

## THE COMMON FISHERIES POLICY: ORIGINS AND DEVELOPMENT

The common fisheries policy (CFP) has come a long way since it was first formulated in the Treaty of Rome. Initially linked to the common agricultural policy, it gradually developed a separate identity. The core area of the CFP – conservation and management of fish stocks – was launched in 1983. The policy was reformed in 1992, 2002 and 2013. The current framework, resulting from the 2013 reform, is aimed at ensuring that EU fisheries are sustainable – environmentally, economically and socially.

### LEGAL BASIS

Treaty on the Functioning of the European Union (TFEU), Articles 3-4, 38-44, 218.

[Regulation \(EU\) No 1380/2013](#) of 11 December 2013 on the Common Fisheries Policy (the Basic Regulation).

[Regulation \(EU\) No 1379/2013](#) of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products (the CMO Regulation).

### OBJECTIVES

The overall objective of the CFP is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term, are managed in a way consistent with achieving economic, social and employment benefits, and contribute to the availability of food supplies. To ensure sustainable exploitation of fisheries resources, the CFP must apply a precautionary approach to fisheries management. In addition, it must implement an ecosystem-based approach to fisheries management to ensure that negative impacts of fishing activities on the marine ecosystem are minimised, and that aquaculture and fisheries activities avoid degrading the marine environment.

### BACKGROUND

Fisheries policy entered EU law in 1958, with the Treaty of Rome, though only as part of the common agricultural policy and following its objectives. The first elements of a distinct fisheries policy were introduced in 1970, with the adoption of legislation that established a common organisation of the market for fishery products and a structural policy for fisheries. Also in 1970, the Community adopted the fundamental principle of equal access for Member States to fisheries resources in each other's waters, which at the time extended for 12 nautical miles from the shore.

Fisheries played a significant role in the negotiations leading to the accession of the United Kingdom, Ireland and Denmark in 1973. The negotiations resulted in a temporary 10-year derogation from the principle of equal access, which reserved the 12-mile waters of a Member State for the local fishing fleet. A few years later, Member States agreed on a concerted extension of their jurisdiction along the Atlantic and North Sea coast of the Community, and declared an exclusive economic

zone (EEZ) of 200 nautical miles in 1977. The declaration of the EEZ gave Member States jurisdiction over new fisheries resources, open to all Member States under the principle of equal access. The need arose to manage these common resources, and to find a way to allocate the fishing rights among Member States.

In 1983, after several years of tough negotiations, the Council adopted [Regulation \(EEC\) No 170/83](#), which established the principles for the management of the common fishery resources, and [Regulation \(EEC\) No 171/83](#), laying down technical measures for their conservation. This marked the creation of the core area of the CFP: the conservation and management of the common fisheries. The CFP was based on a system of catch limitations (termed 'total allowable catches' or TACs), to be decided annually by the Council. The TACs were shared among Member States as quotas, according to a formula of fixed percentages, stable over time, known as 'relative stability'. The CFP integrated the derogation from the principle of equal access to coastal waters within the 12-mile zone for a 10-year period, allowing the coastal states to reserve access to the first 6 miles for their nationals, and permitting the continuation of fishing activities by other Member States in the zone between 6 and 12 miles. The derogation has been maintained ever since, and systematically renewed every 10 years.

The CFP was launched in the circumstances of the early 1980s: a Community of only 10 Member States, with common waters less extended than today and relatively abundant fish stocks. Much has changed over time. The state of many stocks has deteriorated, the size and structure of the fishing sector has altered, environmental issues have assumed particular importance and concepts of good governance have evolved, adding to the impact of political milestones such as the successive waves of enlargement and, more recently, the withdrawal of the United Kingdom from the EU. The CFP has had to adapt to a variety of events with a significant impact on the EU fisheries sector.

## THE REFORMS

Since its inception, the CFP has been reformed three times, in 1992, 2002 and 2013.

### A. The 1992 reform

The first revision, expressed in [the regulation establishing a Community system for fisheries and aquaculture](#) (Regulation (EEC) No 3760/92) made relatively little difference to the way the CFP was conducted. Nevertheless, it introduced concepts such as fishing effort regulation and multiannual management, which were applied later, becoming important components of the management system. The regulation also provided for access to resources through an effective licencing system.

Although the reform did not cover the management of the fishing fleet, the gradual recognition of the serious imbalance between fleet capacity and catch potential (known as overcapacity) led to a move to tackle this issue, by reducing the Member States' fleets through multiannual guidance plans.

### B. The 2002 reform

The 2002 reform may be seen as a transition from an early phase of policy development based on relatively disparate elements to a more coherent form

of integrated management. The [regulation on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy](#) (Regulation (EC) No 2371/2002) renewed emphasis on long-term fisheries management, introducing multiannual recovery plans for stocks outside safe biological limits, and multiannual management plans for other stocks. Through the creation of Regional Advisory Councils, it gave fishers and other groups concerned by the CFP (such as scientific experts, representatives of other sectors related to fisheries and aquaculture, regional and national authorities, environmental groups and consumers) a greater say in the decisions affecting them. In addition, the [regulation laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector](#) (Regulation (EC) No 2369/2002) discontinued fleet aid for the construction of new vessels, by amending the rules on structural assistance to the sector. The reform also terminated the multiannual guidance plans, and replaced them with an obligation for Member States to adjust the fishing capacity of their fleets to achieve a balance with their fishing opportunities.

However, the results of the 2002 reform were disappointing environmentally, economically and socially. There was no real progress on fish stock recovery. The fall in catches continued while fishing capacity increased, amplifying the sector's economic fragility. The sector was also hit by increasing imports, volatile fuel prices and the financial crisis. At the same time, some significant problems, such as the issue of discards, had not been properly considered.

### C. The 2013 reform

The most recent CFP reform, which has shaped the current framework under the [Basic Regulation](#) (Regulation (EU) No 1380/2013) was adopted in December 2013. Its aim was to ensure that EU fisheries are environmentally sustainable in the long term, and that their management is consistent with achieving economic, social and employment benefits. The 2013 reform introduced the target of attaining exploitation of all stocks at sustainable levels. This means that fish stocks must be restored and maintained above levels capable of producing the maximum sustainable yield (MSY), i.e. the highest amount of fish that can be taken from a stock without affecting its reproduction. The 2013 reform provided several important tools for achieving this target. Multiannual plans have become a priority conservation tool. They define the framework for long-term management of stocks by fishery and sea basin and include quantifiable targets (such as fishing mortality rates and spawning stock biomass), as well as safeguards to ensure that quantifiable targets are met. The reform also introduced a landing obligation for all catches, designed to end the wasteful practice of discarding undesired catch, usually dead, back into the sea. Moving towards regionalisation of decision-making was another key aspect of the 2013 reform, with the possibility to adopt conservation measures in a specific sea basin based on joint recommendations submitted by the Member States concerned. As regards fleet capacity, Member States are obliged to adjust their fishing capacity through national plans so that they are in balance with their fishing opportunities.

Adopted at the same time, the [regulation on the common organisation of the markets in fishery and aquaculture products](#) (Regulation (EU) No 1379/2013) established the rules concerning the common organisation of the markets in fishery and aquaculture products. It gave the sector more responsibility for managing its supply of fisheries

products, and focused on production and marketing plans of recognised producer organisations. It also aimed to improve labelling to help consumers make better choices when buying fisheries products. This means that current requirements for the labelling of such products go beyond those for other foodstuff.

The pattern of reforming the CFP every decade was altered when the derogation on equal access to coastal waters, due to expire at the end of 2022, was renewed for another 10 years outside the framework of a CFP reform. On 21 February 2023, the Commission published an implementation report on the CFP, as part of a wider 'fisheries and ocean package' that also included an implementation report on the common organisation of the markets, a 'marine action plan' on reconciling marine protection and fisheries, and an action plan on the energy transition of the EU fisheries and aquaculture sector. The report on the CFP considers that the current Basic Regulation is fit for purpose and proposes improvements to several areas of its implementation, such as taking better account of the social dimension of the CFP, applying a broader ecosystem-based management approach to move towards setting multiannual TACs, and increasing transparency in the criteria used by Member States for quota allocation.

## ROLE OF THE EUROPEAN PARLIAMENT

The Treaty of Lisbon introduced a fundamental change in the decision-making process of the CFP: co-decision between the Council and Parliament became the ordinary legislative procedure, under Article 43(2) TFEU, replacing the previous consultation procedure (Council regulation with a non-binding opinion from Parliament). The only exception to the ordinary legislative procedure for conservation of fisheries resources concerns fixing and allocating fishing opportunities (i.e. TACs and quotas), which remain the competence of the Council, under Article 43(3) TFEU. The Treaty of Lisbon also stipulates that Parliament's consent must be obtained for the adoption of EU fisheries agreements with non-EU countries or international organisations (Article 218 TFEU).

Soon after the entry into force of the Treaty of Lisbon on 1 December 2009, Parliament's greater power to legislate enabled it to play a major part in shaping the reformed CFP. Over the past decade, Parliament has supervised the implementation of the reform, and contributed to setting up the rules that govern the activities of the EU's fisheries and aquaculture sectors.

Parliament has regularly taken positions on a wide range of aspects of the current CFP, including, in particular, a series of recent resolutions:

- Parliament's [resolution of 18 January 2024 on the state of play in the implementation of the CFP and future perspectives](#) aims to provide political guidelines for any future review of the CFP. The resolution focuses mainly on the conservation of fish stocks and fisheries management, also building on specific reports already adopted in recent years on issues such as maximum sustainable yield, quota allocation and the landing obligation;
- Parliament's [resolution of 18 January 2024 on the implementation of the Common Market Organisation Regulation in fisheries and aquaculture](#) supports uniform

marketing standards for fisheries products placed on the EU market, regardless of their origin, and promotes accurate labelling of fish products;

- Parliament's [resolution of 18 January 2024 on the EU Action Plan: protecting and restoring marine ecosystems for sustainable and resilient fisheries](#) considers that the Commission's action plan should be more consistent with wider priorities such as ensuring food security and strategic autonomy.

Recent research for the Committee on Fisheries in relation to ongoing CFP developments includes the following studies:

- [Training and social security schemes for fishers - State of play and perspectives in the EU](#), on new insights into the social dimension of the CFP;
- [The EU oceans and fisheries policy - Latest developments and future challenges](#), providing an overview of EU policy in relation to fisheries, aquaculture, the blue economy and international ocean governance;
- [The future of the EU fishing fleet - First assessment of Member States' EMFAF programmes for 2021-27](#), discussing how the current European Maritime, Fisheries and Aquaculture Fund (EMFAF) and its potential successors can help to positively shape the future of the EU fishing fleet;
- [The multiannual plan for the Baltic Sea - A change in management needed](#), providing new insights into the evolution of Baltic fish stocks, the various pressures contributing to their difficult situation, and the effectiveness of the fisheries management system in setting fishing opportunities.

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