

CFP Reform 2002

ANALYSIS OF EU FISHERIES POLICY REFORM PROPOSALS AND COMMUNICATIONS



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PROPOSAL ON THE CONSERVATION AND SUSTAINABLE EXPLOITATION OF FISHERIES RESOURCES (COM(2002)185)

The most significant and probably controversial of the Commission's CFP reform proposals is the proposed regulation on the conservation and sustainable exploitation of fisheries resources. The proposal would replace the existing framework Regulation 3760/92 upon which the overall 2002 review is centred. The new regulation would place management on a more long-term basis, incorporate environmental concerns into fisheries management, and generally move towards an eco-system-based approach to fisheries management.

Overview of the proposal

The proposal sets out the basic framework for a new CFP, in practice focusing on the conservation of fish stocks and the limitation of the environmental impact of fishing, and measures to adjust fishing capacity and to control and enforce the rules of the CFP. Procedures for decision-making and consultation are also included. Structural policy, aquaculture, markets and international relations are not addressed by the regulation.

The centrepiece of the Commission's proposal is the introduction of a new fleet policy, and the reliance on multi-annual management plans. Other changes are proposed, but largely qualifying or adapting existing provisions. Like its predecessor, this is a framework regulation, with actual changes in fishing practices in almost all cases depending on the development and implementation of subsequent 'daughter' regulations. For example, while the use of management plans is provided for, individual plans would have to be drafted at a later stage and then agreed by the Council before entering into force.

Overarching objectives

The main objective of the CFP is to ensure exploitation of living aquatic resources that provides for sustainable environmental, economic and social conditions. Environmental objectives and principles receive strong support, with the Community 'to apply the precautionary principle in taking measures designed to protect and conserve living aquatic resources', to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine eco-systems. Furthermore, '[the Community] shall aim at a progressive implementation of an eco-system-based approach to fisheries management.'

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The proposal also contains a set of 'principles of good governance' including that decision making is based on sound scientific advice and delivering timely results, that there is a broad involvement of stakeholders at all stages of the policy from conception to implementation, and that there is coherence with other Community policies, including environmental policies.

The broad CFP objectives are to be achieved firstly, by controlling fishing mortality rate and secondly, by minimising the impact of fishing activities on marine eco-systems, particularly non-target species and sensitive habitats. In practical terms, this is to be achieved using a combination of multi-annual management plans, establishing targets for mortality rates and population size, limits on catches, limits on the number and type of authorised fishing vessels, and limits on fishing effort. A menu of technical measures is also provided, offering different ways of reducing impacts on juvenile and non-target species and habitats. As under the current rules, there is also scope to use economic incentives to encourage practices that avoid the capture of juvenile fish or non-target species.

Multi-annual management planning

The Commission is proposing that multi-annual management plans become a central means for managing commercial fish stocks. Plans would seek to return stocks to within biological safe limits, and maintain them within these limits. They should also ensure that any impacts on ecosystems are kept at levels 'compatible with the sustainability of such ecosystems'. Management plans would initially focus on stocks outside biologically acceptable limits, although the aim is that they would eventually cover all commercial stocks.

Plans would effectively allow a more tailored approach to fish stock management. They would be based on conservation reference points, and include targets (expressed in terms of population size, long term yields, fishing mortality rates or stability of catches) against which the recovery or maintenance of stocks could be assessed. Where appropriate, targets relating to ecosystem health could also be included. Importantly, plans would incorporate defined harvesting rules, pre-determining the method to be used for setting future catch and fishing effort limits. The Commission would be required to report on the effectiveness of the plans in achieving their targets.

The Council would fix the catch and fishing effort limits for the first fishing year on the basis of the targets set in the plan and the most recent scientific advice about the state of the stocks. In subsequent years, the Commission would administer the plan, with assistance from a Management Committee. The effect would be to move away from the annual discussions on quotas that have become the hallmark of the present CFP.

Emergency measures and local management

The current framework Regulation allows the Commission to introduce emergency measures, for a period up to 6 months, in the event of serious threat to the conservation of resources. The proposal is to extend these powers so that



Commission measures can last one year, and so they can be introduced on the basis of there being a serious threat to living aquatic resources or the ecosystem. The Council would have 20 days to object to any measures introduced.

Member States would also be allowed to take emergency measures for no longer than three months in their territorial waters as long as there was a serious and unpredicted threat to the resources and that any delay would result in damage that would be difficult to repair. A similar provision is contained in the existing rules on technical measures (Regulation 850/98) but there is currently no associated time limit. Other Member States and the relevant Regional Advisory Councils (see below) could comment on the measures. There is also provision for the Council to take a different decision within 20 days.

A considerable strengthening of Member States' management powers is foreseen in relation to day to day the management of inshore waters, however. Under the proposal, a coastal State would be able to introduce management measures applicable to *all* fishing activities in their territorial waters, in order to manage fisheries resources or minimise impacts on the marine ecosystem. Safeguards would again be introduced so that other Member States and the relevant Regional Advisory Councils could comment on measures affecting vessels from another Member State. The Council would be able to take a different decision within 20 days.

Limiting the EU fishing fleet

The Commission is proposing to abandon the existing fleet management programmes - multi-annual guidance programmes (MAGPs), and is instead proposing that national fleet reference levels be established. These would be based on objectives under MAGP IV (1997-2002). They would be accompanied by an exit/entry ration of 1 to 1, although publicly funded exits could not be replaced. These provisions are intended to lead to a gradual downward revision of the reference levels as capacity is removed from fleets using public funds.

The fleet reference levels would apply to Member States' fleets as a whole. In addition, more specific fishing effort limitations would result from fishing mortality targets under the multi-annual management plans. The Commission estimates that the necessary cut in fishing effort under multi-annual plans would result in a withdrawal of some 8,600 vessels which represents 8.5 per cent of the number of EU fishing vessels and about 350,000 GT or 18 per cent in tonnage.

There is also scope to set new parameters for fleet capacity, not simply based on tonnage or power but also the type of fishing gear used. The proposal also provides for more rigorous monitoring through the revision of the EU fishing fleet register and the setting up of regular dialogue on fleet policy, based on 'peer review' between the Member States and the Commission.

Importantly, the proposal also contains specific provision for the Commission to suspend Community financial assistance under FIGG and the emergency measure (see separate briefing on fisheries aid), or to reduce the allocation of fishing



opportunities or fishing effort for the Member State concerned. These penalties could be invoked if a Member State failed to comply with fleet reference levels, the new exit/entry provisions and the EU fleet register rules, or if it failed to provide the information required under the fisheries aid Regulation (Regulation 2792/99).

Access to waters and resources

In a small number of cases, current provisions expire at the end of 2002. These involve the so-called 'inshore access regime' which limits access to inshore waters on the basis of historic and local rights, the Shetland box, and the North Sea which is currently closed to the Iberian States.

On inshore waters, the proposal is to extend current arrangements beyond 2002 and for an undetermined period. The justification is that these provisions have reduced fishing pressure in the most biological sensitive areas of the sea and provided for economic stability for small-scale fishing activity.

Provisions limiting access to the North Sea are not to be renewed, while those relating to the Shetland box are to continue. The Shetland box arrangements are to be reviewed again before the end of 2003, however. The principle of relative stability is to continue, although there are informal plans to make its application more transparent, potentially involving a revision in the longer term.

Control and enforcement

The proposal places an emphasis on securing greater compliance with the CFP, suggesting a new legal framework for a Community control and enforcement system. The existing control regulation (2847/93) would stay in force until detailed rules had been drafted, agreed and implemented.

The basic premise is that it will be illegal to engage in activities within the scope of the CFP unless:

- the vessel concerned has a valid licence and authorisation to fish, and a functioning remote vessel monitoring system;
- the master records information on fishing activities in a way that allows it to be transmitted electronically, and accepts inspectors and observers on board (where applicable); and
- the master respects conditions and restrictions on landings, transshipments, joint fishing operations, fishing gear, nets, etc.

The marketing of fisheries products is similarly covered by controls, including a requirement that products only be sold to registered buyers or at a registered auction.

To increase the effectiveness of enforcement, it is proposed that measures are immediately taken to prevent serious infringements. The Commission goes so far as to suggest that the Council decide on the level of sanctions in the case of serious infringements.



The proposal contains a number of provisions regarding evaluation and inspection by the Commission. Importantly, this includes a clause requiring the Commission to draw up an evaluation report every three years on the application of the CFP rules by the Member States.

The Commission is also seeking to strengthen co-operation and co-ordination with and between the Member States. One element is to establish a list of Community inspectors, including those designated by the Member States. The latter would report to their Member State but would have the right to carry out inspections in Community waters and on Community fishing vessels.

Decision-making and consultation

The Commission has put forward a number of suggestions to improve the way in which decisions are taken under the CFP. In several instances, the Commission is proposing that powers are delegated to a management committee. This management committee procedure would in particular apply to the implementation of international commitments such as those agreed within regional fisheries organisations. The procedure would also be used for defining fleet reference levels and implementing multi-annual management plans.

Other proposed changes are as follows:

- *Reviewing STECF* - the role of the Scientific, Technical and Economic Committee for Fisheries (STECF) is to be extended, giving it a broader remit, including environmental and social issues. A separate Communication is being prepared on the improvement of scientific advice for fisheries management in Community and non-Community waters.
- *Regional Advisory Councils* - to ensure greater stakeholder involvement in the development of fisheries management at regional and local level, the Commission is proposing the establishment of Regional Advisory Councils (RACs). They would be composed of representatives of all parties with an interest in fisheries management in a given sea area or fishing zone, including environmental interests. Their role would be to advise the Commission and Member States on fisheries management in a given area. This can be in response to consultation by the Commission or on an own initiative basis. More detailed arrangements for RACs, including membership criteria, would be set out in separate legislation.

RACs would effectively provide smaller, more focused groups, complementary to the Advisory Committee for Fisheries and Aquaculture which would continue to advise on more horizontal issues.

Conclusions

If it could be achieved, progress under these many different areas could make a major contribution to securing a more environmentally sustainable fishing sector, reducing pressure on commercial fish stocks and, at the same time, the wider



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environment.

The Commission appears optimistic that agreement on this main proposal can be reached by the end of 2002; initial reactions from several Member State, particularly France and Spain, suggest otherwise. It is clearly desirable to secure agreement as quickly as possible, but this should not be at the expense of public debate, nor if such agreement involves a significant watering down of the proposals.

Even if agreement can be reached on the first set of proposals before the end of 2002, many of the provisions would not come into play for several years. Developing a first set of management plans in particular is likely to take some time, involving yet another round of probably lengthy negotiation. Despite the 8.5 per cent fleet reduction figures quoted by the Commission, and the 30,000 job losses widely referred to in the press, there would in fact be few immediate consequences come 1 January 2003.

Assuming then that real changes are introduced over a period of years rather than months, it will be important that fishing fleet capacity and fishing practices are in the meantime at least constrained.

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