

# General principles of the Common Fisheries Policy

by  
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# Outline of the presentation

- Origins of the Common Fisheries Policy (CFP)
- Reform of the CFP in 2002
- The framework Regulation of the CFP
- TAC and quota Regulations for 2006
- Regulation on serious infringements
- Decisions to establish:
  - Regional Advisory Councils (RACs)
  - Scientific, Technical and Economic Committee for Fisheries (STECF)

# Treaty basis of the CFP

- Articles 32-38 of the Rome Treaty lay the foundation for common EU policies on agriculture and fisheries; Article 37 is the formal legal basis of the CFP
- Main focus of these Treaty articles is on agricultural policy
- Fisheries policy matters have been on the EU agenda since 1970
- Comprehensive Common Fisheries Policy since 1983

# The CFP reform in 2002

- First reform in 1992, major reform in 2002 – 20 years after the CFP was initialled
- Obligation to review some central CFP elements by the end of 2002 – widened to encompass the whole CFP
- A number of weaknesses had been identified in the effectiveness of the CFP to attain its objectives
- Long process: first consultations in 1998, final decision by the Council on a new framework Regulation in December 2002

# Key elements of the reformed CFP Framework Regulation (2371/2002)

- Long-term approach
- Effective rules for limiting fishing capacity
- Control and enforcement
- Governance – involvement of stakeholders

# CFP Framework Regulation:

## Scope (Art. 1)

The CFP covers:

- Conservation
- Limiting environmental impact of fishing
- Fishing fleet and structural policy
- Access to waters and resources
- Control and enforcement
- Aquaculture
- Market policy
- International fisheries

# CFP Framework Regulation: Objectives (Art. 2)

- Exploitation of living aquatic resources that is economically, environmentally and socially sustainable
- Use the precautionary approach
- CFP principles:
  - clear definition of responsibility
  - decisions based on sound scientific advice
  - broad involvement of stakeholders
  - consistence with other EU policies

# CFP Framework Regulation: Conservation I (Art. 4-6)

- Annual decisions are to be replaced with multi-annual management:
  - recovery plans
  - management plans
- List of conservation measures, e.g.: catch limits (TACs), limiting fishing effort, technical measures (e.g. gear, closed areas/seasons, minimum size of fish)...
- Limiting fishing effort shall be a key measure in recovery plans

# CFP Framework Regulation: Conservation II (Art. 7-10)

- Emergency measures can be taken by the Commission or MS under certain conditions
- MS can decide on additional conservation measures:
  - within its 12-mile zone
  - for its own vessels in its own EEZ

# TAC and quota Regulations for 2006 (Council Regulations 51/2006 and 52/2006)

- Two Regulations: Baltic Sea / Other areas
- TACs/quotas, technical measures, effort limitation
- Gradual implementation of long-term approach, including measures to limit fishing effort
- 2006: Effort measures for the 3 areas under cod recovery plans (North Sea/W Scotland/ Irish Sea) + Iberian peninsula, Western Channel and Baltic Sea
- Mediterranean: TAC/quotas only for bluefin tuna; other highly migratory species might be added in future but main management instruments will be effort limitation and technical measures

# CFP Framework Regulation: Fishing Capacity (Art. 11-16)

- MS are responsible for matching fishing capacity with fishing possibilities
- Reference levels of the fishing fleet set for each MS
- Phasing out of public aid for:
  - fleet renewal
  - permanent transfer to third countries (including joint enterprises)

# CFP Framework Regulation: Access to waters and resources

(Art. 17-20)

- Basic rule: equal access to waters and resources in Community waters
- Exception: MS can restrict fishing up to 12 miles to the benefit of local vessels (until 2012 – review)
- Allocation of fishing possibilities among MS:
  - « relative stability »
  - all MS interests taken into account when new fishing possibilities are allocated
  - Each MS decides on its internal allocation between vessels, notifying the Commission
  - MS can exchange fishing allocations with each other, notifying the Commission

# CFP Framework Regulation:

## Control and enforcement (Art. 21-28)

- Member States are responsible for control, inspection and enforcement
- The Commission shall evaluate and control the application of the rules by MS, and facilitate co-ordination and co-operation
- The Commission can take immediate preventive measures in cases where inadequate enforcement by a MS leads to serious threats to conservation
- Fisheries Control Agency has been set up

# Regulation on serious infringements

## (Council Regulation 1447/1999)

- List of actions considered to be serious infringements of the CFP rules
- Examples:
  - fishing without licence or permit
  - using prohibited fishing methods/fishing gear
  - falsifying or failing to record data in logbooks
- MS report regularly to the Commission on:
  - actions on the list that have been discovered
  - what measures have been taken by the MS
- Commission reports to Council and Parliament

# CFP Framework Regulation: Governance I – RACs (Art. 31-32)

- Regional Advisory Councils (RACs) are to be:
  - composed of fishermen and other CFP-related interests (e.g. environmental NGOs)
  - set up on a regional or fisheries basis to advise on fisheries management in that area
  - consulted by the Commission/MS, or submitting suggestions and recommendations on its own initiative
- MS representatives and the Commission can participate in RAC meetings, as observers

# Council Decision on RACs (2004/585/EC)

- Establishes 7 RACs (e.g. North Sea, Mediterranean, pelagic fisheries)
- Stakeholder-led bodies apply to MS+Commission to make a RAC operational – Commission Decision
- Detailed rules on structural set-up, membership and functioning
- Financial start-up aid granted the first 5 years + aid for translation costs
- Review of the system by mid-2007
- Mediterranean RAC: not yet operational, still in preparatory phase

# CFP Framework Regulation: Governance II – STECF (Art. 33)

- The Scientific, Technical and Economic Committee for Fisheries (STECF) is composed of scientific experts
- STECF shall be consulted regularly on fisheries management matters

# Commission Decision on STECF (2005/629/EC)

- STECF members: 30-35 scientific experts in e.g. marine biology, aquaculture or fisheries economics, appointed by the Commission for 3 (+3) years
- May call on external experts to participate in working groups
- Members and external experts shall act independently of MS and stakeholders
- The role of the Commission:
  - provides financial support
  - convenes meetings and may participate
  - provides the secretariat (JRC)

# CFP Framework Regulation: Review (Art. 35)

- The Commission shall report to Council and Parliament before the end of 2012
- The report shall address the functioning of CFP measures on conservation and capacity
- It can be expected that this review will again be widened to a general review of the CFP as a whole