proposal;

- Resolution of 12 June 2018 on the state of play of recreational fisheries in the European Union<sup>[7]</sup>. The text stresses the need to ensure that the necessary data on recreational fisheries are regularly collected and stresses the strong and crucial importance of sharing such data.

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[6][COM\(2017\)0424](#).

[7]OJ C 28, 27.1.2020, p. 2.

